

**From:** April Dorey [REDACTED]  
**Sent:** January 5, 2024 3:42 PM  
**To:** Public Hearings  
**Subject:** Yes to the Roundhouse Rezoning Application REZ00729

Dear Mayor and Council

**re Public Hearing January 11, 2024 Rezoning Application REZ00729**

I would like to provide my support for the Bayview Place community completion. It would be nice to see the Railyard site brought to life with housing, arts, culture and retail components. The project promises to provide more housing near downtown which I think is great!

Please note this Application pertains to an increase in density from 2:0 to 4:58 Floor Space Ratio (FSR).

April Dorey Hartwig  
Resident of 1717 Hollywood Cres. Victoria, BC V8S 1J2  
[REDACTED]

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[REDACTED]

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**From:** B Carn [REDACTED]  
**Sent:** January 5, 2024 1:31 PM  
**To:** Public Hearings  
**Subject:** PUBLIC HEARING 11 JAN 24 proposed changes to 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road

Good day,

My name is Brent Carney and I currently live in the Dockside Green Condos. I have a serious concern about the proposed development submitted by Ken Mariash et al. Having read extensively on both sides of the argument it is clear to me that, simply put, this rezoning proposal is much too large and the proposed new height sought is far out of character for the neighbourhood. To be clear, I and many in the affected area are not, I repeat NOT opposed to development of the Roundhouse area. I believe the original plan proposed in 2008 is much more reasonable. I cannot understand why Mr. Mariash wants his buildings to rise up to 32 stories. The heights should not exceed that which is already built in that area (which some say is too high as well!) The idea of accommodating the so-called housing crisis is not a plausible rationale. That will not be solved by this new proposal. Mr. Mariash is at a point now where cost recovery is first and foremost on his agenda. The size and scope of this new proposal will forever damage the character of the area. It must be scaled back down.

Much of Mr. Mariash's letters to his supporters are quite abrasive to those opposed to his project. Ad hominem is not becoming of any professional. I could go on so I'll cease and just ask these questions:

1. Why must the towers exceed 19-23 stories? The shade and shadow cast on the neighbourhood will be disappointing to many.
2. Why hasn't Mr. Mariash shown good faith in his vision, that is, develop the Roundhouse heritage buildings and bring in commercial entities. He has been sitting on that property for over a decade and it looks shoddy and run down. Is this part of his plan? To push the locals to a point where we just say "Get it done" ? Even his office building looks run down. Not impressive for a developer.
3. Why can't the original proposal be honoured? It is a good size, not overwhelming, and is in tune with the rest of the area.

Brent Carney  
373 Tyee Rd  
Victoria, B.C.  
V9A 0B3

[REDACTED]

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*Brent*

[REDACTED]

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**From:** Barry Watchorn [REDACTED]  
**Sent:** January 5, 2024 6:05 PM  
**To:** Public Hearings  
**Cc:** Victoria Mayor and Council  
**Subject:** ROUNDHOUSE REZONING, 251 ESQUIMALT RD, 355 CATHERINE, 210 KIMTA. PUBLIC HEARING  
JANUARY 11, 2024

MAYOR AND COUNCIL,

I want to register my opposition to this latest over ambitious version of developing the ROUNDHOUSE property.

As you are aware there was a plan in place for a development on this property previously. The latest plan evolved out of a number of workshops dating from December 6, 2019 to early 2020. Groups involved included BC housing, Island Corridor, CRD, Museum, BC Heritage, Ken and Patricia MARIASH, Songhees and Esquimalt First Nations, to name a few. The final development was stalled for reasons that matter not now.

Today we have a project supported by city hall and support staff that has gone way beyond a tinkering of the details. We now have a project that has gone beyond palatable, beyond envisions of what Victoria is, has been, and should not become. We have growing towers and density providing numbers of dwellings that by sheer numbers alone will get a gold star from the Provincial Government. Is more and more and more people in one area enough?

We believe that if council wishes to create a legacy under their current term, that might be believable. You do not need towers of 29, 32, 27, and 25 stories all in a clump to do it. The previous plan was fine. You do not need to endorse this project just to support a long-term developer or development. He will do just fine with the previously approved plan.

Kimta Road has recently been turned into a narrow multi bike and car roadway, barely capable of accommodating current daily parking and traffic. We do not believe the utilities and infrastructure is up to this massive influx of people and their cars and bikes.

The attitude that residents in the Kimta Road area are just a bunch of "NOT IN MY BACK YARD" people is folly. Perhaps we can see what you apparently do not see. It is OK to stand up as a council and allow local people to have some validity.

Sincerely submitted,

Barry Watchorn  
739, 203 Kimta,  
Victoria.  
[REDACTED]

[REDACTED]

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**From:** Chuck Burkett [REDACTED]  
**Sent:** January 5, 2024 3:27 PM  
**To:** Public Hearings  
**Subject:** IN SUPPORT OF Roundhouse Land Rezoning Application-#REZ00729 at Bayview Place

**Dear Mayor and Council,**

I am sending this email to express my full support for the Land Rezoning application noted in the subject line above.

I believe the master plan (as proposed) is respectful of the history of this important property and will provide a much needed addition to Victoria's housing stock.

Please approve the application.

Thank you,

**Chuck Burkett, FCPA, FCA, CFP, TEP**

9636 Ardmore Drive

North Saanich, BC

V8L 5h5



January 5, 2024

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

RE: Rezoning Application Support for the Roundhouse Development Site at Bayview Place – REZ00729

Dear Mayor Alto and Council,

I am writing to voice support for the broader rezoning of the Roundhouse at Bayview Place to create roughly 1,900 new homes in VicWest and Greater Victoria Housing Society's (GVHS) proposal to build close to 200 affordable rental homes, targeted to working singles, couples, and families, in the Vic West neighborhood of Victoria.

I recently relocated from Toronto to Victoria in 2019 and I have to say I am very shocked and surprised with the rental situation here in the Greater Victoria area. I do understand how special the island is which is why I decided to come here, but progress and development is inevitable. I am an interior designer and I have been in the design and construction industry for 25yrs. The amount of missing middle-income housing here is astonishing and quite embarrassing, quite honestly. I rented in Toronto as well for 20yrs and at least there if you are paying top dollar for a rental, there is a reason. The number of rentals here charging top dollar just because they can is disgraceful. This development definitely is something needed here in Victoria!

The site owner, Focus Equities, is offering to donate a serviced, shovel ready piece of land, worth roughly \$15 million, to GHVS as part of the larger redevelopment of the site. The proposed affordable housing development would be a 24-storey building with a mixture of studios, 1-, 2- and 3-bedrooms suites, close to amenities, parks and schools, and walkable to downtown. The building would also be designed to high performance and sustainability standards, in line with other GVHS development projects.

With record low vacancy rates, rising costs of living, local businesses struggling to meet staffing requirements, and home ownership being so far out of reach for many people, affordable rental units – especially 2- and 3-bedroom family units – are more important than ever. Having these affordable units provided by a trusted, local non-profit housing society that will own and maintain these homes in perpetuity would be an excellent outcome for the city.

I encourage Council to approve this rezoning and secure these market ownership, rental, and affordable homes for the betterment of our community.

Yours truly,

Elizabeth Kecki  
302-7247 W. Saanich Rd.  
Victoria, BC V8M 1H4



[REDACTED]

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**From:** Heather Spinney [REDACTED]  
**Sent:** January 5, 2024 6:04 PM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com  
**Subject:** Roundhouse Rezoning - REZ00729 - 355 Catherine St., 251 Esquimalt Rd, 200-210 Kimta Rd.

Dear Mayor and Council -

I am writing to register my strong and unwavering support for the above-noted project.

My husband and I participated in some of the early open houses and charrettes hosted by the developer back in early 2000 and have been waiting for this project to become a reality.

Over the (many) years since, we have seen first-hand the commitment that Ken and Patricia Mariash have not only to our neighbourhood and our city, but also to their vision for this site.

They have continued to dream big for the Roundhouse despite all the obstacles they have faced.

The transformation of this derelict site into the vision of the Roundhouse project will indeed be "an iconic and remarkable showpiece" as stated by Mayor Alto.

We are lucky to have a developer with such stamina and determination to see a project through to the end.  
I urge you all to support the application.

It will be first class.

Heather Spinney  
735 Front Street  
Victoria BC V9A 3Y3  
[REDACTED]

[REDACTED]

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**From:** J R [REDACTED]  
**Sent:** January 5, 2024 7:32 PM  
**To:** Victoria Mayor and Council; Public Hearings  
**Subject:** Subject: In Support of REZ00729 #251-#259 Esquimalt Road, 45 Saghalie Road, 355 Catherine Street and #200-#210 Kimta Road.

I am very glad to see that after almost 20 years of debate, arguments and numerous design changes, the Bayview Place/Roundhouse project is finally seeing the light of the day and is going for a public hearing. I fully support this project and hope the Council also sees its socio-economic, health and financial benefits to Victorians and the City of Victoria.

Having lived in Victoria for over 40 years (first in Finlayson/Quadra area, and then in Langford/Catherine Street and Saghalie Road areas in VicWest), I understand that there has been tremendous input from the public, neighbourhood, and previous councils over the past two decades that is reflected in this proposed plan that is before the Council.

As a professional with over 45 years of experience, I have worked with professionals from CMHC in developing housing demand and supply forecast for the province on several occasions. I see tremendous social, economic and financial benefits to the surrounding community and to the City of Victoria through this development. It would provide housing (including affordable housing) that is urgently needed in Victoria to help address the housing crises that we are facing. As well, being at the periphery of the downtown core, it will cut down on green-house gases, improve population health and provide economic boost to the downtown businesses as this development is only a walking distance away across the blue bridge.

The proposed development is both futuristic and transformative – and a very welcoming and desirable gateway entry to the City of Victoria from VicWest. Unfortunately, there is considerable misinformation that is being disseminated by some who oppose this project and are misleading the public. For example, a recent post in Times Colonist depicts this project as merely a stack of towers standing adjacent to each other like a single continuous block of towers. This is not only dishonest, but also misleading. The advertisement does not mention the green spaces, roads and bike lanes, and the improvements to the roads, streetlights and related infrastructure that is going to come along with this development. There is no mention of the childcare center that will support families looking to relocate in VicWest and neither there is any mention of the commercial space, Roundhouse Plaza, and businesses that are going to bring life and vibrancy to the area and rejuvenate the heritage site that has been sitting dormant for decades.

I recently attended a Community Town Hall Meeting on Gorge Road that was organized by the group that opposes this project. I was very disappointed to hear some of the speakers with 40 year planning experience arguing against the project based on their 40 year old thinking. Rather than looking backwards, it is time for us to look forward and address the imminent challenges that are coming our way over the next 40 to 50 years due to population growth, structural changes in demographics, and due to changes in how we preserve and promote work/life balance, mental and social health of communities and support businesses. I also noticed that some of those who oppose this project are the residents of the penthouses on towers along the Tyee Road and there seems to be an assumption that their right to an unobstructed entire ocean-front corridor supersedes the housing

needs of the young Victorians who are desperately looking for housing and the future housing needs of those who would seek to relocate in VicWest.

I would urge the Council to please allow this project to proceed and I am in full support of this Bayview Place/ Roundhouse project

Thank you.

Paramjit Singh

[REDACTED]

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**From:** Barry Watchorn [REDACTED]  
**Sent:** January 5, 2024 7:43 PM  
**To:** Public Hearings  
**Cc:** Victoria Mayor and Council  
**Subject:** ROUNDHOUSE REZONING, 251 ESQUIMALT ROAD, 355 CATHERINE, 210 KIMTA ROAD. PUBLIC HEARING, JANUARY 11, 2024.

MAYOR AND COUNCIL,

I have several concerns regarding the expanded density of the Roundhouse project.

1. With buildings as high as 32 stories tall how is the fire department going to service a major fire? Do you have ladder trucks that high? (Is it not the city's responsibility to properly provide fire protection for a project that it approves?)
2. Already the newly created Kimta-Catherine Road is too narrow. The corner at Spinnakers is impossible to make without going over the yellow line.. The stop light at Esquimalt and Catherine only allows 2 to 3 cars turning on a green light now. Where are you adding new lanes? At present it is unsafe and time consuming to pass through that intersection.

The other projects done by Focus Equities around Bayview 1 are around 20 stories or less. Going higher will not create a pleasing environment. The Yates Street area is also of that height. The Bosa development on Tyee and Harbor is less than 20 stories. Why should this development go higher? The previous plans were not of this height and hence the decision we made to live in this area. A city's overall plan, designed by professionals and relied upon by its citizens should not be thrown away because of provincial pressure for greater numbers of homes created by improper planning and governance.

If Victoria City council approves this development I would expect to see:

1. Two lane traffic patterns to allow for vehicle turning surrounding the site.
2. A city provision for a medical clinic on the site. (I do not have a doctor in Victoria)
3. A community hall on-site fully funded by the developer to hold large gatherings for the Vic West people that has facilities for exercise classes, spa and swimming pool, childcare, and outdoor open gathering areas.
4. A Vic West fire hall and ambulance station on site, or nearby, or at least on the Vic West side of the blue bridge.

With 1500 to 1800 more people on this bit of land there will be future demands.

5. A public parking garage on site to accommodate the existing people drawn to the area for walks, etc. On weekends currently the Kimta Road parking is full.
6. An expanded width of the West-Song walkway, the full length from the blue bridge to Head Street to accommodate the increased foot traffic.

With a less dense development, additional residents can be assimilated, but with this added density, the developer must provide more.

Respectfully submitted,  
Kerry Watchorn,  
739, 203 Kimta Road,  
Victoria.



PS, we thoroughly endorse STEVE BARBER'S letter that was printed in the Victoria Colonist.

[REDACTED]

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**From:** Lorna Allen [REDACTED]  
**Sent:** January 5, 2024 3:05 PM  
**To:** Public Hearings  
**Subject:** Roundhouse development

Hello,

I live in Vic West at 60 Saghalie Rd, across the street from the Roundhouse.

For the record, I would be thrilled if the property were developed as promised with retail, restaurants and only 5 residential buildings as well as restoring the historic Roundhouse property. I do not support the revised plan for the property. The buildings are too tall, there are too many buildings and the historic Roundhouse buildings will be dwarfed by the size of the development.

When I read about the development I'm horrified by how many people would be crammed on the site. I don't see how the neighbourhood can absorb so many people. I've heard that it will be possible that 3,000 new residents will be in the buildings. I have dogs and use the Songhees dog park daily. Even if only 10% of the new residents have dogs I can't see how possibly 300 new dogs (and their owners) could use the surrounding green space for exercise without issues. The revised plans aren't providing for green space for dogs or people and given the limitations of the Johnson and Bay Street bridges and the further limitations of transit in Victoria how are people supposed to get anywhere? Where are the children expected to play or go to school or attend their recreational activities?

The site as presently proposed is overbuilt and out of character for the present neighbourhood. Outside of providing a roof over peoples' heads (at an exorbitant cost...who can afford the \$1,000 a square foot it will likely cost to build?) it will be a dismal existence. This isn't a community that anyone with options would choose. The buildings will be close together and given the height and number of buildings it's likely that nobody will get any sun, the condos will be dark, mostly from lack of sunlight but also because people will keep their blinds closed for privacy.

Please reconsider approving this project. Yes, there is a housing crisis. No, this plan does not solve anything. Victoria has one chance to get this right. The plans that I see are wrong in so many ways.

Lorna Allen  
403 - 60 Saghalie Rd

[REDACTED]

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**From:** Linda & Norm [REDACTED]  
**Sent:** January 5, 2024 6:45 PM  
**To:** Public Hearings; Victoria Mayor and Council  
**Subject:** REZ00729 #251-#259 Esquimalt Road, 45 Saghalie Road, 355 Catherine Street and #200-#210 Kimta Road

Dear Mayor and Council,

I am writing once again to express my vehement opposition to the redevelopment proposal for Bayview Place. (Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 53) and Zoning Regulation Bylaw, Amendment Bylaw (No. 1372)

I have written expressing my concerns and asking for a response several times since November 2022 when I first unearthed that the actual redevelopment proposal was not what is advertised on the signage on the property.

It both disappointed and frustrated me that I did not receive any response or acknowledgement from any of you to a single one of my letters.

This final submission is to simply remind you that you were elected by the citizens of Victoria to govern in the best interests of the city of Victoria and its residents. Many of you ran on a grass roots agenda and were elected on the basis of the priorities you held. This redevelopment proposal does not align with what you promised.

You are not experts in heritage, city planning, architectural design, infrastructure, or engineering and nor are you expected to be. What is expected of you, is to listen to the advice of the qualified professionals and experts hired by the city of Victoria to advise you in these matters so that you can make accurately informed decisions in the best interest of the city of Victoria.

If you read/listen to and understand the recommendations of the Heritage Committee, City Planners, Official Community Plan, Vic West Neighbourhood Plan and over 1500 community members (see Stop Bayview Rezoning Petitions and letters) it would become clear that the increased density sought in this rezoning application is totally inappropriate for the area and not supported by planning professionals, expert committees or the citizens who live here.

Please do your due diligence and vote no to this outrageous request for another rezoning of the property.

Let's return to the 2008 approved rezoning plan that is appropriate for this property and had the support of the community.

This decision is not about you, or helping a developer get richer. Do the job you were elected to do and make the best decision for the future of the city of Victoria, the Vic West Neighborhood and all of the citizens of this fabulous small city. Choose development that retains the charm and character that make Victoria unique.

With hope for development we can be proud of,

Linda Saffin





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[REDACTED]

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**From:** Lee Smyth [REDACTED]  
**Sent:** January 5, 2024 8:41 PM  
**To:** Public Hearings  
**Subject:** Focus Equities proposal for 9 towers up to 32 stories

I AM DEFINITELY SAYING NO TO THIS PROPOSAL !

[REDACTED]

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**From:** Marguerite Rowe [REDACTED]  
**Sent:** January 5, 2024 5:01 PM  
**To:** Public Hearings  
**Subject:** Roundhouse rezoning – REZOO729 – 355 Catherine Street, 251 Esquimalt Road, 200 – 210 Kimta Road

Public hearings @[victoria.ca](mailto:victoria.ca)

Subject: Roundhouse rezoning – REZOO729 – 355 Catherine Street, 251 Esquimalt Road, 200 – 210 Kimta Road

From: Marguerite Rowe, 100 Saghalie Road Victoria BC V9A0A1

I am writing to provide my support for the Roundhouse Rezoning Project.  
I support it for the following reasons:

1. The Roundhouse development plan builds on the excellent planning principles that guided the development of Bayview Place on Hilltop – a balance of buildings and natural green spaces including 400 new trees.
2. The Roundhouse Development supports a community with a diverse population - families, seniors, and singles in a range from low income to high end condominiums.
3. The Roundhouse Development addresses the provincial requirement for more affordable housing.
4. The Roundhouse Development, surrounded by our excellent bike lanes and steps-away transit system, will reduce the need for cars as the population increases.
5. The Roundhouse Development will restore the heritage designated buildings creating a dynamic town center where people can meet, shop, and experience the history while learning about the past. We must look to the future not the past when planning on how to tell our stories.

[REDACTED]

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**From:** Pat Jones [REDACTED]  
**Sent:** January 5, 2024 1:35 PM  
**To:** Public Hearings  
**Subject:** Concern Citizens

NO- To the City of Victoria

What an absolutely bizarre proposal that Focus Equities is proposing , 9 towers each building 32 stories high , come on , is this a joke , its Victoria's worse nightmare , ( who wants to live in a large city area's full of high rises , ) or visit ,causing more pollution , we are all trying to irradiate to leave a better healthy environment for the future .

How on earth can a small city like Victoria support such a project ? the infrastructure is definitely not there , Victoria to Langford route still is a nightmare , I believe.

We can't even get enough staff that most businesses are crying out for , and where would these workers come from and live ?????.

The world as a whole has a lack of common sense, where has common sense gone .?????

Victoria is a beautiful destination for visitors bringing in millions into the coffers , all ready Victoria is being compromised, with parking meters all over the place , even at the cost of reducing the widths of downtown streets with bike lanes, bikes lanes and more car parking .

There is no wonder shops are empty , also the fear of vandalism which cause these shops to give up.

IS THIS ALL ABOUT MONEY????

Our family definitely think twice before venturing down town, for appointments, shopping etc as a parking fee is slapped on your visit, especially as prices of everything has gone through roof and lots of families are struggling as the foods banks are struggling to help more people

Concerned citizen.

Pat Jones

Sent from Gmail Mobile

[REDACTED]

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**From:** R HAMDI [REDACTED]  
**Sent:** January 5, 2024 3:25 PM  
**To:** Public Hearings; Victoria Mayor and Council  
**Subject:** Comment Re: The Roundhouse Development in Vic West

Good afternoon,

I understand that there will be a public hearing regarding the proposed development by Focus Equities of a total of 9 towers. I would like to contribute my opinion in writing as being opposed to this project in the strongest possible terms.

The violation of the official community plan is the first point of contention. Community plans take years of engagement and consensus to create and reflect the wishes of the residents for the futures of their communities. Abolishing their recommendations with the stroke of a pen is an act of gross disrespect to the tax payers and yet another act of subservience from this Mayor and Council towards the cabal of developers who are intent upon eradicating the built history of this city. The Mayor and Council are supposed to work for the citizens of this city and not the wealthy developers and out of town investors behind these developments. The Heritage Advisory Panel, charged with the increasingly thankless task of protecting our fast disappearing history has opposed the development as have your own city planners. Why do you feel that you know better than the citizens, HAP and your own administration? I am astonished at the sheer arrogance of this decision and protest it vigorously.

I have lived in Victoria my entire 60+ years and am appalled at the direction taken by this and previous councils regarding development. The mania for development is destroying our stock of historically significant buildings, green space and livability. As for affordability, the many hundreds of new condominiums/townhouses/apartments are not affordable to anybody except the lower rung of millionaire investors in Calgary and Vancouver who purchase them. This development has no redeeming features whatsoever and will do absolutely nothing to enhance our city. Apart from being a grotesque waste of resources, it is an appalling visual blight on the landscape which already sports far too many anonymous, oversized, concrete bunkers. There is no place in our skyline for 32 story insults to our community's aesthetic.

This council has the ability to make positive change in the lived experience of this city and has ignored every possible opportunity to do so. Instead of planting trees and creating more greenspace, you are busy destroying what we had, such as the debacle known as the Village Green. There is nothing Green about that thing which has also swallowed up 2 lovely older homes to create what? A full city block concrete bunker priced far out of reach of the poor souls who were turfed out of their homes to appease your developer friends. Throughout my neighbourhood (James Bay), the story is the same. Older homes bulldozed and green space eradicated to fulfill the full lot concrete behemoth vanity projects of wealthy investors. How is this helping to house the homeless? Why are you not promoting the redevelopment of empty/underutilized lots downtown for **100% affordable housing**? A spattering of units dedicated here and there to people who are not wealthy is not going to solve homelessness.

I would also like to point out that this city cannot house the world. In case you have forgotten, Victoria is situated on an island with limited natural resources and built infrastructure. Community plans and public input are designed to provide cautionary advice from the community on development. There is actually such a thing as over-development and Victoria is just about there. We cannot accommodate everyone who wishes to move here and it is time to stop trying. Council has the power to say "no" to ludicrous proposals such as the Focus Equities towers, so please do the right thing and dismiss this vulgarity as unworthy of our city as your own advisory bodies have done.

Thank you,  
Rhannon Hamdi  
416 Luxton Avenue  
Victoria BC V8V 1C9

[REDACTED]

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**From:** Babak Rezwani [REDACTED]  
**Sent:** January 6, 2024 3:32 PM  
**To:** Public Hearings  
**Subject:** Support for Roundhouse at Bayview Place

I Babak Rezwani owner and operator for Babaks Oriental Carpets and also a residential owner in the Bayview Building at 513-100 Saghalie road Victoria BC V9A0A1

I Babak Rezwani fully support the Roundhouse at Bayview Place Land Rezoning Application REZ00729.

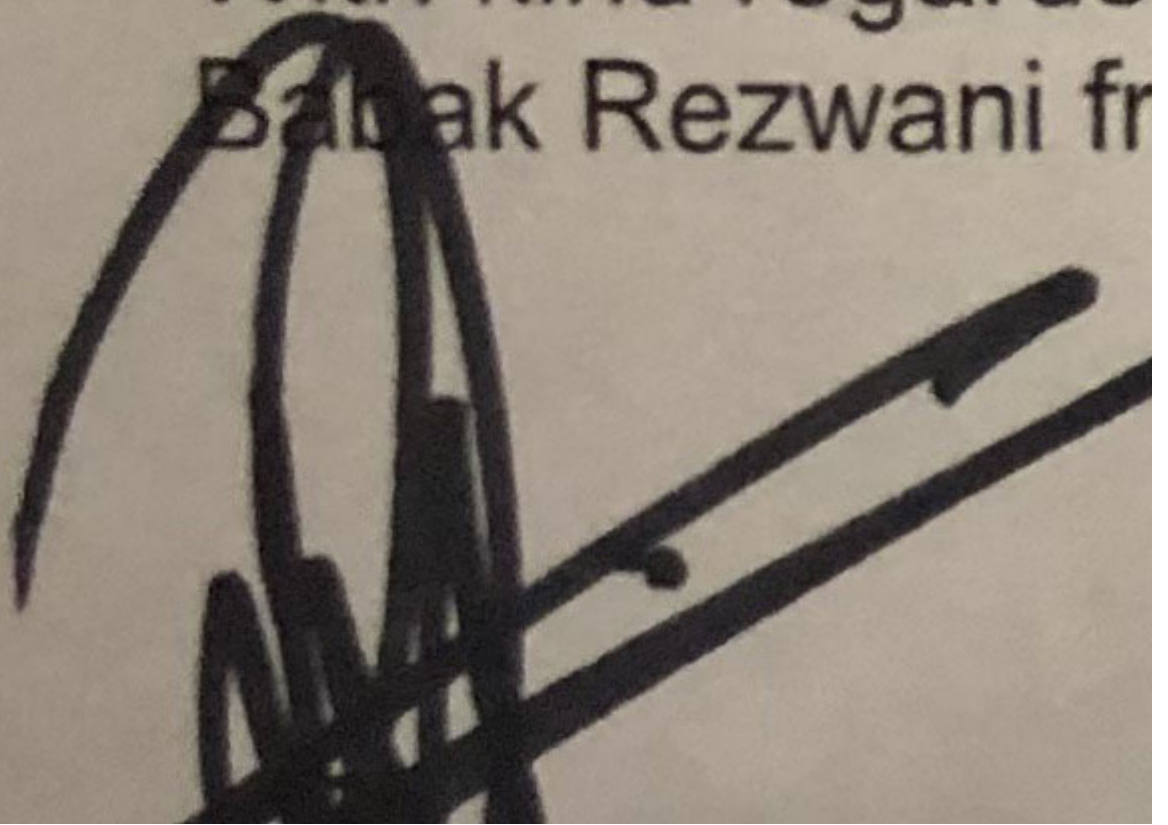
It will bring a vibrant and a diverse community to this area .Email generated Jan6 -2024 . Please see attachment for my signature in this email for the full support for the projects to come in the near future

With kind regards

Babak Rezwani owner of  
Babaks Oriental Carpets

1/6/24, 3:18 PM

I Babak Rezwani  
100 Saghalie road  
Email generated  
For signature please  
With kind regards  
Babak Rezwani fr

A large, dark, handwritten signature in black ink, appearing to be 'Babak Rezwani', is written over the bottom portion of the printed text.

Sent from my iPhone



[REDACTED]

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**From:** Debbie [REDACTED]  
**Sent:** January 6, 2024 7:52 AM  
**To:** Public Hearings  
**Subject:** Roundhouse Development: TOO HIGH

Please do not approve this development in its current form. The height and density is too much. Yes, we need more housing, but not at any cost.

Deb Hull  
Victoria

[REDACTED]

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**From:** John Gendur [REDACTED]  
**Sent:** January 6, 2024 11:46 AM  
**To:** Public Hearings  
**Cc:** Tammy Gendur; John Gendur  
**Subject:** Rezoning application # REZOO729 for The Roundhouse at Bayview Place

We have lived in the Songhees area of Victoria for the past 10 years. We believe the entire Roundhouse Development will only enhance our neighbourhood.

We support the land rezoning application # REZOO729 for The Roundhouse at Bayview Place located at 355 Catherine Street , 251-259 Esquimalt Road , 200 - 210 Klmta Road and 45 Saghalie Road.

John & Tammy Gendur  
905-100 Saghalie Road  
Victoria, BC  
V9A 0A1  
[REDACTED]

[REDACTED]

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**From:** Lee Ferreira [REDACTED]  
**Sent:** January 6, 2024 8:56 AM  
**To:** Public Hearings  
**Subject:** Roundhouse hearing - Jan 11

I support the proposed rezoning and OCP amendment for the Roundhouse site. During the last municipal election, Council received a clear mandate to increase housing supply, and it's time to honour that commitment. This proposal will preserve the on-site heritage buildings, while transforming the current moonscape into a good supply of homes, both market-based and below-market. Thank you for your close consideration of this project.

Lee Ferreira  
Victoria BC

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Lee C. Ferreira

[REDACTED]

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**From:** Lynne Rogers [REDACTED]  
**Sent:** January 6, 2024 1:42 PM  
**To:** Public Hearings  
**Subject:** Rezoning of the Roundhouse District

To whom it may concern: This is a plea by a citizen of Victoria. Please do not change the zoning for this property. They are saying it is for mixed use which is a joke. I have heard there will be possibly 119 rentals in this huge, towering mega complex. I agree we need development and dockside green is an example of it being done properly. These towers will change the look and feel of our harbour from most angles. Victoria and area have lots of vacant property's on which to build. Please say NO to this developer.

Sent from my iPhone

Jim Cowan

1744 Haultain St  
[REDACTED]

[REDACTED]

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**From:** Marg Palmer [REDACTED]  
**Sent:** January 6, 2024 8:42 AM  
**To:** Public Hearings  
**Subject:** Proposal from Focus Equities in Vic West

Dear Mayor and Council,

I don't live near that area but I am very disturbed by the proposal to build 9 towers up to 32 stories high anywhere in Victoria. These are the type of high rise structure that have been dynamited in cities around the world due to their complete lack of sociable living accommodation. The world respected planner Jane Jacobs would be aghast.

Also, this is not going to help the great need for truly affordable housing for the homeless in Victoria. Planners on the City of Victoria staff have disapproved of this latest proposal by this company. Their previous proposal was more acceptable.

This will take years of constant construction, blasting and the result will not be why tourists visit our city. Please do not give your approval.

Yours truly,  
Margaret Palmer  
2519 Orchard Avenue,  
Victoria, BC V8S 3A9

[REDACTED]

[REDACTED]

---

**From:** MJW [REDACTED]  
**Sent:** January 6, 2024 8:46 PM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com; Marianne Alto (Mayor); Jeremy Caradonna (Councillor); Chris Coleman (Councillor); Matt Dell (Councillor); Marg Gardiner (Councillor); Stephen Hammond (Councillor); Susan Kim (Councillor); Krista Loughton (Councillor); Dave Thompson (Councillor)  
**Subject:** Letter of Support - "Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd

*Mayor and Council,*

*Please consider this email as a letter of support ...  
for the Roundhouse Development Site at Bayview Place*

*"Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd."*

As long-term residents in this community, we have eagerly anticipated the construction of this Roundhouse development project, making it increasingly challenging for us to comprehend the delays.  
We kindly urge you to prioritize and expedite this Roundhouse development project, considering the positive impact it will have on enhancing our community.  
We look forward to witnessing the valuable changes that the completion of this project will bring to our community.

Respectfully,  
*Marilyn & Randy Webb*  
*70 Saghalie Rd #102*  
*Victoria, BC V9A 0G9*

[REDACTED]

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**From:** Paddy O'Reilly [REDACTED]  
**Sent:** January 6, 2024 3:13 PM  
**To:** Public Hearings  
**Subject:** Focus Equities Development Proposal

With regard to Focus Equities Development Proposal in Esquimalt, I am not opposed to their plan to develop the Roundhouse Property.

I do think their plan to build NINE megatowers 18-29 stories on the property is overkill.

It is unrealistic to think the current infrastructure (as in roads, increased traffic, etc) could support that kind of population and retail growth.

I notice none of their full page ads in the Times Colonist show a full view of what these nine tall towers will look like, or the effect they would have on the Victoria skyline.

They only show the ground level development in beautiful color drawings... cleverly doing what they do best, which is marketing.

Paddy O'Reilly

[REDACTED]

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**From:** Terry Brumby [REDACTED]  
**Sent:** January 6, 2024 9:26 AM  
**To:** Public Hearings  
**Subject:** Focus equities / Vic West

Mayor and council.

The 9 towers you are trying to push through on the national heritage site in VicWest is NOT what Victoria residents want. This kind of density and development is what is turning Beautiful Victoria into Vancouver. I moved from Vancouver 40 years ago to get away from all the problems of big city life and here we are, dealing with a group of you trying to give us just that !!! STOP trying to destroy beautiful Victoria....if we can even still call it that !!

Angry,  
Terry Brumby



[REDACTED]

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**From:** David Southern [REDACTED]  
**Sent:** January 7, 2024 9:28 AM  
**To:** Public Hearings  
**Subject:** Support for proposed changes to 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road:

Hello Mayor & Council,

I live at 325 Maitland St Vic West, approximately 0.5km away from the proposed Roundhouse development. (itself a 13 story building)

I want to state my complete support for the proposed development - it's an ideal location for urban density, being walking distance to town and to the nearby Wilson Centre shopping centre. I don't think the height of the proposed towers will be overwhelming. There's already a number of towers in the area.

The city desperately needs additional housing & this development will help. I'm also looking forward to the area being developed with shops and public access.

I sincerely hope the Roundhouse Development will be approved quickly. It's been on the drawing board for too long now!

Sincerely,  
David Southern  
[REDACTED]

[REDACTED]

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**From:** Linda Angelo [REDACTED]  
**Sent:** January 7, 2024 6:59 AM  
**To:** Public Hearings  
**Subject:** Proposed Changes to 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road.

To Whom It May Concern,

I am writing in support of the proposed changes as outlined in your Notice of Public Hearing.

I am a long term resident of Bayview Place and have engaged in numerous community consultation processes. I am pleased to see the interests of residents reflected in the current proposed Rezoning Application for the Roundhouse Development Site.

The Roundhouse development at Bayview Place is an opportunity to substantially impact housing availability for current and future residents of Victoria. It is time to move forward and provide support for a creative, comprehensive plan that has the potential of resulting in one of Victoria's most interesting, vibrant, community friendly developments.

Each and every day I pass the undeveloped portion of Bayview Place and continue to be perplexed as to what it will take for the City to move forward and embrace the opportunity to support a development anxiously awaited by those living in the neighbourhood. Bayview Place has the potential to be a model community where people live, learn and work together. A community that respects and acknowledges the past while responding to the current needs for increased housing, additional amenities and environmentally friendly ways of living. I have been a resident of Bayview Place for ten years and have patiently waited for the completion of the second part of my community to be built. I anxiously await additional amenities, new community members and increased opportunities for me to age in place. The time is now, I strongly urge your approval for this landmark development.

Thank you for your support.

Linda Angelo  
#1802 83 Saghalie Road  
Sent from my iPad

[REDACTED]

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**From:** Ron & Helen Campion [REDACTED]  
**Sent:** January 7, 2024 9:35 AM  
**To:** Public Hearings  
**Subject:** Yes to Roundhouse Development

Dear Mayor,  
I think this would be a wonderful development for our city.  
Sent from my iPad

**From:** Arthur McInnis [REDACTED]  
**Sent:** January 8, 2024 11:09 AM  
**To:** Marianne Alto (Mayor); Marg Gardiner (Councillor); Stephen Hammond (Councillor); Chris Coleman (Councillor); Jeremy Caradonna (Councillor); Dave Thompson (Councillor); Krista Loughton (Councillor); Matt Dell (Councillor); Susan Kim (Councillor)  
**Cc:** Public Hearings; Michael Angrove  
**Subject:** Public Hearing, Proposed Amendments to the Official Community Plan and Bylaws, REZ00729  
**Attachments:** Submission Public Hearing Bayview Final.pdf

8 January, 2024

Public Hearing, Proposed Amendments to the Official Community Plan and Bylaws, REZ00729

Attention: [mayor@victoria.ca](mailto:mayor@victoria.ca) [mgardiner@victoria.ca](mailto:mgardiner@victoria.ca) [shammond@victoria.ca](mailto:shammond@victoria.ca) [ccoleman@victoria.ca](mailto:ccoleman@victoria.ca)  
[icaradonna@victoria.ca](mailto:icaradonna@victoria.ca) [dave.thompson@victoria.ca](mailto:dave.thompson@victoria.ca) [kloughton@victoria.ca](mailto:kloughton@victoria.ca) [mdell@victoria.ca](mailto:mdell@victoria.ca)  
[skim@victoria.ca](mailto:skim@victoria.ca)  
cc [publichearings@victoria.ca](mailto:publichearings@victoria.ca)  
cc [mangrove@victoria.ca](mailto:mangrove@victoria.ca)

My name is Arthur McInnis and I reside in Victoria. I write to confirm my opposition to the proposal to rezone at 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road and associated Official Community Plan Amendment

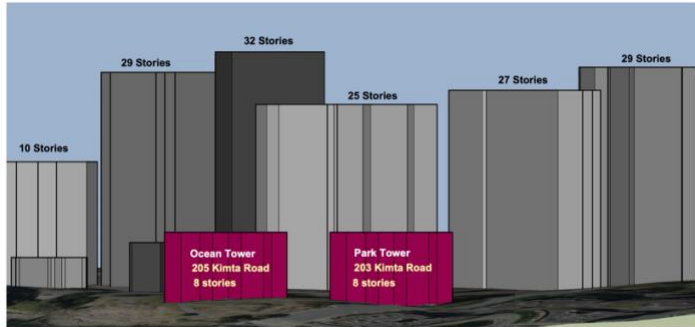
I set out the reasons for my opposition below in a wide-ranging series of Facebook posts and prior submissions to you or your responsible planning staff in the pdf. Notwithstanding the many questions I have raised about this development and the proponent from the first day of my involvement in this on November 15, 2021, you have pursued it indifferently and relentlessly including abridging one usual notice period and seeking to require staff to expedite or prioritise handling of it ahead of every other City project. While a resolution regarding the expedition failed (perhaps due to the reservations expressed by staff at the May 4 COTW meeting) in a vote these actions seem contrary to certain of your responsibilities under the Community Charter (SBC 2003 Cap 26), and the Code of Conduct Bylaw (23-058). Notwithstanding immunities in the Local Government Act, there are no immunities for damage done to your reputations or those of the Council if your approval is given unjustifiably. You must be more transparent than you have been to date in considering this application, weighing its merits and demerits, pursuing any inquiries that are called for, and acting with due diligence. What I have learned over more than two years scrutinizing this application is that Bayview is no longer just about one project, it is about governance, your relationship with the community and its many stakeholders.

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68. Responding to the Amended Rezoning Application, Part II, Dec 27, 2021 (135-138)
69. Responding to the Amended Rezoning Application, Part I, Dec 19, 2021 (138-142)
70. Resolution of the Architectural Institute of BC on Illegal Practice of Kenneth William Mariash Sr and Patricia Mariash, December 6, 2021 (142-143)
71. The Rezoning Application – Questions and Comments from a Layman, November 28, 2021 (143-146)
72. Bayview Place: The Proposed Rezoning Contradicts Much of the City of Victoria's Official Community Plan, November 15, 2021 (146-149)
73. Due Diligence is Required before Rezoning, November 15, 2021 (149-151)
74. Stop the Rezoning at Bayview Place Enforce the Master Development Agreement between the City of Victoria ('City') and Focus Equities/a Mariash Company, November 15, 2021 (151-152)

# Submission to the Public Hearing REZ00729 (Roundhouse/Bayview)



ROUNDHOUSE BAYVIEW PLACE: View from Strait of Juan De Fuca



Dr Arthur McInnis  
January 2024

8 January, 2024

Public Hearing, Proposed Amendments to the Official Community Plan, REZ00729

Attention: [mayor@victoria.ca](mailto:mayor@victoria.ca) [mgardiner@victoria.ca](mailto:mgardiner@victoria.ca) [shammond@victoria.ca](mailto:shammond@victoria.ca)  
[ccoleman@victoria.ca](mailto:ccoleman@victoria.ca) [jcaradonna@victoria.ca](mailto:jcaradonna@victoria.ca) [dave.thompson@victoria.ca](mailto:dave.thompson@victoria.ca)  
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cc [publichearings@victoria.ca](mailto:publichearings@victoria.ca)  
cc [mangrove@victoria.ca](mailto:mangrove@victoria.ca)

My name is Arthur McInnis and I reside in Victoria. I write to confirm my opposition to the proposal to rezone at 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road and associated Official Community Plan Amendment

I set out the reasons for my opposition below in a wide-ranging series of Facebook posts and prior submissions to you or your responsible planning staff. Notwithstanding the many questions I have raised about this development and the proponent from the first day of my involvement in this on November 15, 2021, you have pursued it indifferently and relentlessly including abridging one usual notice period and seeking to require staff to expedite or prioritise handling of it ahead of every other City project. While a resolution regarding the expedition failed (perhaps due to the reservations expressed by staff at the May 4 COTW meeting) in a vote these actions seem contrary to certain of your responsibilities under the Community Charter (SBC 2003 Cap 26), and the Code of Conduct Bylaw (23-058). Notwithstanding immunities in the Local Government Act, there are no immunities for damage done to your reputations or those of the Council if your approval is given unjustifiably. You must be more transparent than you have been to date in considering this application, weighing its merits and demerits, pursuing any inquiries that are called for, and acting with due diligence. What I have learned over more than two years scrutinizing this application is that Bayview is no longer just about one project, it is about governance, your relationship with the community and its many stakeholders.

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66. Responding to the Amended Rezoning Application, Part III, Jan 1, 2022 (130-133)
67. Responding to the Amended Rezoning Application, Part IIA, Dec 29, 2021 (133-135)
68. Responding to the Amended Rezoning Application, Part II, Dec 27, 2021 (135-138)
69. Responding to the Amended Rezoning Application, Part I, Dec 19, 2021 (138-142)
70. Resolution of the Architectural Institute of BC on Illegal Practice of Kenneth William Mariash Sr and Patricia Mariash, December 6, 2021 (142-143)
71. The Rezoning Application – Questions and Comments from a Layman, November 28, 2021 (143-146)
72. Bayview Place: The Proposed Rezoning Contradicts Much of the City of Victoria's Official Community Plan, November 15, 2021 (146-149)
73. Due Diligence is Required before Rezoning, November 15, 2021 (149-151)
74. Stop the Rezoning at Bayview Place Enforce the Master Development Agreement between the City of Victoria ('City') and Focus Equities/a Mariash Company, November 15, 2021 (151-152)

## **1. December 25, 2023 - Lisa Helps, Homes for Living, Ken Mariash and Bills 44 and 47**

One of the things that has puzzled me about Bayview is – what is driving you toward approval of the rezoning?

For many of you Bayview seems to fly in the face of how you individually held yourselves out, and the priorities you had, when running for Council on grass roots agendas. Although I cannot state as a fact what is driving it, my hypothesis is that you feel both obliged and pressured to rezone.

Where does this obligation and pressure come from? I would submit that it comes mainly from Lisa Helps, Homes for Living and Ken Mariash. To a lesser degree it also comes from a misunderstanding of current Government policy as reflected in Bills 44 and 47.

### **Lisa Helps**

Here is how Lisa Helps may be obliging or pressuring you in my view:

1. Lisa Helps endorsed Marianne Alto for Mayor and the Coalition of Five (Caradonna, Dell, Thompson, Loughton and Kim) for Council. As a result, you may believe that you owe the former Mayor for her endorsement. That is how endorsements work, isn't it? You do something for me, and I will do something for you? You would know that such endorsements by a sitting Mayor are rare, but they were still given anyway. Who in the public can say whether or what discussions you might have had leading up to those endorsements? Lisa Helps was the former Mayor after all and thus her endorsement would have carried outsize weight.
2. Lisa Helps is now the "Housing Solutions Advisor to the Premier's Office" (\$160,000 per annum). She is connected at the uppermost reaches of Government and is "all in" on housing. Two of you are employed by the provincial Government. Without even knowing what their career ambitions are, I imagine they would not want to appear offside on housing when they are employed by a Government that is on a housing mission.
3. Lisa Helps appeared in the latest Bayview Place advertorial and said: *"This is the perfect example of a complete community where there's something in it for everyone mixed use residential commercial Heritage, historic. It really could be gem on the west part of our city."* I assume the Councillors have seen it.
4. Lisa Helps received the maximum donation in her last campaign from Ken Mariash \$1200.00.
5. Homes for Living in one Voting Record (see below) published on the last City Council showed both Helps and Alto with "100% scores".

6. On Lisa Helps website – after her name, there are two headings one of which is *“Transformative work.”* The transformative work of course revolves around housing. Is it just a coincidence that Mayor Alto has also referred to Bayview as “remarkably transforming”?

## Homes for Living

Homes for Living describes itself rather mundanely this way:

*“We are a mix of homeowners and renters, including policy analysts, mapping/zoning specialists, students, and more. We are all community volunteers that are passionate about making Victoria more affordable for primary homeowners and renters.”*

However, it’s description then becomes more ominous when it adds:

*“We want to transparently cast a light on what councillors support/don’t support so that people can pressure them to support policies that are the most impactful. Every councillor pays lip service to affordability, but we want to show with data which of them are actually attempting to make it more affordable through bold action rather than maintaining the status quo, which in turn will only worsen affordability.”*

How does Homes for Living do this?

It does it with a running tally on how you are voting. Each one of you is scored on how you have voted from proceedings of public hearings. As such, at present, the Mayor and the Coalition of Five all have “perfect” records; that is 100% scores. I note that Gardiner, Coleman and Hammond do not. Even before they acquired a Voting Record Homes for Living endorsed the Mayor and Coalition of Five during their campaigns. Once again in exchange for what, if anything?

The Mayor and Coalition of Five have supported every home that has been proposed with none opposed. Now when you think about it that is quite the record. It says to me that we shall not be deterred. It says to me that there are no circumstances when new housing should ever be opposed. As noted above Lisa Helps also had a 100% score on one Voting Record during her term as Mayor.

Sadly, this reminds me of another score keeper – the National Rifle Association or NRA in America. Notwithstanding the very different subject matter the intent of keeping a running tally on how elected officials vote, either in Municipal Council in Victoria, or in Congress in the United States, on one single topic is intended for one purpose only – *to put pressure on those elected officials to vote in a certain way or else lose their support.*

As noted above Homes for Living makes no secret that is its stated purpose. There is no room for nuance. Support must be 100%. Do not talk to me about “background checks” for example, we do not need them. Just show me how you will vote.

And what of those involved with Homes for Living? Well, it is a mix of persons and there may be a genuine commitment from them. But equally some of their backgrounds also tell another story. Compare, for example, Robert Berry whose bio appears on the site. Here is his description:

*“Robert is a life-long Victoria resident that is unhappy seeing housing shortages & price escalation displace his friends. He believes that municipal reform to legalize cheaper housing is our best tool for addressing our overlapping affordability, climate, transportation & livability challenges.”*

And here is who Mr. Berry works for: QuadReal Property Group:

*“QuadReal is a global real estate company committed to delivering strong, stable returns and creating spaces and communities that enhance the lives of the people we serve. Headquartered in Vancouver, British Columbia, we manage a portfolio of over \$73.8 billion in assets under management across Canada, the U.S., the UK, Europe and the Asia Pacific. In addition to being diversified across sectors and geographies, these assets include investments in programmatic partnerships and operating companies in which we hold an ownership interest...QuadReal was established in 2016 by British Columbia Investment Management Corporation (BCI) to manage its real estate program and now its real estate debt program.”*

QuadReal’s latest 72 page “Activity Report 2021-2022” makes no mention of “affordable housing”.

## **Ken Mariash**

Ken Marish is a director of Focus Equities – the company behind Bayview I and Bayview 2. He has not been hesitant to place the responsibility for delays on this project squarely on the current zoning and thus put pressure on Council to change it.

The massive expenditures he has held out as having been made on this project, and the time it has taken to reach this point, would also seem to be putting pressure on the Council. Here are quotes from Focus Equities or Ken Marish as examples:

*“The prescriptive nature of the current zoning:*

- *Limits density and permissible floor area needed to help offset the extreme cost of creating a vibrant public realm with integrated historic resources*
- *Reduces housing opportunities by limiting residential floor area*
- *Constrains innovative site planning and urban design*

- Generally, limits building heights
- Restricts development that could be complementary to historically designated buildings (i.e., restricts residential uses in DA-1)”

- Focus Equities Rezoning Application: Final Submission, September 12, 2023

*“The 2008 zoning included extremely rigid design guidelines and restrictions that, combined with a ‘conceptual masterplan’ that was also treated very rigidly, made it impossible to achieve a viable development permit to proceed with the development. An unusual ‘stepped’ approach to the built form was mandated that was very difficult to construct and excessively expensive, and also had the disadvantage of being highly energy inefficient. Despite the important principle that guidelines and conceptual plans should be flexible to changing conditions (for example, the chaos and stress of the 2008 global recession), or more viable and buildable ideas, no flexibility in built form, phasing etc. was permitted in the 2008 approvals.”*

- Focus Equities promotional materials

*“When Mariash purchased the first portion of the land in 2002, it was already zoned for multi-family with building heights as tall as 13 storeys. That zoning was part of a deal the City of Victoria had made with the province to make the land more attractive to buyers. But Mariash was not aware municipal councillors and the local community were not supportive of the building heights. Mariash said after he had legally agreed to the \$11.5-million price with the province, he was talking to people in Los Angeles who warned him he would face trouble with the city. ‘It was a little goofy that I was being encouraged here, and people in L.A. were warning me that people back here might not be so supportive,’” he said.*

- Times Colonist, November 12, 2017

I imagine that you do not welcome being singled-out by anyone. Is it a factor in you wanting to put an end to inexcusable delay? But what if it is excusable and perfectly understandable?

The delay has seen massive appreciation in the value of the land since it was purchased. The purchase price for the site was \$11.5 million (above) and now, with appreciation, Mr. Mariash values one tiny difficult parcel on the site which will be “donated” for affordable housing at \$15 million alone.

Multiply that valuation for the entire site and it is a very large sum indeed. But the real prize is obviously changing the zoning so massive towers can be built there. My guesstimate as to what this might be worth using the valuation above as a rough guide could be \$200 million. That is coincidentally a figure that Ken Mariash has also used to value his costs to date. If it were \$200 million, then who could complain if Mr. Mariash just recovered his costs with a sale of the entire site? Again, if that price were realised, then that is not a bad return on the purchase, after hiring consultants to do some concept drawings and write a few reports. So, maybe the delay here has not been so detrimental to Focus Equities? Maybe it does not have as much reason to complain about the current zoning as might appear especially if the plan is not to build but to sell.

## Bills 44 and 47

There is nothing in either Bill 44 or Bill 47 that mandates either the approval of Bayview or the rezoning and proposed amendments to the Official Community Plan.

### Summing up

1. You appear to be “losing the plot”.
2. Given you play the central role in making decisions on rezoning applications, it is important to resist any pressure from any source which may exist when fulfilling your responsibilities. Giving in to pressure could have significant negative consequences for the community and the city as a whole.
3. Pressure compromises the integrity of the decision-making process. Rezoning decisions should be based on careful analysis, consideration of all the relevant factors, and adherence to established regulations and guidelines; e.g. – our Official Community Plan. If you give in to pressure, it undermines the credibility of your decision-making process and raises doubts about the fairness and transparency of the outcomes.
4. Yielding to pressure can lead to decisions that are not in the best interest of the community. Rezoning applications need to be evaluated based on their potential impacts on various aspects, such as traffic, infrastructure, environment, and quality of life for residents. If you prioritize pressure from external influences over the well-being of the community, it can result in inappropriate or unsustainable development that may harm the local environment, strain resources, or disrupt the existing character of neighborhoods.
5. Giving in to pressure would set a dangerous precedent for future decision-making. If you were to consistently make decisions based on pressure rather than objective criteria, it would encourage more attempts to influence outcomes through lobbying, special interests, or other forms of influence. This can erode public trust in the decision-making process and create an environment where decisions are driven by personal interests rather than the long-term welfare of the community.
6. If acting under pressure you would be failing to uphold the General Principle of Accountability in your Code of Conduct. That Principle states that *“a member must be accountable for their decisions and actions, competent and diligent, and act in the best interests of the City as a whole, without regard to the member’s personal interests.”*

In conclusion, you should remain steadfast and resist any pressure there might be when making decisions on rezoning applications. By upholding the integrity of the decision-making process, prioritizing the best interests of the community, and setting a strong precedent for objective

decision-making, you can ensure that all its rezoning decisions are fair, transparent, and aligned with the long-term goals and well-being of the city and its residents.

Sincerely,

Arthur McInnis

## **2. December 23, 2023 – Hedging their bets**

The Council has published Bylaw 23-109 to authorize the amendments to the Official Community Plan (OCP) if the rezoning is approved. It is not yet in force and will require three Readings and Adoption by the Council before that occurs. Like so much of how the Bayview project has been handled by the City throughout the Bylaw seems out of place, not only with the Broad Objectives of the OCP but even the specific wording of section 21 as well.

**The OCP has been amended some 47 times since it was enacted in 2012.** I have reviewed a summary (only) of those amendments and only make reference to:

- increasing the number of stories (Bylaw No 20-016)
- increasing the density (from 2:1 FSR to 2.5 FSR) (Bylaw No 23-031) and
- increasing height and density (Bylaw No 22-05)

The rest of the amendments and other Bylaws do things like change the urban place designation (24 times), Amend Appendix A on Heritage Conservation Areas (7 times), or correct clerical errors (3 times).\*

**This shows adding height and/or density is rare.**

**Turning to the key wording of the Bylaw it states:**

1. “21.28.8 The Roundhouse site may be appropriate for a sizable addition in density and height where other objectives of the Official Community Plan are being met, such as but not limited to provision of affordable and rental housing, protection of heritage assets, inclusion of public spaces and improving connectivity within Victoria West.”

It is introduced with wording stating this is a “strategic direction” for the Neighbourhood. This just reminds us that the final submission of Focus Equities is no more than a strategic direction. Focus Equities prefers the term “one concept” for what could be built there. **The reasons that a developer can be so vague is because all that has been submitted to the City for consideration are conceptual drawings and not architectural plans.** Here is the difference:

**Concept drawings** are freehand sketches that architects use to explore their initial responses to a brief. They are broad brush not necessarily taking into account practical restrictions. They are ideas as much as anything else and are not intended to be detailed or even 100% accurate, but to give a viewer the essence of what could be built.



**Architectural plans**, on the other hand, are technical drawings that show the layout of a building. They are usually drawn to scale and include measurements, dimensions, and other technical details. Without these we really do not know exactly what could be built at Bayview. You use these for the actual construction.

Bylaw 23-09 strikes me as more of the same, that is, more concept drawings, rather than architectural plans.

Imagine a Bylaw that indicates this site “may be appropriate”. It appears the Council is not sure! Well, if it only may be appropriate, that certainly leaves open the possibility that it “may not be appropriate”.

What I want to know is why the Council is not sure?

Does the City and the Council have doubts about this and thus feel the need to hedge their bets?

Are there so many questions unanswered about the rezoning proposal that they may want to leave themselves an out if it goes south?

There are other situations on the plain wording of the Bylaw when the rezoning may not be appropriate and that will be if other objectives of the OCP are not met. I referred to all the Broad Objectives in the OCP and would submit there is no way that all them are being met, *ergo* on the wording of the Bylaw itself, Bayview is inappropriate.

The Council seems to be betting the house on the extreme increases in “height and density” being justified because we are supposed to get some affordable housing, rental housing and protection of heritage assets (leaving aside public spaces and connectivity).

And what if we don’t?

What if the one tower supposedly for affordable housing falls through?

Let’s not forget this caveat in the Memorandum of Understanding (MOU) entered into between Bayview Place LP and the Greater Victoria Housing Society dated Feb 2, 2022, stating:

**“This document is not binding and does not create enforceable legal rights or obligations and is only intended by the parties to create a common understanding of their mutual goals.”**

And what if the rental housing ends up rather as a hotel?

What if the heritage assets are turned into the world’s largest 7-11?

These are fair questions that deserve a fair response. Has the Council already given in to these possibilities?

Turning to the OCP Broad Objectives they pertain to: Transportation and Mobility; Placemaking; Parks and Recreation; Environment; Infrastructure; Climate Change and Energy; Housing and Homelessness; The Economy; Arts and Culture; Food Systems; Emergency Management; OCP Plan Administration; Local Area Planning; Adaptive Management and Monitoring and Evaluation.

So where are the details showing how Bayview satisfies these?

There is some “planning-speak” in the application which finesses some of the Objectives but not what I would call a serious attempt to engage with them in large measure.

**In conclusion, having read the OCP, I disagree that Bayview meets its Broad Objectives, and that the Roundhouse site is appropriate for the development envisaged. Put very shortly, the Bylaw is weak and equivocal because the case for Bayview measured against the OCP’s Broad Objectives is weak.**

Whether the Mayor and Council even know this or not, it really looks like they are hedging their bets.

\* It should be noted this statement is based on a review of the summaries and there may have been changes to height and density consequent thereupon. Suffice it to say though, relying only on the Council’s own Summary of Amendments, the three instances above are all that the Councils since 2012 have wanted to emphasize.

### **3. December 20, 2023 – More Smoke and Mirrors?**

How many times have I written “9 high-rises”, or “9 towers”, or “9 buildings in this Discussion Group”? Let me answer that. It is too many times to count. I did so because drawing after drawing showed or described only 9 in total (excluding of course the 6 heritage buildings which should not be forgotten either).

The descriptions for those buildings in these drawings are usually DA1 (which is actually five separate heritage buildings), and then DA2 through DA9. In fact, DA2 is actually DA-2a and DA-2b. That is OK though because it was still reflected in the “total of 9”.

What is not OK is that I now see in addition to this DA4 is actually DA-4a and DA-4b, and that DA6 is actually DA-6a and DA-6b. **This gives us two more buildings on site than has generally been shown.** Take a look at the drawing we used in our petition for example to see this. The buildings labelling there suggests just 9 in total. What is not labelled there is DA-4b, and DA-6b.

However, Stantec, to their credit, do label these additional buildings in their drawing headed **“Building Heights, Floorplates Unit, and Density Distribution”** appearing on page 69 of the Final Submission of Focus Equities dated Sept 12, 2023 and publicly available on the

Development Tracker website. It is shown below. This should be taken into account by the Council at the Public Hearing.

There are three other important things to note from Stantec's drawing which should also be taken into account:

1. The drawing shows the site coverage in brown colour and if you look at it you will see just how much more of the site is covered than many other drawings in the rezoning application suggest.
2. The first asterisk reads: **"\*Building outlines, tower footprints, unit totals and GFA dimensions are representative of the concept plan, as illustrated to demonstrate a potential outcome of the Zoning and Design Guidelines."** So this drawing could be the "best case scenario" with who knows what is actually being built there. For instance, any other potential outcome that meets the Zoning and Design Guidelines I suppose. I note this adding that I have little to no confidence that that the City would be able to put in place a Master Development Agreement that could even enforce this "best case scenario" if the site were rezoned.
3. The second asterisk reads: **"\*\*DA-1 GFA in Heritage Buildings including Stores, Car Shop, Roundhouse, Backshop & Boiler House GFA does not include any mezzanine area within these buildings that is excluded from the FSR calculations."** If these were included though it would increase the overall FSR on the site – my guess would be to over 5.00. The question this raises is why is the most favourable interpretation to the developer always being given?

