



Committee of the Whole Report For the Meeting of February 27, 2020

To: Committee of the Whole **Date:** February 13, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Permit Application No. 000550 for 359-369 Tyee Road
(Dockside Green)

RECOMMENDATION

That Council authorize the issuance of Development Permit Application No. 000550 for 359-369 Tyee Road, in accordance with:

1. Plans date stamped January 29, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The terms of the Master Development Agreement registered on title to the property, including:
 - a. Registration of Section 219 Covenant on the on the property's title requiring that noise reduction measures are incorporated into the design of the buildings and that the owner, or future owners, are prohibited from removing any noise reduction building components; and
 - b. Registration of an easement over the proposed interim condition areas to ensure that the owner of the adjacent property has the legal right and authority to enter the land to complete any unfinished public amenities.
4. The Development Permit lapsing two years from the date of this resolution.

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*.

Pursuant to Section 491 of the *Local Government Act*, 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 359-369 Tyee Road. The application site is located within the Dockside Green development. The proposal is to construct

three residential towers fronting Tyee Road. The towers would increase in height from north to south from 13 storeys to 16 storeys.

The application also proposes the construction of a number of amenities required by the Dockside Green Master Development Agreement (MDA), including the Greenway (an extension to the north/south pedestrian linear trail with adjacent waterway) and a playground. In addition, two public plazas are proposed (one at the northern end of the site allowing public access to the greenway and one at the southern termination of the Greenway).

The following points were considered in assessing this application:

- the proposal complies with the CD-9 Zone, Dockside District, and does not require any variances
- the proposal is generally consistent with *Dockside Green Urban Design Guidelines* (2016)
- the application is consistent with the Dockside Green MDA.

BACKGROUND

Description of Proposal

The proposal is to construct three residential towers at Dockside Green. The towers would front Tyee Road and increase in height from north to south, from 13 storeys to 16 storeys. The application also proposes the construction of public amenities required by the Dockside Green Master Development Agreement (MDA).

Specific details include:

- two condominium buildings, 13 and 14 storeys in height, comprised of approximately 219 residential units
- a 16-storey building comprised of approximately 145 market rental dwelling units
- motor vehicle parking provided underground
- an extension to the north/south linear pedestrian trail and water feature (referred to as the Greenway), terminating in a small plaza at the southern edge of the application site
- a children's playground located adjacent to the Greenway
- a public plaza (referred to as Tyee Plaza) located between the two condominium buildings
- additional pedestrian connections, secured by a Statutory Right-of-Way, provided from the Greenway to Tyee Road (referred to as Dockside Crescent) and from the Greenway to Harbour Road (referred to as Dockside Mews).

Affordable Housing Impacts

The application proposed one residential tower that will comprise of approximately 145 market rental units. The applicant also proposes the creation of approximately 219 new market ownership residential units which would increase the overall supply of housing in the area.

Staff requested that the applicant consider voluntarily entering into a Housing Agreement to secure the rental tenure of units within the rental building, and to ensure that a future strata could not restrict or prohibit the rental of dwelling units within the condominium buildings; however, the applicant has stated that they are unwilling to enter into such an agreement. Correspondence from the applicant dated August 14, 2019 is attached, which outlines their reason for declining the staff request.

Notwithstanding the above, it should be noted that the Dockside Green MDA requires that future Strata Bylaws must permit the rental of not less than 20% of the units within the condominium buildings.

Sustainability Features

As required by the Dockside Green MDA:

- the proposed buildings will connect to both the existing on-site waste water treatment plant and district energy system
- the individual buildings will satisfy the green building requirements set out in Schedule G of the MDA (see Attachment I)
- several Transportation Demand Management (TDM) measures will be implemented (see below) with this phase of development.

It should be noted that Dockside Green has achieved LEED ND v4 Plan Platinum Certification and, as required by the MDA, the development is currently on track to achieve LEED ND v4 Platinum Certification at final build out.

The applicant's letter to Mayor and Council (attached) further highlights some of the sustainability features associated with this development.

