#### REPORTS OF THE COMMITTEE

#### Planning and Land Use Committee – July 17, 2014

5. Rezoning Application # 00427 and Development Permit Application # 000340 for 1515 Douglas Street and 750 Pandora Avenue:

It was moved by Councillor Alto, seconded by Councillor Helps,

- 1. That Council consider consultation under section 879 (2) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; the provincial and federal governments and their agencies because of the nature of the proposed amendments and that staff be instructed to prepare the necessary Official Community Plan Bylaw amendment that would authorize the proposed development outlined in Rezoning Application #00427 for 1515 Douglas Street and 750 Pandora Avenue.
  - a. That Council consider giving first and second reading to the *Official Community* Plan Amendment Bylaw after the bylaw has been drafted.
  - b. That Council schedule a Public Hearing after the Official Community Plan Amendment Bylaw has received first and second reading.
- That staff be instructed to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application #00427 for 1515 Douglas Street and 750 Pandora Avenue.
  - a. That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment after the bylaws have been drafted.
  - b. That Council schedule a Public Hearing after the Zoning Regulation Bylaw amendment has received first and second reading, subject to the completion of the following:
    - That the Heritage Building Report and proposed mitigation measures be referred to the Heritage Advisory Panel for comment.
    - ii. That the application be referred to the Advisory Design Panel for feedback on the following issues:
    - whether the design of the proposed Phase 1 building and public plaza sufficiently responds to the bend in Douglas Street,
    - whether the proposed building massing and design of the plaza facing Douglas Street adequately respond to City Hall as a Heritage Landmark Building and the Landmark Building policy in the *Downtown Core Area Plan*,
    - whether any additional architectural elements or treatments could be incorporated into each of the buildings to distinguish the top of the buildings.
    - whether any design revisions are necessary to mitigate the impact of the street walls on the Cormorant Street and Pandora Avenue elevations which exceed the height guidelines,
    - whether the reflectivity of the proposed glass spandrel system on the Phase
       building is suitable,
    - whether the tone of the proposed exterior terra cotta cladding is appropriate for the neighbouring context.
    - iii. The registration of a legal agreement to secure a statutory right-of-way for public access on the proposed Douglas Street Plaza and mid-block walkway to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development.
    - iv. The registration of a legal agreement to secure a statutory right-of-way for public access during regular business hours over the proposed internal rotunda area to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development.
    - v. The registration of a legal agreement to secure the construction of temporary hoarding and a maintenance agreement to the satisfaction of the City Solicitor, Director of Sustainable Planning and Community Development and

the Director of Engineering and Public Works.

vi. The registration of a legal agreement to secure the salvage and storage of building materials identified in the Heritage Building's Report to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development.

vii. The registration of a legal agreement to secure the maintenance of the proposed rain gardens for a period of three years to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development.

viii. Compliance with the Ministry of Environment's *Environmental Management*Act as it pertains to potentially contaminated sites.

- That Council remove the former Royal Bank Building located at the southwest corner of 1515 Douglas Street and 750 Pandora Avenue from the City's Heritage Register.
- 4. Following the Hearing, and subject to adoption of the *Zoning Regulation Bylaw* amendments for 1515 Douglas Street and 750 Pandora Avenue, that Council authorize the issuance of the Development Permit generally in accordance with:
  - a. Plans for Development Permit Application #000340, stamped July 4, 2014, development meeting all *Zoning Regulation Bylaw* requirements.
  - Final plans to be generally in accordance with plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
- 5. That Council authorize City of Victoria staff 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. This is to accommodate shoring for construction of the underground parking structure at the property line.

#### Amendment:

It was moved by Councillor Madoff, seconded by Councillor Helps, that item 2 b (i) be amended as follows:

That the Heritage Building Report and proposed mitigation measures and the Statement of Significance of adding the building to the Heritage Registry be referred to the Heritage Advisory Panel for comment.

Carried Unanimously
Carried Unanimously

Council meeting July 24, 2014

# MINUTES OF THE ADVISORY DESIGN PANEL MEETING HELD DAY WEDNESDAY, AUGUST 27, 2014, 12 P.M.

#### 1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:05 P.M.

**Panel Members Present:** 

Christopher Rowe (Chair); Barry Cosgrave; Cynthia

Hildebrand; Mickey Lam; Ann Katherine Murphy; Larry

Podhora; Brad Forth; Mike Miller

Absent:

Rod Windjack;

**Staff Present:** 

Mike Wilson – Senior Planner-Urban Design Charlotte Wain – Senior Planner-Urban Design

#### 2. APPLICATIONS

2.1 Development Permit Application #000340 and Rezoning Application #00427 for 1515 Douglas Street & 750 Pandora Avenue

The application is to construct a two phase commercial/office development consisting of two buildings. Phase One is a six-storey building facing Douglas Street. Phase Two is a 13-storey building facing Pandora Avenue and Cormorant Street.

Applicant Meeting attendees:

Erica Sangster, D'Ambrosio Architecture + Urbanism Nathan Flach, D'Ambrosio Architecture + Urbanism

Franc D'Ambrosio, D'Ambrosio Architecture +

Urbanism

Scott Murdoch, Murdoch de Greeff Inc.

Karen Jawl, Jawl Properties Ltd. Robert Jawl, Jawl Properties Ltd.

Mr. Wilson provided the Panel with a brief introduction of the application and the areas of the project that Council was seeking advice on, including the following:

- whether the design of the proposed Phase One building and public plaza sufficiently responds to the inflection in the street grid at Douglas Street and Pandora Avenue;
- whether the proposed building massing and design of the plaza facing Douglas Street adequately respond to City Hall as a Heritage Landmark Building and the Landmark Building policy in the *Downtown Core Area Plan*;
- whether any additional architectural elements or treatments could be incorporated into each of the buildings to distinguish the top of the buildings;
- whether any design revisions are necessary to mitigate the impact of the street walls on the Cormorant Street and Pandora Avenue elevations which exceed the height guidelines;

- whether the reflectivity of the proposed glass spandrel system on the Phase Two building is suitable; and,
- whether the tone of the proposed exterior terra cotta cladding is appropriate for the neighbouring context.

Mr. Jawl then provided an introduction of the proposal to the Panel.

Mr. D'Ambrosio provided a detailed presentation of the proposal to the Panel.

Mr. Murdoch provided a detailed presentation of the landscape proposal to the Panel.

Mr. D'Ambrosio provided a detailed presentation of the Atrium feature of the proposal to the Panel.

Mr. Jawl then provided an introduction to additional slides that focus on the street-wall heights and how they relate to the projects context.

Mr. D'Ambrosio provided a detailed presentation of the rationale behind the design of the street-wall heights to the Panel.

Mr. Forth joined the meeting at 1:43 P.M.

#### Panel Members discussed:

- Concerns regarding the design of the Douglas Street façade and the building massing.
- Concerns regarding the proposed exterior finishes, particularly how the areas between the horizontal bands have been detailed.
- That an appropriately scaled model for the project was not provided. This is required
  in other cities for a project of this size. Some members feel that there may not be
  enough information provided to make a judgment on the glass spandrel system
  proposed on the Phase Two tower.
- The resolution of the proposed glazing.
- That the proposed columns, particularly on the Blanshard Street elevation, appear to be flush with the façade and that they do not align with the columns below. Changing the materials or glazing and having some dimensional shift may help address this.
- The pedestrian desire line to the main entrance on Douglas Street is impeded by the proposed water feature.
- The water feature could be a reflective pond that is visually prominent when viewing from a distance.
- Concerns regarding the lack of vertical expression in the cladding and design on the Douglas Street elevation.
- That the main entrance on Douglas Street requires additional landscaping.
- That the entry plaza would benefit from additional landscaping. Shrubs would help to soften its appearance.
- The off-set in the massing at the seventh floor of the Phase Two building needs to be a more subtle or pushed harder when expressing the shift in the building's mass.
- A concern regarding the height of the massing of the proposed Phase One building.
   It is taller and more dominant than that of City Hall.

- The relationship between City Hall and the proposed building must be further accentuated.
- Concerns that the walkway connecting the lobbies of both buildings is not visible enough and that the connection is limited to one floor.
- That the green roof feature could be used as an amenity space for occupants.
- That there were no concerns with the proposed street wall heights.

### Action:

#### MOVED / SECONDED

That the Advisory Design Panel recommend to Council that Development Permit Application #000340 and Rezoning Application #00427 for 1515 Douglas Street and 750 Pandora Avenue be approved subject to design refinements and further information including the following:

- More detail on the spandrel glazing system on the upper portion of the Phase Two tower.
- Consideration of design revisions to the Douglas Street elevations including the south elevation of the north wing in order to mark this location as a special place and to provide an improved visual termination to the visual axis on Douglas Street.
- Refinement to the design of the plaza and the arrangement of its components including the water feature and landscaping.
- Refinement to the proposed design of the Phase Two building in order to better express the transition in massing between the base and top of the building.

CARRIED UNANIMOUSLY

## D'AMBROSIO

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tel 250.384.2400 eml mail@fdarc.ca web www.fdarc.ca

November 12, 2014

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

Attention: Mayor and Council

Re: Review by HAP and ADP of the Revised Application to the City of Victoria for a New Comprehensive Development Zone, Development Permit, and OCP Amendment pertaining to Lands Municipally Described as 1501 Douglas Street, 1509-1517 Douglas Street, and 750 Pandora Avenue, Victoria, BC

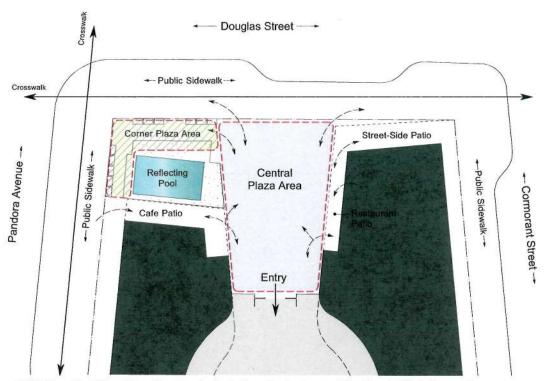
The following is supplemental information on the proposed new development at 1515 Douglas Street and 750 Pandora Avenue, following review of the project by the Heritage Advisory Panel (HAP) and the Advisory Design Panel (ADP). The motion put forth by the HAP noted "That Council consider approving the mitigation measures as presented". Accordingly, it is our understanding that no further information is required with regards to the removal of the existing building at 1501 Douglas Street. With regards to the ADP meeting, the panel was asked by Planning to review the following items:

- 1. whether the design of the proposed Phase One building and public plaza sufficiently responds to the inflection in the street grid at Douglas Street and Pandora Avenue;
- whether the proposed building massing and design of the plaza facing Douglas Street adequately respond to City Hall as a Heritage Landmark Building and the Landmark Building policy in the *Downtown Core Area Plan*;
- whether any additional architectural elements or treatments could be incorporated into each of the buildings to distinguish the top of the buildings;
- 4. whether any design revisions are necessary to mitigate the impact of the street walls on the Cormorant Street and Pandora Avenue elevations which exceed the height guidelines;
- 5. whether the reflectivity of the proposed glass spandrel system on the Phase Two building is suitable;
- whether the tone of the proposed exterior terra cotta cladding is appropriate for the neighbouring context.

We were encouraged that the panel affirmed the proposal's approach with respect to the above items 3, 4 and 6. The remaining items were identified in the ADP motion as warranting further consideration or explanation. This supplemental information is organized by that ADP motion as follows:

**1. ADP Motion:** "Refinement to the design of the plaza and the arrangement of its components including the water feature and landscaping."

The urban design of the Douglas Plaza zones this large outdoor space for different use patterns: the central Plaza area is the symbolic centre of the plaza, and is aligned with the axis between the City Hall clock tower and the proposed 1515 Douglas main entry. This large scaled urban space is the main approach to the building and could accommodate groups of people and a variety of programmed activities. As shown in the pedestrian circulation diagram below, the central Plaza area is accessible to many paths of travel and clearly links the Douglas Street sidewalk to the building entrances and ground floor occupancies. The space is hardscaped with a decorative paving pattern; bounding the space are dramatic seating and planter elements that are integrated with this pattern.



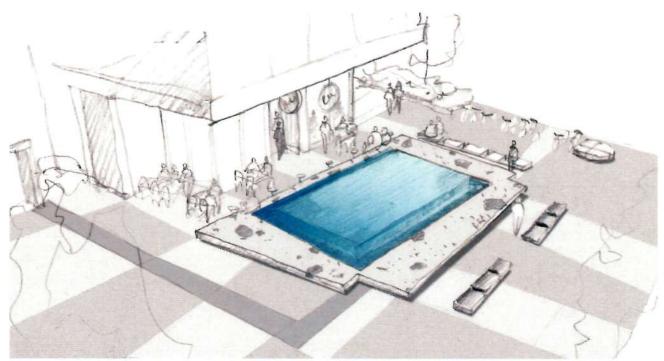


1515 Douglas Plaza Plan Diagram (refer to the attached page 7 for the detailed diagram)

Landscaping and trees have been limited in the Douglas Plaza in response to the mandate from Planning staff that the design should maintain clear sight lines to City Hall and allow flexible use of the public spaces. The hardscaped surface has been graded so that it integrates seamlessly with the surrounding sidewalks and encourages pedestrian circulation through the plaza spaces. As the plaza is located over the underground parking structure, plaza plantings require raised planters; these have been located so that they do not interrupt the circulation flow into the Plaza but rather define its public edges. There is ample landscaping surrounding the site. Generously landscaped rain gardens along the site perimeter provide shade and soft texture along the bounding sidewalks and the Pandora bike laneway. In contrast to the 1515 Douglas Plaza, the entrance court at 750 Pandora is richly green-landscaped; the urban and landscape design of each plaza has been carefully calibrated to suit their intended character, location and use.



Rendered View of the 1515 Douglas Plaza at Pandora Avenue

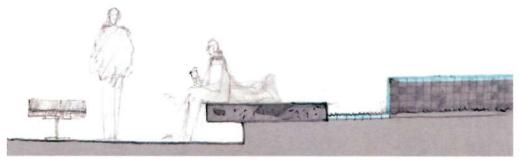


Sketch View of the Plaza Water Feature

At the corner of Douglas Street and Pandora Avenue, the open space is continuous with the central Plaza area but is furnished to provide opportunities for seating and pause. A row of stone benches forms a permeable boundary at the property corner, subtly defining the transition between public sidewalk and the plaza while providing comfortable seating. These benches frame the main element of the plaza: a dramatic platform water feature that is both sculptural form and seating element. The water feature and its framing benches were designed so that the corner plaza accommodates both inward and outward viewing; visitors can choose to gather around the fountain or enjoy views of City Hall and the activity of this busy intersection.

While the detailed design of the platform and water feature is under development, we're able to share the ideas that have shaped this important urban amenity to date. The platform will be a large cementitious structure with a refined surface; the material will integrate stone aggregate and will be honed to a smooth finish. The water feature is set within this platform so that unintended contact with the water is largely prevented. The pool itself will be tiered with an upper reflecting pool that spills over into a perimeter trough. The reflecting pool will be formed by a platform of cast glass units raised up as a positive form; the shape and materiality of the upper platform will be used to incorporate coloured light into the fountain at night and, if required, when the fountain is seasonally dry.

