



Council Report

For the Meeting of October 10, 2019

To: Council **Date:** September 26, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00660, Official Community Plan Amendment and Development Permit Application No. 000536 for 1025-1031 Johnson Street and 1050 Yates Street

RECOMMENDATION

1. That Council give first and second reading of the Zoning Regulation Bylaw Amendments and Phasing Agreement Bylaw and first, second and third reading of the Housing Agreement Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00660 for 1025-1031 Johnson Street and 1050 Yates Street be considered by Council and a Public Hearing date be set.
2. That Council give first reading to the Official Community Plan Amendment Bylaw.
3. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria Five-Year Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan, pursuant to Section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
4. That Council give second reading to the Official Community Plan Amendment Bylaw.
5. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated information regarding the Rezoning and Official Community Plan Amendment Application and Development Permit Application for the properties located at 1025-1031 Johnson Street and 1050 Yates Street. The proposal is to rezone from the R-48 Zone, Harris Green District, and the S-1 Zone, Limited Service District, to a site-specific zone to increase the density and to allow institutional and multi-unit uses at this location for construction of a twelve-storey, mixed-use firehall building with affordable dwelling units and three mixed-use buildings of varying heights.

At the Committee of the Whole (COTW) meeting of February 14, 2019, Council passed a motion to advance the application to a Public Hearing, subject to the applicant completing the conditions outlined in the motion (attached). These conditions and associated legal agreements have now been prepared.

Additionally, the results of the Official Community Plan Amendment consultation are presented and attached for Council's information; and updates to the site frontage and wind assessment are provided.

Legal Agreements and Bylaw Structure Update

Housing Agreement

An agreement that endeavours to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners is standard and is attached for reference. A bylaw is required to authorize this agreement.

Affordable Rental Housing Agreement

The Affordable Rental Housing Agreement secures the affordable housing and requires that the lands contained in Development Area 1 not be built upon unless at least 130 dwelling units are designated as low income housing, inline with the operating agreement between BC Housing and Pacifica Housing (the affordable housing operator). A bylaw is required to authorize this agreement.

As background, and to assist in the understanding of the legal agreement content, this application was subject to the *Density Bonus Policy* (2016) when it was submitted in September 2018. As such, a land lift analysis was carried out which determined that there is no lift from the proposed rezoning due to a significant drop in supported land value with the inclusion of affordable housing. The land lift analysis also calculated the applicable lift if the proposed affordable housing units were offered as market rental. Under this scenario, the analysis also concluded that the rezoning would not result in a lift in the land value. However, despite the land lift analysis, through the recent Community Housing Fund Program launched by the Province, the applicant has worked with BC Housing and Pacifica Housing to voluntarily provide affordable housing inline with the definitions of affordable housing that existed at the time the application was submitted, which have been reflected in the Housing Agreement.

Also since the application was submitted, the City has revised its affordable housing definitions and targets, as adopted by Council in July 2019. To provide a full analysis of the application and content proposed for inclusion in the Housing Agreement, it was also compared against the requirements of the new *Inclusionary Housing Policy* (IHP, 2019). Under this policy, the application would be subject to a land lift analysis that sets a base density lower than the previous *Density Bonus Policy* (2016). Numerous base densities were tested with the application when it was submitted, including base densities lower than those specified in the IHP. As such, in reviewing the application against the current IHP, it has been determined that the application would be exempt from the IHP policy because the economic analysis showed that there is no lift in land value as a result of the rezoning if 130 units were offered as market rental, even under these more stringent base density requirements, further emphasizing the significant voluntary affordable housing contribution.

Additionally, to fully understand what is being proposed for inclusion in the Housing Agreement, targeted income levels have been compared between what the Housing Agreement (HA)

secures and the median income levels defined in the current affordable housing definitions for the City of Victoria. The City of Victoria median income levels reflect the highest incomes the City targets, while still meeting the City’s current definition of “affordable”. The table below provides this comparison.

Unit Type	Income Assistance Income Level Per HA	Low (HILS) Income Level Per HA	Moderate Income Level Per HA	City Affordable Median Income Level Per IHP
Studio	\$15,000	\$42,500	\$71,810	\$35,000
1 Bed	\$15,000	\$42,500	\$71,810	\$42,000
2 Bed	\$22,800	\$56,000	\$107,000	\$52,000
3 Bed	\$26,400	\$75,500	\$107,000	\$58,000
Total Units	26	65	39	

The above table illustrates that twenty-six units, secured in the Housing Agreement, exceed the median income level defined by the City as affordable. These twenty-six units reflect the “Very Low” income levels defined by the City and target even lower incomes than the City’s lowest income targets. Sixty-five units are then secured at low income levels as defined by BC Housing. The bulk of these units are two bedroom which have a target income of \$56,000 for BC Housing and \$52,000 under the City of Victoria’s definition. The remaining thirty-nine units are then secured at moderate income levels as defined by BC Housing. These moderate income levels would not meet the current City of Victoria affordable housing definitions.

With the City of Victoria’s new affordable housing definitions, 5% of the units throughout all four phases of the proposal and secured in the Housing Agreement would meet the criteria to be considered affordable. However, that said, these units are all at or better than the “Very Low” City of Victoria affordable housing definition. If the bulk of the sixty-five units defined as low income by BC housing were included as affordable, noting that the target income difference is \$4000, then approximately 18% of the total number of dwelling units across the entire development would be considered affordable under the City of Victoria’s current definitions.

Under the Community Housing Fund Program, a mix of incomes is the target model for BC Housing. This program achieves mixed income developments that are defined as 100% affordable housing by BC Housing and project partners such as Pacifica Housing. This funding framework relies upon this specific distribution of very low, low and moderate income thresholds to achieve viability. This mix of incomes is also a policy objective in the *Official Community Plan*.

Master Development Agreement and Phasing Agreement Bylaw

A Master Development Agreement sets out the sequencing of amenity provisions and will be registered on title to the lands as a covenant under section 219 of the Land Title Act.

The previous staff report to Committee of the Whole indicated that a Density Bonus Bylaw along with a Phasing Agreement would be utilized to secure the proposed amenities. Through the development of the legal agreements, a Master Development Agreement and a Phasing Development Agreement were identified as more appropriate legal mechanisms to secure these amenities. A minimum floor area requirement is also specified in the Zoning Bylaw for phase

one (Development Area 1) which, together with the Housing Agreement, effectively locks the density envisioned for affordable housing to the first phase.

A Phased Development Agreement effectively “freezes” zoning bylaw requirements applicable to a development for ten years to ensure that the local government regulatory framework will remain the same throughout multiple phases of development and that the developer is protected from down-zoning. A local government must hold a public hearing before entering into the agreement, and the agreement must be authorized by bylaw. By giving local governments the authority to “freeze” zoning bylaws in these phased development agreements, developers who may be wary of uncertainty in zoning regulations can have confidence that a subsequent local government will not renege on agreements and undermine long-term development projects.

To secure the plaza and front setback, the Master Development Agreement requires the registration of covenants and statutory rights-of-way with each development phase (as applicable). The Master Development Agreement ensures that the front setback area will be constructed with each respective phase and the plaza will be constructed concurrent with the final phase of development or earlier. Additionally, the Master Development Agreement specifies that a community design charrette must take place prior to a development permit submission for the last phase and that securing for the value of the plaza will be required at the Building Permit Stage. Once registered these covenants and statutory rights-of-way over the plaza and front setback areas ensure unencumbered public access at all times of day with construction, liability and maintenance responsibilities falling to the owner.

Overall Structure and Effect of Legal Agreements and Bylaws

In summary, the key aspects and combined effect of the Master Development Agreement, Phasing Agreement, Zoning Bylaw and Housing Agreement require that:

- A Building Permit (BP) be issued for Phase 1 (firehall and affordable housing) before any other Building Permits can be issued.
- Phase two and three may commence after the Phase one BP has been issued.
- A Building Permit cannot be issued for the last phase of development (which is greater in floor area than the density that is a bonus as a result of the rezoning) until concrete has been poured to at least the 5th storey of the first phase (firehall and affordable housing).
- An Occupancy Permit cannot be granted for the last phase of development until a Certificate of Completion has been issued for the first phase of development.
- The Zoning Bylaw requires that a minimum floor area of 14,000m² must be built in Phase 1 (DA1) to ensure that this floor area could not be transferred to other phases.
- 130 rental housing units are provided and operated by a not-for-profit housing provider in accordance with the operating agreement between BC Housing and the housing provider, which must be built on DA1 with Phase 1.

Official Community Plan Amendment Consultation

Consistent with the *Local Government Act*, notification of the proposed Official Community Plan Amendment was mailed to properties within a 200m radius of the subject properties on June 4, 2019, and a posting of a notice on the City’s website, inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration was carried out. In total, 2,612 notifications were mailed out and thirty-six responses (attached) were received (1.4% response rate).

Site Frontage (Phase 1)

It was previously noted at the Committee of the Whole that the design for the apron area in front of the firehall would be refined to improve the safety of this area. The applicant has carried out these design refinements.

The proposed design changes seek to balance firehall-associated activities within the portion of the apron in the right-of-way with pedestrian activity, amenity and safety along the sidewalk and at building entrances, consistent with the *Downtown Public Realm Plan*. The addition of paving and banding patterns, street trees and seating located at either end of the apron, seek to frame and delineate firehall parking bays and pedestrian routing while creating a construction standard commensurate with the civic function, iconic nature and unique character of this highly urban and mixed-use firehall.

Wind Assessment

At the COTW meeting in February 2019, Council requested that a wind assessment be undertaken to evaluate this aspect of the proposal. This has been prepared by the applicant and is attached. The assessment established that adding tall buildings to the site improves the wind environment at street level and more spaces with comfortable winds emerge. Additional wind studies may be requested with subsequent Development Permit Applications should an application raise wind effect concerns.

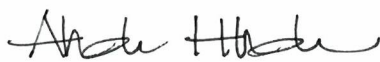
CONCLUSIONS

The amenities proposed in association with this Rezoning Application are secured in a variety of ways through a Master Development Agreement, Phased Development Agreement and the Zoning Bylaw, and through the subsequent registration of housing agreements, statutory rights-of-way and covenants. The form and sequencing of this security is in excess of the amount of bonus density as a result of the rezoning. The bonus density equates to 6400m² (69,000 sf) under the base density definition applicable at the time the application was made and 15,000m² (160,000sf) under the most stringent base density calculations. The application is exempt from the *Inclusionary Housing Policy* (2019), and still offers significant levels of affordability and 130 dwelling units owned and operated by a not-for-profit housing provider. This application represents a significant amount of affordable housing, includes affordable housing for incomes lower than the most stringent targets set by the City, and provides community amenities that were not included in the associated land lift analysis, which have also been secured via the legal agreements.

Respectfully submitted,



Miko Betanzo
Senior Planner - Urban Design
Development Services Division

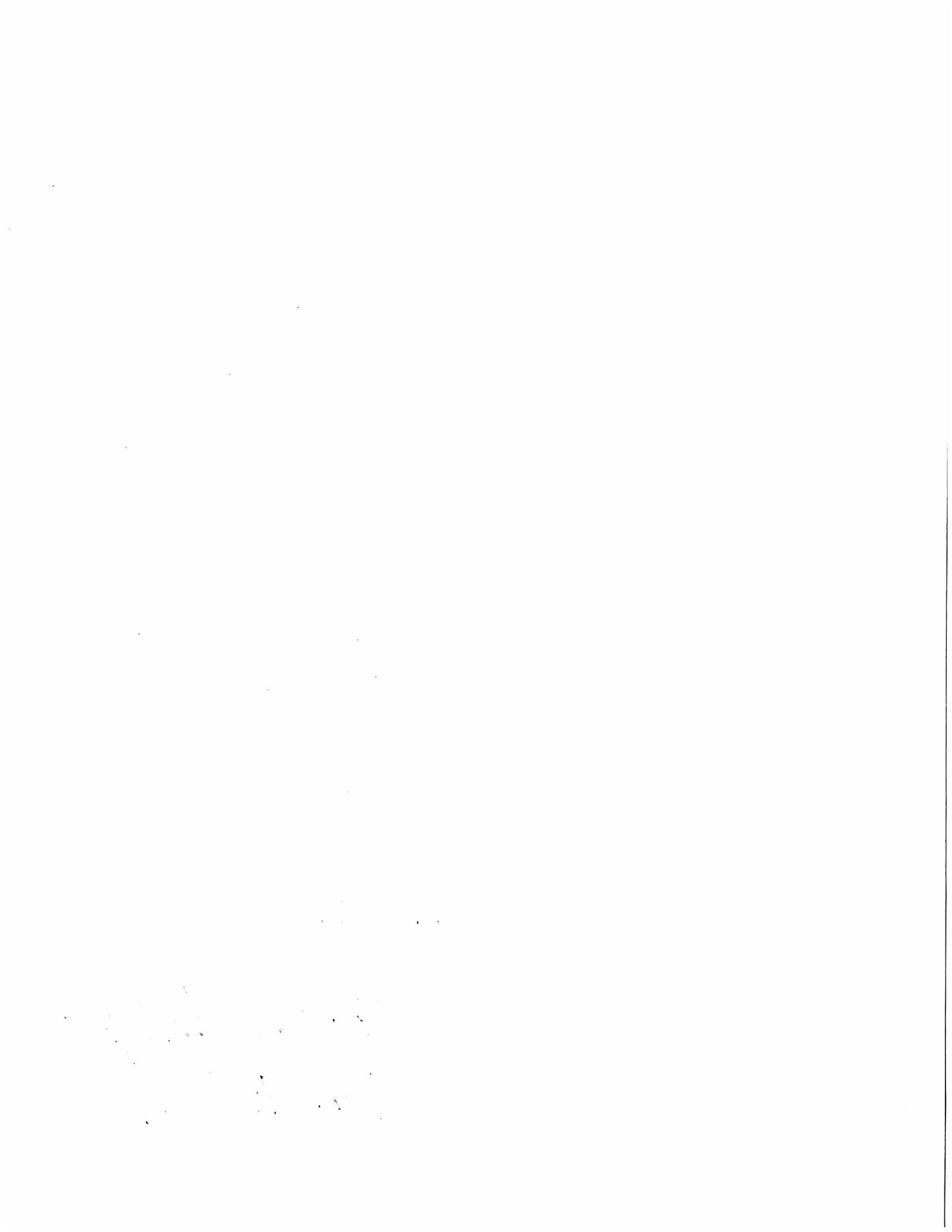


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

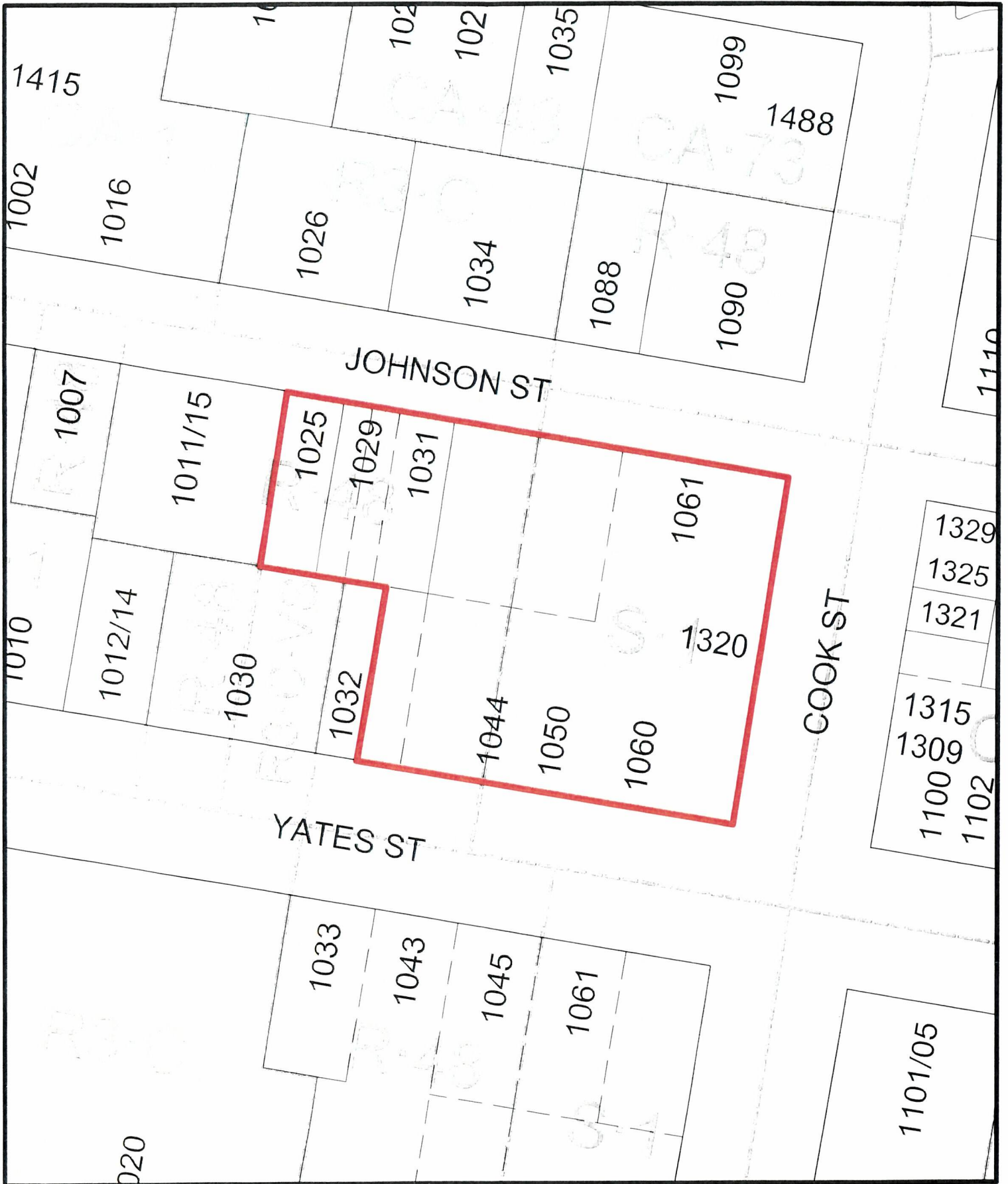


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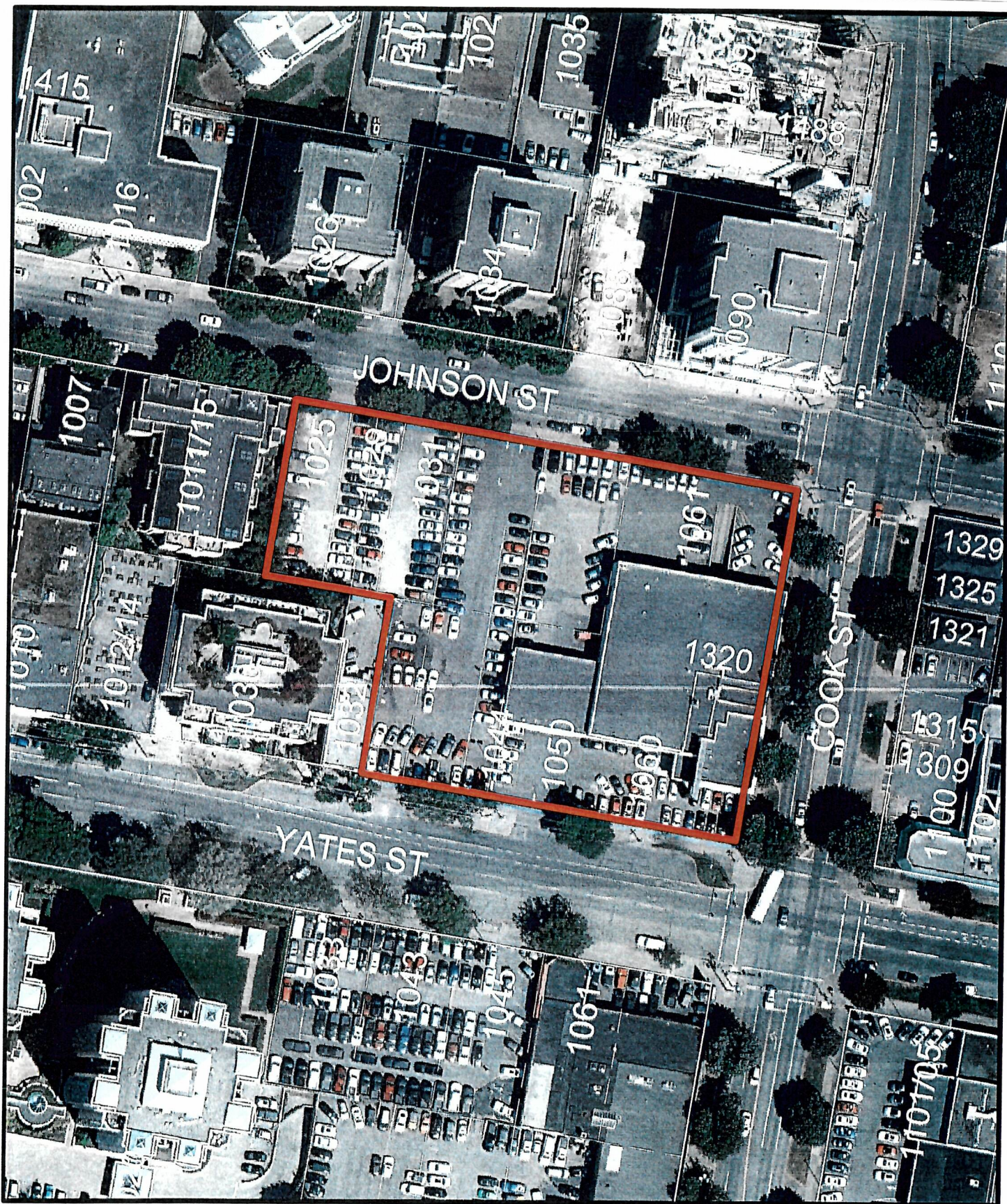
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Committee of the Whole Rezoning Report, February 14, 2019
- Attachment D: Committee of the Whole Development Permit Report, February 14, 2019
- Attachment E: Correspondence
- Attachment F: Wind Analysis Report, dated June 3, 2019
- Attachment G: Letter from Pacifica Housing, dated September 26, 2019.
- Attachment H: Rezoning Bylaw No. 19-033
- Attachment I: Housing Agreement Bylaw No. 19-106 and housing agreement
- Attachment J: Housing Agreement Bylaw No. 19-107 and housing agreement
- Attachment K: OCP Amendment Bylaw No. 19-032 (No. 31)
- Attachment L: Phasing Agreement Bylaw No. 19-108 and phasing agreement
- Attachment M: Development Covenant (Master Development Agreement)



1025-1031 Johnson Street and
 1050 Yates Street
 Rezoning No. 00660





1025-1031 Johnson Street and
1050 Yates Street
Rezoning No.00660





Committee of the Whole Report For the Meeting of February 14, 2019

To: Committee of the Whole **Date:** January 15, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No. 00660 and Official Community Plan Amendment for 1025-1031 Johnson Street and 1050 Yates Street**

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00660 for 1025-1031 Johnson Street and 1050 Yates Street, that first and second reading of the Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:
 1. Preparation of the following documents, executed by the applicant, to the satisfaction of City Staff:
 - i. Housing Agreement and Bylaw to ensure that a future strata corporation could not pass bylaws that would prohibit or restrict the rental of units to non-owners;
 - ii. Housing Agreement and Bylaw to secure 130 dwelling units as affordable housing
 - iii. Legal agreement to secure a plaza and front setback for a public access at all times of the day, in perpetuity with maintenance and liability under the owner's responsibility.
 - iv. Preparation of a phasing plan.
 2. That Council determine, pursuant to section 475(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 3. That Council, having provided the opportunity for consultation pursuant to section 475(1) of the *Local Government Act* with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties having been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.

4. That Council specifically consider whether consultation is required under section 475(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
5. That Council give first reading to the Official Community Plan Amendment Bylaw.
6. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria Five-Year Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan, pursuant to section 477(3)(a) of the *Local Government Act*, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
7. That Council give second reading to the Official Community Plan Amendment Bylaw.
8. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

LEGISLATIVE AUTHORITY

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

In accordance with section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning and Official Community Plan Amendment application for the properties located at 1025-1031 Johnson Street and 1050 Yates Street. The proposal is to rezone from the R-48 Zone, Harris Green District, and the S-1 Zone, Limited Service District, to a site-specific zone. The proposal is to increase the density and allow institutional and multi-unit uses at this location to allow for the construction a twelve-storey, mixed-use firehall building with affordable dwelling units and three mixed-use buildings of fourteen, fifteen and seventeen storeys. A concurrent Development Permit Application (DP No. 000536) for the first phase of the project accompanies this application. Three additional phases of development are envisioned which will require Development Permit Applications; although not proceeding immediately, the applicant has provided conceptual plans suitable for an evaluation of density and massing and the creation of a new zone for the entire site.

A third-party economic analysis of the lift in land value resulting from the proposed increase in density has been undertaken. As detailed in the report (attached), the economic analysis determined that there is no lift from the proposed rezoning due to a significant drop in supported land value with the inclusion of affordable housing.

The following points were considered in assessing this application:

- The application is consistent with the criteria set out in the *Official Community Plan, 2012 (OCP)* for consideration of an OCP amendment.
- The application is consistent with the OCP policies targeted toward community safety, disaster resiliency, emergency management, place-making and the provision of affordable housing.
- The proposed uses, including institutional and multi-unit residential, are consistent with the OCP.
- The OCP Urban Place Designation is Core Residential, which sets maximum densities at 5.5:1 floor space ratio (FSR). The proposal for 6.8 FSR is not consistent with this maximum density; however, it is consistent with the criteria established to consider an amendment to this maximum density.
- The application is consistent with the OCP policies that encourage the logical assembly of parcels to enable the best realization of permitted development potential, including the distribution of density comprehensively.
- The application is consistent with the *Downtown Core Area Plan* in terms of the general massing, form and character of the proposal.
- The proposed streetscape and public realm design are consistent with the urban design guidelines set out in the *Downtown Core Area Plan*.

BACKGROUND

Description of Proposal

This Rezoning Application is to remove the subject properties from the R-48 Zone, Harris Green District, and the S-1 Zone, Limited Service District, to create a site-specific zone to increase the density and allow institutional and multi-unit uses at this location.

The following changes from the current zones are being proposed and would be accommodated in the new zone:

- increase the density in the S-1 Zone from 1.5 FSR to 6.8 FSR
- increase the height from 30m in the R-48 Zone to 50.0m
- increase the height from 15m in the S-1 Zone to 44.0m
- increase the number of storeys from 9 and 10 in the R-48 Zone to 12 and 17 respectively. The existing R-48 Zone permits nine storeys when the ground floor is not commercial and ten storeys when the ground floor is commercial.

In addition to the above changes, several additional uses are also being proposed. The table below outlines the changes from the existing zone with an "X" indicating that the use is not presently permitted in a zone, and a "✓" indicating that the use is currently permitted in the zone and/or the OCP supports it:

Proposed	R-48 Zone, Harris Green District	S-1 Zone, Limited Service District	OCP Policy
Assembly	✓	✓	✓
Assisted Living	✓	X	✓
Care Facility	✓	X	✓
Civic Facility (Firehall)	X	X	✓
Office, Banks & Financial Services	✓	✓	✓
Food and Beverage	✓	✓	✓
Home Occupation	✓	X	✓
Hotel	X	X	✓
Personal Service	✓	X	✓
Residential, Multiple Dwelling	✓	X	✓
Residential Lock-off Suite	X	X	✓
Retail Liquor	X	X	✓
Retail Trade	✓	✓	✓
Utility	X	X	✓
Cinema, Gallery, Recreation Facility	✓	✓	✓

The request to amend the *Official Community Plan, 2012 (OCP)* is considered in order to increase the density beyond what the OCP envisions for these lands, and in order to spread the density garnered from the lands in the R-48 Zone over the entire area.

Affordable Housing Impacts

Within the first phase of the development, the applicant proposes the creation of 130 new residential units, which would be secured with a legal agreement as affordable housing. BC Housing has indicated their support of the application and has identified Pacifica Housing as the intended operator (see attached letter dated January 9, 2019). Additionally, Pacifica Housing has provided a letter (dated January 24, 2019) which indicates that they will be seeking a ten-year tax exemption on the portion of the project devoted to affordable housing and a contribution from the Victoria Housing Reserve Fund (VHRF). It is Staff's understanding that the project has received Preliminary Project Approval (PPA) from the Province, subject to a number of conditions. The conditions include a requirement for the Housing operator to request the tax exemption and contribution from the Victoria Housing Reserve Fund.

Under the Community Charter, Section 224, Council may choose to grant a property tax exemption to non-profit organizations. A separate application for a tax exemption will be provided by the Housing operator for Council's consideration at a future date. The VHRF contribution request will also be made at a future date, via a separate application. Beginning in 2019, two intake dates (March 31 and September 30) will allow all HRF applications to be evaluated concurrently.

The applicant has stated that they will follow the BC Housing standards for affordability, wherein, rental units would be split as follows:

- 30% for affordable rental (\$1,211 max rent in 2018 – Low to Moderate Income)
- 50% with rents geared to income (\$725 max rent in 2018 – Low Income), and
- 20% of units with a deep subsidy (\$455 max rent in 2018 – Very Low Income).

The proposed unit types include:

- twenty-four studio units
- fifty-six one-bedroom units
- forty-three two-bedroom units
- seven three-bedroom units.

Over the subsequent three phases of development, potentially 320-400 market, strata-titled dwelling units could be created, which would increase the overall supply of housing in the area. The proposed 130 affordable housing units represents approximately 25% to 35% of the total proposed units the site could accommodate in all four phases. A Housing Agreement is proposed to ensure that future Strata Bylaws could not prohibit the rental of units anywhere on the site.

Tenant Assistance Policy

The proposal does not include the renovation, demolition or redevelopment of the existing residential rental units, and as such, the Tenant Assistance Policy would not apply.

Sustainability Features

As stated in the applicant's letter dated January 3, 2019, the applicant has identified the objectives achieved by incorporating a civic function (post-disaster building and firehall) with low-income housing as a social sustainability feature.

Active Transportation Impacts

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

Public Realm Improvements

The following public realm improvements are proposed in association with this Rezoning Application:

- a publicly accessible plaza area of 250m²
- an average front setback on the ground-floor of 2.5m.

These public realm improvements would be secured with a legal agreement and registered on the property's title prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment. Through the legal agreement, public access will be secured for all times of the day in perpetuity. Additionally, maintenance and liability would fall to the land owner. The zoning regulation bylaw would stipulate dimensions, standards and areas for the proposed public realm improvements as noted above.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

Surface parking lots and low scale development associated with automotive sales activities characterize the area. Additionally, both recently developed and older multi-unit buildings, ranging from five to seventeen storeys, are prevalent as well as low scale commercial buildings, east of Cook Street.

Existing Site Development and Development Potential

The site is presently comprised of four lots which function as a car sales lot with surface parking, a single-storey sales office, an automotive garage and pay parking lots.

Under the current R-48 Zone, the property could be developed with a multi-unit, mixed-use building up to ten storeys and with a theoretical density of approximately 9.8:1 FSR. When design guidelines are incorporated, including setbacks and building separation distances, the density that could be achieved on the R-48 lands would be reduced to 6.96:1 FSR. Under the current S-1 Zone, the property could be developed as a variety of commercial uses (bank, office, bakery, etc.) or other light industrial oriented uses (vehicle impound lot, milk processing and distribution station, tire vulcanizing, etc.) up to five storeys in height and at a density of 1.5 FSR.

Data Table

The following data table compares the proposal with the existing R-48 Zone, Harris Green District, the S-1 Zone, Limited Service District, as well as, the *Official Community Plan (2012)* and *Downtown Core Area Plan* policies. An asterisk is used to identify where the proposal is less stringent than the existing zone(s).

Zoning Criteria	Proposal	R-48 Zone, Harris Green District	S-1 Zone, Limited Service District	OCP Policy	Downtown Core Area Plan (DCAP) Policy
Density (Floor Space Ratio) – maximum	6.80 *	N/A 9.8 Theoretical, 6.96 with guidelines	1.5	5.5	5.5
Height (m) – maximum	50.0 *	30	15	50	50
Storeys – maximum	17 *	10	n/a	17	17
Vehicle & Bicycle parking – minimum	Per Schedule C, Off-Street Parking Regulations	No Parking Required	Per Schedule C, Off-Street Parking Regulations	Per Schedule C, Off-Street Parking Regulations	Per Schedule C, Off-Street Parking Regulations

Relevant History

As additional background to this Rezoning Application, the City and the applicant have entered into an Agreement of Purchase and Sale, dated March 15, 2018 pursuant to which the City, as

purchaser, has agreed to purchase from the applicant, as vendor, a two storey firehall within a building to be constructed by the applicant on the subject property. The Agreement of Purchase and Sale includes several pre-conditions to the vendor's obligations to construct and sell the firehall to the City. These include that the zoning bylaw and the OCP be amended as contemplated by the Application and that the vendor be satisfied with any requirements and conditions imposed by the City. Importantly, the Agreement expressly provides that it does not "affect or limit the discretion, rights, duties or powers of the City" and does not create "any implied obligations concerning such discretion, rights, duties or powers". Also, under the Agreement, the vendor has expressly acknowledged and agreed that the adoption of any bylaw or passage of any resolution in connection with any of the conditions under the Agreement "shall be within the absolute and unfettered discretion of Council and the provisions of this Agreement will not in any way obligate the Council to adopt such bylaws or pass such resolutions".

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on *July 31, 2018*. A letter dated November 22, 2018 is attached to this report.

Advisory Design Panel

The Advisory Design Panel (ADP) considered this application at their November 28, 2018 meeting (minutes attached) and recommended in their motion that the application be approved as presented.

ANALYSIS

This analysis focuses on the land use and density, which are the main issues for Council's consideration for the *Official Community Plan* and *Zoning Regulation Bylaw* amendments. The following City policies were applicable for the analysis: *Official Community Plan* (2012), *Downtown Core Area Plan* (2011), and the *City of Victoria Density Bonus Policy* (2016).

The Development Permit Application report provides a more in-depth analysis from an urban design perspective for the first phase of the proposal, which further considers building height and massing; as well as, public space, views, and the overall contextual fit, relative to the applicable policies and design guidelines.

Official Community Plan Amendment: Consistency

The proposed amendment to the *Official Community Plan* (OCP) is to amend the Urban Place Designation from Core Residential to include a Core Residential category with a higher density. Currently, the Core Residential designation in the OCP contemplates buildings up to seventeen storeys with floor space ratios ranging from 3:1 up to 5.5:1 and uses including institutional and multi-dwelling residential; as well as, commercial and visitor accommodation. The proposed density is 6.8:1 FSR and is not consistent with this policy in the OCP. On balance, the proposal is consistent with the broad objectives in the OCP and advances a number of strategic goals, however, the OCP amendment is recommended in line with a thoughtful and considered approach with regard to this specific inconsistency. The proposed change to the OCP designation would only affect the contemplated densities and would not affect, or introduce, new uses not contemplated in the OCP.

Specific policies in the OCP address how, and by what rationale, plan amendments should be considered by Council. Under specific conditions, the OCP is intended to be flexible and adaptable while still ensuring broadly consistent direction for growth and change in the City over the next thirty years. Decisions regarding OCP amendments must consider the goals and objectives that support an amendment, the overall rationale for an amendment, and receipt of enough development approval information.

Specifically, the OCP speaks to considering site-specific amendments that are consistent with the urban place designations and which further the broad objectives and policies in the plan, as appropriate to the site context. The advancement of the proposed placemaking and complete-community objectives, the inclusion of a firehall, the proposed affordable housing, and the context of the existing Zone with its inherent permitted densities, all provide support to consider a plan amendment.

The OCP further encourages that regulatory tools are used strategically to support and implement plan goals and objectives. Again, the inclusion of a firehall and a large proportion of affordable housing, advance a variety of goals and objectives within the OCP. Advancing objectives aimed at improving disaster resiliency are particularly unique to this proposal.

Amendments to the OCP, through Council's discretion, may also be undertaken in response to new opportunities. A firehall, constructed to post-disaster specifications, may be considered a new opportunity.

The general pattern of land use and densities are defined for each urban place designation in the OCP; however, policies in the OCP also recommend site-specific evaluations of proposed developments in relation to the site, block and local area context. This includes a consideration of the underlying zoning and permitted densities. Under the existing zone, a theoretical density of approximately 9.8:1 FSR could be achieved for the land in the R-48 Zone, Harris Green District. When design guidelines are incorporated, including setbacks and building separation distances, the density that could be achieved in R-48 zone is reduced to 6.82:1 FSR. The proposal is for a density of 6.8:1 FSR.

Official Community Plan: Process

Section 475 of the *Local Government Act* (LGA) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with section 475 of the LGA, Council must further consider whether consultation should be early and ongoing. This statutory obligation is in addition to Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land located within 200 metres of the subject site, along with posting a notice on the City's website, will provide adequate opportunities for consultation with those affected.

An OCP Amendment application to change the Urban Place Designation of the subject lands from Core Residential to Core Residential with a higher density is contemplated. Given that, through the Community Association Land Use Committee (CALUC) Community Meeting process all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting, the consultation proposed at this stage in the process is recommended as adequate, and consultation with specific authorities, under Section 475 of the LGA, is not recommended as necessary.

Should Council decide to proceed with the OCP Amendment, and if it is supported, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay,

Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board, and the provincial government and its agencies; however, further consultation is not recommended as necessary for this amendment to the Urban Place Designation as this matter can be considered under policies in the OCP.

Council is also required to consider OCP Amendments in relation to the City's *Financial Plan*, the *Capital Regional District Liquid Waste Management Plan* and the *Capital District Solid Waste Management Plan*. This proposal will have no impact on any of these plans.

Rezoning

Official Community Plan

The proposal is within the Core Residential Urban Place Designation and Development Permit Area 3 (HC), Core Residential. The objectives of this designation are to transform the function, form and character of the area through mid-to-high-rise residential, mixed-use and commercial buildings. The proposal is consistent with the objectives of this designation and the OCP policies targeted toward community safety, disaster resiliency, emergency management, placemaking, and policies encouraging the provision of affordable housing. The suite of land uses proposed, including institutional, are also envisioned for this area in the OCP; however, the proposal is not consistent with the densities outlined for this designation. Densities outlined in the OCP range from 3:1 to 5.5:1 floor space ratio (FSR); the proposal is for a density of 6.8:1 (FSR).

The uses proposed are consistent with those considered in the OCP. Included for consideration is the proposed institutional use to accommodate a firehall. In response to community feedback, the applicant has offered to limit the extent of institutional use to correspond to the area dedicated to the firehall, and for those uses associated with a firehall and ambulance building only. The limitations on this use will be written into the site-specific zone.

The OCP does not provide specific policies regarding the shifting of density among neighbouring properties. The policy encourages site-specific evaluations of proposed developments to guide decisions regarding the density and scale of buildings for an individual site. Historically, similar comprehensively designed proposals in Victoria with multiple parcels, have moved density among parcels. In the case of this proposal, adherence to the *Downtown Core Area Plan* as demonstrated from the plans provided by the applicant, has provided the necessary level of confidence to evaluate a range of massing alternatives that would accommodate the density allocation, while still meeting the design guidelines.

Downtown Core Area Plan (DCAP)

This section provides an analysis against the DCAP for the entirety of the site. Only Phase 1 of the proposal (firehall and affordable housing building) is associated with a concurrent Development Permit application, which is reviewed in a separate report (DP No. 000536); however, as per the criteria outlined in the OCP, development approval information is a prerequisite to consider an OCP amendment. To this end, the applicant has submitted plans that provide enough information to assess the general massing, density, streetscape, views and context, all of which are analyzed against the DCAP as described further in this report.

The proposal is within the Residential Mixed-Use District (RMD) in the DCAP. The objectives for this district broadly encourage developing complete communities, ensuring an active street level, increasing pedestrian activity within the public realm, and accommodating mid-to-high-rise

densities. Support for existing commercial uses is encouraged but does not include vehicle-oriented uses that require large outside storage/display areas, such as car lots.

Overall, the proposal is generally consistent with the *Downtown Core Area Plan*. Specifically, the proposal is consistent with several of the guidelines used to evaluate massing, height and scale; this includes ensuring that all portions of the proposed buildings and building massing are within a 1:5 step-back ratio above 20m on Yates Street and above 15m on Johnson Street. The massing renderings and elevations provided confirm that these criteria can be met within the heights specified in the OCP and at the densities proposed.

The proposed tower massing also meets or exceeds the minimum building tower separation distances specified in the DCAP. Proposed building separation distances are in excess of twenty metres in some locations where the guidelines set the minimum at twelve metres.

All proposed building heights are consistent with the design guidelines and those outlined in the OCP and range from twelve storeys to seventeen storeys. The building heights specified for this area in the DCAP range from fifteen storeys to seventeen storeys.

At staff's request, the applicant has provided additional massing renderings to demonstrate the variety of ways in which the density could be distributed. The intent of these additional models was threefold: to demonstrate alternative ways in which the density might be realized with future development permit applications; to illustrate that approval of the rezoning does not limit future development to specific building schemes; and to demonstrate that the benefits of a comprehensively designed site can translate to a variety of massing approaches in the absence of accompanying development permit applications. These benefits include improved building separation distances, greater street set-back distances, building massing in-line with step-back ratios, and a more consistent and thoughtful distribution of density.

While the application is consistent with the policies and guidelines for building massing, height and scale, through the review process, staff explored reducing the overall density of the project with the Applicant. A reduction in the overall density being proposed may provide a simpler distribution of density across the site, reduced potential for cantilevered building mass over open space areas and improved transition to the lower scaled neighbourhood to the east. However, as discussed in the bonus density section, the results of the land lift analysis identify that the densities proposed are at the economic threshold required for the amount of affordable housing proposed.

Streetscape

There are large and small-scale streetscape considerations provided in the DCAP. At the rezoning level, only the larger-scale guidelines are analyzed, given the commensurate level of detail provided with a rezoning application. A more detailed analysis of the streetscape is provided in the concurrent Development Permit Application. Development Permit applications with subsequent phases require a more detailed analysis of the streetscape, as well as, other form and character considerations. Specific guidelines address step-back and massing of buildings from the sidewalk, encourage varying the heights of buildings to avoid uniformity, and encourage the use of building forms to distinguish building podiums from upper storeys. The proposal includes stepped-back building massing, clear podium and tower building forms, and a variety of building heights (twelve, fourteen, fifteen and seventeen storeys), which is consistent with the applicable policies.

The proposed additional front setbacks also achieve the intention of the policy direction as it encourages generous sidewalk widths.

Plaza

The Harris Green neighbourhood is identified in the OCP as a key, high-density, residential neighbourhood. To this end, the OCP includes strategic direction to add parks and open spaces in the Harris Green neighbourhood to support increased population growth. The strategic directions map identifies an area for consideration of parks and open space in the block south of View Street. While the subject site is not strategically identified as including a park or plaza, policies in the OCP encourage the provision of open space to support population growth in Harris Green with all new developments. The proposal is consistent with these policies with the provision of a 250m² plaza, to be included in the latter phases of the development along Yates Street, to provide the maximum exposure to natural light. For reference, 250m² is equal to the size of Trounce Alley or the Fort Commons area, or approximately 60% the size of Millie's Lane. The exact location of this plaza is not determined at this stage; however, the applicant has provided models and renderings to illustrate the variety of ways in which the plaza could be located. The provision of a plaza will be written into the zone and secured through a legal agreement.

While the OCP does not envision a mid-block walkway at this location, this feature was considered in the project design. Ultimately, the applicant opted to not include a mid-block walkway, and instead, concentrate on a plaza option to provide useable outdoor space. Given the policy, the lack of connection to adjacent walkways, the low-level amenity this would provide compared to a plaza, and the challenges associated with animating mid-block walkways at a distance from strong, established retail locations, staff concur with the applicant's approach to exclude a mid-block walkway.

Additional Policy

The DCAP provides specific policies regarding rezoning of the Harris Green lands in the R-48 Zone. The policy excludes this zone from a density bonus consideration and the maximum densities specified in DCAP unless a rezoning is applied for. As a rezoning application is being considered with this proposal, this policy is relevant. If a rezoning application aims to increase the size of a development beyond what is currently permitted in the zone, the intent of the policy is to consider a density bonus for land in the R-48 Zone. The proposal is to reduce the size of development from what is currently permitted in this zone, and therefore, this policy would not apply.

Project Phasing and Zoning Bylaw Structure

The project is proposed to occur over four phases. At present, a Development Permit Application has only been submitted for Phase 1. Subsequent phases will require additional Development Permit Applications for Council's consideration. The timing for the delivery of the public amenities, plaza and additional front setback will be written into the site-specific zone and correspond to the relative phase. The additional front setback and related public realm improvements will be delivered with each phase of the development. The public plaza is proposed to be delivered with the third phase. The motion set out in the recommendation to Council provides the appropriate wording to secure a phasing plan.

The provision of affordable housing, an area of 250m² dedicated to a public plaza, additional sidewalk area secured through an increased front setback and a post-disaster emergency services building, all form the Community Amenity Contributions (CACs) attributable to this Application. As such, the Zoning Bylaw will stipulate a range of densities applicable to the site if these CACs are not provided.

Parking

Given the unique parking demands of a firehall, portions of the required parking are proposed to be provided off-site. As such, the zoning bylaw will be written to extend the off-site parking radius to 600m. This provision in the Zoning Bylaw will provide flexibility, while ensuring the parking standard is met. It is also worth noting, that while the parking bylaw (Schedule C) required parking standard is being met, the anticipated actual parking demand for a Firehall is less as there is significant area dedicated to the storage of emergency vehicles and equipment within the building. This also provides additional operational benefits, as the offsite parking will be able to be utilized in emergency instances when additional fire suppression crew may be required.

Density Bonus Policy

Under the City of Victoria's Density Bonus Policy (2016), the value of a Community Amenity Contribution (CAC) is negotiated based on an independent land lift analysis. G.P. Rollo and Associates was retained by the City of Victoria to analyze the financial performance of the proposed project and to estimate the change in property value associated with the proposed rezoning on the privately held property.

As detailed in the attached report, the amount of the amenity contribution is set out in Council policy in the *Downtown Core Area Plan, 2011*, which stipulates that the City may recover 75% of the land lift value through amenity contributions. The land lift analysis estimates a lift in land value for the portion of development above the base density. The base density is determined as the lower density outlined in the OCP for the relevant urban place designation; or, where the property's starting zoning allows more density than the OCP base density, the zoned density is considered as the base density. In this instance, the lands zoned S-1 have a base density of 3.0 FSR and the existing density permitted in the R-48 zoned lands results in a theoretical base density of 9.8 FSR. The R-48 Zone does not specify a density; therefore, a theoretical density is imputed. For this reason, staff requested the land lift analysis also consider an alternative base density more stringent than that outlined in the Bonus Density Policy. Design considerations such as setbacks and floor plate limitations were included in the additional analysis resulting in a reduction of the overall gross buildable area. Typically, developments occurring in the R-48 Zone do not achieve the theoretical density in the zone, as they must also address design guidelines which result in building setbacks and reduced floor plates. The land lift analysis also addressed a scenario where a base density was set at the maximum buildable area a project could achieve on the R-48 Zone lands while adhering to the design guidelines.

The lift in land value for the portion of development above the base density is then reduced by the difference in value that a developer would see from developing the entire site as a mix of commercial and market residential, compared to the proposal, which includes roughly 98,000 square feet of affordable housing. On this basis, the economic analysis determined that there is no lift from the proposed rezoning, for both base density scenarios, due to a significant drop in supported land value with the inclusion of affordable housing. The economic analysis also calculated the applicable lift if the proposed affordable housing units were offered as market rental. Under this scenario, the analysis concluded that the rezoning would not result in a lift in the land value. Additionally, the provision of the public plaza and enhanced public realm has not been factored into the land lift analysis, which would further reduce the potential for a land lift.

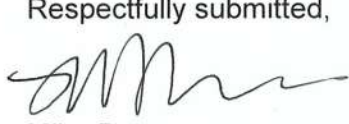
CONCLUSIONS

The proposal suggests a significant addition of affordable housing, market housing and commercial space to the Harris Green Neighbourhood and includes an opportunity to provide a post-disaster, modern firehall and ambulance facility. The proposal is consistent with the *Official Community Plan* except for the overall density sought; however, a rational consistent with the goals and objectives of the OCP has been provided. The proposed uses, building form and character, and building massing and siting are all consistent with the applicable policy and design guidelines; therefore, staff recommend for Council's consideration that the application be advanced to a Public Hearing.

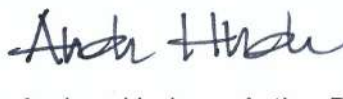
ALTERNATE MOTION

That Council decline Rezoning and Official Community Plan Amendment Application No. 00660 for 1025-1031 Johnson Street and 1050 Yates Street.

Respectfully submitted,



Miko Betanzo
Senior Planner - Urban Design
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

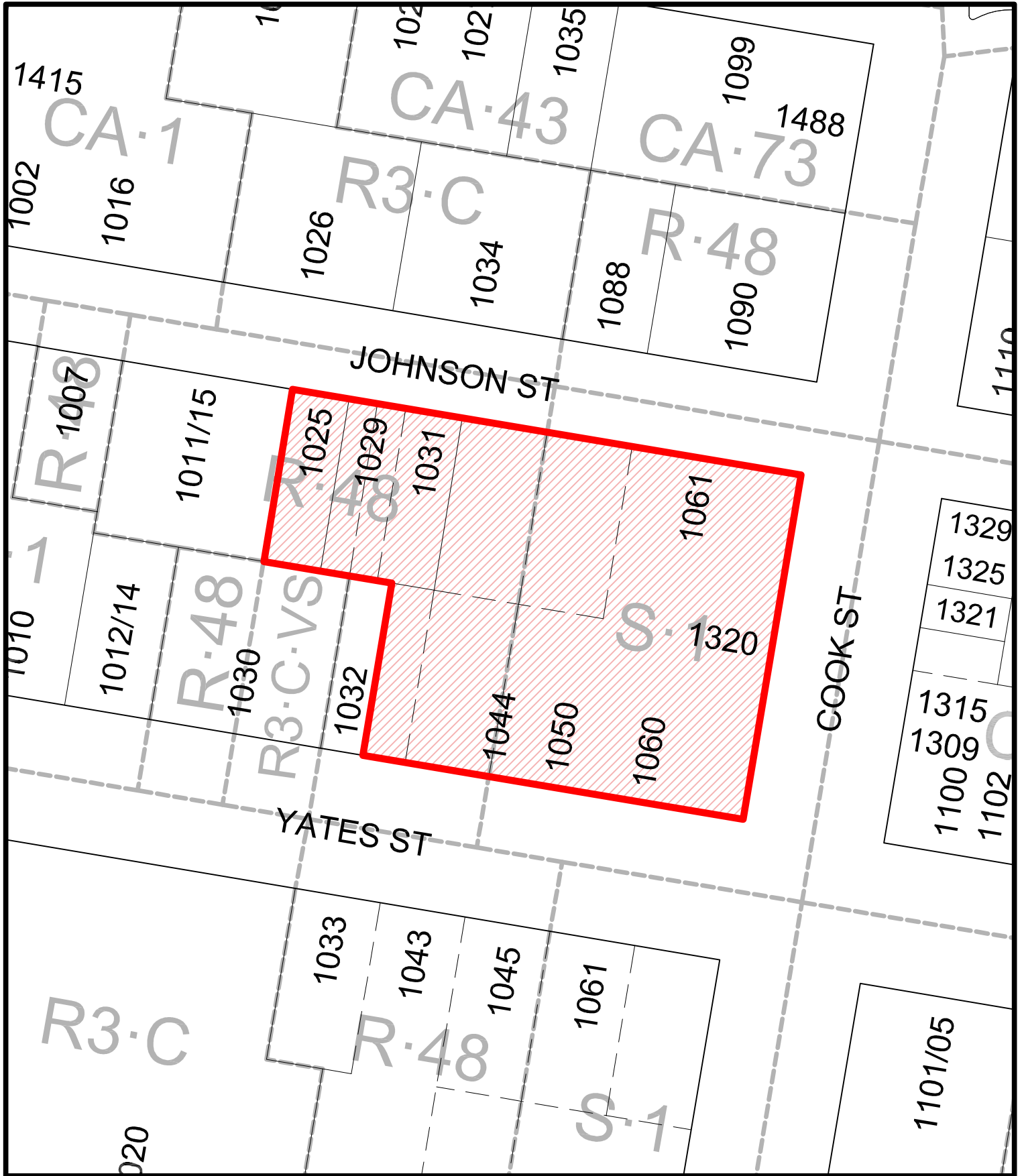
Report accepted and recommended by the City Manager



Date: Feb 8, 2019

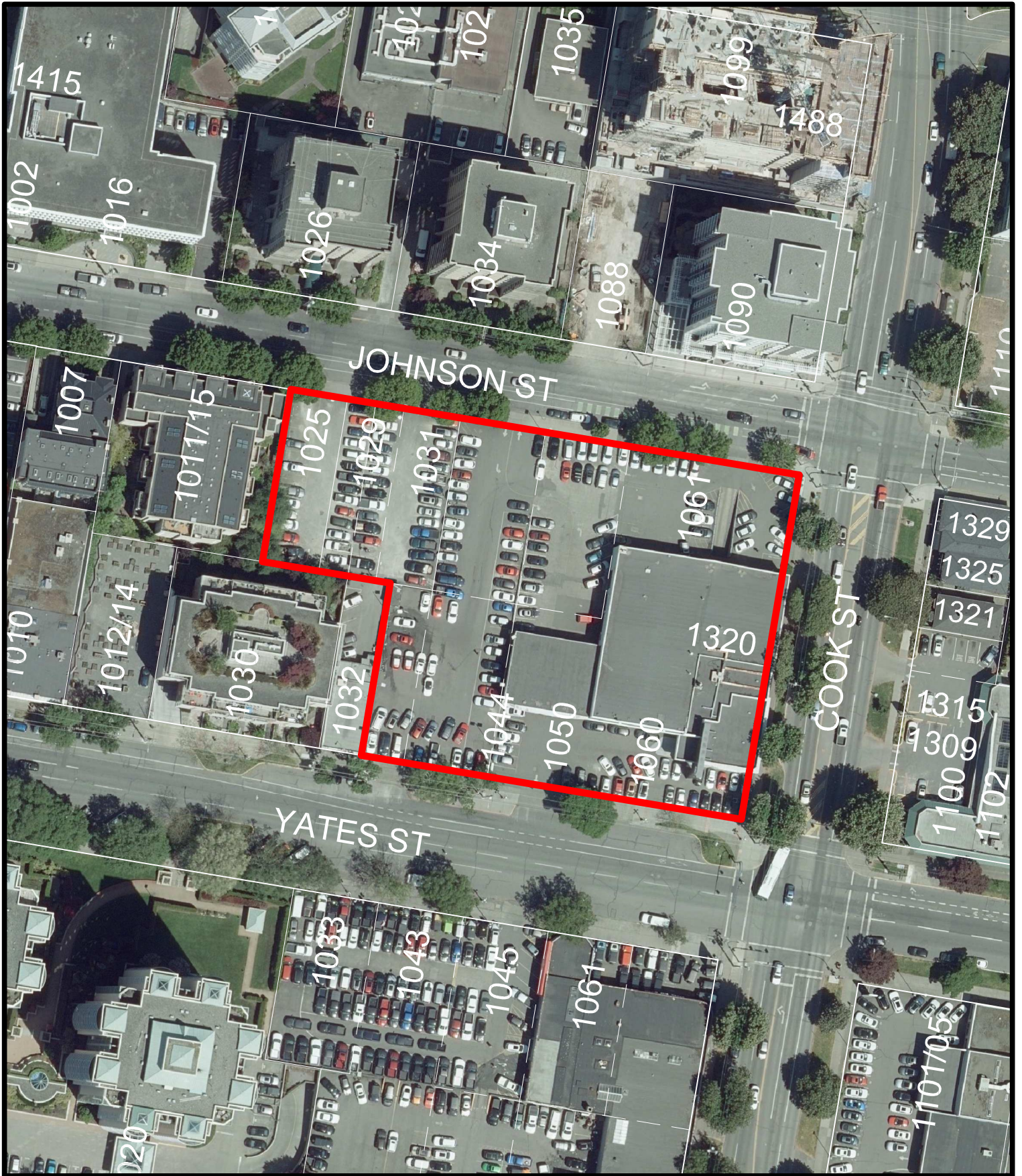
List of Attachments:

- Attachment A: Rezoning Subject Map
- Attachment B: Rezoning Aerial Map
- Attachment C: Rezoning Plans dated/date stamped December 19, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 3, 2019
- Attachment E: Community Association Land Use Committee Comments dated November 22, 2018
- Attachment F: Letter from BC housing dated January 9, 2019
- Attachment G: Letter from Pacifica Housing dated January 24th, 2019
- Attachment H: Minutes from the Advisory Design panel dated November 28, 2018
- Attachment I: DP Subject Map
- Attachment J: DP Aerial Map
- Attachment K: DP Phase 1 Plans date stamped February 4, 2019
- Attachment L: Land Lift Analysis Report, Dated January 30, 2019
- Attachment M: Correspondence.



1025-1031 Johnson Street and
1050 Yates Street
Rezoning No.00660





1025-1031 Johnson Street and
1050 Yates Street
Rezoning No.00660



JOHNSON COOK YATES BLOCK

REZONING APPLICATION
REVISED IN RESPONSE TO CITY COMMENTS
DECEMBER 06, 2018



JAWL | residential

HCMA
Architecture
+ Design



This document has been digitally certified with digital certificate and encryption technology authorized by the Architectural Institute of BC. The authoritative original has been transmitted in digital form. Any printed version can be relied upon as a true copy of the original when supplied by the architect, bearing images of the professional seal and digital certificate, or when printed from the digitally-certified electronic file provided by the architect.

i. INTRODUCTION

PROJECT TEAM

JAWL | residential

DEVELOPMENT MANAGER

Jawl Residential Ltd.
3375 Tennyson Ave.
Victoria, BC V8Z 3P7

Jawl Residential Ltd. is 100% locally owned and operated and has completed multiple residential and mixed-use projects within the Capital Regional District. Spanning multiple generations, Jawl Residential has the capacity and flexibility to scale projects and has worked collaboratively with local contractors, the design community and the City of Victoria on past projects. Through an integrated development approach, we look to engage all stakeholders in order to meet the needs of clients, tenants and the communities through which we develop.



ARCHITECT

HCMA Architecture + Design
569 Johnson St
Victoria, BC V8W 1M2

HCMA Architecture + Design (HCMA) is a full service architectural practice recognized for sustainable, integrated, and innovative architecture. For over 40 years, HCMA and its predecessor firms have established a track record of exceptional projects. We challenge the traditional boundaries of architectural practice by asking one question, how do we achieve the maximum positive impact.

EXISTING SITE AND USES

The existing site borders three major arterial streets on a typical block in the Harris Green residential district. The proposed site fills roughly half the block and is only directly bordered by a single story insurance agency and two multifamily residential buildings 5-6 stories in height. Buildings directly across from the site vary in height from 1 - 17 stories in height.

The current land use on the site is a commercial car dealership and service garage as well as a commercial parking lot.

PARCELS

1. PID: 003-190-145, THE WESTERLY (40') OF LOT 961, VICTORIA CITY;
2. PID: 003-189-881, THE EASTERLY 40 FEET 9 INCHES OF LOT 960, VICTORIA CITY;
3. PID: 003-190-030, THE WESTERLY (19'3") OF LOT 960, VICTORIA CITY; and
4. PID: 003-190-099, LOT 961, VICTORIA CITY, EXCEPT THE WESTERLY (40') THEREOF;
5. PID: 009-387-684, LOT 958, VICTORIA CITY;
6. PID: 005-201-250, LOT 959, VICTORIA CITY;
7. PID: 005-201-306, LOT 969, VICTORIA CITY, EXCEPT THAT PART IN PLAN 18802;
8. PID: 005-201-276, THE EAST 1/2 OF LOT 970, VICTORIA CITY; and
9. PID: 003-786-561, LOT A (DD B68208) OF LOTS 956, 957, 966, 967, 968 AND 969, VICTORIA CITY, PLAN 18802;

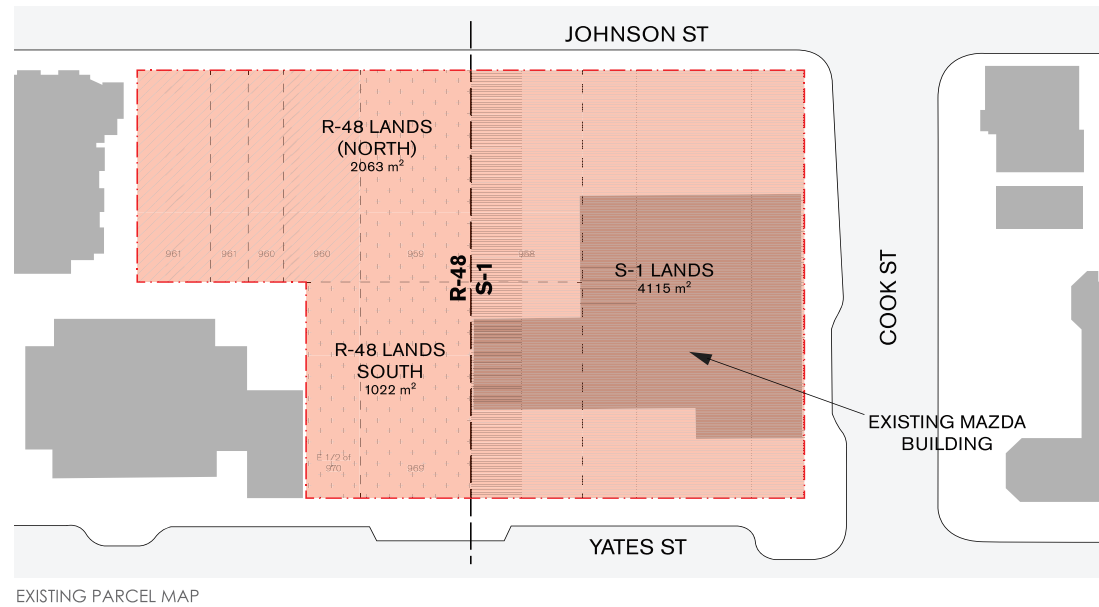
AREA 7200 m2

ZONING R-48 / S-1

EXISTING ALLOWABLE USES

- | | |
|-----|--|
| (a) | automobile, truck, trailer and other chattel rentals; |
| (b) | bakeries; |
| (c) | banks and other financial institutions; |
| (d) | churches and places of worship; |
| (e) | professional services; |
| (f) | carpet cleaning; |
| (g) | clubs; |
| (h) | recreation and entertainment services; |
| (i) | dye works and dry cleaning; |
| (j) | washing of motor vehicles; |
| (k) | garages, excluding impound lots and the storage of damaged vehicles in any yard; |

- | | |
|-----|---|
| (l) | laundries; |
| (m) | milk processing and distribution stations; |
| (n) | printing and publishing establishments; |
| (o) | quick freeze locker plants; |
| (p) | restaurants; |
| (q) | taxi offices; |
| (r) | tire vulcanizing; |
| (s) | wholesale and retail sales; |
| (t) | parking facilities, including buildings and places for the parking of vehicles, but excluding impound lots and the storage of damaged vehicles in any yard; |
| (u) | offices; |
| (v) | servicing and repair of goods; |
| (w) | uses incidental to any of the above uses; |
| (x) | high tech; |
| (y) | call centre. |



AERIAL VIEW - SITE

ii. COMMUNITY ENGAGEMENT

WHAT IS COMMUNITY ENGAGEMENT?

A well-coordinated and effective stakeholder and public consultation is crucial to the success of this project. We are experienced achieving consensus amongst multiple stakeholders with a wide variety of concerns. Critical to our team's success is our ability to distill the diverse, complex and sometimes competing interests of many user groups into a clear, viable and easy-to-understand design solution.

Sharing information, consulting, and collaborating with community members, through outreach and hosting, we promote sustainable decisions by providing participants with the information they need to be involved in a meaningful way.

Specifically to this project, in March of 2018 notices were distributed to surrounding neighbours. Since then, there have been over 25 meetings to engage community members, receive feedback, and share information.

Knocking on doors, meeting community members for coffee, hands on sessions, one-on-one meetings, and public engagement events were all measures taken in this project in order to facilitate a robust and extensive communication system with those impacted.

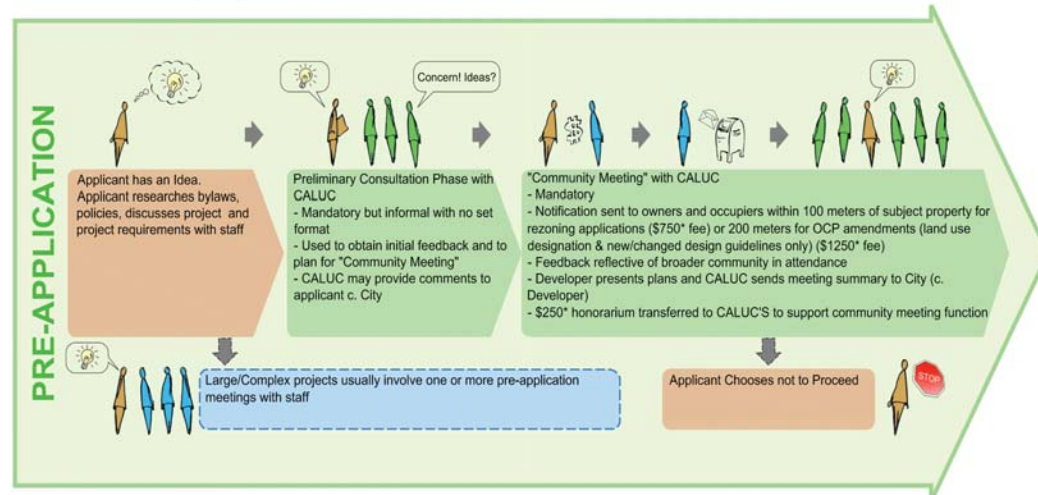


DIAGRAM OF PUBLIC CONSULTATION PROCESS

WHAT IS THE COMMUNITY AND REZONING PROCESS?

The schedule of community consultation meetings and presentations has closely adhered to the process set out by the City of Victoria Planning Department. This is outlined in the Rezoning and Official Community Plan Amendment Process and shows which milestones are key to an effective rezoning and OCP amendment process.



JULY 31ST CALUC PRESENTATION AND MEETING

EXTENSIVE PUBLIC ENGAGEMENT & CONSULTATION

Through a comprehensive series of meetings spanning over six months, our team has developed, shared, presented, refined, and above all - listened to stakeholders and community members. We have listened to individuals, to neighbourhood associations, resident groups, and to the public, facilitating approximately 25 meetings with over 100 people. As the project is large and complex, we have used extensive material to facilitate a participatory process, including models, boards, and reference materials.

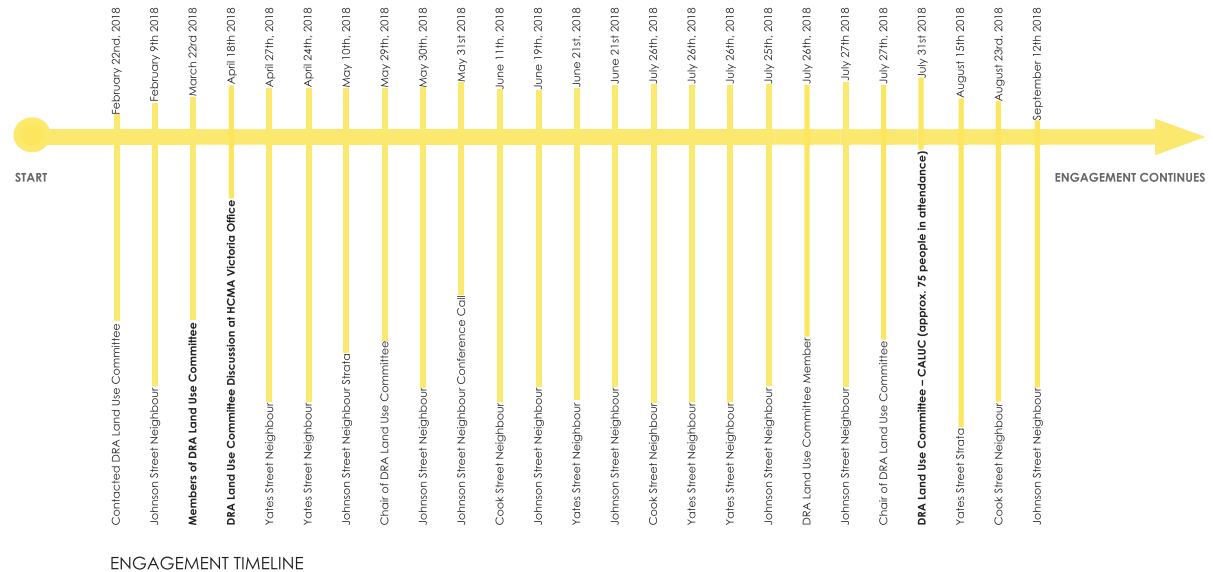
Our feedback from residents has been generally supportive of the development as beneficial to the Harris Green area and the future of a safer and more vibrant Victoria. We have received significant input and feedback from various stakeholders. Common themes we have heard relate to:

- parking
- building heights
- building separation
- public open space

The balance of this application will show how we have heard and responded to these concerns.

COMMUNITY MEETING WITH DOWNTOWN RESIDENTS ASSOCIATION CALUC JULY 31ST

The community meeting was well attended and made the project available to a large group of well-organized residents. Many public features not seen previously in projects of this scale in Harris Green were shown and discussed for their civic importance and need in this location including the firehall, potential for a significant affordable housing component, and green space. Comments from the meeting are currently being prepared by the Downtown Residents Association for inclusion in the rezoning and OCP amendment process. At the time of application, comments and feedback have yet to be received.



ENGAGEMENT TIMELINE



JULY 31ST CALUC PRESENTATION AND MEETING

iii. CONTEXT ANALYSIS

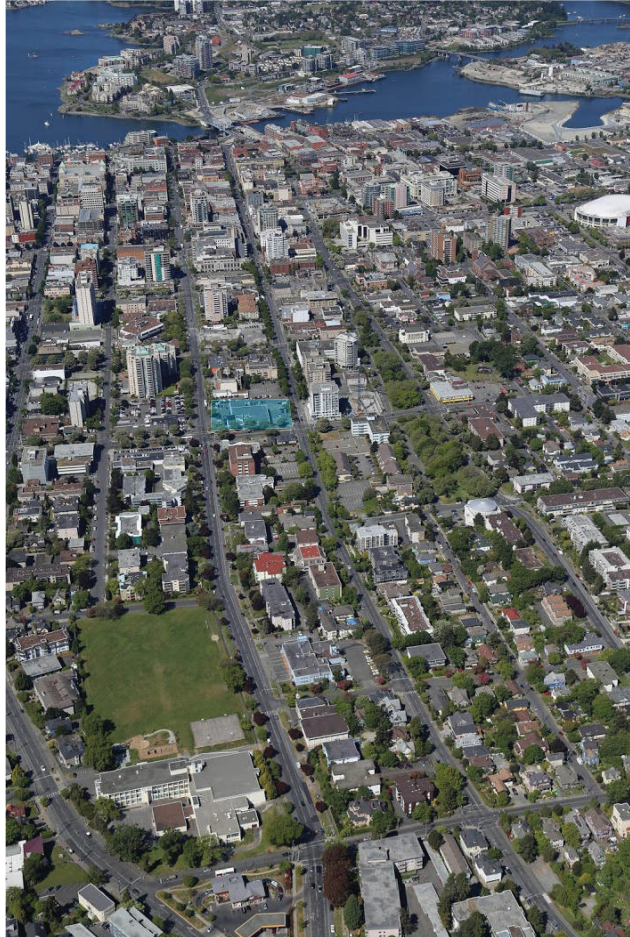
SITE CONTEXT

The Cook Johnson Yates site is a part of the Harris Green district and located at the eastern edge of downtown Victoria. Cook, Johnson and Yates streets are all major arterial roads & thoroughfares, extending to the harbour, ocean front, and to other communities north and east of Victoria. Together, these impressive axes form a vital junction in a rapidly developing area.

For downtown Victoria, this location has great amenities and potential to be a success for residents, employees, and citizens in the area. A well-structured, mixed-use, urban development can also be a significant positive catalyst for the Harris Green district and for the future of city form in Victoria.

The site is in close proximity to major Victoria institutions, making it an excellent location for a comprehensive development serving the downtown and surrounding neighbourhoods.

The demographic of this area is changing fast. Gone are open lots with car dealerships and small service buildings set back from street frontages. Coming are families and people who wish live in a vibrant and very livable downtown with close access to the best Victoria has to offer. This location is one of the best in the downtown district and will form the gateway to downtown from the east, creating a distinctive silhouette on the Victoria skyline.



VIEW OF HARRIS GREEN AND GREATER VICTORIA

SITE HISTORY

1060 YATES

As far back as 1903, fire insurance plans show small, residential structures on the property. These remained in place until the mid-1950's, at which point a larger commercial building to the south and smaller building to the west was constructed for wholesale business and unemployment insurance offices respectively. In addition, it was around this time that the history of automotive service began on the property with the operation of a car wash at the east corner of the property.

From the late 1950's through to present day, automotive dealerships have existed and been the main use on the property. In the mid-1960's after moving to Victoria to be the General Manager for Olson Motors, Peter Pollen purchased 1060 Yates Street and shortly thereafter changed the name to Peter Pollen Ford.

Peter Pollen Ford operated on the lands for 20 years before Peter's retirement and successful City of Victoria Mayoral bid in 1981.

In 1988, Pacific Mazda began operations on the lands and has now operated and served its loyal customer base for over 30 years.

1025-1031 JOHNSON STREET

Similarly to 1060 Yates Street, records show 3 small, residential type structures on the property as far back as 1903. These structures remained on site through the mid 1950's until in 1969 when aerial photographs show the transition to a parking lot, which is today's present use.



HARRIS GREEN CA. 1900



OLSON MOTORS - 1060 YATES ST - CA. 1958



AERIAL OVER SITE

1060 YATES

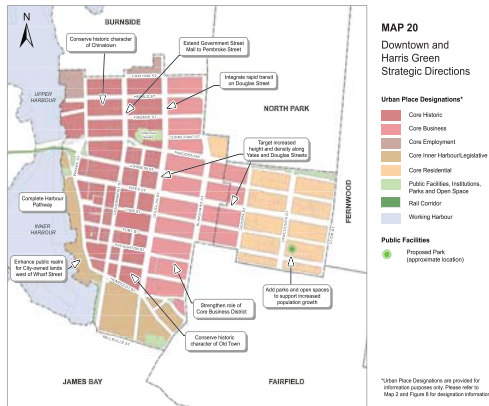
OFFICIAL COMMUNITY PLAN

OVERVIEW

The Official Community Plan describes a citywide policy framework and bylaw to move the city towards a sustainable community through planning and land-use management. The OCP is enacted through masterplans and local area plans, for Downtown and Harris Green specifically regarding this development.

Harris Green is identified as a key high density residential neighbourhood in the Urban Core, with a strategic direction to accommodate a significant share of the 50% forecast new population and housing growth earmarked for the Urban Core over the next 30 years.

The OCP designates the site as Core Residential and within Development Permit Area 3 (HC) - Core Mixed-Use Residential, anticipating multi-residential development along with other land uses, public amenities and services that help to develop complete communities.



OCP STRATEGIC DIRECTIONS

SECTION 3 : VISION, VALUES AND GOALS

PLAN VALUES

The provision of housing in the downtown, plus the emergency services program help the City in achieving the following:

- 3.6 *Individual Well-Being: Help ensure that all residents have secure access to basic needs, such as food, housing and services, as well as the skills and abilities required to flourish.*
- 3.7 *Community Capacity Building: Strengthen the natural, human, economic, social and cultural resources of Victoria to build, develop, and shape a resilient community.*

The emergency service functions proposed for the site help the City respond to unpredictable circumstances (emergencies). The second floor of office space in the post-disaster building can accommodate city or other emergency service providers.

- 3.11 *Adaptive and Responsive: Remain flexible and adaptive and ensure that mechanisms are in place to deal with changing, unpredictable circumstances.*

There has been a coordinated, collaborative process in planning for the Phase 1 project including the proponent, multiple departments at the City, BC Ambulance and Pacifica Housing Advisory Association.

- 3.13 *Coordinated Planning: Work collaboratively with other agencies, levels of government and community stakeholders to coordinate plans, initiatives and programs.*

OCP PLAN GOALS

- Victorians move freely and efficiently via a safe, integrated and convenient network of public transit, bike routes, and a supportive, inviting pedestrian realm in preference to driving alone.
- Services, amenities, buildings, facilities, and public space are accessible.
- All residents have access to appropriate, secure, affordable housing.
- A wide range of housing types, tenures and prices gives residents choices.
- Victorians know their neighbours, are connected to communities of interest and have diverse opportunities for social interaction.
- Victorians can support themselves and their neighbours in difficult times.
- Victoria is a safe city, where everyone feels secure in public, in their homes, and workplaces.
- Victoria is prepared to deal with known hazards and emerging threats, to limit the diverse impacts of events and effectively manage emergencies.
- Victoria is able to respond rapidly and effectively to all emergencies, including events with long-term impacts and recovery times.

SECTION 6 : LAND MANAGEMENT AND DEVELOPMENT

GENERAL DEVELOPMENT GUIDANCE

- 6.8 *Encourage the logical assembly of development sites that enable the best realization of permitted development potential for the area.*
- 6.9 *Give consideration to site-specific amendments to this plan that are consistent with the intent of the Urban Place Designations and that further the broad objectives and policies of the plan, as appropriate to the site context.*

URBAN CORE

- 6.10.4 *Accommodating and fostering a greater range of housing options throughout the Downtown Core Area, including non-market housing.*
- 6.10.10 *Improving vitality and livability within the Downtown Core Area through initiative and strategies to create an attractive and functional public realm, well-designed and diverse built forms, a range of amenities to serve the daily needs of residents, businesses and visitors and an improved local economy*
- 6.10.11 *Providing a careful transition of use intensity, development density and building height to adjacent areas.*

SECTION 18 : EMERGENCY MANAGEMENT

SEISMIC HAZARD AREAS

- 18.14 *Continue to strengthen the resiliency of civic buildings, structures, and infrastructure to seismic events through high standards and allocated resources for physical upgrades.*
- 18.15 *Develop and adopt a policy that requires new civic buildings, structures, and infrastructure to achieve post-seismic standards, as appropriate to the function and scale of each facility.*

EMERGENCY SERVICES

- 18.19 *Consider upgrading or replacing Fire Hall No. 1 with a new facility that meets the present and future requirements of the Victoria Fire Department for service delivery.*

DOWNTOWN CORE AREA PLAN

DCAP OVERVIEW

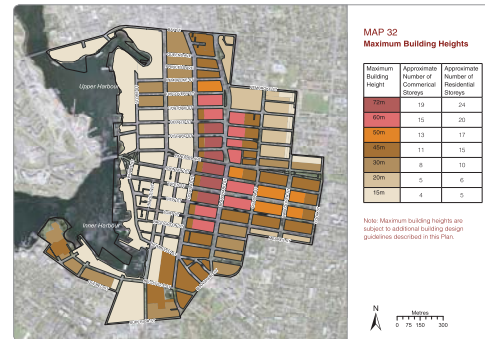
The Downtown Core Area Plan is concerned with locating building density, height, massing, and setbacks to create successful urban development and achieve the density goals for each district.

The DCAP includes Harris Green as the largest district, a Residential Mixed Use District supporting mid and high-rise residential construction. The project site is along the major east west street in the Harris Green District, with numerous high rise residential projects underway in the immediate area.

This proposed development plans to follow and build within the DCAP. All proposed development is to conform to the DCAP and rules concerning density, height, and setbacks, as well as more specific goals of the DCAP.

According to DCAP, this block forms a defining piece of the east end of downtown core, a gateway to downtown Victoria from surrounding areas. The skyline to Victoria is easily seen from the Rockland Water Tower.

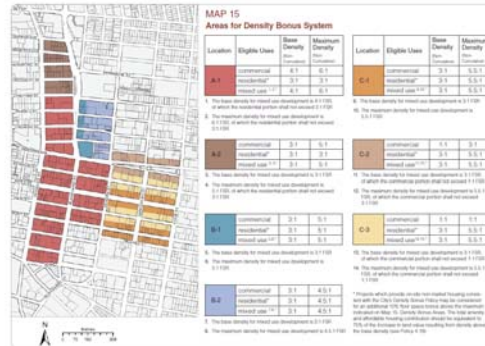
In referencing values identified within DCAP, this project addresses key challenges for the next 30 years.



DCAP MAXIMUM BUILDING HEIGHTS

STRATEGIC GOALS

- 1.1. Ensuring the Downtown Core Area has enough residential and office space available to keep up with short- and long-term growth forecasts and remain the preferred location for Provincial Government offices, services and associated institutional buildings.
- 4.1. Encouraging high quality architecture and diversity in the design of buildings and surrounding public areas.
- 4.3. Supporting context-sensitive developments that complement the existing Downtown Core Area through siting, orientation, massing, height, setbacks, materials and landscaping.
- 5.1. Developing diverse housing types and sizes to attract both individuals and families, including smaller units as well as rowhouses, townhouses and stacked townhouses.
- 5.3. Supporting new residential development that integrates a blend of market and non-market housing.



DCAP AREAS FOR BONUS DENSITY SYSTEM

RESIDENTIAL MIXED-USE DISTRICT – POLICIES AND ACTIONS

MIXED USE

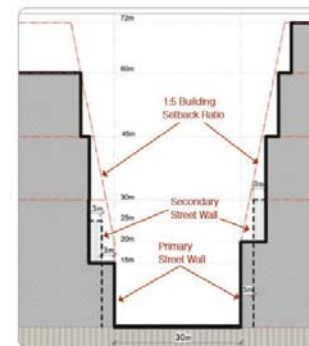
- 3.96. Encourage active commercial and retail uses at street level along Blanshard Street, Yates Street, Fort Street, Quadra Street and Pandora Avenue to encourage increased pedestrian activity and improved vitality.

PUBLIC REALM

- 3.100. Ensure buildings are designed to relate well to public streets and sidewalks.

TRANSITIONS

- 3.102. Ensure that designs for new buildings and improvements to the public realm located along the edges of the RMD consider scale, orientation, setbacks, mass and building height to provide sensitive transitions to surrounding Districts.



DCAP SETBACK PROFILE

AMENITIES & TRANSPORTATION

The proposed site boasts some of the best amenities in Victoria. All of downtown's public, cultural, historical, and service locations are within easy reach by foot or transit. The city's greatest concentration of streetside business and establishments are spread throughout the surrounding blocks. Overall, public infrastructure is superior and the site is well-served.

Bordered by three major arterial roads in and out of downtown, Cook, Johnson and Yates carry substantial traffic and transit capacity. All sides of the site are accessible to passenger and commercial vehicles 24/7 for loading, parking, and curbside delivery. With good access to good roads at a good location, all factors contribute to good site exposure and connectivity.

A legend below describes the parking, bus, regional transit and vehicular connections on and off site, as well as other destinations:

LEGEND

- Arterial Street
- Secondary Arterial
- Collector Street
- Bus Stop
- Bus Route
- Driving Distance

- SCHOOLS**
 - 1. Central Middle School
 - 2. Victoria High School
 - 3. George Jay Elementary
- HEALTH/WELLNESS**
 - 4. Royal Athletic Park
 - 5. Crystal Pool
 - 6. Memorial Arena
 - 7. YMCA
 - 8. Iyengar Yoga Centre
 - 9. Moksha Yoga
 - 10. Shelbourne Physiotherapy
 - 11. Equilibrium Massage Therapy
- CULTURAL**
 - 12. Victoria Conservatory of Music
 - 13. Art Gallery of Greater Victoria
 - 14. Capitol Ballroom

- MARKETS**
 - 15. Market on Yates
 - 16. Wellburn's Market
 - 17. Maggie's Market + Groceries
 - 18. London Drugs
 - 19. Rexall
 - 20. Lallicare pharmacy
 - 21. Ageless Living Market
- SERVICES**
 - 22. LaundryLounge
 - 23. One Hour Cleaners
 - 24. Gemi Hair
 - 25. Gallery Salon
 - 26. Status Barber Shop
 - 27. Luv Hair Salon
- HISTORICAL BUILDINGS**
 - A. Mount Edwards Court
 - B. 916 Pandora Ave (Shatterbox Coffee)
 - C. 1050-58 Pandora Ave
 - D. 1007 Johnson St
 - E. 1023-25 Fort St
 - F. 1030 Cook Street

- RESTAURANTS**
 - 28. Bin 4 Burger Lounge
 - 29. Moxie's Grill and Bar
 - 30. La Tortilla Mexicana
 - 31. Sen Zushi
 - 32. Bubby Rose's Bakery + Café
 - 33. Ithaka Greek
 - 34. Pluto's
 - 35. Subway
 - 36. The Mantra Indian Cuisine
 - 37. J & J Wonton Noodle House
 - 38. Taco Justice Food Truck
 - 39. Standard Pizza
 - 40. McDonald's
 - 41. Shatterbox Coffee
 - 42. Wildfire Bakery
 - 43. Domino's
 - 44. Futaba Japanese
 - 45. Floyd's Diner
 - 46. Sakura Sushi and Grocery
 - 47. COB's Bakery
 - 48. Persian Kabab
 - 49. Capricorn Café
 - 50. Sookjai Thai
 - 51. Saigon Night
 - 52. Café Brio
 - 53. Panago Pizza



WALKABILITY + BIKE ROUTES





Presently, walkability for the area is exceptional with large roads served by typical sidewalks with well grown trees. This contributes to localized access to amenities.

The proposed development will vastly improve walkability on the entire block, adding much needed life and captured public space, to create a lively urban streetscape with connections to downtown. Several new residential development high-rise projects underway on the next block will add continuity to the walking environment.

Bikes fall into this category as well. The area's cycling network is robust with hard and soft bike paths. Cyclists and pedestrians are more in scale with each other, so combined they add life and variety to the streetscape. The streetscape is changing fast in Victoria, especially in this area around downtown, where new bike lanes and landscaped sidewalks in a well-defined downtown core are quickly creating a new, modern, younger identity.

A legend below describes parks, shopping streets, alleys, bike lanes and paths, connectors and public spaces walking, as well as other services and destinations:

LEGEND

-  Protected Bike Path - Proposed
-  Protected Bike Path
-  Conventional Bike Path
-  Estimated Walking Time



iv. DESIGN RATIONALE



ARTISTIC RENDERING OF POSSIBLE BUILDING FORM

EXISTING ZONING AND CITY POLICIES

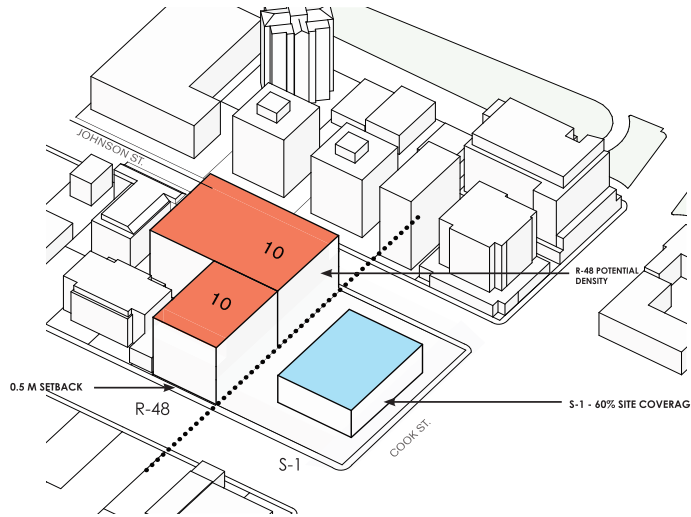
DEVELOPMENT POTENTIAL AND MASSING - EXISTING ZONING

The first step in the planning for the site was to look to the development potential and massing under existing zoning.

The R-48 Zone does not prescribe a maximum density through a floor space ratio (FSR) calculation. Instead, standard practice is to determine the "theoretical" FSR based on the height and setback regulations as they relate to the subject property. The R-48 Zone stipulates a maximum height of 30m (10 storeys) front yard set backs of 0.5m for mixed use buildings, with no requirement for side and rear yard setbacks. An analysis has been completed showing that the theoretical density for those portions of the subject property zoned R-48 to be an FSR of 9.8:1.

The S-1 Zone stipulates a maximum height of 15m (5 storeys) and an FSR of 1.5:1

Gross Floor Area:	33,930 m ²
Overall site FSR:	5.1:1



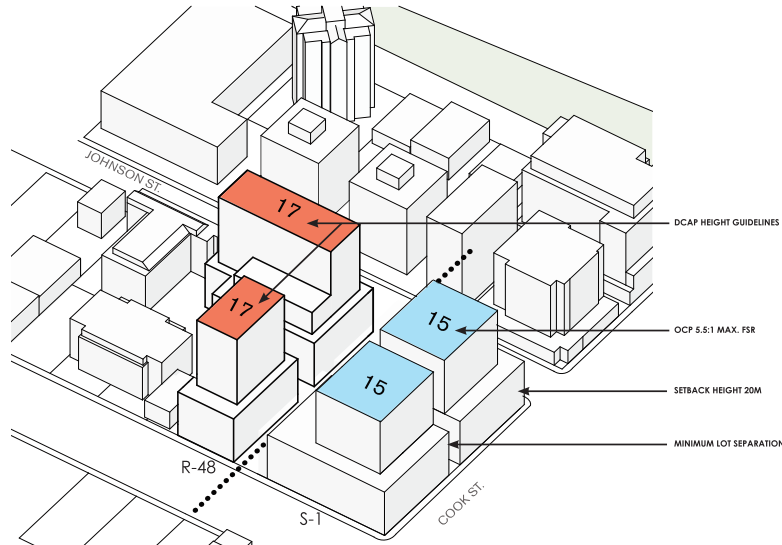
DEVELOPMENT POTENTIAL AND MASSING - EXISTING ZONING AND CURRENT POLICY

We then look to the goals and directions set out in the OCP and DCAP to determine the development potential for the S-1 Lands and to shape the theoretical density on the R-48 Lands according to current policy.

The massing and theoretical density on the R-48 lands are formed according to the DCAP guidelines for height, setbacks and floorplate sizes. This creates two 17-storey residential towers with retail at grade, at a density of 9.0:1 FSR. Setbacks are more generous with retail at grade.

The massing and density of the S-1 lands are formed according to DCAP and OCP guidelines for density, height, setbacks and floorplate sizes. This creates two stepped, 15-storey towers achieving the maximum density of 5.5:1 identified by DCAP.

Overall Development Area:	50,890 m ²
Overall site FSR:	7.1:1



PART 3.67 - R-48 ZONE - HARRIS GREEN DISTRICT

Uses	1	The following uses are the only uses permitted in this zone:
	(a)	residential, including without limitation, multiple dwellings, row homes, nursing homes, hostels, and care facilities;
	(b)	institutions of a religious, educational, charitable, or philanthropic character;
	(c)	offices, banks, and financial institutions;
	(d)	retail;
	(e)	restaurants;
	(f)	personal services;
	(g)	theatres, auditoriums, and places of recreation;
	(h)	day care;
	(i)	home occupations;
	(j)	high tech;
	(k)	call centre.
Location of Use Within Building	3	A non-residential use, excluding home occupations, may be located only in a basement or on a first or second storey.
Density	4	(1) The floor area of office use on a lot, excluding home occupations, must not exceed 60% of the area of the lot. (2) The floor area of a non-residential use on a lot, excluding that used for underground parking spaces and home occupations, must not exceed 50% of the floor area on the lot.
Height	5	(1) Where a building's first storey use along a street is not primarily retail or restaurant, the height of the building must not exceed 27m nor 9 storeys. (2) Where a building's first storey use along a street is primarily retail or restaurant, the height of the building must not exceed 30m nor 10 storeys.
Setback	6	The setback must be at least: (a) 0.5m from a front lot line for a building in which the first storey is not used for residential purposes; (b) 3.5 m from a front lot line for a building in which the first storey is used for residential purposes.
Parking	7	No parking is required on a lot.

PART 7.6 - S-1 ZONE - LIMITED SERVICE DISTRICT

Permitted Uses	1	The following uses are permitted:
	(a)	automobile, truck, trailer and other chattel rentals;
	(b)	bakeries;
	(c)	banks and other financial institutions;
	(d)	churches and places of worship;
	(e)	professional services;
	(f)	carpet cleaning;
	(g)	clubs;
	(h)	recreation and entertainment services;
	(i)	dry works and dry cleaning;
	(j)	washing of motor vehicles;
	(k)	garages, excluding impound lots and the storage of damaged vehicles in any yard;
	(l)	laundries;
	(m)	milk processing and distribution stations;
	(n)	printing and publishing establishments;
	(o)	quick freeze locker plants;
	(p)	restaurants;
	(q)	taxi offices;
	(r)	tire vulcanizing;
	(s)	wholesale and retail sales;
	(t)	parking facilities, including buildings and places for the parking of vehicles, but excluding impound lots and the storage of damaged vehicles in any yard;
	(u)	offices;
	(v)	servicing and repair of goods;
	(w)	uses incidental to any of the above uses;
	(x)	high tech;
	(y)	call centre.
Height	2	(1) Subject to the provisions of this section, no building shall exceed 15m in height. (2) Where a lot internal boundary adjoins the rear lot line of a lot zoned for predominantly residential purposes, the maximum height of any part of a building within 7.6m of the internal boundary shall not exceed 4m.
Site Coverage	(3)	No lot shall have a site coverage greater than 60%.
Floor space ratio	(4)	The floor space ratio of all buildings on a lot shall not exceed 1.5 to 1

SHAPING DENSITY

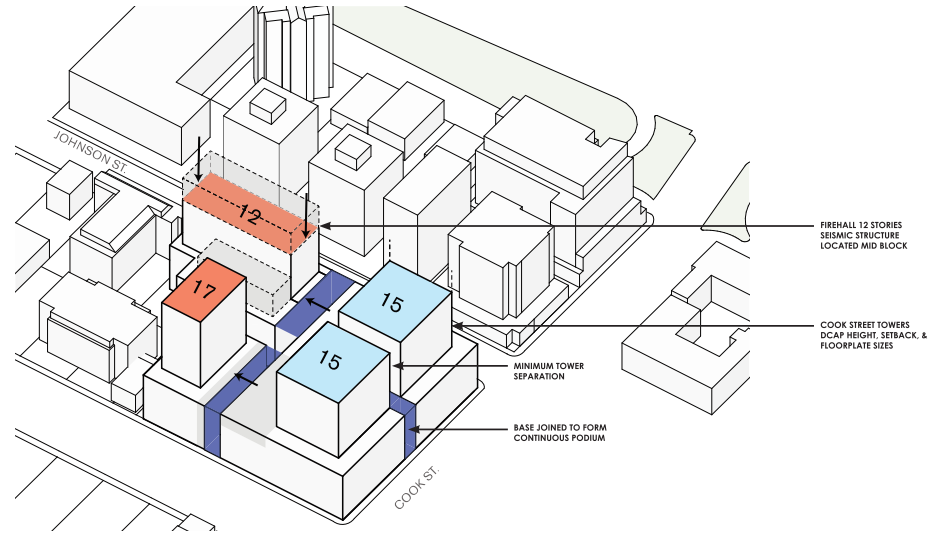
INTRODUCTION OF THE FIRST PHASE (FIREHALL, OFFICE AND RESIDENTIAL)

Next, we introduce the siting and massing requirements for the Firehall, which is to be located on the mid-block of Johnson Street for operational reasons. Due to the structural requirements of constructing this building to post-disaster seismic requirements of the Building Code, the achievable height is limited to 12 stories in an area where the DCAP contemplates maximum heights of 17 storeys. The density that could otherwise be constructed on this area is applied to the balance of the site.

The lower portion of the towers are joined to form a continuous podium. The site now has a continuous perimeter, but tower separation is still at a minimum.

Gross Floor Area: 51,200 m²

Overall site FSR: 7.1:1



TOWER SEPARATION AND MASSING REFINEMENT

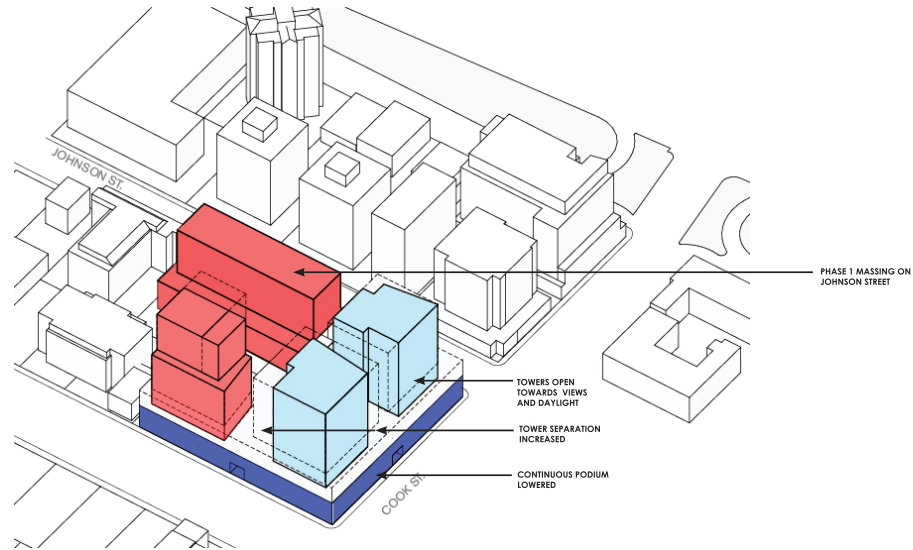
The massing is further refined to reflect the anticipated massing for first phase of development along the mid-block of Johnson. Podium height comes down according to function and adjoining urban fabric, creating a continuous facade and scale in the neighbourhood.

The towers are trimmed towards views. In addition, in our common consultations it was desired to have maximum tower separation, allowing view corridors that provide access to daylight through the site.

The massing shown conforms to DCAP guidelines for height, setbacks and floorplate sizes, except the Phase 1 building, which exceeds the floorplate size above the podium levels.

Overall Area: 49,630 m²

Overall site FSR: 6.9:1



RESPONSIVE DENSITY

Finally, the massing is further refined to accommodate the proposed first phase of development and to demonstrate the development potential for the balance of the site which conforms or improves upon DCAP heights, set backs and tower separation.

The low continuous podium and slender towers with good separation are an efficient form for density at this scale. Building heights and form can be layered into vertical neighbourhoods, responsive to surrounding buildings and context. Overall site density can be used to create consistent urban form with an active and vibrant city street front using a continuous overhang and setback at street level.

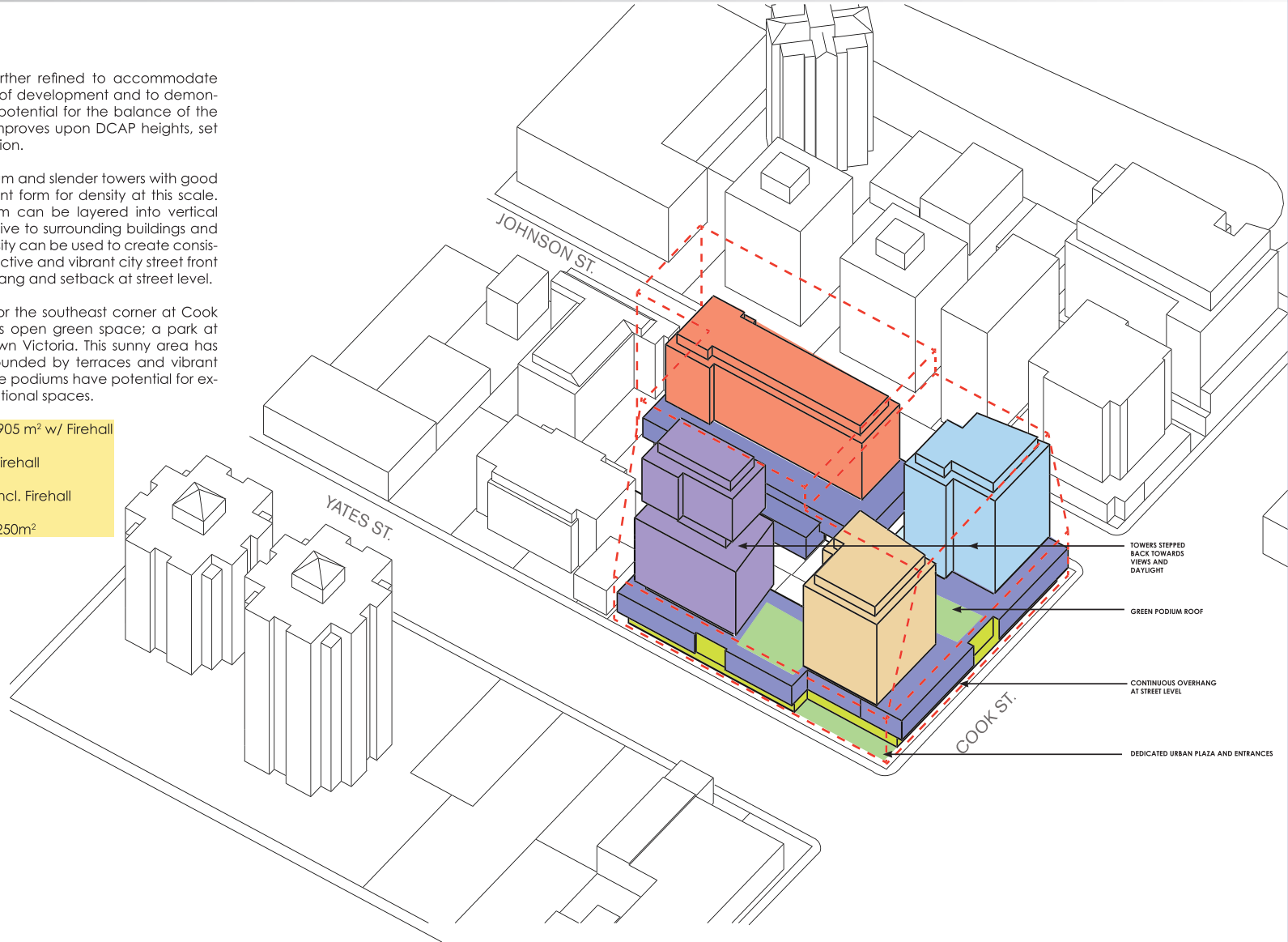
There is an opportunity for the southeast corner at Cook and Yates to be used as open green space; a park at the gateway to downtown Victoria. This sunny area has the potential to be surrounded by terraces and vibrant street-level businesses. The podiums have potential for extensive green and recreational spaces.

Overall Building area: 48,905 m² w/ Firehall

Overall site FSR: 6.8:1 w/ Firehall

Overall site FSR: 6.26 not incl. Firehall

Dedicated Urban Plaza: 250m²



RESPONSIVE DENSITY - ALTERNATE 1

This illustration shows an alternate potential massing that could be possible within the proposed zoning.

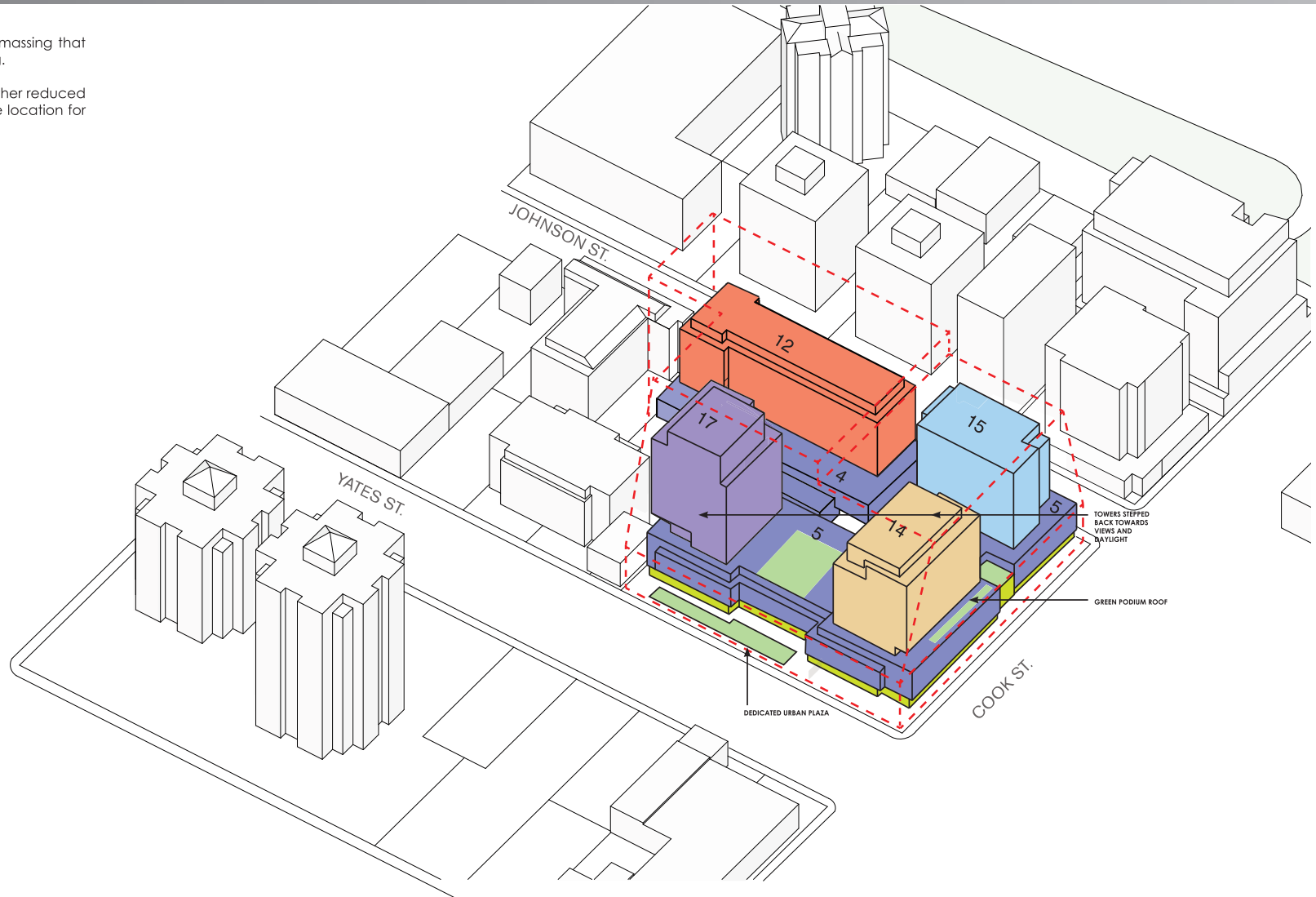
Variations include a 5 storey podium and further reduced massing of towers. Also shown is an alternate location for the open green space.

Overall Building area: 48,905 m² w/ Firehall

Overall site FSR: 6.8:1 w/ Firehall

Overall site FSR: 6.26 not incl. Firehall

Dedicated Urban Plaza: 250m²



RESPONSIVE DENSITY - ALTERNATE 2

This illustration shows an alternate potential massing that could be possible within the proposed zoning.

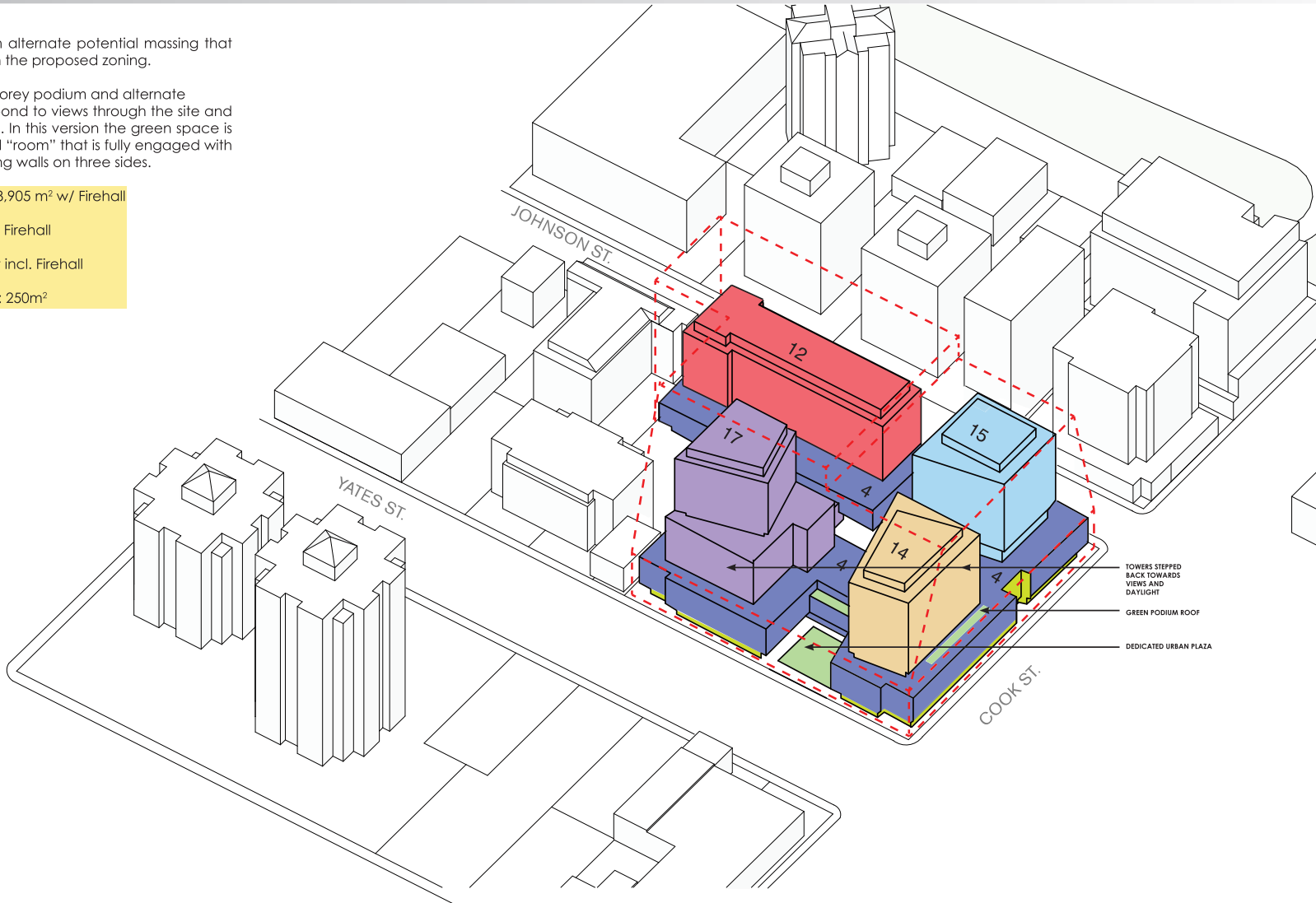
Variations include a 4 storey podium and alternate tower massing that respond to views through the site and architectural expression. In this version the green space is shown as a well defined "room" that is fully engaged with the development, having walls on three sides.

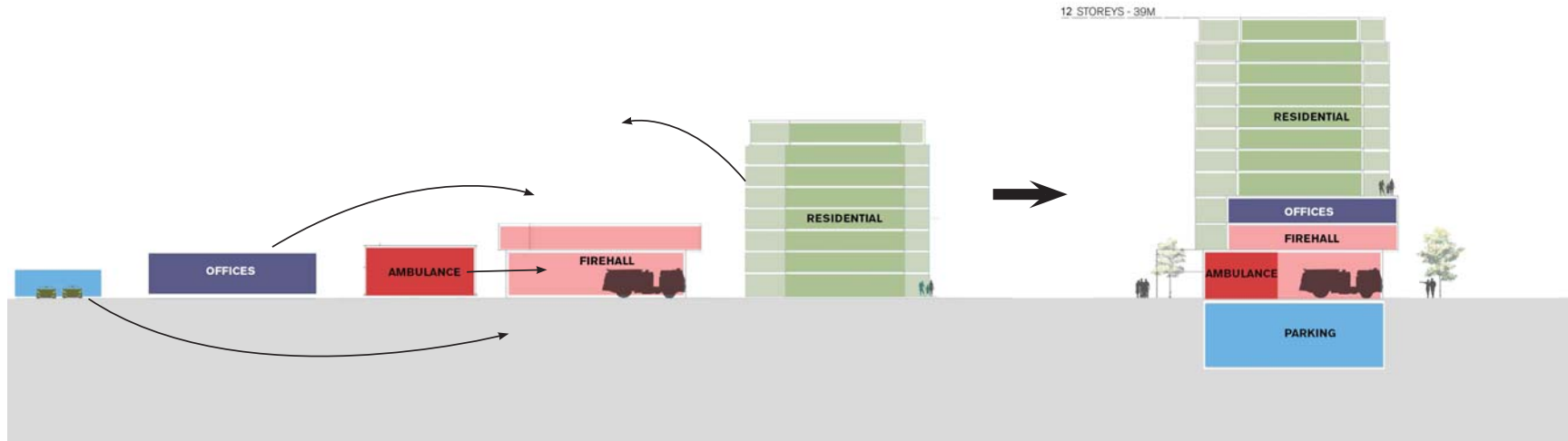
Overall Building area: 48,905 m² w/ Firehall

Overall site FSR: 6.8:1 w/ Firehall

Overall site FSR: 6.26 not incl. Firehall

Dedicated Urban Plaza: 250m²





VERTICAL COMMUNITIES - STACKING



ILLUSTRATION OF POSSIBLE DEVELOPMENT

PLACES OF INSPIRATION



WARM, BRIGHT SPACES WITH TRUE MATERIALS
CAFE MELBA AT GOODMAN ARTS CENTRE
DESIGNPHASE DBA
SINGAPORE



PATTERNS OF SCREENS IN NATURAL MATERIALS
MILANOFIORİ RESIDENTIAL COMPLEX
OPEN BUILDING RESEARCH
MILAN, ITALY



FLOATING OVERHANG AT STREET LEVEL
CENTRALCON SHANGSHA PROJECT 1
AEDAS
SHENZHEN, CHINA



LANDSCAPING BUFFERS WITH STREET TREES



URBAN FIREHALL
WEST END 50
TEN ARQUITECTOS
WASHINGTON, DC



VERTICAL COMMUNITIES
RYERSON UNIVERSITY
PERKINS + WILL
TORONTO, ON



THE HIGH LINE - ELEVATED GREEN SPACE
JAMES CORNER FIELD OPERATIONS / DILLER SCOFIDIO + RENFRO
NEW YORK, NY



ROOFTOP OASIS



POROSCAPE
YOUNGHANCHUNG ARCHITECTS
SEOUL, SOUTH KOREA

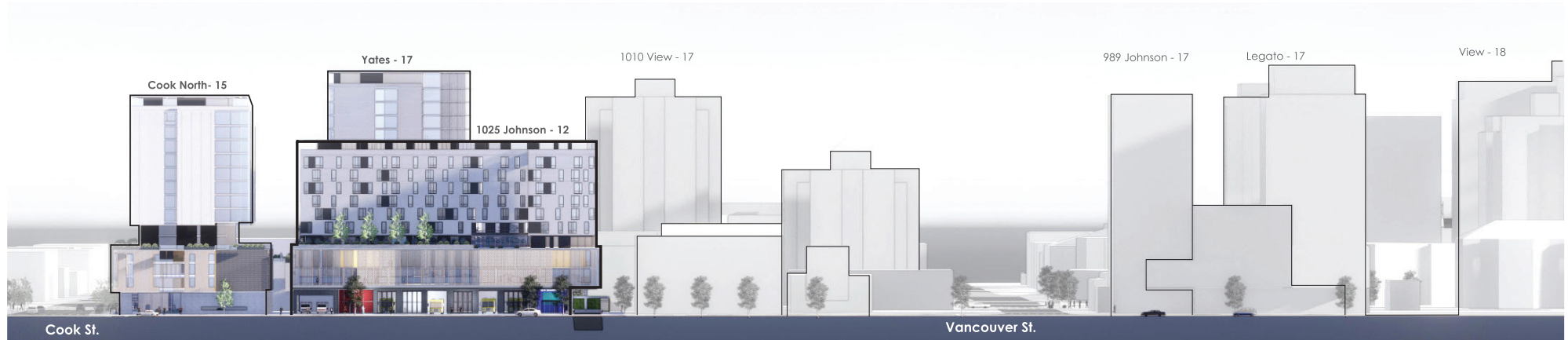


URBAN PLAZA
FIRST CONGREGATIONAL UNITED CHURCH
CUNNINGHAM / QUILL ARCHITECTS
WASHINGTON, DC

BUILDING HEIGHTS - SKYLINE ANALYSIS

RESPOND TO NEIGHBOURING BUILDING HEIGHTS

The 4 towers on top of a continuous podium are all within DCAP heights, floorplate sizes, and the allowable number of stories. Building heights along Johnson and Yates respond to neighbouring building heights while allowing more daylight and views, descending to the north. All heights shown in elevations are for illustrative purposes



POSSIBLE ELEVATION ALONG JOHNSON STREET WITH NEIGHBOURING BUILDING HEIGHTS

Building heights along Cook St follow the edge and rhythm of the downtown core from Pandora St. south, following new development in this area. All heights shown are approximate, based on city digital model.



POSSIBLE ELEVATION ALONG COOK STREET WITH NEIGHBOURING BUILDING HEIGHTS

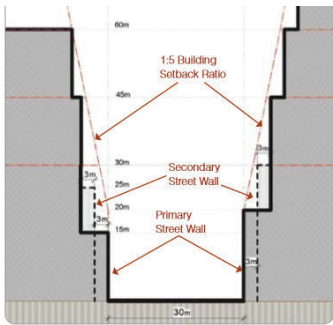
SETBACKS AND TOWER SEPARATION

USE SETBACKS FOR OPEN SPACES

The site follows primary and secondary setbacks for the Yates, Johnson and Cook Street corridors.

Each setback is also expressed as open space, where decks and terraces allow more open access to the exterior. In addition, a continuous setback / overhang at street level gives cover and room for outdoor terraces.

Site sections and street setback profiles are shown in the drawing set.

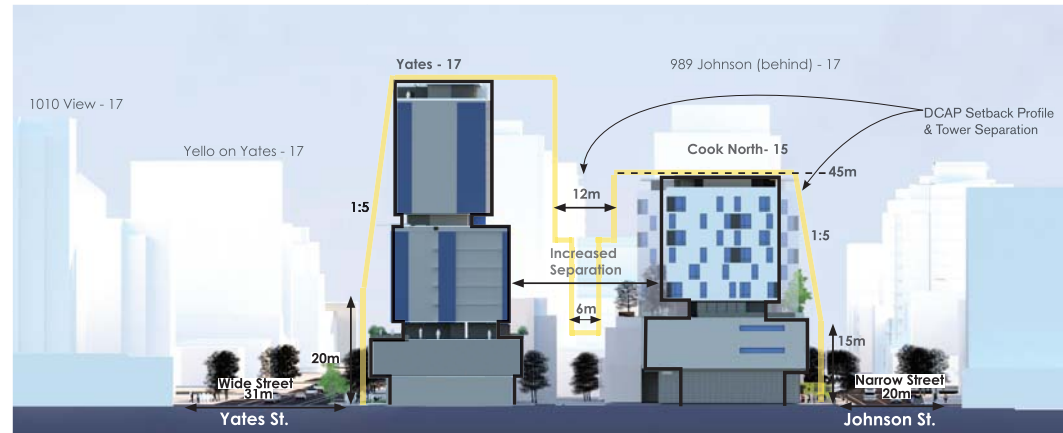


DCAP SETBACK PROFILE - WIDE STREET

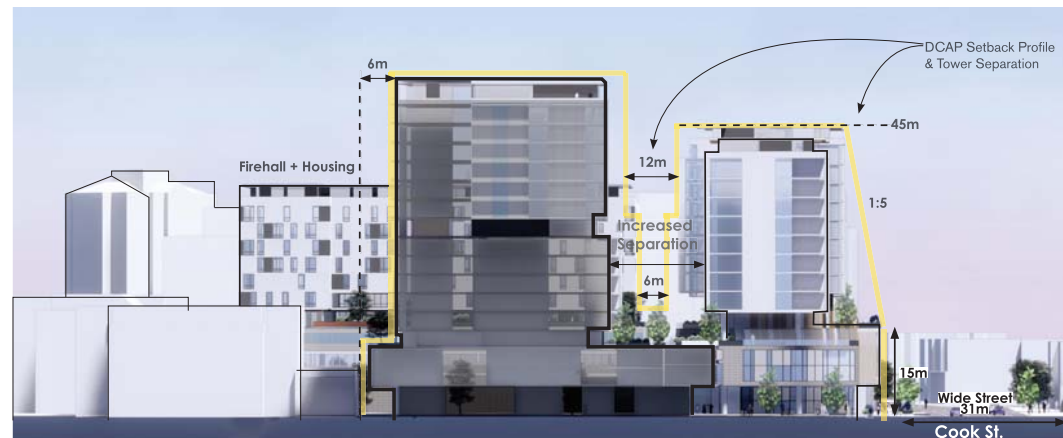
GENEROUS TOWER SEPARATION

A continuous podium allows for better tower separation above. Distances between towers are shown for illustrative purposes.

As the towers sit on a podium, the apparent separation is even greater, as the space between towers is also shorter. This allows a more humane proportion to the space between, and for towers to be oriented towards view corridors and shaped by surroundings.



N-S BUILDING SECTION - POSSIBLE SETBACKS AND BUILDING HEIGHTS



E-W BUILDING SECTION - POSSIBLE SETBACKS AND BUILDING HEIGHTS

SUSTAINABLE BUILDING FEATURES

WHAT IS SUSTAINABILITY NOW?

The idea of sustainability has changed in recent years. From sustainability being primarily environmental and focused on energy issues several years ago, sustainability has evolved to include social dimensions and life cycle. These new sustainable parameters include both the life and function of buildings and their larger role in the built environment.

SOCIAL & CIVIC SUSTAINABILITY

This large, comprehensive development houses several important civic and semi-public functions, including the firehall and housing. These make up over 20 percent of the entire development, forming a significant portion of the overall area, and thereby playing an integral part in the local city fabric.

MIX & LONGEVITY OF BUILDING

The mix of diverse & socially sustainable functions in a large urban project help ensure the project will be relevant for years to come. Recent projects in Harris Green have contained residential uses only and there is now single purpose "fatigue" which can often plague high density residential areas. The inclusion of large public and civic functions in the podium level will diversify the streetscape and give life to the project through all hours of the day.

The Phase I Post-Disaster seismic building offers both a public safety and longevity function which both play a vital role in maintaining the integrity of the Downtown Core Area over the long-term.



ARTISTIC RENDER OF PHASE 1 - VICTORIA FIREHALL NO. 1

PODIUM LANDSCAPING & GREEN STREETSAPES

The increased setback at street level creates the opportunity for high quality, well defined hard and soft landscaping areas creating places for people who live and work in the development as well as all residents and visitors of Victoria to gather and enjoy outdoor life in the city.

Rainwater captured from rooftops and ground surfaces will be integrated into the design of the public realm using raingardens. Water can be reintroduced to the underground water hydrology, resulting in a healthier system than what currently exists of the predominantly paved site.

The top of the podium level will provide semi-private landscaped areas. Carefully planned common areas will be designed to encourage interaction between residents and workers in the development. Rainwater can be used for irrigation. Plants will be selected to minimize water demand, provide visually pleasing spaces for residents, views from below, and habitat for pollinators and other critters that are essential for a healthy urban ecosystem.

PROPOSED PARKING

The development is designed in accordance with the new Schedule-C for off-street parking in Victoria. Despite no requirement for parking for R-48 zones, the development will adhere to the parking numbers prescribed in schedule C in effect for 2018. The development will be able to include 2 stories of underground parking under the majority of the site. Each phase will be planned with the potential for connection to adjacent phases which will reduce the number of driveway access points at grade.

Parking for Phase 1 on Johnson Street for the Firehall and housing is proposed to include 116 spaces on 2 levels of underground parking.

BICYCLE AND SCOOTER PARKING

Ample bicycle and scooter parking will be available around the entire site. The bicycle parking will include both class 1 & 2 as defined by the Schedule-C bylaw and will be well spread out and accessible.

Phase 1 bicycle parking will be located at street level and in the upper of the underground parking.



ARTISTIC RENDER OF POSSIBLE GREEN SPACE AT STREET LEVEL AND AT TOP OF RAISED PODIUM



PHASE 1 - UNDERGROUND PARKING AND BICYCLE STORAGE

PUBLIC AMENITIES

URBAN FIREHALL

The new Firehall provides an important civic presence on the street 24/7. In a building designed to seismic structure capacity, the firehall building is a solid and reliable beacon in the neighbourhood.

The firehall will have on-street presence and transparency, showing off the technology and equipment in modern, compact layouts. The space is clean and bright, making the neighbourhood more safe and secure.

In a mixed use building with offices and housing, the firehall will be a good neighbour. An agreement will be implemented to ensure negative impacts due to activity and noise are mitigated.



CONTEMPORARY FIREHALL
STEVESTON FIREHALL 2
HCMA ARCHITECTURE AND DESIGN
RICHMOND, BC



URBAN FIREHALL
WEST END 50
TEN ARQUITECTOS
WASHINGTON, DC



CONTEMPORARY FIREHALL
VIEW ROYAL PUBLIC SAFETY BUILDING
HCMA ARCHITECTURE AND DESIGN
VIEW ROYAL, BC

HOUSING

The housing proposed for Phase 1 provides much needed living space for individuals and families in the downtown core. This housing targets a key sector of the Harris Green residential vision and provides life and diversity in the neighbourhood.

Presently the applicant is working in conjunction with a local not for profit housing provider to deliver some or all of the 130 residential homes as affordable housing. The provision of this affordable housing is contingent upon approvals from upper levels of government.



MIDRISE SUSTAINABLE PUBLIC HOUSING
GREENSQUARE DWELLINGS
FLINT ARCHITECTS
MONTPELLIER, FRANCE



MIDRISE DEVELOPMENT
60 RICHMOND HOUSING COOPERATIVE
TEEPLE ARCHITECTS
TORONTO, ON

DEDICATED RECREATION SPACE - PLAYAREA & DOG RUN

Atop the podium of the Phase 1 building is an indoor common area flanked on either side by landscaped outdoor recreation areas for use by the residents of the tower above. To the north is substantial dog run and to the south is a landscaped terrace and children's play area. Both areas are heavily landscaped to give the sense of an a street level experience. Firehall operations require that there be a 6m set back at street level for the apron, where some of the cleaning, daily check overs and maneuvering of apparatus takes place. This limits opportunities for landscaping and community space at grade.



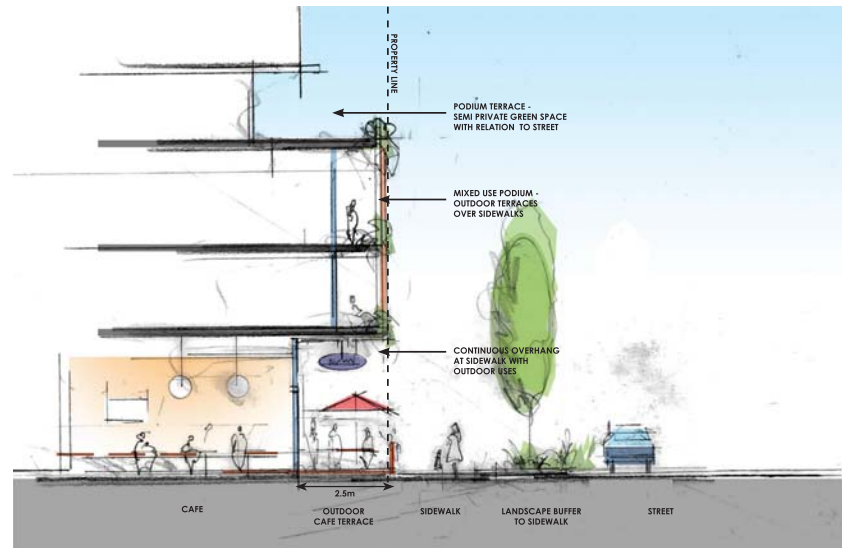
URBAN DOG RUN - PLACES FOR DOGS AND PEOPLE TO MEET

OFF-STREET PARKING

The existing R48 zone has no parking requirement. The applicant is proposing that the new site specific zone require parking for the entire development site to be provided in accordance with Schedule C – Off Street Parking. Within the first Phase of the proposed development, the applicant is proposing parking for both residents and occupants off the building as well as the general public.

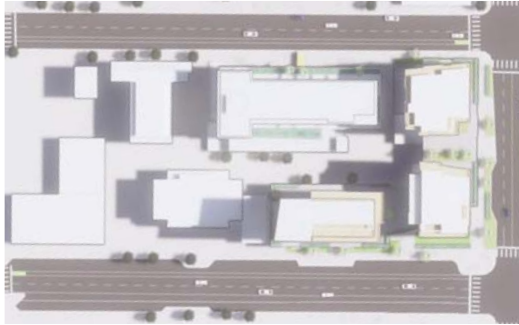
CAPTURED PUBLIC SPACE - CONTINUOUS STREET LEVEL SETBACK

Looking at the site as a cohesive development, a unifying raised podium with zero side-yard setbacks at lower levels can be achieved to ensure captured public space through all phases of the proposed development. Taking direction from DCAP and the OCP, this application proposes a consistent 2.5m minimum front yard setback at grade. This raised podium approach with greater street level setbacks creates wider street level spaces with semi covered outdoor terraces, contributing to an improved pedestrian experience.

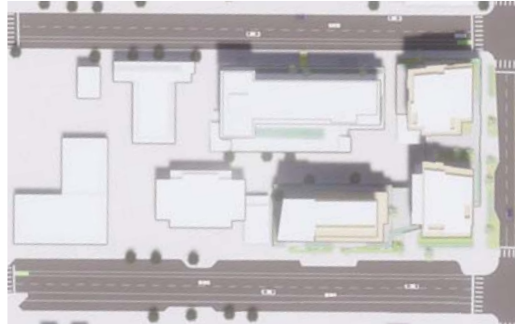


SKETCH SECTION - STREET SECTION - PLACES FOR URBAN LIFE

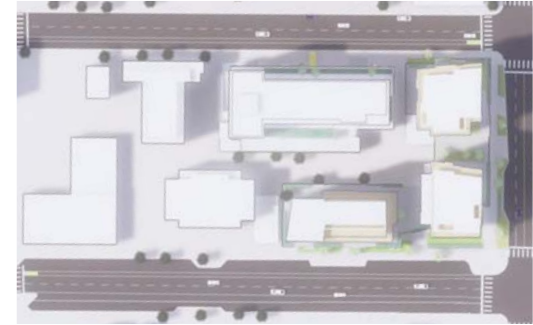
SHADOW ANALYSIS



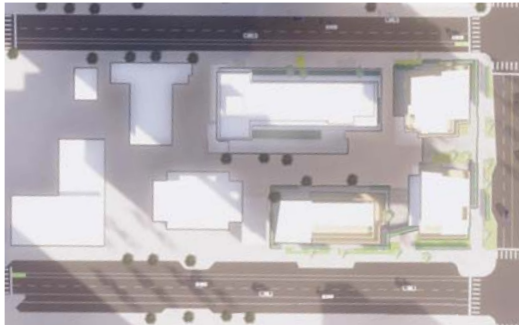
SUMMER SOLSTICE - 9 AM



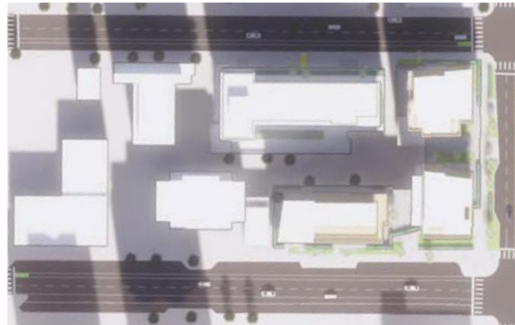
SUMMER SOLSTICE - 12 PM



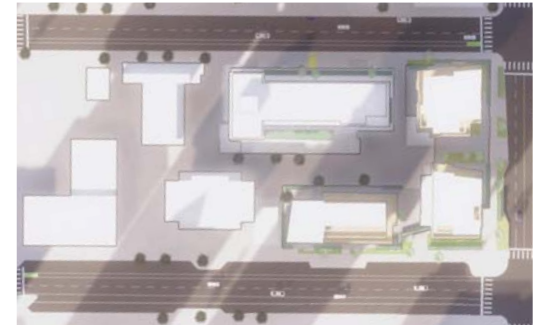
SUMMER SOLSTICE - 3 PM



WINTER EQUINOX - 9 AM



WINTER EQUINOX - 12 PM



WINTER EQUINOX - 3 PM

iv. SITE MASTERPLAN

PROGRAMMING

1: The master plan for the site proposes a variety of designated uses, located around three major arterial boulevards at the edge of downtown Victoria. These will include residential dwellings of several types across the site, commercial & professional offices, public buildings, retail spaces including food & beverage establishments, potential for indoor recreational spaces, public walkways and last but not least, a firehall.

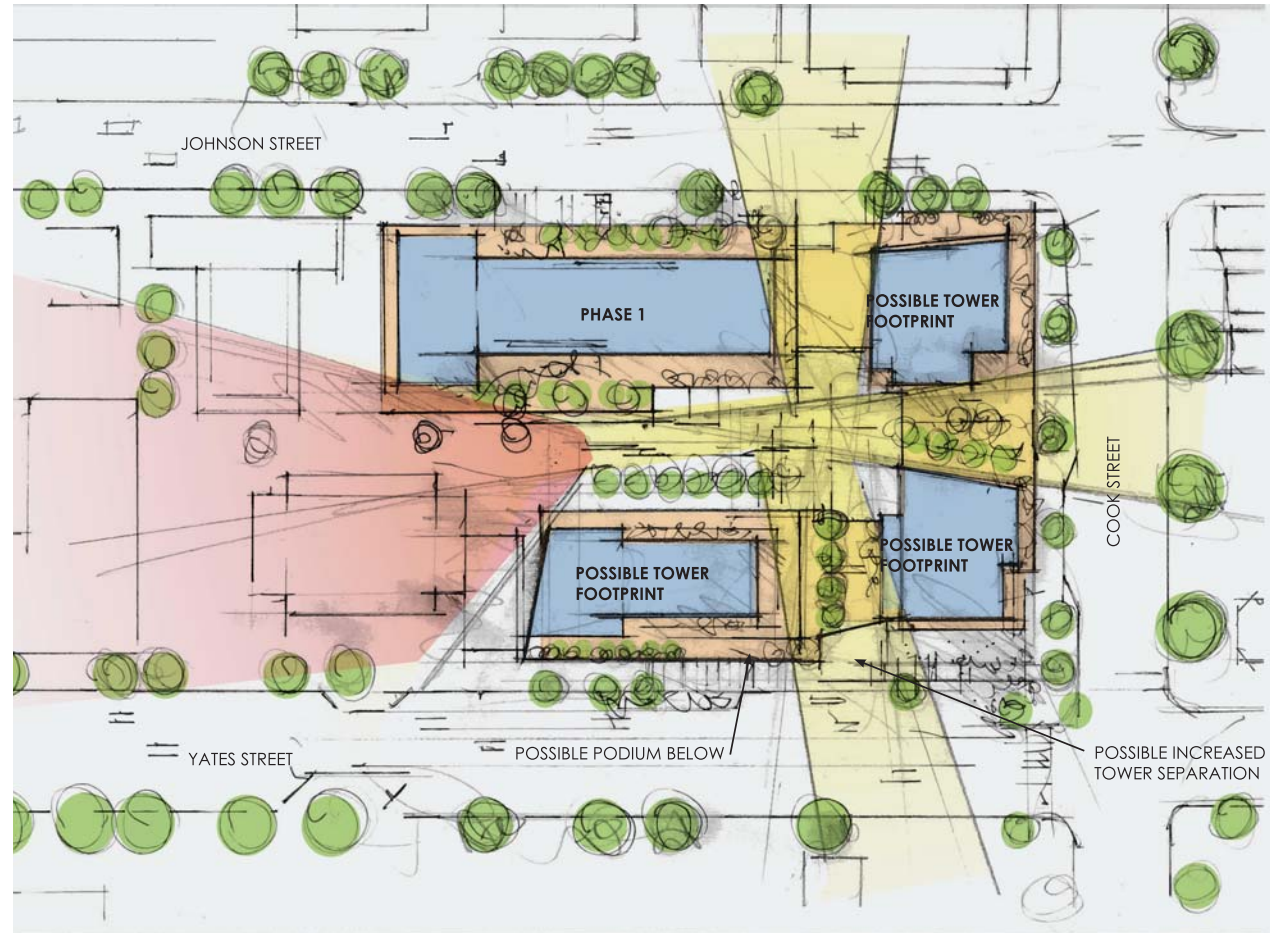
2: Retail, commercial, and institutional uses, with residential mid-high rise above, are all located in close proximity on a half block site at a major juncture in downtown Victoria's east end. This site has the potential to become an eastern anchor for Harris Green, bolstering activity and inhabitants to bring street life to this gap in the downtown fabric. Combined for a variety of potential uses, outdoor activity spaces, podium gardens, and covered streetfront patios, the Johnson Cook Yates Block will offer life and energy to the neighbourhood.

3: Along the streets at ground level, a tall podium with generous overhang will animate the sidewalks and allow for landscaping, creating a sustainable public realm where all ages are welcome. A regular rhythm of retail units and food establishments will be created with wide, accessible sidewalks and outdoor patios. Streetfront townhomes with front doors and yards are connected to paths and walkways throughout the site are possible.

4: Considering the direction of the OCP and DCAP, feedback from the community and City Staff and integrating the requirements of a post disaster public safety building in phase 1, the application has been developed and refined to conceptualize a site-wide master plan that proposes the following:

- Unique site with 3 street frontages and orientations
- Phase 1 Firehall and housing responding to neighbouring building heights on Johnson Street
- Cook Street sets up for two towers responding to rhythm and form of new development on Cook Street
- Tower on Yates Street responding to existing development from 1991 across the street
- A unifying podium creating continuity between the various elements and providing a continuous street frontage

5: In consultation with the City of Victoria and the Victoria Fire Service, it was determined that the most appropriate location for the new fire hall was the mid block of Johnson Street. This sets up an overall master site plan that is responsive to each of the three site orientations and tied together by a common base and continuous street edge.



CONCEPTUAL SKETCH OF INDICATIVE MASTERPLAN



RENDERED SKETCH OF DEVELOPMENT PHASES

EXISTING STREETSCAPES

PROPOSED SITE



JOHNSON STREET - LOOKING SOUTH

PROPOSED SITE



COOK STREET - LOOKING EAST

PROPOSED SITE



YATES STREET - LOOKING NORTH

vi. PROPOSED ZONING



AERIAL VIEW OF POSSIBLE DEVELOPMENT

PROJECT INFORMATION TABLE

Zone Existing	R-48 / S-1			
Proposed Zone	New Zone	Phase 1 - Johnson	Phase 2 - Cook	Phase 3 - Yates
Site Area	7200 m ²			
Total Floor Area	48905 m ²			
Commercial Floor Area	1340 m ²			
FSR Without Firehall	6.26 : 1			
FSR With Firehall	6.8 : 1			
Open Site Space %	1%			
Number Of Storeys	17	11+ mezz	14 South / 15 North	17
Parking Stalls	Schedule C by Phase			
Bicycle Parking	Schedule C by Phase			

BUILDING SETBACKS (M)

Front Yard	2.5 m min. street level / per DCAP above
Rear Yard	0 m min. street level / per DCAP above
Side Yard	0 m min. street level / per DCAP above
Interior Side Yard	0 m min. street level / per DCAP above

RESIDENTIAL USE DETAILS

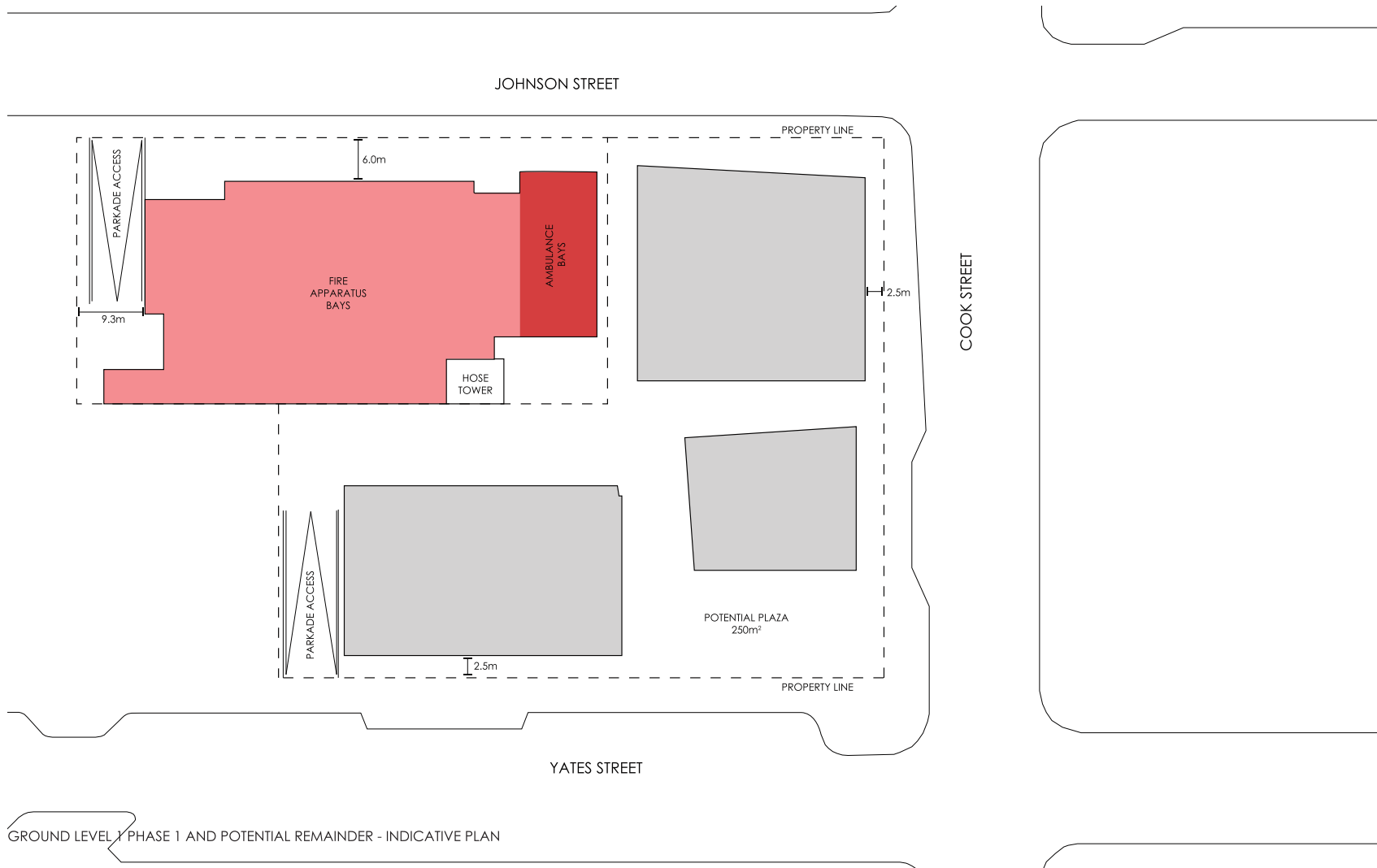
Unit Types	Studios, 1/2/3 Bedroom Apts.
Ground-Oriented Units	2 Storey
Minimum Unit Size	33 m ²
Residential Floor Area	TBD

TOWER SEPARATION

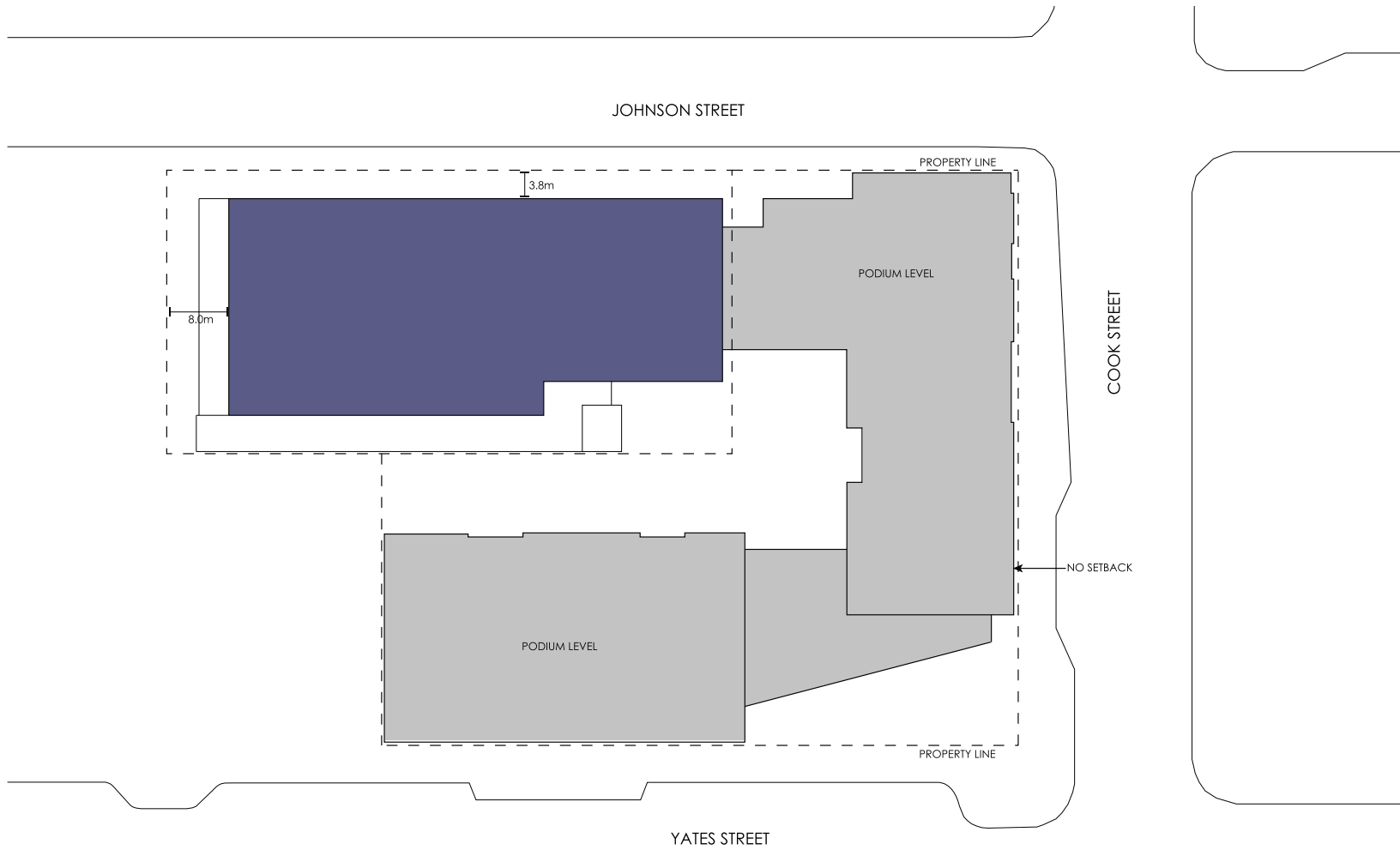
Minimum Tower Separation	per DCAP
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MAX FLOORPLATE SIZE	Per DCAP
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vii. DRAWING SETS



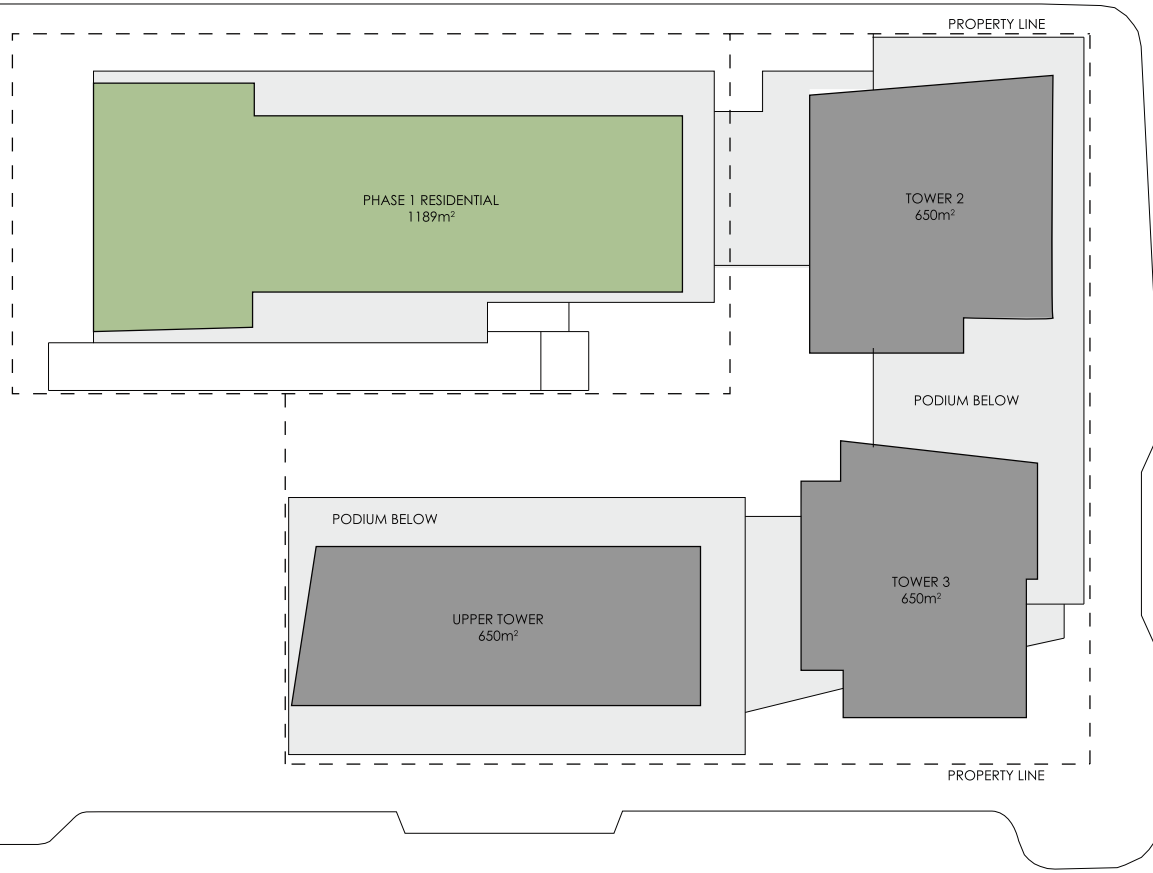
GROUND LEVEL PHASE 1 AND POTENTIAL REMAINDER - INDICATIVE PLAN



TYPICAL POTENTIAL PODIUM LEVELS 2-4 - INDICATIVE PLAN

SITE - BUILDING PLANS

JOHNSON STREET

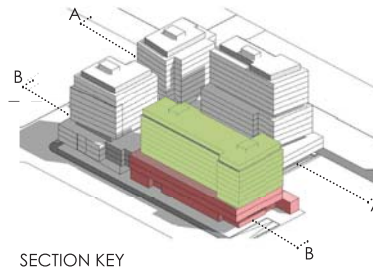
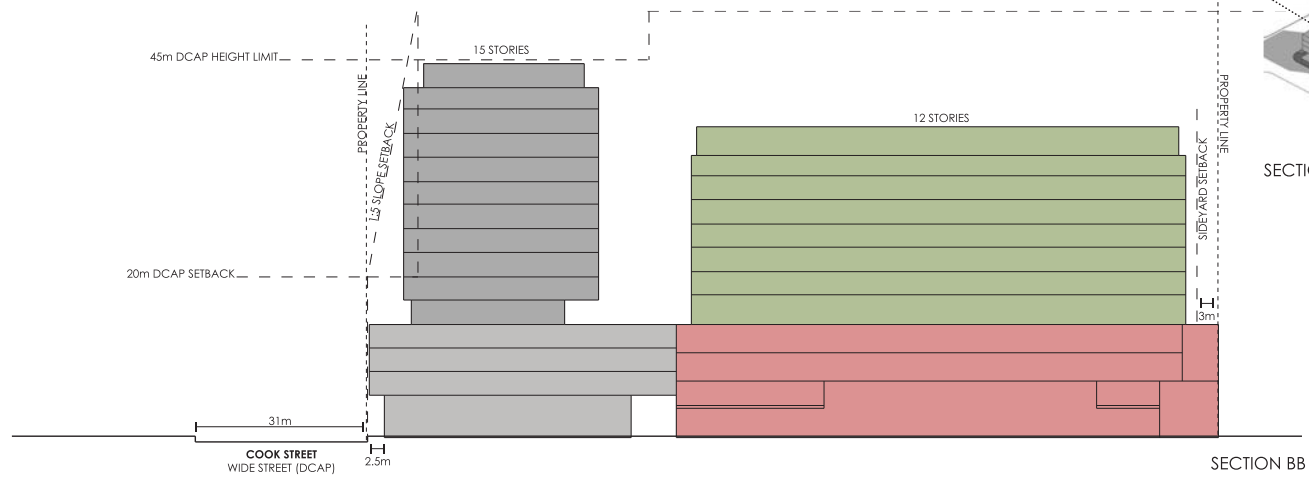
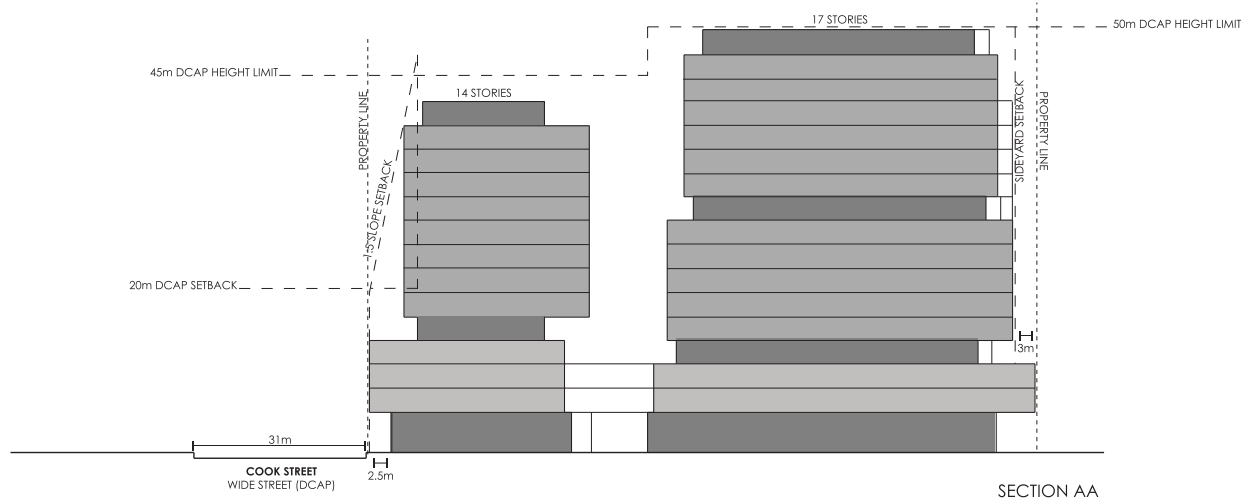


COOK STREET

YATES STREET

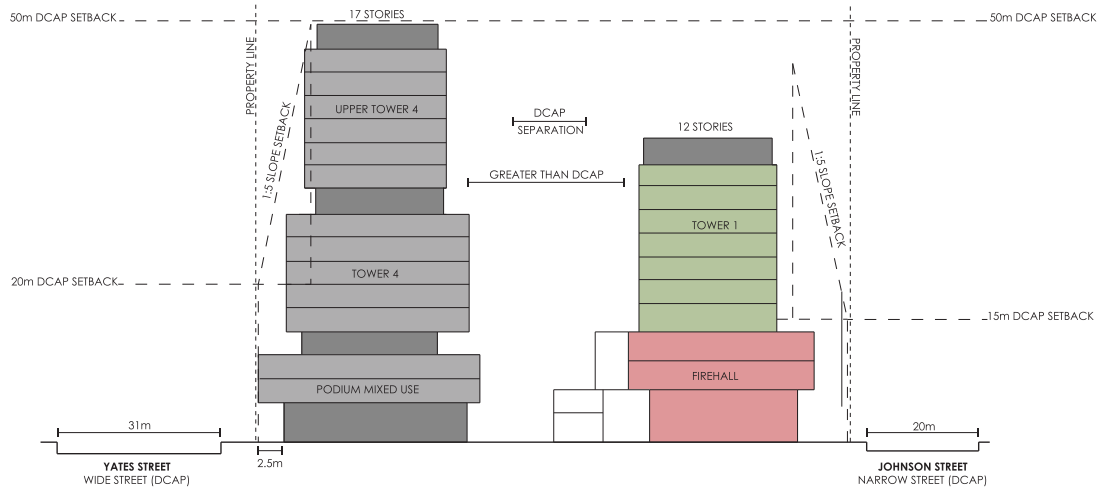
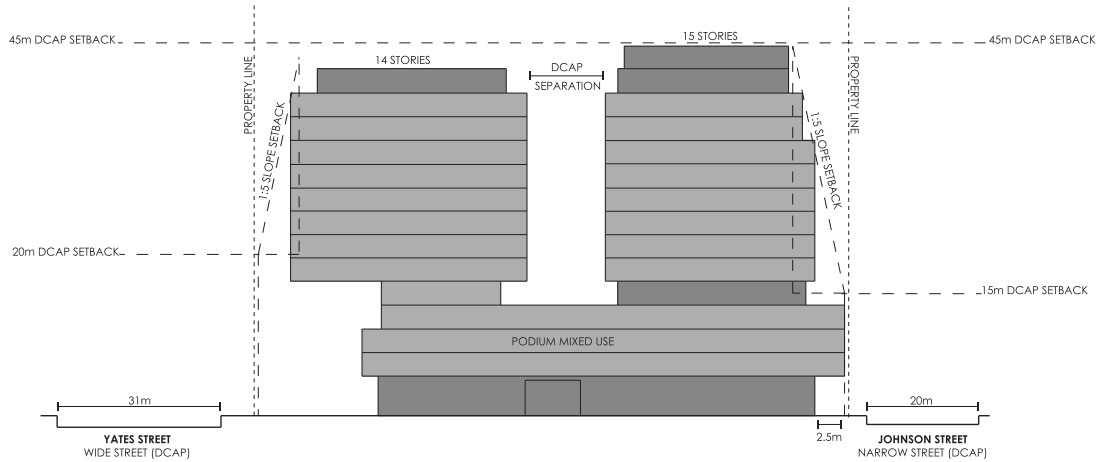
TYPICAL TOWER LEVELS 5-17 - INDICATIVE PLAN

SITE - BUILDING SECTIONS

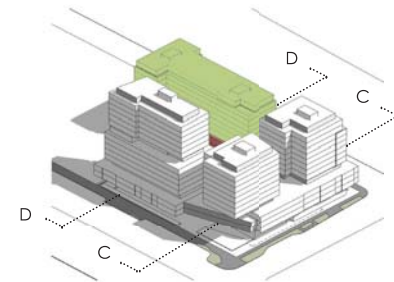


TYPICAL TOWER LEVELS 5-17 - INDICATIVE PLAN

SITE - BUILDING SECTIONS



SECTION DD



SECTION KEY

INDICATIVE SITE ELEVATIONS



POSSIBLE ELEVATION ALONG COOK STREET



POSSIBLE ELEVATION ALONG YATES STREET

INDICATIVE SITE ELEVATIONS



ELEVATION OF PROPOSED PHASE 1



AERIAL VIEW OF POSSIBLE DEVELOPMENT

SITE MASSING - DCAP SETBACK ENVELOPE DIAGRAMS / CITY MODEL



AERIAL PERSPECTIVE OF SETBACK ENVELOPE AROUND PROPOSED PROJECT



AERIAL PERSPECTIVE OF SETBACK ENVELOPE AROUND PROPOSED PROJECT

INDICATIVE RENDERINGS



ELEVATED PERSPECTIVE OF POSSIBLE DEVELOPMENT - PODIUM SEEN FROM COOK STREET



STREET LEVEL PERSPECTIVE OF POSSIBLE DEVELOPMENT FROM COOK AND YATES STREETS



COOK STREET TOWERS -
STEPPED HEIGHTS RESPONDING TO
VIEWS AND CONTEXT

HOUSING ABOVE FIREHALL

URBAN FIREHALL ON JOHNSON STREET

MIXED USE PODIUM WITH CONTINUOUS
STREET LEVEL OVERHANG

GENEROUS LANDSCAPING
AT STREET LEVEL

ELEVATED PERSPECTIVE OF POSSIBLE DEVELOPMENT
AS SEEN FROM JOHNSON AND COOK STREETS



- ← GENEROUS TOWER SEPARATION - DAYLIGHTING BETWEEN TOWERS
- ← MIXED USE PODIUM - POTENTIAL LARGE INSTITUTIONAL USES
- ← CONTINUOUS STREET LEVEL SETBACKS
- ← SMALL URBAN PLAZA

RENDERED CONCEPT SKETCH OF POSSIBLE DEVELOPMENT



POSSIBLE DEDICATED URBAN PLAZA AS SHOWN IN ALTERNATE 2



PROPOSED PHASE 1 FIREHALL AND HOUSING

DISTANT VIEW ANALYSIS



DISTANT VIEW OF COOK AND HILLSIDE



DISTANT VIEW OF COOK AND MASON





DISTANT VIEW OF JOHNSON AND CHAMBERS



DISTANT VIEW OF COOK AND VIEW





January 3, 2018

Mayor and Council
City of Victoria
#1 Centennial Square,
Victoria, BC

RE: APPLICATION FOR REZONING AND DEVELOPMENT PERMIT
1025 – 1031 JOHNSON STREET & 1050 YATES STREET

(Revised to include responses to staff comments - January 3, 2018)

Dear Mayor Helps and Council,

We are pleased to submit this Rezoning and Development Permit Application for the above noted property.

The vision for this site is a master-planned community that incorporates the best of city design principles and includes a smart mix of housing, commercial and retail spaces, along with a new public safety facility. The proposal contemplates four buildings that will be arranged on site to create a sense of place, maximize light and view corridors and add vibrancy to the Harris Green Neighbourhood. The first phase (Phase 1), for which a development permit application is being made concurrently with the rezoning, proposes a 12 storey building (11 plus mezzanine) constructed to the National Building Code 2015 (BC Building Code 2018) Post Disaster level requirements. If approved, this building will be home to the City of Victoria's Fire Hall No. 1 and emergency operations centre, BC Ambulance ready centre, office space plus 130 homes, all over two levels of underground parking. The applicant is working with Pacifica Housing Advisory Association to deliver the 130 homes as affordable rental units pursuant to BC Housing's Community Housing Fund Program.

This application has been thoughtfully developed to promote the goals of the *Official Community Plan 2012* (OCP) and to respect the *Downtown Core Area Plan 2011* (DCAP) design guidelines.

Existing Land Use & Applicable Planning Policy

The site is comprised of nine separate legal lots with a combined area of 7,200m² in the Harris Green Neighbourhood. The site is prominent in its position on the centre of the city, being bordered by Johnson Street to the north, a one-way street leaving the city, Cook Street to the east, marking the border of the downtown, and Yates Street to the south, a one-way street entering downtown. Located on the edge of the downtown district, the site is one of the last remaining automotive service lots within the Harris Green, an area that is targeted by the OCP to accommodate a significant share of the 50% of Victoria's forecast new population and housing growth earmarked for the Urban Core over the next 30 years. The site has a gentle slope from Johnson down to Yates Street and is bordered by sidewalks and bike lanes on these one-way streets. Cook Street to the east has the characteristic established line of chestnut trees that continues to

A CORPORATE PARTNERSHIP

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the Cook Street village and Dallas Road. The site is currently occupied by the Pacific Mazda car dealership and a pay parking lot. Directly adjacent to the west of the site are a single-story insurance agency and two multi-storey residential buildings. Across the street on Johnson, Yates and Cook, buildings vary in height from 1 to 17 storeys.

The site boasts proximity to some of the best amenities in Victoria with access by foot, bicycle and transit to schools, cultural centres, restaurants, shops and civic facilities. The harbour is an fifteen minute walk away, George Jay and Central Middle schools and Victoria High School are all within ten minute walk, and a healthy mix of street-side businesses and amenities are within a few minutes: Conservatory of Music, grocery stores, restaurants, cafes, drug stores and shops.

The property is split zoned. The western portion (43% of the entire site area) is zoned Harris Green District (R48) and the eastern portion is zoned Limited Service District (S1). The OCP designates the site as Core Residential and within *Development Permit Area 3 (HC) - Core Mixed-Use Residential*, anticipating multi-residential development along with other land uses, public amenities and services that help to develop complete communities.

The R48 zone permits mixed use residential and commercial developments up to 10 storeys but does not prescribe a maximum density through a floor space ratio (FSR) calculation. A "theoretical" FSR for these lands has been calculated using an approach confirmed in consultation with the City of Victoria and applied to recent development applications zoned R48. The "theoretical" density is calculated based on the building height and front yard setback regulations stipulated in the zone. This confirms a theoretical density of 9.8:1. The R48 zone has no parking requirement.

The S1 zone permits an FSR of 1.5:1 and a maximum height of 15m. However, as the site prepares to transition from its historical automotive use to meet the needs of the future community, the OCP and DCAP for this site identify a base density of 3:1, a maximum density of 5.5:1 and building heights of up to 15 storeys along Cook Street and 17 storeys in the mid-block of Johnson and Yates Street.

This proposal has been developed to meet objectives set out in the OCP and DCAP. The provision of housing in the downtown, plus the emergency services program help the City in achieving OCP Section 3, Plan Values 3.6 *Individual Well-Being*, 3.7 *Community Capacity Building*, and 3.11 *Adaptive and Responsive*. There has been a coordinated, collaborative process in planning for Phase 1 of the project between the proponent, multiple departments at the City, BC Ambulance and Pacifica Housing Advisory Association. This unique building program is only possible through careful, coordinated planning between the varied agencies and stakeholders (*OCP Plan Value 3.13 Coordinated Planning*).

Several of the OCP Plan Goals are addressed with this proposal, including those Plan Goals that relate to:

- *Accessibility*
- *Access to affordable housing*
- *A range of housing types*
- *Victorians know their neighbours, are connected to communities of interest*
- *Victoria is a safe city*
- *Victoria is prepared to deal with known hazards and emerging threats*

Description of Proposal

The proposed development is a multi-phase, mixed use development to be constructed over a number of years, commencing with the Phase 1 along the mid-block of Johnson Street. Phase 1 proposes a 12 storey building (11 storeys

plus mezzanine) containing a first level and mezzanine of fire service and ambulance operations, a second level containing fire hall operations/administration and emergency operations centre, a third storey of office, 130 homes over eight storeys and two levels of underground parking. The balance of the development is envisioned to be a mixed-use development conforming to the DCAP design guidelines with building heights ranging from 14 to 17 storeys and uses consistent with the Core Residential OCP designation. The specific design for these subsequent phases will be brought forward as separate development permits at the time those phases advance.

Proposed Zoning

To accommodate this proposal, a site-specific zone is being requested that is generally in compliance with the OCP and DCAP. The overall density for the site being proposed is derived from the aggregate of (i) the current development potential for those portions of the site zoned R48 (which is greater than the maximum development potential identified in the OCP) and (ii) the development potential identified in the OCP and DCAP for those portions of the site currently zoned S1.

A site specific amendment to the OCP is required to permit the overall density proposed for the site, and the applicant feels this is supportable on the basis that the application is consistent with the Core Residential urban place designation and furthers the broad objectives and policies of the OCP.

Massing and Siting

The proposed massing strategy has been formed by applying the directions of the OCP and DCAP, community feedback and the program requirements of a post-disaster public safety building to the development potential for the lands. A detailed massing development study is included with the rezoning application.

The proposal contemplates building heights of 12 storeys fronting Johnson, 15 storeys fronting Johnson and Cook Streets, 14 storeys fronting Cook and Yates Street and 17 storeys fronting Yates Street, consistent with DCAP height guidelines. The overall site density proposed is 6.8:1. When the area dedicated to the fire hall is excluded, the overall site density is 6.26:1.

The proposal for a 12 storey building in Phase 1, in an area where the OCP contemplates a 17 storey maximum height, is driven by the structural limitations of a post-disaster building, while giving consideration to the existing row of 10 storey residential and mixed-use buildings across Johnson Street to the north.

The proposed massing for the site complies with the setbacks outlined in the guiding documents, stepping back away from the street at upper levels to ensure light and views are enhanced at street level. By treating the site as a cohesive development and creating a unifying raised podium with zero side-yard setbacks at lower levels, the massing at the upper levels can be reduced, resulting in more slender towers with greater separation for light and air for residents and at the street level. The raised podium approach with greater street level setbacks also creates wider street level spaces with semi covered outdoor terraces (an 2.5m average setback at grade is being proposed). The large floor plates of the raised podium provide for flexibility in programming, creating the opportunity for a variety of uses which results in greater vibrancy for the neighbourhood. Potential podium uses may include multi-level townhomes, apartments, live work spaces, offices, recreational and other uses.

In response to community and City staff feedback, the application has been updated to include the provision of a 250sm open space/plaza along Yates Street.

As requested by City staff, we have updated the rezoning application materials to show three different massing scenarios which illustrate examples of possible DCAP compliant massing solutions that could be brought forward for future phases through separate Development Permit applications. The massing of the remaining phases in all three scenarios demonstrates that the proposed site-wide density can be developed sensitively in a manner that conforms to, or improves upon, the DCAP guidelines for height, setback, building and street interface and building separation. All building massing as shown in the rezoning application illustrations comply with DCAP maximum floor plate sizes, with the exception of the residential portion of the Phase 1 building. This exceedance is due to structural limitations associated with the construction of a post-seismic structure and is described in more detail below.

The three massing scenarios also illustrate different possibilities for the open space/plaza location and orientation; corner location marking a gateway to downtown at Cook and Yates, linear open space running along Yates Street, and inset outdoor 'room' that would have buildings lining three sides with south side open to Yates Street. All options are located on the south side of the development, opening onto Yates Street and are 250sm in area. The open space/plaza will be on private land, cared for by the development, yet open to the public. We feel that the size and location on Yates Street are ideal for the neighbourhood requested public space for this development. At 250sm, the space will be large enough for informal gathering of individuals or small groups as well as space for potential spill-out of adjacent businesses. At the same time, the open space/plaza will be intimate enough that adjacent businesses can express some form of ownership over the space by way of overlook.

The idea of a mid-block walkway or interior plaza was considered by the design team. Although there are some good examples of mid-block walkways in Victoria's old town, we believe that this development on the eastern edge of the block at the eastern end of downtown does not have sufficient 'people energy' to make one successful. Without a network of mid-block paths to the north and south, a stand-alone mid-block walkway could detract from the urban life around the perimeter of the development on Johnson, Cook and Yates Streets.

Proposed Uses

In response to City staff feedback, the rezoning application is revised to propose only the following uses:

- | | |
|-----------------------------|---|
| 1. Assembly | 10. Personal Service |
| 2. Assisted Living Facility | 11. Residential |
| 3. Care Facility | 12. Residential Lock-Off Unit |
| 4. Civic Facility | 13. Retail Liquor Store |
| 5. Financial Services | 14. Retail Trade |
| 6. Food and Beverage | 15. Small-scale Commercial Urban Agriculture |
| 7. Home Occupation | 16. Studio |
| 8. Hotel | 17. Utility |
| 9. Office | 18. cinemas, art galleries and places of recreation |

The above revised list of uses are intended to align with the use definitions in the Zoning Bylaw 2018, and to provide greater clarity regarding the scope of 'institutional' uses being permitted on the site as a whole (in response to community feedback).

Phase 1

Building Program

Phase 1 of the development is for an 12 storey (11 plus mezzanine), mixed use building that includes the Victoria Fire Department Headquarters, BC Ambulance station, commercial space, 130 rental apartments, all over two levels of secure and public underground parking. The residential 'building' contains 24 studio, 56 one bedroom, 43 two bedroom and seven three bedroom homes. The Victoria Fire Department will be the primary 'face' to the building, taking up the majority of the lower levels, including street presence. As such, the building has been designed to have a prominent civic presence.

Building Siting, Setbacks and Massing

The urban firehall requires that there be a 6 metre setback at street level for the apron, for some of the cleaning, daily check overs and maneuvering of apparatus will occur. As well as being a practical requirement of the fire department, this forecourt sets the building apart as one of civic importance.

The building meets the Built Form Policies described in DCAP, including the inclusion of a terrace to distinguish between podium and upper levels, recessed entries, reduced building bulk of upper storeys, and upper floors stepping back to stay within the 1:5 Building Setback Ratio that starts at the 20m level. As noted previously, the residential portion of the building exceeds the DCAP guidelines for maximum floor plate sizes. This is primarily due to the structural limitations of placing additional residential uses above the broad base of the firehall function in a post-seismic building that will be built to the newly adopted BC Building Code. The building is required to have uniform floor plate sizes and uniform building height surrounding the two elevator/stair cores. Any asymmetry to the floorplates and heights creates forces on the lower portion of the building that can not be accommodated. A detailed explanation of these limitations and the impact on massing is provided in a separate memo by Leon Plett of RJC, the project's structural engineers.

The three different program elements will stand out as unique, yet at the same time will combine to create a cohesive building with a modern take of the traditional tripartite expression of *base* (apparatus bays at grade), *middle* (VFD1 headquarters and office in the raised podium) and *top* (8 storeys residential building). The building meets the skyline with a floating flat roof with a tapered edge and exposed soffit.

Building Materials and Expression

The *base* (apparatus bays and entry lobbies) is occupied by the six firehall apparatus bays, two ambulance bays as well as two entry lobbies that lead to the VFD1 head quarters, office and residential occupancy above. The apparatus bays are visually and kinetically active spaces that will be highlighted by the glazed lower level and glazed bay doors. Entry lobbies will be articulated with the use of landscape forecourts, signage, lighting and highlight material and colour of the elevator and stair cores on the inside. The building base will have full height curtain wall windows with minimal mullion caps and dark framed glass doors in order to maximize transparency.

The *middle* (raised podium) is a two storey volume that houses the administration, the emergency operations centre and suppression crew areas of the Victoria Fire Department, plus one floor of commercial space above. This raised podium volume will be clad in textured cementitious panels on the east and west walls and cantilevered soffit, plus a prominent

glazed 'monitor' façade facing the street that will provide 'eyes on the street', and references the early modern expression of the existing firehall #1 building. The raised podium will have floor to ceiling window wall with vertical mullions and screening that responds to the building program and will add texture to the front wall, in keeping with the textured cementitious cladding.

The *top* (apartment) is an 8 storey residential 'building' that appears as 6 storeys by including recessed floors at its base and top. The base of the residential building sits on top of the two storey raised podium and includes walk out terraces from the residences. The base of the residential 'building' on the 5th level contains several spaces for residents to gather in informal settings; exterior dog run and interior common room on the north side of the hallway and a landscaped exterior patio and children's play area to the south. The residential floors will be clad in light coloured composite metal panels, combining multiple tones of similar finishes (reflective and matt finish, plus darker tones for accents). The recessed floors will be clad in the same metal panels, but in darker, matt finish to enhance the shadowing. The top of the building will have punched windows that will enforce the residential character and will contrast the window expression on the lower portions of the building, further enhancing the tripartite expression

Landscape

The entry lobbies on Johnson Street will be marked with soft and hard landscaping including benches positioned to view the apparatus inside and on the apron. Because the six firehall and two ambulance bays greatly limit the extent of at-grade landscaping, additional landscape has been added to upper areas of the building, on the north and south sides, providing amenity to the building occupants. The upper landscape which includes trees in large planters will reinforce the design concept of stacked buildings, with an elevated ground plane on the top of the raised podium.

