



AMENDED AGENDA
PLANNING AND LAND USE COMMITTEE
MEETING OF FEBRUARY 6, 2014, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE

Page

CALL TO ORDER

APPROVAL OF AGENDA

CONSENT AGENDA

ADOPTION OF MINUTES

1. Minutes from the meeting held January 23, 2014

DECISION REQUEST

2. Rezoning Application # 00430 for 1303 Dallas Road & Licenses of Occupation for Clover Point Pump Station and Conveyance Pipe
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Fairfield Recommendation: Approve Agreements and Proceed to PH

3 - 45
 3. Development Permit Application # 000346 for 506 Government Street, 430 Menzies Street & 450 Superior Street
Provincial Applications to subdivide South Block & Q-lot in the Legislative Precinct
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: James Bay Recommendation: Authorize DP / Approve Required Amendments to MDA

47 - 85
- Late Item:** Appendix 1
Late Item: James Bay Neighbourhood Association Letter

[Addenda]

4. Project Charter for Inner Harbour Revitalization Opportunities 87 - 100
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Downtown Recommendation: Approve Project Charter and Initiate the Revitalization Project

5. Ship Point (City-Owned Lands) Environmental and Geotechnical Analysis 101 - 108
--D. Day, Director of Sustainable Planning & Community Development

Neighbourhood: Downtown Recommendation: Accept summary for information

MOTION TO CLOSE THE FEBRUARY 6, 2014 PLANNING & LAND USE COMMITTEE MEETING TO THE PUBLIC

MOTION TO CLOSE THE February 6, 2014 PLANNING AND LAND USE COMMITTEE MEETING TO THE PUBLIC (To consider the following items in a closed meeting of the Planning & Land Use Committee, the following motion is required: "That the Planning & Land Use Committee convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) (e) of the Council Bylaw.")
Section 12 (3) (e) - the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.

DECISION REQUEST

6. Land / Proposed Disposition
--D. Day, Director of Sustainable Planning & Community Development

ADJOURNMENT

Planning and Land Use Committee Report

Date: January 24, 2014

From: Helen Cain, Senior Planner

Subject: Rezoning Application #00430 for 1303 Dallas Road and Licenses of Occupation for Clover Point Pump Station and Conveyance Pipe

Application to rezone a portion of the public Right-of-Way from R1-B Zone to a new zone to permit an addition to a legal non-conforming, existing public facility and an associated License of Occupation for Clover Point. A separate License of Occupation is required for conveyance pipe from Clover Point to a sewage plant.

Executive Summary

The purposes of this report are to present Council with information, analysis and recommendations regarding the following:

- A Rezoning Application for a portion of the public Right-of-Way at Clover Point and an associated License of Occupation to permit the Capital Regional District (CRD) to occupy and expand the Clover Point Pump Station.
- Unrelated to the proposed rezoning of Clover Point, a second License of Occupation to permit the CRD to construct conveyance piping along Dallas Road from Clover Point Pump Station to a secondary treatment sewage plant.

With respect to the Rezoning Application, the CRD proposes to rezone the property from the R1-B Zone to permit an addition to and alteration of the Clover Point Pump Station, which is a legal non-conforming public facility.

The following points were considered in assessing this application:

- In 2010, the CRD amended the *Core Area Liquid Waste Management Plan* (CALWMP) to comply with new federal regulations and provincial requirements for secondary treatment in wastewater systems. The proposed expansion of the Clover Point Pump Station is part of the "Seatterra Program", which is the comprehensive package of capital projects required to implement the amended CALWMP.
- The public Right-of-Way at Clover Point is designated "Public Facilities, Institutions, Parks and Open Space" in the *Official Community Plan, 2012*, (OCP) and the OCP objectives include "strategic improvements to, and efficient use of, existing infrastructure". With respect to wastewater management, specifically, OCP Policy 11.15 is to continue to support the CRD in the regular update and implementation of the regional CALWMP.
- The visual impact of the proposed expansion to the existing pump station at Clover Point would be minimal and the improved facility would not adversely affect the public use and enjoyment of this area.
- Legal agreements are necessary for the City to grant permission for the CRD to occupy the zoned area of Clover Point and to construct the facility addition. Because the zoned area is a road Right-of-Way, and not a land parcel, a License of Occupation is required. Other legal commitments, such as on-site public realm improvements, would be attached to the License of Occupation.

- Outside the scope of this rezoning, another License of Occupation would be required for conveyance piping from the Clover Point Pump Station to a secondary treatment plant at McLoughlin Point. Along this route, the CRD would provide greenway improvements including a new cycle track. While these items are separate from this application, the necessary legal agreements are included in the staff recommendation to address the issues of occupancy, construction and public realm improvements, comprehensively.

Given that the expansion of and improvements to the Clover Point Pump Station are needed to redirect sewage to a secondary treatment plant, consistent with the CALWMP, and that the proposal is consistent with the City's OCP, staff are recommending support for this application.

Recommendations

Clover Point Pump Station

1. That Council:
 - (a) Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct the public realm improvements within the zoned area,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application #00430 in accordance with the requirements of the *Local Government Act*;
 - (b) Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

2. That Council:

Direct Rezoning Application #00430 proceed for consideration at a Public Hearing, subject to:

- a) Preparation of a *Zoning Regulation Bylaw* amendment;
- b) The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

3. That Council:

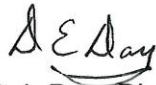
- (a) Approve the City entering into a License of Occupation to permit the CRD to construct a conveyance pipe from Dallas Road, which agreements shall:
 - i. provide for an indefinite term,

- ii. secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture;
- (b) That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

Respectfully submitted,



Helen Cain
Senior Planner
Development Services



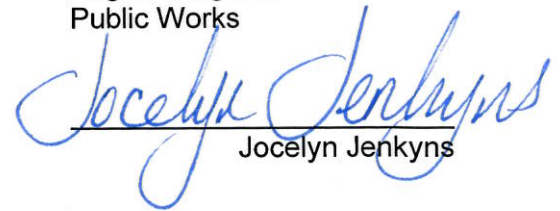
Deb Day, Director
Sustainable Planning and
Community Development



Dwayne Kalynchuk, Director
Engineering and
Public Works

Report accepted and recommended by the City Manager:

HC:aw


Jocelyn Jenkins

S:\TEMPEST_ATTACHMENTS\PROSPERO\PL\REZ\REZ00430\PLUC_REZ_1303_DALLAS_ROAD_FEB.DOC

1.0 Purpose

The purposes of this report are to present Council with information, analysis and recommendations regarding a Rezoning Application for a zoned area of a public Right-of-Way located at 1303 Dallas Road, and the necessary legal agreements to permit the CRD to occupy the proposed zoned area and to construct conveyance pipe along Dallas Road.

2.0 Background

The Rezoning Application is limited to the creation of a zoned area within the public Right-of-Way at Clover Point Park to permit and accommodate the proposed expansion and structural alteration of a pump station. However, this section provides broader information pertaining to comprehensive improvements to the regional wastewater system in order to provide the legal, regulatory and policy context for the proposal for Clover Point Pump Station.

2.1 Federal and Provincial Regulations for Wastewater Management

Management of the collection, treatment and release of wastewater effluent is an intergovernmental jurisdiction and shared responsibility. The Government of Canada is responsible for managing risks posed by substances listed under the *Canadian Environmental Protection Act, 1999*, including biosolids. In 2012, Canada amended the *Federal Fisheries Act* to add the *Wastewater Systems Effluent Regulations*, which are the first national standards for wastewater treatment. These new regulations require the provinces and municipalities to meet minimum secondary treatment standards and do not permit the release of untreated or under-treated sewage into waterways. However, the Federal government has granted a transition period for compliance from 2020-2040, depending on risk assessments for existing systems.

Prior to the new 2012 federal regulations, the British Columbia Ministry of Environment had directed the Capital Regional District (CRD) to plan and implement a secondary treatment plant within their wastewater system. The *Core Area Liquid Waste Management Plan* (CALWMP) was updated through an amendment obtaining provincial approval in 2010 and the CRD is working to implement the CALWMP through the "Seattera Program" summarized below.

2.2 Seattera Program: Implementation of Core Area Liquid Waste Management Plan

In order to implement the CALWMP, the CRD has initiated the Seattera Program, or "Seattera", which involves new infrastructure and improvements to existing facilities across the metropolitan region. This initiative will provide preliminary, primary and secondary treatment to bring the regional wastewater system into compliance with the new federal and provincial regulations by 2018.

Seattera has three key elements:

- A new Treatment Plant is planned for McLoughlin Point in Esquimalt, which would provide secondary treatment of raw wastewater received from two existing pumping stations at Macaulay Point in Esquimalt and Clover Point in Victoria.
- A Resource Recovery Centre is planned for the Hartland Landfill in Saanich, which would process residual biosolids produced at the Treatment Plant.

- Conveyance system infrastructure expansion and upgrades are planned, including, but not limited to, pump stations and piping on Craigflower Road in View Royal, Currie Road in Oak Bay, Macaulay Point in Esquimalt and Clover Point in Victoria.

With respect to Seatera capital projects within Victoria's boundaries, conveyance piping ("force main") will run from Clover Point to Ogden Point and the CRD will construct a cycling track over the force main between the two destinations. Secondly, the Clover Point Pump Station, built in 1975, requires expansion and upgrades to comply with the federal and provincial regulations and to provide the necessary infrastructure and services for regional growth. This Rezoning Application is limited to the expansion of and upgrades to the Clover Point Pump Station.

2.3 Approval Process for Clover Point Pump Station

The CRD Pump Station at Clover Point is located in a public Right-of-Way and in the R1-B Zone, Single Family Dwelling District, where the existing public facility is a legal non-conforming use. Within the terms of Part 26 Section 911 (5) of the *Local Government Act* (LGA), the pump station cannot be expanded and structurally altered, except by addressing the non-conforming use.

In order to bring the pump station into conformity with the City's current zoning, the CRD must apply to the Board of Variance for the proposed expansion or to the City of Victoria to rezone a portion of Clover Point Park. Both options require the permission of the property owner or owners. The City of Victoria is the owner of the majority of the portion of the public Right-of-Way that is proposed for rezoning ("zoned area") but the Province of British Columbia owns a portion of the southwest edge of the zoned area, which has foreshore status. To allow the pump station in this location, the CRD already has a Lease of Occupation with the Province.

City staff brought forward a report (attached to this report) to the Planning and Land Use Committee for Council consideration of application process options on November 7, 2013, and Council subsequently made a decision to allow the CRD to apply for a rezoning on November 14, 2013. With respect to the Province, informal correspondence has been received indicating that there is no objection to the CRD's rezoning proposal. An official letter is pending and City staff expect to receive written confirmation of the provincial approval prior to a Public Hearing.

2.4 Description of Proposal

The CRD has provided an overview of the proposed improvements to the Clover Point Pump Station in their letter to Council and a public consultation "fact sheet", attached to this report. As stated in this fact sheet, the scope of work includes expansion and upgrades:

Clover Pump Station currently provides screening of raw wastewater prior to discharge at Clover marine outfall. Under the Seatera Program, raw wastewater will no longer be discharged at Clover Point, except during an extreme wet weather storm event. Instead, the new Clover Pump Station will pump wastewater to the Treatment Plant at McLoughlin Point for secondary treatment via a new conveyance pipe (force main) that will be installed alongside Dallas Road.

The CRD proposal is to rezone a portion of public Right-of-Way at Clover Point from the R1-B Zone, Single Family Dwelling District, to a new zone that would include "public facility" as a permitted use. This location is also used as a public park and the new zone for the zoned area would carry forward the current use of the Right-of-Way as a public park.

Portions of the existing facility would be sited underground, but other sections are above natural grade and the new addition would include floor area below and above ground. Though parts of the proposed building are above natural grade, all the floor area is "basement" as defined in the *Zoning Regulation Bylaw*, and as such the floor space ratio (FSR), and density, is 0.0:1 FSR.

As is currently the case, the expanded building would not be visible from the Dallas Road roadway, but would be visible from public vantage points along the greenway than runs next to the ocean. Access and egress to the subject site is currently from Dallas Road to loading bays on the north side of the existing facility and would remain in this location. No parking is proposed or required for this facility and all existing on-site parking stalls, which are for park users, would be removed.

To support the Rezoning Application, the CRD is also proposing the following public realm improvements:

- new cyclist and pedestrian viewing plaza on top of the expanded facility
- new street furniture and "bike kitchen" (facilities for bicycle maintenance and repair and a water fountain) within this plaza area
- sewage connections to enable any future public washroom facility
- two replanted grassed open spaces to the west and east of the plaza
- new pedestrian path along the north edge of the zoned area, continuing off-site to the west
- pedestrian path and a separated bike path beginning from the north edge of the zoned area, which continues north to connect to Dallas Road.

Provision of the proposed public realm improvements would be secured through the necessary legal agreements as described in "Section 2.10 Legal Agreements" of this report.

2.7 Land Use Context

The subject site is located in road Right-of-Way at Clover Point in close proximity to the ocean and near Dallas Road, where the surrounding land-use context is single family dwellings. In addition, Clover Point is used as a public park and is connected to greenways to the north, west and east. Given the subject site is part of the public Right-of-Way and sited some distance from the nearest residential uses, placement of a sewage pump station at Clover Point is appropriate.

2.8 Community Consultation

The applicant consulted with the Fairfield Gonzales Community Association Land Use Committee (CALUC) on December 16, 2013. Correspondence from the CALUC is attached to this report. The applicant's community consultation efforts on the entire Seaterra Program have included Open Houses in James Bay and Fairfield, as well as a project website.

2.9 Existing Site Development and Development Potential

The data table (below) compares the proposal with the R1-B Zone (Single Family Dwelling District).

| Zoning Criteria | Proposal | Zone Standard R1-B |
|--|---------------|--------------------|
| Site area (m ²) – minimum (zoned area) | 4803 | 460 |
| Lot width (m) | 56 | 15 |
| Total floor area (m ²) – maximum (basement only) | 1325 | n/a |
| Density (Floor Space Ratio) – maximum | 0.0:1 | n/a |
| Height (m) – maximum | 3.55 | 7.6 |
| Storeys – maximum | basement only | 2 |
| Site coverage (%) – maximum (zoned area) | 27.6 | 40 |
| Open space (%) – minimum (zoned area) | 72.4 | n/a |
| Setbacks (m) – minimum | | |
| East (from High Water Mark) | 13.55 | n/a |
| West (to Clover Point Park road) | 2.88 | n/a |
| North (from zone boundary) | 44.52 | n/a |
| South (from zone boundary) | 9.30 | n/a |
| Parking – minimum | None | n/a |
| Bicycle rack | None | n/a |
| Bicycle storage | None | n/a |

2.10 Legal Agreements

With respect to the Rezoning Application, the usual process for securing legal commitments is the preparation, execution and registration of necessary agreements on land title. However, the property in this situation is a section of Right-of-Way, and is not a land parcel with legal title. Accordingly, a License of Occupation is required to secure the construction and maintenance of the proposed public realm improvements, and to address building construction-related issues, such as location of construction staging areas.

Separate from the proposed rezoning, another License of Occupation is required to permit the CRD to occupy the public Right-of-Way underground along Dallas Road and to construct and maintain the conveyance pipe. This License would secure the CRD commitment to construct and maintain greenway improvements (i.e. cycle track) over the force main from Clover Point to Ogden Point.

2.11 Legal Description

The subject site is contained within the public Right-of-Way, not a land parcel, and as such does not have a legal description.

2.12 Consistency with Policy

2.12.1 Regional Growth Strategy

The proposal contributes to the *Regional Growth Strategy* goals for sustainable environmental management through infrastructure improvements related to waste discharge and diversion in the metropolitan core and within the boundaries of Victoria.

2.12.2 Official Community Plan, 2012

The proposed development is consistent with the relevant land use policies of the *Official Community Plan 2012* (OCP). The public Right-of-Way at Clover Point (1303 Dallas Road) is designated as Public Facilities, Institutions, Parks and Open Space in the OCP, which envisions institutional uses and buildings with density up to 0.5:1 FSR. Given that the Capital Regional District proposes a public facility with 0.0:1 FSR, it is consistent with relevant land use policy.

OCP "Section 11- Infrastructure" also includes the following broad objectives and policies that are related to land use planning and development:

- 11(a) *That urban growth is accommodated through strategic improvements to, and efficient use of, existing infrastructure.*
- 11.1 *Maintain and enhance infrastructure, including water, waste water, rainwater and solid waste facilities and services identified in Map 11, Map 12, Map 3 and Map 16.*
- 11.5 *Continue to bridge the gap between existing infrastructure and needed physical improvements through:*
 - 11.5.1 *Coordination with Capital Regional District plans and works undertaken.*
- 11.15 *Continue to support the Capital Regional District in the regular update and implementation of the Core Liquid Waste Management Plan.*

The purpose of the Seaterra Program is to implement the CALWMP, which depends on coordination between the CRD and member municipalities. Support for Seaterra generally and the Clover Point Pump Station expansion and upgrades in particular are consistent with the OCP objectives and policies for strategic improvements to the existing infrastructure through maintenance and enhancement of a wastewater facility already within the City's boundaries.

3.0 Issues

The main issues related to this application are:

- wastewater infrastructure improvements
- "zoned area" within the public Right-of-Way
- street view and public realm improvements.

4.0 Analysis

4.1 Wastewater Infrastructure Improvements

Support for this application is consistent with the OCP broad objectives and policies for infrastructure. The federal and provincial legislative framework for environmental management with respect to new wastewater treatment regulations was incorporated into the *Core Area Liquid Waste Management Plan* in 2010. Since the CALWMP was approved, the CRD has entered into the implementation phase of the necessary expansion of and upgrades to infrastructure in order to comply with the new requirements for secondary treatment. Given that the Clover Point Pump Station would redirect raw sewage to a secondary treatment plant that is proposed at McLoughlin Point in Esquimalt, the expanded and upgraded public facility would serve an essential function within the proposed regional wastewater system.

4.2 “Zoned Area” within the Public Right-of-Way

In accordance with the *Zoning Regulation Bylaw* General Regulations, public Rights-of-Way in Victoria are zoned, typically with the zone of adjacent land parcel(s). However, the creation of a “zoned area” with prescribed boundaries enables this defined section of the public Right-of-Way to have a different zone than adjacent parcel(s). The proposed zoned area for the CRD pump station is modest and its establishment would not have an impact on the remaining public Right-of-Way at Clover Point or current use of the zoned area and surrounding Right-of-Way as a public park.

4.3 Street View and Public Realm Improvements

The building form and massing would not be visible from Dallas Road. From its south side, above natural grade, it would have only a minor visual impact for park users from public vantage points on the waterfront pathway, which is designated as a People-Only Greenway. Additionally, the proposal involves significant public realm improvements, including pedestrian and cyclist paths, that would extend and link the City’s greenways to the north, east and west; a grassed open space to enhance the park environment and a raised waterfront plaza. The latter would have street furniture, a “bicycle kitchen” with repair station and water fountain, and infrastructure connections for a future public toilet facility.

5.0 Resource Impacts

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

6.0 Options

Option One: (Staff Recommendation – Proceed to a Public Hearing)

Clover Point Pump Station

1. That Council:
 - (a) Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. provide for an indefinite term,

- ii. secure the agreement of the CRD to construct the public realm improvements within the zoned area,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application #00430 in accordance with the requirements of the *Local Government Act*;
- (b) Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

2. That Council:

Direct Rezoning Application #00430 to proceed for consideration at a Public Hearing, subject to:

- a) Preparation of a *Zoning Regulation Bylaw* amendment;
- b) The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

3. That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to construct and maintain a conveyance pipe from Dallas Road, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture;
- (b) That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

Option Two: (Decline)

That Council decline Rezoning Application #00430.

7.0 Conclusion

The proposal to rezone a portion of public Right-of-Way at Clover Point is required to enable the expansion of the CRD pump station. The expanded facility is needed to redirect raw sewage to a secondary treatment plant in compliance with federal and provincial wastewater regulations. Rezoning the public Right-of-Way in the zoned area to permit a "public facility" is consistent with

the OCP broad objectives and policies for strategic improvements to existing infrastructure and would support the CRD toward implementation of the CALWMP. Impact of the proposed expansion would be minimal and would not adversely affect public use and enjoyment of this section of Dallas Road including greenways and the waterfront generally.

8.0 Recommendation

1. That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to occupy and expand the existing Clover Point Pump Station, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct the public realm improvements within the zoned area,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture,
 - iv. provide that the obligations of the City under the agreements are subject to the City adopting a *Zoning Regulation Bylaw* amendment for Rezoning Application #00430 in accordance with the requirements of the *Local Government Act*;
- (b) Authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Clover Point Pump Station and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

2. That Council:

Direct Rezoning Application #00430 to proceed for consideration at a Public Hearing, subject to:

- a) Preparation of a *Zoning Regulation Bylaw* amendment;
- b) The City and the CRD entering into the necessary legal agreements.

Conveyance Pipe

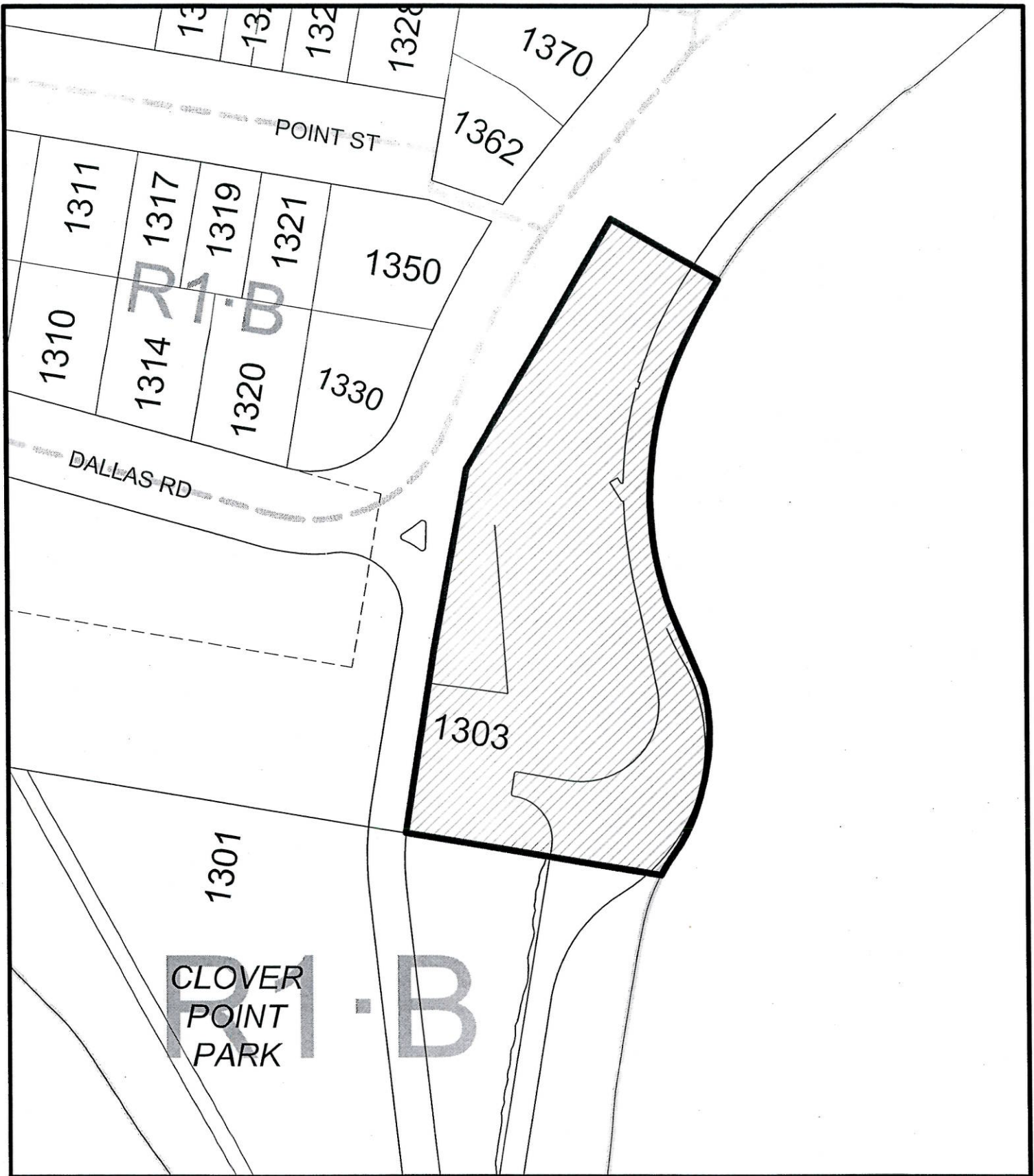
3. That Council:

- (a) Approve the City entering into a License of Occupation to permit the CRD to construct and maintain a conveyance pipe from Dallas Road, which agreements shall:
 - i. provide for an indefinite term,
 - ii. secure the agreement of the CRD to construct public realm improvements, including the new cycle track along Dallas Road from Clover Point to Ogden Point,
 - iii. be to the satisfaction of the City Solicitor and the Directors of Sustainable Planning and Community Development, Engineering and Public Works, and Parks, Recreation and Culture;

- (b) That Council authorize the Mayor and Corporate Administrator to execute the License of Occupation Agreement for the Dallas Road conveyance pipe and all documents associated with this transaction, subject to the publication of the statutory notices required by the *Community Charter*.

