

# <u>UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL</u> <u>MEETING OF THURSDAY, OCTOBER 15, 2015, AT 7 P.M.</u> <u>Council Chambers, City Hall, 1 Centennial Square</u>

- A. APPROVAL OF AGENDA
- B. POETRY READING
  - 1. Poetry Reading by Yvonne Blomer, Poet Laureate
- C. MINUTES
  - 1. Regular Council Meeting Minutes of October 1, 2015
- D. RISE AND REPORT OF MOTIONS
  - 1. Rise and Report on Council Motions from 2nd Quarter 2015
- E. PROCLAMATIONS
- F. COMBINED DEVELOPMENT APPLICATION
  - 1. 370 and 384 Harbour Road

Council is considering an application to authorize a two affordable rental housing buildings with a total of 49 units.

1. Public Hearing



# A. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 17)

The Official Community Plan Amendment Application proposes revisions to the Design Guidelines for the Dockside Area. The proposed amendments, which are in relation to a proposal to construct 49 non-market rental residential units at the property with civic address 370 and 384 Harbour Road would allow:

- residential use on the ground floor of a building
- the development of a building that will be used for residential purposes with no buffer from Harbour Road being provided by another building.
  - B. Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)

To amend the Zoning Regulation Bylaw for the CD-9 Zone, Dockside District, by:

 amending the definition of "affordable housing" to ensure that the parking calculations for affordable housing will apply to the proposed development of 49 non-market rental residential units on the property with civic address 370 and 384 Harbour Road; and  moving the existing siting restrictions from the definition of "attached dwellings" and "multiple dwellings" in the regulations for Development Area D to a new stand-alone regulation for the siting of attached dwellings and multiple dwellings, so that Council may vary those siting regulations in relation to the development of 49 non-market rental residential units on the property with civic address 370 and 384 Harbour Road.

# C. Development Permit with Variances Application

The Council of the City of Victoria will also consider issuing a Development Permit with Variances for 49 non-market rental residential units at 370 and 384 Harbour Road, in Development Permit Area 13: Core Songhees for the purposes of approving the exterior design and finishes, as well as landscaping, and varying certain requirements of the Zoning Regulation Bylaw, namely:

- permit residential uses on the ground floor of a building
- permit residential units to face Harbour Road without a building buffer.

# Late Item: Presentation

2. **Bylaw Approval**: To consider approval of the application, a motion for Third Reading of the bylaws is in order:

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 17) Zoning Regulation Bylaw, Amendment Bylaw (No. 1047)

3. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaws is in order:

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 17) Zoning Regulation Bylaw, Amendment Bylaw (No. 1047) Housing Agreement (370 & 384) Harbour Road) Bylaw

4. <u>Application Approval</u>: To approve the development permit with variances, the following motion is in order:

"Authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Plans date stamped March 31, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. permit residential uses on the ground floor of a building;
  - b. permit residential units to face Harbour Road without a building buffer.
- 3. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 4. The Development Permit lapsing two years from the date of this resolution."

# G. DEVELOPMENT VARIANCE PERMIT APPLICATIONS

1. 361 and 363 Foul Bay Road

Council is considering an application for the construction of a two-car garage in the rear yard.

# 1. Hearing - Development Variance Permit Application No. 00152



The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 361-363 Foul Bay Road for the purpose of varying certain requirements of the Zoning Regulation Bylaw namely:

- an increase in site coverage from 30% to 41.10%
- an increase in the rear yard site coverage from 25% to 25.30%
- a reduction in the flanking street setback (Quixote Lane) from 7.50m to 5.91m

for the construction of a two-car garage in the rear yard.

# Late Item: Presentation

2. <u>Development Variance Permit Approval</u>: To approve the application, the following motion is in order:

"That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

- 1. Plans date stamped June 3, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. Section 1.6.6 a. relaxation to increase site coverage from 30 percent to 41.10 percent.
  - b. Schedule F, 5.b relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent.
  - c. Schedule F, Section 4.c relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m. 3.The Development Permit lapsing two years from the date of this resolution."

#### 2. 1610 Hillside Avenue

Council is considering an application to increase the maximum display surface of two fascia signs.

# The public hearing has been cancelled and will be rescheduled for Thursday, October 29, 2015

Hearing - Development Variance Permit Application No. 00154

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1610 Hillside Avenue (commonly known as the Hillside Centre) for the purpose of increasing the maximum display surface of two (2) fascia signs, as described in Part 6, Section 9.2 (2) of Sign Bylaw No. 92-30, from 9m² to:

- Sign 1 Canadian Tire 14.2m2 (152.8 sq. ft.)
- Sign 2 Triangle Logo 12.9m2 (138.9 sq. ft.)
- 2. <u>Development Variance Permit Approval</u>: To approve the application, the following motion is in order:

"That Council authorize the issuance of Development Variance Permit Application No. 00154 for 1610 Hillside Avenue, in accordance with:

1. Plans date stamped July 29, 2015.

- 2. The following variances to the Sign Bylaw:
- Vary the size allowance for two of the Canadian Tire signs from 9m2 each to 12.9m2 and 14.2m2 each."

# H. DEVELOPMENT PERMIT APPLICATION WITH VARIANCES

# I. 330 Irving Road

Council is considering an application to permit a single family detached house on a panhandle lot to the rear of the existing single family house.

1. <u>Hearing - Development Permit with Variances Application No. 000419</u>



The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 330 Irving Road, in Development Permit Area 15B: Intensive Residential – Panhandle Lot, for the purpose of permitting a single family detached dwelling on a panhandle lot to the rear of the existing single family detached dwelling.

The Development Permit will vary the following requirements of the Zoning Regulation Bylaw for the existing house:

- south side yard setback reduced from 3.21m to 1.61m
- combined side yard setbacks reduced from 5.4m to 3.61m

# **Late Late Item:** Correspondence & Presentation

2. <u>Development Permit with Variance Application Approval</u>: To approve the application, the following motion is in order:

"That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:

- 1. Plans date stamped June 2, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances.
  - a. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m.
  - b. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m.
- 3. The Development Permit lapsing two years from the date of this resolution."

# J. HEARINGS - REQUESTS TO ADDRESS COUNCIL

1. Rita Runzer, re: Litter Clean up

#### K. UNFINISHED BUSINESS

1. List of Unfinished Business for the Council Meeting of October 16, 2015

#### L. REPORTS OF THE COMMITTEE

- 1. Governance and Priorities Committee
  - 1. **Late Item**: Report from the meeting of October 8, 2015



# 2. Planning and Land Use Committee

1. **Late Late Item**: Report from the meeting of October 15, 2015



#### M. MOTIONS

1. <u>Late Item:</u> Addition of Public Hearing



To Set Public Hearing for the Council Meeting of October 29, 2015

- 1. Sign Development Variance Permit Application No. 00154 for 1610 Hillside Avenue
- N. BYLAWS
- O. QUESTION PERIOD
- P. NEW BUSINESS

# Q. CLOSED MEETING

That Council convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deals with matters specified in Sections 12(3) and/or (4) of the Council Bylaw; namely:

<u>Section 12(3)(a)</u> - Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another position appointed by the City.

<u>Section 12(3)(e)</u> -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.

<u>Section 12(4)(b)</u> - The consideration of information received and held in confidence relating to negotiations between the City and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

# 1. MINUTES

1. Regular Closed Council Meeting Minutes of October 1, 2015

# 2. REPORTS OF THE COMMITTEE

 <u>Late Item</u>: Closed Governance & Priorities Committee Report from the meeting of October 8, 2015

# 3. NEW BUSINESS

- 1. Intergovernmental Relations
- 2. Appointment Victoria and Esquimalt Police Board

# R. ADJOURNMENT

# RISE AND REPORT

# Rise and Report on Council Resolutions from 2<sup>nd</sup> Quarter 2015

# 1. From the April 16, 2015 Council Meeting

# 1. Labour Relations / Proposed Municipal Service

That Council:

- 1. Direct staff to proceed with developing an in-house parking services model to be introduced no later than January 1, 2016.
- 2. Direct staff to develop job description and pay grade for these positions in formal consultation with CUPE Local 50 and report back to Council by April 9 with confirmation of rates, an implementation plan and timeline including a communications plan for "rise and report".

# 2. <u>Proposed Municipal Service – Mutual Aid</u>

That Council instructs staff to:

- 1. Evaluate the current mutual aid firefighting agreements in place with the Districts of Saanich and Oak Bay, and the Township of Esquimalt; and
- 2. Bring forward a report and recommendations to the Council based on the evaluation findings for Council to review by June 2015.

# 3. <u>Land Disposition</u>

That Council approve the following motion:

BE IT RESOLVED that the City of Victoria offer the Vancouver Island Film Commission use of the space known as Unit G6 at 1001 Douglas Street, without charge, from July 1 until the expiry of the City lease on the property (May 31, 2016) or until the VIFC finds and relocates to a more permanent location, whichever date comes first.

# 4. Labour Relations / GVLRA / Royal & McPherson Theatre Society

That Council supports the recommendation of the Greater Victoria Labour Relations Association with respect to IATSE negotiations.

# 5. Labour Relations / Proposed Municipal Service

That Council direct staff to:

- 1. Develop an in-house parking services model to be introduced no later than January 1, 2016.
- 2. Extend the current parking services contract with Commissionaires to December 31, 2015, with a six-week notice exit clause to be exercised with no penalty.
- 3. "Rise and report" through the outlined public communication plan, timing to be determined at the discretion of the Mayor's Office

# 2. From the Council Meeting of April 30, 2015

# 6. Land Disposition

That Council direct the City Manager to provide Council with a report in response to the request from the Department of National Defence.

# 7. Proposed Short Term Lease – 1240 Yates Street

- 1. That Council direct staff to enter into a short-term lease with the Department of National Defence (DND) for the nominal consideration of \$1.00, in the form of the agreement attached to the report dated April 23, 2015; and subject to:
  - a. The DND giving notice to the school principal five days in advance of the exercise:
  - b. The Mayor receiving a copy of the notice provided to the school principal five days in advance of the exercise, and;
- 2. That Council write a letter to the Department of National Defence expressing concern of the short time line of the request and requesting that more notice be provided for future requests.

# 3. From the Council Meeting of June 25, 2015

# 8. Proposed Municipal Service / Municipal Mutual Aid

That Council review the agreement and:

- 1. Direct the Mayor to meet with the Mayors of Saanich, Esquimalt and Oak Bay to share this information in confidence and have an initial conversation regarding the better integration of fire services and improved service delivery among the four municipalities, to better serve our residents;
- 2. Direct staff to advise the municipalities of Saanich, Esquimalt and Oak Bay, through the Corporate Administrator, that the City of Victoria would like to review the terms of the Mutual Aid Firefighting Service Agreement;
- 3. Direct the Fire Chief to discuss the terms of the present agreement with the Fire Chiefs of the municipalities;
- 4. Provide the Fire Chief with strategic direction on the terms of a new agreement concerning firefighting mutual aid services, proposed for January 2016.

# 9. Appointment of Approving Officer

That Council:

- 1. Rescind the appointments of Mr. Dwayne Kalynchuck as Approving Officer and Mr. Jeff Mitton as the Deputy Approving Officer for the City of Victoria, and;
- 2. Appoint Mr. Jonathan Tinney as Approving Officer for the City of Victoria pursuant to the *Land Title Act*.

# 4. From the Council Meeting of April 30, 2015

# 10. <u>Acquisition / Disposition of Land</u>

2. Rise and report on the identified Wastewater Sites at the discretion of the Mayor.

# 11. Appointment / Art in Public Places Committee

That Council appoint Doug Jarvis to fill the vacant position on the Art in Public Places Committee for a term ending December 31, 2015.

# 12. Appointment / Greater Victoria Public Library

That Council:

- 1. Rescind the appointment of Paul McNair to the Greater Victoria Public Library Board, and
- 2. Appoint Marie Graf to fill the vacant position on the Greater Victoria Public Library Board for a term ending December 31, 2015.

# 5. From the Council Meeting of May 15, 2015

# 13. <u>Appointment – Advisory Design Panel</u>

That Council appoint Gerald Gongos to fill the vacancy on the Advisory Design Panel for a term ending December 31, 2015.

# 6. From the Council Meeting of May 28, 2015

# 14. <u>Disposition of Land</u>

Proactively rise and report on process, but keep submissions confidential.

# 7. From the Council Meeting of June 11, 2015

# 15 Appointment – Board of Variance:

That Council appoint the following candidates to fill the three positions on the Victoria Board of Variance, each for a three-year term beginning on July 1, 2015, and ending on June 30, 2018:

- a. James Hall
- b. Trevor Moat
- c. Peggy Pedersen

# 8. From the Council Meeting of June 25, 2015

# 16. <u>Motion – Land Disposition</u>

Disclosure of the City's position on the matter.

#### **UNFINISHED BUSINESS**

# 1. Rezoning Application No. 00478 for 370 and 384 Harbour Road

Council received a report dated September 30, 2015 from the Sustainable Planning and Community Development Department informing Council that there was a technical error in the bylaw amendment prepared for Rezoning Application No. 00478 for 370 and 384 Harbour Road.

# Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council amend *Zoning Regulation Bylaw* Amendment No. 15-066 as follows:

- 1. By creating a new section titled 2(c) and adding the following words:
- "in section 11.1 by deleting the following words from the definition of "multiple dwellings":
- (only on the second floor and up, not within 18m of the Harbour Road and no part of any unit can face the Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line).
- 2. By creating a new section title 2(d) and adding the words "and Multiple Dwellings".
- 3. By adding the following section 2(d)
- "(b) <u>multiple dwellings</u> are only permitted on the second floor and up of any building and must not be sited within 18m of Harbour Road, and no part of any multiple dwelling shall face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line."

Carried Unanimously



# **Council Report**For the Meeting of October 1, 2015

To:

Council

Date:

September 30, 2015

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No. 00478 for 370 and 384 Harbour Road

#### RECOMMENDATION

That Council amend Zoning Regulation Bylaw Amendment No 15-066 as follows:

- By creating a new section titled 2(c) and adding the following words:
   "in section 11.1 by deleting the following words from the definition of "multiple dwellings":
   (only on the second floor and up, not within 18m of the Harbour Road and no part of any
   unit can face the Harbour Road unless there is a buffer of another building of equal or
   greater height between it and the easterly property line).
- 2. By creating a new section titled 2(d) and adding the words "and Multiple Dwellings".
- 3. By adding the following in section 2(d):
  - "(b) <u>multiple dwellings</u> are only permitted on the second floor and up of any building and must not be sited within 18m of Harbour Road, and no part of any multiple dwelling shall face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line."

#### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council that there was a technical error in the bylaw amendment prepared for Rezoning Application No. 00478 for 370 and 384 Harbour Road. The intent of the bylaw amendment was to modify the siting requirements for residential uses within the Zone. The bylaw amendment that was prepared only addressed "attached dwellings", however, as the proposal involves "multiple dwellings" the siting requirements for this use must also be amended. The Application has not changed from what was previously presented to Council. Staff have prepared a bylaw amendment for Council's consideration.

Respectfully submitted,

Mike Wilson

Senior Planner – Urban Design

Development Services Division

Jonathan Tinney, Director

Sustainable Planning and Community

Development

Report accepted and recommended by the City Manager:

Date:

October 1,2015

#### NO. 15-066

#### A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw for the CD-9 Zone, Dockside District, to provide a new definition for "Affordable Housing" and to amend the regulations relating to attached dwellings in Development Area D of this Zone.

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

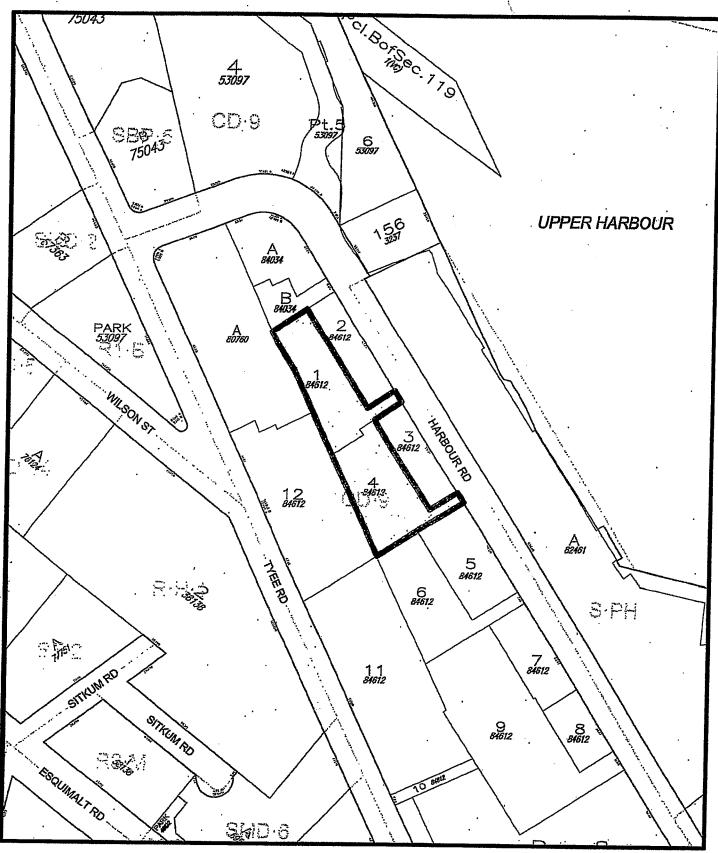
- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1047)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in Schedule B, Part 12.9 [CD-9 Zone, Dockside District] as follows:
  - (a) in section 2 by deleting the definition of "Affordable Housing" and substituting the following:
    - ""Affordable Housing", for the purpose of parking calculations, means housing that meets one of the following measures of affordability:
    - (a) housing that costs (rent or mortgage plus taxes and including 10% down payment) 30% or less of a household's gross annual income, targeting households with an income less than \$40,000, in 2005 dollars, or
    - (b) housing that costs (rent or mortgage plus taxes and including 10% down payment) no more than 30% of the Housing Income Limits ("HILs") that are determined from time to time by the British Columbia Housing Management Commission.";
  - (b) in section 11.1 by deleting the following words from the definition of "attached dwellings":
    - "(only on the second floor and up, not within 18m of the Harbour Road and no part of any unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line)";
  - (c) in section 11.1 by deleting the following words from the definition of "multiple dwellings":
    - "(only on the second floor and up, not within 18m of the Harbour Road and no part of any unit can face the Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line)";
  - (d) by adding the following new section 11.4 immediately after section 11.3:
    - "11.4 Attached Dwellings and Multiple Dwellings
      - (a) <u>attached dwellings</u> are only permitted on the second floor and up of any building and must not be sited within 18m of Harbour Road, and no part of any attached dwelling shall face Harbour Road

- unless there is a buffer of another building of equal or greater height between it and the easterly property line;
- (b) multiple dwellings are only permitted on the second floor and up of any building and must not be sited within 18m of Harbour Road, and no part of any multiple dwelling shall face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line."

READ A FIRST TIME the	10 <sup>th</sup>	day of	September,	2015
READ A SECOND TIME the	10 <sup>th</sup>	day of	September,	2015
AMENDED on the	•	day of		2015
Public hearing held on the		day of		2015
READ A THIRD TIME the		day of		2015
ADOPTED on the		day of		2015

**CORPORATE ADMINISTRATOR** 

**MAYOR** 





370 and 384 Harbour Road Rezoning #00478 Bylaw #



# **MOTIONS**

1. To Set Public Hearings for the Council Meeting of Thursday, October 1, 2015 for: It was moved by Councillor Alto, seconded by Councillor Lucas, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY**, **OCTOBER 1**, **2015**, **at 7 p.m.**:

3. Rezoning Application No. 00478 for 370 and 384 Harbour Road

Carried Unanimously

#### **UNFINISHED BUSINESS**

# 1. Rezoning Application No. 00478 for 370 and 384 Harbour Road

Council received a report dated August 27, 2105 from the Sustainable Planning and Community Development Department updating Council on the status of conditions set by Council for the application, and to recommend the application proceed to public hearing.

#### Motion:

It was moved by Councillor Isitt, seconded by Councillor Lucas,:

That Council receive this report for information and that this Application proceed to a Public Hearing in accordance with the motion below, which has been updated to remove pre-conditions that have been satisfied and gives direction to staff to release monies from the Dockside Affordable Housing Reserve:

- 1. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 2. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2015-2019 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to Section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 5. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- That Council give first and second reading to the Zoning Regulation Bylaw Amendment.
- That Council refer the Zoning Regulation Bylaw Amendment for consideration at a Public Hearing.
- 8. That Council give first, second and third reading to the Housing Agreement (370 and 384 Harbour Road) Bylaw.
- Following consideration of Rezoning Application No. 00478, if approved, that Council consider adoption of Housing Agreement (370 and 384 Harbour Road) Bylaw).
- 10. Direct staff to issue payment from the Dockside Affordable Housing Reserve in the amount of \$239,614.17 as outlined in the amendment to the Master Development Agreement.
- 11. Direct staff to update the Reserve Fund Policy to eliminate the Dockside Affordable Housing Reserve once the payment of \$239,614.17 has been made.

Councillor Isitt said that he would oppose any build out of Dockside Green without affordable housing, which was agreed to when the City sold the property.

Carried Unanimously



# Council Report For the Meeting of September 10, 2015

To:

Council

Date:

August 27, 2015

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Rezoning Application No. 00478 for 370 and 384 Harbour Road

# RECOMMENDATION

That Council receive this report for information and that this Application proceed to a Public Hearing in accordance with the motion below, which has been updated to remove pre-conditions that have been satisfied and gives direction to staff to release monies from the Dockside Affordable Housing Reserve:

- 1. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 2. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2015-2019 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to Section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 3. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 5. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 6. That Council give first and second reading to the Zoning Regulation Bylaw Amendment.
- 7. That Council refer the Zoning Regulation Bylaw Amendment for consideration at a Public Hearing.
- 8. That Council give first, second and third reading to the Housing Agreement (370 and 384 Harbour Road) Bylaw.
- 9. Following consideration of Rezoning Application No. 00478, if approved, that Council consider adoption of Housing Agreement (370 and 384 Harbour Road) Bylaw).
- 10. Direct staff to issue payment from the Dockside Affordable Housing Reserve in the amount of \$239,614.17 as outlined in the amendment to the Master Development Agreement.
- 11. Direct staff to update the Reserve Fund Policy to eliminate the Dockside Affordable Housing Reserve once the payment of \$239,614.17 has been made.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council that, in accordance with Council's motion of May 28, 2015 (attached), the necessary Official Community Plan Amendment Bylaw and Zoning Regulation Bylaw Amendment that would authorize Rezoning Application No. 00478 for the property located at 370 and 384 Harbour Road have been prepared. A Housing Agreement Bylaw has also been prepared. The Planning and Land Use Committee report dated May 14, 2015, along with the meeting minutes are attached. With regard to the pre-conditions that Council set in relation to this Application, staff have provided an update below.

#### General Conditions

- The applicant has revised the Design Guidelines for the Dockside Area to reflect where
  the proposal differs from mandatory guidelines. Since the Guidelines are specifically
  referenced in the Official Community Plan, 2012 (OCP), this is the reason for the Official
  Community Plan Amendment Application. A copy of the revised Design Guidelines are
  attached to this report.
- The Dockside Green Master Development Agreement (MDA) has been amended as follows:
  - The sale of 370 and 384 Harbour Road to Dockside Green Ltd. to Catalyst Community Development Ltd. is authorized.
  - The obligations to deliver 49 non-market rental units apply to Dockside Green Ltd. until the units have been constructed and occupied.
  - The remaining funds in the Affordable Housing Contribution, in addition to the balance comprised of 20% of Building Permit fees, will be directed towards the development of these non-market affordable units.
  - Upon occupancy of the proposed non-market affordable units, the Developer will have satisfied their affordable housing commitments.
- An Affordable Housing Agreement to secure the 49 residential units as non-market rental housing in perpetuity has been prepared.
- A Statutory Right-of-Way for public access over the Roundhouse Mews shared-use corridor has been registered on title.

# Community Input on OCP Amendment

On May 18, 2015, Council directed staff to consult with the property owners and occupants within 200m of the properties at 370 and 384 Harbour Road through a mail-out and a public notice on the City's website. Twenty-two responses were received from neighbours as a result of this consultation and are attached to this report.

# Dockside Affordable Reserve Fund

The City previously agreed to direct 20% of all Building Permit fees payable with respect to the Dockside Green development to assist in the purchase of Non-Market Rental units and Market Affordable Ownership Housing units in the development. There is currently \$239,614.17 available through the collection of these fees.

As part of the proposal to construct 49 Affordable Non-Market Rental residential units the Developer is seeking amendments to the MDA. These amendments include that the balance comprised of 20% of Building Permit fees will be directed towards the development of these non-market affordable units.

Staff recommend that Council consider directing staff to issue payment from the Dockside Affordable Housing Reserve in the amount of \$239,614.17 as outlined in the amendment to the MDA and update the Reserve Fund Policy to eliminate the Dockside Affordable Housing Reserve once this payment has been made.

Respectfully submitted,

Jim Handy, Senior Planner – Development Agreements, Development Services Division Alison Meyer, Assistant Director, Development Services Division Jonathan Tinney, Director, Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date: <u>Sept. 2, 2015</u>

# List of Attachments

- PLUC Report dated May 14, 2015
- PLUC Minutes dated May 28, 2015
- Council Minutes dated May 28, 2015
- Revised Design Guidelines for the Dockside Area
- Correspondence received in response to the proposed OCP Amendment
- Amendment to Master Development Agreement
- Affordable Housing Agreement
- Statutory Right-of-Way.



# Planning and Land Use Committee Report For the Meeting of May 28, 2015

To:

Planning and Land Use Committee

Date:

May 14, 2015

From:

Mike Wilson, Senior Planner - Urban Design

Subject:

Rezoning Application No. 00478 for 370 and 384 Harbour Road and

associated Amendments to the Official Community Plan and Master

**Development Agreement** 

#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the *Local Government Act*, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- That Council determine, pursuant to Section 879 (2)(a) of the Local Government Act, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.

- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
- 9. That Council instruct staff to prepare a Housing Agreement Bylaw to secure the provision of 49 non-market residential rental housing units in perpetuity.
- 10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

#### LEGISLATIVE AUTHORITY

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

In accordance with Section 904(1) of the Local Government Act, a Zoning Regulation Bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 905 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the *Zoning Regulation Bylaw*.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the properties located at 370 and 384 Harbour Road. The proposal is to amend the existing CD-9 Zone, Dockside District, to modify the siting requirements for residential uses within the Zone. At present, residential uses are only permitted if the siting requirements are met so a rezoning application is required

The proposal is to also amend the design guidelines for the Dockside Area that are referenced in Development Permit Area 13, Core Songhees in the OCP. The design guidelines use the terms must, will and shall when describing the siting of residential uses in Development Area D. The proposal seeks to remove this section of the guidelines.

Planning and Land Use Committee Report
Rezoning Application No. 00478 for 370 and 384 Harbour Road
and associated Amendments to the Official Community Plan and Master Development Agreement

May14, 2015

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In 2005, the owner of the lands entered into a Master Development Agreement (MDA) with the City. The owner now requests an amendment to the MDA to confirm the following:

- The remaining funds in the Affordable Housing Contribution, in addition to the balance comprised of 20% of Building Permit fees, will be directed towards the development of the non-market rental residential units.
- Upon occupancy of the proposed non-market affordable units, the Developer will have satisfied their affordable housing commitments as described in Section 9 of the MDA.

# BACKGROUND

# **Description of Proposal**

In order to construct the residential units on the site, certain siting requirements must be met. These requirements were built into the zone to reduce the potential for conflict between the residential uses and neighbouring industrial uses. As a result, the applicant is unable to make application to Council to vary any of these siting requirements through the Development Permit with Variance process. The proposed *Zoning Regulation Bylaw* Amendment will permit the owner of the lands to apply to vary each of these siting requirements in the future. The regulations that are presently linked to the siting of residential use are:

- · residential uses may only be located on the second floor and higher
- no part of any residential unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line.

Similar to the *Zoning Regulation Bylaw*, the applicable design guidelines place strict requirements on the siting of residential uses within the Zone. The request to amend the *Official Community Plan*, 2012 (OCP) is necessary in order to amend the following mandatory guidelines:

- · the light industrial will be located on the ground floor, with other mixed uses above
- residential uses will be oriented towards the internal greenway, and non-living use acting as a buffer along Harbour Road.

In 2005, the owner of the lands entered into a MDA with the City. Under the terms of the MDA, the Developer agreed to work with the City to provide Non-Market Rental and Market Affordable ownership residential units that would be integrated into the development. A summary of the MDA requirements, as they pertain to affordable housing, is attached to this report as Appendix A.

# Land Use Context

Immediately adjacent land uses include:

North – vacant lands South – office, retail, waste water treatment facility East – office and across Harbour Road, Point Hope Maritime West – residential.

# Existing Site Development and Development Potential

The site is presently vacant. Under the current CD-9 Zone, the properties could be developed to accommodate a variety of commercial, light industrial and residential uses.

# Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted with the Victoria West CALUC at a Community Meeting held on November 18, 2014. At the time of writing this report, a letter from the CALUC had not been received.

Consistent with the CALUC requirements related to Official Community Plan Amendment Applications, owners and occupiers of land within 200 metres of the subject site were notified of the Community Meeting.

#### **ANALYSIS**

# Official Community Plan (2012)

The applicant proposes to amend the *Design Guidelines for the Dockside Area* that are referenced in Development Permit Area 13, Core Songhees in the OCP. The design guidelines use the terms must, will and shall when describing the siting of residential uses in Development Area D.

The applicant proposes to amend the guidelines in order to permit the proposed development described in Development Permit Application No. 00409. As such, staff recommend for Council's consideration that Section 4.4 of Development Area D (DA-D), paragraphs 1-3 titled "Use and Character" be rescinded. These provisions do not relate the building design or landscape for the subject site. Regulations regarding the location of uses and noise attenuation requirements are better regulated within the *Zoning Regulation Bylaw* and Master Development Agreement. Noise mitigation requirements will remain in the Master Development Agreement and siting requirements for residential uses will remain in the *Zoning Regulation Bylaw*.

Should Council wish to advance this Application, Section 879(1) of the Local Government Act (LGA) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 879 (2)(a) of the LGA, Council must further consider whether consultation should be early and on-going. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land within 200m of the subject property along with the posting a notice on the City's website would provide adequate opportunities for consultation with those affected.

Through the Community Association Land Use Committee (CALUC) Community Meeting process, all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 879(2)(a) of the LGA, is not recommended as necessary.

Should Council support the OCP Amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Design Guidelines. Council is also required to consider the OCP Amendments in relation to the City's Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital District Solid Waste Management Plan. This proposal would have no impact on any of these plans.

# Dockside Green Rezoning (2005)

As part of the 2005 rezoning of the lands to the site-specific CD-9 Zone, particular importance was placed on the retention and support for active marine and industrial uses on the Harbour. As a condition of permitting residential uses within the Zone, Council endorsed strict siting requirements that must be met in order to achieve residential uses. In Development Area D, these conditions are:

- residential uses may only on be located on the second floor and higher in a building
- · residential uses are not permitted to be located within 18m of Harbour Road
- no part of any residential unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line.

The applicant is proposing to amend this section of the Zone in order to allow these siting restrictions to be varied on a case-by-case basis at the discretion of Council. Given that these siting restrictions will remain in the Zone and that they may be varied at the discretion of Council, staff recommend for Council's consideration that Council support this amendment.

# **Housing Agreement**

In order to secure the 49 residential units as non-market rental housing, a Housing Agreement Bylaw is proposed. The rent structure is proposed to be tied to the Housing Income Limits (HILs) as provided by BC Housing. The maximum rent levels for each unit type are described in the following tables.

Building R4

Unit Type	No. of Units	Unit Size	HILs (2015)	Maximum Rent	
Bachelor	11	250-290 sf	\$29,500	\$737.50	
3 Bed	4	840 sf	\$60,000	\$1500	
4 Bed	4	1020 sf	\$67,000	\$1675	

Building R5

Unit Type	No. of Units	Unit Size	HILs (2015)	Max Rent
Bachelor	12	295 sf	\$29,500	\$737.50
1 Bed	8	435 sf	\$34,500	\$862.50
2 Bed	8	535 sf	\$43,000	\$1075
3 Bed	1	840 sf	\$60,000	\$1500
4 Bed	1	1150 sf	\$67,000	\$1675

The proposed rent levels represent a slight change to the targets established in the MDA which defines affordable housing using household incomes of \$30,000 - \$60,000 (2005 + CPI) that translates to \$32,600 - \$65,200 (at February 2015). Thus, the proposed affordability levels are improved at the lower end targeting annual household incomes at \$29,000, however, at the upper end there would be an increase in the annual household income from \$65,200 to \$67,000. Staff recommend for Council's consideration that Council consider supporting these household income targets as they are consistent with the City's *Housing Reserve Fund Guidelines*. It should also be noted that the proposed rent structure represents the maximum rent that could be charged for each unit type, however, the non-profit society operator will aim to offer lower rents where possible.

The recommendation provided for Council's consideration is that staff be directed to secure these 49 units as non-market rental housing units through a Housing Agreement Bylaw as authorized by Section 905 of the *Local Government Act*.

# **Amendment to Master Development Agreement**

In 2005, the owner of the lands entered into a MDA with the City. Under the terms of the MDA, the Developer agreed to work with the City to provide Non-Market Rental and Market Affordable ownership residential units that would be integrated into the development.

In 2009, Development Permits were issued for the construction of the 46 Non-Market Rental residential units in two stand-alone buildings; however, this proposal was never constructed.

The Developer is now proposing 49 Affordable Non-Market Rental residential units and is seeking amendments to the MDA. The requested MDA amendment includes the following:

- The remaining funds in the Affordable Housing Contribution, in addition to the balance comprised of 20% of Building Permit fees, will be directed towards the development of these non-market affordable units.
- Upon occupancy of the proposed non-market affordable units, the Developer will have satisfied their affordable housing commitments.

The Affordable Housing Contribution fund currently stands at \$3,578,149 and the Affordable Housing Building Permit fund currently stands at \$239,614.17 (for further information relating to these funds please refer to Appendix A). If, following the substantial completion of the Affordable Non-Market Rental residential units, any portion of the aforementioned funds have not been utilized, the Developer has suggested that these monies could be transferred to the City of Victoria Housing Fund.

In terms of affordability, the proposal is generally consistent with the definition of "Affordable Housing" outlined in the MDA which is as follows:

"Affordable Housing" means housing which costs (rent and mortgage plus taxes and including 10% down payment) 30% or less of a household's gross annual income, targeting households with an income of \$30,000 to \$60,000, as increased from time to time by the increase in the Consumer Price Index (All Items) for Greater Victoria from the date of this Agreement to the date when any relevant determination under the Affordable Housing provisions of this Agreement must be made.

As outlined in the previous section, by tying the rent structure to the Housing Income Limits set out by BC Housing, it is proposed that the range of household incomes targeted for this project change slightly from \$32,600 - \$65,200 (2005 + CPI) to \$29,500 - \$67,000.

As the proposed development is generally consistent with the affordable housing requirements outlined in the Dockside Green MDA, staff recommend that Council consider supporting the proposal subject to:

- The obligations outlined in Section 9 of the MDA being replaced with a new obligation for Dockside Green Ltd. to deliver 49 non-market rental units with rents targeted at households with incomes in the range described in this this report.
- MDA amendments being made to ensure that if the Affordable Housing Contribution or Building Permit Funds are not entirely utilized in association with the development of the 49 Non-Market Rental units, that the remaining funds are transferred to the City of Victoria Housing Fund.
- MDA amendments do not preclude opportunities for affordable housing on the remainder of the site.
- That all future strata titled developments to be constructed on the undeveloped lands be subject to a Housing Agreement that prohibits a future strata corporation from restricting the rental of units to non-owners.
- Transportation Demand Management measures, applicable to affordable housing, and comparable to the original MDA are still provided by the Developer.

In addition to the amendments to the MDA directly associated with the provision of Affordable Housing, the Developer is proposing to sell the properties at 370 and 384 Harbour Road to Catalyst Community Development, the Non-Profit Housing Organization who will then be responsible for constructing the project. Under Section 18 of the Dockside Green MDA, the Developer may not sell or assign its controlling interests in the Agreement without the prior written approval from the City. Staff recommend for Council's consideration that Council support the transfer of the lands to Catalyst Community Development on the basis that the obligations to deliver the 49 non-market rental units will still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied, in order to ensure that the affordable housing is fully realized.

The wording of the proposed amendments to the Dockside Master Development Agreement will be presented to Council prior to a Public Hearing to consider the Rezoning Application.

#### Pedestrian Access

The subject lands include a section of the greenway and stair connection to Harbour Road. The recommendation provided for Council's consideration is that Council require a legal agreement to secure public access within these areas.

#### CONCLUSIONS

The proposal is to amend the CD-9 Zone, Dockside District, in order change the siting regulations for residential uses. This amendment will allow Council to consider variances to the siting requirements at the Development Permit stage, instead of necessitating a Rezoning Application to allow residential uses in the event the siting requirements cannot be met. This would then still allow for a degree of oversight to ensure that proposals include features to mitigate potential conflict with neighbouring commercial and industrial uses.

The proposal is to also amend the Design Guidelines for the Dockside Area that are referenced in Development Permit Area 13, Core Songhees in the OCP. The design guidelines use the terms must, will and shall when describing the siting of residential uses in Development Area D. The applicant proposes to amend the guidelines in order to permit the proposed development described in Development Permit Application No. 00409.

As the proposed developments are generally consistent with the affordable housing requirements outlined in the Dockside Green MDA staff recommend for Council's consideration that Council support the proposed MDA amendments.

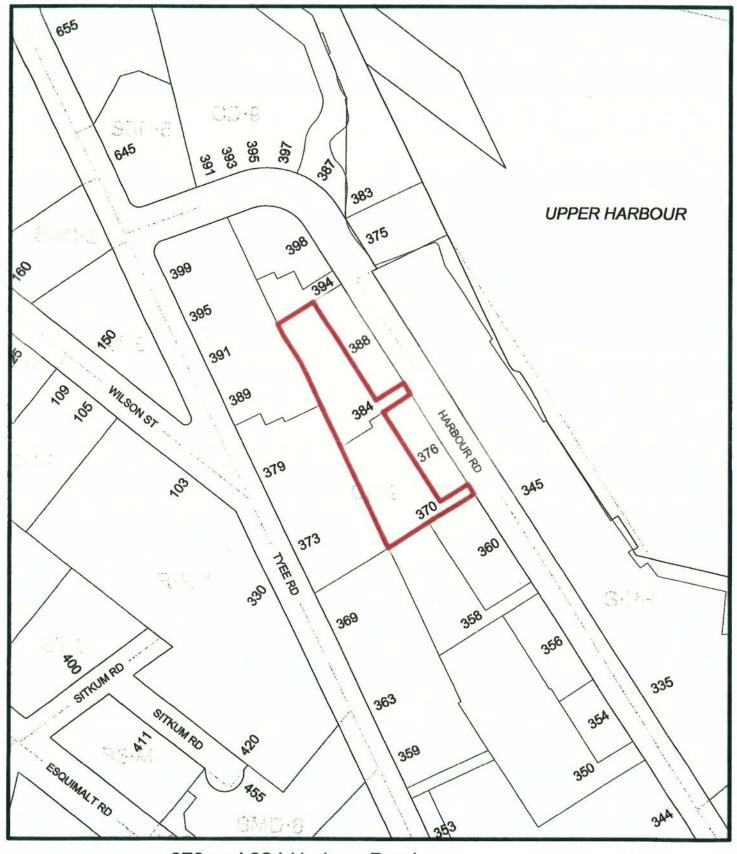
#### **ALTERNATE MOTION**

That Council decline Rezoning Application No. 000478 for the properties located at 370 and 384 Harbour Road.

Respectfully submitted,		
Mills.	m. Megs	-And Hindu
Mike Wilson	Alison Meyer, Assistant Director	Andrea Hudson,
Senior Planner - Urban Design	Development Services Division	Acting Director
Development Services Division	Sustainable Planning and Community Development Department	Sustainable Planning and Community Development Department
Report accepted and recommend	led by the City Manager:	Jason Johnson
MW:aw	Date:	My 21,2015
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SATEMPEST ATTACHMENTS/PROSPEROV	PL\REZ\REZONA78\REZ PLUC REPORT1 DOC	

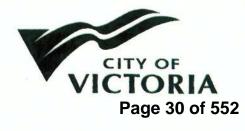
# List of Attachments

- Aerial map
- Zoning map
- Appendix A: Summary of Dockside Green MDA Affordable Housing Committements
- Letter from Dockside Green Ltd dated February 23, 2015
- Letter from Catalyst Community Development dated March 31, 2015
- · Summary of Section 9 (Affordable Housing) of the Dockside Green MDA
- Plans date stamped March 31, 2015.





370 and 384 Harbour Road Rezoning #00478 Bylaw #







370 and 384 Harbour Road Rezoning #00478 Bylaw #



APPENDIX A:

SUMMARY OF DOCKSIDE GREEN MASTER

DEVELOPMENT AGREEMENT (MDA) AFFORDABLE

HOUSING COMMITMENTS

# General Principles for Affordable Housing

In 2005, the City entered into the Dockside Green Master Development Agreement (MDA) with the Developer of Dockside Green. The Developer agreed to work with the City to provide Non-Market Rental and Market Affordable ownership housing units that would be integrated into the development. Section 9.0 of the MDA provides a series of general principles for achieving Affordable Housing on the site.

The MDA states that the City and the Developer would "work together so that up to 31% of the residential units on the City Lands are developed as Affordable Housing". A map of the City Lands is provided in Figure 1.



Figure 1: Former City lands

The wording of the MDA is open-ended in terms of the total number of units to be provided, the location of these units and timeline for delivery.

# **Definition of Affordable Housing**

The MDA defines "Affordable Housing" as:

Housing which costs (rent or mortgage plus taxes and including 10% down payment) 30% or less of a household's gross annual income, targeting households with an income of \$30,000 to \$60,000, as increased from time to time by the increase in the Consumer Price Index (All Items) for Greater Victoria from the date of this Agreement to the date when any relevant determination under the Affordable Housing provisions of this Agreement must be made.

# **Developer's Commitment**

# Affordable Housing Contribution

The Developer committed \$3 million to subsidize the sale of Non-Market Rental units to non-profit organizations. The Affordable Housing Contribution is adjusted on an annual basis by the lesser of 7% or the percentage increase in construction cost in Greater Victoria, as measured by a quantity surveyor selected by both the City and the Developer.

A portion of the Affordable Housing Contribution is available to be allocated to each development area that contains Non-Market Rental housing units. The MDA provides a formula for allocating any given portion of the Affordable Housing Contribution to any given development area.

The portion of the Affordable Housing Contribution for a given development area is equal to the product of the gross residential square footage of the building(s) x \$3.00. For example, a Development Area with 72,000 square feet of residential floor space and four Non-Market Rental units would be required to make \$216,000 of the Affordable Housing Contribution available to offset the cost of the sale of those units to a non-profit organization. This works out to a \$54,000/unit subsidy from the market value of the unit.

The Affordable Housing Contribution is currently valued at approximately \$3,578,149. The value of the Contribution is greater than \$3 million due to accrued interest and additional funds that were provided by the Developer in 2008. These funds (\$500,000) were provided as an amenity contribution in accordance with a Rezoning Application that permitted increased density on the site.

#### Additional Funds

In addition to the provision of the Affordable Housing Contribution, the MDA contemplates the Developer obtaining further funding from alternate sources.

#### Limit Profit on 20% of Units of the Former City Lands

In addition to the Affordable Housing Contribution, the Developer has committed to limit profit earned on the sale of 20% of residential units on the former City-owned Lands to 13% of the total project costs (land acquisition costs and hard and soft costs). These units are to be made available as Market Affordable ownership units.

# Notice of Strata Bylaws

The Developer is required to register strata bylaws for each strata corporation that permit the rental of any Non-Market Rental Units within that strata corporation and so that not less than 20% of the units within individual strata corporations are available for rental use.

# City's Commitment

#### Building Permit Fees as a Contribution for Additional Funds

The City has agreed to direct 20% of all building permit fees payable with respect to the development to assist in the purchase of Non-Market Rental units and Market Affordable ownership Housing units in the development. There is currently an additional \$239,614.17 available through the collection of these fees.

# **Dockside Green Housing Advisory Committee**

The Dockside Green Housing Advisory Committee (the "Advisory Committee") is comprised of one representative of the Developer, one representative of the City and one recognized independent expert in the field of affordable housing. The role of the Advisory Committee is:

- to consult with the Developer on the number and location of Non-Market Rental units to situate in any Development Area;
- to consult with the Developer on the non-profit organizations to whom the Developer should offer such Non-Market Rental units for sale;
- c) to consult with the Community Liaison Group;
- d) to direct the Developer to allocate to Market Affordable ownership Housing units to any portion of the Affordable Housing Contribution that has not previously been allocated and to choose a body to be responsible for administering the Market Affordable ownership Housing program;
- generally, to consult with the Developer concerning strategies for the effective implementation of the requirements of this section of the MDA.

The Advisory Committee is currently inactive. Since the change in ownership and management, the Developer has not selected a new representative for the Committee. The Affordable Housing Expert resigned from the Committee in 2009 and has not been replaced.

#### Non-Market Rental Units

#### Definition

The MDA contemplates Affordable Housing being developed on the site via both rental and owned units. A Non-Market Rental unit is defined as a residential dwelling unit made available to a non-profit organization in any given development area to be sold at a subsidy by the Developer. These units are to be held and managed by the non-profit organization for rental housing to low-income persons. These units may be located within a strata building or in a stand-alone building.

# Timeline for Constructing Non-Market Rental Units

Section 9.2(e) of the MDA clearly states that "the Developer will be under no obligation to provide Non-Market Rental units in each Development Area or to provide Non-Market Rental units in accordance with any set time-frame". This is a significant statement in the MDA as it relieves the Developer of any obligation to construct Non-Market Rental units within any set period of time.

# Market Value of Non-Market Rental Units

A key determinant of the selling price of each Non-Market Rental unit to a non-profit organization is the how the market value of a Non-Market Rental unit is calculated. The Agreement contemplated that once this market value was established; it would be subsidized via a portion of the Affordable Housing Contribution. This would then determine the final sales price to the non-profit organization.

The MDA states that the market value of a Non-Market Rental unit is the actual cost of the unit (including land acquisition and hard and soft costs) plus 13% profit.

The MDA permits the City, at its discretion, to review the Developer's records in connection with the actual cost of the Non-Market Rental units on a confidential basis.

# Market Affordable Ownership Units

#### Definition

A Market Affordable ownership unit is defined as a unit that is made available for sale by the Developer where the price is established as follows: the actual cost of the unit (including land acquisition and hard and soft costs, as verified by a quantity surveyor) plus 13% profit. These units are to be marketed and sold to qualified purchasers with annual household incomes between \$30,000 and \$60,000. A restrictive covenant is registered with each unit to limit the future resale price.

The Developer is required to limit its profit to 13% on 20% of residential units developed on the City Lands so that they may be made available as Market Affordable ownership units.

# Timelines for Constructing Market Affordable ownership Units

The MDA does not set out any obligations for the Developer to provide Market Affordable ownership units in each Development Area or to provide Market Affordable ownership units within any set time-frame.

# CKSIDEGREEN

(JG)

Thursday, February 19th 2015

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



Dear Mayor Helps and City of Victoria Council,

RE: Affordable Workforce Rental Housing Project, 370-384 Harbour Road – MDA Amendments

Dockside Green Limited is pleased to be working with Catalyst Community Developments Society (Catalyst) in submitting a combined Rezoning, and Development Permit application for the delivery of affordable workforce rental housing at Dockside Green. We are delighted to be moving closer to restarting this important mixed-used sustainable neighbourhood in the City of Victoria. Both Catalyst and Dockside Green worked hard to listen to the community perspective on this application and are pleased with the outcome of that process – an improved project plan and a development that integrates well into the neighbourhood and fosters Dockside Greens values of sustainability and inclusivity. As part of Catalyst's application Dockside Green is seeking agreement from the City of Victoria to have this project complete Dockside Green's affordable housing commitments which delivers on this key amenity to the residents of Victoria.

As an early adopter of sustainable development, Dockside Green has been recognized as one of the greenest communities in North America. We have, however, also experienced many challenges. Innovation means taking risks and learning from being at the leading edge of the "green building movement". Much has changed in the ten years since the project was first launched in 2005 and we needed to revisit some of the early thinking to test whether what was originally envisioned is still relevant today and reflects the needs and aspirations of the evolving local community in 2015 and beyond.

In May 2014, Dockside Green began a public engagement process - bringing together a team of architects, planners, and designers with residents, community members, first nations groups and citizens of Victoria to revisit the plan for the project with the ultimate goal of delivering a more relevant neighbourhood plan.

Through a series of presentations, workshops, and discussions, a new vision for the project began to take shape. While the project's physical structures began to reconfigure, Dockside Green remained committed to the vision of building a well-loved, culturally vital neighbourhood where the mix of people and environment fuels health and a vibrant local economy. Four guiding values also emerged that began to drive the project: Sustainability, Respect for Local, Inclusivity, and Cultural and Creative Vitality.

Based on feedback from the five-month public engagement process, the design team at Dockside Green established an updated Neighbourhood Plan which included components of both short and long term goals of the community. After receiving positive and affirming feedback from participants, we are delighted to have submitted our comprehensive application in January of 2015 that outlines



the future of the Dockside Green Neighbourhood which provided the context for this application as enclosed.

#### Affordable Housing - History

In 2005 Dockside Green entered into a Master Development Agreement (MDA) with the City of Victoria which included elements related to the delivery of affordable housing at Dockside Green. From its first phases Dockside Green has made affordable housing a key priority in development of the neighbourhood. The first two phases at Dockside Green saw the delivery of 26 market affordable ownership units.

In the years following adoption of the MDA in 2005, our affordable housing strategy has been discussed and updated by ourselves and the City of Victoria based on work from the Affordable Housing Advisory Committee (AHAC) in 2008/09. These updates formed the basis of a previous application for affordable housing presented to Council in 2008 however the updated strategy was never fully captured in any MDA amendment during that period. The amendments included the following:

- A goal to focus on the development of 75 Affordable Housing units which included both market affordable ownership and non-market rental housing at Dockside Green.
- Using some of the Affordable Housing contribution (\$922,256) to make the 26 market affordable ownership units included in Phase 1 and 2 affordable to people with incomes between \$35,000 and \$50,000.
- · A desire to prioritise non-market rental housing
- Building non-market housing in stand-a-lone buildings rather than scattered as individual
  units within private strata buildings. This is a more affordable option both short- and longterm for affordable housing providers.
- Using the remaining Dockside Green Affordable Housing Contribution funds, the 20% of Dockside Green's Building Permit Fees collected to date by the City, plus contributions from the City and CRDs Affordable Housing Funds to build 46 units of non-market rental housing. These 46 units would complete DGs affordable housing commitments to market affordable ownership and non-market rental housing.

#### Affordable Housing - Current Proposal

In 2014 Dockside Green began exploring new approaches for the delivery of affordable housing that would not only result in a diverse and inclusive neighbourhood at Dockside Green, but in the process, would serve as an example to enable more affordable housing units in other neighbourhoods in the region. We believe strongly that real-time learning should be shared for the benefit of others. This desire to embrace innovation for the greater public good continues to underpin Dockside Green's core values. As we move forward on the delivery of the social sustainability elements of Dockside Green, our affordable housing commitment remained our first priority. New collaborations are emerging within the not for profit sector that are very exciting – Catalyst being one of the most promising and we are proud to be partner with with them on the delivery of 49 units, contained in two, three-story wood frame buildings. Unit type ranges to include studio apartments to three bedroom and den townhomes.



The proposal as provided builds on the updates, discussion and outcomes developed in 2008/09. A core difference however in the current proposal enclosed is Dockside Green's formal request to release those grants currently set aside by the City of Victoria and CRD Affordable Housing Funds for affordable housing at Dockside Green. Through Catalyst innovative model of affordable housing delivery, our partnership will be able to provide 49 units of affordable workforce rental housing without the use of these grants from the City or CRD Affordable Housing Funds. By only utilizing the Dockside Green Affordable Housing Contribution (AHC) and the Dockside Green Affordable Housing Building Permit funds currently held by the City, this application will consequently result in the return of \$920,000 of funding back to the community to leverage/facilitate other affordable housing projects in the region to further address this important issue.

Moving forward, as part of our application of this innovative and unique approach, Dockside Green is requesting amendments to our MDA that would indicate the following:

- The remaining Dockside Green AHC funds and the Dockside Affordable Housing Building Permit funds collected to date by the City, be allocated to the 49 units being proposed by Catalyst.
- Through successful delivery of these units that a discharge of Section 9 of the MDA be completed, which would result in the successful completion of Dockside Green's affordable housing obligations.

#### Conclusion

We are thankful to the stakeholders who helped shape this application. The public consultation process was a true articulation of Dockside Green's connection with the community of people who live at Dockside Green, the Vic West community and the City of Victoria.

We are very proud of our partner Catalyst's submission and trust it provides Council with the information needed to favorably consider the proposal and approve the required regulatory changes we are seeking.

Sincerely,

Ally Dewji

Development Manager, Dockside Green Limited











Victoria City Council - 15 Oct 2015

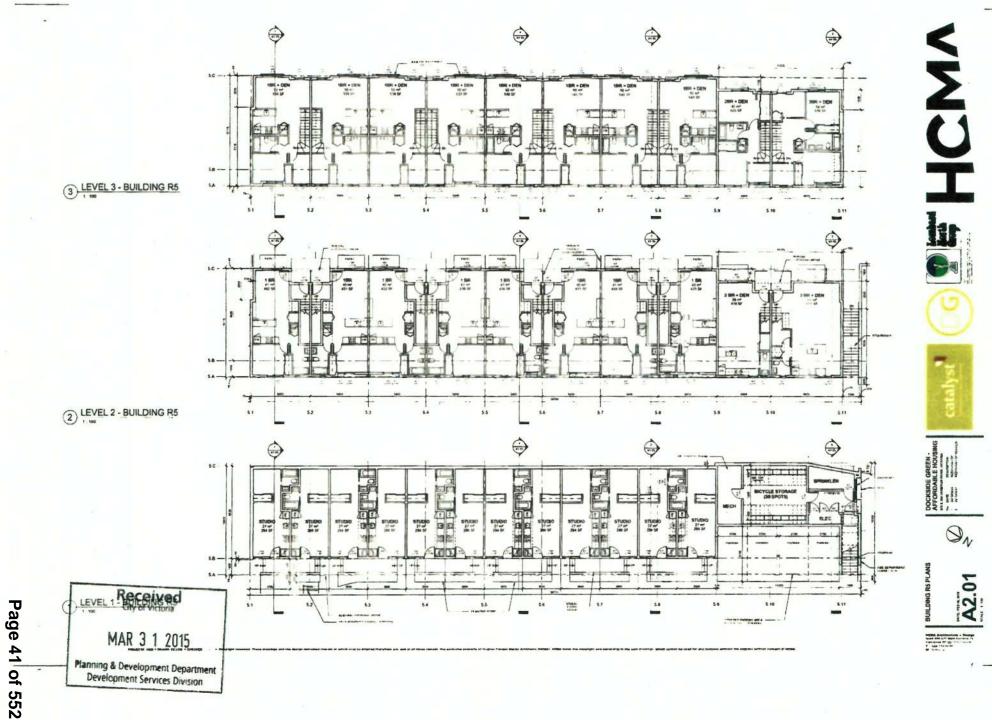
2 LEVEL 2 - BUILDING R4

3 LEVEL 3 - BUILDING R4

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City of Victoria

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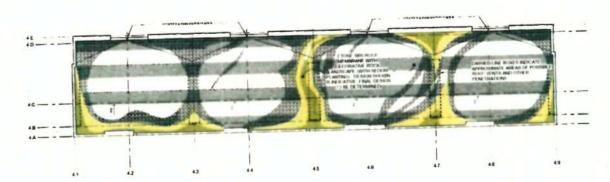
Planning & Development Department Development Services Division



Victoria City Council - 15 Oct 2015

55

1 ROOF - BUILDING R5

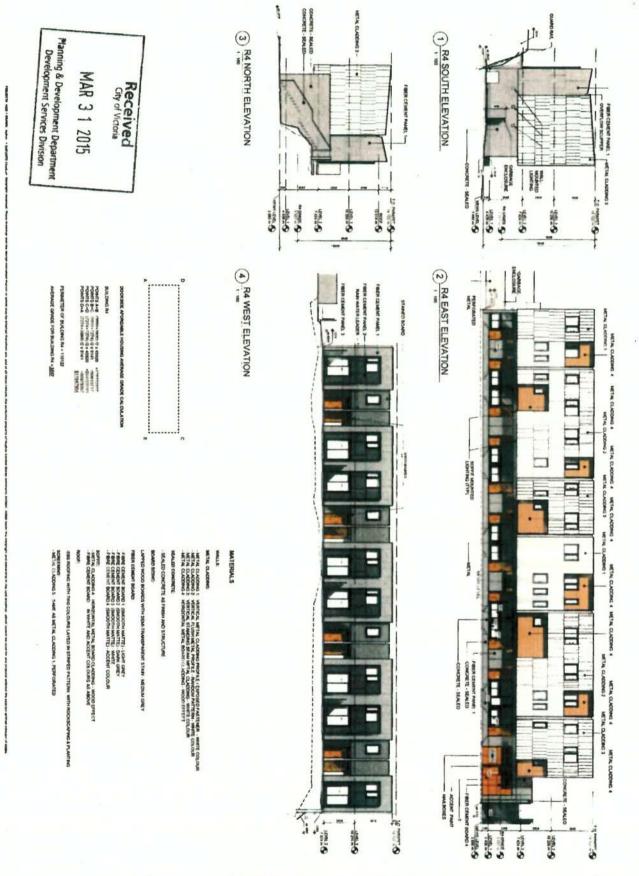


2 ROOF - BUILDING R4

Received City of Victoria

MAR 3 1 2015

Planning & Development Department Development Services Division



















Planning & Development Department **Development Services Division** 



# METAL CLADO SEALED CONCRETE

MATERIALS

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Dr. Catherine and Greg Caws 389 Tyee Road – Unit 5 Victoria, B.C. V9A 0A9



January 2, 2015

Mayor and City Councillors City of Victoria 1 Centennial Square Victoria, B.C. V8W 1P6

Dear Mayor and City Councillors,

# Subject: Development at Dockside Green

We are writing in regard to the latest proposed development at Dockside Green.

The addresses affected are 370 and 384 Harbour Road, on sites R5 and R4 of the property (diagram attached). We are resident owners at 5-389 Tyee Road.

We believe this will be the subject of an upcoming rezoning review by City Council and we want to be sure my point of view is heard. Thank-you in advance for reading this.

#### Dockside Green's Reputation is in Play

We are in danger of creating a mockery of Dockside Green. We believe the new developer is trying to save money at all costs, even if it means jeopardizing our world-leading community. The rezoning they are requesting will undermine what has been created. We don't want this as an example of a process gone wrong – thus our letter.

#### The Developers Should Not be Allowed to Rezone

We do not support the developers proposed zoning changes although we do respect their right to build on the property as originally planned. We agree with the original objectives that Dockside Green is a place of diversity, one of livability for all and one that adheres to the highest level of environmental responsibility. The shoehorning in of two high-density units under the guise of affordable housing demonstrates very poor judgment.

## Affordable Housing Doesn't Mean Second-Class Citizens

The developer seems to assume that affordable housing means that the new residents deserve less. This is unconscionable and it affects not only the new residents but also the whole community. They have enlisted so-called experts in affordable housing, to support their objectives but the original proposal was so poorly done, we wonder if they are compromising their judgment.

# There Are Too Many Corners Being Cut

Frankly, the development seems like an afterthought to deal with two difficult land parcels. This summarizes our thoughts pretty well:

Let's jam two buildings into this tiny area where we can barely fit a laneway, let alone anything else; don't worry about livability, residential access or emergency vehicle issues, and forget about parking; let's call it "affordable housing" and get some consultants involved to get the monkey off our back; let's avoid proper LEED certification because it's a pain; lastly let's increase the density to a point where we might turn a profit - who cares if it doesn't fit with what is there. Anyhow, we just did a big planning process for the rest of the development, so let's pretend this was part of it and see if we can slip this by the new Mayor and councillors.

# Issues Were Not Thought Through

During the November town-hall meeting and after a review of materials made available by the developer, it became apparent to us that the planning was, in our opinion, poorly done. A few of the obvious issues include:

- Very restricted vehicular access to either building. How are new residents supposed to move in and out? What about the residents with disabilities? How many other buildings in the area have recently been allowed such a waiver? The building is completely surrounded by four other tall buildings.
- Walking access in limited. Current walking access from the upper levels
  involve stairs to a bridge and gravel path, they are not wheelchair accessible.
  The proposal sees residents walking fifty to one hundred feet.
- 3. Safety and Liability No emergency vehicle access. Fire trucks, ambulances and police vehicles will have very restricted access. In case of emergency, paramedics would have to go up the side staircase, and access the units from the greenway path, making the management of stretchers hardly possible. At the time of the November community meeting, the developer had not thought about consulting the ambulance service and it

remains to be seen if they have properly engaged both police and fire officials with their detailed plans. Insurance premiums will rise for the residents. The close proximity of the surrounding buildings may create a high fire risk. City liability could be a big issue.

- 4. Very limited parking. Neither building has adequate residential parking. Harbor Road has effectively no parking; it is already overflowing during the day. New residents will have vehicles; any assumption to contrary is wishful thinking. There is already a huge overflow issue on the street above, Tyee Road, at the south end, where on any given night 50-100 vehicles are parked on the side of the road.
- 5. Local business will be grossly affected. Fol Epi, Café Fantastico and local businesses will lose most of their parking under the proposal. The BC Oil and Gas Commission is affected as well. These are highly trafficked businesses and there is already an issue on busy days. This issue may affect the future development of business in the area, hindering the viability of a mixed community.
- 6. Little creative thought given to building necessities. There are no elevators, only open stair access that will hinder easy residential access, moving companies and emergency crew access. Laundry facilities, for studio units, will have to be accessed by leaving the building, going outside (in the rain), and accessing a laundry room; this makes no sense there is no reason why smaller units should not include their own laundry facilities. There are no common area's, nor exercise facilities and there are no park areas for the little ones to play in no space for kids. Will there need to be a building manager to shovel snow or take care of the units other interests? Livability has not been thought through, for example the lower units will get no direct sunlight.
- 7. The developer wants to avoid LEED certification. The responsibility for making it LEED standard is left to the developer who says they'll try and make it as close as possible. They said they can save a lot of money if they don't officially certify they believe LEED inspectors are unneeded overhead. On the contrary, the developer is the last one that should have control as they are in a complete conflict of interest. A separate certification is required, this is the very reason certification bodies exist.
- 8. Population density increase is disproportionate. Such an increase in population was never considered in the original development and nothing has changed. The original plan for a dozen or so townhouses over both sites makes sense, a few more families, in other words. In this proposal there are 49 units proposed (including 23 studio units with no laundry facilities). The number of people rises dramatically and the ensuing social factors of living in

- such close quarters will come in to play. Families will have less of a role, as the units are small. Quality of life will be affected in a large way.
- 9. Means test for resale. In jurisdictions where affordable housing is properly instituted, the new homeowners are always subject to a means test. This limits the resale to people in need rather than the highest bidder. Where these covenants are not put in place, the property values quickly rise to market value and residents become the prey of property speculators or landlords trying to extract maximum rental income. While well intentioned during the planning stage, a lack of on-going support, oversight and investment from the city will create difficulties. The city of Victoria will always need to be responsible for maintaining supervision over the housing process, pricing and the means test to ensure that those in need of affordable housing actually benefit.

# **Alternative Options**

**Alternative 1**: The town-hall consensus was to move the proposed site R4 building somewhere on the rest of the site, for example next to Harbour Road below Site R5. Take the R4 property land and turn it into proper parking, or perhaps a children's playground/open space with underground parking.

**Alternative 2**: Stay with the approved plans for townhouses. Advantages include lower density and proper parking for residents.

**Alternative 3**: Relocate the affordable housing units to wider spaces on the Dockside Green property. Rather than rushing into building affordable housing in a questionable location, wait to get better livability planned and do it right. Use R4 and R5 slots for business or original townhouses. Plan open spaces.

## Summary

The Dockside Green Development is critical to the City of Victoria and frankly its place on the world stage. Responsible development is a hallmark of the city and in my opinion the developer's current process with this part of Dockside Green leaves a lot to be desired and sets a precedent for the future.

Please ensure that development of the affordable housing on Dockside Green properties is not just an afterthought and exercise your power to create a community plan that makes sense for the new residents and for livability.

Yours Sincerely,

Dr. Catherine Caws

**Greg Caws** 



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#### Mike Wilson

From:

Evelyn

Sent:

Tuesday, Nov 25, 2014 10:49 AM

To:

Mike Wilson

Subject:

construction of 3 storey buildings for workforce affordable rental housing

Follow Up Flag:

Follow up

Flag Status:

Flagged

Dear Mr. Wilson,

I understand you are the planner for Victoria West, which covers the Dockside Greens project. I am writing to you as the landlord of stratas in CI-1 and CI-2 and representative of our tenant, BC Oil & Gas Commission who has been there since 2008.

With regards to this housing development to be located behind our buildings, we just wanted to voice our concern for the potential congestion, especially for parking that this will result in for the area. Given the geographical diversity of the employees of BC Oil & Gas, driving is the only option for many of them, and as it currently stands, they actually need approximately 20 more parking stalls. If there is potential for losing any parking, it will be very inconvenient for their business.

Additionally from what we understand, the retail in CI-I is also in need of extra parking for their staff and guests.

Thank you for your time. We appreciate any consideration for our parking and congestion concerns as this project moves forward. Should you wish to discuss this further please contact me at the information below. Thank you again.

Evelyn Louie, Financial Controller PO Box 16120 Lower Mount Royal Calgary, Alberta T2T 5H7 403-228-1862

## Mike Wilson

From:

Community Planning email inquiries

Sent:

Wednesday, Nov 26, 2014 2:43 PM

To:

Mike Wilson

Subject:

FW: Community Planning

From: Mike Palmer

**Sent:** Sunday, Nov 23, 2014 3:28 PM **To:** Community Planning email inquiries **Subject:** Re: Community Planning

Hi. This might have been sent to me by accident... Just wanted you to know in case you were expecting a response.

Mike Palmer
Chief Information Officer
Information Technology Division
City of Victoria
101 - 1803 Douglas Street, Victoria BC V8T 5C3

T 250.361.0394 F 250.361.0214









On 2014-11-20, 11:29 AM, "Community Planning email inquiries" < Community Planning@victoria.ca > wrote:

----Original Message-----

From

Planning email inquiries

Subject: Community Planning

From: Jim Ross

Email: i

Reference:

Daytime Phone :

to:

City of Victoria

Planning and Development Department 1 Centennial Square Victoria, BC V8W 1P6

and

Lisa Helps, Mayor Elect and elected council

Re; Proposal to change current land use, description and zone from CD-9, Dockside District to Modified CD-9 Zone, Dockside District.

I attended the Vic West community meeting last night and was impressed and happy with the proposed OCP amendment and use of land & buildings except for a huge parking concern.

I am a Dockside resident living in a Garden Flat on the greenway ground level which is directly across from the proposed low income rental units.

We are excited to have our new neighbours right across from us and love the proposed design and appearance of the rental units.

It came through loud and clear that all attending were concerned with the temporary parking that will be lost with the new buildings replacing the parking. One of the commercial building tenants has moved because of the shortage of parking and with an increase in residents and reduction of

20 stalls, more business' will have to relocate to maintain their client base.

Vacant buildings in our community decreases the value and pride of all residents.

Please encourage the developers (who are open to change the parking area proposed) to provide parking.

Thank you

Jim Ross GA-4, 379 Tyee Road Victoria, BC V9A 0B4

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The City of Victoria immediately by email at <a href="mailto:publicservice@victoria.ca">publicservice@victoria.ca</a>. Thank you.

IP Address: 184.66.13.207

#### Mike Wilson

To:

Alison Meyer

Subject:

RE: Proposed Affordable Housing Development: CD-9 Zone Dockside District

On Feb 2, 2015, at 11:37 PM, Telus

Hello all. I support and concur with the points raised by Mr. Lawson. I am very concerned about the negative impact that this development will have on the current residents of Dockside Green. I am particularly concerned that the proposed development is to be rammed through notwithstanding that it does not seem to reflect the development as proposed when I bought my ground floor condo -- which I did in good faith.

Can anyone point me to an understandable diagram of exactly what is currently on the table? It may be a function of the fact that I don't live fill-time in Victoria and so have been unable to attend any of the meetings to date, but I find that what's available on line to answer my questions is inadequate.

Karen McDougall

Sent from my iPad

On Feb 3, 2015, at 12:24 PM, Chris Lawson <

wrote:

Hello. By way of this e-mail, I am copying you on a letter sent today by registered mail to Norm Shearing, President of Dockside Green, regarding the proposed development in the CD-9 zone of Dockside District. Please see the attached.

The 10 other owners are being copied via BCC since I do not have their express permission to share their email addresses.

Thank-you.

Chris Lawson GA6-379 Tyee Road Victoria, BC V9A 0B4

<Dockside Green February 2.pdf>

Chris Lawson GA6-379 Tyee Road, Victoria BC V9A 0B4 February 2, 2015

Norm Shearing, President Dockside Green 353 Tyee Road, Victoria BC V9A 0B5

#### Dear Mr. Shearing:

As you know, I was in attendance at the information meetings held on November 2 2014 and January 26 2015, regarding your proposal to develop the CD-9 zone at Dockside District (sites "R4" and "R5") with affordable housing.

I was very disappointed and somewhat surprised at the January 26 meeting. Your proposal was materially no different than the original proposal presented on November 2; this despite a number of very significant concerns and issues having been identified by me and other owners at Balance and Synergy at the two previous meetings and in related letters and emails, both to Dockside Green and to the Victoria city council.

Furthermore, I was not able to attend the Community Information Meeting held on November 18 but I understand that at that meeting, there was a proposal from at least one participant that the affordable housing be built to the west of the existing Farmer building, on land you say you are planning to build a children's playground. I am told by another owner that at that meeting, there was a show of hands and there was significant support for this proposal from those present at the meeting. Yet you did not address this proposal at the January 26 meeting.

Moving the affordable housing to the "Farmer" site would address the following key objections and concerns which have been identified by me as well as at least 10 other owners who have written letters to the city:

- Density of the proposed development: 49 additional living spaces, likely containing up to 100
  residents, directly adjacent to and facing the existing Synergy and Balance buildings. This is a large
  increase in a very confined area.
- Close proximity of the proposed buildings to existing buildings. For example, the "R4" building would be only about 30 feet from my patio.
- 3. A majority of the units would have sole access via the greenway which would drastically decrease privacy and enjoyment of those units currently adjacent to the greenway as well as their property values. Along this stretch, there are currently 10 units in Balance and Synergy which open onto the greenway at ground level (but which also have alternate access via the parkade). You are proposing to add an additional 26 units with no access other than via the greenway, an increase of 260 % and causing, along with loss of privacy, a massive increase in foot traffic, comings and goings, noise, night light, wear and tear etc. Needless to say, this will also be very inconvenient for the tenants and will cause extended response time in case of emergencies.

- 4. The proposed development will exacerbate an already serious parking situation. Even though the R4 site is currently used for parking for adjacent stores and businesses, there is a serious parking situation in that area. Many cars double park during business hours. The proposed development would remove this parking area and add 49 additional residential units and many more residents, some of whom will have cars. Virtually no additional parking space is being proposed. The minor changes you announced at the January 26 meeting will not make a significant difference.
- The proposal would require amendments to existing bylaws, which are intended to protect residents from industrial noise at the harbour.

I would like to know why this proposal was not incorporated into your plans and addressed at the January 26 meeting. Building the housing on this site, even though it is still directly adjacent to the existing Balance buildings, would have far less impact on existing owners and residents, virtually eliminating the above issues.

I am not a representative of the other owners and I am not speaking on their behalves, but I don't believe anyone has an issue with "affordable housing" at Dockside Green, as long as it is properly managed, and it appears that Catalyst will do that. The fact that there is support for affordable housing on the land behind the Farmer building, which is directly adjacent/ kitty corner to 373 Tyee Road proves that point.

The real issue here is that while there are numerous other sites within the remaining Dockside Green lands where affordable housing could be built, you are proposing to build it at a location that will have the greatest impact to existing residents and owners, yet you have so far taken none of our key concerns seriously.

None of the very minor adjustments you announced at the January 26 meeting materially address the above listed issues. There is still the same density; twenty-six of the proposed units still have sole access from the greenway; the two buildings are still virtually the same distance from existing residential buildings and there is no increase in parking allotment. This is very concerning, especially in light of the recent BC Supreme Court ruling regarding the social housing development in Vancouver (Yaletown). It's clear from that ruling that the concerns of adjacent stakeholders must be taken seriously.

You say that dialogue is happening at Dockside Green. Dialogue includes both speaking and listening. So far, you are only speaking.

Instead of listening to the concerns of stakeholders and addressing them, you spent most of the January 26 meeting giving the participants a history lesson and suggesting that affordable housing on these sites was carved in stone based on the original development plans. But a year ago, you said that everything that was originally envisaged for the project was up for discussion and subject to input from residents.

Here is what you said to *Vibrant Victoria*, published on January 31 2014 (italics are mine for emphasis; complete article at <a href="http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/">http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/</a>):

"We are in the infancy stages of discussions with the community and our residents. We will be approaching the Vic West Community Association with updates and will create a foundation for consulting with stakeholders. We are committed to Dockside Green but what we do in terms of moving the project forward and delivering on our promises will require consultation," Shearing said, suggesting that all facets of the project are in line for a lengthy debate and planning process.

All of this consultation is pointless if you are not prepared to listen to feedback and address significant issues. Adding in-suite laundry facilities and making the buildings non-smoking does nothing to address the significant issues of existing stakeholders listed above. And it's nice that you have removed eight doors from "R4," except that those same eighty doors have just been added to "R5."

After the meeting on January 26, I sent Ally an email suggesting that exterior corridors be included on the 2<sup>nd</sup> floor at the east sides of the two proposed buildings. This would not address all of the above issues but it would significantly improve the proposal both for existing stakeholders and for the new residents, by allowing access to the twenty six units from that side of the two buildings and eliminating access via the greenway. I have communicated with a number of other owners on this and while they still believe the proper location for this development is on the land behind the Farmer building, they agree that this change would make a significant difference. As such, I urge you to consider this proposal very seriously and I would appreciate a response as soon as possible.

In conclusion, in view of the many available alternative locations and options that would have minimal or no impact to existing owners and residents, I am asking you to come back with a revised affordable housing proposal that fully mitigates the concerns identified by me and other owners, listed above. My preference, and I believe the preference of many other owners, would be that the affordable housing be built on the site behind Farmer and that the parking at "R4" be preserved. The "R5" site could be combined with the land fronting Harbour Road and be used for one low rise office building. I can't imagine why this would not be possible, but if there really are sound reasons why it is not, then clearly there are options available to mitigate impacts of the development where currently proposed.

Yours sincerely,

Chris Lawson.

CC: By e-mail to:

Ally Dewji, Development Manager Dockside Green, Robert Brown, President Catalyst Community Development Society, Vic West Community Association Land Use Committee, Victoria City Mayor and Councillors, 10 other owners at Balance and Synergy.

#### Mike Wilson

From:

Sent: To:

Cc:

Subject:

Chris Lawson < table to the Chris Lawson 
Thursday, May 14, 2015 4:40

FW: Proposed Affordable Housing Development: CD-9 Zone Dockside District

Hi Mike. Here is another email that I would appreciate being added to the file (from another owner at Dockside Green). The issue of emergency access was raised with Dockside Green and Catalyst at several of their information meetings but wasn't taken seriously. Based on the incident identified below, it IS in fact a serious issue.

Thanks.

From: John Stewardson

Sent: May-14-15 4:25 PM To: Catherine Caws

Cc: Chris Lawson;

Subject: Re: Proposed Affordable Housing Development: CD-9 Zone Dockside District

### Hi All,

Just an added note re the proposed stairs of the affordable housing buildings. John has had some health issues (hopefully now resolved) and last Friday evening I had to call an ambulance to take him to Vic General. As our unit, G-1 can be tricky to find, I said I would wait in the circular drive to lead them to it.

When the ambulance arrived, I said to the attendants that G-1 was just down "these stairs." The response was, "Where is the elevator?" I said that there wasn't one but it was only a single flight. They looked at each other and then one asked if John could walk. When I said he could, they followed me down the stairs without a stretcher and escorted him up. I don't know where things would have gone if John \*hadn't\* been able to walk, but they were clearly not pleased with the thought of having to stretcher someone up a flight of stairs. So, for all the Dockside folks' assurance that they'd talked to ambulance and fire people and they were cool with the building design, I suspect the front line staff wouldn't be at all.

Feel free to use this info for whatever.

Best, Dawn Stewardson

On Thu, May 14, 2015 at 1:26 PM, Catherine Caws

Thank you Mike for all that work. The letter you sent to Mike Wilson is very informative. I cannot attend the meeting on May 28 because I will be out of town, but I would be happy to hear about it if you attend.

Regards,

Catherine

#### 8. COMBINED DEVELOPMENT APPLICATION REPORTS

8.1 Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement

Committee received a report regarding a rezoning application for 370 and 384 Harbour Road. The proposal is to amend the existing zoning to modify the siting requirements for residential uses within the Zone.

#### Committee discussed:

- Concern about the lack of parking and the impact it will have on the surrounding neighbours.
- If the provision of angle parking could increase the amount of on street parking
- The provision of bicycles as an incentive and if this proposal is the first time it has been used as a negotiation.
- The location of the car share vehicle.
- Access to the units for emergency responders.
  - The fire department has reviewed the application and has not identified any concerns. There is also access through the patio area of Café Fantastico.
- The importance of preserving the principles of the MDA.

#### Action:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee forward this report to Council and that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the

proposed amendment.

- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the *Official Community Plan Amendment Bylaw* for consideration at a Public Hearing.
- 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
- 9. That Council instruct staff to prepare a *Housing Agreement Bylaw* to secure the provision of 49 non-market residential rental housing units in perpetuity.
- That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

#### CARRIED UNANIMOUSLY 15/PLUC151

# 8.2 Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road

Committee received a report regarding a development application for 370 and 384 Harbour Road. The proposal is to construct two separate three-storey buildings with a total of 49 residential units.

#### Action:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- Referral to the Advisory Design Panel with particular attention to the following issues:
  - The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
- 2. Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.

- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Permit residential uses on the ground floor of a building;
  - b. Permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 6. The Development Permit lapsing two years from the date of this resolution.

  CARRIED UNANIMOUSLY 15/PLUC152

PLUC meeting May 28, 2015

#### REPORTS OF THE COMMITTEES

#### 2. Planning and Land Use Committee - May 28, 2015

- 1. Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement

  It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are
  - 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
  - That Council determine, pursuant to Section 879 (2)(a) of the Local Government Act, that
    having regard to the previous Community Association Land Use Committee (CALUC)
    Community Meeting, the consultation proposed at this stage is an adequate opportunity
    for consultation.
  - 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
  - 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
  - 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
  - 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
  - 7. That Council refer the *Official Community Plan Amendment Bylaw* for consideration at a Public Hearing.
  - 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
  - 9. That Council instruct staff to prepare a Housing Agreement Bylaw to secure the provision of 49 non-market residential rental housing units in perpetuity.
  - 10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road. Carried Unanimously

# **DESIGN GUIDELINES**

**FOR THE** 

# **DOCKSIDE AREA**

#### PREPARED BY:

Dockside Working Group

Dockside Green Ltd. (Windmill Development Group Ltd & VanCity Enterprises Ltd.)

Busby Perkins + Will

Terence Williams Architect Inc.

Submitted September 8, 2005 (Revised September 2015)

#### **PROLOGUE**

The stewardship of public lands demands their development recognize the value of high quality open space and green space. The Dockside Area will provide high quality open and green space, which must be designed consistently with the overall vision for Dockside. A comprehensive and consistent design approach, considering both open space and building design will ensure continuity and cohesiveness throughout the entire site.

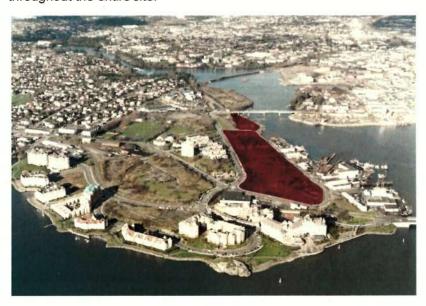


FIGURE 1: Aerial View of the Dockside Area and Surroundings

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# 1. THE DOCKSIDE VISION STATEMENT



FIGURE 2: Illustrative View into Dockside Plaza

Located in the heart of one of the world's most beautiful cities, the Dockside Area provides a truly unique redevelopment opportunity within the City of Victoria. Situated between the Upper Harbour and Downtown in Victoria's fastest growing neighbourhood, Victoria West, the Dockside Area is a feature landmark of the restored city harbour.

Dockside exemplifies a *new urbanism*<sup>†</sup> type of community, as reflected in its mix of use, people friendly streets and open space and innovative, environmentally conscious design. The area is distinctive in its mix of working and residential environments, and employs creative design that complements its urban location. It consists of open spaces and amenities blended in overall harmony with the unique character of the location overlooking Victoria's historic harbourfront.

A mix of structure heights provides the area with landmark buildings complemented by a matrix of mid and high profile buildings. Residential settings encourage a diversity of residents and income groups and coexist with light industrial workplaces, restaurants, licensed premises and retail services to create a unique mix of neighbourhoods and gathering places.

Most of the available lots provide harbour views and are enhanced with public spaces, the existing Galloping Goose cycling and pedestrian path and new pathways through the site. The integrated mixed uses, high quality public spaces, and consistent design theme defines the new urbanism of this community.

As a feature part of the core of the city and its historic waterfront, Dockside is a collage of many uses that attracts and appeals to those who choose to live there, work there or simply visit. The opportunity for the Dockside Area is to create a distinctive location within the mosaic that makes Downtown Victoria and its harbour front one of the most sought after in the world.

#### † New Urbanism:

New Urbanism principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.

(Definition courtesy of Congress for the New Urbanism, Chicago, III.)

# 2. HOW TO USE THESE DESIGN GUIDELINES

#### 2.1 Introduction

These Design Guidelines form part of a series of regulatory documents that, when combined, guide future development on the Dockside Area. Readers should also refer to the Zoning By-Law, the Master Development Agreement (MDA) and the Sales Contract. The four documents are organized such that they complement each other in topics covered and character of regulation (either descriptive or prescriptive innature).

#### 2.2 Companion Document

All referenced documents have been compiled into a Companion Document which is available from the Planning Department at the City of Victoria.

## 2.3 Site Wide vs Development Area Design Guidelines

The Dockside Area has been divided into six Development Areas (DA-A through DA-F) that correspond to the six unique character areas (See figure 19). The Design Guidelines that are common for the entire site are included in the Site Wide Design Guidelines section, while the Design Guidelines that are specific to a given Development Area are included in the Development Area Design Guidelines section.

# 2.4 Figures and Illustrations

Figures have been included in the Design Guidelines to assist in the explanation and description of certain concepts. Those figures that are titled "illustrative view" are representational only, providing an "artist's concept" of the character and ambiance of future buildings and landscapes. The actual buildings and landscapes are subject to change from these illustrations.

Similarly "illustrative plans" are included to provide an "artists concept" of the overall layout of the Dockside Area. They should not be construed as actual plans or drawings of what is to be built in the Dockside Area. Building shape, size, form and location are subject to change from these plans.

#### 2.5 Must, Will and Shall

Throughout the Design Guidelines the terms *must, will,* and *shall* are used to describe guidelines or provisions that are mandatory. These guidelines or provisions must be met and there is no recourse for negotiation for as long as they remain in the Design Guidelines.

#### 2.6 Topics Covered

The Design Guidelines combine the requirements of the Development Concept prepared by the City of Victoria and the Response to Request for Expression of Interest submitted by Dockside Green Ltd.

