

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Ralston Stewart
Alexander
D5HIIS

Digitally signed by Ralston Stewart
Alexander D5HIIS
DN: c=CA, cn=Ralston Stewart
Alexander D5HIIS, o=Lawyer,
ou=Verily ID at www.verily.com/
LKUP.cdm?id=D5HIIS
Date: 2014.12.09 12:46:38 -0800

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Cook Roberts LLP
Barristers & Solicitors
7th Floor, 1175 Douglas Street
Victoria BC V8W 2E1
Document Fees: \$621.76

Telephone: (250) 385-1411
File No.: 32448 RSA



Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION
SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☒ Express Charge Terms Annexed as Part 2
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):
SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))
THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE
VICTORIA BRITISH COLUMBIA
V8W 1P6 CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

RALSTON S. ALEXANDER, QC
Barrister & Solicitor
7th Floor, 1175 Douglas Street
Victoria, BC Canada V8W 2E1
Phone: 250-385-1411

Execution Date		
Y	M	D
14	10	21

Transferor(s) Signature(s)

OAKWOOD PARK ESTATES LTD.
by its authorized signatory(ies):

Brian Edward Martin

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 15 PAGES

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7th Floor, 1175 Douglas Street

Victoria

BC V8W 2E1

Telephone: (250) 385-1411

File No.: 32448 RSA

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

SEE SCHEDULESTC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

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#1 CENTENNIAL SQUARE

VICTORIA

V8W 1P6

BRITISH COLUMBIA

CANADA

Incorporation No

N/A

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Solicitor
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Victoria BC Canada V8W 2E1
Phone: 250-385-1411

Execution Date		
Y	M	D
14	10	21

Transferor(s) Signature(s)

OAKWOOD PARK ESTATES LTD.
by its authorized signatory(ies):


BRIAN E. MARTIN

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LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 15 pages

Officer Signature(s)



ROBERT WOODLAND
A Commissioner for taking Affidavits
for British Columbia
#1 Centennial Square
Victoria, BC V8W 1P6

Execution Date

Y	M	D
14	12	05
14	11	14
14		

Transferor / Borrower / Party Signature(s)

THE CORPORATION OF THE CITY
OF VICTORIA by its authorized
signatory(ies):



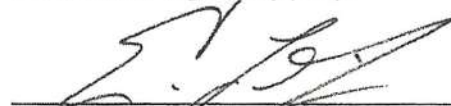
Mayor

MAYOR LISA HELPS
#1 Centennial Square
Victoria BC V8W 1P6

Clerk



CANTEC RESOURCES CORP. by its
authorized signatory(ies):



Print name:

ED LIFE

HSBC BANK CANADA by its
authorized signatory(ies):

Print name:

Print name:

OFFICER CERTIFICATION:

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Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y M D

14

THE CORPORATION OF THE CITY
OF VICTORIA by its authorized
signatory(ies):

Mayor

Clerk

14

CANTEC RESOURCES CORP. by its
authorized signatory(ies):

Print name:

14

11

14
11
20
11

HSBC BANK CANADA by its
authorized signatory(ies):

Print name: ADAM SLATER

Print name: HOA LU

DIANA MEI YIN LAU

Commissioner for Taking Affidavits
for British Columbia

100 - 771 Vernon Avenue 10610

Victoria, B.C. V8X 5A7

Date Commission Expires: April 30, 2015

As To Both

OFFICER CERTIFICATION:

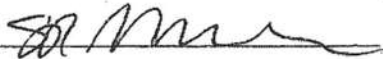
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 3 of 15 pages

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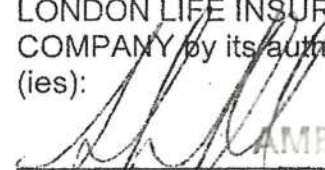
S. R. Mackenzie - Jones
 A Notary in and for the Province of Manitoba
 447 Portage Avenue, Winnipeg, MB R3B 3H5
 My Commission expires July 24, 2015

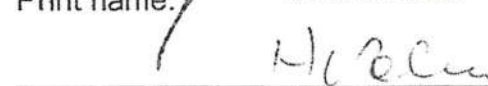
Execution Date

Y	M	D
14	11	13

Transferor / Borrower / Party Signature(s)

LONDON LIFE INSURANCE
 COMPANY by its authorized signatory
 (ies):


 Print name: **AMBER GILL**
 TEAM LEADER


 Print name: **ANNELA VALEN**
 Documentation Coordinator

OFFICER CERTIFICATION:

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LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 15 PAGES

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

000-202-720 LOT 16, SECTION 4, VICTORIA DISTRICT, PLAN 358

STC? YES ☐

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

009-152-181 LOT 17, SECTION 4, VICTORIA DISTRICT, PLAN 358

STC? YES ☐

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

009-152-211 LOT 18, SECTION 4, VICTORIA DISTRICT, PLAN 358

STC? YES ☐

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 5 OF 15 PAGES

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

009-152-245 LOT 19, SECTION 4, VICTORIA DISTRICT, PLAN 358

STC? YES ☐

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

009-152-261 LOT 20, SECTION 4, VICTORIA DISTRICT, PLAN 358

STC? YES ☐

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

009-152-288 LOT 21, SECTION 4, VICTORIA DISTRICT, PLAN 358

STC? YES ☐

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 6 OF 15 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]**009-152-326 LOT 22, SECTION 4, VICTORIA DISTRICT, PLAN 358, EXCEPT THE
WESTERLY 10 FEET**STC? YES ☐2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]**009-152-482 THE WESTERLY 10 FEET OF LOT 22, SECTION 4, VICTORIA DISTRICT,
PLAN 358**STC? YES ☐2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]**009-152-369 LOT 23, SECTION 4, VICTORIA DISTRICT, PLAN 358**STC? YES ☐

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 7 OF 15 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right of Way		Section 1.0
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		Section 219 Land Title Act - Section 2.0
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting Statutory Right of Way priority over Mortgage CA3351569 charging PIDs 000-202-720, 009-152-288, 009-152-326, 009-152-482, and 009-152-369
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting Statutory Right of Way priority over Mortgage EX3580, as modified by CA2340907 and extended by CA2341024, and Assignment of Rents EX3581, as extended by CA2341025, charging PIDs 009-152-181, 009-152-211, 009-152-245, and 009-152-261
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting Statutory Right of Way priority over Mortgage EF83041 and Assignment of Rents EF83042 charging PID 009-152-245
NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting Covenant priority over Mortgage CA3351569 charging PIDs 000-202-720, 009-152-288, 009-152-326, 009-152-482, and 009-152-369

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 8 OF 15 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting Covenant priority over Mortgage EX3580, as modified by CA2340907 and extended by CA2341024, and Assignment of Rents EX3581, as extended by CA2341025, charging PIDs 009-152-181, 009-152-211, 009-152-245, and 009-152-261

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting Covenant priority over Mortgage EF83041 and Assignment of Rents EF83042 charging PID 009-152-245

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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LAND TITLE ACT
FORM E

SCHEDULE

PAGE 9 OF 15 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

Oakwood Park Estates Ltd., Inc No. 0713191,
Cantec Resources Corp., Inc. No. 0161623, (as to priority)
HSBC BANK CANADA, (as to priority)
LONDON LIFE INSURANCE COMPANY, (as to priority)

**Statutory Right of Way – Public Walkway
s.219 Covenant**

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner of the following land in the Province of British Columbia:

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")

- B. The Transferee is The Corporation of the City of Victoria;
- C. The Transferee wishes to be able to access, for itself and all members of the public, a public pedestrian walkway developed and maintained in perpetuity over the Lands.
- D. The Transferor has agreed to grant a Statutory Right of Way on the terms hereinafter set forth.
- E. It is necessary for the operation and maintenance of the Transferee's undertaking of a public pedestrian walkway (the "**Public Walkway**") for the enjoyment of the general public that a right of way be established in accordance with this document.
- F. The Transferor has agreed to register the herein restrictive covenant under Section 219 of the *Land Title Act*, on the title to the Lands to secure the commitment of the Transferor to construct and maintain the Public Walkway.

