

**F.1 Bylaws for 10 Menzies Street, 111 Croft Street and 450-458 Niagara Street: Rezoning Application No. 00742 and Development Permit with Variances Application No. 00153**

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That the following bylaws **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1269) No. 22-007
2. Land Use Contract Discharge (111 Croft Street and 110 Menzies Street) Bylaw No. 22-015

*Council discussed the following:*

- *Updates to the tenant assistance plan*
- *Issues along the Menzies frontage*
- *Ensuring that current tenants retain access to affordable rents*

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That Councillor Dubow be given a second opportunity to provide comments.

**CARRIED UNANIMOUSLY**

**On the bylaw readings:**

That the following bylaws **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1269) No. 22-007
2. Land Use Contract Discharge (111 Croft Street and 110 Menzies Street) Bylaw No. 22-015

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe,  
OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**Motion Arising:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Isitt

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants to return at current rent.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants to return at current rent **with permitted RTA increases over the period of construction.**

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Dubow

That Mayor Helps be given a second opportunity to provide comments.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps  
**Seconded By** Councillor Dubow

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants **that require additional assistance** to return at current rent with permitted RTA increases over the period of construction.

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Thornton-Joe, and Councillor Young  
OPPOSED (3): Councillor Isitt, Councillor Loveday, and Councillor Potts

**CARRIED (6 to 3)**

**On the motion arising as amended:**

That Council direct staff to continue discussions with the applicant about ensuring the right of current tenants that require additional assistance to return at current rent, with permitted RTA increases over the period of construction.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe,  
OPPOSED (1): Councillor Young

**Moved By** Councillor Alto  
**Seconded By** Councillor Loveday

That the following bylaw **be given first, second and third readings:**

1. Housing Agreement (111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street) Bylaw (2022) No. 22-012

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Alto  
**Seconded By** Councillor Loveday

Development Permit with Variances Application No. 00153



That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00742, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped **January 7, 2022.**
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the front yard setback (Niagara Street) from **7.0m to 0.50m to the building face**, to 0.33m to the stairs and **1.16m to the stairwell walls**, and to 0.21m to the balconies
  - b. reduce the rear yard setback from **7.0m to 6.81m to the building face**, to 5.15m to the balconies and **to 4.25m to the stairs**
  - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  - d. reduce the northwest side yard setback from 7.0 to 2.31m
  - e. reduce the residential vehicle parking from 146 stalls to **95 stalls**
  - f. reduce the visitor vehicle parking from 14 stalls to **10 stalls.**
3. The Development Permit lapsing two years from the date of this resolution.”

**CARRIED UNANIMOUSLY**



## Council Report

For the Meeting of March 10, 2022

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**To:** Council **Date:** February 24, 2022

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** **Update Report for Rezoning Application No. 00742 and Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street**

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### RECOMMENDATION

#### Rezoning Application No. 00742:

That Council give first and second reading to Zoning Regulation Bylaw Amendment (Bylaw No. 22-007), that Council give first, second, and third reading to Bylaw No. 22-012 to authorize a Housing Agreement to secure the building as rental for 60 years or the life of the building, whichever is greater, and that Council give first and second reading to Bylaw No. 22-015, to discharge the existing Land Use Contract.

#### Development Permit with Variances Application No. 00153:

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00742, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped **January 7, 2022**.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. reduce the front yard setback (Niagara Street) from **7.0m to 0.50m to the building face**, to 0.33m to the stairs and **1.16m to the stairwell walls**, and to 0.21m to the balconies
  - b. reduce the rear yard setback from **7.0m to 6.81m to the building face**, to 5.15m to the balconies and **to 4.25m to the stairs**
  - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  - d. reduce the northwest side yard setback from 7.0 to 2.31m

- e. reduce the residential vehicle parking from 146 stalls to **95 stalls**
  - f. reduce the visitor vehicle parking from 14 stalls to **10 stalls**.
3. The Development Permit lapsing two years from the date of this resolution.”

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding the Rezoning and Development Permit with Variances Application for the property located at 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street. The proposal is to rezone from the R3-2 Zone, Multiple Dwelling District, and the R-K Zone, Medium Density Attached Dwelling District, to a site-specific zone in order to construct a new six-storey residential rental building with approximately 137 housing units.

The necessary conditions that would authorize the approval of the Rezoning for the property located at 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street, in accordance with Council’s motion of September 23, 2021, have been fulfilled. The Committee of the Whole (COTW) report dated September 9, 2021, together with the COTW meeting minutes, are attached to this report.

### **Revised Plans**

The applicant has submitted revised plans addressing minor data inconsistencies, which do not affect the building’s form and placement from what was presented to Committee of the Whole but do require an updated Development Permit with Variances motion. These are noted in bold in the above motion.

In addition, the applicant was able to add four additional residential parking stalls and one additional visitor stall within the parkade. The above motion has been updated to reflect this change.

### **Secured Rental Housing**

As instructed by Council on September 23, 2021, a Housing Agreement to secure the building as rental for the greater of 60 years or the life of the buildings will be registered on title following the adoption of Bylaw No. 22-012 to authorize the Housing Agreement, if it is approved by Council.

### **Transportation Demand Management**

The legal agreements have been executed and provided to staff which would secure car share memberships for each unit, two car share vehicles, two on-site parking stalls for the car share vehicles, access for the public to the car share stall and the provision of 233 long-term bicycle stalls, six of which are dimensioned for cargo bicycles. This fulfills the conditions from the Council motion on September 23, 2021.

### **Traffic Study**

A traffic and parking study has been prepared by the applicant’s transportation consultant, Bunt & Associates Transportation Planners and Engineers. The attached study indicates the parking demand for the proposed development will be met on-site. This study also suggests the parking demand and new vehicle trips generated by the development will be mitigated by the proposed Transportation Demand Management (TDM) programs. As noted above, these programs include

car share memberships, shared vehicles, and shared vehicle parking on-site as well as bicycle parking which exceeds City of Victoria minimum requirements.

This study indicates proposed development is anticipated to generate a net increase of 32 additional trips in the morning peak hour and 41 additional trips in the evening peak hour compared to the existing development. This represents an additional vehicle trip approximately every 2 minutes which will not have a noticeable impact on vehicle operations on the surrounding road network.

Staff have reviewed this study and believe the TDM program that have been secured will help mitigate parking demand and reduce the net increase of additional vehicle trips.

## **CONCLUSIONS**

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Mike Angrove  
Senior Planner – Development Agreements  
Development Services Division

Karen Hoesle, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A: Committee of the Whole Reports dated September 23, 2021
- Attachment B: Minutes from Committee of the Whole Meeting dated September 23, 2021
- Attachment C: Traffic Study dated October 27, 2021



## Committee of the Whole Report

### For the Meeting of September 23, 2021

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**To:** Committee of the Whole **Date:** September 9, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00742 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00742 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street, that first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Revised plans to address minor data inconsistencies, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Confirmation of BC Hydro approval of the proposed design for power supply to the development, both in the City right-of-way and on-site, to the satisfaction of the Director of Engineering and Public Works.
3. Revised site servicing plan showing a driveway crossing slope from the curb to 6 metres into the property consistent with City bylaws, to the satisfaction of the Director of Engineering and Public Works.
4. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor to:
  - a. Secure the rental units for the greater of 60 years or the life of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Secure future access from the proposed parkade and the proposed courtyard to the future Phase 2 site to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Secure TDM measures including 233 long term bicycle stalls six of which are dimensioned for cargo bicycles, two car share parking stalls with EV charging capability, two car share vehicles and a car share membership for each of the residential units, to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development.
  - d. Secure streetscape improvements in the plaza area in the City right-of-way at the

corner of Menzies Street and Niagara Street, including the provision and installation of furnishings, materials, decorative single globe pedestrian light and concrete scoring pattern, as approved by the Director of Engineering and Public Works.

5. Secure a contribution of \$75,000 to the Housing Reserve Fund.

## **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 Application for the property located at 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street. The proposal is to rezone from the R3-2 Zone, Multiple Dwelling District, and the R-K Zone, Medium Density Attached Dwelling District, to a site-specific zone in order to construct a new six-storey residential rental building with approximately 137 housing units.

The following points were considered in assessing this application:

- The proposal is generally consistent with the Urban Residential land use designation in the Official Community Plan (OCP), which envisions low to mid-rise multi-unit residential buildings up to approximately six storeys.
- The proposal is consistent with the *James Bay Neighbourhood Plan* goals to provide a range of housing opportunities and encourage high standards of design but is inconsistent with the objectives to limit heights to three to four storeys and to prohibit demolition of existing residential buildings.
- The proposal is consistent with the Tenant Assistance Policy.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone the properties from the R3-2 Zone, Multiple Dwelling District and the R-K Zone, Medium Density Attached Dwelling District to a site-specific zone in order to construct a new six-storey multi-unit residential rental building.

The following differences from the current zone are being proposed and would be

accommodated in a new zone:

- increase the density from 1.20 Floor Space Ratio (FSR) to 2.15 FSR
- increase the height from 18.5m to 20m
- decrease the front, rear and side yard setbacks to 7.0m
- increase the site coverage from 20% to 56%
- decrease the open site space from 60% to 44%.

While staff believe this proposal has been designed to fit the site, maintain privacy and provide appropriate transitions to neighbouring buildings, staff do not recommend enshrining the proposed setbacks and parking within a new site-specific zone. This is to ensure that, should this proposal not be constructed, any new proposals would either have to meet the setbacks or request variances from Council while demonstrating that the impact on the public realm and neighbouring properties is minimal. Therefore, the proposed building would require variances to the setbacks and to the vehicle parking requirements, which will be discussed in the concurrent Development Permit with Variances report.

### **Affordable Housing**

The applicant proposes the creation of 137 new residential units, which is a net increase of 92 units and would increase the overall supply of housing in the area. A Housing Agreement would secure the building as rental for 60 years or the life of the building, whichever is greater. In addition, the applicant will contribute \$75,000 to the Victoria Housing Reserve Fund to fund future affordable housing initiatives. It is proposed that this will be secured through a density bonus within the proposed site-specific zone.

### **Tenant Assistance Policy**

The proposal is to demolish an existing building, which would result in a loss of 45 existing residential rental units. Consistent with the Tenant Assistance Policy, the applicant has provided a Tenant Assistance Plan which is attached to this report.

### **Active Transportation**

The application proposes the following features which support active transportation:

- 233 long term bicycle stalls, including six stalls for cargo bicycles which exceeds the *Zoning Regulation Bylaw* minimum of 169 stalls
- a bicycle wash and repair room
- car share program membership for each unit
- purchase of two car share vehicles to be located on-site for residents and the broader community.

### **Public Realm**

The following streetscape improvements in the City right-of-way at the corner of Menzies Street and Niagara Street are proposed in association with this Rezoning Application:

- street furnishings
- decorative single globe pedestrian light
- concrete scoring pattern.

These would be secured with a legal agreement, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

Road dedications of 2.60m off Niagara Street and 1.69m off Menzies Street will be required as part of a future subdivision application should the Rezoning Application be approved.

## Land Use Context

The area is characterized by a wide variety of residential uses, from single family dwellings up to multi-unit residential buildings. The James Bay Large Urban Village is located approximately 40m to the north of the subject site.

## Existing Site Development and Development Potential

The subject site presently consists of three properties: one single family dwelling, one duplex and a multi-unit residential property. The multi-unit residential property is proposed to be subdivided into two properties: one half would be consolidated with the single-family dwelling and duplex property for this application, and the applicant hopes to consolidate the other half with a separate single-family dwelling and separate duplex property for a future phase to the northwest that would connect with the subject property. Staff are therefore recommending easements be registered with the current application to secure future accesses from phase one to phase two. The necessary language is included in the staff recommendation.

Under the current R-K Zone, the single-family dwelling and duplex properties could be developed as attached dwellings such as townhouses. Under the current R3-2 Zone, the multi-unit residential property could be developed as a multiple dwelling with heights up to 18.5m and densities up to 1.6 Floor Space Ratio (FSR) if completely compliant with the zone.

## Data Table

The following data table compares the proposal with the R3-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing R3-2 Zone.

Zoning Criteria	Proposal	Existing R3-2 Zone	Proposed Zone	OCP Policy
Site area (m <sup>2</sup> ) – minimum	5197	N/A	N/A	
Density (Floor Space Ratio) – maximum	<b>2.14*</b>	1.2 (parking variance reduces max density from 1.6)	2.15	2.0
Total floor area (m <sup>2</sup> ) – maximum	11130	N/A		
Height (m) – maximum	<b>19.96*</b>	18.5	20	
Storeys – maximum	6	6 or more	6	6
Site coverage (%) – maximum	<b>55.67*</b>	20	56	



Zoning Criteria	Proposal	Existing R3-2 Zone	Proposed Zone	OCP Policy
Open site space (%) – minimum	44.33*	60	44	
<b>Setbacks (m) – minimum</b>				
Street boundary (Niagara Street)	0.21 (balcony) * 0.33 (stairs) * 1.3 (building face) *	13.5	7.0	
Rear (northeast)	4.25 (stairs) * 5.15 (balcony) * 7.06 (building face) *	9.98	7.0	
Side (Menzie's Street)	0 (balcony) * 1.37 (building face) *	9.98	7.0	
Side (northwest)	2.31*	9.98	7.0	
<b>Parking – minimum</b>				
Residential	91*	146	146	
Visitor	9*	14	14	
<b>Bicycle parking stalls – minimum</b>				
Long term	233	169	169	
Short term	14	14	14	

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on February 10, 2021. A letter dated February 16, 2021 is attached to this report. In addition, a 30-day comment period was posted to the Development Tracker on March 3, 2021. The comments from the Online Feedback Form are attached to this report.

## ANALYSIS

### Official Community Plan

The subject site is designated as Urban Residential in the *Official Community Plan, 2012* (OCP), which envisions low to mid-rise multi-unit residential up to approximately six storeys and densities up to approximately 2.0 Floor Space Ratio (FSR). The place character features call for

variable yard setbacks with primary doorways facing the street, front yard landscaping and off-street parking located at the rear or underground. Staff consider the proposal to be generally consistent with the OCP, even though the proposed density of 2.15 FSR is slightly above the envisioned amount noted in the OCP, particularly given the overall fit of the buildings within the context and that the proposal advances OCP goals related to the provision of rental housing.

The OCP considers higher density redevelopment proposals on properties with existing rental units in buildings of four or more units only if, as a voluntary amenity, the same number of rental self-contained dwelling units is maintained on-site, and the general rent level identified, or an equivalent cash in-lieu contribution is made to the City's Housing Fund. The proposal would triple the number of rental units and secure the rental tenure through a Housing Agreement, but would not secure rent levels beyond market rate. Instead, the applicant has proposed a \$75,000 contribution to the Victoria Housing Reserve Fund.

### **James Bay Neighbourhood Plan**

The subject site is designated as Residential in the *James Bay Neighbourhood Plan* (1993). The proposal is consistent with the goals to provide a range of housing opportunities and encourage high standards of design but is inconsistent with the objectives to limit heights to three to four storeys and to prohibit demolition of existing residential buildings. However, the existing R3-2 Zone, which applies to approximately 78% of the site, allows buildings to a maximum height of 18.5m and six or more storeys, and the proposal is consistent with the OCP which anticipates floor space ratios of approximately 2.0:1.

### **Inclusionary Housing and Community Amenity Policy**

The proposal is for a purpose-built rental project, which will be secured for 60 years or the life of the building through a legal agreement. Therefore, the proposal is exempt from the Inclusionary Housing and Community Amenity Policy and no amenity contributions are required.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

The goals of the *Urban Forest Master Plan* include protecting, enhancing and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received after October 24, 2019, so Tree Preservation Bylaw No. 05-106 (consolidated November 22, 2019) applies, protecting trees larger than 30 cm diameter at breast height (DBH).

Thirty-five trees have been inventoried. Seventeen of these are bylaw-protected trees located on the subject lot or on the property line and shared with neighbours. There are also six municipal trees on the Menzies Street frontage. Bylaw-protected trees #32 and #35 are off-site, on the property at 132 Menzies Street.

Of the 17 bylaw-protected trees, 13 are proposed for removal, all of which are on the subject lot. These trees are within the proposed underground parkade outline, or their removal is required for excavation to construct the proposed building. The table below outlines details on trees of notable size proposed for removal.

Tree #	Species	Diameter (DBH)	Health Condition	Structural Condition	Reason for Removal
1627	Lombardy Poplar	176	Fair	Poor	Within parkade outline
1628	Elm	102	Good	Fair	Within parkade outline
1629	Elm	87	Good	Fair	Within parkade outline
1630	European ash	80	Fair	Fair	Within parkade outline
1631	Elm	101	Fair	Fair/Poor	Within parkade outline
1632	European ash	71	Fair	Fair/Poor	Within parkade outline

All trees located on, or shared with, adjacent properties along the north property line are proposed for retention. Shoring techniques will be used to reduce potential impacts to the trees. Tree #37, a 72cm diameter at breast height (DBH) elm on the subject lot, will require pruning of up to 50% of its canopy to provide clearance for the proposed building.

Six municipal purple-leaf plum trees on the Menzies Street frontage are proposed for removal. The size of the trees ranges from 20 to 40cm DBH and many of them are infected with fungal pathogens. Removal of the trees would be required to facilitate construction of a new sidewalk, patios and walkways as well as the underground parkade excavation.

The applicant is proposing to plant 68 new trees on the subject lot, including 26 replacement trees as required by the Tree Preservation Bylaw and 18 Japanese red pines in planter pots in the roof garden. Road dedications on Menzies Street and Niagara Street will provide space to move the sidewalk and create a separated boulevard for 13 new street trees.

#### Tree Impact Summary Table

Tree Status	Total # of Trees	To be REMOVED	To be PLANTED	NET CHANGE
On-site trees, bylaw-protected	17	13	26	+13
On-site trees, not bylaw-protected	9	4	24	+20
On site trees, proposed in planter pots in the roof garden	0	0	18	+18
Municipal trees	6	6	13	+7
Neighbouring trees, bylaw-protected	2	0	0	0
Neighbouring trees, not bylaw-protected	1	0	0	0
<b>Total</b>	<b>35</b>	<b>23</b>	<b>81</b>	<b>+58</b>

## Resource Impacts

### Public Trees

Summarized in the table below are the annual maintenance costs that would be incurred by the City following the planting of seven new street trees.

Increased Inventory	Annual Maintenance Cost
Street Trees – 7 net new	\$420
Irrigation System	\$600

### Public Realm

The street corner plaza at Menzies Street and Niagara Street would be installed at the cost of the developer and would use existing City furnishings. Therefore, ongoing maintenance is expected to be minimal.

## CONCLUSIONS

The proposal is generally consistent with the heights, density and general form of the Urban Residential designation in the OCP. The proposal would create a significant increase in rental units in James Bay, which helps diversify housing choice and is one of the goals of the *James Bay Neighbourhood Plan*. However, the *James Bay Neighbourhood Plan* also notes that heights should be limited to three to four storeys and existing residential buildings should be preserved. Staff believe six storeys is acceptable in this location, and the proposal has been designed to fit relatively well within the existing context. Therefore, it is recommended that Council consider supporting the application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00742 for the property located at 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street.

Respectfully submitted,

Mike Angrove  
Senior Planner  
Development Services Division

Karen Hoesel, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 9, 2021

- Attachment D: Letter from applicant to Mayor and Council submitted July 9, 2021
- Attachment E: Tenant Assistance Plan
- Attachment F: Community Association Land Use Committee Comments dated February 16, 2021
- Attachment G: Pre-Application Consultation Comments from Online Feedback Form
- Attachment H: Minutes from the March 24, 2021 Advisory Design Panel Meeting
- Attachment I: Arborist Report dated December 9, 2020
- Attachment J: Correspondence (Letters received from residents).



## Committee of the Whole Report

For the Meeting of September 23, 2021

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**To:** Committee of the Whole **Date:** September 9, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street

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### RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00742, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped July 9, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. reduce the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs and to 0.21m to the balconies.
  - b. reduce the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
  - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  - d. reduce the northwest side yard setback from 7.0 to 2.31m
  - e. reduce the residential vehicle parking from 146 stalls to 91 stalls
  - f. reduce the visitor vehicle parking from 14 stalls to 9 stalls.
3. 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 establishment of objectives for the form and character of intensive residential development, 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 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street. The proposal is to construct a new six-storey multi-unit residential rental building.

The following points were considered in assessing this application:

- The proposal is generally consistent with the objectives of Development Permit Area 16 – General Form and Character and the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012).
- The proposal is generally consistent with the *James Bay Neighbourhood Plan*.
- The variances to reduce the front, rear and side yard setbacks are considered supportable as the proposal has been designed to fit the site, maintain privacy and provide appropriate transitions to neighbouring buildings.
- The variances to reduce the residential and visitor vehicle parking are considered supportable as the applicant has committed to a Transportation Demand Management program to offset the reduction in parking stalls.

## BACKGROUND

### Description of Proposal

The proposal is to construct a new six-storey multi-unit residential rental building. Specific details include:

- one U-shaped building with an inner courtyard
- individual street-level entrances to the ground floor units
- main entrance lobby located on Menzies Street with a secondary lobby located at the corner of Niagara Street and Menzies Street
- common inner courtyard with various plantings, curvilinear pathways, a dog run and a water feature
- rooftop patio with Japanese red pines in tree planters, raised garden beds for rooftop gardening, and seating throughout
- underground parking accessed from Niagara Street
- exterior materials that include horizontal siding, hardie panel, board and batten panel siding, concrete, and aluminum guardrails.

The proposed variances are related to:

- reducing the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs, and to 0.21m to the balconies
- reducing the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
- reducing the Menzies Street side yard setback from 7.0m to 1.37m to the building face

and to 0m to the balconies

- reducing the northwest side yard setback from 7.0 to 2.31m
- reducing the residential vehicle parking from 146 stalls to 91 stalls
- reducing the visitor vehicle parking from 14 stalls to 9 stalls.

## Sustainability

As indicated in the applicant's letter submitted July 9, 2021, the following sustainability features are associated with this proposal:

- Step 3 of the BC Building Code
- landscape and stormwater management systems, including partial green roofs, to retain and infiltrate rainwater
- use of low energy lighting systems and Energy Star appliances
- passive solar gains through large, double pane, low e-glazing.

## Active Transportation

The application proposes the following features which support active transportation:

- 233 long term bicycle stalls, including six stalls for cargo bicycles which exceeds the *Zoning Regulation Bylaw* minimum of 169 stalls.
- a bicycle wash and repair room
- membership for each unit in a car share program
- purchase of two car share vehicles to be located on-site for residents and the broader community.

## Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The applicant has indicated the following features which support accessibility:

- all primary entrances are accessible with wheelchair ramps and powered doors
- many ground floor units have private entrances and/or patios flush to outdoor amenity space
- dual elevators to roof top amenities.
- all common amenities, including the rooftop patio are accessible, and a portion of the raised gardening beds will be accessible with low garden planting
- four accessible vehicle parking stalls total, two at each elevator
- flexible unit designs, which can be modified to meet adaptable or fully accessible requirements.

## Data Table

The following data table compares the proposal with the R3-2 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing R3-2 Zone.

Zoning Criteria	Proposal	Existing R3-2 Zone	Proposed Zone	OCP Policy
Site area (m <sup>2</sup> ) –	5197	N/A	N/A	



Zoning Criteria	Proposal	Existing R3-2 Zone	Proposed Zone	OCP Policy
minimum				
Density (Floor Space Ratio) – maximum	<b>2.14*</b>	1.2 (parking variance reduces max density from 1.6)	2.15	2.0
Total floor area (m <sup>2</sup> ) – maximum	11130	N/A		
Height (m) – maximum	<b>19.96*</b>	18.5	20	
Storeys – maximum	6	6 or more	6	6
Site coverage (%) – maximum	<b>55.67*</b>	20	56	
Open site space (%) – minimum	<b>44.33*</b>	60	44	
<b>Setbacks</b> (m) – minimum				
Street boundary (Niagara Street)	<b>0.21 (balcony) *</b> <b>0.33 (stairs) *</b> <b>1.3 (building face) *</b>	13.5	7.0	
Rear (northeast)	<b>4.25 (stairs) *</b> <b>5.15 (balcony) *</b> <b>7.06 (building face) *</b>	9.98	7.0	
Side (Menzies Street)	<b>0 (balcony) *</b> <b>1.37 (building face) *</b>	9.98	7.0	
Side (northwest)	<b>2.31*</b>	9.98	7.0	
<b>Parking</b> – minimum				
Residential	<b>91*</b>	146	146	
Visitor	<b>9*</b>	14	14	
<b>Bicycle parking stalls</b> – minimum				
Long term	233	169	169	
Short term	14	14	14	

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on February 10, 2021. A letter dated February 16, 2021 is attached to this report. In addition, a 30-day comment period was posted to the Development Tracker on March 3, 2021. The comments from the Online Feedback Form are attached to this report.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area (DPA) 16: General Form and Character. The objectives of DPA 16 are to integrate new buildings in a manner that compliments and enhances the established place character of an area through high quality architecture, landscape and urban design. Other objectives include supporting developments that provide sensitive transition to adjacent and nearby areas and achieving more liveable environments through considerations for human scaled design, high quality open spaces, privacy impacts as well as safety and accessibility.

Design Guidelines that apply to DPA 16 are the *Multi-Unit Residential, Commercial and Industrial Design Guidelines* (2012), *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006), and *Guidelines for Fences, Gates and Shutters* (2010).

Staff consider that the proposal is generally consistent with the design policies contained within the OCP. For instance, the main entrances are given prominence through a change in grade, soft landscaping and small entrance plazas that include seating. Each of the ground floor units have individual entrances and the materials vary along the horizontal plane, both of which improve the pedestrian scale and the interaction the building has with the street.

The proposal furthermore provides a good contextual fit within the area, which does not have a dominating architectural style. The four storey heights on Niagara Street and Menzies Street provide a sensitive transition to the existing three and four storey buildings across the streets. The materials have been softened to fit better within the primarily residential area. At the rear, large trees on the neighbouring property and a change in grade mitigate potential privacy and overlook concerns.

The proposal mitigates the height of the building by varying the materials and stepping back the upper most storey of each portion of the building. Amenity space for the units is provided through balconies and patios, with common amenity space including a central courtyard with a dog run and a rooftop patio on the fifth level with gardening space, seating and an adjacent indoor lounge.

## James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* (1993) has a number of goals and objectives relating to the design of new buildings. The Plan encourages a visual harmony of form and scale between new buildings and adjacent residential units. New multi-unit residential development is envisioned with maximum heights of three to four storeys. Additionally, streetscapes should be improved and upgraded by restricting new development to fit with existing structures through sympathetic design, scale, form and materials to surrounding units. Trees and natural vegetation that line the street should also be protected.

As mentioned in the preceding section, the proposal maintains a four-storey roofline on the street frontages and uses residential materials to fit both within the goals of the *James Bay Neighbourhood Plan* as well as the existing neighbourhood context. Although the street trees on Menzies Street will need to be removed, an improved boulevard will be installed on both Menzies Street with replacement street trees and on Niagara Street with new street trees where previously there were none.

### Building Setbacks

A new site-specific zone is recommended for this site, with minimum setbacks of 7.0m. While it is believed this proposal has been designed to fit the site, maintain privacy and provide appropriate transitions to neighbouring buildings, it is not recommended that the proposed setbacks be enshrined within the zone. This is to ensure that, should this proposal not be constructed, any new proposals would either meet the setbacks or request variances from Council while demonstrating that the impact on the public realm and neighbouring properties is minimal.

The proposal will therefore require the following setback variances:

- decrease the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs. And to 0.21m to the balconies
- decrease the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
- decrease the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
- decrease the northwest side yard setback from 7.0 to 2.31m.

### Parking

The proposal will require variances to both residential and visitor vehicle parking. Residential vehicle parking is requested to be reduced from 146 stalls to 91 stalls. Visitor vehicle parking is requested to be reduced from 14 stalls to 9 stalls. The applicant proposes the following Transportation Demand Management measures to offset the vehicle parking variances:

- 233 long term bicycle stalls (64 stalls more than required by *Schedule C*) six of which are dimensioned for cargo bicycles
- two car share parking stalls with EV charging capability
- two car share vehicles
- car share memberships for each of the residential units.

Staff believe this Transportation Demand Management program will help offset the parking shortfall.

## Advisory Design Panel

The Advisory Design Panel (ADP) reviewed this Application on March 24, 2021. A copy of the minutes from this meeting are attached. The ADP was asked to comment on the length and massing of the building, particularly on the street frontages, and the height as it relates to transitioning to neighbouring properties. The ADP motion was as follows:

*That Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street be approved with the following changes:*

- *Reconsider increased setbacks on Menzies and the property to the north adjacent the BC Housing property.*
- *Reconsider the corrugated metal cladding, the contrast in colour of the eave trim reveals and the black highlights to deemphasize the height*
- *That the Application doesn't meet relevant policies of the James Bay plan or the R3-2 Zoning*
- *Improve the landscape buffer to the house to the west.*

The applicant has responded to the design feedback by changing the corrugated metal cladding to board and batten panel siding, by lightening the colour of the upper storey highlights, and by improving the landscape buffer to add a 1.8m wooden fence, plant laurel shrubs for screening, and add a 0.61m planting strip on the neighbouring property for additional screening. Furthermore, the applicant resurveyed the properties to demonstrate that the transition to the north was not as stark as originally shown on plans and that the existing trees provide for a more significant buffer.

Topics related to the Panel's observation that the proposal does not meet the R3-2 Zone or some policies of the *James Bay Neighbourhood Plan* are addressed in the concurrent Rezoning Application report.

## CONCLUSIONS

The proposed development is generally consistent with the relevant Design Guidelines and represents an appropriate fit within the neighbourhood. The applicant has made revisions to address comments from staff and the Advisory Design Panel. Finally, setback variances are mitigated within the proposed design and the parking variances are mitigated through extensive TDM measures. It is therefore recommended that Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00153 for the property located at 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street.

Respectfully submitted,

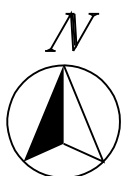
Mike Angrove  
Senior Planner  
Development Services Division

Karen Hoesle, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## List of Attachments

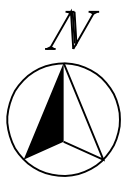
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 9, 2021
- Attachment D: Letter from applicant to Mayor and Council submitted July 9, 2021
- Attachment E: Tenant Assistance Plan
- Attachment F: Community Association Land Use Committee Comments dated February 16, 2021
- Attachment G: Pre-Application Consultation Comments from Online Feedback Form
- Attachment H: Minutes from the March 24, 2021 Advisory Design Panel Meeting
- Attachment I: Arborist Report dated December 9, 2020
- Attachment J: Correspondence (Letters received from residents).



110-122 Menzies Street 450-458 Niagara Street  
Rezoning No.00742







110-122 Menzies Street 450-458 Niagara Street  
Rezoning No.00742





## PROJECT IMAGE



## DRAWING INDEX

## ATTACHMENT C

### ARCHITECTURAL SET LIST - DEVELOPMENT PERMIT

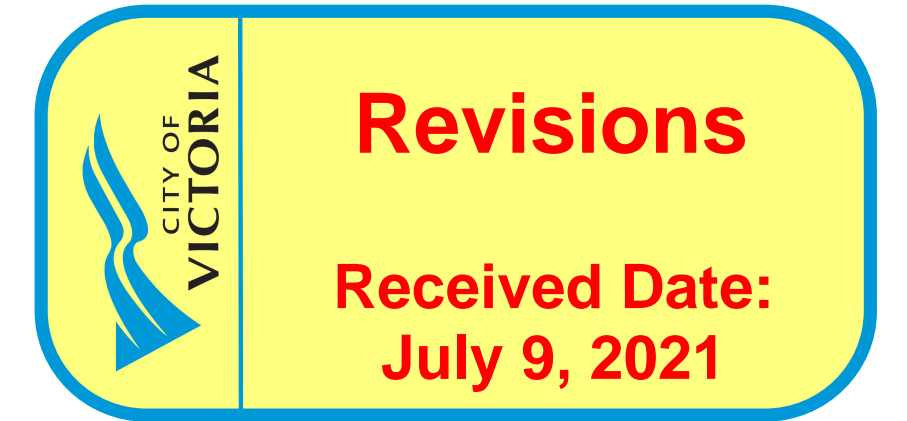
Sheet Number	Sheet Name
A-0.1	COVER SHEET
A-1.0	PHASING SITE PLAN
A-1.1	SITE PLAN - EXISTING/DEMO
A-1.2	PHASE 1 - SITE PLAN
A-1.3	SHADOWS - SPRING/AUTUMN
A-1.4	SHADOWS - SUMMER
A-1.5	SHADOWS - WINTER
A-1.6	AVERAGE GRADE PLAN
A-2.0	PARKADE PLAN
A-2.1	FLOOR PLAN - L1
A-2.2	FLOOR PLAN - L2
A-2.3	FLOOR PLAN - L3
A-2.4	FLOOR PLAN - L4
A-2.5	FLOOR PLAN - L5
A-2.6	FLOOR PLAN - L6
A-2.7	ROOF PLAN
A-3.1	EXTERIOR ELEVATIONS
A-3.2	EXTERIOR ELEVATIONS
A-4.1	BUILDING SECTIONS
A-4.2	BUILDING SECTIONS
A-4.3	CONTEXT SECTIONS
A-5.1	BIRD'S EYE 3D VIEWS
A-5.2	STREET 3D VIEWS
A-6.1	STREETSCAPES & MATERIALS

### LANDSCAPE SET LIST - DEVELOPMENT PERMIT

Sheet Number	Sheet Name
L1	LANDSCAPE PLAN
L2	ROOF GARDEN CONCEPT
L3	LANDSCAPE DETAILS & RENDERINGS
L4	LANDSCAPE GRADING PLAN
L5	TREE RETENTION PLAN

### CIVIL SET LIST - DEVELOPMENT PERMIT

Sheet Number	Sheet Name
C1	CONCEPTUAL SERVICING



## LOCATION PLAN



\* NOT INCLUDED WITHIN CURRENT APPLICATION

### ARCHITECTURAL:

Continuum Architecture  
519 Pandora Street  
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f: 250.388.9771

Contact:  
Jeremy Beintema  
e: jeremy@continuumarchitecture.ca

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e: ndunlop@mcelhanney.com

### LANDSCAPE:

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t: 250.642.8967  
f: 250.642.7001

Contact:  
Adrian Small  
e: adrianjs@shaw.ca

**continuum**  
ARCHITECTURE

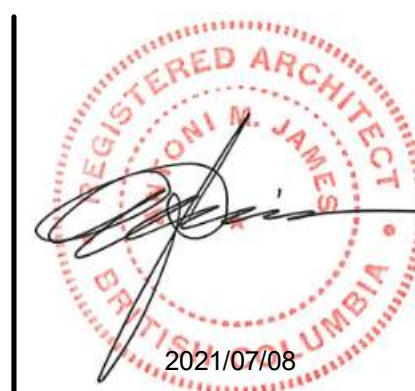
519 PANDORA AVENUE, VICTORIA, B.C. V8W 1N5 +1 250 388 4261



PRIMEX INVESTMENTS

3	REISSUED FOR DEREZONING 2	2021-04-30
2	REISSUED FOR DEREZONING 1	2020-11-19
1	ISSUED FOR DEREZONING	2020-06-23
No.	Description	Date

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## VILLAGE GREEN RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

## COVER SHEET

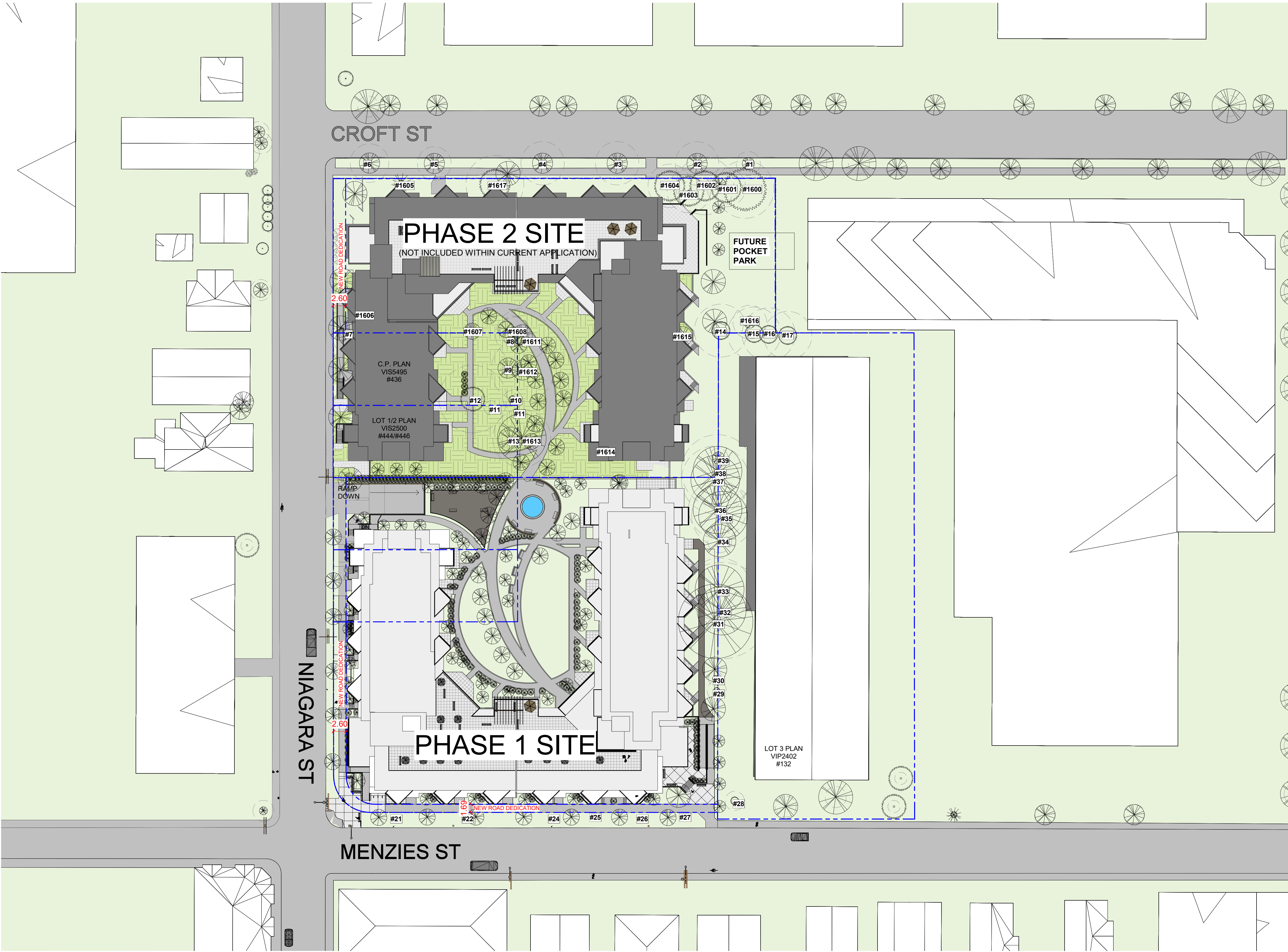
A-0.1

JOB No.: 1933

SCALE: 1 : 1

DATE: 2021/07/08





1 | PHASING SITE PLAN

1 : 400



0m 8m 16m 24m 32m 40m

VISUAL SCALE 1:400 @ Arch D

**continuum**  
ARCHITECTURE

519 PANDORA AVENUE, VICTORIA, B.C. V8W 1N5 +1 250 388 4261



PRIMEX INVESTMENTS

4	REISSUED FOR DPREZONING 3	2021-07-08
3	REISSUED FOR DPREZONING 3	2021-04-30
2	REISSUED FOR DPREZONING 3	2020-11-19
1	ISSUED FOR DPREZONING	2020-06-23
No.	Description	Date

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**VILLAGE GREEN  
RESIDENTIAL COMPLEX**

110 MENZIES ST, VICTORIA BC V8V 1H1

**PHASING SITE PLAN**

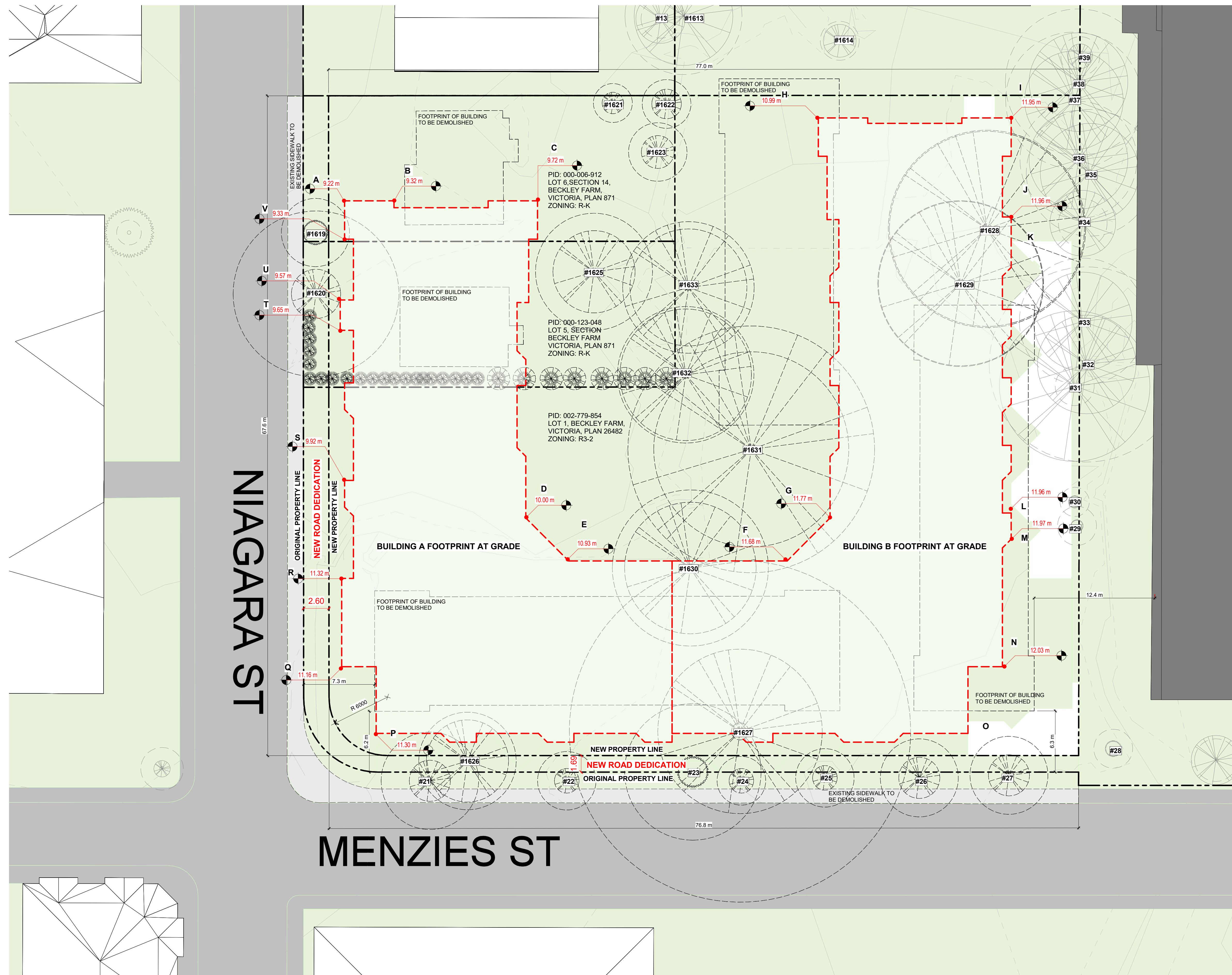
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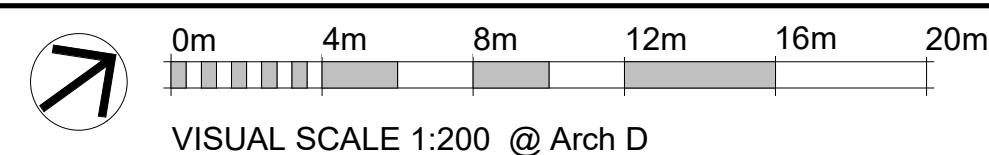
**A-1.0**

DATE: 2021/07/08





1 | SITE PLAN - EXISTING/DEMO  
1 : 200



**continuum**  
ARCHITECTURE

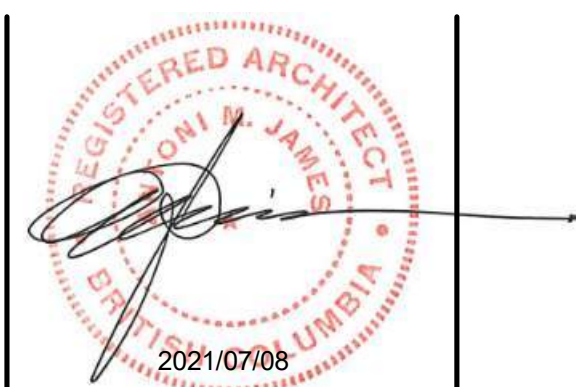
519 PANDORA AVENUE, VICTORIA, B.C. V8W 1N5 +1 250 388 4261



PRIMEX INVESTMENTS

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2	REISSUED DPREZONING	2020-11-19
1	ISSUED FOR DPREZONING	2020-06-23
No.	Description	Date

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## VILLAGE GREEN RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

## SITE PLAN - EXISTING/DEMO

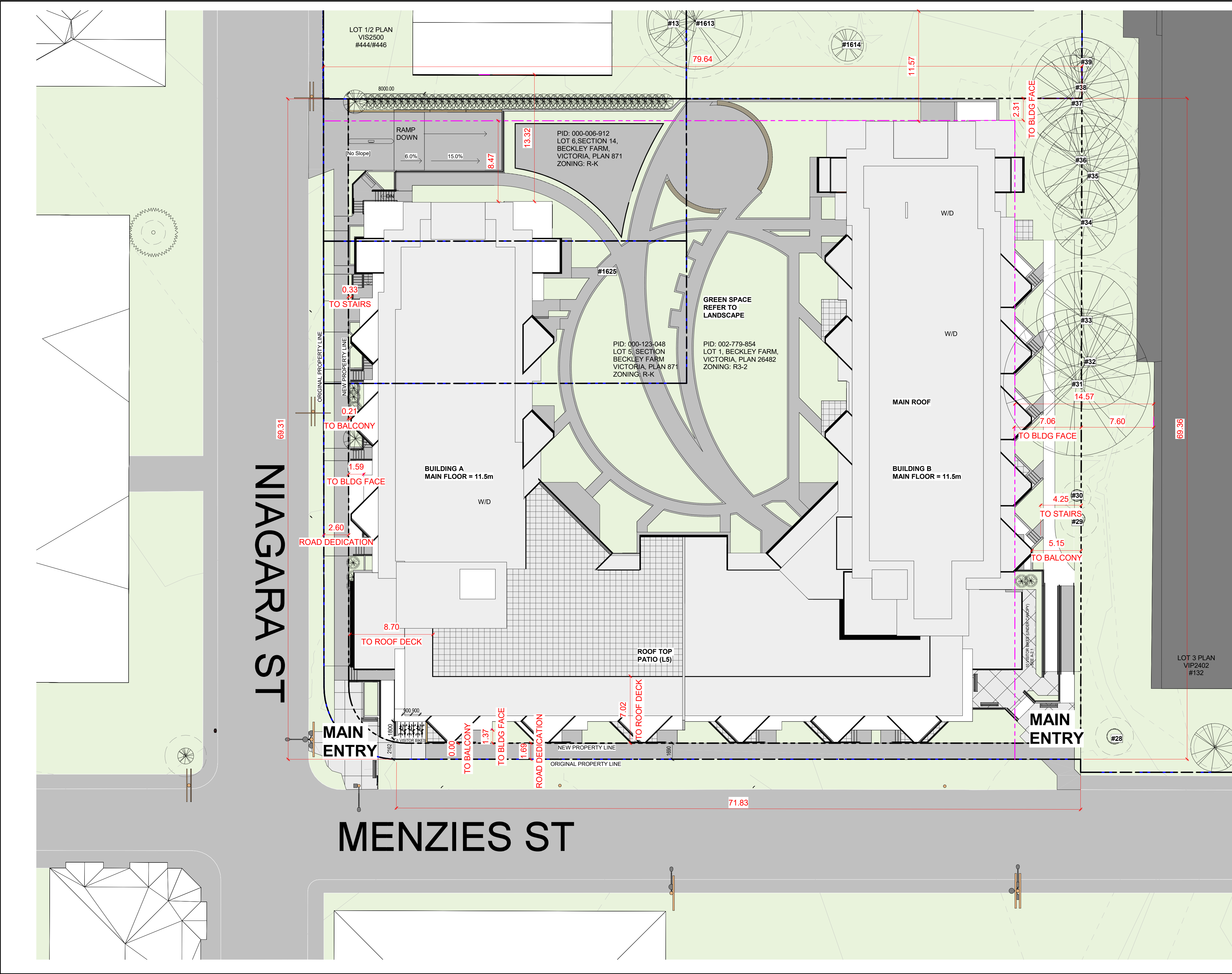
JOB No.: 1933

SCALE: 1 : 200

A-1.1

DATE: 2021/07/08





ZONING DATA

SITE DATA	
MUNICIPAL ADDRESS:	110 MENZIES ST. VICTORIA, BC. V8V 1H1
LEGAL DESCRIPTION:	LOT 1, BECKLEY FARM, VICTORIA, PLAN 26482
SITE AREA:	5197 m²

ZONING DATA	
CLASSIFICATION:	R3-2
FSR AREA SCHEDULE	
BLDG A - L1	1187 m²
BLDG B - L1	1337 m²
L1 (11.50m)	2524 m²
BLDG A - L2	1142 m²
BLDG B - L2	1292 m²
L2	2434 m²
BLDG A - L3	1142 m²
BLDG B - L3	1292 m²
L3	2434 m²
FSR AREA SCHEDULE	
BLDG A - L4	992 m²
BLDG B - L4	1240 m²
L4	2231 m²
BLDG B - L5	844 m²
L5	844 m²
BLDG B - L6	664 m²
L6	664 m²
GRAND TOTAL	11130 m²

	ALLOWABLE	PROPOSED
SITE COVERAGE:	1651 m² (30%)	2892.93m² (57%)
OPEN SPACE:	MIN 3301.4 m² (60%)	2304.07m² (43%)
FLOOR SPACE RATIO:	1.6:1	2.13:1
BUILDING HEIGHT:	18.9m	20m
AVERAGE GRADE:		11.04m

SETBACKS	REQUIRED	PROVIDED
NORTH (REAR YARD)	0	2.31m (TO BLDG)
EAST (SIDE YARD)	0	6.98m (TO BLDG)
SOUTH (STREET FACING)	13.5m (6 STOREY)	1.37m (TO BLDG)
WEST (STREET FACING)	13.5m (6 STOREY)	1.59m (TO BLDG)

REFER TO DRAWING A-2.0 FOR PARKING DATA

BUILDING CODE DATA

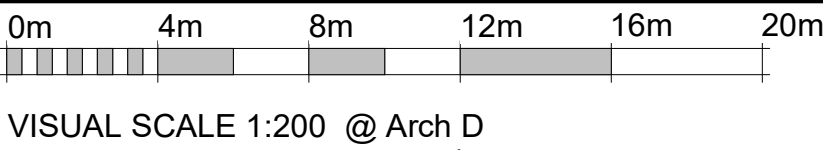
Description	
Building Code:	BCBC 2018 - PART 3
Building Type:	RESIDENTIAL APARTMENT WITH UNDERGROUND PARKADE
Residential Building Group:	C - RESIDENTIAL
Underground Parkade Group:	F3 - LOW HAZARD INDUSTRIAL
Occupancy Classification:	3.2.2.50 - 6 storey Sprinklered
Max Area per Floor:	1500 m²
Construction Type:	Combustible
Occupancy Separations (F3 - C):	2 hour
Sprinklered:	PARKADE - Yes
Max Travel Distance (parkade):	45 m
RESIDENTIAL BUILDING - Yes	

GROSS FLOOR AREA - BLDG A			GROSS FLOOR AREA - BLDG B			COMBINED TOTAL
LEVEL	AREA	AREA m2	LEVEL	AREA	AREA m2	
L1 (11.50m)	13403 SF	1245.2 m²	L1 (11.50m)	15059 SF	1399.0 m²	2644.3 m²
L2	12936 SF	1201.8 m²	L2	14577 SF	1354.3 m²	2556.1 m²
L3	12937 SF	1201.9 m²	L3	14577 SF	1354.3 m²	2556.2 m²
L4	11226 SF	1043.0 m²	L4	13976 SF	1288.4 m²	2341.5 m²
L5			L5	9546 SF	886.9 m²	887.0 m²
L6			L6	7597 SF	705.8 m²	705.7 m²
BUILDING A TOTAL	50503 SF	4691.8 m²	BUILDING B TOTAL	75333 SF	6998.6 m²	11690.6 m²
NET FLOOR AREA SCHEDULE - BLDG A			NET FLOOR AREA SCHEDULE - BLDG B			COMBINED TOTAL
BLDG A - L1	1156.7 m²		BLDG B - L1	1308.4 m²		
BLDG A - L2	1113.2 m²		BLDG B - L2	1262.9 m²		2376.2 m²
BLDG A - L3	1113.1 m²		BLDG B - L3	1264.3 m²		2377.5 m²
BLDG A - L4	967.4 m²		BLDG B - L4	1210.6 m²		2178.1 m²
BLDG A - L5			BLDG B - L5	808.9 m²		809.0 m²
BLDG A - L6			BLDG B - L6	633.6 m²		633.0 m²
BUILDING A TOTAL	4350.4 m²		BUILDING B TOTAL	6488.7 m²		10839.0 m²

UNIT DATA

LEVEL:	STUDIO:	JR. 1 BED:	1 BED:	1+DEN:	2 BED:	3 BED:	TOTAL:
L1	0	2	9	3	10	4	28
L2	0	2	6	7	10	4	29
L3	0	2	6	7	10	4	29
L4	1	1	16	7	2	2	29
L5	0	0	8	2	1	0	11
L6	0	5	6	0	0	0	11
TOTAL	1 (1%)	12 (9%)	51 (37%)	26 (19%)	33 (24%)	14 (10%)	137

1 | SITE PLAN - PHASE 1  
1 : 200



4	REISSUED FOR DPREZONING 3	2021-07-08
3	REISSUED FOR DPREZONING 3	2021-04-30
2	REISSUED FOR DPREZONING	2020-11-19
1	ISSUED FOR DPREZONING	2020-06-23
No.	Description	Date

