

April 17th, 2025

City of Victoria
No.1 Centennial Square
Victoria BC
V8W 1P6

**Attn.: Mr. Miko Betanzo, MCIP, RPP, MRTPI
Senior Planner**

Re: 741 Fisgard Street (1620 Blanshard Street), Staff Feedback Response

Dear Mr. Betanzo,

Thank you for providing the City of Victoria staff comments regarding the application for Rezoning and Development Permit for 741 Fisgard Street. This letter is provided in addition to the Letter to Mayor and Council, as a specific item by item response to the staff comments and Plan Check issued November 5th, 2024.

1 Development Services

1. Comment: This application includes a request to amend or discharge an existing Master Development Agreement (MDA). It is recommended that the MDA be discharged and that separate legal agreements secure any commitments offered or required associated with this application. As such, please amend the letter to mayor and council to identify either a request to discharge the MDA or what amendments are being sought.
 - 1 Response: It is the applicant's intention to deliver on all density bonus conditions enshrined in the 2018 Zoning Bylaw; 3.7m public walkway from Fisgard through to the Southern property boundary, 2m SRW on Blanshard Street, \$350,000 public art contribution and \$100,000 to the City's Housing Reserve Trust Fund. Additionally, it is the intention of the applicant to update the MDA through either a discharge and new agreement or amendment of the existing, in order to align the agreement with the current Application.
2. Comment: Legal agreements will be required to secure: i. the mid-block pathway, ii. public realm contributions, iii. a 2.0m Statutory Right of Way (SRW) along the Blanshard Street frontage, iv. the proposed unit types, v. TDM measures, vi. 2.0m SRW on Fisgard, vii. Sanitary Attenuation.

Response: Acknowledged
3. Comment: An OCP amendment is required to permit a greater than 3:1 FSR residential density at this site.

Response: The rezoning application has been updated to include an OCP amendment



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4. Comment: It is assumed that this application is for market, strata condominium, however, please confirm, in your revised letter to mayor and council, the form of tenure proposed. Applicants are encouraged to provide at least 10% of the proposed units as affordable. If affordable units are not being proposed, a cash-in-lieu contribution would be sought per the Inclusionary Housing and Community Amenity Policy. Please confirm if affordable units are proposed or if a cash in lieu contribution will be offered. Please note also that the city encourages all applicants to consider including affordable housing and/or rental housing secured by legal agreement.

Response: A final determination on the form of tenure has not yet been determined and will be confirmed through design development and detailed costing. For purposes of analysis, it should be assumed the application will take the form of Strata Condominium. It is the intent of the Applicant to follow the Inclusionary Housing and Community Amenity Policy.

5. Comment: A density of 7.6:1 FSR is permitted on this site, subject to a number of conditions being met (density bonus provisions). These density bonus provisions have not been met, therefore the rezoning request is considered as a request to rezone the site from a 3:1 FSR to the proposed density. Notably, the proposed density is greater than identified on the submitted plans, as elevator shafts are not excluded from the floor area calculation (please see the zoning plan check). Roughly, the proposed density is 7.8:1 FSR, meaning that a land lift analysis would compare the residual land value of a 3:1 FSR strata residential building with ground floor commercial uses to the residual land value of a ~7.8 FSR residential building with ground floor commercial uses. Alternatively, the city may opt to utilize the per/square foot Inclusionary Housing and Community Amenity Policy values to determine the applicable CAC.

Response: The updated submission maintains the 7.6:1 FSR

6. Comment: Plan changes are required to be consistent with the Family Housing Policy. A mix of units per the below is required- which the City will be looking to secure via a legal agreement.
- For Strata developments: A minimum of 30% of dwelling units shall contain two- or more bedrooms, with a minimum of 10% of total dwelling units containing three- or more bedrooms.
 - Junior two-bedroom units (i.e. units with one-bedroom plus a den with closet) do not count towards minimum unit requirements. Similarly, junior three-bedroom units only count as two-bedroom units.
 - Alternative live-work units with dedicated workspaces may be considered in lieu of meeting the Family Housing Policy.