- G. The Transferee has the authority to accept the covenants under s.219 of the *Land Title Act*.

NOW, THEREFORE, THIS INDENTURE WITNESSES that in consideration of the sum of Ten (\$10.00) Dollars of lawful money of Canada, now paid by the Transferee to the Transferor and other valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor), and in consideration of the covenants hereinafter contained:

1.0 STATUTORY RIGHT OF WAY

- 1.1 Pursuant to Section 218 of the *Land Title Act*, the Transferor does hereby grant, convey, confirm and transfer, in perpetuity, to the Transferee, its successors and assigns, and all of its employees, agents, servants, licensees and invitees including all members of the public who might so desire, at all times by day or night, the full, free and uninterrupted right, licence, liberty, privilège, permission and right of way, to enter, use, go, return, pass over and across the Lands for the purpose of a public pedestrian walkway (the "**Right of Way**").
- 1.2 The Transferor will permit the Transferee and every member of the public to peaceably hold and enjoy the rights hereby granted.

2.0 SECTION 219 RESTRICTIVE COVENANT

- 2.1 Pursuant to Section 219 of the *Land Title Act*, in respect of the use of the Lands, the Transferor will construct, develop and improve the Public Walkway on the Right of Way, and keep and maintain it in good condition and repair in accordance with City standards and policies, as amended from time to time.
- 2.2 The Transferor covenants and agrees that it will not occupy or use the building to be constructed on the Lands for any purpose until it has constructed and installed the Public Walkway, at the Transferor's sole cost and to the satisfaction of the Transferee.

3.0 GENERAL

- 3.1 The Transferor and the Transferee agree that upon completion of the Public Walkway, the Transferor shall, at its sole cost and expense, cause a British Columbia Land Surveyor to prepare an explanatory or reference plan of statutory right of way in registerable form defining the actual as built boundaries of the Public Pathway as constructed (the "**Specific Right of Way Area**") and the Transferor shall prepare and deliver to the Transferee and the Transferee shall execute and deliver to the Transferor a statutory right of way which replaces this Agreement to restrict the area of the Right of Way to the Specific Right of Way

Area but in all other respects containing the same terms and conditions of this Agreement. Upon registration of the replacement statutory right of way in the Land Title Office in priority to all financial charges, the Transferee shall execute and deliver a discharge of this Agreement in registerable form.

- 3.2 The Transferor and the Transferee agree that enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or prevent or restrain the breach of any provision of this Agreement.
- 3.3 The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have, whether as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or otherwise, which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
- 3.4 The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement by the Transferee;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
- 3.5 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all registered and pending charges and encumbrances of a financial nature against the Lands.
- 3.6 This Agreement does not

- (a) affect or limit the discretion, rights or powers of the Transferee under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238, on the reference date of this Agreement) or at common law in relation to the Transferor or the Lands all of which may be exercised or enforced by the Transferee as if this Agreement did not exist,
- (b) affect or limit any enactment relating to the use or subdivision of the Lands, or
- (c) relieve the Transferor from complying with any public or private enactment, including in relation to the use or subdivision of the Lands.

- 3.7 Where the Transferee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Transferor agrees that the Transferee is under no public law duty of fairness or natural justice in that regard and agrees that the Transferee may do any of those things in the same manner as if it were a private party and not a public body.
- 3.8 No part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use and enjoy all of the Lands subject only to the rights and restrictions herein contained.
- 3.9 If the Transferor is in breach of and provision of this Agreement, including section 2.0, the Transferee may but is under no obligation to inspect, repair and maintain the Right of Way and Public Walkway, including removal of any buildings, structures or improvements placed without consent, at the expense of the Transferor.
- 3.10 The covenants herein shall be covenants running with the Lands upon which the Right of Way is situated and none of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during the Transferor's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Transferor shall have an interest, but that the Lands, nevertheless, shall be and remain at all times charged herewith.
- 3.11 The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary or desirable to give proper effect to the intention of this instrument.

- 3.12 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and their heirs and administrators respectively.
- 3.13 Whenever the singular or masculine are used they shall be construed as including the plural, feminine or body corporate where the context requires.
- 3.14 It is agreed that this Agreement may be executed in counterparts, with all such executed counterparts of this Agreement taken together to form a single Agreement.

4.0 PRIORITY AGREEMENT

- 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 (the "Cantec Charge"), 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 Transferee, its successors and assigns, that the within Statutory Right of Way and the section 219 Covenant shall be an encumbrance upon the Lands in priority to the said Cantec Charge in the same manner and to the same effect as if they had been dated and registered prior to the said Cantec 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 (the "HSBC Charges"), 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 Transferee, its successors and assigns, that the within Statutory Right of Way and the section 219 Covenant shall be an encumbrance upon the Lands in priority to the said HSBC Charges in the same manner and to the same effect as if they had been dated and registered prior to the said HSBC Charges.
- 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 (the "London Life Charges"), 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 Transferee, its successors and assigns, that the within Statutory Right of Way and the section 219 Covenant shall be an encumbrance upon the Lands in priority to the said London Life Charges in the same manner and to the same effect as if they had been dated and registered prior to the said Charges.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

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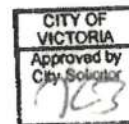
Ralston Stewart
Alexander
D5HIIS

Digitally signed by Ralston Stewart
Alexander D5HIIS
DN: c=CA, cn=Ralston Stewart,
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Date: 2014.12.09 10:58:00 -0800

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Cook Roberts LLP
Barristers & Solicitors
7th Floor, 1175 Douglas Street
Victoria BC V8W 2E1
Document Fees: \$310.88

Telephone: (250) 385-1411
File No.: 32448 RSA



Deduct LTSA Fees? Yes ☒

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STC? YES ☐

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THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

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Barrister & Solicitor
7th Floor, 1175 Douglas Street
Victoria, BC Canada V8W 2E1
Phone: 250-385-1411

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by its authorized signatory(ies):

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LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 15 PAGES

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Barristers & Solicitors

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Victoria

BC V8W 2E1

Telephone: (250) 385-1411

File No.: 32448 RSA

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[PID]

[LEGAL DESCRIPTION]

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4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

RALSTON S. ALEXANDER, QC
Solicitor
7th Floor, 1175 Douglas Street
Victoria BC Canada V8W 2E1
Phone: 250-385-1411

Execution Date

Y	M	D
14	10	21

Transferor(s) Signature(s)

OAKWOOD PARK ESTATES LTD.
by its authorized signatory(ies):

Brian Edward Martin

OFFICER CERTIFICATION:

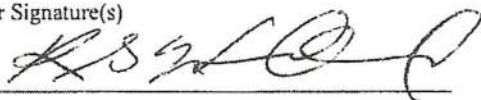
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 15 pages

Officer Signature(s)



ROBERT G. WOODLAND
A Commissioner for taking Affidavits
for British Columbia
#1 Centennial Square
Victoria, BC V8W 1P6

Execution Date

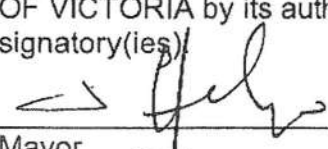
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Transferor / Borrower / Party Signature(s)

THE CORPORATION OF THE CITY
OF VICTORIA by its authorized
signatory(ies):

Mayor


MAYOR LISA HELPS
#1 Centennial Square
Victoria BC V8W 1P6

Clerk



14 11 14

CANTEC RESOURCES CORP. by its
authorized signatory(ies):