The integration of the site design, building architecture and ground floor activities will, in our opinion, create a corporate plaza that is also a beautiful and vibrant public space.



Sketch Section through the Plaza Water Feature



Perspective Street-Level View of the Douglas Plaza and facades

**2. ADP Motion:** "Consideration of design revisions to the Douglas Street elevations including the south elevation of the north wing in order to mark this location as a special place and to provide an improved visual termination to the visual axis on Douglas Street."

The site design and massing of the 1515 Douglas building has been shaped by the geometric shift in the street grid at this location. The massing is pulled back from Douglas Street so that the building wings align with the street walls to either side and, more importantly, that the building frames a public plaza at this prominent place. It was a conscious and carefully considered decision to create a new plaza at this location as the urban-scaled vista termination. The plaza is not only an entrance court and significant public amenity, but also a spatial and symbolic gesture to City Hall.

The West-facing elevations of the 1515 Douglas building are subtly differentiated from the adjoining facades to express their construction. The western ends of the building are cantilevered towards Douglas Street; under this cantilever, the public space visually flows through the transparent ground floor retail units and a gracious public sidewalk slips under the floating upper office floors. As the upper floor structure is clad in glazed terracotta tiles, the lighter material wraps only the slab edges on the west facades and has a more horizontal expression. We regard the subtle variation in facades around the building perimeter to be an appropriate approach for a contemporary building that will support and complement its evolving urban context for the future.

The motion provided by ADP draws attention to the building façade that is visible behind trees as one approaches the site, travelling northward on Douglas Street. The facades of the building are rational, clear expressions of their structure and functional use, detailed to achieve a scale and material richness appropriate to this long-lasting building and its place. While the façades are sympathetic to their context and support the urban street walls on all sides, at the Douglas frontage the massing is carved away and provides a more unusual and dynamic form; the Douglas frontage is made special by the angles of the building 'wings', the transparent ground floor and cantilevered upper massing, and the dramatic 6-storey window looking into the Rotunda atrium. The building envelope wraps these forms with a gridded composition that evokes the spirit of older load-bearing masonry buildings in Victoria.

In response to the ADP discussion, we have further studied the façade that forms the terminated vista at this location on Douglas Street. We have improved the resolution of the grid pattern and structure so that the façade is distinguished by a wider structural bay and unique window pattern. The rendered perspective view above illustrates these design changes. The revised façade is cohesive with the overall building architecture and we believe that further embellishment would be unnecessary and even distracting within the overall composition of this space.

#### 3. ADP Motion: "More detail on the spandrel glazing system on the upper portion of the Phase Two tower."

The window mullion pattern and layering of spandrel materials have been designed so that the taller portion of the building has a dynamic presence. The spandrel panel will be subtly reflective to create the illusion of depth in a relatively shallow space, however the reflectivity will be muted rather than mirror-like. The spandrel depth will be restricted by requirements for building envelope thermal performance, (dictated by the limitations of the mechanical system in order to meet LEED and occupant comfort standards). It is our opinion that without the enhanced apparent depth, the building could appear too flat and monolithic. The metal and textured glass material specifications will continue to be studied to ensure the effect is not harsh or overly bright; the intent is to have a more subtle sheen that is variable with view point, cloud patterns, and sunlight intensity and direction. It is important to be mindful that two-dimensional rendered drawings will never adequately portray the intended effects.



Detail View of 750 Pandora (Building 2) Facade

# **4. ADP Motion:** "Refinement to the proposed design of the Phase Two building in order to better express the transition in massing between the base and top of the building."

The 13-storey massing of the 750 Pandora building has been designed so that the building is visually divided into a 6-storey base and an upper 6-storey top, separated by a smaller 'reveal' floor. At this level, the space between upper and lower massings is used for unique mid-level terraces and green roofs. The smaller 7th floor provides a significant visual break between the upper and lower forms and emphasizes the continuity of structural columns between the building base and top. The line of glazing on this special floor is set back approximately 18" from the face of the column cladding, creating a shadow line between columns on the east and west facades consistent with the suggestions of the ADP. To further emphasize this level as a reveal between massing forms, the glazing is extended to a lower than typical sill and mullions are all SSG (no visible mullion 'caps' are used at this level).

In response to the ADP comments, we have revisited the material cladding at the Level 7 columns. Although the building structure was continuous in the previous proposal, the variations in column cladding interrupted the visual continuity of the structural columns. In the revised design (illustrated below), the Level 7 columns are clad in the same material as at the upper form (spandrel panels comprised of metal panels behind glass) so that they are more clearly integrated with the building top and the vertical structure reads more clearly across this 'reveal' floor. The Level 7 soffit materials have also been adjusted to metal panels to improve the visual continuity between the soffit and the curtain wall facades above, while enhancing the drama of the horizontal shift.



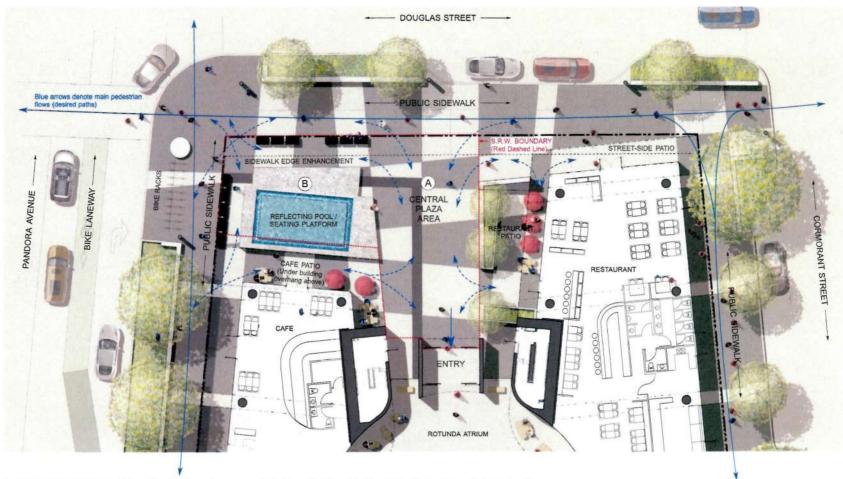
Perspective View from Blanshard and Cormorant Streets

In summary, our project team has endeavored to address the issues raised by the Advisory Design Panel with these design refinements and supplemental information. Additional copies of the rendered images are included with this letter.

Sincerely,

Franc D'Ambrosio

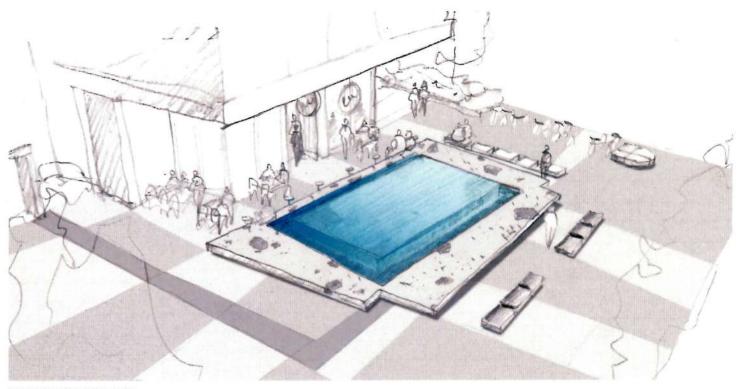
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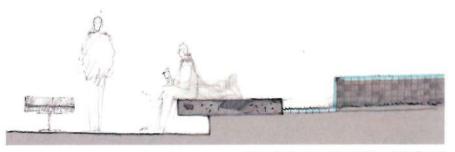
A. CENTRAL PLAZA AREA: This multifunctional paved open space links the public sidewalk to the main building entrance, the Rotunda atrium, and the interior and exterior ground floor occupancies. This main plaza space is oriented on the symbolic axis joining the Rotunda with the City Hall clock tower.

B. CORNER PLAZA AREA: The seating and water feature define this prominent corner as a place to pause; benches and the fountain seating platform allow people to sit individually or in small groups, facing out to the corner activity or in toward the fountain and plaza. Low site elements maintain clear site lines across the Plaza. The area between the benches and the fountain is an eddy off the public sidewalk, a boundary zone that feels public but with a human scale. The benches are configured so that pedestrian traffic can filter through this 'slower' zone. The movement of water brings visual animation and a calming sound to the space.





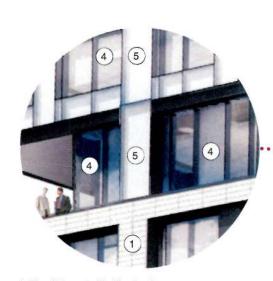
Douglas Plaza Sketch Perspective



Sketch Section through Douglas Plaza Water Feature



Perspective View of the 1515 Douglas Plaza



1 Glazed Terracotta Cladding Panel

- 3 Pre-Patinated Zinc Cladding
- 4 SSG Curtain Wall System, Clear Glazing
- 5 Textured Glass Spandrel with Metal Back Panel



Perspective View from Cormorant & Blanshard Streets

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November 12, 2014

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

Attention: Mayor and Council

Re: Update to Application to the City of Victoria for a New Comprehensive Development Zone,

Development Permit, and OCP Amendment pertaining to Lands Municipally Described as 1501

Douglas Street, 1509-1517 Douglas Street, and 750 Pandora Avenue, Victoria, BC

We are pleased to provide for your consideration the updated Rezoning and Development Permit application for the 1515 Douglas / 750 Pandora Development Project. The application update incorporates design refinements that have arisen from discussions with the Advisory Design Panel (ADP) and Development Services staff. This letter describes adjustments that have been made to the Development Proposal subsequent to its presentation to the Planning and Land Use Committee (July 17, 2014).

#### Design Response to the ADP Motion

The motion carried by the ADP was to recommend approval of the project, subject to design refinements and further information pertaining to two areas of the Development Proposal: the Douglas Plaza and the exterior expression of Building Two (750 Pandora). In response, the project team undertook design refinements and the production of supplemental presentation materials.

With regards to the Douglas Plaza, illustrative sketches of the proposed water feature have been provided along with a detailed urban design rationale for the overall Plaza design. In addition, the building façade of Building One (1515 Douglas) that is visible across the Plaza, from the North-bound Douglas approach has been re-examined. This façade has been revised so that the structure is better integrated with the cladding 'grid' and is now subtly distinguished by a wider structural bay and unique window pattern. We believe this composition to be an appropriately subtle, yet expressive feature for this prominent façade.

For Building Two (750 Pandora), two interrelated aspects of the design were subjected to further study: the spandrel cladding and expression of the transition between the upper and lower building forms. A larger scale rendered view of the building has been provided. It is annotated to identify cladding materials, to further explain the composition and intended effect of the glazed spandrel panels. This view also demonstrates the revisions to the cladding at Level 7 of the building that have been incorporated. This floor level forms the transition between the upper and lower masses of Building Two, and the cladding has been modified so that there is more visual continuity between these building forms.

We feel confident that the design adjustments implemented in the course of further design development, address the various topics discussed with the ADP, and are cohesive with the overall architecture and urban design of the project. For the fully detailed response to the ADP motion, please refer to the letter "Review by HAP and ADP of the Revised Application" dated November 12, 2014.

#### East Setback

The frontage of Building Two (750 Pandora) along the East setback & through-block walkway has been reduced by 290mm (just under 12"), to allow minor tolerance in the detailing and structural coordination of

the columns along this façade. The 5m setback, as illustrated in the updated plans, maintains the quality, character and amenities of the through-block walkway as well as the required dimensional clearances.

#### **Root-top Mechanical Units**

The building height and gross floor area for each building have been increased to allow for roof-top equipment and the accompanying service spaces. The precise size of these building elements are rarely anticipated at the Development Permit stage, as design of the building mechanical systems typically follows during the Design Development and Contract Documents phases. Furthermore, self-contained roof-top equipment does not typically conform to the requirements for occupied floor area. In this Development Proposal, the roof-top equipment will be enclosed within a structure so that it is visually integrated with the project architecture. This enclosure will be of aesthetic and acoustic benefit to the occupants of surrounding taller buildings. The units are set back from the main roof edges and will not generally be visible from grade. Please note these structures have been illustrated in the previously submitted application drawings; inclusion of the roof-top units as occupied floor area and as an addition to building height is a numeric rather than architectural change to the application. Detailed specification and design of the building systems has not been completed for the proposal, however, the amended drawings and gross area noted in the project data represent the largest structure that is anticipated for enclosure of the roof-top equipment for each building, although the design intent is to keep these structures as small as possible. The area within these structures will be restricted to maintenance access only and will contain no occupancy other than building systems equipment and clearances for service access.

#### Conclusion

The Project Team appreciates the continued time and effort dedicated by City staff to this complex development. We believe the architectural integrity and beauty of the Development Proposal have been enhanced by the aforementioned design adjustments, and we are pleased to advance the project for your consideration.

Sincerely,

Franc D'Ambrosio, Architect MAIBC MRAIC LEED ap





#### Contacts

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#### List of Drawings

#### Architectural Landscape

A0.1	Cover Sheet	1,1.1	ų
A0.2	Code Roview	L1.2	in
A0.3-6	Analytical Diagrams	12.1	p
A1.1	Existing Site Plan	12.2	-
A1.2	Proposed Sito Plan and Project Data	12.3	C
A1,3	Interim Condition Site Plan	L3.1	Ĺ
A2.1	Level P2 Plan	13.2	ţ.
A2.2	Level P1 Plan	L4.1	3
A2.3	Level 1 Plan		
A2.4	Level 2 Plan	<b>C1</b> .	
A2.5	Loveis 3-4 Plan	Ci	٧I

# A2.5 Levels 3-4 Plan A3.6 Levels 1-5 Plan A2.7 Levels 7-Plan A2.8 Levels 9-13 Plan and Reaf U A3.1 Building Elevations A3.2 Suiding Elevations A3.3 Building Elevations A3.4 Street Elevations A4.1 Building Sections

L1.2	Interm Landscape Materials and Go
12.1	Planting Plan
12.2	Interm Planting Plan
12.3	Green Roof Plan
L3.1	Landscape Details
13.2	Landscape Sections
14.1	Stormwater Management Pain

C0.6	Conceptual Site Servicing Plan
RZ-C-01	Proposed Curb Alignments and Lane
	Markings

