

- Committee of the Whole Report**  
**For the Meeting of November 9, 2017**



3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
4. That Council authorize the City Solicitor to execute an Encroachment Agreement for a fee of \$750, plus \$25 per m<sup>2</sup> of exposed shored face during construction in a form satisfactory to staff. This is to accommodate shoring for construction of the underground parking structure if the method of construction involves anchor pinning into the public Right-of-Way.
5. The Development Permit lapsing two years from the date of this resolution.”

## **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an update on the changes to the proposal initiated by the applicant since the last meeting of Council of May 25, 2017.

The necessary Zoning Regulation Bylaw Amendment that would authorize Rezoning Application No. 00516 (and concurrent Development Permit with Variance Application No. 000462) for the property located at 1120, 1124 and 1128 Burdett Avenue received first and second readings at the Council meeting of May 25, 2017 (minutes attached). Based on the applicant's recent revisions, an amendment to the Zoning Regulation Bylaw is required to accommodate the reduced density and amenity contributions. To this effect, a new Zoning Regulation Bylaw No. 17-047 has been prepared and replaces Schedule 1, attached for Council's consideration.

A Housing Agreement had previously been completed to ensure that future strata bylaws cannot prohibit owners from renting residential strata units or restrict the age of occupants. First, second and third reading of the Housing Agreement Bylaw No. 17-048 were given at the Council meeting of May 25, 2017. Since this meeting, the applicant has applied to the CMHC Rental Construction Financing Program and is now volunteering to provide rental housing for a minimum period of 20 years. Therefore, a new Housing Agreement has been prepared and replaces the attached Schedule A of Housing Agreement Bylaw No. 17-048. The Housing Agreement maintains the no restriction on occupant age; and in addition, the no restriction on long-term rental clause will take effect after the expiration of the 20 year rental period.

With regard to the preconditions that Council set in relation to these applications, staff can report that a section 219 covenant for achieving a minimum BUILT GREEN® “Bronze” certification has been executed and registered on title.

## **Design Revisions**

In the shift from strata condominiums to rental units, a number of design revisions have been incorporated into the proposal, which include:

- an increase in residential units from 36 to 44
- reduction in the total floor space to 2764m<sup>2</sup>, resulting in an overall reduced density from 1.83:1 FSR in the previous proposal to 1.66:1 FSR
- a recess of approximately 2m for the central portion of the north elevation (rear) and an increase in the rear setback by approximately 30cm
- reconfiguration of the parkade stairs and exhaust shaft on the east elevation and east stair exit
- consolidation of bedroom windows on the rear portion of the east elevation
- overall reduction in glazing for the north (rear) elevation
- increased setbacks by approximately 0.6m on the south (front) elevation

- reconfiguration of units on the west elevation and removal of a balcony for unit C1 on the ground level
- greater articulation of the west elevation and south-west corner through materials and massing
- reconfiguration of storage lockers, bicycle storage and the elevator shaft in the parkade to accommodate the increased number of units
- updates to the window and material placement, and panel reveal lines as a result of the unit reconfiguration
- elimination of one tree (resulting in a total of 11 trees) for the rear landscaped patios
- revisions to landscaping to reflect the footprint and unit reconfiguration.

A comparison of the previous and current proposal has been included in the following data table, which compares the proposal with the R3-AM-1 Zone, which applies to a portion of the lot at 1128 Burdett Avenue and is the predominant zoning surrounding the subject property. For the purpose of parking regulations, the current zoning requirement has been calculated according to the current proposal. An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Previous Proposal</b> Plans dated April 10, 2017	<b>Current Proposal</b> Plans dated August 11, 2017	<b>Zone Standard</b> <b>R3-AM-1</b>
No. units	36	44	N/A
Site area (m <sup>2</sup> ) - minimum	1673.70	1673.70	920.00
Site area per unit (m <sup>2</sup> ) - minimum	49.49	35.43	33.00
Density (Floor Space Ratio) - maximum	1.83:1*	1.66:1*	1.2:1
Total floor area (m <sup>2</sup> ) - maximum	3054.96	2764.40	N/A
Height (m) - maximum	13.54*	13.53*	12.00
Storeys - maximum	4	4	4
Site coverage % - maximum	57.06*	51.42*	40.00
Open site space % - minimum	42.16*	46.58*	50.00



<b>Zoning Criteria</b>	<b>Previous Proposal Plans dated April 10, 2017</b>	<b>Current Proposal Plans dated August 11, 2017</b>	<b>Zone Standard R3-AM-1</b>
Setbacks (m) - minimum Front (Burdett Avenue)	4.51* 3.00* (steps/canopy)	5.11* 5.11 (steps/canopy)	10.50 4.50
Rear	4.77* (balcony) 6.77 (building)	4.80* (balcony) 6.77 (building)	6.77
Side (east)	3.75*	3.75* 2.82* (stair)	6.77
Side (west)	0.00* (parkade) 2.22* (balcony) 4.22* (building)	0.00* (parkade) 2.22* (balcony) 4.22* (building)	6.77
Open site space setback from a street (m) - minimum	1.00*	1.00*	6.77
Parking - minimum	37*	36*	53
Visitor parking (minimum) included in the overall units	3*	3*	4
Bicycle parking Class 1 (minimum)	37*	47	44
Bicycle parking Class 2 (minimum)	6	6	6

A number of the requested variances have changed as a result of the new design which are summarized as follows:

- increase the height from 12m to 13.53m (previously 13.55m)
- increase the site coverage from 40% to 51.42 (previously 57.06%)
- reduce the open site space from 50% to 46.58 (previously 42.16%)
- reduce the minimum required front yard setback from 10.5m to 5.11m for the building (previously 4.51m)
- reduce the required residential parking from 1.2 spaces per dwelling unit to 0.8 spaces per dwelling unit (previously 1.02 spaces per dwelling unit)
- reduce the east side yard setback to 2.82m for the stair access to the parkade (not identified in the previous staff report).

Additionally, a variance for the canopy is no longer required as it has been revised to conform with the minimum setback requirements. Overall the design changes are an improvement to the proposal with the magnitude of the majority of the requested variances being reduced. Although the parking variance has been increased with a request to reduce the required parking from 1.02 stalls per dwelling unit in the previous proposal, to 0.8 stalls per unit (for a total shortfall of 5 stalls under the draft Schedule C – Off-Street Parking Regulations for rental units), staff believe there would be a marginal impact on the surrounding streets. The proposal includes a surplus provision of secure bicycle stalls (for a total of three stalls) and the subject property is located close to the downtown core, with good access to transit facilities. For this reason, staff recommend for Council's consideration that the proposed design is supported.




### Third Party Economic Analysis


The applicant proposes a FSR of 1.66:1, which is a reduction from 1.83:1 FSR in the previous proposal. The contribution of a public amenity may justify extra density above the base density of 1.2:1 FSR, and the proposal is eligible for the fixed-rate amenity contribution under the Council approved density bonus policy. This would result in a bonus density of 769.90m<sup>2</sup> which equates to a fixed rate community amenity contribution of \$41,436.02 (compared to the previous proposal which allowed for a bonus of \$56,656.85). The applicant also has the option of conducting an independent third-party economic analysis but has opted for the fixed rate amount. The community amenity contribution would be payable at the time of building permit issuance and would be allocated for future community amenities in the Fairfield neighbourhood.

### Conclusions

The preconditions that Council set in relation to these applications have been met and the proposed design changes are supportable. Staff recommend for Council's consideration that the application proceed for consideration at a Public Hearing.

Respectfully submitted,

  
Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



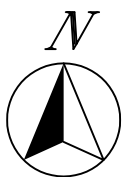
Date:

Nov. 1, 2017

### List of Attachments:

- Attachment A: Aerial map
- Attachment B: Zoning map
- Attachment C: Council minutes dated May 25, 2017
- Attachment D: Updated letter to Mayor and Council date stamped October 12, 2017
- Attachment E: Letter summarizing design revisions date stamped October 12, 2017
- Attachment F: Revised plans dated August 11, 2017
- Attachment G: Zoning Regulation Bylaw No. 17-047 with revised Schedule 1
- Attachment H: Housing Agreement Bylaw No. 17-048 with revised Schedule A

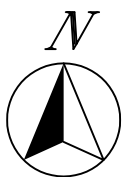
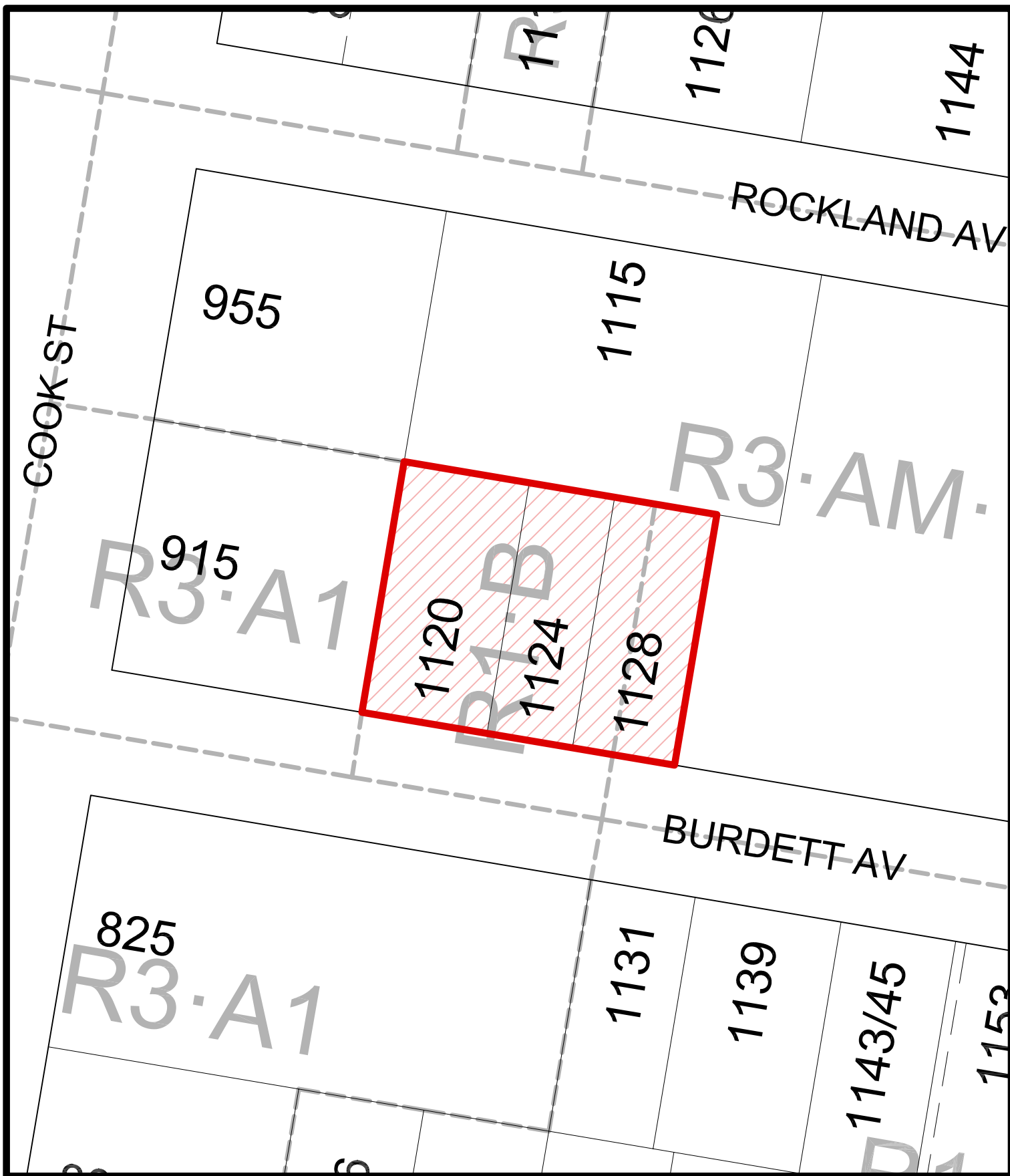




1120, 1124 and 1128 Burdett Avenue  
Rezoning No.00516







1120, 1124 and 1128 Burdett Avenue  
Rezoning No.00516



**BYLAWS**

a. **Bylaws for Rezoning Application No. 00516 for 1120, 1124, and 1128 Burdett Avenue**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following bylaw be given first and second reading:

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1100) No. 17-047*

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, and Thornton-Joe  
**Opposed:** Councillors Madoff and Young

**Motion:**

It was moved by Councillor Alto, seconded by Councillor Coleman, that the following bylaw be given first, second, and third reading:

2. *Housing Agreement (1120, 1124, and 1128 Burdett Avenue) Bylaw (2017) No.17-048*

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Thornton-Joe, and Young  
**Opposed:** Councillor Madoff





October 12, 2017

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



Mayor and Members of Council,

**Re: Revised 1120, 1124 and 1128 Burdett Avenue Rezoning and Development Permit Application**

### Introduction

*Empresa Properties Ltd.* in conjunction with *Low Hammond Rowe Architects* ("the applicant") is pleased to resubmit this letter and the enclosed documents in support of the rezoning and development permit application at 1120, 1124 and 1128 Burdett Avenue ("the Site"). Located in the Fairfield neighbourhood, the Site totals 1,674 square metres fronting onto Burdett Avenue. The Site contains three deprived 1920s houses on individual parcels, none of which have heritage designation. All flanks of the Site are comprised of midrise strata and rental buildings ranging from four to five storeys in height. The unique infill proposal presents a strategic opportunity to advance the City's policies and objectives while enhancing the surrounding community.

Since the project was last before Mayor and Council, the applicant has changed the project to a purpose built rental and modified the design to improve the proposal as highlighted below. It is further detailed in our *Design Revisions* letter. Rental product is an underserved part of the housing spectrum due to the drastic increased demand and has further resulted in an improved building design for the project.

Highlighted changes include:

- 100% purpose built rental building, guaranteed for a minimum of 20 years
- Modified 36 strata homes to 44 rental homes
- Reduced density in from 1:83:1 to 1:65 FSR, closely aligned with neighbouring zoning
- Increased rear yard setback to 6.77m with the majority of the façade increased to 8.8m
- Increased the east portion of the front yard setback to 7.0m further articulated to 9.0m

### Goals and Guiding Principles

Since the project's conception, the applicant design team led by *Low Hammond Rowe Architects* has set out to exceed City objectives. Our team believes that it is very important to create a set of guiding principles for each new project and below we have established guidelines for the project.

- The project should be heavily inclusive of the urban design parameters of Victoria's Official Community Plan (OCP), while responding in a sensitive and complimentary way to the adjacent neighbours and community, thereby contributing to the visual streetscape.
- The project should protect the privacy of neighbours and residential owners while putting eyes on the street through environmental design to ensure an attractive and highly livable setting.
- The Site should include generous landscaping on both the front and backsides of the project to maintain a high level of connection with nature for both the owners and the Fairfield community.

- The Site should promote alternative means of travel through walkability and extensive bike storage while placing all parking spaces underground.
- The Site should be designed, built, and operated in unison with assessing the long-term environmental impact by incorporating energy efficiencies, waste minimization, and pollution prevention.

After reviewing many design iterations, consulting with City of Victoria staff, the Fairfield Community Association, and key stakeholders, we believe that this development proposal meets the above principles.

## **The Proposal**

The Site is currently zoned to RB-1 and R3-AM-1 situated in the center of a midrise residential area. Our team is proposing a revised 4-storey boutique purpose-built rental project with underground parking to fit with the context of the neighbourhood and to better align with the area planning. There are four to five storey buildings on all four sides of this infill project, lending the Site proposal as a natural addition to the prevailing urban fabric. The existing structures will need to be removed from the Site; however, our team, in conjunction with *Habitat for Humanity*, will work on deconstructing and reusing the homes where possible, with potential viability to move the middle home.

The proposed building has significantly been reduced in density from 1.83:1 to **1.65:1 FSR** in order to construct a mix of 44 studio, 1 bedroom and 2 bedroom homes. The development proposal reflects a slight increase in permissible density that exceeds that of current zoning density RB-1 (N/A) and R3-AM-1 (1.6:1 F.S.R.) zones. The requested increase in density advances on city and community objectives, as highlighted throughout the context of this application summarized in the *Project Benefits, Green Building Features, Governing Policies and Neighbourhood Demand* sections.

Extensive examination of the project's impact on neighbouring views as well as the sightlines and building shadows gives us confidence that the massing and density strategy accurately embodies the OCP. While reviewing the impact of this project on the community, we determined it was paramount that we continually focus on the surrounding context to ensure that our design stayed true to our core principles while achieving the best use of the Site. In addition, a significant number of units within this proposal have adaptable housing features. Our due diligence has reaffirmed the plans that have transpired to date.

## **Project Benefits**

### ***Economic Benefits***

- Purpose built rental homes in this highly established neighbourhood would greatly benefit many people who aspire to have new rental options in this in this area. The City of Victoria predicts a growth of 20,000 residents expected to reach Victoria between 2011 and 2041, which is on tract to be surpassed. The Site lends itself to more rental homes only steps from the urban core.
- Due to the convenience of walking and biking to and from the Site, local businesses in the neighbourhood will thrive from the increase in foot traffic.
- This place-making concept establishes a sensitive transition by adding high quality architecture to the character of the neighbourhood, while increasing Victoria's tax base.

### ***Social Benefits***

- A community amenity contribution will be provided for the betterment of the neighbourhood.
- Integration of marginalized individuals for employment into the project in consultation with the *Cool Aid Society* and the City of Victoria.



- Relocation and/or reuse of the existing homes in consultation with *Habitat for Humanity* and *Nickel Bros Moving*.
- The proposal creates an enhanced streetscape including a new sidewalk and fire hydrant, which can service the west end of the block.
- For the benefit of the residents, the project incorporates a dog and bike wash, thereby allowing them to maintain an active lifestyle notwithstanding the weather.

### ***Environmental Benefits***

- Please refer to the 'Green Building Features' section.