Active Transportation Impacts

The applicant is providing the following measures that support active transportation (several of these items are required by the Dockside Green MDA):

- 45 short term visitor bike racks and secure storage for 497 bikes, in association with the proposed residential buildings
- an additional 40 bicycle racks will be provided in publicly accessible areas
- a new bus bay and bus shelter will be constructed on the Tyee Road frontage
- mobility hub signage (directional signage comprising information to walking and cycling routes, transit options, car share vehicles and the harbour ferry) will be installed within Tyee Plaza
- a \$3,500 grant (the first of six that will be granted before final build out) will be awarded to a selected group to explore innovative TDM approaches that Dockside Green can support or test on site.

In addition to the above, the applicant is required to provide a car share vehicle and car share memberships for each residential unit (364 car share memberships in total). A dedicated on-site car share parking stall is also being provided.

Public Realm Improvements

As required by the Dockside Green MDA, the following amenities are being proposed as part of this phase of the development:

- completion of the "Greenway," comprising of a north/south pedestrian trail, linear waterway, seating areas and extensive planting. The Greenway will terminate in a small plaza area
- a playground will be constructed adjacent to the Greenway utilizing naturalized play materials (for example, a timber climbing feature)
- environmental interpretive signage highlighting the storm water management system at Dockside Green will be provided at the southern end of the Greenway

- Dockside Mews and Dockside Crescent will be partially constructed in conjunction with this phase of development and will be completed when the adjacent phases of development proceed. These are mixed-use streets providing pedestrian access to the southern edge of the Greenway from Tyee Road and a further east/west pedestrian connection from the Greenway to Harbour Road.

In addition to the above, the applicant is proposing to construct a significant plaza space between the two condominium buildings. The plaza would include decorative lighting, a water feature, viewing deck, soft landscaped areas, bench seating and a pedestrian connection to the Greenway.

Public access to and over these amenities will be secured by way of Statutory Rights-of-Way prior to the occupation of the proposed buildings, consistent with the MDA requirements. Furthermore, Dockside Green is responsible for the future maintenance of the amenities required by the MDA and this will be secured by way of Section 219 Covenants registered on the property title once the amenities have been constructed.

Accessibility Impact Statement

The Dockside Green MDA requires that a minimum of 20% of all residential units be constructed to the adaptable housing standards set out in Schedule E of the Agreement. These standards address issues such as barrier free building access, door widths and manoeuvring space at doorways, location of electrical outlets and light switches and bathroom design. The proposed buildings have been designed to meet the required standards with 75 adaptable housing units indicated on the submitted plans.

In terms of public spaces, the Greenway provides an accessible pathway north to south through the site between Harbour Road, at the northerly edge of the site, and Dockside Crescent/Tyee Road at the southern edge of the proposed development. An accessible pathway is also provided to the proposed playground.

Existing Site Development and Development Potential

The site is presently vacant. Under the current CD-9 Zone, the Dockside Lands can be developed with an overall density of 2.084:1 floor space ratio (FSR) and with the uses proposed; however, the development could also accommodate other limited uses including restaurants, pubs and recreational facilities.

Data Table

The following data table compares the proposal with Development Area A of the CD-9 Zone, Dockside District. The application is consistent with the current site zoning and no variances are sought in conjunction with this application.

Zoning Criteria	Proposal	CD-9 Zone (DA-F)
Site area (m ²) – minimum	7,000	N/A
Density (Floor Space Ratio) – maximum	4.46:1	N/A

Zoning Criteria	Proposal	CD-9 Zone (DA-F)
Total floor area (m ²) – maximum	31,189.33	85,855
Height (m) – maximum	Tower 1 – 47.45 Tower 2 – 50.27 Tower 3 – 54.44	Tower 1 – 48 Tower 2 – 51 Tower 3 – 54.5
Site coverage (%) – maximum	46.06	n/a
Open site space (%) – minimum	48.03	n/a
Setbacks (m) – minimum		
Tyee Road	4.3	3
Vehicle Parking – minimum	333	317
Visitor parking	37	37
Bicycle parking – minimum		
Long term	497	452
Short term	45	37