9.0 List of Attachments

- Zoning map
- Aerial photo
- Letters from Capital Regional District, date-stamped January 15, 2014, January 9, 2014, and November 14, 2013
- Fact sheet, "Seatterra Program: Clover Pump Station & Conveyance Pipe"
- Plans for Rezoning Application #00430, date-stamped January 9, 2014
- Council Meeting Minutes dated November 14, 2013
- Staff Report, "CRD Clover Point Pump Station - Approvals Process Options", considered at Planning and Land Use Standing Committee on November 7, 2013
- Correspondence from the Fairfield Gonzales Community Association meeting on December 16, 2013.



1303 Dallas Road
Rezoning #00430
Bylaw #



1303 Dallas Road
Rezoning #00430
Bylaw #



Making a difference...together

625 Fisgard St. PO Box 1000 Victoria BC V8W 2S6 | T 250.360.3176 | F 250.360.3245 | www.crd.bc.ca



December 23, 2013

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

Attention: Mayor and Council

Re: Rezoning Application - Clover Point Pump Station Expansion

Following the CALUC meeting held on December 16, 2013 the CRD is providing information regarding the proposed additional improvements proposed for the site of the pump station expansion.

Specific comments from the community regarding the site have been reviewed with City staff. As a result, we are proposing to remove the public parking located above the pump station in order to create additional public open space and address some of the safety concerns that were brought to our attention. We are also proposing the removal of the alcove to the northeast of the pump station that was identified on the walkway and replacing it with a re-contoured slope similar to the adjacent area.

As outlined in our letter dated November 14, 2013, the CRD has already committed to providing public/cycling improvements at the site of the pump station including a water fountain, a compressed air station, and a sanitary sewer connection should the City decide in the future to provide a public washroom at the Point.

We will be developing a more detailed landscape concept for the site that will incorporate the public realm improvements as described and plan to resubmit the drawings to the City for the rezoning application by January 6, 2014. This concept will also be presented at the upcoming January 25, 2014 public open house. Following the public open house we would be prepared to present the finalized plan to City Council prior to the public hearing. Our understanding is that an adjustment will not delay setting the date for the public hearing.

Additionally the CRD has indicated they will contribute to offsite improvements including: the Beacon Hill reburial site, and a bicycle path along Dallas Road to Ogden Point that is approximately three (3) kilometers long.

We trust you will find these considerations acceptable.



Finance & Technology Department
625 Fisgard Street
Victoria, BC V8W 2S6

T: 250.360.3176
F: 250.360.3245
www.crd.bc.ca



January 6, 2014

Seatterra File: CPS 3360-20

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

Dear Mayor Fortin and Council:

Re: Rezoning Application - Clover Point Pump Station Expansion

Further to our letter of December 23, 2013 the Capital Regional District (CRD) is submitting revised plans to our rezoning application. The revised plans are based on comments that were heard at the December 16, 2013 Fairfield Gonzales Community Association Land Use Committee (CALUC) meeting, as well as comments received from the City's Technical Review Committee.

We believe that the revised plans improve public safety at the Dallas/Clover Point Road intersection and provide significant additional enhancements to Clover Point Park. The following changes are noted which are also identified on the revised drawings:

1. Remove the parking area at the Dallas and Clover Point Road intersection to improve traffic flow and safety of pedestrians and cyclists who cross behind the parking area.
2. Add a new public plaza area including benches, a drinking fountain, bike racks, and view point, etc.
3. Improve the Dallas/Clover Point Road median to allow for better traffic flow and the crossing of pedestrians and cyclists.
4. Add a new walkway from Clover Point Road to Moss Street crosswalk. This will enable the public to safely cross Dallas Road to access to Clover Point Park.
5. Add a new walkway from Dallas Road alongside Clover Point Road so that the public can safely connect to the existing Clover Park walkway.
6. Add a new connecting walkway and bike path across Clover Point Road to the Ross Bay Seawalk.
7. Reinstate the existing wheelchair ramp from Dallas Road down to the Ross Bay Seawalk.

As requested in the City's December 11, 2013 Application Review Summary letter, the following revisions are also noted in response to each of the department's comments:

Development Services

1. A data table has been provided on the site plan.
2. The existing and proposed addition to the pump station has been clearly labeled.
3. The site plan has been revised to illustrate access and egress to Dallas Road.

Mayor Fortin and Council – January 6, 2014
Rezoning Application – Clover Point Pump Station Expansion

2

Engineering and Public Works

1. The existing surface parking on the site is proposed to be removed and replaced with a plaza.
2. The access and egress is proposed to be reconfigured in order to facilitate a safer environment for cyclists and pedestrians.
3. A revised traffic median is proposed that will also provide a pedestrian refuge.

Parks

1. An asphalt pathway is proposed from Dallas Road to Clover Point along the east side of the access road.
2. The wheelchair accessible ramp from Dallas Road down to the lower causeway will be reinstated after the construction is completed.
3. The parking area is proposed to be removed and replaced with a public plaza.

As noted in previous correspondence, we believe that this project will provide significant benefits to City of Victoria residents and the region by incorporating a 2.8 km long bike path from Clover Point to Ogden Point, providing funding for a historic First Nation reburial ground at Beacon Hill Park, and most importantly, discontinuing the daily wastewater discharge at Clover Point.

We trust you will find these revisions to our rezoning application acceptable.

Sincerely,



Diana Lokken
General Manager, Finance and Technology

cc: CAO, Victoria
Robert Lapham, CAO, CRD
Albert Sweetnam, Project Director, Seaterra
Tony Brcic, Deputy Director, Seaterra

Attachment: Plans



Making a difference...together

Core Area Wastewater Treatment Program T: 250.360.3002
510-1675 Douglas Street F: 250.360.3071
Victoria, BC, Canada V8W 2G5 www.crd.bc.ca

November 14, 2013



File: CPS 3360-20

Mayor Dean Fortin and Council
1 Centennial Square, City of Victoria
Victoria, BC V8W 1P6

Dear Mayor Dean Fortin and Council:

Capital Regional District Clover Point Pump Station Rezoning Application

Background

Clover Point Pump Station was first built in 1975 and is owned and operated by the Capital Regional District (CRD). This station is in need of upgrades to meet the new wastewater regulations in order to better serve the region's growing population. The proposed upgrades are included in the Core Area Liquid Waste Management Plan and have been approved by the CRD Board and Ministry of Environment.

The existing Clover Point Pump Station currently provides screening of raw wastewater prior to discharge at the Cover Point outfall. An expanded pump station would pump wastewater to a proposed treatment plant at McLoughlin Point for secondary treatment. Raw wastewater would no longer be discharged at Clover Point, except during extreme wet weather storm events (very infrequently).

The Clover Point Pump Station is located in a public right of way and is currently zoned R1-B (Single Family Dwelling District). Pump stations are not a permitted use under the current R1-B zoning regulations and is therefore considered a legal non-conforming use. Rezoning is required to permit the proposed expansion of the facility. At its meeting of November 7, 2013 the Governance and Priorities Committee authorized the CRD to proceed with a rezoning application, concurrent with the Community Association Land Use Committee process, for a site specific zone.

Project Description

The proposed pump station expansion will be sited between the existing facility and Dallas Road and will increase the area of the facility from about 500 m² to 1000 m². In keeping with the existing pump station, the proposed expansion will be below ground level and will not be visible from Dallas Road. The seaside walkway and the existing split rock wall facing the waterfront will be extended in order to allow access to the pump station. Similar materials will be used so that the expanded facility will blend in with the existing facility and surrounding area. The rooftop surface above the pump station can be restored back to its original, (grass and parking area), or other park use options could be considered. There will be no net loss of current park use and there could be an opportunity to improve park use and/or the natural environment (by revegetating with native landscape materials). The design of the proposed pump station will incorporate sustainable design practices including: incorporating a green roof, specifying ecoSmart concrete, applying leadership in energy and environmental design (LEED) principles, adopting an energy efficient design, and using PowerSmart electrical equipment.

Mayor Dean Fortin and Council - November 14, 2013
Clover Point Pump Station Rezoning Application

2

Neighbourhood Impact

Projects of this size and complexity will create some construction-related impacts. The CRD will work with municipal staff and the community to ensure that impacts are kept to a minimum and opportunities are identified for possible enhancement and mitigation.

Community Benefit

In addition to the noted green design elements, the CRD is also working with the City to develop a bike path as part of the forcemain construction that will extend along Dallas Road from Clover Point to Ogden Point. This will contribute to the City's objective of completing a separated bike path along Dallas Road that can be used by families, seniors, and tourists. To further enhance the proposed bike path at Clover Point, the CRD could consider installing a self-serve bicycle repair "kitchen" that could include a compressed air and electric charging station, a water fountain, and a sanitary sewer connection should the City decide in the future to provide a public washroom at the Point.

Consultation

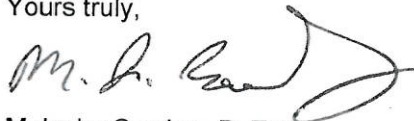
To date, the CRD has had numerous meetings with City staff and have met with local residents who live across the street from the existing Clover Point Pump Station. In addition, staff have made presentations to the Fairfield Gonzales and James Bay Community Associations and have consulted with Songhees and Esquimalt Nations. A Community Association Land Use Committee (CALUC) meeting has also been scheduled with Fairfield Gonzales for December 7, 2013.

Conclusion

The new pump station will blend in with the surrounding area; it will improve service to Victoria and the surrounding communities and improve the environment by discontinuing the daily raw wastewater discharge at Clover Point. This project will allow the CRD to move forward with their commitments under the Liquid Waste Management Plan.

Please accept this letter and application as the first step towards the successful rezoning of the land to permit the use of this critical public facility. Meanwhile, should you have any questions or require further information regarding this project, please call or email the undersigned at 250.360.3066 or mcowley@crd.bc.ca.

Yours truly,



Malcolm Cowley, P. Eng
 Manager, Conveyance Infrastructure, Seaterra Program
 Capital Regional District

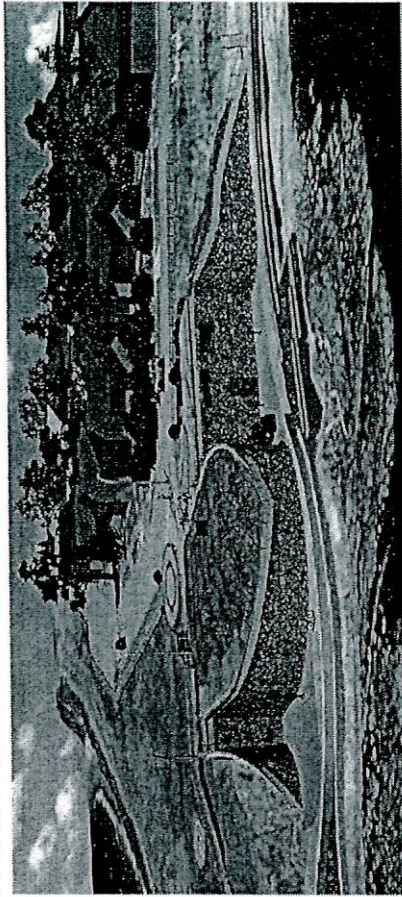
MJC/hr

Enclosures

cc: Albert Sweetnam, Program Director, Seaterra Program
 Bob Lapham, Chief Administrative Officer, Capital Regional District
 Alastair Bryson, Chair, Capital Regional District Board
 Denise Blackwell, Chair, Core Area Liquid Waste Management Committee

CLOVER PUMP STATION & CONVEYANCE PIPE

222



Project Background

walkways, bike paths, view points and other public and cycling enhancements.

A new conveyance pipe (force main) will run from the Clover Pump Station along a proposed route south of Dallas Road to Garden Point, then under the

Victoria Harbour via a marine crossing to the Treatment Plant located at McLoughlin Point. The Seatera Program is collaborating with the City of Victoria to align the conveyance pipe underneath what will become a separated bike path from Clover Point to Ogden Point.

The Seattera Program is working with local residents to provide information on the project and receive community feedback, concerns and potential mitigation options that can be provided to the design team for consideration.

Improved Treatment

Clover Pump Station currently provides screening or raw wastewater prior to discharge at the Clover marine outfall. Under the Clover marine outfall, the Saulters Program raw wastewater will no longer be discharged at the Clover marine outfall, except during an extreme wet weather storm event. Instead, the new Clover Pump Station will pump wastewater to the treatment plant at McLoughlin Point for secondary treatment to meet new federal and provincial regulations.

Managing Construction Impacts Cont.

SAFETY:

A traffic management plan will address traffic disruptions, truck traffic and maintain access to nearby residences. Even during peak construction times, one lane of traffic will remain open on Dallas Road.

NOISE:

Construction activities will comply with the local noise bylaw for hours of work and noise levels.

Work will typically occur on weekdays from 7 a.m. – 6 p.m.

No work will be planned for Sundays or holidays (except in an emergency) or where a critical piece of work must be completed promptly to reduce impacts).

ENVIRONMENT:

An Environmental Management Plan (EMP) will be prepared to mitigate potential environmental impacts. The EMP will address issues including

soil management, air quality, water quality and waste management. An environmental monitor will be on-site during the course of construction to ensure compliance with the plan.

COMMUNICATION:

Information letters (with contact names and phone numbers) will be provided to local residents and community associations at the start of construction and updated, as required, throughout the project. The Sealterra Program will provide regular updates on the Clover Pump Station at: www.sealterraprogram.ca.

Further Information

Seatterra Program staff are committed to ensuring that residents and businesses are informed about the Clover Pump Station and conveyance pipe project.

Local residents are invited to a Community Open House to learn about the Clover Pump Station, Conveyance Pipe and Bike Path.

Date: Saturday, January 25, 2014
Time: 12:00 to 3:00 p.m.

Location: Sir James Douglas Elementary
401 Moss Street, Victoria
Gymnasium

Additional information about the project is available at:
www.seaterraprogram.ca.

If you have any questions or comments about the project, please contact:

Kristin Quayle, Communications Coordinator
CRD Seatterra Program

510 - 1675 Douglas Street, Victoria, BC V8W 2G5
T: 250.360.3623 | F: 250.360.3071



Design Criteria for the Clover Pump Station

NOISE CONTROL

A noise control consultant will be retained to develop appropriate noise level criteria for the pump station. Typically, the consultant will conduct a 24-hour noise level measurement at the proposed pump station site to determine the lowest nighttime background noise level. Once that information is known, the design team can then design the pump station to not exceed that noise level at the property line. This is typically accomplished by acoustical silencing of the pumps, motors, and fans, and emitting the dampened noise through acoustical louvers placed in discrete locations away from residences.

ODOUR CONTROL

An odour control specialist will be retained to design a comprehensive odour control system to contain and suppress odour by:

- >> incorporating sophisticated ventilation and scrubbing systems;
- >> maintaining the wet well area of the pump station at negative pressure to draw air into the scrubber; and
- >> directing all foul air through an activated carbon absorber system to remove odours prior to releasing the air to atmosphere.

SECURITY

The expanded pump station will continue to be owned and operated by the CRD. Staff visit the site regularly and the building is remotely monitored on a 24/7 basis by the CRD's Supervisory Control And Data Acquisition (SCADA) monitoring system.

To discourage vandalism and negative activity at the pump station site, a combination of robust and aesthetic materials will be incorporated into the design (to blend in with the look of the existing pump station). Regular upkeep will ensure that the building and site are maintained in excellent condition.

AESTHETICS

In keeping with the existing pump station, the proposed expansion will be below ground level and will not be visible from Dallas Road. The seaside walkway and the existing split rock wall facing the waterfront will be extended in order to allow access to the pump station. Similar materials will be used so that the expanded facility will blend in with the existing facility and surrounding area. The rooftop surface above the pump station is proposed to be a public plaza, from a parking area to a public plaza, including benches, walkways, bike paths, view points and other public and cycling enhancements. These changes will result in a net gain of park use space.

"GREEN" DESIGN ELEMENTS

The design of the pump station will be consistent with sustainable design practices including: specifying ecoSmart concrete, applying leadership in energy and environmental design (LEED) principles, adopting an energy efficient design, and using PowerSmart electrical equipment. Other sustainable design initiatives that are recommended include:

- >> a plaza and green roof, with possible revegetation with native grasses and plants;
- >> rainwater run-off control on-site by means of infiltration into vegetated areas;
- >> low level lighting to minimize light pollution;
- >> reuse of recycled water to wash down equipment;
- >> reuse of waste heat to lower building heating requirements.



Park use options for the land above the Clover Pump Station could include a public plaza, benches, walkways, bike paths, and other low-impact safety improvements.

Managing Construction Impacts

Projects of this size and complexity will create some construction-related impacts. The Seatearra Program will work with municipal staff and the public to ensure that impacts are kept to a minimum and opportunities are identified for enhancement and mitigation.

CONSTRUCTION DURATION:

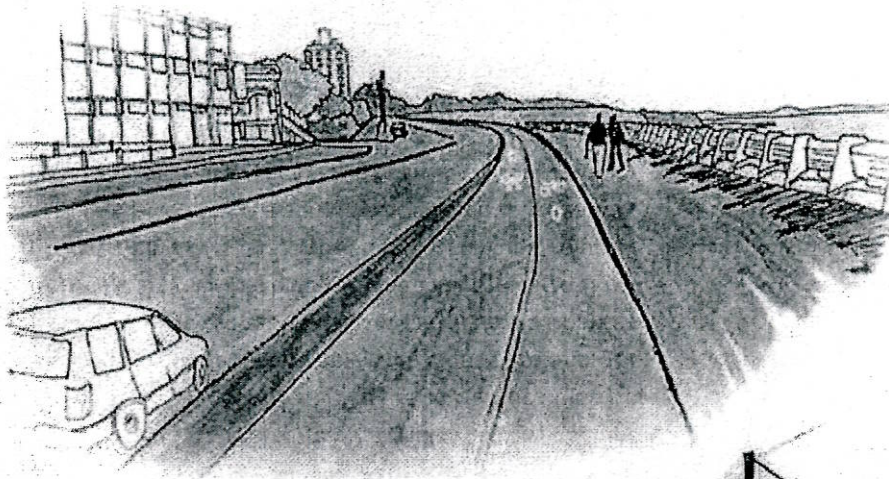
It is anticipated that construction on the pump station will start in winter 2014 and will take just over a year to complete. Construction on the conveyance pipe will start in early 2015 and both projects will be complete in summer 2016. An opening event for the pump station and bike path will be planned for 2016.

Peak construction activity for the pump station will occur in the first few months during excavation and pouring concrete. After this, the work will be similar to a large residential construction project, with various trades completing their portions of the work. The conveyance pipe will be installed in specific segments along Dallas Road to minimize impacts to residents, public events and tourists. Where impacts are unavoidable, a comprehensive mitigation plan will be implemented.

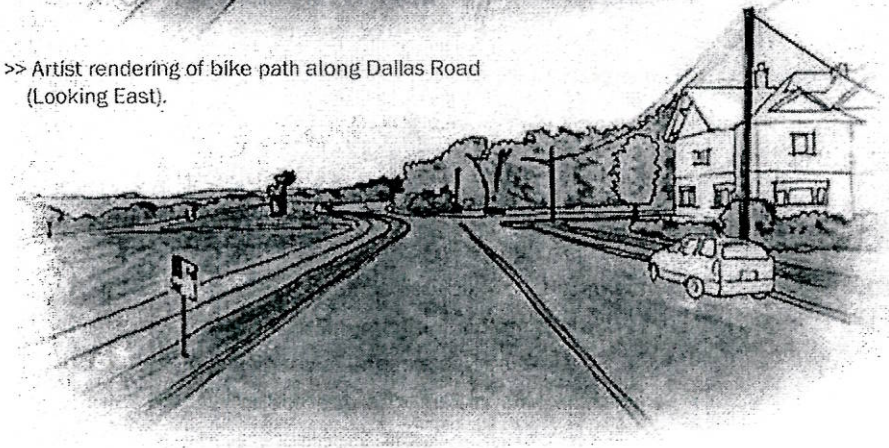
ARCHAEOLOGY:

The Seatearra Program is working with archaeologists, First Nations, and the City of Victoria to develop a protocol should artifacts be discovered during construction. Archaeological Impact Assessments will be completed and an archaeologist will be on-site observing the work. In September 2013, Seatearra Program staff participated in a ground blessing ceremony with the Esquimalt and Songhees First Nations prior to commencing construction on Seatearra Program facilities. The Seatearra Program has partnered with the City of Victoria and Songhees and Esquimalt First Nations to commence with preparing a respectful and honouring reburial ground, should any significant artifacts be uncovered and require reburial.

Continued on reverse>>



>> Artist rendering of bike path along Dallas Road (Looking East).



