

4.5 Development Permit Application # 000302 for 605-629 Speed Avenue and 608-618 Frances Avenue

Committee received a report dated August 1, 2013, from Development Services regarding Development Permit # 000302 for 605-629 Speed Avenue and 608-618 Frances Avenue. The applicant proposes a commercial/residential complex consisting of two multi-unit residential towers of 12 storeys each. The residential component is comprised of 176 units including 10 ground-oriented townhouses along Speed Avenue. The commercial component consists of 2438m² of commercial floor space on the Frances Avenue side of the site with surface parking for 39 vehicles. In addition, a minimum of 195 spaces of vehicle parking are proposed in two underground levels accessed from Speed Avenue and Frances Avenue.

The following issues were highlighted for this project:

- Building massing
- Building height
- Green space and landscaping treatments on Frances Avenue

Committee discussed:

- This application has had much discussion and careful consideration as it will be a landmark building.
- It would be helpful to have the long views from other parts of the city. Should the application move forward that document would be useful to have.
- The application will provide a dramatic change to the neighbourhood.

Action: Councillor Helps moved that Committee recommends that following consideration of the Rezoning Application, that Council authorize the issuance of a Development Permit for building design and landscaping for 605-629 Speed Avenue and 606-618 Frances Avenue, accordance with:

1. Plans stamped "Development Permit # 000302 dated July 8, 2013".
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. Final plans to be in accordance with the plans identified above with the provision of high-quality materials for the surface parking area, to the satisfaction of the Director of Planning and Development.

For: Mayor Fortin, Councillor Helps
Against: Councillor Madoff

CARRIED 13/PLUSC0126

Planning and Land Use Standing Committee Report

Date: August 1, 2013 **From:** Brian Sikstrom, Senior Planner
Subject: Development Permit # 000302 for 605-629 Speed Avenue and 608-618 Frances Avenue – Application to construct a commercial/residential complex consisting of two residential towers of 12 storeys with ground floor commercial and ground-oriented townhouses.

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding an application for a Development Permit at 605-629 Speed Avenue and 608-618 Frances Avenue in conjunction with a Rezoning Application.

The applicant proposes a commercial/residential complex consisting of two multi-unit residential towers of 12 storeys each. The residential component is comprised of 176 units including 10 ground-oriented townhouses along Speed Avenue. The commercial component consists of 2438 m² of commercial floor space on the Frances Avenue side of the site with surface parking for 39 vehicles. In addition, a minimum of 195 spaces of vehicle parking are proposed in two underground levels accessed from Speed Avenue and Frances Avenue.

The following points were considered in analyzing this application:

- The applicant has responded to all the comments and recommendations of the Advisory Design Panel. The major changes to the proposal include the addition of a roof top patio space for the residents and the replacement of stucco on the multi-unit residential towers with brick veneer and pre-finished metal panels. In addition, the differing colour treatments distinguish the towers from each other and add greater visual interest to the overall scheme.
- The applicant has responded to Council and staff concerns regarding the landscape treatment on the Frances Avenue frontage with the provision of additional boulevard trees in consultation with City staff. A recessed bay in the commercial frontage has also been provided to accommodate possible outdoor seating.
- The proposed surface parking area is large and unbroken by landscaping and this should be improved with the provision of high quality materials, e.g. brick pavers, brushed concrete.
- The applicant has not altered the height of the towers. The proposed tower heights are above the "up to approximately 10-storeys" building height in the *Official Community Plan Town Centre Urban* land use designation. However, staff note that if lowered tower heights are traded off for larger tower footprints in order to maintain floor areas, there may be no improvement in the appearance of the proposal.

Recommendations

Following consideration of the Rezoning Application, that Council authorize the issuance of a Development Permit for building design and landscaping for 605-629 Speed Avenue and 606-618 Frances Avenue, in accordance with:

1. Plans stamped "Development Permit # 000302 dated July 8, 2013.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be in accordance with the plans identified above with the provision of high-quality materials for the surface parking area, to the satisfaction of the Director of Planning and Development.

Respectfully submitted,



Brian Sikstrom
Senior Planner
Development Services



Deb Day
Director
Planning and Development

Report accepted and recommended by the City Manager:

Jocelyn Jenkyns

BMS:aw

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding an application for a Development Permit at 605-629 Speed Avenue and 608-618 Frances Avenue in conjunction with a Rezoning Application, which Council considered and directed that further actions be taken prior to proceeding to a Public Hearing.

2.0 Background

2.1 Description of Proposal

The proposal is to construct a commercial/residential complex consisting of two residential towers of 12 storeys each. The residential component is comprised of 176 units including 10 ground-oriented townhouses along Speed Avenue. The commercial component consists of 2438 m² of commercial floor space on the Frances Avenue side of the site with surface parking for 39 vehicles. In addition, a minimum of 195 spaces of vehicle parking are proposed in two underground levels accessed from Speed Avenue and Frances Avenue.

The building and site design elements include:

- siting of the residential towers perpendicular to one another
- variation in the tower roof heights
- clear differentiation of the base, body and top of the towers
- differentiation of the towers by colours of pre-finished metal panels
- two-storey townhouses with individual entrances from Speed Avenue
- a public walkway proposed between Speed Avenue and Frances Avenue
- commercial ground floor on the Frances Avenue frontage with surface parking
- screening/enclosure of roof top mechanical equipment
- underground parking and bicycle storage for residential units accessed from Frances Avenue and Speed Street.

The building materials Include:

- brick veneer cladding up to a band level on the residential towers and on the front and sides of the townhouses
- pre-finished metal panels above the band level on the towers
- projecting areas of curtain wall, window wall and punched windows on the towers
- storefront glazing on the commercial ground floor.

Landscaping elements include:

- preservation of the boulevard trees on Speed Avenue
- a landscaped forecourt for each townhouse unit
- a courtyard area (for possible use by a day care centre) on the east side yard with trees planted along the property line
- a green roof over a portion of the townhouse and retail floor space
- large roof top patios for apartments at this level
- a roof top patio space for residents on the podium near Speed Avenue
- landscaping improvements on the Frances Avenue frontage, e.g. additional boulevard trees

- a 1.85 m high wire mesh with posts for an in-ground green wall is proposed on the east property line to screen the surface parking for commercial uses fronting on Frances Avenue.

2.2 City Council Motion – September 20, 2012 (ADP referral highlighted)

Revised Submission for Rezoning Application # 00301 for 605-629 Speed Avenue and 606-618 Francis Avenue

It was moved by Councillor Alto, seconded by Councillor Helps, that Council approve that Rezoning Application # 00301 be considered at a Public Hearing and that staff prepare the necessary Official Community Plan (OCP) and Zoning Regulation Bylaw amendments subject to completion of the following conditions:

1. *Amending the Official Community Plan to change the land-use designation covering the site to the appropriate designation and to include the properties in the appropriate Development Permit Area.*
2. *Amending the Burnside Neighbourhood Plan to include the properties in the Mayfair Major Commercial Area.*
3. *Concurrent consideration of a Development Permit Application.*
4. ***Advisory Design Panel review with attention to building massing, height and green space, as well as the streetscape and landscaping treatments proposed on the Frances Avenue frontage.***
5. *Registration of a Housing Agreement on title, secured by bylaw, to ensure there are no restrictions on rental.*
6. *Registration of an easement for a public walkway between Speed and Frances Avenues.*
7. *The applicant paying for a third party economic analysis to be conducted by a consultant, agreed to by the City, to establish the value of the land lift and monetary contribution for the provision of public amenities.*
8. *Proposed streetscape improvements to the City's Right-of-Way to be secured and constructed to the satisfaction of the Director of Engineering and Public Works.*
9. *Applicant providing a sanitary sewer impact assessment study to the satisfaction of the Director of Engineering and Public Works.*
10. *The applicant undertakes further public consultation through the Burnside Gorge Community Association.*
11. *Staff report back to Committee prior to the Public Hearing.*

2.3 Data Table

The following is data table providing updated project information and a draft Zone standard based on it.

Zoning Criteria	Proposal	New Zone Standard
Site area (m ²) - minimum	5349.4	5340
Total floor area (m ²) - maximum	16433	16500
Density (Floor Space Ratio) - maximum	3.07:1	3.1:1
Number of Buildings	2	2

Height (m) - maximum	36.8	37
Site coverage (%) - maximum	66	66
Open site space (%) - minimum	14.3	14
Storeys - maximum	12	12
Setbacks (m) - minimum		
North (Speed Avenue)	6	6
South (Frances Avenue)	Nil	Nil
East (Side)	4.9	4.9
West (Side)	Nil	Nil
Parking (stalls) - minimum	235* 195 parkade, 39 surface	235* 195 parkade, 39 surface
Parking for Visitors - minimum	19	19
Bicycle storage (stalls) - minimum	195 class 1 + 16 class 2	195 class 1 + 16 class 2
Surface parking landscape strip width (m) - minimum	Nil**	Nil

Note: * The plans show a total of 241 parking stalls but the Building Permit plans may show a reduction in stalls due to construction, design and engineering details.

** In-ground green wall is proposed on the east property line of the surface parking lot.

2.4 Design Guidelines

The site is currently covered by the City-wide Development Permit Area 16, General Form and Character. However, Council recommended that the *Official Community Plan* be amended to include it in an appropriate Development Permit Area. The most appropriate Development Permit Area is DPA 4, Town Centres which covers the nearby Mayfair Mall and other nearby properties. The inclusion in DPA 4 will enable Council to review and approve the character of the development, including landscaping and the siting, form, exterior design and finish of buildings.

The objectives of this designation are to:

- revitalize the Mayfair Mall site, Hillside Mall site and adjacent lands within this designation as Town Centres
- accommodate 40% of Victoria's anticipated population growth in the Town Centres and support a mix of commercial and community services primarily serving the surrounding residential areas
- realize Douglas Street as a significant transportation corridor with rapid transit, designed as a "complete street" that serves all transportation modes – pedestrians, cyclists, public transit passengers and vehicles, commercial vehicles and automobiles, with adjacent development to support and advance this objective
- revitalize the Mayfair Mall and Hillside Mall sites and adjacent lands in this designation into rapid and frequent transit service hubs with urban design that supports this function, encourages pedestrian and cycling use, and enhances the experiences of pedestrians and cyclists

- achieve a unique character and sense of place in the design of each Town Centre through high quality architecture, landscape and urban design with the inclusion of new landmarks
- include special design features within the Mayfair Mall and Hillside Town Centres to mark each as gateways into Victoria to enhance a sense of arrival and departure.

The guidelines to be considered and applied for Town Centres are the following:

- *Advisory Design Guidelines for Buildings, Signs and Awnings (1981)*
- *Guidelines for Fences, Gates and Shutters (2010)*
- buildings are encouraged to have three to five storey facades that define the street wall with shop windows and building entrances that are oriented to face the street
- off-street parking must be underground, at the rear of buildings or otherwise screened.

3.0 Issues

The following issues are associated with this project:

- building massing
- building height
- green space and landscaping treatments on Frances Avenue.

4.0 Analysis

4.1 Advisory Design Panel Review and Revisions

The proposal was presented to the Advisory Design Panel on May 15, 2013. The Panel made the following recommendations:

- revision to the material finishes with specific focus on extending the treatment of the townhouses to the towers above and that the design of the towers be complimentary yet distinct
- revisiting the Frances Avenue streetscape to consider an improved landscape treatment in the public right-of-way and that the commercial units consider building elements that respond positively to the street
- consideration for future rooftop mechanical equipment above the podium level in order to mitigate its visual and acoustic impact on residences above
- consideration of the inclusion of a useable common rooftop patio space on the building podium level
- revisions to the design of the main building entrances to each of the towers such that they are provided with equal merit.

The applicant has responded to all of these recommendations as outlined in the architect's letter dated July 3, 2013. These changes include:

- extending the brick treatment of the townhouses upward on the towers to the band level and replacing the stucco treatment above this with a pre-finished metal-panel system of similar colour to the brick
- improving the landscape treatment along Frances Avenue in consultation with City staff
- providing a bay in the commercial frontage to accommodate café seating
- providing detailed design for roof top screening for mechanical equipment
- providing a common roof top patio space
- shifting the eastern townhouses to increase the entrance area on Speed Avenue for the east tower to match that of the west tower.

4.2 Building Massing

The proposed massing is that of two matching towers set perpendicularly to each other over a common base occupied by townhouses on Speed Avenue and commercial floor area at the rear accessed from Frances Avenue. The perpendicular siting of the towers lessens their overall massing from both Speed Avenue and Frances Avenue. The applicant has not altered the height of the towers but the differing colour treatments distinguishes them from each other and adds greater visual interest to the overall scheme. In addition, the quality and durability of the materials have been improved.

4.3. Building Height

The proposed height of 12 storeys for both towers is above the "up to approximately 10-storeys" building height in the *Official Community Plan Town Centre Urban* land use designation. A lowering of the tower heights and differing heights for each would lessen the overall massing, add more visual interest and be more in keeping with the Town Centres guidelines. However, the applicant has not chosen to change the tower heights. Staff note that, if lowered tower heights are traded off for larger tower footprints in order to maintain floor areas, there may be no improvement in the appearance of the proposal.

4.3. Green Space and Landscaping Treatments on Frances Avenue

The proposal's landscaping and green space are limited by the building site coverage of 66% and reduced building setbacks resulting in a landscaped area of 14% (not including a green roof area and the common patio area). The proposed landscaping has been improved by the addition of a common roof top patio space for residents of both towers. Other aspects of the landscaping remain the same.

A small landscaped area at the end of Speed Avenue has been constructed as part of an apartment building recently completed across the street.

Without a reduction in the building footprint or the provision of additional underground parking for commercial uses, the applicant has taken the only option for increasing the landscaping and green space by adding the rooftop common patio space.

To accommodate the proposed surface parking on Frances Avenue, the provision of trees on the east property line was initially proposed by the applicant. This was not seen as functional by staff and the alternative of a fence and in-ground green wall, as now proposed, is acceptable. Screening notwithstanding, the proposed surface parking area is large and unbroken by landscaping and this should be improved with the provision of high quality materials, e.g. brick pavers, brushed concrete.

The applicant has consulted with staff on improvements to the landscape treatment on Frances Avenue and staff are satisfied with the proposed improvements.

5.0 Resource Impacts

There are no resource impacts anticipated.

6.0 Options

Option 1

Following consideration of the Rezoning Application, that Council authorize the issuance of a Development Permit for building design and landscaping for 605-629 Speed Avenue and 606-618 Frances Avenue, in accordance with:

1. Plans stamped "Development Permit # 000302 dated July 8, 2013.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Final plans to be in accordance with the plans identified above with the provision of high quality materials for the surface parking area to the satisfaction of the Director of Planning and Development.