Response: 6 three bedroom units have been added to the program (4% of the total). The overall unit mix provides 35 two and three bedroom units (22% of the total)

7. Comment: In your revised letter to mayor and council, please provide a rationale and a formal request to amend the OCP. Currently the OCP envisions this site to be preserved for commercial uses with a maximum residential density of 3:1 FSR. In the rationale, please identify what features of this site make it appropriate for residential uses, over and above commercial or office uses.

Response: Acknowledged. The updated letter to Mayor and Council requests an amendment to the OCP and outlines our rationale for the proposed change of use.

8. Comment: Given the requested conversion of employment capacity to residential, additional co-working spaces or units with dedicated workspaces is encouraged to strengthen the rationale for the departure from the employment focused OCP vision for the site.

Response: The building is proposing 79m² of dedicated co-working amenity space to accommodate this use. This communal area is in addition to the large number of den spaces incorporated into the unit mix.

9. Comment: Generally, this application is consistent with the form, scale, character and massing described within the Downtown Core Area Plan (DCAP)- with a few exceptions as identified below.

10. Comment: Please consider additional outdoor spaces (balconies) for the units or provide a rationale for their omission.

Response: The updated letter to mayor and council details our rationale for providing substantial communal outdoor spaces at multiple locations throughout the building as a more functional and versatile alternative to individual balconies.

11. Comment: To enable/ support large canopy trees on Blanshard St. it is recommended that the podium be shifted west or that its overhang be reduced (see Parks comments). An overhang above the mid-block access is preferable to an overhang on the Blanshard frontage.

Response: The east face of the podium has been shifted west 2320mm. The setback has increased from 1550mm to 3870mm. The north face of the podium has been shifted south 900mm. The setback has increased from 1550mm to 2450mm.

12. Comment: Please provide a plan that identifies the landscaping and building locations of the properties to the west and south of the subject property to illustrate how the mid-block pathway is coordinated with the existing design of this pathway/ the sidewalk and pedestrian network, and the general context of the area. Plan revisions may be required to better coordinate this access, provide for CPTED measures and to ensure the desired function of the mid-block pathway.

Response: Acknowledged

13. Comment: It is unclear if the pattern on the perforated metal screen at the building's NE corner (on the podium) is a place holder or if this is the proposed design. Please confirm. Additional design consideration/ coordination with the architecture/ context should be given to the design if this is the intended final appearance.

Response: The updated submission details our proposed design for the podium and screening element

14. Comment: The design guidelines speak to building glazing/ fenestration patterns that reflect the form and character of Victoria, reduce building repetition, and minimize bird strike conflict. To this end, it is recommended that a higher solid to void fenestration ratio be explored, solid vertical elements be introduced and/or reflective spandrel locations be replaced with solid building elements equal in weight/ appearance to the architectural concrete that horizontally defines the storeys.

Response: The updated submission includes refinements to the podium that emphasize the frame around the perimeter, extending it across the top and bottom of the feature screen, echoing the bands in the tower. This creates a unified base which offers more cohesion between the design expression of the podium and tower. The tower glazing has been revised to narrow the width of individual glazed units, adding a finer grain to the tower façade and reinforcing its vertical expression as counterpoint to the horizontal lines of the podium and screen. Additionally, the horizontal dimension of the skygardens

was reduced to further reinforce the vertical expression of the tower form. We look forward to review and potential further comment from Advisory Design Panel.

15. Comment: The continuity of the architectural parti is recognized insofar as the inclusion of the “floating building terminus/facia” (at the upper most level) however, this design features appears to emphasize the height of the building as opposed to diminish its presence as the building rises, per the design guidelines. As such, it is encouraged that this element of the design be reconsidered.

Response: The updated submission includes refinements to the terminus facia and eliminates the floating frame at the south west corner penthouse to reduce the sense of overhang and strengthen the expression of the north east corner of the tower. We look forward to review and potential further comment from Advisory Design Panel.

