



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

September 14<sup>th</sup>, 2020

**Re: 1150 Cook Street – Development Permit with Variance**

Dear Mayor Helps and Council,

The DRA LUC met with the applicant in 2017 prior to application to discuss an earlier version of this application. The DRA has expressed ongoing concerns regarding the loopholes of the R48 Zoning Bylaw and Council's apparent lack of interest in closing them.

Comments and concerns regarding the application at 1150 Cook Street by the DRA LUC members are as follows:

- In the recent Staff report to ADP it states, *“Staff consider that the proposal is generally consistent with the use, density and height envisioned in the DCAP”*. This kind of Staff guidance to Advisory Design Panel is highly problematic as it appears factually incorrect. Density for this proposal is 40% greater than permitted by the OCP and DCAP; which is clearly “generally” not consistent with either the prescriptions or what was envisioned by the OCP.
- Built examples of R-48 zoned land that maintain the required 10-storey height limit have not achieved a density greater than 5:1. The Jukebox Condo is on land zoned R48 and was built a short distance away and achieved a density of 4.45:1 under the maximum 10-storey limit of the zoning. The proposed density for 1150 Cook is 7.78:1 while the OCP maximum is 5.5:1. The R-48 zone does not state a specific density entitlement and instead staff have adopted a highly debatable calculation to interpret and justify “as of right” densities. If the R48 zoning bylaw does not specifically state a density entitlement, why isn't an OCP amendment required for this proposal?
- West side yard setbacks of only 4.8m are proposed for floors 11-15 while DCAP requires 6.0m. DCAP specifications for building separation have been recently identified as grossly inadequate as the current rules impact liveability. At minimum, no variance should be granted under this circumstance.
- Rear yard setbacks of 5.9 m are proposed for floors 11-15 while DCAP requires 6.0m.

- Front setbacks do not comply with DCAP above the 10<sup>th</sup> floor. No variance should be granted.
- There are 41 parking spaces proposed for 129 market condo units. There are commercial units proposed within this project and yet no commercial parking spots are being provided. There is no parking for moving trucks, delivery vehicles or guest parking and both short term and long term street parking are typically at a premium already in our neighbourhood and with all the Covid deliveries, it is even worse.
- The evidence-based Schedule C requires over double this number of spaces. R-48 does not require parking however there is a height variance being sought that will permit a building approximately 42% larger than the existing 10-storey zoning limit, the OCP and DCAP would permit exacerbating the parking shortage downtown.
- There is no evidence to justify the provision of such a minimal amount of parking for this type of housing tenure, as the demand for onsite parking by tenants will surpass the parking supply. The outcome will be that these vehicles will be parked in the surrounding neighbourhoods effectively transferring the problem elsewhere.
- The parking garage exit/entry should be more than just a plain garage door - it (and all others in the downtown) should add some aesthetic appeal/value. And it should operate silently.
- The current pandemic has made it clear that privately owned vehicles will remain popular but electric cars may inevitably dominate. As reported by CTV News on November 28, 2019, "The province now boasts the highest per-capita sales of electric vehicles in North America". This application should provide the parking required by Schedule C as well as charging stations to support and incentivize the conversion from internal combustion engine (ICE) vehicles to electric vehicles.
- With due respect to the marketability of the proposed units, public feedback on other applications indicates that more consideration could be given for 2 and even 3 bedroom units as many millennials and others are looking for larger units, in order to share the space and the costs. This may be even more of a factor now with COVID, as people may not want to live in such isolation. Plus with more people working from home, and that may likely continue, they need space to do that, so even one bedroom + den units might be advisable..
- While the developer has provided 143 Bike parking spots, there appears to be no storage lockers proposed. It can be expected that the proposed bike parking will in all likelihood be utilized as storage.
- Bike parking has to be very secure. Recent thefts downtown illustrate there are substantial problems with theft from under ground garages.
- The shadow plans do not show December - the worst month of all. The building as proposed will create an unreasonable shadow over the neighbours. This is a residential neighbourhood and yet nowhere else in the city would this kind of shadowing of pre-existing homes be considered acceptable.
- The proposal appears to utilize attractive and high quality cladding materials.
- There are no public amenities proposed for this application. The original property owner has been able to extract the total value of the original R-48 rezoning entitlement without any corresponding contribution to the public good.

The DRA has long expressed concerns about how the R-48 zone has been egregiously gamed far beyond current OCP maximums and the original intent of the Council that created the zone. It is strongly felt that Council permitting R-48 applicants to cherry pick to their advantage the one OCP/DCAP policy that allows extra height and then ignore all of the other limiting policies of our

core planning bylaws has to stop. Existing DCAP policies have been identified as woefully inadequate to support liveability and proposed changes to correct these shortcomings are currently under review. R48 zoning produces buildings several orders of magnitude worse than our already inadequate DCAP prescriptions. The resulting buildings are overly bulky for their height and produce profoundly negative impacts on neighbouring properties. The City of Vancouver does not allow anything approaching these densities in urban residential areas and neither should Victoria. Council needs to decline any height variance that facilitates any configuration that doesn't comply 100% with DCAP policy for height, setbacks and floor plate sizes and OCP density maximums...period. The DRA would be happy to support this application under those circumstances.

This application facilitates the undermining of our core planning documents. It is high time for Council to support liveability Downtown and support the principles enshrined in the City's core planning documents.

Sincerely,

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

Ian Sutherland  
Chair Land Use Committee Downtown Residents Association

Mayor Helps,

Having reviewed the list of changes for the revised plans for 1150 Cook St, it's apparent that none of the substantive issues that the DRA LUC raised have been addressed. As such, the DRA LUC letter of 14 Sept 2020 still stands as the project proceeds to Council on Thursday 25 Mar. It is attached for your reference.

It is clear that the City has no interest in upholding the contract that it has engaged in with the community and the development industry, represented by the OCP and DCAP. This continues to be to the detriment of the local and broader community but represents a windfall for property owners and the development industry. When foundational issues such as height, massing and density are ignored under the cover of a few minor design tweaks, the message is clear.

This project seeks a height that is 60% greater than the existing zone permits in order to realize a density that is 41% higher than either the OCP or DCAP proscribe. The current zoning permits no specific density so it is outrageous that there is no requirement for an OCP amendment to proceed with the excessive density this project proposes. And what does the community gain for such excessive benefits to the developer? Nothing. This property was always expected to deliver housing, but is that the only aspect that the mayor and council value? Is the City gaining amenities for the great gift of added density and heights, beyond what the community expected to absorb? No, we get nothing, just another elephant in a birdcage.

Ian Sutherland  
DRA LUC Chair