



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

July 30th, 2019

Re: Chard Developments/University of Victoria – Rezoning with OCP Amendments for 1306-1424 Broad Street and 615-625 Johnson Street

Dear Mayor Helps and Council,

The DRA LUC has reviewed the drawings for the above-mentioned application and hosted a second CALUC meeting for this application on 14 May. Thirty-two people registered their attendance at the door. The presentation was conducted by Mr. Charles Kierulf, Architect, Mr. Don Luxton, Donald Luxton & Associates and Mr. David Chard of Chard Developments.

Based on the information presented by the applicant the purpose of the Rezoning and OCP amendment is to create a 139 room "boutique" hotel building with some ground floor commercial space fronting Broad and Johnson Street. The previous similar application was for a market condominium/rental building.

The developer and owner, UVIC, will remain a partner in this proposal. It is planned to rehabilitate one of the existing heritage buildings on the site and integrate this building with the hotel proposal. It is planned to demolish an existing building which is listed on the City of Victoria Heritage Registry and occupies approximately one third of the site. This application also requests an OCP amendment to increase the FSR of this project from the allowable 3:1 to 4.4:1. Variances for height from the allowable 15.0m to 18.8m are also requested.

Comments and concerns raised at the Land Use Committee public meeting are as follows;

- Two owners of Food and Beverage establishments were present from within the notification area. These owners expressed support for the application, as the creation of new hotel rooms within the core area would, in turn, support their businesses. One owner commented that extra density is needed to pay for the rehabilitation of the heritage building as happened with the Janion. (*Note: The Janion project did not, in fact, seek or obtain an OCP amendment for density above 3:1 FSR.*)
- The Chair of the Chamber of Commerce expressed support for new hotel capacity within the downtown area, citing the jobs and economic development it will provide.
- An owner of a commercial property that shares the alley with the Duck Building expressed concern about undesirables in the alley and expressed a desire to work together to clean up the alley for all users.

- A business owner from across Broad St. expressed concerns about the length of time for construction but was generally in support of the proposal.
- A business owner from outside the notification area expressed support for the construction of boutique hotel rooms, as restaurants in the area have experienced a pullback since limitations were placed on STVRs.
- Several concerns were expressed regarding the height of the buildings and the configuration of additional stories on the heritage building. The applicant presented an argument justifying the additional height as it "matches" the existing Duck building. It was pointed out that the tallest part of the Duck Building (the "old ballroom") is a small portion at the rear of the building that sticks up an extra storey above the rest and is well away from viewpoints around and currently poses no impacts to adjacent properties. The applicant plans to match that height and bring that height forward and around the Duck building and over the entire site, all the way out to Johnson St. and right out to Broad St; clearly overwhelming the facade of the heritage building on both sides by a full storey with the new additions. It was also pointed out that the upper storeys for the proposed additions over the 15m height limit will not be obscured from view by the meager 5 foot setback proposed.
- A resident pointed out that the proposed density is 50% greater than permitted by the OCP and is closer to what might be expected in a Harris Green Tower. This proposal has a density higher than the R48 zoned Jukebox Condo on View St. and is inappropriate in Old Town.
- An attendee spoke in favour of the project as UVIC will retain ownership of the property and this is in keeping with the intent of Michael Williams' legacy to provide ongoing income for the university.
- It was pointed out by an attendee that the building proposed to be demolished is actually on the City of Victoria Heritage Registry and that the applicant failed to disclose this important point during the presentation. It would be a major departure and a significant precedent for the City to sanction the destruction of a heritage registry building within a heritage conservation area. The Canada Hotel, while having changed over the years, was a very handsome building that can still be rehabilitated. The Plimley Garage on Johnson St. is an example of a building that was similarly impacted by past remodelling that is being completely restored into, perhaps a more modest, but still viable building.
- A resident of the Monaco Condo pointed out that the business community was extremely well represented at this meeting and wondered whether anyone present actually lived downtown. It was her understanding when she bought her unit adjacent to this proposal that the maximum height in Old Town is 4 storeys (15m) like the Monaco and isn't there an expectation that this be observed as she will be negatively impacted by the proposal.

Comments and concerns raised by the Land Use Committee review are as follows;

- The Standards and Guidelines for the Conservation of Historic Places in Canada (referenced in the Old Town Design Guidelines) clearly require that any addition to a historic building be "subordinate" to the historic building. The proposed additions on each side of the Duck Building are clearly not subordinate and overwhelm the heritage building. The Duck building should remain the dominant façade on that block of Broad St.
- Allowing such an amendment would set precedence for a new minimum density and create expectations for similar treatment for all projects from this point forward in Old Town. The OCP was recently revised and a framework for the distribution of density throughout the Downtown Core Area was established. The appropriate density for Old Town was established at 3:1 and the applicant is requesting an additional 50% which is unprecedented.
- The proposal requires the demolition of the Canada Hotel building which is a registered heritage building. This building, while not in pristine condition, could be rehabilitated. Demolition of a heritage registry building has not taken place in Old Town since the highly controversial Eaton Centre mall construction in the early 1980's and would set a precedent; no doubt to be followed by others.

- The applicant referred to the project as a “Boutique” Hotel. At 139 rooms this hotel would be more than double the size of the “boutique” Hotel Rialto (56 rooms) nearby on Pandora and the Magnolia Boutique Hotel on Courtenay (64 rooms) or four times the size of Swan’s Hotel developed by Michael Williams himself (31 rooms). It appears that a “Boutique” hotel that would conform to OCP density can be profitably managed on this site and would be supportable. A 10-year tax incentive to seismically upgrade the Duck building (if applied for) can add viability to a project of reduced density but should only be considered by Council if the size of this project is reduced to comply with the OCP and the Canada Hotel is retained.
- All Community Associations have recently stated to Council that they will not support OCP amendments without a clear justification for the public good. This application has not presented a compelling rationale to sacrifice the 3:1 FSR which is a recognized “Character Defining Element” of Old Town.

The OCP intentionally provides protection to the Old Town heritage conservation area through the prescribed density maximum of 3:1 FSR and maximum height of 15 meters. These numbers were not arrived at under arbitrary circumstances but were determined after a lengthy assessment and agreement of property owners, residents, the development industry and the City. Every Community Association in the City of Victoria has recently committed to not supporting OCP amendments without a detailed response to all of the OCP policy requirements and a justification for any amendment to establish an overwhelming public good attached to any OCP amendment. This has not been provided in this application.

In response to a similar application previously proposed by the same applicant for this property, it was pointed out in the DRA letter of August 15, 2017 that the partner in this project, UVIC, had received the majority of the property at no cost, as a gift of the Michael Williams’ estate. While minor amendments for density may be supportable to assist in the rehabilitation of heritage buildings, this particular application continues to propose the demolition of an existing listed heritage building and an extremely aggressive ask in terms of density that appears unjustified either through economics or interpretation of City planning bylaws.

Much like the business community, the DRA fully supports the construction of additional hotel rooms within the Old Town neighbourhood, which will no doubt enhance hospitality and retail business opportunities in the immediate area. The DRA would be happy to support an application on this property that respects the requirements of the OCP and does not set dangerous precedents that would further encourage both the destruction of heritage registry buildings and the undermining of the character defining density of Old Town that is prescribed by the OCP.

Sincerely,



Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning