



## **Council Report**

### **For the Meeting of September 10, 2015**

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**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

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### **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:



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
- 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

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**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

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### 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 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 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.

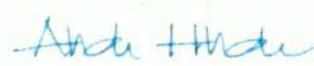
Respectfully submitted,



Mike Wilson  
Senior Planner – Urban Design  
Development Services Division

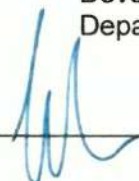


Alison Meyer, Assistant Director  
Development Services Division  
Sustainable Planning and  
Community Development  
Department



Andrea Hudson,  
Acting Director  
Sustainable Planning  
and Community  
Development  
Department

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

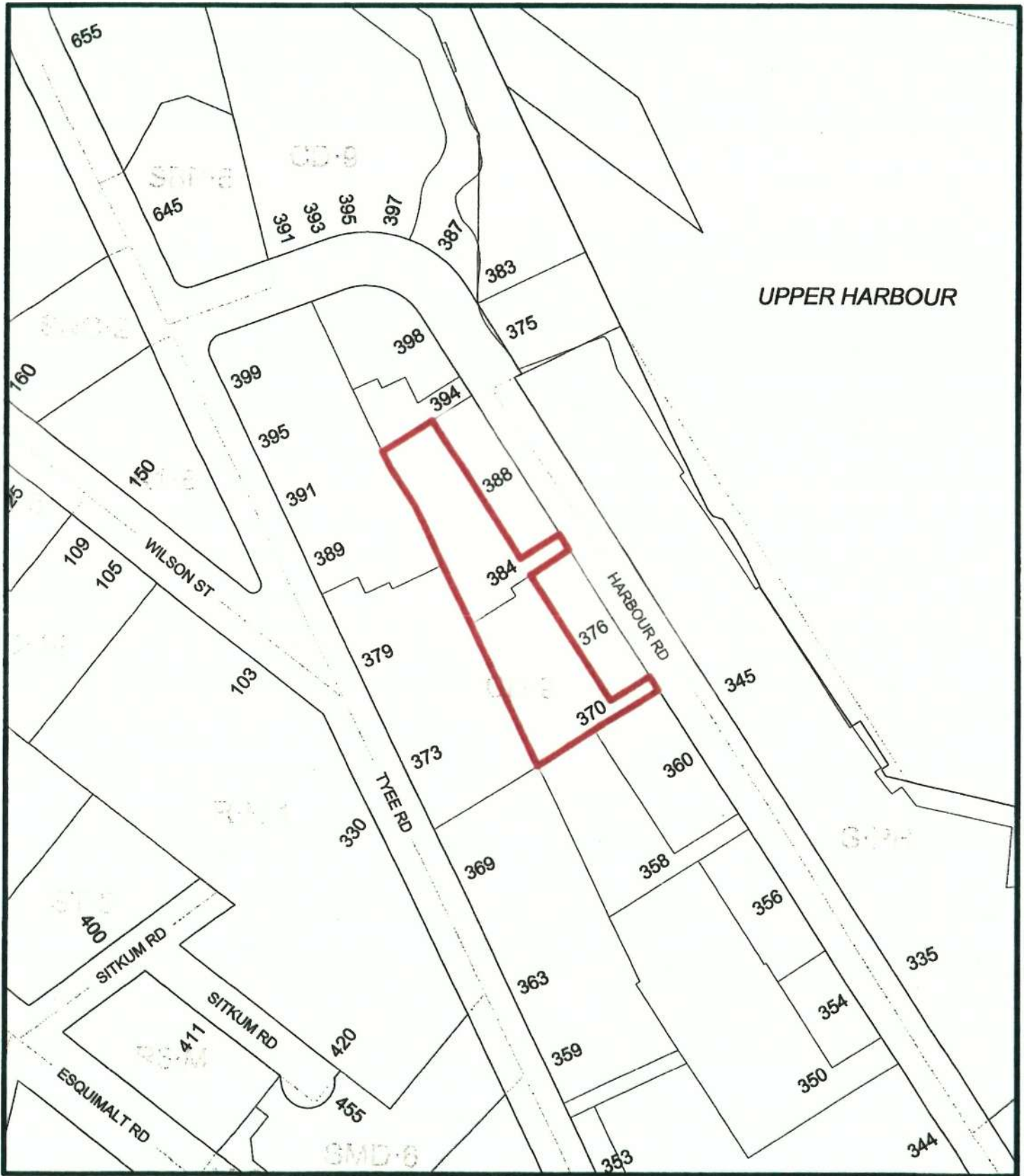
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### List of Attachments