Parking

The existing R48 zone (43% of total site area) does not require any car parking. The proposed Phase 1 building includes two levels of underground parking containing 116 parking stalls, plus 172 class 1 bicycle parking spaces. There are an additional 24 class 2 bicycle parking space at grade, near the entry to the apartment building and at the back of the parking ramp (south-west corner of the site).

Project Benefits and Amenities

Post-Disaster Public Safety Building

This project will achieve the OCP goals of replacing Fire Hall No. 1 with a new facility that meets the present and future requirements of the Victoria Fire Department for service delivery. The co-location of the fire service with BC Ambulance furthers the OCP's broad objectives that emergency response is coordinated and delivered efficiently and effectively. The public safety facility will provide an important civic presence on the street 24/7 and the post disaster nature of the building furthers the OCP goal of strengthening the resiliency of structures and infrastructure to seismic events through high standards.

Housing and Affordability

This project will initially bring 130 new homes to the Urban Core, in a form that is supportable relative to the OCP policy direction that the Urban Core is to accommodate and foster a greater range of housing options across the housing

spectrum, including non-market housing. The applicant is working with Pacifica to deliver the 130 homes as non-market housing, which delivery is contingent upon approvals from upper levels of government. A variety of unit sizes are being proposed ranging from studios to 3-bedroom homes, consistent with BC Housing Design Guidelines for suite sizes. Further details regarding the proposed affordable housing component are included with the application materials by way of a letter from Pacifica.

This project will also add a significant number of new homes in the subsequent phases, consistent with the strategic directions in the OCP for the Harris Green Neighbourhood to accommodate a significant share of the 50% of forecast new population and housing growth earmarked for the Urban Core over the next 30 years.

Sustainability

This project proposes a number of sustainable building features. Most importantly, it promotes social and civic sustainability, incorporating the important civic function of a new public safety facility in an innovative manner together with much needed housing. Together, these uses will play an integral part of the City fabric. The post-disaster nature of the Phase 1 building offers both public safety and longevity of the structures.

This project further serves sustainability goals as it is a higher density project located in close proximity to bike lanes, major transit routes and within walking distance to the Central Business District and numerous amenities.

The project will be fully compliant with the new energy requirements in the BC Building Code. For Phase 1, Step Code 1 will be achieved. It is anticipated that the residential component will achieve a higher level of energy efficiency due to the compact building form and absence of exposed concrete floor plates that are commonly incorporated into residential towers. These two factors greatly influence energy efficiency and building envelope durability.

Response to Community Feedback

Over the last nine months, information regarding the proposed development has been communicated through more than 25 meetings, reaching over 150 community members, through which process significant feedback was solicited and received from the community. During this extensive consultation process, certain common themes were identified:

- Need for adequate parking – This application responds by meeting the requirements of Schedule C site wide, despite the existing R48 zone (43% of total site area) having no parking requirement.
- Daylight and views through upper levels of buildings – The massing strategy for this application focusses the density in the lower levels of the building (the raised podium at levels 2-5) thereby allowing for smaller floorplates of the tower elements, increased architectural articulation and space between. DCAP tower separation requirements will be met or improved upon.
- Improved public realm/pedestrian experience - Again, the massing strategy and unified building massing over the entire site allows for the lifting-up of the podium level and provisions of 2.5m average setback at grade, resulting in greater area at the street level for semi-covered pedestrian spaces.
- Building heights – The proposal is consistent with the City's vision for building heights on the site as described in the OCP and DCAP with heights dropping towards the eastern border of the downtown core.
- Impacts of an urban fire hall - The Victoria Fire Department has worked closely with the development team on a building design that will align with the VFD's operational plan to mitigate traffic and noise through a variety of strategies, while improving responsiveness and efficiency between fire and ambulance services in the City of Victoria. At the CALUC held on July 30, 2018, Chief Bruce responded to questions regarding the impacts of

an urban firehall and detailed the VFD's efforts to mitigate impacts. In addition, a "good neighbour" agreement will also be implemented. The applicant shares the concerns of the community in this regard, as it will be a neighbour through the development of the subsequent phases.

- **Density** –The feedback relating to the density proposed by this application was received by the applicant from Downtown Residents Association Land Use Committee. Concerns expressed related to the overall density being inconsistent with the existing area and policy objectives of the OCP, and the potential for density in subsequent phases not being applied in compliance with DCAP. In response to these concerns, the applicant completed further analysis to confirm that the proposed density can be applied sensitively and in compliance with DCAP heights, tower separation and at grade setbacks, as demonstrated by the three DCAP compliant massing models for future phases included in this submission. The applicant anticipates that DCAP heights, setbacks and tower separations will be specifically included in the new zone. Additionally, the City's planning documents specifically target Harris Green Neighbourhood for the growth of housing. Specifically, new growth in the form of taller and denser buildings in the Downtown Core Area are proposed to be concentrated along the two intersecting corridors of Douglas / Blanshard Street and Yates Street in order to, amongst other things, strengthen the Harris Green Neighbourhood with a concentration of higher density residential and commercial uses centred on Yates Street. It is the position of the applicant that, because the density can be applied in a way that meets or exceeds DCAP requirements, that the application in its current form is supportable.

Safety and Security

The Phase 1 building has been designed to consider CPTED guidelines. The Johnson Street façade will be predominantly glazed, with views in and out of lobbies which will provide a level of safety for public passing by and residents entering the building. The apparatus bays will again be largely glazed with fire department and ambulance staff regularly on duty on the ground floor. The hard and soft landscape that is to be located at the two primary building entrances will be low and visually porous to ensure safety for both pedestrian/apparatus interface and CPTED reasons. Until future phases of the project are built, the east and south sides of the Phase 1 building are open to the Pacific Mazda dealership parking lot and Cook Street and Yates Street respectively. Future phases will also be designed to consider CPTED guidelines to ensure safety and security of the occupants of the development.

Transportation & Infrastructure

The project is well situated and serviced by City of Victoria infrastructure. Walkability and access to transportation for the project is exceptional, with immediate proximity to major transit routes and bike lanes. The location of higher density transit-supportive development along Yates street is consistent with DCAP objectives.

Conclusion

We are very pleased to be submitting this rezoning application for this comprehensive development on this prominent and important site on the border of the downtown core. The proposed development is compliant with the overall goals of the Official Community Plan and the Downtown Core Area Plan, and directly responds to many of the Values, Goals and Policies of these guiding documents.

Phase 1 of the project will include public amenities that address specific, pressing needs of the City of Victoria with inclusion of a new home for the Victoria Fire Department Headquarters, Emergency Operations Centre, BC Ambulance Station and the continued need for a range of housing types in the downtown area.

The assembly of multiple development sites into a cohesive development results in new opportunities for a mix of uses that could possibly include larger institutions or businesses. The proposed massing will allow for this sort of mix, while ensuring high quality public spaces (greater setbacks at street level, a 250sm plaza/open space), cohesive street wall (raised podium) and narrower upper floors that maximize daylight and view.

If you have any questions or require additional clarification of any part of the application, please do not hesitate to contact us.

Sincerely,

HCMA Architecture + Design



Carl-Jan Rapp

ARCHITECT AIBC, SAA, OAA, MRAIC, DIPLOM-ING LEED AP



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

November 22, 2018

Re: 1025-1031 Johnson St. and 1050 Yates St – New Fire Hall - Rezoning and OCP Amendment

Dear Mayor Helps and Council,

The DRA LUC hosted a CALUC meeting on 31 July 2018 for the above-mentioned application. 93 members of the public attended the meeting. Correspondence has also been received from the public regarding this application.

Based on the information presented by the applicant, the purpose of this application is to rezone a total of 7200m² of lands bounded by Johnson, Cook and Yates Streets to allow a mixed use development of 12 to 17 storey buildings with a proposed overall density of 6.8:1. As the proposed density exceeds the OCP designation for the local area of 5.5:1, an amendment to the OCP is also required. The first phase of the proposed development covers approximately 30% of the site and includes facilities for a new municipal Fire Hall with emergency bays and above those, office space and an affordable housing component administered by Pacifica Housing.

The site is currently split zoned with 43% of the site zoned R-48 and the balance zoned S-1. The applicant presented an argument that a theoretical zoning entitlement existed for the R-48 lands for a density of 8.8:1 and that due to the structural constraints of the Fire Hall any unrealizable density on the R-48 portion of the property would be transferred to the S-1 lands and be applied in addition to the maximum OCP designation of 5.5:1 creating an average for the entire site of 6.8:1.

The DRA has obtained through an FOI request a heavily redacted copy of the contract between the applicant and the City of Victoria for the construction of the fire hall. This contract shows that Council has agreed prior to any public engagement to terms that require rezoning approval to include the densities in significant excess of the OCP maximums for properties outside the scope of the actual fire hall building.

Comments and concerns expressed at the public meeting include:

- Several concerns were expressed regarding providing institutional uses allowable under the proposed zoning; including Homeless Shelters, Shooting Galleries, Needle Exchanges, Drug and Alcohol Treatment or prisons. It was questioned why an institutional use will be applied to the entire site. Guarantees were requested that rezoning for institutional uses be restricted to only

the Fire Hall portion of the site. The applicant represented that in order to accommodate the Fire Hall the entire site had to be rezoned to include institutional use.

- There were concerns expressed by a great many attendees regarding the impacts on livability caused by the excessive construction noise that will be produced by this site over a period of many years (and other sites in Harris Green) and the continuing disregard of the Noise Bylaw by contractors and lack of response by Bylaw Enforcement or adequate penalties to dissuade such activities.
- The potential for noise from the emergency vehicles themselves and why the Fire Hall would be located in the most densely populated neighbourhood of the City were also common concerns.
- The lack of open or green space was a recurring concern mentioned by several attendees with general consensus from the room. The excess density, the massive nature of the proposed zero-setback streetwall and the apparent lack of planning or commitment for the future phases were common themes.
- There have been no amenities provided to the Harris Green neighbourhood with the massive amount of development approved to date and there appears to be little amenity value provided by this development apart from the possibility of including a pocket park somewhere within the 7200m² property.
- Concerns expressed regarding the height of the proposed building and the blockage of light by the proposal on adjacent existing buildings. The applicant did not provide a shadow study at the CALUC meeting.
- It was confirmed by Planning Staff that the transfer of theoretical density entitlements from an R-48 zone to another separate parcel was unprecedented.
- Concerns were expressed whether it was appropriate to house children above a Fire Hall.
- Midblock crosswalks have caused serious problems with antisocial behaviour and public safety with no support from the police. There were concerns how a midblock walkway would be designed and managed on this site.
- There were concerns expressed regarding the Planning Department entertaining a theoretical density for the R-48 lands calculated at 8.8:1 when there is no built example of this being achieved over FSR 5:1 within the 10 storey limit of that zone.

A more comprehensive record of comments raised by the public at the CALUC meeting is included in the attached Minutes. While members of the public expressed appreciation for the services that Pacifica Housing provides to the city, no member of the public spoke out in favour of the proposal at the public meeting. Two emails were received by the DRA after the CALUC meeting from members of the business community expressing support for the proposal.

Review and response to the application by Land Use Committee Members:

- **Was Council aware of the Contract Requirements for excessive density?** Council has entered into a contract for the Fire Hall that included, as part of the contract, Council approval of density entitlements significantly in excess of the current OCP maximums on lands that have no direct association or need for approval concurrently with the Fire Hall site. This Council decision was made in camera and calls into question whether Council was aware of all the facts at the time. The applicant has continually resisted any attempt to sequester the Fire Hall site from the rest of the application and Council appears now bound by the terms of the contract which includes approval of this rezoning for the entirety of the 7200m² lands. This is cause for significant concern.
- **R-48 Zone-“Theoretical Density”.** The R-48 Zone was originally created as a City-led initiative to incentivize downtown residential development in the 1990s which gifted extremely generous entitlements for density to all parking lot owners in Harris Green at the time. This has since become a windfall for the property owners who contributed nothing to the community in exchange. The R-48 Zone was poorly written and recent changes to the DCAP height guidelines has been exploited by applicants by promoting the concept of “theoretical density entitlement calculations” under “as-of-right” Development Permit with Variance applications. This simple

process then allows buildings to be constructed that far exceed the original intent of the bylaw and the density limits currently set by the OCP as-of-right. In this case, the applicant has calculated an extraordinary “theoretical density entitlement” of 8.8:1 on its R-48 zoned portion of the property and approval by Council of this unchallenged density calculation forms non-negotiable terms of the contract for the Fire Hall. A historical inventory conducted by the DRA of built examples of R-48 properties clearly shows that no buildings have been constructed at densities over 5:1 when the 10 storey height limit in the bylaw was respected. Consideration by staff and Council of these “theoretical” densities makes a mockery of the OCP and the R-48 bylaws original intent.

- **No Legal Right to Transfer Density Entitlements to a different property.** Regardless of the argument of the amount of density the applicant perceives they are entitled to, it is a fact that the density entitlement for the R-48 lands applies only to the property that carries that zoning and is not legally “transferable”. While Council may have the discretion to allow this density transfer to take place, it will be unprecedented and we suggest that it would be highly inappropriate to do so.
- **Rezoning the entire site vs Fire Hall alone.** The applicant stated at the public meeting that the entire site has to be rezoned as one because the lands contain many parcels and a portion of the Fire Hall straddles the existing parcel and zoning boundaries and so the institutional use would be required to cover the entire site. This is simply not true, as nothing prohibits the Fire Hall site and the corresponding institutional use be rezoned in isolation. The only purpose for rezoning the entire site is to facilitate the transfer of unsubstantiated density rights from the Fire Hall site to a completely separate property that currently has no such rights.
- **R-48 Change of use precludes existing zoning entitlements.** The applicant is seeking a different use for this project and is rezoning to a different zone from R-48. The applicant has no legal “right” to carry forward density entitlements permitted by the current R-48 zone when it aspires to add an additional use necessitating a rezoning. DCAP also reiterates the reality of “use it or lose it” in section 4.17 stating that this property will now be subject to provisions of the density bonus system “as the property owner seeks to rezone the property to a different zone”.
- **Density inappropriate for the Local Area.** In terms of scale, the application is 36% more dense (larger) than 1515 Douglas Street (at FSR 5:1) located right across from City Hall or the Hudson District (FSR 5.1:1). The proposed density of 6.8:1 across the site is also misleading. Due to the post-disaster restrictions on the Fire Hall, the remaining two thirds of the site fronting Cook and Yates Street will actually be built to a density of approximately 7.3:1; which is very unlikely to be achieved within the 15 and 17 storey heights referenced. Other sites of this density such as “Yates on Yates” or the “Hudson Place 1” required heights in excess of 20 stories to achieve these densities.
- **Pre-zoning in advance of a Complete Design.** The applicant has represented that this is a “Master Planned Development” but has produced little planning for the two thirds of the site that would receive a massive density entitlement almost 50% greater than the current (and already generous) OCP maximums. The lack of corresponding development permit drawings to confirm that construction of the project is even possible as it is pictured by this proposal is problematic. The densities included in this application may well require over 20 stories to be realized and will likely be obtained under “as-of-right” applications in the future. A process that grants a rezoning without corresponding fully-vetted development permitting plans should not be entertained by Council for any application.
- **Noise and Livability.** The placement of a Fire Hall and the corresponding disruption of the densest residential neighbourhood in the city when alternatives exist elsewhere appear counterintuitive. The addition of the Ambulance Emergency Bays will severely compound this issue; substantially increasing the frequency of nuisance noise that will be caused by such a concentration of emergency vehicles in this dense residential neighbourhood.
- **DCAP Design Guidelines Significantly Exceeded on Fire Hall Building.** The maximum floor plate sizes in the upper stories prescribed by DCAP in Appendix 6 appear to be significantly exceeded. Floor plate dimensions for the Fire Hall building appear very similar to those of View Towers. The result is a building much too massive in its upper portions presenting a monolith to its several

immediate neighbours to the north. Floor plate limits appear to be exceeded by approximately 30% between the 20m to 30m height (Floors 6, 7, 8) and by over 80% over the 30m height (floors 9, 10, 11). Side yard setback requirements appear to have also not been met. Minimum clearances of 6.0m to property lines at above 30m height have been reduced by over 50%. There are no guarantees that buildings shown in massing diagrams for other areas of the site comply with DCAP. It is essential that all applicants comply with DCAP Design Guidelines, especially when the City itself is a conflicted participant.

- **CACs.** Rezoning this huge property at this time will also allow the applicant to avoid reasonable Community Amenity Contributions. The current CAC structure is under review and will likely yield significantly higher contribution levels for amenities. Approval of the entire site now will forgo all but a pittance.
- **OCP.** The DRA has a policy not to support OCP amendments without a compelling rationale to do so. There appears no evidence (let alone compelling) to support this application under the proposed density and use.

The provision of a post-disaster Fire Hall and a modicum of affordable housing at a fixed cost is indisputably a desirable outcome. This aspect is being well promoted by the applicant; in what appears to be an expertly orchestrated strategy to leverage approval to gain a windfall density entitlement on the remaining two-thirds of the site. Closer examination reveals this is not an exchange of equal value for the public.

The City is a conflicted partner in this development and Council needs to recognize it is a foul of its own commitment to transparency and public process and its ethical obligation to support and respect its own foundational planning documents. The signing of the contract for this Fire Hall was made by the previous Council without any public knowledge or assent and has locked the City into terms that are highly questionable. The public is invited to participate as an afterthought but is told that the deal has been struck; it's this or nothing. But we propose this is a false choice and that this application is not the only way forward. We ask our new Council to consider themselves not bound by the terms of this contract as written.

There are many bad precedents that we would like to avoid setting here, but the main one is, regardless of motivation, that we must not find ourselves corrupting the planning and approval process to the detriment of the public, especially when we need a public building constructed.

Sincerely,



Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

CALUC Meeting Minutes – Firehall/Pacific Mazda – July 31, 2018

Presentation: David Jawl-Jawl Residential

Property owned for around 50 years by Nadar Holdings and the Pollen family. City of Victoria's call for proposals to replace Fire Hall #1 precipitated the proposed development. The Firehall is only part of a multiphase mixed use master planned development. The first phase will include the fire hall with residential rental units over with "some if not all" of the units as some form of affordable rental administered by Pacifica Housing.

Agreement was signed in March of this year and engagement with neighbours and the DRA commenced to obtain feedback regarding the proposed development.

HCMA Architects:

The City of Victoria's guiding documents for planning in the local area are the OCP and DCAP. The current zoning is R-48 and S-1. Key items they are pulling out of the OCP "encourage the logical assembly of development sites that enable the best realization of permitted potential land management and development for the area" "there are benefits in pulling it all together into one comprehensive development rather than dealing with individual smaller parcels" and "site specific amendments that are consistent with the urban place designation "Core Residential".

The OCP also identifies the need for a new Fire hall.

DCAP is about guiding the design of a neighbourhood so we end up with a vibrant friendly pedestrian neighbourhood. In terms of building height DCAP prescribes a tapering off of building height from Harris Green to this site which is the edge of Downtown of 15 storeys at Cook Street.

Density Bonus applies to this site by allowing extra height to achieve bonus density.

The R-48 zone does not have a specific density but there are other ways of defining it with height and setbacks. That is not necessarily the building that you would build but it provides you with the density. Combined with the allowable density from the OCP provides an overall site density of 6.8:1. That is the base density based on regulations. No parking is required by R-48.

Harris Green is the part of the City that has the most development and population growth in the downtown core. There is a large consensus that the newer projects by and large are quite OK with a tower and podium. This project proposes a lifted podium with an overhang. Growing the podium together makes for more slender towers.

Post disaster design for the fire hall limits its height to around 11 storeys. We struggled with this to keep it within DCAP.

Fire hall Specific:

Parking is underground. BC Ambulance Service will share this building with 2 dedicated bays. Fire hall will be 6 bays. R-48 zone doesn't require parking but there will be 117 parking stalls.

Q and A:

Local Resident: With the new institutional uses proposed will there be a homeless shelter, needle exchange or shooting gallery, there will be opposition we would like guaranteed assurances in writing that these uses won't be contemplated.

A: The housing is intended to be affordable not supportive. Pacifica will be managing the affordable housing component.

Local Resident: Concerned about the institutional use stated on the form distributed as it will apply to the entire site. This use includes carehomes classes A,B,C. Class A includes people who are lawfully detained as prisoners. Class B includes facilities for the treatment of alcohol and drug addiction. Class C includes critical mental health patients. The residents of the local neighbourhood need clarification and a declaration that these uses will not be permitted on this site.

A; The institutional use will be applied to the whole property and it would be difficult to lock it off to one part of the property

Local Resident: But you can isolate the institutional use to the part of the site that contains the fire hall.

A: We hear your concerns and will take them under consideration with our discussions with the city

Local Resident: I am a Johnson Street resident concerned about the disturbance from fire and ambulances. I work at night and will likely have to sell my property and leave the area. The cumulative effects of all the development going on in the immediate area are going to be unbearable. The sound of sirens echoes badly through the tall buildings and will be worse with more buildings. The new shooting gallery will even make it worse with more emergency vehicles attending.

Q:When do the trucks turn their sirens on?

A:You won't hear a siren until the trucks reach the corner

Local Resident: I'd like to find some Green space and parks that are useable not littered with used needles. We have 9 buildings under construction within 3 blocks with 8 more proposed. We have 11 that are 13 storeys or more. The architect stated that they are working within the permitted development density. That is not true. We also have not seen any amenities in the Harris Green area from all this development.

Local Resident: I live across the street. Sounds like the relocation of the fire hall is already approved?

A: It is approved subject to rezoning

Local Resident: Is there a reason why it cant remain in its current location?

A: It would be cost prohibitive to get a post disaster rating on the existing site

Local Resident: I live across the street. The maximum height currently allowed on the S-1 site is 15m?

A: It will require rezoning but 15 stories is within the DCAP for this area.

54:00

Local Resident: We applaud the work that Pacifica housing does to provide affordable housing. The current R-48 zoning allows only 10 stories and you are proposing 17 and that difference makes a big impact on light coming into the street and light into the neighbouring buildings. Local residents are not compensated in any way for having to put up with blasting, building, blockage of sidewalks and streets. We are told that it's temporary but its not and I don't see my taxes going down and we get no compensation from Campbell or Farmer. Construction people don't abide by the bylaws for hours of operation. *Applause.*

Local Resident: There is a rep from Pacifica Housing here? Can we have some info on the rental units?

John Luton Pacifica Housing: This is an opportunity aimed at providing affordable housing for low and moderate income individuals. This is not supportive housing but rent geared to income. We are working with CMHC to try and make the entire building affordable for workers in local industries in the city such as tourism to live in the city.

Local Resident: There is a density transfer proposed from the R-48 to the S-1 can you explain?

A: DCAP is the guiding tool for development and on one portion of the site it calls for 17 stories and on the other 15 stories. The firehall building has height limitations due to the post disaster requirements. We are looking not to loose any density and distribute it in a way that meets the DCAP. Nothing planned is taller or does not meet the building separations in DCAP.

Q: Has this ever happened before?

Alison Meyer COV Planner: As far as density transfer I am not certain but density has been apportioned around specific sites such as the Hudson.

Q: Can you explain R-48 zoning?

Alison Meyer COV Planner: R-48 originated about 20 years ago. It has no parking or floor space ratio requirements but has a height limit of 10 stories. Theoretical density has been calculated by applying the setbacks and height and creating an allowable floor plate from which densities can be calculated.

Q: what are the different ratios here?

Alison Meyer COV Planner: The developers have figured out the R-48 at 8.8 to 1 and the S-1 is 1.5 to 1

Q: And all R-48 have achieved these densities?

Alison Meyer COV Planner: The newest ones have achieved these higher densities.

CALUC Chair: The Mondrian across the street achieved 4.8:1 and the Jukebox on View achieved 4.4:1 sticking to the 10 storey height maximum.

Local Resident: This is a phased development. Do you have rough timelines on the entire buildout?

A: Right now the plan is for a 4 phase development the first being the fire hall building. There is no specific timeline for the balance of the site. One of the benefits of pre-zoning the site will be to be able to move quickly with construction of subsequent phases.

Local Resident: I live opposite this development. How many years of construction am I facing?

A: The fire hall phase will take anywhere from 24 to 30 months. This project could take 5 to 7 years before it is complete.

Local Resident: Is living above a fire hall a suitable environment for children? Where are the kids going to play

A: There are many examples of families living adjacent to fire halls. There is an outdoor area on level 4 that can accommodate children's activities.

Q: So I'm not going to hear sirens going down Yates all the time?

A: Yes you may still hear them on Yates

Q: Green space. I live at 1020 View and everyone admires our green space. Where is the green space in this project? You show a little corner of the site and that's it, and parking?

A: We intend to accommodate city parking regulation schedule C for this project. As far as green space is concerned we are providing a significant cutout on the corner. There is significant green space on top of the podium which belongs to the users of the buildings.

Local Resident: What we are seeing in this whole area is buildings built right to the sidewalk and only stepping back after 3 or so storeys. What the pedestrians experience is a concrete jungle. This is like Vancouver and not what Victoria has been about. There seems a policy to cram more and more buildings in no green space and parking is going to be insane. We can't keep putting more and more people in here without adequate parking or adequate green space. *Applause*

A: We are trying to pull the building up and back and provide an overhang.

Q: We do not see any thought being put into amenities for the public just cramming more and more density into our area

Local Resident: I live right next door. I feel I'm part of a social experiment to see how much noise and disruption I can take before I'm pushed out of this area. The people in this room will be subject to 5 to 7 years of disruption and we get no benefit from this, we get more aggravation, noise, and traffic disruption. Even when this is done then it will then be the other side of the street and 30 years go by with it never ending. *Applause*

Local Resident: Affordable housing is supportable but will it change after a few years to something else like air bnb or hostel use.

A: No Pacifica housing will run this, or a portion thereof, as affordable rental housing only.

Local Resident: When our building was constructed the City required a significant portion of green space. Do you think what is proposed reflects the name of the community Harris Green? Do you have a midblock crosswalk? There are major safety problems with midblock walkways

A: Community amenities will be contributed as per city requirements. There are bad midblock walkways and good ones. They work well when there is a series of them across several blocks but that doesn't exist here.

LUC Member: We see that there has been a theoretical calculation of density for the R-48 part of the site that is to be transferred to another part of the site. The level of density that has been calculated cannot be built. Other R-48 buildings in the local area that have been built that stayed within the 10 storey limit managed an FSR of about 5:1. This application is claiming density rights of 8.8:1 on the R-48 which they want to move to a different property. This is what happens when you let the developers do the math, and that's their role, they are trying to maximize density, and it's our role to try and catch it. What I'd like everybody to acknowledge is there is a lot of pushback in the room around livability and green space and I would quibble with

their math and question why the city is allowing developers to apply calculations of this type.

Applause

Local Resident: My comment is to the city staff. The developers do what they need to do but the city should be looking after us. My question is why there is so much is given away with so little in return. *Applause*

Local Resident: Was your application for the fire hall contingent on rezoning approval for the entire site not just the fire hall? Will the property be amalgamated or will the lots be kept separate and possibly sold off separately? If the lots are kept separate nothing is stopping you from selling to another developer who will do something entirely different from what you propose here with the new density entitlements

A: We have to rezone the whole property as one. The fire hall straddles I believe 5 lots so the whole property needs to be rezoned. We will subdivide the fire hall parcel off as one parcel. We want to set the development up for future phases. We have a long track record of doing development work in the City of Victoria and it is our plan to develop this site.

1:32

Local Resident: We will be subject to more noise and more traffic. I have a friend who lives next to the existing Fire hall and before the truck leaves the bay its already sounded its siren. What is the wisdom of putting the fire hall on a one way street? Cook street has two directions. I'm just sorry this is happening.

Local Resident: Just complimenting the developer being open to coming and providing answers and facing criticism. It sounds like there is a willingness to work with the community which I appreciate. My comments are actually directed at the City representatives here tonight and that they are actually hearing the community and the crap we have to deal with. We would like to be respected as taxpayers and that they understand the community wants noise and traffic bylaws enforced and particularly that we want of green space. We want the City to be listening tonight. *Applause*

Local Resident: My comment is also to the city. Talking about all the housing that we need to provide we also need to provide the amenities that go along with the housing like schools, medical services offices and green space.

Local Resident: This is a message to City representatives. Projects like this can come with many unknowns. If locals find out that there is a hidden agenda around the institutional use such as treatment centers, homeless shelters, shooting galleries etc there will be massive pushback from the local residents.

Local Resident: There are also 5 and six storey buildings in this 3 block area. Harris Green is not getting the amenities that they should. I think we can feel safe with Pacifica Housing and Jawl but this site is proposing a much higher density but we don't seem to be getting anything for it.

1:38

Local Resident: Thank you Chief you and your workers deserve the best and thank you for your service. *Applause* As far as the rest of it build the fire hall build the facilities not the buildings and more green space *Applause*

LUC Chair: Just like to make a comment regarding the R-48 Properties and the proposed theoretical 8.8:1 density, and that this density could not actually be built on that site. If you look at all of the other R-48 properties that have been constructed to date in the city, all of them except for one have come in under the OCP maximums for this area at 5.5:1 or lower. This one is about 25% more dense than any other R-48 property built to date. Other developers have come forward with these theoretical densities but this is the highest we have ever seen

Local Resident: Can you tell us what R-48 means?

LUC Chair: R-48 was a zoning that was created back in 1997 by the Council of the day to stimulate residential construction Downtown. It was meant to create 10 storey buildings with residential capacity but it turns out the bylaw wasn't very well written because no one thought to write a maximum density into it. Ten years ago no one would have considered building a building taller than 10 stories in Victoria but that has changed but the R-48 zoning stayed the same so now rather than being restricted to building a building only 10 stories high developers have applied for height variances to increase the buildable area. The building across the street the Mondrian is pretty much the example of what an R-48 building built to the original intent of 10 stories would be. It is 10 stories high and 4.8:1 density. I think the R-48 zone is problematic the way it was written.

Applicant: Yelling at whoever made the R-48 zone 20 years ago is a futile experiment. The zoning exists and the density is there to facilitate housing to provide residential housing and that was the purpose of the zoning to begin with. The Yates on Yates went forward last year with DRA support and had a theoretical density of 7.57:1 and went through at 7.4:1 so we are not the first to break this mould. We are trying to bring forward a representative density to the entitlement that we have. We will take the feedback we heard tonight under consideration.



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January 9, 2019

City of Victoria
1 Centennial Square
Victoria, BC, V8W 1P6
VIA EMAIL: mayorandcouncil@victoria.ca

Subject: Proposed 1025 Johnson St. Project

Mayor and Council,

I am writing to confirm BC Housing's support of the proposed 130-unit affordable housing project at 1025 Johnson St.

The Province has recently announced that it is moving forward with more than 4,900 new affordable mixed-income rental homes as part of the Building BC: Community Housing Fund, of which the proposed project at 1025 Johnson Street is included. The Johnson Street project includes 130 units of affordable housing that would be operated by Pacifica Housing Advisory Association (Pacifica).

BC Housing is actively working with Pacifica and the project's developer, Dalmatian Developments Limited Partnership by its general partner Dalmatian Developments GP Ltd. (Dalmatian), to deliver these homes. The project has completed due diligence review by BC Housing and is proceeding through our approvals process.

Please do not hesitate to contact me should you have any questions.

Best regards,

A handwritten signature in black ink, appearing to read "M. McNaughton", with a long horizontal line extending to the right.

Malcolm McNaughton
Director, Regional Development for Vancouver Island

cc: Margaret Eckenfelder, Pacifica
David Jawl, Dalmatian
Elizabeth Jawl, Dalmatian
Mike Betanzo, Senior Planner, City of Victoria

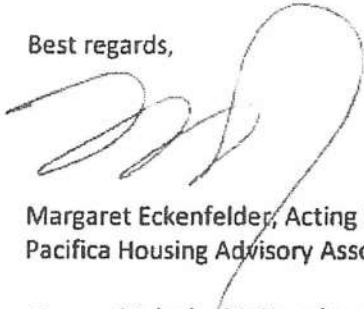
British Columbia Housing Management Commission

The project is currently within the Development Permitting and Rezoning process, with construction to begin as soon as all required permits are in place.

We are actively working with BC Housing and the project's developer to deliver these homes in 2022. The project has completed due diligence review by BC Housing and is proceeding through its approvals process.

Please do not hesitate to contact me should you have any questions.

Best regards,

A handwritten signature in black ink, appearing to be 'ME', written over a large, light-colored circular scribble or stamp.

Margaret Eckenfelder, Acting Executive Director
Pacifica Housing Advisory Association

cc: Malcolm McNaughton, BC Housing
Tara Schmidt, BC Housing
David Jawl, Dalmatian
Elizabeth Jawl, Dalmatian
Miko Betanzo, Senior Planner, City of Victoria

Deborah LeFrank left the meeting at 3:20pm.

Carl-Jan Rupp recused himself from Development Permit Application No. 000536 and Rezoning Application No. 00660 for 1025-1031 Johnson Street and 1050 Yates Street.

Paul Hammond returned to the meeting at 3:20pm.

3.4 Development Permit Application No. 000536 and Rezoning Application No. 00660 for 1025-1031 Johnson Street and 1050 Yates Street

The City is considering a Rezoning and Development Permit Application and Official Community Plan Amendment to construct a twelve-storey mixed-use fire hall building, a fifteen-storey mixed-use building, a fourteen-storey mixed-use building and a seventeen-storey mixed-use building.

Applicant meeting attendees:

ADAM FAWKES	HCMA ARCHITECTURE & DESIGN
CARL-JAN RUPP	HCMA ARCHITECTURE & DESIGN
DAVID JAWL	JAWL RESIDENTIAL

Mr. Betanzo provided the Panel with a brief introduction of the application and the areas that staff is seeking advice on, including the following:

- the overall massing and distribution of density in terms of access to light, liveability, and building separation distances
- the massing as it relates to the floor plate size of the residential portion of the non-market housing above the fire hall
- the podium portion of the fire hall building along Johnson Street
- the pedestrian experience, specifically along Johnson Street in front of the fire hall, and generally along all three streets at the perimeter of the subject properties
- the provision of green and open space.

Mr. Jawl, Mr. Rupp and Mr. Fawkes provided the Panel with a detailed presentation of the site and context of the proposal.

Questions of clarification were asked by the Panel on the following:

- what is the rationale for the 1.5m setback?
 - this setback was determined through neighbourhood consultation and provides more space within the public realm and more options for potential tenants
- is the City involved in further defining the dedicated urban plaza?
 - at this stage, the location has not been determined but it will be included within the new site-specific zone to increase green space
 - the plaza would be private property
- how many phases does the development include?
 - there will be four phases, starting with Cook and Johnson Streets then moving to Yates and Cook Streets
- is there any requirement for a mid-block crosswalk?
 - Mr. Betanzo noted that a mid-block crossing is not required through policy, but that applicants are welcome to propose one

- what is the intention for the wide truck apron outside the fire hall? Is this space meant to be animated, or to encourage lingering?
 - the apron is designed as a small plaza, providing integrated public art for the project
 - it is intended to be interesting to look at while going past the site, but not so interesting as to need further exploration
- what density and building separation distances are envisioned for the entire site?
 - the separation distances outlined in the Downtown Core Area Plan have been used to illustrate some concepts for the entire site
 - some of the other buildings may come as close as 20m from the fire hall, but the precise distances have not yet been determined
 - the distances can be increased to ensure liveability, and the concepts illustrated demonstrate that this can be achieved
- how does the site's overall density compare to the requirements in the Official Community Plan (OCP)?
 - Mr. Betanzo noted that the OCP specifies a range of densities from 3:1 to 5.5:1 FSR, and that the proposal includes an amendment to the OCP to allow a density of 6.8:1 FSR
- how will noise from the fire hall be mitigated?
 - there is not significant noise at fire hall itself; noise is managed pre-emptively through the traffic light manipulation, and sirens are not turned on inside the bays
 - fire hall staff will continue to be good neighbours as they move closer to the downtown core
 - any noise from the site is not worse than other downtown locations
- will the six bays house six fire trucks?
 - there are several types of vehicles including ATVs
- do the trucks have to manoeuvre within bays?
 - the vehicles regularly on call are kept at the front of the bays, and seasonal vehicles and ATVs are kept towards the back
- will fire and ambulances have to back into the bays?
 - the apron allows trucks to back in
- if funding cannot be sourced for the housing component above the fire hall, will the units be rentals?
 - in that event, affordable housing would be reconsidered
 - an agreement for social housing is already in place and is only awaiting funding from upper levels of government
 - the goal is to deliver 130 homes above the fire hall
- can the fire hall be pushed further towards the front setback to increase the distance towards other buildings on the site?
 - the fire hall has been located as far northwards as possible without exposing the core to exterior
 - the cores cannot move, as they provide just enough width for the emergency service bays; there is not a millimetre to spare
- what is the rationale behind not having the tallest building at the corner?
 - higher towers were considered, but it did not meet City policies and did not look right in context
 - the goal is to emphasize the corners, but this can be done in ways other than increasing height

- how specific are the requirements for the new zone?
 - Mr. Betanzo clarified that the height, density and general distribution will be outlined in the new zone, and further development applications will specify the particular buildings' designs.

Panel members discussed:

- the emergency services building as a well-composed, simple and elegant solution to a number of urban components
- appreciation for the concept of urban integration
- concern for the coexistence of fire, ambulance and residential services
- the floorplate of the apartment being appropriate given its location above a larger structure and for the type of development
- the housing component's playful but sterile feel; however, the starkness working within the context
- opportunity to include more outdoor spaces and patios for residents above the fire hall
- desire for further information such as sustainability objectives
- concern that the common spaces will not be used, and that a level of animation could be lost
- appreciation for the rhythm of fenestration and colour of the emergency services and residential building
- appreciation for the glass bar above the emergency services portion of the building, helping to signify entrances and residential uses

Justin Gammon left the meeting at 4:32pm.

- concern for the master planning of the pedestrian realm
- the need to consider the provision of a mid-block pedestrian connection to improve pedestrian circulation and animation of the site
- appreciation for the overall sensitivity to the public realm
- the proposal's success in providing a gateway experience, particularly around the south corner
- appreciation for the third concept provided which proposed a pedestrian plaza on the south side; this may provide a compromise if a mid-block pedestrian connection cannot be achieved
- opportunity for smaller breaks in the podium for the proposed pedestrian plaza
- cautioning against a triangular plaza design on the corner of Cook and Yates Streets, due to the difficulty in animating these spaces
- the need to avoid a heavy overhang with pillars within the public realm, for the benefit of the pedestrian experience
- opportunity to conduct a wind study to assist in evaluating the outdoor public spaces
- appreciation for the level of detail conceived in the master plan
- the overall distribution of massing, height and density is appropriate, and it is understood that each building will be evaluated on its own merits at the development permit stage
- hesitancy in committing to the height without further information for the entire site
- the need for the site's landmark aspect to be the buildings' architectural significance rather than the public space aspect

- appreciation for the lightness and airiness of the concepts presented for the rezoning portion of the application
- desire for on-site storm water solutions to be examined over the entire site
- opportunity for public art and animation along Cook Street instead of at the truck bays.

Motion - DP

It was moved by Paul Hammond, seconded by Jason Niles, that Development Permit Application No. 000536 for 1025-1031 Johnson Street and 1050 Yates Streets be approved as presented.

Carried Unanimously

Motion - REZ

It was moved by Jesse Garlick, seconded by Jason Niles, that Rezoning Application No. 00660 for 1025-1031 Johnson Street and 1050 Yates Streets be approved as presented.

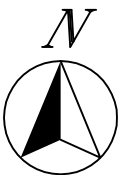
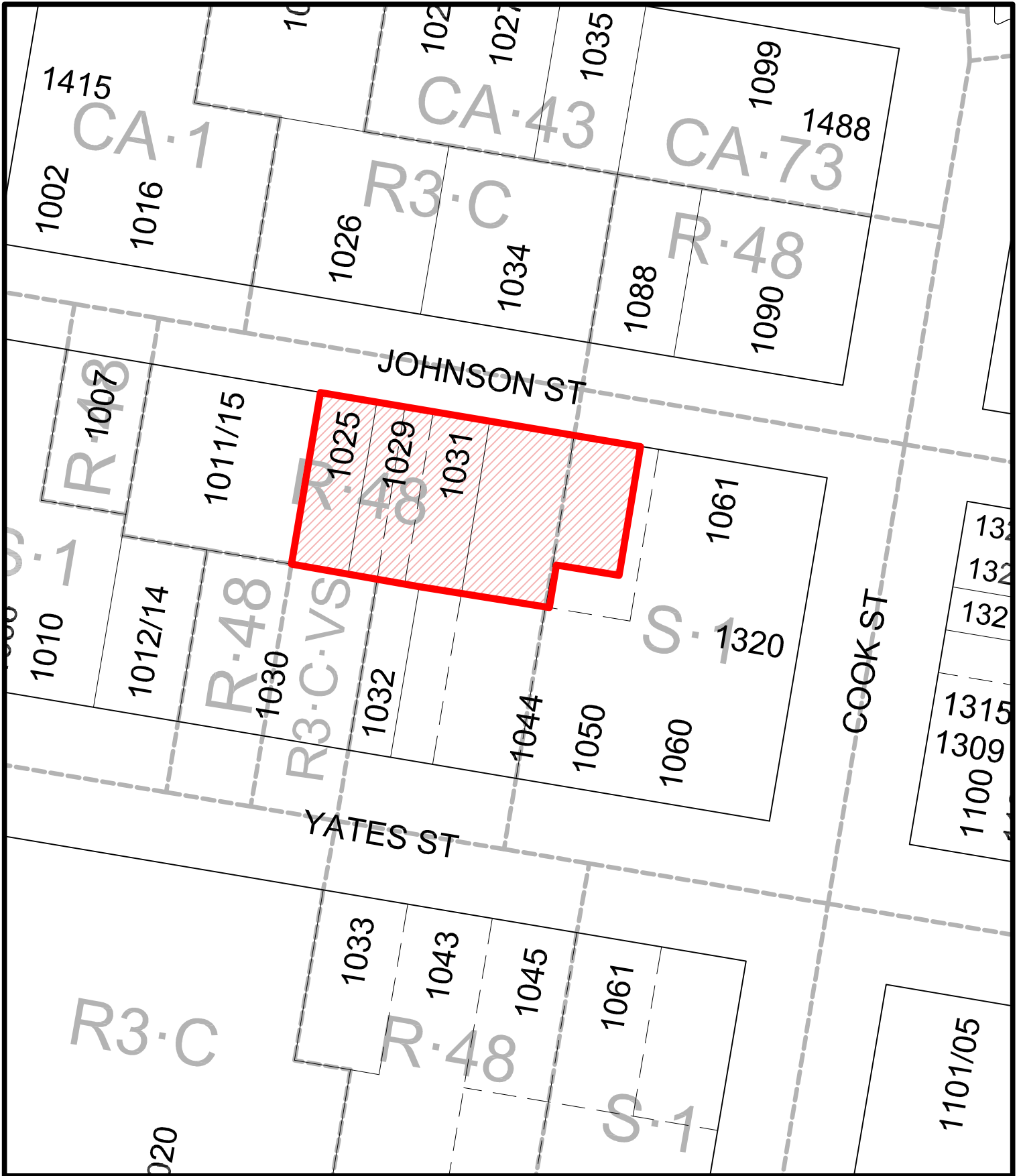
Carried

For: Jesse Garlick (Chair); Elizabeth Balderston; Jason Niles; Paul Hammond
Opposed: Sorin Birliga and Stefan Schulson

4. ADJOURNMENT

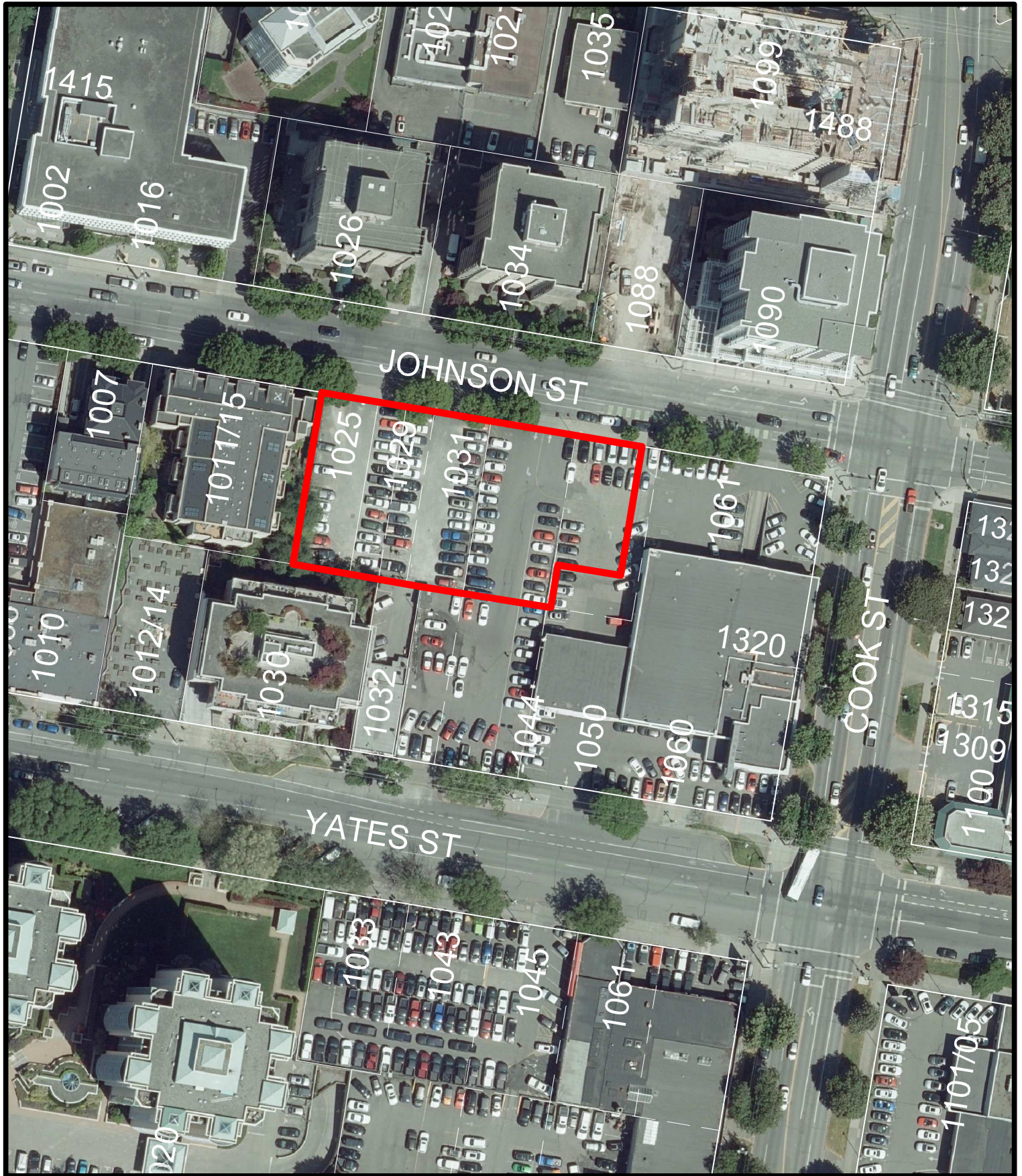
The Advisory Design Panel meeting of November 28, 2018 was adjourned at 4:50 pm.

Jesse Garlick, Chair



1025-1031 Johnson Street and
1050 Yates Street
Development Permit No.000536





1025-1031 Johnson Street and
1050 Yates Street
Development Permit No.000536



1025 JOHNSON STREET

ISSUED FOR DP + REZONING REVISIONS - CLEAN SET 2019.02.01



CONSULTANT LOGO

NOT FOR CONSTRUCTION

PERSONNEL

DEVELOPMENT MANAGER
 Jaw Residential Ltd
 3375 Tennyson Ave
 Victoria, BC V8Z 3P7
 T: 250.475.7751
 E: djawi@jawresidential.com

PROJECT INFORMATION

CIVIC ADDRESS:
 1025 Johnson St., Victoria, BC

LEGAL DESCRIPTION:

The Westerly 40' of Lot 961, Victoria City
 Lot 961, Victoria City, except the Westerly 40' thereof
 The Westerly 19' 3" of Lot 960, Victoria City
 The Easterly 40' 9" of Lot 960, Victoria City
 Lot 959, Victoria City
 Lot 958, Victoria City

BUILDING CODE: BC Building Code 2018
OCCUPANCY CLASS: Group C; Group D; Group F, Division 3; Group F, Division 2
PROPOSED BUILDING GROSS FLOOR AREA: 18,660.50 sq.m (200,860 sq.ft)

CONSULTANTS

ARCHITECTURAL
 HCMA Architecture + Design
 205 - 26 Bastion Square
 Victoria BC V8W 1H9
 T: 250.382.6650
 E: victoria@hcma.ca

ELECTRICAL
 AES (Applied Engineering Solutions Ltd.)
 300 - 1815 Blanshard Street
 Victoria BC V6T 5A4
 T: 250.381.6121
 F: 250.381.6811

CIVIL
 J.E. Anderson & Associates
 4212 Glanford Avenue
 Victoria, B.C. V8Z 4B7
 T: 250.727.2214
 F: 250.727.3395
 E: ruck@jeanderson.com

STRUCTURAL
 R/JC (Read Jones Christofferson Ltd.)
 645 Yee Road, Suite 220
 Victoria BC V9A 6X5
 T: 250.386.7794
 F: 250.381.7900
 E: victoria@rjc.ca

GEOTECHNICAL
 Ryzuk Geotechnical
 28 Crease Avenue
 Victoria BC V8Z 1S3
 T: 250.475.3131
 F: 250.475.3611
 E: mail@ryzuk.com

MECHANICAL
 m3 MECHANICAL CONSULTANTS INC.
 2nd Floor - 510 Yates St.
 Victoria BC V8W 1K8
 T: 250.940.2256
 E: info@m3mech.ca

LANDSCAPE
 Murdoch de Greeff Inc.
 200-524 Cuduhel Road
 Victoria, BC V8Z 1G1
 T: 250.412.2891
 E: scott@mdidesign.ca

SHEET LIST

NO.	DESCRIPTION
A000	COVER PAGE
A100	EXISTING SITE PLAN
A101	PROPOSED SITE PLAN
A102	SITE CONTEXT
A103	STREET PERSPECTIVE
A200	LEVEL P2 - PARKADE
A201	LEVEL P1 - PARKADE
A202	LEVEL 01 - FIRE HALL MEZZ FLOOR
A203	LEVEL 01M - FIRE HALL MEZZ FLOOR
A204	LEVEL 02 - FIRE HALL MEZZ FLOOR
A205	LEVEL 03 - LEVEL 1
A206	LEVEL 04 - AFFORDABLE HOUSING UNIT
A207	LEVEL 05-10 AFFORDABLE HOUSING UNIT TYPICAL LAYOUT
A208	LEVEL 11 - AFFORDABLE HOUSING 10P FLOOR
A209	ROOF PLAN
A300	NORTH AND WEST ELEVATION
A302	SOUTH AND EAST ELEVATION
A310	BUILDING SECTIONS
A311	SKINNING SECTIONS
A312	BUILDING SECTIONS
A313	SKINNING SECTIONS
LANDSCAPE	
L1 01	MATERIALS LEVEL - 1
L1 02	MATERIALS LEVEL - 2 & 4
L3 01	PLANNING PLAN LEVEL - 1
L3 02	PLANNING PLAN LEVEL - 2 & 4

1025 Johnson Street
 1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
0001	REVISION	2019.02.01

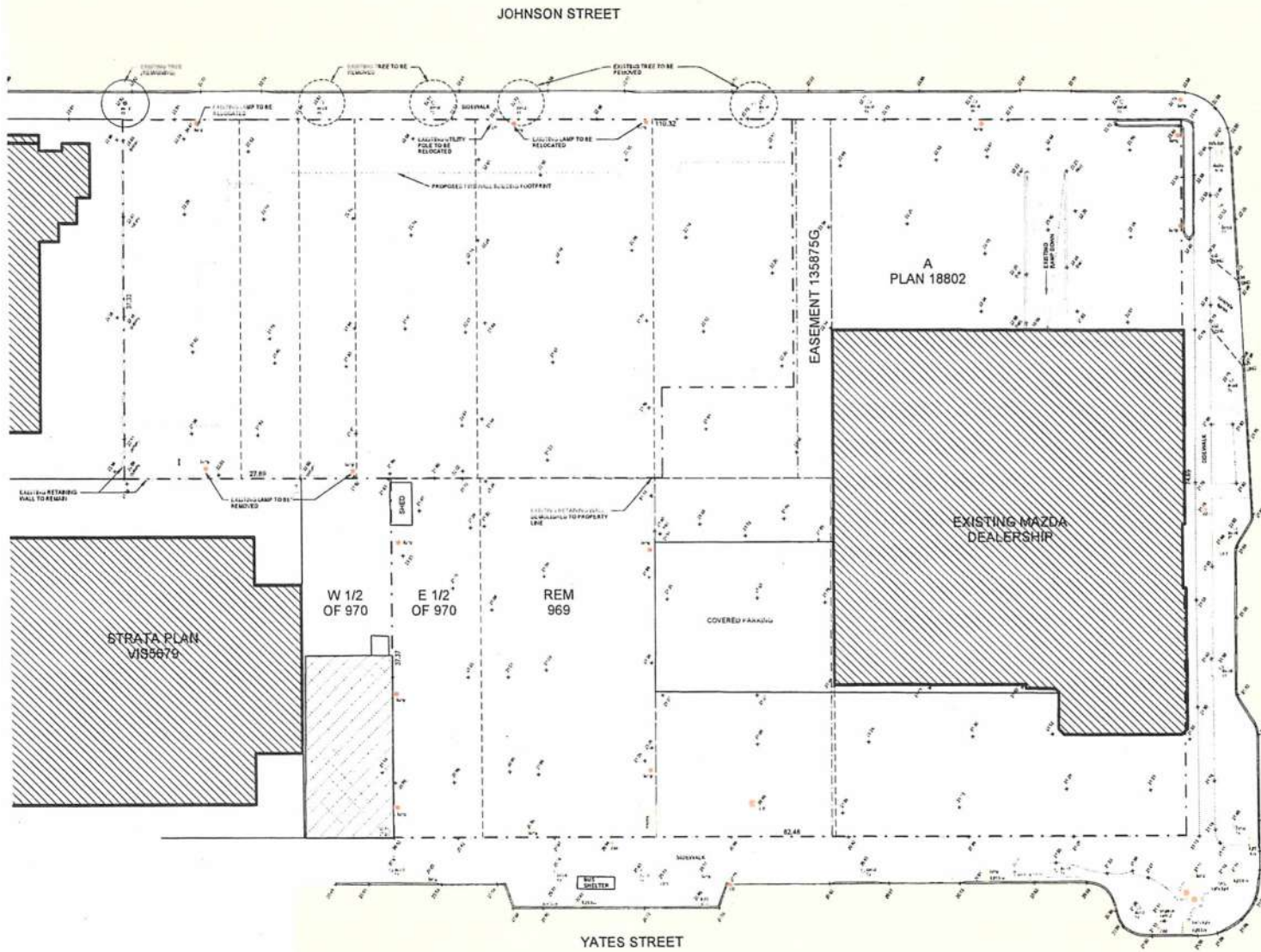
COVER PAGE



2019-02-03
 1025 Johnson Street
 1025 Johnson St., Victoria, BC

A000

SCALE:
 HCMA Architecture + Design
 Suite 205 - 26 Bastion Square
 Victoria BC, Canada V8W 1H9
 T: 250.382.6650
 W: hcma.ca



Received
City of Victoria
FEB 04 2019
Planning & Development Department
Development Section

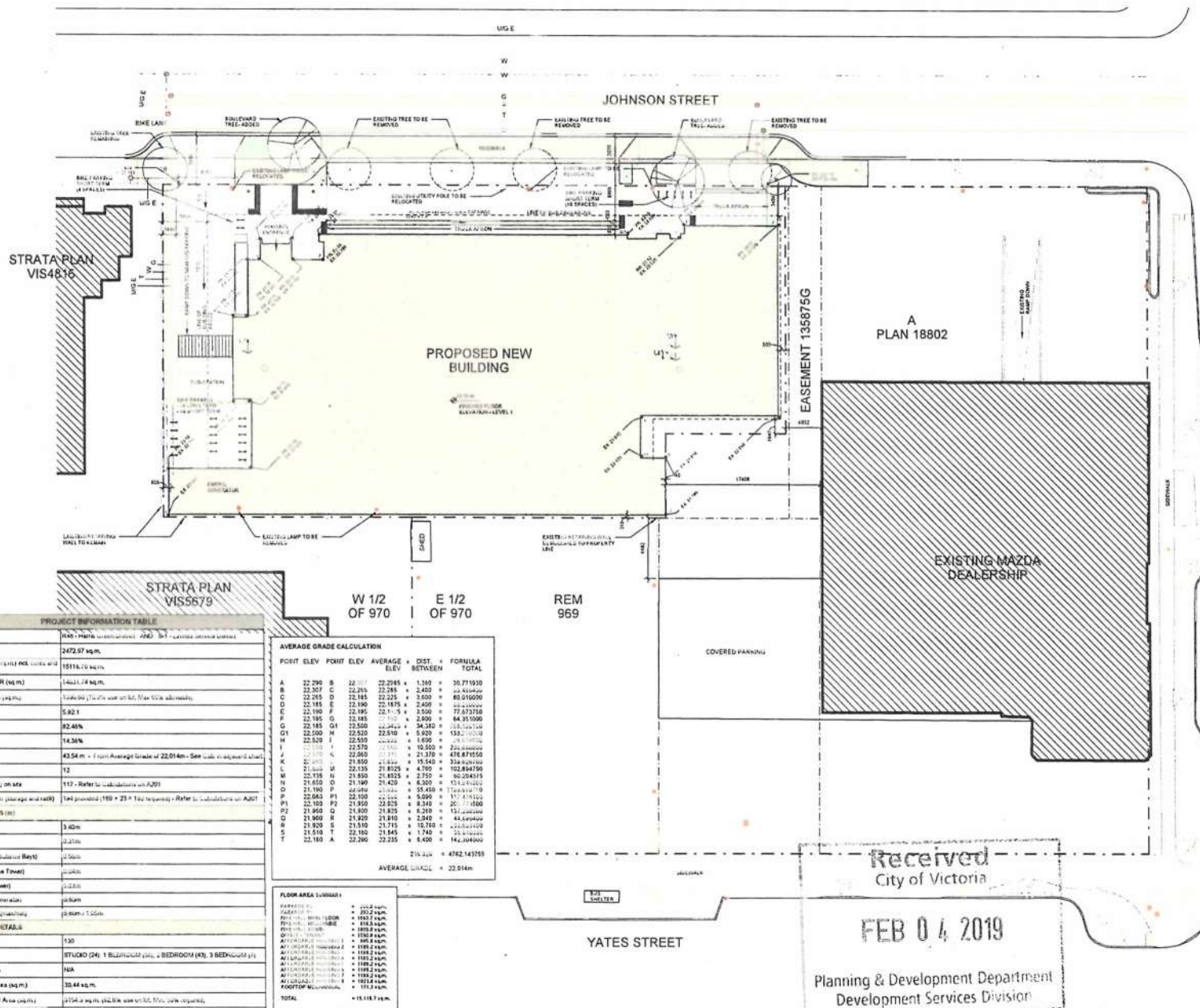
1025 Johnson Street
1025 Johnson St., Victoria, BC
REVISION DESCRIPTION
DATE
19 01 2019
10 02 2019