They form part of the Official Community Plan and as such guide future development for the entire Dockside Area. Descriptive in nature, they guide the general character and quality as well as relationships between elements.

Topics covered by these Design Guidelines:

Massing and street fronts

**Building heights** 

Views

Exterior building materials

Mandatory public amenities (description, flavour, character)

Additional public amenities

Public art

Site works/landscaping

Circulation

Environmental considerations

Noise abatement

**CPTED** 

Adaptable housing Operations and safety Phased development

# 3. SITE WIDE DESIGN GUIDELINES

#### 3.1 Introduction

In light of the Dockside Area's location and development potential, the form and character of development should be consistently creative and innovative.

Depending on market demand, development may be phased over several years.

Any development **must** demonstrate consideration of how a cohesive design vocabulary is ensured throughout the site. The design vocabulary for both buildings and open spaces should be cohesive without being too homogenous or contrived.

Generally, development should be of a more urban than suburban character and image.

An illustrative master plan for the Dockside Area has been provided to show the design concept for the entire site. Refer to figure 19 at the end of this document when reading through the design guidelines.

# 3.2 Massing and Street Fronts

Building facades, particularly at grade level, provide the pedestrian friendly interface between the public and private domains, defining and creating the outdoor spaces. They also control access and views to and from these spaces. The urban form should create a public realm that is active, interesting and safe. Fenestration should be placed to overlook public pathways, open spaces and streets to increase neighbourhood security and reflect the activity that goes on inside the buildings. Individual entrances leading to streets and pathways should be used in favour of lobby entrances where ever possible.

Due to the nature of the public open space and pathways, careful consideration should be given to the perceived "back" elevation of buildings. Any façade facing public open space should reflect the character described above.

Massing should minimize shadowing of surrounding open spaces and a proportional relationship between the street width and the building height should be considered. Tall, monolithic facades should be avoided.

Overhangs, canopies, rooftop terraces are encouraged and entrances to buildings should be clearly visible. CPTED principles should be considered when locating entrances to enhance their visibility and safety. Preference should be given to direct street access however access from pathways is also acceptable provided the entrances are clearly visible.

Areas used for storage of materials, waste and recycling materials **must** be screened from open public spaces and the street by a visual barrier that is at least 75% solid and 1.8 metres tall. Maintaining the cleanliness of these areas is important to help ensure that odour does not become offensive to neighbouring public areas, businesses and residences.

# 3.3 Building Heights

Due to the significant drop across the site and potential non-uniformity of the height of a 'storey', building heights for the Dockside Area **will** be measured by maximum 'geodetic' height. Geodetic refers to a height in metres above the mean tide level.

Figure 3 illustrates guidelines for building height restrictions for the Dockside Area.

The areas in figure 3 do not represent building footprint. Individual building footprints can be of different shapes but **must** stay within the areas indicated.

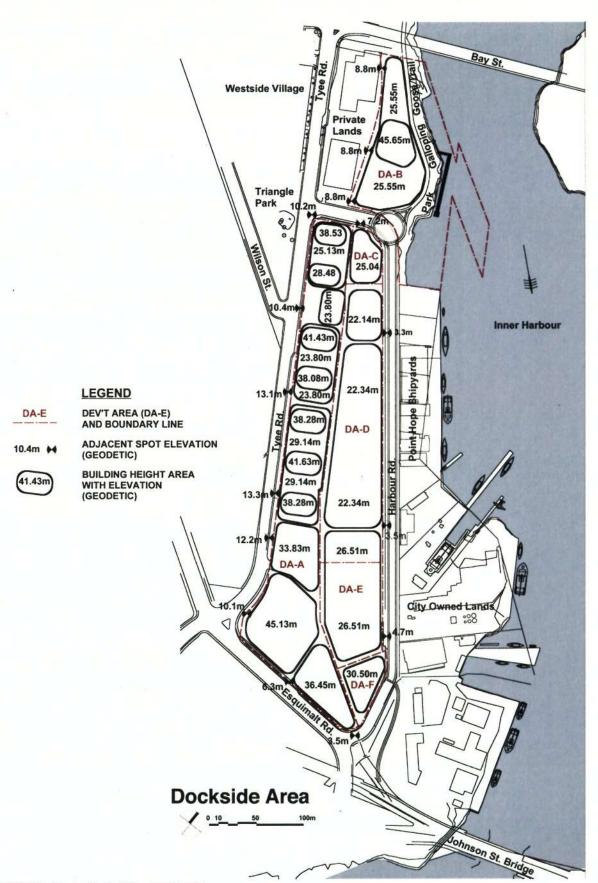


FIGURE 3: Dockside Building Height Diagram
The areas in figure 3 do not represent building footprints. The footprints can be of different shapes but **must** stay within the area boundaries.

## 3.4 Views

Given the unique placement, topography and mix of views around the Dockside Lands, preservation of views **will** be an important consideration during design and development. Public viewpoints should be developed within the Dockside Lands and should be reinforced by the placement of seating, open spaces, circulation routes and massing of buildings. Refer to figures 4, 5 and 6 when reading view descriptions below. Four types of views have been identified:

View Type A: Pedestrian level views into and through site

- View 1: From pedestrian level through site to Harbour Road and marine industrial area to east.
- View 2: From pedestrian level through site to Downtown
- View 3: From pedestrian level at southern end of Triangle Park through site to Harbour Road and Inner Harbour.
- View 4: Minimum of three views from pedestrian level at Tyee Road (centre line of easterly sidewalk) into site and Internal Greenway. Minimum view cone of 5°.

View Type B: Intermittent, narrow pedestrian views into site

View 5: Minimum of two views from pedestrian level at Tyee Road into site and Internal Greenway. Minimum view shaft of 1.5m wide.

A greater number of these views are encouraged and would be possible through increasing building height and thereby narrowing building footprints.

View Type C: Views towards the site.

- View 6: From Johnson Bridge to upper levels of Landmark Buildings in DA-A and DA-B.
- View 7: From Bay Bridge to upper levels of Landmark Buildings in DA-A and DA-B.

View Type D: Upper level views through site

- View 8,9: From geodetic elevation 33.0m through site to city skyline. Minimum view cone of 15°.
- View 10: From geodetic elevation 27.0m through site to city skyline. Minimum view cone of 15°.
- View 11: From geodetic elevation 28.0m through site to city skyline. Minimum view cone of 10°.
- Views 12: From geodetic elevation 28.5m through DA-B to city skyline.
- View 13: From south-east corner of Parc Residence through site to city skyline. Minimum view cone of 15°.

Views 8 through 11 are intended to provide views above the low profile townhouses and between the taller buildings along Tyee Road. The views provide connection to the eastern sky from the street level of Tyee Road and eastern city skyline from the upper storeys of buildings to the west side of Tyee Road, Wilson Street and Upper Harbour Place. A minimum of five of these views **must** be provided. View cones 8 to 10 are taken from a maximum of 15m away from the western edge of Tyee Road and are permitted to vary in a north-south direction (Parallel to Tyee) from that shown in Figure 5. View cone 11 is taken from the west side of Wilson Street, across from Triangle Park.

View Type E: From Bay and Skinner Streets (figure 6)

View 14: From Bay Street.

Views 15,16: From Skinner Street.

Figure 6 illustrates how Upper Harbour Place and future Railyard buildings obscure these views towards the Dockside Area. Therefore

the Dockside Area has little or no impact on views 14,15 and 16.

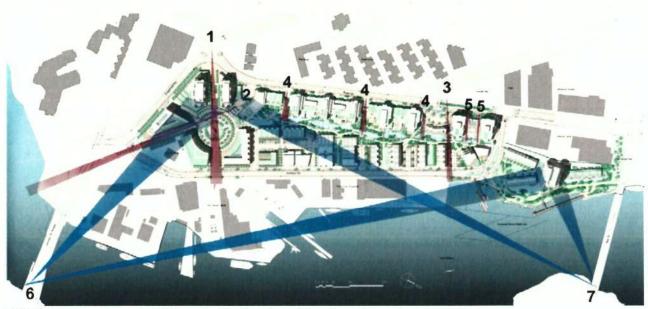


FIGURE 4: Views towards and through site. See description above for each view.

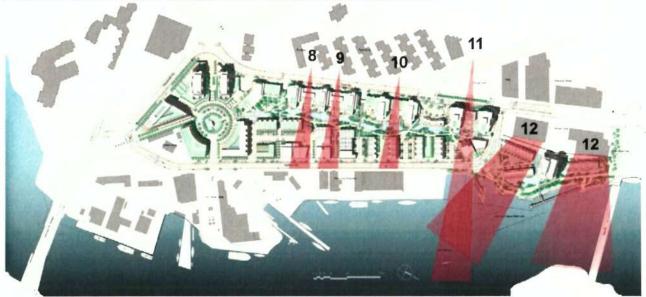


FIGURE 5: Views through site from upper elevations. See description above for each view.

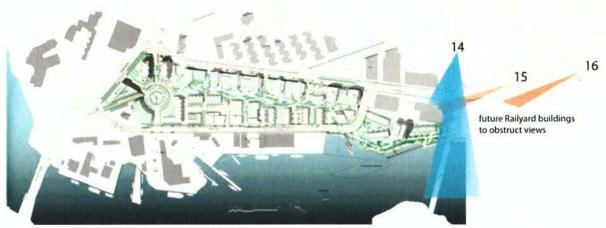


FIGURE 6: Views toward site from Bay and Skinner Streets. See description above for each view.

## 3.5 Exterior Building Materials

A variety of exterior materials would be appropriate, although there is a preference for compatibility with adjacent residential and office buildings along Tyee Road and the desired marine character along Harbour Road. Materials should be natural, indigenous, durable and appropriate to the character of the different areas within Dockside to enhance their atmosphere.

Preferred materials:

Concrete

Wood

Stone

Brick

Metal

Glass

Materials that must not be used:

Vinyl siding

Mirrored glass

Exterior building materials should be selected that are appropriate to the building face orientation (sun, wind, noise, views) as well as building use and street frontage. Materials should be selected with a consideration toward relevant LEED implications.

## 3.6 Mandatory Public Amenities

Provision of a high quality public realm at Dockside is a priority. Consistent with the character of urban development, the development **must** provide the following open space:

Focal points/plazas (2)

Pedestrian east/west pathways (min. 2)

Parks/green space

Boulevard and streetscapes

Internal north/south greenway

Improvements to the Galloping Goose Trail

Pedestrian lookout pier from the Point Ellice Park and small boat launch

Waterfront walkway

See figure 7 for the location of these mandatory public amenities.

A consistently innovative, creative, design approach for parks and open space should be employed to ensure continuity through the site. Opportunities to provide public art in these areas should also be considered. The quality of design and finishes **will** be a paramount selection criterion for development proposals. The intent of the City is to provide the public with the highest quality open space possible while still achieving the "triple bottom line" (TBL).

Following is a description of the mandatory public amenities listed above. They are described in further detail in the MDA.

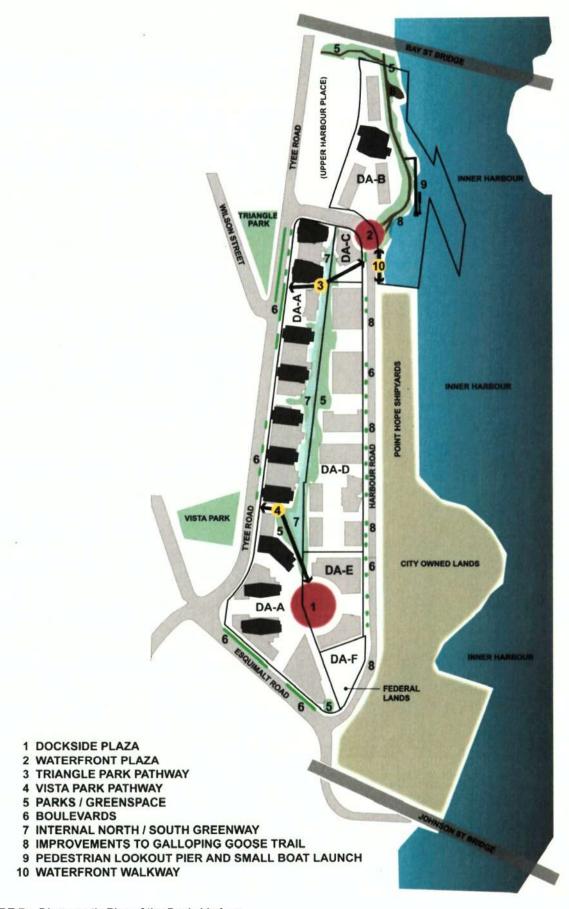


FIGURE 7: Diagramatic Plan of the Dockside Area



FIGURE 8: Illustrative View of Dockside Plaza (Representational of character only)

## Focal Points/Plazas

These plazas are to be located at either end of the development and should act as focal points for public activity.

Dockside Plaza will be located on the southern portion of the site and should act as the entry plaza to Dockside from the south. In addition, this plaza should set the theme for the entire Dockside property where a range of commercial, cultural and ecological activities convene in an outdoor spacethat celebrates local history, climate, ecology and building practices.

At the heart of the plaza should be located an amphitheatre stage, water feature and sunning green that encourages community gatherings. Publicart should be incorporated into the design of these features to add to their aesthetic, functional and educational qualities.

Special paving materials and patterns, landscaping and bollards should be used in the design of parking and roadways within the plaza to emphasize the pedestrian and bicycle friendly nature of the plaza.

The Dockside Plaza **will** also act as the southern termination of the internal north/south greenway. An additional pedestrian pathway **will** lead from the southern end of the plaza towards the Johnson Street Bridge.

The second plaza **will** be located where Harbour Road turns away from the waterfront. It is to be the focal point for anyone accessing the waterfront, small boat launch, Point Ellice Park, the Galloping Goose and any recreational or restaurant/pub facilities that might be built on Dockside. It has the potential of becoming a lively 'town square', being linked directly to the Triangle Park pathway.

## Pedestrian East/West Pathways

The second type of open space required is a minimum of two pedestrian pathways connecting the east and west sides of the site. They should be designed to optimize views into the site, towards the water and Downtown. Provision of planting, special paving, lighting and seating areas, as well as an active interface with the grade level uses of buildings on either side, should ensure an attractive, active, safe pathway. The pathway that connects Triangle Park with the waterfront is to be known as the Triangle Park Pathway. The pathway connecting Vista Park with Harbour Road is to be known as the Vista Park Pathway.

A third east/west pathway should be provided between the two described above to increase the pedestrian links through the site.



FIGURE 9: Illustrative View of Dockside Greenway (Representational of character only)

## Parks/Green Spaces

At the east end of the Vista Park Pathway, a plaza and amphitheatre **will** be provided, called Dockside Plaza, realigning an existing parking area and providing necessary site works in order to make an existing historical marker visible to passersby along Harbour Road.

Existing designated park space **will** be improved as a part of the Dockside development. Green spaces should be developed to provide aesthetic, recreational greenways and 'naturalization' of shoreline and/or wildlife habitat opportunities in northern developmentareas.

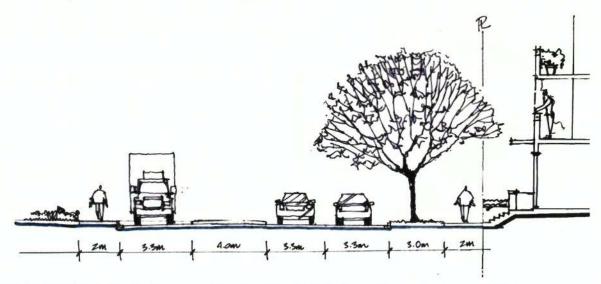


FIGURE 10: Illustrative Section across Esquimalt Road (Illustrating minimum streetscape widths)

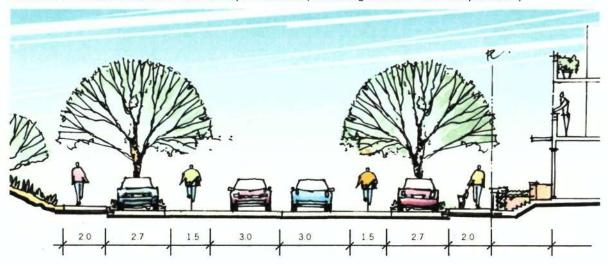


FIGURE11: Illustrative Section across Tyee Road (Illustrating minimum streetscape widths)

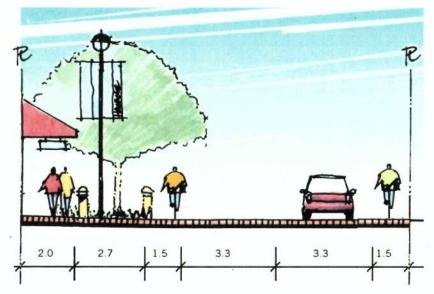


FIGURE 12: Illustrative Section across Harbour Road (Illustrating minimum streetscape widths)

## Boulevard and Street Scapes

A linear tree-planted boulevard **will** be provided along the southern edge of DA-A, along Esquimalt Road. In addition to Tyee Road this **will** provide a much-needed pedestrian friendly link from the Johnson Street Bridge into Victoria West. This boulevard could also link into the Dockside Plaza.

Where space permits, large scale street trees, benches and other amenities should be incorporated into the treatment of the east side of TyeeRoad, bearing in mind the 'collector' nature of Tyee Road, in order to provide a pedestrian friendly environment.

The walkway along the west side of Harbour Road is a significant component of the public open space system in the Dockside Lands. Care should be taken to integrate the pedestrian street with adjacent building entrances and any landscaped areas. Sensitive design, quality materials and quality construction will be required to ensure that the street right of way is developed to its full potential as an active public open space.

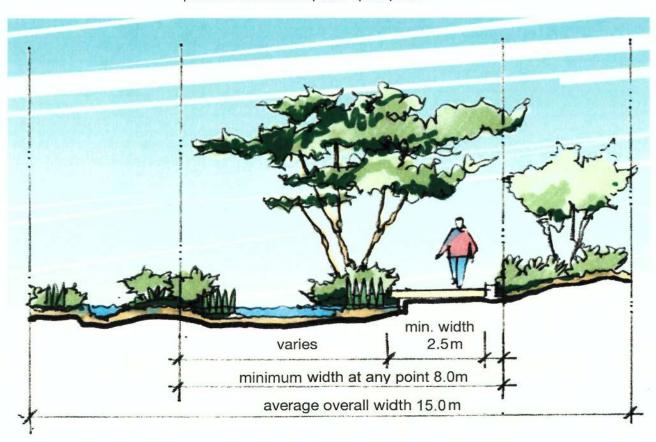


FIGURE 13: Illustrative Section across Internal Greenway (Illustrating key dimensions)

## Internal north/south Greenway

The internal north/south greenway **will** provide a central linkage in a park environment connecting residential, commercial, recreational and industrial uses along the entire length of the Dockside Area. Figure 8 illustrates the design concept with minimum and average dimensions of the overall greenway, water feature and paved pathway. The average width = total greenway area ÷ total length, measured along the boundary between DA-A and DA-D. (see figure 7).

Consistent with other landscaping at Dockside, the greenway should be a combination of soft and hard landscaping and plant material **must** be predominantly of indigenous and adaptive species. Trees should be planted at grade and should be of a large enough scale to create a 'park-like' atmosphere.

The pathway must be constructed of a durable material that:

Provides safe passage for pedestrians and wheelchairs Limits storm water run-off

The linear water feature **will** run parallel to the greenway and should be varied in width, flow, and character along its length. Weirs, runnels, ponds and stream channels should be designed to assist, reveal and celebrate the natural water purification of site storm water running through the water feature. Aquatic planting should be incorporated for functional and aesthetic purposes.

Opportunities exist to create ecologically based play areas within the Greenway. They should be designed to foster creativity and allow children direct access to the processes of nature. Play areas should have an ecological benefit and be integrated into public art.

## Improvements to the Galloping Goose Trail

The Galloping Goose Trail is an important regional connection through the site. The section of the Trail located at the eastern edge of DA-B, within Point Ellice Park and a statutory right of way will be improved to enhance the park setting through the introduction of soft and hard landscaping and plant material. The Trail must consist of a 4 metre wide paved rolling path, 1 metre wide landscaped separator strip and a 2 metre wide pedestrian path. There must be a smooth transition for trail users at the northern end of the Trail as it connects to the adjacent section on the Railyards development and to the south at the intersection of Harbour Road.

The Trail **will** continue along the east and west side of Harbour Road by way of 1.5 metre wide marked bike lanes. Traffic calming structures **will** be installed to permit safe crossing for bicycles at the north and south ends of Harbour Road. Bike lanes and crossings should be highlighted using coloured paving for bike lanes and patterned paving as a calming measure for cars.

## Pedestrian lookout pier from the Point Ellice Park and small boat launch

A pedestrian lookout pier from Point Ellice Park will be provided to enhance the link to the harbour and views to Downtown. The pier should complement other piers and bridges found along the Galloping Goose Trail and Gorge Waterway. The lookout pier must be a minimum of 2.5 metres wide and should be wider at some locations to provide view and rest areas including seating.

The small boat launch **will** provide access to the water for launching small "car topper" boats such as kayaks and rowboats. The launch could consist of pedestrian access to a suitable beach area or floating dock. If a dock is provided, it **must** be certified for a Touch and Go Ferry. Limited short-term parking should be located nearby for loading and unloading.

#### Waterfront walkway

Although most of Dockside is not waterfront, a strong connection (visually and functionally) exists to the waterfront, and there are some opportunities for public access.

A waterfront walkway will link the Point Ellice Park pedestrian path with the marine industrial area.

## 3.7 Additional Public Amenities

Any other additional provisions **must** be developed in a manner that is consistent with these design guidelines, and **must** integrate seamlessly with any adjacent development.

#### 3.8 Public Art

Public art is an important part of creating a rich and memorable public environment. Dockside should aim to provide public art opportunities that increase public awareness of the sites' environment, history and sustainable processes at work. Consult the Master Development Agreement for further detail.

## 3.9 Site Works/ Landscaping

The public pathways, plazas/nodes and private courtyards provide the framework for the landscaped areas. These should be a combination of soft and hard landscaping. Plant material **must** be predominantly indigenous and adaptive species. Trees should be planted at grade and should be of a large enough scale to create a 'park-like' atmosphere, especially along roadsides and boulevards.

Surface parking and public driveways are considered pedestrian areas, so design and detailing should account for this. Bollards are the preferred means of vehicle control, traffic separation and tree protection. Driving, parking, pedestrian and cyclist areas should be distinguished by changes in colour/pattern/material of the paving.

Design of the hard and soft landscaping **must** limit the amount of stormwater run-off entering storm sewers. Permeable pavers and bio-swales should be considered where feasible.

## 3.10 Circulation

As the Galloping Goose trail runs along the entire length of the Dockside Area (along both sides of Harbour Road), development of the site should recognize the significance of this trail as the gateway to Victoria's Downtown for pedestrians, cyclists and other non-motorized users. This should be reflected in appropriate setbacks, protection of sight lines, and by a safe resolution of potentially conflicting circulation of vehicles.



FIGURE 14: Illustrative View of East/West Terraced Walkway (Illustrating strategy for terraces and steps)

## Pedestrian

Tyee, Harbour and Esquimalt Road Frontages of the Dockside Area will be connected physically by pedestrian walkways and visually by interconnecting private and semi-private courtyards. The walkways will run east/west, connecting Tyee to Harbour Road and the waterfront. Grade changes across the site could be accommodated through terraces and steps. The walkway will be of a hard, pervious surface, interspersed with planters and large scale trees. Buildings facing the walkways should be designed to provide a visual

connection from the interior, enhancing security of the public walkways.

## Barrier Free Access

Barrier free design will be employed for public areas accessed directly from the street. Each building will be wheelchair accessible from the main entrance, however entrances along interior pathways or off interior courtyards may not be wheelchair accessible. All public sidewalks will allow for an unobstructed path for blind or visually impaired pedestrians. Wheelchair ramps and designated parking spaces will also be provided where appropriate.

#### Cyclists

Due to the proximity of the Galloping Goose Trail, bicycle traffic should be accommodated in any development plan. Designers should ensure that pedestrians, cyclists and vehicles can move safely through the entire site and that dedicated areas for the various modes of traffic are clearly marked. The location of the Galloping Goose Trail is fixed, and any development must take this into account. End-of-trip bicycle facilities should be incorporated in parking layouts and buildings.

## Public Transit

This near-Downtown location is well suited to high bus ridership. Developers should consider BC Transit's employer transit program and findings of the Victoria West Neighbourhood Traffic Study. BC Transit should be consulted at an early stage of the development planning process in order to ensure that adequate service is provided and sufficient provision is made for transit routes, stops and shelters, primarily along Tyee Road.

#### Streets/Traffic

Tyee and Esquimalt Roads are major transportation routes, used by passenger vehicles, trucks, bicycles and pedestrians. In addition to traffic moving and on-street parking functions, the design of these streetscapes contributes to the overall character of Dockside. The transition from an exclusively industrial use to a mixed use with a well-developed public domain requires significant improvements to the bordering streets. Ongoing review by the City will determine the impact of the increased level of development on the local street system.

Esquimalt Road is currently classified as an arterial street. In order to improve the pedestrian environment along Esquimalt Road, widening of the existing right of way may be required to accommodate increased boulevard planting. Development of a 'node' at the southernmost corner of the Dockside Area could form the termination of the series of green spaces running through the middle of the site and provide an 'address' to Dockside from the southern end.

Tyee Road is currently classified as a collector street. It is expected to continue to function much the same as it does now, providing opportunities for bus stops, parking and pedestrian crossings, as well as access to Harbour Road and site parking. Planted trees **shall** be provided in landscaped bulbs within the parking lane on the east side of Tyee Road. Easements may be registered as necessary.

Harbour Road is currently classified as a local street. There is no road widening contemplated at this time. It **will** continue to provide access to the industrial and service users, however, it is noted that the Galloping Goose runs along both sides of Harbour Road. A significant increase in pedestrian traffic is expected once Dockside is developed, so vehicle access to the Dockside Area should be designed in a pedestrian/cyclist-friendly manner.

Planted trees **shall** be provided in landscaped bulbs within the parking lane on the west side of Harbour Road.

Provisions should be made for public art, seating, kiosks and planting in streetscapes that evoke a marine/industrial ambience. Particular attention should be paid to the scale, materials and access to buildings at the street corners to enhance their potential of becoming landmarks.

## Parking

The majority of required parking space **will** be located underneath buildings, especially in higher density use areas. In the lower density industrial area, parking may be provided on the surface however it should be located behind or beside buildings. Some on-street parking may be provided for businesses that require short-term parking. Parking lots should be divided into several smaller lots and extensive tree planting, lighting and screening devices, such as hedges, trellises, and walls, **must** be used to minimize the visual impact of the parking and other service areas.

Consideration should be given to consolidation of parking access and driveways, in order to minimize the impact to traffic flow and the pedestrian environment.

Surface parking and public driveways are considered pedestrian areas, so design and detailing should account for this. Bollards are the preferred means of vehicle control, traffic separation and tree protection. Driving, parking, pedestrian and cyclist areas should be distinguished by changes in colour, pattern, and material of the paving.

Design of the hard and soft landscaping **must** limit the amount of stormwater run-off entering storm sewers. Permeable pavers and bio-swales should be considered where feasible.

Areas used for storage of materials, waste and recycling materials **must** be screened from open public spaces and the street by a visual barrier that is at least 75% solid and 1.8 metres tall. Maintaining the cleanliness of these areas is important to help ensure that odour does not become offensive to neighbouring public areas, businesses and residences. The developer should ensure that maintenance programs are in place, that address odour prevention in these areas.

# 3.11 Environmental Considerations

Development of the sites should be sustainable, in the sense that higher density generates efficiencies in service use, transportation, utilities and energy.

**LEED design** - Buildings should meet at least the LEED Silver design criteria and where buildings are exempt they should still be required to apply "green" building practices. Meeting LEED Platinum design criteria is encouraged for buildings required to meet LEED Silver. Refer to the MDA for a detailed description of LEED requirements and exemptions.

**Lighting design** - Lighting of outdoor areas should provide adequate public safety while also limiting light pollution in conformance with Royal Astronomical Society of Canada Light Pollution Abatement Program recommendations. Bollard, building and pole mounted lighting should be utilized to provide safe and aesthetic lighting. Adequate lighting should be provided for all walkways, paths, plazas and building entrances.

**Noise attenuation** - Residential units that are oriented towards potentially noisy adjacent uses (such as industrial activity, or air /harbour traffic) **must** employ noise attenuation measures in envelope design. See Page 18 and the MDA for further description.

#### 3.12 Noise Abatement

Ambient air quality standards with respect to noise in industrial, commercial and residential areas **shall** be in accordance with the City of Victoria Noise Bylaw.

In addition to meeting the requirements of the BC Building Code the following building design practices should be used to address the issue of noise entering residential units:

Duct air directly to suites using either a central or individual heat recovery ventilator (HRV) approach.

Improved acoustic performance of the wallassembly.

Window design uses low E, argon filled glazing units with further glazing enhancements, such as strengthened glass and varying glass thickness to maximize sound wave length frequency reduction installed on noisy faces of buildings.

Minimum R20 to R25 thermal insulation will be used depending on face of building.

Orient building faces and windows to reduce noise concerns.

Locate bedrooms away from noise where possible.

Locate air exhausts away from operable windows and air intakes. Noisy industrial uses will be constructed of concrete or concrete block with proper insulation values to decrease noise transmission. The use of solarium balconies in living areas.

The design of noise source buildings **must** reduce as much as possible the emission of noise towards residential areas through the design of building assemblies (roofs, walls, windows, doors etc). Developments **must** demonstrate design methods of noise transfer reduction such as increased mass, isolation and continuity of systems.

## 3.13 (CPTED) Crime Prevention Through Environmental Design

Crime prevention through environmental design (CPTED) **must** be considered throughout the project.

Refer to CPTED guidelines adopted by the City of Victoria.

# 3.14 Adaptable Housing

Housing units **must** comply with the Adaptable Housing Guidelines and Policy. Refer also to the MDA.

## 3.15 Operations and Safety

The ongoing industrial activities along Harbour Road has an effect on the appearance of the streetscape. The impact of activities, such as deliveries, materials handling and storage and refuse collection, should be carefully considered during design. In consideration of the desire to provide pedestrian/cyclist accessibility along Harbour Road, precautions should be taken in the design of vehicle entries, works yard entrances, loading docks, etc. Special or unusual work activity that might affect public areas **must** be supervised or enclosed with barriers.

## 3.16 Phased Development

Should development occur in a phased manner, the completed phases would require all visible frontages and accessible areas be designed consistently with all planning principles as well as providing the opportunity to tie-infuture development phases. Any incomplete structures, street works or landscaping shall be physically safe and visually inoffensive. Temporary edges should be finished such that their surfaces, although temporary, have the appearance of being finished and must be durable enough to last for their intended duration. If the duration extends beyond what is originally anticipated, then temporary edges should be refurbished or replaced as necessary to maintain their appearance as originally intended. Description of any incomplete portions of the development will be required at the time of application for development permit.

# 4. Development Areas Design Guidelines

Figure 16 illustrates the division of the Dockside Lands into Development Areas (DA's) that will be used to describe and guide future development. Each area has its own unique character as described in the following pages. While responding to external and internal constraints and opportunities, they combine to create a cohesive whole.

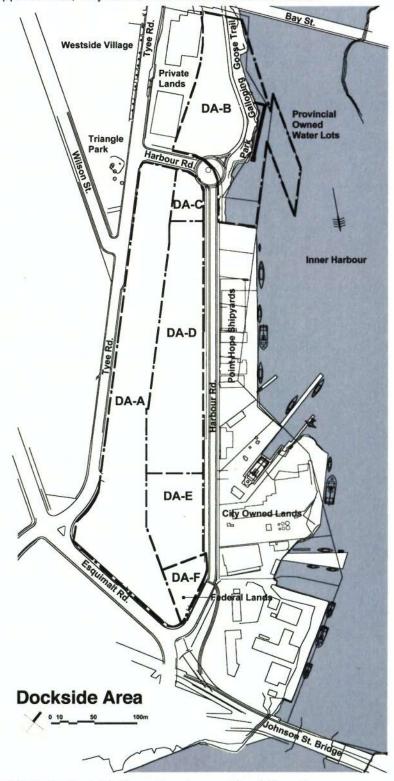


FIGURE 15: Dockside Area - Development Area information

## 4.1 Development Area-A (DA-A)

The higher density DA-A forms the westerly edge of the Dockside Lands; running from south to north and creates the primarily residential area along Tyee Road.

#### Use and Character

DA-A **will** allow for a higher density mixed use, predominantly attached market and seniors residential, live/work, boutique hotel, offices, commercial, retail and fitness. Twin, "landmark" buildings **will** be located at the Esquimalt / Tyee Road intersection with the a pedestrian plaza located between them. On opposing sides of the twin "landmark" buildings, there **will** be lower, complimentary buildings; one along Esquimalt Road and a seniors residential building on Tyee Road.

The residential uses, exclusively attached dwelling on this site, **will** vary in scale, size and cost to provide some market affordable housing. Ground floor units should have direct front door access and porches, providing a buffer between the public and private domain.

Higher buildings should be stepped in order to provide opportunities for balconies and rooftop terraces/gardens that take advantage of sunlight and views. While some street level units may be slightly elevated to provide privacy, views from the residences towards activity on the street or public pathways should be maintained and therefore contribute to security. As many units as possible should be designed to have their own separate entrances.

## Massing and Street-fronts

As mentioned earlier, building massing **must** also take into account the framing of views. In addition, building massing can also establish orienting landmarks, ideally reinforcing a "bridge to bridge" concept (where the Dockside Lands stretch and link the Johnson Bridge with the Bay Bridge), with higher landmark type buildings located at the Esquimalt/Tyee Road intersection of DA-A paired with landmark type buildings on DA-B to the north. These landmark buildings should act as focal points to traffic from the bridges.

In this higher density area, it is preferable to have two higher "landmark" type buildings.

### Building Set-backs and Viewscapes

A majority of the development should meet the edge of the property line along Tyee, Esquimalt and Harbour Roads, with minimal or no setback. Small arrival areas and courtyards should be incorporated in order to break up the facades and serve as entries to the public pathways and buildings. Building setbacks should enhance a pedestrian friendly environment, keeping in mind the 'collector' nature of Tyee Road.

Side and rear yard setbacks should be variable, depending on uses and design of the proposed development.

## Exterior Building Materials

Buildings in DA-A should respond to the residential and commercial vocabulary developing to the north and west of the site while following the general urban design guidelines above.

#### **Building Rooflines**

A variety of rooflines including flat, sloped or curved are considered appropriate however they should complement adjacent buildings. Higher buildings should be stepped in order to provide opportunities for balconies

and rooftop terraces/gardens that take advantage of sunlight and views. Extensive roof gardens, trellises and "green" roofs should be implemented, both as building amenities and as environmental benefits.

#### Site Works

The Dockside Village Plaza will be located at the southern end of DA-A (combined with DA-E). The plaza should be designed as an animated plaza and feature selected sustainable elements into both public art and use. Predominantly hard landscaping should be used to create the formal plazas at multiple levels. Trees, water, grade changes and views should create vertical and horizontal connections.

## 4.2 Development Area-B (DA-B)

This development area is unique in that it is the only lot directly adjacent to Point Ellice Park, which runs along the waterfront and accommodates the Galloping Goose Trail. It is bounded to the north by the bridgehead of the Point Ellice Bridge and only has road frontage to the south along Harbour Road. On the west is the recently constructed office building (Upper Harbour Place). On the northern side of the Point Ellice Bridge, construction of a significant residential development of approximately five hundred units called Railyards is fully underway.

## Use and Character

Located at the northern end of Dockside, it **will** provide a focal point and landmark building in order to establish the "bridge to bridge" concept of Dockside. Primarily consisting of residential and live/work in attached dwellings, such as townhouses and apartments, there **will** also be allowance for restaurant, licensed premises (pubs, clubs, lounges), recreational and tourist facilities. These would preferably be provided at the southern end of the DA-B.

Heavy industry occupies the site directly across the harbour from this area. Buildings **must** be designed to address noise issues as described on page 18 of the Design Guidelines and in the MDA. Any purchasers of units in these buildings **must** be made aware (as specified in MDA) of what is expected and what may have to be tolerated.

The residential uses should vary in scale, size and cost to provide some market affordable housing (refer to MDA). Ground floor units should have direct front door access and porches, providing a buffer between the public and private domain.

## Massing and Street-fronts

Building massing should limit obstruction of views from within the upper storeys of Upper Harbour Place by locating the landmark building adjacent to the open plaza, with lower townhouses adjacent to the two Upper Harbour Place buildings. Refer to building height and view diagrams.

As many units as possible should be designed to have their own separate entrances.

The façade facing the water should be of a human (smaller) scale and provide a pedestrian friendly interface for people between the public and private realm by means of porches, terraces or courtyards. Parking **will** be provided beneath and/or behind the living units, taking advantage of the change in elevation on the site. Access to parking **will** be from Harbour Road.

The proximity of the Galloping Goose trail along the eastern edge of DA-B should be taken into consideration during building and landscape design. Sight lines, setbacks and circulation should respect the fact that this is a primary link for cyclists, pedestrians and other non-motorized traffic to Downtown Victoria.

Building heights should be flexible. However, they should be consistent with

the planning principles and designed with respect to existing neighbouring buildings. There **will** be only one localized landmark building up to 45.65 metres geodetic in height in DA-B marking the northern end of the Dockside Lands. The remainder of the buildings will be lower townhouses up to 25.55 metres geodetic in height.

## Building Set-backs and Viewscapes

Higher buildings should be stepped in order to provide opportunities for balconies and rooftop terraces/gardens that take advantage of sunlight and views. While some street level units may be slightly elevated to provide privacy, views from the residences towards activity on the street or public pathways should be maintained and therefore contribute to security.

#### Exterior Building Materials

See DA-A for information guiding Exterior Building Materials.

#### **Building Rooflines**

See DA-A for information guiding Building Rooflines

#### Site Works

Soft landscaping will be used to create a park like setting on the east side of the buildings with water features, connection to the Galloping Goose Trail and Point Ellice Park. Trees, water, grade changes and views should create visual and physical connections.

## 4.3 Development Area-C (DA-C)

DA-C is bordered to the east and north by Harbour Road as it turns to meet Tyee Road. It is the smallest of the DA's and is significant in location due to proximity to the harbour, starting point for the Galloping Goose Trail and proximity to the focal point/plaza at the waterfront.

## Use and Character

The lower density of DA-C allows for a combination of light industrial, work/live, residential, commercial, office, licensed premises (pubs, clubs, lounges) and recreational use. This site is seen as an ideal location for some type of neighbourhood focus.

Mixed-use designation would allow for work and live activities to be combined in the same building. It **must** be stressed that the impacts of these activities come in numerous forms (noise, fumes, odours, traffic, parking and loading) and varying degrees of severity (from nuisance or disruption of quiet enjoyment to economic impact). Any purchasers of units in these buildings **must** be made aware of what is expected and what may have to be tolerated. Sound mitigation measures and innovative architecture **must** be implemented to minimize the acoustical interference between the light industrial uses below and residential above.

#### Massing and Street-fronts

Buildings on this site **will** respond to the waterfront plaza, interior greenway to the west, and Harbour Road Industrial area to the south. Similarly, building character and form should mediate between the adjacent residential buildings to the north and west, and the light industrial character to the south and east.

## Building Set-backs and Viewscapes

Mid-rise buildings on DA-C should be stepped in order to provide opportunities for balconies and rooftop terraces/gardens that take advantage of sunlight and views. They will be set back at the plaza to create a pedestrian oriented forecourt. Zero setbacks along the north and east face on Harbour Road should be in keeping with the adjacent buildings on DA-A to the west and DA-D to the south.

## **Exterior Building Materials**

Exterior building materials should be selected to enhance the existing marine industrial character along Harbour Road.

## **Building Rooflines**

A variety of rooflines is considered appropriate however they should complement adjacent buildings. Higher buildings should be stepped. Extensive roof gardens, trellises and "green" roofs should be implemented, both as building amenities and as environmental benefits.

## Site Works

There **will** be a pedestrian link called Triangle Park Pathway from the upper level plaza at Tyee and Wilson to the waterfront plaza on Harbour Road.

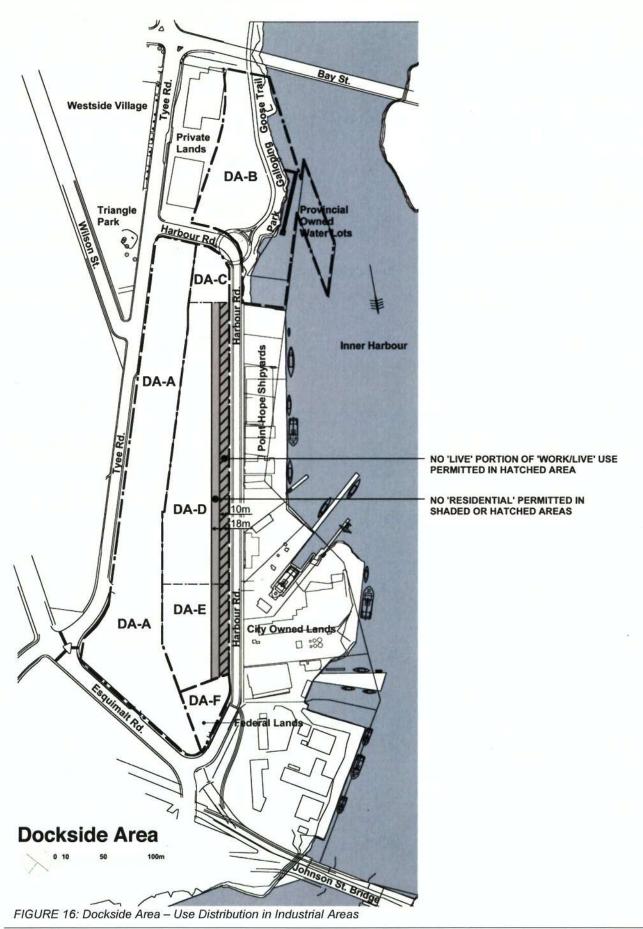




FIG.17: Illustrative View of Light Industrial with Work/Live Above (Representational of characteronly)

## 4.4 Development Areas-D (DA-D)

DA-D forms the marine light industrial neighbourhood along Habour Road.

## Use and Character

DA-D, with the lower density, **will** be a combination of light industrial and commercial uses with work/live, office and residential. The light industrial should be located on the ground floor, with other mixed uses above. Residential uses should be oriented towards the internal greenway, and non-living uses acting as a buffer along Harbour Road.

Mixed-use designation would allow for work and live activities to be combined in the same building. It **must** be stressed that the impacts of these activities come in numerous forms (noise, fumes, odours, traffic, parking and loading) and varying degrees of severity (from nuisance of disruption of quiet enjoyment to economic impact). Any purchasers of units in these buildings **must** be made aware (as specified in the MDA) of what is expected and what may have to be tolerated. Sound mitigation measures and innovative architecture **must** be implemented to minimize the acoustical interference between light industrial uses and residential uses when they occupy the same building.

Buildings should reflect the neighbouring high-tech/marine businesses, and the innovative design and use encouraged by the Development Concept. Flexibility and adaptability to changing requirements would also be advised.

#### Massing and Street-fronts

Existing buildings along Harbour Road are an eclectic collection of small-scale industrial structures. Building forms should be additive, asymmetrical and irregular to evoke/maintain a marine industrial character. Building fronts should be lively and inviting, utilizing fixed and movable awnings and building elements to attract pedestrians into the light industrial courtyards.

## Building Set-backs and Viewscapes

Zero setbacks along Harbour Road will enhance the lively light industrial character. Industrial courtyards will open onto Harbour Road, providing views in to the activity of the site and through to the internal greenway. Buildings should be sited in a random fashion, some of which may be set hard to the street (no set-back).

#### **Exterior Building Materials**

The architecture and landscaping should recall the industrial and marine influences with regard to color selection, materials and form. This theme is expressed in metal roofs and siding, shed building forms, marine objects and equipment, chains, bollards, and industrial windows.

## **Building Rooflines**

Gable and shed roofs should be considered along Harbour Road, reflecting existing low slope or flat rooflines of buildings such as the Point Hope Shipyard building.

## Site Works

There is an existing easement along the northern property line of DA-D. This will be retained as a public right of way and will provide a pedestrian pathway (Triangle Park Pathway) through the property, linking Tyee with Harbour Road and the focal point/plaza on Tyee Road at the intersection of Wilson Road. The eastern end of the Triangle Park Pathway will lead to the water access and southern end of Point Ellice Park.

The Dockside Greenway and water feature will run north/south along the border between DA-D and DA-A. Together with a series of private and semi-private landscaped courtyards and open spaces visually linked should act as a buffer between the residential uses in DA-A and light industrial uses in DA-D. Additional secondary pathways should run in an east/west direction negotiating the grade difference between Tyee and HarbourRoad.



4.5 Development Area-E (DA-E)

FIGURE 18: Illustrative View of Harbour Road (Representational of character only) Located at the southern end of the Dockside Lands, DA-E forms the eastern edge of the Dockside Village Plaza.

### Use and Character

The lower density DA-E will be a combination of restaurant, lightindustrial, retail, office, work/live and residential uses, sewage treatment/waste wood energy system to service the development, bio-diesel facility, and other environmentally related technologies and high technology related uses.

Mixed-use designation would allow for work and live activities to be combined in the same building. It **must** be stressed that the impacts of these activities come in numerous forms (noise, fumes, odours, traffic, parking and loading) and varying degrees of severity (from nuisance or disruption of quiet enjoyment to economic impact). Any purchasers of units in these buildings **must** be made aware (as specified in MDA) of what is expected and what may have to be tolerated. Sound mitigation measures and innovative architecture **must** be implemented to minimize the acoustical interference between the light industrial uses below and residential above.

Buildings should reflect the neighbouring high-tech/marine businesses, and the innovative design and use encouraged by the Development Concept. Flexibility and adaptability to changing requirements is advised.

#### Massing and Street-fronts

See DA-D for guidelines on Massing and Street-fronts.

In addition, to following the guidelines for the Harbour Road light industrial neighbourhood, buildings in DA-E facing the Dockside Plaza should address the plaza, in a cohesive manner with the other buildings in DA-A.

A majority of the development will visually meet the edge of the property line along Harbour Roads, with minimal or no setback. Small arrival areas and courtyards should be incorporated to help to break up the facades and serve as entries to the public pathways and buildings. Building setbacks should enhance a pedestrian friendly environment.

## Exterior Building Materials

A variety of building materials would be appropriate. Buildings within the Harbour Road light industrial neighbourhood should be consistent with the varied character of this area, while buildings and building faces adjacent to the plaza should address the plaza and neighbouring buildings in DA-A.

## **Building Rooflines**

A variety of rooflines is considered appropriate however they should complement adjacent buildings. Gable and shed roofs should be considered along Harbour Road, reflecting existing low slope or flat rooflines of buildings such as the Point Hope Shipyard building. Buildings facing onto the Plaza should be stepped in order to provide opportunities for balconies and rooftop terraces/gardens that take advantage of sunlight and views. Extensive roof gardens, trellises and "green" roofs should be implemented, both as building amenities and as environmental benefits.

## Site Works

The Dockside Greenway and water feature **will** run north/south along the border between DA-A and DA-D providing a buffer between the residential uses in DA-A and light industrial uses in DA-D. Private and semi-private landscaped courtyards and visually linked open spaces should be located adjacent and connected to the Greenway.

The Dockside Village Plaza (located in DA-A and DA-E) should be designed as an animated plaza and feature selected sustainable elements into both public art and use. Predominantly hard landscaping should be used to create the formal plazas at multiple levels. Trees, water, grade changes and views should create vertical and horizontal connections.

## 4.6 Development Area-F (DA-F)

Located at the southern end of the Dockside Lands, DA-F is presently federally owned land. It is a small triangular lot.

## Use and Character

DA-F will be a combination of light industrial, retail, offices, sewage treatment/waste wood energy system to service the development, bio-diesel facility, and other environmentally related technologies and high technology related uses.

Mixed-use designation would allow for work and live activities to be combined in the same building. It **must** be stressed that the impacts of these activities come in numerous forms (noise, fumes, odours, traffic, parking and loading) and varying degrees of severity (from nuisance or disruption of quiet enjoyment to economic impact). Any purchasers of units in these buildings **must** be made aware (as specified in MDA) of what is expected and what may have to be tolerated. Sound mitigation measures and innovative architecture **must** be implemented to minimize the acoustical interference between the light industrial uses below and residential above.

Buildings should reflect the neighbouring high-tech/marine businesses, and the innovative design and use encouraged by the Development Concept. Flexibility and adaptability to changing requirements would also be advised.

#### Massing and Street-fronts

Existing buildings along Harbour Road are an eclectic collection of small-scale industrial structures. New construction should step up and away from the water's edge and building forms should be additive, asymmetrical and irregular to evoke/maintain a marine industrial character.

## Building Set-backs and Viewscapes

See DA-E for guidelines on Building Set-backs and Viewscapes

## Exterior Building Materials

A variety of building materials would be appropriate. Buildings within the Harbour Road light industrial neighbourhood should be consistent with the varied character of this area, while buildings and building faces adjacent to the plaza should address the plaza and neighbouring buildings in DA-A.

## **Building Rooflines**

See DA-E for guidelines on Building Set-backs and Viewscapes

#### Site Works

Soft and hard landscaping should be provided to create a friendly, lively pedestrian environment. Massing of the buildings should step back from pathways to optimize views, provide a human (smaller) scale to buildings and minimize a wind tunnel effect.

## 5.0 List of Companion Documents

The following is a list of companion documents that are referenced within these Design Guidelines. A compiled set of the documents is available at the City of Victoria Planning Department.

Master Development Agreement

Purchase of Sale Agreement

Zoning Bylaw

Reference Material from Development Concept

City of Victoria Noise Bylaw

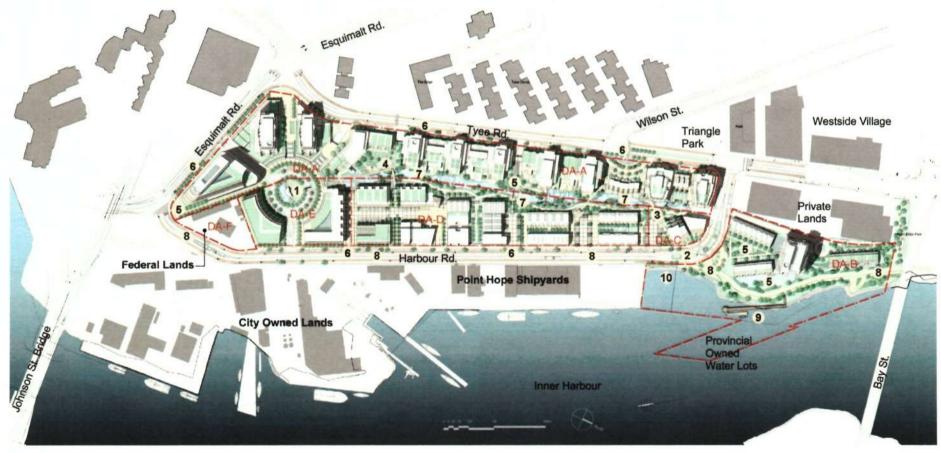
Crime Prevention Through Environmental Design Guidelines

Traffic Study, Victoria West Neighbourhood

Royal Astronomical Society of Canada Light Pollution Abatement Program

- 1 DOCKSIDE PLAZA
  2 WATERFRONT PLAZA
  3 TRIANGLE PARK PATHWAY
  4 VISTA PARK PATHWAY
  5 PARKS/GREENSPACE

- 6 BOULEVARDS
  7 INTERNAL NORTH/SOUTH GREENWAY
  8 IMPROVEMENTS TO GALLOPING GOOSE TRAIL
  9 PEDESTRIAN LOOKOUT PIER (SMALL BOAT LAUNCH)
  10 WATERFRONT WALKWAY



Victoria City Council - 15 Oct 2015

Figure 19: Illustrative Master Plan of the Dockside Area (Building footprints and locations may vary) Note that base plan is same as that shown in MDA, however number sequence of features is not the same.

April 2005

From:

Cindy Waites

Sent:

Wednesday, Jul 29, 2015 3:20 PM

To:

Jim Handy

Subject:

Re 370 and 384 Harbour Road amendments

I just received the notice inviting my input on proposed amendments to the official community plan.

Without knowing the full implications of what these proposed amendment will be, I can make some observations.

I don't see a problem with increasing residential use on the ground floor of buildings and I do support that the idea of separate entrances at ground level would be desirable.

A concern that I have is with density. I am aware that density has been approved for buildings on Wilson Road that are slated for construction. I think that most would agree that an area that is out of balance with regards to density and green spaces creates a claustrophobic and high anxiety experience not to mention noise, parking issues, traffic problems and pollution, and is the antithesis of a friendly and positive neighbourhood.

I think that it's critically important that the area be developed with a low density priority to enhance the urban experience for residents there. Walkability is critically important for residents and visitors to the area. I envision businesses such as restaurants and coffee shops similar to the Steveston waterfront concept and similarly creating a link with the area's history would be desirable.

Consider creating walks that easily and aesthetically link this area to the proposed rail hub market place slated for development in 2016.

I have an apartment in the Parc building. I love my view of the inner Harbor, the Parliament buildings, the Olympic Mountains, and the triangular green park below my balcony. The traffic is tolerable now. I have walking and biking access to the galloping goose Trail, the downtown, and other waterside strolls. I don't want to lose this quality-of-life. I would like other people to experience this wonderful lifestyle. Please honor the beauty and integrity of what exists there now and enhance it if possible ... Don't take it away.

Sincerely Cindy Waites

Sent from my iPad

From:

Graham Zirul

Sent:

Friday, Jul 24, 2015 3:58 PM

To:

Jim Handy

Subject:

Amendments to Community Plan - 370 & 384 Harbour Road

## Jim Handy:

I do not at all favour the proposed amendments to our Community Plan so as to permit the construction of 49 non-market residential units at the above noted address. Admitedly, the owners of those lots want to proceed with some kind of development on the property but it was never part of the Community's Plan for good and thoughtful reasons. Firstly, the immediate area has an abundance of subsidized housing. Not to suggest that no more is needed, only that there are already a great many present immediatly proximate to the proposed site. Directly across the street (Tyee) is the Tyee Cooperative offering 75 low income residences of 2, 3, and 4 bedroom capacity. They can be had for a share purchese payment of \$3,500. The site also happens to be a blight on the otherwie attractive neighborhood if you care to walk by, but that is another issue. Around the corner on Wilson that are an equal or greater number and just along Esquimalt and extending through to Wilson St., a number more. Further, though I am not one myself, the original purchasers of homes in the Dockside Green Development did so with the clear understanding of what the remainder of the Development would include. It was to be of much the same quality, purpose and market value of what they purchased and to change that now is clearly predjudicial to their original decision to purchase and their interests going forward.

Thank you for your consideration, graham j zirul

From:

Sent:

Friday, Jul 24, 2015 3:23 PM

To:

Jim Handy

Subject:

Requested feedback re Dockside Green Proposal for affordable housing

July 24, 2015

Dear Mr. Handy,

This is in response for your request for feedback re the Dockside Green proposal for affordable housing, which envisages construction of two buildings labeled R4 and R5 on the plan.

The primary concern, constantly raised by residents at various meetings held over the last several months, is that the R4 structure is too large for the site chosen and badly located – so close to the gravel pathway and stream that run between the existing stratas (Balance and Synergy) and the proposed buildings of R4 and R5, that the construction will require removal of a number of trees on the east side of the path. An alternative site, suggested by a number of participants at the meetings, is south of R5 in an area currently designated a surface parking lot adjacent to a children's play area. It would far better accommodate the building and is located further from the pathway.

As 2005, pre-construction purchasers in Synergy, my wife and I recall that the original vision for Dockside was integration of affordable housing units with market value sale units – a vision that was carried out in Synergy and Balance, which both include affordable housing units.

We commend the Victoria City Council for its desire to provide affordable housing, but while the Developer is obliged to provide the number of units it is proposing in R4 and R5, the Council is not required to approve specifics which are clearly of far more benefit to the Developer than to either the current residents or the future renters/residents in Dockside.

Numerous studies have shown that integration of affordable housing with market units is a far superior approach than this proposal - which squeezes all the rental units into 2 side-by-side buildings, producing a quasi-ghetto effect. While the Developer's proposal would fulfill its obligation to the city, we don't believe it would be in the best interest of either the prospective tenants, the Dockside development as a whole, or the general population of Vic West.

One of our other concerns is the ramifications of the vastly increased density (as opposed to the originally planned townhouses) on the site. The 49 units have 66 bedrooms, which suggests a population well over 100. This would inevitably cause damage to the pathway. Another issue is parking. With only 7 parking stalls planned, the proposed buildings will simply serve to increase the already serious problem of lack of surface parking.

We believe that relocating R4 to a location further south, as stated above, and turning the area where it is sited in the proposal into surface parking would help this. We note that other planned commercial activity in the area, and additional residential construction, will only worsen the parking situation.

We are strongly supportive of the points made by Chris Lawson and Nigel Deacon in their submissions.

John and Dawn Stewardson, G1, 389 Tyee

From: Timothy Haskett

**Sent:** Friday, Jul 24, 2015 11:47 AM

To: Jim Handy

**Subject:** Application for Amendment of the Design Guidelines for the Dockside Area, ref.

Development Permit Area 13, Core Songhees in the OCP

Jim Handy, Senior Planner City of Victoria

Mr Handy,

Herewith, a response regarding the Application for Amendment of the *Design Guidelines for the Dockside Area*, ref. Development Permit Area 13, Core Songhees in the OCP, submitted by Robert Brown, president of Catalyst Community Developments Society.

I understand that this Application is in relation to Section 4.4, paras 1 through 3 of the *Design Guidelines*. While the Application is not in itself about the entirety of the planned building on the R4 and R5 development sites, the requested Amendments are directly influenced by this larger building plan and, of course, have direct effects on those buildings.

The Application for Amendment primarily concerns the provision in the *Guidelines* that Development Area D (DA-D) will have "lower density" and "a combination of light industrial and commercial uses with work/live, office and <u>residential above</u>. The the light industrial will be located on the ground floor, with other mixed use above." It is interesting that while the *Guidelines* refers to lower density in DA-D, the proposed development moves from the original 15 townhomes to 49 separate units, an increase of 227%. Is this allowed under either the *Guidelines* or applicable zoning regulations? Is no Amendment required?

The applicant seeks to allow residential use on the ground floor of the developments proposed for both the R4 and R5 Dockside lots (referred to in the notice as 384 and 370 Harbour Road), part of DA-D in the *Design Guidelines*. While to my knowledge no-one has voiced anything other than support for the provision of non-market rental housing at Dockside Green — indeed, everyone who has bought at Dockside did so with full knowledge of this important element of the social responsibility in the development — this requested Amendment goes to the core of the problems in using these two lots — and R4 in particular — for this purpose.

The R4 lot is unsuitable for this development. That an Amendment is required to allow placement of residential units on the ground floor, units that are necessary to the economic viability of the building as a whole, is indicative of a fundamental flaw. These residential units will have sole access from and view to a driveway — euphemistically referred to by the Applicant as a 'mews' — that services the adjacent commercial building, with a backing view of the elevation of the commercial building, which is a three-floor rise bereft of almost any texture or variation and which blocks almost all direct light to the units. Massing and shadow effects on these units will be remarkably poor. Prospective tenants deserve better, but without these units the development is evidently not sustainable. When other adjustments to the building plan that might reduce the number of units were suggested to the Applicant, they were turned down on the ground of financial non-viability if there were any unit reduction in the project.

As originally designed and approved, R4 was to have seven three-floor condominium townhouses with parking on the ground level as per the *Guidelines*. This recognized the inherent unfeasibility of ground-level residential units on this site, and this was one reason that the *Guidelines* prohibited them for DA-D in general. Essentially, the Applicant is proposing that affordable housing tenants live in an area that was deemed to be suitable only for cars in the approved *Guidelines* of 2005.

The requested Amendment has a collateral effect on the viability of the use of R4 for the proposed development in its entirety. Approval of the request would allow not only non-viable ground-level residential units, but because the architect is unable to provide access to all the units in the building from the driveway — as required in the original townhouse development — residents of eight of the units in the upper levels of the building will have no access to the units other than through the Greenway, an unstructured, soft-surface pathway bordered by shrubs, trees, plants and water. The Greenway is neither a sidewalk nor a service road. This is the second fundamental flaw in using R4 for this particular development. The Greenway is

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the heart and circulation of Dockside Green, a place of transit and repose used by all residents and the public that live nearby or visit; it highlights the sustainability of the development with its recycled water and its wildlife. Currently and as originally planned, not a single residential unit has sole, or even primary, access to the the Greenway; those units for whom there is secondary access — and there are only six — use this rarely. No unit resident is required to move in or out using the Greenway; no unit resident is required to enter and leave a unit solely by the Greenway. This is not accidental; it was done for a reason. There was to be no-one with a preferential access to the Greenway, nor anyone restricted to it. It is a common resource for the entire community, owners, renters and visitors. It is unfeasible in every way for the purposes of sole access to residential units. The Amendment sought by the Applicant for ground-level residential units, as an integral part of the whole development of R4, not only seeks to build unworthy housing. If approved it would allow the construction of a building that is inherently antithetical to the nature of the Greenway and thus of Dockside Green itself. This displays both a disregard for the community including the prospective tenants of this building, and the unfeasibility of using R4 for this development.

But this in no way means that the non-market rental development should not proceed; quite the opposite. <u>It should be built, and soon</u>.

There are good alternatives. Norm Shearing, president of Dockside Green Limited, has stated that it does not consider the R4 site impractical for the development of residential units for standard market sale. There is no reason that it needs to have this particular proposed non-market rental building design forced upon it, a design which requires the Amendment in this Application, an Amendment which has both unfortunate results regarding unit quality and supports a building that is inherently unsuitable for all owners and residents at Dockside, including its own tenants. There are many possible alternatives. The R5 development could be expanded to incorporate the CI-3 commercial site adjacent to it on Harbour Road and thereby deal with the second Amendment sought, regarding the lack of a commercial building buffer. It could provide the same overall number of units as in the proposed R4 and R5 development and not require the Amendment to allow ground-floor residential units. The possibility of a ground-breaking mixed commercial, retail and residential affordable housing building with good access and all proper amenities is exciting and innovative. Or the R6 site could be considered for non-market rental units.

It is understandable that the City of Victoria is eager to see the non-market residential unit project at Dockside completed as soon as possible; Dockside residents are similarly enthusiastic. This element of our community has been over-long in coming and affordable housing is needed in Victoria. But the Amendments requested in this application indicate that Robert Brown and Catalyst Community Developments as Applicant, with Dockside Green Limited in support, are rushing where there should be care and attention. Dockside does not have to use R4 for this purpose, a purpose to which it is ill-suited both for future residents and for the community of which they will be an important part. The City is in the unique and enviable position of working with a development site that is so incomplete and which has been static for so long that it can take the time — and it should not be a long time — to determine the very best site and site use for this important and socially-responsible development.

<u>I respectfully submit that the Application be declined</u>, and that Mr Brown and Catalyst Community Developments, along with Dockside Green Limited, be required to submit a revised proposal that uses lots R5 and CI-1, or R6, and reconsider R4 for a more suitable purpose, in order to provide a viable non-market rental development at Dockside.

Best regards,

Dr Tim Haskett
Dockside Green: SYNERGY
105 – 391 Tyee Road
Victoria BC
CANADA V9A 0A9

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From: Chris Lawson

**Sent:** Friday, Jul 24, 2015 11:45 AM

To: Jim Handy
Cc: 'Nigel Deacon'

**Subject:** Proposal to Construct 49 non-market rental residential units at 370 and 384 Harbour

Road.

Attachments: Response Requested: Rezoning Application No. 00478 for 370 and 384 Harbour Road;

Dockside Green February 2.pdf; Land Use Proposal, CD-9 Zone, Dockside District

Hello Mr Handy. This is in response to your letter of July 10 requesting feedback on the proposal to construct 49 non-market rental units at 370 and 384 Harbour Road.

First, Mr Deacon has copied me on his response (below) and I completely agree with his feedback. It mirrors some of the concerns I have shared with the City in three letters that I have sent to the Mayor and Council since Dockside Green and Catalyst made their first proposal at a community meeting last fall. In summary, I have been, and remain concerned, about the high density that these buildings would add in a very small area, the close proximity of the buildings to my unit and others along the greenway (especially with respect to R4), the fact that many of the units would have access only from the greenway (for reasons Mr Deacon identifies below) and the impact that the buildings will have on the already tight parking situation in the neighbourhood.

The attached letters provide further detail on these concerns and are with respect to both R4 and R5.

Some changes have been made to the designs since the first community meeting, however I continue to have most serious concerns about R4.

Eight of the R4 units will continue to have access only from the greenway which will have grave implications for existing residents and for the greenway itself. This will also be very inconvenient for the prospective tenants. As Mr Deacon states below, none of the existing units in the development have this sole access and it was never in the original plan for this to be the case. With respect to general proximity, while R5 is angled further away from the units at 373 and 379 Tyee Road, the R4 units are too close to the existing units on the other side of the greenway. I continue to have the same concerns about parking and density as I have had since the development was first proposed. R4 will remove numerous parking spaces currently in use for adjacent businesses and offices.

As both Mr Deacon and I have mentioned, Dockside and Catalyst have made changes to their designs in response to feedback from the community. I do believe they are trying to be "good neighbours" – for example they have recently agreed to provide more landscaping to further shield the proposed development. However the bottom line is that even though some adjustments have been made since last fall, my concerns largely remain for R4. It is simply too large for the site.

As do Mr Deacon and other affected owners, I recognize the need for affordable housing in the City. As such, the R5 building could be given approval as it has much less impact on surrounding stakeholders. Another use should be found for the R4 site and an equivalent number of affordable housing units could be built in some other area on the vast tract of land still to be developed at Dockside Green. I believe this would be a very good compromise and win-win for all stakeholders—ie for the City, for Dockside Green and for existing residents and businesses at Dockside Green.

Thanks for the opportunity to provide feedback.

Chris Lawson and Robert Banks

GA6-379 Tyee Road, Victoria, BC V9A 0B4

From: Nigel Deacon
Sent: July-24-15 9:34 AM
To: ihandy@victoria.ca

Subject: Dockside/Catalyst proposal

Dear Mr. Handy

I would like to communicate to you some serious concerns I have about the proposed Catalyst development at Dockside Green. The proposal is for two buildings (49 units) and labelled R4 and R5, for affordable rental housing.

While the community in general has warmly welcomed the concept from its initiation, and while Dockside and Catalyst have made some improvements to the design after several consultations with the public and residents, serious flaws remain in the proposal and I strongly encourage City Council to insist on further changes.

The current proposal for R4 has two floors, 16 units, exiting solely to the greenway. Currently, there are no primary or sole exits to this extraordinary and unique nature refuge, a quiet gravel path and a stream constructed with treated water from our onsite sewage plant. Six units in Synergy and Balance have small private bridges that connect to the greenway from their back patios. Moving of chattels, all comings and goings, the carting of all purchases, would have to be effected along the gravel path, with distant steps as only access for these sixteen units. The change to the environment would be disastrous and permanent. The visionary work of the original builders would be destroyed by their unworthy successors, working in unseemly haste and with convenience as their foremost guide.

Just yesterday we heard from the architects and from Catalyst that it would be impossible to provide standard street level access from the east for those units. It emerges therefore that the building planned for the R4 site will simply not fit there.

The plan for R5 works around the problem of sole access to the greenway by building a concrete path on the west side of the building. Sole access to the two upper floors of the building will also be by steps and path. However, the footprint is larger and that plan may work out, provided no applicants for this rental accommodation have physical disabilities that would prevent them from renting. Should there be disabled applicants, I'm not sure how Catalyst would avoid charges of discrimination. You will know the basic requirements here.

In terms of solutions, it seems to me they are many and easy. The R4 site would accommodate an affordable family housing building in a townhouse format (already approved for this site), with some public parking available at ground level, thus avoiding the need for a variance for ground floor residences. Dockside has done poorly in providing parking close to the two thriving businesses in the neighbourhood and could stand accused of choking those businesses when the currently vacant R4 lot is built on. There is enormous unmet need for affordable family housing in Victoria and we would do well to provide decent living conditions for our children.

Also, two sites adjoining R5 are currently vacant. To the east, fronting on Harbour, there is a site that would allow an interesting courtyard concept to be developed for an integrated design with R5 and no dangerous through traffic. This would also allow R5 to be turned round in a more normal presentation with ground floor access. To the south, there is a perfect site, with the Farmers headquarters already built as a buffer.

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I encourage city planners to envision a much superior development to take place here. The greenway can be embellished and enhanced, and continue to provide a haven for wildlife and human peace and quiet way into the future at a time when we are all concerned about global warming and climate change. An even larger affordable housing project can be built, all together, or in separate components, that will help Victoria to be a more livable city.

Please do not be satisfied with this unsatisfactory, inadequate proposal. While the housing is long overdue and the city must be anxious for completion, there is no need to surge ahead with a plan that is unsatisfactory in so many ways while solutions lie readily to hand. Pease ask for better. Thank you, Nigel Deacon. G4 395 Tyee Road, Victoria V9A 0A9.

From: Chris Lawson

Sent: Wednesday, Jun 3, 2015 8:35 AM

To: Lisa Helps (Mayor); Marianne Alto (Councillor); Chris Coleman (Councillor); Ben Isitt

(Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Pam Madoff

(Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)

**Subject:** Response Requested: Rezoning Application No. 00478 for 370 and 384 Harbour Road

Attachments: CALUC Letter - 370 & 385 Harbour Road (Dockside Green-Catalyst Affordabl....pdf

I attended, as a member of the public, your Planning and Land Use Committee meeting held last Thursday, May 28 2015. I was present for agenda items 4 and 5, re the Land Use Applications for 370 and 384 Harbour Road.

Based on what I heard at the meeting, I have a question and a request.

First the question: I would like to know when the public's very real and legitimate concerns and issues regarding these applications will be considered seriously by the city planners and by the Council.

I am asking this question because, regardless of the "Dialogue Happening Here" signs adjacent to the Dockside Green site (and although the developer will tell you differently), the proposal now before City Council is materially no different than it was in November, despite all the feedback provided by community stakeholders at several community meetings.

I am asking this because, except for parking, there was, at the meeting on May 28, very little reference by staff and the Council to the very real and serious concerns and issues that stakeholders have raised, during the community meetings and in numerous letters to Council.

I am also asking this further to the letter of May 27 (attached) from Bernie Gaudet, President of the Victoria West Community Association, which summarizes some of the concerns that owners and residents adjacent to the proposed development have repeatedly raised. In the letter, Mr. Gaudet recommends modifications to the proposed project and suggests an additional Community Meeting to table the modifications with the community. He summarizes the concerns and his recommendation as follows:

"I trust this will help supporting modification to the proposed project as presented at the Community Meeting to better meet the interests of Victoria West residents.

I suggest that an additional Community Meeting be scheduled where modifications can be properly presented to interested community members to ensure concerns have been adequately addressed."

When is this going to take place?

Finally, I am asking this because during your meeting of May 28, you agreed that the main purpose of the public hearing will be to "educate the public" on the MDA (rather, I suppose, than to obtain input from the public and hopefully to incorporate that input into the decision making process.)

With all due respect, it appeared to those of us who attended the meeting that a decision on these applications has all but been made.

Second, my request: I would like to ask that a member of the Council be assigned to meet and work with me and other community members in order to find a more suitable affordable housing solution for Dockside Green. .

The current proposal is neither in the best interests of existing community members, nor for prospective tenants of the affordable housing, nor for the cause of affordable housing in Victoria.

With respect to existing community members:

Many of our key concerns are summarized in Mr. Gaudet's letter. They have also been the subject of countless letters to the Council.

When most purchases were made, circa 2008, there were to be 16 market townhomes on these sites and the affordable housing (and associated density) was to be located elsewhere within the Dockside Green development. There were never to be dwellings with sole access from the greenway. The "sighting requirements" for these sites were also in place, precluding a large, dense development such as the one being proposed.

It is completely unacceptable to now allow the developer to make such a significant change as is now being proposed, when purchases were made based on previous zoning and plans for the development. The development as currently proposed would have grave and irreparable consequences for neighbouring owners and residents, affecting the existing quality of life and property values.

With respect to prospective tenants of the affordable housing and the cause of affordable housing in Victoria:

Everyone is aware that as per the Dockside Green MDA, the developer has an obligation to deliver affordable housing. However, the sites currently being proposed for the affordable housing have, (and always have had), "siting requirements." As identified in the Senior Planner's Planning and Land Use Committee Report dated May 14, 2015:

"As part of the 2005 rezoning of the lands to the site-specific CD-9 Zone, particular importance was placed on the retention and support for active marine and industrial uses on the Harbour. As a condition of permitting residential uses within the Zone, Council endorsed strict siting requirements that must be met in order to achieve residential uses. In Development Area D, these conditions are:

- Residential uses may only be located on the second floor and higher in a building
- Residential uses are not permitted to be located within 18m of Harbour Road
- No part of any residential unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line."

As you know, the developer now wants approval to waive the first and the last requirement above. This is because, frankly, he has tried in the past to use the land for market housing and has been unsuccessful.

Why is the City considering to waive these requirements when they were considered essential in 2005? Frankly, this seems tantamount to treating the prospective tenants as second class citizens. Would the City consider waiving the sighting requirements for market housing? It seems unlikely.

Noise generated by the industries on the harbour (in particular the shipyards) is a very real and serious issue at Dockside Green. Even if this noise falls within City bylaws, it is, as you know, the subject of complaints to the city to this day. As I have stated in the past, I invite any member of Council to visit the site when the shipyards are doing whatever it is that they do. The noise is constant and virtually unbearable even from 373 and 379 Tyee Road. I can only imagine what it would be like from the proposed sites. Regardless of what the Developer's acoustic engineer has stated, no amount of double pained windows will make the noise bearable.

Community members are well aware of Council's commitment to expand affordable housing in the city and respect that commitment. They are also well aware of the MDA requirements and the existing Dockside Green community clearly supports the affordable housing component. However, placing affordable housing in a sub-optimal location for the prospective tenants and where it will cause irreparable harm to existing stakeholders is not the right answer. As Mr. Gaudet identifies in his letter, current community members suggested to the developer that the affordable housing be

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situated immediately to the south of and adjacent to 373 Tyee Road (meaning that this is clearly not a "NIMBY" issue). The developer, however, is so far unwilling to make this change.

Such a change would, however, be a win-win solution for all parties. Council would do much more good, both for the cause of affordable housing and for existing stakeholders, if they were to hold the developer to the MDA obligations and ensure that the affordable housing component is situated at a more appropriate location within the Dockside Green development. That is the correct course of action at this time. After all, by virtue of the sighting requirements, the developer must have expected, in 2005 and for a considerable period thereafter, to have to do just that.

I look forward to hearing positive answers to my question and request above.

Chris Lawson GA6-379 Tyee Road, Victoria, BC V9A 0B4 Chris Lawson GA6-379 Tyee Road, Victoria BC V9A 0B4 February 2, 2015

Norm Shearing, President Dockside Green 353 Tyee Road, Victoria BC V9A 0B5

#### Dear Mr. Shearing:

As you know, I was in attendance at the information meetings held on November 2 2014 and January 26 2015, regarding your proposal to develop the CD-9 zone at Dockside District (sites "R4" and "R5") with affordable housing.

I was very disappointed and somewhat surprised at the January 26 meeting. Your proposal was materially no different than the original proposal presented on November 2; this despite a number of very significant concerns and issues having been identified by me and other owners at Balance and Synergy at the two previous meetings and in related letters and emails, both to Dockside Green and to the Victoria city council.

Furthermore, I was not able to attend the Community Information Meeting held on November 18 but I understand that at that meeting, there was a proposal from at least one participant that the affordable housing be built to the west of the existing Farmer building, on land you say you are planning to build a children's playground. I am told by another owner that at that meeting, there was a show of hands and there was significant support for this proposal from those present at the meeting. Yet you did not address this proposal at the January 26 meeting.

Moving the affordable housing to the "Farmer" site would address the following key objections and concerns which have been identified by me as well as at least 10 other owners who have written letters to the city:

- Density of the proposed development: 49 additional living spaces, likely containing up to 100
  residents, directly adjacent to and facing the existing Synergy and Balance buildings. This is a large
  increase in a very confined area.
- 2. Close proximity of the proposed buildings to existing buildings. For example, the "R4" building would be only about 30 feet from my patio.
- 3. A majority of the units would have sole access via the greenway which would drastically decrease privacy and enjoyment of those units currently adjacent to the greenway as well as their property values. Along this stretch, there are currently 10 units in Balance and Synergy which open onto the greenway at ground level (but which also have alternate access via the parkade). You are proposing to add an additional 26 units with no access other than via the greenway, an increase of 260 % and causing, along with loss of privacy, a massive increase in foot traffic, comings and goings, noise, night light, wear and tear etc. Needless to say, this will also be very inconvenient for the tenants and will cause extended response time in case of emergencies.

- 4. The proposed development will exacerbate an already serious parking situation. Even though the R4 site is currently used for parking for adjacent stores and businesses, there is a serious parking situation in that area. Many cars double park during business hours. The proposed development would remove this parking area and add 49 additional residential units and many more residents, some of whom will have cars. Virtually no additional parking space is being proposed. The minor changes you announced at the January 26 meeting will not make a significant difference.
- 5. The proposal would require amendments to existing bylaws, which are intended to protect residents from industrial noise at the harbour.

I would like to know why this proposal was not incorporated into your plans and addressed at the January 26 meeting. Building the housing on this site, even though it is still directly adjacent to the existing Balance buildings, would have far less impact on existing owners and residents, virtually eliminating the above issues.

I am not a representative of the other owners and I am not speaking on their behalves, but I don't believe anyone has an issue with "affordable housing" at Dockside Green, as long as it is properly managed, and it appears that Catalyst will do that. The fact that there is support for affordable housing on the land behind the Farmer building, which is directly adjacent/ kitty corner to 373 Tyee Road proves that point.

The real issue here is that while there are numerous other sites within the remaining Dockside Green lands where affordable housing could be built, you are proposing to build it at a location that will have the greatest impact to existing residents and owners, yet you have so far taken none of our key concerns seriously.

None of the very minor adjustments you announced at the January 26 meeting materially address the above listed issues. There is still the same density; twenty-six of the proposed units still have sole access from the greenway; the two buildings are still virtually the same distance from existing residential buildings and there is no increase in parking allotment. This is very concerning, especially in light of the recent BC Supreme Court ruling regarding the social housing development in Vancouver (Yaletown). It's clear from that ruling that the concerns of adjacent stakeholders must be taken seriously.

You say that dialogue is happening at Dockside Green. Dialogue includes both speaking and listening. So far, you are only speaking.

Instead of listening to the concerns of stakeholders and addressing them, you spent most of the January 26 meeting giving the participants a history lesson and suggesting that affordable housing on these sites was carved in stone based on the original development plans. But a year ago, you said that everything that was originally envisaged for the project was up for discussion and subject to input from residents.

Here is what you said to *Vibrant Victoria*, published on January 31 2014 (italics are mine for emphasis; complete article at <a href="http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/">http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/</a>):

"We are in the infancy stages of discussions with the community and our residents. We will be approaching the Vic West Community Association with updates and will create a foundation for consulting with stakeholders. We are committed to Dockside Green but what we do in terms of moving the project forward and delivering on our promises will require consultation," Shearing said, suggesting that all facets of the project are in line for a lengthy debate and planning process.

All of this consultation is pointless if you are not prepared to listen to feedback and address significant issues. Adding in-suite laundry facilities and making the buildings non-smoking does nothing to address the significant issues of existing stakeholders listed above. And it's nice that you have removed eight doors from "R4," except that those same eighty doors have just been added to "R5."

After the meeting on January 26, I sent Ally an email suggesting that exterior corridors be included on the 2<sup>nd</sup> floor at the east sides of the two proposed buildings. This would not address all of the above issues but it would significantly improve the proposal both for existing stakeholders and for the new residents, by allowing access to the twenty six units from that side of the two buildings and eliminating access via the greenway. I have communicated with a number of other owners on this and while they still believe the proper location for this development is on the land behind the Farmer building, they agree that this change would make a significant difference. As such, I urge you to consider this proposal very seriously and I would appreciate a response as soon as possible.

In conclusion, in view of the many available alternative locations and options that would have minimal or no impact to existing owners and residents, I am asking you to come back with a revised affordable housing proposal that fully mitigates the concerns identified by me and other owners, listed above. My preference, and I believe the preference of many other owners, would be that the affordable housing be built on the site behind Farmer and that the parking at "R4" be preserved. The "R5" site could be combined with the land fronting Harbour Road and be used for one low rise office building. I can't imagine why this would not be possible, but if there really are sound reasons why it is not, then clearly there are options available to mitigate impacts of the development where currently proposed.

Yours sincerely,

Chris Lawson.

CC: By e-mail to:

Ally Dewji, Development Manager Dockside Green, Robert Brown, President Catalyst Community Development Society, Vic West Community Association Land Use Committee, Victoria City Mayor and Councillors, 10 other owners at Balance and Synergy.

From: Sent: To: Cc:	Chris Lawson Tuesday, Nov 18, 2014 4:20 AM landuse@victoriawest.ca Lisa Helps (Mayor); Marianne Alto (Councillor); Chris Coleman (Councillor); sgudgeon@victoria.ca; Lisa Helps (Mayor); Ben Isitt (Councillor); Pam Madoff (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)
Subject:	Land Use Proposal, CD-9 Zone, Dockside District
Attachments:	Vic West Community Association Nov 17 2014.pdf
I am writing with respect to the proposal by Catalyst Community Developments Society to modify current land use, description and zone for CD-9 Zone, Dockside District. This proposal is to be the subject of a Community Meeting on November 17, which I am unable to attend.  The applicable zoning bylaw was implemented to afford a basic level of protection for residential units at the area in	
question. Due to the significant noise generated by harbour industries, this protection is appropriate, necessary and should not be removed. For many other reasons outlined in the letter attached, I am opposed to the development as proposed and request that the proposal be rejected.	
Thank-you.	
Chris Lawson	

From: Nigel Deacon

**Sent:** Friday, Jul 24, 2015 9:34 AM

To: Jim Handy

Subject: Dockside/Catalyst proposal

### Dear Mr. Handy

I would like to communicate to you some serious concerns I have about the proposed Catalyst development at Dockside Green. The proposal is for two buildings (49 units) and labelled R4 and R5, for affordable rental housing.

While the community in general has warmly welcomed the concept from its initiation, and while Dockside and Catalyst have made some improvements to the design after several consultations with the public and residents, serious flaws remain in the proposal and I strongly encourage City Council to insist on further changes.

The current proposal for R4 has two floors, 16 units, exiting solely to the greenway. Currently, there are no primary or sole exits to this extraordinary and unique nature refuge, a quiet gravel path and a stream constructed with treated water from our onsite sewage plant. Six units in Synergy and Balance have small private bridges that connect to the greenway from their back patios. Moving of chattels, all comings and goings, the carting of all purchases, would have to be effected along the gravel path, with distant steps as only access for these sixteen units. The change to the environment would be disastrous and permanent. The visionary work of the original builders would be destroyed by their unworthy successors, working in unseemly haste and with convenience as their foremost guide.

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In terms of solutions, it seems to me they are many and easy. The R4 site would accommodate an affordable family housing building in a townhouse format (already approved for this site), with some public parking available at ground level, thus avoiding the need for a variance for ground floor residences. Dockside has done poorly in providing parking close to the two thriving businesses in the neighbourhood and could stand accused of choking those businesses when the currently vacant R4 lot is built on. There is enormous unmet need for affordable family housing in Victoria and we would do well to provide decent living conditions for our children.

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I encourage city planners to envision a much superior development to take place here. The greenway can be embellished and enhanced, and continue to provide a haven for wildlife and human peace and quiet way into the future at a time when we are all concerned about global warming and climate change. An even larger affordable housing project can be built, all together, or in separate components, that will help Victoria to be a more livable city.

Please do not be satisfied with this unsatisfactory, inadequate proposal. While the housing is long overdue and the city must be anxious for completion, there is no need to surge ahead with a plan that is unsatisfactory in so many ways while solutions lie readily to hand. Pease ask for better. Thank you, Nigel Deacon. G4 395 Tyee Road, Victoria V9A 0A9.

