



Committee of the Whole Report For the Meeting of October 15, 2020

To: Committee of the Whole **Date:** October 1, 2020

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

Subject: Development Permit Application No. 000549 for 202 Harbour Road

RECOMMENDATION

That Council authorize the issuance of Development Permit Application No. 000549 for 202 Harbour Road, in accordance with:

1. Plans date stamped July 22, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Registration of the following legal agreements on the property's title:
 - a. a Section 219 Covenant requiring that the development be constructed to achieve LEED Gold certification, to the satisfaction of the Director of Sustainable Planning and Community Development
 - b. an extension to the Statutory Right of Way along the property frontage on Harbour Road, to the south property line, to the satisfaction of the Director of Engineering and Public Works
 - c. a Statutory Right of Way over the south plaza area to allow future access through the site to the Vic West Gateway footpath, to the satisfaction of the Director of Sustainable Planning and Community Development.
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 202 Harbour Road. The application proposes to construct a six-storey commercial (office) building on a vacant site.

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 *Design Guidelines for the Dockside Area*
- the application is voluntarily offering to enter into legal agreements to secure;
 - LEED Gold Certification
 - future public access across a plaza area connecting to a planned pedestrian connection into the Dockside Green development
 - a Statutory Right of Way (SRW) to ensure a continuous sidewalk alignment on the property frontage.

BACKGROUND

Description of Proposal

The application proposes to construct a six-storey commercial (office) building on a vacant site at the corner of Harbour Road and Esquimalt Road. The overall proposed density is 1.98:1 floor space ratio.

The proposal includes the following major design components:

- six-storey building with floor plate sizes ranging from 300m² to 935m²
- building oriented towards Harbour Road
- building steps back at the third and fifth storeys
- main lobby entrance set back from Harbour Road
- several balconies and extensive roof deck
- surface parking (below 2nd floor of building, accessed from Harbour Road) and one level of underground parkade
- secure bicycle parking with shower facilities, located in the underground parking area.

Sustainability

The application site is not subject to the Dockside Green Master Development Agreement (MDA), however, the applicant has confirmed that they will be designing and constructing the building to achieve LEED Gold Certification. This is the equivalent of the required green building standard for commercial development specified in the Dockside Green MDA. The applicant is willing to voluntarily enter into a legal agreement to secure the target of LEED Gold Certification.

In addition, as outlined in their letter to Mayor and Council, the applicant is also proposing landscaped rain gardens to manage the building stormwater, EV charging stations will be provided within the parking areas and the building is being designed to accommodate rooftop solar panels (although it should be noted that solar panels are not proposed as part of the current Development Permit).

Active Transportation

The applicant is providing the following measures that support active transportation:

- 20 short term visitor bike racks and secure storage for 40 bikes
- end of trip facilities (i.e. showers) located in the underground level.

Public Realm

The application proposes a small plaza with bench seating at the southern edge of the site. The plaza is located adjacent to a future planned pedestrian entrance into the Dockside Green development, referred to as the Vic West Gateway. The applicant is willing to enter into a Statutory Right of Way (SRW) to secure future public access across the plaza, to this Gateway, once it has been constructed.

In addition, the applicant is willing to enter into an SRW along the Harbour Road frontage, to extend an existing SRW, to ensure a continuous alignment of the sidewalk to the adjacent property. This sidewalk alignment will improve the pedestrian experience, separating pedestrians from vehicles through a planted boulevard along a designated greenway. The applicant has also indicated that rain gardens would be installed in the boulevard. This is discussed further in the Resource Impact section of this report.

It should be noted that the proposed off-site work is not a Development Permit consideration and will be reviewed further at the Building Permit stage.

Accessibility

Consistent with the *Design Guidelines for the Dockside Area* the applicant has employed a barrier-free design for public areas accessed directly from the street and where possible has eliminated the need for any stairs or ramps.

Existing Site Development and Development Potential

The site is presently vacant. Under Development Area F of the CD-9 Zone, Dockside District, the subject site can be developed up to a maximum floor area of 4,366m² with a wide range of commercial uses.

The following data table compares the proposal with Development Area F 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	2,182.5	N/A
Density (Floor Space Ratio) – maximum	1.98	N/A
Total floor area (m ²) – maximum	4,174	4,366
Height (m) – maximum	30.5	30.5

Zoning Criteria	Proposal	CD-9 Zone (DA-F)
Setbacks (m) – minimum		
Harbour Road	4	N/A
Rear (west)	4.5	N/A
Side (south)	3.5	N/A
Vehicle Parking – minimum	64	64
Bicycle parking – minimum		
Long term	40	28
Short term	20	10

Relevant History

The site was formerly owned by the Federal Government and was sold in 2012.

The site is part of the Dockside Green comprehensive development zone (CD-9 Zone), however, the property is not subject to the terms of the Dockside Green MDA.

On October 29, 2013, Council approved a Development Permit allowing the construction of a six-storey commercial building at this site. That development did not proceed and the permit has since expired.

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.

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 consistent with these objectives.

Design Guidelines for the Dockside Area

The *Design Guidelines for the Dockside Area* are applicable to this project. The proposal is consistent with Guidelines as follows:

- the building is designed to step up and away from the water's edge (i.e. from east to west) and the building mass steps back from existing and planned future public pathways
- the building form is asymmetrical and irregular
- the proposed building materials are compatible with other buildings located along Harbour Road
- the project includes both soft and hard landscaping and raingardens have been included to minimize the amount of storm water run-off entering storm sewers
- fenestration has been placed to overlook public pathways, open spaces and streets
- individual entrances have been provided on the Harbour Road frontage, in addition to a principle lobby entrance
- the building design accommodates overhangs and rooftop canopies
- areas used for storage of materials, waste and recycling materials are located underground
- barrier-free design will be employed for public areas accessed directly from the street
- end of trip cycling facilities are provided in the underground level
- parking stalls are located underneath the building and those stalls provided at grade are located at the side of the building, beneath a building overhang.

Staff consider that the proposal is generally consistent with the applicable 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 goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. The Victoria West Neighbourhood presently has 19% tree canopy cover.

There are presently no trees located on this property or along its Harbour Road street frontage.

The proposed landscaping on private property includes nine trees underplanted with shrubs. There are also two planted rain gardens proposed on private property.

Six new street trees are proposed along Harbour Road. The boulevard landscaping will include a rain garden and shrub plantings.

Advisory Design Panel

The application was first presented to the Advisory Design Panel (ADP) on August 28, 2019, and the following motion was carried:

That the Advisory Design Panel recommend to Council that Development Permit Application No. 000549 for 202 Harbour 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) Refine the architecture to reflect the significant gateway position of the building and to be more consistent with the design quality at Dockside Green Advisory Design Panel Minutes Page 5 August 28, 2019*
- b) Revisit the materiality and detailing to be more consistent with Dockside Green and to address long term maintenance, and provide a materials board and renderings that more accurately reflect the proposal's materiality*
- c) Provide building details and strong landscape connections to emphasize the location of building entrances*
- d) Revisit and strengthen the pedestrian connections to the other Dockside Green buildings through the future plaza*
- e) Reconsider the raingarden design at the north property boundary to include rooftop runoff and/or improve its functionality*
- f) Include landscape elements, rooftop materials and details to ensure a high-quality roof-scape*
- g) Consider a lay-by for short term parking along Harbour Road*
- h) Screen the hydro kiosk and waste and recycling storage from the street view.*

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 Development Permit Application No. 000549 for 202 Harbour Road be approved with the following changes:

- revise, strengthen and simplify the main entrance, emphasize location and execution*
- relocation of parking stall at front entrance*
- reduce the visual competition of the fifth-floor parapet.*

Further revised plans were submitted on July 22, 2020, in response to the design revisions recommended in the ADP motion. These revisions are detailed in a letter provided by the project architect (see Attachment G) and can be summarized as follows:

- the entrance lobby has been enlarged and been re-oriented towards to Harbour Road, increasing the entrance visibility, and providing a simpler direct access from the street.
- the exterior space adjacent to the lobby has been reconfigured to increase visibility.
- the fifth floor roof parapets heights have been reduced and made identical on all facades and the top (sixth) floor roof parapet depth has been increased.

Staff have reviewed the revised plans, and based on the revisions in response to ADP comments, consider the application to be consistent with the applicable Design Guidelines.

Resource Impacts

The applicant is volunteering to install rain gardens as part of boulevard improvements that would be constructed adjacent to the site along Harbour Road. This proposal is supported by City staff as it aligns with the City's strategic goals of promoting rain gardens and improving water quality in our harbours and waterways. Again, it is important to note that the proposed off-site work is not a Development Permit consideration and will be reviewed further at the Building Permit stage. However, while the Developer would be responsible for constructing the rain gardens, there would then be an ongoing maintenance cost to the City. Staff are identifying

the cost implications at this stage so that, in the event that Council does not wish the City to carry these costs, staff can discuss an alternative boulevard treatment with the applicant prior to and during the Building Permit review process.

The estimated annual maintenance cost is as follows:

Increased Inventory	Annual Maintenance Cost
Street Trees – 6 new	\$300
Rain Gardens – 30 m ²	\$950
Shrub Beds – 105 m ²	\$2550
Irrigation System	\$400
Total Annual Cost	\$4200

The above includes the cost of maintaining the proposed rain gardens, street trees, shrub plantings and irrigation system.

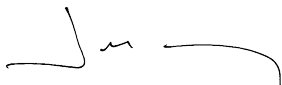
CONCLUSIONS

The proposal is consistent with the *Design Guidelines for the Dockside Area*. In addition, the applicant is voluntarily offering to enter into legal agreements that will secure the construction of the building to LEED Gold certified standard, support improved sidewalk alignment on Harbour Road and secure public access through the site to a future pathway connection into Dockside Green. Staff recommend that Council consider approving the Development Permit Application.

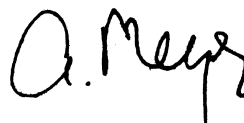
ALTERNATE MOTION

That Council decline Development Permit Application No. 000549 for the property located at 202 Harbour 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: October 6, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 22, 2020
- Attachment D: Letter from applicant to Mayor and Council dated September 15, 2020
- Attachment E: ADP minutes dated August 28, 2019 and December 18, 2019
- Attachment F: Letter from architect received July 22 providing a response to the December 18, 2019, ADP motion