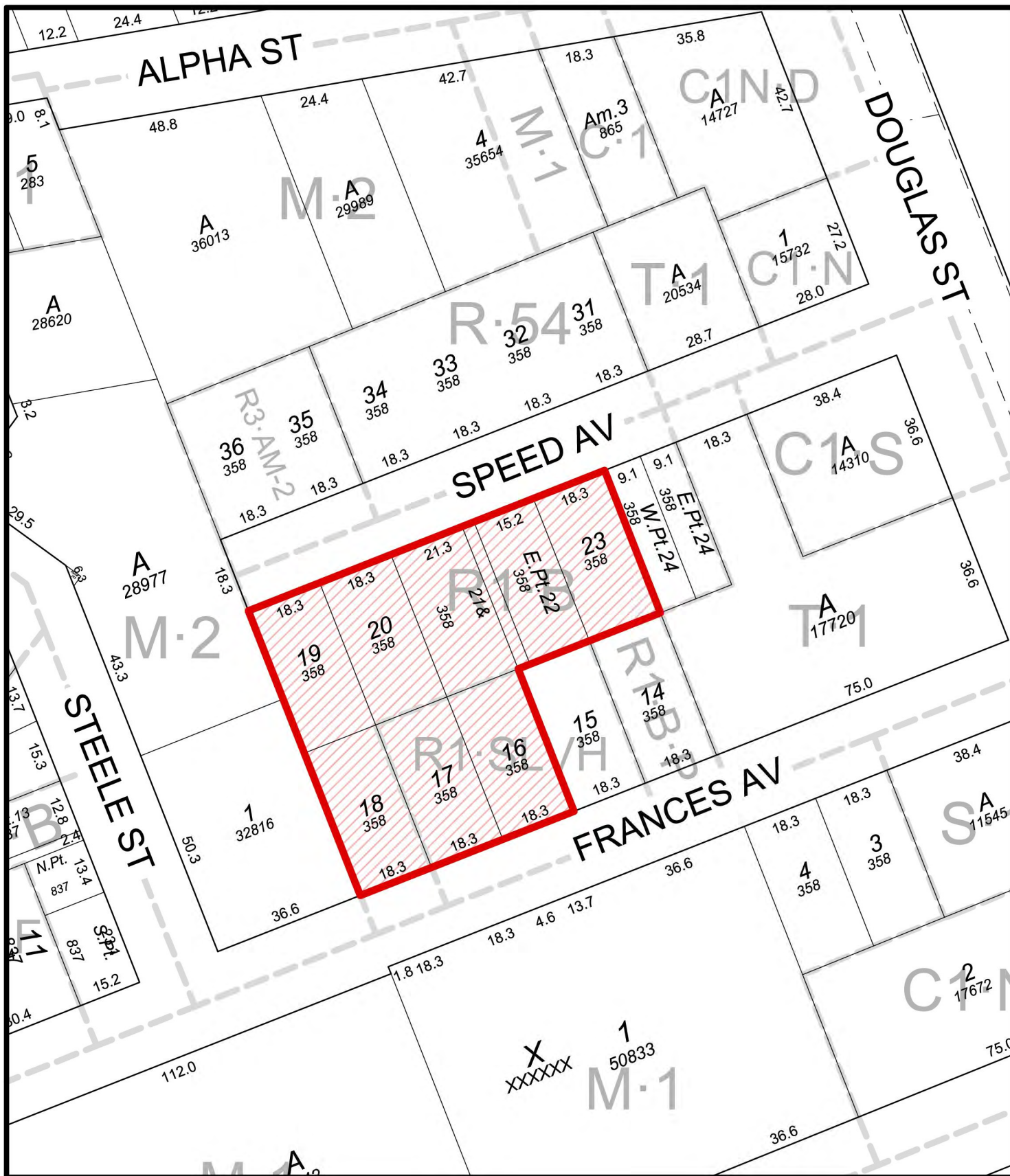
Option 2

That Council decline the application.

7.0 Conclusions

The applicant has responded to all the comments and recommendations of the Advisory Design Panel. The major changes to the proposal include the addition of a roof top patio space for the residents and the replacement of stucco on the multi-unit residential towers with brick veneer and pre-finished metal panels. In addition, the differing colour treatments distinguish the towers from each other and add greater visual interest to the overall scheme.

The applicant has responded to Council and staff concerns regarding the landscape treatment on the Frances Avenue frontage with the provision of additional boulevard trees in consultation with City staff. A recessed bay in the commercial frontage has also been provided to accommodate possible outdoor seating. However, the proposed surface parking area is large and unbroken by landscaping and this should be improved with the provision of high quality materials, e.g. brick pavers, brushed concrete.



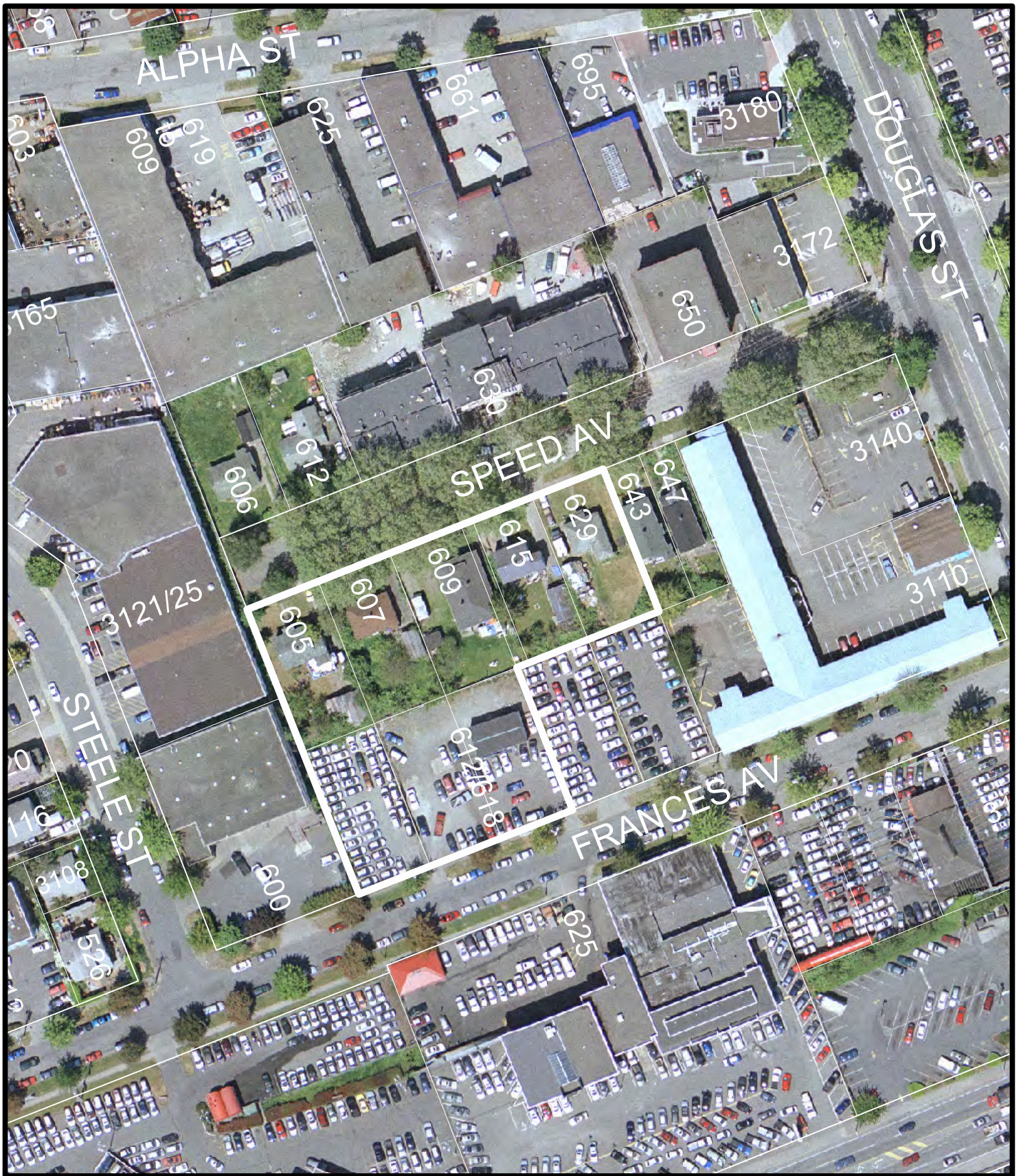
605 to 629 Speed Av. & 606 to 618 Frances Av.

Rezoning #00301

Bylaw #

Blueback Map



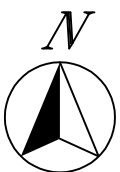


605 to 629 Speed Av. & 612 to 618 Frances Av.

Rezoning #00301

Bylaw #

Air Photo



City of Victoria

February 18th 2013

Attn. Director of Planning and Development

Re: Development Permit Application – 605-629 Speed Ave. and 606-618 Frances Ave.

Attached is our application for a development permit for our properties on Speed and Frances Ave.

Council has forwarded our rezoning application to public hearing subject to concurrent consideration of a development permit application and Advisory Design Panel review with attention to building massing, height and green space, as well as the streetscape and landscape treatment proposed for Frances Ave. frontage.

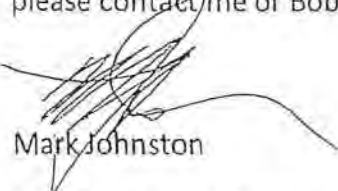
We have attempted to integrate the site by connecting the Speed Ave. residential to Frances Ave. which then allows residents to connect to many of the amenities in Burnside without going out on to Douglas St.

A Green Roof area has been developed over the ground floor commercial to allow large patios for the residential units at this level, with additional Green Roofs over the Townhomes on Speed Ave.

The townhomes on Speed Ave. will all have private garden patios which will enhance the green street/sidewalk experience along Speed Ave. The front yards on Speed Ave. will be 6m and should make the sidewalk experience pleasant and comfortable. The existing trees and streetscape along Speed Ave will be preserved and coordinated with the proposed 'pocket' park at the end of the street to mollify the dead end wall of the existing industrial building.

There will be a net gain of trees on site and along the frontages with boulevard trees being planted along Frances Ave. and as a buffer on the east edge of the parking lot as shown in the landscape plan.

We believe our plans have addressed Council's concerns and if you need further information please contact me or Bob Rocheleau at Praxis Architects.



Mark Johnston

M.H. Johnston & Associates Inc.



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July 03, 2013

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

Re: Development Permit 000302
Rezoning Application 00301
Proposed Development
605 – 629 Speed Ave. and 606 – 618 Frances Ave.

Advisory Design Panel – Minutes May 15, 2013

To Whom It May Concern:

We have responded as follows to suggestions and recommendations made at our presentation to Advisory Design Panel on May 15, 2013:

Revised materials and finishes as follows:

- Changing the proposed stucco rainscreen areas by extending the treatment of the the townhouses (brick) to the band level of the towers, and above that level to a prefinished metal panel sytem in similar colour. There are two colours of brick proposed.
- Modifying the colour scheme so that the towers are complimentary but distinct. The composite panel sytem areas called for now are treated differently at each tower (Trespa Mahogany and Swisspearl Black Opal 7021).

Revised the Frances Street streetscape:

After meeting with parks and engineering staff at the City the following was agreed to:

- Provision of improved landscape treatment in the public right-of-way (refer to revised landscape drawings);
- Provision of a recessed bay in the commercial frontage to accommodate café seating. This is intended to compliment the improved landscape treatment in the public right-of-way and anticipate future changes at Frances Street.

Future Rooftop Mechanical Equipment (Commercial):

- Provided detail design of proposed screening / enclosure for anticipated roof top mechanical equipment to mitigate visual and acoustic impact for residential occupants - reviewed with planning staff on June 27th.

Common Rooftop Patio Space

- Provided a useable common rooftop patio space at the roof level of the building podium near Speed Street. This is accessible by occupants of both towers. Exiting is provided per building code requirements, and a stair lift is proposed to provide barrier free access when required.

Building Entrances

- The townhouses at the east end of the Speed Street elevation have been moved approximately 1.1 meters to facilitate main entrances to each of the towers having the same presence on the street.

Trust this to be of assistance,

PRAXIS ARCHITECTS INC

per:



Robert Rocheleau, Architect AIBC
Director



P R A X I S
architects inc.

Michael D. Levin, Architect AIBC
Robert Rocheleau, Architect AIBC

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April 29, 2013

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



Re: Development Permit 000302
Rezoning Application 00301
Proposed Development
605 – 629 Speed Ave. and 606 – 618 Frances Ave.

To Whom It May Concern:

CONTEXT

In the first iteration of the project the height proposed was one building of 14 storeys, another of 8, totalling 224 units. At that time this facilitated the economics to provide the lower building as rental, with a significant portion below market (to be owned and operated by an independent non-profit agency). Council however felt that the building mass and height were unacceptable as presented, and requested that the scheme be revised to reduce both. At that time the Official Community Plan was also not in place.

The current scheme is our response to this request.

It is comprised of two 12 storey buildings (10 storeys over commercial space / townhouses). The total number of units proposed is 176, of which 10 are townhouses fronting Speed Street.

It is anticipated that the easterly building will be rental and the westerly building a condominium or investment rental building. All units will be covenanted to permit rental.

SITE

Over the past thirty eight years the owner has assembled this property. The Proposed site is currently occupied by several existing single family houses (rented) on the Speed Street side, and empty lots on the Frances side, now used for car storage serving dealerships across the road.

Historically this is a low area prone to drainage issues. The city has in the recent past installed updated storm drainage to address this problem. Existing sub surface conditions require special consideration re. foundation design and accommodating existing hydrological systems. The existing water table is to be maintained.

An import feature of this property are the existing London Plane trees along Speed Street. They provide a unique canopy of significant scale (surveyed height in the range of 25 m (80 feet), and will provide a natural screen between the new residential on the north side of Speed and these proposed buildings.

The construction of the proposed buildings will maintain these trees with the guidance of our arborist. The existing root zone is to be protected, the foundation being set back sufficiently to facilitate this. Where necessary there will be shoring to protect the existing root system during construction.

OFFICIAL COMMUNITY PLAN

The town centre designation of the Mayfair Mall area, as well as the Douglas Street transportation corridor means that with this site there is an opportunity to begin the densification process that is anticipated along Douglas, reinforcing a less car dependent lifestyle and more sustainable urban fabric. Public transportation and major retail are within easy walking distance. This project offers an opportunity to make the only remaining residential site along the Douglas Corridor the starting point for building the 'walkable village' Mayfair Town Centre.

DESIGN

TRANSITION

The project's commercial component inflects to the commercial nature of Frances, and at the same time provides a buffer between this busy commercial area and the residential enclave of Speed Street. It anticipates the future re-development of the properties fronting Finlayson.

SPEED STREET STREETSCAPE

The intent at Speed Street is to reinforce the existing residential quality of this street.

The Speed Street building frontage is a plinth of ground level oriented townhouses, rhythmically interrupted by entries to the two apartment buildings and one of the vehicle access points to underground parking levels, with a pedestrian walkway adjacent leading to the commercial frontage and on to Frances. The grain and scale of the townhouses is intended to respect the street and reinforce the street edge.

Townhouses

The townhouses are set at an elevation approximately a meter above sidewalk level, reinforcing privacy, yet providing oversight / activity for the sidewalk and boulevard area. Proposed are small landscaped forecourts separated from the sidewalk with low walls. Individual gate access, steps and raised patios fronting the living / entry area modulate the transition between sidewalk and entry.

Two tones of brick veneer are proposed for the townhouse wall finish, This finish is to be continued around corners of the project to a point of logical transition (different use).

Stained wood pergolas cover each patio area.

Coloured awnings are to be provided at entries, with window sill flower boxes.

Individual secure bike parking is to be provided for the townhouses with weather proof storage off each patio.

Lighting of entry pathways is to be with wall embedded step lights.

Apartment Buildings

The west building placement is set back approximately 7 meters to open up the Speed Street elevation, yet not so far as to make its address on Speed Street illogical.