## 1515 Douglas Street 750 Pandora Avenue

#### Rezoning / D.P. Application

## D'AMBROSIO

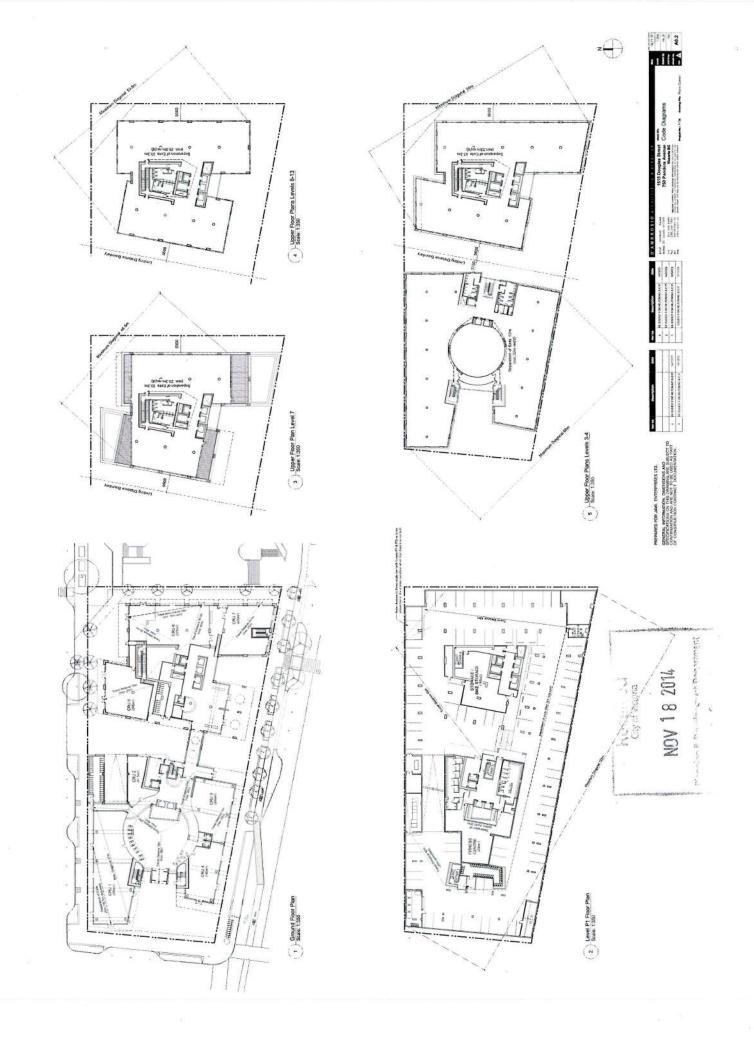
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Victoria	BC	Canada	V8T5K2
tel		250.3	84.2400
fax		250.3	84.7893
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web		www.	fdarc.ca

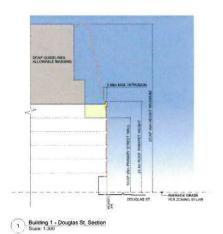
Revised Plans Issued 17 Nov. 2014

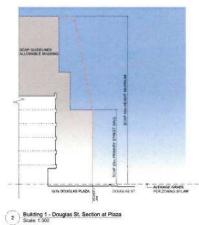
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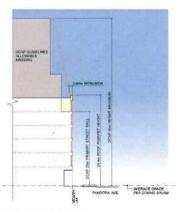
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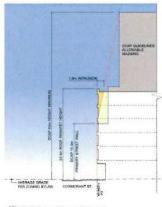
Planning & Development Department Development A rices Division



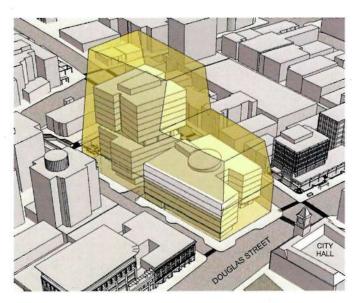


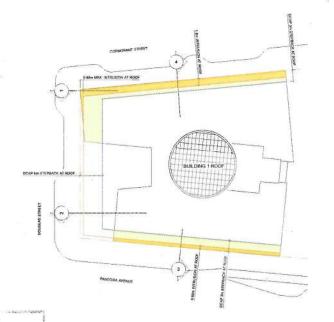






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Building 1 - Key Plan Scale: 1 300

Perspective Illustration of Project Massing

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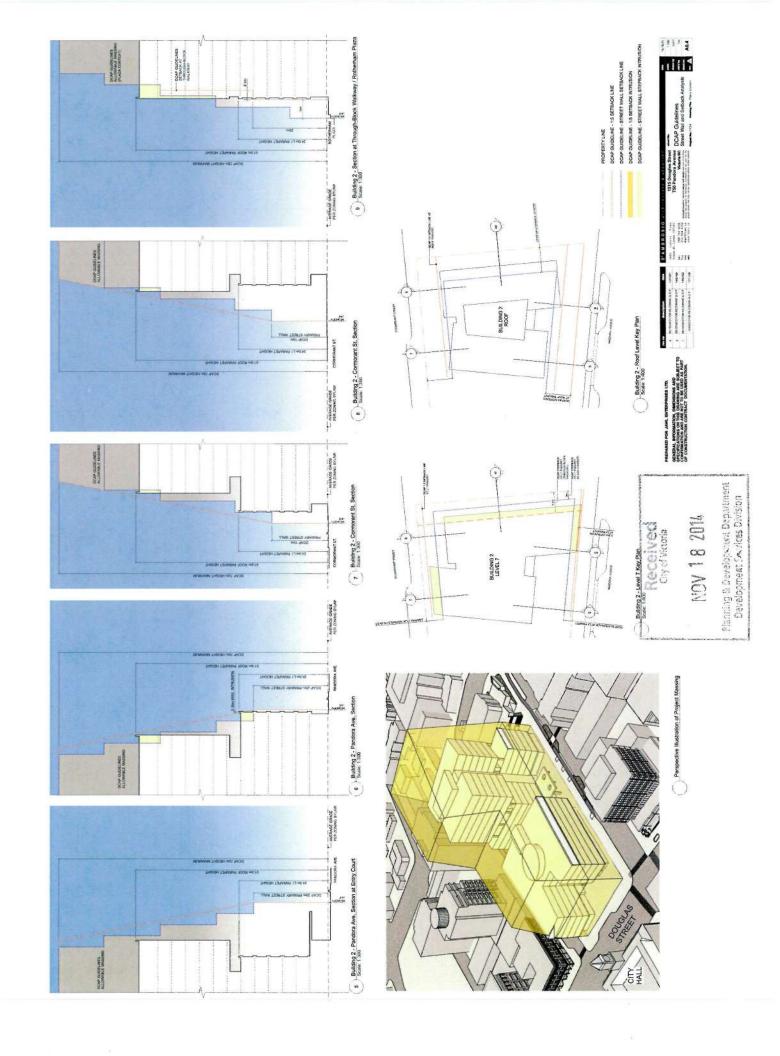
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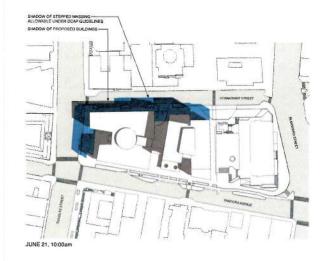
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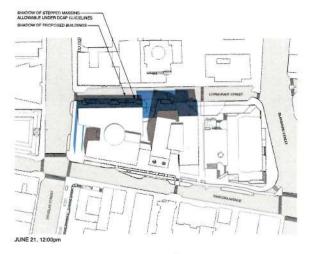
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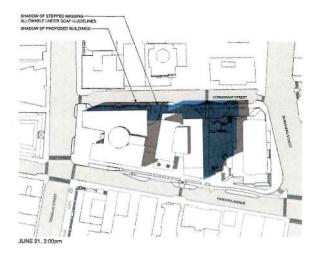
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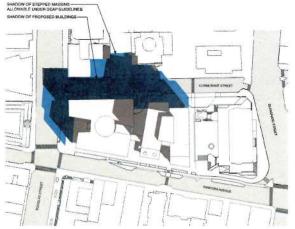
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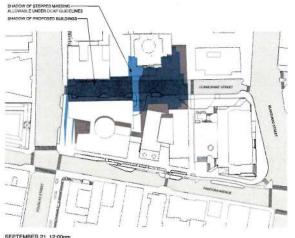


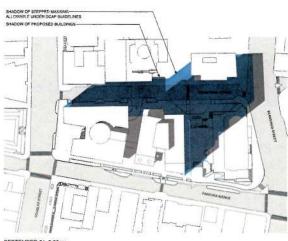












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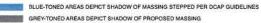
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#### DOUGLAS STREET VIEW ANALYSIS