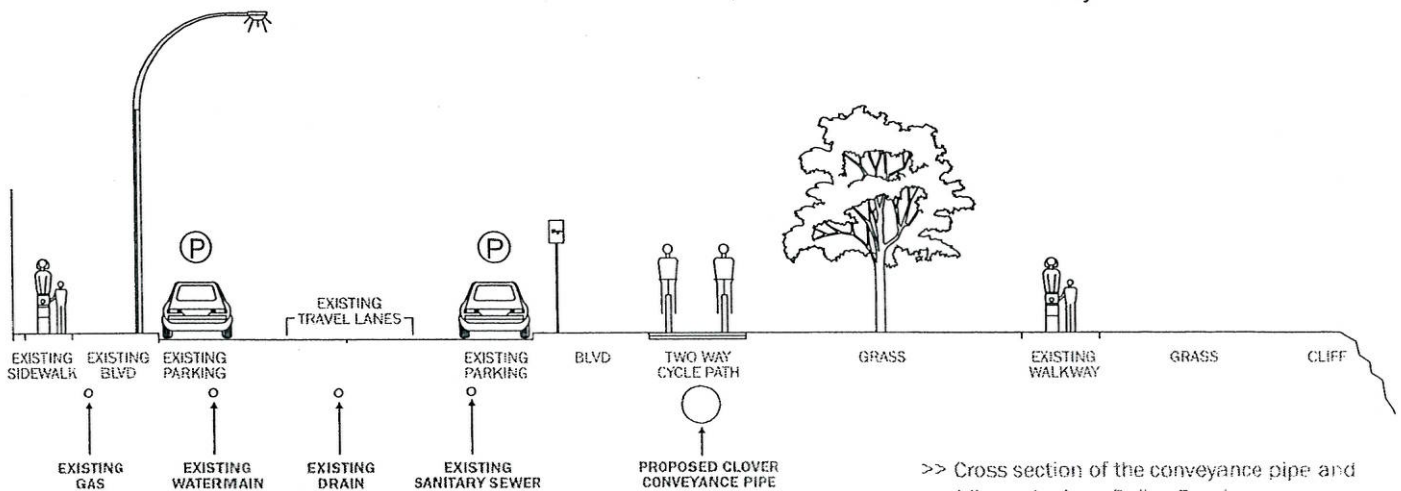
>> Artist rendering of bike path along Dallas Road (Looking West).

CONVEYANCE PIPE

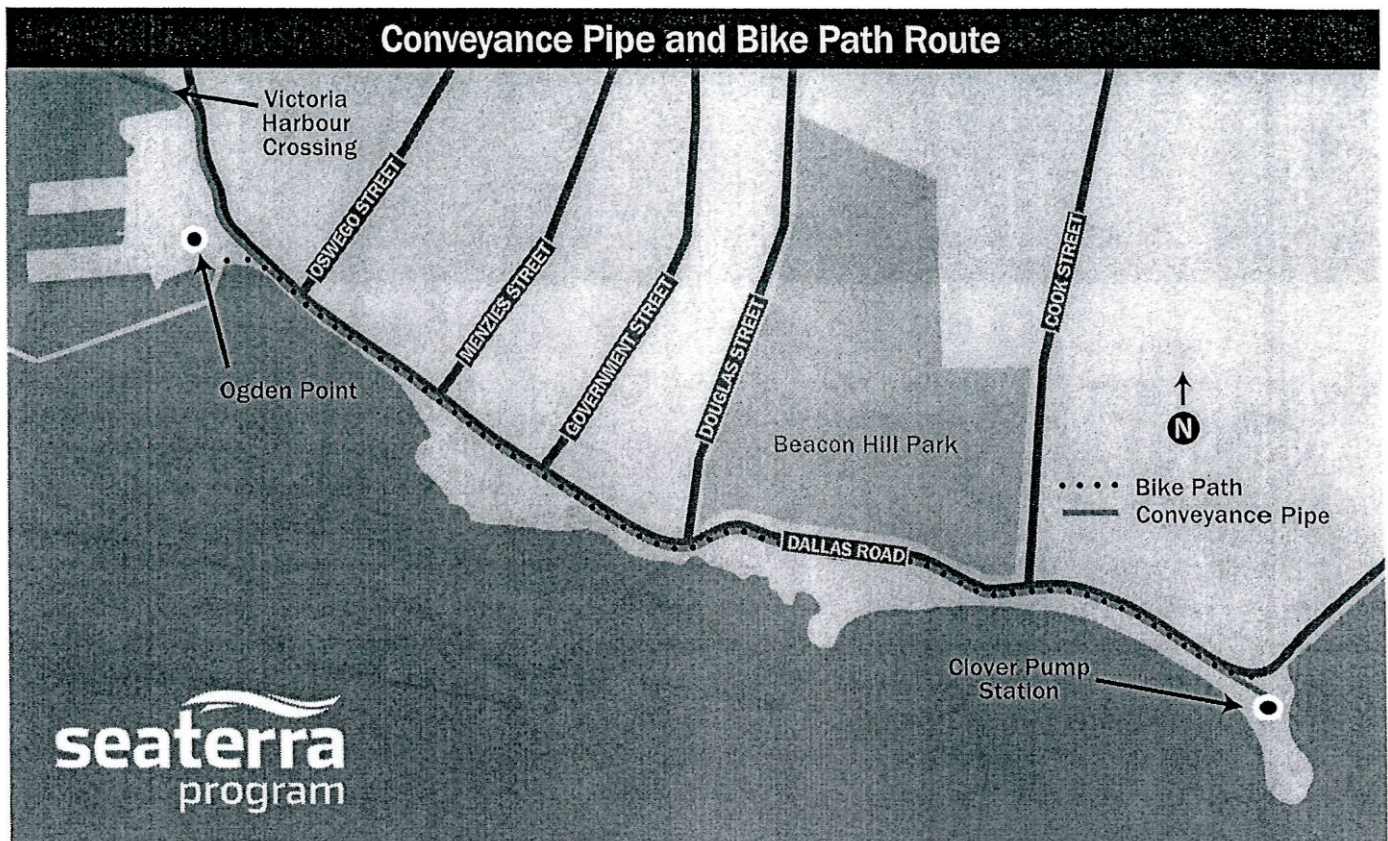
A new conveyance pipe will run from the Clover Pump Station along a proposed route south of Dallas Road to Ogden Point, then under the Victoria Harbour via a marine crossing to the Treatment Plant planned for McLoughlin Point. The pipe will be about 1.2 metres in diameter and will be installed about 1 metre below the ground surface. The total length of the conveyance pipe from Clover Point to Ogden Point will be about 3.4 kilometres.

WORKING TOGETHER REDUCES COSTS

By aligning the conveyance pipe directly underneath the City of Victoria's new, separated two-way bike path, the same corridor can be utilized for both projects, which will minimize environmental and social impacts and save costs for Seatterra and the City. Seatterra is collaborating with the City of Victoria on the bike path, which has been long identified in the City's Official Community Plan and Bicycle Master Plan.



>> Cross section of the conveyance pipe and bike path along Dallas Road.



CONVEYANCE PIPE ROUTE

The conveyance pipe will run along the south side of Dallas Road from Clover Pump Station to Ogden Point.

ROADWAYS AND WALKWAYS

The conveyance pipe and resulting bike path will not reduce the width of the travel lanes along Dallas Road, but may require revising some angled parking spaces to parallel parking in some locations along Dallas Road. Existing pedestrian walkways along the Dallas Road Waterfront will not be reduced by the installation of the conveyance pipe and bike path.

ENVIRONMENT

The City of Victoria has completed an initial tree assessment along the proposed conveyance pipe and bike path corridor and it appears feasible that an alignment could be selected that would have little to no impact on any significant boulevard trees.

Further information will be provided when environmental consultants commence their work. The goal is to improve the environment by removing invasive species, revegetating with native species, and improving surface water drainage where possible.

SAFETY

The proposed bike path will be designed to improve safety along the corridor from Clover Point to Ogden Point by:

- >> Providing a new two-way bike path separated from the road and existing walking paths
- >> Improving sightlines along the route to provide better visibility for all users
- >> Installing signage that will alert drivers, cyclists and pedestrians as to proper use of the corridor

The bike path will be designed by specialists in accordance with the CRD Pedestrian and Cycling Master Plan Design Guidelines.

Further Information

For more information about the bike path along Dallas Road contact:

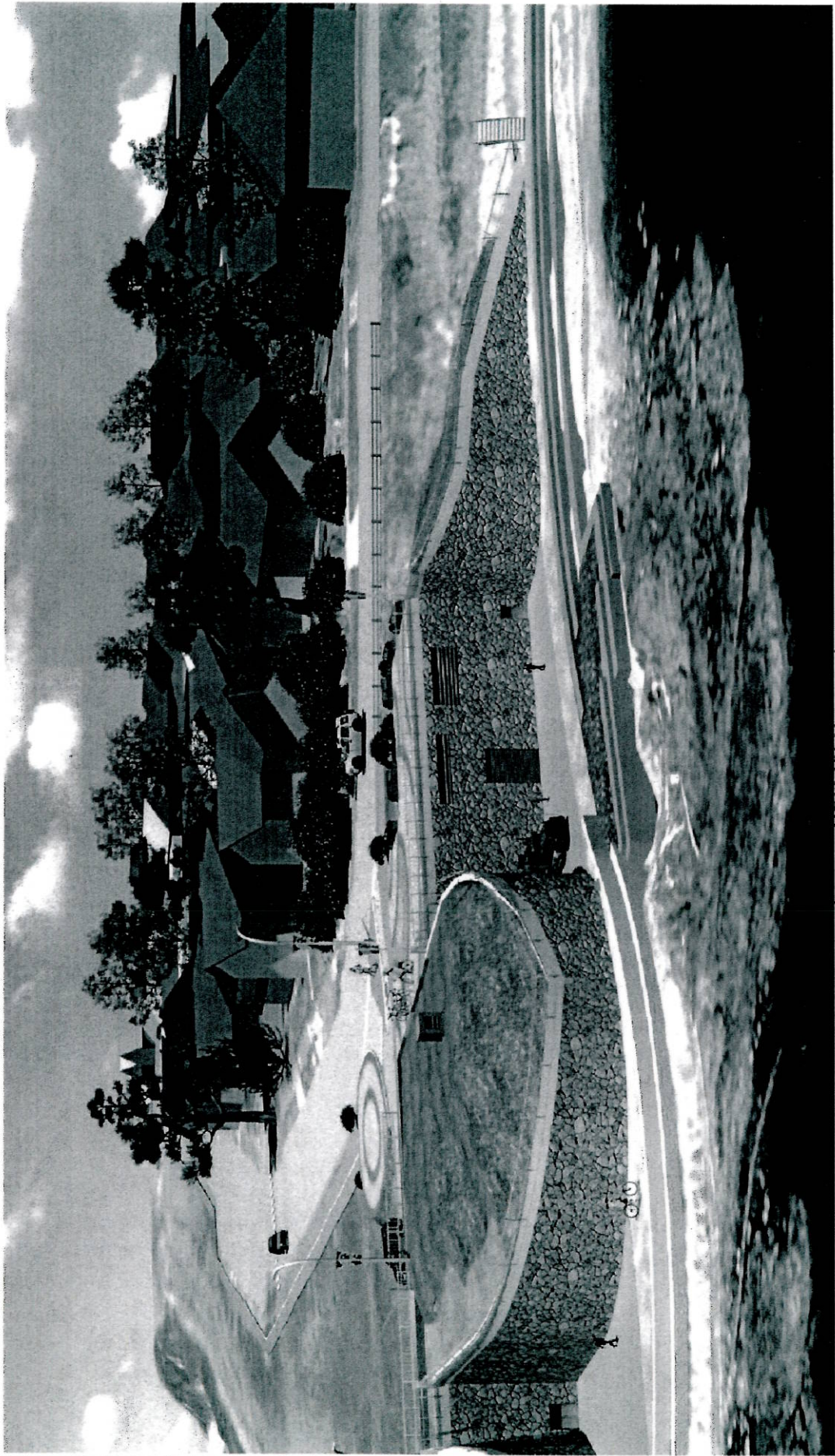
City of Victoria
Engineering and
Public Works Department
T: 250.361.0300
www.victoria.ca

For more information about construction related to the conveyance pipe, contact the Seatterra Program:

Kristin Quayle
Communications Coordinator
CRD Seatterra Program
T: 250.360.3623 | F: 250.360.3071
www.seatterraprogram.ca

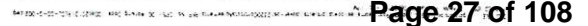
DISCLAIMER: THESE INDICATIVE DESIGN DRAWINGS ARE PRELIMINARY AND ARE NOT FOR CONSTRUCTION. STANTEC MAKES NO WARRANTY AS TO THEIR ACCURACY.

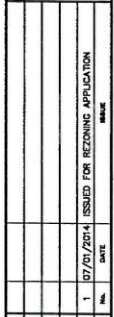
SEATERRA PROGRAM
CLOVER PUMP STATION



City of Victoria
JAN 09 2014
Planning & Development Department
Development Services Division

seatterra
program



Planning & Development Department
Development Services Division



ORTHOPHOTO OF EXISTING SITE
NTS



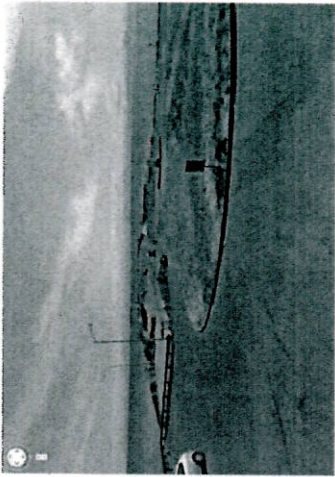
EXISTING VIEW FROM CLOVER SEAWALK LOOKING NORTH
NTS



EXISTING VIEW FROM DALLAS ROAD LOOKING EAST
NTS



EXISTING VIEW FROM CLOVER SEAWALK LOOKING SOUTHWEST
NTS



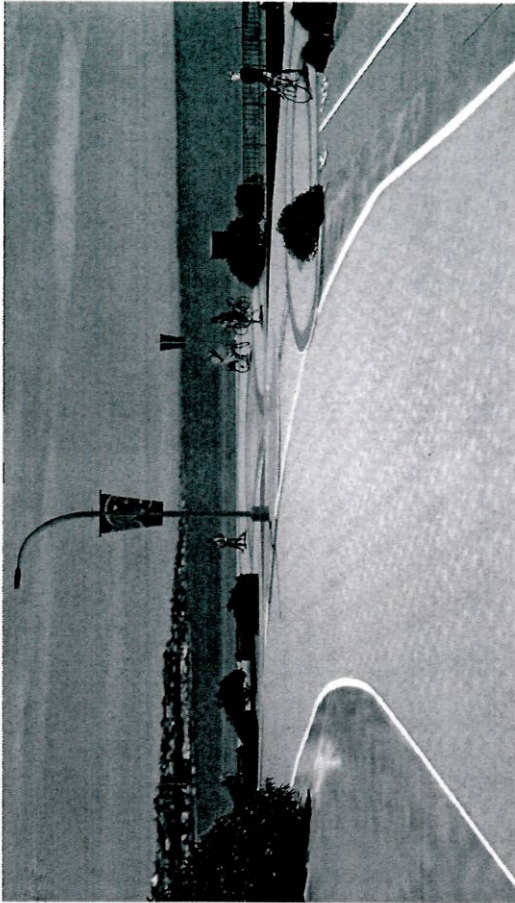
EXISTING VIEW FROM DALLAS ROAD LOOKING SOUTH
NTS

Received
City of Victoria
JAN 09 2014

| | | | | | | | | | | | | | | | |
|--|--|---|------------|---------------------------------|------|------|-----|-------------|----------|---------------|------------|----------|--|---|--------------|
| | Planning & Development Department Development Services Division | 1 | 07/01/2014 | ISSUED FOR REZONING APPLICATION | DATE | TIME | CRD | DESIGNED MC | REVIEWED | DATE 12/19/13 | CHECKED MC | APPROVED | CORE AREA WASTEWATER TREATMENT PROGRAM | CLOVER PUMP STATION EXISTING SITE CONDITIONS | SHEET 4 OF 8 |
| | | | | | | | | | | | | | | | |



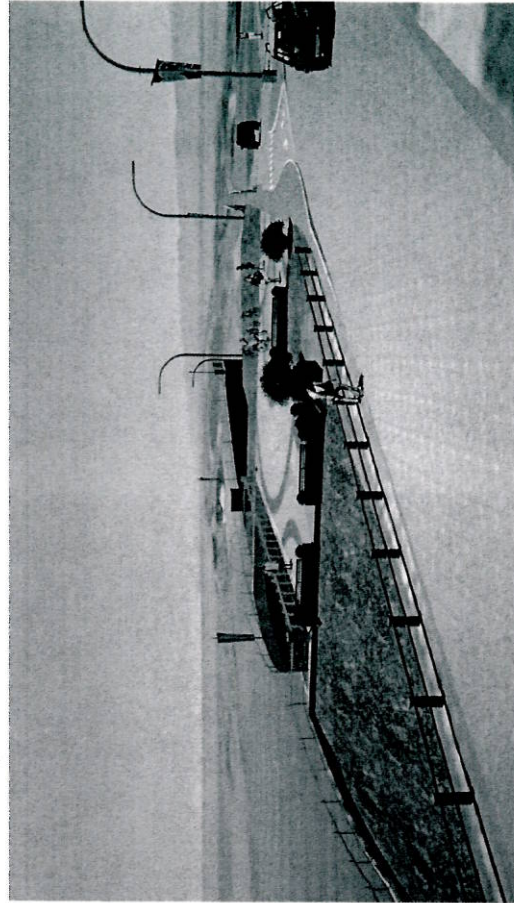
— AERIAL PERSPECTIVE —
— NTS —




VIEW FROM DALLAS ROAD LOOKING EAST



NTS
-
-




VIEW FROM DALLAS ROAD LOOKING SOUTH
NTS



Received
City of Victoria



VIEW FROM EAST
NTS

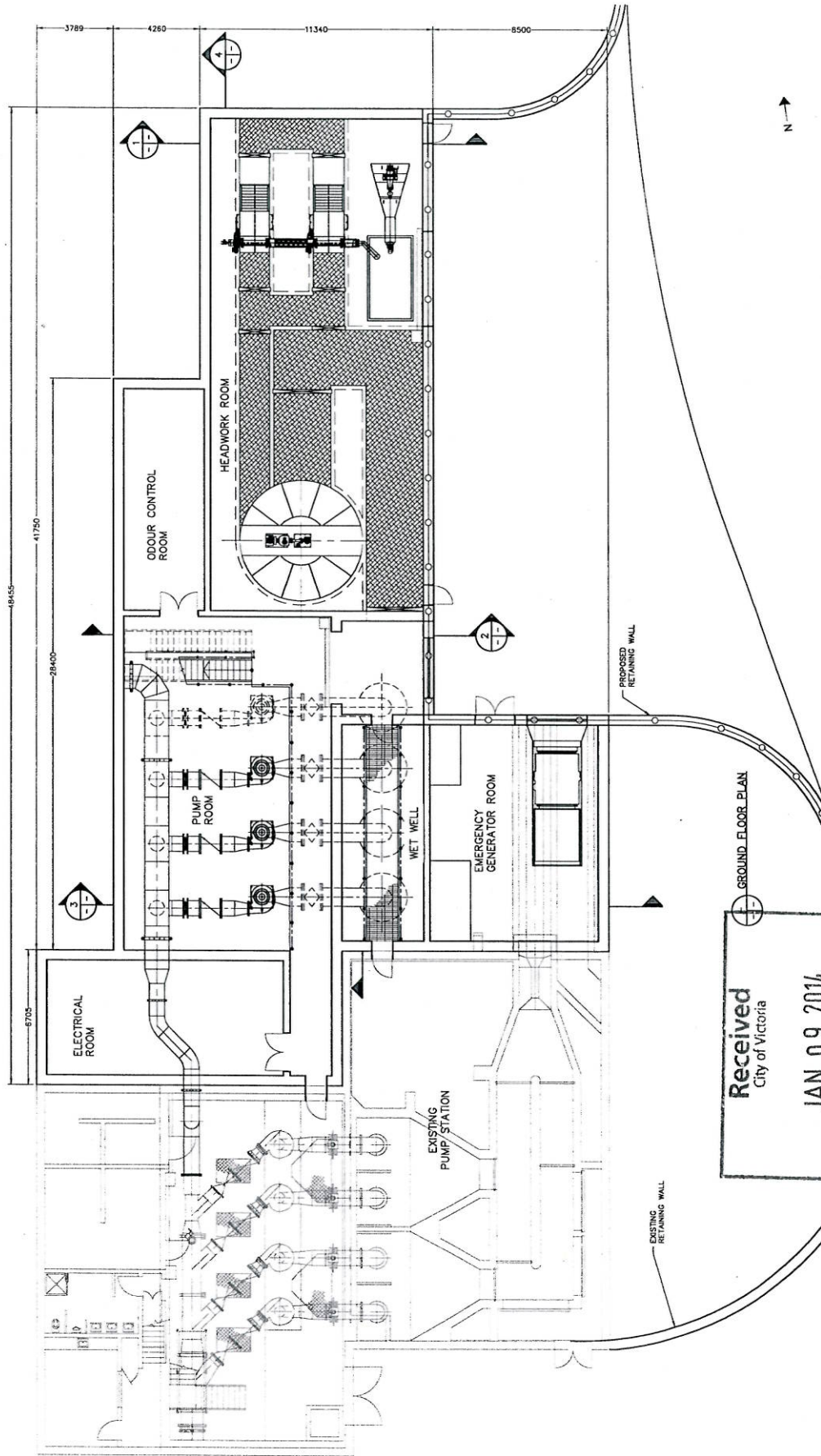


JAN 09 2014

Planning & Development Department
Development Services Division

OF 1
PAGE 1

| | | | | |
|---|---|------------------------------|---|--|
|  |  | | DESIGNED SC BURNETT -- | CORE AREA WASTEWATER TREATMENT PROGRAM |
| | DRAWN CRT HORIZONTAL 1:1000 | DATE 04/18/13 CHECKED ESD | CLOVER PUMP STATION PROPOSED RENDERINGS | |
| | SCALE VERTICAL -- | APPROVED -- | CONTRACTORS-100 DRAWING NUMBER CL-CO-G-005 | SHEET 1 OF 8 |



