



Planning and Land Use Committee Report

For the Meeting of January 29, 2015

To: Planning and Land Use Committee **Date:** January 15, 2015
From: Helen Cain, Senior Planner, Development Services Division
Subject: Rezoning Application #00425 for 836-838 Broughton Street

RECOMMENDATION

Staff recommend that Committee forward this report to the January 29, 2015, Council meeting and that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment to the RMD-1 Zone (Residential Mixed Use Broughton Street District) to correct minor administrative drafting errors, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and that Council waive the requirement for a Public Hearing.

LEGISLATIVE AUTHORITY

In accordance with section 890 (4) of the *Local Government Act*, Council may waive the Public Hearing requirement if a proposed bylaw amendment is consistent with the *Official Community Plan* (OCP).

In accordance with section 903(c) of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of land, buildings and other structures, the siting, size and dimensions of (i) buildings and other structures and (ii) the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 836-838 Broughton Street. The proposal is City-initiated minor amendments to the RMD-1 Zone to clarify the wording related to amenity contributions to avoid ambiguity and to permit the projection of balconies into the front, rear and side yard setbacks as shown in Rezoning Application #00425, which Council approved on May 22, 2014.

BACKGROUND

Description of Proposal

The proposal is to amend the RMD-1 Zone to accommodate the 1.3m projection of balconies into the front, rear and east side yards as outlined in the Council-approved final plans for Rezoning Application #00425. The omission of the balcony projections was an administrative error and the Zoning Regulation Bylaw Amendment is necessary to enable the issuance of a Building Permit. Additionally, the RMD-1 Zone provisions related to amenity contributions would be clarified through replacing the term "Base Amount" with the term "Base Contribution", and referencing the Bylaw amendment number.

Relevant History

At the meeting of May 22, 2014, Council approved the development of an 11-storey, 84-unit, residential and commercial mixed-use building, as outlined in Rezoning Application #00425 and Development Permit Application #000337 for 836-838 Broughton Street. As shown on the final plans and staff reports before Council, the building has balconies that project 1.3m into the front, rear, and east side yard setbacks.

ANALYSIS

Zoning Regulation Bylaw

Except as noted, all aspects of the proposal are consistent with the RMD-1 Zone.

Official Community Plan

The proposal to amend the RMD-1 Zone, in a manner which is consistent with the previously approved Rezoning Application #00425, is consistent with the OCP as detailed in previous reports.

Community Consultation

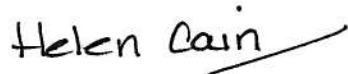
Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant consulted with the Fairfield Gonzales CALUC as part of the original application. Staff have contacted the CALUC about the current proposed amendment. No formal comments have been received prior to writing this report.

While Council has the statutory authority to waive a Public Hearing if a proposed Bylaw amendment is consistent with the OCP, it is the City's practice to ensure the public are informed through: a sign on the property, newspaper advertisements; a mail out to property owners within 100m of the site; and posting of the proposed Zoning Regulation Bylaw Amendments on a notice board at City Hall. If members of the public wish to speak to the RMD-1 Zone amendment, they may provide written correspondence to Mayor and Council, prior to third reading of the Bylaw.


CONCLUSIONS

The City-initiated amendments to the *Zoning Regulation Bylaw* would ensure clarity of interpretation of provisions related to amenity contributions, and would correct administrative errors in the drafting of the RMD-1 Zone that are consistent with the Council-approved Rezoning Application and Development Permit for 836-838 Broughton Street and would allow for the issuance of a Building Permit for this project.

Respectfully submitted,

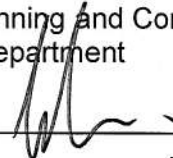


Helen Cain
Senior Planner
Development Services Division



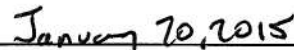
Alison Meyer, Assistant Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager: _____



Jason Johnson

Date: _____



HC:aw

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List of Attachments

- Council Minutes from May 22, 2014 meeting
- Council Report on Rezoning Application #00425 and associated attachments, dated April 25, 2014.

REZONING APPLICATION PUBLIC HEARING

2. Rezoning Application No. 00425 for property known as 836-838 Broughton Street

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 992) - No. 14-034

To rezone the land known as 836 and 838 Broughton Street from the CHP-CR Zone, Cathedral Hill Precinct Commercial Residential District, to a new RMD-1 Zone, Residential Mixed Use Broughton Street District, to permit a multi-unit residential building, commercial uses, live-work dwelling units, public buildings, home occupation, and accessory buildings and to provide for increased density with the provision of specified community amenities.

New Zone: RMD-1, Residential Mixed Use Broughton Street District
Legal Description: Lot 266 and Lot 267, Victoria City
Existing Zone: CHP-CR Zone, Cathedral Hill Precinct Commercial Residential District

Mayor Fortin opened the public hearing at 8:36 p.m.

Mark Whitehead (Musson Cattell Mackey Partnership, Vancouver): Advised that the site is situated on the edge of the Commercial District and highlighted the following in his presentation:

- Everything one could need is accessible within a 100 metre radius of this site.
- This site is a catalyst to development on this street and will help activate it.
- The massing of the building was described as well as the terraces and street view.
- The landscape plan noting that Bev Windjack, the landscape architect, is available for questions.

Councillor Isitt asked the following questions:

- *The ground level units and if the patio space is semi-private?*
- *Will the units be strata or owned by the developer?*
- *The fixtures intended for the units?*
- *Would the units be sold as live/work or commercial?*
- *Does the walkway provide a mid-block connection?*

Mark Whitehead: Responded to the questions:

- The patio space is not private and can be commercial or residential frontage.
- The units will be strata owned.
- There will be a washroom and small kitchen at the back of the ground floor live/work units.
- The zoning allows the units to be sold as live/work or commercial.

Alison Meyer (Assistant Director of Development Services): There isn't a mid-block walkway identified in the policy document, or required as part of this development.

Jason Ross (Langford Street): Asked for clarification on the following points:

- What is the height variance for this proposal;
- Is it bordering the Downtown Core Area;
- The difference in height of this building with those in the surrounding area.

Alison Meyer: Provided the following information:

- It is a rezoning application to increase the density which meets the expectation of the policy for the area.
- It is within the Downtown Core Area Plan.
- Currently the buildings are a range of height and under the policy they would anticipate a building around 10 storeys. This building is 10 storeys but the elevator shaft qualifies as the 11th storey.

Suzanne and Jane Bradbury (Broughton Street): they are property owners on this street and registered their support for this proposal as follows:

- This will support businesses in this part of downtown as residential development is essential for stabilizing the neighbourhood.
- They own the parking lot opposite the project and noted the difficulty in filling parking lots though bike storage and bus stops are packed;
- Creating spaces for people who live and work downtown all the time will help keep businesses thriving.

Councillor Thornton-Joe asked if a "woof top" garden had been considered as more residences downtown have areas for dogs.

Bev Windjack (Landscape Architect): This wasn't considered for this project.

Dave Chard (Chard Development Ltd): Advised they do have a dog washing area in the building.

Mayor Fortin closed the public hearing at 8:54 p.m.

2. Bylaw Motion – Consideration of Third Reading

It was moved by Councillor Helps, seconded by Councillor Alto, that the following bylaw **be given third reading:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 992)

14-034

Councillor Helps said she supports this project and commented on the following:

- *The building activates the street and is an amenity for the area;*
- *The flexibility of providing live/work studios;*

Councillor Isitt asked for more information regarding the amenity contribution as it seems low.

Alison Meyer: The results of the land lift analysis indicated the high cost of land and construction and she described how costs vary according to how many floors are built in a concrete building.

Councillor Isitt commented on the following:

- *The desire to have retail owners for the ground level suites.*
- *If there is a way to secure the mid-block walkway depending on how Fort Street frontage develops.*
- *Local area planning and the suggestion the Downtown border be moved to Quadra Street.*

Mayor Fortin said the application is supportable and commented on the following:

- *This building will lead the way in an area that is changing noting the transformation of Pioneer Square Park.*
- *The increase in demand for bike parking is a positive problem.*

Councillor Madoff said she supports this application and commented on the following:

- *The bonus density policy and what it does and does not deliver; what other jurisdictions have achieved with their bonus density policy.*
- *The issue of the value of parking variances and if Council wishes to make that a policy; having a broader discussion on parking requirements in residential neighbourhoods.*

Carried Unanimously

3. Bylaw Motion – Adoption

It was moved by Councillor Helps, seconded by Councillor Alto, that the following bylaws **be adopted:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 992)

14-034

Housing Agreement (836-838 Broughton Street) Bylaw

14-035

Carried Unanimously

4. **Motion - Approve Development Permit**

It was moved by Councillor Helps, seconded by Councillor Alto, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:

1. Plans stamped Development Permit #000377 dated April 23, 2014;
2. Development meeting all *Zoning Regulation Bylaw* requirements;
3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.

Carried Unanimously

5. **Authorize Execution of Encroachment Agreement**

It was moved by Councillor Helps, seconded by Councillor Alto, that Council authorize the Mayor and the Corporate Administrator to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Mayor Fortin asked if there was a motion to consider a mid-block walkway.

Deb Day: Advised that staff can look at the implications of this as there are sensitivities on Fort Street.

Carried Unanimously

Council meeting
May 22, 2014



Council Report

Date: April 25, 2014 **From:** Helen Cain, Senior Planner
Subject: Rezoning Application #00425 and Development Permit Application #000337 for 836-838 Broughton Street – Update on conditions for proceeding to a Public Hearing

Executive Summary

The purpose of this report is to present Council with updated information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for the properties located at 836-838 Broughton Street. The properties are located in the CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District) which permits a maximum floor space ratio (FSR) of 2.0:1 for a multiple dwelling. The applicant proposes to rezone the property to increase the density to 5:1 FSR in order to construct an 84-unit, 11-storey, residential mixed-use building.

On February 27, 2014, Council approved this Rezoning Application to proceed to a Public Hearing subject to conditions, including provision of a Land Lift Analysis and associated community amenity contributions, and referral of the Development Permit Application to the Advisory Design Panel (ADP). Steps that have been taken to meet these conditions are summarized below:

- A third-party consultant has completed a Land Lift Analysis to determine any increase in land value that would result from rezoning to allow for a mixed-use development at a density of 5:1 floor space ratio (FSR.)
- Based on the results of the above report, the applicant would contribute a total of \$10,000 to the Downtown Core Area Public Realm Improvement Fund and Downtown Heritage Building Seismic Upgrade Fund. This amount would be secured through "community amenity" provisions in the proposed new zone.
- The ADP has reviewed the Development Permit Application and recommends Council approve the application, subject to changes that enhance the ground-level commercial space, ensure universal accessibility into and within the building and improve personal safety within a walkway along the east property line.

The applicant has worked with staff on design revisions to address the ADP recommendations as presented in the final plans attached to this report. The staff recommendation identifies the revised plans and also includes the correction of a typographical error in Zoning Regulation Bylaw Amendment No.14-034, which identified the "community amenity" as \$7,000, whereas the amount should be \$10,000 as per the third-party Land Lift Analysis.

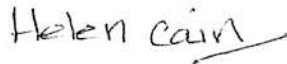
Recommendations

1. That Zoning Regulation Bylaw Amendment Bylaw No 14-034 be amended as follows:
"6.85.4 Community Amenities" is struck out and replaced with:

"6.85.4 Community Amenities

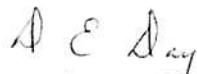
- a. As a condition of additional density pursuant to part 6.85.6 b., a monetary contribution to the Downtown Core Area Public Realm Improvement Fund and the Downtown Heritage Building Seismic Upgrade Fund in the amount of \$10,000, as adjusted pursuant to part 6.85.4.b must be provided as a community amenity.
 - b. The amenity contribution in the amount of \$10,000 (the "Base Contribution") shall be adjusted annually on January 1 commencing the second calendar year following the year this bylaw is adopted and each year thereafter, by an amount calculated by multiplying the Base Amount as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period."
2. That the following motions be considered by the Council following the Public Hearing for Rezoning Application #00425:
- A. That Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - a. plans stamped Development Permit #000377 dated April 23, 2014;
 - b. development meeting all *Zoning Regulation Bylaw* requirements;
 - c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
 - B. That Council authorize the Mayor and the Corporate Administrator to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services

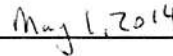



Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager: _____


Jason Johnson

Date: _____



HC:aw

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1.0 Purpose

The purpose of this report is to present Council with updated information, analysis and recommendations regarding a Rezoning Application and a Development Permit Application for the properties located at 836-838 Broughton Street.

2.0 Background

On February 20, 2014, the Planning and Land Use Committee (PLUC) considered a staff report (attached) on these applications. On February 27, 2014, Council ratified the PLUC recommendation (Minutes attached) to proceed to Public Hearing, subject to conditions. These included the completion of a Third Party Land Lift Analysis to assess any increase in land value and associated community amenity contributions, as well as referral of the Development Permit Application to the Advisory Design Panel.

3.0 Issues & Analysis

The following provides a summary of updated information related to:

- land lift analysis and community amenity contribution
- Advisory Design Panel recommendations
- revised plans
- design refinements.

3.1 Land Lift Analysis and Community Amenity Contribution

The purpose of the land lift analysis is to determine any increase in land value that would result from the rezoning to allow for a mixed use development at a density (5:1 FSR) which is above the base density (3:1 FSR) outlined in the *Official Community Plan (OCP)*, 2012 for this location. In this instance it has been determined that a contribution of \$10,000 to the Downtown Core Area Public Realm Improvement Fund and the Downtown Heritage Building Seismic Upgrade Fund would be supportable and is included in provisions of the new RMD-1 Zone (Residential Mixed Use Broughton Street District), prepared for the properties at 836-838 Broughton Street.

3.2 Advisory Design Panel Recommendations

Subsequent to consideration of these applications at the Planning and Land Use Committee, the Advisory Design Panel (ADP) reviewed the proposal on February 26, 2014 (Minutes attached). The ADP recommended to Council that the Development Permit Application be approved, subject to design refinements with respect to high-quality exterior finishes, ensuring universal accessibility at street level and to the proposed rooftop garden, and protecting personal safety within a walkway along the east property line of the subject site. Additionally, the ADP advised staff to consider increased height in the commercial storey to promote street animation. This would result in a slightly higher building than envisioned for this area in the design guidelines.

3.3 Revised Plans

Following the ADP meeting, the applicant has worked with Development Services staff to revise the proposal as identified in the attached letter (dated March 18, 2014) and updated final plans (dated April 23, 2014). As a result of revisions, the technical details of these applications have minor changes from the proposal as presented in the previous staff report. The data table (below) compares the revised plans with the existing CHP-CR Zone (Cathedral Hill Precinct Commercial

Residential District). The proposed residential mixed-use building is less stringent than the standard zone in criteria identified with an asterisk (*) below. The Zoning Bylaw Amendment has been drafted to reflect these changes.

Zoning Criteria	Proposal	CHP-CR Zone
Site area (m ²) – minimum	1337.80	n/a
Total floor area (m ²) – maximum	6659	n/a
Density (Floor Space Ratio) – maximum	5:10*	2:10
Height (m) – maximum	33.13*	22.50
Storeys – maximum	11 (10 storeys for main building, small washroom/storage and stairs associated with roof top access trigger identification of eleventh storey)	n/a
Site coverage (%) – maximum	87	n/a
Open site space (%) – minimum	13	n/a
Setbacks (m) – minimum south (front) north (rear) west (side) east (side)	2.61 (ground floor) 2.43 (2 nd to 4 th floor) Nil (ground floor) 4.10 (2 nd to 4 th floor) Nil (1 st to 4 th floor) Nil (ground floor from building face) 2.29 (2 nd floor)	2.00 2.00 n/a n/a n/a n/a
Parking (stalls) – minimum	80*	115 – if all residential 120 – if ground floor retail
Bicycle storage – minimum	100	85
Bicycle rack – minimum	8	7

3.4 Design Refinements

Following the referral of the Development Permit Application to the ADP, the applicant has refined the proposed design in order to address the ADP recommendations and comments with respect to improvements to the ground-floor commercial storey, universal access and personal security. These revisions include strengthening the commercial storefronts through lowering the ground storey to enable increased height in the glazed frontage. Lowering the building also enables universal access to the building without a wheelchair ramp. Concern about the personal safety within the landscaped walkway along the east property line is addressed through the introduction of a card control gate with an emergency "panic button".

It should be noted, that while the commercial storey is lowered slightly, it is has a higher floor to ceiling height. The end result is that the total building height is 33.13 m, including a washroom facility in the rooftop garden private amenity. Although the *Downtown Core Area Plan, 2011*, (Policy 6.173) identifies a maximum height of 30 m for this location on Broughton Street, staff consider the proposal to meet the intention of that policy with respect to urban form and the ground-level improvements would help create a strong street presence for this new building.

4.0 Recommendations

1. That Zoning Regulation Bylaw Amendment Bylaw No 14-034 be amended as follows:

"6.85.4 Community Amenities" is struck out and replaced with:

"6.85.4 Community Amenities

- a. As a condition of additional density pursuant to part 6.85.6 b., a monetary contribution to the Downtown Core Area Public Realm Improvement Fund and the Downtown Heritage Building Seismic Upgrade Fund in the amount of \$10,000, as adjusted pursuant to part 6.85.4.b must be provided as a community amenity.
 - b. The amenity contribution in the amount of \$10,000 (the "Base Contribution") shall be adjusted annually on January 1 commencing the second calendar year following the year this bylaw is adopted and each year thereafter, by an amount calculated by multiplying the Base Amount as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period."
2. That the following motions be considered by the Council following the Public Hearing for Rezoning Application #00425:
 - A. That Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - a. plans stamped Development Permit #000377 dated April 23, 2014;
 - b. development meeting all *Zoning Regulation Bylaw* requirements;
 - c. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
 - B. That Council authorize the Mayor and the Corporate Administrator to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

5.0 Attachments

- Letter from applicant, stamped March 13, 2014
- Plans for Rezoning Application #00425 and Development Permit Application #000337, stamped April 23, 2014
- Council Minutes from February 27, 2014
- Advisory Design Panel Minutes from February 26, 2014
- Land Lift Analysis report, prepared by G.P. Rollo & Associates Ltd., March 25, 2014
- Planning and Land Use Standing Committee report, dated February 7, 2014 with appended:

- Zoning map
- Aerial map
- Letters from architect, stamped December 3, 2013
- Letter from applicant, stamped February 3, 2014
- Plans for Rezoning Application and Development Permit Application, stamped January 28, 2014
- Minutes from Fairfield and Gonzales Community Association Meeting on October 21, 2013.



MCM

**Musson
Cattell
Mackey
Partnership**

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Designers
Planners

A Partnership
Of Corporations

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March 13, 2014

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6
Via Email: hcain@victoria.ca

Attention: **Helen Cain**
Senior Planner

Dear Helen,

Re: **838 BROUGHTON STREET**
OUR PROJECT #213029.01 – 8.5
REVISIONS RESULTING FROM ADVISORY DESIGN PANEL

From the notes we took at Advisory Design Panel (ADP), we have made the following revisions:

- 1) The concern about CPTED with regard to the landscaped access along the east property line has been revised to include a card control gate with panic hardware where the building meets the access and enclosure of the parking stair.
- 2) Accessibility to the roof deck has been confirmed (additionally 2ft has been added to the north side) and our response at ground is to lower the slab elevation so that it is accessible without a ramp.
- 3) The concrete finish in the ground floor area was noted "architectural concrete" in the submission set of drawings but was not picked up at ADP. "Architectural concrete" is an industry wide technical term that calls for a high quality finish either by acid wash or sandblasting. We will update the rendering to indicate this. Also note that we have extended the planter and added a guard to improve safety.
- 4) In the opinion of the panel the quality of the ground floor was diminished by limited floor to floor height. By lowering the ground floor area / planters we have been able to make the floor to floor 2 ft. higher which will address this concern. Additionally we have increased the height of the glass and the depth of return of the brick which will increase the "solidity" of the charcoal brick base. We have included detail of this along with the signage anticipated.

MCM

**Musson
Cattell
Mackey
Partnership**

Architects
Designers
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From the general discussion at the panel we have also added the following information:

- Notes regarding the soffit over the driveway
- Panel joints on the façade
- A detail for "bird management"
- A reduction in overhang at the top of the building (less "heavy")

Hope this helps in your review. Please let me know if you have additional questions.

Yours truly,

**MUSSON CATTELL MACKEY PARTNERSHIP
ARCHITECTS DESIGNERS PLANNERS**



Mark Whitehead, Architect AIBC, MRAIC, (ASSOC) AIA
Mark Whitehead Architect Ltd., Partner

MW:pmt

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PROJECT INFORMATION

PROJECT ADDRESS	836 & 838 BROUGHTON STREET, VICTORIA, B.C.																					
NEIGHBOURHOOD	FAIRFIELD																					
DOWNTOWN CORE AREA PLAN DISTRICT	RESIDENTIAL MIXED USE DISTRICT																					
DEVELOPMENT PERMIT AREA	DPA 14																					
LEGAL DESCRIPTION	LOTS 266 & 267, VICTORIA																					
ZONING	CHP-CR (CATHEDRAL HILL PRECINCT COMM/RES DISTRICT)																					
LOT AREA	14,400 ft ² (1,337.8 m ²)																					
SITE COVERAGE	12,385 ft ² / 14,400 ft ² = 86% (1150.6 m ² / 1,337.8 m ² = 86%)																					
OPEN SITE SPACE	2,233.6 ft ² / 14,400 ft ² = 16% (207.5 m ² / 1,337.8 m ² = 16%)																					
TOTAL FLOOR AREA	71,675 ft ² (6,659 m ²) 69,805 ft ² (6,493 m ²) RESIDENTIAL 1,790 ft ² (166 m ²) RETAIL																					
FLOOR SPACE RATIO	CURRENT CHP-CR ZONING: 2:1 ALLOWED UNDER SPECIAL DENSITY AREA (REZONING) PROPOSED: 71,675 ft ² / 14,400 ft ² = 5 (6,659 m ² / 1,337.8 m ² = 5)																					
FLOOR PLATE SIZE	REQUIRED UNDER DOWNTOWN CORE AREA PLAN 65.6' (20m)- 98.4' (30m): max 10,010 ft ² (930 m ²) PROPOSED: max 8,339 ft ² (775 m ²)																					
AVERAGE GRADE (GEODETTIC)	73.06' (22.27 m) = 0.00' ON PLANS																					
HEIGHT OF BUILDING (ABOVE AVERAGE GRADE)	ALLOWED UNDER DOWNTOWN CORE AREA PLAN: 98.4' (30 m) ALLOWED UNDER CHP-OB ZONING: 73.8' (22.5 m) PROPOSED: 100' (30.48m) 73.8'																					
NUMBER OF STOREYS	11 STOREYS																					
STREETWALL	REQUIRED UNDER DOWNTOWN CORE AREA PLAN FOR NARROW STREETS (<25m) PRIMARY FACE WIDTH, min 60% SITE WIDTH: 119.6' (36.4m) x 60% = 71.8' (21.9m) HEIGHT, 32.8' (10m) - 49.2' (15m) SETBACK, 0' (0m) - 9.8' (3m) SECONDARY FACE WIDTH, min 30% SITE WIDTH: 119.6' (36.4m) x 30% = 35.9' (10.9m) HEIGHT, 59.1' (18m) - 82' (25m) SETBACK, 9.8' (3m) - 19.7' (6m) SETBACK ABOVE 82' (25m): min 19.7' (6m)																					
BUILDING SETBACKS	REQUIRED UNDER DOWNTOWN CORE AREA PLAN FOR HEIGHT 0' (0m) - 98.4' (30m) EXTERIOR WALL, SIDE PROPERTY LINE: min 9.8' (3m) EXTERIOR WALL, REAR PROPERTY LINE: min 9.8' (3m) BALCONIES, SIDE PROPERTY LINE: min 11.5' (3.5m) BALCONIES, REAR PROPERTY LINE: min 11.5' (3.5m)																					
PARKING	PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C RESIDENTIAL: 118 (1.4/UNIT) LIVE / WORK / RETAIL: 3 (1/65m ²) VISITOR PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C 8 (10% OF TOTAL)																					
BICYCLE STORAGE	CLASS 1 BICYCLE PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C 83 (1/UNIT) CLASS 2 BICYCLE PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C 7																					
NUMBER OF STORAGE LOCKERS	84 (1/UNIT)																					
SUITE TYPES	<table><thead><tr><th>TYPE</th><th>SIZE RANGE</th><th>QUANTITY</th></tr></thead><tbody><tr><td>LIVE / WORK</td><td>910 - 950 ft² (84.5 - 88.3 m²)</td><td>2</td></tr><tr><td>1 BED ROOM</td><td>459 - 655 ft² (42.6 - 60.9 m²)</td><td>44</td></tr><tr><td>1 BED ROOM & DEN</td><td>597 - 806 ft² (55.5 - 74.8 m²)</td><td>8</td></tr><tr><td>2 BED ROOM</td><td>825 - 1,030 ft² (76.6 - 95.7 m²)</td><td>20</td></tr><tr><td>2 BED ROOM & DEN</td><td>1,021 - 1,229 ft² (94.9 - 114.2 m²)</td><td>10</td></tr><tr><td>TOTAL</td><td></td><td>84</td></tr></tbody></table>	TYPE	SIZE RANGE	QUANTITY	LIVE / WORK	910 - 950 ft ² (84.5 - 88.3 m ²)	2	1 BED ROOM	459 - 655 ft ² (42.6 - 60.9 m ²)	44	1 BED ROOM & DEN	597 - 806 ft ² (55.5 - 74.8 m ²)	8	2 BED ROOM	825 - 1,030 ft ² (76.6 - 95.7 m ²)	20	2 BED ROOM & DEN	1,021 - 1,229 ft ² (94.9 - 114.2 m ²)	10	TOTAL		84
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838
BROUGHTON ST
VICTORIA, BC

Project #
213029.1

2 DEC 15 DP SUBMISSION
28 JAN 16 DP REVISIONS
6 FEB 16 ADDITIONAL INFO
19 FEB 16 ADP SUBMISSION
17 MAR 16 ADP RESPONSE
25 APR 16 RESUBMISSION

COVER
SHEET

N.T.S.