### **Governing Policies**

The project proposal is compliant with the City of Victoria's OCP designation. Guidance under this plan calls for an increase in density at the Site. Correspondingly, the design team took additional measures to ensure that the project fits the neighbourhood and streetscape, as if there were a local plan in place. As a result, the team strongly considered the height and setbacks as they relate to the surrounding context. In order to respect both current and future buildings bordering the Site, we are ensuring the appropriateness of the height transitions. Cook Street is a major arterial with lots bounded to the west and one to the south of the Site that lend themselves to an increase in height and density in the near future under current policy. This confirms that the Site design is compatible with both the current form and the evolution of this area.

#### ***The Urban Residential***

- *Designates the Site, which invites properties to be developed up to 2.0:1 alongside advancing planning objectives.*
- *Policy 6.23 supports density at the upper end of the Urban Residential designation if the project is within 200m of the Urban Core, which this Site achieves.*

The City's *Regional Growth Strategy* speaks of building complete communities by placing 50% of the region's growth in the Urban Core and surrounding Urban Residential areas. The strategy further focuses on increasing the choice of transportation, as the strategy's land management vision and transportation policy focuses on walkable urban patterns with a strong downtown core. It details that residents should be able to meet daily needs including public transit within a 15-minute walk from home, which the Site greatly surpasses.

The *Fort Street Corridor* is a planning priority that aims for higher density located within a 400-meter distance of the corridor. These 44 rental homes will help advance the City objectives by placing 90% of all homes within 400 meters of the Urban Core. The location further helps to support the excellent transit location offering alternative modes of travel in comparison to the strict use of private vehicles. This advances the City's goal to mitigate the dependence on fossil fuels, while giving Victorians the option to move freely and safely via an integrated network of sidewalks, bike routes and public transit.

### **Need and Demand**

The Site provides a tremendous opportunity to better serve the significant rental-housing deficit that hovers around 0.5% vacancy. This new purpose built rental housing is located in the highly sought after Fairfield neighbourhood, where new rentals are nearly non-existent. Its location in the northwest Fairfield neighbourhood is close to downtown amenities as well as other desirable settings including Dallas Road Waterfront, Beacon Hill Park and Cook Street Village.

Young urban dwellers, downsizers and families are a few of the demographics that indicate a strong necessity for this form of housing. The Site's walkability to the downtown and employment sector reduces the financial burden that comes with owning a personal vehicle. The project's wood frame structure proves far more

affordable than the concrete multi-unit structures that are near the Site. Affordable housing is vital in ensuring the growth and vibrancy of our communities and downtown core.

### **Neighbourhood**

This is a unique opportunity to strengthen the quickly emerging upper Fort Street neighbourhood, contributing to the employment and consumer growth along Fort Street, by adding rental housing to a strategic location within close proximity of this area. Businesses within and nearby this corridor will require an increase in population to service these establishments, a feat the current zoning cannot handle.

The rare assembly of this 18,016 square feet underused residential space, centrally located in a mid-rise residential community, creates a significant opportunity to strengthen housing options near the downtown core. A redevelopment of the infill Site will compliment the area, ensuring no orphan lots remain. Keeping within the context of the surrounding buildings, the applicant is ensuring a proper transition in building forms throughout the City.

### **Architectural Expression and Materials**

*Please Refer to Appendix 2 "Development Permit Area 16 (DPA16)" for the master analysis of DPA 16.*

### **Safety and Security Considerations**

The applicant has extensively considered factors impacting safety and security by incorporating CPTED principles at every opportunity during the design stage.

- The Site incorporates lighting design that is coordinated to warmly light the front and exterior of the building suitable to the neighbourhood, eliminating dark areas.
- Main living spaces face the thoroughfare and rear yards, encouraging natural surveillance through large windows.
- The northeast underground parking exit, the rear maintenance path, and the main parking ramp entrance will be gated off to create physical separation and safe use for only the residents.
- Extensive landscaping in addition to fencing will act as a natural physical buffer separating the private and public realm.

In addition to the CPTED principles, the building will utilize fob systems to control the ingress of residents through the secured underground parking and at the front entrance.

### **Transportation**

The Site offers 0.82:1 underground parking stalls, providing 36 parking spaces for both residents and visitors. Based on similar projects in the area and due to the walkability of the neighbourhood, we are positive that this slight shortfall in schedule C parking requirements will not impact the owners or the community at this location and is supported by the city transportation department and transportation analysts.

The excellent bike and walk score lends itself to a shift away from cars for downsizers and young adults. Additionally, the project oversupplies 47 class A stalls and 44 storage units for residents to use for both bicycles and any extra storage. Guests will have 6 class B stalls located at the front of the building in a highly visible space.

### **Green Building Features**

The design team has incorporated techniques that will enhance the efficiency of the building. These include, but are not limited to the following:

- A minimum of a *BUILT GREEN®* certification



- Reduction in glazing from windows through the natural shading and balcony shades, creating green, private and decorative features.
- Reduction in thermal bridging from the building's doors through the wood frame design.
- The landscape design contributes to on-site storm water management by greatly increasing biomass on the site, including 16 new trees, and sloping north-facing patios to an aggregate pathway that drains beyond the underground parking slab. South-facing patios will drain to soft landscaped areas.
- The extensive proposed vegetation across the site will intercept and temporarily store rainfall before releasing it into the atmosphere through evapotranspiration. Rain not captured in biomass will be filtered through growing medium before reaching the storm system.
- Each room in the home will be equipped with fresh air ventilation. This will allow for fresh air in each room during all seasons.
- The project will reuse and recycle elements of existing structure where possible.
- The building envelope will be air tight to ensure that it is impermeable to any moisture buildup with durable cladding and quality materials.
- Amenities are within walking distance, which will reduce the need for car dependence. The Site has a 94 walk score and a 100 bike score.
- The applicant will oversupply class A bike stalls.
- Water efficient plumbing fixtures.
- Low VOC interior finishes

## Infrastructure

The applicant design team has consulted with City of Victoria's staff to review existing infrastructure locations and proposed services planned for the project. Extensive improvements to the water line with thoroughfare reconstruction will be incorporated in order to service Burdett Avenue at the appropriate standard. The City has indicated that a fire hydrant will be required on the west end of the block within 45 metres of the Site which will necessitate trenching from the northwest corner of Cook and Burdett to the Site. Parking allocation should not be compromised with the new fire hydrant; *BC Hydro* is currently working on the hydro infrastructure design. Upon reviewing our post development sewage flow rate, the City has indicated that sewer attenuation will not be required at the Site.

The applicant will be enhancing the boulevard streetscape with more trees and an improved sidewalk with more grass, creating a welcoming presence for pedestrians. Nearby the Site there is: an abundant amount of community and recreation services, parks, the ocean and downtown amenities. These features will help contribute to an active lifestyle for the building's residents.

## Conclusion

The applicant and the design team believe that this opportunity presents as a key infill proposal to an underutilized site, which is steps from the Urban Core. Additionally, the purpose built rental building serves the lower end of the housing spectrum that is in high demand for this neighbourhood. The team has proceeded thoughtfully throughout each stage of the design and development in order to achieve the City's policies and objectives, and more generally, the community's vision for the Site. Consultations to date have included numerous community stakeholders, which have affirmed our conviction in the direction that we have taken with the development proposal. We sincerely appreciate the time put forth by the City staff up to this point and we look forward to continuing to work with them as this application proceeds forward. We are available to answer any questions and provide additional details as required moving forward.

Sincerely,

Empresa Properties Ltd.

Per: Karl Robertson  
Karl Robertson



## **Appendix 1 City Planning:**

*Based on application review summaries, ADP recommendations and ongoing correspondence the following provides high level key revisions made in collaboration with the planning department and neighbourhood input to enhance the design. Revisions specific to our latest submission dated August 10<sup>th</sup>, 2017 are outlined in our separate Design Revisions letter.*

Our team has lessened the building footprint by reducing the depth of the rear and front units' main floor plan thus incorporating additional landscaping in the surrounding open space. The amount of open space and sunlight penetration has increased with our revised proposal. In collaboration with planning, the west and north façade roof line was modified by disengaging the balcony roofs from the main building roof edge, thus modulating the roof line, lowering the perceived building height from eye level and making a closer relationship to the modulation of the main south façade.

Based on further community input, the north building edge has been further recessed with the latest iteration, compliant with neighbouring zoning, 6.77 meters from the property line, approximately 14 meters from the building to the north. The majority of the north façade is further recessed 8.0 meters. Since the completion of ADP our team has extended architectural soft wood screening and glazed balcony glass along the northern balconies to help further enhance privacy and simplify the design expression. Additionally, at the request of planning and neighbours, our design team was able to find the soil depth to add Galaxy Magnolias that stand between 30' to 35' in height to further enhance landscaping and privacy. On the east and west façades our team has increased the sill height to reduce the size of the windows. Further, we included a privacy analysis on the east façade to detail how the offset windows in addition to the extensive tree foliage will maximize privacy.

## **Appendix 2 Design Rationale & Community Engagement Process:**

### **Development Permit Area 16 (DPA 16)**

Early in the design process the applicant acknowledged the importance of including ground oriented walk-up units along Burdett Avenue in order to compliment the character of the neighbourhood. The use of bay windows, recessed and projecting decks, low profile roofs, pop-up windows, changes in colour, material and form, have been integrated to respectfully interface with the distinguished character homes on the street as well as to enhance the *place making* of the neighbourhood. The Site creates high quality aesthetic features by displaying an inspiring façade and landscape at both the front and rear of the project, softening the transition and reflecting a sense of place within the development.

The integration of the Site with neighbouring buildings and nearby traditional housing stock was critical in determining the appropriate height and setback from the street. In reducing the scale from 5 living storeys to 4, the applicant team assured that the massing respects the neighbours and traditional homes in the area. The articulated parapets and two-storey framed porches provide a human scale to the project and allude to a 'townhouse' feel, while enhancing the neighbourhood's housing character with finely articulated detailing and materials. These peaks along Burdett exemplify the personality of high ridges of the tall character homes down the avenue, while the prominence of walkout townhouse units on the bottom floor with a recessed facade makes for a stronger connection with the streetscape. Open space allowing for lush planting around the project will advance the Site's core principles. As a result of these advancements, the project has achieved 46.58% open space around the Site.

DPA 16 policies have guided the applicant team's core principles, which instilled the following design elements:

- A formal double height porch is incorporated into each of the four street accessed units which serves to visually reduce the massing of the façade, articulate the private entrances to these unique homes, and develop a familiar rhythm along the street.



- The building mass is broken down into smaller formal sections through the use of recessed and projecting forms that are distinguished at corners and transitions, but that are cohesive and unifying, reminiscent of the character defining devices used throughout the neighbourhood.
- The main entrance is distinctly articulated with a strong horizontal canopy projecting out toward the sidewalk, contrasting with the vertical porch elements defining the walk-up units. The entrance is further enhanced with the vertical panel of warm wood separating the building into two parts.
- As no two sides of a building experience the same exact conditions, we have expressed each façade slightly differently to address the unique conditions of sunlight, views, and privacy, while maintaining an overall balanced palette. The west façade has full-height wood screens that act as vertical sunshades as well as privacy screens from the rental building to the west. The north façade integrates glazed balconies and vertical privacy screen to reduce direct views with units to the north, while the screens are reduced in height to allow the limited northern facing natural light to filter through. While the building has shifted south to ease the transition to the north and maximize the potential sunlight for existing homes. All suite decks are oriented to the north, south, or west, thus reducing exposure to the open decks of the adjacent building to the east. The natural trees located along east side and addition of trees to the north further create a buffer.
- The underground parkade entrance is located on the west side, furthest from the single-family residences down the road and at the lowest point in grade on the property. The underground parking was shifted to the west to maximize undisturbed soil at the existing tree locations to the east.
- Each ground floor unit enjoys an ample amount of open space articulated with a fence and gate, pathway and patio area, as well as tree plantings, a bench and raised planters. The south façade along Burdett integrates a metal picket fence, reminiscent of other character homes in the neighbourhood, which provides a boundary for privacy while still being welcoming to the neighbours.
- Just as the two level porches provide human scale along the street, they are aligned with a recess in the façade that terminates at the pop-up windows at the upper units, which results from a soft sloping roof that can be seen in profile from the street. This cornice detail helps blend the building form into the character of the neighbourhood.
- The overall building height is comparable to the immediate neighbours not to dominate or overpower the street. The finer articulations of roof undulations and recesses help blur the top edge of the building, and as demonstrated in the perspective views, when seen from street level the building is not out of place on the street.
- The projecting decks and roof planes are clad with warm red cedar, which adds to the visual interest in the façade.

### Early Stage Community Dialogue

The applicant has held the highest regard for the neighbouring community's questions and comments. In addition to the CALUC meeting, phone calls, e-mails and in-person group meetings, the applicant has carried out the following preliminary design dialogues with the community to integrate the Site potential with neighbouring buildings.

- November 23 2015 – The applicant met with the Fairfield Gonzales Community Association Committee to attain feedback on what would enhance the neighbourhood and how to best proceed. It was noted that the density of this infill project would be justifiable in the neighbourhood, yet the committee suggested that the applicant contact the adjoining buildings to help guide the build.
- January 4 2016 – Presented plans to 1149 Rockland Avenue residents regarding concepts for different planning options, following up with questions. There was general appreciation for including the residents in our initial design plans (*recognition of this meeting is included in the correspondence*). As a result of this meeting and further discussion, our team reduced the building to 4 storeys, modified the windows to integrate privacy between neighbours, eliminated the wrap around balconies for privacy and reduced the depth of the east portion of the Burdett elevation to maximize sunlight and views, while stepping back the south eastern edge. More recently we have shifted the building forward, which will enhance late afternoon sunlight to the rear homes in the neighbouring building.

- January 5 2016 – Presented plans to 1115 Rockland Avenue residents regarding concepts for different planning options, following up with questions. There was general content with proposed options during the meeting and following the meeting (*recognition of this meeting is included in the correspondence*). As a result of future discussions, the applicant design team maximized sunlight by eliminating the 5<sup>th</sup> floor and reducing building setbacks three times, added privacy glazing/ screening on our projections, all while warming the façade features and design to create an integrated sense of place. More recently we have integrated five large magnolias to enhance privacy and green design.
- January 8 2016 – Met with various western-facing owners of 1149 Rockland Avenue in their personal units to discuss plans and work on the best solution for each of the owners. As a result, we have minimized our windows and adjusted the interior floor plans to maximize privacy.





October 12, 2017

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



Mayor and Members of Council

**Re: 1120, 1124 and 1128 Burdett Avenue Design Revisions**

As a follow-up to our DP submission made on April 14, 2017, we decided to reconsider the project as a rental apartment building, rather than a condominium. In the process, we made revisions to the building design to reduce the overall size/density and increase some of the building setbacks, which we believe improves the buildings relationship to the surrounding neighbourhood. In summary, the following revisions were made with our rezoning and development permit resubmission, dated August 10, 2017:

- Revision Notes 1, 2, 10, 11 & 12 – Reduced the size of suites to be compatible with rental apartment sizes, thereby reducing the overall building area and density. Converted 2 large two-bedroom units into 1 smaller two-bedroom, 1 one-bedroom and 2 studio units, which increased the unit count to 44 for the whole building.
- Revision Note 3 – Reduced the floor plan at the rear middle portion of the building and increased the rear yard setback in that area by over 2m, which resulted in three balconies remaining flush with the main north façade, resulting in a zero balcony projection in that area.
- Revision Note 4 – Reconfigured north east exit stair from parkade to eliminate L-shape stair, keep stair aligned with east side of building, thus increasing the stair setback from east property line and increasing distance from root zone of existing trees.
- Revision Note 5 – Modified orientation of stair two on east side, eliminating need for a recessed exit landing and exterior stairs.
- Revision Note 6 – The building façade on the south side, facing Burdett Ave., was moved further north, increasing the building setback by 1.1 m, without decreasing the rear yard setback.
- Revision Note 7 – The south west corner of the building was modified to increase the setback of unit B1 & B2 from the parkade ramp, allowing for a larger landscape buffer at the side of the ramp. This change also allowed for an additional south facing window from units C1 and C2, improving building articulation and access to views and street oversight from these units.

- Revision Note 8 – Modified C1 and D units on the ground floor by moving the top edge of the parkade overhead structure further north, improving the head clearance at the parkade ramp.
- Revisions Note 9 – The overall project development statistics were reduced, as reflected in the August 10<sup>th</sup> resubmission.
- Revision Note 13 – The shadow studies were updated to reflect the smaller building footprint.
- Revision Note 14 – The average grade calculations were updated to incorporate additional grade elevation points along the north wall recess.
- Revision Note 15 – The landscape drawings were updated to account for the smaller building footprint, increased building setbacks and increased landscape buffer at east side for parkade ramp.

In response to comments received from the planning department regarding our August 10, 2017 resubmission, updated drawings were subsequently resubmitted on October 6, 2017, containing the following revisions:

- Revision Note 1 – In response to planning department request, we added an additional window on the west façade from unit C1 on the ground floor.
- Revision Note 2 - We clarified that the four (4) ground oriented, walk-up suites facing Burdett Avenue would have solid wood swing doors and glass sidelights, to ensure they would be clearly visible as primary suite entrances from the sidewalk.

We trust that the above noted revisions to the building design compliments the original proposal submitted for Rezoning & DP.

Sincerely,

Empresa Properties Ltd.