The City has to do better. The Council's job and the planning staff who report to the Council are there to safeguard our interests and that includes maximum transparency, explanations that the public can understand, and not reflexively accepting interpretations which favour the applicant.

It is not the public's job to wade through thousands of pages of drawings and submissions to try and understand what these applications entail. The planning staff can make it abundantly clear and highlight those parts of the applications which tell the real story.

Fortunately, it's not too late for this to be understood and reflected by the City Council when the Public Hearing on the Bayview rezoning takes place. Attend the Hearing and tell them that is exactly what they should do.



2. My group <StopBayviewRezoning> seeks to stop the “rezoning” NOT the project. Recall it was rezoned the first time 15 years ago and my position throughout has been that the 4/5 towers that the first rezoning contemplated is enough (already).
3. I have not questioned the competence, education or sincerity of anyone though I have pointed out inconsistencies on the public record and called for them to be looked into as part of any responsible due diligence process. This is what I used to do as a practising lawyer.
4. Our minority group in fact has 1500+ people on the record (petitions plus) who agree with us – far more than have said they support the rezoning – so it would seem we are rather the majority group.
5. Again, we are not against *everything* (see 2 above).
6. Fear tactics are not being employed though we readily admit to publicizing the facts behind what this project actually entails and that is scary.
7. I do not want to see the project fail but I do want to see a responsible City Council approving only responsible projects.
8. I am not a plant for other Hong Kongers who want to see the project fail so they can buy it out and impose greater density – this is both ridiculous and hilarious. I am a person who has been a single-family homeowner in British Columbia for almost 30 years.
9. It is not me but the industry that is promoting and selling properties vigorously in China and who has a vested interest in projects like Bayview Place being approved. For example, one of the largest and best-known property exhibition companies in China – LPS (Luxury Property Show) – who host regular sales exhibitions lists these companies (among others) on their website as regular exhibitors.



## 5. December 9, 2023 – The Kenneth W Mariash Invitation

Residents in Ocean Park Towers on Kimta and in Bayview 1 will have just received an Invitation from Kenneth W Mariash to meetings being held next week on Tuesday and Thursday. Timing is

a little suspicious and would seem to be an attempt at counter programming with a Town Hall on Wednesday 13th at the Legion Hall in between the two meetings. The meetings are held out as a means of countering a “disinformation campaign”. Well, let me respond to some of the “information” in the Invitation. (The Invitation to Ocean Park Towers is attached below and differs slightly from the Invitation sent to Bayview residents.)

1. *“There is a disinformation campaign being spread against this development and we have been remiss [not] (sic) getting this information to you sooner.”*

There is no disinformation campaign rather there is a growing number of residents of Vic West who are now better informed about the project than otherwise would have been the case. The quotation above admits as much when it states “we have been remiss [not] (sic) getting this information to you sooner”.

2. *“With carry costs of over \$1 Million per month, we have already spent over \$150 Million on zoning and rezoning.”*

Really, was it not \$1 Million per month over 200 months?

*“We have been spending approximately \$1 Million per month on this project over the last 200 months and cannot sustain such a cost much longer before the site must be broken up and sold off for single-building projects instead of a cohesive master planned community.”*

- Undated covering letter from Kenneth W Mariash on Bayview Place letterhead regarding a meeting of Bayview Place residents scheduled for April 26th, 2022.

Now, if \$50 Million has gone missing this really should be looked into.

3. *“There is no profit involved at this stage.”*

This is accurate because there will not even be any revenue (let alone profits) which can be booked until after pre-sales, post-completion sales or parcel sales have taken place.

4. *“we were asked by the BC Government to assist them?”*

Who is “we”, and who in the BC Government asked?

5. *“History...troubled...struggled...failing...unsellable...crime...property damage”.*

Sorry, how is this relevant?

6. *“We did not own the Roundhouse site when the 2008 zoning was finished. We eventually completed the purchase only because our investors left us in the middle of the 2008*

*economic crash with millions of dollars in costs. (sic) in a rush to dispose of the site and liabilities. CPR would not extend the time for design and zoning."*

Sorry, (again) what is the point of this other than demonstrating how poorly planned this project has been from the outset?

7. *"Protests against the rezoning for height increase for Bayview Place One by a minority group were persistent."*

Nothing new then.

8. *"Bayview Hilltop Phase One rezoning lifted home values"*

So all down to Bayview, no other factors? How about home values in say Saanich, did it lift those home values too?

9. *"saved the Songhees Peninsula"*

Rather presumptuous.

10. *"The revised plan across Kimta is the same as the 2008 plan".*

Sorry (again) to break this to you but it is not the same, and if you think about it for a moment that would explain why an application to rezone has been required, why City Council has held meetings on that application, and scheduled a Public Hearing to consider the public's views on the *differences*.

11. *"one [exhibit] demonstrating that our 20-acre site is the same size as 16 to 18 blocks"*

Not quite. 1. Attachment 3, which looks more like a treasure map, is not to scale. 2. The rezoning application is for a 9.2 acre site not 20-acre site. The developer has suggested before that the FSR should be averaged over the two sites (Bayview 1 and Bayview 2) but "that ship has sailed". 3. Make your own comparison using the separate maps on the City of Victoria website link below in my first comment for the neighbourhoods of "Downtown" and Victoria West and you will see it is clear just how small the Bayview Place site is relative to downtown (using the streets referenced on attachment 3 Pandora all the way down and crossing Humboldt) and conclude that this argument does not stack up.

12. *"all other zonings in the city are at least 6.0 FAR" (Floor Area Ratio, a comparable term to FSR, Floor Space Ratio)*

No, they are not. Just to take the downtown as an example, and which one would assume would have some of the highest FAR/FSR the applicable Zoning Bylaw from 2018

Central Business District (CBD) 1 maintains a maximum density of 3:1; and CBD-2 maintains a maximum density for residential uses 3:1 while commercial uses may be developed to a maximum of 4:1.

13. *“With no requirement to provide affordable housing our gift was made when the plan was 5.8 FAR”*

It is not a gift. It is likely in response to the June 27, 2019 City Council’s Inclusionary Housing and Community Amenities Policy which expects affordable housing (to 8%).

14. *“This area has a very small population, with the ocean to the south, with no people in the industrial (sic) to the west, and the north side has Vic West Park...”*

But these seem to be better reasons for NOT doing Bayview.

15. *“Save-On Centre” (presumably Save-On-Foods in Westside Village) ... is struggling with vacancy and low customer volumes”.*

Not according to Colliers who list only one property currently for lease in Westside Village and describe it as “self-contained with strong visibility to Bay Street and offers an excellent opportunity for financial institutions, medical, retail, fitness and other assembly uses.”

16. *“We have great tenants that will come to the Roundhouse if we can get enough residents on site”*

Colliers again: “Westside Village is anchored by Save on Foods, Dollarama, Starbucks, Browns Tap House, and Spinnaker’s Liquor Store.”

We are not aware of any of these tenants asking for 9 towers as a *quid pro quo* (or in exchange) for doing business in Vic West.

17. *“Let’s create history...and...make Ocean Park Towers the prime address on Vancouver Island and the West Coast.”*

If true it would be paradoxical.

18. *“The proposed plan is same as zoned across the street”*

*op cit*, 10.

Attachment 4 – This photo was described as “Disinformation”:





Parody and parity. The text which accompanies this image in the original post reads:

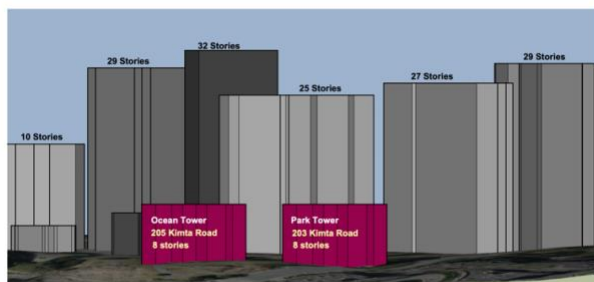
“Here you are folks. This is what is coming more or less to Bayview Place. The equivalent of 14 and 1/3 Encore towers.”

The photo attached to the Invitation is not about the number of buildings which is 9 but the total number of stories in those buildings. In other words, Encore is 17 stories x 14 + (8.5) » 246, just about that number of stories in those 9 proposed towers at that time, or equivalent to the number of stories.

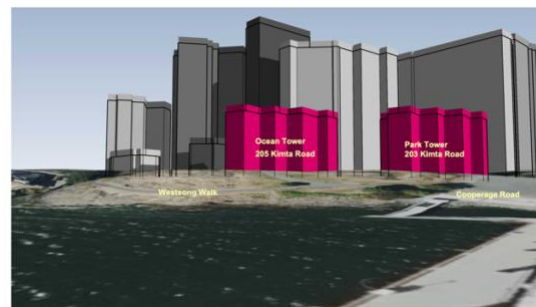
So, you decide then just what's information and what's disinformation.

## 6. December 7, 2023 – Critical Mass

These are 3D models prepared by an architectural design professional using a software modelling program called SketchUp. They are used to portray building massing and there are six diagrams below. To view them all click on one diagram and then advance using the triangles on the right or left of the diagram. Using the building heights, building locations, site maps, site drawings, and the like submitted as part of the application for rezoning, the software program accurately models how the buildings will appear when constructed.



ROUNDHOUSE BAYVIEW PLACE: View from Strait of Juan De Fuca  
November 27 2023



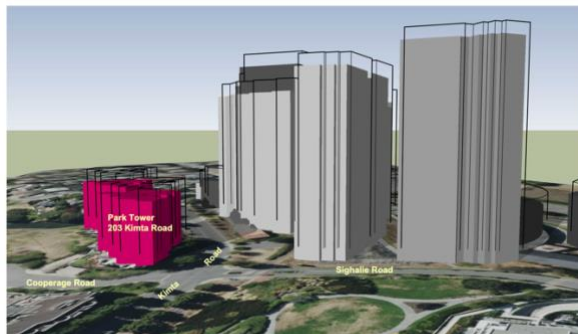
ROUNDHOUSE BAYVIEW PLACE View from Victoria International Marina  
November 27 2023



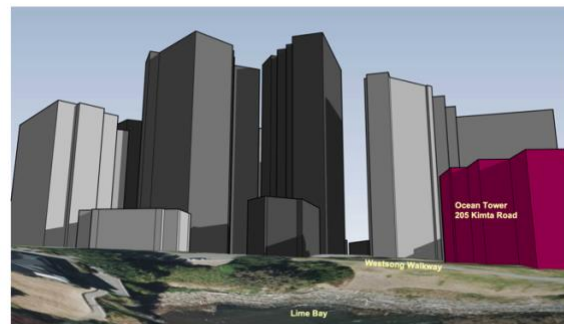
ROUNDHOUSE BAYVIEW PLACE View from Lime Bay  
November 27 2023



ROUNDHOUSE BAYVIEW PLACE Aerial View from Inner Harbour  
November 27 2023



ROUNDHOUSE BAYVIEW PLACE View from Bayview  
November 27 2023



ROUNDHOUSE BAYVIEW PLACE: View from Spinnakers Brew Pub  
November 27 2023

## 7. December 5, 2023 – Second Thoughts

Two stories to look at today because of these photos from them:

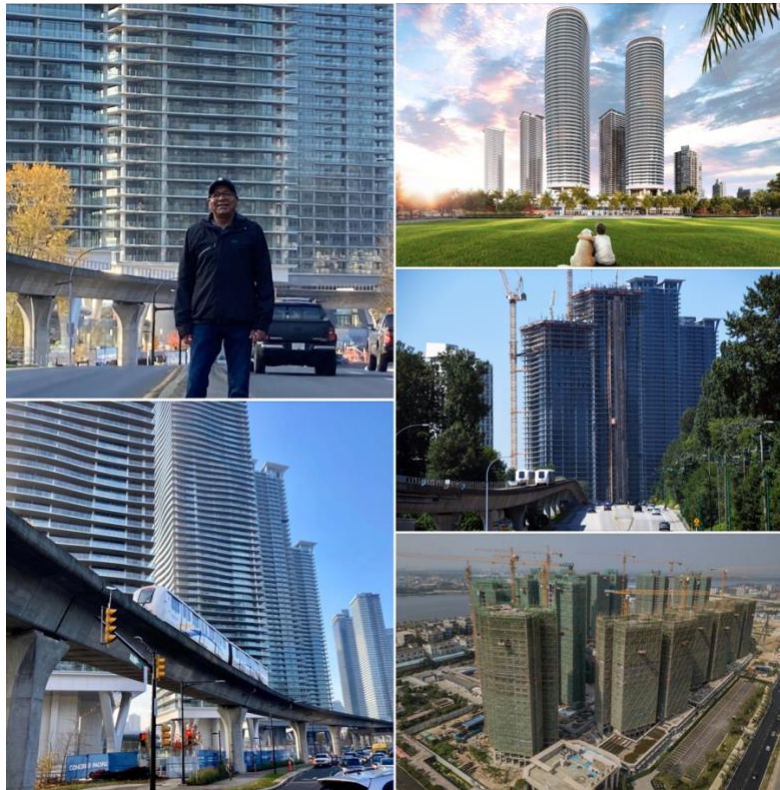
1. Douglas Todd, "Massive Brentwood towers trigger questions about Burnaby planning," Vancouver Sun, December 5, 2023 (and a link in that story to this one by Cornelia Naylor, "Is the Burnaby school district unprepared for development in Brentwood?" Burnaby Now, January 25, 2023. Douglas Todd hitting it out of the park again - four photos.
2. Alexandra Stevenson, "China Evergrande's Crash Was Accelerated by Questionable Accounting," New York Times, December 5, 2023 - one photo.

Here are captions under the photos in the first Todd story all from the Vancouver Sun, save one photo from Burnaby Now, and one photo from NY Times:

"It's a faceless monolithic block to me," says Bimal Parmar, describing Concord Brentwood's four new towers as they are seen by drivers moving west along Lougheed Highway. PHOTO BY DOUGLAS TODD / Vancouver Sun.

A UBC professor laments how Metro Vancouver tower developments such as Concord Brentwood “operate as isolated real estate investment islands, poorly integrated with surrounding neighbourhoods.” Vancouver Sun.

“A former Canada Mortgage and Housing Corp. official doesn’t think the massive project emerging at Concord Brentwood much resembles its pastoral architectural renderings.” Photo by Concord Pacific/png



## 8. December 2, 2023 – An Architectural Critique of Bayview Place

I have further reviewed the drawings for Bayview Place project as well as the Vic West Neighbourhood Plan and now wish to offer this architectural critique.<sup>1</sup>

Let me begin with a reference to *The Laws of Settlement: 54 Laws Underlying Settlements Across Scale and Culture*. Kwantlen Polytechnic University (2018). This book updates and refreshes the ‘54 Laws of Settlements’ outlined in Constantinos Apostolou Doxiadis’ seminal book *Ekistics: An Introduction to the Science of Human Settlements*, making them relevant to

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<sup>1</sup> All drawings included below are from the application REZ00729 and appearing on the City of Victoria’s Development Tracker website. This submission also draws upon the article by Douglas Todd, “Why you shouldn’t always believe what you see in architectural renderings,” Vancouver Sun, Nov 3, 2023 and the interview with Prof Erick Villagomez.

the problems we face in the 21st century. There are three laws to which I will refer, the Overarching Law, and two of the 54 Laws:

- 0. The Overarching Law: human settlements are scalar and co-dependent.
- 33. The basic cell of human settlement is a physical scalar unit that is an expression of its community—politically, socially, culturally, economically, etc. The settlement will only function properly only if this unit is not fragmented in any way.
- 51 The right form is that which expresses the importance, class, and consequently, the relative scale of every scalar settlement unit and their subdivisions.

***Read as against these laws, the Bayview Place development is wholly out of character with the neighbourhood of Vic West and will not function properly within that community if built.***

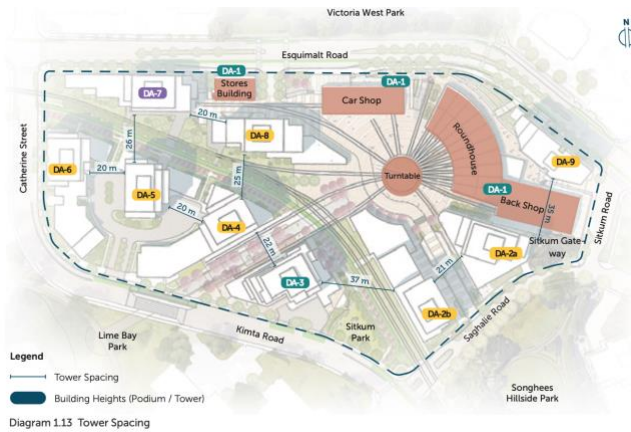
This is a first order critique of the proposal but there is more that can be observed on a granular level. ***Thus, in my opinion, the drawings being used to support the application for rezoning show typical representational sleights of hand; in particular:***

- a focus on top-down "planimetric" drawings that shy away from understanding vertical scale and relationships,
- shadow studies that cut off the Winter Equinox shadows,
- eye-level perspectives that cut off the heights of towers,
- "sketch-like" graphics that distort scale while softening the look, and
- birds-eye perspectives that prevent an on-the-ground understanding of the project...peppered with seemingly random diagrams, i.e. "Urban Amphitheatre," meant to legitimize their proposed scale.

In sum, this is how architects use illustrations to market high-rise complexes and make the large proposals look attractive, if not idyllic, in how they appear. The architects and even artists may do so naïvely or dubiously. The risk in this is that City Council, not to mention the public, take these artistic images, and treat them as real. They are not. Given that in architecture and urban planning, the images are more important than in almost any other field, **City Council, and the public, must become more aware of the tricks of the visualization trade.** Everyone should know that what is before us in Bayview Place is not unusual. It is how packaged drawings are now being used to prevent the public and decision-makers from understanding projects. That said, let me take the points which I am making above and develop them for your fuller understanding.

***First, planimetric drawings.*** Planimetric drawings indicate merely the horizontal circulation in a space through a plan view. While this type of architectural diagram is often used for spatial composition and relations, programmes and views, they tell you nothing about perspective for example which holds better information on the general appearance of the volumes which ultimately compose architecture.





**Second, shadow diagrams.** Shadow diagram portrayals, also known as solar or sun path diagrams, are graphical representations showing how sunlight or shadows will interact with objects or structures at specific locations over time, usually throughout a day or year. They are important to assess the impact of sunlight on buildings, open spaces, and outdoor areas as here in the vicinity of Bayview Place. ***The drawings in the application for rezoning at Bayview Place cut off the Winter Equinox.*** More informed shadow studies would have provided a much fuller representation of what the effect of the proposed construction will entail. Thus, for example, methods which isolate the new buildings followed by post-processing of their individual shadows – separate from the shadows at the site currently – would have provided a more accurate portrayal of the shadows that will be cast. This could have been achieved if a parametric approach had been used to allow for and subtract any other shadows (e.g., Bayview Place 1) thereby giving a more accurate illustration of the new construction’s shadowing. This approach too could have been used for the Spring Equinox, Autumnal Equinox, and Winter Solstice as well. Given the changing heights in each successive amended application for rezoning had this approach been taken it would have enabled our city planning team to have quickly studied and reported on the effect the varying building height impacts would have been on the shadow projections and durations. It may be noted how the shadow studies were among the last components of the application to be provided by the proponent.

Spring Equinox - March 21st



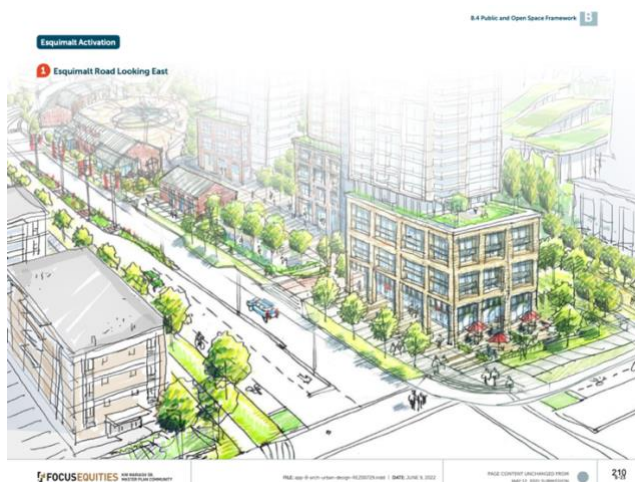
**Third, eye-level perspectives.** The eye-level perspectives cut off the heights of the towers and are highly misleading. To counter this, drawings should have been used which portrayed the full extent of *all* the buildings and *all* the buildings’ heights done to scale. Repetition throughout

the application of selective portrayals of only a few buildings in each drawing without their full height and relationship to each other gives a false view of the development.



**Fourth, "sketch-like" graphics.** The sketch-like graphics distort the scale while softening the look of the buildings. This is furthered by using watercolours to avoid hard lines and aims to create a sense of softness and openness. Focus Equities' drawings exaggerate the size and brightness of the proposed Turntable Plaza for example. The illustrations also accentuate the walkways and aligned rail right-of-way to seem more spacious and pleasant. These same techniques are being used for example in Vancouver in renderings used to support an application for approval of a project by MST Development Corp at Jericho Lands.

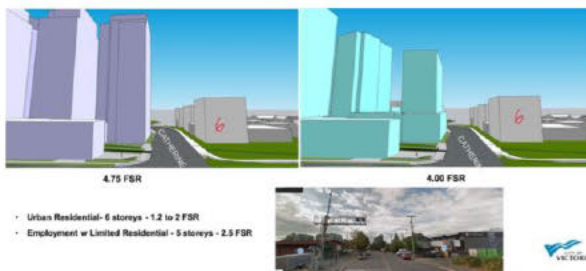
The difference in Vancouver is that citizens' groups are now better informed about the techniques developers are using when applying for approval of huge developments than we are in Victoria. *This awareness is giving rise to more demands for accountability as well as calls for the use of tools and techniques which more accurately and fairly portray the proposed developments.* At Bayview Place this could still include three-dimensional, interactive digital mapping. If this were to be used it would be easier for the public and City Council to more accurately visualize whether the proposed development will fit into the Vic West neighbourhood.



**Fifth, birds-eye perspectives.** The birds-eye perspectives prevent an on-the-ground understanding of the project...peppered with seemingly random diagrams, i.e. "Urban Amphitheatre," meant to legitimize their proposed scale. As City Council is the final arbiter over approval of this application, it needs to become aware of the marketing artifice behind the bird's-eye views of the buildings in Bayview Place. Such establishing images, seemingly surrounded by mostly green space, makes the structures look smaller and less imposing than they will be once built. However, the bird's-eye view is one that almost no one will ever see. What people will see instead is the ground's-eye view and that will show almost no views through the site attributable to the building massing. In contrast, the City Council planning staff showed a more realistic view of building massing – still at densities below what City Council will take to public hearing.



### Neighbourhood Transition



In conclusion, Bayview Place is a huge project but disappointingly the drawings submitted in support of the application do neither justice to what is understood about some of the Laws of Settlement nor what will ultimately be built on this historic site. The E & N railyards are not all that is historic about this application though for City Council's decision too will be historic and one I suspect the Council will come to regret and ultimately be held accountable for at the ballot box when its true scale becomes fully known by the public.

Sincerely,

A. McInnis, PhD



## 9. November 28, 2023 – Read It and Weep!

I spend a few weeks each year at the Law Faculty at the University of Melbourne teaching a projects course. It provides a wonderful opportunity for me to benchmark planning for and the construction of projects in Australia (and other countries in Asia) to what we are doing here in Victoria. Frankly, drawing on that experience, it is one of the main reasons I have been so vocal about shortcomings I see when looking at the City's handling of the Bayview Place project; put simply, Victoria does not pass the muster.

Let me demonstrate that by focusing on how the review of one planning application in the State of Victoria (where Melbourne is located) was dealt with lately. I am attaching a copy of one report by one Standing Advisory Committee. This Advisory Committee deals with referrals under s 151 of the Planning and Environment Act, 1987 in respect of an area known as Fishermans Bend in Melbourne. In 2020, the Advisory Committee considered various requests for amendment to the relevant planning scheme. To take just one example, one request went through extensive discussions between the proponent and the relevant bodies followed by fully argued hearings inclusive of directions over eight days.

*“The main arguments were over one building with a four storey podium and a 16 storey tower and whether the proposed building height was consistent with preferred built form outcomes for that part of the precinct and whether there was a need to reduce the proposed building height to 15 storeys to achieve relevant objectives?”*

The Advisory Committee took many factors into consideration (inclusive of all relevant policies, strategies and planning scheme provisions) such as percentage of affordable housing, setbacks, massing, floor plates, quality of the public realm, design, facades, street frontages, building finishes, whether environmentally sustainable, wind impacts, affordable housing, cultural management, flooding and flood mitigation, development contributions, and (missing from Bayview) expiry of approvals.

In short, if you peruse this Advisory Committee's 85-page report/decision in respect of one application for rezoning, you will see a *tour de force* which humbles, by comparison, the 32-page report prepared for the entire Bayview rezoning application by Karen Hoese, the Director of Sustainable Planning and Community Development on behalf of and presented to the Committee of the Whole meeting of City Council on May 4th. Here it is. Read it and weep

## 10. November 25, 2023 – “Victoria, B.C., nabs the top spot as Canada's most livable city” The Globe and Mail, 25 November, Salmaan Farooqui

This time Victoria topped 439 cities in Canada with a population exceeding 10,000 to be ranked number one overall. Here are some choice quotes from the article:

· “without the baggage of a big city”, Rowan DeBues-Stafford



- “Neighbourhoods outside the core have a nice level of mid-sized density too. Areas such as Cook Street Village feel like a quieter version of a typical inner-city neighbourhood...”
- “... a healthy amount of mid-density neighbourhoods sprinkled a sense of community into neighbourhoods outside the downtown core”, Marc Verkuyl
- “Almost any resident you ask will agree on the key components that make it a great place to live: access to nature, incredible bike infrastructure, mild weather...”
- “Mayor Alto says residents are concerned about the pace of building, especially when high-rises are mentioned”.

Here is the penultimate question the Mayor asked:

- “[h]ow do you find that place where you’re building fast enough, you’re building sustainable enough where you actually welcome people, and at the same time not affect the sense of what the city is now?”

And here is my answer...sure as heck not by building 9 high-rises at Bayview Place. That is not the mid-density which those interviewed said they like, nor the community people are looking for in Victoria. In fact, it is not even close.

Here is what is most troubling about this quote from the Mayor; that is, she says it at the same time she talks about the transformative nature of Bayview. But what if we don’t want transformation?

What if we are actually quite content being the No 1 Small City in the World (Conde Nast); and now the No 1 Livable City in Canada (Globe and Mail)?

**Should we tell the Mayor that you can’t honestly do “transformative” and “not affect the sense of what the city is now”?** So, listen up Mayor Alto, and City Council – you cannot have it both ways and it is time to pick the right side on rezoning Bayview Place. Do not start approving projects now that will ultimately only make Victoria less livable!

## **11. November 25, 2023 – Hockey Day in Canada in Victoria**

Now just around the corner *Hockey Day in Canada* is coming to Victoria and many are very excited about that. Fair enough. It is also a golden opportunity for corporate sponsors to promote their brands. For example, it’s not just *Hockey Day in Canada* is it? It’s **Scotiabank Hockey Day in Canada!**

According to Dentsu – the fifth largest advertising agency network in the world – after the 2019 event there was a 120% increase in social media mentions in 2020. Some 10 million Canadians will also watch the games. What corporate would not want those numbers and that size audience? All of this was not lost on the City of Victoria when the Council approved spending up

to \$200,000 from its contingency budget toward hosting the event. Nor does this appear to have been lost on Focus Equities. You see *The Roundhouse at Bayview Place* is a key sponsor. That is fine. I am in favour of sponsorships, but I draw a line between sponsoring *Hockey Day in Canada* and somehow allowing that to cloud what should be a decision on the merits by the Council whether Bayview Place is rezoned or not. The two matters are after all, and should be, entirely separate from one another. My point is simply to remind Council of that fact. Let me underscore it by drawing to Council's attention a tiny bit of research from this area of Charity Event Sponsorship. Here is what we know.

1. Organisations invest in sponsorship programmes to achieve their marketing objectives: Smith, W. W., Pitts, R. E., Mack, R. W., & Smith, J. T. (2016). Don't be one more logo on the back of the T-shirt: Optimizing sponsorship recall, *Journal of Convention & Event Tourism*, 17(2), 75–94.
2. Businesses sponsor Charity Sports Events to demonstrate their Corporate Social Responsibility ('CSR'): Pitts, R. E., Smith, W. W., & Wang, W. (2020). Sponsorship outcomes for charity-linked events: Participant segments interaction with sponsor attributes, *Event Management*, 24(2-3), 2–3.
3. Sponsoring Charity Sports Events is different than traditional sport event sponsorship programmes because CSEs combine sport with charity: Cornwell, T. B., Weeks, C. S., & Roy, D. P. (2005). Sponsorship-linked marketing: Opening the black box, *Journal of Advertising*, 34(2), 21–42.
4. Multiple year participants are more likely to hold favourable opinions of the sponsor because they believe the event sponsors share their personal values, such as supporting causes associated with the event: Lacey, R., Sneath, J. Z., Finney, Z. R., & Close, A. G. (2007). The impact of repeat attendance on event sponsorship effects, *Journal of Marketing Communications*, 13(4), 243–255. This year “the event will also be a chance to bring exposure and awareness to the Courtnall Society for Mental Health. Established in 2021, In addition to working to promote the understanding of mental health through awareness, education, and resources, the Society is dedicated to raising funds year-round in order to provide grants to support community-centric mental health organizations across Canada,”: *Victoria Now*, per Tony Trozzo on June 6, 2023.
5. The perception of shared values is at the foundation of meaningful relationships between the participants and the event sponsors: Lacey, R., Sneath, J. Z., Finney, Z. R., & Close, A. G. (2007). The impact of repeat attendance on event sponsorship effects, *Journal of Marketing Communications*, 13(4), 243–255.
6. Charity Sports Events are used by sponsors to promote their brand: Close, A. G., Finney, Z. R., Lacey, R. Z., & Sneath, J. Z. (2006). Engaging the consumer through event marketing: Linking attendees with the sponsor, community, and brand, *Journal of Advertising Research*, 46(4), 420–433.

I could go on, but I think you will have the point that sponsorship is done for some of these reasons which the research reveals. Now, I understand the City Council wishes to promote Victoria and welcomes help from corporate sponsors in that regard, but the City Council should not forget that this promotion – and sponsorships intended effects - must be kept separate from deliberations on rezoning.

## **12. November 16, 2023 – Here we go again!**

Not content to exploit one heritage site in Victoria I see the Times Colonist just published a story on the just announced and now being contemplated, addition of 500 units in six buildings at the Christ Church Cathedral site in Fairfield. Andrew A Duffy, “Christ Church Cathedral considers up to 500 residential units on its Quadra Street property,” Nov 15th. Is anyone surprised?

You see Bayview is the thin edge of the wedge and there will be many more just like it in every neighbourhood of Victoria if approved at the upcoming Public Hearing. Notwithstanding the need for housing this will be another high-end gentrification on an historic site.

The simple fact is the time to stop that from happening is now before it is too late. There is no doubt in my mind this is how it will unfold and without a robust response from you it will be taken as given. Therefore, I am asking you to work with us in opposing Bayview and at the same time thus perhaps preventing the exploitation of the Cathedral or its heritage for the sake of private profit. Playing on the need for financing the Cathedral’s renovations such a plan is likely to go through City Council with who knows what going to the Church in the end. That is, after all, how “business” is increasingly being done here. Incredibly, if this follows the Bayview model, Fairfield (where I believe the Cathedral is located) might even see a later application asking City Council to double any approved height and density because it has become too expensive to do as originally zoned. Would anyone be surprised?

People for Sensible Rezoning will be holding a Town Hall on Bayview in early December and I shall soon send you the details.

ps is this what the Cathedral could look like (suitably cropped to keep it at just 500 in six buildings on the 1.4 hectare site's first application to rezone)?



### 13. November 11, 2023 – Climate change

*"In the face of climate change and human equity, architects are still presenting pristine images of perfect urban plans stuck in the aspic of a bygone age that has precipitated the difficult global condition we find ourselves in...unfortunately...we are frequently beguiled and teased by alluring images produced by architects, urban designers and planners, where everything is just perfect, if not wholly realistic. These images portray perfect scenarios for a perfect future. Photorealistic perspectives depict a sky that is always blue, where everything is clear and perfect...With everything resolved, there are no...buildings under construction. Life is frozen in one perfect moment. We sell these images to our clients, and some of them still live under the illusion that this is possible...These perfect frozen futures are untenable because they are conceived by the same fallacious decisions and thought patterns that led to the situations we are trying to address."*

My former colleague in the School of Architecture at the University of Hong Kong, and present colleague at the School of Design at the University of Melbourne, Professor of Urban Design, Justyna Karakiewicz in (2023) "Pertopia: Speculative Thinking in a Short Term World," Architectural Design, 93(1), 22-29.

### 14. October 21, 2023 – Appendix E: Community Engagement

On Sept 12, 2023, Focus Equities filed Appendix E on their application for rezoning which sets out the results of their Community Engagement in 4 parts. It is a glossy document which is mostly pictures and I want to look at just one part, namely that on "Continuing the Conversation". I do so because in my view there has been no real – meaning open, searching and substantive – solicitation of views as part of that conversation with the Vic West Community – let alone the Victoria community (those outside a 100 metre radius of the site) – about what to do with a National Historic Site in the heart of Vic West. In fact, Focus Equities has described the whole consultation exercise they have undertaken so far as "Engagement Tactics" (page E-4). Let's pause for a moment so I can remind you how "tactics" are defined by Oxford:

***"an action or strategy carefully planned to achieve a specific end"***

Here is where Focus Equities and I may differ on what precisely that "specific end" was. Focus Equities would no doubt say than "specific end" in this context means a full and comprehensive collection of views; while I would say that the "specific end" was rather intended to achieve the rezoning. Take your pick.

In my submission Focus Equities has offered more the appearance of consultation than real consultation. This is because if you have been to one of the events at the presentation centre or participated online you would have seen they were driven top down. Focus Equities, after all, has had an agenda from the outset that has been taken forward in person by the directors or their spokespersons (notably Patrick Cotter) who have participated in those consultations.

During these events there was little opportunity for dissenting voices to be heard. I know I attended an online event. These consultations were carefully stage managed because there was a goal in mind (a specific end) and that was always to overcome any community opposition to the rezoning and to tick this box for the City. That opposition exists. The 1200 signatures collected very quickly on the Change.Org site is really the tip of that. What the City and Focus Equities want to avoid is a fuller consultation where this project is put before the whole City because if it were it would very quickly be shown as untenable. Reading many of the comments on the Development Tracker, those just posted below, and from speaking to others who have participated in these consultations, makes that opposition abundantly clear.

An invitation sent out like this “You’re Invited to a Bayview Block Party” is not a real attempt at consultation. It was a photo opportunity the likes of which appear in Appendix E. I know, my wife went to the Block Party and there was precious little consultation. It was a public relations exercise that allows Focus Equities to claim there has been widespread consultation.

Other than through block parties support has been sought in other indirect ways. For instance, through the occasional loan of the heritage buildings to outside arts or other organisations in the community for their use. Yes, this was generous, but it also served a purpose and that is to generate support for the rezoning. For example, you can read the letter online from the Canadian College of Performing Arts who were given use of the Roundhouse in 2017 for an event and subsequently wrote the Mayor and Council to express support for the project. Or the Vancouver Island Engineering Society who have hosted events at the Roundhouse Car Shop and who have then unsurprisingly offered their support as well. I am not questioning their bona fides in offering that support but they were given a benefit and have returned the favour. These views are not even supposed to be weighed in a public consultation. Here are the questions I think these two organisations and any others who have been offered similar benefits should ask:

1. what guarantees do they have that these benefits will continue after redevelopment because there is nothing in the rezoning materials that indicates such uses are either being considered or will be allowed (remember the space is being primarily given over to commercial tenants);
2. could you please for one moment consider this project on the merits and not simply as a function of what may be in your organisations’ narrow self-interests.

I digress, allow me to return to the results of the consultations. Here is how the “Early Feedback” was described:

***“Stakeholders expressed enthusiasm for the possible site uses and integration with the surrounding community, with many suggestions provided on how to create high-impact public spaces”.***

I am not exactly sure what this planning speak means, but I can say at least the site uses will be **high** alright.

And then there is this gem:

***“Many of their [those at the consultation events] questions focused on how the community could show support for the development project to expedite the process of rezoning and building out the community”.***

In closing, this is what the City Council is being told and, that there is no opposition to the rezoning or scale of the project coming from the community, or from the myriad other stakeholders who have been consulted. None, at all. Imagine that. No opposition to overcome.

Yes, the engagement tactics have shown there is only widespread interest in how the community can do more to show its support.

Before rushing out though with placards proclaiming your unequivocal and undying support for this project reread the three letters I just posted below and then ask yourself if they might not better reflect the real community sentiment toward this project than Appendix E, because I certainly do.

### **15. October 11, 2023 – The Bayview Place Plan is Not Sustainable**

Sustainability is one of the weak links in Bayview Place. Pretty simple really because it all starts with too many too tall buildings on one small site. There are many aspects to this. Here are some. In putting these forward I am going to draw liberally on more work done by Mehaffy, this time with Rachelle Alterman and unless indicated otherwise the substance of the material below is from their *White Paper on Tall Buildings Reconsidered. Examining the Evidence of a Looming Urban Crisis*. Ax:son Johnson Foundation, Centre for the Future of Places, Stockholm and the Meaman Institute for National Policy Research at Technion, Israel Institute of Technology, 20 July 2019.

First of all, 23 stories of so-called affordable housing presents problems in and of itself. Many of the taller (but below fifteen storeys) [public housing projects created by government] buildings...have an unhappy history. There is extensive research on their dysfunctions, calling into question their social suitability for families, their impact on children, their psychological impacts, their relation to their open spaces and propensity for crime, and other social issues. Moreover, in most cases these are not simply correctable design defects, but inherent problems stemming from isolation from the ground, lack of eyes on the street, and other attributes of taller buildings. These problems are clearly present and even exacerbated when residential buildings are above fifteen storeys.

But there is more, much more.

## Economic and legal impacts

### ***1. The illusion of internal economic efficiency masks the real cost of long-term maintenance of towers.***

Contrary to conventional wisdom, tall buildings often entail *higher* rather than lower maintenance costs per unit, despite the large number of owners; the taller, the more complex, although not quite in a linear relationship: Alterman, Rachelle. 2010. "The Maintenance of Residential Towers in Condominium Tenure: A Comparative Analysis of Two Extremes - Israel and Florida". In *Multi-Owned Housing Law, Power and Practice*. Ed. Blandy Sarah, Dupuis Ann and Dixon Jennifer, 73-90. Ashgate.

### ***2. The claims that tall buildings provide a stimulus for economic development are weak.***

Another issue that should be considered is the relation of real estate development, and tall building development specifically, to the economic development strategy of a city. Indeed, tall buildings are often linked to economic development and the growth of jobs by many proponents. There is some evidence that real estate development *per se* is a short-lived contributor to a regional economy, and that it can also produce unintended negative consequences. Vancouver, for example, experienced explosive growth of tall buildings beginning in the 1990s, and the surging wealth in the city also contributed to its high cost of living. The city is now in the midst of a broad civic debate about the wisdom of tall buildings, with many people expressing misgivings – a debate that is not typically acknowledged in proponents' arguments. The problem with the supply-side model may be that it focuses too much on one end of the economic spectrum, and it thereby exacerbates inequality and the under-performance of some sectors of the economy.

## Resource and ecological impacts

### ***1. The claims for benefits from density are not supported by the evidence.***

One of the most common arguments for the benefits of tall buildings is that they create dense settlement patterns that are inherently beneficial in reducing energy, resource consumption and emissions. A related argument is that the denser form of tall buildings reduces sprawl. But as a UK House of Commons report concluded, "The proposition that tall buildings are necessary to prevent suburban sprawl is impossible to sustain. They do not necessarily achieve higher densities than mid or low-rise development and in some cases are a less-efficient use of space than alternatives." House of Commons, UK (2001). "Tall buildings: Report and Proceedings of the House of Commons Transport, Local Government and the Regions Committee." In *Sixteenth report of Session 2001-02* London, UK Stationery Office, 4 September 2002, HC 482-I

Often cities like New York and Vancouver are cited as stellar examples of dense ecologically superior cities with tall buildings. It's usually assumed that it's the tall buildings in these cities that give them the edge. these cities are indeed very positive when it comes to carbon and

other ecological metrics. But it's often overlooked that tall buildings are only a fraction of all structures in these places, with the bulk of neighborhoods consisting of rowhouses, low-rise apartment buildings, and other much lower structures. They get their low-carbon advantages not only from density per se, but from an optimum distribution of daily amenities, walkability and access to transit, and other efficiencies of urban form.

Furthermore, research shows that the benefits of density are not linear but taper off as density increases. In other words, there is an optimum density, above which the negative effects of density start to increase over the positive ones. That "sweet spot" seems to be in the neighborhood of about 50 people per acre.

Based on this Bayview 2 should be about 450 – 500 people not 3000 or six times the “sweet spot”.

## ***2. There is other cautionary evidence about the negative ecological consequences of tall buildings.***

Research literature documents the following problems:

1. Increasingly high embodied energy of steel and concrete per floor area, with increasing height, requiring more resources and energy per unit of useable floor space.
2. Relatively inefficient floorplates due to additional egress requirements (e.g. multiple stairs).
3. Less efficient ratios of common walls and ceilings to exposed walls/ceilings (compared to a more low-rise, "boxier" multi-family form — as in, say, central Paris).
4. Significantly higher exterior exposure to wind and sun, with higher resulting heat gain/loss.
5. Challenges of operable windows and ventilation effects above about 30 stories.
6. Diseconomies of vertical construction systems, resulting in higher cost per usable area (not necessarily offset by other economies — these must be examined carefully).
7. Limitations in insulation and solar gain of typical lightweight curtain wall assemblies (there are efforts to address this, but many are unproven).
8. Challenge of maintenance and repair (in some cases these require high energy and cost).

The City of Victoria has a Climate Leadership Plan which dates to 2018. As of May 1, 2023, Bayview Place is required to demonstrate compliance with Step 2 for Part E of the BC Energy Step Code. These requirements will become stricter and the adoption of higher steps of the BC Energy Step Code will follow the provincial adoption schedule. The highest step of a Zero Carbon Step Code will be implemented during 2023 and 2024 by building which will impact Bayview Place and thus building permits submitted on or after November 1, 2023 must meet Base Code Energy Step 3 and Emissions Level 4.

Here is what the City states in its Plan:



*“New buildings must become highly-efficient and shift to renewable energy in order to meet our GHG targets. For new buildings, the focus is on better building energy and GHG performance standards. Since each new building added to our city will last more than 50 years, on average, raising the bar now is critical to meeting our 2050 targets. New building codes and standards, such as the BC Energy Step Code, can deliver GHG reductions through better building envelope design and construction, improved efficiencies for mechanical systems like heating/cooling as well as appliances and lighting, and via intelligent building operations. The City will advocate for stronger federal and provincial standards, and will adopt progressively more stringent energy efficiency requirements for new builds, as per the BC Energy Step Code. By 2032, new buildings will be ‘net-zero energy ready.’ That means they will be highly-efficient buildings that can easily accommodate future renewable energy add-ons, such as rooftop solar panels, that will enable them to produce at least as much energy as they consume.”*

The City of Victoria is ambitious with its very recent adoption of the Zero Carbon Step Code. It is similar to the BC Energy Step Code and has four levels of emissions set out. Bullishly, and rightly I would add, the City has decided it will start with Level 4. That is Zero Carbon Performance which requires at a minimum the full electrification of new buildings. This should be the expectation for Bayview Place.

However, in my submission it is not enough because high-rise buildings contain so much embodied energy. Embodied energy is the energy that is consumed in order to build a given usable object inclusive of buildings. This includes the energy from material extraction, refining, processing, transporting, and fabricating the building and its components. It comes along with the embodied carbon, which is the associated CO<sub>2</sub> footprint that is emitted during the construction of the building.

### **Where is the information on this for Bayview?**

The Focus Equities plans do not mention climate very much and it is mentioned mainly in relation to microclimates, e.g. from their Design Guidelines:

*“Consider the height impacts of buildings on areas outside of the site boundaries. The impacts to consider include effects from programming and intensification as well as from the building itself on the microclimate, including but not limited to daylighting reductions to public realm and wind tunnel creation.”*

In 2023 climate should be a focus for a development of this scale but seems in lieu thereof the Design Guidelines for Bayview Place fall back rather on planning speak. For example, “Action for Climate Change and Resilience.

For Victoria, climate action is rooted in bold GHG reduction targets, an ambitious renewable energy transition strategy, and a commitment to smart development. Roundhouse at Bayview

Place is a valuable development opportunity both for its proximity to downtown and its prominent gateway location. By creating a resilient and livable community built above a remediated brownfield, the neighbourhood will not only be deserving of its unique Victoria West location, but it will be a highly-visible demonstration of what climate leadership looks like in built form.”

Actually, climate action here would be rooted in the adoption of the highest green building standards rather than platitudes. When Dockside Green was originally launched in Vic West it received the first LEED Platinum certification for new construction. This certification was awarded by the U.S Green Building Council making it the first of its kind in Canada. At the time the CEO of the Canada Green Building Council Thomas Mueller said Dockside Green was at the forefront of sustainability globally adding “the next phase of this development proves their ongoing commitment to developing smarter, healthier and more environmentally responsible communities for British Columbians.”

LEED stands for “Leadership in Energy and Environmental Design”. It is an international symbol of sustainability excellence and green building leadership. LEED’s proven and holistic approach helps almost all building types lower carbon emissions, conserve resources, and reduce operating costs by prioritizing sustainable practices.

Let us remember that Bosa Properties built two of the Bayview Place towers in phase 1 and yes while these are separate companies, I would still underline that they are both owned and run by members of the wider Bosa family. While interesting this is what I have not seen though, and that is any Bosa reps touting green building creds for Bayview Place. Although Daryl Simpson, then Bosa Properties senior vice-president did say this:

*“And this tower [Encore] is on the south side of the site, there’s nothing in front of them. It’s something special.” [Times Colonist, March 17, 2016].*

Should we tell Daryl? I would have thought it is not really our job to tell Focus Equities’ partner just what might be coming down the pipe but I guess I was wrong. In any event here is how Bosa Development is pitching Dockside Green, from their prospectus marketing materials, and what a change:

*“OUR SUSTAINABLE MODEL OF LIVING TRIED, TESTED, TRUE. Since its inception, Dockside has been raising the bar on what sustainable living means in Canada. Victoria’s newest legacy, Dockside, offers three core ingredients for sustainable living: our state-of-the-art Waste Water Treatment Facility, our District Energy System, and the highest neighbourhood building standards. Feel peace of mind knowing that your footprint is made smaller by living here. This imprint is not only ideal to the environmentally aware, but it appeals to those who are economically conscious. With the environment and economics taken care of, you can focus your life on the things that bring you joy, and create a lifestyle connected to nature and community.”*

## **Where are comparable or even other features like this for Bayview Place?**

### **Why has the City not asked for them?**

Building standards you see are not enough. If so much is being asked for by Focus Equities then why should the City not make a comparable ask? It is not that hard as the comparison is right next door, built by a developer known to the City, and known to Focus Equities' partner on phase 1. Again, it is not that hard - two Bosas doing two different things. As usual I am calling on the City to do some work here and stand up for all of our interests and what is best for our collective future. It should be clear to everyone by now that means maximum sustainability.

### ***3. Life-cycle costs and energy retrofitting affect towers' role in emissions***

The life-cycle costs of constructing towers in various specific geographic contexts are also routinely not factored into the cost calculations by developers or consumers. The global agenda is increasingly focusing on zero-energy consumption and on installing renewable forms of energy in buildings. For example, new solar energy technologies to paste on windows and walls, will soon be economically viable. Tower buildings consume much energy, but also offer a lot of potential window and wall surface areas. Towers, especially condominium towers, are likely to prove recalcitrant. The legal framework and the already high costs of maintenance (without counting in energy) are likely to make such retrofitting difficult. Towers might not be good friends of the climate-change agenda.

## **Has the City thought enough about this with Bayview Place or even thought about it at all?**

### **Social and health impacts**

*1. In addition to ecological and economic impacts, the research literature also paints a rather damning picture of social impacts, for both residents and those around them.*

1. Psychological effects on residents, especially children. After surveying the literature, Gifford (2007) concludes that "the literature suggests that high-rises are less satisfactory than other housing forms for most people, that they are not optimal for children, that social relations are more impersonal and helping behavior is less than in other housing forms, that crime and fear of crime are greater, and that they may independently account for some suicides." Gifford, Robert (2007). "The Consequences of Living in High-Rise Buildings." *Architectural Science Review* 50(1):2-17.
2. Social effects, particularly at the street. Tall buildings can function in effect as "vertical gated communities," failing to activate longer stretches of streets with ground-level doors and windows. This problem is exacerbated with tall buildings that have their own internal garages, through which residents may enter and depart without ever setting foot in the public realm.

3. Shading of other buildings and public spaces. This has obvious impacts on the degree of sunlight and views of the sky, and impacts on those who are using the public realm.
4. Ground wind effects. Some of these effects can become quite strong (e.g. the so-called "Venturi effect") which can make public spaces unpleasant. The proverbial "windswept tower plaza" seems to be more than a stereotype. Ask anyone in Vic West near the water on a windy day. Those wind speeds are only likely to increase.
5. Heat island effects. Tall buildings clustered together are known to trap air and heat it, placing increased demand on cooling equipment and making adjacent public spaces less habitable.
6. "Canyon effects". Similar to heat island effects, canyon effects can trap pollutants, reducing air quality at the street and in public spaces.
7. Psychological impacts for pedestrians and nearby residents. This is a more difficult area to evaluate and depends greatly on the aesthetics of a particular building. However, there is research to show that a design that is (or comes to be) experienced as ugly by adjoining residents can significantly degrade their experience of the public realm and quality of place.

## **2. Vertical gated communities?**

1. Residential towers – almost inevitably in condominium ownership - have a built-in capacity to take on aspects of gated communities, whether intentionally or not. Towers must be self-contained in controlling vertical traffic. They have expensive machinery that must be maintained and thus, as noted, must charge significant maintenance costs. Towers have many housing units, and therefore must have an effective decision-making mechanism that is unlikely to be in a "town meeting" format. The inevitable anonymity and the physical inability to see who comes in and out, increased issues of security. In effect, gated communities, they thrive on the perception of need for security: Atkinson, R., & Blandy, S. (2005). Introduction: International perspectives on the new enclavism and the rise of gated communities. *Housing studies*, 20(2), 177-186.
2. Tower condominiums invest sizable resources in technologies such as key fobs, CCTV and reception desks. This, in turn, serves to support claims that tower condominiums, as urban enclaves, act as a source for urban fragmentation: Warner E. Mildred, 2011. Club Goods and Local Government, *Journal of the American Planning Association*, 77:2, 155-166; Webster Chris, Glastz George. 2006. "Dynamic urban order and the rise of residential clubs". In *Private Cities*. Ed. Glasze Georg, Webster Chris, Frantz Klaus. 218-231. London: Routledge.
3. Thus, even if tower condominiums do not exercise overt selection of owners based on income, lifestyle, number of children etc., they do become "vertical gated communities"

to some extent. Gatedness limits interaction and social capital across socio-economic groups: Margalit, Talia. 2009. Public Assets vs. Public Interest: High-rise Building in Tel Aviv-Jaffa. *Geography Research Forum*, 29 48-82.

4. Moreover, like horizontal gated communities, they bottle up the activity of residents that might otherwise help to enliven the public realm. Lastly, there is the simple and rather embarrassing fact that when it comes to residential density, you cannot count people more than once: if wealthy tower residents have two or three homes, then their residential population count has to be divided between these. This fact alone reduces the conventional density count of some higher-end residential tower neighborhoods like those in Vancouver significantly.

Returning to what the House of Commons in the UK concluded after studying tall buildings there:

1. "The main reason that the Committee held an inquiry into tall buildings was to identify the contribution which they can make to the urban renaissance. We found that contribution to be very limited. The proposition that tall buildings are necessary to prevent suburban sprawl is impossible to sustain. They do not necessarily achieve higher densities than mid or low-rise development and in some cases are a less-efficient use of space than alternatives. They have, for the most part, the advantages and disadvantages of other high-density buildings. They can be energy-efficient, they can be part of mixed-use schemes and they can encourage the use of public transport where there is spare capacity, but so can other types of high-density developments. Tall buildings are more often about power, prestige, status and aesthetics than efficient development."

**So, City Council over to you because if you do not address these issues and answer these questions before you approve this rezoning you will own them as well as every critique of Bayview Place based upon them that follows, forever, more or less.**

## **16. October 7, 2023 – Vertical Sprawl**

***"...we still have a major problem...a proliferation of bad projects all over the world, and a profession that stubbornly denies its own flaws..." Michael Mehaffy***

Five years ago, the **International Making Cities Livable (IMCL) Annual Conference** was held in Ottawa. IMCL bills itself as an international peer-to-peer leadership platform for exchanging effective new ideas and tools for creating more livable and sustainable cities and towns. It has been hosting some of the world's experts on urban planning, design and architecture as well as visionary politicians and scholars from around the world at its Conferences since 1985.

Today IMCL boasts an international who's who on its Board of Stewards in leadership. At the Conference in Ottawa experts called on cities to back off what was called "vertical sprawl". **The**

**clear message that was given to the delegates was that high-rise development was not the answer to cities seeking to respond to the need for more housing.**

Experts told the Conference that high-rise intensification was more about profit and economic growth than sustainability.

According to the late IMCL co-founder **Suzanne Crowhurst Lennard**, high-rises may prove more toxic to humans and the planet than suburban sprawl. The Conference reminded us that high-rise buildings are so expensive only the wealthy can afford them. And that the effect of building these high-rises is to drive up the cost of housing for everyone. Here is how it was described by the Simcoe County Greenbelt Coalition (SCGC), a coalition of some 40 member organisations focused as the name indicates their Simcoe's surrounding greenbelt ([simcoecountygreenbeltdotca](http://simcoecountygreenbeltdotca)):

*"Above several floors, construction costs increase rapidly. This is due to simple factors, such as the increase in time that it takes for workers and materials to get to the construction site. Taller buildings require more complex engineering solutions, as well. High rises are notoriously bad at retaining energy, requiring a large amount of air conditioning in the summer and heat in the winter. These factors, and more, lead to an increase in cost for units built above several floors, making them more expensive to purchase... This raises obvious concerns regarding the role of high rises in addressing the lack of affordable housing. By limiting residency to those above a higher income than what could be met with the mid-rise form, this also acts in as an exclusionary filtering process that is similar to that observed in horizontal sprawl outlined above, albeit absent reliance (for the most part) on a car to access basic amenities. Those most likely to frequent areas surrounding the high rise, namely the residents of it, will tend to fall within a more narrowly defined social category. The greater costs associated with high rises tend to drive rent up in surrounding areas, contributing to gentrification which results, first, in economic exclusion and then, second, in the corollary social exclusion."*

It is now understood (and the speculation tax is a belated attempt to deal with some of the knock-on effects of this type of development) that investors, foreign or otherwise, purchasing these condos, drive up prices forcing many into distant neighbourhoods often accentuating poor living conditions. Again, it is because sky-high condo prices, coupled with a lack of decent affordable housing, force people out.

Crowhurst Lennard also said that high-rise development can cause the kind of isolation, alienation and depression that was once seen as maladies in the suburbs. The point is that if you live in a high-rise where you have little in common with your neighbours, the street, and public squares below, let alone the social interaction they should provide, your well-being may suffer. So, given that, where is Victoria City Council's appreciation of this?

It's time for the Council to listen to the experts at IMCL. They can start with a talk by Michael Mehaffy, "The Empires New Clothes" an executive director at IMCL (July 16, 2022) quoted

above. Michael's talk, part of a series hosted by the Sustatis Foundation, underscores in the broadest possible, albeit esoteric, terms, just how wrong the City's Bayview model of development and vertical sprawl is today.

### **17. October 5, 2023 – Victoria is the Best Small City in the World Conde Nast**

**Conde Nast** has just published its Annual Readers' Choice Awards for the **Best Cities in the World 2023**. There are only two categories: Best Small Cities, and Best Large Cities.

In the Small Cities category there is Dubrovnik (Croatia), Reykjavik (Iceland), Bruges (Belgium), Porto (Portugal), San Juan (Puerto Rico), Antigua de Guatemala (Guatemala), Puerto Vallarta (Mexico), San Miguel de Allende (Mexico), San Sebastian (Spain), and yes Victoria.

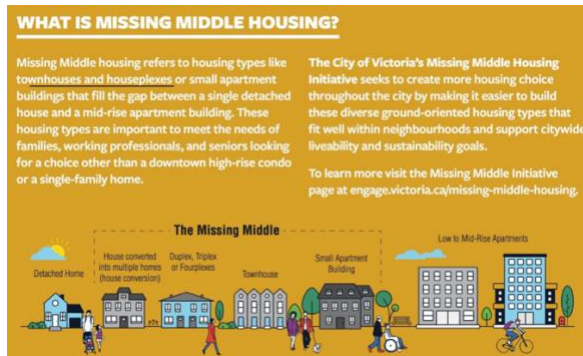
The article at [cntraveler.com](https://cntraveler.com) includes photos of every City. Guess what? Not one of the photos shows high rise condos. Rather every photo shows either historic buildings or the waterfront. In Victoria's case, the photo is of the Legislative Building. You see we already know what makes a City great; that is its history!

That is what we seek and celebrate when we travel abroad. Ask yourself just when was the last time you went overseas to visit some apartment buildings? It does not happen and no one should fall for the Focus Equities planning speak to the contrary. If built these condos will be a blight on the waterfront, an outlier in the City, contrary to what makes Victoria one of the best, and a missed opportunity as Pam Madoff has noted to enhance our international reputation. Who knows maybe it will even prompt a drop in our ranking! Sorry I forgot to mention that we are ranked No 1 on that Conde Nast list.



### **18. September 30, 2023 – Look what is actually missing from the City's much ballyhooed Missing Middle Housing Initiative?**

Surprise... it's Bayview. This shows just how wrong Bayview is in the context of the Province's new housing targets for municipalities. Graphic below from the City of Victoria, Victoria's Housing Future, 2021.



## 19. September 21, 2023 – Here’s a thought. What happens if this project – post City Council approval – falls through?

Seems unlikely right? Sure, but that does not mean it does not happen. In fact, in my experience, and with my background, it happens a lot (in Asia). For example, a small city in Cambodia.

Can you imagine there are more than 1,000 buildings abandoned just there. ONE THOUSAND. In my view that really should be a wakeup call for not only governments but just about everyone else as well. Here, you can read one story on it and see some pictures of the buildings below. Before going though let me return to the unlikelihood of it all once again. That’s Asia, that’s Cambodia isn’t it? That doesn’t happen here, in Canada? We’re too well regulated and capitalised for that? Right?

Maybe, but that’s still exactly what happened in Winnipeg last April 2022 when construction was halted, and the developer was granted creditor protection. You see these things happen in Canada in construction. In fact, I seem to recall the last building in Encore being delivered a year behind schedule. I do not know if it was over budget but both these risks are kryptonite in construction. Either of these risks, let alone the countless others involved in completing projects, could have proved insoluble. Here’s what one Winnipeg City Councillor said about this and their problem.