From: Kevin Bishop

**Sent:** Wednesday, Jul 22, 2015 4:48 PM

To: Jim Handy

**Subject:** Proposed Amendment to the Official Community Plan (OCP) for 49 non-market rental

residential units units at 370 and 384 Harbour Road

Dear Mr. Handy,

Thank you for your letter dated July 10, 2015.

I am writing to you to state that the proposed amendment to the Official Community Plan (OCP), for 49 non-market rental residential units at 370 and 384 Harbour Rd is completely and totally unacceptable.

I purchased my condominium apt #504 at 399 Tyee Rd in 2015 with the understanding that Dockside Green would be an upscale development. I do not appreciate whatsoever any plans to bait and switch the development plans to provide welfare housing.

Welfare recipients can live in the low cost housing areas of the city and NOT, especially NOT on Harbour Rd in front of our expensive condominiums.

This amendment is just a scam to get a quick sale by the developer. Maybe I can suggest that they locate and build these 49 welfare non-market rental units beside the provincial legislature.

Yours Truly, Kevin Bishop P. Eng.

From:

Bev Weber

Sent:

Wednesday, Jul 22, 2015 10:53 AM

To:

Jim Handy

Subject:

Design Guidelines Amendment for Dockside Area

Attention: Jim Handy, Senior Planner

We are relatively new owners at 379 Tyee Road (December 2014). The proximity to the downtown core, the local shopping area, the Galloping Goose trail, and the 'green' component and space were what attracted us to Dockside.

Regarding the proposed amendment to the *Official Community Plan* in relation to the 49 non-market rental residential units on Harbour Road, please note our comments below:

- 1. We have studied the plans and talked to a Dockside architectural representative. After 'walking' the proposed site, we have a sense of dismay (disbelief really) to see changes to the existing green space, and parking. Both would be close to non-existent should this project go ahead. This does not seem to be a fit with the 'green' philosophy of Dockside.
- 2. This lack of space and 'overcrowding' will result in a lack of parking for local and future businesses, a minimal green space affording privacy, a change to the present harbour view for present residents, and the issues of increased noise and other density issues.
- 3. There are other sites available on Tyee Road for future development which are less invasive and in keeping with original plans when the economic conditions seem right.

Thank you for considering all input.

Bev and Christian Weber 306-379 Tyee Road

From: Marilyn Winterbottom

**Sent:** Tuesday, Jul 21, 2015 2:11 PM

To: Jim Handy

Cc: Lisa Helps (Mayor); Marianne Alto (Councillor); Chris Coleman (Councillor); Ben Isitt

(Councillor); Jeremy Loveday (Councillor); Margaret Lucas (Councillor); Pam Madoff

(Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)

**Subject:** Dockside Green Land Use Amendment

Attachments: Land use amendment Dockside Green.rtf

To: Jim Handy Senior Planner

Mr. Handy,

Please find attached our letter of concern regarding the proposed land use amendment at Dockside Green to rezone Area D at 370 and 384 Harbour Road. The mayor and council members were sent this letter in early January and should be aware of these concerns. I am resending the letter with a couple of additional thoughts. The developer was sent a copy of the letter and heard our point of view at a recent meeting of Dockside residents and owners.

We believe that very little has been done to address our concerns to date, other than to change the location of the townhouse and suite buildings. We are not opposed to affordable housing. But we are opposed to the current plan of high density, limited access to the suites other than the greenway and the lack of parking....amongst other issues outlined in more detail in our letter.

Please take the time to read it.

Respectfully,

Marilyn Winterbottom Herb Davies

109-373 Tyee Road Dockside Balance January 4, 2015

To the Mayor and Councillors

As owners in Dockside Green Balance, it has been brought to our attention that Dockside Green Ltd and Catalyst Community Housing Society will be making an application for a bylaw amendment in order to construct two three story affordable housing buildings composed of 49 units at 370 and 384 Harbour Road. These two sites will be referred to as R5 and R4 respectively. They are within development area D of the CD-9 Zone, Dockside District.

We support affordable housing on the Dockside Green Site. This was a part of the original vision. However, the proposed design and location are concerns for these reasons.

- the proposed buildings do not comply with the Dockside Zoning Bylaws for area D, as they would contain a number of units on the ground floor facing Harbour Road. The existing bylaw permits multiple dwelling use "but only on the second floor and up, not within 18 m of the Harbour Road and no part of any unit can face the Harbour Road unless there is a buffer of another building equal or greater height between it an the easterly property line". This is intended to offer residents some protection from the noise generated by Point Hope Shipyard. As you are well aware, the activities of the shipyard have already created difficulties for residents in Balance with respect to noise, dust etc. The proposed use would have residential dwellings placed almost directly across from these noisy activities.
- parking is a problem. Only a few spaces are planned for the two buildings, assuming that residents will forgo having a vehicle. Hopeful but not practical. There is already another affordable housing application in the works in this neighbourhood to be located on the vacant lot across from the mall near the park. There are no plans for in building parking there either. The area is already congested and parking spots on the street are at a premium. The development of R5 and R4 will exacerbate this problem.
- the proposal as designed will negatively impact the existing greenway and the residents who currently face it. Because some of the units in the proposal will be accessed only from the greenway, one questions how they would move in and move out if there is no vehicle traffic allowed. What about access for emergency vehicles? The greenway is a narrow space as it is, intended to provide a quiet and tranquil buffer zone. With a high density building right on the greenway, the ambiance would change to one of busy foot traffic, since according to the plan, this would be the only access point for some of these units. Unless there is a plan to double the width of the greenway to provide some privacy for the garden suites and to allow privacy for the 2nd and 3rd level units who would be looking directly into the living and sleeping areas of units facing each other, this plan will not work. The proposed building is too large for the site.

• negative impact on property values. As owners, there was a good reason to invest in Dockside Green as a living space. We were attracted by the quality of the original plan, the greenway and water features, the LEED platinum designation, and as such, paid a premium for these amenities. The proposed plan and the design of the new units will adversely affect the value of these properties, particularly those garden suites. It is doubtful that they will be built to LEED standards as the design calls for wood frame construction. How will this new development support the existing values of Dockside Green? (emphasis on the Green.) Inexpensively built rental housing very likely will not stand the test of time.....you have only to look at the state of the buildings in the housing co op opposite Dockside on Tyee Road to verify this aspect. Lacking strata fees and a contingency fund, building repairs and upgrades would not form part of the long term picture.....once the developer is out, who manages the upkeep of affordable housing? Decreasing property values will result.

There exists a very large parcel of land to the south of this narrow area of R5/R4 with few of the impediments of the existing proposal. Why not build the housing there and keep the existing plan in place? Why promote opposition and adversity? Surely there is a way that all parties can be satisfied.

We urge council to consider the application carefully. We know council is committed to building affordable housing......no problem. There is lots of vacant land in the existing Dockside Green parcel. Build the housing in an area that is less fraught with stumbling blocks and opposition. The current developers have a plan for the rest of the site.....as did the previous developer. But nothing has been built since 2008. And given market conditions it is doubtful this next plan will ever come to pass.....so why not go ahead and use this vast piece of real estate to build the affordable housing where there is lots of space instead of crowding it in front of the existing buildings?

We urge council to come on site and look at what our concerns are regarding this proposed land use and bylaw amendment. We hope that council will reject the amendment and ask the developer to re design the plan with our concerns in mind.

Thank you

Marilyn Winterbottom Herb Davies 109-373 Tyee Road Victoria, BC

From:

Anthony Minniti <anthony.minniti@cgigc.com>

Sent:

Tuesday, Jul 21, 2015 11:20 AM

To:

Jim Handy

Subject:

Official Community Plan Amendments- Dockside Green- 49 non-market rental units.

Jim,

We own a residence in 373 Tyee Road.

We do not support to any amendments to the Design Guidelines for the above mentioned, 370 and 384 Harbour Road.

The present owners of Dockside properties purchased their units with knowledge that Design Guidelines exist. The vitality of street with commercial space differs from Residential walk ups. There is not enough parking presently with commercial space. These units should have parking at each unit. There needs to space for moving trucks...this space if very tight presently.

Regards,
Anthony Minniti
V.P. of Operations



Western Division | 5150 Cordova Bay Rd | Victoria BC V8Y 2K6 T: 250-727-6560 | C: 250-857-6560 | Web: <u>www.cgigc.com</u>

From: Brian and Elizabeth Elliott

**Sent:** Monday, Jul 20, 2015 12:41 PM

To: Jim Handy

Subject: 370 and 384 Harbour Road - Amendments to OCP

Being strata owners directly impacted by Catalyst's/Dockside Green's workforce housing proposal we would like to express our unqualified SUPPORT for this project.

The two proposed amendments to Section 4.4 of the OCP Design Guidelines are, in our opinion, insignificant and will likely have no negative consequences on the community. In fact the two proposed changes may indeed result in an improved OCP - specifically: "residential use on the ground floor" will probably reduce vehicle traffic/parking in the area and "no noise buffer from Harbour Road" means that the developer will be improving suite sound proofing (in accordance with a professional's evaluation of the requirements) thus providing for a higher quality building.

Having participated in all of the planning discussions we must commend both sponsors for their willingness to listen, discuss and most importantly react appropriately to comments from the community. Such actions as: relocating the buildings to provide better spacing (with respect to the Dockside Greenway); provision of additional parking beyond that required by zoning; inclusion of individual washers/dryers (as opposed to a central laundry room); roof treatments to provide a more pleasant view from above; modified/improved access to the units and willingness to designate the building and property as non-smoking (in keeping with the neighbouring strata's actions on this matter). The sponsors should also be acknowledged as not pushing beyond the already approved development envelope with their efforts to keep heights and the building footprint below those allowed by current zoning.

We are confident that Catalyst's commitments with respect to tenant management, facility maintenance and their willingness to become part of the existing Dockside community. Further we are excited to finally see some steps towards the build out of the Dockside property. And also important is the realization of more affordable housing within the City of Victoria.

Lastly we must point out that these buildings have always been included in the Dockside Plan and therefore should not be a "surprise" to some current strata owners who may be concerned with their location and construction - before we purchased we conducted our due diligence regarding the OCP and were fully aware of what the neighbouring community would eventually look like. Those who may be unhappy with what is being proposed only have themselves to blame; the City should not require the developer to undertake changes in order to appease these complainants.

Thank you for the opportunity to comment - Brian and Elizabeth Elliott (# 807 379 Tyee Road - Balance strata - Dockside Green)

From:

Kelli Segboer

Sent:

Monday, Jul 20, 2015 6:04 PM

To:

Jim Handy

Subject:

Harbour rd

# Hi Jim,

I'm writing in hopes to voice my concern for the ground floor residential use at 370 and 384 harbour rd. I currently live at 391 Tyee rd and I can tell you first hand that there is very limited parking in this area of the city. We often have no spaces available for visitors or for our second vehicle. If there are more residential units available this will only multiply our problem. As someone who has invested all of our savings into our property, we would really be disappointed if these proposed amendments are passed. Kind Regards,

Kelli Segboer

From:

Ken Halstead

Sent:

Saturday, Jul 18, 2015 10:03 PM

To:

Jim Handy

Subject:

Input for Contruction or residential units at 370 and 384 Harbour Road

Jim,

I have had a look at the proposal. My only concern is that there seems to be limited parking set aside. If the parking allowance meets the planning guidelines that is OK with me.

Regards,

Ken

From:

Courtland Fooks <court@cmlsolutions.ca>

Sent:

Saturday, Jul 18, 2015 9:16 AM

To: Cc: Jim Handy Laura Feeleus

Subject:

Proposed Amendments to OCP for 370 and 384 Harbour Rd.

**Follow Up Flag:** 

Follow up

Flag Status:

Completed

Dear Sir,

We have reviewed the above noted proposed amendments to the *Design Guidelines for the Dockside Area* and have the following comments.

We have been owners in Dockside Green since 2008 and our primary concern is that the property be developed and finished as soon as possible with a close adherence to the original plan.

We do not have any issue with the placement of residential use on the ground level nor with the residential building not having a buffer from Harbour Road as proposed.

Our main concern will be a lack of off-street parking along Harbour Road and adjacent to the extension of the Galloping Goose train/pathway along Harbour Rd.

Please keep me advised by e-mail of any further alterations or proposed amendments to the Dockside plan.

Thank you,

C.E. (Court) Fooks
President, Milaco Holdings Ltd.
1 868 Central Spur Rd.,
Victoria, V9A 0C1

court@cmlsolutions.ca

From:

CANDY LO

Sent:

Friday, Jul 17, 2015 9:53 PM

To:

Jim Handy

Subject:

Feedback of proposed amendments to OCP in the City of Victoria

# To whom it may concern:

Regarding to the proposal of 49 non-market rental residential units at 370 and 384 Harbour Road, if those units are Co-op or subsidizing rental, low rent houses, they are non compatible with our neighbourhood.

From:

Mcuaf

Sent:

Friday, Jul 17, 2015 6:24 PM

To:

Jim Handy

Subject:

question regarding 370 and 384 Harbour rd

Follow Up Flag:

Follow up

Flag Status:

Completed

Hi Jim,

I live at 68 Songhees and was interested to look at the information relating to 370 and 384 Harbour. Some of the documents which the tracker led me to wouldn't come up but I have a few questions:

- 1. What is the CL-3 designation for the site in front of ( harbor rd side) of 370 Harbour Rd? Is a commercial building intended to be there or is this meant to be vacant space...for parking??
- 2. Can 370 and 384 be accessed by foot via the pathways that sit below (in back of) the existing residential buildings designated as lots 373, 379, 389,391,395

Overall I think its a good idea to have non-market priced housing integrated into the Dockside Green community Joel Goldsmith

From:

Elaine Weidner

Sent:

Friday, Jul 17, 2015 11:14 AM

To:

Jim Handy

Subject:

DG - proposal for affordable housing

Hi Jim,

I rec'd the info recently mailed to residents/owners at Dockside Green. I've attended at least two presentations on the new development, the latest being a May 21, 2015 update. Norm Shearing, Ally Dewji, and Robert Brown of Catalyst Dev't were presenting. I was impressed with the thoroughness of Robert's presentation on the Affordable Housing units and his sensitivity and response to previous suggestions which were incorporated into the new designs.

DG included affordable housing in it's original proposal and I feel the current design for the affordable housing is practical, relevant, and attractive. It will likely be a huge asset to the DG development.

I totally support the project.

Regards,

Elaine

Owner - 501 - 391 Tyee

#### **ELAINE WEIDNER**



From:

Brant Pulsford

Sent:

Thursday, Jul 16, 2015 4:38 PM

To:

Jim Handy

Subject:

Development Area D Dockside Lands

Follow Up Flag:

Follow up

Flag Status:

Completed

Hello Jim,

I just opened the note you sent out in the mail regarding Area D. That land is virtually right below our front door and will undoubtedly affect our quality of life. We have a family with two young boys and have been enjoying Vic West for the past 7 years. We are strongly opposed to adding more residential units in the highlighted areas. Please do everything in your power to refrain from adding more density to our neighbourhood. It has grown faster than we would have liked to have seen and seems to be spiralling out of control and bringing undesirable activity to our beautiful, quiet neighbourhood. There is definitely not enough room for more multi unit residential unite there. It would be far better to focus on commercial tenants.

Again thanks for giving us the opportunity to provide you with feedback.

Regards,

Brant Pulsford

From:

Deborah Kumka <debkumka@time-line.ca>

Sent:

Thursday, Jul 16, 2015 4:32 PM

To:

Jim Handy

Subject:

Rezoning #00478 - 370 and 384 Harbour Road

Follow Up Flag:

Follow up

Flag Status:

Completed

Dear Jim,

I am responding to your letter offering input on the proposed amendments to the Dockside Area Design Guidelines and the submitted proposal to construct 49 non-market rental, residential units at 370 and 384 Harbour Road.

I have expressed these same concerns with the developer but would like to provide input to the City Council for their consideration.

This area is surrounded by commercial buildings which have little or no client parking designations. Part of the area in review (lot 384) is currently being used for commercial clients. My concern is to do with the lack of parking space for commercial use. I realize that Dockside Green has a vision to encourage modes of transportation other than cars but as a commercial tenant I know this is not always possible. The areas being amended are adding 49 units with only 5 proposed parking spaces. This new proposal takes away what is currently being used as commercial parking and will only increase the current problem of people parking in reserved parking spaces. This has been a very frustrating situation both for the commercial tenants and the clients who frequent these businesses. I am afraid I will lose clients due to the lack of parking.

I really don't understand how they were allowed to build commercial buildings with no public parking nearby in the first proposal and this new amendment will only exasperate the problem we are now currently facing.

Regards,

Deborah Kumka

NOTE: Office hours are M-F, 9am-4pm (exception BC stat holidays) Drop Slot available Monday to Friday from 8:00am to 5:00 pm.

Deborah Kumka

debkumka@time-line.ca

TimeLine Bookkeeping Services

#201, 388 Harbour Road, Victoria, BC, V9A 3S1

W: 250-590-4771 | F: 250-590-1883

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From:

Lisa Kozokowsky

Sent:

Thursday, Jul 16, 2015 11:19 AM

To:

Jim Handy

Subject:

Residential re-zoning

Follow Up Flag:

Follow up

Flag Status:

Completed

Hello Jim, we are at Balance 407, 379 Tyee Road. In regards to this development, how high will these units be. We were assured when we bought the unit as it was being built, that zoning would not allow a building in front to obstruct our view. This was in the contract, and was re-enforced by multiple e-mails. How can you rezone something when assurances were provided by Dockside that the zoning in front would not change. This will affect the value by several thousand dollars as well as undermine assurances by Dockside that our view would not be obstructed. We bought into this development based on the building out front not being higher than 3 stories.

Lisa Kozokowsky B. COMN ID (candidate) 403-831-1212 lisa@lisakozokowsky.com

Information Design Group 104 Cannington Place SW Calgary, AB T2W1T8

From:

Nathan Vadeboncoeur

Sent:

Wednesday, Jul 15, 2015 9:15 PM

To:

Jim Handy

Subject:

Development area D of the Dockside Lands

Dear Jim,

I received a letter from the City asking for feedback regarding the proposed OCP amendments concerning the proposal to construct 49 non-market rental residential units at 370 and 384 Harbour Road.

I fully support the proposed amendments.

Both my wife and I are excited that development will once again be underway in the Dockside Area. The building footprints in the proposed amendment were in the original neighbourhood plan and we look forward to the beginning of construction. As a Dockside strata council member I know that many Dockside residents look forward to the development (I also know that at least one guy opposes it. According to the letter he slipped under the doors of people on at least my flood this is because he thinks it's too close to his unit, but it was in the original neighbourhood plan so what can he expect!?).

All the best,

Nathan 307-373 Tyee Road

#### Janet Hawkins

From:

John Stewardsor

Sent:

Thursday, Aug 27, 2015 12:39 PM

To:

Jim Handy

Cc:

Chris Lawson; Nigel Deacon; Greg Caws; Andrea McEachran

Subject:

Re: Proposed Affordable Housing Development: CD-9 Zone Dockside District

Follow Up Flag:

Follow up

Flag Status:

Flagged

Mr. Jim Handy

Senior Planner, Development Services Division

City of Victoria

Dear Mr. Handy

We are writing further with respect to two concerns we have about the above referenced proposal: lack of parking and of any children's activity area.

Parking is an ongoing, current problem epecally for all of the commercial owners in the development. A number of them have talked to us about the issue and, hopefully, several will be raising their concerns with you. One, in fact, has decided to sell their unit and relocate their business in part because of the lack of parking for their staff and clients. Adding 49 housing units and only 7 parking spaces can only exacerbate an already bad situation. And, frankly, the developer's proposal of providing 49 bicycles will likely do nothing to alleviate it. Creating a substantial number of parking spaces in the large vacant area would, at least temporarily, reduce the problem. We should add that this would be to the benefit of the developer since potential buyers become aware of this problem and are, consequently, less likely to buy.

The lack of any nearby children's activity area is another serious problem. The closest ones that I've noticed are in Banfield and West Vic Parks — both a significant distance away across several busy streets. With 49 affordable housing units, it's reasonable to believe that there will be at least 49 children (if not more) among the residents. As owner/residents of one of the garden flats, we are concerned that lack of a suitable, close play area may give rise to problems for us and others.

One suggestion made during the 'community consultation' process run by Dockside Green, was to relocate building R4 to south of R5 where it would be immediately adjacent to the planned children's activity area. This amendment to their proposal would address many of the concerns raised by current owners as well as improving the livability of the site for residents of the affordable housing.

John and Dawn Stewardson

#### AGREEMENT TO AMEND MASTER DEVELOPMENT AGREEMENT

**THIS AGREEMENT** made this 26<sup>th</sup> day of August, 2015.

BETWEEN:

# THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

#### DOCKSIDE GREEN LIMITED PARTNERSHIP

710 - 815 West Hastings Street Vancouver, B.C. V6C 1B4

("DGLP")

OF THE SECOND PART

#### WHEREAS:

- A. The City and Dockside Green Ltd. ("Dockside Green") are parties to a Master Development Agreement (the "Original MDA") made September 7, 2005 concerning the Dockside Lands, as those lands are defined in the MDA;
- B. DGLP agreed to observe, perform and comply with and assume the obligations of Dockside Green under the MDA, pursuant to an Assumption Agreement dated October 5, 2005;
- C. The MDA was amended by an agreement in writing made 2007, and by a further agreement in writing made October, 2008 (the Original MDA, as so amended hereafter the "MDA");
- D. Catalyst is the intended owner of the Lands and developer of the Affordable Rental Housing Development; and
- E. The City and DGLP wish to further amend the MDA on the terms set out herein, to set out terms and conditions under which DGLP's obligations pursuant to Part 9.0 of the MDA ("Part 9") shall be deemed to have been fulfilled.

**NOW THIS AGREEMENT WITNESSES** that in consideration of the sum of ONE (\$1.00) DOLLAR, now paid by DGLP to the City, the sufficiency and receipt of which is hereby acknowledged, the parties covenant and agree each with the other as follows:

# 1.0 **DEFINITIONS**

- 1.1. In this Amending Agreement:
  - (a) "Affordable Housing Obligation Release" means the release and discharge in the form attached as Schedule "B" to this Amending Agreement, in registrable form if requested by DGLP, confirming that DGLP has performed all of its obligations under this Amending Agreement, and is discharged from any further performance under Part 9 of the MDA, save and except for the obligation under section 9.1(d)(ii) of the MDA which shall continue in effect;
  - (b) "Affordable Rental Housing Development" means the development of two residential buildings (commonly called Building R4 and Building R5) containing a total of 49 Dwelling Units and associated servicing and landscaping which are to be constructed on the Lands;
  - (c) "Catalyst" means the Catalyst Community Developments Society;
  - (d) "Dwelling Unit" has the meaning ascribed to such term in the Housing Agreement;
  - (e) "Housing Agreement" means the housing agreement under section 905 of the Local Government Act, in the form attached as Schedule "A" to this Amending Agreement, that Dockside Green and Catalyst have offered to enter into with respect the use and occupancy of the Dwelling Units that are proposed to be developed within the Affordable Rental Housing Development;
  - (f) "Lands" means the following lots which form part of the Dockside Lands:

PID 027-424-740 Lot 1 District Lot 119 Esquimalt District Plan VIP84612

PID 027-424-774 Lot 4 District Lot 119 Esquimalt District Plan VIP84612,

as such lots may be consolidated or subdivided from time to time;

- (g) "Market Units" means the residential dwelling units within each residential development or mixed-use development containing residential dwelling units in the Dockside Lands which are not Non-Market Units or Market Affordable Housing Units;
- (h) "OP" means one or more occupancy permit(s) issued by the City or the City's Building Inspector for the entire Affordable Rental Housing Development;
- (i) "Rezoning Application" means the application for rezoning of the Lands that Catalyst has submitted to the City (under City of Victoria Rezoning Application No. 00478) in order to permit the development of the Affordable

#### Rental Housing Development; and

- (j) "TDM Obligation" means the obligation under section 9.2(h) of the MDA with respect to the Lands, which is to be assumed by Catalyst upon its acquisition of the Lands, as contemplated in the Affordable Housing Obligation Release.
- 1.2. Except as otherwise provided in this Amending Agreement, capitalized terms used in this Amending Agreement shall have the same meaning as under the MDA.

# 2.0 COMPLETION OF AFFORDABLE HOUSING OBLIGATIONS

- 2.1. The City agrees that if all of the following events occur on or before December 31, 2019 (the "Condition Date"), subject to section 4.3, it shall execute and deliver to DGLP the Affordable Housing Obligation Release:
  - (a) approval of the Rezoning Application by Council for the City as evidenced by enactment of the applicable bylaw;
  - (b) execution of the Housing Agreement by the City, Dockside Green on behalf of DGLP, and Catalyst;
  - (c) issuance of the OP;
  - submission of proof to the City's satisfaction that DGLP has made a financial contribution to the Affordable Rental Housing Development in an amount equivalent to the balance remaining of the Affordable Housing Contribution, as adjusted under section 9.2(c) of the MDA. For certainty the parties all agree that as of the date of this Amending Agreement and for the purpose of discharging DGLP's obligation under sections 9.2(b) and 9.2(c) of the MDA, the balance of the Affordable Housing Contribution is \$3,578,149.00 (the "Affordable Housing Contribution Amount") and the Affordable Housing Contribution Amount will be the amount payable by DGLP for the purpose of this section 2.1(d). There will be no further adjustment to the Affordable Housing Contribution Amount as contemplated under section 9.2(c) of the MDA unless the OP has not been issued on or before December 31, 2019. If the OP has not been issued by such date, the Affordable Housing Contribution Amount will be retroactively adjusted under section 9.2(c) of the MDA to the date of this Agreement. For greater certainty, the City agrees and acknowledges that DGLP may fully discharge the obligations in this section 2.1(d) by paying the Affordable Housing Contribution Amount to Catalyst to be used by Catalyst for the purpose of the Affordable Rental Housing Development, in such instalments at such time(s) as agreed to by DGLP and Catalyst; and
  - (e) prior to and as a condition of the issuance of the first OP, submission by Catalyst of security in the amount of \$60,760 (the "Security") by way of a certified cheque, or an irrevocable letter of credit drawn at a Canadian chartered

bank or other financial institution that is acceptable to the City, to secure Catalyst's obligation to satisfy the TDM Obligation.

- 2.2. If the conditions under sections 2.1(a) to (c) above are fulfilled, the City will direct the funds collected by the City under section 9.4(b) of the MDA to Catalyst, which as of the date of this Amending Agreement total \$239,614.17 (the "City Funds"), to assist in the development of the Affordable Rental Housing Development. The City Funds will be payable by the City to Catalyst as follows:
  - (a) on issuance of the occupancy permit(s) by the City's Building Inspector for Building R4, one-half of the amount referred to above; and
  - (b) on issuance of the occupancy permit(s) by the City's Building Inspector for Building R5, the balance thereof.

For additional certainty, if the conditions under sections 2.1(a) to (e) are fulfilled on or before the Condition Date such that the Affordable Housing Obligation Release is executed and delivered by the City, the City will no longer be required to direct 20% of building permit fees collected with respect to development on the Dockside Lands to the fund referred to in sections 9.4(a) and (b) of the MDA.

2.3. The Security shall provide that if Catalyst does not provide the City with sufficient proof that it has complied with the TDM Obligation by no later than the date which is six (6) months following the commencement of occupancy by the first occupant of the Affordable Rental Housing Development, the City shall have the right to draw upon the Security and use it to satisfy the TDM Obligation on behalf of Catalyst. Upon completion of the TDM Obligation, the City shall return the Security or, if the City has drawn upon it, the remainder of the Security, if any, to Catalyst.

# 3.0 RENTAL OBLIGATION

3.1. The City and DGLP hereby agree and acknowledge that DGLP shall ensure that or cause the initial strata bylaws for each strata corporation within all undeveloped portions of the Dockside Lands except for the Lands, to permit the rental of at least twenty percent (20%) of the Market Units located within each such strata plan, as applicable (the "Rental Obligation"). For certainty, the Rental Obligation replaces DGLP's obligation under section 9.1(d)(ii) of the MDA.

# 4.0 ASSIGNMENT

4.1. The City hereby agrees and acknowledges that the sale of the Lands to Catalyst and the partial assignment of its interest and obligations in the MDA thereto in accordance with the terms and conditions herein is hereby approved by the City.

# 5.0 GENERAL

5.1. Except as expressly amended by this Amending Agreement, the parties ratify

- and confirm the MDA. The MDA and this Amending Agreement shall be read and construed as one document.
- 5.2. In case of any conflict between the terms and conditions of the MDA and the terms or conditions of this Amending Agreement, the terms and conditions of this Amending Agreement will prevail.
- 5.3. Time shall remain of the essence of the MDA and of this Amending Agreement.
- 5.4. If sent as follows, notice under this Amending Agreement is considered to be received:
  - (a) seventy-two (72) hours after the time of its mailing (by registered mail) or email transmittal;
  - (b) on the date of delivery if hand-delivered; and
  - (c) on the day of transmittal if sent by email (unless the sender receives a notice that that the email is delayed or undeliverable) if transmitted before 5:00 p.m. on a business day and on the next business day if transmitted after 5:00 p.m. on a business day or on a non-business day.
- 5.5. Notices shall be in writing and addressed as follows:
  - (a) to the City:

City of Victoria #1 Centennial Square Victoria, B.C. V8W 1P6

Attention: Director of Sustainable Planning and

**Community Development** 

Email: DevelopmentServices@victoria.ca

(b) to DGLP:

Dockside Green Limited Partnership C/O Dockside Green Ltd. 710 - 815 West Hastings Street Vancouver, B.C. V6C 1B4

Attention: President

Email: nshearing@docksidegreen.com

5.6. If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address. If normal mail service is interrupted by strike, work slowdown, force majeure, or other cause, the sending party must use commercially reasonable efforts to ensure prompt receipt of a notice by using

other uninterrupted services, or by hand-delivering the notice or by email transmittal.

5.7. This Amending Agreement may be executed in counterparts and delivered by electronic means.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:

Mayor Lisa Helps

Corporate Administrator Rob Woodland

DOCKSIDE GREEN LIMITED PARTNER-SHIP by its General Partner, DOCKSIDE GREEN L-TD. by its authorized signatory:

Norman Shearing, President

#### Schedule "A"

# **Housing Agreement**

# HOUSING AGREEMENT (Pursuant to Section 905 of the Local Government Act)

THIS AGREEMENT is made the 21st day of August, 2015

# City of Victoria Planning and Development Housing Agreement Aparment

#### BETWEEN:

#### THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

#### **DOCKSIDE GREEN LIMITED PARTNERSHIP**

510 – 815 West Hastings Street Vancouver, B.C. V6C 1B4

("DGLP")

OF THE SECOND PART

AND:

#### **CATALYST COMMUNITY DEVELOPMENTS SOCIETY**

4487 James Street Vancouver, B.C. V5V 3H9

("Catalyst")

OF THE THIRD PART

AND:

VANCOUVER CITY SAVINGS CREDIT UNION (FI 809)

(as to priority only – section 4.1)

-2-

-2-

#### WHEREAS:

- A. Under section 905 of the Local Government Act the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 905(2) of the Local Government Act;
- B. Dockside Green Ltd. is the registered owner in fee simple, as the nominee and bare trustee of DGLP (Dockside Green and DGLP are hereafter referred to collectively as the "Owner"), of lands in the City of Victoria, British Columbia, with a civic address of 370 and 384 Harbour Road, Victoria, B.C. and legally described as:

PID 027-424-740 Lot 1 District Lot 119 Esquimalt District Plan VIP 84612

PID 027-424-774 Lot 4 District Lot 119 Esquimalt District Plan VIP 84612

(the "Lands");

- C. With the Owner's consent, Catalyst has applied to the City to permit development on the Lands by Catalyst of 49 Affordable Rental Units.
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the Local Government Act, to secure the agreement of the Owner and Catalyst to provide 49 Affordable Rental Units, and that all 49 Affordable Rental Units within the Development on the Lands will be used and held only as Affordable Rental Units.
- E. Catalyst has executed this Agreement in its capacity as the intended owner of the Lands and the Development, and has thereby agreed to observe and perform the obligations of the Owner under this Agreement from and after the date on which any interest in the Lands is transferred to Catalyst.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

#### 1.0 Definitions

1.1 In this Agreement:

"Affordable Housing" means the provision of the Affordable Rental Units within the Development.

- 3 -

"Affordable Rental Units" means the 49 self-contained residential dwelling units within the Development that are to be used and occupied in accordance with section 2.0 of this Agreement.

"Bedroom" means a room within a Dwelling Unit that has a minimum size of 3.5 square meters and has an operable window that opens to the outdoors.

"CPI" means the All-items Consumer Price Index for Greater Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.

"Development" means the development of two residential buildings (commonly called Building R4 and Building R5) containing a total of 49 Dwelling Units and associated servicing and landscaping which are to be constructed on the Lands.

"Dwelling Unit" means a self-contained residential dwelling unit within the building that will be constructed on the Lands, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"Immediate Family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

"Non-owner" means a person who occupies a Dwelling Unit for residential purposes, other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate Family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 5.3.

"Perpetuity" means until such time as the Development is either lawfully demolished or substantially destroyed and not promptly rebuilt.

"Subdivision" means the division of land into two (2) or more parcels, whether by plan, strata plan, or otherwise, and includes subdivision under the Strata Property Act, and "Subdivide" has the corresponding meaning.

"Tenancy Agreement" has the same meaning as under the Residential Tenancy Act.

#### 1.2 In this Agreement:

(a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and

- 4 -

(b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

# 2.0 Affordable Housing Obligations

- 2.1 The Owner covenants and agrees that from and after issuance of an occupancy permit for the Development, a total of 49 residential Dwelling Units within the Development shall only be occupied and used as Affordable Rental Units in Perpetuity.
- 2.2 Each Affordable Rental Unit shall only be occupied by one or more Non-owners:
  - (a) under the terms of a Tenancy Agreement with the Owner; and
  - (b) whose combined annual household income at the commencement of their Tenancy Agreement is equal to or less than the Housing Income Limits (as hereinafter defined) that applies to the particular Affordable Rental Unit pursuant to section 2.3(a).
- 2.3 The Owner covenants and agrees that the rent for each Affordable Rental Unit shall not exceed:
  - (a) 30% of the Housing Income Limits ("HILs") that are determined from time to time by the British Columbia Housing Management Commission ("BC Housing"), and that apply to the particular Affordable Rental Unit, for example whether the Affordable Rental Unit is a Bachelor, 1 Bedroom or 2 Bedroom or 3 Bedroom Dwelling Unit; or
  - (b) In the event that BC Housing ceases to determine HILS and such determination is not replaced by a similar publication, then the income limit with respect to an Affordable Rental Unit shall be determined by reference to the last published HILs which shall be increased annually by an amount equal to the increase in the CPI commencing January 1 following the year BC Housing ceased determining HILs. For the purposes of this section, "CPI" means the All-items Consumer Price Index for Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.
- 2.4 For the purpose of section 2.3 where rent is payable on a monthly basis and Housing Income Limits are reported or determined as an annual amount, either the rent or the income figures shall be adjusted to a monthly or annual amount so that an appropriate comparison can be made.
- 2.5 The Owner may subdivide or make application to the City for the Subdivision of the Lands provided that the Owner covenants and agrees that it will not

- 5 -

subdivide or make application to subdivide the Development under the *Strata Property Act* (British Columbia). This restriction shall not apply to the part of the Lands marked on the copy of the subdivision plan, attached hereto as Schedule A.

#### 3.0 Reporting

- 3.1 The Owner covenants and agrees that upon the written request of the City, the Owner will provide to the City's Director of Sustainable Planning and Community Development (the "Director") a report (the "Report") in writing confirming, to the Director's satisfaction that the Owner continues to provide Affordable Housing, pursuant to section 2.0 in accordance with the requirements of this Agreement, which Report shall include, inter alia
  - (a) the number, type and location by suite number, of Dwelling Units being rented to Non-owners as Affordable Rental Units and the rents being charged under section 2.3; and
  - (b) such other information that the Director may reasonably require.
- 3.2 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary, acting reasonably, in order to confirm that the Owner is complying with this Agreement.

#### 4.0 Priority Agreement

4.1 Vancouver City Savings Credit Union, the registered holder of charges by way of Mortgages and Assignments of Rent against the within described property which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers EX128529, EX128530, FB18910 and FB108911 for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 905(5) of the Local Government Act (the "Notice"), this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if the Notice had been filed prior to the said charges. For certainty, upon the discharge of the aforesaid charges, following the transfer of the Lands, as consolidated and subdivided as the case may be, to Catalyst by Dockside Green Ltd., this section 4.1 shall be deemed to have been deleted from the Agreement without further action by the parties.

#### 5.0 Notice to be Registered in Land Title Office

5.1 Notice of this Agreement ("Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 905 of the Local

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Government Act, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

#### 6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement which occurred while the Owner is the owner of the Lands.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

#### 7.0 General Provisions

#### **Notice**

- 7.1 If sent as follows, notice under this Agreement is considered to be received
  - (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
  - (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria #1 Centennial Square Victoria, B.C. V8W 1P6

Attention: Director of Sustainable Planning and Community Development

Fax: 250-361-0386

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#### to the Owner:

Dockside Green Ltd. 510 – 815 West Hastings Street Vancouver, B.C. V6C 1B4

#### to Catalyst:

Catalyst Community Developments Society 4487 James Street Vancouver, B.C. V5V 3H9

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

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

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

#### Time

7.2 Time is of the essence of this Agreement.

#### **Binding Effect**

7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 905(6) of the *Local Government Act*, this Agreement is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest. Without limiting the generality of the foregoing, Catalyst agrees to observe and perform the obligations of the Owner under this Agreement from and after the date on which any interest in the Lands is transferred to Catalyst.

# Waiver

7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be

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construed as a waiver of any future or continuing failure, whether similar or dissimilar.

#### <u>Headings</u>

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

#### Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

#### **Equitable Remedies**

7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

#### **Cumulative Remedies**

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

#### **Entire Agreement**

7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

#### Further Assurances

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

#### Amendment

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

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#### Law Applicable

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

# No Derogation from Statutory Authority

- 7.13 Nothing in this Agreement shall:
  - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

#### Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

#### Counterpart

7.15 This Agreement may be executed in counterparts, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

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

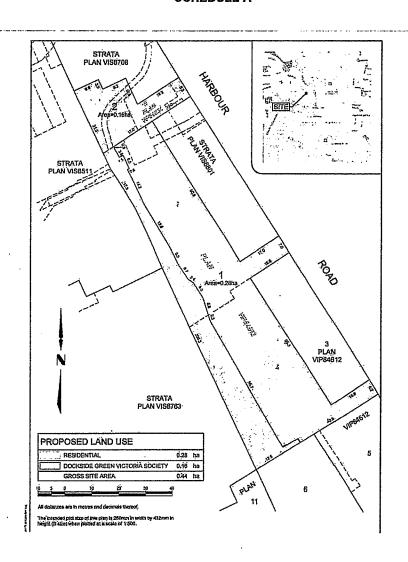
THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:	)
Mayor Lisa Helps	) )
Corporate Administrator Robert Woodland	Ś

- 10 -

- 10 -

<b>DOCKSIDE GREEN LIMITED PARTNERSHIP</b> by its General Partner Dockside Green Ltd., by it authorized signatories:	· )
Print Name:	)
Print Name:	)
CATALYST COMMUNITY DEVELOPMENTS SOCIETY by its authorized signatories:	)
Print Name:	)
Print Name:	)
VANCOUVER CITY SAVINGS CREDIT UNION (as to priority only) by its authorized signatories:	)
Print Name:	)
Print Name:	΄.

# **SCHEDULE A**



# Schedule "B"

# Form of Release and Discharge

# Release and Discharge

**BETWEEN:** 

## THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

AND:

# DOCKSIDE GREEN LTD.

710 - 815 West Hastings Street Vancouver, B.C. V6C 1B4

("Dockside Green")

OF THE SECOND PART

AND:

## **DOCKSIDE GREEN LIMITED PARTNERSHIP**

710 - 815 West Hastings Street Vancouver, B.C. V6C 1B4

("DGLP")

OF THE THIRD PART

AND:

# CATALYST COMMUNITY DEVELOPMENTS SOCIETY

4487 James Street Vancouver, B.C. V5V 3H9

("Catalyst")

OF THE FOURTH PART

# WHEREAS:

A. The City, Dockside Green and DGLP are parties to a Master Development Agreement made September 7, 2005, as amended (collectively, the "MDA") concerning the Dockside Lands, as those lands are defined in the MDA;

- B. Dockside Green as registered owner of the Lands granted the Original Master Development Agreement registered on title to the Lands under no. EX128524;
- C. Dockside Green and DGLP transferred the Lands to Catalyst (the "Sale") on or about •, 201• (the "Closing Date");
- D. Catalyst is or will be the developer of the Affordable Rental Housing Development;
- E. Catalyst has assumed the TDM Obligation following the Sale of the Lands;
- F. Pursuant to an Agreement to Amend Master Development Agreement dated August •, 2015 (the "2015 Amendment"), the City agreed that Dockside Green and DGLP will be released and discharged from all obligations under Part 9 of the MDA with respect to affordable housing (the "Housing Obligations") on satisfaction of certain terms and conditions (the "Housing Conditions") therein;
- G. The Affordable Rental Housing Development has not been subdivided under the Strata Property Act (British Columbia) to the effect that the Rental Obligation is not applicable to the Lands; and
- H. Such Housing Conditions having been satisfied, and DGLP having agreed to be responsible for the Rental Obligation in the 2015 Amendment and Catalyst having agreed to be responsible for the TDM Obligation with respect to the Lands, the City agrees that Dockside Green and DGLP will be released and discharged from the Housing Obligations on the terms and conditions herein.

**NOW THIS AGREEMENT WITNESSES** that in consideration of the sum of ONE (\$1.00) DOLLAR, now paid by Dockside Green and DGLP to the City, the sufficiency and receipt of which is hereby acknowledged, the parties covenant and agree each with the other as follows:

- Except as otherwise provided in this Release and Discharge, capitalized terms used in this Release and Discharge shall have the same meaning as under the 2015 Amendment.
- 2. The City hereby acknowledges and confirms that Dockside Green and DGLP are hereby released and discharged from all of the Housing Obligations.
- 3. The City and Catalyst agree that since the Affordable Rental Housing Development is not stratified and all of the Dwelling Units are Non-Market Units or Market Affordable Housing Units, the Rental Obligation insofar as it pertains to the Lands, is not applicable.
- 4. The City hereby acknowledges receipt of the Security from Catalyst.
- 5. Catalyst hereby assumes the TDM Obligation with respect to the Lands and

- agrees with the City, Dockside Green and DGLP that it is bound by and will comply with same and the City acknowledges such assumption by Catalyst.
- 6. Catalyst hereby agrees to release, discharge, indemnify and save harmless Dockside Green and DGLP from and against all losses, damages, costs and expenses arising out of any breach of section 5 above and any enforcement actions required to be taken by the City to enforce the terms of this Agreement against Catalyst.

Dated this • day of •, 20•.

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:
[Name, title]
[Name, title]
DOCKSIDE GREEN LIMITED PARTNER- SHIP by its General Partner, DOCKSIDE GREEN LTD. by its authorized signatory:
Name:
<b>DOCKSIDE GREEN LTD.</b> by its authorized signatories:
Name:
CATALYST COMMUNITY DEVELOPMENTS SOCIETY by its authorized signatories:
Name:

# VICTORIA LAND TITLE OFFICE

Victoria City Council - 15 Oct 2015 CA4635938

LAND TITLE ACT FORM C (Section 233) CHARGE GENERAL INSTRUMENT - PART 1 Province of British Columbia

Aug-27-2015 14:18:44.001

CA4635933

OF 10 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature

Elizabeth Hau Man Vin

Digitally signed by Elizabeth Hau Wan Yip FF8EQ2 DN: c=CA, cn=Elizabeth Hau Wan Yip

PAGE 1

	in accordance with Section 168.3, and a true copy, or a copyour possession.	opy of the	at true co	opy, is i	FF8EQ2   Selection   Complete   C		
1.	APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent) Susan Kelly, TERRA LAW CORPORATION						
	Suite 2800 - 650 West Georgia Street			Р	hone 604-628-8980		
	PO Box 11506	_					
		/6B 4N	17		ile No. 500126 Ol   (Public Sidewalk)		
	Document Fees: \$468.60		-		Deduct LTSA Fees? Yes		
2.	PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF [PID] [LEGAL DESCRIPTION OF [PID]]						
	SEE SCHEDULE						
	STC? YES						
3.	NATURE OF INTEREST	CH	ARGE N	10.	ADDITIONAL INFORMATION .		
	SEE SCHEDULE						
4.	TERMS: Part 2 of this instrument consists of (select one on (a) Filed Standard Charge Terms D.F. No.  A selection of (a) includes any additional or modified terms	•	(b) [	Expre	ss Charge Terms Annexed as Part 2 a schedule annexed to this instrument.		
5.	TRANSFEROR(S):						
	SEE SCHEDULE						
6.	TRANSFEREE(S): (including postal address(es) and postal	code(s))			<del></del>		
	THE CORPORATION OF THE CITY OF	VICTO	DRIA				
	1 CENTENNIAL SQUARE						
	VICTORIA	В	RITIS	H COI	_UMBIA		
	V8W 1P6	С	ANAD	Α			
7.	ADDITIONAL OR MODIFIED TERMS: N/A						
8.	EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.						
	Officer Signature(s)	Exc	cution I	Date	Transferor(s) Signature(s)		
		Y	M	D	DOCKSIDE GREEN LTD.,		
	Elizabeth H. Yip				by its authorized signatory:		
	Barrister & Solicitor	15	8	24			
	Terra Law Corporation				Norman Shearing		
	Suite 2800 - 650 West Georgia St.						
	Vancouver, BC V6B 4N7						
	604 - 628-8998						
		1			· · · · · · · · · · · · · · · · · · ·		

#### OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT FORM D

EXECUTIONS CONTINUED

PAGE 2 of 10 PAGES

Officer Signature(s)		ecution ]	Date	Transferor / Borrower / Party Signature(s)	
	Y	M	D	THE CORPORATION OF THE CITY	
Robert G. Woodland	15	08	27	OF VICTORIA, by its authorized	
Commissioner for Taking Affidavits in British Columbia				signatory(ies)	
#1 Centennial Square Victoria, BC V8W 1P6				Print name: Lisa Helps Mayor	
				Print name:	
Susan Doi Barrister & Solicitor Vancouver City Savings Credit Union 183 Terminal Avenue Vancouver, BC V6A 4G2	15	08	21	As to Mortgage EX128529, as modified by FB292318, Mortgage FB108910, and Assignment of Rents EX128530 and FB108911  VANCOUVER CITY SAVINGS CREDIT UNION, by its authorized signatory(ies):	
Susan Doi Barrister & Solicitor Vancouver City Savings Credit Union 183 Terminal Avenue Vancouver, BC V6A 4G2	15	08	21	Print name: Shirley-Anne Blackadder  Print name:  As to Rent Charge FB39584  DOCKSIDE GREEN (VICTORIA) SOCIETY, by its authorized signatory:  Print name: Andy Broderick	

## OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT FORM E

SCHEDULE PAGE 4 OF 10 PAGES NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION Statutory Right of Way Section 1 Pages 6 - 7 NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION **Priority Agreement** Page 9 NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION **Priority Agreement** Pages 9 - 10 NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION Covenant Section 2 Page 7 NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION **Priority Agreement** Page 9 NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION **Priority Agreement** Pags 9 - 10

LAND TITLE ACT FORM E

**SCHEDULE** 

PAGE 5 OF 10 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

# 5. TRANSFEROR(S):

DOCKSIDE GREEN LTD. (Inc. No. 716742) (as to Statutory Right of Way and Covenant)

DOCKSIDE GREEN (VICTORIA) SOCIETY (S-51826) (as to Priority)

VANCOUVER CITY SAVINGS CREDIT UNION (as to Priority)

#### STATUTORY RIGHT OF WAY AND SECTION 219 COVENANT - PUBLIC WALKWAY

THIS AGREEMENT is dated for reference May 28, 2015 and is made between the Transferor, the Transferee and Vancouver City Savings Credit Union (in respect of priority only).

## WHEREAS:

A. The Transferor is the registered owner of the following land in the Province of British Columbia:

Parcel Identifier 027-424-740 Lot 1 District Lot 119 Esquimalt District Plan VIP84612

Parcel Identifier 027-424-774 Lot 4 District Lot 119 Esquimalt District Plan VIP84612

(together the "Lands")

- B. The Transferee is The Corporation of the City of Victoria;
- C. The Transferee wishes to be able to access, for itself and all members of the public, a public walkway developed and maintained in perpetuity over the Lands.
- D. The Transferor has agreed to grant a Statutory Right of Way on the terms hereinafter set forth.
- E. It is necessary for the operation and maintenance of the Transferee's undertaking of a public pedestrian walkway for the enjoyment and recreation of the general public (the "Public Walkway") that a right of way be established in accordance with this document.
- F. The Transferor has also agreed to grant to the Transferee a covenant pursuant to section 219 of the *Land Title Act* under which the Transferor agrees to maintain the Public Walkway in perpetuity.

THIS AGREEMENT WITNESSES that in consideration of the sum of \$10.00 of lawful money of Canada, now paid by the Transferee to the Transferor and other valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor), and in consideration of the covenants hereinafter contained:

# 1.0 STATUTORY RIGHT OF WAY

1.1 Pursuant to Section 218 of the *Land Title Act*, the Transferor does hereby grant, convey, confirm and transfer, in perpetuity, to the Transferee, its successors and assigns, and all of its employees, agents, servants, licensees and invitees including all members of the public who might so desire, at all times by day or

- night, for the purpose of a Public Walkway, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way, to enter, use, go, return, pass over and across the Lands (the "Right of Way").
- The Transferor will permit the Transferee and every member of the public to peaceably hold and enjoy the rights hereby granted, provided however that notwithstanding the foregoing the Transferor and those claiming authority through the Transferor, and their respective agents may bar entry to or eject from the Lands any person who:
  - (a) acts in a manner disruptive to the business operations of the tenants in the buildings on the Lands;
  - (b) acts in a disorderly or offensive manner, or interferes with, threatens or obstructs any other person, appears intoxicated or commits or appears to commit an illegal act;
  - (c) acts in a manner that damages or poses a threat to damage any landscaping or improvements on the Lands or presents a threat to or threatens the safety or security of others;
  - (d) loiters or appears to be asleep or unconscious or erects a tent, shelter or other type of structure or accommodation; or
  - (e) otherwise creates a nuisance.

# 2.0 SECTION 219 RETRICTIVE COVENANT

- As a covenant pursuant to Section 219 of the Land Title Act the Transferor agrees to maintain, repair and replace the Public Walkway in perpetuity, at the Transferor's sole cost, so that the Public Walkway is maintained in a good state of repair and a safe condition, and is open and available for the recreational use and enjoyment of members of the public at all times for the purpose of a Public Walkway.
- 2.2 The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, arising out of or connected with the breach of the covenant in section 2.1 of this Agreement except where such loss or damage or injury is caused by the negligence of the Transferee.

# 3.0 GENERAL

- 3.1 The Transferor and the Transferee agree that prior to the subdivision of the Lands, the Transferor shall, at its sole cost and expense, cause a British Columbia Land Surveyor to prepare an explanatory or reference plan of statutory right of way in registrable form defining the actual as-built boundaries (to the extent that the Public Walkway is constructed at such time) of the Public Walkway as constructed (the "Specific Right of Way Area") and the Transferor shall prepare and deliver to the Transferee and the Transferee shall execute and deliver to the Transferor a statutory right of way and section 219 covenant which replaces this Agreement in order to restrict the area of the Statutory Right of Way and Section 219 Covenant to the Specific Right of Way Area but in all other respects containing the same terms and conditions of this Agreement. Upon registration of the replacement statutory right of way and section 219 covenant in the Land Title Office in priority to all financial charges, the Transferee shall execute and deliver a discharge of this Agreement in registrable form.
- 3.2 The Transferor and the Transferee agree that enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or prevent or restrain the breach of any provision of this Agreement.
- 3.3 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all registered and pending charges and encumbrances of a financial nature against the Lands.

# 3.4 This Agreement does not

- (a) affect or limit the discretion, rights or powers of the Transferee under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238, on the reference date of this Agreement) or at common law in relation to the Transferor or the Lands all of which may be exercised or enforced by the Transferee as if this Agreement did not exist,
- (b) affect or limit any enactment relating to the use or subdivision of the Lands, or
- (c) relieve the Transferor from complying with any public or private enactment, including in relation to the use or subdivision of the Lands.
- 3.5 Where the Transferee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Transferor agrees that the Transferee is under no public law duty of fairness or natural justice in that regard and agrees that the Transferee may do any of those things in the same manner as if it were a private party and not a public body.

- 3.6 No part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use and enjoy all of the Lands subject only to the rights and restrictions herein contained.
- 3.7 If the Transferor is in breach of any provision of this Agreement by constructing any buildings, structures or improvements over the Right of Way, the Transferee may but is under no obligation to remove any buildings, structures or improvements placed without consent, at the expense of the Transferor.
- 3.8 The covenants herein shall be covenants running with the Lands upon which the Right of Way is situated and none of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during the Transferor's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Transferor shall have an interest, but that the Lands, nevertheless, shall be and remain at all times charged herewith.
- 3.9 The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary or desirable to give proper effect to the intention of this instrument.
- 3.10 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and their heirs and administrators respectively.
- 3.11 Whenever the singular or masculine are used they shall be construed as including the plural, feminine or body corporate where the context requires.

# 4.0 PRIORITY AGREEMENT

- Vancouver City Savings Credit Union, the registered holder of a charges by way of Mortgages and Assignments of Rents registered against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under EX128529, EX128530, FB18910 and FB108911, for and in consideration of the sum of \$10.00 paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within statutory right-of-way and Section 219 Covenant shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if it had been dated and registered prior to the said charges.
- 4.2 Dockside Green (Victoria) Society, the registered holder of a charge by way of a Rent Charge against the Lands which said charge is registered in the Land Title Office at Victoria, British Columbia, under number FB39584 for and in consideration of the sum of \$10.00 paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within statutory right-of-way and

Section 219 Covenant shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

**END OF DOCUMENT** 

#### REPORTS OF THE COMMITTEES

## 2. Planning and Land Use Committee - May 28, 2015

1. Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
- 9. That Council instruct staff to prepare a Housing Agreement Bylaw to secure the provision of 49 non-market residential rental housing units in perpetuity.
- 10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

  <u>Carried Unanimously</u>

#### 8. COMBINED DEVELOPMENT APPLICATION REPORTS

8.1 Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement

Committee received a report regarding a rezoning application for 370 and 384 Harbour Road. The proposal is to amend the existing zoning to modify the siting requirements for residential uses within the Zone.

## Committee discussed:

- Concern about the lack of parking and the impact it will have on the surrounding neighbours.
- . If the provision of angle parking could increase the amount of on street parking
- The provision of bicycles as an incentive and if this proposal is the first time it has been used as a negotiation.
- The location of the car share vehicle.
- · Access to the units for emergency responders.
  - The fire department has reviewed the application and has not identified any concerns. There is also access through the patio area of Café Fantastico.
- The importance of preserving the principles of the MDA.

# Action:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee forward this report to Council and that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District

- Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
- 9. That Council instruct staff to prepare a *Housing Agreement Bylaw* to secure the provision of 49 non-market residential rental housing units in perpetuity.
- 10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

CARRIED UNANIMOUSLY 15/PLUC151



# Planning and Land Use Committee Report For the Meeting of May 28, 2015

To:

Planning and Land Use Committee

Date:

May 14, 2015

From:

Mike Wilson, Senior Planner - Urban Design

Subject:

Rezoning Application No. 00478 for 370 and 384 Harbour Road and

associated Amendments to the Official Community Plan and Master

**Development Agreement** 

#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the *Local Government Act*, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 2. That Council determine, pursuant to Section 879 (2)(a) of the Local Government Act, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.

- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
- 9. That Council instruct staff to prepare a Housing Agreement Bylaw to secure the provision of 49 non-market residential rental housing units in perpetuity.
- 10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

#### LEGISLATIVE AUTHORITY

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

In accordance with Section 904(1) of the Local Government Act, a Zoning Regulation Bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 905 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the *Zoning Regulation Bylaw*.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the properties located at 370 and 384 Harbour Road. The proposal is to amend the existing CD-9 Zone, Dockside District, to modify the siting requirements for residential uses within the Zone. At present, residential uses are only permitted if the siting requirements are met so a rezoning application is required

The proposal is to also amend the design guidelines for the Dockside Area that are referenced in Development Permit Area 13, Core Songhees in the OCP. The design guidelines use the terms must, will and shall when describing the siting of residential uses in Development Area D. The proposal seeks to remove this section of the guidelines.

In 2005, the owner of the lands entered into a Master Development Agreement (MDA) with the City. The owner now requests an amendment to the MDA to confirm the following:

- The remaining funds in the Affordable Housing Contribution, in addition to the balance comprised of 20% of Building Permit fees, will be directed towards the development of the non-market rental residential units.
- Upon occupancy of the proposed non-market affordable units, the Developer will have satisfied their affordable housing commitments as described in Section 9 of the MDA.

#### BACKGROUND

# **Description of Proposal**

In order to construct the residential units on the site, certain siting requirements must be met. These requirements were built into the zone to reduce the potential for conflict between the residential uses and neighbouring industrial uses. As a result, the applicant is unable to make application to Council to vary any of these siting requirements through the Development Permit with Variance process. The proposed *Zoning Regulation Bylaw* Amendment will permit the owner of the lands to apply to vary each of these siting requirements in the future. The regulations that are presently linked to the siting of residential use are:

- residential uses may only be located on the second floor and higher
- no part of any residential unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line.

Similar to the *Zoning Regulation Bylaw*, the applicable design guidelines place strict requirements on the siting of residential uses within the *Zone*. The request to amend the *Official Community Plan*, 2012 (OCP) is necessary in order to amend the following mandatory guidelines:

- · the light industrial will be located on the ground floor, with other mixed uses above
- residential uses will be oriented towards the internal greenway, and non-living use acting as a buffer along Harbour Road.

In 2005, the owner of the lands entered into a MDA with the City. Under the terms of the MDA, the Developer agreed to work with the City to provide Non-Market Rental and Market Affordable ownership residential units that would be integrated into the development. A summary of the MDA requirements, as they pertain to affordable housing, is attached to this report as Appendix A.

## Land Use Context

Immediately adjacent land uses include:

North – vacant lands
South – office, retail, waste water treatment facility
East – office and across Harbour Road, Point Hope Maritime
West – residential.

# Existing Site Development and Development Potential

The site is presently vacant. Under the current CD-9 Zone, the properties could be developed to accommodate a variety of commercial, light industrial and residential uses.

# Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the applicant has consulted with the Victoria West CALUC at a Community Meeting held on November 18, 2014. At the time of writing this report, a letter from the CALUC had not been received.

Consistent with the CALUC requirements related to Official Community Plan Amendment Applications, owners and occupiers of land within 200 metres of the subject site were notified of the Community Meeting.

#### **ANALYSIS**

# Official Community Plan (2012)

The applicant proposes to amend the *Design Guidelines for the Dockside Area* that are referenced in Development Permit Area 13, Core Songhees in the OCP. The design guidelines use the terms must, will and shall when describing the siting of residential uses in Development Area D.

The applicant proposes to amend the guidelines in order to permit the proposed development described in Development Permit Application No. 00409. As such, staff recommend for Council's consideration that Section 4.4 of Development Area D (DA-D), paragraphs 1-3 titled "Use and Character" be rescinded. These provisions do not relate the building design or landscape for the subject site. Regulations regarding the location of uses and noise attenuation requirements are better regulated within the *Zoning Regulation Bylaw* and Master Development Agreement. Noise mitigation requirements will remain in the Master Development Agreement and siting requirements for residential uses will remain in the *Zoning Regulation Bylaw*.

Should Council wish to advance this Application, Section 879(1) of the Local Government Act (LGA) requires a Council to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an amendment to the OCP. Consistent with Section 879 (2)(a) of the LGA, Council must further consider whether consultation should be early and on-going. This statutory obligation is in addition to the Public Hearing requirements. In this instance, staff recommend for Council's consideration that notifying owners and occupiers of land within 200m of the subject property along with the posting a notice on the City's website would provide adequate opportunities for consultation with those affected.

Through the Community Association Land Use Committee (CALUC) Community Meeting process, all owners and occupiers within a 200m radius of the site were notified and invited to participate in a Community Meeting, the consultation proposed at this stage in the process is recommended as adequate and consultation with specific authorities, under Section 879(2)(a) of the LGA, is not recommended as necessary.

Should Council support the OCP Amendment, Council is required to consider consultation with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board and the provincial government and its agencies. However, further consultation is not recommended as necessary for this amendment to the Design Guidelines. Council is also required to consider the OCP Amendments in relation to the City's Financial Plan and the Capital Regional District Liquid Waste Management Plan and the Capital District Solid Waste Management Plan. This proposal would have no impact on any of these plans.

# Dockside Green Rezoning (2005)

As part of the 2005 rezoning of the lands to the site-specific CD-9 Zone, particular importance was placed on the retention and support for active marine and industrial uses on the Harbour. As a condition of permitting residential uses within the Zone, Council endorsed strict siting requirements that must be met in order to achieve residential uses. In Development Area D, these conditions are:

- residential uses may only on be located on the second floor and higher in a building
- residential uses are not permitted to be located within 18m of Harbour Road
- no part of any residential unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line.

The applicant is proposing to amend this section of the Zone in order to allow these siting restrictions to be varied on a case-by-case basis at the discretion of Council. Given that these siting restrictions will remain in the Zone and that they may be varied at the discretion of Council, staff recommend for Council's consideration that Council support this amendment.

# **Housing Agreement**

In order to secure the 49 residential units as non-market rental housing, a Housing Agreement Bylaw is proposed. The rent structure is proposed to be tied to the Housing Income Limits (HILs) as provided by BC Housing. The maximum rent levels for each unit type are described in the following tables.

# Building R4

Unit Type	No. of Units	Unit Size	HILs (2015)	Maximum Rent
Bachelor	11	250-290 sf	\$29,500	\$737.50
3 Bed	4	840 sf	\$60,000	\$1500
4 Bed	4	1020 sf	\$67,000	\$1675

#### Building R5

Unit Type	No. of Units	Unit Size	HILs (2015)	Max Rent
Bachelor	12	295 sf	\$29,500	\$737.50
1 Bed	8	435 sf	\$34,500	\$862.50
2 Bed	8	535 sf	\$43,000	\$1075
3 Bed	1	840 sf	\$60,000	\$1500
4 Bed	1	1150 sf	\$67,000	\$1675

The proposed rent levels represent a slight change to the targets established in the MDA which defines affordable housing using household incomes of \$30,000 - \$60,000 (2005 + CPI) that translates to \$32,600 - \$65,200 (at February 2015). Thus, the proposed affordability levels are improved at the lower end targeting annual household incomes at \$29,000, however, at the upper end there would be an increase in the annual household income from \$65,200 to \$67,000. Staff recommend for Council's consideration that Council consider supporting these household income targets as they are consistent with the City's *Housing Reserve Fund Guidelines*. It should also be noted that the proposed rent structure represents the maximum rent that could be charged for each unit type, however, the non-profit society operator will aim to offer lower rents where possible.

The recommendation provided for Council's consideration is that staff be directed to secure these 49 units as non-market rental housing units through a Housing Agreement Bylaw as authorized by Section 905 of the *Local Government Act*.

# Amendment to Master Development Agreement

In 2005, the owner of the lands entered into a MDA with the City. Under the terms of the MDA, the Developer agreed to work with the City to provide Non-Market Rental and Market Affordable ownership residential units that would be integrated into the development.

In 2009, Development Permits were issued for the construction of the 46 Non-Market Rental residential units in two stand-alone buildings; however, this proposal was never constructed.

The Developer is now proposing 49 Affordable Non-Market Rental residential units and is seeking amendments to the MDA. The requested MDA amendment includes the following:

- The remaining funds in the Affordable Housing Contribution, in addition to the balance comprised of 20% of Building Permit fees, will be directed towards the development of these non-market affordable units.
- Upon occupancy of the proposed non-market affordable units, the Developer will have satisfied their affordable housing commitments.

The Affordable Housing Contribution fund currently stands at \$3,578,149 and the Affordable Housing Building Permit fund currently stands at \$239,614.17 (for further information relating to these funds please refer to Appendix A). If, following the substantial completion of the Affordable Non-Market Rental residential units, any portion of the aforementioned funds have not been utilized, the Developer has suggested that these monies could be transferred to the City of Victoria Housing Fund.

In terms of affordability, the proposal is generally consistent with the definition of "Affordable Housing" outlined in the MDA which is as follows:

"Affordable Housing" means housing which costs (rent and mortgage plus taxes and including 10% down payment) 30% or less of a household's gross annual income, targeting households with an income of \$30,000 to \$60,000, as increased from time to time by the increase in the Consumer Price Index (All Items) for Greater Victoria from the date of this Agreement to the date when any relevant determination under the Affordable Housing provisions of this Agreement must be made.

As outlined in the previous section, by tying the rent structure to the Housing Income Limits set out by BC Housing, it is proposed that the range of household incomes targeted for this project change slightly from \$32,600 - \$65,200 (2005 + CPI) to \$29,500 - \$67,000.

As the proposed development is generally consistent with the affordable housing requirements outlined in the Dockside Green MDA, staff recommend that Council consider supporting the proposal subject to:

- The obligations outlined in Section 9 of the MDA being replaced with a new obligation for Dockside Green Ltd. to deliver 49 non-market rental units with rents targeted at households with incomes in the range described in this this report.
- MDA amendments being made to ensure that if the Affordable Housing Contribution or Building Permit Funds are not entirely utilized in association with the development of the 49 Non-Market Rental units, that the remaining funds are transferred to the City of Victoria Housing Fund.
- MDA amendments do not preclude opportunities for affordable housing on the remainder of the site.
- That all future strata titled developments to be constructed on the undeveloped lands be subject to a Housing Agreement that prohibits a future strata corporation from restricting the rental of units to non-owners.
- Transportation Demand Management measures, applicable to affordable housing, and comparable to the original MDA are still provided by the Developer.

In addition to the amendments to the MDA directly associated with the provision of Affordable Housing, the Developer is proposing to sell the properties at 370 and 384 Harbour Road to Catalyst Community Development, the Non-Profit Housing Organization who will then be responsible for constructing the project. Under Section 18 of the Dockside Green MDA, the Developer may not sell or assign its controlling interests in the Agreement without the prior written approval from the City. Staff recommend for Council's consideration that Council support the transfer of the lands to Catalyst Community Development on the basis that the obligations to deliver the 49 non-market rental units will still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied, in order to ensure that the affordable housing is fully realized.

The wording of the proposed amendments to the Dockside Master Development Agreement will be presented to Council prior to a Public Hearing to consider the Rezoning Application.

#### Pedestrian Access

The subject lands include a section of the greenway and stair connection to Harbour Road. The recommendation provided for Council's consideration is that Council require a legal agreement to secure public access within these areas.

#### CONCLUSIONS

The proposal is to amend the CD-9 Zone, Dockside District, in order change the siting regulations for residential uses. This amendment will allow Council to consider variances to the siting requirements at the Development Permit stage, instead of necessitating a Rezoning Application to allow residential uses in the event the siting requirements cannot be met. This would then still allow for a degree of oversight to ensure that proposals include features to mitigate potential conflict with neighbouring commercial and industrial uses.

The proposal is to also amend the Design Guidelines for the Dockside Area that are referenced in Development Permit Area 13, Core Songhees in the OCP. The design guidelines use the terms must, will and shall when describing the siting of residential uses in Development Area D. The applicant proposes to amend the guidelines in order to permit the proposed development described in Development Permit Application No. 00409.

As the proposed developments are generally consistent with the affordable housing requirements outlined in the Dockside Green MDA staff recommend for Council's consideration that Council support the proposed MDA amendments.

#### ALTERNATE MOTION

That Council decline Rezoning Application No. 000478 for the properties located at 370 and 384 Harbour Road.

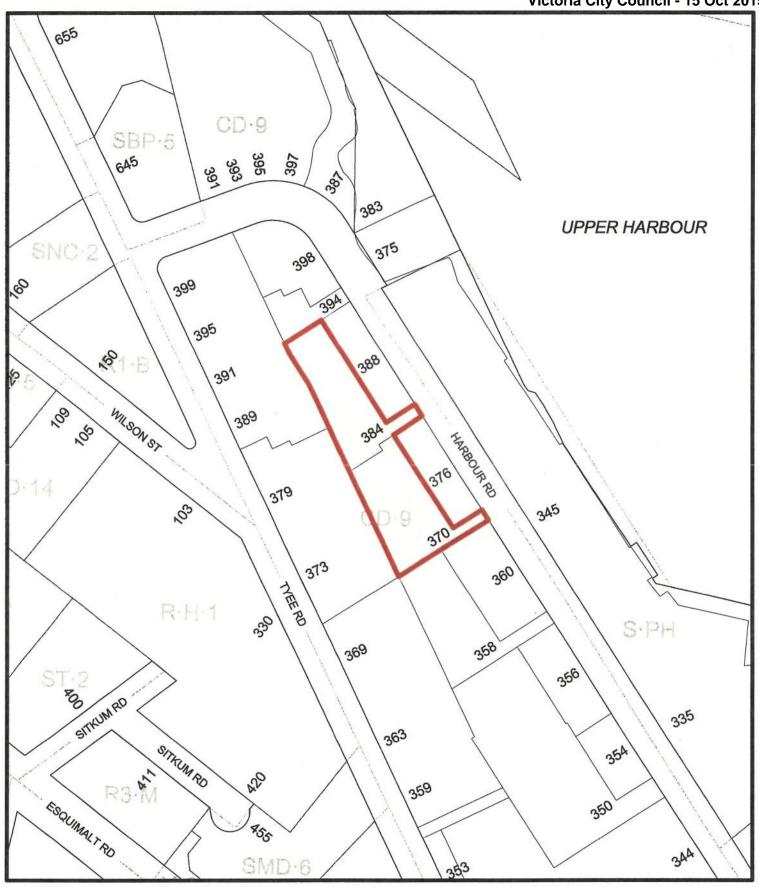
Respectfully submitted,		
MML.	C. Meys	Ander Hinde
Mike Wilson	Alison Meyer, Assistant Director	Andrea Hudson,
Senior Planner - Urban Design	<b>Development Services Division</b>	Acting Director
Development Services Division	Sustainable Planning and Community Development	Sustainable Planning and Community
	Department	Development
		Department
Daniel consisted and commands	ad by the City Manager	
Report accepted and recommende		Jason Johnson
	Date:	My 21,2015
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# **List of Attachments**

- Aerial map
- Zoning map
- Appendix A: Summary of Dockside Green MDA Affordable Housing Committeents
- Letter from Dockside Green Ltd dated February 23, 2015

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- Letter from Catalyst Community Development dated March 31, 2015
- Summary of Section 9 (Affordable Housing) of the Dockside Green MDA
- Plans date stamped March 31, 2015.

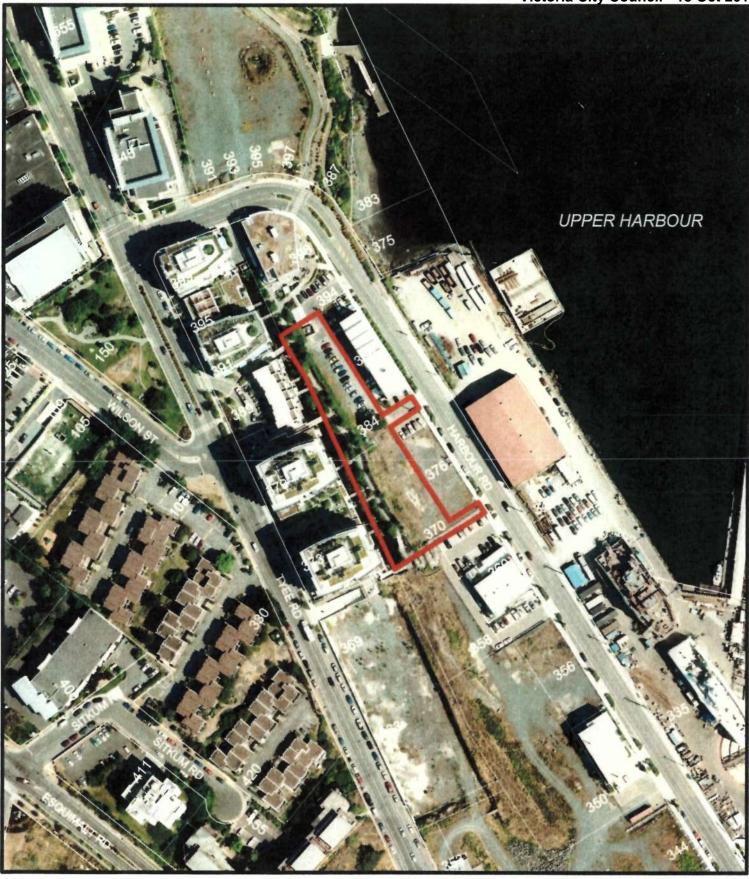




370 and 384 Harbour Road Rezoning #00478 Bylaw #



Victoria City Council - 15 Oct 2015





370 and 384 Harbour Road Rezoning #00478 Bylaw #



APPENDIX A:

SUMMARY OF DOCKSIDE GREEN MASTER

DEVELOPMENT AGREEMENT (MDA) AFFORDABLE HOUSING COMMITMENTS

# **General Principles for Affordable Housing**

In 2005, the City entered into the Dockside Green Master Development Agreement (MDA) with the Developer of Dockside Green. The Developer agreed to work with the City to provide Non-Market Rental and Market Affordable ownership housing units that would be integrated into the development. Section 9.0 of the MDA provides a series of general principles for achieving Affordable Housing on the site.

The MDA states that the City and the Developer would "work together so that up to 31% of the residential units on the City Lands are developed as Affordable Housing". A map of the City Lands is provided in Figure 1.



Figure 1: Former City lands

The wording of the MDA is open-ended in terms of the total number of units to be provided, the location of these units and timeline for delivery.

# **Definition of Affordable Housing**

The MDA defines "Affordable Housing" as:

Housing which costs (rent or mortgage plus taxes and including 10% down payment) 30% or less of a household's gross annual income, targeting households with an income of \$30,000 to \$60,000, as increased from time to time by the increase in the Consumer Price Index (All Items) for Greater Victoria from the date of this Agreement to the date when any relevant determination under the Affordable Housing provisions of this Agreement must be made.

# **Developer's Commitment**

# Affordable Housing Contribution

The Developer committed \$3 million to subsidize the sale of Non-Market Rental units to non-profit organizations. The Affordable Housing Contribution is adjusted on an annual basis by the lesser of 7% or the percentage increase in construction cost in Greater Victoria, as measured by a quantity surveyor selected by both the City and the Developer.

A portion of the Affordable Housing Contribution is available to be allocated to each development area that contains Non-Market Rental housing units. The MDA provides a formula for allocating any given portion of the Affordable Housing Contribution to any given development area.

The portion of the Affordable Housing Contribution for a given development area is equal to the product of the gross residential square footage of the building(s) x \$3.00. For example, a Development Area with 72,000 square feet of residential floor space and four Non-Market Rental units would be required to make \$216,000 of the Affordable Housing Contribution available to offset the cost of the sale of those units to a non-profit organization. This works out to a \$54,000/unit subsidy from the market value of the unit.

The Affordable Housing Contribution is currently valued at approximately \$3,578,149. The value of the Contribution is greater than \$3 million due to accrued interest and additional funds that were provided by the Developer in 2008. These funds (\$500,000) were provided as an amenity contribution in accordance with a Rezoning Application that permitted increased density on the site.

# Additional Funds

In addition to the provision of the Affordable Housing Contribution, the MDA contemplates the Developer obtaining further funding from alternate sources.

# <u>Limit Profit on 20% of Units of the Former City Lands</u>

In addition to the Affordable Housing Contribution, the Developer has committed to limit profit earned on the sale of 20% of residential units on the former City-owned Lands to 13% of the total project costs (land acquisition costs and hard and soft costs). These units are to be made available as Market Affordable ownership units.

# Notice of Strata Bylaws

The Developer is required to register strata bylaws for each strata corporation that permit the rental of any Non-Market Rental Units within that strata corporation and so that not less than 20% of the units within individual strata corporations are available for rental use.

# City's Commitment

# Building Permit Fees as a Contribution for Additional Funds

The City has agreed to direct 20% of all building permit fees payable with respect to the development to assist in the purchase of Non-Market Rental units and Market Affordable ownership Housing units in the development. There is currently an additional \$239,614.17 available through the collection of these fees.

# **Dockside Green Housing Advisory Committee**

The Dockside Green Housing Advisory Committee (the "Advisory Committee") is comprised of one representative of the Developer, one representative of the City and one recognized independent expert in the field of affordable housing. The role of the Advisory Committee is:

- to consult with the Developer on the number and location of Non-Market Rental units to situate in any Development Area;
- to consult with the Developer on the non-profit organizations to whom the Developer should offer such Non-Market Rental units for sale;
- to consult with the Community Liaison Group;
- d) to direct the Developer to allocate to Market Affordable ownership Housing units to any portion of the Affordable Housing Contribution that has not previously been allocated and to choose a body to be responsible for administering the Market Affordable ownership Housing program;
- generally, to consult with the Developer concerning strategies for the effective implementation of the requirements of this section of the MDA.

The Advisory Committee is currently inactive. Since the change in ownership and management, the Developer has not selected a new representative for the Committee. The Affordable Housing Expert resigned from the Committee in 2009 and has not been replaced.

#### Non-Market Rental Units

#### Definition

The MDA contemplates Affordable Housing being developed on the site via both rental and owned units. A Non-Market Rental unit is defined as a residential dwelling unit made available to a non-profit organization in any given development area to be sold at a subsidy by the Developer. These units are to be held and managed by the non-profit organization for rental housing to low-income persons. These units may be located within a strata building or in a stand-alone building.

#### Timeline for Constructing Non-Market Rental Units

Section 9.2(e) of the MDA clearly states that "the Developer will be under no obligation to provide Non-Market Rental units in each Development Area or to provide Non-Market Rental units in accordance with any set time-frame". This is a significant statement in the MDA as it relieves the Developer of any obligation to construct Non-Market Rental units within any set period of time.

#### Market Value of Non-Market Rental Units

A key determinant of the selling price of each Non-Market Rental unit to a non-profit organization is the how the market value of a Non-Market Rental unit is calculated. The Agreement contemplated that once this market value was established; it would be subsidized via a portion of the Affordable Housing Contribution. This would then determine the final sales price to the non-profit organization.

The MDA states that the market value of a Non-Market Rental unit is the actual cost of the unit (including land acquisition and hard and soft costs) plus 13% profit.

The MDA permits the City, at its discretion, to review the Developer's records in connection with the actual cost of the Non-Market Rental units on a confidential basis.

#### Market Affordable Ownership Units

#### Definition

A Market Affordable ownership unit is defined as a unit that is made available for sale by the Developer where the price is established as follows: the actual cost of the unit (including land acquisition and hard and soft costs, as verified by a quantity surveyor) plus 13% profit. These units are to be marketed and sold to qualified purchasers with annual household incomes between \$30,000 and \$60,000. A restrictive covenant is registered with each unit to limit the future resale price.

The Developer is required to limit its profit to 13% on 20% of residential units developed on the City Lands so that they may be made available as Market Affordable ownership units.

### Timelines for Constructing Market Affordable ownership Units

The MDA does not set out any obligations for the Developer to provide Market Affordable ownership units in each Development Area or to provide Market Affordable ownership units within any set time-frame.

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FEB 2 3 2015

Pleaning & Development Department Development & Prince Chiletoa

Thursday, February 19th 2015

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

Dear Mayor Helps and City of Victoria Council,

RE: Affordable Workforce Rental Housing Project, 370-384 Harbour Road - MDA Amendments

Dockside Green Limited is pleased to be working with Catalyst Community Developments Society (Catalyst) in submitting a combined Rezoning, and Development Permit application for the delivery of affordable workforce rental housing at Dockside Green. We are delighted to be moving closer to restarting this important mixed-used sustainable neighbourhood in the City of Victoria. Both Catalyst and Dockside Green worked hard to listen to the community perspective on this application and are pleased with the outcome of that process – an improved project plan and a development that integrates well into the neighbourhood and fosters Dockside Greens values of sustainability and inclusivity. As part of Catalyst's application Dockside Green is seeking agreement from the City of Victoria to have this project complete Dockside Green's affordable housing commitments which delivers on this key amenity to the residents of Victoria.

As an early adopter of sustainable development, Dockside Green has been recognized as one of the greenest communities in North America. We have, however, also experienced many challenges. Innovation means taking risks and learning from being at the leading edge of the "green building movement". Much has changed in the ten years since the project was first launched in 2005 and we needed to revisit some of the early thinking to test whether what was originally envisioned is still relevant today and reflects the needs and aspirations of the evolving local community in 2015 and beyond.

In May 2014, Dockside Green began a public engagement process - bringing together a team of architects, planners, and designers with residents, community members, first nations groups and citizens of Victoria to revisit the plan for the project with the ultimate goal of delivering a more relevant neighbourhood plan.

Through a series of presentations, workshops, and discussions, a new vision for the project began to take shape. While the project's physical structures began to reconfigure, Dockside Green remained committed to the vision of building a well-loved, culturally vital neighbourhood where the mix of people and environment fuels health and a vibrant local economy. Four guiding values also emerged that began to drive the project: Sustainability, Respect for Local, Inclusivity, and Cultural and Creative Vitality.

Based on feedback from the five-month public engagement process, the design team at Dockside Green established an updated Neighbourhood Plan which included components of both short and long term goals of the community. After receiving positive and affirming feedback from participants, we are delighted to have submitted our comprehensive application in January of 2015 that outlines

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the future of the Dockside Green Neighbourhood which provided the context for this application as enclosed.

#### Affordable Housing - History

In 2005 Dockside Green entered into a Master Development Agreement (MDA) with the City of Victoria which included elements related to the delivery of affordable housing at Dockside Green. From its first phases Dockside Green has made affordable housing a key priority in development of the neighbourhood. The first two phases at Dockside Green saw the delivery of 26 market affordable ownership units.

In the years following adoption of the MDA in 2005, our affordable housing strategy has been discussed and updated by ourselves and the City of Victoria based on work from the Affordable Housing Advisory Committee (AHAC) in 2008/09. These updates formed the basis of a previous application for affordable housing presented to Council in 2008 however the updated strategy was never fully captured in any MDA amendment during that period. The amendments included the following:

- A goal to focus on the development of 75 Affordable Housing units which included both market affordable ownership and non-market rental housing at Dockside Green.
- Using some of the Affordable Housing contribution (\$922,256) to make the 26 market affordable ownership units included in Phase 1 and 2 affordable to people with incomes between \$35,000 and \$50,000.
- A desire to prioritise non-market rental housing
- Building non-market housing in stand-a-lone buildings rather than scattered as individual
  units within private strata buildings. This is a more affordable option both short- and longterm for affordable housing providers.
- Using the remaining Dockside Green Affordable Housing Contribution funds, the 20% of Dockside Green's Building Permit Fees collected to date by the City, plus contributions from the City and CRDs Affordable Housing Funds to build 46 units of non-market rental housing. These 46 units would complete DGs affordable housing commitments to market affordable ownership and non-market rental housing.

#### Affordable Housing - Current Proposal

In 2014 Dockside Green began exploring new approaches for the delivery of affordable housing that would not only result in a diverse and inclusive neighbourhood at Dockside Green, but in the process, would serve as an example to enable more affordable housing units in other neighbourhoods in the region. We believe strongly that real-time learning should be shared for the benefit of others. This desire to embrace innovation for the greater public good continues to underpin Dockside Green's core values. As we move forward on the delivery of the social sustainability elements of Dockside Green, our affordable housing commitment remained our first priority. New collaborations are emerging within the not for profit sector that are very exciting — Catalyst being one of the most promising and we are proud to be partner with with them on the delivery of 49 units, contained in two, three-story wood frame buildings. Unit type ranges to include studio apartments to three bedroom and den townhomes.