The east building is sited marginally behind the face of the townhouses below to offset the two buildings and provide adequate set back at the south side. A broad horizontal cornice caps the townhouse roof line and separates the townhouse podium from the buildings above.

Pedestrian entry to both apartment buildings is restrained enough to be in balance with the adjacent townhouses, yet corresponds to clear breaks in this street elevation.

The two storey glazed lobbies open to the street with interior overview from 2nd level.

The intent for the residential buildings is that the units be sized and be simple enough in plan form so that the economics of rental will work. The units in the westerly building are slightly larger to be more marketable as condominiums.

The massing of the buildings is conservative yet sufficiently articulated to be attractive, with corner and projecting areas of curtainwall / window wall, and punched windows at other wall areas.

Upper level loft units facilitate variation in roof height to further animate upper storeys.

The finishes proposed in addition to curtain wall / window wall with pre-finished metal panel spandrels include rain screen stucco (self cleaning), and glass French rail balustrades with aluminum cap rail at living rooms.

Refuse / Recycling

Located so that access is off Frances, not Speed Street, yet convenient to occupants.

The intention is that refuse etc. can be deposited without having to pass through lobby areas or leave the building.

FRANCES STREETSCAPE

Commercial Space

The commercial space fronts both related surface parking (49 stalls) and Frances Street. Building elevations are largely storefront glazing, with composite panel rainscreen above and where vertical elements extend from sidewalk to roof line.

Cantilevered canopies protect walkways adjacent to the frontages facing the parking area.

Glazing is maximized on the Frances Street frontage.

It is intended that finished ceiling height be sufficient to satisfy current retail requirements (16'). Anticipated retail uses are smaller grocery store, etc.

The easterly elevation of commercial space is configured to accommodate a daycare, with the adjacent exterior available as playground space.

Additional underground parking access is provided off Frances.

The roof of the commercial area provides patio space for those residential units at this level, with green roof area beyond, and an area finished with concrete faced insulation to accommodate access to anticipated mechanical systems related to the commercial area below. At perimeter areas additional planting is proposed, providing a softer roof edge from the street, and screening commercial related mechanical equipment. Additional louvred screens will be provided as required specific to mechanical equipment when extent and location is known.

Floor to Floor Heights

Primary entrance to major commercial oriented to sidewalk, cross property pedestrian link to Speed Street to reinforce other commercial frontages.

ENERGY CONSERVATION / BUILDING ENVELOPE

Windows and doors will be selected to meet the new code requirement (AAMA/WDMA/CSA 101/I.S.2/A440-08 NAFS – North American Fenestration Standard/Specification for Windows, Doors, and Skylights (NAFS). The wall and roof systems contemplated are to be rain screen, and are to satisfy ASHRAE 90.1 (2010) for energy performance.

ACOUSTIC PERFORMANCE

One of the chronic issues with apartment construction is acoustic performance. The revisions to the National Building Code (2015 cycle) are contemplated to address the measurement of acoustic performance, including flanking sound. These residences will be designed to reflect the anticipated changes.

Also special attention will be paid to impact sound. With the current fashion for hard surface floor coverings such as ceramic tile and wood laminates, this also has created perceived problems that need to be addressed.

SUSTAINABILITY

The project is proposed to be designed and constructed to LEED Certified standard.

EXTERIOR FINISHES

See above.

OPEN SPACES / LANDSCAPING

Low level landscaping is proposed at Speed Street at townhouse forecourts, with new trees parallel to the east property line to enhance the play area for the anticipated day care. A privacy fence will be installed at the east property line off Frances Street, separating surface parking and the adjacent property to the east (car lot).

LIGHTING

Exterior lighting will be selected / directed to avoid spillage, yet provide levels of illumination in the public domain that supports safe travel and provides visual interest. LED sources will be used where possible for energy conservation.

Low walls proposed along the Speed Street sidewalk and entries will be utilized to provide recessed low level walkway illumination. Also to be considered is careful highlighting of the existing London Plane trees from below.

In surface parking area, cantilevered canopies over commercial sidewalks above storefront windows will serve to both light the parking area and shield upward light spillage from the storefront windows.

UNIVERSAL ACCESSIBLE DESIGN

Access off Speed Street is part of main entrances to lobbies and elevators, and integrated into overall building design. Residential elevators serve parking levels for residents and visitors, and a separate elevator provides for barrier free access between underground parking and the commercial area.

SAFETY

Townhouses provide 'eyes on the street'.

Commercial surface parking / frontages have overview from the apartment buildings.

PARKING

The balance of parking provided is underground, with surface parking only to support commercial uses off Frances.

The Speed Street parking entry is recessed behind main building line. Additional access to the underground parking off Frances provides a easy alternative to relieve traffic on Speed Street.

ACCESS AND CIRCULATION

Short term bicycle parking off Speed Street sidewalk is provided for convenience and visibility.

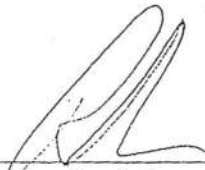
Pedestrian access is street oriented and easily understood.

Elevator and stair access to underground parking / internal bicycle storage – option separate from residential entry.

Trust this to be of assistance,

PRAXIS ARCHITECTS INC

per:



Robert Rocheleau, Architect AIBC
Director



April 29, 2013

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



Re: Development Permit 000302
Rezoning Application 00301
Proposed Development
605 – 629 Speed Ave. and 606 – 618 Frances Ave.

To Whom It May Concern:

Response – Application Review Summary March 27, 2013:

DEVELOPMENT SERVICES DIVISION COMMENTS

Information previously supplied. Mark Johnston met with Brian Sikstrom to clarify.

ENGINEERING AND PUBLIC WORKS DEPARTMENT COMMENTS

Transportation Review

- Revised Site Plan to coincide with 606 Speed (JE Anderson & Assoc. info).
- Landscaping / Architectural coordinated.
- Suggested improvements at Frances removed from drawings.
- 3 m site triangle indicated at all driveway crossings. No obstruction above 1 m in height. Site Plan.
- Driveway grades revised per 6.0 m at 8%.
- Site Plan / Main Floor Plan / Building Elevation / Section.
- Additional information re. grades at curb, front of sidewalk, property line and face of building provided.

Landscape Development Review

- Revised per Transportation Review.

Parks Division Comments

- Trees removed from plans at east edge of surface parking.
- Site Plan / Landscape Plane revised re. 606 Speed Ave. and Frances Ave. frontage.

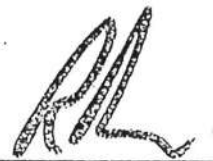
PERMITS AND INSPECTIONS

- Exposure conditions to comply with BC Building Code.
- Travel distance at underground parking is per BC Building Code.
- Units at 10th level have means of egress at upper level and at main level, complying with BC Building Code.

Trust this to be of assistance,

PRAXIS ARCHITECTS INC

per:



Robert Rocheleau, Architect AIBC
Director



Revisions

Received Date:
July 8/13





NOT FOR CONSTRUCTION



LOT AREA
5349.395M2
57,580.45F

1 SITE/SURVEY PLAN
A001 Scale: 1:250

#1:	04/26/2015	REVISED DESIGN PANEL COMMENT
#2:	04/28/2015	REVIEWS OF SUPERVISION
#3:	05/07/2015	ISSUED FOR DEVELOPMENT PERMIT
NO.	DATE	REVISION



PROJECT TITLE:
PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA

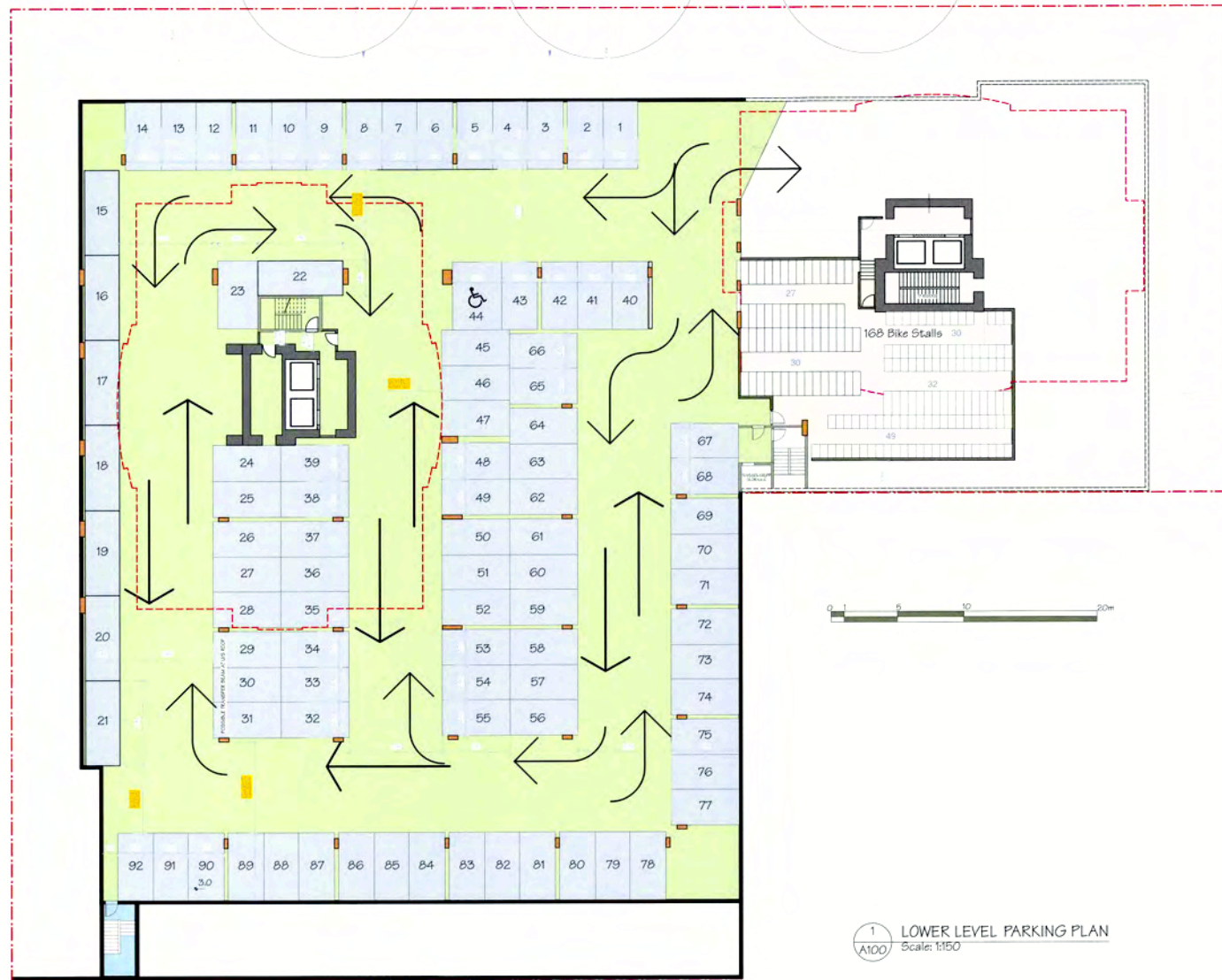
SHEET TITLE:

SITE/SURVEY PLAN

SCALE: AS SHOWN	DRAWN: RC/NW	SHEET NO. A001
DATE: SEPTEMBER 2012	PROJECT NO. 05-128	

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1 LOWER LEVEL PARKING PLAN
Scale: 1:150

#3	DATE	REVISION
#2	04/06/2025	REVISED DESIGN PANEL COMMENTS
#1	04/06/2025	REVISION OF SUBMISSION
	02/05/2025	ISSUED FOR DEVELOPMENT PERMIT

NO DATE REVISION

SEAL:

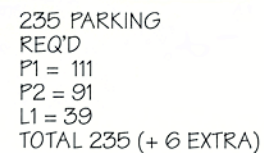


PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA

SHEET TITLE:
LOWER LEVEL PARKING PLAN

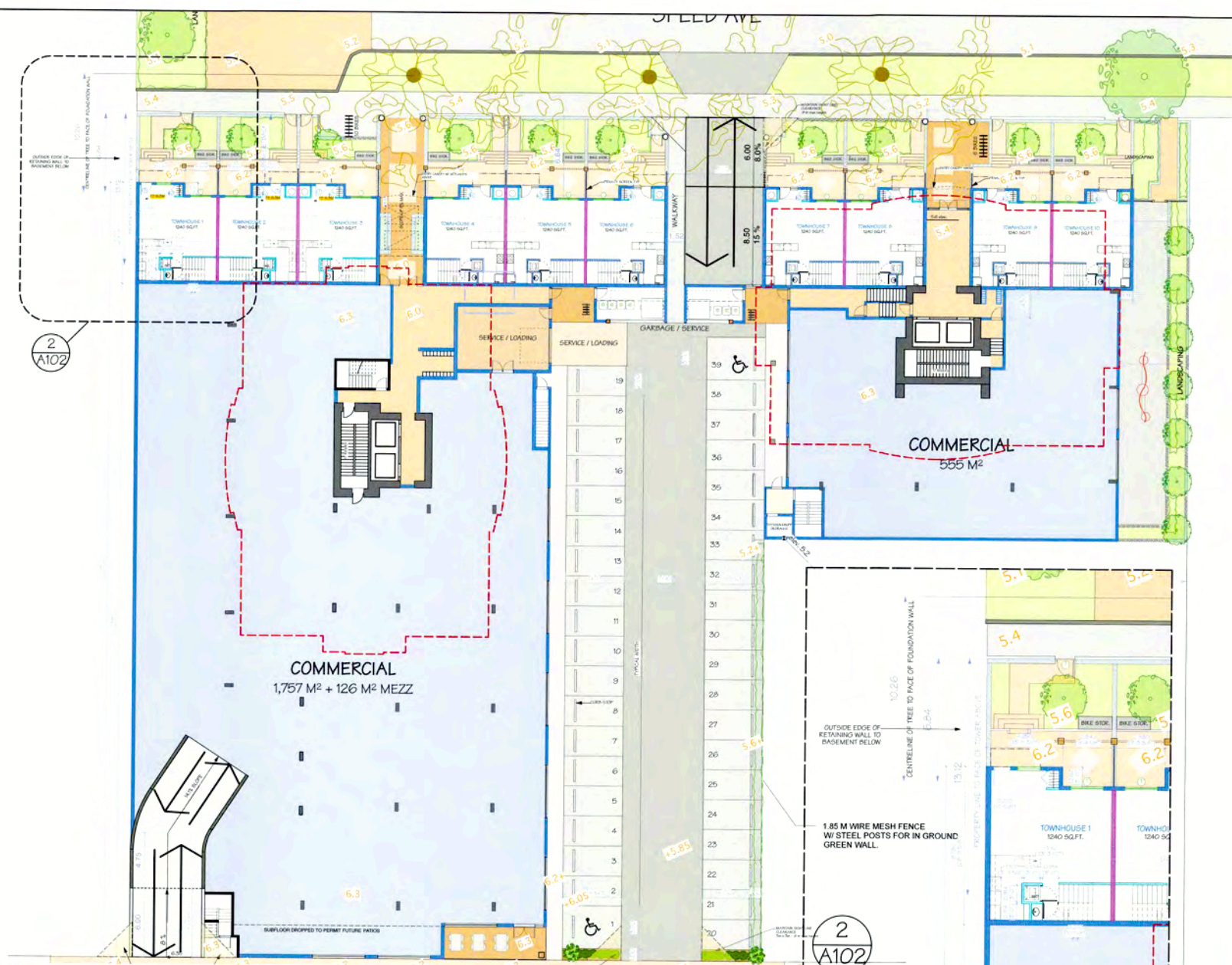
SCALE:	DATE:	DRAWN:	SHEET NO.:
AS SHOWN	DECEMBER 2024	KR/AV	09-128
			A100

NOT FOR CONSTRUCTION



1 UPPER LEVEL PARKING PLAN
A101 Scale: 1:150

#1			
#2	06/20/2015		
#3	06/20/2015	REVISED DESIGN PANEL COMMENT	
#4	06/20/2015	PROVIDING FOR SUBMITTALS	
#5	06/20/2015	ISSUED FOR DEVELOPMENT PERMIT	
#6	DATE:	REVISION:	
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#3	OUTSIDE EDGE OF RETAINING WALL TO BASEMENT BELOW	REVISED DESIGN PANEL COMMENTS
#2	OUTSIDE EDGE OF RETAINING WALL TO BASEMENT BELOW	REVISED DESIGN PANEL COMMENTS
#1	OUTSIDE EDGE OF RETAINING WALL TO BASEMENT BELOW	REVISED DESIGN PANEL COMMENTS
NO.	DATE	REVISION