VILLAGE GREEN  
RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

PHASE 1 - SITE PLAN

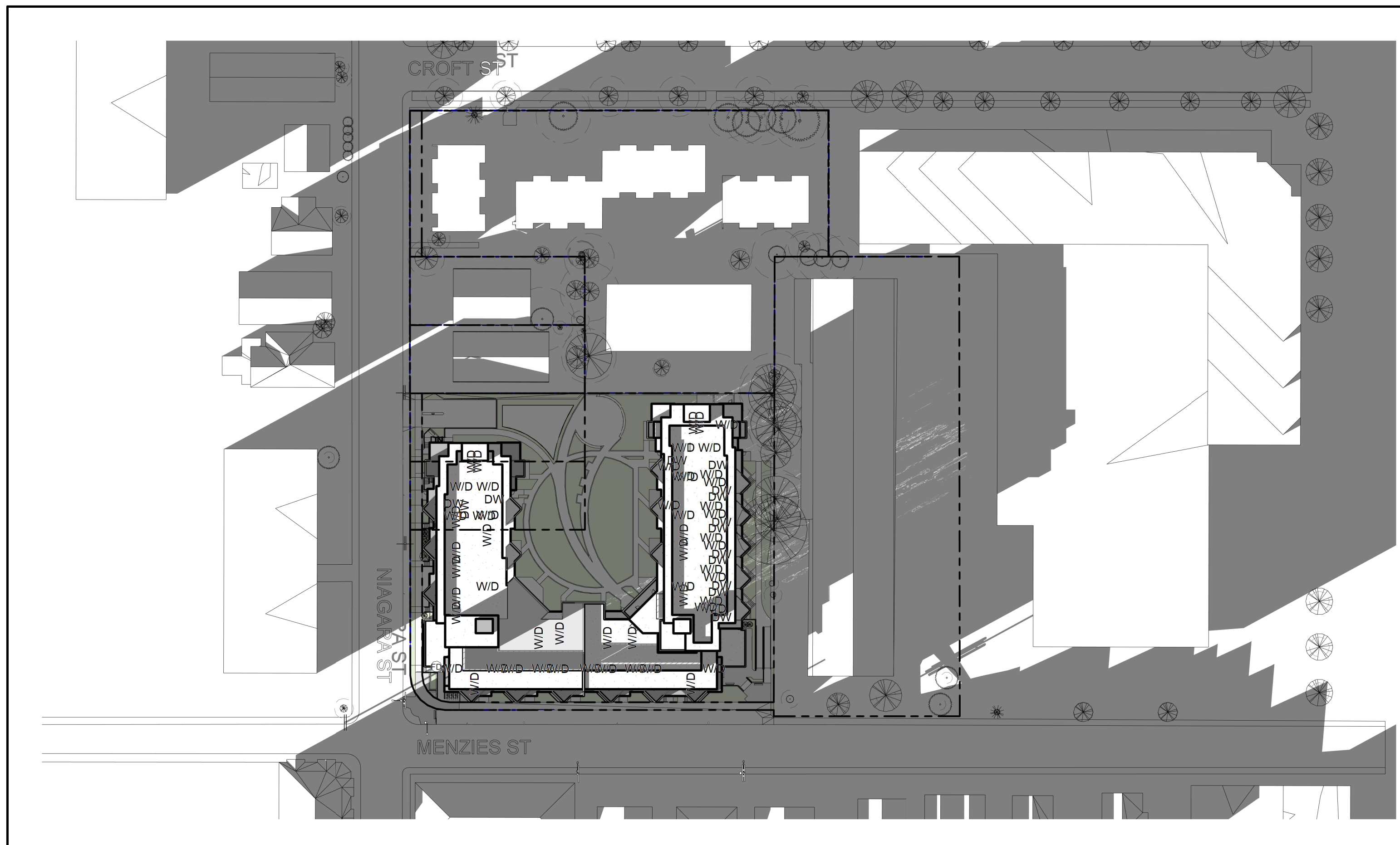
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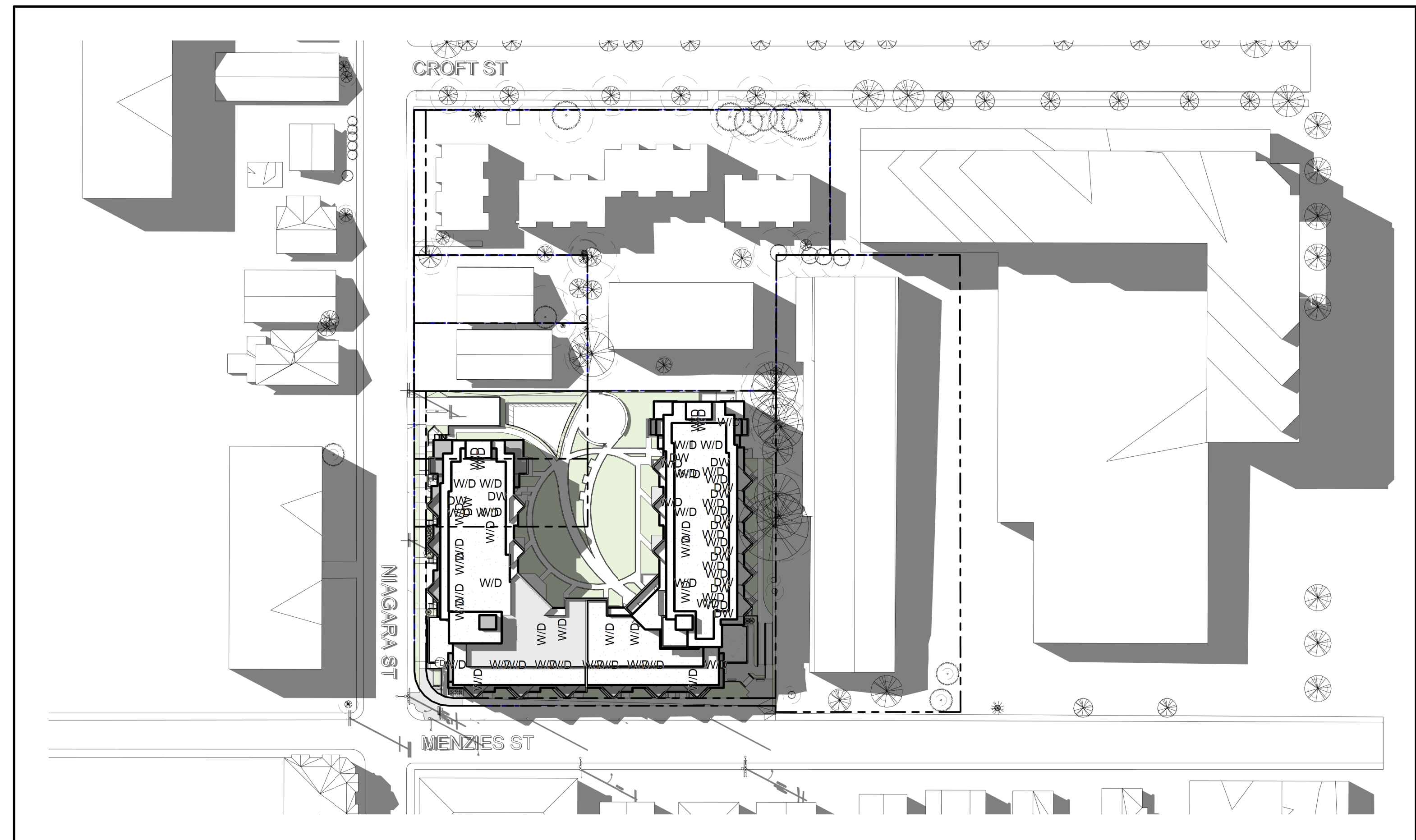
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DATE: 2021/07/08

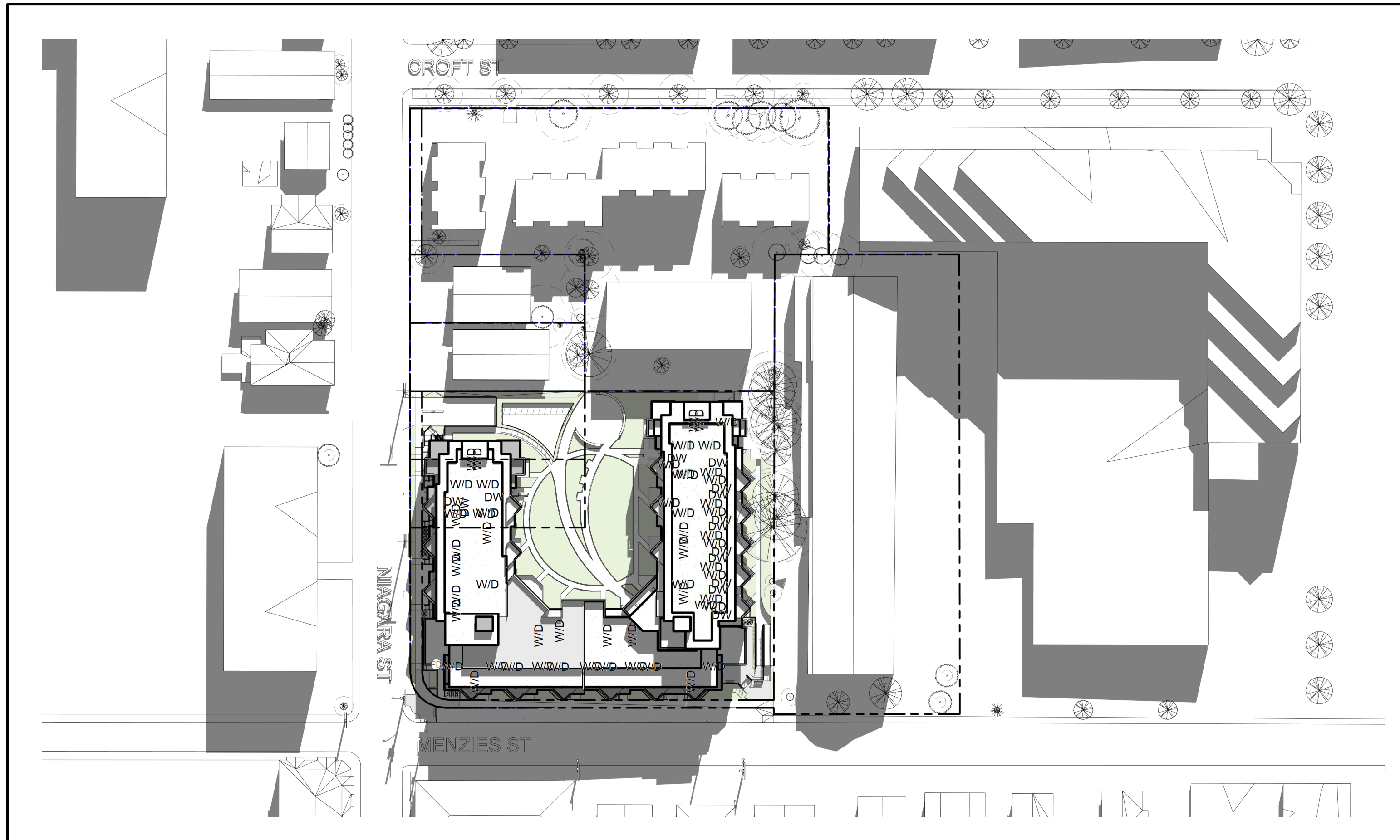




1 | SHADOW STUDY - SPRING/AUTUMN EQUINOX - 8am  
1 : 750



2 | SHADOW STUDY - SPRING/AUTUMN EQUINOX - NOON  
1 : 750

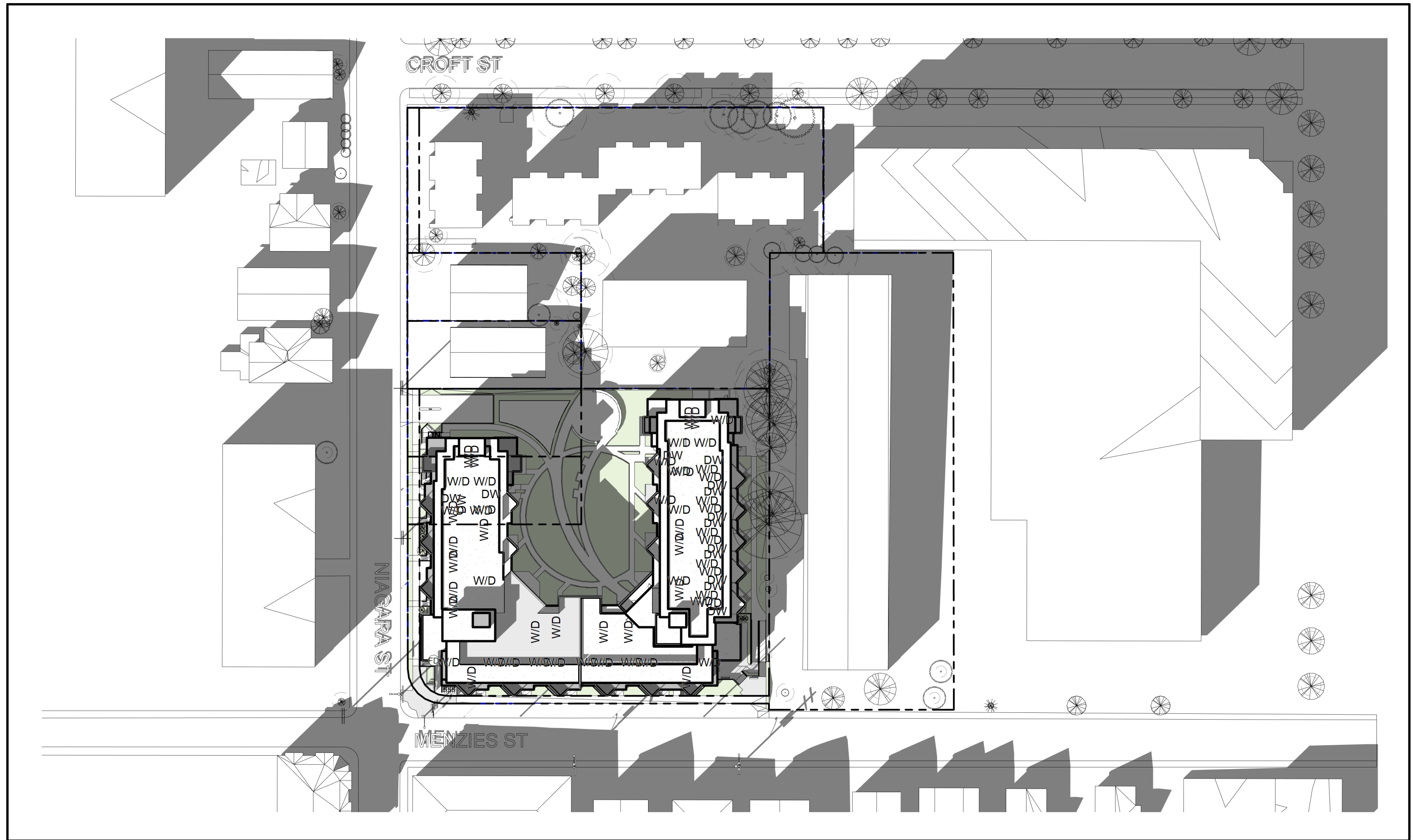


3 | SHADOW STUDY - SPRING/AUTUMN EQUINOX - 4pm  
1 : 750

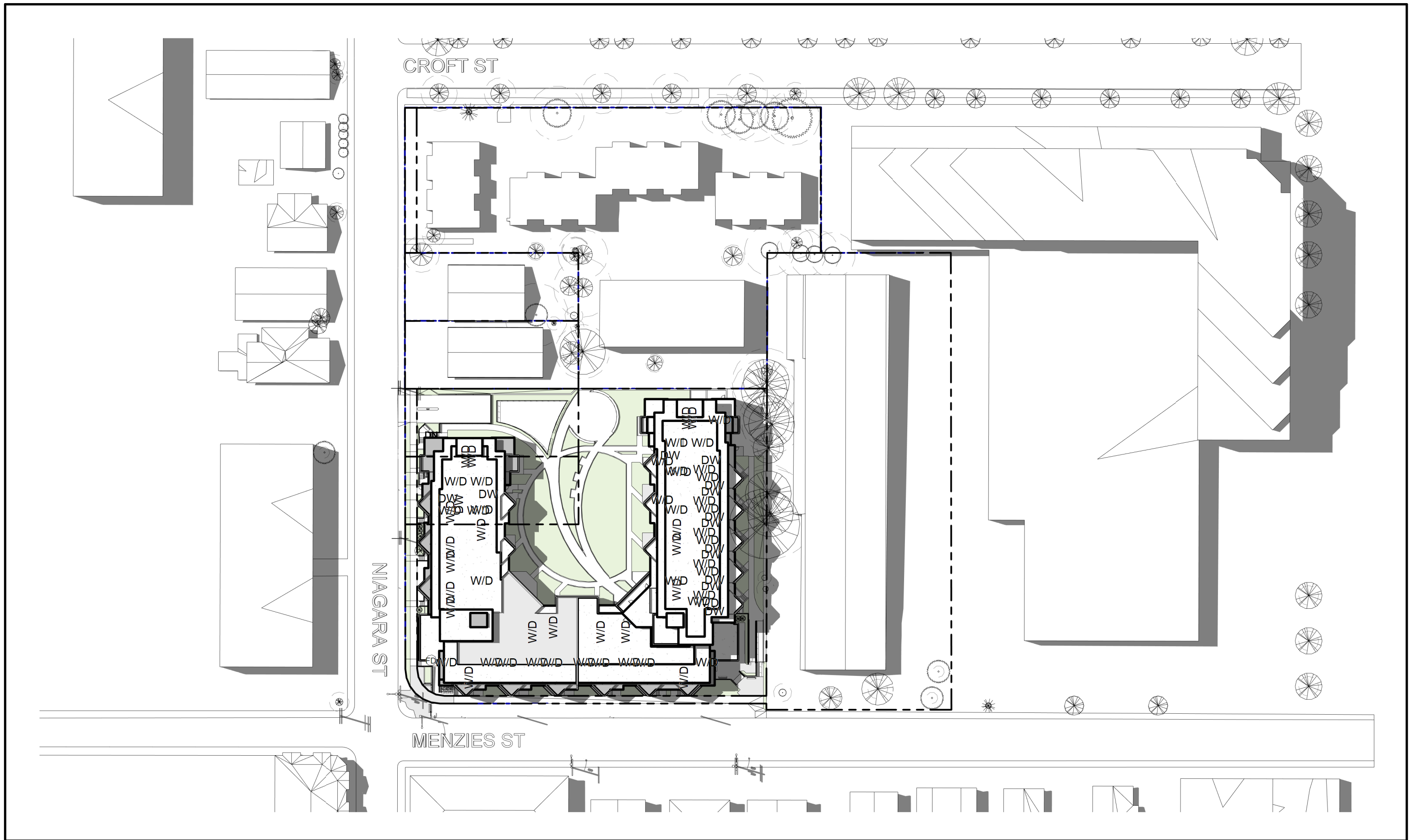


4 | 3D SHADOW STUDY - SPRING/AUTUMN

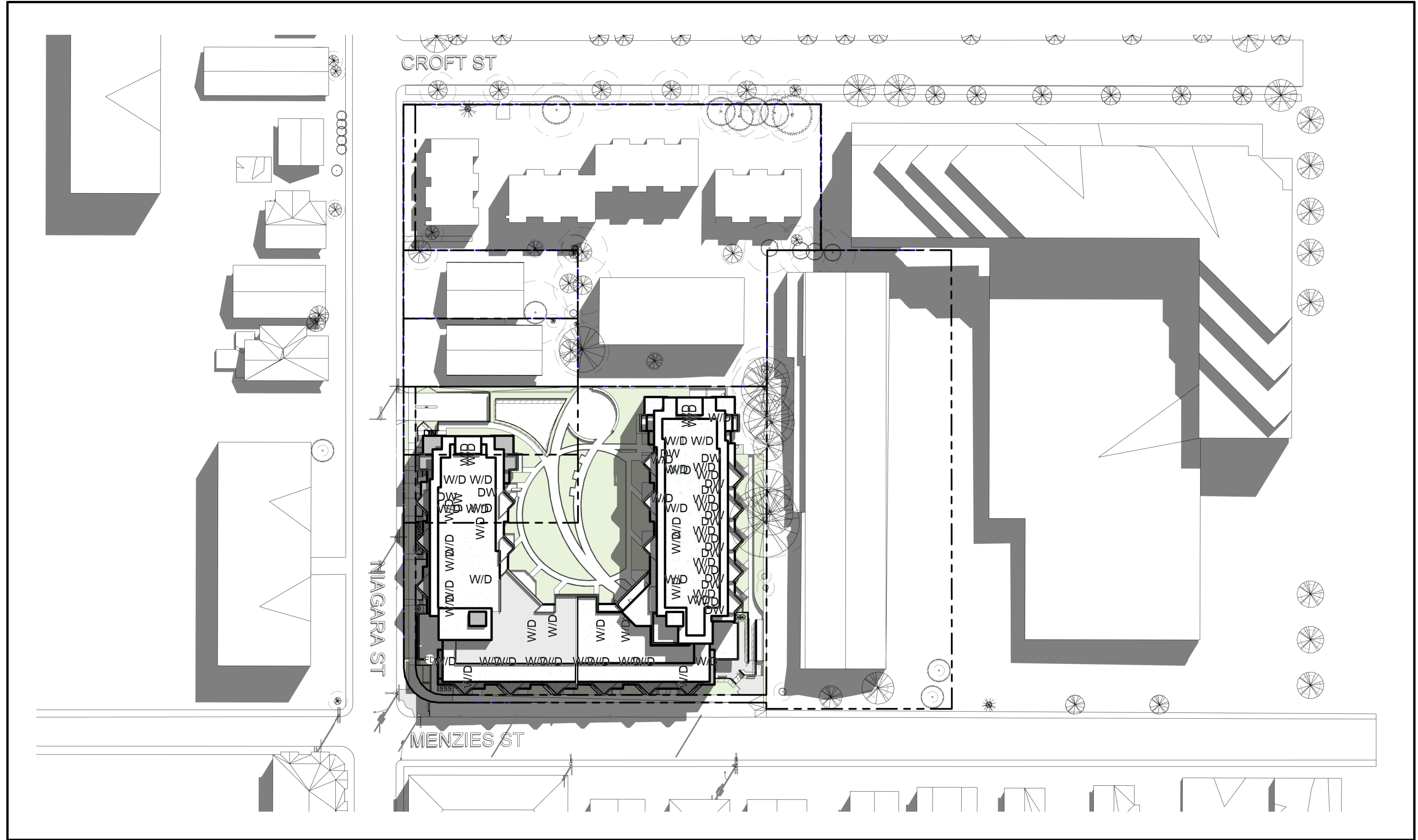




1 | SHADOW STUDY - SUMMER SOLSTICE - 8am  
1 : 750



2 | SHADOW STUDY - SUMMER SOLSTICE - NOON  
1 : 750

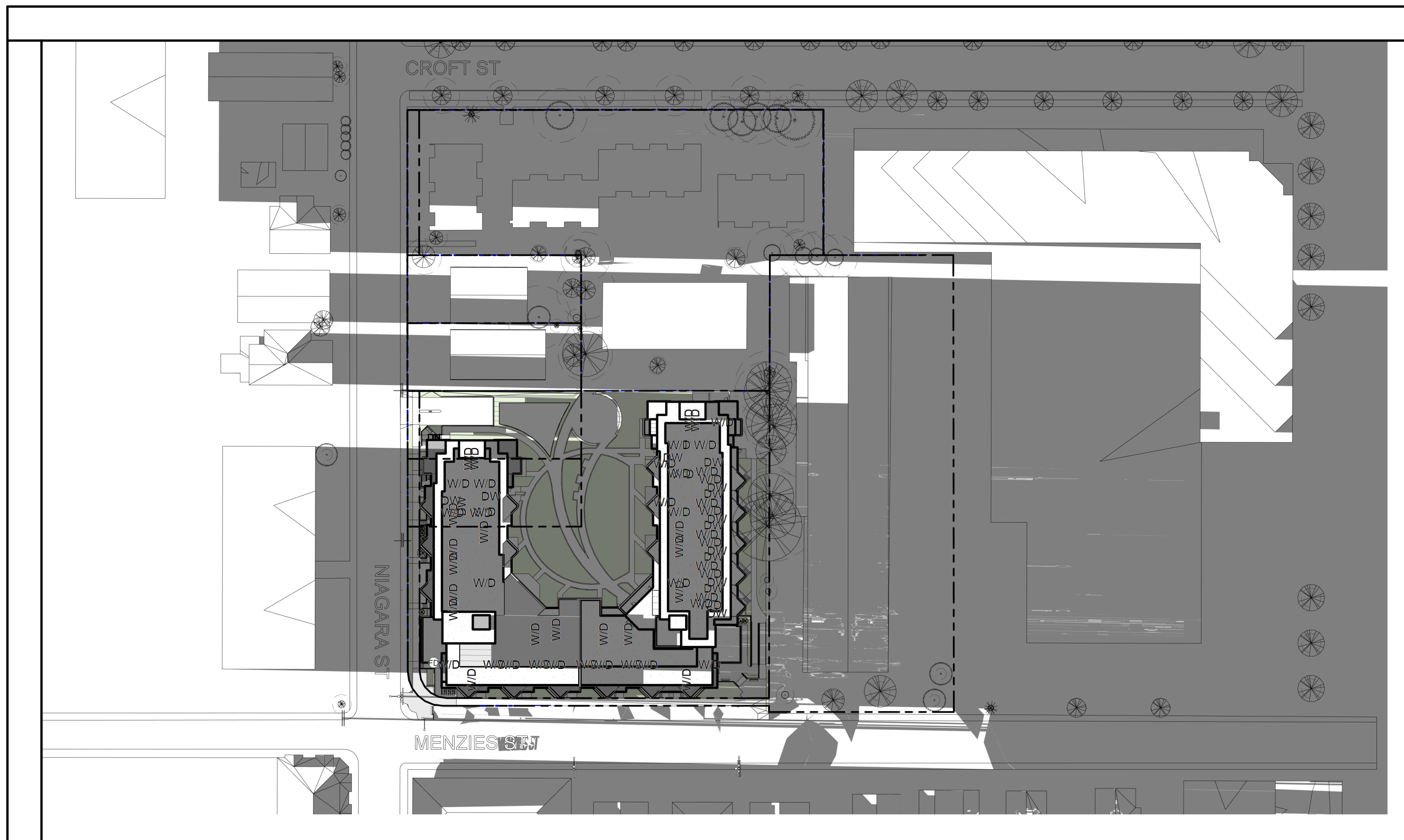


3 | SHADOW STUDY - SUMMER SOLSTICE - 4pm  
1 : 750

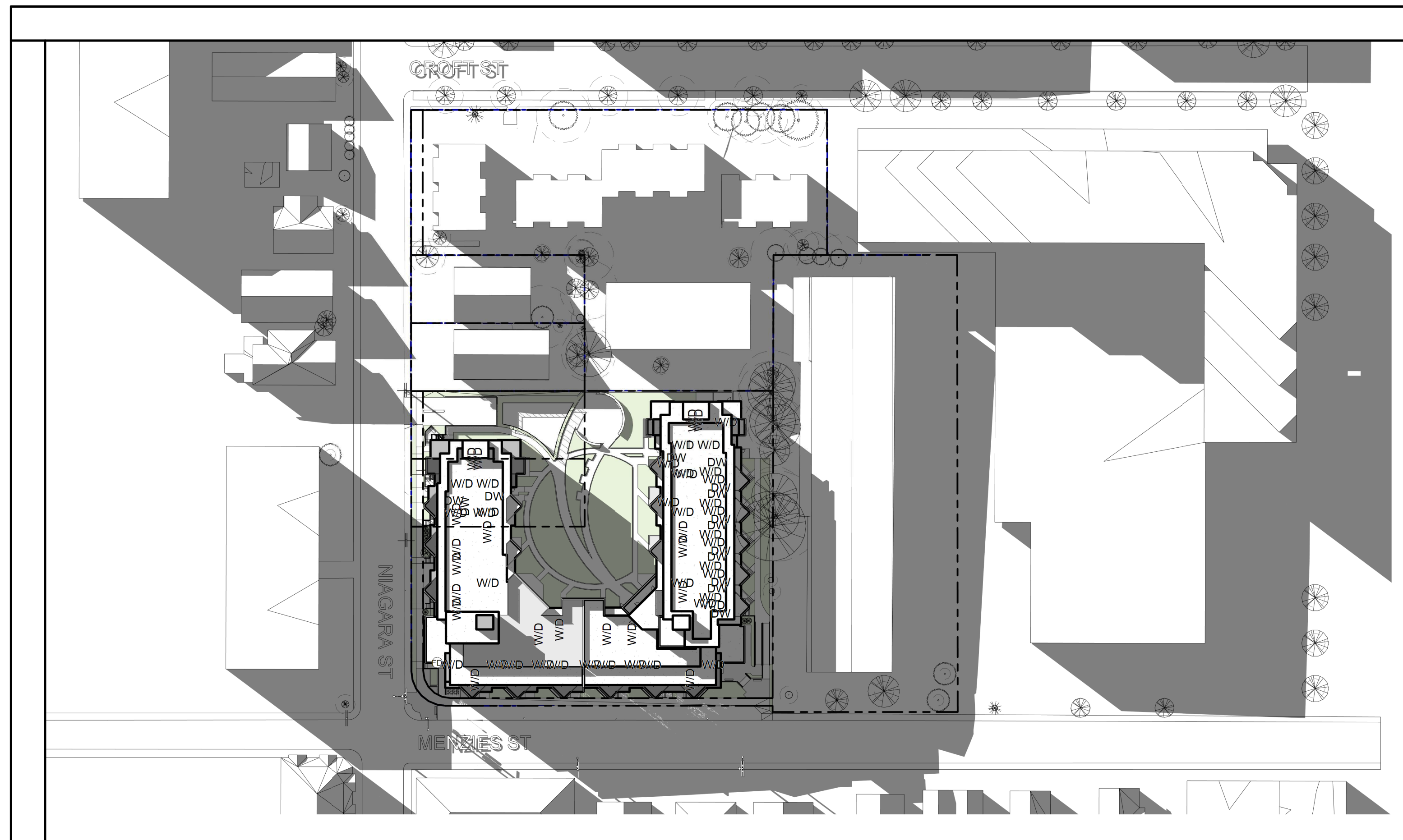


4 | 3D SHADOW STUDY - SUMMER

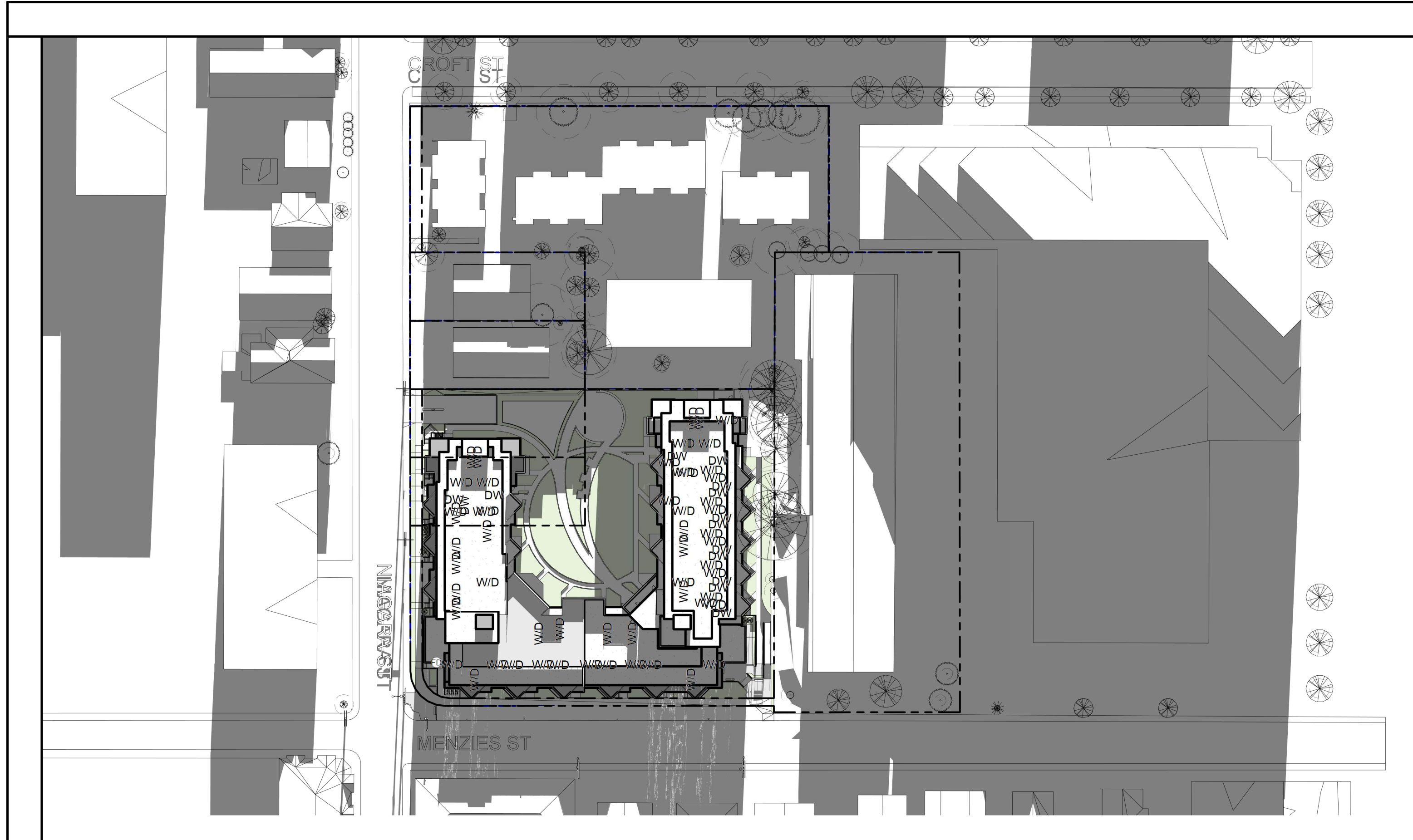




1 SHADOW STUDY - WINTER SOLSTICE - 8am  
1 : 750



2 SHADOW STUDY - WINTER SOLSTICE - NOON  
1 : 750



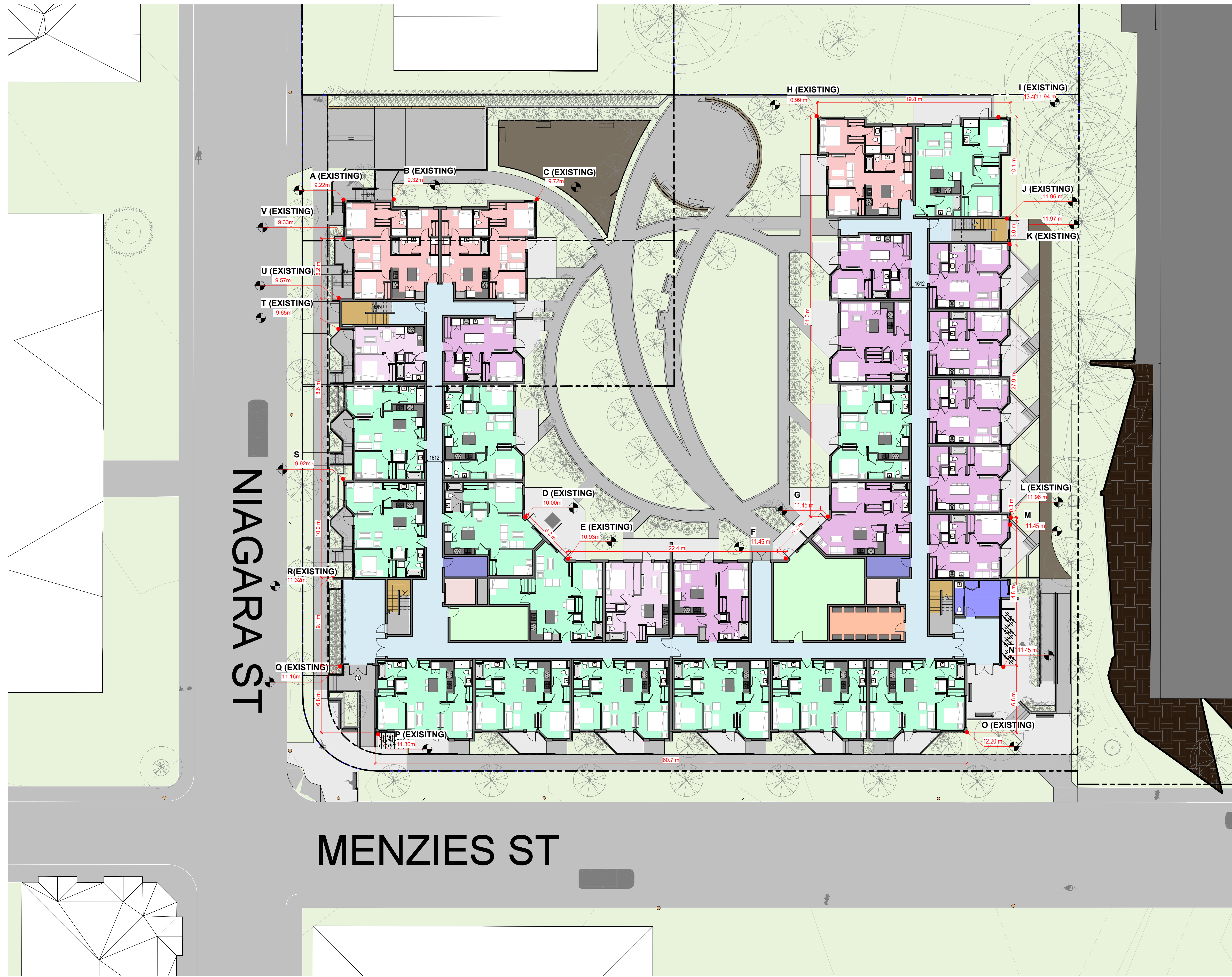
3 SHADOW STUDY - WINTER SOLSTICE - 4pm  
1 : 750



4 3D SHADOW STUDY - WINTER

3	REISSUED FOR DIRECTIONING 2	2021-04-30
2	REISSUED FOR DIRECTIONING	2020-11-19
1	ISSUED FOR DIRECTIONING	2020-06-23
No.	Description	Date





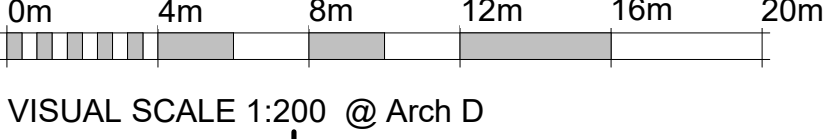
AVERAGE GRADE CALCULATION			
POINTS	AVERAGE OF POINTS	DISTANCE	TOTALS
A-B	$(9.22+9.32)/2=9.27$	x5.1	47.28
B-C	$(9.32+9.72)/2=9.52$	x14.7	139.94
C-D	$(9.72+10.00)/2=9.86$	x32.5	320.45
D-E	$(10.00+10.93)/2=10.47$	x6.2	64.91
E-F	$(10.93+11.45)/2=11.19$	x22.4	250.66
F-G	$(11.45+11.45)/2=11.45$	x6.2	70.99
G-H	$(11.45+10.99)/2=11.22$	x41	460.02
H-I	$(10.99+11.94)/2=11.47$	x19.8	227.11
I-J	$(11.94+11.96)/2=11.95$	x10.1	120.7
J-K	$(11.96+11.96)/2=11.96$	x3.0	35.88
K-L	$(11.96+11.96)/2=11.96$	x27.9	333.68
L-M	$(11.96+11.45)/2=11.70$	x3	3.51
M-N	$(11.45+11.45)/2=11.45$	x14.8	169.46
N-O	$(11.45+12.20)/2=11.825$	x6.8	80.41
O-P	$(12.20+11.33)/2=11.77$	x60.7	714.44
P-Q	$(11.33+11.16)/2=11.25$	x6.8	76.5
Q-R	$(11.16+11.32)/2=11.24$	x9.1	102.28
R-S	$(11.32+9.92)/2=10.62$	x10.0	106.20
S-T	$(9.92+9.65)/2=9.79$	x15.4	150.77
T-U	$(9.65+9.57)/2=9.61$	x3.1	29.80
U-V	$(9.57+9.33)/2=9.45$	x6.2	58.59
V-A	$(9.33+9.22)/2=9.28$	x4	37.12

Totals 326.1m 3600.7

3600.7 / 326.1m = 11.04m

NOTE: ALL ELEVATIONS ARE FINISHED GRADE UNLESS OTHERWISE NOTED.

1 | AVERAGE GRADE PLAN  
1:200



519 PANDORA AVENUE, VICTORIA, B.C. V8W 1N5 +1 250 388 4261

PRIMEX INVESTMENTS

3	REISSUED FOR DOWNGRADING 2	2021-04-30
2	REISSUED DOWNGRADING	2020-11-19
No.	Description	Date

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VILLAGE GREEN  
RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

AVERAGE GRADE PLAN

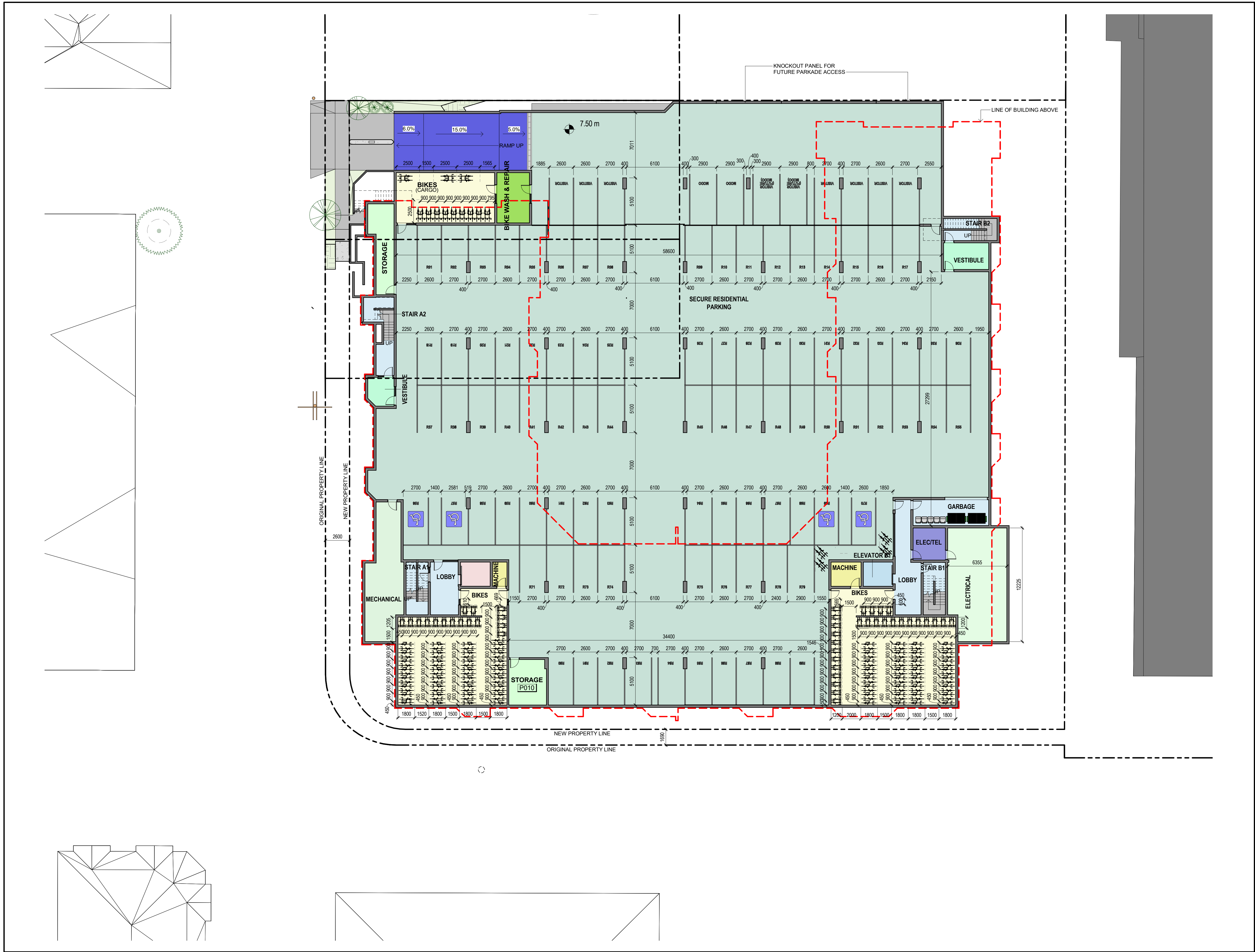
JOB No.: 1933

SCALE: As indicated

A-1.6

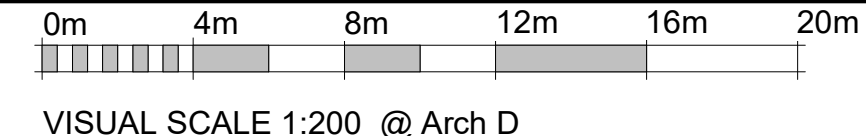
DATE: 2021/07/08



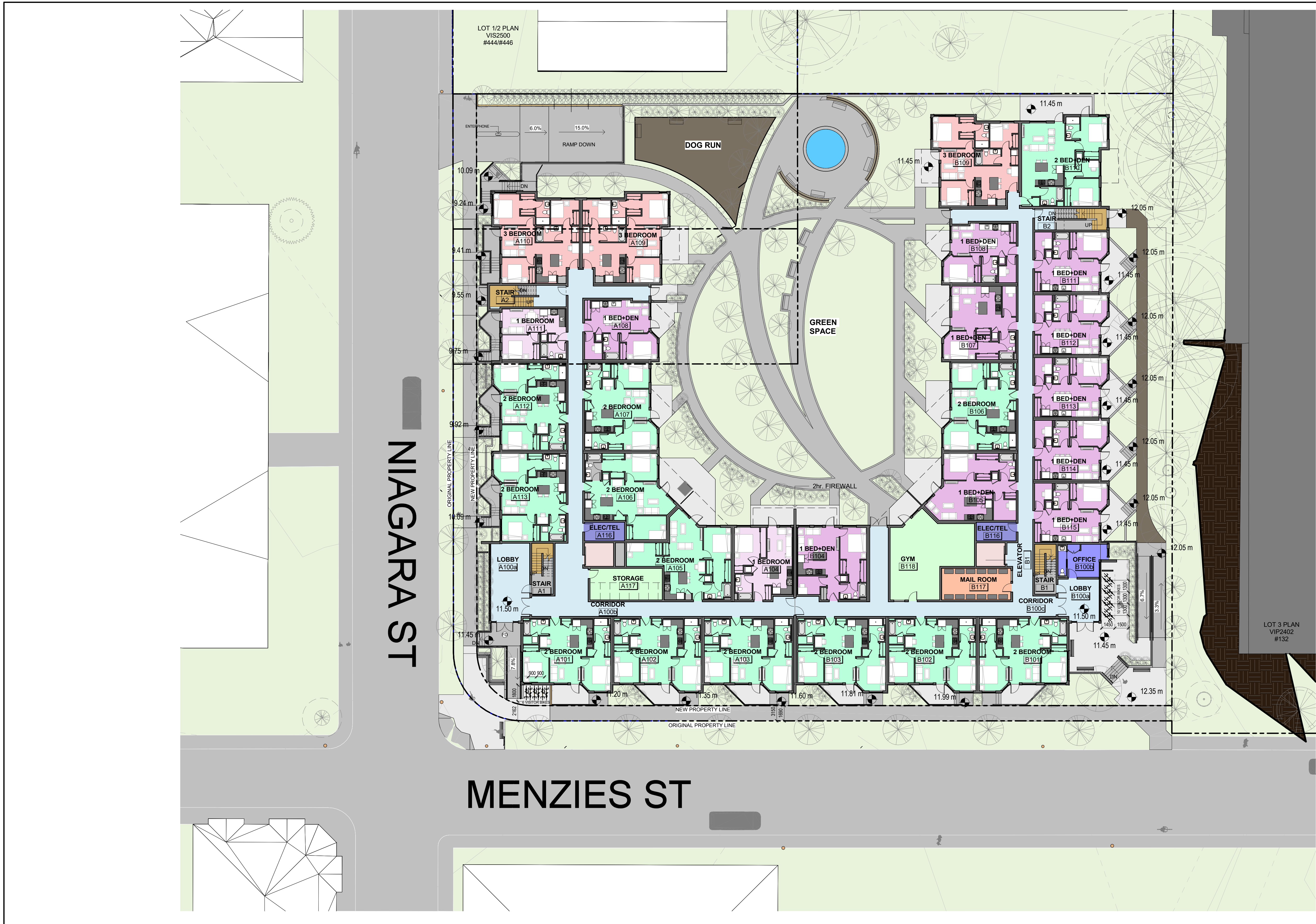


PARKING DATA					
			REQUIRED	PROVIDED	
RESIDENTIAL PARKING STALLS (RENTAL):					
< 45 m²    0.75 / UNIT x 9 =			7		
45 - 70 m²    0.9 / UNIT x 67 =			60		
> 70 m²    1.3 / UNIT x 61 =			79		
SUB TOTAL =			146		89
VISITOR PARKING STALLS: (0.1/UNIT)			15		9
CAR SHARE STALLS:					2
TOTAL PARKING STALLS:			161		100
LONG TERM BICYCLE PARKING:					
< 45 m²    1 / UNIT x 9 =			9		
> 45 m²    1.25 / UNIT x 128 =			160		
SUB TOTAL =			169		233
SHORT TERM BICYCLE PARKING:					
.1 / UNIT x 137			14		16
TOTAL BICYCLE PARKING:					250
AREA SCHEDULE - UNDER 45m2			AREA SCHEDULE - OVER 70m2		
NAME	OCCUPANCY	AREA m2	NAME	OCCUPANCY	AREA m2
A111	1 BEDROOM	44 m²	A101	2 BEDROOM	76 m²
A211	1 BEDROOM	44 m²	A102	2 BEDROOM	76 m²
A311	1 BEDROOM	44 m²	A103	2 BEDROOM	76 m²
A411	STUDIO	36 m²	A105	2 BEDROOM	79 m²
B607	1 BEDROOM	42 m²	A106	2 BEDROOM	79 m²
B608	1 BEDROOM	43 m²	A107	2 BEDROOM	76 m²
B609	1 BEDROOM	43 m²	A109	3 BEDROOM	88 m²
B610	1 BEDROOM	43 m²	A110	3 BEDROOM	88 m²
B611	1 BEDROOM	42 m²	A112	2 BEDROOM	76 m²
SUBTOTAL: 9		380 m²	A113	2 BEDROOM	76 m²
AREA SCHEDULE - 45m2 TO 70m2			B101	2 BEDROOM	77 m²
NAME	OCCUPANCY	AREA m2	B102	2 BEDROOM	76 m²
A104	1 BEDROOM	55 m²	B103	2 BEDROOM	78 m²
A108	1 + DEN	53 m²	B106	2 BEDROOM	76 m²
B104	1 + DEN	65 m²	B109	3 BEDROOM	88 m²
B105	1 + DEN	69 m²	B110	2 + DEN	90 m²
B107	1 + DEN	65 m²	A201	2 BEDROOM	77 m²
B108	1 + DEN	53 m²	A202	2 BEDROOM	76 m²
B111	1 + DEN	53 m²	A203	2 BEDROOM	78 m²
B112	1 + DEN	54 m²	A205	2 BEDROOM	77 m²
B113	1 + DEN	54 m²	A206	2 BEDROOM	79 m²
B114	1 + DEN	54 m²	A207	2 BEDROOM	76 m²
B115	1 + DEN	53 m²	A209	3 BEDROOM	88 m²
A204	1 BEDROOM	55 m²	A210	3 BEDROOM	88 m²
A208	1 + DEN	65 m²	A212	2 BEDROOM	76 m²
B204	1 + DEN	65 m²	A213	2 BEDROOM	76 m²
B208	1 + DEN	65 m²	B201	2 BEDROOM	77 m²
B209	1 + DEN	65 m²	B202	2 BEDROOM	79 m²
B212	1 + DEN	53 m²	B207	2 BEDROOM	76 m²
B213	1 + DEN	54 m²	B210	3 BEDROOM	88 m²
B214	1 + DEN	54 m²	B211	3 BEDROOM	88 m²
B215	1 + DEN	54 m²	A05	2 BEDROOM	77 m²
B216	1 + DEN	63 m²	A301	2 BEDROOM	77 m²
A304	1 BEDROOM	55 m²	A302	2 BEDROOM	76 m²
A308	1 + DEN	65 m²	A303	2 BEDROOM	78 m²
B304	1 + DEN	65 m²	A306	2 BEDROOM	79 m²
B308	1 + DEN	65 m²	A307	2 BEDROOM	76 m²
B309	1 + DEN	65 m²	A309	3 BEDROOM	88 m²
B312	1 + DEN	53 m²	A310	3 BEDROOM	88 m²
B313	1 + DEN	54 m²	A312	2 BEDROOM	76 m²
B314	1 + DEN	54 m²	A313	2 BEDROOM	77 m²
B315	1 + DEN	54 m²	B301	2 BEDROOM	77 m²
B316	1 + DEN	62 m²	B302	2 BEDROOM	76 m²
A401	1 BEDROOM	52 m²	B303	2 BEDROOM	78 m²
A402	1 + DEN	62 m²	B305	2 BEDROOM	77 m²
A403	1 + DEN	63 m²	B306	2 BEDROOM	79 m²
A404	1 BEDROOM	55 m²	B307	2 BEDROOM	76 m²
A408	1 + DEN	65 m²	B310	3 BEDROOM	88 m²
A409	1 + DEN	59 m²	B311	3 BEDROOM	88 m²
A410	1 + DEN	59 m²	A405	2 BEDROOM	79 m²
A412	1 + DEN	62 m²	A406	2 BEDROOM	79 m²
A413	1 + DEN	62 m²	A407	2 BEDROOM	76 m²
B401	1 BEDROOM	52 m²	B405	2 BEDROOM	77 m²
B402	1 + DEN	62 m²	B406	2 BEDROOM	79 m²
B403	1 + DEN	63 m²	B407	2 BEDROOM	76 m²
B404	1 + DEN	65 m²	B410	3 BEDROOM	88 m²
B408	1 + DEN	65 m²	B411	3 BEDROOM	88 m²
B409	1 + DEN	65 m²	B502	2 BEDROOM	76 m²
B412	1 + DEN	53 m²	SUBTOTAL: 61		4862 m²
B413	1 + DEN	54 m²			
B414	1 + DEN	54 m²			
B415	1 + DEN	54 m²			
B416	1 + DEN	63 m²			
B501	1 + DEN	69 m²			
B503	1 + DEN	65 m²			
B504	1 + DEN	65 m²			
B505	1 + DEN	59 m²			
B506	1 + DEN	59 m²			
B507	1 + DEN	53 m²			
B508	1 + DEN	54 m²			
B509	1 + DEN	54 m²			
B510	1 + DEN	54 m²			
B511	1 + DEN	63 m²			
B601	1 + DEN	62 m²			
B602	1 + DEN	62 m²			
B603	1 BEDROOM	52 m²			
B604	1 BEDROOM	52 m²			
B605	1 + DEN	59 m²			
B606	1 + DEN	59 m²			
SUBTOTAL: 67		3941 m²			

1 | FLOOR PLAN - PARKADE  
1 : 200



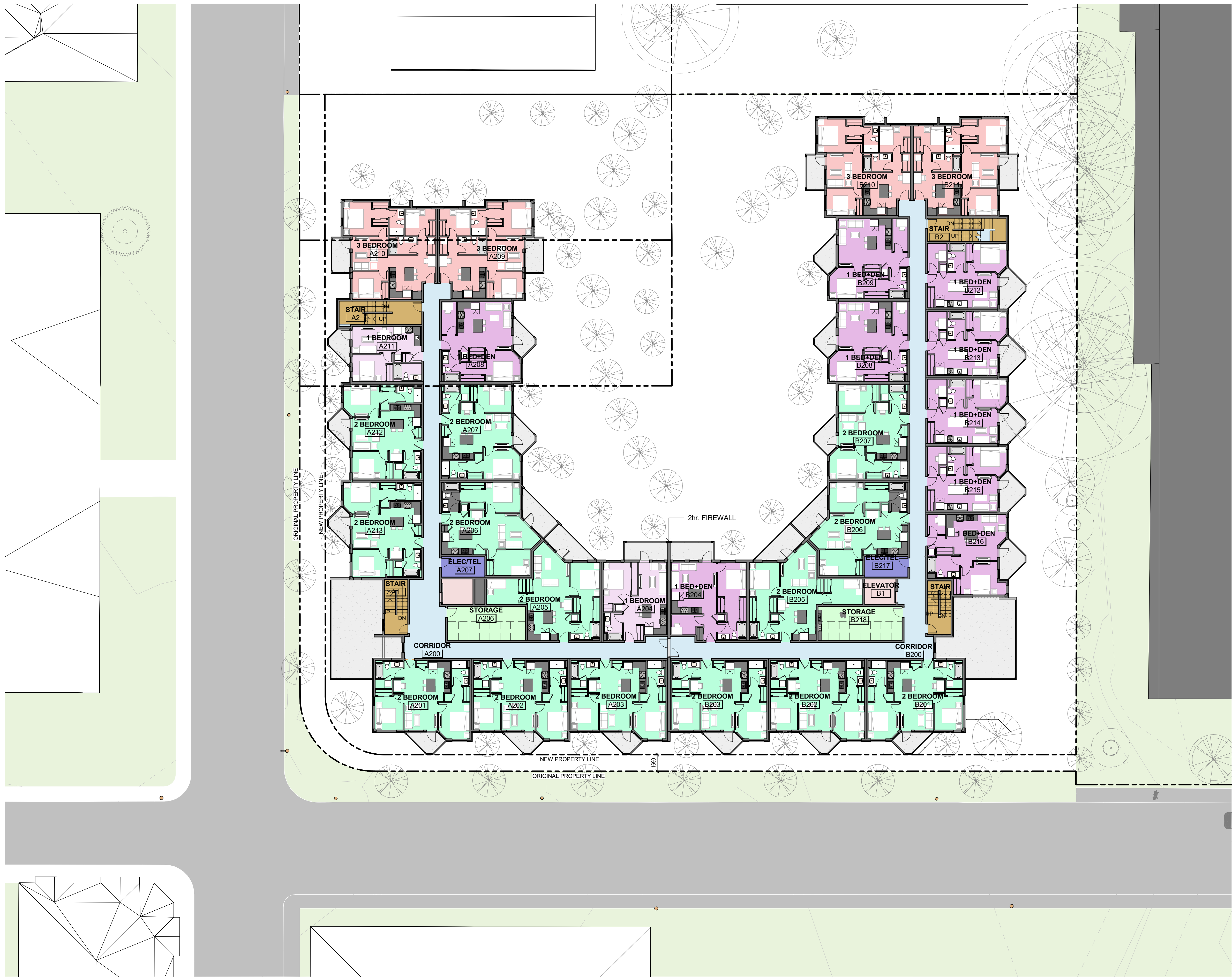




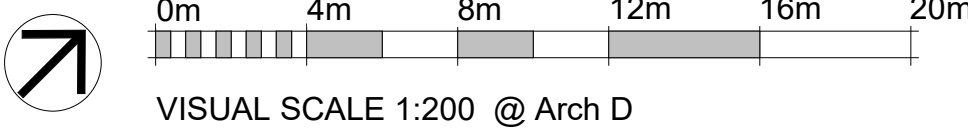
1 | FLOOR PLAN - L1  
1 : 200  
VISUAL SCALE 1:200 @ Arch D