A.000



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Project #
213029.1

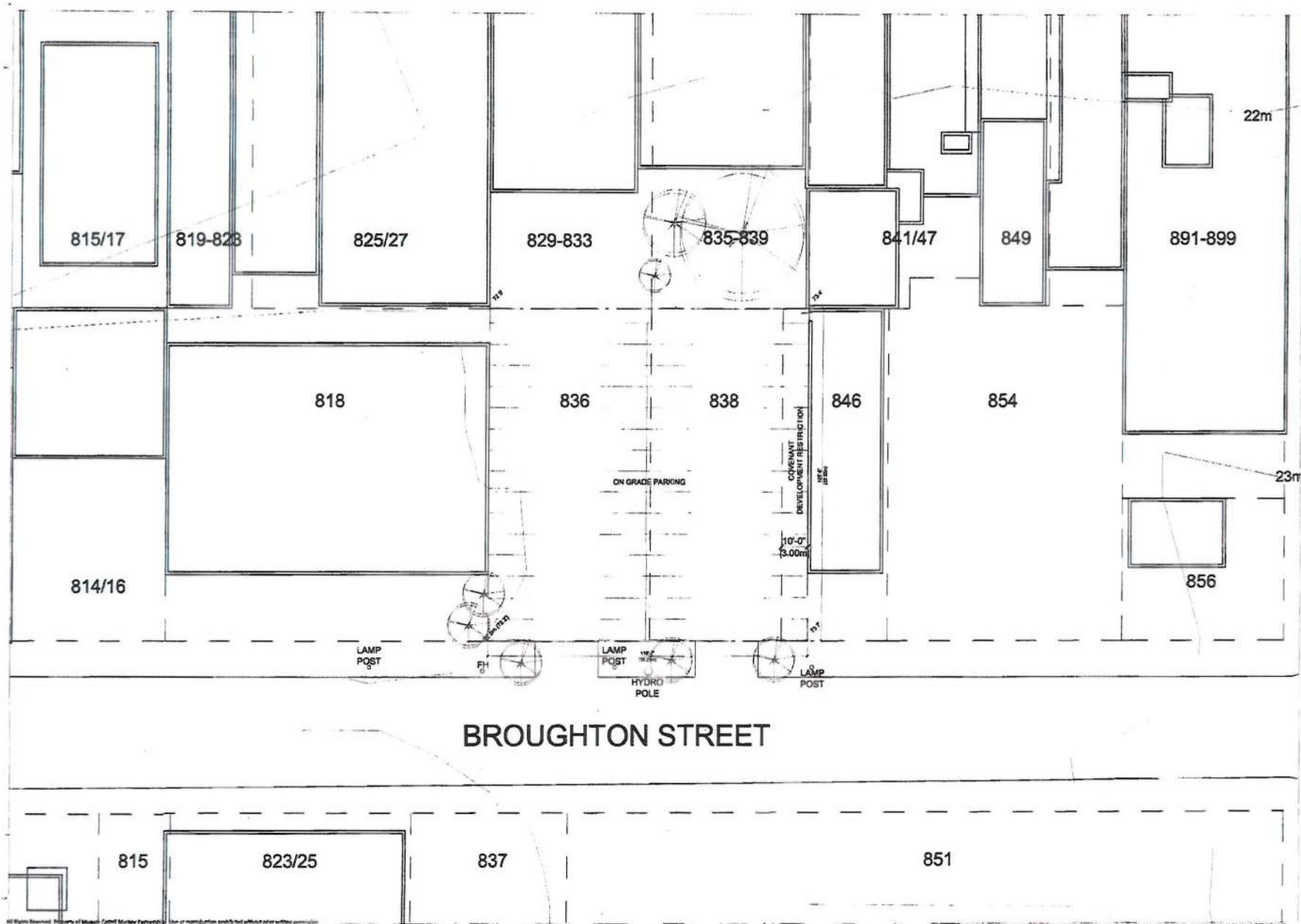
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28 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
18 FEB 14 ADP SUBMISSION
17 MAR 14 ADP RESPONSE
16 APR 14 INTERIM DESIGN

CONTEXT
PLAN

N.T.S.



A.100



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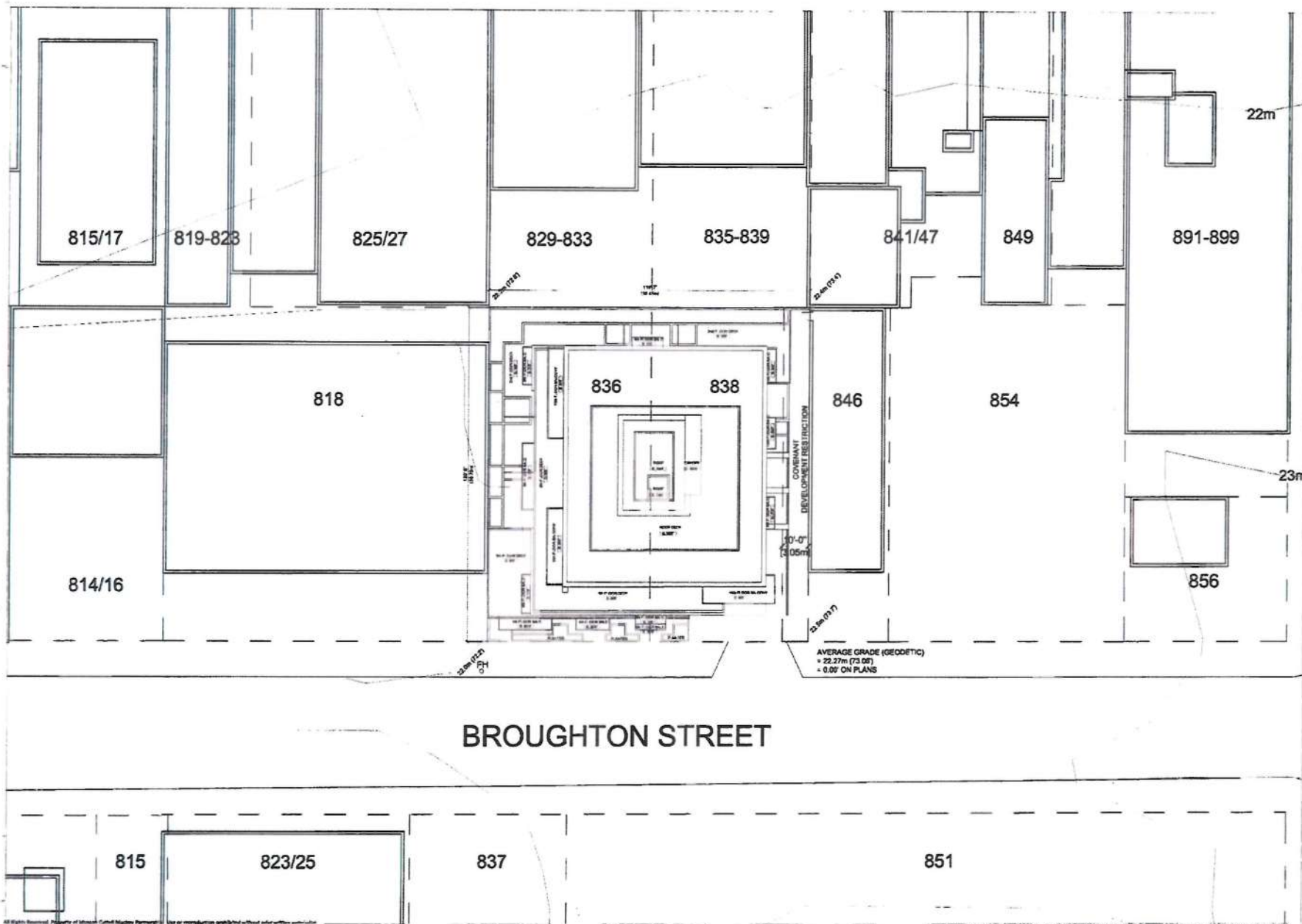
Project #
219029.1

2 DEC 13 DP SUBMISSION
26 JAN 14 DP REVISIONS
6 FEB 14 REDUCTORIAL, NRC
17 FEB 14 ADP SUBMITTAL
17 MAR 14 ADP REVISIONS
16 APR 14 RESUBMISSION

SITE
PLAN
EXISTING

1/32" = 1'-0"

A.101



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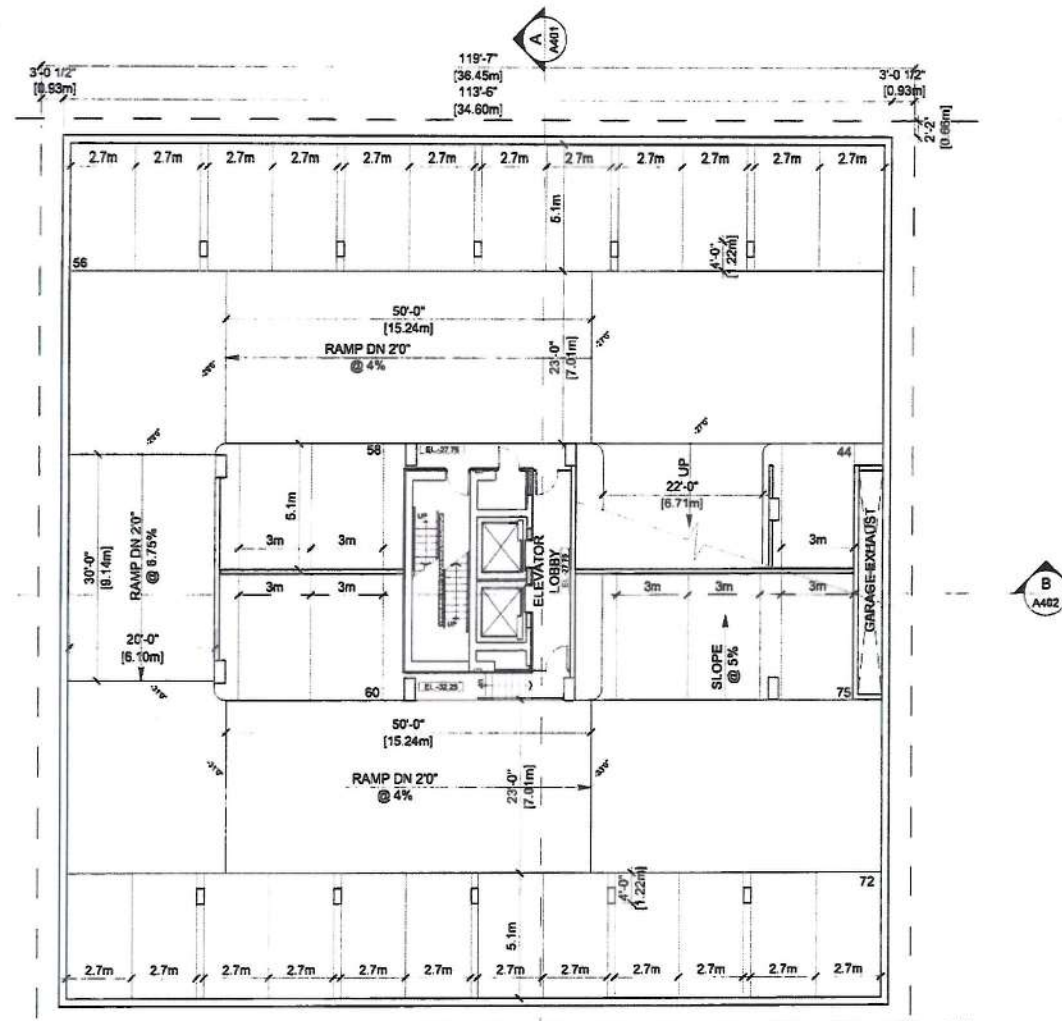
Project #
213029.1

2 DEC 23 OP SUBMISSION
26 JAN 24 OP REVISIONS
6 FEB 24 ADDITIONAL INFO
19 FEB 24 ADP SUBMISSION
17 MAR 24 ADP REVISIONS
15 APR 24 REVISIONS

SITE
PLAN

1/32" = 1'-0"

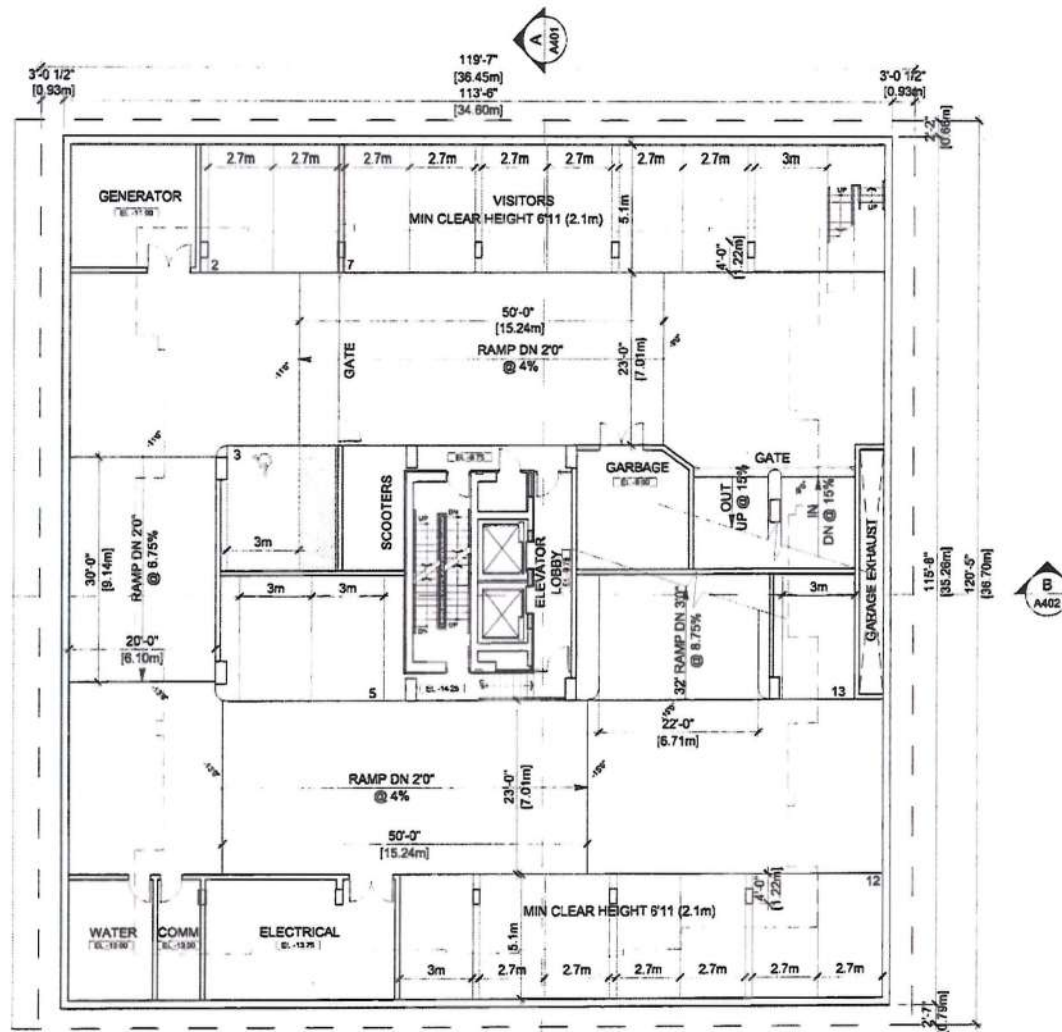
A.102



PARKING P3
13 125 ft²

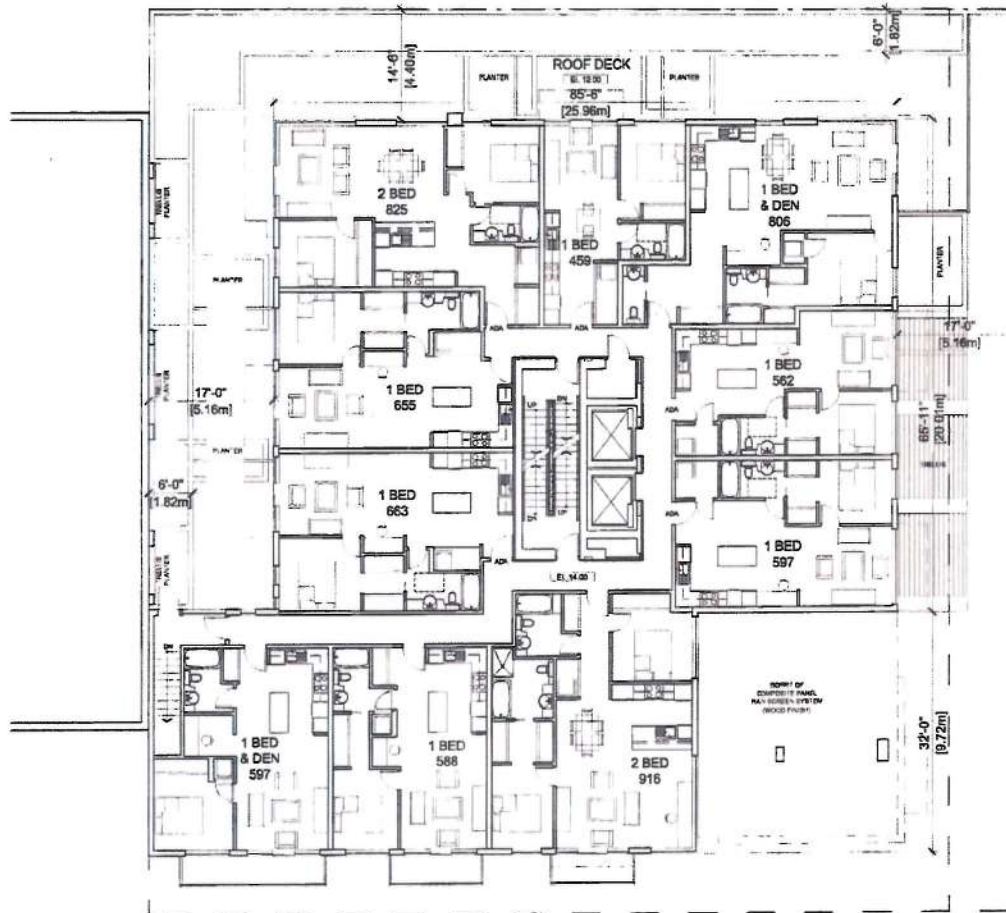






PARKING P1
13 125 ft²



SECOND FLOOR
7 647 ft²

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Project #
213029.1

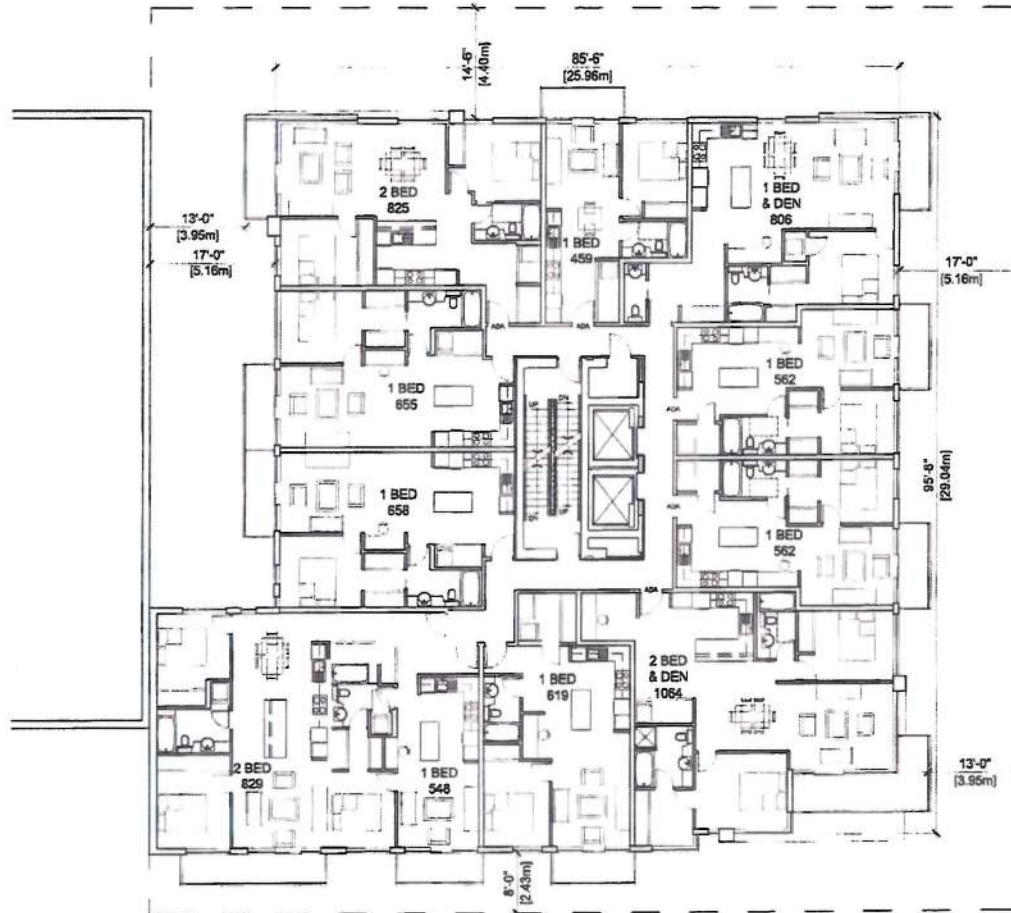
2 DEC 13 DP SUBMITTAL
25 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
15 FEB 14 ADP SUBMITTAL
27 MAR 14 ADP RESPONSE
15 APR 14 RESUBMISSION

THIRD&FOURTH
FLOOR
PLAN

1/16" = 1'-0"