*“Sherri Rollins, the chair of the City of Winnipeg's property and development committee, said it's disappointing to see a project that would bring more people downtown stall. ‘When you're looking at 120 units, when you're looking at a large development project, it is tough to see,’ said Rollins, who is the city councillor for Fort Rouge-East Fort Garry. ‘It is for sure frustrating as a local councillor ... to see a show already in progress, see piles in the ground, and then [see] work cease,’ Rollins said. ‘And that can be difficult for neighbours.’*

*Rollins said she sympathizes with developers and construction companies facing a rising cost of doing business. ‘There's delays, there's supply chain issues, there's inflationary costs — so, you know, the construction economics have gotten really complicated.’”*



But hey none of this could ever happen here though, certainly not with that close oversight the City is providing, right?

References - see News, Cambodian Journalists Alliance Association, Som Sarath, "Sihanoukville property owners in limbo as unfinished high-rises litter the city," 31 August, 2022 photo below - see CBC news, John Crabb, "Construction on downtown Winnipeg high rise halted, developer granted creditor protection," 28 April 2023 photo below



## **20. September 20, 2023 – Focusing on the Real Equities**

The BC Provincial Government published new housing targets for 10 municipalities this week including Victoria. The new plan has been in the works for some time and been aptly foreshadowed in the press. Since the plan was released I have been asked a few times already if this means the rezoning for Bayview will be more likely.

Sadly, my answer is yes. Here is why. It is because the City will try and use these new targets to justify the rezoning. I expect that. But here is my point. These targets should be irrelevant to Bayview and I will explain why drawing on a penetrating article in the Times Colonist by Edy Bradley on August 12 this year entitled "Comment: Victoria council needs to be selective about housing it approves." The subheading is "Victoria city council is overreacting and approving too many developments".

I would link to the article but Facebook is stopping that at present, still I do recommend the entire article to you.

I met with Edy this past week and she capably made the case for what is wrong with the Council's current approach and priorities. As Marg Gardiner has noted this now goes well beyond any individual project, whether in James Bay or Vic West, to the heart of the governance of our City, and it is not good.

Let me quote from Edy's article:

*"City planners have projected that by 2041, the population will total 111,300 people. The 2023 population listed on the City of Victoria website is 94,000, so Victoria will need to*

*accommodate 17,300 new residents in the next 18 years. That comes to 961 new people to be accommodated per year. Victoria has 13 communities, and each one has to contribute to accommodating population growth. It cannot all be absorbed in downtown, James Bay and Vic West."*

*"So, dividing 961 by the 13 communities, each community has to welcome 74 new people per year. A figure of 1.5 people per accommodation unit is generally accepted as the norm. Dividing 74 new people by 1.5 shows that each community has to add 49 new units to its existing housing stock each year."*

Edy focuses on James Bay and Vic West. Here is what else she wrote:

*"Developments in James Bay underway in 2021-23: 492 new units. Currently on the city's development tracker website are 13 proposals being considered for James Bay in 2023-25: 667 new units A total of 1,159 units in the five years 2021-25 equals 232 units added per year in James Bay alone. Why, when we should only be adding 49 units per year in James Bay?*

*In Vic West, the council is approving 1,900 new units at the Roundhouse site. This is overreach."*

Of course, it is overreach and it is also grossly unfair to impose the burden, yes the burden, as demolition and construction are disruptive (at a minimum) on residents of these two communities. This is a point that I do not make often because it is well understood by Victorians already. That is not to say, though, that they do not matter.

My focus, as readers here will know, is on many of the other things that are wrong with Bayview. Still, Edy's numbers come from no fewer than three reports commissioned by the City: 1. The Victoria Housing Strategy 2016 – 2025 (Phase Two: 2019 – 2022); 2. Victoria's Housing Future, 2021; and 3. *Housing Trends and Projections* Report and thus they are solid.

Picking up the Government's housing targets for the next five years, Victoria's is 4,902 units. According to Edy's numbers she calculates that 961 units would need to be added per year to meet current targets.

Thus over these next five years using Edy's numbers the total (961 x 5) is 4805. Now, imagine, this is just 97 units short of the Provincial target. Of course, it assumes the City rezones Bayview and Bayview Place is built. Not hard to imagine given that Ken Mariash has held out he could build Bayview in five years. For example,

*"Mariash expects most of the 'world-class project' to be completed over the next five years." "I'd like to have it 80 or 90 per cent done and then sit on it," Mariash quoted by Steve McLean of Real Estate News on October 17, 2017.*

Ask yourself again though whether Vic West should bear the brunt of Victoria's burden or quota, or be used as an excuse for the City to approve the rezoning and then try and justify it by pointing to pressure from the Provincial Government.

Put simply it is wrong to impose 38% of Victoria's quota on Vic West. Dead wrong. The burden here should be shared among the other communities in Victoria as Edy writes. (This is aside from James Bay for obvious reasons as it is already enduring its own unfair share of new developments.) In this regard we need to ask where are the approvals of their fair share or proportion in the target for Burnside Gorge, Hillside Quadra, Oaklands, Rockland, Downtown, Jubilee, Fernwood, North Park, Fairfield and Gonzales? Save downtown they are just not comparably there.

It seems I need to point out that the new Council was not elected to go into business with Focus Equities. A prior Council rezoned that site 15 years ago in exchange for concessions which have not materialised. Today then this Council should not underwrite the risks that Focus Equities appears to have taken on. It is not the Council's job to pick winners and losers in the land subdivision industry. It should fulfill its mandate and that of past City Councils by respecting their collective wisdom and encouraging Focus Equities to do what was promised originally.

The Province may have set housing targets for Victoria and other municipalities (with more to come) but the one thing that the targets did not do was to say that they were to be met at the expense of heritage or at the expense of existing communities. That has never been part of their plan. So, Mayor Alto and your Coalition of Five, do not try and use these new targets as an excuse for rezoning. They were never intended to justify Bayview

## **21. September 19, 2023 – No longer just about Bayview. Now, it's about Governance**

Marg Gardiner framed it this way in her August, 2023 newsletter:

***"I do what I can to keep citizens informed and to advocate for more openness and transparency. Unfortunately, it has been a losing battle. If you value careful and deliberate discussion in civic affairs, please make your voice heard."***

In the newsletter – available here <https://www.marggardiner.ca/august-newsletter> - Ms. Gardiner asks: "Where have all the Voices gone?"

Ms. Gardiner then makes the case with examples about how five City Councillors, which she describes as the "**Coalition-of-5**" (Caradonna, Kim, Laughton, Dell and Thompson), often joined by the Mayor, are systematically closing down public input. Ms. Gardiner illustrated this using three issues:

- 1. Precluding the creation of an independent third-party to assess complaints against Council in a new Code of Conduct**

## 2. Limiting opportunities to Address Council; and

## 3. Limiting public input into the new Official Community Plan (OCP)

Each of these issues, set out in full in the newsletter with quotations, motions moved and votes recorded by Ms. Gardiner, raise real concerns about what the new Council is up to and it is not good. I heartily recommend the full post in her newsletter to you. For that matter, if you wish to be better informed on this and other retrograde steps the current Council is taking, I also suggest you subscribe to her newsletter with the link it has.

Let us think for a moment about the **Coalition of 5** in relation to Bayview. It's pretty simple really and very close to the line in my view. The former Mayor Lisa Helps was pro-development. Her voting record had her not voting against one single unit of housing per Homes for Living which compiled a list of all votes of the past Mayor and Council.

Further, according to the Elections BC Financial Reporting and Political Contributions website, Ken Mariash donated \$1,200 to Lisa Helps' 2018 campaign, the maximum at the time. Then fast forward to 2022 when Lisa Helps endorsed the **Coalition of 5**.

Jack Knox noted how rare it was for a sitting Mayor to endorse but said Helps "felt free to make it" (Times Colonist, Knox, Oct 11, 2022). Three others not endorsed by Helps were not elected (Yacowar, Pitt-Chambers and King). Expressly not endorsed by Helps were the remaining three Councillors: Gardiner, Hammond and Coleman.

Fast forward now one more year and where is Lisa Helps? She is appearing in advertorials for Ken Mariash and Focus Equities. You may have seen these which I will not link to and appear on the Bayview Place, and the Greater Victoria Housing Society websites. Once pro-developer always pro-developer as far as Lisa Helps is concerned, I suppose.

What is troubling about this though is that it appears the fix is in. That the **Coalition of 5** are going to vote this project through no matter what the evidence. What is worse though is it also looks like the **Coalition of 5** is just getting started. Per Marg Gardiner it seems the **Coalition of 5** will be coming for the rest of Victoria next with more constraints on the public than ever. As Ms. Gardiner has said:

***"This Council is clearly headed in a direction chosen by the group of 5 like-minded Councillors. The path they have chosen has not been adequately tested through public consultation; indeed, the budget survey a few months ago suggested that the priorities of the Coalition-of-5 did not match the public's priorities. When the issue of public consultation comes up at Council meetings, the desire to hear from specific groups of the public or those who are the 'right people' is raised, without disclosing who is considered to be the 'right' people and/or the 'wrong' people. I fear that decisions at Council will further divide our residents and businesses, rather than unite them.***

So, Facebook Friends, Ms. Gardiner's call to action is clear and it is a *Clarion Call*. It is a call that everyone should heed. While you may be neither here nor there on Bayview that is still no way to be on the governance of our city. As such I will be reaching out to some of you again and I hope that the spirit of Ms. Gardiner and I can count on you while we still have time.

Joel Arthur McInnis  
BA, LLB, BCL, LLM, PhD FCI Arb

## **22. September 16, 2023 – Here you are folks. What's coming more or less to Bayview**

Here you are folks. This is what is coming more or less to Bayview Place. The equivalent of 14 and 1/3 Encore towers. Now, a Public Hearing is imminent given the Final Submission of Focus Equities has been filed. This means you have a choice and that is either pretend this does not matter or to do something about it. Honestly, I feel that I have done just about everything that I could to bring the real magnitude of this rezoning to your attention. Despite that though, and despite you showing some interest in this by being a member of this Discussion Group and reading my posts most of you are still sitting on the fence. Well, if that is where you wish to remain then fine. But you should know that once the City Council approves the rezoning you will be on your own. Thus this may be your very last chance to reach out to me here on Messenger and say something. I would be very happy to still hear from you.



## **23. September 16, 2023 – We now have the Final Submission to the City Council on the Rezoning Application by Focus Equities Inc (FE) dated September 12, 2023. Here are some key points:**

1. FE did increase the number of affordable (to 215) units and rental (to 240) units but still in addition to 1,410 market units. The grand total then on that site 1865 units. To give you a comparison taking Encore in Bayview 1 (assuming 130 units in Encore as I recall) the Bayview 2 site will add almost 14 and 1/3 more Encore towers. Just picture that number next door for those of you in Bayview 1 because that is what is coming. Dare I ask again where is your outrage? One more important thing on the affordable housing and that is Focus Equities is not paying to build it. It is just transferring a portion of the site. I do not see how that possibly satisfies the June 27, 2019 City Council's Inclusionary

Housing and Community Amenities Policy which is behind forcing this transfer in the first place.

2. The density has been reduced from the 4.75 FSR, which was before the City Council in May, to 4.58 FSR but which is still above the 4.4 FSR that Jeremy Caradonna put forward as a compromise on the 4.0 FSR that City Planning Staff recommended.
3. Sequencing of the construction which the City Council was pressing for so it could prioritise affordable housing looks instead that it will only be as to community amenities and not the buildings meaning Focus Equities (or whomever if it sells this approval) could build what it wants in the order it wants.
4. Focus Equities has made a particular concession on one building (DA-10) reducing it from 23 floors to 10 floors. The only problem though is that no building whatsoever should ever go on that part of the site. DA-10 is at the corner of Sitkum and Esquimalt Roads. For those who may recall my Google Earth photo (below) of this tiny triangular patch of land it should be apparent that nothing should go there and even at 10 storeys will still obscure the Roundhouse anyway. It was likely our public pressure which resulted in this change, but it is not enough, not nearly enough.
5. Lastly, and most importantly, none of this necessarily matters. Here is why. Despite it all Focus Equities reserves itself a nice out with this (in bold no less in the application):

**“Please note that this application does not exceed a density of 4.8 FSR or 32 floors as indicated in the CALUC in August 2021.”**

This then is likely the real limit on Bayview Place which, like so much of what is in this application anyway, really should not be there.

**24. September 9, 2023 - An Act respecting places, persons and events of national historic significance or national interest, archaeological resources, and cultural and natural heritage.** <https://www.parl.ca/Docum.../en/44-1/bill/C-23/first-reading:>

*“This enactment enacts the Historic Places of Canada Act, which provides for the designation of places, persons and events that are of national historic significance or national interest and fosters the protection and conservation of the heritage value of the designated places.”*

### **Why Legislative Protection was Needed**

**The Auditor General in 2003** - built heritage under federal control will be lost to future generations unless action is taken soon and thus called for strengthening the legal framework

**The Standing Committee on Environment and Climate Change in 2017** - the federal government must set an example by adopting legislation to provide better statutory protection for federal heritage buildings and national historic sites under its stewardship  
Bill C-23 Bill C-23 clarifies legislation affecting federal heritage properties and the designation of places of national significance. It addresses conflicting requirements and better sets out the Government of Canada's role. For the first time it creates a Public Register that gives the public access to information on "designations", "condition" and "planned action" for federal historic places.

That should get the attention of Focus Equities and City Council. It needs to be asked if the current rush to judgment on this has anything to do with this pending federal legislation? Passage might also enlighten us as to the role a federal lobbyist may have played in the sale of this property. At the time Roundhouse Properties Limited Partnership was involved and had a federal lobbyist on the payroll - Hal Danchilla, reg no 781289-229263. The address given was 80 Saghalie Road.

<https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/vwRg...>

Bill C-23 also adds Indigenous representation on the Historic Sites and Monuments Board of Canada; by requiring the Board to consider the best available information including Indigenous and community knowledge in its recommendations to the Minister; and by providing an Indigenous-led process for including places in the Public Register. Are the Songhees and Esquimalt Nations aware of this?

**Here is the point.** It is not too late for this project. A designation has been made with respect to the Roundhouse site and Bill C-23 will affect it going forward. The Bill seeks to better control and manage exactly what has taken place with the Roundhouse. A historic site was purchased and the federal government seems AWOL on it.

As a result, and once again, I am calling for the City Council to pause this application and answer more questions. Since the very beginning of my review of this project I have called for more answers about what is happening and has happened. The City though seems too busy to follow up with any of this. So answers have not been forthcoming. There is simply too much at stake and too little known about what is going on to approve the rezoning without more.

## **25. September 3, 2023 – 653 Toyota Camrys at the MSRP**

That is what Ken Mariash and Focus Equities have approximately spent over a period of 200 months up to April 2023. TWO HUNDRED MILLION DOLLARS. \$200 MILLION.\*

Now this is quite the sum. And, if accurate, then there is a \$200 million premium that will have to be recovered on the development at Bayview Place just to break even.

My guess would be that is not going to help affordability in Victoria. Surely, it would be preferable to keep development costs (pre-construction) to a minimum, so those costs do not



have to be passed on to any ultimate purchasers. In addition, we do not even know if this sum *includes* the original purchase price of the land! If it does not that would have to be added pushing up the total.

Rather than dispute this figure though I would simply ask to SHOW US THE RECEIPTS. Seeing those receipts might even more favourably dispose me to the predicament of the developer having spent so much money with no guarantee of a result or return.

Further, knowing exactly whether these sorts of sums are required to take forward developments in Victoria should also be of real interest to the City Council. This is because the Council should never condone imposing such costs on developers. It is also a warning in effect that such costs, accumulated at approximately \$1 Million per month, cannot go on “much longer before the site must be broken up and sold off for single-building projects instead of a master planned community.”\*. I find this interesting as well because I thought that is what Ken Mariash is already on the record for what he and his companies do:

“We’re a master developer and we subdivide everything into parcels,” said Mariash. “We’ll carve out one parcel for this guy and one for that guy.” Steve McLean, “Focus Equities’ Mariash sets sights on master plans,” *Real Estate News Exchange*, October 17, 2017.

So, I have given two good reasons to Show Us The Receipts. And if that cannot be done, will not be done, or the City will not ask for them then I suppose that I am just going to have to knock some Toyota Camrys off that total.

\* “We have been spending approximately \$1 Million per month on this project over the last 200 months and cannot sustain such a cost much longer before the site must be broken up and sold off for single-building projects instead of a cohesive master planned community. We reluctantly closed on our CPR option on this land in 2008 despite the tragic economy, our finance partners backing out, and the obvious design guideline challenges, much like the design guideline problems experienced with the 1998 zoning for Phase I that also required over eight years of redesign and rezoning to create the successful Bayview Phase I that exists today.”

- Undated covering letter from Kenneth W Mariash on Bayview Place letterhead regarding a meeting of Bayview Place residents scheduled for April 26th.

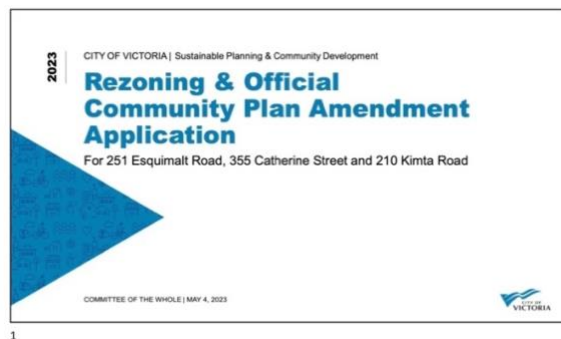




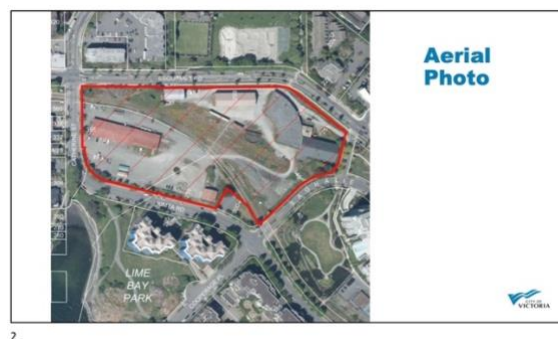
## 26. September 3, 2023 – Here is what density really looks like

This is a link to what the City planning staff reviewing the proposal and application of Focus Equities to rezone the Bayview site filed for the Mayor and Council's consideration. The slides are on the Floor Space Ratio or FSR and show in order:

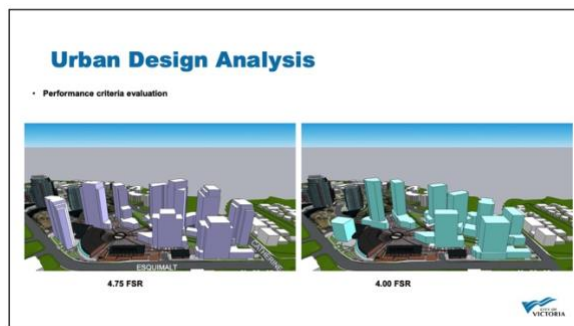
- Cover slide:
- Aerial Photo
- Urban Design Analysis
- FSR
- FSR
- Neighbourhood Transition
- Neighbourhood Transition
- Heritage Transition
- Heritage Transition
- Podium and Tower Setback
- Floor Plates
- Building Separation
- Density Distributed to Podium
- Conclusion



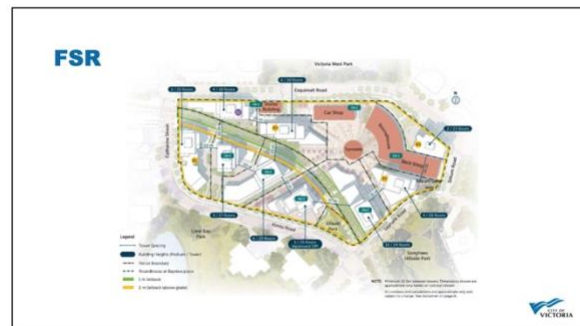
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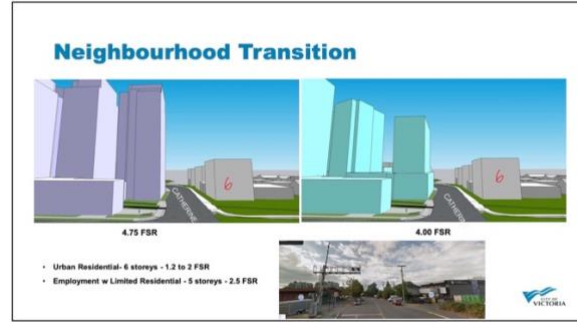
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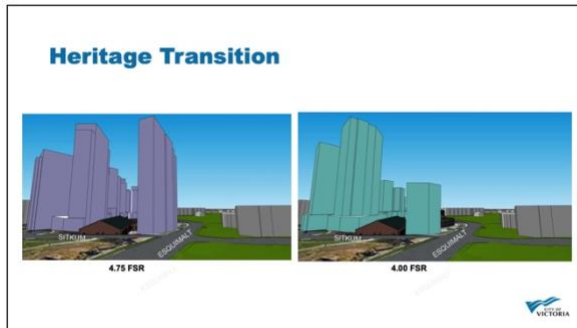
48



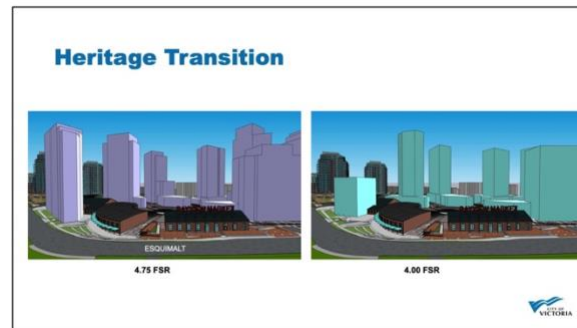
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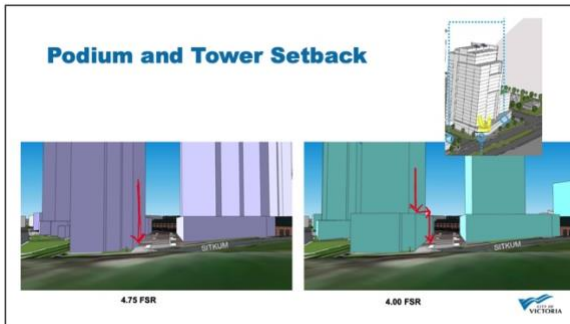
51



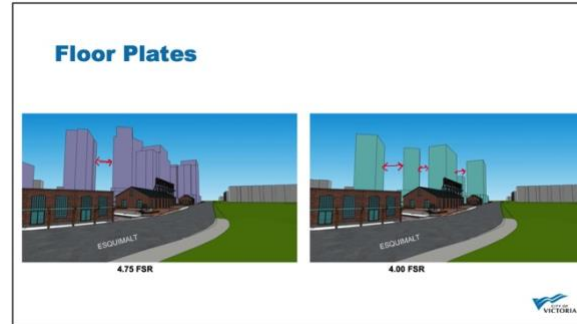
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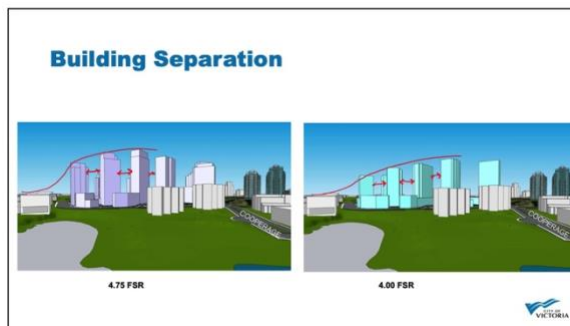
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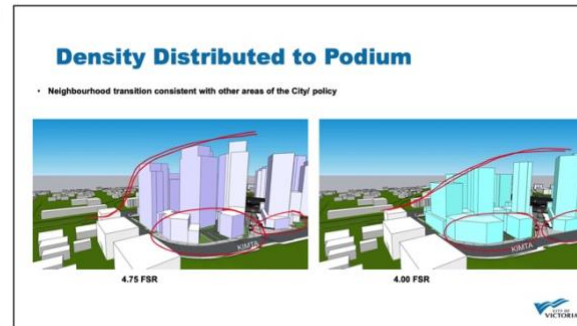
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**dated September 7, 2022** what their calculations and conclusions were in this regard on the Bayview site.

As the letter states the City of Victoria has a policy in effect concerning new development applications. Under the policy all applications for rezoning which result in a potentially larger sewage flow than the original zoning must attenuate the additional flow on-site and release to the municipal system at a rate no higher than the maximum possible peak flow with the original zoning designation. The revised zoning to the Roundhouse site would potentially result in an increased density, and as such, sewage attenuation had to be considered as part of the application so Stantec was retained for this role.

Here is the finesse though. The calculations of the original sewage flows (pre-development calculations) were performed by Stantec and summarized in a technical report “Roundhouse Development: Sewage Attenuation Calculations” **sent to the City of Victoria on April 10, 2012.** Using the applicable standards at the time, the 2012 report calculations estimated that the sewage Peak Dry Weather Flow (PDWF) for the site was 33.14 L/s. But that pre-development site bears almost no relation to what is proposed. The pre-development site zoning looked like that in the drawing at the end of this post.

You will see from the diagram that the site is originally divided into these zoning designations:

- M1 Zone, Limited Light Industrial. Area = 7,150 sq m
- M2 Zone, Light Industrial. Area = 20,475 sq m (plus 4,895 sq m of rail easement)
- M3 Zone, Heavy Industrial. Area = 3,270 sq m
- SRS Zone, Songhees Single Family Residential District. Area = 1,570 sq m
- Total Site Area = 37,360 sq m

Now, I do not want to oversimplify this because there are many calculations for average dry weather, population density, peaking dry weather factors, inflow and infiltration, and peaking wet weather. And that is fine. The problem is with Stantec’s assumptions, for instance:

*- “We used a 900 foot square condo size as an average size, estimated unit numbers based on this assumption, and estimated 2 People per Condo unit. This is likely a **conservative** population density estimate.”*

*- “Hotel Density: the same factor as for residential zoning was used, assuming 1 person per 450 square foot...Note that currently the area of the development designated as hotel is unknown, so the hotel areas have **conservatively** been included in the Residential flow calculations” [that is because there might be as many as three hotels we still don’t know] [emphasis added]*

Most importantly, and let me repeat this the effect of these assumptions is compounded because **the Sept 7, 2022 report is based on their earlier April 10, 2012 report.**

The 2012 report too made some assumptions which were noted to be “not...a realistic proposition” and a “scenario presented here [which] is a very unlikely one in practicality”.

Here are these quotations from the April 10, 2012 report in full:

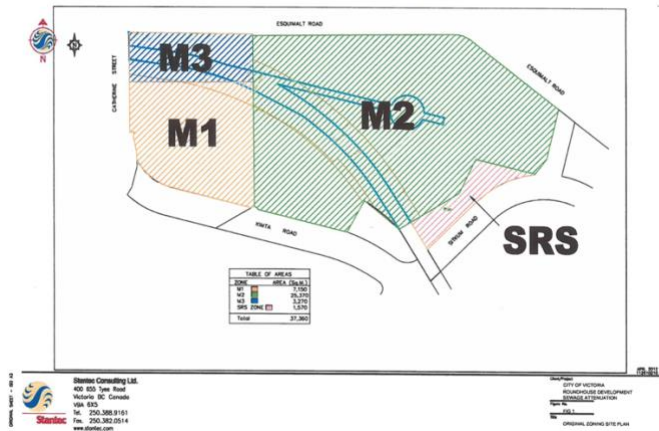
*“A potential method of calculating the potential sewage flows as per the existing zoning is by applying the allowable uses and FSR permitted in the zoning bylaw for each zoning designation. This method allows for an infinite number of potential scenarios based on what combination of the allowable uses was used to calculate the flow. **Some of these potential scenarios may not be a realistic proposition, but the zoning bylaw allows these potentially unrealistic scenarios to be built.**” [emphasis added]*

*“We calculated the flows for a given scenario in which the areas zoned M1, M2, M3 had various high sanitary use businesses on-site, such as car washes, gas stations, restaurants, manufacturing plants, dry cleaners/laundromats etc. as allowed in the zoning bylaw. Although the scenarios may not be realistic, the exercise proved that it is possible to estimate very large flows for the original zoning designation by this method, to the point where the flows as per the original zoning designation can match and exceed the post-development sewage flows. This method is typically used to calculate flows when the actual uses and the size of the non-residential units on a site are better defined. Using it in this instance, as mentioned earlier, can result in an infinite number of potential scenarios...**While it is acknowledged that the scenario presented here is a very unlikely one in practicality, it is a possibility under current applicable zoning bylaw regulations.**” [Emphasis added]*

Hence the City is being taken again to one of those fictional cleaners on the hypothetical Bayview site. You see while the Stantec reports have been presented based on the existing zoning those uses were never going to happen today. Accordingly, the rezoning is predicated on outdated assumptions and scenarios.

But, rather than having moved to update the zoning for that site, consistent with the Vic West Neighbourhood Plan and the Official Community Plan, our past City Councils have been asleep at the railroad switch there and the present Mayor and City Council are ready to let this derailment happen. That should not be allowed. What City Council should do rather than rezone for Bayview is to rezone and update the site for the realistic, practical and likely uses which we would envision for it today.

Let’s remember the City Council was elected to represent our interests not those of one developer. So it needs to take our critiques on board and show that it understands what the real limitations are with the foundations of the current proposal. In short, City Council needs to do its job. This is no time for finesse. The quotations and diagram below all taken from materials filed by the applicant with the City and viewable on the Development Tracker website for application REZ00729.



## 28. August 25, 2023 – Neighbours, developer at odds over massive scope of Victoria project VICTORIA NEWS

Petition started to oppose project in Vic West: Natasha Baldin

Arthur McInnis has written more than 30 letters to the City of Victoria voicing his opposition to the proposed Bayview Place development before it breaks ground on Vic West's historic Roundhouse site.

He is not the only one concerned about the impacts of the ambitious rezoning proposal set to come before council at a public hearing before the end of the year.

McInnis, Victor Mattu, Linda Casano, Don Gordon and Holly Olson form the core of the group People for Sensible Rezoning. They have collected more than 1,400 signatures on a petition opposing the development.

The 1,500-unit Roundhouse at Bayview Place development, proposed by Ken Mariash at Focus Equities, is a comprehensive reimagining of the 20-acre space within Catherine Street, Sitkum Road, Esquimalt Road and Kimta Road, bisected by the E&N Railway.

The project's rezoning proposal envisions nine towers ranging from 18 to 29 storeys and 76,000 square feet of commercial space, condos, hotels and 156 below-market rental units. It is the second phase of the project, with the completed Hillside development directly to the east.

While People for Sensible Rezoning has held almost all aspects of the proposal under scrutiny, they are most concerned about how the towers will negatively impact the character of Victoria's skyline and how it will overwhelm the site's history.

"It's a beautiful small city, and that doesn't mean we're small-minded or against development, but there needs to be some rough proportion to what is being done," McInnis said. "This is so

out of proportion and out of character with what the city of Victoria is, and that's at the heart of what's troubling us."

But while the opposition is gaining traction, Mariash said he is not concerned. He said he received more community backlash when the now-completed Hillside development was in its planning stages.

"It was just a war and makes this look like a conversation," Mariash said. "To get this kind of development into the minds of people here, it was hard."

The development's higher towers will surpass the 25-storey Hudson Place One in height to become what Mariash called the tallest buildings on the Island.

With so many tall buildings condensed into one square block, McInnis fears it will alter the character of the city's skyline, offering a different and "overly developed" impression of the city for those coming into the harbour.

The Roundhouse site has been recognized as being of national historic significance as a reminder of Canada's rich steam railway heritage. The site is also located in the vicinity of a historic Songhees site and was used by the Lekwungen people for thousands of years before it became industrial lands.

Mariash said he will be investing \$25 million to preserve and revitalize the historical buildings, and will be adding empty train cars in the outdoor public spaces as an outdoor museum.

But the group still fears the history contained within the one-storey historic buildings will be suffocated by adjacent skyscrapers.

"History gets pushed over all the time and especially more recently," Casano said. "We need to protect what we have. We need to celebrate our history and Canadian culture. We need to celebrate the things that brought us together, and the things that cause divisiveness as well. It's all part of respect for who we are."

Mariash has been working on the Roundhouse property since the late 1990s and claims to have revived it from the "slum" and "wrong side of the bridge" industrial area it once was. This will be the second time he's seeking rezoning approval on the site.

In 2008, a denser five-tower development was approved to break ground on the south end of the site bordering Kimta Road. But Mariash said the zoning included rigid design guidelines and restrictions that made it impossible to achieve a viable development permit.

He added development on the north end of the site adjacent to the Roundhouse buildings was always in the plan, but it was not included in the 2008 rezoning proposal and was intended to be the project's third and final phase.

The recent rezoning proposal combines phases two and three, which is why the sketches are grander than what was originally advertised, said Mariash. He added taller, slimmer buildings will allow for a less imposing building mass, more usable community spaces and more sun into the buildings.

But the group said there hasn't been enough awareness in the community about the changes to the design, and Mattu said many members of the community still believed they were getting the original five towers when he approached them with the petition.

"All we did was inform people," Mattu said. "We're not in the business of convincing people. It's about power of information and once information came, (the opposition) started to take off."

Mariash disagrees. He said he's sent out more than 8,000 invitations to meetings and presentations about the development, adding "no project has ever had as much participation and consultation."

While council voted to move the development forward at the May 4 committee of the whole meeting, councillors asked Mariash to reduce the density to a 4.4 floor space ratio instead of the 4.75 pitched in the proposal, among other requests.

Mariash said he has listened to everything council and staff have asked for. The decreased density removes approximately 400 units from the previously pitched 1,900-unit plan.

The proposal will now come before council in what is sure to be a heated public hearing as those for and against the development get the chance to voice their opinion. It marks People for Sensible Rezoning's last chance to catch the city's attention before it's too late.

"We're going to keep informing the public and see where this falls, and it's fallen," Mattu said.

"The story's picking up steam because people are finally getting informed. If people want these nine towers, then we can live with it. What we can't live with is people not being informed and this development being pushed through."



## **29. August 21, 2023 – Going overboard with development at the Inner Harbour entrance in Victoria, Focus on Victoria, People for Sensible Rezoning**

Residents of Vic West and adjacent neighbourhoods come together to urge caution in revised rezoning application for Bayview site.

THE MOVEMENT HAS BEEN BUILDING—with 700-plus signatories on a petition launched just a few weeks ago. A group of concerned petitioners—“People For Sensible Rezoning”—are taking their case to the public and pressing the newly elected City Council of Victoria to revisit the revised rezoning of Vic West’s Bayview Place proposed by Ken Mariash of Focus Equities. The revised rezoning application, submitted on January 16, 2020, goes from 5 towers, approved initially in 2008, to 9 towers. No small development, cost estimates for it run as high as \$2 billion. The proposed 9 towers would soar up to 29 stories above the Songhees shore-line cluster of 80s-designed buildings, dominating the picturesque Inner Harbour entrance for decades. But it is more than aesthetics that are at stake.

The land and the heritage buildings on site were purchased for purposes of development around 2005 by companies controlled by Ken Mariash. It was rezoned by City Council in 2008 to exceed the height and density limits then in place in return for Mr. Mariash restoring the historic Roundhouse and five other heritage buildings onsite. But rather than that happening Mr. Mariash returned to the City Council in 2020 to ask to further exceed the height and density limits. This request is now before the City Council which is consulting residents within a 200-metre radius of the site about whether there is support in this vicinity for amending the Official Community Plan (“OCP”) to permit these increases. Public hearings will come later when the Council seeks to amend its zoning bylaws to permit the increases, as well if the amendments to the OCP are approved.



In a Council meeting this year on May 4th, councillors ignored the advice of their professional city planning staff on several points including restricting the increase in density. And the mayor, Marianne Alto, reduced the community stakeholder consultation period from the usual 90 days to 60 days. At the same meeting a motion the Mayor put forward to prioritize the project over every other project before the Council was defeated in a close vote.

Each successive group of condo buyers/residents in the current three towers in Bayview Place were enticed to the area for a variety of reasons—key among them was the re-development of

the “red” railroad Roundhouse that has been declared a heritage site. It was claimed in Focus Equities marketing materials that it would be reimagined as a Granville Island-type retail facility. Now with the revised rezoning application, the Roundhouse is being overwhelmed by the towers, with no details having been provided about what will be done with the Roundhouse or who will move into the heritage buildings.

Concerned and even bewildered petitioners are disappointed with how the heritage site is being treated, but even more aggrieved by the request to squeeze almost double the number of towers onto the site.

Is this a case of “not in my neighbourhood” which afflicts many municipalities faced with changing times? No, according to Holly Olson, one of the petitioners. “We want to see progress made, but not at any cost.” Holly points out that “the project has languished for almost 20 years. While we want progress it should not be progress at any cost that might be borne by future Victoria residents.”

Here’s what is at stake, and here are some of the petitioners’ concerns:

**Increased Density**—no objection to the 5 “towers” that were approved in 2005 which even then took the density well above existing limits but going to these heights now with 9 towers is complete over-kill say the citizen-action group for such a small plot of land—just one square city block.

**Delivering**—whether this developer will see this project through is a concern. The business model of Focus Equities appears to be rezone, subdivide and resell. Dun & Bradstreet has placed Focus Equities in the “subdivision industry” and it has had success with this model, e.g. Deerfoot Meadows in Calgary. Bayview, though, seems to be testing the model. Thus, the second and third of the first three towers were only constructed after Focus Equities brought in Bosa Properties following a “multi-year hiatus” (*Victoria News*, March 16, 2011). Petitioners wonder aloud what are the risks that a hiatus like this or other problems occur again? While the City has a Master Development Agreement with the developer, it was breached once already in the early stages after the first rezoning was approved before being remedied. Not an auspicious start as one of the petitioners has remarked. The Aquara Seniors Home project which started, stopped, but now appears to have started again, is another example of a lack of continuity in the development. These concerns are there even before looking at the real risks the site poses on environmental, commercial and construction grounds.

**Heritage**—now overwhelmed and side-lined by the proposed redesign, a group of heritage-minded experts led by the City’s first full-time Heritage Senior Planner Steve Barber have written and collectively signed a letter addressed to the *Times Colonist* with their concerns for the Roundhouse. Steve Barber: “[s]adly, our city’s historic character is under assault. A rezoning proposal currently before City Council for the E & N Roundhouse in the Victoria West neighbourhood envisions 9 towers at heights ranging from 18 to 29 storeys. The scale and height of these massive towers threatens to overwhelm the modest scale of the nationally

significant E & N Roundhouse, its associated industrial heritage structures, and the Vic West neighbourhood.” The letter though has not been published or circulated by the *Times Colonist* at this point. The petitioners would like an explanation for this. The fact is there are genuine concerns over the heritage component of this project which culminated in the City’s ten-member Heritage Advisory Panel turning it down. That alone should be a red flag. It also does not square with how Victoria is promoting itself. From the City’s website: “[m]uch of Victoria’s charm and character stems from its unique and well-preserved historic buildings. Victoria’s turn-of-the-century architecture creates a sense of pride among residents and throughout the community. These heritage buildings are symbols of permanence and stability in an ever-changing world.” The point then must be to make the heritage buildings the centre of this development—not an excuse for it.

**Affordable Housing**—it now appears that any developer who is obliged or agrees to include “affordable” housing in their proposal is almost assured of being given the green light. It’s just one of those pressing issues of our time, concur petitioners. To this end Focus Equities has held out one tower of affordable housing if the Council approves the rezoning. Surely though the trade off on height and density that is being sought by the developer in exchange for this is too high according to the petitioners. There is a fear among the petitioners that any affordable housing could be an afterthought and might come too late and be too dear to be meaningful. It should be noted that since mid-2019 Council has required developments with more than 60 units to include 20 percent affordable housing in any event. At Bayview, the one tower offered in this regard falls well below that threshold.

**Pace**—petitioners are all for picking-up the pace. What worries them is that rubberstamping the revised rezoning application will not see anything move faster but the costs will likely increase especially those for construction labour and materials. Given this it must be asked whether future generations of Victoria residents, including tech-sector types whom Victoria is trying to attract, will be interested in a development like this or just be put upon to pay for that decision down the road?

**Climate Change**—there is barely any mention of how sustainable the 9 towers will be in the end. The petitioners see this as the missing link on the project. Victor Mattu has said “no one is talking about this. It’s the elephant in the room”. Victor, who lives in Songhees, knows that the increasing wind velocity we are seeing with climate change is going to turn Bayview into “just one big wind tunnel.” He wonders how enjoyable will that be for pedestrians wanting to visit the Roundhouse.

Petitioners share one thing in common. They love Victoria and want nothing more than the City to continue to maintain, benefit and further its position as Canada’s “best small city”. As Linda Casano, another petitioner, has said “and yet there is nothing small about this development, all of it is overblown, it’s just too much, way too much.”

It is suggested that Vic West could play a part as an up-and-coming affordable neighbourhood in Victoria. That what Vic West needs is an aesthetically pleasing enclave at Bayview. One that

respects heritage, has the input of today's members of the Songhees Nation, is sustainable and environmentally sound given its prior industrial use as a railyard. The petitioners are urging City Council to not recklessly turn a well-situated parcel of land near downtown into a high-rise jungle. The feeling is that if other cities want to do that good luck to them, but Victoria is held out as a place for civic-minded people of all ages and walks of life, and a place where people are attracted to live in small human-scale neighbourhoods. It is true that "villages" dot the city. As Linda Casano notes, "isn't that what is so special about Victoria." Petitioners claim it's time to bring that village mindset and a thoughtful approach to creating communities back to Vic West's Bayview... while there is still time.

### **And this comment was posted under the article**

The Bayview project has had several drawbacks and already qualifies as a missed opportunity to make a regional "architectural statement":

1. It destroyed the pedestrian-friendly, Tuscany-style original concept site plan by Architect Paul Merrick (with winding cobblestone paths and welcoming open spaces)! Instead, this design was replaced with austere, architecturally-boring, nondescript high-rises...transposable to any other urban setting on the continent.
2. It missed integrating this site with the bicyclists and pedestrians who try to walk as close to the shoreline as possible, discouraging them from wending their way through this historical site, instead of walling itself off from the surrounding communities and people.
3. It promotes no communal activities as befit the Commons situated around the Roundhouse.
4. It destroyed the sightlines of the harbour and the Olympic Mountains from along Esquimalt Road as well as destroyed the views of the condo owners directly to the north of the Bayview site. This insensitivity is very typical of developers.
5. The development has accrued sizeable financial benefits from HUGE densification increases on the site as well as a large project ROI for the much lesser cost of the development fees.
6. No serious considerations were given to mitigate the Climate Crisis or of providing "affordable" housing. Regarding the former, LEED standards are totally inadequate to deal with the exigencies and demands of dealing with the Climate Crisis. Climate mitigation considerations are not apparently being considered in the transport of toxic wastes from the Roundhouse site.
7. Inordinate delays for dragging out much of the original project schedule appear to be due to sloppy and inadequate project management practices.
8. Agglomerations of highly-concentrated high-rises (such as this project) in a Climate Crisis World require the installation of a shared geothermal heat pump facility to reduce greenhouse gas emissions.
9. Has offered a pittance, relative to the overall project cost and projected financial profitability due to substantially-increased site density, for Community Contribution Amenities.

10. Has destroyed the concept of a Community Commons and open spaces for a farmer's market, a performance and music amphitheatre, and outside artisan exhibits integrated with the Roundhouse.

In summary, the execution of this project on this unique site has been and is being very poorly carried out. Like most developers, the exercise was to cram as many high-end condos on this site as possible.

Given the architectural background of the developer, one would have expected more than another high-rise eyesore!...although the same could be said about former mayor and architect, Alan Lowe!

Apart from an inflated real estate bubble in Canada and this sector being viewed as a key economic driver, one has to wonder whether there is more going on than meets the eye in explaining why politicians are bending over backwards for unbridled land redevelopment and environmental abuse? Certain City of Victoria politicians over the decades have been unusually accommodating to this developer.

### **30. August 20, 2023 – Could Changes Proposed by the Ministry of Housing in BC be Driving the Rush to Have Bayview Approved, (Let Alone Contemplating “END TIMES”)?**

A Health Report by Statistics Canada on **“The Prevalence of Household Air Conditioning in Canada”** showing BC at the bottom of the league tables may end up forcing changes to local building and planning regulations. It could also be a reason why some may wish to rush City Council planning approval, while others see it as a reason for stopping approval.

Why? Because of the increasing understanding of the effect of heat on four heat-vulnerable populations which are defined as: (1) older adults, (2) older adults living alone, (3) older adults with at least one health condition associated with reduced thermoregulation and (4) older adults living alone and with a health condition associated with reduced thermoregulation.

This type of research appears to now be prompting the BC Ministry of Housing into making changes. **“A housing ministry spokesperson said the province is proposing all new homes provide one living space that is designed not exceed 26 C – through elements like insulation, solar reflectivity or using cooling devices.”** (*Victoria News*, 19 July, 2023).

Suggestions as to how more extreme heat should be managed in Canada have been given following research in 2022 by the University of Waterloo’s Intact Centre on Climate Adoption, **“Irreversible Extreme Heat: Protecting Canadians and Communities from a Lethal Future.”**

There are a range of measures indicated for individuals, property owners and communities in the Report. For example, use green infrastructure: plant and maintain trees, expand vegetation

cover and absorb water to keep gardens and balconies cooler, install a green (vegetated) roof, and grow a green (vegetated) façade.

To improve buildings move to grey infrastructure: enhance insulation and airtightness, install cool (reflective) roof / wall / paving surfaces, use concrete, brick, stone and tile finishes that absorb heat, install windows that reduce heat gain from the sun, install shading devices (shutters, awnings, overhangs, blinds, heat-resistant curtains), install temperature and humidity monitors or controls, use ceiling / portable fan(s), install and maintain air conditioning / heat pump, install and maintain backup power generation (e.g. to maintain air conditioning in designated 'cool' rooms), and arrange for backup water supply during power outages (pumped water supply cannot function properly without power).

Excuse me but where is this addressed in the current application? It appears to be missing and no one today should expect grandfathering with current building and planning regulations that do not contemplate what is coming.

Of particular salience for Bayview is that part of the Waterloo Report that pertains to **“Urban Heat Islands”**. You see, Bayview will be its own mini-heat island. Here are just two factors and their descriptions that the Waterloo Report states regarding heat islands:

**“Replacement of natural ‘green’ infrastructure with man-made ‘grey’ infrastructure (factor):**

Trees, vegetation and water bodies (rivers, lakes and ponds) tend to cool the surrounding air and surfaces by providing shade, transpiring water from their leaves, and by evaporation. Man-made surfaces—such as roofs, sidewalks, roads, buildings, and parking lots— provide less shade and evaporate less moisture than natural landscapes. Man-made materials also tend to absorb, and later emit, more of the sun’s heat than natural surfaces” (description).

**“Urban geometry (factor):**

The sizes and spacing of buildings in a city influence the flow of wind, and its ability to absorb and release solar energy. In heavily developed areas, the surfaces and structures of buildings that are near each other become large thermal masses that cannot readily release their heat. Cities with many narrow streets and tall buildings also create urban canyons, which can block the natural flow of wind that would cool the area (description).”

Here is my point. Climate, and what we will have to do to mitigate its worst effects, not just its effects on heat-vulnerable populations but everyone, is one more good reason for **No Rush To**

**Judgment on Bayview.** The City needs to take a moment and look at all of the implications of approving this project as there is too much at stake. On Sunday, 23 August 2023, when fires blanket the province, evacuation orders for Yellowknife and West Kelowna are in effect, Lahaina is in ruins, and Typhoon/Tropical Storm Hillary is bearing down on California - **we need a timeout. Bayview is now officially wrong for the times.** The City Council needs to step up and

be honest about what Vic West needs today, what Victoria needs today, what the province needs today, and what the world needs today. It is most certainly not 9 towers at Bayview.

<https://www150.statcan.gc.ca/.../article/00002-eng.htm>

[https://www.intactcentreclimateadaptation.ca/.../UoW\\_ICCA...](https://www.intactcentreclimateadaptation.ca/.../UoW_ICCA...)

### **31. August 15, 2023 – Trust**

At the heart of our community's progress lies trust. Over a decade ago, our beloved City of Victoria placed its faith in Focus Equities, led by Ken Mariash, believing in a vision for Bayview Place. The city, recognizing the potential of the historic Roundhouse properties, relaxed height restrictions, allowing Mr. Mariash the opportunity to erect monumental towers. This was not a gesture given lightly but a symbiotic agreement, with the expectation of seeing the Roundhouse properties reborn. Yet, here we stand, years later, with the same developer knocking on the city's door, not with results, but with requests. Requests to amend bylaws, to add not one but several more towers to the already approved blueprint. Such actions not only violate the sanctity of the Master Development Agreement but erode the very foundation of trust. This isn't about mere buildings; it's about principles, promises, and the soul of our community. We must oppose this rezoning, not just for the past agreements but for the integrity of all future promises.

### **32. August 1, 2023 – What's behind the 'Donation' by Focus Equities?**

A recent story in the Times Colonist dated 29 July was titled 'Roundhouse developers donate \$15M property for affordable housing'. So what gives.

#### **Here are four reasons why Ken Mariash may be donating this land:**

1. He is trying to set a benchmark value for the other plots which he might sell if he can persuade City Council to green light his development.
2. He is trying to generate some good will with City Council; Mariash knows there is considerable opposition to his plan.
3. He wants to donate the plot which could attract some of the most vocal opposition as it has the most interesting features on the site; namely the rock outcrop at the intersection of Catherine and Esquimalt Streets.
4. He has no alternative. He was called on the qualifications he included in one of his last or recently amended rezoning applications. That is, it became clear that a project which was being sold to the public at least in part on the basis of its affordable housing was only in the application *qualifiedly*. Last December the rezoning application held out the addition of some 250 affordable units of housing. However, it came with a very big asterisk. The asterisked caveat read as follows:

*\*"Affordable housing site and development parcel. The proposed affordable housing development is subject to future design and development permit approvals by a nonprofit affordable housing developer and operator to a maximum of the values and criteria identified in this proposed zoning"*

**What did this mean in practice?** It meant according to Mariash's own application that there was no definitive obligation for him to provide the affordable housing **unless** another developer stepped up with design and development, approvals were given, the developer had to be a non-profit, who was also either an operator or along with a separate operator who was willing to take it forward.

**The question to be asked is whether we were ever going to see this absent a spotlight being shone on it?** This very point was made by me in a submission to City Council near the time when I wrote:

*You see this was a very big 'if'. Given the importance of this the proponent should come to the table with a developer cum operator in hand, not simply hold out that it will come down the road. In fact, why should such developer come as envisaged? From a commercial point of view this may be one of the most unattractive aspects of the development and hence the most difficult to interest third parties to take over and assume responsibility therefor. If the City drove this project as a Public Private Partnership details of such a developer/operator would all but be mandated. In short, there is simply no way that this big an out should be given to the proponent with regard to this application. Further, while described here as a very big 'if'; strictly speaking, this is a 'subject clause'. Subject clauses are used when an exception is set out. Hence the rezoning application states what will be done including the construction of affordable housing but it is **subject to** this exception; e.g. only if there is a qualified willing third party or third parties who take it up and approval is given for it.*

*It should be noted that no such exception is set out with regard to the other parts of the application. This is because the proponent must be reasonably confident that those other commercial parts in the rezoning application can be sold, and that those parts will attract the interest of other parties. It is presumably on that basis that the proponent is incurring costs from not only his original application but all subsequent reapplications over a very long period of time. This development is not being undertaken as a charitable endeavour for the City of Victoria but as part of a deliberate and carefully honed commercial plan. Sometimes confidence in such plans though can be misplaced as it appears to have been with the sale of part of phase I of Bayview Place to Elements for the Aquara seniors complex and which now appears to be abandoned...*

**In sum, look at what's really going on here.** Donating land and creating the opportunity for another developer to add some 'affordable housing', when more than 90% of the rest of the housing proposed for the site – some 2000 units – will be sold at market commercial rates



should be seen for what it is. The Bayview project is simply too big for the site, and too much to take.

Postscript - Let me also be the first to comment on this 366 days after it was first posted here. In fairness to the proponent a partner on this site has been found; namely BC Housing and their involvement is being touted. Well done. Touting and delivering though are two different things and I wait to be fully convinced that this will happen. After 15 years though there is no reason why this could not have been put in place sooner and I stand by the reasons noted above for why I believe it was done at all. Secondly, the seniors care home site now appears to be active again. Maybe this had something to do with Focus Equities or maybe it had nothing to do with them. The point to take is the first attempt to deliver on the construction of the home fell through after the property was sold by Focus Equities. That should not have happened and calls into question the whole business model being used to push development on Bayview. All of this behooves the City to look more carefully at what is really going on here and what is being given up in exchange for possibilities. If there are any teachers out there write the City and tell them to do their homework.

### **33. July 23, 2023 – The Times Colonist still at It, and 'affordable' housing**

The Times Colonist not publishing letters to the Editor critiquing Bayview has a history at least according to Leslie Campbell who wrote in **Focus on Victoria** on June 12, 2020, following the so-called Global Issues Dialogue (covered here in a post that is dated January 12, 2022):

*(Perhaps unsurprisingly, the T-C didn't publish Chaland and Kitzul's op-ed. The T-C's before and after coverage of the Mariashes' forum, along with three pages of puff pieces on the Mariashes last November, and a recent op-ed by Mariash, not to mention the big golf tournament the paper and Bayview jointly sponsor, all testify to the cozy relationship Mariash enjoys with the city's daily.)*

Campbell, drawing on research that Chaland referred to by John Rose, an instructor in the department of geography and environment at Kwantlen Polytechnic University, wrote: *Rose's research paper "The Housing Supply Myth" seems hard to refute. Rose reviewed the rate at which housing cost increased between 2001 and 2016, alongside how wages increased. He did this for 33 cities across Canada, using Statistics Canada data. He found that in most cities during those years, the rate at which housing costs increased was never more than double the rate of wage increases—a situation that would still degrade affordability. But Victoria's housing increases were almost three times those of wages. In Vancouver they were six times more. More number-crunching around building volumes allowed Rose to conclude: "the expensive markets are providing not only enough units to satisfy growth in the number of households between 2001 and 2016, but to also provide (in absolute terms) surplus units to the market at rates comparable to (indeed, slightly higher than) less expensive markets."*

*He continued: "In all of the seven 'severely unaffordable' markets where housing affordability degraded most significantly between 2001 and 2016, the relative amount of surplus dwellings,*

*as a percentage share of total dwellings, increased in number.” Or, as he put it in a Globe and Mail interview, “Here [in Vancouver] we’ve had more than enough supply and yet the housing costs have gone crazy.” The same is true of Victoria. Here, as Chaland told the luncheon audience, over the past 15 years, for every 100 new residents, 113 new units of housing have been added.*

This is the point that I take from Campbell’s article and how we should really look at Bayview I and II. The total site area is some 20 acres. Focus Equities has developed three towers since it acquired the site in 2005. It took some 13 years to complete those three towers and none of them were “affordable”. An additional 9.2 acres has sat undeveloped now for almost 20 years.

Honestly, what would have helped address affordability would have been for Focus Equities to have moved faster on the first three towers, then started and constructed the remainder of the towers which it gained zoning approval for in 2008. However, it chose not to and thus it owns that decision. That said, and much to the surprise and chagrin of Focus Equities and other developers for that matter, in the meantime (around mid 2019), the City of Victoria mandated a 20% affordable rental housing requirement for projects with more than 60 units as part of the so-called inclusionary housing policy. At the time it was bitterly criticised by developers: *In fact, the city’s new housing policy will more likely result in less affordable housing being built, said Chard, whose projects include Yello on Yates, Escher on Broughton, Corazon at 732 Cormorant St. and The 834 on Johnson Street.*

*‘A requirement of 20 per cent affordable housing will not push developers to build more rental. It will simply send a loud and clear message to developers that they are not welcome in the city and it will push them to other municipalities, Chard said.*

*A city-commissioned analysis by Vancouver-based Coriolis Consulting agreed, noting a policy requiring 10 per cent of units be affordable rental was all the Victoria market would bear. Anything more would make projects not viable for developers and discourage them from applying to rezone properties, the analysis said.” Times Colonist, 29 June 2019*

Here we are with developers including Focus Equities who have been sitting on land they have owned for decades being caught with this change and for that matter the provincial speculation tax. How may Focus Equities be trying to offset it? Perhaps with outlandish height and density concessions. Still, even with what Focus Equities is offering, it seems to fall far short of what it is supposed to be providing under the current policy for developments of this size.

So, when we keep hearing about the donation of land by Focus Equities to the City let’s remember the whole picture before getting carried away, believing this to be some magnanimous philanthropic act which justifies the City Council devastating the real value of that site – the historic Roundhouse and 5 other heritage buildings.

**34. July 22, 2023 – Here is the letter of Steve Barber and others that the Times Colonist has not been willing to publish, July 22, 2023**

*“Much of Victoria's charm and character stems from its unique and well-preserved historic buildings. Victoria's turn-of-the-century architecture creates a sense of pride among residents and throughout the community. These heritage buildings are symbols of permanence and stability in an ever-changing world.”* (City of Victoria website)

Sadly, our city's historic character is under assault. A rezoning proposal currently before City Council for the E & N Roundhouse in the Victoria West neighbourhood envisions 9 towers at heights ranging from 10 to 32 storeys. The scale and height of these massive towers threatens to overwhelm the modest scale of the nationally significant E & N Roundhouse, its associated industrial heritage structures, and the Vic West neighbourhood. The original master plan for this site does contain some exciting ideas to rejuvenate these heritage structures through adaptive re-use, and we support these concepts. However, the current application far exceeds what is appropriate for conservation and redevelopment of a relatively small parcel of land.

Further, the new proposal does not comply with either the Official Community Plan or the Vic West Neighbourhood Plan. Despite the lack of compliance with these plans, most City Councillors seem inclined to advance this proposal at the enormous density proposed. Planning staff have stated *“The proposed density, which is more than double the currently approved 2.0:1 FSR (Floor Space Ratio), represents a significant amount of new building mass which is challenging to fit on the site in a comfortable manner.”*

We need to remember that this site has been recognized as being of national historic significance as, according to the description from Parks Canada: *This imposing brick roundhouse is a particularly fine example of an industrial structure associated with the steam railway era in Canada. This site is an important reminder of Canada's rich railway heritage. The Esquimalt and Nanaimo roundhouse complex is the most intact facility associated with the servicing of steam locomotives in western Canada.* Planning staff have identified the threat in their report as follows: *Concerns exist around the scale of the tall towers and large podiums adjacent to the heritage structures, which may feel out of scale with the one storey historic buildings and **could detract and overwhelm the historic site.***

According to Parks Canada, commemorative integrity describes the health and wholeness of a national historic site. *A national historic site possesses commemorative integrity:*

- *when the resources that relate to the reasons for designation of the national historic site or symbolize or represent its importance **are not impaired or under threat,***
- *when the reasons for the site's national historic significance are effectively communicated to the public, and*
- *when the site's heritage values including those not related to national significance are respected by all whose decisions or actions affect the site.*

This rezoning proposal clearly threatens the commemorative integrity of this site of national heritage significance. A 29-storey tower and a 10-storey tower adjacent to a one storey historic building completely overpowers the modest scale and character of this historic place. We certainly recognize the need for additional housing, and we do support the scaled-down version of this project. In addition, we note that Victoria does already have several new developments built at a modest scale in keeping with historic character, including the Selkirk Waterfront, Dockside Green, Capital Park and The Railyards. There are numerous underdeveloped sites such as the parking lots along north Douglas Street which could accommodate more housing for Victoria. Visitors from around the world come to Victoria due to its historic charm and character, and its modest scale. It may not last much longer. Perhaps the visitors won't either.