EXISTING SITE PLAN

2019-02-03

A100

SCALE: 1:200
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Victoria BC, Canada V8W 1H9
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W hcma.ca



PROJECT INFORMATION TABLE	
Site (planning)	1625 - 1626 (see site plan) AND 1627 - 1628 (see site plan)
Site Area (sq.m)	2472.97 sq.m
Unimproved / Site Area (sq.m) (incl. 1627 AND 1628, excl. 1629)	15116.70 sq.m
Final Foot Area for FSR (sq.m)	14631.74 sq.m
Unimproved / Final Area (sq.m)	1046.96 (Final Area used on lot, Final Area allowed)
Floor Space Ratio	5.92:1
Site Coverage %	62.46%
Open Site Space %	14.36%
Height of Building (m)	43.54 m - 7 story Average Grade of 22.014m - See table in adjacent sheet
Number of Storeys	12
Parking (2500) provided on site	117 - Refer to calculations on A201
Bicycle Parking (provided, storage and lock)	144 provided (180 + 25 + 10) required - Refer to Calculations on A201
BUILDING SETBACKS (m)	
Front Yard	3.40m
Rear Yard	0.20m
Side Yard (East at Automobile Bays)	2.50m
Side Yard (East at Horse Tower)	0.20m
Side Yard (West at Tower)	0.20m
Side Yard (West at Corner)	0.80m
Unimproved Site (2500) (planning)	1626 (1) 1250m
RESIDENTIAL USE DETAILS	
Total Number of Units	130
Unit Types	STUDIO (24), 1 BATHROOM (24), 1 BEDROOM (41), 3 BEDROOM (41)
Unimproved Covered Units	N/A
Maximum Unit Floor Area (sq.m)	30.44 sq.m
Total Residential Unit Area (sq.m)	2754 sq.m (incl. 2500, excl. 1629, excl. 1628, excl. 1627)
Per City of Victoria L.P. Application conditions	

AVERAGE GRADE CALCULATION				
POINT	ELEV	POINT	ELEV	FORMULA
A	22.290	B	22.207	22.295 + 1.240 = 30.771930
B	22.307	C	22.295	22.295 + 2.400 = 24.494900
C	22.285	D	22.145	22.225 + 3.600 = 40.016000
D	22.185	E	22.190	22.185 + 2.400 = 24.494900
E	22.190	F	22.195	22.195 + 3.500 = 77.237500
F	22.185	G	22.185	22.190 + 2.900 = 84.351000
G	22.185	H	22.500	22.242 + 34.350 = 128.541000
H	22.500	I	22.500	22.500 + 1.600 = 28.110000
I	22.500	J	22.570	22.570 + 10.500 = 33.440000
J	22.570	K	22.060	22.370 + 21.370 = 478.874500
K	22.060	L	21.850	21.850 + 15.400 = 33.440000
L	21.850	M	22.135	21.825 + 4.300 = 102.849500
M	22.135	N	21.825	21.825 + 3.750 = 100.242500
N	21.825	O	21.190	21.420 + 6.300 = 131.410000
O	21.190	P	22.060	21.420 + 35.450 = 139.927500
P	22.060	Q	22.150	22.150 + 5.000 = 117.471000
Q	22.150	R	21.950	22.025 + 8.340 = 20.771000
R	21.950	S	21.850	21.850 + 5.250 = 33.440000
S	21.850	T	21.920	21.910 + 2.940 = 44.494900
T	21.920	A	21.510	21.710 + 10.710 = 42.444900
A	21.510	B	22.180	21.845 + 1.740 = 24.494900
B	22.180	C	22.200	22.205 + 8.400 = 142.049000
216.240				4782.143755
AVERAGE GRADE				22.014m

FLOOR AREA SUMMARY	
PROPOSED FLOOR AREA	2472.97 sq.m
EXISTING FLOOR AREA	1627 sq.m
TOTAL FLOOR AREA	4100.94 sq.m
EXISTING MAZDA DEALERSHIP	1627 sq.m
PROPOSED NEW BUILDING	2472.97 sq.m
EXISTING COVERED PARKING	1627 sq.m
PROPOSED COVERED PARKING	1627 sq.m
TOTAL COVERED PARKING	3254 sq.m
FOOTPRINT PERCENTAGE	17.01%
TOTAL	15116.70 sq.m

NOT FOR CONSTRUCTION

DATE: 12/01/2014
12:31:24

1025 Johnson Street
1026 Johnson St., Victoria, BC

REVISION DESCRIPTION
DATE BY
12/01/2014

PROPOSED SITE PLAN

Received
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FEB 04 2019

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Development Services Division

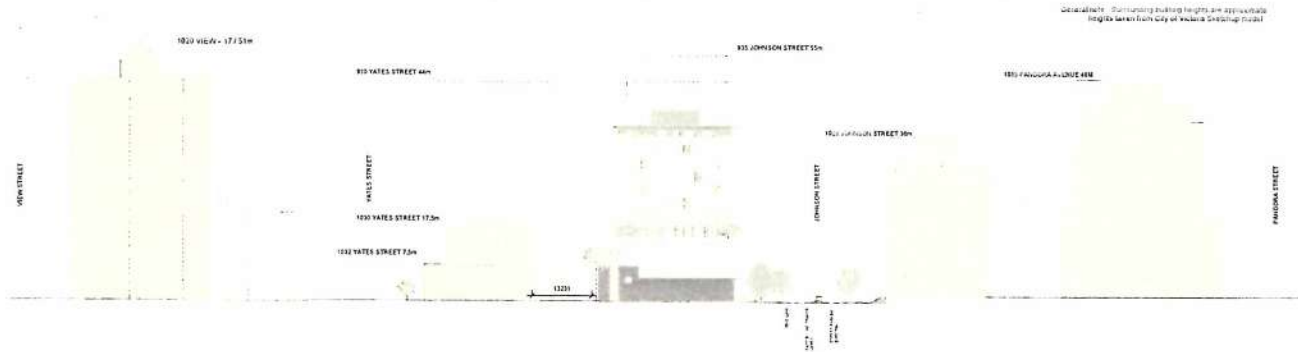
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SCALE: As indicated

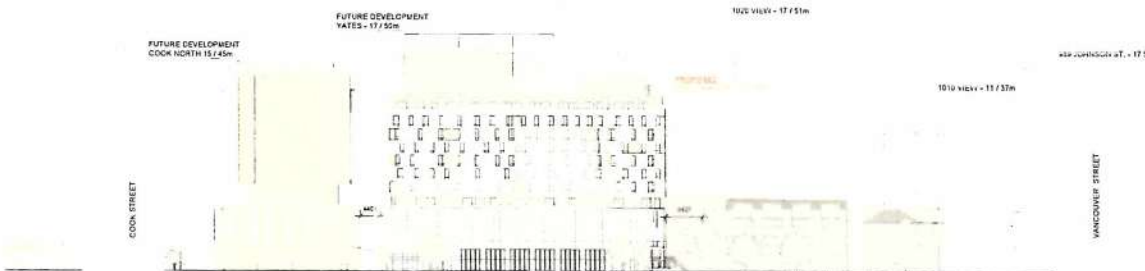
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CONSULTANT LOGO



① WEST SITE CONTEXT
1:500



② JOHNSON STREET ELEVATION
1:500



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REVISION	DESCRIPTION	DATE
1	ISSUED TO CITY	12/18/2018
2	REVISED PER APPROVAL	12/18/2018

1025 Johnson Street
1025 Johnson St., Victoria, BC

SITE CONTEXT



PHOTO - EXISTING VIEW WEST FROM SITE



PHOTO - EXISTING VIEW NORTH FROM YATES



PHOTO - EXISTING VIEW EAST ON JOHNSON



A102

SCALE: 1:500

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SUMMER SOLSTICE

WINTER SOLSTICE



9AM



9AM



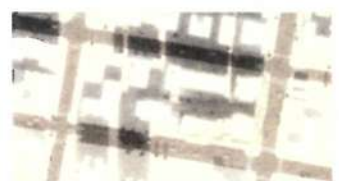
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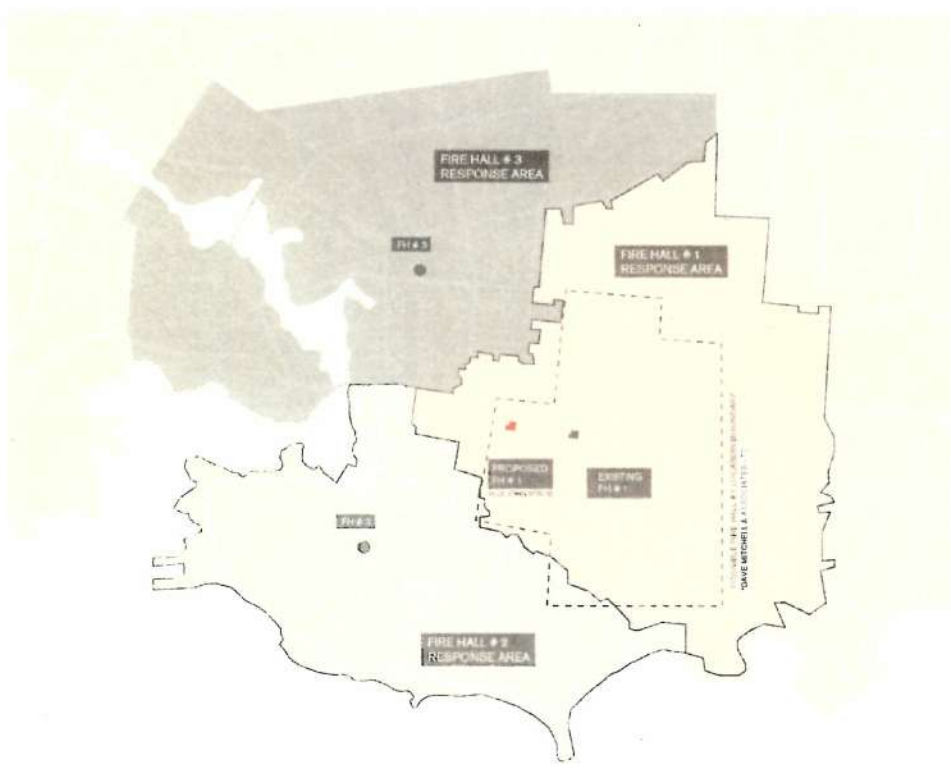
12PM



3PM



3PM



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1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
1	CONCEPTUAL PLAN	11/17/2018
2	REVISED PLAN	12/14/2018
3	REVISED PLAN	01/24/2019

SITE CONTEXT

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VIEW FROM WEST ON JOHNSON

CONTRACT LOGO

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REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	11/11/2018

1025 Johnson Street
1025 Johnson St., Victoria, BC

STREET PERSPECTIVE

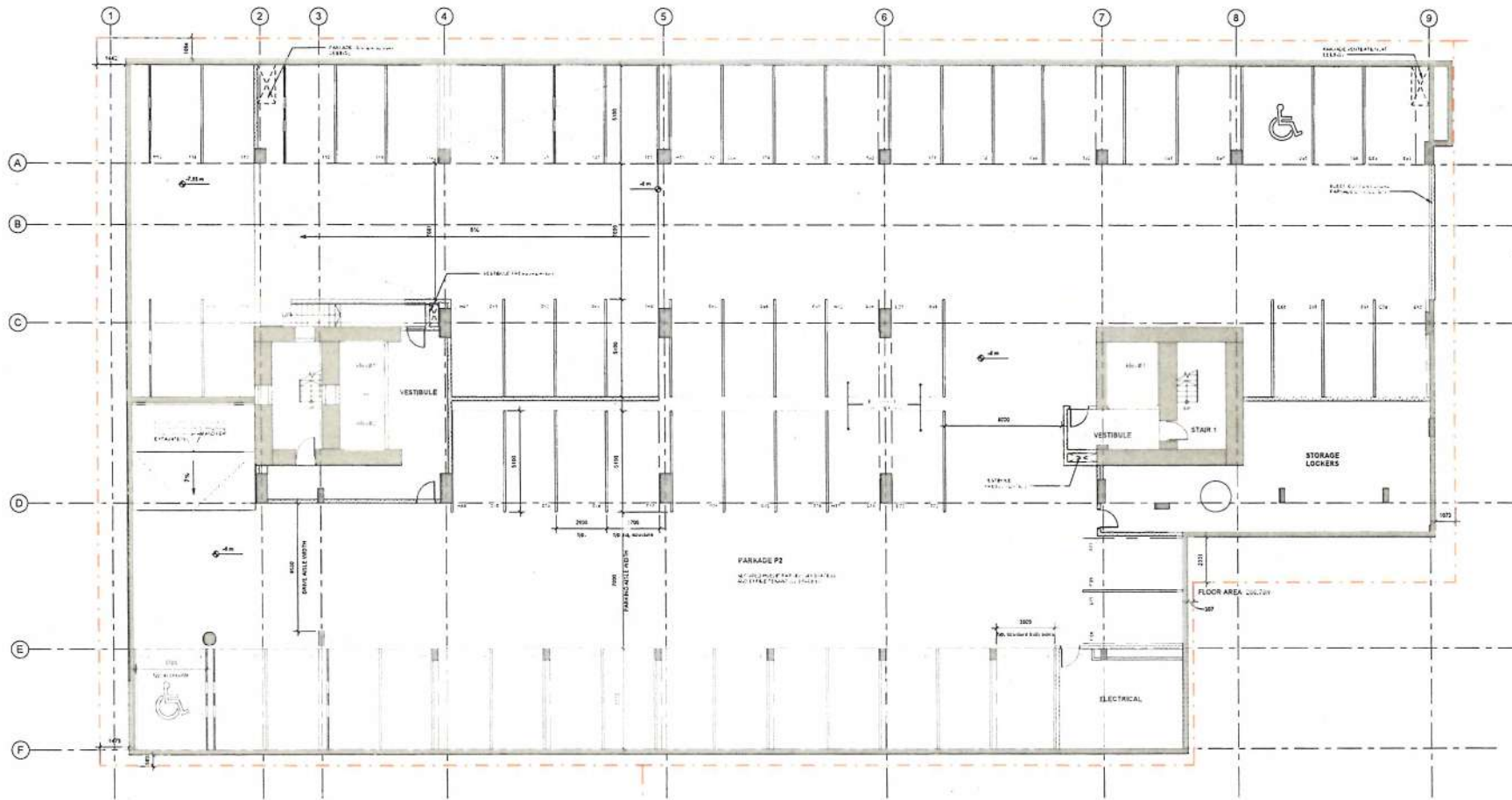
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2018-02-13
2018-02-13

A104

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SCALE: 1:100

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1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	12/11/18
2	REVISED FOR PERMIT	01/17/19

LEVEL P2 -
PARKADE
LEVEL 2

PARKING LEGEND:

C - COMMERCIAL
F - FIRE (HALL)
H - HOUSING
V - VISITOR

TYPE OF BUILDING USE	UNITS/FLOOR AREA	PARKING REQUIRED	VISITOR PARKING REQUIRED	TOTAL PARKING REQUIRED	TOTAL PARKING PROVIDED
FIRE SERVICES (INDUSTRIAL WAREHOUSE)	N/A	17	N/A	17	17
COMMERCIAL (OFFICE)	1230.6 sq.m.	23	N/A	23	23
MULTI-RESIDENTIAL (APT. CONDOS)	120 units	4.8 + 42 + 16.5 + 64	130 x 0.1 = 13	64 + 13 = 77	77
+45 sq.m.	24 units	24 + 0.25 = 4.8			
between 46-70 sq.m.	24 units	64 + 0.50 = 42.0			
>70 sq.m.	22 units	22 + 0.75 = 16.5			
TOTAL VEHICULAR PARKING		84 + 23 + 17 = 124	13	117	117

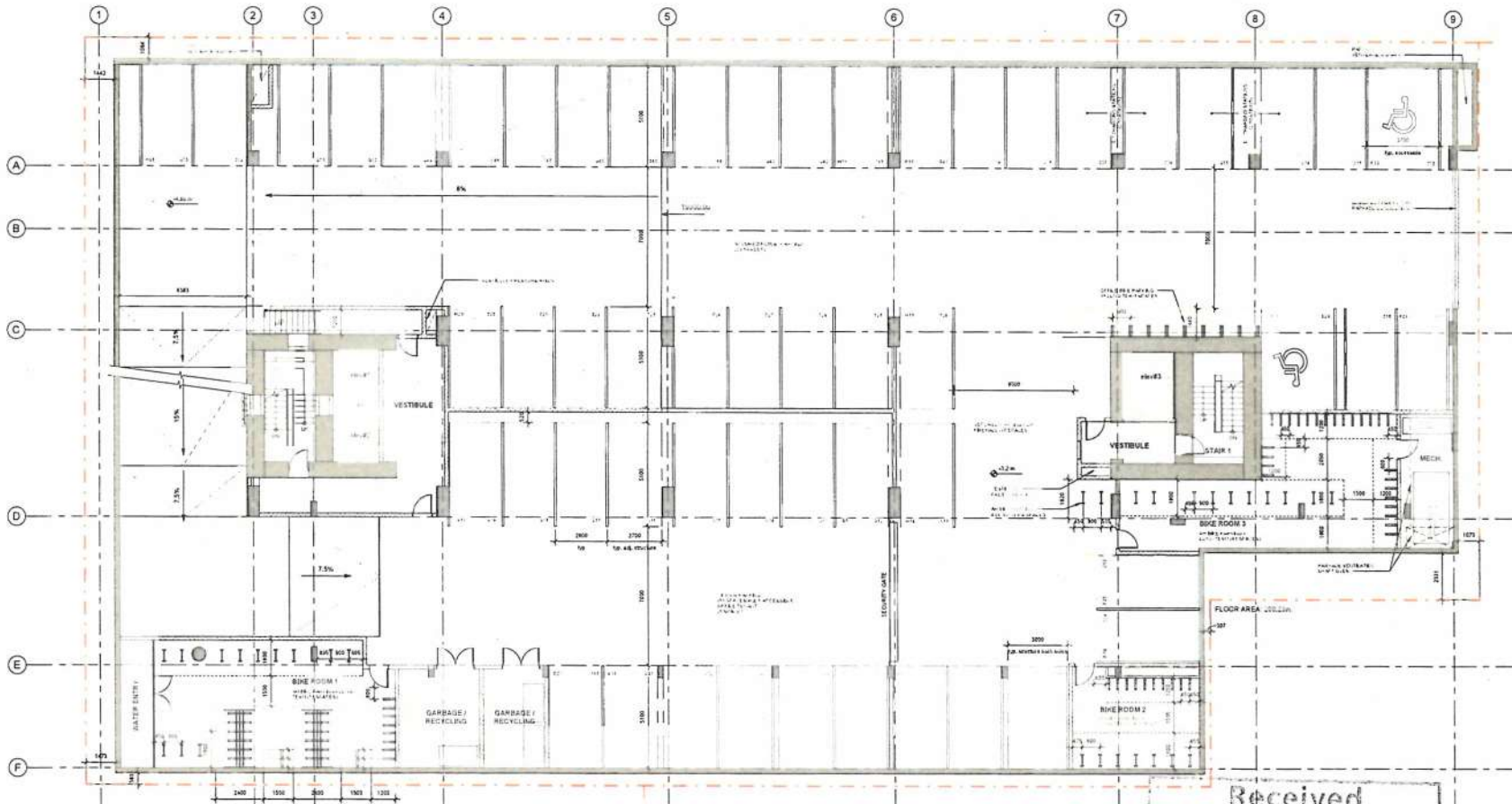
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City of Victoria

FEB 04 2019

Planning & Development Department
Development Services Division

A200
SCALE: 1:100

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Victoria BC, Canada V8W 1H9
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W hcma.ca



CALCULATED LOGO

NOT FOR CONSTRUCTION

1025 Johnson Street
1025 Johnson St., Victoria, BC

DATE: 10/2018
REVISION: 1
DESCRIPTION: PARKADE LEVEL 1
DRAWN BY: [signature]

LEVEL P1 -
PARKADE LEVEL
1

Received
City of Victoria
FEB 04 2019
Planning & Development Department
Development Services Division

PARKING LEGEND:
C - COMMERCIAL
F - FIRE MALL
R - RESIDENTIAL
V - VISITOR

VEHICLE PARKING CALCULATIONS

TYPE OF BUILDING USE	UNITS/FLOOR AREA	PARKING REQUIRED	VISITOR PARKING REQUIRED	TOTAL PARKING REQUIRED	TOTAL PARKING PROVIDED
FIRE SERVICES (INDUSTRIAL WAREHOUSE)	N/A	17	N/A	17	17
COMMERCIAL (OFFICE)	1300.0 sq.m.	23	N/A	23	23
MULTI-RESIDENTIAL (AFFORDABLE)	1 unit	4.8 + 0.25 = 5.05	1.0 + 0.1 = 1.1	5.05 + 1.1 = 6.15	7.7
+45 sq.m.	24 units	24 x 0.25 = 6.0			
between 45-70 sq.m.	84 units	84 x 0.55 = 46.2			
+70 sq.m.	32 units	22 x 0.75 = 16.5			
TOTAL VEHICULAR PARKING		64 + 23 + 17 = 104	13	117	117

BICYCLE PARKING CALCULATIONS

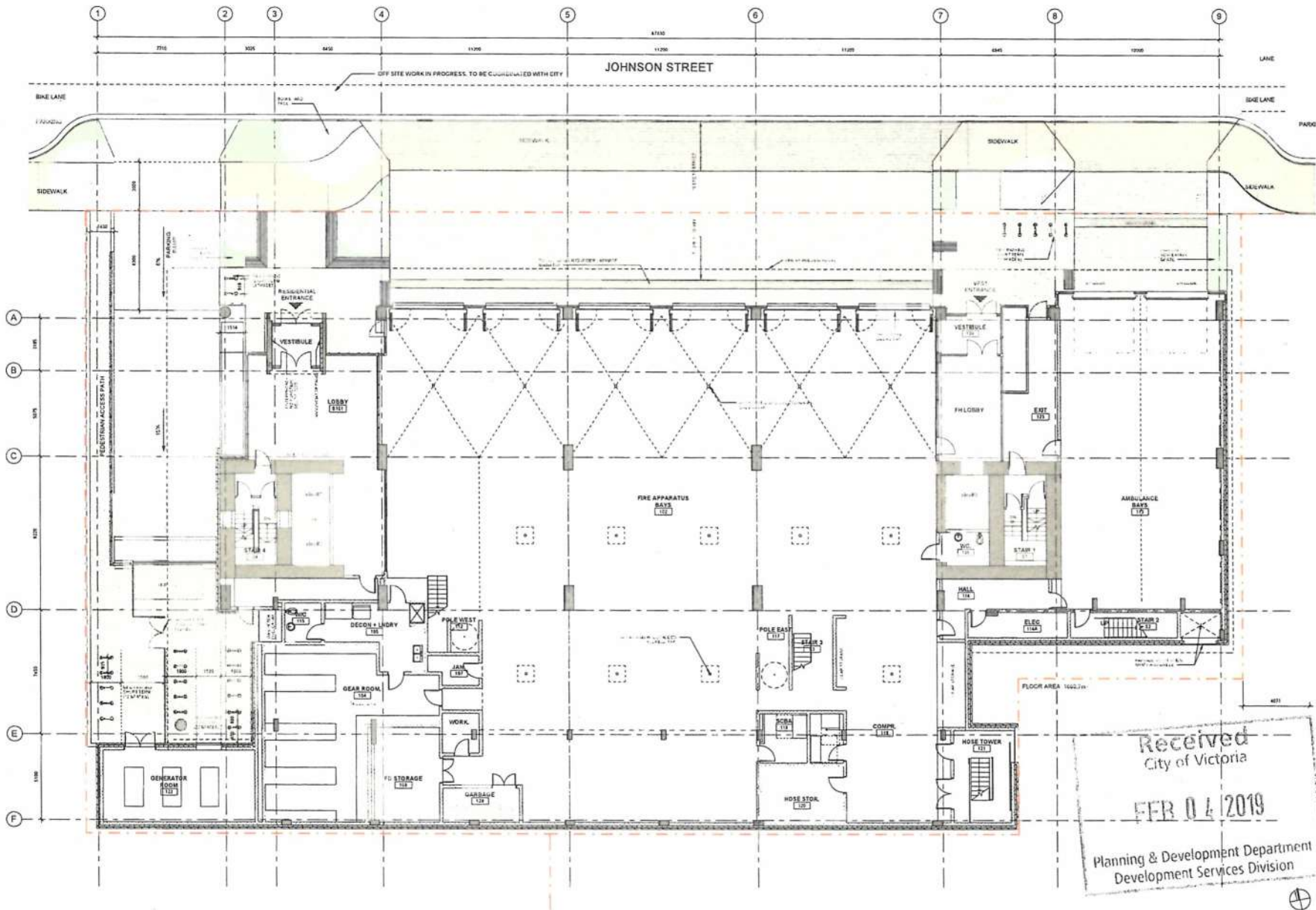
TYPE OF BUILDING USE	UNITS/FLOOR AREA	LONG TERM REQUIRED	SHORT TERM REQUIRED
FIRE SERVICES (INDUSTRIAL WAREHOUSE)	122.0 sq.m.	10.00 x 1.20 = 1.20	6
COMMERCIAL (OFFICE)	1990.6 sq.m.	12.00 x 1.20 = 14.40	13.00 x 0.400 = 5.20
MULTI-RESIDENTIAL (AFFORDABLE)	1 unit	1.33 + 0.15 = 1.48	2.4 + 10.8 = 13.2
+45 sq.m.	24 units	24 x 1 = 24	24 x 0.1 = 2.4
+45 sq.m.	104 units	104 x 1.25 = 130.5	105 x 0.1 = 10.5
TOTAL REQUIRED		157 + 11 + 1 = 169	134 + 4 = 138
TOTAL PROVIDED		170	24
(ground structure)		(85)	(24)
(with structure)		(85)	(0)

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PROJECT: 1624 • DRAWN: TEAM

A201

SCALE: 1:100
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Victoria BC, Canada V8W 1H9
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W hcma.ca



DATE: 14/07/2018

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1025 Johnson Street
 1025 Johnson St., Victoria, BC
 REVISION DESCRIPTION
 1 2018/07/14

LEVEL 01 - FIRE HALL MAIN FLOOR

Received
 City of Victoria
 FEB 04 2019
 Planning & Development Department
 Development Services Division

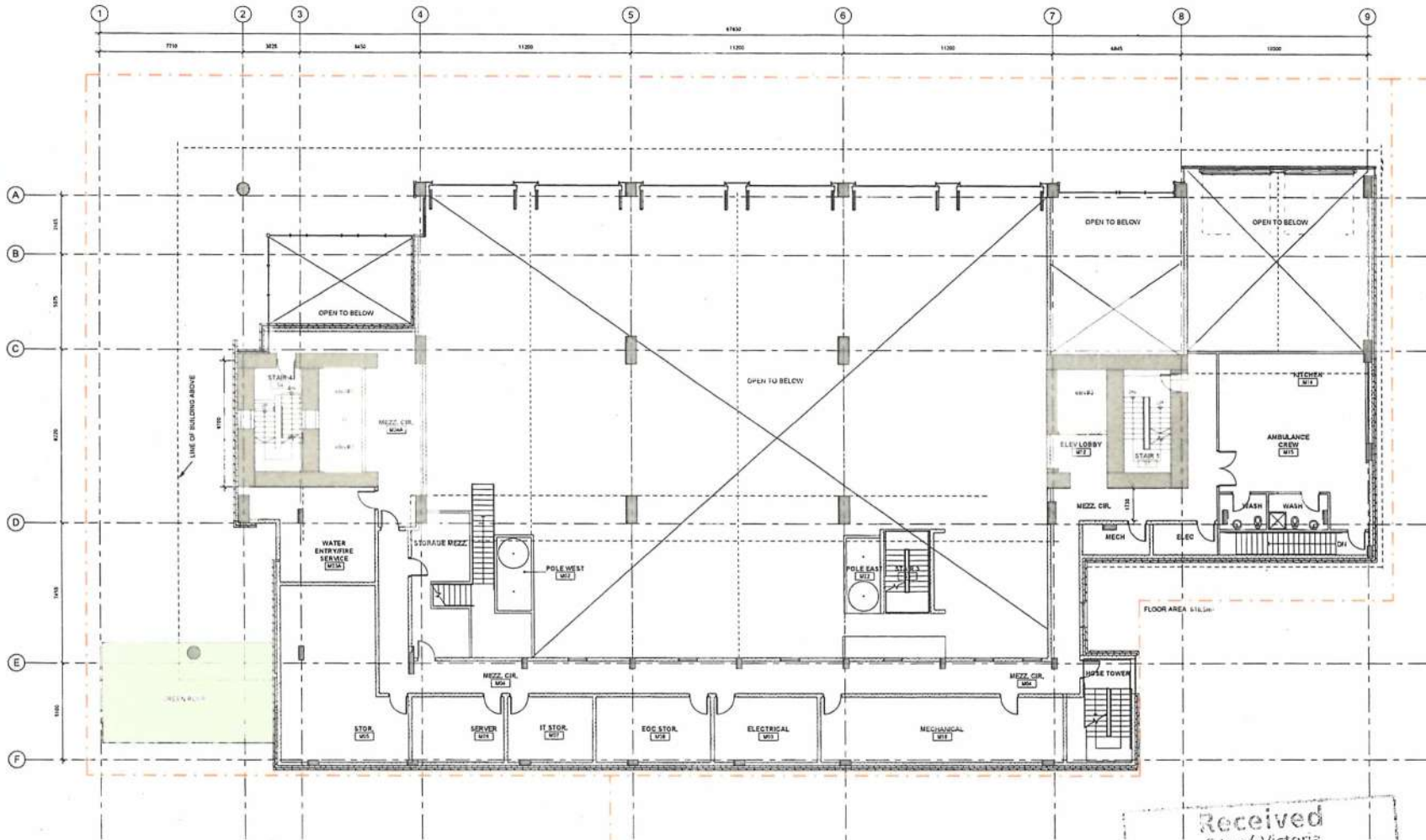
2018-02-01

A202

SCALE: 1 : 100

CONSULTANT LOGO

NOT FOR CONSTRUCTION



1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION DESCRIPTION
 1. REVISED TO PER
 2. REVISED TO PER
 3. REVISED TO PER

LEVEL 01M - FIRE
HALL MEZZANINE

Received
City of Victoria

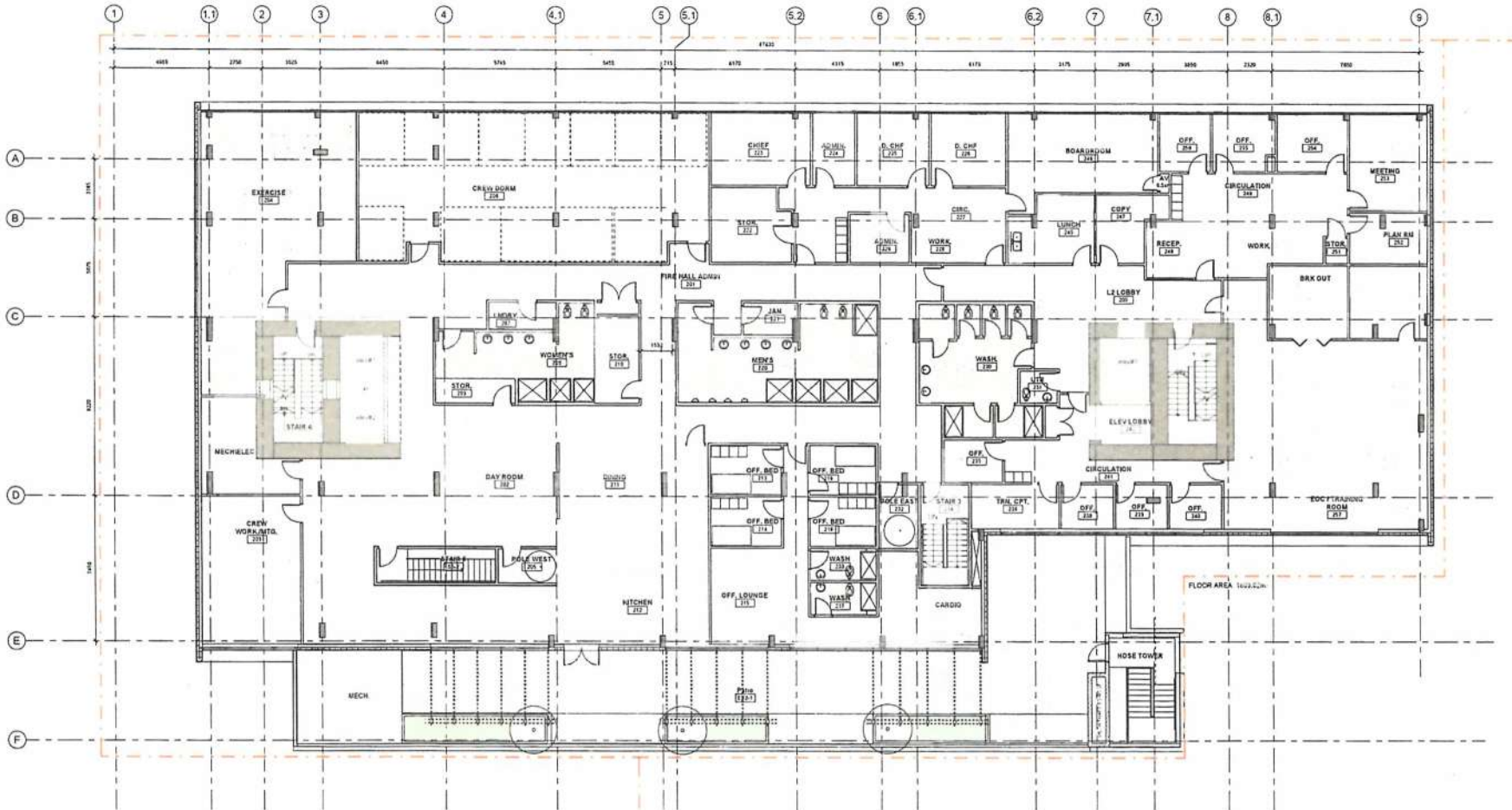
FEB 06 2019
Planning & Development Department
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2019-02-06

A203

SCALE: 1:100

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CLIENT/TEAM LOGO

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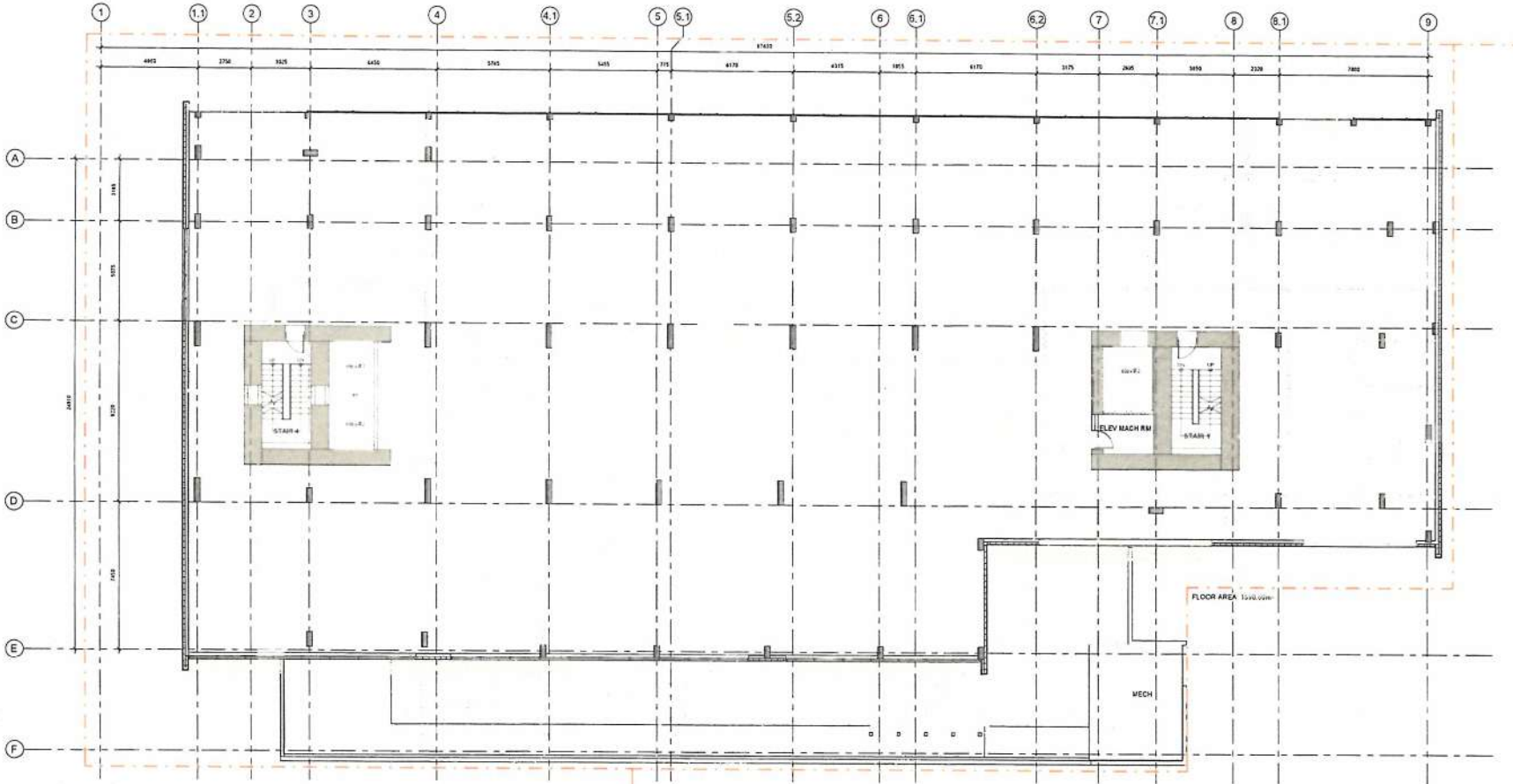
1025 Johnson Street
 1025 Johnson St., Victoria, BC
 REVISION DESCRIPTION
 DATE 01/20/18
 2019-02-01

LEVEL 02 - FIRE HALL ADMINISTRATION

Received
 City of Victoria
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A204
 SCALE: 1:100
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HCMA

LANDMARK 1000

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 1025 Johnson St, Victoria, BC
 REVISION DESCRIPTION
 DATE
 2018-02-03

LEVEL 03 -
 OFFICE - TENANT

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A205
 SCALE: 1 : 100
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CONSULTANT LOGO

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1025 Johnson Street
1025 Johnson St, Victoria, BC

REVISION	DESCRIPTION	DATE
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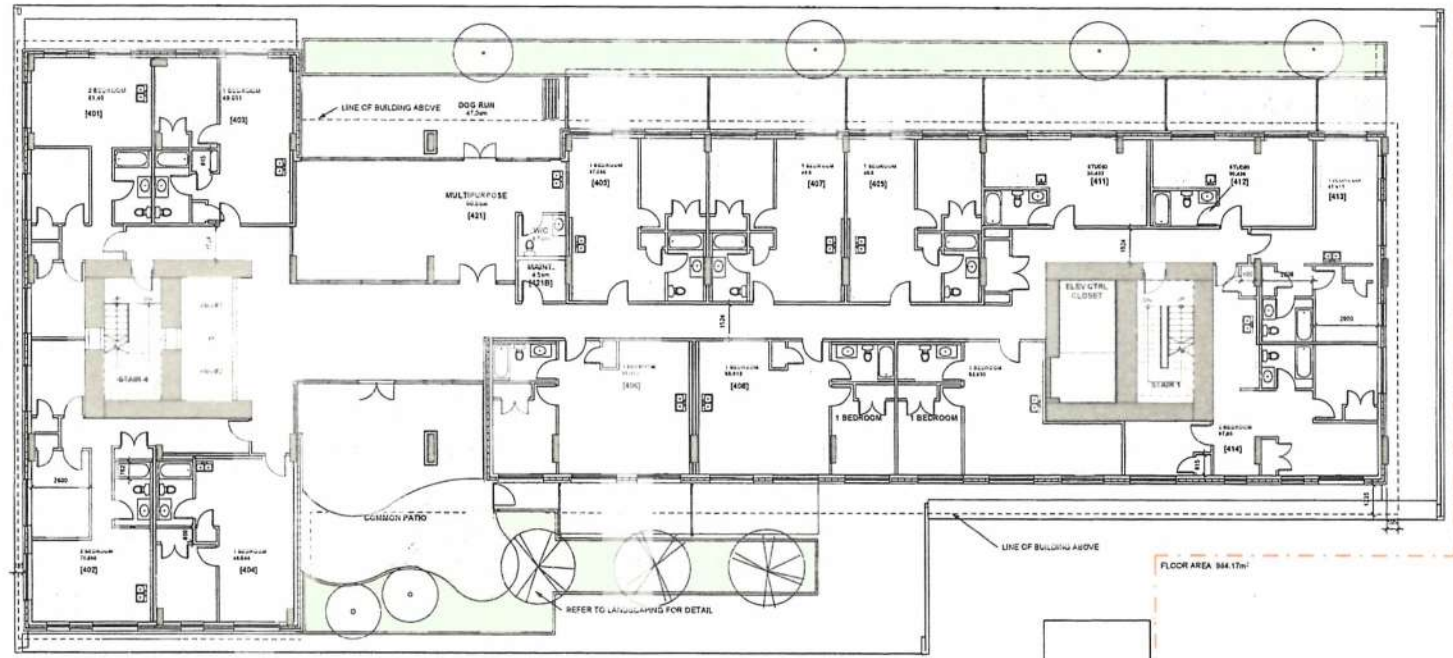
LEVEL 04 -
AFFORDABLE
HOUSING 1

2019-02-14

A206

SCALE: 1:100

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Planning & Development Department
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DATE: 11/12/2018
 11/12/2018
 11/12/2018

NOT FOR CONSTRUCTION

1025 Johnson Street
 1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION
1	ISSUE FOR PERMITTING
2	REVISED PER PERMITTING

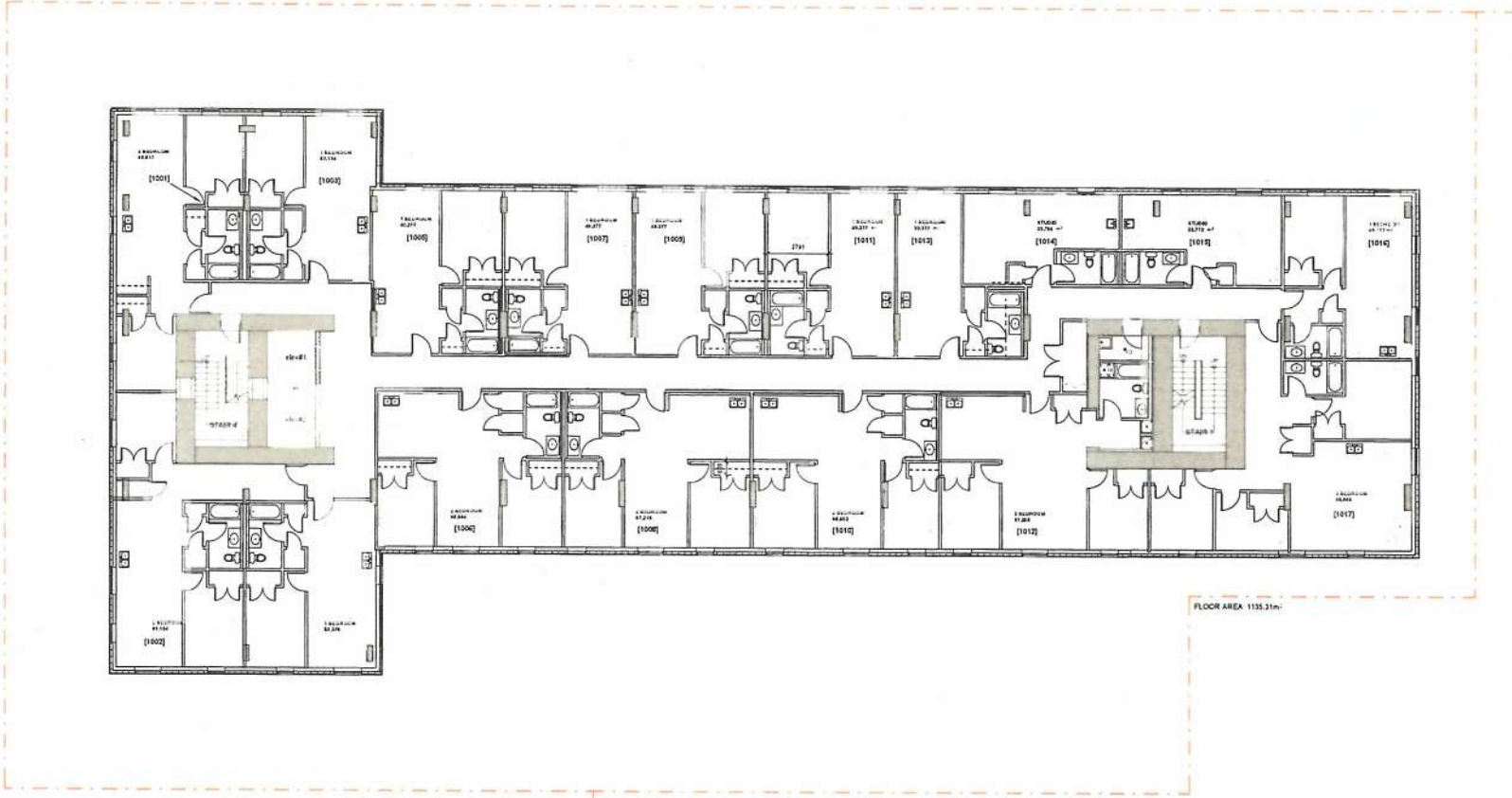
LEVEL 5-10
 -AFFORDABLE
 HOUSING
 TYPICAL LAYOUT

2018-02-01

A207

SCALE: 1:100

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 Victoria BC, Canada V8W 1H9
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Received
 City of Victoria
 FEB 04 2019
 Planning & Development Department
 Development Services Division

DATE: 1/27/2019

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1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/27/2018
2	ISSUED FOR PERMIT	11/27/2018
3	ISSUED FOR PERMIT	11/27/2018

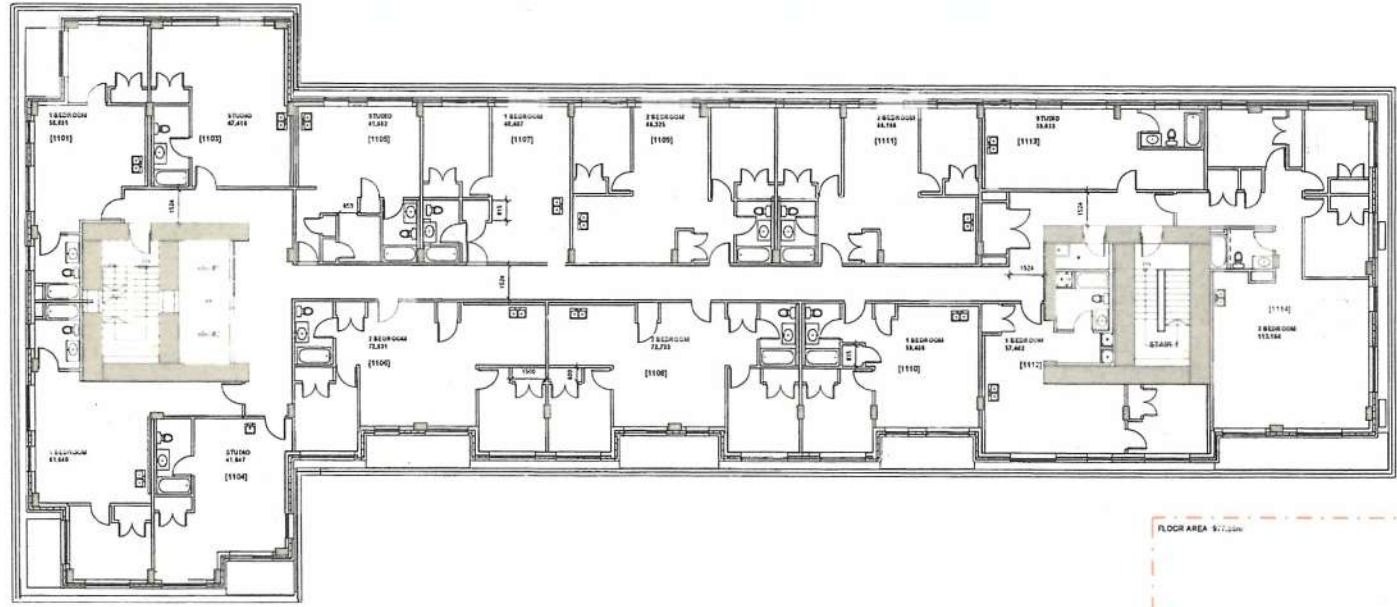
LEVEL 11 -
AFFORDABLE
HOUSING TOP
FLOOR

NO.	DATE	DESCRIPTION
1	2019-02-03	ISSUED FOR PERMIT

A208

SCALE: 1:100

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FLOOR AREA: 977.22m²

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City of Victoria

FEB 06 2019

Planning & Development Department
Development Services Division

SCALE: 1:1000

NOT FOR CONSTRUCTION

1025 Johnson Street
1025 Johnson St., Victoria, BC

ROOF PLAN

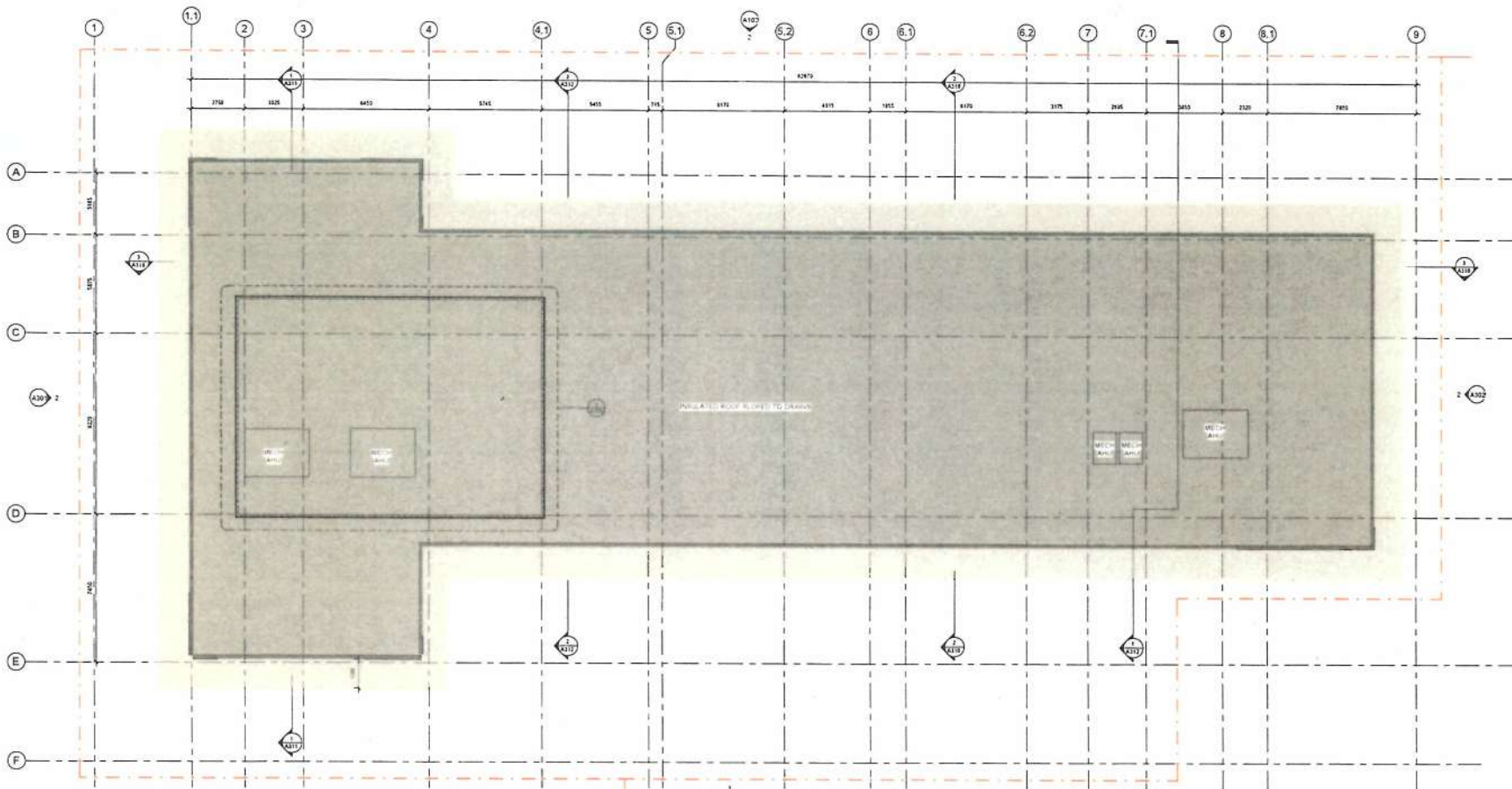
DATE: 04/11/2018, 11/22/2018, 02/08/2019
 REVISION: REVISION
 DRAWN BY: ELLIOTT PAVEL
 CHECKED BY: ELLIOTT PAVEL

2019-02-C1

A209

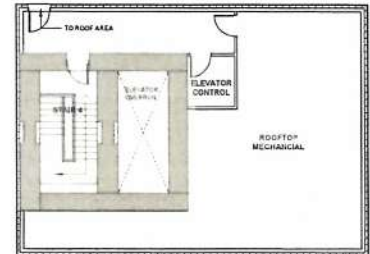
SCALE: 1:100

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 W: hcma.ca

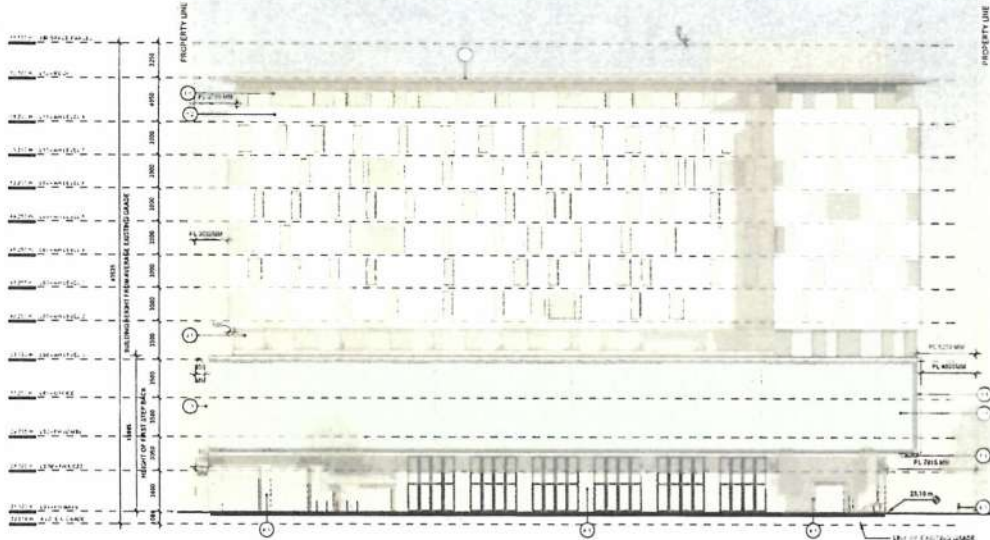


Received
 City of Victoria
 FEB 04 2019
 Planning & Development Department
 Development Services Division

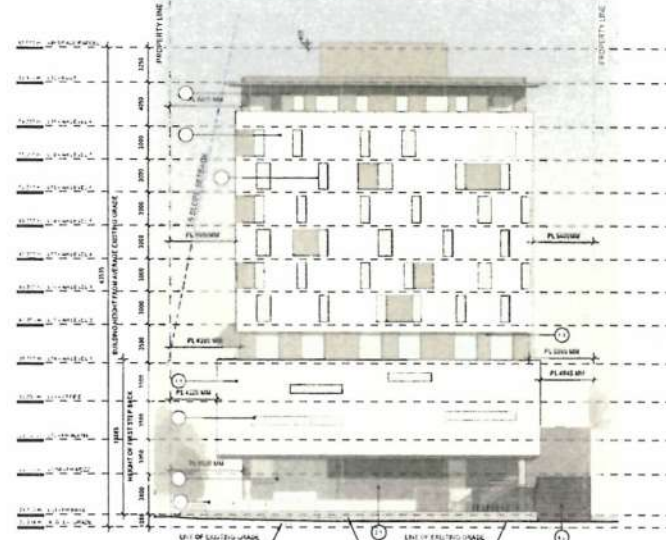
FLOOR AREA: 171.30m²



2 ROOFTOP MECHANICAL PENTHOUSE PLAN
 1:100



① NORTH ELEVATION
1:200



② WEST ELEVATION
1:200

VFS1 EXTERIOR MATERIALS

Fire Hall



ELEVATION KEYNOTES	
L1	COMPOSITE METAL PANEL - COLOUR CHAMCOAL
L2	COMPOSITE METAL PANEL - COLOUR LIGHT GREY
B1	BRICK VENEER - TRICK BERRY - COLOUR TND
B2	TEXTURED ALUMINUM FIBRE CEMENT PANELS - COLOUR TND
A1	EXPOSED CONCRETE - FINISH TND
A2	TOP OF FINISH GRADE RETAINING WALL - COLOUR TND
F1	PRE-FINISHED METAL CURTAIN WALL - COLOUR TND
F2	PRE-FINISHED METAL CURTAIN WALL - COLOUR TND
F3	PRE-FINISHED METAL CURTAIN WALL - COLOUR TND
F4	ALUMINUM CURTAIN WALL
B3	ALUMINUM CURTAIN WALL
B4	ALUMINUM CURTAIN WALL
B5	ALUMINUM CURTAIN WALL
B6	ALUMINUM CURTAIN WALL
B7	ALUMINUM CURTAIN WALL
B8	ALUMINUM CURTAIN WALL
B9	ALUMINUM CURTAIN WALL
B10	ALUMINUM CURTAIN WALL
B11	ALUMINUM CURTAIN WALL
B12	ALUMINUM CURTAIN WALL