DOUGLAS AT JOHNSON - LOOKING NORTH













#### PANDORA AVENUE VIEW ANALYSIS



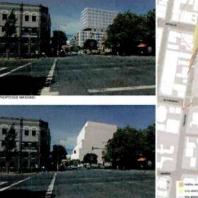


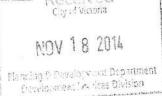






PANDORA AT BLANSHARD - LOOKING WEST







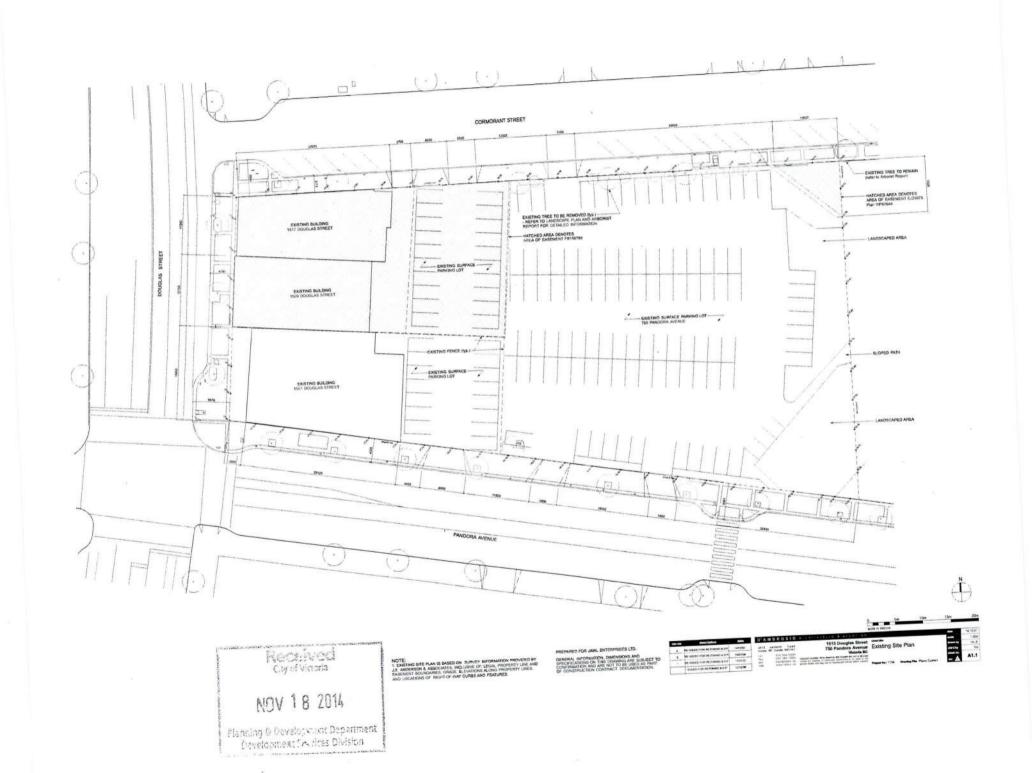


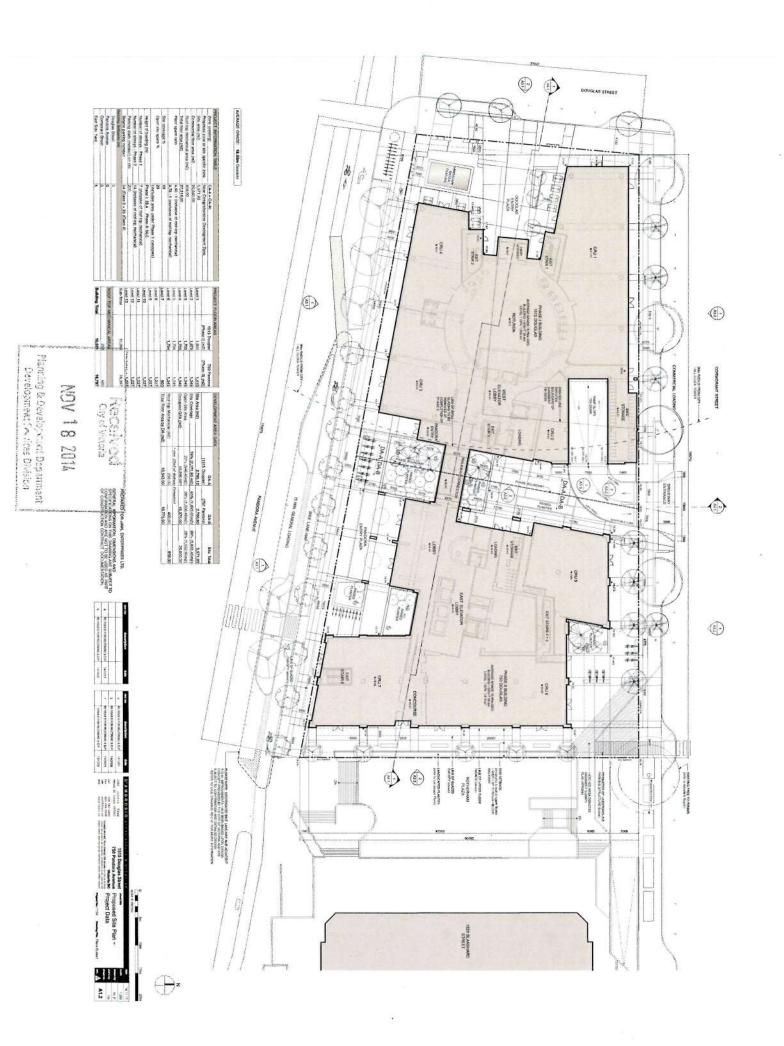




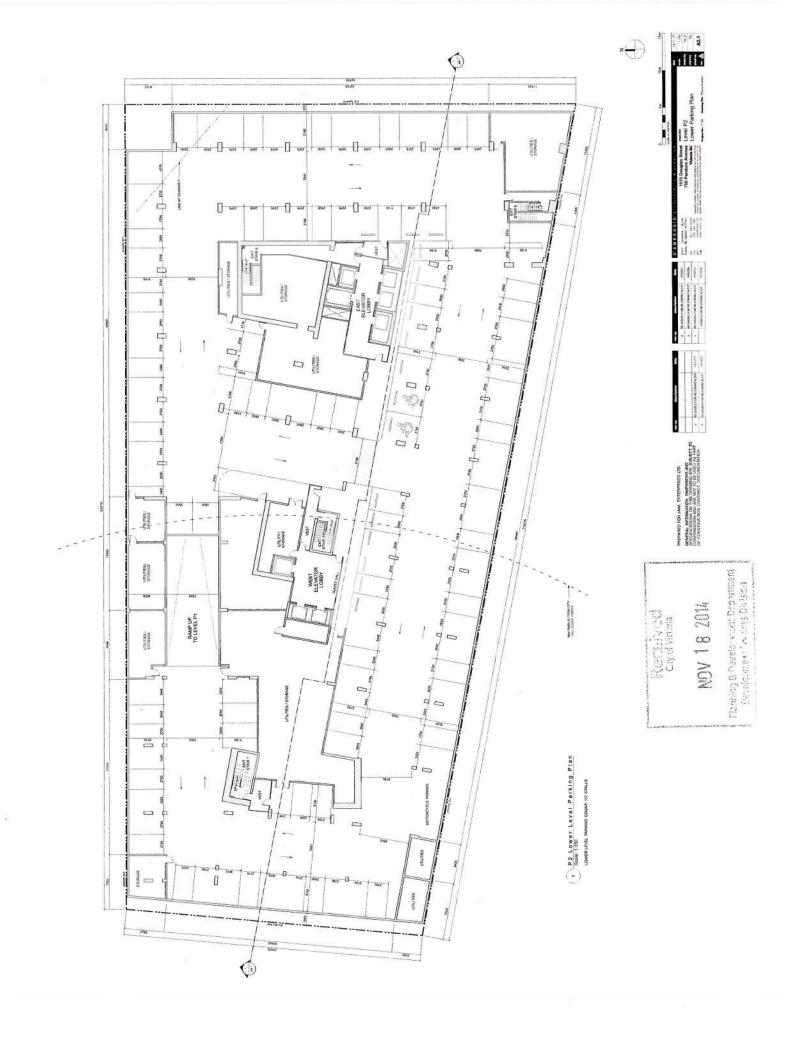


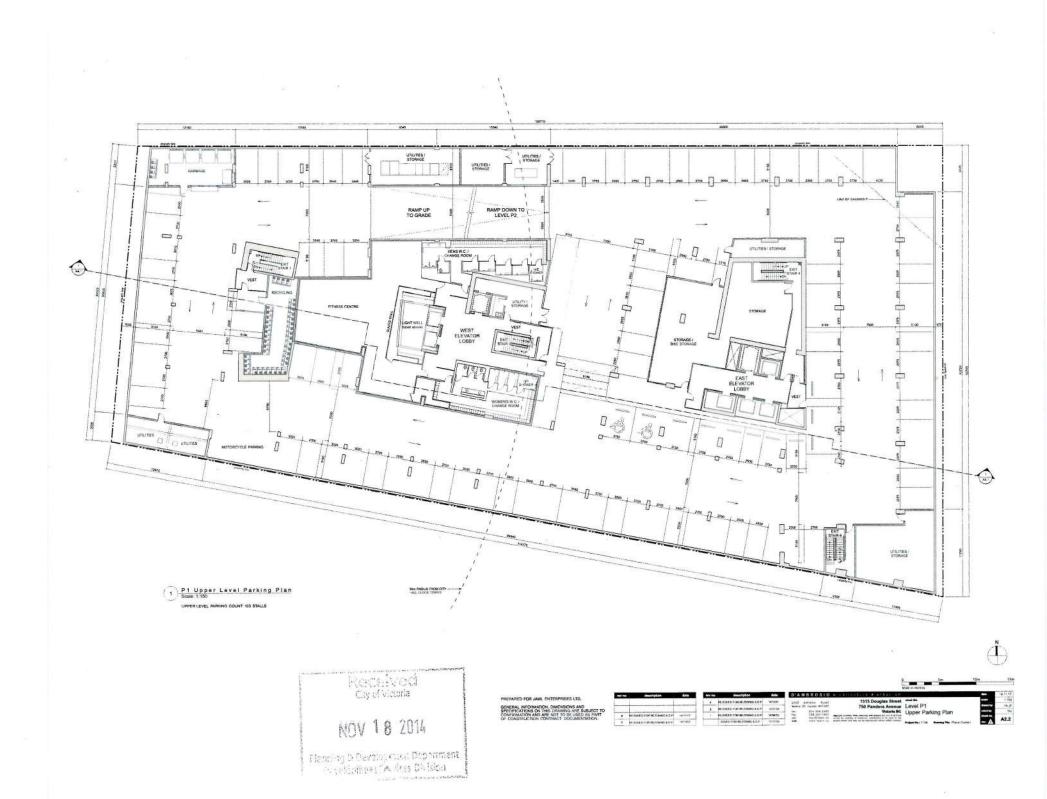
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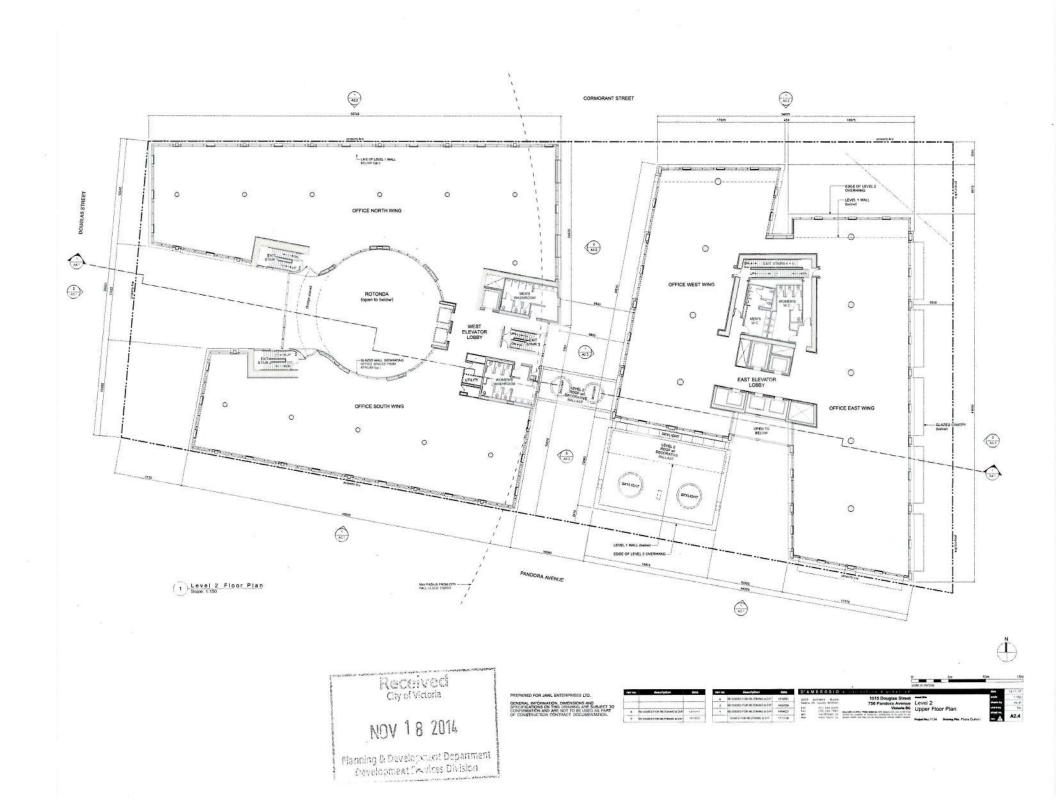


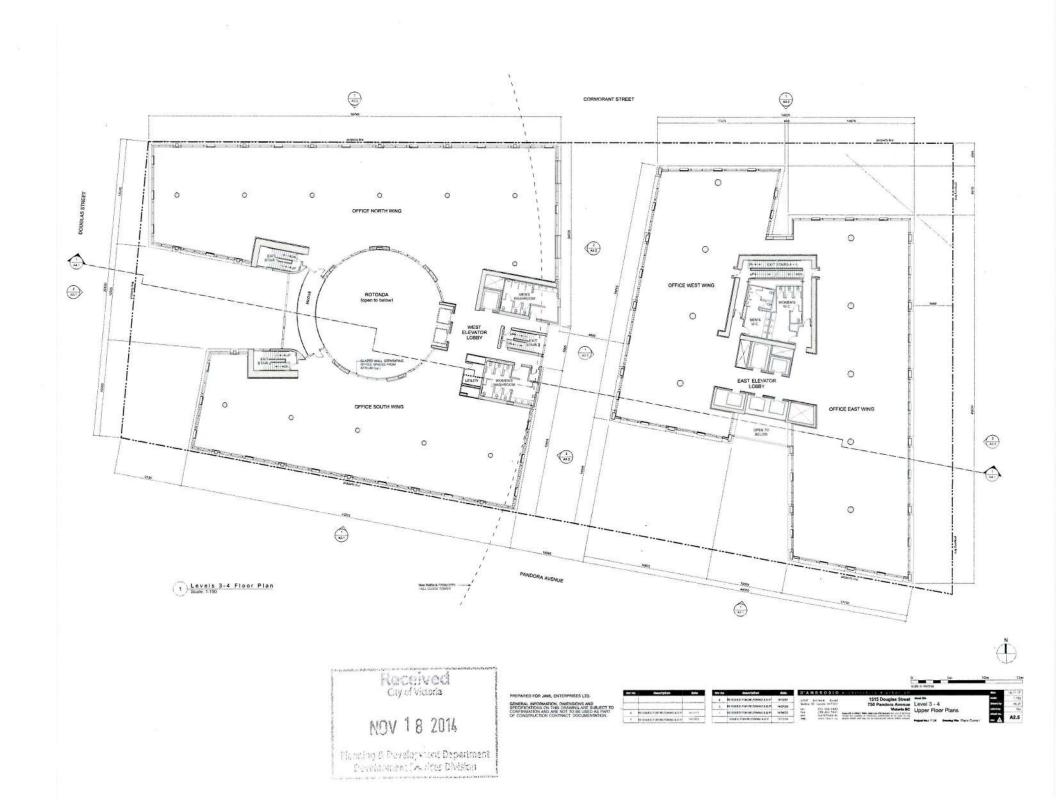
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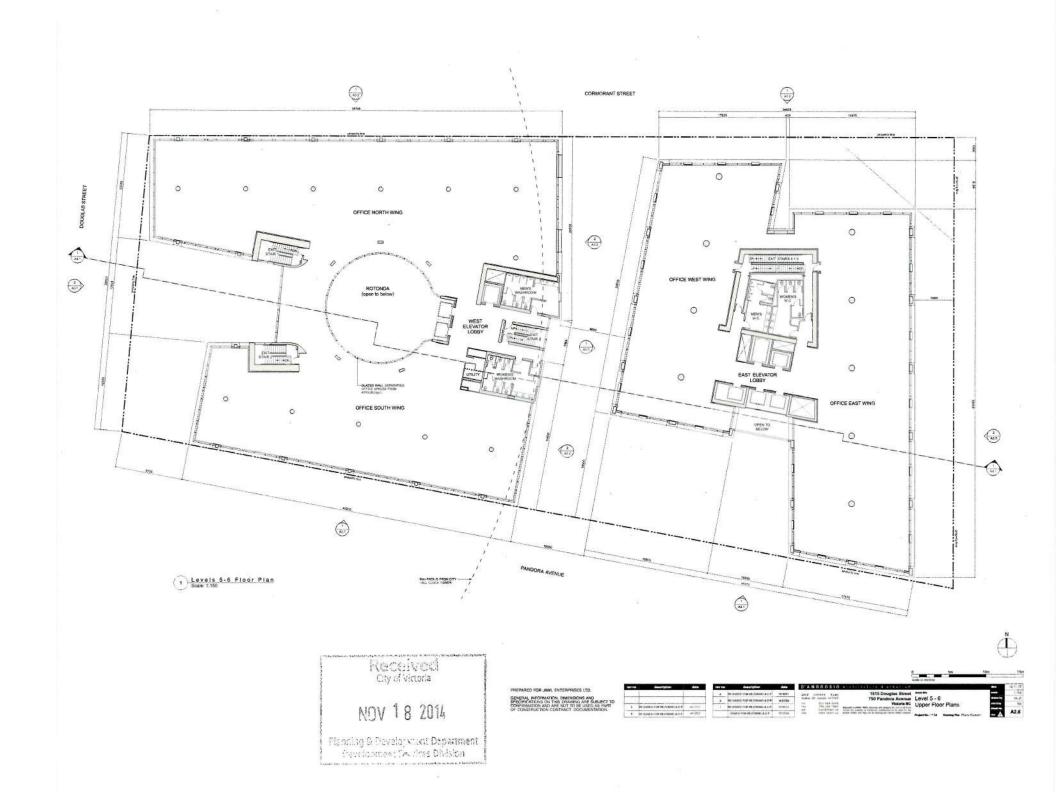