**WE, the undersigned urge City Council to reject this massive redevelopment which is not in keeping with the modest scale and historic character of Victoria.**

**Signed:**

- Steve Barber, former Senior Heritage Planner, City of Victoria
- Michael J. Prince, Lansdowne Professor of Social Policy
- John R. Basey KC, former Director of Planning & City Solicitor, Victoria
- Wendy Zink, former Manager of Social Planning & Housing, Retired
- Martin Segger, Director, Government & Community Relations, University of Victoria, Retired
- Jim Kerr, AIBC Architect
- Ray Hunt, AIBC Architect, Retired
- John Keay, AIBC Architect
- Jennifer Nell Barr, Executive Director, Victoria Heritage Foundation, Retired
- Ian Sutherland, Heritage Building Developer
- Christopher Gower, AIBC Architect
- Pamela Madoff, City Councillor, Retired
- Michael Elcock, former CEO, Tourism Victoria
- John Dam, B.A.Sc., M.Sc., P.Eng., CAHP
- Marilyn Palmer, Architect
- Marilyn Bowering, Author

**35. July 9, 2023 – Cover Letter to the Mayor and Councillors with past submissions**

Dear Mayor Alto and Councillors Caradonna, Kim, Dell, Loughton, Thompson, Coleman, Hammond and Gardiner,

I last wrote to you with my compendium of submissions in November 2022. Since that time, I have expanded on my critique of your rezoning and thus I wished to consolidate those more recent submissions with the earlier submissions in one document. As with my original submissions they are set out in reverse chronological order hence the oldest to the newest.

They may be read against the applicant's submissions as at the times they were made or are dated. It asks too much that every change in the application be addressed in real time. In my submission the pace at which these changes were made by the applicant was deliberate and would have led to confusion by members of the public.

I submit that there is substance to my submissions and many of them have neither been addressed by the applicant nor the City in meeting or through your staff's Report for the COTW meeting on May 4. This, then, with the haste that was shown at the May 4 meeting; namely the Mayor's abridgment of the period for consultation (notwithstanding being informed how this would impact replies from stakeholders), the voted-down motion and attempt by the Mayor to prioritise this project over every other project before the City, and Council's rejection of the staff recommendation on density, suggests an almost recklessness in terms of how you are handling this.

Further, when this is coupled with your apparent ignoring of the Heritage Advisory Panel's recommendation that the application "does not sufficiently meet the applicable design guidelines and policies and should be declined," I am left to wonder what is going on. Given all of this and at the risk of losing public support for your stewardship I urge more careful deliberation and caution with respect to your future consideration of this application.

**Brief description of opposition (mostly submissions to the Mayor and Council) and their respective dates and pages are as follows:**

1. 15 November 2021 - Flyer mailed and distributed headed "Stop the Rezoning at Bayview Place Enforce the Master Development Agreement between the City of Victoria ('City') and Focus Equities/a Mariash Company". Page 4.
2. 15 November 2021 - Due Diligence is Required Before Rezoning. Pages 5 – 6.
3. 15 November 2021 – Bayview Place: The Proposed Rezoning Contradicts Much of the City of Victoria's Official Community Plan. Pages 7 – 9.
4. 28 November 2021 – The Rezoning Application – Questions and Comments from a Layman. Pages 10 – 12.
5. 6 December 2021 - Resolution of the Architectural Institute of BC on Illegal Practice of Kenneth William Mariash Sr and Patricia Mariash. Page 13.
6. 19 December 2021 - Responding to the Amended Rezoning Application filed on 7 December 2021 – Part I. Pages 14 – 17.
7. 26 December 2021 - Responding to the Amended Rezoning Application filed on 7 December 2021 – Part II. Pages 18 – 20.
8. 29 December 2021 - Responding to the Amended Rezoning Application filed on 7 December 2021 – Part IIA. Pages 21 – 22.  
1 January 2022 - Responding to the Amended Rezoning Application filed on 7 December 2021 – Part III. Pages 23 – 25.
9. 6 January 2022 - Aquara – Is this the Fate that will Befall Bayview Place? Pages 26 – 27.
10. 12 January 2022 - The Speculation Tax and Focus Equities. Pages 28 – 29.
11. 23 January 2022 - A Critique of the Design Strategies in Point Form. Pages 30 – 32.

12. 6 February 2022 - Focus Equities was in Breach of the Roundhouse Master Development Agreement. Page 33.
13. 23 February 2022 - Beware Taking Things at Face Value. Page 34.
14. 23 February 2022 - Comments on Ken Mariash Interview on CHEK News. Pages 35 – 39.
15. 25 February 2022 - Capital Park – A Model for what Bayview Could Be. Pages 40 – 42.
16. 6 March 2022 - Some Legal Considerations. Pages 43 – 46.
17. 10 March 2022 - Density and Vic West Neighbourhood Plan. Pages 47 – 48.
18. 13 March 2022 - *G.S.R. Capital Group Inc. v. White Rock (City)* 2022 BCCA. Pages 49 – 50.
19. 1 August 2022 - What's Behind the 'Donation' by Ken Mariash? Pages 51 – 52.
20. 10 September 2022 - The Last City Council Did Not Consider the Application Despite Haste of the Applicant. Page 53.
21. 11 September 2022 - Public Opposition – Is There Public Housing or Just the Prospect of It? Page 54.
22. 19 September 2022 - Here is How Bayview Place will Really Look and the Site at Present From Google Earth. Pages 55 – 56.
23. 19 September 2022 – 9 Bayview Place Towers. Pages 57.
24. 22 September 2022 - Here is How the Project Grew Beyond All Bounds Between 20 and 2022. Page 58.
25. 4 November 2022 – Jonathan Tinney Replaces Patrick Cotter as New Application Contact. Page 59.
26. 17 February 2023 – Back to the Future. Pages 60 – 61.
27. 28 February 2023 – More Answers are Needed. Pages 62 – 63.
28. 18 March 2023 – 'The Vision Continues for Vic West'. Pages 64 – 65.
29. 26 March 2023 - Frequently Asked (though not yet suitably answered) Questions. Pages 66 – 68.
30. 6 May 2023 - Disappointing City Council COTW Meeting. Pages 69 – 70.
31. 21 May 2023 - The Colliers Report. Pages 71 – 74.
32. 10 June 2023 - Diagrammatic or Dramatic. Pages 75 – 76.
33. 11 June 2023 – Coriolis. Pages 77 – 78.
34. 14 June 2023 – “Its Your Neighbourhood”, notice of consultation period from City on amendment to the Official Community Plan and Comment. Page 79.
35. 18 June 2023 – Our first notice to neighbours on the same consultation period and project drawing. Pages 80 – 81.
36. 26 June 2023 - You have a right to call a meeting of your Strata Council. Page 82.
37. 28 June 2023 – The experts do not like this application either and want changes. Pages 83 – 84.
38. 1 July 2023 - Our second notice to neighbours and residents, drawing and sample petition. Pages 85 – 88.

Sincerely,



Alexander, PhD



### **36. July 4, 2023 – You Are Not Alone. The Experts Do Not Like This Application Either And Want Changes**

#### **Sustainability**

*“The applicant has identified the remediation of the contaminated brownfield site as the main sustainability feature. Additional and more specific features would be introduced as individual phases are developed and would be described in more detail with Development Permit Applications.”*

- Page 26 of Report of Karen Hoesle, Director, Sustainable Planning and Community Development dated April 20, 2023 presented to the Committee of the Whole on May 4, 2023, (the ‘City of Victoria Planning Staff Report’ on the rezoning application)

Sure, don’t worry we’ll come to the sustainability part of this later. That is it. As to the remediation it now appears to be all ‘dig and bury’ with none of the contaminated soil to be trucked and disposed of at facilities designed for that use. Hence materials are dug up on one part of the site and buried on another part of the site.

#### **Heritage**

Here is what the Heritage Advisory Panel Review said about this project:

*“The application was reviewed by the Heritage Advisory Panel (HAPL) on May 17, 2021. At that meeting, the following motion was passed:*

*That the Heritage Advisory Panel recommend to Council that Rezoning Application No. 00729 and Official Community Plan Amendment for 355 Catherine Street, 45 Saghalie Road, 251-259 Esquimalt Road & 200-210 Kimta Road does not sufficiently meet the applicable design guidelines and polices and should be declined....”*

- Page 28, City of Victoria Planning Staff Report, April 20, 2023



There were suggestions that the HAPL gave which could ameliorate this but so far, according to the City of Victoria Planning Staff Report:

*“...there are still challenges as noted in HAPL’s comments above, which would be discussed further as part of ongoing discussions between the applicant and staff.”*

- Page 28, City of Victoria Planning Staff Report, April 20, 2023

So the experts of heritage turn this down and ask for more changes but and the City continues full speed ahead without requiring the applicant to address all of HAPL’s comments. What are the chances they are ever going to be addressed? Slim and none.

## Density

*“The proposal exceeds the density of 2.5:1 which is envisioned in the Official Community Plan, 2012 (OCP) Core Songhees Urban Place Designation, and at 4.75 FSR would be inconsistent with the OCP’s placemaking and urban design policies...”*

- Page 4, City of Victoria Planning Staff Report, April 20, 2023

*“The proposal is inconsistent with the envisioned height and density of 16 to 23 storeys and 2.5 FSR found in the Victoria West Neighbourhood Plan.”*

- Page 14, City of Victoria Planning Staff Report, April 20, 2023.

And most damning....

**“The proposals at 4.75 FSR appears inconsistent with achieving high quality architecture and urban design in a way that ensures adequate protection for the E & N transportation corridor, respects the heritage precinct and overall OCP policies geared towards positive placemaking.”**

- Page 12 City of Victoria Planning Staff Report, April 20, 2023.

Once again the City Planning Staff say “too dense” in effect and the City rolls right over them. Is this the way ‘responsible’ development should take place.

You are not alone. Real people also disagree with the rezoning application at Bayview Place and want changes.

**Email Mike Angrove, Senior Planner, City of Victoria and tell him about your concerns at this email address:**

**[developmentsservices@victoria.ca](mailto:developmentsservices@victoria.ca)**

## 37. July 1, 2023 – Second Notice to Neighbours on Petition

Our second notice to neighbours and residents, drawing and sample petition



Dear Victoria residents and visitors – this is what is coming to our city’s beautiful, unique, world-renowned waterfront unless Focus Equities’ current AMENDED proposal to rezone the Bayview Place property is stopped. The deadline to oppose the rezoning application is August 4th. The time to act is NOW. Below is a diagram of what is proposed. The original drawing is shown at p 164 of the COTW meeting of City Council on May 4, 2023 included in the Final Submission of the applicant for rezoning. Above that are two diagrams. The diagram on the left below was submitted and approved by the City in 2008. The diagram on the right below is the AMENDED proposal now before the City. They appear at p 42 of the submission of the applicant in the filing before the City. Not only has the number of buildings being proposed almost doubled (from 5 buildings to 9 buildings, including up to 3 hotels!), but:

- It more than doubles the current zoning density for the area
- It contradicts the first amended rezoning from 15+ years ago drastically, which Focus Equities sought and had approved by the City in exchange for agreeing to refurbish the Roundhouse and heritage properties *which has yet to happen*
- It offends the Victoria West Neighbourhood Plan. The Songhees pathway, roads and parks will be overrun with people, pets & vehicles if the current number of buildings & hotels are approved
- The views from tourists and people arriving via the harbour will look like any overly-developed large city waterfront; this is not what people come to Victoria to see or experience
- It will totally overshadow and diminish the Roundhouse and heritage properties
- Artist illustrations show that the spectacular views and seasonal daylight currently enjoyed by residents to the west, north and east of the rezoned development, including those who invested in the existing Bayview buildings, would be ruined by the structures and shadows cast year round
- Voting, tax-paying residents of Victoria have been expressing significant concerns and opposition to this project for the last couple of years
- There is a lack of information about how retail fits into the development
- The City of Victoria has not carried out a due diligence exercise with respect to the developer itself or with respect to numerous impacts on traffic, waste disposal, wind effects, access to schools, day care availability, parking, or the demands on medical services, etc.
- If you share our concerns about this project, please consider taking the following actions:

✓ **PRINT AND SIGN A PAPER PETITION** which will be posted in the first comment below and then email as per contacts below. Note this is an abridged petition which does not repeat the reasons set out above

✓ **SIGN THE ONLINE PETITION** already created and found at <https://www.change.org/p/stop-victoria-city-council-from-approving-rezoning-on-the-bayview-project>✓✓

✓ Host a meeting at your building to coordinate the distribution of this letter or the notification of your neighbours. **Organise those meetings now and if you want speakers who can attend let us know**

✓ If you're not on Facebook for further information about this project and/or to be notified about upcoming events please contact: Victor at [vbayvwest@gmail.com](mailto:vbayvwest@gmail.com) or Wayne at [wwybay4@gmail.com](mailto:wwybay4@gmail.com)

**Residents' Petition July, 2023**

**Attn: City of Victoria Planning Department, Victoria Mayor & Councillors**

***Re: Rezoning Application for the Roundhouse Development Site at Bayview Place - REZ00729 # 251 - # 259 Esquimalt Road, 45 Saghalie Road, 355 Catherine Street and #200 - #210 Kimta Road.***

We, the undersigned, wish to express our strong opposition to the current Rezoning Application for the Roundhouse Development Site at Bayview Place - REZ00729 # 251 - # 259 Esquimalt Road, 45 Saghalie Road, 355 Catherine Street and #200 - #210 Kimta Road.

As voting, tax paying residents of Victoria in general, our primary reasons for opposing the project as it is currently proposed are as follows:

- It more than doubles the current zoning density for the area
- The current proposal is 9 buildings (3 which may be hotels) now instead of the prior approved 5 buildings!
- It contradicts the first amended rezoning from 15+ years ago drastically, which Focus Equities sought and had approved by the City in exchange for agreeing to refurbish the Roundhouse and heritage properties *which has yet to happen*
- It offends the Victoria West Neighbourhood Plan. The Songhees pathway, roads and parks will be overrun with people, pets & vehicles if the current number of buildings/hotels are approved
- The views from tourists and people arriving via the harbour will look like the Vancouver waterfront; this is not what people come to Victoria to see or enjoy
- It will overshadow and diminish the Roundhouse and heritage properties. The Heritage Advisory Panel voted against the proposal

- Voting, tax-paying residents of Victoria have been expressing significant concerns and opposition to this project for the last couple of years
- The City Council rejected the advice of City Planning Staff to reduce the density
- The site contamination and remediation plan is unclear
- There are no guarantees the retail held out for the Roundhouse will be successful even if all the buildings are built (per Collier Strategy and Consulting)
- The City of Victoria has not carried out a due diligence exercise with respect to the developer

We, the undersigned, **urge the City to deny the current rezoning application as it stands and insist that the application returns to the originally approved plan.** Please protect the upstanding, voting, tax paying citizens by honouring your role as public servants and protecting the Vic West community from becoming overly congested. Thank you.

DATE	NAME PRINTED	SIGNATURE	UNIT No. ADDRESS	PHONE No. EMAIL

### 38. June 26, 2023 – You Have the Right to Call a Meeting of Your Strata

Section 31.1 of the BC Strata Property Act, Statutes of BC, 1998, Chapter 43 provides:

#### ***Request for council hearing***

***"34.1 (1) By application in writing stating the reason for the request, an owner or tenant may request a hearing at a council meeting.***

***(2) If a hearing is requested under subsection (1), the council must hold a council meeting to hear the applicant within 4 weeks after the request.***

***(3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week after the hearing."***

Therefore, if you live in a strata, you have the right to call a meeting and I would submit to discuss Bayview II. Pursuant to section 3:

***"...the strata corporation is responsible for managing and maintaining the common property and common assets of the strata corporation for the benefit of the owners."***

It seems unarguable that the proposed rezoning will affect the value of your "common property and common assets" which your strata's have a duty to manage and maintain. To

my knowledge some strata's (e.g. Encore) seem to have taken the position that this is not within their jurisdiction. I disagree. Given the stakes it would seem that no reasonable strata would fail to respond to a request to discuss or to facilitate discussions of a matter of this magnitude and potential gravity.

**Therefore, for those of you who regularly visit this Discussion Group I would suggest you request a meeting of your strata to discuss this development with others in attendance, or request your strata's to facilitate a meeting of owners/tenants to discuss it. Given the strata's control the communications at a minimum they should not stand in the way of public consultation.**

Please do not assume that others will oppose this on your behalf. In my view everyone affected by this project needs to understand what it means for them. One way to come by this understanding is to meet, discuss and voice your views on it. Any input derived from such meetings – formal or informal - would be among the most important factors in influencing how Council deals with the application: either rejecting it, approving it as currently proposed, or approving it with further changes.

I believe the Council is now a hostage to fortune. It approved the original rezoning and then allowed the project to remain in abeyance for 15+ years. There were no guarantees that it would go forward or that the applicant would not return and ask for more in exchange for what was originally agreed and as has now happened.

Hearing your views on this and the current proposal could provide a much-needed reality check for the Council.

**39. June 18, 2023 - What a Notice on Proposed Amendments should look like - NEIGHBOURS – below is a drawing of what is coming to Bayview unless the current proposal of Focus Equities to rezone is stopped.**

**Take a good look. Have you even seen this...certainly not on the site hoarding? Is this what you want on the Roundhouse site? There are countless reasons for opposing it and here are some of them:**

- It contradicts the original rezoning
- It contradicts the first amended rezoning from 15+ years ago which Focus Equities sought and had approved by the City in exchange for agreeing to refurbish the Roundhouse and heritage properties but it didn't happen
- It contradicts the terms of the original Master Development Agreement between the City and Focus Equities
- It contradicts the advice of City Council staff who recently recommended a density (FSR) of 4.0:1
- It offends the Victoria West Neighbourhood Plan

- It is missing a Cultural Centre which was held out and was to be designed by Frank Gehry
- The costs to date and likely sale price of the property to another developer will be added to the overall costs of housing built on the site thus reducing affordability
- It more than doubles the current zoning density
- It is 9 buildings now instead of the prior approved 5 buildings with up to 3 possibly being hotels (DA2, DA4, DA5)
- It is out of place with the neighbourhood and what development should be in 2023
- It overshadows and diminishes the Roundhouse and heritage properties
- Approval would be contrary to significant opposition to the project
- There are no guarantees the retail held out for the Roundhouse will be successful (per Colliers Strategy and Consulting Group)
- The costs of this project are opaque
- Specifics as to the costs and means of remediating the contaminants on site are lacking
- The City of Victoria has not carried out a due diligence exercise with respect to the developer or allowed for the want of such exercise
- The affordable housing may or may not be built depending upon other factors outside the City's control
- Shadows will be significant
- Views inward on the site will be limited
- Traffic will be impacted and
- Many people will be shocked by its true scale if built

Here is what I suggest and that is if you have concerns about this project then organise. Start with regular visitors to this Discussion Group. Circulate this summary and call a meeting of your strata to discuss it. Publicize the meeting. I have been asked for advice on this and some strata's are stirring. Despite the odds lengthening on stopping this it is still possible if the City feels some heat. The City has opened itself up to criticism now that it has rejected the advice of its own staff on density. This gives them some exposure on this now and they know it.



\*Original drawing from p 164 of the COTW meeting of City Council on May 4, 2023 included in the Final Submission of the applicant for rezoning and available on the City Council website.

## 40. June 14, 2023 – City of Victoria Notice on Proposed Amendments to the OCP

### It's Your Neighbourhood

June 6, 2023

The City of Victoria is seeking your input on the proposed Official Community Plan amendment for **251 Esquimalt Road, 355 Catherine Street and 200 Kimta Road**. The proposal is for a phased mixed-use development consisting of nine towers with podiums, rehabilitation of the heritage structures buildings and securing new amenities including various public plazas. A related application to amend the City's Zoning Regulation Bylaw No. 80-159 has also been received, and public input concerning the proposed rezoning will be sought at a later time through a public hearing process.

The *Official Community Plan* (OCP, 2012) currently identifies the properties within the Core Songhees urban place designation, which contemplates buildings up to 22 storeys with floor space ratios up to approximately 2.5:1 and uses including multi-unit residential, commercial and visitor accommodation. The current design guidelines applicable to the property are the *Roundhouse Design Guidelines*.

The City is considering an application to amend the OCP Bylaw by increasing the envisioned height and density for these properties, and to replace the existing design guidelines with a new set of design guidelines. The proposal is consistent with many of the broad objectives in the OCP and advances a number of strategic goals related to housing, parks and open space, urban design and placemaking and community well-being. It is important to note that this designation would not confer any additional development rights to the property beyond those included in the proposed zoning.

Detailed information on this proposal is available at [www.victoria.ca/devtracker](http://www.victoria.ca/devtracker). Launch the tracker and search for the property by address (251 Esquimalt Road, 355 Catherine Street or 200 Kimta Road).

Please provide your questions and feedback on this proposal by end of day, Friday, August 4, 2023 to:

Mike Angrove, Senior Planner – Development Agreements  
P: 250.361.0285  
E: [developmentsservices@victoria.ca](mailto:developmentsservices@victoria.ca)

All input received will be shared with City Council for their consideration prior to a public hearing. Correspondence you submit will form part of the public record and will be published on the agenda when this matter is before Council. The City considers your address relevant to this matter and will disclose this personal information, as it informs Council's consideration of your opinion in relation to the subject property and is authorized under section 26(c) of FOIPPA Act. Your phone number and email will not be disclosed. For more information on the FOIPPA Act please email [foi@victoria.ca](mailto:foi@victoria.ca)

Once a date for the public hearing has been set, notice will be posted at [www.victoria.ca/publicnotices](http://www.victoria.ca/publicnotices).

We look forward to hearing from you.

Here is the thumb on the scale notice of the proposed consultation that the City has just sent out. It is misleading at best and here is why. While it makes reference to the existing Floor Space Ratio or FSR at 2.5:1 - the all-important figure which goes to density - it makes NO mention of what is being proposed by the City; that is, 4.4:1 (not quite a doubling).

This is a key consideration for anyone deciding whether to inquire further into this topic and participate directly in the consultation or not. Very few people are going to go the Development Tracker website to elicit more information with its hundreds and hundreds of pages. The information before the City Council at the COTW meeting on May 4th was over 1000 pages.

Secondly, to say "It is important to note that this designation would not confer any additional development rights to the property beyond those included in the proposed zoning" is ridiculous and not the issue. The issue is whether to exceed the existing zoning so dramatically with the proposed zoning NOT some sop to the public which says in effect "don't worry we are not going to approve a 10th, 11th, or 12th building etc. AFTER this". What an insult.

I just left a voice mail message making this point very clearly to Mr. Angrove. I would also invite anyone who agrees to let him and more importantly the City Council know as well.

This will be your last chance. Focus Equities is beating the bushes and rallying all of the support that it can through its network of paid consultants and without a more vocal response to this notice the rezoning will go through and all those opposing it will only be left with their regret.

**41. June 14, 2023 – Reflections (in red) on Evan Saunders article “1,900-home Roundhouse development inches closer to reality” in the *Journal of Commerce***

“It’s very difficult to realize the amount of density being proposed on the site in a way that reflects standard practice urban design criteria,” said Miko Betanzo, senior planner of urban design with the city.

Agreed.

But there was an acknowledgement that the developer and the city could compromise.

Focus Equities is seeking to rezone property around the Roundhouse (355 Catherine St, 251 Esquimalt Rd, 200 Kimta Rd, and 210 Kimta Road).

*“The application seeks a revised set of entitlements for the remaining 9.3 acres of land (hereafter known as the “Plan Area”) to accommodate mixed-use neighbourhood that aligns closely with the City of Victoria’s city-building goals.”*

Why should the City compromise? The City and Focus Equities agreed what was supposed to be done under the Roundhouse Master Development Agreement in 2008 and which has now already been amended twice in 2014 & 2018. It seems each time there is another amendment Victoria gets less and Focus Equities gets more.

Caradonna added an amendment requesting the final density be somewhere around 4.4 FSR. In order to accommodate the 4.4 FSR density, some of the building heights may need to go as high as 32 storeys and would be some of the tallest buildings in the city, according to the staff report.

Why? As I have said in writing to Councillor Caradonna: (1) he should not substitute his view for the collective wisdom of past City Councils, the present City Council staff, and the Heritage Advisory Panel; (2) the project is out of character with the Heritage Buildings, Vic West’s Neighbourhood Plan and the City of Victoria itself (let alone the City’s zoning bylaws and Official Community Plan; and (3) the wrong development is not better than no development.

City staff noted it is too early to offer a timeline for when the project could actually be built.

Of course there should be a timeline and for each aspect of such a project.



One of the developments defining features is the location of the old E&N Railway Roundhouse, built in 1913 and designated a national historic site in 1992.

More than a defining feature the historic buildings seem to have been used as leverage for exceeding the stipulated height and density for the site in the original application to rezone, and are now being used as leverage again for further increased height and density on the site.

*The Times Colonist: "Victoria city council OK'd far reaching development plans for the brownfield site that will save one of Canada's last railway roundhouses and a railway corridor in exchange for the right to build a 180-unit hotel, 460-unit condominium and a suite of retail services on the 4.25 hectare site." That's right.*

The E&N rail corridor is not currently being operated but its preservation as a working rail route has been prioritized by the city and GoVictoria. The railway cuts directly through the development lands and is protected by various legal policies from removal.

If true it would appear the developer is stuck with rail then. Seriously, the rail bridge is gone. This is not going to be "rail's end" quite apart from the plans holding out *"Curated Rail Integrated Through Site"* and which will also provide *"Interpretive Opportunities... [to e]xplore storytelling opportunities along the Carriage Lane and E&N Rail Trail that speak to rail heritage and intangible values."*

The developer has added a proposal to realign the rail corridor, hired a rail consultant to oversee the proposal and acquired support from the Island Corridor Foundation.

True.

According to the consultant's comments, the realigned corridor would be narrower but still viable for passenger-based LRT use in the future.

Yes narrower and further reducing the likelihood that this ever goes ahead as held out. See <https://www.canada.ca/en/transport-canada/news/2023/03/joint-statement-by-transport-canada-and-the-province-of-british-columbia-on-future-of-the-vancouver-island-rail-corridor.html>

The historic buildings of the railway will also be revitalized for commercial space with the intention to create a marketplace inside them.

*"Mariash shies away from project specifics...The submission to the city puts the costs of remediating contaminated soil on the site at \$12 million. Rehabilitation of the E & N Roundhouse buildings is estimated at between \$8 and \$11.3 million, with an additional \$6 million for internal building improvements to accommodate new uses." (Properties in Victoria Professionals)*



Two points:

1. The developer got a deal on this site because there are remediation costs. What it should not then be able to do is say *because* it has to pay remediation costs that it *needs* more height and density. Sorry, you have had the benefit of that once, and as the saying goes “that ship has sailed”. Now, your costs are your costs. Another developer on a clean site would not get such a discount.
2. There are few binding details about what will go into any revitalized heritage buildings in any case. What we do know, according to the Colliers Consulting & Strategy Group report on Bayview Place’s Strategic Retail Considerations, is that:

*“[b]ased on these costs, along with the additional challenges noted above, it is likely that significant additional density will be required to attract demand from quality tenants that are also willing to pay the lease rates necessary for a financially feasible development scenario.”*

So good luck with that especially when we have very few details. That said, Councillor Matt Dell put forward one suggestion for use of the Roundhouse at the COTW meeting considering this project on May 4<sup>th</sup> and that is to turn it into a wedding hall. Just what is needed.

The site will also include public space with roughly 40 per cent dedicated as publicly accessible amenity area. This includes extensive landscaping such as the construction of a seven-metre-wide multi-use pathway next to the Rail Trail.

A publicly accessible amenity area is essentially what is not covered by buildings on the site. Perhaps more than a path though is called for.

Generally, the application is seen by Victoria councillors as a way to bring life to an underused piece of land and tackle the housing affordability crisis.

It is underused because no construction has been undertaken on it since it was rezoned now 15 years ago. Whose responsibility is that? Well according to the developer it is the City and in the application it is really down to:

*“The prescriptive nature of the current zoning [which]:*

- *Limits density and permissible floor area needed to help offset the extreme cost of creating a vibrant public realm with integrated historic resources*
- *Reduces housing opportunities by limiting residential floor area*
- *Constrains innovative site planning and urban design*
- *Generally, limits building heights*

- *Restricts development that could be complementary to historically designated buildings (i.e., restricts residential uses in DA-1)” (applicant’s proposal)*

“We’re in a housing crisis, why not shoot for the stars?” said Coun. Susan Kim.

Councillor Kim this project will add all the costs to date in securing your and the Council’s approval as well as the mark up on any resale of the site upon its rezoning which could be in the realm of \$100 million (based on past practice of the developer) or even possibly considerably more. I do not have those projections so why don’t you ask for them so we will all know what it is going to cost to “shoot for the stars?”

The development is phase two of the ongoing Bayview Place project. The first phase, Bayview Place Hillside, saw the construction of three residential towers on the property adjacent to the Roundhouse.

Yes, and let’s just remind ourselves those are Bayview 1, Promontory, and Encore respectively 11, 21 and 17 stories.

The project is expected to be back before councillors for further consideration later this summer.

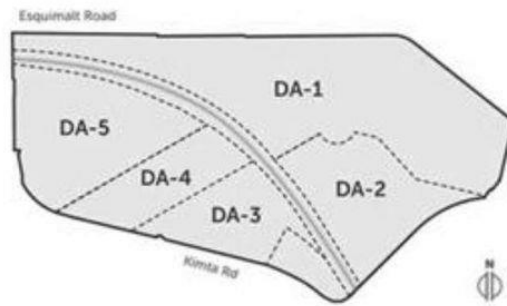
*After they hear further from us and the public.*

Heights of the buildings have also increased dramatically with the density of the property almost double what the neighbourhood plan allows (from 2.5 to 4.4). There are countless reasons for opposing this amended proposal. Here are some of them:

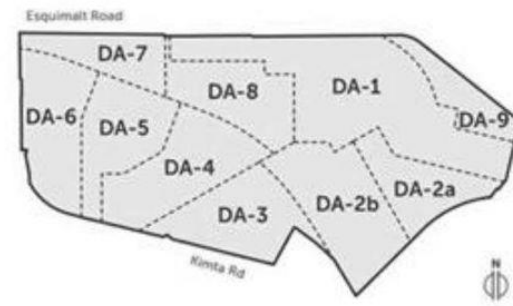


### 2.2.1 Rezoning Application

CD-12 Land Use Zone (Current)



Proposed Land Use Zone



## 42. June 11, 2023 – The Coriolis Report

Under the City of Victoria's Inclusionary Housing and Community Amenity Policy residential rezonings are required to provide amenity contributions or affordable housing. The Bayview Place application is unsurprisingly considered an atypical rezoning, therefore an economic analysis was required to determine if the rezoning creates an increase in land value that can be used to support amenity contributions and/or inclusionary affordable rental units. Coriolis Consulting Corp. was commissioned to complete the economic analysis in this regard and reported by letter to the Mayor and City Council for the COTW meeting on May 4.

### Here is what is missing in that analysis

The Coriolis letter was almost all financial analysis. What it should have also included was an assessment of the potential social and environmental impacts of the proposed rezoning. This could have included more on the potential impact on traffic, access to public transportation, affordability of housing, and changes to the character of the Vic West neighbourhood. While much of this has been done elsewhere it certainly still bears upon this analysis indirectly. In my view the analysis should have also included an evaluation of the potential benefits and drawbacks of the proposed rezoning for the surrounding community, including the potential impact on existing businesses, residents, and community organizations. This analysis could have also been provided in the Colliers Consulting letter on file with the City but was not. (The focus was on the Roundhouse and its commercial viability in the Colliers Consulting letter.) The Coriolis analysis should have also included a discussion of alternative approaches to achieving the desired outcomes of the proposed rezoning, and an evaluation of the costs and benefits of *those* alternatives.

It could also have been improved by including a detailed breakdown of the costs and revenues associated with the proposed rezoning, including a more detailed assessment of the costs of individual components of the project which we have not been given; for example, remediation and servicing. We have not been given the real costs here, what they

were under the original proposals to transport the contaminated soil offsite to facilities now closed, what those costs would be transporting contaminated soil to the United States, or what the split is between the quantity of contaminated soil that will be 'dug and buried' somewhere on site versus what is supposed to be transported elsewhere. How will anyone know about this, what was held out and what was delivered if it is not explicit in advance? Does anyone believe the City will stay on top of this? And if the City approves this rezoning will the City then be allowed to demur and say those are provincial matters and not for us? Similarly, while the revenue estimates were described as being based on parcel sales, there is no indication of how these sales were projected or what assumptions were made about market demand. For that matter what are the assumptions used to estimate the target profit margin and the discount rate used to calculate the present value of the land residual? Why was this not included?

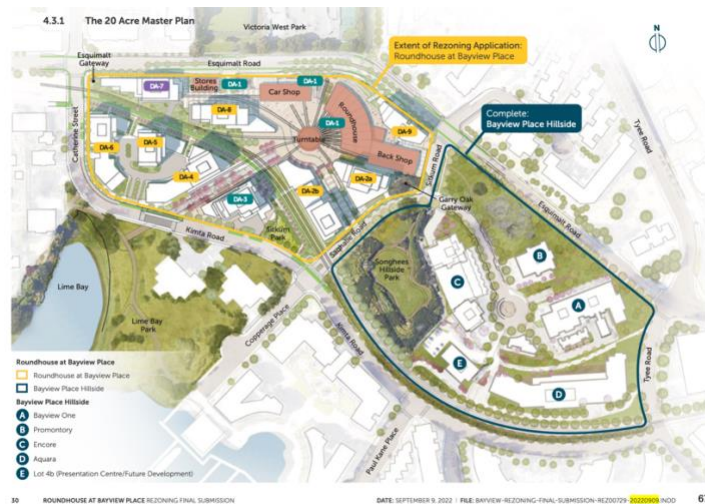
Another point can be made and goes straight to the motives for development; that is, while a profit margin of 15% was deducted from the total costs, there is no indication of how this margin was determined or whether it is appropriate for the specific project? Similarly, while a present value calculation was used to estimate the upfront land value supported by the project, there is no indication of what discount rate was used in this calculation or how this rate was determined? Could that not be provided?

In the end the value and importance of basing the City's decision on this analysis even in part depends more on the context and purpose of the decision. If the City's decision were related solely to the financial feasibility of the proposed rezoning, then the analysis may be helpful. However, as the City's decision is related to much broader social, economic and environmental impacts associated with the proposed rezoning, then this analysis does not provide enough information to make it fully informed. The City needs to bear this in mind and not over rely upon this letter. If the City is focused on 'Community,' which it purports to be, additional analysis and information seems necessary to fully evaluate the costs and benefits of the proposed rezoning, and additional consideration given to alternative approaches to achieving the City's desired outcomes. It is important for the City to remember that any decision it makes on rezoning should be based on a comprehensive and objective review of *all* relevant information, and that the Coriolis analysis should be considered only in the broader context of all the other available information either in hand or as yet to be acquired.

#### **43. June 10, 2023 – Diagrammatic or Dramatic**

There is a diagram from the City's meeting of the Committee of the Whole on May 4th. It appears on page 30 of the file Bayview Rezoning Final Submission REZ000729 – 20220909 INDD and also as Attachment B to the City's List of Attachments in the letter filed by Mike Angrove Senior Planner – Development Agreements Development Services Division, and Karen Hoese, Director - Sustainable Planning and Community Development Department. It will be familiar to anyone of this file - the whole Bayview site split into two halves with the

current buildings on Phase 1 and the current and proposed buildings on Phase 2 if the rezoning is approved.



### Consider this about that diagram...

The complete Bayview Place site is some 20 acres comprising Bayview Place Phase 1 and the Roundhouse at Bayview Place Phase 2. (This is the naming used by the applicant at p 22 final submission). Phase 2 is 9.18 acres suggesting some 10.82 acres in Phase 1. Thus the Phase 1 site is some 15% larger than the Phase 2 site.

And yet the City appears ready to approve 9 new buildings on the Phase 2 site when the Phase 1 site has only 3 buildings on it. Recall under the current zoning that it is supposed to be 3 on Phase 1 *and* 5 on Phase 2 (not 9). That is not all though.

Taking the Phase 2 site one must also then subtract the area that six heritage buildings take up and the area the current rail line takes up (realigned or not). Even without knowing the exact area this entails it is substantial. Reviewing the diagram it would appear that almost 1/3 of the Phase 2 site is given over to these subtractions.

So, if you look at the diagram it looks odd, very odd. If you look at the scale of the buildings in Phase 1 two of the three take up considerable area on the site. In contrast if you look at the ostensible area that the 9 buildings take up on Phase 2 upon close examination they appear miniscule in comparison. Ask yourself why? Perhaps it is to represent the least possibly appearing density in the diagram. I have called out some of the applicant's drawings and diagrams in the past for not showing exact scale portrayals of what is coming and I am doing the same here. I am not in a position to attempt to show these 9 buildings to scale on the area available to each on Phase 2 of the site with the subtractions I have noted; however, somebody sure ought to show this to both the public and City Council before the City approves this application. If the City does not get a real sense of the scale

that we are talking about now I would submit that the public and the City are in for not only a big surprise but a VERY BIG surprise when this project is completed. The City should demand scale portrayals of Phase 1 and 2.

#### **44. May 21, 2023 – The Colliers Report**

The COTW meeting took place on May 4th. Prior to that meeting Focus Equities provided two Reports from Coriolis, and Colliers to help it make the case that the rezoning should be approved. Let me offer a few comments on what is wrong with this process and what is missing from the Reports. I will begin with the Colliers Report and return to the Coriolis Report another day.

It would appear that at least this report was prepared at the behest of and instructions from Focus Equities. That means there would have been a brief to the consultants, and I suppose it would have gone along these lines: help me make my case in these two respects.

Unsurprisingly, that is exactly what seems to have been done. Now, there is nothing wrong with that from their perspective, but any reader should know Reports will also reflect a client's perspective. For that matter if the client does not agree with a report we will never know, and it will either not have been submitted or another report would have been sought. This is part of the shortcomings of City Council consultations if there is no check on this as there could be in discovery during litigation.

Another problem with these Reports is that it appears the City Council staff took them at face value not making any allowance for them being submitted by the applicant. That is not how I would do it. Here is what I would do if I were the Council in this case and going forward. I would instruct consultants qua Council to give me (the Council) the best advice on these issues and then have the applicants pay for it. The difference here then is that it is the City who is the client and not the developer. Pause on this for a moment and you will appreciate the difference that could make. In litigation BOTH parties routinely submit consultants' (experts') reports and then cross-examine each others' consultants. Typically, the Court accepts this mode though it also has the power to appoint its own consultant (expert). Why? To test the submissions. Sadly, I don't think there has been any real testing here. Let me turn briefly to the first of the two Reports.

Colliers Strategy & Consulting Group

200 Granville Street, 19th Floor Vancouver BC V6C 2R6 Canada Main: +1 604 661 0857

Letter Report to Chris Reiter – Project Manager, Focus Equities

From: Gordon Easton – Vice President, Colliers Strategy & Consulting Group and Russell Whitehead – Vice President, Colliers Strategy & Consulting Group

Dated: 25 October 2021

Subject: Bayview Place – Strategic Retail Considerations

The 13-page report itself can be found as Attachment F to the Merged Agenda Package filed for the COTW meeting held on May 04 and on the City Council website.

In my view the Report is a nothingburger. It is intended to have one central purpose; that is, to make the case for higher density and yet in my view it does not do so convincingly. This is because the difference that the extra density would make is almost a rounding error. The Report – even though purchased – is not emphatic enough and there are some key factors which I would say are missing. Let me develop this.

What Colliers has done is come up with some scenarios that seek to model how much sales revenue a Primary Trade Area (PTA) comprising 75,440 square feet surrounding the Roundhouse could be expected to produce and what rental costs could be expected for the retailers.

In scenario one it can be expected that the PTA would capture sales of between \$19.1 to \$23.9M as at 2021 if operating with the current population.

In comparison under the current City Council approved rezoning the PTA capture potential is \$22.4 to \$27.9M.

Finally if the rezoning were approved by Council the PTA capture potential would be \$25.8 to \$32.2. (p 9)

So what is the rounding error? Well focusing on the range of figures in the two key scenarios (existing and rezoned bylaws) the extra density may make no difference at all because the high figure in the range given for the existing zoning falls in the mid-range for the rezoned site. Hence increasing the zoning may make no difference at all to the retail sales in this development given the ranges that Colliers has put forward. Not helpful I am afraid to the applicant.

Colliers would know this but you have read their report to understand it. They did offer more support though by noting that whatever is done with the retail it is unlikely to break even in any case (given their assumptions) because what the retail component really needs is a PTA sales capture requirement of \$47.5 to \$54.3M. In Colliers view to make this work, over and above the additional density under approved rezoning, the development really needs:

*“approximately 4,000 to 5,000 additional residents throughout VicWest to fully support the vision for this retail village.” (p 9).*

So maybe all Colliers has really done with this Report is to make the case why this part of the development should focus on the historical rather than the commercial side of it? Nah, actually I don't think so. If it's any good people will come and shop there despite this base case. Colliers even concedes this and thereby contradicts themselves when they write:

*“[t]he creation of a true ‘sense of place’ within Roundhouse, driven by the key ingredients of success highlighted in the latter sections of this report, could attract a large amount of regional visitation while serving the daily needs of local residents.” (p 4)*

The Colliers Report also spends a lot of time reminding the reader about just how tough this site is and why Focus Equities really needs a leg up including:

- *“While this mix of land uses was deemed appropriate in 2008, the year in which the plans were approved, market conditions in the area have since significantly changed. This has resulted in the need for an updated strategy to ensure development proceeds in line with best practices and market trends.” (p 3)*

- *“challenges relate to the constrained floorplates within the historic buildings, which may make potential retailers more hesitant to pay market rates unless all their other conditions are ideal, such as density of the on-site and surrounding population.” (p 4)*

- *“the site will be partially challenged from a lack of surface parking, adequate public parking...”. (p 5)*

- *“the physical fabric [of the historic on-site structures] has experienced considerable deterioration over the years...[and] this formerly active railyard has varying degrees of contamination.” (p 5)*

Leading to this unsurprising penultimate conclusion of Colliers that:

*“[b]ased on these costs, along with the additional challenges noted above, it is likely that significant additional density will be required to attract demand from quality tenants that are also willing to pay the lease rates necessary for a financially feasible development scenario.”*

Okay, maybe that’s right but what part of that was not apparent 15 years ago when the zoning for this project was first approved? For me anyway it’s obvious and that is the developer.

This is but one snapshot of what Colliers has said but once again there are no surprises here. The costs were always there. The challenges in doing a first class-retail environment (as that is what was preferred by the City Council in its wisdom in the day over an historical development) were always there. Would greater density help? One would think so but even on Colliers’ numbers that is by no means clear.



There are some other comments I wish to make about this Report; in particular Colliers' retail demand model and used for their calculations seems to be missing several key factors that could impact its accuracy including:

1. Competition - The model does not plainly account for the level of competition in the surrounding area, which could impact the demand for retail space at Bayview. If there are planned retail developments in the area, demand for retail space at Bayview may be lower than anticipated.
2. Demographic Shifts - Their model does not account for potential demographic shifts that could impact demand during a very long construction period. For example, if the population in VicWest shifts towards an older demographic and demand for certain types of retail may decrease.
3. Changes in Consumer Behaviour - Their model does not account for potential changes in consumer behaviour that could impact the demand for the retail space. For example, the rise of e-commerce and online shopping may decrease demand for the types of retail space they are holding out.
4. Economic Downturns - Their model presumably assumes consistent economic growth and does not account for potential economic downturns that could impact consumer spending and demand for retail space.
5. Shifts in Retail Trends - Their model does not account for potential shifts in retail trends that could impact the demand for certain types of retail space. For example, a shift towards more experiential retail offerings that might decrease demand for traditional retail space.

In summary, Colliers retail demand model used in their calculations for potential sales capture in the three different scenarios seems to be lacking some important factors that could impact its accuracy including competition, demographic shifts, changes in consumer behaviour, economic downturns, and shifts in retail trends.

There is another telling aspect to this Report and that is throughout there are key development principles and best practices outlined yet Colliers does not bring home how significant the negative impacts of failing to take them on board by Focus Equities would be on the viability and sustainability of the retail component of the development. For example, not honing in on the location of this development or the target market could result in a mismatch between the retail offerings and the needs of the PTA and potential visitors from the wider surrounding area, leading to low footfall and expenditures. Similarly, not considering *in more detail* the importance of anchor tenants or tenant adjacencies in particular those in West Side Village could result in a lack of critical mass and cross-shopping opportunities, further diminishing the viability of the development.

The Colliers Report offers very little in support of higher density for this development.

#### **45. May 6, 2023 – Disappointing City Council COTW Meeting**

The acting Mayor (for the most part Stephen Hammond) and City Council met on Thursday morning to consider the Bayview application to rezone, and it did not go well for its opponents. In short, five of the City Councillors failed to adequately question the City Council staff on their report regarding the application. Those Councillors who let us down in their stewardship roles were Susan Kim, Krista Loughton, Chris Coleman, and Dave Thompson.

On the other hand, Marg Gardiner and Stephen Hammond (who was acting Mayor for most of the meeting) came with pointed questions and Jeremy Caradonna's questions were excellent. Unfortunately, though, Jeremy took away from his effective questioning by proposing an amendment at the end of this agenda item which actually increased the Floor Space Ratio (FSR) which governs density for the site.

The City Council staff appeared to be leaning toward 4.0 FSR overall but Jeremy put forward an amendment to a proposal which essentially took it up to 4.4 (roughly). Now, it should be noted, while he did not state a reason for this it could be as simple as striking a mid-point between the 4.0 and 4.75 which the applicant is seeking and that some Councillors seemed to support. Unbelievably, Matt Dell was pressing for even greater heights in relation to this density!

Based on some disclosures I have had supposedly the applicant is not willing to take the project ahead at 4.0 While that does not bother me it would nevertheless be seen as a loss by some others. In any case a FSR of 4.0 and Council approval is not written in stone but rather what will be put forward in an upcoming public consultation which should take place in the next 90 days before the results of the consultation and the final staff recommendations are delivered to the Mayor and Council for their further deliberation.

Therefore, if you live within 200 metres of the subject property you should be sent details of the consultation and if you feel strongly about it should plan on attending and communicating your views.

In my view, essentially what took place at the COTW, is that the City Councillors were seduced by the prospect of public housing (recall a site is being 'donated'), and some dedicated rental units. These are of course only two of the nine towers which are being proposed. Again, these two towers appeared to be the prime consideration which outweighed the negatives on the project including heights and densities which are far in excess of existing zoning and community plan guidelines. It was hard to watch how uninformed the discussion appeared to be at times. That said you do not need to take my word for it as you may watch the full two hours plus here (which should appear in the right-hand corner of the agenda from the meeting) and draw your own conclusions.

<https://pub-victoria.escribemeetings.com/Meeting.aspx...>

If and after you have watched it you too feel let down email the Councillors directly and let them know. Their email addresses are on the City Council website here.

<https://www.victoria.ca/.../contact-mayor-council.html>

While hugely disappointing I am not giving up just yet. I will post critiques of two of the reports which were filed by the applicant and relied upon in support of the application: 1. a report from Colliers Strategy and Consulting Group which argues in favour of high densities to support the retail component of the project; and 2. a letter from Coriolis Consulting providing a summary of the Community Amenity Contributions for the rezoning. When I have time, I will then also post to underscore some of the factors which detract from approving the application and which come from the City Council staff report itself, as well as some lowlights from the COTW meeting.

#### **46. March 26, 2023 – Frequently Asked (though not yet suitably answered) Questions**

I want to return to the FAQs on the new marketing materials for Bayview Place. I have already posted the questions I submit must be answered before approval goes ahead. At present those questions remain unanswered in writing notwithstanding the offer to discuss them by the applicant's contact Mr. Jonathan Tinney.

Let me take up three of the other FAQs now.

I will begin with the second FAQ which is 'Why additional density'. Here is the answer (answers set out in italics) that is given:

*"What we have learned since the existing 2008 approvals is that the density anticipated was too low for either viability or good community planning. The amended zoning would allow for more housing density to pay for affordable housing, rental housing, improved amenities, and more. It would also provide badly needed population support for the downtown (which is facing new post-pandemic challenges), and necessary support for the proposed on-site retailing, restaurants and services intended to make the local community more vibrant and livable. It would make better use of a unique, important and strategic site for the city."*

And here is my critique of this: nothing, I repeat, nothing, could be less convincing as to 'why additional density' is needed than this paragraph. The case fails from the outset with 'viability' being a risk borne by the developer. It also seems cynical to now claim the 2008 approval was not 'good community planning'. I wonder how the approving Mayor and members of Council at the time would feel if asked today about this and whether it was good community planning?. It should be underscored that it was the developer's application originally and it was the developer who signed a Master Development Agreement with the City which presumably should have assumed viability and good

community planning. The thin justification which follows above cannot overcome this in my view. Focusing upon some key terms:

*necessary* - necessary for whom?

*view corridors* – but was it not held out that the prior plans would ‘Maintain Views Through the Site’?

*The amended zoning...would also provide badly needed population support* – whatever that is *facing new post pandemic challenges* – here we go with the pandemic again

*necessary support for the proposed on-site retailing* – sure, what retailer doesn’t deserve 9 immediate and surrounding high-rise towers of would-be potential captive customers before they should have to commit to leasing

*intended to make the local community more vibrant and livable* – of course, the last place I lived had only three high-rise towers and I found it listless, dull and in the end unlivable

The third FAQ is ‘Why taller, thinner buildings?’ Here is the answer (in italics) in part:

*“Achieving the necessary density through taller and thinner buildings supports the creation of view corridors between buildings, more sun and light access to buildings/apartments, more usable and engaging at-grade open space and people-places for the community, and a much-less imposing building mass.”*

*“Practically speaking, the Roundhouse site has relatively little land for building sites because of the Roundhouse and plaza coverage, the Lime Bay and ICF land use, and the no-build soft fill reclaimed land areas on the front of the site that are not able to provide foundation stability.”*

Well then let me suggest the developer look for a site with relatively a lot of land for building sites and for that matter with ‘yes-build hard fill’ for foundation stability

*“The limited building site coverage proposed from small footprints would leave approximately 35% of the site open compared to 80 to 90% for the city grids downtown that, if mimicked on this site, would create twice the number of buildings all pushed up to the sidewalks with very little setbacks.”*

*“35% of the site open compared to 80 to 90% for the city grids downtown – so what. Perhaps the developer has not noticed but this is Vic West not downtown. And I would add there are miniscule setbacks in any case.”*

*"It's also important to note that with taller towers, the higher units usually sell or rent for more, allowing for project viability with less overall density, and for the lower floor units to sell for less or even close to 'cost,' improving affordability."*

Close but no cigar – rather when a developer is selling a building in the pre-construction phase, he will have a base price for a particular unit and then charge a floor premium as he goes higher in the building so this is already baked in:

*"Ken Mariash has given further careful consideration of the interrelated issues of project viability, density and height, and is currently revising his proposal from the previous submission in December 2021. The revision reduces the density by a total of 200,000 sf and the building heights by a total of 30 floors..."*

Good now keep going all the way down to what he agreed originally

The eighth FAQ is 'Who are Ken & Patty Mariash, and what is their mission and project experience?' Here is the answer:

*"Ken Mariash started many of his first projects and companies around North America over 50 years ago while completing various degrees in math, science, arts, architecture, and commerce, as well as an MBA. He has extensive experience in design, construction, marketing, and project finance."*

*"Patricia Mariash, as a graduate interior designer, started her own 40 to 50-person commercial design firm in Los Angeles in the early 1980's that did a large percentage of the Los Angeles commercial market including markets outside Los Angeles. She then subsequently joined Ken in the development business."*

*"After doing dozens of one and two building projects in many cities across Canada and the United States, the Focus and Mariash group began concentrating on large master planned projects in all asset classes. This included projects like Aurum Energy Park in Edmonton, Deerfoot Meadows in Calgary, and a four-tower project on the Skytrain in New Westminster. They have completed many additional individual building projects in Denver, Dallas, Houston, Phoenix, Seattle, Los Angeles, Calgary, Edmonton, Regina, Saskatoon, and a family farm in Tisdale, Saskatchewan."*

*"Many of their projects have involved challenging contamination, market, phasing, political, infrastructure, zoning, and access problems. It is common for them to take on projects that have been previously attempted unsuccessfully by other developers."*

Questions have been asked about project experience in the past in this Discussion Group all of which were based upon either marketing materials of Focus Equities, interviews with or stories about Ken and Patricia Mariash or stories which were published (and cited again

above in this Discussion Group) and at present to my knowledge have not been corrected or retracted. Let's see if any progress is being made by comparing the original due diligence request to what is being provided now.

1. Who regards Focus Equities as 'one of North America's most visionary developers? *Not answered*
2. Where are the 10,000 residential condominium units that were sold in North America and in what capacity were they sold and then state of completion. *Not answered*
3. Please advise of where Mr. Mariash's degrees were obtained and in what year? That is his baccalaureate degrees in: 1. mathematics, 2. science, 3. business, 4. accounting and 5. architecture, plus his graduate degree in business 6. MBA. *Still references 6 degrees but again without particulars*
4. Please provide a list of the thousands of prestigious corporate headquarters; that Patricia Mariash has successfully completed as a commercial interior designer. *Now referenced as 'a large percentage of the Los Angeles commercial market including markets outside Los Angeles' though otherwise not answered*
5. Please provide a list of the hundreds and hundreds of one-off downtown towers in 20 or 30 cities around the world Mr. Mariash/Focus Equities have done. *Now down to 'dozens of one and two building projects in many cities across Canada and the United States...' though otherwise unanswered*

In conclusion, while some of the FAQs in the new marketing materials for Bayview purport to answer some questions overall they seem lacking in persuasiveness and substance in my view. Thus, it is submitted, that what the City needs to do is read the FAQs closely and if it still has questions notwithstanding that it then behooves the City to seek fuller answers before approving the application.

#### **47. March 18, 2023 – 'The Vision Continues for Vic West'**

This is the heading for new marketing materials being used for Bayview Place.

The materials open with one drawing of the Master Plan (MP) and if you click at the bottom of this post, you can see it.

But it is only an overhead view. I cannot be sure but it strikes me this is because a view across the MP or from a street view would portray something very different and something that may not be as marketable given the greater heights and densities they would reveal. The MP has a legend which lists various parts thereof but its main feature and presumably main purpose is to draw viewers into the project by highlighting a series of hotspots. These hotspots take you to more detailed drawings showing components of the MP.

There are 13 hot spots shown on the MP with their white crosses in red bubbles. I would imagine some thought went into choosing their locations on the MP to highlight what might

be the most appealing aspects of it. If the designer wished to show every aspect of the Plan then there could have been hotspots for each building and the other features. This was not done though and there are important features which are not highlighted and go unmarked: for instance, buildings B1, DA5 and DA4.



\*original drawing from <https://bayviewplace.com>

There is another more important aspect to this MP though and that is it really does not convey what could be coming.

To illustrate this I have opened all of the links and done a comparison of the buildings , their described heights, their podium heights when relevant, and their heights as shown on the drawings. This comparison reveals significant discrepancies as you will see from the table at the end of this post.

In fairness it must be noted, and from the developer's point of view, they can of course portray their development howsoever they wish and certainly in the most favourable light to them. One would expect this. However, the question that the portrayal raises is whether it fairly portrays the project to the public. In my view I do not think that it does because it gives us no sense of the entire development (again). That said, do not take my word for it and rather look at the MP yourself, open the links, do your own comparison and then you decide how it is portrayed. And, if you agree with me, write the City Council and tell them to ask the developer for more drawings to be prepared and disclosed which show the actual built out Master Plan to scale. Then have City Council ask the developer to give those drawings the same prominence that the current marketing materials have been given.

### Notes to the Table

B1 - heights taken from drawing showing B2

B3 - there are two drawings or hotspots for this

B4 - the hotspot near B4 also seems to show the building overlaps the Roundhouse in part

DA5 - is not shown and the drawing rather shows another building beside the Roundhouse which is actually B5. The DA5 hotspot shows that this building has a 5-story podium and 14 storeys above it rather than the 28 stories the MP has.

DA4 - is unclear as to whether the hotspot shows this building. It appears to show three buildings B5, B4 and DA2.

Note - there are some other hotspots on the promotional materials which are not associated with buildings and they have been left.

\*Every effort has been made to count the heights and storeys in each drawing linked to a hotspot though in some cases this is difficult given the scale and artistic feature.

<https://bayviewplace.com>

#### **48. February 28, 2023 – More Answers are Needed**

You may be aware that Focus Equities has new promotional material out in support of Bayview on their website.

In their material they ask and answer these two questions:

**Why do we need an amendment to the application? and**

**Why not build what was approved in 2008?**

Here is their answer:

*“The 2008 zoning included extremely rigid design guidelines and restrictions that, combined with a ‘conceptual masterplan’ that was also treated very rigidly, made it impossible to achieve a viable development permit to proceed with the development. An unusual ‘stepped’ approach to the built form was mandated that was very difficult to construct and excessively expensive, and also had the disadvantage of being highly energy inefficient. Despite the important principle that guidelines and conceptual plans should be flexible to changing conditions (for example, the chaos and stress of the 2008 global recession), or more viable and buildable ideas, no flexibility in built form, phasing etc was permitted in the 2008 approvals.”*

*“Despite these obstacles, Mariash/Focus made best efforts to proceed with community-building, but many reputable design firms over years could not resolve the problems to get a viable development permit, leading us to conclude that the site was unbuildable under the current approvals.”*

*“The proposed new zoning would resolve the barriers in the design guidelines and restrictions, the masterplan problems, and the issues with the master development*



*agreement on phasing and sequence of work. In short, the proposed revised zoning would allow community-building to proceed.”*

*“In addition, after years of careful listening to city leaders and the community, the revised zoning would also add much-needed rental and affordable housing, with additional ownership housing density to improve community planning, support successful on-site retailing/services, and help offset the financial burdens that come with the affordable housing and other challenges. We’ve accepted the challenge we’ve heard to be more ambitious in helping the City meet its many goals, particularly around more diverse housing and better affordability. We’ve also considered our new proposal carefully in light of the City’s important declaration of a Climate Emergency.”*

**This answer has prompted me to ask some questions of my own all of which come from their answer. Most are for the proponent though some are for the City. Here they are:**

1. Does the 2008 zoning include extremely rigid design guidelines? If so, what are they?
2. Does the 2008 zoning include extremely rigid restrictions? If so, what are they?
3. Has the ‘conceptual masterplan’ been treated very rigidly? If so, what does that mean? Please provide examples.
4. Does the 2008 zoning make it impossible to achieve a viable development permit to proceed with the development?
5. How many applications have been made by the proponent for a development permit?
6. How many of these applications have been turned down by the City?
7. Did the City mandate a ‘stepped’ approach to the built form?
8. If so, did the City rely upon any cost indicators?
9. If so, did the City have comparables for the stepped versus other approaches to the built form?
10. What makes a stepped approach to the built form highly energy inefficient?
11. What is the authority for the principle that zoning should be flexible to changing conditions?
12. How is the 2008 global recession impacting this project today?
13. What phasing was anticipated with the original approval?
14. If so, can the phasing be viewed as an impediment to construction?
15. Is the City aware that this site with the current zoning is ‘unbuildable’ according to the proponent?
16. If so, does the City agree?
17. To the extent that any of these matters constitute barriers to the development does the City accept that amending the zoning bylaws and Community Plan will resolve them all?

18. Is the addition of rental and affordable housing through the BC Housing Society (albeit conditionally) a necessary or sufficient condition for approval?
19. How will 'additional ownership housing density to [sic] improve community planning'?
20. How much housing will really be provided when the plans indicate that 3 of the 9 buildings proposed may be hotels?
21. Did the City challenge the proponent to be more 'ambitious'?
22. If so, in what way?
23. Other than the one possible building which could be built through the BC Housing Society what is it about this project that offers 'more diverse housing and better affordability'?
24. What measures in this project specifically go to meeting the City of Victoria's March 2019 declaration of a climate emergency?