4	REISSUED FOR OPREZONING 1	2021-07-08
3	REISSUED FOR OPREZONING 1	2021-04-30
2	REISSUED OPREZONING	2020-11-19
1	ISSUED FOR OPREZONING	2020-06-23
No.	Description	Date





1 | FLOOR PLAN - L2



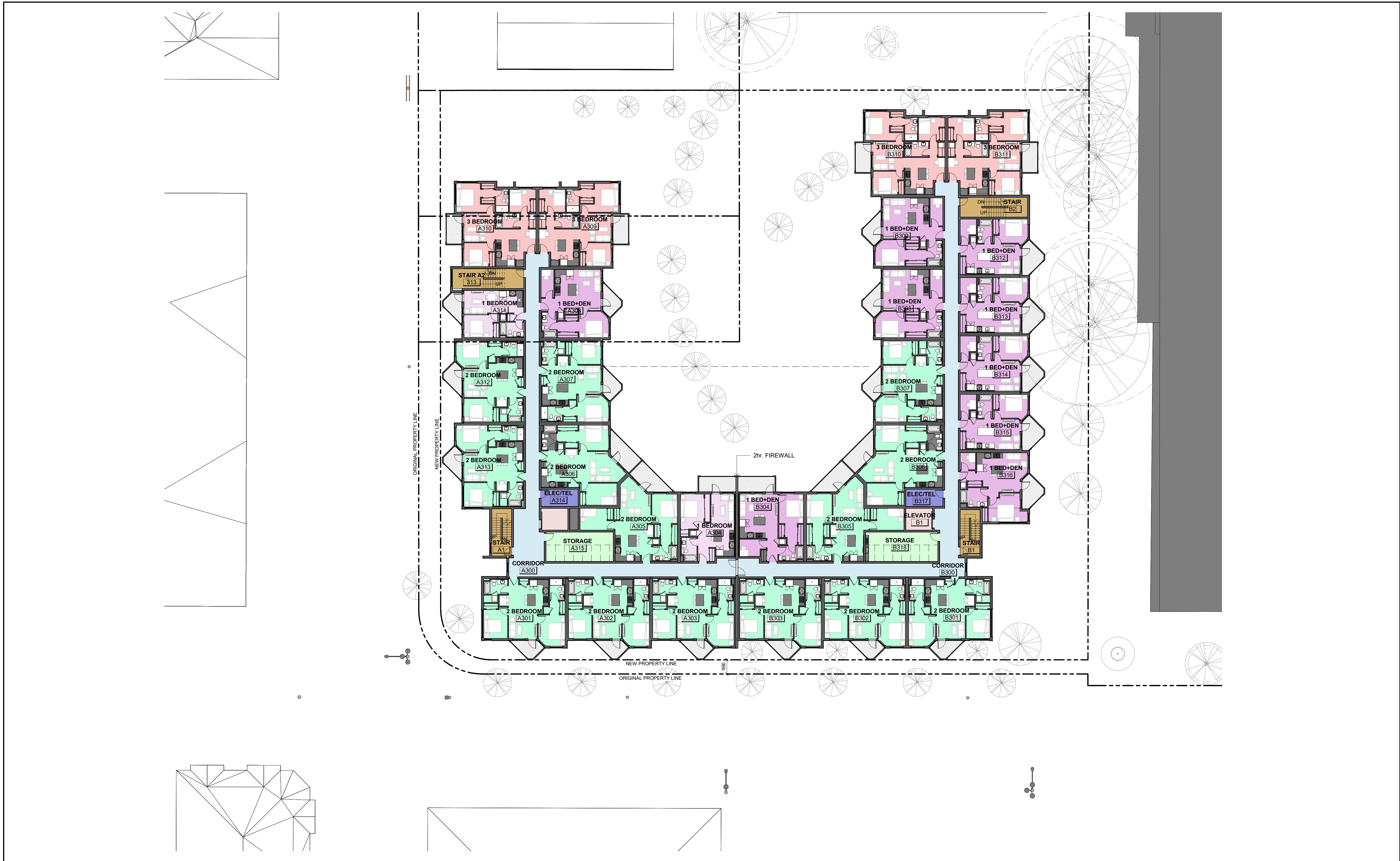
3	REISSUED FOR DIRECTIONS 2	2021-04-30
2	REISSUED DIRECTIONS 1	2020-11-19
1	ISSUED FOR DIRECTIONS	2020-06-23
No.	Description	Date

# VILLAGE GREEN RESIDENTIAL COMPLEX

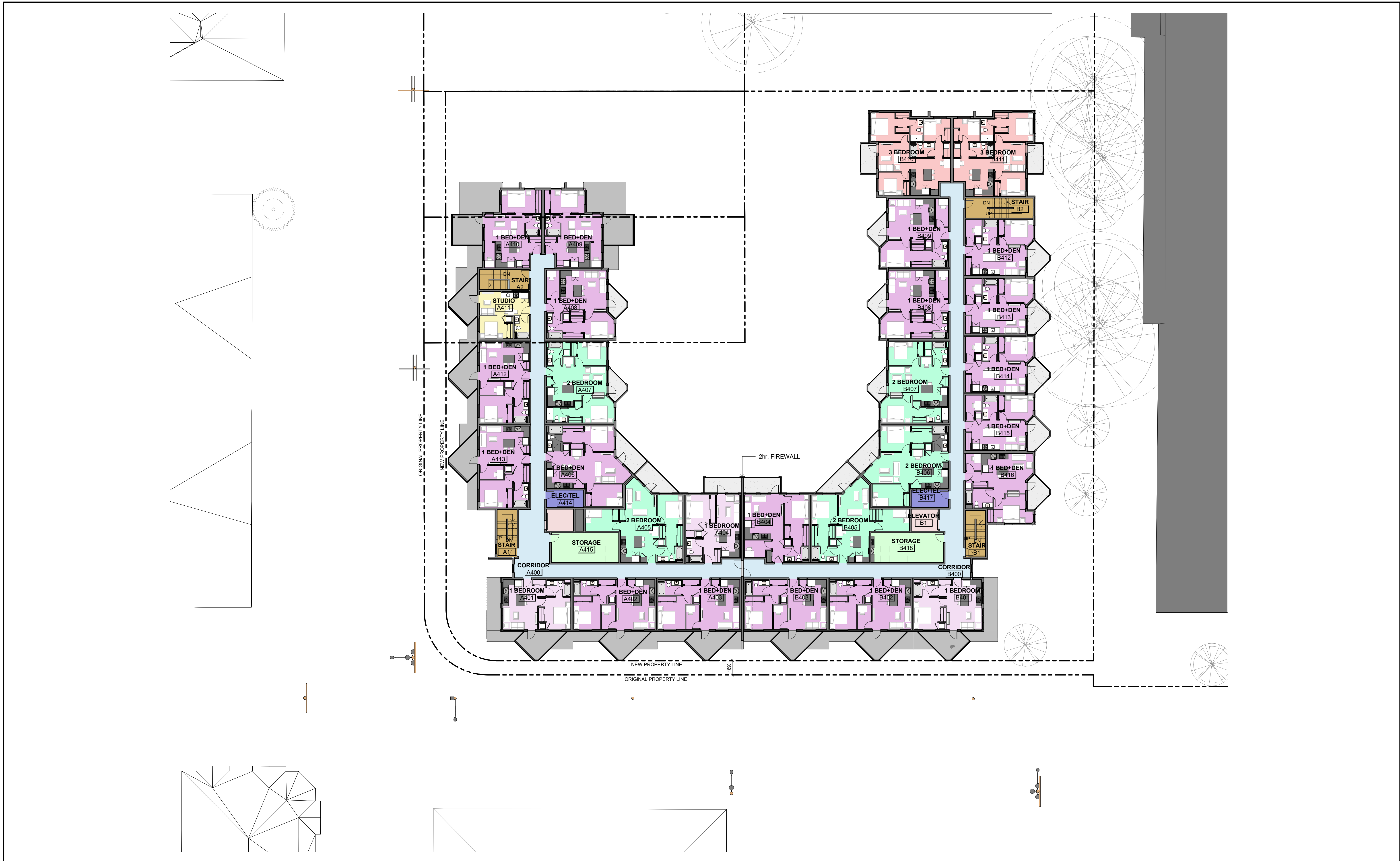
## FLOOR PLAN - L2

## A-2.2









1 | FLOOR PLAN - L4  
1 : 200  
VISUAL SCALE 1:200 @ Arch D

## VILLAGE GREEN RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

## FLOOR PLAN - L4

Job No.: 1933

SCALE: 1 : 200

## A-2.4

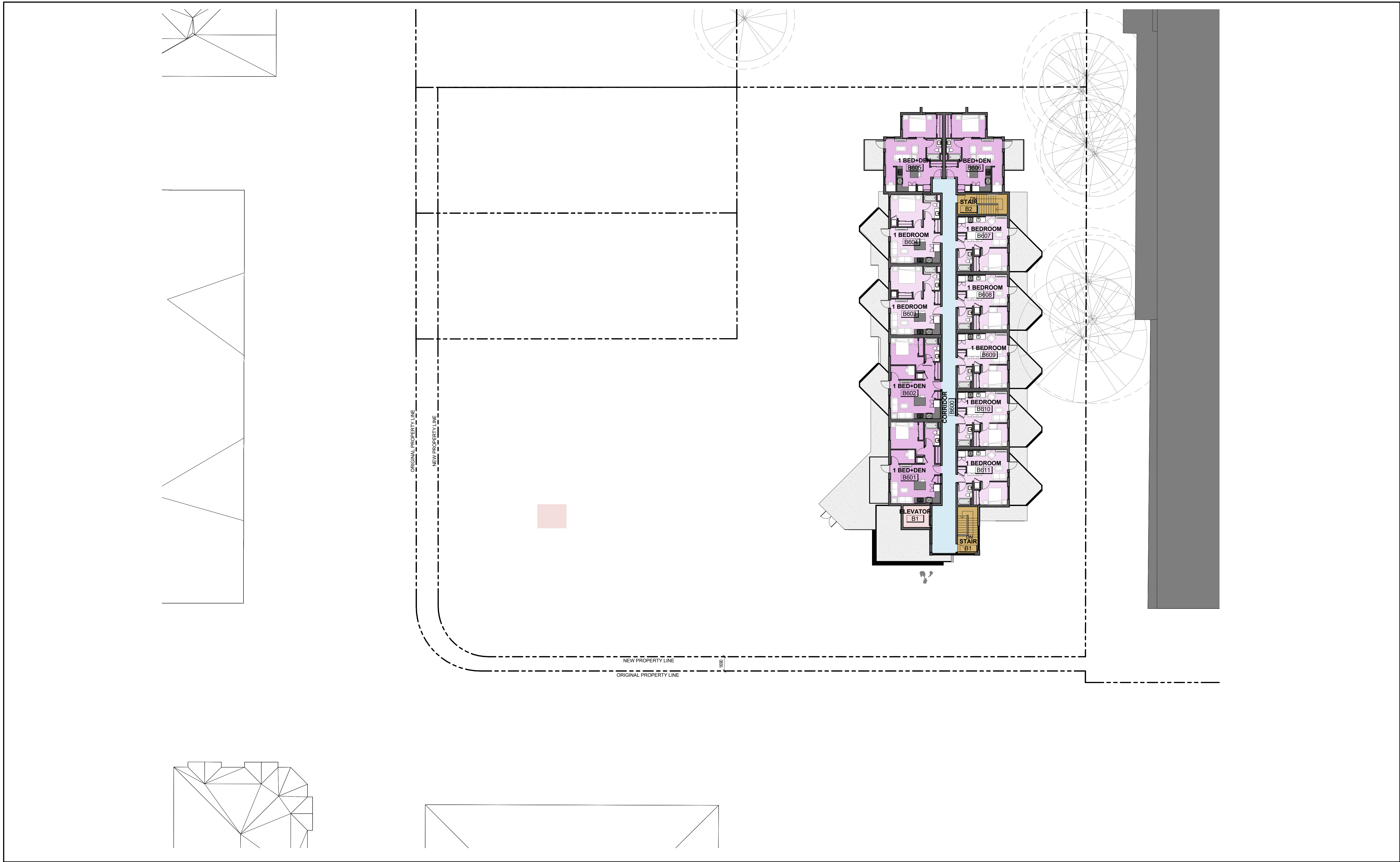
DATE: 2021/07/08





1 | FLOOR PLAN - L5  
1 : 200

3	REISSUED FOR DOWNGRADING	2021-04-30
2	REISSUED FOR DOWNGRADING	2020-11-19
1	ISSUED FOR DOWNGRADING	2020-06-23
No.	Description	Date



1 | FLOOR PLAN - L6  
1 : 200  
VISUAL SCALE 1:200 @ Arch D

3	REISSUED FOR DPRZONING 2	2021-04-30
2	REISSUED DPRZONING	2020-11-19
1	ISSUED FOR DPRZONING	2020-06-23
No.	Description	Date

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## VILLAGE GREEN RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

## FLOOR PLAN - L6

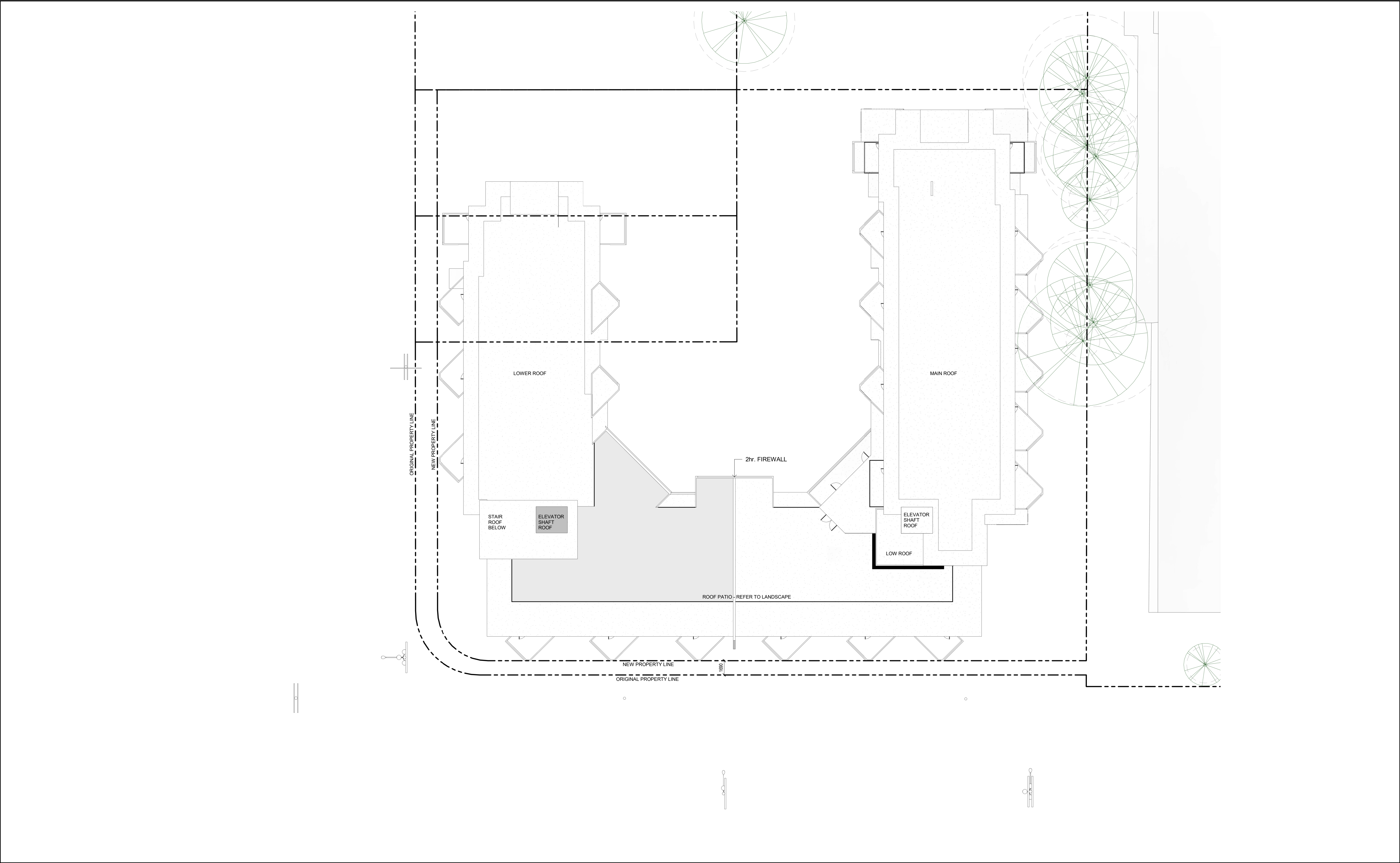
JOB No.: 1933

SCALE: 1 : 200

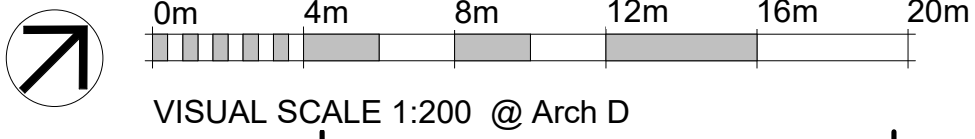
## A-2.6

DATE: 2021/07/08



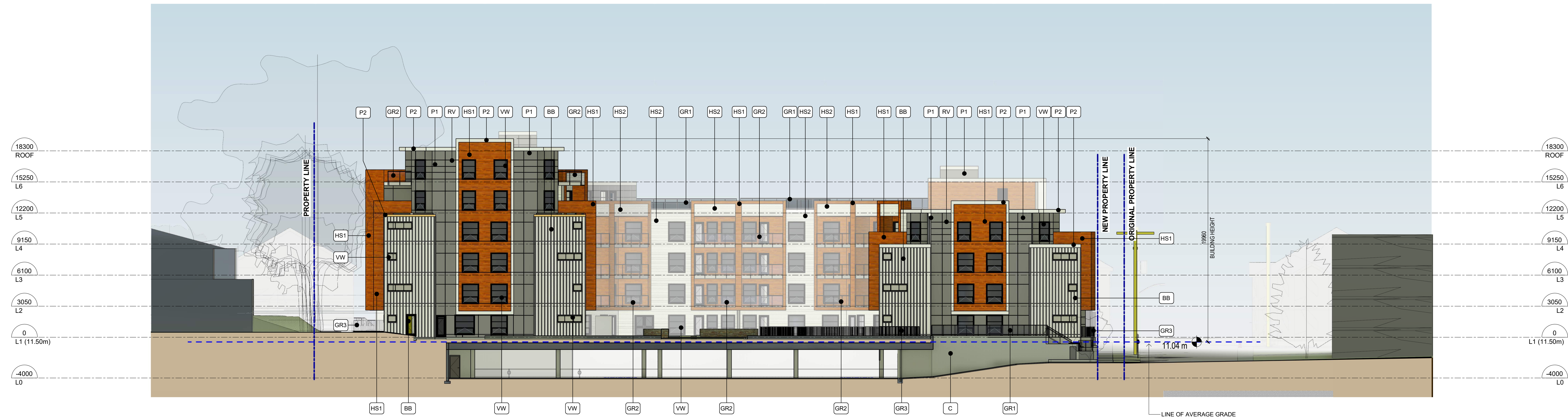


1 | ROOF PLAN  
1 : 200



3	REISSUED FOR DPRZONING 2	2021-04-30
2	REISSUED DPRZONING	2020-11-19
1	ISSUED FOR DPRZONING	2020-06-23
No.	Description	Date

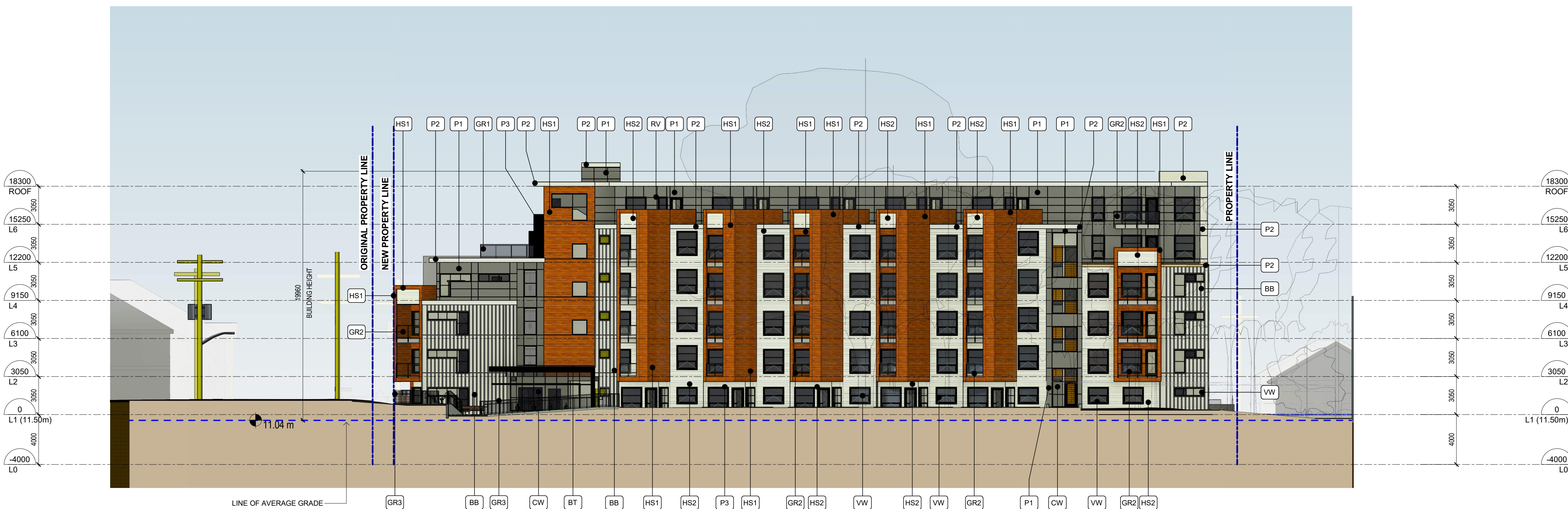




2 | NORTH ELEVATION

1 : 200

0m 4m 8m 12m 16m 20m  
VISUAL SCALE 1:200 @ Arch D



1 | EAST ELEVATION

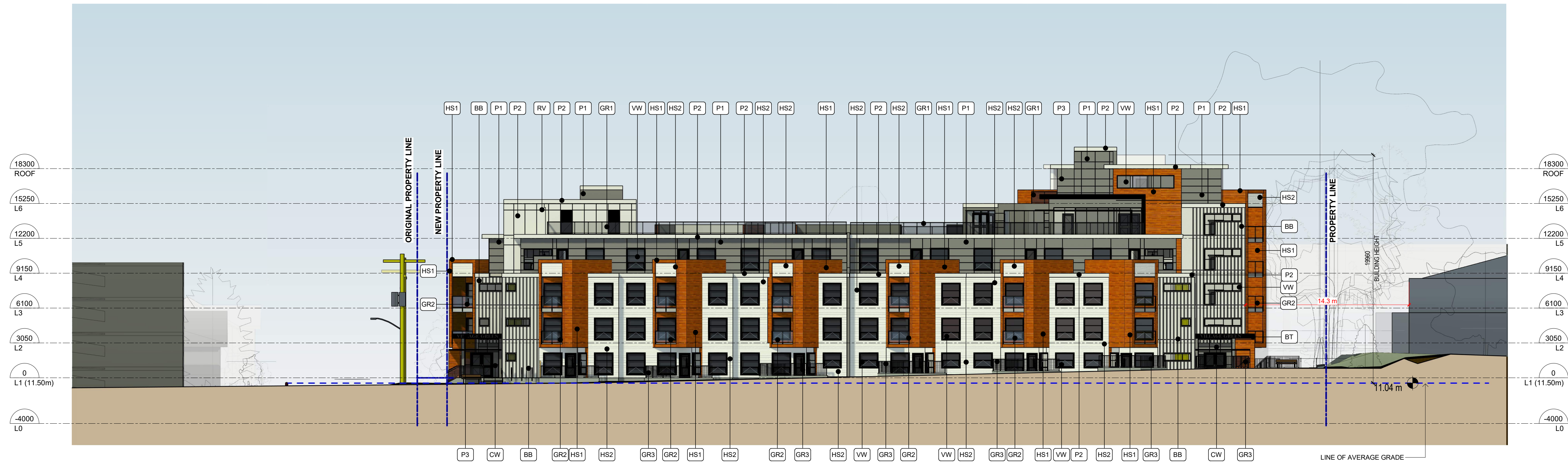
1 : 200

0m 4m 8m 12m 16m 20m  
VISUAL SCALE 1:200 @ Arch D

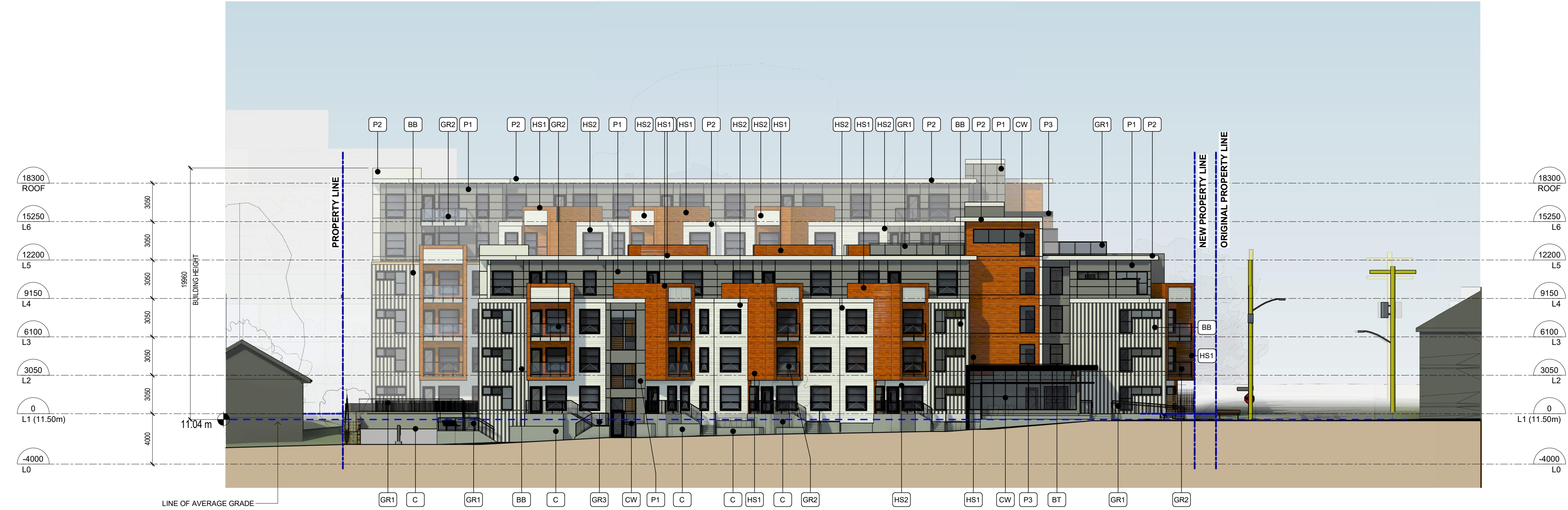
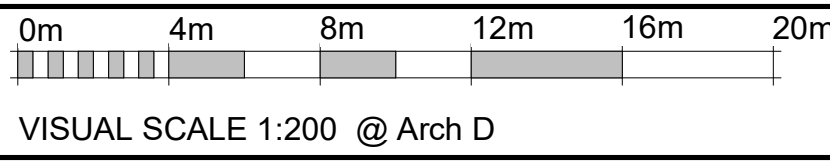
### ELEVATION KEY NOTES

KEY NOTE	FINISH AND MATERIAL
BB	BOARD & BATTEN PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
BT	FASCIA BOARD - PAINTED BLACK
C	CONCRETE - SANDBLAST FINISH
CW	CURTAINWALL - BLACK ANODIZED
GR1	ALUMINUM GUARDRAIL - CLEAR GLAZING - BLACK ANODIZED
GR2	ALUMINUM GUARDRAIL - FROSTED GLAZING - BLACK ANODIZED
GR3	ALUMINUM GUARDRAIL - PICKET - BLACK ANODIZED
HS1	HORIZONTAL SIDING - HARDIE LONGBOARD - WESTERN CEDAR 4" V-GROOVE
HS2	HORIZONTAL SIDING - HARDIE PLANK - ARCTIC WHITE - SELECT CEDARMILL
P1	PANEL SIDING - HARDIE PANEL - SLATE GREY - SMOOTH
P2	PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
P3	PANEL SIDING - HARDIE PANEL - BLACK - SMOOTH
RV	HARDIE REVEAL - COLOUR MATCH - RECESS
VW	ALUMINUM CLAD VINYL WINDOW - BLACK ANODIZED

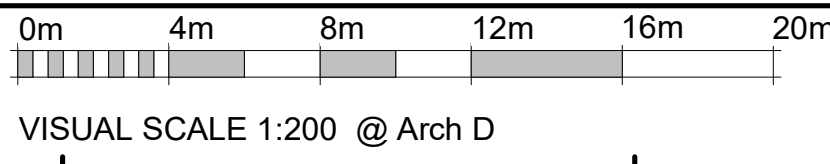




1 | SOUTH ELEVATION  
1 : 200



2 | WEST ELEVATION  
1 : 200



### ELEVATION KEY NOTES

KEY NOTE	FINISH AND MATERIAL
BB	BOARD & BATTEN PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
BT	FASCIA BOARD - PAINTED BLACK
C	CONCRETE - SANDBLAST FINISH
CW	CURTAINWALL - BLACK ANODIZED
GR1	ALUMINUM GUARDRAIL - CLEAR GLAZING - BLACK ANODIZED
GR2	ALUMINUM GUARDRAIL - FROSTED GLAZING - BLACK ANODIZED
GR3	ALUMINUM GUARDRAIL - PICKET - BLACK ANODIZED
HS1	HORIZONTAL SIDING - HARDIE LONGBOARD - WESTERN CEDAR 4" V-GROOVE
HS2	HORIZONTAL SIDING - HARDIE PLANK - ARCTIC WHITE - SELECT CEDARMILL
P1	PANEL SIDING - HARDIE PANEL - SLATE GREY - SMOOTH
P2	PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
P3	PANEL SIDING - HARDIE PANEL - BLACK - SMOOTH
RV	HARDIE REVEAL - COLOUR MATCH - RECESS
VW	ALUMINUM CLAD VINYL WINDOW - BLACK ANODIZED

3	REISSUED FOR DRIPEDZONING 2	2021-04-30
2	REISSUED FOR DRIPEDZONING 2	2020-11-19
1	ISSUED FOR DRIPEDZONING	2020-06-23
No.	Description	Date



ELEVATION KEY NOTES

KEY NOTE	FINISH AND MATERIAL
BB	BOARD & BATTEN PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
BT	FASCIA BOARD - PAINTED BLACK
C	CONCRETE - SANDBLAST FINISH
CW	CURTAINWALL - BLACK ANODIZED
GR1	ALUMINUM GUARDRAIL - CLEAR GLAZING - BLACK ANODIZED
GR2	ALUMINUM GUARDRAIL - FROSTED GLAZING - BLACK ANODIZED
GR3	ALUMINUM GUARDRAIL - PICKET - BLACK ANODIZED
HS1	HORIZONTAL SIDING - HARDIE LONGBOARD - WESTERN CEDAR 4" V-GROOVE
HS2	HORIZONTAL SIDING - HARDIE PLANK - ARCTIC WHITE - SELECT CEDARMILL
P1	PANEL SIDING - HARDIE PANEL - SLATE GREY - SMOOTH
P2	PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
P3	PANEL SIDING - HARDIE PANEL - BLACK - SMOOTH
RV	HARDIE REVEAL - COLOUR MATCH - RECESS
VW	ALUMINUM CLAD VINYL WINDOW - BLACK ANODIZED

1 BUILDING SECTION 1

1 : 200

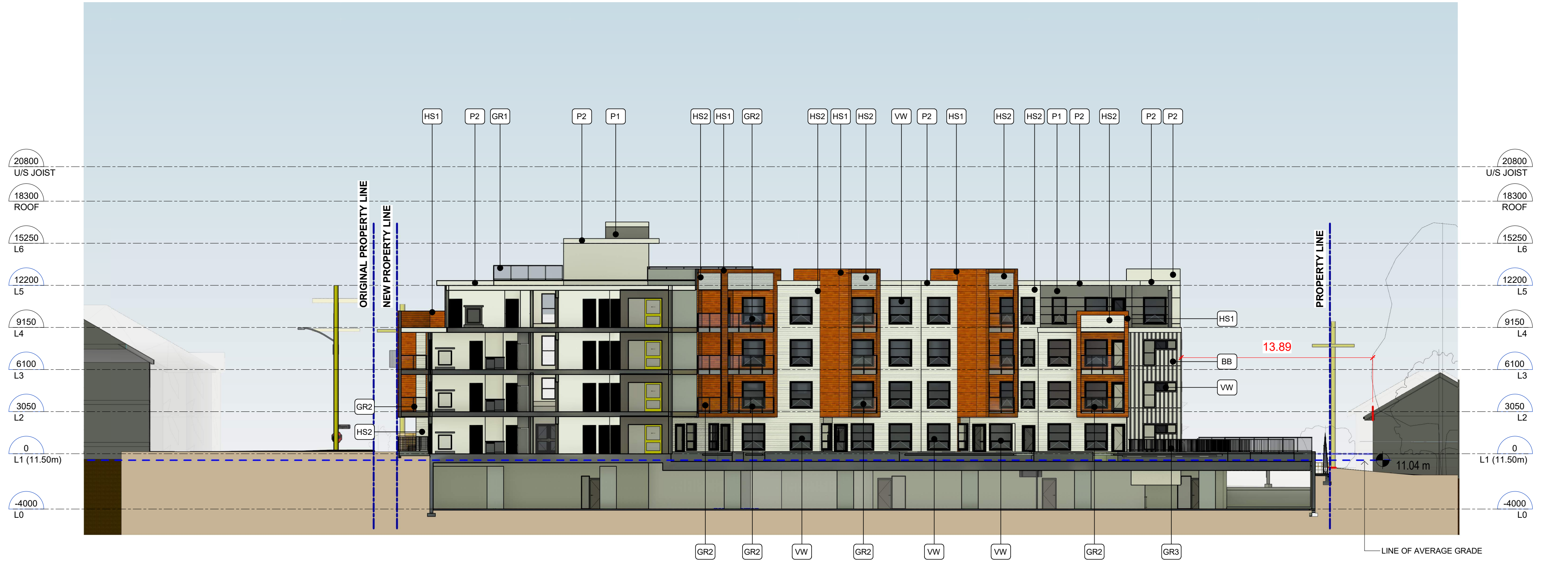
0m 4m 8m 12m 16m 20m  
VISUAL SCALE 1:200 @ Arch D



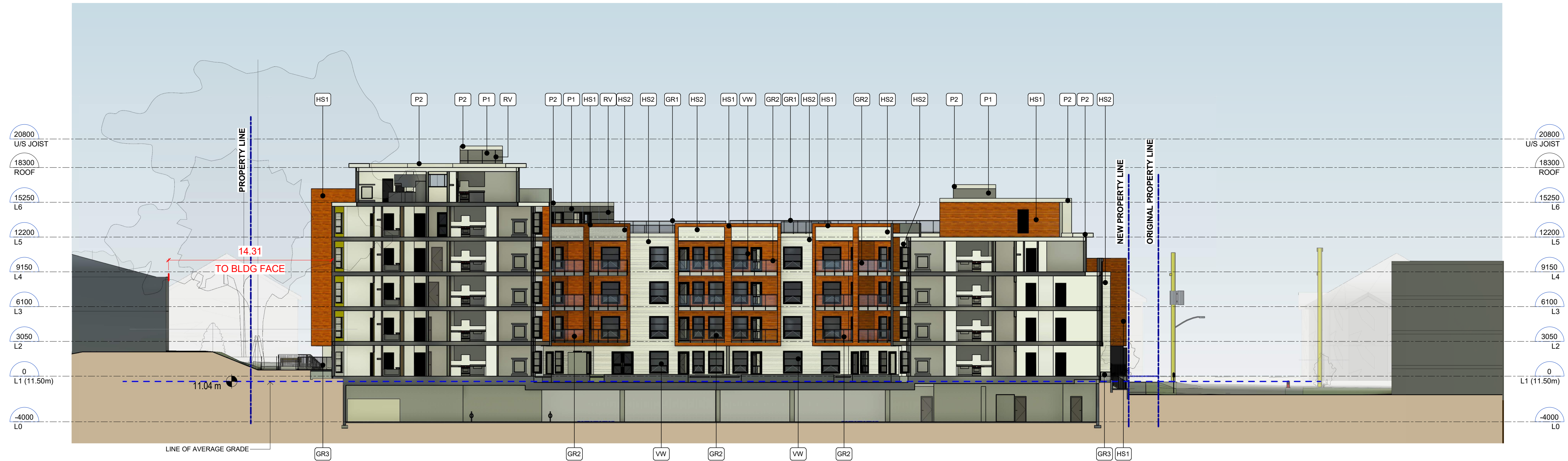
2 BUILDING SECTION 2

1 : 200

0m 4m 8m 12m 16m 20m  
VISUAL SCALE 1:200 @ Arch D







1 BUILDING SECTION 3  
1 : 200

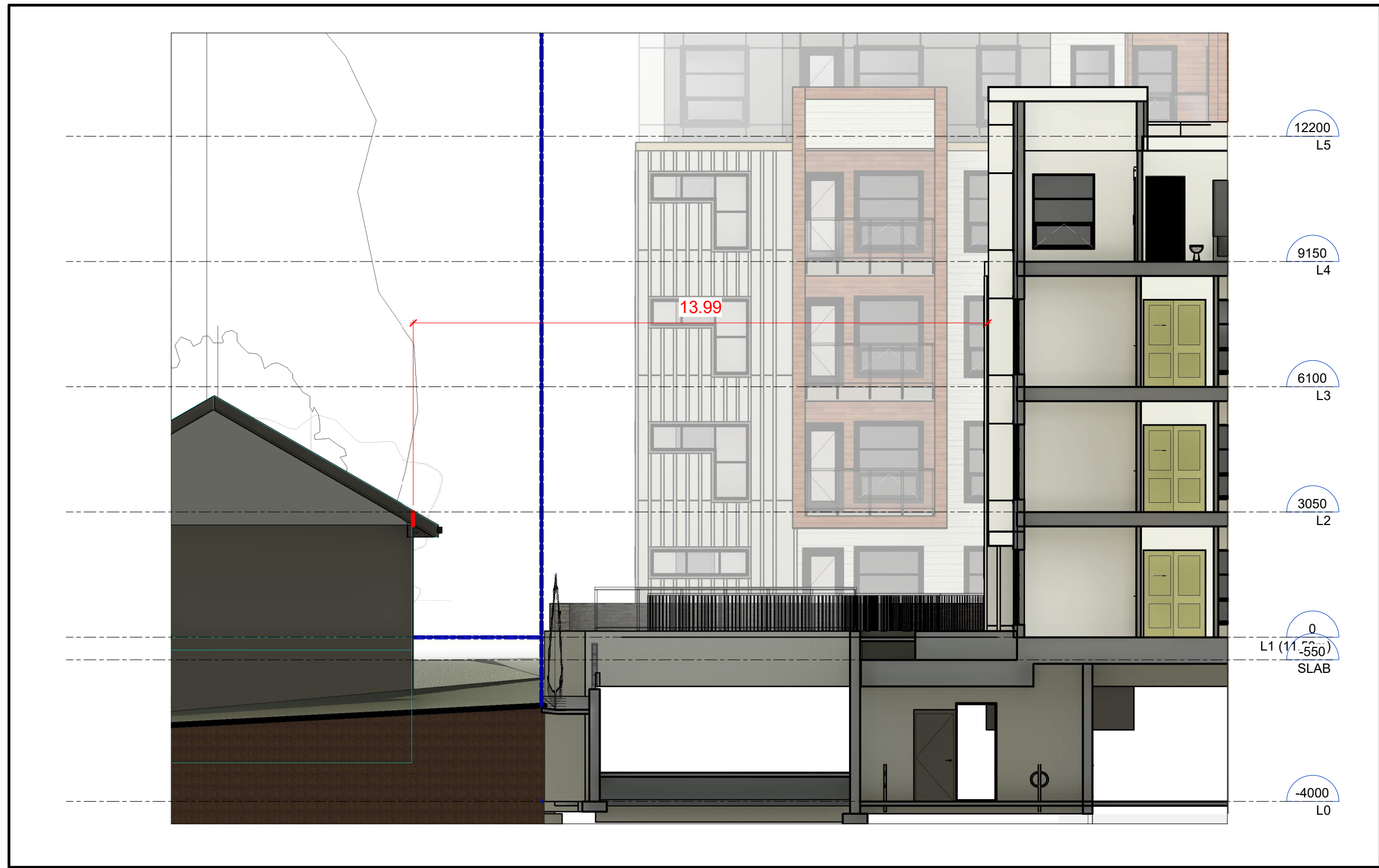


2 BUILDING SECTION 4  
1 : 200

## ELEVATION KEY NOTES

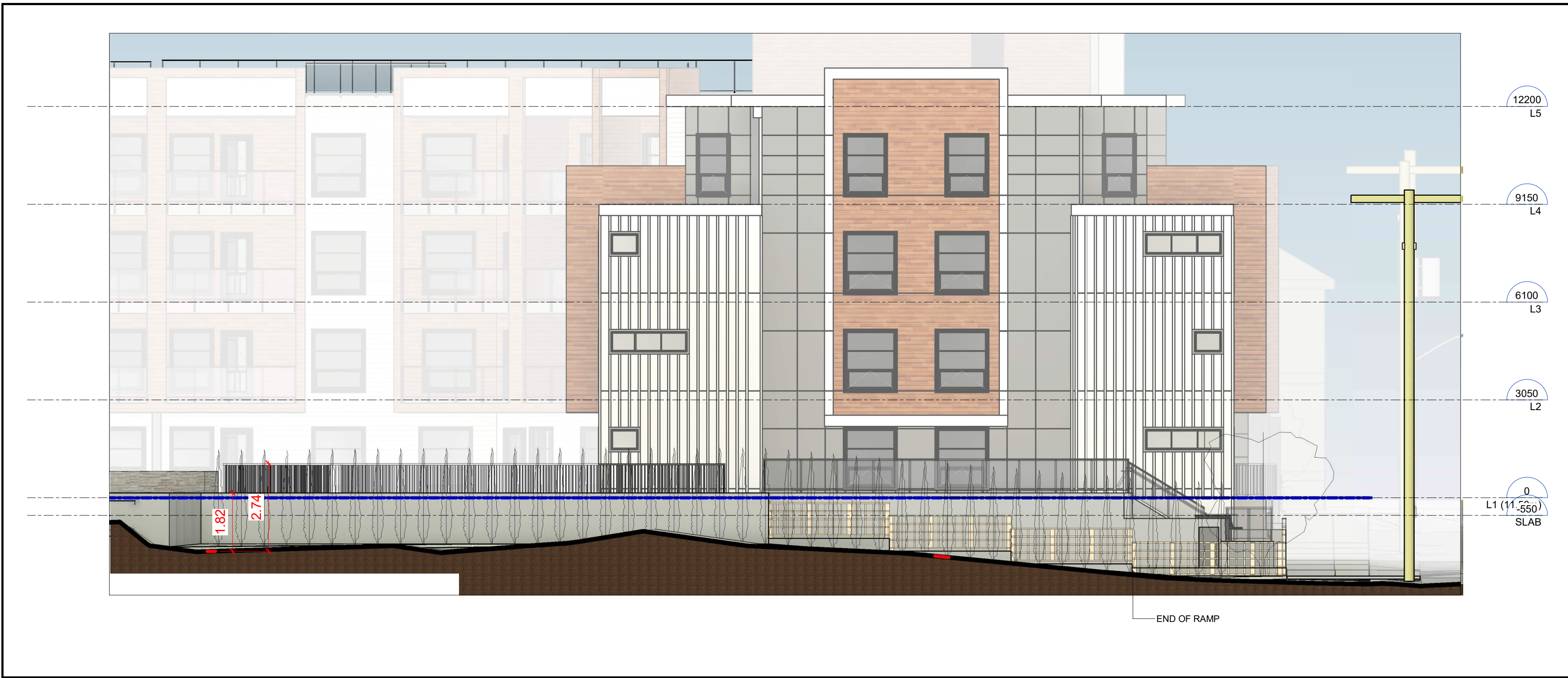
KEY NOTE	FINISH AND MATERIAL
BB	BOARD & BATTEN PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
BT	FASCIA BOARD - PAINTED BLACK
C	CONCRETE - SANDBLAST FINISH
CW	CURTAINWALL - BLACK ANODIZED
GR1	ALUMINUM GUARDRAIL - CLEAR GLAZING - BLACK ANODIZED
GR2	ALUMINUM GUARDRAIL - FROSTED GLAZING - BLACK ANODIZED
GR3	ALUMINUM GUARDRAIL - PICKET - BLACK ANODIZED
HS1	HORIZONTAL SIDING - HARDIE LONGBOARD - WESTERN CEDAR 4" V-GROOVE
HS2	HORIZONTAL SIDING - HARDIE PLANK - ARCTIC WHITE - SELECT CEDARMILL
P1	PANEL SIDING - HARDIE PANEL - SLATE GREY - SMOOTH
P2	PANEL SIDING - HARDIE PANEL - ARCTIC WHITE - SMOOTH
P3	PANEL SIDING - HARDIE PANEL - BLACK - SMOOTH
RV	HARDIE REVEAL - COLOUR MATCH - RECESS
VW	ALUMINUM CLAD VINYL WINDOW - BLACK ANODIZED





1 CROSS SECTION AT 446 NIAGARA  
1:100

0m 2m 4m 6m 8m 10m  
VISUAL SCALE 1:100 @ Arch D



2 SECTION AT 446 NIAGARA  
1:100

0m 2m 4m 6m 8m 10m  
VISUAL SCALE 1:100 @ Arch D



3 3D VIEW FROM 446 NIAGARA 1  
1:1



4 3D VIEW FROM 446 NIAGARA 2  
1:1





1 | 3D BIRD'S EYE - SOUTH  
1:1



2 | 3D BIRD'S EYE - WEST  
1:1



3 | 3D BIRD'S EYE - NORTH  
1:1



4 | 3D BIRD'S EYE - EAST  
1:1

3	REISSUED FOR DPREZONING 2	2021-04-30
2	REISSUED FOR DPREZONING 1	2020-11-19
1	ISSUED FOR DPREZONING	2020-06-23
No.	Description	Date

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1 | 3D STREET - SOUTH  
1:1



2 | 3D STREET - WEST  
1:1



3 | 3D STREET - COURTYARD  
1:1



4 | 3D STREET - EAST  
1:1



STREETSCAPES



1 | MENZIES STREETSCAPE  
1 : 200



2 | NIAGARA STREETSCAPE  
1 : 200

EXTERIOR MATERIALS & COLOURS

HS1 HORIZONTAL SIDING: LONGBOARD "WESTERN CEDAR" - 4" V-GROOVE	HS2 HORIZONTAL SIDING: HARDIE PLANK - ARCTIC WHITE - SELECT CEDARMILL	P1 PANEL SIDING: HARDIE PANEL - SLATE GREY - SMOOTH	P2 PANEL SIDING: HARDIE PANEL - ARCTIC WHITE - SMOOTH	BT PANEL TRIM: HARDIE PANEL - BLACK - SMOOTH	BB BOARD & BATTEN PANEL SIDING: HARDIE PANEL - ARCTIC WHITE - SMOOTH (300mm O.C.)	CW CURTAIN WALL: BLACK MULLIONS	GR1 / GR2 ALUMINUM GUARD RAIL: BLACK - GR1 CLEAR GLAZING - GR2 FROSTED GLAZING	RV REVEAL: HARDIE REVEAL - COLOUR MATCH - RECESS

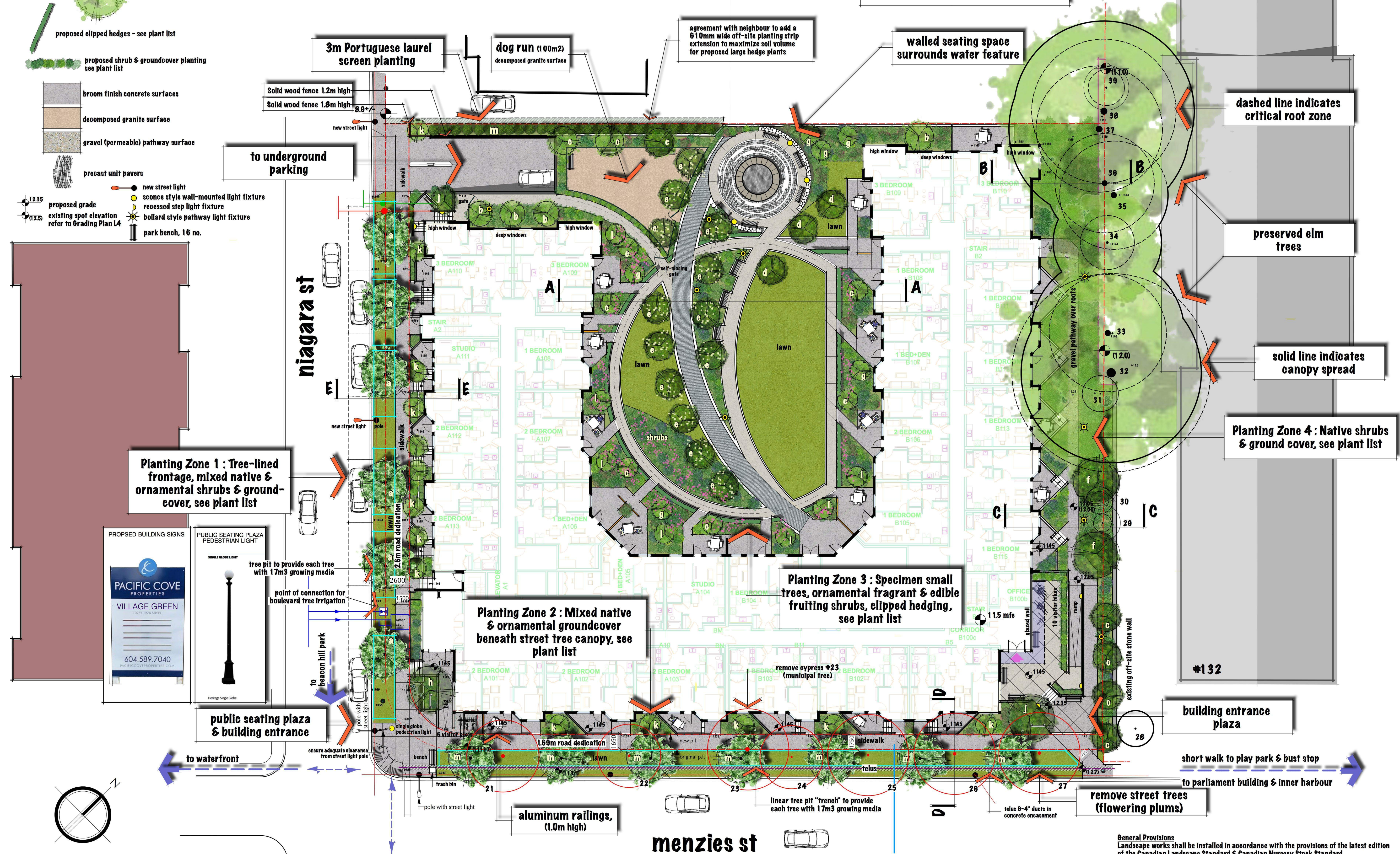


# LANDSCAPE PLAN

- municipal trees to be removed
- proposed new municipal tree planting
- proposed replacement tree planting - see plant list
- proposed tree planting - see plant list
- proposed clipped hedges - see plant list
- proposed shrub & groundcover planting see plant list
- broom finish concrete surfaces
- decomposed granite surface
- gravel (permeable) pathway surface
- precast unit pavers
- new street light
- sconce style wall-mounted light fixture
- recessed step light fixture
- bollard style pathway light fixture
- park bench, 16 no.
- proposed grade
- existing spot elevation refer to Grading Plan L4

**On-site Rainwater Management**  
The central courtyard green space lies above the parkade roof slab and can therefore be classified as an intensive green roof to provide rainwater treatment/detention prior to slow release to the piped system.