Received
City of Victoria
JAN 09 2014



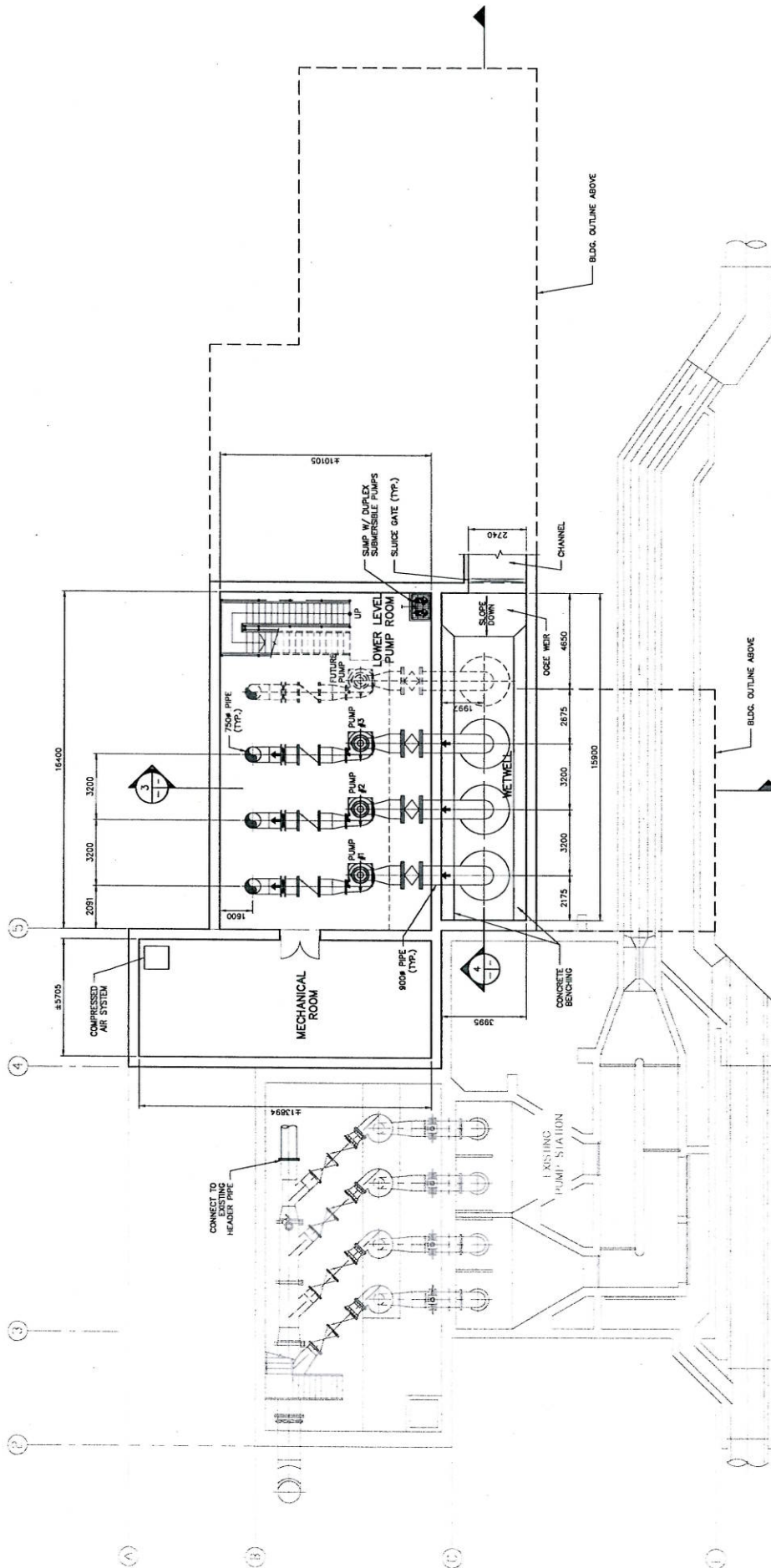
| | | |
|---------------|---------------|--|
| CRD | SC | CORE AREA WASTEWATER TREATMENT PROGRAM |
| DATE 02/04/13 | DATE 02/04/13 | CLOVER PUMP STATION |
| DATE 02/04/13 | DATE 02/04/13 | GROUND FLOOR PLAN |
| DATE 02/04/13 | DATE 02/04/13 | CONTACT OPS-100 |
| DATE 02/04/13 | DATE 02/04/13 | CL-CC-G-006 |
| DATE 02/04/13 | DATE 02/04/13 | CL-CC-G-006 |
| DATE 02/04/13 | DATE 02/04/13 | CL-CC-G-006 |

| NO. | DATE | REVISION |
|-----|------------|---------------------------------|
| 1 | 07/01/2014 | ISSUED FOR REZONING APPLICATION |

| NO. | DATE | REVISION |
|-----|------------|---------------------------------|
| 1 | 07/01/2014 | ISSUED FOR REZONING APPLICATION |

| NO. | DATE | REVISION |
|-----|------------|---------------------------------|
| 1 | 07/01/2014 | ISSUED FOR REZONING APPLICATION |





LOWER FLOOR PLAN
SCALE 1:100

NOTE: ALL DIMENSIONS AND ELEVATIONS ARE PRELIMINARY

seatera
program

CRD
City of Victoria
DATE 04/04/13
CHECKED ESD
APPROVED RAF
SCALE HORIZONTAL 1:100
SCALE VERTICAL 1:100

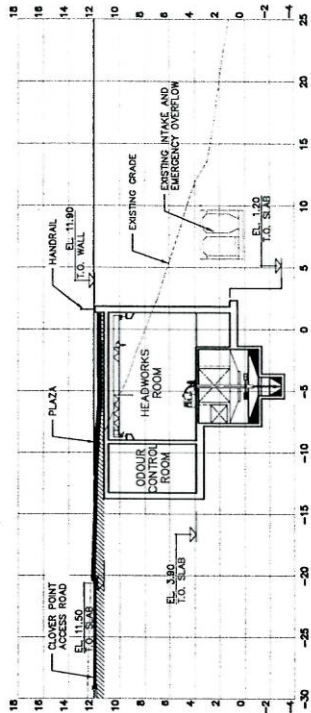
CORE AREA WASTEWATER TREATMENT PROGRAM
CLOVER PUMP STATION
LOWER FLOOR PLAN
CONTACT: CPS-100
DRAWING NUMBER CL-CO-G-007
DATE 04/04/13
CHECKED ESD
APPROVED RAF
SCALE HORIZONTAL 1:100
SCALE VERTICAL 1:100

Received
City of Victoria
JAN 09 2014
Planning & Development Department
Development Services Division

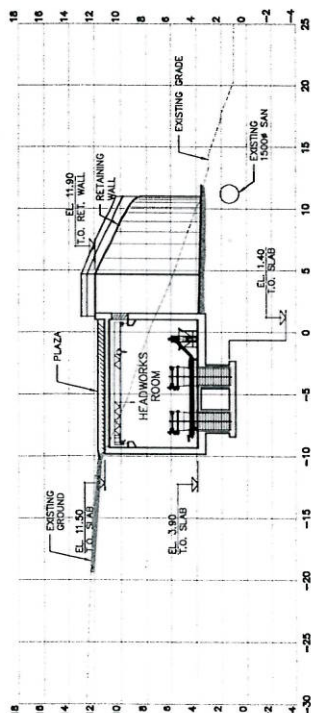
| REV | DATE | BY | CHK | DESCRIPTION |
|-----|------------|----|-----|---------------------------------|
| 1 | 07/27/2014 | | | ISSUED FOR REZONING APPLICATION |

| REV | DATE | BY | CHK | DESCRIPTION |
|-----|------------|----|-----|---------------------------------|
| 1 | 07/27/2014 | | | ISSUED FOR REZONING APPLICATION |

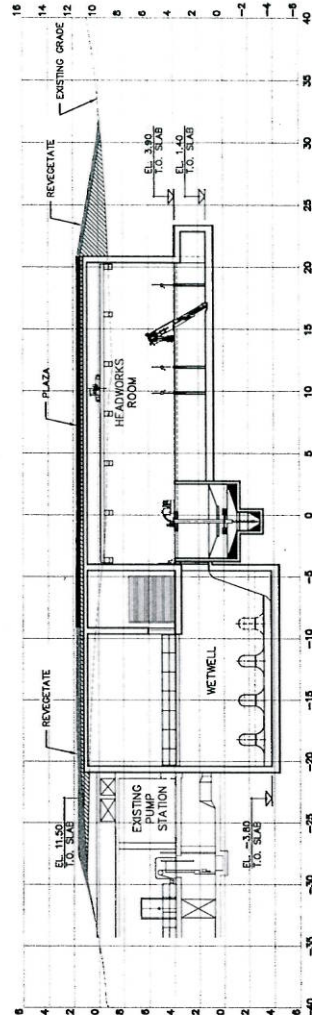




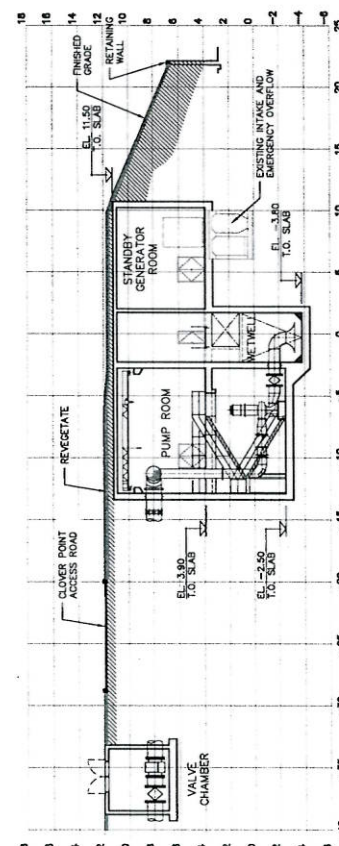
SECTION 2
VERTICAL SCALE 1:200



SECTION 1
VERTICAL SCALE 1:200



SECTION 4
VERTICAL SCALE 1:200



SECTION 3
VERTICAL SCALE 1:200



CRD
DATE 08/04/13
SCALE 1:200
VERTICAL

DESIGNED SC
REVIEWED
DATE 08/04/13
CHECKED ESD
APPROVED RAF

CONTRACT CFS-100
DRAWING CL-CO-G-008
SHEET 8 OF 8

Stantec

Received
City of Victoria
JAN 09 2014
Planning & Development Department
Development Services Division

REPORTS OF THE COMMITTEE

1. Governance and Priorities Committee – November 07, 2012

2. CRD Clover Point Pump Station – Approvals Process Options

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council permit the CRD to make a Rezoning Application to allow a public utility as a permitted use in this specific location with the CALUC process to run concurrently. Carried Unanimously



Governance and Priorities Committee Report

Date: October 28, 2013 **From:** Brad Dellebuur, Manager of Transportation
Subject: CRD Clover Point Pump Station – Approvals Process Options

Executive Summary

The CRD is planning to upgrade and expand the existing Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process – Board of Variance application, Rezoning application, or a City-initiated amendment to the Zoning Regulation Bylaw. In the first two options, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. The third option involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

Staff recommends that Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Recommendation:

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.

That this report be received for information.

Respectfully submitted,

Brad Dellebuur
Manager of Transportation

Dwayne Kalynchuk, P. Eng.
Director, Engineering and Public Works

Deborah Day
Director of Planning

Report accepted and recommended by the Acting City Manager:

Jocelyn Jenkyns

Purpose

The purpose of this report is to seek Council approval on the preferred method to process the CRD's proposal to upgrade and expand the existing underground Clover Point Pump Station.

Background

The CRD is planning to upgrade and expand the underground Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

The existing Clover Point Pump Station currently provides screening of raw wastewater prior to discharge at the Clover Point outfall. An expanded pump station would pump wastewater to a proposed treatment plant at McLoughlin Point for secondary treatment, via a new forcemain running along Dallas Road, through Ogden Point, and under the Inner Harbour. Raw wastewater would no longer be discharged at Clover Point, except during extreme wet weather storm events.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process.

Issues & Analysis

The Capital Regional District (CRD) Pump Station Plant at Clover Point is located in the public right-of-way and zoned R1-B (Single Family Dwelling District). Pump stations are not permitted uses within the R1-B Zone, and the existing facility is therefore a legally non-conforming use. This legal non-conforming status poses a challenge in terms of the CRD's ability to advance their proposal for a large addition to the building. Part 26 Section 911 (5) of the Local Government Act (LGA) prohibits a structural alteration or addition to a legal non-conforming use:

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under Section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.

In accordance with the above legislation, there are three options for addressing the CRD request to expand the Clover Point Pump Station:

1. CRD makes a Board of Variance Application
2. CRD makes a Rezoning Application
3. City initiates a Zoning Regulation Bylaw Amendment

In Option 1 and Option 2, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. Option 3 involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

The following provides a brief analysis of the advantages and disadvantages of each option:

1. *That Council permit the CRD to make a Board of Variance Application to allow the addition and structural alterations to the building, without any change to the current legal non-conforming use.*

Advantages:

- Board of Variance Applications take a fairly short timeframe to process. (Typically six to eight weeks.)
- The immediately adjacent neighbours would be notified of the proposal and invited to submit comment to the Board of Variance.
- If the Board of Variance Application is unsuccessful, Council could still allow the CRD to submit a rezoning application.

Disadvantages:

- The public may perceive the process to be limited with respect to community consultation.

2. *That Council permit the CRD to make a Rezoning Application to allow a public utility as a permitted use in this specific location.*

Advantages:

- The use will be permitted within this location simplifying regulatory challenges.
- The public may perceive greater opportunities for community consultation and involvement than the Board of Variance option.

Disadvantages:

- Rezoning Applications have a longer processing timeframe (typically four to six months for straightforward applications.) This may delay the start date of this CRD project.
- It is not possible to expedite a Rezoning Application for this property without significantly impacting other Departmental Work Program items, and timelines associated with other development applications.

3. *That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones.*

Advantages:

- Public utilities in other public right-of-ways would no longer be considered legal non-conforming uses, and similar situations would be avoided in the future.

Disadvantages:

- Public utilities would become permitted uses within every public right-of-way; which may result in the development of utilities in locations around the City that are not necessarily in the best interests of the public.
- In order to fully anticipate and analyze potential implications associated with this type of City-initiated rezoning, an expedited process would not be possible without significantly affecting other Departmental Work Program items and timelines associated with development applications.

Staff recommends Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Other Project Issues:

Staff will be forwarding a separate information memo to Council on a number of other ongoing items associated with this project, including the proposed forcemain along Dallas Road and potential construction impacts, and the status of neighbourhood discussions regarding the proposed bike path between Clover Point and Ogden Point.

Recommendations

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.



Governance and Priorities Committee Report

Date: October 28, 2013 **From:** Brad Dellebuur, Manager of Transportation
Subject: CRD Clover Point Pump Station – Approvals Process Options

Executive Summary

The CRD is planning to upgrade and expand the existing Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process – Board of Variance application, Rezoning application, or a City-initiated amendment to the Zoning Regulation Bylaw. In the first two options, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. The third option involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

Staff recommends that Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

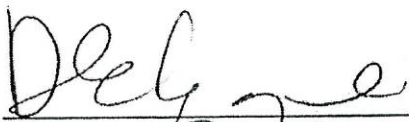
Recommendation:

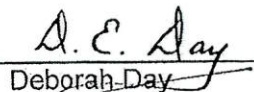
That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.

That this report be received for information.

Respectfully submitted,


 Brad Dellebuur
 Manager of Transportation


 Dwayne Kalynchuk, P. Eng.
 Director, Engineering and Public Works


 Deborah Day
 Director of Planning

Report accepted and recommended by the Acting City Manager:


 Jocelyn Jenkins

Purpose

The purpose of this report is to seek Council approval on the preferred method to process the CRD's proposal to upgrade and expand the existing underground Clover Point Pump Station.

Background

The CRD is planning to upgrade and expand the underground Clover Point Pump Station, to increase its capacity and direct wastewater to the proposed Wastewater Treatment Plant at McLoughlin Point. In order to move forward, the CRD requires City approval for expansion of the pump station.

The existing Clover Point Pump Station currently provides screening of raw wastewater prior to discharge at the Clover Point outfall. An expanded pump station would pump wastewater to a proposed treatment plant at McLoughlin Point for secondary treatment, via a new forcemain running along Dallas Road, through Ogden Point, and under the Inner Harbour. Raw wastewater would no longer be discharged at Clover Point, except during extreme wet weather storm events.

Approving the pump station expansion has several process options, necessitating Council direction on the preferred process.

Issues & Analysis

The Capital Regional District (CRD) Pump Station Plant at Clover Point is located in the public right-of-way and zoned R1-B (Single Family Dwelling District). Pump stations are not permitted uses within the R1-B Zone, and the existing facility is therefore a legally non-conforming use. This legal non-conforming status poses a challenge in terms of the CRD's ability to advance their proposal for a large addition to the building. Part 26 Section 911 (5) of the Local Government Act (LGA) prohibits a structural alteration or addition to a legal non-conforming use:

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under Section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.

In accordance with the above legislation, there are three options for addressing the CRD request to expand the Clover Point Pump Station:

1. CRD makes a Board of Variance Application
2. CRD makes a Rezoning Application
3. City initiates a Zoning Regulation Bylaw Amendment

In Option 1 and Option 2, Council must grant permission to the CRD to proceed with an application to resolve the legal non-conforming use, because the City of Victoria is the property owner. Option 3 involves a City-initiated action to amend the Zoning Regulation Bylaw, to allow public utilities within all public right-of-ways within the City of Victoria.

The following provides a brief analysis of the advantages and disadvantages of each option:

1. *That Council permit the CRD to make a Board of Variance Application to allow the addition and structural alterations to the building, without any change to the current legal non-conforming use.*

Advantages:

- Board of Variance Applications take a fairly short timeframe to process. (Typically six to eight weeks.)
- The immediately adjacent neighbours would be notified of the proposal and invited to submit comment to the Board of Variance.
- If the Board of Variance Application is unsuccessful, Council could still allow the CRD to submit a rezoning application.

Disadvantages:

- The public may perceive the process to be limited with respect to community consultation.

2. *That Council permit the CRD to make a Rezoning Application to allow a public utility as a permitted use in this specific location.*

Advantages:

- The use will be permitted within this location simplifying regulatory challenges.
- The public may perceive greater opportunities for community consultation and involvement than the Board of Variance option.

Disadvantages:

- Rezoning Applications have a longer processing timeframe (typically four to six months for straightforward applications.) This may delay the start date of this CRD project.
- It is not possible to expedite a Rezoning Application for this property without significantly impacting other Departmental Work Program items, and timelines associated with other development applications.

3. *That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones.*

Advantages:

- Public utilities in other public right-of-ways would no longer be considered legal non-conforming uses, and similar situations would be avoided in the future.

Disadvantages:

- Public utilities would become permitted uses within every public right-of-way, which may result in the development of utilities in locations around the City that are not necessarily in the best interests of the public.
- In order to fully anticipate and analyze potential implications associated with this type of City-initiated rezoning, an expedited process would not be possible without significantly affecting other Departmental Work Program items and timelines associated with development applications.

Staff recommends Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations", to allow "public utility" as a permitted use within all public-right-ways within all City zones. This amendment will ensure all existing CRD infrastructure located in public right-of-ways throughout the City conforms to the Zoning Regulation Bylaw, and would avoid potential issues for similar infrastructure projects in the future.

Other Project Issues:

Staff will be forwarding a separate information memo to Council on a number of other ongoing items associated with this project, including the proposed forcemain along Dallas Road and potential construction impacts, and the status of neighbourhood discussions regarding the proposed bike path between Clover Point and Ogden Point.

Recommendations

That Council direct staff to initiate a Zoning Regulation Bylaw Amendment to the "General Regulations" to allow "public utility" as a permitted use within all public-right-ways within all City zones.

MINUTES OF MEETING
Planning and Zoning Committee
Fairfield Gonzales Community Association
December 16, 2013

Members of FGCA Planning and Zoning Committee:

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

Subject Property:

1122-1124 Leonard Street; to permit the strata titling of an existing duplex

Presenter: Michael Cronquist

Proponent will repair roof and stucco siding, redo stoop, windows and masonry; establish parking in the front yard

4 attendees

Attendee Questions & Comments:

- Two neighbours with adjacent properties expressed support for the proposal and indicated other neighbours also support it.
- Other neighbour in close proximity also expressed support
- General consensus was the poor condition of the property needed attention and were pleased proponent is proposing to fix it up
- One neighbour questioned whether a masonry wall would undergo strengthening aka seismic upgrading. The proponent indicated that would depend on his contractor's assessment of the condition of the wall

Subject Property:

~~1303 Dallas Rd.~~ – Clover Point Pump Station. The existing pump station is to be expanded as part of the overall CRD wastewater handling proposal, and requires a change to its present zoning of R1B, permitted non-conforming.

Presenter: Malcolm Cowley

Estimate 90 attendees, 80% from the community and 20% from outside the community

Owing to the large turnout and anticipated broad range of questions regarding the CRD wastewater treatment project, attendees were reminded to direct their questions only to the specifics of the rezoning proposal.

It was most helpful to hear the announcement from the presenter that arrangements were made for an Open House on Jan. 25, 2014 as a step in further public engagement about the wastewater handling program, where all other questions will be entertained.

Attendee Questions & Comments:

- Expression by many that this is another example of poor community engagement by CRD and not in step with CRD stated public engagement standards; aka only 16 notices to residents were sent out.
- Neighbours in close proximity expressed concerns regarding noise, odour, diesel exhaust and traffic safety (pedestrians, cyclists and vehicles). Suggestions that some safety measures need to be addressed during and post construction. How will noise and odour be mitigated? Might some form of traffic calming be considered such as a crosswalk? How is noise measured? Will things be better or worse regarding noise and odour?
- Questions as to why no public engagement before seeking rezoning
- Questions as to why rezoning application submitted to city prior to this CALUC meeting...proponent indicated they were told to do so by City
- What steps have been taken to consult with first nations.....both Songhees and Esquimalt First Nations have been consulted with
- Questions regarding what would be impact if City refuses to rezone property. Is there a plan B? Is the City really willing not to proceed with the rezoning or is this just a process that needs to be followed and rezoning is a given? No answer available from presenter, it will be up to the City.
- When complete, what is the increased flow? Proponent stated there will be a small increase and this will be mitigated by local government efforts to reduce infiltration of storm water into sanitary sewers.
- Will electric power requirements for pumps increase and could power lines be put underground?
- What environmentally friendly steps be taken to reduce electrical power requirements and could other methods to power the pumps be considered? Proponent indicated only practical source of power is electricity; however they are pursuing environmentally initiatives such as green roofing.
- What is the total cost? Answer: budget is \$20 million for the pumping station
- A great deal of questions and discussion regarding the trenching along Dallas Road and extension of pipe across entrance to harbor to the McCauley Point Treatment Plant. These questions were out-of-scope for the rezoning of the pumping station at Clover Point, however people expressed frustration there has not been a public forum to discuss such. Issues included impact on parking, erosion of slopes, whether piping could be put off-shore, pipe maintenance, barriers between cycle path and dog off-leash area....
- Question regarding attention to impact of potential tsunami considered in design...answer, yes it is being accounted for in the design.
- Question as to why upgrading of pumping station is necessary if no increase in flow projected. Answer, existing equipment is old, new equipment will not fit existing structure and must pump sewage much further (McCauley Point) than existing pumps (outfall). Designed for the next 75 years.
- Questions regarding actual size of pumping station and setbacks and difficulty in providing comment without these specifications. Proponent stated these were still

being determined and indicated present proposal shows maximum size of pumping station (actual could be less) and that setback will be about 8 meters from high water.

- Comments regarding difficulty in providing meaningful input on pumping station in isolation, without consideration of impacts all along Dallas Road waterfront
- Comment that parking should not be impacted
- Comment that parking should be eliminated at Clover Point and revert to only parkland
- Comment that future CRD-Seatterra public engagement meetings should be held in the same format as this meeting, with on the spot question – answer opportunity
- Question as to when this will go to council
- Question as to why Amendment 8 does not speak to expansion or upgrading of pumping station. Proponent stated Amendment states remove of grit and ability to handle 3X average flow.

George Zador

Planning and Zoning Chair
Fairfield Gonzales Community Association
1330 Fairfield Rd. Victoria, BC V8S 5J1
planandzone@fairfieldcommunity.ca
www.fairfieldcommunity.ca
[Facebook](#)

Planning and Land Use Standing Committee Report

Date: January 27, 2014 **From:** Brian Sikstrom, Senior Planner

Subject: Development Permit Application # 000346 for 506 Government Street, 430 Menzies Street and 450 Superior Street – Provincial Applications to subdivide South Block and Q-Lot in the Legislative Precinct

Executive Summary

The purpose of this report is to provide information, analysis and recommendations regarding a Provincial application for a Development Permit to subdivide the South Block and Q-Lot (map attached) in the Legislative Precinct.