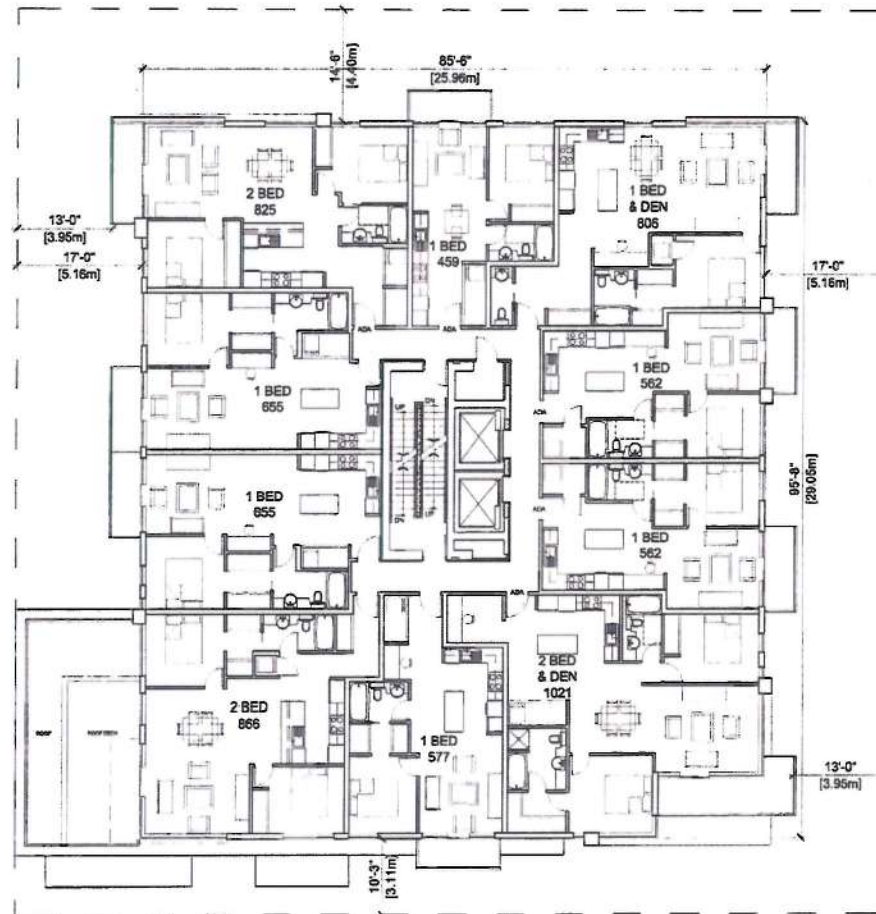


A.205

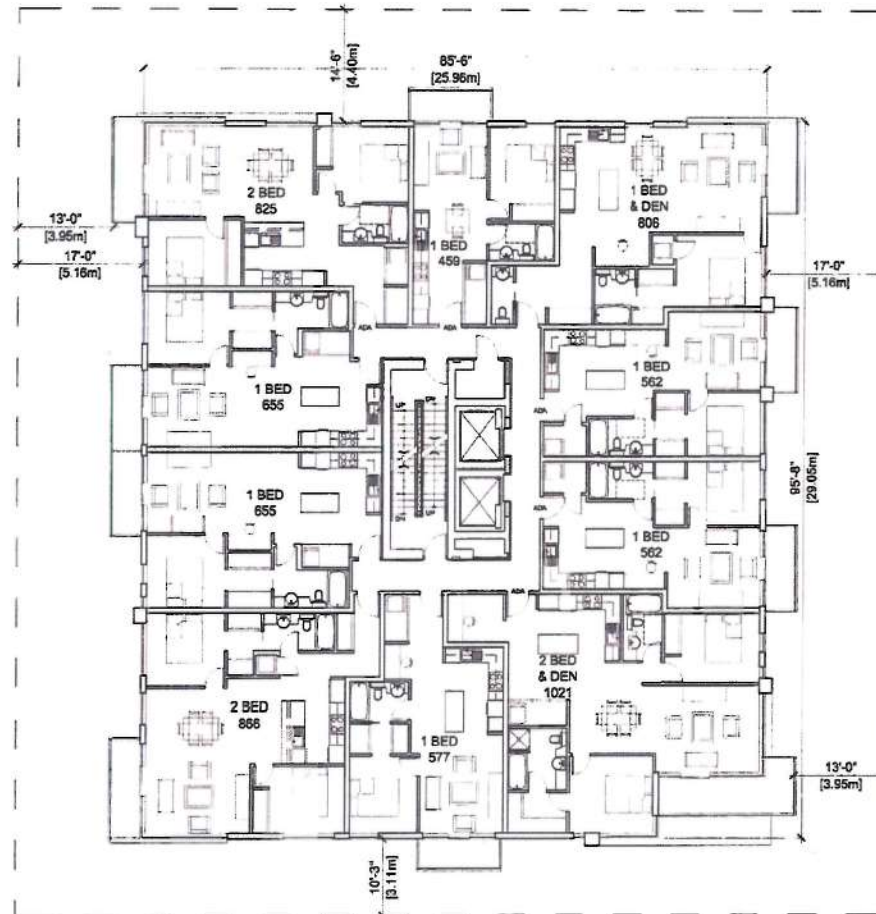


THIRD & FOURTH FLOOR
8 339 ft²



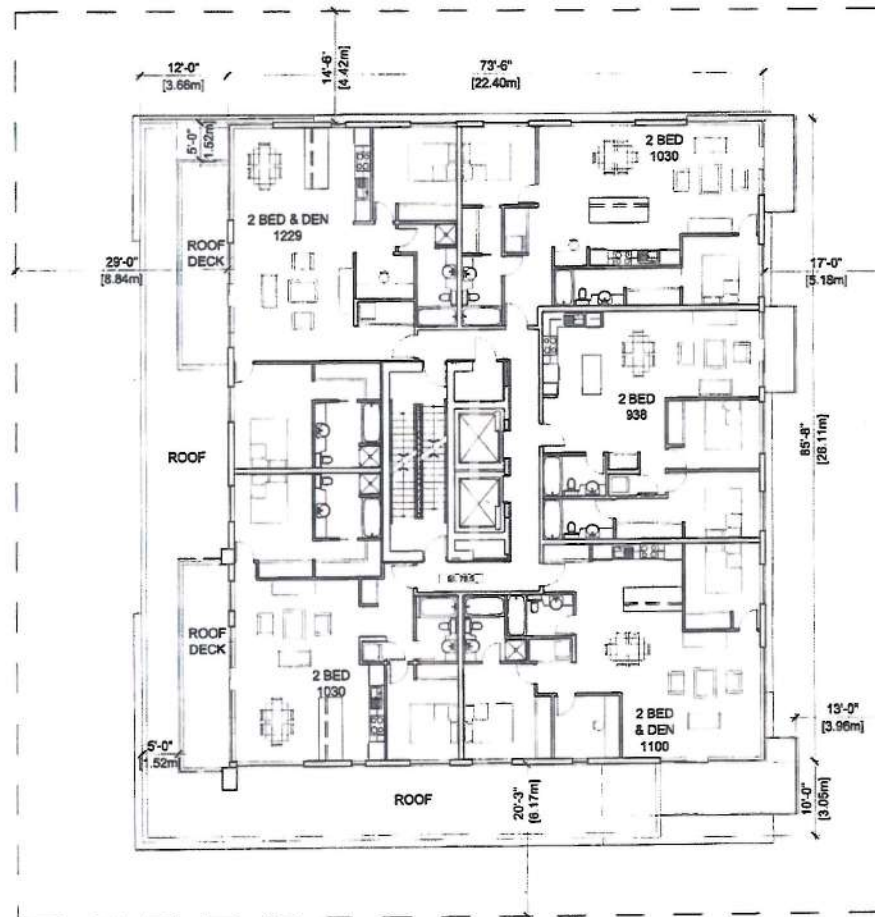
FIFTH FLOOR
7 688 ft²

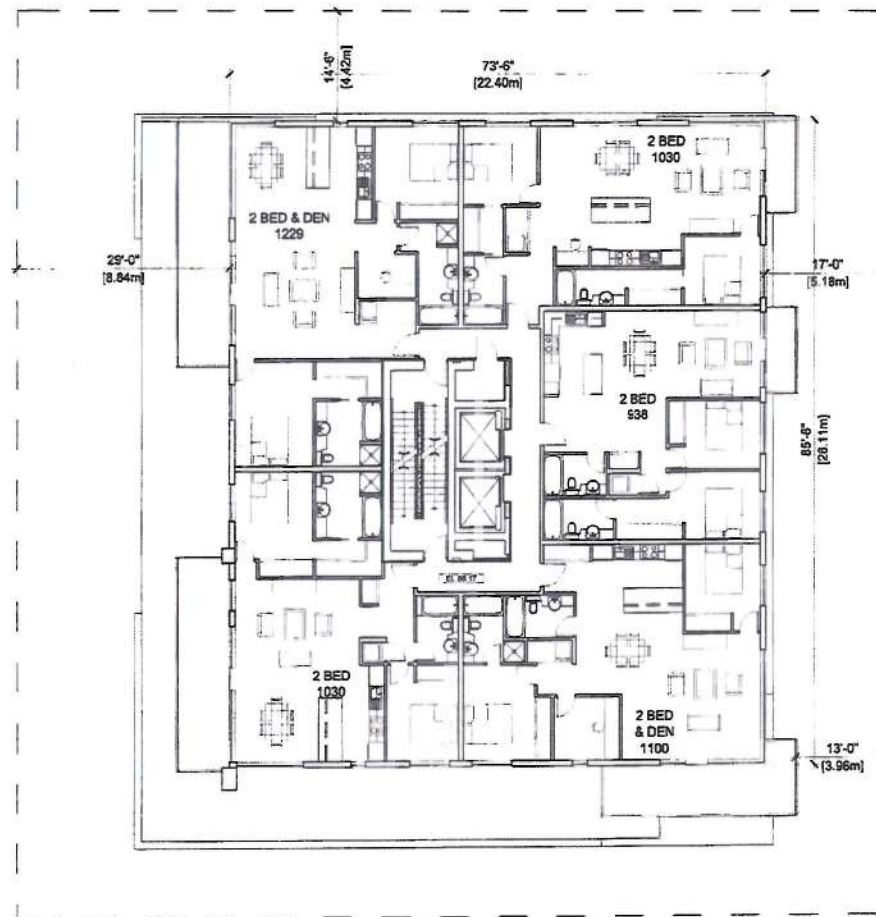
UNIVERSITY OF VICTORIA 380 WILSON AVENUE VICTORIA BC V8W 2Y2 TEL: 250-721-5000 FAX: 250-721-5001

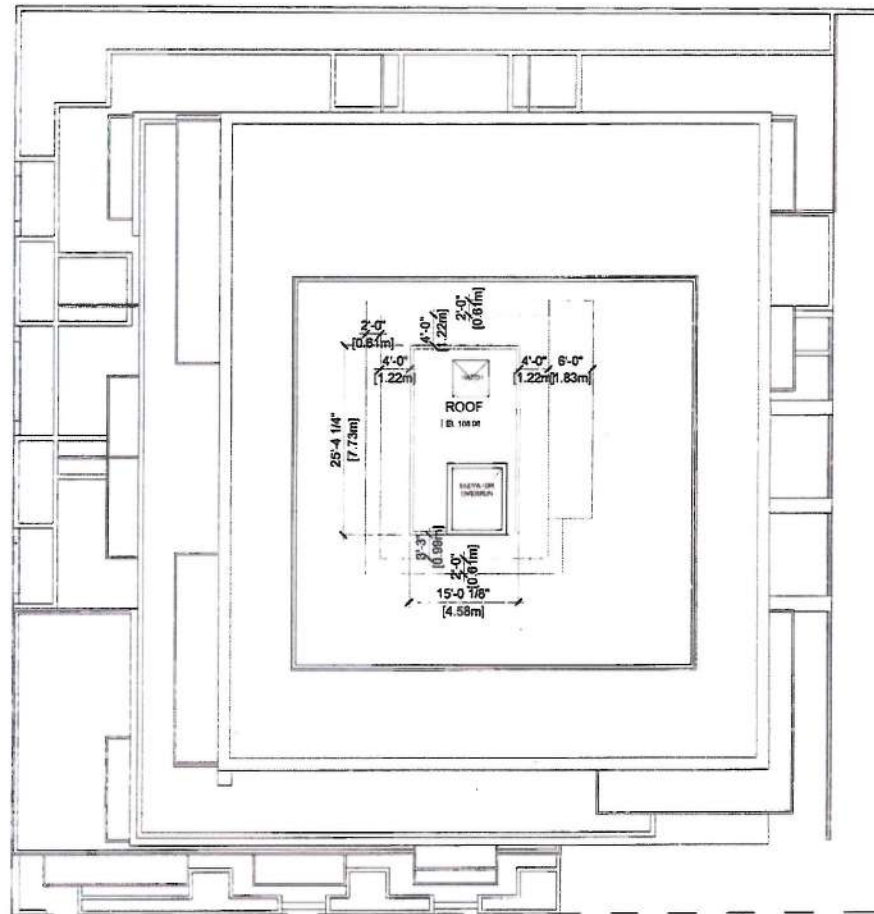


SIXTH TO EIGHTH FLOOR
7 688 ft²



NINTH FLOOR
5 953 ft²

TENTH FLOOR
5 953 ft²



ROOF PLAN



MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR LOW-E WINDOW WALL SYSTEM WITH INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL RAIN SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- 4 CLEAR GLASS PANELS IN ANODIZED ALUM. GUARDRAIL
- 5 WHITE LAMINATED GLASS FRONT PANEL IN ANODIZED ALUM. GUARDRAIL
- 6 GLASS ALUM. CANOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHARCOAL



STREET ELEVATION

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VICTORIA, BC

Project #
213029.1

2 DEC 13 DP SUBMISSION
28 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
19 FEB 14 ADP SUBMISSION
17 MAR 14 ADP RESPONSE
16 APR 14 RETURN/REVISION

SOUTH
ELEVATION

1/16" = 1'-0"



A.301

MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM W/ INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL RAIN SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- 4 CLEAR GLASS PANELS IN ANCHORED ALUM. GUARDRAIL
- 5 WHITE LAMINATED GLASS FRONT PANEL IN ANCHORED ALUM. GUARDRAIL
- 6 GLASS ALUM. CANOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHARCOAL



EAST ELEVATION



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Project #
213029.1

2 DEC 13 DP SUBMISSION
20 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
19 FEB 14 ADP SUBMISSION
17 MAR 14 ADP RESPONSE
16 APR 14 REVISIONS

EAST
ELEVATION

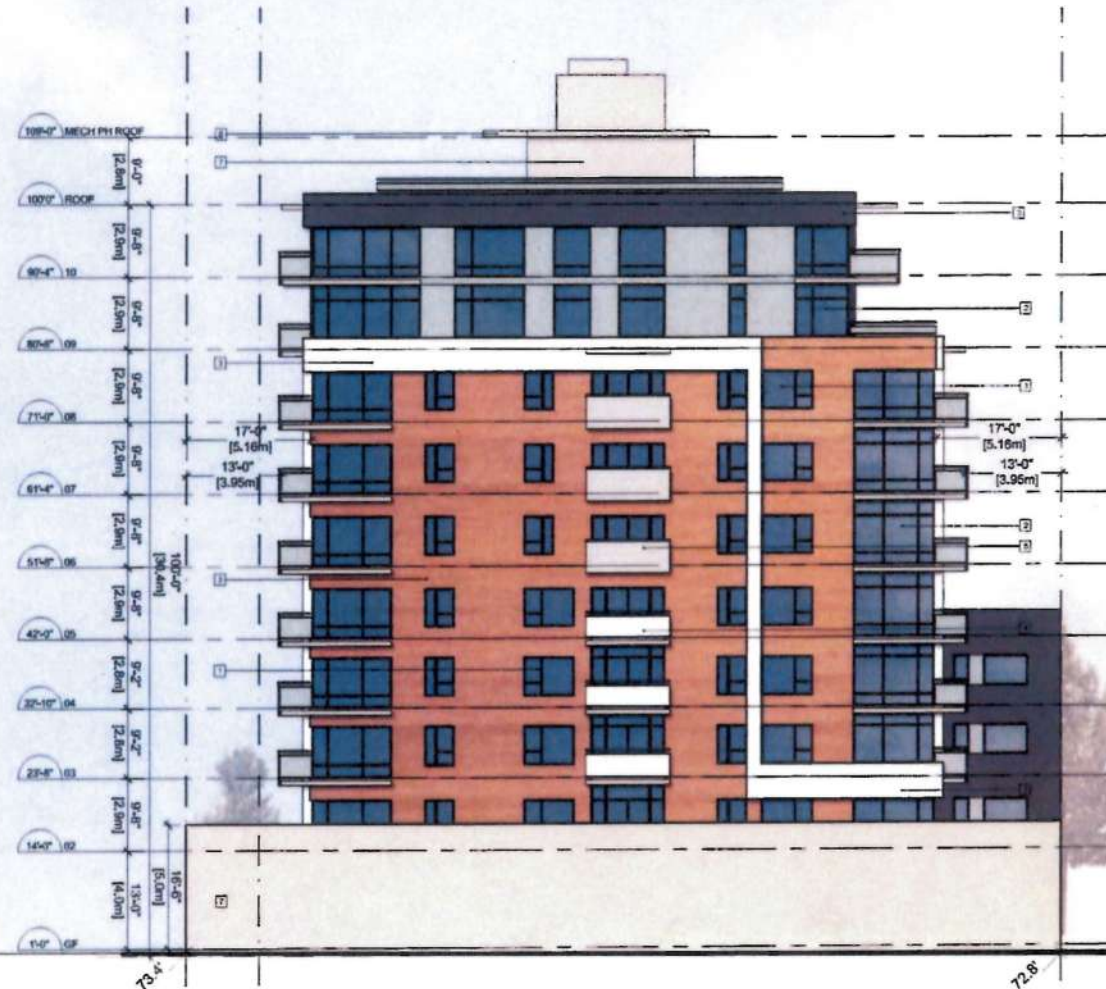
1/16" = 1'-0"



A.302

MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM WITH INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL RAIN SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- 4 CLEAR GLASS PANELS IN ANODIZED ALUM. GUARDRAIL
- 5 WHITE LAMINATED GLASS FRONT PANEL IN ANODIZED ALUM. GUARDRAIL
- 6 GLASS ALUM. CANOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHARCOAL



NORTH ELEVATION



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VICTORIA, BC

Project #
213029.1

2 DEC 13 2P SUBMITTAL
26 MAR 14 2P REVISIONS
6 FEB 14 ADDITIONAL INFO
19 FEB 14 ADD SUBMITTAL
17 MAR 14 ADD REVISION
16 APR 14 RESUBMISSION

NORTH
ELEVATION

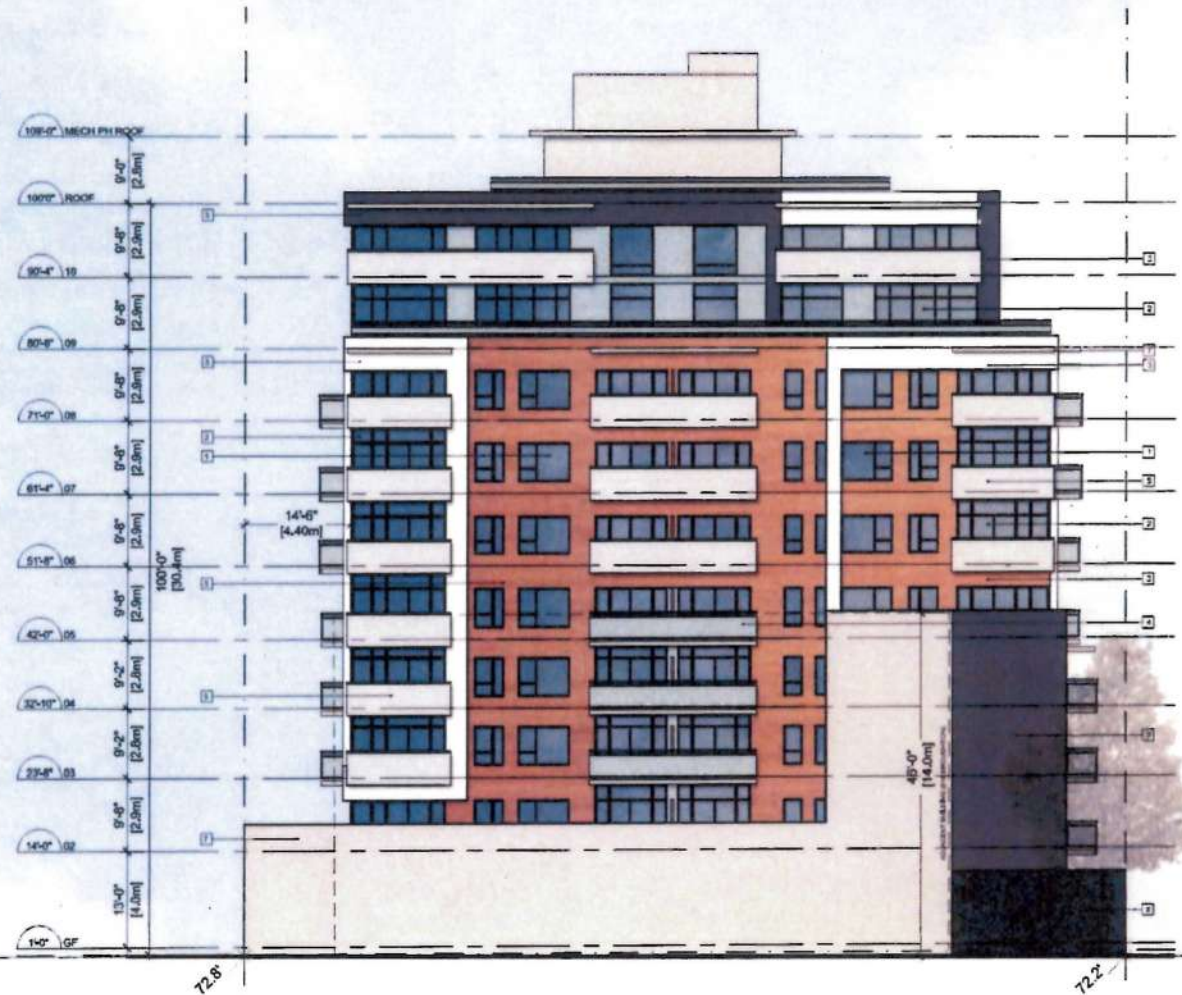
1/16" = 1'-0"



A.303

MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM W/ INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL RAIN SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- 4 CLEAR GLASS PANELS IN ANCHORED ALUM. GUARDRAIL
- 5 WHITE LAMINATED GLASS FRONT PANEL IN ANCHORED ALUM. GUARDRAIL
- 6 GLASS ALUM. CANOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHARCOAL



WEST ELEVATION

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VICTORIA, BC

Project #
213029.1

2 DEC 13 DP SUBMISSION
20 MAR 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
15 FEB 14 ADP SUBMISSION
17 MAR 14 ADP RESPONSE
16 APR 14 RESUBMISSION

WEST
ELEVATION

1/16" = 1'-0"



A.304

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VICTORIA, BC

Project #
213029.1

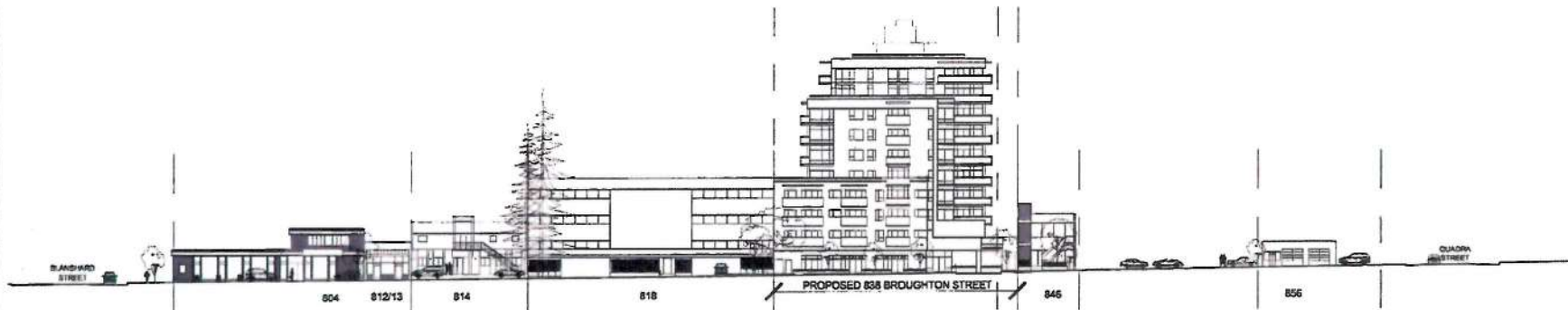
2 DEC 13 DP SUBMISSION
28 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
19 FEB 14 ADP SUBMISSION
17 MAR 14 ADP RESPONSE
16 APR 14 RESUBMISSION

STREETSCAPE

N.T.S.



A.305





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VICTORIA, BC**

Project #
213029.1

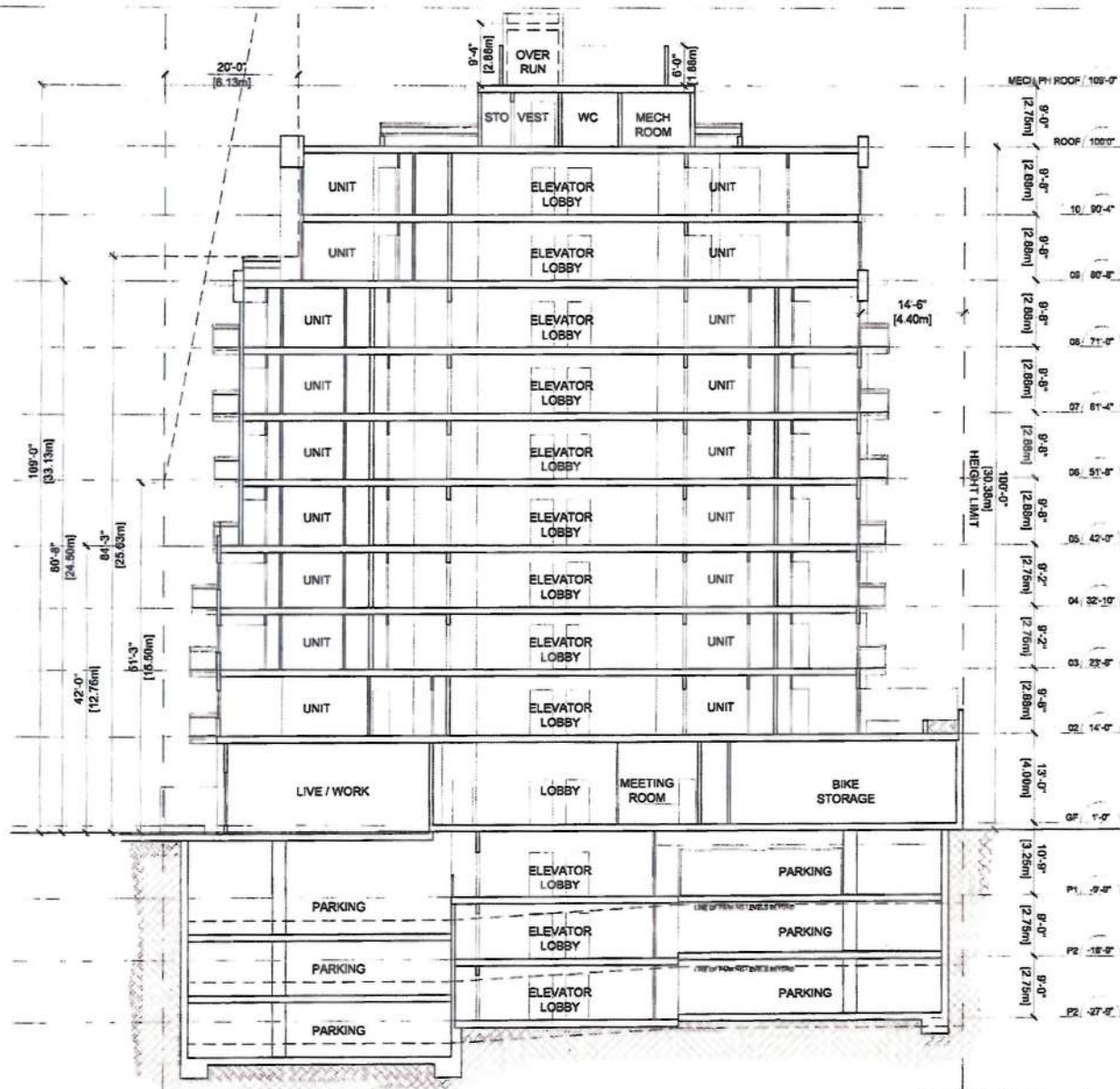
2 DEC 13 DP SUBMISSION
28 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
19 FEB 14 ADP SUBMITTAL
27 MAR 14 ADP RESPONSE
16 APR 14 RESUBMISSION

STREET VIEW

N.T.S.