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The proposal as provided builds on the updates, discussion and outcomes developed in 2008/09. A core difference however in the current proposal enclosed is Dockside Green's formal request to release those grants currently set aside by the City of Victoria and CRD Affordable Housing Funds for affordable housing at Dockside Green. Through Catalyst innovative model of affordable housing delivery, our partnership will be able to provide 49 units of affordable workforce rental housing without the use of these grants from the City or CRD Affordable Housing Funds. By only utilizing the Dockside Green Affordable Housing Contribution (AHC) and the Dockside Green Affordable Housing Building Permit funds currently held by the City, this application will consequently result in the return of \$920,000 of funding back to the community to leverage/facilitate other affordable housing projects in the region to further address this important issue.

Moving forward, as part of our application of this innovative and unique approach, Dockside Green is requesting amendments to our MDA that would indicate the following:

- The remaining Dockside Green AHC funds and the Dockside Affordable Housing Building Permit funds collected to date by the City, be allocated to the 49 units being proposed by Catalyst.
- Through successful delivery of these units that a discharge of Section 9 of the MDA be completed, which would result in the successful completion of Dockside Green's affordable housing obligations.

#### Conclusion

We are thankful to the stakeholders who helped shape this application. The public consultation process was a true articulation of Dockside Green's connection with the community of people who live at Dockside Green, the Vic West community and the City of Victoria.

We are very proud of our partner Catalyst's submission and trust it provides Council with the information needed to favorably consider the proposal and approve the required regulatory changes we are seeking.

Sincerely

Ally Dewii

Development Manager, Dockside Green Limited

Received City of Victoria

MAR 3 1 2015

Planning & Development Department Development Services Division

# LETTER TO MAYOR AND COUNCIL



# DOCKSIDE GREEN

# AFFORDABLE RENTAL HOUSING

370-384 Harbour Road, Victoria

February 19, 2015 Revised - March 31, 2015









# DOCKSIDE GREEN

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# AFFORDABLE RENTAL HOUSING

### INTRODUCTION

Catalyst Community Developments Society (Catalyst) is pleased to be submitting a combined Rezoning / Development Permit Application to City of Victoria for Council consideration. Catalyst is partnering with the Dockside Green Limited to deliver 49 units of affordable workforce rental housing.

Our proposal for these sites is similar, but smaller in scale, to two residential projects approved by the City of Victoria in 2008 and 2009, but which for various reasons did not proceed.

Affordable rental housing is an important City and regional priority. The Capital Regional District (CRD) estimates that 30% of renters in the CRD are in Core Housing need (paying more than 30% of their income on housing). The 2011 National Household Survey identifies that lone parent and single person households are particularly likely to not be able to pay market rents. That same survey demonstrates that people working in the sales and service and arts, culture and recreation sectors are likely to have incomes that make market rents unaffordable.

Affordable rental housing has long been identified as an essential part of delivering a complete and inclusive community at Dockside Green. The location of the proposed project at Dockside Green is well-situated for the provision of affordable rental housing given its walkability to Downtown, other regional employment hubs, local services, and transit and cycling transportation networks. Catalyst is pleased to be working with Dockside Green to deliver on its commitments and support the growth of affordable rental housing in Victoria.

# PROJECT PARTNERSHIPS

# DOCKSIDE GREEN AND CATALYST COMMUNITY DEVELOPMENTS





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Catalyst is incorporated under the BC Society Act as a non-profit society (Incorporation #: S-0061889). We exist to build, own and operate beautiful and affordable spaces for people to live and work in. We do so by bringing together a broad partnership from the non-profit and private sectors. Our independent Board of Directors is made up of community leaders with non-profit and real estate experience. Our structure allows us access to equity from Foundations and philanthropic individuals seeking investment in projects that make both a return and a contribution to the community. Our unique model allows for a renewed approach in the delivery of affordable housing in the Lower Mainland and now here in Victoria.

Catalyst is enthusiastic at the opportunity to partner with Dockside Green to develop two of the three remaining parcels of land at the north end of Dockside Mews. Our contractual agreement with Dockside Green will see us design, develop and own the proposed affordable workforce rental homes within the Dockside Green neighbourhood. Our proposed project has been conceived and designed to create beautiful and truly affordable homes providing a high degree of liveability for people seeking safe and secure rental housing in the City.

The homes will be truly affordable at 30% or less of gross annual household incomes in the range of \$25,000 to \$60,000 (as adjusted by CPI from 2005). These levels of affordability will be possible as a result of the proposed contribution to the project from *Dockside Affordable Housing Contribution and* the *Dockside Affordable Housing Building Permit Fund*.

It should be noted that, other than the above *Building Permit Funds*, we will not be requesting any additional financial contribution from the City of Victoria or Capital Regional District affordable housing funds, leaving these funds available for other needed projects.

### SITE AND CONTEXT

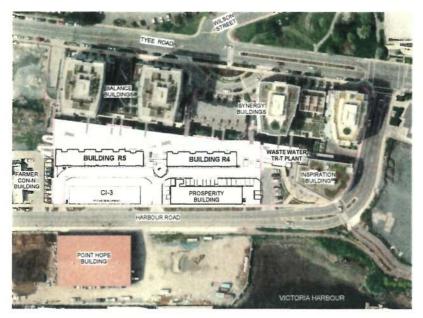
The project site is situated at the north end of Dockside Green, between the existing office building at 388 Harbour Road and the existing high-rise Synergy and Balance buildings located on Tyee Road. To the north of the site is the mixed-use retail and office Inspiration building at 398 Harbour Road that is home to Caffé Fantastico and Fol Epi Bakery. Vehicular access to the site will be from Harbour Road by way of the Dockside Green Mews. Pedestrian access to the upper two floors of the proposed buildings will be from the Greenway level.

AERIAL PHOTO View of Victoria Harbour with building sites denoted



SITE PLAN Proposed buildings are denoted as Building R4 and Building R5

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The proposed project is well located in close proximity to existing on-site services, the neighbouring West Side Village Shopping Centre (Save-On-Foods), existing bus stops on Tyee Road, Wilson Street, Skinner Street, Bay Street, and the Galloping Goose walking/cycling network.

The character, configuration and scale of the proposed project is in line with the original Dockside Neighbourhood Plan as well as the revised Neighbourhood Plan submitted to the City in January of this year.

Undertaking this project in this location at this time will complete a number of key components of the original Dockside Plan and provide a number of benefits for the immediate neighbourhood, including completing the eastern edge to the existing public Greenway path and providing additional residents to support the existing businesses.

Catalyst is excited to be investing in the creation of affordable workforce rental housing in this location as it is well-connected for pedestrians, transit users and cyclists to Downtown, Esquimalt, Rock Bay, the Douglas/Blanshard employment corridor, and Uptown. Residents will have access to existing car-share vehicles with additional vehicles guaranteed for the neighbourhood by Dockside Green. We expect residents to be attracted to living within such a sustainable, high quality development in close proximity to existing local services and future planned Dockside Green amenities - play area, full Greenway, and additional plazas and parks.

### DESCRIPTION



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Segment of Elevation

#### **Building Form**

The project consists of two three-storey buildings in a townhouse configuration. Each building is three storeys on the Mews (Harbour Road) side and two storeys on the public Greenway level. All units will have their own "front door".

Homes will be varied in size and layout and have been carefully designed to be efficient, highly liveable and affordable. 23 studio homes will be accessed directly from the Mews level and at the Greenway level there are eight 1 bedroom homes, eight 1 bedroom and den homes, five 2 bedroom and den two level townhomes and five 3 bedroom and den two level townhomes.

#### **Affordability**

The primary objective of this project is to provide much needed secured affordable rental housing. The broad mix of unit types proposed will target households ranging from singles to couples to families with children. Rental rates for the units will be based on a maximum of 30% of the targeted household income ranging between \$25,000 and \$60,000 (as adjusted by CPI from 2005).

#### Public Engagement

Catalyst and Dockside Green have been working collaboratively to engage residents and businesses at Dockside and the wider Vic West community in our planning and design process. We have held a series of three meetings – two primarily for Dockside Green residents (November 3<sup>rd</sup> 2014 and January 26th 2015) and a noticed community meeting with the Vic West Community Association (November 18<sup>th</sup>, 2014). We have also met individually with businesses and commercial business owners. The public process has been vital to our understanding of neighbourhood perspectives. The questions, comments and suggestions we have received have led to a number of important project revisions. We truly believe this process has led to an improved project design and we are grateful for the public participation and input.

#### Specific Design Changes as a Result of Public Engagement

Following the meetings in November we made a number of changes to our proposed project and presented the following changes to residents on January 26<sup>th</sup> where the majority of the participants (approximately 40 people) supported our design response to their earlier concerns.



#### 1. Access to Homes at the Greenway

The concerns we heard focussed on the number of homes on the upper floors being accessed directly from the existing Greenway and the proximity of the northern building (R4) to the Greenway and existing residences to the west. They also wanted to more clearly understand how convenient move in/move out access would be provided. We have:

- Completely re-designed the arrangement of building types on the site by relocating the two-storey upper townhouse form from the original location on the R5 site to the south to the R4 lot to the north. Similarly the one bedroom and one bedroom/den homes originally located on R4 are now situated on the R5 lot. The result of this significant re-design is as follows:
  - Reduces the number of homes connected directly to the Greenway from 16 to 8
  - Increases the distance between the proposed buildings and the face of the ground floor homes in the building to the west. Now ranging from over 50 feet to over 76 feet.
- Located an over-sized visitor parking stall at the center of the site adjacent to the access stairs between Mews and Greenway levels, which will be available for vehicles being used for home-moving purposes.
- Improved access for pedestrians and residents moving in/out by the addition of a ramp connecting the Greenway to the central stairs.
- Minimized the number of stairs between the Greenway and units, and confirmed that all appliances are provided in every rental homes, avoiding the need for residents to move such items.

View at Building R4 showing two-storey family unit entrances off the greenway

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Portion of Landscape Plan

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#### 2. Landscaping

The primary concern raised by neighbours was regarding the loss of privacy for residents located to the west of the Greenway. One resident also enquired about the inclusion of edible landscaping. We have:

- Increased the space between the new buildings and the Greenway for more landscaping providing additional visual screening and privacy
- Incorporated opportunities for edible landscaping in the areas between the R5 Building and the Greenway.

#### Access

Neighbours requested clarification on how vehicles and pedestrians would access the site and the homes, especially those at the Greenway level

Multi-modal driveway access to the Mews level is from Harbour Road. Three separate stairs lead from the Mews level to the Greenway level. The layout of the Greenway and the location of existing on-site pathways means that pedestrian access to all units is convenient from both Tyee Road and Harbour Road.

A new path will be built between the R5 building and the existing Greenway so that homes in this building will not be accessed directly from the Greenway.

#### 4. Transportation and Parking

Neighbours expressed concerns that parking congestion was already an issue in the area and that our proposed project would only exacerbate this issue.

We are adopting a comprehensive approach that creates solutions for existing parking users and also the parking needs generated by our proposed project.

#### Existing Retail and Office Parking

There are currently seven time-limited parking stalls at the Mews level immediately south of the Café Plaza and retail businesses. There are a further 22 underground parking stalls located in the adjacent Synergy building but these are not currently available as they are allocated to the retail space on the Café Plaza that is currently unoccupied. There are also currently 18 stalls of parking adjacent to the existing CI-2 office building (facing Harbour Road) reserved exclusively for office tenants. Lastly, there is an area of the R4 building site that is currently used temporarily by transient parkers. Until recently this parking





was not monitored and was therefore used at no charge by vehicles which often parked for extended periods of time.

Dockside Green has recently adopted a monitoring and enforcement program for the existing parking in this area. This has resulted in more parking turnover which has made stalls more regularly available for short-stay retail and office customers.

#### Parking for the Proposed Project

With respect to parking for the proposed project we have adopted a comprehensive approach aligned with the original objectives for Dockside Green to be a community with lower single occupancy vehicle use.

The amount of vehicle and bicycle parking proposed meets or exceeds the City of Victoria requirements established by the CD-9 Zone, Dockside District for affordable housing. Of the 49 proposed homes, 44 will be rented to residents with incomes below the rate defined as "affordable" for parking purposes in the CD-9 zone (targeted household income of less than \$40,000 as adjusted by CPI from 2005). As such no parking is required for these homes, resulting in a parking requirement of five stalls. Seven stalls will be provided.

The current parking standards recognize the significantly reduced parking needs of affordable housing projects in general. In particular, in the proposed project approximately 80% of homes will be one bedroom and den or smaller, and will be rented to residents with an annual household income in the range of \$25,000 to \$35,000. This predominance of smaller homes rented to households on limited income will significantly reduce vehicle ownership and use.

The CD-9 standards also take into account the focus at Dockside Green on facilitating sustainable transportation options and minimizing the use of personal vehicles. This is facilitated by a comprehensive Transportation Demand Management (TDM) program that includes investments in car-share, transit, bike parking, storage and education. It is also facilitated by a superb location and neighbourhood design that makes using non-vehicle transportation modes easy and convenient.



Description Air sale Partie Househo

Specific measures being taken include:

- 49 Class 1 bike storage spaces and 12 visitor bike parking spaces.
- Dockside Green has confirmed the provision of an additional car co-op vehicle on Harbour Road
- Dockside Green has progressed discussions with BC Transit regarding the extension of frequent #14 bus service down Tyee Road to the west of Dockside Green
- Seven at-grade parking stalls at the Mews level (5 required)
- Our tenancy/lease up approach will prioritise tenants who do not own vehicles
- Provisions for every unit to have
  - i) free car share membership,
  - ii) a bicycle worth no less than \$200 and
  - iii) a \$15 transit pass subsidy for a minimum of 3 years.

#### 5. Other Project Improvements

Neighbours had expressed concern about the provision of common laundry, rather than in-suite. There was also a specific request from a group of neighbours asking that the buildings <u>and</u> the site be designated as non-smoking. Neighbours also wished more clarity on how garbage and recycling will be handled and any impact of shadowing from the proposed buildings.

- A common laundry facility has been eliminated in favour of in-suite laundry in all homes
- We have improved the access to the screened central garbage and recycling area.
- We have agreed to the request to make both the homes and outdoor space within the project non-smoking.
- We have confirmed through shadow studies the minimal impact of these buildings on existing residents.
- We have developed a detailed lighting plan to ensure sufficient, but night-sky and neighbour friendly lighting on the Greenway side of the building.

### DESIGN RATIONALE

The project design is informed principally by the *Design Guidelines for the Dockside Area*, the specific guidance for development in Development Area D (DA-D) and our interpretation of the appropriate design response to the site and site context.

#### Massing and Street Fronts

The proposed designs are multiple dwelling unit buildings stretching north-south that have ground access residential units on all levels. The buildings fill in a complex edge condition that contains a significant level change. This area of the site is charged by the need to both provide adequate vehicular circulation at Mews level and the desire to preserve the space and character of the Greenway at upper level.

In both buildings studios are located on the lowest level, facing the Mews. Access to these units is raised and separated by a private stoop to provide additional privacy and physical separation from the Mews level. A landscape strip in front of these studio stoops provides a landscaped privacy screen.

As studios have shorter frontages more access points occur along this façade than for the larger family units facing the Greenway. These multiple entrances will very effectively animate the Mews to the east – an area that currently has very few access points to/from the existing Prosperity office building, and is used mostly for parking. With these units at grade, the Mews will take on the character of a residential street or a residential lane. The stairs, stoops, and landscape screens at each entry will further this character by providing texture and detail.

View of Building R5 showing studio entrances at the Mews



View of Building R5 showing one bedroom unit entrances off the Greenway area from the new path

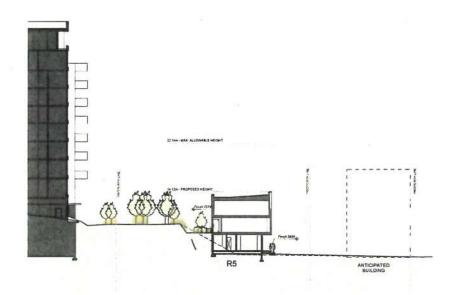


Double aspect two-storey upper units are accessed from level two. Each unit has an individual ground level entry as the Greenway is elevated more than a full storey from the Mews.

The west facades of the buildings at the Greenway level have been articulated as townhomes along a park setting. This includes individual entries at grade and front-yard style patios with their own landscaping that is complementary to the existing Greenway. Individual suite entrances are clearly visible from the access path and are protected by overhangs that are an integral part of the over-all composition. Locating entrances along the Greenway level is a key design component of the *Design Guidelines* as they animate the east edge of the path and add eyes onto this public path.

To preserve the park-like character of the Greenway the design seeks to minimize the number of entry points off the Greenway, while still retaining visual connection and pedestrian access. At Building R4 unit entries are collected together in twos for a total of four entry points. For Building R5 a separated pathway has been added, eliminating direct access to these units from the Greenway.

Massing of the buildings is intentionally quite narrow in eastwest direction ensuring minimal impact on the Greenway with all of the existing landscape area remaining in place and new areas of landscape being added to the Greenway. The careful siting of the buildings has increased the distance from the existing buildings over the previously approved projects.



Section through Building R5 showing proposed and allowed building heights

#### **Building Heights**

Proposed building height is significantly below the permitted height - 14.12m (46'-4") vs. 22.14m (72'-7"). The result is a minimal impact on views as well as ensuring light access for adjacent sites through the course of the day and the seasons. Locating these buildings in north/south orientation ensures that building shadowing is mostly within its own lot. It also ensures that none of the private outdoor areas are permanently shaded from sunlight. Greenway patios for these buildings receive sunlight in all seasons.

#### **Views**

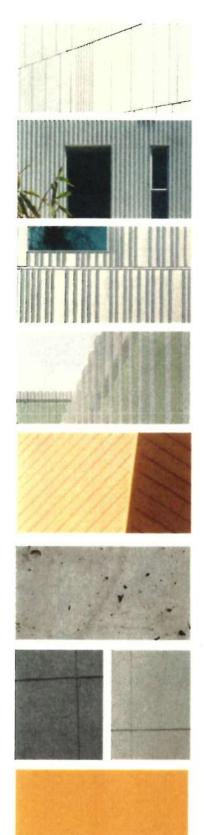
Due to lower building height and limited footprint, view cones are not affected.

#### Lower level:

- Viewcone 4 (Northmost) extends only to the Greenway and is not affected by the development.
- Viewcone 3 is preserved as the building does not extend far enough north to affect it.

#### Upper Level:

 Viewcone 10 is not affected as the building is much lower than the elevation of this viewcone.



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#### Design and Exterior Building Materials

The simple elegant forms of these buildings respond to two different design objectives as outlined in the *Design Guidelines*. They respond to the marine character along Harbour Road with a more industrial aesthetic on the east façade at the Mews, and a more residential aesthetic on the west façade at the Greenway. This creatively addresses the boundary condition of the R4 and R5 sites that are between industrial and office uses to the east and residential park-like uses to the west. Durable materials are used throughout that will withstand the elements and general wear and tear resulting in less maintenance and continued high quality of the buildings.

#### East Facades:

The east facades use corrugated metal panels referencing the industrial nature of the Point Hope Shipyard, the Prosperity office building, and the Farmer building to the south. The use of this material is additive, asymmetrical, and irregular invoking an image of an eclectic collection of small-scale industrial structures.

The grey bases of the buildings relate to the stone and concrete walls that form the base of Inspiration building (the bakery / office CI-1) and the exposed perimeter of the waste water treatment building, as well as the darker base material on the Prosperity building.

The white and wood colours of the metal panels relates to the white-and-wood scheme of the Synergy building (R1), while the wood accents further relate to neighbouring Prosperity, Inspiration, and Balance buildings.

Bright accent colour is used at shared spaces and entries as more informal elements, the robust hue referencing industrial and port machinery and equipment.

#### West Facades:

Using more traditionally residential materials such as stained wood board and fibre cement panels, the facades take on a townhouse character. The stained wood boards are both natural and durable and appropriate for this domestic typology. The fibre cement panels are typical to residential construction and have a precedent immediately to the west of R4 at the Synergy development.

#### Roof:

The mono-pitch shed roof references simple industrial structures when viewed from the street level. When viewed from above it is the building's fifth elevation - a graphic pattern of

Landcsape site plan at Greenway level



roofing material is combined with a rockscape to invoke the shoreline ringing the harbour.

#### Public Paths and Spaces:

At the north end of both proposed buildings, new east-west connections are created by providing stair access from the Mews level to the Greenway level, thus increasing connectivity to the neighbouring community. The north-south Greenway is maintained and enhanced with additional landscaping. A new north-south path is added at Building R5. Existing plazas at the Greenway are carefully enlarged and a small plaza is added at the north end of Building R5. These two new plazas create a common outdoor space for the residents to enjoy.

#### Sitescape / Landscaping:

Proposed landscaping is a combination of soft and hard landscaping. The plants are mostly indigenous and adaptive and aligned with the overall landscape design for Dockside Green. Numerous trees and extensive ground cover and lower planting are added at the Greenway level to enhance the 'park-like' atmosphere. Screening landscaping is incorporated at the Mews level in front of studio entry doors.

A significant arbutus tree has been further protected and is retained with careful consideration given to the drip-line of this important tree. Extra care will be taken during construction to protect it appropriately.

#### Circulation:

the value forces of the days, having the way

At-grade parking is dispersed through the site, avoiding large areas of consolidated parking. Of the parking spaces provided, four are placed under a building overhang at the Mews level in Building R5 while the others are thoughtfully located on other parts of the property. Design and detailing of parking spots is seamless with the pedestrian areas with paving material choices used to indicate a preferred pedestrian use.

The shared garbage and recycling area is positioned in a screened centrally located area.

	REQUIRED	PROPOSED
ZONE (EXISTING)	CD-9; SUB ZONE DA-D	CD-9; SUB ZONE DA-D
SITE AREA (sq. m.)	(DA-D) 16570	3842.11
TOTAL FLOOR AREA (sq. m.)	NOT APPLICABLE	2429.78
FLOOR SPACE RATIO	NOT APPLICABLE	2429.78 / 3842.11 = 0.63
SITE COVERAGE %	NOT APPLICABLE	1059.14/3842.11 = 27.57
OPEN SITE SPACE %	NOT APPLICABLE	49.03%
HEIGHT OF BUILDING (m)	22.14 GEODETIC	14.22 GEODETIC (HEIGHT FROM GRADE 8.57)
NUMBER OF STOREYS	NOT APPLICABLE	3
PARKING STALLS (NUMBER ON SITE)	AFFORDABLE: 0 (0 PER UNIT)	0
	STANDARD: 5 (1 PER UNIT)*	7
BICYCLE PARKING NUMBER (STORAGE AND RACK)	CLASS 1: 49 (1 PER UNIT)	CLASS 1: 49
	CLASS 2: 12(6 PER BUILDING)	CLASS 2: 12

BUILDING R4	BUILDING R5
1020.45	1409.33
8.57	8.56
3	3
3	4
19	30
6	6

BUILDING SETBACKS		
FRONT YARD (HARBOUR ROAD) (m)	0	23.23
REAR YARD (m)	0	7.12
SIDE YARD (NORTH) (m)	0	10.74
SIDE YARD (SOUTH) (m)	0	1.17
RESIDENTIAL USE DETAILS	•	-
TOTAL NUMBER OF UNITS	NOT APPLICABLE	49
UNIT TYPE	NOT APPLICABLE	- STUDIO - 1 BEDROOM - 1 BEDROOM + DEN - 2 BEDROOM + DEN - 3 BEDROOM + DEN
GROUND ORIENTED UNITS	NOT APPLICABLE	49
MINIMUM UNIT FLOOR AREA (sq.m.)	NOT APPLICABLE	23.54
TOTAL RESIDENTIAL FLOOR AREA(sq.m.)	NOT APPLICABLE	2235.47

23.23	23.45	
7.12	13.23	
10.74	N/A	
N/A	1.17	
19	30	
- STUDIO - 2 BD + DEN - 3 BD + DEN	- STUDIO - 1 BD - 1 BD + DEN - 2 BD + DEN - 3 BD + DEN	
19	30	
23.54	27.42	
950.75	1284.72	

<sup>\* 5</sup> UNITS FALL OUTSIDE OF AFFORDABLE HOUSING DEFINITION FOR ZONING CALCULATIONS; ALTHOUGH THESE ARE STILL CONSIDERED AFFORDABLE UNITS UNDER MDA TERMS

# GREEN BUILDING AND LEED ND



Dockside Green Wastewater Treatment Plant

#### **Green Building Strategy**

A key component of our project design approach is the integration of our proposed buildings into the overall sustainability objectives of Dockside Green. While our proposed project is exempt from the LEED New Construction certification requirements under the MDA, Catalyst will support Dockside Green in maintaining and reporting in respect of the LEED Platinum Neighbourhood Development certification with the Canada Green Building Council. Catalyst will be adopting a number of green building strategies to align with Dockside Green's focus on environmental sustainability, which include the following

#### Site and Location

- Within easy walking distance of neighbourhood services, public transportation, and employment
- Located on a previously developed former brownfield site

#### Transportation

- Conveniently located for public transit services, and walking/bike trails including Galloping Goose Trail connections to downtown
- Numerous traffic demand management strategies including abundant bike storage and car co-op vehicles at Dockside.
- Encouragement of reduced single occupancy vehicle use through pro-active suite-rental policies, TDM strategies and reduced parking.

#### Energy Efficiency

- Connection to the Dockside Green District Energy Utility
- Construction of a highly efficient building envelope including highly insulated walls, roof and windows
- Energy modeling to be undertake to optimize design
- Ultra low flow plumbing fixtures to reduce hot water energy use



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Dockside Green District Energy Utility

- Separate metering of hot water to maximize user-led efficiencies
- Night-sky and neighbour friendly exterior lighting will be used

#### Water Efficiency

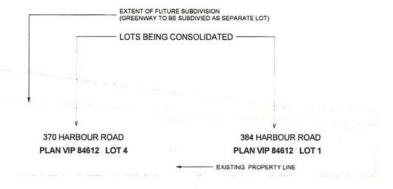
- Sanitary sewer connected to the Dockside Green Wastewater Treatment facility with water re-used for toilet flushing and irrigation
- Use of high efficiency water fixtures and appliances to reduce potable water and hot water energy use

#### Healthy and Resource-Efficient Materials

- The building and site will be designated non-smoking
- Use of building materials which off-gas harmful chemicals will be minimized
- A construction air quality management plan will be adopted
- Improved ventilation will be installed providing constant ventilation to suites.
- Use of locally sourced materials with high-recycled content will be optimized.
- A construction waste management plan will be adopted to reduce construction waste

# LOT CONSOLIDATION / SUBDIVISION LOT LINE ADJUSTMENT

The subject development site comprises two existing legal lots. Our application seeks to consolidate the lots and to amend our property boundary on its western (Greenway) edge. This will allow all of the Greenway to be under the long-term control the Dockside Green Victoria Society, managed for the use and enjoyment of all residents in the neighbourhood. This lot line adjustment (subdivision) is included as part of Development Permit application for Council consideration.



Lot consolidation schematic plan

# OFFICIAL COMMUNITY PLAN



Promise Grant - Attinger Rangling and

Cafe Plaza

The City of Victoria Official Community Plan (OCP) designates the site as Core Songhees. The built form in Core Songhees is multi-unit residential, commercial and mixed-use buildings generally three to six storeys with densities ranging up to approximately 2.5:1. Significantly, the OCP establishes an objective that 50% of new residential housing growth is located within the Urban Core, of which this site forms a part. This project supports the OCP strategic direction of the revitalization of Vic West, particularly those portions within the Urban Core with urban design that improves connectivity and walkability and linkages to the neighbourhood and Downtown Core Area. In this policy context our project is a relatively lower density version of the type of development called for in Vic West, contributes to the population growth in the Urban Core and supports the ongoing revitalization of the former Vic West industrial lands.

The OCP also identifies the importance of non-market rental housing that is aligned with household incomes, which is the approach taken by this project. This project is also an example of the type of innovative partnership between private and non-private sectors that is called for by the OCP (Policy 13.20).

# PROPOSED REZONING OCP AMENDMENT AND VARIANCE



Building Site from South



Building Site from Harbour Road.

With our proposal we are seeking Council approval of a Rezoning text amendment, an OCP amendment to the Dockside Design Guidelines and a Development Permit with variances.

The Rezoning, OCP and variance elements are very similar and address the siting of residential uses in this portion of Dockside Green.

The original Dockside neighbourhood plan, as reflected in the Dockside Design Guidelines envisioned commercial and light industrial uses located on the ground floor with office uses above fronting Harbour Road and residential uses oriented to the Greenway.

These objectives were captured in both the OCP and the CD-9 Zone, Dockside District. The OCP indicates that residential uses must be above industrial and commercial uses, and must be oriented to the Greenway. The CD-9 Zone further indicates that residential uses are permitted only on the second floor and up, not within 18m of the Harbour Road and no part of any unit can face the Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line. Our application proposes the following:

- amendments to the Design Guidelines to allow for ground floor residential and the residential units that face towards Harbour Road;
- a text amendment to the CD-9 Zone to move the restrictions on the residential uses to a different section of the bylaw and a variance to the building buffer requirements and ground floor residential restrictions through approval of the Development Permit.

The current configuration of this portion of the Dockside Green neighbourhood is a result of neighbourhood plan amendments and lot subdivisions approved by the City of Victoria, which created a row of lots along Harbour Road and a second row of lots between them and the Greenway. These interior lots, which are the subject of this current application, were approved for residential buildings in 2008 and 2009 with variances that allowed ground floor residential and un-buffered or partially buffered buildings. These Development Permits were approved without the need for Rezoning or OCP amendments, which is the process that staff indicates is now necessary even though the current proposal is similar to what was previously approved.



Building R4 Site from South



The same Section of the Appendix Parish and the con-

Building R4 Site from North

Our affordable workforce rental housing proposal completes the eastern edge of the Greenway with residential units as originally envisioned. Both buildings are situated more than 18m from Harbour Road. Building R4 is buffered substantially by the taller CI-2 building facing Harbour Road. The commercial building that is intended to act as an acoustical buffer for Building R5 is proposed but has not yet been constructed.

In light of this we commissioned a study by an acoustical engineer (Wakefield Acoustics) that included actual monitoring of noise at three locations on site. Based on these recordings and noise mitigation measures to be employed the engineer determined that the recorded levels are within the interior maximum decibel performance levels specified in the Master Development Agreement (MDA). Mitigation measures include: double glazed windows; strategic placement of hinges to open windows away from noise sources; constant ventilation; and R20 thermal insulation in building walls.

With respect to ground level residential at the Mews level, we believe there are a number of reasons why this configuration is the best design response. Residential at the Mews level adds eyes on the Mews during both the day and evening enhancing the safety and vibrancy of this area. An increased number of residential units in this area will provide additional potential customers for the existing and planned business surrounding the Cafe Plaza, supporting their viability. Market analysis has indicated there is little or no demand for small-scale light industrial or commercial at this location. Moreover, locating light-industrial uses along the Mews would not compliment the surrounding uses.

All these factors were recognized in the two previous applications for residential-only projects approved by Council in 2008 and 2009.

We believe that in the context of the benefits our project design, our planned noise mitigation design elements, and recognized inappropriateness of alternative ground floor uses for these sites, the necessary text amendments to CD-9 Zone, OCP Design Guidelines and variances are strongly supportable.

### CONCLUSION

As we have articulated, Catalyst and Dockside Green have worked hard in partnership to make our proposed affordable workforce rental housing project a valuable addition to Dockside Green and larger Vic West neighbourhood. Catalyst brings its development expertise and its access to low costs "social equity" to leverage the Dockside Green land and the Dockside affordable housing funds. We have engaged extensively with our neighbours and listened. We feel their contributions have helped us to create a project that better addresses the site, the neighbours, the future residents and the Vic West community. We believe the proposed bylaw amendments and variance are appropriate and align well with the overall vision of Dockside Green. We look forward to the opportunity to present this project to Council and to developing a high-quality, affordable workforce rental housing project.

Sincerely,

Robert Brown

President

Catalyst Community Development Society

# **MEMO**

Received City of Victoria

MAR 3 1 2015

Planning & Develop Lient Department

TO

Robert Brown, Robin Petri, Josh Taylor - Catalyst Community Developments

FROM

Elena Chernyshov, HCMA Architecture + Design

CC

Karen Marler

**PROJECT** 

**Dockside Green Affordable Housing** 

DATE

March 31, 2015

#### Application Review Summary - Responses

Please find below a summary of our design rationale in response to the Application Review Summary provided by City of Victoria for 370 and 384 Harbour Road.

#### Expression of the primary roof line:

We have taken into consideration the expression of the primary roof line to reflect what is recommended in the Design Guidelines. The Guidelines do not specifically refer to these 'asymmetrical and irregular' epithets for the roofs, only for the overall building form. The Design Guidelines specifically recommend that 'gable and shed roofs should be considered along Harbour Road, reflecting existing low-slope and flat rooflines of building such as point Hope Shipyard building'. We have utilized simple shed and simple gable roof forms to create a horizontal roof line on two of four building elevations.

The roof of the main Point Shipyard building is a single uniform low-slope gable shape. When viewed from the street, on the long side of the building the roof shape presents a horizontal line. The sloped gable end is visible from the sides. Our project references this intentionally - it is creating a fairly uniform horizontal line of the parapet on the long side facing the Mews and on the short sides it has an asymmetrical inverted gable roof line – a play on the main Point Shipyard building gable roof line. (Refer to Appendix A).

On the Greenway west side the roof forms transition to 'rowhouse' form, and on the Mews side the building echoes the shape of the Shipyard building in its scale and massing, including the cantilever of the upper mass.

The recommendation for 'additive, asymmetrical, and irregular' building forms – not specifically roofs - is addressed along these elevations by making the overall elevation asymmetrical and creating unique colourful elements such as the carport (at R5) and the bike room entry (at R4). The upper levels on both building along the east elevation (Harbour Road, Mews side) are further broken into smaller elements meant to reflect an industrial building that has been added to over time – additive – and irregular – the

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Vancouver BC V6B 1N2

patterns and texture of the cladding is mixed randomly and the niches in the volume create another layer of randomization – asymmetrical and irregular.

The recommendation in the Design Guidelines for 'innovative design' leaves it open to interpretation and this proposal experiments with a different kind of industrial character than previously used in the area and for what is typically considered residential character.

#### Materials and colour palette:

Along the east elevation six materials are used. While some materials are similar in colour and composition they provide a variety in texture that is fully appreciated experientially – such as three types of white metal claddings on Levels 2 & 3 that have very different textural profiles. Other materials are same in texture and finish, but vary in colour – namely panels on Level 1 that are charcoal and orange in colour. Additionally random pockets are inset into upper volume that are clad in wood effect horizontal metal cladding – a unique element unlike all others that adds warmth and visual detail of wood to this side. Same material is used on the soffit of the cantilevered volume – that is hard to illustrate in the elevation, but will be apparent experientially.

Large portions of the cladding materials are inspired directly by the local industrial marine references:

- White metal cladding references the United Engineering Building adjacent to Point Hope Dry Dock and frequently used white finish of many marine vessels and shore structures – for example, such as vessels and docks of BC Ferries.
- Bright orange is a robust colour that occurs frequently in both industrial and marine applications - heavy machinery; safety accessories; marine sports such as kayaking, diving, and others; and naval elements such as life vests, life preservers, rescue boats, boat fenders, floats, buoys, etc. (See images below).
- The grey colours reference concrete and block work (concrete masonry units as well as large lock blocks) used throughout the area



Heavy equipment and life preservers at Point Hope Marine Shipyard.





Heavy equipment at United Engineering / dry dock.



Floats at Fisherman's Wharf



Lifeboat on BC Ferry





Rope used in marine application; horseshoe life ring; life preserver ring



Ship funnels.

Fiber cement cladding will be detailed in minimal and clean way – with reduced metal trims and countersunk fasteners. The panels will be selected primed so that the final product is painted in its entirety to look uniform – panels, countersunk fasteners and metal trim will all be painted the same colour to give the surfaces a uniform look. The detail will come from the shadow reveals creating a random panellization pattern. The following images illustrate precedents for this look:



Residential project.



Residential house in Seattle.



#### Building massing:

Preference for, or recommendation of, vertical or horizontal directionality to building forms is not mentioned in Design Guidelines and was not used in design development stages as a parameter. While vertical articulation is already included in the design on the west elevations, this was a natural fit for expressing a row house character; however, on the east elevations a more unified forms inspired by Port Hope Shipyard Building we intentionally designed to read clearly as such and appear much more horizontal as a result. To provide relief and add to the 'additive; asymmetrical, and irregular' character of the building forms, the white planes of east elevations were articulated as described above with irregularly spaced vertical breaks and randomized recessed niches. We have also endeavoured to bring these vertical breaks down to grade on the Mews (west) side elevation. To emphasize this, we have revised the elevations since prior submission to make these more pronounced.

This asymmetrical and irregular character as well as verticality is also expressed on end elevations – north and south. Overall the building expresses character recommended in the Design Guidelines.

To minimize contrast between darker base and lighter upper levels, we have revised the drawings to show a lighter base that is closer in colour to concrete – sympathetic to the concrete wall of the water treatment plant and the retaining wall below the patio of the cafe in Inspiration building.

#### Residential entrances:

Building massing was designed specifically to locate the entrances to units under cantilevers or in niches to provide a sense of enclosure and to protect from the elements. We have now revised our drawings to articulate the entrances further by making the doors brightly coloured, using graphic signage, and locating additional lights in soffits and centering these immediately on the entry doors. We have also clarified graphically by use of shadow how the building faces are modeled as this clarifies the recesses created to emphasize the residential entries.

#### Private residential outdoor space:

All 2 and 3 bedrooms and half of all 1 bedrooms have private outdoor patios along the Greenway. Upper level 1 bedrooms have Juliette balconies facing the greenway. Studio units along the Mews also have semi-private stoops. For those 1 bedroom units and studios, the Greenway acts as a common backyard and the development specifically set aside two areas – small plazas – one at north of R4 and one at north of R5 as common outdoor spaces. This set of plazas adds to a green axis punctuated with common outdoor spaces – immediately to the south of our site, Lookout and Playroom spaces are proposed in revised Dockside Green Masterplan.

Drawings have been revised to clarify these conditions.

#### ZONING PLAN CHECK COMMENTS:

#### Comment:

"The values provided differ slightly compared to the overall Rezoning application previously submitted. Please ensure the numbers match with the next set of revisions for the overall Rezoning application".



#### Response:

The table has been changed to agree with current zoning area allowed for DA-D and area as shown in rezoning application to be 16,570 square meters. Drawing A1.01 has been revised to reflect this correction.

#### Comment:

"According to the site plan the closest proposed construction to the rear property line is 7.12m for Building R-4. The project data table identifies 7.20m."

#### Response:

This is a transcription error. It should say 7.12m - this has been revised on drawing A1.01.

#### Comment:

"The project data table identifies a side yard setback (north) for Building R-4 as 9.81m and 0 for building R-5. Both of these are actually not applicable. A property line will not exist between the two buildings."

#### Response:

R4 and R5 values are included for illustration only. For the overall project setbacks, these are disregarded. We have deleted these from the drawings.

#### Comment:

"Please provide the slope (%) of the drive aisles and parking areas."

#### Response:

These have been clarified / revised on drawing A1.02 which now shows slopes for drive aisles and parking areas.

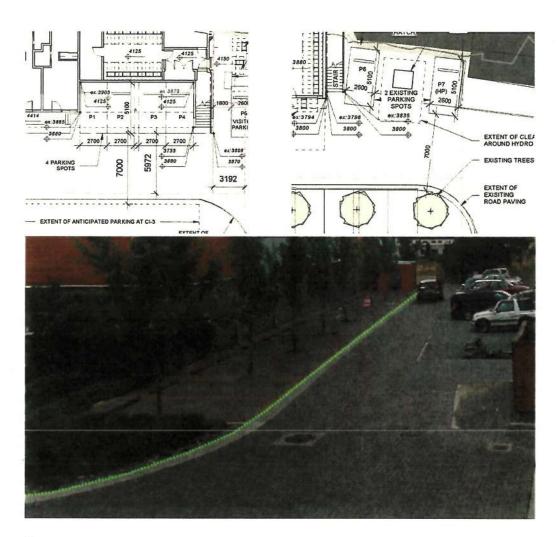
#### Comment:

"7.0m is the minimum aisle width requirement behind a parking space. The distance to the curb behind stalls 1, 2, 3, 4 and 7 have an aisle width less than 7.0m."

#### Response:

We have revised drawing A1.02 clarifying that the edge of pavement is not the beginning of the curb. The 7 meter distance is measured to the far side of drainage channel that might look like a curb on the drawings (green line in photo below). However, it is still contributing to the drive aisle.





#### Comment:

"The denotation for the Class 2 bicycle parking on the site plan will need to be fixed. The 6 spaces between the building is missing the symbol, the 3 adjacent to Building R4 will need to have the number of stalls identified (3)."

#### Response:

Missing symbols for 3 bicycle racks (6 spots) between R4 and R5 buildings have been fixed on drawing A1.01. Number of spots for Class 2 rack at building R4 has been identified as 3 spots on both site plans A1.01 and A1.02.

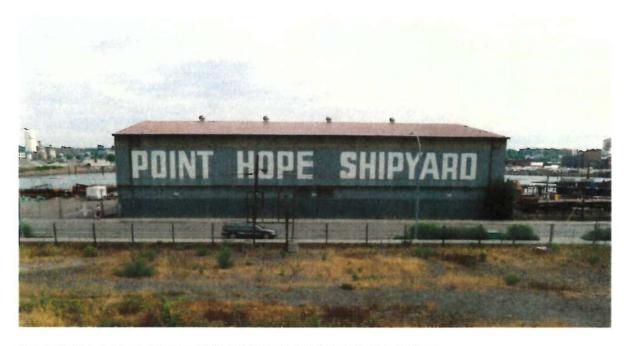
Please let us know if you have any additional questions, comments, or concerns.

All the best,

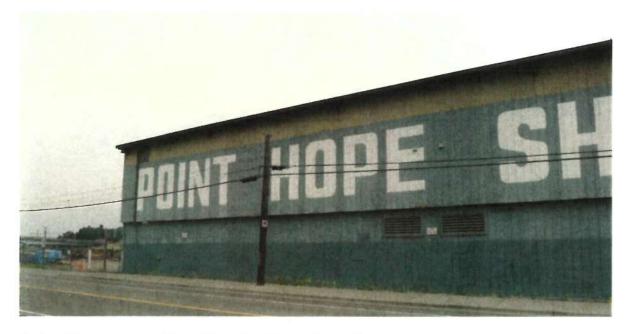
Elena Chernyshov, Architect AIBC.

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View of Point Hope Shipyard Building referenced in the Design Guidelines.



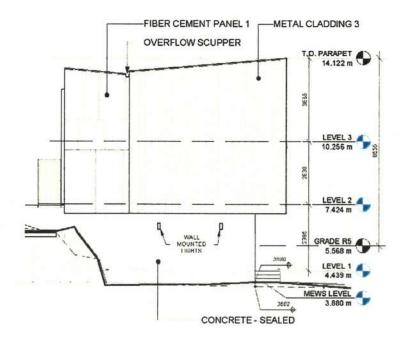
Horizontal appearance of the gable roof on the west elevation.



Gable roof appearance is best seen at end elevations.



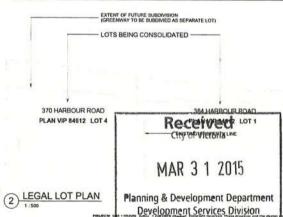
Horizontal appearance of the shed roof on the east elevation of the proposed R5 building (R4 is similar).



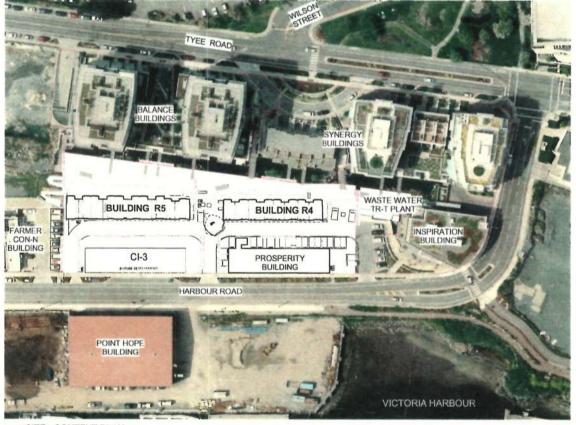
Inverted and assymetrical 'gable' reference is best seen on the edge elevatiosn of R5 and R4 buildings (north and south elevations)



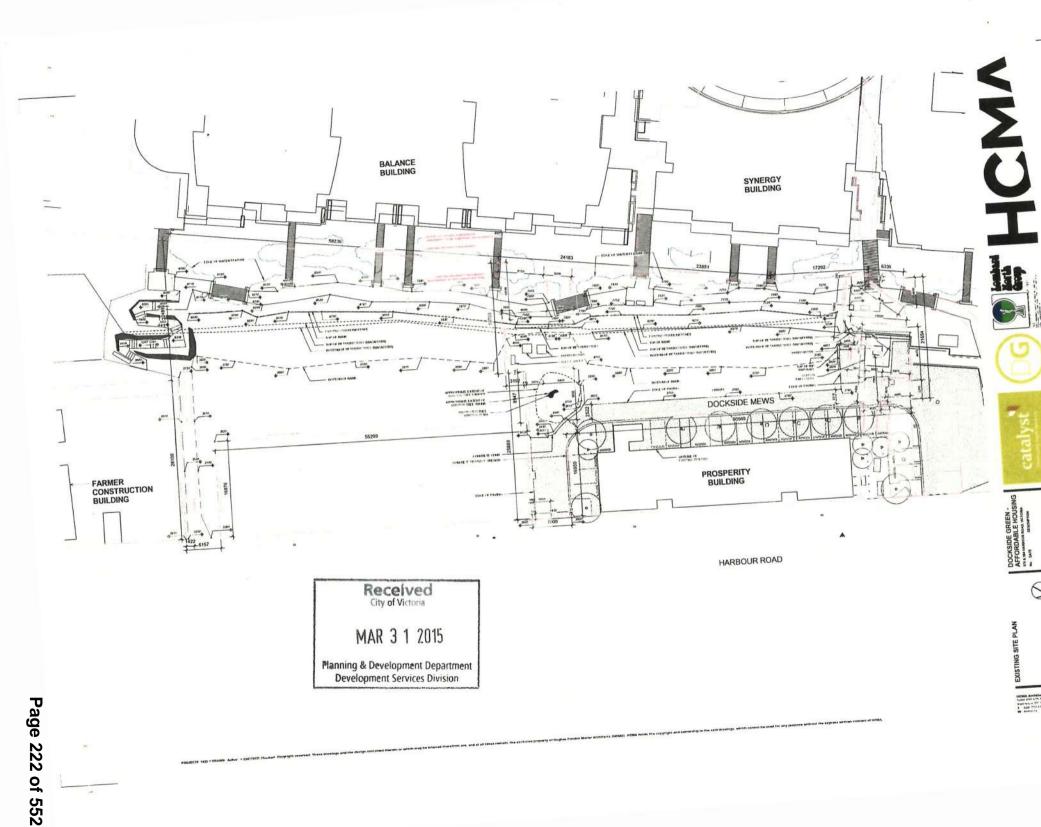


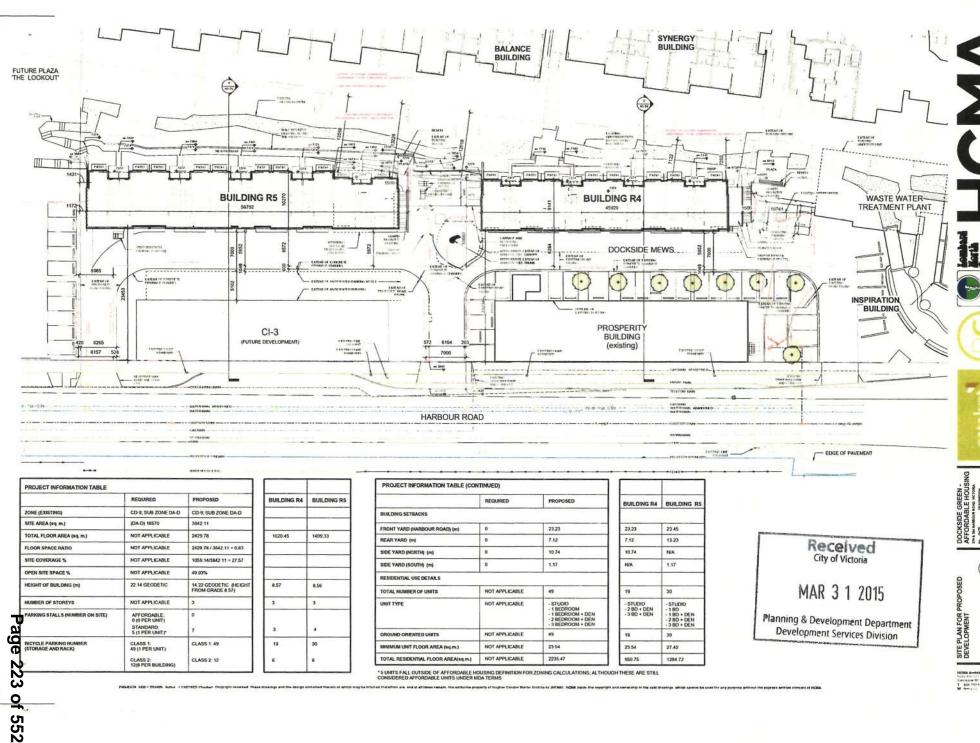






**Page 221** of 552



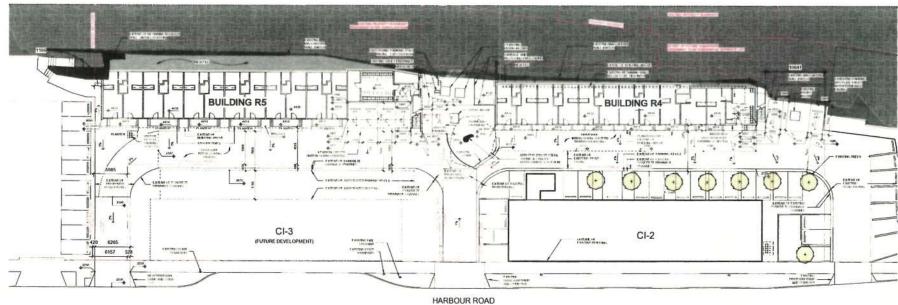






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15 Oct 2015

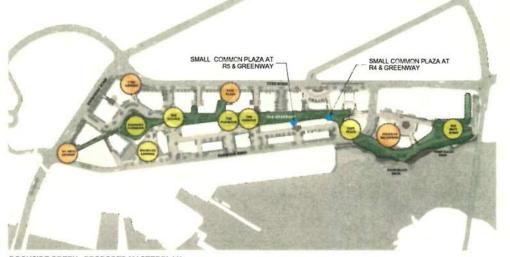


1 SITE\_MEWS

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DOCKSIDE GREEN - PROPOSED MASTERPLAN - PUBLIC REALM







1) ELEVATION - DOCKSIDE MEWS



2 ELEVATION - HARBOUR ROAD

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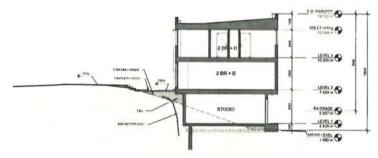
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Planning & Development Department **Development Services Division** 

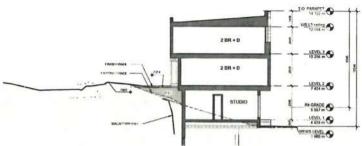
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2 BR + D 2 BR + D RA GRADE S DEMATENAT &

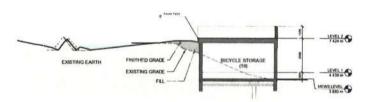
1 SECTION - BUILDING R4 at GL 4.1



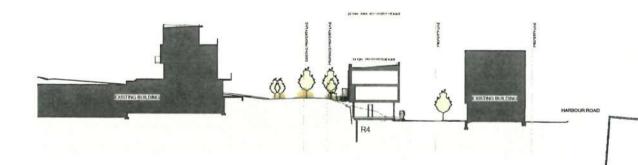
2 SECTION - BUILIDNG R4 at GL 4.3



3 SECTION - BUILDING R4 at GL 4.8



SECTION - BUILDING R4 at GL 4.9

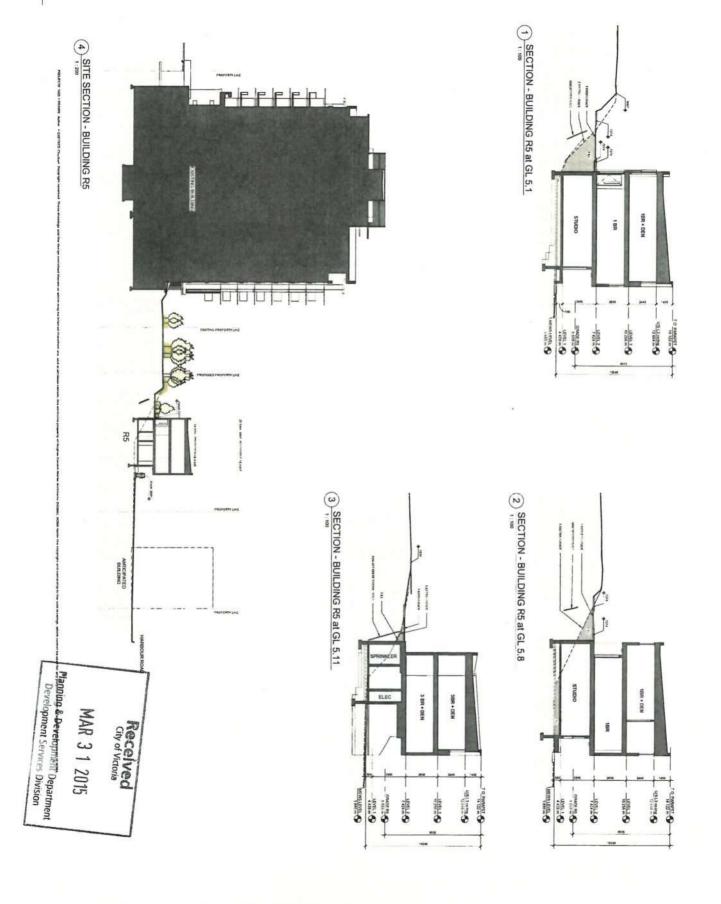


5 SITE SECTION - BUILDING R4

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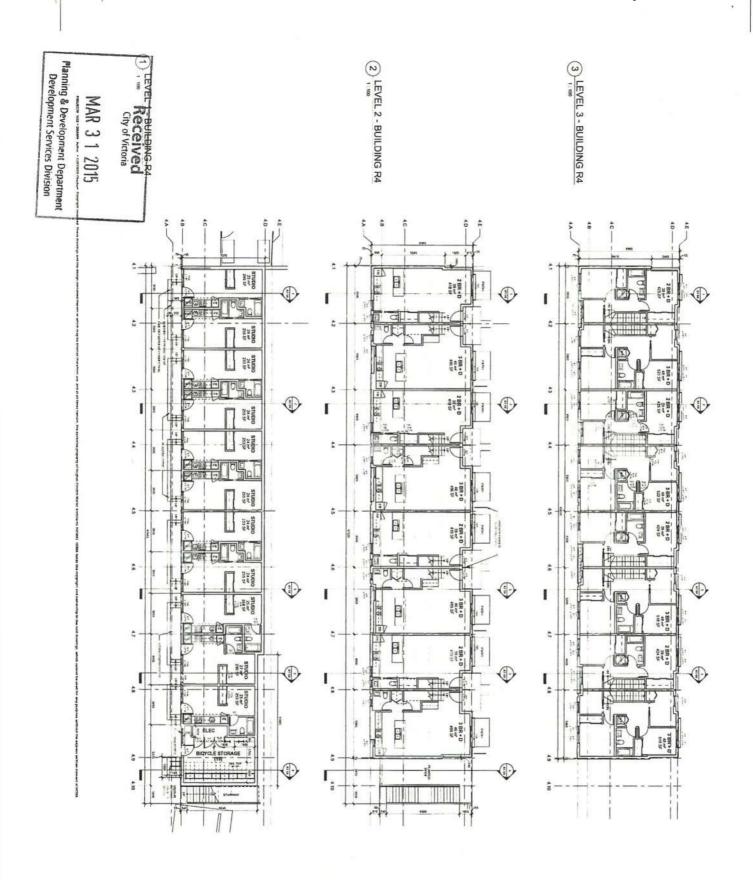














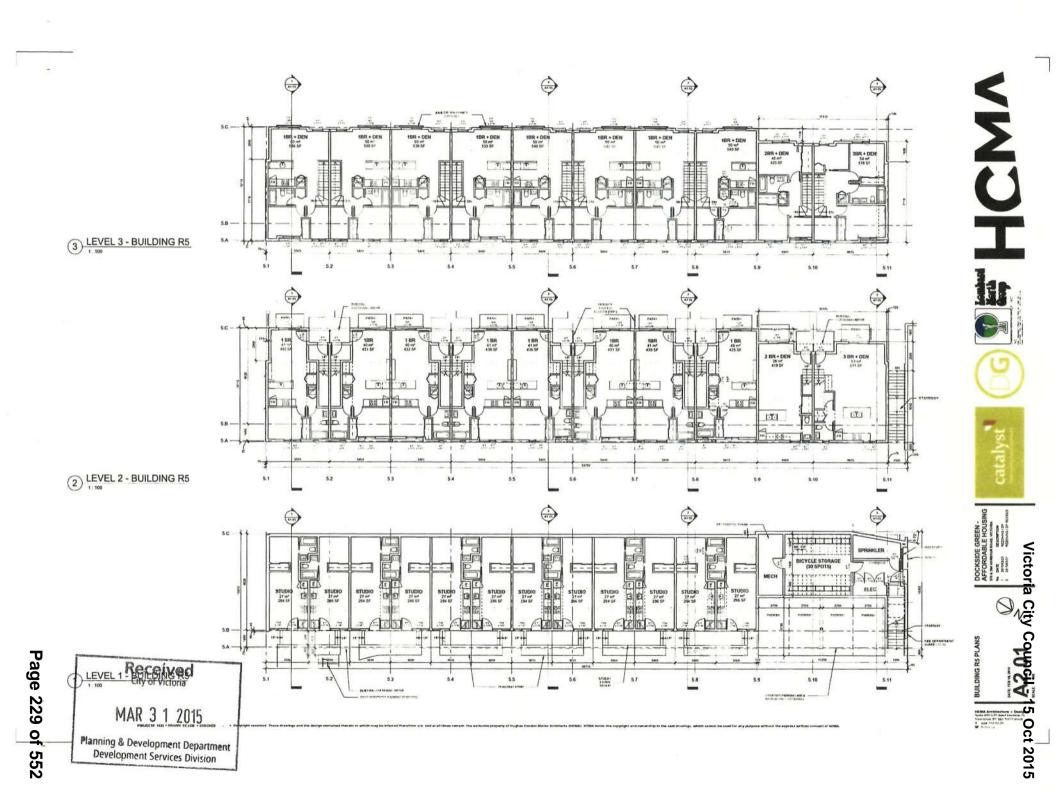










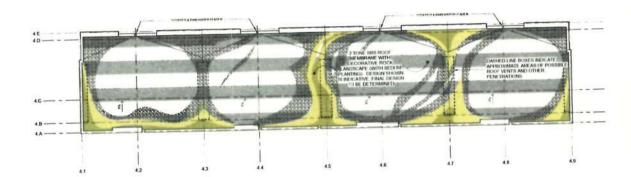








1 ROOF - BUILDING R5



2 ROOF - BUILDING R4

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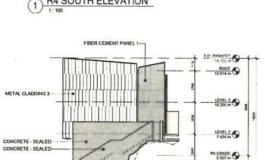
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Planning & Development Department Development Services Division

15 Oct 2015

FIBER CEMENT PANEL 1 \_METAL CLADDING 3 - OVERFLOW SCUPPER TO PARAPET O LEVEL 1 - TENETS CONCRETE - SEALED

R4 SOUTH ELEVATION



LEVEL 1 MEWS LEVEL O

3 R4 NORTH ELEVATION





2 R4 EAST ELEVATION



MATERIALS WALLS: METAL CLADDING:

4 R4 WEST ELEVATION



- METAL CLADDING 1: VERTICAL METAL CLADDING PROFILE / EXPOSED FASTENER - WHITE COLOUR - METAL CLADDING 2: VERTICAL STANDING SEAM METAL CLADDING - WHITE COLOUR - METAL CLADDING 2: VERTICAL STANDING SEAM METAL CLADDING - WHITE COLOUR - METAL CLADDING 4: KOREDITAL METAL BOARD CLADDING - WOOD EFFECT SEALED CONCRETE: - SEALED CONCRETE AS FINISH AND STRUCTURE -SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING SCREENING: - METAL CLADDING 5: SAME AS METAL CLADDING 1; PERFORATED

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(3) R5 NORTH ELEVATION

FIBER CEMENT BOARD 4 MAILBOXES | BENCH

2 R5 WEST ELEVATION

MEWS LEVEL

Received City of Victoria

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Planning & Development Department **Development Services Division** 



DOCKSIDE AFORDABLE HOUSING AVERAGE GRADE CALCULATION

POINTS A+B (288) POINTS B+C (288) POINTS C+D (7274 POINTS D+E (7274 POINTS E+F (7274

PERIMETER OF BUILDING R5 = 132422 AVERAGE GRADE FOR BUILDING RS = 5567.5 MATERIALS

WALLS:

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SEALED CONCRETE:

- SEALED CONCRETE AS FINISH AND STRUCTURE

LAPPED WOOD BOARDS WITH SEMFTRANSPARENT STAIN - MEDIUM GREY

-SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING

SCREENING:
- METAL CLADDING 5: SAME AS METAL CLADDING 1; PERFORATED

Victoria City Councily

15 Oct 2015

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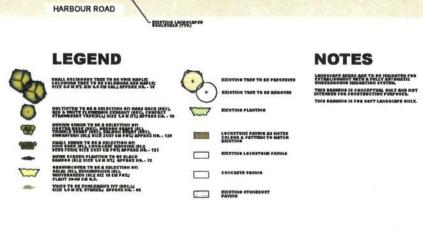
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Victoria City Council - 15 Oct 2015

## **UNFINISHED BUSINESS**

2. <u>Development Permit with Variances Application No. 00409 for 370 and 384 Harbour Road</u>

Council received a report dated August 27, 2015 from the Sustainable Planning and Community Development Department updating Council on the status of conditions set by Council for the application, and to recommend the application proceed to a hearing.

#### **Motion:**

It was moved by Councillor Lucas, seconded by Councillor Alto, that Council:

Receive this report for information and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, Council consider the following motion which has been updated to remove pre-conditions that have been satisfied:

"Authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Plans date stamped March 31, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. permit residential uses on the ground floor of a building;
  - b. permit residential units to face Harbour Road without a building buffer.
- 3. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



# Council Report For the Meeting of September 10, 2015

To:

Council

Date:

August 27, 2015

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Permit with Variances Application No. 000409 for 370 and 384

**Harbour Road** 

## RECOMMENDATION

That Council receive this report for information and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, Council consider the following motion which has been updated to remove preconditions that have been satisfied:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Plans date stamped March 31, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. permit residential uses on the ground floor of a building;
  - b. permit residential units to face Harbour Road without a building buffer.
- 3. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 4. The Development Permit lapsing two years from the date of this resolution."

## **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council that, in accordance with Council's motion of May 28, 2015 (attached), the applicant has addressed the pre-conditions that Council set in relation to the Application as follows:

- A Section 219 Covenant has been registered on title to secure the noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015.
- The Application was referred to an Advisory Design Panel meeting on June 24, 2015. A
  copy of the Panel minutes and the applicants' detailed response to the Panel
  recommendations (dated July 7, 2015) are attached to this report.

Respectfully submitted,

Jim Handy, Senior Planner – Development Services, Development Services Division

Alison Meyer, Assistant Director, Development Services Division Jonathan Tinney, Director Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Jason Johnson

Date:

Sept. 2,2015

#### List of Attachments

- PLUC Report dated May 14, 2015
- PLUC Minutes dated May 28, 2015
- Council Minutes dated May 28, 2015
- Advisory Design Panel Minutes
- Letter from applicant dated July 7, 2015
- Revised plans dated July 7, 2015
- Section 219 Covenant to secure noise mitigation measures.



# Planning and Land Use Committee Report For the Meeting of May 28, 2015

To:

Planning and Land Use Committee

Date:

May 14, 2015

From:

Mike Wilson, Senior Planner - Urban Design, Development Services Division

Subject:

Development Permit with Variances Application No. 000409 for 370 and 384

Harbour Road

#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- Referral to the Advisory Design Panel with particular attention to the following issues:
  - a. The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian-friendly streetscapes and pedestrian pathway connections.
- Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. permit residential uses on the ground floor of a building;
  - b. permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 6. The Development Permit lapsing two years from the date of this resolution."

#### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the Local Government Act, Council may issue a Development Permit in accordance with the applicable guidelines specified in the Official Community Plan. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 370 and 384 Harbour Road. The proposal is to construct two separate three-storey buildings with a total of 49 residential dwelling units. The proposal has been evaluated for consistency with Design Guidelines for the Dockside Area.

#### BACKGROUND

# **Description of Proposal**

The proposal is to construct two separate three-storey buildings with a total of 49 residential dwelling units. Exterior materials include:

- vertical metal cladding
- vertical standing seam metal cladding
- horizontal metal cladding that reads as wood siding
- sealed concrete
- fibre cement board.

The proposed variances are to:

- permit ground-floor residential uses
- allow residential units to be constructed without a buffer of another building between them and Harbour Road.

#### Sustainability Features

As indicated in the applicant's letter dated March 31, 2015 the following sustainability features are associated with this Application:

- connection to the Dockside Green District Energy Utility
- ultra-low flow plumbing fixtures
- connection to Dockside Green waste water treatment plant
- low off-gas building materials
- improved ventilation for suites
- · use of locally sourced materials.

#### Active Transportation Impacts

The Application proposes the following features which support active transportation:

- the provision of 49 bicycles with a minimum value of \$200 each for tenants of the building
- the provision of 49 enclosed bicycle parking stalls.

#### **Data Table**

The following data table compares the proposal with the CD-9 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal		Zone Standard CD-9
	Building R-4	Building R-5	
Site area (m²) - minimum	1304.00		n/a
Density (Floor Space Ratio) - maximum	0.63:1		n/a
Total floor area – DA-D (m²) - maximum	5030.60 (existing and proposed)		16 570.00
Height (m) - maximum	8.57	8.56	26.51
Storeys - maximum	3	3	3
Site coverage % - maximum	27.57		n/a
Open site space % - minimum	49.03		n/a
Parking - minimum	7		0
Visitor parking (minimum) included in the overall units	1		1
Bicycle parking stalls (minimum)	19	30	49
Location of Residential Use	Ground Floor*	Ground Floor*	2 <sup>nd</sup> Storey or higher
Buffer Building	Partial Buffer*	No Buffer*	Buffer Required

## Relevant History

A Master Development Agreement (MDA) is registered on the title of the subject lands. This requires, at the Development Permit stage, the provision of a pest management plan, an acoustical assessment, and the provision of transportation demand management measures. These items are discussed in the Analysis section of this report.

#### Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the Application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's Land Use Procedures Bylaw, it requires notice, sign posting and a meeting of Council to consider the variances.

#### ANALYSIS

## **Development Permit Area and Design Guidelines**

The Official Community Plan (OCP) identifies this property within Development Permit Area 13, Core Songhees. The applicable design guidelines are the Design Guidelines for the Dockside Area. The guidelines provide site-wide design guidelines as well as guidelines specific to each sub area.

The applicant proposes a three-storey multi-unit residential building that abuts the slope of the existing greenway. Lower-level units are accessed from the mews (east) while units on levels two and three are accessed from the greenway (west). Each unit has direct access to the outside through the provision of a front door.

Key guidelines relate to the provision of pedestrian-friendly streetscapes, individual unit entrances and consideration of Crime Prevention Through Environmental Design (CPTED) principles. Each of the buildings present multiple unit entrances toward the mews and greenway. The applicant proposes a variety of exterior materials including metal panelling and concrete fibre board. The applicant has proposed five types of metal cladding which vary with respect to texture and reveals. The Application of these materials is deployed in a manner that breaks up the long horizontal extent of each building structure through fine detailing and colour. This is particularly relevant on the east elevation of each of the buildings. On the west elevations, the applicant proposes various shades of fiber cement panels which are accented with stained wood boards. Unit entries are highlighted with brightly coloured doors and soffit mounted lighting. The applicant proposes to break up the horizontal extent of this façade through the provision of projecting bays. These bays will be further defined with individual private patios that are accessible on level two.

The guidelines recommend that architecture in this area should recall the industrial and marine influences with regard to colour selection, materials and form. Staff recommend that Council consider referring this Application to the Advisory Design Panel with specific attention to:

- the quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guideline
- the relationship between the residential unit entries from both the mews and greenway with specific attention to design details that promote pedestrian-friendly streetscapes and pedestrian pathway connections.

## Siting of Residential Uses and Noise Mitigation Measures

The two variances associated with this Application are both related to siting of residential uses. In accordance with the Master Development Agreement, the applicant has submitted a Noise Mitigation Report prepared by a Professional Engineer in support of this Development Permit Application. This report also provides support for the proposed variances. A copy of the study is attached to the report.

The consultant conducted noise sampling measurements at various times in the fall of 2014. The intent of the report is to determine what, if any, noise mitigation measures should be incorporated into the building design to mitigate noise from adjacent marine industrial uses on Harbour Road.

The following noise mitigation measures are recommended to be included in the proposed development:

- installation of double-glazed, Low E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30. Such windows when closed will reduce average outdoor noise levels to achieve interior levels of 35 dBA or less
- strategic installation of windows so that they open away from dominant noise sources
- provision of constant ventilation via a dual-speed fan in each home, allowing for continuous fresh air even when windows are closed
- · requiring a minimum of R20 thermal insulation in building walls
- Requiring a majority of bedrooms to be located on west sides of buildings.

Staff have reviewed the report and recommend for Council's consideration that Council accept the proposed mitigation measures and direct staff to secure their installation and maintenance through a legal agreement.

# Pest Management Plan

In accordance with the Master Development Agreement, the applicant has submitted a Pest Management Plan in support of this Development Permit Application. A copy of the plan is attached to this report.

## **Transportation Demand Management Measures**

In accordance with the Master Development Agreement, the applicant will be providing the following Transportation Demand Management measures:

- forty-nine bicycles with a minimum value of \$200 each for tenants of the buildings
- forty-nine enclosed bicycle parking stalls
- a car-share membership to a maximum value of \$500 per membership
- a bus pass subsidy of \$15 per month to the British Columbia Transit Authority for three years beginning at occupancy of the buildings.

#### CONCLUSIONS

The proposal is to construct two separate three-storey buildings with a total of 49 residential dwelling units. The proposal has been evaluated for consistency with Design Guidelines for the Dockside Area. The guidelines recommend that architecture in this area should recall the industrial and marine influences with regard to colour selection, materials and form. Staff recommend for Council's consideration that Council consider referring this Application to the Advisory Design Panel.

A noise mitigation report has been completed which recommends several building elements that will help mitigate potential noise concerns and will help alleviate the possible effects of allowing the construction of the residential units at-grade and without the benefit of a building buffering them from neighbouring commercial and industrial uses. The recommendation provided for Council's consideration contains language to ensure that these features are secured by a legal agreement.

# **ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 000409 for the property located at 370 and 384 Harbour Road.

Respectfully submitted,

Mike Wilson

Senior Planner – Urban Design Development Services Division Alison Meyer, Assistant Director

Sustainable Planning and Community Development

Atd Hode

Andrea Hudson, Acting Director Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Jason Johnson

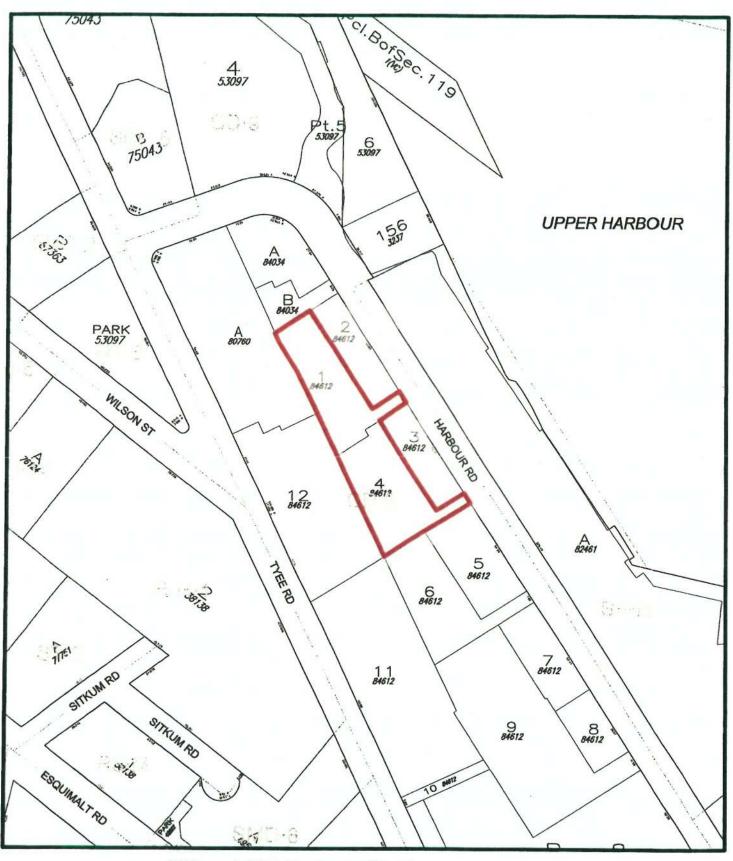
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# **List of Attachments**

- Aerial Map
- Zoning Map
- Plans date stamped March 31, 2015
- Report from Wakefield Acoustics dated March 31, 2015.





370 and 384 Harbour Road Rezoning #00478 Bylaw #







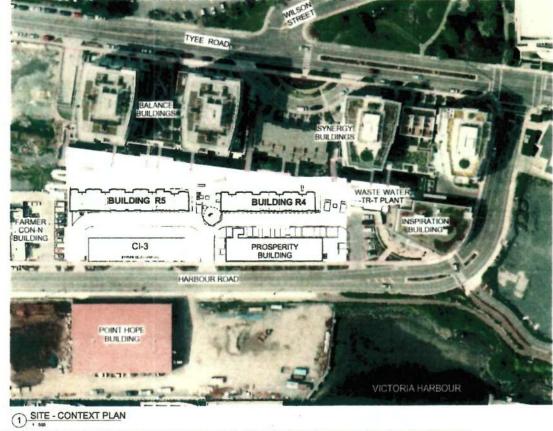
370 and 384 Harbour Road Development Permit #000409













EXTENT OF FUTURE SUBDIVISION IGREENWAY TO BE SUBDIVIED AS SEPARATE LOT)

LOTS BEING CONSCLIDATED -

2 LEGAL LOT PLAN

PROPOSED LAND USE

**DOCKSIDE GREEN** 

SED SUBDIVISION OF LOT B. PLAN VIPS4634, LOT 1.

512 AND LOT 4. PLAN VIPAH612. ALL WI

BUBBLED

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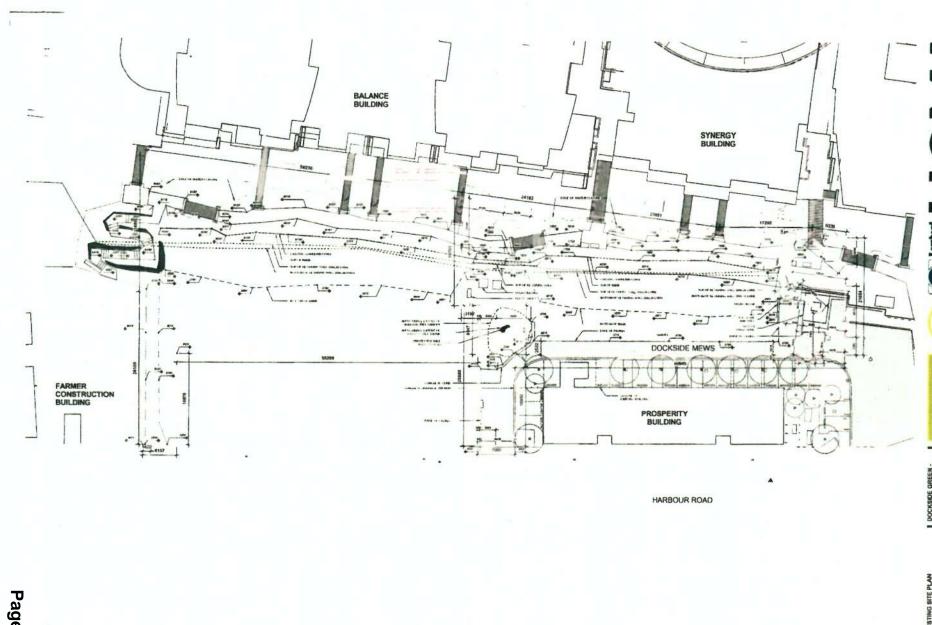
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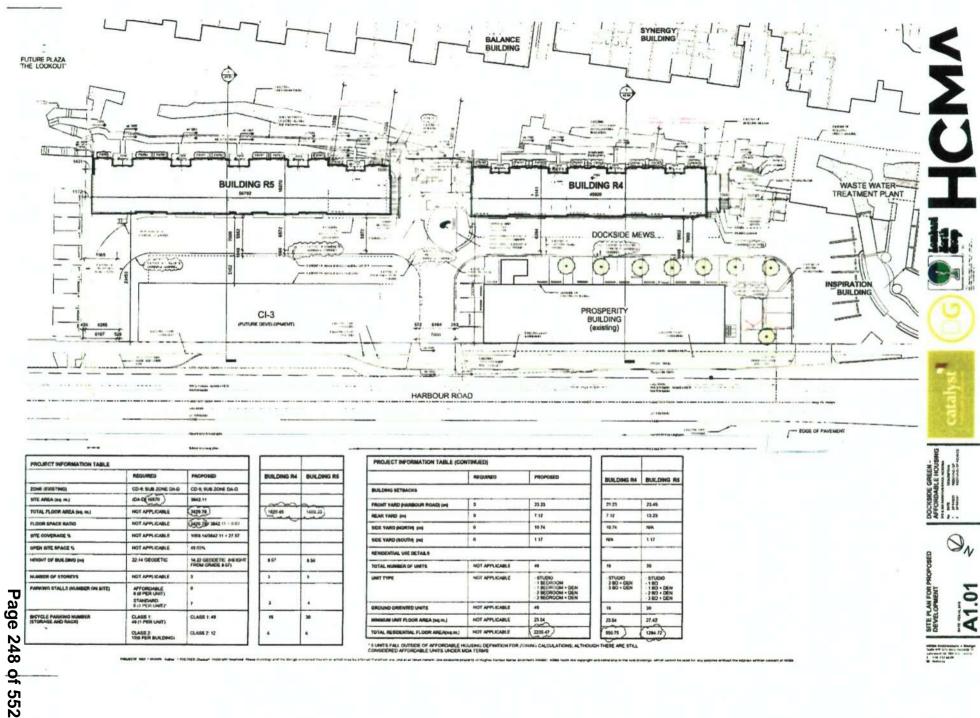
PLAN VIP84612

**Proposed Subdivision Plan** 

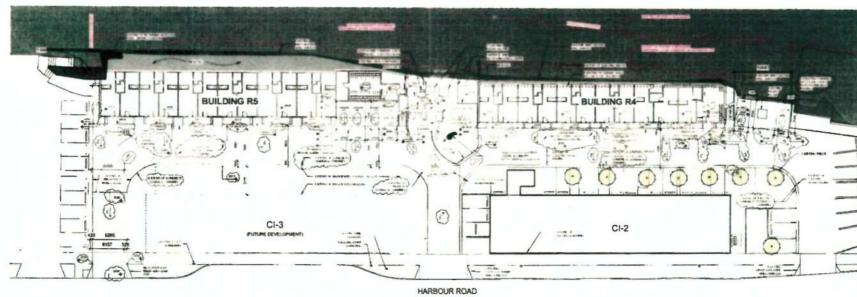
-WSP

Victoria City Council - 15 Oct 2015

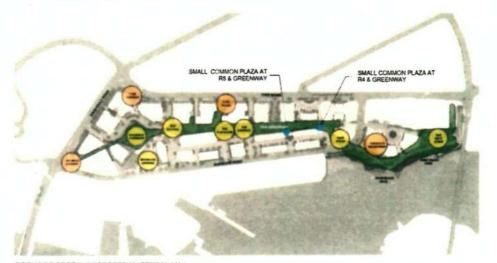




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1 SITE\_MEWS



DOCKSIDE GREEN - PROPOSED MASTERPLAN - PUBLIC REALM

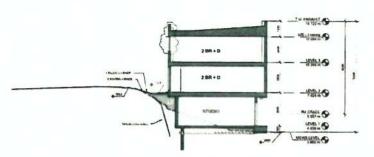




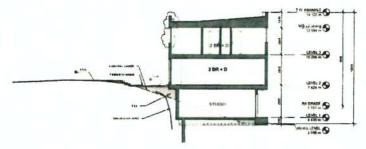




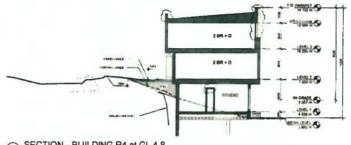




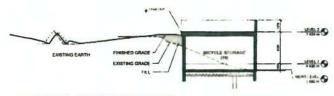
1 SECTION - BUILDING R4 at GL 4.1



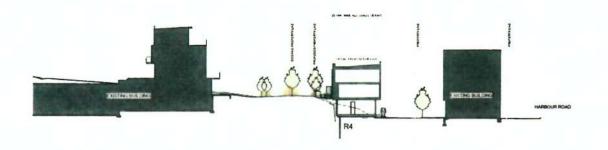
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3 SECTION - BUILDING R4 at GL 4.8



SECTION - BUILDING R4 at GL 4.9

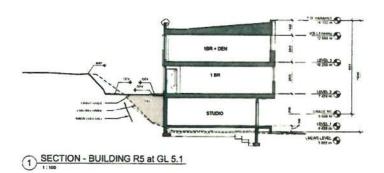


5 SITE SECTION - BUILDING R4

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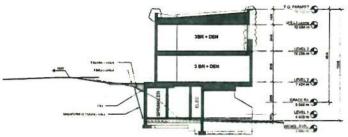


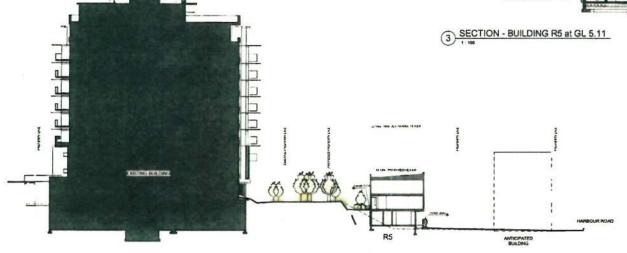




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2 SECTION - BUILDING R5 at GL 5.8





4 SITE SECTION - BUILDING R5

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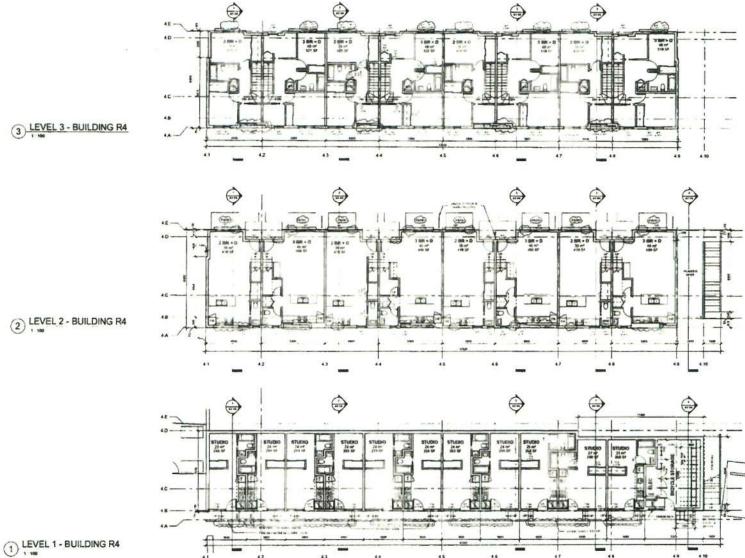












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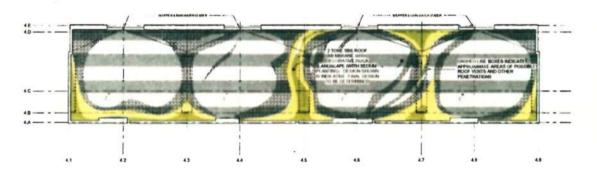








1 ROOF - BUILDING R5





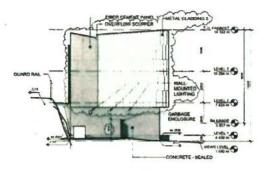




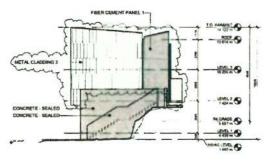








1 R4 SOUTH ELEVATION



3 R4 NORTH ELEVATION



2 R4 EAST ELEVATION



MATERIALS WALLS

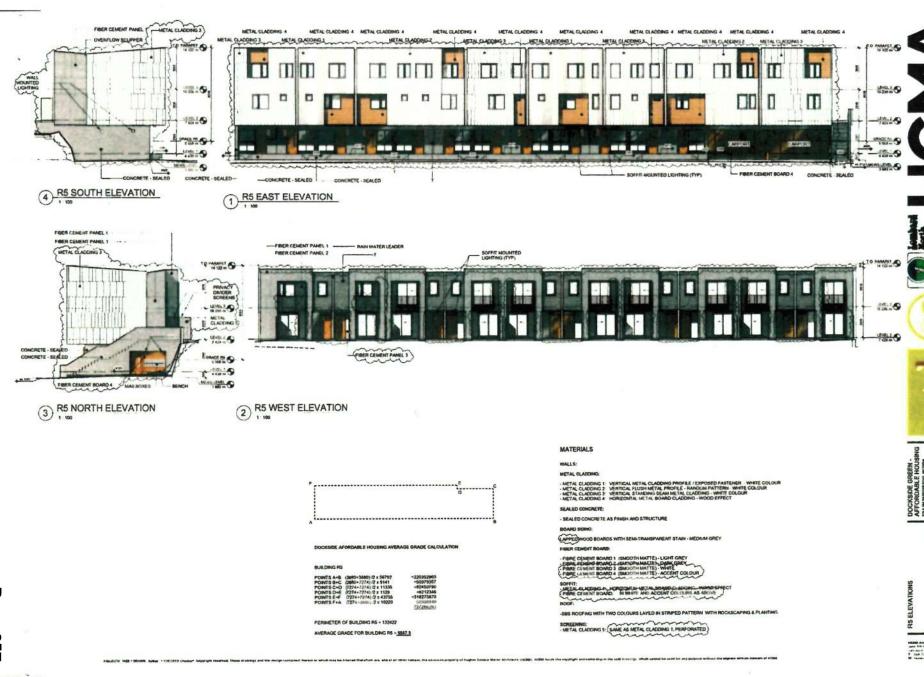
4 R4 WEST ELEVATION

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•		•
1		
6		•
Contract		
		4
		7.