Once again these are the kind of tough questions that need to be answered satisfactorily in weighing and before approving the request to rezone. Time is short but I would call for the City to ask Focus Equities to answer theirs in the public interest and so that an informed decision can be made. Answers to these questions go straight to the heart of this matter, the long wait while no steps were undertaken, and whether approval is justified today.

#### **49. February 17, 2023 – Back to the Future**

It was June 11, 2015, that the last significant approvals were given to Bayview 2 by City Council. What a difference a few years and rising property values makes. As we come up on the 8th anniversary of that approval let's remind ourselves what Bayview 2 was going to look like when complete. Here are some images below from that time all published by Yahoo Finance. How different it is all supposed to be.

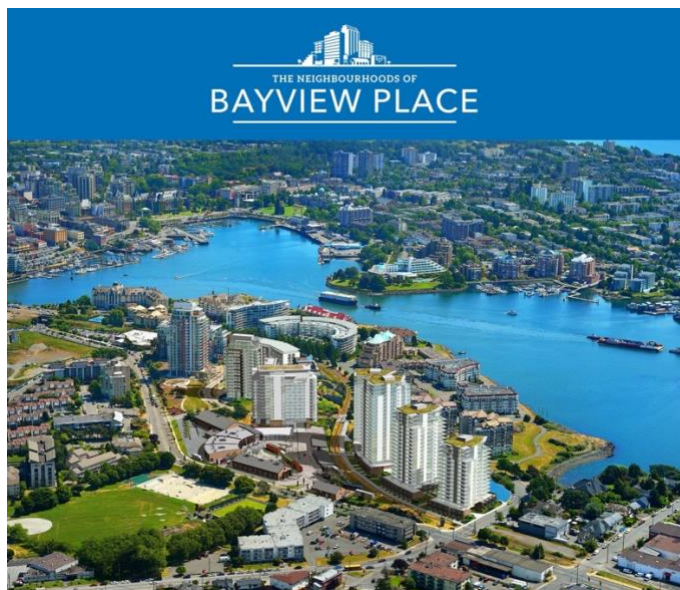
The City approval at the time, and the significant planning concessions it entailed, was given principally in exchange for preservation and redevelopment of the Roundhouse properties. However, rather than fulfill that agreement according to its terms Focus Equities has returned and asked for a near doubling in size and scale of the project.

Again, these images depict what the project would look like upon completion without the City approving the current application. And what is wrong with that? Nothing. In contrast, ask yourself how what appears to be 4/5 more huge towers could reasonably be put on that site:- let alone without all but overshadowing and overawing the Roundhouse Properties? There appears to be no room!

You see, and quite apart from many other applications the City has before it currently, this one is easy. It is easy because the City gave approval already. There is really nothing more the City need concern itself with and it can do so with a clear conscience. Nothing currently prevents, and everything in fact commends, the City saying to Focus Equities, "we gave you

a pretty good deal here, so please just respect that. There's still money to be made even if you just subdivide and sell". And I really think that is the case. The City needs to ask itself how much incentive does it really need to give Focus Equities for what now seems to almost be an afterthought:- preserving and renovating the Roundhouse properties.

If the City were met with "fine, we will just walk away," from Focus Equities, so be it. I understand and anticipate that others could pick up where it was left off. That is how the City needs to go into its Committee of the Whole meeting, resolute. In my view, it is better to lose a year or two now than build the wrong project or part of the wrong project there or that the development simply comes apart under its own weight as e.g. Acquara has. The City is in fact in a strong position, and it should understand that.



## 50. November 4, 2022 – Jonathan Tinney Replaces Patrick Cotter

The Bayview project now has a new application contact. After helming the project on behalf of Focus Equities and Mr. Mariash, Patrick Cotter is now out. Mr. Cotter, who is a well-known Vancouver architect and planner, combined his architectural firm Cotter Associates with ZGF in 2014. ZGF is an American architectural firm which expanded into Canada through its partnership with Mr. Cotter. Mr. Cotter has been instrumental in the Bayview project for the last several years and perhaps longer and really has been the public face of the project second only to Ken Mariash. His name having been the sole contact on the City's Development Tracker website underscores his central role. It is unclear if Cotter has also left ZGF. On a call to ZGF today there was no comment from the firm whether he was still working there. Neither could Mr. Cotter be reached directly for comment either. This is a major development and should be inquired into since submissions have come from Cotter and ZGF on behalf of Mr. Mariash and Focus Equities and it's reasonable to know if this change is material to the project and its appraisal.

Quite apart from the uncertainties Mr. Cotter's departure raises there is another question and that is the background of his replacement. Mr. Cotter is being replaced by Jonathan Tinney. Mr. Tinney is a principal at SvN, a firm of architects and planners and is based in Toronto. He has been with SvN for less than two years and immediately before that was a principal at Stantec Consulting. (As an aside Mr. Mariash has had a very long history with Stantec in Alberta.) Prior to Stantec, Mr. Tinney was the Chief Planner for the City of Victoria for a period of almost four years. There he worked on a range of projects including four Neighbourhood Plans (Fairfield, Vic West, Gonzales, and Burnside Gorge). I can only wonder whether that is the reason Mr. Mariash has turned to him and SvN?

Mr. Tinney is well outside any cooling-off period (notional or otherwise) that might be relevant when a person returns to deal with a former employer. So that is fine, though I cannot help but wonder whether I am missing something here. Whatever might be the actual reasons for Cotter's departure from Bayview at least, at a critical juncture for Mr. Mariash, and Mr. Tinney's hiring:- I would not think that it will be easy for Tinney to now take a position that flies in the face of his Neighbourhood Plans. The fact is that those Neighbourhood Plans, and Vic West in particular, have never contemplated an application with the densities and heights that Bayview is now seeking. It should be recalled that Mr. Tinney had some contact with the application in the past. If you visit page 33 dated Feb 6th you will see this quote:

*"On November 30, 2017, a Development Permit Application was submitted to the City [by the developer/Focus Equities] proposing a 26-storey, mixed-use building at 210 Kimta Road which is located within Development Area 3 of the CD-12 Zone, Roundhouse District; however, the applicant did not make the necessary cash-in-lieu payment prior to their submission and, therefore, they are currently in breach of the MDA and the application has been placed on hold until the monies are received."*

This quotation is from Jonathan Tinney, then described as the Director of Sustainable Planning and Community Development for the City to its Committee of the Whole for a meeting dated May 3, 2018. I would say this is not an auspicious start.

## **51. September 22, 2022 – Here is How the Project Grew Beyond All Bounds Between 2008 and 2022**

The application has been all over the map. It seems more to represent a negotiation than a planning application. This can be seen by the wild fluctuations set out below and which portray how it has changed from the original 2008 zoning until today. \*

### **2008 Zoning**

- 2.0 Floor Space Ratio
- 80,000 sq feet
- Max 25 floors

### **Jan 2020 Rezoning Application**

- 5.95 Floor Space Ratio
- 2.3 million sq feet

### **May 2021 Rezoning Submission**

- 4.73 Floor Space Ratio
- 1.9 million sq feet
- Up to 30 floors

### **Dec 2021 Revised Rezoning Submission**

- 5.25 Floor Space Ratio
- 2.1 million sq feet
- Up to 32 floors

### **June 2022 Rezoning Submission**

- 4.75 Floor Space Ratio. But this comes with this note:
  - “4.75 FSR is the proposed zoning limitation / All numbers and calculations are approximate only and subject to change. See disclaimer on page iii.
  - Page iii disclaimer: “A Floor Space Ratio of 4.75 is the proposed density for the overall rezoning of the site. As with other contemporary CCD-zoned sites, the zoning is intended to allow for some flexibility in distribution of density between development cells located across the site (conditions to be outlined in the MDA and to be confirmed at Development Permit stage). The density allocations identified in this rezoning application for each development area are based on the concept massing and layout as prepared in support of this application, and are subject to change at time of each Development Permit Subdivision. Please note

that this application does not exceed a density of 4.8 FSR indicated to CALUC in August 2021.” - It may be pointed out that the earlier application was based on separate north and south land use zones but which were consolidated for the final submission into one zone now providing for 10 development areas.

- 1.9 million sq feet
- Max 29 floors

It is also noteworthy among the reasons given for the changes from the 2008 application to current rezoning application is that the initial zoning was based on very different site development parameters and environmental constraints. Here is the question this raises though and that is at whose risk were they in the first place? \*From September 2022 submission of the applicant

## **52. September 19, 2022 – 9 Bayview Place Towers – at last we see what Bayview will look. Like – AFTER THE CONSULTATIONS HAVE ALL BUT FINISHED**

We now know what ‘Bayview Place’ and the current application for rezoning and amending the Official Community Plan will look like once fully ‘developed’; that is:\*

- 9 high rise towers
- 1 thru 9 below
- 21, 27, 29, 25, 24, 28, 23, 18 and 18 stories
- Totaling 213 stories
- Significantly exceeding current height and Floor Space Ratio limits
- Some with podiums which add a greater footprint
- Covering the rock outcrop at the corner of Catherine Street and Esquimalt Road and
- Dramatically overshadowing the heritage buildings

To date there have been very few (if any) drawings showing the entire site once redeveloped and rather illustrate parts of it rarely to full height from different perspectives. In fact, this drawing shows the scaled back plans as the application originally envisaged some slightly taller towers.

**Here is the \$64 question: is this *really* what should be approved for this site?**

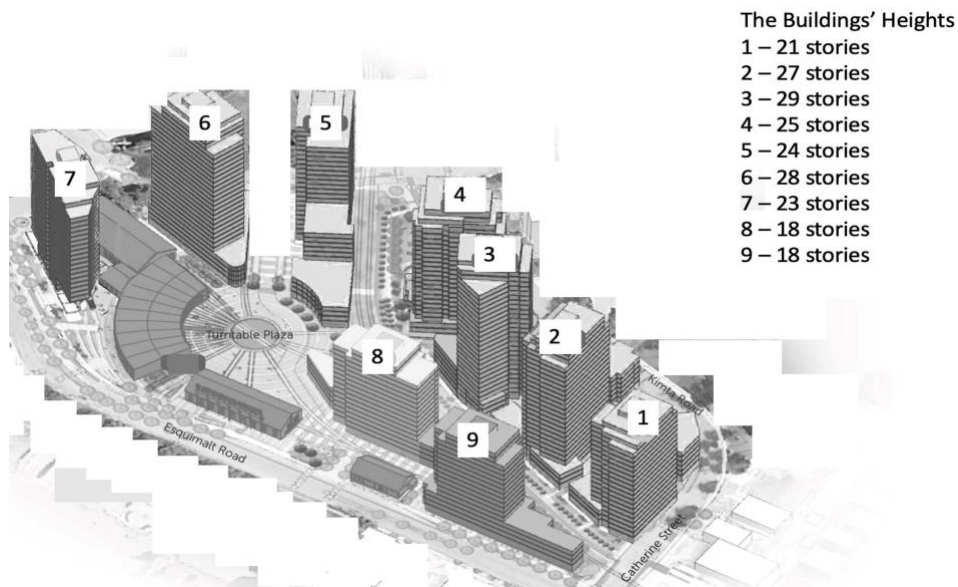
**Wasn’t it supposed to be about the Roundhouse and related properties given the original approval and MDA?**

**After all no one is stopping Mr. Mariash and Focus Equities from refurbishing the Roundhouse and related properties as originally promised right now.**

**Maybe he should start there.**

\* based on an original drawing that is part of the applicant's Roundhouse at Bayview Place Conservation Strategy publicly submitted to the city on September 14, 2022 and available on the Development Tracker website and set out in 23 above

### 53. September 19, 2022 – Here is How Bayview Place will Really Look and the Site at Present From Google Earth



### Bayview Place from Google Earth

Below is a satellite photo of Bayview Place phase 1 complete and the site for phase 2 proposed. Look carefully at the three towers in phase 1 and you can see how they occupy the area and are tempered by the Songhees Hillside Park and unnamed green space fronting on Esquimalt Road.

Now, by comparison, look at the phase 2 site and ask how nine towers (3 x phase 1) most at substantially greater heights than in phase 1 (and some with podiums) can reasonably be built there. Given that the applicant must preserve six historic buildings, and has agreed to maintain rail right of way, it would appear that the land available is going to be very very tightly constrained.

To take one example of this constraint and how it would impact the project look carefully at the triangle space behind the Roundhouse fronting on Esquimalt Road and beside Sitkum Road. Then, try and envisage how a 23-storey tower can reasonably be built there?



## 23 storeys here? Really?

### 54. September 11, 2022 – Public Opposition – Is There Public Housing or Just the Prospect of It?

Some of the public opposition to the application to rezone may be having an effect. Hence, in the recently filed Rezoning Submission Summary dated June 9, 2022, and listed on the Development Tracker website June 15, 2022, the applicant states that building heights have been lowered, shadows significantly reduced, the number of dwellings reduced and affordable housing added. As such building height is capped at (just) below 30 floors (which in turn will reduce the shadowing by that much), and the number of dwellings goes down from 2,186 to 1,900. This is progress but on the most miniscule scale. The Floor Space Ratio (FSR) also drops from 5.25 to 4.75 though which is noted still exceeds by almost double the current bylaw/guideline.

The revised rezoning application also indicates that affordable housing has been *added*. To describe it as 'added' in the resubmission is odd though because it seems it was always supposed to be there.

The dilemma for the applicant though notwithstanding how often it seemed to come up was that the plans that had been submitted beforehand showed 0 square feet for affordable housing. This could be taken to mean 'not sought'. It may be that the City noticed and the applicant responded – as it should have... by *adding* it. It is unclear. Here is the point though: given how heavily affordable housing was promoted in the applicant's publicity materials etc before this addition was announced arguably it had to be done. Nevertheless, and while a net positive, it seems it is still not guaranteed to be built.

This is because The Memorandum of Understanding (MOU) entered into between Bayview Place LP and the Greater Victoria Housing Society dated Feb 2, 2022 states at the top: *"This document is not binding and does not create enforceable legal rights or obligations and is only intended by the parties to create a common understanding of their mutual goals."* Now that is what I call a caveat. If the City Council approves the rezoning application without properly



weighing this it is City Council's problem. It should form part of judging the application as a whole.

Lastly, if affordable housing can be *added* so too should the Cultural Centre be *added* as it too has been held out and heavily promoted by the applicant for years without any square footage reserved for it in the revised plans. That suggests to me it is not coming.

## **55. September 10, 2022 – The Last City Council Did Not Consider the Application Despite Haste of the Applicant**

I take this as good news as Ken Mariash appears to have been pushing to bring it before them. There has been a flurry of submissions by those working for Mr. Mariash and Focus Equities on the application and he tried to generate some support for it in a Memorandum that was sent to residents of Promontory in Bayview I. Printed on Bayview Place letterhead, dated July 26, 2022, and signed by Ken and Patricia Mariash, the Memorandum promoted attendance at what was billed as a Community Meeting at the Bayview Presentation Centre on August 4th this way:

*“We will discuss and inform you regarding our current application that has been slowed down for presentation to the Committee of the Whole (COTW) in September with a poor chance to get to a public hearing with the current council before the election **unless the community stresses the need to make the project a more urgent priority over other urgent priorities**”.* [emphasis added]

The Memorandum adds:

*“We also strongly encourage all community members to write letters of support to planners and councillors as soon as possible **to expedite and approve the project before the election**”.* [emphasis added]

It is unclear if the same Memorandum was also sent to residents in Encore and Bayview in Bayview Place. This all seems a little desperate to me. *Could it be that a new Mayor and City Council might feel less beholden to Mr. and Mrs. Mariash and Focus Equities given changing public sentiment, other priorities, or even because they would be less invested in it than the current Mayor and City Council? Quite possibly.*

The Memorandum has also sparked some very strong opposition to the application and the manner of its publicity by at least one resident of Promontory who returned from being away and found the Memorandum taped to the door of the unit.

Perhaps if more residents felt the same way and expressed their concerns to the current or incoming Mayor and City Council the Bayview Place application might get the critical

consideration that a project of this magnitude should entail, and yet which has so far been wholly absent in the press.

**56. March 13, 2022 – *G.S.R. Capital Group Inc. v. White Rock (City)* 2022 BCCA 46**

I write to bring to your attention the recent judgment of the BC Court of Appeal in *G.S.R. Capital Group Inc. v. White Rock (City)* 2022 BCCA 46 dated Feb 4<sup>th</sup> where it ruled in favour of the White Rock City Council and against a developer seeking a building permit to effectively block a project. Here is a link to the judgment:

<https://www.canlii.org/en/bc/bcca/doc/2022/2022bcc46/2022bcc46.html?resultIndex=1>

By way of summary the petitioner and appellant G.S.R. obtained a development permit to develop a twelve-storey residential building in White Rock. In October of the same year, a new City Council was elected but it was not in favour of the development, and ultimately downzoned the land to six-storeys maximum *before* G.S.R. had obtained a building permit. Wasting no time in fact the new elected City Council actually did this during its first week in office.

G.S.R. unsurprisingly unhappy with the decision of the City Council challenged the downzoning in Court and argued two main points:

1. that the development permit served to preserve the former zoning for a period of two years; or
2. in the alternative, that it was entitled to build the twelve-storey structure on the basis that its commitment to do so established a lawful non-conforming use.

These arguments were taken by G.S.R. before a Judge of the Supreme Court in Chambers on an application for judicial review. The application sought various orders including a declaration that it was entitled to proceed with the development as set out in its development permit, and an order compelling the issuance of a building permit. Finally, G.S.R. also sought orders amended bylaws which the new City Council had passed in the interim. G.S.R. also sought a declaration that its proposed development was protected as a lawful non-conforming use of the property, pursuant to s. 528 of the Local Government Act.

In Chambers the Judge dismissed the petition in toto and ruled that White Rock was entitled to deference in respect of its interpretation of the Local Government Act, and that its interpretation of the Act was not unreasonable. Legal parlance for the City Council could do what it wanted and the Court would not interfere.

The Judge further considered that existing case law and the plain meaning of s. 463 supported White Rock's view that it was entitled to withhold the building permit and

rejected the proposition that G.S.R's proposed development constituted a lawful nonconforming use.

Three issues were taken to the Court of Appeal with the most material to the Bayview rezoning application being that concerning the downzoning of the property and the denial of a building permit. In other words could this be repeated in Victoria?

This is what Justice Groberman wrote in the *White Rock* case:

*"[31] I am not persuaded the City's interpretation of the section was an unreasonable one. It is true that the City had issued a development permit, and that, in that sense, the proposed development had moved beyond its earliest stages. It seems to me, however, reasonable to describe the project as a 'proposed development'.*

*Construction had yet to commence, and there was no assurance that it ever would. It is true that G.S.R. was bound by the terms of the development permit, but those terms did not compel it to go ahead with the project. From a grammatical, contextual and purposive standpoint, it was not unreasonable to describe the project as a 'proposed development' when G.S.R. made its application for a building permit."*

Thus this would appear to be similar to the current situation in Victoria with the Bayview II development.

Following the judgment the Mayor of White Rock said:

*"We did what we believed we had to do, and what we had the right to do under the community charter, to try and protect our community and maintain some of the levels within the community in regards to building heights..."*

*"We had hoped all along that there would be some sort of resolution where the two sides could come together and find some common ground..."*

*"The ball is now in the hands of the proponents to decide what they want to do...It's their property. It's their land. They're the ones who have to make a decision as to what they want to do with it ... but also, are allowed to have a set of rules that give those broader guidelines as to what is possible."*

*CBC News, 4 Feb 2022 "After years long battle B.C.'s highest court rules city was within its rights to pause condo project"*

<https://www.cbc.ca/news/canada/british-columbia/white-rock-development-alexandrapark-court-battle-1.6340112>

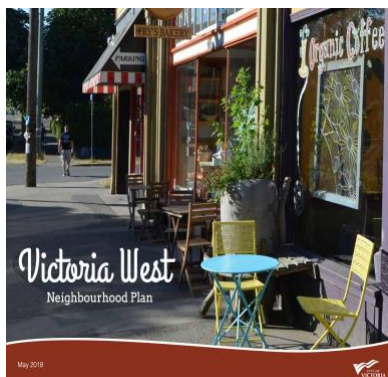
**In summary, clearly this is an important precedent and one the City of Victoria must consider.**

The judgment suggests that there is much more at stake in Victoria than whether Focus Equities is simply given more density and more height on Bayview II by amending the bylaws. It suggests there could be an issue whether Focus Equities can even keep what it has with the status quo if the current City Council wanted to take a different view from the former City Council and begin a process to revisit Bayview II in its entirety. This is huge and means it is wide open where the City of Victoria might go with this application. It would seem with the timely arrival of this judgment that the City of Victoria has been given a reason to pause this for a second look.

### **57. March 10, 2022 – Density and the Vic West Neighbourhood Plan**

I just had a question on density from a concerned citizen. He was stunned that the Mariash/Focus Equities proposals could so exceed the governing FSR. So am I. The question is what is planning, community involvement, neighbourhood plans and the like for if someone can just come in and usurp them. **If you approve this just throw out your neighbourhood and community plans because they will have been rendered meaningless.** As I have said send the request back and simply say return to us when you are compliant. What is wrong with that? Compliant. It is easy. And it should have been understood by the applicant rather than to put something before you that so exceeds everything which planning is currently about in this City that it is almost laughable. In reply to the question this is what I wrote:

*“Let me remind people that Focus Equities is asking for a density of 5.21 FSR (Floor Space Ratio). That is more than double what Vic West has proposed across the Board. Here is the cover page on the Vic West Neighbourhood Plan (119 pages), and below it the FSR for different types of developments on page 54:”*



	Uses	Density	Building Types
<b>Traditional Residential</b>	<ul style="list-style-type: none"> <li>Residential</li> <li>Commercial uses may be supported at the intersection of major roads or in limited areas identified in Policy 6.4 and 6.10.</li> </ul>	Density generally up to 1.0 FSR  Density in most areas limited by housing types identified in Chapter 6.  Opportunities for density up to 1.2 to 1.5 FSR in limited areas as identified in Chapter 6.	Single-detached dwellings, detached dwellings with accessory suites and duplexes.  Generally ground-oriented residential buildings, including houseplexes, townhouses, and house conversions consistent with the policies in Chapter 6.  Multi-unit residential buildings up to three storeys along Esquimalt Road, south of Esquimalt Road, adjacent to Catherine at Edward Street Village, and in the Pioneer Housing Cooperative site.
<b>Urban Residential</b>	<ul style="list-style-type: none"> <li>Residential</li> <li>Commercial uses may be supported at grade fronting Esquimalt Road</li> </ul>	Up to 1.2 FSR  Opportunities for bonus density up to approx. 2.0 FSR.	As above, plus:  Multi-unit residential buildings up to approximately 4 to 5 storeys are generally supported, where indicated in Chapter 6, with variable setbacks and front yard landscaping.  Residential or mixed use buildings fronting Esquimalt Road  Upper floors above the streetwall generally set back.
<b>Small Urban Village</b>	<ul style="list-style-type: none"> <li>Active commercial uses* on the ground floor in most locations, with residential or commercial uses above.</li> </ul>	Up to 1.5 FSR	Commercial or mixed use buildings up to 3 storeys. Conversions of single detached houses to commercial or mixed use. In some areas, residential or live-work buildings (see Chapter 8). For new buildings, ground level generally built up to the sidewalk, with parking located to the rear of buildings or underground.
<b>Large Urban Village</b>	<ul style="list-style-type: none"> <li>Commercial uses on the ground floor, with active commercial uses* in most locations (see Chapter 7)</li> <li>Residential or commercial uses in upper floors</li> <li>Live-work or work-live**</li> </ul>	Up to 1.5 FSR  Opportunities for bonus density up to approx. 2.5 FSR	Commercial or mixed use buildings mostly up to 6 storeys.  Buildings set close to the street to define the public realm along retail streets, with landscaped setbacks in more residential areas.  Upper floors above the streetwall generally set back.  Parking located in structures or underground.
<b>Core Songhees</b>	<ul style="list-style-type: none"> <li>Varied commercial, residential, and limited light industrial uses</li> </ul>	Up to 2.5 floor space ratio or as identified in a Master Development Agreement.**	Commercial, residential or mixed use buildings of varying heights  Buildings set close to the street to define the public realm along retail streets, with landscaped setbacks in more residential areas.  Upper floors above the streetwall generally set back.  Parking located in structures or underground.

\* Active commercial uses are those that tend to generate foot traffic and pedestrian interest, and include retail stores, food and drink establishments, personal services, theaters and entertainment, and may include some professional services, medical services or personal services.

As I have also said before the proposed density is without precedent. In summary the proponent is seeking to more than double the maximum of 2.5 Floor Space Ratio or FSR. The FSR building density is defined as the ratio between the total amount of gross floor area of a building and the area of the parcel upon which the building is located. The application shows the FSRs for Phase I and Phase II of Bayview Place both separately *and* combined. By showing both in this way the intention is to get the City to focus on the lower *average* number of 3.76 which still far exceeds the City's current 2.5.

*However, Phase I is done and should not play any part in deciding what FSR the City should approve now on Phase II.* I repeat Phase I is done. There is no justification to average the two lots. What the City has before it is an application to rezone the Phase II site ALONE. The FSR for this site is proposed to be 5.21 and thus dramatically exceeds the current zoning. The application should be rejected on this basis ALONE but there is more; that is how the application seeks to add BOTH height and density. You must consider the two together as well.

As a footnote I note the irony in Focus Equities now having Jonathan Tinney as their contact after the sudden and unexplained departure of Patrick Cotter of ZGF as Jonathan was involved in the Vic West Neighbourhood Plan (per his CV).

## 58. March 6, 2022 – Some Legal Considerations

I am writing to you again in respect of this matter. I do so briefly and so as to remind you what governs your actions:- the Local Government Act, whose purposes may be set out in abbreviation from section 1; namely:

- (a) to provide a legal framework and foundation for the establishment and continuation of local governments to represent the interests and respond to the needs of their communities,
- (b) to provide local governments with the powers, duties and functions necessary for fulfilling their purposes, and
- (c) to provide local governments with the flexibility to respond to the different needs and changing circumstances of their communities.

You are tasked with representing my interests in this community. The powers, duties and functions which you exercise must be done so judicially, reasonably and fairly. You need to be flexible and respond to my needs which may be different from a developer's and circumstances which have changed over the last 13 years. Yours is a very challenging position to hold no doubt. You do not always get it right as with the recent successful legal challenge to your plastic bag bylaw.<sup>1</sup> This is notwithstanding that I am sympathetic and appreciate that it is not always clear what course of action should be taken or your legal position vis-à-vis given issues. I would submit this to be the case with respect to the Bayview Rezoning application. You are in somewhat uncharted territory. In effect you have the same application you had before you some 13 years ago. You decided on that application but you are now being asked to rule on it again and go further. This raises a host of questions.

There is a precedent in the neighbourhood that involves what turned out to be a legal back and forth for many years over another City of Victoria Master Development Agreement with a developer – in effect the City's contract with the developer; namely *Pacific National Investments Ltd. v. Victoria (City of)*<sup>2</sup> and before the *Supreme Court of Canada Pacific National Investments Ltd. v. Victoria (City of)*.<sup>3</sup> The Supreme Court split 4 – 3 in that case and while a close analysis is outside the scope of this submission I would say there is much in that judgment which should still give you pause as you weigh this rezoning application and notwithstanding changes to the municipal legislative framework.

There are a host of other cases which could be relevant to judging the actions you have taken and are yet to take in this matter. They raise questions of standing, statutory duty, standard of care, negligence, and immunity. Again, I do not have the time to deal with them. My intention here is to flag two trends of which you may be unaware. The first trend concerns the movement away from *Anns v London Borough of Merton*<sup>4</sup> which you and other municipal authorities in Canada routinely rely upon in part to insulate themselves from liability and notwithstanding that is no longer the case in some other jurisdictions.<sup>5</sup>

The second trend reflects the adoption of the doctrine of good faith as a general organising principle in Canadian law by the Supreme Court of Canada.

In the 1970s, courts sought to identify an overarching formula by reference to which the existence or otherwise of a duty of care might be tested. In *Dorset Yacht Co Ltd v Home Office*<sup>6</sup> Lord Reid observed that the well-known passage in *Donoghue v Stevenson*<sup>7</sup> in which Lord Atkin stated that in law where the command to love your neighbour became a rule that you must not injure your neighbour should be regarded as a 'statement of principle'.<sup>8</sup> The high water mark of this development was the speech of Lord Wilberforce in *Anns*<sup>9</sup> in which he formulated what has become known as the two-stage test. The court was to inquire:

1. whether it was reasonably foreseeable that damage would arise as a consequence of the act or omission of the defendant of which the claimant complained; and if so,
2. whether there was any reason of policy or justice which suggested a duty of care should not be imposed.

However, in practice, this test proved unworkable. It was almost always possible to answer 'yes' to the first question, and, in circumstances where the first question had been answered 'yes', it was frequently difficult to see why the second question should not be answered 'no'. As a result, *Anns* provided a theoretical basis for an almost indefinite extension of the scope of liability in negligence.<sup>10</sup> Although reasonable foreseeability might be an adequate test for the imposition of liability in straightforward cases involving the direct infliction of physical damage,<sup>11</sup> it was still unable to provide 'intelligible limits' in more complex cases concerning economic loss in order to keep the law within the bounds of common sense and practicality ... and it is likely for this reason that courts outside Canada moved away from the *Anns* two-stage test.<sup>12</sup>

I addressed these changes in a law journal article 25 years ago.<sup>13</sup> The open question is whether the Canadian Supreme Court will remain with this line of authority given changes in the law with regard to relational contracting and good faith. I am not sure about that.

That is because very recently, the doctrine of good faith came before the Supreme Court of Canada in a trilogy of cases that has made new law beginning with *Bhasin v Hynnew*<sup>14</sup> followed by *C M Callow Inc v Zollinger & Ors*, and *Wastech Services Ltd v Greater Vancouver Sewerage & Drainage District*.<sup>15</sup> In the landmark *Bhasin* case, the Court affirmed the existence of a duty of good faith as a general organising principle in Canadian law.<sup>16</sup> In particular, the Court recognised four distinct duties that manifest a general organising principle of good faith:

- (a) a duty of co-operation between the parties to achieve the objects of the contract;<sup>17</sup>
- (b) a duty to exercise contractual discretion in good faith;<sup>18</sup>
- (c) a duty not to evade contractual obligations in bad faith; and
- (d) a duty of honest performance.<sup>19</sup>

If those duties were not expansive enough in their import, the Court emphasised that considerations of good faith are apparent in the process of contractual interpretation, in the law of implied terms, and in the doctrine of unconscionability.<sup>20</sup> The *Pacific National Investments Ltd* case too was about implied terms in part and it would appear the Supreme Court of Canada has moved on. The importance of the more recent cases decided by the Court is in how they begin to fill in the gaps left by *Bhasin* which are subsidiary to good faith as an organising principle and which underpin it. Thus, in the *Callow* and *Wastech Services* cases, the Court considers whether a party who exercises a contractual right in an honest and reasonable manner may still breach its duty of good faith if its conduct undermines the other party's business interests, and how the exercise of discretionary power in a contract may be constrained by good faith. This trilogy of cases is going to have profound implications for Canadian law.

The effect of the organising principle is to require contracting parties to have appropriate regard to the legitimate contractual interests of their counterparties and not act in bad faith. At the time *Bhasin* was argued, Canadian law was divided over whether the Court should recognise a general duty of good faith in contract or circumscribe good faith to the more modest and familiar classes of cases in which it had been recognised. Notwithstanding that the Court declined to uphold good faith as a general duty, it recognised that there were numerous rules and doctrines that call upon the notion of good faith in contractual dealings which could be explained through a general principle. Could such duties be found in the actions of the City of Victoria? Could they be found in the actions of Focus Equities? It remains to be seen but I would not rule anything out. Good faith will not be implied, interpreted or construed in a vacuum either. Other fulsome legal concepts such as due diligence, being put on inquiry, constructive knowledge, and wilful blindness are but a few that could be relevant here. I have sought to make the case to you that before you approve a rezoning application that you need to look at all the facts which may be relevant. You may think your inquiry can be limited but I would disagree as you do not know that. You may think that you have a defence to any claim made against the City under Part 18 Division 2 of the Local Government Act but I do not know that nor should you conclude that there are no exceptions when your actions might not give rise to a successful action as I have pointed out above.

The City of Victoria has a great deal at stake in considering this matter. Your decision will reverberate for many years and perhaps decades given the time the Bayview project may take to come to fruition or not. If this project goes wrong it is very likely that only the City of Victoria will be around to pick up the pieces down the road. In effect this would make you the ultimate risk bearer and that is why you need to proceed cautiously and informedly. The most cautious approach of course is to allow the project to proceed only as approved already and within the confines of the existing zoning bylaws and planning requirements.

1. *Corporation of the City of Victoria v. Canadian Plastic Bag Association* (2020) CanLII 3694 (SCC).



2. *Pacific National Investments Ltd. v. Victoria (City of)* (1998) 58 BCLR (3d) 390, [1999] 7 WWR 265, (1998) 165 DLR (4th) 577 (BCCA).
3. *Pacific National Investments Ltd. v. Victoria (City of)* [2000] 2 S.C.R. 919.
4. *Anns v London Borough of Merton* [1978] AC 728 (HL) at 751-752.
5. See J.A. McInnis (Gen Ed), *Emdens' Hong Kong Construction Law*, 2 vols, looseleaf, LexisNexis.
6. *Dorset Yacht Co Ltd v Home Office* [1970] AC 1004 (HL).
7. *Donoghue v Stevenson* [1932] AC 562 (HL).
8. [1970] AC 1004, at 1027.
9. *Anns v London Borough of Merton* [1978] AC 728 (HL) at 751-752.
10. See the observations of Lord Oliver in *Caparo Industries v Dickman* [1990] 2 AC 605 (HL) at 643C-D.
11. *Caparo Industries Ltd v Dickman* [1990] 2 AC 605, 633A (per Lord Oliver).
12. Eg the *Anns* case was not followed in *Yuen Kun-yeu v Attorney General* [1988] AC 175, 194 (Lord Keith of Kinkel) Privy Council and overruled in *Murphy v Brentwood* [1991] 1 AC 398,
13. J.A. McInnis, "Commonwealth Courts and the Move Away from English Authority," (1997) 27 HKLJ 28 - 39.
14. *Bhasin v Hrynew* 2014 SCC 71, [2014] 3 SCR 494. It has been called 'an excellent example of a court doing exactly what a court, particularly a Supreme Court, should do': Robertson, JT "Good Faith as An Organizing Principle in Contract Law: Bhasin v Hrynew — Two Steps Forward and One Look Back" (2016) 93(3) *Can Bar Rev* 811, 866.
15. *CM Callow Inc v Zollinger* (2020) SCC 45; and *Wastech Services Ltd v Greater Vancouver Sewerage and Drainage District* (2021) SCC 7.
16. See Hall, G "Bhasin v Hrynew: Towards an Organizing Principle of Good Faith in Contract Law" (2015) 30 *Banking and Finance Law Review* 335, 335–336. See, generally, Gray, A "Development of Good Faith in Canada, Australia and Great Britain" (2015) 57(1) *Canadian Business Law Journal* 84. *Bhasin*, too, has been cited favourably outside Canada including in Australia in *Clarence Property Corp Ltd v Sentinel Robina Office Pty Ltd* [2018] QSC 95, paras 72–73; and in New Zealand in *Heli Holdings Ltd v Helicopter Line Ltd* [2016] NZHC 976, para 114 and *SCC (NZ) Ltd v Samsung Electronic New Zealand Ltd* [2018] NZHC 2780, para 176.
17. *Bhasin v Hrynew* para 49. 18. *Bhasin v Hrynew* para 50. 19. *Bhasin v Hrynew* para 51. 20. *Bhasin v Hrynew* para 73.

## 59. February 25, 2022 – Capital Park A Model for What Bayview Could Be

I take the liberty of forwarding you an email from Concert Properties that I just received. Concert Properties is a genuine developer.

This is where I now live having sold our flat in Bayview I. Sadly, it was sold because I lacked confidence that you – Mayor and City Council - would do the right thing on the ZGF/Focus Equities rezoning application and turn it down. I had a contract in effect with the City as well when I bought in Bayview I and its terms were the current zoning bylaws and planning guidelines. I would submit it is unfair that someone can come along and convince you to amend the relevant bylaws and change the neighbourhood beyond all recognition. Every resident of Victoria should be allowed to rely upon what you have said collectively in the past. My submission here in that regard is on behalf of many other like-minded West Victorians and Victorians in general who agree with me but lack the time or skills to advance these critiques.

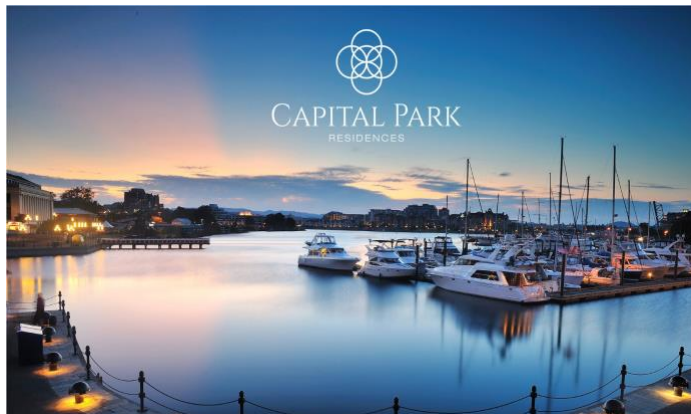
Nevertheless, you see, Capital Park is really what Bayview II should look like:- (some) low rise, high specification, mixed use, community facilities, commercial facilities, heritage homes, rental, open-space, public art, parking and in keeping with the Community Plan. Not 9 or 10 towers stuffed into a 9.2 hectare site that loom over, surround and suffocate the heritage buildings. Not 9 or 10 towers that so dramatically exceed current height and density requirements and the spirit of the Community Plan that you could be inviting a jurisdictional challenge. It is all so easy.

*In short, Ken Mariash has a terrific site in Vic West and he should be able to do something that is needed, innovative, conforming and yet still profitable for him without the excess sought. He made his deal with the City – and with the residents like me – years ago. He should have to stand by it.*

Hence I am asking you to do the prudent and responsible thing; that is to not amend the zoning bylaw and instead send it back to the drawing board and tell Ken Mariash and Focus Equities that they should double-down and give Vic West and the City of Victoria what they deserve:- another Capital Park.

Thank you,

JA McInnis



Dear Arthur,

We are thrilled to share the exciting news that all the homes at Capital Park Residences have sold. We acknowledge those who have chosen to make Capital Park your home and we hope you are as excited as we are to see this vision for Victoria come to life. Together in partnership with Jawl Properties, Concert is proud have created this vibrant, master-planned community.



The vision for Capital Park evolved from the Victoria Accord, a planning agreement established with the City of Victoria over 20 years ago that sought a mixed-use approach for the area. A network of expansive courtyards, calming water features and garden pathways connect James Bay back to the legislature and beautiful Inner Harbour through Capital Park, making it an integral part of the broader neighbourhood.

Also interconnected by the extensive landscaping are condominium and rental residences, office buildings, a Victoria Public Library branch and other community amenities including locally owned businesses such as Red Barn Market and Good Earth Coffeehouse.

Guided by Concert's people-first design principles, Capital Park has transformed this neighbourhood into a connected, walkable community while remaining true to its historic character. If you haven't visited Capital Park recently, we encourage you to walk through the complete community and witness the incredible transformation.

Sincerely,

Concert & Jawl Properties

#### **60. February 23, 2022 – Comments on Ken Mariash Interview on CHEK news**

I am setting out a link below to an article from CHEK News today (Feb 23) on Bayview that includes a short interview with Ken Mariash. You should read it. I have done a reply to it below in a table with quotes from the article in the left column and my comments opposite in the right column. I am not sure whose comments are more telling, mine or those of Ken Mariash. I would ask you to carefully read them both again and weigh them just as you should the application coming before you. I would also suggest that you look long and hard at what is most likely to come from this rezoning – the plans you might wish to rely upon, or whatever a subsequent purchaser with whom you may have no relationship is willing to offer. You see this is what is really at the heart of the matter and it would appear to me that the City of Victoria may be missing it.

**Here is a simple solution.** Tell Ken to build what he agreed. The zoning bylaw is in place and in no need of amendment. It respects the Community Plan and is more in keeping with Victoria. The downside risk for the City in this is low and your current Council would be absolved from any future problems given the original approval and rezoning took place years ago. The truth is that Ken Mariash could develop this site as is if he wanted to. I just don't think that he wants to. Presumably he would rather get your approval and sell it wouldn't he? He is quoted in the article below as already saying "the project hasn't been profitable" so what is he up to? Is the City supposed to underwrite it now? Or was this always the intention? Read my comments below. Let me underscore that if you rezone you are effectively potentially imposing a substantial premium on the development by creating the opportunity for the site to be resold consistent with land subdivision industry practices. Now that would be profitable. But, is that really what the City wants given its twin crises of housing availability and affordability? I would hope not.

<https://www.cheknews.ca/32-storey-building-proposed-for-vic-west-neighbourhood-in-revitalization-efforts-957752/>

CHEK News Article Quotes	Comments in Reply
23 Feb 2022, 6:06 pm	23 Feb 10:00 pm
'Iconic structure to define the skyline': 32-storey building proposed for Vic West neighbourhood in revitalization efforts	'Ironic structure to define the skyline' ...
For more than 20 years, Ken Mariash and his team at Focus Equities have been working on a revitalization plan for Vic West.	Focus Equities is in the Land Subdivision Industry, Dun & Bradstreet: "[t]his industry group comprises establishments primarily engaged in servicing land and subdividing real property into lots, for subsequent sale to builders".
When he first moved to Victoria, Mariash says Vic West was a completely different neighbourhood, with leaking, bankrupt and unfinished buildings. So he set out to fix it.	Not sure how the residents of Vic West would feel about this description.

The site is split into two parcels: north and south. The south side has already been zoned for five buildings, while the north side is still in the rezoning application process.	Yes, 13-14 years later little has been done following the original rezoning. Still 5 buildings at the agreed height and density is not enough I guess. In effect the application is saying we want more, MORE height, MORE density and 4, 5 or 6 (cannot be sure because the number keeps changing) MORE tall buildings plus podiums BEFORE we even start.
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<p>The north side of the site houses the railway and has four proposed buildings: one rental, two condos, and one affordable housing building. This brings the total to nine buildings.</p>	<p>But what about the two hotels and the Cultural Centre? Remember this asterisk in the application:</p> <p>* <i>Cultural Centre Note: If included, will come out of proposed density</i></p> <p>And that affordable housing which is rather described this way in the application with another asterisk:</p> <p>* <i>Affordable housing site and development parcel. The proposed affordable housing development is subject to future design and development permit approvals by a non-profit affordable housing developer and operator to a maximum of the values and criteria identified in this proposed zoning.</i></p>
<p>"The buildings are pretty much the same as what we [already] have," Mariash said. "Sort of around 26 floors."</p>	<p>Really? What about the podiums, the added density and the added height. What you have in Bayview 1 are 11 stories, 17 stories and 22 stories. BUT, the Mariash Focus Equities proposal now clearly shows building heights on the drawings and described as 26, 30, 32, 26, 28, 28, 23, 26 and 24 stories. These alone thus total 243 stories on that 9.2 hectare site before allowing for what has to be taken out of consideration given preservation of the historic buildings. Again, this one-half of your total Bayview site will have the tallest, 2nd tallest, 3rd tallest, 4th tallest, 5th tallest and 6th tallest buildings in Victoria.</p> <p>So, "The buildings are pretty much the same as what we [already] have," Mariash said. "Sort of around 26 floors." I don't think so.</p>

<p>“There’s been some height fright, but we aren’t doing anything we haven’t done before. It’s just a continuation of the vision,” he explained.</p>	<p>Done before <i>where</i> I would like to know?</p> <p>Certainly not what you did before in Bayview I – See ABOVE. And it is not a continuation of the vision. If it were you would have roughly same heights and densities and number of buildings; that is 3. OK I will spot you 2 more BUT NOT 7, 8 or 9 MORE.</p> <p><u>And recall that the approvals given in Bayview II by the City were in exchange for variances that Focus Equities was already given for agreeing to redevelop the Roundhouse properties – which have not been developed anyway despite repeated assurances that it would be.</u></p>
<p>“That was put in the middle of the skyline sort of to define it, because when you get out to the far harbour where the cruise ships come in, you actually can’t even see this project because the front buildings cover it, so we thought adding those floors would make a big difference.</p>	<p>Views are addressed as will be elaborated upon below in two ways: 1. ‘Views to the Site’; and 2. ‘Aerial Views’. Let me take the latter first. The drawings show 3 aerial views on pages 17, 18 and 19 of the rezoning submission. They are hard to parse for one main reason. They are not drawn to scale. That is, they are not in exact proportion either to each other or to the other buildings. When something is drawn to scale it means that every component within the drawing is the same proportion to one another and is represented by common measures. That is not the case here and the drawings seem to differ in size and presentation not only from one drawing to another but from one building to another within the drawings. Looked at the buildings appear to be different sizes and different heights in their different portrayals. For instance, in aerial view 1 two of the buildings appear to be less than ½ the width of buildings in Phase 1. Another example may be given. From aerial view 3 the tallest building shown is Promontory in Phase 1 which is 22 stories high. By comparison, the E &amp; N Tower, which is 32 stories high, appears shorter. Now, notwithstanding that there is a difference in gradient, is it really a 10-storey difference? Lastly, in aerial view 2 only 6 buildings appear to be shown. How is this possible? It is also very difficult to try and compare these views; e.g. aerial view 2 with its 6 buildings, aerial view 3 with its 7 buildings and aerial view 1 with its 10 buildings. An architect may reply by saying it is a question of perspective and that these taller buildings appear</p>

	<p>smaller the further they are from the point of view. However, that is not true if all the buildings are effectively aligned as they are in aerial view 2. Might this account for the fact that “you actually can’t even see this project because the front buildings cover it,”?</p>
<p>“We’re negotiable on anything like that but it just seemed like the right thing to do to have at least one iconic structure to define the skyline in a dome shape.”</p>	<p>Sure, just the one iconic structure to define the skyline and let’s not dwell on those pesky little 26, 30, 26, 28, 28, 23, 26 and 24 storey other buildings. They’re not iconic in the least.</p>
<p>In the end, Mariash said, the project hasn’t been profitable.</p> <p>“We’re just doing it because this is what we promised.... whether this is an economic project or not, that’s not the main event. The main event is to get it built the way we had in mind. We didn’t expect it to take 25-30 years, but here we are.”</p>	<p>This is understandable, what business wants to make money.</p> <p>No, actually this is not what you promised. In fact I wouldn’t even object if you delivered what was agreed or promised in the Master Development Agreement with the City. That was reasonable. What is not reasonable in my humble view is what is being sought now. And in closing whatever he “had in mind” it differs markedly from his original applications and that’s what this should be all about City of Victoria.</p>

## 61. February 23, 2022 – Beware Taking Things at Face Value

There is an inciteful long form article in Hong Kong Free Press (today) dated 12 February 2022 by Suzanne Pepper entitled ‘Beijing, Britain, pan-democrats or localists: Who is to blame for the death of Hong Kong’s democracy movement?’ Here is a link:  
<https://hongkongfp.com/2022/02/12/beijing-britain-democrats-or-localists-who-is-to-blame-for-the-death-of-hong-kongs-democracy-movement/>

My intention in referring to it is not to weigh in on the merits. I shall leave that to the historians. No, my intention is to extract one quote and show how it could apply to the Bayview rezoning application.

Here is the quote under a sub-heading ‘Learning the hard way’

*Conversely, the key failure of the old-style moderate pan-democrats was their insistence on taking the Basic Law’s words at face value, without questioning the conventional Western understanding of those words. They never asked what Beijing*

*intended when it promised eventual universal suffrage elections for LegCo and the chief executive.*

And here it is with a few changes on what we might see looking back one day:

*Conversely, the key failure of the old-style City Councillors was their insistence on taking the Master Development Agreement's words at face value, without questioning the conventional realistic understanding of those words. They never asked what Focus Equities really intended when it promised a neighbourhood by an urban visionary team.*

So what is the lesson? As this post began it is simple and that is 'beware taking things at face value.' If something sounds too good to be true it likely is. What a City Council should do in such circumstances is investigate, define, specify and enforce. Nothing, and certainly not just promises, should be left untested. What worries me is whether our City Council is up to the challenge.

## **62. February 6, 2022 – Focus Equities was in Breach of the Roundhouse Master Development Agreement**

I write to remind you of a prior breach of the Roundhouse Master Development Agreement by Focus Equities. I do so to underscore that it is never a good sign when an agreement is breached essentially before performance has begun. I also disagree with the characterisation of certain future action not being taken and referred to below as 'minor'. The key facts may be shortly put:

1. There is an agreement between the developer/Focus Equities and the City of Victoria that is called the Roundhouse Master Development Agreement ('RMDA') dating back to the original application for rezoning in 2008.
2. Section 15 of the RMDA required that the developer/Focus Equities provide, at the City's option, an area for community space. The community space could be provided either on the Roundhouse site or a mutually agreeable location off-site.
3. However, this community space requirement was amended it appears in 2014 such that the developer/Focus Equities could pay cash in lieu of the community space prior to submitting a Development Permit Application for the first building to be constructed in the Roundhouse District.
4. *"On November 30, 2017, a Development Permit Application was submitted to the City [by the developer/Focus Equities] proposing a 26-storey, mixed-use building at 210 Kimta Road which is located within Development Area 3 of the CD-12 Zone, Roundhouse District; however, the applicant did not make the necessary*



*cash-in-lieu payment prior to their submission and, **therefore, they are currently in breach of the MDA** and the application has been placed on hold until the monies are received.” [emphasis added]*

5. This quotation in para 4 is from your Jonathan Tinney, the Director of Sustainable Planning and Community Development for the City to its Committee of the Whole for a meeting dated May 3, 2018.
6. At that time the expected payment stood at approximately \$725,000.00.
7. A prior justification, excuse and request for deferral of the payment and a plea to overcome the breach was made in a letter by the developer/Focus Equities to the City dated April 12, 2018.
8. While the City eventually accepted the request the City noted that deferral of the payment to the Building Permit stage presented a ‘minor’ risk, in that there was no guarantee that the developer/Focus Equities would move forward with a Building Permit Application upon receiving Development Permit approval.

In summary, the breach of the Roundhouse Master Development Agreement by the developer/Focus Equities is ominous, does not bode well and should be carefully weighed by you when considering Focus Equities current rezoning application. Further, the real risk is not that this payment is not made in the future but that significant parts of Bayview Place simply do not happen if you approve the rezoning application without demanding more.

### **63. January 23, 2022 – A Critique of the Design Strategies in Point Form**

On April 27, 2021 Focus Equities filed *Revised Design Guidelines for the Roundhouse at Bayview Place*. These updated Guidelines filed on March 1st, 2021. The *Guidelines* state under the heading “iii. Design Strategies” on p 16: iii: “[t]he following strategies are intended to guide the development of Roundhouse at Bayview Place and inform the design guidelines that follow this section.” **They are listed under the headings below in bold with some points in their elaboration also in bold and my comments on them in italics.** You will see much of it is fluff and meaningless planning speak.

**View Historic Buildings as a Collection.** *Yes, the buildings are a collection though it appears one is to be sacrificed.*

**Build up the Ends, Carve out the Middle.** *It certainly will be built up, and up and up. In fact, all the ends will be built upon and the middle left as that is principally where the historic buildings are located. There will also be middle that is built up as with the E & N Tower which oddly is not shown in colour as are the other buildings on p 18.*

**Visually Connect the Site to its Context.** *Meaningless.*

**Create a Connected Landscape.** *Yes, there are parks adjacent to the site and it makes sense to have greenery leading to greenery but it is going to be awfully limited.*

**Curated Rail Integrated Through Site.** *If miraculously the Island Corridor ever takes shape then come back to this. In the meantime, that prospect is so unlikely that the rail corridor should be better used than being integrated to no end. This plan has to be realistic.*

**Connected and Pedestrian Oriented. Route pedestrian activity along building faces to activate and animate. Flank both sides of internal vehicle route with pedestrian circulation** *Really? Yes, people will walk on the sidewalks in front of all the high-rises and with a road in between. Hardly 'activating' and 'animating'.*

**Turntable Plaza as a Focal Element.** *This has to be the focal point as it is the only spot for it and one of the very few parts of the site not being intensively developed.*

**Respond to the Turntable.** *I just don't see this. The buildings face in all directions. They do not 'respond' to the turntable at all. If they did they would be arrayed around the turntable in a circle which they clearly are not.*

**Outward-Inward Expression.** *Turning the project outward to animate public street frontage is clearly intended to enhance the commercial character and visibility of the retailers. It is unclear how this will impact retaining of the inward focus of the buildings to historic rail activity.*

**Create wayfinding and interpretive opportunities at gateways to the site.** *Otherwise known as signage.*

**Explore storytelling opportunities along the Carriage Lane and E&N Rail Trail that speak to rail heritage and intangible values.** *Otherwise known as e.g. a plaque.*

**Use diverse interpretive media to express site history.** *OK so what are they? Where is your Interpretive Management Plan?*

**Identify opportunities for locating nodes for public art and historic interpretation.** *Please do not tell us about "opportunities". Tell us what precisely you will do, where and when.*

**Adapting Historic Buildings.** *Here we go again with "opportunities". Not good enough. Show us the plans. Tell us who the counterparties are on this and show us the contracts.*

**Site new building relative to existing Historic buildings and surrounding public streets.** *What does this mean exactly? You are proposing tall new buildings everywhere there are not historic buildings. They are not being 'sited' or situated in any other meaningful way.*

**Mitigate shading and massing impacts on Esquimalt Road and adjacent park.** *How thoughtful. Shading will be minimised on the road and park. What about everywhere else? What about vis-à-vis every other building that is adjacent to this massive proposed development? The shadow studies in the latest rezoning submission make clear not only will all the huge towers being built cast long shadows it is very likely this entire development will cast a very long shadow, not just over Vic West, but Victoria.*

**Massing Transitions.** *Isn't that generous. Outside the turntable everything else can be up to what 32 stories? That is mass alright but there is not much transition.*

**Anchor the Corners.** *This sounds so good to be almost reasonable. And the little anchor diagram over three of the buildings is almost quaint but they do not disguise the fact that we're just talking about three huge buildings with almost no setback on three of the effective corners. Oddly the fourth "corner" of the site and which will have its own huge building is neither shown nor described as anchoring any corner, presumably because it is in just a bit from the corner. Anchoring the corners adds nothing and is just another way of describing 'overdensity'.*

**Orient Buildings to the Interior of the Site.** *Again, meaningless. These gigantic skyscrapers will have residents on every floor looking in every direction. There is no "orienting" to the interior of the site for ¾ of all the residents in every building.*

**Create distinction between background and foreground buildings.** *OK, so background are the new ones and foreground the old ones that would seem to follow doesn't it? After all, some are new and some are old. They do look different and that is the idea behind conservation. This is pretty basic stuff. However, the next bullet point is again a stretch.*

**New buildings should relate to the historic buildings in their orientation, form and character.** *Firstly, insofar as orientation is concerned that makes sense. It is just that it doesn't seem to be the case when the drawings are looked at (see p 25). Secondly, as to their form I don't think so either or you would probably have only low rise brick buildings as the best exemplar. Instead what is proposed is steel, concrete and glass. Hardly Roundhousian! Lastly, the new buildings should relate in character to the old. Character of course has many meanings but none of them seem to be a good fit here especially because the term is most often used in relation to individuals and not buildings. Even if character is read here as having to do with 'characteristics' it is unclear how this design guideline will be meaningfully translated when dealing with two types of buildings, new and old, and which are obviously so different.*

**Hierarchy of Public Open Space.** *Well, this is hard to construe because there really is so little public open space that it is again a stretch to seek to impose a hierarchy on it. Maybe a planner might think in these terms, but few others would with the amount of public open space in these plans at least.*

**Podiums Transition to Scale.** *How thoughtful. In places, which are not spelled out anywhere, it states that “taller buildings can incorporate “a podium of 4 – 8 storeys in height to transition to building scale”. Transition is good but just imagine an eight storey podium! Do you know how ridiculous that is in the City of Victoria? I cannot think of another building in Victoria with an 8-storey podium. Even internationally that far and away exceeds practice. This is so wrong.*

**Undercutting Buildings at Grade.** *This is interesting and I wonder how it aligns with point 18 above? Nevertheless, this underscores again just how massive these buildings are going to be. They are going to be so huge that the architects are proposing for their design guidelines that buildings are **undercut** or **recessed**. This diminishes their mass at grade level but ends up with these tall dense structures looking rather precarious overhead once completed. Undercutting also has the effect of exaggerating the building’s appearance as large because of the contrast it introduces as well. You see trying to hide the true scale of these buildings is not a solution to overdevelopment. Refusing amendment to the zoning plans would be.*

**Landscape that Supports Architecture and 21 Landscape as a Framing Element.**

**Consider using trees to support and reinforce architectural transitions.**

**Use street trees to define the street edge and form a backdrop that unifies historic buildings as a collection.** *Boy oh boy. Trees better be more than just considered in this development and as for the trees planted on the street saying they are going to unify the historic buildings seems to be the final stretch in these Guidelines.*

While these are the official stated objectives in this part of the application there is one of my own I would like to add: Crowding in as much Profitable Development as Possible. It is suggested that this is the true overriding objective of these Design Guidelines to which all others are in service on this project.

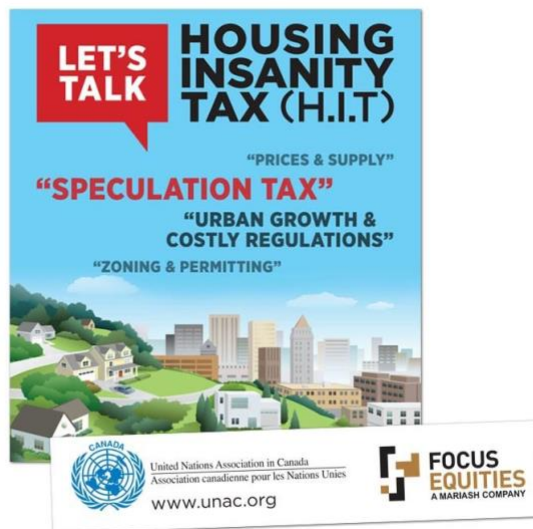
<https://tender.victoria.ca/.../Prospero/FileDownload.aspx...>

#### **64. January 12, 2022 – The Speculation Tax and Focus Equities**

Here is what the newspaper Press Progress reported on June 15, 2018

“BC Developer Used United Nations Charity Event to Attack Tax on Wealthy Real Estate Speculators” “Charity points finger at luxury condo developer after housing crisis event was rebranded as a dialogue on BC’s ‘Housing Insanity Tax’”

“A full-page ad in Victoria’s Times-Colonist newspaper last week, co-branded between the United Nations Association in Canada and a Victoria-based real estate firm called Focus Equities, bizarrely billed the event as a discussion about the quote unquote “Housing Insanity Tax.””



<https://pressprogress.ca/bc-developer-used-united-nations-charity-event-to-attack-tax-on-wealthy-real-estate-speculators/>

The story by Press Progress followed closely on this tweet from the United Nations Association Canada:



<https://www2.gov.bc.ca/gov/content/taxes/speculation-vacancy-tax/exemptionsspeculation-and-vacancy-tax/corporations-trustees-business-partners>

Land development is important, but it needs to be done with the wider community in mind. The BC Government has a “Land Development Toolkit” which states on its landing page:

“Land parcels available for development are important community assets, providing you with a basis to attract a new business, help an existing business to grow, or execute an economic development strategy.” (emphasis added)

This is a link to the Toolkit website.