- Aerial map
- Zoning map
- Appendix A: Summary of Dockside Green MDA Affordable Housing Commitments
- 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 #







UPPER HARBOUR



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.

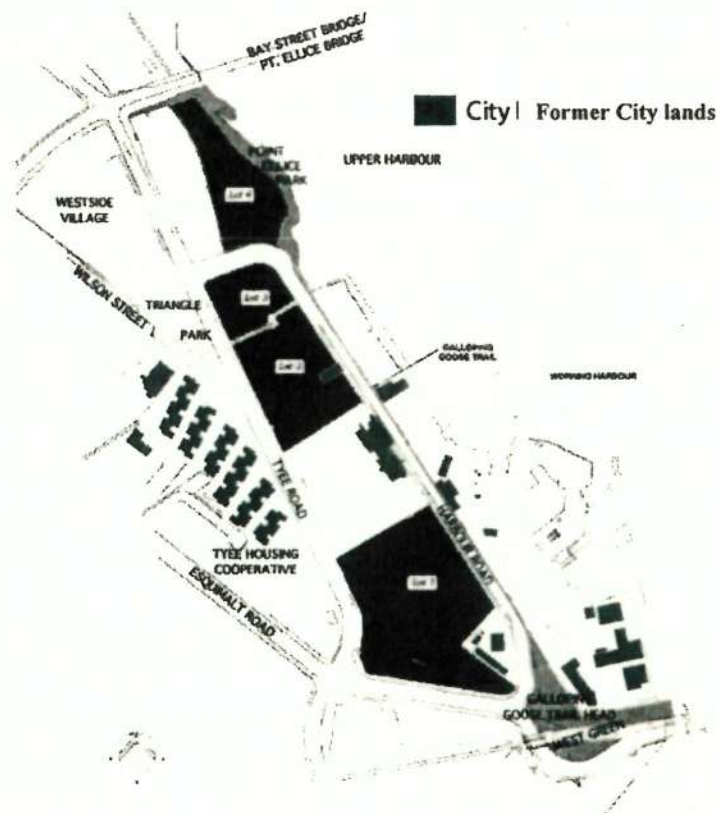


Figure 1: Former City lands

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:

- a) to consult with the Developer on the number and location of Non-Market Rental units to situate in any Development Area;
- b) 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;
- e) 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.

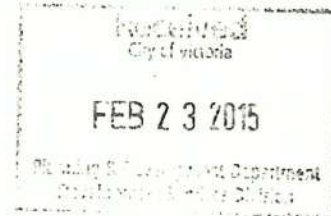


# DOCKSIDE GREEN



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 long-term 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.



(1) (G)

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.