Site area: 5,201m<sup>2</sup>  
Permeable areas over structures: 910m<sup>2</sup>  
Permeable areas over subsoil: 455m<sup>2</sup>  
Impervious surfaces: 1,385m<sup>2</sup>  
1,385m<sup>2</sup>  
3,836m<sup>2</sup>



dashed line indicates critical root zone

preserved elm trees

solid line indicates canopy spread

Planting Zone 4: Native shrubs & ground cover, see plant list

Planting Zone 1: Tree-lined frontage, mixed native & ornamental shrubs & ground-cover, see plant list

Planting Zone 2: Mixed native & ornamental groundcover beneath street tree canopy, see plant list

Planting Zone 3: Specimen small trees, ornamental fragrant & edible fruiting shrubs, clipped hedging, see plant list

**General Provisions**  
Landscape works shall be installed in accordance with the provisions of the latest edition of the Canadian Landscape Standard & Canadian Nursery Stock Standard

Boulevard trees shall be irrigated with a dedicated water service with meter.  
All on site planted and grass areas shall be provided with fully automated underground irrigation and suitable for tree watering, in accordance with the provisions of the Irrigation Industry Association of BC (IIA8C)

SMALL & ROSSELL  
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www.smallandrossell.com

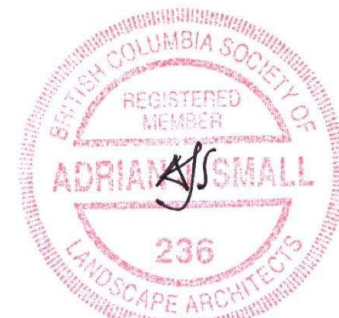
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Revision No.	Description	Date
1	CoV Application Review- Building footprint revisions Central courtyard area reduced RoW/sidewalk revisions Removal of existing street trees New street trees & tree soil volumes U/g Telus identified accurately Public seating plaza redesigned with pedestrian light Building Entrance Plaza redesigned Garage entry ramp repositioned On-site Menzies landscape revised On-site Niagara landscape revised Street lights added on Niagara St. On-site rainwater management statement added Refer to itemized list on covering letter.	18 Nov 2020
2	Refer to itemized list on covering letter.	30 Apr 2021
3	Refer to itemized list on covering letter.	07 July 2021

Issue	Issue Date
Development Permit	22 June 2020
Development Permit R1	1 Dec 2020
Development Permit R2	30 Apr 2021
Development Permit R3	07 July 2021



Project PRIMEX INVESTMENTS

VILLAGE GREEN  
RESIDENTIAL COMPLEX

Sheet Title  
LANDSCAPE PLAN

Drawn By	Checked
AJS	CAR
Project Number	Scale
	1:200
Revision	Sheet Number

3

L1



# ROOF GARDEN CONCEPT

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Revision		
No.	Description	Date
1	Roof garden plan adjusted following building footprint revisions	18 Nov 2020
2	Roof garden plan revised to accommodate architectural changes to the lobby access, & garden storage room, greenhouse deleted and amenity spaces reorganised	30 Apr 2021

Issue		Issue Date
Development Permit		22 June 2020
Development Permit R1		18 Nov 2020
Development Permit R2		30 Apr 2021
Development Permit R3		07 July 2021



Project

PRIMEX INVESTMENTS

VILLAGE GREEN  
RESIDENTIAL COMPLEX

Sheet Title	
ROOF GARDEN CONCEPT	
Drawn By	Checked
AJS	CAR
Project Number	Scale
	1:200
Revision	Sheet Number

Legend

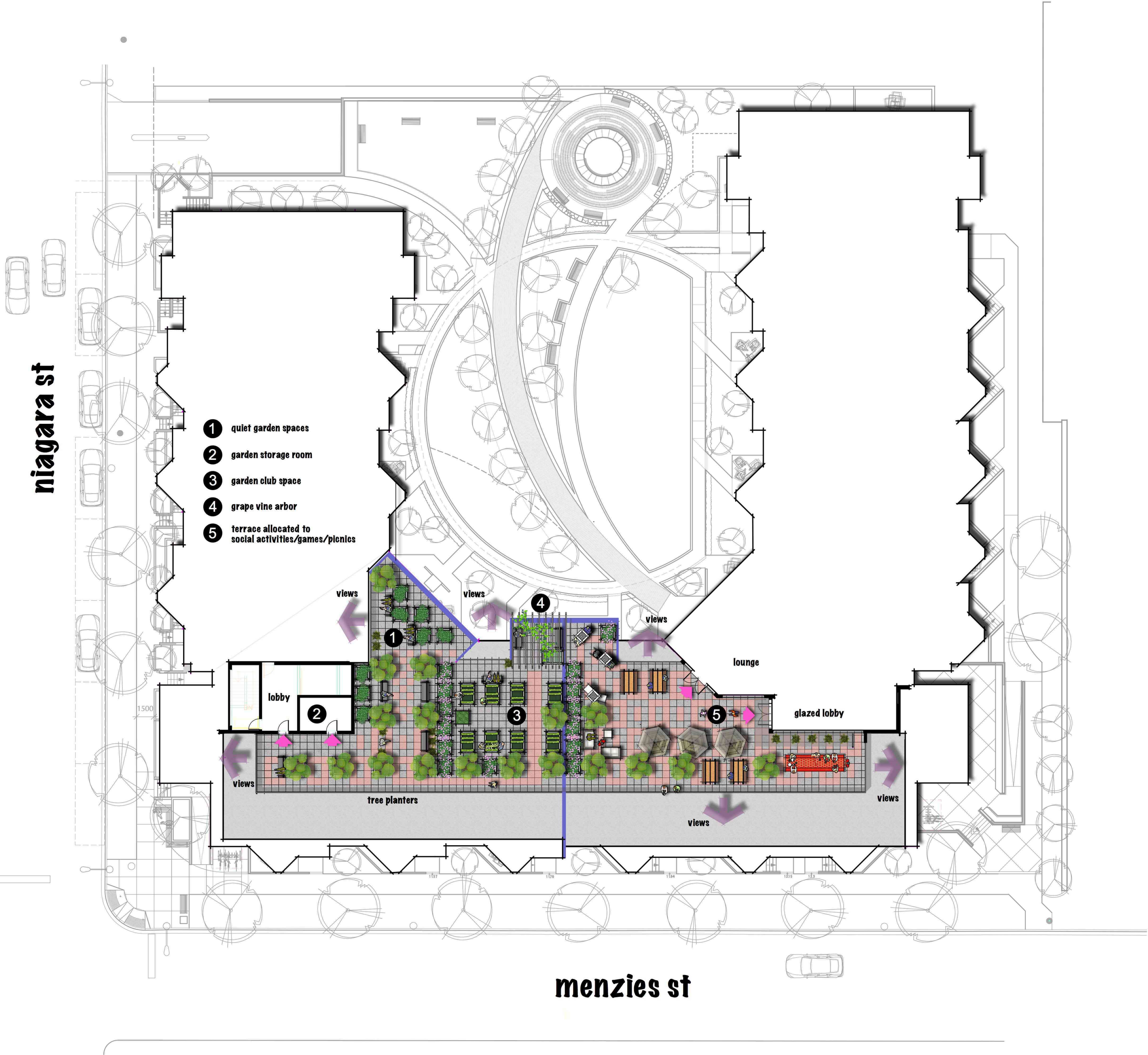
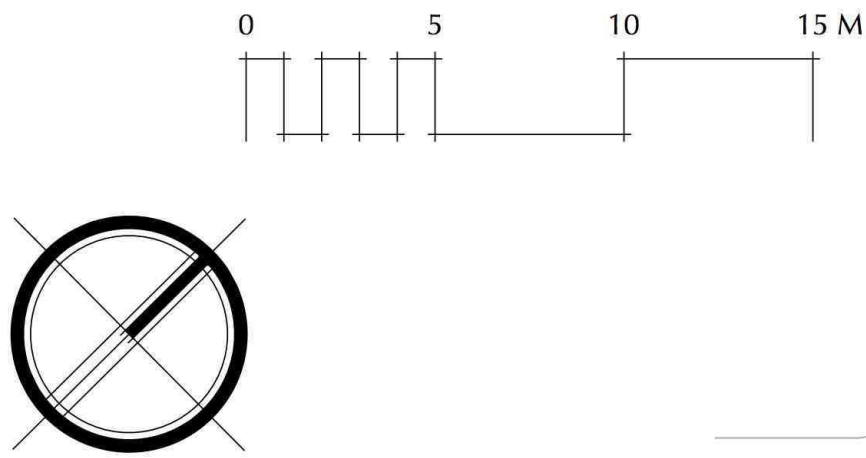
1.2x1.2m recycled plastic wood & aluminum planters

1.2x1.8m & 1.0x1.0m raised recycled plastic wood & aluminum planters by wishbone site furnishings

bench

games table

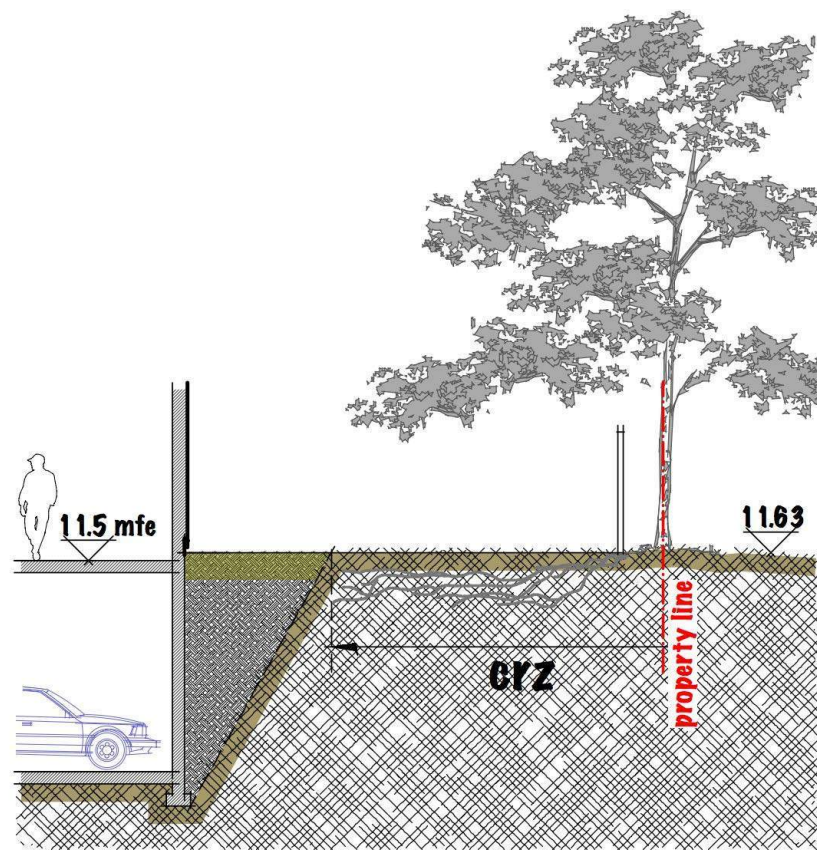
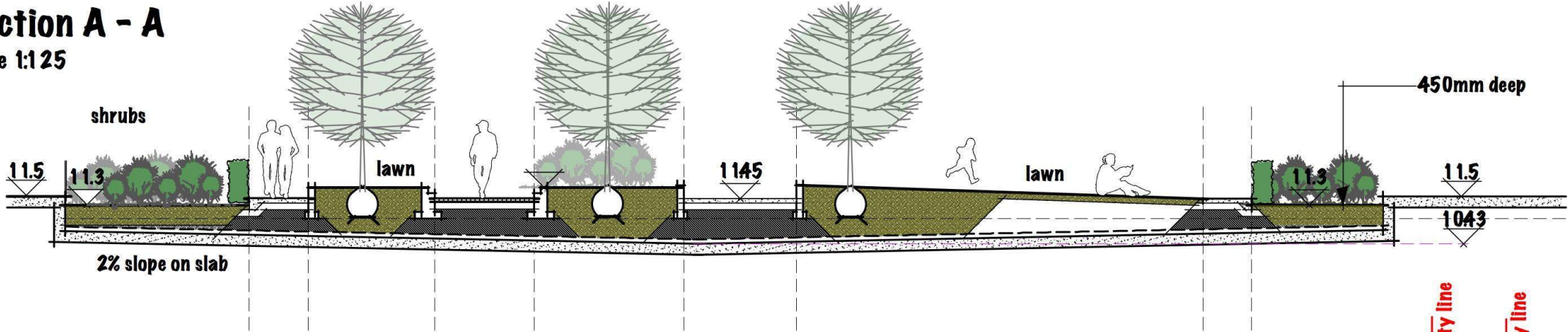
picnic table



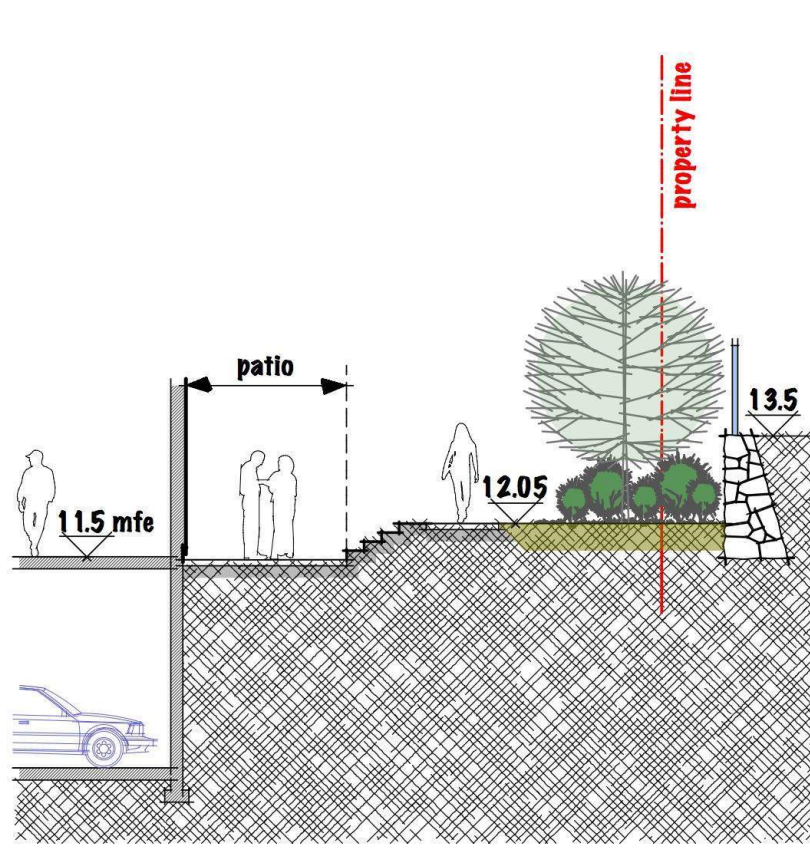


# DETAILS & RENDERINGS

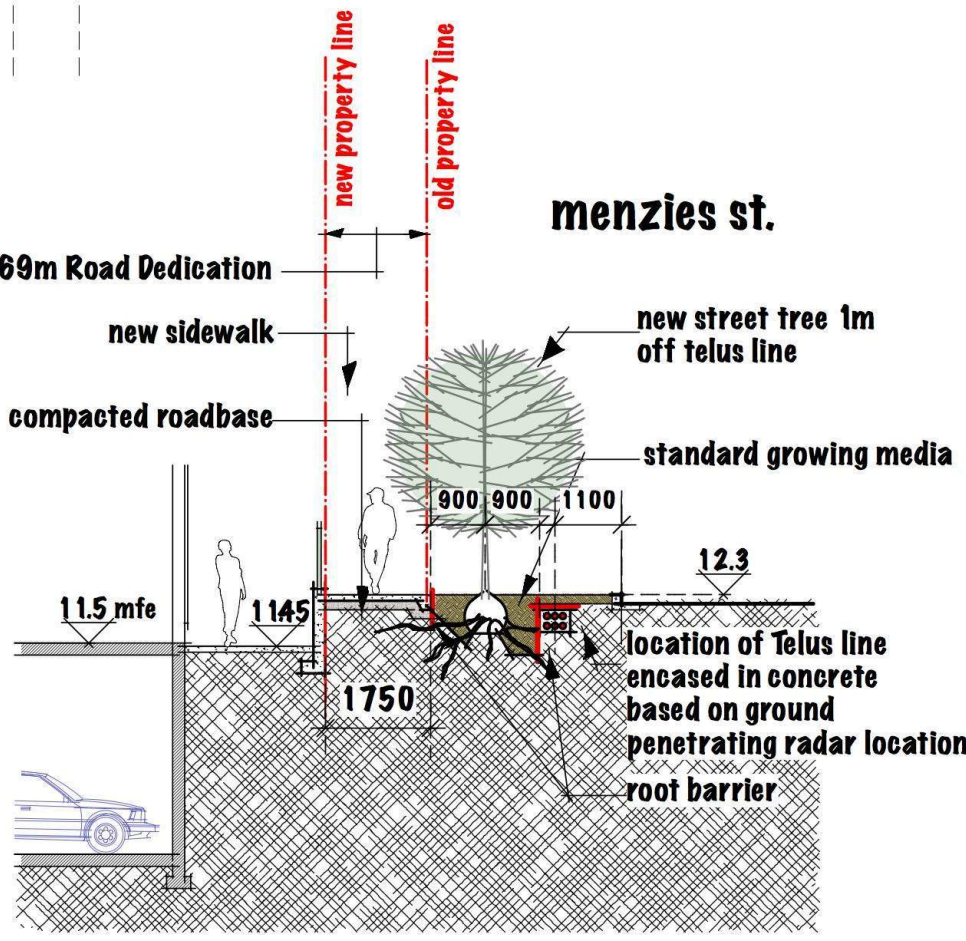
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Section B - B

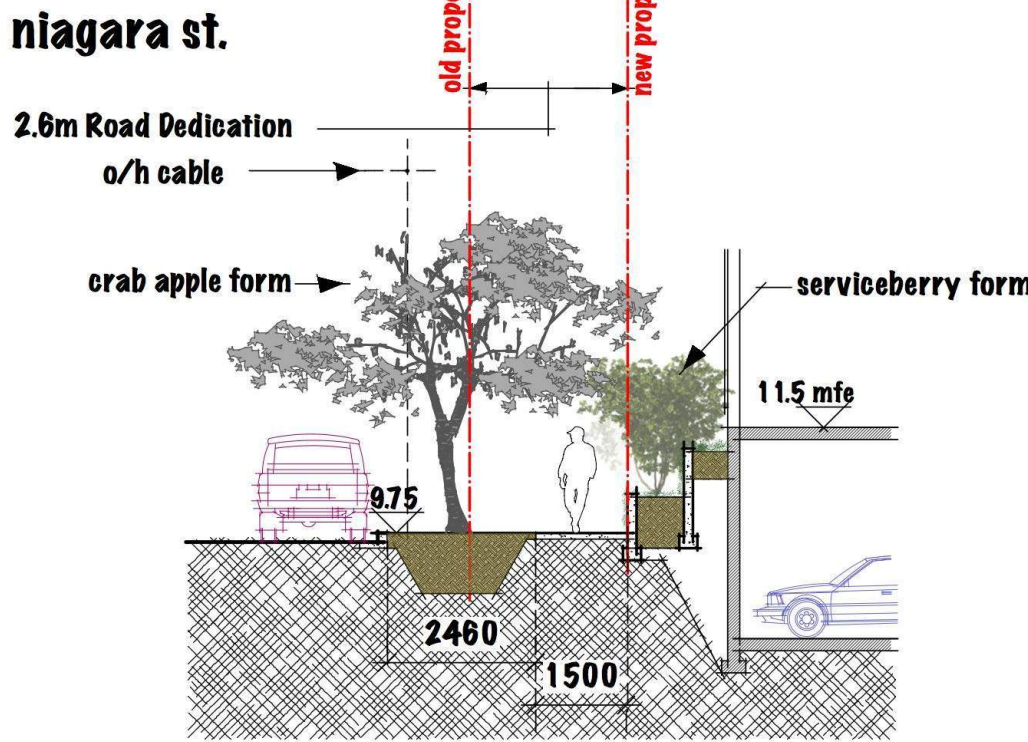


Section C - C

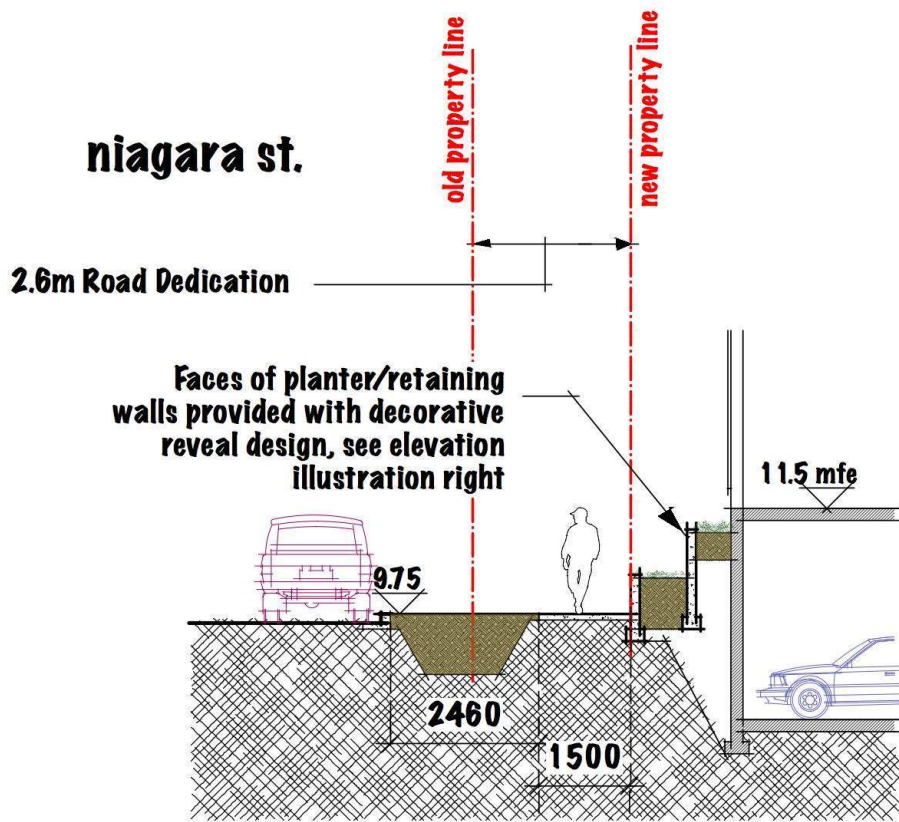


Section D - D

Menzies frontage



Section E - E  
Niagara frontage



Section E - E (2)  
Niagara frontage stepped planter  
patterned facade treatment

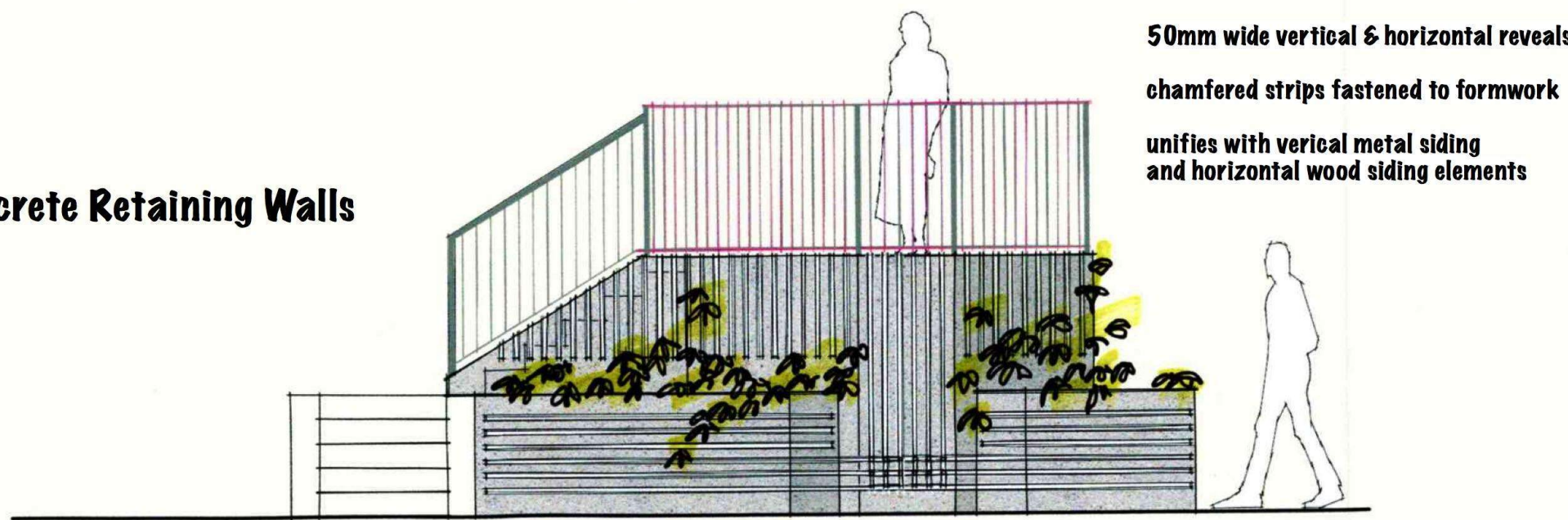
## Plant list

BOTANICAL NAME	COMMON NAME	CALIPER/HT / POT SIZE	QUANTITY	NATIVE/FOOD BEARING POLLINATOR HABITAT	LOCATION
NEW BOULEVARD TREES:					
m	SPECIES TO BE DETERMINED BY PARKS	5 CM	7		MENZIES FRONTAGE
a	SPECIES TO BE DETERMINED BY PARKS	5 CM	8		NIAGARA FRONTAGE
REPLACEMENT TREES 2 FOR 1 = 25 REQUIRED OFF SLAB UNLESS OTHERWISE DESCRIBED:					
d	GERARDIA CANADENSIS HEARTS OF GOLD	4 CM	3	NATIVE	ABOVE SLAB COURTYARD / PLANTING ZONE 3
h	QUERCUS GARRYANA	3 CM	1	NATIVE	PLANTING ZONE 4
e	CORNUS KUSAKI FLOREDA TIGRIS	4 CM	13		ABOVE SLAB COURTYARD
c	ACER PALMATUM 'OSAKAZUKI'	8-10 CM, 4 CM CAL	5		PLANTING ZONES 1 & 2
f	GERODIOPHYLLUM JAPONICUM	5 CM	2		
i	PANICOTIA PERSEA	5 CM	2		
	TOTAL		26		
CENTRAL COURTYARD (SMALL) TREES:					
b	ACER CIRCINATUM	8-10 CM, 4 CM CAL	4	NATIVE	SOUTH WEST BUILDING ENTRY COURT
a	ACER PALMATUM 'OSAKAZUKI'	8-10 CM, 4 CM CAL	8		ABOVE SLAB COURTYARD
q	HAMAMETUS MOLIS 'PALLIDUS'	8-10 CM, 4 CM CAL	8		ABOVE SLAB COURTYARD / PLANTING ZONE 3
	TOTAL		16		
ON SITE FRONTAGE SPECIMEN LARGE SHRUBS:					
k	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	45 POT	14		
l	VIBURNUM PLICATUM 'MANSIE'	45 POT	7		
ROOF GARDEN TREES:					
	PRUNUS DENSIFLORA	8-10 CM, 4 CM CAL	18		ROOF GARDEN PLANTERS
ROOF GARDEN PLANTS:					
	PENNISETUM ALOPECUROIDES 'CAUDATUM'	#1 POT	40		ROOF GARDEN PLANTERS
	GIBBERUS GRAYWOOD 'PINK'	#2 POT	40		
	ARISTIDA UNDOLO 'COMPACTA'	#2 POT	30		
ROOF GARDEN VINE:					
	WISTERIA SINENSIS	#5 POT	2		ROOF GARDEN PLANTERS
HEDGES:					
	BUXUS SEMPERVERENS	#1 POT	170		PLANTING ZONE 3, GARDEN DEMARCATION
m	PRUNUS LUSITANICA	8-10 CM	25		NEIGHBOUR INTERPACE
NATIVE SHRUBS - TYPE:					
	SALAL	#2 POT	10	NATIVE	PLANTING ZONE 4
	MAHONIA AQUIFOLIUM	#2 POT	10	NATIVE	PLANTING ZONE 4
	PHILADELPHUS LEWISII	#2 POT	5	NATIVE	PLANTING ZONE 4
	RIBES SANDWICHENSE	#1 POT	5	NATIVE/POLLINATOR	PLANTING ZONE 4
	VACUINIUM OVALIFOLIUM	#2 POT	10	NATIVE	PLANTING ZONES 3 & 4
	VACUINIUM PARVIFOLIUM	#2 POT	10	NATIVE/POLLINATOR	PLANTING ZONE 4
	TOTAL		60		
NON-NATIVE SHRUBS - TYPE:					
	CORNUS STOLONIFERA 'VELUTINA'	#1 POT	15		PLANTING ZONE 4
	COTONEASTER DAMMER 'STREIBER'S FINDLING'	#1 POT	70		PLANTING ZONE 1 PLANTER 'GREEN FACADE'
	FLORIDA PIGEONIA	#2 POT	15		PLANTING ZONES 1, 2 & 3
	HYDRANGEA BULGERI	#2 POT	5		PLANTING ZONE 3
	VACUINIUM CORYMBOSUM 'DUKE'	#2 POT	20	FOOD BEARING	PLANTING ZONES 2 & 3
	VACUINIUM PINK LINDENHAGE	#2 POT	20	FOOD BEARING	PLANTING ZONES 2 & 3
	HYDRANGEA QUERCIFOLIA	#2 POT	5		PLANTING ZONE 3
	VIBURNUM BODINATENSE 'DAWY'	#2 POT	10		PLANTING ZONE 3
	VIBURNUM CARLESI	#2 POT	10		PLANTING ZONES 1 & 3
	TOTAL		170		
NATIVE GROUNDCOVER PLANTS & FERNS:					
	HEMIOXYLIS 'LUNA JORD'	#1 POT	100	NATIVE	PLANTING ZONES 1 & 2
	DIANTHA FORMOSA	#1 POT	100	NATIVE	PLANTING ZONES 2 & 4
	MAHONIA NERVOIDA	#1 POT	200	NATIVE	PLANTING ZONES 2 & 4
	POLYSTICHUM MINUTUM	#1 POT	100	NATIVE	PLANTING ZONE 4
	TOTAL		500		
NON-NATIVE GROUNDCOVER PLANTS:					
	GERANIUM MACROPHYLLUM	#1 POT	100	POLLINATOR	PLANTING ZONES 1 & 2
	HEMIOXYLIS STELLA DORO	#1 POT	100		PLANTING ZONES 1 & 2
	TOTAL		200		
SUMMARY					
PLANTING ZONE 1:					
	TREES	7	100% POLLINATOR		
	SPECIMEN SHRUBS	9	100% POLLINATOR		
	GROUNDCOVER @ 0.6 m o.c. over 38.8m <sup>2</sup>	108	50% NATIVE/POLLINATOR		
PLANTING ZONE 2:					
	TREES	1	100% POLLINATOR		
	SPECIMEN SHRUBS	5	100% POLLINATOR		
	GROUNDCOVER @ 0.6 m o.c. over 48m <sup>2</sup>	109	50% NATIVE/POLLINATOR		
PLANTING ZONE 3:					
	TREES	41	0% POLLINATOR/FOODNATIVE		
	SPECIMEN SHRUBS	7	0% POLLINATOR/FOODNATIVE		
	SHRUBS @ 1.5m o.c. over 80m <sup>2</sup>	100	30% FOOD BEARING		
	HEDGES	138	0% POLLINATOR/FOODNATIVE		
	GROUNDCOVER @ 0.6m o.c. over 40m <sup>2</sup>	400	50% NATIVE/POLLINATOR		
	± LAWN	308m <sup>2</sup>			
PLANTING ZONE 4:					
	TREES	6	0% POLLINATOR/FOODNATIVE		
	SHRUBS @ 1.5m o.c. over 111m <sup>2</sup>	80	100% NATIVE/POLLINATOR		
	GROUNDCOVER @ 0.6 m o.c. over 128m <sup>2</sup>	361	100% NATIVE/POLLINATOR		

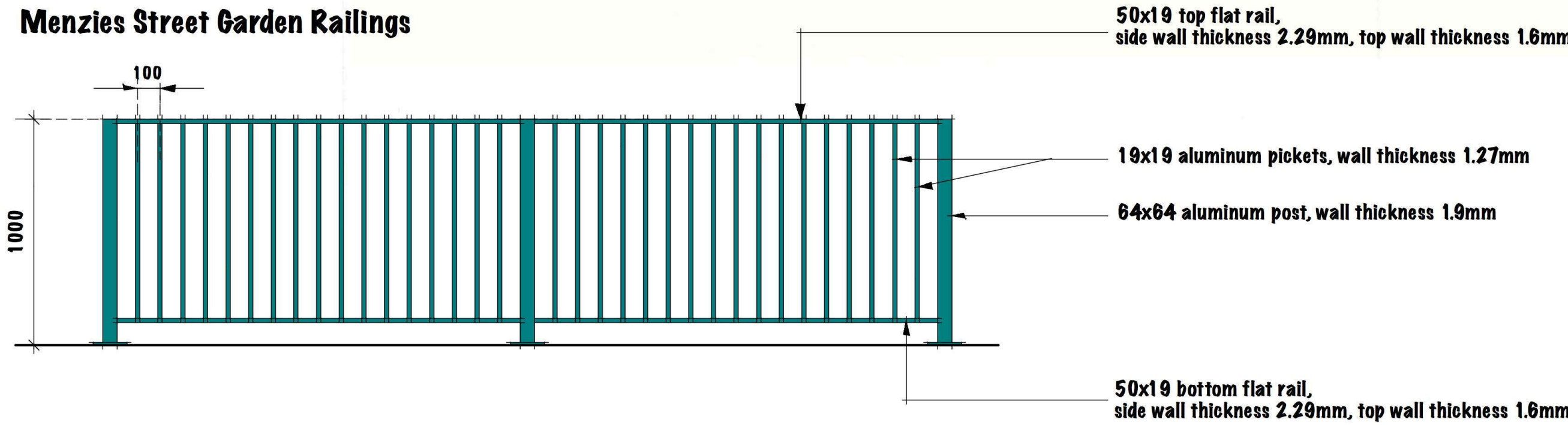


Aerial View of Courtyard looking north

## Proposed Treatment of Concrete Retaining Walls on Niagara St.



## Menzies Street Garden Railings



## SMALL & ROSSELL LANDSCAPE ARCHITECTS

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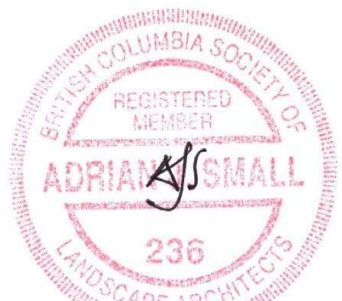
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Revision No.	Description	Date
1	CoV Application Review:- Building footprint revisions Central courtyard area reduced RoW/sidewalk revisions Removal of existing street trees New street trees & tree soil volumes U/g Telus identified accurately Public seating plaza redesigned Building Entrance Plaza redesigned Garage entry ramp repositioned On-site Menzies landscape revised On-site Niagara landscape revised Street lights added on Niagara St.	18 Nov 2020
2.	Tree Planting list/quantities revised Cross section E-E2 added to illustrate green wall treatment	30 Apr 2021
3.	(a) Cross sections revised to read "Road Dedication" (b) Plant List revised (c) Plant list revised (g) Illustration added	07 July 2021

Issue	Issue Date
Development Permit	22 June 2020
Development Permit R1	18 Nov 2020
Development Permit R2	30 Apr 2021
Development Permit R3	07 July 2021



Project

PRIMEX INVESTMENTS

## VILLAGE GREEN RESIDENTIAL COMPLEX

Sheet Title

## LANDSCAPE DETAILS & RENDERINGS

Drawn By: AJS  
Checked: CAR  
Project Number: Scale

Revision: Sheet Number

3

L3







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Revision No.	Description	Date
1	Tree Retention Plan added to Landscape Plan submission	30 Apr 2021

Issue	Issue Date
Development Permit R2	30 Apr 2021
Development Permit R3	07 July 2021



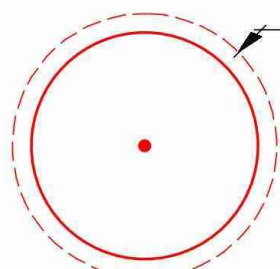
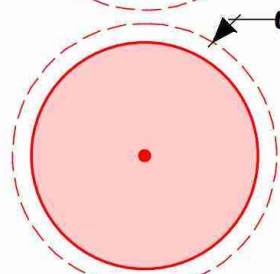
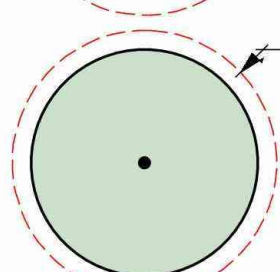
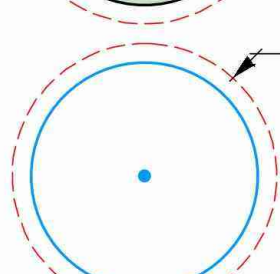


Project  
**PRIMEX INVESTMENTS**  
**VILLAGE GREEN**  
**RESIDENTIAL COMPLEX**

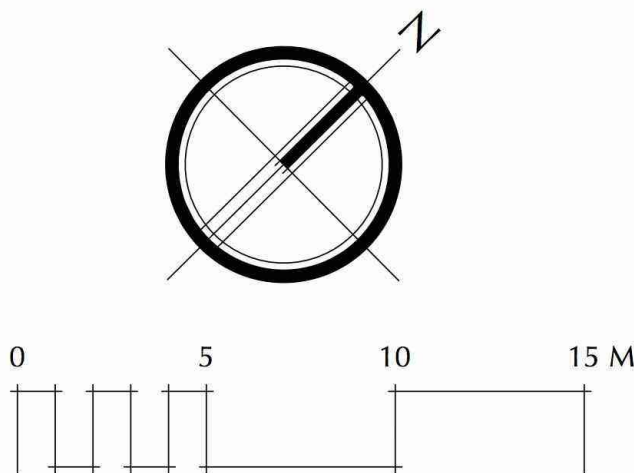
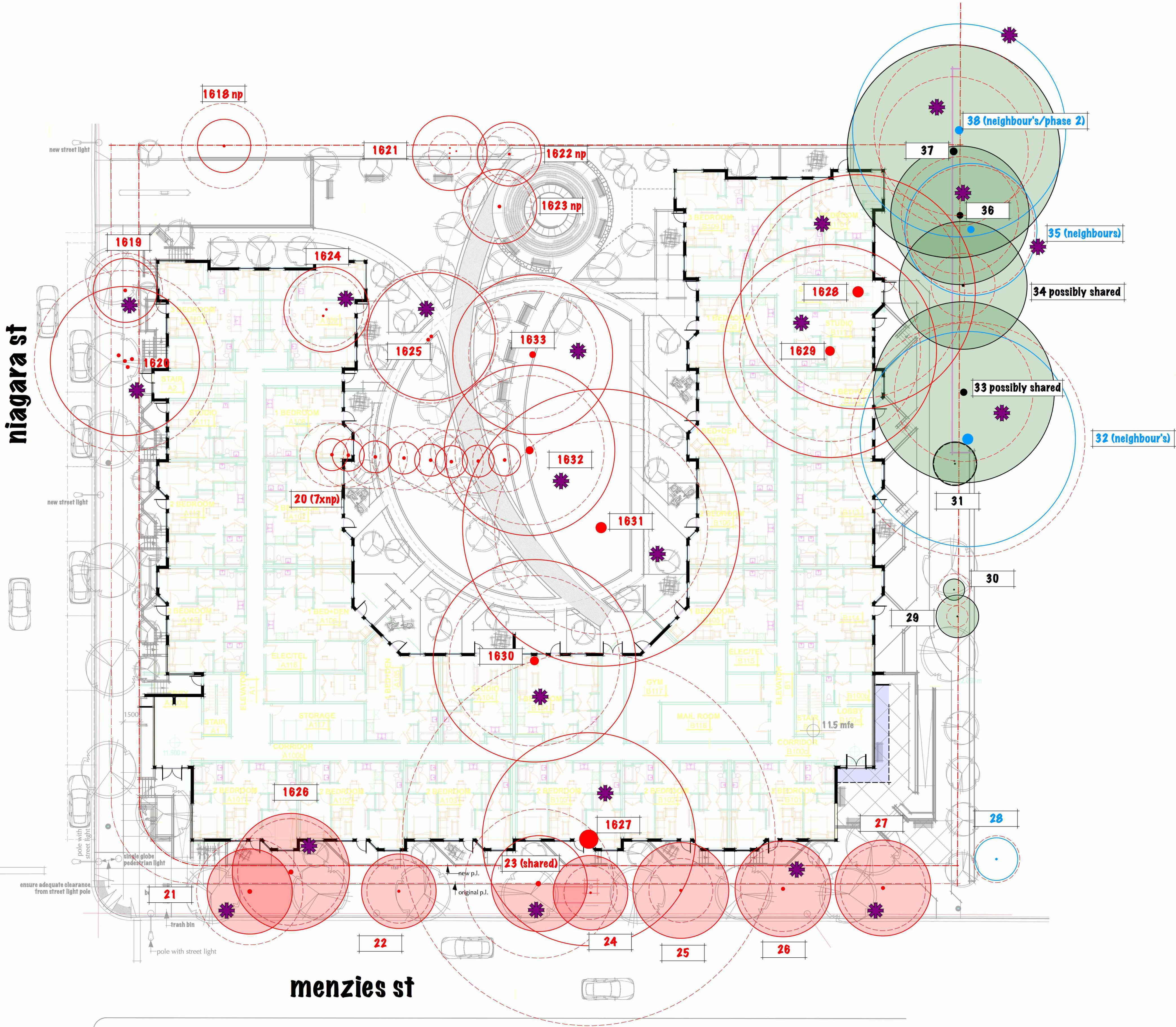
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<b>TREE RETENTION PLAN</b>	
Drawn By AJS	Checked CAR
Project Number	Scale 1:200
Revision	Sheet Number

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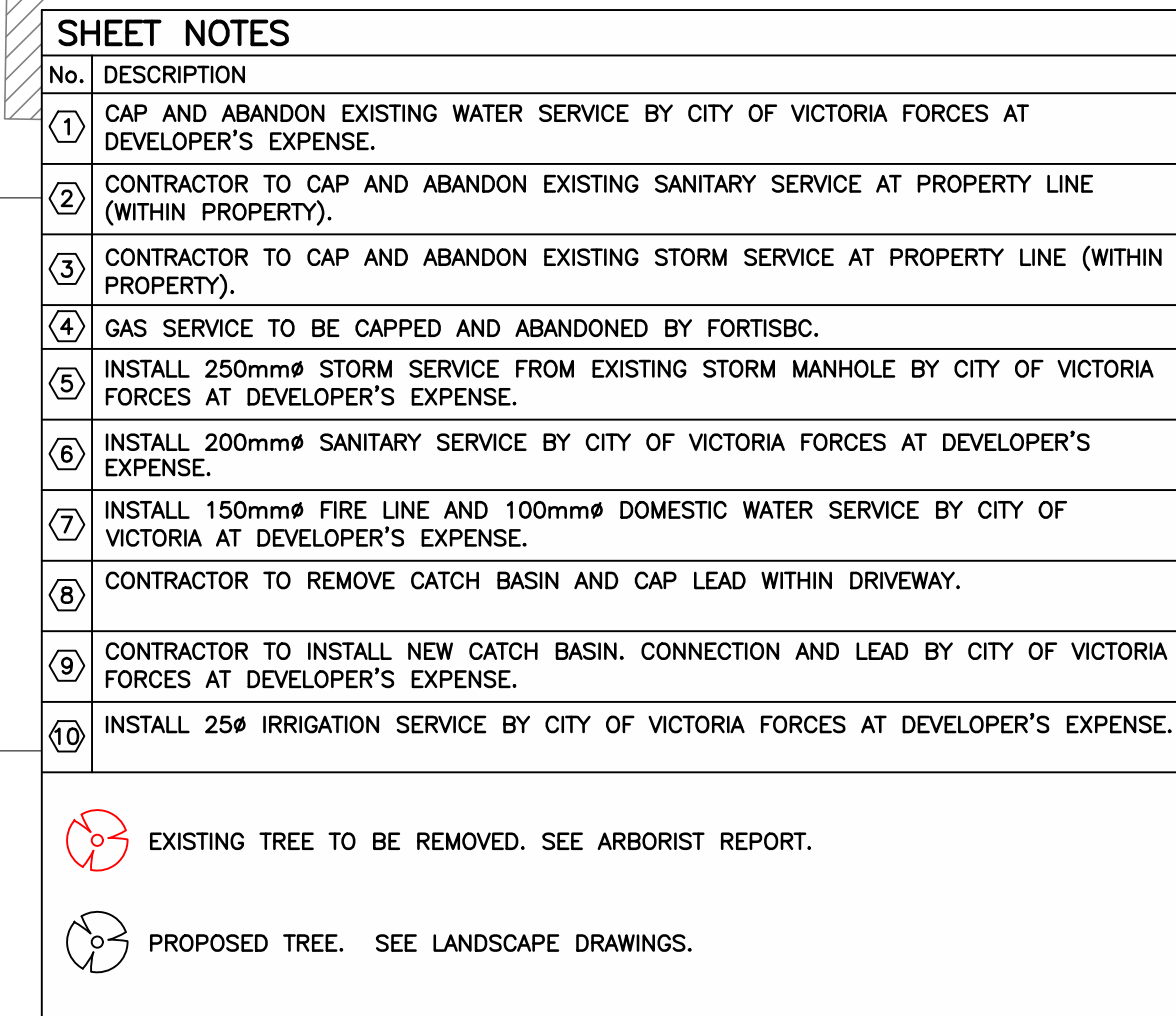
L5

# TREE RETENTION PLAN

-  On site trees to be removed
-  Boulevard trees to be removed
-  On site trees to be preserved
-  Neighbour's trees with on-site crz
-  Bylaw protected - indicated by symbol
-  Tree Tag number - refer to Arborist Report





[illegible]

**McElhanney**

500 - 3960 QUADRA STREET  
VICTORIA, BC V8X 4A3

PH (250) 370-9221

PROJECT: VILLAGE GREEN 111 CROFT STREET, 450 NIAGARA STREET AND 456 NIAGARA STREET, VICTORIA, BC
TITLE: CONCEPTUAL SERVICING

SCALE	
HORIZ: 1:250	VERT:
PROJECT NO. 19-076	ISSUED /REVISION
APPROVING AUTHORITY FILE NO.	
DRAWING NO. 19-076-REZONING	





PRIMEX INVESTMENTS LTD.  
 #200 – 1785 West 4<sup>th</sup> Avenue  
 Vancouver BC, Canada  
 V6J 1M2

---

Mayor Helps and City of Victoria Council  
 1 Centennial Square  
 Victoria BC  
 V8W 1P6

Dear Mayor Helps & Members of Council:

Re: Rezoning/Development Permit Application for 110 Menzies Street (Village Green)

On behalf of Village Green Apartments Limited Partnership, Primex Investments Ltd. is pleased to submit this application for a proposed 137-unit residential rental development at 110 Menzies (at the corner of Menzies and Niagara Streets) in the heart of James Bay. The area of application represents a 60,000 sq.ft. portion of the site.

### [About Primex Investments Ltd.](#)

Primex Investments Ltd. (Primex) is a family and employee-owned company that has, over the last 40 years, built a province-wide rental portfolio of more than 2,300 units focused in the Lower Mainland, the Okanagan, and Vancouver Island. We have a company goal to double our rental inventory by 2025.

Presently, we have a large rental presence in the City of Victoria with 5 properties totaling over 300 units. Additionally, we have 4 ongoing projects with more than 400 units including Village Green, in the development pipeline.

### [Victoria Rental Portfolio \(316 Units\)](#)

- The Churchill Apartments – 725 Yates Street (40 Units)
- Royal Arms – 1300 Yates Street (77 Units)
- Quadra Village Apartments and Trio at Quadra Village – 2780 Quadra Street (98 Units)
- Viscount Manor – 950 Rockland Ave. (41 Units)
- Wedgewood Terrace – 1655 Chambers Street (60 Units)

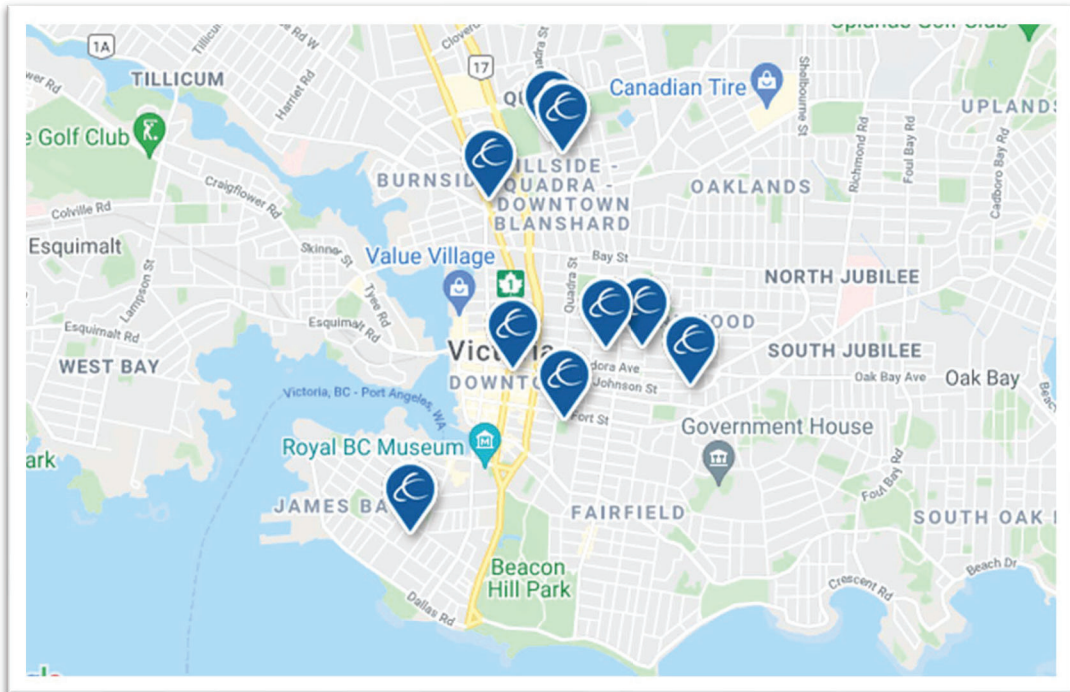




### Pending Development Projects (404 Future Units)

- 727 Yates (11 Units - 2022)
- Scott Building – 2659 Douglas Street (151 Units - 2025)
- Parkway – 1050 Pandora Ave. (105 Units - 2024)
- Village Green – 118 Menzies Street (137 Units - 2024)

Figure 1: Current and Pending Development Project Map



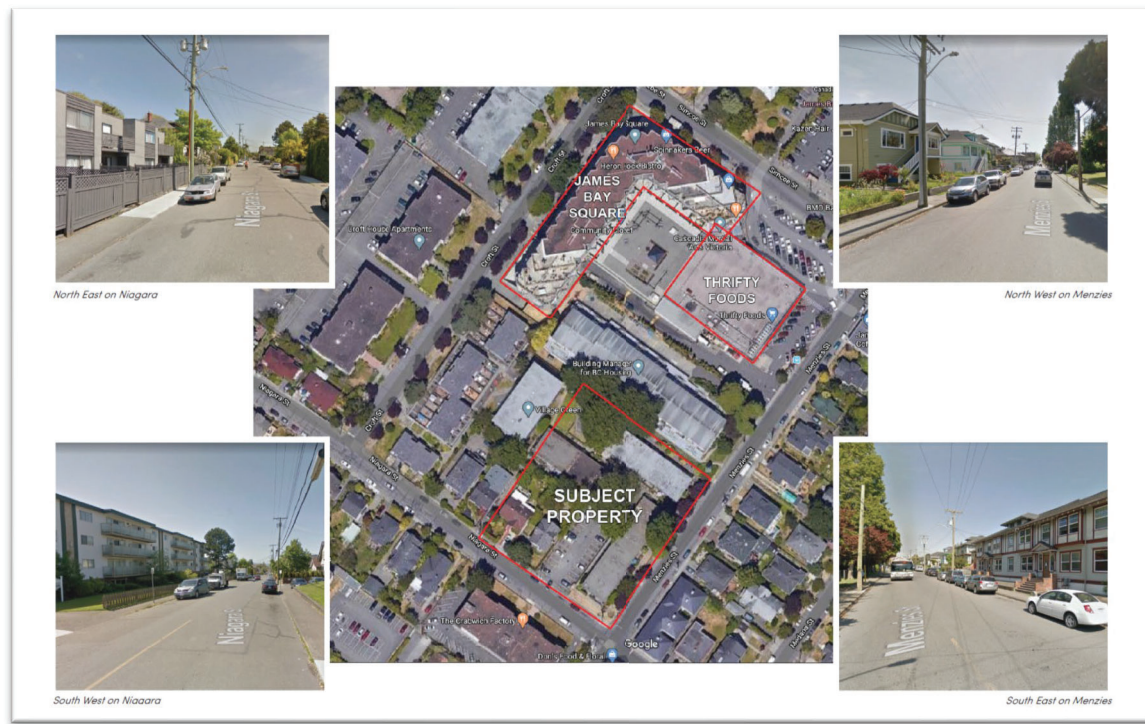
### The Proposal Overview

The application is to rezone the eastern 60,000 sq.ft. of the parcel fronting Menzies and Niagara Streets to permit a 100% rental infill development in direct proximity to the James Bay Village Centre.





Figure 2: Site Context



### Existing Conditions

Currently, there are three 60+ year old, modestly constructed residential apartment buildings and two single-family/multi-family conversion homes on the site. In total, these 5 buildings contain 45 residential units.

The current buildings are suffering from significant liveability issues, such as roof leaks, structural issues, and hazardous materials. Despite ongoing significant efforts to manage these challenges, the expense required to properly address these challenges is uneconomic. Fundamentally, it is becoming increasingly more difficult to simply maintain the buildings in their current form.

At several of our other Victoria rental buildings (Royal Arms, Wedgewood Terrace, Quadra Village, and Viscount Manor, for example) we have invested significant capital to renovate and restore the buildings without tenant relocation. However, this is not possible at Village Green due to the condition, age, and aforementioned maintenance challenges of the buildings.





---

### Supporting Affordable Rental Housing in Victoria

Typically, a 100% rental housing project, secured via a Housing Agreement for 60 years, is not obligated to provide any Community Amenity Contribution (CAC) per City of Victoria policies. Even if this were a market condo project, there would still be minimal CACs because we are abiding by the Official Community Plan (OCP).

However, in recognition of the City's goals and Primex's desire to support the development of affordable rental housing and the unfortunate loss of existing housing options at Village Green, Primex is voluntarily contributing \$75,000 to the City's Affordable Housing Reserve Fund in support of affordable rental housing in the City of Victoria.

This voluntary contribution to the City is in addition to the ongoing compensation and relocation assistance being provided by Primex for existing and eligible tenants of Village Green.

### Policy Context and Proposal

This site is appropriate for development intensification because of its location immediately adjacent to the James Bay "Large Urban Village" centre as identified in the OCP. It is within walking distance of a wide range of amenities, parks, schools, and services as represented by a Walk Score of 85/100.

### Official Community Plan

This proposal is supported by the *Official Community Plan's* objectives for James Bay, because the neighbourhood:

- Is a densely populated mixed-use neighbourhood within a *Large Urban Village*;
- Is home to a large portion of Victoria's rental housing stock;
- Maintains a variety of housing types and tenures for a ranges of age groups and incomes;
- Maintains an interesting diversity of land uses, housing types, and character areas; and
- Supports sensitive infill.





Figure 3: Official Community Plan

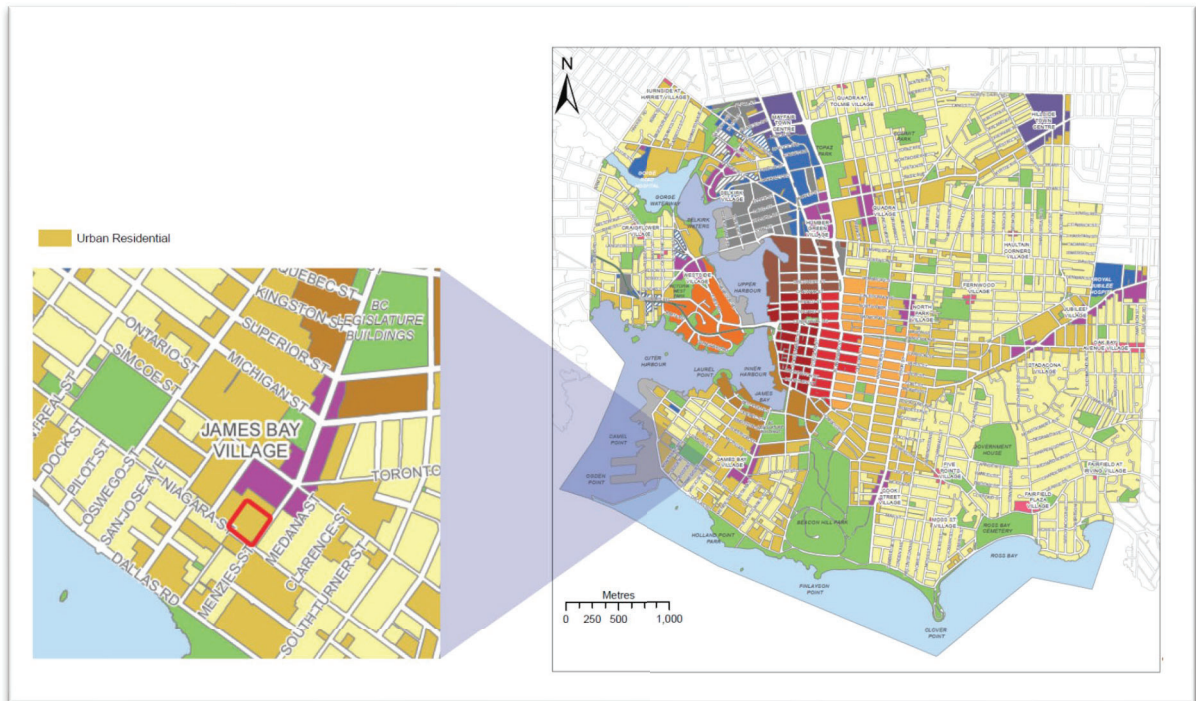


Table 1: Official Community Plan Land Use Designations

Urban Residential Guidelines	Urban Residential	Large Urban Village (James Bay Square)
Height	"Approximately 6 Stories"	"Approximately 6 Stories"
Density	"Approximately 2:1 in strategic locations for the advancement of plan objectives"	"Approximately 2.5:1 may be considered for the advancement of plan objectives"
Use	"mid-rise multi-unit residential"	"mid-rise multi-unit residential and mixed-use"

The proposal also conforms to the *James Bay Neighbourhood Plan*, specifically enhancing and supporting the following goals and objectives:

- Provides a range of housing opportunities to accommodate a balance of family and non-family development;
- Supports initiatives for housing families, the elderly, disadvantaged, and needy;
- Encourages a visual harmony of form and scale between new buildings and adjacent residential units;
- Encourages high standards of architectural design for new residential developments; and
- Respects existing streetscape character.