Per: Karl Robertson  
Karl Robertson



# ATTACHMENT F

Received  
City of Victoria

AUG 11 2017

Planning & Development Department  
Development Services Division



## DRAWING LIST

	COVER SHEET
A1	LOCATION MAP & CONTEXT PHOTOS
A2	LOCATION MAP & CONTEXT PHOTOS
A3	EXISTING SITE SURVEY
A4	EXISTING SITE PLAN
A5	EXISTING SITE PLAN w/ PROPOSED Bldg
A6	PROPOSED SITE CONTEXT PLAN
A7	PROJECT DATA AND CODE DATA
A8	PARKADE PLAN (LEVEL 0)
A9	FLOOR PLAN (LEVEL 1)
A10	FLOOR PLANS (LEVELS 2 & 3)
A11	FLOOR PLAN (LEVEL 4)
A12	ROOF PLAN
A13	ELEVATIONS
A14	ELEVATIONS
A15	STREET ELEVATIONS & SECTIONS
A16	STREET ELEVATIONS & SECTIONS
A17	RENDERINGS
A18	RENDERINGS
A19	RENDERINGS
L1	LANDSCAPE PLAN
L2	LANDSCAPE DETAILS
S1	SUN STUDY
S2	WINDOW OPENING STUDY
S3	AVERAGE GRADE CALCULATION
S4	PARKADE PROTRUSION PLAN & SECTIONS

300 - 1590 CEDAR HILL X ROAD  
VICTORIA, BC V8P 2P6

T 250.472.8013  
F 250.472.8192  
E ARCHITECTS@LHRA.CA

LHRA.CA



LOW HAMMONDS ROW LTD. 2017.08.10

**EXPRESA**  
PROPERTIES

## Burdett Multi-Unit Rental Apartment

1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING / DEVELOPMENT PERMIT RESUBMISSION  
August 10, 2017





1 (ADJACENT PROPERTY) 915 Cook St. Four-storey residential building.



2 (SUBJECT SITE) 1120 Burdett Ave. Single Family Residential.



3 (SUBJECT SITE) 1124 Burdett Ave. Single Family Residential.



4 (SUBJECT SITE) 1128 Burdett Ave. Single Family Residential. (ADJACENT PROPERTY) 1149 Rockland Ave Four-storey residential.



5 1149 Rockland Ave Four-storey residential building.



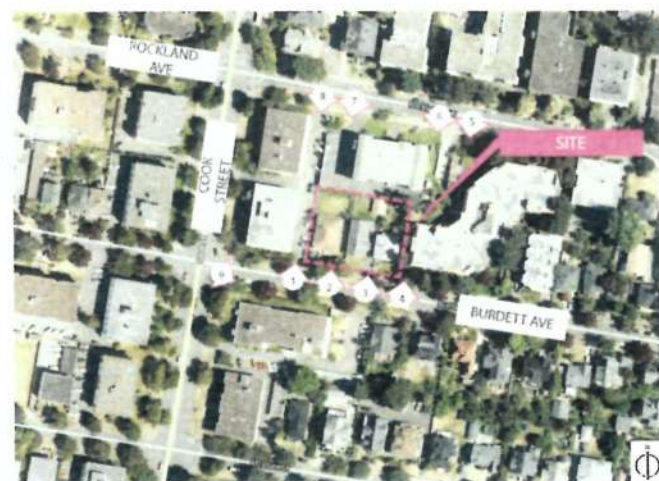
6 1115 Rockland Ave Four-storey residential building.



7 View of subject site from Rockland Ave



8 955 Cook Street Four-storey residential building.



CONTEXT MAP 1:1000



LOCATION MAP 1:5000



9 825 Cook Street Four-storey residential building.





AUG 11 2017

Planning & Development Department  
Development Services Division



1 1131 Burdett Ave. Single Family Residential.



2 1139 Burdett Ave. Single Family Residential.



3 1145 Burdett Ave. Single Family Residential.



4 Single Family Residential at corner of Burdett Ave. & Linden Ave.



5 1144 Rockland Ave Four-storey residential building.



6 1115 Rockland Ave Four-storey residential building.



7 View of subject site from west of site



8 Four-storey residential building at corner of Burdett Ave. & Linden Ave.



CONTEXT MAP 1:1000



LOCATION MAP 1:5000



9 1011 Burdett Ave. Four-storey residential building.



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City of Victoria

AUG 11 2017

Planning & Development Department  
Development Services Division

**BC LAND SURVEYORS SITE PLAN OF:**

**Civic: 1120, 1124 & 1128 Burdett Avenue**

**Legal:** Lot 11, Fairfield Farm Estate, Lot Area 669.6 m<sup>2</sup> Total Area all parcels 1673.7 m<sup>2</sup>  
Victoria City, Plan 392

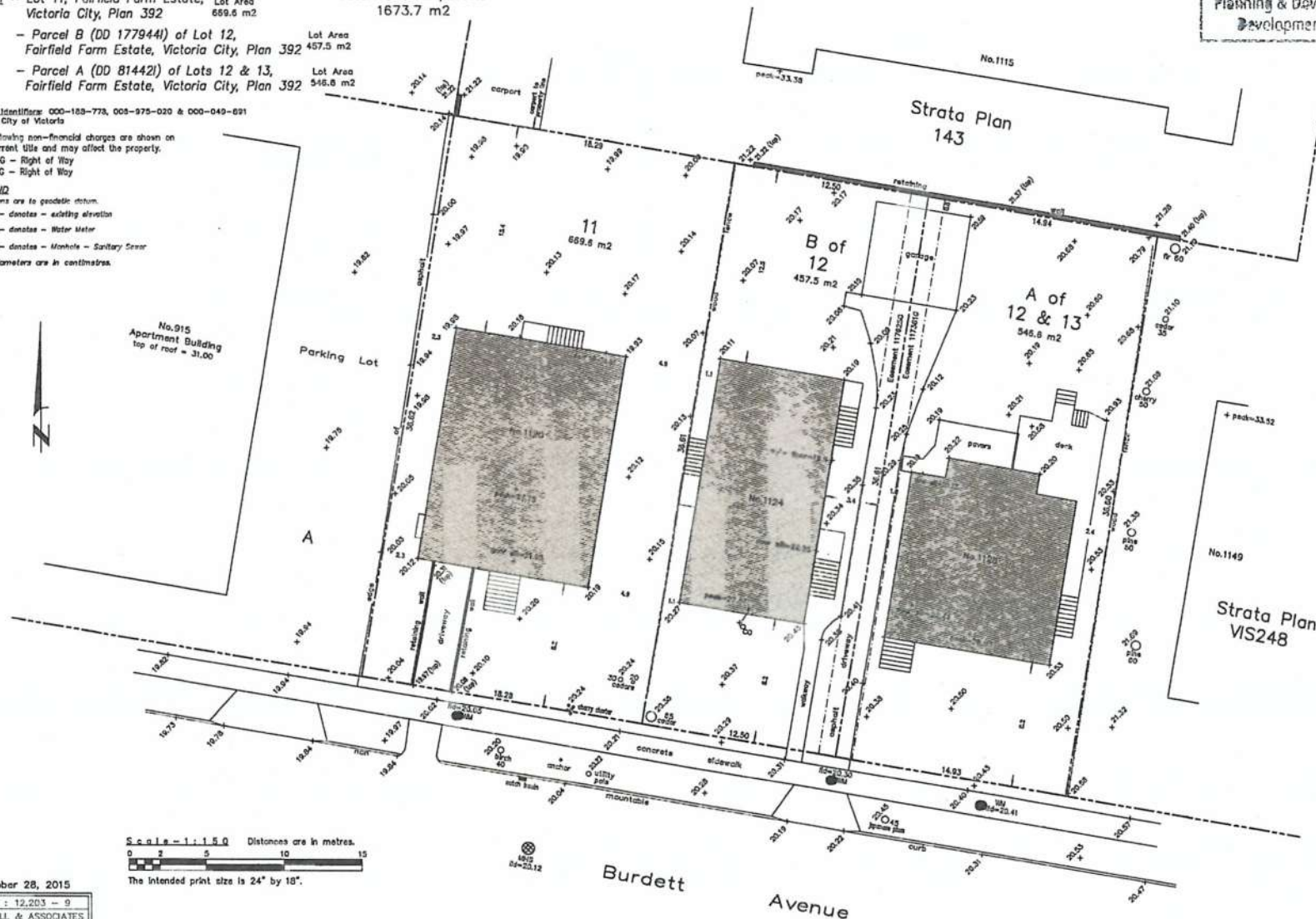
- Parcel B (DD 177944) of Lot 12, Lot Area 457.5 m<sup>2</sup>  
Fairfield Farm Estate, Victoria City, Plan 392
- Parcel A (DD 81442) of Lots 12 & 13, Lot Area 546.8 m<sup>2</sup>  
Fairfield Farm Estate, Victoria City, Plan 392

Parcel Identifiers: 000-183-773, 008-975-020 & 008-049-831  
in the City of Victoria

The following non-financial charges are shown on  
the current title and may affect the property.  
1176250 - Right of Way  
1173610 - Right of Way

**LEGEND**

Elevations are to geodetic datum.  
+ - denotes - existing elevation  
WM - denotes - Water Meter  
MS - denotes - Manhole - Sanitary Sewer  
Tree diameters are in centimetres.



Scale - 1:150 Distances are in metres.

The intended print size is 24" by 18".

October 28, 2015

File: 12,203 - 9  
POWELL & ASSOCIATES  
B.C. Land Surveyors  
250-2950 Douglas Street  
Victoria, BC V8T 4K4  
phone (250) 350-8888

Setbacks are derived from field survey.  
Parcel dimensions shown hereon are  
derived from Land Title Office records.

This document shows the relative location  
of the surveyed features and shall not be  
used to define property boundaries.





AUG 11 2017

N6.915  
Apartment Building  
top of roof = 31.00

Parking Lot

No.1115

~~peak<sup>+</sup> = 33.38~~

• • •

500

14.94 wof

+ peak=33.52

No. 1120

No. 1124

No.1128

No. 1149

Strata Plan  
VIS248

-OUTLINE OF PROPOSED BUILDING

BURDETT AVENUE

**REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017**

Existing Site Plan w' Proposed Blds 1:100

A5

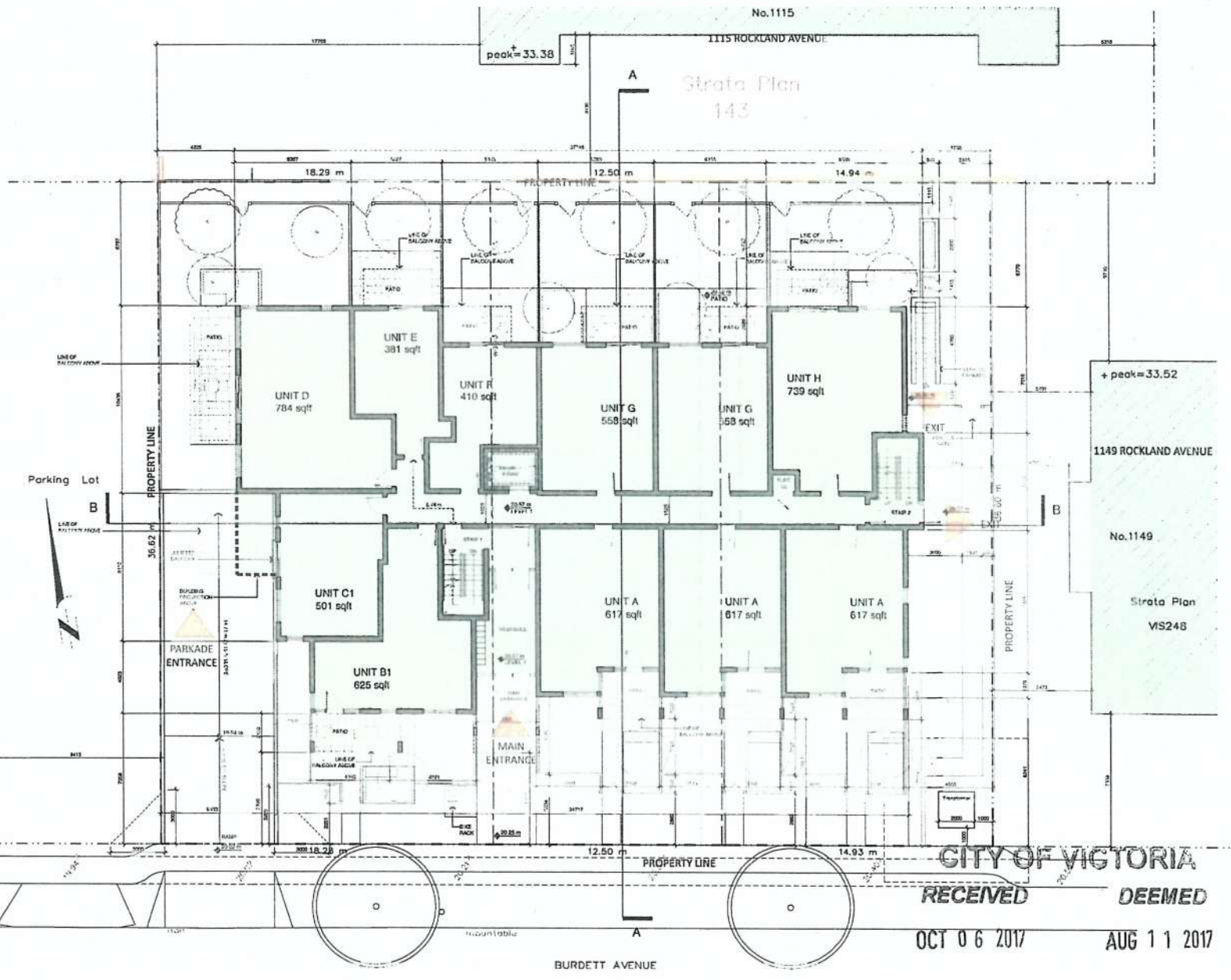
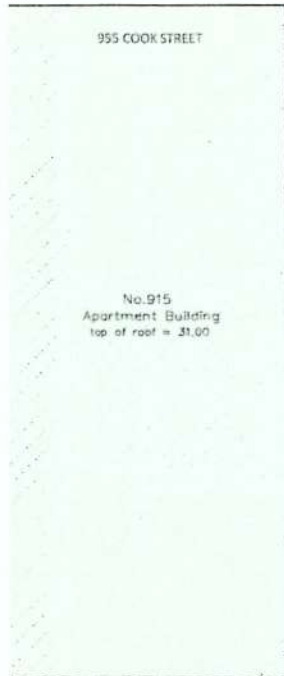
0 1m 3m 5m 10m

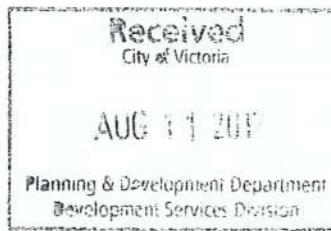
LOW HAMMOND ROWE



## Proposed Burdett Condo







## PROJECT DATA

PROJECT DATA - Four Storey Wood Frame Condominium  
Burdett Avenue, Victoria

ZONING: R1-B (Lot# 1120 & 1124), R3-AM-1 (Lot#1128)

A	SITE AREA:	1673.7 m <sup>2</sup>	18015.71 sf		
B	DENSITY:	Allowed: Lot# 1120 1.2 :1	Lot Area: 669.55		
	(Floor Space Ratio)	Lot# 1124 803.46 m <sup>2</sup> 1.2 :1	Lot Area: 457.51		
		Lot# 1128 549.012 m <sup>2</sup> 1.6 :1	Lot Area: 546.59		
		874.544 m <sup>2</sup> 9413.59 sf			
	Total:	2227.016 m <sup>2</sup>	23971.60 sf		
C/A	*Proposed:	1.65 :1			
C		2764.4 m <sup>2</sup>	29756.00 sf	area excludes elevator shaft (8.05)-per floor	
	BLD'G SETBACKS:	Burdett Rear (N.) Side (E.) East Stair Side (W.)			
	Required (m):	9 6.77 6.77 4.5			
	*Proposed (m):	5.11 6.77 4.66 (To Building Face) 2.82			
			4.22 (To Building Face) 0 (To Parkade)		
	BUILDING HEIGHT:	Maximum: 4 Storeys 12.00 m			
	Average Grade	20.20 m Geodetic			
	*Proposed:	Top of parapet 13.14 m	Half Height of Sloped Pop-up Bay 13.54 m		
	NET AREAS:	Unit Type Description Unit Area	Units/FL # of FL Total Units Area		
		Type A 1 bedrm 57.37 m <sup>2</sup>	617.53 sf 3 4 12 688.44 m <sup>2</sup>	7410.37 sf	
		Type B1 1 bedrm 58.15 m <sup>2</sup>	625.93 sf 1 1 1 58.15 m <sup>2</sup>	625.93 sf	
		Type B2 2 bedrm 80.57 m <sup>2</sup>	867.26 sf 1 3 3 241.71 m <sup>2</sup>	2601.77 sf	
		Type C1 1 bedrm 46.55 m <sup>2</sup>	501.06 sf 1 1 1 46.55 m <sup>2</sup>	501.06 sf	
		Type C2 1 bedrm 55.94 m <sup>2</sup>	602.14 sf 1 3 3 167.82 m <sup>2</sup>	1806.41 sf	
		Type D 2 bedrm 72.87 m <sup>2</sup>	784.37 sf 1 4 4 291.48 m <sup>2</sup>	3137.49 sf	
		Type E Studio 35.43 m <sup>2</sup>	381.37 sf 1 4 4 141.72 m <sup>2</sup>	1525.47 sf	
		Type F Studio 38.13 m <sup>2</sup>	410.43 sf 1 4 4 152.52 m <sup>2</sup>	1641.73 sf	
		Type G 1 bedrm 51.84 m <sup>2</sup>	558.01 sf 2 4 8 414.72 m <sup>2</sup>	4464.05 sf	
		Type H 2 bedrm 68.7 m <sup>2</sup>	739.49 sf 1 4 4 274.8 m <sup>2</sup>	2957.95 sf	
D		** Net Suite Areas measured to center of walls		Net Totals:	44 2477.91 m <sup>2</sup> 26672.22 sf
	TOTAL FLOOR AREA:	Floor			
E		1st 684.05 m <sup>2</sup>	7363.11 sf	area excludes elevator shaft (8.05)	
F		2nd 693.45 m <sup>2</sup>	7464.30 sf	area excludes elevator shaft (8.05)	
		3rd 693.45 m <sup>2</sup>	7464.30 sf	area excludes elevator shaft (8.05)	
		4th 693.45 m <sup>2</sup>	7464.30 sf	area excludes elevator shaft (8.05)	
G		Total Area: 2764.4 m <sup>2</sup>	29756.00 sf	(to City of Victoria Zoning Calculations)	
	SITE COVERAGE %:	Maximum: 40%	669.48 m <sup>2</sup>	7206.28 sf	Building Projection: 734.9 m <sup>2</sup>
H/A		*Proposed: 51.42 %	860.66 m <sup>2</sup>	9264.14 sf	Porches: 110.61 m <sup>2</sup>
					Stairs: 15.15 m <sup>2</sup>
					H 860.66 m <sup>2</sup>
	OPEN SITE SPACE %:	Required: 50%	836.85 m <sup>2</sup>	9007.85 sf	
A-(I+K)		*Proposed: 46.58 %	779.59 m <sup>2</sup>	8391.51 sf	
	PARKING:	Stall / Unit Total Unit Unit Stalls Visitors Total Stalls			
		Required: 1.20 44			
		*Proposed: 0.82 44	33 3 52.8 36		
	BICYCLE SPACES:	Space / Unit Total Unit Total Stalls			
	Class 1 (Secured)	Required: 1 44			
		Proposed: 1 44	47		
	Class 2 (Visitor)	Required: 6			
		Proposed: 6			