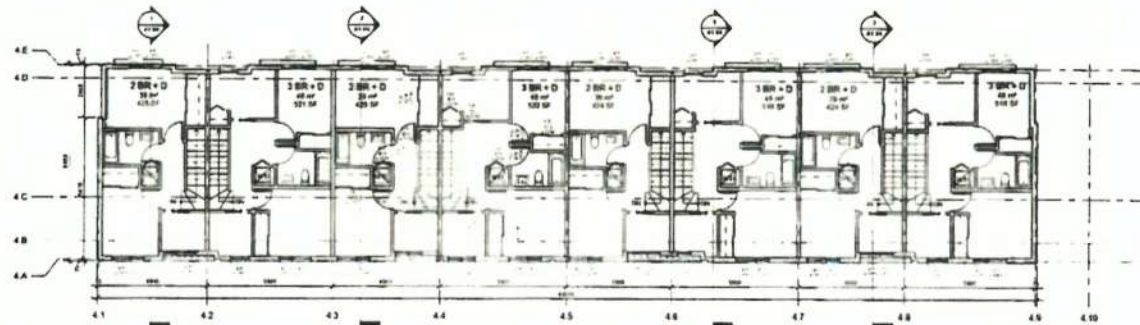
Sincerely,



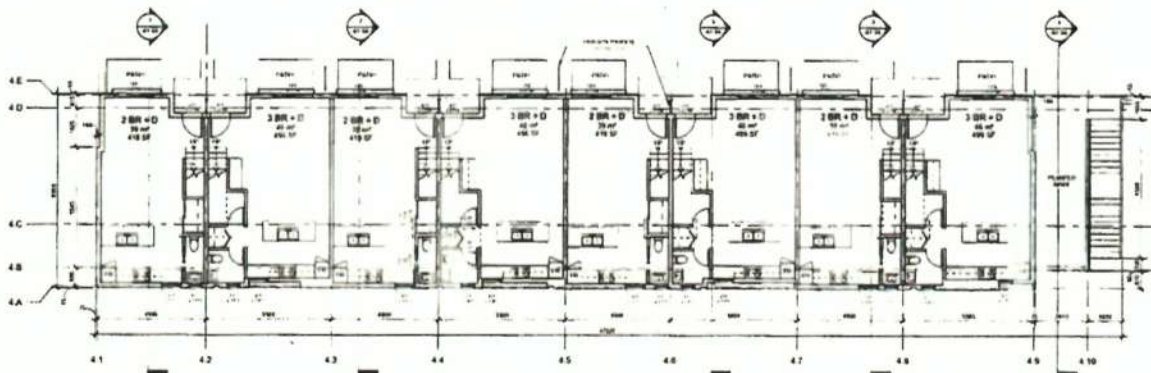
Ally Dewji

Development Manager, Dockside Green Limited

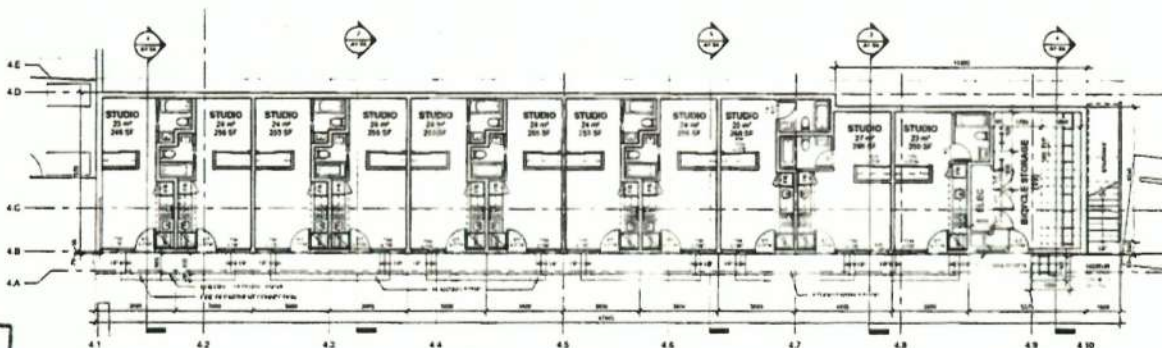
③ LEVEL 3 - BUILDING R4  
1:100



② LEVEL 2 - BUILDING R4  
1:100



① LEVEL 1 - BUILDING R4  
1:100



Received  
City of Victoria  
MAR 31 2015  
Planning & Development Department  
Development Services Division