The subdivision applications will enable the sale of the majority of the South Block and a portion of the Q- Lot.

The following points were considered in analyzing this application:

- This Development Permit Application for Subdivision requires Council approval of related amendments to the existing *Victoria Accord – Legislative Master Development Agreement* but these amendments do not affect the obligations under the Agreement.
- The proposed subdivisions do not preclude development of the South Block or Q-Lot as envisaged in the existing *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices*.
- To retain the obligations under the existing Master Development Agreement (MDA), the existing agreement will be replaced with two new agreements. One with the Province for existing obligations related to the Q-Lot and another with new private sector owners for existing obligations related to the South Block. These agreements are proposed to be registered on their respective properties.

Staff recommend that the application be approved as it does not preclude future development consistent with the existing design guidelines and the proposed amendments have been structured so that obligations under the existing Master Development Agreement have been maintained. This also satisfies Council's condition for forwarding the associated Rezoning Application to reinstate offices as a permitted use on the Q-Lot and on South Block to a Public Hearing.

This application has no variances; therefore, a Public Hearing is not required.

Recommendation

1. That Council authorize the issuance of a Development Permit for the Provincial applications to subdivide the Q-Lot and South Block in the Legislative Precinct as shown in the proposed subdivision plans date stamped January 9, 2014.

Planning and Land Use Standing Committee
Development Permit Application #000346


January 27, 2014

for 506 Government St, 430 Menzies St. and 450 Superior St.

Page 2 of 10

2. That Council approve the required amendments to *the Victoria Accord – Legislative Master Development Agreement* to the satisfaction of the Director of Sustainable Planning and Community Development, City Solicitor as well as amendments required for approval of the subdivision by the Approving Officer.

Respectfully submitted,

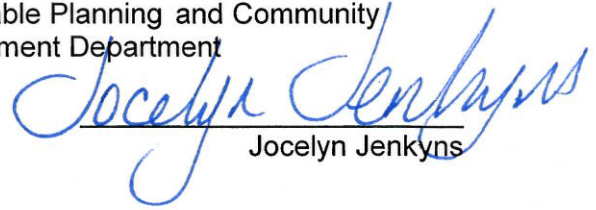


Brian Sikstrom
Senior Planner
Development Services



Deb Day, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

BMS:aw

S:\TEMPEST_ATTACHMENTS\PROSPERO\DP\DP0003462014 PLUSC REPORT.DOC

1.0 Purpose

The purpose of this report is to provide information, analysis and recommendations regarding a Provincial application for a Development Permit to subdivide the South Block and Q-Lot in the Legislative Precinct.

2.0 Background

2.1 Description of Proposal

The Provincial application to subdivide the South Block will permit the sale of the majority of the block (85%) to the private sector for redevelopment. The proposed subdivision will create a separate provincially-owned lot for the Queen's Printer Building and the Heritage-Designated houses at 514 and 506 Government Street on the eastern side of the block. The sale of the land on the South Block includes an agreement by the Province to lease back approximately 16,723 m² of new office space. An initial first phase of 5,574 m² of office space is required to be ready for occupancy by March of 2017.

The Provincial application to subdivide the Q-Lot will permit the sale of a 1974.5 m² lot for a development. The proposed lot is to be subdivided from the northwest corner of the Q-Lot with frontage on Kingston Street. The remainder lot of 9454.1 m² of the original Q-Lot is to remain in Provincial ownership.

The Province and the private sector firms selected to purchase and redevelopment these properties have agreed to secure the obligations and amenities under the existing Master Development with apportionment of these obligations to their respective properties and registration on title.

2.2 Existing Site Development and Development Potential

South Block

The CD-2 Zone, Legislative Precinct Comprehensive District, covers the South Block. The block is divided into five Development Areas. Under this zoning, the development potential for the block is comprised of 46,320 m² of "public buildings" and 11,990 m² of commercial, daycare, library and general office uses. The lot on the South Block proposed for sale and redevelopment is currently occupied by "temporary" office buildings, parking lots, a community garden and five Heritage-Register buildings.

The *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices*, 1994 outlines the location of buildings on the South Block as well as their form, character and landscaping. High-quality government offices are envisaged along the north side of the South Block facing the rear of the Legislative buildings with walkways and public squares linked through to low-rise housing along the southern part of the block. The western side of the block includes street-level commercial uses along Menzies Street. The Heritage-Register buildings are to be relocated within the block as well as on a nearby lot on Powell Street.

The *Victoria Accord - Legislative Master Development Agreement, 2010* details how development of the South Block will be carried out including requirements for phasing, works and services, travel demand management, the provision of affordable housing and amenities, as well as relocating and restoring the existing heritage buildings. The City and Province

agreed to renew the MDA in 2006 and 2010. The MDA is due to expire on June 2, 2014. If the agreement expires, it no longer has any effect.

Q-Lot

The CD-2 Zone, Legislative Precinct Comprehensive District, covers the Q-Lot. The lot is comprised of two Development Areas. One Development Area is occupied by the Kew Court non-market townhouse development fronting on Superior Street and a market seniors "care-a-minium" fronting on Kingston Street. These are the only housing developments constructed to date in the CD-2 Zone. The second development area is currently occupied by a parking lot. Its development potential is comprised of up to 21,650 m² of public buildings as well as 1750 m² of retail, general office, restaurant and daycare space.

The *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices, 1994* outlines the location of buildings on Q-Lot as well as their form, character and landscaping. Offices with commercial space at grade are envisaged along Menzies Street. Offices are also envisaged with frontage on Superior Street and Kingston Street.

The Victoria Accord - Legislative Master Development Agreement, 2010 details how development of the Q-Lot will be carried out including requirements for phasing, works and services, travel demand management, the provision of affordable housing and amenities. The City and Province agreed to renew the MDA in 2006 and 2010. The MDA is due to expire on June 2, 2014. If the Agreement expires, it no longer has any effect.

2.3 Land Use Context

South Block is bounded by:

- North (across Superior Street): the BC Parliament Buildings and Grounds
- East (across Government Street): a mixture of commercial, public and residential buildings
- West (across Menzies Street): a restaurant, apartment building and service station
- South (across Michigan Street): a mixture of residential, public and commercial buildings.

Q-Lot is bounded by:

- North (across Kingston Street): hotels
- East (across Menzies Street): the Armouries Building and Grounds
- West: single family dwellings, duplexes and townhouses
- South (across Superior Street): apartment buildings.

2.4 Legal Description

Q-Lot:

Lot 3 of Lot 1888, 1890, 1891, 1892, 1893, 1894, 1895, 1914, 1915, 1916, 1917, 191 and 1919, Victoria City, Plan VIP61725

Strata Lots 1-35 of Lots 1895, 1896, 1911 and 1912, Victoria City, Strata Plan VIS4686 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

South Block:

Parcel A (DD 49390-I) of Lot 1732, Victoria City

Parcel B (DD 59204-I) of Lot 1732, Victoria City

Lots 1 and 2 of Lots 1718 and 1722, Victoria City, Plan 105

Parcel A (DD 76651I) of Lots 3 and 10 of Lots 1718, 1719, 1720 and 1721, Victoria City, Plan 105

That part of Lot 10 of Lots 1720, 1721 and 1722, Victoria City, Plan 105 lying north of a straight line drawn westerly, and parallel to the northerly boundary of said Lot 10, from a point on the easterly boundary of said Lot 10, a distant southerly 120 feet from the north east corner of said Lot 10

Lots 11 and 12 of Lots 1720, 1721 and 1722, Victoria City, Plan 105

Lots 2 and 3 of Lot 1723 and 1724, Victoria City, Plan 287

Lot 1 of Lot 1724, Victoria City, Plan 287

Lot 4 of Lot 1739, Victoria City, Plan 287

Lot 5 of Lots 1739 and 1740, Victoria City, Plan 287

Lot 6 of Lot 1740, Victoria City, Plan 287

Lot 8 of Lots 1741 and 1742, Victoria City, Plan 105

Lot 9 of Lot 1741, Victoria City, Plan 105

Lots 4, 5, 6, the northerly 1/3 of Lot 7 and the southerly 2/3 of Lot 7 all of Lots 1742, 1743, 1744 and 1745, Victoria City, Plan 105

Lots 1725-1731, 1733, 1735-1738, Victoria City

That part of Lot 1734, Victoria City, lying to the west of a boundary parallel to the westerly boundary of said Lot and extending from a point on the southerly boundary of said Lot distant 33 feet from the south west corner of said Lot

Parcel A (DD 187969I) of Lots 1734, Victoria City.

2.5 Relevant History

The Province has requested that the City reinstate office use in the CD-2 Zone. Office use was removed as a permitted use in this Zone when Council changed the definition of "public building" in 2007. A staff report on a *Zoning Regulation Bylaw Amendment* to reinstate office use was reviewed by the Planning and Land Use Committee of Council. On November 7, 2013, the following motion was adopted by City Council:

That Council authorize that:

1. *That the Provincial request for a Zoning Regulation Bylaw amendment to reinstate offices as a permitted use on the "Q Lot" and South Lot of the Legislative Precinct proceed to a Public Hearing and that staff prepare the necessary Zoning Regulation Bylaw amendments, subject to review by the City of the Provincial Land sale RFP with respect to the purchasers entering into an agreement with the City to assume the Province's outstanding obligations under the Master Development Agreement.*
2. *That the Province's request to submit an Official Community Plan Amendment Application related to the subdivision of the South Block and Q-Lot in advance of a CALUC Community Meeting be granted.*
3. *That the Province's contribution of appropriate resources to expedite the processing of its applications be accepted and that the necessary applications be given priority.*

Council's condition respecting the review of the Provincial RFP was reviewed by staff and it was determined that the approach outlined in the Province's RFP would not secure the obligations. However, the Province and the selected purchasers (Jawl Properties Ltd. and Concert Properties Ltd.) have agreed to replace the existing Master Development Agreement with two new agreements that apportion the existing obligations and register them against the respective properties on the Q-Lot and South Block.

The Public Hearing date on this *Zoning Regulation Bylaw* Amendment is scheduled for March 13, 2014. It is anticipated that the Development Permit for the Province's subdivision applications and amendments to *The Victoria Accord - Legislative Master Development Agreement, 2010* will also be considered by Council following the Public Hearing on March 13, 2014.

The Provincial Request for Proposals for the sale of the South Block and a portion of Q-Lot closed on December 9, 2013. The Province selected the proposal submitted by the Jawl Properties Ltd. and Concert Properties Ltd. to purchase and redevelop the lands. The sale of the lands by the Province is to be completed on March 21, 2014. Following the sale, it is anticipated applications will be submitted by the purchasers for development of approximately 16,722 m² of office space on the South Block for lease back to the Province for a period of 20 years.

2.6 Consistency with Design Guidelines

South Block

The South Block is within Development Permit Area #12 Legislative Precinct and subject to the associated *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices*. The proposed subdivision does not follow the boundaries of these Development Areas. Instead, it forms a new lot on the eastern side of the block. While this subdivision pattern is not anticipated in the design guidelines, it does not preclude development of the block as envisaged.

Q-Lot

The Q-Lot is also within Development Permit Area #12 Legislative Precinct and subject to the associated *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices*. The proposed subdivision does not impact buildings shown in the design guidelines.

2.7 Consistency with other City Policy

2.7.1 Official Community Plan, 2012

The Province's subdivision applications do not preclude development of either the South Block or Q-Lot as envisaged in Development Permit Area #12 and its associated *Legislative Precinct Urban Design Guide Manual, Built Form Guidelines & Appendices*. Therefore, no amendments are required to the *Official Community Plan, 2012*.

2.7.2. Victoria Accord - Legislative Master Development Agreement, 2010

The Province's subdivision applications, as proposed, are not anticipated in *The Victoria Accord - Legislative Master Development Agreement, 2010*. Therefore, there are a number of amendments required consequent to Council's consideration of the Development Permit. These amendments require the approval of City Council as well as the Province. In addition, amendments to the Master Development Agreement are required for consideration of the Province's subdivision applications by the City's Approving Officer. The major amendments that are required to the Master Development Agreement to enable the Development Permit for Subdivision approval and to ensure that the previously agreed to obligations and amenities are secured are listed in Appendix 1 of this report.

2.8 Community Consultation

The Province's subdivision applications were presented at an Open House held in James Bay on December 2, 2013, and a James Bay Community Association Land Use Committee meeting on December 11, 2013. A letter dated December 23, 2013, from the James Bay Neighbourhood Association providing comments from the public is attached.

3.0 Issues

The major issue that arises from the Province's subdivision applications and sale of the associated lands is the retention of the Province's outstanding obligations under the Master Development Agreement. These obligations are due to expire on June 2, 2014, if the Master Development Agreement is not renewed or when the lands are sold to the selected purchasers, Jawl Properties Ltd. and Concert Properties Ltd.

4.0 Analysis

To address the issue of its obligations under the Master Development Agreement, the Province, Jawl Properties Ltd. and Concert Properties Ltd have agreed to replace the existing Master Development Agreement with two new separate agreements. These agreements with the City maintain the obligations under the existing Master Development Agreement (with the removal of redundant or completed provisions and the amendments required for Development Permit and Subdivision approvals) but divide them according to their assignment in the existing MDA. The amendments also assign items within the Accord that are not related to the subdivision but were related to the 1994 development scheme including the provision of amenities. The Province would continue to be responsible for the obligations associated with the Q-Lot and its retained portion of South Block. Jawl Properties Ltd. and Concert Properties Ltd. would be responsible for the obligations associated with the remainder of South Block and a portion of Q-Lot. These agreements are proposed to be registered on these properties. This approach also satisfies Council's condition for forwarding the associated Rezoning Application to reinstate offices as a permitted use on the Q-Lot and South Block to a Public Hearing. The redevelopment of the South Block will involve further approvals by Council and these may include consideration of a new agreement with Jawl Properties Ltd. and Concert Properties Ltd. At the time of future development applications, the obligations and amenities in any new agreement could be updated to reflect present day conditions, City goals and objectives and community values. A similar scenario could also be expected should the Q-Lot be developed by the Province or sold to another owner.

5.0 Resource Impacts

The resource impacts of these subdivision applications and associated replacement Master Development Agreements have been addressed with funding contributed by the Province. If further development proposals related to these lands are required to be expedited, new arrangements will be required.

6.0 Options

Option 1

1. That Council authorize the issuance of a Development Permit for the Provincial applications to subdivide the Q-Lot and South Block in the Legislative Precinct as shown in the proposed subdivision plans date stamped January 9, 2014.
2. That Council approve the required amendments to *the Victoria Accord – Legislative Master Development Agreement* to the satisfaction of the Director of Sustainable Planning and Community Development, as well as amendments required for approval of the subdivision by the Approving Officer.

Option 2

That Council decline the application.

7.0 Conclusions

The subdivision applications will enable the sale of the majority of the South Block and a portion of the Q- Lot for redevelopment, including 16, 723 m² of office space on the South Block to be leased back by the Province. This redevelopment of the South Block will require Council's future approval, including the authorization of any revisions or amendments to the existing design guidelines and Master Development Agreement.

This Development Permit Application requires Council approval of related amendments to the existing *Victoria Accord – Legislative Master Development Agreement* but these amendments do not affect the obligations under the agreement. In addition to the MDA revisions that are required to facilitate the subdivision, staff are recommending that obligations contained in the Agreement be amended and reassigned, as appropriate, in order to ensure that the amenities and unfulfilled obligations that were contemplated and considered important in the initial 1994 Plan and rezoning of the properties are secured prior to the Agreement's expiry date of June 2, 2014. With this approach, the community values and wishes that were expressed through the 1994 planning and rezoning process are respected and established as a "baseline" until future development plans are advanced. This approach also satisfies Council's condition for forwarding the associated Rezoning Application to reinstate offices as a permitted use on the Q-Lot and South Block to a Public Hearing.

To retain these obligations, the existing agreement will be replaced with two agreements. One with the Province for existing obligations related to the Q-Lot and its retained portion of South Block and another with Jawl Properties Ltd. and Concert Properties Ltd. for existing obligations related to South Block and a portion of Q-Lot. These agreements are proposed to be registered on their respective properties.

The application is supportable as it does not preclude future development consistent with the existing design guidelines and a legal obligation is proposed to retain the obligations under the existing Master Development Agreement.

8.0 Recommendations

1. That Council authorize the issuance of a Development Permit for the Provincial applications to subdivide the Q-Lot and South Block in the Legislative Precinct as shown in the proposed subdivision plans date stamped January 9, 2014.
2. That Council approve the required amendments to *the Victoria Accord – Legislative Master Development Agreement* to the satisfaction of the Director of Sustainable Planning and Community Development, as well as amendments required for approval of the subdivision by the Approving Officer.

9.0 List of Attachments

- Aerial map
- Aerial map and Subdivision Plans dated January 9, 2014
- Letter from applicant dated January 14, 2014
- Letter from Jawl Properties Ltd. and Concert Properties Ltd.
- Letter from the James Bay Community Association dated December 23, 2013.

APPENDIX 1

Master Development Agreement (MDA) Amendments

1. MDA Amendments Required for Development Permit Approval

- Section 1.4 BCBC must provide for the reconstruction of the intersections of Menzies Street/Kingston Street and Menzies Street/Superior Street as part of the works and services to be installed by BCBC upon subdivision of the Q-Lot.
- Section 1.5 BCBC must provide comprehensive site servicing plans detailing the works and services on Superior Street, Michigan Street, Menzies Street and Government Street with the first application to subdivide lands in the South Block.
- Section 2.0 The Legislative Precinct Lands will be subdivided and developed in phases with each subdivision proposal requiring approval of City Council and the City's Approving Officer.
- Section 2.3 BCBC proposes to subdivide the South Block and Q-Lot into lots generally outlined in the LPUDM is repealed and replaced with:
- Section 2.4 BCBC will not apply to create lots in South Block and Q-Lot which would straddle the Development Area boundaries established in the CD-2 Zone, Legislative Precinct Comprehensive Development District.
- Section 2.6 BCBC will submit an inventory of existing trees within the South Block showing those to be removed and those to be retained concurrently with the first subdivision application for the South Block.
- Section 4.0 BCBC must undertake the development of the Legislative Precinct Lands in sequence shown on Schedule E.

2. MDA Amendments Required for Subdivision Approval

Please Note

The Appendix will be made available next week prior to the meeting.



N



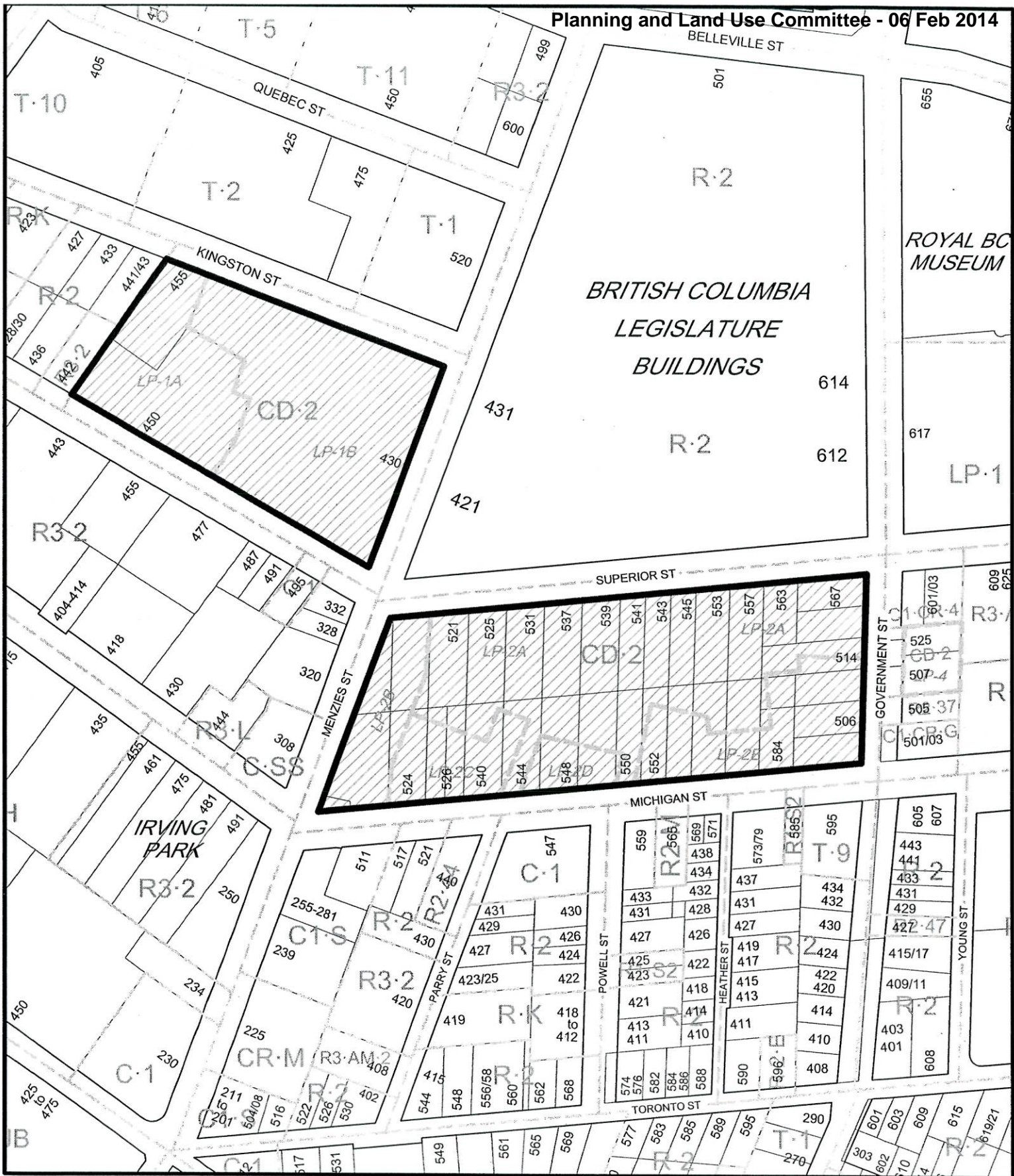
CD-2 Legislature Comprehensive District

Development Permit #000346

Development Permit Application # 000346 for 506 Government S...