\* Italicized values denote variances

## BUILDING CODE DATA SHEET



Property Address:	1120 1128 Burdett Avenue	Suite No.:	
Type of Work:	New Building <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Alterations <input type="checkbox"/> Tenant Improvements <input type="checkbox"/>		
Alternative Solution:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Description:	
Development Permit:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

BC Building Code (current Edition):	BCBC2012	Part 3 <input checked="" type="checkbox"/>	Part 9 <input type="checkbox"/>
Building Area (s) (as defined by the BC Building Code):	736.7 sqm		
Gross Floor Area:	2937.4 sqm	No. of Storeys:	4
No. of Streets Facing:	1	Distance to fire hydrant:	70m

Major Occupancy Classifications	A-1 A-2 A-3 A-4 B-1 B-2 B-3 <b>C</b> D E F-1 F-2 F-3
Building Classification (s)	3,2,2: 50 (articles 3.2.2.19 to 3.2.2.88) OR 8,10,8:
Sprinklered:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NFPA Standard (that it was constructed to):
Non-combustible Construction Required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
Firewalls (s):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Rating of Firewall (s) (FRR):
Fire Resistance Rating of Building Components (FRR):	
Floors:	1.0hr Roofs: --- Muzzlines: 1.0hr FRR Supporting Structure: 1.0hr FRR
No. of Suites:	44 Fire Resistance Ratings Between Suites: 1.0hr Fire Resistance Rating of Corridor: 1.0hr
Muzzlines:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Interconnected Floors: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Emergency Power: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Fire Alarm System:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Standpipe System: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Spatial Separation (subsecn 3.2.3 or 8.10.14 & 15)								
	Area of Exposed Building Face	Ratio L/H	Limiting Distance	Opening % Permitted	Opening % Proposed	Construction of Exposing Building Face		
						F,R,R	Non-Combustible Construction	Non-Combustible Cladding
North	479.0	--	5.549m	46.6%	36.0%	45min	C or NC	Noncomb
South	479.0	--	>10.00m	100.0%	43.4%	N/A	N/A	N/A
East	305.1	--	3.753m	28.0%	21.0%	60min	C or NC	NonComb
West	292.2	--	4.225m	32.3%	32.3%	45min	C or NC	C or NC

Occupant Load: (Subsection 3.1.16):	110	Water Closets Provided in Total (subsection 3.7):	Male: _____ Female: _____
Accessible for Persons with Disabilities?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Number of Accessible Water Closets:	_____
Accessible Toilet Room Provided:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Explanatory Information:	2 PERSONS PER SLEEPING ROOM, 55 SLEEPING ROOMS, 2*55=110 PERSONS		

Form Completed By:	Low Hammond Rowe Architects	Date:	9 AUGUST 2017
Phone:	250 472 8013	Email:	pauhammond@lra.ca



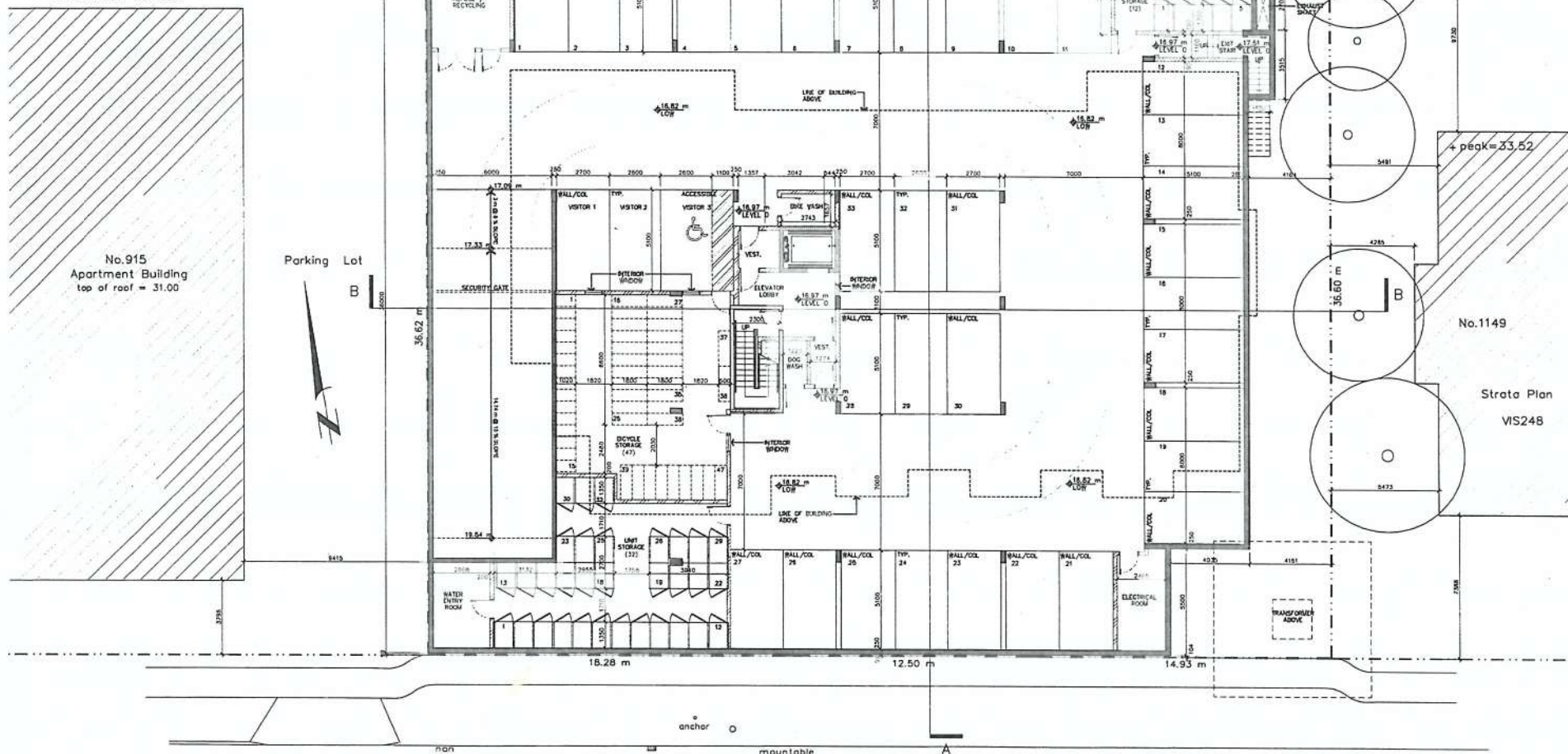
Received  
City of Victoria

AUG 11 2017

Planning & Development Department  
Development Services Division

PARKADE DATA:

- 33 RESIDENT CAR STALLS
- 3 VISITOR CAR STALLS - including 1 Accessible
- 47 BICYCLE STALLS
- 32 FLOOR-MOUNT, 15 WALL-MOUNT
- 44 STORAGE LOCKERS



0 1m 3m 5m 10m



LOW HAMMOND ROWE



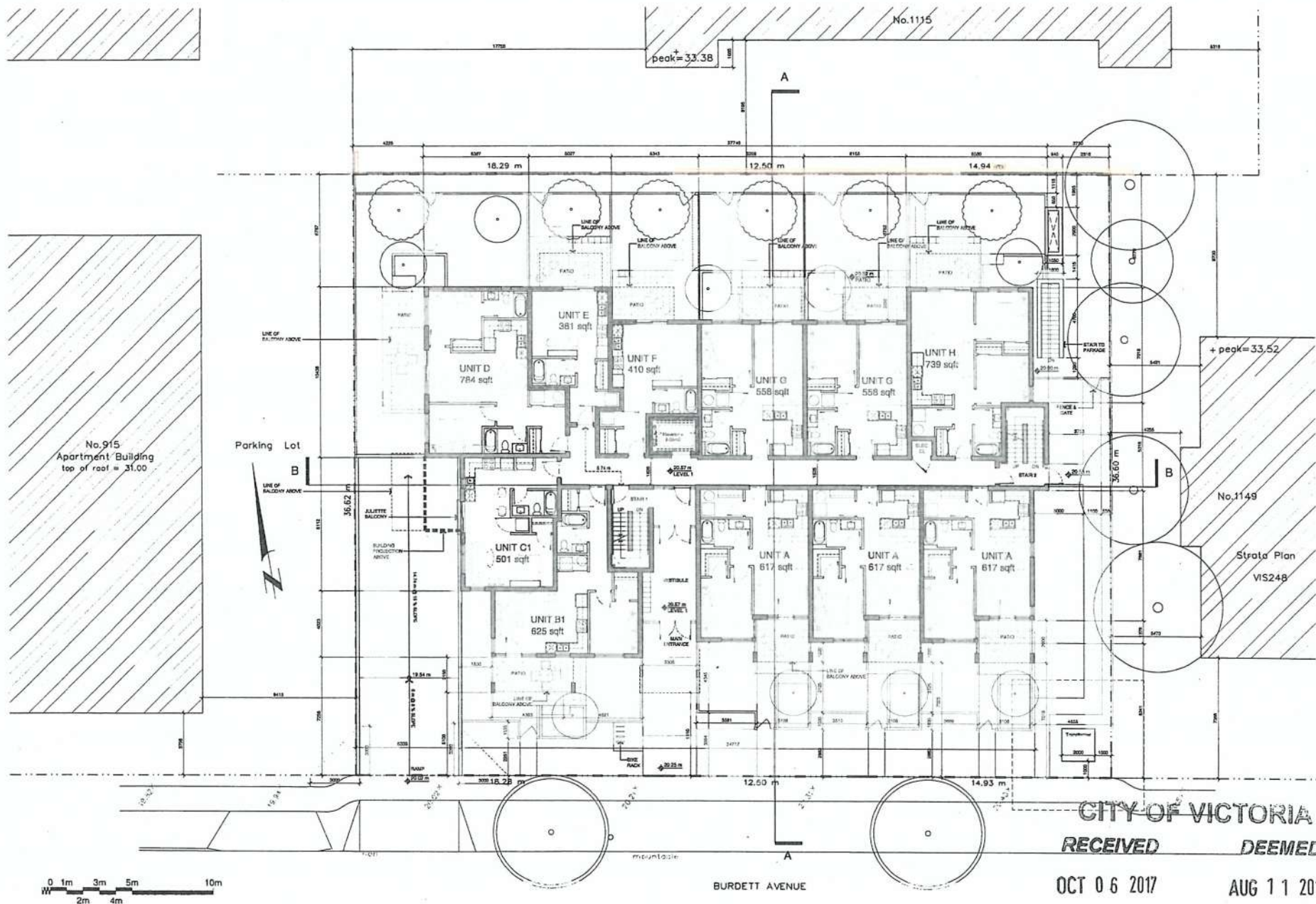
**Proposed Burdett Condo**  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017

Parkade Plan (Level 0) 1:100



**A8**

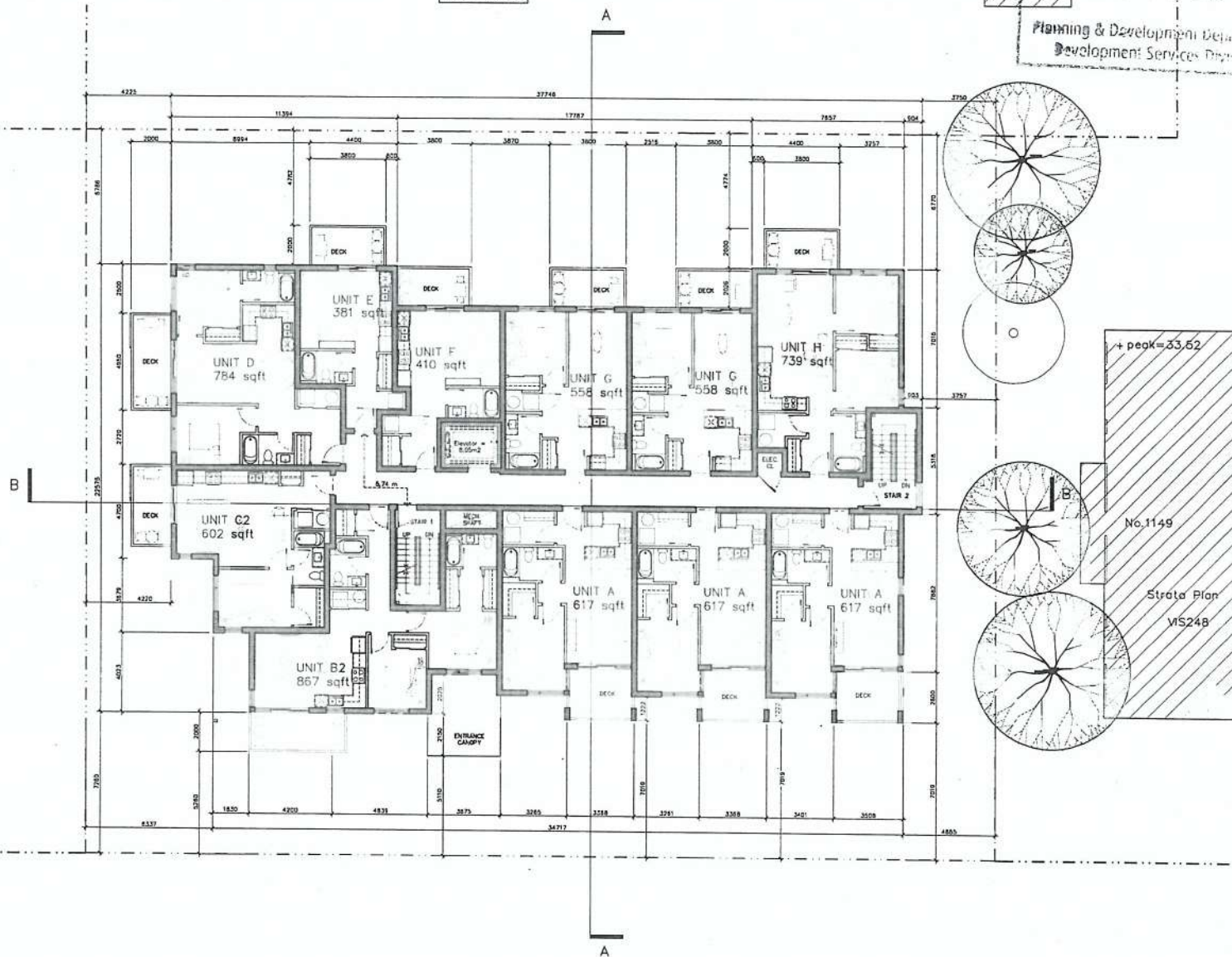






No. 1115  
peak = 33.38

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0 1m 3m 5m 10m



LOW HAMMOND ROWE



Proposed Burdett Condo  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017

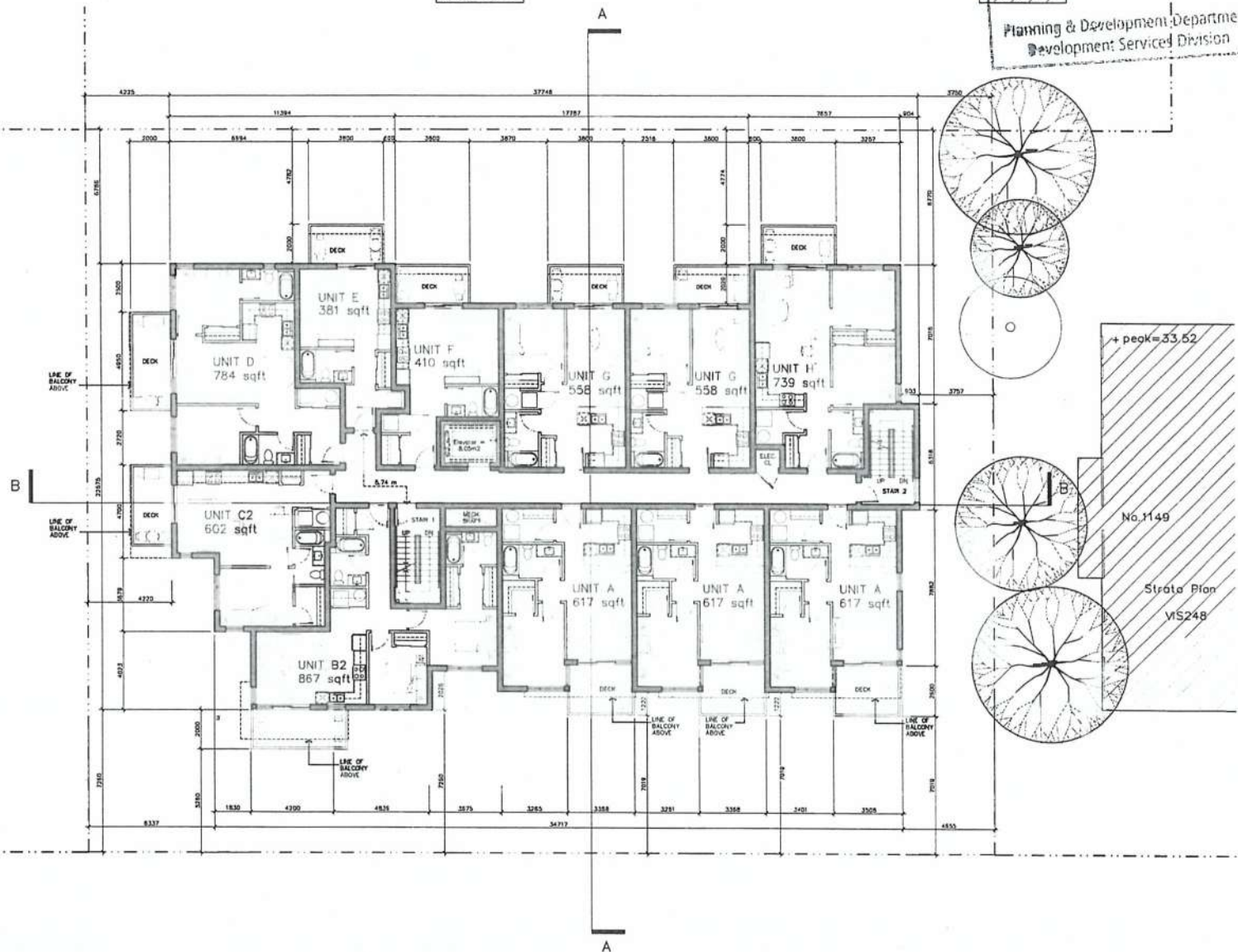
Floor Plans (Levels 2 & 3) **A10**



peak = 33.38

No. 1115

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City of Victoria  
AUG 11 2017  
Planning & Development Department  
Development Services Division