Print name:

ETI LIFE

14

HSBC BANK CANADA by its
authorized signatory(ies):

Print name:

Print name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

PAGE 2 of 15 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y M D

14

THE CORPORATION OF THE CITY
OF VICTORIA by its authorized
signatory(ies):

Mayor

Clerk

14

CANTEC RESOURCES CORP. by its
authorized signatory(ies):

Print name:

14

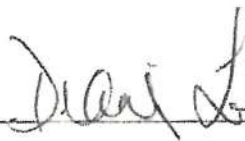
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11
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HSBC BANK CANADA by its
authorized signatory(ies):

Print name: ADAM SLATER

Print name: HOA LU



DIANA MEI YIN LAU
Commissioner for Taking Affidavits
for British Columbia

100 - 771 Vernon Avenue 10610

Victoria, B.C. V8X 5A7

Date Commission Expires: April 30, 2015
As To Both

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 3 of 15 pages

Officer Signature(s)



S. R. Mackenzie - Jones
A Notary in and for the Province of Manitoba
447 Portage Avenue, Winnipeg, MB R3B 3H5
My Commission expires July 24, 2015

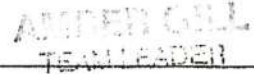
Execution Date

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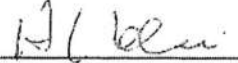
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Transferor / Borrower / Party Signature(s)

LONDON LIFE INSURANCE
COMPANY by its authorized signatory
(ies):


AMBER GILL
TEAM LEADER

Print name:



Print name:

ANGELA VALERI
Documentation Coordinator

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 15 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

000-202-720**LOT 16, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-181**LOT 17, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-211**LOT 18, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 5 OF 15 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-245**LOT 19, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-261**LOT 20, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-288**LOT 21, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 6 OF 15 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-326**LOT 22, SECTION 4, VICTORIA DISTRICT, PLAN 358, EXCEPT THE
WESTERLY 10 FEET**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-482**THE WESTERLY 10 FEET OF LOT 22, SECTION 4, VICTORIA DISTRICT, PLAN
358**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-152-369**LOT 23, SECTION 4, VICTORIA DISTRICT, PLAN 358**

STC?

YES ☐

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 7 OF 15 PAGES

NATURE OF INTEREST
Covenant

CHARGE NO.

ADDITIONAL INFORMATION
Section 219 Land Title ActNATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION
Granting Covenant priority over Mortgage
CA3351569 charging PIDs 000-202-720,
009-152-288, 009-152-326, 009-152-482, and
009-152-369NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION
Granting Covenant priority over Mortgage EX3580,
as modified by CA2340907 and extended by
CA2341024, and Assignment of Rents EX3581, as
extended by CA2341025, charging PIDs
009-152-181, 009-152-211, 009-152-245, and
009-152-261NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION
Granting Covenant priority over Mortgage EF83041
and Assignment of Rents EF83042 charging PID
009-152-245

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 8 OF 15 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. Transferor(s):

OAKWOOD PARK ESTATES LTD., Inc. No. 0713191,
CANTEC RESOURCES CORP., Inc. No. 0161623 (As to Priority),
HSBC BANK CANADA (As to Priority);
LONDON LIFE INSURANCE COMPANY (As to Priority)

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee simple of:

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 "Land");

- B. The Transferee is The Corporation of the City of Victoria;
- C. The Transferor has applied to the Transferee to alter the permitted density and uses of the development permitted on the Land as set out in draft City of Victoria Zoning Regulation Bylaw *, Amendment Bylaw (No.*) (the "Rezoning Bylaw");
- D. The Transferor has agreed to enter into this Agreement and to register it against the title of the Land as an Agreement and indemnity pursuant to section 219 of the *Land Title Act*.

NOW THEREFORE in consideration of the premises and the Agreements herein contained and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

1. The Transferor covenants and agrees that it shall not construct or alter any building on the Land, and that it shall not take legal proceedings to

compel the issuance of a building permit for any building on the Land, unless it first complies with the requirements of Section 2 of this Agreement:

2. The Transferor acknowledges that the proposed increased density of the permitted development on the Land may require an increase in the capacity of the City's sanitary sewer system, and that the City's sewer system may not at present be sufficient to accommodate the proposed development (the "**Development**"). Accordingly, the Transferor covenants and agrees:
 - (a) that it shall not apply for a building permit, and shall not construct or alter any buildings on the Land, unless it has first provided the City's Director of Engineering and Public Works (the "**Director of Engineering**") with a detailed report prepared by a professional engineer qualified to practice in British Columbia, to the Director of Engineering's satisfaction, calculating the anticipated peak flow rate of sewage to be produced by the Development (the "**Anticipated Flow Rate**");
 - (b) that the Director of Engineering has accepted a peak flow rate of 0.69 litres per second (the "**Accepted Flow Rate**") and accordingly, if the Anticipated Flow Rate is greater than the Accepted Flow Rate, the Transferor shall provide at its sole cost and expense any on-site works, services or facilities necessary to reduce the volume of sewage produced by the use and occupancy of the Development, or to restrict the timing of the discharge of sewage to certain hours (the "**Attenuation System**"), so that the actual peak flow rate of sewage to be produced by the Development is no greater than the Accepted Flow Rate, it being the intent that that the actual net impact of the Development on the City's sanitary sewer system is no greater than the maximum potential impact of the permitted development under the zoning regulations that immediately preceded the adoption of the Rezoning Bylaw;
 - (c) the Transferor will arrange for a professional engineer to inspect the Attenuation System after construction thereof and to deliver to the Transferee, to its satisfaction, a complete set of "as-built" drawings showing details of the Attenuation System as

constructed, stamped or imprinted with the engineer's professional seal, and the engineer's sealed written advice that such Attenuation System meets the requirements set out in paragraph 2(b);

- (d) without limiting paragraph 2(c), that the Attenuation System to be provided under Section 2(b) shall be to the satisfaction of the Director of Engineering, acting reasonably.
- 3. The Transferor covenants and agrees that it will not connect or permit connection of any permanent building on the Land to the Transferee's public sanitary sewer system and that the Transferor shall not use or permit the use of any permanent building on the Land (except in connection with the construction thereof) until the Attenuation System to be provided under Section 2(b) has been completed to the satisfaction of the Director of Engineering. Provided that if it is reasonably necessary for the Transferor to connect to the Transferee's public sanitary sewer system prior to completion of the Attenuation System under Section 2(b), then the Transferor covenants and agrees that the Transferee may refuse to issue an occupancy certificate for the Land and the Development, and that the Transferor shall take no legal proceedings to compel the issuance of an occupancy certificate, and that the Transferor shall not use or permit the use of any building, structure or development on the Land (except in connection with the construction thereof) until the Attenuation System to be provided under Section 2(b) has been completed to the satisfaction of the Director of Engineering.
- 4. The Transferor will, at all times after it is constructed and put into operation pursuant to this Agreement, maintain the Attenuation System so that it functions adequately, as designed and intended, at all times.
- 5. If the Transferor fails to maintain and repair the Attenuation System, then the Transferee may do the required maintenance and repair and such maintenance and repair will be done at the expense of the Transferor, and the Transferee will be at liberty to recover the costs of that maintenance and repair in like manner as municipal taxes and the Transferor covenants and agrees that the Transferee may enter upon the Land for the purpose of effecting the required maintenance and repairs.

6. This Agreement may be amended in writing by agreement of the parties, and the amendment agreement shall be registered in the Land Title Office.
7. The Transferor hereby releases the Transferee from and shall indemnify and keep indemnified the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have, including but not limited to, the Transferor and the Transferee and any of its officials, officers, employees and agents, as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) restrictions or requirements on the use and development of the Land provided for under this Agreement;
 - (c) the requirement to construct and maintain the Attenuation System in accordance with the terms of this Agreement;
 - (d) failure of the Attenuation System to function as designed regardless of the reason for failure including without limitation, inadequate design or construction, inadequate maintenance or repair; or
 - (e) this Agreement.
8. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Transferor.
9. The Transferor and the Transferee agree that the enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Agreement against the title to the Land shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or the breach of any provision of this Agreement.

10. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions herein before set out and they shall be binding upon the Transferor as personal covenants only during the period of the Transferor's respective ownership of any interest in the Land.
11. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual and shall be registered in the Land Title Office pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Transferee, and as a first charge on the title of the Land.
12. Wherever the expression "Transferor" and "Transferee" is used herein the same shall be construed as meaning the plural, feminine or body corporate where the context of the parties so requires.
13. The Transferor shall, after execution hereof by it at the expense of the Transferor, do or cause to be done all acts necessary to grant priority to this Agreement over all financial charges and encumbrances which are registered, or pending registration, against the title to the Land in the Land Title Office save and except those as have been specifically approved in writing by the Transferee or have been granted in favour of the Transferee.
14. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
15. The waiver by a party of any breach of this Agreement or 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, and no waiver shall be effective unless it is in writing signed by both parties.
16. 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.
17. Time is of the essence of this Agreement.

18. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
19. This Agreement shall enure to the benefit of the Transferee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
20. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
21. It is agreed that this Agreement may be executed in counterparts, with all such executed counterparts of this Agreement taken together to form a single Agreement.
22. Cantec Resources Corp., the registered holder of a charge by way of Mortgage registered against the Land, which said charge is registered in the Land Title Office at Victoria, British Columbia, under number CA3351569 (the "Cantec Charge"), 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 Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Land in priority to the said Cantec Charge in the same manner and to the same effect as if it had been dated and registered prior to the said Cantec Charge.
23. HSBC Bank Canada, the registered holder of charges by way of Mortgage and Assignment of Rents registered against the Land, 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 (the "HSBC Charges"), 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 Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Land in priority to the said HSBC Charges in the

same manner and to the same effect as if it had been dated and registered prior to the said HSBC Charges.

24. London Life Insurance Company, the registered holder of a charge by way of Mortgage and Assignment of Rents registered against the Land, which said charges are respectively registered in the Land Title Office at Victoria, British Columbia, under number EF83041 and EF83042 (the "London Life Charges"), 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 Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Land in priority to the said London Life Charges in the same manner and to the same effect as if it had been dated and registered prior to the said London Life Charges.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C and Form D attached hereto.

REPORTS OF THE COMMITTEE

1. Governance and Priorities Committee – September 20, 2012

6. 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 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.

Carried

For:

*Mayor Fortin, Councillors Alto, Coleman, Gudgeon,
Helps, Isitt, Thornton-Joe and Young*

Against:

Councillor Madoff

10. DECISION REQUEST

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

Committee received a report dated September 6, 2012, regarding Rezoning Application # 00301 for 605-629 Speed Avenue and 606-618 Francis Avenue. The revised application is to rezone eight lots from the R1-B Zone, Single Family Dwelling District and R1-SLVH Zone, Single Family Storage Lot/Vehicle Sales District to a new zone. The rezoning will permit a commercial/ residential development including 176 units in two multi-storey buildings of 12 storeys each.

Revisions from the previous proposal include:

- Building storeys changed to 12 storeys (36.8m) for both towers from eight storeys (18m) and 14 storeys (38.1m).
- Density (Floor Space Ratio) reduced to 3:07:1 from 3.56:1
- Number of units reduced to 176 from 224
- Unit tenure changed to strata-titling for all units (with 83 proposed to be rented) from 105 non-profit rental, 64 market rental and 55 units strata-titled.

Action:

Councillor Alto moved that Committee recommends that Council approve Rezoning Application # 00301 be considered at a Public Hearing and that staff prepare the necessary 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.

Committee discussed:

- Some Committee members would like to see another option on the table. Most of the conditions that have been set forth are manageable. It would be beneficial if this proposal went to the Advisory Design Panel for review. Having a Housing Agreement would also be beneficial. It is also important to consider what amenities would be provided. This is a challenging proposal but important to consider. The corridor is changing as it is close to Mayfair Mall and the shipyards. There are also significant concerns that need to be addressed.

Councillor Alto proposed the following amended motion:

Motion: Councillor Alto moved that Committee recommends that Council approve that Rezoning Application # 00301 be considered at a Public Hearing and that staff prepare the necessary 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.**

On the Amended Motion

CARRIED UNANIMOUSLY 12/GPC551

On the Main Motion

CARRIED UNANIMOUSLY 12/GPC552



Governance and Priorities Committee Report

Date: September 6, 2012 **From:** Brian Sikstrom, Senior Planner
Subject: **Revised Submission for Rezoning Application # 00301 for 605-629 Speed Avenue and 606-618 Frances Avenue** - Application to rezone eight lots from the R1-B Zone, Single Family Dwelling District and R1-SLVH Zone, Single Family Storage Lot/Vehicle Sales District to a new zone. The rezoning will permit a commercial/residential development including 176 units in two multi-storey buildings of 12 storeys each.

Executive Summary

The purpose of this report is to provide information, analysis and recommendations regarding a revised submission of a Rezoning Application for the properties located at 605-629 Speed Avenue and 606-618 Frances Avenue. A rezoning is required to allow multi-unit residential and commercial uses as well as increased density on the site.

The major revisions from the previous proposal include:

- Building storeys changed to 12 storeys (36.8 m) for both towers from 8 storeys (18 m) and 14 storeys (38.1 m)
- Density (Floor Space Ratio) reduced to 3.07:1 from 3.56:1
- Number of units reduced to 176 from 224
- Unit tenure changed to strata-titling for all units (with 83 proposed to be rented) from 105 non-profit rental, 64 market rental and 55 units strata-titled.

The following points were taken into consideration in reviewing this revised proposal:

- The revised proposal is not consistent with the Urban Residential and General Employment Urban Place Designations for this site in the *Official Community Plan, 2012*. The proposed building height of 12 storeys and a density of 3:07:1 FSR is above the Urban Place Guidelines for both these designations as well as the nearby Mayfair Town Centre Urban Place Designation.
- The project's massing and green space as encompassed in its built form and site planning (height, density, site coverage and setbacks) do not conform to a number of zoning standards typical of apartment buildings outside the Downtown Core Area.
- While the proposal is near Douglas Street and the Mayfair Town Centre, more comprehensive transit-oriented land use planning should be undertaken before any new mixed-use developments are approved outside the designated Town Centre Area to optimize the potential benefits of such a major public investment. Planning for this local area is identified as Priority One in the *Official Community Plan, 2012*.

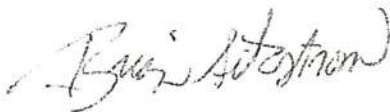
In conclusion, the revised proposal is not supportable in this location. The staff recommendation that the application be declined has not changed.

Recommendation

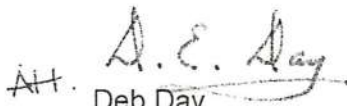
That Rezoning Application #00301 for 605-629 Speed Avenue and 606-618 Frances Avenue be declined.

Should Council wish to consider approval of this application, an alternative recommendation is provided in Section 5 of this report.

Respectfully submitted,



Brian Sikstrom
Senior Planner
Development Services



Deb Day
Director
Planning and Development



Peter Sparanese
General Manager
Operations

Report accepted and recommended by the City Manager:

Gail Stephens

BMS/ljm

1. Purpose

The purpose of this report is to provide information, analysis and recommendations regarding a revised submission of a Rezoning Application for the properties located at 605-629 Speed Avenue and 606-618 Frances Avenue. A rezoning is required to allow multi-unit residential and commercial uses as well as increased density on the site.

2. Background

2.1 Description of Proposal

The revised proposal is to construct a commercial/residential complex consisting of two residential towers of 12 storeys each at a density of 3.07:1 Floor Space Ratio (FSR). The residential component is comprised of 176 units including ten ground-oriented townhouses along Speed Avenue. The applicant indicates that the units in the east tower would be strata-titled but rented at market rates and the units in the west tower and townhouses would be strata-titled and sold. The commercial component consists of 2438 m² of commercial floor space on the Frances Avenue side of the site with surface parking for 40 vehicles. In addition, 195 spaces of vehicle parking are proposed in two underground levels accessed from Speed and Frances Avenues.

The revised proposal includes the incorporation of a green roof over a portion of the townhouse and retail floor space as well as space for a potential day care centre. A public walkway is proposed between Speed and Frances Avenues as well as improvements at the end of Speed Avenue. (Note: Improvements to the end of Speed Avenue were proposed and approved as part of a previous rezoning approval for an apartment building across the street at 606-612 Speed Avenue.)

With respect to the composition of residential units, the applicant is proposing a variety of units with a minimum floor area of 50 m².

2.2 Existing Site Development and Development Potential

The site is comprised of eight lots currently occupied by five single family detached dwellings on Speed Avenue and a vehicle sales building on Frances Avenue with associated vehicle parking. The houses at 605, 607 and 609 Speed Avenue were built in 1914 and those at 615 and 629 Speed Avenue were built in 1944. The houses range in condition from fair to poor.

Under the existing R1-B Zone, Single Family Dwelling District, on Speed Avenue, the lots could be developed for new single family dwellings (with secondary suites) as well as other uses including public buildings such as a school or a church.

Under the existing R1-SLVH Zone, Single Family Storage Lot/Vehicle Sales District, the lots can be used for vehicle sales and rentals, storage for undamaged vehicles, single family dwellings (with secondary suites) as well as other uses including public buildings such as a school or church.

The site is "L"-shaped and largely level with some landscaping on the Speed Avenue lots.

2.3 Data Table

The following data table provides comparisons of the revised proposal with the previous proposal.

Zoning Criteria	Revised Proposal	Previous Proposal
Site area (m ²) (min)	5349.4	5349.4
Total floor area (m ²) (max)	16433	19054
Density (Floor Space Ratio) (max)	3.07:1	3.56:1
Number of Buildings	2	2
Height (m) (max)	36.8	38.1
Site coverage (%) (max)	66	66
Open site space (%) (min)	14.3	14.3
Storeys (max)	12	14 and 8
Setbacks (m) (min)		
North (Speed Avenue)	6	6
South (Frances Avenue)	Nil	Nil
East (Side)	5.95	6
West (Side)	Nil	Nil
Parking (stalls) (min)	235* 195 parkade, 40 surface	275 235 parkade, 40 surface
Parking for Visitors (min)	19*	6
Bicycle storage (stalls) (min)	195 class 1 + 16 class 2	230 class 1 +18 class 2
Surface parking landscape strip width (m) (min)	Nil**	0.6
Surface parking street setback (min)	Nil**	Nil

Notes: * The existing Zoning Regulation Bylaw Schedule C parking requirement is for 311 stalls with 24 visitor spaces based on the mix of strata-titled residential units and commercial floor area.

** The existing Zoning Regulation Bylaw Schedule C parking requirement is for a landscape strip of 1 metre in width and a parking street setback of 1 metre.

2.4 Land Use Context

The existing land use on Speed Avenue consists of single family dwellings, a three-storey strata apartment building, two motels and commercial uses at the intersection with Douglas Street. The land use on Frances Avenue is vehicle storage and sales as well as warehouse and service commercial uses. Mayfair Mall is nearby across Douglas Street.

Immediately adjacent uses are:

- North (across Speed Avenue): single family dwellings and a three-storey strata apartment building
- South (across Frances Avenue): auto sales dealership
- West: warehouse/service commercial uses
- East: single family dwellings and a motel.

The Noise Bylaw includes this site within a Quiet District, but it is surrounded by the Intermediate District due to the commercial and light industrial nature of much of this area.

Speed Avenue is a local street with access and egress from Douglas Street only. Frances Avenue is also a local street. Douglas Street is an arterial street and the designated route for future rapid transit.

2.5 Legal Description

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.

2.6 Relevant History

This application for rezoning was first received on October 15, 2010. It was reviewed by the Planning and Land Use Standing Committee (PLUSC) on February 3, 2011 with a recommendation that the application be forwarded to the Governance and Priorities Committee (GPC) for its review with additional information provided by staff and the applicant. The GPC reviewed the application on April 7, 2011 and recommended that the application be declined. This recommendation was considered by Council at its meeting on April 14, 2011 and a motion to refer the application back to the GPC was passed subject to "the applicant's resubmission of the application with particular attention to the proposal's height, density, massing and green space." The previous staff reports as well as Council, PLUSC and GPC minutes are attached for further information.

In 2005, a Rezoning Application to permit the three-storey, 30-unit Mayfair Walk strata apartment building on the north side of Speed Avenue was approved by Council. The building was completed in 2007. A rezoning to permit a five-storey, 19-unit strata apartment building adjacent to Mayfair Walk on the west side was approved by Council in 2009. A Development Permit Application for this building was renewed on January 26, 2012.

2.7 Consistency with City Policies

2.7.1 Official Community Plan, 2012

The *Official Community Plan, 2012* (OCP) anticipates that 40 percent of future population growth will occur in Town Centres and Large Urban Village Centres. The first priority area for local area planning is aligned with BC Transit to focus on the Douglas Street rapid transit corridor and nearby areas such as the entire Burnside Neighbourhood, including Rock Bay, and the nearby Quadra Village. This local area planning process, building on the land use framework established in the updated OCP, is essential to ensure the area is cohesively

developed with transit-oriented land uses, appropriate design considerations, and the significant amenities to support an increased population.

The properties included in this application are in the Urban Residential Land Use Designation (Speed Avenue) and the General Employment Land Use Designation (Frances Avenue). The Urban Residential Designation envisages low-rise and mid-rise multi-unit buildings of up to approximately six storeys at a density generally up to 1.2:1 Floor Space Ratio (FSR) with up to 2:1 FSR considered in strategic locations for the advancement of the plan objectives. The General Employment Designation foresees large floor-plate commercial and light industrial and mixed-use buildings from one storey to approximately four storeys with densities of up to 2:1 FSR.

The site is near, but not within, the area designated as Mayfair Town Centre. Such a Town Centre is described as consisting of *"mixed-use, mid-rise building types that accommodate ground-level commercial, offices, community services, visitor accommodation, and multi-unit residential apartments, with a well-defined public realm characterized by wide sidewalks, regularly spaced street tree planting and buildings set close to the street frontage, anchored by a full service grocery store or equivalent combination of food retail uses and destination retail, serving either as a frequent or rapid transit service hub."*

Town Centre building heights are up to approximately 10 storeys with densities generally up to 2:1 Floor Space Ratio (FSR); up to 3:1 FSR can be considered in strategic locations for the advancement of the plan objectives. In addition, further consideration can be given to encouraging residential densities within 400 metres of a Town Centre or Urban Village sufficient to support the range of services and amenities appropriate to it.

The site is covered by Development Permit Area 16, General Form and Character, which enables Council to review and approve the form and character of commercial, industrial and multi-unit residential developments in areas throughout the City where further growth is identified in the OCP.

2.7.2 Burnside Neighbourhood Plan, 1992 (Revised April 2007)

The *Burnside Neighbourhood Plan, 1992*, recommends that the Speed Avenue area be retained as a mixed residential and light industrial area with an expanded range of home business uses/home industry. The residential policy states:

8. *In the Speed Avenue sub-area residential and light industrial should not be considered mutually exclusive and a modified R1-B zoning to allow an expanded range of home business uses or a new zone should be considered.*

The Neighbourhood Plan supports an expanded and strengthened residential community for the neighbourhood through a number of policies including:

5. *The extension of residential use into the Cecelia-Sumas area is anticipated to be a long term transition. Some existing industries and other uses such as the SPCA may ultimately require relocation.*
7. *Additional apartment development is considered appropriate on Douglas Street in the major commercial areas, particularly if developments incorporate ground floor*

commercial uses. The Humber Green and Mayfair areas are suitable for apartment housing.

The expansion of the residential community into the former Fletcher Challenge site was recommended in the Neighbourhood Plan. This occurred with the Selkirk Waterfront Project which is now nearly completed, with approximately 400 homes in the form of apartments, townhouses and a seniors' care facility.

2.8 Community Consultation

The Burnside-Gorge Neighbourhood Association has been consulted. The most recent Community meeting was held on June 18, 2012. The City's mail-out notification for this meeting was inadvertently missed. However, a nearby resident notified other neighbours and a notice was published in the community association newsletter. The notes from this meeting are attached. Since the City's notification of the previous meeting was not done, another community meeting will be held should the application be forwarded to a Public Hearing. Any further changes to the proposal could be discussed at this meeting.

Community meetings for the previous proposal were held on December 16, 2009 and December 13, 2010.

3. Issues

The main issues respecting this revised proposal are:

- appropriateness of density and height
- adequacy of parking and traffic management
- massing and green space
- ensuring the preservation of boulevard trees.

4. Analysis

4.1 Appropriateness of Height and Density

In the *Official Community Plan, 2012*, the proposal is in an area identified as Urban Residential on Speed Avenue and General Employment on Frances Avenue. The proposal reflects these designations to some degree with residential focused on Speed Avenue and ground floor commercial fronting on Frances Avenue. However, the building height in areas designated Urban Residential is up to six storeys and the density is generally up to 1.2:1 FSR with approximately 2:1 FSR considered in strategic locations where plan objectives are advanced. The proposed building height of 12 storeys and over-all density of 3:07:1 FSR is above the Official Community Plan Urban Place Guidelines for the Urban Residential and General Employment Areas as well as the Mayfair Town Centre.

While there are a number of residential *Official Community Plan* policies that could be cited to support additional rental housing, this proposal is for strata-titled units which may or may not be rented. In addition, the applicability of policies supportive of additional housing of any kind must be carefully weighed for proposals in or near General Employment Areas to ensure that sufficient lands are retained for envisioned light industrial and related mixed uses.

The proposal is near but not in the Mayfair Town Centre. Similarly, it is near but not on Douglas Street, which is designated as a rapid transit route. Local area planning for this and other areas within 800 metres east and west of Douglas Street is proposed as Priority One in the *Official Community Plan* and should be undertaken before more intensive employment and residential growth is considered outside the Mayfair Town Centre Area.

Note: For proposals with significant density increases above existing policies, Council's practice is to require that the applicant fund a third party economic analysis. This analysis is 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.

4.2 Adequacy of Parking and Traffic Management

The applicant is proposing to provide approximately one parking space per dwelling unit. This is below the City's Schedule C parking standard of 1.4 spaces per strata-titled apartment unit. The provision of parking at a reduced standard can be considered in this location, which is close to transit.

The applicant provided a Traffic Impact Assessment for the previous proposal. The study indicated that the traffic generated would be acceptable and not require any major traffic improvements. The same conclusion applies to the revised proposal with a reduced number of suites and parking spaces.

The removal of day-time parking on the south side of Speed Avenue was recommended by the consultant for the previous proposal to enable two-way traffic. The removal of parking on the north side of Frances Avenue was also recommended by the consultant to improve sight lines. These recommendations will be given consideration by staff should the revised project proceed.

4.3. Massing and Green Space

The revised proposal's massing and site planning is similar to the previous proposal and the previous site planning concerns apply. The revised proposal also does not conform to a number of zoning standards typical of apartment buildings outside the Downtown Core Area. These include:

- building site coverage of 66%, where the typical maximum range is from 30% to 40%
- landscaping/green space of 14%, where typical minimum percentage is 40% to 50% for apartments with enclosed/underground parking
- no building setbacks on the west and south sides, where the typical setback is one-half the building height (which would be 16.9 metres in this case)
- building heights of 33.8 m, where the typical building height range is 12 m to 22 m.

The proposal includes 10 street-friendly townhouses on Speed Avenue. However, the Frances Avenue frontage is largely devoted to the provision of surface parking for commercial uses. This parking area is screened on the east side with trees that may have an impact on the functionality of the parking spaces.

4.4. Ensuring the Preservation of the Boulevard Trees

A tree protection plan for the previous application was submitted by the applicant to ensure the London Plane trees in front of the building on Speed Avenue are retained. This tree protection plan is applicable to the revised proposal and is acceptable to staff. These trees are integral to the character of the street. The revised proposal includes replacement of the existing boulevard trees on Frances Avenue.

5. Options

Option 1 That Rezoning Application #00301 for 605-629 Speed Avenue and 606-618 Frances Avenue be declined.

Option 2 Council advance the application for consideration at a Public Hearing. The appropriate motion is provided below.

That Rezoning Application #00301 be considered at a Public Hearing and that staff prepare the necessary 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.

Note: Council considers consultation under 879 (2) of the Local Government Act and determines that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the federal government and its agencies because the amendment affects local properties.

6. Conclusions

The revised proposal is not consistent with the Urban Residential and General Employment Urban Place Designations for this site in the *Official Community Plan, 2012*. The proposed building height of 12 storeys and a density of 3:07:1 FSR is above the Urban Place Guidelines for both these designations as well as the nearby Mayfair Town Centre Urban Place Designation.

The project's massing and green space as encompassed in its built form and site planning (height, density, site coverage and setbacks) does not conform to a number of zoning standards typical of apartment buildings outside the Downtown Core Area.

While the proposal is near Douglas Street and the Mayfair Town Centre, more comprehensive transit-oriented land use planning should be undertaken before any new mixed-use developments are approved to optimize the potential benefits of such a major public investment. Planning for this local area is identified as Priority 1 in the *Official Community Plan*.

In conclusion, the revised proposal is not supportable in this location. The staff recommendation that the application be declined has not changed.

7. Recommendation

That Rezoning Application #00301 for 605-629 Speed Avenue and 606-618 Frances Avenue be declined.

8. List of Attachments

- Aerial photo
- Subject map
- Letter from the applicant dated September 1, 2012
- Letter from the Burnside-Gorge Community Association dated August 7, 2012
- Plans dated May 9, 2012
- Staff reports dated March 24, 2011 and January 27, 2011
- Council minutes dated April 14, 2011, GPC minutes dated April 7, 2011 and PLUSC minutes dated February 3, 2011.





SEP 06 2012

Planning & Development Department
Development Services Division

Mayor and Council

Sept. 1st 2012

City of Victoria

Re; Rezoning application – 600 Block Speed/Frances Ave.

We have submitted our revised application for the proposed development in the 600 Block of Speed and Frances Ave. As you are aware our original proposal was referred back to the Governance/Priorities Committee to allow us to deal with Council's concerns in regard to height, density, massing and greenspace.

During the time we were developing our revised plans Council adopted a new OCP which impacts our site and we will also comment regarding our Project and the new OCP.

We have developed a revised plan that we believe addresses Council's concerns and the following is a synopsis of the changes. We also attach a table comparing the original plan with the new plan.

1. Our new plan has a ground level commercial floor area off of Frances Ave. with approximately 26,000 sq/ft. an increase of approximately 1000 sq./ft
2. The new plan has 10 townhomes on Speed Ave. with two 9 storey plus mezzanine towers above for a total of 12 storeys instead of the original 14.
3. The new plan has 176 units instead of the 224 originally proposed, which dramatically changes the massing of the building.
4. As a result of the changes to the size of the buildings the density has been reduced from a ratio of 3.56 to 3.09
5. The roof area over the commercial space will be a mix of large private patios for the residential units at this level and green roof area as shown on the plan.
6. There will be a public access walkway through the project connecting Speed Ave. with Frances Ave. to allow Speed Ave. residents to connect to the rest of Burnside without going out on to Douglas St.
7. The townhouses 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.

8. The existing 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.
9. We have made provision on the east side of the project for a possible daycare with the related secure outside play area and are prepared to work with the community to identify a potential user.
10. As a result of the reduction in the height and number of units we are no longer able to provide 'affordable rental housing units'. The additional units in the original plan were being used to cross subsidize the affordable units but this opportunity is no longer available.
11. There will be 166 units equally divided in the two towers and it is our intention to sell the condo units in the west tower, and rent the units in the east tower at market rents. All units in the project would be available for rental.
12. Two levels of underground parking will be provided with the commercial parking requirements in the building meeting by-law requirements but a small variance in residential parking is required (ratio 0.97)

OFFICIAL COMMUNITY PLAN

Our properties are identified in the OCP as both General Employment with light industrial and commercial mixed use and Urban Residential. We are proposing to develop approximately 26,000 sq/ft of light industrial/commercial space on the ground floor with access off of Frances Ave. which would provide an employment centre for the area and meets the uses described in the OCP.

Although we are within approximately 50m of Douglas St. surrounded by General Employment designation and adjacent to the Town Centre, this one block of Speed Ave. has been designated Urban Residential in the OCP. The Urban Residential use would require amendment because we do not meet the height and density proposed in this designation. We made our application for rezoning in 2009 and have always proposed a higher density development than is proposed in the OCP and believe our development is an opportunity to begin higher density development along the major Douglas St. transportation corridor.

In the General Development Guidelines of the OCP it indicates that the Council could " give consideration to site specific amendments that are consistent with the intent of the Urban Place Designations and that further the broad objectives and policies of the plan, as appropriate in the site context."

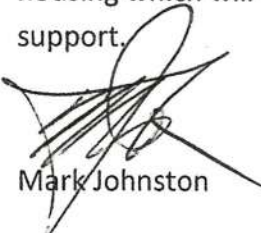
In the section of the OCP on Land Management – Broad Objectives the following statements support our proposed development concept;

1. Growth of 40% in or within walking distance of Town Centers and Large Urban Villages (20,000 new by 2041 with 90% within 400m of Town Centers or the Core)
2. Employment growth in Town Centers Employment Districts and along corridors served by rapid and frequent transit.
3. Encourage the logical assembly of development sites that enables the best realization of permitted development potential for the area.

A review of the Housing Section of the OCP indicates that our proposal meets many of the objectives. We are proposing to rejuvenate an area to supply rental housing. The Plan indicates that areas be designated for additional housing capacity, primarily for apartments units and attached ground oriented housing to ensure that developable capacity is sufficient to meet forecast demand and maintain a healthy housing market. Today the site is a collection of parking lots and housing well past its prime and our development responds to future demand and supports the intent of you OCP.

We have been to the Burnside/Gorge Community Association 4 times and have always been received favourably with support for our proposed commercial and rental housing components. Parking has always been the major issue with the residents and we have advised them that if there are vacant parking spaces in our building we will give them priority for rental of these spaces. We have also indicated that in the evening the parking identified for the commercial would probably be vacant and available for quest parking

We can all see the hundreds of young people who work in Mayfair/Uptown or along the approaches to Downtown and we believe our proposed development will provide affordable housing which will allow them to walk/cycle or take the bus to work and we request your support.

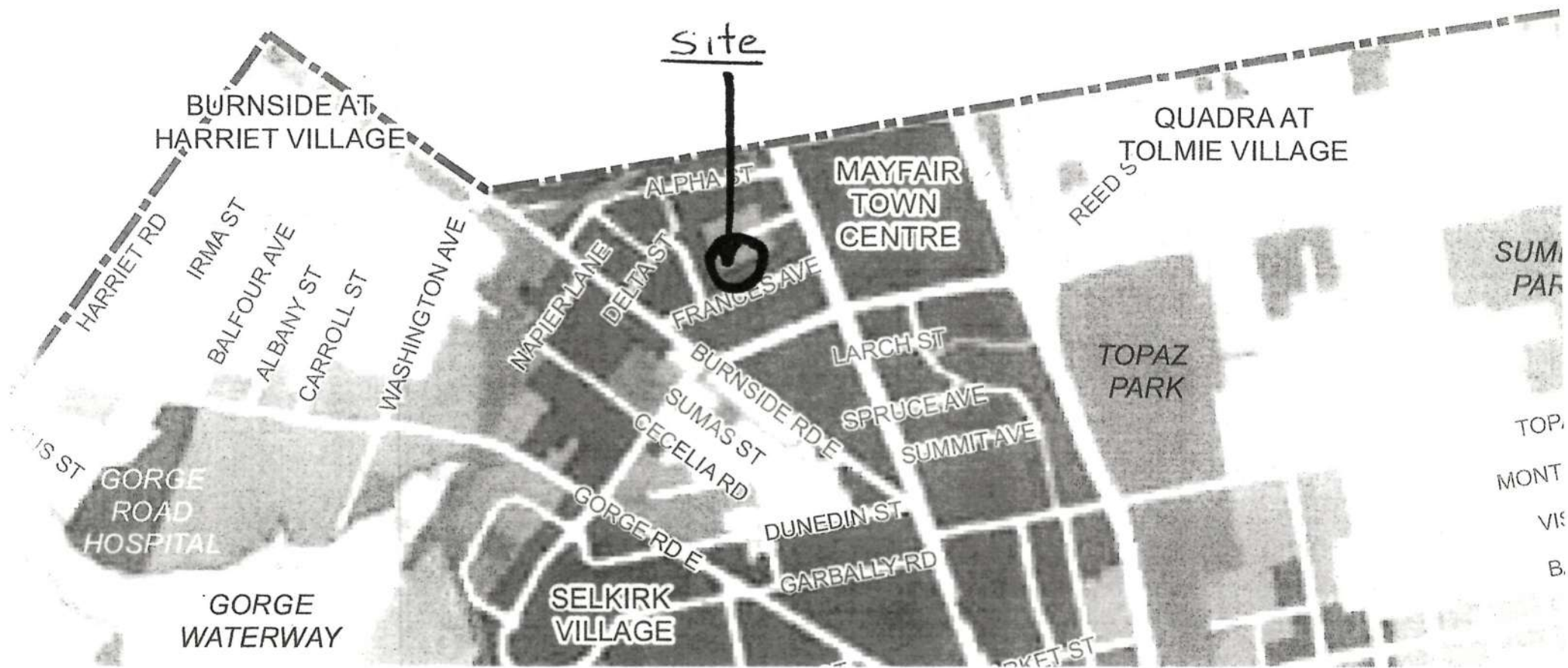


Mark Johnston

SPEED AND FRANCES
Praxis Architects Inc.