16. Comment: Please provide street level view looking south on Blanshard from ~ the mid block point on Blanshard between Fisgard and North Park- AND from the mid block point on Fisgard street, between Blanshard and Quadra Street (looking west).

Response: The updated submission includes rendered perspectives from these two views.

17. Comment: NOTE: The Plan Check for the proposal has outstanding issues/ missing/ or incorrect information. Please ensure that your resubmission addresses these items. If you need clarification on any of the items contained in the Plan Check, please contact the Zoning Administration staff as noted on the Plan Check.

2 Engineering and Public Works Department

1. Comment: **Letters of Engagement** (Client-Engineer agreements): Please provide to the City letters of engagement (or Client-Engineer) agreement for all disciplines involved in works within the right-of-way. This should include (at minimum) the Civil Engineering consultant, Landscape consultant, Electrical consultant and others as necessary. The consultants engaged should provide a letter (agreement) which fully outlines their scope of engagement, and may also include items for which they are not engaged. The developer is responsible to ensuring that the consultants provide this concurrent with the resubmission.

Response: This documentation is not identified in the submission checklist. Please clarify the intent of the request.

2. Comment: The present design creates an overhead encroachment over the NE corner of the right-of-way. Should this encroachment remain, an agreement is required. This may be considered with rezoning, and is required to be affirmed prior to the issuance of Building Permit. The City will require communication direct from BC Hydro and/or the Electrical team on the project (where transformation is within building).

Response: Acknowledged.

3. Comment: BC Hydro - service has been shown as an extension of Underground Electrical conduit. There has been no space set-aside for transformation outside of the building.

Response: BCH has been engaged in the design process but have not yet provided design drawings. Drawings will be updated as necessary once BCH design is available.

4. Comment: Please, either:

- Confirm that the developer intends to transform within the building (if/as required) OR

- That there has been appropriate space set-aside within the lands to facilitate transformation to the satisfaction of BC Hydro.

Response: The updated submission reflects design discussions with BCH and includes dedicated space for an onsite transformer at the P1 level

5. **Comment:** The Northeast corner of the foundation is at the Property Line. Please confirm that no below-grade trespass INFO: Please note that a construction encroachment agreement may be necessary.

Response: A construction encroachment agreement will be requested if necessary.

6. **Comment:** 2.0m SRW along Blanshard Street & potential SRW on Fisgard St frontage (please see transportation comments for details).

Response: The updated submission indicates the required 2.0m statutory right-of-way at Blanshard. Potential SRW on Fisgard to be determined.

7. **Comment:** All TDM measures as requested by the Transportation Department to the satisfaction of the Director of Engineering **Response:** Acknowledged.

8. **Comment:** The Requirements of the Sanitary Attenuation Report be secured (if necessary) and be registered in a legal agreement.

Response: Acknowledged.

9. **Comment:** The applicant is financially responsible for frontage works to the centreline of the road to current City of Victoria standards (i.e., at the time of Building Permit), as per the Victoria Subdivision and Development Servicing Bylaw, and to the satisfaction of the Director of Engineering and Public Works.

Response: Acknowledged.

10. **Comment:** The Civil designer must show all existing survey monuments on all plan submissions (including 3rd party design / utility submissions) and is to note those monuments that will be impacted by the development and associated works. Any monument located within 0.5m of an area of works is to be considered destroyed. As per Bylaw 22-028; the City will charge the developer \$2,000 per impacted monument as a fee at the time of Building Permit (non-refundable). Please ensure that the Civil submission drawings include existing monument locations.

Response: Acknowledged

11. **Comment:** If anchor pinning is required to facilitate the excavation, an encroachment agreement will be required prior to excavation permit.

Response: Acknowledged.

12. **Comment:** A visibility safety assessment is required for the proposed screen on Fisgard/Blanshard frontages to confirm intersection visibility is not compromised. In addition, confirmation of above ground existing or future conflicts are to be considered, such as street lighting, trees, etc.