0 1m 3m 5m 10m



LOW HAMMOND ROWE



**Proposed Burdett Condo**  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017

Floor Plan (Level 4) 1:100 **A11**





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City of Victoria

AUG 11 2017

Planning & Development Department  
Development Services Division

peak = 33.38

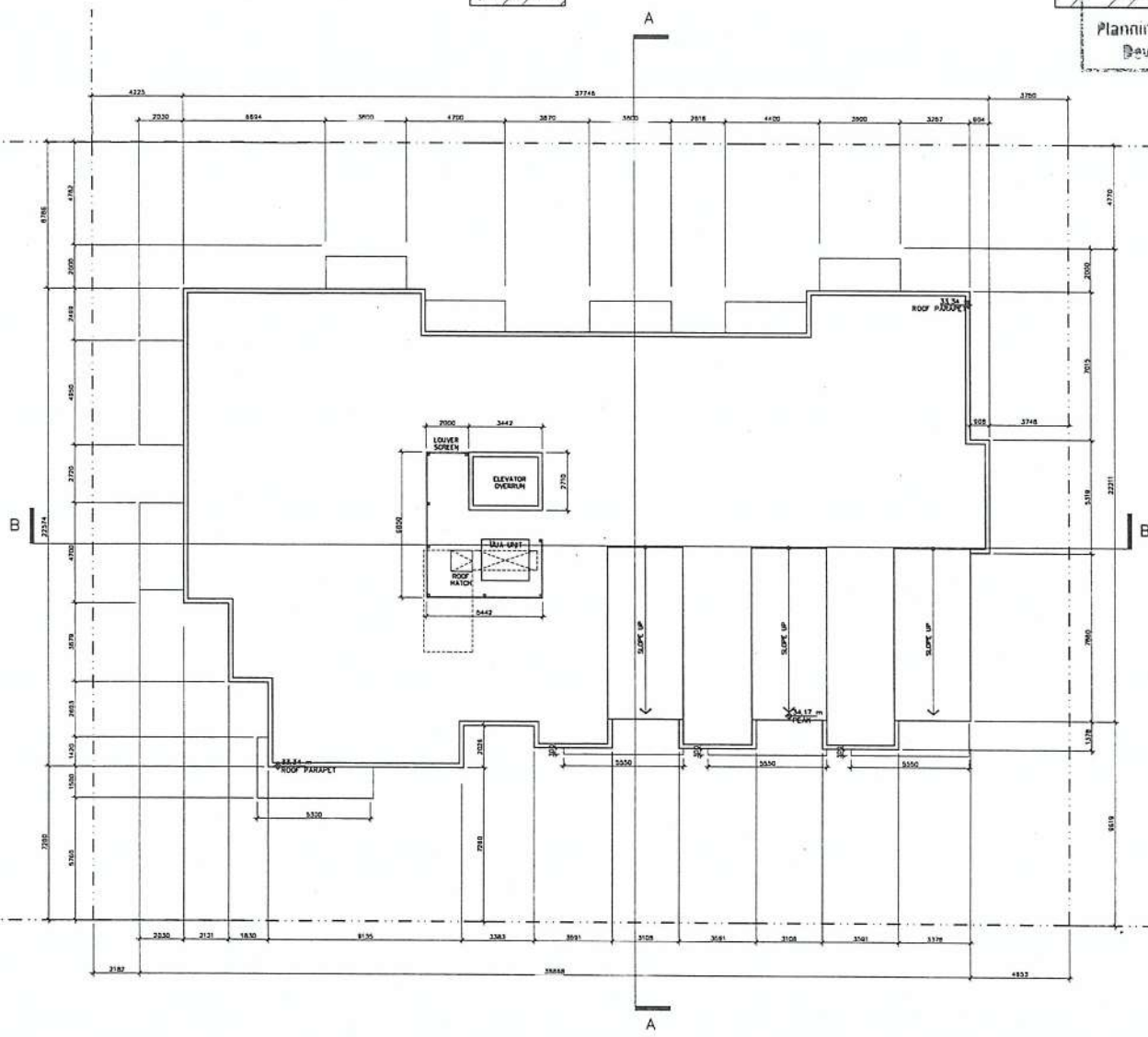
No. 1115

+ peak = 33.52

No. 1149

Strata Plan  
VS248

No. 915  
Apartment Building  
top of roof = 31.00



LOW HAMMOND ROWE



**Proposed Burdett Condo**  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017

Roof Plan 1:100

**A12**

AUG 11 2017

Planning & Development Department  
Development Services Division

MATERIAL LEGEND

- 1 - FIBRE CEMENT BOARD, WHITE
- 2 - FIBRE CEMENT BOARD, LIGHT GREY
- 3 - FIBRE CEMENT BOARD, CHARCOAL
- 4 - STAINED CEDAR SIDING & SOFFIT
- 5 - THIN STONE VENEER
- 6 - WOOD SCREEN
- 7 - BLACK VINYL WINDOWS
- 8 - PREFINISHED METAL TRIM
- 9 - METAL SCREEN (@ ROOF)
- 10 - ARCHITECTURAL CONCRETE
- 11 - METAL & GLASS RAILING  
\* FROSTED PANELS @ NORTH ELEVATION

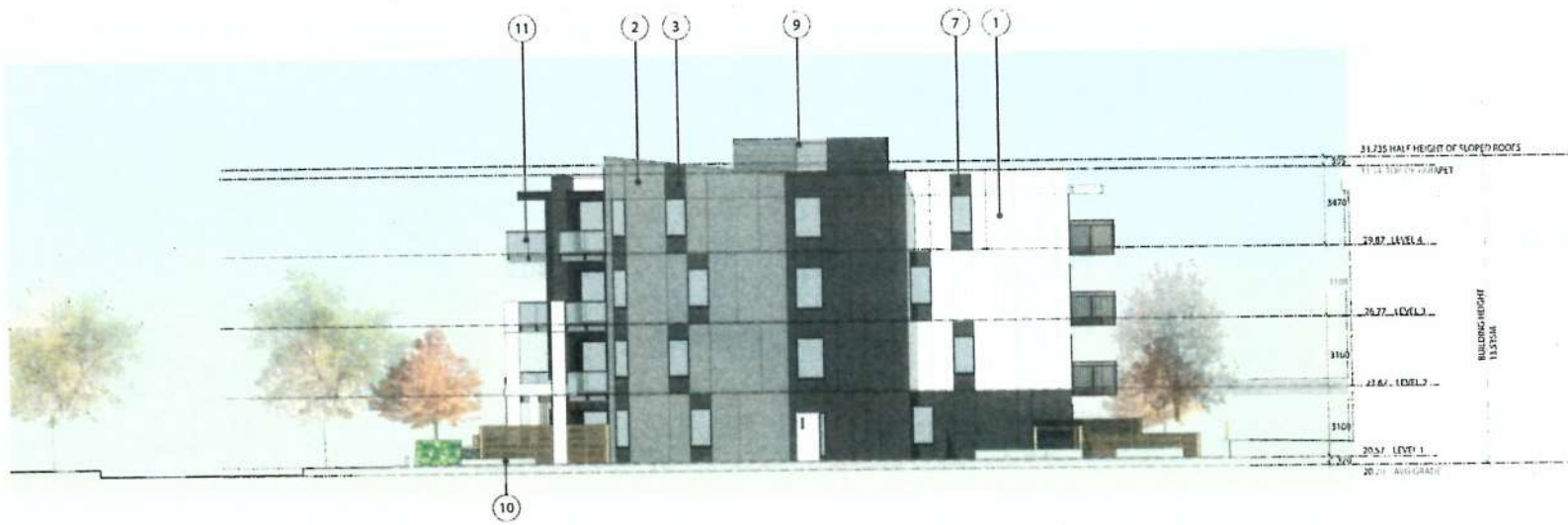


SOUTH ELEVATION 1:100



NORTH ELEVATION 1:100





EAST ELEVATION 1:100

MATERIAL LEGEND

- 1 - FIBRE CEMENT BOARD, WHITE
- 2 - FIBRE CEMENT BOARD, LIGHT GREY
- 3 - FIBRE CEMENT BOARD, CHARCOAL
- 4 - STAINED CEDAR SIDING & SOFFIT
- 5 - THIN STONE VENEER
- 6 - WOOD SCREEN
- 7 - BLACK VINYL WINDOWS
- 8 - PREFINISHED METAL TRIM
- 9 - METAL SCREEN (@ ROOF)
- 10 - ARCHITECTURAL CONCRETE
- 11 - METAL & GLASS RAILING \* FROSTED PANELS @ NORTH ELEVATION



WEST ELEVATION 1:100

CITY OF VICTORIA

RECEIVED

DEEMED

OCT 06 2017

AUG 11 2017

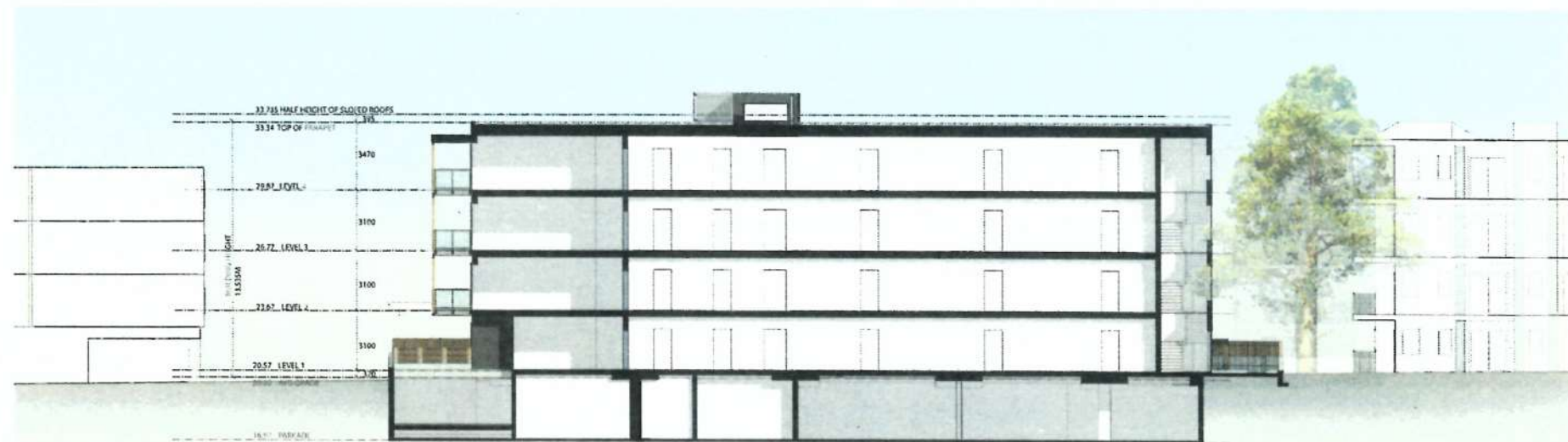
Received  
City of Victoria

AUG 11 2017

Planning & Development Department  
Development Services Division



SOUTH STREET CONTEXT ELEVATION 1:100



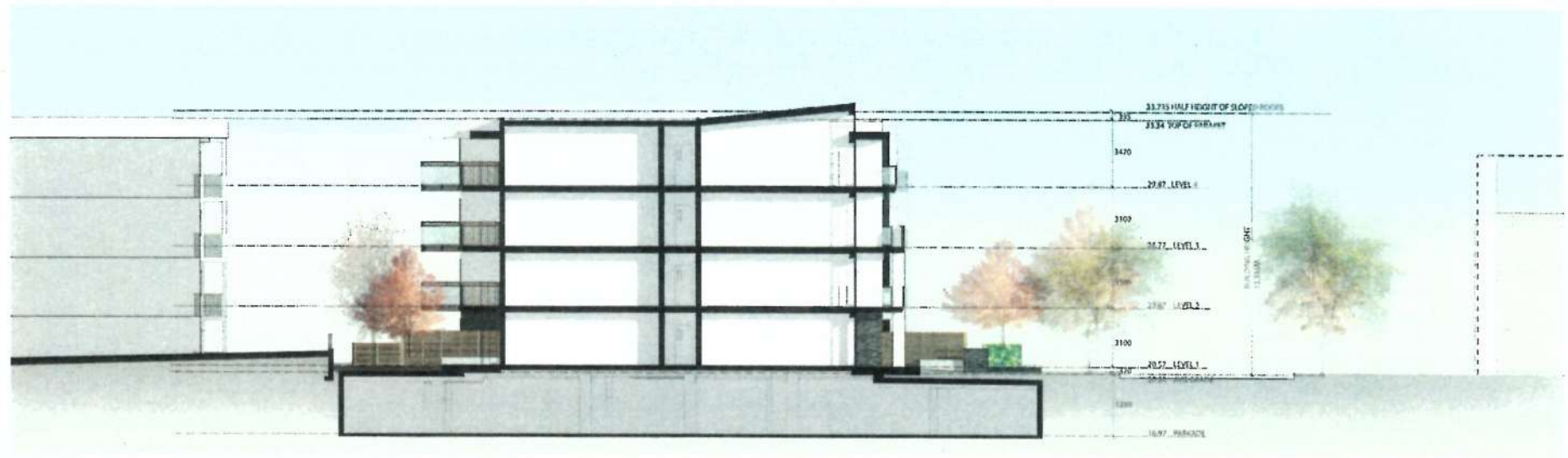
A-A SOUTH FACING EAST-WEST BLD'G SECTION 1:100



CITY OF VICTORIA  
 RECEIVED DEEMED  
 OCT 06 2017 AUG 11 2017



WEST CONTEXT ELEVATION 1:100



B B WEST FACING NORTH-SOUTH BLD'G SECTION 1:100



VIEW FROM THE WEST

CITY OF VICTORIA

RECEIVED

DEEMED

OCT 06 2017

AUG 11 2017



LOW HAMMOND ROWE



**Proposed Burdett Condo**  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
OCTOBER 6, 2017

Renderings **A17**



Received  
City of Victoria

AUG 11 2017

Planning & Development Department  
Development Services Division



VIEW FROM BURDETT AVENUE



LOW HAMMOND ROWE



**Proposed Burdett Condo**  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017

Renderings **A18**





VIEW FROM BURDETT AVENUE



VIEW FROM BURDETT AVENUE



VIEW FROM THE NORTH WEST



VIEW FROM THE NORTH EAST

CITY OF VICTORIA

RECEIVED

DEEMED

OCT 06 2017

AUG 11 2017







Rear Path Section (Facing East)

1:50

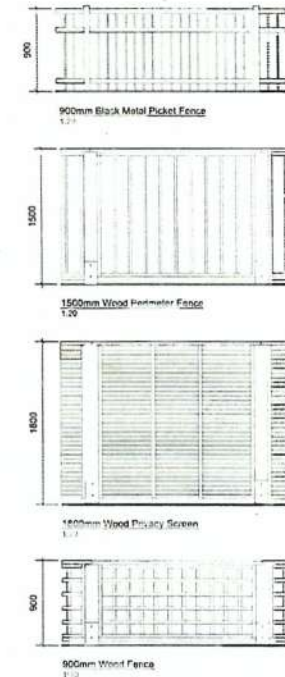
#### Recommended Nursery Stock

Trees			
Total: 18			
Botanical Name	Common Name	Size	
<i>Abies concolor</i>	White Fir	60m tall, 3 stems	
<i>Metrosideros 'Galaxy'</i>	Galaxy Metrosideros	10m tall	
<i>Picea canadensis 'Baker'</i>	Baker's Spruce	420 pot, 2.5m tall	
<i>Thuja occidentalis</i>	Purple Leaf Thuja	60m tall	
<i>Staphylea trifolia</i>	Japanese Staphylea	50m tall	
Large Shrubs			
Total: 31			
Botanical Name	Common Name	Size	
<i>Prunella 'Forest Flame'</i>	Forest Flame Plum	815 pot	
<i>Taxus canadensis</i>	Red Pine	1.5m ft	
Medium Shrubs			
Total: 41			
Botanical Name	Common Name	Size	
<i>Clivia x 'Fedorin'</i>	Clivia	43 pot	
<i>Hydrangea macrophylla 'Nikko Blue'</i>	Nikko Blue Hydrangea	75 pot	
<i>Nandina domestica 'Owl Spire'</i>	Owl Spire Nandina	81 pot	
<i>Nandina domestica 'Pam Parrot'</i>	Pam Parrot Nandina	81 pot	
Small Shrubs			
Total: 194			
Botanical Name	Common Name	Size	
<i>Aspidistra 'Black Pearl'</i>	Black Pearl Aspidistra	75 pot	
<i>Mahoea 'Mikado'</i>	Low Mahoea	43 pot	
<i>Platanus 'Royal Purple'</i>	Royal Purple Platanus	43 pot	
<i>Sorbus 'Golden Globe'</i>	Golden Globe Sorbus	43 pot	

