

Monday, June 6, 2022



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Mayor and Council
City of Victoria
#1 Centennial Square
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Re : 937 View Street - Proposed Rental Housing Development - COTW May 26th.

Dear Mayor Helps and Members of Council ;

I am writing to you as the Applicant, Architect, and Owner's Agent for the proposed development at 937 View Street that was presented to Committee of the Whole on May 26th, 2022. I believe it is important that Mayor and Council understand the Applicant's and Owner's perspective on what was presented to Committee of the Whole and why we feel that the decision that was made by Committee of the Whole was based on misrepresentations of the facts.

The information presented to Committee of the Whole was singular in its focus and skewed to highlight how the proposal did not meet the recently adopted DCAP 2022 guidelines and standards. The fact that the design had evolved over time to meet and exceed the DCAP guidelines that were in effect at the time the design was being prepared was never illustrated or presented to COTW. The project was never intended to address the new DCAP guidelines and to focus the presentation on demonstrating all of the areas where the proposal was non-compliant with a standard it was not designed to address was misleading and biased.

It was also mentioned that the ADP recommendation was negative but what was not mentioned was all of the changes to the design that were made to address the ADP comments. Nor was it highlighted that the evolution of the design was always done in response to Staff comments regarding compliance with DCAP guidelines.

Liveability of the suites was another focus in the presentation. What was not made clear was the fact that all of the suites meet the minimum requirements of the DCAP standard and most of the suites with 'closest' approach to adjacent (proposed) buildings are side-orientation and not primary living space. Fewer than 10% of the suites in our proposal are facing adjacent proposed developments and at the minimum setback guideline distance but this was not made clear in the presentation.

The design evolution from our initial proposal to the final version presented at Committee of the Whole was held-up as proof that the Owner and design team had exhausted all design



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possibilities and were set on a final design without room for further revisions. In fact, the evolution of the design took a non-compliant and innovative scheme (one that DID receive Planning support) and forced it into a massing with setbacks that are precisely what the prescriptive guidelines in the DCAP mandate.

With the adoption of the new DCAP guidelines in March 2022 and the time limitation on in-stream application approvals under the old DCAP, we were up against a very hard deadline. Our reluctance to make further changes was only in the context of this severe time restriction and the knowledge that further revisions would initiate further reviews and ultimately, derail the project.

One of the most egregious aspects of the presentation and discussion that followed centred around the effect our proposal would have on the public space of another proposed development across View Street. It is important to understand the full context and timing of events to understand why this is so difficult to understand.

The old Downtown Plan identified this site and the 930 Fort Street site as a mid-block walkway connection priority site. This is a long-standing and very popular mid-block route from Meares Street all the way through to Yates.

The OCP picked up on this popular connection and proposed a public open space on the Harris Green Centre site in-line with this existing mid-block walkway connection.

The Development Permit for 930 Fort Street was approved by Council but that project provided no mid-block walkway connection. At that time it was already clear that our development proposal would be maintaining and enhancing the connection along the west side of our site, but the 930 Fort proposal was not required to take this into consideration.

The Harris Green Centre development proposal, submitted after our proposal for 937 View Street was already in-stream, did not re-think the location of the public open space, given the loss of the mid-block walkway connection due to the 930 Fort DP approval. Nor did they take into account the fact that there was a proposal for a high-rise building across View street. Somehow, perversely, it was our project that was asked to demonstrate how we would be affecting the proposed public space across the street.

We completed shadow analysis to demonstrate that the effect of our building on the public open space was limited to a few hours in the days leading up to and after the Equinox in March and September, but the way it was presented led Councillors to believe that we were shading the space 'significantly' and at 'all times of the year'. Totally baseless, and incorrect, but the impression had been made that our development proposal was negatively impacting another proposed development that, for some as yet unexplained reason, was given precedence over ours.

In summary, I believe the Project, the Owner, and the Architect were all unfairly represented by Staff at the COTW presentation on March 26th. The project information was presented in a manner that focused solely on negative aspects and comparisons against standards to which the project had never been designed, the Owner's intentions were incorrectly presented to Council as being intransigent, and the Architect was misrepresented as the designer of an inelegant and 'chunky' design that had reached the end of its road.

Unfortunately, with the new DCAP guidelines in effect, and the approval deadline for in-stream applications set at June 24th, 2022, there is no path forward for this proposed development. We were hoping to receive some clear direction from COTW that would have allowed the project to proceed, with revisions, and still be under the old DCAP guidelines, but the limited options presented in the Staff report to COTW, further reinforced by Staff at the meeting, precluded this from happening.

An extension to the approval deadline for in-stream proposals and a reversal of the May 26th, 2022 decision to deny the DP application for 937 View Street would allow the hard work and significant financial commitment already invested in this project to continue.



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Sincerely,

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A handwritten signature in blue ink that reads 'Charles Kierulf'.

Charles Kierulf architect AIBC MRAIC

Principal