CITY OF
VICTORIA



N

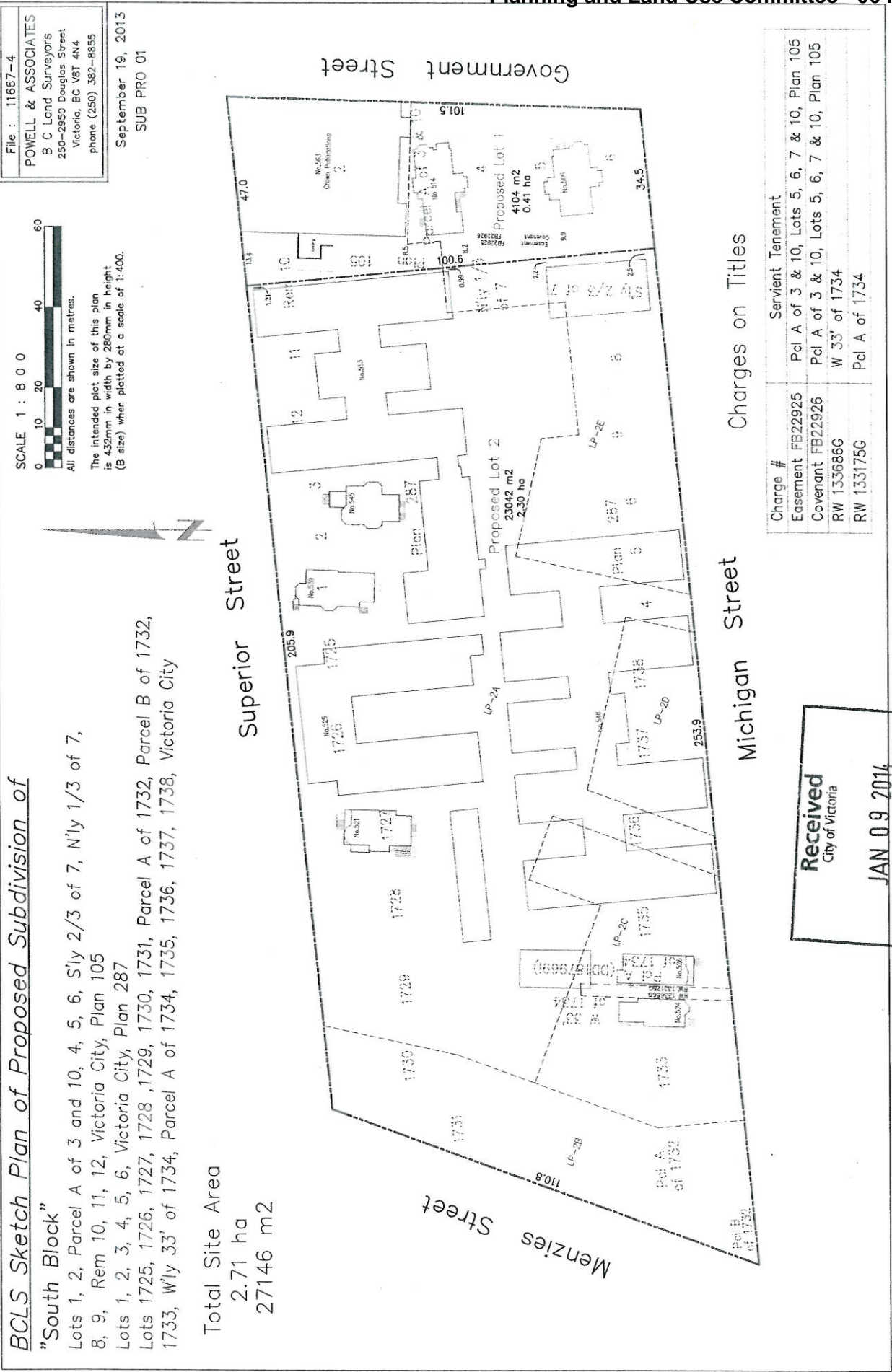


CD-2 Legislature Comprehensive District

Development Permit #000346

Development Permit Application # 000346 for 506 Government S...







January 7, 2014

Mayor Dean Fortin and Council
City of Victoria
#1 Centennial Square
Victoria BC V8W 1P6

**Re: Development Permit Application – Q Lot and South Block,
Concurrent Subdivision Applications, File No. 00263
Legislative Precinct – Victoria Accord Lands**

Dear Mayor and Council,

The Province is moving ahead to renew government offices on South Block through the sale of lands for redevelopment and lease back of approximately 16,723 sm (180,000 sf) of new office space. The *Capital Park* project will realize key components of the 1992 Victoria Accord.

The east portion of South Block lands, including the Queen's Printer Building, will be retained by the Province, and the remaining 85% of the block sold to the successful development proponent. *Capital Park* also includes the sale of a small portion of Q-Lot for potential use to relocate five South Block heritage houses.

The benefits of the *Capital Park* project include:

- Substantive progress on the Victoria Accord after 20 years;
- Long term commitment to Government offices in Victoria – 16,723 sm (180,000 sf) of office space;
- Potential for almost three times the number of Government full time employees (FTE) in this location;
- Approximately 6,500 sm (70,000 sf) of additional office space and 140 affordable and market housing units;
- New LEED Certified and seismically safe buildings to replace "temporary" 1940s buildings that are long past their useful lives;
- Extensive development controls are in place, including the Victoria Accord, OCP Development Permit Area 12, Comprehensive Development (CD) Zoning, Master Development Agreement, Urban Design Manual and Built Form Guidelines;
- Phased development with concurrent community amenities;
- Recycling of existing surface parking lots and underutilized lands with high quality mixed use infill buildings;
- Preservation of heritage buildings;
- Continued transportation demand management initiatives with a focus on underground parking and reduced vehicle dependency;
- New government offices will have a project value of more than \$60 million and 150 to 200 directly related construction jobs; and

CitySpaces
Consulting Ltd.

5th Floor
844 Courtney St.
Victoria BC
V8W 1C4
250.383.0304 Tel
866.383.0304 Toll-free
250.383.7273 Fax
www.cityspaces.ca

Victoria

Vancouver

Calgary



- Subsequent development approvals will include multiple opportunities for continued community consultation.

As one of the first steps to realizing the Capital Park project, the Province seeks subdivision approval for Q-Lot and the South Block to create the parcels to be retained and sold. The attached survey plans show the parcels to be sold for redevelopment. The province also seeks concurrent approval of the Subdivision Development Permit and approval to make required amendments to the Master Development Agreement. The province acknowledges the City's desire that the amenities set out in the Master Development Agreement be confirmed or amended prior to the MDA expiry in June 2014.

Master Development Agreement Amendments

The Master Development Agreement (MDA) did not anticipate that the Province (BCBC) would meet its office space needs through private sector development. The Province requests that the MDA be amended to allow the subdivision to proceed without delay and that obligations respecting land subdivision be deferred to subsequent subdivisions.

The following clauses of the Master Development Agreement require amendment to defer obligation to subsequent subdivision related to the development of the lands:

- 1.2 BCBC agrees to grant a statutory right of way for the purpose of reconstructing and widening Superior Street, if necessary, and increase the setback by 2.44 metres from Superior Street for all buildings proposed for construction in Q-Lot and South Block.
- 1.3 BCBC agrees to provide a series of lanes, walkways and courtyards open to the public as shown in the Legislative Precinct Urban Design Manual, and to provide, construct and maintain these at BCBC's expense.
- 1.4 BCBC agrees to provide for the reconstruction of the intersections of Menzies/Kingston Streets and Menzies/Superior Streets as part of the works and services to be installed.
- 1.5 BCBC agrees to provide comprehensive site servicing plans detailing the works and services on Superior Street, Michigan Street, Menzies Street and Government street with the first application to subdivide lands in the South Block.
- 2.6 BCBC agrees to submit an inventory of existing trees within South Block, showing those to be removed and those to be retained concurrently with the first application to subdivide lands for the Block.

The Province further requests that it be exempt from clause 2.4, which stipulates that the Province will not apply to create lots in South Block that would straddle the Development Area boundaries established in the CD-2 Zone, Legislative Precinct Comprehensive Development District. The proposed subdivision of South Block would allow the Province to retain the Queen's Printer and the two heritage buildings on the east portion of the property along Government Street.

Community Consultation

Two community consultations are complete to date. The province held an Open House in November 2013 and presented to the James Bay Community Association on December 2, 2013. The response from the neighbourhood was considered positive.



Project Information Summary

Q-Lot Site Information:

| | |
|----------------------|---|
| Zone (existing) | CD-2: Legislative Precinct Comprehensive District |
| Total Site Area | 11,428.6 sm |
| Retained Parcel Area | 9,454.1 sm |
| Severed Parcel Area | 1,974.5 sm |

South Block Site Information:

| | |
|----------------------|---|
| Zone (existing) | CD-2: Legislative Precinct Comprehensive District |
| Total Site Area | 27,146 sm |
| Retained Parcel Area | 4,104 sm |
| Severed Parcel Area | 23,042 sm |

The applications pertain to land subdivision only; no new buildings or changes to the regulatory documents are proposed and, accordingly, it is considered that there is no impact on transportation, heritage, green building or infrastructure.

In Conclusion

We trust this provides a useful description of the proposed Development Permit application for Subdivision and outlines the requested amendments to the Master Development Agreement. On behalf of the Province, we look forward to working with the City to process the development approvals of the Q-Lot and South Block parcels.

Sincerely,



John Gauld, RPP
CitySpaces Consulting Ltd.

cc: Jim Baker, CCIM, Ministry of Technology, Innovation and Citizens' Services





JBNA

234 Menzies St
Victoria, B.C.
V8V 2G7

James Bay Neighbourhood Association

www.jbna.org

December 23rd, 2013

Mayor Fortin,
City of Victoria

Re: Victoria Accord - Public Input/Consultation and the CALUC process

Dear Mayor Fortin,

On Wednesday, December 11th, JBNA held the second of the public meetings focused on the proposed build-out of the complexes committed as part of the Capital Park project. The focus of the meeting was the subdivisions of South Block and Q-lot.

The issues and objections raised by residents at the meeting were NOT, in the main, directed to the subdivision but to the honouring of the Victoria Accord, the heritage houses, parking and traffic, and *the unknown* as a specific build-out proposal has not been presented.

Attached you will find an excerpt from the draft December 11th JBNA general meeting,

At the December 2nd Open House and December 11th JBNA meeting, residents completed 83 surveys. The survey is now available on the JBNA web-site and to date we have received an additional 54 survey responses. It is our intention to summarize the surveys responses and present the results at a Council meeting in January.

Sincerely,

Marg Gardiner
President, JBNA

Tom Coyle
Chair, JBNA CALUC

Cc: Jocelyn Jenkyns
Deb Day
Brian Sikstrom

Attachment

JBNA December 11th, 2013 General Meeting

Victoria Accord – Re-Zoning of Legislative Precinct – Province of BC

Introduction by Marg Gardiner on the project and JBNA's role. The timeline: rezoning for office use at JBNA November meeting, subdivision of Q-lot & South Block tonight and sale of land (March 2014). City processes would follow, dealing with requests to alter lots or zoning.

Jim Baker, Shared Services BC: Sub-division of lands of the sale package.

The project description included Victoria Accord history, and:

- ~ The Government of BC is commitment to a 20-year lease of 180,000 sqft to support 1125 employees, additional office and commercial space, another 140 housing units. Office buildings to be built to LEED gold standard. Government offices will be anchored in James Bay.
- ~ Parking lots – 303 stalls on South Block will become 563 lots underground.
- ~ Provisions for heritage building restoration is included.
- ~ On Q-Lot, the Camelot care complex and the Kew Court subsidized housing complex fulfilled part of the Victoria Accord.
- ~ Many development controls in place through 1994 Victoria Accord & renewed agreements.
- ~ RFP asked developers to assume the Accord's position.

Rezoning is underway to address an inadvertent omission of permitted office use in a 2007 rezoning process. The subdivision application of South Block and Q-lot may require an OCP amendment. Development Permits and amendment to the master development agreement will also be needed.

The subdivision is the subject of this meeting. BC Gov't will retain ownership of the Queens Printer and heritage buildings on Government St on South-Block and most of Q-lot .

Excerpt: JBNA December 11th, 2013 General Meeting Draft Minutes

Questions/Comments/Responses

C: The accord was suggested as being secure, and then changes were hinted at – many of us fear change, that the accord will expire and will not be observed. I'd like it to be upheld.

A: The development schedule will have to change. Commercial space was supposed to be built out first, followed by residential, then offices last. Residential won't be built first – there is a requirement that office space be made available according to a schedule.

C: Lewis Street resident: The 5 heritage houses were to be moved down to Michigan. I've since heard that there is a proposal to put them on Q lot. It's a daft idea. I'm opposed to them being moved off South Block. They need to be designated, restored, retained.

C: San Jose resident: I agree with previous comments. The community garden needs to be retained too. It could become an interesting piece of ecology amongst big buildings. It could be a charming oasis. It's important; it feeds low income people. I'll fight to keep it.

C: Fairfield resident: I want to see a percentage of the land preserved as public park.

Q: Resident of 400 block Government: Victoria Accord states traffic must be considered before anything happens; there needs to be a means of getting in & out of James Bay. That hasn't been done – with three times as many employees, how are they to commute & park?

A: Fewer parking requirements are anticipated, as more spaces will be provided. The Transportation plan has been partly fulfilled – we've provided bus stops on Government Street. Any development proposal will need to consider transportation.

attach – p1/2

C: The Duet was supposed to be built as senior housing, but suddenly sold to a developer.

Q: Regarding the process – a plan normally goes with a rezoning application. What we've been told is that plans aren't yet available, but we want to take the next step. That's not the way it's normally done – can someone from the City clarify?

A: This is a little different because the building concept is already in the accord. The rezoning application now underway affirms the original intent of the accord.

Q: Presently the land can only be used for public buildings – is that correct? We were told there had been a mistake. I participated in the accord process and have faith in that work. I am concerned we're being asked to trust the process, but it seems we are one step ahead already – we need to see the proposals, to see the specific plans.

A: If a plan comes forward that's not in keeping with the intent of the accord, it will have to go through the whole rezoning process.

Q: About Q-Lot – the James Bay Market space. It's not being developed right now, and you're retaining it for parking, right? Is the green space threatened? Will it remain?

A: Currently there is no plan to change it ... but current use is not a perpetuity.

Q: Montreal St resident: We'll hold your feet to the fire on the accord. If you assume this should be built, you could not get a more sensitive plan – right down to the trees. There are issues with traffic, gardens, heritage houses to be resolved. This is better than having the property sold to the private sector with no obligation. If the developer follows the design guidelines, it will be a huge plus for the community. All must be considered – but we must hold to the design guidelines. We are hopeful new families will move here, bring new vitality. The community suffers for the parking lots, they discourage tourists from entering the community. We need respectable building frontages. Parking lots discourage.

Q: What happens in February, when the accord has ended? Will all this work be honoured?

A: I believe so, from what I've seen. The JBNA has been a strong advocate for the community, we hear them.

C: Regarding the heritage houses – they should remain on South block, fronting on Michigan. They are protected under the accord – but who's going to pay to save the houses, and who's responsible for their upkeep and development?

A: They are part of the sale, conditions being that they be relocated and refurbished.

C: Maintaining sightlines to the dome – everyone should look from corner of Michigan and Menzies – it should remain on the diagonal. I'd like to see that in the plan.

A: It's part of the accord document – a change will trigger full public process.

Q: The accord contemplated the whole project, now it's being sold off piece meal. Will a new accord be created for the residual lands of Q-Lot?

A: We've been talking to the City about that – it's 20 years old and in need of change.

C: If you parcel some off now, then obviously a new accord for Q-Lot is needed.

Q: Resident Toronto/Michigan: I asked at the last meeting whether houses could be designated heritage by the City before anything happens. A developer will see the houses as an impediment & take a quick way out to restore them. What developers call restoration and heritage people call restoration is very different. The houses need to be considered.

A: I expect they will need to get permits to move them anywhere.

C: Both the City and the Province need to be involved in that process.

C: I am more worried about Q Lot than South block due to the expiration of the Accord in June. I hope the City will negotiate a new accord for Q-lot. Regarding the garden, JBNA has identified another couple of spots, and Chris Coleman is working on it.

attach – p2/2

APPENDIX 1

February 5, 2014

Proposed Amendments to the Legislative Precinct Master Development Agreement with an Allocation of Responsibilities

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|--|------------------------------|--|
| 1.0 and 1.1 | Variation of standards for off-site works and services | Province and Jawl/Concert | Amend - the off-site works and services provided are to be in accordance with the standards under the City's Subdivision Bylaw and consistent with the requirements of the <i>Legislative Precinct Urban Design Manual</i> (LPUDM), unless otherwise agreed by the City and the Province or Jawl/Concert |
| 1.2 | Increase of setback and registration of SRW for highway purposes on Superior Street frontage | Province and Jawl/Concert | SRW to be registered concurrently with subdivision. City to provide standard right of way terms to ensure the owner's subsurface rights of use such as for underground parking are not unreasonably affected |
| 1.3 | Provision of lanes, walkways and courtyards as show in the LPUDM | Province and Jawl/Concert | Retain and apply to both South Block and Q Lot – to be triggered by any major redevelopment of the applicable site |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|---|------------------------------|---|
| 1.4 | Intersection improvements | Province | Revise - this obligation is triggered by the development of Q Lot (Province's portion). City also will add a reference to the \$300,000 security currently being held, and a requirement that the security be automatically renewed on an annual basis. The City will be entitled to draw down on the security and use the funds for intersection improvements if those are commenced prior to development of Q Lot. |
| 1.5 | Comprehensive engineering plans for South Block | Jawl/Concert | Revise - these are to be provided prior to development of South Block (Jawl/Concert portion). Engineering plans must be for all frontages of the portions of South Block acquired by Jawl/Concert plus an additional area of frontage reasonably required to verify appropriate elevations, tie-ins, etc. If and when Proposed Lot 1 of South Block (Provincial portion) is re-developed, frontage works will be consistent with the standards and specifications approved by the City for the rest of the block. |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|--|-------------------------------|--|
| 1.6 | Submission of construction drawings for works and services with building permits for South Block. | | Delete - this is required under the City's building permit process |
| 1.7 | Security for and construction of works and services for Michigan, Menzies and Government Street frontages | Jawl/Concert and the Province | The Province is to provide security for frontage works for Proposed Lot 1 of South Block, concurrently with the issuance of a building permit, but only in respect of any major redevelopment (i.e. would not be triggered by building repairs), and only in respect of the frontage of the portion being developed. |
| 1.8 | Submission of construction drawings for works and services with building permits for the East Office building in South Block | | Delete - required under the normal City's building permit process |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|---|------------------------------|--|
| 1.9 | Security for Superior Street works and services (Development Area LP-2A) | Jawl/Concert | Consolidated with other provisions respecting off-site works and services. |
| 2.0 | Subdivision and development to be in phases, each phase to be approved by Council and Approving Officer | Province and Jawl/Concert | Retain - but delete reference to phasing because the Provincial land sale does not include all of the Legislative Precinct. |
| 2.1 and 2.2 | Conditional approval of subdivision of Q-Lot for the Kew Court | | Delete - completed |
| 2.3 | Subdivision of South Block into lots generally outlined in LPUDM | Jawl/Concert | Amend to allow the subdivision of South Block into Proposed Lot 1 and Proposed Lot 2 – the proposed subdivision plan for South Block differs from plan outlined in LPUDM – see comments under section 2.4. |
| 2.4 | No lots in South Block to straddle Development Area boundaries | Province and Jawl/Concert | Retain - but provide an exception for the proposed boundary line between Proposed Lots 1 and 2 in South Block |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|--|------------------------------|---|
| 2.5 | Retention of Catalpa tree in Kew Court development | | Delete - completed with development of Kew Court. |
| 2.6 | Inventory of trees to be removed/retained - South Block | Province and Jawl/Concert | With respect the portion of South Block to be transferred to Jawl/Concert; this will be deferred to the first application for a development permit following the proposed subdivision of South Block into Proposed Lots 1 and 2. For the portion of South Block to be retained by the Province, the City will require that an inventory of all trees presently situated on the land be provided before the subdivision, or as an alternative, that the Province agree to provide that inventory within 3 months of subdivision. |
| 2.7 | Inventory to be to the satisfaction of Director of Parks | Province and Jawl/Concert | Delete the words "in accordance with the Legislative Precinct Urban Design Manual (LPUDM) because the City now has a Tree Protection Bylaw. |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|--|------------------------------|---|
| 3.0 | CD-2 zone creates 8 development permit areas and prescribes permitted uses and maximum floor space allocations | Province and Jawl/Concert | Applies to both South Block and Q Lot |
| 3.1 | Tracking system for assignment of floor space | Province and Jawl/Concert | Retain the requirement for a tracking system. The section 219 covenants will state the amount of floor area allocated to each of the four parcels being created by subdivision, as agreed to by Jawl/Concert and the Province. |
| 3.2 | DP applications to specify floor area allocated to each use and unallocated floor area remaining | Province and Jawl/Concert | Retain - for both South Block and Q Lot |
| 4.0 | Development undertaken in sequence as shown in attached schedule | | Delete - amended wording to require submission of a phasing plan for Jawl/Concert portion of South Block. with the development permit application for the development of the first office building on South Block. (See 4.7-4.10 below) |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|---|------------------------------|--|
| 4.1 | Development must include housing for mix of households, income levels and tenures | Jawl/Concert | Retain - but delete the reference to phasing |
| 4.2 | Affordable housing requirements | Jawl/Concert | Amend so that the actual number of family and/or affordable units built to date on Q-Lot and S-lot will be deducted from the total amount of those types of housing required to be built on South Block. |
| 4.3 | Provision of a site for construction of 40 affordable housing units | | Delete - completed with the development of Kew Court |
| 4.4 | First project in South Block must be in Development Area LP-2B | Jawl/Concert | Delete - amended wording to require submission of a phasing plan with the development permit application for the development of the first office building on South Block. (See 4.7-4.10 below) |
| 4.5 | Temporary surface parking | Jawl/Concert | Retain |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|------------------------|--|------------------------------|--|
| 4.6 | ADP review of temporary parking proposal | Jawl/Concert | Retain |
| 4.7, 4.8, 4.9 and 4.10 | Sequence of office/residential development | Jawl/Concert | Applies to South Block only. Retain but create an exception for the first office building developed on South Block. These sections will be replaced with a provision that requires submission of a phasing plan with the development permit application for the development of the first office building on South Block based on negotiations on appropriate phasing arrangements. |
| 4.11 | Demolition of "existing bunker" | | Delete – the ownership of the "existing bunker" has been transferred to the Legislature |
| 5.0 | Office development may require parking variances | Province and Jawl/Concert | Retain |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|---|------------------------------|--|
| 5.1 | TDMP requirements | Jawl/Concert | Require TDMP with first development permit application for South Block. Retain bicycle and storage and shower obligations. (See Section 5.9) |
| 5.2 | TDMP requirements - Schedule F | Province | Retain Schedule F. It is noted that the current TDMP requires updating – traffic and parking study to be submitted at the time of the first development permit application for Q-Lot. Retain bicycle storage and shower obligations. (See Section 5.9) |
| 5.3 | Construction of a Transit Facility on Government Street | | Delete - completed |
| 5.4 | Provision of parking enforcement vehicles | Province | Amend - to trigger this obligation with an application for building permit for the first office development on Q-Lot |
| 5.5 | City support of parking enforcement | | City obligation - Parking enforcement provided through Corp of Commissionaires. |
| 5.6 | Bicycle and shower facilities | Province and Jawl/Concert | Retain |
| 5.7 | Committee to monitor TDMP | Province and Jawl/Concert | Retain |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|---|------------------------------|---|
| 5.8 | Provincial contribution of \$12,500 as half the cost of a James Bay Traffic Management Plan | | Delete - contribution provided |
| 5.9 | Traffic and parking impact study | Province and Jawl/Concert | Amend- requirement is to be triggered prior to the issuance of the development permit for the first office building on South Block/Q-Lot. |
| 6.0 | Provision of amenities shown on Schedule G | Province and Jawl/Concert | Delete - Schedule G is no longer accurate and with unfulfilled amenities captured in the text |
| 6.1 | Provincial contribution of \$150,000 to the improvement of Irving Park | | Delete - contribution provided |
| 6.2 | Consultation with the City and community representatives on the extent of Irving Park improvements. | | Delete - completed |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|---------------------------|--|------------------------------|--|
| 6.3 | Multi-purpose meeting room | Province | Retain |
| 6.4 | Principles and guidelines for use of meeting space | Province | Retain |
| 6.5 | Child care facility | Province | Retain |
| 6.6 / 6.7 | Teen Centre | Province | Delete - completed |
| 6.8 | Space for library | Jawl/Concert | Retain |
| 6.9 | Fitness facility for employees | Jawl/Concert | Amend - so that the operating principles and guidelines for community use will be as agreed to by the Tenant (the Province) and the City. (This is essentially the same as the existing Agreement but reflects new ownership. |
| 6.10 (as amended in 2007) | Relocation and community use of building at 539 Superior | Province and Jawl/Concert | Retain - but amend to require the provision of an appropriate relocation site and permit the option of providing an alternative heritage building for community use – a detailed proposal for this alternative is to be submitted by the Province. |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|---|------------------------------|--|
| 7.0 | Study to determine extent and cost of restoration requirements – 6 heritage buildings | Jawl/Concert | Delete - completed |
| 7.1 | Study to include heritage buildings at 504/514 Government | | Delete - completed |
| 7.2 | Restoration requirements to be included in future development proposal guidelines | Province and Jawl/Concert | Retain - the future restoration and relocation of heritage buildings in South Block will require updated studies and Heritage Alteration Permit approvals. |
| 7.3 | Study to be made available to Heritage Advisory Committee | Province and Jawl/Concert | Delete - completed |

| Section Number | Subject Matter/Obligation | Allocation of Responsibility | Comments/Rationale |
|----------------|--|------------------------------|--|
| 7.4 | Restoration and relocation of heritage buildings | Jawl/Concert | Amend - so that the relocation and restoration of heritage buildings within the Jawl/Concert portion of South Block is included in the phasing plan submitted concurrent with development of the first office building on South Block. Delete - Reference to Schedule H and replace relocation of heritage buildings captured in the text |



JBNA

234 Menzies St
Victoria, B.C.
V8V 2G7

James Bay Neighbourhood Association

www.jbna.org

December 23rd, 2013

Mayor Fortin,
City of Victoria

Re: Victoria Accord - Public Input/Consultation and the CALUC process

Dear Mayor Fortin,

On Wednesday, December 11th, JBNA held the second of the public meetings focused on the proposed build-out of the complexes committed as part of the Capital Park project. The focus of the meeting was the subdivisions of South Block and Q-lot.