BUILDING RA PONTS A-B (2880-3800): 2 x 45920 PONTS B-C (2800-7274): 2 x 9141 PONTS C-O (7274-7274): 2 x 45820 PONTS D-A (7274-3880): 2 x 9141

PERMETER OF BUILDING R4 = 110122

SEALED CONCRETE SEALED CONCRETE AS FINISH AND STRUCTURE NG 5: GANE AS METAL CLADDING 1 PERFORATED



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# ACOUSTICAL ASSESSMENT

**Prepared For: Catalyst Community Developments Society** 

March 31, 2015



File No: 14-1998-1

## **Document Revision Log**

Version	Date	Author	Reviewed by
V1 (draft)	February 19, 2015	C. Wakefield	
V2 (final)	February 20, 2015	C. Wakefield	A. Williamson
V3 (revised final)	March 31, 2015	C. Wakefield	



## EXECUTIVE SUMMARY

This noise assessment has examined the current and anticipated future noise environments at the site of an affordable housing project planned by the Catalyst Community Developments Society on Harbour Road within Dockside Green along the western shore of Victoria's Inner Harbour. The site is located on the west side of Harbour Road between the Johnson Street and Bay Street Bridges. As such the site is exposed to noise from traffic on Harbour Road as well as, at its northern end, noise from traffic on the Bay Street Bridge. Noise is also created by activities at the Point Hope Shipyards located on the eastern side of Harbour Road.

The Dockside Green MDA requires that residential developments provide indoor noise environments in compliance with Canada Mortgage and Housing thresholds, the most relevant of which is a 24-hour equivalent noise level, or  $L_{eq}(24)$  of 35 dBA, for bedrooms. The CMHC indicates that this interior noise objective will be achieved in typical residential situations (with windows open slightly for ventilation) provided that outdoor noise levels at the building facade do not exceed  $L_{eq}(24)$  55 dBA.

Wakefield Acoustics Ltd. (WAL) conducted baseline noise monitoring over a 48-hour period at three locations (see Figure 1) from October 22 to 24, 2014. This monitoring has shown that current daily average noise exposures were  $L_{eq}(48)$  54.9 dBA at monitoring Site 1 (representing the northern half of building R4), 53.5 dBA at Site 2 (representing the southern end of building R4), and 51.9 dBA at Site 3 representing building (R5).

The potential for growth in overall noise levels in the study area over time is considered very limited. Harbour Road traffic is expected to continue to be light (since nearby Tyee Road provides a more convenient route for through traffic) and any significant growth in traffic on the Bay street Bridge would be expected to be accompanied by further, more prolonged periods of congestion, with associated reductions in traffic noise emissions compared to free-flowing traffic conditions. Currently barge breaking activities occur infrequently at the shipyards but it is possible that the rate of occurrence could increase in future.

Noise levels to be experienced at the western facades of the two affordable housing buildings will be less than  $L_{eq}(24)$  55 dBA. Noise levels to be experienced at the eastern facades of the southern building R5, and the southern end of the northern building R4, are expected to be less than  $L_{eq}(24)$  55 dBA, both in the year of their completion and in the foreseeable future., Noise levels to be experienced over the majority of the eastern facade of building R4 are expected to be slightly (not more than 1 dBA) above  $L_{eq}(24)$  55 dBA. This minor exceedance would be mitigated by using standard double glazed windows that hinge along their northern edges so as to open away from the dominant noise sources located to the northeast (Bay Street bridge traffic and industrial activity).



During periods of barge breaking, the required indoor noise level can be achieved by closing the windows. This may be done comfortably because the buildings will be continuously ventilated by dual speed fans in each unit which will provide fresh air on an ongoing basis.

In summary, the noise levels that are expected to be achieved at Buildings R4 and R5 are as indicated in the following table.

#### Exterior and Interior Noise Levels to be Achieved at Buildings R4 and R5.

Location/Scenario	MDA Noise Level Targets (Outdoors)	Outdoor Noise Levels without Mitigation	Mitigation Measures	Noise Levels in Bedrooms with Mitigation Measures
Western Facades of R4 & R5	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facades of R5 and Southern end of R4	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facade of Majority of R4	55 dBA	55 to 56 dBA	Double-glazed windows; closed or opened from northern edge	≤ 35 dBA
Barge Breaking <sup>1</sup>	55 dBA	60 – 62 dBA	Standard windows; closed, constant ventilation	≤ 35 dBA

<sup>1.,</sup> occurs infrequently.

The following measures will be taken to mitigate noise at the development:

- Installation of double-glazed, Low E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30. Such windows when closed will reduce average outdoor noise levels so as to achieve interior levels of 35 dBA or less,
- Strategic installation of windows so that they open away from dominant noise sources,
- Provision of constant ventilation via a dual-speed fan in each home, allowing for continuous fresh air even when windows are closed.
- Minimum of R20 thermal insulation in building walls,
- Majority of bedrooms located on west sides of buildings.



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# **LIST OF ACRONYMS**

Abbreviation/Acronym	Explanation		
ANSI	American National Standards Institute		
BATNEEC	Best Available Techniques Not Entailing Excessive Cost		
BC	British Columbia		
dB	Decibel		
dBA	A-weighted decibel		
EA	Environmental Assessment		
Hz	Hertz		
Km	Kilometre		
Kph	Kilometres per hour		
L <sub>AFmax</sub>	Maximum A-weighted, fast time constant sound level		
L <sub>d</sub>	Daytime (7:00 to 22:00) equivalent sound level		
L <sub>dn</sub>	Day-night equivalent sound level		
L <sub>eq</sub>	Equivalent sound level		
L <sub>n</sub>	Night time (22:00 to 7:00) equivalent sound level		
L <sub>90</sub>	Noise level exceeded 90% of the time (background noise		
M	Metre		
MDA	Master Development Agreement		
MT	Metric tonnes		
S	Second		
SEL	Sound Exposure Level		
SWL	Sound power level		
WAL	Wakefield Acoustics Ltd.		



## 1.0 INTRODUCTION

## 1.1 Background

In October 2014, Wakefield Acoustics Ltd. (WAL) was requested by the Catalyst Community Developments Society to conduct an investigation into the current (baseline) noise environment on the site of the Society's planned Affordable Housing Development within Dockside Green in downtown Victoria, B.C. This housing development is to be located on west side of Harbour Road, to south of the Bay Street Bridge and to the east of Tyee Road. The building site is on the west side of Harbour Road and future residences will face eastwards towards the Inner Harbour but also towards Point Hope Shipyards. The future housing site is therefore surrounded by sources traffic and industrial noise. However, existing multi-storey buildings to the west and east will provide noise shielding for the site.

The purpose of this investigation has been to document the current noise environment over the site, consider any potential changes in noise that may occur over the site within the decade following completion, compare present and future noise levels with the noise exposure limits specified in the Dockside Green Master Development Agreement (MDA), and comment on the need for any noise control measures.

## 1.2 Scope

The major tasks which have gone into this investigation have been as follows:

- Continuous monitoring of baseline noise levels at three locations on the site over a 48hour period;
- · Assessment of the representativeness of the measured baseline noise levels;
- Assessment of the potential for noise levels over the site to increases in future.
- Comparison of noise levels with requirements of the MDA;
- · Recommend noise control measures as appropriate; and
- Summarize the acoustical investigation in an engineering report.



## 2.0 METHODOLOGY

## 2.1 Baseline Noise Monitoring

## 2.1.1 Noise Monitoring Dates, Equipment and Locations

Baseline noise monitoring was conducted at three locations (sites) on the proposed housing site over a 48-hour period from Wednesday, October 22 to Friday, October 24, 2014. The monitoring was conducted using one Larson Davis Type LXT and two Larson Davis Type 812 precision sound level meters. These devices continuously sample ambient noise levels and produce full statistical descriptions of the noise environments at 15 minute intervals. The sound level meters were calibrated before and after the noise monitoring session using a Larson Davis C250 Precision Acoustic Calibrator.

The locations of the three noise monitoring sites are shown in Figure 1.

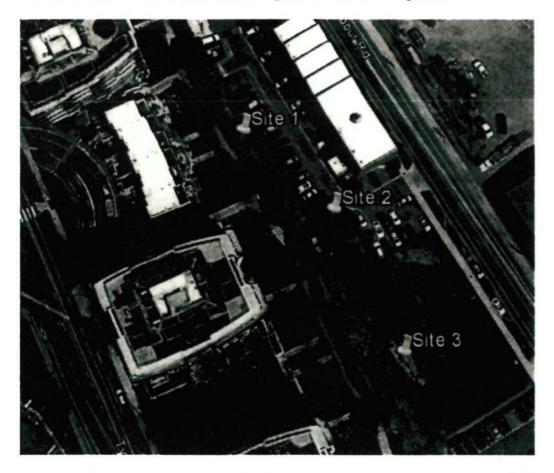


Figure 1; Locations of Baseline Noise Monitoring Sites 1, 2 and 3 (Tyee Road to the left and Harbour Road to the right).



Site 1, the most northerly monitoring site, was located directly behind (west of ) an existing three-storey building on Harbour Road and as such was expected to receive substantial shielding from noise created by Harbour Road traffic and activities at Point Hope Shipyards. Site 2 was located near the southern end of the three-storey Harbour Road building and, as such, would be expected to receive only minor noise shielding from this building. Site 3 was located in the middle of the southern portion of the proposed development, a location in which no buildings currently exist along Harbour Road and, as such, no significant shielding was provided against Harbour Road traffic noise nor Point Hope Shipyard noise.

## 2.1.2 Community Noise Metrics

The primary noise metric collected was the Equivalent Sound Level (see Glossary), or  $L_{eq}$ . When the  $L_{eq}$  is measured over a 24-hour period, the 24-hour Equivalent Sound Level, or  $L_{eq}$  (24), id obtained. The  $L_{eq}$ (24) is the noise metric utilized in the City's Dockside Green MDA. The monitoring also provided other community noise descriptors, some of which have been plotted along with  $L_{eq}$  in the 24-hour noise level histories (two for each site) presented in Appendix B. The additional noise metrics shown are the maximum noise level measured in each 15-minute interval , i.e., the  $L_{max}$ , and the 90% Exceedance Level, or  $L_{90}$ . The  $L_{90}$  is that noise level, which over a given 15-minute period, was exceeded for 90% of the time. The  $L_{90}$  is representative of the background noise level, i.e., the level of noise that is almost always present.

## 2.2 Noise Exposure Limits contained in MDA

Schedule E, Noise Nuisance and Mitigation Measures, of the Dockside Green MDA contains limits for the noise levels to be experienced within residential units (due to exterior noise sources) to be developed within Dockside Green. These limits replicate those found within the Canada Mortgage and Housing 1986 document "Road and Rail Noise; Effects on Housing" and are as follows:

Bedrooms L<sub>eo</sub>(24) 35 dBA,

Living rooms and Dining Rooms, Recreation Rooms L<sub>eq</sub>(24) 40 dBA, and

Kitchens, Bathrooms, Hallways
 L<sub>eq</sub>(24) 45 dBA.

#### 2.3 Assessment of Potential Growth in Noise over Time

In assessing the noise environments at a planned residential development, it is necessary to not only establish the baseline, or pre-project, noise environment but also to consider (to the extent permitted by available information) how noise exposures may be expected to change over time. This is necessary so that appropriate residential noise environments may be achieved, both upon project completion, and in the foreseeable future. In the case of the planned affordable housing development on Harbour Road current, a potential source not captured by the baseline noise monitoring of October 22 to 24, 2014 is barge breaking at Point Hope Shipyards. This activity is currently infrequent but could possibly increase at times in the future. This assessment has considered such a possibility.



## 3.0 RESULTS

## 3.1 Baseline Noise Levels

The 24-hour baseline noise level histories obtained between October 22 and 24, 2015 at each of Sites 1, 2 and 3 are shown in Figures B.1 through B.6 in Appendix B. Reviewing these noise levels histories (which are plotted in 15-minute intervals), it may be seen that the patterns of noise level variation with time of day are quite consistent among the three sites, with average noise levels (15-minute  $L_{eq}$ ) ranging from 50 to 60 dBA during the daytime and falling to between 40 and 50 dBA during the evening and night time hours. A general trend may also be seen for average noise levels to decrease by several decibels just after 4 PM. Since urban traffic volumes do not begin to decrease this early in the afternoon, it is expected that this effect corresponds to the cessation of work at Point Hope Shipyards and perhaps other Inner Harbour Industries. Table 1 summarizes the results of baseline noise monitoring at the three sites.

Table 1; Summary of Baseline Noise Monitoring Results

Site No.	L <sub>eq</sub> (24) Oct. 22-23, 2014 (dBA)	L <sub>eq</sub> (24) Oct. 23-24, 2014 (dBA)	48-Hour Average L <sub>eq</sub> (48) (dBA)
1	55.2	54.5	54.9
2	53.2	53.7	53.5
3	51.5	52.3	51.9

While Site 1 would have received the greatest amount of building shielding from the noise of Harbour Road traffic, and presumably Point Hope Shipyard activities, Table 1 shows that its average noise exposure was in fact 1.4 dBA higher than that at Site 2, and 3 dBA higher than that at Site 3. There are several factors that may have played a role in these outcomes:

- During the noise monitoring period, Harbour Road was closed at its south end due to Johnson Street Bridge construction. Therefore traffic volumes on Harbour Road, which are normally very low, were reduced during the monitoring;
- Activity levels at Point Hope Shipyards were typical, and no particularly noisy activities such as barge breaking were being undertaken;
- The activities of people (and vehicles) accessing the parking lot behind the three-storey Harbour Road building would have made small contributions to the average noise exposures at Sites 1 and 2 but not at Site 3;
- The three monitoring sites are quite well shielded by buildings and/or terrain from the noise created by traffic on Tyee Road and on the Johnson Street Bridge; and
- Only Site 1 had an unobstructed view towards a portion of the Bay Street Bridge.

Based on the above observations, it is concluded that the main reason that noise exposures were higher at Site 1 was its exposure to Bay Street Bridge traffic noise. Traffic volumes on the Bay Street Bridge would not be expected to be begin to diminish until after about 5:30 PM and,



in fact, would be expected to peak during the afternoon rush period from about 4:00 to 5:30 PM. As traffic volumes on the bridge peak, average vehicle speeds decrease due to congestion effects and overall traffic noise emissions are expected to decrease. This may be at least partially responsible for the observed drop in noise levels at Site 1 just after 4:00 PM.

## 3.2 Effects of Harbour Road Closure on Measured Noise Levels

Due to Johnson Street Bridge construction, Harbour Road was closed to through traffic at its south end during the entire noise monitoring period, so that only local traffic (accessing Dockside Green, Farmer Construction, Point Hope Shipyards etc.) would have been present on Harbour Road at that time. The size of this local traffic component is not known but it would appear reasonable to consider that it would be approximately half the normal traffic volume as Harbour Road does not function as a through road.

Carl Wilkinson of the City of Victoria's Transportation Department indicated that, while no traffic count data is available, current Harbour Road traffic volumes are very low and could be conservatively estimated at 2,000 vehicles per day (vpd). If, as assumed above, 50% of this traffic, or 1,000 vpd, was absent during the noise monitoring period, then it may be estimated that this missing Harbour Road traffic (with a posted speed of 50 kmph and an estimated 2% heavy vehicles) would itself contribute a daily average noise exposure at Site 3 (approximately 38 m from the centre of Harbour Road) of approximately Leq(24) 46 dBA.

Therefore, if Harbour Road had been open to normal traffic during the baseline noise monitoring period, it may be estimated that the daily average noise level at Site 3 would have been increased from 51.9 to 52.9 dBA. Site 2 is partially shielded from Harbour Road but its average noise level would be expected to increase slightly—from 53.5 to approximately 54.0 dBA. Site 1 is partially shielded from Harbour Road traffic noise and is considered to receive most of its noise exposures from Bay Street Bridge traffic. Therefore, the current average noise level at Site 1 of L<sub>eq</sub>(24) 54. 9 dBA would not be expected to change significantly with the return of normal traffic volumes to Harbour Road.

## 3.3 Potential Increases in Noise Exposure over Time

Changes in daily average noise exposures at the development site over time are expected to be principally associated with the following:

- · Growth in traffic volumes on Harbour Road;
- Growth in traffic volumes on the Bay Street Bridge; and
- Variation in activity levels at Point Hope Shipyards.

Using the traffic noise prediction procedure contained in the CMHC's Road and Rail Noise; Effects on Housing.



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#### 3.3.1 Harbour Road Traffic Growth

Because Tyee Road provides a more direct connection between downtown Victoria (via the Johnson Street Bridge) and the Skinner Street/Bay Street and Craigflower Road corridors, it is not expected that there will be significant growth in through traffic on Harbour Road in future. There will be some growth associated with the build out of Dockside Green (of which this project is a part) but this is not expected to result in increases in Harbour Road traffic that will have significant effects on noise emissions since, all else being equal, a 100% increase in traffic volumes is required on a given road to increase its average noise output by 3 dBA. For example, if over ten years, traffic on Harbour Road was to increase by 30%, the average noise emissions from this traffic stream would increase by only 1 dBA.

## 3.3.2 Bay Street Bridge Traffic Growth

Based on the City of Victoria's traffic count map, in 2011 the Bay Street Bridge carried approximately 22,000 vpd on its two lanes. As a result, there is substantial congestion, particularly during rush hours. Therefore, while there may well be growth in traffic volumes on the bridge in future, this growth would be expected to result in longer periods of congestion (and associated reduced noise emissions) and hence little if any increase in daily average traffic noise emissions from the bridge.

## 3.3.3 Point Hope Shipyards – Barge Breaking Noise

Noise emissions from Point Hope Shipyard by nature have greater potential for day-to-day variation than do those from busy roadways. The overall noise emissions from the shipyard will vary somewhat with the nature and volume of work being actively undertaken. The level of shipyard activity during the October 22 to 24, 2015 baseline noise monitoring period was judged by WAL staff to be fairly typical. This was subsequently confirmed by Point Hope Marine's General Manager, Hank Bekkering who felt that activity levels during the three day monitoring period were representative of typical shipyard conditions, with no unusually noisy activities such as barge breaking.

It is recognized that one particular shipyard activity, barge breaking, creates noise at considerably higher levels and of a more intrusive character, than normal shipyard work and that this noise has resulted in the City receiving complaints from Dockside Green residents in the past. City staff have reported that this type of activity occurs very infrequently, more specifically on only two or three occasions over the past few years. That said, barge breaking is a permitted activity on the adjacent lands and it is possible that its frequency of occurrence could increase in future. Therefore the intermittent presence of such noise has been recognized in this assessment.

Noise measurements conducted in 2010 and 2011 both by City By-law Enforcement officers and by Wakefield Acoustics Ltd. showed that active barge breaking created average noise levels of  $L_{eq}$  59 to 61 dBA at a location approximately 15 m west of Site 3.



## 3.3.4 Effects of "Buffer" Buildings

The existing three-storey commercial building (C1-2) located between proposed affordable housing building R4 and Harbour Road currently acts to reduce the levels of Harbour Road traffic noise and Victoria Shipyard noise reaching this future residential site. The shielding effects of building C1-2 have then resulted in the baseline noise levels measured at Site 1 being lower than they would have been in the absence of this "buffer" building. A smaller noise shielding effect will have been created at Site 2 by building C1-2.

Similarly if, in future, commercial building C1-3 should be constructed between affordable housing building R5 and Harbour Road, it will reduce the exposure of this residential building to noise from Harbour Road traffic and shipyard activities. Notably, building C1-3 would act to shield both buildings R5 and R4 from noise created by barge breaking, which in the past has taken place just south of the large shipyard building located directly across Harbour Road from the site of C1-3.

## 4.0 DISCUSSION AND CONCLUSIONS

## 4.1 Noise Exposures at Residential Facades

Based on the analyses described in Sections 3.2 and 3.3, the future (post-construction) noise exposures at the facades of the planned affordable housing buildings (R4 and R5) may be expected to be very similar to the baseline noise levels measured at Sites 1, 2 and 3 in October 2014. The only expected differences are that levels at Site 2 and 3 may be approximately 0.5 dBA and 1.0 dBA higher respectively when the noise contributions of the absent Harbour Road through traffic are included. With this additional Harbour Road traffic included, post-construction noise levels at the three monitoring sites, and hence at both proposed buildings, are expected to be less than, or essentially equal to, the CMHC's exterior residential noise exposure threshold of  $L_{eq}(24)$  55 dBA.

The potential for noise exposures at these residential facades to increase over time due to foreseeable growth in traffic volumes and general activity levels in the area is considered very limited. Without major changes in the nature and/or location of shippard activities or other industrial waterfront activities, increases in long-term average noise exposures would not be expected to exceed 1 decibel over the next decade.

## 4.2 Achieving Required Interior Noise Levels

From the floor plans, it appears that the east-facing facades of all residential units will include one or more bedrooms and/or a studio/sleeping space. The units will not have balconies or decks on their east-facing facades.

The CMHC's outdoor noise threshold of  $L_{eq}(24)$  55 dBA, as well as the indoor limit of  $L_{eq}(24)$  35 dBA for bedrooms contained in both the CMHC document and the Dockside Green MDA, are



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related to the prevention of significant sleep disturbance by exterior noise. Quasi-continuous noise (such as from distant traffic, industry or general urban "hum") which does not exceed 35 dBA in the bedroom is considered compatible with sleep. To achieve 35 dBA inside a bedroom with the window open slightly, the noise level outside should not exceed  $L_{eq}(24)$  55 dBA. This requirement is based on two standard assumptions:

- The typical reduction between outdoor and indoor noise levels that is achieved when a window is open slightly, is approximately 15 dBA,
- 2. During the night time (when most people are sleeping), exterior noise levels in urban areas are typically 5 dBA to 10 dBA lower than the 24-hour daily average noise level.

Where exterior noise levels will exceed Leq (24) 55 dBA, the CMHC recommends, and the City requires, that measures will be taken in the design of the building facades to achieve sufficient sound insulation so that interior noise levels will comply with MDA requirements, here the most relevant being  $L_{eq}$  35 dBA for bedrooms.

Noise levels to be experienced at the western facades of the two affordable housing buildings will be less than  $L_{eq}(24)$  55 dBA. Noise levels to be experienced at the eastern facades of the southern building R5, and the southern end of the northern building R4, are expected to be less than  $L_{eq}(24)$  55 dBA, both in the year of their completion and in the foreseeable future., Noise levels to be experienced over the majority of the eastern facade of building R4 are expected to be slightly (not more than 1 dBA) above  $L_{eq}(24)$  55 dBA. This minor exceedance would be mitigated by using standard double glazed windows that hinge along their northern edges so as to open away from the dominant noise sources located to the northeast (Bay Street bridge traffic and industrial activity).

During periods of barge breaking, the required indoor noise level can be achieved by closing the windows. This may be done comfortably because the buildings will be continuously ventilated by dual speed fans in each unit which will provide fresh air on an ongoing basis.

In summary, the noise levels to be achieved are as indicated in Table 2 below.



Table 2; Exterior and Interior Noise Levels to be Achieved at Buildings R4 and R5.

Location/Scenario	MDA Noise Level Targets (Outdoors)	Outdoor Noise Levels without Mitigation	Mitigation Measures	Noise Levels in Bedrooms with Mitigation Measures
Western Facades of R4 & R5	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facades of R4 and Southern end of R5	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facade of Majority of R4	55 dBA	55 to 56 dBA	Double-glazed windows; closed or opened from northern edge	≤ 35 dBA
Barge Breaking <sup>1</sup>	55 dBA	60 – 62 dBA	Standard windows; closed, constant ventilation	≤ 35 dBA

<sup>1.,</sup> occurs infrequently.

## 4.3 Mitigation Measures

The following measures will be taken to mitigate noise at this development:

- Installation of double-glazed, Low E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30. Such windows when closed will reduce average outdoor noise levels so as to achieve interior levels of 35 dBA or less,
- · Strategic installation of windows so that they open away from dominant noise sources,
- Provision of constant ventilation via a dual-speed fan in each home, allowing for continuous fresh air even when windows are closed.
- Minimum of R20 thermal insulation in building walls,
- · Majority of bedrooms located on west sides of buildings.



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## Statement of Limitations

This report was prepared by Wakefield Acoustics Ltd based on research and fieldwork conducted by Wakefield Acoustics Ltd for the sole benefit and exclusive use of the Catalyst Community Developments Society. The material in it reflects Wakefield Acoustics Ltd's best judgement in light of the information available to it at the time of preparing this report. Any use that a third party makes of this report or any reliance on or decision made based on it is the responsibility of such third parties. Wakefield Acoustics Ltd accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report.

Wakefield Acoustics Ltd has performed the work as described in the relevant contract and made the findings and conclusions set out in this report in a manner consistent with the level of care and skill normally exercised by members of the consulting engineering profession practicing under similar conditions at the time the work was performed.

This report was prepared by Wakefield Acoustics Ltd., and represents a reasonable review of the information available to Wakefield Acoustics Ltd within the established scope, work schedule and budgetary constraints of the contract.

In preparing this report, Wakefield Acoustics Ltd has relied in good faith on information provided by others as noted in this report and has assumed that the information provided by those individuals is both factual and accurate. Wakefield Acoustics Ltd accepts no responsibility for any deficiency, misstatement or inaccuracy in this report resulting from the information provided by those individuals.

The liability of Wakefield Acoustics Ltd in relation to the work conducted shall be limited to injury or loss caused by the negligent acts of Wakefield Acoustics Ltd. The total aggregate liability of Wakefield Acoustics Ltd related to this agreement shall not exceed the lesser of the actual damages incurred or Wakefield Acoustics Ltd's total fees for services rendered on this project.

#### Closure

This report was prepared by:

Clair W. Wakefield, M. A. Sc., P. Eng., President

This report was reviewed by:

Andrew Williamson, P. Eng.



## Glossary

#### A-weighted Sound Level (dBA)

The human ear/brain system is much more sensitive to sounds at mid-range and higher frequencies (or pitches) than at lower frequencies. Sound level meters are equipped with electronic filtering (or weighting) networks that replicate the ear's frequency sensitivity. The most widely used such weighting network is called the Aweighting and sound levels measured with this weighting in place, are expressed in Aweighted decibels, or dBA.

#### Ambient/existing level

The pre-project noise or vibration level.

#### C-weighting

The C weighting provides a more discriminating measure of the low frequency sound pressures than what is provided by A-weighting. As well, unlike the A-weighting, the C-weighting is sensitive to sounds between 100 and 1000 Hz. It can be written as dBC.

#### Daytime Equivalent Sound Level, or Ld

The Ld is the equivalent sound level measured or computed over the 15 standard daytime hours between 07:00 and 22:00 hours,

#### Day-Night Average Sound Level, or Ldn

The Day-Night Average Sound Level, or Ldn, is a variation of the Leq(24) which reflects

the greater sensitivity to residential communities to intrusive noise during the night-time. In computing Ldn, a 10 dBA penalty is applied (added) to all noise levels measured or predicted to occur between 22:00 and 07:00 hours.

#### **Equivalent Sound Level**

Equivalent Sound Level, or Leq, is that steady sound level which, over a given time period, would result in the same overall sound energy exposure as would the actual time-varying community noise level. Expressed in units of dBA.

#### **Exceedance Levels**

The Exceedance Levels, or Le, provide statistical descriptions of the community noise environment. Le is that noise level which, over a given time period, was exceeded for "e" percent of the time. For example, the L10, is that noise level which was exceeded for only 10% of the monitoring time (that is, the upper decibel level), the L50 is the level exceeded for 50% of the time, or the Median Level, while the L90 is the sound level exceeded for 90% of the time (that is, the lower decibel level), often considered to represent the "background noise level".

#### Frequency

The rate at which the air pressure fluctuations (which constitute sound) occur. This is generally the same rate at which the sound source (say a bell) is vibrating.



Frequency is expressed in units of cycles per second or Hertz (Hz.).

Impulsive Noise

Impulsive, or impact, noise, such as from hammering, metal forming, pile driving, dog barking or some forms of music, is characterized by a rapid rise and then fall in noise levels, in which the duration of the noise event is brief compared to the period, or interval, between the noise events.

#### Loudness

The subjective impression of sound intensity or sound level. For a given noise, subjective loudness roughly doubles with each 10 dBA increase in sound level.

Night-time Equivalent Sound Level, or Ln

The Ln is the equivalent sound level measured or computed over the 9 standard night-time hours between 22:00 and 07:00 hours,

#### Noise

When "sound" becomes "noise" is a subjective matter, as one person's music may be another's noise. Some sounds, such as a "jackhammer" may be considered noise by almost everyone, while others, such the sound of a motorcycle or hot rod car, may not. In general, noise may be considered to be "unwanted sound".

#### Pitch

The subjective impression of sound frequency.



APPENDICES

Engineering Solutions for a Noisy World



## **APPENDIX A**

# Community Noise Fundamentals and Descriptors

#### **Noise Fundamentals**

#### What is Sound and How is it Made?

Vibrating surfaces such as engine housings, drumheads or loudspeakers and rapidly moving fluids such as in jet engine exhausts, produce minute fluctuations in atmospheric, or air, pressure. These pressure fluctuations spread out from the source in the form of expanding pressure waves in the air, much as a water wave on a pond spreads out from the point where a pebble has been dropped – their intensity steadily decreasing with distance from the source. Our ears, acting like microphones, sense these air pressure fluctuations and our brain interprets them as sound.

### The Sound Pressure Level or "Decibel" Scale

The ear is capable of sensing sound, or "hearing", over an enormous range of intensities - from the faintest rustling of leaves to the roar of a nearby jet aircraft. The jet may produce sound that is one million times more intense than the rustling of leaves. Therefore, similar to the "Richter" scale which compresses the entire range of earthquake magnitudes into a 1 to 10 scale, the "Sound Pressure Level" or "Decibel" scale was developed to represent the even greater range of audible sound intensities within a compressed, or "logarithmic", scale. Within this scale, a Sound Pressure Level (SPL) of 0 decibels (dB) represents the threshold of hearing in the ear's most sensitive frequency range, while the

thresholds of tickling or painful sensations in the ear occur at 120 to 130 dB. The accompanying poster shows the Sound Pressure Levels, or more commonly "sound levels", typically created by a variety of common sources in the community. Roughly speaking, each 10 dB increase in sound level corresponds to a "doubling of subjective loudness".

#### How is Sound Measured?

Sound is measured with instruments called "Sound Level Meters" which consist of a microphone in conjunction with an electronic amplifier, a display meter and commonly today, a digital memory for logging sound level data over time. These meters are calibrated before each use.

## The Frequency or "Pitch" Sensitivity of the Ear - "A"-weighted Decibels

The normal range of sound frequencies audible to the young, healthy ear is from 20 cycles per second, or Hertz (Hz.) to about 20,000 Hz. The ear is much more sensitive to mid and higher frequencies (particularly the 500 to 4000 Hz, range) than to lower frequencies. To approximate the ear's frequency sensitivity, Sound Level Meters contain electronic weighting networks, the most widely used and appropriate for typical measurements in the community being the "A-weighting". Sound levels measured with this weighting in effect are called "A-weighted sound levels" and their unit of measurement is the "A-weighted decibel, or dBA".

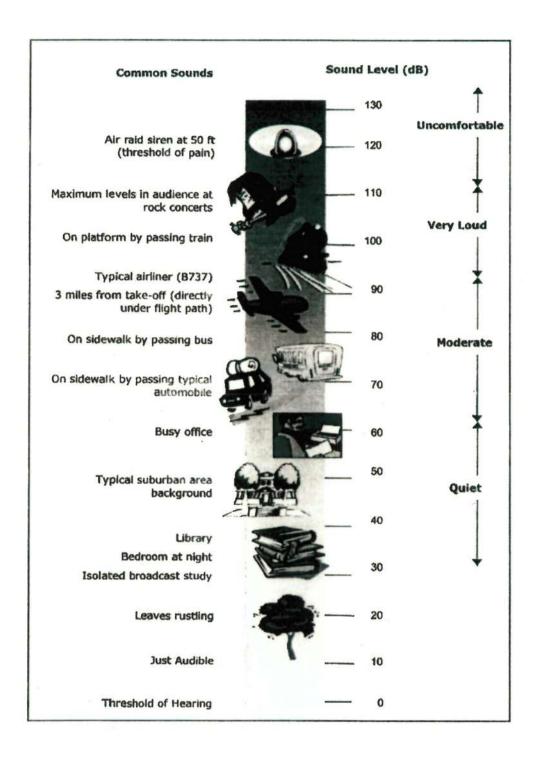


#### What is Noise?

Noise is commonly referred to as "unwanted sound", because it interferes with human activities and/or creates annoyance. The judging of sound as noise is

then, to a substantial degree, a personal or subjective matter since it depends on the situation, the activities engaged in as well as individual attitudes and sensitivity.



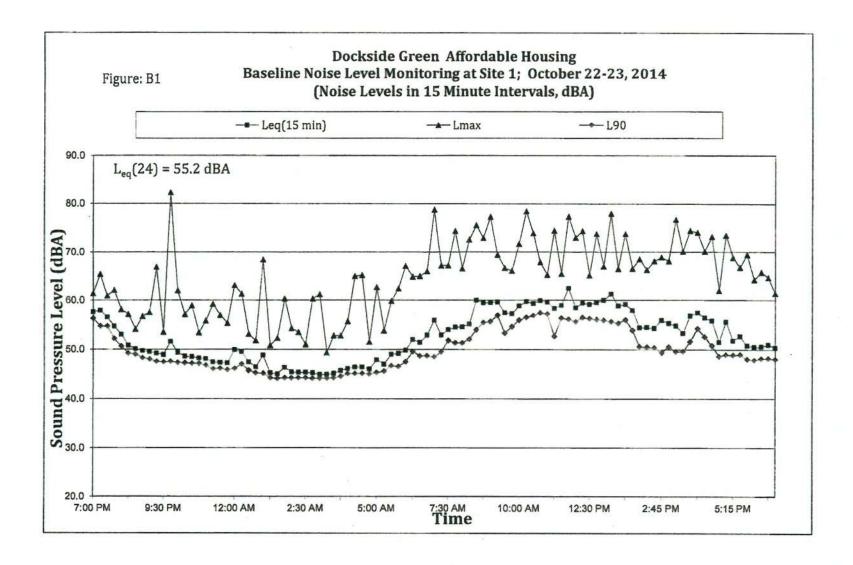




# **APPENDIX B**

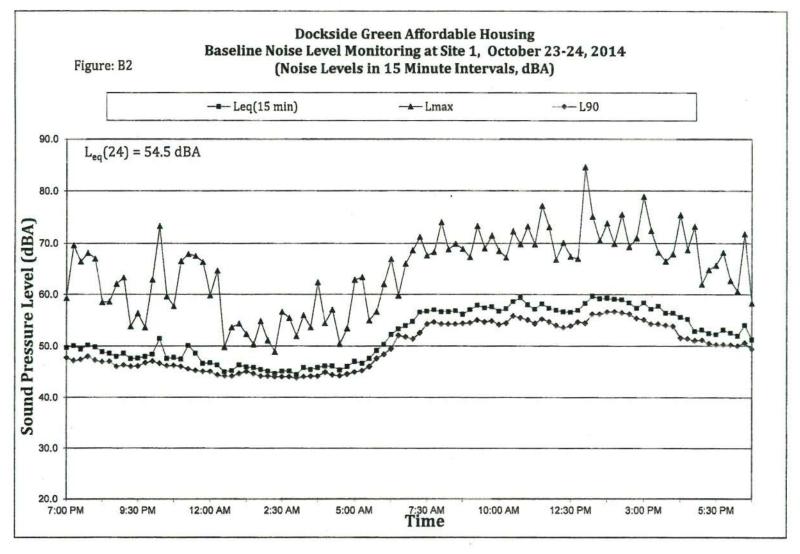
**Baseline Monitoring Noise Levels Histories** 







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#### 8. COMBINED DEVELOPMENT APPLICATION REPORTS

8.1 Rezoning Application No. 00478 for 370 and 384 Harbour Road and associated Amendments to the Official Community Plan and Master Development Agreement

Committee received a report regarding a rezoning application for 370 and 384 Harbour Road. The proposal is to amend the existing zoning to modify the siting requirements for residential uses within the Zone.

#### Committee discussed:

- Concern about the lack of parking and the impact it will have on the surrounding neighbours.
- If the provision of angle parking could increase the amount of on street parking
- The provision of bicycles as an incentive and if this proposal is the first time it has been used as a negotiation.
- · The location of the car share vehicle.
- Access to the units for emergency responders.
  - The fire department has reviewed the application and has not identified any concerns. There is also access through the patio area of Café Fantastico.
- The importance of preserving the principles of the MDA.

#### Action:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee forward this report to Council and that Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment and the necessary Master Development Agreement Amendment that would authorize the proposed development outlined in Rezoning Application No. 00478 for 370 and 384 Harbour Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. That Council determine, pursuant to Section 879(1) of the Local Government Act, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board; Councils of Oak Bay, Esquimalt and Saanich; the Songhees and Esquimalt First Nations; the School District Board; and the provincial and federal governments and their agencies due to the nature of the

- proposed amendment.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That in accordance with Section 18.1 of the Master Development Agreement (MDA) Council authorize the sale of 370 and 384 Harbour Road from Dockside Green Ltd (DGL) to Catalyst Community Development Ltd., subject to the obligations to deliver the 49 non-market rental units shall still apply to Dockside Green Ltd., as the Developer, until the 49 Non-Market Rental units have been constructed and occupied.
- 9. That Council instruct staff to prepare a *Housing Agreement Bylaw* to secure the provision of 49 non-market residential rental housing units in perpetuity.
- 10. That Council require a legal agreement to secure public access over the existing north/south greenway and stair connection to Harbour Road.

CARRIED UNANIMOUSLY 15/PLUC151

# 8.2 Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road

Committee received a report regarding a development application for 370 and 384 Harbour Road. The proposal is to construct two separate three-storey buildings with a total of 49 residential units.

#### Action:

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Referral to the Advisory Design Panel with particular attention to the following issues:
  - a. The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
- 2. Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.

- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Permit residential uses on the ground floor of a building;
  - b. Permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff
- 6. The Development Permit lapsing two years from the date of this resolution.

  CARRIED UNANIMOUSLY 15/PLUC152

PLUC meeting May 28, 2015

#### REPORTS OF THE COMMITTEES

### 2. Planning and Land Use Committee - May 28, 2015

# 2. <u>Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road</u>

It was moved by Councillor Madoff, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Referral to the Advisory Design Panel with particular attention to the following issues:
  - The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
- Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Permit residential uses on the ground floor of a building;
  - b. Permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 6. The Development Permit lapsing two years from the date of this resolution. Carried Unanimously

Council meeting May 28, 2015

# 3.1 Rezoning Application No. 00478 & Development Permit Application No. 000409 for 370 & 384 Harbour Road

The proposal is to construct two separate, three-storey buildings with a total of 49 residential dwelling units for the purpose of affordable housing.

Applicant Meeting attendees:

Mr. Robert Brown, Catalyst Community Developments

Mr. Ally Dewji, Dockside Green Ltd.

Ms. Karen Marler, HCMA Architecture & Design Ms. Robin Petri, Catalyst Community Developments

Mr. Ian Scott, Ian Scott Planning Services

Mr. Josh Taylor, Catalyst Community Developments

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

- quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines
- relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian-friendly streetscapes and pedestrian pathway connections.

Mr. Wilson then clarified an error in the report on page two in the data table, the CD-9 Zone Standard for parking – minimum is six stalls not eight as stated in the report.

Ms. Marler also clarified a mistake on page two of the report in the data table, the proposal is for seven parking stalls not eight as stated in the report.

Ms. Marler then provided the Panel with a detailed presentation of the proposal.

Mr. Rowe joined the Panel at 1:29 p.m.

Panel Members discussed:

- Designing the mews in such a way that it feels more pedestrian dominant.
- Discouraging traffic volumes by paving patterns and/or speed bumps.
- Using clumping bamboo where proposed as other types of bamboo tend to overtake the landscape.
- Incorporating further privacy measures for the units.
- Concerns of the proposed commercial building in front and how it will affect the lighting of these buildings.
- Concerns of how the proposed commercial building in front will be built in terms of setbacks and privacy considerations for the current proposal.

#### Action:

### MOVED / SECONDED

It was moved by Mr. Rowe, seconded by Ms. Murphy, that the Advisory Design Panel recommend to Council that Rezoning Application No. 00478 and Development Permit Application with Variance No. 000409 for 370 & 384 Harbour Road be approved.

#### Panel discussed:

• Incorporating the discussion around the mews into the motion.

### Amendment:

#### MOVED / SECONDED

It was moved by Mr. Rowe, seconded by Ms. Murphy, that the motion that the Advisory Design Panel recommend to Council that Rezoning Application No. 00478 and Development Permit Application with Variance No. 000409 for 370 & 384 Harbour Road be approved be amended to include consideration of the following:

- Reconsideration of the paving treatment and/or patterns on the mews to better define the mews as a pedestrian priority area versus car oriented.
- · Further consideration of lighting.

CARRIED UNANIMOUSLY

ADP-June 24, 2015

# Catalyst Community Developments Society catalystcommdev.org

Received
City of Victoria

City of Victoria

Planning & Development Department
Development Services Division

JUL 0 7 2015



Date: July 7, 2015

To: Jim Handy, Senior Planner

Development Services, City of Victoria

From: Robert Brown, President

Catalyst Community Development Society

Re: Response to Advisory Design Panel Comments from June 24, 2015

Dockside Green Affordable Rental Housing

370 and 384 Harbour Road

Rezoning #00478

Development Permit #00409

Please accept this letter, written in response to the Advisory Design Panel (ADP) comments from the June 24, 2015 session in which ADP reviewed the Dockside Green affordable workforce rental housing project.

ADP approved a motion to recommend to Council that the project rezoning application and development permit application be approved and that the following design items be considered:

- Reconsideration of the paving treatment and/or patterns on the mews to better define the mews as a pedestrian priority area versus car oriented; and
- Further consideration of lighting.

We have considered these items and have worked with HCMA Architecture and Lombard Landscape Architects to prepare the attached drawing package, which includes the following items to address the ADP motion:

- The Mews paving pattern has been modified to provide strong cues to vehicles that
  pedestrians are the priority mode of transportation. The link between Harbour Road and
  the existing stairs as well as the area near the entrances to the studios now have a pattern
  of lighter and darker grey stripes of different sized pavers delineated by a concrete band.
- There is also a curb around the retained Arbutus tree that creates two points of compression, acting as a traffic calming measure for vehicles. The entrances to the Mews off of Harbour Road with their abrupt change in surface material from asphalt to driveway to pavers slows vehicles down and signals a change in priority for modes.
- Lighting of the Mews is now provided by lit bollards at key points along the building edges and in landscaped areas, lights in the ceiling and soffit of the covered parking area and





wall mounted lights over the stairs on the north ends of both buildings. This complements the existing wall mounted lights on the existing buildings and waste water treatment plant.

On June 24, 2015, ADP also discussed the following items, but they were not included in the motion:

- Using speed bumps to discourage traffic;
- Using clumping bamboo where proposed as other types of bamboo tend to overtake the landscape;
- · Incorporating further privacy measures for the studio units; and
- Concerns about the proposed commercial building to the east and how it will affect lighting and privacy for this project.

We have reviewed these items as well and have the following comments:

- With the enhanced paving patterns, compression points, landscaping and lighting proposed, the traffic will be calmed without the use of speed bumps;
- Bamboo that takes over the landscape will be avoided;
- The landscape plan provides planters at the studio entrances to enhance privacy; and
- The proposed commercial building east of the project will have a similar relationship to the Mews as the existing commercial building. Lighting and privacy are addressed by the revised landscape plan which more clearly shows the studio entrance planters, the newly proposed bollard lighting and the revised paving pattern for the Mews.

We hope this letter and the attached drawing package meet with your satisfaction. If there are any questions, or additional information is required, please let us know.

Yours truly,

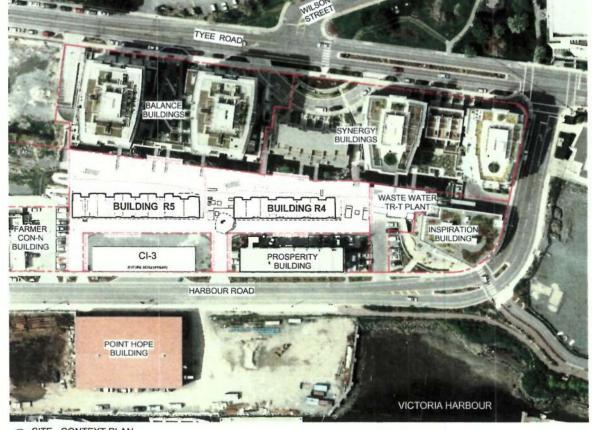
Robert Brown

President, Catalyst Community Developments Society



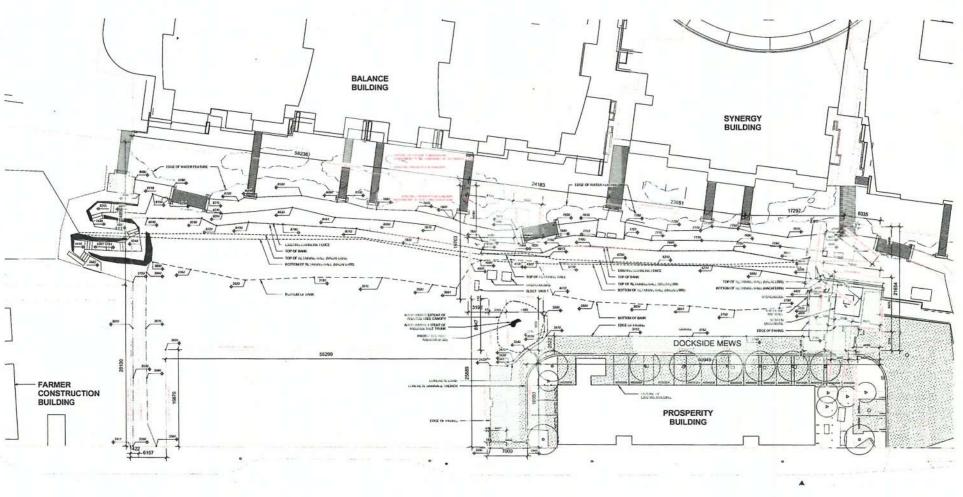






1 SITE - CONTEXT PLAN

LEGAL LOT PLAN

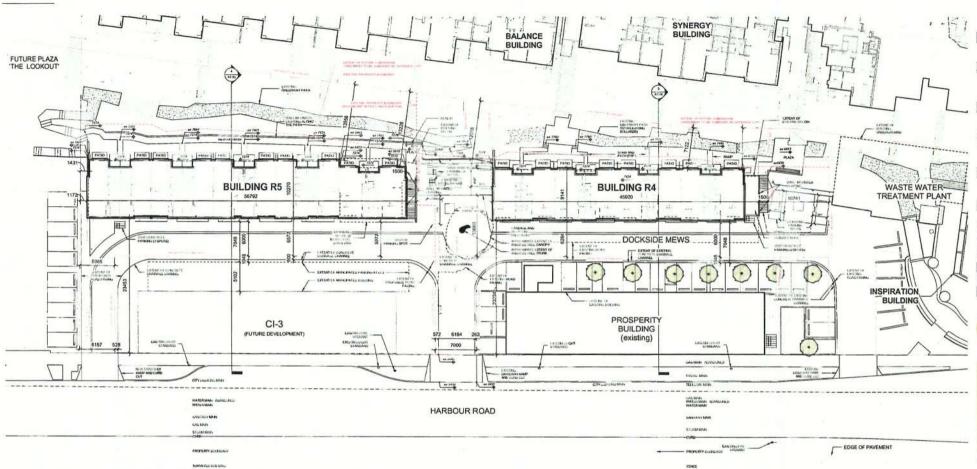


HARBOUR ROAD

Victoria

CIÈ COMCILY

Oct 2015



PROJECT INFORMATION TABLE			
	REQUIRED	PROPOSED	
ZONE (EXISTING)	CD-9; SUB ZONE DA-D	CD-9; SUB ZONE DA-D	
SITE AREA (sq. m.)	(DA-D) 16570	3842.11	
TOTAL FLOOR AREA (sq. m.)	NOT APPLICABLE	2429.78	
FLOOR SPACE RATIO	NOT APPLICABLE	2429.78 / 3842.11 = 0.63	
SITE COVERAGE %	NOT APPLICABLE	1059.14/3842.11 = 27.57	
OPEN SITE SPACE %	NOT APPLICABLE	49.03%	
HEIGHT OF BUILDING (m)	22.14 GEODETIC	14.22 GEODETIC (HEIGHT FROM GRADE 8.57)	
NUMBER OF STOREYS	NOT APPLICABLE	3	
PHIKING STALLS (NUMBER ON SITE)	AFFORDABLE: 0 (0 PER UNIT) STANDARD: 5 (1 PER UNIT)*	7	
ECYCLE PARKING NUMBER (STORAGE AND RACK)	CLASS 1: 49 (1 PER UNIT) CLASS 2: 12(6 PER BUILDING)	CLASS 1: 49 CLASS 2: 12	

BUILDING R4	BUILDING R
1020.45	1409.33
8.57	8.56
3	3
3	4
19	30
6	6

	REQUIRED	PROPOSED
UILDING SETBACKS		
RONT YARD (HARBOUR ROAD) (m)	0	23.23
EAR YARD (m)	0	7.12
IDE YARD (NORTH) (m)	0	10.74
IDE YARD (SOUTH) (m)	0	1.17
ESIDENTIAL USE DETAILS	-	
OTAL NUMBER OF UNITS	NOT APPLICABLE	49
INIT TYPE	NOT APPLICABLE	-BACHELOR -1 BEDROOM -2 BEDROOM -3 BEDROOM -4 BEDROOM
GROUND ORIENTED UNITS	NOT APPLICABLE	49
MINIMUM UNIT FLOOR AREA (sq.m.)	NOT APPLICABLE	23.54
OTAL RESIDENTIAL FLOOR AREA(sq.m.)	NOT APPLICABLE	2235.47

BUILDING R4	BUILDING R5
23.23	23.45
7.12	13.23
10.74	N/A
N/A	1.17
19	30
-BACHELOR -3 8D -4 8D	- BACHELOR -1 BEDROOM -2 BEDROOM -3 BEDROOM -4 BEDROOM
19	30
23.54	27.42
950.75	1284.72

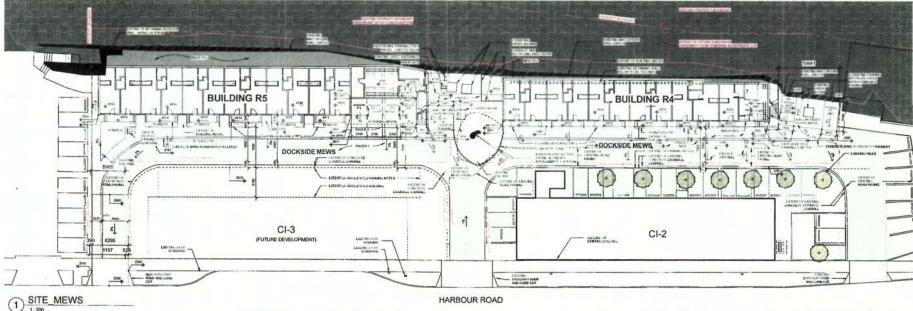
CONSIDERED AFFORDABLE UNITS UNDER MOA TERMS

CIS COMPLEX

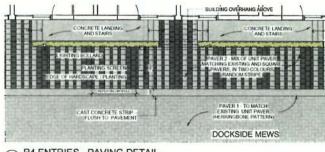
8 of 552

Oct 2015

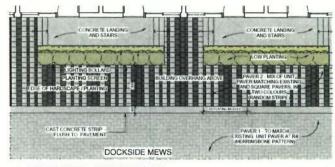
Oct 2015



BERFFERR RESIDEN MERKER PAVER 1 TO MATCH EXISTING UNIT PAVER AT R4 = (HERRINGBONE PATTERN) BEREERS DOCKSIDE MEWS LIGHTING BOLLARD CAST CONCRETE STRIP FLUSH TO PAVEMENT -RESENTE MARKHER 4 SOUTH PATH - PAVING DETAIL



2 R4 ENTRIES - PAVING DETAIL



3 R5 ENTRIES - PAVING DETAIL

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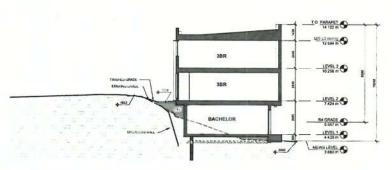


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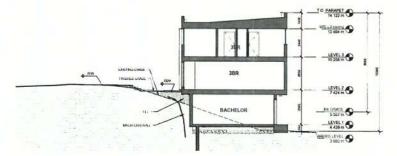




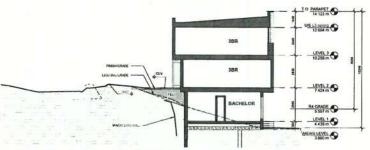
Oct 2015



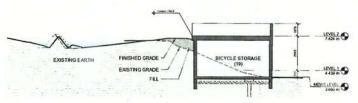
1) SECTION - BUILDING R4 at GL 4.1



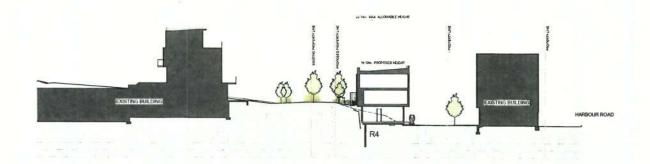
2 SECTION - BUILIDNG R4 at GL 4.3



3 SECTION - BUILDING R4 at GL 4.8



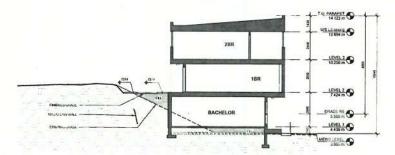
SECTION - BUILDING R4 at GL 4.9



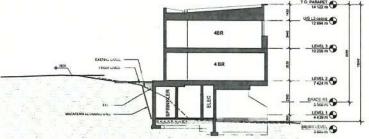
5 SITE SECTION - BUILDING R4

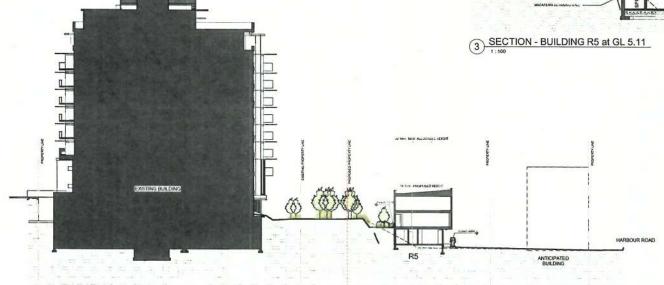
TO PANAPET 14 122 m 12 694 m 10 256 m 1 BR TAZA m LEVEL 1 MEWS LEVEL

1 SECTION - BUILDING R5 at GL 5.1



2 SECTION - BUILDING R5 at GL 5.8





SITE SECTION - BUILDING R5

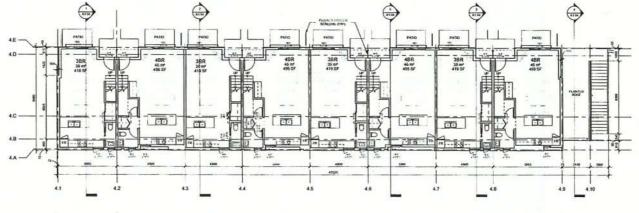
Page 302 of 552



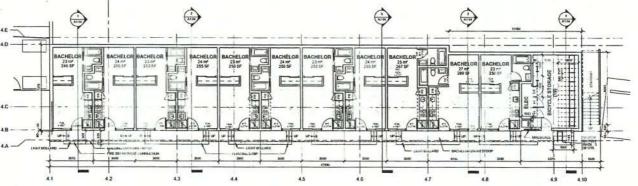


(1) 

3 LEVEL 3 - BUILDING R4



2 LEVEL 2 - BUILDING R4



1 LEVEL 1 - BUILDING R4







AFOSTION CONTROL OF THE PROPERTY OF THE PROPER

100 7 48R 54 m² 578 SF 3 LEVEL 3 - BUILDING R5 PATIO 3 BR 39 m² 418 SF E! 100 0.1 13 00 00 2 LEVEL 2 - BUILDING R5 BICYCLE STORAGE (30 SPOTS) ELEC 3 包 1 LEVEL 1 - BUILDING R5 5.11 5.10 HITEOTOPI CHEMINA

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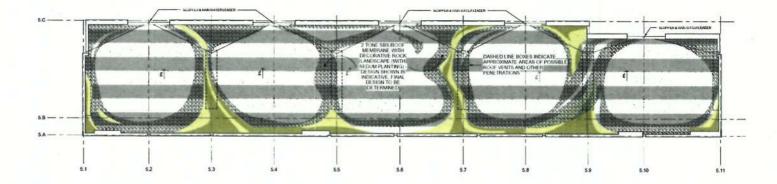
Victoria City Council City Coun



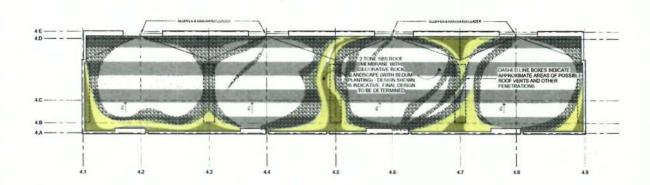








1 ROOF - BUILDING R5



2 ROOF - BUILDING R4

-FIBER CEMENT PANEL 1 -METAL CLADDING 3 CVERFLOW SCUPPER 14 122 m 10.256 m LEVEL 2 S 557 m MEWS LEVEL -CONCRETE - SEALED

1 R4 SOUTH ELEVATION

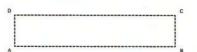


FIBER CEMENT PANEL 1-TO PARAPET 14 122 m METAL CLADDING 3 10 256 m WALL-MOUNTED LEVEL 2 CONCRETE - SEALED CONCRETE - SEALED WEARE TENET

3 R4 NORTH ELEVATION



4 R4 WEST ELEVATION



DOCKSIDE AFORDABLE HOUSING AVERAGE GRADE CALCULATION

BUILDING R4

POINTS A+B (3880+3800) /2 x 45920 =176332800 POINTS B+C (3890+7274) /2 x 9141 =56613717 POINTS C+D (7274+7274) /2 x 45920 POINTS D+A (7274+3800) /2 x 9141 =59979357

PERIMETER OF BUILDING R4 = 110122 AVERAGE GRADE FOR BUILDING R4 = 5557 MATERIALS

WALLS:

METAL CLADDING: - METAL CLADDING 1: VERTICAL METAL CLADDING PROFILE / EXPOSED FASTENER - WHITE COLOUR - METAL CLADDING 2: VERTICAL FLUSH METAL PROFILE - RANDOM PATTERN - WHITE COLOUR - METAL CLADDING 2: VERTICAL STANDING SEAM METAL CLADDING - WHITE COLOUR - METAL CLADDING 4: HORIZONTAL METAL BOARD CLADDING - WHOOD EFFECT

SEALED CONCRETE:

- SEALED CONCRETE AS FINISH AND STRUCTURE

LAPPED WOOD BOARDS WITH SEMI-TRANSPARENT STAIN - MEDIUM GREY

FIBER CEMENT BOARD:

- FIBRE CEMENT BOARD 1 (SMOOTH MATTE) - LIGHT GREY - FIBRE CEMENT BOARD 2 (SMOOTH MATTE) - DARK GREY - FIBRE CEMENT BOARD 3 (SMOOTH MATTE) - WHITE - FIBRE CEMENT BOARD 4 (SMOOTH MATTE) - ACCENT COLOUR

SOFFIT:
- METAL CLADDING 4: HORIZONTAL METAL BOARD CLADDING - WOOD EFFECT
- FIBRE CEMENT BOARD: IN WHITE AND ACCENT COLOURS AS ABOVE

-SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING

SCREENING:
- METAL CLADDING 5: SAME AS METAL CLADDING 1; PERFORATED

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- METAL CLADDING 4: HORIZONTAL METAL BOARD CLADDING - WOOD EFFECT
- FIRRE CEMENT BOARD: IN WHITE AND ACCENT COLOURS AS ABOVE -SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING PERIMETER OF BUILDING R5 = 132422 SCREENING: - METAL CLADDING 5: SAME AS METAL CLADDING 1; PERFORATED AVERAGE GRADE FOR BUILDING R5 = 5567.5

MATERIALS

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VIEW OF DOCKSIDE AFFORDABLE HOUSING FROM THE GREENWAY LEVEL (R5)

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A VIEW OF DOCKSIDE AFFORDABLE HOUSING FROM THE GREENWAY LEVEL (R4)

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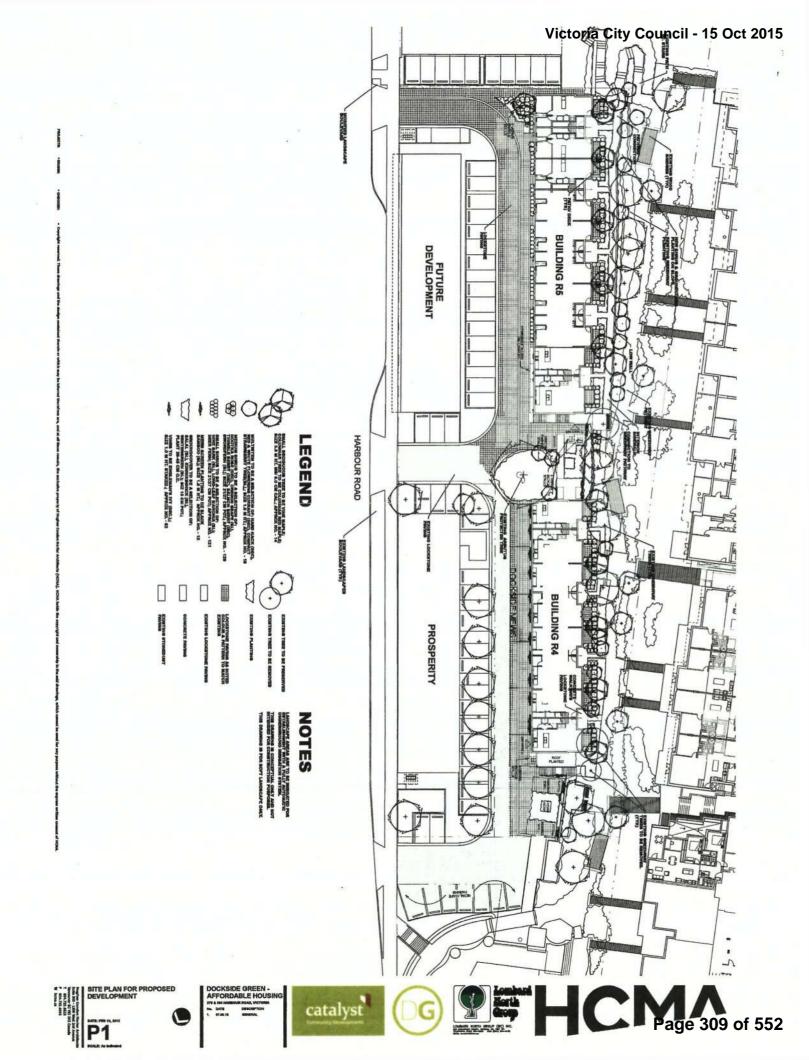


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FORM\_C\_V21 (Charge)

# VICTORIA LAND TITLE OFFICE

# Victoria City Council - 15 Oct 2015

LAND TITLE ACT FORM C (Section 233) CHARGE GENERAL INSTRUMENT - PART 1 Province of British Columbia

Aug-27-2015 14:18:44.002

CA4635939

CA4635941

PAGE 1 OF 8 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature Elizabeth Hau Man Vin

Digitally signed by Elizabeth Hau Wan Yip FF8EQ2 DN: c=CA, cn=Elizabeth Hau Wan Yip

	in accordance with Section 168.3, and a true copy, or a copyour possession.	oy of tha	t true co	ppy, is in	FF8EQ2 www.juricert.com/LKUP.cfm? id=FF8EQ2 Date: 2015.08.27 14:13:46 -07:00'
1.	APPLICATION: (Name, address, phone number of applican Susan Kelly, TERRA LAW CORPORATION)	385 3850	nt's solic	citor or a	gent)
	Suite 2800 - 650 West Georgia Street			PI	none 604-628-8980
	PO Box 11506				ient No. 12544 Doc No. 338096 le No. 500126
	Vancouver BC V	6B 4N	7		OI 337273 (Noise Mitigation)
	Document Fees: \$234.30				Deduct LTSA Fees? Yes ✓
2.	PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF L [PID] [LEGAL DESCRIPTION]				
	SEE SCHEDULE				
	STC? YES				
3.	NATURE OF INTEREST	СН	ARGE N	IO.	ADDITIONAL INFORMATION
	SEE SCHEDULE				
4.	TERMS: Part 2 of this instrument consists of (select one only (a) Filed Standard Charge Terms D.F. No.  A selection of (a) includes any additional or modified terms r		(b) (o in Item	Expre	ss Charge Terms Annexed as Part 2 schedule annexed to this instrument.
5.	TRANSFEROR(S):				
	SEE SCHEDULE				
6.	TRANSFEREE(S): (including postal address(es) and postal	code(s))			
	THE CORPORATION OF THE CITY OF	VICTO	RIA		
	1 CENTENNIAL SQUARE				
	VICTORIA	В	RITISI	H COL	LUMBIA
	V8W 1P6	C	ANAD	Α	
7.	ADDITIONAL OR MODIFIED TERMS: N/A	1996			
8.	EXECUTION(S): This instrument creates, assigns, modifies the Transferor(s) and every other signatory agree to be bound charge terms, if any.  Officer Signature(s)	by this i		nt, and a	
	Elizabeth H. Yip				by its authorized signatory:
	Barrister & Solicitor	15	8	24	
	Terra Law Corporation Suite 2800 - 650 West Georgia St. Vancouver, BC V6B 4N7 604 - 628-8998				Norman Shearing

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT FORM D

EXECUTIONS CONTINUED

PAGE 2 of 8 PAGES

15	M 08	27	THE CORPORATION OF THE CITY OF VICTORIA, by its authorized signatory(ies)  Print name: Lisa Helps Mayor  Print name:  As to Mortgage EX128529, as modified by FB292318, Mortgage FB108910,
15	08	21	As to Mortgage EX128529, as modified
15	08	21	
			and Assignment of Rents EX128530 and FB108911  VANCOUVER CITY SAVINGS CREDIT UNION, by its authorized signatory(ies):  Print name: Shirley-Anne Blackadder
15	08	21	Print name:  As to Rent Charge FB39584  DOCKSIDE GREEN (VICTORIA) SOCIETY, by its authorized signatory:  Print name: Andy Broderick
	15	15 08	15 08 21

#### OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT FORM E

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  [PID] [LEGAL DESCRIPTION]  027-424-774 LOT 4 DISTRICT LOT 119 ESQUIMALT DISTRICT PLAN VIP84612  STC? YES	
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STC? YES	
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND: [PID] [LEGAL DESCRIPTION]	
027-424-740 LOT 1 DISTRICT LOT 119 ESQUIMALT DISTRICT PLAN VIP84612	
STC? YES	
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND: [PID] [LEGAL DESCRIPTION]	
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  [PID] [LEGAL DESCRIPTION]	
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  [PID] [LEGAL DESCRIPTION]  STC? YES	

LAND TITLE ACT FORM E

PAGE 4 OF 8 PAGES SCHEDULE NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION Covenant NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION **Priority Agreement** Page 8 NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION **Priority Agreement** Page 8 CHARGE NO. ADDITIONAL INFORMATION NATURE OF INTEREST NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION CHARGE NO. ADDITIONAL INFORMATION NATURE OF INTEREST

LAND TITLE ACT FORM E

SCHEDULI

PAGE 5 OF 8 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

## 5. TRANSFEROR(S):

DOCKSIDE GREEN LTD. (Inc. No. 716742) (as to Covenant)

DOCKSIDE GREEN (VICTORIA) SOCIETY (S-51826) (as to Priority)

VANCOUVER CITY SAVINGS CREDIT UNION (as to Priority)

# SECTION 219 COVENANT (NOISE MITIGATION)

THIS AGREEMENT is dated for reference August 12, 2015 and is between the Transferor and the Transferee (and Vancouver City Savings Credit Union, as to priority only).

#### WHEREAS:

A. The Transferor is the registered owner of the following land in the Province of British Columbia:

Parcel Identifier 027-424-740 Lot 1 District Lot 119 Esquimalt District Plan VIP84612

Parcel Identifier 027-424-774 Lot 4 District Lot 119 Esquimalt District Plan VIP84612

(together, the "Land");

- B. The Transferee is The Corporation of the City of Victoria;
- C. The Transferor has applied to amend the City of Victoria Zoning Regulation Bylaw No. 80-159 as it applies to the Land, under the terms of the City of Victoria Zoning Regulation Bylaw Amendment Bylaw (No. 1047) (the "Zoning Amendment Bylaw");
- D. The Transferor has agreed to grant to the Transferee a covenant pursuant to section 219 of the Land Title Act requiring the provision of noise mitigation measures in respect of the buildings to be constructed on the Land on the terms hereinafter set forth, and the Transferor acknowledges that it is in the public interest that the use and development of the Land be restricted as set out in this Agreement; and
- E. Section 219 of the Land Title Act provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land, or that land is not to be built on or subdivided except in accordance with the covenant may be granted in favour of the Transferee and may be registered as a charge against the title to the Land.

THIS AGREEMENT is evidence that in consideration of payment of \$10.00 by the Transferee to the Transferor (the receipt and sufficiency of which is acknowledged by the Transferor), and in consideration of the promises exchanged below, the Transferor covenants and agrees with the Transferee in accordance with Section 219 of the Land Title Act as follows:

- (1) The Transferor covenants and agrees with the Transferee that any building or structure, or any part of a building or structure, that is constructed, reconstructed, moved, extended or located on the Land shall have the following noise mitigation measures installed and maintained in all residential units:
  - (a) Double-glazed, Low-E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30;

Page 7

- (b) Windows must be installed in a strategic manner so that they open away from dominant noise sources external to the building;
- (c) Constant ventilation via a dual-speed fan in each residential unit, allowing for continuous fresh air even when the windows are closed;
- (d) Building walls with a minimum of R20 thermal insulation; and
- (e) Majority of bedrooms must be located on the west side of the buildings.
- (2) In the event that Zoning Amendment Bylaw is not adopted by the Transferee on or before June 30, 2016, the Transferee will, at the Transferor's request, execute and deliver a discharge of this Agreement in registrable form within a reasonable time thereafter, provided that such discharge is prepared and registered at the Transferor's expense.
- (3) The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
  - (a) the breach of any covenant in this Agreement; and
  - (b) restrictions or requirements under this Agreement.
- (4) Every obligation and covenant of the Transferor in this Agreement constitutes both a contractual obligation and a covenant granted under s. 219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Transferor is only liable for breaches of this Agreement that occur while the Transferor is the registered owner of the Land.
- (5) At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all registered and pending charges and encumbrances of a financial nature against the Land.
- (6) This Agreement does not:
  - (a) affect or limit the discretion, rights or powers of the Transferee under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238, on the reference date of this Agreement) or at common law in relation to the Transferor or the Land all of which may be exercised or enforced by the Transferee as if this Agreement did not exist,
  - (b) affect or limit any enactment relating to the use or subdivision of the Land, or
  - (c) relieve the Transferor from complying with any public or private enactment, including in relation to the use or subdivision of the Land.
- (7) The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the

- Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.
- (8) Where the Transferee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Transferor agrees that the Transferee is under no public law duty of fairness or natural justice in that regard and agrees that the Transferee may do any of those things in the same manner as if it were a private party and not a public body.
- (9) No part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use and enjoy all of the Land subject only to the rights and restrictions herein contained.
- (10) The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary or desirable to give proper effect to the intention of this instrument.
- (11) This Agreement is the entire agreement between the parties regarding its subject and shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and their heirs and administrators respectively.
- (12) Whenever the singular or masculine are used they shall be construed as including the plural, feminine or body corporate where the context requires.

#### PRIORITY AGREEMENT

Vancouver City Savings Credit Union, the registered holder of a charges by way of Mortgages and Assignments of Rents registered against the Land, which said charges are registered in the Land Title Office at Victoria, British Columbia, under EX128529, EX128530, FB18910 and FB108911, for and in consideration of the sum of \$10.00 paid by the Transferee to the said chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Section 219 Covenant shall be an encumbrance upon the Land in priority to the said charges in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

Dockside Green (Victoria) Society, the registered holder of a charge by way of a Rent Charge against the Lands which said charge is registered in the Land Title Office at Victoria, British Columbia, under number FB39584 for and in consideration of the sum of \$10.00 paid by the Transferee to the said chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Section 219 Covenant shall be an encumbrance upon the Land in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

#### END OF DOCUMENT

#### REPORTS OF THE COMMITTEES

## 2. Planning and Land Use Committee - May 28, 2015

2. <u>Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road</u>
It was moved by Councillor Madoff, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Referral to the Advisory Design Panel with particular attention to the following issues:
  - a. The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
- 2. Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Permit residential uses on the ground floor of a building;
  - b. Permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 6. The Development Permit lapsing two years from the date of this resolution. Carried Unanimously

# 8.2 Development Permit with Variances Application No. 000409 for 370 and 384 Harbour Road

Committee received a report regarding a development application for 370 and 384 Harbour Road. The proposal is to construct two separate three-storey buildings with a total of 49 residential units.

#### **Action:**

It was moved by Councillor Madoff, seconded by Councillor Isitt, that Committee recommends that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- 1. Referral to the Advisory Design Panel with particular attention to the following issues:
  - a. The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian friendly streetscapes and pedestrian pathway connections.
- 2. Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Permit residential uses on the ground floor of a building;
  - b. Permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 6. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY 15/PLUC152** 



# Planning and Land Use Committee Report

For the Meeting of May 28, 2015

To:

Planning and Land Use Committee

Date:

May 14, 2015

From:

Mike Wilson, Senior Planner - Urban Design, Development Services Division

Subject:

Development Permit with Variances Application No. 000409 for 370 and 384

Harbour Road

#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00478, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000409 for 370 and 384 Harbour Road for the subdivision of land and construction of two multi-unit residential buildings in accordance with:

- Referral to the Advisory Design Panel with particular attention to the following issues:
  - The quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the guidelines;
  - b. The relationship between the residential unit entries and both the mews and greenway with specific attention to design details that promote pedestrian-friendly streetscapes and pedestrian pathway connections.
- Preparation of a legal agreement to ensure the recommended noise mitigation measures as described in the report from Wakefield Acoustics dated March 31, 2015 are installed and maintained.
- 3. Plans date stamped March 31, 2015.
- 4. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. permit residential uses on the ground floor of a building;
  - b. permit residential units to face Harbour Road without a building buffer.
- 5. Final plans in accordance with the plans identified above to the satisfaction of staff.
- 6. The Development Permit lapsing two years from the date of this resolution."

#### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 370 and 384 Harbour Road. The proposal is to construct two separate three-storey buildings with a total of 49 residential dwelling units. The proposal has been evaluated for consistency with Design Guidelines for the Dockside Area.

#### BACKGROUND

#### **Description of Proposal**

The proposal is to construct two separate three-storey buildings with a total of 49 residential dwelling units. Exterior materials include:

- vertical metal cladding
- vertical standing seam metal cladding
- horizontal metal cladding that reads as wood siding
- sealed concrete
- fibre cement board.

The proposed variances are to:

- permit ground-floor residential uses
- allow residential units to be constructed without a buffer of another building between them and Harbour Road.

#### Sustainability Features

As indicated in the applicant's letter dated March 31, 2015 the following sustainability features are associated with this Application:

- connection to the Dockside Green District Energy Utility
- ultra-low flow plumbing fixtures
- · connection to Dockside Green waste water treatment plant
- low off-gas building materials
- improved ventilation for suites
- use of locally sourced materials.

#### **Active Transportation Impacts**

The Application proposes the following features which support active transportation:

- the provision of 49 bicycles with a minimum value of \$200 each for tenants of the building
- the provision of 49 enclosed bicycle parking stalls.

#### **Data Table**

The following data table compares the proposal with the CD-9 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Propo	Zone Standard CD-9	
	Building R-4	Building R-5	
Site area (m²) - minimum	1304	.00	n/a
Density (Floor Space Ratio) - maximum	0.63	:1	n/a
Total floor area – DA-D (m²) - maximum	5030.60 (existing	and proposed)	16 570.00
Height (m) - maximum	8.57	8.56	26.51
Storeys - maximum	3	3	3
Site coverage % - maximum	27.5	n/a	
Open site space % - minimum	49.0	n/a	
Parking - minimum	7	0	
Visitor parking (minimum) included in the overall units	1	1	
Bicycle parking stalls (minimum)	19	30	49
Location of Residential Use	Ground Floor*	Ground Floor*	2 <sup>nd</sup> Storey or higher
Buffer Building	Partial Buffer*	No Buffer*	Buffer Required

### **Relevant History**

A Master Development Agreement (MDA) is registered on the title of the subject lands. This requires, at the Development Permit stage, the provision of a pest management plan, an acoustical assessment, and the provision of transportation demand management measures. These items are discussed in the Analysis section of this report.

### **Community Consultation**

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, the Application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's Land Use Procedures Bylaw, it requires notice, sign posting and a meeting of Council to consider the variances.

#### **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The Official Community Plan (OCP) identifies this property within Development Permit Area 13, Core Songhees. The applicable design guidelines are the Design Guidelines for the Dockside Area. The guidelines provide site-wide design guidelines as well as guidelines specific to each sub area.

The applicant proposes a three-storey multi-unit residential building that abuts the slope of the existing greenway. Lower-level units are accessed from the mews (east) while units on levels two and three are accessed from the greenway (west). Each unit has direct access to the outside through the provision of a front door.

Key guidelines relate to the provision of pedestrian-friendly streetscapes, individual unit entrances and consideration of Crime Prevention Through Environmental Design (CPTED) principles. Each of the buildings present multiple unit entrances toward the mews and greenway. The applicant proposes a variety of exterior materials including metal panelling and concrete fibre board. The applicant has proposed five types of metal cladding which vary with respect to texture and reveals. The Application of these materials is deployed in a manner that breaks up the long horizontal extent of each building structure through fine detailing and colour. This is particularly relevant on the east elevation of each of the buildings. On the west elevations, the applicant proposes various shades of fiber cement panels which are accented with stained wood boards. Unit entries are highlighted with brightly coloured doors and soffit mounted lighting. The applicant proposes to break up the horizontal extent of this façade through the provision of projecting bays. These bays will be further defined with individual private patios that are accessible on level two.

The guidelines recommend that architecture in this area should recall the industrial and marine influences with regard to colour selection, materials and form. Staff recommend that Council consider referring this Application to the Advisory Design Panel with specific attention to:

- the quality of the exterior materials and their arrangement on the proposed buildings with respect to highlighting the marine and industrial design influences referenced in the quideline
- the relationship between the residential unit entries from both the mews and greenway with specific attention to design details that promote pedestrian-friendly streetscapes and pedestrian pathway connections.

#### Siting of Residential Uses and Noise Mitigation Measures

The two variances associated with this Application are both related to siting of residential uses. In accordance with the Master Development Agreement, the applicant has submitted a Noise Mitigation Report prepared by a Professional Engineer in support of this Development Permit Application. This report also provides support for the proposed variances. A copy of the study is attached to the report.

The consultant conducted noise sampling measurements at various times in the fall of 2014. The intent of the report is to determine what, if any, noise mitigation measures should be incorporated into the building design to mitigate noise from adjacent marine industrial uses on Harbour Road.

The following noise mitigation measures are recommended to be included in the proposed development:

- installation of double-glazed, Low E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30. Such windows when closed will reduce average outdoor noise levels to achieve interior levels of 35 dBA or less
- strategic installation of windows so that they open away from dominant noise sources
- provision of constant ventilation via a dual-speed fan in each home, allowing for continuous fresh air even when windows are closed
- requiring a minimum of R20 thermal insulation in building walls
- Requiring a majority of bedrooms to be located on west sides of buildings.

Staff have reviewed the report and recommend for Council's consideration that Council accept the proposed mitigation measures and direct staff to secure their installation and maintenance through a legal agreement.

## **Pest Management Plan**

In accordance with the Master Development Agreement, the applicant has submitted a Pest Management Plan in support of this Development Permit Application. A copy of the plan is attached to this report.

## Transportation Demand Management Measures

In accordance with the Master Development Agreement, the applicant will be providing the following Transportation Demand Management measures:

- forty-nine bicycles with a minimum value of \$200 each for tenants of the buildings
- forty-nine enclosed bicycle parking stalls
- a car-share membership to a maximum value of \$500 per membership
- a bus pass subsidy of \$15 per month to the British Columbia Transit Authority for three years beginning at occupancy of the buildings.