HCM



DOCKSIDE GREEN -  
AFFORDABLE HOUSING  
FOR A SUSTAINABLE COMMUNITY  
IN VICTORIA  
DESIGNED BY  
HCM



BUILDING R4 PLANS

SCALE: 1/8" = 1'-0"  
A2.00  
Rev 1/15

DESIGN: HCM  
DATE: 1/15/15  
BY: [Signature]



MAR 31 2015

Planning & Development Department  
Development Services Division

# HCMV



**DOCKSIDE GREEN - AFFORDABLE HOUSING**  
 100 S. 10th Avenue, Suite 100, Anchorage, AK 99501  
 Tel: 274-1234 Fax: 274-5678  
 Email: info@docksidegreen.com



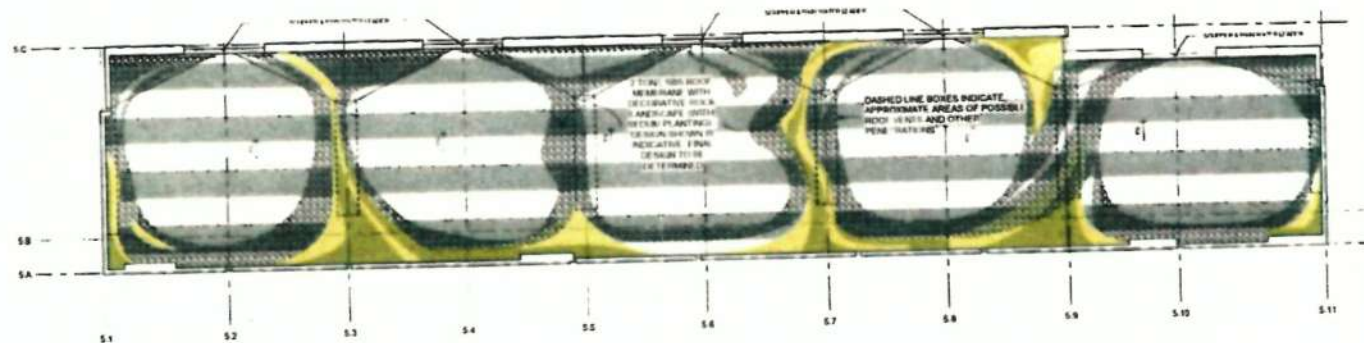
## BUILDING R5 PLANS

A2.01

**Journal of Interpersonal Violence 27(12)**  
 Copyright © 2012 Sage Publications  
 10.1177/0886260512468881  
 jiv.sagepub.com