Response: Acknowledged.

13. **Comment:** Applicant is to identify operations and provide an area with the property bounds to allow for refuge operations, utilization of the public right of way is not permitted due to safety impacts to the public realm.

Response: Acknowledged.

14. Comment: Sheet A9.01 identifies footing extending past property line, a revision to the design to contain footings within property bounds is required.
Response: The updated submission eliminates the encroachment. Footing design will be finalized during subsequent Design Development
15. Comment: Staff have developed a conceptual frontage concept to provide the applicant with further guidance on meeting the City's mobility and urban forest goals along the proposed frontages. Plan revisions are required to reflect frontage design evolution.
Response: The updated submission reflects the design concept provided by parks and transportation and addresses the City's mobility and urban forest goals. As per Bylaw No. 12-042, street trees have been added to both street frontages in locations where infrastructure was not present. Other planting areas were investigated but had infrastructure conflicts.
16. Comment: Staff recommend improved access to the bicycle parking room and further information. Interior entrance configuration appears challenging for maneuverability, consider improving with a more direct entry path.
Response: All bike parking, including the indoor secure parking area, is located at grade to provide maximum accessibility. Additionally, access to the secure bike parking area is provided from both Fisgard Street and the pedestrian path along the west property line.
17. Comment: Confirmation if access to bicycle room is available from exterior door.
Response: Access into the secure bike parking area is provided directly via an exterior door from the pedestrian path at the west property line.
18. Comment: Double stacked bicycle racks were identified within the bicycle parking room, please confirm product spec type (Urban Racks, Duro, Saris for example) noting recommendations for criteria to be met; Assist mechanism, clear vertical height clearance, locking capabilities.
Response: To be confirmed prior to Committee of the Whole.
19. Comment: Staff recommend meeting the minimum requirements for accessible and van accessible on-site parking.
Response: Parking provisions are addressed in the traffic report
20. Comment: An off-site electrical drawing identifying required traffic signal replacement, street lighting, pedestrian lighting, conduit and junction boxes is required.
Response: To be confirmed prior to Committee of the Whole.
21. Comment: Building Permit conditions will include requirements that the applicant is financially responsible for frontage restoration of damaged curb, gutter, sidewalk, street lighting, drainage, asphalt, and boulevard to current City of Victoria standards.
Response: Acknowledged
22. Comment: Please review comments on the Civil Services plans. Many comments refer to Saanich crews, the development is located in the City of Victoria.
Response: The updated submission adds notes to appropriately identify CoV works vs. Contractor works.
23. Comment: City crews will only cut and cap abandoned water services, at developer's expense. Sanitary sewer and storm drain capping are the responsibility of the applicant.

Response: Acknowledged

24. Comment: Please provide sizes and dimensions from nearest property line for all proposed services. Provide required depths of the sanitary sewer and storm drain at property line.

Response: The updated submission adds dimensions as noted

25. Comment: Existing fire hydrant may interfere and it is not shown.

Response: The updated submission identifies and locates the existing hydrant.

26. Comment: Water services cannot be installed within driveway crossings.

Response: Water/Sewer/Drain services have been retained within the driveway access to allow adequate space for requested trees/soil volumes.

27. Comment: A sanitary attenuation report is required. If attenuation is required, it must be shown on the plans prior to Committee of the Whole and staff will recommend that Council secure the commitment to attenuation through a legal agreement registered on title prior to final approval of the rezoning.

Response: To be provided in advance of Building Permit submission

28. Comment: For Information prior to Building Permit Submission/Approval:

- The details of the approved Sanitary Attenuation report will be required to be met.
- The applicant is required to retain the services of a Qualified Professional for any project requiring excavation and disposal of any volume of soil for the purpose of characterizing the soil and determining a suitable disposal facility. The soil assessment must include samples from proposed service trench locations, with a report to be provided to the City. This is required to allow the City to provide the most accurate estimate and to install the new services most efficiently. Additionally, soil from a property with a current or former BC CSR Schedule 2 Activity must comply with provincial soil relocation requirements, including the one-week notification period prior to soil relocation.