#### Perennials, Annuals and Ferns

Total: 281			
Botanical Name	Common Name	Size	
<i>Asplenium nidus</i>	Nerve Fern	41 pot	
<i>Coleragella x 'Gold Leaf'</i>	Gold Leaf Coleragella	41 pot	
<i>Hebe 'Blue Danube'</i>	Blue Danube Hebe	41 pot	
<i>Monarda 'Mardi Gras'</i>	Mardi Gras Monarda	41 pot	
<i>Polka Dot Plant</i>	Polka Dot Plant	41 pot	
<i>Stipa tenuifolia</i>	Stipa	41 pot	
Groundcovers			
Total: 11			
Botanical Name	Common Name	Size	
<i>Epilobium 'Alba'</i>	Alba Epilobium	43 pot	
Vines			
Total: 2			
Botanical Name	Common Name	Size	
<i>Platanus 'Royal Purple'</i>	Royal Purple Platanus	43 pot	

Notes:  
1. All work to be completed to current BCSLA Landscape Standards  
2. All soft landscape to be irrigated with an automatic irrigation system



Nov 20 - 16  
May 27 - 16

# 1120-1128 Burdett Avenue | Landscape Details



LOW HAMMOND ROWE



Proposed Burdett Condo  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017



LADR LANDSCAPE ARCHITECTS

Project No: 1552 Jan 21-16

28-465 Dufferin Rd. Victoria B.C. V8Z 1B  
Phone: (250) 598-0105 Fax: (250) 412-065

Landscape Details

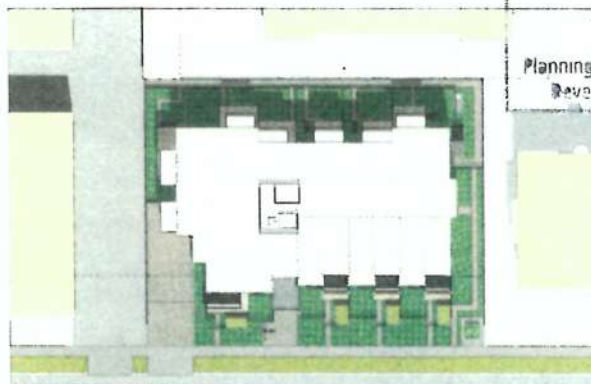
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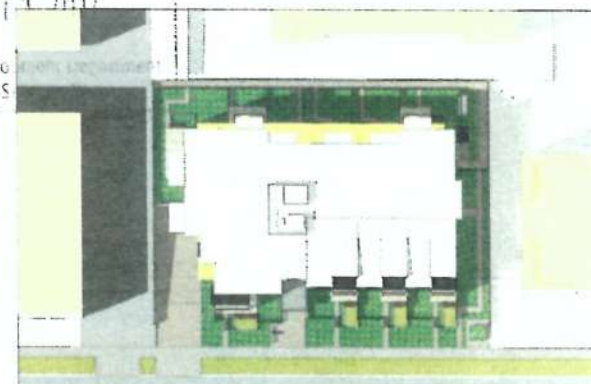
Received  
City of Victoria  
AUG 14 2017  
Planning & Development S



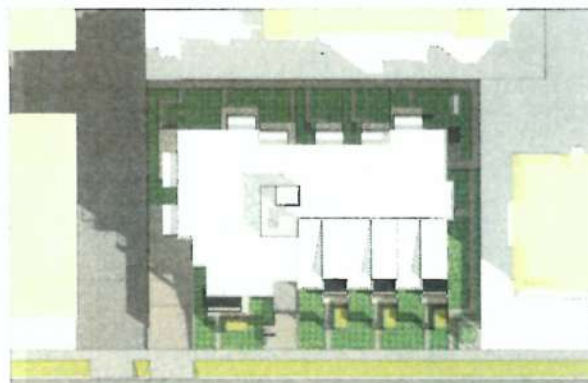
SUMMER SOLSTICE 9am



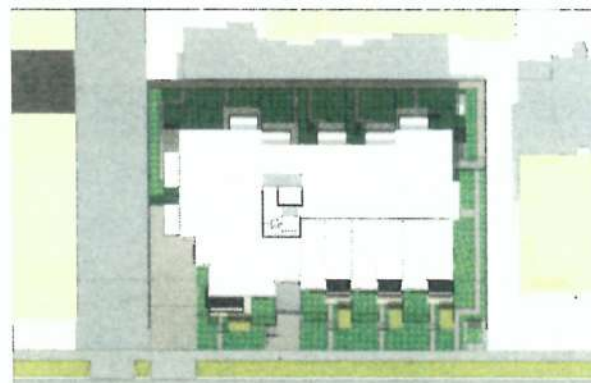
SUMMER SOLSTICE 12pm



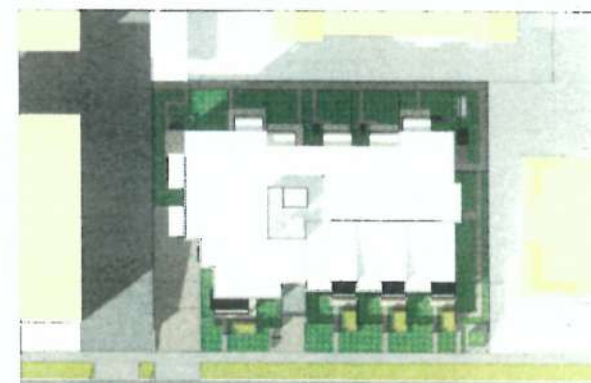
SUMMER SOLSTICE 3pm



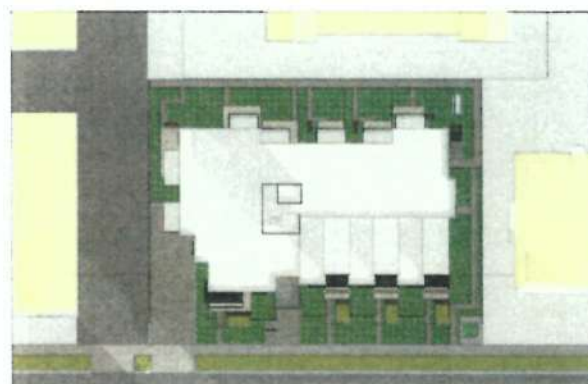
FALL EQUINOX 9am



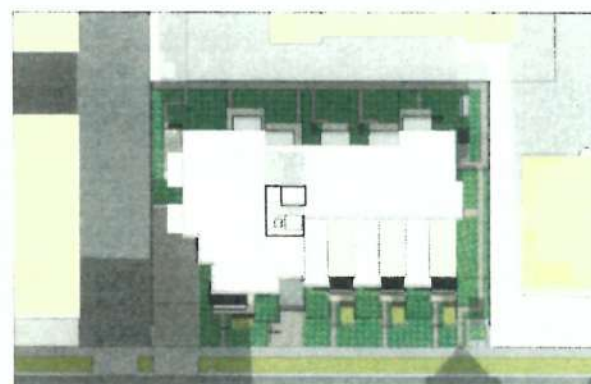
FALL EQUINOX 12pm



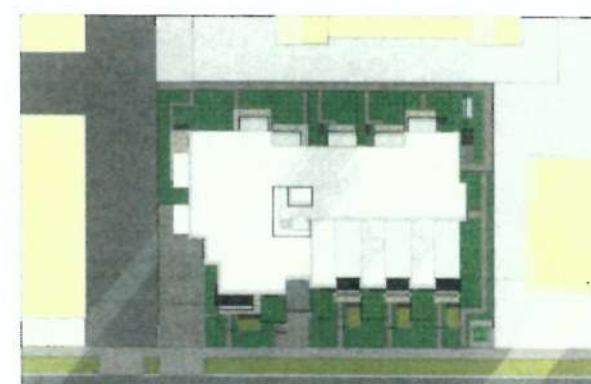
FALL EQUINOX 3pm



WINTER SOLSTICE 9am



WINTER SOLSTICE 12pm

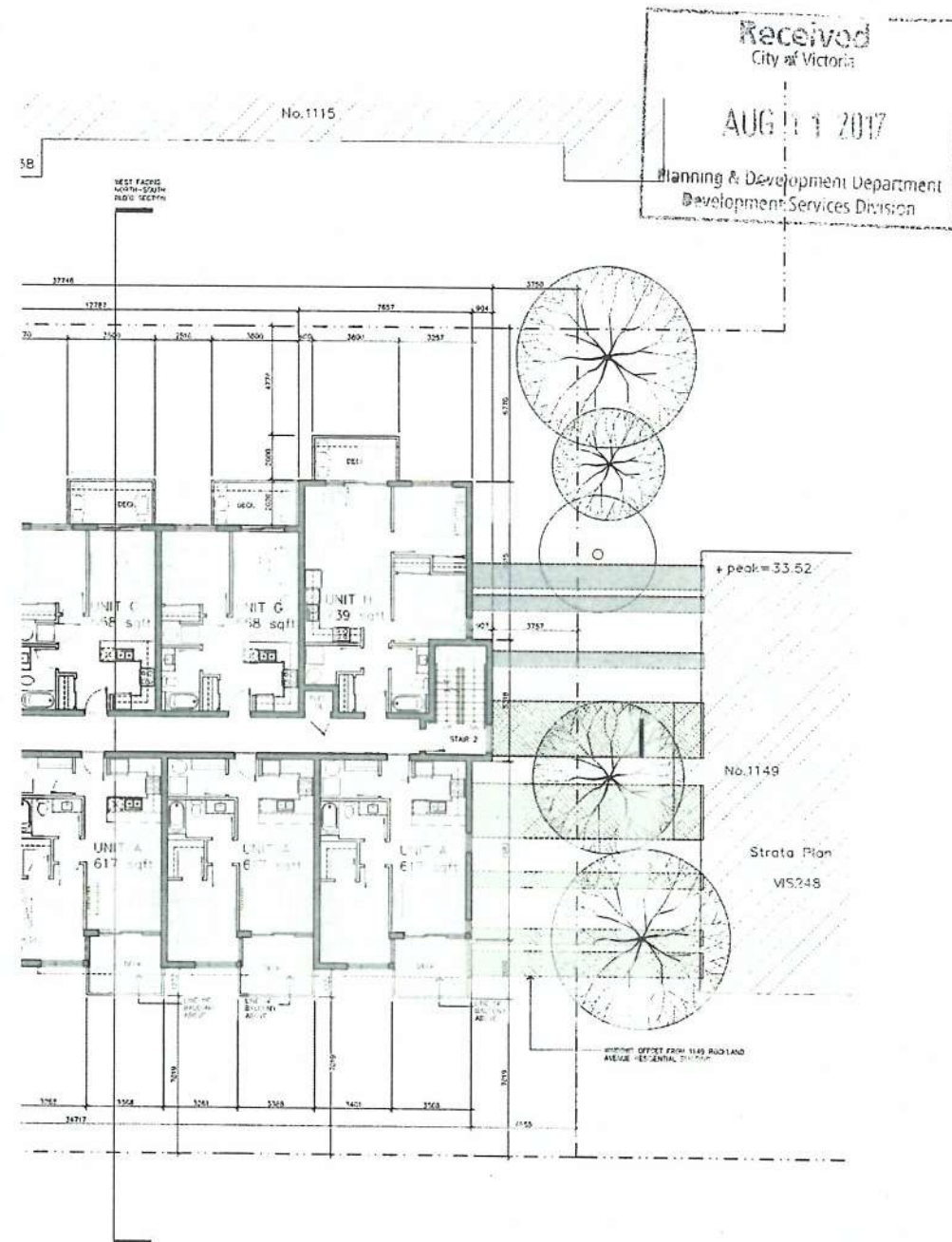


WINTER SOLSTICE 3pm





FROM WEST OF SUBJECT SITE



LOW HAMMOND ROWE



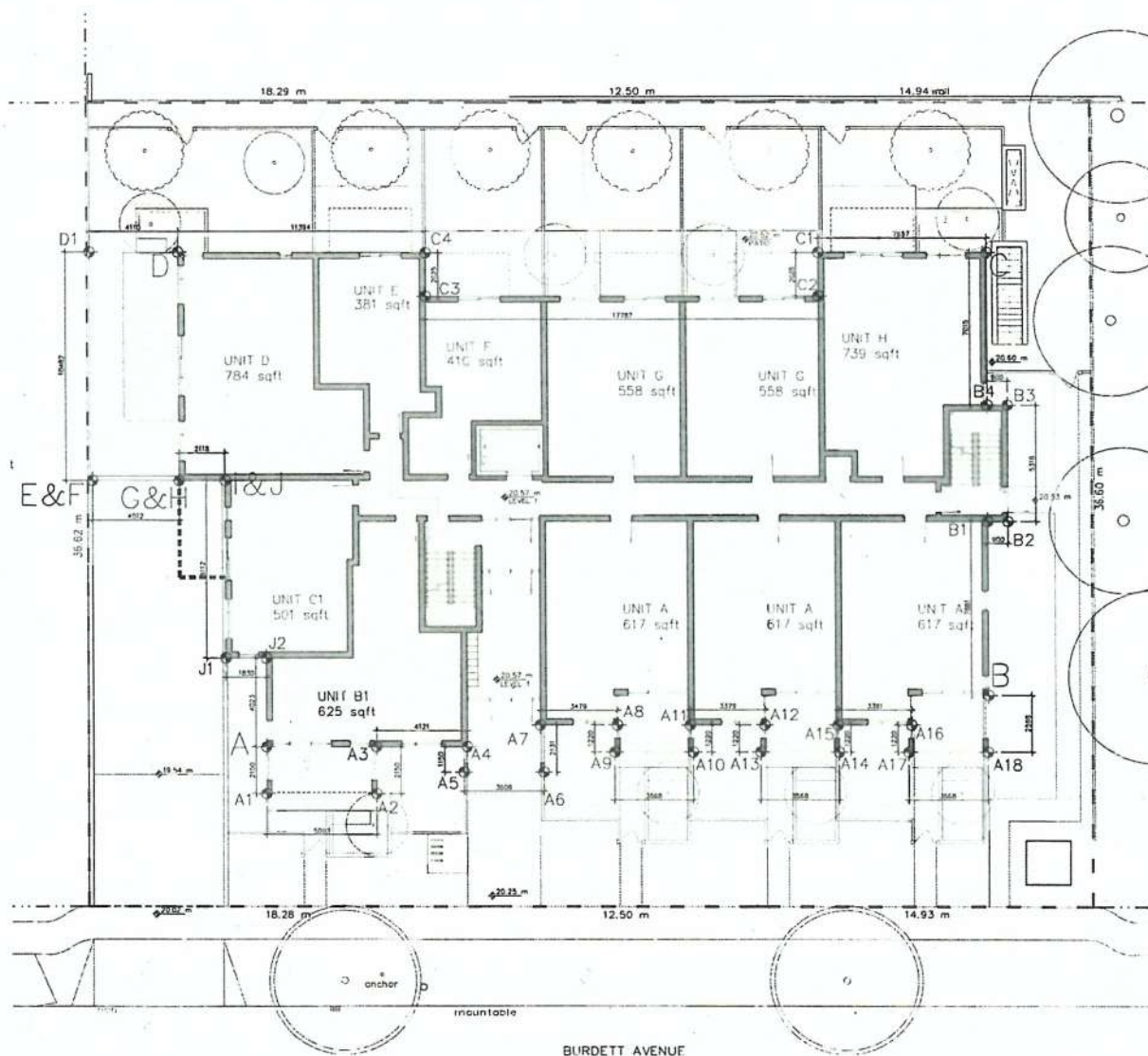
**Proposed Burdett Condo**  
1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
AUGUST 10, 2017