Received
City of Victoria
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PROJECT#1624 • DRAWN: TEAM

HCMA

CLIENT: 1624

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1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11.12.2018
2	ISSUED FOR PERMIT	12.12.2018
3	ISSUED FOR PERMIT	12.12.2018

NORTH and WEST ELEVATION

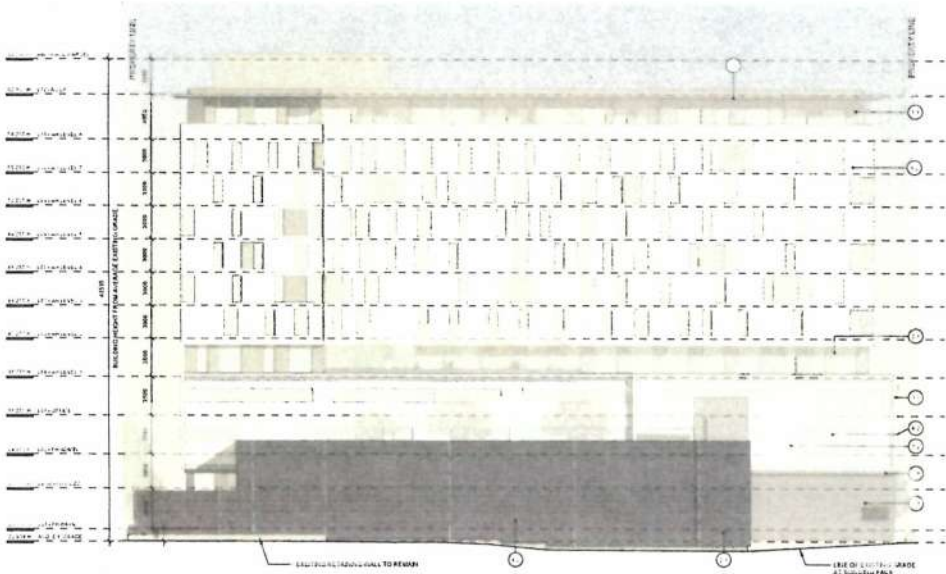
A301

SCALE: 1:200

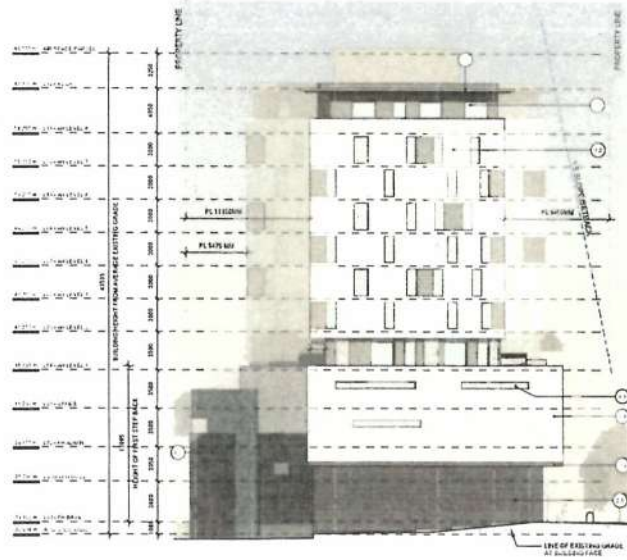
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1025 JOHNSON STREET

NOT FOR CONSTRUCTION



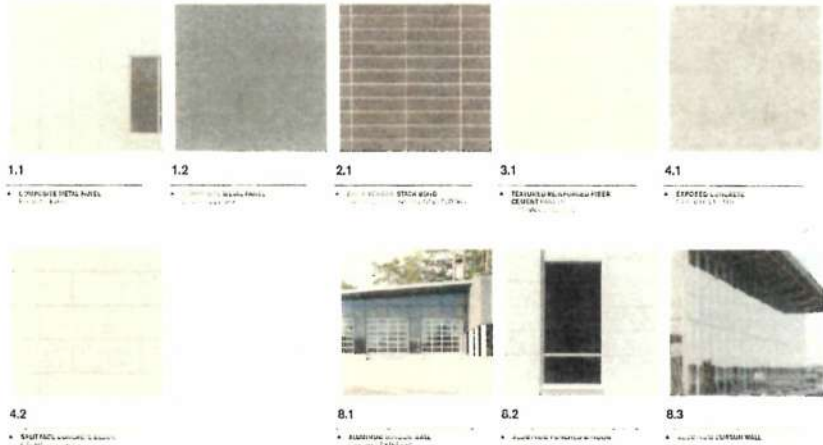
1 SOUTH ELEVATION
1:200



2 EAST ELEVATION
1:200

VFS1 EXTERIOR MATERIALS

Fire Hall



ELEVATION KEYNOTES	
1.1	COMPOSITE METAL PANEL - COLOUR 01 CHARCOAL
1.2	COMPOSITE METAL PANEL - COLOUR 03 LIGHT GREY
2.1	TEXTURED METAL FINISH - COLOUR 01 T80
3.1	TEXTURED REINFORCED FIBRE CEMENT PANELS - COLOUR 01 T80
4.1	EXPOSED CONCRETE - FRESH T80
4.2	PRE-FABRIC CONCRETE BLOCK - COLOUR T80
4.3	PRE-FINISHED METAL FLASHING - COLOUR TO MATCH CAPPED LOGGERS
8.1	ALUMINUM FINISH WALL
8.2	ALUMINUM FINISH WALL
8.3	ALUMINUM FINISH WALL
8.5	ALUMINUM FINISH WALL
12.1	METAL WALL PANEL
12.2	ALUMINUM FINISH WALL

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1025 Johnson Street
1025 Johnson St., Victoria, BC

SOUTH AND EAST ELEVATION

A302

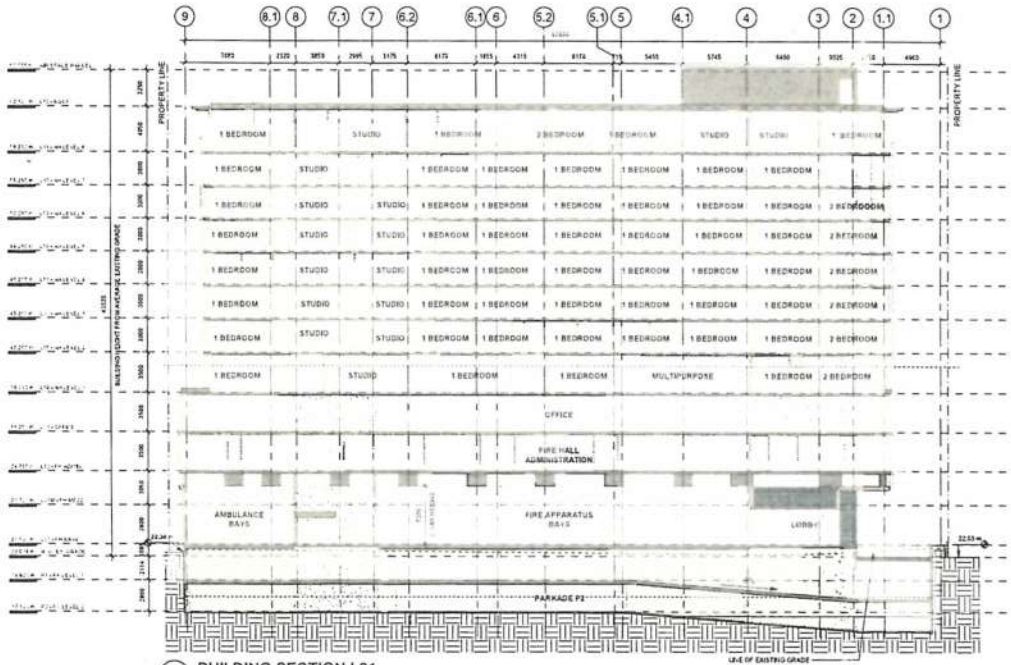
SCALE: 1:200

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Victoria BC, Canada V8W 1H9
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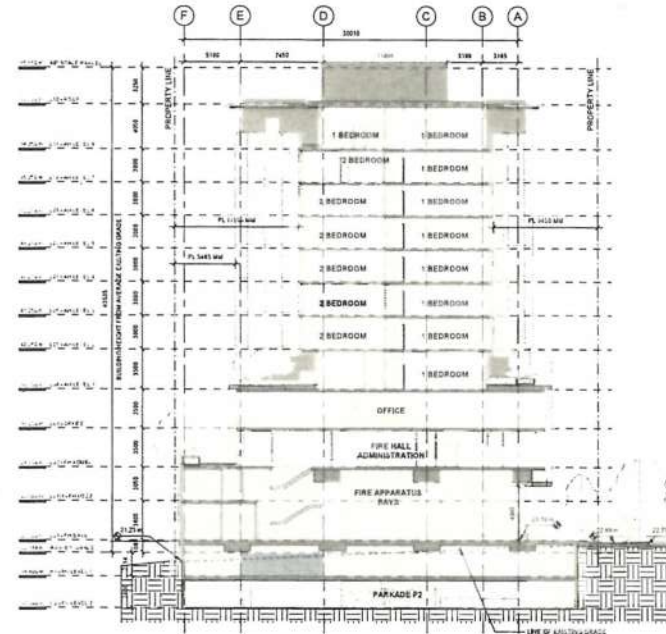
DATE: 04/12/2018
11/21/2018
02/21/2019
REVISION DESCRIPTION:
DRAWING TEAM:
ARCHITECT: J. HARRIS
REVISIONS:
1.000
1.000
1.000

2019-02-01

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3 BUILDING SECTION L01
1:200



2 BUILDING SECTION C02
1:200

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1025 Johnson Street
1025 Johnson St, Victoria, BC

REVISION	DESCRIPTION	SCALE	DATE
1	SCHEMATIC DEVELOPMENT	1:200	10/2018
2	SCHEMATIC DEVELOPMENT	1:200	11/2018
3	SCHEMATIC DEVELOPMENT	1:200	12/2018
4	SCHEMATIC DEVELOPMENT	1:200	01/2019
5	SCHEMATIC DEVELOPMENT	1:200	02/2019

BUILDING SECTIONS

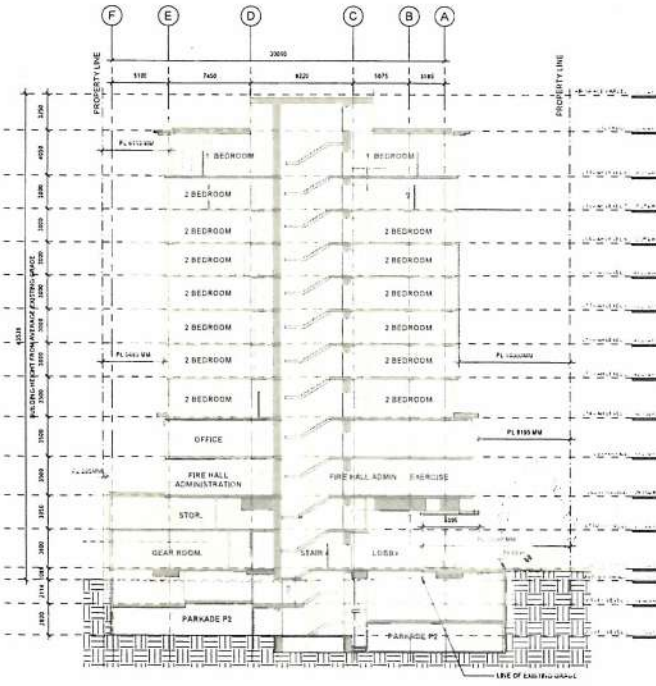
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2019-02-03

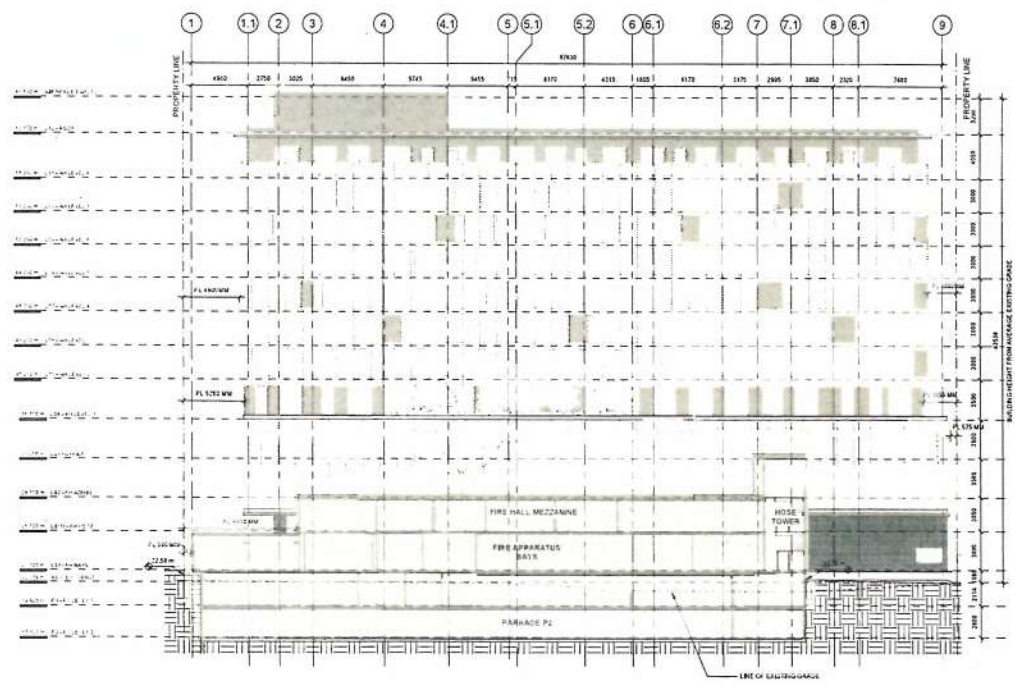
A310

SCALE: 1:200

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1 BUILDING SECTION C03
1/200



2 BUILDING SECTION L02
1/200

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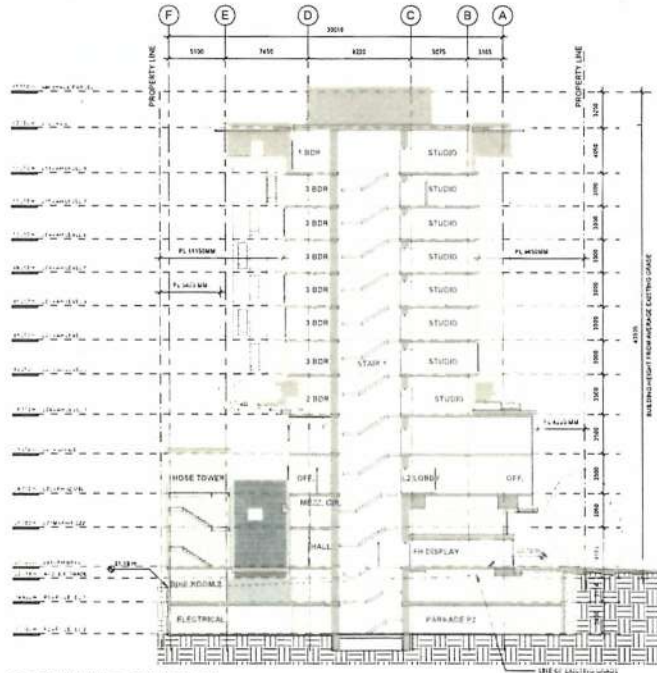
1025 Johnson Street
1025 Johnson St, Victoria, BC

REVISION	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/22/2018
2	REVISED PER PERMIT	12/20/2018
3	REVISED PER PERMIT	02/20/2019

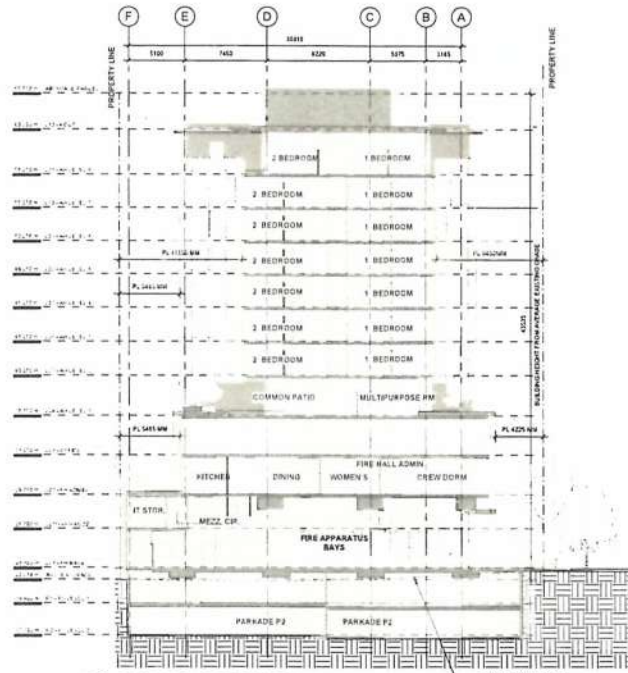
BUILDING SECTIONS

A311

SCALE: 1/200
HCMA Architecture + Design
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Victoria BC, Canada V8W 1H9
T: 250.362.6650
W: hcma.ca



1 BUILDING SECTION C01
1:200



2 BUILDING SECTION C04
1:200

CLIENT LOGO

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1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
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02	DEVELOPMENT PERMIT	12/28/2018
03	DEVELOPMENT PERMIT	03/23/2019

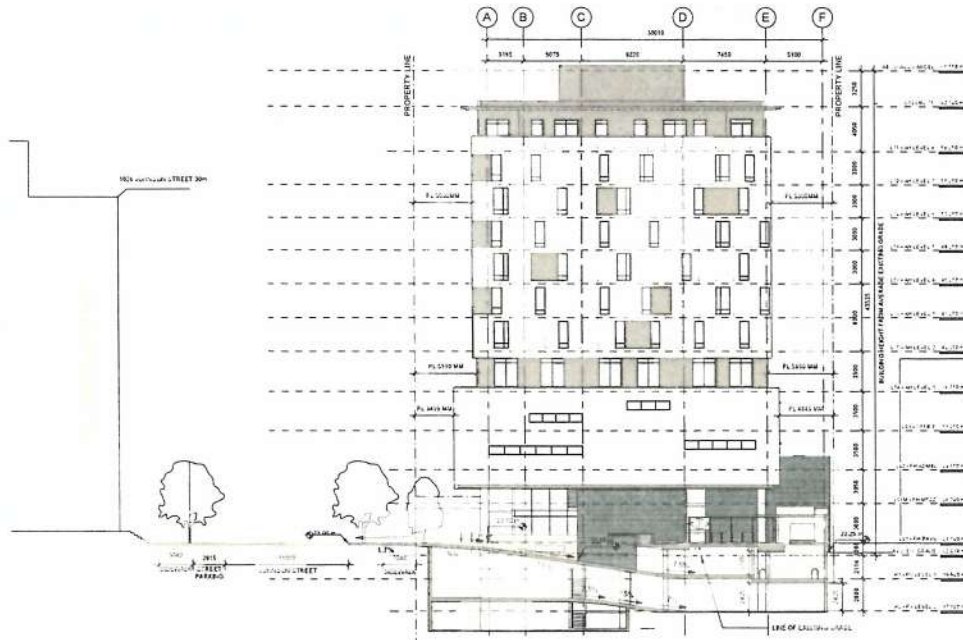
BUILDING SECTIONS

Received
City of Victoria
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Development Services

2018-02-23
2018-02-23
2018-02-23

A312

SCALE: 1:200
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1 04 - CROSS SECTION THROUGH DRIVE AISLE
1:200

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DATE: 01/17/2018
11:21:08 AM
12/21/2018

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1025 Johnson Street
1025 Johnson St., Victoria, BC

REVISION	DESCRIPTION	DATE
1	CONSTRUCTION PERMIT	01/17/2018
2	AMENDMENTS TO PERMIT	11/21/2018
3	REVISIONS TO PERMIT	02/21/2019

BUILDING SECTIONS

2018-02-03
PROJECT: 1624
DRAWN: Author

A313

SCALE: 1:200

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January 30, 2019

Miko Betanzo
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Re: 1025-1031 Johnson Street & 1050 Yates Street Development Land Lift Analysis

G.P. Rollo & Associates (GPRA) has been retained by the City of Victoria to complete a Land Lift and Amenity Contribution Analysis for the proposed rezoning of 1025, 1029, and 1031 Johnson Street and 1050 Yates Street Victoria (the Site) from the current mix of Harris Green District Zone (R-48) and Limited Service District Zone (S-1) to the proposed new Zone by the Developer.

The purpose of the analysis is to estimate the land lift and amenity contribution on the site from an increase in density between the base density and the proposed development with an overall density of 6.8 FSR with 48,980 square metres of gross building area. The City of Victoria Density Bonus Policy (2016) and the OCP (2012) establish the criteria by which the base density is determined. The base density (as specified in Policy) would result in a maximum of 42,578 square metres of gross buildable area on the 7,200 square metre site. The City has also asked for GPRA to consider an additional land lift analysis that examined a potential lift between the proposed density and a base density determined after incorporating design guidelines and building heights up to the maximum within the R-48 Zone at the OCP base density of 3.0 FSR for the S-1 Zone. Through this analysis, the base density would result in a gross buildable area of 33,810 square metres.

The Developer is also proposing 130 residential units be secured as Affordable Housing in perpetuity through a housing agreement. The City has also requested a new fire hall of roughly 3,880 square metres be built on the site which will be purchased by the City from the Developer, along with some compensation for off-site servicing, sidewalk improvements, equipment, and project management.

The analysis consisted of preparation of residual land value analyses which determines the maximum value that a developer could afford to pay for the Site, assuming it already had the new Zoning and the maximum value a developer could pay for the site if developed as permitted under the OCP with prevailing market conditions. GPRA has been asked to assess the value of the Site with the following potential uses:

- 1) Residential strata
- 2) Residential rental
- 3) Residential Affordable
- 4) Commercial retail uses;

GPRA used standard developer proformas for each case to model the economics of typical development as proposed/allowed under the each zoning scenario. The 'Lift' is then calculated as the difference in residual land values under both current zoning and the proposed new zoning/density.

METHODOLOGY & ASSUMPTIONS

The Site can be developed under the OCP Policies with up to 42,578 square metres of gross building area (GBA) for strata apartments (33,810 square metres with the lower base density allowance). The proposed new development would amount to approximately 48,980 square metres of GBA, comprised of 31,911 square metres (gross area) of strata apartments, 9,155 square metres (gross area) of residential rental (composed of 130 rental apartments to be secured as rental in perpetuity through a housing agreement), 4,034 square metres of commercial space, and 3,880 square metres for the fire hall. The developer has indicated that their intention is to dedicate the residential rental units as Affordable Housing.

The analyses are created using a standard developer proforma wherein estimates of revenues and costs are inputs and the remaining variable is the desired output. In typical proformas this output is usually profit, following a revenues minus costs equals profit formula.

For a residual land valuation, however, an assumption on developer's return needs to be included in order to leave the land value as the variable to solve for. For these analyses GPRA has determined the residual value based on the developer achieving an acceptable profit of 15% on total project costs (calculated as a representative portion of overall project costs for the proposed development) for the base analysis as a strata apartment building. For the rezoned rental apartment project a profit to project cost metric is not appropriate, as it would be difficult to support any land value and achieve a profit on cost when building in concrete materials and with rents at market rates. Instead, developers would typically look at the yield of ongoing revenue measured as an internal rate of return (IRR). GPRA has determined the residual land value for the rezoned property using a target IRR of 5.68%, reflective of current capitalization rates for rental apartments and commercial retail in the City (the 5.68% IRR is set at 1.5% points above the blended cap rates for rental at 4.0% and the cap rate for commercial at 5.25%). The residual values are the maximum supported land value a developer could pay for the site (under the density and conditions tested) while achieving an acceptable return for their project.

The residual land value determined from this analysis is then compared to the value of the site using the supported base density as determined by the OCP to establish a 'lift' in value that arises from the change in density. This lift in value is the total potential monies that are available for public amenities or other public works not considered as part of the analysis. GPRA have made allowances for streetscape and public realm improvements that would typically be incurred through development in both sets of analysis. Any additional improvements or Community Amenity Contributions required as a condition of the rezoning would impact the lift and would need to be identified, priced, and included in a revised analysis.

Typically there is some sharing of the lift value between the Municipality/District and the developer, but the percentage shared varies by community and by project. It is GPRA's

understanding that in compliance with current policy, the City has determined that they will seek 75% of the lift for amenities.

GPRA determined strata revenues used in the base analysis from a review of recent sales and offerings for sale of recently developed apartments of concrete construction within roughly 10 km of the Site, with a focus on projects that were deemed comparable to that which could be developed at the Site. Rents for apartment units and commercial uses have also been drawn from a scan of projects with current listings in the area. For the Affordable Housing analysis the Developer has indicated they would follow BC Housing's guidelines wherein rental units would be split 30% for affordable market rental (\$1,211 max rent in 2018), 50% with rents geared to income (\$725 max rent in 2018), and 20% of units with a deep subsidy (\$455 max rent in 2018). Under a market rental scenario GPRA has utilized an average rent of \$1,795 per month.

Project costs were derived from sources deemed reliable, including information readily available from quantity surveyors on average hard construction costs in the City. Development or soft costs have been drawn from industry standards, and from the City's sources. All other assumptions have been derived from a review of the market and from other sources deemed reliable by GPRA.

CONCLUSIONS & RECOMMENDATIONS

GPRA estimates that there is no lift from the proposed zoning for the entire site when 9,155 square metres (or 130 units) is devoted to either market rental or affordable housing as compared to a strata project at the base density as indicated in the OCP, in fact there is a drop in supported land value from the rental compared to the strata. When shifting to the Affordable Housing analysis the supported land value drops even further. As such, GPRA does not recommend the City seek an amenity contribution from this rezoning under these conditions.

I trust that our work will be of use in the City's determination of the Amenity Contribution they will seek as part of rezoning 1025, 1029, and 1031 Johnson Street and 1050 Yates Street, Victoria. I am available to discuss this further at your convenience.



Gerry Mulholland | Vice President
G.P. Rollo & Associates Ltd., Land Economists
T 604 275 4848 | M 778 772 8872 |
E gerry@rolloassociates.com | W www.rolloassociates.com

Devon Cownden

From: Development Services email inquiries
Sent: Friday, July 20, 2018 10:02 AM
To: Devon Cownden
Subject: RE: Community meeting 1025-1031 Johnson street (Mazda dealer)

-----Original Message-----

From: Ed O'Brien [mailto:]
Sent: Thursday, July 19, 2018 4:05 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: Community meeting 1025-1031 Johnson street (Mazda dealer)

Please explain what the changes to this site means. (Community meeting to consider development for the property at 1025-1031 Johnson street and 1050 Yates) I received a notice to attend a meeting that I will not be able to attend. It is the summer time and to call a meeting just before a long weekend is not fair for the community to attend as the attendance would be low. I am concerned as to the number of new buildings going up like trees around my community. We have lots of wonderful skyline views closing off from my residence due to the high rises now being built. What is the parking impact for this building, traffic coming out of this building, asking for higher space , is it 12 more storeys or 18! Do we really need another sky riser! we have no more grocery shopping places other than the market on Yates. I am challenged to walk to a place where I can buy groceries as we have more residences and not enough markets to provide food close by. We have limited green space in Harris Green. This zoning change doesn't get my vote. As a near resident I need to know exactly what is going to happen to this space. I also understand the other car dealerships are only leasing their space it is a matter of time for another proposal for a high rise!

Kendall O'Brien
5-1119 View Street
Sent from my iPad

Monica Dhawan

From: David Ryland <[REDACTED]>
Sent: Friday, July 20, 2018 1:16 PM
To: Victoria Mayor and Council
Cc: landuse@victoriadra.ca
Subject: Proposed development for the property at 1025-1031 Johnson St and 1050 Cook Street

To whom it may concern:

I must submit my extreme objection to the above land use proposal. As a resident of 1026 John St for the past 20 years, I and my family have been subjected to a near non-stop assault on our senses daily with the many developments that have been going up in and around our block. Now this is apparently to continue with the building of a fire hall and ambulance station directly across the street. This will mean not only continued disturbance from the construction, but then the unremitting noise of emergency vehicle sirens for the entire rest of the time we continue to live in our home (and not only during the daytime but also now all night long, when construction is mercifully ceased).

I cannot help but feel that we are part of some kind of sinister social experiment in which people who choose to live downtown are subjected to an endless cacophony of noise and disruption just to see how long it will take to break us. Unfortunately for us, we are only renters and have been fortunate to have a landlord who has kept our rent low over the years, a lucky thing since we only have moderate incomes. We probably will not be able to afford to escape a future in which we never again get a good night's sleep.

The current location of the fire hall seems a much more reasonable location - across from a large school yard and with only minimal residential units around. I have no idea what the motivation is to build such a facility literally in the middle of a bunch of residential high rises, but I can certainly tell that the motivation was not the well-being of current residents.

I sincerely urge you to re-consider this proposal.

David Ryland

Devon Cownden

From: Barry Watchorn <[REDACTED]>
Sent: Tuesday, July 24, 2018 10:26 AM
To: Development Services email inquiries
Cc: landuse@victoriadra.ca
Subject: Application: 1025-1031 JOHNSON STREET AND 1050 YATES STREET.

Unfortunately, we will not be able to attend the upcoming meeting on July 31, hence this email.

We are responding to the COMMUNITY MEETING NOTICE PROPOSED DEVELOPMENT letter. On the face of the Notice letter, we are opposed to the project, because of a number of points;

- Without further research, there is no indication of the number of parking stalls per building or per suite. It is our firm belief that there should be at least one parking stall, below ground per suite. Maybe 110% of the number of suites. Parking lots are become scarce as sites are being built on. Some condos have limited parking with the idea that bikes are the current mode of transportation.
- The building height being proposed of 12 to 18 stories, smells of "as many as we can get". The 10-story current zoning should be up held.
- Going forward we feel that the variances should be limited and of more merit. What is the sense of having a plan if it is not adhered to?

Sincerely,
Barry and Kerry Watchorn
1502, 1020 View Street,
Victoria.

Katie Lauriston

From: Lucas De Amaral
Sent: Friday, October 05, 2018 1:15 PM
To: Development Services email inquiries
Subject: FW: Jawl Proposal and developments in Harris Green neighbourhood

For your records.

-----Original Message-----

From: Pat <[REDACTED]>
Sent: September 4, 2018 2:48 PM
To: Lisa Helps (Mayor) <LHelps@victoria.ca>
Cc: Marianne Alto (Councillor) <MAlto@victoria.ca>; Chris Coleman (Councillor) <ccoleman@victoria.ca>; Ben Isitt (Councillor) <BIsitt@victoria.ca>; jlovejoy@victoria.ca; Margaret Lucas (Councillor) <mlucas@victoria.ca>; Pam Madoff (Councillor) <pmadoff@victoria.ca>; Charlayne Thornton-Joe (Councillor) <cth Thornton-joe@victoria.ca>; Geoff Young (Councillor) <gyoung@victoria.ca>
Subject: Jawl Proposal and developments in Harris Green neighbourhood

Dear Mayor Helps,
and Councillors, Alto, Coleman, Isitt, Loveday, Lucas, Madloff, Thornton Joe, Young

I am writing to express my objections to the developments proposed on the Mazda property and the implications of that development on nearby locations.

We chose Regents Park because of the parklike environment there, because London Drugs is across the street when we need a bottle of Tylenol when our spouse is sick ; Yates Market is so close to grab an item we ran out of or what do we want for lunch when company arrives unexpectedly from out of town, Cobbs Bread for coffeecake with the neighbour who is housebound or Bosleys for our dogs treats and Bin 4 when friends visit from out of town. We chose Regents Park for those reasons and so much more.

In the last 4 years there have been 12 developments within 5 block radius of our building. And I may have missed some! How many people have been added to that small area? Several thousand? And 3 more building proposed; 15x2 and a 17 story building on the Mazda property, how many people will live there?

I'm also aware that the property framed by Quadra to Vancouver and Yates to View has been purchased by the same group that just purchased the Chrysler property facing Cook Street. What will happen to London Drugs and Yates Market and the small businesses that employ so many? Where will people have to go on their bikes to get their prescriptions filled or pick up groceries from if Yates Market is gone. (Yes I'm well aware of Save On Foods). I saw you Madam Mayor at Yates Market the other day when I was there grabbing some things for dinner; I decided not to ask you if you shopped there often. Or ask you if you didn't love the atmosphere of neighbours bumping into others in a small neighbourhood store.

In preparing to write this letter I was interested in the neighbourhoods each member of council lived in. It's interesting none of you live in this area, oh a couple aren't far but none of you right here. How would you like the prospect of perhaps 5 or 8 more high rise buildings and ALL the people and all the cars and the lack of green space and lack of convenient neighbourhood shopping? I understand the desire of Fernwood to-keep their small neighbourhood atmosphere. I understand previous councils decision to allocate a boundary for low rise buildings and taller structures. But with the building that went up on Pandora and Cook built right to the property line against the building on Johnson

and Cook, what can we expect with the Jawl proposal? And implications for the Chrysler lot and the space occupied by London Drugs and Yates Market? Do you want to sit on your deck and watch your neighbour eat their supper, or scratch themselves because your decks are so close? I sure don't!

Where do you draw the line on developments in Victoria? The atmosphere of a small city, a jewel in the rest of our countries eyes, a city that so many desire to live in, is rapidly disappearing. We are open for business and development; But perhaps it's time to share some of that with other neighbourhoods. Please tell me how you, in your neighbourhood would love to have 3 15-17story buildings surround you and your home? I don't think you would like it.

We don't either!

I'm really cranky about the Jawl development and implications for the London Drug and Chrysler properties, and I want to know each on on Council hears what I'm saying, because everyone I know in this building are just as upset as I am.

I look forward to your responses.

Sincerely
Patricia Hultman
1020 View Street

Sent from my iPad

Monica Dhawan

From: Ryan Nicoll <[REDACTED]>
Sent: Sunday, December 30, 2018 7:53 PM
To: Victoria Mayor and Council
Subject: Harris Green resident in support of 1025 Johnson street proposal (Mazda dealership site)

Hello Mayor and Council,

I've lived on the 1000 block of Johnson in a 2 bedroom apartment for just over 10 years. Now my wife and I have a 2 year old toddler (this makes life very busy and it seems also impossible to get out to CALUC meetings and so I am very thankful I can send in an email to you!). I saw the letter from the DRA in response to the proposal (online copy link [here](#)) and I wanted to write in with my thoughts on the matter. I think there are a few valid concerns but many I don't fully agree with.

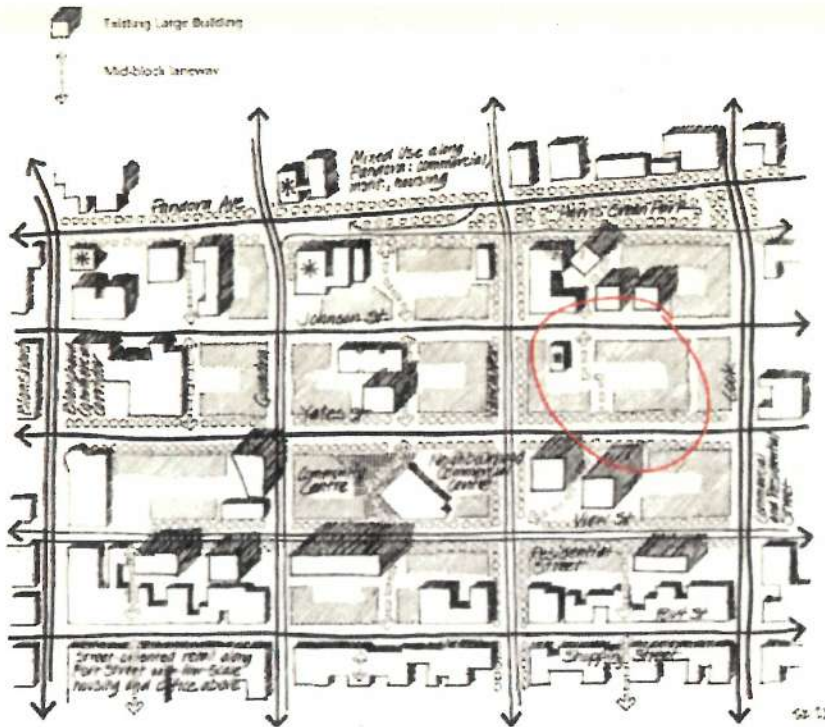
I am heartily in support of the proposal for 1025 Johnson street, firehall and all. In our apartment, we are exposed to traffic noise from yates and johnson and hear the fire engines all the time. It's what we expect living downtown. It is not really a problem now and I don't expect it to be when a firehall moves in on our block. We all, toddler included, sleep through fire engines all night long. On another note, there's lots of noise pollution from the Mazda dealership. Their PA system makes outdoor announcements all day long (on weekends too!) that we can hear from our apartment. I'm merely pointing out that the existing facility is not perfectly silent.

Where do I take my son to play? Franklin green (mason street) playground mostly but also the courthouse playground. But guess what? We have a blast walking all around the city, up and down stairs and ramps on the front of the buildings on our street and around town (like at the Atrium building) too. I don't think a playground is necessarily needed in the building itself as they tend to be too limited and not as useful as a larger more central one. (For that matter why not add a new large playground on Harris Green Lawn itself? (:) Otherwise, I think raising kids in a dense downtown area is fantastic as-is (and you don't need a playground in the building). But a large enough courtyard could be a lot of fun and used for many different purposes other than playing, too. Actually, I think a better courtyard space is far more useful than a green space at a street corner.

Here's a picture of the courtyard behind the Museum downtown with several food trucks. It's a great use of a courtyard. Can the building sit be designed so that food trucks can get in there? It offers a wonderful reason for people in the area to check out the space. Right now, in the area, a lonely Taco Justice food truck sits in the parking lot behind Wellburn's. It's not quite critical mass to draw people in.

Speaking of drawing people in, what better way to do this than connect the mid-block walkway to the Regents Park Tower walkway? (google street view link of what I am talking about [here](#)). I can see the lawn from where I live. Almost nobody ever uses that path or the lawn. I believe this is because the walkway goes nowhere - there's no reason to use it. It is also not clear if that is private property or not because of how it is designed and integrated into Regents Park (there are no shops along the path or anything indicating it's open to the public). With the Jukebox building with 200+ units finishing behind Regents Park, a mid-block walkway across yates would draw a lot of traffic to food trucks and coffee shops in this development's potentially bustling courtyard. The crosswalk right at the end of the walkway would help invite pedestrians to use the walkway through Regents Park (probably to the ire of some of the residents of course...).

Actually, it seems in the 1997 Harris Green Charette that a mid-block walkway through here and across Johnson was also planned - what a great idea and a fantastic opportunity to increase economic activity in the region. Here's a snapshot from the charette where I have added the red circle around the mid-block cross walk on yates street. As a pedestrian, I use the mid-block crosswalks on yates and view (by London Drugs) and it definitely saves time when I head downtown.



Apologies if this email is somewhat rambling. To summarize: density brings people and a vibrant city. Make it easy for people to walk around and give more opportunities for small businesses to thrive. A bit of noise is natural and expected downtown. Children don't need playgrounds in a building (but we could use another larger central one somewhere soon...). I'm sure there a few design tweaks in the proposal that would make it better but generally, I am very excited to see such a big improvement to the car lot site at that location.

Best regards,

-Ryan



Committee of the Whole Report For the Meeting of February 14, 2019

To: Committee of the Whole **Date:** January 15, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: **Development Permit Application No. 000536 for 1025-1031 Johnson Street and 1050 Yates Street**

RECOMMENDATION

That Council, after giving notice and allowing for an Opportunity for Public Comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00660, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000536 for 1025-1031 Johnson Street and 1050 Yates Street, in accordance with:

1. Plans date stamped February 4, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at time of the building permit approval, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - a. building encroachment(s) in the City Right-of-Way
 - b. anchor-pinning in the City Right-of-Way.
4. Final plans to be generally in accordance with the plans identified above, to the satisfaction of City staff.
5. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 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 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, 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 1025-1031 Johnson Street and 1050 Yates Street. The proposal is to construct a twelve-storey, mixed-use building containing ground-floor emergency service functions (firehall and ambulance services), office space and non-market residential housing.

The following points were considered in assessing this application:

- The application is consistent with the *Downtown Core Area Plan (2011)* Guidelines in terms of placemaking and urban design objectives, built form that is complementary to the local context, and design of a positive interface with the public realm and the space between individual buildings.
- The application is consistent with the *Guidelines for Fences, Gates and Shutters (2010)* and the *Advisory Design Guidelines for Buildings, Signs and awnings (1981)* in terms of providing a design that is complementary to the context, comprehensive in approach, and relevant in expression.

BACKGROUND

Description of Proposal

The proposal is for a twelve-storey, mixed-use building containing ground-floor emergency service functions (firehall and ambulance services), office space and non-market residential housing.

Specific details include:

- a twelve-storey, post-disaster building with a four-storey podium and an eight-storey tower
- two levels of underground parking
- a three-storey (including the mezzanine level) firehall and ambulance building
- a fourth-storey for office use
- eight storeys of affordable housing with approximately 130 units, with recessed floors at levels 4 and 12
- an approximate 6m step-back from the face of the podium to the face of the residential building at the fifth level
- common and private patio areas at the fifth level on the north and south elevations
- randomized punched windows on the residential portion of the building
- exterior building materials include dark brick veneer in stack bond, exposed concrete, glazed curtain wall with perforated metal panels and a light-coloured composite metal panel on the residential portion of the building
- landscaping is generally proposed above the podium level on the north and south building elevations.

Affordable Housing Impacts

Affordable housing impacts are discussed with the concurrent Rezoning Application No. 000660.

Sustainability Features

Sustainability features are discussed with the concurrent Rezoning Application No. 000660.

Active Transportation Impacts

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

Public Realm Improvements

Proposed public realm improvements are discussed in association with the concurrent Rezoning Application associated with this property.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently a surface parking lot.

Data Table

The following data table compares the proposal with the existing R-48 Zone, Harris Green District, the S-1 Zone, Limited Service District; as well as, the *Official Community Plan (2012)* and *Downtown Core Area Plan* policies. An asterisk is used to identify where the proposal is less stringent than the existing zone(s).

Zoning Criteria	Proposal	R-48 Zone, Harris Green District	S-1 Zone, Limited Service District	OCP Policy	Downtown Core Area Plan (DCAP) Policy
Density (Floor Space Ratio) – maximum	5.92	N/A 9.8 Theoretical, 6.96 with guidelines	1.5	5.5	5.5
Height (m) – maximum	43.54 *	27	1.5	45	45
Storeys – maximum	12 *	9	n/a	15	15
Vehicle Parking – minimum	117	0	135	135	135
Vehicle Parking (Offsite) minimum	20	0		135	135
Total Vehicle Parking	137	0	135	135	135

Bicycle parking-minimum					
Long Term	170	0	170	170	170
Short Term	24	0	24	24	24

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on July 31, 2018. A letter dated November 22, 2018 is attached to this report.

Advisory Design Panel

The Advisory Design Panel (ADP) considered this application at their November 28, 2018 meeting (minutes attached) and recommended in their motion that the application be approved as presented.

ANALYSIS

The *Official Community Plan, 2012 (OCP)* identifies this property within Development Permit Area 3 (HC), Core Residential. The objectives of this designation are to transform the function, form and character of the area through mid-to-high-rise residential, mixed-use and commercial buildings. Applicable design guidelines include the *Downtown Core Area Plan (2011)*, *Guidelines for Fences, Gates and Shutters (2010)*, and *Advisory Design Guidelines for Buildings, Signs and awnings (1981)*.

The *Downtown Core Area Plan (DCAP)* sets out urban design objectives that seek to ensure an attractive, livable urban space while supporting economic viability, sustainability and placemaking. Additional objectives aim to promote contextual design, integrated with its surrounding area that address and respond to future changes in use, lifestyle, economy and demographics.

Building Form, Scale and Massing

Guidelines related to building form and massing are outlined in the OCP to help achieve the urban design objectives. The application includes generously sized sidewalks, street wall proportions similar to neighbouring properties, stepped-back building massing, recessed entries, and a well-defined podium and tower consistent with the streetscape objectives in the guidelines.

Building setbacks from the property line are in excess of those outlined in the DCAP. The ground floor setback is just over six-and-a-half metres from the property line and the majority of the tower portion of the building steps back an additional three metres from the podium, providing over nine metres of setback from the property line. Based on the DCAP guidelines, a zero-lot line setback up to the fourth storey, a three-metre setback to the eleventh storey, and a six-metre setback on the twelfth storey would be consistent with the guidelines.

A realignment of the sidewalk along the building frontage is proposed to provide a paved apron for operational purposes associated with the firehall. This sidewalk realignment would result in

an additional two-and-a-half metres of perceived setback between the sidewalk and the building. While this increased condition creates a more open feel to the public realm and may potentially increase light access, typically, interruptions to sidewalks of this nature would not be supported. The intended uses of the apron include increased sight lines, safer vehicle movements, fire truck supply loading and truck regeneration. Although these unique uses present a compelling argument for the realigned sidewalk, there may be an opportunity to reduce the sidewalk realignment and/or incorporate design elements to mitigate the sidewalk's proximity to Johnson Street to create a greater sense of a "buffer" as experienced by pedestrians when a boulevard is present. Given that the City is responsible for constructing the driveway and apron, staff will continue to explore design options.

The DCAP specifies maximum floor plate sizes to mitigate the overall scale and massing of taller buildings and to contribute to a more graceful skyline. The residential portion of the application proposes a floor plate area greater than what is outlined in the DCAP. From levels seven to ten, the floor plate limitation is 930m², and for levels eleven and twelve, the floor plate limitation is 650m². The proposal is for a floor plate size of 1189m² between the seventh and eleventh storeys, and 1024m² for the twelfth storey, a difference of 259m² for the seventh to tenth storeys, 539m² for the eleventh storey and 374m² for the twelfth storey. These floor plate sizes are largely governed by the requirements of the firehall portion of the building and the post-disaster design. The overall length of the building was set to accommodate the number of bays for the firehall vehicles on the ground-floor. The length also sets the elevator and building core dimensions. The building length is carried up through the building into the residential tower. To reduce the floor plate area on the upper-portions of the building, consideration was given to creating two smaller towers above the podium; however, this building form could not meet the requirements of a post-disaster building.

Reducing the width of the building to reduce the floor plate sizes could not be achieved as this would result in a non-functional building. Only one row of dwelling units could be accommodated in a narrower building width, as opposed to two rows with a unit on either side of the corridor. To reduce the apparent mass of the building, the fifth and twelfth storeys are recessed. Additionally, the floor plate is broken into two massing elements forming a T-shape. Together, these design strategies have reduced the apparent mass of the building and, given the design constraints and adherence to the step back ratios and building separation distances, provide a solution that staff consider consistent with the intent of the guidelines.

The Design Guidelines categorize Johnson Street as a "Narrow Street" which sets a step-back parameter for building massing above fifteen metres. This step-back is expressed as an imaginary angled line that rises at a ratio of five (5) metres vertically for every one (1) metre horizontally above fifteen (15) metres. The proposed building massing is consistent with this step-back ratio.

The podium elevation of the building facing Johnson Street includes a uniform, rectilinear, three-level building massing sitting over a ground-floor comprised of building entrances and several glazed firehall and ambulance vehicle doors. This design arrangement is consistent with the DCAP policies aimed at encouraging the articulation of building façades and rich detailing to provide a high-degree of public interest along streets. Similarly, the rectilinear, three-level building massing is consistent with policies aimed at encouraging building expressions consistent with their use. The proposed mass, scale and length of the podium is considered consistent with the civic function of a firehall.

Green and Open Space

Given the firehall use on the ground-floor, opportunities for green space and open space are limited. Four boulevard trees are proposed to be removed along the building frontage and two trees are proposed to be planted in locations that do not conflict with the operation of the firehall and ambulance building. Landscaping above the podium level, where the tower portion of the building is set back, includes trees and landscaping that would be consistent with what is normally programmed at street level. Additionally, a common patio area is provided on the south elevation off the firehall communal spaces and at the first level of residential uses on the north and south building elevations. The residential communal areas include a dog-run, picnic area and outdoor seating. A total of eight dwelling units have direct access to outdoor areas on the fifth level, and an additional seven units have access to outdoor balcony areas on the top floor. The overall provision of outdoor space is more than what is typically found in similar developments in this area and is consistent with the DCAP policies.

Tree Preservation Bylaw and Urban Forest Master Plan

There are four public trees impacted by this application. All four trees are *Carpinus Betulus* (Hornbeam) trees along Johnson Street. The underground excavation required for the parkade and construction of buildings will impact these trees. A fee for their appraised values will be attached to the Building Permit.

New street trees and planting beds are to be irrigated on a separate system and installed to City standards, which are set out in Schedule C of the Subdivision and Development Servicing Bylaw. A project arborist will be required to review and provide a report for the retained Hornbeam tree on the west portion of the Johnson Street sidewalk.

CONCLUSIONS

The objectives for Development Permit Area 3 (HC), Core Mixed-Use Residential aim to enhance areas through high-quality architecture, landscape and urban design which reflect the function of a major residential centre on the edge of a central business district in scale, massing and character, while still responding to its context. The application advances these objectives as it demonstrates general consistency with the relevant guidelines and policy. On this basis, staff recommend for Council's consideration that the application be supported.

ALTERNATE MOTION

That Council decline DP Application No. 000536 for 1025-1031 Johnson Street and 1050 Yates Street.

Respectfully submitted,



Miko Betanzo
Senior Planner - Urban Design
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

Jocelyn Tenbrunsel
Date: Feb 8, 2019

List of Attachments:

- Attachment A: Rezoning Subject Map
- Attachment B: Rezoning Aerial Map
- Attachment C: Rezoning Plans dated/date stamped December 19, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 3, 2019
- Attachment E: Community Association Land Use Committee Comments dated November 22, 2018
- Attachment F: Letter from BC housing dated January 9, 2019
- Attachment G: Letter from Pacifica Housing dated January 24th, 2019
- Attachment H: Minutes from the Advisory Design panel dated November 28, 2018
- Attachment I: DP Subject Map
- Attachment J: DP Aerial Map
- Attachment K: DP Phase 1 Plans date stamped February 4, 2019
- Attachment L: Land Lift Analysis Report, Dated January 30, 2019
- Attachment M: Correspondence.

From: Mike Nugent [REDACTED]
Sent: July 2, 2019 1:41 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson St & 1050 Yates

Mr. Betanzo
Senior Planner – Urban Design
City of Victoria

Re: Your letter requesting neighborhood feedback to the proposed new development at 1025-1031 Johnson and 1050 Yates St.

Dear Mr, Betanzo,

Our company, Nugent Properties Ltd, is a neighbour as owner of 1101 Yates street.
I attended the Jawl presentation to the neighborhood of their proposal for the existing Mazda property, and I found it to be very progressive and positive for the area.
The City of Victoria requires both the new firehall development as well as considerable new housing inventory. It makes sense that new developments be granted density on locations that can accommodate it while having the least effect on residential neighbours. This location is already on a busy corner and therefor it has a lesser effect upon traditional low density residential neighbours.
The potential for new residential development on 3 of the 4 corners at Yates and Cook, considering this project as well as the Chard proposal, and the recent sale of the Harris Dodge property to Starlight, bodes well for supplying more residential accommodation. This kind of residential density will in turn support more commercial activity and local businesses at this section of the downtown.

I am very much in support of this project.

Yours truly,

Mike Nugent, President

Nugent Properties Ltd
469 Foster St, Esquimalt BC V9A 6R6
250-388-3022 Home office
[REDACTED] Mobile
[REDACTED]

From: [REDACTED]
Sent: June 6, 2019 10:45 AM
To: Miko Betanzo
Subject: 1025-1031 Johnson street

Mr. Betanzo, Senior Planner

I would like to go on record that I don't support the OCP amendment proposed density changes. I have seen too many of these first hand (North Vancouver) and not happy with the results. Thanks for the info and accepting my feedback.

Sent from my iPhone

From: Gerald Houlden [REDACTED]
Sent: June 6, 2019 3:29 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson Street

Thanks for the information regarding this application. Firstly, it would be of assistance in knowing what buildings would be allowed under the OCP. Secondly, I am totally opposed to any development outside the guidelines of the OCP.

It has always been a wonder to me that an application and plans are accepted by the planning dept. when they openly defy the OCP. Why don't you send them back to the drawing board and tell them to abide by the directions established by the City? Possibly 2 -- 12 storey building are ample for this site. Anything more is over-building and congesting.

What's the reason for moving the fire hall? Certainly not for an improvement in response time. Must be about a 30 seconds change in time from the present location. And at what cost to the property owners. If I don't get a chance to write more, please accept this as my total objection to the present plan. It is over-development fringing on greed. Gerry Houlden.

From: Max Kuhn [REDACTED]
Sent: June 6, 2019 12:47 PM
To: Miko Betanzo
Subject: Re: input on changes to 1025-1031 Johnson and 1050 Yates

Hi Miko,

I'm writing in response to the letter I received in the mail from the City seeking input on an amendment to the Official Community Plan. I want to urge you to ensure that any increase in density or variance granted **must be explicitly for rental housing, not condos.**

I'm sure developers are banging down your door trying to get permits to build condos. Why wouldn't they? Condos are incredibly profitable. The reason for this profitability is the same reason we must build rental housing instead, though: **condos aren't really housing, they're speculative investments.**

My partner and I are working professionals in our late 20s and early 30s, respectively. I do IT remotely; he's a nurse. We make decent money, but a condo in Victoria--even a small one--is out of our budget unless we look far outside of the city (the same goes for every single one of our friends aside from a couple whose wealthy parents bought them a townhouse as a gift). We shop locally and spend a lot of money at Victoria's breweries, restaurants, and other local businesses. We moved to Victoria because for only a few hundred dollars a month more in rent, we could have a second bedroom (allowing me to work from home) and a dog. If more rental housing is built, we'll probably stay in the city for a long time, continuing to spend money and pay taxes (and, in my partner's case, provide expert medical care for Victoria's aging population).

We were essentially driven out of Vancouver by the real estate market. Let me paint you a picture: from our old place (one bedroom, no pets allowed, two grand a month), we'd walk down to the Coal Harbour waterfront, where we'd be surrounded on every side by enormous towers of condos. The vast majority of the balconies were devoid of chairs, plants, or anything--at night, only a few windows in each building would be lit up. On the ground, there was nobody walking; the few businesses that managed to avoid bankruptcy were always closed. People were getting rich, but that massive chunk of the city was basically dead. It was a matter of *when*, not *if* our friends would leave the city--for Toronto, for Montreal, for Berlin, for the States, for places where the proliferation of empty, glittering towers wasn't prioritized over people's ability to start careers, have kids, create art, or simply live. I realize it sounds melodramatic, but the condo industry in Vancouver is a cancer choking the life from the city and we need to ensure it doesn't happen here.

I apologize for the length of this letter, but hopefully it conveys the depth of my feeling on this matter. With vacancy levels this low, any variation in building permits should be granted *only* to rental housing.

Sincerely,
Max Kuhn
1488 Cook Street

From: Michael Lauriente [REDACTED]
Sent: June 6, 2019 4:28 PM
To: Miko Betanzo
Subject: Re: 1025-1031 Johnson Street project

Mike

That's fantastic. I think it is a great way to go when increasing density. A good balance.

Have a great day!!!

Mike

Sent from TML iPhone

> On Jun 6, 2019, at 4:25 PM, Miko Betanzo <mbetano@victoria.ca> wrote:

>

> Hello Mike,

> Thanks for your email. Your suggestions are actually how the design guidelines are written for this project and, with the rezoning, will be mandated in the zone.

>

> Kind Regards

>

> -----Original Message-----

> From: Mike's iMac [REDACTED]

> Sent: June 6, 2019 3:37 PM

> To: Miko Betanzo <mbetano@victoria.ca>

> Subject: 1025-1031 Johnson Street project

>

> Mike

>

> I live across the street from this project at the Mondrian, 1090 Johnson Street, Suite 1002. I have a panoramic view from Mount Baker to Ogden Point and across to Port Angeles.

> I will probably be impacted by this project maybe more than anyone. However, I am one person and it is progress so what can I do.

> Nobody really cares what I think. And the developers and the people with money will always win this battle.

> My main suggestion is that much like the Legato at 960 Yates Street, that the building goes up 2-4 stories approximately with the maximum footprint and then there are setbacks with a smaller footprint for the remaining stories.

> I think this is a good blue print to follow as it lets in more sun and would help to minimize the loss of views to the surrounding condo owners.

>

> Let me know your thoughts.

>

> Thomas Lauriente

>

> TML iMac

From: joeseph el murr [REDACTED]
Sent: June 6, 2019 2:23 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson

Dear Miko

We have been at 1329 Cook Street for 51 years. We want to give our support for Jawl Residential and the development they have proposed. We have seen this neighbourhood change and are proud of the care and design that the Jawls have put into this project. Since the Mondrian and V1488 have been built, our neighborhood here has become safer and vandalism to our property is at a historic low. In our opinion, we could not ask for a better local developer that takes pride in Victoria and their product.

Also The buildings In our opinion should be taller ,allowing for each building to be 17 floors Minimum. Cook and Johnson are Corridors to multiple parts of the city and should be given a better presence.

Yours Truly,
Fadi Murr, Michel Murr, Yvette Murr, Allan Murr, Paula Murr
Owners 1329-1321 Cook Street
Gemi Hair LTD
Since 1968

From: Mark Higginbottom [REDACTED]
Sent: June 7, 2019 12:02 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson thoughts

Hey Mike, good morning,

Got your letter in the mail about the upcoming development for a new firehall over the current Mazda shop. I'm completely in favour of this.

A few comments "my two cents" I'd like to make:

- do something architecturally interesting. It's a good sized plot and Victoria needs to up their game with forward architectural design.

- on the corner of Cook/Yates, it would be nice to have a sunny (S/SE facing) and rain-protected common space that is good year round. Something with overhang ceilings 20-30' high. Whether it be a sitting area/art installation, or a coffee shop/restaurant with patio, whatever. What I less interested in, I guess, is building right out to the limit of the sidewalk, like the new building one block north (Cook/Johnson). It's silly. Urban Design is way further ahead than that.

- be forward thinking with the parking, i.e. plenty of underground parking. Autonomous cars will be here in the next decade or so, and they will need to be parked/hailed in large numbers. What else is there in the area? Should the cars all drive back "home" while their occupants are downtown? We should be planning for this very near shift in transportation. It's not so far away and it's definitely happening.