A.306



SECTION A

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VICTORIA, BC

Project #
213029.1

2 DEC 13 DP SUBMITTAL
28 JAN 14 DP REVISIONS
6 FEB 14 ADDITIONAL INFO
19 FEB 14 ADP SUBMITTAL
17 MAR 14 ADP RESPONSE
16 APR 14 RESUBMISSION

SECTION A

1/16" = 1'-0"

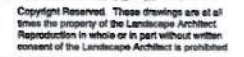


A.401

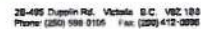


[illegible]

**Black Press
Building**



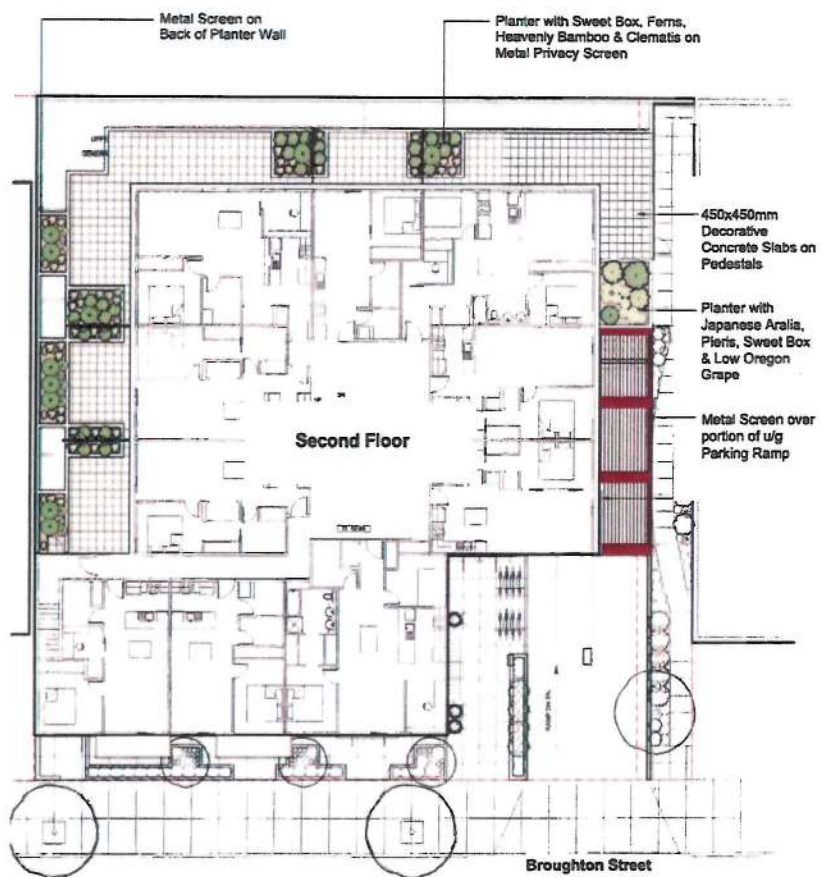
REVISIONS



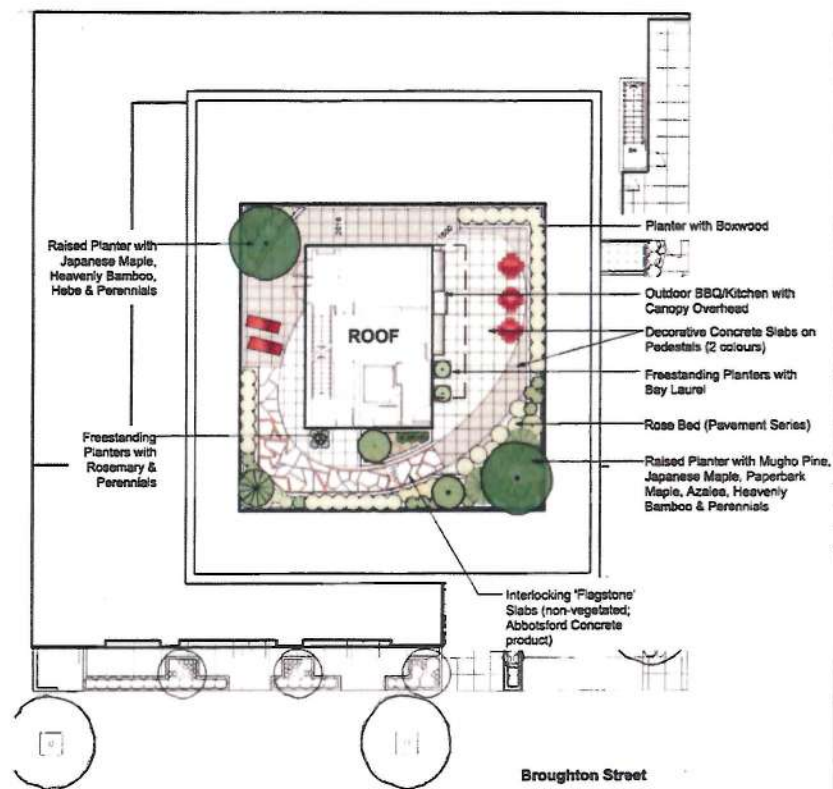
838 Broughton Street
Victoria, BC

Landscape Concept Plan
Ground Level &
Nursery Schedule

L1 of 2



Second Floor Plan



Roof Garden

C	Mar 17-14	ADP Response
B	Jan 27-14	Issued for DP
A	Nov 27-13	Issued for DP

REVISIONS

28-495 Dupont Rd. Victoria, B.C. V6Z 1B8
Phone: (250) 586-0100 Fax: (250) 412-0890

PROJECT

838 Broughton Street
Victoria, BC

TITLE

Landscape Concept Plan
Second Floor & Roof

SCALE

3/32"=1'-0"

DRAWN

NW/BW

CHECKED

PROJECT NO.

1325

DATE

Nov 24-13

L2

of 2

SHEET



REPORTS OF THE COMMITTEE

2. Planning and Land Use Committee – February 20, 2014

1. Rezoning Application # 00425 for 836 and 838 Broughton Street

It was moved by Councillor Helps, seconded by Councillor Alto, that Council authorize that:

1. Rezoning Application # 00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:

- a. Provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR contribution of 25% of the value of any identified land lift being made to the Downtown Core Area Public Realm Improvement Fund (25%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
- b. Preparation of a *Zoning Regulation Bylaw* amendment to accommodate the proposal;
- c. Preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
- d. Preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.

2. Review by the Advisory Design Panel of Development Permit Application # 000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.

3. Following consideration of Rezoning Application # 00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Carried Unanimously

Council meeting
February 27, 2014

**VICTORIA ADVISORY DESIGN PANEL
MINUTES OF FEBRUARY 26, 2014
COMMITTEE ROOM #1**

PRESENT

Suzanne Christensen
Barry Cosgrave
Gregory Damant
Brad Forth
Karen Hillel
Charles Kierulf
Christine Lintott

STAFF

Mike Wilson, Senior Planner – Urban Design
Helen Cain, Senior Planner

REGRETS

Rod Windjack (Chair)
Shawn McIntyre

CALL TO ORDER

Ms. Suzanne Christensen (Chair): Called the meeting to order at 12:05 p.m. and welcomed meeting participants.

MINUTES

MOVED / SECONDED

That the minutes of the November 27, 2013 meeting be **APPROVED** as circulated.

CARRIED

APPLICATION

**836-838 Broughton Street
Development Permit Application #000337**

The proposal is to construct an 11-storey, 84-unit residential building with three levels of underground parking.

Applicant Meeting attendees:

Dave Chard, Chard Development Ltd.
Graeme Clendenan, Chard Development Ltd.
Bev Windjack, LADR Landscape Architects
Mark Whitehead, Musson Cattel Mackey Partnership

Helen Cain provided the Panel with a brief introduction of the application and the areas of the project that Council was seeking advice on.

Recommendation:

MOVED / SECONDED

1. That Advisory Design Panel recommend to Council that Development Permit Application #000337 be approved subject to:
 - Addressing CPTED issues within the east side yard walkway
 - Ensuring that the concrete finish on the lower levels is of a high quality
 - Ensuring visible finishes within the parkade ramp are finished with high quality materials
 - Ensuring that there is adequate wheelchair accessibility particularly for at grade units facing Broughton Street and the rooftop patio space.
2. That the City consider a more liberal interpretation of the applicable design guidelines with respect to building height to allow for a taller ground floor.

CARRIED Unanimously.

Meeting adjourned at 1:35 pm.

ROLLO^{LLC}

+ ASSOCIATES

LAND ECONOMISTS — DEVELOPMENT STRATEGISTS

March 25th, 2014

Helen Cain
City of Victoria
1 Centennial Square
Victoria, BC, V8W 1P6

Re: 838 Broughton Street Amenity Contribution Analysis

G.P. Rollo & Associates (GPRA) has been retained by the City of Victoria to complete an Amenity Contribution Analysis for the rezoning of 838 Broughton Street (hereafter referred to as 'the Site') in order to determine an estimate of potential fees that could be collected for public amenities from the lift in land values created from rezoning the Site.

Specifically, GPRA has been retained to determine the potential lift in land value from the current OCP designation allowing for development of mixed residential and commercial to a density up to 3.0 FSR to a new zone that would allow for development up to 5.0 FSR for a mix of residential strata apartments, with the capacity for ground level commercial/live-work uses.

The analysis consisted of preparation of residual land value analyses which determines the maximum value that a developer could afford to pay for the site assuming it already had the new zoning for 5.0 FSR under current market conditions, as well as to determine the value that could be afforded if developed under the current OCP. GPRA used standard developer proformas for each case to model the economics of typical development as proposed/allowed under the new zoning. The 'Lift' is then calculated as the difference in residual land values under both current OCP designation and the proposed new zoning/density.

METHODOLOGY & ASSUMPTIONS

The Site is 1,338 square metres in area and can be developed under the OCP for a mix of ground floor commercial with residential above at a density up to 3.0 FSR. However, GPRA has run analysis of a 3.0 FSR project in concrete construction and found that it would not be economically viable for a developer to pursue. As well GPRA has doubts that one could accommodate 3.0 FSR in density in a wood frame project on the Site. As such we have consulted with Chard Development and determined that a wood frame building at 2.45 FSR would be possible on the site. Chard has provided GPRA with a rough plan for this option which has commercial at grade with strata residential above. Proposed new zoning would see 6,686 square metres of GBA, comprised of 6,508 square metres of strata apartments, and 178 square metres of ground floor commercial/live-work space.

The analyses are created using a standard developer proforma wherein estimates of revenues and costs are inputs and the remaining variable is the desired output. In typical proformas this output is usually profit, following a revenues minus costs equals profit formula.

For a residual land valuation, however, an assumption on developer's return needs to be included in order to leave the land value as the variable to solve for. For these analyses GPRA has determined the residual value based on the developer achieving an acceptable profit of 15% on total project costs (calculated as a representative portion of overall project costs for the proposed development). The residual values are the maximum supported land value a developer could pay for the site (under the density and conditions tested) while achieving an acceptable return for their project.

The residual land value determined from this analysis is then compared to the value of the site under the current OCP to establish a 'lift' in value that arises from the change in density. This lift in value is the total potential monies that are available for public amenities or other public works not considered as part of the analysis. GPRA have made allowances for streetscape and public realm improvements that would typically be incurred through development in both sets of analysis. Significant off-site costs identified by the proponent that would need to be provided by this development as rezoned include costs for burying electrical along Broughton Street, sewer attenuation on site, and underpinning agreements for adjacent properties.¹ Any additional improvements that would be required only from the proposed rezoning to 5.0 FSR and not from the 2.45 FSR base analysis would impact the lift and would need to be identified, priced, and included in the analysis. However, there are no additional improvements of this sort anticipated at this time.

Typically there is some sharing of the lift value between the Municipality/District and the developer, but the percentage shared varies by community and by project. It is GPRA's understanding that the City has determined that they will seek 25% of the lift for amenities.

GPRA determined strata revenues used in the analyses from a review of recent sales and offerings for sale of recently developed apartments of concrete construction within roughly 10 km of the Site, with a focus on projects that were deemed comparable to that which has been proposed for the Site. For the OCP analysis GPRA also reviewed wood frame project pricing within the same general radius. Project costs were derived from sources deemed reliable, including information readily available from quantity surveyors on average hard construction costs in the City. Development or soft costs have been drawn from industry standards, and from the City's sources. All other assumptions have been derived from a review of the market and from other sources deemed reliable by GPRA.

¹ Additional costs have been relayed via Chard Development and include \$200,000 for Hydro costs and \$98,300 for additional sewer attenuation costs which would be incurred in the proposed 5 FSR project but would not be in the 2.45 FSR base.

CONCLUSIONS & RECOMMENDATIONS

As stated previously, any added costs from redeveloping and rezoning the Site that have not been identified and included in this analysis that would only be incurred from rezoning as proposed rather than in the rezoning to the 2.45 FSR base would reduce the lift on the Site from rezoning.

GPRA identifies the lift on the 838 Broughton Site from rezoning as being roughly \$39,000 when using a base FSR of 2.45.

As indicated above it is our understanding that the City would be seeking 25% of the lift in value, which would be approximately \$10,000 using the OCP as a base value with a developer building a 2.45 FSR mixed use development.

I trust that our work will be of use in the City's determination of the Amenity Contribution they will seek as part of rezoning 838 Broughton Street. I am available to discuss this further at your convenience.



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



Planning and Land Use Committee Report

Date: February 7, 2014 **From:** Helen Cain, Senior Planner
Development Services

Subject: **Rezoning Application #00425 and Development Permit Application #000337 for 836 and 838 Broughton Street** - Applications to rezone lands to increase density and to construct an 84 unit residential mixed-use building

Executive Summary

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the properties at 836 and 838 Broughton Street. These properties are located in the CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District), which permits a maximum floor space ratio (FSR) of 2.0:1 for a multiple dwelling. The applicant proposes to rezone to increase the density to 5:1 FSR, and to construct an 84-unit residential mixed-use building with underground parking.

The following points were considered in assessing this application:

- The proposal is generally consistent with land use policies and design guidelines in the Official Community Plan, 2012 (OCP) and the applicable local area plans for the Downtown Core Area and Cathedral Hill Precinct.
- While the Downtown Core Area Plan includes the subject site in the "special density area," where there is no prescribed maximum density, the OCP identifies a base of 3:1 FSR and notes that up to approximately 5:1 FSR is supportable where a proposal significantly advances the OCP objectives. Accordingly, the applicant should provide a justification for the increased density from 3:1 FSR to 5:1 FSR.
- Although the proposal is largely consistent with the relevant design guidelines, it would benefit from further design revisions to ensure a positive street relationship is achieved.

Staff support this application advancing for consideration at a Public Hearing subject to the conditions outlined in the recommendation below.

Recommendations

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - (a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 75% of the value of any identified land lift being made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;

- (b) preparation of a *Zoning Regulation Bylaw* amendment to accommodate the proposal;
 - (c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - (d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.
2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
- (a) plans stamped Development Permit #000377 dated January 28, 2014;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,

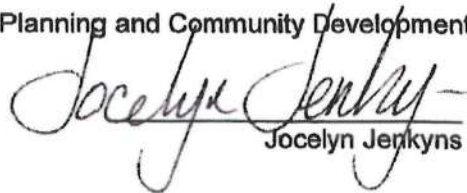


Helen Cain
Senior Planner
Development Services



Deb Day
Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

HC/ljm

1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the properties at 836 and 838 Broughton Street.

2.0 Background

2.1 Description of Proposal

The applicant proposes to rezone the property at 836 and 838 Broughton to permit increased density, from the maximum for a multiple dwelling of 1.2:1 FSR in the existing CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District) to 5:1 FSR. The proposal is for a multi-unit building with two units along the street frontage that would be either live-work, or commercial office or retail, and approximately 82 residential apartments on upper storeys. It is intended that the building be held in strata ownership.

The proposed development, urban design, architecture and landscape include the following details:

- mid-rise building form with primary and secondary street walls along the front (Broughton Street) elevation, and all parking underground
- siding: brick veneer (charcoal) at building base along primary street wall and architectural concrete panels in four colours for secondary street wall (brown), tertiary building face (light grey and dark grey), and accent line feature (white)
- windows and doors: aluminum windows and aluminum sliding doors to balconies, front patios, and roof decks on third and ninth floors; and balcony inset panels in combination of clear and white opaque glazing
- hardscape: mix of decorative and coloured concrete surfaces along frontage and pathway from street to the main building entrance
- trees and plantings: two new street trees and eight new trees on site with shrubs and groundcover along the primary street wall, within the east setback and vines overhanging the ramp to underground parking
- 82 vehicle parking stalls
- 100 Class One bike storage spaces.

2.2 Land Use Context

The subject property is located in north Fairfield and in an area of transition three blocks from the south boundary of the Downtown Core Area. Residential, residential mixed use and commercial development of medium-to-high density are appropriate in this area, where the existing place character includes low-rise commercial buildings, public buildings (Royal Theatre), community facilities (YMCA), and surface parking. Currently, the properties are used for surface parking.

2.3 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association Land Use Committee (CALUC) on October 21, 2013. Minutes from the CALUC meeting are attached to this report.

2.4 Existing Site Development and Development Potential

The data table (below) compares the proposal with the existing CHP-CR Zone (Cathedral Hill Precinct Commercial Residential District). The proposed apartment building is less stringent than the standard zone in criteria identified with an asterisk (*) below.

Zoning Criteria	Proposal	CHP-CR Zone
Site area (m ²) – minimum	1337.8	n/a
Total floor area (m ²) – maximum	6686	n/a
Density (Floor Space Ratio) – maximum	5:1*	2:1
Height (m) – maximum	32.9*	22.5
Storeys – maximum	11 (10 storeys for main building, small washroom/storage and stairs associated with roof top access trigger identification of eleventh storey)	n/a
Site coverage (%) – maximum	86	n/a
Open site space (%) – minimum	16	n/a
Setbacks (m) – minimum south (front) north (rear) west (side) east (side)	2.38 Nil (main floor) 4.4 m (building face) Nil (1 st to 4 th floor) 5.1	2 n/a n/a n/a
Parking (stalls) – minimum	82*	115 – if all residential 120 – if ground floor retail
Bicycle storage – minimum	100	85
Bicycle rack – minimum	7	7

2.5 Legal Description

Lot 266 and Lot 267, Victoria City

2.6 Consistency with City Policy

2.6.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goal of adding to the supply of housing within the boundaries of the City.

2.6.2 Official Community Plan, 2012

The proposed development is consistent with land use policies of the *Official Community Plan 2012* (OCP). The properties at 836 and 838 Broughton Street are designated as Core Residential, where the OCP envisions diverse housing types, including low, mid and high-rise multi-unit residential and mixed use, as well as commercial and institutional uses. Heights identified in the OCP in this location are "from three storeys up to approximately 20 storeys". It should be noted, however, that this broad OCP vision for height is more narrowly defined in the *Downtown Core Area Plan, 2011*, detailed in Section 2.6.3 below.

Generally, the OCP envisions a density of 3:1. FSR for those parts of the Core Residential area west of Quadra Street, and this includes the 800-block of Broughton Street. Increased density up to a total of approximately 5:1 FSR may be considered for such locations within the Urban Core, and "where a proposal significantly advances the objectives of this plan". The subject site at 836 and 838 Broughton Street is eligible for bonus density, insofar as these land parcels are located in the Urban Core.

In accordance with the OCP, the new residential mixed-use apartment building is subject to DPA14 Cathedral Hill Precinct. The objectives of DPA 14 are:

4. (a) *To revitalize an area of commercial use through redevelopment of sites including surface parking lots and public realm improvements to increase vibrancy, complement the adjacent Core Business area and strengthen commercial viability.*
- (b) *To enhance the Cathedral Hill Precinct through a high quality of architecture, landscape and urban design that reflects the function of a major residential centre on the edge of the central business district in scale, massing and character, while respecting prominent heritage properties and landmarks.*
- (c) *To recognize the transitional nature of the area between a high density of Downtown and the medium to lower density residential neighbourhood through sensitive infill and the enhancement of streetscapes.*

The proposed development at 836 and 838 Broughton Street is consistent with DPA 14 objectives for redevelopment of parking lots specifically, and overall high-quality design.

2.6.3 Downtown Core Area Plan, 2011 and Cathedral Hill Precinct Plan, 2004

With respect to local area plans, the *Downtown Core Area Plan, 2011* ("DCAP") and the *Cathedral Hill Precinct Plan, 2004* ("CHPP"), apply to the subject site. Within the DCAP, the Core Residential Mixed District (RMD) includes the 800-block of Broughton Street. The latter is both a transitional zone from high-to-medium density, in the "Cross Town Concept", and where height transitions from high-rise to mid-rise buildings in the "Urban Amphitheatre Concept".

The DCAP does not identify a maximum density for Broughton Street between Blanshard Street and Quadra Street because this block is located in the "Special Density Area" where the appropriate density is determined on a site-by-site basis. However, policies in the DCAP for form, massing and design considerations, such as height, serve to shape the potential density of a specific site. For instance, "Map 32 - Maximum Building Heights" identifies a height ceiling for the subject properties of up to 30 m, which is approximately ten storeys for residential buildings, or eight commercial storeys. CHPP similarly identifies height of up to eight storeys for the same block, and "Map 3 - Anticipated Redevelopment" includes the location as a priority for redevelopment.

These DCAP policies should also be considered in review of the proposed rezoning and design:

Residential Mixed-Use District (RMD) - Objectives and Policies

1. *To encourage multi-unit residential development appropriate to the context and function of each neighbourhood and (that) reflects the differences in allowable building heights and density throughout the RMD along with other land uses, public amenities and services that help to develop complete communities.*
2. *To ensure new residential development includes active street-level businesses where appropriate, to provide commercial services and activities and to increase pedestrian activity within the public realm.*
- 3.102 *Ensure that designs for new buildings and improvements to the public realm located along the edges of the RMD consider scale, orientation, setbacks, mass and building height to provide sensitive transitions to surrounding Districts.*

Development Blocks - Policies

- 6.165 *Locate the tallest buildings closer to the middle of the development block, where the development block has an east-west orientation, in order to reduce the potential shading and wind effects on adjacent north-south streets.*

The proposal for a building of maximum height is generally consistent with DCAP Policy 6.165 in terms of the location of the apartment building in the middle of the development block.

2.7 Consistency with Design Guidelines

The proposal is subject to review under DPA 14 Cathedral Hill Precinct. Building form, character, finishes, and landscaping details are controlled and regulated in relation to the applicable guidelines in the *Downtown Core Area Plan, 2011*, and the *Cathedral Hill Precinct Plan, 2004*. The proposal responds well to the design considerations, as summarized below.

2.7.1 Building Separation and Setbacks

The proposed site plan for the residential mixed use development is consistent with the DCAP guidelines for residential building separation distances and setbacks. Buildings that are up to 30 m in height should have a minimum of 3 m setback for side and rear yards, for the upper storeys of the face of the tower; the proposal fully complies with that criteria. It should be noted that Broughton Street fits the category "narrow street" in the DCAP, where the front setback should be less than 3 m in order to create a sense of animation. Here again the proposal is

generally compliant as the main portion of the building has a setback of 2.38 m; the easterly portion of the front façade does not meet this guideline as an area of side yard needs to be maintained in order to accommodate an easement for the neighbouring property; additionally, the main entrance is set further back from the property line.

2.7.2 Building Design

The proposed building is consistent with the heights outlined in the DCAP and the associated maximum height for the specific block of the subject site. The proposal also complies with Appendix 7 "Building Design Guidelines" in the DCAP and its related Policy 6.185 for "street walls and setbacks - narrow streets". Overall, the proposed form and massing is organized to demarcate the building base, body and top. An enhanced street presence could be achieved with further refinement to aspects of the design and architecture in order to foster a more human-scaled design and overall appropriate contextual fit. With respect to technical details for building proportions, the proposed design fully complies with the required width, height and setbacks for primary and secondary street wall, and building face above 20 m.

2.7.3 Building and Street Interface

In the DCAP Appendix 5 "Building and Street Interface Guidelines", this block of Broughton Street is identified as a "commercial street". In these locations, public realm improvements should be designed to relate to adjacent retail, office and mixed-use land uses, and to provide comfortable, safe and animated pedestrian environments. The proposal includes commercial and/or live work uses at grade and this would contribute to street animation in combination with frontage features such as articulation at the building base, multiple entrances, extensive glazing and awnings for weather protection for pedestrians. Also, two new street trees are proposed along with three trees and a row of plantings along the front (south) property line on site.

3.0 Issues

The following issues are associated with these applications:

- increased density within the Core Residential Areas
- commercial use at street level and potential for design refinements
- building height
- parking and traffic
- encroachment agreement for underpinning.

4.0 Analysis

4.1 Increased Density within the Core Residential Areas

The OCP states that new development in locations that are west of Quadra Street may exceed the maximum density of 3:1 FSR prescribed for Core Residential areas with extra density up to 5:1 FSR where a proposal includes features that "significantly advance" the OCP objectives. For instance, the contribution of a public amenity may justify extra density above 3:1 FSR. The proposed development for 836 and 838 Broughton Street has a density of 5:1 FSR. Should Council wish to approve these applications, the applicant should justify the proposed land lift from the base density of 3:1 FSR envisioned in the OCP for Core Residential areas located west of Quadra Street to permit the increased density of 5:1 FSR, representing 2:1 FSR of bonus density.

The applicant has submitted a letter dated February 3, 2014 (attached) indicating that they have voluntarily undertaken a third-party land lift analysis to quantify the value (if any) of the land lift. They have also requested in this letter that if it is determined that there is value gained from the land lift, that instead of the City's standard requirement to secure 75% of this value, that it be reduced to 25%. This request is based on the policy that applies to a portion of the Central Business District (CBD) between Blanshard and Douglas Streets where applications that were made prior to December 31, 2013, would only be required to contribute 25% in order to provide a "phase-in" period. This "phase-in" period was established in recognition of policies contained in the previous *Downtown Plan*, 1990, that applied to this area and supported higher densities for certain types of development. This property is located outside this area but the application was submitted to the City on December 3, 2013. An alternate motion that would reflect this request is presented later in this report as Option Two.

Additionally, a Section 219 Covenant for sewage attenuation is required for infrastructure improvements to support the proposed increase in density from the 2:1 FSR maximum for multiple dwellings, in the existing zoning entitlement, to 5:1 FSR. Wording to capture this requirement is provided in both Options One and Two of this report.

4.2 Commercial Use at Street Level and Potential for Design Refinements

The applicant is proposing that two units at grade would be either "live/work" or be used as commercial space such as office or retail. Given that the 800-block of Broughton Street is categorized as a "commercial street" in the DCAP, the proposed mixed-use development is supportable, but the custom zone would need to be flexible in the permitted uses.

The project may benefit from further consideration of the design of the lower levels adjacent to the street in order to help ensure that a positive street presence is fostered. In particular, review of the lower level design, architectural features, entries, windows and materials would be useful. The staff recommendation contains language referring the application to Advisory Design Panel in order to get further input on these aspects of the proposal.

4.3 Building Height

The proposal is technically considered an eleven storey building because of a washroom, storage area and stairs associated with a roof top deck. These features are connected with the elevator shaft and mechanical apparatus which are normally exempted from the definition of a storey. Given the small area dedicated to these features, this "eleventh storey" will read as part of the mechanical penthouse, giving the building the overall appearance of a ten storey building. If Council chooses to advance the proposal for further consideration at a Public Hearing, the zoning bylaw amendments would be drafted to capture this limitation.

This height is appropriate to the mid-block location of the subject site and would help to create a new place character of mid-to-high rise building forms within the south edges of the Urban Core. While the residential mixed-use development would be a "tower", its height and scale would be modest in relation to Yates Street and Douglas Street, where the DCAP envisions the apex of the skyline to have built forms rising to 20 storeys.

4.4 Parking and Traffic

The applicant provided a Traffic and Parking Study which has been reviewed by the Transportation Section of the Engineering and Public Works Department. This study provided useful data, enabling staff to better understand the potential impacts of the proposed development and to plan for eventual improvements and changes that will be required, in due course, to ensure that traffic is managed in an effective manner. In terms of parking requirements, the study also bore out that the proposed total number of parking stalls, although slightly less than what is required in Schedule C of the *Zoning Regulation Bylaw* is acceptable. Additionally, the applicant has provided more than the required bicycle storage facilities.

4.5 Encroachment Agreement for Underpinning

With any project of this scale that has small setbacks and requires significant excavation, construction methods often require a form of underpinning which can result in material being left in the public right-of-way. The resulting material (typically rock anchors) presents no concerns to the public interest and do not impact underground infrastructure, however an Encroachment Agreement between the City and the developer is required. The staff recommendation includes direction to allow staff to enter into such an agreement, if the rezoning application is approved by Council and if it is deemed necessary to facilitate the construction of the project.

5.0 Resource Impacts

There are no resource impacts that are associated with this development.

6.0 Options

Option One: (Staff Recommendation)

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - (a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 75% of the value of any identified land lift to be made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
 - (b) preparation of a Zoning Regulation Bylaw amendment to accommodate the proposal;
 - (c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - (d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.

2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - (a) plans stamped Development Permit #000377 dated January 28, 2014;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Option Two: (Applicant Preference for 25% Land Lift Contribution)

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 25% of the value of any identified land lift to be made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
 - b) preparation of a Zoning Regulation Bylaw amendment to accommodate the proposal;
 - c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.
2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - a) plans stamped Development Permit #000377 dated January 28, 2014;
 - b) development meeting all Zoning Regulation Bylaw requirements;

- c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

Option Three: (Decline)

That Rezoning Application #00425 and Development Permit Application #000377 for 836 and 838 Broughton Street be declined.

7.0 Conclusions

This proposed development at 836 and 838 Broughton Street as a high density, mid-rise mixed use development would support the planning objectives for Downtown found in the OCP and the applicable local area plans for the Downtown Core Area and Cathedral Hill Precinct. While the DCAP includes the subject site in the "special density area" where there is no prescribed maximum density, the OCP identifies a base ceiling of 3:1 FSR for Core Residential areas located west of Quadra Street. It also identifies that bonus density up to approximately 5:1 FSR is supportable in these locations where a proposal significantly advances the OCP objectives. Accordingly, the applicant should provide a justification for the increased density from 3:1 FSR to 5:1 FSR based on OCP policy and the land lift analysis.

8.0 Recommendations

1. That Rezoning Application #00425 for 836 and 838 Broughton Street proceed for consideration at a Public Hearing, subject to:
 - (a) provision of a third-party land lift analysis that justifies any increase in density that exceeds the floor space ratio of 3:1 FSR with a contribution of 75% of the value of any identified land lift to be made to the Downtown Core Area Public Realm Improvement Fund (75%) and the Downtown Heritage Building Seismic Upgrade Fund (25%) to be secured to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development;
 - (b) preparation of a Zoning Regulation Bylaw amendment to accommodate the proposal;
 - (c) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.
 - (d) preparation of legal agreements to the satisfaction of the City Solicitor and the Director of Engineering and Public Works for sewage attenuation to mitigate the impact of increased density.
2. Review by the Advisory Design Panel of Development Permit Application #000377 prior to Council considering issuing the permit with special attention to the proposal's street relationship and contextual fit.

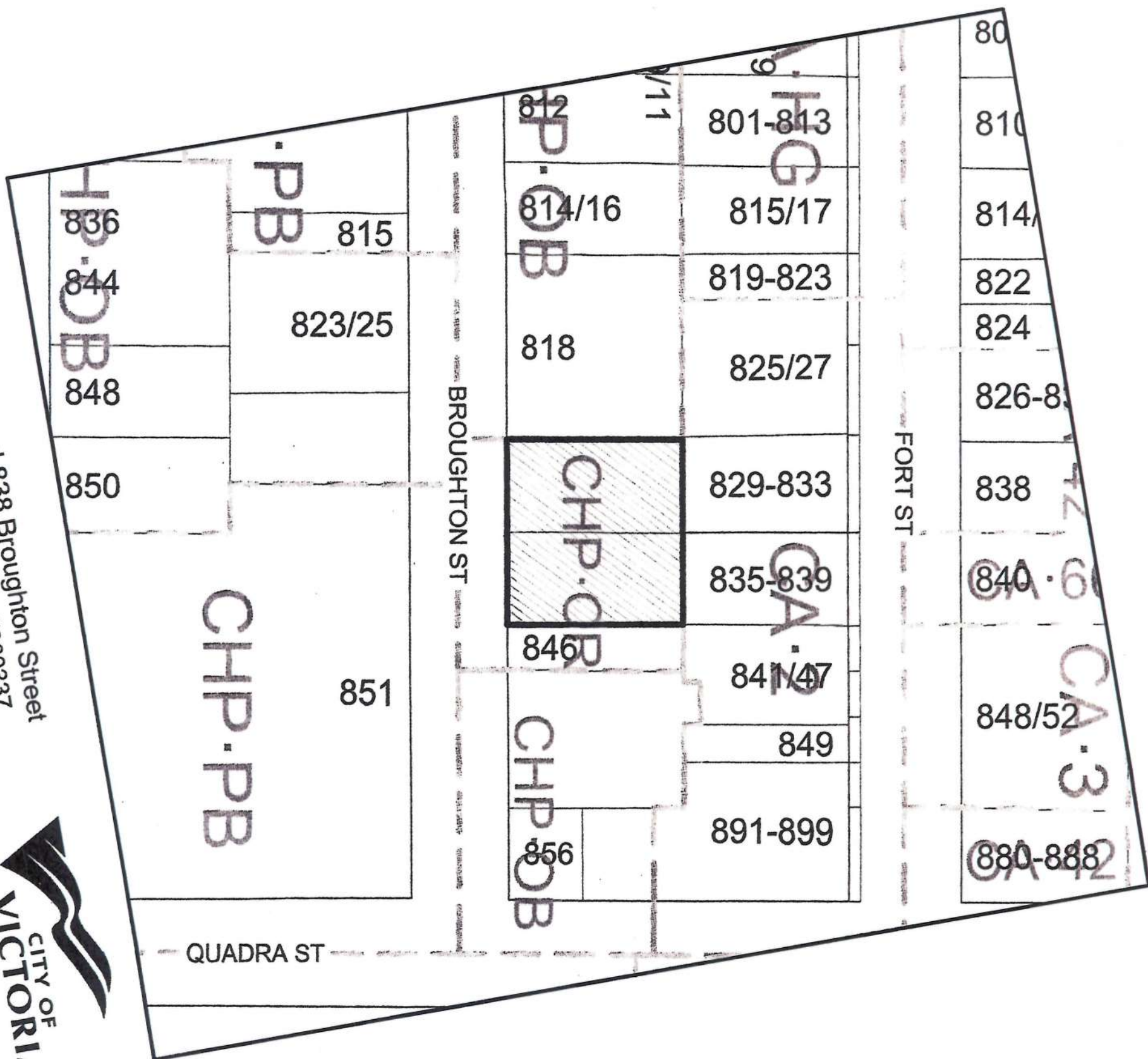
3. Following consideration of Rezoning Application #00425, that Council authorize the issuance of a Development Permit for 836-838 Broughton Street, in accordance with:
 - (a) plans stamped Development Permit #000377 dated January 28, 2014;
 - (b) development meeting all *Zoning Regulation Bylaw* requirements;
 - (c) final plans to be in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Following consideration of Rezoning Application #00425, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, to the satisfaction of the City Solicitor and the Director of Engineering and Public Works.

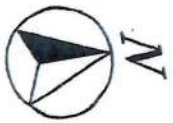
9.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from architect, stamped December 3, 2013
- Letter from applicant, stamped February 3, 2014
- Plans for Rezoning Application and Development Permit Application, stamped January 28, 2014
- Minutes from Fairfield and Gonzales Community Association Meeting on October 21, 2013.

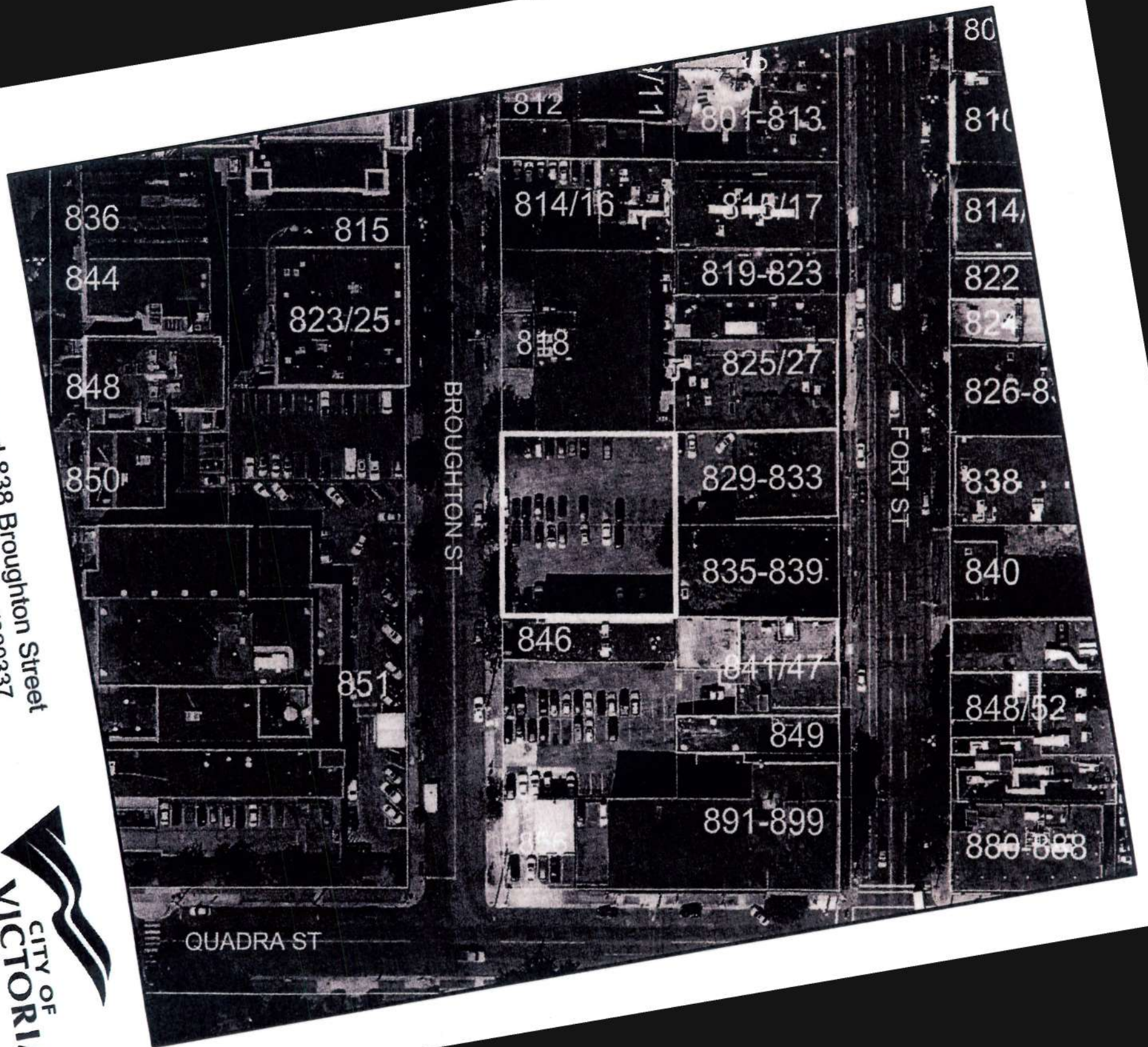


836 and 838 Broughton Street
Development Permit #000337





836 and 838 Broughton Street
Development Permit #000337





**Musson
Cattell
Mackey
Partnership**

December 2, 2013

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

Attention: **Mayor and Council**

Dear Sirs:

Re: **838 BROUGHTON STREET
OUR PROJECT NO. 213029.01 – 1.6.1.1
REZONING AND DEVELOPMENT PERMIT APPLICATION**

Architects
Designers
Planners

A Partnership
Of Corporations

1600 - Two Bentall Centre
555 Burrard Street, Box 264
Vancouver, British Columbia
Canada V7X 1M9

T 604. 687. 2990
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This letter is in support of our application for a Rezoning and Development Permit for the above property. The proposal is for a residential condominium tower with a total floor area of 6,686 square metres (71,970 square feet) and a floor space ratio of 5:1. The proposed building is 10 stories high, with an overall height of 29.9 metres (98 feet), and has a total of 85 residential units.

Planning Policy

This property is situated in the northeast corner of the Fairfield neighbourhood, adjacent to the Downtown and Harris Green neighbourhoods. More specifically, it is within the Cathedral Hill Precinct Plan of Fairfield. In addition to the Official Community Plan and the Cathedral Hill Precinct Plan, the property is also covered by the Downtown Core Area Plan 2011. The Official Community Plan 2012 envisages floor space ratios to a maximum of 5:1 in this area, while the Downtown Core Area Plan 2011 more specifically deals with height limits of 30 metres. These approved policies and documents may be described as generally having the following objectives:

- Provide greater density and housing opportunities in and around the downtown core.
- Facilitate a transition area in terms of height and density between the downtown to the west and the lower density residential areas in Fairfield to the south and east.
- Enhance the streetscape through building and landscape design.

Design Response

This project provides 85 one and two bedroom condominium residential units, generally at a smaller, affordable scale. Ground level units have direct access from the street; all other units have access to roof decks, balconies, or open windows with "Juliet" style balconies. A common rooftop amenity area is provided for the use of all residents; it will have a barbeque and seating areas and landscaping, and will enjoy views in all directions.

The existing street has a mix of uses, scales and heights of buildings; generally most of the existing buildings are in the two-to-three-storey range. In recognition of this, the lower four floors of the proposal are set back approximately 2 metres from the property line, while the above levels 5 to 8 are stepped further back, and levels 9 and 10 are further back again. Setbacks and variations not only provide architectural interest when seen from a distance, but provide a more human scaled view scape for passers-by.

Sustainability

By its nature, a higher density project of this nature serves sustainability goals by providing residential opportunities within walking distance of downtown employment and amenities, and its adjacencies to transit routes. In recognition of these advantages, a lower parking ratio of .65 cars per unit is proposed. There is a large bicycle storage facility conveniently located at the ground level with space for 100 bicycles for the 85 apartments. This room will also have a repair table provided with holding clamps, etc. for the use of cyclists. There is also provision for motor scooters in the first parking level.

The project will be fully compliant with the new energy requirements being incorporated in the British Columbia Building Code as of December 2013. These include:

- High performance building envelopes in terms of insulation values, reduced window areas.
- Energy efficient lighting and electrical systems, including motion sensors lighting, LED lighting and other similar provisions.
- Low flush toilets and high efficiency plumbing fixtures, drought-tolerant landscaping and efficient drip irrigation.
- Construction waste management during construction.

Other than areas for entry / exit, private terraces, and mechanical equipment, a considerable part of the remaining roof is devoted to intensive planting, whether as screening and privacy elements at the ground and second levels, or as part of a roof garden at the top of the building for use by all residents.

The proposed building relies on fresh air ventilation and does not have air-conditioning systems. Efficient electric heating systems will have time-controlled thermostats.

CPTED

As noted above, one of the policy goals of development in this area is to enhance the streetscape and pedestrian experience, including the feeling of safety and security. It is achieved in the project through the design provision of street level units ("eyes on the street"), and an open lobby entry area fully visible from the street and adjacent to the parkade entry.

Floor Area Exemption

Rooms for bicycle parking and storage lockers have been located at the rear of the ground floor. As the ceilings in these rooms will be more than 1.8 metres above grade (will be approximately 2.7 metres), under the Zoning Bylaw they would be included in the total floor area. We are asking that these areas be exempted from the floor area.

From a design perspective, locating these facilities at the rear of the ground floor utilizes space that has no other practical purpose. If the area was treated as private outdoor space for dwelling units, it would mean those units would open into a space surrounded by blank walls to the east and west, with unknown future developments to the north (and currently a fairly unkempt area), and being on the north side, mostly in shadow. It is not a desirable area either for outlook or for an outdoor space.

Locating the bicycle parking and storage lockers at this level provides much better access for residents than locating them in basement levels as is commonly done. This is especially true for bicycle facilities which are used on a daily basis.

It is also worth noting that the Bylaw exempts floor area above grade that is used for motorized vehicle parking. To exempt cars and yet count bicycle space is, we submit, unfair and runs against the broader goal of encouraging cycling and lessening dependence on cars.

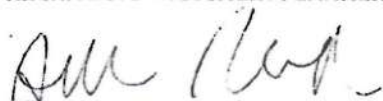
Adaptable Units

Fifty percent of the units will be constructed to the City's Adaptable Housing Standards, which allow for fitting out for the infirm and people in wheelchairs.

In summary, we believe this project will help in meeting policy objectives of the City of Victoria for this area, and provide a very livable and affordable opportunity for residents.

Yours truly

**MUSSON CATTELL MACKEY PARTNERSHIP
ARCHITECTS DESIGNERS PLANNERS**



Bill Reid, ARCHITECT AIBC, MRAIC, CP
William J. Reid Architect Ltd., Partner

BR:eer

I:\Projects\2013\213029 - 838 Broughton Street\Correspondence\1.6 Authorities\Rezoning and DP Application.docx



February 3, 2014

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

Attention: Ms. Helen Cain, Senior Planner

Dear Ms. Cain,

Re: Density Bonus - 836/838 Broughton Street, Victoria BC

Further to our meeting of January 30, 2014 with Deb Day and Alison Meyers, we are writing to advise on our views regarding the City of Victoria Density Bonus Provisions.

Firstly, in our opinion, the Downtown Core Area Density Bonus system is contrary to the City's attempts to implement an OCP and DCAP that will assist in creating a vibrant downtown and an affordable supply of new residential housing. It has the effect of increasing the cost of the end-product by introducing a hidden tax and compounding an already challenging set of development and market conditions.

In our view, the City should be encouraging projects in any way possible to achieve downtown rejuvenation and healthy growth as you have outlined in other section of the OCP and DCAP. By working with developers to address affordability issues head-on, the City could support a healthy downtown core alongside the benefits of higher property taxes in perpetuity rather than looking for a onetime 'tax grab' in the form of a density bonus payment.

Secondly, with regards to the proposed rezoning of 836/838 Broughton Street from a base density of 3.0 FSR to 5.0 FSR as outlined and permitted under the City policies, we will undertake the following in an attempt to have our application processed efficiently and in recognition of the City's policies:

1. Undertake a bonus density analysis by one of the two preferred economists selected by the City of Victoria.
2. Request Staff consider that this application be processed using the bonus density policy uplift formula of 25% as outlined in Section 4.15.1 rather than Section 4.15.2 given:
 - The application for rezoning and DP was submitted to the City of Victoria on December 3, 2013.

- The subject property backs onto the downtown area where the 25% land lift value was illustrated.
- We understand that the demarcation line was somewhat arbitrary at the time that Maps 14 and 15 were prepared. We consider a 75% Bonus density uplift to be very punitive with a direct impact on increasing costs of housing within the neighbourhoods that are adjacent to the downtown core.

We expect that the City will likely require 836/838 Broughton to include a sewer attenuation system that will add at a minimum \$250,000 in costs to the development. The size of a 14,400 liter tank is very significant in any urban development and will likely reduce parking stalls by 3 or 4 stalls. The requirement for holding tanks is another challenge and cost to developing in downtown Victoria.

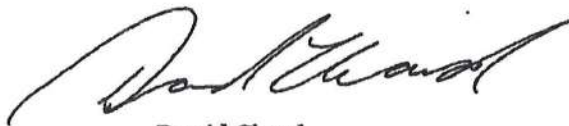
In summary, we request the consideration of City Staff on the following:

1. If a Density Bonus payment is required, have it based on 25% of the land lift value as the application was made prior to December 3, 2013 and given the subject property backs onto the designated area which require a 25% calculation.
2. The elimination of a sewer attenuation tank for the development that imposes increased development costs for the project and increased strata fees arising from maintenance costs for the owners of the suites in the long term.

Should you have any questions or comments on our requests please do not hesitate to call me directly.

Thank you for your consideration.

Yours truly,
CHARD DEVELOPMENT LTD.



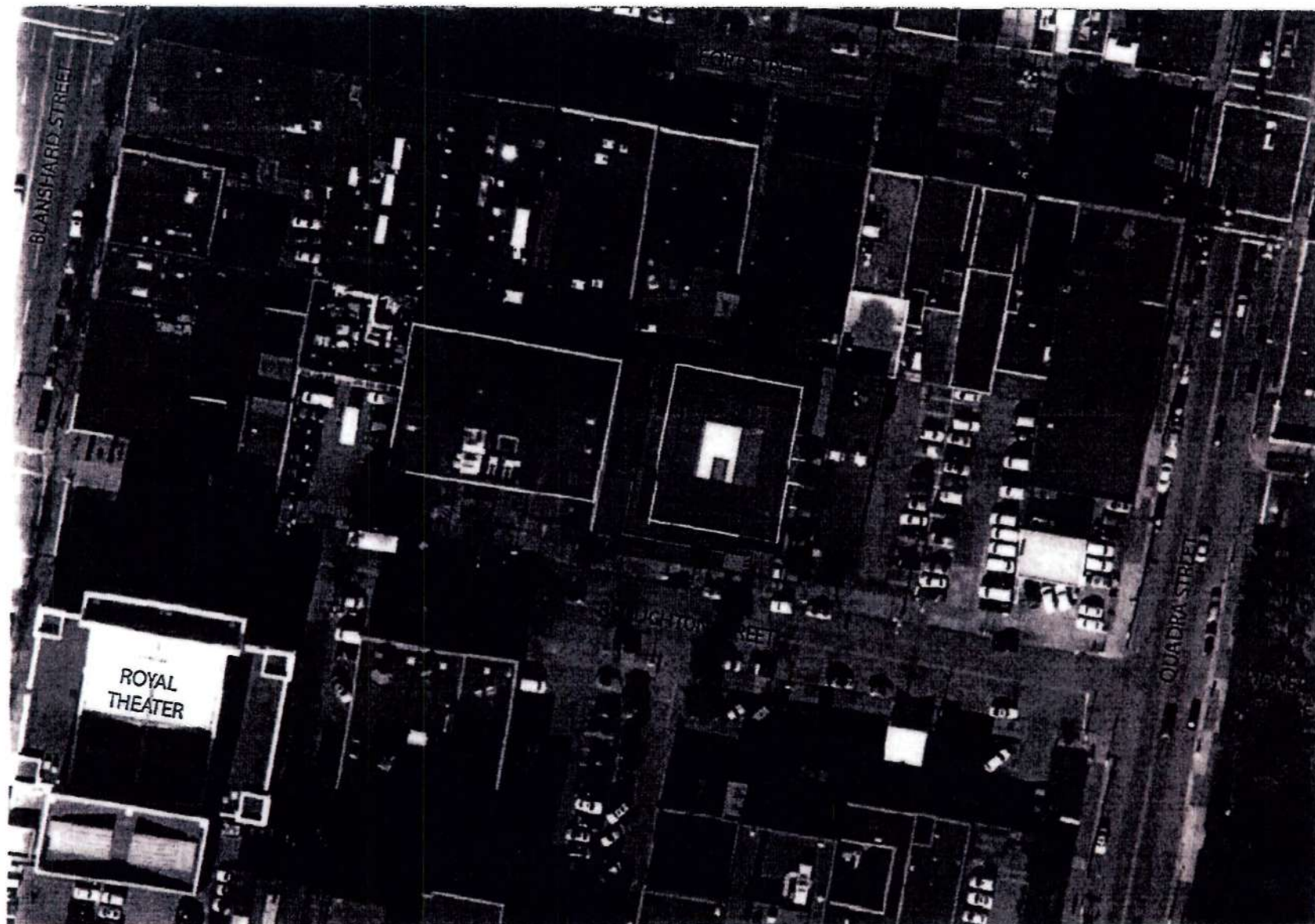
David Chard
dave@charddevelopment.com

Cc: Alison Meyers – Assistant Director, Development Services
Deb Day – Director of Planning & Development

PROJECT ADDRESS	636 & 638 Broughton Street, Victoria, B.C.
NEIGHBOURHOOD	FARFIELD
DOWNTOWN CORE AREA PLAN DISTRICT	RESIDENTIAL MIXED USE DISTRICT
DEVELOPMENT PERMIT AREA	DPA 14
LEGAL DESCRIPTION	LOTS 286 & 287, VICTORIA
ZONING	CHP-CR (CATHEDRAL HILL PRECINCT COMM/RES DISTRICT)
LOT AREA	14,400 sq ft (1,337.8 m²)
SITE COVERAGE	12,385 sq ft / 14,400 sq ft = 86% (1150.6 m² / 1,337.8 m² = 86%)
OPEN SITE SPACE	2,233.5 sq ft / 14,400 sq ft = 16% (207.5 m² / 1,337.8 m² = 16%)
TOTAL FLOOR AREA	71,578 sq ft (6,626 m²) 70,050 sq ft (6,506 m²) RESIDENTIAL 1,520 sq ft (178 m²) RETAIL
FLOOR SPACE RATIO	CURRENT CHP-CR ZONING: 2:1 ALLOWED UNDER SPECIAL DENSITY AREA (REZONING) PROPOSED: 71,578 sq ft / 14,400 sq ft = 5 (6,626 m² / 1,337.8 m² = 5)
FLOOR PLATE SIZE	REQUIRED UNDER DOWNTOWN CORE AREA PLAN 65.8' (20m); 95.4' (30m); max 10,010 sq ft (930 m²) PROPOSED: max 7,746 sq ft (719.6 m²)
AVERAGE GRADE (GEODETIC)	73.06' (22.27 m) = 0.00' ON PLANS
HEIGHT OF BUILDING (ABOVE AVERAGE GRADE)	ALLOWED UNDER DOWNTOWN CORE AREA PLAN: 95.4' (30 m) ALLOWED UNDER CHP-CR ZONING: 73.8' (22.5 m) PROPOSED: 98' (29.9m)
NUMBER OF STOREYS	10 STOREYS
STREETWALL	REQUIRED UNDER DOWNTOWN CORE AREA PLAN FOR NARROW STREETS (<45m) PROPOSED PRIMARY FACE WIDTH: min 60% SITE WIDTH: 119.5' (36.4m) x 50% = 71.8' (21.9m) 74.5' (22.8m) HEIGHT: 32.5' (10m) - 48.2' (15m) 40' (12.2m) SETBACK, 0' (0m) - 9.5' (3m) 8' (2.4m) SECONDARY FACE WIDTH: min 30% SITE WIDTH: 119.5' (36.4m) x 30% = 35.9' (10.9m) 68' (21.0m) HEIGHT: 59.1' (18m) - 82' (25m) 78.8' (23.9m) SETBACK, 9.5' (3m) - 19.7' (6m) 11.5' (3.4m) SETBACK ABOVE 82' (25m): min 19.7' (6m) 20.5' (6.2m)
BUILDING SETBACKS	REQUIRED UNDER DOWNTOWN CORE AREA PLAN FOR HEIGHT 0' (0m) - 95.4' (30m) PROPOSED EXTERIOR WALL, SIDE PROPERTY LINE: min 9.5' (3m) 17' (5.2m) EXTERIOR WALL, REAR PROPERTY LINE: min 9.5' (3m) 14'8" (4.4m) BALCONIES, SIDE PROPERTY LINE: min 11.5' (3.5m) 13' (3.9m) BALCONIES, REAR PROPERTY LINE: min 11.5' (3.5m) n/a
PARKING	PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C PROPOSED RESIDENTIAL: 123 (1.5/UNIT) 75 LIVE / WORK / RETAIL: 3 (1/600sq ft)
BICYCLE STORAGE	VISITOR PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C PROPOSED 7 (10% OF TOTAL) 7 (10% OF TOTAL) 82 TOTAL 82 TOTAL CLASS 1 BICYCLE PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C PROPOSED 84 (1/UNIT) 100 CLASS 2 BICYCLE PARKING REQUIRED UNDER ZONING BYLAW SCHEDULE C PROPOSED 8 8 108 TOTAL 108 TOTAL
NUMBER OF STORAGE LOCKERS	84 (1/UNIT)
SUITE TYPES	TYPE SIZE RANGE QUANTITY LIVE / WORK 940 - 980 sq ft (87.3 - 91.0 m²) 2 1 BED ROOM 480 - 630 sq ft (45.3 - 58.5 m²) 44 1 BED ROOM & DEN 600 - 810 sq ft (55.7 - 75.25 m²) 8 2 BED ROOM 830 - 1,160 sq ft (77.1 - 107.8 m²) 21 2 BED ROOM & DEN 840 - 1,280 sq ft (78.0 - 119.8 m²) 8 TOTAL 84

[illegible]

A.060



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838
BROUGHTON ST
VICTORIA, BC

Project #
213029.1

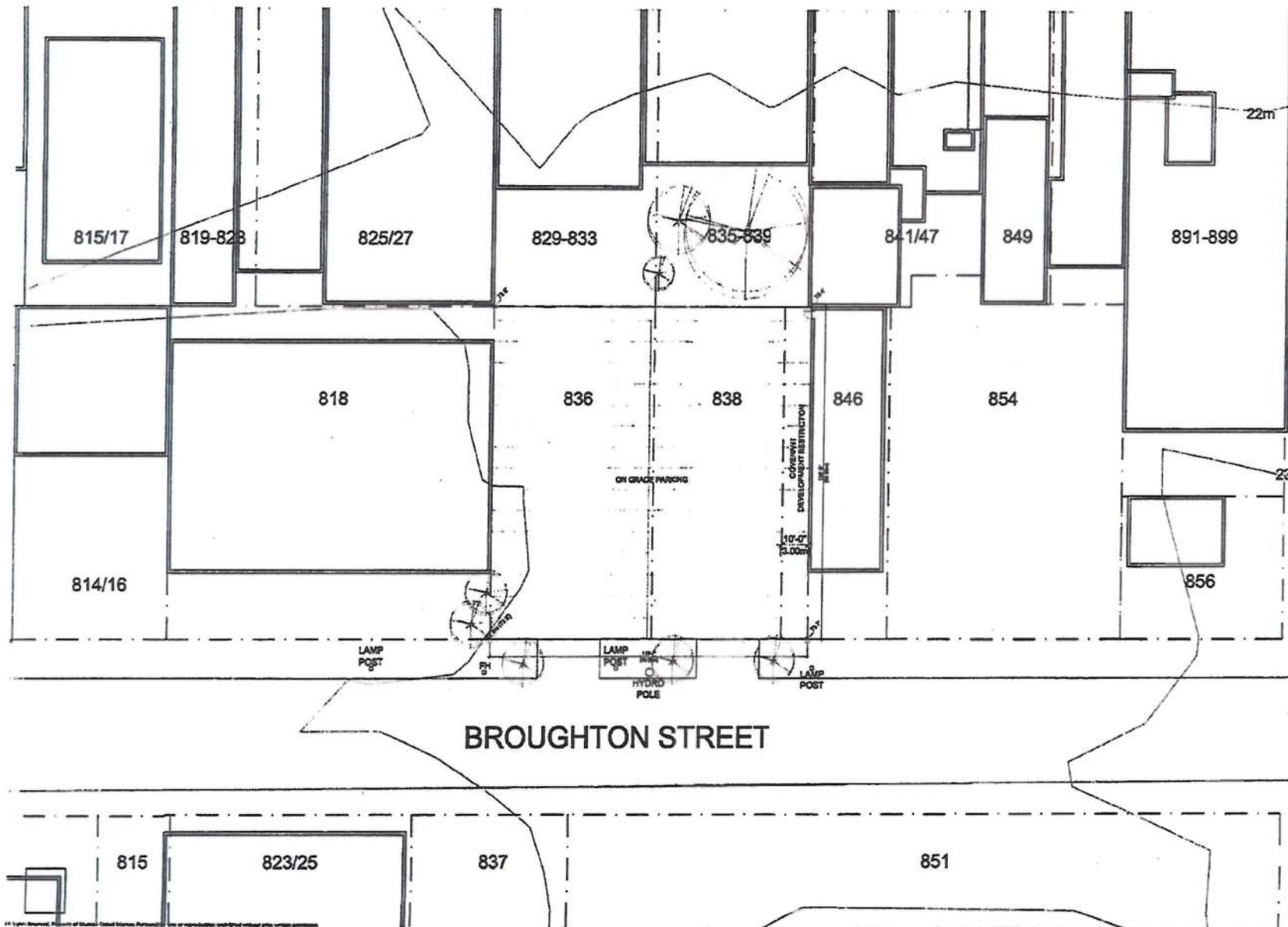
2 DEC 83 DP SUBMISSION
28 JAN 84 DP REVISIONS

CONTEXT
PLAN

N.T.S.

1

A.100



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2 DEC 13 DP SUBMISSION
28 JAN 14 DP APPROVED

SITE
PLAN
EXISTING

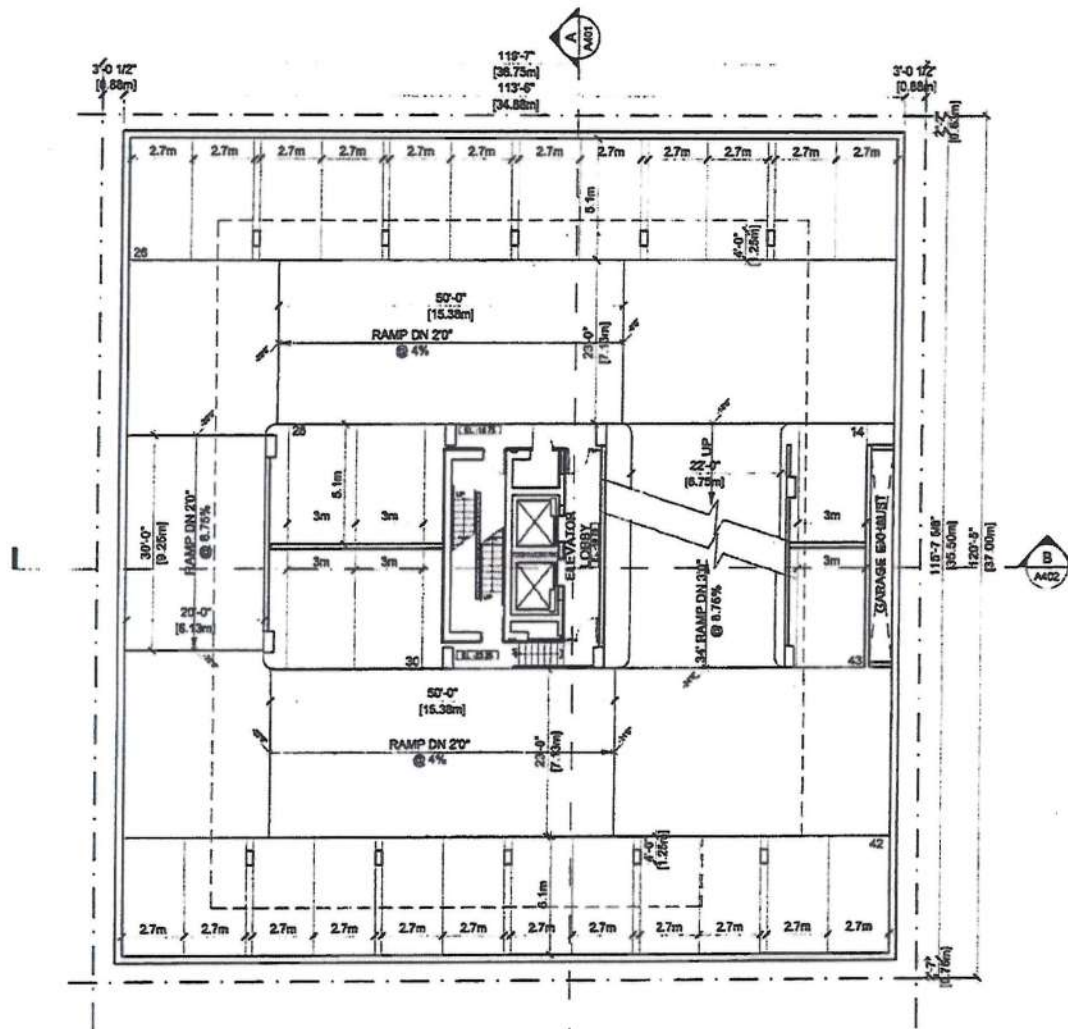
1/32" = 1'-0"

A.101



A.102





PARKING P2
13 125 ft²



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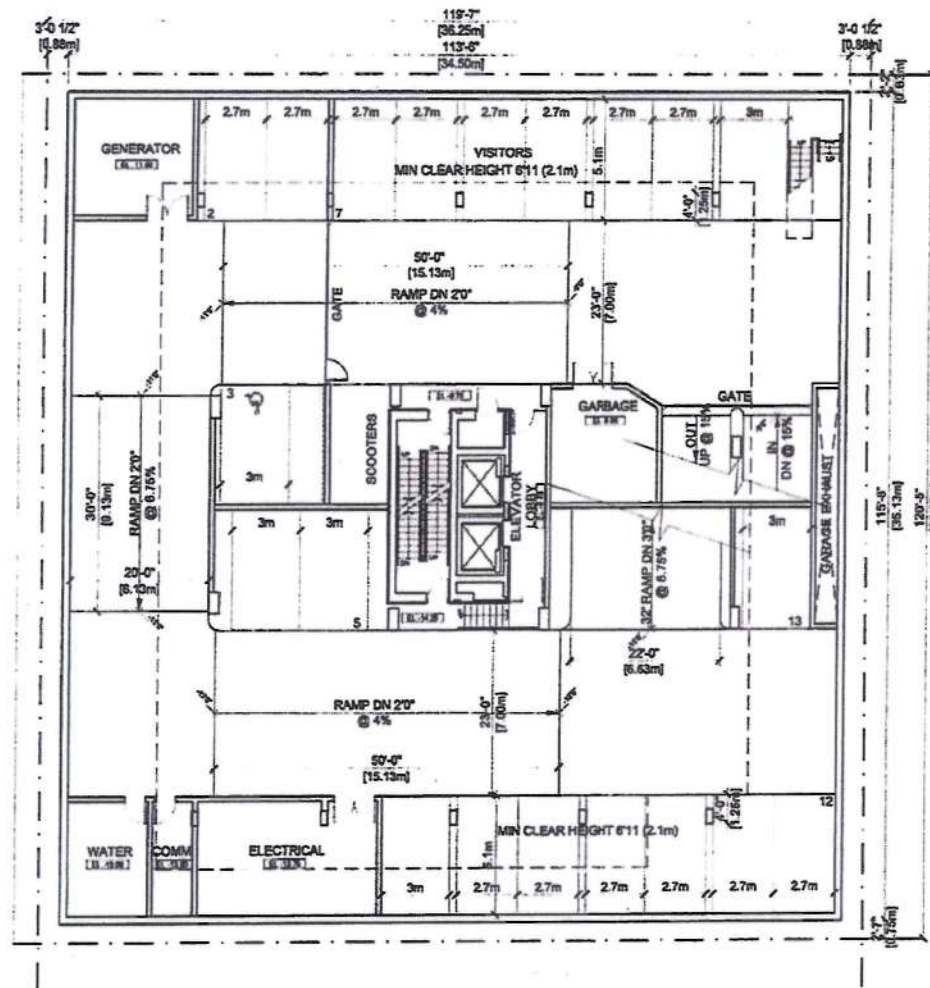
Project #
213029.1

2 DEC 13 BY SUBMISSION
28 JAN 14 BY REVISIONS

PARKING
P2
PLAN

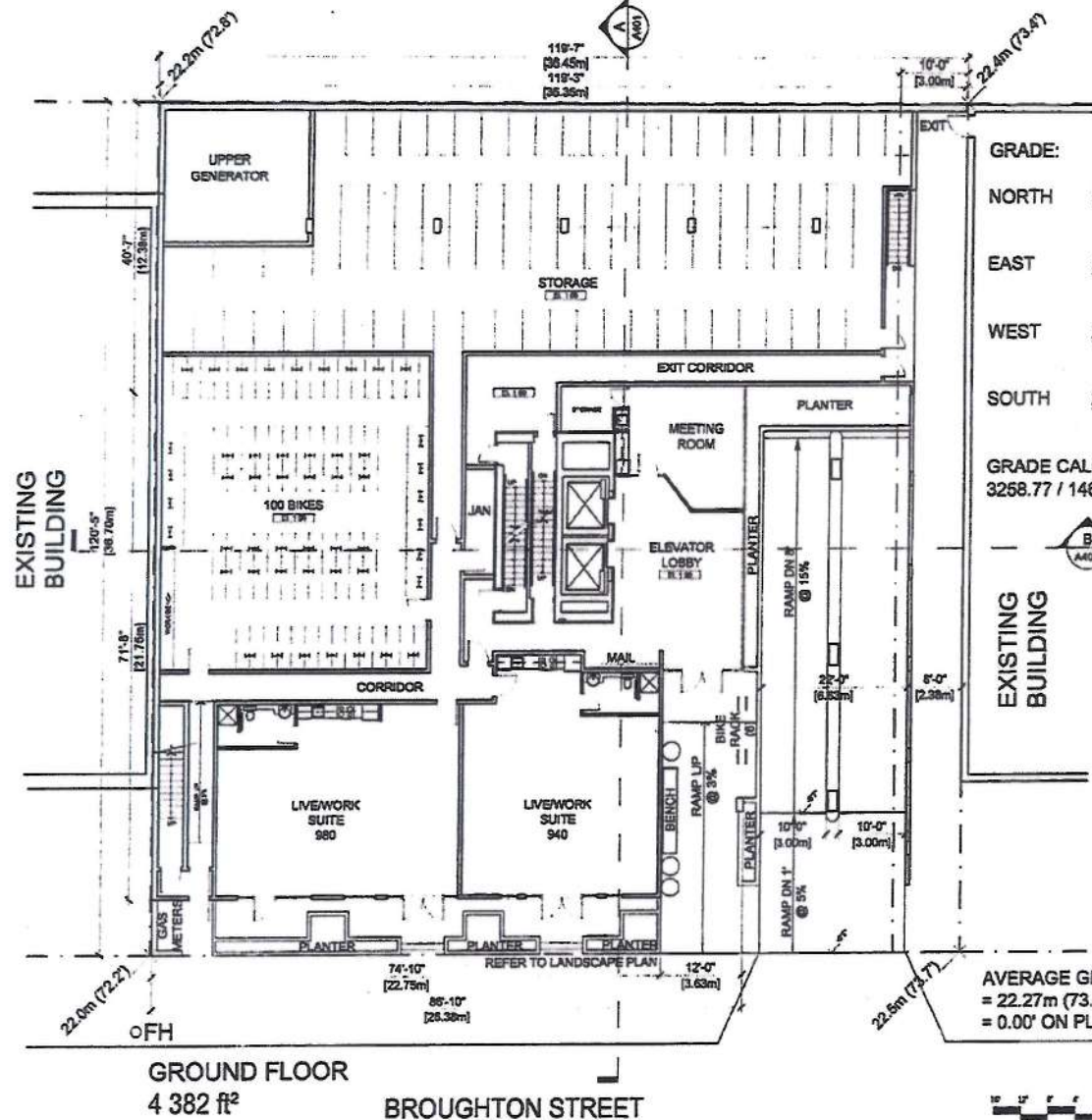
1/16" = 1'-0"

A.201



PARKING P1
13 125 ft²





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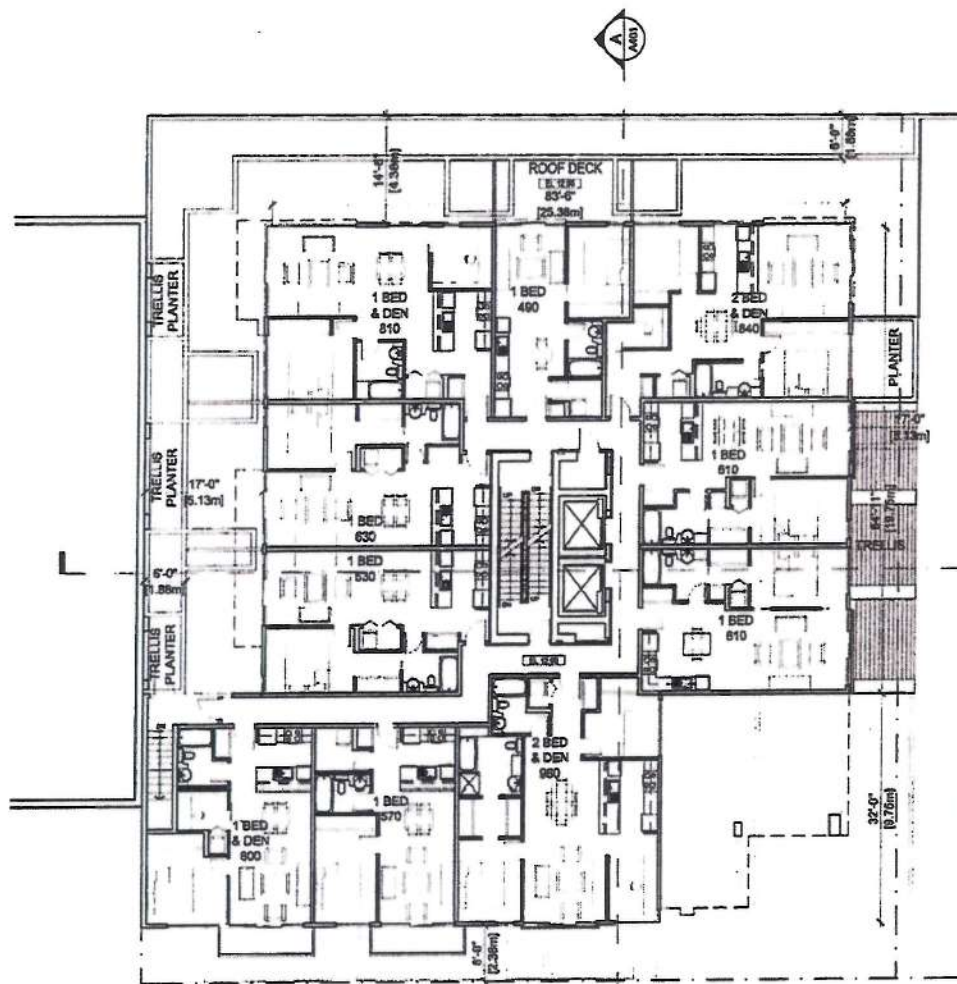
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1 SET 13 OF 14 SUBMISSION
28 JAN 14 BY REVISED

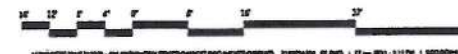
GROUND
FLOOR
PLAN

1/8" = 1'-0"

A.203



SECOND FLOOR
7 736 ft²



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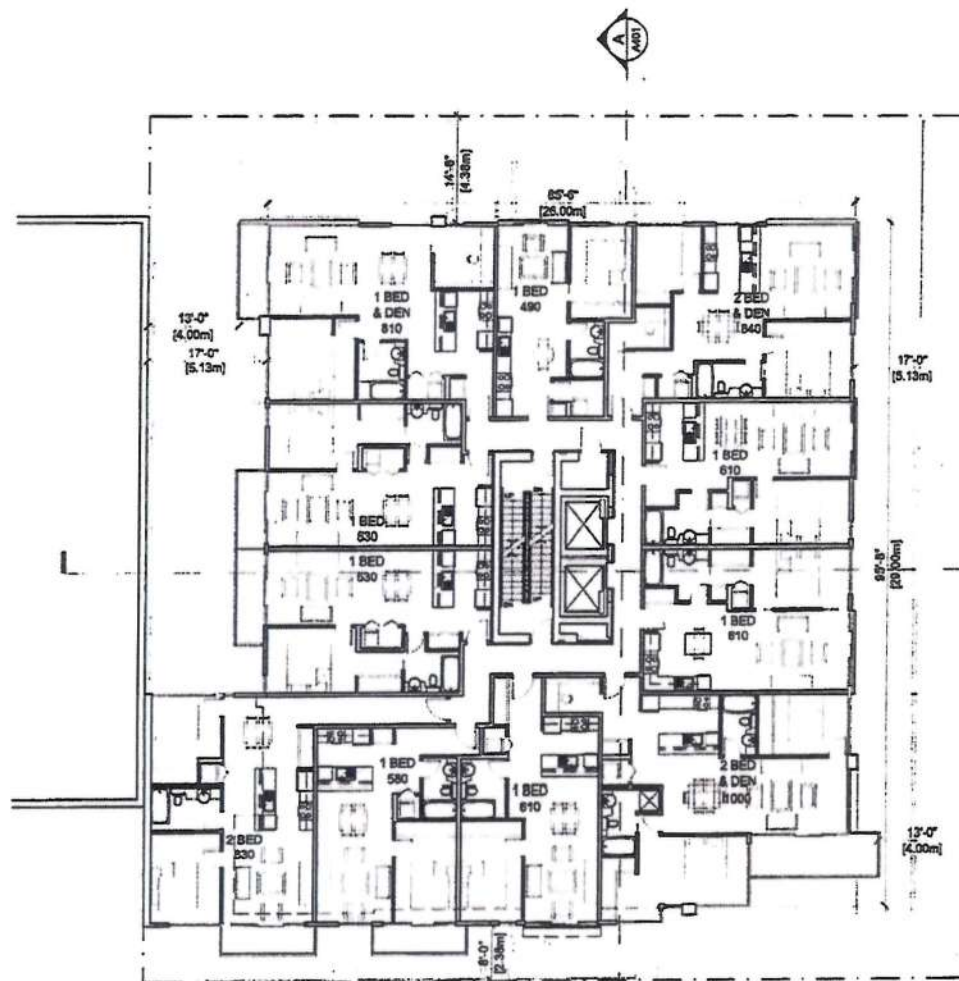
Project #
213028.1

2 DEC 13 OF SUBMISSION
20 JAN 14 OF REVISIONS

SECOND
FLOOR
PLAN

1/8" = 1'-0"

A.204



THIRD & FOURTH FLOOR
8 396 ft²



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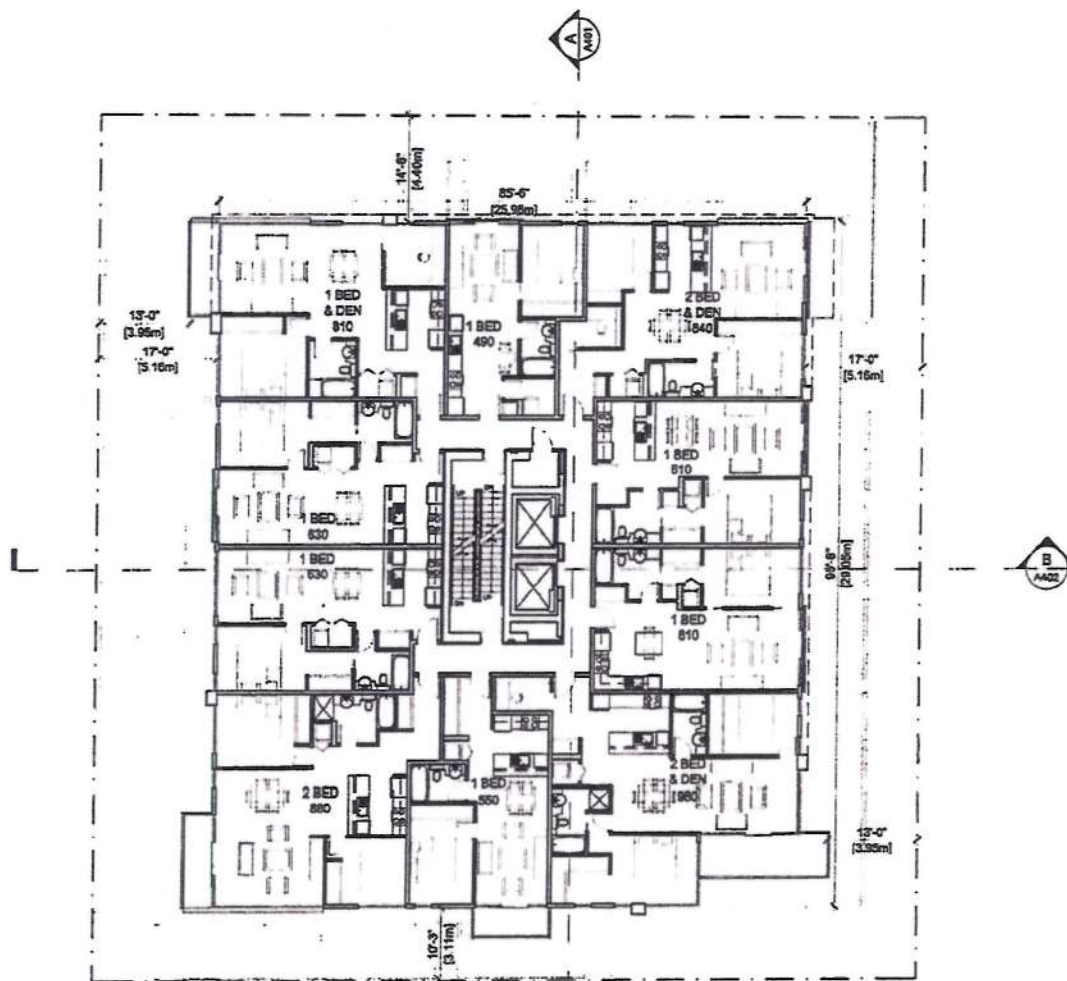
Project #
213029.1

1 DEC 13 OF SUBMISSION
28 JAN 14 OF REVISIONS

THIRD & FOURTH
FLOOR
PLAN

1/16" = 1'-0"