<https://www2.gov.bc.ca/gov/content/employment-business/economicdevelopment/market-and-attract/land-development-toolkit>

There are some questions which these the stories raise as to the nature of the development and whether it is speculative? Recall that Dun & Bradstreet situate Focus Equities in the “Land Subdivision Industry”. Dun & Bradstreet: “[t]his industry group comprises establishments primarily engaged in servicing land and subdividing real property into lots, for subsequent sale to builders”.

Caveat. While Focus Equities is held out as the developer behind Bayview Place it is unclear which Focus Equities it is. This is because there are other corporate entities which have been incorporated in Alberta (and registered in British Columbia extra provincially) with this name at least in part but also numbered at times; for instance, Focus Equities Alberta Inc which also has an assumed name of 208280867 Alberta Inc per BC Registrar of Companies on January 14, 2011 with this notice from the Registrar of Companies: “A0108487 FOCUS EQUITIES INC., a foreign corporation registered in ALBERTA and registered as an extra provincial company under the laws of British Columbia with certificate number A0097491 and 1432410 ALBERTA INC., a foreign corporation registered in ALBERTA, were amalgamated as one company under the name FOCUS EQUITIES INC. amalgamated at 01:15 PM Pacific Time” as on January 21, 2019.

Here are some questions. Which entity is beneficially behind Bayview Place and is it a resident BC corporation to be exempt from the BC Government Speculation and Vacancy Tax? Notwithstanding the tax is provincial and not municipal, will the City inquire as to whether any taxes are currently due in respect of the landholding? Will residency and tax status be factors for the City Council in considering the current rezoning application?

Here is a link to the Government webpage on the exemptions and requirements for eligible corporations regarding this tax.

<https://www2.gov.bc.ca/gov/content/taxes/speculation-vacancy-tax/exemptionsspeculation-and-vacancy-tax/land-under-development>

## **65. January 6, 2022 – Aquara - is this the Fate that will Befall Bayview Place?**

It was announced with fanfare at the time. The Times Colonist blazed:

## Construction of \$88M seniors centre to start this summer on Songhees

In the article published on January 26<sup>th</sup> 2019 by Andrew Duffy it was reported:

*“The company behind an \$88-million seniors development is hoping to have construction start this summer after receiving a development permit this week.”*

The article also reported:

*“Ken Mariash, the founder of Focus Equities, which is the master developer of the site, has called Aquara ‘a critical element for this community.’”*

And lastly Duffy reported:

*“The intention is to complete the project in 2021”. This is the link to the story:*

<https://www.timescolonist.com/real-estate/construction-of-88m-seniors-centre-to-start-this-summer-on-songhees-4669432>

Here we are though. It is now 2022 and there has been no start to the construction. This is similar to what has happened at Bayview Place albeit with one very important difference; that is, Ken Mariash’s company Focus Equities has already been substantially paid for this part of the site.

Here is how GlobeNewswire reported the payment on August 30<sup>th</sup> 2017:

*“Element Lifestyle Retirement Inc. (“Element” or the “Company”) (TSX.V:ELM) is pleased to announce that Element completed the purchase of a 1.96 acres property along the harbourside of Victoria at Bayview Place, British Columbia (the “Lands”) pursuant to the terms of an amended offer to purchase agreement (the “Agreement”) with Focus Equities Inc. (“Focus Equities”).*

*“Under the terms of the Agreement, the Company agreed to pay to Focus Equities \$6.7 million for the Lands. An aggregate of \$300,000 had been paid to Focus Equities in deposits against the purchase price, \$4.7 million was paid to Focus Equities on closing and the balance of \$1.7 million is held in trust by the Company’s counsel, which will be released and paid to Focus Equities when Focus Equities has completed certain excavation work on the Lands, including site levelling work and certain underground excavation work, pursuant to the terms of an excavation agreement entered into between the Company and Focus Equities, as previously announced on August 17, 2017. Furthermore, upon commencement of the excavation work on the Lands by Focus Equities, the Company will deposit \$1.8*

*million plus GST in trust with the Company's counsel, to be drawn and paid to Focus Equities on a monthly basis as work progresses."*

You can read the full news release here:

<https://www.globenewswire.com/news-release/2017/08/30/1104325/0/en/ElementLifestyle-Retirement-Completes-Property-Acquisition-in-the-Victoria-Harbour-Arealong-with-Convertible-Debenture-Private-Placement.html>

So, Focus Equities has been paid but that is about it. Meanwhile Element Lifestyle Retirement Inc continues to putter along further away than ever from starting construction on the seniors home and with its shares trading at just 0.070 (on Jan 5<sup>th</sup> at 4:00 p.m.).

What this shows is that Bayview Place needs real engineering not financial engineering. We cannot and should not let this happen to any integral part of the remaining Bayview Place development.

## **66. January 1, 2022 – Responding to the Amended Rezoning Application Part III**

### **Design Exploration – Shadow Studies**

At last, the shadow diagrams have now been provided. I note that these are being provided very late in the day.

The shadow diagrams comprise 12 drawings: the first 6 showing shadows at different times of the day upon Spring Equinox, March 21<sup>st</sup> (the first day of spring) and a second set of 6 diagrams showing the shadows at different times of the day upon the Summer Solstice, June 21<sup>st</sup>, (the first day of summer). Sunset at the Spring Equinox would be expected around 7:27 p.m. and at the Summer Solstice around 9:18 p.m.

Examining the first 6 drawings it can be seen that all of the buildings on the site are in the shadows almost for the entire day. Most will receive no sunlight at all. Those few buildings that do have some sunlight front on Kimta. However, the drawings do not show what shadows are cast by the waterfront condos directly opposite them on Kimta. These buildings too will limit the sunlight for them save for those condos which are on storeys tall enough to look over the current buildings opposite them. Oddly, regarding the 6<sup>th</sup> drawing in the first set of diagrams, there is no attempt to show the shadows that the buildings would cast *outside* of the site, unlike in the first 5 shadow diagrams. What this 6<sup>th</sup> diagram appears to show instead is a site covered almost entirely in shadows.

Turning to the second set of 6 drawings showing the shadows at Summer Solstice they are less prominent than the almost complete shadowing of all the buildings on the site in the Spring Equinox drawings. However, even with the sun at its zenith there are still pronounced shadows shown on the 3<sup>rd</sup> diagram. And significant shadows on all the other



drawings especially the 1<sup>st</sup>, 5<sup>th</sup> and 6<sup>th</sup> but even to a considerable degree on the remaining 2<sup>nd</sup> and 4<sup>th</sup> diagrams.

Here is the reason there are such significant shadows. THESE BUILDINGS ARE TALL. Tall buildings cast long shadows and there is not much you can do about it. Even on Bayview Place Phase 1 Encore casts very extensive shadows on Promontory and vice versa depending upon the time of day. Encore casts those shadows later in the day while Promontory casts them earlier in the day.

I note there is no attempt to show how these shadows affect Bayview Place Phase 1 or for that matter how Bayview Place Phase 1 shadows affect Phase 2. There may be a legal doctrine though that could assist the current residents in Phase 1. It is a doctrine called ancient lights and in effect holds that if a window admits light to a room that has been in place for a time, then a right is acquired to that light so that a neighbour cannot build in a way that blocks the light. The right forms what is really an easement over neighbour's property and thus rights to light are acquired for the original building and balanced by the loss of rights to fully develop any nearby property. Thus, the doctrine embodies an old feature of property ownership; that is the need to give up absolute property rights in favour of more limited rights to support the well-being of the community as a whole. See Howard Davis, "The Future of Ancient Lights," *Journal of Architectural and Planning Research*, 6(2) (1989) 132-153.

Here is the thing. Should anyone care if some renters or purchasers just have the bad luck to rent or purchase property that gets little or almost no sunlight? Probably not. And why? Because their views are not really being given weight right now. Directly, they do not have a voice as they are an as yet unidentifiable group. They will come later and frankly they will have to take or leave what the City, and any developers involved in this project, offer them. And if that offer is condos without light, so be it. I understand this from a pure Darwinian perspective, but should we not try and take into account what might be in the interests of and preferences for this group nevertheless? I think we should. In fact, would that not be the main reason the City could have required Focus Equities to include shadow studies in the first place? I believe so.

## **Views**

Views are addressed as will be elaborated upon below in two ways: 1. 'Views to the Site'; and 2. 'Aerial Views'. Let me take the latter first. The drawings show 3 aerial views on pages 17, 18 and 19 of the rezoning submission. They are hard to parse for one main reason. They are not drawn to scale. That is, they are not in exact proportion either to each other or to the other buildings. When something is drawn to scale it means that every component within the drawing is the same proportion to one another and is represented by common measures. That is not the case here and the drawings seem to differ in size and presentation not only from one drawing to another but from one building to another within

the drawings. Looked at the buildings appear to be different sizes and different heights in their different portrayals. For instance, in aerial view 1 two of the buildings appear to be less than ½ the width of buildings in Phase 1. Another example may be given. From aerial view 3 the tallest building shown is Promontory in Phase 1 which is 22 stories high. By comparison, the E & N Tower, which is 32 stories high, appears shorter. Now, notwithstanding that there is a difference in gradient, is it really a 10-storey difference? Lastly, in aerial view 2 only 6 buildings appear to be shown. How is this possible? It is also very difficult to try and compare these views; e.g. aerial view 2 with its 6 buildings, aerial view 3 with its 7 buildings and aerial view 1 with its 10 buildings. An architect may reply by saying it is a question of perspective and that these taller buildings appear smaller the further they are from the point of view. However, that is not true if all the buildings are effectively aligned as they are in aerial view 2.

### **Turning to the ‘Views to the Site’**

It can be pointed out 8 different ‘Views to the Site’ are shown on pages 10 to 13 under the heading ‘Design Exploration’. Then there are three aerial views that are also presented. Here is what is missing though; there are no views THROUGH the site. The reason is simple, and it is likely because these views are extremely limited. They are extremely limited because of the so-called building massing. Thus, if one walked along Esquimalt Road in either direction between Sitkum and Catherine, then using the Design Exploration – Shadow Studies drawings, you would find there are no views through the site. None.

As one looks toward and for a view of the water on the walk all one would see instead of water are buildings in every instance. This is because those buildings are placed in one of three successive lines and hence even if you have a view through the first line of buildings the view will become blocked by either the second or the third line of buildings as you progress. The same would occur if the walk took place on Kimta. This is an interesting point of contrast with Dockside Green.

Thus, in the 2005 Design Guidelines for the Dockside Area, 5 types of views are described: 1. View Type A: Pedestrian level views into and through the site; 2. Type B: Intermittent, narrow pedestrian views into the site; 3. Type C: Views towards the site; 4. Type D: Upper-level views through site; and 5. Type E: From Bay and Skinner Street. The Bayview Rezoning Submission presents only two of these types of views; namely 3 and 5 but then adds the aerial views.

The views INTO or THROUGH the site noted above in Dockside viz. numbers 1. Type A; 2. Type B; and 4. Type D are missing. Again, it is submitted, the reason for this is clear. Those views are not to be had. It should be noted that the Design Guidelines submitted by Focus Equities on March 1<sup>st</sup>, 2021, as part of its rezoning application do address views. However, those details are again views to the site (albeit fewer of them) and what are described as ‘interior sightlines’.

Hence the depiction of the sightlines and views here are internal or what one sees from inside the site. This has the effect of removing one or two of the lines of buildings referred to above which serve to obscure views when looking into or through the site, for instance when walking along Esquimalt or Kimta again.

## **Dockside Green**

Considerable prominence is given in the drawings to the buildings proposed for Dockside Green especially in the aerial views. Looked at the Dockside Green buildings being built by Bosa seem as high as those at Bayview Place. However, if correct, the final phase of Dockside Green's tallest building will be only 18 stories. Assuming a 22-storey limit Bosa would not even have had to seek concessions from the City to construct to that height. It could all have been done under the current zoning bylaws and plans. It begs the question then why does Focus Equities need extra concessions? Is that much really called for given the approvals that have been given already? While Bosa has no historic properties to protect and refurbish it has nevertheless committed to 2 focal points/plazas, a minimum 2 pedestrian east/west pathways, parks and green space, a boulevard and streetscapes, an internal north/south greenway, improvements to the Galloping Goose Trail, a pedestrian lookout pier from the Point Ellice Park and small boat launch Waterfront walkway and public art. Ultimately, Dockside Green now under construction, will continue what was begun years ago with the first phase of that development. It strikes me as a natural extension of what has gone before.

On the other hand, there is very very little about Bayview Phase II which appears to be a natural extension of the original Phase I. This is a genuine concern.

## **67. December 29, 2021 – Responding to the Amended Rezoning Application Part IIA**

Further to my most recent comments 'Responding to the Amended Rezoning Application Part II' this is a brief addendum to it. These comments further develop one aspect of my Part II Comments; namely those addressing 'New Reinstating Active Rail'.

I wrote in part:

*"This certainly sounds interesting but it would contradict almost everything else in the proposal. How would it sit with the 'New Urban Forest' for example, or the repurposed boxcars which are supposed to be on the rails on site, or safely fit with any pedestrianisation etc? The answer is it would not sit comfortably unless of course you welcome trains cutting through your developments. The sad fact is that Rail is gone for the moment at least, the Rail Bridge is gone, and if it returns it is very unlikely to ever be part of Bayview Place. Perhaps with the support of the Island Corridor Foundation Rail may one day be reinstated from Esquimalt to parts*

*northward on the Island but even this appears to be highly tenuous at present given the cost and the state of the tracks..."*

Since posting those comments I have found this article which is directly relevant. The headline is "Developer wants commuter rail service up and running in one year". It was written by Pamela Roth and dated 8 December, 2016 from a story in *Victoria News*. In the story Ken Mariash made a rail line sound easy.

*"If all goes according to plan, by this time next year commuters from the West Shore will be arriving in Victoria West by train along the E&N Rail corridor."*

*"It's a plan that prominent developer Ken Mariash, owner of Focus Equities, has been working on for the last six to eight months, meeting regularly with key stakeholders in the region such as city mayors."*

*"As the developer behind Bayview Place (located adjacent to the Inner Harbour), bringing a commuter rail service is something Mariash has had his eye on ever since planning began for the Roundhouse Marketplace — a development that offers a mix of retail, culture and gathering places in Vic West."*

*"Mariash has read through numerous studies done over the years on a commuter rail service in the region and has hired a bunch of engineering firms to further look at the idea. If the project gets off the ground, he'd provide a station inside the Roundhouse site."*

*"'It's not very complicated,' said Mariash, noting the capital cost to get everything up and running is about \$7 million to \$10 million — something he calls pocket change compared to some of the other infrastructure projects his company has done with developments in Calgary and Edmonton."*

Here is the link: <https://www.vicnews.com/news/developer-wants-commuter-railservice-up-and-running-in-one-year/>

Actually, it is complicated, as anyone at the Island Corridor Foundation, or the Esquimalt & Nanaimo Division of the Canadian Railroad Historical Association, or the engineers at WSP who prepared the recent Summary Report on "Island Rail Corridor Condition Assessment" would know.

For example, would anyone considering buying a 7, 8 or 9 hundred thousand dollar condo in Bayview want to smell the creosote soaked rail ties (heritage of course) that it might entail except me? You see while I am still partial to that smell from my days as a young man working on the British Columbia Railway in Northern BC I have not come across many others who are. What would an active rail line do for the standards of refurbishment of the

Roundhouse: enhance or detract from them? Who would pay for it and would it fit with the Vic West Neighbourhood Plan? The compromises that it entails would conflict with other parts of the development that are held out as noted above. So, in the end, the Mayor and City Council will need to take their rose-coloured glasses off when looking at this being held out.

## **68. December 27, 2021 – Responding to the Amended Rezoning Application Part II**

This is Part II of comments on the December 7 further rezoning submission of Focus Equities through its designate with Part III to follow.

### **Affordable Housing**

The rezoning application holds out the addition of affordable housing; in particular some 250 units comprising 50 bachelor and 200 1 BR units. Like the Cultural Centre though this comes with its own asterisk. The asterisked caveat this time reads:

*\* Affordable housing site and development parcel. The proposed affordable housing development is subject to future design and development permit approvals by a non-profit affordable housing developer and operator to a maximum of the values and criteria identified in this proposed zoning*

What does this mean in practice? It means that there is no obligation to provide the affordable housing unless another developer steps up with design and development, approvals are given, the developer must be a non-profit, who is also either an operator or along with a separate operator who steps up willing to take it forward.

Once again, that is another very big ‘if’. Given the importance of this the proponent should come to the table with a developer *cum* operator in hand, not simply hold out that it will come down the road. In fact, why should such developer come as envisaged? From a commercial point of view this may be one of the most unattractive aspects of the development and hence the most difficult to interest third parties to take over and assume responsibility therefor. If the City drove this project as a P3 details of such a developer/operator would all but be mandated. In short, there is simply no way that this big an out should be given to the proponent with regard to this application.

Further, while described here as a very big ‘if’; strictly speaking, this is a ‘subject clause’. Subject clauses are used when an exception is set out. Hence the rezoning application states what will be done including the construction of affordable housing but it is subject to this exception; e.g. only if there is a qualified willing third party or third parties who take it up and approval is given for it. It should be noted that no such exception is set out with regard to the other parts of the application. This is because the proponent must be

reasonably confident that those other commercial parts in the rezoning application can be sold, and that those parts will attract the interest of other parties. It is presumably on that basis that the proponent is incurring costs from not only his original application but all subsequent reapplications over a very long period of time. This development is not being undertaken as a charitable endeavour for the City of Victoria but as part of a deliberate and carefully honed commercial plan. Sometimes confidence in such plans though can be misplaced as it appears to have been with the sale of part of phase I of Bayview Place to Elements for the Aquara seniors complex and which is now stalled. What might stall here? Affordable housing?

### **Public Amenity Plans (2015) and (2021)**

There was a list of improvements and miscellaneous items in what is described as the Public Amenity Plan in 2015. In other words, these items were held out previously by Focus Equities' consultants. The changes proposed for 2021 all fall under the heading 'On-site Improvements'. In 2015 there were 6 items listed with the area they comprise. In the 2021 proposal four so-called 'new' items are added. These call for closer examination.

Firstly, it should be noted that one was dropped from 2015; that is **'Naturalized Landscape Knoll'**. For those familiar with the site this refers to the rocky outcrop at the top of the site fronting on Esquimalt Road. It is a feature that is affectionately regarded by some in the vicinity. Again, it appears to have been dropped in favour of something described as 'New Esquimalt Gateway'. In the process 11,350 SF of amenities appears to have been lost. But, this lost space comes close to what is proposed with 'New Roundhouse Green Space' which totals 11,450 SF. This New Roundhouse Green Space would appear to be part of the current driveway that enters the site off Sitkum. Inasmuch as there are no drawings of what this new Green Space would look like it will probably be grass. My feeling is that if residents' opinions were sought on this most would prefer the naturalized landscape knoll to some grass.

There is also a **'New Urban Forest'**. Really, a forest. In other words a "complex ecological system in which trees are the dominant life-form" (Brittanica); "a large area of land covered with trees and plants..." (Cambridge Dictionary); or "1. a dense growth of trees and underbrush covering a large tract" (Merriam-Webster). So, is this really a forest then per these definitions or will it be some individual trees planted along the rail right of-way which is what the drawings appear closer to? I think the latter. Few would describe planted trees along a street in Victoria for instance as a 'forest'. Again, it speaks to the application which is replete with 'planning speak' and as here seems exaggerated.

Lastly, there is **'New Reinstating Active Rail'**. This certainly sounds interesting, but it would contradict almost everything else in the proposal. How would it sit with the 'New Urban Forest' for example, or the repurposed boxcars which are supposed to be on the rails on

site, or safely fit with any pedestrianisation etc.? The answer is it would not sit comfortably unless of course one welcomes trains cutting through your developments. The sad fact is that Rail is gone for the moment at least, the Rail Bridge is gone, and if it returns it is very unlikely to ever be part of Bayview Place. Perhaps with the support of the Island Corridor Foundation Rail may one day be reinstated from Esquimalt to parts northward on the Island but even this appears to be highly tenuous at present given the cost and the state of the tracks. These comments are made notwithstanding that Mr. Mariash appears to have had some exploratory meetings on this subject with City Councillors while seeking subsidies. However, if this were a serious proposal, it would have been included in the most current original rezoning application and not as an afterthought now. Looked at in their entirety the Public Amenity Plan 2021 adds very little in return for what is now sought.

### **Public Benefit Commitments (2015) and (2021)**

The amended application again contrasts what was held out in 2015 versus what is held out now in 2021. There is one commitment which has been delivered and credit should be given for that: namely 'Roundhouse building emergency shoring and stabilization work'. This is shown as 'complete'. However, this has also been beneficial to Focus Equities in the short term as presumably it has enabled the site to be rented and revenue generating when used by occasional tenants: e.g. film crews, parties, Christmas fairs and the like. It was important to be done but it is really the minimum and as noted the only commitment to have been done leaving among others the far more extensive and important 'Rehabilitation of the Roundhouse' undone.

Importantly, it is understood that the site has a contamination problem. This follows from the use of the site as a service yard for trains and locomotives with all that would entail from 1913 until operations ceased. In the 2015 public benefit commitments it was addressed in this way:

Contaminated Soils Remediation	Remediate brownfield site to appropriately remediate contaminated soils for community development
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What does this mean? It is hard to tell because this commitment is so unclear as to be possibly unenforceable. Scrutinized, it is highly ambiguous, and notwithstanding what is said in other parts of the application, because this is the most recent submission it can be argued that it should govern. Other questions arise; for instance, why is the benchmark 'appropriately'? This may only go to processes and say nothing about standards which should be applicable from an environmental standpoint. Why are the site and the soils referred to? And why is it all ostensibly limited by reference to 'community development'? Is this some further form of limitation on how or where remediation will be carried out as opposed to wherever on-site excavations are revealed to be contaminated with reference

to agreed guidelines. The 2021 commitment repeats this uncertainty though it also adds: 'Additional site area to be remediated using new approach'.

Contaminated Soils Remediation	Remediate brownfield to appropriately remediate contaminated soils for community development Additional site area to be remediated using new approach
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Where is this coming from and what is this new approach? Has the City asked more of the proponent here? Have sufficient questions now been raised that the proponent is being obliged to offer more in terms of its remediation plan? Is it that the 'dig and bury' approach originally put forward was recognised as too little to be approved when questions are now being raised about the plan? Is it a move away from e.g. a former 'bury zone' under the historic buildings? If so, who will decide what is buried on site and what is transported elsewhere for processing? Lastly, when these commitments are made who will ensure that any subsequent purchasers; e.g. substantive developers, will assume and fulfil them as held out here? These questions must be answered.

End of Part II, Part III to follow.

## **69. December 19, 2021 – Responding to the Amended Rezoning Application Part I**

### **General**

Focus Equities is beginning to respond to the public demanding more details and more accountability. I would submit without the public pressure that has been exerted and your letters to the Mayor and Council that some of these details would not have been forthcoming. This is a win for the public who deserve full disclosure, just as the City Council does, if this application is to be judged on its full merits and demerits. On Dec 7 the revised application was submitted and is now on the City of Victoria Development Tracker website here.

<https://tender.victoria.ca/.../Prospero/FileDownload.aspx...>

Anyone can subscribe to and access the full application on this site at no charge.

### **Heights**

The proposal now clearly shows building heights on the drawings. The heights are 26, 30, 32, 26, 28, 28, 23, 26 and 24 stories. These thus total 243 stories on that 9.2-hectare site before allowing for what has to be taken out of consideration given preservation of the historic buildings. By comparison, the tallest building in Victoria is currently Hudson Place listed at 25 stories. Therefore, this ONE SITE will have the tallest, 2<sup>nd</sup> tallest,



3<sup>rd</sup> tallest, 4<sup>th</sup> tallest, 5<sup>th</sup> tallest and 6<sup>th</sup> tallest buildings in Victoria. By comparison the Telus Ocean building just approved for downtown is only 11 stories and that was fought over. The tallest building on the Bayview site is almost 3 times the height of the Telus Ocean building. It may be asked what is wrong with this picture? The fact is that what was held out for this site was Granville Island but what the City of Victoria is getting is the West End. This is a far cry from what Ken Mariash of Focus Equities was saying prior to the 2008 rezoning:

*“In exchange for saving the rare intact railyard designed in 1912 — with industrial roots going back to the era of coal baron Robert Dunsmuir — the developer wants to build larger buildings than would normally be allowed on one part of the site.*

*Mariash says the overall density wouldn’t exceed what’s already permitted in the Songhees area. The plan submitted to the city mentions buildings with heights of 16, 18 and 20 storeys, although a city planner said none of the project details has been finalized and the application is in ‘flux.’”*

*Sept 30, 2007, Properties in Victoria*

*Professionals, <https://propertiesinvictoria.com/victoria-bc-real-estate-theroundhouse-project/>*

## **Aquara**

The seniors home still appears on the application and yet it is moribund. It should be removed and any thought of applying to rezone it marked ‘paid’.

## **Condo/Hotels**

Three condo/hotels are listed in the application. Given that the City just approved what is its first new hotel in two decades (the Wintergarden) this seems overambitious if not unrealistic. <https://www.timescolonist.com/local-news/new-hotel-coming-to-downtownvictoria-4750513>

## **Presentation Centre. Lot 4b**

This part of the Bayview I site is left open for ‘Future Development’. If there are plans for this part of the site they should be disclosed now so they may be taken into consideration with the current application.

## **Distribution of Approved and Proposed Building Area & Massing**

The justification for adding new buildings is that this results in ‘a balanced distribution’. What this means is that because the previous zoning approved in 2008 did not permit the blanketing of the entire site with buildings that it was unbalanced, and this application will now allow for balance. It is also justifying the application by saying “building massing that is

focused on the east and west ends of the site... [allows] the preservation of the existing historic rail buildings and rail infrastructure, tracks and turntable at the centre of the site.” Let’s be frank here. We do not need “building massing” to preserve the historic rail buildings as the 2008 rezoning already required their preservation.

## Density

The proposed density is without precedent. In summary the proponent is seeking to more than double the maximum OCP of 2.5 Floor Space Ratio or FSR. The FSR building density, commonly referred to as Floor Space Ratio (FSR), is defined as the ratio between the total amount of gross floor area of a building and the area of the parcel upon which the building is located. The application shows the FSRs for Phase I and Phase II of Bayview Place both separately *and* combined. By showing both in this way the intention is to get the City to focus on the lower *average* number of 3.76 which still far exceeds the City’s current OCP of 2.5. However, Phase I is done and should not play any part in deciding what FSR the City should approve now on Phase II. I repeat Phase I is done. There is no justification to average the two lots. What the City has before it is an application to rezone the Phase II site ALONE. The FSR for this site is proposed to be 5.21 and thus dramatically exceeds the current zoning. The application should be rejected on this basis ALONE but there is more; that is how the application seeks to add BOTH height and density.

## Height and Density

The application not only seeks to add new buildings it seeks to increase the density of those buildings that are already approved. Consider that for a moment. And consider it especially given that the same party behind the proposal (Focus Equities) was behind the 2008 application. In that application it sought and obtained significant concessions from the City largely in exchange for redeveloping the Roundhouse properties and yet it is still not done let alone started. Further, the Master Development Agreement with regard to Phase II has also been amended twice in 2014 and 2018. Ken Mariash, a director of Focus Equities, who has taken these applications forward through designated consultants (viz. Patrick Cotter at present) has said in the past that it would only take 10 years:

*“Mariash, who expects development of the project to take place over 10 years, has brought in architect Norman Hotson to work on the project. Hotson’s firm, Hotson Bakker Boniface Haden Architects + Urbanistes, worked on Vancouver’s Granville Island and rehabilitation of Vancouver’s 1888 CPR Roundhouse as a pavilion for Expo 86. That roundhouse building now serves as a community centre.” Sept 30, 2007, Properties in Victoria Professionals, <https://propertiesinvictoria.com/victoria-bc-real-estate-theroundhouse-project/>*

Well, ten years is up. In fact, 14 years is up since that the deal was done. Rezoning is not a game of ‘double or nothing’. The anticipated redevelopment did not occur. Instead, the City

is met with another application that seeks not only MORE buildings to redevelop the Roundhouse properties but MORE density for the buildings that were approved in 2008. Let me repeat that. This application is seeking not only MORE buildings but MORE density for the buildings that were approved in 2008 even though the quid pro quo (a favor or advantage granted or expected in return for something) never happened. What is the consideration for this? Focus Equities is asking for more when what is being offered in return is what was offered before. This looks more like a failure of consideration than not. *Wikipedia*: “**Failure of consideration** is a technical legal term referring to situations in which one person confers a benefit upon another upon some condition or basis which fails to materialise or subsist.” Is this what we have here?

## Cultural Centre

In the Bayview Place promotional video Ken Mariash says, while pointing out a very large area between what appears to be DA4 and DA5 on the new application, (though differently configured):

*“...and here a kind of a cultural district that we’re looking at a performance facility there with David Foster and the architect Frank Gehry and he’s also participating in the design of these two buildings in conjunction with that...”*

<https://vimeo.com/555927044>

- at about the 4:50 mark

David Foster makes an appearance in the video, and heartily endorses it. Frank Gehry does not appear which is perhaps understandable given he is 92 now (and was still old when the video was done). While these representations appear clear the actual situation appears far less clear and notwithstanding that there is a red star on the drawings meant to show where the Cultural Centre would be built. It is also unclear if the Cultural Centre would comprise two buildings as there are two buildings designated no. 4 although only one red star. This must be contrasted with the note next to the Cultural Centre red star three pages below where it first appears, and which reads:

*Note: If included, will come out of proposed density*

Hence, if the Cultural Centre is included, it will come out of proposed density. That is a very big “if”. And how likely is that? I imagine most developers would want to give up residential, commercial or retail space to make way for an expensive amenity such as a Cultural Centre especially one designed by a famous and no doubt expensive architect if given the chance. Actually, I think not, and would submit, that it is highly unlikely that a Cultural Centre will be built in Bayview II let alone one designed by Frank Gehry. I would be delighted to be proven wrong but at present, and if I were deciding on this application for rezoning, I would need more than a video clip, red star and note on the plans before accepting that it is ‘coming soon’. What I would need is a P3 commitment, business plan,

needs assessment, drawings, and financial and operational plans. Now the City could ask for these as well or it could just take its chances.

#### **70. December 6, 2021 - Resolution of the Architectural Institute of BC on Illegal Practice of Kenneth William Mariash Sr and Patricia Mariash**

The Architectural Institute of British Columbia ('AIBC') is the statutory body that regulates the profession of architecture in the public interest. It is given this authority pursuant to ('the Act') R.S.B.C. 1996 cap 17. On the website of the AIBC it provides in part:

*"The Act is, broadly speaking, public protection legislation. It is provincial law that applies to everyone in British Columbia. It prohibits those who are not registered as architects from practising architecture, or holding themselves out or implying that they are able to do so..."*

Below the heading "Misrepresentation" the AIBC website further provides in part:

*"Under the Act, only those who are appropriately trained, qualified, and registered with the AIBC as architects are permitted to call themselves architects, use derivative forms of the word, or offer to provide architectural services."*

*"Section 63 of the Act requires that individuals or firms not registered with the AIBC must not be misrepresented as "architects", offer architectural services, or imply that they are entitled to practice architecture. Using similar titles such as "architectural designer" or "interior architect", or offering services such as architectural design or architectural drawings is not permissible."*

*"The AIBC's regulatory mandate includes taking action against those who unlawfully use the titles protected under the Act. This ensures that the public can easily identify who is lawfully qualified to offer and provide architectural services."*

Below the heading "Recent Illegal Practice Resolutions" and shown as a screenshot here is the following resolution:

#### **Recent Illegal Practice Resolutions**

Effective Date	Posted On	Summary
2021-10-06	2021-10-29	Kenneth William Mariash Sr. & Patricia Mariash of Focus Equities Inc. were using an unauthorized title on their company's website and other third-party websites. Mr. and Mrs. Mariash took the necessary steps to address AIBC's concerns and corrected the misrepresentations.

This AIBC resolution addresses one of the questions asked in the post in this Group discussion headed "Due Diligence is Required before Rezoning".

**Now the City Council must seek answers to the remaining due diligence questions which were asked.**

## **71. November 28, 2021 – The Rezoning Application – Questions and Comments from a Layman**

Here are some points from the rezoning application in single quotes and my comments in bullet points.

‘Vic West’s cultural hub: a performing arts centre designed by renowned architect Frank Gehry.’

- Really where? Show us the contract.

‘A vision for a more complete and diverse mix of uses to intensify and activate retail amenities and public spaces.’

- Try just ‘more’.

‘Deliver Housing Diversity and Increase Overall Affordability.’

- Really? How is this going to be done? It seems to be missing from the plan.

Establish a Transportation and Mobility Hub?

- What does that mean? In the public presentation Aug 17, it seemed to have been conceded it might be no more than the buses which currently go by.

‘Remediate Contaminated Lands’.

- How? By excavating for parking. That is, it. Where is this ‘contaminated’ soil going? Adopts a ‘dig and bury’ approach. Presumably it will be buried on site. If wrong, please advise. Who will supervise this? Where will it be transported off site? Contamination is one of the reasons the site would have been purchased at a steep discount and the risks need to be fully addressed. Put specifics in a P3 contract, require supervision and reporting throughout.

‘Action for Climate Change and Resilience’.

- Really? By building 10 or 11 high-rises. See 7 Reasons why High-Rises Kill Livability.
- <https://www.smartcitiesdive.com/ex/sustainablecitiescollective/7-reasons-why-high-rises-kill-livability/561536/>

‘Enhance Human Experience, Health, and Community Wellbeing’

- Of course, how could this development not!

‘Establish a Robust Financial Strategy to Support Municipal Objectives.’

- Robust for whom? Certainly, it will be profitable for Focus Equities.
- “We’re a master developer and we subdivide everything into parcels,” said Mariash.
- “We’ll carve out one parcel for this guy and one for that guy.”
- Renx.ca Real Estate News Exchange
- <https://renx.ca/mariash-focused-master-plans-focus-equities/> Steve McLean, Oct 17, 2017, entitled ‘Focus Equities’ Mariash sets sights on master plans’

#### Trail and Rail

- How can rail possibly be held out when the rail bridge has been removed? And rail to Langford? Where are the specifics?

#### Seniors Housing

- Focus Equities sold the site where seniors housing is supposed to go to Element to build Aquara. It is currently suspended, experiencing financial problems and very unlikely to proceed. While zoned for seniors housing currently there is nothing to prevent another application to amend the zoning bylaws and try and erect another 30-storey building.

#### Cultural Centre

- This is supposed to be designed by Frank Gehry. Show us the contract with the 92-year-old or his firm and not other famous cultural centres that he has actually designed.

#### Revitalized Heritage Spaces.

- Really. What guarantee is there for this?

#### 2+ Acres of Parks and Open Spaces.

- Big difference here between parks on the one hand and open spaces on the other. Open space would include walkways etc. Does this figure include existing park at Hillside? Lime Bay?

#### Office, Retail, Live-work.

- Very unlikely there will be any offices there. Just do not see it.

#### Flexible Indoor and Outdoor Public Spaces.

- There is empty space there already. How much credit should Focus Equities be given for this? Should always have been part of any plan for the site when you have a turntable which is a natural plaza.

Lime Bay Mews – ‘consolidate the site’s relationship to the natural environment by providing an active pedestrian link to Lime Bay that takes advantage of stunning views of Victoria’s Inner Harbour.’

- What does this mean? Currently if you want to go to Lime Bay Mews you cross the street to reach Inner Harbour.

#### ‘Maintain Views Through the Site’.

- What is the problem with this? The drawings omit showing all of the buildings in one portrayal. Sure, there may be cracks between the buildings but the views will largely and ultimately be of more buildings.

#### ‘Minimize Shadow Impact’

- During an Aug 17, 2021, Zoom meeting when asked specifically about shadows Mr. Patrick Cotter on behalf of Focus Equities said this work was not complete yet but mentioned words to the effect that shadows would be minimal on the park. Well, there will be no objections from the park will there? The real concern is shadows on every other building outside the perimeter of the site and we need to know exactly about that. Depending upon the time of year and time of day it will impact surrounding buildings in real ways. This should have been fully addressed and the application is materially deficient without it. The proposed solution here is to ‘align towers to minimize shadows within the site and on surrounding developments’. Minimizing is not good enough. People should have a right to their ‘ancient lights’.

#### Shape the Skyline

- Well, who can argue with that. Does not every high rise ‘shape the skyline’? Surely that should not be the basis upon which approval is given. It is circular reasoning.

‘Urban Edge. Create an urban edge around the site that steps back to highlight historic buildings. Use the site’s southern edge to create a distinct gateway, defined by cultural amenities, that also integrates with neighbouring development.’

- What is this supposed to mean? Looking at the drawings this urban edge looks to be mostly Esquimalt Road. Does that mean Focus Equities is going to plant trees on Esquimalt Road? Should they be given credit for this? Further, how much ‘urban edge’ is there really going to be with 2 metre setbacks from the property line in places? Not much.

#### Districts

- Look there won’t be any districts!

‘The North Parcel consists of 5 distinct Character Areas that create a cohesive and vibrant community, while connecting residents of Roundhouse at Bayview Place to each other and Greater Victoria.’

- For instance, the turntable is still a turntable. Billed as ‘the public heart’ district it remains a turntable. Let’s not lose ourselves in this hyperbole.

## The Heritage Strategy

- Really, who says so and what guarantees does the City have after it gives permission for 9, 10 or 11 towers. This is a very high-risk strategy. What guarantees does the City have that Focus Equities will continue to remain a viable 'developer' over the course of the next 22-year (estimated) construction cycle. Similarly, with the cultural centre which seems to have been largely forgotten in this. Even if Focus Equities returns with grand designs from Frank Gehry for a cultural centre again it should be asked what guarantees, what assurances are there that this will ever be built? So, what does the City do? Create a P3 and hold Focus Equities to what they have held out. Reserve a right to resume the development if milestones are not met. Get serious about this. Stop giving in on everything. Represent our interests.

## **72. November 15, 2021 - Bayview Place: The Proposed Rezoning Contradicts Much of the City of Victoria's Official Community Plan**

The placemaking policies of the City of Victoria Official Community Plan collectively address 12 broad objectives and the Mariash request to rezone contradicts many of them including:

**8 (a) That urban design at every scale from sites to local areas is responsive to Victoria's geographic context and existing pattern of development, achieves excellence, and creates memorable places.**

The Mariash request contradicts the existing pattern of development. There are no other < 10-acre sites in Victoria which have allowed 10 or 11 high-rise towers that exceed the original cap on height.

**8 (b) That the views from the public realm of existing landmarks are maintained, and that new landmarks are introduced to enhance the visual identity and appearance of Victoria and to improve wayfinding around the city.**

Notwithstanding how the proposals present views in their plans and drawings they do not portray the whole site such that it can be seen how they will infringe upon current views. No drawings in the application show how the entire redevelopment with all 10 or 11 high-rise towers will look. It is submitted that if they were shown the public could quite likely be stunned by the actual proposed density. It must be asked how could 10 or 11 towers not impact let alone obstruct existing views?

**8 (c) That new buildings and features contribute to the sense of place in development permit areas and heritage conservation areas through sensitive and innovative responses to existing form and character.**



Heritage conservation is one of the supposed rationales for amending the current zoning bylaws. But the zoning has already been amended to permit the Focus Equities development but only one step of the seven promised by Mariash at the outset has been met. Too much has been left undone and it asks too much for more at this stage.

**8 (d) That social vibrancy is fostered and strengthened through human scale design of buildings, streetscapes and public spaces.**

There is nothing about the proposals which strengthens human scale design of buildings. In fact, it is the complete opposite. The proposed density for the rezoning approaches or exceeds that of New York and Hong Kong (see submission of Ron Meyers to City Council).

**8 (e) That each neighbourhood is connected and integrated to the Urban Core, other neighbourhoods and to the region through urban design elements.**

Unusually the Bayview site sits next to the urban core so this is less of an issue. The new bridge and Esquimalt corridor already achieves this and thus the proposals cannot be a justification for seeking to meet this objective.

**8 (f) That the built environment is beautified and softened through natural features in the public realm.**

The problem here is that the proposed density is so great that there is almost no space left for natural features in the public realm that would beautify or soften the built environment. The development itself is all consuming.

**8 (g) That a sense of place is developed and enhanced through urban design features.**

A sense of place will be difficult to achieve because it is being overwhelmed and overshadowed by the development itself. Comparisons have been made to Granville Island which 'has been regarded internationally as a model of vibrant urban placemaking.' (*Granville Island 2040: Bridging Past & Future*, 2021 <https://granvilleisland2040.ca>) but if one looks at Granville Island you will see that there are no high rises there. Try and imagine Granville Island if it had 10 high-rises crowded around and on top of it. Victoria needs to follow that lead and focus on heritage and streetscape development rather than density over almost everything else.

**8 (h) That the public realm is animated through street life and festivals, celebrations and special events.**

No one would object to this.

**8 (i) That heritage values are considered in land management at every scale from sites to local areas.**

Agreed.

**8 (j) That heritage property is conserved as resources with value for present and future generations.**

Agreed.

**8 (k) That streetscape improvements include art in public places and reflect the culture and heritage of Victoria.**

Agreed.

**8 (l) That heritage and cultural values are identified, celebrated, and retained through community engagement.**

Agreed. However, while there is agreement with this thus far the proposals provide few details aside from repurposed boxcars etc. There is a Focus Equities video which includes a clip of David Foster, but this is not meaningful without details. Similarly, the video holds out that there will be a world class cultural facility designed by Frank Gehry (now 92) on site but that is not convincing. To persuade the City Council of that a full and costed business plan should be provided along with signed contracts for the design and construction of the venue otherwise what guarantees are there for this.

Ken Mariash held out something similarly when Focus Equities was shortlisted on the Lebreton Flats project in Ottawa before withdrawing from the bidding, <https://building.ca/feature/troubled-land/> Here are some quotations regarding that project at the time:

- “Focus Equities is proposing to house the headquarters of an international institution, accompanied by cultural venues and the ubiquitous green space and residential and commercial development.” <https://obj.ca/article/ncc-invites-fourgroups-submit-lebreton-flats-development-proposals>
- “‘Focus Equities’ bid raised eyebrows with its promise to bring the headquarters of an international organization to Ottawa. Everyone’s interested in who the tenant is,’ said David Fullbrook, the Victoria company’s director of acquisitions and development, adding that the firm has had discussion with an organization looking for a location in Ottawa...Fullbrook also pointed out that the site is

contaminated and it's still unclear what it will cost to remediate the lands and who's paying for what. The company has been involved in the Ottawa market for the last decade but declined to name any specific projects."

<https://ottawacitizen.com/news/local-news/0220-lebreton>

- "As for the last two proposals [for the Lebreton Flats project in Ottawa], well they might be just about anything. All we know about a bid led by Devcore Group is that the Gatineau developer is proposing to build 'multiple cultural institutions' around 'a grande allée.' And the bid from Focus Equities is bizarre: it's proposing to 'house the headquarters of an international organization,' along with building some cultural venues. What international organization? You probably should have one more-or-less signed up before you put in a bid promising to house its headquarters in your new real estate development."  
<https://ottawacitizen.com/news/local-news/chianello-lebreton-contendersannounced-in-traditional-ncc-style>

### **73. November 15, 2021 – Due Diligence is Required before Rezoning**

It is important that the City of Victoria carries out a full due diligence exercise of the proponents: - Ken Mariash, Patricia Mariash and Focus Equities before approving significant amendments to the relevant zoning bylaws; in particular, answers to the following questions should be obtained:

Bayview Place <https://bayviewplace.com> holds out: "REGARDED AS ONE OF NORTH AMERICA'S MOST VISIONARY DEVELOPERS, Kenneth and Patricia Mariash of Focus Equities have developed, purchased and sold more than 15 million square feet of real estate and more than 10,000 residential condominium units in North America."

- Who regards Focus Equities as one of North America's most visionary developers?
- List the location, date, name of development, and Focus Equities' exact role regarding these "more than 10,000 residential condominium units in North America."

"Founded over 50 years ago, Focus Equities provides..." according to <https://bayviewplace.com> yet Focus Equities <https://focusequities.com> states: "[f]ounded over 35 years ago by Canadian entrepreneur and visionary Ken Mariash, Focus Equities has..."

- So, when was Focus Equities founded, 50 years ago or 35 years ago?

- How many companies named Focus Equities (in part) has Ken Mariash or Patricia Mariash controlled? Have any of these companies been wound up, suspended or struck off a company register?

“With his (Kenneth William Mariash, Sr) baccalaureate degrees in mathematics, science, business, accounting and architecture, plus an MBA...” <https://focusequities.com>

- Please list when and by whom these six degrees were conferred.

Please confirm whether Ken Mariash and Patricia Mariash have architecture degrees and ever been registered and entitled to practise as architects in British Columbia or elsewhere.\*

- Ken Mariash has stated: “[w]hen I sit with an architecture firm, I don’t care how famous they are, they will not have done as many big projects as we have,” said Mariash. “I usually end up doing all the design myself.”
- Quoted by Richard Watts, Times Colonist Nov 12, 2017
- <https://www.timescolonist.com/islander/developer-s-vision-coming-to-fruition-atbayview-place-1.23091908>
- Similarly, Patricia Mariash describes herself as “THE INTERIOR ARCHITECT/OWNER...”
- From <https://bayviewplace.com/downloads/RoundhouseLeasing.pdf>

\* This question has now been answered in the negative by the Architectural Institute of BC (see page 13). However, it leaves open whether Ken Mariash really did “[do] all the design myself” and what implications there might be from that.

“After doing hundreds and hundreds of one-off downtown towers in 20 or 30 cities around the world, I just wanted to do more bigger-scale neighbourhood designing and district planning,” Mariash said.

Per Steve McLean, Renx.ca Real Estate News Exchange in an article dated Oct 17, 2017 entitled “Focus Equities’ Mariash sets sights on master plans”.

- <https://renx.ca/mariash-focused-master-plans-focus-equities/>
- Please list all details of the “hundreds and hundreds of one-off downtown towers in 20 or 30 cities around the world” Mariash has done.

“For more than 40 years, Patricia A. Mariash has been a commercial real estate entrepreneur, investor and commercial interior designer who has successfully completed thousands of prestigious corporate headquarters at notable, high rise architecture addresses.”

<https://focusequities.com>

Please list all details of the “thousands of prestigious corporate headquarters” Patricia Mariash has successfully completed.

Inquire into whether Ken Mariash or Focus Equities have been named as defendants/respondents in any civil actions and if so, what resolution was there if any.

#### **74. November 15, 2021 – Stop the Rezoning at Bayview Place Enforce the Master Development Agreement between the City of Victoria (‘City’) and Focus Equities/a Mariash Company**

Some 13 years ago Ken Mariash of Focus Equities agreed with the City that in exchange for the significant relaxation of height restrictions on a site at 355 Catherine St, 251 Esquimalt Rd, 200 Kimta Rd and 210 Kimta Rd that Mr. Mariash *et al* would redevelop the historic Roundhouse properties.

Their agreement was set out in a Master Development Agreement (‘MDA’) in 2008 (amended in 2014 and 2018).

Pursuant to that MDA (as amended) the City gave Mariash permission to build at least 4 huge towers of 76m, 88m, 66m and 52m. The 88m tower is the proposed 32 storey E & N Tower. BUT, rather than fulfil the MDA forthwith, Mr. Mariash has returned to the City years later and asked for the bylaws to be amended AGAIN in 2021 to rezone the site and permit 5 or 6 MORE huge towers to be added to those already approved. In a word, this is outrageous, and it seems that the City is “getting its lunch eaten” (*viz* is being outwitted). The complete application is available on the City’s *Development Tracker* website and is accessible here: <https://tender.victoria.ca/WebApps/OurCity/Prospero/Details.aspx?folderNumber=R EZ00729>

The City dealt with Mr. Mariash as a “developer” which is how Focus Equities describes itself and its principals (“Ken Mariash, working alongside wife and partner Patricia A. Mariash, is regarded as one of the most visionary real estate developers in North America...”). However, Focus Equities Alberta Inc (presumably the same company), according to Dunn & Bradstreet, is in the “Land Subdivision Industry”. Dunn & Bradstreet: “[t]his industry group comprises establishments primarily engaged in servicing land and subdividing real property into lots, for subsequent sale to builders”.

Holding land for longer periods and applying for rezoning in this sector is common. This is what is happening with Bayview. A typical developer does not wait 13 years to essentially begin construction on projects. Look at how quickly Bosa has moved at Dockside Green to begin construction since acquiring the site. Land subdividing though does not move fast and does not always work best for some of the participants or public. For example, Focus Equities sold a lot for \$6.7 million for a retirement home called Aquara

to Element Lifestyle Retirement Inc but that project has now stalled. The problem is that on Aquara, and Bayview in general, the City has failed to get any guarantees the projects will be built as held out and within set timeframes. This is why Mr. Mariash is able to come back and ask for more concessions from the City before he does anything substantive on the Roundhouse properties. This is not really how "development" is or should be done.

Now is the time for the City of Victoria to protect our property values by enforcing your contract with us:- Victoria residents, get the Roundhouse properties developed at last, minimize construction disruption and traffic and reduce the associated shadow effect that would be expected if the rezoning were approved.

Sincerely,



is, PhD

[REDACTED]

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**From:** Victoria Mayor and Council  
**Sent:** January 9, 2024 11:53 AM  
**To:** Public Hearings  
**Subject:** FW: Thank you from a resident

[REDACTED]

[REDACTED]  
Protocol and Correspondence Coordinator  
City of Victoria  
1 Centennial Square, Victoria, BC V8W 1P6

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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

From: Bob McLaren [REDACTED]  
Sent: Monday, January 8, 2024 1:09 PM  
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
Subject: Thank you from a resident

Hello,

As a resident of Victoria, I want to thank you for the continuing great job done on the protected bicycle network. My wife and I are seniors and regularly bike the new Fort Street route to DT. The comments about how Fort street has been ruined/destroyed by this infrastructure is so misplaced. Cycling or driving, it's much safer now especially with the new traffic light controls at the "junction" and other controlled crossings.

The problem with driving in Victoria is there are simply too many vehicles. Backups are caused by volume and traffic lights, not bike lanes and should be obvious.

Kudos also to the Kimta Rd bike lane extension to the E&N. Very creative.

Thanks also for the City bike valet. We use it frequently when DT shopping or dining. I think it would be a mistake to charge for its use. The cost to administer is a lose-lose proposition. It's a positive economic benefit to the DT and should be promoted as such.

One last comment on the "Roundhouse" development in VW.

This is such a great location and excellent plan; so close to DT. We both fully support this project.

Thanks again for your tireless work.

Bob McLaren  
1633 Davie Street  
Victoria



[REDACTED]

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**From:** Brandon Williamson [REDACTED]  
**Sent:** January 8, 2024 10:15 AM  
**To:** Victoria Mayor and Council; Public Hearings  
**Subject:** Roundhouse Development

Hi Mayor and Council,

I just wanted to make a quick comment of support for the rezoning application for the Roundhouse Development in Vic West. This is a transformative plan that will bring over 1,800 homes, including approximately 200 below market rental apartments. The plans are thoughtful and represents a complete, mixed-use, walkable, transit-oriented community, with beautiful public spaces, active transportation connections and heritage restoration, all in what is currently an abandoned gravel pit. This project will bring a lot of amenities and vibrancy to Vic West and will help build the case for the revival of the E&N Railway.

I also just want to say that I disagree with the negative narratives around building heights and skyline impacts when viewed from James Bay. I think this project will complement existing Bayview and Dockside Green towers and add visual interest to the emerging skyline in Vic West. Hope to finally see some action here!

Thanks,  
Brandon Williamson  
233B-1008 Pandora Ave

[REDACTED]

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**From:** Lee Green [REDACTED]  
**Sent:** January 8, 2024 6:17 PM  
**To:** Public Hearings  
**Subject:** Tez00729

**Rezoning - # REZOO729 - 355 Catherine St**

**I am " IN SUPPORT" of the RH at Bayview Place Land Rezoning Application.**

**Caryn Green  
805-100 Saghalie Road  
Victoria BC  
V9A0A1**

[REDACTED]

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**From:** Chris Pouliot [REDACTED]  
**Sent:** January 8, 2024 1:09 PM  
**To:** Victoria Mayor and Council  
**Cc:** Public Hearings  
**Subject:** Bayview Place - Letter, Jan 11

Hello Mayor and Council,

I am writing this letter in support of the Bayview place and Roundhouse development in Victoria West that is coming to hearing on January 11th.

I think this housing is badly needed, and the current lot is empty so there is no displacement or destruction of any buildings happening. I am actually a bit sad that last year the council decided to reduce the FSR and remove about 400 units from the proposed plan. These units would have been badly needed and would have likely added \$1 million of tax revenue per year.

This entire area would be a great place to live, and looks like it will make for a nice new neighbourhood. I also really love the Songhees Walkway there and the close proximity to Save On Foods for groceries. Not only that, the walkability to downtown, as well as the bike lanes and the transit access in this area is wonderful.

I have seen a lot of people posting online about how they don't like the towers being part of the skyline (which is weird since there are already towers there) or that for some reason the units shouldn't exist because they will be expensive (although cheaper than any detached homes). I don't see how these arguments make sense, and I hope that this housing is built. I really love the roundhouse train yard repairs and usage as well.

Thank you for your consideration,  
Chris Pouliot

[REDACTED]

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**From:** Colleen Rimbey [REDACTED]  
**Sent:** January 8, 2024 3:56 PM  
**To:** Public Hearings  
**Subject:** Proposed changes to 251 Esquimalt Road, 355 Catherine Street, and 210 Kimta Road

We are writing to voice our strong objection to the rezone proposal for the above parcel of land proposed by Focus Equities. Our concerns are as follows:

- Density and height – increasing buildings to 9 buildings up to 32 stories high and 3 possible hotels. This new density of 4.1 from 2.5 is almost double the City of Victoria standards. We question the green space that will be available with such an increase in structures.
- Invasion of historical roundhouse buildings. It appears that scale and height of the towers threaten to overwhelm the historical buildings. The Official Community Plan states “heritage conservation areas are distinct districts with special heritage value and character”. Character and beauty of the heritage buildings will be over shadowed by the number and size of modern towers proposed.
- Social impact such as parking, traffic, access to parks and playgrounds, public transportation, etc.
- Project will support the vision of growing of housing supply at a cost that most will not be able to afford with only one low cost tower. Development is not addressing the issue of housing for middle income earners. This area will attract more of the upper class earners.

We are not against development of this parcel of land but are **strongly** opposed to the rezoning to allow for the density that almost doubles the OCP.

Ken and Colleen Rimbey  
Owners 423-203 Kimta Road  
Victoria, BC

**From:** [REDACTED]  
**Sent:** January 8, 2024 10:58 AM  
**To:** Public Hearings  
**Subject:** No to Rezoning on Esquimalt Rd.

Dear Council Members:

I am opposed to the rezoning application and associated OCP amendment for the property known as 251 Esquimalt Road, etc.

I certainly understand the need for housing, particularly affordable housing, but this application asks for too much density and too many stories. Please support reducing the stories at least by a third and avoid setting a precedent in Victoria for such extreme heights. Turn down this application and suggest that the developer return with a more modest proposal, with requirements for heritage, park land and affordable housing elements to be completed first.

Keep Victoria Victoria! Please do not turn Victoria into Vancouver. Visitors in particular love Victoria because of its spaciousness, beauty, walkability and more relaxed, heritage atmosphere.

I have been coming to Victoria from Salt Spring 6 or more times a year for the past 27 years, to shop (food, clothing, books, household appliances, many home construction items, etc.), to walk, to enjoy. As a senior, I am finding the downtown area increasingly crowded and less accessible, inviting, and safe—particularly due to homeless and drug challenges, as well as bike lanes that make the downtown area difficult for visiting drivers to safely navigate.

As a former elected island trustee, I sense the pressures you face and appreciate your service.

Best,  
Christine Torgrimson

~~~~~

Christine Torgrimson, MSc, LCPC

~~~~~

January 8, 2024

Re: *Roundhouse Rezoning – REZ00729 – 355 Catherine St,  
251 Esquimalt Rd, 200- 210 Kimta Rd.*

To the Mayor and Councillors, City of Victoria

I am pleased to offer my support for the rezoning application for the Roundhouse Development site. We are grateful to have Kenneth and Patricia Mariash as major donors and supporters of the Canadian College of Performing Arts, among many other notable community rooted causes they support. Their generous support for the arts community in Greater Victoria and to our college specifically has had an immense impact. In 2017, the roundhouse heritage property was the setting of the spectacular celebration of our inaugural *Canadian Legend Award* which was presented to David Foster. Since that time the development continues to maintain 'cultural use' as part of their zoning, and has already established a history of arts use in their Roundhouse site plan with the recent hosting of the 'Beyond Van Gogh immersive exhibit'. We look forward to partnering with them to further develop this cultural aspect being included in the multi-faceted development proposal serving an array of community needs. In addition to the urgent societal need for housing and perhaps more importantly accessible housing, as you know Victoria is in dire need of more mid-size performance and exhibit venues and venues that meet modern and accessible standards. We salute their vision for the community with housing, daycare, outdoor space and the arts. On a personal note, I value the balance and care being taken to ensure the preservation of history and corresponding environmental clean-up amidst a modern housing development that Victoria is in great need of.

Sincerely,



Caleb Marshall  
Managing Artistic Director  
Canadian College of Performing Arts



CANADIAN  
COLLEGE of  
**PERFORMING  
ARTS**

1701 Elgin Road  
Victoria, BC  
Canada V8R 5L7



A program of the  
Canadian Heritage  
Arts Society.  
Charitable registration #:  
131341356 RR0001

Managing  
Artistic  
Director  
**Caleb Marshall**

Director of  
Education  
**Danielle Meunier**

The Canadian College of  
Performing Arts gratefully  
acknowledges the  
Lekwungen-speaking  
peoples (also known as the  
Songhees and Esquimalt  
Nations), on whose  
traditional territory the  
college stands, and on  
whose home we learn,  
create, and perform.

**ccpacanada.com**

[REDACTED]

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**From:** Denise De Pape [REDACTED]  
**Sent:** January 8, 2024 1:55 PM  
**To:** Jeremy Caradonna (Councillor); Victoria Mayor and Council; Public Hearings  
**Subject:** Amendment bylaw re Roundhouse Development

To the Mayor and Members of Council:

Although I support the need for affordable housing in this community, I am very much opposed to the Zoning Regulation Amendment re: 251 Esquimalt, 355 Catherine and 210 Kimta, which will be before Council on January 11, for the following reasons:

1. The proposed density is beyond the capacity for the neighbourhood to absorb, and totally out of character for Vic West, especially on a historic site such as the Roundhouse. Even City staff have brought this to your attention: "the proposed density....represents a significant amount of new building mass which is challenging to fit in the site in a comfortable manner".
2. The traffic increase will be unmanageable . There are already challenges re: navigation on Kimta, and parking in the whole area. The recent Van Gogh exhibit, small in comparison to levels anticipated with such increased residential density, created congestion and some chaos. The new bike lanes on Kimta have resulted in parking challenges; one can only imagine the traffic/parking nightmares with increased population in the area.
3. There will be increased traffic pressure on both bridges that serve Vic West, and on public transportation, especially during "rush hours", and when the blue bridge is up.
4. While one of the arguments presented by the developers is to increase affordable housing, only 16% of the proposed units are going to be below market price. This is a misleading argument and the developers offer little support for the under-housed in our City. Frankly, the overall proposal sounds a bit like high-end gentrification on a unique historic site!