As I said above, just my two cents. Thanks again for the letter.

Kind Regards,
Mark

Mark Higginbottom
Managing Director

SLOAN VALLEY
B-1011 Johnson Street
Victoria, BC V8V 3N6
CANADA

C: + [REDACTED] (WhatsApp)

W: www.sloanvalley.com

E: [REDACTED]

skype: mark.svd

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From: Val Yakaa [REDACTED]
Sent: July 7, 2019 5:08 PM
To: Miko Betanzo
Cc: Harv; [REDACTED]
Subject: 1050 Yates redevelopment application Victoria

RE: REZONING APPLICATION 1025-1030 Johnson and 1050 YATES STREET

Dear Mike Betanzo

I have read your proposal for this area and I am opposed to most components of this plan. The high density development proposal with subsidized housing will affect both traffic patterns and livability for people who already live in this area. It may also set a precedent for development for other car dealerships in this area, creating a critically high density population within this section of Victoria.

In light of the number of high density construction projects already in this area and extending down Johnson Street, I am of the opinion that a low rise construction project integrating with the single-family dwellings and the school already in this area would be a better fit for this area of Victoria.

It is also a significant concern locating a fire hall this close to residential units in view of the noise and traffic, and the ability of fire engines to access the roadways in a timely fashion for emergencies. A fire hall should be in a fairly open area that has easy and non-interrupted access to roadways in all four directions.

The higher rise buildings will also have a significant impact on privacy both for my area as well as for other residential rises and homes in this area. In addition there will be a significant impact on available light and views of people already living here, and the project will certainly impact our privacy. A high density population such as this will make it more difficult to access our homes on the roadways, already difficult in this area. In addition the interruption of our normal lives by the fire engines coming and going with their sirens is not optimal.

It would seem to be counterproductive to attempt to integrate high density populations with a fire hallthis will certainly impact the ability of fire engines to respond to emergencies as well as the ability of people living in this area to live a normal life pattern. This area already is prone to residential break-ins and crime patterns that may well be exacerbated by this construction project.

Sincerely
Valerie N Yakemchuk
George H Yakemchuk
1030 Yates

From: honey D [REDACTED]
Sent: June 9, 2019 3:20 PM
To: Miko Betanzo
Subject: 1025 - 1031 Johnson St and 1050 Yates St Amendment

Hello Miko,

I lived at 1034 Johnson Street from Feb 2011 until Oct 2017. I endured blasting and construction for approximately 80% of my six year residency and finally had enough and moved out of downtown and rented out my unit.

Harris Green has quickly become the highest density area of downtown Victoria. Although I understand that you can't stop "progress", I am seeing that the City of Victoria is simply allowing density increases everywhere (The Hudson District is a prime example.)

If the City wants to grow up so badly, why not just change the density so that people investing in these areas know what could be coming?

Obviously, my vote is against the increase in density for this project, but I've been to enough council meetings over the years to know that they really don't care about what the citizens say and will do what they want because it equals more tax revenue for the City.

Thanks for reading.

Darlene

Sent from [Mail](#) for Windows 10

From: Ewa Zwicky [REDACTED]
Sent: June 11, 2019 10:36 AM
To: Miko Betanzo
Subject: Feedback on "Your Neighbourhood"

Thank you for asking for my opinion about the proposed mixed-use firehall building. I hope you have not already made your decision and ask for people's opinions only as a formality.

Think it does not make sense to build a firehall right in the middle of a high density area. I once lived near a fire station and moved out because I never got a good night's sleep, and that firehall was across a large green area, not smack on the middle of high-rises like the proposed one. Furthermore, the spot where the firehall is now, on Yates, east of Cook, is across a field and does not disturb a large number of people at night. In addition, Johnson St. is narrow and has a lot of traffic, which is surely not ideal for a quick get away for the fire engines.

I hope you will actually consider these reservations.

From: C Gutosky [REDACTED]
Sent: June 12, 2019 8:46 AM
To: Miko Betanzo
Subject: Rezoning No. 00660

I am opposed to the above noted rezoning application for the following reasons:

- The density and size of the development is too large for the lot and is in not in keeping with the surrounding, existing buildings on the block of Johnson Street
- I attended the public hearing in 2018 and was alarmed to learn that City Council had already given it's approval for the development. As a tax paying citizen it is offensive that that Council is favouring developers over the needs of the community. This is an affront to democracy by elected officials.
- This development does not provide for any green space nor does it enhance Harris Green. Harris Green and the resulting towers of development are creating monolith towers, leaving the streets in shadows and restricting daylight.
- The development proposal of the fire hall indicates there will be a walkway between the property I reside at and the new fire hall. This will only encourage more drug use and trespassing.
- At the public hearing in 2018 neither the City nor the Developer would provide the attendees with assurances that any proposed subsidized housing would not include a safe injection site or homeless shelters. I am absolutely opposed to any safe injection site or homeless shelter being in my neighbourhood.
- How will noise from fire and emergency vehicles be mitigated if at all? How will traffic flow be impacted with the coming and going of emergency vehicles?
- My biggest asset, my home, is subject to damage by any construction not to mention the fact that for possibly years residents in the area will be subjected to ongoing noise, road closures and by-law infractions of construction occurring outside of regulated hours. What is the City prepared to do to reimburse me for loss of enjoyment of my property and any resulting damage to my building, my home?

Cathy Gutosky
206-1015 Johnson St
Victoria BC V8V 3N6

From: Christine Stretton [REDACTED]
Sent: June 13, 2019 2:03 PM
To: Miko Betanzo
Subject: Rezoning no. 00660

Re: 1050 Yates Street; 1025-1031 Johnson Street

I am writing regarding a requested amendment to the Official Community Plan. In particular I am opposed to the construction of buildings of 14, 15 and 17 storeys. In my opinion, these buildings are too high for Victoria. Lately, a number of tall high rises have been built in a short period. This is leading to a substantial change in Victoria. New buildings are constructed without green space. Very little infrastructure is provided. New residents are encouraged to move into this neighbourhood while restaurants and stores are closing. If Victoria wishes to look like all big cities with such a number of high rises, I wonder whether tourists will be interested in continuing to travel here. Once Victoria's individuality is gone, there will be no way to get it bac.

I live on Yates Street which is part of your development and part of the Harris Green Village Development at 903, 922, 1045 Yates Street and 104-109 Quadra Street. It seems that I will be spending many years surrounded by construction sites. This is certainly not going to be pleasant. Too much is being built at once resulting in a significant part of Victoria being unlivable for a considerable time. I believe that buildings of this height are not what Victoria needs and are not what the residents of Victoria want.

Thank you for your attention to this matter.

Christine Stretton

From: Douglas McKenzie [REDACTED]
Sent: June 13, 2019 10:07 PM
To: Miko Betanzo
Subject: Rezoning 00660: 1025-1031 Johnson & 1050 Yates

Dear Mr. Betanzo,

I write in response to a notice, dated June 4, 2019, titled "It's Your Neighbourhood", that I received in the mail.

What is the point of having a so-called Official Community Plan Bylaw when a developer can so easily have it amended in their favour?

What was the purpose of the City spending money and encouraging input for a Community Plan when the plan is not adhered to?

The subject development, and other developments nearby, propose increased height and density that "exceeds that envisioned for sites under the Core Residential designation". So, similar question, what is the point of having a Core Residential designation if it can be exceeded so easily?

People refer to the aforementioned City publications to inform their decision whether to purchase a property. If a person buys a condo with the expectation that there are bylaws and rules that apply to future development of the lot next door and these bylaws and rules are subsequently circumvented, then these City publications really qualify as misinformation.

I kindly request that the Official Community Plan Bylaw, Community Plan and Core Residential designation be applied more rigorously. Otherwise, residents are being deceived by these publications and property developers are receiving special treatment that could reasonably be construed as corruption.

I think that the height and density being proposed for the subject development are excessive. I ask that the City require the developer to scale back the development so that it is more in keeping with the OCP Bylaw, Community Plan and Core Residential designation.

Yours truly,

Douglas McKenzie
1305 - 1020 View St.
Victoria

From: [REDACTED]
Sent: June 14, 2019 12:35 PM
To: Miko Betanzo
Cc: localnews@timescolonist.com
Subject: Height restriction


Re your notice on 1025-1031 Johnson St., I do strongly oppose a change in height restrictions for this application. This will radically change the appearance and utilization of the neighborhood and set a dangerous precedent for future changes. Preservation of this city's unique character is or should be your top concern. The whole city is one large building site as it is. Let's at least try to remember why we live here and how easy it is to lose what can't be regained.

George Smith
35 Linden Ave.
Victoria

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From: NORA CLARKE [REDACTED]
Sent: June 14, 2019 9:13 AM
To: Miko Betanzo
Subject: OCP

As a property owner in downtown Victoria I strongly object to the proposed amendment to the Official Community Plan which would allow massively high buildings in an area zoned residential.
Nora Clarke

From: Valerie McKnight [REDACTED]
Sent: June 18, 2019 5:42 PM
To: Miko Betanzo
Subject: Proposed Changes to 1025-1031 Johnson St. & 1050 Yates St.

Dear Mr. Betanzo:

Your proposed densification of the above-noted addresses is strongly opposed. Harris Green no longer exists as the already furious rate of condo construction is turning it into Harris High-Rise.

Now you want to increase this rampant, uncontrolled development even more. The results will be manifold. More noise, more pollution, no more green space or parking, and development is currently well beyond the legal levels which the city seems to be ignoring in its greed for revenue.

The increase in population of an already overcrowded area comes at a time when the proposed changes to The Market and London Drugs locations will leave all these incoming people with even less access to required amenities. Very few of these spaces will be allocated to affordable rental housing. The small, pricey condos being built now are far beyond the financial reach of the average person struggling to find a decent-size rental apartment. And what about green spaces and small parks? What about playgrounds for children? There is precious little green left in Harris Green. Your proposed densification will cement it's future as Harris Concrete.

Valerie McKnight and Michael Turnpenny
1010 View St.

From: David Alexander [REDACTED]
Sent: June 19, 2019 5:37 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson Street Project

Hello - I am a downtown resident and live at 1034 Johnson Street, right across the street from the proposed project. I am fully in support of this project and the amendment to the OCP to make this happen. The developer has worked hard to consult with those in the neighbourhood, has designed a building that meshes nicely with what exists here and I believe there should be more high density living downtown.

Cheers,
David Alexander
#504-1034 Johnson Street

From: Squish Creative [REDACTED]
Sent: June 21, 2019 5:41 PM
To: Miko Betanzo
Subject: OCP amendment for 1025-1031 Johnson Street and 1050 Yates Street

Hello,

I'm writing in response to the notice I received by mail about the proposed amendment to the OCP bylaw for 1025-1031 Johnson Street and 1050 Yates Street.

Please I beg you, stop with the densification of this neighbourhood. Those that live here and have for many years are heartbroken to see it densified well past what we have the infrastructure to support. Sunshine is dwindling, noise has escalated past the point of tolerance, and what you have done and plan to do to our roads is atrocious. Harris Green was once a comfortable and convenient community that I was proud to live in. Now, I find myself frustrated by traffic confusion and construction noise almost every hour of the day. Each new building is allowed to build right up to the sidewalk and straight up in the air - bye bye green spaces and sunshine, bye bye beautiful mature trees. Replacing them with babies because you allow them to be removed for construction convenience isn't trying hard enough. You are failing our beautiful city. We are not Vancouver.

Please, for a moment, think of the lovely community you have already created in this neighbourhood. We have lived her for many years. We have paid taxes. We have built our lives around this neighbourhood, and you trying to turn it into downtown Vancouver is devastating. STOP with the high rises. STOP with the buildings built strait up from the sidewalks. STOP for the love of god, with the bike lanes. Allow some time for the mess you've already created to settle. Give us a moment of peace and quiet again.

So no, my answer is no, no, NO - do not change the OCP bylaw to allow for more densification. Make it lower if you're going to change anything, or if you must, leave it the same. You've already over densified the area. Take some time to assess before continuing overpopulate the area.

Amy Broere
[REDACTED]

From: Barry [REDACTED]
Sent: June 24, 2019 12:15 PM
To: Miko Betanzo
Cc: Helen
Subject: Increase in density for 1025-1031 Johnson Street and 1050 Yates

Mr. Miko Betanzo,

We (my wife and I) are totally against any changes or amendments to the already identified OCP for the above noted addresses.

We are surprised that the new Firehall/EOC is not closer to the intersection of Johnson and Cook Streets (the Mazda Dealership building) with better access to the road network.

We feel that the existing density that has been proposed is already too great for the existing community and to increase it further will create a ghetto effect in this portion of the Harris Green Area.

To increase the density as proposed will only exacerbate the situation.

Surely, with all the new construction that is ongoing in the Harris Green Area, a higher population density could be achieved by spreading the FSR to other new buildings around as opposed to cramming everyone in one small area between 1025-1031 Johnson and 1050 Yates.

Respectfully submitted,

Barry Akehurst
Helen Hayes
1001-1034 Johnson Street
Victoria BC
V8V 3N7

From: Rosemary Wallace [REDACTED]
Sent: June 22, 2019 8:10 AM
To: Miko Betanzo
Subject: Density in Victoria

Thank you for this opportunity to express to the city planning department how appalling the "density" of buildings has become , in this city. I live in the downtown area , and see building growth, like a cancer , eating up the charm of its streets .

Daily, I have asked people how they look at the "progress" being made by the sprouting up of huge buildings , and no one has been pleased . New condos are generally tiny,(some as small as 300 sq. feet), and expensive . Single working people , if able to purchase one , are obviously not expected to have families .Maybe a good thing, because green space has dwindled down to the odd tree here and there , and schools , with space , are already not adequate .

People feel it is useless to complain. So they don't . And that's why this may be your only response .

"

Sent from my iPad

From: [REDACTED]
Sent: June 25, 2019 8:36 AM
To: Miko Betanzo
Subject: Permit 00536 and RE 00660 : 1025 Johnson Street

The FSR should be held at 3:1 to 5.5:1 and Reject 6.8:1 .

We own and live in 1026 Johnson Street and reject the idea of an Oversized Beast being built across the street.

We understand the profit motive , but it is at Our expense.

" Know the limit : build within it !! "

-James Grisdale at #702 1026 Johnson Street

See :

[https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftender.victoria.ca%2Ftempestprod%2Fourcity%2FProspero%2FDetails.aspx%3FfolderNumber%3DREZ00660&data=02%7C01%7Cmbetano%40victoria.ca%7C8205912c8b0d4ffc603208d6f982cf4f%7Cd7098116c6e84d2a89eedb15b6c23375%7C0%7C1%7C636970737550576380&sdata=tQ3ycHJnUn6LXIKpGtkw7dofh23vuf03P6h5L1Lt1DQ%3D&reserved=0](https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftender.victoria.ca%2Ftempestprod%2Fourcity%2FProspero%2FDetails.aspx%3FfolderNumber%3DREZ00660&data=02%7C01%7Cmbetanzo%40victoria.ca%7C8205912c8b0d4ffc603208d6f982cf4f%7Cd7098116c6e84d2a89eedb15b6c23375%7C0%7C1%7C636970737550576380&sdata=tQ3ycHJnUn6LXIKpGtkw7dofh23vuf03P6h5L1Lt1DQ%3D&reserved=0)

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From: Sarah Robinson [REDACTED]
Sent: June 25, 2019 3:12 PM
To: Miko Betanzo
Subject: proposed changes to Johnson St and Yates St

Good afternoon,

My name is Sarah Robinson, an owner in 932 Johnson St. I recently received a request for input on the proposed zoning changes along Johnson St. and Yates St. to allow for increased density.

Street parking along Johnson St. is minimal, making it extremely difficult for owners (such as myself) who need a car to park unless there is a parking spot assigned to one's unit. In my building, for example, it was only required that the developers provide parking spots for 40% of the units in our building. This is inadequate, given that many families now find apartments more affordable than housing, and given that many families with children need vehicles to get around.

I have no problem if our local area densifies, as long as new buildings going up provide parking spots for all or a strong majority of its units. Locals need adequate parking solutions.

Thanks for your time,

Sarah Robinson
Principal, Rainwatch Consulting
@sarahc_robinson
www.rainwatch.ca
[REDACTED]

From: Zheng Wang [REDACTED]
Sent: June 26, 2019 2:11 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson and 1050 Yates

Hi Miko,

With the new building 1029 view and all the new buildings around, I think there are too much density and too many buildings in this block and downtown.

The OCP and FSP were set for reason. I do not think we should break them for convenience. I do not think it is a good idea to rezone in this case.

An new firehall is nice but having a firehall right under/besides so many condos.

Thank you.

Tony Wang

[REDACTED]
[REDACTED]

From: chris & barb rogal [REDACTED]
Sent: June 28, 2019 9:00 PM
To: Miko Betanzo
Subject: Feedback on new Fire Hall

Hello,

I am the owner of an apartment on the 1100 block of Yates Street. I would like to share my feedback on the proposed development for the new fire hall.

I support the project; however, I think the density being proposed is too high and I would like to see smaller density.

The developer is proposing to build a new Fire Hall with 12 storey building with affordable dwelling units and in return asks to increase density on another three buildings larger than the first one.

We are talking about an intersections on which each corner there's an existing or proposed development similar to this project. The developer is asking to increase density significantly above current entitlement and it's too much and not supportable. The size of the units will not help alleviate the housing challenges in the region as again, families are being pushed out of Victoria as they look for homes and units in which they can comfortably reside. Instead of building more compact units, the City should be looking at creating affordable dwellings in which more than one or two people can live comfortably.

On a similar note, with the massive influx of people into Harris Green / Fernwood, I believe the City should

seriously be considering re-locating the Crystal Pool onto the field of the high school. With the school boards support, the site seems like the only sensible solution and it would provide all new residents with a place to go as well as help support healthy lifestyle of Victoria residents of all ages.

A recreation facility will also help counter some of the questionable activity of Lilly drug store and the transition house in close proximity to the school which is slowly degrading neighbourhood.

As for the empty Fire Hall, there's an opportunity to expand the Victoria Art Gallery and potential for a small detachment of City of Victoria Police in a the small part of the building. With such a high density, there should also come added police forces.

We welcome new development in the area; however, the density being proposed is significantly above current entitlement and not supportable.

Chris

From: Pat Roberts [REDACTED]
Sent: June 28, 2019 1:22 PM
To: Miko Betanzo
Subject: Re: OCP Proposed Change to 1025-1031 Johnson & 1050 Yates St.

Thanks Miko. I remain unhappy about 4 buildings on that site of properties, but I suppose this is progress. It is just sad to see Victoria evolving into a west end Vancouver.

Pat

On Jun 27, 2019, at 12:43 PM, Miko Betanzo <mbetano@victoria.ca> wrote:

Hello Pat,

Thank you for your feedback. This email will be added to the report to Council and available to the public, for Council's decision on the proposal at an upcoming public hearing. As an additional note, the public notice does not detail the specifics of the application which may be of benefit to you. The existing development rights for about half of the property already granted densities in excess of the OCP maximums, ~9 FSR. Among many objectives of this proposal, one is to redistribute this permitted density to other portions of the site in order to achieve a better distribution of density overall. The building heights proposed are in line with what is envisioned in the OCP for these lands. Two buildings at 17 storeys and two buildings at 15 storeys would be consistent with the OCP. The proposal is for one building at 12 storeys, one at 14, one at 15 and one at 17 storeys.

Kind Regards

Miko

From: Pat Roberts [REDACTED]
Sent: June 22, 2019 6:12 PM
To: Miko Betanzo <mbetano@victoria.ca>
Subject: OCP Proposed Change to 1025-1031 Johnson & 1050 Yates St.

Hello Miko,

Thank you for the opportunity to submit our input regarding the above development in the Harris Green Area. I have reviewed what is available on the Devtracker, and unfortunately it only provides drawings and details of the initial building and firehall. I couldn't see plans, or drawings, for the final proposal including all four buildings.

As a resident of the Harris Green community for the past 17 years I have watched as the community has changed. This has been both positive and welcome, and now has sadly turned to not welcome and negative impacts in various areas. To give you a few examples of what has been noticeable in particularly the past five years :

- traffic has increased both on Yates St and Vancouver St. resulting in increased noise, increased soot and carbon on our windowsills, and most days a rush hour backup along Vancouver.

- the east entrance into the London Drug parking is frequently used against all signage - entrance only on right turn going south on Vancouver, and exit only on right turn onto southbound Vancouver. The overhead signage for No Left Turn going north on Vancouver is not visible enough due to the height, and often disobeyed by eager shoppers.

- parking has become a problem for those who are coming on business, visitors, and shoppers. As more surface lots are converted to condos, the street parking has become at a premium. Charging for Sunday parking has not helped the situation, it only discourages people from coming into town.

- the new buildings, mostly condos, going up along Yates and Johnson have changed the micro climate in the area, and create more shade, wind tunnel affects, and sun glare from all the glass with resulting temperature changes.

- the separated bike lanes have pushed parking out from the curb and squeezed buses and cars into a smaller area. While this often has the affect of traffic calming, it also creates more grid lock, especially when the bus has to stop to service passengers.

- with those new lovely bike lanes on Fort St. there remain cyclists who insist on using the driving lane to ride, creating safety issues for both cyclists and drivers, along with parked vehicles. The cyclists should be required to use the bike lanes only and leave the road for vehicles, to keep everyone safe. Please do not change the bike lanes on Johnson street.

- the number of street people has increased exponentially, and although the clearing of tent city behind the courthouse alleviated higher numbers of vagrants, property damage, theft and break-ins, it remains a huge issue around the neighbourhood. Our underground parking and locker rooms are frequently subjected to this. There is also the needles and garbage left behind as they move to different locations to inject, and use public space.

- the feeling of safety walking on the streets in the neighbourhood has gone. As a female, there are many streets I will not walk on in the evening any longer due to the feeling of being unsafe and unsure of who or what I may run into.

- there is a noticeable increase in the amount of canine and human feces left on sidewalks and in store doorways.

- lastly, the amount of green space in the area is quickly diminishing. If we are concerned about the environment and climate change, as the council says they are, then we need less concrete and pavement, and more porous surfaces and green space. Don't squeeze that one more condo into a small lot, rather make it a park and green space to contribute to cleaner air, and people using it. The more people we have moving through those spaces, the less the vagrants will want to congregate, vandalize, and leave their garbage behind. A great example is what has transpired at eh lot behind the courthouse and the new park that was created there. It has gone from a seldomly used green space, to a homeless tent city, to a beautiful space that is well utilized by many.

Most of us who live in this area moved here because of the calm, the proximity to downtown, the waterfront and shopping. We chose Victoria because it isn't Toronto, or Vancouver, or Seattle. We don't want this to become like those cities with wall to wall high buildings, and all the affects those produce. This is Victoria, and the charm, and smaller town atmosphere will be lost if we choose to go ahead and push for more high condos, and the population, and issues, they bring.

We definitely need a new firehall and emergency centre, that is not an issue, but putting higher density and four buildings on those lots as proposed is not something I, or my neighbours want to see. I understand there is a need for the contractors to make money on these ventures, but please do not let them go ahead without the foresight to see what they, and the council, are creating here by permitting the height and numbers of buildings to continue to be built in the Harris Green community.

With kind regards,

Pat Roberts
1010 View Street

It's Your Neighbourhood

June 4, 2019

The City of Victoria is seeking your input on the proposed changes to 1025-1031 Johnson Street and 1050 Yates Street for an amendment to the Official Community Plan.

The City is considering an application to amend the Official Community Plan (OCP) Bylaw for 1025-1031 Johnson Street and 1050 Yates Street. The amendment would allow for an increase in density at this location to allow for the construction a twelve-storey, mixed-use firehall building with affordable dwelling units and three mixed-use buildings of fourteen, fifteen and seventeen storeys.

Under the OCP, the property at 1025-1031 Johnson Street and 1050 Yates Street is designated Core Residential. The proposed density exceeds that envisioned for sites under the Core Residential designation; the densities outlined in the OCP range from 3:1 to 5.5:1 floor space ratio (FSR), and the proposal is for a density of 6.8:1 (FSR). To facilitate the proposed rezoning application for the site, the OCP amendment would designate the site as Core Residential with a higher density.

Detailed information on this proposal is available at www.victoria.ca/devtracker. Launch the tracker and search for the property by address.

Please provide your questions and feedback on this proposal by end of day Tuesday, July 2, 2019 to:

Miko Betanzo, Senior Planner – Urban Design
P: 250.361.0604
E: mbetanzo@victoria.ca

All input received will be shared with City Council for their consideration prior to the public hearing. Once a date for the public hearing has been set, notice will be posted at www.victoria.ca/publicnotices.

We look forward to hearing from you.

Since moving most of Text City people to 800 block Johnson St, we have had problems at our Coode building - graffiti, ^{needles} needles & syringes on our front door step - several every week. worse since safe injection site on Pandora. Please do not put a group of addicts in one place. Give the housing to working poor. More breaks in to new parking garage. *Jaye Thompson* 901-1026 Johnson St

From: Alice Ducharme [REDACTED]
Sent: July 1, 2019 11:29 AM
To: Miko Betanzo
Subject: Feedback re properties at 1025-1031 Johnson Street

I am a co owner of two properties at 1010 View Street (unit 202 and unit 801).
I am **NOT** in favour of amending the Official Community Plan Bylaw for an increase in density to the properties at 1025-1031 Johnson.
Harris Green is becoming nothing more than a concrete jungle and there are no parks or playgrounds where children can play within its boundaries. New condo/apartment buildings no longer have decent setbacks to allow for grass and trees to grow such as those at 1010 and 1020 View Street and they are a blight on the city.
It's all well and good to provide more housing in Victoria, however when that is at the expense of parks, parkettes, and playgrounds, the city is losing its soul and its beauty.

Alice Ducharme
[REDACTED]

From: agatha s [REDACTED]
Sent: July 1, 2019 9:13 PM
To: Miko Betanzo
Subject: Rezoning application No. 00660 - Questions & Comments

Dear Miko Betanzo,

Thank you for providing me the opportunity to voice my comments and ask questions regarding the proposed changes to the 1025-1031 Johnson Street and 1050 Yates Street amendment of the Official Community Plan.

- 1- Can the developer rework their plans to fit the current Official Community Plan Bylaws for the floor space ratio? I assume they were written for a reason, and having every new developer asking for an amendment seems like a waste of even writing bylaws if no one will be made to follow them.
- 2- In all of the drawings for the proposed buildings, there are only 3 buildings shown/drawn into the plans (design/plan A102, page 4 of the 2019-02-04 – Plans – Revisions.pdf document). If the density is amended now, without knowing details of the fourth building, what's to say that the developer won't come back in 2 or 3 years asking for an even greater density allowance? Should the city be granting the rezoning for the 4 proposed buildings without knowing any details for the next 3 buildings? Is the 6.8:1 FSR for all of the proposed buildings, or just for this one (1025 Johnson Street)?
- 3- How will allowing this increased density with less parking positively improve our neighborhood?
- 4- Has the fire department been consulted in the design process? There does not appear to be enough of a step back from the sidewalk to allow for firetrucks to be washed outside of the fire hall. Does this mean that fire trucks and equipment will need to be cleaned inside the building, and if so, are there facilities for this inside the building?
- 5- Why are there no assigned parking stalls for the Ambulance crews? Are their parking stalls counted in the 17 fire services stalls? Are 17 parking stalls enough in times of emergencies, when there are multiple fires in the city, or a natural disaster and all crews have been called in?
- 6- In case of a massive earthquake, is it not better to have more of a step back from the street, so that if the building at 1034 Johnson Street crumbles to the ground, it does not block access to the fire and ambulance bays? If there was more of a step back to the building, new crews being called in to help during emergencies can park in the "driveway" of the truck(s) that have already been called out and hop into the empty trucks and go to work rather than just blocking the street with their vehicles or wasting precious time looking for parking elsewhere.
- 7- Currently, 1026 and 1034 Johnson Street have no visitor parking forcing visitors from afar to park on the street. Removing the street parking (which would be necessary to provide access for firetrucks and ambulances) and not providing enough parking spots in the new building to have

at least one spot per unit, seems like an oversight by the developers and the team that agreed to this project. This construction project is also removing a parking lot which will further exacerbate the current issue. I understand the need to reduce the number of cars, but not all residents are in the position to afford that option. Some people will possibly be traveling great distances for numerous jobs to try and make ends meet.

8- If the city is going green and the province plans to sell only new zero emission vehicles by 2040, why are there no charging stations in the current plans for the building? Will there be convertible sites made while building so that an owner with a spot can add a charging station to their parking spot?

9- What are this development's criteria for "affordable" housing? Are these rental suites or suites for purchase?

10- The proposal for the new development is also spilling into the street, narrowing the bike path and driving lanes. Would it not be better to step the building back a little more, and not change the design of the lanes? This way, should there be any changes to the street needed in the future, the city would not be starting with less space?

11- There are currently no washer/driers in the drawings for the proposed 130 units, and no washer/drier rooms planned on any of the floors. Currently, the nearest laundromat is located across the street at 1309 Cook Street, which is also slated for construction. Once demolition at 1309 Cook Street begins, where are the residents of the "affordable housing" supposed to walk their laundry to?

12- I am concerned with the planned removal of the 4 trees in front of the building on 1035 Johnson street. The current plans show that they will be planting 2 trees at either end of the building. My concern is for the noise and air pollution that will result in the removal of the trees as they act as good filters for the upper units of the surrounding buildings and also beautify the street.

Thank you for your time. Please let me know if you need any clarifications.

-Agatha Soful

From: Barry Watchorn [REDACTED]
Sent: June 29, 2019 2:26 PM
To: Miko Betanzo
Subject: 1025-1031 Johnson, 1050 Yates Street

MIKO BETANZO

We believe that the developers should be told to hold the line on the proposal on the density of a max 5.5:1 floor space ratio. This would be out of respect to the existing buildings and so called Community. Barry Watchorn, owner at 1020 View Street

From: Chris A [REDACTED]
Sent: July 1, 2019 9:16 PM
To: Miko Betanzo
Cc: Jim Handy
Subject: 1025-1031 Johnson Street and 1050 Yates Street - Response to Request for Input on Rezoning Application No.00660

Dear Miko Betanzon,

I am responding to the letter I received on June 4th, 2019 from the City of Victoria requesting input on the proposed changes to 1025-1031 Johnson St & 1050 Yates St for an amendment to the Official Community Plan. Thank you very much for this opportunity to provide you with questions and feedback related to the proposed developments and their proposed rezoning. My questions and comments are as follows.

Questions:

1. Does the developer actually need an increased building density? Could the area be developed in a different way to fit the current Official Community Plan? What other options have been considered/presented?
2. When rezoning for density, would the land also need to be rezoned to allow for the fire hall (institutional zoning)? If so, would this fire hall zoning apply to the entire building/development, and if it does, how would this zoning effect the potential use of residential units in this development?
3. There only appear to be plans available for the first of the 4 proposed buildings of this proposed development. If this density rezoning is approved now, what is to stop the developer from changing their plans and asking for an even higher density allowance for the remaining buildings?
4. In file 2019-02-04-Plans-Revision.pdf there only appear to be 3 buildings depicted for the entire development (page 4) when the overall proposal is for 4. What would the future proposed developments actually look like? I think that this is important to know before making this density rezoning decision.
5. What affordability criteria are in place for the "affordable" housing? I would imagine that this should be decided and agreed upon before any density rezoning is approved.
6. Is there any way that the proposed building at 1025 Johnson could be stepped back from the street more? I am concerned that building right to the edge of the road will greatly reduce the amount of sunlight that reaches the street and neighboring buildings. From the street, having the building so close to the road could also be quite visually imposing and negatively effect the overall vibe of the city.
7. Will emergency vehicles use their sirens as soon as they leave the proposed building? What guarantee is there that they won't immediately use their sirens as they leave the building?
8. How would this proposed development improve our neighborhood? How would allowing increased building density for this proposed development improve our neighborhood?

9. South facing units of 1034 Johnson St will lose their view and experience reduced natural light if this building is built. Will there be any compensation for this loss of view and loss of direct natural sunlight for these units?
10. During what hours would construction of this proposed building be permitted?
11. Would explosives be used for the purpose of excavating the proposed building's foundation? What safeguards would be put in place to ensure that no damage would be caused to the foundations of neighboring buildings due to the use of explosives? What recourse would neighboring buildings have if it were determined that their foundations began deteriorating, or deteriorated at an increased rate, during the time of construction of the proposed building?
12. Why are there no plans to install charging stations for electric vehicles in the parking stalls of this proposed building? Can the building be built with the capacity to easily install charging stations in the future?
13. I am concerned that not all of the trees along Johnson street that are slated for removal will be replaced. In addition to beautifying the neighborhood, trees help to reduce noise pollution from the street. Without these trees neighboring apartments will experience increased noise levels. How can this proposed building help to reduce noise pollution in the area?
14. Has this building been designed to meet or exceed Provincial energy efficiency standards?
15. Building height: When measuring the height of the neighboring building at 1020 View (page 4, 2019-02-04-Plans-Revision.pdf) it appears that HCMA has included the "air space parcel" in the building's height. But when measuring the height of their own proposed building (page 4 & 13, 2019-02-04-Plans-Revision.pdf) they do not appear to count the "air space parcel" making their building only 12 floors tall instead of 13. While this is minor, it makes me wonder what other small details may have been misrepresented in this proposal.

Thank you very much for your time,

Chris Amy



Virus-free. www.avg.com

From: Donna McMillan [REDACTED]
Sent: July 1, 2019 9:22 AM
To: Miko Betanzo
Subject: Miko Betanzo, Senior Planner, Urban Design - 1025 -1031 Johnson & 1050 Yates Street

Hello, Mr. Betanzo

I am submitting the following concerns with respect to the request for proposed changes to the above location for an amendment to the OCF.

Since purchasing property at 1034 Johnson Street in 2010 there have been 2 significant condos built next to this address, one directly to the east on the corner of Johnson & Cook, and the other on the northeast corner of Cook & Pandora. Both of these buildings were built with little or no requirement to be inside of the property lines, and the building at the corner of Cook & Pandora also exceeded the previous height restriction of 10 stories to now 14 stories.

While I understand a goal of the City is to address a housing issue, there does not seem to be included in this endeavor a desire to maintain green space by ensuring new construction includes areas around the structures themselves for landscaping - green space.

Our City Councillors and Mayor tout at great length sustainability without apparent consideration to current aging infra-structure by requiring new construction to include, for example Geo-thermal or solar-heating or re-use of grey water, in their design plans.

The increase in the height of new builds in such density as is seen in the 2 block area surrounding 1034 Johnson Street is not only unnecessary it illustrates a lack of consideration for current residents who do not have the luxury of selling or moving to another area where we are able to continue living with some sense of an environment other than living in an every-widening concrete box.

Thank you for taking time to read this and my hope is I am not the sole citizen expressing these concerns.

Sincerely,

Donna McMillan

1034 Johnson Street

From: Helen Jones [REDACTED]
Sent: June 29, 2019 7:33 PM
To: Miko Betanzo
Subject: proposal re 1025-1031 Johnson Street

Mr. Betanzo:

Thank you for the opportunity to respond to your letter of June 4, 2019.

I am very much in favour of the new proposal . I only have one concern, and that is the inevitable increase in traffic on Cook and Quadra Street. If bicycle lanes are also implemented, it will be at a great disservice to the neighbourhood and the community as a whole. I strongly believe there should be a referendum prior to adding any more bicycle lanes in this area.

Thank you
Helen Jones

Helen Jones, FRI, B.Ed,
JONESco Real Estate Inc
201-648 Herald St Victoria BC V8W 1S7
Ph# 250-361-9838 Fax# 250-361-9509
www.jonescompany.net
www.realestatetutorialsonline.com

From: Shelly Urquhart [REDACTED]
Sent: July 2, 2019 10:57 PM
To: Miko Betanzo
Subject: Rezoning Application #00660 for 1025 - 1031 Johnson Street and 1044 - 1060 Yates Street

Dear Mr. Betanzo,

I am writing in with my concerns about the redevelopment at 1025 – 1061 Johnson Street and 1044 – 1060 Yates.

My condo is situated directly across from where the bays for the proposed new Victoria Firehall #1 will be located.

I am not totally opposed to development. So please do not assume that I am because I am speaking out against this. So, in no particular order, here are some of my concerns and questions:

The development has four phases, starting with Cook and Johnson.

- **When is construction on this proposed site going to start?**
- **How long is each of the phases projected to take to complete?**

Currently there are many development projects that are running behind because of a lack of qualified workers. Many projects are delayed and are no where near completion. Traffic is a mess. Lanes are closed and people get caught in traffic.

- **How is noise going to be mitigated at the fire hall?**

I do not foresee an issue with noise coming from the firehall itself. But what about sirens that are coming from the trucks once they have left the firehall? An entry from the Advisory Design Panel Minutes from November 28th, 2018 indicates that noise would be managed through '**traffic light manipulation**' and '**sirens are not turned on inside the bays**'. The sirens would never be turned on in the bays, so this point is moot. However they will be turned on once they leave the hall and that will happen on Johnson Street every single time they go out on a call. There are a lot of buildings in this area and the noise would disrupt a lot of people. The minutes also mention that 'any noise from the site is not worse than any other downtown locations' but doesn't state what downtown locations they are talking about (are they referencing the other Victoria fire halls or Saanich or Langford).

Everyone that lives in this area is very aware of the fact that calls for first responders (fire, ambulance and police) increase when the social assistance cheques are issued. For whatever reason firetrucks are dispatched to overdoses and other medical emergencies. This period lasts for ~ one week and just after the cheques are issued. If the trucks exit the new firehall on the Johnson side, the noise will be intolerable for that one week period.

- **What kind of social housing is planned for this location and is this the same type as 844 Johnson?**

It's a pretty simple question. Is the housing that is planned the same as what is in place at 844 Johnson? Has there been funding allocated for this from higher levels of government?

- **Will the buildings themselves have adequate parking for both residents (one stall per unit) as well as for any of the employees that will be working out of those buildings?**

Parking is fast disappearing in downtown Victoria. Buildings are being constructed without adequate parking for the people that live here. This puts a burden on street parking (which is already in high demand.) What are the plans for this?

If this development goes ahead as planned, from where I am sitting it looks like it could take several years to build. Not to mention that there will be towers taller than my building which will eliminate views that I currently have of the Salish Sea. I will also lose a lot of the sunshine because these four towers are immediately across the street and are taller than the building that I live in. During construction there will be blasting, large work trucks on the street every day Monday to Friday, traffic blockages to allow for deliveries to the project site and noise. Dust and equipment.

I didn't plan on moving downtown so that I could live in a non-stop construction zone. I moved so that I wasn't commuting every day from the suburbs. I have already been subjected to 4 plus years of construction since moving and it's obvious that there is going to be many more years based on the amount of proposal signs that are around downtown. Don't even get me going on the cluster that the bike lanes have caused.

Thank you for considering my comments and I look forward to receiving responses to my questions.

Regards,
Shelly Urquhart

From: Jim Hanson [REDACTED]
Sent: July 5, 2019 12:04 PM
To: Miko Betanzo
Subject: FW: Proposed properties at Johnson and Yates streets

Please note this message.

From: Jim Hanson [REDACTED]
Sent: July 2, 2019 1:44 PM
Cc: 'Alice Ducharme' [REDACTED]
Subject: FW: Proposed properties at Johnson and Yates streets

Please note that I am opposed to the proposed plan for the construction as set out in your email. I did not make this point clear in my message to you dated July 1.

Jim Hanson

From: Jim Hanson [REDACTED]
Sent: July 1, 2019 3:33 PM
To: 'Miko Betanzo' <mbetanzo@victoria.ca>
Cc: 'Alice Ducharme' [REDACTED]
Subject: Proposed properties at Johnson and Yates streets

My wife and I own two properties in 1010 View St.

I have some issues with the proposal for erecting four mixed use buildings between Johnson and Yates streets immediately west of Cook St.

First. The area to be developed currently lacks green spaces, but there are some open areas which currently serve as parking areas and limited ground level spaces. They will vanish when the four new buildings are finished.

The lowest of the four new buildings will reach twelve stories. They will likely fill all the current open spaces when they are finished, and will dominate that whole area.

The new buildings will also likely cause an increase in local traffic along both Yates and Johnson streets.

As noted above, my wife and I live in the Regents Park strata building. It features green spaces, pathways, room for hedges, and outdoor seating areas for our residents. The new construction areas should consider including something similar to create some pleasant open areas for residents.

Jim Hanson
[REDACTED]

June 3, 2019

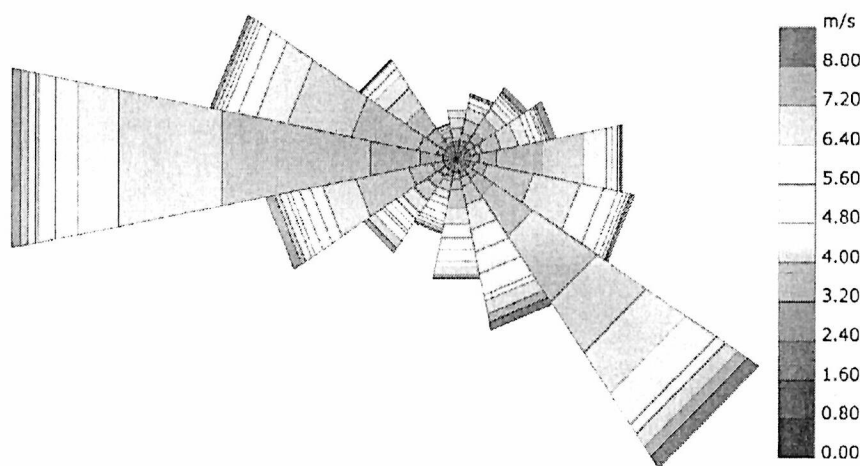
Re: Computer Fluid Dynamics (CFD) Study for Yates Block Project

HCMA Architecture + Design has been engaged by Jawl Residential Ltd. to undertake a study on the effect of the wind on pedestrians in relation to the built environment. This study has been carried out to help understand the impact of the wind on two massing options for the design development of the Johnson Yates Block project. The testing was made in Autodesk Flow Design software, with a boundary wind tunnel simulating the mean-velocity profile and turbulence of Victoria's prevailing wind.

1. Victoria's Prevailing Winds:

The Victoria wind rose represents the direction, velocity and frequency of the wind measured by the local weather station. From it, we can confirm that Victoria's most prevailing winds come from the west and the south-east. This study assesses a west oncoming wind; as a more thorough analysis reported that the most common prevailing wind comes from the west in the winter, spring, and fall seasons. Two different wind speeds were simulated in this research: a 3m/s wind velocity representing the most commonly measured speed in Victoria – considered as enjoyable – and an 8m/s wind speed for extreme conditions – considered as unpleasant.

Note: It is important to keep in mind that the data used to generate the Victoria wind rose is data collected from the weather station at Victoria International Airport; located at a thirty-minute drive north of the site. This weather data might not accurately represent the project site's microclimate conditions, which is also affected by other factors including surrounding buildings, surrounding landscape, and topography.

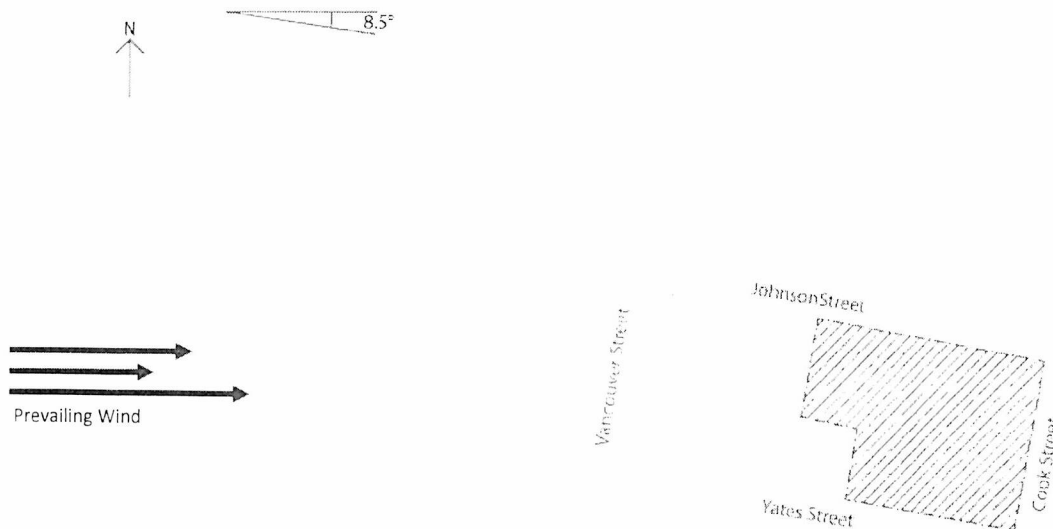


1. Victoria Annual Wind Rose

- A CORPORATE PARTNERSHIP
- Principals*
- DARRYL CONDON**
Architect AIBC, AAA, SAA, OAA, FRAIC, LEED AP
- KAREN MARLER**
Architect AIBC, AAA, SAA, OAA, FRAIC, LEED AP
- STUART ROTHNIE**
Architect AIBC, SAA, OAA, MRAC, LEED AP
- CARL-JAN RUPP**
Architect AIBC, SAA, OAA, MRAC, Diploming, LEED AP
- PAUL FAST**
Architect AIBC, MRAC
- MICHAEL HENDERSON**
Architect AIBC, MRAC

2. Site:

This study focuses on a site bordered on the south by Yates Street, on the north by Johnson Street, on the east by Cook Street, and on the west by Vancouver Street. To adequately represent the wind behavior on this specific site, the 3D model in this exercise includes the five surrounding blocks on the north, south, and west of the site as represented in the plan below. The street orientation is an important driver of the velocity and direction of the wind. Generally speaking, if streets are parallel to the prevailing wind greater wind speeds are noticed. The urban lot assessed in this study is in line with this statement; main streets are oriented east-west, and the prevailing wind comes from the west (the entire streets grid being off the east-west axis by only 8.5 degrees). That being said, the location, height, and shape of the surrounding buildings also highly influence the ultimate wind behavior. As per the plan below represents, the overall density surrounding the studied site is considerably light; with the northernmost section containing just a few more buildings and narrow corridors than the southernmost section.



2. Modeled site and its surroundings

3. Human Comfort Principles:

Outdoor comfort in an urban climate depends on a number of weather and human factors. The former includes factors such as temperature, relative humidity, solar radiation, air speed, and precipitations, while the latter relates to pedestrians' level of activity (sitting, walking, jogging) and clothing insulation. These factors, added to the built environment arrangement, shape, height, and orientation affect the comfort of pedestrians in cities. In this study, the built environment is given, and an assumption is made that most of pedestrians will be walking. The average temperatures in Victoria range from 3°C in the winter to 22°C in the summer; it is estimated that a calm and sitting air would lead to a discomfort in summer, a light breeze would be satisfactory or acceptable all year long, and any wind stronger than 6m/s would be too unpleasant to pedestrians.

As a matter of fact, the relationship between the wind speeds and the comfort levels is:

Acceptable:

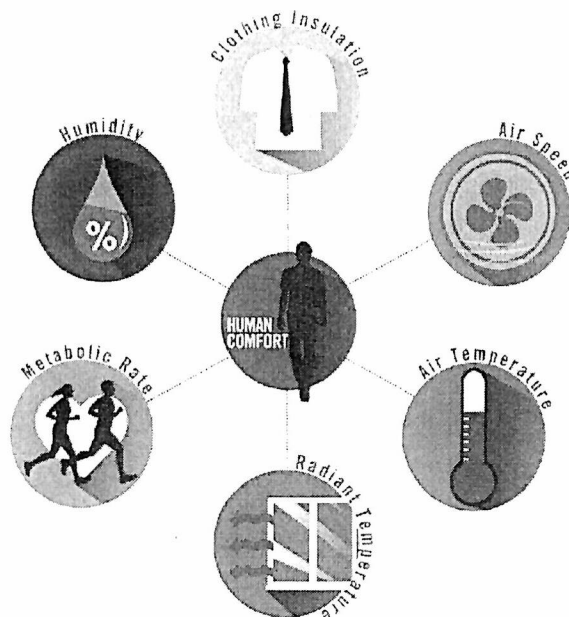
- 0.0m/s: Sitting Long: Smoke rises vertically
- 2.0m/s: Light Breeze: Wind felt on face, leaves rustle, vanes begin to move
- 4.0m/s: Gentle Breeze: leaves and small wigs in constant motion, wind extends light flag

Onset of discomfort:

- 6.0m/s: Moderate Breeze: Dust, Leaves and loose paper raised up, small branches move
- 8.0m/s: Fresh Breeze: Small trees begin to sway, crested wavelets form on inland waters

Unpleasant:

- 10 m/s = unpleasant: Walking irregular upper body bends windward
- 20 m/s = dangerous: walking impossible to control, body blown sideways or leeward.



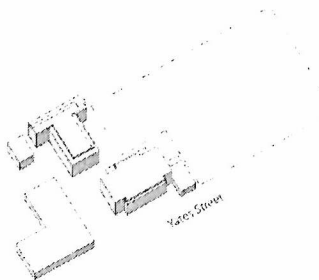
3. Thermal Comfort Factors

Source: PAE Engineers

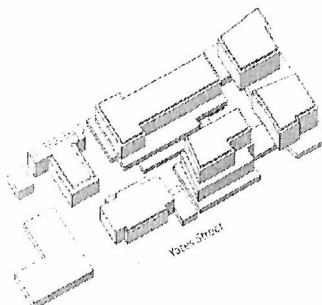
4. Iterations Description:

In this report, three iterations are studied:

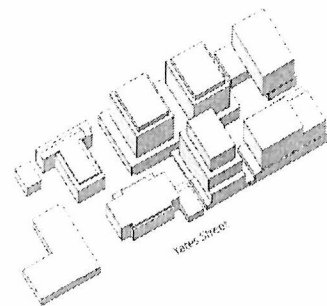
- **Existing Massing** iteration: no development on the site; this iteration represents the current status of the block - a parking lot for a Mazda car dealership.
- **Proposed Massing** iteration: four towers with podiums are represented; the south and east podiums are all connected, acting as wind screens for pedestrians. A major setback is also provided on the south side of the development between the two southern towers.
- **Alternative Massing** iteration: five towers are represented; the two southern-most are completely disconnected from the north three. This disconnection creates a narrow east-west corridor in the middle of the site that attracts a high portion of the wind.



4.a Existing Massing



4.b Proposed Massing



4.c Alternative Massing

5. Outcomes:

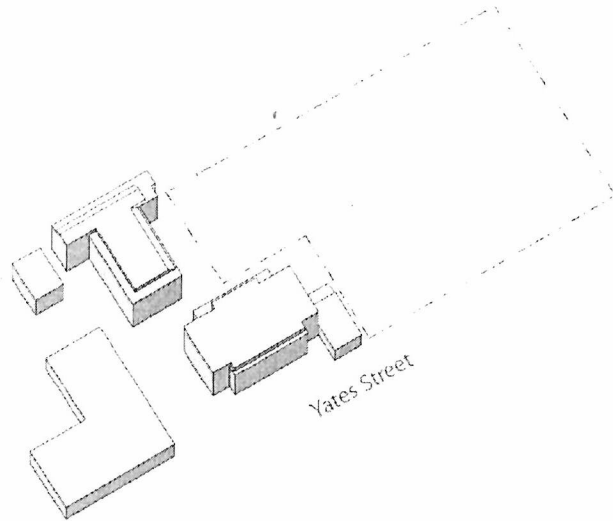
Overall, the study reveals that the 3m/s wind speed will never create discomfort at a pedestrian level. Adding tall buildings to the site improves the wind environment at street level and more spaces with comfortable winds emerge. Comparing the *Proposed Massing* with the *Alternative Massing*, the following assumptions can be reported:

- Cook Street: the podium connections and setbacks offered in the *Proposed Massing* seem to effectively impact the comfort of pedestrians: the east podium- perpendicular to the prevailing winds -acts as a windscreen for pedestrians walking on Cook street. In the *Alternative Massing*, the separation between the north towers and the south towers has a reverse impact on Cook street's pedestrians, as the wind tends to accelerate when going through narrow corridors.
- Johnson Street: the north side of the development is shaded from direct winds coming from the west as the streets grid is tilted at approximately 8.5 degrees out of the east-west axis (image 2).
- Yates street: the wind coming from the west of this wide street is disrupted by an important setback in the *Proposed Massing*. When strong winds occur, this setback can be used as a shelter zone. On the contrary, the *Alternative Massing* proposes a linear development on the south elevation without providing the wind any obstacles to reduce its velocity.

Note: the Autodesk Flow Design interface being interactive, the following screenshots taken from Autodesk Flow Design do not cover the entire extent of the described outcomes. Also, the color scale used for the wind flow lines varies depending on the set wind velocity, any important change of velocity is described in the outcome texts.

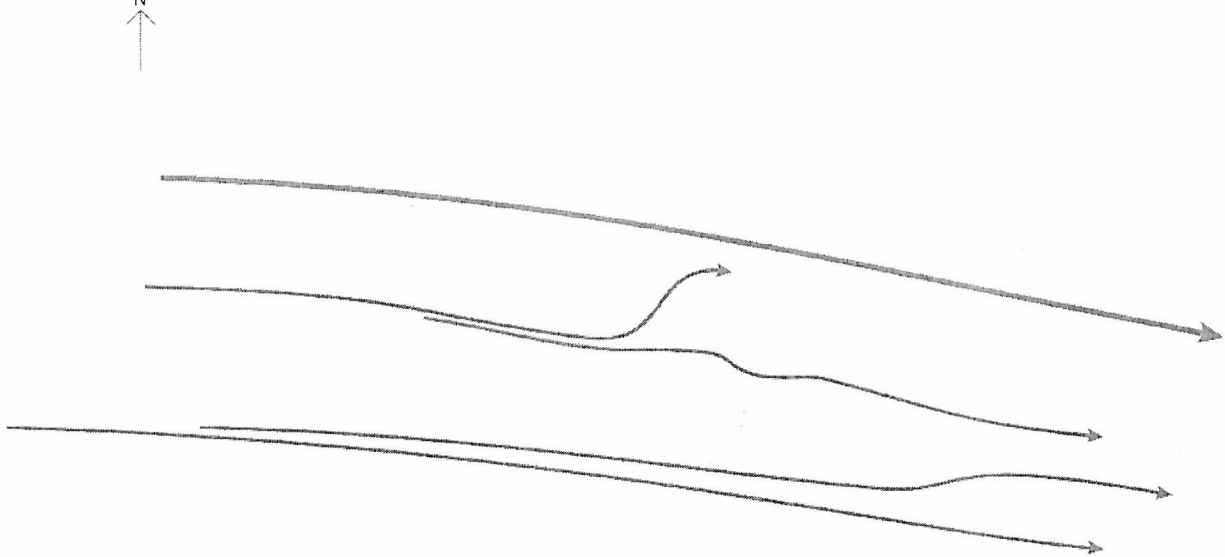
6. Existing Massing

The *Existing Massing* iteration explores the wind behavior assuming there is no development on the site. This iteration represents the current status of the block - a parking lot for a Mazda car dealership.



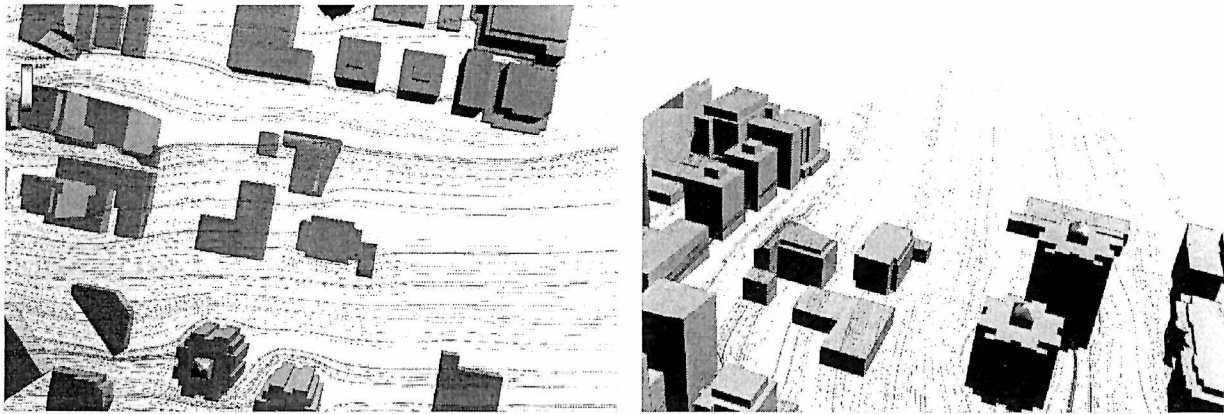
6.a Existing Massing Axonometric View

6.a Outcomes:



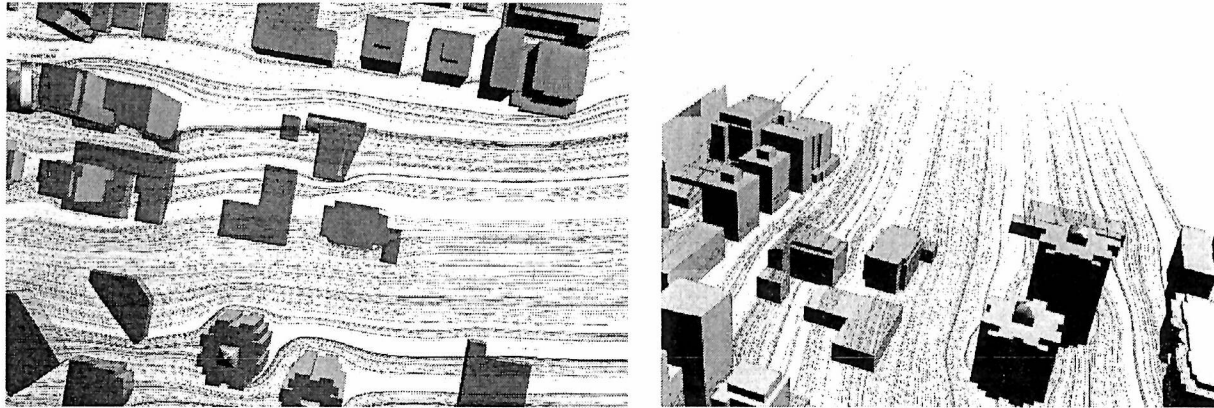
6.b Schematic representation of the wind's behavior in the Existing Massing Iteration

6.b 3m/s wind speed – Enjoyable:



Overall, the low density of the surroundings drives the 3m/s west wind to remain constant as no dense building layout guides, blocks, or diverts the air flow. That said, the highest density on the north side of the site concentrates a hardly visible air flow at a speed not higher than 4m/s. The images above show that the wind disturbance created by the buildings on the west of the site fades once on site, making the air flow pretty even on the entire property.