## Zoning Change

Current zoning for the site is *R3-2 Multi-family Residential*, which permits an FSR of 1.6:1. Rezoning is requested to create a site-specific, multi-family zone with an FSR of 2.16:1. The building will be entirely rental residential with a range of unit types.

The following mix is currently proposed for the 137 units:

*Table 2: Unit Mix and Allocation*

Unit Type	Number of Units	% of Unit Type	Avg Unit Size Range (m <sup>2</sup> )	Avg Unit Size (sq.ft.)
Studio	1	1%	36.0	388
Junior 1 Bedroom	12	9%	46.7	502
One-bedroom	51	37%	57.2	616
One-bedroom + den	26	19%	71.3	767
Two-bedroom	33	24%	76.5	824
Three-bedroom	14	10%	86.2	927
<b>TOTAL</b>	<b>137</b>	<b>100%</b>		

The average size of a two-bedroom is 76.5m<sup>2</sup> / 824 sq.ft and the average three-bedroom is 86m<sup>2</sup> / 927 sq.ft. More than one half of the units (53%) are one-bedroom + den or larger to allow for more families and couples to live, comfortably, in this development. This unit mix will allow for a diverse range of residents, including singles, couples, families, and seniors.

## Tenure

The new building will be 100% market rental, and Primex has agreed to sign a Housing Agreement securing the project as rental for a minimum of 60 years, or the life of the building. It is the intention and goal to retain and operate this rental housing projects through our partner property management company (Pacific Cove Property Management) in perpetuity.

## Design Guidelines

This proposal follows the City of Victoria's *Design Guidelines for Attached Residential Development*, including, but not limited to, the following areas:

- Siting buildings in a manner that considers and maintains the pattern of landscaped front and back yards; that makes a positive contribution to the streetscape; and that achieves a more compact residential building form while maintaining livability.
- Ensure new development is oriented towards and designed to enhance public streets and open spaces and encourages street vitality and safety through increased eyes on the street.





- Achieve buildings of high architectural quality and interest, with human-scale building proportions that are oriented towards and compatible with the established streetscape character and pattern.
- Enhance the quality of open space, support the urban forest, provide privacy where needed, emphasize unit entrances and pedestrian accesses, reduce storm water runoff, and ensure front and rear yards are not dominated by parking.

#### Design Intention

The design intention for this project is to enhance the existing irregular streetscapes of Menzies and Niagara Streets, while creating a central landscaped courtyard amenity for building residents. The rhythmic townhouse scale at the street frontages uses a massing expression reminiscent of the traditional bay window, with the top floor stepped back.

The purpose of this is to achieve a responsible level of density while mitigating perceived height and visual impacts. Exterior materials are consistent with current residential developments, and includes a variety of finishes, textures, colours, and details.

To further improve the pedestrian experience along the two street frontages, street-accessed entry doors, front porches, and individual door-entry landscaping have been detailed. These elements combine to provide an interactive transition between private spaces and the public thoroughfare, while reinforcing the human scale of the streetscape.

The primary objective of the landscape design is to create stimulating and attractive outdoor settings that encourage residents to participate in casual and organized outdoor activities, and develop friendships and supports through social interaction in the following ways:

- An expansive central courtyard that is designed in the style of a park, comprising a network of sweeping pathways that connect access points with a central water feature, an abundance of seating opportunities in a setting rich in plantings and expansive lawns;
- The high degree of natural surveillance and park containment will contribute to a safe setting for informal play;
- In contrast to the more formalized design of the central courtyard, the public realm perimeter vegetation on the south, east and west sides of the project will appear naturalistic in character, and comprise native plant species;
- First floor garden patios will provide defined private spaces, but allow for casual greetings and conversation with passersby; and
- A rooftop garden and outdoor amenity space on the roof of the 4<sup>th</sup> floor will provide a generous and functional setting for active gardening, outdoor games, and other group activities.





Figure 4: Rooftop Garden and Amenity Space



#### Variances from Zoning Bylaw

The following variances are requested:

- A new purpose-designed (Comprehensive Development) zone will be required to allow for the requested increase in density.
- Compared to the existing R3-2 zone, some setbacks from the street and a minor change in building height will be required to incorporate the design intention of the project.
- Consistent with City of Victoria and Provincial requirements, this application process will include the discharge of the existing Land Use Contract on title. The current underlying zoning is R3-2 Multiple Dwelling District, and the discharge is expected to be a straightforward administrative task, subject to working with City staff to achieve building conformity.
- The current bylaw requires 162 parking stalls, and this project provides a total of 100 stalls. Underground parking is provided on a single level to maximize parking while minimizing impacts on neighbours during construction. A substantial source of the need for this variance is the need to 'cut back' a portion of the parkade wall to preserve a row of significant trees on the edge of the site. This parking shortfall is significantly offset by the highly walkable and bikeable location, the provision of 250 (more than bylaw requirements) bicycle parking stalls, and the provision of 2 Modo Cars (with spaces allocated for 2 more cars in the future) with Modo memberships for all tenants during their tenancy.





Table 3: Parking and Bike Parking

		Schedule C Bylaw "Other Area"	Proposal
Vehicle	Residential	147	89
	Visitor	15	9
	Car Share	0	2
	Total	162	100
Bicycle Parking	Long Term	162	213
	Short Term	14	17
	Cargo Bike	0	20
	Total		250

1. The adjacent property is designated within the OCP as "Village/Centre" which would reduce our variance requirement by approximately 50%.
2. There will be 2 on-site MODO Cars with EV Charging Capabilities; MODO Membership and \$100 usage credit for each of the 137 Residential Units.
3. A bike wash/repair room is in the parkade, adjacent to the bike parking area.

## Sustainability Features

The following sustainability features are provided in this project:

- Energy efficiency will meet Step Code 3 of the BC Building Code.
- The use of vehicles will be significantly reduced by the provision of 137 residential rental units within walkable distances to places of work, recreation, shopping, and other services. With the project's regular transit service nearby, and proximity to a comprehensive bike lane network, it is possible to get to most areas of the region without the use of private vehicles.
- As an urban infill development, the project adheres to the principles of promoting development on existing urban sites, diverting development pressure from greenfield locations, and making more efficient use of existing infrastructure.
- Landscape and stormwater management systems, including partial green roofs, will retain and infiltrate rainwater, and limiting the post-development peak water run-off from the development.
- A variety of both hard and soft landscaping.
- Provision of a dog park and recreation areas for adults and children.
- A mix of unit types with balconies and/or large terraces on roof decks to provide everyone with access to the outdoors and views.
- Ample window area in each unit will increase natural lighting and provide views and passive solar gain during winter months.
- Water conservation strategies include water efficient landscaping, self-watering garden boxes, and fixtures.
- Passive envelope strategies will reduce reliance on mechanical systems.





- All windows will be double pane, low-e glazing with thermally broken frames.
- Use of low energy lighting systems, including motion sensors in all common areas; and
- ENERGY STAR appliances will be used throughout the project.

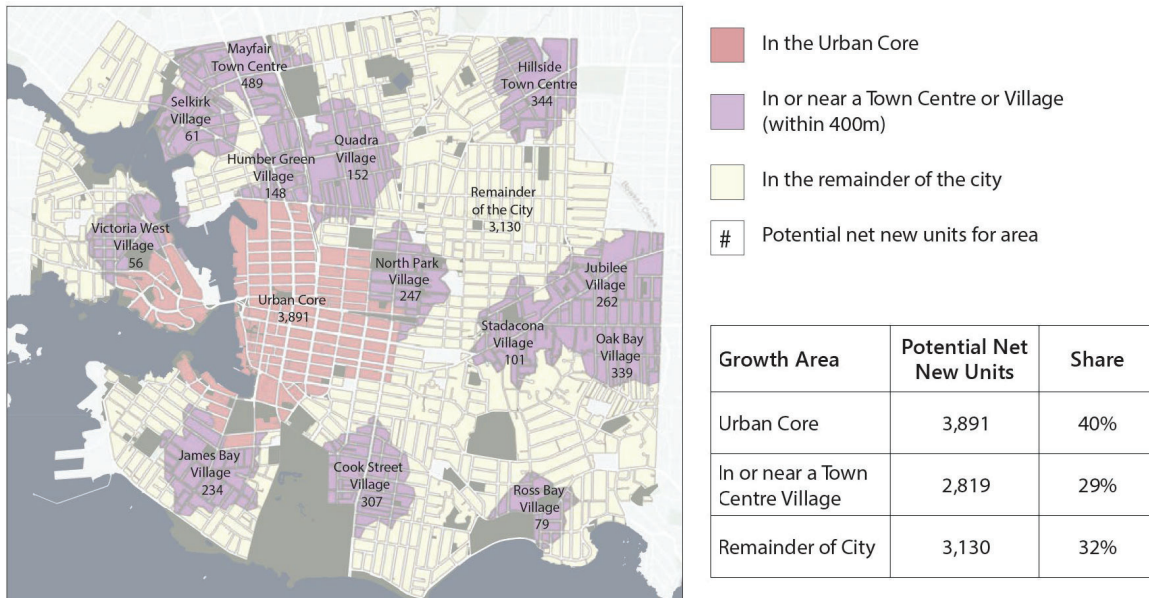
## Rental Housing Needs

The current housing crisis in Victoria is well documented and is identified in the City's *Housing Future's Report*. The rental housing shortage, with vacancy rates below a "balanced market," (approximately 3-5%) places severe pressure on affordability and the number of options available for individuals and families.

This project will help fill a need for rental housing in the neighbourhood (and beyond) and will more than triple the number of rental units currently on the site.

The Report identifies the need for 234 Net New Rental Units in James Bay. The Village Green project represents a net increase in rental units of more than 92 Units and is 40% of the James Bay neighbourhood net new rental expectations until 2040.

Figure 5: Potential Net New Units by Growth Target Area (2020-2040)







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## Consultation

The following consultation activities have been undertaken:

- Early meetings with the co-chairs of the James Bay Neighbourhood Association (JBNA) Land Use Committee to introduce the project. Numerous follow-up / update discussions were also held with JBNA representatives after the neighbourhood meeting.
- A neighbourhood meeting was held on January 8, 2020, in conjunction with a regular monthly JBNA meeting, at the James Bay New Horizon's Centre.
  - Invitation notices were hand delivered to neighbours on both sides of Menzies, Niagara and Croft Streets, and to tenants of James Bay Square.
  - Notices of the meeting were also posted on JBNA's website and in The Beacon.
  - Tenants of the existing building were also invited.
  - The siting and massing of the building reflect the comments / feedback received at these and other community meetings.
- A second Neighbourhood meeting was held on February 2, 2021 by the JBNA and the Community Advisory Land Use Committee (CALUC) . Primex presented on the updated development concept, the materiality and concept designs, and the overall project intent. Representatives from Primex answered questions and sought to address any outstanding concerns related to parking, landscaping and tenant relocation.
- Tenants of the affected Village Green buildings have been provided regular updates from the property management team and this information has been shared with City Staff.

## Tenant Relocation Plan

The *Tenant Relocation Plan* is a key component of this project, as it will determine the housing and relocation of the 38 eligible tenancies. Primex has assigned a Tenant Relocation Coordinator to work with each individual tenant to assist in finding suitable housing options. Of the 38 eligible tenants, 16 have already come to agreements as of May 31, 2021 with Primex, including financial compensation, moving expenses, and relocation assistance.

Primex is committed to working with the remaining eligible tenants to determine their specific needs and, where necessary, providing further assistance. Some of the opportunities that exist to provide further assistance to tenants includes the potential to relocate tenants within the property (from the pending development side to the retained housing on the west side) or relocating tenants within the Primex Portfolio into similar units in other neighbourhoods.

Using the City of Victoria Tenant Relocation Requirements as a guide, we are seeking to meet or exceed the City's requirements to facilitate tenant relocation including financial compensation, assistance with moving expenses, and right of first refusal upon completion of the project.





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#### Tenants Requiring Additional Assistance.

The owner will coordinate resources to assist in the search for new homes for those tenants requiring additional assistance, including coordination with government programs, such as BC Housing and other not-for-profit groups. The owner will also provide support with moving logistics when and where needed.

#### Summary

We are incredible proud of the Village Green proposal which will provide 137 new, sustainable, and thoughtfully designed rental units in the heart of James Bay. We believe the development will contribute a sensitive, and positive experience for Victoria and the neighbourhood with significant community benefits including an enhanced public realm, a contribution to the City's Affordable Housing Reserve Fund, and Car Share vehicles accessible to the greater community.

This project will provide social, environmental, and economic benefits to the City and the neighbourhood, including:

- A greater number of much-needed rental housing units in a walkable location;
- A variety of unit types that allows for diverse residents, with 50% being larger 1+den, 2 BR, and 3 BR units, with only a single studio-type unit to foster longer term tenancies;
- A voluntary financial contribution to the City's Affordable Housing Reserve Fund;
- Increased population to contribute to local businesses, cultural activities, and public life; and
- Increased population located within walking distance of amenities and services.

Yours truly

Greg Mitchell, M.PL., MCIP, RPP  
Senior Planner and Development Manager  
Primex Investments Ltd.





Sustainable Planning and Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

# Tenant Assistance Plan

**This form must be submitted with your rezoning or development application. For contact, please send questions to your development services planner.**

## SUMMARY: Instructions and steps for Developers and Property Owners

STEP 1	<b>BACKGROUND:</b> Understand your rights and responsibilities as a landlord. Please review the documents in the background section pertaining to relocating tenants and the City's rental replacement policies.
STEP 2	<b>POLICY APPLICATION:</b> Complete tenant impact assessment to determine the requirements of your application.
STEP 3	Complete application requirement, including: a. Current Site Information b. Tenant Assistance Plan c. Tenant Communication Plan d. Appendix A - Current Occupant Information and Rent Rolls (For office use only) e. Appendix B - Correspondence with Tenants Communication (For office use only)
STEP 4	<b>SUBMIT:</b> Complete form and submit to: a. Email digital copy of plan to <a href="mailto:housing@victoria.ca">housing@victoria.ca</a> (include appendices)
STEP 5	<b>REVISE:</b> Applicant to update and return application requirements with staff input.
STEP 6	<b>FINALIZE:</b> City staff to finalize the review and signs off application requirements and used as attachment for the Committee of the Whole report.

## BACKGROUND: Rights and Responsibilities of Landlords and Tenants

The rights and responsibilities of landlords and tenants are regulated by the Province and is set out in the [Residential Tenancy Act](#).

Please refer to the City of Victoria's [website](#) for more information regarding the City of Victoria's rental housing policies. Supporting documents include:

- Tenant Assistance Instructions and Checklist
- Tenant Assistance Policy
- Frequently Asked Questions
- Sample Letter to Tenants
- Request for Tenant Assistance Form and Privacy Guidelines
- Final Tenant Assistance Report

## POLICY APPLICATION: Tenant Impact Assessment to Determine the Requirements of your Application

Answer the questions below to determine whether a plan is required with your application:

Tenant Impact	Indicate:		Application Requirement
Are you redeveloping or demolishing a building that will result in loss of existing residential units?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If yes, complete the next question.
Does your work require the permanent relocation of tenant(s) out of the building?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If yes, complete and submit a tenant assistance plan.
Do you have tenant(s) who have been residing in the building for more than one year?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If yes, tenants are eligible under the tenant assistance plan

**If any are selected no, then a tenant assistance plan is not required as part of your application.**



# TENANT ASSISTANCE PLAN

## A. Current Site Information

<b>Site Address:</b>	118 Menzies Street, Victoria, BC
<b>Owner Name:</b>	Village Green Apartment Holdings Ltd.
<b>Company Name:</b>	Village Green Apartment Holdings Ltd.
<b>Tenant Relocation Coordinator (Name, Position, Organization):</b>	Candice Leslie - Pacific Cove Property Management (PCPM)

### EXISTING RENTAL UNITS

Unit Type	# of Units	Average Rents (\$/Mo.)
Bachelor		
1 BR	1	\$1,460
2 BR	44	\$1,424
3 BR		
3 BR+		
<b>Total</b>	45	\$1,424

## B. Tenant Assistance Plan

For any renovation or redevelopment that requires relocation of existing tenants, the property owner must create a Tenant Assistance Plan that addresses the following issues:

- Early communication with the tenants
- Appropriate compensation
- Relocation assistance
- Moving costs and assistance
- Right of first refusal

The City has developed a Tenant Assistance Plan template that is available for applicant use. The template includes the required FOIPPA section 27(2) privacy notification which should be identified for tenants.

Please refer to the Tenant Assistance Policy with Tenant Assistance Plan guidelines for Market Rental and Non-Market Rental Housing Development.

### **Required under the Residential Tenancy Act**

#### **Notice to End Tenancies**

A landlord may issue a Notice to End Tenancy only after all necessary permits have been issued by the City. In addition, landlords must give four months' notice to end tenancies for renovation, demolition, and conversions. Tenants have 30 days to dispute the notice.

For more information, please refer to the [Landlord Notice to End Tenancy](#).

#### **Renovations and Repairs**

Renovations and repairs must be so extensive that they require the unit to be empty in order for them to take place, and the only way to achieve the necessary emptiness or vacancy is by terminating a tenancy. The RTA and associated guidelines provide specific guidance pertaining to whether a landlord may end a tenancy in order to undertake renovations or repairs to a rental unit.

For more information, please refer to [Ending a Tenancy for Landlord's use of Property](#).

#### **Right of First Refusal**

In instances of renovations or repairs requiring vacancy, the RTA requires tenants be offered the right of first refusal to enter into a new tenancy agreement at a rent determined by the landlord. This right of first refusal applies only to a rental unit in a residential property containing 5 or more units, and there are financial penalties for non-compliance.

For more information, please refer to [Tenant Notice: Exercising Right of First Refusal](#).

**For full details, please check the Government of British Columbia [website](#).**



Tenant Assistance Plan Components	APPLICANT		CITY STAFF
	Tenant Assistance Plan		Did the Applicant meet policy?
	Date:		
<b>Compensation</b>  Please indicate how you will be compensating the tenant(s).	To assist with relocation costs, all residents will be compensated based on their length of tenancy. Displaced tenants will receive a financial assistance package, equivalent to three to six months of free rent. Rent will be based on whichever is greater, the current rent or the CMHC average rent for their unit type. Each financial assistance package will be based on the following criteria: 0-4 years: 3 months' rent      10-19 years: 5 months' rent 5-9 years: 4 months' rent      20+ years: 6 months' rent		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Moving Expenses</b>  Please indicate how the tenant(s) will receive moving expenses and assistance.	Flat rate compensation (based on unit size) will be provided to the tenant at the rate of: • \$500 for one-bedroom households • \$750 for two-bedroom households		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Relocation Assistance</b>  Please indicate how the tenant(s) will receive relocation assistance.	Pacific Cove Property Management (PCPM) employs an in-house Relocation Specialist who focuses explicitly on tenant relocation & communications. The Relocation Specialist, on behalf of PCPM, will initiate a 'tenant needs survey' and one-on-one meetings with each tenant where discussion and development of a relocation approach will be tailored to each tenant. Based on the survey and meetings, three housing options will be provided. Options will be comparable in terms of size, location and rent amount (unless otherwise agreed to by the tenant).		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Right of First Refusal</b>  Please indicate whether the applicant is offering right of first refusal to the tenant(s). Please indicate your reasoning.	Tenants will be provided first right of refusal once the new purpose-built rental building at Village Green is complete. Returning tenants will be offered a special rate of 10% below the starting market rent for new suites.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Tenants Requiring Additional Assistance</b>  Please indicate whether there are tenants requiring additional assistance. If so, please indicate how the applicant plans to provide additional support.	Fifteen tenants have been identified as requiring additional assistance. PCPM will coordinate resources to assist in searching for a new home for these tenants, including coordination with government programs such as BC Housing and other not-for-profit groups. In addition, PCPM has allocated an additional \$25,000-\$30,000 to support tenants requiring additional assistance. The extra money will assist tenants by providing further compensation to secure alternate housing and help support moving costs.  Given that the needs and scenarios of some tenants are evolving, the additional compensation will be determined as the Relocation Specialist continues to work with the tenants to identify housing plans. The additional compensation levels for each tenant requiring income assistance will be determined before the public hearing and drawn from this additional \$25,000-\$30,000.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Other Comments</b>			



<b>Tenant Communication Plan Components</b>	<b>APPLICANT</b>	
	<b>Tenant Communication Plan</b>	
	<b>Date:</b>	
How and when did you inform tenants of the rezoning or development application?	1. PCPM provided written communication to tenants on December 9th, 2019 informing them of PCPM's intention to redevelop Village Green with a new purpose-built rental building. 2. On December 20th, PCPM provided further communications to tenants informing tenants that PCPM would be participating in the James Bay Neighbourhood Association meeting on January 8th, 2020. 3. All new tenants who moved into Village Green after December 2019 have been informed of the redevelopment intentions through a countersigned letter of acknowledgment.	
How will you be communicating to tenants throughout the rezoning or development application (including decisions made by Council)?	PCPM will continue ongoing tenant communication, both written and in-person, throughout the application process. Notices will be posted in the building to keep tenants up to date on the timing of approvals and potential notice period. Communication to tenants will not be less than every three months. PCPM employs a full time Relocation Specialist who will act as the primary point of contact for tenants.	
What kind of resources will you be communicating to your tenants and how will you facilitate tenants in accessing these resources? (Please see the City's <a href="#">website</a> for a list of resources)	Tenants will be provided with the City of Victoria Tenant Assistance Policy the Residential Tenancy Act, relevant information regarding the timing of approvals on the project and a regularly updated list of available rentals in the area.	
Have tenant(s) confirmed with you whether they request assistance? If so, please indicate the staff responsible or whether a third-party service is requested.	In August 2020, PCPM provided tenants with the opportunity to request additional assistance, per the City of Victoria Tenant Assistance Policy. At this time, the Relocation Specialist hand-delivered a complete relocation information package, including the request for tenant assistance form. As a result, fifteen tenants were identified as requiring additional assistance.	
Other communications notes:	A detailed log of in-person meetings and written correspondence will be kept to ensure that PCPM complies with the City of Victoria Tenant Assistance Policy and the Residential Tenancy Act.	



FINAL TAP Review - [For City Staff to complete]

Application received by Chloe Tunis (City Staff) on September 16, 2021 (Date)

Did the applicant meet TAP policy?      Yes      ☒      No      ☐

Staff Comments on  
final plan:

This Tenant Assistance Plan generally meets the Tenant Assistance Policy. The applicant is providing compensation and moving expenses consistent with the levels identified in the Policy.

A total of 15 tenants identified as requiring additional assistance or facing additional challenges, though there were no specific monetary amounts requested. The applicant has dedicated a minimum of \$25,000 and up to \$30,000 to tenants who require financial additional assistance, rental compensation or additional moving expenses. The applicant has committed that the project relocation coordinator will continue to work with tenants to develop housing plans so that the additional compensation can be allocated based on specific individual needs. They have committed that these additional compensation levels will be determined prior to public hearing and that they will continue to work with staff to ensure this meets the policy. Staff consider this to be an acceptable approach that meets the intent of the policy.





## James Bay Neighbourhood Association

[jbna@jbna.org](mailto:jbna@jbna.org)

Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

February 16<sup>th</sup>, 2021

Mayor and Council,  
City of Victoria

Dear Mayor Helps and Councillors,

**Re: CALUC Community Discussion – Village Green, 110-122 Menzies**

The Village Green proposal, 110-122 Menzies was considered at the February 10, 2021 JBNA ZOOM Discussion Forum. 34 people participated.

When first approached by the proponents, they had discussed a timeline and multi-tiered consultation process that had to be altered due to the COVID-19 pandemic and the close down on meetings in spring of 2020. The April 19, 2020 letter submitted to Mayor and Council provided information on the first consultation meeting at the January 8, 2020 JBNA meeting (before COVID-19) as well as the discussion with the proponents regarding the CALUC process going forward. The January 2020 meeting did not include schematics of a proposed structure; rather it was a visioning discussion.

As detailed in the April 19, 2020 letter, a ZOOM pre-meeting with architectural drawings occurred on April 15, 2020 with the proponent's team and JBNA Development Review Committee members Tim VanAlstine, Mark Cammiade and myself.

Late last year, the proponents indicated their wish to proceed with the CALUC meeting. A ZOOM discussion was held on Monday, December 21<sup>st</sup>, 2020, to consider the readiness of the proposal for community review. Participating were Tim VanAlstine, Deane Strongitharm of City Spaces, Greg Mitchel of Primex, and Tim VanAlstine and myself from JBNA.

The proponent created and distributed a flyer to over 160 residences within 100 meters of the property and has spoken with a property manager of a nearby strata complex, requesting distribution of the notice (notice in Appendix 'A'). This distribution included all tenants of the property. JBNA distributed notice of the meeting and the proponent's notice to the JBNA e-mail listings to about 700 e-addresses.

... 2



Presenting at the February ZOOM review of the proposal were Deane Strongitharm of CitySpaces Consulting Ltd., Tony James and Jeremy Beintema of Continuum Architects, Carole Rossell of Small and Rossell Landscape Architects, and Greg Mitchel of Primex Investments.

During the slide presentation, residents learned more about the purpose-built rental apartment proposal. In summary:

- 131 units,
- variances sought on parking with 100 total while Schedule C requires 162,
- excess secured bicycle parking, 250 where 176 required, and space for cargo bicycles,
- two modo car spaces with EV charging stations included,
- significant resident outdoor space with large roof garden and entertainment area, and
- Tenant Assistance Plan.

Following the presentation, meeting participants were given the opportunity to ask questions or provide comments. Several residents spoke about the proposal. Comments are found in Appendix 'B'. Resident e-mail comments are found in Appendix 'C'.

In general concerns and issues raised by those at the meeting focused on density (James Bay being already the most densified residential area in the City), deficit on parking, and affordability.

We believe that given the overall community feedback, that the CALUC community consultation obligations have now been met.

For your consideration,



Marg Gardiner  
President, JBNA

Cc: JBNA Board  
Michael Angrove, CoV Planner,  
Deane Strongitharm, City Spaces  
Greg Mitchel. Primex



## Appendix 'A'

### Community Forum Notice delivered to over 160 residences within 100meters

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#### James Bay Neighbourhood Association

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[jbna@jbna.org](mailto:jbna@jbna.org)

Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

February 10, 2021

#### 110 Menzies Street Forum

JBNA is hosting a Community Discussion to consider, and receive comment on, the proposed development for 110 Menzies Street / 450 & 456/458 Niagara Street on Wednesday, February 10th, at 7pm, via ZOOM conferencing.

#### 110 Menzies / 450 & 456/458 Niagara:

The area of application is just over one acre in James Bay; the Official Community Plan designation is Urban Residential

#### Zoning (existing):

R3-2 Multiple Dwelling District and R-K Medium Density Attached Dwelling District

#### Zoning (Proposed):

Site Specific

#### Proposal Details:

The proposal is for a 131-unit infill residential rental development for the lots at the corner of Menzies and Niagara Street.

The area of application represents part of a larger parcel, and the first of two phases to ultimately redevelop the entire site.

#### For information, you may call/email:

#### Proponent Representative:

Deane Strongitharm,  
[dstrongithamr@cityspaces.ca](mailto:dstrongithamr@cityspaces.ca),  
250-889-1862

#### JBNA CALUC Co-Chairs:

Marg Gardiner, [marg.jbna@telus.net](mailto:marg.jbna@telus.net),  
250-260-0300

Tim VanAlstine, [timothyvanalstine@gmail.com](mailto:timothyvanalstine@gmail.com),  
250-704-6566

#### Zoom Details:

<https://us02web.zoom.us/j/86873173149>

Meeting ID: 868 7317 3149

Note: The City is currently modifying a comment system and may, or may not, provide on-line comment opportunity in addition to receiving letters about the project.





## **Appendix 'B'**

### **Minutes: February 10, 2021, CALUC Discussion**

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#### **Question and Answer session:**

Q: Nathan and Klima – 458 Niagara, adjoining house. What will rents be for the new units? Will they be affordable?

A: GM: We build market-rate housing – that's our business. We will assist with the transition for tenants, but after that it is all market rental with no affordable component contemplated – at least, not in this first phase.

Q: How many of the existing 36 units are occupied by long-term tenants?

A: Approximately 20% have turned over in the last year due to attrition. New tenants know the site is being redeveloped.

Q: Will tenants be given notice as required by the LTA?

A: Yes – we have a tenant coordinator, Candace. The City requires four months' notice minimum.

Q: Can you comment on the heights of the different wings?

A: They vary from four to seven storeys, South to North. We are at the same height at the north as the neighbouring buildings.

Q: Are the charging stations only for modo cars or for generic spaces too?

A: We are running conduit for all parking spaces, so we will be able to provide charging when needed by tenants. We are starting with 10 chargers.

Q: Is parking included in the rent?

A: Normally parking is an additional charge.

Q: You are adding a lot of density – what are you doing for the community in return?

A: Two things: We are consistent with the OCP and the height of existing zoning. The most important and costly public amenity are the improvements to the street frontages, with boulevards and reduced private space.

Q: Will there be blasting to create the parking, and how much?

A: We have a geotechnical report and some blasting will probably be required. Modern technology is much less invasive. Residents will be notified in advance.

Q: The Menzies Boulevard – it is a major redesign. Please discuss the changes as they are significant.

A: Right now, there is a narrow sidewalk that has telephone poles in it. We are ceding space for a wider boulevard to provide space between vehicles and pedestrians and make a more pleasant experience. The poles will be located in a boulevard between the street and the sidewalk.

Q: Buildings were erected in 1960. Is there an abatement plan and will neighbours be protected?

A: We expect hazardous materials to be present. We have done a study and will use a professional abatement company. Tenants will be gone – the project will be sheeted per standard practice.

Q: Will the trees on Menzies be removed?

A: Yes – all of them. Some of the trees are in poor health according to the arborist report. We will preserve trees on the North boundary (Elms). The City is seeking buried conduits and underground parking – there is no alternative.

Q: There will be more demand for parking on the street given the shortage of spaces on site.

A: Given the location, and the City's Transportation Demand Measures, the City has accepted the strategy we have presented. They are looking for greater than required bike stalls, storage for cargo bikes, and we provide both.

Q: What is the plan for water runoff and use of permeable pavers?



A: Permeable pavers don't really apply because most of the site is being excavated for parking underground. Some water will be captured and filtered on-site, with excess stored in detention tanks and then overflow into the Storm System.

Q: I live just beyond the 100m distance. If parking is not included in the rent, they will look for parking on the street. This will exacerbate the current problems with parking. The 7-storey building at Thrifty's – how many units there? I am asking about density.

A: In our rental complexes, we don't see parking spaces overflowing. Prices are set to try to reduce offsite parking. I don't know the zoning or number of units at JB Square – I think it is FSR 2.5.

Q: My greatest concern is density. We are crowded already. Your building is Urban Residential, the other building is designated higher density, and you are proposing to equal that. In summer this place is packed with tourists, cruise ships or not. We have another huge development finishing up at Capital Park. In my view, while I like the presentation, the number of units and height are too much – density is too high. This height of building is not appropriate for this lot.

A: The existing zoning allows the height we are proposing. We view this as a strategic location, and the OCP says a 2:1 FSR is appropriate – we are at 2.13.

C: I would like the project better if you reduced the floor count by one or two. We have another major development coming at Croft Street, I gather. Parking is very difficult here.

C: I see 100 parking spots for 131 units – clearly a shortage.

Q: What are your exterior lighting plans?

A: We haven't reached that level of detail yet. We are aware of glare and night sky concerns. We focus on entry areas for public safety. Each unit will have front door lighting – that's all we know right now.

Q: Building orientation – inside units on South side wing will hardly ever see the sun. I would have thought the courtyard would be oriented to the South to allow sun to penetrate all units, and reduce the visual impact from Niagara Street.

A: Courtyard is for enjoyment of the residents.

Q: What kind of air handling system will you have for the project?

A: We will use a VRF system – Variable Refrigerated Flow, with rooftop chillers and ducted heaters.

Q: Were any wind studies done?

A: No, not yet. We haven't seen the need for it and have not been advised that there are any serious concerns. We've never had to do that for buildings of this size before.

C: Given your goals for the rooftop uses, I think you need some kind of wind screening, particularly on the South and South West sides. Winds are strong enough to move barbecues in this area.

Q: Why aren't you including subsidized or affordable units? I understand you have costs to bear, but what's missing in your proposal that precludes affordable units in this development.

A: I tried to develop affordable housing in Vancouver for a number of years. Three tools are: 1) Density; we would need to push FSR 4 or 5 to provide affordable housing. 2) BCHousing provides many subsidies, but the pool is limited and there are many uncertainties and competing issues in finance for projects like these. 3) Federal options. Already hard to make rental housing work. We are long-term owners – we build and hold. We provide safe and comfortable homes, market rate. We don't go after luxury renters. This is not an easy question to address.

Q: What kinds of materials will you be using?

A: Concrete for the main floor above the parking level, and all wood from there up. We are looking at a variety of materials for the cladding – not finalized yet.

Q: When will construction start?

A: That's up to the City mostly – we are aiming for Spring 2022.

The Applicants thanked JBNA and attendants for participating and asking good questions.



## *Appendix 'C'*

### *Correspondence received on the project:*

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On Sun, Jan 31, 2021 at 1:03 PM, Edward Patrick Moffit wrote:

I'm Edward deTrafford-Moffit. I spoke at the December 2019 meeting, about Village Green redevelopment, proposal in 2 1/2 yrs. This would put the timeline to move from May-September 2022, but not before. I suggested to have tenants relocated by them, with financial assistance. as housing shortages are a reality. During winter, the foul weather makes it a difficult time to move, that is more likely to have damages & injuries more likely. Tenants could be in better spirits, when knowing of the move date is ASAP ThX• PS

The C19V Epidemic requires that we need more space & opened air, so when moving in good weather, doors & windows could afford a better air circulation, to dispel that Virus.

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**Subject: Redevelopment of Village Green, James Bay**

**Date:** February 11, 2021 at 2:43:14 PM PST

Dear Mayor Helps and City Councillors,

Thank you all for the good work that you and your teams are doing for the people of Victoria. In a fast-growing city with complex needs, you have been transforming Victoria in a progressive, inclusive way.

I have two questions about the redevelopment of Village Green and our housing crisis:

1. Developers are tearing down habitable, affordable rental buildings to create higher rent properties. Many buildings being demolished have years of use left in them. Tearing down these buildings removes hundreds (thousands?) of affordable rental units from the market. The rental rate in Victoria has jumped about 65% in 4 years. I believe investment developers, non-resident purchasers, and Air BnBs are 3 major causes of our housing crisis. What can be done to protect us? Why are so many on the street while hundreds of homes are empty and luxury buildings are going up? Is housing a basic human need? Should investors' behaviour be allowed to create a housing crisis?

Should we hang onto buildings that are livable until they need replacing (good for our environment, too)? Should developers be encouraged to replace single family dwellings with multi-family units? A more even distribution of high density areas might be helpful, creating vibrant villages like James Bay and Cook Street, with shopping (also good for environment and community).

2. In Minutes of a previous meeting, I believe it was said that construction at Village Green would likely not commence until 2023. Can you confirm? I live across the street, am sensitive to noise, and will have to move when the 2 year construction project starts. I pay \$950 a month. It's now \$1,500 for an apartment in Victoria. I'm 64 with low income. With the pandemic and an neck injury, it is not good to be moving. It would help anxiety levels knowing there is a two-year window to find housing (instead of by next spring). I might have to leave Victoria.

Thank you very much for your attention to these questions. Hundreds of people are losing affordable homes and facing an uncertain and frightening future when projects like this happen. I don't know what the solution might be, but asking developers to include or contribute to affordable housing solutions is a good start, as well as putting people before profit.

Respectfully,

Val French

XXXX Niagara Street, Victoria



## Survey Responses

# 110-122 Menzies Street & 450-458 Niagara Street Feedback

## Have Your Say

Project: 110-122 Menzies Street & 450-458 Niagara Street



VISITORS					
20					
CONTRIBUTORS			RESPONSES		
12			13		
1	0	11	1	0	12
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous





**Respondent No:** 1

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 09, 2021 10:17:21 am

**Last Seen:** Mar 09, 2021 10:17:21 am

**IP Address:** n/a

Q1. **What is your position on this proposal?** Support

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Q2. **Comments (optional)**

I fully support the development of more rental stock in the city. I'm sure the construction will bug me living and working from home right across the street, but it is more than worth it to increase housing supply. I strongly encourage my council and all relevant committees to approve this development. The only other thing I would add is I see the plans include a dog run and, I assume, that will mean the building will be pet friendly which I also strongly support.

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Q3. **Your Full Name** Jethro Herring

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Q4. **Your Street Address** 465 Niagara Street

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**Respondent No:** 2

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 09, 2021 15:57:12 pm

**Last Seen:** Mar 09, 2021 15:57:12 pm

**IP Address:** n/a

Q1. **What is your position on this proposal?**

Generally support, with reservations. See below.

Q2. **Comments (optional)**

My concern is with the proposed underground parking spaces, being 100 versus the zoning requirement of 162. On street parking is already out of control in the area and this will not help. I also have a concern over the additional traffic that will be created on Niagara Street due to the parking garage entrance being located there.

Q3. **Your Full Name**

Karl Michael

Q4. **Your Street Address**

435-B Niagara Street





**Respondent No:** 3

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 09, 2021 16:59:47 pm

**Last Seen:** Mar 09, 2021 16:59:47 pm

**IP Address:** n/a

**Q1. What is your position on this proposal?**

I'm still sitting on the fence

**Q2. Comments (optional)**

AS a neighbour directly across Menzies street from this development, I have a few questions. 1) the package we received yesterday isn't clear to me at least regarding the setbacks. The present townhouses have a considerable set back from the sidewalk and street; the present plan looks like, and I could be reading this wrong, a less than 2 metre setback from Menzies Street. A massive building that close to the lot line will really make the street feel quite claustrophobic and unpleasant. I would like to clarify about the building setback to ensure that the walk-ability and space now enjoyed on Menzies street is not reduced by this development. 2) I also note that there is no clarity about the number of cherry trees and the large plane tree that will be kept on Menzies. The cherry trees bring great joy to many people this time of year. I do not want to see the trees cut down as the development pushes out to maximize the lot footprint. 3) I can only imagine a great deal of blasting and/or excavating going on for a considerable period of time. Does the developer indemnify the neighbours for damages that might be incurred? Many thanks,

**Q3. Your Full Name**

Dr. Richard Kool

**Q4. Your Street Address**

117 Menzies St. Victoria BC





**Respondent No:** 4

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 09, 2021 17:07:19 pm

**Last Seen:** Mar 09, 2021 17:07:19 pm

**IP Address:** n/a

Q1. **What is your position on this proposal?**

Oppose

Q2. **Comments (optional)**

As a resident of this city that has had to move multiple times over the years, I have seen an exponential increase in my rent each time I do. As a matter of fact, after a recent rental inquiry into a nearby building comparable in amenities, size, etc. to this proposed development in the same neighbourhood, I found that 1 bedroom units were renting at nearly \$500 more per month than what my partner and I currently pay for a 2 bedroom. This is well out of our budget. This proposal, at its core, is simply further removing access to affordable housing to people that need it, which has been an ongoing trend. This city functions fundamentally as a service economy - well, where do you propose the working class go? What will Victoria look like if the people that do these jobs and provide these services are completely priced out? I make a pretty decent living in an industry that I love, and it's an industry that I feel contributes a lot to this city, and makes it a more enjoyable place to live in and to visit. Why then should I be forced to move as far as the Westshore or further, just to get by? At this rate, not only am I finding it difficult to make ends meet with the cost of living here, it's getting near impossible to save, and my prospects of home ownership are completely out of the question. I am one tenant writing you, in good health, with no dependents. If I'm feeling this way, I can't imagine what my neighbours that are trying to raise a family must be going through.

Q3. **Your Full Name**

Matt E

Q4. **Your Street Address**

122 Menzies





**Respondent No:** 5

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 09, 2021 20:45:30 pm

**Last Seen:** Mar 09, 2021 20:45:30 pm

**IP Address:** n/a

Q1. **What is your position on this proposal?** Still on the fence

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Q2. **Comments (optional)**

I would want the city to insist that the present structure be deconstructed, and not just crushed and taken off to the dump. If a developer can't be caring for the environment and the enormous waste involved in demolishing a building, they don't have a social license to build. There are some great BC-based companies that are deconstructing and recycling/reusing old building materials and this should be a requirement for the project on Menzies/Niagara Streets.

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Q3. **Your Full Name** Richard Kool

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Q4. **Your Street Address** 117 Menzies

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**Respondent No:** 6

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 10, 2021 17:00:26 pm

**Last Seen:** Mar 10, 2021 17:00:26 pm

**IP Address:** n/a

Q1. **What is your position on this proposal?** Oppose

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Q2. **Comments (optional)**

I'm not entirely excited about having a 6 story building blocking all the views I have. The neighbourhood is already highly populated where do you intend to send all the residents that live there.

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Q3. **Your Full Name** Jacqueline Lewis

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Q4. **Your Street Address** 33 132 Menzies

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**Respondent No:** 7**Login:** Anonymous**Email:** n/a**Responded At:** Mar 18, 2021 22:51:28 pm**Last Seen:** Mar 18, 2021 22:51:28 pm**IP Address:** n/a**Q1. What is your position on this proposal?**

Oppose

**Q2. Comments (optional)**

Hello, While I support this project in many of its principles, I do not think it goes far enough to ensure it integrates and provides a net positive to the surrounding community. Specifically, aside from a very small increase to the sidewalk width there is little that directly benefits the surrounding community. Given the magnitude of the proposed project I would argue community benefit and integration needs to be at the core of the overall project. Unfortunately, James Bay has many examples where project profitability has been prioritized over community planning to its detriment. For better or worse these are choices that impact neighborhoods for generations. Here is the list of benefits to the City and the neighborhood as outlined by the proponent in the Letter to Council: • An increased property tax base; • Increased population density to contribute to local businesses, cultural activities, and public life; • Increased population located within walking distance of amenities and services; • Improved sustainable design, construction, and operation of new housing compared to existing poorly built stock; • A greater number of much-needed rental housing units; and • A variety of unit types that allows for diverse residents, particularly with the two- and three-bedroom units. I may point out that not one of these benefits directly impacts the existing neighbours of this project. At best these are secondary and indirect benefits. Surely a project of this magnitude should be making a larger impact? The current design is affording the proponents a large greenspace courtyard in the center of the project. This design effectively creates a walled garden which will apparently be closed to the public. While raising the exclusive luxury appeal of the units for sale, I would argue this is not how community-based densification should work in our city. While many changes could be included to provide direct benefits to the neighbouring community here is one that would go a long way to integrate the project within the existing community. A gardened pathway should be open to the public running through the center of the project providing cut through access between Menzies, Niagara, and eventually Croft with the Phase II extension. Breezeways could be added to minimize the overall impact to the proposed building layouts. When we think about the overall walkability of a neighborhood it is the moments where we can leave the roadside, be it through a connection pathway or park, that are game changing. This is a chance to ensure we lock in community benefit for generations to come. For an effective example of this concept look no further than the Capital Park development down the street. Walkability is very hard to achieve within the confines of gridded street layouts. The proponent is looking to benefit from joining multiple properties into a single large project spanning the block, lets adjust this one so that the community shares in this benefit together. Sincerely, Dan Shumuk 106 Medana St

**Q3. Your Full Name**

Dan Shumuk

**Q4. Your Street Address**

106 Medana St.





**Respondent No:** 8

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 22, 2021 15:32:28 pm

**Last Seen:** Mar 22, 2021 15:32:28 pm

**IP Address:** n/a

**Q1. What is your position on this proposal?**

Support if my comments are followed and made a part of the plans.

**Q2. Comments (optional)**

Hi, I was mailed a Proposed Development Notice, as I live within 100 metres of this development. First off, I am pleased to see that something new will replace the current townhouses which look rundown. I would support this new development only if these changes are made: - I wish that the houses along Niagara Street that are planned to be torn down would be left as is. This encourages a neighbourhood feel. It would be upsetting to seem them come down. - Reduce the height of the building particularly along Menzies Street. It is a couple of stories too high. It is towering over the street. -Also, I noticed trees are being kept on the North side. I don't see the existing cherry blossom trees on Menzies Street as part of the plans. They are a key part of the streetscape. They are admired by all of us living nearby as well as visitors. They would also provide some greenery and hide some of the building - keeping in mind that this planned building is more than three times bigger than what the building that is currently on site. This really worries me. -Also, 100 parking stalls does not seem to be enough for the 131 units planned. Living in the area, I know that parking is a huge issue. People still have cars. Also, parking must included in the price of the rent. An apartment building across from my house on Lewis Street charges for parking. It sits with many stalls empty. Meantime, the renters don't want to pay and block the nearby streets. We had to designate our street residential only. It's a big issue in James Bay. -Should this be a non-smoking building, please provide an area outside for smokers so they aren't gathering along the sidewalks smoking cigarettes and cannabis in front of houses on Menzies, Niagara and Croft Streets. This is what is happening in front of current apartment buildings. Thanks for your time, Lara Hurrell Lewis Street Home Owner

**Q3. Your Full Name**

Lara Hurrell

**Q4. Your Street Address**

53 Lewis Street





**Respondent No:** 9

**Login:**

**Email:**

**Responded At:** Mar 22, 2021 17:26:02 pm

**Last Seen:** Mar 22, 2021 23:49:25 pm

**IP Address:**

Q1. **What is your position on this proposal?** Support

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Q2. **Comments (optional)**

Very concerned about overflow parking on Niagara Street. Parking is limited as it is, and with so many suites not having on-site parking, plus some suites may have 2 vehicles, the competition for parking on Niagara will be huge. Take a look at Niagara St. available parking when everyone gets home from work. Not at midday when there's lots of parking available.

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Q3. **Your Full Name** Margaret Osika

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Q4. **Your Street Address** 435A Niagara Street

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**Respondent No:** 10

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 27, 2021 19:34:43 pm

**Last Seen:** Mar 27, 2021 19:34:43 pm

**IP Address:** n/a

Q1. **What is your position on this proposal?** Oppose

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Q2. **Comments (optional)**

This design seems to have no sympathy to the site--the scale is far too large. The surrounding buildings are 4 storeys. The style is not in keeping with James Bay architecture. The materials proposed are not appropriate to the area. All in all, this will be an eyesore! I agree we need more infill housing in James Bay, but surely there are better ways of accomplishing this!

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Q3. **Your Full Name** Kate Reid George Phillips

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Q4. **Your Street Address** 123 Medana St

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**Respondent No:** 11

**Login:** Anonymous

**Email:** n/a

**Responded At:** Mar 29, 2021 12:50:39 pm

**Last Seen:** Mar 29, 2021 12:50:39 pm

**IP Address:** n/a

**Q1. What is your position on this proposal?**

I support the proposal but with reduced or amended site coverage to protect the trees on Menzies St. (see my comment below for rationale).

**Q2. Comments (optional)**

I support the proposal but with reduced site coverage. I am opposed to the loss of trees along Menzies Street, and the loss of the massive tree on the Menzies St. side of the property. I am concerned with the trend in landscaping to replace big trees that provide good habitat, with species that grow much less tall and provide less habitat. I would like to see the project designed to protect existing trees on Menzies.

**Q3. Your Full Name**

Sarah Weaver

**Q4. Your Street Address**

407-500 Rithet St



**Respondent No:** 12**Login:** Anonymous**Email:** n/a**Responded At:** Apr 04, 2021 21:07:48 pm**Last Seen:** Apr 04, 2021 21:07:48 pm**IP Address:** n/a**Q1. What is your position on this proposal?**

Currently oppose based on lack of parking spots the Applicant is proposing. Parking should be for the required 162 vehicles. See comments below.

**Q2. Comments (optional)**

As a homeowner living within 100 meters of the proposed development rezoning application for 110 Menzies & 450/456/458 Niagara Street to a Site-specific, Multi-family Zone, I would like to express myThe building will be entirely residential rental, with a range of 131units, 89 of which are proposed to be greater than one bedroom. Zoning bylaw for Site Specific, Multi-family Zone, requires vehicle parking for 162 vehicles and 176 bicycles, Strongitharm Consulting Ltd., the Applicant, has proposed to reduce vehicle parking to 100 vehicles and increase bicycle parking to 250. This is not acceptable in a neighbourhood already challenged by parking! As a home owner on Medana Street, we already see parking overflow from both Niagara and Simco Streets on our street now. While my household and my neighbour both only have one vehicle per house, which are driveway parked, it is common that a visitor cannot find parking close to our house. While it is lovely to foster and support a greener future and a non or single vehicle household, which I strongly support, it is not realistic to assume that a significant percentage of tenants in this complex will not own vehicles and those that do will only own 1 vehicle per household, when the reality is much closer to two vehicles per household. The city needs to ensure neighbourhood development is in harmony with the existing neighbourhood residents, who are already finding parking a challenge. Having insufficient parking from the very beginning of a new development that is a significant densification of an already densely populated neighbourhood, does not support sensitive infill.

**Q3. Your Full Name**

Claire &amp; Patrick Smith

**Q4. Your Street Address**

116 Medana Street





**Respondent No:** 13

**Login:** Anonymous

**Email:** n/a

**Responded At:** Apr 04, 2021 21:21:06 pm

**Last Seen:** Apr 04, 2021 21:21:06 pm

**IP Address:** n/a

Q1. **What is your position on this proposal?** Oppose

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Q2. **Comments (optional)**

Don't see how this will benefit low income families and there is not enough parking for all the units. Concerned as live a block away and parking is a challenge already

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Q3. **Your Full Name** Billy Zpage

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Q4. **Your Street Address** 110 Medana Street

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**MINUTES OF THE  
ADVISORY DESIGN PANEL MEETING  
HELD WEDNESDAY MARCH 24, 2021**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:00 PM**

**Present:** Marilyn Palmer (Chair), Devon Skinner, Sean Partlow, Ruth Dollinger, Joseph Kardum, Brad Forth, Matty Jardine, Pamela Madoff, Ben Smith

**Staff Present:** Miko Betanzo – Senior Planner. Urban Design  
Alena Hickman – ADP Secretary

**2. MINUTES**

**Minutes from the Meeting held February 24, 2021**

**Motion:**

It was moved by Joseph Kardum seconded by Matty Jardine, that the minutes from the meeting held February 24, 2021 be approved as amended.

**Carried Unanimously**

**3. APPLICATIONS**

**3.1 Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street**

The City is considering a new six-storey rental building with approximately 131 units.

Applicant meeting attendees:

DEANE STRONGITHARM	CITYSPACES CONSULTING LTD
TONY JAMES	CONTINUUM ARCHITECTURE
JEREMY BEINTEMA	CONTINUUM ARCHITECTS
CAROLE ROSSELL	SMALL ROSSELL LANDSCAPE
	ARCHITECTS
GREG MITCHEL	OWNERS REPRESENTATIVE

Michael Angrove provided the Panel with a brief introduction of the application and the areas that Council is seeking advice on, including the following:

- the length and massing of the building, particularly on the street frontages
- the height as it relates to transitioning to neighbouring properties
- any other aspects the ADP chooses to comment.



Deane provided the Panel with a detailed presentation of the site and context of the proposal. provided the panel with a detailed presentation of the landscaping plan.

The Panel asked the following questions of clarification:

- Can you provide clarification on the materials?
  - We have horizontal wood look siding. Hardy siding which will appear in the central blocks. The upper storeys are hardy panel with easy trim highlights for the reveals. Concrete for the planters and corrugated metal siding for the corners.
- Can you give more detail on the wood like panelling?
  - There are few different potential materials. Likely longboard, it's a metal aluminium with wood rendered on the surface.
- What is the soil depth on top of the parkade slab?
  - We are going to construct a tall curb, so that at the edge of the pathways we can increase the soil depths. The trees will be smaller species, but we are aiming for 900mm of soil for those trees.
- Is the future garden expansion property to the west currently locked down or is it still in the works?
  - Still in the works.
- How did you go about modelling the building and do you think it's an accurate representation?
  - This was done with computer modelling, site measurements, surveyors and google to create as close of a model as we can get. The BC housing project is at a higher grade then we are. We think it's an accurate approximation of the building. We think it's a comfortable fit.
- Do you have a shadow study?
  - 8am is the only time we have any significant impact to our neighbour to the north.
- You said you were looking at materials that represented current developments. What considerations did you take to the neighbouring properties?
  - The context in the neighbourhood is extremely varied. We took a 21st century contemporary approach. We have tried to introduce scale and rhythm to act as a new neighbour.
- What is the method of attachment for the corrugated metal on the corners?
  - We haven't got to that level of detail yet. The fastening items have not been decided.
- What type of wood is the wood look panelling going to be?
  - It will be as close to cedar as possible.
- For the hardy panel and easy trim, is that meant to be contrasting or is it meant to be blending in and what is the patterning?



- It's a clear anodized reveal without the top cap. The pattern should general relate to the windows and maximize the horizontal and or vertical looks on the building.
- Is the black trim and cladding based on context?
  - The black material is just a highlight to feature the stairs and entry. It wasn't pulled from any of the neighbouring buildings.
- The house to the west has a landscape strip, is that correct and what is the width?
  - The planters are approximately 600mm in terms of soil width. And where the trees are, is an additional 1200mm before the dog run, but the discussions are ongoing.
- How are you intending to treat the fire wall?
  - It will be the same light grey hardy panel and is just exposed on that top floor.
- Is this site within the James Bay square?
  - No, we are just outside. Where the OCP talks about height, the zoning allows a height of 22m and we are below that at 20.3m.
- Is there a discrepancy in the zoning on the table?
  - 18.5 is a maximum height but it can go up to 22m if the upper most storeys are used for amenities or a viewing platform.
- Was it intentional to not include the James Bay plan on the report?
  - It may have been an oversight, but in terms of design considerations, the James Bay plan doesn't speak to the aspects of the design.
- The significant variances that are being requested in what is a tight urban situation are concerning for potential future development for the BC housing site. Why wouldn't it be appropriate to meet those setbacks?
  - We have done what we think is a comfortable setback. These kinds of setbacks are not uncommon. We have moved the building back to accommodate trees and if BC housing develops in the future, we hope they have discussions with us as we have with them.

Panel members discussed:

- Expectations for more information on details from a project at this stage
- Concerns about the apparent volume of proposals that appear to contradict existing policies
- Concerns about proposals that exceed policies becoming a pattern
- Concern of building height
- Concern about tight setbacks along Menzies
- Appreciation for the design
- Two extra storeys are overwhelming
- Dislike of trees on roofs edge
- Fine with six storeys situated where they are
- Concern about landscape buffering
- Edge of the building could bow down on the Menzies corner



- Lacking detail on materials
- Concern of the choice in corrugated material as it doesn't fit into neighbourhood
- Black materials emphasize the height of the building rather than playing it down

**Motion:**

It was moved by Marilyn Palmer, seconded by Pamela Madoff, that Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street does not sufficiently meet the applicable design guidelines and policies and should be declined (and that the key areas that should be revised include:)

- reconsider increase setbacks on Menzies and the property to the north adjacent to the BC Housing property
- to reconsider the corrugated metal cladding the contrast in colour of the easy trim reveals and the black highlights to deemphasize the height
- application doesn't meet relevant policies of the James Bay plan or the R3-2 Zoning
- improving the landscape buffer to the house to the west

For: Pamela Madoff, Marilyn Palmer, Ruth Dollinger

Opposed: Sean Partlow, Ben Smith, Joseph Kardum, Matty Jardine

**Declined 4-3**

**Motion:**

It was moved by Joseph Kardum, seconded by Ben Smith, that Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street be approved with the following changes:

- reconsider increase setbacks on Menzies and the property to the north adjacent to the BC Housing property
- to reconsider the corrugated metal cladding the contrast in colour of the easy trim reveals and the black highlights to deemphasize the height
- application doesn't meet relevant policies of the James Bay plan or the R3-2 Zoning
- improving the landscape buffer to the house to the west

For: Sean Partlow, Ben Smith, Joseph Kardum, Matty Jardine

Opposed: Pamela Madoff, Marilyn Palmer, Ruth Dollinger

**Carried 4-3**

## **5. ADJOURNMENT**

The Advisory Design Panel meeting of March 24, 2021 was adjourned at 2:45 pm.