#### CONCLUSIONS

The proposal is to construct two separate three-storey buildings with a total of 49 residential dwelling units. The proposal has been evaluated for consistency with Design Guidelines for the Dockside Area. The guidelines recommend that architecture in this area should recall the industrial and marine influences with regard to colour selection, materials and form. Staff recommend for Council's consideration that Council consider referring this Application to the Advisory Design Panel.

A noise mitigation report has been completed which recommends several building elements that will help mitigate potential noise concerns and will help alleviate the possible effects of allowing the construction of the residential units at-grade and without the benefit of a building buffering them from neighbouring commercial and industrial uses. The recommendation provided for Council's consideration contains language to ensure that these features are secured by a legal agreement.

#### **ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 000409 for the property located at 370 and 384 Harbour Road.

Respectfully submitted,

Mike Wilson

Senior Planner – Urban Design Development Services Division Alison Meyer, Assistant Director Sustainable Planning and

Community Development

Andrea Hudson, Acting Director Sustainable Planning and Community Development

Atd Hade

Report accepted and recommended by the City Manager:

Jason Johnson

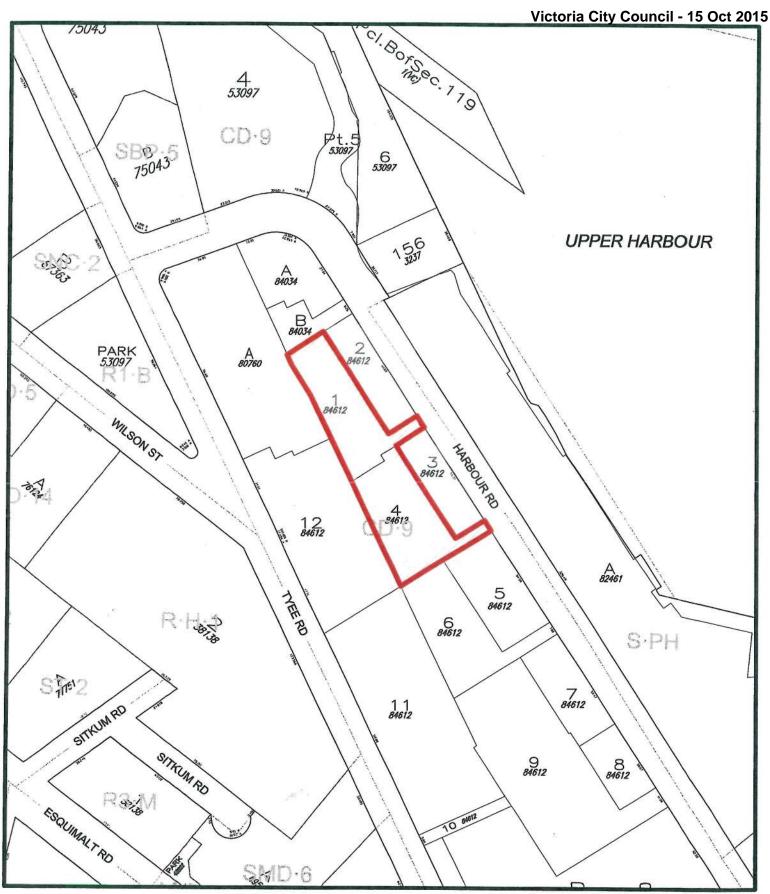
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#### **List of Attachments**

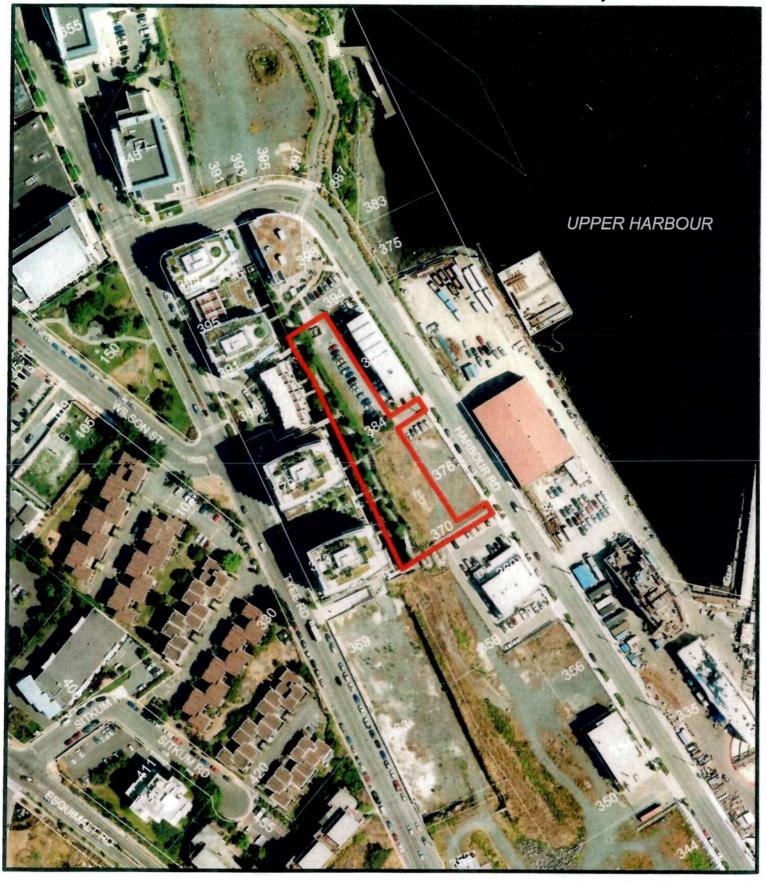
- Aerial Map
- Zoning Map
- Plans date stamped March 31, 2015
- Report from Wakefield Acoustics dated March 31, 2015.





370 and 384 Harbour Road Rezoning #00478 Bylaw #







370 and 384 Harbour Road Development Permit #000409

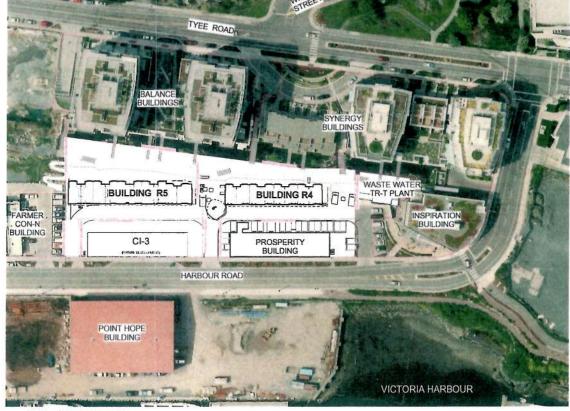




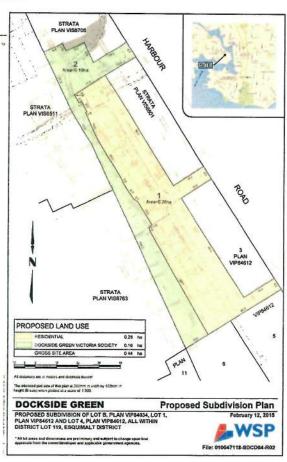


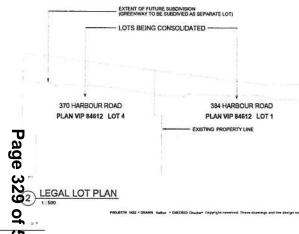
Victoria City Council -15 Oct 2015



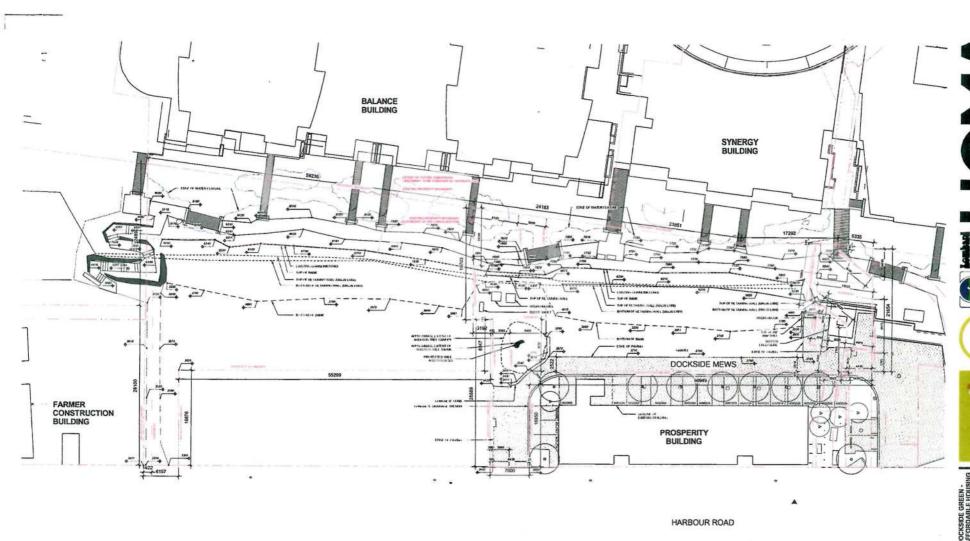








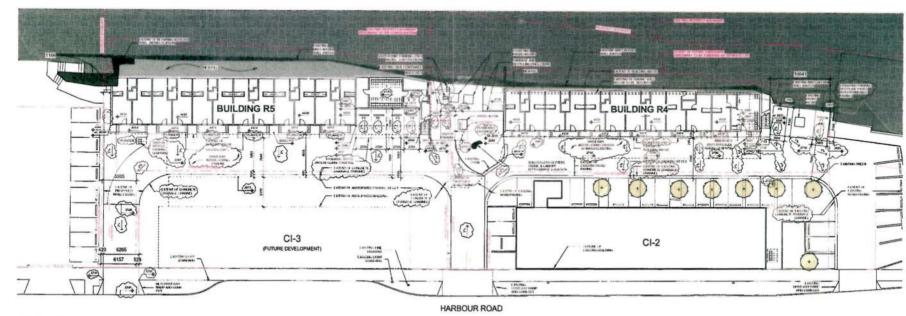
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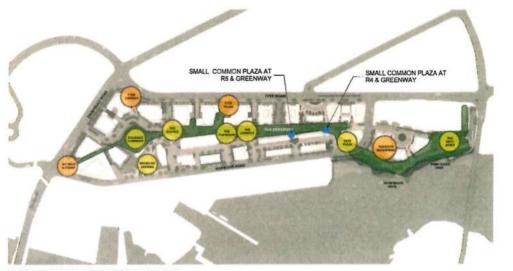
Victoria City Council. -- 15 Oct 2015

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1 SITE\_MEWS



DOCKSIDE GREEN - PROPOSED MASTERPLAN - PUBLIC REALM

Victoria City Council - 15 Oct 2015 2 ELEVATION - HARBOUR ROAD 1) ELEVATION - DOCKSIDE MEWS 0.0 0000 THE REPORT OF THE PROPOSED BUILDING R5 FUTURE C1-3 BUILDING (POTENTIAL OUTLINE) B 田油 П catalyst Page 333 of 552

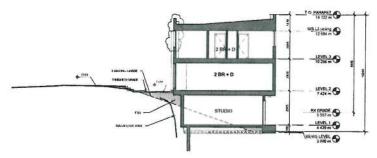
CONTEXT BUILDING ELEVATIONS A1.03



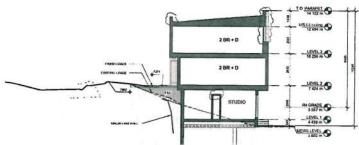


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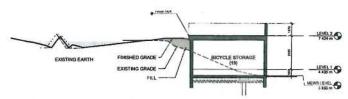
1 SECTION - BUILDING R4 at GL 4.1



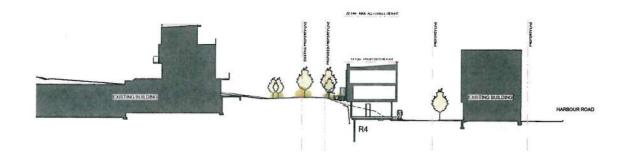
2 SECTION - BUILIDNG R4 at GL 4.3



3 SECTION - BUILDING R4 at GL 4.8



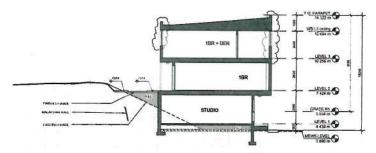
4 SECTION - BUILDING R4 at GL 4.9



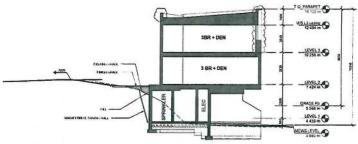
5 SITE SECTION - BUILDING R4

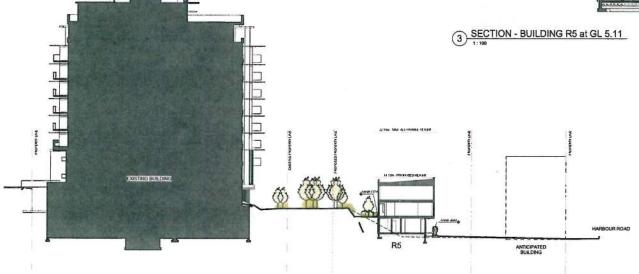
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SECTION - BUILDING R5 at GL 5.1



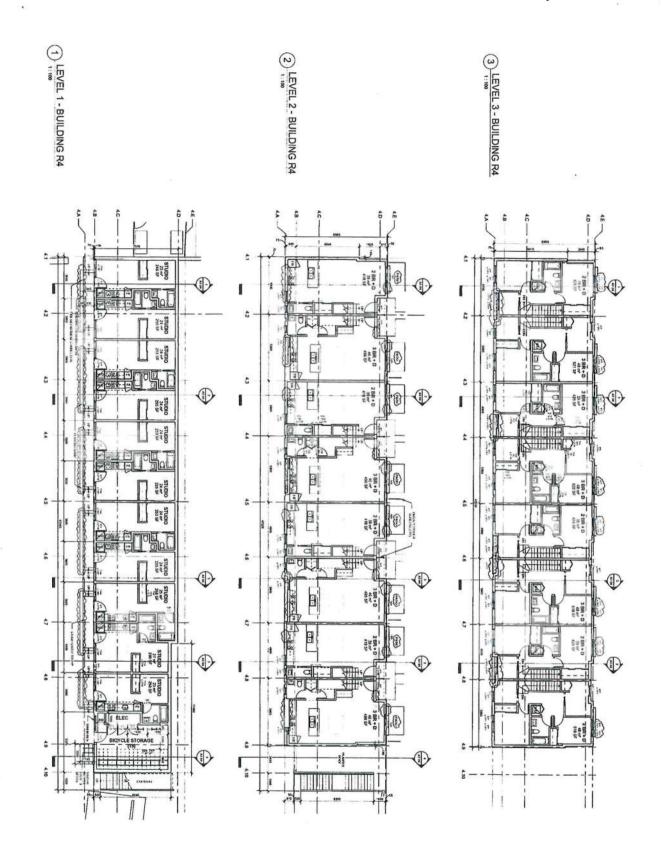
2 SECTION - BUILDING R5 at GL 5.8





4 SITE SECTION - BUILDING R5

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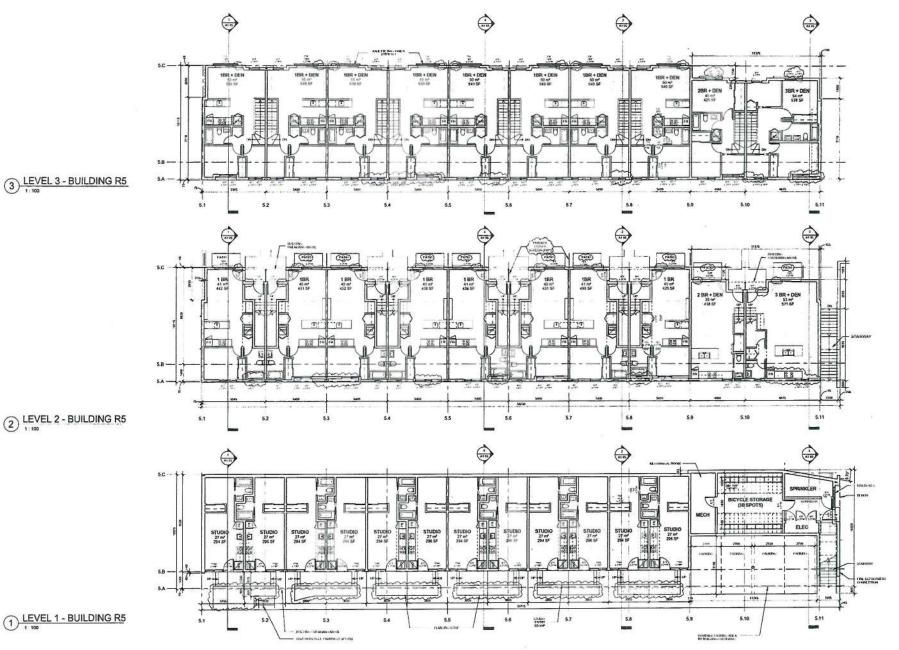








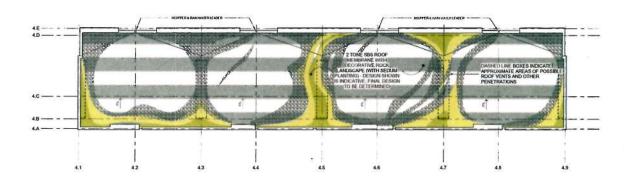




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Z TONE SHE ROOF
MEMBRANE WITH
DECORATIVE ROCK
LANDSCAPE (WITH
SEDUM PLANTING)
DESIGN SHOWN IS
INDICATIVE; FINAL
DESIGN TO BE
DETERMINED; zî 52 5.3 5.11

ROOF - BUILDING R5



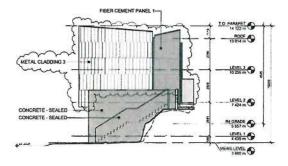
2 ROOF - BUILDING R4

Victoria City Council - 15

Oct 2015

- LEVEL 3 - 0 TAZEM O CONCRETE - SEALED

1 R4 SOUTH ELEVATION



3 R4 NORTH ELEVATION



2 R4 EAST ELEVATION



R4 WEST ELEVATION



DOCKSIDE AFORDABLE HOUSING AVERAGE GRADE CALCULATION

BUILDING R4

POINTS A+B (3880+3800) /2 x 45920 =176332800 POINTS B+C (3800+7274) /2 x 9141 =50613717 POINTS C+O (7274+7274) /2 x 45920 =334022080 POINTS D+A (7274+3880) /2 x 9141 =5097937 511947954

PERIMETER OF BUILDING R4 = 110122 AVERAGE GRADE FOR BUILDING R4 = 5557 MATERIALS

WALLS:

METAL CLADDING

METAL CLADONG 1: VERTICAL METAL CLADONG PROFILE / EXPOSED FASTENER - WHITE COLOUR - METAL CLADONG 2: VERTICAL FLUSH METAL PROFILE - RANDOM PATTERN - WHITE COLOUR - METAL CLADONG 3: VERTICAL STANDING SEAM METAL CLADONG 4: WHITE COLOUR - METAL CLADONG 4: HORIZONTAL METAL BOARD CLATCHING - WHOOL EFFECT

SEALED CONCRETE:

- SEALED CONCRETE AS FINISH AND STRUCTURE

BOARD SIDING:

(APPED WOOD BOARDS WITH SEMI-TRANSPARENT STAIN - MEDIUM GREY

FIBER CEMENT BOARD:

- FIBRE CEMENT BOARD 1 (SMOOTH MATTE) - LIGHT GREY EBRE SEMENT SOARD 2 (SMOOTH MATTE) - DARK (GREY FIBRE CEMENT BOARD 3 (SMOOTH MATTE) - WHITE - FIBRE CEMENT BOARD 4 (SMOOTH MATTE) - ACCENT COLOUR

SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING

SCREENING:
-METAL CLADDING 5: (SAME AS METAL CLADDING 1; PERFORATED)









Victoria City Council 45 Oct 2015

-FIBRE CEMENT BOARD 1 (SMOOTH MATTE) - LIGHT GREY -EBRE FEMENT BOARD 2 (GMOPH MATTE) - DARK (BEY -FIBRE CEMENT BOARD 3 (SMOOTH MATTE) - WHITE -FIBRE CEMENT BOARD 4 (SMOOTH MATTE) - ACCENT COLOUR

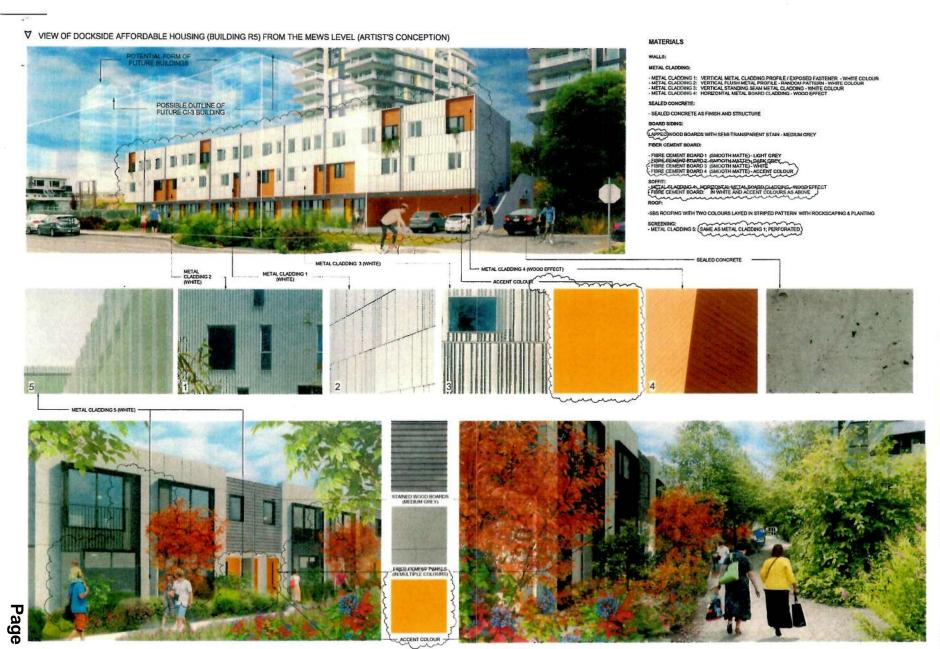
-SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING

SCREENING:
- METAL CLADDING 5: SAME AS METAL CLADDING 1: PERFORATED

PERIMETER OF BUILDING R5 = 132422 AVERAGE GRADE FOR BUILDING R5 = 5567.5

POINTS A+B (3880+3880) /2 x 56792 POINTS B+C (3880+7274) /2 x 9141 POINTS C+O (274+7274) /2 x 11335 POINTS D+E (274+7274) /2 x 1135 POINTS E+F (7274+7274) /2 x 43755 POINTS F+A (7274+3880) /2 x 43755

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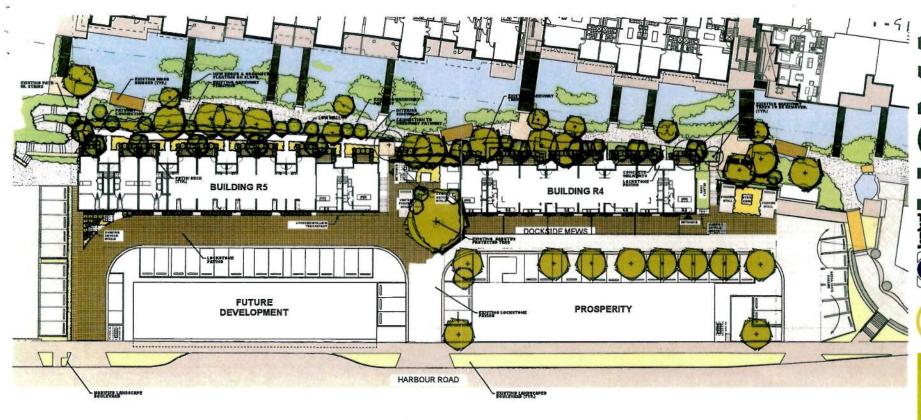


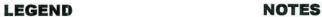


DOCKSIDE AFFORDAB 274 2 34 IMBOUR 14 DATE 1 28 SAUTS

Victoria City Counc 45 Oct 2015

A VIEW OF DOCKSIDE AFFORDABLE HOUSING FROM THE GREENWAY LEVEL (R4)







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SITE PLAN FOR PROPOSED DEVELOPMENT



# ACOUSTICAL ASSESSMENT

**Prepared For: Catalyst Community Developments Society** 

March 31, 2015



File No: 14-1998-1

# **Document Revision Log**

Version	Date	Author	Reviewed by
V1 (draft)	February 19, 2015	C. Wakefield	
V2 (final)	February 20, 2015	C. Wakefield	A. Williamson
V3 (revised final)	March 31, 2015	C. Wakefield	



## **EXECUTIVE SUMMARY**

This noise assessment has examined the current and anticipated future noise environments at the site of an affordable housing project planned by the Catalyst Community Developments Society on Harbour Road within Dockside Green along the western shore of Victoria's Inner Harbour. The site is located on the west side of Harbour Road between the Johnson Street and Bay Street Bridges. As such the site is exposed to noise from traffic on Harbour Road as well as, at its northern end, noise from traffic on the Bay Street Bridge. Noise is also created by activities at the Point Hope Shipyards located on the eastern side of Harbour Road.

The Dockside Green MDA requires that residential developments provide indoor noise environments in compliance with Canada Mortgage and Housing thresholds, the most relevant of which is a 24-hour equivalent noise level, or  $L_{eq}(24)$  of 35 dBA, for bedrooms. The CMHC indicates that this interior noise objective will be achieved in typical residential situations (with windows open slightly for ventilation) provided that outdoor noise levels at the building facade do not exceed  $L_{eq}(24)$  55 dBA.

Wakefield Acoustics Ltd. (WAL) conducted baseline noise monitoring over a 48-hour period at three locations (see Figure 1) from October 22 to 24, 2014. This monitoring has shown that current daily average noise exposures were  $L_{eq}(48)$  54.9 dBA at monitoring Site 1 (representing the northern half of building R4), 53.5 dBA at Site 2 (representing the southern end of building R4), and 51.9 dBA at Site 3 representing building (R5).

The potential for growth in overall noise levels in the study area over time is considered very limited. Harbour Road traffic is expected to continue to be light (since nearby Tyee Road provides a more convenient route for through traffic) and any significant growth in traffic on the Bay street Bridge would be expected to be accompanied by further, more prolonged periods of congestion, with associated reductions in traffic noise emissions compared to free-flowing traffic conditions. Currently barge breaking activities occur infrequently at the shipyards but it is possible that the rate of occurrence could increase in future.

Noise levels to be experienced at the western facades of the two affordable housing buildings will be less than  $L_{eq}(24)$  55 dBA. Noise levels to be experienced at the eastern facades of the southern building R5, and the southern end of the northern building R4, are expected to be less than  $L_{eq}(24)$  55 dBA, both in the year of their completion and in the foreseeable future., Noise levels to be experienced over the majority of the eastern facade of building R4 are expected to be slightly (not more than 1 dBA) above  $L_{eq}(24)$  55 dBA. This minor exceedance would be mitigated by using standard double glazed windows that hinge along their northern edges so as to open away from the dominant noise sources located to the northeast (Bay Street bridge traffic and industrial activity).



During periods of barge breaking, the required indoor noise level can be achieved by closing the windows. This may be done comfortably because the buildings will be continuously ventilated by dual speed fans in each unit which will provide fresh air on an ongoing basis.

In summary, the noise levels that are expected to be achieved at Buildings R4 and R5 are as indicated in the following table.

Exterior and Interior Noise Levels to be Achieved at Buildings R4 and R5.

Location/Scenario	MDA Noise Level Targets (Outdoors)	Outdoor Noise Levels without Mitigation	Mitigation Measures	Noise Levels in Bedrooms with Mitigation Measures
Western Facades of R4 & R5	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facades of R5 and Southern end of R4	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facade of Majority of R4	55 dBA _	55 to 56 dBA	Double-glazed windows; closed or opened from northern edge	≤ 35 dBA
Barge Breaking <sup>1</sup>	55 dBA	60 – 62 dBA	Standard windows; closed, constant ventilation	≤ 35 dBA

<sup>1.,</sup> occurs infrequently.

The following measures will be taken to mitigate noise at the development:

- Installation of double-glazed, Low E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30. Such windows when closed will reduce average outdoor noise levels so as to achieve interior levels of 35 dBA or less,
- Strategic installation of windows so that they open away from dominant noise sources,
- Provision of constant ventilation via a dual-speed fan in each home, allowing for continuous fresh air even when windows are closed.
- Minimum of R20 thermal insulation in building walls,
- Majority of bedrooms located on west sides of buildings.



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# **LIST OF ACRONYMS**

Abbreviation/Acronym	Explanation	
ANSI	American National Standards Institute	
BATNEEC	Best Available Techniques Not Entailing Excessive Cost	
BC	British Columbia	
dB	Decibel	
dBA	A-weighted decibel	
EA	Environmental Assessment	
Hz	Hertz	
Km	Kilometre	
Kph	Kilometres per hour	
L <sub>AFmax</sub>	Maximum A-weighted, fast time constant sound level	
L <sub>d</sub>	Daytime (7:00 to 22:00) equivalent sound level	
L <sub>dn</sub>	Day-night equivalent sound level	
L <sub>eq</sub>	Equivalent sound level	
L <sub>n</sub>	Night time (22:00 to 7:00) equivalent sound level	
L <sub>90</sub>	Noise level exceeded 90% of the time (background noise)	
M	Metre	
MDA	Master Development Agreement	
MT	Metric tonnes	
S	Second	
SEL	Sound Exposure Level	
SWL	Sound power level	
WAL	Wakefield Acoustics Ltd.	



## 1.0 INTRODUCTION

## 1.1 Background

In October 2014, Wakefield Acoustics Ltd. (WAL) was requested by the Catalyst Community Developments Society to conduct an investigation into the current (baseline) noise environment on the site of the Society's planned Affordable Housing Development within Dockside Green in downtown Victoria, B.C. This housing development is to be located on west side of Harbour Road, to south of the Bay Street Bridge and to the east of Tyee Road. The building site is on the west side of Harbour Road and future residences will face eastwards towards the Inner Harbour but also towards Point Hope Shipyards. The future housing site is therefore surrounded by sources traffic and industrial noise. However, existing multi-storey buildings to the west and east will provide noise shielding for the site.

The purpose of this investigation has been to document the current noise environment over the site, consider any potential changes in noise that may occur over the site within the decade following completion, compare present and future noise levels with the noise exposure limits specified in the Dockside Green Master Development Agreement (MDA), and comment on the need for any noise control measures.

## 1.2 Scope

The major tasks which have gone into this investigation have been as follows:

- Continuous monitoring of baseline noise levels at three locations on the site over a 48hour period;
- Assessment of the representativeness of the measured baseline noise levels;
- Assessment of the potential for noise levels over the site to increases in future.
- Comparison of noise levels with requirements of the MDA;
- Recommend noise control measures as appropriate; and
- Summarize the acoustical investigation in an engineering report.



# 2.0 METHODOLOGY

# 2.1 Baseline Noise Monitoring

## 2.1.1 Noise Monitoring Dates, Equipment and Locations

Baseline noise monitoring was conducted at three locations (sites) on the proposed housing site over a 48-hour period from Wednesday, October 22 to Friday, October 24, 2014. The monitoring was conducted using one Larson Davis Type LXT and two Larson Davis Type 812 precision sound level meters. These devices continuously sample ambient noise levels and produce full statistical descriptions of the noise environments at 15 minute intervals. The sound level meters were calibrated before and after the noise monitoring session using a Larson Davis C250 Precision Acoustic Calibrator.

The locations of the three noise monitoring sites are shown in Figure 1.



Figure 1; Locations of Baseline Noise Monitoring Sites 1, 2 and 3 (Tyee Road to the left and Harbour Road to the right).



Site 1, the most northerly monitoring site, was located directly behind (west of ) an existing three-storey building on Harbour Road and as such was expected to receive substantial shielding from noise created by Harbour Road traffic and activities at Point Hope Shipyards. Site 2 was located near the southern end of the three-storey Harbour Road building and, as such, would be expected to receive only minor noise shielding from this building. Site 3 was located in the middle of the southern portion of the proposed development, a location in which no buildings currently exist along Harbour Road and, as such, no significant shielding was provided against Harbour Road traffic noise nor Point Hope Shipyard noise.

## 2.1.2 Community Noise Metrics

The primary noise metric collected was the Equivalent Sound Level (see Glossary), or  $L_{eq}$ . When the  $L_{eq}$  is measured over a 24-hour period, the 24-hour Equivalent Sound Level, or  $L_{eq}$  (24), id obtained. The  $L_{eq}$ (24) is the noise metric utilized in the City's Dockside Green MDA. The monitoring also provided other community noise descriptors, some of which have been plotted along with  $L_{eq}$  in the 24-hour noise level histories (two for each site) presented in Appendix B. The additional noise metrics shown are the maximum noise level measured in each 15-minute interval , i.e., the  $L_{max}$ , and the 90% Exceedance Level, or  $L_{90}$ . The  $L_{90}$  is that noise level, which over a given 15-minute period, was exceeded for 90% of the time. The  $L_{90}$  is representative of the background noise level, i.e., the level of noise that is almost always present.

# 2.2 Noise Exposure Limits contained in MDA

Schedule E, Noise Nuisance and Mitigation Measures, of the Dockside Green MDA contains limits for the noise levels to be experienced within residential units (due to exterior noise sources) to be developed within Dockside Green. These limits replicate those found within the Canada Mortgage and Housing 1986 document "Road and Rail Noise; Effects on Housing" and are as follows:

Bedrooms L<sub>eq</sub>(24) 35 dBA,
 Living rooms and Dining Rooms, Recreation Rooms L<sub>eq</sub>(24) 40 dBA, and
 Kitchens, Bathrooms, Hallways L<sub>eq</sub>(24) 45 dBA.

2.3 Assessment of Potential Growth in Noise over Time

In assessing the noise environments at a planned residential development, it is necessary to not only establish the baseline, or pre-project, noise environment but also to consider (to the extent permitted by available information) how noise exposures may be expected to change over time. This is necessary so that appropriate residential noise environments may be achieved, both upon project completion, and in the foreseeable future. In the case of the planned affordable housing development on Harbour Road current, a potential source not captured by the baseline noise monitoring of October 22 to 24, 2014 is barge breaking at Point Hope Shipyards. This activity is currently infrequent but could possibly increase at times in the future. This assessment has considered such a possibility.



## 3.0 RESULTS

## 3.1 Baseline Noise Levels

The 24-hour baseline noise level histories obtained between October 22 and 24, 2015 at each of Sites 1, 2 and 3 are shown in Figures B.1 through B.6 in Appendix B. Reviewing these noise levels histories (which are plotted in 15-minute intervals), it may be seen that the patterns of noise level variation with time of day are quite consistent among the three sites, with average noise levels (15-minute  $L_{eq}$ ) ranging from 50 to 60 dBA during the daytime and falling to between 40 and 50 dBA during the evening and night time hours. A general trend may also be seen for average noise levels to decrease by several decibels just after 4 PM. Since urban traffic volumes do not begin to decrease this early in the afternoon, it is expected that this effect corresponds to the cessation of work at Point Hope Shipyards and perhaps other Inner Harbour Industries. Table 1 summarizes the results of baseline noise monitoring at the three sites.

Table 1; Summary of Baseline Noise Monitoring Results

Site No.	L <sub>eq</sub> (24) Oct. 22-23, 2014 (dBA)	L <sub>eq</sub> (24) Oct. 23-24, 2014 (dBA)	48-Hour Average L <sub>eq</sub> (48) (dBA)
1	55.2	54.5	54.9
2	53.2	53.7	53.5
3	51.5	52.3	51.9

While Site 1 would have received the greatest amount of building shielding from the noise of Harbour Road traffic, and presumably Point Hope Shipyard activities, Table 1 shows that its average noise exposure was in fact 1.4 dBA higher than that at Site 2, and 3 dBA higher than that at Site 3. There are several factors that may have played a role in these outcomes:

- During the noise monitoring period, Harbour Road was closed at its south end due to Johnson Street Bridge construction. Therefore traffic volumes on Harbour Road, which are normally very low, were reduced during the monitoring;
- Activity levels at Point Hope Shipyards were typical, and no particularly noisy activities such as barge breaking were being undertaken;
- The activities of people (and vehicles) accessing the parking lot behind the three-storey Harbour Road building would have made small contributions to the average noise exposures at Sites 1 and 2 but not at Site 3;
- The three monitoring sites are quite well shielded by buildings and/or terrain from the noise created by traffic on Tyee Road and on the Johnson Street Bridge; and
- Only Site 1 had an unobstructed view towards a portion of the Bay Street Bridge.

Based on the above observations, it is concluded that the main reason that noise exposures were higher at Site 1 was its exposure to Bay Street Bridge traffic noise. Traffic volumes on the Bay Street Bridge would not be expected to be begin to diminish until after about 5:30 PM and,



in fact, would be expected to peak during the afternoon rush period from about 4:00 to 5:30 PM. As traffic volumes on the bridge peak, average vehicle speeds decrease due to congestion effects and overall traffic noise emissions are expected to decrease. This may be at least partially responsible for the observed drop in noise levels at Site 1 just after 4:00 PM.

## 3.2 Effects of Harbour Road Closure on Measured Noise Levels

Due to Johnson Street Bridge construction, Harbour Road was closed to through traffic at its south end during the entire noise monitoring period, so that only local traffic (accessing Dockside Green, Farmer Construction, Point Hope Shipyards etc.) would have been present on Harbour Road at that time. The size of this local traffic component is not known but it would appear reasonable to consider that it would be approximately half the normal traffic volume as Harbour Road does not function as a through road.

Carl Wilkinson of the City of Victoria's Transportation Department indicated that, while no traffic count data is available, current Harbour Road traffic volumes are very low and could be conservatively estimated at 2,000 vehicles per day (vpd). If, as assumed above, 50% of this traffic, or 1,000 vpd, was absent during the noise monitoring period, then it may be estimated that this missing Harbour Road traffic (with a posted speed of 50 kmph and an estimated 2% heavy vehicles) would itself contribute a daily average noise exposure at Site 3 (approximately 38 m from the centre of Harbour Road) of approximately  $L_{eq}(24)$  46 dBA.

Therefore, if Harbour Road had been open to normal traffic during the baseline noise monitoring period, it may be estimated that the daily average noise level at Site 3 would have been increased from 51.9 to 52.9 dBA. Site 2 is partially shielded from Harbour Road but its average noise level would be expected to increase slightly —from 53.5 to approximately 54.0 dBA. Site 1 is partially shielded from Harbour Road traffic noise and is considered to receive most of its noise exposures from Bay Street Bridge traffic. Therefore, the current average noise level at Site 1 of L<sub>eq</sub>(24) 54. 9 dBA would not be expected to change significantly with the return of normal traffic volumes to Harbour Road.

# 3.3 Potential Increases in Noise Exposure over Time

Changes in daily average noise exposures at the development site over time are expected to be principally associated with the following:

- · Growth in traffic volumes on Harbour Road;
- Growth in traffic volumes on the Bay Street Bridge; and
- Variation in activity levels at Point Hope Shipyards.

<sup>&</sup>lt;sup>1</sup> Using the traffic noise prediction procedure contained in the CMHC's Road and Rail Noise; Effects on Housing.



## 3.3.1 Harbour Road Traffic Growth

Because Tyee Road provides a more direct connection between downtown Victoria (via the Johnson Street Bridge) and the Skinner Street/Bay Street and Craigflower Road corridors, it is not expected that there will be significant growth in through traffic on Harbour Road in future. There will be some growth associated with the build out of Dockside Green (of which this project is a part) but this is not expected to result in increases in Harbour Road traffic that will have significant effects on noise emissions since, all else being equal, a 100% increase in traffic volumes is required on a given road to increase its average noise output by 3 dBA. For example, if over ten years, traffic on Harbour Road was to increase by 30%, the average noise emissions from this traffic stream would increase by only 1 dBA.

## 3.3.2 Bay Street Bridge Traffic Growth

Based on the City of Victoria's traffic count map, in 2011 the Bay Street Bridge carried approximately 22,000 vpd on its two lanes. As a result, there is substantial congestion, particularly during rush hours. Therefore, while there may well be growth in traffic volumes on the bridge in future, this growth would be expected to result in longer periods of congestion (and associated reduced noise emissions) and hence little if any increase in daily average traffic noise emissions from the bridge.

## 3.3.3 Point Hope Shipyards – Barge Breaking Noise

Noise emissions from Point Hope Shipyard by nature have greater potential for day-to-day variation than do those from busy roadways. The overall noise emissions from the shipyard will vary somewhat with the nature and volume of work being actively undertaken. The level of shipyard activity during the October 22 to 24, 2015 baseline noise monitoring period was judged by WAL staff to be fairly typical. This was subsequently confirmed by Point Hope Marine's General Manager, Hank Bekkering who felt that activity levels during the three day monitoring period were representative of typical shipyard conditions, with no unusually noisy activities such as barge breaking.

It is recognized that one particular shipyard activity, barge breaking, creates noise at considerably higher levels and of a more intrusive character, than normal shipyard work and that this noise has resulted in the City receiving complaints from Dockside Green residents in the past. City staff have reported that this type of activity occurs very infrequently, more specifically on only two or three occasions over the past few years. That said, barge breaking is a permitted activity on the adjacent lands and it is possible that its frequency of occurrence could increase in future. Therefore the intermittent presence of such noise has been recognized in this assessment.

Noise measurements conducted in 2010 and 2011 both by City By-law Enforcement officers and by Wakefield Acoustics Ltd. showed that active barge breaking created average noise levels of  $L_{eq}$  59 to 61 dBA at a location approximately 15 m west of Site 3.



## 3.3.4 Effects of "Buffer" Buildings

The existing three-storey commercial building (C1-2) located between proposed affordable housing building R4 and Harbour Road currently acts to reduce the levels of Harbour Road traffic noise and Victoria Shipyard noise reaching this future residential site. The shielding effects of building C1-2 have then resulted in the baseline noise levels measured at Site 1 being lower than they would have been in the absence of this "buffer" building. A smaller noise shielding effect will have been created at Site 2 by building C1-2.

Similarly if, in future, commercial building C1-3 should be constructed between affordable housing building R5 and Harbour Road, it will reduce the exposure of this residential building to noise from Harbour Road traffic and shipyard activities. Notably, building C1-3 would act to shield both buildings R5 and R4 from noise created by barge breaking, which in the past has taken place just south of the large shipyard building located directly across Harbour Road from the site of C1-3.

## 4.0 DISCUSSION AND CONCLUSIONS

## 4.1 Noise Exposures at Residential Facades

Based on the analyses described in Sections 3.2 and 3.3, the future (post-construction) noise exposures at the facades of the planned affordable housing buildings (R4 and R5) may be expected to be very similar to the baseline noise levels measured at Sites 1, 2 and 3 in October 2014. The only expected differences are that levels at Site 2 and 3 may be approximately 0.5 dBA and 1.0 dBA higher respectively when the noise contributions of the absent Harbour Road through traffic are included. With this additional Harbour Road traffic included, post-construction noise levels at the three monitoring sites, and hence at both proposed buildings, are expected to be less than, or essentially equal to, the CMHC's exterior residential noise exposure threshold of  $L_{eq}(24)$  55 dBA.

The potential for noise exposures at these residential facades to increase over time due to foreseeable growth in traffic volumes and general activity levels in the area is considered very limited. Without major changes in the nature and/or location of shipyard activities or other industrial waterfront activities, increases in long-term average noise exposures would not be expected to exceed 1 decibel over the next decade.

# 4.2 Achieving Required Interior Noise Levels

From the floor plans, it appears that the east-facing facades of all residential units will include one or more bedrooms and/or a studio/sleeping space. The units will not have balconies or decks on their east-facing facades.

The CMHC's outdoor noise threshold of  $L_{eq}(24)$  55 dBA, as well as the indoor limit of  $L_{eq}(24)$  35 dBA for bedrooms contained in both the CMHC document and the Dockside Green MDA, are



related to the prevention of significant sleep disturbance by exterior noise. Quasi-continuous noise (such as from distant traffic, industry or general urban "hum") which does not exceed 35 dBA in the bedroom is considered compatible with sleep. To achieve 35 dBA inside a bedroom with the window open slightly, the noise level outside should not exceed  $L_{eq}(24)$  55 dBA. This requirement is based on two standard assumptions:

- The typical reduction between outdoor and indoor noise levels that is achieved when a window is open slightly, is approximately 15 dBA,
- 2. During the night time (when most people are sleeping), exterior noise levels in urban areas are typically 5 dBA to 10 dBA lower than the 24-hour daily average noise level.

Where exterior noise levels will exceed Leq (24) 55 dBA, the CMHC recommends, and the City requires, that measures will be taken in the design of the building facades to achieve sufficient sound insulation so that interior noise levels will comply with MDA requirements, here the most relevant being  $L_{eq}$  35 dBA for bedrooms.

Noise levels to be experienced at the western facades of the two affordable housing buildings will be less than  $L_{eq}(24)$  55 dBA. Noise levels to be experienced at the eastern facades of the southern building R5, and the southern end of the northern building R4, are expected to be less than  $L_{eq}(24)$  55 dBA, both in the year of their completion and in the foreseeable future., Noise levels to be experienced over the majority of the eastern facade of building R4 are expected to be slightly (not more than 1 dBA) above  $L_{eq}(24)$  55 dBA. This minor exceedance would be mitigated by using standard double glazed windows that hinge along their northern edges so as to open away from the dominant noise sources located to the northeast (Bay Street bridge traffic and industrial activity).

During periods of barge breaking, the required indoor noise level can be achieved by closing the windows. This may be done comfortably because the buildings will be continuously ventilated by dual speed fans in each unit which will provide fresh air on an ongoing basis.

In summary, the noise levels to be achieved are as indicated in Table 2 below.



Table 2; Exterior and Interior Noise Levels to be Achieved at Buildings R4 and R5.

Location/Scenario	MDA Noise Level Targets (Outdoors)	Outdoor Noise Levels without Mitigation	Mitigation Measures	Noise Levels in Bedrooms with Mitigation Measures
Western Facades of R4 & R5	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facades of R4 and Southern end of R5	55 dBA	< 55 dBA	Not Required	≤ 35 dBA
Eastern Facade of Majority of R4	55 dBA	55 to 56 dBA	Double-glazed windows; closed or opened from northern edge	≤ 35 dBA
Barge Breaking <sup>1</sup>	55 dBA	60 – 62 dBA	Standard windows; closed, constant ventilation	≤ 35 dBA

<sup>1.,</sup> occurs infrequently.

# 4.3 Mitigation Measures

The following measures will be taken to mitigate noise at this development:

- Installation of double-glazed, Low E, argon-filled windows having a Sound Transmission Class Rating of approximately STC 30. Such windows when closed will reduce average outdoor noise levels so as to achieve interior levels of 35 dBA or less,
- Strategic installation of windows so that they open away from dominant noise sources,
- Provision of constant ventilation via a dual-speed fan in each home, allowing for continuous fresh air even when windows are closed.
- · Minimum of R20 thermal insulation in building walls,
- Majority of bedrooms located on west sides of buildings.



## Statement of Limitations

This report was prepared by Wakefield Acoustics Ltd based on research and fieldwork conducted by Wakefield Acoustics Ltd for the sole benefit and exclusive use of the Catalyst Community Developments Society. The material in it reflects Wakefield Acoustics Ltd's best judgement in light of the information available to it at the time of preparing this report. Any use that a third party makes of this report or any reliance on or decision made based on it is the responsibility of such third parties. Wakefield Acoustics Ltd accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report.

Wakefield Acoustics Ltd has performed the work as described in the relevant contract and made the findings and conclusions set out in this report in a manner consistent with the level of care and skill normally exercised by members of the consulting engineering profession practicing under similar conditions at the time the work was performed.

This report was prepared by Wakefield Acoustics Ltd., and represents a reasonable review of the information available to Wakefield Acoustics Ltd within the established scope, work schedule and budgetary constraints of the contract.

In preparing this report, Wakefield Acoustics Ltd has relied in good faith on information provided by others as noted in this report and has assumed that the information provided by those individuals is both factual and accurate. Wakefield Acoustics Ltd accepts no responsibility for any deficiency, misstatement or inaccuracy in this report resulting from the information provided by those individuals.

The liability of Wakefield Acoustics Ltd in relation to the work conducted shall be limited to injury or loss caused by the negligent acts of Wakefield Acoustics Ltd. The total aggregate liability of Wakefield Acoustics Ltd related to this agreement shall not exceed the lesser of the actual damages incurred or Wakefield Acoustics Ltd's total fees for services rendered on this project.

#### Closure

This report was prepared by:

Clair W. Wakefield, M. A. Sc., P. Eng., President

This report was reviewed by:

Andrew Williamson, P. Eng.



## Glossary

### A-weighted Sound Level (dBA)

The human ear/brain system is much more sensitive to sounds at mid-range and higher frequencies (or pitches) than at lower frequencies. Sound level meters are equipped with electronic filtering (or weighting) networks that replicate the ear's frequency sensitivity. The most widely used such weighting network is called the A-weighting and sound levels measured with this weighting in place, are expressed in A-weighted decibels, or dBA.

#### Ambient/existing level

The pre-project noise or vibration level.

#### C-weighting

The C weighting provides a more discriminating measure of the low frequency sound pressures than what is provided by A-weighting. As well, unlike the A-weighting, the C-weighting is sensitive to sounds between 100 and 1000 Hz. It can be written as dBC.

#### Daytime Equivalent Sound Level, or Ld

The Ld is the equivalent sound level measured or computed over the 15 standard daytime hours between 07:00 and 22:00 hours,

## Day-Night Average Sound Level, or Ldn

The Day-Night Average Sound Level, or Ldn, is a variation of the Leq(24) which reflects

the greater sensitivity to residential communities to intrusive noise during the night-time. In computing Ldn, a 10 dBA penalty is applied (added) to all noise levels measured or predicted to occur between 22:00 and 07:00 hours.

#### **Equivalent Sound Level**

Equivalent Sound Level, or Leq, is that steady sound level which, over a given time period, would result in the same overall sound energy exposure as would the actual time-varying community noise level. Expressed in units of dBA.

#### Exceedance Levels

The Exceedance Levels, or Le, provide statistical descriptions of the community noise environment. Le is that noise level which, over a given time period, was exceeded for "e" percent of the time. For example, the L10, is that noise level which was exceeded for only 10% of the monitoring time (that is, the upper decibel level), the L50 is the level exceeded for 50% of the time, or the Median Level, while the L90 is the sound level exceeded for 90% of the time (that is, the lower decibel level), often considered to represent the "background noise level".

#### Frequency

The rate at which the air pressure fluctuations (which constitute sound) occur. This is generally the same rate at which the sound source (say a bell) is vibrating.



March 31, 2015

Acoustical Assessment

Frequency is expressed in units of cycles per second or Hertz (Hz.).

Impulsive Noise

Impulsive, or impact, noise, such as from hammering, metal forming, pile driving, dog barking or some forms of music, is characterized by a rapid rise and then fall in noise levels, in which the duration of the noise event is brief compared to the period, or interval, between the noise events.

#### Loudness

The subjective impression of sound intensity or sound level. For a given noise, subjective loudness roughly doubles with each 10 dBA increase in sound level.

Night-time Equivalent Sound Level, or Ln

The Ln is the equivalent sound level measured or computed over the 9 standard night-time hours between 22:00 and 07:00 hours,

#### Noise

When "sound" becomes "noise" is a subjective matter, as one person's music may be another's noise. Some sounds, such as a "jackhammer" may be considered noise by almost everyone, while others, such the sound of a motorcycle or hot rod car, may not. In general, noise may be considered to be "unwanted sound".

#### Pitch

The subjective impression of sound frequency.



APPENDICES

Engineering Solutions for a Norsy World





Acoustical Assessment

# **APPENDIX A**

# Community Noise Fundamentals and Descriptors

### **Noise Fundamentals**

#### What is Sound and How is it Made?

Vibrating surfaces such as engine housings, drumheads or loudspeakers and rapidly moving fluids such as in jet engine exhausts, produce minute fluctuations in atmospheric, or air, pressure. These pressure fluctuations spread out from the source in the form of expanding pressure waves in the air, much as a water wave on a pond spreads out from the point where a pebble has been dropped – their intensity steadily decreasing with distance from the source. Our ears, acting like microphones, sense these air pressure fluctuations and our brain interprets them as sound.

### The Sound Pressure Level or "Decibel" Scale

The ear is capable of sensing sound, or "hearing", over an enormous range of intensities - from the faintest rustling of leaves to the roar of a nearby jet aircraft. The jet may produce sound that is one million times more intense than the rustling of leaves. Therefore, similar to the "Richter" scale which compresses the entire range of earthquake magnitudes into a 1 to 10 scale, the "Sound Pressure Level" or "Decibel" scale was developed to represent the even greater range of audible sound intensities within a compressed, or "logarithmic", scale. Within this scale, a Sound Pressure Level (SPL) of 0 decibels (dB) represents the threshold of hearing in the ear's most sensitive frequency range, while the

thresholds of tickling or painful sensations in the ear occur at 120 to 130 dB. The accompanying poster shows the Sound Pressure Levels, or more commonly "sound levels", typically created by a variety of common sources in the community. Roughly speaking, each 10 dB increase in sound level corresponds to a "doubling of subjective loudness".

#### **How is Sound Measured?**

Sound is measured with instruments called "Sound Level Meters" which consist of a microphone in conjunction with an electronic amplifier, a display meter and commonly today, a digital memory for logging sound level data over time. These meters are calibrated before each use.

# The Frequency or "Pitch" Sensitivity of the Ear - "A"-weighted Decibels

The normal range of sound frequencies audible to the young, healthy ear is from 20 cycles per second, or Hertz (Hz.) to about 20,000 Hz. The ear is much more sensitive to mid and higher frequencies (particularly the 500 to 4000 Hz, range) than to lower frequencies. To approximate the ear's frequency sensitivity, Sound Level Meters contain electronic weighting networks, the most widely used and appropriate for typical measurements in the community being the "A-weighting". Sound levels measured with this weighting in effect are called "A-weighted sound levels" and their unit of measurement is the "A-weighted decibel, or dBA".

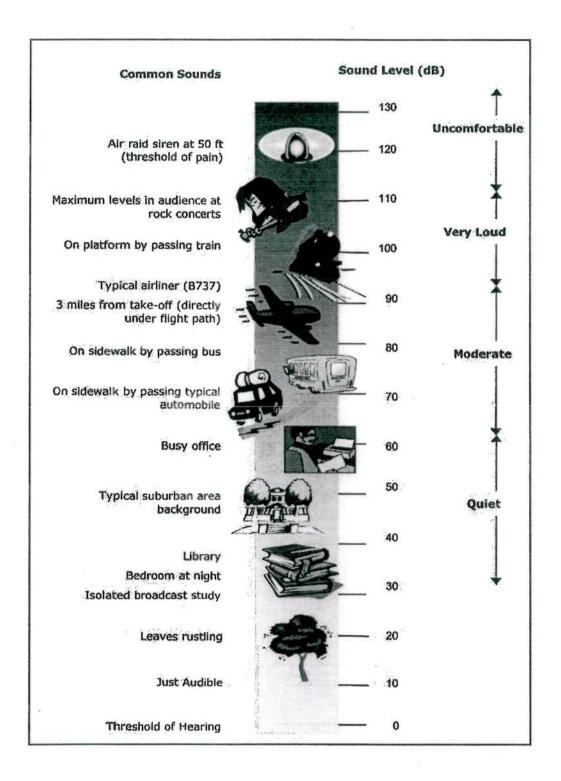


### What is Noise?

Noise is commonly referred to as "unwanted sound", because it interferes with human activities and/or creates annoyance. The judging of sound as noise is

then, to a substantial degree, a personal or subjective matter since it depends on the situation, the activities engaged in as well as individual attitudes and sensitivity.



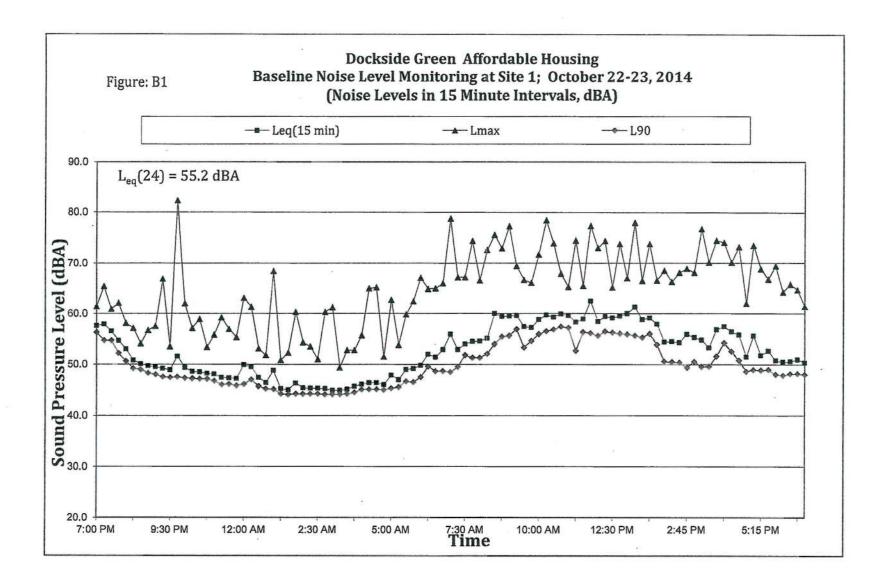




# **APPENDIX B**

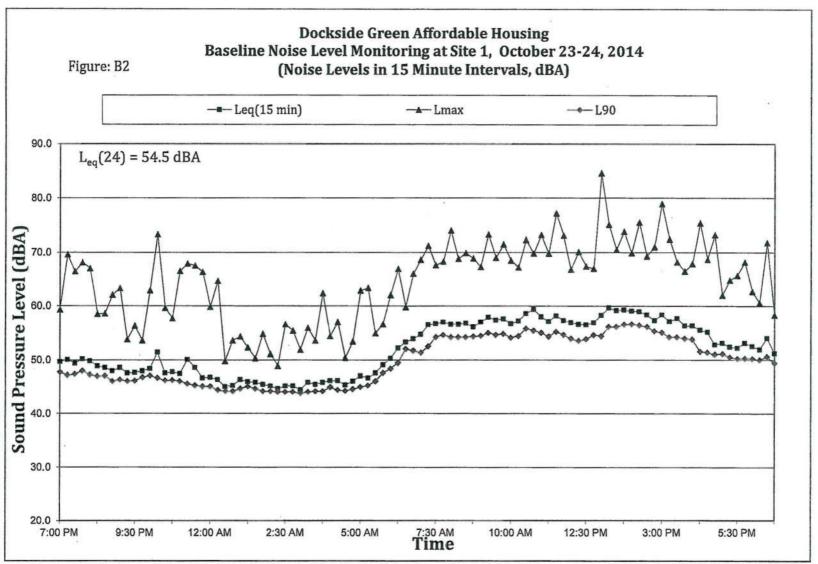
**Baseline Monitoring Noise Levels Histories** 



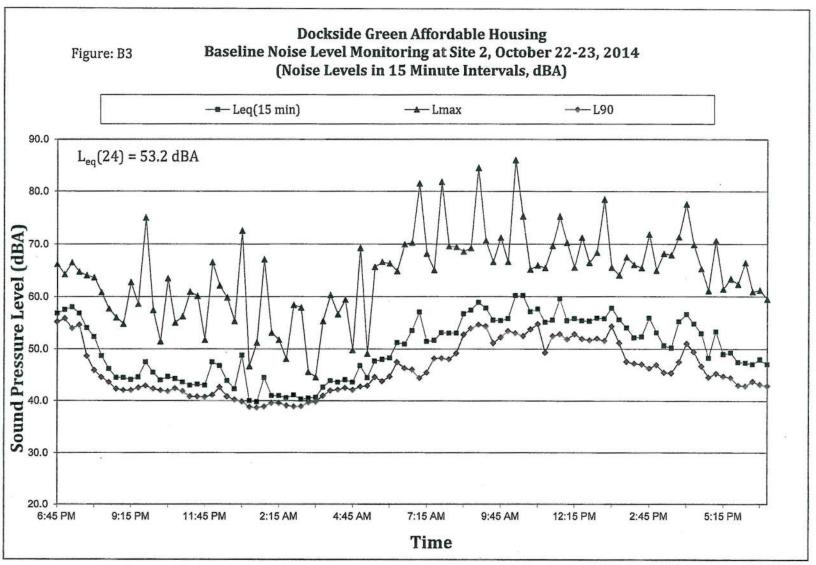




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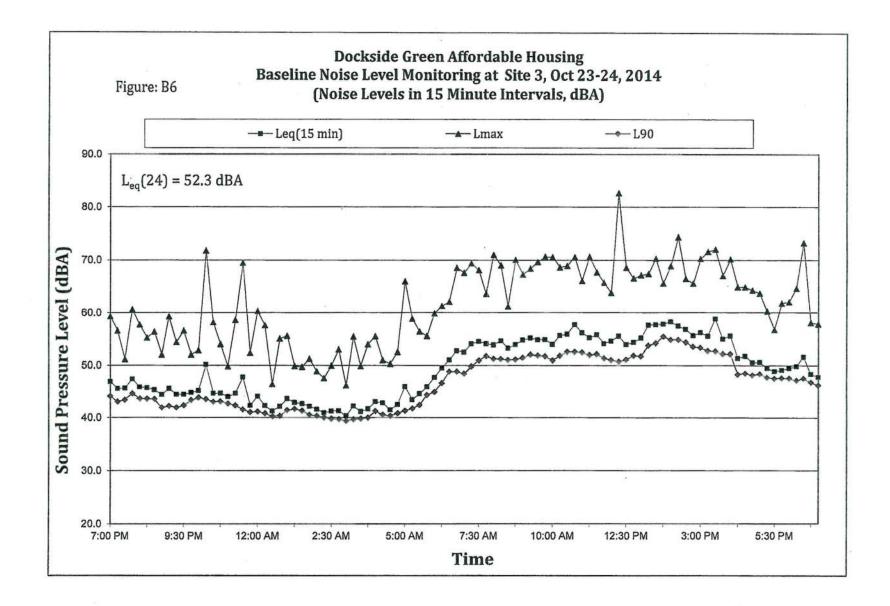






Acoustical Assessment







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May 27, 2015

City of Victoria Mayor, Council and Staff 1 Centennial Square V8W 1P6

# Re: Affordable Housing at 370 & 384 Harbour Rd in Victoria West

Dear Mayor, Council, and City Staff

On 18<sup>th</sup> November, 2014 Robert Brown of Catalyst Community Developments Society with his design team presented a proposed affordable housing project on the Dockside Green property known as 370 & 384 Harbour Rd in Victoria West which would be owned and operated by the Society.

Approximately 20 people attended the meeting. Those in attendance learned of the development targeting occupants who are singles and couples with net incomes between \$25-60 thousand per year. Forty nine residents are being proposed, including studio, one and two bedroom non-smoking units. The proposed development of affordable housing was considered a departure from what was believed to be market housing planned for that area of the Dockside development.

While the proposal was received respectfully and with appreciation and support for affordable housing at Dockside Green, most in attendance expressed some significant concern for this particular development proposal. Of concern to most of those in attendance is the **proximity** of proposed buildings **to neighbouring buildings** and to the central greenway, the **concentration of affordable housing** within the relatively small area, and **parking**.

The northern most building is proposed to be located approximately 2 metres from the central green pathway and just 11 metres from the nearest building at its closest point. While the development team indicated that these setbacks are consistent with zoning for density, and given the building height, parking, open space and use, there was a strong feeling of discontent expressed by those in attendance. Privacy, acoustic/noise issues, and significant encroachment on the greenway were articulated as the major concerns with site location.

Most people in attendance also expressed significant concern with the density of affordable housing within the proposed confined space. There was general appreciation stated for the pursuit of affordable housing, though awareness about the impacts of what 49 affordable housing units will have on residents within a stone toss away. The socio-economic circumstance of building occupants aside, two multi-residential tightly placed buildings within the narrow area between Balance and the existing and future commercial buildings along Harbour Road was considered highly problematic, particularly given the limited access options (via the greenway) available to the upper units. The inherent increase in pedestrian traffic

#### info@victoriawest.ca / www.victoriawest.ca



along the greenway (26 units will be accessed by the greenway only), and general household activity that is associated with medium density residency is expected to unduly and negatively impact the quality of lives of those in the neighbouring units and the sanctity/ecological integrity of the greenway. There was also concern expressed that the concentration of affordable units in the confined space would create a pocket ghetto situation, rather than the preferred integration of affordable housing that is more disbursed throughout the site.

The concern about parking was expressed as a growing issue in the area. The significant limitation in parking for existing commercial operations was raised, and additional pressures associated with the proposed development is expected to exacerbate the issue. Reduced parking requirements in affordable housing developments are somewhat understandable if there is a capacity to supplement within neighbouring areas. With the phase two development going ahead at the Wing, in this area, parking demand is already beyond availability. Severe parking conflicts are anticipated unless dedicated parking is developed as a priority in advance of additional residences at Dockside.

Additional comments articulated at the meeting in addition to or in reinforcement of the summary provided above include:

- "love the community", "love the project", "not trying to shut it down", but..." parking is a huge issue. Without parking spaces people will not come to the bakery and other businesses"
- "City must face the fact that there is no public parking in Vic West. Pacifica already approved with less parking." Recommendation that the City to look at developing a parking plan for the area.
- "Like almost everything but the parking plan.", "Don't like massive change in use of greenway where furniture, garments etc will be moving through. It's a beautiful space." "Move the entrances along the other side."
- Suggestion (with general agreement) to move R4 (northern most building) further south to maintain open space and address concerns about noise, privacy etc.
- "not sure the site is right" for an affordable housing project
- Concern about lack of LEED certification
- Noise mitigation measures are required for the heat recovery ventilators
- bike storage is limited, requiring bikes to be brought into units causing the greenway to be worn out
- "Not enough storage for recycling and bikes."
- "Maybe change the medium of the laneway from gravel to something safer"
- "Lack of children's facilities" on site where there will inevitably be families being housed
- Shadow study concern about the quality of housing for the ground level townhouses (facing the existing and yet to be constructed building planned along Harbour Road)
- Too much density of development on the north side of the development

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- There is a problem filling the restaurant because of parking and the Advertisement business moved out because of the parking issue
- "Street parking in the area is not well managed"
- Suggest "turning the parking into two or three hour parking"
- Unhinging the matching buildings; to help address some of the issue (i.e. larger units to R4 to reduce density of occupancy)
- The proposal is perfectly pitched to attract younger people with lower incomes
- "Like the design", "beautiful"
- Concern for laundry facilities could put laundry into the studios to mitigate outside access requirement of common facilities
- "Like orientation to the greenway and access to the greenway giving life and energy"; "two-story scale feels human"
- Likes the density
- Suggest changing ground floor studios to parking
- Appreciation expressed for the safety aspect of the having more people around

I trust this will help supporting modification to the proposed project as presented at the Community Meeting to better meet the interests of Victoria West residents.

I suggest that an additional Community Meeting be scheduled where modifications can be properly presented to interested community members to ensure concerns have been adequately addressed.

#### Cheers

Bernie Gaudet President, Victoria West Community Association

### Cc:

- VWCA Board of Directors
- Norm Shearing (President, Dockside Green Ltd)
- Ally Dewji (Land Development Manager, Dockside Green)

From: Marilyn Winterbottom

**Sent:** Wednesday, May 20, 2015 10:31 AM

**To:** Mike Wilson **Cc:** Chris Lawson

**Subject:** Dockside Green Land Use Amendment

Hello

I am one of the concerned owners at Dockside Green opposite to where the proposed housing development is to take place if the city approves it. Though Dockside Green Ltd. purports to encourage dialogue w.r.t. this development and advertises so on their billboard, there has been very little "dialogue" regarding our concerns about density, access, parking and original zoning bylaws. It would appear that they have done very little to address our concerns. So it will be up to the city and the planning department to decide.

A number of us sent our concerns to city council early in the year. Please find attached our letter. We will be attending the Dockside Green information meeting Thurs. May 21, 2015 to hear if any of our concerns have been addressed....though according to Chris Lawson, the plan remains unchanged. We understand there is a planning meeting next week, which we will not be able to attend. However, we wish you to be aware of our issues regarding this Land Use Amendment and urge the planners to look at this very carefully and delay any decision until you have thoroughly examined the proposal. There are other options.

Thank you for your attention to this matter.

Respectfully,

Marilyn Winterbottom

Herb Davies

109-373 Tyee Road

**Dockside Balance** 

January 4, 2015

To the Mayor and Councillors

As owners in Dockside Green Balance, it has been brought to our attention that Dockside Green Ltd and Catalyst Community Housing Society will be making an application for a bylaw amendment in order to construct two three story affordable housing buildings composed of 49 units at 370 and 384 Harbour Road. These two sites will be referred to as R5 and R4 respectively. They are within development area D of the CD-9 Zone, Dockside District.

We support affordable housing on the Dockside Green Site. This was a part of the original vision. However, the proposed design and location are concerns for these reasons.

- the proposed buildings do not comply with the Dockside Zoning Bylaws for area D, as they would contain a number of units on the ground floor facing Harbour Road. The existing bylaw permits multiple dwelling use "but only on the second floor and up, not within 18 m of the Harbour Road and no part of any unit can face the Harbour Road unless there is a buffer of another building equal or greater height between it an the easterly property line". This is intended to offer residents some protection from the noise generated by Point Hope Shipyard. As you are well aware, the activities of the shipyard have already created difficulties for residents in Balance with respect to noise, dust etc. The proposed use would have residential dwellings placed almost directly across from these noisy activities.
- parking is a problem. Only a few spaces are planned for the two buildings, assuming that residents will forgo having a vehicle. Hopeful but not practical. There is already another affordable housing application in the works in this neighbourhood to be located on the vacant lot across from the mall near the park. There are no plans for in building parking there either. The area is already congested and parking spots on the street are at a premium. The development of R5 and R4 will exacerbate this problem.
- the proposal as designed will negatively impact the existing greenway and the residents who currently face it. Because some of the units in the proposal will be accessed only from the greenway, one questions how they would move in and move out if there is no vehicle traffic allowed. What about access for emergency vehicles? The greenway is a narrow space as it is, intended to provide a quiet and tranquil buffer zone. With a high density building right on the greenway, the ambiance would change to one of busy foot traffic, since according to the plan, this would be the only access point for some of these units. Unless there is a plan to double the width of the greenway to provide some privacy for the garden suites and to allow privacy for the 2nd and 3rd level units who would be looking directly into the living and sleeping areas of units facing each other, this plan will not work. The proposed building is too large for the site.

• negative impact on property values. As owners, there was a good reason to invest in Dockside Green as a living space. We were attracted by the quality of the original plan, the greenway and water features, the LEED platinum designation, and as such, paid a premium for these amenities. The proposed plan and the design of the new units will adversely affect the value of these properties, particularly those garden suites. It is doubtful that they will be built to LEED standards as the design calls for wood frame construction. How will this new development support the existing values of Dockside Green? (emphasis on the Green.) Why not stick to this original plan and keep the continuity and compatibility of design and construction to LEED standards.

There exists a very large parcel of land to the south of this narrow area of R5/R4 with few of the impediments of the existing proposal. Why not build the housing there and keep the existing plan in place? Why promote opposition and adversity? Surely there is a way that all parties can be satisfied.

We urge council to consider the application carefully. We know council is committed to building affordable housing.....no problem. There is lots of vacant land in the existing Dockside Green parcel. Build the housing in an area that is less fraught with stumbling blocks and opposition.

We urge council to come on site and look at what our concerns are regarding this proposed land use and bylaw amendment. We hope that council will reject the amendment and ask the developer to re design the plan with our concerns in mind.

Thank you

Marilyn Winterbottom Herb Davies 109-373 Tyee Road Victoria, BC From: SL

Sent: Friday, May 22, 2015 4:57 PM

To: Mike Wilson

Subject: Dockside Green - Supporting Affordable Rental Housing

Dear Mike Wilson,

As a Dockside Green resident, **I support the current plan for affordable rental housing** as outlined during yesterday's (May 21st) presentation by **Dockside Green** and **Catalyst Community Developments.** 

My husband and I own two suites here at Dockside, having bought in as original owners in Balance A building in 2009. Both of us deliberately invested here because we felt it aligned with our values of environmental, social and economic sustainability. Our experience living here has been overwhelming positive.

Over the past year, I have attended numerous Dockside Green community engagement events regarding next steps for our neighbourhood. To date, I have nothing but the highest regard for Norm, Ally and the Dockside team, including the designers and architects who have invested their time listening to--and reflecting back what they have heard from-- our community.

Having Robert Brown of Catalyst respond to specific questions and concerns relating to the affordable rental housing units has also brought confidence that our voices are being considered and reflected as the development process proceeds.

Thank you considering my perspective, Mike. I look forward to supporting this inspiring process.

Appreciatively,

Stephanie Lepsoe

203-373 Tyee Rd. Victoria, BC V9A 0B3 From: Willie

Sent: Monday, May 25, 2015 10:59 AM

To: Mike Wilson

Cc:

Subject: Dockside Green Development

Importance: High

### Good Morning Mr Wilson:

I am writing you to indicate my support for the Affordable Housing project that The Catalyst Community Development Society is planning at Dockside Green.

I have a personal interest in the ongoing development at Dockside Green both as a resident of a townhouse directly opposite the north end block and as a concerned citizen. I recognise that housing for all citizens is necessary for the good of all.

I have been interested and involved in DSG since the first proposal and offerings were made for purchase in 2005. In fact I was the first purchaser.

I am well aware of the initial build out plans and how they were impacted by the recession in 2008, the year I moved in. I have taken an active interest in Synergy, and was on the first Strata Council.

I strongly support the direction this project is going in, not only for the my own interests but in the way that affordable housing has been addressed. The revised proposals in the Affordable Housing projects have been modified in a very positive way.

I commend the work that Robert Brown and the Dockside Development team are doing and direction we are going.

Sincerely Willie Waddell 1-389 Tyee Road

Dr. Catherine and Greg Caws 389 Tyee Road – Unit 5 Victoria, B.C. V9A 0A9



January 2, 2015

Mayor and City Councillors City of Victoria 1 Centennial Square Victoria, B.C. V8W 1P6

Dear Mayor and City Councillors,

# Subject: Development at Dockside Green

We are writing in regard to the latest proposed development at Dockside Green.

The addresses affected are 370 and 384 Harbour Road, on sites R5 and R4 of the property (diagram attached). We are resident owners at 5-389 Tyee Road.

We believe this will be the subject of an upcoming rezoning review by City Council and we want to be sure my point of view is heard. Thank-you in advance for reading this.

### **Dockside Green's Reputation is in Play**

We are in danger of creating a mockery of Dockside Green. We believe the new developer is trying to save money at all costs, even if it means jeopardizing our world-leading community. The rezoning they are requesting will undermine what has been created. We don't want this as an example of a process gone wrong – thus our letter.

# The Developers Should Not be Allowed to Rezone

We do not support the developers proposed zoning changes although we do respect their right to build on the property as originally planned. We agree with the original objectives that Dockside Green is a place of diversity, one of livability for all and one that adheres to the highest level of environmental responsibility. The shoehorning in of two high-density units under the guise of affordable housing demonstrates very poor judgment.

### Affordable Housing Doesn't Mean Second-Class Citizens

The developer seems to assume that affordable housing means that the new residents deserve less. This is unconscionable and it affects not only the new residents but also the whole community. They have enlisted so-called experts in affordable housing, to support their objectives but the original proposal was so poorly done, we wonder if they are compromising their judgment.

## There Are Too Many Corners Being Cut

Frankly, the development seems like an afterthought to deal with two difficult land parcels. This summarizes our thoughts pretty well:

Let's jam two buildings into this tiny area where we can barely fit a laneway, let alone anything else; don't worry about livability, residential access or emergency vehicle issues, and forget about parking; let's call it "affordable housing" and get some consultants involved to get the monkey off our back; let's avoid proper LEED certification because it's a pain; lastly let's increase the density to a point where we might turn a profit - who cares if it doesn't fit with what is there. Anyhow, we just did a big planning process for the rest of the development, so let's pretend this was part of it and see if we can slip this by the new Mayor and councillors.

# **Issues Were Not Thought Through**

During the November town-hall meeting and after a review of materials made available by the developer, it became apparent to us that the planning was, in our opinion, poorly done. A few of the obvious issues include:

- Very restricted vehicular access to either building. How are new residents supposed to move in and out? What about the residents with disabilities? How many other buildings in the area have recently been allowed such a waiver? The building is completely surrounded by four other tall buildings.
- Walking access in limited. Current walking access from the upper levels
  involve stairs to a bridge and gravel path, they are not wheelchair accessible.
  The proposal sees residents walking fifty to one hundred feet.
- 3. Safety and Liability No emergency vehicle access. Fire trucks, ambulances and police vehicles will have very restricted access. In case of emergency, paramedics would have to go up the side staircase, and access the units from the greenway path, making the management of stretchers hardly possible. At the time of the November community meeting, the developer had not thought about consulting the ambulance service and it

remains to be seen if they have properly engaged both police and fire officials with their detailed plans. Insurance premiums will rise for the residents. The close proximity of the surrounding buildings may create a high fire risk. City liability could be a big issue.

- 4. **Very limited parking.** Neither building has adequate residential parking. Harbor Road has effectively no parking; it is already overflowing during the day. New residents will have vehicles; any assumption to contrary is wishful thinking. There is already a huge overflow issue on the street above, Tyee Road, at the south end, where on any given night 50-100 vehicles are parked on the side of the road.
- 5. Local business will be grossly affected. Fol Epi, Café Fantastico and local businesses will lose most of their parking under the proposal. The BC Oil and Gas Commission is affected as well. These are highly trafficked businesses and there is already an issue on busy days. This issue may affect the future development of business in the area, hindering the viability of a mixed community.
- 6. Little creative thought given to building necessities. There are no elevators, only open stair access that will hinder easy residential access, moving companies and emergency crew access. Laundry facilities, for studio units, will have to be accessed by leaving the building, going outside (in the rain), and accessing a laundry room; this makes no sense there is no reason why smaller units should not include their own laundry facilities. There are no common area's, nor exercise facilities and there are no park areas for the little ones to play in no space for kids. Will there need to be a building manager to shovel snow or take care of the units other interests? Livability has not been thought through, for example the lower units will get no direct sunlight.
- 7. The developer wants to avoid LEED certification. The responsibility for making it LEED standard is left to the developer who says they'll try and make it as close as possible. They said they can save a lot of money if they don't officially certify they believe LEED inspectors are unneeded overhead. On the contrary, the developer is the last one that should have control as they are in a complete conflict of interest. A separate certification is required, this is the very reason certification bodies exist.
- 8. **Population density increase is disproportionate.** Such an increase in population was never considered in the original development and nothing has changed. The original plan for a dozen or so townhouses over both sites makes sense, a few more families, in other words. In this proposal there are 49 units proposed (including 23 studio units with no laundry facilities). The number of people rises dramatically and the ensuing social factors of living in

- such close quarters will come in to play. Families will have less of a role, as the units are small. Quality of life will be affected in a large way.
- 9. Means test for resale. In jurisdictions where affordable housing is properly instituted, the new homeowners are always subject to a means test. This limits the resale to people in need rather than the highest bidder. Where these covenants are not put in place, the property values quickly rise to market value and residents become the prey of property speculators or landlords trying to extract maximum rental income. While well intentioned during the planning stage, a lack of on-going support, oversight and investment from the city will create difficulties. The city of Victoria will always need to be responsible for maintaining supervision over the housing process, pricing and the means test to ensure that those in need of affordable housing actually benefit.

# **Alternative Options**

**Alternative 1**: The town-hall consensus was to move the proposed site R4 building somewhere on the rest of the site, for example next to Harbour Road below Site R5. Take the R4 property land and turn it into proper parking, or perhaps a children's playground/open space with underground parking.

**Alternative 2**: Stay with the approved plans for townhouses. Advantages include lower density and proper parking for residents.

**Alternative 3**: Relocate the affordable housing units to wider spaces on the Dockside Green property. Rather than rushing into building affordable housing in a questionable location, wait to get better livability planned and do it right. Use R4 and R5 slots for business or original townhouses. Plan open spaces.

# **Summary**

The Dockside Green Development is critical to the City of Victoria and frankly its place on the world stage. Responsible development is a hallmark of the city and in my opinion the developer's current process with this part of Dockside Green leaves a lot to be desired and sets a precedent for the future.

Please ensure that development of the affordable housing on Dockside Green properties is not just an afterthought and exercise your power to create a community plan that makes sense for the new residents and for livability.

Yours Sincerely,

Dr. Catherine Caws

**Greg Caws** 

Page 385 of 552



#### Mike Wilson

From:

Evelvn

Sent:

Tuesday, Nov 25, 2014 10:49 AM

To:

Mike Wilson

Subject:

construction of 3 storey buildings for workforce affordable rental housing

Follow Up Flag:

Follow up

Flag Status:

Flagged

### Dear Mr. Wilson,

I understand you are the planner for Victoria West, which covers the Dockside Greens project. I am writing to you as the landlord of stratas in CI-1 and CI-2 and representative of our tenant, BC Oil & Gas Commission who has been there since 2008.

With regards to this housing development to be located behind our buildings, we just wanted to voice our concern for the potential congestion, especially for parking that this will result in for the area. Given the geographical diversity of the employees of BC Oil & Gas, driving is the only option for many of them, and as it currently stands, they actually need approximately 20 more parking stalls. If there is potential for losing any parking, it will be very inconvenient for their business.

Additionally from what we understand, the retail in CI-I is also in need of extra parking for their staff and guests.

Thank you for your time. We appreciate any consideration for our parking and congestion concerns as this project moves forward. Should you wish to discuss this further please contact me at the information below. Thank you again.

Evelyn Louie, Financial Controller PO Box 16120 Lower Mount Royal Calgary, Alberta T2T 5H7

### Mike Wilson

From:

Community Planning email inquiries

Sent:

Wednesday, Nov 26, 2014 2:43 PM

To:

Mike Wilson

Subject:

FW: Community Planning

From: Mike Palmer

**Sent:** Sunday, Nov 23, 2014 3:28 PM **To:** Community Planning email inquiries **Subject:** Re: Community Planning

Hi. This might have been sent to me by accident... Just wanted you to know in case you were expecting a response.

Mike Palmer

Chief Information Officer

Information Technology Division

City of Victoria

101 - 1803 Douglas Street, Victoria BC V8T 5C3

T 250.361.0394 F 250.361.0214









On 2014-11-20, 11:29 AM, "Community Planning email inquiries" < Community Planning@victoria.ca > wrote:

----Original Message---

From:

Planning email inquiries

Subject: Community Planning

From: Jim Ross

Email: j

Reference:

Daytime Phone:

to:

City of Victoria

Planning and Development Department 1 Centennial Square Victoria, BC V8W 1P6

and

Lisa Helps, Mayor Elect and elected council

Re; Proposal to change current land use, description and zone from CD-9, Dockside District to Modified CD-9 Zone, Dockside District.

### Victoria City Council - 15 Oct 2015

I attended the Vic West community meeting last night and was impressed and happy with the proposed OCP amendment and use of land & buildings except for a huge parking concern.

I am a Dockside resident living in a Garden Flat on the greenway ground level which is directly across from the proposed low income rental units.

We are excited to have our new neighbours right across from us and love the proposed design and appearance of the rental units.

It came through loud and clear that all attending were concerned with the temporary parking that will be lost with the new buildings replacing the parking. One of the commercial building tenants has moved because of the shortage of parking and with an increase in residents and reduction of

20 stalls, more business' will have to relocate to maintain their client base.

Vacant buildings in our community decreases the value and pride of all residents.

Please encourage the developers (who are open to change the parking area proposed) to provide parking.

Thank you

Jim Ross GA-4, 379 Tyee Road Victoria, BC V9A 0B4

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The City of Victoria immediately by email at <a href="mailto:publicservice@victoria.ca">publicservice@victoria.ca</a>. Thank you.