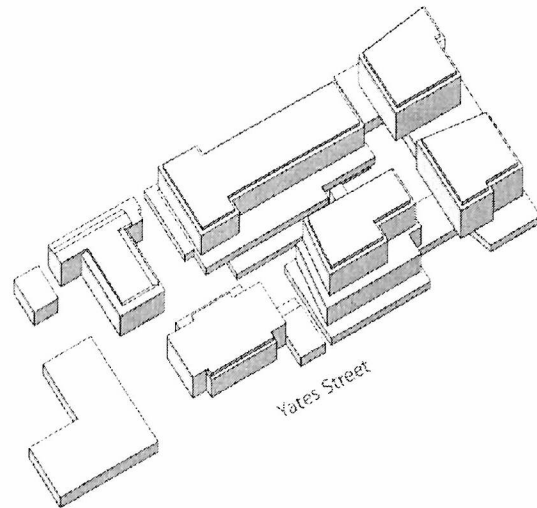
6.c 8m/s wind speed - Unpleasant:



Similar to the 3m/s case, the strong winds remain constant when approaching the site. The highest velocity reported (10m/s) is on the north portion of the site as the existing buildings are more compact. The air flow in these conditions could be unpleasant for pedestrians on Yates, Cook, and Johnson street. In this instance, any building added on site will act as either a wind protector-reducing the velocity of the wind- or a wind emphasize if aligned to its adjacent buildings. The effect of the buildings will also greatly depend on their location on the site and shapes in their lower portions (e.g. podiums, setbacks).

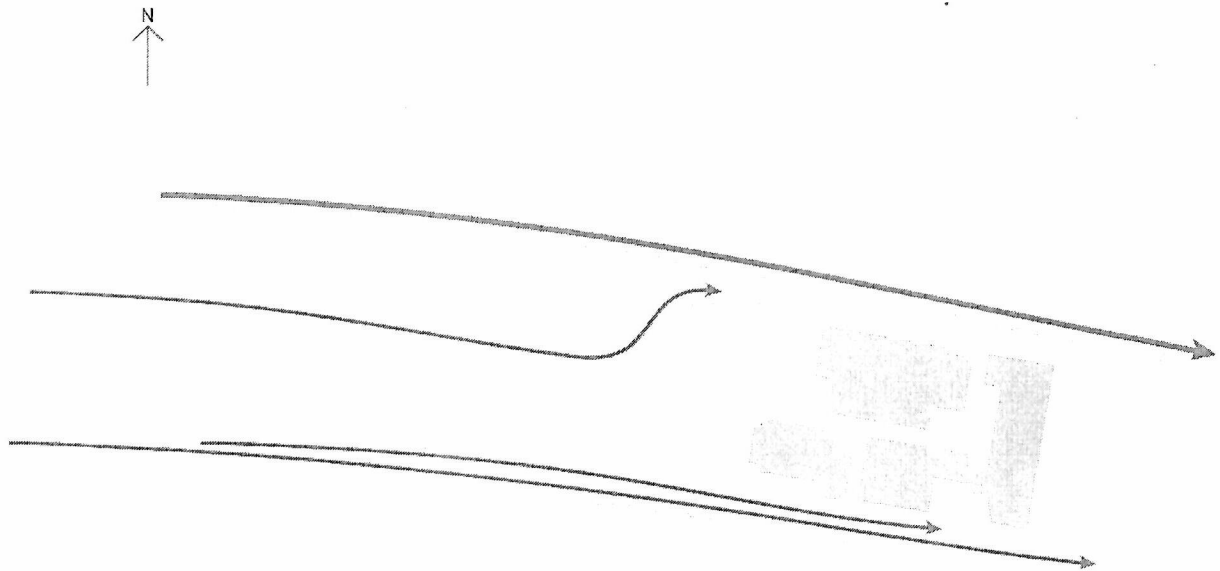
7. Proposed massing

The *Proposed Massing* iteration explores the wind behavior assuming the development on site is as shown in the axonometry 5.a. The proposed massing considers four towers with podiums. The main podium connecting the two east towers has the biggest impact on the wind turbulence as it acts as a wind screen for the wind coming from the west, and protects pedestrians on Cook street. Also, the south portion of the development proposes a large and deep setback between the two towers, which disrupts the linearity of the south elevation.



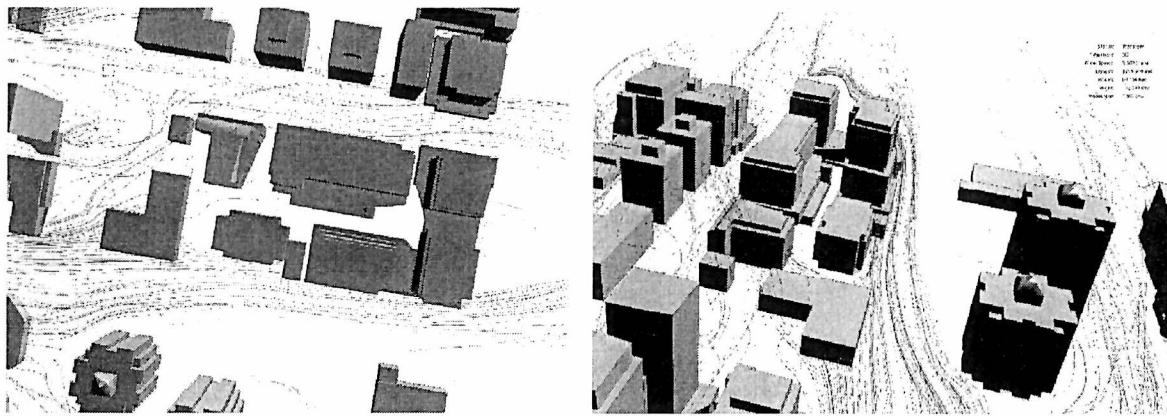
7.a Proposed Massing Axonometric View

7.a Outcomes:



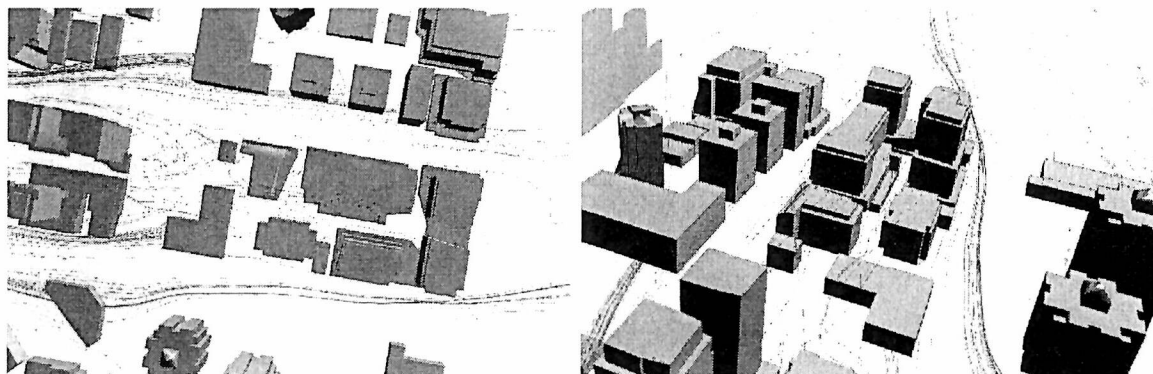
7.b Schematic representation of the wind's behavior in the Proposed Massing Iteration

7.b 3m/s wind speed - enjoyable:



From the images above, it is seen that- at a pedestrian level -the velocity stream lines are mainly located around the block and stay at a constant velocity of 3m/s. Generally, the wider the base of the buildings the greater influence on the air flow at the pedestrian level. Perpendicular to the wind direction, the east podium stops the air from crossing the central corridor of the proposed massing. This podium establishes a comfortable atmosphere for pedestrians on Cook street. On the south side of the development, the arrangement of the existing buildings *Gallery Salon* and *Thunderbird Insurance Brokers* (on the west side of the site) is advantageous for pedestrians as it makes the wind raise vertically. Also, the wide and deep setback between the two proposed south towers reduces the speed of the wind by attracting some of the street air flow. The north side of the development is more protected from the west wind as the entire urban grid is slightly angled (as described in the "Site" section above).

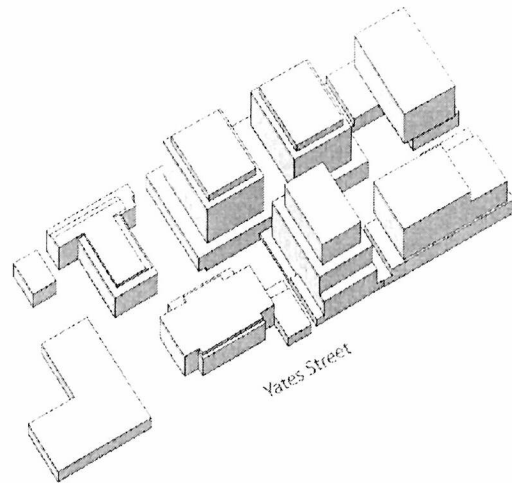
7.c 8m/s wind speed - unpleasant:



Similar to the 3m/s results, the Cook street pedestrians are protected from the strong winds thanks to the east podium, and the north sidewalk is protected thanks to the grid orientation. On the south side, the high velocity of the wind concentrates the flow into a specific stream (as shown in the images above), which has a much higher velocity than the wind on the street sidewalks. In this case, the setback proposed between the two south towers could act as a shelter zone for pedestrians to be protected from the heavy winds.

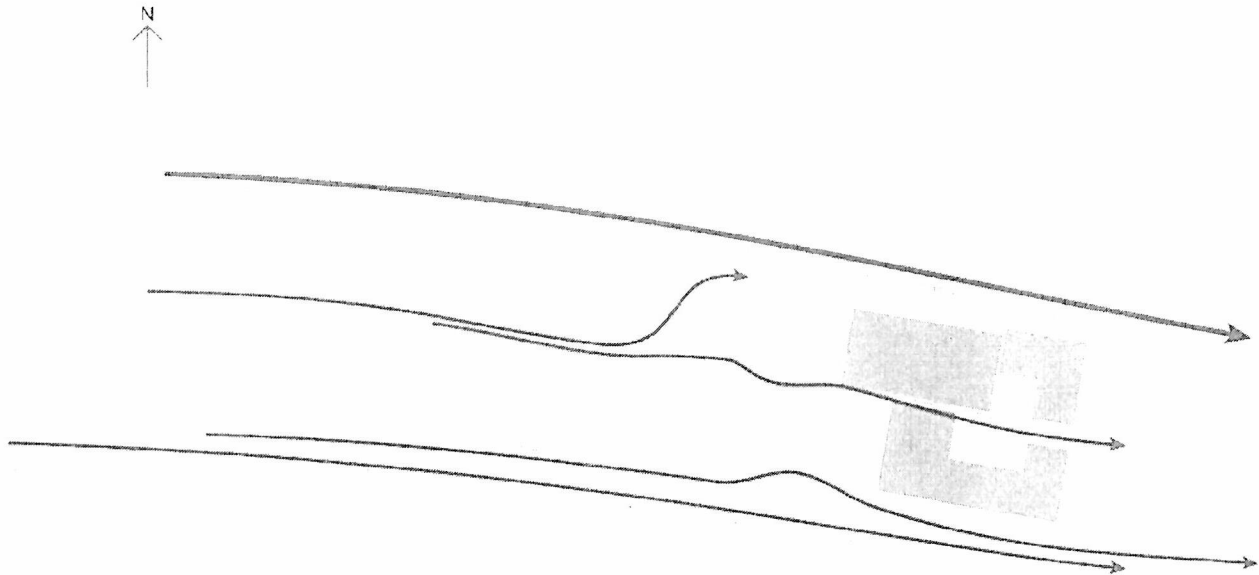
8. Alternative massing

The *Alternative Massing* iteration explores the wind behaviors assuming a massing as shown in the axonometry 6.a. In this massing, five towers are represented; the two southern towers are completely disconnected from the three northern towers. This disconnection creates a narrow east-west corridor in the middle of the site that attracts a large portion of the wind.



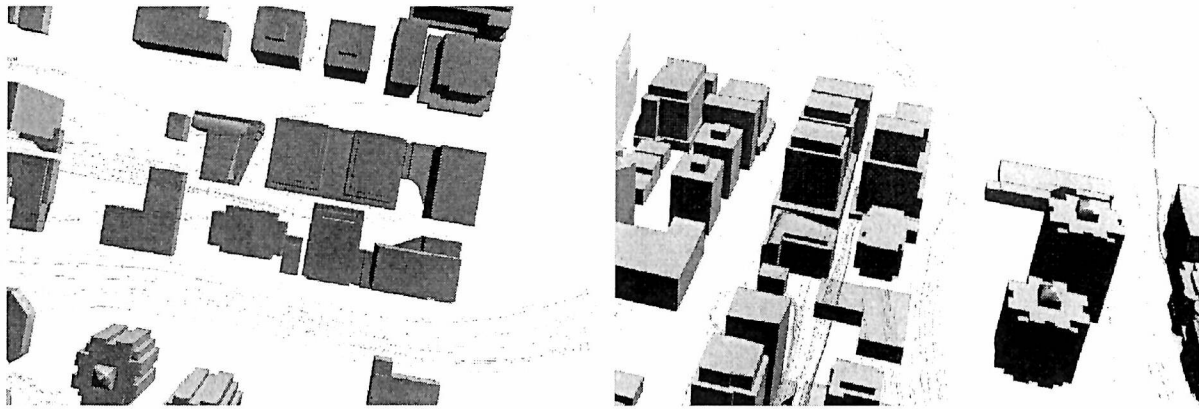
8.a Alternative Massing Axonometric View

8.a Outcomes:



8.b Schematic representation of the wind's behavior in the Alternative Massing Iteration

8.b 3m/s wind speed - enjoyable:



Generally speaking, when high buildings are completely disconnected, the separation width becomes critical; the wider the better. The narrow corridor located between the north and south sides of the development create a draft that is expected to be felt by pedestrians walking on Cook street. This said, this light breeze- not showing a higher velocity than 2m/s -should not create any pedestrian discomfort. On the south elevation, the set back of the Gallery Salon is slightly effective in vertically deviating the wind, but the linearity of the development does not help disrupt the rest of the air flow. Regarding the north sidewalk, in line with the previous iteration, pedestrians are protected from any direct wind coming from the west as the street grid is slightly off axis.

8.c 8m/s wind speed - unpleasant:



High velocity winds tend to increase in speed when parallel to narrow streets or canyons. In this case, the heavy wind is more strongly attracted to the corridor in the middle of the development. This potentially leads to a pedestrian discomfort at the junction between the created corridor and Cook street. Along the south side of the development, the high velocity of the wind concentrates the flow into a specific stream, which has a much higher velocity than the wind on the street sidewalks (similar to the *Proposed Massing*). That said, the linear arrangement of the towers is not considered effective in reducing the wind velocity and providing a shelter to pedestrians. Likely, this sidewalk will not be comfortable when the wind speed is higher than 6m/s. The north side of the development is protected and will have a more acceptable air velocity for pedestrians to walk.

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September 26, 2019

Miko Betanzo
Senior Planner – Urban Design
Sustainable Planning & Community Development
City of Victoria, 1 Centennial Square, Victoria BC V8W 1P6
mbetanzo@victoria.ca

Subject: Proposed 1025 Johnson St. Project

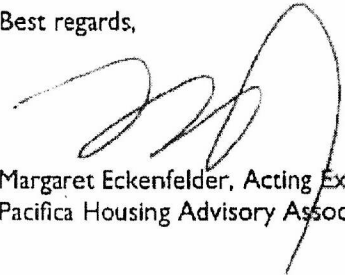
Dear Miko,

It has come to my attention that there are questions being raised by the City about the financial viability of the Johnson Street affordable housing project if funds from the City's Housing Reserve Fund are received at a later date or not at all. BC Housing confirms Pacifica's understanding that the project approval does not rely on HRF funds. If funds were received, they would result in lower annual operating subsidies being required from BC Housing, so BC Housing could allocate those funds to additional projects. However, the Johnson Street project is approved, including both funding and financing.

As you know, we have discussed Pacifica's application to the HRF in the past. At this time, we have put the application on hold until rezoning is confirmed. Based on a meeting with Lindsay Milburn, I understand that currently, the maximum we might receive under the program is around \$200,000.00. We continue to be hopeful that this amount is increased by the time of rezoning.

Please do not hesitate to contact me should you have any questions.

Best regards,



Margaret Eckenfelder, Acting Executive Director
Pacifica Housing Advisory Association

Cc: Tara Schmidt, BC Housing
Lindsay Milburn, City of Victoria

TERMS OF INSTRUMENT – PART 2

**SECTION 219 COVENANT
DEVELOPMENT COVENANT (MASTER DEVELOPMENT AGREEMENT)**

THIS AGREEMENT dated for reference the 3rd day of October 2019,

BETWEEN:

1133863 B.C. LTD. (Inc. No. BC1133863)
3375 Tennyson Avenue, Victoria, British Columbia V8Z 3P7

("1133863")

AND:

NADAR HOLDINGS LTD. (Inc. No. BC0556685)
7th Floor 1175 Douglas Street, Victoria, British Columbia V8W 2E1

("Nadar" and together with 1133863, the "Owner")

AND:

THE CORPORATION OF THE CITY OF VICTORIA
1 Centennial Square, Victoria, British Columbia V8W 1P6

(the "City")

GIVEN THAT:

- A. 113863 is the registered owner of the lands legally described as:
- (i) PID 003-189-881, the easterly 40 feet 9 inches of Lot 960, Victoria City;
 - (ii) PID 003-190-030, the westerly (19'3") of Lot 960, Victoria City;
 - (iii) PID 003-190-099, Lot 961, Victoria City, except the westerly (40') thereof;
 - (iv) PID 003-190-145, the westerly (40') of Lot 961, Victoria City,
- (together, the "**113863 Parcels**").
- B. Nadar is the registered owner of the lands legally described:
- (i) PID 005-201-250, Lot 959, Victoria City;
 - (ii) PID 005-201-276, the east 1/2 of Lot 970, Victoria City;

- (iii) PID 009-387-684, Lot 985, Victoria City;
- (iv) PID 005-201-306, Lot 969, Victoria City, except that part in Plan 18802; and
- (v) PID 003-786-561, Lot A (DD B68208) of Lots 956, 957, 966, 967, 968 and 969, Victoria City, Plan 18802,

(together, the “**Nadar Parcels**”, and together with the 113863 Parcels, the “**Land**”); and

- C. As a condition of adoption Zoning Regulation Bylaw 80-159, Amendment Bylaw (No. 1184) (the “**Amendment Bylaw**”) pursuant to the Owner’s application for an amendment to the City’s Zoning Regulation Bylaw 80-159 as it applies to the Land, and pursuant to the terms of a Phased Development Agreement (under Division 12 of Part 14 of the *Local Government Act*) respecting the Land executed or to be executed in connection with the aforementioned zoning amendment bylaw (the “**PDA**”), the Owner wishes to grant to the City this covenant under section 219 of the *Land Title Act* (British Columbia).

THIS AGREEMENT is evidence that in consideration of the payment of \$10.00 from the City to the Owner and other good and valuable consideration (the receipt and sufficiency of which the Owner acknowledges), the Owner covenants and agrees with the City under section 219 of the *Land Title Act* as follows:

1. **Definitions** –In this Agreement, in addition to those terms defined elsewhere in this Agreement:
 - (a) “**Affordable Housing Agreements**” means the “**Affordable Rental Housing Agreement** (and covenant under section 219 of the *Land Title Act*) in the form attached as Part 1 of Schedule E and the “**Rental Availability Housing Agreement** (and covenant under section 219 of the *Land Title Act*) in the form attached as Part 2 of Schedule E.
 - (b) “**Affordable Housing Units**” means the 130 housing units to be constructed on the Land and secured as affordable housing by the Affordable Housing Agreements.
 - (c) “**Amended Zoning Bylaw**” means the City’s Zoning Regulation Bylaw 80-159, as amended by the Amendment Bylaw.
 - (d) “**Building**” means buildings and other structures, but does not include any buildings constructed on the Lands before the date of this Agreement or any building which, in the opinion of the Director, is installed or to be installed on an interim or temporary basis.
 - (e) “**Development Area**” means any of Development Areas DA-1, DA-2, DA-3 and DA-4 described in the Amended Zoning Bylaw, approximately as shown on the Development Area Map, it being understood that the boundaries of any Development Area may be varied without amending this Agreement, subject to

compliance with the minimum development area set out in the Amended Zoning Bylaw.

- (f) **"Development Permit"** means a development permit under sections 488 to 491 of the *Local Government Act*.
- (g) **"Director"** means the City's Director of Sustainable Planning and Community Development, or his or her designate.
- (h) **"Development Area 1"** means Development Area DA-1 described in the Amended Zoning Bylaw, approximately as shown on the Development Area Map.
- (i) **"Development Area 4"** means Development Area DA-4 described in the Amended Zoning Bylaw, approximately as shown on the Development Area Map.
- (j) **"Development Area Map"** means the map in Appendix A to the Amended Zoning Bylaw, reproduced in this agreement as Schedule A.
- (k) **"Last Development Area"** means Development Area 4, or any other Development Area designated by the Owner according to section 10 of this Agreement.
- (l) **"Plaza Area"** means a public plaza located with a frontage along Yates Street and comprising an area of no less than 250m², the dimensions of which area must be able to accommodate a lesser area with dimensions of 10 metres by 10 metres.
- (m) **"Plaza Covenant/SRW"** means a statutory right of way under section 218 of the *Land Title Act* and a covenant under section 219 of the *Land Title Act*, substantially in the form attached as Schedule C.
- (n) **"Plaza Design"** means the detailed drawings and specifications for the Plaza Area and the Plaza Works prepared under, and approved by the Director in accordance with, this Agreement.
- (o) **"Plaza Works"** means the improvements, works, facilities and equipment to be constructed in the Plaza Area, which improvements, works, facilities and equipment will conform to policies 6.36 to 6.63 of the design guidelines set out the City of Victoria Downtown Core Area Plan (September 2011).
- (p) **"Setback Area"** means that portion of a Development Area, if any, which comprises the 51% of the street frontage length of a Development Area or Areas required to be set back 2.5m pursuant to the Amended Zoning Bylaw.
- (q) **"Setback Area Covenant/SRW"** means a statutory right of way under section 218 of the *Land Title Act* and a covenant under section 219 of the *Land Title Act*, substantially in the form attached as Schedule B.

- (r) “**Setback Area Design**” means the detailed drawings and specifications for a Setback Area and the Setback Area Works for that Setback Area prepared under, and approved by the Director in accordance with, this Agreement.
- (s) “**Setback Area Works**” means the standard hard and softscape finishes to be constructed in the Setback Area.

2. **Development Area 1 & Affordable Housing –**

- (a) No Building shall be constructed on the Lands unless and until:
 - (i) the Owner has entered into the Affordable Housing Agreements, notice of each Affordable Housing Agreement is filed in the land title office as a legal notation against title to each parcel comprising Development Area 1 (in the case of the Affordable Rental Housing Agreement) and the Land (in the case of the Rental Availability Housing Agreement), and each Affordable Housing Agreement is registered as a covenant under section 219 of the *Land Title Act* charges against title to each parcel comprising Development Area 1 (in the case of the Affordable Rental Housing Agreement) and the Land (in the case of the Rental Availability Housing Agreement) each with priority over all financial liens, charges and encumbrances (including any leases, agreements for sale, options to purchase, rights of first refusal and similar charges and encumbrances);
 - (ii) the City has issued a Development Permit authorizing the construction of the Affordable Housing Units in Development Area 1; and
 - (iii) the City issues a building permit permitting construction of the Affordable Housing Units in Development Area 1;
- (b) No Building shall be constructed on Development Area 1 unless the Building includes the Affordable Housing Units.

3. **Setback Area Design** – No Building shall be constructed on any Development Area other than Development Area 1, and the City will not be obligated to issue a Development Permit or a building permit for any Building on any such Development Area, until the Director is satisfied that the Owner has caused a professional engineer to complete detailed drawings and specifications for the Setback Area and the Setback Area Works for that Development Area suitable for a Development Permit application, and obtained written acceptance of the detailed drawings and specifications from the Director, including by the Owner causing the aforementioned professional to make such revisions to the detailed drawings and specifications as may be necessary to obtain the Director’s written acceptance.

4. **Setback Area Construction** – Concurrently with the construction of any Building within a Development Area other than Development Area 1, the Owner will construct the Setback Area and the Setback Area Works for that Development Area in accordance with the applicable Setback Area Design.
5. **Setback Area Completion** – No Building from time to time constructed on a Development Area other than Development Area 1 shall be occupied or used for any purpose, and the City will not be required to issue an occupancy permit for such Building, until the Owner has completed the following requirements, and the Director is satisfied that the Owner has completed all such requirements and has confirmed such satisfaction in writing:
 - (a) The Owner has completed the construction of the Setback Area and Setback Area Works for that Development Area in accordance with the applicable Setback Area Design or has otherwise provided the City with security for the construction of the Setback Area and Setback Area Works, in an amount and form satisfactory to the Director, which security the City may use to complete the Setback Area and the Setback Area Works if the Owner does not complete the Setback Area and Setback Area Works to the satisfaction of the Director within the earlier of: (i) 6 months following issuance of the last occupancy permit for the last Building constructed within that Development Area; and (ii) 12 months following issuance of an occupancy permit for the first Building constructed within that Development Area.
 - (b) The Owner has caused a B.C. land surveyor to prepare a reference or explanatory plan (which may be volumetric) delineating the portions of the Development Area upon which the Setback Area is located (which, for certainty, will not include any parking structures below grade or improvements above or outside the Setback Area).
 - (c) The Owner has granted, to the City, the Setback Area Covenant/SRW for the Setback Area and Setback Area Works within that Development Area, completed to the satisfaction of the Director, and the Owner has caused such Setback Area Covenant/SRW to be registered against title to the parcels containing the Development Area in the land title office with priority over all liens, charges and encumbrances (including any leases, agreements for sale, options to purchase, rights of first refusal and similar charges and encumbrances).
6. **Public Plaza Design** – No Building shall be constructed on the Last Development Area, the City will not be obliged to issue a Development Permit or building permit for the Last Development Area, until the Owner has completed the following requirements, and the Director is satisfied that the Owner has completed all such requirements and has confirmed such satisfaction in writing:
 - (a) The Owner has undertaken a community design charette to obtain community input with respect to the design of the Plaza Area and the Plaza Works.

- (b) The Owner has caused a professional engineer to complete detailed drawings and specifications for the Plaza Area and the Plaza Works suitable for a Development Permit application and has obtained written acceptance of the detailed drawings and specifications from the Director, including by the Owner causing the aforementioned professional to make such revisions to the detailed drawings and specifications as may be necessary to obtain the Director's written acceptance and the Director approved plans and specifications are the "**Plaza Design**".
7. **Pre-Conditions to Construction of Last Development Area** – No Building shall be constructed on the Last Development Area, and the City will not be obligated to issue a building permit for the Last Development Area, until the Owner has completed the following requirements, and the Director is satisfied that the Owner has completed all such requirements and has confirmed such satisfaction in writing:
- (a) An architect, registered and in good standing under the *Architects Act* (British Columbia), retained by the Owner has certified in writing to the City that the concrete has been poured for the building to be constructed in Development Area 1 and that building has been constructed up to and including the ceiling of the fifth storey.
- (b) The Owner has provided to the City, as security for the construction of any remaining Plaza Works, cash or an irrevocable and unconditional letter of credit or bond in a form acceptable to the Director and issued by a Canadian Chartered Bank or a Credit Union, in an amount equal to 120% of the estimated cost to construct the remaining Plaza Works, which security the City may use to complete the Plaza Works if the Owner does not complete the Plaza Works to the satisfaction of the Director within 6 months following issuance of an occupancy permit for any Building within the Last Development Area. The estimated cost to construct the remaining Plaza Works will be determined in accordance with the City's requirements for landscape security deposits for development applications within Development Permit areas and the Owner will comply with those requirements as necessary to determine such cost estimate.
8. **Public Plaza Construction** – Before or concurrently with the construction of any Building within Last Development Area, the Owner will construct the Plaza Area and the Plaza Works in accordance with the Plaza Design.
9. **Pre-Conditions to Last Development Area Occupancy** - No Building within the Last Development Area shall be occupied or used for any purpose until the Owner has completed the following requirements, and the Director is satisfied that the Owner has completed all such requirements and has confirmed such satisfaction in writing:

- (a) An architect registered and in good standing under the *Architects Act* (British Columbia) retained by the Owner has certified to the City the Affordable Housing Units are complete (within the meaning of the Builders Lien Act.)
- (b) The Owner has caused a B.C. land surveyor to prepare reference or explanatory plans (which may be volumetric) delineating the portions of the Development Area upon which the Plaza Area is located (which, for certainty, will not include any parking structures below grade or improvements above or outside the Plaza Area).
- (c) The Owner has granted to the City the Plaza Covenant/SRW, completed to the satisfaction of the Director, and the Owner has caused the Plaza Covenant/SRW to be registered against title to the parcels on which the Plaza Area and Plaza works are constructed in the land title office with priority over all financial liens, charges and encumbrances (including any leases, agreements for sale, options to purchase, rights of first refusal and similar charges and encumbrances).

10. **Changing the Designation of Last Development Area** – The registered owner of the Last Development Area and the registered owner of the Development Area to be designated as the Last Development Area pursuant to this section, may, upon notice to the City, change the designation of the Last Development Area to a different Development Area provided that:

- (a) Development Area 1 may not be designated as the Last Development Area;
- (b) such change shall only be effective if those registered owners causes a modification to this Agreement changing the Last Development Area designation to be registered in the land title office against title to those parts of the Land that include the then current Last Development Area and the Development Area to be designated as the Last Development Area, with priority over all financial liens, charges and encumbrances (including any leases, agreements for sale, options to purchase, rights of first refusal and similar charges and encumbrances), which modification need simply state that the Last Development Area is changed from Development Area ___ to Development Area ___; and at the time of registration of the modification referred to in paragraph (b) of this section, no Building has been constructed on the Development Area to be designated as the Last Development Area and no construction of any Building within that Development Area commenced.

If the requirements of this section are satisfied, within ten (10) business days of receipt by the City of the modification referred to in paragraph (b) of this section the City will execute the modification and return same to those owners in registrable form, for registration by and at the expense of those owners.

11. **Density Allocation and Separate Sale Requirement –**

The Land shall not be separately sold or otherwise transferred, until and unless the owner has satisfied the following requirements:

- (a) The Owner has designated in writing to the Director the maximum floor area that may be constructed on each parcel comprised in the Land, provided that (i) the total of the maximum floor areas designated for all parcels is equal to the total maximum floor area permitted for the Land of 49,960 square meters under Amended Zoning Bylaw; (ii) at least 14,000 square metres is designated for Development Area 1; and (iii) such designation must otherwise comply with the provisions of that Bylaw as it applies to the Land.
- (b) If required by the Director, (i) the Owner has granted to the City a covenant under section 219 of the *Land Title Act* in substantially the form attached as Schedule D, limiting the development of each parcel comprising the Land (or that will comprise the Land following deposit of a subdivision plan in respect of the Land that is deposited concurrently with the registration of such covenant) to the floor area designated to each such parcel under paragraph (a) of this section, and (ii) the Owner has caused such covenant to be registered against title to the Land in the land title office with priority over all financial liens, charges and encumbrances (including any leases, agreements for sale, options to purchase, rights of first refusal and similar charges and encumbrances). Within ten (10) business days of receipt by the City of the Section 219 Covenant, it will execute and return same to those owners in registrable form, for registration by and at the expense of those owners.
- (c) The foregoing requirements will not apply to any parcel of land created by an air space parcel subdivision of the Land, the deposit of a building strata plan, except that the floor area of the building or buildings included in any such air space parcel or strata plan will be deemed to have been allocated to such air space parcel or strata lots and will not be available for allocation and designation to any other part of the Land.

12. **Buildable Area Updates** – Prior to commencement of construction of every building to be constructed on the Land, the Owner shall provide to the Director a report detailing the gross buildable area proposed to be built with that Building, the gross buildable area already constructed or under construction on the Land and the gross buildable area remaining to be built on the Land.

13. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Owner hereby indemnifies the City from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the City, or

any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the performance of any of the Owner's obligations under this Agreement, any breach of any provision under this Agreement or the enforcement by the City of this Agreement.

14. **Specific Relief** – The Owner agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the City, in the event of an actual or threatened breach of this Agreement.
15. **No Effect on Powers** – Nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the City or the City's Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use, development or subdivision of the Land.
16. **City Discretion** – Where the City or a representative of the City is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
 - (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the City or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the City or the representative, as the case may be; and
 - (c) the City or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the City or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.
17. **No Obligation to Enforce** – The rights given to the City under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the City to anyone or obligate the City to enforce this Agreement or to perform any act or incur any expense.

18. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
19. **Waiver** – No waiver by the City of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
20. **Remedies** - No reference to or exercise of any specific right or remedy by the City shall prejudice or preclude the City from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the City may from time to time exercise any one or more of such remedies independently or in combination.
21. **Priority** – The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances (including any leases, agreements for sale, options to purchase, rights of first refusal and similar charges and encumbrances), registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge or encumbrance to execute an instrument in a form required by the City under which such holder postpones all of the holder's rights to those of the City under this Agreement in the same manner and to the same extent as if such lien, charge or encumbrance had been registered immediately after the registration of this Agreement.
22. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successor in title and the City or a successor or assignee.
23. **Discharge** –
 - (a) If City council does not adopt the Amendment Bylaw within six months following the date of registration of this Agreement in the land title office, and the Owner delivers a discharge in registrable form of this Agreement from the title to the Lands comprising that part of the Development Area to the City before City council adopts the Amendment Bylaw, the City will execute the discharge in registrable form, and return the executed discharge to the Owner, and the Owner may apply to register it in the land title office.
 - (b) If the Owner completes development of part or all of a Development Area in accordance with this Agreement, such that none of the restrictions in this Agreement continue to apply to the Development Area and the Owner has

complied with section 11 in relation to the Development Area, and delivers to the City a discharge in registrable form of this Covenant from the title to the Lands comprising that part of the Development Area, the City will execute the discharge in registrable form, and return the executed discharge to the Owner, and the Owner may apply to register it in the land title office.

24. **Further Assurances** – The Owner shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
25. **Owner’s Expense** – The Owner shall perform its obligations under this Agreement at its own expense and without compensation from the City.
26. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
27. **Schedules** – The following Schedules are attached to and form an integral part of this Agreement:
- Schedule A – Development Area Map
 - Schedule B – Form of Setback Area Covenant/SRW
 - Schedule C – Form of Plaza Covenant/SRW
 - Schedule D – Form of Density Covenant
 - Schedule E – Affordable Housing Agreements
28. **Interpretation** - In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term “enactment” has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;

- (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;
 - (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
29. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
30. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
31. **Entire Agreement** – This Agreement, the Schedules to this Agreement, and every agreement or instrument required to be executed or delivered by the Owner pursuant to this Agreement together are the entire agreement between the parties regarding its subject.
32. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

AS EVIDENCE of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement.

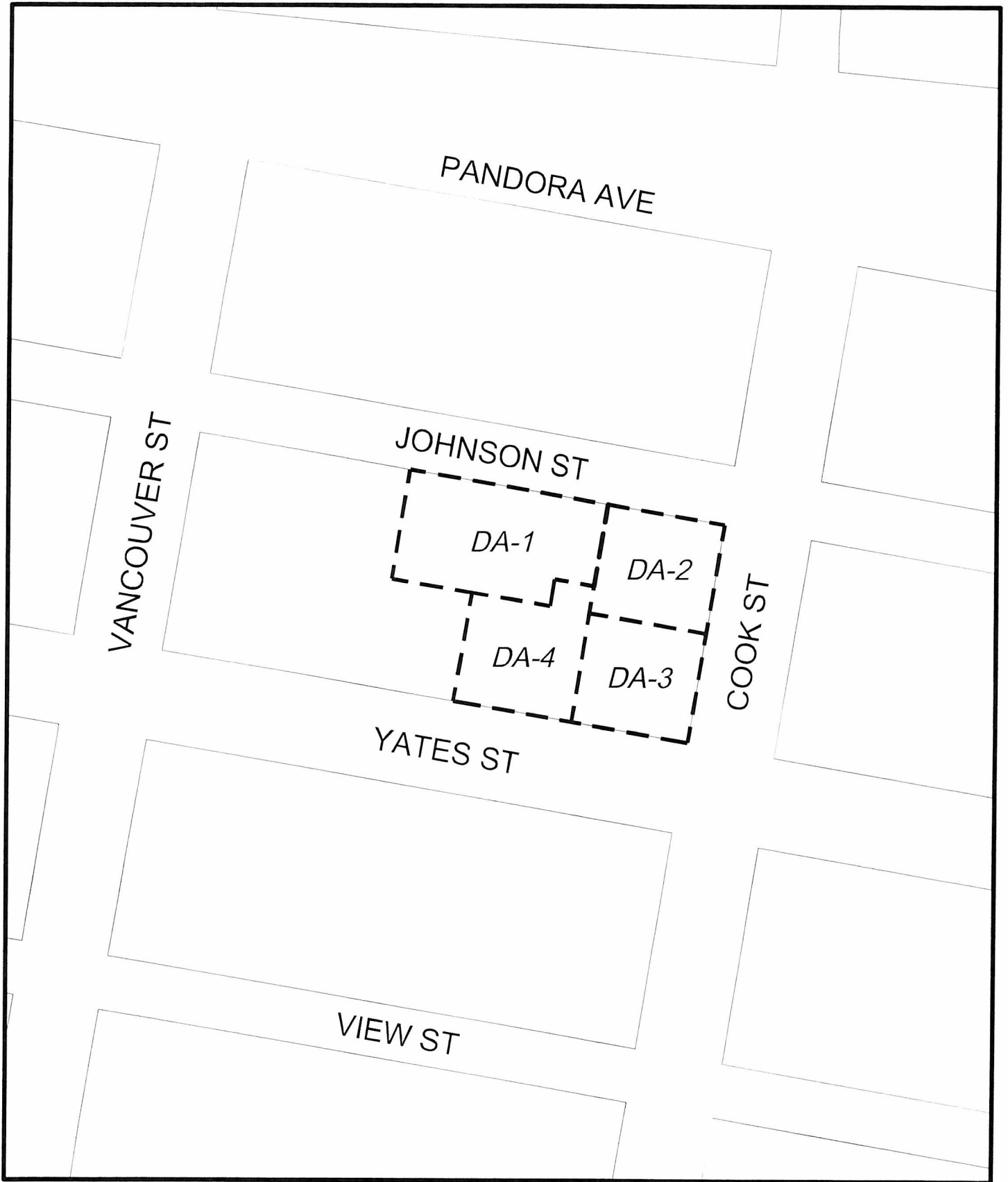
PRIORITY AGREEMENT

This Priority Agreement is between the Royal Bank of Canada (the "**Prior Chargeholder**"), being the registered owner and holder of Mortgage CA6474249 (the "**Prior Charge**") and the City of Victoria, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "**Subsequent Charge**").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and for other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of, joins in and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charge to the rights of the City under the Subsequent Charge in the same manner and to the same extent as if the Prior Charge had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement.

Schedule A
Development Area Map



Appendix A
Development Areas
CA-90 Zone, Mid Cook District



Schedule B
Form of Setback Area Covenant/SRW

TERMS OF INSTRUMENT – PART 2

SETBACK AREA - SECTION 219 COVENANT & STATUTORY RIGHT OF WAY

THIS AGREEMENT dated for reference the _____, is

BETWEEN:

[insert name and address]

("the "Owner")

AND:

THE CORPORATION OF THE CITY OF VICTORIA

1 Centennial Square, Victoria, British Columbia V8W 1P6

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner of the lands described in the *Land Title Act* Form C attached to and forming part of this Agreement (the "**Lands**"),
- B. The Owner has constructed on the portion of the Lands shown on Reference Plan No. _____, a copy of which is attached as Schedule A, (the "**Setback Area**") a setback area containing the improvements, works and other facilities and equipment shown and described on Schedule B (collectively the "**Works**"),
- C. The Owner wishes to grant to the City: (i) a covenant under section 219 of the *Land Title Act* pursuant to which the Owner shall covenant to be responsible for the construction, repair, maintenance and operation of the Setback Area and the Works, and (ii) a statutory right of way under section 218 of the *Land Title Act* to enable the City to ensure the ongoing preservation of and public use of and access to the Setback Area and the Works, and
- D. The statutory right of way under this Agreement is necessary for the operation and maintenance of the City's undertaking,

THIS AGREEMENT is evidence that, and in consideration of \$10.00 paid by the City to the Owner and other good and valuable consideration (the receipt and sufficiency of which the Owner hereby acknowledges), the Owner covenants and agrees with the City as follows:

1. **Owner's Obligations Concerning Setback Area and Works** – Pursuant to section 219 of the *Land Title Act*, the Owner covenants and agrees with City as follows:

- (a) **Operation and Maintenance** – Except as permitted under section 3, the Owner shall at all times:
- (i) operate, repair, replace, inspect, maintain and clean the Setback Area and the Works, with such replacements, modifications and substitutions approved by the City Engineer from time to time, so that they are at all times in a good, clean and safe condition and state of repair.
 - (ii) remove from the Setback Area any structures, improvements, or other thing (including walls, fences, and vehicles), and otherwise trim or cut down any tree, shrub, plant or other growth that constitutes or may constitute a danger or impairment to, or obstruction of the Setback Area or any of the Works.
- (b) **Open to Public** - Except as may be required to from time to time to satisfy the Owner’s obligations under section 1(a), as may be permitted by the City or otherwise as permitted under section 3 and 4, the Owner shall ensure that the Setback Area is at all times open for public use and, without limiting the generality of the foregoing, the Owner shall not install or maintain any wall, fence or other obstruction which would obstruct, close off the Setback Area or prevent access by the public to the Setback Area.
- (c) **Indemnity** - As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Owner shall indemnify and save harmless the City and the City’s elected and appointed officials, officers, employees, and contractors (“**City Personnel**”) from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the City, or City Personnel, in any way arising from or in connection with any of the following:
- (i) the design, construction, operation, repair, replacement, maintenance and cleaning of the Setback Area or the Works,
 - (ii) any property damage or personal injury or death occurring within the Setback Area, including personal injury to or death of any member of the public, or
 - (iii) any breach of any provision of this Agreement.,
- except to the extent caused or contributed to by any negligent act or omission of the City or City Personnel.
2. **Statutory Right of Way** – Pursuant to section 218 of the *Land Title Act*, the Owner hereby grants, conveys and confirms, to the City, in perpetuity, the full, free and uninterrupted right, liberty, easement and statutory right of way for the City and its officers, employees, contractors, licensees (including, without the need for specific invitation or authorization, the public), agents and invitees, to enter, go, be on, pass and repass, with or without vehicles

personal property and equipment, upon, over, under and across the Setback Area to, in common with the Owner, at all times and from time to time, at their will and pleasure, to:

- (a) construct, install, remove, replace, repair, alter, maintain, clean, inspect, operate and use the Works and the Setback Area;
- (b) have unobstructed access to, through, upon and over the Setback Area at any and all times;
- (c) remove from the Setback Area any structures, improvements or other thing (including paving, walls, gates, fences, vehicles and mobile homes) that, in the City's reasonable opinion constitutes or may constitute a danger, impairment or obstruction to those using the Setback Area or to any of the Works or may interfere with the exercise of any of the City's rights under this Agreement;
- (d) trim or cut down any tree, shrub, plant or other growth within the Setback Area that, in the City's reasonable opinion, constitutes or may constitute a danger, impairment or obstruction to those using the Setback Area or to any of the Works or may interfere with the exercise of any of the rights granted under this section; and
- (e) use and permit the use of the Setback Area and the Works as a public access area subject to section 3 and section 4 of this Agreement, with access for members of the public on foot and with hand carts, wheelchairs and similar modes of transportation, as if the Setback Area was dedicated to public use; and
- (f) do all other things within the Setback Area as may be incidental to or reasonably necessary or desirable in connection with the foregoing,

and the City shall at all times be entitled to peaceably hold and enjoy the rights, liberties and statutory right of way hereby granted without hindrance, molestation or interruption by the Owner or any person claiming by, through, under or in trust for the Owner, provided that, the City will only exercise its rights under section 2(a), section 2(c), and section 2(d) if the Owner defaults in observing and performing its obligations under section 1(a) and, following receipt of written demand from the City, fails to rectify the same to the satisfaction of the City within such period of time as the City stipulates in such written demand.

For clarity, the public shall only be entitled to enter and use the Setback Area and the Works pursuant to the rights granted to the City under paragraph (e) of this section.

3. **Restrictions** – Notwithstanding any contrary provision in this Agreement, the Owner and those claiming authority through the Owner may remove any person from the Setback Area and otherwise prevent any person from using, being on, or passing over or across, the Setback Area who, in the Owner's reasonable opinion acts in a manner that would, if the Setback Area were a park, contravene any one of sections 13, 14(1), or 15 of the City's Parks Regulation Bylaw No 07-059, or otherwise acts in a manner that may damage the Lands or

any improvement on the Lands, or poses a threat to the safety of any other person using, being on, or passing over or across the Setback Area.

4. **Sidewalk Cafés** – Notwithstanding sections 1 and 2, the Owner or an occupant of the Land who uses a portion of the Land abutting part of the Setback Area for the operation of a retail store or food vending establishment may from time to time place, construct or keep fixtures and structures within the abutting Setback Area for sales, or for seating and serving customers, as an extension of that retail store or food vending establishment, provided that the Owner or occupant first obtains a development permit from the City if any of the fixtures and structures are to be permanent or semi-permanent. For clarity, the City may exercise its rights under section 2(c) of this Agreement in the event the Owner or an occupant uses any part of the Setback Area in contravention of any of the requirements of this section.

5. **Specific Relief** – The Owner agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the City, in the event of an actual or threatened breach of this Agreement.

6. **No Effect on Powers** – Nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the City or the City's Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use, development or subdivision of the Land.

7. **City Discretion** – Where the City or a representative of the City is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
 - (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the City or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the City or the representative, as the case may be; and
 - (c) the City or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the City or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.

8. **No Obligation to Enforce** – The rights given to the City under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the City to anyone or obligate the City to enforce this Agreement or to perform any act or incur any expense.
9. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
10. **Waiver** – No waiver by the City of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
11. **Remedies** - No reference to or exercise of any specific right or remedy by the City shall prejudice or preclude the City from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the City may from time to time exercise any one or more of such remedies independently or in combination.
12. **Priority** – The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the City under which such holder postpones all of the holder’s rights to those of the City under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.
13. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successor in title and the City or a successor or assignee.
14. **Further Assurances** – The Owner shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
15. **Owner’s Expense** – The Owner shall perform, observe, and comply with all obligations and requirements under this Agreement at its own expense and without compensation from the City.
16. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.

17. **Interpretation** - In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;
 - (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
18. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
19. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
20. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.
21. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement.

PRIORITY AGREEMENT

This Priority Agreement is between _____ (the "**Prior Chargeholder**"), being the registered owner and holder of Mortgage No. _____ and Assignment of Rents No. _____ (the "**Prior Charges**"), and the City of _____, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "**Subsequent Charge**").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of, joins in and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charges to the rights of the City under the Subsequent Charge in the same manner and to the same extent as if the Prior Charges had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement.

Schedule C
Form of Plaza Covenant/SRW

TERMS OF INSTRUMENT – PART 2

PLAZA - SECTION 219 COVENANT & STATUTORY RIGHT OF WAY

THIS AGREEMENT dated for reference the _____, is

BETWEEN:

[insert name and address]

("the "Owner")

AND:

THE CORPORATION OF THE CITY OF VICTORIA

1 Centennial Square, Victoria, British Columbia V8W 1P6

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner of the lands described in the *Land Title Act* Form C attached to and forming part of this Agreement (the "**Lands**"),
- B. The Owner has constructed on the portion of the Lands shown on Reference Plan No. _____, (the "**Plaza Area**", a copy of which is attached as Schedule A) a plaza comprised of the improvements, works and other facilities and equipment shown and described in Schedule B (collectively the "**Works**"),
- C. The Owner wishes to grant to the City: (i) a covenant under section 219 of the *Land Title Act* pursuant to which the Owner shall covenant to be responsible for the construction, repair, maintenance and operation of the Plaza Area and the Works, and (ii) a statutory right of way under section 218 of the *Land Title Act* to enable the City to ensure ongoing preservation of, and public use of and access to the Plaza Area and the Works, and
- D. The statutory right of way under this Agreement is necessary for the operation and maintenance of the City's undertaking,

THIS AGREEMENT is evidence that, and in consideration of \$10.00 paid by the City to the Owner and other good and valuable consideration (the receipt and sufficiency of which the Owner hereby acknowledges), the Owner covenants and agrees with the City as follows:

1. **Owner's Obligations Concerning Plaza Area and Works** – Pursuant to section 219 of the *Land Title Act*, the Owner covenants and agrees with City as follows:

- (a) **Operation and Maintenance** – Except as permitted under Section 2, the Owner shall at all times:
- (i) operate, repair, replace, inspect, maintain and clean the Plaza Area and the Works, with such replacements, modifications and substitutions approved by the City Engineer from time to time, so that they are at all times in a good, clean and safe condition and state of repair for their intended use including use by the public.
 - (ii) remove from the Plaza Area any structures, improvements, or other thing (including paving, walls, gates, fences, and vehicles), and otherwise trim or cut down any tree, shrub, plant or other growth that constitutes or may constitute a danger, impairment, or obstruction to those using the Plaza Area or to any of the Works.
- (b) **Open to Public** - Except as may be required to from time to time to satisfy the Owner’s obligations under section 1(a) and as otherwise permitted under section 3, the Owner shall ensure that the Plaza Area is at all times open for use by the public and without limiting the generality of the foregoing, the Owner shall not install or maintain any gate, fence or other obstruction which would prevent access by the public to the Plaza Area, except as permitted by the City.
- (c) **Indemnity** - As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Owner shall indemnify and save harmless the City and the City’s elected and appointed officials, officers, employees, and contractors (“**City Personnel**”) from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the City, or City Personnel, in any way arising from or in connection with any of the following:
- (i) the design, construction, operation, repair, replacement, maintenance and cleaning of the Plaza Area or the Works,
 - (ii) any property damage or personal injury or death occurring within the Plaza Area, including personal injury to or death of any member of the public, or
 - (iii) any breach of any provision of this Agreement,
- except to the extent caused or contributed to by any negligent act or omission by the City or City Personnel.
2. **Statutory Right of Way** – Pursuant to section 218 of the *Land Title Act*, the Owner hereby grants, conveys and confirms, to the City, in perpetuity, the full, free and uninterrupted right, liberty, easement and statutory right of way for the City and its officers, employees, contractors, licensees (including, without the need for specific invitation or authorization, the public), agents and invitees to enter, go, be on, pass and repass, with or without vehicles

personal property and equipment, upon, over, under and across the Plaza Area to, in common with the Owner, at all times and from time to time, at their will and pleasure, to:

- (a) construct, install, remove, replace, repair, alter, maintain, clean, inspect, operate and use the Works and the Plaza Area;
- (b) have unobstructed access to, through, upon and over the Plaza Area at any and all times;
- (c) remove from the Plaza Area any structures, improvements or other thing (including paving, walls, gates, fences, vehicles and mobile homes) that, in the City's reasonable opinion) constitutes or may constitute a danger, impairment or obstruction to those using the Plaza Area or to any of the Works or may interfere with the exercise of any of the City's rights under this Agreement;
- (d) trim or cut down any tree, shrub, plant or other growth within the Plaza Area that, in the City's reasonable opinion, constitutes or may constitute a danger, impairment or obstruction to those using the Plaza Area or to any of the Works or may interfere with the exercise of any of the rights granted under this section;
- (e) use the Plaza Area and the Works as a public access area, with access for members of the public on foot and without vehicles except hand carts, wheelchairs and similar modes of transportation, and to be upon the Plaza Area for rest and relaxation; and
- (f) do all other things within the Plaza Area as may be incidental to or reasonably necessary or desirable in connection with the foregoing,

and the City shall at all times be entitled to peaceably hold and enjoy the rights, liberties and statutory right of way hereby granted without hindrance, molestation or interruption by the Owner or any person claiming by, through, under or in trust for the Owner, provided that, the City will only exercise its rights under section 2(a), section 2(c) and section 2(d) if the Owner defaults in observing and performing its obligations under section 1(a) and, following receipt of written demand from the City, fails to rectify the same to the satisfaction of the City within such period of time as the City stipulates in such written demand.

For clarity, the public shall only be entitled to enter and use the Plaza Area and the Works pursuant to the rights granted to the City under paragraph (e) of this section.

3. **Restrictions** – Notwithstanding the provisions of sections 1 and 2, the Owner and those claiming authority through the Owner may remove any person from the Plaza Area and otherwise prevent any person from using, being on, or passing over or across, the Plaza Area who, in the Owner's reasonable opinion acts in a manner that would, if the Plaza Area were a park, contravene any one of sections 13, 14(1), or 15 of the City's Parks Regulation Bylaw No 07-059 or otherwise acts in a manner that may damage the Lands or any improvement

on the Lands, or poses a threat to the safety of any other person using, being on, or passing over or across the Plaza Area.

4. **Sidewalk Cafés** – Notwithstanding sections 1 and 2, the Owner or an occupant of the Land who uses a portion of the Land abutting part of the Setback Area for the operation of a retail store or food vending establishment may from time to time place, construct or keep fixtures and structures within the abutting Setback Area for sales, or for seating and serving customers, as an extension of that retail store or food vending establishment, provided that:
- (a) the Owner or occupant first obtains a development permit from the City if any of the fixtures and structures are to be permanent or semi-permanent; and
 - (b) no more that 25% of the Plaza Area may occupied by fixtures and structures under this section, as determined by the City, and at least 75% of the Plaza Area shall at all times remain free of any such fixtures and structures and not otherwise be obstructed or used in connection with any food vending establishment.

For clarity, the City may exercise its rights under section 2(c) of this Agreement in the event the Owner or an occupant uses any part of the Setback Area in contravention of any of the requirements of this section.

5. **Specific Relief** – The Owner agrees that the Public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the City, in the event of an actual or threatened breach of this Agreement.
6. **No Effect on Powers** – Nothing in this Agreement shall:
- (a) affect or limit the discretion, rights or powers of the City or the City's Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use, development or subdivision of the Land.
7. **City Discretion** – Where the City or a representative of the City is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
- (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the City or the representative, as the case may be;

- (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the City or the representative, as the case may be; and
 - (c) the City or the representative, as the case may be, is under no Public law duty of fairness or natural justice in that regard and the City or the representative may do any of those things in the same manner as if it were a private person and not a Public body or employee or officer thereof.
8. **No Obligation to Enforce** – The rights given to the City under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the City to anyone or obligate the City to enforce this Agreement or to perform any act or incur any expense.
 9. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
 10. **Waiver** – No waiver by the City of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
 11. **Remedies** - No reference to or exercise of any specific right or remedy by the City shall prejudice or preclude the City from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the City may from time to time exercise any one or more of such remedies independently or in combination.
 12. **Priority** – The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the City under which such holder postpones all of the holder's rights to those of the City under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.
 13. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successor in title and the City or a successor or assignee.
 14. **Further Assurances** – The Owner shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.

15. **Owner's Expense** – The Owner shall perform, observe and comply with all obligations and requirements under this Agreement at its own expense and without compensation from the City.
16. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
17. **Interpretation** - In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;
 - (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
18. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
19. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
20. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.

21. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act Form C*) attached to and forming part of this Agreement.

PRIORITY AGREEMENT

This Priority Agreement is between _____ (the "**Prior Chargeholder**"), being the registered owner and holder of Mortgage No. _____ and Assignment of Rents No. _____ (the "**Prior Charges**"), and the City of _____, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "**Subsequent Charge**").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of, joins in and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charges to the rights of the City under the Subsequent Charge in the same manner and to the same extent as if the Prior Charges had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act - Form C*) attached to and forming part of this Priority Agreement.

Schedule D
Form of Density Covenant

TERMS OF INSTRUMENT – PART 2

DENSITY - SECTION 219 COVENANT

THIS AGREEMENT dated for reference the _____, is

BETWEEN:

[insert name and address]

("the "Owner")

AND:

THE CORPORATION OF THE CITY OF VICTORIA

1 Centennial Square, Victoria, British Columbia V8W 1P6

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee-simple of those lands and premises located within the City of Victoria, in the Province of British Columbia, more particularly described on Page 1, Item 2 of this Instrument (the "Lands");
- B. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature may be granted in favour of the City and may include one or more of the following provisions:
 - (i) in respect of the use of land or the use of a building on or to be erected on land;
 - (ii) that land is to be built on in accordance with the covenant;
 - (iii) that land is not to be used, built on or subdivided;
 - (iv) that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in their natural or existing state.

THIS AGREEMENT is evidence that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Owner by the City (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1. The Owner covenants, promises and agrees that, notwithstanding the uses permitted from time to time by the City's zoning bylaw, the Lands shall not be used except in strict accordance with this Covenant.
2. The maximum floor area which may be constructed on the Lands pursuant to Zoning Regulation Bylaw 80-159, Amendment Bylaw (No. 1184 (the CA-90 Zone, Mid Cook

District) is hereby designated as _____ or such other area as may be permitted by the City, in writing.

3. The Owner shall indemnify and save harmless the City and each of its elected and appointed officials, officers, employees, agents and contractors, 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, whether as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or otherwise, which the City incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
4. At the Owner's expense, the Owner must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over registered and pending charges and encumbrances of a financial nature against the Lands.
5. Nothing contained or implied herein will derogate from the obligations of the Owner under any other agreement with the City or prejudice or affect the City's rights, powers, duties, or obligations in the exercise of its functions under any enactment and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner and the City.
6. Time is of the essence of this Agreement.
7. This Agreement shall enure to the benefit of the City and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
8. This Agreement is the entire agreement between the parties hereto regarding its subject.
9. It is mutually understood, acknowledged and agreed by the parties hereto that the City has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Owner other than those contained in this Agreement.
10. The restrictions and covenants herein contained shall be covenants running with the Lands, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the City as a first charge against the Lands.
11. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

12. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
13. If the Owner consists of more than one person, each such person will be jointly and severally liable to perform the Owner's obligations under this Agreement.
14. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 attached to and forming part of this Agreement.

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This Priority Agreement is between _____ (the "**Prior Chargeholder**"), being the registered owner and holder of Mortgage No. _____ and Assignment of Rents No. _____ (the "**Prior Charges**"), and the City of _____, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "**Subsequent Charge**").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of, joins in and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charges to the rights of the City under the Subsequent Charge in the same manner and to the same extent as if the Prior Charges had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act*) attached to and forming part of this Priority Agreement.