Some questions:

1. Why would Council choose to ignore the advice of their in-house planning staff?
2. Where are the promised plans to develop the Roundhouse area into a unique, interesting, tourist-attracting centre?
3. Where in this proposed densification plan is attention paid to green spaces/parks which are essential for community well-being? Councillor Caradonna should be able to advocate on this requirement from his knowledge of the literature on human interaction with the environment and the need for green spaces.
4. Where/how is the potential devaluation of nearby properties considered? Are the citizens of Vic West to cope with decreased real estate values so that the developer can receive a higher profit? Surely our concerns should carry weight!
5. What about pressure on local infrastructure and amenities (e.g. parks, schools)? Have they been thoroughly considered? Will taxes increase substantially to support needed adjustments?
6. And lastly, is pleasing the developer more important than the negative impact such development will have on the community in both the short- and long-term?

In conclusion, I support Council concerns about affordable housing in our community, but this proposal for greatly increased density on the Roundhouse site, is not the solution. If passed, I believe this proposal will result in adverse effects on the community's well-being — physically and economically.

Yours sincerely,

Denise De Pape

503 - 11 Cooperage

Owner, resident, member of the Royal Quays Strata Council



[REDACTED]

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**From:** Doug Evans [REDACTED]  
**Sent:** January 8, 2024 3:12 PM  
**To:** Public Hearings  
**Subject:** Bayview Project Feedback

Dear Victoria Council,

Please accept this email as a **STRONG OBJECTION** to the proposed development at BAYVIEW PLACE !

I am aware that the Council would like to increase living units in Songhees, but this development is unacceptable.

The development of the Round House space should be done in keeping with the area around it, and at a density that is similar to the waterfront buildings.

This will keep the Heritage nature of the area, and allow for the Waterfront walkway to remain an open place to walk without high rise towers to detract from the enjoyment of the area by the Public.

Doug Evans

Songhees Property Owner

[REDACTED]

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**From:** D'Arcy and Isabelle Boulton [REDACTED]  
**Sent:** January 8, 2024 2:37 PM  
**To:** Public Hearings  
**Cc:** Reception@bayviewplace.com  
**Subject:** Roundhouse Rezoning - REZ00729. 355 Catherine St, 251 Esquimalt Rd, 210 Kimta Rd.

Mayor and Council Victoria.

I expect by now you have received thousands of letters of support for the very overdue and important project.

I purchased a unit in the Promontory before it was built with the expectation and understanding that the RoundHouse project would be approved by the City of Victoria within a few years. That was about 13 years ago..... Really !!!

There can be no Question given the points provided in the September 12 2023 Final Submission by Focus Equities that due consideration has been given to this very complex project and that it should be approved. The Vision is forward looking and will provide the boost that Victoria currently needs. If we want to remain the Best place to live in Canada it is important that this Project be approved.

While I am currently not living at the Promontory and I may well choose to retire in this fantastic new community.

PLEASE.... The Time Has Come ..... To Approve this Rezoning Application.

Regards,

D'Arcy Boulton  
2683 Queenswood Drive Victoria BC  
V8N1X6 [REDACTED]

[REDACTED]

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**From:** Donna Melnyk [REDACTED]  
**Sent:** January 8, 2024 5:04 PM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com  
**Subject:** Roundhouse Rezoning - REZ00729-355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd

Hello,

My name is Donna Melnyk and I live at 102-60 Saghali Road in the Encore Building. I would like it noted that I fully support this project and would like to see the Rezoning Proposal for the Roundhouse at Bayview Place passed at the Public Hearing on Thursday, January 11, 2024.

I have lived in Victoria for 40 years and in Encore at Bayview Place for the past 5 years. I strongly feel that the Roundhouse Project at Bayview Place will not only be as successful as Phase One but will work towards meeting the growing needs of Victoria. In a time when housing is such an issue it would be irresponsible to turn down a proposal for approximately 1870 residential units which include rental homes and below-market homes. The proposal put forth to the city will have lasting positive impacts on Victoria. The proposal allows for more than just housing units-there will be both public and open spaces and commercial space as well as the restoration of the Roundhouse buildings. Trees and landscaping is included. When searching for a condo in Victoria, I was very impressed by the amount of green space and the liveability of the area in Phase One, Bayview Hilltop.

This application is a reasonable proposal for the use of the land. It is both vibrant and modern while addressing the city's housing shortage. It is not just about housing and would benefit everyone in Victoria and surrounding areas. Therefore I feel it is time to move forward and approve this proposal. Let's get on with this development and not wait any longer.

Sincerely,

Donna Melnyk

*Dated January 8, 2024.*

*Sent via email (publichearings@victoria.ca)*

*RE: RE00729 The Roundhouse at Bayview Place - Phase 2*

*Honourable Mayor and Council;*

*I write to express my support of rezoning and official community plan amendment proposed for the site at Roundhouse by Focus Equities.*

*With all the numerous iterations put forth over the years for this landmark community property by this developer, the latest proposal resonates best to our current economic conditions and need for housing, now in crisis levels and facing record population growth.*

*This new plan envisions a viable and inclusive neighbourhood that offers a full mix of needed rental suites, market housing condominium dwellings along with other services and amenities that are overdue and this community drastically needs.*

*Taller, narrower buildings respect the view corridors for our neighbours and achieve the desired density both the City and the developers wish to achieve. The density defined appears to be congruent with other approved developments close by. Intelligent design combining existing heritage, outdoor gathering spaces, possible cultural opportunities, respect of the early railway history and indigenous roots; all these included factors are equally important feature considerations to what is a beautiful location.*

*As a 13-year resident of Bayview One, I continue to love residing at this enclave. From the architecture, to the location, and the dog park amenity along with integrated green spaces, it is clear the master-planned community known as Bayview Place intended by the developers has been a successful one thus far. Now, we need Phase 2.*

*Ken and Patricia Mariash have shown their exemplary spirit and integrity to Victoria through various philanthropic activities. They have demonstrated their engagement to the local community through meetings and input sessions. Focus Equities continues to be a visionary for development as shown with Bayview One, Promontory and Encore.*

*Once full build out is completed on the Roundhouse site, it will be of long-term benefit to the many existing and future residents in this Songhees neighbourhood and beyond. Finally!  
It is time to get down to business and approve this project.*

*Dale Nafiel  
100 Saghalie Road  
Victoria BC  
V9A 0A1*



[REDACTED]

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**From:** DAVID SCHINBEIN [REDACTED]  
**Sent:** January 8, 2024 6:59 AM  
**To:** Public Hearings; [REDACTED] Marianne Alto (Mayor); Jeremy Caradonna (Councillor); Chris Coleman (Councillor); Marg Gardiner (Councillor); Dorrien Thompson; Stephen Hammond (Councillor); Susan Kim (Councillor); Matt Dell (Councillor); Krista Loughton (Councillor); [REDACTED] Development Services email inquiries; Michael Angrove; Jocelyn Jenkyns  
**Subject:** "Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd

## Mayor and Council

To the west of Saghalie Road is an area of land whose future evolution is being undertaken by Focus Equities (a Mariash Master Plan Community). This vast area is known as Roundhouse at Bayview Place. As is on record, initial zoning applications covering this phase of the project were made to the City of Victoria in 2008; due to changing requirements, those submissions were unsuccessful. Since then, development of the project has had to be revisited by the developer in order to meet the ever-evolving needs of our City and our times.

I have watched the development of Bayview Place over the last 15 years and can attest to the quality of the Bayview Development and with the further development of the Roundhouse property will be a positive addition to the Vic West area. Don't forget the land offer for affordable housing to be built on site as has been offered by the developer. This development has my full support.

David W. Schinbein  
925 Esquimalt Rd Apt 211  
Victoria, BC  
V9A 3M7  
Former Esquimalt Township Councilor

[REDACTED]

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**From:** Don Smith [REDACTED]  
**Sent:** January 8, 2024 3:13 AM  
**To:** Public Hearings; Victoria Mayor and Council  
**Subject:** Donald Smith IN FAVOUR of Increased Density and Increased Height at- 251 Esquimalt Road, 355 Catherine Street , 200 Kimta Road – REZOO729 – The Roundhouse at Bayview Place

8 January 2024

Reference: Proposed Increased Density and Increased Height at- 251 Esquimalt Road, 355 Catherine Street, 200 Kimta Road – REZOO729 – The Roundhouse at Bayview Place – Phase 2

Dear Mayor and Council of the City of Victoria

Good day

I am a resident of Victoria West and live within 200 metres of the Roundhouse Development Site. I am IN FAVOUR of the proposed Rezoning Application for the Roundhouse Development Site at Bayview Place - Increased Density and Increased Height at- 251 Esquimalt Road, 355 Catherine Street , 200 Kimta Road – REZOO729 – The Roundhouse at Bayview Place – Phase 2

Like so many people, the young adults in our family need this type of development in order to be able to afford to live in Victoria and raise their families here. The density proposed in a mixture of medium height buildings is the best melding of new homes with space for amazing amenities.

The proposed rezoning and the associated amended master plan represent a wonderful opportunity to grow a vibrant, active and more affordable community which will be of benefit to all of Victoria. The height of the towers is necessary to create a more liveable, a more affordable and inclusive community. The addition of significant affordable housing is a game changer.

The combination of new residential units, respect and renewal of the significant heritage site with much needed retail space will help create a terrific community that is open to all residents of the City of Victoria and the Capital Regional District. This will become a community where residents can comfortably, safely and affordably live and easily work, cycle and use public transit to go wherever they want to.

I recognize that this proposal will change the community. This is a change that I look forward to as we become a more diverse and vibrant part of Victoria. Like other recently approved developments, this proposal is a significant part of shaping Victoria to be a sustainable and affordable city now and into the future.

I urge you to support the timely approval of this rezoning which will reinvigorate this neighbourhood and support the city's needs for generations to come.

Sincerely yours

Signed by  
Don Smith  
#308 100 Saghalie Road

Victoria BC  
V9A 0A1

**From:** mail.darlenetait.com [REDACTED]  
**Sent:** January 8, 2024 11:56 AM  
**To:** Public Hearings  
**Cc:** Edwin Tait  
**Subject:** IN SUPPORT of Roundhouse Land Rezoning Application at Bayview Place  
**Attachments:** PastedGraphic-1.tiff

**Dear Mayor and Council**

As current residents of Fan Tan Alley and past residents of The Promontory in the Bayview development area, my husband and I throw our full-hearted support behind the application as proposed.

The proposal is very much forward thinking, utilizing the tenets of healthy, mixed-use developments and by anchoring it around National Heritage Railyards and all that it is host to, allows for a sense of permanence and a sense of place that will ensure this becomes a treasured neighbourhood and destination.

Utilizing this established, downtown-adjacent property for the proposed use and density is not only wise, it is necessary to ensure local and regional vibrancy and protection of lands that may be best suited to parks and green spaces.

We are available should further discussion be desired.

Best,



Darlene Tait [REDACTED]

ACTOR  
DarleneTait.com  
[REDACTED]



Vice President: Board of Directors



Past President: Board of Directors



Board of Directors - Past

Represented By:

Bryson Bouchier and  
Brandi Leigh England  
[REDACTED]  
[REDACTED]







## Grant Diamond

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**From:** Dorothy Wright [REDACTED]  
**Sent:** January 7, 2024 11:34 PM  
**To:** Public Hearings  
**Subject:** Focus equities

Hello,

I think it is a great idea to build several towers on the Vic West site.

We need more housing for people and this site is now just an eyesore.

The site is also near downtown and would be suitable for people who work downtown and close enough, that they could walk or bike to work.

With that many residence buildings, they should also be more affordable than anything else close to down town.

We need this development to improve our housing problems.

Dorothy Wright  
[REDACTED]

Jan.7, 2023

To: Victoria City Council

From: Edith E. Quayle, 101-830 Craigflower Rd., Victoria, BC, V9A 2W9

Subject: Rezoning 251 Esquimalt Rd., 355 Catherine St., 210 Kimta Rd., Esquimalt, BC

I have lived in Vic West since 2006. Prior to this I've lived in different areas of Victoria – Esquimalt has always been my favourite. I was very surprised that a development of such magnitude was even being considered for such a small area. I am opposed to the amendment of the Official Community Plan and the rezoning of 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road, Victoria, BC.

The proposed rezoning gives rise to many concerns for me but my main concern pertains to traffic congestion due to overcrowding on the roads. With the recent addition of bike lanes I see more issues such as emergency vehicles not being able to get around traffic which is backed up. Our infrastructure is already stressed to the limit currently – why are we adding to it irresponsibly?

As I am out in Esquimalt in my vehicle everyday I have noticed huge levels of congestion on Tillicum road between Colville Road and Highway #1 at any given time of the day, not simply during rush hour. Vehicles travelling south on Tillicum are now backed up to Gorge Road when the light at Tillicum and Craigflower is red. How do you propose to deal with hundreds of additional vehicles on these roads in these overcrowded conditions?

The proposed development adding 1900 individual condominiums or apartments and approximately 3000 persons in a very small area, specifically one square city block in Vic West, raises significant concerns regarding the strain it will place on the struggling infrastructure, particularly in terms of traffic.

Vic West is already grappling with limited routes across the bridges when heading to downtown, and these routes are already greatly congested at times. The addition of such a large number of residents will only exacerbate the traffic issues and put further strain on an overburdened transportation system.

With the current state of the infrastructure, it is difficult to imagine how the roads will be able to handle the increased volume of vehicles. The existing traffic congestion will only worsen, leading to longer commute times, increased frustration for drivers, and decreased overall quality of life for the community. The strain on the roads at peak times will result in increased congestion, longer commute times and decreased mobility for residents. It will also have a detrimental impact on the environment and increased traffic leads to higher emissions,

increased noise and air pollution.

Furthermore, the recent addition of bike lanes has further reduced the number of lanes available for traffic. While promoting sustainable transportation options is important, it has directly resulted in even more congestion on the roads. With fewer lanes available for cars, traffic flow has become even more restricted, leading to traffic jams and gridlock. This not only affects regular commuters but also poses a significant challenge for emergency vehicles, which may struggle to navigate through traffic and reach their destinations in timely manner. Delayed response times for emergency services can have severe consequences and put lives at risk.

It is deeply concerning to note that the materials filed in support of this development application have paid little attention to the issue of traffic. This lack of consideration for such a crucial aspect is alarming and raises doubts about the comprehensive planning of this project. Traffic management and infrastructure improvements should be at the forefront of any development plan to ensure the smooth functioning and sustainability of the community. All but ignoring these vital aspects in approving applications such as Bayview not only demonstrates a lack of foresight but also raises questions about the project's overall feasibility and commitment to the well-being of Vic West residents.

In my view as traffic congestion has not been adequately addressed , it will undoubtedly lead to genuine problems for Vic West residents and others needing to travel to or through it. The existing roads and transportation infrastructure simply cannot handle the possible influx of hundreds of additional vehicles.

In conclusion, the proposed development's impact on traffic and the strain it will place on the already burdened infrastructure in Vic West is a significant cause for concern. Without proper mitigation measure and thorough planning, the addition of 1900 individual condominiums and approximately 3000 residents will only worsen the traffic congestion and create an unsustainable situation for the community. It is imperative that Focus Equities and the Victoria City Council's planning staff take these concerns into account before rushing through rezoning. You need to show the public an effective traffic management strategy, exits and entrances to this project, actual traffic volume forecasts and whether the road network can handle them lest your decision very negatively impacts the long-term livability and well-being of Vic West residents.

Thank-you for your time.

[REDACTED]

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**From:** Frankie [REDACTED]  
**Sent:** January 8, 2024 9:23 AM  
**To:** Marianne Alto (Mayor); Marg Gardiner (Councillor); Stephen Hammond (Councillor); Chris Coleman (Councillor); Dorrien Thompson; Krista Loughton (Councillor); Susan Kim (Councillor)  
**Cc:** Public Hearings; Michael Angrove  
**Subject:** opposition to the proposal to rezone and amendment at 251 esquimalt road, 355 catherine street, 210 kimta road

January 7, 2024

Dear Mayor and Council

My Name is Frank Naccarato. I am a resident of Victoria as well as a business owner.

I am opposed to this rezoning application and the proposed amendment to the Official Community Plan for 251 Esquimalt Road, 355 Catherine Street, 200 Kimta Road

It's been years of delays, various schemes and each year, we grow increasingly weary. This should be built already? We were all sold on the Bayview Roundhouse Development plan in place and approved since 2012. How much better of a real estate market over the last few years could the developer ask for? This development should be finished, built and occupied. Everyone I have ever talked to were all sold on the roundhouse. A Granville island feel/ style with beautiful restored historic buildings as a showcase. It is an approved plan not just a thought or a vision.

I hope City Management and Council will not be afraid of opposing anything which includes residential regardless of the merits, which bodes poorly for those who justifiably illuminate the serious shortcomings of this latest scheme. Is this simply a plan to rezone? And then sell off to other developers, leaving the heavy lifting undone and ultimately either coming back to the city pleading for more, or simply walking away. I understand the urgent need for housing and especially affordable housing. Granting this application will not make this go away any faster. In fact if this is approved one would think it would cause years more of delays.

The new proposal plan for rezoning is awful! The complete Bayview Place site is some 20 acres comprising of two fairly equal sites in area about 10 acres each. The top site has only 4 buildings on it with a fifth taking forever to construct on the south east bottom corner. The site been proposed for this rezoning and amendment one has six heritage buildings and the area the current rail line takes up (realigned or not). Even without knowing the exact area this entails it is substantial. It would appear that almost 1/3 of the site is given over to these subtractions. On the current site we enjoy a wide road going through it which feeds our building parades, allows for courier access, moving and some short term street parking. We have a large green space and a dog park. Phase 2 proposal does not appear to have any of this! How will this affect our current street parking, and traffic in and out? With the addition of the bikes lanes along Kimta road which have been popular and busy already it has become increasing tricky and dangerous turning right from Saghalie to Kimta. Also turning left from Saghalie onto Esquimalt road is already hard. I cant imagine when a large building is built on that corner so close to the road I imagine this is being looked at to show this to both the public and City Council before the City approves this application.

Other reasons I am opposed to this application.

Focus Equities - The track record of the developer and their inability to follow through with previous promises is or should be, well known. At a meeting recently hosted by Ken Mariash he stated that he has had 30 different architects look at it and none could figure it out. Also he said that there were 100 roundhouse sites that exist across north

American and none of them work. This is not true! In Vancouver there is the Roundhouse Mews and The forks in Manitoba. They are beautiful vibrant and a wonderful addition to the community in so many ways. At this same meeting he shared his thought seems to blame a lot on city staff and the constraints and requirements. This phase was built and looks great.

Density – Is it not fact is that a significant portion of the overall Bayview lands were and always will be ‘undevelopable’. The Roundhouse Buildings are why the Master Plan was awarded an unprecedented level of density on the available lands originally. In today’s more density friendly environment, is there an argument for revisiting these numbers? Possibly, but crowding the site with multiple towers jammed together and never before height allowances is hardly a winning solution. We must also recognize that these lands themselves enjoy one of the highest elevations in the core area of Victoria. The overall impact of even the current approved plans, will mean that when built, Bayview will be a visually dominant feature of the skyline and from the inner harbor, will already look like they dwarf the actual downtown. Adding several more towers and adding additional height will present an entirely out of proportion skyline.

The Roundhouse - The Roundhouse Buildings represent some of the city’s finest heritage structures and their preservation an essential element of what makes Victoria unique. These buildings represent the singular defining elements of the development, the neighborhood, the community and possibly the Greater Victoria region. It’s essential that under no circumstance shall the new buildings be allowed to surround, crowd and overwhelm The Roundhouse to the point of overwhelming this collection of heritage structures to the point of rendering their presence to be entirely inconsequential.

The Shadows – The information provided on the Bayview website in regards to shadows seems to be only include spring and summer solstice. What about fall and winter? Are we concerned that the very popular skateboard park and other outdoor facilities will loose what little sun they get in the fall and winter months when the sun is much lower in the sky.

It’s not simply a matter of please...no density in my neighborhood...or don’t block my views...there are just too many reasons to stop this rezoning in its tracks (pun intended). The neighborhood, Vic West Community and the entire region stands to lose what could be a wonderful piece of what makes Victoria a special liveable community.

There is nothing wrong with the current Master Plan. Its been well thought out, it is what we all were sold, it fits the community. Perhaps it needs a new developer that is qualified and well capitalized to take this development to fruition.

Before Council allows their substantial and valuable investment of time and resources to be committed to this process (to the detriment of the many real developments which will be forced to wait), Council should require, at minimum, a concrete plan including verifiable financial capacity for the unfulfilled requirements related to environmental remediation and heritage restoration of the Roundhouse Buildings, be submitted for scrutiny.

Please do the right thing and do not approve this rezoning and amendment, but rather ask that they move on with the plan already in place!

It is a fit, and best for the community

Thank you

Frank Naccarato

Unit 1703 – 83 Saghalie Road

Victoria, BC , V9A 0E7

[REDACTED]

Also business owner

Frank Naccarato  
#38, 910 Government Street  
Victoria, BC , V9V 1S3



[REDACTED]

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**From:** George Churcher [REDACTED]  
**Sent:** January 7, 2024 2:41 PM  
**To:** Public Hearings; Victoria Mayor and Council  
**Subject:** Rezoning Application and Associated Community Plan Amendment - 251 Esquimalt Rd. et al.

I am a fourteen year resident and taxpayer in the Cathedral Precinct of Fairfield neighbourhood of downtown Victoria.

**I fully support the above development proposal as published by City of Victoria Notice of Public Hearing in the 06 January 2024 issue of the Times Colonist.**

The proposal is consistent with the City of Victoria's stated intent to increase housing density in and adjacent to the downtown core. The proposal will significantly contribute to supply of desperately needed additional housing in our community.

As neophyte members of Council are most likely discovering to their chagrin, decisions resolving complex problems often both support and conflict with a myriad of published community goals and objectives. Prudent managers seek to achieve the more important objectives first, while mitigating adverse impacts, when possible, to secondary and lesser important goals.

It is necessary to now ACT; to move towards achieving the primary goals of construction more housing downtown.

For many Victoria residents, and the many more aspiring to move here, additional housing seems to be paramount. This goal can be achieved by increasing building heights while maintaining as much ground level green and open space as possible.

Commemorative integrity of one storey industrial buildings long abandoned by a no longer existent steam railway appears to be of scant concern to folks wishing to find housing, to live in the downtown area, and to contribute to our community.

**The proposal should not be scaled back or reduced in height in deference to abandoned buildings of questionable historical significance.**

There appears to be an organized lobby of Heritage activists, consultants, architects, defrocked planners and ex City employees attempting to derail the above proposal. It appears that many of these activists do not actually live in City of Victoria or pay City of Victoria taxes.

Within surrounding communities including Oak Bay, Saanich, and Colwood, there appears to be a constituency of former Victoria residents who espouse to keep Victoria as "the little bit of Olde England" of past tourist campaigns and to retain our community the same as it was in the 1950's when they and their brothers rode their bikes past white picket fences to play in Beacon Hill park.

Mayor and Councillors should be **mindful of the desires of residents who live in this community NOW**, not upon addled perceptions of how Victoria may have been long ago.

I hope that this commendable project is not derailed by sugar plumb visions of fabled nostalgia of decades long past.

George Churcher  
999 Burdett Ave.  
Victoria, BC. V8V 3G7

[REDACTED]





[REDACTED]

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**From:** GAIL PRICE-DOUGLAS [REDACTED]  
**Sent:** January 7, 2024 7:29 PM  
**To:** Public Hearings  
**Subject:** Public hearing Monday , the 8 th on the Vic West rezoning.

I am voicing my opposition to the Tapestry project. What is being proposed is far too large including the height and massing of the towers. A 29 and 10 story tower will overtake the area and does not value the heritage of the brick roundhouse, which is a national heritage site . The Roundhouse , as an example of an industrial structure associated with the steam railway era in Canada , will be overwhelmed by the proposed development proposal. Please request the developer return with a much reduced density and height of the two towers.

Sincerely, Gail Price -Douglas

Sent from my iPad

## HFL's Support Letter: Bayview Place / Roundhouse – Public Hearing – January 11, 2024

Monday, January 8, 2024

Dear Mayor, Council, and City Staff,

We are writing to express our strong support for Bayview Place / Roundhouse and recommend council unanimously approve this project.

Bayview Place / Roundhouse would add 1,870 badly needed homes to our city. The housing options include market rate condominiums, rental homes, and below market rentals. This mix of housing options would help people along the income spectrum which is of critical importance given the widespread impacts of the housing crisis on people from all walks of life.

In addition to providing sorely needed homes for those facing varying degrees of housing insecurity, Bayview Place / Roundhouse represents an ambitious masterplan intended to revive the site and improve the vibrancy of Vic West. If approved, the site would add 70,000 sq feet of retail and commercial space, plus a childcare facility. Pedestrian and cycling connections are included in this development and this infrastructure would support the city's desire to increase access to active transportation routes and decarbonize.

Though the site will see considerable change in order to accommodate these homes, amenities, and transportation links, 40% of the site will be dedicated to open space with ample public use. The urban canopy will be enhanced with hundreds of trees and plants being added, and instead of a drab, derelict site in the heart of the city, the development would restore the heritage of the Roundhouse buildings and turntable.

There will undoubtedly be vocal criticism and stiff local opposition, but many of its opponents would speak against Bayview Place / Roundhouse regardless of what was actually included in the plan. Often times it appears as though there is no appeasement, no remedy, and no outcome other than the status quo that would satiate the demands of a small, vocal, and often comfortably housed (potentially mortgage free) minority. Calls to delay, downsize, and re-discuss the project, are inappropriate and tone-deaf given the delays that have already bedeviled this site, the persistence of the housing crisis since the 2000s, and the widespread housing impacts within our community.

Homes for Living unreservedly supports and fully endorses Bayview Place / Roundhouse. We encourage council to unanimously approve this project without delay or amendment. Thank you for your consideration.

Best regards,

*The Homes for Living Team*

\_\_\_\_\_  
\_\_\_\_\_



[REDACTED]

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**From:** Isabelle Boulton [REDACTED]  
**Sent:** January 8, 2024 3:32 PM  
**To:** Public Hearings; [REDACTED]  
**Subject:** Roundhouse Rezoning - REZ00729-355 Catherine St., 251 Esquimalt Rd., 200-210 Kimta Rd.

Mayor and Council Victoria,

I am an owner of a suite in Promontory. My husband and I have owned here since the very beginning of the build. We actually purchased because of the prospect of completion of the Roundhouse complex and community amenities it would bring to this locale.

We have been most impressed by the quality of builds so far, the attention to landscaping detail and the added benefits of nearby dogpark and of course access to the increasing developments in Vic West in general.

It has been most enjoyable to call this place home and experience the sense of community that has already been cultivated within the current buildings.

As for the Rezoning to be decided upon at your Jan 11th meeting, I want to forward my whole hearted support for the plans proposed. We understand Focus Equities has had years of preparing plans for this area. Having read the most current submission September 12, 2023, I ask council members to please lend you support to this exciting contribution to Vic West and Victoria at large.

I am confident the results will be sensitive to continuing the Bayview Place stamp of building quality, walkable beauty in their landscaping and ease for me to walk to all manner of city amenities.

Support please.

Regards,

Isabelle Boulton

Owner, 303 Promontory.



## Letter of Support: Roundhouse at Bayview Place

January 8<sup>th</sup>, 2024

**City of Victoria**

1 Centennial Square  
Victoria BC V8W 1P6

Dear Mayor and Council,

I am writing on behalf of BC Non-Profit Housing Association to express our continued organizational support for the **Roundhouse at Bayview Place Project**. This site presents a rare opportunity for the City of Victoria to deliver much-needed affordable housing on donated land. The proposal offers the city a chance to solidify its role as a housing leader in the province and to demonstrate what can be achieved through large-scale rezonings and non-profit/private partnerships; this is the exact kind of leadership the housing sector is waiting for.

BC Non-Profit Housing Association (BCNPHA) is the umbrella organization for the province's non-profit housing sector and is comprised of more than 500 members, many of whom own and operate housing in Victoria. Greater Victoria Housing Society (GVHS) is one of our longstanding members.

As an organization focused on affordable housing in BC, we are acutely aware of how desperately needed these proposed homes are. This project would help address some of these acute needs and also get Council one step closer to meeting many of its most critical housing goals:

- The City of Victoria's Housing Strategy has set a target to build 2,100 new affordable non-market homes by 2025 (at a minimum), with a need for 350 units annually to catch up with backlog and meet anticipated demand. (*City of Victoria Housing Strategy Annual Review 2022*)
- At least 697 affordable non-market units were either waiting to be reviewed and/or awaiting building permits. The city's own status report indicates the delivery of affordable non-market homes is going "slower than we'd like." (*City of Victoria Housing Strategy Annual Review 2022*)
- Through the Housing Supply Act, the province has set a target of 1,798 below-market rental units for the City of Victoria. This project helps the city get one step closer to meeting that goal.
- According to the latest housing status report available, as of December 2022, 1,212 households were on the waitlist for non-market independent housing in Victoria, up nine percent from 1,146 households in December 2021. (*City of Victoria Housing Strategy Annual Review 2022*)
- Between 2015 and 2022, only 9% of all new units constructed in Victoria were non-market rental units (1,373 units). 55% were market rental and 36% were condos. (*CMHC Starts and Completions Survey*)



# BCNPHA

BC Non-Profit Housing Association

220-1651 Commercial Dr.  
Vancouver, BC V5L 3Y3

- As of 2022, the vacancy rate for units affordable for households earning less than \$49,000 per year was 0.4%. (*CMHC Rental Market Report 2023*)
- As of 2022, only 30% of purpose-built rentals were affordable for households earning less than \$49,000 per year. (*CMHC Rental Market Report 2023*)

This project would go a long way in our shared fight to ensure all our community members are securely and affordably housed. Land, in terms of cost and access, is often the biggest barrier to the delivery of affordable housing. This project presents a unique opportunity for GVHS and the city where land in a prime location is being provided at no cost. The site itself is a great location for low to moderate-income homes, as the walkable neighbourhood is ideal for workforce and family housing. Additionally, the building is intended to be designed to high environmental standards which helps the city deliver on its sustainability goals, in addition to its housing goals. This is simply an opportunity the city cannot afford to miss.

BCNPHA would like to thank you for your time and consideration for this proposal and I urge you to move forward with this project as soon as possible.

Sincerely,

Jill Atkey  
Chief Executive Officer  
BC Non-Profit Housing Association



Gr [REDACTED]

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**From:** Juliana Gibson [REDACTED]  
**Sent:** January 7, 2024 7:38 PM  
**To:** Public Hearings  
**Cc:** Bayview Reception  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd

Mayor and Council,

We are writing in support of the Roundhouse rezoning in Vic West.  
It's time to clean up the contamination left by CP Rail when they abandoned the site.  
It's time to built the affordable housing made possible by the donation of the building site.  
It's time for more designated rental.  
It's time to build market housing.  
It's time to hopefully attract a new large hotel to Victoria.  
It's time the old buildings are restored, to create a pedestrian public space.  
It's time all this is started in order to increase density to the point that more retail, professional and other services set up shop in Vic West.

Thank you for your time.  
Ian and Julie Gibson  
#404-70 Sagahlie Rd  
Vic West.

[REDACTED]

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**From:** Joanne Nicholson [REDACTED]  
**Sent:** January 8, 2024 7:05 PM  
**To:** Public Hearings  
**Subject:** Bayview Rezoning

Dear Mayor Alto and Council,

This note is to register my 'Strong Opposition' to the Bayview Roundhouse property Rezoning Amendment and the Proposal of nine 10-32 Storey towers on this National Heritage Site.

My name is Joanne Nicholson.

My address: 205 Kimta Rd, apt 102, Victoria, BC, V9A6T5.

Sincerely , Joanne E. Nicholson

Date: January 8, 2024  
For public Hearing, Jan 11, 2024  
At 6:30 pm

Sent from my iPhone



[REDACTED]

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**From:** JWarrington [REDACTED]  
**Sent:** January 7, 2024 1:06 PM  
**To:** Public Hearings  
**Subject:** Roundhouse development public hearing

We live in Vic West, a couple blocks west of the Roundhouse buildings at the old E&N terminus.

We are concerned about the height and density of the towers proposed for this area, visible from the harbour-entrance to Victoria. And more concerned about how this proposed development fits in with the obvious need for more housing for Victoria residents and their offspring who can't afford to live here, especially those who don't make a lot of money but provide services we all need and rely on.

Developer information says "Close to schools". Does that even matter? Years ago, when the first condos in these Songhees lands were being built, there was talk of the need for a new school for the students who would live in those condos. Never happened. Basically no kids. Unless a significant number of the new condos are priced right for FAMILIES, there won't be many kids living in them.

According to information provided by the developer, a building site will be donated to a non-profit housing provider to build 215 affordable rental homes. We all have to say "how good of the developer" even though the rest of this development might be providing housing for 1000-plus well-off retirees from somewhere else? (If that is so, won't that just exacerbate our housing crisis?) And how many units will be removed from the potential housing stock as hotel rooms (Buildings DA-2b, DA-4 and DA-5 in the developer's map).

PLEASE PLEASE PLEASE if we have to have this development, let's somehow have many more affordable rental units here, or SOMEwhere, to balance this out. Victoria needs much more co-op type housing, not more expensive condos.

And from an aesthetic and livability perspective, why so many towers, and so TALL? Overwhelming the Roundhouse and other historic buildings in shadows.

Sincerely

Julia and John Warrington  
201 Russell St  
Victoria BC  
[REDACTED]

[REDACTED]

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**From:** Kimberley Colpman [REDACTED]  
**Sent:** January 8, 2024 4:19 PM  
**To:** Public Hearings  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200 Kimta Rd, 210 Kimta Rd

This letter is to offer my full support for the above noted rezoning.

The Roundhouse at Bayview Place is a landmark development for Victoria that will build on the success of its first phase and contribute to further renewal of the area. How wonderful to take this 10 acre industrial land and create so many Housing and Community opportunities. From what I have read there is a 74 million public amenity package (!), 215 affordable rental homes, approximately 1870 residential units with some marked for affordable below Market rental and Market rental housing. The restoration of the 1913 roundhouse building train turntable and box cars in itself is worthy of great praise for this application. The plan shows beautiful public open spaces and incredible Landscaping with bicycle and pedestrian connections throughout the site. I especially like the idea of the child care facility with the outdoor play area.

This is truly a comprehensive community development and should be applauded for its creativity, and to the applicant for their perseverance in trying to get this approved.

Sincerely,

**Kim Colpman**  
607 Vancouver St  
Victoria BC

[REDACTED]

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**From:** Karen Ledger [REDACTED]  
**Sent:** January 8, 2024 10:33 AM  
**To:** Public Hearings  
**Subject:** NO to TOWER Development on Heritage Site!

As a Resident of Victoria for the past 74 years, and the child of Community Builders in the 50's - 80's, I am appalled at the outrageous destruction this Council and the Last have wreaked on our previously famous and beautiful city. My father, along with other Jaycees literally dug and planted the now famous WELCOME TO VICTORIA Flower sign in the Inner Harbour because the Council said they couldn't afford to do it. They, along with Gyros created many of the Sports fields and Parks around the city. Gyro Park in Cadboro Bay is one great example. Past Mayors, such as Peter Pollen saved our Inner Harbour so it was Unique, compared to most cities. We DO NOT NEED or Want ANY Massive Towers at the Round House. It is bad enough already.

PLEASE Stop following unelected FOREIGN directives and listen to the citizens to whom you have sworn an oath. STOP OVERDEVELOPMENT>

Karen E Ledger, BScNursing (UVIC) RN (retired).

[REDACTED]

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**From:** Loraine Lundquist [REDACTED]  
**Sent:** January 8, 2024 1:16 PM  
**To:** Public Hearings  
**Subject:** Proposed Amendment Bylaw (No. 1327) - No. 23-110 - Public Hearing January 11/24

To Mayor and Council,

I am writing in support of the proposed Zoning Regulation By-law which allows increased height and density for the proposed future development of the lands known as 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road.

Please note that we live on Paul Kane Place and have been following the debate since moving to Victoria in 2019, including attending a presentation by the developer in 2023.

Having lived in Vancouver and having utilized activities at the Roundhouse Community Centre in Yaletown, my husband and I are comfortable with the most recent design and look forward to welcoming more people to our neighbourhood.

Sincerely,  
Loraine Lundquist and Ashton vanSchalkwyk  
[REDACTED]

[REDACTED]

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**From:** Lyle Melnyk [REDACTED]  
**Sent:** January 8, 2024 5:30 PM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com  
**Subject:** Roundhouse rezoning-REZ00729- 355 Catherine Street, 251 Esquimalt Road, 200-210 Kimta Road

Dear Mayor and City Council of Victoria,

I am writing to express my full support and endorsement of the above rezoning application.

I am a 40 year resident of Victoria and a 5 year resident of the Bayview development in Victoria West. My home is immediately opposite the site in the application and my address is:

Unit 102  
60 Saghalie Road  
Victoria, BC V9A 0H1  
(Encore)

My wife and I purchased this property in September, 2015 as our retirement home. We chose this property specifically for a variety of reasons:

- 1) location- close to the harbour, downtown and services of all types
- 2) character of the neighborhood- family focussed, community focused and leisure focussed
- 3) quality of construction and design of the Bayview area
- 4) the prospect of Vic West becoming a desirable and vibrant community for all walks of life

This application meets all the criteria that I feel necessary to create a viable and progressive community that enhances the goals and requirements of the City of Victoria. It provides for:

- 1) consideration to residential housing of various types to help address current housing challenges
- 2) consideration to heritage issues in preserving First Nations concerns and railroad history
- 3) consideration to environmental and green space issues
- 4) consideration to open and public spaces
- 5) consideration to transportation issues
- 6) consideration to services to the residents of the area and visitors
- 7) consideration to the support of the community by the developers

I have full confidence that the completion of this project will have a significant and lasting impact on Vic West as well as the rest of Greater Victoria.

I urge you to give the application your full support in order to allow the development to proceed in a timely fashion.

Respectfully

Lyle Melnyk

[REDACTED]  
102-60 Saghalie Road  
Victoria BC V9A 0H1

Sent from my iPhone

[REDACTED]

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**From:** [REDACTED]  
**Sent:** January 8, 2024 3:23 AM  
**To:** Public Hearings  
**Subject:** Fwd: LYNN SMITH in support of the Roundhouse Rezoning Application & REZ00729 located at 355 Catherine Street

**From:** [REDACTED]  
**Date:** January 8, 2024 at 11:21:35 GMT  
**To:** [REDACTED]  
**Subject:** LYNN SMITH in support of the Roundhouse Rezoning Application & REZ00729 located at 355 Catherine Street

8 January 2024

Reference: Proposed Increased Density and Increased Height at- 251 Esquimalt Road, 355 Catherine Street, 200 Kimta Road – REZ00729 – The Roundhouse at Bayview Place – Phase 2

Dear Mayor and Council of the City of Victoria

Good day

I am a resident of Victoria West and live within 200 metres of the Roundhouse Development Site. I am IN FAVOUR of the proposed Rezoning Application for the Roundhouse Development Site at Bayview Place - Increased Density and Increased Height at- 251 Esquimalt Road, 355 Catherine Street , 200 Kimta Road – REZ00729 – The Roundhouse at Bayview Place – Phase 2

Like so many people, the young adults in our family need this type of development in order to be able to afford to live in Victoria and raise their families here. The density proposed in a mixture of medium height buildings is the best melding of new homes with space for amazing amenities.

The proposed rezoning and the associated amended master plan represent a wonderful opportunity to grow a vibrant, active and more affordable community which will be of benefit to all of Victoria. The height of the towers is necessary to create a more liveable, a more affordable and inclusive community. The addition of significant affordable housing is a game changer.

The combination of new residential units, respect and renewal of the significant heritage site with much needed retail space will help create a terrific community that is open to all residents of the City of Victoria and the Capital Regional District. This will become a community where residents can comfortably, safely and affordably live and easily work, cycle and use public transit to go wherever they want to.

I recognize that this proposal will change the community. This is a change that I look forward to as we become a more diverse and vibrant part of Victoria. Like other recently approved developments, this proposal is a significant part of shaping Victoria to be a sustainable and affordable city now and into the future.

I urge you to support the timely approval of this rezoning which will reinvigorate this neighbourhood and support the city's needs for generations to come.

Sincerely yours

Signed by  
Lynn Smith  
#308 100 Saghalie Road  
Victoria BC  
V9A 0A1



[REDACTED]

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**From:** Matthias Bloennigen [REDACTED]  
**Sent:** January 7, 2024 1:58 PM  
**To:** Public Hearings  
**Subject:** Support for the Roundhouse Bayview Project

Dear Mayor Alto and Council,

**I am writing to express my strong support for the Roundhouse Bayview project** and sincerely hope that the Council will give its approval to this initiative during the upcoming Thursday session.

Having recently relocated from Calgary to Victoria to be with my partner, we have spent the last six months diligently searching for a suitable place to call our own in this vibrant city. It quickly became evident that housing prices are unreasonably high (3rd most expensive in Canada!). The stark reality is that an increase in housing supply is imperative to mitigate the soaring costs and make homeownership more accessible to all.

Beyond addressing the housing crisis, the Roundhouse Bayview project presents an opportunity to breathe life into a long-neglected area of our city, one that boasts a prime location at its heart. It is crucial for the council to support endeavors that reinvigorate the city center and foster a strong sense of community.

In light of these compelling reasons, **I implore the Council to give its resounding approval to the Roundhouse Bayview project.** This development not only addresses the urgent housing needs of residents like myself but also contributes to the growth and vitality of our beloved city.

Thank you for your time and consideration.

Sincerely,  
Matthias

[REDACTED]

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**From:** Mischa Gringras [REDACTED]  
**Sent:** January 8, 2024 10:26 AM  
**To:** Michael Angrove; Victoria Mayor and Council; Public Hearings  
**Subject:** Bayview Rezoning

There are at least a dozen reasons that I a resident in the Bayview Development, am opposed to this application. I will try to provide the key points below.

## **Developer**

The track record of the developer and their inability to follow through with previous promises is or should be, well known.

I believe it is well known in the development/financing community, that in spite of appearances, this developer lacks the financial strength or development skills to complete the physical development.

## **Density**

Lies, Damn Lies and Statistics

Whatever skills this Developer may lack in actual development, they make up for in creative misrepresentation of facts, including density figures.

The fact is that a significant portion of the overall Bayview lands were and always will be 'undevelopable'. The Roundhouse Buildings are why the Master Plan was awarded an unprecedented level of density on the available lands originally. In today's more density friendly environment, is there an argument for revisiting these numbers? Possibly, but crowding the site with multiple towers jammed together combined with never before heights is hardly a winning solution. We must also recognize that these lands themselves enjoy one of the highest elevations in the core area of Victoria. The overall impact will mean that when built, Bayview will be THE visually dominant feature of the skyline and from the inner harbor, and will dwarf the actual downtown and will present an entirely out of proportion skyline.

## **The Roundhouse**

I expect that there is a universal acceptance that The Roundhouse Buildings represent some of the city's finest heritage structures and their preservation an essential element of what makes Victoria unique.

These buildings represent the singular defining elements of the development, the neighborhood, the community and possibly the Greater Victoria region.

It's essential that under no circumstance shall the new buildings be allowed to surround, crowd and overwhelm The Roundhouse to the point of overwhelming this collection of heritage structures to the point of rendering their presence to be entirely inconsequential.

It's not simply a matter of please...no density in my neighborhood...or don't block my views...there are just too many reasons to stop this rezoning in its tracks (pun intended). The neighborhood, Vic West Community and the entire region stands to lose what could be a wonderful piece of what makes Victoria a special liveable community.

Please do the right thing and put an end to this.

Regards Mischa

[REDACTED]

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**From:** Maureen Motter-Hodgson [REDACTED]  
**Sent:** January 8, 2024 2:32 PM  
**To:** Public Hearings  
**Subject:** Roundhouse Rezoning - REZ00729- 355 Catherine St. 251 Esquimalt Rd, 200 Kimta Rd, 210 Kimta Rd

My husband and I reside at Bayview One in Vic West and are fully in support of the rezoning application for the Roundhouse Development Site at Bayview Place.

We believe our community will be safer and more vibrant with this development proceeding. We also think because of its walking distance to the downtown that it will assist in ensuring that the businesses in that area will be more supported.

The restoration of the heritage designated Roundhouse buildings require additional density to be financially viable to potential vendors.

Many thanks for considering our views.

Sincerely,  
Maureen Motter-Hodgson and William Hodgson Suite 604, 100 Saghalie Road Victoria BC.

[REDACTED]

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**From:** Mark Stephenson [REDACTED]  
**Sent:** January 8, 2024 2:48 PM  
**To:** Victoria Mayor and Council  
**Cc:** Public Hearings  
**Subject:** Bayview Place / Roundhouse Development

Good Afternoon,

I am writing in support of the Bayview Place / Roundhouse development. Our region is still badly in need of housing, and while this will not solve the problem, it will tremendously help. The project includes many types of housing options which will benefit individuals and families from all walks of life. As a young family in Victoria, I have many friends and colleagues who have been forced to leave the region due to the lack of housing in the area. My wife is a nurse, and she often talks about how her coworkers are moving away, and how her team has struggled to fill shifts and are consistently understaffed – like almost all jobs in the city. We urgently need more housing, and this project will provide a huge number of badly needed new homes. Lastly, the commercial component will breathe life into an area that could definitely use more vibrancy. It is well connected to newly constructed bike routes and easily walkable to downtown. This project will be a tremendous benefit to the city – both to current and future residents, and I urge you to support it.

Kind regards,  
Mark Stephenson

[REDACTED]

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**From:** Margaret Thom [REDACTED]  
**Sent:** January 7, 2024 2:56 PM  
**To:** Public Hearings  
**Subject:** Public Hearing - Jan 11 2024 re: Roundhouse Project

To Council Members:

I may not be able to attend the meeting but wish to express my concern regarding the overall size and density of the project, and how it will impact on local traffic. I am a resident in a condo on Saghalie and, as such, have knowledge of the area.

**Additional Vehicles in the Immediate Area:** The proposal is calling for 1870 units but does not say how many parking spaces will be provided for those units. With an assumption that say half of those units will have vehicles, that is over 900 extra vehicles, not counting an assumed 100 or so from the three Dockside buildings on Tyee that are now filling up.

**Traffic In the Area:** If any council member has driven in the area, it will be apparent that traffic on Bay is already becoming congested - some days it is lined up almost back to Bridge. Traffic over the "Blue Bridge" with people coming and going along Esquimalt Road is also heavy. Now, if 1000 extra vehicles get added to those two bridges, traffic really will be impacted. Is the City prepared to increase road widening or add another bridge in the area?

**Parking in the Area:** In the direct area, Kimta, which has already been narrowed because of new bike lanes, will be problematic. With the existing condo buildings on Saghalie, Kimta and side streets such as Cooperage, many residents with second vehicles park on Kimta, along with the overflow parking from Spinnakers (corner of Kimta/Catherine). There is just no extra space to add more vehicles from the proposed development to these parking areas. They are already full. If residents of Vic West in general want to use the shopping facilities, there will be no room to park. Overall, parking congestion will reign supreme.

**Density:** Compare the proposed project with the existing adjacent Bayview property, which is approximately the same size in area as the proposed project. In the Bayview space there are **three condo towers**, the tallest of which is **21 storeys, then 17 and 11 stories** respectively, plus townhouses which, according to the Roundhouse ad in the paper on Saturday, January 6, constitutes a **total of 439 units**. In the similar sized area of the proposed project there will be **nine towers**, the tallest of which will be **32 storeys** and a total of **1870 units**. This building density is just too much and has all the hallmarks of creating a future ghetto with too many buildings in too small a space. Also, with nine buildings in the proposal, what kind of wind tunnels will that create.

**People:** With 1870 units it may be safe to assume that there will be an average of two per unit for total of 3,740. That is a lot of people crammed into a small space.

**New Features:** There are a couple of worthwhile features of the new project such as use and retention of the roundhouse properties, park area and shopping facilities. The centre park although looks like it may not be conducive for sitting around as the buildings along Kimta will probably block any sun getting into the area.

**Please Rethink:** I certainly urge Council to give this project another rethink to reduce the number of buildings to maybe five. Stress on existing infrastructure in the neighbourhood needs to be considered as well as the overall density of the proposed project. Again, it is just too much in a small space.

Respectfully submitted,

Margaret Thom  
412 - 100 Saghalie Road  
Victoria BC V9A 0A1



[REDACTED]

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**From:** Marlaw [REDACTED]  
**Sent:** January 8, 2024 12:33 PM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd.

City of Victoria

Dear Mayor and Councilors,

This email is in support of the captioned rezoning application.

As a long time Victoria area resident I have seen much growth, development and changes. One of our main concerns would be affordable housing and affordable rental units.

This project in part does contribute to the future stock of homes and rentals available and accessible to our citizens and tenants. For that reason alone I would support the project. However the other aspects of the purposed project also have much merit. In particular, remediation land which is then converted into vibrant community with significant community amenities will help build a better city overall.

Thank you for consideration of my email.

Best regards,  
Sinclair Mar

301-830 Shamrock Street  
Victoria BC  
V8X 2V1  
[REDACTED]  
[REDACTED]



**From:** Nancy McLaughlin [REDACTED]  
**Sent:** January 8, 2024 5:46 PM  
**To:** Public Hearings  
**Subject:** Bayview rezoning: OPPOSED to this proposal

As an owner at 205 Kimta Road since 2011, and 2<sup>nd</sup> generation Victorian, I am very concerned by the approach being taken by our Victoria Council and Mayor concerning this particular development.

Victoria obviously needs more housing, particularly for lower income groups and middle-income families. Victoria's City Council is to be commended for its ambitious attempts to respond to this need.

I am uneasy, however, that in your enthusiasm, your approach lacks a wholistic and long-term perspective. I fear that you may consider approving a rezoning that is not in the best interests of the neighbourhood, the whole City, and particularly of the above-mentioned groups looking for housing.

The already approved zoning for the west portion of the Bayview lands is interesting and attractive with buildings of varying heights and an enticing Granville Island-like design (to have opened in 2016) for the historic buildings, with good sight lines from every angle. There was also talk of community space, a concert venue or activity centre, and at least one new hotel. That nothing happened subsequently, even after a building permit for the E & N Tower was issued, was very puzzling. The 2020 rezoning proposal came as a shock, particularly in terms of the significant increase in density and height.

It is troubling that the Mayor and Councillors, none of whom live in Vic West, overruled the professional planning staff at City Hall and voted to advance this massive project to public hearings with only a minimal decrease in the proposed density, and reduced response time for public comment and discussion.

It seems that in the lack of an urban development strategy for the City, Councillors tend to look at each project in isolation from all the others, with no overall vision for the cumulative impact of the individual developments on community livability, the public and tourist mage of our iconic harbour and the celebration of our shared history. This is concerning in three ways:

**1. Lack of a comprehensive and cumulative understanding of authorizing significantly increased density and height only in small pockets of the city while doing little for affordability, the missing middle, and families**

Both the initially requested and currently proposed rezoning are for *more than double* the density in our approved Community Plan.

While the entire Bayview area encompasses 20 acres, *there are in fact only 6 acres still available for development*. On the eastern side of Saghalie Road, the first 10 acres are open and spacious with three large high-rise complexes, a park, with an independent-living centre still to come. On the western side, 4 of the remaining 10 acres are occupied by the heritage site. For the remaining 6 acres are proposed 9 buildings, 6 of which will be the tallest in Vic West, and among the tallest in the entire City. Nevertheless, the FSR calculation is based on the entire 10 acres, which is very misleading.

The Harris Green development in the centre of downtown includes plans for only 2 buildings as high, with plenty of "missing middle" housing. Bayview is the third dense development on the west side of the Blue Bridge, after Dockside Green (where the tallest authorized tower is 19 stories) and just the completed Railyards. More buildings are proposed nearby along Esquimalt Road. *Altogether, these developments will bring many thousands of additional residents.*

Vic West is an old community, with heritage homes dating back to the 1870s. Any reports dealing with water mains, sewers, electricity cables, etc. are development specific – nothing that considers the cumulative effects on infrastructure, police and fire services, roads, etc. of the additional expected density.

I also wonder why it seems acceptable to insert such height and density into Vic West, when other residential areas such as Fairfield, Fernwood, Hillside, or even James Bay have nothing equivalent? Why is there not greater density encouraged along all the City's transportation corridors?

In addition, the latest Focus Equities proposal describes one affordable housing building, one market rental, and 7 condo buildings. Given the close-to-the harbour location and small footprints of the buildings, the condos will likely command very high prices and be too small for families.

***Nothing in this proposal addresses the missing middle***, and does little for housing affordability, particularly for family housing. Where are the stacked townhouses and space for pre-school and/or day care that we should be seeing in what is described as a residential community? How about a mix of mid-rise and high-rise buildings with mandated percentages for two and three bedroom units?

What is currently proposed seems more like urban jungle than urban neighbourhood.

## **2. Impact on the City image, harbour entrance and tourism**

Victoria has long been recognized as a bucket list tourist destination and was recently recognized as one of Canada's most livable cities, as well as a top choice to visit by Condé Nast readers. Not only are we blessed with a mild climate and fabulous geographic/scenic setting, our harbour is also described by many writers as iconic.

***This development directly faces the harbour entrance and will be one of the first things seen by visitors arriving by sea*** – be it on a ferry, a cruise ship, a float plane, or a private boat. Shoal Point, at the other side of the harbour entrance, is an award-winning building. What will visitors actually see at Bayview? Focus Equities has provided lovely airy sketches, but very little that shows true building mass and height in entirety. 9 towers within 6 acres can only be substantial and could completely overwhelm the harbour entrance.

In the same vein, while Focus Equities does propose some Design Guidelines, there is no way to know whether or how these guidelines would be followed. Focus Equities did not build the Promontory, or the Encore in Phase 1 of Bayview, and we have heard that once the rezoning is (hopefully) approved, Focus Equities would hand off responsibility for building to other developers (plural).

If design is only determined at the building permit stage, and each building is permitted individually, and built by a different developer, we will end up with a blocky hodge podge of condo towers in one of the most visible and tourist sensitive locations in our City.

I ask – what is the Vision of Council for our City? the first impression Council wants to create for our visitors?

***How will Council ensure overall architectural interest, variety, harmony and congruence among the different buildings and developers?*** Perhaps, while work begins on the first two buildings, an architectural competition or a design covenant for this harbour-entrance development would be appropriate?

What does Council intend in order to ensure that this significantly sized and placed development makes a positive long-term contribution to our City's image?

## **3. Insufficient enhancement of Historical uses of the land, including the First Peoples, and protection of the Heritage designated buildings and site**

This Songhees area is of significant historical importance, not only because of the Railway Roundhouse, but because it was the former home of the Songhees nation. ***Nowhere in the proposal is there any mention of permanently honouring their history*** as well as that of the railroad Roundhouse lands. This is a significant oversight.

Strengthening and remodelling of the heritage buildings was to be the first item undertaken on the west side of the property. Now apparently the plan is to build two tall buildings first while commencing remediation, which means that in addition to on-site digging to bury contamination, blasting for the underground parking will occur in close

proximity to the more than 100-year-old brick buildings. No engineering studies of this plan have been made available, and there is no assurance that the old buildings will be able to sustain such shocks.

Secondly, remediation of the site has been a requirement since the beginning, and its cost was a primary reason for the low initial purchase price for the 20 acres. That cost is now being described as a primary reason for the significant increase in requested density. And rather than removing the contaminated soil, they are proposing to bury it on site. That land adjoins and drains into our harbour, where significant investments have been made over the past two decades to remove pollution, such that the area is now a protected environment. There are no assurances that the contamination will not seep into the harbour.

Lastly, the expansion of the number and height of buildings means that the historic itself will be largely surrounded. With the exception of the Esquimalt Road side of the property, only glimpses will be available through narrow "site corridors." From the outside of the development, the primary impression is numerous tall towers, not an historic site.

For all the above stated reasons, I am opposed to the rezoning proposal as it has been submitted. I implore Council, who represent our entire City, to rethink the impacts of this development, and to better integrate its planning into an overall neighbourhood and City vision that honours community, the needs of our missing middle, our history, and our future. As currently proposed, it honours nothing.

Sincerely

Nancy Dickson McLaughlin  
103 - 205 Kimta Road  
[REDACTED]

#307, 68 Songhees Road,  
Victoria, V9A 0A3

3<sup>RD</sup> January 2024

Dear Councilors,

My wife and I have been living on Songhees Road for several years, and are opposed to the Roundhouse development proposal in its present form.

New accommodation is necessary in Victoria, and developers deserve profits for undertaking risks. Yet that should not be at the expense of a community, which will have to co-exist with the development for many decades. Just as the Roundhouse is over a hundred years old, so the planned development will last for many decades. It will involve thousands of new residents with vehicles. With so much additional traffic, Esquimalt Road and the Johnson Bridge will become even more congested; that is unless Council envisages a tunnel

We have two suggestions to the proposal that could mitigate some of its negative aspects on congestion:

1. Reduce the height and density of the proposed buildings. This would jeopardize the maximization of profits by the developers, but not eliminate profitability.
2. Limit vehicle parking at the new premises, with parking restricted to the disabled. Downtown is easily accessible from the site by bike, or by foot.

Thank you for your attention to the above

Yours sincerely,

Neil B Ridler, PhD

Professor Emeritus of Economics, University of New Brunswick



[REDACTED]

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**From:** Nicholas Thomas [REDACTED]  
**Sent:** January 8, 2024 9:46 PM  
**To:** Public Hearings  
**Subject:** Public comment on The Roundhouse - parking

Re: 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road - **The RoundHouse**

We are residents of Esquimalt and local business owners operating in Victoria West. We would like Council to consider **less** parking space being allocated for commercial/retail use at The RoundHouse.

I encourage Council to ask the Developer to allocate more space at The RoundHouse for pedestrian use, green space, public space (seating etc.) and less space for retail car parking. Alternative designs are available that attract a more pedestrian friendly space and limit the use of automobiles on our road.

I believe that The RoundHouse has the opportunity to change the landscape for how complexes are built in our City, with a more European design plan in place that **focuses on creating public space and not just drive in/drive out shopping plazas.**

Thank you for your time and consideration,

Robyn & Nicholas Thomas

[REDACTED]

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**From:** Patrick Crabbe [REDACTED]  
**Sent:** January 8, 2024 9:42 AM  
**To:** Public Hearings  
**Subject:** Roundhouse district

To build a number of 30+ storey hi-rises in the Roundhouse district is just going to have in a major influence on overcrowding in the city. Traffic- vehicle, bike, and pedestrian will increase immensely in an area that is already having traffic delays due to over population.

Councillors, please think in terms of the big and future quality of life for those that already live in Victoria.

Regards, Pat Crabbe.

[REDACTED]

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**From:** Peter & Evelyn Gold [REDACTED]  
**Sent:** January 8, 2024 2:10 PM  
**To:** Public Hearings  
**Subject:** ROUNDHOUSE / REZ00N 729 / 355 Catherine St.Victoria BC

We are "IN SUPPORT " of THE Roundhouse  
at Bayview Place Rezoning Application # REZ00729  
to provide much needed housing for the community!

Evelyn & Peter Gold  
#706-100 Saghalie Road  
Victoria



[REDACTED]

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**From:** Philip MacKellar [REDACTED]  
**Sent:** January 8, 2024 8:24 PM  
**To:** Marianne Alto (Mayor); Jeremy Caradonna (Councillor); Susan Kim (Councillor); Matt Dell (Councillor); Krista Loughton (Councillor); Dave Thompson (Councillor); Marg Gardiner (Councillor); Chris Coleman (Councillor); Public Hearings; Stephen Hammond (Councillor)  
**Subject:** I support the Bayview Place & Roundhouse revitalization plan

Dear Mayor and Council,

I am writing to express my support for the Bayview Place revitalization. This proposal would add over 1,800 badly needed housing to our city's low supply, help council meet the new provincial housing targets, and revitalize an uninspiring corner of the city with green space, amenities, and walking / biking paths surrounded by public spaces. This sounds like a win, win, and though there is opposition to it today, 30 years from now, residents of this city will question why this project was not bigger, more ambitious, and completed long ago.