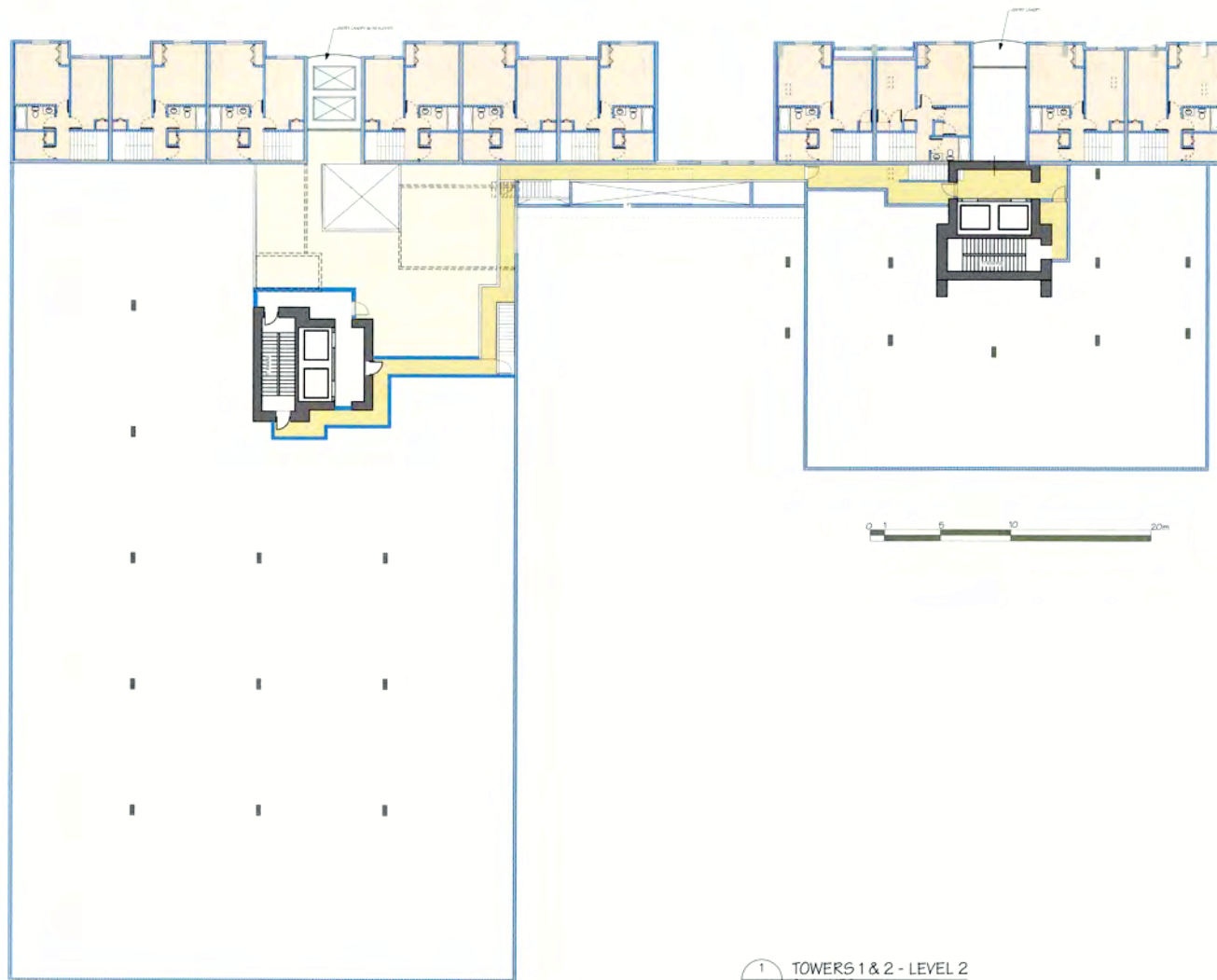
SCALE



PROJECT TITLE:
PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA

SHEET TITLE:
TOWERS 1 & 2 - LEVEL 1
LOBBY/RETAIL/TOWNHOUSE PLAN

SCALE:	AS SHOWN	DATE:	SEPTEMBER 2012	PROJECT NO:	OP-100	SHEET NO:	A102
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1
A103 TOWERS 1 & 2 - LEVEL 2
Scale: 1:150

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#1	DESIGN/0001	REVISED DESIGN PANEL COMMENTS
#2	DESIGN/0002	REVISIONS OF FURNITURE
#3	DESIGN/0003	PROCESSED FOR DEVELOPMENT PERMIT
NO.	DATE:	REVISION:

SEAL:



PROJECT TITLE:
**PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA**

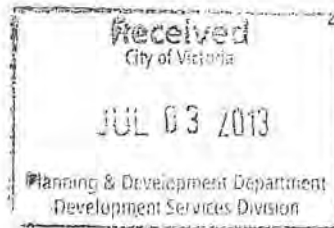
SHEET TITLE:
**TOWERS 1 & 2 - LEVEL 2
UPPER TOWNHOUSES PLAN**

SCALE:	DATE:	SHEET NO.:
AS SHOWN	REVISION	A103
DATE:	REVISION NO.:	
SEPTEMBER 2015	015-015	



P R A X I S
architects inc.

Michael D. Levin, Architect AIBC
Robert Rocheleau, Architect AIBC



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Tel: (250) 475-2702 • Fax: (250) 475-2701
robert.rocheleau@praxisarchitectsinc.com

July 03, 2013

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

**Re: Development Permit 000302
 Rezoning Application 00301
 Proposed Development
 605 – 629 Speed Ave. and 606 – 618 Frances Ave.**

Advisory Design Panel – Minutes May 15, 2013

To Whom It May Concern:

We have responded as follows to suggestions and recommendations made at our presentation to Advisory Design Panel on May 15, 2013:

Revised materials and finishes as follows:

- Changing the proposed stucco rainscreen areas by extending the treatment of the the townhouses (brick) to the band level of the towers, and above that level to a prefinished metal panel sytem in similar colour. There are two colours of brick proposed.
- Modifying the colour scheme so that the towers are complimentary but distinct. The composite panel sytem areas called for now are treated differently at each tower (Trespa Mahogany and Swisspearl Black Opal 7021).

Revised the Frances Street streetscape:

After meeting with parks and engineering staff at the City the following was agreed to:

- Provision of improved landscape treatment in the public right –of-way (refer to revised landscape drawings);
- Provision of a recessed bay in the commercial frontage to accommodate café seating. This is intended to compliment the improved landscape treatment in the public right-of-way and anticipate future changes at Frances Street.

Future Rooftop Mechanical Equipment (Commercial):

- Provided detail design of proposed screening / enclosure for anticipated roof top mechanical equipment to mitigate visual and acoustic impact for residential occupants - reviewed with planning staff on June 27th,

Common Rooftop Patio Space

- Provided a useable common rooftop patio space at the roof level of the building podium near Speed Street. This is accessible by occupants of both towers. Exiting is provided per building code requirements, and a stair lift is proposed to provide barrier free access when required.

Building Entrances

- The townhouses at the east end of the Speed Street elevation have been moved approximately 1.1 meters to facilitate main entrances to each of the towers having the same presence on the street.

Trust this to be of assistance,

PRAXIS ARCHITECTS INC

per:



Robert Rocheleau, Architect AIBC
Director

Brian Sikstrom

From: TJ Schur <landuse@burnsidegorge.ca>
Sent: Tuesday, Aug 26, 2014 11:31 AM
To: Brian Sikstrom
Cc: bgluc@googlegroups.com; Mark Johnson
Subject: Re: FW: Speed Ave.

Hi Brian,

Mark Johnson and team attended the Burnside Gorge Land Use Committee last week and we reviewed the changes requested to be made from design. We reviewed changes to proposal with proponents and found that the changes required were not substantive enough to warrant another Community meeting given that the changes were primarily around improved aesthetic. The Burnside Gorge LUC formally voted that the proponent had met the changes requested by the Planning and Land Use Standing Committee and that another community meeting was not required.

Please consider this email a letter on behalf of Burnside Gorge Land Use Committee.

With thanks,

TJ Schur

Chair, Land Use Committee

Burnside Gorge Community Association

On Mon, Aug 25, 2014 at 10:38 AM, Brian Sikstrom <bsikstrom@victoria.ca> wrote:

Hi, TJ:

Are you going to hold another community meeting or are you satisfied with the meeting you had with Mr. Johnson that one is not necessary? Council's motion is that: "The applicant undertake further public consultation through the Burnside-Gorge Community Association."

Cheers,

From: Mark Johnson [<mailto:markhj@shaw.ca>]
Sent: Monday, Aug 25, 2014 9:28 AM
To: Brian Sikstrom
Subject: Speed Ave.

Last wk we went back to the Burnside Gorge Community Assoc. for review of the plans and I believe they will send you another letter as a result of this meeting. I believe our lawyer is finalizing the required Covenants with you lawyer and those will be done this wk. Thanks



LAND ECONOMISTS — DEVELOPMENT STRATEGISTS

September 13th, 2013

Brian Sikstrom
Senior Planner – Planning and Development
City of Victoria
1 Centennial Square
Victoria, BC, V8W 1P6

Re: Speed and Frances Amenity Contribution Analysis

G.P. Rollo & Associates (GPRA) has been retained by the City of Victoria to complete an Amenity Contribution Analysis for the rezoning of 605, 607, 609, 615, and 629 Speed Avenue and 606, 612, and 618 Frances Avenue (hereafter referred to as 'the Site') in order to determine an estimate of potential fees that could be collected for public amenities from the lift in land values created from rezoning the Site.

Specifically, GPRA has been retained to determine the potential lift in land value from a rezoning of the Site from the current R1-B and R1-SLVH zones with the development rights for single family dwellings (along with vehicle storage, sales, and rentals on the parcel designated R1-SLVH) to a new zone that would allow for development up to 3.073 FSR for a mix of residential strata apartments, rental apartments, and ground level commercial uses. In addition the City has requested that GPRA report on the lift in land value both from the OCP designation for the Site as a mix of 1.2 FSR Urban Residential on the Speed Avenue properties and 2 FSR General Employment on the Frances Avenue properties.

The analysis consisted of preparation of residual land value analyses which determines the maximum value that a developer could afford to pay for the site assuming it already had the new zoning under current market conditions. GPRA used standard developer proformas for each case to model the economics of typical development as proposed/allowed under the new zoning. The 'Lift' is then calculated as the difference in residual land values under both current zoning and the proposed new zoning.

GPRA conducted analyses for the Site under the proposed new zoning and under the OCP designation, while relying upon BC Assessment data for the value of the Site under current zoning.

METHODOLOGY & ASSUMPTIONS

The Site is 5,349.4 square metres in area and can be developed under existing zoning for single family dwellings for the entire Site and vehicle storage, sales and rentals on 612 and 618 Frances only. Proposed new zoning would see 16,436 square metres of GBA, comprised of 6,844 square metres of strata apartments, 1,127 square metres of ground oriented strata townhouses, 6,043 square metres of rental apartments, and 2,423 square metres of ground floor commercial retail space. It has been assumed that all rental space would be offered at market rates. Should there be a rental agreement placed on the rental properties that reduces the rental rates below market the analysis should be revised accordingly.

The analysis using the OCP as the starting point allows for 4,026 square metres of strata apartments (based on a 1.2 FSR) on the Speed Avenue properties and up to 3,982 square metres (up to 2 FSR) of commercial on the Frances Avenue properties. However, it is GPRA's opinion that the market will not support development of 2.0 FSR of commercial on the Site and that doing so would negatively impact the value of the Site. As such, GPRA has also prepared analysis wherein only 955 square metres of ground floor retail was developed, which we feel would be much more marketable.

The analyses are created using a standard developer proforma wherein estimates of revenues and costs are inputs and the remaining variable is the desired output. In typical proformas this output is usually profit, following a revenues minus costs equals profit formula. However, a rental/commercial project is more typically measured for viability based on an Internal Rate of Return (IRR) to account for the ongoing cash flows from the rental component of the development.

For a residual land valuation, however, an assumption on developer's return needs to be included in order to leave the land value as the variable to solve for. For these analyses GPRA has determined the residual value based on the developer achieving an acceptable profit of 15% on total strata project costs (calculated as a representative portion of overall project costs for the proposed development) AND an acceptable IRR on the rental and commercial components of the project as a long-term investment (7% IRR was deemed appropriate for this analysis based on a blended rate derived from observed cap rates in the market for both components). The residual values are the maximum supported land value a developer could pay for the site (under the zoning tested) while achieving an acceptable return for their project.

The residual land value determined from this analysis is then compared to the value of the site under current zoning (as well as the residual value from the OCP analysis) to establish a 'lift' in value that arises from the change in zoning. This lift in value is the total potential monies that are available for public amenities or other public works not considered as part of the analysis. There have not been any significant off-site costs (such as major roadworks, traffic signals, sewer upgrades/extensions, etc.) identified by either the proponent or the City that would need to be provided by this development. Any such improvements that would be required only from the proposed rezoning would impact the lift. Any off-site improvements that would be required in all development scenarios would not affect the lift. Typically there is some sharing of the lift value between the Municipality/District and the developer, but the percentage shared varies by community and by project.

GPRA determined strata revenues used in the analyses from a review of recent sales and offerings for sale of recently developed apartments of concrete construction within roughly 10 km of the Site. Project costs were derived from sources deemed reliable, including information readily available from quantity surveyors on average hard construction costs in the City. Development or soft costs have been drawn from industry standards, and from the City's sources. Revenues and operating cost assumptions for the market rental apartments and the commercial space have been derived from a review of the market and from other sources deemed reliable by GPRA.

CONCLUSIONS & RECOMMENDATIONS

As stated previously, this analysis has been predicated upon the understanding that the rental units would be generating revenue at full market rates. If a housing agreement is entered into with the City that reduces the rents this will subsequently reduce the lift on the parcel. Similarly, any added costs from redeveloping and rezoning the Site that have not been identified and included in this analysis that would only be incurred from rezoning as proposed rather than to the OCP designation would also reduce the lift on the Site from rezoning. GPRA identifies the lift on the Speed and Frances Site from rezoning as being roughly \$1,455,000 when using existing zoning as a starting value.