Community Consultation

As the application does not propose variances, it has not been referred to the Victoria West Community Association Land Use Committee (CALUC) for comments; however, the applicant has indicated that residents and members of the CALUC were invited to an Open House held on September 25, 2019. An Open House Summary Report has been submitted by the applicant and is attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The site is located within Development Permit Area 13: Core Songhees; therefore, the DPA objectives that are relevant to this proposal are:

- to continue to revitalize former rail yards and heavy industrial sites into areas of commercial use to increase vibrancy and strengthen commercial viability
- to achieve a high quality of architecture, landscape and urban design that is unique to the Songhees peninsula and its special places, reflecting its former industrial uses and geographic features
- to acknowledge the geographic context of the Songhees peninsula through building forms that are generally lower near the shoreline and gradually rise in height to correspond with the rise in topography.

Staff consider that the proposal is generally consistent with the following design policies contained within the OCP.

Design Guidelines for the Dockside Area

The *Dockside Green Urban Design Guidelines* are applicable to this project. The Guidelines are detailed and extensive, with specific guidelines relating to precincts and certain public amenities in addition to site wide design guidelines relating to building massing and design, residential buildings, skylines and views, building materials, landscaping, transportation and accessibility. The proposal satisfies key Guidelines as follows:

- the buildings increase in height from north to south
- main building lobbies are clearly visible from Tyee Road
- 2-3 storey street walls are provided for each of the buildings
- the upper floor of each building is stepped back from the floor below
- the buildings have been designed in a west coast contemporary style using concrete, cementitious and metal panels and clear glazing
- the proposal preserves the recommended public view corridors between buildings with a minimum separation space of 22m being provided between the towers and 20m being maintained between balconies on individual buildings
- ground floor units have individual unit entry doors leading to the adjacent street or the Greenway
- accessible rooftop amenity areas are provided on each of the buildings in addition to green roof elements
- the majority of the vehicle parking is provided beneath the proposed buildings in an underground parkade
- the Greenway provides uninterrupted universal access from Dockside Crescent to Harbour Road (at the north end of the site) and a linear water feature runs parallel to the Greenway path
- the application proposes the construction of Tyee Plaza, which provides a pedestrian connection to the Greenway
- a playground will be constructed using naturalized play elements and sloped landscape features
- wayfinding signage will be provided throughout the development.

Staff consider that the proposal is generally consistent with the aforementioned Design Guidelines.

Victoria West Neighbourhood Plan

The subject site is located in Core Songhees and Master Planned Areas where development is guided by existing Master Development Agreements, Development Permit Areas and comprehensive development zones.

Tree Preservation Bylaw and Urban Forest Master Plan

The proposal will add four additional Red Maple street trees in landscaped bulbs along Tyee Road.

A total of 159 trees are proposed to be planted in the landscape around the buildings, plaza, playground and Greenway connection. These trees will be small- to medium-sized at maturity and will add tree canopy cover and its associated benefits on the property.

There are no existing bylaw-protected trees on the property.

Master Development Agreement

The proposal is consistent with the Dockside Green MDA and provides the required sustainability features, TDM measures, adaptable housing units and public amenities (as discussed above). In addition, the applicant has submitted a noise abatement report from an acoustic engineer demonstrating that the building has been designed to mitigate noise levels (experienced within residential units) from off-site sources, such as work associated with the Point Hope Shipyards. As required by the MDA, prior to issuance of the Development Permit, the applicant must register a Section 219 Covenant on the on the property's title requiring that the proposed noise reduction measures are incorporated into the design of the buildings and that the owner, or future owners, are prohibited from removing any noise reduction building components.

Furthermore, the applicant is also required to register an easement over any proposed interim condition areas to ensure that the owner of the adjacent property has the legal right and authority to enter the land to complete any unfinished public amenities. In this instance, the interim condition area primarily relates to the temporary surfacing of Dockside Crescent at the southern edge of the site. This would include a temporary asphalt road and turn around being provided until the adjacent site to the south is developed in the future.