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Marilyn Palmer, Chair





Talbot Mackenzie & Associates

Consulting Arborists

# Village Gardens Development

## Victoria, BC

### Construction Impact Assessment &

### Tree Preservation Plan

Prepared For: Village Green Apartments Limited  
Partnership  
c/o Primex Investments Ltd.  
#200 - 1785 West 4th Avenue  
Vancouver, BC V6J 1M2

Prepared By: Talbot, Mackenzie & Associates  
Michael Marcucci  
ISA Certified # ON-1943A  
TRAQ – Qualified

Date of Issuance: June 12, 2020  
*Revised:* December 9, 2020  
(changes marked with a red asterisk \*)

Box 48153 RPO - Uptown Victoria, BC V8Z 7H6

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## Talbot Mackenzie & Associates

Consulting Arborists

Jobsite Property: 119 and 129 Croft St  
420, 450, and 456/458 Niagara St  
110 and 122 Menzies St

Date of Site Visit(s): October 17, 2019 (original inventory) and March-June, 2020

Site Conditions: No ongoing construction activity.

### **Summary:**

- The proposal includes constructing a residential complex with underground parking.
- 12 bylaw protected trees will require removal due to the building and/or parkade footprint (in addition to non-bylaw protected trees and a few small potentially protected trees/hedges).
- A 45cm DBH Lawson Cypress, which is shared with the municipality, is proposed for removal due to excavations associated with the parkade excavation, retaining walls and pathways.
- The applicant is willing to use shoring for the parkade excavation where necessary to retain the Elm trees along the north-east property line (if retention is desired by the municipality).
- Elm #37 can be retained, but will require 40-50% of its live canopy be removed for building clearance.
- \* The servicing plan has been updated with civil works requested by the city. The municipal Purple Leaf Plum trees (#21-27) are now proposed for removal due to the relocated sidewalk.

### **Scope of Assignment:**

- Inventory all trees over 10cm in diameter and any trees on municipal or neighbouring properties that could potentially be impacted by construction or that are within three metres of the property line.
- Review the proposal to demolish the existing houses and residential buildings and construct Phase One of a residential complex, which includes constructing buildings up to 6 storeys high, an underground parkade and the installation of new services.
- Comment on how construction activity may impact existing trees in Phase One.
- Prepare a tree retention and construction damage mitigation plan for those trees deemed suitable to retain given the proposed impacts.



### **Methodology:**

- We visually examined the trees on the property located in both Phase 1 and 2 and prepared an inventory in the attached Tree Resource Spreadsheet.
- Each tree was identified using a numeric metal tag attached to its lower trunk. Municipal trees and neighbours' trees were not tagged.
- Information such as tree species, DBH (1.4m), crown spread, critical root zone (CRZ), health, structure, and relative tolerance to construction impacts were included in the inventory.
- \*The conclusions reached were based on the information provided within the attached architectural plans from Continuum Architecture (2020-05-04), Landscape Plan (Small and Rossell, December 1, 2020) and the conceptual servicing plan (November 25, 2020).
- \*Tree protection fencing locations were added to the Landscape Plan.

### **Limitations:**

- No exploratory excavations have been conducted and thus the conclusions reached are based solely on critical root zone calculations, observations of site conditions, and our best judgement using our experience and expertise. The location, size and density of roots are often difficult to predict without exploratory excavations and therefore the impacts to the trees may be more or less severe than we anticipate.

## **Trees to be Removed**

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### **Parkade and Buildings**

The following trees will require removal due to being located within or in close proximity to the underground parkade and/or buildings:

#18 and 19 Leyland Cypress hedges  
#20 Laurel hedge  
Trees #1618 – 1633

### **\*Relocated Sidewalk & Trees #21-27**

The 6 municipal Purple Leaf Plum trees (#21, 22, 24-27) and the shared Lawson Cypress (#23) are proposed for removal, mostly due to the excavation for the relocated sidewalk, which would otherwise have to be raised above the root systems of all the trees and curve around their trunks. #21 has fair/poor structure, #26 has poor structure and #23 Lawson Cypress is a species of tree that is prone to infection and decline as a result of the *Phytophthora* pathogen, especially if there is disturbance within its root zone. As a result, we typically do not recommend taking extreme measures to retain this species of tree.

Considering the size, species and/or structural condition of these 7 trees, in our opinion, removal and replacement is a reasonable alternative to attempting to retain them.



## Potential Impacts to Trees

### **Underground Parkade Excavation**

The parkade slab elevation is 7.5m. This will result in a significant amount of over-excavation if a 1:1 cut-slope is used with no shoring. The applicant is willing to use shoring as necessary to limit impacts to elm trees #32-37 along the north-east property line. We recommend the project arborist supervise the excavations, including the removal of the existing building adjacent to the elm trees, and coordinate with the geotechnical engineer to determine where shoring is needed, based on the amount and size of roots observed during excavations. We do not anticipate significant health impacts to any of the trees as a result of the parkade excavation if this occurs.

### **\*Pathway through the root zones of the Elm trees**

The permeable gravel pathway proposed through the root zones of the elm trees #32-37 (see Figure 3) should be constructed above existing grade in order to avoid root loss. The grading plan shows the plan at the same grade as existing (12.05m); in reality, the gravel may be slightly above existing if surface roots are encountered immediately. Any excavation should be supervised by the project arborist.

### **#32 and 33 Elms (111cm and 66cm DBH, respectively)**

Minor clearance pruning is anticipated for the balconies. Root loss is anticipated as a result of the patios and retaining walls, which extend past the existing building foundations. Considering the remaining intact critical-root-zone, we anticipate the trees will recover. Working room for the retaining walls should be minimized as much as possible. It should be noted that #32 has fair/poor structure with rubbing stems and included bark at its base.

### **#37 Elm (72cm DBH)**

We do not anticipate a significant impact as a result of the foundation or parkade excavations (the parkade is farther away from this tree than the other elms). However, approximately 40-50% of the live canopy of the tree will require removal if 1m of clearance from the building and balconies is desired (see photographs #1 and 2, and Figures #1 and 2 for close-ups of the landscape plan).

A codominant union exists at 6m above ground and the larger stem leans and conflicts with the proposed building façade and to a lesser extent the balconies. The main trunk of the stem will not require removal, but almost all of the horizontal limbs will have to be removed or reduced. Elms will typically sucker rapidly and therefore reducing some limbs to branch stubs may be preferable instead of removal wounds to the trunk (there does not appear to be many suitable laterals to cut back to as almost all of the live growth is at the ends of the limbs).

**\*This pruning will likely result in sucker growth from the pruning wounds and along the length of this stem. If an attempt is made to properly restructure the tree after building clearance pruning, it will likely require ongoing cyclical pruning in the long-term.**



## Arborist Supervision

All excavation occurring within the critical root zones of protected trees should be completed under the direction or supervision of the project arborist. This includes (but is not limited to) the following activities within CRZs:

- Demolition of the existing buildings: removal of foundations within the CRZ of elms #32-37
- Parkade and building foundation excavation: #32-37
- Gravel pathway through elm tree CRZs
- Installation of any underground services that cross the CRZs of trees to be retained

## General Mitigation Measures

- **Pruning Roots:** Any severed roots must be pruned back to sound tissue to reduce wound surface area and encourage rapid compartmentalization of the wound. Backfilling the excavated area around the roots should be done as soon as possible to keep the roots moist and aid in root regeneration. Ideally, the area surrounding exposed roots should be watered; this is particularly important if excavation occurs or the roots are exposed during a period of drought. This can be accomplished in a number of ways, including wrapping the roots in burlap or installing a root curtain of wire mesh lined with burlap, and watering the area periodically throughout the construction process.
- **Barrier fencing:** The areas surrounding the trees to be retained should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones.

The barrier fencing must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.

- **Minimizing Soil Compaction:** In areas where construction traffic must encroach into the critical root zones of trees to be retained, efforts must be made to reduce soil compaction where possible by displacing the weight of machinery and foot traffic. This can be achieved by one or a combination of the following methods (depending on the size of machinery and the frequency of use):
  - Placing a layer of geogrid (such as Combigrid 30/30) over the area to be used and installing a layer of crushed rock to a depth of 15 cm over top or a layer of hog fuel or



coarse wood chips at least 30 cm in depth and maintaining it in good condition until construction is complete.

- Installing a layer of hog fuel or coarse wood chips at least 20 cm in depth and maintaining it in good condition until construction is complete.
- Placing two layers of 19mm plywood.
- Placing steel plates

- **Demolition of the existing buildings**

The demolition of the existing buildings and any services that must be removed or abandoned, must take the critical root zone of the trees to be retained into account. If any excavation or machine access is required within the critical root zones of trees to be retained, it must be completed under the supervision and direction of the project arborist. If temporarily removed for demolition, barrier fencing must be erected immediately after the supervised demolition.

\*The necessity of tree protection fencing and arborist supervision around all the existing bylaw protected trees during demolition of the existing buildings will depend on whether removal permits have been granted prior to demolition or whether all the trees need to be protected until building permits are issued. Regardless, a pre-demolition site meeting should take place between the supervising contractor and the project arborist, in order to determine which trees require protection, site access routes, areas for materials storage, etc.

Some large trees (e.g. #1627 and 1631) are very close to the existing building foundations (<2m) and therefore if these trees must be retained, the supervising arborist may recommend parts of the existing foundations be retained in order to avoid significantly impacting the health and/or structure of the trees. Whether this will be necessary will depend on the depths of the existing foundations/slabs and whether roots encountered during their removal.

- **Mulching:** Mulching can be an important proactive step in maintaining the health of trees and mitigating construction related impacts and overall stress. Mulch should be made from a natural material such as wood chips or bark pieces (not dyed) and be 5-8cm deep. No mulch should be touching the trunk of the tree. See “methods to avoid soil compaction” if the area is to have heavy traffic.
- **Blasting:** Care must be taken to ensure that the area of blasting does not extend beyond the necessary footprints and into the critical root zones of surrounding trees. The use of small low-concussion charges and multiple small charges designed to pre-shear the rock face will reduce fracturing, ground vibration, and overall impact on the surrounding environment. Only explosives of low phytotoxicity and techniques that minimize tree damage should be used. Provisions must be made to ensure that blasted rock and debris are stored away from the critical root zones of trees.
- **Scaffolding:** This assessment has not included impacts from potential scaffolding including canopy clearance pruning requirements. If scaffolding is necessary and this will require clearance pruning of retained trees, the project arborist should be consulted. Depending on the extent of pruning required, the project arborist may recommend that alternatives to full



scaffolding be considered such as hydraulic lifts, ladders or platforms. Methods to avoid soil compaction may also be recommended (see “Minimizing Soil Compaction” section).

- **Landscaping and Irrigation Systems:** The planting of new trees and shrubs should not damage the roots of retained trees. The installation of any in-ground irrigation system must take into account the critical root zones of the trees to be retained. Prior to installation, we recommend the irrigation technician consult with the project arborist about the most suitable locations for the irrigation lines and how best to mitigate the impacts on the trees to be retained. This may require the project arborist supervise the excavations associated with installing the irrigation system. Excessive frequent irrigation and irrigation which wets the trunks of trees can have a detrimental impact on tree health and can lead to root and trunk decay.
- **Arborist Role:** It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:
  - Locating the barrier fencing
  - Reviewing the report with the project foreman or site supervisor
  - Locating work zones, where required
  - Supervising any excavation within the critical root zones of trees to be retained
  - Reviewing and advising of any pruning requirements for machine clearances
  - \*Project arborist to coordinate with the geotechnical engineer to determine shoring needs in the critical root zones of trees to be retained.
- **Review and site meeting:** Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any site clearing, tree removal, demolition, or other construction activity occurs and to confirm the locations of the tree protection barrier fencing.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions.

Thank you,



Michael Marcucci  
ISA Certified # ON-1943A  
TRAQ – Qualified

Talbot Mackenzie & Associates  
ISA Certified Consulting Arborists



Attached:

- 3-pages photographs and figures
- 4-page tree resource spreadsheet
- 1-page landscape plan with arborist information added (building extents, fencing)
- 1-page landscape grading plan
- 1-page servicing plan (contains trees to be removed)
- 1-page existing site map of trees
- 10-page building plans
- 1-page barrier fencing specifications
- 2-page tree resource spreadsheet methodology and definitions

#### **Disclosure Statement**

This arboricultural field review report was prepared by Talbot Mackenzie & Associates for the exclusive use of the Client and may not be reproduced, used or relied upon, in whole or in part, by a party other than the Client without the prior written consent of Talbot Mackenzie & Associates. Any unauthorized use of this report, or any part hereof, by a third party, or any reliance on or decisions to be made based on it, are at the sole risk of such third parties. Talbot Mackenzie & Associates accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report, in whole or in part.

Arborists are professionals who examine trees and use their training, knowledge, and experience to recommend techniques and procedures that will improve a tree's health and structure or to mitigate associated risks. Trees are living organisms whose health and structure change and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. The arborist's review is limited to a visual examination of tree health and structural condition, without excavation, probing, resistance drilling, increment coring, or aerial examination. There are inherent limitations to this type of investigation, including, without limitation, that some tree conditions will inadvertently go undetected. The arborist's review followed the standard of care expected of arborists undertaking similar work in British Columbia under similar conditions. No warranties, either express or implied, are made as to the services provided and included in this report.

The findings and opinions expressed in this report are based on the conditions that were observed on the noted date of the field review only. The Client recognizes that passage of time, natural occurrences, and direct or indirect human intervention at or near the trees may substantially alter discovered conditions and that Talbot Mackenzie & Associates cannot report on, or accurately predict, events that may change the condition of trees after the described investigation was completed.

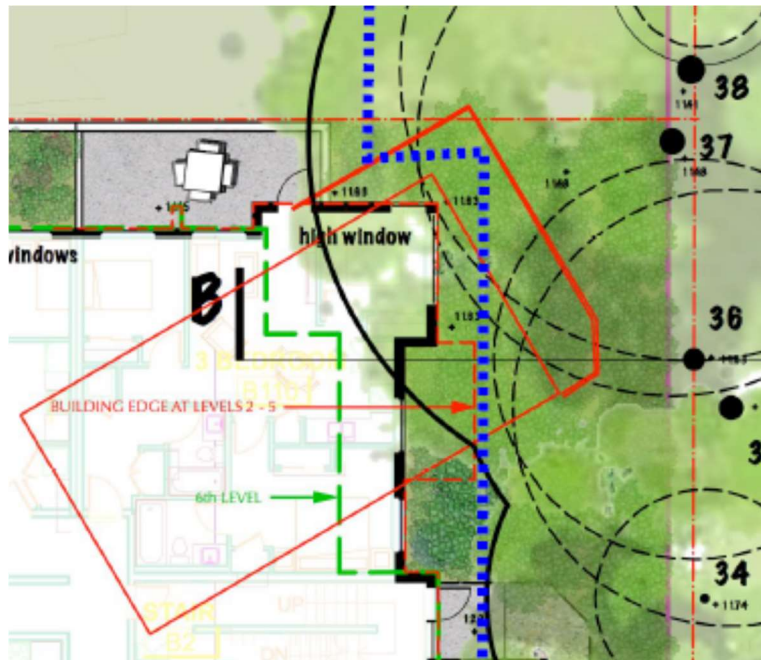
It is not possible for an Arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk. The only way to eliminate tree risk entirely is to remove the entire tree. All trees retained should be monitored on a regular basis. Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

Immediately following land clearing, grade changes or severe weather events, all trees retained should be reviewed for any evidence of soil heaving, cracking, lifting or other indicators of root plate instability. If new information is discovered in the future during such events or other activities, Talbot Mackenzie & Associates should be requested to re-evaluate the conclusions of this report and to provide amendments as required prior to any reliance upon the information presented herein.

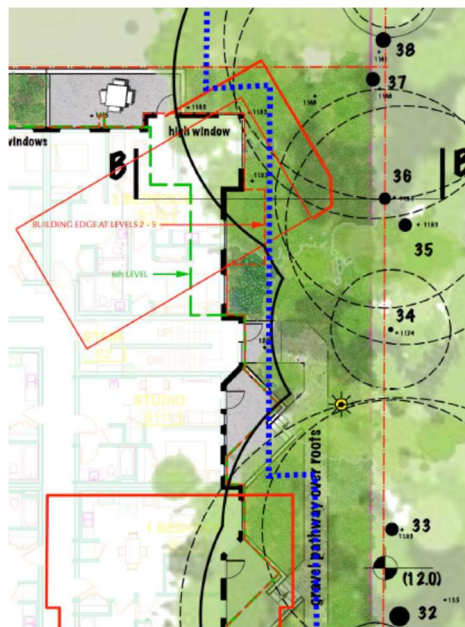




Village Gardens – Photographs



*Figure 1: Close-up of building extents in relation to elm #37. The red rectangle is an existing paved picnic table area.*



*Figure 2 (right): Farther view of same plan.*



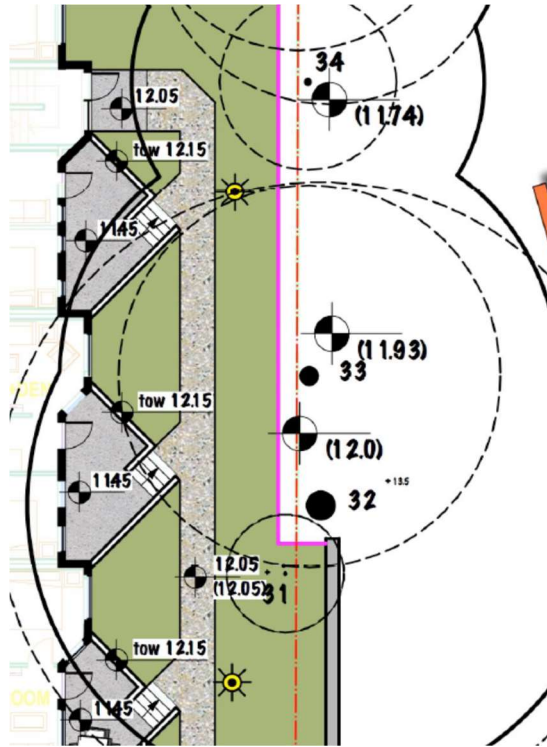


Figure 3: Grading plan for the gravel pathway within the CRZs of retained elms trees.





*Photographs #1 (left photo, facing west) and #2 (right photo, facing east towards Menzies St):  
The red lines indicate the approximate location of the closest building corner to elm #37. The orange lines indicate the approximate location where minimum pruning cuts would be to allow 1m of clearance from the building and balconies.*



Niagara St Development (between Croft and Menzies St), Victoria  
Tree Resource Spreadsheet

Tree ID (#1-39 have no tag)	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (diameter in metres)	CRZ (radius in metres)	Relative Tolerance (good, moderate, poor)	Health	Structure	Remarks and Recommendations	Ownership (blank - on subject property)	Bylaw Protected	Retention Status	Impacts
1	Purple Leaf Plum	<i>Prunus cerasifera</i>	20.0	6.0	2.5	M	Fair	Fair	Municipal ID 13801. Growing underneath pine canopy	Municipal	No	Phase 2	
2	Purple Leaf Plum	<i>Prunus cerasifera</i>	39.0	8.0	4.5	M	Fair	Fair	Municipal ID 13802. Growing underneath pine canopy. 20cm wide pruning wound on trunk.	Municipal	Protected	Phase 2	
3	Purple Leaf Plum	<i>Prunus cerasifera</i>	38.0	8.0	4.5	M	Fair	Fair	Municipal ID 13803	Municipal	Protected	Phase 2	
4	Purple Leaf Plum	<i>Prunus cerasifera</i>	37.0	8.0	4.5	M	Fair	Fair	Municipal ID 13804. Small <i>Ganoderma</i> fruiting body (4cm wide) on SE side of trunk at base.	Municipal	Protected	Phase 2	
5	Purple Leaf Plum	<i>Prunus cerasifera</i>	28.0	7.0	3.5	M	Fair	Fair	Municipal ID 13805. Leaning. Pruning wounds	Municipal	No	Phase 2	
6	Purple Leaf Plum	<i>Prunus cerasifera</i>	35.0	6.0	4.0	M	Fair	Fair/poor	Municipal ID 13806. Decay in scaffold limb. Crossing branches. 20cm wide pruning wound on trunk	Municipal	Protected	Phase 2	
7	Sycamore Maple	<i>Acer pseudoplatanus</i>	32.0	10.0	4.0	M	Fair	Fair	Somewhat small foliage and stunted growth form. Codominant unions at 2m	Neighbour's	Protected	Phase 2	
8	Fig tree	<i>Ficus species</i>	<15 multistem	5.0	~2	G	Fair	Fair	Growing against fence. Wire girdling largest trunk	Neighbour's	No	Phase 2	
9	Cherry	<i>Prunus species</i>	~8, 8	5.0	1.5	M	Good	Fair	Codominant at base	Neighbour's	No	Phase 2	
10	Serbian Spruce	<i>Picea omorika</i>	~13	2.0	~2	M	Fair	Good	Retaining wall near fence line	Neighbour's	No	Phase 2	
11	Weeping Willow	<i>Salix babylonica</i>	3	2	~1.5	G	Fair	Fair	Likely neighbour's. Growing against fence. Flat top at 2m tall	Neighbour's	No	Phase 2	
12	Douglas-fir	<i>Pseudotsuga menziesii</i>	~45	10	7.0	P	Fair	N/A	~5m from fence	Neighbour's	Protected	Phase 2	
13	Hedge Maple	<i>Acer campestre</i>	~12	3	~2	G	Fair/poor	Fair	Suppressed by canopy of 1613 ash	Neighbour's	No	Phase 2	
14	Variegated Western Red Cedar	<i>Thuja plicata</i> 'Zebrina'	~35	7.0	~5.5	P	Good	N/A	On neighbour's side of fence, but survey shows on subject property. Crown raised.		Protected	Phase 2	
15	Variegated Western Red Cedar	<i>Thuja plicata</i> 'Zebrina'	~35	7.0	~5.5	P	Good	N/A	On property line. Crown raised	Shared	Protected	Phase 2	
16	Variegated Western Red Cedar	<i>Thuja plicata</i> 'Zebrina'	~35	7.0	~5.5	P	Good	N/A	Neighbour's. Crown raised	Neighbour's	Protected	Phase 2	
17	Variegated Western Red Cedar	<i>Thuja plicata</i> 'Zebrina'	~25, 15	7.0	~5	P	Good	N/A	Neighbour's. Crown raised	Neighbour's	Potentially Protected	Phase 2	
18	Leyland Cypress hedge	<i>Cupressus x leylandii</i>	<26	4	2.5	G	Good	Fair	8m tall pruned hedge. Largest single stem is 26cm DBH; twin stem at end is ~20, 15.		No	Removal	Within parkade
19	Leyland Cypress hedge	<i>Cupressus x leylandii</i>	<20~	4	2.0	G	Fair	Fair	West half of hedge topped at 4m; east half 7m tall pruned hedge		No	Removal	Within parkade
20	English Laurel hedge	<i>Prunus laurocerasus</i>	8-30cm	3	< 3	G	Fair	Fair	5m tall pruned hedge. Backyard of 456/458 Niagara St. * Some stems may add up to 30cm cumulative DBH, but if so, in our opinion, as part of a trimmed hedge they should not be considered bylaw protected.		No * (in our opinion)	Removal	Within parkade
21	Purple Leaf Plum	<i>Prunus cerasifera</i>	40	8	5.0	M	Fair	Fair/poor	Municipal, ID 13780. <i>Ganoderma</i> fruiting body on west side of tree at 2.5m within union.	Municipal	Municipal	Removal	Sidewalk excavation (+parkade, patio 2.1m from tree)
22	Purple Leaf Plum	<i>Prunus cerasifera</i>	25	7	3.0	M	Fair	Fair	Municipal, ID 13781. Small 2cm wide <i>Ganoderma</i> fruiting body on south side near base. Crossing limb	Municipal	Municipal	Removal	Sidewalk excavation (+parkade)
23	Lawson Cypress	<i>Chamaecyparis lawsoniana</i>	46	9	7.0	P	Fair	Fair	Municipal, ID 13782. Tridominant at 3m. Crown raised historically	Shared	Municipal	Removal	Within sidewalk (+ parkade, retaining walls, pathways)
24	Purple Leaf Plum	<i>Prunus cerasifera</i>	20	7	2.5	M	Fair	Fair	Municipal, ID 13783. Leaning. Trunk wound	Municipal	Municipal	Removal	Sidewalk excavation (+parkade)
25	Purple Leaf Plum	<i>Prunus cerasifera</i>	26	9	3.0	M	Fair	Fair	Municipal, ID 13784. Early leaf drop or dieback in upper canopy	Municipal	Municipal	Removal	Sidewalk excavation (+parkade, 20% canopy loss from balconies)



Niagara St Development (between Croft and Menzies St), Victoria  
Tree Resource Spreadsheet

Tree ID (#1-39 have no tag)	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (diameter in metres)	CRZ (radius in metres)	Relative Tolerance (good, moderate, poor)	Health	Structure	Remarks and Recommendations	Ownership (blank - on subject property)	Bylaw Protected	Retention Status	Impacts
26	Purple Leaf Plum	<i>Prunus cerasifera</i>	34	9	4.0	M	Fair	Poor	Municipal, ID 13785. Large <i>Ganoderma</i> fruiting body (20cm wide) at ground level on southwest side of tree.	Municipal	Municipal	Removal	Sidewalk excavation (+parkade, 25% canopy loss from balconies)
27	Purple Leaf Plum	<i>Prunus cerasifera</i>	33	9	4.0	M	Fair	Fair	Municipal, ID 13786	Municipal	Municipal	Removal	Sidewalk excavation (+parkade, pathway)
28	Colorado Blue Spruce	<i>Picea pungens</i>	~20	4	~2	M	Fair	Good	Retaining wall near or at property line	Neighbour's	No	Retain	
29	Pyramidal Cedar	<i>Thuja occidentalis</i> 'Pyramidalis'	15.0	2.0	2.0	M	Fair	Good	Located on subject property according to survey		No	Retain if desired	
30	Pyramidal Cedar	<i>Thuja occidentalis</i> 'Pyramidalis'	13.0	2.0	1.5	M	Fair	Good	Located on subject property according to survey		No	Retain if desired	
31	Hawthorn	<i>Crataegus</i> species	14, 11	4.0	2.0	G	Fair	Fair	Located on subject property according to survey. Suppressed. Historical stem removal at union. Crossing limbs		No	Retain if desired	
32	Elm	<i>Ulmus</i> species	111.0	20.0	11.0	G	Good	Fair/poor	Two stems; possibly two trees with the lower 4m of their trunks pressed together. Stems crossing at ~8m above ground with wound. Large pruning wounds.	Neighbour's	Protected	Retain	Parkade, retaining walls, pathway
33	Elm	<i>Ulmus</i> species	66.0	17.0	6.5	G	Good	Fair	Neighbour's or potentially shared ownership if base crosses property line.	Neighbour's or shared	Protected	Retain	Parkade, retaining walls, pathway
34	Elm	<i>Ulmus</i> species	28.0	12.0	3.0	G	Fair	Fair	Somewhat suppressed	Neighbour's or shared	No	Retain	Parkade, pathway
35	Elm	<i>Ulmus</i> species	58.0	12.0	6.0	G	Good	Fair		Neighbour's	Protected	Retain	Parkade
36	Elm	<i>Ulmus</i> species	57.0	13.0	5.5	G	Good	Fair	Potentially shared if base crosses property line.	Subject property or potentially shared	Protected	Retain	Parkade
37	Elm	<i>Ulmus</i> species	72.0	20.0	7.0	G	Good	Fair	Located on subject property according to survey. Engulfing fence ends		Protected	Retain with canopy loss	Parkade excavation, canopy loss
38	Elm	<i>Ulmus</i> species	78.0	20.0	8.0	G	Good	Fair		Subject property or potentially shared	Protected	Retain	
39	Hawthorn	<i>Crataegus</i> species	~20	5.0	~2	G	Fair	N/A	Fence obstructing view of base	Shared	No	Retain	
1600	Scots Pine	<i>Pinus sylvestris</i>	52	11	6.0	M	Fair	Good	Growing among boulders and west of retaining wall		Protected	Phase 2	
1601	Scots Pine	<i>Pinus sylvestris</i>	35	9	4.0	M	Fair	Good	Growing among boulders and west of retaining wall		Protected	Phase 2	
1602	Scots Pine	<i>Pinus sylvestris</i>	48	12	6.0	M	Fair	Fair	Growing among boulders and west of retaining wall. Codominant unions throughout		Protected	Dead; to be removed	
1603	Scots Pine	<i>Pinus sylvestris</i>	38	10	4.5	M	Fair	Fair	Growing among boulders and west of retaining wall. Asymmetric canopy		Protected	Phase 2	
1604	Scots Pine	<i>Pinus sylvestris</i>	39	10	4.5	M	Fair	Fair	Growing among boulders and west of retaining wall. Curving leader		Protected	Phase 2	
1605	Holly	<i>Ilex aquifolium</i>	17, 12	5	2.5	G	Fair	Fair	4m tall		No	Phase 2	
1606	Corkscrew Willow	<i>Salix matsudana</i>	15, 13	7	2.5	G	Fair	Fair	Asymmetric canopy		No	Phase 2	



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Tree Resource Spreadsheet

Tree ID (#1-39 have no tag)	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (diameter in metres)	CRZ (radius in metres)	Relative Tolerance (good, moderate, poor)	Health	Structure	Remarks and Recommendations	Ownership (blank - on subject property)	Bylaw Protected	Retention Status	Impacts
1607	European Ash	<i>Fraxinus excelsior</i>	12	5	~2	G	Good	Fair	Growing against fence		No	Phase 2	
1608	Palm	<i>Trachycarpus fortunei</i>	13, 12, 12	4	3.0	M	Good	Fair	Beside retaining wall. Potentially 3 separate trees		No	Phase 2	
1609	Palm	<i>Trachycarpus fortunei</i>	12	1	1.5	M	Good	Good			No	Phase 2	
1610	Palm	<i>Trachycarpus fortunei</i>	12	1	1.5	M	Good	Good			No	Phase 2	
1611	Cherry	<i>Prunus</i> species	47	6	5.5	M	Fair	Fair/poor	Surface roots with wounds and upheaving walkway. Tearout injury and large pruning wound		Protected	Phase 2	
1612	Cherry	<i>Prunus</i> species	54	8	6.5	M	Fair	Fair	Pruning wounds throughout canopy. Surface roots		Protected	Phase 2	
1613	European Ash	<i>Fraxinus excelsior</i>	58	15	6.0	G	Fair	Fair	Some limb dieback in upper canopy. Deadwood. Base growing against fence		Protected	Phase 2	
1614	English Laurel	<i>Prunus laurocerasus</i>	17, 15, 15, + 7x 10-15cm stems	6	~2	G	Good	Fair	Trimmed. This tree is technically bylaw protected if all the stems at DBH are added, but in our opinion it should not be considered bylaw protected.		Possibly Protected*	Phase 2	
1615	Sycamore Maple	<i>Acer pseudoplatanus</i>	22	9	2.5	M	Fair	Fair/poor	Measured below union at DBH which has included bark with reaction growth and seam forming already		No	Phase 2	
1616	Portuguese Laurel	<i>Prunus lusitanica</i>	21, 19	9	3.5	G	Fair	Fair/poor	Possibly considered two separate trees. One stem dying with split leader. Remaining stem with decay at base and included bark and rope wrapped around trunk		Protected	Phase 2	
1617	Scots Pine	<i>Pinus sylvestris</i>	51	13	6.0	M	Fair	Fair	Flat top. Downspout attached to trunk with wire wrapped around; removal of wire recommended if retained. Surface roots		Protected	Phase 2	
1618	Mountain Ash	<i>Sorbus</i> species	25	5	4.0	P	Good	Fair	Located in front yard of 450 Niagara St. Crossing limbs	Potentially shared with neighbour	No	Removal	Within parkade
1619	Pine	<i>Pinus</i> species	31	6	3.5	M	Fair	Fair	White pine species.		Protected	Removal	Parkade/ building excavation
1620	Sycamore Maple	<i>Acer pseudoplatanus</i>	33, 31, 29, 27	14	8.5	M	Fair	Fair/poor	Codominant unions with included bark. Large stem removal wound on one stem. Pruned for hydro on one side. Base growing against and engulfing walkway.		Protected	Removal	Parkade/ building excavation
1621	Fig tree	<i>Ficus</i> species	17, 13, 13, ~12	7	~2	G	Good	Fair	Located in backyard of 450 Niagara St. * None of the stems appear to connect above ground and therefore this tree should not be considered bylaw protected in our opinion.		No *	Removal	Within parkade
1622	Laburnum	<i>Laburnum x watereri</i>	22	6	2.5	M	Good	Good	Located in backyard of 450 Niagara St.		No	Removal	Within parkade
1623	European Ash	<i>Fraxinus excelsior</i>	11, 11, 11, 9, 7	7	3*	G	Good	Poor	Located in backyard of 450 Niagara St. Crossing limbs and included bark. *Protected if all stems are calculated cumulatively, but considering the base is 31cm in diameter at ground level, it should not be considered protected in our opinion.		No * (in our opinion)	Removal	Within parkade
1624	Laburnum	<i>Laburnum x watereri</i>	22, 17	8	3.5	M	Fair	Fair			Protected	Removal	Within parkade
1625	Cherry	<i>Prunus</i> species	33, 28	12	6.0	M	Fair	Fair	Codominant union		Protected	Removal	Within parkade
1626	Cherry	<i>Prunus</i> species	43	11	5.0	M	Fair	Fair	Crossing limbs.		Protected	Removal	2m from building
1627	Lombardy Poplar	<i>Populus nigra</i> 'Italica'	176	20	17.5	G	Fair	Poor	Stems fused at DBH; weak union with sap stains from included bark. Less than 3m from existing building foundation		Protected	Removal	Within parkade



**Niagara St Development (between Croft and Menzies St), Victoria**  
**Tree Resource Spreadsheet**

Tree ID (#1-39 have no tag)	Common Name	Latin Name	DBH (cm) ~ approximate	Crown Spread (diameter in metres)	CRZ (radius in metres)	Relative Tolerance (good, moderate, poor)	Health	Structure	Remarks and Recommendations	Ownership (blank - on subject property)	Bylaw Protected	Retention Status	Impacts
1628	Elm	<i>Ulmus species</i>	102	22	10.0	G	Good	Fair	Endweighted limbs.		Protected	Removal	Within parkade
1629	Elm	<i>Ulmus species</i>	87.0	20.0	8.5	G	Good	Fair	Endweighted limbs. ~2m from building foundation		Protected	Removal	Within parkade
1630	European Ash	<i>Fraxinus excelsior</i>	80.0	19.0	8.0	G	Fair	Fair	Dieback and dead limbs in upper canopy		Protected	Removal	Within parkade
1631	Elm	<i>Ulmus species</i>	101.0	26.0	10.0	G	Fair	Fair/poor	~2m from building foundation. Historical pruning wounds. Recent large ~50cm scaffold limb failure from trunk (December 8, 2020)		Protected	Removal	Within parkade
1632	European Ash	<i>Fraxinus excelsior</i>	71.0	16.0	7.0	G	Fair	Fair/poor	Large historical limb removal wounds; cavity. Asymmetric canopy twig dieback in upper canopy		Protected	Removal	Within parkade
1633	European Ash	<i>Fraxinus excelsior</i>	59.0	15.0	6.0	G	Fair	Poor	Large historical limb removal wounds; cavity at 1m		Protected	Removal	Within parkade







# LANDSCAPE PLAN

SMALL & ROSSELL  
LANDSCAPE ARCHITECTS

3012 manzer road, sooke, b.c., v9z 0c9  
t: 250-642-6967

design@smallandrossell.com  
www.smallandrossell.com

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The drawing shall not be used for construction purposes unless marked "issued for construction"

Revision	No.	Description	Date
	1	CoV Application Review- Building footprint revisions Central courtyard area reduced RoW/sidewalk revisions Removal of existing street trees New street trees & tree soil volumes Ulg Telus identified accurately Public seating plaza redesigned with pedestrian light Building Entrance Plaza redesigned Garage entry ramp repositioned On-site Menzies landscape revised On-site Niagara landscape revised Street lights added on Niagara St. On-site rainwater management statement added	18 Nov 2020
		Issue	Issue Date
		Development Permit	22 June 2020
		Development Permit R1	1 Dec 2020

Project

**PRIMEX INVESTMENTS**

**VILLAGE GARDENS  
RESIDENTIAL COMPLEX**

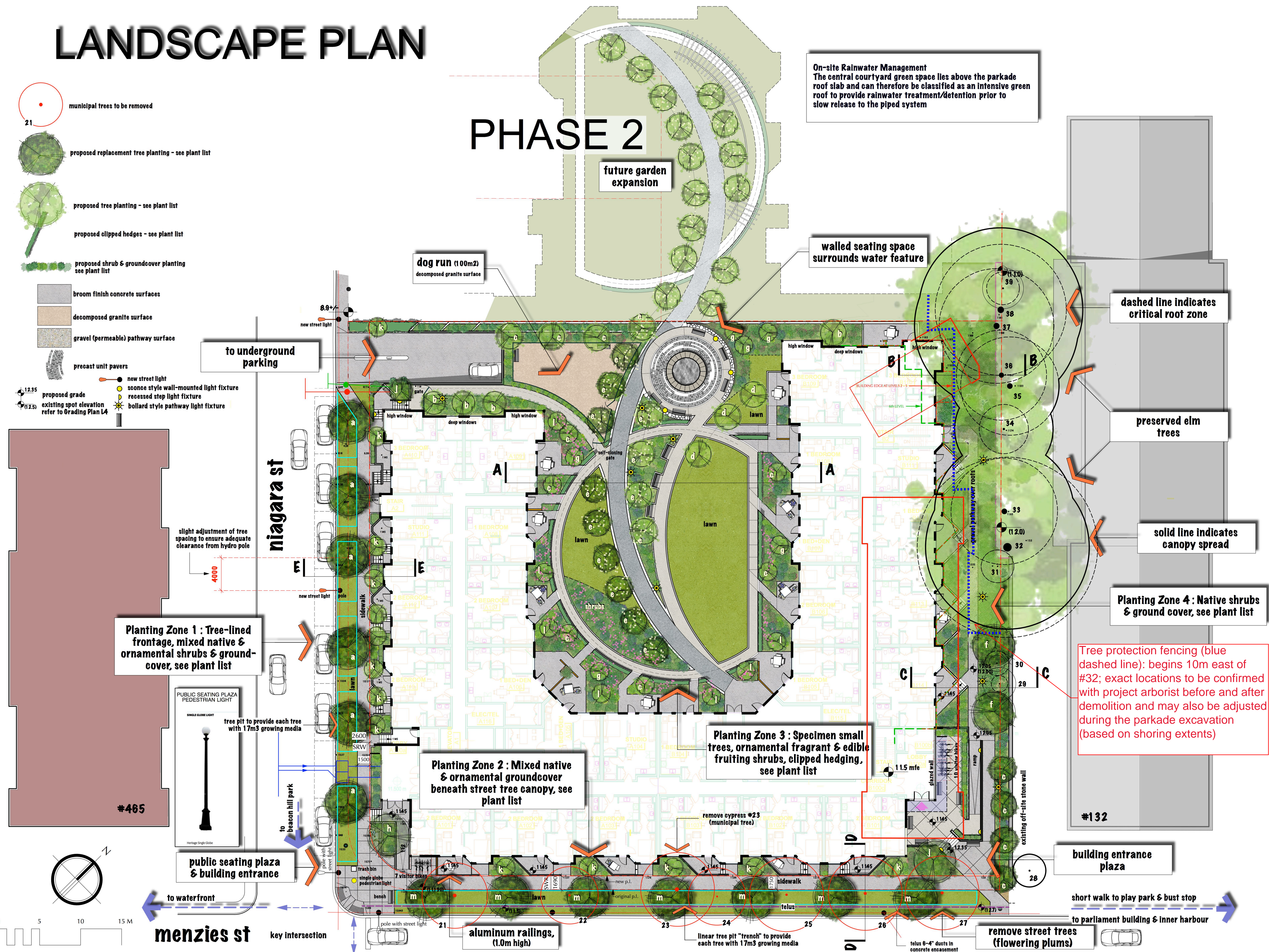
Sheet Title

# LANDSCAPE PLAN

Drawn By	Checked
AJS	CAR
Project Number	Scale
	1:200
Revision	Sheet Number

1

# L1





Revision	Description	Date
1	City Application Review, Landscape Plan set	8 Nov 2020
	Landscape Plan set	

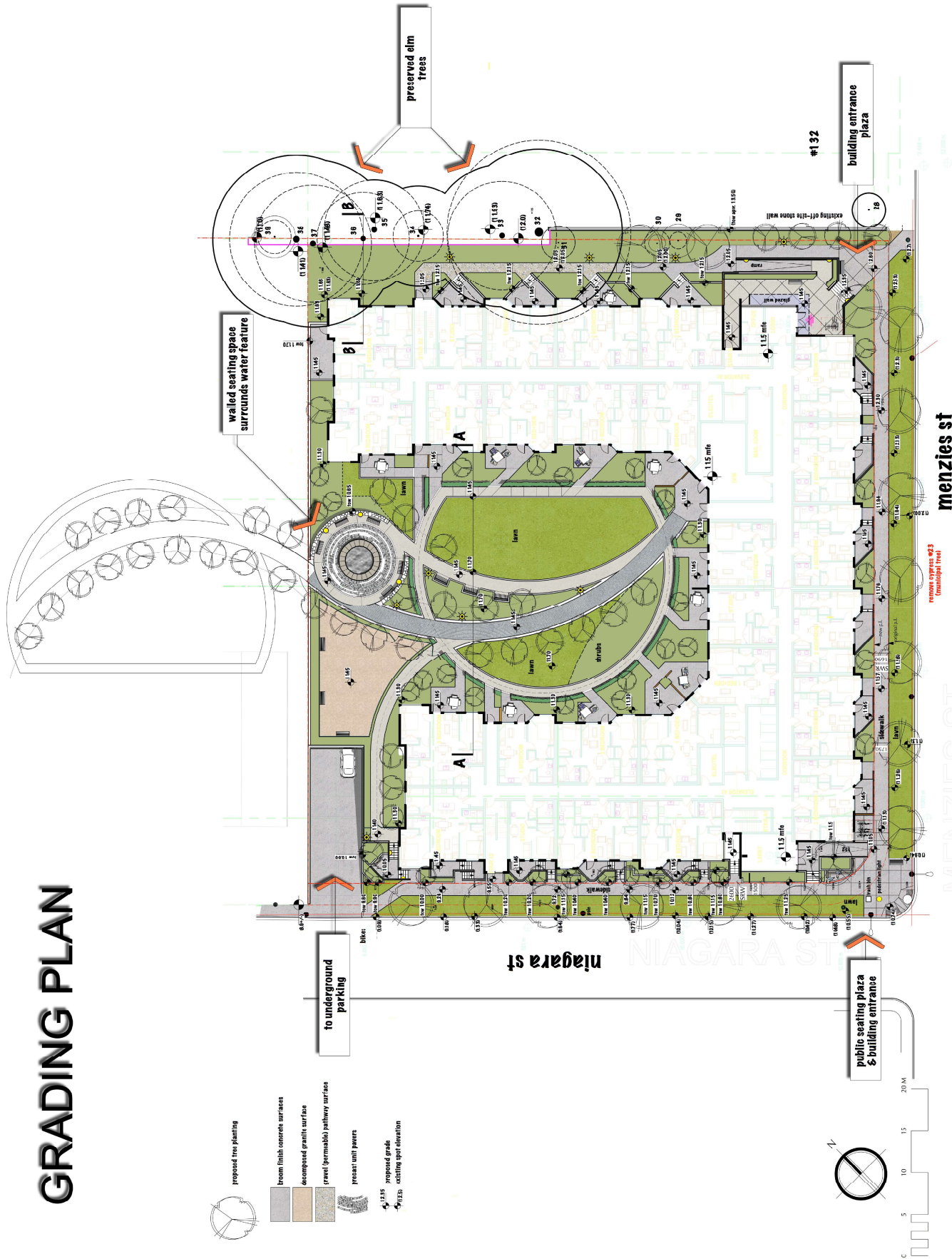
Issue	Development Permit #1	Issue Date
		18 Nov 2020

Project  
**PRIMEX INVESTMENTS**  
**VILLAGE GARDENS**  
**RESIDENTIAL COMPLEX**

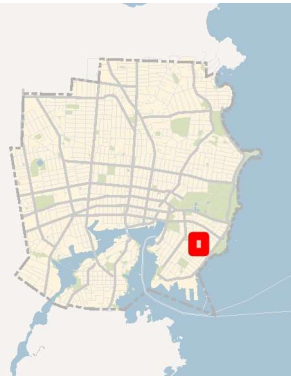
Sheet Title  
**GRADING PLAN**

Drawn By	AJS	Checked	CAR
Project Number	1200	Scale	1:200
Revision	1	Sheet Number	18

**L4**







**Legend**  
 Victoria Parcels

1: 1,600



**Notes**

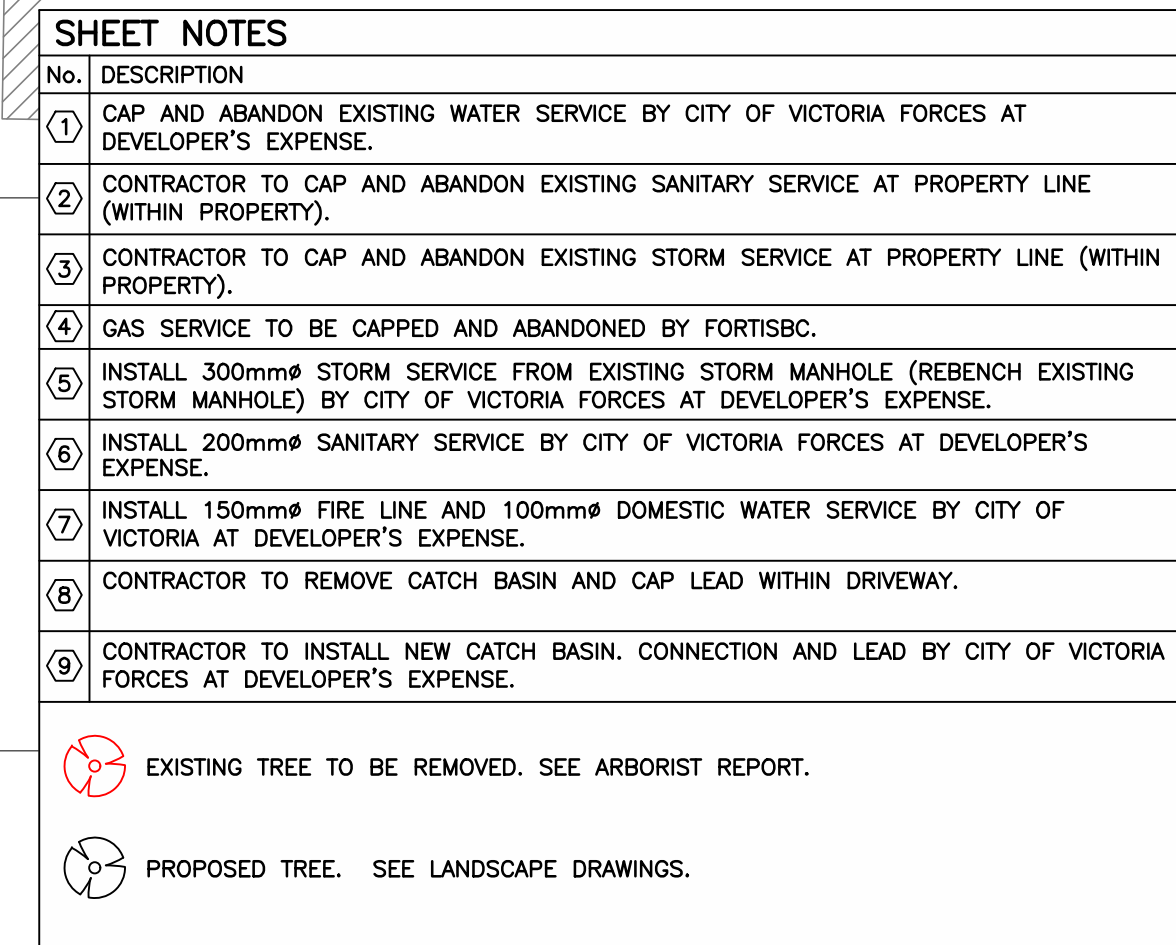
Tree Inventory  
 Talbot Mackenzie &  
 Associates  
 October 17, 2019  
 Note: #1-39 do not have  
 tags  
 Spreadsheet attached



81 0 41 81 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION





PLAN  
1:250

2-50Ø STREETLIGHT CONDUITS C/W  
JUNCTION BOXES AT BOTH ENDS OF  
PROPERTY LIMIT (LOCATION TO BE  
CONFIRMED DURING DETAILED DESIGN)

PROJECT: VILLAGE GREEN 111 CROFT STREET, 450 NIAGARA STREET AND 456 NIAGARA STREET, VICTORIA, BC
TITLE: CONCEPTUAL SERVICING

SCALE	
HORIZ: 1:250	VERT:
PROJECT NO. 19-076	ISSUED/REVISION
APPROVING AUTHORITY FILE NO.	
DRAWING NO. 19-076-REZONING	

[illegible]

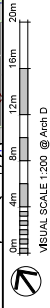
 **McElhanney**

500 - 3960 QUADRA STREET  
VICTORIA, BC V8X 4A3 PH (250) 370-9221









**continuum**  
ARCHITECTURE



PRIMEX INVESTMENTS

519 PANDORA AVENUE, VICTORIA, B.C. V8W 1N5 +1 250 388 4261

# VILLAGE GREEN RESIDENTIAL COMPLEX

110 MENZIES ST, VICTORIA BC V8V 1H1

JOB No.: 1833

SCALE: 1 : 200

# SITE PLAN - EXISTING/DEMO

## A-1.1

DATE: 2020/11/19





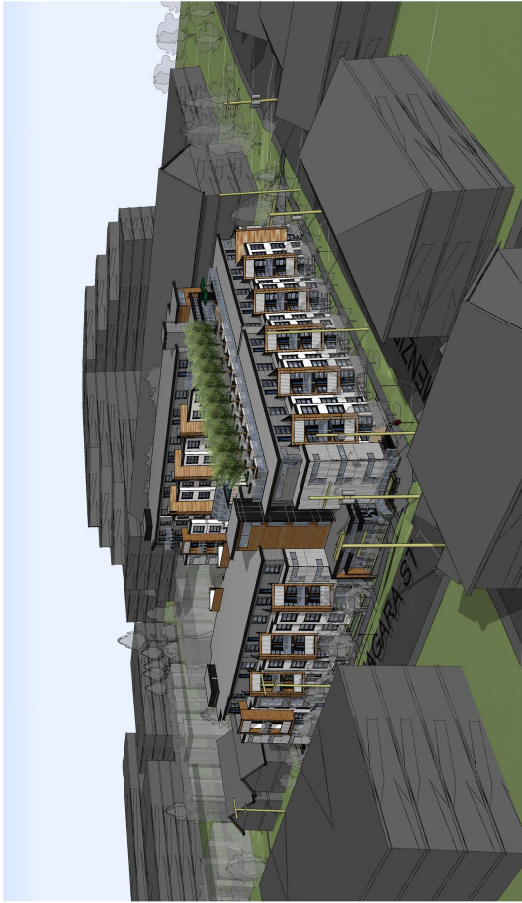












1 | 3D BIRD'S EYE - SOUTH



2 | 3D BIRD'S EYE - WEST

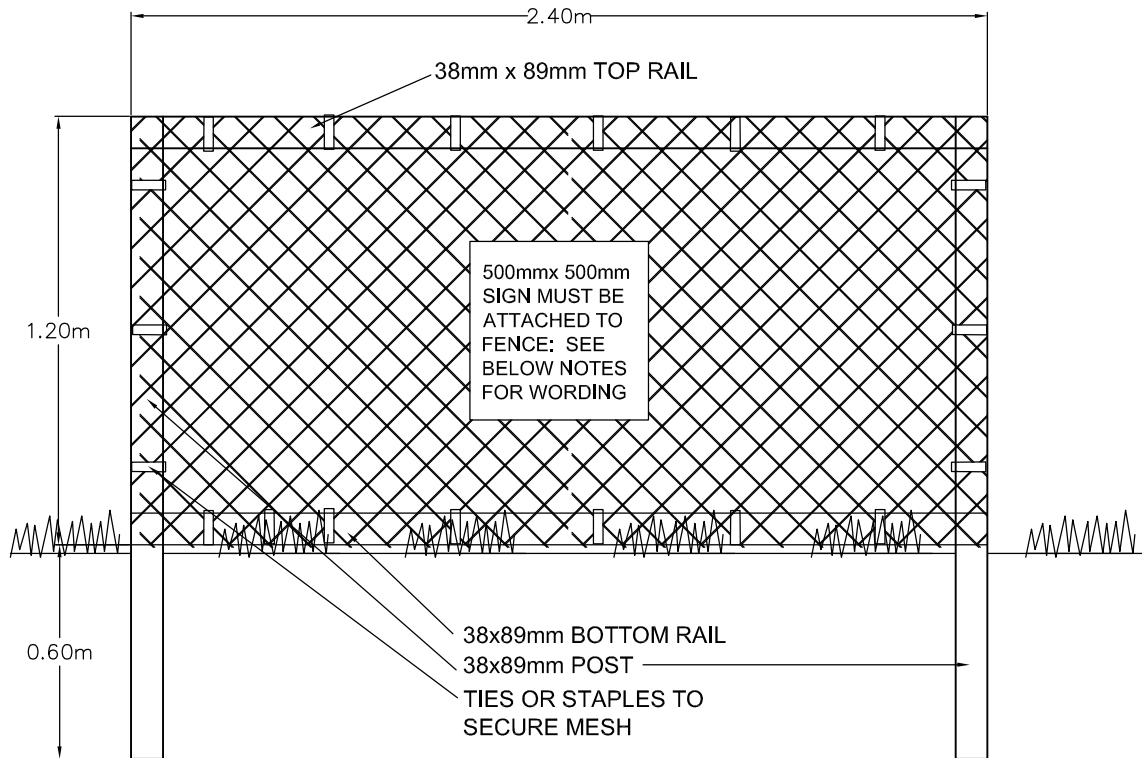


3 | 3D BIRD'S EYE - NORTH



4 | 3D BIRD'S EYE - EAST





**TREE PROTECTION FENCING**

1. FENCE WILL BE CONSTRUCTED USING 38 mm X 89mm WOOD FRAME: TOP, BOTTOM AND POSTS \* USE ORANGE SNOW-FENCING MESH AND SECURE THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
  2. ATTACH A 500mm X 500mm SIGN WITH THE FOLLOWING WORDING: WARNING- TREE PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE OR AT LEAST EVERY 10 LINEAR METERS.
- \* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED





## Talbot Mackenzie & Associates

Consulting Arborists

Box 48153 RPO - Uptown Victoria, BC V8Z 7H6

Ph: (250) 479-8733

Fax: (250) 479-7050

Email: tmtreehelp@gmail.com

### **Tree Resource Spreadsheet Methodology and Definitions**

Revised November 28, 2019

**Tag:** Tree identification number on a metal tag attached to tree with nail or wire, generally at eye level. Trees on municipal or neighboring properties are generally not tagged (“NT #”).

**DBH:** Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

~ Approximate due to inaccessibility or on neighbouring property

**Crown Spread:** Indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

**Relative Tolerance Rating:** Relative tolerance of the tree species to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes, and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned based on our knowledge and local experience with the tree species: Poor (P), Moderate (M) or Good (G).

**Critical Root Zone:** A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the tree’s Relative Tolerance Rating. This methodology is based on the methodology used by Nelda Matheny and James R. Clark in their book “Trees and Development: A Technical Guide to Preservation of Trees During Land Development.”