Were the Site developed as indicated under the OCP to establish the base value the lift would be \$1.79 million. However, this value is not an appropriate measure of lift in the opinion of GPRA as it is due to a diminished base land value that would be supported to develop 2 FSR of commercial on the Frances properties. As stated previously, there is not the market to support this amount of commercial on the Site, so it would be highly unlikely a developer would build this much commercial space. Furthermore, market rents for second and third storey commercial space would be roughly \$10 per square foot, triple net, which is far below the economic rents required to make development viable, which is why the base land value is significantly lower and the lift higher than the value as zoned.

GPRA believes that a much more likely scenario would be for a developer to build a typical 1 storey commercial building with surface parking on the Frances properties as indicated in the OCP designation. When using this option as a base for establishing the lift GPRA has estimated that the lift would be \$1.3 million.

It is our understanding that the City would be seeking 75% of the lift in value, which would be approximately \$1.1 million if the City uses existing zoning as the starting land value, \$1.34 million using the OCP as a base value with a developer building the full 2 FSR of commercial. However, as we have noted, it is GPRA's considered opinion that a developer would not build to the full 2 FSR allowable under the OCP given market conditions and as such the 75% lift based on a 1 storey commercial building would be \$974,250.

I trust that our work will be of use in the City's determination of the Amenity Contribution they will seek as part of rezoning Speed and Frances. I am available to discuss this further at your convenience.

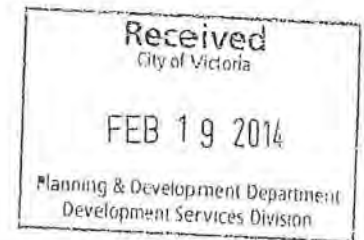


Gerry Mulholland | Vice President
G.P. Rollo & Associates Ltd., Land Economists
T 604 277 1291 | M 778 772 8872 |
E gerrymul@telus.net | W www.rolloassociates.com

February 12th 2014

Mayor and Council

City of Victoria, BC.



Re: Rezoning Speed and Frances Ave. – Amenity Contribution Analysis

We have received a copy of the Speed and Frances Ave. Amenity Contribution Analysis done by Gerry Mulholland of G.P. Rollo and Associates Ltd. dated Sept. 13 2013. Our review of this document and subsequent discussions with Gerry Mulholland have led us to identify a number of issues that impact our development and we believe should be considered by Council.

Transparency and Application of Bonus Density Calculations.

Our application for rezoning was made in October 2010 before the new OCP was adopted and before the bonus density provisions in the Core Area plan were implemented. The bonus density process being applied on our site is contained in the Core Area Plan but I was not able to find these provisions in the Burnside Gorge Local Area Plan, or in the new OCP provisions covering this area or the adjacent Town Center. That leads us to question why the bonus density provisions are being applied to our site. Even the bonus density provisions in a portion of the Core Area have a phased in percentage with only 50% being used in part of the Core Area in 2014.

In regard to the process, which is again outlined in the Core Area Plan, we were required to enter into an agreement with the consultant and pay his bill but were not party to the rules that apply to the consultants work. Mr. Mulholland did prepare a draft report for review but we were denied access to this draft report by staff and directions were unilaterally given to change the report before the final report was completed. We do not know what changes were made to the report but since we are paying for it an improved and transparent process would be appreciated. I found in the City's Strategic Plan a commitment to "Foster informed and open decision making" and in the Core Area Plan the 'Density Bonus objective is to ensure the system is fair and transparent to increase certainty to all parties'

We believe that the Bonus Density Policy should not be applied to our site which is far from the Core Area and we feel the process followed was not fair and transparent. In both the OCP, when we made the application in 2010 and the New OCP our site is shown as potentially commercial and residential and that is exactly what we want to do. Our development gives the City an opportunity to have both condominiums, ground level family

housing and rental housing constructed with ground level commercial to support employment in the neighbourhood.

If Council wishes to follow the G. P. Rollo and Associates recommendation, we request that Council take the following factors into consideration in mitigating the amenity contribution.

Sewer Attenuation

The City is requiring that we include the ability to retain sanitary sewer on site for release into the city sewers at times when flows are lower. This approach requires an additional expenditure in our project of at least \$200,000 which is a general benefit to the City at large as it helps delay or eliminate the need to expend capital on sewer upgrades downstream. The City has the ability to include development cost charges to assist with sewer capital projects but has chosen to require the additional expenditure be paid directly by our development. In addition we see no indication that our ongoing sewer user fees will be reduced to offset this additional expenditure.

We request that our additional sewer costs be deducted from the proposed amenity contribution outlined in the Rollo Report.

Additional Construction Costs – Pilings and Footings

Our Geotechnical review indicates that we must put pilings in the site and provide specially designed and constructed footings because of the soil conditions. Our estimate of the additional costs of construction is over \$3.5M as shown on the attached estimate from our contractor. These costs are beyond the standard/average hard costs referred to in the G P Rollo report and we request that these costs be deducted from the proposed amenity contribution being recommended as this additional cost significantly reduces the value of the site.

Pedestrian Access

We have been required to provide a mid-block pedestrian access through our site which is a public benefit and will require additional costs to construct and maintain and will also impact the property value by increasing pedestrian traffic and negatively impacting security for the tenants. We request that these costs be considered in mitigating the recommended amenity contribution.

Rental Covenant

We have agreed to enter into a covenant to ensure there are no restrictions on rentals in the strata. We have always planned to provide rental accommodation in one of the two towers

We hope that any rental covenant would be considered a community benefit which would be used to mitigate the proposed amenity contribution.

Profit Margin

The G.P. Rollo report uses a profit of 15% but our experience in the development business indicates a value of 20% is more appropriate, especially in a project where in excess of \$40M in construction costs is being risked. Risk has a direct correlation to return and profit and the larger the project the higher the risk and therefore we believe the 20% profit margin is more appropriate.


Taxes

Our project will provide 176 units as homes for more than 300 people in the community. We will also construct 26,000 sq/ft of commercial development to provide additional jobs in Victoria, all within walking distance of the City's major transit corridor. The development takes what is now 4 houses and a parking lot and creates a development which will generate more than \$300,000 annually of additional tax revenue. We request that the additional tax contribution be considered in the mitigation of the proposed amenity contribution.

Time of Sales Discount

We have not been able to determine when the amenity contribution would be paid or if it is to be secured through a restrictive covenant. The report by G.P. Rollo indicates a proposed lift in land value which is only realized on sale of the land. We plan to build the project and sell/rent units and any profit would only be realized at the time of sale. We would only be able to pay an amenity contribution at the time of sale as this is the time at which the increase value of the land is translated into the profit outlined in the Rollo report.

We believe that the factors outlined above have a significant impact on the amenity contribution and propose that a contribution of up to a maximum of \$200,000 towards amenities in the Burnside/Gorge Community would be more appropriate.



Mark Johnston



Revisions

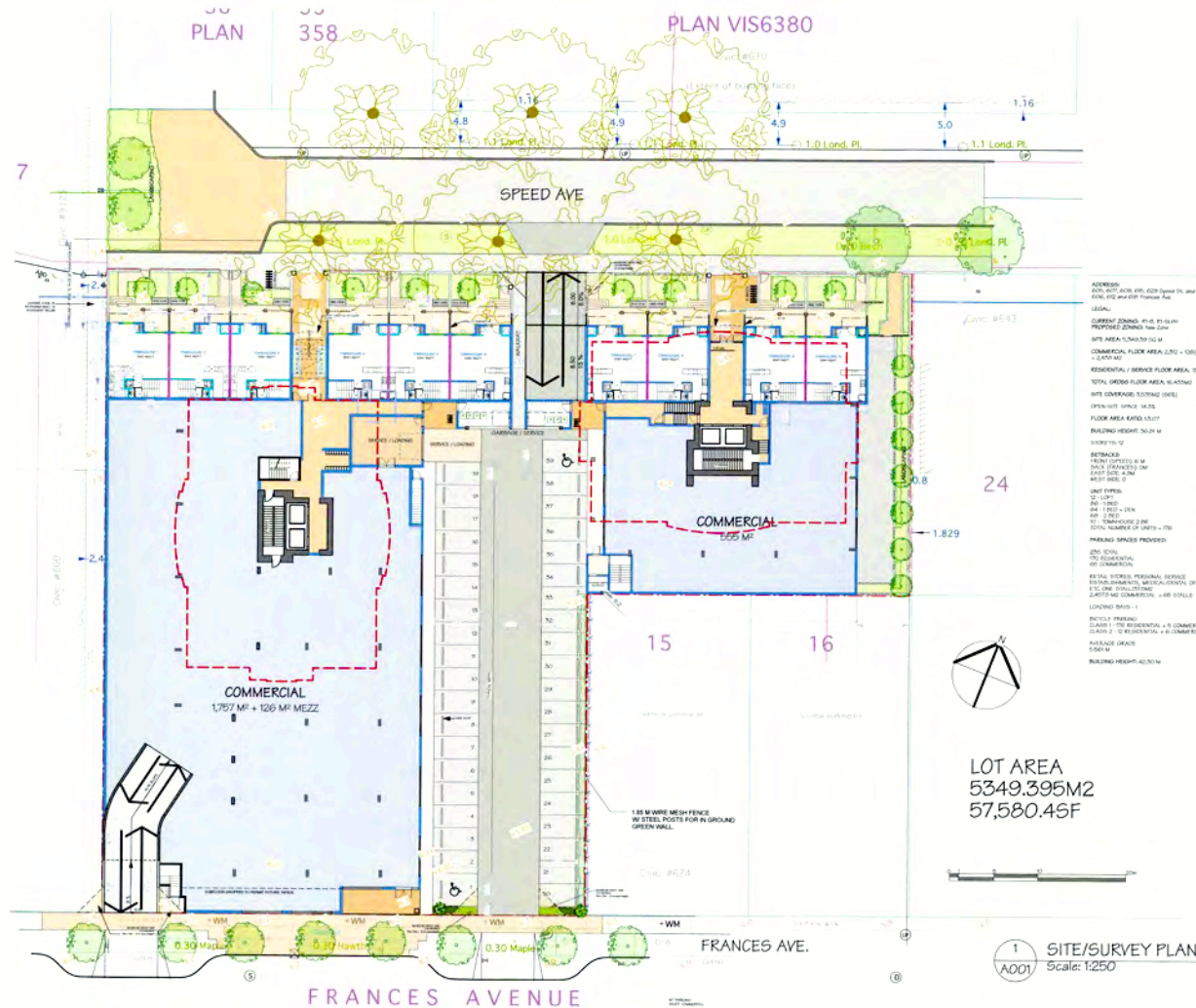
Received Date:
July 8/13



PRAXIS
architects inc.

Speed & Frances - Cul-de-sac View





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NOT FOR CONSTRUCTION

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3	01/01/2010	REVISED DESIGN PANEL COMMENTS
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5	01/01/2010	REVISED DESIGN PANEL COMMENTS
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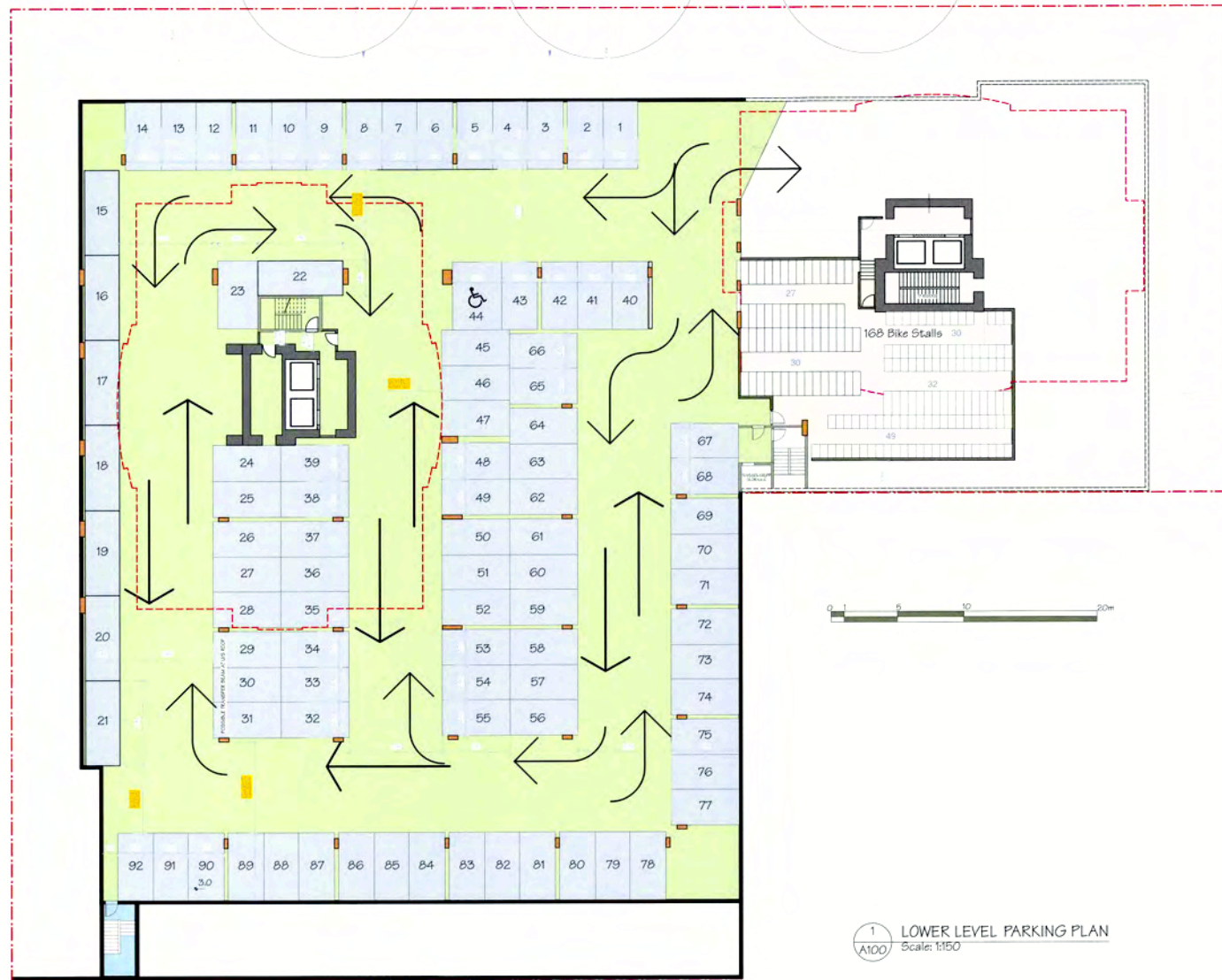
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PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA

SHEET TITLE:
SITE/SURVEY PLAN

SCALE:
AS SHOWN EX-100
DATE:
SEPTEMBER 2010
PROJECT NO:
00-100
SHEET NO:
A001

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NOT FOR CONSTRUCTION



1 LOWER LEVEL PARKING PLAN
Scale: 1:150

#3	06/06/2025	REVISED DESIGN PANEL COMMENTS
#2	06/06/2025	REVISIONS OF SUBMISSION
#1	02/05/2025	ISSUED FOR DEVELOPMENT PERMIT
NO.	DATE	REVISION

PRAXIS
ARCHITECTS INC.