A.205



FIFTH THRU EIGHTH FLOOR
7 746 ft²



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2 DEC 23 DP SUBMISSION
28 JAN 24 DP REVISIONS

TYPICAL
FLOOR
PLAN

1/16" = 1'-0"

A.206

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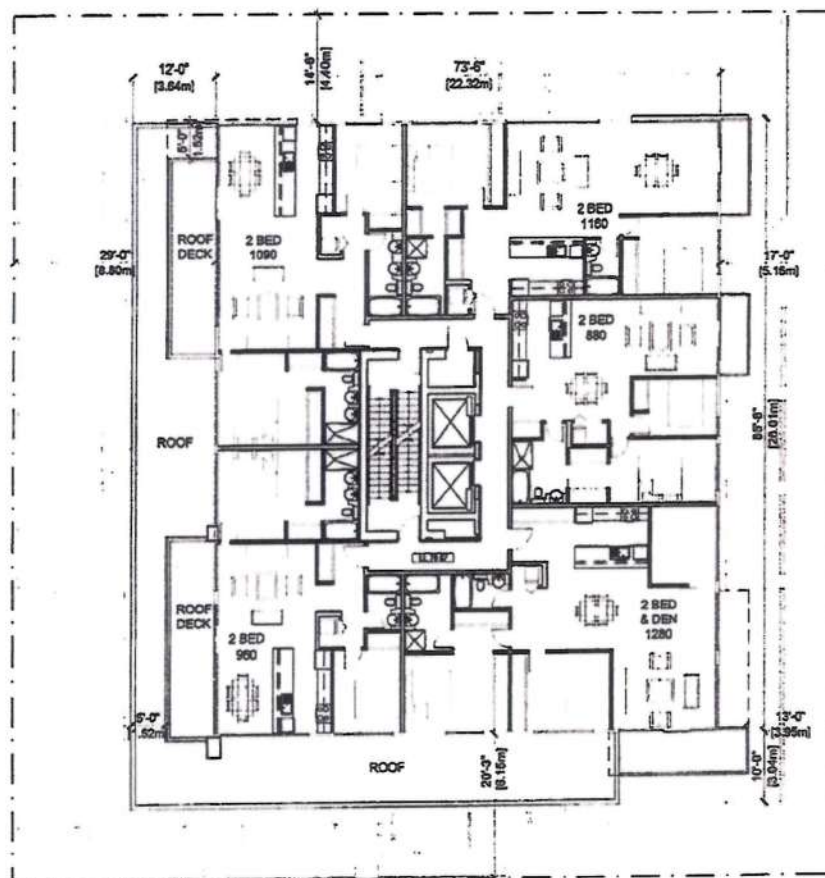
Project #
213029.1

1 DEC 13 OF SUBMISSION
25 MAY 14 OF REVISIONS

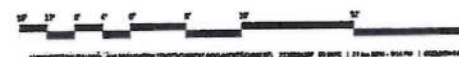
NINTH
FLOOR
PLAN

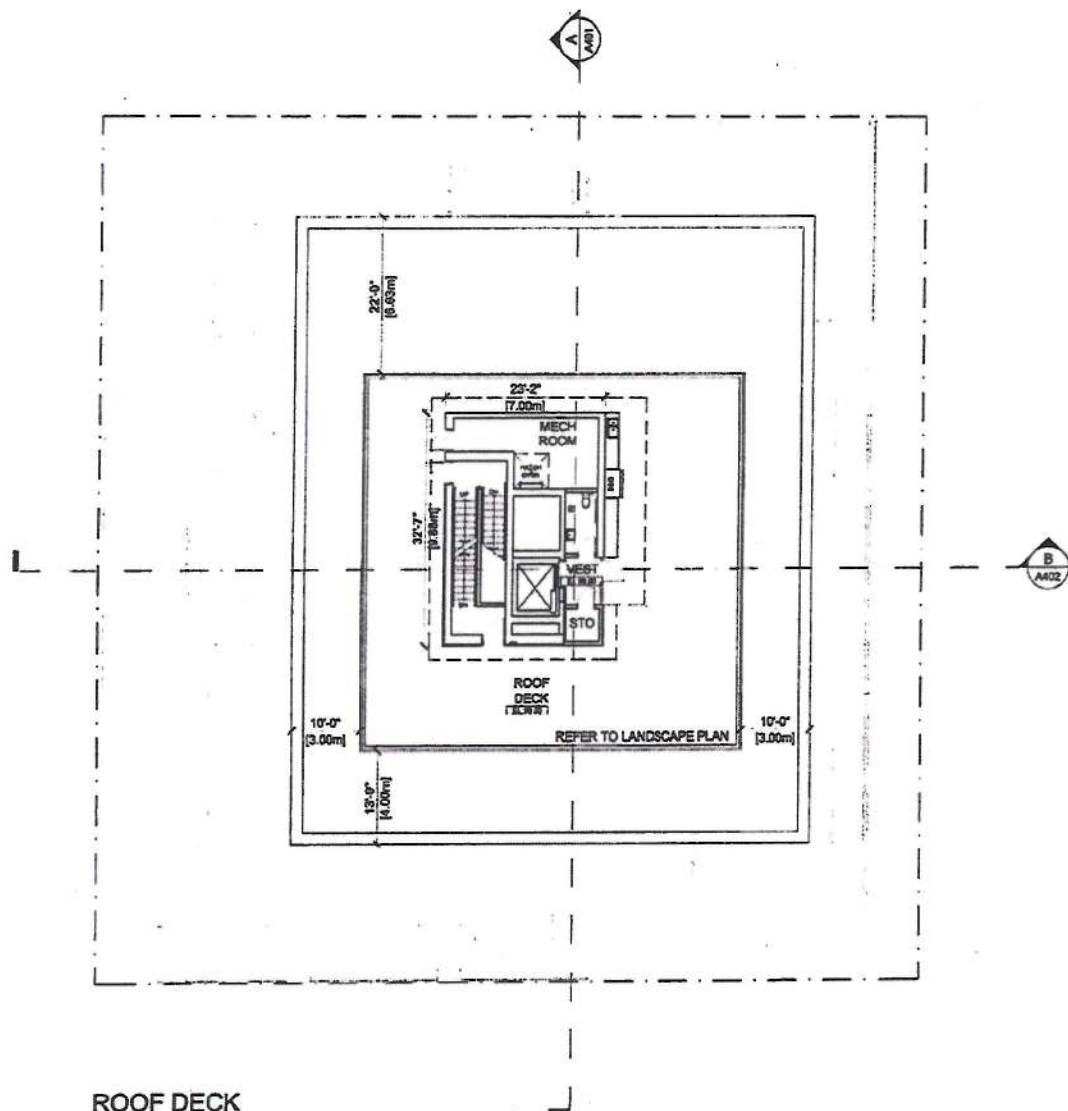
1/8" = 1'-0"

A.207



NINTH FLOOR
6 036 ft²





ROOF DECK
650 ft²



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2 DEC 13 DR SUBMISSION
28 JAN 14 DR REVISION

ROOF
DECK
PLAN

1/16" = 1'-0"

A.209

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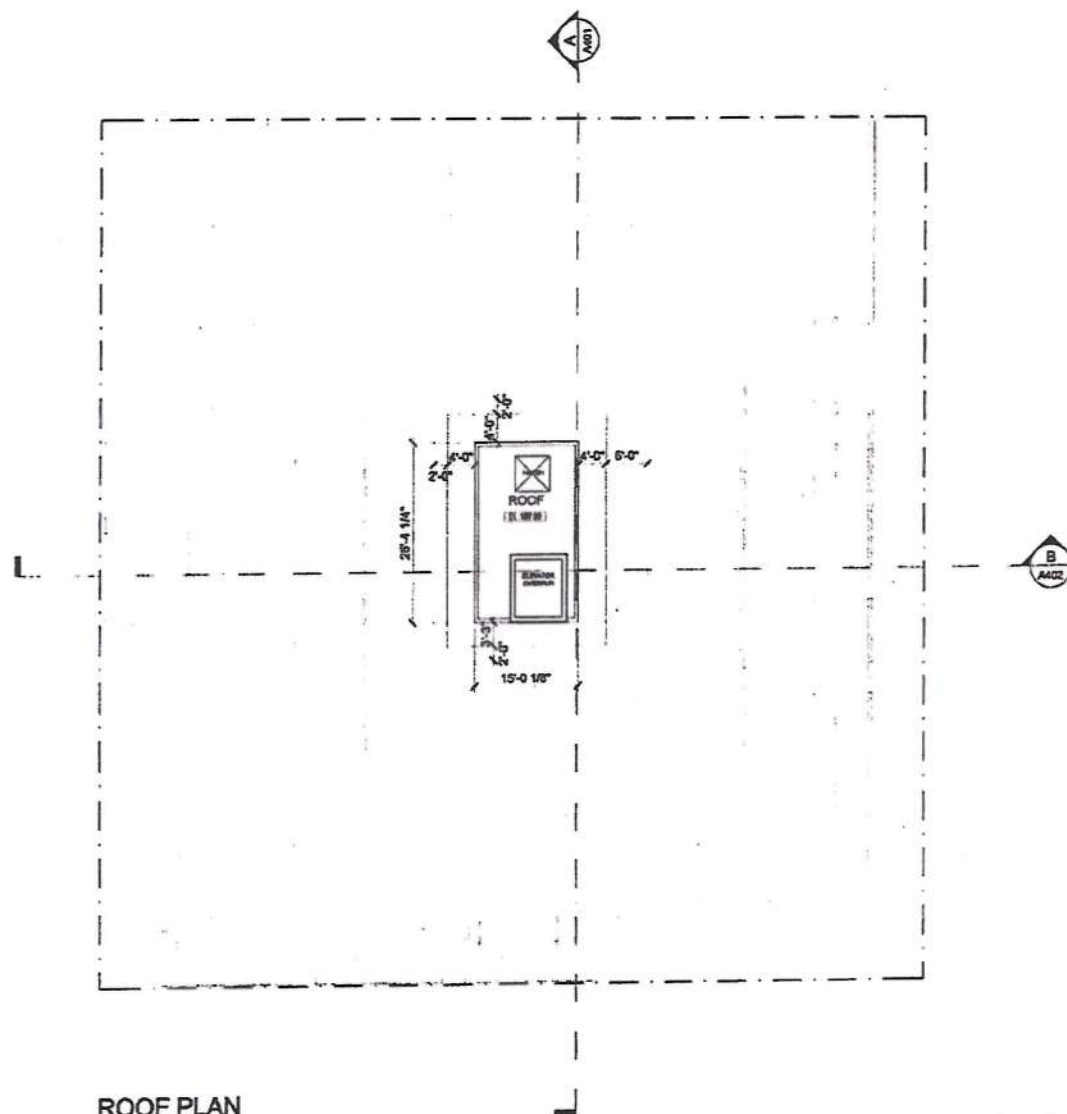
Project #
213029.1

2 DEC 12 DP SUBMISSION
28 JAN 14 DP REVISIONS

ROOF
PLAN

1/16" = 1'-0"

A.210



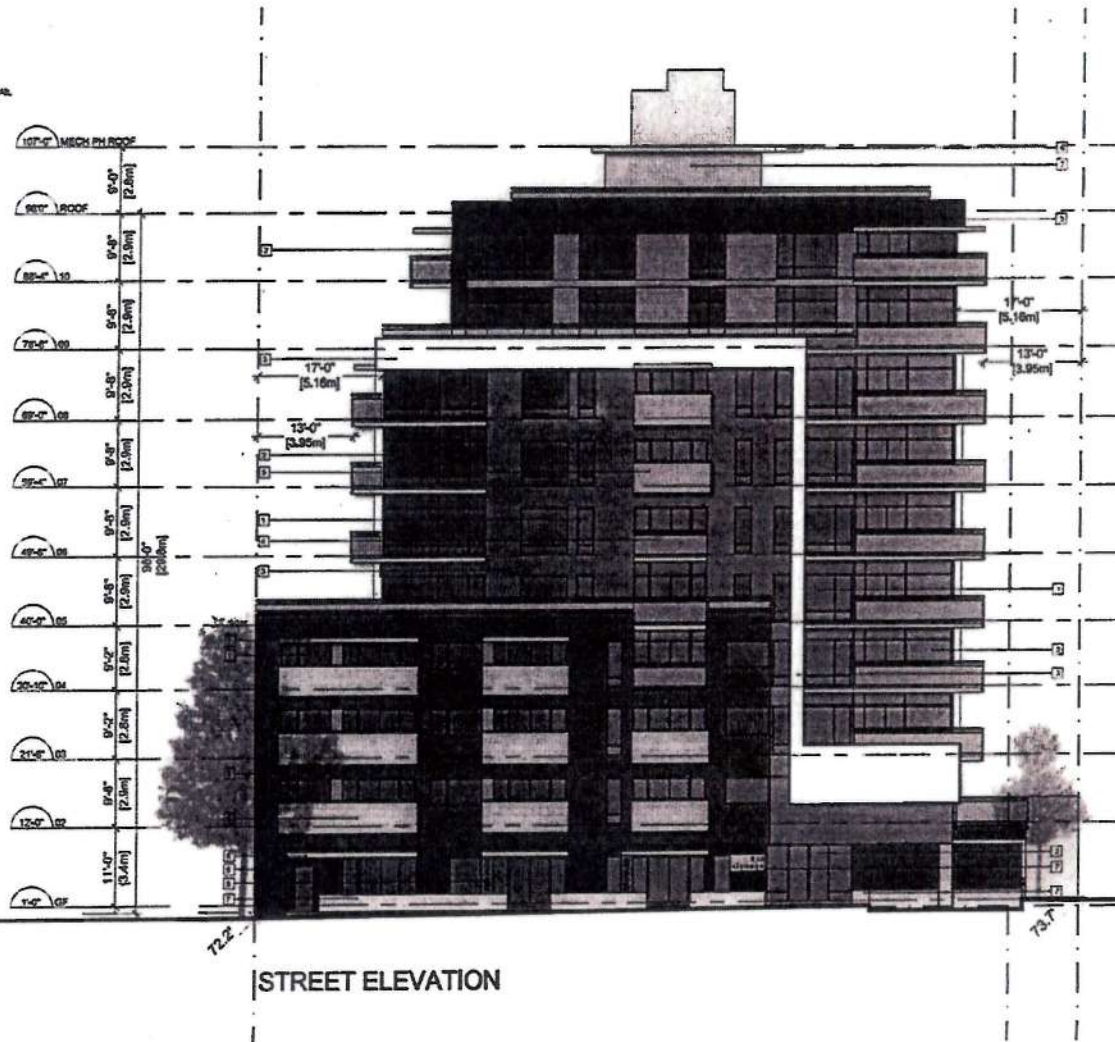
ROOF PLAN



PROJECT: 838 BROUGHTON ST, VICTORIA, BC. DRAWING: A.210. DATE: 12/12/12. SCALE: 1/16" = 1'-0".

MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM WITH INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL RAIN SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- 4 CLEAR GLASS PANELS IN ANODIZED ALUM. GUARDRAIL
- 5 WHITE LAMINATED GLASS FRONT PANEL IN ANODIZED ALUM. GUARDRAIL
- 6 GLASS ALUM. CANOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHARCOAL



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VICTORIA, BC

Project #
213029.1

1 DEC 13 PM Submission
28 MAY 14 PM Revision

SOUTH
ELEVATION

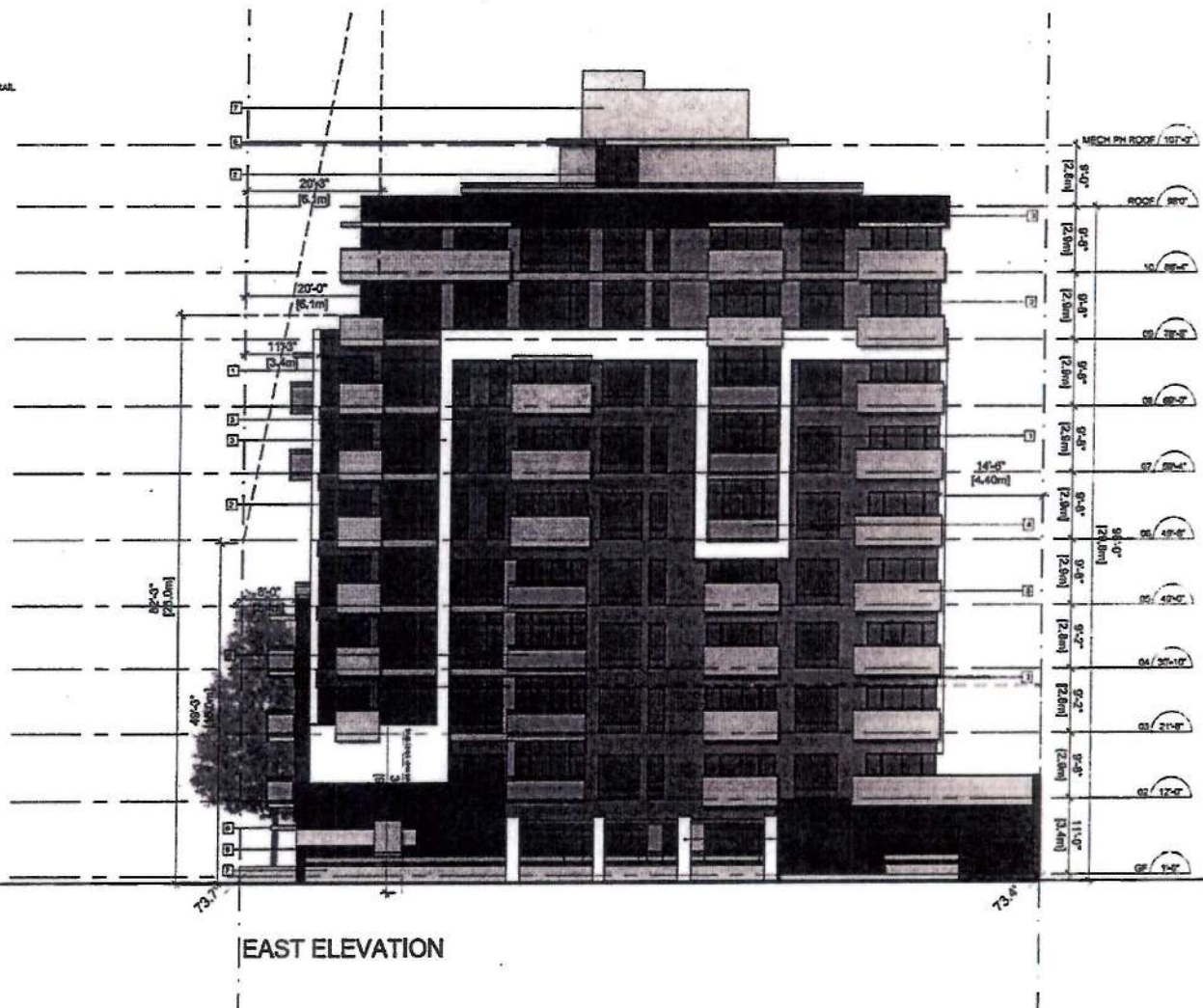
1/16" = 1'-0"



A.301

MATERIAL LEGEND

- [1] ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- [2] ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM W/ INSULATED SPANDREL PANELS
- [3] COMPOSITE PANEL RAIN SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- [4] CLEAR GLASS PANELS IN ANODIZED ALUM. GUARDRAIL
- [5] WHITE LAMINATED GLASS FRONT PANEL IN ANODIZED ALUM. GUARDRAIL
- [6] GLASS ALUM. CANOPY
- [7] CAST-IN PLACE ARCHITECTURAL CONCRETE
- [8] BRICK VENEER, CHARCOAL



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VICTORIA, BC

Project #
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2 SET 13 DP SUBMISSION
28 JAN 24 DP REVIEW

EAST
ELEVATION

1/16" = 1'-0"

A.302

MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM WITH INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL, RIBbed SCREEN SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW FOR ELEVATIONS)
- 4 CLEAR GLASS PANEL IN ANODIZED ALUM. CURTAIN WALL
- 5 WHITE LAMINATED GLASS FITTED PANEL IN ANODIZED ALUM. CURTAIN WALL
- 6 GLASS ALUM. CANNOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHAMFERED

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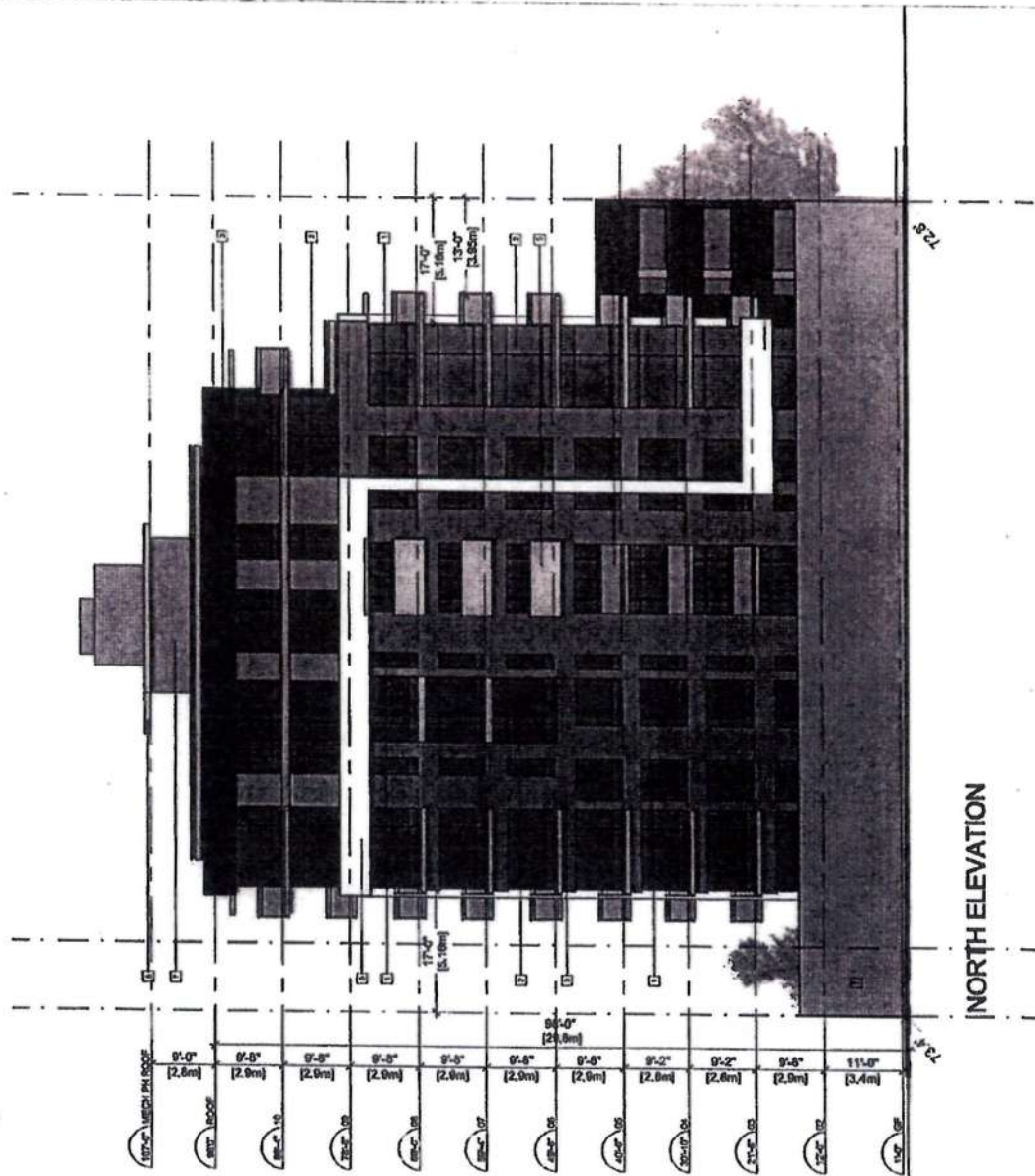
Project #
210251

2 DRA. LUMP SUM CONTRACT
IN ACCORDANCE WITH THE
B.C. BUILDING ACT

NORTH
ELEVATION

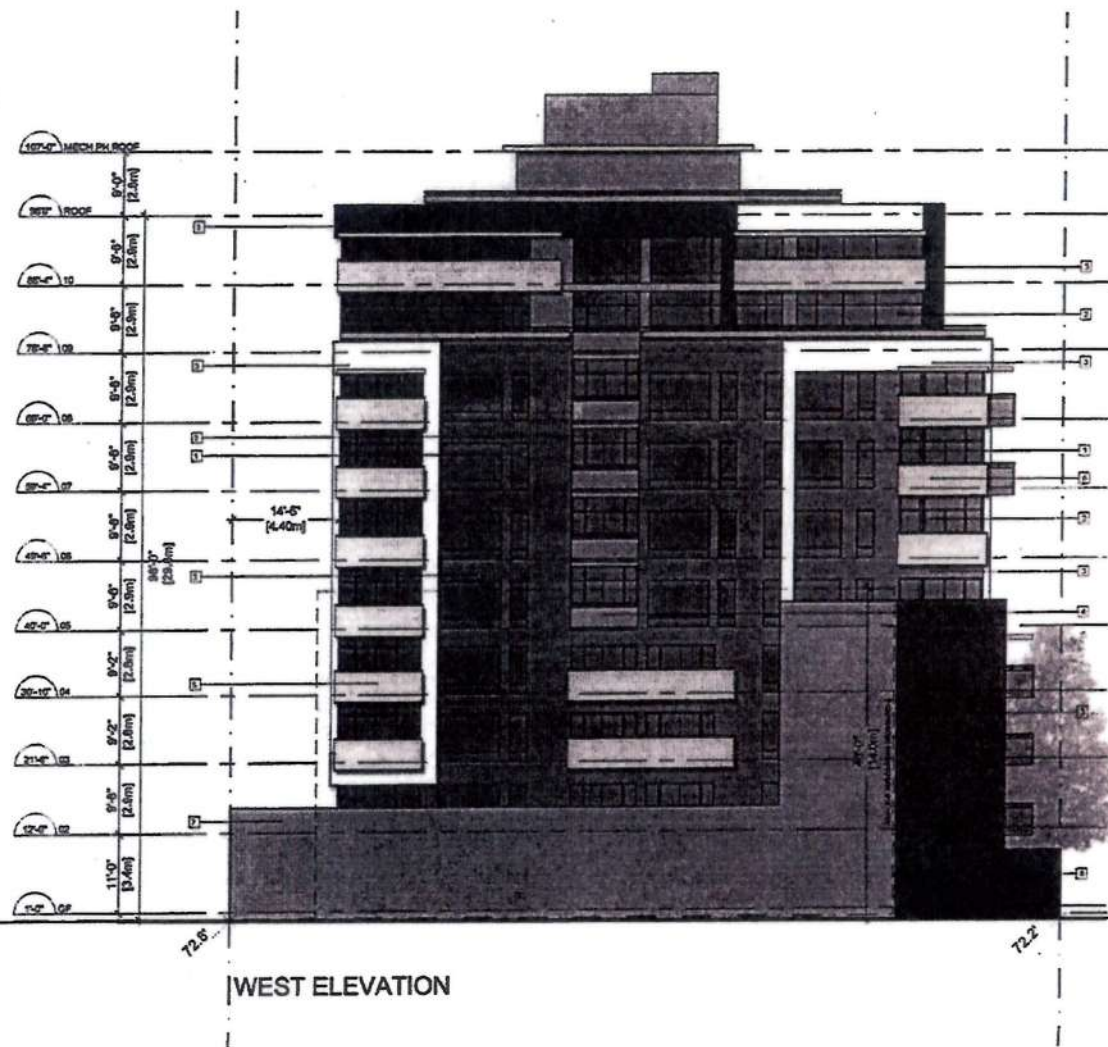
1/8" = 1'-0"