The issues and objections raised by residents at the meeting were NOT, in the main, directed to the subdivision but to the honouring of the Victoria Accord, the heritage houses, parking and traffic, and *the unknown* as a specific build-out proposal has not been presented.

Attached you will find an excerpt from the draft December 11th JBNA general meeting,

At the December 2nd Open House and December 11th JBNA meeting, residents completed 83 surveys. The survey is now available on the JBNA web-site and to date we have received an additional 54 survey responses. It is our intention to summarize the surveys responses and present the results at a Council meeting in January.

Sincerely,

Marg Gardiner
President, JBNA

Tom Coyle
Chair, JBNA CALUC

Cc: Jocelyn Jenkyns
Deb Day
Brian Sikstrom

Attachment

JBNA December 11th, 2013 General Meeting

Victoria Accord – Re-Zoning of Legislative Precinct – Province of BC

Introduction by Marg Gardiner on the project and JBNA's role. The timeline: rezoning for office use at JBNA November meeting, subdivision of Q-lot & South Block tonight and sale of land (March 2014). City processes would follow, dealing with requests to alter lots or zoning.

Jim Baker, Shared Services BC: Sub-division of lands of the sale package.

The project description included Victoria Accord history, and:

- ~ The Government of BC is commitment to a 20-year lease of 180,000 sqft to support 1125 employees, additional office and commercial space, another 140 housing units. Office buildings to be built to LEED gold standard. Government offices will be anchored in James Bay.
- ~ Parking lots – 303 stalls on South Block will become 563 lots underground.
- ~ Provisions for heritage building restoration is included.
- ~ On Q-Lot, the Camelot care complex and the Kew Court subsidized housing complex fulfilled part of the Victoria Accord.
- ~ Many development controls in place through 1994 Victoria Accord & renewed agreements.
- ~ RFP asked developers to assume the Accord's position.

Rezoning is underway to address an inadvertent omission of permitted office use in a 2007 rezoning process. The subdivision application of South Block and Q-lot may require an OCP amendment. Development Permits and amendment to the master development agreement will also be needed.

The subdivision is the subject of this meeting. BC Gov't will retain ownership of the Queens Printer and heritage buildings on Government St on South-Block and most of Q-lot .

Excerpt: JBNA December 11th, 2013 General Meeting Draft Minutes

Questions/Comments/Responses

C: The accord was suggested as being secure, and then changes were hinted at – many of us fear change, that the accord will expire and will not be observed. I'd like it to be upheld.

A: The development schedule will have to change. Commercial space was supposed to be built out first, followed by residential, then offices last. Residential won't be built first – there is a requirement that office space be made available according to a schedule.

C: Lewis Street resident: The 5 heritage houses were to be moved down to Michigan. I've since heard that there is a proposal to put them on Q lot. It's a daft idea. I'm opposed to them being moved off South Block. They need to be designated, restored, retained.

C: San Jose resident: I agree with previous comments. The community garden needs to be retained too. It could become an interesting piece of ecology amongst big buildings. It could be a charming oasis. It's important; it feeds low income people. I'll fight to keep it.

C: Fairfield resident: I want to see a percentage of the land preserved as public park.

Q: Resident of 400 block Government: Victoria Accord states traffic must be considered before anything happens; there needs to be a means of getting in & out of James Bay. That hasn't been done – with three times as many employees, how are they to commute & park?

A: Fewer parking requirements are anticipated, as more spaces will be provided. The Transportation plan has been partly fulfilled – we've provided bus stops on Government Street. Any development proposal will need to consider transportation.

attach – p1/2

C: The Duet was supposed to be built as senior housing, but suddenly sold to a developer.

Q: Regarding the process – a plan normally goes with a rezoning application. What we've been told is that plans aren't yet available, but we want to take the next step. That's not the way it's normally done – can someone from the City clarify?

A: This is a little different because the building concept is already in the accord. The rezoning application now underway affirms the original intent of the accord.

Q: Presently the land can only be used for public buildings – is that correct? We were told there had been a mistake. I participated in the accord process and have faith in that work. I am concerned we're being asked to trust the process, but it seems we are one step ahead already – we need to see the proposals, to see the specific plans.

A: If a plan comes forward that's not in keeping with the intent of the accord, it will have to go through the whole rezoning process.

Q: About Q-Lot – the James Bay Market space. It's not being developed right now, and you're retaining it for parking, right? Is the green space threatened? Will it remain?

A: Currently there is no plan to change it ... but current use is not a perpetuity.

Q: Montreal St resident: We'll hold your feet to the fire on the accord. If you assume this should be built, you could not get a more sensitive plan – right down to the trees. There are issues with traffic, gardens, heritage houses to be resolved. This is better than having the property sold to the private sector with no obligation. If the developer follows the design guidelines, it will be a huge plus for the community. All must be considered – but we must hold to the design guidelines. We are hopeful new families will move here, bring new vitality. The community suffers for the parking lots, they discourage tourists from entering the community. We need respectable building frontages. Parking lots discourage.

Q: What happens in February, when the accord has ended? Will all this work be honoured?

A: I believe so, from what I've seen. The JBNA has been a strong advocate for the community, we hear them.

C: Regarding the heritage houses – they should remain on South block, fronting on Michigan. They are protected under the accord – but who's going to pay to save the houses, and who's responsible for their upkeep and development?

A: They are part of the sale, conditions being that they be relocated and refurbished.

C: Maintaining sightlines to the dome – everyone should look from corner of Michigan and Menzies – it should remain on the diagonal. I'd like to see that in the plan.

A: It's part of the accord document – a change will trigger full public process.

Q: The accord contemplated the whole project, now it's being sold off piece meal. Will a new accord be created for the residual lands of Q-Lot?

A: We've been talking to the City about that – it's 20 years old and in need of change.

C: If you parcel some off now, then obviously a new accord for Q-Lot is needed.

Q: Resident Toronto/Michigan: I asked at the last meeting whether houses could be designated heritage by the City before anything happens. A developer will see the houses as an impediment & take a quick way out to restore them. What developers call restoration and heritage people call restoration is very different. The houses need to be considered.

A: I expect they will need to get permits to move them anywhere.

C: Both the City and the Province need to be involved in that process.

C: I am more worried about Q Lot than South block due to the expiration of the Accord in June. I hope the City will negotiate a new accord for Q-lot. Regarding the garden, JBNA has identified another couple of spots, and Chris Coleman is working on it.

attach – p2/2



Planning and Land Use Committee Report

Date: January 27, 2014 **From:** Robert Batallas, Senior Planner
Subject: Project Charter for Inner Harbour Revitalization Opportunities Project

Executive Summary

The purpose of this report is to provide Council with the Project Charter for the Inner Harbour Revitalization Opportunities project for consideration and direction. The project outcome will be a report to Council which will identify specific opportunities for the revitalization and enhancement of three Inner Harbour strategic sites:

- Ship Point lands
- Lower Wharf Street parking lot
- Belleville Terminal lands.

These three sites are of strategic significance in terms of their potential to support and enhance transportation and tourism, to foster Downtown vitality and economic development and to contribute to Victoria's distinctive image and identity.

This project also recognizes the strong community interest and desire to engage in a dialogue and share ideas for the revitalization of the Inner Harbour. The project includes a broad public engagement process that will inform, consult and seek input from the local community, including interested citizens, land owners, businesses and the First Nations within the context of existing Council-approved Inner Harbour policies. The completion of this project will also help to position the City for future funding or other opportunities to realize the enhancement or redevelopment of these strategic sites.

The overall project is structured into four phases which are described in the attached Project Charter, beginning in February 2014 with the project initiation and finishing as early as July/August 2014. The project completion milestone is premised on Council's consideration of a final report that identifies preferred revitalization opportunities for each strategic site including a related feasibility analysis for each option. This project will be primarily led by staff from the Sustainable Planning and Community Development Department in addition to support from the Communications and Civic Engagement Department.

The Project Charter outlines the scope, schedule, milestones, deliverable and resource needs for the project. Once approved by Council, the Project Charter will guide the management of the project.

Recommendations

1. That Council approve the Project Charter for the Inner Harbour Revitalization Opportunities project.
2. That Council direct staff to initiate the Inner Harbour Revitalization Opportunities project as outlined in the Project Charter.

Respectfully submitted,

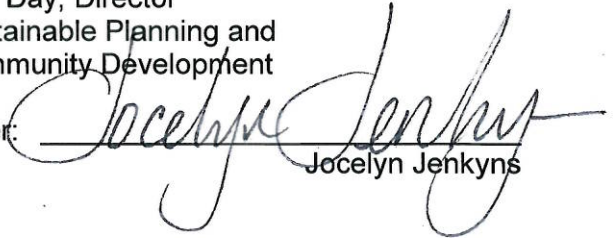


Robert Batallas
Senior Planner
Community Planning



Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:


Jocelyn Jenkyns

RB:aw

W:\Community Planning Division\Projects\Waterfront Plan 2012-2013\Project Charter 2014\Council Reports\Staff Report Inner Harbour Revitalization (V.1).doc

Attachments

- Project Charter: Inner Harbour Revitalization Opportunities



PROJECT CHARTER

Inner Harbour Revitalization Opportunities Project

Version 1.0
January 28, 2014

Prepared by:
Robert Batallas, Senior Planner
Sustainable Planning and Community Development

Project Sponsor:
Deb Day
Director
Sustainable Planning and Community Development

| <i>Document Information and Revision History</i> | <i>Revision:</i> | <i>Date:</i> |
|---|-------------------------|---------------------|
| | #1 | |
| | #2 | |
| | #3 | |
| | #4 | |
| | | |
| | | |
| | | |

Table of Contents

| | |
|---|----|
| PROJECT CHARTER | 0 |
| 1.0 Project Sponsor | 3 |
| 2.0 Project Objective | 3 |
| 3.0 Background | 4 |
| 4.0 Issues | 5 |
| 5.0 Scope | 7 |
| 6.0 Deliverables | 7 |
| 7.0 Process and Schedule | 7 |
| 8.0 Budget, Staff and Third Party Resources | 10 |
| 9.0 Assumptions | 10 |
| 10.0 Approvals | 11 |

1.0 Project Sponsor

The project sponsor is Deb Day, Director – Sustainable Planning and Community Development Department.

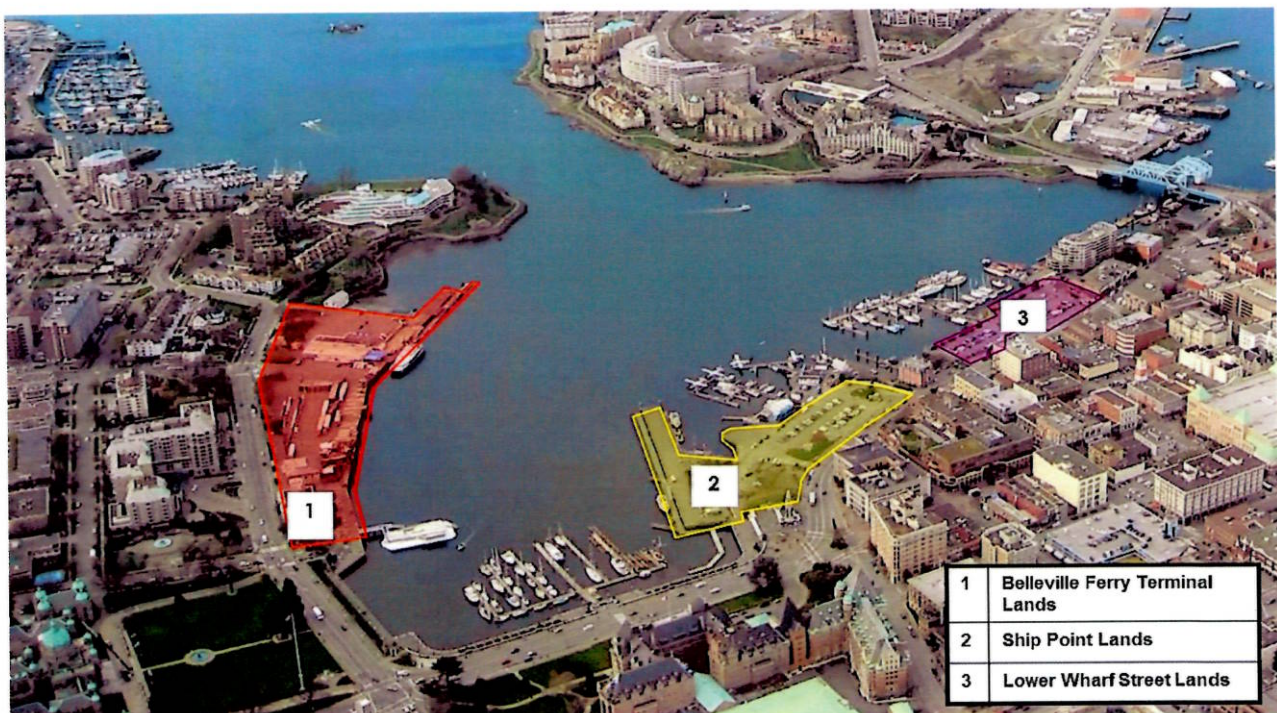
2.0 Project Objective

The objective of the project is to identify specific opportunities for the revitalization and enhancement of three strategic sites in the Inner Harbour including the Ship Point lands, the Lower Wharf Street parking lot and the Belleville Terminal lands (Figure 1).

These opportunities will be developed as part of a broad public engagement process that informs and seeks input from the community including interested citizens, land owners, businesses and the First Nations within the context of the existing Council-approved Inner Harbour policies. The outcomes from this process will be evaluated, refined and brought forward for Council's consideration in the Inner Harbour Revitalization Opportunities Final Report.

Figure 1 below identifies the three Inner Harbour strategic sites that are described within this Project Charter. It should be noted that the specific site boundaries are not legal parcels but rather are illustrative and subject to change.

Figure 1: Inner Harbour Strategic Sites



3.0 Background

This project will be guided by several policy-based objectives which aim to improve the overall vitality of the Inner Harbour through:

- supporting the Waterfront and Harbour revitalization
- enhancing tourism
- ensuring sensitivity to the surrounding historic and waterfront context
- maintaining a Working Harbour
- completing the Harbour Pathway (David Foster Way)
- maintaining and enhancing the Harbour's important role for marine transportation and as a gateway to the City, region and Vancouver Island
- providing well-designed and appropriate public realm improvements
- providing a reason for people to visit, enjoy, invest and have pride in the Harbour.

Council has approved policy plans establishing these common objectives, which have been developed through public engagement processes. The key Inner Harbour policy plans include:

- *City of Victoria Strategic Plan (2013)*
- *Official Community Plan (2012)*
- *Downtown Core Area Plan (2011)*
- *Economic Development Strategy (2011)*
- *Victoria Harbour Pathway Plan (2008)*
- *Victoria Harbour Plan (2001).*

To advance the policy objectives described above, the City of Victoria will initiate a public engagement process to provide opportunities for broad community dialogue aimed at identifying desired revitalization and enhancement opportunities for each of the three Inner Harbour strategic sites. The public engagement process will be informed by existing Council-approved policies and regulations for the Inner Harbour and by related technical studies such as environmental assessments, geotechnical reports and economic feasibility studies. This process also contemplates that staff and technical specialists will provide further advice, input and analysis regarding opportunities, incorporating the interpretation of Council policies and regulations and knowledge of the strategic sites as well as through consultation with key stakeholders including other relevant City departments.

The recent approval of the *Official Community Plan* has served to affirm the overall key policy directions for the Inner Harbour, therefore, the purpose of this project is to refine and advance specific ideas related to Inner Harbour revitalization as opposed to revisiting or re-evaluating existing Inner Harbour policies and regulations.

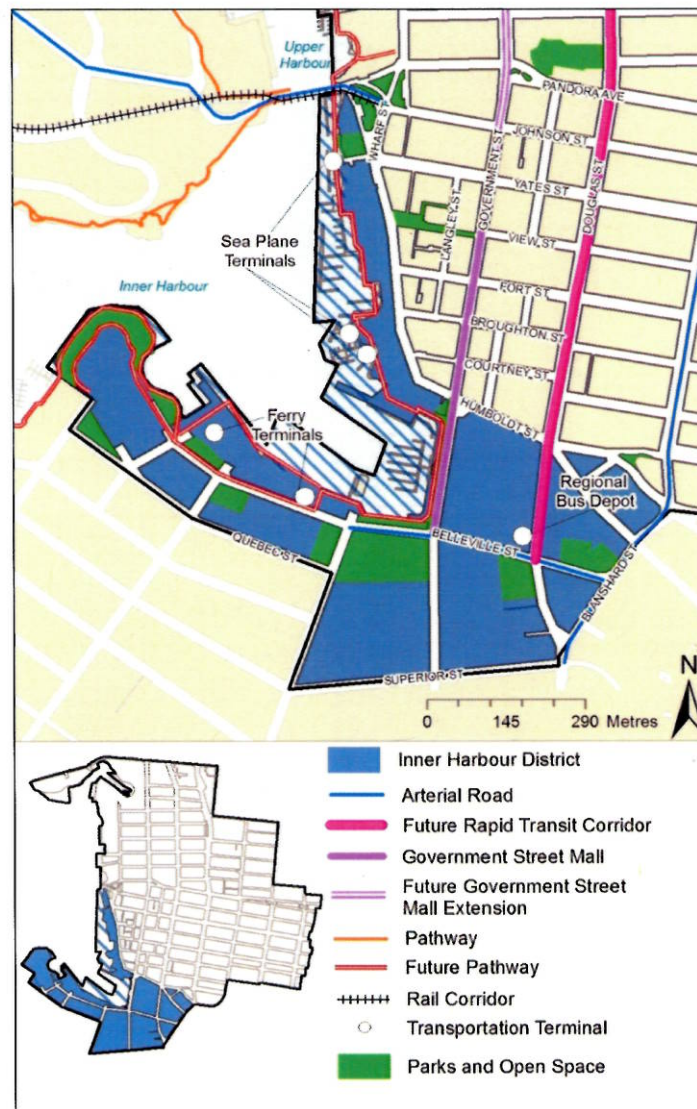
While this project will identify opportunities for each strategic site, it should be noted that there is currently no funding allocated by either property owner, the City of Victoria or the Province of British Columbia. Advancing an informed community dialogue and public engagement process at this time will position the City to be prepared for future or potential funding or development opportunities. Implementation of the revitalization

opportunities will be contingent on access to existing or new Provincial or Federal government funding, other related capital grant programs or other financial/development opportunities that may emerge.

3.1 Inner Harbour Context

Figure 2 below identifies the overall Inner Harbour District as established in the *Downtown Core Area Plan*. This map provides a general sense of the broader Inner Harbour Area including key infrastructure and the relationship to other surrounding areas.

Figure 2: Inner Harbour District (Downtown Core Area Plan)



4.0 Issues

There is very high interest and long-standing discussion within the community about the potential these sites hold for future development and specific uses. This process will

explore opportunities and potential solutions for enhancing and revitalizing Victoria's Inner Harbour. Key issues that will be addressed through this project include:

- Identifying ways to enhance or develop each site while continuing to provide a balance of appropriate uses and activities which support the economic, social and environmental health of the Inner Harbour, the Downtown Core Area, the city and the region.
- Ensuring that technical information and City policies are shared effectively as a basis for public engagement.
- Developing an inclusive public engagement process that engages all members of the public who will be affected by the decision-making process. As the Inner Harbour is a highly significant location and amenity, the breadth of engagement will seek to ensure that stakeholders are heard while managing expectations and producing workable solutions/opportunities.

4.1 Level of Public Participation

The International Association of Public Participation's (IAP2) spectrum of public participation identifies the level of public involvement in decision-making. The public engagement process will primarily focus on the Inform, Consult and Involve spectrum categories as described below based on the nature of this project, including the need to provide a framework that is premised on existing Council-approved policies that were developed through previous public engagement/input and the proposed collective nature of the Ideas Forum and then the subsequent technical workshop.