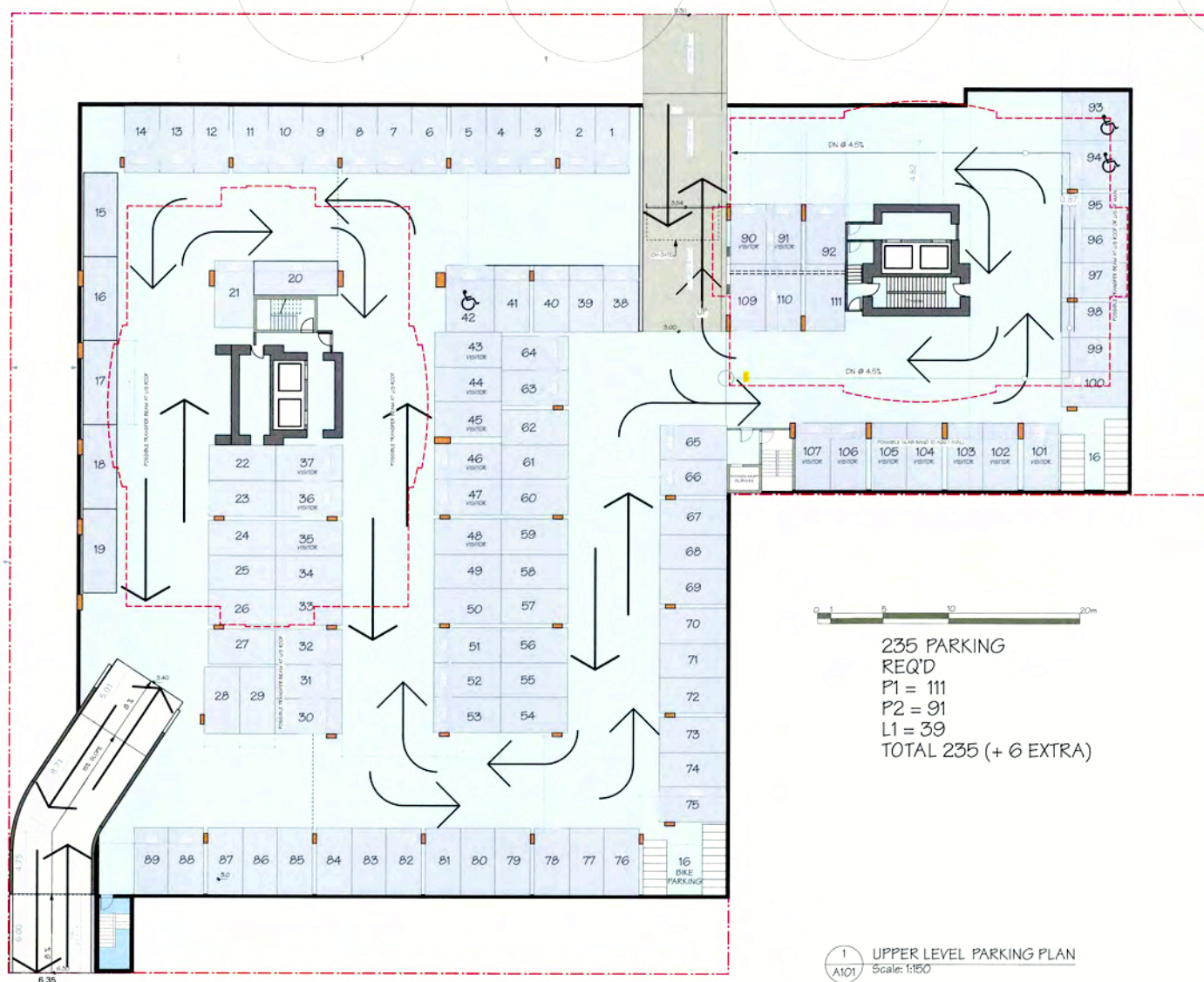
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PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA

SHEET TITLE:
LOWER LEVEL PARKING PLAN

SCALE:	DATE:	DRAWN:	SHEET NO.:
AS SHOWN	DECEMBER 2025	KR/AV	A100
DATE:	PROJECT NO.:	DATE:	
DECEMBER 2025	05-125	05-125	

NOT FOR CONSTRUCTION



NO.	DATE	REVISION
1	06/05/2015	REVISED DESIGN PANEL COMMENTS
2	06/05/2015	REVISION OF DEVELOPMENT PERMIT
3	06/05/2015	ISSUED FOR DEVELOPMENT PERMIT

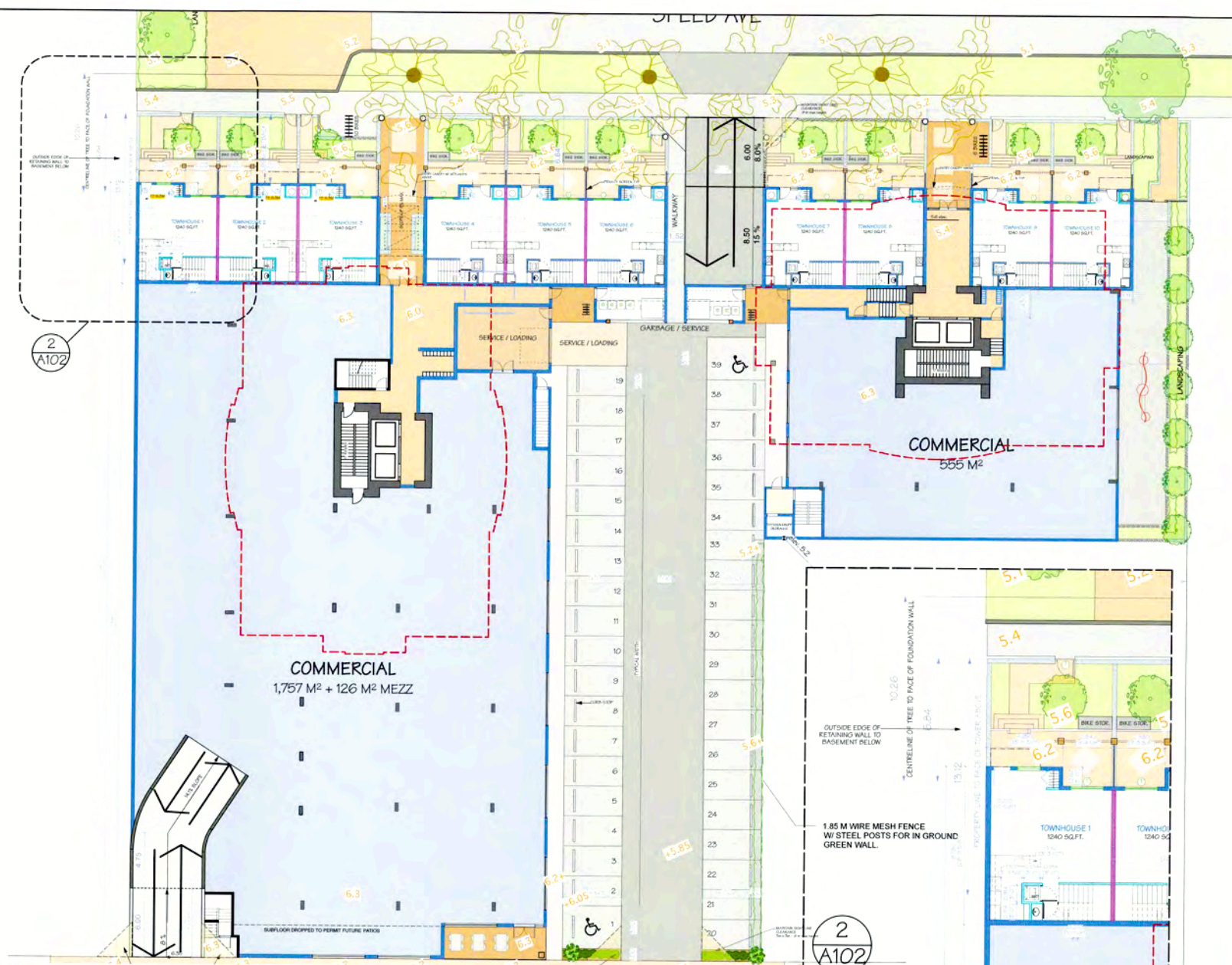
DEAL:



PROJECT TITLE:
**PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA**

SHEET TITLE:
UPPER LEVEL PARKING PLAN

SCALE:	AS SHOWN	DRAWN:	REVIEW:	SHEET NO.
DATE:	SEPTEMBER 2012	PROJECT NO.	08-12P	A101



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NOT FOR CONSTRUCTION

#3	04/05/2019	REVISED DESIGN PANEL COMMENTS
#2	04/05/2019	REVISED DESIGN PANEL COMMENTS
#1	04/05/2019	REVISED DESIGN PANEL COMMENTS
NO.	DATE	REVISION

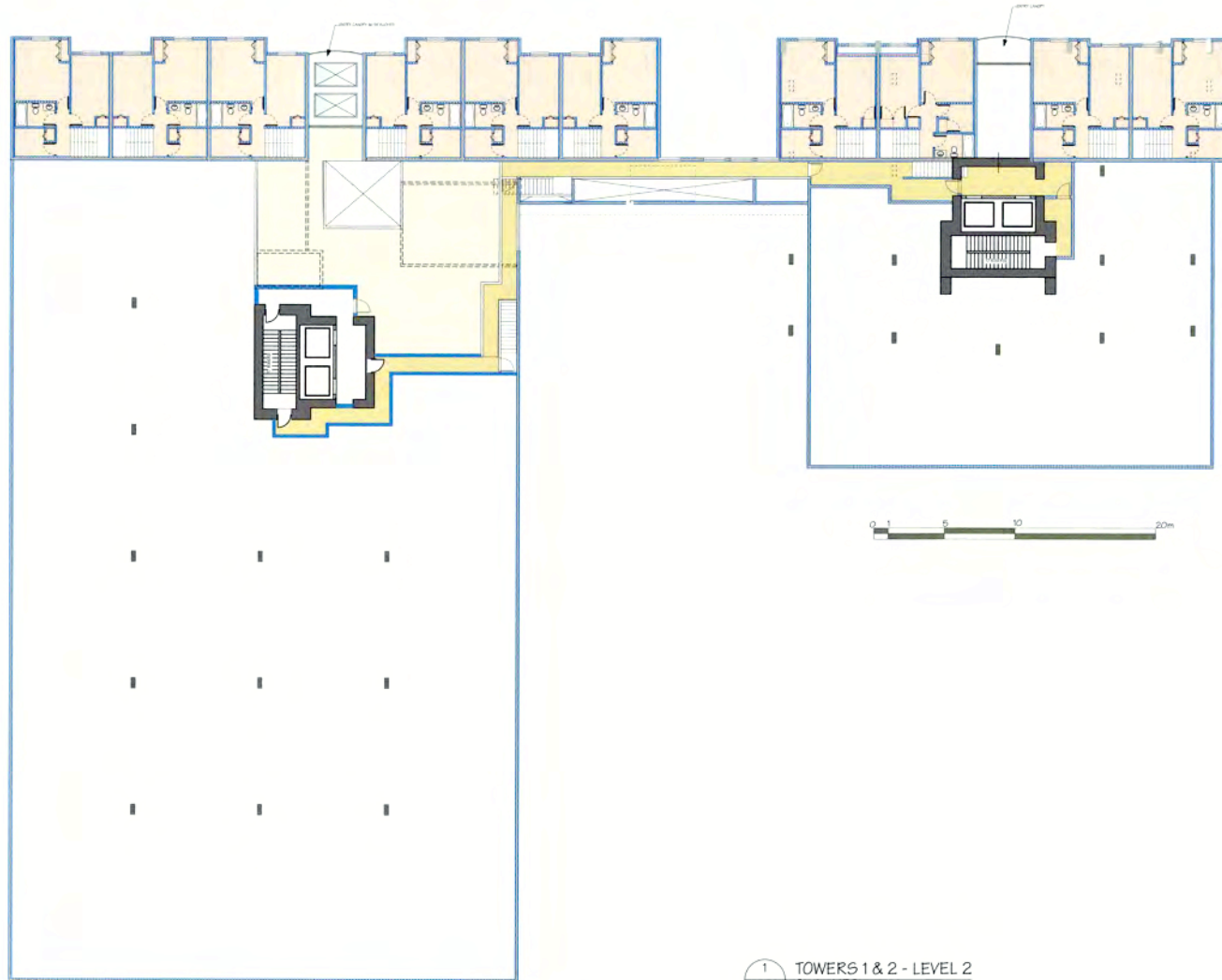
SCALE



PROJECT TITLE:
PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA

SHEET TITLE:
TOWERS 1 & 2 - LEVEL 1
LOBBY/RETAIL/TOWNHOUSE PLAN

SCALE:	AS SHOWN	DATE:	SEPTEMBER 2019	PROJECT NO:	OP-100	SHEET NO:	A102
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1
A103 TOWERS 1 & 2 - LEVEL 2
Scale: 1:150

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NOT FOR CONSTRUCTION

#	DATE	REVISION
#1	06/06/2015	REVISED DESIGN PANEL COMMENTS
#2	06/26/2015	REVISIONS OF FURNISHINGS
#3	07/02/2015	REVISED FOR DEVELOPMENT PERMIT

NO DATE REVISION

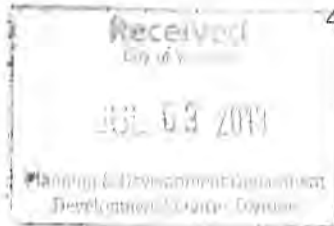
SCALE:



PROJECT TITLE:
**PROPOSED DEVELOPMENT
SPEED & FRANCES
VICTORIA
BRITISH COLUMBIA**

SHEET TITLE:
**TOWERS 1 & 2 - LEVEL 2
UPPER TOWNHOUSES PLAN**

SCALE	DATE	SHEET NO.
AS SHOWN	REVISED	A103
DATE	REVISION NO.	
SEPTEMBER 2015	05-02	



401-1245 Esquimalt Road, Victoria, BC V9A 3P2
Tel: (250) 475-2702 • Fax: (250) 475-2701
robert.rocheleau@praxisarchitectsinc.com

July 03, 2013

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

**Re: Development Permit 000302
 Rezoning Application 00301
 Proposed Development
 605 – 629 Speed Ave. and 606 – 618 Frances Ave.**

Advisory Design Panel – Minutes May 15, 2013

To Whom It May Concern:

We have responded as follows to suggestions and recommendations made at our presentation to Advisory Design Panel on May 15, 2013:

Revised materials and finishes as follows:

- Changing the proposed stucco rainscreen areas by extending the treatment of the the townhouses (brick) to the band level of the towers, and above that level to a prefinished metal panel sytem in similar colour. There are two colours of brick proposed.
- Modifying the colour scheme so that the towers are complimentary but distinct. The composite panel sytem areas called for now are treated differently at each tower (Trespa Mahogany and Swisspearl Black Opal 7021).

Revised the Frances Street streetscape:

After meeting with parks and engineering staff at the City the following was agreed to:

- Provision of improved landscape treatment in the public right –of-way (refer to revised landscape drawings):
- Provision of a recessed bay in the commercial frontage to accommodate café seating. This is intended to compliment the improved landscape treatment in the public right-of-way and anticipate future changes at Frances Street.

Future Rooftop Mechanical Equipment (Commercial):

- Provided detail design of proposed screening / enclosure for anticipated roof top mechanical equipment to mitigate visual and acoustic impact for residential occupants - reviewed with planning staff on June 27th.

Common Rooftop Patio Space

- Provided a useable common rooftop patio space at the roof level of the building podium near Speed Street. This is accessible by occupants of both towers. Exiting is provided per building code requirements, and a stair lift is proposed to provide barrier free access when required.

