



Committee of the Whole Report For the Meeting of September 8, 2022

To: Committee of the Whole **Date:** August 25, 2022

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

Subject: Development Permit No. 000617 for 203, 211 and 335 Harbour Road

RECOMMENDATION

That Council consider the following motion:

1. That Council authorize the issuance of Development Permit Application No. 000617 for 203, 211 and 335 Harbour Road, in accordance with:
 - a. Plans date stamped July 22, 2022.
 - b. Development meeting all *Zoning Regulation Bylaw* requirements.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

LEGISLATIVE AUTHORITY

Relevant Development Permit considerations relate to the application's consistency with design guidelines.

Enabling Legislation

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, 2012* (OCP). 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 491 of the *Local Government Act*, where the purpose of the designation is establishment of objectives for the form and character of commercial, industrial or multi-family residential developments, 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 for the property located at 203, 211 and 335 Harbour Road. The proposal is to construct a graving dock facility, which has previously been approved by Council through a Development Permit that has since expired.

The following points were considered in assessing this application:

- The application is consistent with the *Harbour Road Industrial Waterfront Design Guidelines* in terms of maintaining view corridors and creating an attractive Harbour Road and waterfront edge.
- The application is also consistent with the Core Songhees Development Permit Area objectives to retain a working harbour function.

BACKGROUND

Description of Proposal

This proposal is to construct a graving dock facility. Specific details include:

- a 189.5m by 39.5m area for a graving dock, 16m deep
- formalization of the waterfront edge with a linear concrete caisson retaining wall
- removal of the existing pile dock facilities
- concrete caissons and retaining wall with a cast in place smooth and textured finishes
- steel with rubber fenders along the waterfront edge
- decorative fencing and landscaping along Harbour Road
- hard surfaced yard area.

The following edge treatments are being offered by the applicant in association with this Development Permit Application and would be secured as a condition of the issuance of the Development Permit:

- decorative fencing and landscaping along Harbour Road
- textured concrete finish to provide visual interest at the water level on the wall at the waterfront edge.

This application is fully compliant with the SD-1 Zone, Dockside District and the SD-2 Zone, Dockside District and does not require variances.

Land Use Context

The area is characterized primarily by industrial uses, with some commercial and residential located to the west within the Dockside Green development.



Existing Site Development and Development Potential

The site presently contains a turntable and dry dock facility along with marine industrial yard space and buildings.

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

An unused driveway crossing near the pedestrian viewing platform will be removed and replaced by full height curb and sidewalk at time of Building Permit to improve pedestrian accessibility along the east side of Harbour Road.

Relevant History

On February 22, 2018, Council approved a Development Permit for a graving dock. This permit was renewed through a Delegated Development Permit on November 13, 2019. That Development Permit expired on November 13, 2021, and as such a new application is required. There are no changes to the graving dock since the original application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, since this is a Development Permit without any variances, there is no requirement to refer the application for consultation. However, the applicant has submitted a timeline of their consultation with the community within their Letter to Mayor and Council under Appendix B.

ANALYSIS

Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area (DPA) 13, Core Songhees. Objectives of this DPA include revitalizing the industrial area to strengthen commercial viability while maintaining a marine industrial character and working harbour. The proposal to construct a graving dock helps realize these objectives and aligns with the land use priorities set out in the OCP.

The *Harbour Road Industrial Waterfront Design Guidelines* (2008) represent the key policy document against which this application is reviewed. These guidelines primarily envision the addition of buildings to this area as a result of continued industrial development. With this in mind, the guidelines focused on ensuring key view corridors remained open and a sympathetic edge between the industrial area and adjacent land uses was established. The proposal does not include the construction or addition of new buildings and instead proposes formalizing the waterfront edge of the property with a retaining wall and concrete caissons to construct a graving dock. With this proposal, the view corridors set out in the design guidelines are wholly maintained.

The design guidelines also speak to ensuring that surface car parking is not a dominant visual element of the site and are not to be located within 10m of the waterfront. Currently, vehicle parking is informal and as part of the application the parking is proposed to be legitimized through paving and parking stall lines. The proposal therefore does not actually increase the amount of surface area for vehicle parking. In addition, a new fence and planters are proposed along the parking area to match the fence and planters along Harbour Road, which helps mitigate the visual impact of the parking area. Finally, the proposed legitimization of the parking area is more than 10m from the waterfront.

The edge conditions of the property are where the design guidelines are most relevant. Along Harbour Road, a consistent fence and landscaping treatment is proposed to tie into the existing treatment already established. Again, in accordance with the requirements of the guidelines, the proposal does not affect the existing view platform, mid-way on Harbour Road. The proposal generally satisfies the requirements of the design guidelines as they relate to the Harbour Road frontage and viewing platform.

Along the waterfront, the design guidelines speak to creating an aesthetic edge viewed at the waterfront level, from the Johnson Street and Point Ellice Bridges and the waterfront walkways across the harbour. To achieve this, the guidelines seek to retain the character of the traditional pile docks to avoid looking at blank walls. The proposal does not retain the pile docks; however, the fendering details on the proposed east apron and bands of tinted concrete indicating extreme low- and extreme high-water levels satisfies this requirement to provide an aesthetically interesting wall.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Sustainability

As indicated in the applicant's letter dated March 25, 2022 the following sustainability features are associated with this application:

- improved stormwater management through stormceptors and water treatment prior to outfall discharge
- habitat restoration in conjunction with Transport Canada and Fisheries and Oceans Canada (DFO) applications.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no tree impacts with this application.

CONCLUSIONS

The proposal to construct a graving dock at the Point Hope shipyard helps to strengthen this important part of Victoria's economy and maintain the continued working harbour aspirations set out in the OCP. This proposal reflects a significant change for the Victoria Harbour and, while this form of development was not envisioned in the relevant design guidelines for the area, the proposal achieves the performance criteria set out in the guidelines and is consistent with their intent. Therefore, Staff recommend for Council's consideration that the application be supported.

ALTERNATE MOTION

That Council decline Development Permit Application No. 00617 for the property located at 203, 211 and 335 Harbour Road.

Respectfully submitted,

Mike Angrove
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Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped July 22, 2022
- Attachment C: Letter from applicant to Mayor and Council dated March 25, 2022