IP Address: 184.66.13.207

### Mike Wilson

To:

Alison Meyer

Subject:

RE: Proposed Affordable Housing Development: CD-9 Zone Dockside District

On Feb 2, 2015, at 11:37 PM, Telus

Hello all. I support and concur with the points raised by Mr. Lawson. I am very concerned about the negative impact that this development will have on the current residents of Dockside Green. I am particularly concerned that the proposed development is to be rammed through notwithstanding that it does not seem to reflect the development as proposed when I bought my ground floor condo -- which I did in good faith.

Can anyone point me to an understandable diagram of exactly what is currently on the table? It may be a function of the fact that I don't live fill-time in Victoria and so have been unable to attend any of the meetings to date, but I find that what's available on line to answer my questions is inadequate.

Karen McDougall

Sent from my iPad

On Feb 3, 2015, at 12:24 PM, Chris Lawson <

wrote:

Hello. By way of this e-mail, I am copying you on a letter sent today by registered mail to Norm Shearing, President of Dockside Green, regarding the proposed development in the CD-9 zone of Dockside District. Please see the attached.

The 10 other owners are being copied via BCC since I do not have their express permission to share their email addresses.

Thank-you.

Chris Lawson GA6-379 Tyee Road Victoria, BC V9A 0B4

<Dockside Green February 2.pdf>

Chris Lawson GA6-379 Tyee Road, Victoria BC V9A 0B4 February 2, 2015

Norm Shearing, President Dockside Green 353 Tyee Road, Victoria BC V9A 0B5

#### Dear Mr. Shearing:

As you know, I was in attendance at the information meetings held on November 2 2014 and January 26 2015, regarding your proposal to develop the CD-9 zone at Dockside District (sites "R4" and "R5") with affordable housing.

I was very disappointed and somewhat surprised at the January 26 meeting. Your proposal was materially no different than the original proposal presented on November 2; this despite a number of very significant concerns and issues having been identified by me and other owners at Balance and Synergy at the two previous meetings and in related letters and emails, both to Dockside Green and to the Victoria city council.

Furthermore, I was not able to attend the Community Information Meeting held on November 18 but I understand that at that meeting, there was a proposal from at least one participant that the affordable housing be built to the west of the existing Farmer building, on land you say you are planning to build a children's playground. I am told by another owner that at that meeting, there was a show of hands and there was significant support for this proposal from those present at the meeting. Yet you did not address this proposal at the January 26 meeting.

Moving the affordable housing to the "Farmer" site would address the following key objections and concerns which have been identified by me as well as at least 10 other owners who have written letters to the city:

- Density of the proposed development: 49 additional living spaces, likely containing up to 100
  residents, directly adjacent to and facing the existing Synergy and Balance buildings. This is a large
  increase in a very confined area.
- Close proximity of the proposed buildings to existing buildings. For example, the "R4" building would be only about 30 feet from my patio.
- 3. A majority of the units would have sole access via the greenway which would drastically decrease privacy and enjoyment of those units currently adjacent to the greenway as well as their property values. Along this stretch, there are currently 10 units in Balance and Synergy which open onto the greenway at ground level (but which also have alternate access via the parkade). You are proposing to add an additional 26 units with no access other than via the greenway, an increase of 260 % and causing, along with loss of privacy, a massive increase in foot traffic, comings and goings, noise, night light, wear and tear etc. Needless to say, this will also be very inconvenient for the tenants and will cause extended response time in case of emergencies.

- 4. The proposed development will exacerbate an already serious parking situation. Even though the R4 site is currently used for parking for adjacent stores and businesses, there is a serious parking situation in that area. Many cars double park during business hours. The proposed development would remove this parking area and add 49 additional residential units and many more residents, some of whom will have cars. Virtually no additional parking space is being proposed. The minor changes you announced at the January 26 meeting will not make a significant difference.
- 5. The proposal would require amendments to existing bylaws, which are intended to protect residents from industrial noise at the harbour.

I would like to know why this proposal was not incorporated into your plans and addressed at the January 26 meeting. Building the housing on this site, even though it is still directly adjacent to the existing Balance buildings, would have far less impact on existing owners and residents, virtually eliminating the above issues.

I am not a representative of the other owners and I am not speaking on their behalves, but I don't believe anyone has an issue with "affordable housing" at Dockside Green, as long as it is properly managed, and it appears that Catalyst will do that. The fact that there is support for affordable housing on the land behind the Farmer building, which is directly adjacent/ kitty corner to 373 Tyee Road proves that point.

The real issue here is that while there are numerous other sites within the remaining Dockside Green lands where affordable housing could be built, you are proposing to build it at a location that will have the greatest impact to existing residents and owners, yet you have so far taken none of our key concerns seriously.

None of the very minor adjustments you announced at the January 26 meeting materially address the above listed issues. There is still the same density; twenty-six of the proposed units still have sole access from the greenway; the two buildings are still virtually the same distance from existing residential buildings and there is no increase in parking allotment. This is very concerning, especially in light of the recent BC Supreme Court ruling regarding the social housing development in Vancouver (Yaletown). It's clear from that ruling that the concerns of adjacent stakeholders must be taken seriously.

You say that dialogue is happening at Dockside Green. Dialogue includes both speaking and listening. So far, you are only speaking.

Instead of listening to the concerns of stakeholders and addressing them, you spent most of the January 26 meeting giving the participants a history lesson and suggesting that affordable housing on these sites was carved in stone based on the original development plans. But a year ago, you said that everything that was originally envisaged for the project was up for discussion and subject to input from residents.

Here is what you said to *Vibrant Victoria*, published on January 31 2014 (italics are mine for emphasis; complete article at <a href="http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/">http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/</a>):

"We are in the infancy stages of discussions with the community and our residents. We will be approaching the Vic West Community Association with updates and will create a foundation for consulting with stakeholders. We are committed to Dockside Green but what we do in terms of moving the project forward and delivering on our promises will require consultation," Shearing said, suggesting that all facets of the project are in line for a lengthy debate and planning process.

All of this consultation is pointless if you are not prepared to listen to feedback and address significant issues. Adding in-suite laundry facilities and making the buildings non-smoking does nothing to address the significant issues of existing stakeholders listed above. And it's nice that you have removed eight doors from "R4," except that those same eighty doors have just been added to "R5."

After the meeting on January 26, I sent Ally an email suggesting that exterior corridors be included on the 2<sup>nd</sup> floor at the east sides of the two proposed buildings. This would not address all of the above issues but it would significantly improve the proposal both for existing stakeholders and for the new residents, by allowing access to the twenty six units from that side of the two buildings and eliminating access via the greenway. I have communicated with a number of other owners on this and while they still believe the proper location for this development is on the land behind the Farmer building, they agree that this change would make a significant difference. As such, I urge you to consider this proposal very seriously and I would appreciate a response as soon as possible.

In conclusion, in view of the many available alternative locations and options that would have minimal or no impact to existing owners and residents, I am asking you to come back with a revised affordable housing proposal that fully mitigates the concerns identified by me and other owners, listed above. My preference, and I believe the preference of many other owners, would be that the affordable housing be built on the site behind Farmer and that the parking at "R4" be preserved. The "R5" site could be combined with the land fronting Harbour Road and be used for one low rise office building. I can't imagine why this would not be possible, but if there really are sound reasons why it is not, then clearly there are options available to mitigate impacts of the development where currently proposed.

Yours sincerely,

Chris Lawson.

CC: By e-mail to:

Ally Dewji, Development Manager Dockside Green,
Robert Brown, President Catalyst Community Development Society,
Vic West Community Association Land Use Committee,
Victoria City Mayor and Councillors,
10 other owners at Balance and Synergy.

### Mike Wilson

From:

Chris Lawson <

Sent:

Thursday, May 14, 2015 4:40

To:

Cc:

Subject:

FW: Proposed Affordable Housing Development: CD-9 Zone Dockside District

Hi Mike. Here is another email that I would appreciate being added to the file (from another owner at Dockside Green). The issue of emergency access was raised with Dockside Green and Catalyst at several of their information meetings but wasn't taken seriously. Based on the incident identified below, it IS in fact a serious issue.

Thanks.

From: John Stewardson

Sent: May-14-15 4:25 PM

To: Catherine Caws Cc: Chris Lawson;

Subject: Re: Proposed Affordable Housing Development: CD-9 Zone Dockside District

## Hi All,

Just an added note re the proposed stairs of the affordable housing buildings. John has had some health issues (hopefully now resolved) and last Friday evening I had to call an ambulance to take him to Vic General. As our unit, G-1 can be tricky to find, I said I would wait in the circular drive to lead them to it.

When the ambulance arrived, I said to the attendants that G-1 was just down "these stairs." The response was, "Where is the elevator?" I said that there wasn't one but it was only a single flight. They looked at each other and then one asked if John could walk. When I said he could, they followed me down the stairs without a stretcher and escorted him up. I don't know where things would have gone if John \*hadn't\* been able to walk, but they were clearly not pleased with the thought of having to stretcher someone up a flight of stairs. So, for all the Dockside folks' assurance that they'd talked to ambulance and fire people and they were cool with the building design, I suspect the front line staff wouldn't be at all.

Feel free to use this info for whatever.

Best, Dawn Stewardson

On Thu, May 14, 2015 at 1:26 PM, Catherine Caws

Thank you Mike for all that work. The letter you sent to Mike Wilson is very informative. I cannot attend the meeting on May 28 because I will be out of town, but I would be happy to hear about it if you attend.

Regards,

Catherine



September 28, 2015

**TO:** Jim Handy, MCIP RPP

Senior Planner - Development Agreements

Sustainable Planning and Community Development Department

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

**FROM:** Rupert Downing

Executive Director,

Community Social Planning Council of Greater Victoria

**SUBJECT:** Affordable Rental Housing at Dockside Green

I am writing to express the support of the Community Social Planning Council of Greater Victoria for the current proposal for affordable rental housing at the Dockside Green development that is going before Council for third reading this week.

The Council has recently completed a Gap Analysis for the Capital Regional District on the supply of housing relative to income of residents. We found that the largest shortage in supply relative to demand was rental housing for households at or below the median income. The proposed 49 homes at Dockside Green will contribute to providing much needed rental housing for households earning between \$29,500 and \$67,000 per year. Affordable rental housing for people in this income range, together with social housing units, is the most pressing housing need facing our community. We hope Council will support the development proposal.

Sincerely

Rupert E. Downing

#### **Janet Hawkins**

From:

**Sent:** Tuesday, Sep 29, 2015 2:00 PM

To:

Subject:

Public Hearings

October 1, 2015 Meeting - Rezoning application No. 00478, 370 and 384 Harbour Rd - Submission for inclusion in agenda

RE: REZONING APPLICATION FOR 370 AND 384 HARBOUR ROAD

IN 2005, WHEN MY HUSBAND AND I PURCHASED OUR DOCKSIDE CONDO, THE DEVELOPMENT WAS ONLY A PLAN AND A VISION. BUT IT WAS AN IMPRESSIVE VISION, AND ALONG WITH MANY OTHER OWNERS, WE'RE NOW WORRIED THAT A SIGNIFICANT PART OF IT MAY BE DESTROYED.

WHILE WE COMMEND THE MAYOR AND COUNCIL MEMBERS ON THEIR CONCERN FOR PROVIDING AFFORDABLE HOUSING, AND WE SUPPORT THEIR EFFORTS, THE ORIGINAL DOCKSIDE GREEN PLAN WAS FOR INTEGRATED, NOT SEGREGATED, AFFORDABLE HOUSING.

THIS INTEGRATION EXISTS IN DOCKSIDE'S TWO COMPLETED RESIDENTAL PHASES. 10% OF THE UNITS IN THE SYNERGY AND BALANCE COMPLEXES ARE AFFORDABLE HOUSING – TOTALLY INTEGRATED INTO THE MAIN BUILDINGS.

IN CONTRAST, THE DEVELOPER'S CURRENT PROPOSAL CONSISTS OF 2 SIDE-BY-SIDE BUILDINGS, SOLELY DEDICATED TO AFFORDABLE HOUSING UNITS - DESPITE THE NUMEROUS STUDIES WHICH CONCLUDE THE IDEAL MODEL IS INTEGRATION.

THE PROPOSED SITE FOR THESE 3 STORY BUILDINGS IS A NARROW STRIP, LOCATED AT THE NORTHERN END OF THE DEVELOPMENT – THE REMAINING VACANT LAND FARTHEST AWAY FROM THE JOHNSON STREET BRIDGE.

WHILE THE SITE MAKES PERFECT SENSE FROM A DEVELOPER'S PERSPECTIVE, MANY DOCKSIDE OWNERS ARE CONVINCED THAT THIS STRIP OF LAND IS FAR TOO SMALL FOR THE BUILDINGS PROPOSED – PARTICULARLY FOR THE ONE DESIGNATED R4 – AND THAT CREATING SUCH A HIGH DENSITY POPULATION IN SUCH A SMALL AREA IS SIMPLY INVITING PROBLEMS.

THE R4 BUILDING IS SO VERY MUCH TOO LARGE IN RELATION TO THE AVAILABLE SPACE, THAT CONSTRUCTING IT WOULD REQUIRE REMOVING TREES WHICH WERE PLANTED IN 2007 AND 2008 AS PART OF DOCKSIDE'S INITIAL LANDSCAPING.

UNDER THE ORIGINAL MASTER DEVELOPMENT AGREEMENT, THE DEVELOPER IS REQUIRED TO PROVIDE THE CITY WITH THESE AFFORDABLE UNITS. BUT \*HE\* IS THE ONLY ONE WITH AN OBLIGATION. THE MAYOR AND COUNCIL HAVE NO OBLIGATION TO REMOVE SITING RESTRICTIONS IN ORDER TO FACILITATE THIS SOLE OPTION PRESENTED.

BETTER IS ALWAYS POSSIBLE, AND I URGE THAT THEY CONSIDER ALTERNATIVES – NOT ONLY BECAUSE R4 AND R5 WOULD BE SHOEHORNED, TOGETHER, INTO A SMALL SPACE. AND NOT ONLY BECAUSE INTEGRATION OF AFFORDABLE HOUSING UNITS IS PREFERABLE TO SEGREGATION. BUT ALSO BECAUSE OF THE SERIOUS ISSUE OF NOISE AT THE PROPOSED SITE.

WAY BACK WHEN THE ORIGINAL DOCKSIDE DEVELOPMENT PLANS WERE APPROVED, THE VICTORIA CITY COUNCIL INSISTED ON PROTECTIVE REQUIREMENTS FOR THIS AREA. THOSE OF YOU WHO WERE ON COUNCIL AT THAT TIME UNDOUBTEDLY REMEMBER WHY. YET IT IS THESE VERY SAME REQUIREMENTS WHICH THE DEVELOPER IS NOW ASKING YOU TO REMOVE SO THAT R4 AND R5 CAN BE CONSTRUCTED.

I QUOTE FROM THE MAY, 2015 PLANNING AND LAND USE COMMITTEE REPORT BY MIKE WILSON, CITY SENIOR PLANNER:

"THESE REQUIREMENTS WERE BUILT INTO THE ZONE TO REDUCE THE POTENTIAL FOR CONFLICT BETWEEN THE RESIDENTIAL USES AND NEIGHBOURING INDUSTRIAL USES... THE REGULATIONS THAT ARE PRESENTLY LINKED TO THE SITING OF RESIDENTIAL USE ARE:

- . RESIDENTIAL USES MAY ONLY BE LOCATED ON THE SECOND FLOOR AND HIGHER
- . NO PART OF ANY RESIDENTIAL UNIT CAN FACE HARBOUR ROAD UNLESS THERE IS A BUFFER OF ANOTHER BUILDING OF EQUAL OR GREATER HEIGHT BETWEEN IT AND THE EASTERLY PROPERTY LINE." END OF QUOTE.

THE CURRENT PROPOSAL CALLS FOR APPROXIMATELY HALF THE UNITS TO BE LOCATED ON THE \*FIRST\* FLOOR. \*AND\* TO BE FACING HARBOUR ROAD. PRESENTLY, THERE IS NO EXISTING BUFFER AT ALL FOR R5 AND ONLY A PARTIAL BUFFER FOR R4.

CANADA MORTGAGE AND HOUSING HAS INTERIOR NOISE THRESHOLDS, WHICH CORRELATE TO AN OUTDOOR NOISE LEVEL. THE MEASURE OF NOISE LEVEL IS TERMED Dba AND THE OUTDOOR MEASURE SHOULD NOT EXCEED 55 dBA.

EARLIER THIS YEAR, CONSULTING ACOUSTICAL ENGINEERS, WAKEFIELD ACOUSTICS, CONDUCTED NOISE MONITORING OVER A 48 HOUR PERIOD. THEIR SUMMARY OF RESULTS, FROM 3 MONITORING SITES (WHICH REPRESENTED THE BUILDINGS' EXTERIOR FACADES) SHOWS OUTDOOR dBA LEVELS OF BETWEEN 51.5 AND 55.2 - THE LATTER SLIGHTLY EXCEEDING THE CMHC MAXIMUM.

BUT IT IS IMPERATIVE TO NOTE THAT (AND HERE I QUOTE FROM THE WAKEFIELD ASSESSMENT): "DURING THE NOISE MONITORING PERIOD, HARBOUR ROAD WAS CLOSED AT ITS SOUTH END DUE TO JOHNSON STREET BRIDGE CONSTRUCTION. THEREFORE TRAFFIC VOLUMES...WERE REDUCED DURING THE MONITORING."

THE ASSESSMENT CONTINUES, "ACTIVITY LEVELS AT POINT HOPE SHIPYARDS WERE TYPICAL AND NO PARTICULARLY NOISY ACTIVITIES SUCH AS BARGE BREAKING WERE BEING UNDERTAKEN."

MY DOCKSIDE NEIGHBOURS AND I CAN TELL YOU THAT BARGE BREAKING IS NOT INFREQUENT AND IS HORRENDOUSLY NOISY.

FURTHERMORE, SINCE POINT HOPE HAS ANNOUNCED ITS INTENTION TO EXPAND (BOTH IN GEOGRAPHIC AREA AND IN NUMBER OF EMPLOYEES) IT WILL ONLY WORSEN AS A SOURCE OF NOISE.

THE MAJORITY OF THE DOCKSIDE LAND HAS NOT YET BEEN DEVELOPED, SO I CONCLUDE BY AGAIN URGING MAYOR HELPS AND COUNCIL NOT TO REMOVE THE PROTECTIVE RESTRICTIONS ON THE HARBOUR ROAD LOCATION. RATHER, PLEASE CONSIDER ASKING THE DEVELOPER FOR ALTERNATIVE PROPOSALS — HOPEFULY ONES THAT WOULD PHYSICALLY SEPARATE THE TWO AFFORDABLE RENTAL BUILDINGS.

ONCE THE SITE DECISION HAS BEEN MADE, WE WILL ALL HAVE TO LIVE WITH IT FOREVER. AND AS ONE OF MY NEIGHBOURS POINTED OUT IN AN EARLIER LETTER TO COUNCIL ON THIS MATTER, "AFFORDABLE HOUSING DOESN'T MEAN SECOND-CLASS CITIZENS."

DAWN STEWARDSON G1 - 389 TYEE ROAD September 30, 2015

# RE: Rezoning Application No. 00478 for Property known as 370 and 384 Harbour Road

To Whom it May Concern,

I am a current owner of a small commercial office space in the Prosperity Building (#388 Harbour Road) at Dockside Green. I am unable to attend the meeting scheduled for October 1, 2015 in person but would like to express significant concerns regarding the parking situation at the Dockside Green, as this rezoning application will undoubtedly compound existing difficulties that have yet to be addressed.

When I purchased my office space several years ago, I was informed there would be a building constructed in what is currently a gravel lot (lot 384); however, the proposal was for 7 townhouses, all with their own allocated parking spaces. I was assured that Dockside Green was aware of the scarcity of parking to service the needs of businesses, and they were in discussion with the City of Victoria to secure a parking surface to meet the needs of businesses and the surrounding community. Dockside Green is now proposing a major shift in their planning that will add much higher density buildings with less parking. The parking situation is already stretched beyond capacity, and Dockside Green continues to forge ahead with plans for construction without a viable or long-term parking plan to address the issue in an adequate or sustainable way.

At the time of purchase, I was informed each individual parking space would cost \$30,000, and the number of spaces allocated for each owner of the commercial building was based on the square footage purchased. Over the years, the lack of parking available for clients, employees and residents has become a major strain, and two of the original five commercial owners who purchased into the Prosperity building have now put their spaces up for sale. Major reasons sited include: 1) the sky-high property taxes, and 2) a dearth of parking space for clients and employees. The three commercial owners remaining in the building are either running a small office that requires limited parking for one client at a time, or operating a business that does not require high client turnover to survive (i.e., BC Oil & Gas).

At the time of purchase, I was also informed that there was one designated handicap parking space available for the use of everyone in the building to assure offices remained accessible to all. When attempting to secure this space for a client; however, I discovered the one handicap parking space allocated for the building had been sold to one of the owners in the building. As such, the remaining offices in the building have no ability to assure accessibility for those with physical disabilities and/or medical conditions, and this becomes a serious issue in the event lot 384 is developed as proposed with no additional parking in the immediate vicinity made available.

With the current proposal as is, we are going to lose the small space for parking that the commercial owners and tenants have relied on over the past several years to meet client needs and support business revenue (lot 384). There has been no discussion or problemsolving over the years to address the dearth of parking in the area as a whole. Unlike the rest of the downtown core, there are absolutely no public parking facilities to rely upon when the limited street parking closer to the building is unavailable. I have personally run into too many disputes over the years with frustrated people parking in my clearly marked reserved spot, with a more recent interaction resulting in a report to VicPD, as the individual made threats to my property and person. I suspect the potential for conflict will only worsen as the population densifies and parking becomes increasingly scarce.

The Dockside Green is already informing the current owners with purchased parking spaces of the need to vacate the parking premise behind the Prosperity building for a period of at least one year in order to construct the building being proposed. I find this directive ignorant and completely unacceptable. I work alone and often leave the office later in the evening, and there are serious safety concerns with the current proposal, as I rely on my parking spot to be near the exit door to the building in a well-lit area. This was part of the agreement I made with Dockside Green when I purchased my office and parking space. I am unwilling to "give up" my purchased and privately owned parking spot for the purpose of Dockside Green constructing a building that is completely out-of-line with the plans laid out when I purchased my office space.

The reality is that any viable business in the Dockside Green community relies on a much wider base of clients than the immediate vicinity. In addition, those of us providing professional services work with a number of clients who struggle with compromised physical and functional capacity. I believe the expectation that all individuals walk, bike or use public transit to gain access to the businesses at Dockside Green is unrealistic and, quite frankly, discriminatory. I will leave the expression of many of the other concerns about this rezoning proposal to the residents of the Dockside Green community, as my intention as a business owner was to bring attention to the significant parking issues that have arisen and continue to worsen over the years.

Sincerely,

Dr. Andrea McEachran, R.Psych. 202-388 Harbour Road



### **PACIFICA HOUSING**

Affordable homes. Better lives.

PACIFICA HOUSING ADVISORY ASSOCIATION

827 FISGARD STREET VICTORIA BC V8W 1R9 PHONE 250-385-2131 | FAX 250-385-6776 WWW.PACIFICAHOUSING.CA

September 30, 2015

Mayor and Council
City of Victoria
I Centennial Square
Victoria BC V8VV 1P6

Re: Dockside Green Affordable Housing Project located 370 and 384 Harbour Road

Dear Mayor and Council,

I am pleased to write this letter in support of the Catalyst Community Development Society's proposal to develop affordable housing at Dockside Green for a target population of low- to mid- income families and individuals. It is exciting to see this development come to fruition - more affordable housing is a positive step in addressing the needs of Victoria's young families, single-parent households and low income adults.

The work that Pacifica Housing Advisory Association undertakes provides an insight into the challenges faced by the target population. The value of providing new affordable housing units is an essential component in addressing social equity and improving the quality of lives those living in our community.

Pacifica Housing supports Catalyst Community Development Society's proposed development of 49 affordable housing units which will range from studios to three-bedroom and den townhouses. The rent for these units will be at Housing Income Level rates, set by BC Housing, to ensure affordability. Catalyst Community Development has a solid reputation and the necessary experience to succeed with this project.

We, at Pacifica Housing have an established relationship with the Catalyst Community Development Society and are looking forward to an opportunity to support their efforts in Dockside Green.

Sincerely,

Dean Fortin

**Executive Director** 

### **Janet Hawkins**

From: Brant Pulsford

**Sent:** Tuesday, Oct 6, 2015 6:51 PM

**To:** Public Hearings

**Subject:** 370 and 384 Harbour Rd

### Dear Council,

I write to you hoping to help sway you against granting a development permit with variances at Dockside Green. When we purchased our condo there were no such plans and we would NOT have purchased here had there been mention of 49 rental units in this location. We are not keen to have that influx of families in our community. Nor do we wish to be forced to live in a construction zone again. I will be communicating with my lawyer to determine if a class action lawsuit stopping this development is feasible. We are 100% AGAINST granting permission to develop this land.

Regards,

**Brant Pulsford** 

### Willie

From:

Willie

Sent:

May-25-15 10:59 AM

To:

mwilson@victoria.ca

Cc:

robert@catalystcommdev.com; adewji@docksidegreen.com

Subject:

Dockside Green Development

Importance:

High

### Good Morning Mr Wilson:

I am writing you to indicate my support for the Affordable Housing project that The Catalyst Community Development Society is planning at Dockside Green.

I have a personal interest in the ongoing development at Dockside Green both as a resident of a townhouse directly opposite the north end block and as a concerned citizen. I recognise that housing for all citizens is necessary for the good of all.

I have been interested and involved in DSG since the first proposal and offerings were made for purchase in 2005. In fact I was the first purchaser.

I am well aware of the initial build out plans and how they were impacted by the recession in 2008, the year I moved in. I have taken an active interest in Synergy, and was on the first Strata Council.

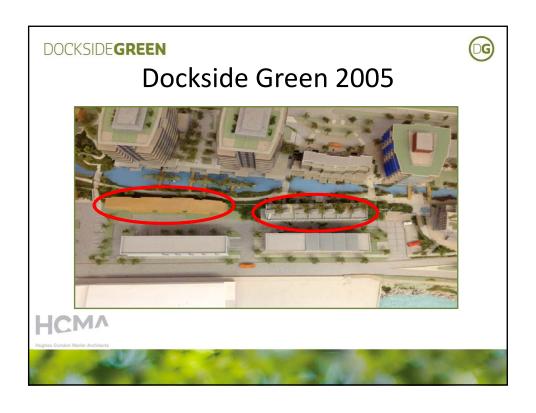
I strongly support the direction this project is going in, not only for the my own interests but in the way that affordable housing has been addressed. The revised proposals in the Affordable Housing projects have been modified in a very positive way.

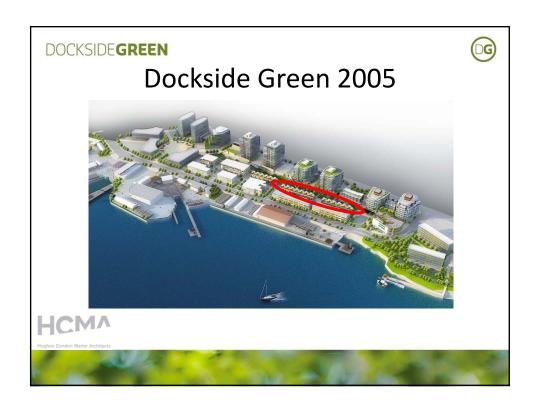
I commend the work that Robert Brown and the Dockside Development team are doing and direction we are going.

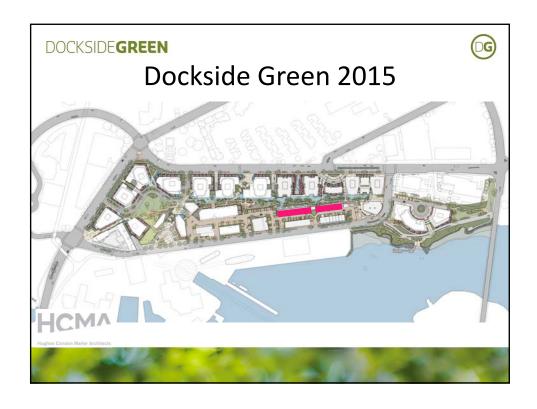
Sincerely Willie Waddell 1-389 Tyee Road

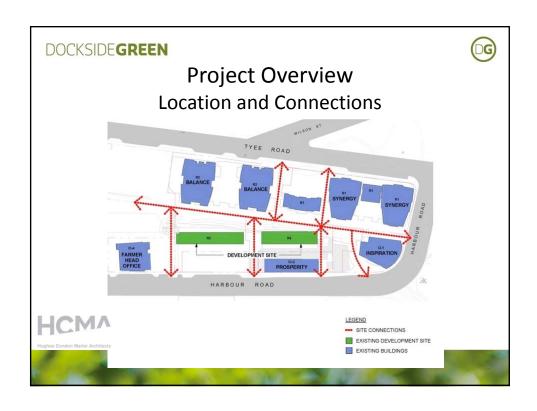
















### DOCKSIDEGREEN



# **Dockside Affordable Housing**

- Dockside remains committed to building a complete and inclusive community
- Two components
  - Affordable Home ownership homes dispersed throughout condominium buildings (completed)
  - 2. Affordable Rental homes in two buildings
- Important to deliver on Dockside's long standing commitment
- Partnering with Catalyst to deliver

### DOCKSIDEGREEN



# Catalyst Community Developments Society

- Not-for-profit development society
- Extensive real estate development expertise
- Deliver affordability using social equity freeing up City/CRD funds for other affordable housing projects
- Long-term building owner and operator
- Working with Pacifica Housing to manage day to day operations

### DOCKSIDEGREEN



## **Project Overview**

- 49 homes studios to four bedroom townhomes
- Household annual income \$29,500 to \$67,000 p.a.
- Maximum Rents (30%): \$737 to \$1,675 per mo.
- · Housing Agreement on title prior to rezoning
- Ideally located for residents who work in Vic West and Downtown





### DOCKSIDEGREEN



# Neighbour Consultation Highlights

November 3<sup>rd</sup> 2014: Meeting with Dockside Residents

November 18, 2014: Vic West CALUC

January 26<sup>th</sup> 2015: Meetings with Neighbouring Residents
 May 21<sup>st</sup> 2015: Meeting with Neighbouring Residents

June 16, 2015: CALUC Update

 June 19, 2015: Site Meeting with Neighbours and Councilor Loveday

• June thru Sept 2015: Continued Correspondence with Neighbours

September 30<sup>th</sup>/Oct 1st: Neighbourhood Open Houses (23 attendees)

October 15, 2015: Public Hearing











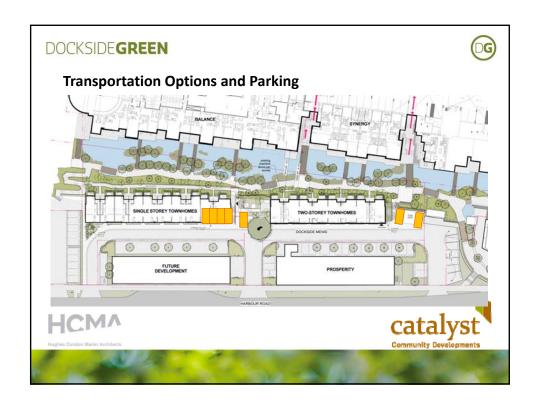














### DOCKSIDEGREEN



### **Transportation Options and Parking**

• Alternative transportation strategy – to reduce need for cars



- ➤ Free car share memberships for tenants - second co-op car located at Dockside
- > Free bike provided for each home
- > Extensive bike storage
- Transit pass subsidies for 3 years





### DOCKSIDEGREEN



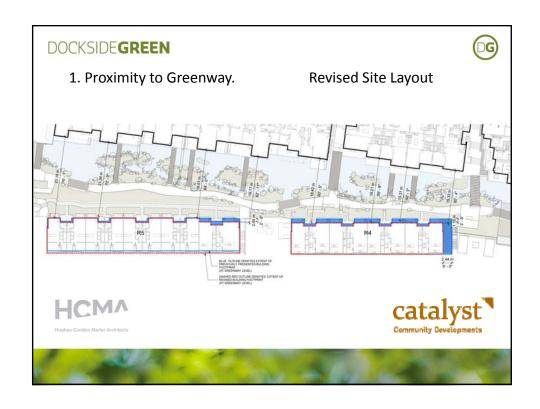
### Sustainability

- Support the Dockside's LEED ND Platinum certification
- LEED ND Energy modeling to optimise design
- Connection to District Energy System
- Connection to waste water treatment plant
- High performing envelope with low window/wall ratio
- Water/energy efficient fixtures and appliances
- No/Low VOC finishes
- Constant ventilation
- High recycled content in materials used





# Main Items Raised During Neighbour Consultation 1. Proximity of buildings to Greenway 2. Access to units from Greenway 3. Parking in the neighbourhood 4. Other: common laundry; smoking; garbage/recycling; noise abatement



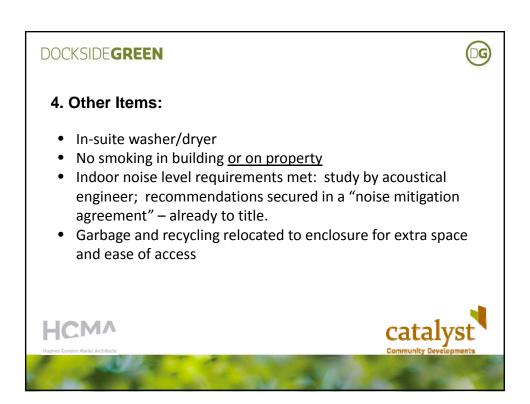




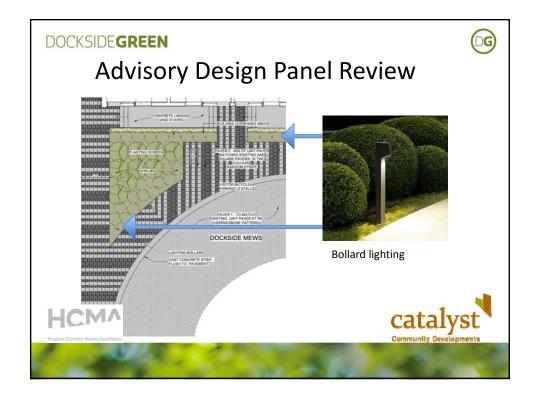
















### NO. 15-067

### A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Official Community Plan to reference the revised Design Guidelines for the Dockside Area 2005 (revised 2015) to be considered and applied to Development Permits at the site referred to as Dockside in Development Permit Area 13: Core Songhees, for the purpose of allowing changes to the existing siting requirements for the proposed development of 49 non-market residential rental units at the property with civic address 370 and 384 Harbour Road.

Under its statutory powers, including Sections 875 to 878, and 919.1 to 920 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

- 1 This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 17)".
- Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended in Appendix A: Development Permit Areas and Heritage Conservation Areas, in DPA 13: Core Songhees, in Section 5(b)(i), by adding "(revised 2015)" immediately after "Design Guidelines for Dockside Area (2005)".

READ A FIRST TIME the	10 <sup>th</sup>	day of	September,	2015
READ A SECOND TIME the	10 <sup>th</sup>	day of	September,	2015
Public hearing held on the		day of		2015
READ A THIRD TIME the		day of		2015
ADOPTED on the		day of		2015

CORPORATE ADMINISTRATOR

MAYOR

### NO. 15-066

### A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw for the CD-9 Zone, Dockside District, to provide a new definition for "Affordable Housing" and to amend the regulations relating to attached dwellings in Development Area D of this Zone.

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

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1047)".
- Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in Schedule B, Part 12.9 [CD-9 Zone, Dockside District] as follows:
  - (a) in section 2 by deleting the definition of "Affordable Housing" and substituting the following:
    - ""Affordable Housing", for the purpose of parking calculations, means housing that meets one of the following measures of affordability:
    - (a) housing that costs (rent or mortgage plus taxes and including 10% down payment) 30% or less of a household's gross annual income, targeting households with an income less than \$40,000, in 2005 dollars, or
    - (b) housing that costs (rent or mortgage plus taxes and including 10% down payment) no more than 30% of the Housing Income Limits ("HILs") that are determined from time to time by the British Columbia Housing Management Commission.";
  - (b) in section 11.1 by deleting the following words from the definition of "attached dwellings":
    - "(only on the second floor and up, not within 18m of the Harbour Road and no part of any unit can face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line)";
  - (c) in section 11.1 by deleting the following words from the definition of "multiple dwellings":
    - "(only on the second floor and up, not within 18m of the Harbour Road and no part of any unit can face the Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line)";
  - (d) by adding the following new section 11.4 immediately after section 11.3:
    - "11.4 Attached Dwellings and Multiple Dwellings
      - (a) <u>attached dwellings</u> are only permitted on the second floor and up of any building and must not be sited within 18m of Harbour Road, and no part of any attached dwelling shall face Harbour Road

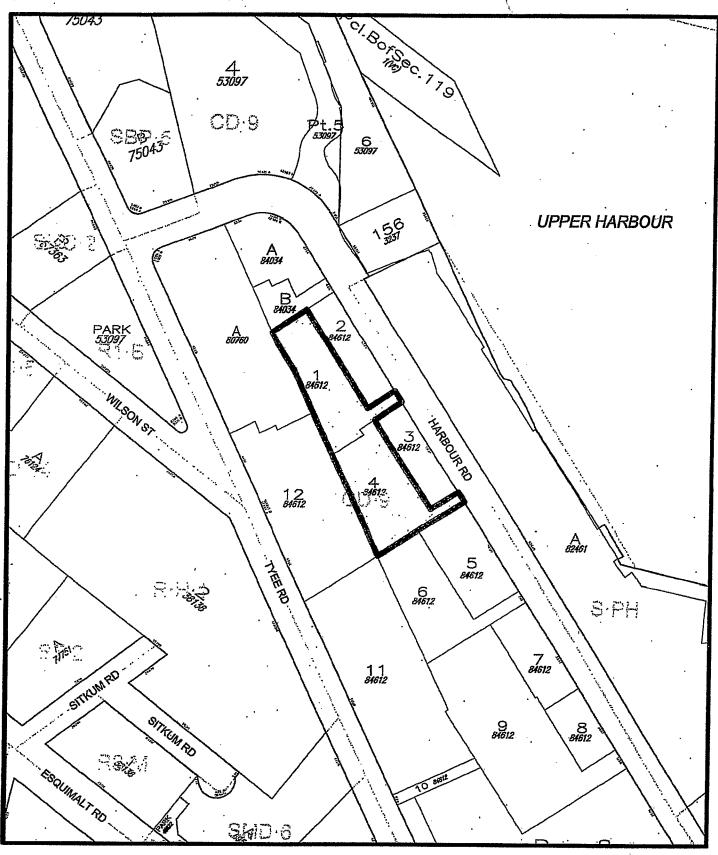
unless there is a buffer of another building of equal or greater height between it and the easterly property line;

(b) <u>multiple dwellings</u> are only permitted on the second floor and up of any building and must not be sited within 18m of Harbour Road, and no part of any multiple dwelling shall face Harbour Road unless there is a buffer of another building of equal or greater height between it and the easterly property line."

READ A FIRST TIME the	10 <sup>th</sup>	day of	September,	2015
READ A SECOND TIME the	10 <sup>th</sup>	day of	September,	2015
AMENDED on the	1 <sup>st</sup>	day of	October,	2015
Public hearing held on the		day of		2015
READ A THIRD TIME the		day of		2015
ADOPTED on the		day of		2015

CORPORATE ADMINISTRATOR

**MAYOR** 





370 and 384 Harbour Road Rezoning #00478 Bylaw #



### NO. 15-068

# HOUSING AGREEMENT (370 & 384 HARBOUR ROAD) BYLAW A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for affordable rental housing for the lands known as 370 & 384 Harbour Road, Victoria, BC.

Under its statutory powers, including section 905 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

### Title

1 This Bylaw may be cited as the "HOUSING AGREEMENT (370 & 384 HARBOUR ROAD) BYLAW".

### Agreement authorized

- The Mayor and the City's Corporate Administrator are authorized to execute the Housing Agreement
  - (a) substantially in the form attached to this Bylaw as Schedule A;
  - (b) between the City, Dockside Green Ltd., on behalf of Dockside Green Limited Partnership, and Catalyst Community Developments Society;
  - (c) that applies to the lands known as 370 and 384 Harbour Road, Victoria, BC, legally described as:

PID #027-424-740 Lot 1 District Lot 119 Esquimalt District Plan VIP84612

PID #027-424-774 Lot 4 District Lot 119 Esquimalt District Plan VIP84612.

READ A FIRST TIME the	10 <sup>th</sup>	day of	September,	2015.
READ A SECOND TIME the	10 <sup>th</sup>	day of	September,	2015.
READ A THIRD TIME the	10 <sup>th</sup>	day of	September,	2015.
ADOPTED on the		day of		2015.

CORPORATE ADMINISTRATOR

MAYOR

**City of Victoria** 

Planning and Development Housing

Agreement -Apartment

# HOUSING AGREEMENT (Pursuant to Section 905 of the *Local Government Act*)

THIS AGREEMENT is made the 21st day of August, 2015

### BETWEEN:

### THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square Victoria, B.C. V8W 1P6

(the "City")

OF THE FIRST PART

### AND:

### **DOCKSIDE GREEN LIMITED PARTNERSHIP**

510 – 815 West Hastings Street Vancouver, B.C. V6C 1B4

("DGLP")

OF THE SECOND PART

### AND:

### CATALYST COMMUNITY DEVELOPMENTS SOCIETY

4487 James Street Vancouver, B.C. V5V 3H9

("Catalyst")

OF THE THIRD PART

### AND:

# **VANCOUVER CITY SAVINGS CREDIT UNION** (FI 809)

(as to priority only - section 4.1)

{250067-500542-00315787;7}

### WHEREAS:

- A. Under section 905 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 905(2) of the *Local Government Act*;
- B. Dockside Green Ltd. is the registered owner in fee simple, as the nominee and bare trustee of DGLP (Dockside Green and DGLP are hereafter referred to collectively as the "Owner"), of lands in the City of Victoria, British Columbia, with a civic address of 370 and 384 Harbour Road, Victoria, B.C. and legally described as:

PID 027-424-740 Lot 1 District Lot 119 Esquimalt District Plan VIP 84612

PID 027-424-774 Lot 4 District Lot 119 Esquimalt District Plan VIP 84612

(the "Lands");

- C. With the Owner's consent, Catalyst has applied to the City to permit development on the Lands by Catalyst of 49 Affordable Rental Units.
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 905 of the *Local Government Act*, to secure the agreement of the Owner and Catalyst to provide 49 Affordable Rental Units, and that all 49 Affordable Rental Units within the Development on the Lands will be used and held only as Affordable Rental Units.
- E. Catalyst has executed this Agreement in its capacity as the intended owner of the Lands and the Development, and has thereby agreed to observe and perform the obligations of the Owner under this Agreement from and after the date on which any interest in the Lands is transferred to Catalyst.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 905 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "**Agreement**"), the parties agree each with the other as follows:

### 1.0 Definitions

1.1 In this Agreement:

"Affordable Housing" means the provision of the Affordable Rental Units within the Development.

"Affordable Rental Units" means the 49 self-contained residential dwelling units within the Development that are to be used and occupied in accordance with section 2.0 of this Agreement.

"Bedroom" means a room within a Dwelling Unit that has a minimum size of 3.5 square meters and has an operable window that opens to the outdoors.

"CPI" means the All-items Consumer Price Index for Greater Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.

"Development" means the development of two residential buildings (commonly called Building R4 and Building R5) containing a total of 49 Dwelling Units and associated servicing and landscaping which are to be constructed on the Lands.

"Dwelling Unit" means a self-contained residential dwelling unit within the building that will be constructed on the Lands, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"Immediate Family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

"Non-owner" means a person who occupies a Dwelling Unit for residential purposes, other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate Family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 5.3.

"Perpetuity" means until such time as the Development is either lawfully demolished or substantially destroyed and not promptly rebuilt.

"Subdivision" means the division of land into two (2) or more parcels, whether by plan, strata plan, or otherwise, and includes subdivision under the Strata Property Act, and "Subdivide" has the corresponding meaning.

"**Tenancy Agreement**" has the same meaning as under the *Residential Tenancy Act*.

### 1.2 In this Agreement:

(a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and

(b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

### 2.0 Affordable Housing Obligations

- 2.1 The Owner covenants and agrees that from and after issuance of an occupancy permit for the Development, a total of 49 residential Dwelling Units within the Development shall only be occupied and used as Affordable Rental Units in Perpetuity.
- 2.2 Each Affordable Rental Unit shall only be occupied by one or more Non-owners:
  - (a) under the terms of a Tenancy Agreement with the Owner; and
  - (b) whose combined annual household income at the commencement of their Tenancy Agreement is equal to or less than the Housing Income Limits (as hereinafter defined) that applies to the particular Affordable Rental Unit pursuant to section 2.3(a).
- 2.3 The Owner covenants and agrees that the rent for each Affordable Rental Unit shall not exceed:
  - (a) 30% of the Housing Income Limits ("HILs") that are determined from time to time by the British Columbia Housing Management Commission ("BC Housing"), and that apply to the particular Affordable Rental Unit, for example whether the Affordable Rental Unit is a Bachelor, 1 Bedroom or 2 Bedroom or 3 Bedroom Dwelling Unit; or
  - (b) In the event that BC Housing ceases to determine HILS and such determination is not replaced by a similar publication, then the income limit with respect to an Affordable Rental Unit shall be determined by reference to the last published HILs which shall be increased annually by an amount equal to the increase in the CPI commencing January 1 following the year BC Housing ceased determining HILs. For the purposes of this section, "CPI" means the All-items Consumer Price Index for Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.
- 2.4 For the purpose of section 2.3 where rent is payable on a monthly basis and Housing Income Limits are reported or determined as an annual amount, either the rent or the income figures shall be adjusted to a monthly or annual amount so that an appropriate comparison can be made.
- 2.5 The Owner may subdivide or make application to the City for the Subdivision of the Lands provided that the Owner covenants and agrees that it will not

subdivide or make application to subdivide the Development under the *Strata Property Act* (British Columbia). This restriction shall not apply to the part of the Lands marked on the copy of the subdivision plan, attached hereto as Schedule A.

### 3.0 Reporting

- 3.1 The Owner covenants and agrees that upon the written request of the City, the Owner will provide to the City's Director of Sustainable Planning and Community Development (the "Director") a report (the "Report") in writing confirming, to the Director's satisfaction that the Owner continues to provide Affordable Housing, pursuant to section 2.0 in accordance with the requirements of this Agreement, which Report shall include, inter alia
  - (a) the number, type and location by suite number, of Dwelling Units being rented to Non-owners as Affordable Rental Units and the rents being charged under section 2.3; and
  - (b) such other information that the Director may reasonably require.
- 3.2 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary, acting reasonably, in order to confirm that the Owner is complying with this Agreement.

### 4.0 Priority Agreement

4.1 Vancouver City Savings Credit Union, the registered holder of charges by way of Mortgages and Assignments of Rent against the within described property which said charges are registered in the Land Title Office at Victoria, British Columbia. under numbers EX128529, EX128530, FB18910 and FB108911 for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 905(5) of the Local Government Act (the "Notice"), this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if the Notice had been filed prior to the said charges. For certainty, upon the discharge of the aforesaid charges, following the transfer of the Lands, as consolidated and subdivided as the case may be, to Catalyst by Dockside Green Ltd., this section 4.1 shall be deemed to have been deleted from the Agreement without further action by the parties.

### 5.0 Notice to be Registered in Land Title Office

5.1 Notice of this Agreement ("Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 905 of the Local

Government Act, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

# 6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement which occurred while the Owner is the owner of the Lands.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

#### 7.0 General Provisions

#### Notice

- 7.1 If sent as follows, notice under this Agreement is considered to be received
  - (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
  - (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria #1 Centennial Square Victoria, B.C. V8W 1P6

Attention: Director of Sustainable Planning and

Community Development

Fax: 250-361-0386

#### to the Owner:

Dockside Green Ltd. 510 – 815 West Hastings Street Vancouver, B.C. V6C 1B4

## to Catalyst:

Catalyst Community Developments Society 4487 James Street Vancouver, B.C. V5V 3H9

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

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

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

#### Time

7.2 Time is of the essence of this Agreement.

#### **Binding Effect**

7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 905(6) of the *Local Government Act*, this Agreement is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest. Without limiting the generality of the foregoing, Catalyst agrees to observe and perform the obligations of the Owner under this Agreement from and after the date on which any interest in the Lands is transferred to Catalyst.

#### Waiver

7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be

construed as a waiver of any future or continuing failure, whether similar or dissimilar.

# <u>Headings</u>

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

# Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

#### **Equitable Remedies**

7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

# **Cumulative Remedies**

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

#### **Entire Agreement**

7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

#### **Further Assurances**

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

#### **Amendment**

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

# Law Applicable

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

# No Derogation from Statutory Authority

- 7.13 Nothing in this Agreement shall:
  - (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

#### Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

#### Counterpart

7.15 This Agreement may be executed in counterparts, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

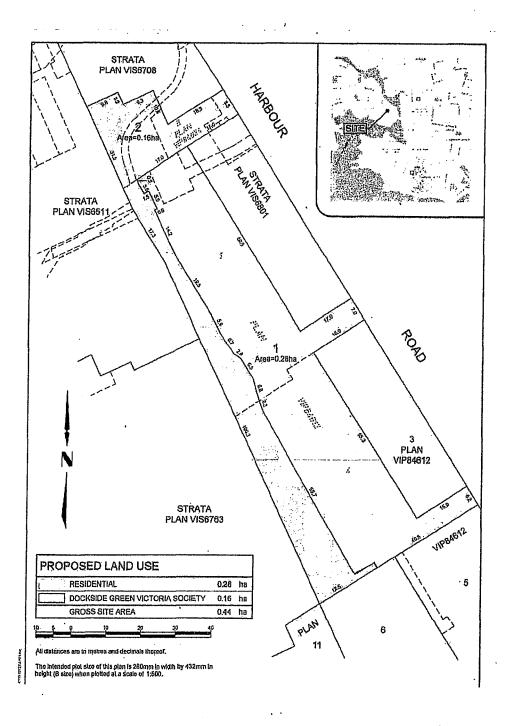
IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatories:		
Mayor Lisa Helps	- ) ) )	
Corporate Administrator Robert Woodland	. )	

DOCKSIDE GREEN LIMITED PARTNERSHIP by its General Partner Dockside Green Ltd., by if authorized signatories:
Print Name: NORMAN. SHEARING
June 1
Print Name:
CATALYST COMMUNITY DEVELOPMENTS SOCIETY by its authorized signatories:
Print Name:
Print Name:
VANCOUVER CITY SAVINGS CREDIT UNION  (as to priority only) by its authorized signatories:  Print Name: SHIRLEY-ANNE BLACKADDER )
Print Name:

DOCKSIDE GREEN LIMITED PARTNERSHIP by its General Partner Dockside Green Ltd., by if
authorized signatories:
Print Name: _Norman Shearing
Print Name:
Film Name.
CATALYST COMMUNITY DEVELOPMENTS  SOCIETY by its authorized signatories:
)
Print Name: Robert Brown )
Print Name:
VANCOUVER CITY SAVINGS CREDIT UNION )
(as to priority only) by its authorized signatories:
Print Name: Shirley-Anne Blackadder )
<b>)</b>
Print Namo:

# **SCHEDULE A**



#### NOTICE OF PUBLIC HEARING

#### OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 17) - NO. 15-067:

The Official Community Plan Amendment Application proposes revisions to the Design Guidelines for the Dockside Area. The proposed amendments, which are in relation to a proposal to construct 49 non-market rental residential units at the property with civic address 370 and 384 Harbour Road would allow:

- residential use on the ground floor of a building
- the development of a building that will be used for residential purposes with no buffer from Harbour Road being provided by another building.

#### APPLICATION FOR REZONING OF PROPERTY KNOWN AS 370 AND 384 HARBOUR ROAD:

#### ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1047) - No. 15-066:

To amend the Zoning Regulation Bylaw for the CD-9 Zone, Dockside District, by:

- amending the definition of "affordable housing" to ensure that the parking calculations for affordable housing will apply to the proposed development of 49 non-market rental residential units on the property with civic address 370 and 384 Harbour Road; and
- moving the existing siting restrictions from the definition of "attached dwellings" in the regulations for Development Area D to a new stand-alone regulation for the siting of attached dwellings, so that Council may vary those siting regulations in relation to the development of 49 non-market rental residential units on the property with civic address 370 and 384 Harbour Road.

Existing Zone:

CD-9 Zone, Dockside District

Legal description: Lot 1, District Lot, 119 Esquimalt District Plan, VIP84612

Lot 4, District Lot, 119 Esquimalt District Plan, VIP84612

#### DEVELOPMENT PERMIT WITH VARIANCES APPLICATION

The Council of the City of Victoria will also consider issuing a Development Permit with Variances for 49 non-market rental residential units at 370 and 384 Harbour Road, in Development Permit Area 13: Core Songhees for the purposes of approving the exterior design and finishes, as well as landscaping, and varying certain requirements of the Zoning Regulation Bylaw, namely:

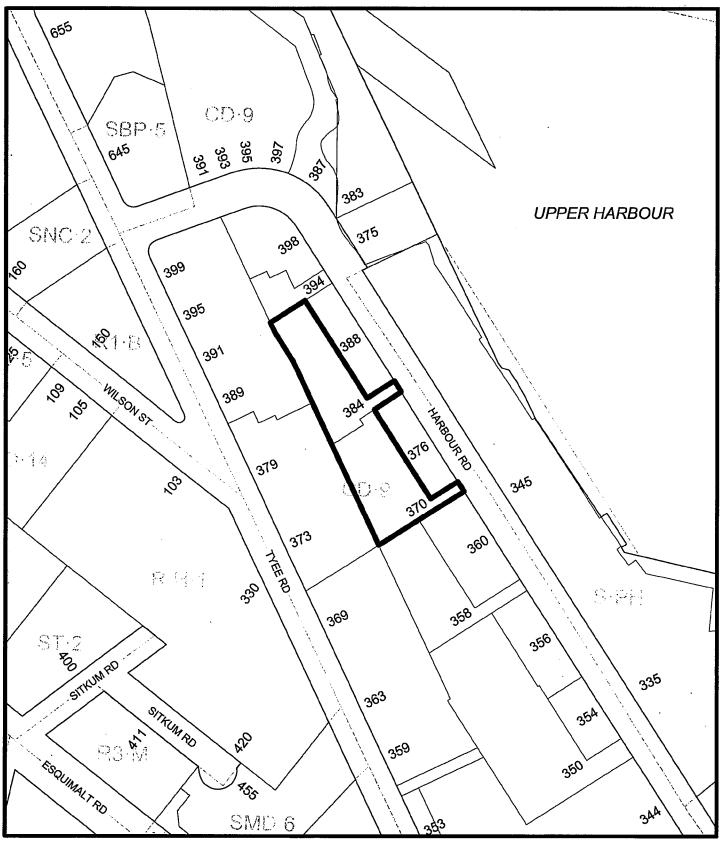
- permit residential uses on the ground floor of a building
- permit residential units to face Harbour Road without a building buffer.

Members of the public interested in this	matter will be given an opportunity to be heard by City
Council at a Public Hearing to be held in	n the Council Chamber, City Hall, #1 Centennial Square,
Victoria, B.C., on Thursday,	, 2015, at 7:00 p.m.

Correspondence can be submitted for inclusion in the meeting agenda via mail to the address noted above, or by email at: <a href="mailto:publichearings@victoria.ca">publichearings@victoria.ca</a>. Correspondence should be received by 11:00 a.m. the day before the Council meeting.

Copies of the proposed Bylaw and other relevant documents and information may be inspected at City Hall, #1 Centennial Square, Victoria, B.C. from the date of this Notice to and including the date of the Public Hearing, from 8:00 a.m. to 4:30 p.m., from Monday to Friday both inclusive, excluding public holidays.

Please note that all correspondence submitted to the City of Victoria in response to this Notice will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.





370 and 384 Harbour Road Rezoning #00478 Bylaw #



#### REPORTS OF THE COMMITTEES

#### 2. Planning and Land Use Committee – July 23, 2015

- 4. Development Variance Permit Application No. 00152 for 361 and 363 Foul Bay Road
  It was moved by Councillor Coleman, seconded by Councillor Loveday, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:
  "That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:
  - 1. Plans date stamped June 3, 2015.
  - 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - a. Section 1.6.6 a. relaxation to increase site coverage from 30 percent to 41.10 percent.
    - b. Schedule F, 5.b relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent.
    - c. Schedule F, Section 4.c relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
  - 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

# 3.3 Development Variance Permit Application No. 00152 for 361 and 363 Foul Bay Road

Committee received a report regarding an application for 361 and 363 Foul Bay Road. The proposal is to authorize the design of a two-car garage in the rear yard of the property.

#### Action:

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

- 1. Plans date stamped June 3, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. Section 1.6.6 a. relaxation to increase site coverage from 30 percent to 41.10 percent.
  - b. Schedule F, 5.b relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent.
  - c. Schedule F, Section 4.c relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
- 3. The Development Permit lapsing two years from the date of this resolution."

**CARRIED UNANIMOUSLY 15/PLUC175** 



# Planning and Land Use Committee Report

For the Meeting of July 23, 2015

To:

Planning and Land Use Committee

Date:

July 9, 2015

From:

Brian Sikstrom, Senior Planner

Subject:

Development Variance Permit No. 00152 for 361-363 Foul Bay Road

#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00152 for 361-363 Foul Bay Road, in accordance with:

- 1. Plans date stamped June 3, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - Section 1.6.6.a. relaxation to increase site coverage from 30 percent to 41.10 percent;
  - ii. Schedule F, 5.b relaxation to increase the rear yard site coverage from 25 percent to 25.30 percent;
  - iii. Schedule F, Section 4.c relaxation to reduce the flanking street setback (Quixote Lane) from 7.50m to 5.91m.
- 3. The Development Permit lapsing two years from the date of this resolution."

#### LEGISLATIVE AUTHORITY

In accordance with Section 922 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 361-363 Foul Bay Road. The proposal is to construct a two-car garage in the rear yard of a three-suite conversion. The variances are related to an increase in overall site coverage as well as rear yard site coverage and reducing a flanking street setback.

The following points were considered in assessing this Application:

- The subject property is within Development Permit Area 16, General Form and Character, but is exempt from the applicable guidelines as the proposal includes a house conversion.
- The proposed site coverage increases (overall and for the rear yard) and reduced flanking street setback will not affect existing landscaping and will have minimal impacts on neighbouring properties.

#### BACKGROUND

#### **Description of Proposal**

The proposal is for the construction of a two-car garage in the rear yard of a three-suite conversion. The garage would replace two rear yard parking stalls. The proposed variances are related to an increase in overall site coverage, as well as rear yard site coverage and reducing flanking street setback.

#### Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

#### **Active Transportation Impacts**

The applicant has not identified any active transportation impacts associated with this Application.

#### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Variance Permit Application.

#### **Existing Site Development and Development Potential**

The site is presently occupied by a three-suite conversion.

Under the existing R1-G Zone, the house could be replaced with a new single-family detached dwelling with a maximum floor area of 300 m², which could include a secondary suite. The size and depth of the lot meet the criteria for consideration of a rezoning for a duplex.

#### **Data Table**

The following data table compares the proposal with the existing R1-G Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	Zone Standard R1-G
Site area (m²) - minimum	691.90	460.00
Number of units - maximum	3	4

Zoning Criteria	Proposal	Zone Standard R1-G
Density (Floor Space Ratio) - maximum	0.5:1	0.5:1
Total floor area (m²) - maximum	345.76**	300.00
Lot width (m) - minimum	17.78	15.00
Height (m) - maximum	5.60	7.60
Storeys - maximum	2	2
Site coverage % - maximum	41.10*	30.00
Open site space % - minimum	52.25	50.00
Accessory Building		
Floor area - maximum	36.58	37.00
Height – maximum	3.12	3.50
Setbacks		
Flanking Street - Quixote	5.9*	7.5
Rear (north)	0.6	0.6
Side (east)	0.6	0.6
Separation Space - minimum	4.75	2.4
Rear yard site coverage – maximum	25.30*	25.00

## **Relevant History**

On January 14, 2010 the Board of Variance approved an appeal granting a variance to permit exterior changes to the street façade (Quixote Place) for a triplex conversion. These changes included closing in two garages beneath the house.

On June 9, 2011 and October 29, 2012 the Board of Variance denied appeals for an accessory building in the rear yard. The minutes of the meeting indicate the objection of one adjacent neighbour citing construction impacts, the effect on views, crowding on the property and devaluing of property values. The minutes indicate no objections from two other neighbours; however, they expressed concerns regarding lack of consultation by the owner. The Board noted that there are three parking stalls on-site and acknowledged neighbours' concerns about construction and crowding. The Application was declined in a 3 to 1 vote.

#### **Community Consultation**

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, on June 4, 2015 the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's Land Use Procedures Bylaw, it requires notice, sign posting and a meeting of Council to consider the variances. Staff advised the applicant that they should consult with the immediate neighbours, especially given the past experience and feedback from the Board of Variance.

#### **ANALYSIS**

## **Proposed Variances**

The requested site coverage variance is in part due to the footprint of the existing house, which was built under the R1-B Zone which permits 40 percent site coverage. The requested rear yard site coverage for the garage is only marginally above the maximum of 25 percent. These variances do not affect existing landscaping and private open space, which is sufficient. The requested variance for distance of the garage from the flanking street is due to the narrow lot width in this location. The proposed garage structure is at a lower elevation than the house to the east and screened from it by vegetation.

#### CONCLUSIONS

Staff have reviewed the proposal and recommend that the Application move forward, based on the proposed garage having minimal impacts on the existing landscaping and to the surrounding neighbourhood. Staff, therefore, recommend for Council's consideration that Council support the proposed rear yard garage.

#### **ALTERNATE MOTION**

That Council decline Development Variance Permit Application No. 00152 for the property located at 361-363 Foul Bay Road.

Respectfully submitted,

Brian Sikstrom,

Senior Planner

Development Services Division

Alison Meyer,

**Assistant Director** 

**Development Services Division** 

Jonathan Tinney, Director Sustainable Planning and

Community Development

Report accepted and recommended by the City Manager:

Jason Johnson

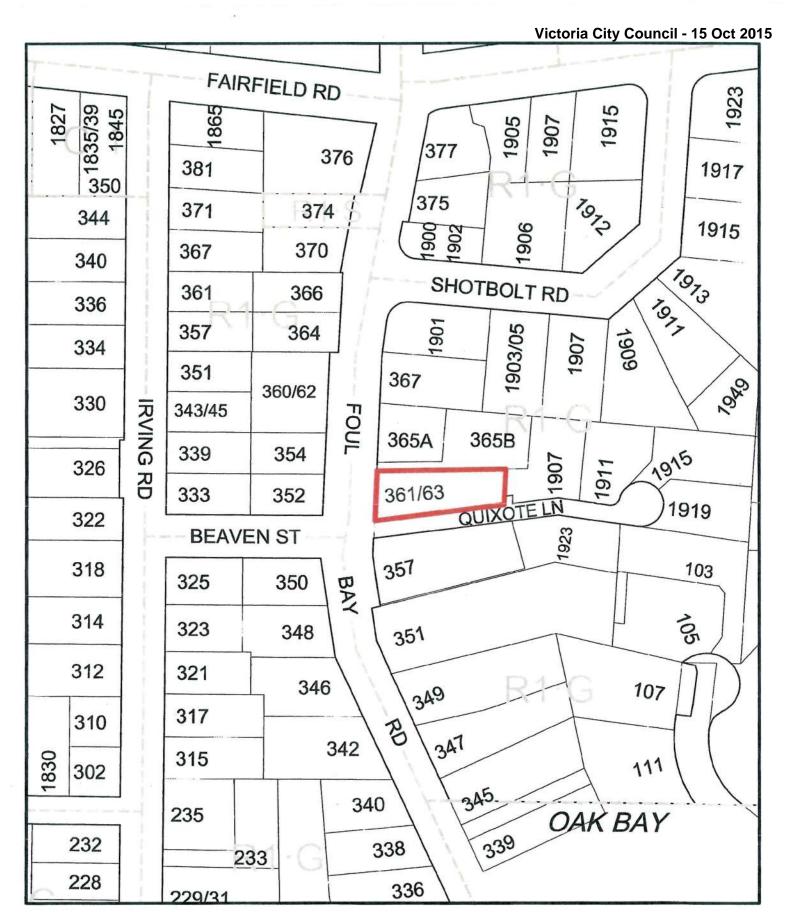
Date:

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S:\Tempest\_Attachments\Prospero\Pi\Dvp\Dvp00152\Dp Dvp Pluc Report Template1.Doc

#### List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated May 25, 2015
- Plans dated June 3, 2015.

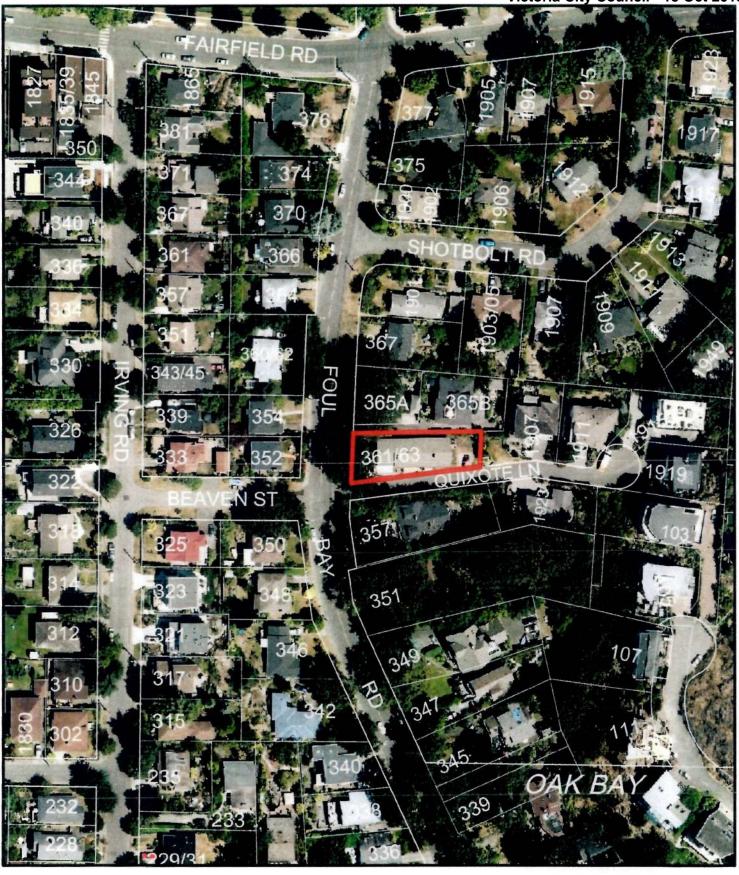




361/363 Foul Bay Road
Development Variance Permit #00152



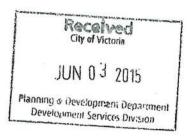
Victoria City Council - 15 Oct 2015





361/363 Foul Bay Road
Development Variance Permit #00152





225 Skinner Street, Victoria BC V9A 3B2 May 25, 2015

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

Dear Mayor Helps and Council,

Re: Application for Garage at 361, 363, 363A Foul Bay Road, Victoria BC

I hereby apply to the City of Victoria for a Development Permit to construct a garage at the above-mentioned address according to the plans submitted.

When I purchased this property, it was in need of improvements to both the interior and exterior to bring it up to the aesthetic and livability levels of the neighbouring properties.

I contacted Mr. Will Peereboom, of Victoria Design, who advised and provided me with an overall plan for the property. Part of his plan suggested converting the two existing garages, with the intent of constructing a new double garage in a safer location on the lot with better visibility to the street. Those existing garages were oriented in such a way that there was a major blind spot for exiting vehicles, creating a hazard for both the property residents' and other vehicles entering and exiting Quixote, as well as children and other pedestrians on the roadway.

I submitted a plan to the Board of Variance for the renovations specifically to enclose the garages, and was instructed to verify that there was proper access by way of the right-of-way (easement) to the upper part of this lot for replacement of the two garages.

My surveyor researched the easement over Quixote and verified there was proper access. This verification was forwarded to both the Board of Variance and the City of Victoria Building Department. When I received permission from the Board of Variance to proceed, there was no mention that I would not be able to replace the two garages with a proper two-car garage.

The currently submitted plans for the garage will not obstruct any views, including the upper properties, and will not require removal of any of the trees. The garage will be set back from Quixote to provide proper site lines and visibility for exiting vehicles.

This triplex has three two-bedroom units and a garage is a vital need for the residents of the property. Quixote is a very narrow cul-de-sac, and in order to accommodate emergency and other large vehicles, does not allow any on-street parking.

I thank you for your time in considering a Development Permit for this garage.

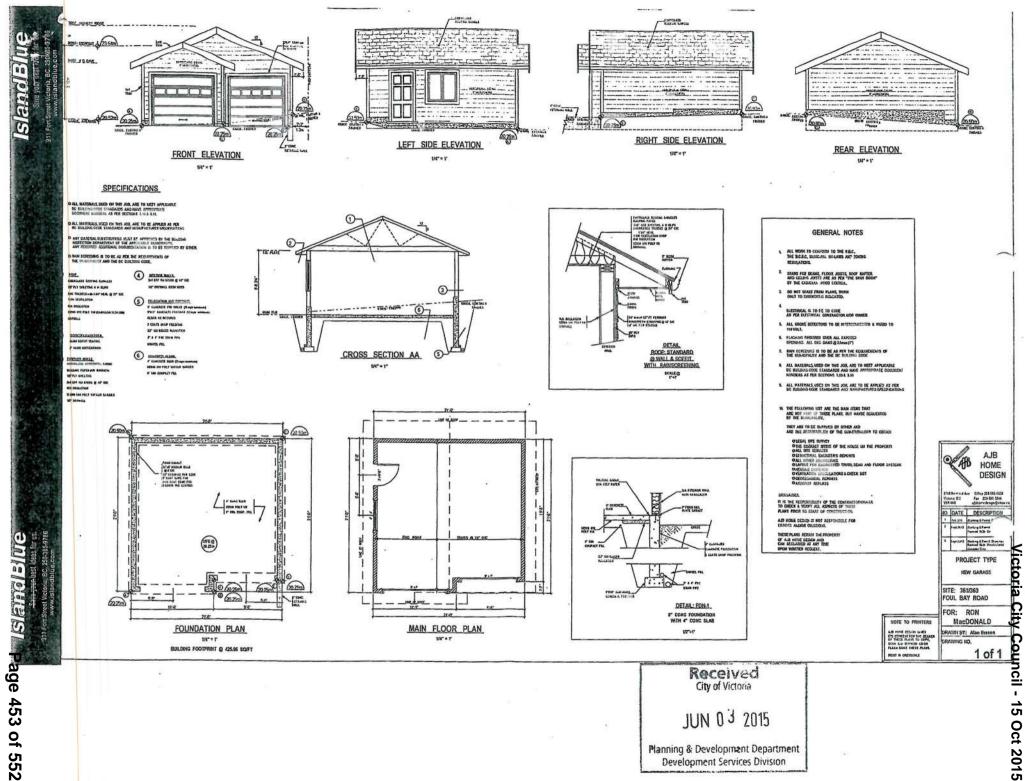
Sincerely

Ron MacDonald

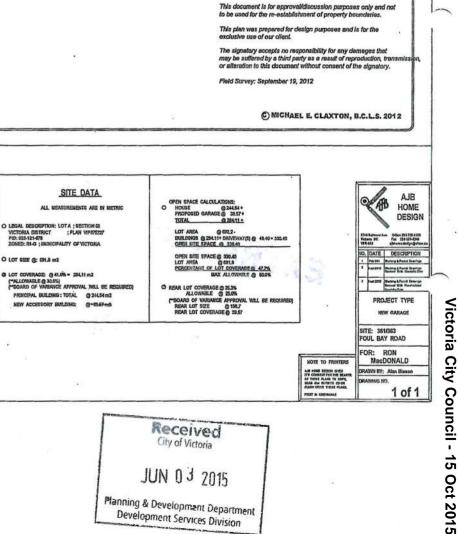
Received City of Victoria

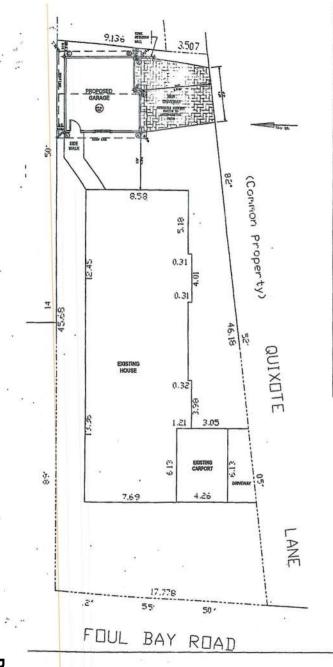
JUN 0 3 2015

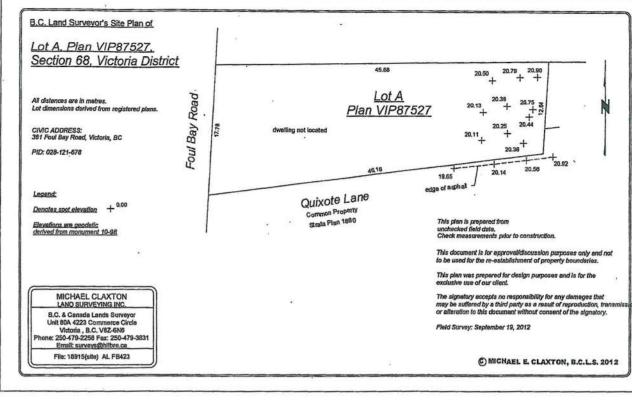
Planning & Development Department Development Services Division



**Development Services Division** 









#### SITE PLAN

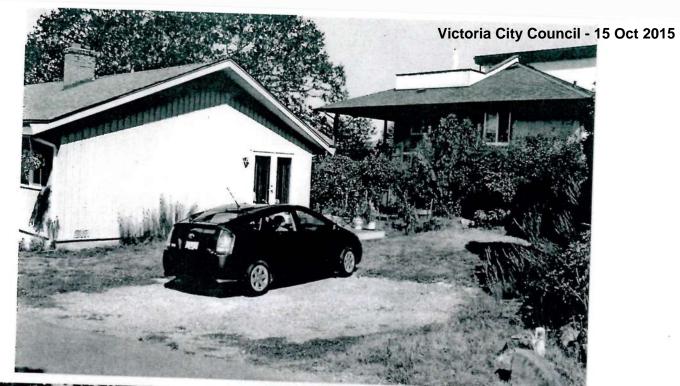
CIVIC ADDRESS @ SOUSES FOUL DAY ROAD

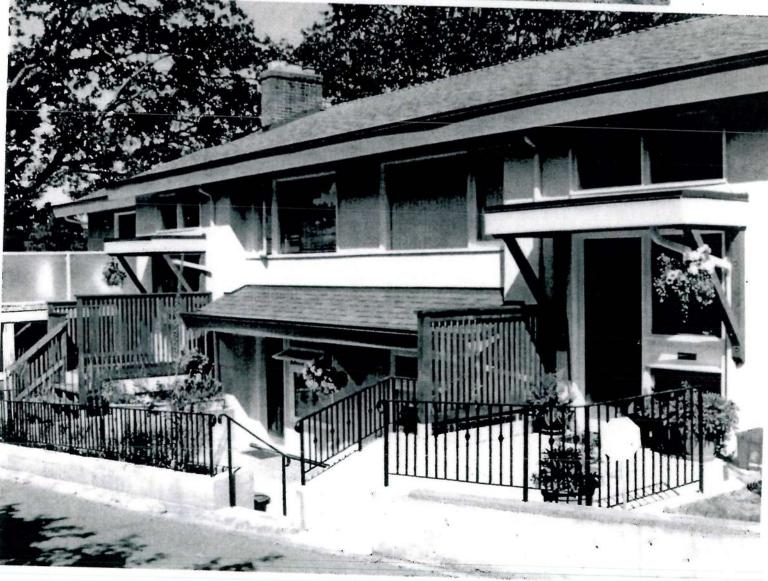
SCALE @ 1:100

THES SITE PLAN IS BASED ON A COPY OF A DIGITAL CITE SURVEY AS SUPPLIED BY: MINE CLASTON-BOLE

O LOT SIZE @: 231.9 m2

Planning & Development Department **Development Services Division** 











361&363 Foul Bay Road

Development Variance Permit Application # 00152

Quixote Road Frontage



361&363 Foul Bay Road

Development Variance Permit Application # 00152

Existing Rear Yard Parking



361&363 Foul Bay Road

Development Variance Permit Application # 00152

Existing Rear Yard Parking



361&363 Foul Bay Road

Development Variance Permit Application # 00152

Neighbouring House to the East



361&363 Foul Bay Road

Development Variance Permit Application # 00152

Existing Parking with Neighbouring House to the North

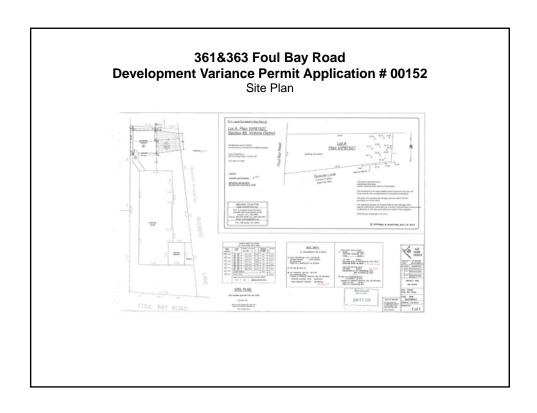


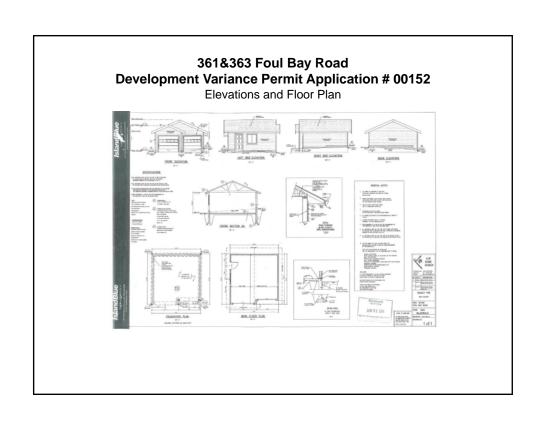
361&363 Foul Bay Road

Development Variance Permit Application # 00152

Existing House Looking West







#### REPORTS OF THE COMMITTEES

#### 2. Planning and Land Use Committee - August 27, 2015

7. Development Variance Permit Application No. 00154 for 1610 Hillside Avenue

It was moved by Councillor Alto, seconded by Councillor Loveday, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion: "That Council authorize the issuance of Development Variance Permit Application No. 00154 for 1610 Hillside Avenue, in accordance with:

1. Plans date stamped July 29, 2015.

 The following variances to the Sign Bylaw: Vary the size allowance for two of the Canadian Tire signs from 9m² each to 12.9m² and 14.2m² each."

Councillor Isitt said the Canadian Tire sign could conform to the Sign Bylaw.

Carried

For:

Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff and Thornton-Joe and Young

Against:

Councillors Isitt and Loveday

#### 6. DEVELOPMENT APPLICATION REPORTS

# 6.1 Development Variance Permit Application No. 00154 for 1610 Hillside Avenue

Committee received a report dated August 13, 2015 from Sustainable Planning & Community Development for 1610 Hillside Avenue outlining an application to allow the placement of a sign facing Hillside Avenue for the Canadian Tire store.

#### Committee discussed:

- Giving community associations adequate time to respond.
- The Oaklands Community Association had no concerns regarding the size of the sign as this is a reduction in size compared to the previous Target sign.
- Concerns of ignoring the intent of the Sign Bylaw at it was put in place to allow signs of less than 9m<sup>2</sup>.

#### **Action:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00154 for 1610 Hillside Avenue, in accordance with:

- 1. Plans date stamped July 29, 2015.
- 2. The following variances to the Sign Bylaw:
  - Vary the size allowance for two of the Canadian Tire signs from 9m<sup>2</sup> each to 12.9m<sup>2</sup> and 14.2m<sup>2</sup> each."

#### Committee discussed the motion:

- A 9m² sign may not be clearly visible from Hillside Avenue.
- Larger signage will make it easier for people to locate the store, which reduces driving and improves convenience.

CARRIED 15/PLUC/192

For: Mayor Helps; Councillors Alto, Coleman, Loveday, Lucas, Madoff,

Thornton-Joe and Young

Against: Councillor Isitt



# Planning and Land Use Committee Report For the Meeting of August 27, 2015

To:

Planning and Land Use Committee

Date:

August 13, 2015

From:

Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject:

Development Variance Permit Application No. 00154 for 1610 Hillside

Avenue - Variance to the Sign Bylaw

#### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00154 for 1610 Hillside Avenue, in accordance with:

- 1. Plans date stamped July 29, 2015.
- 2. The following variances to the *Sign Bylaw*:

  Vary the size allowance for two of the Canadian Tire signs from 9m<sup>2</sup> each to 12.9m<sup>2</sup> and 14.2m<sup>2</sup> each.

#### LEGISLATIVE AUTHORITY

In accordance with the Land Use Procedures Bylaw, variances to the Sign Bylaw are processed as a Development Variance Permit application.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with information, analysis and recommendations regarding a requested variance to the *Sign Bylaw* for the property located at 1610 Hillside Avenue (Hillside Centre).

Hillside Centre Holdings (the owners) have confirmed that there is no additional sign allowance required for the business frontage to accommodate the total amount of signage needed for their tenant, the Canadian Tire store.

The Sign Bylaw restricts the size of each individual fascia sign on this property to a maximum of 9m² and an accumulative maximum signage area of 31.5m². The maximum signage area is derived from Canadian Tire's business frontage of 101.6m. The aggregate total display area is 31.5m². Sign 1 (Customer Pick Up) is 4.4m² and does not require a variance. Signs 2 (Canadian Tire) and 3 (Triangle Logo) measure 14.2m² and 12.9m² respectively. Signs 2 and 3 are in excess of 9m² and require a variance. Cumulatively, the three signs do not exceed the overall allowance 31.5m².

With consideration that there was a similar sign previously located on this property for the Target store, it is recommended that Council approve the Sign Development Variance Permit.

Sign Bylaw Criteria			
Description	Proposed	Bylaw Standard	
Cumulative Sign Area	31.5 m <sup>2</sup> (339.06 sq. ft.)	31.5 m <sup>2</sup> (339.06 sq. ft.) Based on 101.6m (333'-4") frontage.	
Sign 1 – Customer Pick Up	4.4m <sup>2</sup> (47.4 sq. ft.)	9m² (96.9 sq. ft.)	
Sign 2 – Canadian Tire	<b>14.2</b> m <sup>2</sup> (152.8 sq. ft.)	9m² (96.9 sq. ft.)	
Sign 3 – Triangle Logo	<b>12.9</b> m <sup>2</sup> (138.9 sq. ft.)	9m² (96.9 sq. ft.)	

#### BACKGROUND

#### Description of Proposal

#### Relevant History

Bentall Kennedy (Canada) LP, the owner of the mall property, has voluntarily prepared a comprehensive signage plan to facilitate allocation of permitted signage for each business which has street frontage facing one of the four streets adjacent to the mall. The owner has confirmed that several of the businesses are not, or will not, be using the full display area permitted, based on their individual store frontage calculations. The owner is allowing the Canadian Tire store to use the unused sign allowances from other businesses fronting Hillside Avenue; however, because the proposal for one of the signs exceeds the maximum permitted display area, the proponent needs to apply for a variance.

In January of 2014, a variance to the *Sign Bylaw* was permitted for Target. The information regarding this approval is included in the following table.

Sign Bylaw Criteria			
Description	Proposed	Bylaw Standard	
Maximum size of each individual sign	23.78m² (255.97 sq. ft.)	9m² (96.9 sq. ft.)	
Maximum signage area allocated to Target	39.34m² (423.47 sq. ft.)	39.34m <sup>2</sup> (123.47 sq. ft.) Based on 126.9m (416'-4") frontage	

#### **Community Consultation**

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, on August 6, 2015, the application was referred for a 30-day comment period to the Oaklands CALUC. At the time of writing this report, a letter from the CALUC had not been received (August 6, 2015).