Building Entrances

- The townhouses at the east end of the Speed Street elevation have been moved approximately 1.1 meters to facilitate main entrances to each of the towers having the same presence on the street.

Trust this to be of assistance.

PRAXIS ARCHITECTS INC

per:



Robert Rocheleau, Architect AIBC
Director

NO. 15-031

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to change the urban place designation for the land known as 605-629 Speed Avenue and 606-618 Frances Avenue from Urban Residential (Speed Avenue) and the General Employment Land (Frances Avenue) to Town Centre and to include the land in Development Permit Area 4: Town Centres as shown on Schedule 1.

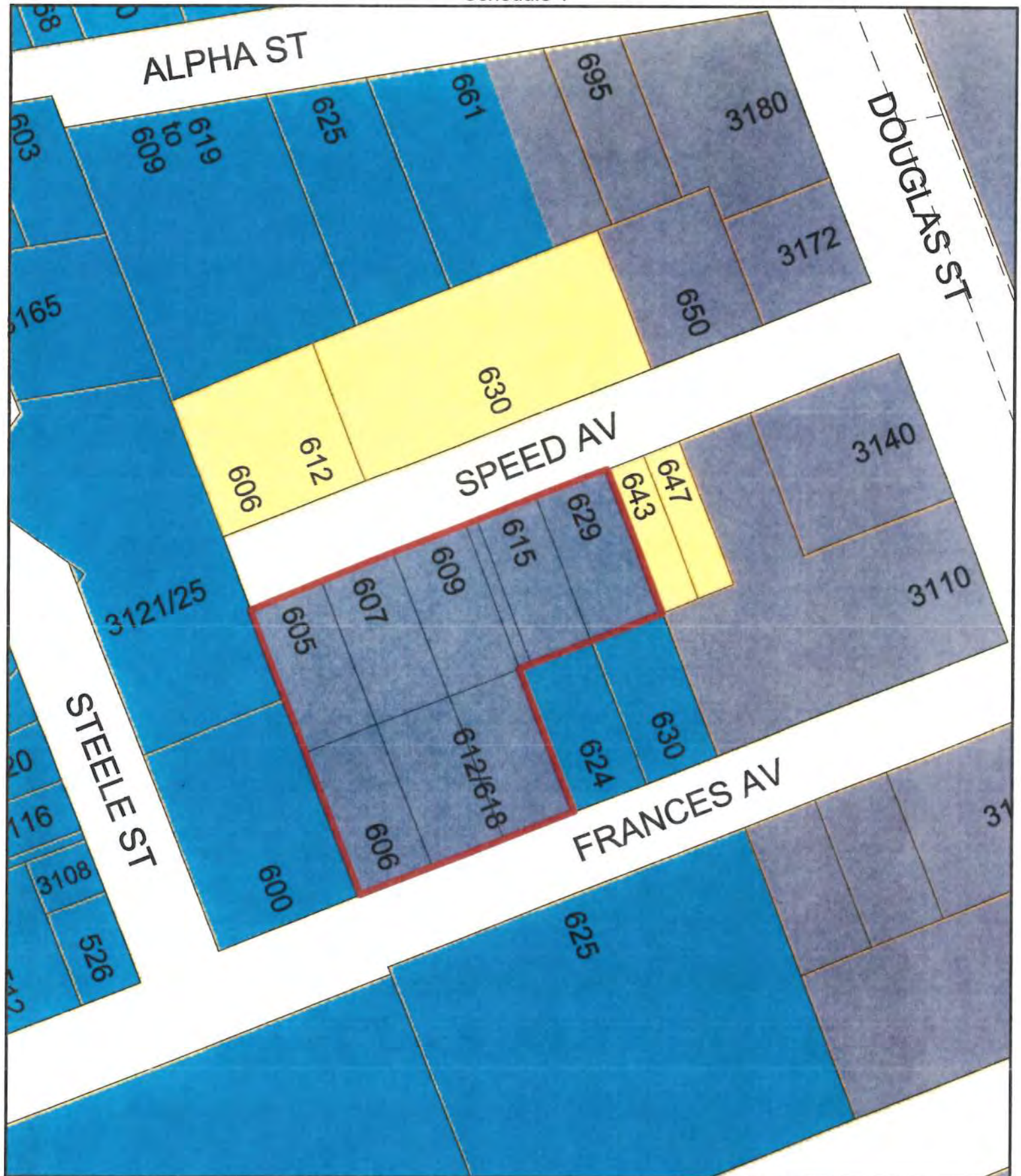
Under its statutory powers, including sections 875 to 878, and 919.1 to 920 of the *Local Government Act*, the Council of the Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 14)".
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended as follows:
 - (a) in connection with the land known as 605-629 Speed Avenue and 606-618 Frances Avenue by changing its urban place designation from Urban Residential and General Employment to Town Centre;
 - (b) by repealing Map 2: Urban Place Designations and replacing it with the map attached to this bylaw as Schedule 2;
 - (c) by repealing Map 19: Burnside Strategic Directions and replacing it with the map attached to this bylaw as Schedule 3; and
 - (d) by repealing Map 37: DPA 4: Town Centre - Mayfair and by replacing that map with the Map 37 attached to this bylaw as Schedule 4 in order to include 605-629 Speed Avenue and 606-618 Frances Avenue in Development Permit Area 4: Town Centres.

READ A FIRST TIME the	day of	2015.
READ A SECOND TIME the	day of	2015.
Public hearing held on the	day of	2015.
READ A THIRD TIME the	day of	2015.
ADOPTED on the	day of	2015.

ACTING CORPORATE ADMINISTRATOR

MAYOR



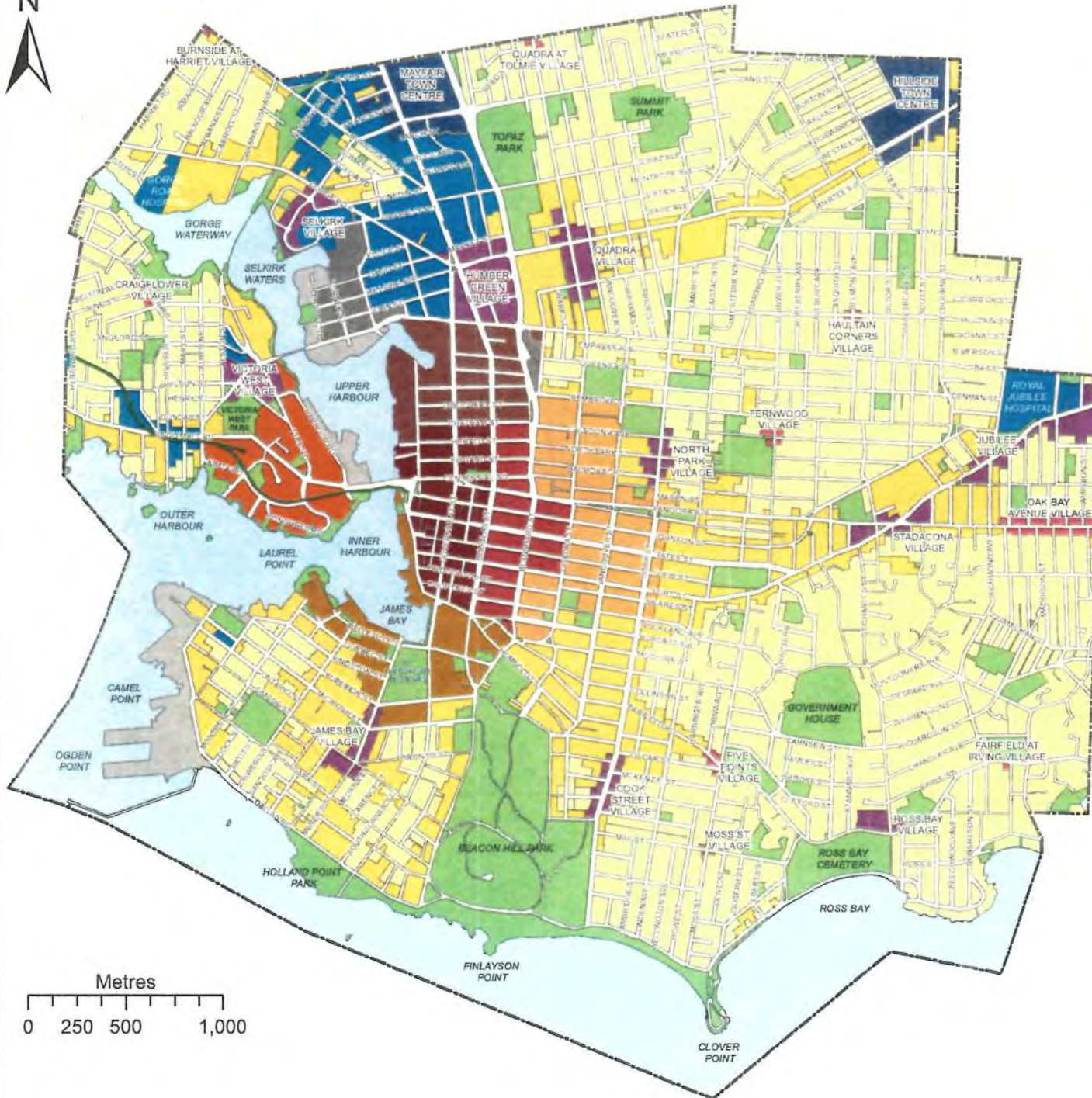
605 to 629 Speed Av. & 606 to 618 Frances Av.

Rezoning #00301, Bylaw #15-031



Amending the Urban Place Designation in the Official Community Plan from Urban Residential and General Employment to Town Centre







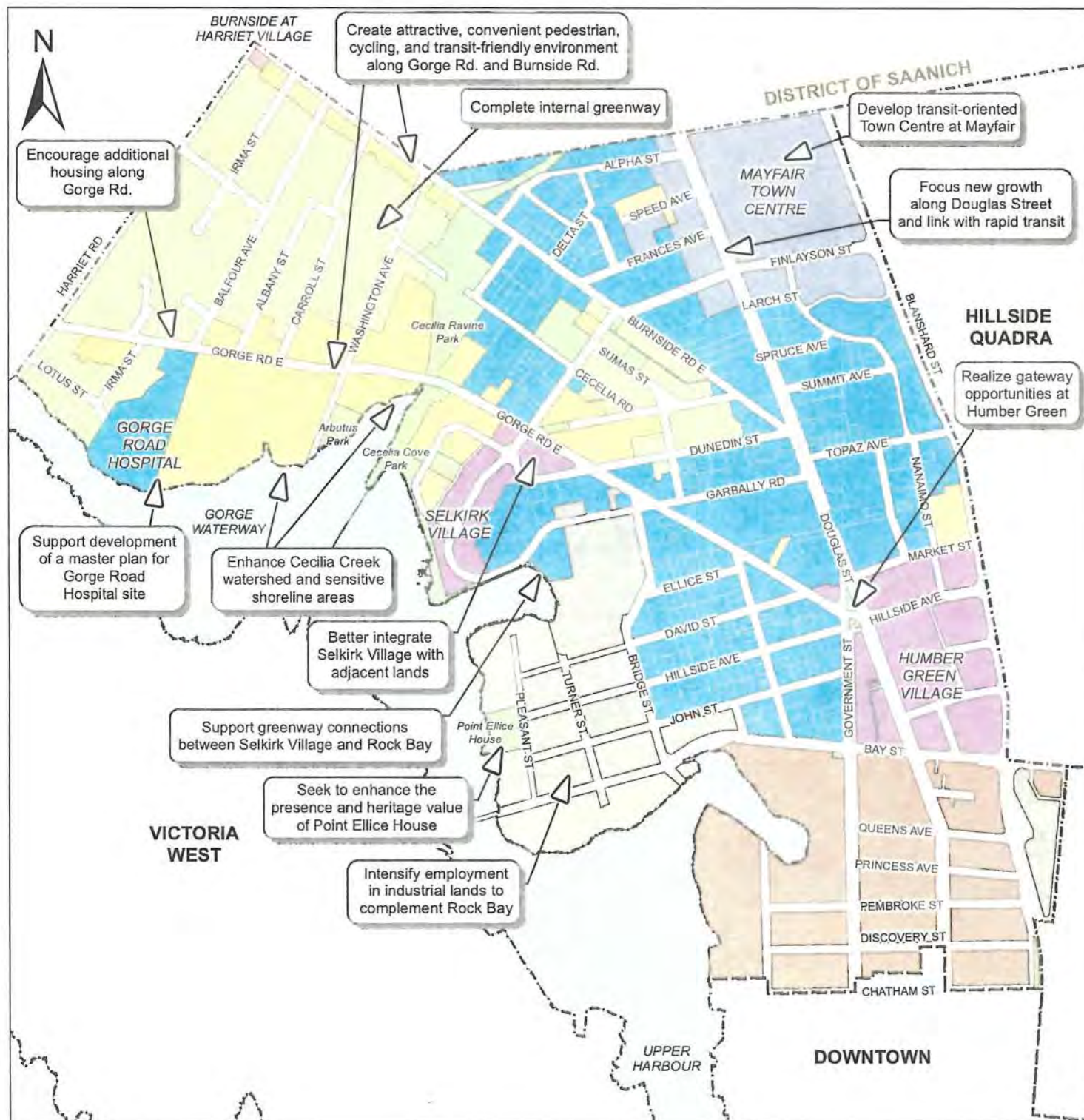
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Schedule 2

MAP 2 Urban Place Designations

-  Core Historic
-  Core Business
-  Core Employment
-  Core Inner Harbour/Legislative
-  Core Songhees
-  Core Residential
-  General Employment
-  Industrial
-  Marine Industrial
-  Town Centre
-  Large Urban Village
-  Small Urban Village
-  Urban Residential
-  Traditional Residential
-  Public Facilities, Institutions, Parks and Open Space
-  Rail Corridor
-  Working Harbour
-  Marine

Urban Place Designations extend to the centerlines of adjacent streets.



Schedule 3

MAP 19

Burnside

Strategic Directions

Urban Place Designations*

- Core Employment
- General Employment
- Industrial
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Working Harbour
- Marine

Public Facilities

- Proposed Park (approximate location)
- Community Centre

*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.



Schedule 4

Map 37: DPA 4: Town Centre - Mayfair



NO. 15-030

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-81 Zone, Speed and Frances Multiple Dwelling District and to rezone land known as 605-629 Speed Avenue and 606-618 Frances Avenue from the R1-B Zone, Single Family Dwelling District and R1-SLVH Zone, Single Family Storage Lot/Vehicle Sales District to the R-81 Zone, Speed and Frances Multiple Dwelling 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 1036)".
- 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:
- "3.104 R-81 Speed and Frances Multiple Dwelling District".
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.103
the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 605-629 Speed Avenue and 606-618 Frances Avenue legally
described as Lots 16, 17, 18, 19, 20, 21 and 23 Section 4, Victoria District, Plan 358; Lot
22, Section 4, Victoria District Plan 358, except the westerly 10 feet; and the westerly 10
feet of Lot 22, Section 4, Victoria District, Plan 358 and shown hatched on the attached
map, is removed from the R1-B Zone, Single Family Dwelling District and R1-SLVH
Zone, Single Family Storage Lot/Vehicle Sales District and placed in the R-81 Zone,
Speed and Frances Multiple Dwelling District.