A.303



MATERIAL LEGEND

- 1 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E INSULATED UNIT
- 2 ALUM. FRAMED, DOUBLE GLAZED, CLEAR, LOW-E WINDOW WALL SYSTEM W/ INSULATED SPANDREL PANELS
- 3 COMPOSITE PANEL RAIN BORDER SYSTEM ON STEEL STUD (COLORS AS PER LEGEND BELOW / COLOR ELEVATIONS)
- 4 CLEAR GLASS PANELS IN ANODIZED ALUM. GUARDRAIL
- 5 WHITE LAMINATED GLASS FRONT PANEL IN ANODIZED ALUM. GUARDRAIL
- 6 GLASS ALUM. CANOPY
- 7 CAST IN PLACE ARCHITECTURAL CONCRETE
- 8 BRICK VENEER, CHARCOAL



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VICTORIA, BC

Project #
211029.1

1/16" = 1'-0"

WEST
ELEVATION

1/16" = 1'-0"

A.304

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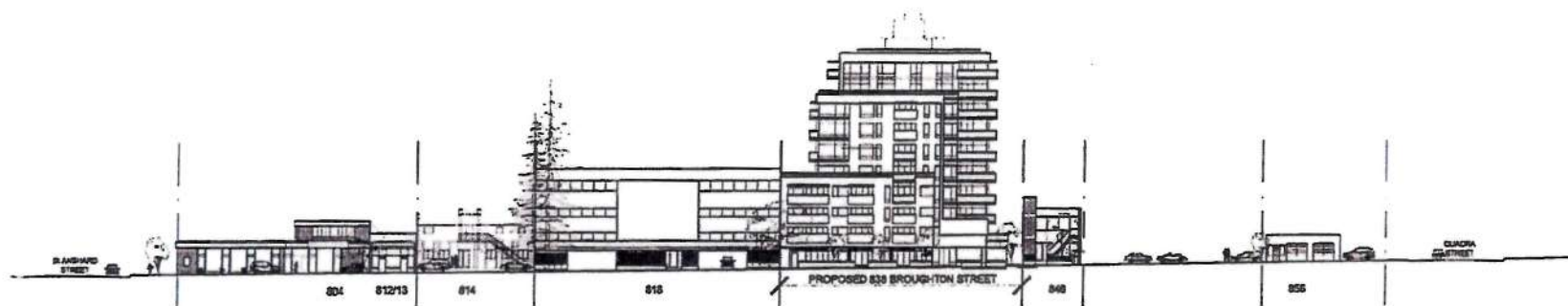
Project #
213029.1

7 DEC 13 DP SUBMISSION
28 JAN 14 DP REVISION

STREETSCAPE

N.T.S.

A.305



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Project #
219029.1

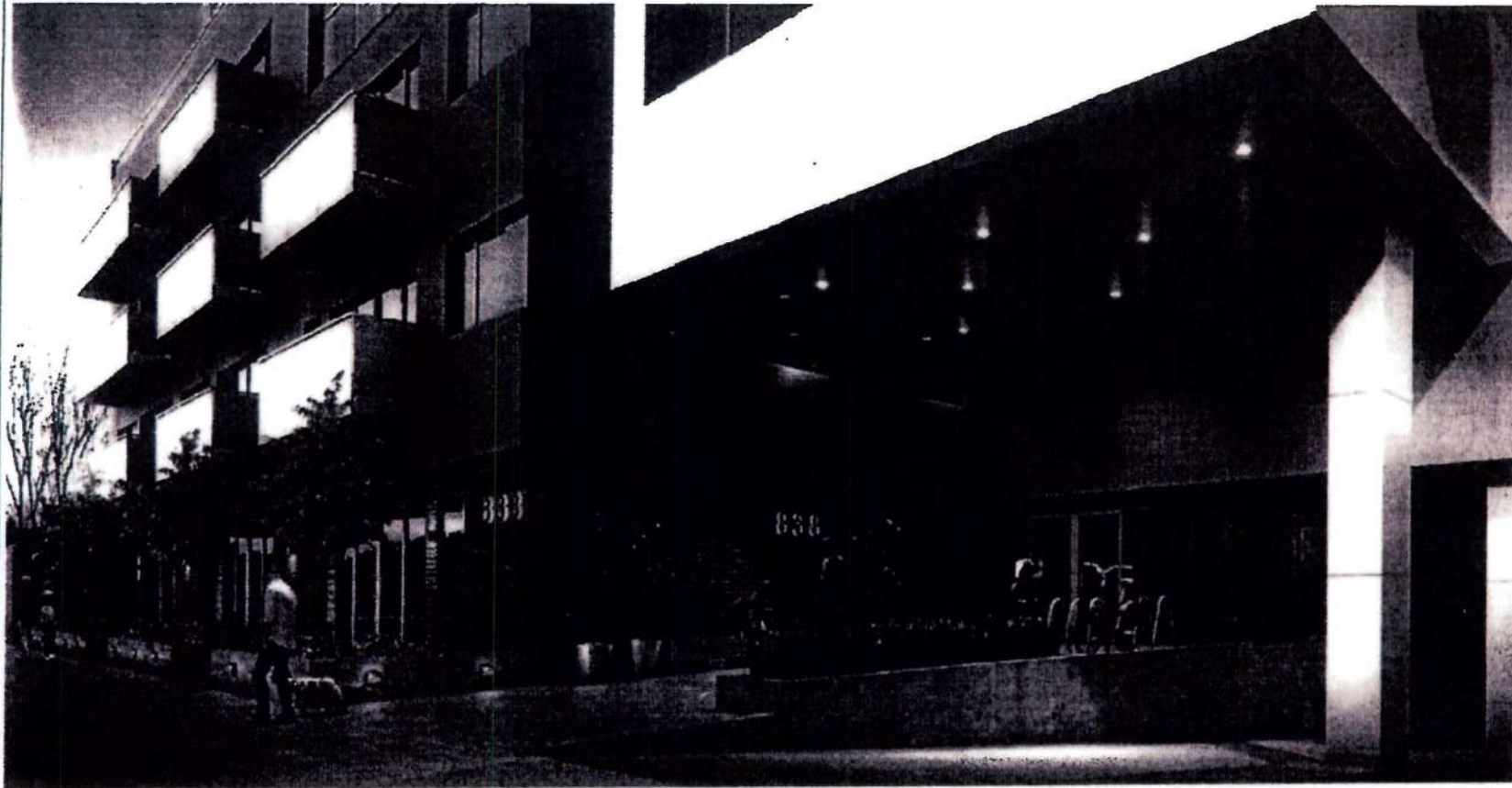
25 JAN 14 DP REVISION

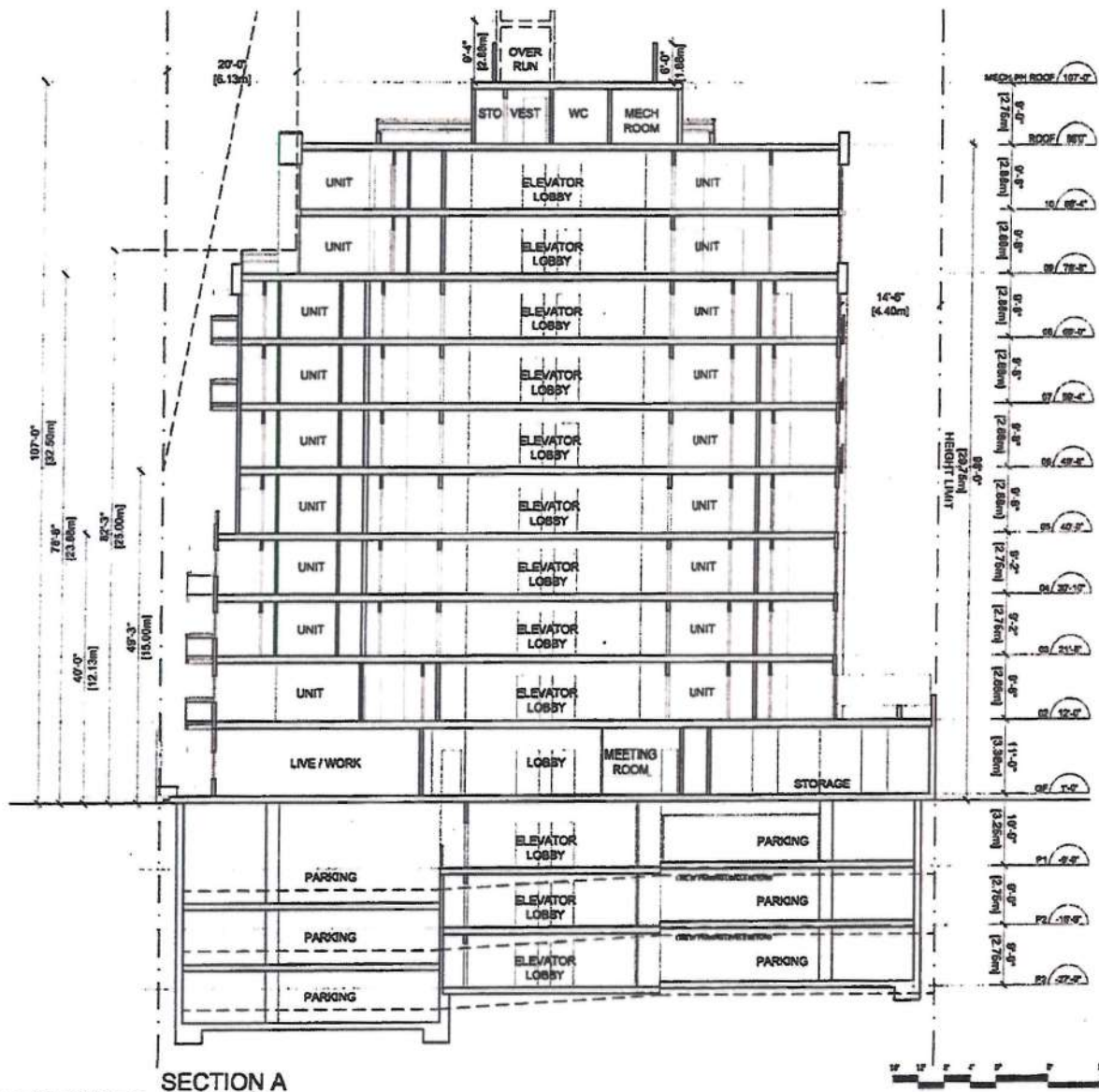
STREET VIEW

N.T.S.

1

A.306





1:1 scale drawing. Property of Musson-Cattell Mackey Partnership. Use or reproduction without prior written permission.

1" = 12' 0"

1/16" = 1'-0"

1/32" = 1'-0"

1/64" = 1'-0"

1/128" = 1'-0"

1/256" = 1'-0"

1/512" = 1'-0"

1/1024" = 1'-0"

1/2048" = 1'-0"

1/4096" = 1'-0"

1/8192" = 1'-0"

1/16384" = 1'-0"

1/32768" = 1'-0"

1/65536" = 1'-0"

1/131072" = 1'-0"

1/262144" = 1'-0"

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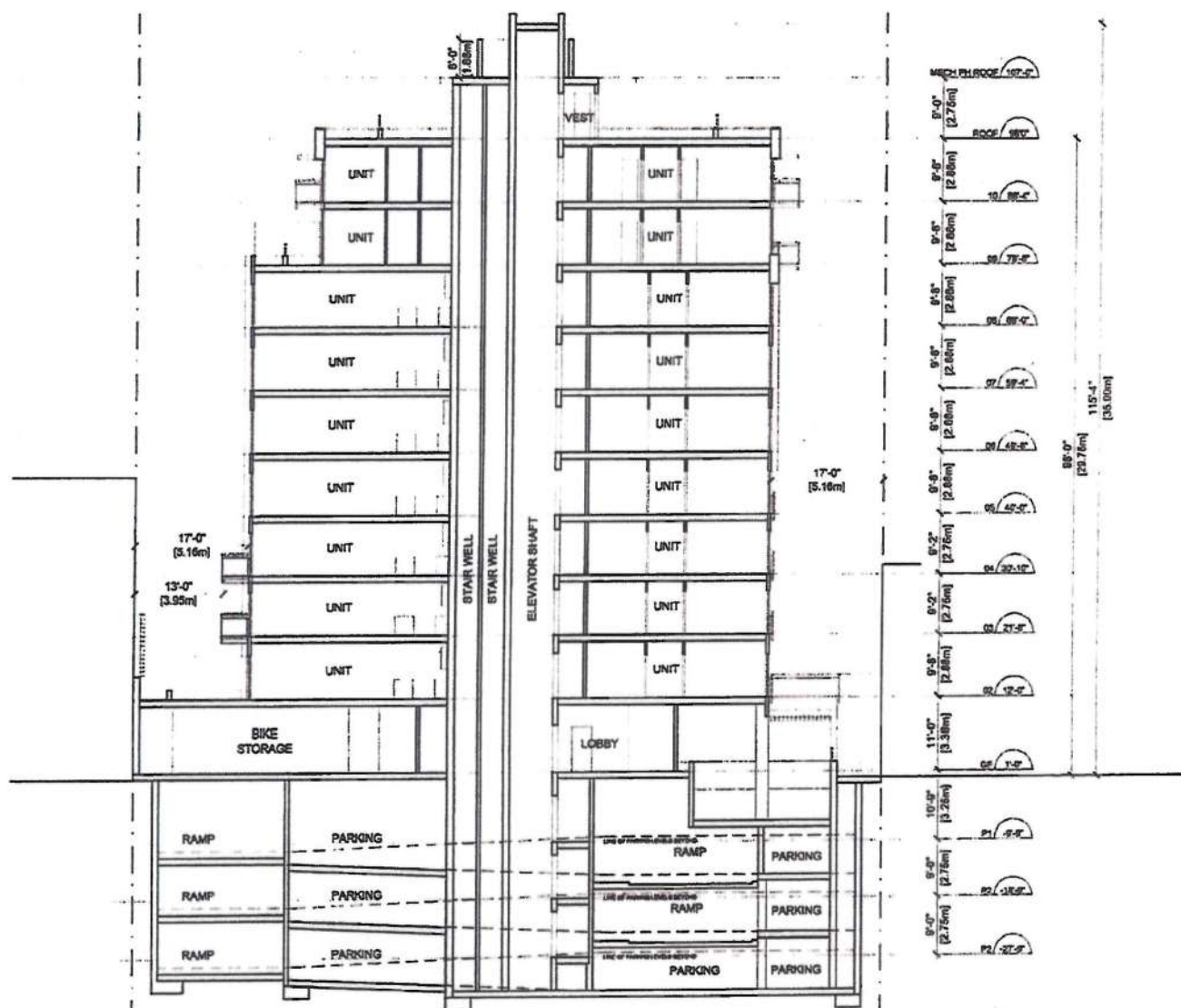
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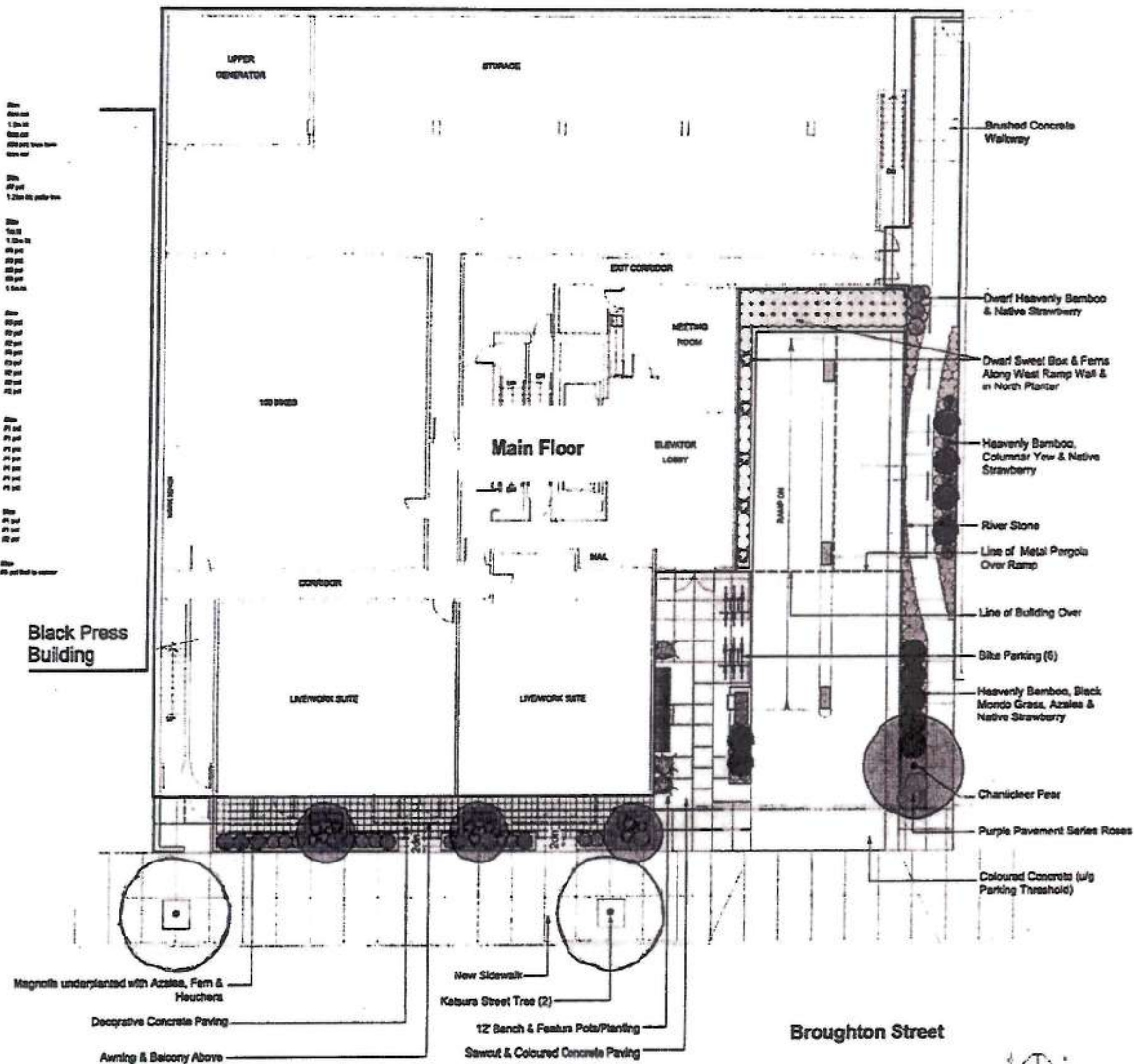


SECTION B

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[illegible]

2. All self-irrigation is to be triggered with an automatic irrigation system.



B Jan 27-14 Issued for DP
A Nov 27-13 Issued for DP
april 2014



LADR 1-800-477-1341 • 174

28-496 DuPont Rd. Victoria, B.C. V8Z 1B8
Phone: (250) 588-0105 Fax: (250) 412-0886

PROJECT
838 Broughton Street
Victoria, BC

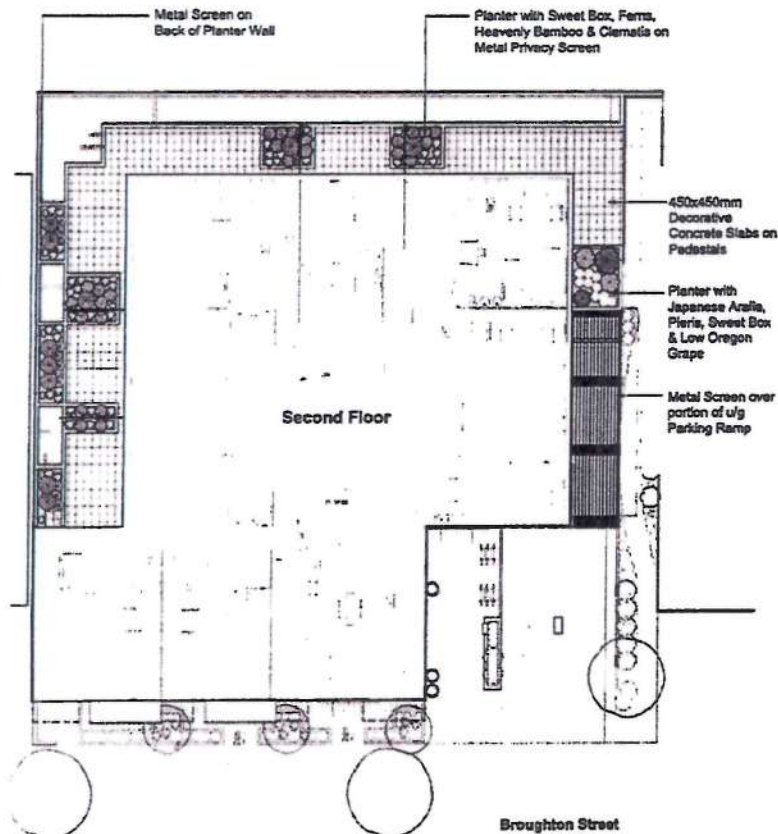
LANDSCAPE CONCEPT PLAN
GROUND LEVEL &
NURSERY SCHEDULE

SCALE 1/8"=1'-0" DRAWN NW/BW
CHECKED

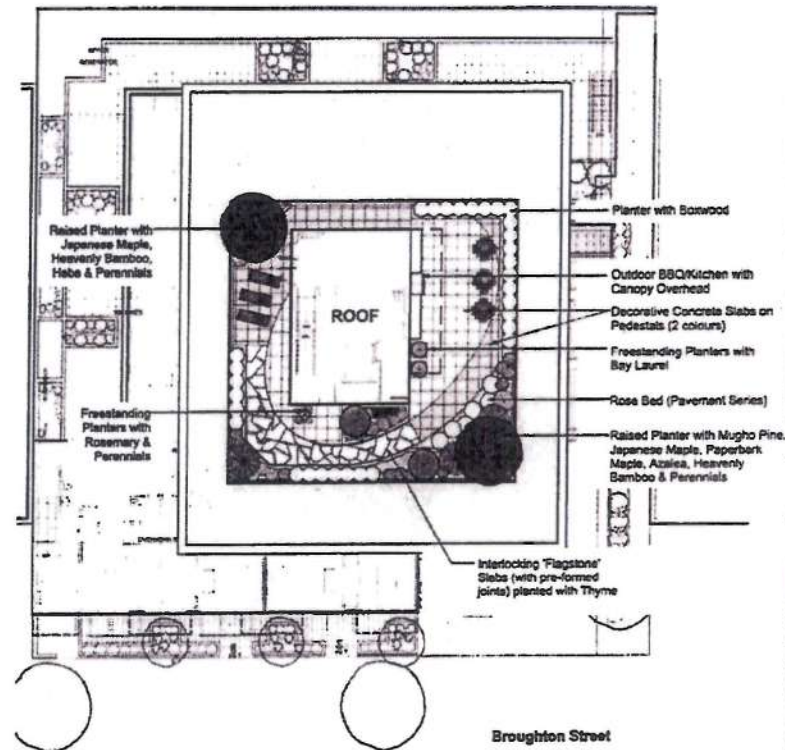
PROJECT No. 1325

DATE: Nov 26-13 L1 of 2

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Second Floor Plan



Roof Garden

B Jan 27-14 Issued for DP
A Nov 27-13 Issued for DP
B/revision



25-495 Osprey Rd. Victoria B.C. V8E 1G6
Phone: (250) 529-0105 Fax: (250) 412-0050

PROJECT

838 Broughton Street
Victoria, BC

TITLE

Landscape Concept Plan
Second Floor & Roof

SCALE 3/32"=1'-0" DRAWN NW/BW
CHECKED

PROJECT No. 1325

DATE Nov 24-13

L2 of 2
SHEET

**Planning and Zoning Committee
Fairfield Gonzales Community Association
October 21, 2013**



Members of FGCA Planning and Zoning Committee:

Paul Brown (chair), George Zador, Jim Masterton and Bill Rimmer

Subject Property:

818, 836, 838 Broughton Street. Proposed 10 storey residential building, approx 100 units plus rezoning of existing Black Press Building

13 attendees

Attendee Questions & Comments from Attendees:

- Will adjacent buildings on Fort Street be landlocked?
- Concern regarding removal of pay parking for patrons of the YMCA and Royal Theatre
- Will there be a mid-block walkway?
- What about security measures for the dead end pathway to back of Fort Street building?
- Not seeking any type of building certification
- Will be 3 raised 'City Home Units' that are not live/work
- All units will be condos
- 3 underground parking levels
- Some blasting will be required, however it is believed excavation will be mostly clay
- Projecting construction in 18 months and 22 months for construction
- What might the City want in return for density bonus? \$, rentals, amenities
- Why residential here?
- What steps will be taken to protect heritage building across street (former CFAX Building) from blasting? Good studies, engineering and planning; inspection of adjacent buildings prior to blasting
- Will contribute shoppers and security to the neighbourhood
- Intent is to keep Black Press Building (with improvements) for the foreseeable future
- Exterior will use composite panels – very durable
- Target market: mid-price ranges, lots of one bedrooms, smaller units
- Both proponent and attendees stressed importance of use of quality materials for aesthetics