Response: The Applicant is unable to undertake soil assessments on property that is not theirs. The owner of the offsite property (The City) should be responsible for assessing soil conditions.

29. Comment: Please delineate the areas being directed to the rain gardens, and any runoff being directed to the proposed green roof areas, to demonstrate that there is sufficient capacity to manage roof runoff. The City's Rainwater Management target is 32 mm / 24 hours. Refer to Rainwater Management Standards for design details and sizing requirements.

Response: The updated submission identifies areas being directed to rain gardens with delineated and calculated storage capacity shown.

30. Comment: For the proposed rain garden in the boulevard on the Fisgard frontage, please design with a curb wall to prevent public access. The curb wall facing the sidewalk could incorporate seating.

Response: The updated submission shows the rain garden on Fisgard frontage with a curb wall to prevent public access.

31. Comment: The property owner may be eligible for financial incentives if the designs meet requirements as per the City's Rainwater Management Standards.

Response: Acknowledged.

32. Comment: Please include a rainwater management plan with design details, sections, and product specifications for site rainwater management, demonstrating how the design meets the City of Victoria Rainwater Management Standards, and achieves the rainwater management target.

Response: The updated submission includes a schematic rainwater management plan. A more detail plan will be provided in advance of the Building Permit application.

3 Parks Division

1. Comment: The Urban Forest Master Plan aims to enhance and expand Victoria's urban forest while maximizing the community benefits of trees across all neighborhoods. The Subdivision and Development Servicing Bylaw No. 12-042 requires street trees to be planted along the frontage of new developments. The Downtown Core Area Plan includes policies to create tree planting locations with sufficient soil volume and overhead space.

Response: Acknowledged.

2. Comment: Currently, the Downtown Core Area has relatively low canopy cover compared to other neighborhoods in Victoria. The frontages along Fisgard Street and Blanshard Street present an opportunity to improve the public realm by adding new boulevard trees. However, the current proposal limits which tree species could be supported at maturity due to the presence of underground utilities, the proposed extent of the underground parkade, and building overhangs and awnings. Parks recommends the following changes be explored:

- Remove all below and above ground infrastructure not associated with City required frontage works from the SRW (parkade, building including overhang, etc.)
- Please setback the parkade 5 m from proposed boulevard trees. Providing setbacks from boulevard trees allows for enhanced soil volumes and may prevent future conflicts with the parkade membrane.
- Reduce or remove the cantilevered portions of the building along the Fisgard and Blanshard frontages within the first five levels of the building.
- Relocate existing and proposed underground servicing within or adjacent to proposed boulevard and tree planting areas.
- Please reflect soil cells for all proposed municipal trees, soil volume required is to be determined and will range from 15 m³ to 30 m³ per tree.

Response: The updated submission identifies a total of five locations where trees could be planted in the streetscape given the constraints from other underground utilities. Three trees to be located in the Blanshard Street boulevard and two additional trees in the proposed Fisgard Street planting area. The Blanshard Street Trees are planted over 6m away from the underground parkade and almost 10m from the building face or screen face. The trees on Fisgard on planted 3m away from the underground parkade, 4.6 m from building/screen face, and 2 to 2.8 m from buried utilities. A flexible root barrier could be installed along the southern edge of the excavation to prevent root migration towards the building. There is a minimum of 15 cu.m. per tree in either planter in the boulevard. The tree at the corner of Blanshard and Fisgard is a Shademaster Honeylocust. This will grow up too and interact with the screen above (Elevation of 8m) The tree will be trained to grow on each side of the screen.

3. Comment: Landscape Plan:

- Reflect tree species for all proposed trees on the frontages as TBD by the Parks department at BP stage.
- Trees on the Blanshard St. median should be in grates. Please refer to the Transportation conceptual design for median details.