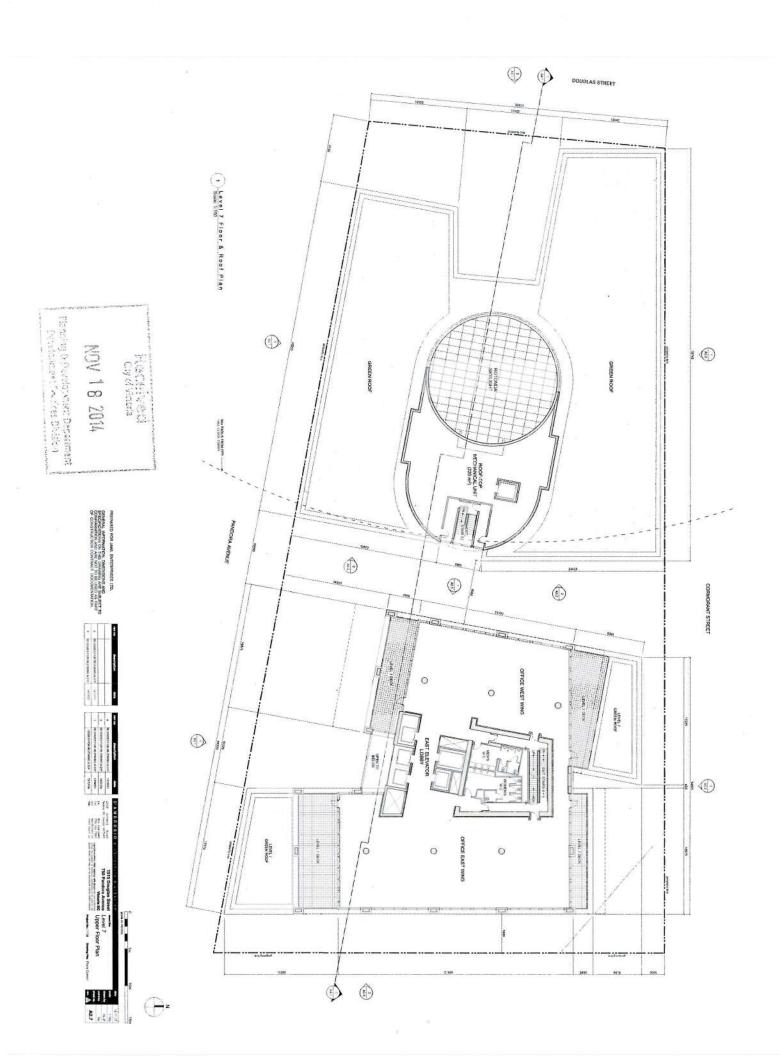


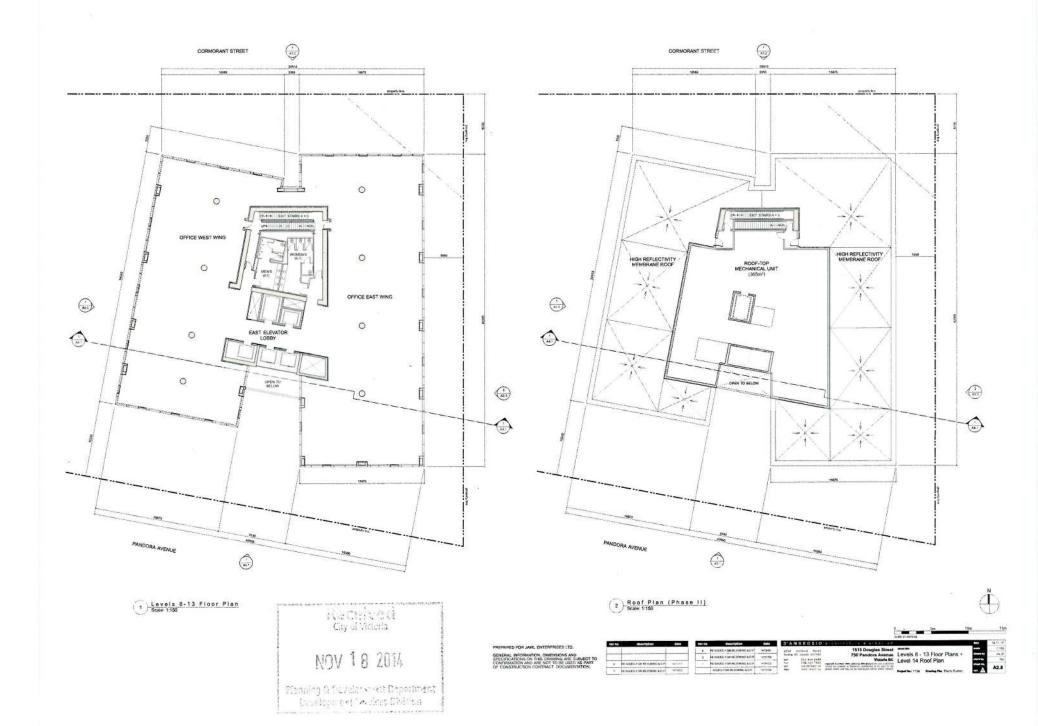












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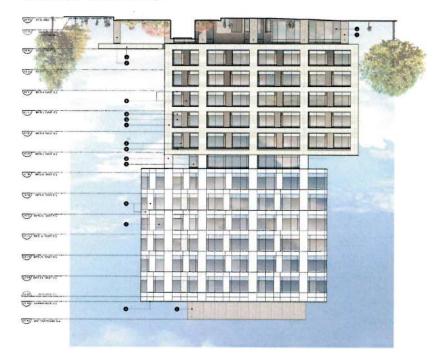
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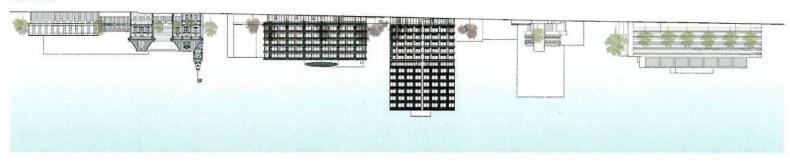
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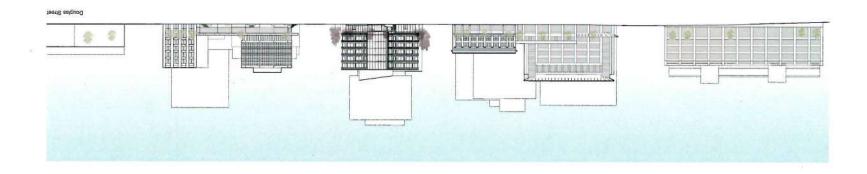
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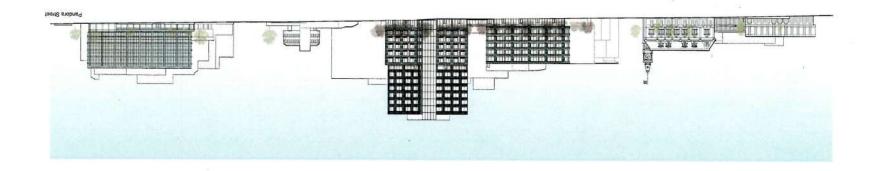
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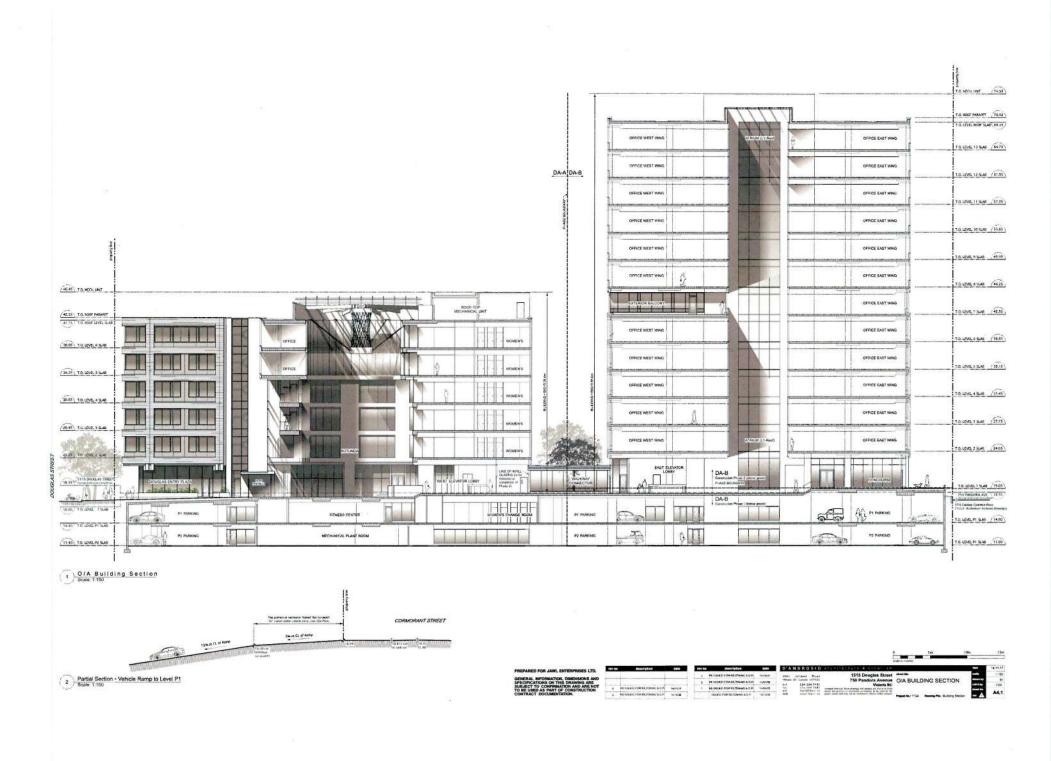
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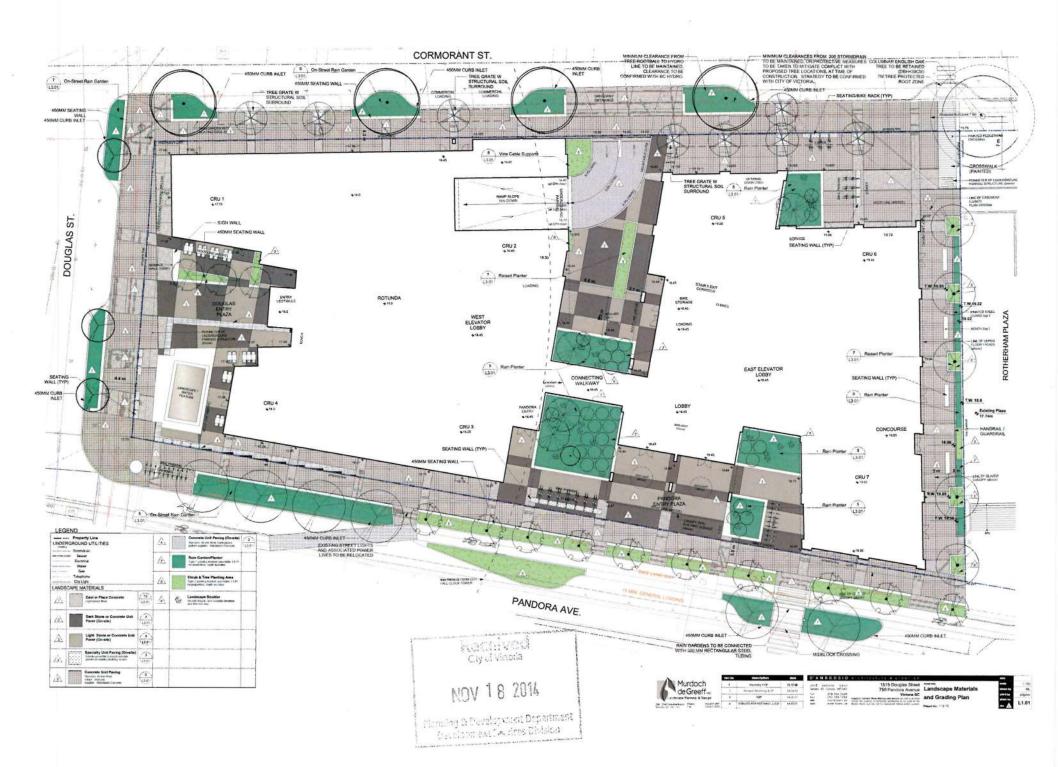
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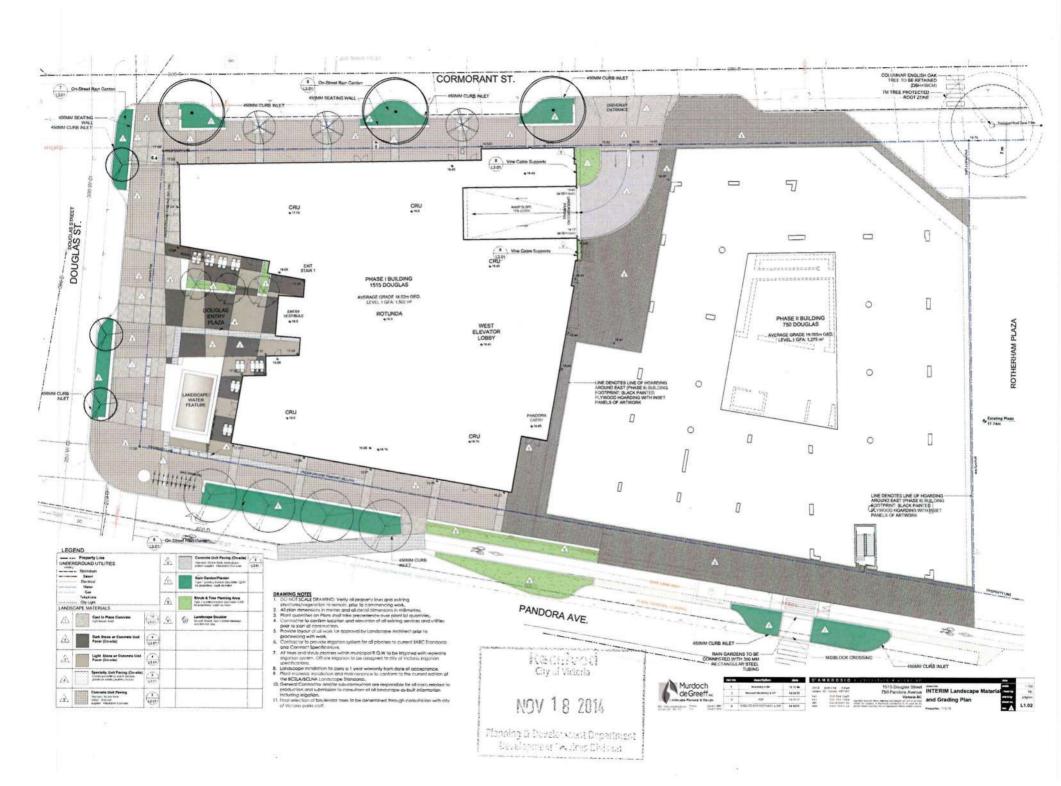