May 01-12

	ORIGINAL SCHEME		NEW SCHEME	
Building 1	14 storeys		11 storeys	
Building 2	8 storeys		11 storeys	
Total number of units	224		176	
Commercial floor area	2,317.0 m2	24,931 sq ft	2,423.5 m2	26,077 sq ft
Service Space			102 m2	1097.52
Parking Provided	214	Residential	170	Residential
	0.96	ratio residential	0.97	ratio residential
	62	Commercial	65	Commercial
	276	Total	235	Total
			17	Guests (10% of 168) Included in residential
Bicycle Parking	239		166+10 12 6	Class 1 Class 2 3 Class 1 3 Class 2 2 Class 1 1 Class 2
			3 1.31	Retail Industrial
FA Residential	16,743.8 m2	180,163 sq ft	14,017.8 m2	150,831 sq ft
GFA (Inc. Commercial)	19,060.8 m2	205,094 sq ft	16,543.3 m2	178,006 sq ft
FSR	3.56		3.09	
Open Area	14.3	%	14.3	%
Loading Bays	1		1	
Average Grade	5.561	m	5.561	
CITY ZONING PLAN CHECK				
Site Area	5349.39	m2	5349.39	
Total Floor Area (m2)	19,054.0		16,543.3	
Density (ratio)	3.56		3.09	
Commercial Floor Area	2,316.0	m2	2,423.5	
Lot Width (m)	73		73	
Height (m)	38.05		36.82	
Site Coverage %	66	%	66	%
Storeys	14		11	
Setbacks (m)				
Front (Speed)	6		6	
Rear (Frances)	0		0	
Side (West)	0		0	
Side (East)	6		6	
Parking	See Above		See Above	
Visitor Parking			17	residential
Bicycle Storage	239		181	Class 1
			16	Class 2
Surface parking landscape strip		.6m		
Surface parking street setback				





August07, 2012

Dear Mayor and Council

Third Community Discussion: Rezoning application for 605-629 Speed Avenue & 606-618 Frances Avenue – June 18, 2012 – 6.30 p.m.

Oakcrest Park Estates Ltd., the owner of the properties at 605-629 Speed Ave. and 606-618 Frances Ave. is proposing to rezone the properties from (R1-SLVH) Single Family Storage Lot/Vehicle Sales Zone and R1-B Single Family to a new Multi-Family/Commercial Zone.

The development would consist of ground floor commercial/retail (approx.2300 m/sq.) with access off of Frances Ave. and two 9 storey residential towers on top of the commercial/retail equating to approximately 11 storeys. Street level townhomes would be developed on Speed Avenue. The proposal consists of 166 residential units divided evenly between the two towers with 10 townhomes on Speed Ave.

There will be 235 parking spaces on site, most of which will be in two levels of underground parking with access from both Frances and Speed with some surface parking off Frances Ave to accommodate the commercial uses. A small variance is required to meet the residential parking requirement.

It is intended that the west residential tower be condos with the east tower being rental. Each residential tower would contain 1 BR – 27, 1BR+Den – 32, 2Br – 18, 6 loft. The existing trees on Speed Ave. will be retained and a portion of the roof over the commercial/retail will be developed as a 'green' roof and private patios. A public walkway will be included to allow a connection between Speed Ave and Frances Ave. The existing tree-scape along Speed Ave. will be enhanced by the front yard setback of the townhomes and will be coordinated with the development of the proposed pocket park at the end of Speed Ave. Provision has also been made on the east side for a possible day care and related secure play area.

Proponent explained that there were comments from the City of Victoria Council including height, massing, connectivity, green space and responding to comments in relations to the proposed OCP.

Questions/Comments from the floor:

Overall Development: Explain the proposed changes to the development.

Proponent: 9 storeys residential (9 foot interior); 1 floor commercial (which equals 2 floors residential). Trees will remain, have made commitment to parkette at end of street. 2 commercial spaces 18911 sqft and 5766 sqft (possible daycare) with green easement that is 6 meters from neighbour on east side. Larger commercial space has loading bay on Francis side. Surface parking on Francis (40 commercial spaces). Walkway from

Speed Avenue to Francis Avenue. The project has been reduced by 49 units.
Traffic/transportation study and shadow study completed.

Parking/Traffic: Discussion about Parking.

Proponent: Parking access is via both Speed and Francis. Parking spaces may be available for rent to Speed Street residents. Guest parking is ~.1 to .15 spaces per unit. A parking and transportation study was completed for project by Boulevard. Nadine King provided information regarding the study and answered questions as well. Study indicated that after 5.30 p.m. there is lots of parking on Francis. Study indicated that 13-20 cars/hour would be going to 30 cars/hour. Project reduced by 49 units so even the additional 19 units on other Speed Street development are encompassed in study numbers which considered proponent's larger proposal. 2 levels of underground parking with 2 way traffic from Francis and Speed. 170 residential parking spaces, 65 commercial (25 below grade) for 235 stalls in all. Commercial parking spots will be available after commercial hours for residential and guest parking.

Floor comment: recommend moving parking from southside of speed (loss of 6-12 spaces). It is a City decision on street parking (**Nadine**).

Floor comment: mark up street for parking. **Nadine:** this usually creates less parking on the street.

Floor comment: Keep parking on both side to keep traffic slow. **Nadine:** a number of options have been proposed.

Floor comment: Scallop around trees for parking on Speed.

Floor comment: traffic study did not consider single access. Speed Street is too small.

Floor comment: block off speed access – Francis is wider. **Nadine:** want to give choice; more streets provide access; improves mobility, including emergency response.

Floor comment: concerned about parking.

Floor comment: improve signage that Speed Street is a dead end street.

Floor comment: there are 2-4 houses that don't have onsite parking. **Proponent:** willing to discuss availability of spaces at development.

Q What about a wind tunnel effect between the two buildings?

A Wind down draft has been mitigated by townhomes.

Q What will balconies look like?

A There are none. French rails are proposed for the design.

Q Building ownership structure? Both buildings are strata (including commercial). One is market rental the other is condo. Price points for units will be dependent on market and finishing of units.

Q Why are the buildings so tall?

A Adding underground parking and townhouses and market considerations; the development needed a number of units to be financial viable.

Floor comment: tall building shadows a narrow street. Bigger buildings should go on bigger streets.

Floor comment: still concerned about height.

Q Timeline from approval?

A 18 months. File construction plan for site – construction access will be likely from Francis.

Floor comment: offsite parking for construction workers. Proponent: construction plan will include worker parking.

Floor comment: Better proposal than previous proposals. It's smaller.

Floor comment: improvement on street will increase value of other properties.

Query about community meeting notices:

A discussion ensued about the process for advising for the Community Meeting on the project. It was clear that nobody received City notices of the meeting. The Association had signed off on the Community Meeting request and advertised the meeting in the Community newsletter. Joy Kruger, a local neighbour, circulated flyers to the Speed Street stratas and buildings to provide information less than a week before hand. Facilitator suggested that the matter be brought up with the City Planning Department.

There were 11 meeting attendees. Due to the discussion about Community Meeting notices, a straw vote was not taken at the meeting.

Broader Context for Development

In Burnside Gorge Community Association community meetings, we have included an additional approach to soliciting feedback on rezoning applications. We are also getting feedback from attendees on their wishes for, and thoughts about, the immediate vicinity of a subject property. We are hoping that, over time, this will help us stitch together a more comprehensive view and put rezonings into context. Here is the feedback from this meeting. The area we asked people to comment on is that bounded by Douglas, Finlayson, and Burnside at the south with the Burnside-Gorge Neighbourhood boundary to the North. Throughout the conversation, the attendees were advised of the proposed OCP plan for the area.

- o Like to see the neighbourhoods limited to 3-6 stories; townhomes; interesting architecture.
- o Prefer to see higher building near Finlayson/Douglas.
- o Integrate playgrounds.
- o Attract bigger commercial to area; big business.
- o Smaller streets have smaller developments; bigger streets have bigger developments.
- o Appropriate transition with buildings (continuity).
- o Continuity regarding walkability and greater connections.
- o Large commercial properties (kitty corner to Mayfair).
- o Mix of residential and commercial.
- o Localized small urban villages – Mayfair is not an urban village – it's a regional hub.

Yours sincerely,

TJ Schur

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