- Both municipal trees on Fisgard St. should be in grates. The area adjacent to the intersection will be too narrow to support trees in raingardens.

Response: The updated submission identifies the tree species for frontages as “TBD by Parks Department”.

4. Comment: Tree Minimum:

- The scope of work triggers the requirement to meet the tree minimum as outlined in schedule “F” of the Tree Protection Bylaw 21-035. Tree minimum based on the lot size of 1760 m squared is nine [9].

Response: Acknowledged. This proposal includes 7.5 trees (or 7 trees as per City guidelines) which count towards the tree minimum. Site and weight constraints limit the addition of more replacement trees that meet soil volume and planter size requirements. Additional trees will be accounted for as cash in lieu.

5. Comment: Replacement Tree Plan:

- Applicant must provide a Replacement Tree Plan. The Plan must meet the requirements outlined in Schedule “E” of the Tree Protection Bylaw 21-035.
- Careful consideration should be given to proposed tree species, crown spread at maturity and growing requirements. Please ensure proposed trees meet all requirements outlined in Schedule “E” regarding siting, soil volume, spacing, species, etc.
- Note: Several proposed trees on Landscape Plans appear to be unsuitable as replacement trees due to several factors, including proximity to property lines, hardscape, and underground infrastructure, and limited soil volume.

Response: The updated submission includes a tree replacement plan that meets the requirements stated in Schedule “E” of Tree Protection Bylaw 21-035.

6. Comment: Civil Plan:

- Subdivision and Development Servicing Bylaw No. 12-042 recommends a minimum of 3 m clearance from municipal trees to sanitary and stormwater lateral services to prevent future conflicts. Please revise plan accordingly.
- Please reflect a separate water service connecting to irrigation for all municipal trees and turf.
- Relocate existing and proposed underground servicing within or adjacent to proposed boulevard and tree planting areas.

For awareness, the City of Victoria has recently purchased two adjoining properties across Blanshard Street to create a new downtown park. The approximately 25,000 square foot site at 1703 and 1725-1745 Blanshard Street will introduce green space in a rapidly growing urban area.

Response: The updated submission proposes tree species, siting, spacing, and soil volume requirements as outlined in Schedule “E” of Tree Protection Bylaw 21-035

4 Permits and Inspections Division

1. Comment: This is a onetime mention that the owner and registered professionals ensure the building or building related items will not sway over the Property line in the case of a seismic event as per 4.1.8.14. (1) of the BCBC.

Response: Acknowledged. Detailed structural design to be completed during Design Development

2. Comment: Items that may be addressed at the time of the building permit application:
- The exit shown on sheet A 0.51 on the main floor at CRU 1 appears to require protection of exit as per 3.2.3. of the BCBC.

Response: The updated submission includes a revised lobby and exiting path.

5 Fire Department Comments

1. Comment: Noted for BP

Installation of BDA's (bi-directional amplifiers) is required. During the design process, space/ area provisions for signal boosters should be planned for. Typically, this involves 1.5m x 1.5m wall space in an equipment room, a 53mm conduit to the roof from the equipment room and conduits to each of the levels identified by your approved designer for the installation of antennas. Provide documentation of either design or commitment to install by qualified electrical engineer at building permit submittal.

These systems are also part of the integrated systems testing required for final occupancy.

It is best practice to engage one of the approved contractors that provide this equipment in our area. They should be able to provide any information that is required.

Response: Acknowledged

2. Comment: Noted for BP

Fire department connection must be installed on the address side of the building, within 45 meters of a hydrant and in a location acceptable to the fire department and where it will not impede exit access/ egress.

Response: Acknowledged. The updated submission includes a revised lobby layout with fire department connection addressing Fisgard Street

Thank you for providing these comments. We appreciate the feedback which goes to the betterment of the project. If you have additional questions, please feel free to contact the applicant.

Sincerely,

CASCADIA ARCHITECTS INC.



Peter Johannknecht, Architect AIBC, RAIC, CPH,
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