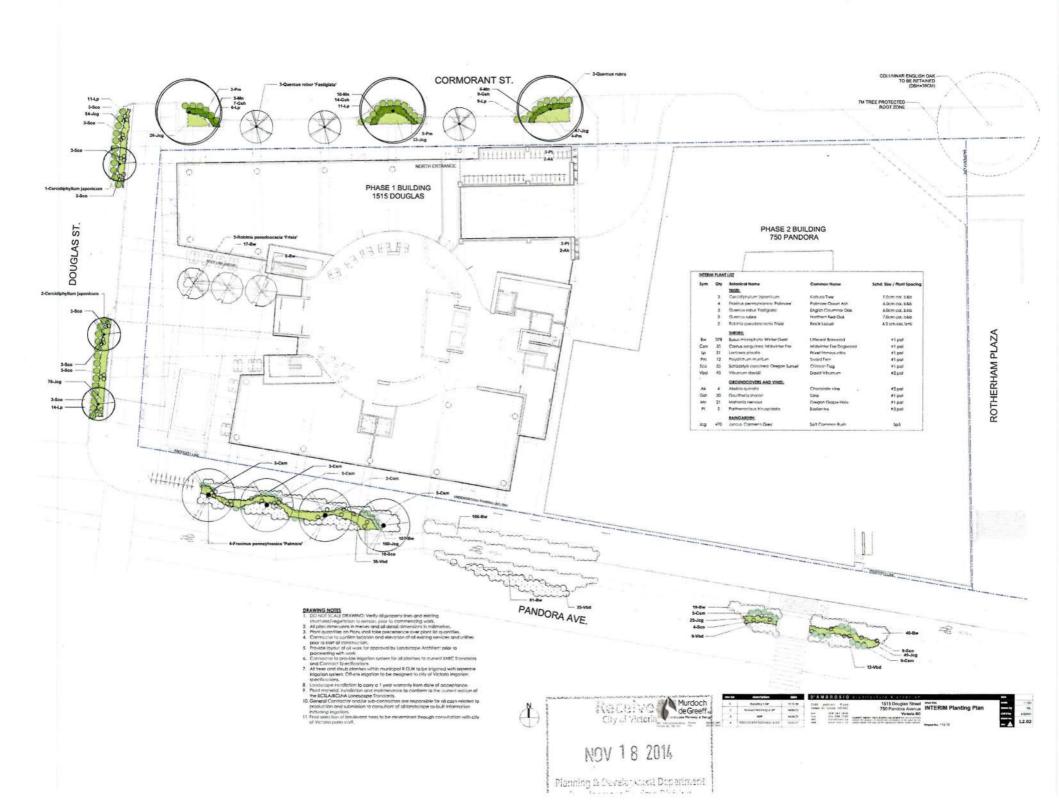




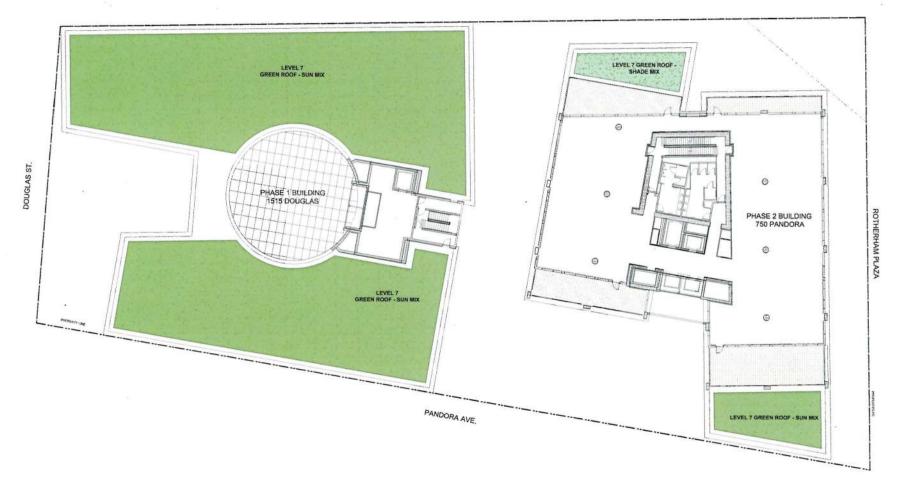








#### CORMORANT ST.



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	10744	Sedum rapethe Angeins	Angeina Stoneomp	plug 72 per leay / 25cm 6.1
	10744	Sedum spathuffolium (Cape Blanco)	Cope Stoneo Stoneoup	plug 72 per tray / 20cm o e
	GREEN.R	QOE SHADE		
NI VIII	256	Aquilligia formesa	Red Columbine	\$p3. 20cm e.c.
	256	Archistophyles uve usi-	Kirnickinnick	Sp3. 20cm o.c.
CLUS	25±	Comus considersis	Sanchberry	5p3, 20cm p.c.
	256	Dicarma formosa	Western Bleeding Heart	Sp3. 20cm c.c.
	254	Cwais oregana	Redwood Scree	\$p3, 20cm a.c.
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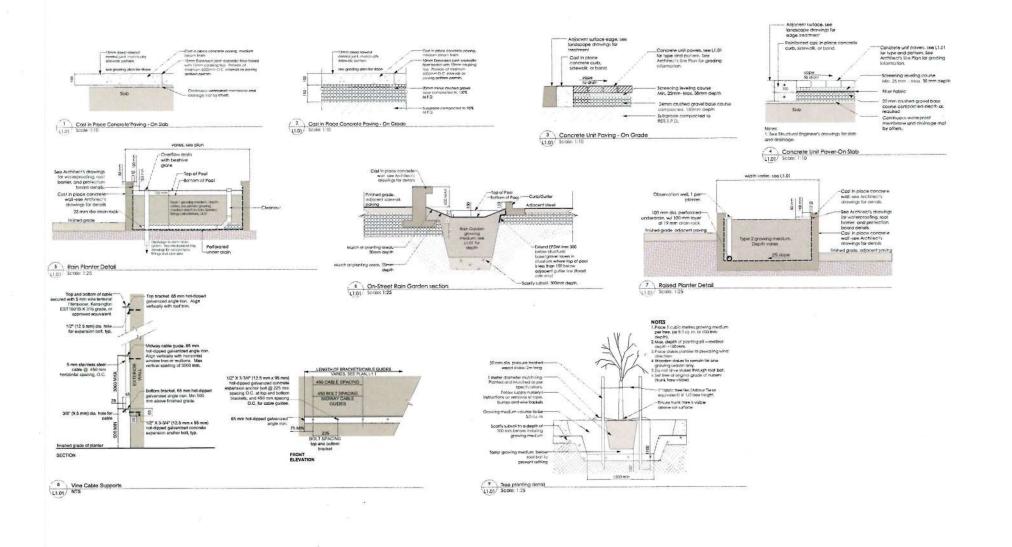
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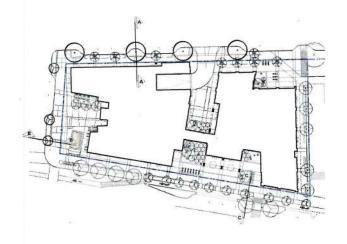
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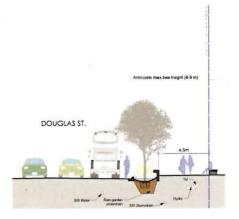




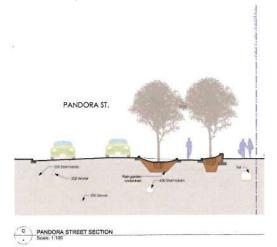
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cent	143500	40 000		Project No. 112-15







B DOUGLAS STREET SECTION
Scale: 1:100



SECTION NOTES

1. Tree root ball drawn to scale in all sections. Typical rootball draw size a 600 cepts by 900 width.

2. Trees shown at about 5 years after grading.

3. Underground infrastructure is shown at scale. Information supplied by 1909 (project Chite Regiment).

4. Contractor to confirm identifier and elevation of all existing services and utilities para to store of construction.
5. Provision beyond of all week for approval by unanciage Architect prior to proceeding with warb.
6. Connector to provision dispoten system for all priories to oursent SABC Standards and Connector to provision dispoten system for all priories to oursent SABC Standards and Connector to provision statements within municipal (AC Wit bits Program SABC Standards in proceeditions).
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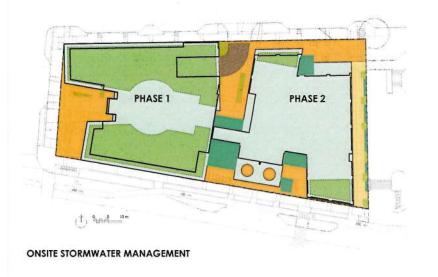
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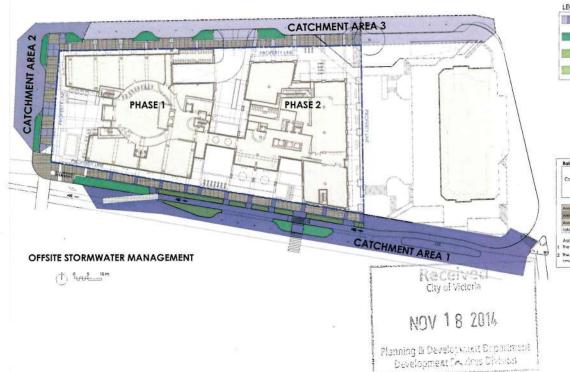




Cotchment Area	Total Area	Non-Contributing Green Space (Landscape Planters / Green Roof)	Rain Garden Lanascape Aleas	Contributing Impervious Area	Design Storm Runolf Volume Contributing to Rain Garden	Planter Growing Medium Depth	Stormwater Treatment Capacity per sq. m. of Rain Garden	Rain Gorden Azen required	Excess (+) or DeScient (-) Rain Garden Area *
	[(q, m.)	(sq. m.)	[so, m.]	(sa.m.)	(cu, m./day)	(m.)	[au m /day]	(se.m.)	(so.m.)
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lotal	5571	1580.5	259.0	2416					96.0

Assumptions
The design stam is a two year, 24 hour rain event. In the City of Victoria this equals about 53 mm of rain.

The rate garden consumations are based on 150 mm (we providing pixx 2015 of the sandy compand growing medium visume (assuming growing medium has 2015 void space) with a minimum initiation rate at \$.5 cm (hour for all can per day), via perforabled understand





Carchmen! Area	Tatal Area	Non Contributing Green Space (Landscape Planten)	Rain Gorden Landscope Areas	Contributing Impervious Area	Design Storm Runoff Volume Contributing to Rain Gorden	Planter Growing Medium Depth	Stammwater Treatment Capacity per sq. m. of Rain Garden	Kain Garden Area required	Excess (+) or Deficient (-) Roin Garden Area
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Aseo #3	1330	0.0	83.5	1246.7	63.5	1.0	1.0	66.8	16.7
iotol	3783	133.0	251.5	3398.2		1		19	56.2

Assumptions
The design storm a a two-year, 34 hour rain event. In the City of Victoria this equal about 59 mm of rain. Assume 90% of rain event contributes to runnil.

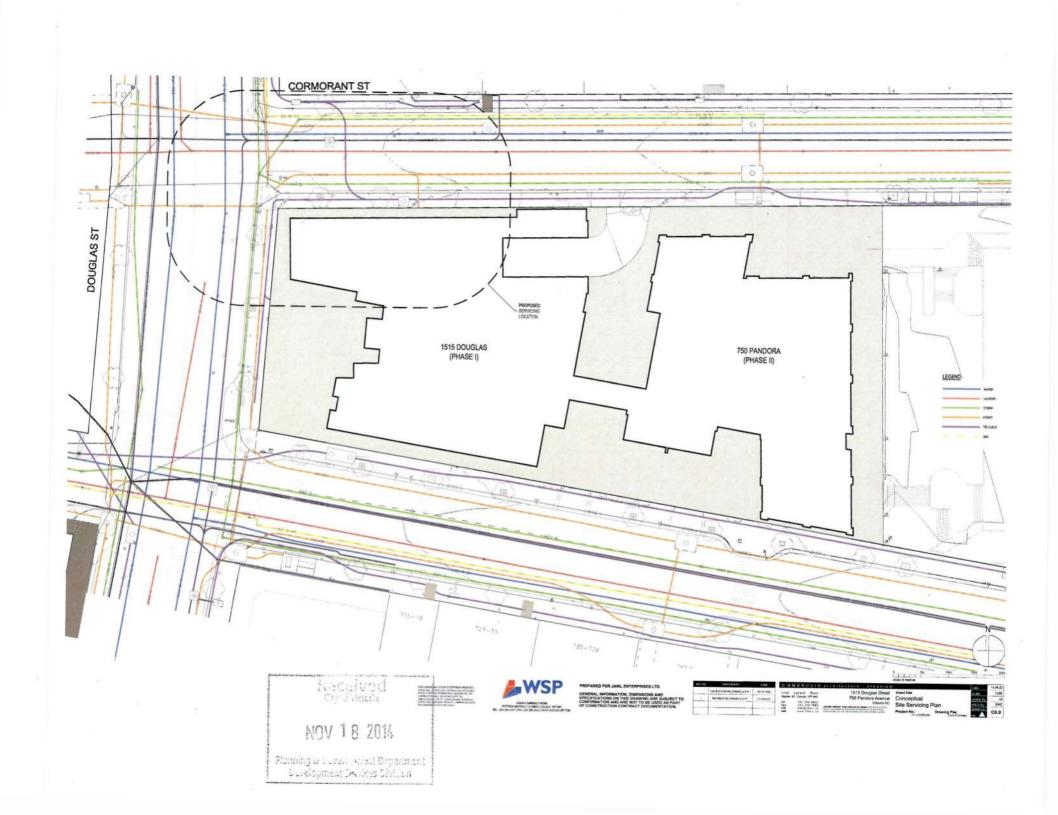
2 The said garden calculations are booked on 150 mm (we panding pilus 20% of the ward' compact growing medium volume (assuming growing medium has 20% void space) with a minimum instration rate of 2.5 cm/hour (or 48 cm per day), via periorated understand.

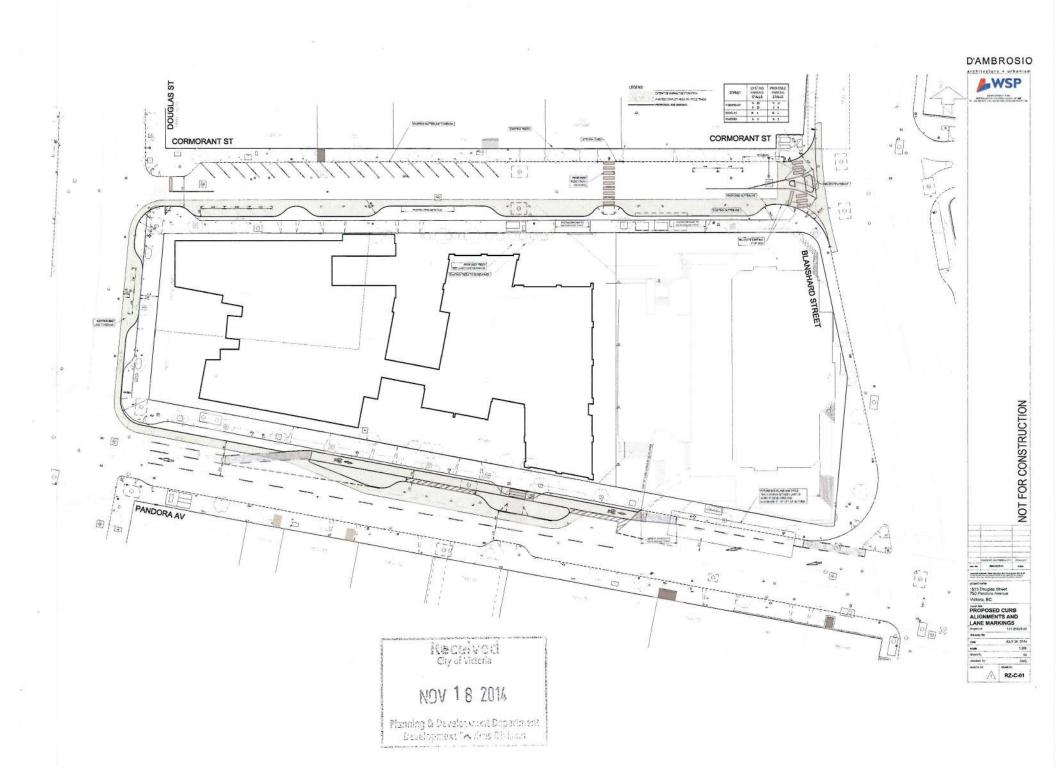


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Stormwater Management
90
Plan







### MASTER DEVELOPMENT AGREEMENT

	THIS AGREEMENT dated for reference the day of 2014
AMON	NG:
	THE CORPORATION OF THE CITY OF VICTORIA
	#1 Centennial Square Victoria, BC V8W 1P6
	(the "City")
	OF THE FIRST PART
AND:	
	JAWL ENTERPRISES LTD. Inc. No. BC0687810
	5331 Cordova Bay Road Victoria, BC V8Y 2L3
	(the "Developer")
	OF THE SECOND PART
WHER	REAS:
A.	The Developer is the registered owner in fee-simple of the following lands in the City of Victoria, British Columbia described as:
	PID: 029-049-369 Lot 1 of Lots 1247, 1248 and 1257, Victoria City, Plan EPP27886
	(the "Land");
B.	The Developer has made an application to the City to rezone the Land to increase the permitted density of development upon the Land, as set out in draft City of Victoria Zoning Regulation Bylaw No. 14-102, Zoning Regulation Bylaw, Amendment Bylaw (No. 1022) (the "Rezoning Bylaw"), and to amend the applicable development permit guidelines as set out in Bylaw No. 14-103, the Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 9)

(the "OCP Amendment Bylaw"), copies of which bylaws are attached as Schedule "A";

The Rezoning Bylaw, if adopted, will entitle the Developer to an increased density of

development on the Land in exchange for the provision of certain amenities, and the

C.

Developer has also offered additional amenities for the better integration of the Development into its neighbourhood. The amenities to be provided as contemplated under the Rezoning Bylaw include the following:

- a minimum of one hundred and forty (140) on-site underground parking spaces and lockers for cyclists and bicycles in accordance with section 6.0 of this Agreement;
   and
- (b) public access through the Mid-Block Walkway as set out in section 7.2 of this Agreement.

The voluntary amenities to be provided by the Developer include the following:

- (c) streetscape and servicing improvements as set out in section 2.0 of this Agreement;
- interim hoarding pending the completion of Phase 2 of the Development as set out in section 3.0 of this Agreement;
- (e) heritage mitigation measures as set out in section 4.0 of this Agreement;
- (f) the design and construction of the Development as substantially complying with the LEED standard, as set out in section 5.0 of this Agreement; and
- (g) public access to the Douglas Plaza and Rotunda as set out in section 7.0 of this Agreement.

(the amenities identified in subsections (a) to (g) are collectively referred to as the "Amenities").