Advisory Design Panel

The application was first presented to the Advisory Design Panel (ADP) on September 25, 2019, and the following motion was carried:

That Advisory Design Panel recommend to Council that Development Permit Application No. 000550 for 359, 363 and 369 Tyee Road does not sufficiently meet the applicable design guidelines and polices and should be declined, and the key areas that should be revised include:

- a) clarify and architecturally express the sustainability objectives in function and design*
- b) ensure a bold manipulation of building form through massing and articulation, with particular attention to the third residential tower*
- c) ensure accessibility in the site circulation*
- d) provide more storage for each residential unit*
- e) provide more authentic use of materials, particularly at the ground level*
- f) consider other uses allowable within the zone to animate the public realm.*

The applicant subsequently submitted revised plans in response to the ADP motion and presented their application to ADP for a second time on December 18, 2019, where the following motion was carried:

That the Advisory Design Panel recommend to Council that Application No. 000550 for 359-369 Tyee Road (Dockside Green) does not sufficiently meet the applicable design guidelines and polices and should be declined, and the key areas that should be revised include:

- to clarify and architecturally express the sustainability objectives in functionality and design.*

The project architect has provided a design rationale and response to the ADP motion (see Attachment G). Staff have reviewed the proposal and the applicants' response and consider

that the application is consistent with the sustainability objectives and requirements outlined in the Design Guidelines and the MDA respectively. In terms of sustainable design initiatives, the Guidelines state that some or all of the following should be incorporated into a building design:

- *balcony areas and overhangs that offer effective shade*
- *solid and punched walls providing increased thermal value*
- *selected areas of glazed wall, over height spaces and clerestories providing generous access to daylight and views; and*
- *exterior sun-shading devices may be considered.*

The project design includes balconies with overhangs, areas of glazed wall and over height lobby spaces. Notably, the architect's letter explains that in response to ADP comments the window to wall ratio has been reduced from 66.7% to 47.2%, resulting in buildings that achieve 2018 BC Building Code STEP 4 in Total Energy Use Intensity (overall energy consumption) and STEP 3 in Thermal Energy Demand Intensity (heating energy demand). In addition, each building has been designed to incorporate a green roof element.

The MDA requirements relating to sustainability are discussed earlier in this report.

Resource Impacts

The Dockside Green MDA states that the City is responsible for the following:

- the final (top lift) paving of Tyee Road from the Esquimalt Road intersection to Wilson Street; and
- construction of three curb bulbs (concrete work only) on the portion of Tyee Road, between Wilson Street and Esquimalt Road, for pockets of landscaped boulevard.

Once constructed, the ongoing maintenance of the curb bulbs (including planting materials) would be the responsibility of Dockside Green.

The aforementioned portion of off-site frontage works that the City is responsible for funding would be constructed in conjunction with the current proposal. These off-site works are expected to take place in 2022 with the total cost of the City funded portion estimated at \$410,000.00. This amount would be included for Council's consideration in the financial plan for the expected year the proposed development is completed. This funding would be determined through that year's financial planning process. The above are one-time capital costs and would not require significant additional ongoing maintenance.

An additional cost relates to the new proposed bus shelter on Tyee Road. The cost to maintain this new shelter is estimated to be \$1000 per year.

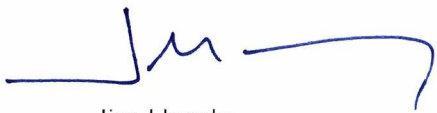
CONCLUSIONS

The proposal is consistent with the *Dockside Green Urban Design Guidelines* and the Dockside Green MDA. Staff recommend that Council consider approving the Development Permit Application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 000550 for the property located at 359-369 Tyee Road.

Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:

Feb 18, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 29, 2020
- Attachment D: Letter from applicant to Mayor and Council dated January 29, 2020
- Attachment E: Correspondence from applicant in response to request for a Housing Agreement
- Attachment F: ADP minutes and motions
- Attachment G: Letter from architect dated January 29, 2020, providing a design rationale and response to ADP motion
- Attachment H: Open House Summary Report
- Attachment I: Green Building Requirements (Schedule G of the MDA)
- Attachment J: Acoustic Report.