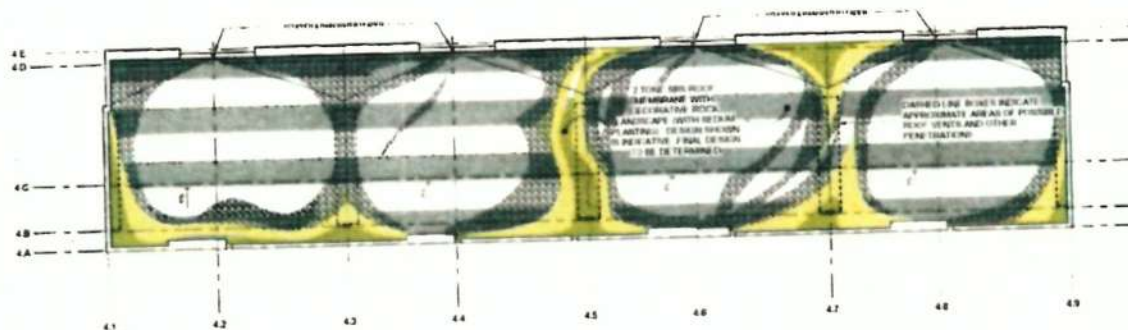
① 100

1 : 100



②  $\frac{1}{2}$

9/100



**Received**  
City of Victoria

MAR 31 2015

Planning & Development Department  
Development Services Division

# HCMV



**DOCKSIDE GREEN.**  
GEORGE & HONG

**DOCKSIDE GREEN.**  
GEORGE & HONG



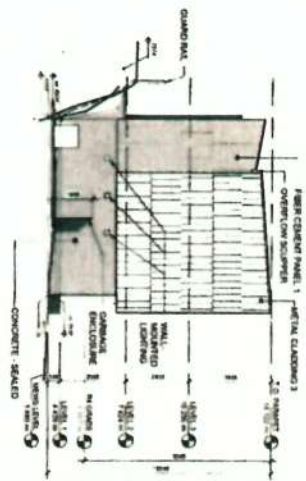
## PROOF PLANS

A2.02

1

**Cellular Architecture & Design**  
 Susan Allen & Peter Smith, co-authors  
 Cambridge, MA: MIT Press, 2005  
 200 pp., \$45.00

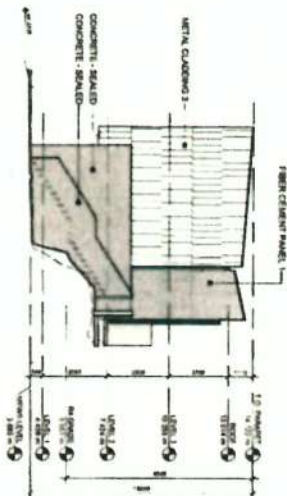




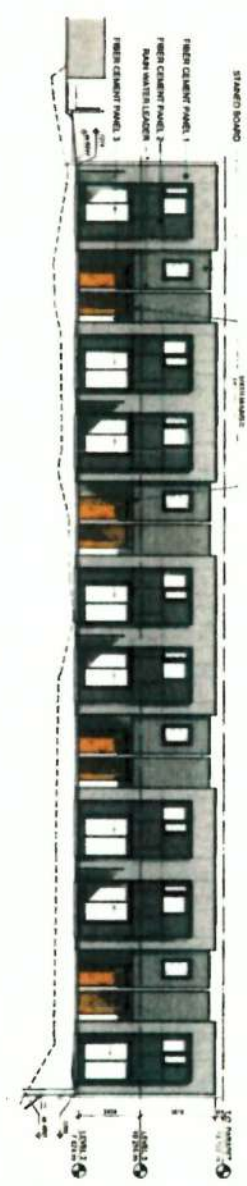
1 R4 SOUTH ELEVATION  
1 : 1000



2 R4 EAST ELEVATION  
1 10/95



③ R4 NORTH ELEVATION  
1/1600



4 R4 WEST ELEVATION  
1:100

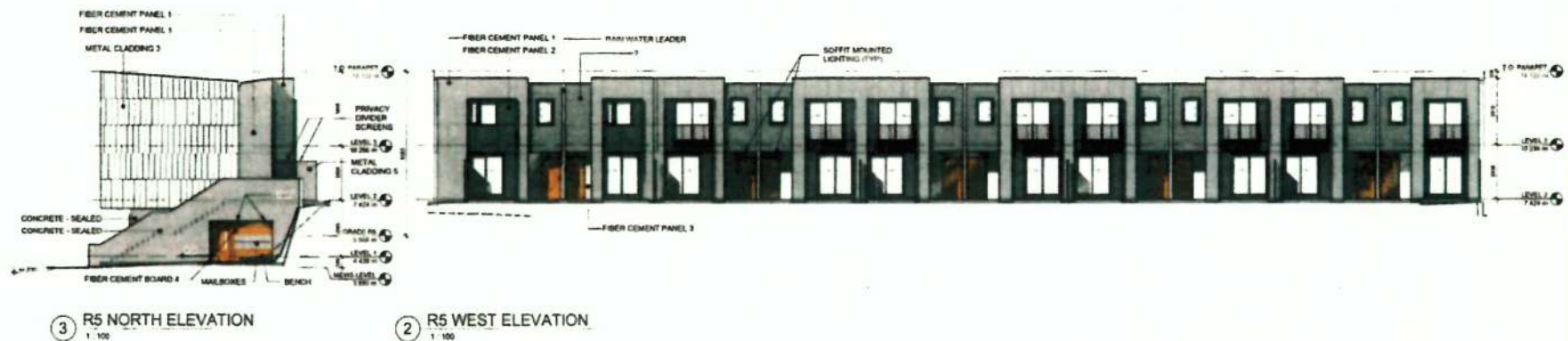
## MATERIALS

## WILLIS

- [illegible]