- D. The Developer proposes to proceed with the Development in two phases, the first phase consisting of a six-storey retail and office building on the western portion of the Land and the underground parking facility in its entirety and the second phase consisting of a 13storey retail and office building on the eastern portion of the Land;
- E. The parties wish to set out in this Master Development Agreement the obligations of the Developer with respect to the Development, including the provision of the Amenities.

**IN CONSIDERATION** of the mutual promises exchanged herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and the Developer agree as follows:

#### 1.0 INTERPRETATION

1.1 In this Agreement,

"Development" means the development of the Land as proposed by the Developer, generally as depicted on the plans attached as Schedule "B".

"Director of Engineering" means the Director of Engineering and Public Works for the City of Victoria.

"Director of Sustainable Planning and Community Development" means the Director of Sustainable Planning and Community Development for the City of Victoria.

"LEED® Canada CS 2009 – Gold" means that a building has been designed and constructed to satisfy all of the prerequisites to earn sufficient credits to be eligible for certification by the Canada Green Building Council to the "Gold" standard under LEED® Canada CS 2009.

"LEED Professional" means a person who is accredited as a LEED® accredited Professional with the Canada Green Building Council or the United States Green Building Council.

"Phase 1" means that portion of the Land and Development comprising a six-storey retail and office building and below grade parking, including the Douglas Plaza (as hereinafter defined) and Rotunda (as hereinafter defined) to be constructed within Development Area 1 as shown on the Rezoning Bylaw.

"Phase 2" means that portion of the Land and Development comprising a 13-storey building and the Mid-Block Walkway (as hereinafter defined) to be constructed within Development Area 2 as shown on the Rezoning Bylaw.

"Regular Office Hours" for the purposes of section 7.4 only, means the hours between 8:00 a.m. and 5:00 p.m. on every day, but excluding Saturdays, Sundays and statutory holidays.

#### 1.2 Schedules

Schedule "A" - Draft Rezoning Bylaw and OCP Amendment Bylaw

Schedule "B" - Elevation, Landscape and Site Plan Schedule "C" - Interim Streetscape Condition Plan

Schedule "D" - Phase 2 Hoarding Design

Schedule "E" - Heritage Building Report

Schedule "F" - Plans Showing Location of Douglas Plaza, Rotunda and Mid-Block

Walkway

Schedule "G" - Statutory Right of Way - Douglas Plaza

Schedule "H" - Statutory Right of Way - Rotunda

Schedule "I" - Statutory Right of Way - Mid-Block Walkway

Schedule "J" - Encroachment Agreement

Schedule "K" - Master Development Agreement - Restrictive Covenant

- 1.3 Unless otherwise provided, the terms in this Agreement shall be interpreted in accordance with the City's Zoning Regulation Bylaw No. 80-159 (the "Zoning Bylaw").
- 1.4 The schedules attached hereto shall form an integral part of this Agreement.

#### 2.0 STREETSCAPE AND SERVICING IMPROVEMENTS

- 2.1 The Developer covenants and agrees to construct the streetscaping, frontage, landscaping and site servicing improvements that are generally depicted on the Elevation, Landscape and Site Plan included as part of Schedule "B", which obligation shall include the construction of such improvements on the Land and on the adjoining road allowance, as depicted on the Elevation, Landscape and Site Plan. Such improvements will include the provision of a separated cycle track on Pandora Avenue and the conversion of Cormorant Street to a two-way street with parallel parking, including all associated intersection improvements. However, the parties acknowledge that the Elevation, Landscape and Site Plan do not provide sufficient detail with respect to streetscaping, frontage, landscaping and site servicing improvements, which improvements are conceptual only, and therefore the Developer covenants and agrees to provide the following in connection with any Building Permit application (excluding an Excavation Permit) with respect to the Land:
  - (a) Detailed engineering plans showing all streetscape, frontage, landscaping and grade level improvements, including without limitation the cycle track, intersection improvements for Douglas/Cormorant and Blanshard/Cormorant associated with the conversion of Cormorant Street and all proposed finishing material and surface treatments;
  - (b) Detailed engineering plans showing all site servicing for the Land; and
  - Engineering plans confirming horizontal and vertical curb alignment existing and proposed;
  - all to the reasonable satisfaction of the Director of Engineering (collectively, the "Improvements").
- 2.2 In fulfillment of the intention of the City's Downtown Core Area Plan (2011), the Improvements required under section 2.1 shall include the placement underground of all overhead utility cables and wires that presently extend over the Land or the road allowance that is immediately adjacent to the Land.
- 2.3 The Developer and the City both acknowledge that the Improvements contemplate the construction of one or more bio-swales within the road allowance adjoining the Land, to provide treatment and management of storm water that would otherwise be captured by gutters and catch basins, from the public sidewalk and the roadway adjoining the Lands. The Developer shall be responsible for the maintenance of the bio-swales for a period of

- three (3) years following the issuance of an Occupancy Permit for Phase 2 of the development.
- 2.4 Prior to issuance of a Building Permit for any building or work on the Land, the Developer will:
  - (a) provide security in the form of a certified cheque or irrevocable letter of credit in an amount that is to the reasonable satisfaction of the Director of Engineering, as security for the Developer's obligations to construct the Improvements under sections 2.1 and 2.3 and to maintain the bio-swales as provided in section 2.3; and
  - (b) enter into a Construction Agreement with the City, in the City's standard form, respecting the construction of Improvements to the satisfaction of the Director of Engineering.
- 2.5 The Developer covenants and agrees to complete all the Improvements for the Development, to the reasonable satisfaction of the Director of Engineering, prior to issuance of an Occupancy Permit for any building on the Land.
- 2.6 Notwithstanding section 2.5, the City and the Developer agree that the Developer may extend the time for the completion of all or part of an Improvement where such extension is reasonably required to facilitate staging and access to a portion of the Land for development and construction purposes. The Interim Streetscape Condition Plan attached as Schedule "C" identifies the anticipated state of the Improvements following the completion of Phase 1. All the Improvements must be completed prior the issuance of an Occupancy Permit for any building in Phase 2.

#### 3.0 PHASE 2 – INTERIM HOARDING

- 3.1 In addition to the requirements of sections 2.1 and 2.3 and any other bylaws or regulations of the City, the Developer covenants and agrees to:
  - (a) install and maintain temporary hoarding on the portions of the Land intended to be developed as Phase 2 of the Development until such time as the construction of Phase 2 commences, to the reasonable satisfaction of the Director of Sustainable Planning and Community Development; and
  - (b) the design of the hoarding shall generally be as shown in Schedule D.
- 3.2 Prior to the issuance of a Building Permit for any building in Phase 1, the Developer agrees to provide security in the form of a certified cheque or irrevocable letter of credit in an amount equal to 120% of the cost estimate to install the temporary hoarding as security for the Developer's obligations to install and maintain temporary hoarding pursuant to section 3.1. The cost estimate is to be provided by a registered landscape architect or

- architect to the satisfaction of the Director of Sustainable Planning and Community Development.
- 3.3 Upon installation of the temporary hoarding pursuant to section 3.1 the City will release the security provided pursuant to section 3.2.

#### 4.0 HERITAGE MITIGATION MEASURES

- 4.1 The Development will result in the demolition of the former Royal Bank of Canada Building at 1501 Douglas Street which the parties agree has heritage value. The Developer has agreed to the certain mitigation measures as set out in the Heritage Building Report attached as Schedule E. The Developer covenants and agrees to salvage, store and reuse the building materials identified in the Heritage Building Report in the manner more particularly described in the Report. Without limiting the generality of the foregoing, the Developer will, at the Developer's sole cost and expense:
  - (a) Reuse and integrate into the Development the Peribonka Black Granite, Verdi Onicate Marble, Haddington Island Andesite Stone and Aluminum Panels (collectively, the "Heritage Materials") as set out in paragraphs 5.1.1-5.1.4 and Appendix E of the Heritage Building Report;
  - (b) Salvage and store the Heritage Materials as set out in paragraph 5.1.5 and Appendix E of the Heritage Building Report;
  - (c) Within 1 year of an occupancy permit being issued for Phase 1 of the Development, at the City's option, either:
    - (i) arrange for the holding of the Postwar Modernist educational exhibit as described in paragraph 5.2 of the Heritage Building Report, to the satisfaction of the Director of Sustainable Planning and Community Development; or
    - (ii) provide a \$15,000.00 donation to either the Victoria Civic Heritage Trust or the Victoria Heritage Foundation, to be utilized by the selected society as directed by Director of Sustainable Planning and Community Development;
  - (d) provide commemorative interpretive signage as set out in paragraph 5.3 of the Heritage Building Report, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4.2 If the City fails to provide written notice to the Developer of the City's election of one of the options referred to in section 4.1(c) prior to the issuance of an occupancy permit for Phase 1 of the Development, the City shall be deemed to have elected the donation option under section 4.1(c)(ii).

4.3 The Developer covenants and agrees that prior to applying for an occupancy permit for Phase 2 of the Development, it shall provide to the City written confirmation from Donald Luxton, or another registered professional acceptable to the City, confirming that the Heritage Materials have been reused and incorporated into the Development in accordance with this Section 4.0.

#### 5.0 LEED STANDARD

- 5.1 The Developer covenants and agrees that the Development shall be designed and constructed to, at a minimum, meet the LEED® Canada CS 2009 Gold standard.
- 5.2 In order to demonstrate compliance with section 5.1, the Developer covenants and agrees as follows:
  - to provide the City with evidence of the registration of the Development for LEED® certification with the Canada Green Building Council prior to the issuance of a Building Permit for the Development;
  - (b) not to commence any construction or development activities upon the Land until it has submitted to the City, for the City's review and approval, a report prepared by a LEED® Professional, demonstrating to the City's satisfaction that the design, specifications and other features of the Development are sufficient to substantially satisfy all prerequisites and credits required for LEED® Canada CS 2009 – Gold certification;
  - (c) it shall not use or occupy the Development, or permit its use or occupancy, for any purpose until it has submitted to the City for its review and approval a report prepared by a LEED Professional confirming that the Development has been constructed substantially in accordance with the design and specifications approved by the City under section 5.2(b).
- 5.3 For certainty, the Developer shall not be required to obtain certification from the Canada Green Building Council that the Development has attained LEED® Canada CS 2009 Gold project rating, it being the intention of the parties that the Development shall be designed and constructed such that it would be eligible for such certification if applied for. Notwithstanding the foregoing, if the Development is certified by the Canada Green Building Council, the Developer shall provide to the City a copy of the certification within a reasonable period of time.

#### 6.0 PARKING AND LOCKERS

6.1 The Developer covenants and agrees to provide a minimum of one hundred and forty (140) enclosed parking spaces below grade on the Land.

- 6.2 The Developer covenants and agrees to provide storage lockers for cyclists and bicycles as shown on the plans attached as Schedule B.
- 6.3 The parking spaces and storage lockers must be constructed and installed to the satisfaction of the Director of Sustainable Planning and Community Development in accordance with the plans attached as Schedule B prior to the issuance of an occupancy permit for any building on the Land.

#### 7.0 PUBLIC ACCESS

- 7.1 The Developer covenants and agrees that Phase 1 of the Development shall include:
  - (a) an outdoor plaza ("**Douglas Plaza**") fronting onto Douglas Street at the intersection with Pandora Avenue; and
  - (b) an internal atrium area ("Rotunda").
- 7.2 The Developer covenants and agrees that Phase 2 of the Development shall include a midblock walkway ("Mid-Block Walkway") along the easterly boundary of the Land connecting the street levels of Pandora Avenue and Cormorant Street, which walkway shall be at least 3.0 metres wide throughout with an average width of at least 3.7 metres.
- 7.3 The Douglas Plaza, Rotunda and Mid-Block Walkway shall be located as shown on Schedule F and constructed as generally depicted on the plans attached to this Agreement as Schedule B. Upon completion of the Douglas Plaza, Rotunda and Mid-Block Walkway, the Developer shall, in each case and at its sole cost and expense, cause a British Columbia Land Surveyor to prepare an explanatory or reference plan of statutory right of way in registerable form defining the actual as built boundaries of the Douglas Plaza, Rotunda and Mid-Block Walkway as constructed ("Specific Right of Way Areas").
- 7.4 Following the issuance of an Occupancy Permit for Phase 1 of the Development, the Developer covenants and agrees to allow public access to Douglas Plaza at all times and to the Rotunda during Regular Office Hours, provided however that notwithstanding the foregoing the Developer and those claiming authority through the Developer, and their respective agents may bar entry to or eject from Douglas Plaza and the Rotunda any member of the public who engages in undesirable behavior as more particularly described in the statutory right of way.
- 7.5 Following the issuance of an Occupancy Permit for Phase 2 of the Development, the Developer covenants and agrees to allow public access to the Mid-Block Walkway at all times, subject to the restrictions related to undesirable behavior as more particularly described in the statutory right of way.
- 7.6 The Developer agrees that prior to the issuance of an Occupancy Certificate for Phase 1 of the Development the public right of access and use of Douglas Plaza and the Rotunda shall

be secured by registration of statutory rights of way pursuant to section 218 of the Land Title Act in favour of the City in the forms attached hereto as Schedules G and H respectively. The statutory rights of way for each of the Douglas Plaza and Rotunda shall refer to the Specific Right of Way Areas as shown on the explanatory or reference plans referred to in section 7.3.

7.7 Prior to the issuance of a Building Permit for any building in Phase 2 of the Development, the Developer agrees that the public right of access and use of the Mid-Block Walkway shall be secured by the registration of a statutory right of way pursuant to section 218 of the Land Title Act in favour of the City, in the form attached hereto as Schedule I. The statutory right of way shall refer to the Specific Right of Way Area as shown on the explanatory or reference plan referred to in section 7.3 and shall include a covenant under section 219 of the Land Title Act to construct and maintain the Specific Right of Way Area. Notwithstanding the foregoing, if the Mid-Block Walkway has not been completed prior to the issuance of a Building Permit for the building in Phase 2, the parties agree to register a statutory right of way for an interim period over the easterly 5 metres of the Land and it shall include a provision allowing the Developer to suspend public access and utilize the right of way area during the construction of improvements on the Land. The parties agree that the interim statutory right of way shall be released following completion of the Mid-Block Walkway and on provision of a specific statutory right of way that refers to the Specific Right of Way Area.

#### 8.0 ENCROACHMENTS

8.1 The construction of the underground levels of the Development will require encroachments onto highways adjacent to the Land of which the City has use and possession to construct and maintain anchor rods and/or soldier pilings. Prior to the issuance of a Building Permit for the Development the Developer covenants and agrees to enter into Encroachment Agreements in the form and containing the terms and conditions set out in Schedule J.

#### 9.0 RESTRICTIVE COVENANT

9.1 Prior to the Public Hearing to be held by Council for the City in respect of the Rezoning Bylaw and the OCP Amendment Bylaw, the Developer shall provide an executed restrictive covenant to be registered against title to the Land, pursuant to section 219 of the Land Title Act, which incorporates the terms of this Master Development Agreement and is in the form attached as Schedule "K" to this Agreement (the "MDA Restrictive Covenant").