Window Opening Study

**S2**





# PROJECT DATA - Average Grade Calculation

Points	Existing GEO	Proposed GEO	Lowest GEO	Distance to Next Point	Totals
A	20.18	20.57	20.18	2.15	43.38 [(A+A1)/2]*Distance
A1	20.17	20.57	20.17	5.09	102.77 [(A1+A2)/2]*Distance
A2	20.21	20.52	20.21	2.15	43.44 [(A2+A3)/2]*Distance
A3	20.20	20.52	20.20	4.12	83.20 [(A3+A4)/2]*Distance
A4	20.19	20.57	20.19	1.15	23.22 [(A4+A5)/2]*Distance
A5	20.20	20.57	20.20	3.60	72.90 [(A5+A6)/2]*Distance
A6	20.30	20.57	20.30	2.13	43.30 [(A6+A7)/2]*Distance
A7	20.36	20.57	20.36	3.48	70.87 [(A7+A8)/2]*Distance
A8	20.37	20.52	20.37	1.22	24.86 [(A8+A9)/2]*Distance
A9	20.38	20.52	20.38	3.57	72.85 [(A9+A10)/2]*Distance
A10	20.43	20.52	20.43	1.22	24.92 [(A10+A11)/2]*Distance
A11	20.43	20.52	20.43	3.38	69.05 [(A11+A12)/2]*Distance
A12	20.43	20.52	20.43	1.22	24.92 [(A12+A13)/2]*Distance
A13	20.43	20.52	20.43	3.57	72.99 [(A13+A14)/2]*Distance
A14	20.46	20.52	20.46	1.27	24.96 [(A14+A15)/2]*Distance
A15	20.45	20.52	20.45	3.39	69.41 [(A15+A16)/2]*Distance
A16	20.50	20.52	20.50	1.22	25.01 [(A16+A17)/2]*Distance
A17	20.50	20.52	20.50	3.57	73.22 [(A17+A18)/2]*Distance
A18	20.52	20.52	20.52	2.60	53.35 [(A18+B)/2]*Distance
B	20.52	20.57	20.52	7.88	161.89 [(B+B1)/2]*Distance
B1	20.60	20.57	20.57	0.90	18.51 [(B1+B2)/2]*Distance
B2	20.62	20.57	20.57	5.32	109.43 [(B2+B3)/2]*Distance
B3	20.66	20.57	20.57	0.90	18.51 [(B3+B4)/2]*Distance
B4	20.72	20.57	20.57	7.02	144.40 [(B4+C)/2]*Distance
C	20.63	20.57	20.57	7.66	156.26 [(C+C1)/2]*Distance
D	20.07	20.57	20.07	4.11	82.34 [(D+D1)/2]*Distance
D1	20.00	20.22	20.00	10.48	209.39 [(D1+E)/2]*Distance
E	19.96	20.57	19.96	0.00	0.00 [(E+F)/2]*Distance
F	19.96	17.60	17.60	4.01	75.53 [(F+G)/2]*Distance
G	20.07	20.57	20.07	0.00	0.00 [(G+H)/2]*Distance
H	20.07	17.60	17.60	2.12	37.31 [(H+I)/2]*Distance
I	20.08	17.60	17.60	0.00	0.00 [(I+J)/2]*Distance
J	20.08	20.57	20.08	8.11	163.05 [(J+J1)/2]*Distance

A	20.18	20.57	20.18	
Subtotal				2982.87
Building Perimeter				147.65
Average Grade				
Max Height (From Avg Grade)				12.00
Max Height (GEO)				

CITY OF VICTORIA  
 RECEIVED  
 OCT 06 2017  
 DEEMED  
 AUG 11 2017



LOW HAMMOND ROWE

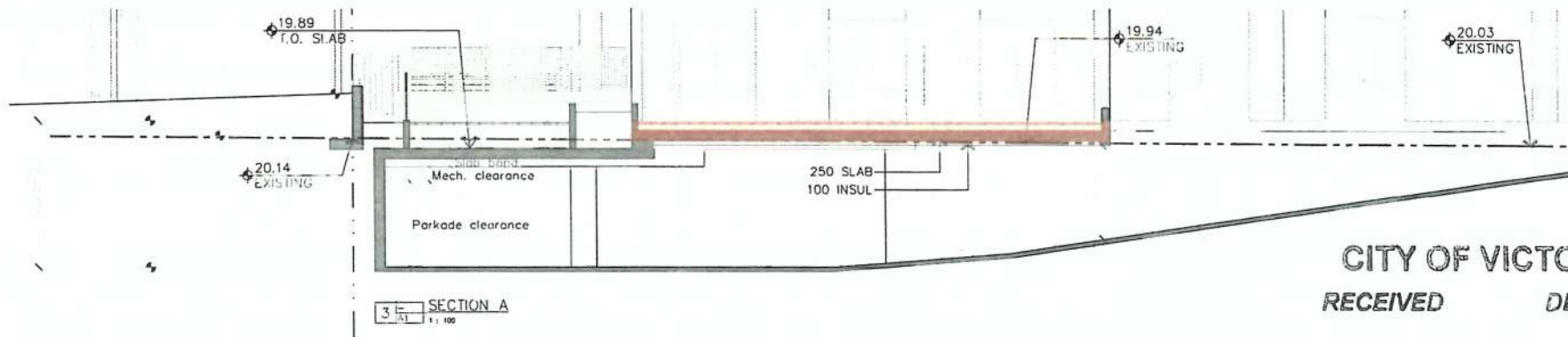


**Proposed Burdett Condo**  
 1120, 1124 & 1128 Burdett Avenue, Victoria

REZONING AND DEVELOPMENT PERMIT RESUBMISSION  
 OCTOBER 6, 2017

Average Grade Calculation

S3



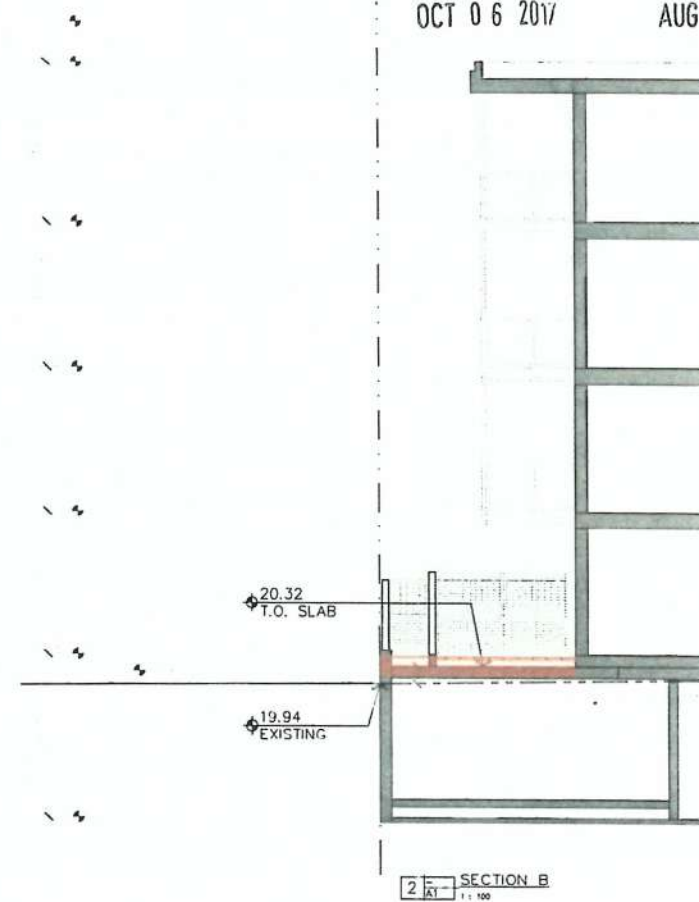
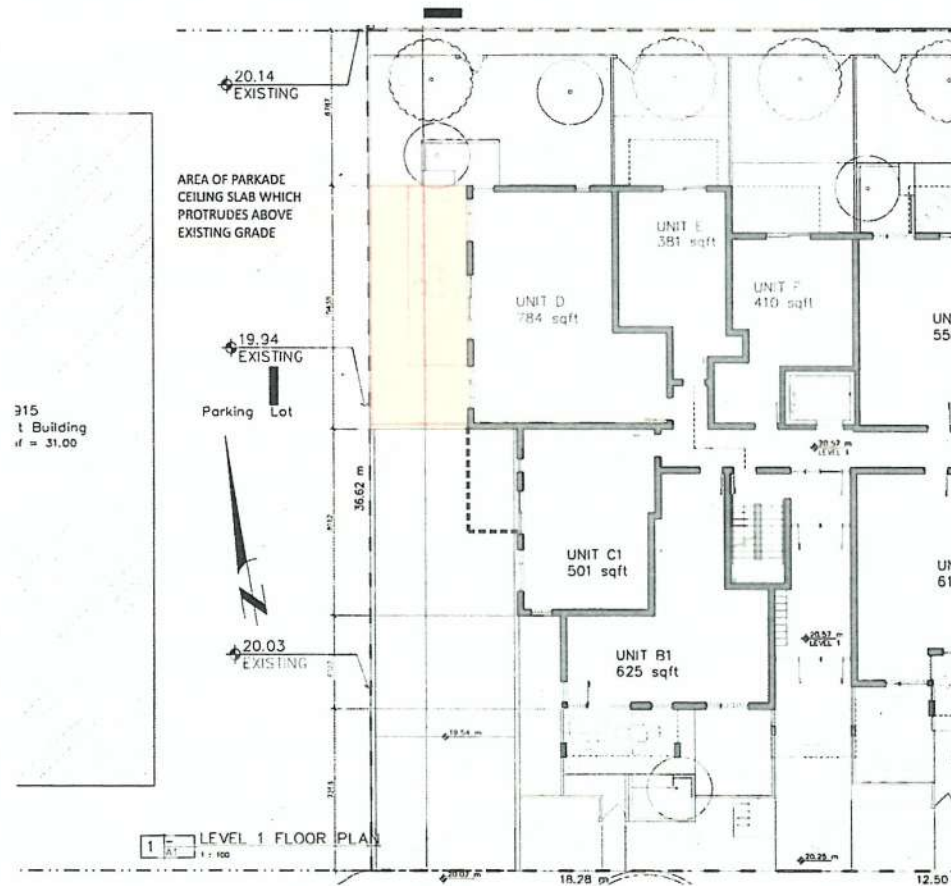
CITY OF VICTORIA

RECEIVED

DEEMED

OCT 06 2017

AUG 11 2017





NO. 17-047

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R3-AM-4 Zone, Mid-Rise Multiple Dwelling Burdett District, and to rezone land known as:

- 1120 Burdett Avenue, 1124 Burdett Avenue and the westerly portion of 1128 Burdett Avenue from the R1-B Zone, Single Family Dwelling District; and
- the easterly portion of 1128 Burdett Avenue from the R3-AM1, Mid-Rise Multiple Dwelling District

to the R3-AM-4, Mid-Rise Multiple Dwelling Burdett District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1100)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:
 

"3.111 R3-AM-4 Mid-Rise Multiple Dwelling Burdett District"
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.110 the provisions contained in Schedule 1 of this Bylaw.
  - (a) The land known as 1120, 1124 and the westerly portion of 1128 Burdett Avenue, legally described as:
    - Lot 11 Fairfield Farm Estate Victoria City, Plan 392
    - Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City, Plan 392
    - Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City, Plan 392

is removed from the R1-B zone, Single Family Dwelling District;
  - (b) The land known as the easterly portion of 1128 Burdett Avenue, legally described as Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City Plan 392 is removed from the R3-AM-1, Mid-Rise Multiple Dwelling District; and
  - (c) All of the aforementioned land, which is shown hatched on the map attached to and forming part of this Bylaw as Appendix 1 is placed in the R3-AM-4 Zone, Mid-Rise Multiple Dwelling Burdett District.

READ A FIRST TIME the	25 <sup>th</sup>	day of	May	2017
READ A SECOND TIME the	25 <sup>th</sup>	day of	May	2017
Public hearing held on the		day of		2017

READ A THIRD TIME the

day of

2017

ADOPTED on the

day of

2017

CITY CLERK

MAYOR





# **PART 3.111 – R3-AM-4 ZONE, MID-RISE MULTIPLE DWELLING BURDETT DISTRICT**

## **3.111.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling subject to the regulations in the R1-B Zone
- b. Two Family Dwelling subject to the regulations in the R-2 Zone
- c. Multiple dwelling
- d. Rest home – Class A and rest home – Class B
- e. Public Building subject to the regulations in the R-2 Zone
- f. Home occupation subject to the regulations in Schedule "D"
- g. Multiple Dwelling Accessory Use subject to the regulations in Schedule "F"

## **3.111.2 Community Amenities**

- a. As a condition of additional density pursuant to Part 3.111.3 a monetary contribution of \$41,436.02 must be provided as a community amenity to be dedicated to the Fairfield neighbourhood.
- b. The amenity contributions identified in Part 3.111.2 a. shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw #17-047 is adopted and each year thereafter, by adding to the Base Contribution an amount calculated by multiplying the Base Contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period.
- c. For the purposes of this Part 3.111.2 b. "CPI" means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

## **3.111.3 Floor Area, Floor Space Ratio**

- |  |        |
|--|--------|
| a. <u>Floor space ratio</u> (maximum) where the community amenity has not been provided, referred to in Part 3.111.2 | 1.2:1  |
| b. <u>Floor space ratio</u> (maximum) where the community amenity has been provided, referred to in Part 3.111.2     | 1.66:1 |

## **3.111.4 Lot Area**

- |   |                    |
|---|--------------------|
| a. <u>Lot area</u> (minimum) for the uses listed under Part 3.111.1 c, d, e and g | 1600m <sup>2</sup> |
|---|--------------------|

# **PART 3.111 – R3-AM-4 ZONE, MID-RISE MULTIPLE DWELLING BURDETT DISTRICT**

## **3.111.5 Height, Storeys**

- |   |     |
|---|-----|
| a. Principal <u>building height</u> (maximum) | 12m |
| b. <u>Storeys</u> (maximum)                   | 4   |

## **3.111.6 Setbacks, Projections**

- |   |                                     |
|---|-------------------------------------|
| a. <u>Front yard setback</u> (minimum)                    | 10.5m                               |
| b. <u>Rear yard</u> or <u>side yard setback</u> (minimum) | one half the <u>building height</u> |

## **3.111.7 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 40% |
| b. <u>Open site space</u> (minimum) | 50% |

## **3.111.8 Landscaping**

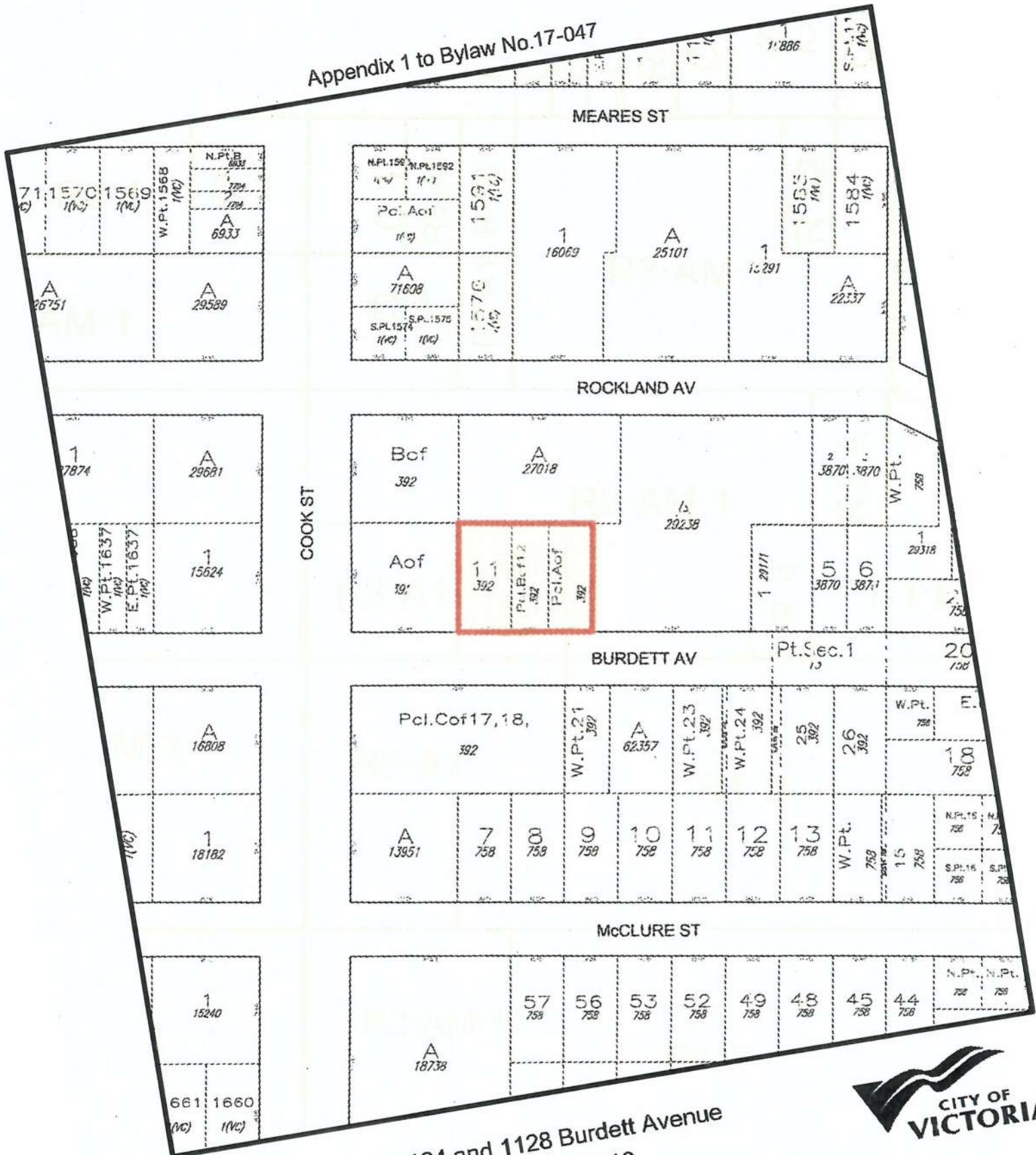
- |   |
|---|
| a. Except for driveways, all <u>yards</u> within 3m or one half of the <u>building height</u> , whichever is greater, of a street shall be <u>open site space</u> |
|---|

## **3.111.9 Vehicle and Bicycle Parking**

- |                      |  |
|----------------------|--|
| a. Parking (minimum) | Subject to the regulations in Schedule "C" |
|----------------------|--|



# Appendix 1 to Bylaw No.17-047



1120, 1124 and 1128 Burdett Avenue  
Rezoning No.00516



NO. 17-048

**HOUSING AGREEMENT (1120, 1124 AND 1128 BURDETT AVENUE) BYLAW**  
**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 1120, 1124 and 1128 Burdett Avenue, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (1120, 1124 AND 1128 BURDETT AVENUE) BYLAW (2017)".