The fact this project includes a mix of condos, purpose-built rentals, and below market purpose-built rentals is particularly important from a housing needs perspective and I hope council will take the needs of these different income groups into consideration when making this important decision.

Please support this project without delay and please find ways to bring more houses online across the city. Though all levels of government are now taking the housing situation seriously, much more is needed

Many thanks for reading my submission and best regards.

Philip MacKellar

Forbes Street  
Victoria, BC

[REDACTED]

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**From:** Robin Betteley [REDACTED]  
**Sent:** January 8, 2024 1:50 PM  
**To:** Public Hearings  
**Subject:** 251 Esquimalt Road/355 Catherine Street/210 Kimta Road

We purchased our home at the Promontory in 2013. At that time we were excited about the future plans for the project which included the Encore and the development of the retail and housing at Roundhouse properties. A couple of years later after the Encore was completed it looked as though construction was beginning on the building at the corner of Sitkum Road and Kimta Road, then everything stopped. Focus Equities continued to maintain a huge sign on our property advertising the final phase of the approved project, and had staff working out of a Presentation Centre marketing the project but there was no movement with regards to construction. Then in late 2021 we became aware that the developer was pursuing approval for a revised plan for the which involves additional buildings and building heights.

My primary concern with the new plan has been the proposed buildings described as DA-7 (23 stories), DA-8 (24 stories), DA-9 (10 stories) and DA-2a (29 stories) which are all directly adjacent to the historic roundhouse buildings. I believe that the historic buildings are a treasure and should be treated as such. I am terrified that the construction of buildings and underground parking immediately adjacent to the historic buildings will result in significant damage to the buildings.

If additional density was needed to support the project financially then consideration could be given to adding floors to the previously approved buildings.

Thank you for your consideration.

Robin Betteley  
103-83 Saghalie Road  
Victoria, BC  
[REDACTED]

Sent from my iPad

[REDACTED]

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**From:** Rita Louie [REDACTED]  
**Sent:** January 7, 2024 3:17 PM  
**To:** Public Hearings  
**Subject:** Rezoning of Esquimalt/Catherine/Kimta

To whom it may concern:

We are home owners, living at 165 Kimta and are very concerned about the rezoning plans for the roundhouse property. What possible rationale could there be to increase the currently permitted density and ratios? We have significant concerns about the ability of the current infrastructure (including police, fire, ambulance) to support that level of increased density.

Already, the development of bike lanes have resulted in much narrower car lanes to the point where large vehicles cannot easily stay in their designated lanes. Sight lines (especially at the Kimta/Saghali intersection) are challenging and pedestrian safety is a concern.

The proposed development will add more than 1800 units to an area already dealing with traffic congestion and insufficient parking to meet the needs of the current neighbourhood, particularly businesses, e.g. Spinnakers and the Boom & Batton.

The height of the proposed buildings are a huge concern. They do not fit with the rest of the neighbourhood. We feel the current height and density bylaws should be adhered to and much more thought given to infrastructure impact.

Thank you.  
Rita Louie  
Bev Martin

## Grant Diamond

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**From:** Ray Martin [REDACTED]  
**Sent:** January 8, 2024 5:20 AM  
**To:** Public Hearings  
**Cc:** [REDACTED]  
**Subject:** Rezoning of the Roundhouse

Hello Council

I currently live at Encore located at the Bayview area. I have lived here now for 5 years and have enjoyed the access to downtown , safety, and overall fantastic location. I have watched many projects start up in Esquimalt , as well as close to us on Tyee road.

The problem I'm having is why when a developer is offering affordable housing, rental housing, additional condo sales bringing tax dollars to the city , why they would take 10 years to make a decision on it. As a tax payer I want to say if your going to continue to say we have problems in these areas but take 10 years to consider this , its embarrassing.

Please take the time to review this proposal and understand it addresses all the housing needs that council is always concerned with. I support it fully and hope it will get the attention and consideration it deserves.

Best regards

Raymond Martin

[REDACTED] -

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**From:** Sebastian Ferrando [REDACTED]  
**Sent:** January 8, 2024 1:04 PM  
**To:** Public Hearings  
**Subject:** No

I am voting No to the 9 towers , 32 stories on the national heritage site in Vic Wesr.  
Elisa and Sebastian Mastropasqua

[REDACTED]

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**From:** W. Stephen LeBel [REDACTED]  
**Sent:** January 8, 2024 5:56 PM  
**To:** Public Hearings  
**Subject:** Rezoning Application and Associated Official Community Plan Amendment for the Property known as 251 Esquimalt Road, 355 Catherine St., and 210 Kim Road

**TO: Mayor and all City Councillors, City of Victoria**

**RE: Rezoning Application and Associated Official Community Plan Amendment for the Property known as 251 Esquimalt Road, 355 Catherine St., and 210 Kim Road**

The Public Hearing for this matter is scheduled for Thursday January 11, 2024. It will not likely be possible for you to hear from all interested parties at that meeting, so we hereby submit our comments to you in writing.

**We are opposed to this Rezoning Application as it is presented, for several reasons:**

1. Vic West neighbourhood is a "bedroom community" of Victoria, with a wide mix of housing types and some light industry. Most people living here did not likely move here in hopes of one day abutting a huge development of the sort that is more appropriate for a downtown city core. We are not part of the downtown. The vast size and density of this proposed development runs afoul of the current community plan to a great extent. Accepting the proposed change is not simply a matter of tweaking the current plan; rather, it is a matter of disregarding it and thumbing a nose at the will of most residents in the neighbourhood. We did not move here to feel like part of a new Manhattan or Yaletown. And that is what it will feel like with at least 7 new buildings at heights of 20 - 32 storeys in this relatively small area of Victoria.

2. There are three hotels planned in this development. The most recent proposal we have seen (dated Sept. 9, 2022) shows that three buildings (labelled DA2b, DA4, and DA5 on page 47) will be Condo/Hotels. The exact proportion of each building devoted to hotel usage is not clear to us, but their very presence in these three tall buildings is one big reason why they are identified as tall buildings.

The hotel industry does house visitors to our city, and does provide jobs, but its presence does nothing to ameliorate our current housing crisis. The goal of this industry is simply financial gain, not the provision of long-term housing for current and future residents, and certainly not for people who may have difficulties accessing such housing. The recent policies regarding short-term rentals (passed by the BC government and many municipalities) bear testament to this fact.

If the hotel components of these three towers were to be removed from the plan, there would not need to be such incredible height allowances for at least three buildings. The residential portions could be scaled down significantly to reduce the proportions that the plan shows.

3. The setbacks from the property line of many of these buildings seems very minimal (2 metres in some cases). See building DA9 as an example of a 10-story building directly adjacent to, and towering over, the "Old Roundhouse and Back Shop". This building could be eliminated to allow for some green space (see next paragraph).

4. The diagram (see p. 47) shows virtually no park areas (or playgrounds, playing fields). Yes there is park area in the existing Bayview Place area, but that is not going to accommodate a tripling of the population in this immediate area.

Please rethink this overall plan, and scale it down to a more appropriate size for the Vic West neighbourhood. We who live here would very much appreciate such a change, if indeed the plan is to go ahead at all.

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**ADDENDUM:**

**After writing our first comments (above), we met the developer at the Presentation Centre today (4 pm, January 8, 2023) and spent time with him as he talked about the newest changes in the proposal. His comments were rambling and vague, and mostly nonsensical. He could not clearly answer questions about which buildings are already approved, how much hotel space is planned, what would happen with the existing big buildings on site, which new buildings would go first, second, etc in the construction sequence. An assistant was there at the table with him and seemed to be trying to fill in gaps for Mr. Mariash. We came away with the very strong feeling that the Mariash group is not really planning to build anything on this property, but rather they want to get this extreme rezoning approved by City Council, so that they can sell the property to another developer. All this uncertainty is not a good sign. This is our second time meeting Mr Mariash and it feels as though we are getting a “snake oil” sales pitch.**

**Please do not approve this rezoning application as it now stands. It looks like a flashy sales job, and it is not good for our community**

Sincerely,

Steve LeBel and Greg Cline, 1001 - 379 Tyee Road, Victoria V9A 0B4.

**From:** Sylvia Mager [REDACTED]  
**Sent:** January 7, 2024 11:05 AM  
**To:** Public Hearings  
**Subject:** Roundhouse Rezoning Application REZ00729

Dear Mayor & Council,

Re: Roundhouse Rezoning Application REZ00729

This is a letter of support for the Roundhouse Application.

My daughter is studying at UVic and I support the need for more future housing in Victoria.

Bayview Place and the developers Ken and Patty Mariash have a history of developing top quality projects that fit well within the existing landscapes and provide stunning and timeless architecture.

Having more housing options in the area would be a welcome addition to what they have already built at Bayview Place adjacent to the proposed Roundhouse site and provide much needed community amenities to current and new residents.

Best regards,

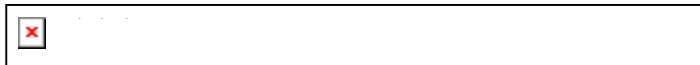
Sylvia Mager  
1035 Belmont Ave  
Victoria BC V8S 3T5



Sylvia Mager  
Principal, Stylehaven Interior Design

[REDACTED]  
w: [www.stylehaven.ca](http://www.stylehaven.ca)

[REDACTED]





[REDACTED]

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**From:** Seth Wynes [REDACTED]  
**Sent:** January 8, 2024 5:45 PM  
**To:** Victoria Mayor and Council; Public Hearings  
**Subject:** Support for Bayview Place/Roundhouse

Monday January 8, 2024

Dear Members of Council,

I am writing to you to express my support for the Bayview Place/Roundhouse Development which is under consideration.

The project looks to provide a large amount of desperately needed housing for the City of Victoria. The project is well situated close to biking trails and within walking distance of the downtown with all of its jobs and amenities. Allowing more people to live close to downtown is a strong recipe for lowered GHG emissions as it reduces the need for lengthy commutes.

Considering the high cost of housing in this city and the general shortage of places to live close to the core, I hope that the council approves this development unanimously and without delay.

Warm regards,

Seth Wynes

[REDACTED]

---

**From:** Taylor Holmwood [REDACTED]  
**Sent:** January 8, 2024 1:14 PM  
**To:** Victoria Mayor and Council  
**Cc:** Public Hearings  
**Subject:** Roundhouse/Bayview Housing Proposal

Good afternoon, I am writing to implore you to approve any and all subjectivities which accelerate housing supply and availability for the above mentioned project in Vic West and beyond. I understand there is a member of the real estate board who is scheduled to speak on January 11th and remind you we as citizens of Victoria who do not benefit from such a position are screaming at the top of our lungs for more housing, and not a restrictive policy which benefits those already flush with wealth.

Kind regards,

Taylor Holmwood

[REDACTED]

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**From:** Vanessa Hammond [REDACTED]  
**Sent:** January 8, 2024 2:19 PM  
**To:** Public Hearings  
**Cc:** [REDACTED]  
**Subject:** Roundhouse development  
**Attachments:** Round House City.docx

To [REDACTED] cc [REDACTED]

205 105 Wilson St  
Victoria BC V9A 0G3  
[REDACTED]

2024 01 08

Roundhouse Rezoning – REZ00729 – 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd

I have lived in Victoria for most of the past 20 years and am currently just a few blocks from this development. I hope you will seriously and constructively consider the following points.

I congratulate the City and the developer on the work to date, and strongly support this project because:

1. It adds desperately needed accommodation where the housing situation is so acute that people are living on the street, mostly unhoused because there is not an adequate supply of affordable housing
2. The proposal includes a mix of affordable and market rate units. I do recognize that the company is already making a significant commitment but would like to see the City make it easy for the developer to increase the number of “affordable” units and for the City, the developer and the operator to work diligently to define “affordable” realistically bearing in mind costs of food, transport, child-care etc at one end of the age-range, and, for seniors and people with disabilities, the costs of food, transport, medication etc at the other end. If increasing the height of the buildings would be feasible, perhaps this would ease the financial challenges.
3. Trees are important. I hope they will be primarily species with a long life expectancy rather than the fastest growing.
4. It would be very useful to ensure inclusion of:
  - a library facility, even if small, but certainly with a good stock of children’s books and encouragement of community volunteers.
  - a meeting room that can be rented by anyone in Vic West for community purposes
  - a LOCALLY OWNED/affordable coffee shop and/or café and/or restaurant
  - a small health centre, possibly a co-operative with mandatory co-op management training for members, board and administrative staff, but not necessarily for medical personnel
  - secure bicycle/scooter parking
  - secure storage and/or rental facility for kayaks, canoes, paddle boards etc
  - sheltered out-door seating
  - community garden with small plots and a “library” of gardening tools
  - safe and easily accessible facility for a food bank

- residents' committee with bi-annual meetings with representative of the City, developer etc and expectation of response to issues raised by residents and commercial / community renters

I am grateful for the opportunity to provide input to the City and would be happy to be further involved if this would be helpful.

Yours.

Vanessa Hammond

*Vanessa Hammond, CELTS and CO-OPs  
Island Pilgrim Victoria, BC, Canada V9A 0G3*



[REDACTED]

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**From:** Victoria Kuhl [REDACTED] -  
**Sent:** January 8, 2024 8:36 AM  
**To:** Public Hearings  
**Subject:** IN SUPPORT OF Roundhouse Land Rezoning Application-#REZ00729 at Bayview Place

Dear Mayor and Council

Please accept this letter of support for the Roundhouse Land Rezoning Application #REZ00729

I am a Community Relations consultant and was part of the Bayview Place Team From the very beginning I worked with the Vic West Board and community including broader community local businesses arts culture non profits education and other community groups

In a collaborative process of many years with community and the Bayview Place Team of Architects Planners Engineers Design Team we developed

the Vision and Plan for the Historic Roundhouse site you see in the submission documents before you

We all look forward to. Your approval of this Application so the Roundhouse site can be brought to life as lively center and home for many more people

Sincerely

Vicki Kuhl  
1201-1035 Belmont Avenue  
Victoria BC V8S3T5

[REDACTED]

---

**From:** Victoria Mayor and Council  
**Sent:** January 9, 2024 11:53 AM  
**To:** Public Hearings  
**Subject:** FW: Roundhouse Rezoning RE00729

[REDACTED]

[REDACTED]  
Protocol and Correspondence Coordinator  
City of Victoria  
1 Centennial Square, Victoria, BC V8W 1P6

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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

From: Wendy Kirkby [REDACTED]  
Sent: Monday, January 8, 2024 1:18 PM  
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
Cc: reception@bayview.com  
Subject: Roundhouse Rezoning RE00729

To Mayor and Council  
Victoria City Hall  
January 8, 2024.

I fully support Ken Mariash and the proposal for development on the Roundhouse Property.

I am a resident of Vic West and find the bureaucracy surrounding this approval simply unacceptable.

Vic West community needs this gathering place to build community. And we need density to support services and local business.

I urge Mayor and Council to approve this project. The time is now.

Respectfully  
Wendy Kirkby  
748 Front St  
Victoria BC V9A 3Y4



[REDACTED]

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**From:** Winnie Yu [REDACTED]  
**Sent:** January 7, 2024 11:12 AM  
**To:** Public Hearings  
**Cc:** Winnie Yu  
**Subject:** Letter of Support - Zoning regulation Bylaw, Amendment Bylaw (No. 1327) - No. 23-110

Dear Council,

We are writing to express our strong support for the Bayview Place rezoning application that was submitted to Victoria Council by Focus Equities.

We have lived in Greater Victoria for over 30 years and we have called The Promontory at Bayview Place our home since 2014. One of the reasons we bought into this neighbourhood was because we saw its potential to become a world class mixed-use, cultural and inclusive community hub. The Bayview Place and the Songhees area is within walking distance to Downtown Victoria, the Westside Village, and the Esquimalt Recreation Centre. The Galloping Goose and the E&N Rail Trails are very accessible from our home. The Bayview Place also sits on a heritage site which could be repurposed to be a vibrant mixed-use public space for retail and cultural uses. Needless to say, We love where we live.

Having said that, we have been very disappointed with the delay in the completion of The Roundhouse at Bayview Place master plan. We have lived here for almost nine (9) years and the development on this great piece of property has been minimal. In the meantime, we kept hearing the community and government's call for more housing, amenities and complete neighbourhoods where people could live, work, learn and play. The time for planning has long past; It is time for action.

To this end, we strongly believe that the rezoning application for the Roundhouse Development Site at Bayview Place should be endorsed by Council. The Application addresses the City's need for market and affordable housing options; priority for sustainable transportation, and commitment to further develop our economy. It is our belief that with the support of Council, the timely approval of this rezoning application would aid the residents of Victoria West in achieving these goals.

Thank you for your consideration. We look forward to your timely review and hope that Council will see fit to support the application.

Sincerely

Winnie Yu and James Andrew

83 Saghalie Road, Unit 902  
Victoria, BC V9A 0E7



[REDACTED]

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**From:** Lee Green [REDACTED]  
**Sent:** January 8, 2024 6:02 PM  
**To:** Public Hearings  
**Subject:** Rezoning - # REZOO729

**2024 - Roundhouse at Bayview Place - Land Rezoning - # REZOO729 - 355 Catherine St**

**I am " IN SUPPORT" of the RH at Bayview Place Land Rezoning Application.**

**F. Lee Green  
805-100 Saghalie Road  
Victoria BC  
V9A0A1**

[REDACTED]

---

**From:** Arthur McInnis [REDACTED]  
**Sent:** January 9, 2024 11:09 AM  
**To:** Public Hearings  
**Subject:** REZ00720 - Public Hearing 11 January 2023

9 January 2024

**Public Hearing 11 January 2024**

**Amendments to the Official Community Plan, Zoning Bylaws, Bayview and the Roundhouse  
REZ00829**

I include a screen shot (below) from our Change.Org petition headed “Stop Victoria City Council from approving drastic rezoning on Bayview Roundhouse lands” which Holly Olson of People for Sensible Rezoning started.

From the cover page you will see there are 1,239 signatures as of today. Our intention in starting this petition was to collect signatures in a short two-month time frame following the announcement of the City on 4 June to amend the Official Community Plan. We have not promoted the petition since the summer though signatures continued to be collected on it.

In addition, we collected signatures on paper petitions during the same timeframe of two months and not since. Those signatures on the paper petitions total 273 and were overwhelmingly collected within the vicinity of the proposed development. The originals of these were submitted to the City in August and copies remain available for inspection if you contact Arthur McInnis.

I am submitting this letter to include a reference to these signatures as part of the official record and agenda for the Public Hearing.

Regards,

Arthur McInnis



Welcome back to Change.org! A new petition wins every hour thanks to signers like you.

[What's new](#)[Petition details](#)[Comments](#)[Discover](#)

# Stop Victoria City Council from approving drastic rezoning on Bayview Roundhouse lands.



Started

June 28, 2023

## Why this petition matters

Started by [Holly Olson](#)

1,239

Signatures

1,500

Next Goal

[Support now](#)

Thanks to your support this petition has a chance at winning! We only need 261 more signatures to reach the next goal - can you help?

[Take the next step!](#)

Started

June 28, 2023

## Why this petition matters

Started by Holly Olson

Victoria City council is considering a staggering change to the Official community plan by allowing rezoning of the Bayview Project in Vic West that would allow for almost doubling the current approved density. The plan previously approved by council for the site and phase 2 of the development allowed for 5 towers and the plan currently before council proposes 9 towers including 3 hotels and up to 29 storeys.

While those who oppose this rezoning are not against development (in fact the original plan submitted by this developer generally has neighbours support) those currently opposed are against the rezoning to allow for density that almost doubles the OCP.

How can the Vic West neighbourhood , and by extension downtown Victoria, possibly survive such a drastic change.

What about bridge traffic, parking, schools, playgrounds, police, fire services, medical facilities? Victoria council has not researched or addressed any of these issues while considering this rezoning application.

Again this is not an anti-development petition or a nimby petition. We want development and more housing in our neighbourhood and Victoria in general, but the density has to be such that it can be supported. Even the staff at city council tasked with making recommendations have not supported the density levels in this rezoning application.

Help us tell Victoria City council to reject the rezoning on this project that is currently before them, and to do more research before making a decision that will forever change Victoria. Council has requested feedback by an August 4th, 2023 deadline so time is very short. Please sign now, and forward and post this link to others.

Regards,

Arthur McInnis

[REDACTED]

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**From:** Aidan Milburn [REDACTED]  
**Sent:** January 9, 2024 10:17 AM  
**To:** Public Hearings  
**Cc:** Bayview Reception  
**Subject:** Roundhouse Rezoning - REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd.

Hello,

My name is Aidan Milburn, Vice President of Marketing for the UVic Real Estate Club, and I am emailing to express my support in the public hearing for the Bayview Rezoning Proposal.

After reading the highlights of this project and researching more about its purpose, I believe it would be an excellent development to add to our city for 3 main reasons.

- 1) The mixture of affordable housing along with the public space created will create lush communities that people will want to, and be able to, live in
- 2) From a students perspective, the access to the 14/15 bus route that runs directly to UVic is a benefit to any person studying or working at the university.
- 3) The greenery added through planting trees, and various paths and trails being supported continues to advance our city to a sustainable future.

I currently live at 1281 Oakmount Rd, and am in full support of this project. I hope to see it come to life in the near future.

Best,

Aidan

Vice President of Marketing  
**UVic Real Estate Club**  
[www.uvicrealestate.com](http://www.uvicrealestate.com)

**From:** BEVERLEY BOWES  
**Sent:** January 9, 2024 12:04 PM  
**To:** Public Hearings  
**Subject:** Roundhouse development

Mayor and Council:

I live at 399 Tyee Road. My view is across Triangle Park, looking south toward the proposed Roundhouse development. I am in favour of developing this parcel of land; however I solidly disapprove of the current proposal for this site for the following reasons:

1. The Roundhouse is a nationally significant historic site. Many attributes place it in this category. ALL those attributes must be preserved in a manner that support its continued significance in Canada's historic use of rail to bind our country into one entity.
2. Victoria's greatest housing need is for supportive housing for the unhoused, townhomes for families and secure, low-cost housing for seniors. This development offers very low numbers in those housing categories.
3. The density at Core Songhees is 2.5. That is already the highest density in the CRD and 6th highest in Canada, equivalent to Toronto (pg 21, current Victoria OCP). Proposed density for this development is more than double that at 4.58.
4. This development is not compliant with the existing Neighbourhood Plan.
5. This development is not compliant with the existing OCP. Updating the existing OCP begins in February 2024 - next month. This development should not go forward until that process is finished and the new OCP is accepted and in use.
6. Historically, the natural hazards that cause the greatest damage in Victoria are earthquakes and severe winds. The taller the building, the more sway (damage and injuries) during an earthquake. Creating a wall of concrete high rises in the path of our most vigorous prevailing winds will only lead to more concrete canyons funneling those winds throughout Victoria's western neighbourhoods.
7. A shadow study, though requested, has never been performed.
8. This development will block much of the sky scape for those living in the western side of the city.

The list of reasons to deny such a massive development is long and you will, no doubt, hear and read many of them. Once built, this will change our cityscape irrevocably. There will be no "do over" to try and get your legacy right. Please pay attention and deny this proposal.


Beverley Bowes  
Sent from my iPad

# COULTISH

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## MANAGEMENT

210 - 645 FORT STREET  
VICTORIA, BC V8W 1G2



1/9/2024

Dear Mayor and Council,

We are writing today in support of the Roundhouse Rezoning (REZ00729 - 355 Catherine Street, 251 Esquimalt Road, 200-210 Kimta Road).

Coultish Management is a local business that has represented models, talent, and performers since 1987. We feel that this project would be an excellent addition to our industry as an arts and cultural hub.

It would provide another excellent filming location in the city which the film industry would benefit from. The film industry has filmed in the area of the Roundhouse in the past, so we believe that film productions would welcome the additional expanded site.

The event space may draw other events like fashion shows and trade fairs that may also benefit our members as well.

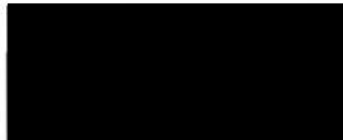
Furthermore, Laura is the President, and Barbara is the Vice President of the Greater Victoria Festival Society board and we feel that the facilities would provide an excellent venue for the festivals and events we produce for the residents of Victoria.

In addition to providing much needed housing near the downtown core, the site plan is inviting and would provide a fabulous place for all residents to enjoy.

Sincerely,



Laura Cooper  
Model Division



Barbara Coultish  
Talent Division

[REDACTED]

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**From:** Blair Ross [REDACTED]  
**Sent:** January 8, 2024 9:51 PM  
**To:** Public Hearings  
**Cc:** Bayview Place  
**Subject:** Roundhouse Rezoning - REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd

I wish to advise Council that I am in full support of the above-mentioned rezoning application project currently submitted Roundhouse Rezoning - RE00729.

We moved to Vic West on Kimta Rd in 2008. At that time the Roundhouse facilities and surrounding areas were in very poor condition with many abandoned boats and vehicles parked on this site. The developer of Bayview Place has cleaned up the area and readied it for future development.

The proposal currently put forward to build and development this area into multi family dwellings and commercial space will add significant value to future residents and to the city of Victoria. This area in Vic West has become a popular visiting point for tourists and this development has the potential to attract both current residents as well as more tourists. Restoration of the heritage Roundhouse buildings, train turntable and box cars will add to the historical nature of Vic West and offer both Victorians and tourists the opportunity to enjoy many of the new features associated with such a commercial hub.

This rezoning is long overdue and has been under scrutiny for to many years. I would urge Council to approve the proposed Roundhouse Rezoning - REZ00792 - 355 Catherine St, 251 Esquimalt Rd, 200 - 210 Kimta Rd. It has our full support.

Thank You,

Blair & Marianne Ross  
111- 165 Kimta Rd  
Victoria, B.C.  
V9A 7P1



[REDACTED]

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**From:** Foul Bay Physio [REDACTED]  
**Sent:** January 9, 2024 9:18 AM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com  
**Subject:** "Roundhouse Rezoning-REZ00729-355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd."

To Whom it May Concern:

Re: Subject: Rezoning Application for the Roundhouse Development Site at Bayview Place – REZ00729 # 251 - # 259 Esquimalt Road, 45 Saghalie Road, 355 Catherine Street and # 200 - # 210 Kimta Road.

I am writing this letter to express my full support for the future development of the Roundhouse at Bayview Place. The project led by Focus Equities is just what Esquimalt needs.

I volunteer in Esquimalt and know first-hand how important the development for new affordable housing is. This restoration of the 1913 heritage buildings to make a community and commercial hub will be so great for the community.

I believe the Roundhouse project will bring tourism and the community together in a beautifully re-developed area.

C. Carey

January 5<sup>th</sup>, 2024

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

**RE: Rezoning Application Support for the Roundhouse Development Site at Bayview Place – REZ00729**

Dear Mayor Alto and Council,

On behalf of Pacifica Housing Advisory Association, I am writing to voice our support for the broader rezoning of the Roundhouse at Bayview Place to create roughly 1,900 new homes in VicWest and Greater Victoria Housing Society's (GVHS) proposal to build close to 200 affordable rental homes, targeted to working singles, couples, and families, in the Vic West neighborhood of Victoria.

The site owner, Focus Equities, is offering to donate a serviced, shovel ready piece of land, worth roughly \$15 million, to GHVS as part of the larger redevelopment of the site. The proposed affordable housing development would be a 24-storey building with a mixture of studios, 1-, 2- and 3-bedrooms suites, close to amenities, parks and schools, and walkable to downtown. The building would also be designed to high performance and sustainability standards, in line with other GVHS development projects.

With record low vacancy rates, rising costs of living, local businesses struggling to meet staffing requirements, and home ownership being so far out of reach for many people, affordable rental units – especially 2- and 3-bedroom family units – are more important than ever. Having these affordable units provided by a trusted, local non-profit housing society that will own and maintain these homes in perpetuity would be an excellent outcome for the City.

We at Pacifica Housing Advisory Association encourage Council to approve this rezoning and secure these market ownership, rental, and affordable homes for the betterment of our community.

Yours truly,



Carolina Ibarra  
Chief Executive Officer  
Pacifica Housing Advisory Association

[REDACTED]

---

**From:** Chris Mills [REDACTED]  
**Sent:** January 9, 2024 12:12 AM  
**To:** Public Hearings  
**Cc:** [REDACTED]  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd.

Hello,

I'm writing in support of the project as I want to see the community grow into something vibrant and walkable with it's own distinct character. As a current resident in the neighbourhood I'm looking forward to more commercial amenities which have been lacking in the immediate vicinity. This project will not only support new housing in the project, but can bring much needed rehabilitation to the existing heritage roundhouse as well as environmental remediation.

I first purchased and moved into my apartment in Bayview back in 2012. I bought with the excitement of seeing the Round House redeveloped into a vibrant and active community. Unfortunately it's been over ten years of the space sitting idle with dilapidated buildings and a large and underutilized gravel lot. It's surprising that such a prominent location, close to the downtown core has not progressed or lived up to it's potential.

I encourage everyone in city hall to support and approve this project.

Chris Mills  
Apt 102 -100 Saghalie Road  
Victoria BC  
V9A 0A1

[REDACTED]

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**From:** Craig E. Norris [REDACTED]  
**Sent:** January 8, 2024 2:43 PM  
**To:** Public Hearings; Bayview Reception  
**Cc:** Greg Parish; smuraro@centreportrailpark.com; Paul Simpson  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd.

The City of Victoria,

RE: Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd.

I am writing to express our support for the rezoning application (REZ00729) concerning the Roundhouse property located at 355 Catherine Street. As neighbors just up the road, we believe that the proposed mix of hotel, retail, affordable housing, and commercial uses aligns with the growing needs and demands of our community.

In particular, we see this development as a positive and symbiotic addition to the area. We anticipate that it will not only enhance our business prospects but also contribute significantly to the overall livability of our community. As the neighborhood has, to date, leaned towards a predominantly residential focus, we believe the inclusion of diverse establishments will bring a welcome balance, especially given its proximity to downtown and a working harbor.

The recent loss of on-street parking to accommodate bike lanes along Kimta Road has underscored the importance of revisiting the area's parking plan. We earnestly hope that the City will seize this opportunity to fulfill the original parking plan for both Cooperage Place and Paul Kane Place, as outlined in the area's initial development agreement.

Thank you for your consideration and the opportunity to provide input.

Kind regards,  
-Craig Norris

CEO, Victoria International Marina  
1 Cooperage PLace, Victoria BC V9A 7J9



**CRAIG E. NORRIS | CEO**

[REDACTED] | [VIMARINA.CA](https://vimarina.ca)

A division of Community Marine Concepts Ltd.

**CREATING REMARKABLE EXPERIENCES**

January 8, 2024

**URGENT**

**To: Victoria Mayor and Council**

**Re: January 11 hearing regarding the Roundhouse property proposal (Rezoning No.00729 251 - # 259 Esquimalt Road 45 Saghale Rd., 355 Catherine St., and #200 - # 210 Kimta Rd.)**

I am writing to implore Council to consider what is NOT in the latest Maraish proposal for the Roundhouse development, that is, what makes this current proposal a game of misinformation and missing information that clearly indicates that there is no way any member of Council with a conscience could vote in favour of this sham of a project.

Maraish has had plenty of opportunities to address these issues. When asked in public forums about negative impacts on traffic, shading, and views, and wind tunnel effects of the towers, Maraish changes the subject. He is a master at shuffling the cards so the game looks the way he wants it to look, yet what Maraish's Roundhouse latest proposal really looks like in reality is horrific:

- A forest of towers overwhelming the single-storey historic buildings and the moderate height neighbourhood, crammed in together so close that one could spit from one balcony to the next.
- Short shrift given to the National Historic spaces, which should be the focus of the project.
- Removal of interesting rock features of the site to place a tower.
- Characterless towers in general, creating a lack of neighbourhood cohesion and values and eventually, a "Chicago Projects" mentality and more crime in the area.
- Overpriced individual properties that no one other than rich outsiders can afford (evidenced by the ownership of the original Bayview properties).
- Rents so high in the commercial properties that the developers could not attract an "anchor" tenant nor small business owners (personal experience from speaking to those who have checked into the commercial rental units).
- Significantly higher traffic volumes on a two-lane already calmed Esquimalt Road that already has traffic jams blocking the roads towards downtown.
- Not enough parking on the site, with wishful thinking about the future of people's lowered usage of cars—in my low-rise building across the street from Bayview, we constantly have resident posters asking to rent parking spaces now that the city removed (without consultation) several dozen all-day parking spots on Tyee Road used by a dozen buildings in the area.
- Wind tunnel effects have not been addressed.
- The developer is using a dog park as most of his claim of green space for the project. This is not what most people think of as green space. In addition, there were two dog parks in nearby Vic West Park already. Fully available and accessible green/park space is minimal in this project.
- Views will be impinged upon for dozens of existing buildings in the area, including some low rental buildings where the residents are long-standing and their views are in part of the draw of their lovely building that they take pride in.
- Shadows will be placed on nearby buildings, removing solar gain and adding to individual hydro bills. This happened to my condo when Promontory was built: 2 hours per day of shade.

- Every time the public sees an updated proposal, new and higher towers are added, yet at the last public presentation, the folder that was handed out was from several years ago, misleading the neighbourhood that the project was smaller.

Recently, this developer shared a letter in which he nicknamed those who he thought were his main detractors as cartoon characters. (I was not lucky enough to get a name.) How can his presentation be taken seriously if he is so unhinged? But wait!

His January 6 Times Colonist advertising strongly implies (in large print) that the mayor and council already support the project! If that's true, then what's the point of the January 11 meeting?

I do hope the true purpose of the January 11, 2024 Council hearing is to seriously read lists like mine and realize that Ken Maraish has hijacked what could have been "The Forks" or "Granville Island," which are beautiful, historic, destination points that are the pride of those cities and are tops on their marketing material, names that are on the lips of people worldwide. The Roundhouse development could have been in that league if handled properly. I remind Council that in 2009, we were promised a Granville Island within three years, and the same two years later. It's now 15 years later, and all we have is a dirty, vacant property, complaints about carrying costs (due to the developer listening with earplugs in place and causing his own delays), and a current proposal with too many towers, directly in conflict with the neighbourhood plan.

What you're being presented with from Ken Maraish is some kind of a joke of a Chicago Projects type development because Ken Maraish can't live without making millions (or is it billions?) from an area too small for half of these towers. Don't be coerced into a developer's back pocket.

This property still could harness the original vision if Council acts appropriately and sends Mariash back to a clean drawing board with a better set of instructions for use of the land. Or better yet, take the project over from the developer and have a tri-level government developed Roundhouse project! In either case, please be the catalyst for continuing the public impression of a beautiful, historic, green Victoria with go-to public sites. Other great cities have managed it. Let's continue to give it a go!

Yours sincerely,

**Carol S. Roberts, P.Eng.(non-practising), MBA**

409-455 Sitkum Road  
Victoria, BC V9A 7N9



[REDACTED]

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**From:** donald rowe [REDACTED]  
**Sent:** January 9, 2024 12:57 AM  
**To:** Public Hearings  
**Cc:** [REDACTED]  
**Subject:** ROUNDHOUSE REZONING - REZ00729 - 355 CATHERINE ST, 251 ESQUIMALT RD, 200 KIMTA RD

I support the ROUNDHOUSE REZONING - REZ00729 for the following reasons:

1. The Roundhouse Development will continue the planned balance of buildings, green spaces and new trees seen at Phase One, Bayview Place.
2. The Roundhouse Development will feature a diverse demographic of families, seniors and singles and will include housing for low income persons.
3. The Roundhouse Development will help to satisfy Province of BC objectives for more affordable housing.
4. The Roundhouse Development will reduce and replace the need for cars with bike lanes and accessible transit service.
5. The Roundhouse Development will restore the heritage-designated buildings and create a town center for people to meet, shop and experience the history of the area.

Best Regards,  
Donald Rowe  
100 Saghalie Road  
Victoria BC  
[REDACTED]

[REDACTED]

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**From:** Davids Stalidzans [REDACTED]  
**Sent:** January 8, 2024 5:55 PM  
**To:** Public Hearings  
**Cc:** [REDACTED]  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd.

Hi,

My name is Davids Stalidzans. I live in 343 Simcoe st. Victoria BC.

I am writing this letter of support for the Roundhouse Rezoning project because I believe in the benefits this project will bring to the surrounding community.

I pass by the railroad depot on my daily commute. The current sight is desolate. That is not how one preserves a heritage building - by letting it collect dust; Utilizing and maintaining a heritage building is the proper way to ensure it is preserved for the future generations.

Here are some of the reasons why I support the Roundhouse Rezoning Project:

The Project will bring people to this location in a meaningful way - the area has great visiting potential, it is right next to downtown. A mixed retail, housing and public space will ensure a vibrant space for the community.

Victoria is seeing a population boom currently and the city is struggling to provide affordable housing to all of its new and existing people, this project is a crucial step towards solving this growing problem.

Bayview area would benefit greatly from a central, walkable retail plaza to showcase the benefits of pedestrian and cycle friendly spaces.

Personally, I think we need to slowly forget the idea of Victoria as a nice, small quiet town. The reality is that people move and want to live here. By holding on to past ideas of how the city was we are only holding back the potential for what it can be and hurting the people wanting to make a life here. Our choice now is to find the best way for this city to grow in a meaningful and community based way that ensures the longevity and prosperity of Victoria as a beautiful city for its people. I think projects like this one bring us in that direction.

Sincerely,

Davids



Submitted via e-mail to [publichearings@victoria.ca](mailto:publichearings@victoria.ca) cc [reception@bayviewplace.com](mailto:reception@bayviewplace.com)

**RE: Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd.**

From: Deb Zehr and Zoran Sakota – 907-100 Saghalie Road, Victoria B.C. V9A 0A1

We are writing in support of the above rezoning proposal, or “the Roundhouse”. We are original owners of a unit in Bayview One, 100 Saghalie Road. At the time of purchase, we were made aware of the intention for development of the Roundhouse area which was then anticipated to be completed by 2015. This was a significant attraction for us as local residents, and we believed for the overall development of this area. A review of the current rezoning project highlights confirms that the nature and intent of this development continues to be one that we fully support, and one that we hope can finally move forward.

The Roadhouse area has continued to sit mostly deserted and unusable, feeling uncomfortable and unsafe to walk by or through. The proposed development will ensure that this area will be safe and viable for community use, environmentally clean and vibrant. The development will contribute to responses to current critical issues, increase local amenities and enhance the area as a cultural attraction for Victoria.

We support and embrace the diversity of additional housing that will be made available, as well as the addition of childcare and public spaces. We see the unique restoration of the Roundhouse heritage buildings and the additional retail and commercial space as adding value and convenience for local residents like us, and attraction for visitors and others across the region and beyond.

We consider ourselves fortunate to have joined the development at Bayview Place from the beginning and have directly experienced that these same developers are committed to delivering on their projects with quality and in a responsible manner, and they are clearly dedicated to the vision for the Roundhouse. We have confidence in their ability to deliver, and we support this vision and the Roundhouse Rezoning proposal. We do not see any aspect of this proposal that we would ask to be changed.

If we consider the alternative, that is if this proposal is not approved, we can only envision that this land will continue to sit as is, untouched, unusable, unsafe and without the benefit of increased housing and other amenities. If not approved, we stand to lose the commitment and resources of Focus Equities to an unknown entity entailing further years of renewing plans, proposals and processes. We urge you to consider this proposal favourably.

Thank you,

Deb Zehr and Zoran Sakota

Dear Mayor and Council,

I am writing this letter to show my support for the proposed Roundhouse Rezoning project.

As a student at the University of Victoria, I have used a unique student perspective to review this project. I am also a new and young member of the Victoria community and I care about how this project will affect people like me.

After taking an in-depth look at what this proposal would offer to the neighbourhood, the City of Victoria, and the population of students, I would like to offer my support for the development proposal. Given that the project will allow the City of Victoria to be more readily prepared to meet the expected growth in population, there must be more public spaces for the people of Victoria to enjoy and live. The former industrial area is a large space that should be put to good use and the roundhouse is a beneficial and affordable plan. The below-market rental points are important for future students and citizens who cannot afford market prices for housing in Victoria. I am looking to help the future of Victoria residents who could find a home in this new Bayview area.

I respectfully encourage the council to give this project the thorough consideration it deserves and hope to see it receive the approval necessary to move forward.

Best regards,

Emma French

[REDACTED]

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**From:** George Skelton [REDACTED]  
**Sent:** January 9, 2024 11:29 AM  
**To:** Public Hearings  
**Subject:** Application to Rezone: OPPOSED

Mayor, Marianne Alto

City Councillors, Jeremy Caradonna, Susan Kim, Matt Dell, Stephen Hammond, Krista Loughton, Dave Thompson, Marg Gardiner, Chris Coleman.

**City Hall**  
1 Centennial Square  
V8W 1P6

Re: Application by Focus Equities to rezone property bounded Esquimalt Road, Catherine Street, Kimta Road, Sitkum Road.

Also known as: BAYVIEW ROUNDHOUSE DEVELOPMENT

Residing at 205 Kimta Road and approximately 50 meters from subject property frontage, I am strongly OPPOSED to the consideration or granting approval for this application. In short, this application does not reflect the character of the existing HERITAGE amenities nor the adjacent neighborhood, as did that originally approved.

There is no need to reiterate the plethora of submitted evidence that clearly shows that.

The outcry of there being a "housing crisis" may be considered, but the current products are not proving that this is being satisfied. "Affordable" is the chorus. Granted, most everything being produced or proposed is affordable for anyone but not everyone. There is a housing need but not greed. hence the

developers outcry to change the zoning. In my opinion this results in the unhappy delays in their applications.

Uncontrolled, outrageous applications for "densification" are contrary to the need for "homes for living". Areas for the public are already under pressure from different factions of the community. The single family sanctuary is projected to be replaced by another government, the Strata Council, even though the original approval was that it had all the attributes that were viable, close to downtown, walking and best of all cycling, but most importantly to all, less impact on the existing infrastructure.

Now is a perfect opportunity to apply a halt to consider what is generally the opposition, "this is not Victoria". The importing of unproven planning from other cities is not the answer, This is not Amsterdam, Dubai, West Vancouver, it is THE CITY OF VICTORIA. It is time to stay the planned course and the developing community be content with a silver egg. Granting the golden egg could lead to the destruction of the nest.

It would be remiss not to acknowledge the positive contributions this company has given to this area, but need to be considered as part of doing business. Be wary of developer "lobbyists" with the same old repeat mantra.

In closing consider this regarding all the information that has been provided in the application there is a very noticeable omission of a "caveat". Highly reputable presentations usually come with something similar to this;

*"The information, drawings are illustrations only and the final design may not be as shown".*

Respectfully submitted;

Helga Arend





**BMW / MINI Victoria**

To Whom it May Concern

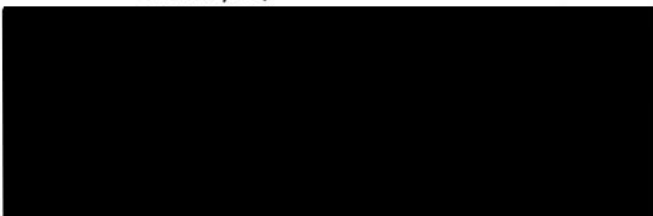
Re; REZ00729 # 251 - # 259 Esquimalt Road, 45 Saghalie Road, 355 Catherine Street and # 200 - # 210 Kimta Road.

My name is Jack Goodman. I am the General Manager of BMW Victoria located at 95 Esquimalt Road and I am also a resident of Esquimalt.

Please accept this letter as a statement of support for the Roundhouse Bayview Place rezoning submission. The development of the Roundhouse project will further improve and enhance an integral section of this community. Repurposing this historic site will create new reasons to attract people to this important area and we support that goal. As a neighbor in proximity, we look forward to the improvements proposed by the Bayview Place submission.

Please feel free to contact me at any time to discuss.

Thank you,



J. Goodman

General Manager

[REDACTED]

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**From:** Janell Wilkin [REDACTED]  
**Sent:** January 9, 2024 8:51 AM  
**To:** Public Hearings  
**Subject:** #REZ00729 - 355 Catherine Street - letter of support

Dear Council,

Please accept this letter of support in regard to the significant proposed residential and services development by Focus Equities (Ken and Patricia Mariash) in Vic West at 355 Catherine Street. This masterplan will assist in increasing inventory of homes for families within a walkable community at the edge of downtown and close to all kinds of alternative transit. As per the Province, Victoria need to build homes, in all forms, including market and below market rental.

It is obvious that the City of Victoria and its citizens will benefit from the increased tax base that this otherwise unused piece of near waterfront land can provide. It is truly a shame that this land has sat, not only empty, but before the Mariash's took over, it was a brownfield site that hosted the most marginalized people in society without support. (I used to live down the street in the early 2000s so I witnessed it first hand).

The heritage restoration of the Roundhouse and the ancillary buildings is long awaited, and immediate improvements will be required to protect the integrity of the structures.

Again, I support this development for the above-stated reasons and simply because it is required.

Janell Wilkin  
Victoria, BC

[REDACTED]

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**From:** Keith Jones [REDACTED]  
**Sent:** January 8, 2024 9:47 PM  
**To:** Public Hearings  
**Subject:** Letter re: 251 Esquimalt Road, 355 Catherine Street and 210 Kimta Road: Rezoning & Changes to the OCP

Dear Mayor, Councillors & City Planners,

I am writing to express my OPPOSITION to the proposed changes to the Focus Equities' Bayview Development Roundhouse property et. al, and to express my OPPOSITION to the proposed changes to increase the Official Community Plan (OCP) and density for that neighbourhood.

Vic West and the historical charming entrance to the beautiful Victoria Harbour is on the brink of becoming just another wall of concrete skyscrapers.

The current rezoning application for 9 buildings ranging from 10-32 storeys high and up to 3 hotels is nothing short of outrageous! This one small parcel of land would have more units than every other building in the Songhees neighbourhood combined. The new buildings will tower over the rest of the neighbourhood. The waterfront pathway and parks will become overrun with new residents, their pets, and the tourists from the new hotels. I've seen how this has played out in Vancouver and Toronto, and their waterfronts are swarmed with people, pets, noise, and garbage. This proposal would roughly double the current density of the Official Community Plan (OCP) for the neighbourhood. OCPs are created to ensure that neighbourhoods are developed with a planned, cohesive approach so that the culture, feel and look of a community can be maintained. They are not just words on a paper; they shape the communities that the rest of us make purchasing decisions based on. All of that is about to go out the window for the beloved Songhees & Vic West community.

The residents of this community have not been accurately informed all along of what is planned for the property. The sun-faded developer signage around the property still shows the old site plan and most residents, including businesses in the neighbourhood, had no idea that there is a proposal requesting such a drastic increase in density. Earlier this year, some neighbours caught wind of what was actually being proposed and joined together to inform their neighbours. The level of shock and anger that they encountered led them to create a petition that garnered approximately 1400 signatures in less than 3 weeks, along with dozens of letters of opposition. All of this was sent to the City in early August. We can only conclude that those submissions have been ignored since the City itself has submitted a proposal to revise the bylaw to allow you to increase the density of this particular OCP so you can go ahead and



approve these massive towers! **Do you want to destroy one of the shining gems of Victoria; the Songhees community & pathway? You only have to stroll along the pathway, as I do often, to recognize that people from all over the world end up coming over to this side of the bridge to enjoy this neighbourhood, the path & the parks. I hear constant comments about what a beautiful, peaceful part of Victoria the Songhees neighbourhood is.**

The neighbourhood held their own meeting on December 13<sup>th</sup> to discuss this rezoning proposal and OCP bylaw change. **Songhees residents showed up en masse.** The venue was packed solid with people overflowing out the doorway and into the hallway. **The level of opposition by the good, tax-paying residents of the Vic West community to the rezoning proposal and the proposal to increase the density in the OCP is enormous. It would be entirely unethical for elected City officials to ignore the opposition of these good people.**

The community and the City were sold on the original 2008 plan through the use of architectural “concept sketches”.



The city does not need these additional units. There are **UNSOLD** new units across Victoria including 1 block away at the new Dockside Green **AND** the new Railyard buildings. Why increase the density and

number of units in the next phase of development when neighbouring properties can't sell out right next door?

We want the tourists to come back; the unique beauty, look, feel and European-style charm that Victoria is famous for is what brings those tourists here. There is a reason Victoria recently won the prestigious Conde Nast & Globe & Mail awards. If people wanted another Vancouver or Toronto, filled with skyscrapers, they would go to those cities. We must preserve our uniqueness.

Sincerely,

Keith Jones

741-205 Kimta Road.

Victoria

[REDACTED]

[REDACTED]

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**From:** Rick Nelson [REDACTED]  
**Sent:** January 9, 2024 11:14 AM  
**To:** Public Hearings  
**Subject:** FW: Roundhouse Rezoning - REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200-210 Kimta Rd

Good morning,  
Please accept the letter of support below from Lily Yee for the Bayview Place/Roundhouse rezoning public hearing.  
Thank you.

Rick Nelson, CPA, CGA  
Focus Equities Group of Companies  
[REDACTED]  
80 Saghallie Rd., Victoria, BC, V9A 0A1

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**From:** Kelly Lynn Kurta [REDACTED]  
**Sent:** Monday, January 8, 2024 10:55 PM  
**To:** Rick Nelson [REDACTED]  
**Subject:** Fwd: Roundhouse at Bayview Place Rezoning Application

From Lily Yee, President Chinatown Lionesses.  
Kel

----- Forwarded message -----  
**From:** Lily Yee [REDACTED]  
**Date:** Mon, Jan 8, 2024 at 10:48 PM  
**Subject:** Re: Roundhouse at Bayview Place Rezoning Application  
**To:** Kelly Lynn Kurta [REDACTED]

To whom it may concern

I am writing this email in support of the rezoning application for the Roundhouse at Bayview Place.

With the weather prediction and work commitments, I am not able to attend the council meeting on Thursday.

I have volunteered and participated in functions at the Roundhouse and the space is astounding, full of rich history and vibrancy.

In my opinion, Bayview has hit all the right reasons, providing much needed affordable housing units, bringing a vibrant and historical piece of Victoria back to the E & N Roundhouse site and aligns with the bicycle lanes on Kimta Road. The combination of residential and retail is a wonderful and much needed vision, both aesthetically and functionally.

This will be a nice transitional piece between downtown and Esquimalt for the community and a showcase of architecture for Victoria.

Sincerely,

Lily Yee  
President Chinatown Lionesses.

On Mon, Jan 8, 2024 at 12:54 PM Kelly Lynn Kurta [REDACTED] wrote:

Good morning Lily

Here it is!

The notes for the reasons to support are below and in the attached public hearing notice. Thank YOU so much! You can just send to me and then I am forwarding it to them directly so they can upload it to their drive.

I am reaching out to ask for your support for the upcoming rezoning application for The Roundhouse at Bayview Place. Please see below.


I have attached a brief of the outline of The Roundhouse at Bayview Place Rezoning application and am hoping we can have your support (through a 1-2 minute video) so that on this 25th year the rezoning will finally pass on Thursday Jan 11. One of the additional challenges that has come to light is the call for a snow front this coming week and falling on Thursday when the Public Hearing is taking place at 630pm at City Hall Council Chambers. We would love it if you can attend, but we know, with all of our commitments these days, and with the weather upon us, that may not be possible. It was wonderful to hear from Bruce Williams, Chamber of Commerce yesterday and how he and their team support this whole heartedly moving forward.

The video is very simple and we would ask that you come from a personal and/or business point of view as 'it takes a village.' This is not about who is who in our community but it is truly about 'our community' and what this wonderful development can bring to us including


- A gathering hub for the community
- Arts and Cultural performance and market area for local vendors
- Much needed below market housing and rental housing
- Accessibility platforms throughout the master plan
- A new economic corridor from downtown through Esquimalt to the Western Communities - connecting us together and invigorating downtown with additional foot traffic for our businesses

You are an important part in shaping our community and caring about the people in it. Together we can move this development forward and ensure that 'as we build it they will come!'

If you can attend on Thursday, please let me know. We will be meeting at the Bayview Offices at 4pm and then there are shuttles if you like to take you over to City Hall for the 630pm meeting start. Thank you for all your support.

Kelly L Kurta (she/her)  
President Kaemac Event Services Inc  
Executive Director, Greater Victoria Festival Society  


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Kelly L Kurta (she/her)  
Executive Director, Greater Victoria Festival Society  


[REDACTED]

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**From:** Marc-Antoine Dufault [REDACTED]  
**Sent:** January 9, 2024 10:25 AM  
**To:** Public Hearings  
**Subject:** Rezoning Application Support for the Roundhouse Development Site at Bayview Place – REZ00729

Dear Mayor, Council Members, and City Staff,

I hereby express my unequivocal support for the rezoning of the Roundhouse at Bayview Place, urging the council to unanimously support its approval. This initiative is of paramount importance as it proposes to create roughly 1,900 new homes in Victoria West, including Greater Victoria Housing Society's (GVHS) proposal to build close to 200 affordable rental homes in our city.

The housing options, including market-rate condominiums, rental homes, and below-market rentals, cater to a diverse spectrum of income levels. Such a multifaceted approach is particularly critical given the far-reaching impacts of the housing crisis on individuals spanning various socioeconomic backgrounds.

Beyond addressing the pressing housing shortage, the Roundhouse at Bayview Place represents an ambitious masterplan conceived to rejuvenate the site and elevate the vibrancy of Vic West. Upon approval and realization, the project will introduce numerous retail and commercial spaces, alongside a childcare facility. Furthermore, the development seamlessly integrates pedestrian and cycling connections, aligning with the city's objective to promote active transportation routes and curtail carbon emissions.

While acknowledging the inevitable transformation of the site to accommodate residences, amenities, and transportation links, a noteworthy 40% of the area is earmarked for open space, designated for public use. This would enhance the urban environment through the addition of hundreds of trees and plants, and the meticulous restoration of the Roundhouse, Back Shop, Car Shop, and Stores Building, with plans to open these historic sites to the public. I emphasize the importance of ensuring the restoration and public access of the Heritage Buildings is prioritized in the first phase of the project.

In anticipation of potential vocal criticism and local opposition, it is imperative to recognize that objections to this master plan may persist irrespective of its content. Calls for project delays, downsizing, or reevaluation may not be the solution, especially given the enduring housing crisis since the 2000s and its profound impact on our community.

Considering the project's close proximity to Downtown, I would even suggest allowing greater density, contingent upon the provision of additional public amenities on-site when individual development permits are sought for distinct phases of this project. Victoria is a growing city, and our planning should extend beyond the immediate five years to encompass the next century.

My family and I steadfastly support and endorse this rezoning, urging the council to promptly and unanimously approve it without delay or amendment.

Thank you for your conscientious consideration.

Sincerely,

Marc-Antoine Dufault  
Fernwood, Victoria, BC

[REDACTED]

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**From:** [REDACTED]  
**Sent:** January 9, 2024 12:10 PM  
**To:** Public Hearings  
**Cc:** [REDACTED]  
**Subject:** NO to Vic West Development by Focus Equities

**Categories:** Grant - In Progress

Good afternoon Mayor and Council.

I am sending you this email as one of a group of concerned citizens to express my firm opposition to the proposed Vic West development of 9 towers up to 32 stories on a national heritage site by Focus Equities. I understand that this proposal is part of a public hearing scheduled for this Thursday, January 11/24 at City Hall. Victoria needs to maintain its unique character and this proposal would go in the opposite direction, making Victoria less livable. I have lived in this city for 44 years and have been a James Bay home owner for 32 of those years, and I can attest to the fact that our quality of life is declining in this city. My spouse and I are constantly taking part in contentious development proposals through our local JBNA Committee meetings. This continuing situation is deeply ironic given that Conde Nast magazine recently voted Victoria as the “world’s best small city” in a 2023 article. *It is clearly NOT the case if you are living here in the downtown core.*

**I am firmly saying NO to this proposed development (and any other developments of a similar nature), and expect my comments to be part of the formal record.**

Regards,

Graham Hawkins  
205 Ontario Street  
Victoria, B.C.  
V8V 1N1





[REDACTED]

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**From:** Tom Bradley [REDACTED]  
**Sent:** January 8, 2024 9:28 PM  
**To:** Public Hearings; reception@bayviewplace.com  
**Subject:** Roundhouse Rezoning – REZ00729 - 355 Catherine St, 251 Esquimalt Rd, 200- 210 Kimta Rd.

I want to state my support for this important project and trust that the remediation and development of this site will now, at last, be realized.

It will become a significant attribute to our great city by providing living space and welcomed amenities.

I do not see any difficulty with needed building heights.

Thank you,

Tom Bradley  
308, 66 Songhees Road

Dear Mayor and Council,

I am writing to formally express my support for The Roundhouse at Bayview Place development in Victoria. As a student at the University of Victoria, I took the time to review this project from the student perspective, as well as that of a young member of the Victoria community.

The proposed \$74.6 million public amenity package, coupled with the donation of land for 215 affordable rental homes and the allocation of 25% housing for affordable options, reflects a commendable effort to address housing affordability. The meticulous restoration of the 1913 Roundhouse buildings and the incorporation of public spaces, an Urban Greenway/E&N mixed-use trail, and comprehensive bike and pedestrian connections exemplify a dedication to historical preservation, sustainability, and accessibility.

Additionally, I appreciate the emphasis on remediating contaminated land and integrating 400 new trees, contributing to environmental responsibility. The provision of a childcare facility and 70,000 square feet of new retail and commercial space demonstrates a thoughtful consideration of the diverse needs of the community.

Furthermore, I believe that The Roundhouse at Bayview Place will play a pivotal role in creating a more sustainable housing market in the long run. This project holds the potential to serve as a model for responsible urban development, positively impacting our city's vitality and prosperity.

I kindly request your support for the successful realization of The Roundhouse at Bayview Place, recognizing the far-reaching positive implications it holds for our community.

Thank you for your attention to this matter, and I trust you will consider the significant contributions this development can make to our city.

Sincerely,

Vidwaan Singhania

[REDACTED]

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**From:** Willem Doesburg [REDACTED]  
**Sent:** January 9, 2024 10:06 AM  
**To:** Public Hearings  
**Cc:** reception@bayviewplace.com  
**Subject:** roundhouse rezoning-RE00729-355 Catherine St. 251 Esquimalt road, 200-210 Kimta Rd.

To whom it may concern,

I am very familiar with the site, have reviewed the submitted proposal "site planning, project highlights" and support the proposed project..

Suggestions,

- that the developer provides enough car parking and bike storage to match (or more) the Encore, Promontory and 3 Dogside towers previously finished.
- Start remediating the round house and surrounding street/landscape area to have it ready as soon as the first tower(s) are ready for occupancy.

Regards,

W Doesburg  
722 Russell Street

[REDACTED]

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**From:** Ira Shorr [REDACTED]  
**Sent:** January 9, 2024 12:07 PM  
**To:** Public Hearings  
**Subject:** Roundhouse Decision

[REDACTED]

Mayor Alto and Councillors,

I urge you to acknowledge the decisions of the Heritage Advisory Panel, and City planning staff, and oppose Focus Equities proposal for 9 towers, up to 32 stories high, in Vic West.

Instead, I urge you to demand and support a **scaled down version** of the proposal.

It's clear, that affordability is the key issue when it comes to Victoria's "housing crisis." The current proposal only sets aside about 11% of apartments for "below market" prices.

Please vote "no" on the current proposal.

Ira Shorr  
Victoria  
[REDACTED]