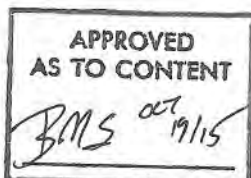
READ A FIRST TIME the _____ day of _____ 2015

READ A SECOND TIME the _____ day of _____ 2015

Public hearing held on the _____ day of _____ 2015

READ A THIRD TIME the _____ day of _____ 2015

ADOPTED on the _____ day of _____ 2015



CORPORATE ADMINISTRATOR

MAYOR

PART 3.104 – R-81 ZONE, SPEED AND FRANCES MULTIPLE DWELLING DISTRICT**3.104.1 Permitted Uses in this Zone**

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

- a. The uses permitted in the R1-B Zone, Single Family Dwelling District, subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw
- b. Multiple dwelling
- c. Bakeries used predominantly for the retail sale of bakery products sold from the premises
- d. Office
- e. Financial service,
- f. Retail
- g. Restaurant
- h. Personal services including but not limited to barbering, hairdressing, tailoring, shoemaking and shoe repair, optical, watch and jewelry repair and small animal services
- i. Cultural facility
- j. Gymnasia
- k. Launderettes and dry-cleaning establishments used or intended to be used for the purpose of dealing with the public served thereby
- l. Studios
- m. High tech
- n. Storage lots for undamaged vehicles intended for sale
- o. Vehicle sales and rentals

3.104.2 Location of Permitted Uses

- a. The uses identified in Part 3.99.1 q. and r. are only permitted on the following lots:

Lot 16, Section 4, Victoria District, Plan 358
Lot 17, Section 4, Victoria District, Plan 358
Lot 18, Section 4, Victoria District, Plan 358
- b. All of the uses described in Part 3.99.1 c–m must be located on the ground floor of a multiple dwelling.

PART 3.104 – R-81 ZONE, SPEED AND FRANCES MULTIPLE DWELLING DISTRICT**3.104.3 Community Amenities**

As a condition of additional density pursuant to Part 3.104.5 a monetary contribution to Victoria Housing Fund in the amount of \$ 975,000, as adjusted pursuant to this Part 3.104.3 must be provided as a community amenity.

The amenity contribution in the amount of \$975,000 (the "Base Contribution") shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw #15-031 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.

For the purposes of this Part 3.104.3 "CPI" means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

3.104.4 Lot Area, Lot Width

- a. A multiple dwelling may not be erected, used or maintained on a lot have an area less than 5340 m²
- b. Lot area (minimum) 460m²
- c. Lot width (minimum average) 24m
- d. Panhandle lot Subject to the regulations in Schedule "H"

3.104.5 Floor Space Ratio, Number of Buildings

- | | |
|--|--------------------|
| a. <u>Floor space ratio</u> (maximum) where the community amenity has not been provided pursuant to Part 3.104.3 | 1.0:1 |
| b. <u>Floor space ratio</u> (maximum) where the community amenity has been provided pursuant to Part 3.104.3 | 3.08:1 |
| c. Floor area (maximum) for all of the uses described in Part 3.99.1 c –m where the community amenity has been provided pursuant to Part 3.104.3 | 2440m ² |
| d. Number of principal buildings (maximum) | 2 |

3.104.6 Height, Storeys

Principal <u>building height</u> (maximum)	37 m
--	------

PART 3.104 – R-81 ZONE, SPEED AND FRANCES MULTIPLE DWELLING DISTRICT**3.104.7 Setbacks, Projections**

- | | |
|--|------|
| a. <u>Front yard setback</u> – Speed Avenue (minimum) | 6.0m |
| b. <u>Rear yard setback</u> – Frances Avenue (minimum) | Nil |
| c. <u>Side yard setback</u> - East (minimum) | 5.9m |
| d. <u>Side yard setback</u> - West (minimum) | Nil |

3.104.8 Site Coverage, Open Site Space

- | | |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 66% |
| b. <u>Open site space</u> (minimum) | 14% |

3.104.9 Vehicle and Bicycle Parking

- | | |
|---|---------------------------------------|
| a. Residential (minimum) | 0.96 vehicle spaces per dwelling unit |
| b. Except as otherwise provide this part, vehicle and bicycle parking is to be in accordance with the regulations in Schedule "C" | |

3.104.10 Regulations for Undamaged Vehicles and Vehicle Sales and Rentals

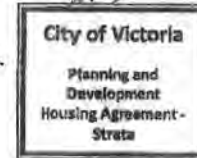
- | | |
|---|--|
| a. Where any land is used as permitted pursuant to Part 3.104.1 n. and o., a landscaped strip of not less than 0.6m in width and 1.5m in height shall be maintained along the west, north and east <u>lot lines</u> . | |
| b. Except as provided in this Part 3.104.10, the provisions of Schedule C apply to land used as permitted pursuant to Part 3.104.1 n. and o. | |



MAYOR

HOUSING AGREEMENT
(Pursuant to Section 905 of the *Local Government Act*)

THIS AGREEMENT is made the ____ day of _____, 2014.



BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C.
V8W 1P6
(the "City")

OF THE FIRST PART

AND: **OAKWOOD PARK ESTATES LTD.** (Inc. No. BC 0713191)
7th Floor – 1175 Douglas Street, Victoria, BC V8W 2E1
(the "Owner")

OF THE SECOND PART

AND: **CANTEC RESOURCES CORP., HSBC BANK CANADA AND
LONDON LIFE INSURANCE COMPANY,**
(all, as to priority)

OF THE THIRD PART

WHEREAS

- A. Under section 905 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 905(2) of the *Local Government Act*;

- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with civic addresses on Frances Avenue and Speed Avenue, and legally described as:

PID:	Legal Description:
000-202-720	Lot 16, Section 4, Victoria District, Plan 358
009-152-181	Lot 17, Section 4, Victoria District, Plan 358
009-152-211	Lot 18, Section 4, Victoria District, Plan 358
009-152-245	Lot 19, Section 4, Victoria District, Plan 358
009-152-261	Lot 20, Section 4, Victoria District, Plan 358
009-152-288	Lot 21, Section 4, Victoria District, Plan 358
009-152-326	Lot 22, Section 4, Victoria District, Plan 358, Except the Westerly 10 Feet
009-152-482	The Westerly 10 Feet of Lot 22, Section 4, Victoria District, Plan 358
009-152-369	Lot 23, Section 4, Victoria District, Plan 358

(the "Lands").

- C. The owner has applied to the City to rezone the Lands to permit a mixed-use development to include 176 Dwelling Units;
- D. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units);
- E. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this Housing Agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"Development" means the proposed two tower residential development on the Lands to include 176 Dwelling Units.

"**Dwelling Unit**" means a self-contained residential dwelling unit within the buildings 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 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.

"**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 5.1.

"**Tenancy Agreement**" has the same meaning as under the *Residential Tenancy Act*.

"**Strata Corporation**" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

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 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit for residential purposes to a Non-owner.

2.2 Without limiting the generality of section 2.1, 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 the Dwelling Units to Non-owners.

2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

3.1 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 or strata lot number, of Dwelling Units that are being rented to Non-owners; and
- (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.

3.2 The Owner covenants and agrees:

- (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit unless this Agreement is amended; and
- (b) to notify the City of any proposed amendments to its strata bylaws.

3.3 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.

4.0 Priority Agreements

4.1 Cantec Resources Corp., the registered holder of a charge by way of Mortgage registered against the Lands, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA3351569, for and in consideration of the sum of Ten (\$10.00) Dollars paid by the Transferee to the said Chargeholder (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 905(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

- 4.2 HSBC Bank Canada, the registered holder of a charge by way of Mortgage and Assignment of Rents registered against the Lands, which said charges are respectively registered in the Land Title Office at Victoria, British Columbia, under number EX3580, as modified by CA2340907 and extended by CA2341024 as to the Mortgage and EX3581 as extended by CA2341025, as to the Assignment of Rents, for and in consideration of the sum of Ten (\$10.00) Dollars paid by the Transferee to the said Chargeholder (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 905(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge..
- 4.3 London Life Insurance Company, the registered holder of a charge by way of Mortgage and Assignment of Rents registered against the Lands, which said charges are respectively registered in the Land Title Office at Victoria, British Columbia, under number EF83041 and EF83042, for and in consideration of the sum of Ten (\$10.00) Dollars paid by the Transferee to the said Chargeholder (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 905(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge..
- 5.0 Notice to be Registered in Land Title Office**
- 5.1 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 905(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.
- 6.0 Liability**
- 6.1 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.

- 6.2 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.

7.0 General Provisions

Notice

- 7.1 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:

c/o Cook Roberts LLP
 7th Floor – 1175 Douglas Street
 Victoria, BC V8W 2E1

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1, at the address on file in the Land Title Office.

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.

Time

- 7.2 Time is to be the essence of this Agreement.

Binding Effect

- 7.3 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.

Waiver

- 7.4 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.

Headings

- 7.5 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.

Language

- 7.6 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.

Equitable Remedies

- 7.7 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.

Cumulative Remedies

- 7.8 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.

Entire Agreement

- 7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

- 7.10 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.

Amendment

- 7.11 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.

Law Applicable

- 7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 7.13 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.

Joint and Several

- 7.14 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.

Counterpart

7.15 This Agreement may be executed in counterparts, 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.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.




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

Mayor Dean Fortin

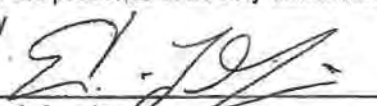
Corporate Administrator Robert
Woodland

EXECUTED BY OAKWOOD PARK
ESTATES LTD. in the presence of its duly
authorized signatory:



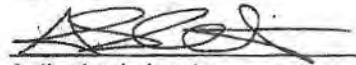
Authorized signatory

EXECUTED BY CANTEC RESOURCES
CORP in the presence of its duly authorized
signatory



Authorized signatory

EXECUTED BY HSBC BANK CANADA in)
the presence of its duly authorized)
signatories:)



Authorized signatory ADAM SLATER)

Authorized signatory)

EXECUTED BY LONDON LIFE INSURANCE)
COMPANY in the presence of its duly)
authorized signatories:)

Authorized signatory)

Authorized signatory)

EXECUTED BY HSBC BANK CANADA in)
 the presence of its duly authorized)
 signatories:)

 Authorized signatory)

 Authorized signatory)

EXECUTED BY LONDON LIFE INSURANCE)
 COMPANY in the presence of its duly)
 authorized signatories:)

 Authorized signatory)

[Signature]
 AMEL GILL
 TEAM LEADER)

 Authorized signatory)

[Signature]
 ANGELA VALERI
 Documentation Coordinator)

HOUSING AGREEMENT
(Pursuant to Section 905 of the *Local Government Act*)



THIS AGREEMENT is made the ____ day of _____, 2014.

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C.
V8W 1P6
(the "**City**")

OF THE FIRST PART

AND: **OAKWOOD PARK ESTATES LTD.** (Inc. No. BC 0713191)
7th Floor – 1175 Douglas Street, Victoria, BC V8W 2E1
(the "**Owner**")

OF THE SECOND PART

AND: **CANTEC RESOURCES CORP., HSBC BANK CANADA AND
LONDON LIFE INSURANCE COMPANY,**
(all, as to priority)

OF THE THIRD PART

WHEREAS

- A. Under section 905 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 905(2) of the *Local Government Act*;

- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with civic addresses on Frances Avenue and Speed Avenue, and legally described as:

PID:	Legal Description:
000-202-720	Lot 16, Section 4, Victoria District, Plan 358
009-152-181	Lot 17, Section 4, Victoria District, Plan 358
009-152-211	Lot 18, Section 4, Victoria District, Plan 358
009-152-245	Lot 19, Section 4, Victoria District, Plan 358
009-152-261	Lot 20, Section 4, Victoria District, Plan 358
009-152-288	Lot 21, Section 4, Victoria District, Plan 358
009-152-326	Lot 22, Section 4, Victoria District, Plan 358, Except the Westerly 10 Feet
009-152-482	The Westerly 10 Feet of Lot 22, Section 4, Victoria District, Plan 358
009-152-369	Lot 23, Section 4, Victoria District, Plan 358

(the "**Lands**").

- C. The owner has applied to the City to rezone the Lands to permit a mixed-use development to include 176 Dwelling Units;
- D. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units);
- E. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this Housing Agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"Development" means the proposed two tower residential development on the Lands to include 176 Dwelling Units.

"Dwelling Unit" means a self-contained residential dwelling unit within the buildings 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 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.

"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 5.1.

"Tenancy Agreement" has the same meaning as under the *Residential Tenancy Act*.

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

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 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit for residential purposes to a Non-owner.

- 2.2 Without limiting the generality of section 2.1, 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 the Dwelling Units to Non-owners.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

3.0 Reporting

- 3.1 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 or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 3.2 The Owner covenants and agrees:
 - (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit unless this Agreement is amended; and
 - (b) to notify the City of any proposed amendments to its strata bylaws.
- 3.3 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.

4.0 Priority Agreements

- 4.1 Cantec Resources Corp., the registered holder of a charge by way of Mortgage registered against the Lands, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA3351569, for and in consideration of the sum of Ten (\$10.00) Dollars paid by the Transferee to the said Chargeholder (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 905(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

- 4.2 HSBC Bank Canada, the registered holder of a charge by way of Mortgage and Assignment of Rents registered against the Lands, which said charges are respectively registered in the Land Title Office at Victoria, British Columbia, under number EX3580, as modified by CA2340907 and extended by CA2341024 as to the Mortgage and EX3581 as extended by CA2341025, as to the Assignment of Rents, for and in consideration of the sum of Ten (\$10.00) Dollars paid by the Transferee to the said Chargeholder (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 905(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge..
- 4.3 London Life Insurance Company, the registered holder of a charge by way of Mortgage and Assignment of Rents registered against the Lands, which said charges are respectively registered in the Land Title Office at Victoria, British Columbia, under number EF83041 and EF83042, for and in consideration of the sum of Ten (\$10.00) Dollars paid by the Transferee to the said Chargeholder (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 905(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge..

5.0 Notice to be Registered in Land Title Office

- 5.1 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 905(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.

6.0 Liability

- 6.1 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.

- 6.2 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.

7.0 General Provisions

Notice

- 7.1 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:

c/o Cook Roberts LLP
 7th Floor – 1175 Douglas Street
 Victoria, BC V8W 2E1

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1, at the address on file in the Land Title Office.

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.

Time

- 7.2 Time is to be the essence of this Agreement.

Binding Effect

- 7.3 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.

Waiver

- 7.4 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.

Headings

- 7.5 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.

Language

- 7.6 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.

Equitable Remedies

- 7.7 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.

Cumulative Remedies

- 7.8 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.

Entire Agreement

- 7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

- 7.10 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.

Amendment

- 7.11 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.

Law Applicable

- 7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

- 7.13 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
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IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.



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

Mayor Dean Fortin

Corporate Administrator Robert Woodland

EXECUTED BY OAKWOOD PARK ESTATES LTD. in the presence of its duly authorized signatory:

Authorized signatory

EXECUTED BY CANTEC RESOURCES CORP in the presence of its duly authorized signatory

Authorized signatory

EXECUTED BY HSBC BANK CANADA in)
the presence of its duly authorized)
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)
Authorized signatory ADAM SLATER)

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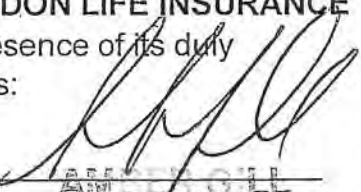
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