This application proposes variances; therefore, in accordance with the City's Land Use Procedures Bylaw, it requires notice, sign posting and a meeting of Council to consider the variances.

#### **ANALYSIS**

# **Development Permit Area and Design Guidelines**

The variance requested is for the installation of three signs that have a total display surface of  $31.5 \,\mathrm{m}^2$  (339.06 sq. ft.), which as a whole will comply with the allowable percentage of the Sign Bylaw and the Canadian Tire Frontage. The area of focus is that of the three signs, two are over the allowable maximum sign size of 9  $\,\mathrm{m}^2$  (96.9 sq. ft.).

In this instance, the variance is supportable for the following reasons:

- Sign 3 (Triangle Logo) is 1.4 times the permitted size. It is proposed to be located on the upper portion of a two-storey section of the mall.
- The proposed location of the signage is buffered by a 40 meter parking lot which itself faces a busy arterial road, thereby lessening the impact of the proposed signage.
- Sign 2 (Canadian Tire) is 1.58 times the permitted size. It is centralized on the façade and has a clear easy to read font.
- The cumulative area of signage is not in excess of the overall permitted sign allowance.

The Official Community Plan (OCP) identifies this property with in DPA 4, Town Centre Hillside. The Design Guidelines that apply to the signage are the Advisory Design Guidelines for Buildings, Signs and Awnings (1981). The signs respond to these guidelines by minimizing text, by providing only the company name and logo. The signs are also integrated into the design and do not conflict with the colours of the building. Given the context of a town centre and major mall, the size is appropriate.

#### CONCLUSIONS

As Canadian Tire is within the total allowable signage size, based on the amount of frontage as stated in the *Sign Bylaw*, this Development Variance Permit is brought to Council under a technicality of the signage not exceeding the 9m<sup>2</sup> for each sign.

#### **ALTERNATE MOTION**

That Council decline Development Variance Permit Application No. 00154 for the property located at 1610 Hillside Avenue

Respectfully submitted,

Ryan Morhart

Supervisor – Building Inspections

Jonathan Tinney, Director

Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date: August 19, 2015

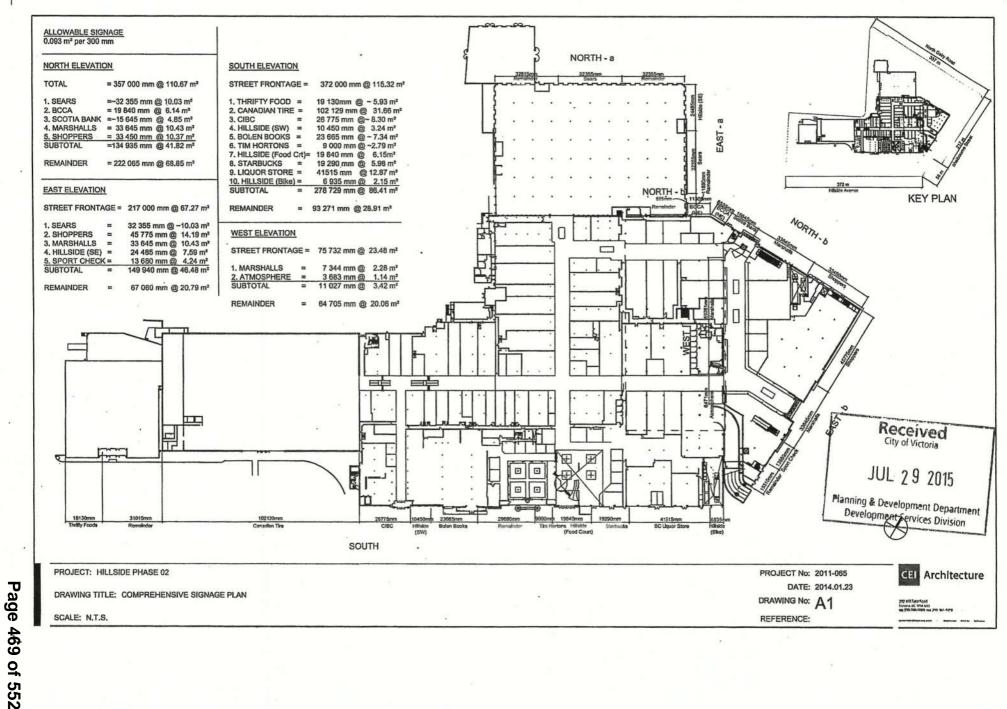
#### **List of Attachments**

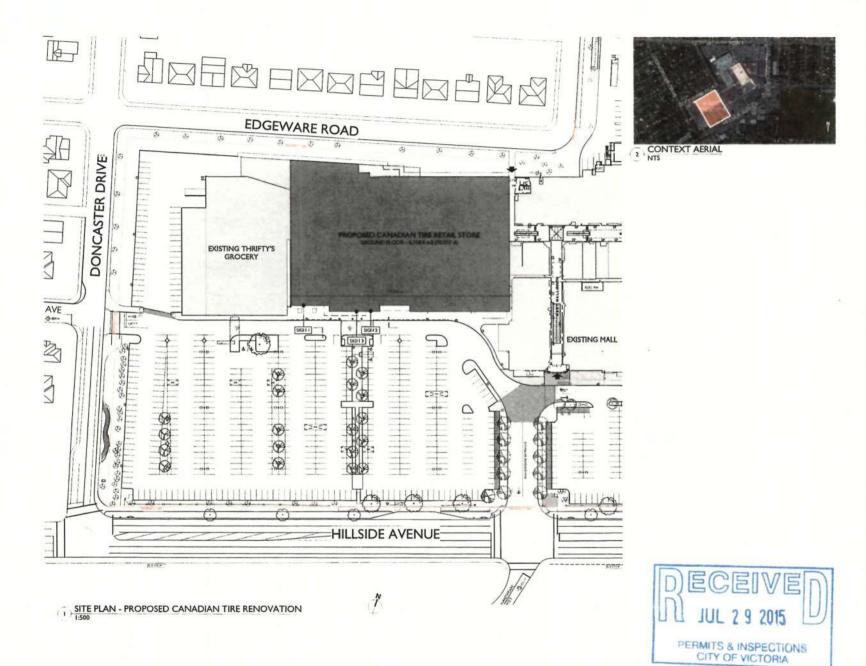
- Aerial photo
- Plans date stamped July 29, 2015.















PROPOSED PARTIAL SOUTHEAST ELEVATION





Victoria City Council - 15 Oct 2015 Canadian Tire Signage Variance · Mude Matt Victoria, B.C. **ELEVATIONS** 1748 1749 : 3 7015 ALNOTED SK-02

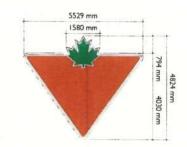


Scale: 1:20

SUPPLY AND INSTALL

ONE (I) S F ILLUMINATED FASCIA (EXTERIOR)

3/16" THICK WHITE SG ACRYLIC FACE WITH 1M NINT, GRAPHICS APPLED TO FRST SURFACE WHITE US LED ILLUM NATION
 120 VO. TORGUT
 5 TE CHECK REQUIRED



3 SIGN 3 Scale: 1:50

SUPPLY AND INSTALL

ONE (I) S.F.ILLUMINATED LOGO

- FLEXIBLE VINYL FACE 9" DEEP FILLER (PLUS FRAME) WHITE LED LLITH NATION 120 VOLT ORCUIT STE CHECK REQUIRED



2 SIGN 2 Scale: 1:50

SUPPLY AND INSTALL

ONE (I) SELF-CONTAINED ILLUMINATED LETTERS

- VIG WHITE SG FACE WITH IM VINE APPLED TO FRET SURFACE
SURFACE
WHITE LED LIUMNATION
OF AMPS PER LETTER
SOF CHECK REQUIRED

SIGN	SIGN TYPE	FRONTAGE	ALLOWABLE RATIO	MAXIMUM AREA ALLOWED	HEIGHT	WIDTH	AREA	BOTTOM OF SIGN TO GRADE
SGN I	FASCIA LED	101599 mm	1.1	31.50 sq m	1215 mm	3646 mm	4.4 sq m	2511 mm
SIGN 2	FASCIA LED	101599 mm	11	31.50 sq m	1676 mm	16344 mm	14.2 sq m	5.928 mm
SGN 3	FASCIA LED	101599 mm	6.1	31.50 sq. m	4824 mm	5529 mm	12.9 sq m	5 060 mm
							31 5 sq m	TOTAL





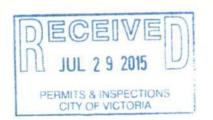
SOUTHEAST ELEVATION FROM HILLSIDE AVENUE



NORTHEAST STREETSCAPE FROM SIDEWALK



WEST STREETSCAPE FROM DONCASTER DRIVE



MGB



Canadian Tire
Signage Variance
-felude MB
Victors BC

EXISTING CONDITIONS

CANADIAN ANALYSIS

100 FEB (11 2015) 100 FEB (11 2015) 100 FEB (11 2015) 100 FEB (11 2015)

SK-04

-15 Oct 2015

### REPORTS OF THE COMMITTEES

- 2. Planning and Land Use Committee July 23, 2015
  - 5. Development Permit with Variances Application No. 000419 for 330 Irving Road
    It was moved by Councillor Coleman, seconded by Councillor Loveday, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:
    "That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:
    - Plans date stamped June 2, 2015.
    - 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances
      - a. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m.
      - b. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m.
    - 3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

### 5. DEVELOPMENT APPLICATION REPORTS

## 5.1 Development Permit with Variances Application No. 000419 for 330 Irving Road

Committee received a report regarding an application for 330 Irving Road. The proposal is to authorize the design of a one-storey house on a panhandle lot to the rear of an existing house.

#### Committee discussed:

- Deep and large lots in relation to Council's panhandle lot policies. Staff
  provided background information noting that Council requires larger lots,
  increased setbacks and smaller floor areas for houses on panhandle lots to
  ensure impacts on neighbouring properties are minimized. Staff advised that
  panhandle lots that meet Council's policies can be considered in all areas of
  the Gonzales neighbourhood with the exception of Queen Anne Heights.
- Councillor Young advised that he is familiar with area; the lots are quite deep which is unusual. The impact on panhandle lots in some areas may be intrusive, but with the unusual depth and width of this lot it is not the case.

### Action:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Committee recommends that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

- "That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:
- 1. Plans date stamped June 2, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances.
  - a. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m.
  - b. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m.
- 3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC178

Committee recessed at 9:11 a.m. Committee reconvened at 10:13 a.m.



# Planning and Land Use Committee Report For the Meeting of July 23, 2015

To:

Planning and Land Use Committee

Date:

July 9, 2015

From:

Brian Sikstrom, Senior Planner

Subject:

Development Permit with Variances Application No. 000419 for 330 Irving

Road

### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000419 for 330 Irving Road, in accordance with:

- 1. Plans date stamped June 2, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Section 1.6.5 e. south side yard setback reduced from 3.21m to 1.61m;
  - ii. Section 1.6.5 f. combined side yard setbacks reduced from 5.4m to 3.61m;
- 3. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with section 920(2) of the Local Government Act, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Sections 920(8), where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 330 Irving Road. The proposal is to construct a one-storey single family detached dwelling on a panhandle lot to the rear of the existing single family detached dwelling. The variances are related to a reduced side yard setback.

The following points were considered in assessing this application:

- the proposed development is consistent with the land use policies of the Official Community Plan, 2012
- the proposed development meets all of the panhandle lot regulations in the *Zoning Regulation Bylaw*
- the area of the new panhandle lot would be considered large by City standards and would be larger than many properties in the immediate area
- the requested variances for side yard setbacks are for the existing house and due to subdivision for the panhandle lot access to the street
- the design of the proposed single-family detached dwelling is consistent with the applicable design guidelines under Development Permit Area 15B: Intensive Residential – Panhandle Lot
- the proposed new house is in the rear yard of the existing house and meets the more stringent height, setback and site coverage standards for a panhandle lot. The proposed one-storey height, setbacks from the neighbouring properties, and the location of habitable rooms minimizes the impacts on privacy and overshadowing of yards.

### BACKGROUND

### **Description of Proposal**

The proposal is for a one-storey single family detached dwelling on a panhandle lot to the rear of the existing single family detached dwelling. The existing lot is large with a width of 24m and a depth of 73m. The lot areas for the existing house and the new house would be 831m² and 763m², respectively. The area of the new panhandle lot would be considered large by City standards and would be larger than many properties in the immediate area.

The proposed single family detached dwelling meets all the panhandle lot zoning requirements, including maximum floor area, building height, setbacks and site coverage.

Specific details include:

- total floor area of 197m<sup>2</sup>
- incorporation of a single car garage and front yard parking pad
- low retaining walls and grade to match neighbouring property to the south
- flat roof
- cladding materials include: smooth acrylic stucco, cultured stone, vinyl windows and stained wood.

Retention of existing landscaping is proposed with the exception of two willow trees in the proposed building envelope and the removal of a large fir tree at the panhandle driveway entrance. The fir tree will be replaced with two replanted trees as required in the Tree Preservation Bylaw. Some additional plantings and new fencing is also proposed.

The applicant has agreed to the provision of a 1.39m road dedication for future right-of-way improvements. Irving Road is identified as a People Priority Greenway in the *Greenways Plan*, 2003.

The proposed variances are related to:

 a reduced side yard setback for the existing house, which would be created with subdivision of the new panhandle lot and its access driveway. No change is proposed in the location of the existing house and its separation from its neighbour to the south.

### **Sustainability Features**

As indicated in the applicant's letter dated March 19, 2015, sustainability features associated with this application include:

- permeable driveway and parking surfaces
- engineering for Hydro grid tie-in
- · rain collection system
- · raised beds for food production.

### **Active Transportation Impacts**

The application proposes the following features which support active transportation:

- bicycle parking area
- electric car charging outlet
- · electric scooter plug in.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit Application.

### **Existing Site Development and Development Potential**

The 1783 m² lot is in the R1-G Zone, Gonzales Single Family Dwelling District. It is occupied by a two-storey single-family detached dwelling constructed in 1931. The house has sufficient habitable floor area for a secondary suite. The lot slopes downward to the west and has numerous trees and shrubs screening its boundaries.

Under the existing R1-G Zone, the house could be replaced with a new single-family detached dwelling with a maximum floor area of 300 m², which could include a secondary suite. The size and depth of the lot meet the criteria for consideration of a rezoning for a duplex. Another possibility is narrow-lot subdivision for the construction of two single-family dwellings. This would require Council approval of a Development Variance Permit for lot width.

### **Data Table**

The following data table compares the proposal with the existing R1-G Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Lot A Existing House	Zone Standard R1-G	Lot B New House on Panhandle Lot	Zone Standard Schedule H
Site area (m²) - minimum	830.9	460	762.6 (not including panhandle)	600
Lot width (m) - minimum	21.4	15.0	24.4	18.0
Density (Floor Space Ratio) - maximum	0.23:1	0.50:1	0.28:1	0.50:1
Total floor area (m²) - maximum	341.3**	300.0	196.7	280.0
Height (m) - maximum	6.3	7.6	4.7	5.0
Storeys - maximum	2	2	1	1
Site coverage % - maximum	27.4	30.0	24.8	25.0
Open site space % - minimum	64.2	50.0	51.2	n/a
Setbacks (m) - minimum Front (east) Rear (west) Side (north) Side (south)	8.0 12.3 2.0** 1.6*	7.5 12.3 3.2 3.2	7.5 7.5 4.0 4.0	7.5 7.5 4.0 4.0
Combined side yard	3.6*	5.4	8.0	5.4
Parking - minimum	2	1	2	1

### **Relevant History**

A Development Permit was approved by Council on December 12, 2013 to permit a panhandle lot with a new single family detached dwelling on the neighbouring property to the south.

### Community Consultation

Consistent with the Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications, on April 16, 2015 the Application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. This notwithstanding, the applicant held a Community Meeting on February 16, 2015. The comments received at this meeting are attached in a letter from the Fairfield Gonzales CALUC.

This Application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

### **ANALYSIS**

### **Development Permit Area and Design Guidelines**

In the Official Community Plan (OCP) panhandle lot developments are included in DPA #15B, Intensive Residential – Panhandle Lot. The applicable design guidelines are the Advisory Design Guidelines for Buildings, Signs and Awnings (1981) as well as the Small Lot House Design Guidelines (2002).

The proposed house is consistent with the design guidelines and meets the more stringent height, setback and site coverage standards for a panhandle lot. The one-storey height and setbacks from the neighbouring properties as well as the location of habitable rooms minimizes the impacts on the privacy and overshadowing of yards.

The requested variances for the south side yard setback and combined side yard setbacks are for the existing house. These variances are due to the subdivision and the creation of the driveway access to the street on the panhandle portion of the proposed panhandle lot and do not create negative impacts for neighbouring properties.

### Local Area Plans

The Official Community Plan, 2012 designates the area as "Traditional Residential". The proposed development is consistent with the Plan's land use policies.

The *Gonzales Neighbourhood Plan*, 2002 encourages the retention of single-family dwellings in established neighbourhoods. The proposed residential land use is consistent with the Plan.

Note: The Neighbourhood Plan includes a recommendation to exclude panhandle lot subdivisions and to retain the large lot character in the Queen Anne Heights/Foul Bay Road/Gonzales Hill area. This property is not in that area, which is to the west.

### CONCLUSIONS

The proposed development is consistent with the land use policies of the Official Community Plan, 2012 and is designed to meet the panhandle lot regulations in the Zoning Regulation Bylaw and minimize privacy and overshadowing impacts on neighbouring properties. The requested variances for side yard setback of the existing house are the result of the subdivision for access to the proposed house. Staff recommend that Council consider supporting the application.

#### ALTERNATE MOTION

That Council decline Development Permit Application No. 000419 for the property located at 330 Irving Road.

Respectfully submitted,

Brian Sikstrom Senior Planner

**Development Services Division** 

Alison Meyer Assistant Director

Development Services Division

Jonathan Tinney

Director

Sustainable Planning and Community Development

Victoria City Council - 15 Oct 2015

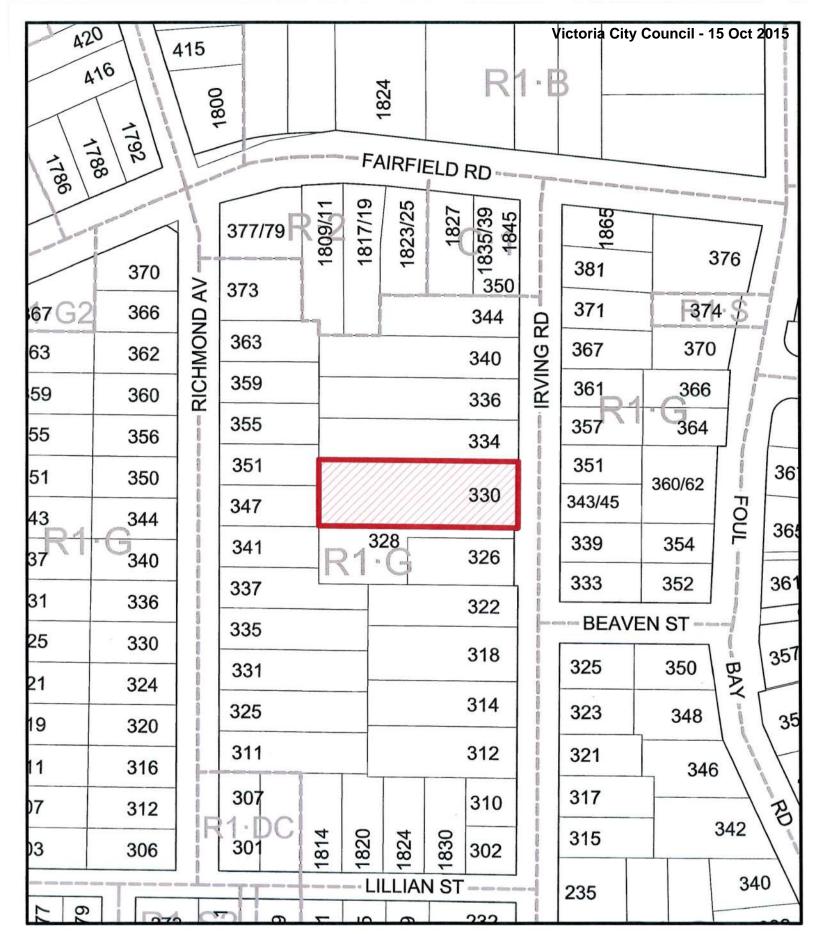
Report accepted and recommended by the City Manager:	///	1
	70	Jason Johnson
Date:	V	Jeg 14, 2015

BMS:lw

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### **List of Attachments**

- Zoning map
- Aerial map
- Letter from applicant dated March 19, 2015
- Letter from the Fairfield Gonzales Community Association dated February 16, 2015
- Plans dated June 2, 2015.





330 Irving Road
Development Permit #000419







330 Irving Road
Development Permit #000419



March 19, 2015

### LETTER TO MAYOR AND COUNCIL



### PROPOSAL TO DEVELOP 330 IRVING ROAD

### DESCRIPTION OF PROPOSAL

To subdivide in order to create a panhandle lot in the rear yard. 330 Irving is located in the Gonzales Neighbourhood, 1½ blocks from the centre of Gonzales Beach. The lot is 80' wide by 240' deep, one of 5 lots in a row of this depth, and the largest in width. The existing home is a unique 1931 late-deco period bungalow with an addition designed by Eric Clarkson added ten years later. Many a passerby has remarked on its appeal. It has been well cared for, and has many years of life left. The proposed building is a modest 2 bedroom, 2 bath single storey on grade, sited on a 9887 sqft lot.

The proposal requires 2 variances for the existing lot, lot A. There are no variances required for the proposed lot, Lot B. Please refer to General Guidelines for more detail.

### **NEIGHBOURHOOD**

Irving Road is 2 blocks long, and is comprised mostly of single family dwellings, although there are several duplexes and a 3-unit conversion. 2 of those SFD are on panhandle lots. Recently, there has been considerable redevelopment, with all new building expressing the modern vernacular. We feel that this proposal is in concert with the community guidelines, with the development of the underutilized land and the design of a modest and livable building, while retaining the character building and current streetscape.

The owner has lived in the Fairfield/Gonzales neighbourhood for 36 years, and moved to Irving in 1999. The owner is well thought of on the street, as evidenced by the number of letters of support, and the minutes of the CALUC meeting. Especially the adjacent property owners.

### **GENERAL GUIDELINES**

We feel that a panhandle lot is an appropriate use of the land and is compatible with the area. The existing lot requires 2 variances, one related to the other: a interior side yard setback variance of 1.788m and a resulting total combined side yard setback variance of 1.446m. It is important for us to convey that we feel that one of the reasons for setbacks is to keep houses a good distance apart. As the setback is measure to the new access strip property line, in fact the actual appearance of the setbacks seperation is unchanged. The distance between the south adjacent house remains unchanged at approximately 49 feet. The proposed panhandle access acts as a separation between the houses, this allows for appealing streetscape, as the houses will never be close together.

The proposed rear panhandle lot requires no variances. Great care has been taken with the design to accommodate adjoining neighbours and the natural environment. The proposed height is below the maximum allowable height, and also as it is a flat roof is considerable lower then a sloped roof. This is because a flat roof is measured from the top of roof, where a sloped roof is measured from the mid point. A sloped roof ridge height would be much higher then a flat roof. This potential could shade neighbours backyards in winters day. The proposed site coverage and total floor are also under the allowable for a panhandle lot as per zoning. Careful consideration has been taken in window placement as not to reduce privacy of adjoining neighbours. And a smartly placed hedge in the parking area will keep any headlight pollution from annoying our nice adjoining neighbours.

The proposed lot, at 9887 sqft, is substantially larger than standard sized lots in Fairfield/Gonzales. There are 2 willow trees in the building envelope, which would need to be removed. They are decadent and show signs of decay. There is a Douglas Fir in the panhandle access, as well as several overgrown and untended cedars on the property line. These would be replaced according to the Tree Replacement Guidelines. The rest of the property is amply treed, including a very large, health, Birch tree.

### STREETSCAPE

There will be no alteration to the Irving Road streetscape other then the new driveway for the panhandle access.

### PARKING

Ample parking on site will make street parking unnecessary. The permeable driveway, hammerhead turn around and parking stalls will permit a vehicle a turnaround, allowing for forward ingress and egress via the panhandle access. This reduces and safety concerns when pulling out onto Irving Road.

We are proposing secure, lit, bicycle parking on the south side of our home, between the kitchen and much room.

### GREEN BUILDING FEATURES

Permeable driveway & parking surfaces
Engineering for Hydro Grid Tie-in
Rain collection system
On-demand hot water and High mass heating system
Thermal windows
Bicycle parking area
Electric car charging outlet
Electric scooter plug in
E-Bike charging area
Acrylic stucco
LED lighting
Raised beds for food production

### Minutes of Community Meeting Planning and Zoning Committee Fairfield-Gonzales Community Association (FGCA) February 16, 2015

Facilitators for the FGCA: George Zador (Chair)

Susan Snell Ken Roueche

Subject property: 330 Irving Rd.; subdivision for panhandle lot (148 notices sent)

Proposal by Mr. Stephen Macrae

Presenter: Lindsay Justin Baker of Aspire Custom Designs

Attendance: 15 in person, 1 by proxy

Information given by presenter that the proposal needs no rezoning, involves variances only.

### **Attendee Questions and Comments:**

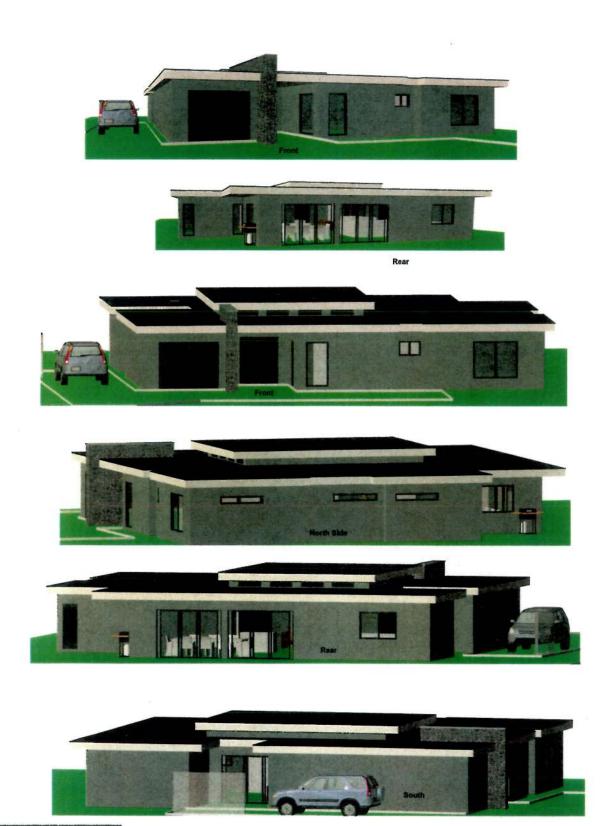
• Large fir tree by entrance to be saved if possible.

- Concern by neighbour for having sufficiently wide access for emergency vehicles and to have a rock wall, or similar separation from his driveway at 326 Irving.
- Surface water pooling and drainage are significant issues for several attendees, suggest
  that gravity drainage may be insufficient, perhaps pumping needed.. Ensure that new
  building does not make the drainage problem worse.
- · Concern about potential additional traffic on Irving Rd
- Several comments about existing trees and shrubs, favouring removal of blackberry bushes, retaining as many trees as possible on property
- Neighbour behind (347 Richmond) assured her hedge will not be removed.

Thirteen (13) of the attendees indicated to be favouring the project, subject to satisfying the comments made. Two attendees were neutral in their position. Lindsay Baker handed out business cards to all with invitation for dialogue about details of the project.

### George Zador

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



Received City of Victoria

JUN - 2 2015

# 330 IRVING ROAD PANHANDLE SUBDIVISION PROPOSAL











Received City of Victoria

JUN - 2 2015

### Proposed panhandle lot B new home

Existing 350 Irving Rd Lot area 19185. Isq/ft 17/82.17)

l hc HSdcZne Panhandle site Lot B 9887 sq/ft (918.53m2) / With panhandle access (Max allowable) footprint-coverage 2471 sq/ft (229.63m2) 25% Proposed site footprint-coverage 2448 sq/ft (227.42m2)24.75% Panhandle access - 1677 sq/ft (155.9m2) Site Area-Lot 5 8208 sq/ft (762.63m2) (Lot area without panhandle driveway area) Proposed road dedication (1.39m) Main dwelling main floor area 2117 sq/ft (196.67 m2) Main dwelling garage floor area 190 sq/ft (17.65 m2) Total dwelling floor area 2306 sq/ft (214.25 m2) All habitable space w/windows 7.5m minimum setbacks met.

All 4.0m building minimum setbacks met. Allowable building height - 16'5" (5.0m) Proposed building height - 15'6" (4.7244m) Number of storey's I No basement 4 off street parking stalls Bicycle parking

### Proposed lot A costing home

RI-G Zone

Site Lot A 8944 sq/ft (830.92m2)

Proposed site footprint-coverage 2452 sq/ft (227.79m2)27.4%

(With attached deck)

Proposed road dedication (1.39m)

Existing 2 storeus

Height 6.3m (As per survey)

Main floor area 2083 sq/ft

Lower floor area 1256 sq/ft

Attached garage 535 sq/ft

Total floor area 3874 sq/ft (359.9m2)

Proposed front yard setback (8.965m)

Proposed rear yard setback (12.246m)

Exisiting North side yard setback (2.0m)

Proposed South side yard setback (1.612m)

South side yard setback variance relaxtion of (1.445m)

Proposed total combined side yard setback (3.612m)

Combined side yard setback variance relaxion of (1.788m)

2 car attached garage

#### GRADE CALCULATION BUILDING B

Grade Points	Average of Points	Distance between grade points	Totals
Points A-B	(A+B)/2)	8.36m	121.63
Points B-C	(B+C)/2)	3.5m	50.75
Points C-D	(C+D)/2)	3.3m	47.85
Points D-E	(D+E)/2)	3.5m	50.75
Points E-F	(E+F)/2)	4.3m	62.56
Points F-G	(f+G)/2)	12.6m	182.7
Points G-H	(G+H)/2)	3.6m	51.84
Points H-I	(H+I)/2)	3.8m	54.72
Points I-J	(I+J)/2)	12.3m	178.65
Points J-K	(J+K)/2)	10.3m	150.12
Points K-L	(K+L)/2)	2.7m	39.15
Points L-M	(L+M)/2)	2.5m	36.25
Points M-N	(M+N)/2)	2.7m	39.15
Points N-A	(A+B)/2)	3.6m	52.38
	Points A-B Points B-C Points C-D Points D-E Points E-P Points G-H Points H-I Points I-J Points J-K Points K-L Points L-M Points M-N	Points B-C (B+C)/2) Points C-D (C+D)/2) Points D-E (D+E)/2) Points B-F (E+F)/2) Points F-G (F+G)/2 Points G-H (G+H)/2) Points H-I (H+I)/2) Points J-K (J+K)/2 Points L-M (K+L)/2 Points L-M (L+M)/2) Points L-M (M+N)/2)	Points A-B (A+B)/2) 8.36m Points B-C (B+C)/2) 3.5m Points C-D (C+D)/2) 3.5m Points D-E (D+E)/2) 3.5m Points B-F (E+F)/2) 4.5m Points F-G (F+G)/2) 12.6m Points G-H (G+H)/2) 3.6m Points H-I (H+I)/2) 3.8m Points H-I (H+I)/2) 12.3m Points I-J (I+J)/2 10.3m Points L-K (J+K)/2 2.7m Points L-M (L+M)/2 2.5m Points L-M (L+M)/2 2.5m Points M-N (M+N)/2 2.7m

77.06 m

14.514

### GRADE CALCULATION BUILDING A EXISTING BUILDING

GRADE POINTS	Grade Points	Average of Points	Distance between grade points	Totals
Grade Point A: 16.5	Points A-B	(A+B)/2)	3.5m	57.57
Grade Point B: 16.4	Points B-C	(B+C)/2)	.92m	15.08
Grade Point C: 16.4	Points C-D	(C+D)/2)	1.9m	31.16
Grade Point D: 16.4	Points D-E	(D+E)/2)	.92m	15.08
Grade Point E: 16.4	Points E-F	(E+F)/2)	4.28m	70.19
Grade Point F: 16.4	Points r-G	(F+G)/2)	14.15m	224.98
Grade Point G: 15.4	Points G-H	(G+H)/2)	6.9m	106.6
Grade Point H: 15.5	Points H-I	(H+I)/2)	5.5m	84.42
Grade Point I: 15.1	Points I-J	(I+J)/2)	4.6m	69.69
Grade Point J: 15.1	Points J-K	(J+K)/2)	4.4m	67.1
Grade Point K: 15.4	Points K-L	(K+L)/2)	1m	15.4
Grade Point L: 15.4	Points L-M	(L+M)/2)	2.9m	44.8
Grade Point M: 15.5	Points M-N	(M+N)/2)	5.8m	89.9
Grade Point N: 15.5	Points N-O	(N+O)/2)	8.62m	136.62
Grade Point O: 16.2	Points O-P	(O+P)/2)	5.83m	91.82
Grade Point P: 15.3 Grade Point Q: 15.5	Points P-Q	(P+Q)/2)	3.66m	56.36

1176.77

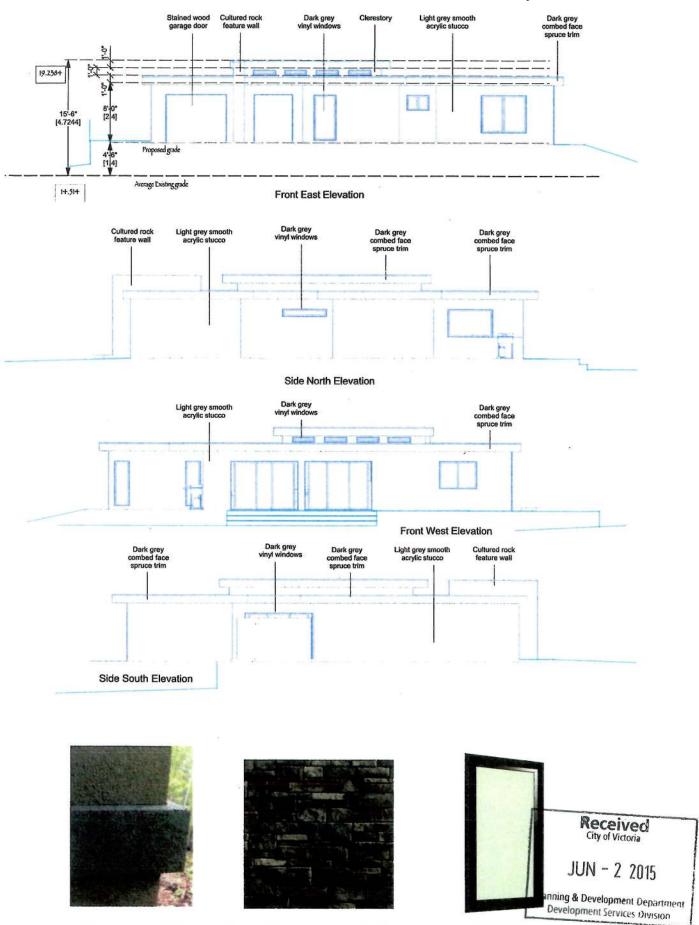
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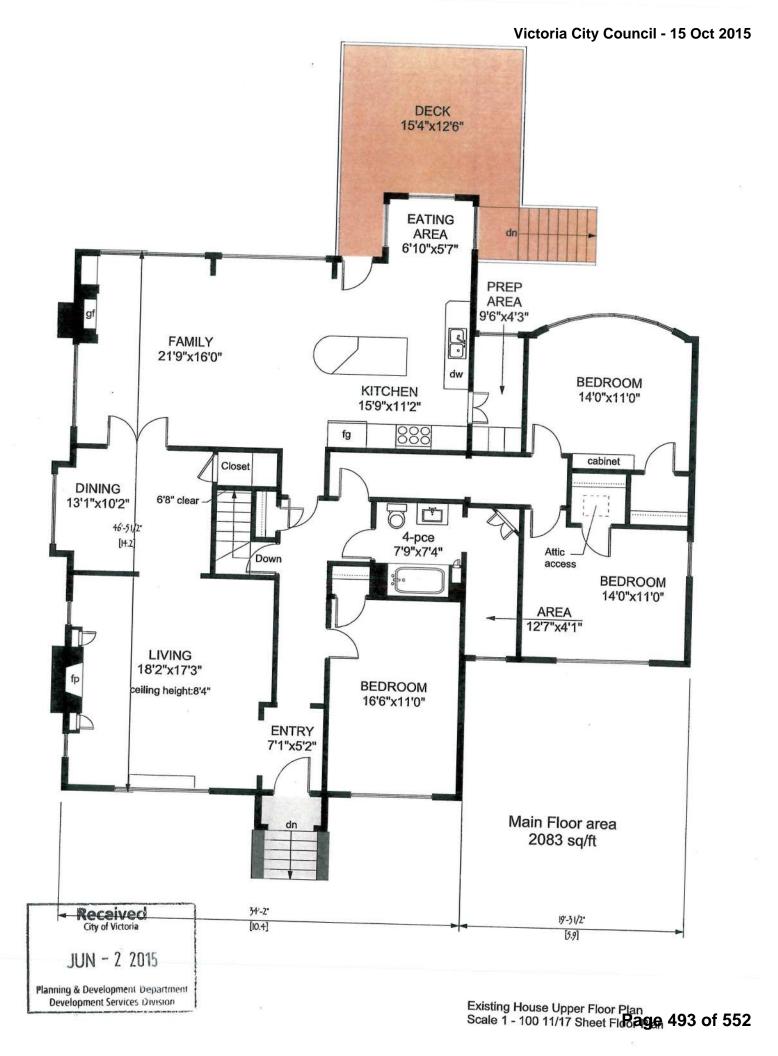
74.88 m

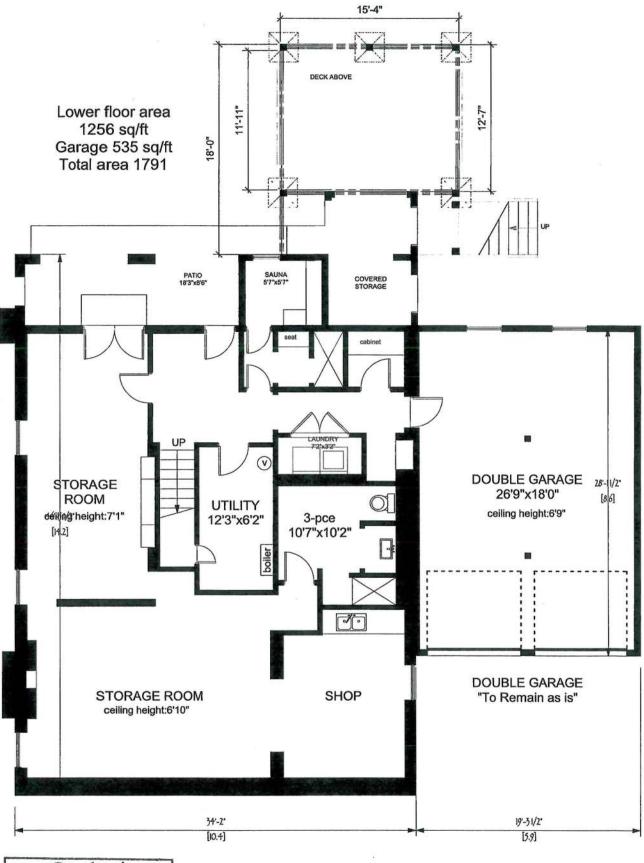
## Received City of Victoria

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### Victoria City Council - 15 Oct 2015







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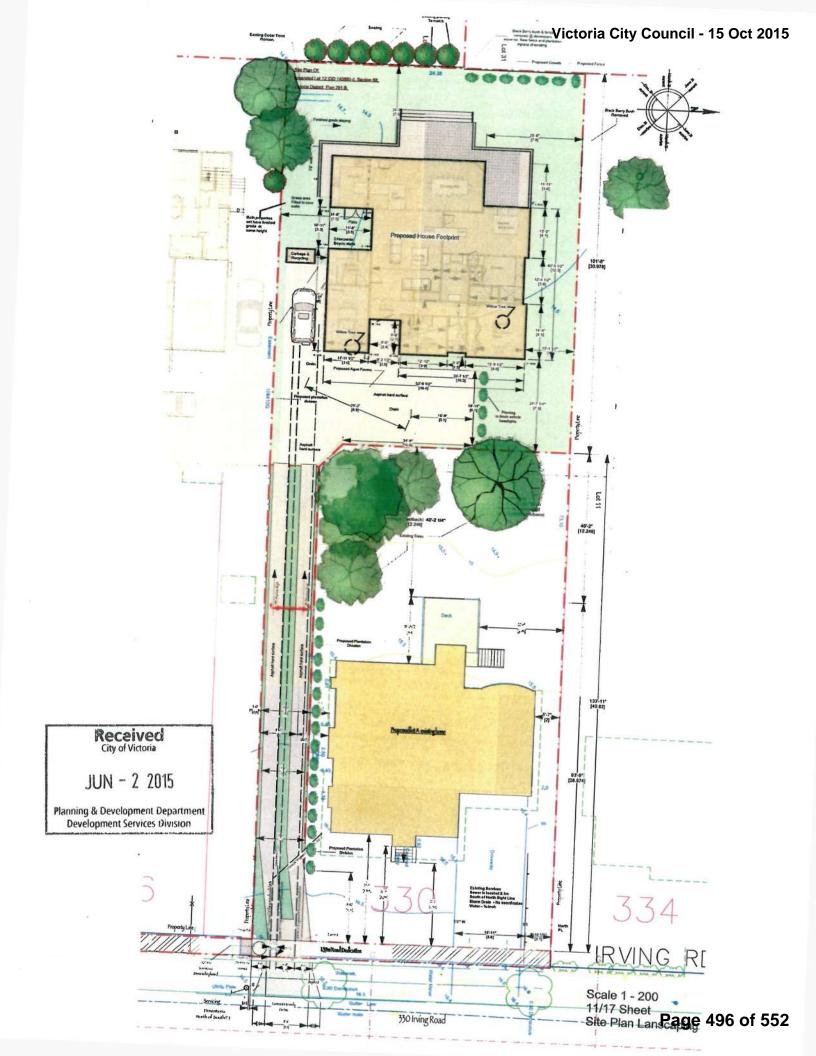
Planning & Development Department
Development Services Division

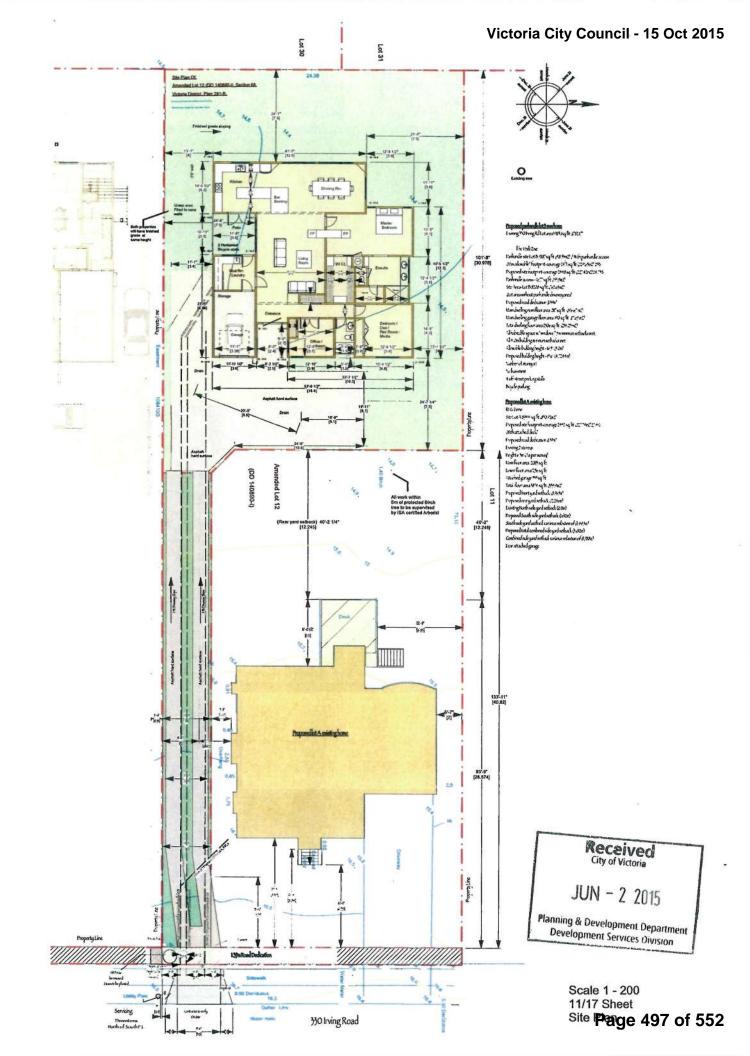
Existing House Lower Floor Plan Scale 1 - 100 11/17 Sheet Floor Plan 94 of 552

Received
City of Victoria

JUN - 2 2015

Planning & Development Department
Development Services Division







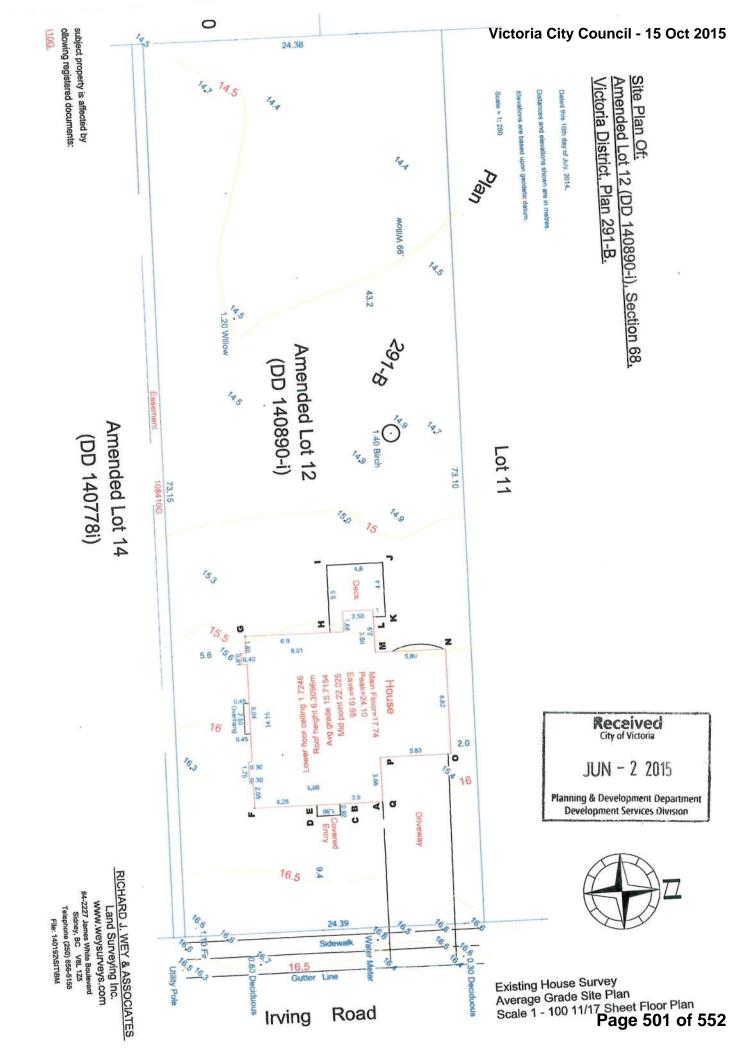
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City of Victoria

JUN - 2 2015



### **Christine Havelka**

From:

John Myhill

Sent:

Friday, Oct 9, 2015 5:34 PM

To:

**Public Hearings** 

Subject:

DP With Variances, App No. 000419, 330 Irving Road

Notice of Hearing, Development Permit with Variances Application No. 000419 for the property known as 330 Irving Road.

Letter to Mayor and Council, to be read during Victoria City Council Meeting Hearing, Thursday, October 15, 2015 at 7 p.m.

My mother, owner of 328 Irving Road, is the next door neighbour to the south of the residents of 330 Irving Road.

As she is very elderly, I represent her interests, for example, in this kind of matter. I could not, however, attend this meeting, as I am out of the country on business at that time.

While we are agreeable to the construction of the single family home on the new panhandle lot, we are still in the final stages of completing my mother's residence, and this affects what we are doing here.

Although we have a sizable landscape deposit being held by the municipality, our landscape plan on our north property line did not include any substantive changes there, and any modifications to that plan are not in our budget.

We share a common 73.15 meter (240') property line between 328 and 330 Irving Road. The boundary is made up of attractive heritage greenery, consisting of cedars, holly, laurel, and a very tall, old and unique Douglas fir. This beautiful, natural, and private boundary has existed between the two properties perhaps longer than seventy years, and we look forward to it remaining intact.

This is especially important, as the variances requested in the Development Permit call for reduced setbacks.

It would seem most practical to leave this well established growth as it is, in which case an arborist's assessment and report, called for by the applicant, would be required to ensure that the development would not affect this important green space.

Should, however, the ongoing viability and health of the existing greenery not be guaranteed, the only other reasonable alternative would be for the applicant (DP No. 000419) to provide, at their expense, a solid five or

### Victoria City Council - 15 Oct 2015

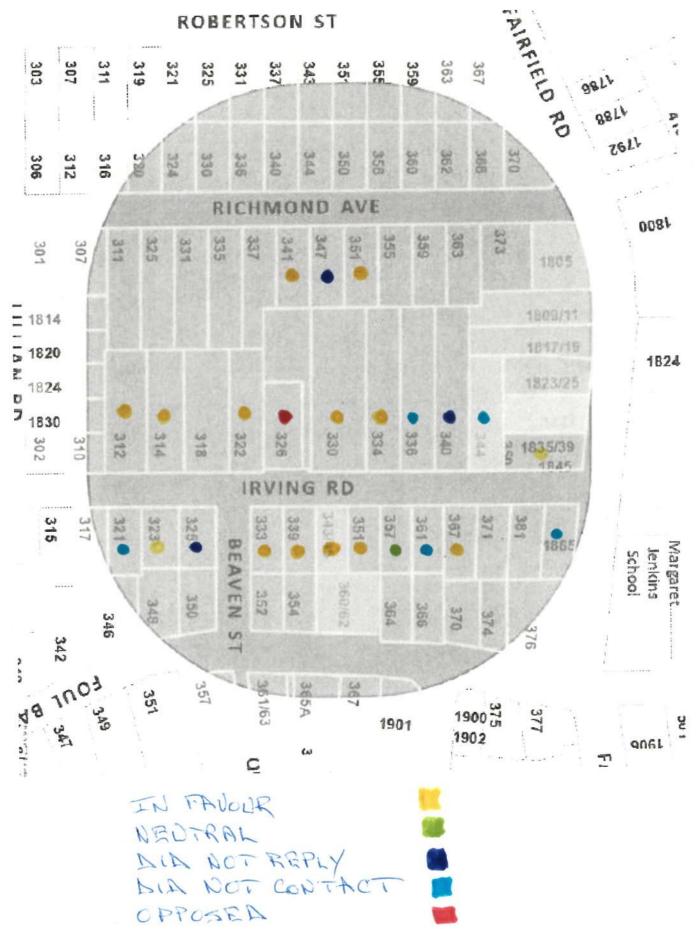
six foot high fence for the entirety of the 328/330 Irving Road property line, to provide adequate privacy for my mother.

Although leaving the existing green space entirely intact is by far the preferred alternative, the fence, as described above, will be acceptable.

Acting on behalf of my mother, Dorothy Myhill, owner of 328 Irving Road,

I am yours sincerely,

John Myhill



Date:

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development

In addition, the applicant and I have agreed that the issue of screening (planting, fencing, etc) between our two properties will be decided at a future date.

Thank you for your attention to this matter.

Sincerely, Thus African Address: 334 TRUING AL

Date: FEBROARY 24 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section...

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely, GRANT ROWLRY
Address: Fairfield

Date: TORCH 11 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely,

Address:

Jan B. Macdonald 229 Irving Rd

Victoria, B.C.

V854A1

Date: TARCH 14 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section..

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely,

Address: 322 IRVING RA

Date: 4ARCH 6 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely,

Address:

312 IRVING RD

4

COLLEN WILD - MARC STOIBER.

Date:

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section..

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely,

Address: 318 IRVING ED

Date: MARCH 6, 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

CHRISTIAN GOSSOCIN

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely,

Address:

323 IRVING RD

VICTORIA, BC

V85 4A1

Date: TARCH 1 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely,

Address:

333 Irving Rd.

Junio Choo

Date: MARCH 11 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely,

Stephanie Can Address: 339 IRVING Rd VICTORIA, BC

V85 4A3

Date: FBBRJARY 25 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section..

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely,

Address: 343 TRUMG RD

Date: FEBRUARY 25 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section...

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely,

Address: 345 IRVING RD

Date: Feb 16 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section...

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely, Isail Fairfield

Address: 351 Erving R.d.

Date: PEBRUARY 25 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section..

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Elizabeth lumasanis

Address: 367 Irving Road Victoria, BC V85 4A3

Page 518 of 552

Date: 1680H 9 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely, 2. O The larell
Address: 1836 Coescut Rd

Date:

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely,

Address:

Date: FBBRUARY 24 2015

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section...

Please be advised that I/We support this proposed development

Thank you for your attention to this matter.

Sincerely, Math The Address: 341 Richard Are

Date: 1/02/01/5

To whom it may concern,

Recently, the owner/ authorized agent of 330 Irving Rd visited us to discuss a proposed subdivision to allow a panhandle development in the rear yard, which requires a variance application for the side yard and the total side yard of the existing property. The proposed lot conforms to all zoning bylaws and requires no variance. We viewed the drawings which consisted of a streetscape 3D rendering, site plan, floor plans, elevations and building section.

Please be advised that I/We support this proposed development.

Thank you for your attention to this matter.

Sincerely, 30 David Thempson Address: 351 Richmond Rd

# 330 Irving Rd

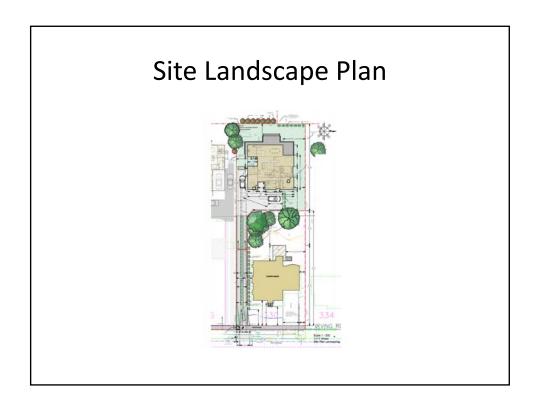
Panhandle Subdivision

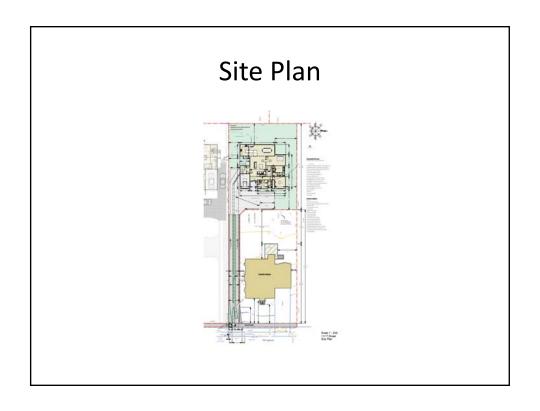
# **Site Overview**

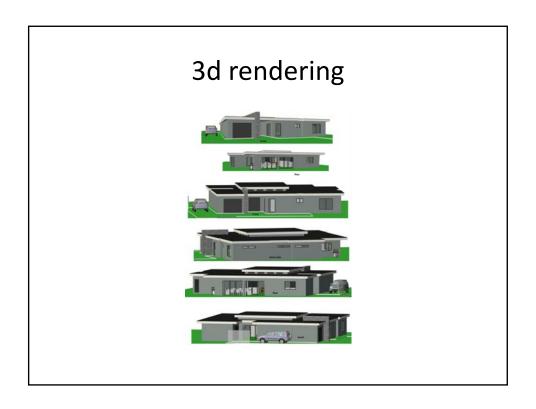


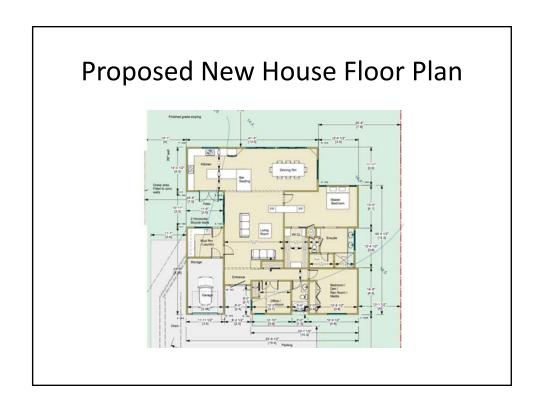


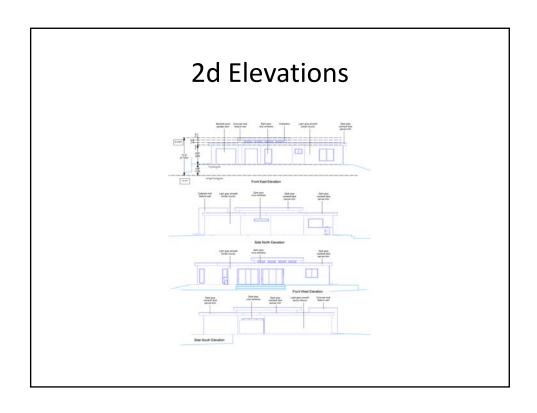


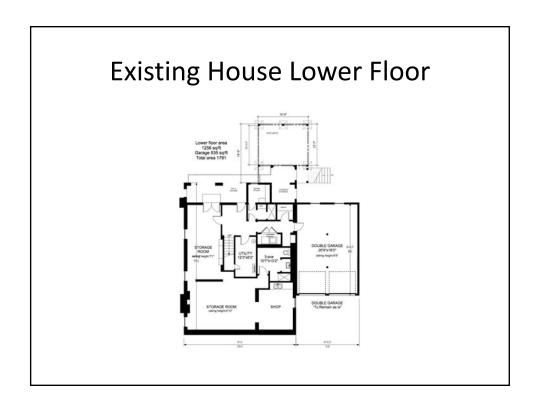


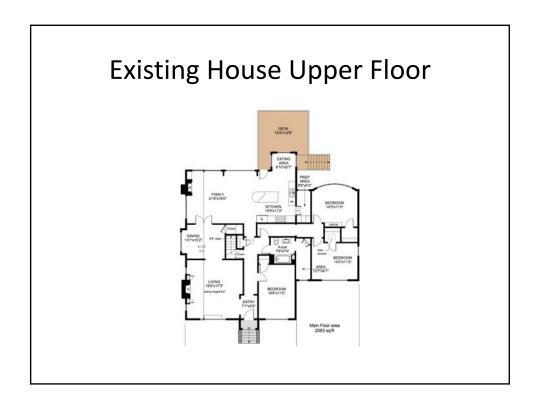




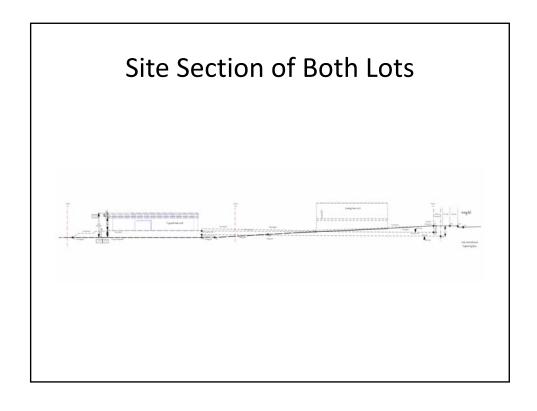


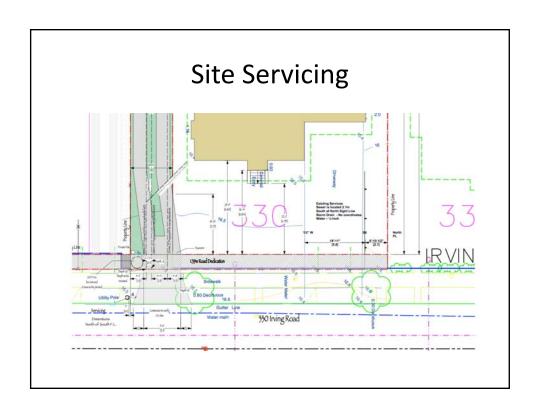




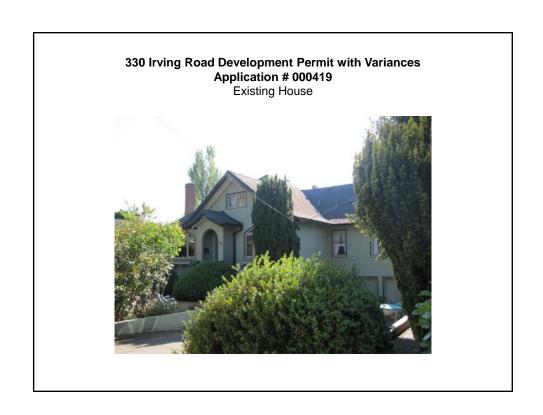












330 Irving Road Development Permit with Variances
Application # 000419
Existing House



330 Irving Road Development Permit with Variances Application # 000419







330 Irving Road Development Permit with Variances Application # 000419 Existing Side Yard

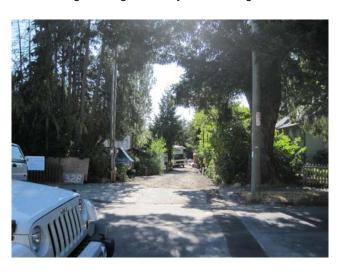


330 Irving Road Development Permit with Variances
Application # 000419
Neighbouring Driveway at 326 Irving Road



330 Irving Road Development Permit with Variances Application # 000419

Neighbouring Driveway at 326 Irving Road



# 330 Irving Road Development Permit with Variances Application # 000419 343/45 Irving Road – Duplex across the Street



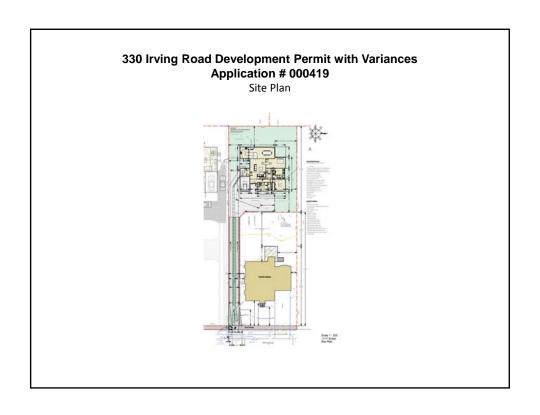
# 330 Irving Road Development Permit with Variances Application # 000419

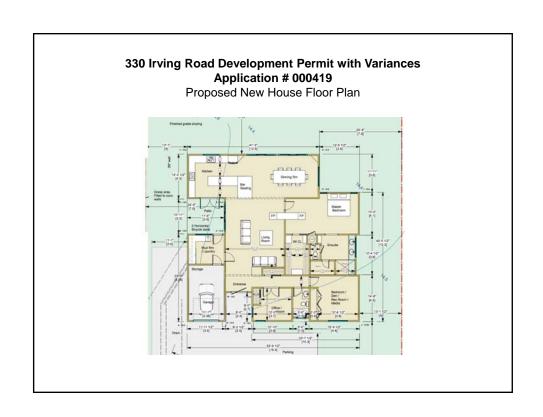
Aerial View Showing Deep Lots

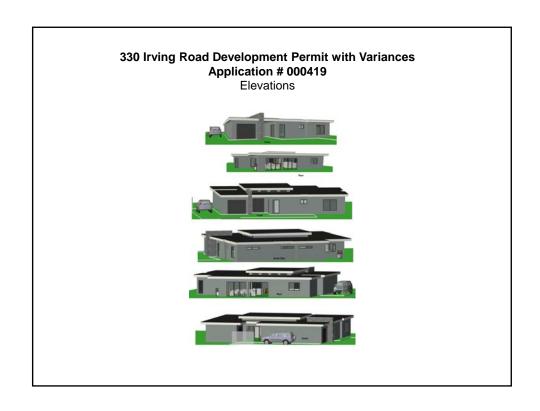


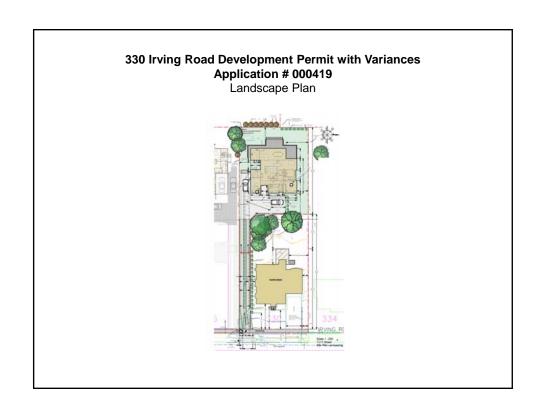
# 330 Irving Road Development Permit with Variances Application # 000419 Aerial View of Proposed House in Context

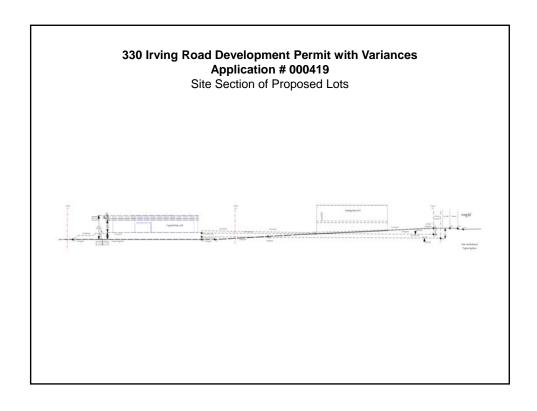




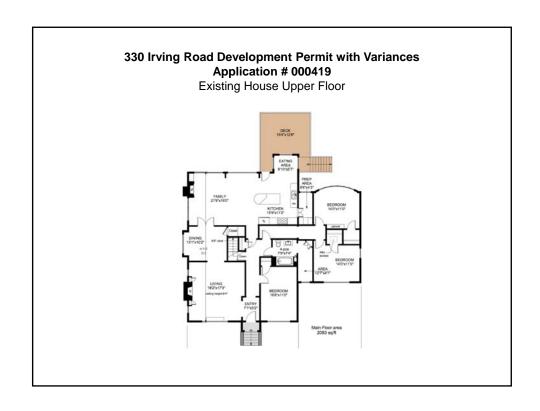


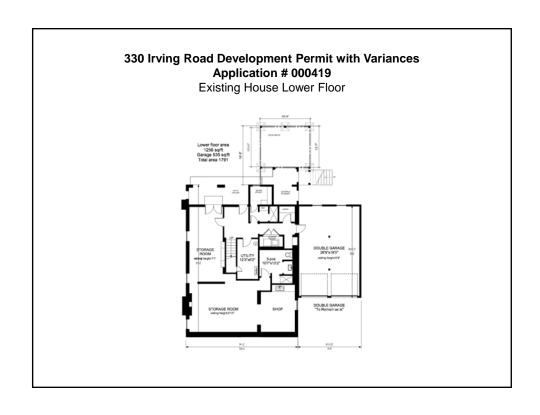












#### **Janet Hawkins**

**From:** webforms@victoria.ca

**Sent:** Thursday, Sep 24, 2015 7:54 PM

**To:** Council Secretary

**Subject:** Thank you for your submission - City of Victoria - Address Council Form

Name: Rita Runzer Date: September 24, 2015

**Address**: 103, 1366 Hillside Avenue

I wish to appear at the following Council meeting: October 15, 2015

**I represent**: self

**Topic**: litter clean up **Action you wish Council to take:** 

To start a volunteer program for litter pick up or more public awareness to depose of litter in garbage cans. I am a former Edmonton citizen where I was a volunteer for Capital City Clean Up for 3 years. You volunteer to clean a block in your neighbourhood. Once you volunteer you are given a cloth bag that has a picker upper, garbage bags, gloves clothes and latex, gift certificate for Tim Hortons and a coffee mug. It ran from spring to snowfall and from when the program started the city did look cleaner without the big cost to employee people. Some blocks in my neighbourhood here I would love to clean up if I am given the tools to pick up litter.

## **CONTACT INFO:**

**Contact Name**: Rita Runzer

Contact Address: 103,1366 Hillside Avenue

**Contact Phone Number:** 

Contact Email:

## **UNFINISHED BUSINESS**

For the Council meeting of October 15, 2015

# 1. ZONING REGULATION BYLAW AMENDMENTS

ZONING AMENDMENT No.	INTRODUCTION DATE	PROPERTY ADDRESS	REZONING APPLICATION No.	BYLAW No.	
707	October 28, 2004	Adaptable Housing Regulations  Awaiting Staff Report for Update	City	04-77	
660	September 30, 2004	Railway Corridor District	City	04-89	
	The above bylaw was proposed to rezone the E&N Rail line when rail service ceased. Currently, segments of the rail line are within various zones that correspond with contiguous properties with development potential. This bylaw would prevent private development that could compromise the corridor from being utilized as light rail or other form of public transportation mode in future. The bylaw was held pending community consultation.				
805	October 11, 2007	Ms-I Zone, Douglas-Blanshard Industrial District	00140	07-033	
806	October 11, 2007	M3-G Zone, Government Heavy Industrial District		07-037	
	The above bylaws were proposed to amend these particular zones to remove noxious industrial uses. The OCP, 2012 identifies the Rock Bay district as a "priority 1" project for future local area planning, during which time land use and other planning matters would be considered during community consultation				
991	Tabled April 10, 2014	1303 Dallas Road	00430	14-033	
1047	September 10, 2015	370 and 384 Harbour Road	00478	15-066	
1051	October 1, 2015	2550 Rock Bay Avenue	00483	15-077	

# 2. OFFICIAL COMMUNITY PLAN BYLAW AMENDMENTS

OCP	INTRODUCTION	PROPERTY ADDRESS	REZONING	BYLAW
AMENDMENT #	DATE		APPLICATION #	#
17	September 10, 2015	370 and 384 Harbour Road	00478	15-067

# 3. HERITAGE DESIGNATION BYLAWS

Heritage Designation (1964 Fairfield Road), Amendment Bylaw (No. 1)
Received two readings December 20, 2013

## 4. HOUSING EMERGENCY BYLAW (No. 6)

Received three readings October 23, 2008

08-095

13-101

5. HOUSING AGREEMENT (370 & 384 HARBOUR ROAD) BYLAW Received three readings September 10, 2015

15-068

# GOVERNANCE & PRIORITIES COMMITTEE REPORT FROM THE MEETING HELD OCTOBER 8, 2015

For the Council Meeting of October 15, 2015, the Committee recommends the following:

#### 1. **Skateboarding Regulations**:

That Council refer the matter back to staff for further work with particular attention to the following:

- 1. Fines applying only to downtown.
- 2. Amount of fines when not in the downtown.
- 3. Requirement for lights and reflectors.
- 4. The age of skateboarders to whom the regulations would apply.

# 2. Parking Dispute Adjudication:

That Council:

- 1. Request that the Province of British Columbia amend the Bylaw Notice Enforcement Regulation (B.C. reg.175 (2004) to apply the *Local Government Bylaw Notice Enforcement Act* to the City of Victoria.
- 2. Direct staff to prepare a draft bylaw for parking dispute adjudication and report back on further details of parking dispute adjudication implementation.

## 3. <u>Bicycle Network & Priorities Corridors Project Update:</u>

That Council receive the Bicycle Network & Priorities Corridors Project Update report for information.

# 4. <u>Fire Services Mutual Aid Agreement Renewal</u>:

That Council direct staff to work collaboratively with the signatories to the 1980 Fire Mutual Aid Agreement to develop a Project Charter and Terms of Reference for the four communities and to develop a new core Fire Services Agreement between the District of Saanich, The Township of Esquimalt, The City of Victoria and the District of Oak Bay in order to continue to work collaboratively with all fire services to explore and develop projects and agreements that maintain cost control or improve service delivery.

# 5. <u>Municipal Response to the Truth and Reconciliation Commission Calls to Action:</u> That Council approve the following motion:

BE IT RESOLVED THAT Council ask the City Manager to consider the 'calls to action' in the Truth and Reconciliation final report, and report back to Council, before December 17<sup>th</sup>, 2015, with recommendations on how to move forward on the actions recommended by the Truth and Reconciliation Commission that are within the City's jurisdiction to act.

### 6. Workplace Health and Safety through Asbestos Control:

That Council:

- Request that the Mayor write to the Prime Minister of Canada endorsing the
  establishment of National Registries of public buildings and public maritime vessels
  containing asbestos products and requesting a federal ban on the importation of
  asbestos and building products containing asbestos into Canada;
- 2. Request that the Mayor write to the Premier of British Columbia, the Minister Responsible for Housing and the Minister of Advanced Education,
  - a. requesting cooperation with the Federal and Municipal governments in the establishment of National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos;

- proposing more rigorous training in asbestos safety, mitigation and removal within the provincial trades training, apprenticeship and accreditation system; and
- c. recommending improvements to the BC Building Code to increase protections for workers from the health and safety risks of asbestos;
- 3. Refers the following motion for consideration during the next quarterly Strategic Priorities review:

THAT Council direct staff to report on options for increasing protections for workers in the building trades through the prohibition of the use of asbestos and building products containing asbestos in the construction activities authorized by the building permit in the City of Victoria;

AND THAT this report include advice from the Fire Chief on the advisability of prohibiting the use of asbestos and building products containing asbestos in construction activities in the City of Victoria;

AND THAT this report include advice on the resource implications and advisability of including municipal buildings, facilities and maritime vessels in the National Registries of public buildings and public maritime vessels containing asbestos and building products containing asbestos.

# PLANNING & LAND USE COMMITTEE REPORT FROM THE MEETING HELD OCTOBER 15, 2015

For the Council Meeting of October 15, 2015, the Committee recommends the following:

- 1. 2015 Development Summit Action Plan and Final Report: That Council:
  - 1. Approve the 2015 Development Summit Action Plan outlined in the report dated September 25, 2015.
  - 2. Direct staff to provide an update to Council on the status of the action items outlined in the Action Plan in February 2016 and as part of the ongoing Quarterly Updates.
- **Rezoning Application No. 00488 for 59 Cook Street**: That Council instruct staff to prepare the necessary:
  - Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00488 for 59 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
  - 2. Heritage Designation Bylaw that would designate the property as a Municipal Heritage Property, that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set.
- 3. <u>Development Permit Application No. for 59 Cook Street</u>: That after the Public Hearing for Rezoning Application No. 00488, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00488 for 59 Cook Street, in accordance with:

- 1. Plans date stamped September 15, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."
- **Development Variance Permit No. 00156 for 59 Cook Street**: That after giving notice, allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00488, that Council consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00156 for 59 Cook Street, in accordance with:

- 1. Plans date stamped September 15, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances for the existing parcel remainder:
  - a. Part 1.2.5 (b): Reduce the rear yard setback from 7.55m to 4.6m;
  - b. Schedule "C" (9): Reduce the parking aisle width from 7m to 3.6m;
  - c. Schedule "G" (5)(a): Reduce the rear yard landscaping minimum from 33% to 24.5%;
  - d. Schedule "G" (5)(c): Reduce the rear lot line landscaping for unenclosed parking from 1.5m wide and 1.8m high to 0m for both.
- 3. The Development Permit lapsing two years from the date of this resolution."

- 5. Rezoning Application No. 00484 for 1510 Clawthorpe Avenue: That Council instruct staff to prepare the necessary *Zoning Regulation Bylaw Amendment* that would authorize the proposed development outlined in Rezoning Application No. 00484 for 1510 Clawthorpe Avenue, that first and second reading of the *Zoning Regulation Bylaw Amendment* be considered by Council and a Public Hearing date be set.
- **Development Permit Application No. 00484 for 1510 Clawthorpe Avenue:** That after the Public Hearing for Rezoning Application No. 00484, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00484 for 1510 Clawthorpe Avenue, in accordance with:

- 1. Plans date stamped September 8, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."
- 7. Rezoning Application No. 00482 for 2542 Fernwood Road: That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00482 for 2542 Fernwood Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
- **8.** <u>Development Permit Application No. 000428 for 2542 Fernwood Road</u>: That after the Public Hearing for Rezoning Application No. 00482, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00428 for 2542 Fernwood Road, in accordance with:

- 1. Plans date stamped October 1, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. Plan revisions to remove the portion of the upper storey deck on the existing duplex overhanging the proposed garage and resubmit revised elevation drawings to the satisfaction of staff.
- 4. The Development Permit lapsing two years from the date of this resolution."
- 9. Rezoning Application No. 00473 for the Easterly 300 Block of Tyee Road and the Westerly 300 Block of Harbour Road: That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the Local Government Act, the necessary Zoning Regulation Bylaw Amendment, the necessary Land Use Procedures Bylaw Amendment and amendment to the Master Development Agreement that would authorize the proposed development outlined in Rezoning Application No. 00473 for the easterly 300 block of Tyee Road and the westerly 300 block of Harbour Road (Dockside Green), that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:
  - 1. That Council determine, pursuant to Section 879(1) of the *Local Government Act*, that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject property; determine

- that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- 2. That Council determine, pursuant to Section 879 (2)(a) of the *Local Government Act*, that having regard to the previous Community Association Land Use Committee (CALUC) Community Meeting, the consultation proposed at this stage is an adequate opportunity for consultation.
- 3. That Council consider consultation under Section 879(2)(b) of the *Local Government Act* and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
- 4. That Council give first reading to the Official Community Plan Amendment Bylaw.
- 5. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2012-2016 Financial Plan and the Capital Regional District Liquid Waste Management Plan and Capital Regional District Solid Waste Management Plan pursuant to section 882(3)(a) of the Local Government Act and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
- 6. That Council give second reading to the Official Community Plan Amendment Bylaw.
- 7. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That Council give first and second readings to the Land Use Procedures Bylaw Amendment.
- 9. That Council refer the Land Use Procedures Bylaw Amendment for consideration at a Public Hearing.
- 10. That the applicant provide the following information to support their proposed amendments to the Master Development Agreement (MDA):
  - a. LEED ND Platinum performance targets for each phase of development and a reporting out structure to ensure that performance targets are being met potentially including some form of guarantee. The reporting structure must establish key topics and indicators to be discussed and a set timeline for submitting these update reports to Council;
  - b. An alternative amenity to the Sustainability Centre that demonstrates similar environmental, community and educational value and that if the Developer is unable to find a satisfactory alternate solution, that the applicable cash-in-lieu payment be secured in order to provide other amenities that benefit the Dockside Lands and that are agreeable to Council and the Developer;
  - c. A satisfactory Phasing Plan, identifying which public amenities, on-site services, off-site services, vehicular driveways and access points would be provided with each phase of development;
  - d. A Subdivision Concept Plan, consistent with a Phasing Plan.
- 11. That Council direct staff to prepare an amended MDA detailing new requirements for:
  - a. The sale of individual development parcels;
  - b. New LEED ND requirements;
  - c. LEED NC 2009 Gold standards for new commercial buildings;
  - d. Delivering the remaining amenities in conjunction with development phases;
  - e. Providing a revised amenity package;

- f. An amenity or contribution in lieu of the Sustainability Centre;
- g. A process for receiving a monetary security to ensure the construction of the public amenities:
- h. A Transportation Demand Management Strategy;
- i. Site remediation:
- j. Other amendments as deemed necessary by City staff.
- 12. That staff report back to Planning and Land Use Committee with a draft of the MDA amendments prior to a Public Hearing date being set.
- 13. That Council direct staff to review the proposed dedication of the amenity referred to as the "Mutt Strutt" in conjunction with the review of facilities located in Vic West Park and the potential resource impacts associated with the proposal and report back to Council with further information for consideration.
- 14. A Statutory Right-of-Way being registered on title, to the satisfaction of staff, to secure each of the following:
  - a. A bus bay on Esquimalt Road;
  - b. A bus bay on Tyee Road;
  - c. Widening Esquimalt Road to improve westbound cycling safety.
- 15. Referral of the proposed revisions to the *Design Guidelines for the Dockside Area* to the Advisory Design Panel for a comprehensive review.
- 16. Referral of the proposed *Design Guidelines for Dockside Beta* to the Advisory Design Panel for a comprehensive review.
- 17. That Council authorize staff to proceed with a City-initiated Rezoning Application for all lands located within the CD-9 Zone, Dockside District, that are not subject to Rezoning Application No. 00473 and that the applicant (Dockside Green Ltd.) be responsible for undertaking the necessary consultation with the Community Association Land Use Committee (CALUC), and that staff explore whether an alternate approach allowing the two applications to proceed independently would be viable and if so, that staff be directed to proceed accordingly.
- 10. <u>Development Permit with Variances Application No. 000386 for 353 Tyee Road</u>: That after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000386 for 353 Tyee Road, in accordance with:

- 1. Plans date stamped September 16, 2015.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Part 1.29(6)(a): reduce the setback from Tyee Road from 3m to 0.50m;
  - b. Part 1.29, 8.4(d): increase the allowable building frontage for office use facing Tyee Road from 50% to 100%.
- Register a legal agreement on title to limit the commercial use of the buildings and guarantee the future removal of the trailers within five years to the satisfaction of staff.
- 4. The Development Permit lapsing two years from the date of this resolution."

**11.** Development Permit Application No. 000436 for 553, 545, 549 Herald Street: That Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000436 for 543, 545 and 549 Herald Street, in accordance with:

- 1. Plans date stamped September 23, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."
- 12. <u>Temporary Use Permit Application No. for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue</u>: That after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00481 for 474 and 478 Burnside Road and 3111 and 3117 Delta Avenue in accordance with:

- 1. Plans date stamped August 21, 2015 with revisions to the landscape screening to the satisfaction of staff.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - a. Schedule C, Section 7.2 (d) permit gravel instead of asphalt, concrete or permeable surface.
- 3. Delivery of vehicles to and from the site meeting Motor Vehicle Act Regulations and City bylaw requirements.
- 4. The Temporary Use Permit lapsing two years from the date of this resolution."
- **13.** <u>Heritage Alteration Permit Application No. 00207 for 138 Dallas Road</u>: That Council consider the following motion:

"That Council authorize the issuance of the Heritage Alteration Permit Application No. 00207 for 138 Dallas Road in accordance with:

- 1. Revised Plans dated September 1, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Heritage Alteration Permit lapsing two years from the date of this resolution.
- 4. Final plans to be generally in accordance with plans identified above as amended to the satisfaction of the Director of Sustainable Planning and Community Development."
- 14. <u>Liquor License Application Yuk Yuk's Club at 665 Douglas Street</u>: That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Yuk Yuk's Victoria**, located at 665 Douglas Street, and in accordance with the City's *Liquor Licensing Fee Bylaw* and Liquor Licensing Policy, approves:
  - 1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; with the notification to include the applicants' amendment to the requested hours of liquor licence.

- 2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.
- 15. Royal Jubilee Hospital Master Campus Plan: That after allowing an opportunity for public comment in an open Council meeting, with notice being posted on site, advertised in the newspaper, sent to all adjoining neighbours and sent to all of the partners in the Royal Jubilee Hospital Good Neighbour Agreement, that Council consider the following motion:
  - 1. That Council approves Island Health's *Royal Jubilee Hospital Master Campus Plan* as the principle guiding document for the planning and development of the Royal Jubilee Hospital site; and
  - 2. That Council direct staff to work with Island Health to investigate a process for allowing the City to review future development proposals against the Design Guidelines outlined in Master Plan and that this work take place concurrently with the submission of a Rezoning Application by Island Health for the Royal Jubilee Hospital site.
- **16.** Royal Jubilee Hospital Master Campus Plan: That Council refer any accessibility concerns regarding future development of the Royal Jubilee Campus to the Accessibility Working Group.