

May 17, 2019

Mayor and Council
 City Hall
 1 Centennial Square, Victoria BC
 V8W AP6

Re: 1008 Pandora [BP053228] – Air Space Parcel Subdivision Rezoning Application

Dear Mayor and Council,

We are writing to apply for an air space parcel subdivision rezoning for our project currently under construction at 1008 Pandora Avenue (BP053228). While the building is nearing completion, we propose a text amendment to the rezoning bylaw to allow for its air space parcel subdivision.

The building is comprised of residential dwelling units for rental purposes and commercial units at grade. Our rezoning application proposes subdividing the land by way of air space parcel subdivision to create 7 total parcels. As outlined in our air space parcel subdivision draft plan, the commercial component will be contained within Air Space Parcels 1-6 and the residential retail component will be contained within the Remainder. The following table outlines our proposed air space parcels and remainder:

Proposed Air Space Parcels		
Name	Description	Location
Air Space Parcel 1 – Retail Unit	CRU 1 and retail corridor	Level 1
Air Space Parcel 2 – Retail Unit	CRU 2	Level 1
Air Space Parcel 3 – Retail Unit	CRU 3	Level 1
Air Space Parcel 4 – Retail Unit	CRU 4	Level 1
Air Space Parcel 5 – Retail Unit	CRU 5	Level 1
Air Space Parcel 6 – Retail Parking, Entry Plaza, Grocery Store	A portion of Level P2, Commercial Elevator 1 (north), and retail parking located on Level P1. Commercial Elevator 1 (north), parkade entry, CRU 6 (grocery store), entry plaza, and loading area located on Level 1. CRU 6 (grocery store; double-height space), mezzanine retail office, and loading area (double-height space)	Level P2, Level P1, Level 1, Level 1A
Remainder Lot	The Remainder Lot will incorporate Buildings A and B residential component, associated residential parking located on Level P2, and remaining portions of Levels P1 to	Level P2, Level P1, Level 1, Level 1A, Level 2, Level 3, Level 4, Level 5, Level 6, Roof Level

	P2 not previously identified in Air Space Parcels 1 to 6.	
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Our reasoning for pursuing the air space parcel subdivision is to provide us with additional flexibility to enter into agreements with the commercial units in the same manner as one would with any other piece of land; after subdivision, they could be transferred, leased, mortgaged, etc. In addition, the creation of air space parcels allows us to determine the proportional share of building maintenance costs to be shared amongst the commercial units. The air space parcel subdivision would therefore have no real impact on the surrounding neighbourhood and only has implications to the legal treatment of the land. No changes to any physical aspects to the building are proposed.

During our meeting with the North Park Community Association Land Use Committee (CALUC) on May 15th, our rezoning proposal for air space parcel subdivision was presented. The primary concern voiced by the community concerning the air space parcel subdivision revolved around BlueSky Property's ability to sell the individual air space parcels if the air space parcel subdivision rezoning were approved. Although it was not clear what was especially problematic about this scenario, it is certainly the case that post air space parcel subdivision, a sale of a CRU could occur. We did explain to the CALUC that there were practical reasons for pursuing an air space parcel subdivision. Specifically, if our objective were simply to sell the commercial units on an individual basis, we could also have chosen to strata subdivide the CRU's and not have pursued an air space parcel rezoning. This approach would however entail challenges for any CRU tenant in that they would need to participate as part of the building strata corporation and necessarily need to abide by strata laws, attend strata meetings, etc. From an operational standpoint, CRU tenants prefer the operational certainty which an air space parcel subdivision grants them over variability of dealing with a strata.

Thank you for your consideration of this rezoning request. We look forward to working closely with the Mayor and Council towards the approval of this rezoning application.

Sincerely,



Philippe Lew, Development Manager
BlueSky Properties