#### 10.0 ASSIGNMENT

10.1 Upon any transfer of the Land or portion thereof (the "Transferred Property"):

- (a) the Developer, the purchaser of the Transferred Property and the City will enter into an assumption agreement, satisfactory to the City, under which the purchaser shall assume all of the Developer's obligations outstanding under this Master Development Agreement with respect to the Transferred Property;
- (b) subject to receipt of such assumption agreement, the City shall release the Developer from the obligations so assumed; and
- (c) if the purchaser replaces any existing security relating to the Transferred Property, to the City's satisfaction, the City shall release a comparable portion of the security provided by the Developer.

#### 11.0 TERMINATION

- 11.1 Provided that the Developer complies with all the terms and conditions of this agreement and obtains an Occupancy Permit for all the aspects of the Development, the City covenants and agrees to discharge this Agreement and the MDA Restrictive Covenant from title to the Land.
- 11.2 If the City does not approve and pass the Rezoning Bylaw and the OCP Amendment Bylaw, the City covenants and agrees to discharge this Agreement from title to the Land and this Agreement shall be terminated.
- 11.3 If the City adopts the Rezoning Bylaws, but amends or repeals the Rezoning Bylaws without the consent of the Developer, before a Building Permit for the Development is issued, such that the Developer cannot lawfully construct the Development, the City covenants and agrees to discharge this Agreement from title to the Land and upon such discharge this Agreement shall be terminated.

# 12.0 DECLARATION OF DONATIVE INTENT, WAIVER AND RELEASE

- 12.1 Except as required under section 904 of the Local Government Act, British Columbia:
  - (a) the Developer acknowledges that the City, its officials, employees and agents, have not stated, held out or implied any expectation or requirement that the Amenities must be provided in order for the Developer's application to be approved; and
  - (b) the Developer hereby expresses its intention to donate the Amenities identified in this Agreement to the City as a gift, as amenities for the use and enjoyment of the public, without any expectation of payment or reward of any kind. The Developer further releases, waives and forever discharges the City from and against any claims, action, or causes of action, whether based in contract, tort or equity, for damages or losses, for the recovery of costs incurred, including legal expenses, or for unjust enrichment, in connection with the provision of those Amenities.

#### 13.0 PUBLIC BODY

- 13.1 Nothing contained or implied within this Master Development Agreement shall prejudice or affect the duties, rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, orders or regulations, all of which may be fully and effectively exercised in relation to the Land as if this Master Development Agreement has not been executed and delivered. Without limiting the generality of the foregoing, nothing in this Master Development Agreement shall be construed as affecting or influencing in any way the decision of Council for the City with respect to the adoption of the Rezoning Bylaw or OCP Amendment Bylaw.
- 13.2 Nothing in this Agreement shall relieve the Developer from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the development of the Land and of which the Developer are the owners at the relevant time. Without limiting the generality of the foregoing, the Developer shall remain fully responsible to ensure that the development of the Land is in full compliance with all requirements of the Bylaws of the City of Victoria respecting land development, zoning, heritage, subdivision and building construction.
- 13.3 Issuance of a Development Permit, Building Permit or Occupancy Permit does not warrant or guarantee satisfaction of these conditions in the Agreement.

#### 14.0 GENERAL PROVISIONS

#### 14.1 In this Agreement:

- (a) the headings and captions are for convenience only and do not form a part of this Agreement and will not be used to interpret, define or limit the scope, extent or intent of this Agreement or any of its provisions;
- (b) the word "including" when following any general term or statement is not to be construed as limiting the general term or statement to the specific items or matters set forth or to similar terms or matters but rather as permitting it to refer to other items or matters that could reasonably fall within its scope;
- (c) a reference to currency means Canadian currency;
- (d) a reference to statute includes every regulation made pursuant thereto, all amendments to the statute or to any such regulation in force from time to time and any statute or regulation that supplements or supersedes such statute or any such regulation;
- (e) a reference to time or date is to the local time or date in Victoria, British Columbia;

- (f) a word importing the masculine gender includes the feminine or neuter, and a word importing the singular includes the plural and vice versa;
- a reference to approval, authorization, consent, designation, waiver or notice means written approval, authorization, consent, designation, waiver or notice; and
- (h) a reference to Part means a Part of this Agreement and the word Section means a separately enumerated provision within a Part, and the words Section or Part followed by a number or some combination of numbers and letters refers to a Section or Part of this Agreement.

#### 14.2 Notice

If sent as follows, notice under this Agreement is considered to be received:

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

if to the City:

City of Victoria #1 Centennial Square Victoria, B.C. V8W 1P6 Attention: Director of Planning and Development Fax: 250-361-0386

if to the Developer:

Jawl Enterprises Ltd. 100 – 3350 Douglas Street Victoria, B.C. V8Z 3L1 Attention: Robert K. Jawl

Fax: 250-475-0339

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

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

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

#### 14.3 <u>Time</u>

Time is to be the essence of this Agreement.

#### 14.4 Binding Effect

This Agreement shall be a covenant registered under section 219 of the Land Title Act running with the Land and therefore will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees and successors in title, but shall be binding upon the Developer only during their ownership of the Land.

#### 14.5 Waiver

The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

### 14.6 Cumulative Remedies

No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

#### 14.7 Entire Agreement

This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date hereof with respect to the subject matter hereof and supersede all prior agreements and understandings among the parties with respect to the subject matter hereof and there are no oral or written agreements, promises, warranties, terms, conditions, representations or collateral agreements whatsoever, express or implied, other than those contained in this Agreement.

#### 14.8 Further Assurances

Each of the parties will do, execute or deliver or cause to be done, executed and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

# 14.9 Amendment

No amendment, waiver, termination or variation of the terms, conditions, warranties, covenants, agreements and undertakings set out herein will be of any force or effect unless they are reduced to in writing and duly executed by all parties to this Agreement.

# 14.10 Law Applicable

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

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

	VICTORIA by its authorized signatories:					
	3					
Mayor	A					
	i.					
Corpora	ate Administrator					
JAWL E	NTERPRISES LTD. by					
its auth	orized signatory:					
Robert	Jawl					

#### SCHEDULE "A"

#### NO. 14-102

#### A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CA-77 Zone, Douglas and Pandora Office District, and to rezone the lands known as 1515 Douglas Street and 750 Pandora Avenue from the CA-40 Zone, Pandora Office District and the CA-4 Zone, Central Area Commercial Office District to the CA-77 Zone, Douglas and Pandora District.

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

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1022)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption <u>PART 6 - CENTRAL AREA ZONES</u> by adding the following words:

"6.89 CA-77 Douglas and Pandora Office District".

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 6.88 the provisions contained in Schedule 1 of this Bylaw.
- The lands known as 1515 Douglas Street and 750 Pandora Avenue, legally described as Lot 1 of Lot 1247, 1248 and 1257, Victoria City, Plan EPP27886 and shown hatched on the attached map, are removed from the CA-40 Zone, Pandora Office District, and the CA-4 Zone, Central Area Commercial Office District, and placed in the CA-77 Zone, Douglas and Pandora Office District.

READ A FIRST TIME the	day of		2014
READ A SECOND TIME the	day of	ê	2014
Public hearing held on the	day of		2015
READ A THIRD TIME the	day of		2015
ADOPTED on the	day of		2015

CORPORATE ADMINISTRATOR

MAYOR

# Schedule 1 PART 6.89 – CA-77 ZONE, DOUGLAS AND PANDORA OFFICE DISTRICT

## 6.89.1 Development Areas

This Zone is divided into Development Areas A and B, as shown on the map attached as Appendix A.

# 6.89.2 General Regulations

- a. The regulations contained in Parts 6.89.3 to 6.89.7 apply in both Development Area A and Development Area B.
- b. The regulations contained in Parts 6.89.8 to 6.89.11 apply in Development Area A only.
- c. The regulations contained in Part 6.89.12 to 6.89.16 apply in Development Area B only.
- d. For the purposes of calculating <u>floor space ratio</u> in this Part 6.89, each Development Area shall be considered a separate lot.
- e. For the purposes of calculating <u>Open Site Space</u> and <u>Site Coverage</u> in this Part 6.89, each Development Area shall be considered a separate <u>lot</u>.

#### 6.89.3 Permitted Uses in this Zone

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

- a. The production and sale of bread, cakes and other bakery products provided that:
  - such products are at all times during normal business hours offered for sale by retail on the same premises
  - ii. not less than 10% of such bakery products are in the ordinary course of business sold by retail on the premises
  - iii. the building or buildings used for such purposes do not occupy more than 650m<sup>2</sup>
- b. Financial Services
- c. Medical office
- d. Office
- e. Multiple dwelling
- f. Transient accommodation and transient accommodation accessory uses
- g. Rental business
- h. Restaurant
- i. Kindergarten
- Theatres, auditoriums, gymnasiums and other places of recreation or worship
- Retail sales, other than gasoline and automotive fuels

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

#### Schedule 1

# PART 6.89 - CA-77 ZONE, DOUGLAS AND PANDORA OFFICE DISTRICT

- Drycleaning or clothes pressing or both, provided that:
  - i. the <u>building</u> or part of a <u>building</u> used for this purpose does not comprise more than  $279m^2$
  - ii. no clothes are drycleaned or pressed unless they have been delivered to the premises by the customer
- m. Clubs
- n. <u>Hospitals</u>, private hospitals, nursing homes, intermediate care facilities and community care facilities
- o. Public Building
- p. High tech
- q. Call centre
- r. Home occupation subject to the regulations in Schedule "D"

#### 6.89.4 Location of Permitted Uses

<u>Dwelling units</u> may only be located on the second or higher storeys of a <u>building</u>

#### 6.89.5 Lot Area

Lot area (minimum)

2,785m<sup>2</sup>

# 6.89.6 Number of Buildings and Development Area Boundary

Notwithstanding section 19 of the General Regulations of the Zoning Regulation Bylaw.

- a. A lot may contain more than one building
- b. A building may straddle a lot line or a Development Area boundary

### 6.89.7 Vehicle and Bicycle Parking

a. <u>Multiple dwelling</u> (minimum)

0.7 spaces per unit

<u>Transient Accommodation</u> (minimum)

0.5 spaces per unit

Bicycle parking (minimum)

Subject to the regulations in Schedule "C" of the Zoning Regulation Bylaw

d. Parking may be located on any <u>lot</u> within this CA-77 Zone regardless of the <u>lot</u> where the parking is actually required, provided it is secured by an easement and a covenant in

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

# Schedule 1 PART 6.89 – CA-77 ZONE, DOUGLAS AND PANDORA OFFICE DISTRICT

accordance with Schedule "C" of the Zoning Regulation Bylaw.

e. A parking stall may be bisected by a lot line.

# Development Area A

#### 6.89.8 Community Amenities

As a condition of additional density pursuant to part 6.89.9.b, the following amenities must be provided:

- a. 140 enclosed parking spaces below grade, in addition to the parking requirements contained in Part 6.89.7
- b. 34 storage lockers for use by cyclists
- c. 34 Class 1 bicycle parking stalls

0000	Floor Space Ratio, Floor Ar	
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	THE RESTRICTION OF STREET AND THE RESTRICTION OF THE PARTY.	

a.	Floor space ratio where the amenities have not been	2,91:1
	provided pursuant to part 6.89.8 (maximum)	

- b. Floor space ratio where the amenities have been provided pursuant to part 6.89.8 (maximum)
- c. Of the <u>total floor area</u>, the floor <u>area</u> permitted for residential use (maximum) 7,468m<sup>2</sup>
- d. Up to 258m² of floor <u>area</u> dedicated for use as a mechanical equipment room on the upper most <u>storey</u> of a <u>building</u> shall be excluded from the calculation of floor <u>area</u> in Parts 6.89.9 a., b. and c.

#### 6.89.10 Height

Principal building height (maximum)

29m

# 6.89.11 Site Coverage and Open Site Space

a. <u>Site Coverage</u> (maximum) 78%

b. Open site space (minimum) 20%

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

# Schedule 1 PART 6.89 – CA-77 ZONE, DOUGLAS AND PANDORA OFFICE DISTRICT

#### Development Area B

## 6.89.12 Community Amenities

 As a condition of additional density pursuant to part 6.89.13.b, the following amenity must be provided:

A pedestrian walkway open to the public that:

- i. connects the street levels of Pandora Avenue and Cormorant Street
- ii. is at least 3m wide throughout
- iii. has an average width of at least 3.7m
- iv. is secured by a statutory right of way and covenant under sections 218 and 219 of the Land Title Act (British Columbia)

# 6.89.13 Floor Space Ratio, Floor Area

- Floor space ratio where the amenity has not been provided pursuant to part 6.89.12 (maximum)
- b. Floor space ratio where the amenity has been provided pursuant to part 6.89.12 (maximum) 5.88:1
- c. Up to 400m² of floor <u>area</u> dedicated for use as a mechanical equipment room on the upper most <u>storey</u> of a <u>building</u> shall be excluded from the calculation of floor <u>area</u> under Parts 6.89.13 a, and b.

### 6.89.14 Height

Principal building height (maximum)

56.5m

2.86:1

#### 6.89.15 Setbacks

Side yard setback from interior lot lines (east) (minimum)

5m

# 6.89.16 Site Coverage and Open Site Space

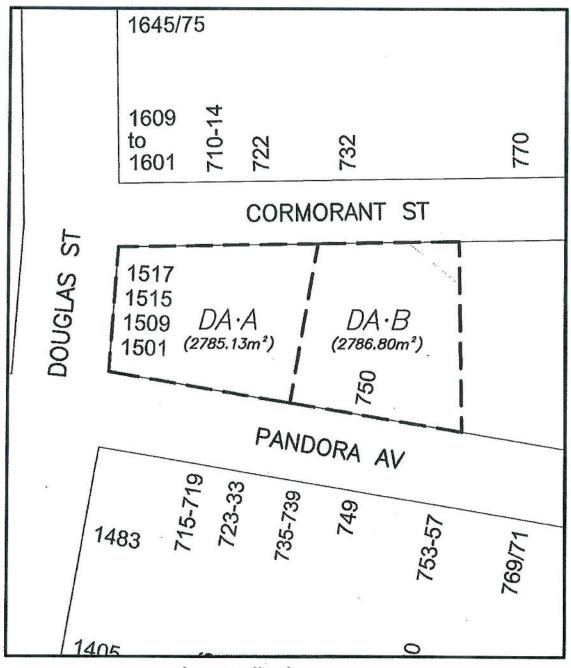
a. Site Coverage (maximum)

61%

b. Open site space (minimum)

36%

Schedule 1
PART 6.89 – CA-77 ZONE, DOUGLAS AND PANDORA OFFICE DISTRICT





Appendix A

Development Areas

CD-77 Zone, Douglas and Pandora Office District



#### NO. 14-103

#### A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan by removing guidelines that apply to development in Development Permit Area 2(HC): Core Business.

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

- This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 9)".
- Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended in Appendix A: Development Permit Areas and Heritage Conservation Areas, DPA 2(HC): Core Business, in Section 5. Guidelines by striking out the following:

"Urban Design Guidelines for Proposed Subdivision and Rezoning of the 700 Block Pandora/Cormorant Street, and 1520 Blanshard Street.".

READ A FIRST TIME the	day of		2014.
READ A SECOND TIME the	day of		2014.
Public hearing held on the	day of		2015.
READ A THIRD TIME the	day of	•	2015.
ADOPTED on the	day of		2015.

CORPORATE ADMINISTRATOR

**MAYOR** 