- 15 x DBH = Poor Tolerance of Construction
- 12 x DBH = Moderate
- 10 x DBH = Good

This method is solely a mathematical calculation that does not consider factors such as restricted root growth, limited soil volumes, age, crown spread, health, or structure (such as a lean). To calculate the critical root zone of trees with multiple stems below 1.4m, the diameter is considered the sum of 100% of the diameter of the largest stem and 60% of the diameter of the next two largest stems. This however can result in multi-stem trees having exaggerated CRZs. Where noted, sometimes the CRZ for trees with multiple stems will be calculated using the diameter of the trunk below the unions. In specific cases, some CRZs will be approximate (~).



Note that in most cases, our inventories include a Level 1 Limited Visual Assessment, which only comprises a brief assessment to identify obvious defects and conditions. The inspection may have only been completed from one-side of the tree, depending on the defined scope of work, property lines and/or site conditions.

**Health Condition:**

- Poor – Tree is weak, under significant stress and/or declining
- Fair – Tree has average vigour for its species and site conditions
- Good – Tree is growing well and appears to be free of significant health stress

**Structural Condition:**

- Poor – Significant structural defects observed
- Fair – Moderate to minor structural concerns; mitigation measures likely feasible
- Good - No visible or only minor structural concerns

**Retention Status:**

- Removal (or “X”)- Not possible to retain given proposed construction plans
- Retain - It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our **recommended mitigation measures are followed**
- Retain \* - See report for more information regarding potential impacts
- TBD (To Be Determined) - The impacts on the tree could be significant. However, in the absence of exploratory excavations and in an effort to retain as many trees as possible, we recommend that the final determination be made by the supervising project arborist at the time of excavation. The tree might be possible to retain depending on the location of roots and the resulting impacts, but concerned parties should be aware that the tree may require removal.



To whom it may concern,

I am a condo owner on Croft Street and am very much in favour of this kind of development.

Please share if the development is given the go ahead when may be an expected completion date.

Thanks for your reply beforehand.

Sincerely, V.Reynolds



Dear Mayor Helps and City Councillors,

Thank you all for the good work that you and your teams are doing for the people of Victoria. In a fast-growing city with complex needs, you have been transforming Victoria in a progressive, inclusive way.

I have two questions about the redevelopment of Village Green and our housing crisis:

1. Developers are tearing down habitable, affordable rental buildings to create higher rent properties. Many buildings being demolished have years of use left in them. Tearing down these buildings removes hundreds (thousands?) of affordable rental units from the market. The rental rate in Victoria has jumped about 65% in 4 years. I believe investment developers, non-resident purchasers, and Air BnBs are 3 major causes of our housing crisis. What can be done to protect us? Why are so many on the street while hundreds of homes are empty and luxury buildings are going up? Is housing a basic human need? Should investors' behaviour be allowed to create a housing crisis?

Should we hang onto buildings that are livable until they need replacing (good for our environment, too)? Should developers be encouraged to replace single family dwellings with multi-family units? A more even distribution of high density areas might be helpful, creating vibrant villages like James Bay and Cook Street, with shopping (also good for environment and community).

2. In Minutes of a previous meeting, I believe it was said that construction at Village Green would likely not commence until 2023. Can you confirm? I live across the street, am sensitive to noise, and will have to move when the 2 year construction project starts. I pay \$950 a month. It's now \$1,500 for an apartment in Victoria. I'm 64 with low income. With the pandemic and an neck injury, it is not good to be moving. It would help anxiety levels knowing there is a two-year window to find housing (instead of by next spring). I might have to leave Victoria.

Thank you very much for your attention to these questions. Hundreds of people are losing affordable homes and facing an uncertain and frightening future when projects like this happen. I don't know what the solution might



be, but asking developers to include or contribute to affordable housing solutions is a good start, as well as putting people before profit.

Respectfully,  
Val French  
408 – 465 Niagara Street  
Victoria, BC V8V 1G9



Hi Marg,

I received the letter regarding the proposed development and also attended the Zoom call last month.

My concern is with the proposed underground parking spaces, being 100 versus the zoning requirement of 162. On street parking is already out of control in the area and this will not help.

I also have a concern over the additional traffic that will be created on Niagara Street due to the parking garage entrance being located there.

How do I go about formally objecting to this for those reasons?

Thanks.

Karl



To whom it may concern,

I am writing to address the proposed development at the above address. My main area of concern is the decreased ratio of parking. The number of units in the new development will go up to 131, yet the number of parking spots will be reduced from 162 to 100. I find this to be terribly irresponsible. The thinking seems to be that people do not drive as much anymore. This is patently false, and I am sure there will be no restriction in the residential contract to the number of vehicles a resident can possess. I am upset because naturally this excess of vehicles in the neighbourhood will, by necessity, be forced to park on the surrounding streets, which are already crowded. I understand that, these days, developers wishing to maximize their profits like to reduce parking allowances, and that this has been a trend. Despite council's wishful thinking, people still drive cars and should be afforded sufficient off-road options for parking. I see that the number of bicycle parking spaces will be increased to compensate for the decreased parking availability. This is not an acceptable solution. While bicycle ridership may be up, most cyclists still own a car. I urge you to consider my concern and make sure that there is adequate parking provided for this development.

Thank you,

Sincerely,

Ocean Inglin

64 Menzies St.

Victoria BC



## Justine Wendland

---

**From:** eventfeedback@victoria.ca  
**Sent:** March 15, 2021 7:56 AM  
**To:** Development Services email inquiries  
**Subject:** FW: Event Feedback

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

I'm forwarding this from the Special Events feedback email.

Thanks,  
Kathy Barlow

---

**From:** webforms@victoria.ca <webforms@victoria.ca>  
**Sent:** March 11, 2021 10:01 AM  
**To:** eventfeedback@victoria.ca  
**Subject:** Event Feedback

## Event Feedback

### Part 1 - Contact Information

**First Name:**

[REDACTED]

**Last Name:**

[REDACTED]

**Address:**

[REDACTED]

**City:**

Victoria

**Province:**

British Columbia

**Postal Code:**

[REDACTED]

**Telephone Number:**

[REDACTED]



Email Address:



## Part 2 - Event Details

**Proximity to Event:**

1-2 block away

**Event name:**

10 Menzies/450, 456, 458 Niagara Street - Change Zoning

**Event Date/Time of Experience:**

February 16, 2021 to present

**Event Location:**

10 Menzies/450, 456, 458 Niagara Street

**Event Feedback:**

The present location houses several families of human beings and has plenty of green space. These people will be displaced. This is my community that is being overrun by displaced souls, unnatural structures, concrete, metal and glass. In only 23 years, Victoria has gone from a beautiful, green, nature-loving town to a nightmare. Keep up the 'good' work folks.

**Would you like to receive a response?**

Yes

**Do you want to be contacted by the event organizer to discuss your feedback?**

Yes



Dear Mayor Helps,

I would like to provide the following feedback for the proposed development at 110-122 Menzies Street and 450-458 Niagara Street.

While I support this project in many of its principles, I do not think it goes far enough to ensure it integrates and provides a net positive to the surrounding community. Given the magnitude of the proposed project I would argue community benefit and integration needs to be at the core of the overall project. Unfortunately, James Bay has many examples where project profitability has been prioritized over community planning to its detriment. For better or worse these are choices that impact neighborhoods for generations.

Here is the list of benefits to the City and the neighborhood as outlined by the proponent in the Letter to Council:

- An increased property tax base;
- Increased population density to contribute to local businesses, cultural activities, and public life;
- Increased population located within walking distance of amenities and services;
- Improved sustainable design, construction, and operation of new housing compared to existing poorly built stock;
- A greater number of much-needed rental housing units; and
- A variety of unit types that allows for diverse residents, particularly with the two- and three-bedroom units.

I may point out that not one of these items directly impacts the existing neighbours of this project. At best these are secondary and indirect benefits. Surely a project of this magnitude should be making a larger contribution?

The current design is affording the proponents a large greenspace courtyard in the center of the project. This design effectively creates a walled garden which will apparently be closed to the public. While raising the exclusive luxury appeal of the units for sale, I would argue this is not how community-based densification should work in our city.

While many changes could be included to provide direct benefits to the neighbouring community here is one that would go a long way to integrate the project within the existing community. A gardenized pathway should be open to the public running through the center of the project providing cut through access between Menzies, Niagara, and eventually Croft with the Phase II extension. Breezeways could be added to minimize the overall impact to the proposed building layouts. When we think about the overall walkability of a neighborhood it is the moments where we can leave the roadside, be it through a connection pathway or park, that are game changing.

This is a chance to ensure we lock in community benefit for generations to come. For an effective example of this concept look no further than the Capital Park development down the street. Walkability is very hard to achieve within the confines of gridded street layouts. The proponent is looking to benefit from joining multiple properties into a single large project spanning the block, lets adjust this one so that the community shares in this benefit together.

Sincerely,

Dan Shumuk  
106 Medana St



**To: MAYOR AND COUNCIL,**

**March 22, 2021**

**City of Victoria**

**Re: PROPOSED DEVELOPMENT FOR THE PROPERTY AT 110 MENZIES / 450,  
456, 458 NIAGARA STREET**

This rezoning/development permit application is with respect to a set of 45 townhouses and apartments, known as "Village Green", which is situated 1/2 block north of my house (a single-family dwelling) on Menzies Street. The proposed development will approximately triple the current density, of both people and cars, on this site. I believe that this could be a breaking point for the immediate neighbourhood which is already very densely populated and heavily used.

In my opinion, a more creative approach to the upgrading of Village Green, resulting in a density and height similar to that currently existing is required here to maintain the liveability and the character of this area, for both residents and tourists.

In addition, this proposal will result in the (probably permanent because of high rents) displacement of current residents, as well as the removal of a large number of boulevard and bylaw-protected trees. These facts cry out for a different approach to this property than that currently proposed.

### **Density/Neighbourhood Issue**

I do not know the history of Village Green but I assume that it is 40 or more years old and that it may need an upgrade of some kind. The site is close to the "5 Corners" area, where Thrifty Foods, Pharmasave and a number of other businesses are located. Because of its location and because, on the face of it, the variances and permissions needed for this development's permission (increased density, greater height, fewer vehicle parking spaces than otherwise required, removal of boulevard and bylawprotected trees) may appear relatively minor, they are not likely, at first glance, to be seen as impediments in the eyes of City Council. I understand that increased density and more rental housing are generally viewed as positives.

But I ask City Council to look at context, both immediate and wider, and to delve more deeply into development options in James Bay. I ask Council to take a broader, more thoughtful approach to this sensitive neighbourhood.



I am in wholehearted agreement with the concept of city density, as well as with the idea of providing housing for all. (The current proposal, which would provide only market rate rents does not assist on this latter issue.) But densification must be undertaken appropriately, in situations which properly lend themselves to such development. A City must undertake this type of change with a delicate touch, and only where suitable. Otherwise, density projects become nothing more than upheavals for current residents and destroyers of neighbourhoods.

Victoria has charm which both residents and tourists value immensely, and which arises in large part from its old, established neighbourhoods (James Bay, Fairfield, Fernwood and so on) with their distinctive architecture. The sensitivity with which new developments in these neighbourhoods must be approached cannot be underestimated. I can easily see such "minor" variances as the ones associated with the current development proposal compounding, through further developments (*I note that the current proposal is characterized as Phase 1 of a wider development*) and resulting in the ultimate destruction of the character of these neighbourhoods. In James Bay, in particular, we may be left with a few older houses, or small clusters of original buildings, being surrounded by characterless apartment or condominium buildings.

In this case, just as significant as the general concern about lost neighbourhoods (but related to it), is the fact that Menzies Street and the immediate area are already very densely populated and heavily used.

Parking is a chronic problem in this area. Recently, two new government buildings, situated on Menzies and Superior, have added to that problem. There is not enough available parking for government workers in the Capital Park development (even assuming the use of expensive underground parking) and I imagine that all possible spots around the neighbourhood are utilized by these workers (for whom a car may be essential - to pick up children, get to appointments, and so on). Once Covid is over and people return to offices, parking pressures will become even more acute.

The Capital Park residential development, at Menzies and Michigan, still under construction, will have 106 condominiums and 7 townhouses. When it has been completed and those people move in, there will be at least a couple of hundred more people in this immediate James Bay area, just two blocks from the proposed Village Green development. And - in spite of City Council's hopeful vision that people will ride bicycles and not drive cars - undoubtedly at least another hundred cars in this immediate neighbourhood. To expect anything else is not being realistic.

I am a cyclist and do all my commuting to downtown by bike, but I also own and must sometimes use a car. Unless residents are on limited incomes and unlikely to move far outside the neighbourhood (factors which will not apply to the Capital Park development or to the current proposal), they will want cars, even if they don't use them often. I understand that development companies are not required to provide parking stalls for



every unit, so, presumably, some of these cars will have to find street parking. As well, it is obvious that Capital Park will, in any case, result in much more traffic coming into and out of the neighbourhood.

The 5 Corners area, particularly Thrifty Foods, is already an extremely heavily used zone, even without the addition of Capital Park residents. It doesn't take much imagination to foresee the pressures that would be placed on this area by the couple of hundred or more people who would be brought into the neighbourhood by the development currently being proposed for Village Green. (*With Phase 2 yet to come.*)

Together with the Inner Harbour (and perhaps two or three blocks of Government Street, north of the Harbour), James Bay is the tourist and activity centre of Victoria. In cruise ship season, in particular, this neighbourhood is inundated. Regular shopping and other activities of residents are overtaken as masses of short-term cruise tourists swarm directly onto the streets from these massive polluting vehicles which park directly within the neighbourhood. Noise and air pollution overtake the neighbourhood and invade the privacy of its residents. The current proposal, which would result in packing even more residents and vehicles into the crowded area around Menzies Street, will be a major problem generally, and an absolute disaster in every respect in cruise ship season.

### **Other Objections to the Proposal**

I have two further objections to this application:

- (i) Firstly, it will very likely displace all current occupants (the new development's 131 units will be at "market rate", significantly above current rents), so the argument that it will provide more housing for Victoria is a specious one. In this, it will also contribute to a greater socioeconomic and age homogeneity of a neighbourhood which is currently relatively diverse.
- (ii) Secondly, while landscaping for the project is, of course, included in the plan (but would not mature for years), the development will require, as I understand it, the removal of 6 boulevard flowering plum trees, a cypress tree which is on the property line and 12 bylaw-protected trees on the property itself (including a 50-foot Lombardy popular and elm and ash trees). No trees can survive the construction of an underground parking lot.  
(*Please note that I have requested the arborist's report from the development company but, to date, have not received a reply.*)

I sincerely hope that City Council will demonstrate that it values James Bay and understands what this neighbourhood adds to the City. Please ensure that the peninsula is not slowly destroyed in a misguided effort to pursue density inappropriately, without a thought to what actually makes Victoria (and James Bay specifically) liveable (and, incidentally, of interest to those visitors who spend much more time and far more money in the City than do the commuting cruise ships tourists).

I am certain that there are other parts of Victoria which may be better able to handle increased development, rather than piling it all into this overburdened neighbourhood.

I therefore ask Council to reject the current proposal and search for something which is more fitting for the neighbourhood.

Jennifer Button  
James Bay Resident since 1993

CC. James Bay Neighbourhood Association



Dear Mayor Helps,

I am writing to state my opposition to this proposed development. I ask the City of Victoria to take a more creative and sensitive approach to the upgrading of "Village Green" in James Bay, and to aim for a density and height similar to that currently existing.

I oppose this development for the following reasons:

(i) The proposed development will triple (approximately) the number of residents on the site in question, and will lead to a corresponding increase in cars and traffic in this already densely populated and heavily used area.

I personally support city densification but it must be appropriately and sensitively undertaken. James Bay, the main activity and tourist centre of Victoria, is already shouldering far more than its share of increased development. This little peninsula is beginning to feel overcrowded and strangled, with no room to move.

The immediate area of the proposed development, with "5 Corners" and Thrifty Foods in its already extremely busy centre, now awaits the completion of the Capital Park development (at Menzies and Michigan), just 2 blocks from the site currently in issue. The 106 condominiums and 7 townhouses of Capital Park will bring a further two or more hundred residents (with corresponding traffic) into the neighbourhood. An addition of 131 one-, two-, and three-bedroom apartments (to replace the current 45 bachelor, one- and two- bedroom units) at the Menzies/Niagara junction will, I believe, be a breaking point for the immediate neighbourhood. This is not even to mention the significant over tourism problems which already exist in this neighbourhood in cruise boat season, or the chronic lack of parking space in this area.

(ii) Victoria's charm, for residents and tourists alike, rests largely in its neighbourhoods (James Bay, Fairfield, Fernwood, etc.) with their distinctive architecture and vegetation. Lack of respect for these communities and failure to plan in a holistic, rather than a "within 100 metres", manner will mean the slow but inexorable destruction of these neighbourhoods, as Vancouver West End-style architecture overtakes and isolates the older character buildings.

(iii) The proposed development which will rent only at "market rates" will likely permanently displace all of the current Village Green residents. Along

with the expensive Capital Park real estate, the current proposal would lead to a characterless "gentrification" and a lack of diversity in this area.

(iv) The proposed development will have an underground parking lot, the construction of which no tree can survive. The parking lot, and the proposal generally, will require the removal of a great deal of vegetation and of trees, 12 of which (including a 50-foot Lombardy poplar) are large, bylaw-protected trees. (Please note that I have requested the arborist's report from the developer but have received no response to date.)

I attach a letter setting out these arguments in greater detail. I ask for your support to ensure the continued liveability of James Bay and the preservation of its unique character.

Yours truly,

Jennifer Button

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CC. James Bay Neighbourhood Association



City of Victoria  
Mayor Lisa Helps  
City Council members

Monica Kingsbury MEd. RCC  
60 Menzies Street  
Victoria BC V8V 2G2

March 27, 2021

**Re: Proposed Development at 110 Menzies Street; 450,456,485 Niagara Street.**

Dear Mayor Lisa Helps and City Council members,

I am writing to express my concerns about the proposed property development on Menzies and Niagara. I have lived in Victoria since 1974, most of those years in James Bay. I am currently a neighbor one block south of the property proposed to be developed.

A notice of the proposal from CALUC, dated February 16, 2021, arrived to my home just last week. Wanting further information, I called Deane Strongitharm, who was kind enough to drop by my home with a more detailed information package including computer images of what is proposed. I appreciate being more informed.

My understanding is that this application for a rezoning is to allow for a new six story 131-unit rental complex. This brings me to my primary concern.

**1. Loss of affordable housing.**

Approving this development will allow for the removal of the current complex 'Village Green,' which has 45 homes, a number of which are still considered affordable housing units.

The new development will rent at 'market value,' which is far beyond the means of many of the current residents, some of whom have lived there 25 years.

Even with 'right of first refusal' this will displace a number of people who cannot afford to go into this new complex.

Just a few blocks up the street we have a large number of people 'housed' in tents in Beacon Hill Park (for over a year now), not to mention a large number of vans, campers and small motor homes along Dallas Road where people are living due to a lack of affordable housing.

It is absolutely breaking my heart to see affordable units torn down and high-end 'market value' units replacing them in this time of housing crisis. Please consider this as you make your decision.

I have a few secondary concerns to mention.

## 2. Character and Diversity of James Bay

James Bay has its own unique character and appeal. For many of our tourists, it's their first step into Victoria. Living on Menzies, on the horse drawn carriage tour route, I see first-hand that they are enchanted by the charm of the architecture, the beautiful homes and buildings, some over a century old. Thanks to the Victoria Heritage Foundation, many of these homes are still standing.

I also love that in James Bay, we have housing co-ops, several subsidized housing complexes, a Federal Corrections half-way house for day parolees, and a great deal of diversity in age, ability, ethnicity, and socioeconomic factors.

I feel so sad to see the gentrification of the community I love, live and work in, and raised my children in; it is becoming almost like 'Vancouver's West End'.

I do support some growth and appreciate your allowing homes to add additional suites, laneway homes, and the new 'tiny homes' – all of which are a manageable growth for this small community.

## 3. Environmental Impact

I understand that you, Mayor Helps, and some of our current city council are very pro-development, which in and of itself is needed to accommodate our growing population. I do, however, believe that it is vital to exercise discernment regarding to what degree and to what areas densification is adaptable.

James Bay is a small peninsula with overcrowding of cars and people as it is. There has been a recent expansion in James Bay with Capital Park, and further residential units on Michigan, just to mention a few.

The Menzies/Simcoe/Toronto Street 'five corners' at Thrifty Foods is such a congested area already. An additional multi-level complex with an additional 100 cars will only add to the congestion and increase carbon emissions from the additional cars south of the five corners.

In terms of density and crowding, I also want to mention that James Bay shoulders the cruise ships, Heli jet, Coastguard, International marine traffic, light industry, horse drawn carriages, and frequent closures of our major road ways for races and civic events – restricting access both in and out of James Bay.



I think we are at our maximum.

Lastly, this proposed large complex will require the removal of a number of the existing by-law protected trees both on the property and on the boulevard.

In conclusion, I know that many of you on Council have run on a platform of affordable housing. Although it is wonderful to see additional rental housing available in Victoria, what we call 'market value' is not affordable to many families.

I can only imagine how hard it is to please everyone with such divergent needs and views and I don't envy the difficult decisions you are faced with on a daily basis.

That said, I will continue to hold a hope that you will honor your commitment to affordable housing in Victoria.

Therefore, I implore you, Mayor Helps and members of Council, to take careful consideration on this urgent matter and to reject this development proposal.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Kingsbury". The signature is fluid and cursive, with the first letter "M" being large and prominent.

Monica Kingsbury MEd RCC

cc: James Bay Neighborhood Association

April 2, 2021

To: Mayor and Council  
Proposed Development Notice, City of Victoria

RE: Invitation to comment on 110 Menzies / 450. 456. 458. Niagara St..

Received notice because of owning and living within 100 metres of proposed development of 131 rentals, first of 2 phases.

First, too many units and too high; should not be higher than the surrounding neighbours across the street to fit in the neighbourhood. With more units to come it's a challenge in the neighbourhood because:

\* it's already congested with constant buses, trucks not only for the neighbourhood but for Thrifty's deliveries, cars, motor bikes, bikes, garbage and recycle trucks that already have difficulty using these surrounding streets, ambulances and police, and people crowded in an extremely busy area, and dangerous for children.

- Building 2 and 3 bedrooms will house families requiring day care spaces must be included as currently there are none available, no pre-schools, no elementary seats available in the 2 schools in James Bay, or seats for children with special needs. Current facilities are full up with long wait lists, this is why many people with children leave James Bay.
- (My neighbour drives to Langford for one daycare position, the other child is in a downtown Victoria spot.) It's been this way for years here. And, children going into grade 6 and up must take the bus or be driven a distance to find a school. This is very important to families in providing healthy living, with less stress.

The new development called Capital Park Residences offers 'green space'. They suggest people recognize the value it has for our well-being. So too with this new development, a safe play ground area is needed, and the green space is not enough for both developments planned in the area. With the work out space indoors make sure there is an outdoor fit space as I've seen in Courtenay and other areas. It's fun and a healthy good social activity.

Another thought out area was built a few years back off the Gorge where people live and work with provided daycare, shops, the Glo Restaurant is included. This area is well maintained reflecting a healthy environment.

We need to keep children safe from the streets, housing with shops below to buy children's clothing, you can not get a coat, boots or anything for children in James Bay with thousands of people already living here. We must drive to malls or Oak Bay for these necessary items.

In the Times Colonist March 25, 2021, David Eby refers to fast tracking 192 supportive 'housing projects'..... And this is what it will be, living areas known as 'the projects'.

Mr. Eby defends the accelerated process, the article says, because Victoria asked for it. And the article does state, Victoria Mayor Lisa Helps confirmed the city's support for the process...This is a real concern for neighbourhoods, and people should not be 'housed' without a thoughtful process on their housing needs and healthy environment to succeed.

Keep The Victoria Accord in mind, by thinking wisely, building wisely.

Best Regards,

Gionet Family  
James Bay, Victoria BC, V8V 1C9



This proposal does not respect the plan and character of its neighbourhood. It sets a bad precedent for future neighbourhood development such that this very special neighbourhood will be destroyed further. Allowing such a flagrantly wrong development of this property would be disrespectful of this historic neighbourhood.

Well thought out cities can be ruined by spur of the moment planning decisions. Our well thought out zoning rules need to be respected in this well working neighbourhood.

James Bay is an established neighbourhood with certain norms. It works. If such high density development is needed it should be built in places where it does not destroy the established character of a successful neighbourhood, a place that draws admiration from tourists and residents alike.

Successful cities all over the world succeed when new development respects norms and character. Consistent building heights and setbacks define successful cities. This six storey proposal thumbs its nose at the special character of James Bay

#### Density

We have density bylaws for good reason. This is a low rise residential neighbourhood. Much of the character of the neighbourhood was ruined with the construction of several high rise buildings decades ago, developments that profited the politicians who approved them. Now it seems we have this issue again. High rise dwellers do not have the same connection to neighbourhoods and the streets. Six storey buildings, moreover with roof terraces, tower over the nearby homes. Six storeys is too high. No one comes to James Bay and admires the tall buildings. They admire a working pedestrian scaled garden neighbourhood where even most apartment buildings are no more than 4 stories, maintaining connection with the ground. Even in dense cities like Rome, Paris, and London typical residential neighbourhood heights are restricted.

#### Site Coverage

Site coverage is limited by regulations to preserve the nature of this neighbourhood. The neighbourhood was designed with green space. James Bay is not the inner city. The neighbourhood was designed to allow for green spaces and even "gardens" for growing produce and fruit. As we see global warming and possible food insecurity we should preserve the green space of this neighbourhood, and reduce heat islands. The city has plenty of land that has already been paved over and covered with one or two storey commercial buildings that can be developed before our well working garden neighbourhoods are destroyed. This proposal gives the middle finger to its neighbours with almost twice the proposed density, and would moreover serve as a precedent to destroying the rest of the historic garden neighbourhood should it go ahead.

#### Protected Trees

There are few large trees left in James Bay. Established large trees preserve a measure of nature in this neighbourhood such that it may have a somewhat natural ambiance. This site has some of the largest trees in the neighbourhood, not only inhabited by birds and animals but nurturing an underground network of mycelium and organisms. Heavy construction compacts soil and destroys more than just the trees above. The City has good rules for preserving Heritage Trees and these rules should be respected rather than ignored. Beautiful cities figure out ways to develop while maintaining heritage trees and preventing soil compaction so that trees can grow to more than just puny ornamental size. James Bay used to be covered in trees and needs more not less. I moved here from Ontario and was shocked by how few large trees are left or planted in this neighbourhood and even in Victoria. Victoria has lost most of its trees and needs more, not fewer. Large trees give beauty, health and majesty to a city, softening the urban atmosphere. The reduced street setbacks further preclude the growth of trees in the future.

### Parking

While it is the idea that cars are the enemy and they will eventually disappear, allowing a development with too few parking spaces is a bad idea. I have lived in this neighbourhood for decades and see that small apartments now have way more cars than even ten years ago, and this trend is unlikely to change. One fourplex on my street has 13 cars/vans and 2 only onsite parking spots, albeit rented out to day parkers! New residents keep vehicles for weekend use to carry kayaks, head to wilderness spots. Many residents have camper vans or work trucks. This is the typical of the new residents of James Bay. There is a shortage of street parking in the neighbourhood that grows by the year. Homeowners used to have the benefit of "residential parking only" defined as for the people who lived adjacent to the spots. Now my 89 year old neighbour cannot be picked up by her son for hospital trips anywhere close to her home as apartment dwellers from around the block hog the nearby spots with "weekend" vehicles that may not move for weeks at a time. She does not have a car but needs access to be picked up by one. Another neighbour, who has lived here for nearly 50 years, runs out to move his car close when a space opens up so his wife will not have to walk so far on the way to cancer treatments. If this development goes ahead, parking on adjacent streets must be preserved for buildings fronting those parking spots. But even that may prove useless as this building will be there for two hundred years while the city will arbitrarily change parking regulations over that time, as it has already. The solution is simple: new developments should respect parking regulations. The idea that urban dwellers do not need cars is a fiction and this is born out by how many of the current apartment dwellers have weekend vehicles for enjoying the Island, carrying their kayaks, boards, tents, mountain bikes. Vehicles are part of the Island lifestyle. Many have work trucks AND personal vehicles... Moreover new developments here need to have high clearance parking to accommodate all of the camper vans and, for possibly seniors and disabled, wheelchair vans. Residents of small apartments in James Bay want to be able to get out and away in vehicles on weekends, even if they bike



to work. On this block most one bedroom apartment dwellers have two vehicles even though they may bike or walk to work.

Even if most cars disappear decades from now, residents like me would like to see parking spaces in front of our homes available for urban produce gardens rather than as storage for someone's camping car/van who lives a block away. DO not allow developments without adequate parking. Parking must also be restricted to residents as so many spaces are rented out to nearby office workers.

### Street Frontage

Frontage regulations are in place to preserve the idyllic garden nature of the neighbourhood, designed for people who emigrated from dense urban environments in European cities. The setbacks give a grace and light to the neighborhood and street. This is the style, the vernacular of this neighbourhood. There is a charm to cities with buildings that are built right up to the street, but that is not appropriate for this neighbourhood and that is why we have defined minimum setbacks that should be respected.

### Materials

Building materials are not defined by the zoning regulations but if this proposal intends on breaking any rules it should be stipulated that it add to the atmosphere and quality of the area rather than detracting from it. It should be an improvement rather than an eyesore. You need to review proposals based on how they will look 20 and 50 years hence not as pretty tarted up renderings. This building proposes the use of corrugated metal siding that may be suited to an industrial neighbourhood but is a slap in the face to the aesthetic of a neighbourhood with appropriate residential textures. Look at the care that was put into the facades built from 1890 to 1920, the language of this neighbourhood (not the abominable 1960s stucco box apartment buildings). My house siding is milled to produce lines of 4" in height rather than 8" as the siding boards are, as the houses were designed with care and appropriate plays on scale. Shingles and siding can vary in scale. The more substantial buildings of Victoria use durable materials like brick or stone, and this substantial building should have similar brick or real stone veneer facades. They propose Hardiplank siding like in every other cheap development across North American. It has no character, no play on scaling. It need not mimic old buildings but should be designed with the same care and craft. They propose some wood siding but we see that most new buildings in James Bay with wood siding become painted over within a decade, so the proposal is hollow. Or perhaps they propose the fake wood panels like on the new Thrifty's facade which are so (yuck) fake, an insult to any aesthetic or architectural sensibility. I hope that this is a first draft but understand that developers like to use the cheapest cladding material they can get away with irrespective of good design choices. Note that I am an architect and I have lectured hundreds of architects about building envelope design for decades. This proposal comes off as a first draft that needs to be sent back to the drawing board. The designers have not walked about and examined the neighbouring buildings and have presented a generic design that

could just as well be in Calgary as in this 100+ year old residential neighbourhood of James Bay. The apartments, even if proposed as "affordable" will rent for more than other area apartments and they can design the building with durable and well thought out materials so that the building will be a worthy view for all those who walk past for centuries to come, a positive addition to the neighbourhood, not some ugly, too large building, clad to look cheap and thoughtless. Most of the 1960s 4 storey apartment buildings were cheap and thoughtless in their design but we need not mimic their ugly and inappropriateness to this area. They at least respected setbacks, heights and parking needs. This proposal has nothing special nor charming about it. If the developer wants to break the rules and get the most money out of this site, they should offer a building of value that people will want to preserve 100 years hence. This proposal will never inspire admiration nor future preservation, not that the existing buildings do either. Wall cladding upgrades and thoughtful design cost so little but make so much difference.

Send this one back to the drawing board as nothing more than a poor first draft.

--

Kirk Buhne  
140 Medana St.



**To: MAYOR AND COUNCIL,**

**March 22, 2021**

**City of Victoria**

**Re: PROPOSED DEVELOPMENT FOR THE PROPERTY AT 110 MENZIES / 450,  
456, 458 NIAGARA STREET**

This rezoning/development permit application is with respect to a set of 45 townhouses and apartments, known as "Village Green", which is situated 1/2 block north of my house (a single-family dwelling) on Menzies Street. The proposed development will approximately triple the current density, of both people and cars, on this site. I believe that this could be a breaking point for the immediate neighbourhood which is already very densely populated and heavily used.

In my opinion, a more creative approach to the upgrading of Village Green, resulting in a density and height similar to that currently existing is required here to maintain the liveability and the character of this area, for both residents and tourists.

In addition, this proposal will result in the (probably permanent because of high rents) displacement of current residents, as well as the removal of a large number of boulevard and bylaw-protected trees. These facts cry out for a different approach to this property than that currently proposed.

### **Density/Neighbourhood Issue**

I do not know the history of Village Green but I assume that it is 40 or more years old and that it may need an upgrade of some kind. The site is close to the "5 Corners" area, where Thrifty Foods, Pharmasave and a number of other businesses are located. Because of its location and because, on the face of it, the variances and permissions needed for this development's permission (increased density, greater height, fewer vehicle parking spaces than otherwise required, removal of boulevard and bylawprotected trees) may appear relatively minor, they are not likely, at first glance, to be seen as impediments in the eyes of City Council. I understand that increased density and more rental housing are generally viewed as positives.

But I ask City Council to look at context, both immediate and wider, and to delve more deeply into development options in James Bay. I ask Council to take a broader, more thoughtful approach to this sensitive neighbourhood.

I am in wholehearted agreement with the concept of city density, as well as with the idea of providing housing for all. (The current proposal, which would provide only market rate rents does not assist on this latter issue.) But densification must be undertaken appropriately, in situations which properly lend themselves to such development. A City must undertake this type of change with a delicate touch, and only where suitable. Otherwise, density projects become nothing more than upheavals for current residents and destroyers of neighbourhoods.

Victoria has charm which both residents and tourists value immensely, and which arises in large part from its old, established neighbourhoods (James Bay, Fairfield, Fernwood and so on) with their distinctive architecture. The sensitivity with which new developments in these neighbourhoods must be approached cannot be underestimated. I can easily see such "minor" variances as the ones associated with the current development proposal compounding, through further developments (*I note that the current proposal is characterized as Phase 1 of a wider development*) and resulting in the ultimate destruction of the character of these neighbourhoods. In James Bay, in particular, we may be left with a few older houses, or small clusters of original buildings, being surrounded by characterless apartment or condominium buildings.

In this case, just as significant as the general concern about lost neighbourhoods (but related to it), is the fact that Menzies Street and the immediate area are already very densely populated and heavily used.

Parking is a chronic problem in this area. Recently, two new government buildings, situated on Menzies and Superior, have added to that problem. There is not enough available parking for government workers in the Capital Park development (even assuming the use of expensive underground parking) and I imagine that all possible spots around the neighbourhood are utilized by these workers (for whom a car may be essential - to pick up children, get to appointments, and so on). Once Covid is over and people return to offices, parking pressures will become even more acute.

The Capital Park residential development, at Menzies and Michigan, still under construction, will have 106 condominiums and 7 townhouses. When it has been completed and those people move in, there will be at least a couple of hundred more people in this immediate James Bay area, just two blocks from the proposed Village Green development. And - in spite of City Council's hopeful vision that people will ride bicycles and not drive cars - undoubtedly at least another hundred cars in this immediate neighbourhood. To expect anything else is not being realistic.

I am a cyclist and do all my commuting to downtown by bike, but I also own and must sometimes use a car. Unless residents are on limited incomes and unlikely to move far outside the neighbourhood (factors which will not apply to the Capital Park development or to the current proposal), they will want cars, even if they don't use them often. I understand that development companies are not required to provide parking stalls for



every unit, so, presumably, some of these cars will have to find street parking. As well, it is obvious that Capital Park will, in any case, result in much more traffic coming into and out of the neighbourhood.

The 5 Corners area, particularly Thrifty Foods, is already an extremely heavily used zone, even without the addition of Capital Park residents. It doesn't take much imagination to foresee the pressures that would be placed on this area by the couple of hundred or more people who would be brought into the neighbourhood by the development currently being proposed for Village Green. (*With Phase 2 yet to come.*)

Together with the Inner Harbour (and perhaps two or three blocks of Government Street, north of the Harbour), James Bay is the tourist and activity centre of Victoria. In cruise ship season, in particular, this neighbourhood is inundated. Regular shopping and other activities of residents are overtaken as masses of short-term cruise tourists swarm directly onto the streets from these massive polluting vehicles which park directly within the neighbourhood. Noise and air pollution overtake the neighbourhood and invade the privacy of its residents. The current proposal, which would result in packing even more residents and vehicles into the crowded area around Menzies Street, will be a major problem generally, and an absolute disaster in every respect in cruise ship season.

### **Other Objections to the Proposal**

I have two further objections to this application:

- (i) Firstly, it will very likely displace all current occupants (the new development's 131 units will be at "market rate", significantly above current rents), so the argument that it will provide more housing for Victoria is a specious one. In this, it will also contribute to a greater socioeconomic and age homogeneity of a neighbourhood which is currently relatively diverse.
- (ii) Secondly, while landscaping for the project is, of course, included in the plan (but would not mature for years), the development will require, as I understand it, the removal of 6 boulevard flowering plum trees, a cypress tree which is on the property line and 12 bylaw-protected trees on the property itself (including a 50-foot Lombardy popular and elm and ash trees). No trees can survive the construction of an underground parking lot.  
(*Please note that I have requested the arborist's report from the development company but, to date, have not received a reply.*)

I sincerely hope that City Council will demonstrate that it values James Bay and understands what this neighbourhood adds to the City. Please ensure that the peninsula is not slowly destroyed in a misguided effort to pursue density inappropriately, without a thought to what actually makes Victoria (and James Bay specifically) liveable (and, incidentally, of interest to those visitors who spend much more time and far more money in the City than do the commuting cruise ships tourists).

I am certain that there are other parts of Victoria which may be better able to handle increased development, rather than piling it all into this overburdened neighbourhood.

I therefore ask Council to reject the current proposal and search for something which is more fitting for the neighbourhood.

Jennifer Button  
James Bay Resident since 1993

CC. James Bay Neighbourhood Association



Dear Mayor Helps and Councillors,

I am writing to state my opposition to this proposed development. I ask the City of Victoria to take a more creative and sensitive approach to the upgrading of "Village Green" in James Bay, and to aim for a density and height similar to that currently existing.

I oppose this development for the following reasons:

(i) The proposed development will triple (approximately) the number of residents on the site in question, and will lead to a corresponding increase in cars and traffic in this already densely populated and heavily used area.

I personally support city densification but it must be appropriately and sensitively undertaken. James Bay, the main activity and tourist centre of Victoria, is already shouldering far more than its share of increased development. This little peninsula is beginning to feel overcrowded and strangled, with no room to move.

The immediate area of the proposed development, with "5 Corners" and Thrifty Foods in its already extremely busy centre, now awaits the completion of the Capital Park development (at Menzies and Michigan), just 2 blocks from the site currently in issue. The 106 condominiums and 7 townhouses of Capital Park will bring a further two or more hundred residents (with corresponding traffic) into the neighbourhood. An addition of 131 one-, two-, and three-bedroom apartments (to replace the current 45 bachelor, one- and two- bedroom units) at the Menzies/Niagara junction will, I believe, be a breaking point for the immediate neighbourhood. This is not even to mention the significant over tourism problems which already exist in this neighbourhood in cruise boat season, or the chronic lack of parking space in this area.

(ii) Victoria's charm, for residents and tourists alike, rests largely in its neighbourhoods (James Bay, Fairfield, Fernwood, etc.) with their distinctive architecture and vegetation. Lack of respect for these communities and failure to plan in a holistic, rather than a "within 100 metres", manner will mean the slow but inexorable destruction of these neighbourhoods, as Vancouver West End-style architecture overtakes and isolates the older character buildings.

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with the expensive Capital Park real estate, the current proposal would lead to a characterless "gentrification" and a lack of diversity in this area.

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I attach a letter setting out these arguments in greater detail. I ask for your support to ensure the continued liveability of James Bay and the preservation of its unique character.

Yours truly,

Jennifer Button

James Bay Resident since 1993

CC. James Bay Neighbourhood Association



Dear Sir or Madam,

If it's not too late, I would like to weigh in my opinion about the development coming at the corner of Menzies and Niagara streets (110 Menzies).

I think the beautiful and special cherry trees along Menzies street should be protected. Every spring I and many other people cherish their blossoms.

Thank you so much.

Warmly,

Renn

**PETITION to CITY COUNCIL, CITY OF VICTORIA**

**We, Menzies Street residents and neighbours, strongly oppose the proposed development at 110 Menzies Street / 450, 456, 458 Niagara Street (Village Green) for a number of reasons, the most significant being:**

- **It will erode affordable housing in James Bay, replacing it with units at high "market rates";**
- **It will displace the people who currently live in these apartments, townhouses and houses, many of whom are long-time James Bay residents, who will likely never again be able to find affordable accommodation in this or a close neighbourhood;**
- **It will result in significant overload (of both people and cars) in an already densely populated and heavily used neighbourhood;**
- **It will lead to an uninspiring gentrification of a neighbourhood valued as much by tourists, as by residents, for its charm and character.**

**We ask City Council not to approve this development proposal.**

**NAME**

**ADDRESS**

**PHONE NUMBER**

Jennifer Button	50 Menzies St.	
Katherine Kjaer	540 Ritz St.	
Lisa Kinkham	44 menzies	
Cathy Cole	2-26 Menzies St	
Sherrri Martin	1-26 Menzies St	
Rob Forbes	1-20 Menzies St.	
Sylvia Brinckman	2-20 Menzies S	



NAMEADDRESS

Roxanne Naismith. #4-20 Menzies St  
Earl Naismith #4-20 Menzies St.  
Christine Church #2-50 Dalles  
Allan Amey #1-15 MENZIES  
Mary Jane Amey #1-15 Menzies  
Alexis Bradley #101-23 Menzies St.  
Fmsor Gauld #102-23 Menzies St  
Tan Williams 3-29 Menzies  
Nathan Sinclair 450 Niagara St  
Kaleema Khan 450 Niagara St  
KEVIN FORREST 3-20 MENZIES  
Jean Forrest 3-20 Menzies St.  
Maia Langston 500 Rithets  
Sean McLeary #105-110 MENZIES ST  
P. deThafford - Moffitt 306-114 "  
Augustine - 12-22-21

**PETITION to CITY COUNCIL, CITY OF VICTORIA**

**We, Menzies Street residents and neighbours, strongly oppose the proposed development at 110 Menzies Street / 450, 456, 458 Niagara Street (Village Green) for a number of reasons, the most significant being:**

- **It will erode affordable housing in James Bay, replacing it with units at high “market rates”;**
- **It will displace the people who currently live in these apartments, townhouses and houses, many of whom are long-time James Bay residents, who will likely never again be able to find affordable accommodation in this or a close neighbourhood;**
- **It will result in significant overload (of both people and cars) in an already densely populated and heavily used neighbourhood;**
- **It will lead to an uninspiring gentrification of a neighbourhood valued as much by tourists, as by residents, for its charm and character.**

**We ask City Council not to approve this development proposal.**

**NAME**

**ADDRESS**

Amanda Gault	64 Menzies St
Ocean Inglis	64 Menzies St
JOE ALLEN	235-APT. 3/2
Sgt. Mossman	69-Menzies st
KEITH LEWIS	215 Oswego St
Riley Vaskic	26 Lewis
Sarah Kilian	24 Lewis St



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We ask City Council not to approve this development proposal.

**NAME**

**ADDRESS**

Laurie Victory	7-103 Menzies St
Gail McGraw	6-103 Menzies St
DAVID LADKIE	7-103 MENZIES ST
Stan Lee	7-103 Menzies St
Lena Yee	5-103 Menzies St
Zen Leveille	10-105 Menzies St
CALVIN POON	403 MENZIES ST

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**NAME**

**ADDRESS**

Wendie Kingsburg

60 Menzies St.

PAUL WAINWRIGHT

60 MENZIES ST

Brandon Wong

~~825~~ 60 Menzies St.

Galen Malthouse

134 Superior St

Twila Miller

3103 Balfour

Emma Wong

4089 San Capri Terr

Tanya O'Brien

1-825 Lodi Ave





1701 – 4555 Kingsway  
Burnaby, BC V5H 4V8

[www.bchousing.org](http://www.bchousing.org)

May 12, 2021

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

Dear Mayor and Council:

We understand that Primex Investments is proposing a new development in the James Bay neighbourhood, adjacent to one of BC Housing buildings. BC Housing is supportive of this project as it will increase permanent rental housing in the area. We are pleased that their proposal includes the construction of 136 units, of which 47 are family units, with a mix of 2- and 3-bedroom apartments, and we hope that they can provide levels of affordability and consider utilizing the Housing Hub for their construction financing.

Should you have any questions please feel free to contact me at [REDACTED] or phone [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read "Malcolm McNaughton", with a large, stylized flourish at the end.

Malcolm McNaughton

Director, Regional Development Vancouver Island

Phase 1 (of 2) James Bay, Menzies to Niagara Streets, 6 stories, 131 units, 162 vehicle spaces, huge rental complex that I live meters from.  
Please consider PARK and DAY CARE SPACES within. Please adults think of the children here. I encourage you to stand here an hour, or 5 mins. and realize the # of:  
buses, trucks, cars, bikes, scooters, taxi's, tourists, vans and campers, tradesmen, foot pedestrians at Thrifty's and 5 Corners.  
All those walking families with kids and dogs heading to the beach for the day outing. I live here, I see it and hear the noise everyday from all the activity.  
Can you make it an enjoyable place for those who live in it, take pride in where they live, calm it down, as in the pride of Capital Park..

Thank you for your consideration.  
Gionet Family.  
Home owner, James Bay



My neighbours and I still oppose the amended proposal for this site.

1. The density is higher than the zoning allows. What is the value of well thought out zoning plans if well financed developers can thumb their noses at these plans if they somehow convince Councillors to ignore well thought out neighbourhood plans.
2. The development will take away parking from existing residents and properties. While fewer cars may be owned by residents in the future, the future is not here yet. Why not delay developments with inadequate parking until that mythic future arrives.
3. The six-story building is too high for James Bay. Past high rises built in James Bay are recognized abominations which should not be used as precedents. This building will be used as a precedent in the future to destroy the well functioning garden neighbourhood.
4. The current mature trees are ignored by the design and are cut contrary to city guidelines resulting in an increased summer urban heat island effect. There are no guarantees for the long-term maintenance of green roofs and green space. Proposed new trees will always be tiny compared to trees that are to be destroyed. Native soils will disappear and be compacted such that large trees will never again grow here..
5. The building materials are cheap. Such a substantial building should add to the neighbourhood by using enduring materials. The drawings color the siding the colour of brick, but the walls are just Hardiplank.

### **Density and Height**

James Bay is a low-rise neighbourhood, and six storey buildings are out of character to what is allowed and carefully planned for. Allowing another high-rise building sets a dangerous precedent as others will use this building as an example to change the entire neighbourhood, over the coming decades, just as this developer uses the hideous concrete monstrosity of James Bay Square as their precedent. Existing high rise James Bay buildings should not be taken as good precedents as they are blights on the neighbourhood and were approved under past complacent or corrupt councils that pandered to developer lobbying, approved by Councils who had no members living in James Bay, and when James Bay was inhabited mostly by low rent tenants rather than long term residents. Few in the neighbourhood, save perhaps for those themselves living in the high-rise buildings, would consider high rises to be positive attributes of this part of James Bay.

The current development model seems to increase density of established garden neighbourhoods whereas the better model is to encourage that new virgin land developments be made high density, in places like Langford, Royal Bay or in former low-rise concrete covered commercial zones, like north of downtown Victoria, south of Uptown. Cities are decentralized now with shopping and work happening not just in the city core. James Bay is a low rise garden neighbourhood, not the inner city.

The James Bay dense core was always planned to end at the back of Thrifty's, yet this proposal extends this core. This establishes a precedent of development creep. This is not the official plan. What is the point of having a neighbourhood plan if it is ignored by each well funded developer? This sets a precedent for the planned development of the east side of Menzies, south of Simcoe St. such that the official plan is thrown in the garbage.

The proposed four-story building along Menzies, which ignores setbacks, will act as a sound wall bouncing bus and traffic noise towards the east, to the other side of Menzies and to Medana St. The removal of the existing mature trees along Menzies will exacerbate this sound issue. The articulation of this wall is helpful as the articulated wall helps to break down this reflected noise somewhat, but setbacks should be respected. Large trees are the best absorbers of traffic/bus noise, but this development proposes the removal of all trees and only the replacement with small trees on newly compacted soils, hindering root growth. With increased heat waves and droughts, new trees will not grow to replace existing trees for many decades if ever. Trees planted on roofs or atop parking garages have little soil to draw from and if not watered dry out and die. Backfill on construction sites is typically dead free draining gravel rather than deep rich thousand year old soil. We know not what watering restrictions there will be in the future, nor if a property manager will neglect to water proposed trees. We can only assume that proposed trees are little more than window dressing and will never be substantial

The traffic infrastructure of James Bay does not support extra unplanned for density, especially with the 2020 closing of streets which access the neighbourhood along the north-south access: Government St downtown (often closed), Vancouver St (closed), and with possible future transit lane restrictions on Douglas and the current red-light maze on Blanshard St. Higher density development hampers access to our neighbourhood with increased traffic. James Bay has few points of entry/exit, exacerbated by celebratory and protest events adjacent to the Legislature and harbour. Even without personal cars we need service vehicles, bus and taxi access. Denser development is inappropriate for this neighbourhood. Tenants of this building will most certainly be mature residents with many cars, irrespective of not having sufficient parking. This building will not be low income housing in the foreseeable future.

Have any wind studies been done? The high rise at Menzies and Dallas creates a wind tunnel on Menzies with power to knock people off of their feet on many winter days. This proposed six storey building, a mere block away, may do the same. Three and a half storey buildings are the norm here and seem to not be such a problem. With increased extreme weather events, high winds can be an issue for neighbourhood residents. High winds are known to even lift concrete roof pavers off roof decks. Will concrete roof pavers be locked down to prevent dangerous flying roof pavers [https://www.youtube.com/watch?v=X\\_XfUND9Cpg&t=1s](https://www.youtube.com/watch?v=X_XfUND9Cpg&t=1s) ? The current large mature trees on site, to be removed, dissipate high winds that pass through the neighbourhood. As we know from forest clear cuts, cutting some trees can amplify destructive winds. James Bay has high coastal wind events.

Are the shadow drawings really correct? Note that this proposal with reduced street setbacks and a six-story building will make the street darker, diminishing winter sunlight, making walking along Menzies much chillier in winter, moreover with amplified wind. Buildings on the east side of Menzies will lose direct afternoon sunlight.

### **Parking**

The proposed development has insufficient parking, and the simple solutions would be to have fewer units and/or stacked parking in a parking garage with higher ceilings and mechanical parking lifts. Alternatively, they could propose a two-level garage which also avoids being built under the root systems of the large heritage trees. The developer could dig the garage lower to



allow for mechanically stacked parking spaces. As it is, the neighbourhood will need to absorb parking for at least 18 cars, but likely more than twice that number, considering guests and current parking levels in apartments in this neighbourhood. Casual guests typically do not have underground parking access and use street parking with little regard to regulations and are rewarded by lax enforcement. To put this in perspective the existing street parking on the entire block of Menzies accommodates about 26 vehicles, which are typically always occupied. We would lose every one of these spots with this proposed development. This then stresses adjacent streets. Cars are often currently parked illegally but the city does not monitor this, relying on citizens to track who owns which car and then call-in complaints. This is time consuming and puts the onus on residents to monitor the ownership of dozens of cars, from a hundred new residents. Without empty parking spots, delivery vehicles block access. If parking permits need to be issued, there will be a cost to residents of existing properties nearby. We will therefore have to pay for this building's deficient parking issues monthly, forever. We will then be financing this building. The lax parking enforcement will likely continue. Niagara St has only about eight spaces fronting this development. Existing street parking is needed for Menzies businesses, current residents of pre-1960s buildings, many of which have no on-site parking - see Menzies Apartments directly across from this proposal, and for delivery vehicles which are a constant now. I have lived here for 25 years and have only seen the parking demand increase rather than diminish, as is the fantasy of much of the council. Cars may go away over time, but not in the next decades, nor in my lifetime. This new development will be largely inhabited by typical James Bay residents who are 65 years plus and often mobility challenged. Residents of even one-bedroom units here have two cars, or vans and trucks that do not fit in underground garages. Many vehicles are here illegally, but the City does little to change this and we cannot expect enforcement to be optimal in the future. The City has a history of arbitrarily taking away street parking as it did on Simcoe and Menzies streets just in 2020. Street parking was taken away for "Covid safety" yet with most local residents vaccinated and often unmasked indoors the City still takes away parking, with no public consultation. A development should be made to add parking to a crowded neighbourhood, not take it away.

Parking issues spill out onto neighbouring streets like quiet Medana St., increasing speeding traffic as people hunt for spaces. Since the City has removed parking on Simcoe (for Covid) non-resident (too fast) traffic on Medana St has doubled. Such traffic on previously quiet streets can kill children and elderly people. I am getting old! Council has taken away parking, without public consultation, on Simcoe St and now that the pandemic is diminishing shows no signs of putting parking back. The City considers the road to be City property and offers no rights for adjacent residents to park on it, as residents have for 100 years. Residential Parking used to be defined as for the use of residents fronting the parking, and immediate adjacent properties but is now interpreted as being for the entire city block. This changes the nature of neighbourhoods as non-residents race around and park, and even live in vehicles. We do not want criminals living in vehicles directly in front of our homes, yet this is currently tolerated in Victoria. Note that a convicted pedophile was living in Beacon Hill Park in his van adjacent to playgrounds when his van caught fire. How are we to self police and keep track of parking when hundreds of new and transient rental residents of this proposed development are allowed to park on our residential streets? Some rental apartments change residents weekly as they are sublet. Why should every available spot be blocked by cars from residents of adjacent streets. Our residential streets are

not meant as overflow parking for developers trying to maximize profits and skimp on excavation, build too many apartments. Note that parking will also be monopolized in the short term, for years, by the construction workers building this project. Have a look at how Michigan St has been for four years+ adjacent to Capital Park. How do we know that apartments will not be sublet as short term rentals, with cars changing weekly? Will any rules be enforced in the future as BC Housing rules trump any zoning restrictions? BC rental housing laws allow sublets.

If this development is to continue without adequate parking, the City must guarantee, for 100 years or more, the right to street parking space usage in front of existing properties, without charge. We may not need as many cars 100 years from now, but we may even want to have planters on this street real estate.

The City may forget that the intent of having garden neighbourhoods and houses with yards was to allow the residents to have gardens and even sustainably grow their own food. This development takes away the possibility of having street planters instead of parking spaces in front of our homes. It takes away the sun. High vehicles parked on streets even shade the boulevards hampering the possibility of viability of boulevard planters. Allowing developers to not provide sufficient parking is not "green". Not providing sufficient parking does not cut car use so much as it just creates parking problems. Residents still keep cars for weekend use even if they work from home.

If Council subscribes to the futuristic vision of cars being superfluous, perhaps this development without sufficient parking can wait until that future arrives. They can build two extra storeys 50 years hence when/if cars have disappeared. Note that parking garages are also used to store kayaks, paddle boards..., even if cars go away.

DO NOT allow a development at this location without sufficient parking without solidifying parking (or even raised street planter) rights for existing 100-year-old buildings. Doing so creates precedent which will be abused on other nearby sites as well. When I added a suite to my home I was restricted as I did not have non tandem on-site parking. But now a well funded developer can get away with this. Will I be compensated for such discrimination even though I provided affordable rental housing?

Precedents matter: Nearby, all of the businesses and three houses on the east side of Menzies south of Simcoe are currently being planned to be torn down and developed to maximum profit potential, using this proposal as a precedent! Other sites will follow precedents set by this site.