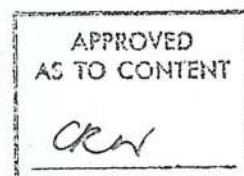
**Agreement authorized**

- 2 The Mayor and the City Clerk are authorized to execute the Housing Agreement
- (a) substantially in the form attached to this Bylaw as Schedule A;
  - (b) between the City and Empresa Properties Ltd., (Inc. No. BC1052014) or other registered owners from time to time of the lands described in subsection (c); and
  - (c) that applies to the lands known as 1120, 1124 and 1128 Burdett Avenue, Victoria, BC, legally described as:  
 PID: 000-188-778, Lot 11 Fairfield Farm Estate Victoria City Plan 392;  
 PID: 006-975-020, Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City Plan 392;  
 PID: 000-049-891, Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City Plan 392.

READ A FIRST TIME the	25 <sup>th</sup>	day of	May	2017
READ A SECOND TIME the	25 <sup>th</sup>	day of	May	2017
READ A THIRD TIME the	25 <sup>th</sup>	day of	May	2017
RESCIND THIRD READING the		day of		2017
REREAD A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR





## Schedule A

### HOUSING AGREEMENT

(Pursuant to Section 483 of the *Local Government Act*)

BETWEEN:

**THE CORPORATION OF THE CITY OF VICTORIA**

#1 Centennial Square  
Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

**EMPRESA PROPERTIES LTD. (INC. NO. BC1052014)**

c/o 204 – 655 Tyee Road  
Victoria, BC V9A 6X5

(the "Owner")

OF THE SECOND PART

AND:

**CANADIAN IMPERIAL BANK OF COMMERCE**

Commercial Sales and Service Centre  
595 Bay Street, Suite 500  
Toronto, Ontario M5G 2C2

(the "Existing Chargeholder")

OF THE THIRD PART

### WHEREAS

- A. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- B. The Owner is the registered owner in fee simple of following lands:
  - (i) 1120 Burdett Avenue, Victoria, B.C.  
PID: 000-188-778  
LOT 11 FAIRFIELD FARM ESTATE VICTORIA CITY PLAN 392
  - (ii) 1124 Burdett Avenue, Victoria, B.C.  
PID: 006-975-020

PARCEL B (DD 177944I) OF LOT 12, FAIRFIELD FARM ESTATE, VICTORIA  
CITY PLAN 392

(iii) 1128 Burdett Avenue, Victoria, B.C.

PID: 000-049-891

PARCEL A (DD 81442I) OF LOTS 12 AND 13 FAIRFIELD FARM ESTATE  
VICTORIA CITY PLAN 392

(collectively, the "Lands"); and

- C. On \_\_\_\_\_, 2017, the City adopted Bylaw No. \_\_\_\_\_ (the "Rezoning Bylaw") to rezone the Lands to permit the development and construction of the Development (as defined below) on the Lands, and it was a condition of the City adopting such bylaw that the Owner agree to provide rental housing within the Development for a period of twenty (20) years; and
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner to provide rental housing for a period of twenty (20) years, and that all Dwelling Units within the Development on the Lands will be used and held only as rental housing for a period of twenty (20) years, and to establish certain other terms and conditions regarding the occupancy of the Dwelling Units identified in this Housing Agreement.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this Agreement (the "Agreement"), the parties agree each with the other as follows:

#### 1.0 Definitions

##### 1.1 In this Agreement:

**"Development"** means the proposed multi-family residential development to be developed and constructed on the Lands, which development may include up to or more than forty-four (44) Dwelling Units.

**"Dwelling Unit"** means a self-contained residential dwelling unit within the building that will be located on the Lands, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and **"Dwelling Units"** means, collectively, all of such residential dwelling units located or to be located on the Lands.

**"Immediate Family"** includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

**"Market Rent"** means the rent that a willing tenant would pay to a willing landlord, to rent the Dwelling Unit in question pursuant to a Tenancy Agreement, in the open market in Victoria, having regard to any utility or other services or amenities available to the tenant or provided by the Owner as landlord.

**"Non-owner"** means a person who occupies a Dwelling Unit for residential purposes,



other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate Family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 9.3.

"Restricted Period" means the period of twenty (20) years commencing on the date that the City adopts the Rezoning Bylaw in respect of the Development.

"Tenancy Agreement" means a tenancy agreement regulated by the *Residential Tenancy Act*.

**1.2 In this Agreement:**

- (a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

**2.0 Dwelling Units to Be Used and Occupied Only as Rental Units for Restricted Period**

- 2.1 The Owner covenants and agrees that, for and during the Restricted Period, the Dwelling Units shall only be used as rental housing, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.
- 2.2 For clarity, nothing in this Agreement is intended to restrict the rents at which the Owner may rent any Dwelling Unit to any Non-Owner, it being acknowledged and agreed that the Owner may and intends to rent the Dwelling Units at the Market Rent for each such Dwelling Unit.

**3.0 No Restrictions on Rentals**

- 3.1 From and after the expiry of the Restricted Period, the Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any bylaws, rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement, whether during or after the expiry of the Restricted Period.
- 3.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, then, from and after the expiry of the Restricted Period, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

#### **4.0 No Restrictions on Age**

- 4.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any bylaws, rules or regulations whatsoever, the effect of which would be to restrict the age of an Owner or a Non-Owner who may reside in any Dwelling Unit.
- 4.2 Without limiting the generality of section 4.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict the age of an Owner or a Non-Owner who may reside in any Dwelling Unit, whether during or after the expiry of the Restricted Period.

#### **5.0 Reporting**

- 5.1 The Owner covenants and agrees to provide to the City, upon written request from the City's Director of Sustainability Planning and Community Development, a report in writing confirming:
  - (a) the number, type and location by suite number, of Dwelling Units that are being rented to Non-owners;
  - (b) the number, type and location by suite number, of Dwelling Units that located on the Lands; and
  - (c) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 5.2 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

#### **6.0 Notice to be Registered in Land Title Office**

- 6.1 Notice of this Agreement ("Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483(5) of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

#### **7.0 Liability**

- 7.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.



- 7.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

#### 8.0 Priority Agreement

- 8.1 The Existing Chargeholder, as the registered holder of charges by way of a Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA4774575 and CA4774751, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

#### 9.0 General Provisions

- 9.1 **Notice.** If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

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

Attention: Director of Sustainability Planning and  
Community Development  
Fax: 250-361-0386

to the Owner:

Empresa Properties Ltd., Inc. No. BC1052014  
216 – 1642 McKenzie Avenue  
Victoria, BC V8N 0A3

with a copy to

Johns Southward Glazier Walton & Margetts LLP  
204 – 655 Tyee Road  
Victoria, BC V9A 6X5

Attention: Eric Kerr  
Fax: 250-381-1181

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of delivery, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

- 9.2 **Time.** Time is to be the essence of this Agreement.
  - 9.3 **Binding Effect.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
  - 9.4 **Waiver.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
  - 9.5 **Headings.** The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
  - 9.6 **Language.** Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
  - 9.7 **Equitable Remedies.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
  - 9.8 **Cumulative Remedies.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
  - 9.9 **Entire Agreement.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
  - 9.10 **Further Assurances.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
-



- 9.11 **Amendment.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.12 **Law Applicable.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.13 **No Derogation from Statutory Authority.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.14 **Joint and Several.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.15 **Counterpart.** This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 9.16 **Effective Date.** This Agreement is effective as of the date of the signature of the last party to sign.

[REMAINDER OF PAGE INTENTIONALLY BLANK – SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

THE CORPORATION OF THE CITY OF )  
VICTORIA by its authorized signatories: )

\_\_\_\_\_  
Mayor )

\_\_\_\_\_  
City Clerk )

Date signed: \_\_\_\_\_, 2017 )

EMPRESA PROPERTIES LTD. )

by its authorized signatory(ies): )


  
\_\_\_\_\_  
Print Name: Karl Robertson )

\_\_\_\_\_  
Print Name: \_\_\_\_\_ )

Date signed: October 9, 2017 )

CANADIAN IMPERIAL BANK OF COMMERCE )

by its authorized signatory(ies): )

  
\_\_\_\_\_  
Print Name: MATT GULLBERG )

\_\_\_\_\_  
Print Name: \_\_\_\_\_ )

Date signed: OCTOBER 11, 2017 )



NO. 17-047

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R3-AM-4 Zone, Mid-Rise Multiple Dwelling Burdett District, and to rezone land known as:

- 1120 Burdett Avenue, 1124 Burdett Avenue and the westerly portion of 1128 Burdett Avenue from the R1-B Zone, Single Family Dwelling District; and
- the easterly portion of 1128 Burdett Avenue from the R3-AM1, Mid-Rise Multiple Dwelling District

to the R3-AM-4, Mid-Rise Multiple Dwelling Burdett District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1100)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

"3.111 R3-AM-4 Mid-Rise Multiple Dwelling Burdett District"

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.110 the provisions contained in Schedule 1 of this Bylaw.

- (a) The land known as 1120, 1124 and the westerly portion of 1128 Burdett Avenue, legally described as:

- Lot 11 Fairfield Farm Estate Victoria City, Plan 392
- Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City, Plan 392
- Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City, Plan 392

is removed from the R1-B zone, Single Family Dwelling District;

- (b) The land known as the easterly portion of 1128 Burdett Avenue, legally described as Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City Plan 392 is removed from the R3-AM-1, Mid-Rise Multiple Dwelling District; and
- (c) All of the aforementioned land, which is shown hatched on the map attached to and forming part of this Bylaw as Appendix 1 is placed in the R3-AM-4 Zone, Mid-Rise Multiple Dwelling Burdett District.

READ A FIRST TIME the	25 <sup>th</sup>	day of	May	2017
READ A SECOND TIME the	25 <sup>th</sup>	day of	May	2017
Public hearing held on the		day of		2017

READ A THIRD TIME the

day of

2017

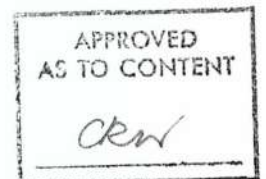
ADOPTED on the

day of

2017

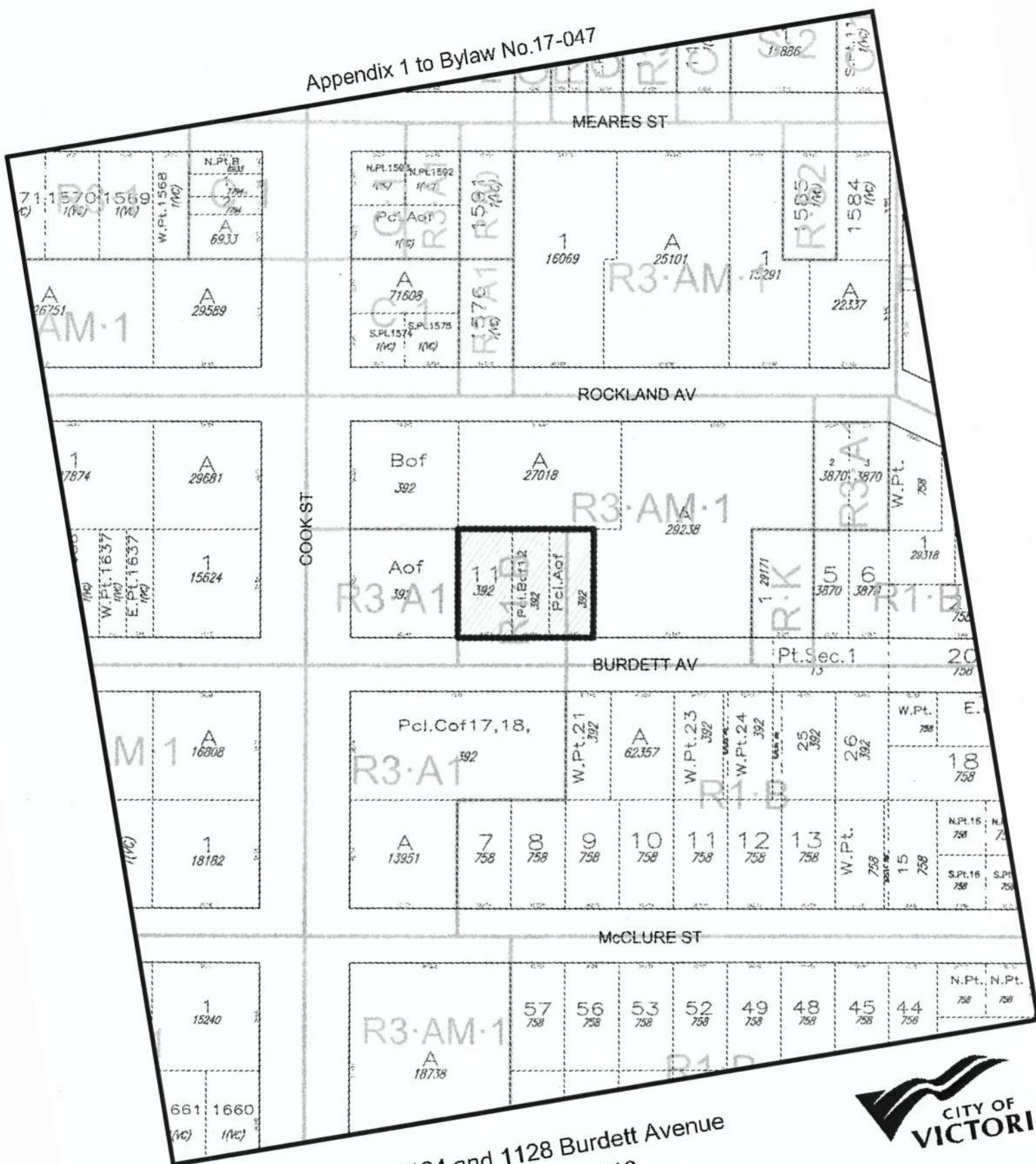
CITY CLERK

MAYOR





Appendix 1 to Bylaw No.17-047



1120, 1124 and 1128 Burdett Avenue  
Rezoning No.00516



# **PART 3.111 – R3-AM-4 ZONE, MID-RISE MULTIPLE DWELLING BURDETT DISTRICT**

## **3.111.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling subject to the regulations in the R1-B Zone
- b. Two Family Dwelling subject to the regulations in the R-2 Zone
- c. Multiple dwelling
- d. Rest home – Class A and rest home – Class B
- e. Public Building subject to the regulations in the R-2 Zone
- f. Home occupation subject to the regulations in Schedule “D”
- g. Multiple Dwelling Accessory Use subject to the regulations in Schedule “F”

## **3.111.2 Community Amenities**

- a. As a condition of additional density pursuant to Part 3.111.3 a monetary contribution of \$41,436.02 must be provided as a community amenity to be dedicated to the Fairfield neighbourhood.
- b. The amenity contributions identified in Part 3.111.2 a. shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw #17-047 is adopted and each year thereafter, by adding to the Base Contribution an amount calculated by multiplying the Base Contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period.
- c. For the purposes of this Part 3.111.2 b. “CPI” means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

## **3.111.3 Floor Area, Floor Space Ratio**

- |  |        |
|--|--------|
| a. <u>Floor space ratio</u> (maximum) where the community amenity has not been provided, referred to in Part 3.111.2 | 1.2:1  |
| b. <u>Floor space ratio</u> (maximum) where the community amenity has been provided, referred to in Part 3.111.2     | 1.66:1 |

## **3.111.4 Lot Area**

- |   |                    |
|---|--------------------|
| a. <u>Lot area</u> (minimum) for the uses listed under Part 3.111.1 c, d, e and g | 1600m <sup>2</sup> |
|---|--------------------|



**PART 3.111 – R3-AM-4 ZONE, MID-RISE MULTIPLE DWELLING BURDETT DISTRICT****3.111.5 Height, Storeys**

- |   |     |
|---|-----|
| a. Principal <u>building height</u> (maximum) | 12m |
| b. <u>Storeys</u> (maximum)                   | 4   |

**3.111.6 Setbacks, Projections**

- |   |                                     |
|---|-------------------------------------|
| a. <u>Front yard setback</u> (minimum)                    | 10.5m                               |
| b. <u>Rear yard</u> or <u>side yard setback</u> (minimum) | one half the <u>building height</u> |

**3.111.7 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 40% |
| b. <u>Open site space</u> (minimum) | 50% |

**3.111.8 Landscaping**

- a. Except for driveways, all yards within 3m or one half of the building height, whichever is greater, of a street shall be open site space

**3.111.9 Vehicle and Bicycle Parking**

- |                      |  |
|----------------------|--|
| a. Parking (minimum) | Subject to the regulations in Schedule "C" |
|----------------------|--|

NO. 17-048

**HOUSING AGREEMENT (1120, 1124 AND 1128 BURDETT AVENUE) BYLAW**  
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 1120, 1124 and 1128 Burdett Avenue, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (1120, 1124 AND 1128 BURDETT AVENUE) BYLAW (2017)".

**Agreement authorized**

- 2 The Mayor and the City Clerk are authorized to execute the Housing Agreement
- (a) substantially in the form attached to this Bylaw as Schedule A;
  - (b) between the City and Empresa Properties Ltd., (Inc. No. BC1052014) or other registered owners from time to time of the lands described in subsection (c); and
  - (c) that applies to the lands known as 1120, 1124 and 1128 Burdett Avenue, Victoria, BC, legally described as:  
PID: 000-188-778, Lot 11 Fairfield Farm Estate Victoria City Plan 392;  
  
PID: 006-975-020, Parcel B (DD 177944I) of Lot 12, Fairfield Farm Estate, Victoria City Plan 392;  
  
PID: 000-049-891, Parcel A (DD 81442I) of Lots 12 and 13 Fairfield Farm Estate, Victoria City Plan 392.

READ A FIRST TIME the	25 <sup>th</sup>	day of	May	2017
READ A SECOND TIME the	25 <sup>th</sup>	day of	May	2017
READ A THIRD TIME the	25 <sup>th</sup>	day of	May	2017
RESCIND THIRD READING the		day of		2017
REREAD A THIRD TIME the		day of		2017
ADOPTED on the		day of		2017

CITY CLERK

MAYOR