IAP2 Spectrum of Public Participation

| | inform | consult | involve | collaborate | empower |
|----------------------------------|---|---|--|---|---|
| Public Participation Goal | To provide balanced and objective information in a timely manner. | To obtain feedback on analysis, issues, alternatives and decisions. | To work with the public to make sure that concerns and aspirations are considered and understood. | To partner with the public in each aspect of the decision making. | To place final decision in the hands of the public. |
| Promise to the Public | "we will keep you informed" | "We will listen to and acknowledge your concerns" | "We will work with you to ensure your concerns and aspirations are directly reflected in the decisions made" | "We will look to you for advice and innovation and incorporate this in decisions as much as possible" | "We will implement what you decide" |
| Example Tools | <ul style="list-style-type: none"> • Fact sheet • Website | <ul style="list-style-type: none"> • Focus groups • Surveys | <ul style="list-style-type: none"> • Workshops | <ul style="list-style-type: none"> • Citizen Advisory Committee • Participatory decision-making | <ul style="list-style-type: none"> • Citizen juries • Ballots |

5.0 Scope

The scope of work and deliverables for this project include:

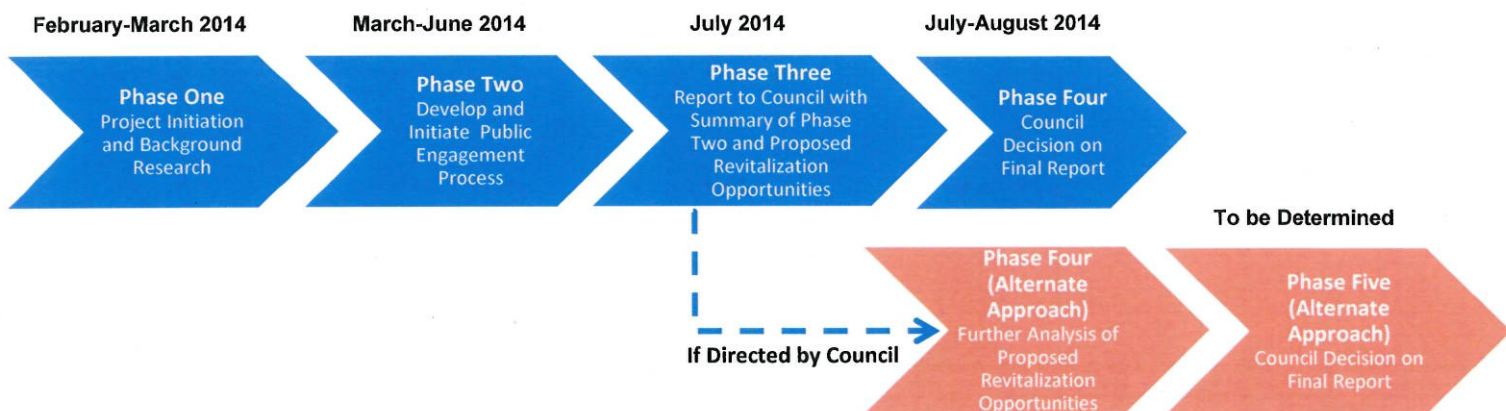
- Compile and review existing municipal and provincial policy documents and technical studies related to the Inner Harbour strategic sites and prepare a summary of information to inform the development of potential revitalization options and opportunities.
- Confirm previous municipal and provincial actions and policy directions for the Inner Harbour including the three strategic sites.
- Develop a public engagement process to facilitate community dialogue which is focused on identifying opportunities and potential solutions for the three sites that will support revitalization of the Inner Harbour. The overall public engagement process will be informed by the City's public participation values, the *Victoria Civic Engagement Strategy* and sound urban planning principles and project objectives.
- Provide further advice, input and analysis regarding potential opportunities, informed by the interpretation of Council policies and regulations and knowledge of the strategic sites as well as through consultation with key stakeholders including other relevant City departments.
- Present a report to Council with recommended opportunities for the strategic sites based on input and analysis.

6.0 Deliverables

- An initial detailed summary and evaluation of potential opportunities for the Inner Harbour strategic sites.
- Inner Harbour Revitalization Opportunities Final Report.

7.0 Process and Schedule

The Inner Harbour Revitalization Opportunities project may be completed as either a four-phase project or a five-phase project depending on a key Council decision milestone that will occur at the end of Phase Three:



7.1 Phase One: Project Initiation and Background Research

Timing: February - March 2014

Tasks, Deliverables and Milestones:

- Present staff reports to February 6, 2014, Planning and Land Use Committee (PLUC) regarding the proposed project charter for the Inner Harbour Revitalization Opportunities project for approval and the summary of findings from the Environmental and Geotechnical Analysis for City-owned lands at Ship Point.
- Prepare summary of related Inner Harbour background information that can be used to inform the project and the public engagement process:
 - May include available information provided by City of Victoria, Province of British Columbia, Provincial Capital Commission and Greater Victoria Harbour Authority such as environmental analyses, geotechnical reports, feasibility studies, operational needs assessment, land use policies and regulations.

7.2 Phase Two: Develop and Initiate Public Engagement Process Including Ideas Forum/Technical Workshop

Timing: March - June 2014

Tasks, Deliverables and Milestones:

- Develop and initiate public engagement process through a phased approach. Engagement will commence with broad public consultation and will include a public Ideas Forum and a subsequent technical workshop to further identify, analyze and refine revitalization opportunities.
- Significant focus will be placed on creating a shared level of understanding of the project to ensure that the public is aware of what policies are in place and what opportunities are feasible based on technical information and previous analysis. The public will be engaged through a variety of mediums including online via the City's website, social media and the City's new online engagement tool. Online resources will be valuable in sharing background material to help everyone provide informed input. Media outreach will be important to raising awareness and understanding of the process and public opportunities.
- Face-to-face engagement opportunities will be organized to provide a venue for two-way dialogue.
- The Ideas Forum will provide a venue for seeking public ideas and concepts for the revitalization of the three sites.
- A subsequent technical workshop will be convened with knowledgeable technical experts from various related fields to evaluate, refine, generate and build upon the ideas and concepts that are identified through the Ideas Forum.
- Members of the public will be invited to comment on the concepts originating from the technical workshop before they are presented to Council for consideration.

Key aspects of the Public Engagement process include:

- Providing high-quality and complete information and ensuring existing City policies and regulations are clearly presented to provide a foundation of understanding and framework for the process.
- Creating a structured and facilitated process to engage both the general public and key stakeholders with a technical understanding of the Inner Harbour and site development to identify potential revitalization opportunities for each Inner Harbour strategic site.
- Identifying a set of ground rules to ensure good opportunities for participation and idea-sharing by participants as well as to ensure that the process is transparent and successful.
- Enabling the general public to view and provide feedback on the revitalization opportunities that are generated through the Ideas Forum and technical workshop.
- Working with invited technical/subject matter experts to prepare an initial analysis for revitalization opportunities.
- Summarizing the identified revitalization opportunities and general public feedback into a summary document that will be reported to Council.

7.3 Phase Three: Report to Council with Summary of Phase Two and Proposed Revitalization Opportunities

Timing: July, 2014

Tasks, Deliverables and Milestones:

- Present Council with a summary of Phase Two including a description and evaluation of proposed revitalization opportunities for the three Inner Harbour sites that are informed by input received through the public engagement process, consultation with key stakeholders as well as input and analysis from the technical project team based on their interpretation of Council policies and regulations and knowledge of the strategic sites.
- Seek Council's direction on one or more preferred revitalization opportunities for each strategic site, including potential short, medium and long-term options or initiatives as the basis for completing the final report on the Inner Harbour Revitalization Opportunities.
- If directed by Council, undertake further detailed analysis or refinement of proposed revitalization opportunities prior to presenting the Final Report to Council.

7.4 Phase Four: Council Decision

Timing: July-August, 2014

Tasks, Milestones, Deliverables:

- Present final concepts and recommendations on Inner Harbour Revitalization Opportunities project to Council and seek Council approval of report as the basis for advancing the revitalization of the Inner Harbour strategic sites.

7.5 **(Alternate) Phase Four: Further Analysis of Proposed Revitalization Opportunities**

Timing: To be Determined

Tasks, Milestones, Deliverables:

- Complete any further analysis or refinement of the proposed revitalization opportunities identified in Phase Three, if directed by Council.
- Complete final report on the Inner Harbour Revitalization Opportunities project.

7.6 **(Alternate Approach) Phase Five: Council Decision**

Timing: To be Determined

Tasks, Milestones, Deliverables:

- Present final concepts and recommendations on Inner Harbour Revitalization Opportunities project to Council and seek Council approval of report as the basis for advancing the revitalization of the Inner Harbour strategic sites.

8.0 Budget, Staff and Third Party Resources

8.1 Budget

In addition to staff resources, the cost for this project is estimated at approximately \$100,000 which is proposed to be allocated from the Sustainable Planning and Community Development budget (2014). The budget will support the management and facilitation of the public engagement process including materials and special events. This budget may also be used to retain consultants to assist with more detailed evaluation/feasibility analysis of the preferred revitalization opportunities. Specific analytical needs will be identified in Phase Three.

8.2 Staff Resources

Staff resources for this project primarily involve the Sustainable Planning and Community Development Department (SPCD) and the Communications and Civic Engagement Department (CCE). This includes a Senior Planner from SPCD functioning as the Project Lead and receiving project and technical assistance from the SPCD Planning Analyst as well as from the CCE Civic Engagement Advisor. It should be noted additional limited assistance from other staff in both departments as well as other departments may be required periodically to advance the overall project and to assist with certain special events such as the Ideas Forum and technical workshop.

9.0 Assumptions

The following assumptions have been identified based on the project objectives, scope and deliverables that are identified in this Project Charter:

- The focus of this project is to identify opportunities for advancing existing policies and objectives for the Inner Harbour.

- The three strategic sites include the Belleville Terminal lands, Ship Point lands and the Lower Wharf Street parking lot.
- The project recognizes the varied land ownership that exists within the Harbour and more specifically the diverse public ownership of the three strategic sites.
- Specific capital funding at the municipal level may not be available to support any physical development or site enhancement of the three strategic sites based on the revitalization opportunities that are identified and there is no indications of potential senior government funding yet.
- The outcomes of this process will position the City to be ready for future funding opportunities and help inform and guide further planning and decision-making by other property owners.

10.0 Approvals



Lead Director Name



Director Name



Planning and Land Use Committee Report

Date: January 23, 2014 **From:** Robert Batallas, Senior Planner
Subject: Ship Point (City-owned lands) Environmental and Geotechnical Analysis

Executive Summary

The purpose of this report is to inform Council on technical findings related to the environmental and geotechnical analyses that were recently completed for the City-owned lands located at 940, 946 and 1000 Wharf Street, referred to as the Ship Point site for the purpose of this report and identified in Attachment 1.

As a key Inner Harbour land owner and on the basis of prudent land stewardship, the City of Victoria retained the services of SNC-Lavalin Environment & Water in April 2013 to undertake an environmental and geotechnical analysis. This analysis provides the City with a better understanding of the physical conditions of its land and is also important information for consideration through any subsequent planning or initiatives within the Ship Point site, including the proposed Inner Harbour Revitalization Opportunities project. The environmental and geotechnical analysis for Ship Point included the completion of Phase 1 and Phase 2 Preliminary Site Investigations (PSI) which identified any potential sources and evidence of environmental contamination while the Geotechnical Analysis provided an evaluation and summary of the site's sub-surface conditions related to physical composition, stability, seismic risks and suitability for potential redevelopment. All research, field work and analysis was performed and reported in accordance with the criteria and regulations established by the Province of British Columbia Ministry of Environment (MOE).

According to the information prepared by SNC-Lavalin Environment & Water, the eastern portion of the site (940 Wharf Street) is generally better suited for potential redevelopment than the western portion of the site (946 and 1000 Wharf Street) as the eastern portion is situated on more level bedrock within the natural shoreline, contains a thinner layer of fill material, and exhibits lower levels and distribution of contamination. These overall conditions would likely support a more cost-effective approach for preparing the site to accommodate potential enhancement or redevelopment. The analysis also identified that any future redevelopment proposals for the site will need to be discussed with the MOE and will likely require the City, as the landowner, to undertake more detailed environmental and geotechnical analysis in accordance with Provincial (MOE) criteria.

Recommendations

1. That Council accept the Ship Point environmental and geotechnical analysis summary for information.
2. That Council direct staff to incorporate the Ship Point environmental and geotechnical analysis as public background information for the proposed Inner Harbour Revitalization Opportunities project.

Respectfully submitted,



Robert Batallas
Senior Planner
Community Planning



Deb Day, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:



Jocelyn Jenkyns

RB:aw

W:\Community Planning Division\Projects\Waterfront Plan 2012-2013\Ship Point Environmental Assessment\Council Reports\ (V.2) Ship Point Environmental and Geotechnical Analysis.doc

1.0 Purpose

The purpose of this report is to inform Council on technical findings related to the environmental and geotechnical analysis that was recently completed for the City-owned lands located at 940, 946 and 1000 Wharf Street, referred to as the Ship Point site. As a key Inner Harbour land owner and on the basis of prudent land stewardship, the City of Victoria retained the services of SNC-Lavalin Environment & Water in April 2013 to undertake the analysis. The findings from this work also serve to support and inform the advancement of the Inner Harbour Revitalization Opportunities project.

2.0 Background

As a key Inner Harbour land owner, the City of Victoria is committed to seeking opportunities to revitalize the Inner Harbour, as outlined in various Council-approved policy plans including the *City of Victoria Strategic Plan (2013)*, *Official Community Plan (2012)*, *Downtown Core Area Plan (2011)*, *Economic Development Strategy (2011)*, *Harbour Pathway Plan (2008)* and the *Victoria Harbour Plan (2001)*. Although these plans have been developed at different times and for different purposes, they all share similar goals and objectives for the Inner Harbour which generally relate to:

- supporting the Waterfront and Harbour revitalization
- enhancing tourism
- ensuring sensitivity to the surrounding historic and waterfront context
- maintaining a Working Harbour
- completing the Harbour Pathway (David Foster Way)
- maintaining and enhancing the Harbour's important role for marine transportation and as a gateway to the City, region and Vancouver Island
- providing well-designed and appropriate public-realm improvements
- providing a reason for people to visit, enjoy, invest and have pride in the Harbour.

With the overall vision and objectives for the Inner Harbour confirmed by the various policy plans described above, staff identified the need to gain a better technical understanding of the physical qualities (environmental/geotechnical) of the City's land holdings to allow for a more strategic and focused approach to planning within the Inner Harbour. Therefore, the City of Victoria issued a Request for Proposal (No. 13-010) on March 26, 2013, for a qualified consultant/consultant firm to undertake Stage 1 and Stage 2 Preliminary Site Investigations (PSI) and a Geotechnical analysis of the City-owned lands at Ship Point. This contract was subsequently awarded to the Victoria office of SNC-Lavalin Environment & Water. This project included field work, laboratory analysis and reporting which was carried out between June 2013 and October 2013 and was completed in accordance with the criteria established by the Province of British Columbia Ministry of Environment (MOE). All project work was managed by SNC Lavalin Environment & Water and jointly coordinated and reviewed by City of Victoria staff.

2.1 Phase 1 Preliminary Site Investigation (PSI)

The Phase 1 PSI identified areas of potential environmental concern (APEC), associated with potential contaminants of concern (PCOC) and the potentially-affected media such as soil, groundwater, surface water, soil vapour and/or sediment. The completion of the Phase 1 PSI was based on a review of information derived from historical and background site information, a visual inspection of the site and interviews with existing businesses on or adjacent to the site, all of which were completed by the consultant. The Phase 1 PSI identified the following historic and environmental information:

Historic

- The site has been used for various industrial purposes for over 100 years, therefore, the environmental history is generally complex.
- Development on the site began as early as the mid-1870s and continued periodically until 1974.
- The site contained a cement and concrete plant from 1910 until the early 1970s when the Ocean Cement plant and associated buildings and wharves were demolished.
- The City of Victoria acquired the lands at 940 and 946 Wharf Street in 1973. The City of Victoria already owned the land at 1000 Wharf Street.
- Infilling westward from the natural shoreline to the current configuration occurred in the early 1970s. The source and origin of the fill materials are not known.
- The current facilities include a pre-manufactured building that contains the Harbour Air Terminal, a 22,700 litre concrete bunker and fuel tank for the associated float plane operations, CycleTrekks, a parking lot area and open space along the shore line.

Environmental

- There is a potential for environmental impact to the site as a result of the historic activities on and adjacent to the site.
- There is a potential environmental risk to the site based on the 35-year-old on-site fuel bunker and distribution lines.
- Additional potential off-site environmental risks were identified. These included the historic operation of a planing mill, a service/gas station and a machine shop which were all located adjacent to the site at Wharf Street and Broughton Street.
- Based on the information derived in the Phase 1 PSI, the consultant recommended that further investigation be completed through a Phase 2 PSI to confirm or refute the potential for environmental impacts on the site.

2.2 Phase 2 Preliminary Site Investigation (PSI)

The Phase 2 PSI was completed for the purpose of assessing the soil and groundwater quality of the site as a means to confirm or refute the potential environmental impacts that were identified during the Phase 1 PSI. The Phase 2 PSI was based on field work which included the drilling of eight boreholes in strategic locations across the site which provided soil samples for analysis as well as installing groundwater monitoring wells in two of the boreholes. Soil samples were logged for soil type, colour, moisture content and density. Soil samples were then shipped to a laboratory for analysis. The Phase 2 PSI identified the following environmental information:

Environmental

- Soil in the southwest portion of the site contains forms of oil and oil-based contamination commonly found in many sites within the Inner Harbour. The source of this contamination is likely attributed to infilling of the Harbour with materials from unknown locations (which have been previously contaminated) as well as abandoned creosote-treated wood pilings associated with a former wharf.
- The contamination level in this area is marginally above the acceptable standards for Commercial Land Uses (CL) as stipulated in the *Provincial Contaminated Sites Regulation* (CSR).

- There is no contamination related to metals or solvents that exceed the CL standards as described in the CSR.
- The distribution of contamination is not extensive and, where it does exist, it is generally deeply buried at approximately 6 m below the surface.
- Groundwater samples contained forms of oil and oil-based contamination, however, at levels that are less than the applicable Provincial standards.
- Groundwater samples indicated the intrusion of saltwater along the west side of the site; therefore, the Provincial standards for the protection of drinking water are not considered to be applicable.

2.3 Geotechnical Analysis

A Geotechnical analysis of the site was also carried out in conjunction with the Phase 2 PSI for the purpose of providing a summary of the geotechnical site conditions, including constraints and considerations which may affect potential site enhancement or redevelopment. Information derived through the geotechnical analysis was also compared against information contained in a geotechnical investigation that was completed by Thurber Engineering Ltd. in 1999 for the same site. The Geotechnical analysis identified the following information:

Soil Materials

- Soil stratigraphy consists of sand and gravel fill overlying silt underlain with marine clay (Victoria Clay).
- The thickness of this variable fill is generally less than 1 m on the eastern part of the site to nearly 8 m on the northwest portion of the site.

Seismic Considerations

- In the event of a large earthquake, the western portion of the site would be at greatest risk of slope failure and lateral spread due to the steep-sloping profile of the sub-surface bedrock in combination with the thick layer of poorly-compacted fill above. This would likely result in the collapse of any structure on the site if built atop conventional footings. This portion of the site would also be at risk of liquefaction due to a high ground-water level and the presence of poorly compacted granular fill and other unconsolidated loose/soft fills.
- The detailed structural design of the adjacent sea wall on the west side of the site is unknown and it is highly probable that the wall does not meet the standards of the 2012 *BC Building Code*. The stability of the wall is a significant concern, particularly in regard to seismic requirement.

Development Considerations

- The construction of a building atop this fill would likely result in significant post-construction settlement due to building loads that would be well beyond tolerable limits. The risk of post-construction settlement is also compounded by the presence of marine clay deposits (Victoria Clay) below the fill layers that are considered compressible if loaded beyond the current pre-consolidated pressures.
- The risk of post-construction settlement is higher on the western portion of the site where fill depths are higher.
- The majority of the site, particularly the western portion, appears to be atop dredged or variable fill that is poorly compacted, which is generally not suitable

material for supporting conventional building foundations.

- It is possible that the entire site could require significant amounts of excavation to remove contaminated materials to accommodate any potential redevelopment (i.e. commercial building). This process could require deep excavation below the water table, which could result in further contamination of the surrounding marine habitat.
- A large amount of fill would be required to reconstruct the site following excavation to accommodate new development.
- Site excavation will require significant dewatering/unwatering in addition to conventional sump pumps to maintain a dry excavation due to the high water table.
- The physical condition of the adjacent sea wall is questionable as potential voids were encountered during the subsurface investigation and there are cosmetic signs that may relate to the wall undergoing movement.

3.0 Issues & Analysis

3.1 Suitability of Ship Point for Redevelopment

The environmental and geotechnical analysis that was completed by the consultant identified that the eastern portion of the site (940 Wharf Street) is generally better suited for redevelopment than the western portion of the site (946 and 1000 Wharf Street). The eastern portion is situated on more level bedrock within the natural shoreline, contains a thinner layer of fill material and exhibits lower levels and distribution of contamination. These conditions may support a more cost-effective approach for preparing the site and accommodating new development due to the need to excavate less fill and the ability to design and develop more conventional forms of building foundations due to the closer proximity to bedrock.

3.2 Remediation Requirements

SNC Lavalin Environment & Water was requested to identify order-of-magnitude costs for three development scenarios. These scenarios are not intended to reflect preferred or pre-determined options but were established solely for the purpose of providing high-level cost estimates based on the extent of potential site redevelopment. Staff acknowledge that if Council chooses to pursue the redevelopment or enhancement of this site at a later time, the costs identified below may be subject to further refinement based on consultation with the Ministry of Environment (MOE). The role of the MOE will be to review any proposed detailed development concepts and determine the appropriate remediation standards (i.e. commercial, industrial, residential) based on the proposed use and design. The MOE may also identify risk-based solutions that do not require remediation, but rather design solutions to mitigate any potential impacts from existing contamination.

| Development Scenario | Order of Magnitude Cost Estimate | Notes |
|---|--|---|
| 1. Leave site as-is (parking/special events) | <ul style="list-style-type: none"> • \$5,000 for additional environmental analysis • \$15,000 for geophysical survey of sea wall | Provides basic information without advancing redevelopment or enhancement |
| | Total Estimate \$20,000 | |

| | | |
|---|--|--|
| 2. Only develop 940 Wharf Street | <ul style="list-style-type: none"> • \$30,000-\$50,000 for additional environmental assessment • \$30,000 for further geotechnical assessment • \$15,000 for geophysical survey of sea wall <p>Total Estimate \$75,000-\$95,000</p> | Maintains existing uses on 946 and 1000 Wharf Street (e.g. parking, special events, pathway) |
| 3. Develop 940 Wharf Street and portion of 946 Wharf Street to within 5-10 m of seawall | <ul style="list-style-type: none"> • \$50,000-\$100,000 for additional environmental assessment • \$100,000 if only Risk Based Assessment is required by MOE (no soil remediation) • \$250,000 if Risk Based Assessment and soil excavation are required by MOE • \$100,000 for further geotechnical assessment • \$35,000 for MOE fees • \$15,000 for geophysical survey of sea wall <p>Total Estimate \$550,000-\$600,000</p> | Costs may be higher if MOE requires further assessment and remediation on adjacent water lot |

Options and Impacts

1. That Council accept the Ship Point environmental and geotechnical analysis summary for information and direct staff to incorporate this summary as public background information for the proposed Inner Harbour Revitalization Opportunities project.
 - This provides Council with a better understanding of the environmental and geotechnical conditions of the City-owned lands at Ship Point and provides important background information to support the public engagement process for the Inner Harbour Revitalization Opportunities project.
2. That Council direct staff otherwise.

Recommendations

1. That Council accept the Ship Point environmental and geotechnical analysis summary for information.
2. That Council direct staff to incorporate the Ship Point environmental and geotechnical analysis as public background information for the proposed Inner Harbour Revitalization Opportunities project.

Attachments

- City of Victoria Lands - Ship Point.

City of Victoria Lands - Ship Point



Produced by: Community Planning Division, Planning & Development Department
 Data Sources: City of Victoria, BC Land Title and Survey Office
 Note that the Study Area Boundary has been slightly modified to follow the shoreline.