### **Loss of Green Space / Covenants**

This development generously proposes green spaces in the courtyard and on the roof tops, a good concept, but just a concept. The nature of rental buildings is that they are investments which change hands and are managed to maximize profits. The development would need guarantees with periodic inspections and enforcement to ensure that courtyard, boulevard and rooftop green spaces be maintained and watered even if there are city watering restrictions. Will the site have its own well and solar power to drive the well pumps? We have no rain all summer now, and with global warming this will get worse. Green spaces may otherwise be cleared and/or paved over in the near future as managers save costs. Loss of trees and green space contributes to heat islands. Adjacent residents may die in heat waves just as hundreds died in Vancouver in 2021. This is a clear and present danger! It is easy to draw pretty pictures with green ink, but



harder to keep green spaces maintained. Will the proposed new mini trees with teeny pots of soil be maintained if there is no covenant guaranteeing this, guaranteeing that they are watered (they are on top of a garage and have little earth to maintain water)? As an architect I used to make such drawings; I understand that an architect's designs do not stand up to cost cutting management, especially if some future rent controls, decades hence, restrict the rental managers from earning peak market rents. Similarly, there need be covenants stating that the parking spaces are not used by non-residents, sublet. People working in the neighbourhood or even downtown, currently rent spaces in driveways and from apartment buildings, further stressing daytime street parking.

### **Cheap Materials**

Most every cheap residential rental building in North American is now using Hardiplank siding, a practical material that is however now often devoid of character. James Bay is an historic neighbourhood with a special character. Four to six story Hardiplank buildings are to 2021 what stucco apartments were to 1970. You can paint it different colours, yet subsequent owners may just paint it one colour to save money, or let it black with slime. As a good example, look at the townhouses on Michigan St at Capital Park which used a durable residential scale and substantial material, brick veneer, or even stone (panels) along Superior St. The new six storey building at the corner of Southgate and Quadra also uses brick. Substantial buildings in Victoria were historically masonry faced, as is the newer Menzies building housing the BC Liquor Store and Capital Park townhouses. Masonry does not need much maintenance to keep looking presentable. Let us continue this tradition and take some cue from the historic character of Victoria. Hardiplank siding, on four to six storey buildings is simply cheap and aesthetically challenged. It is cheap to build with but not necessarily cost saving over 50-year lifecycles. Zoning may not dictate materials, but if the developer wants to cheat the zoning rules, they should be made to put some "lipstick on their pig": The articulation of the facades is well drawn but the materials are nothing for this historic neighbourhood to be proud of. The drawings show some walls as like orange brick in colour, but they are of Hardiplank. The designers show multiple colours and scales of Hardiplank, but will the final product match? During design, cost savings are made, unless there are rules to follow, unless brick or stone is called out on approved drawings. Council must even be mindful of which masonry is (if) specified as "manufactured (fake) stone" has a limited lifespan, absorbing water like a sponge. We see how many Victoria developments of the 80s have leaked and been recovered in different materials, less than 20 years later. Councils can be fooled by pretty drawings showing facades that may not remain. I am a mature architect, and building envelope specialist, who has seen how profit driven development often fails over time and then ends up looking unsightly

It would be best to follow the rules as they stand and only allow a development which respects the official plan.

--

Kirk Buhne B. Arch

Medana Street multi decade neighbour

**E.2 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street: Rezoning Application No. 00742 and Development Permit with Variances Application No. 00153 (James Bay)**

Committee received a report dated September 9, 2021 from the Director of Sustainable Planning and Community Development regarding information, analysis and recommendations for a Rezoning Application and a Development Permit with Variances Application in order to construct a new six-storey residential rental building with approximately 137 housing units for the property located at 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street, and recommending that it move forward to a Public Hearing.

*Committee discussed:*

- *Height of the building, and measures that have been taken to mitigate the height as highlighted in response to feedback received*
- *Concerns regarding parking in the area*
- *Support for the opportunity to increase the amount of rental properties in the area*
- *Concerns regarding affordability, liveability, and the potential impacts on residents in the community*

**Moved By** Councillor Alto

**Seconded By** Mayor Helps

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00742 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street, that first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Revised plans to address minor data inconsistencies, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Confirmation of BC Hydro approval of the proposed design for power supply to the development, both in the City right-of-way and on-site, to the satisfaction of the Director of Engineering and Public Works.
3. Revised site servicing plan showing a driveway crossing slope from the curb to 6 metres into the property consistent with City bylaws, to the satisfaction of the Director of Engineering and Public Works.
4. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor to:
  - a. Secure the rental units for the greater of 60 years or the life of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Secure future access from the proposed parkade and the proposed courtyard to the future Phase 2 site to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Secure TDM measures including 233 long term bicycle stalls six of which are dimensioned for cargo bicycles, two car share parking stalls with EV charging capability, two car share vehicles and a car share membership



- for each of the residential units, to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development.
- d. Secure streetscape improvements in the plaza area in the City right-of-way at the corner of Menzies Street and Niagara Street, including the provision and installation of furnishings, materials, decorative single globe pedestrian light and concrete scoring pattern, as approved by the Director of Engineering and Public Works.
5. Secure a contribution of \$75,000 to the Housing Reserve Fund.

Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00742, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street in accordance with:

1. Plans date stamped July 9, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs and to 0.21m to the balconies.
  - b. reduce the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
  - c. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  - d. reduce the northwest side yard setback from 7.0 to 2.31m
  - e. reduce the residential vehicle parking from 146 stalls to 91 stalls
  - f. reduce the visitor vehicle parking from 14 stalls to 9 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

**Amendment:**

**Moved By** Councillor Dubow

**Seconded By** Councillor Loveday

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00742 for 110 Menzies Street, 111 Croft Street & 450-458 Niagara Street, that first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaw be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Revised plans to address minor data inconsistencies, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Confirmation of BC Hydro approval of the proposed design for power supply to the development, both in the City right-of-way and on-site, to the satisfaction of the Director of Engineering and Public Works.

3. Revised site servicing plan showing a driveway crossing slope from the curb to 6 metres into the property consistent with City bylaws, to the satisfaction of the Director of Engineering and Public Works.
4. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor to:
  - a. Secure the rental units for the greater of 60 years or the life of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - b. Secure future access from the proposed parkade and the proposed courtyard to the future Phase 2 site to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Secure TDM measures including 233 long term bicycle stalls six of which are dimensioned for cargo bicycles, two car share parking stalls with EV charging capability, two car share vehicles and a car share membership for each of the residential units, to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development.
  - d. Secure streetscape improvements in the plaza area in the City right-of-way at the corner of Menzies Street and Niagara Street, including the provision and installation of furnishings, materials, decorative single globe pedestrian light and concrete scoring pattern, as approved by the Director of Engineering and Public Works.
5. Secure a contribution of \$75,000 to the Housing Reserve Fund.
- 6. To add a minimum of 14 x 3 bedroom units**

Development Permit with Variances Application No. 00153 for 110 Menzies Street, 111 Croft Street and 450-458 Niagara Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00742, if it is approved, consider the following motion:

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1. Plans date stamped July 9, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  7. reduce the street boundary setback on Niagara Street from 7.0m to 1.3m to the building face, to 0.33m to the stairs and to 0.21m to the balconies.
  8. reduce the rear yard setback from 7.0m to 5.15m to the balcony and to 4.24m to the stairs
  9. reduce the Menzies Street side yard setback from 7.0m to 1.37m to the building face and to 0m to the balconies
  10. reduce the northwest side yard setback from 7.0 to 2.31m
  11. reduce the residential vehicle parking from 146 stalls to 91 stalls
  12. reduce the visitor vehicle parking from 14 stalls to 9 stalls.
3. The Development Permit lapsing two years from the date of this resolution.”

FOR (4): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts



OPPOSED (5): Mayor Helps, Councillor Andrew, Councillor Alto, Councillor Thornton-Joe, Councillor Young

**DEFEEATED (4 to 5)**

**On the main motion:**

FOR (7): Mayor Helps, Councillor Andrew, Councillor Alto, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Dubow, Councillor Loveday

**CARRIED (7 to 2)**

October 27, 2021  
04-21-0439

Greg Mitchell  
Development Manager  
Primex Investments Ltd.  
#200-1785 West 4<sup>th</sup> Avenue  
Vancouver, BC  
V6J 1M2

VIA E-MAIL: [greg@primexinvestments.com](mailto:greg@primexinvestments.com)

Dear: Mr. Mitchell

**Re: 110 Menzies Street Traffic Review  
Draft Letter Report**

Bunt & Associates Engineering Ltd. (Bunt) has completed a high-level Traffic and Parking Study for the proposed residential-rental development at 110 Menzies Street in the James Bay neighbourhood in Victoria, BC. Given the site is located next to a village centre and is accessible by walking, cycling, and transit to downtown and other neighbouring communities, it is expected to have a marginal increase in vehicle traffic compared to its existing use on site and will not have a noticeable impact on traffic in the neighbourhood. This letter report is an update to the April 2020 letter and at the request of the City now includes a review of the on-street parking supply in the vicinity of the site to help address any concerns with regards to parking availability in the neighbourhood as well as further supportive measures to reduce vehicle demands for future residents.

This letter report summarizes our review and findings. Please contact us with any questions you have regarding the content of this report.

Yours truly,  
**Bunt & Associates**



Tyler Thomson, MURB, MCIP, RPP, PTP  
Associate | Senior Transportation Planner



Ayden Jager, Co-op Student  
Transportation Analyst



## 1. INTRODUCTION

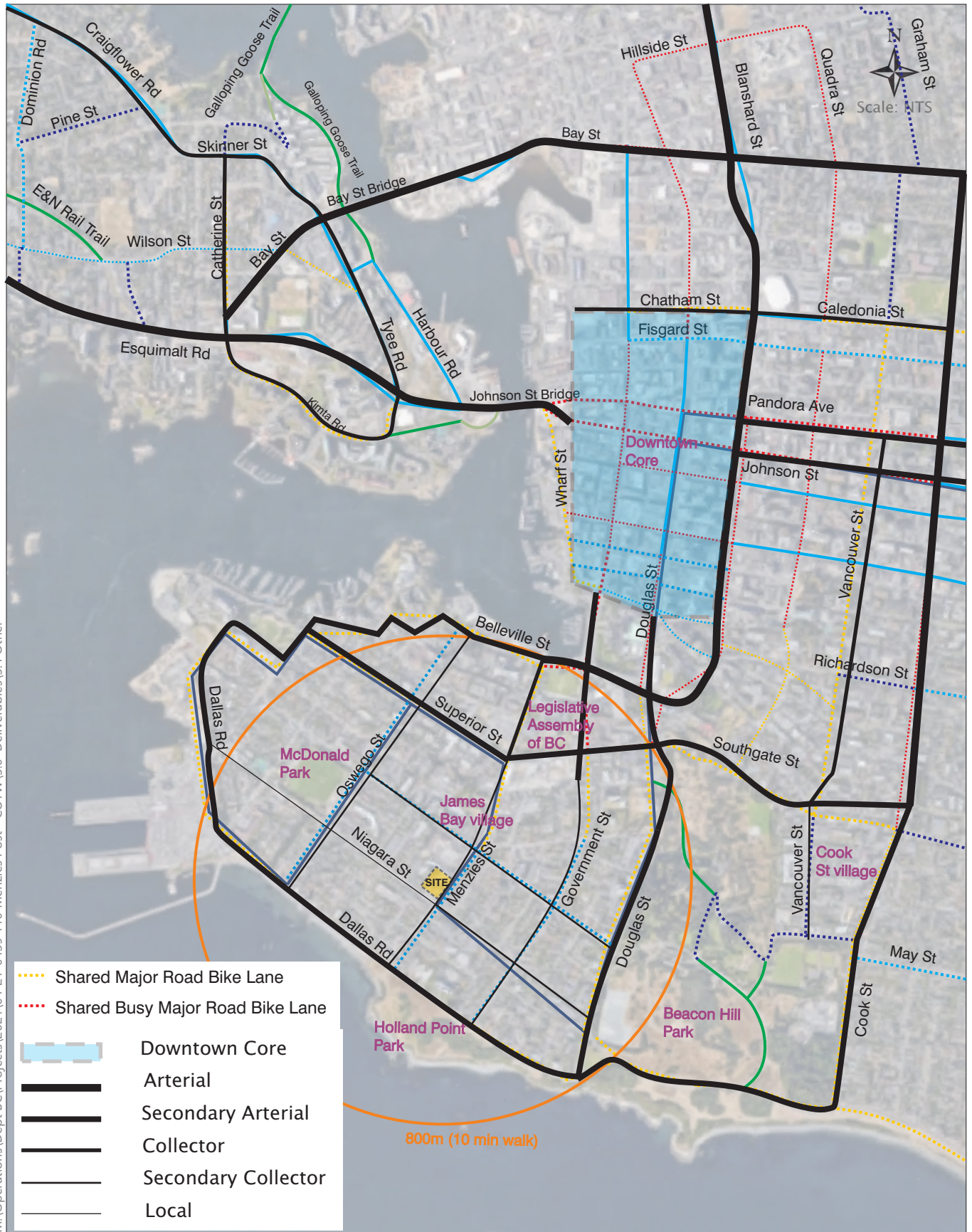
Primex Investments Ltd. (Primex) is proposing to redevelop the existing rental property at 110 Menzies Street in Victoria, BC into a new rental apartment building with 137 units. The existing property (Village Green Apartments) is occupied by two-storey townhouse buildings with ground oriented rental units bounded by Menzies Street and Niagara Street. Parking is planned to be accessed via Niagara Street.

The site is highly accessible by walking, cycling, and transit given its location in James Bay adjacent to the James Bay Village Centre as is illustrated on **Exhibit 1**.

Bunt was retained by Primex to assess the parking requirement and supply for the site and review the potential traffic implications of the redevelopment from a high level given the local sensitivities in the neighbourhood. Further, Bunt has been requested to provide additional information regarding on-street parking supply and demand in the vicinity of the site to understand parking availability in the neighbourhood as well as supportive measures to reduce parking demand. This letter is broken down into the following sections:

- Section 2: Existing Conditions Review
- Section 3: Proposed Development Plan
- Section 4: Future Vehicle Trip Generation
- Section 5: On-Street Parking Review
- Section 6: Planned TDM Measures
- Section 7: Summary

M:\Operations\Dept BC\Projects\2021\04-21-0439 110 Menzies Post - COTW\5.0 Deliverables\5.4 Other



## Exhibit 1 Site Location

04-21-0439

110 Menzies Street  
October 2021





## 2. EXISTING CONDITIONS

### 2.1 Site Description

110 Menzies Street is located just to the south of James Bay Village in the James Bay Neighborhood of Victoria and is bounded by residential uses to the north and west, and by Menzies Street to the east, and Niagara Street to the south. James Bay is a densely populated, walkable neighborhood. It also acts as an international visitor hub with cruise ship and ferry terminals located here. Exhibit 1 illustrates some of the major destinations nearby including Beacon Hill Park, Parliament buildings, Royal BC Museum, and the Dallas Road Waterfront Pathway. James Bay Village, at the centre of the James Bay Neighborhood, is an interchange of commercial and community services. According to the Official Community Plan (OCP) all buildings in this area have potential for redevelopment and capacity for commercial, multi-family residential and mixed-use development.

### 2.2 Street Characteristics & Vehicle Volumes

Menzies Street is a collector road providing connections from the site to Downtown via Belleville Street to the north and extending to Dallas Road to the south. Menzies Street accommodates 1-way southbound traffic between Niagara Street and Dallas Road, and 2- way traffic between Niagara Street and Bellville Street. Except for the intersection of Superior Street and Menzies Street, which is controlled by a traffic signal, all other intersections on Menzies Street are unsignalized. Bus routes #2, #3, and #10 operate on Menzies Street in the vicinity of the site.

Based on the City of Victoria's available vehicle count data at the intersection of Menzies Street and Simcoe Street in August 2017, the two-way traffic volume along Menzies Street is 165 and 250 vehicles during the AM and PM peak hours, respectively.

Niagara Street is a local road extending between Dallas Road/St Lawrence Street in the west and Douglas Street in the east. It has two travel lanes, sidewalks on both sides and parking on both sides near the site. Intersections are unsignalized and the street experiences low volume of traffic and at low speeds with its primary function being to provide access to residential uses on the street.

### 2.3 On-Street Parking

To provide context for availability of on-street parking in the vicinity of the site a parking supply and demand survey was conducted (details in Section 5). **Exhibit 2** shows the on-street parking restrictions and parking supply in the survey area which included: Croft Street and Medana Street, from Simcoe Street to Niagara Street; Menzies Street, from Simcoe Street to Rithet Street; and Niagara Street, from Boyd Street to South Turner Street.

This area was selected as it includes most of the on-street parking available to residents and visitors within a close walking distance of the site. Parking restrictions in this area include 1-hour parking, 2-hour parking, residential only, no parking, and loading zones as shown in Exhibit 2.

## 2.4 Cycling, Walking and Transit Network

**Exhibit 3** highlights the accessibility of the site from an active and sustainable transportation standpoint. The following briefly highlights the cycling, walking and transit facilities near the site.

### 2.4.1 Cycling

The site is located about a 5-minute cycle journey from Downtown and is easily accessible to major employment and recreational destinations by bike. Exhibit 3 illustrates the various bike routes and facilities that connect the James Bay Village to Downtown Victoria and the rest of the region. Namely the shared street bike lanes on Government Street to the east of the development and Dallas Road to the south and west of the site connect the James Bay area to Downtown and from there the protected bike lanes on Wharf Street provide connections to Vic West, Esquimalt, and the Galloping Goose and E&N Regional Trails via Johnson Street Bridge.

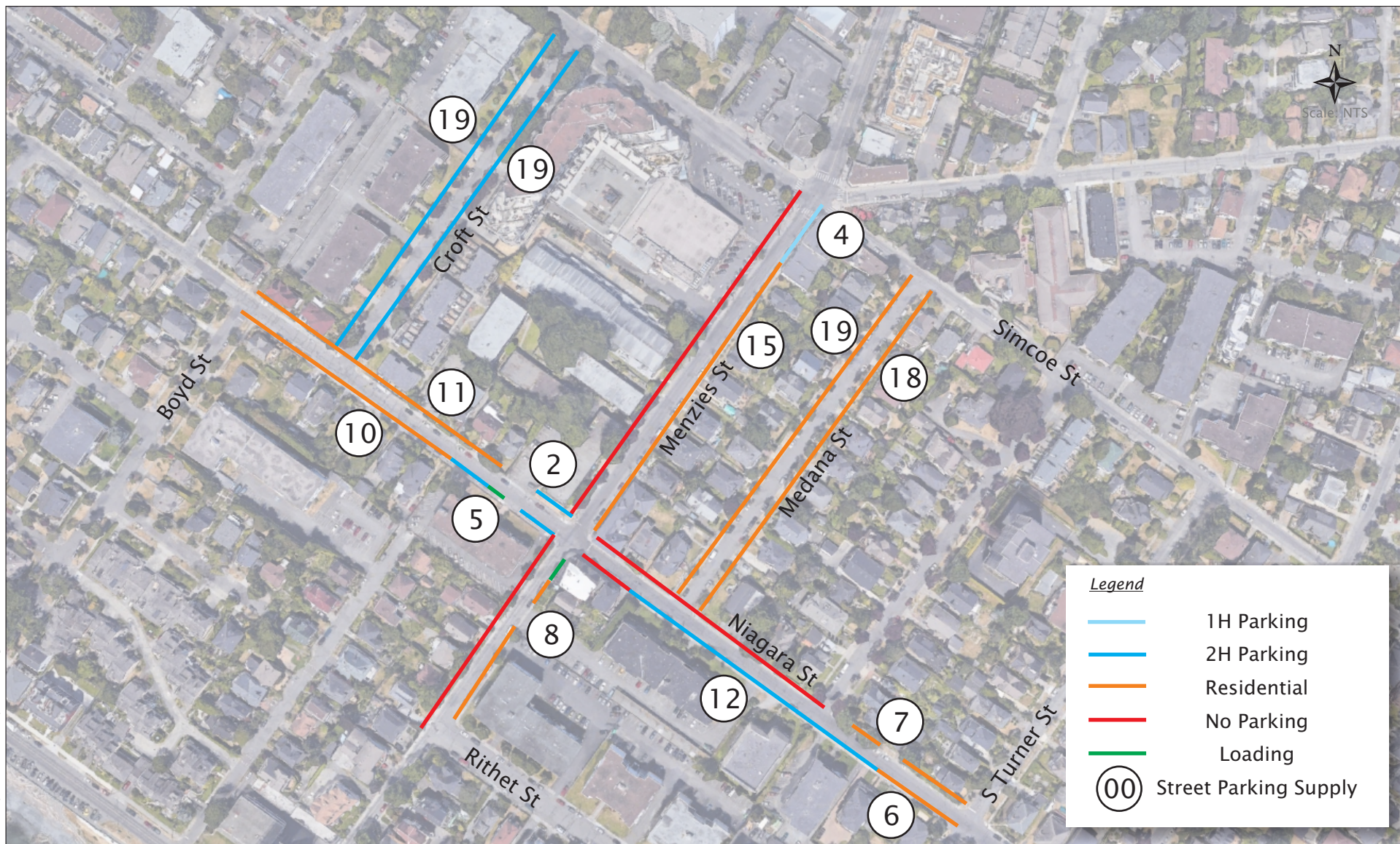
### 2.4.2 Walking

The development site is in a highly walkable area in James Bay adjacent to James Bay Village and about a 15 minute walk to Downtown close to several key employment and recreational destinations as well as regional and international transportation connections such as HeliJet, Ogden Point Cruise Ship Terminal, Coho Ferry, Clipper Ferry, Harbour Air, and BC Transit. According to Walk Score ([www.walkscore.com](http://www.walkscore.com)), a website that rates addresses out of 100 based on walkability, the area is labeled as “Very walkable” with a score of 85. This means a car is not required for residents of the area to fulfill most daily errands. Additionally, the site is located within a network of People Priority Greenways (PPG) immediately bounded by Simcoe Street to the north, Dallas Road to the south, and Government Street to the east. According to the OCP, People Priority Greenways are designed for pedestrians, bicycles and other non-motorized rolling traffic and motor vehicles.

### 2.4.3 Transit

As shown on Exhibit 3, there are several bus stops within 100m walking distance of the site. The mentioned provide services for number 2, 3, and 10 bus routes which connect the site to Downtown, Oak Bay, and Royal Jubilee Hospital via Douglas Street with broader transit connections throughout Victoria and the region.





## Exhibit 2 On-Street Parking Restrictions and Supply

04-21-0439

110 Menzies Street  
October 2021



M:\Operations\Dept BC\Projects\2021\04-21-0439 110 Menzies Post - COTW\5.0 Deliverables\5.4 Other



### Exhibit 3 Site Accessibility

04-21-0439

110 Menzies Street  
October 2021





### 3. PROPOSED DEVELOPMENT

The development proposal calls for the redevelopment of the existing 45 townhouse units on the site into a rental apartment building with 137 units. **Table 3.1** summarizes the proposed development statistics based on the floor area and unit summary noted in the development package dated April 16, 2020.

**Table 3.1: Proposed development Statistics**

USE	TYPE	NET AREA (M <sup>2</sup> )	# UNITS
Residential-Rental	Unit area < 45 m <sup>2</sup>	376	9
	45 m <sup>2</sup> < Unit area < 70 m <sup>2</sup>	3,879	67
	Unit area > 70 m <sup>2</sup>	4,808	61
TOTAL		9,063	137

#### 3.1 Vehicle and Bicycle Parking Requirements

##### 3.1.1 Vehicle Parking Requirements

Based on *Figure 1: Off-Street Parking Sub-Areas* provided in Zoning Bylaw (No. 80-159 Schedule C); the development is located in the "Other Area" sub-area of the City. **Table 3.2** summarizes the City of Victoria Zoning Bylaw (Schedule C) off-street parking regulations proposed for consideration for the project along with the proposed parking supply.

**Table 3.2: Off-Street Vehicle Parking Requirements**

LAND USE	TYPE	# OF UNITS	BYLAW RATE	BYLAW REQUIREMENT	PROVISION
Residential	Unit area < 45 m <sup>2</sup>	9	0.75 spaces per unit	7	89
	45 m <sup>2</sup> < Unit area < 70 m <sup>2</sup>	67	0.9 spaces per unit	60	
	Unit area > 70 m <sup>2</sup>	61	1.3 spaces per unit	79	
Visitor Parking		137	0.1 spaces per unit	14	9
Car Share Stalls					2
TOTAL				160	100

The development is planning to provide 100 parking spaces located in the underground parkade that are accessed from Niagara Street. The development parking provision falls short of the requirement for Other Area by 38%.

According to recent studies by Capital Regional District (CRD), there has been a shift in the travel behaviour of people in Victoria between 2011 and 2017, whereby there has been a 7% decrease in the Driver mode-share and a 4% increase in the Cycling mode-share in Victoria with notable increases in all non-vehicular travel modes. To help support the parking variance, the development is proposing to provide additional bicycle parking beyond the bylaw requirement.

##### 3.1.2 Off-Street Parking Demand Data

To further support the proposed parking variance, the parking supply rate of the proposed development can be compared to peak parking demand rates of similar sites near James Bay/Downtown Victoria for

context. A parking demand survey was conducted for a previous study on 3 rental apartment properties during two weekdays (Tuesday September 19<sup>th</sup>, 2017, and Wednesday September 20<sup>th</sup>, 2017), and from 6pm to 11pm. This time frame was chosen to capture the residential peak hours. The result of the survey is shown in Table 3.3.

**Table 3.3: Peak Parking Demand Rates**

BUILDING	# OF UNITS	NUMBER OF ON-SITE PARKING SPACES (INCL. VISITOR)	PARKING SUPPLY RATE	PEAK PARKING DEMAND ON-SITE (INCL. VISITOR) AND ON-STREET	PEAK ON-SITE PARKING OCCUPANCY RATE	PEAK PARKING DEMAND RATE (PER UNIT)*
655 Douglas Street (The Q)	124	67	0.54	45 (on-site); 2 (on-street)	67%	0.38
890 Academy Close (Parkside Towers)	55	34	0.62	32 (on-site); 3 on-street	94%	0.64
562-566 Simcoe Street (Marifield Park)	108	88	0.81	70 (on-site); 4 (on-street)	80%	0.69
<b>AVERAGE</b>			<b>0.66</b>			<b>0.57</b>

Given a parking supply of 100 stalls and 137 units, the proposed development has a parking supply rate of 0.73 stalls/unit. Therefore, the parking supply rate of the development is greater than all peak parking demand rates of similar sites from the previous study. The TDM measures proposed for the site will further support the variance.

### 3.1.3 Bicycle Parking Requirement

Table 3.3 summarizes the required bicycle parking spaces for the development based on Table 2 from Schedule C in the City's Zoning Bylaw.

**Table 3.3: Bicycle Parking Space Requirement**

LAND USE	TYPE	# OF UNITS	LONG-TERM		SHORT-TERM	
			BYLAW RATE	REQUIREMENT	BYLAW RATE	REQUIREMENT
Residential	Unit area < 45 m <sup>2</sup>	9	1 space per unit	9	Maximum of 6 spaces or 0.1 spaces per unit	14
	Unit area > 45 m <sup>2</sup>	128	1.25 spaces per unit	160		
<b>TOTAL</b>				<b>169</b>		<b>14</b>

As shown in Table 3.2, the proposed requires 169 long-term and 14 short-term bicycle spaces. The project is proposing 233 long-term spaces and 17 short-term spaces which exceeds the bylaw requirement by 64 and 3 spaces, respectively. This Transportation Demand Management (TDM) measure will form part of a broader TDM package aimed at attracting residents who are supportive of active and sustainable travel modes in favour of a less car-dependent lifestyle and will help support the proposed parking variance.



## 4. TRAFFIC REVIEW

To understand the potential effect of the proposed development on the adjacent road network, the vehicle trip generation was estimated for both the existing Village Green Apartments and the proposed development. The vehicle trip generation rates used to estimate the weekday AM and weekday PM peak hour volumes were derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2018).

**Table 4.1** summarizes the base trip rates, while **Table 4.2** summarizes the corresponding vehicle trips estimates for the existing Village Green Apartments and for the proposed development to understand the net increase in traffic for the site.

**Table 4.1: Peak Hour Vehicle Trip Rates**

LAND USE	ITE CODE	AM PEAK HOUR			PM PEAK HOUR		
		IN	OUT	RATE	IN	OUT	RATE
Existing Residential	220 (Multifamily Housing – Low Rise)	23%	77%	0.46	63%	37%	0.56
Proposed Residential	221 (Multifamily Housing – Mid-Rise)	26%	74%	0.36	61%	39%	0.44

**Table 4.2: Peak Hour Vehicle Trips**

LAND USE	ITE CODE	QUANTITY	AM PEAK HOUR			PM PEAK HOUR		
			IN	OUT	RATE	IN	OUT	RATE
Existing Residential	220	45 units	4	13	17	13	7	20
Proposed Residential	221	137 units	13	36	49	37	24	61
NET INCREASE			+9	+23	+32	+24	+17	+41

As shown in Table 4.2, the proposed development is estimated to increase the vehicle trips in the area by 32 trips and 41 trips for the AM peak hour and PM peak hour, respectively. This equates to one additional vehicle trip every 2 minutes onto Menzies Street and will not have an appreciable impact on traffic operations. Given that the site generates relatively little added traffic volume onto the surrounding street network, Bunt believes that a detailed operational assessment is not necessary for this development application.

## 5. ON-STREET PARKING REVIEW

### 5.1 Data Collection

An on-street parking supply and demand survey was conducted Saturday, October 2<sup>nd</sup>, 2021, and Tuesday, October 5<sup>th</sup>, 2021. The Saturday survey was completed between 11am-3pm to capture the weekend commercial peak demand. The Tuesday survey was completed between 12pm-3pm to capture the weekday commercial peak demand, and between 6pm-11pm to capture peak residential demand.

The count was separated into 4 zones: Croft Street and Medana Street, from Simcoe Street to Niagara Street; Menzies Street, from Simcoe Street to Rithet Street; and Niagara Street, from Boyd Street to South Turner St (refer to existing parking supply and restrictions in Exhibit 2).

## 5.2 On-Street Parking Demand

On-street parking demand was determined by comparing the survey results with the estimated parking supply in the 4 zones. The parking survey found that the peaks occurred at 1pm during the weekday daytime period, at 7pm during the weekday evening period, and at 12pm during the weekend daytime period. **Exhibit 4** shows the peak on-street parking demand for each of the surveyed periods. Overall, the on-street parking demand for the area is at its highest at 7pm during the weekday evening period. This is consistent with typical on-street parking patterns in multi-family residential neighbourhoods with overlapping resident and visitor demands.

Medana Street was consistently observed to be the busiest street in the surveyed area, while Niagara Street was observed to be the least busy overall. Streets/blocks closer to the commercial village were generally busier on the weekend as would be expected. While it is anticipated that the development will be able to meet its parking needs, particularly with the proposed TDM measures in support of the reduced parking supply, there appears to also be adequate available on-street parking supply in the area (even at peak times) to accommodate any potential additional demand that may materialize from time to time.



Tuesday 1 Pm



Tuesday 7 Pm



Saturday 12 Pm



Legend

- <50% Demand
- 50-60% Demand
- 60-70% Demand
- 70-80% Demand
- 80-90% Demand
- >90% Demand

## Exhibit 4 Parking Demand Heatmap

04-21-0439

110 Menzies Street  
October 2021

## 6. TDM PLAN

The following provides a definition of TDM and outlines the suite of TDM measures proposed for the development in support of the proposed parking variance.

### 6.1 Definition

Transportation Demand Management (TDM) is defined as the "application of strategies and policies to reduce travel demand (specifically that of single-occupancy private vehicles), or to redistribute this demand in space or in time"<sup>1</sup>. A successful TDM program can influence travel behaviour away from Single Occupant Vehicle (SOV) travel during peak periods towards more sustainable modes such as High Occupancy Vehicle (HOV) travel, transit, cycling or walking. The responsibility for implementation of TDM measures can range across many groups, including regional and municipal governments, transit agencies, private developers, residents/resident associations or employers. The following provides a description of the measures proposed for the development.

### 6.2 Proposed TDM Measures

#### 6.2.1 Modo Car Share

The inclusion of 2 Modo vehicles and spaces will allow residents to reduce the use of personal vehicles and encourage multi-modal transportation. Additionally, 2 more car share spaces will be provided to accommodate future Modo expansion.

#### 6.2.2 Modo Membership

The property owner will provide car share memberships to all 137 units. This will increase accessibility to the numerous Modo Car share vehicles in the area.

#### 6.2.3 Bike Parking

The development is providing an additional 38% long-term bicycle parking than the bylaw requirement (which will be equipped with a high density of charging receptacles for e-bikes), as well as a 21% increase in short-term bicycle parking. Further, a portion of the long-term bicycle parking will be allocated to accommodate larger bikes, such as cargo bikes and provide electrical outlets to accommodate e-bikes.

#### 6.2.4 Bike Maintenance Facilities

Bike maintenance facilities in a secure area near the bicycle storage can be provided for residents. Maintenance facilities can include readily available tools and supplies to perform basic bicycle maintenance such as fixing a flat tire and adjusting a chain (Figure 6.1).

---

<sup>1</sup> <http://ops.fhwa.dot.gov/tdm/index.htm> FHWA Travel Demand Management home page



**Figure 6.1: Bike Maintenance Stand**

### 6.2.5 Transportation Marketing Services

Marketing services such as campaigns, incentives, and other strategies can be provided to encourage the use of sustainable transportation. Welcome packets can also be given to new residents containing information about local transit routes and schedules, car share, and cycling routes.

### 6.2.6 Multimodal Wayfinding

The owner can provide multimodal wayfinding signage on-site to direct residents to transportation services such as transit, car share parking, bicycle parking, maintenance station, and amenities (Figure 6.2).

**Figure 6.2: Wayfinding Signage**

## 7. SUMMARY

- Primex Investments Ltd. (Primex) is planning to redevelop the existing rental townhouse buildings (45 units) located at 110 Menzies Street in Victoria, BC into a new rental apartment building with 137 units.
- City of Victoria Zoning Bylaw (Schedule C – Other Area) requires the site to provide 146 residential parking spaces and 14 visitor parking spaces for a total of 160 parking spaces.
- The project is proposing 100 parking spaces comprised of 89 resident parking, 9 visitor parking spaces, and 2 car share stalls which falls short of the bylaw requirement by 60 spaces. A previous survey of similar residential developments outlined a peak parking demand rate of 0.57 spaces per unit, while the development's proposed parking supply is 0.73 spaces per unit exceeding this observed demand.
- City of Victoria Zoning Bylaw (Schedule C) requires the site to provide 169 long-term and 14 short-term bicycle parking spaces. The project exceeds the Bylaw's bicycle parking requirement by providing 233 long-term spaces and 17 short-term spaces. This TDM measure, amongst other to be considered will help support the desired parking variance.
- The proposed development will generate a net increase of 32 additional trips in the AM peak hour and 41 additional trips in the PM peak hour compared to the existing site. This represents one additional vehicle trip approximately every 2 minutes and will not have a noticeable impact on vehicle operations.
- Given the relatively modest increase in traffic volumes predicted to be generated by the development, Bunt believes that a detailed operational assessment is not necessary for this development application.



- Results from the on-street parking survey found that the demand is at its highest at 7pm during the weekday evening period, with Menzies and Medana Street at greater than 90% occupancy.
- Proposed TDM measures include: 2 Modo cars and memberships for all units, 2 additional car share parking stalls for future expansion and bicycle parking which exceeds the bylaw requirement. Further, electric receptacles for e-bikes and several dedicated cargo bike parking spaces as well as a bicycle maintenance stand along with transportation marketing services and multi-modal wayfinding signage will also be provided. These measures provide support in line with the proposed parking variance.



Mayor Helps and City of Victoria Council  
1 Centennial Square  
Victoria BC  
V8W 1P6

Dear Mayor Helps & Members of Council:

**Re: Tenant Assistance at Village Green**

This letter provides supplementary information on the approach Primex Investments Ltd. and Village Green Apartments Ltd. (collectively referred to as "Primex") is undertaking to further assist the residents at Village Green Apartments ("110 Menzies") in their search for suitable housing as we prepare to redevelop a portion of the site.

**Background**

Primex submitted the development application in June 2020 to rezone the subject site – 110 Menzies Street – to permit the development of 137 new purpose-built market rental units at the corner of Menzies and Niagara.

The project was advanced to the Committee of The Whole (COTW) in September 2021 and subsequently approved to be sent to a public hearing.

The public hearing is scheduled for March 24, 2022, and we look forward to presenting our concept and proposal in more detail at that time.

**Supporting Affordable Rental Housing in Victoria and Affordable Housing Reserve Fund**

As a developer and operator of purpose-built market rental housing (including more than 400 units in the South Island area), Primex is well aware of the challenges finding suitable and adequate housing in Victoria.

The development proposal at 110 Menzies is intended to be a 100% rental housing project with an associated 60-year housing agreement; therefore, Primex is not obligated to provide a Community Amenity Contribution (CAC).

However, recognizing the City's goals related to building rental housing (especially affordable rental housing), Primex would like to support the development of more affordable rental housing across Victoria by voluntarily contributing \$75,000 to the City's Affordable Housing Reserve Fund.



## Tenant Assistance Program (TAP) and Relocation Assistance

Primex's in-house property management company, Pacific Cove Property Management ("PCPM"), is providing relocation services to the residents of 110 Menzies.

PCPM employs over 150 people, including an in-house relocation specialist who focuses exclusively on tenant assistance and relocation services. The relocation specialist can draw on numerous internal sources, including property managers, who have a deep understanding of the Victoria housing market, to help ensure the residents' needs are met.

Over the past several months, our relocation specialist has worked closely with residents to facilitate open communication and to create personalized tenant assistance plans for each resident.

As of February 23, 2022, the relocation specialist has completed one-on-one meetings with each interested and eligible resident to discuss the development process and create a tailored relocation program specific to individual resident needs. Various rental housing options were sent to eligible residents on January 7, 17, 27, and February 3, based on the preferences identified during the resident meetings. We continue to provide residents with up-to-date housing options.

## Tenant Assistance Eligibility

	ELIGIBLE FOR TAP	INELIGIBLE FOR TAP	TOTAL
TOTAL RESIDENTS	33	12	45
RESIDENTS WHO HAVE MOVED	19	11	30
RESIDENTS REMAINING	14	1	15

Between July 2020 and February 24, 2022, fifteen new residents entered into tenancy agreements and signed a mutual agreement to end tenancy for March 31, 2022. Eight of the fifteen tenants remain at the property and have agreed to vacate on or before March 31, 2022.

Of the thirty-three eligible residents, we report the following:

- Nineteen eligible residents have come to agreements regarding compensation, moving assistance, and support finding housing options. A total of \$91,885 has been paid to date, averaging \$6,125/per eligible resident.
- Fourteen residents have yet to sign agreements; we anticipate they will receive more than \$7,000 each.
- The one remaining ineligible resident has been offered assistance to find housing options.

### **Additional Assistance (beyond TAP)**

Primex is committed to working with all residents to determine their specific needs and, where necessary, providing assistance that goes above and beyond the compensation defined in the City of Victoria's Tenant Assistance Policy. We recognize that each resident requires an individualized approach.

Out of a desire to target the additional assistance efficiently, Primex has set aside an additional \$25,000-\$30,000 to support residents who need additional help. This amount is in addition to the compensation outlined in the City's Tenant Assistance Policy (noted above) and Primex's proposed \$75,000 contribution to the City's Affordable Housing Reserve Fund.

Fourteen residents identified themselves as needing additional assistance as part of the TAPs process. This additional assistance includes the requirements for specialized housing, rental supplements or top-ups, and increased allowance for moving expenses.

Based on resident needs, to date, Primex has provided \$3,872 in additional compensation to two people (above their TAP identified compensation).

It should be noted that not all residents have yet come to agreements with Primex as they are still looking for alternate housing opportunities. Several tenants have also advised that they intend to wait for a final Council Decision before working with our relocation specialist to work out a tenant assistance package.

Primex will continue to work with the affected residents to identify how best to be of assistance as the process moves forward.

### **Summary**

Primex is working very hard to meet the needs of our tenants at Village Green. We recognize that the redevelopment process and the requirements to relocate are difficult and challenging. That is why Primex has volunteered a large contribution to the City's Affordable Housing Reserve Fund. Moreover, to date, Primex has paid more than \$90,000 in compensation via the City's existing policies, and we have earmarked an additional \$25,000 - \$30,000 to ensure those who have greater needs can be assisted.

Yours truly

*Gregory Mitchell*

Greg Mitchell, M.PL., MCIP, RPP  
Senior Planner and Development Manager  
Primex Investments Ltd.



A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-104 Zone, Menzies Street Multiple Dwelling District, and to rezone land known as 111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street, Victoria, BC from the R3-1 and R3-2 Zone, Multiple Dwelling District and the R-K Zone, Medium Density Attached Dwelling District, to the R-104 Zone, Menzies Street Multiple Dwelling District.

The Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1269)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

“3.139 R-104 Menzies Street Multiple Dwelling District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.138 the provisions contained in Schedule 1 of this Bylaw.
- 4 The following lands, shown hatched on the attached map, are removed from their respective zones and placed in R-104 Zone, Menzies Street Multiple Dwelling District:
  - (a) 111 Croft Street and 110 Menzies Street  
PID: 002-779-854  
LOT 1 BECKLEY FARM VICTORIA CITY PLAN 26482  
Former zone: R3-1 and R3-2 Zone, Multiple Dwelling District;
  - (b) 450 Niagara Street  
PID: 000-006-912  
LOT 6, SECTION 14, BECKLEY FARM, VICTORIA CITY, PLAN 871  
Former zone: R-K Zone, Medium Density Attached Dwelling District; and
  - (c) 456/458 Niagara Street  
PID: 000-123-048  
LOT 5 BECKLEY FARM VICTORIA CITY PLAN 871  
Former zone: R-K Zone, Medium Density Attached Dwelling District.
- 5 The Zoning Regulation Bylaw is further amended by adding to Schedule N – Residential Rental Tenure Properties, the lands described in section 4.

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
Public hearing held on the	day of	2022
READ A THIRD TIME the	day of	2022
ADOPTED on the	day of	2022

CITY CLERK

MAYOR



# PART 3.139 – R-104 ZONE, MENZIES STREET MULTIPLE DWELLING DISTRICT

## 3.139.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw
- b. Two family dwelling, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- c. Multiple dwelling, subject to the regulations set out in this Part
- d. Accessory Building, subject to the regulations in Schedule “F”
- e. Home occupation, subject to the regulations in Schedule “D”
- f. Public Building, subject to the regulations set out in this Part

## 3.139.2 Lot Area

- |                              |                   |
|------------------------------|-------------------|
| a. <u>Lot area</u> (minimum) | 920m <sup>2</sup> |
|------------------------------|-------------------|

## 3.139.3 Community Amenities

- a. As a condition of additional density pursuant to Part 3.139.4, a monetary contribution of \$75,000 must be provided to the Victoria Housing Reserve Fund prior to issuance of a Building Permit.
- b. Until the amenity contribution identified in Part 3.139.3 a. is paid in full, it shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw #22-007 is adopted and each year thereafter, by adding to the base contribution amount in Part 3.139.3 a. an amount calculated by multiplying that base contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period.
- c. For the purposes of this Part 3.139.3 “CPI” means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

## 3.139.4 Floor Area, Floor Space Ratio

- |  |                      |
|--|----------------------|
| a. <u>Total floor area</u> (maximum)   | 11,130m <sup>2</sup> |
| b. <u>Floor space ratio</u> where the amenity has not been provided pursuant to Part 3.139.3 (maximum) | 1.6:1                |
| c. <u>Floor space ratio</u> where the amenity has been provided pursuant to Part 3.139.3 (maximum)     | 2.15:1               |

# **PART 3.139 – R-104 ZONE, MENZIES STREET MULTIPLE DWELLING DISTRICT**

## **3.139.5 Height, Storeys**

- |   |     |
|---|-----|
| a. Principal <u>building height</u> (maximum) | 20m |
| b. <u>Storeys</u> (maximum)                   | 6   |

## **3.139.6 Setbacks, Projections**

- |  |      |
|--|------|
| a. <u>Front yard setback</u> (minimum)   | 7.0m |
| b. <u>Rear yard setback</u> (minimum)  | 7.0m |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum)               | 7.0m |
| d. <u>Side yard setback</u> on a flanking street for a <u>corner lot</u> (minimum) | 7.0m |

## **3.139.7 Site Coverage, Open Site Space**

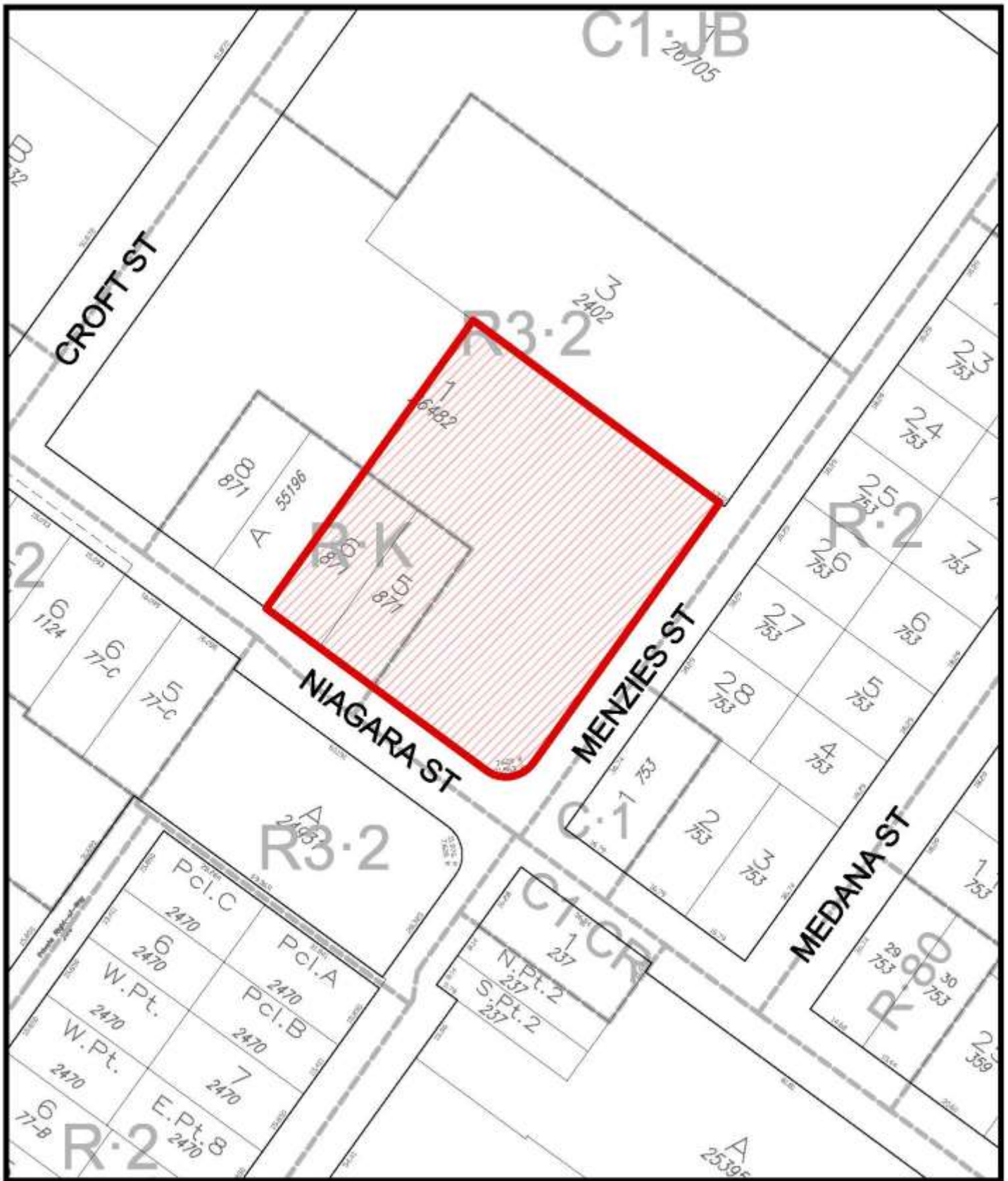
- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 56% |
| b. <u>Open site space</u> (minimum) | 44% |

## **3.139.8 Vehicle and Bicycle Parking**

- |                              |  |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule "C" |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule "C" |

**[NOTE:** Property located in this zone is subject to residential rental tenure – see Section 45 of the General Regulations and Schedule N.]





110-122 Menzies Street 450-458 Niagara Street  
Rezoning No.00742



NO. 22-015

A BYLAW OF THE CITY OF VICTORIA

**LAND USE CONTRACT DISCHARGE (111 CROFT STREET AND 110 MENZIES STREET)  
BYLAW**

The purpose of this Bylaw is to discharge a land use contract in relation to 111 Croft Street and 110 Menzies Street with the consent of the property owner.

Under its statutory powers, including section 546 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in open meeting enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (111 CROFT STREET AND 110 MENZIES STREET) BYLAW”.

**Definition**

- 2 In this Bylaw,

"Lands" means the land civically known and legally described as:

111 Croft Street and 110 Menzies Street, PID: 002-779-854, LOT 1 BECKLEY  
FARM VICTORIA CITY PLAN 26482

“Land Use Contract” means the contract registered in the Victoria Land Title Office under charge number B81492.

**Discharge of land use contract**

- 3 The Land Use Contract registered against the Lands is discharged.
- 4 The City Solicitor is authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
Public hearing held on the	day of	2022
READ A THIRD TIME the	day of	2022
ADOPTED on the	day of	2022

CITY CLERK

MAYOR



NO. 22-012

**HOUSING AGREEMENT (111 CROFT STREET, 110 MENZIES STREET, 450 NIAGARA STREET AND 456/458 NIAGARA STREET) BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (111 CROFT STREET, 110 MENZIES STREET, 450 NIAGARA STREET AND 456/458 NIAGARA STREET) BYLAW (2022)".

**Agreement authorized**

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
- (a) substantially in the form attached to this Bylaw as Schedule A;
  - (b) between the City and Village Green Apartments Holdings Ltd. (Inc. No. BC1044991) or other registered owners from time to time of the lands described in subsection (c); and
  - (b) that applies to the lands known as 111 Croft Street, 110 Menzies Street, 450 Niagara Street and 456/458 Niagara Street, Victoria, BC, legally described as:  
PID: 002-779-854, Lot 1, Beckley Farm, Victoria City, Plan 26482  
PID: 000-123-048, Lot 5, Beckley Farm, Victoria City, Plan 871  
PID: 000-006-912, Lot 6, Section 14, Beckley Farm, Victoria City, Plan 871

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
READ A THIRD TIME the	day of	2022
ADOPTED on the	day of	2022

CITY CLERK

MAYOR

**HOUSING AGREEMENT**

(Pursuant to section 483 of the *Local Government Act*)

AMONG:

**THE CORPORATION OF THE CITY OF VICTORIA**  
#1 Centennial Square  
Victoria, B.C. V8W 1P6  
  
(the "City")

AND:

**VILLAGE GREEN APARTMENTS HOLDINGS LTD.**  
(Incorporation No. BC1044991)  
200 – 1785 West 4<sup>th</sup> Avenue  
Vancouver, B.C. V6J 1M2  
  
(the "Owner")

AND:

**COAST CAPITAL SAVINGS FEDERAL CREDIT UNION**  
800 – 9900 King George Boulevard  
Surrey, B.C. V3T 0K7  
  
(the "Existing Croft Street Chargeholder")

AND:

**VANCOUVER CITY SAVINGS CREDIT UNION**  
5<sup>th</sup> Floor, 183 Terminal Avenue  
Vancouver, B.C. V6A 1G2  
  
(the "Existing 456 Niagara Street Chargeholder")

**WHEREAS:**

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of the following lands in the City of Victoria, British Columbia:

111 Croft Street  
PID: 002-779-854  
Legal Description: LOT 1 BECKLEY FARM VICTORIA CITY PLAN 26482

(the "Croft Street Lands");



450 Niagara Street  
PID: 000-006-912  
Legal Description: LOT 6 SECTION 14 BECKLEY FARM VICTORIA CITY PLAN 871

(the "450 Niagara Street Lands");

and

456 Niagara Street  
PID: 000-123-048  
Legal Description: LOT 5 BECKLEY FARM VICTORIA CITY PLAN 871

(the "456 Niagara Street Lands")

(including any lands into which the same may be consolidated or subdivided, the Croft Street Lands, the 450 Niagara Street Lands, and the 456 Niagara Street Lands shall collectively be referred to as the "Lands").

- D. The Owner has applied to the City to rezone the Lands to permit 137 housing units within the Development in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

## 1.0 DEFINITIONS

### 1.1 In this Agreement:

"**Business Day**" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"**Development**" means the new 137-unit building consisting of residential housing and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the 137 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

"**Immediate Family**" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"**Non-owner**" means a person other than a Related Person or the Owner;

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 9.3;

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
  - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
  - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act.

## 2.0 TERM

2.1 The term of this Agreement shall be for a period beginning on the date the City issues an occupancy permit for the Development, and expiring on the date that is equal to the later of:

- (a) the date that is sixty (60) years from the date of commencement of this Agreement; and
- (b) the date that the Owner elects to:
  - (i) demolish the Development as a result of material damage or destruction to the Development; or
  - (ii) demolish the Development as a result of the Development being at the end of its useful life.

## 3.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

3.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

## 4.0 NO RESTRICTIONS ON RENTALS

4.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would



be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

- 4.2** Without limiting the generality of section 4.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

## **5.0 REPORTING**

- 5.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 5.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

- 5.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

## **6.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

- 6.1** Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

## **7.0 LIABILITY**

- 7.1** The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

- 7.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

## 8.0 PRIORITY AGREEMENTS

- 8.1** The Existing Croft Street Chargeholder, as the registered holder of charges by way of Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA6216025 (as modified by CA8258423) and CA6216026 (as modified by CA8258424), respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.
- 8.2** The Existing 456 Niagara Street Chargeholder, as the registered holder of charges by way of Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA5121688 and CA5121689, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

## 9.0 GENERAL PROVISIONS

- 9.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria  
#1 Centennial Square  
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and  
Community Development  
Fax: 250-361-0386  
Email: khoese@victoria.ca

and in the case of the Owner, addressed to:

200 – 1785 West 4<sup>th</sup> Avenue  
Vancouver, B.C. V6J 1M2

Attention: Warren Andrew Rennison  
Email: andrew@primexinvestments.com



or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 3.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

**9.2 TIME.** Time is of the essence of this Agreement.

**9.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

**9.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

**9.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

**9.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

**9.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

**9.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement

**9.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

- 9.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 9.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 9.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 9.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

*(signature page follows)*



IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF  
VICTORIA, by its authorized signatory:

Karen Hoese, Director of Sustainable  
Planning and Community Development

Date signed: \_\_\_\_\_

VILLAGE GREEN APARTMENTS  
HOLDINGS LTD., by its authorized signatory:

  
Warren Andrew Rennison, Director

Date signed: January 16, 2012

COAST CAPITAL SAVINGS FEDERAL  
CREDIT UNION, by its authorized signatory:

Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

VANCOUVER CITY SAVINGS CREDIT  
UNION, by its authorized signatory:

Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF  
VICTORIA, by its authorized signatory:

Karen Hoese, Director of Sustainable  
Planning and Community Development

Date signed: \_\_\_\_\_

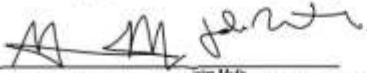
VILLAGE GREEN APARTMENTS  
HOLDINGS LTD., by its authorized signatory:



Warren Andrew Rennison, Director

Date signed: January 16, 2022

COAST CAPITAL SAVINGS FEDERAL  
CREDIT UNION, by its authorized signatory:



Print Name: Martin Matusiak John Muth  
Sr. Manager, Commercial Real Estate

Date signed: February 10, 2022

VANCOUVER CITY SAVINGS CREDIT  
UNION, by its authorized signatory:

Print Name: \_\_\_\_\_

Date signed: \_\_\_\_\_



IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF )  
VICTORIA, by its authorized signatory: )

\_\_\_\_\_  
Karen Hoes, Director of Sustainable  
Planning and Community Development )

Date signed: \_\_\_\_\_ )

VILLAGE GREEN APARTMENTS )  
HOLDINGS LTD., by its authorized signatory: )

  
\_\_\_\_\_  
Warren Andrew Rennison, Director )

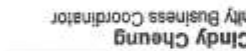
Date signed: January 16, 2022 )

COAST CAPITAL SAVINGS FEDERAL )  
CREDIT UNION, by its authorized signatory: )

\_\_\_\_\_  
Print Name: )

Date signed: \_\_\_\_\_ )

VANCOUVER CITY SAVINGS CREDIT )  
UNION, by its authorized signatory: )

  
\_\_\_\_\_  
Cindy Cheung  
Community Business Coordinator )

Print Name: )

Date signed: \_\_\_\_\_ )

February 9, 2022