**Received**  
City of Victoria  
MAR 31 2015  
Planning & Development Department  
Development Services Division

© 2012 Wiley Periodicals, Inc. *J Biomed Mater Res Part B: Appl Biomater* 104B: 100–107, 2012  
DOI 10.1002/jbm.b.23045



#### DOCKSIDE AFFORDABLE HOUSING AVERAGE GRADE CALCULATION

BUILDING R5		
POINTS A+B	(1880+1880) ÷ 2 = 1880	+23807260
POINTS B+C	(3880+7274) ÷ 2 = 5577	+6087955
POINTS C+D	(7274+7274) ÷ 2 = 7274	+64600760
POINTS D+E	(7274+7274) ÷ 2 = 7274	+60123465
POINTS E+F	(7274+7274) ÷ 2 = 7274	+318273670
POINTS F+A	(7274+3880) ÷ 2 = 5577	+6087955
		237799267

PERIMETER OF BUILDING R5 = 13242  
AVERAGE GRADE FOR BUILDING R5 = 3.5673

#### 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 3: VERTICAL STANDING SEAM METAL CLADDING - WHITE COLOUR
- METAL CLADDING 4: HORIZONTAL METAL BOARDING - CLADDING - WOOD EFFECT

##### SEALED CONCRETE:

- SEALED CONCRETE: AS FINISH AND STRUCTURE

##### BOARD Siding:

- LAPPED WOOD BOARDS WITH SEMI-TRANSPARENT STAIN - MEDIUM GREY

##### FIBER CEMENT BOARD:

- FIBER CEMENT BOARD 1 (SMOOTH MATTE): LIGHT GREY
- FIBER CEMENT BOARD 2 (SMOOTH MATTE): DARK GREY
- FIBER CEMENT BOARD 3 (SMOOTH MATTE): WHITE
- FIBER CEMENT BOARD 4 (SMOOTH MATTE): ACCENT COLOUR

##### SOFFIT:

- METAL CLADDING 4: HORIZONTAL METAL BOARD CLADDING - WOOD EFFECT
- FIBER CEMENT BOARD: IN WHITE AND ACCENT COLOURS AS ABOVE

##### ROOF:

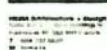
- SBS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKGAPING & PLANTING

##### SCREENING:

- METAL CLADDING 5: SAME AS METAL CLADDING 1, PERFORATED



**HCMA**







Received  
City of Victoria

DOI:10.1002/anie.201505406

MAR 31 2015

Planning & Development Department  
Development Services Division

## WALLS:

## METAL I

- METAL CLADDING 1 VERTICAL METAL CLADDING PROFILE / EXPOSED FASTENER - WHITE COLOUR
- METAL CLADDING 2 VERTICAL FLUSH METAL PROFILE - RANDOM PATTERN - WHITE COLOUR
- METAL CLADDING 3 VERTICAL STANDING SEAM METAL CLADDING - WHITE COLOUR
- METAL CLADDING 4 HORIZONTAL METAL BOARD CLADDING - WOOD EFFECT

### SEALED CONCRETE

- SEALED CONCRETE AS FINISH AND STRUCTURE

#### BOARDS SIDING:

- LAPPE-Ø 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

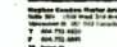
**ROOF:**

- SHS ROOFING WITH TWO COLOURS LAYED IN STRIPED PATTERN WITH ROCKSCAPING & PLANTING

**SCREENING:**

- METAL CLADDING 9: SAME AS METAL CLADDING 1, PERFORATED






Planning & Development Department  
Development Services Division



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:

1. **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.
2. **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





## Mike Wilson

---

**From:** Evelyn [REDACTED]  
**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" <[CommunityPlanning@victoria.ca](mailto:CommunityPlanning@victoria.ca)> wrote:

-----Original Message-----

**From:** [REDACTED]  
[REDACTED]  
**Subject:** Community Planning

**From:** Jim Ross  
**Email :** [REDACTED]  
**Reference :**  
**Daytime Phone :** [REDACTED]  
**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 [publicservice@victoria.ca](mailto:publicservice@victoria.ca). 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 [REDACTED]:

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 full-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 <[REDACTED]> 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  
[REDACTED]

<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:

1. 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 <http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/>):

"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 <[REDACTED]>  
**Sent:** Thursday, May 14, 2015 4:40  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**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 [REDACTED]  
**Sent:** May-14-15 4:25 PM  
**To:** Catherine Caws  
**Cc:** Chris Lawson; [REDACTED]  
[REDACTED]  
**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 stretch 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 [REDACTED]  
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.
  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

#### 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.

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 co-exist 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.

## <sup>†</sup> **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, Ill.)*



## 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 in nature).

### 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.





### 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.



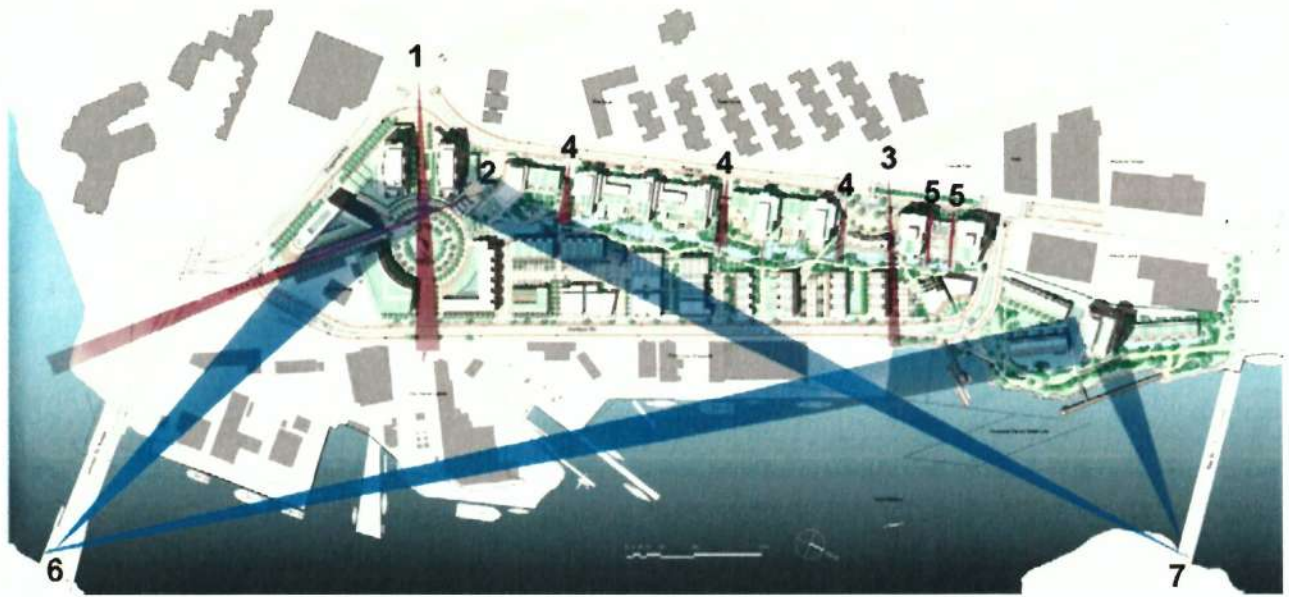


FIGURE 4: Views towards and through site. See description above for each view.

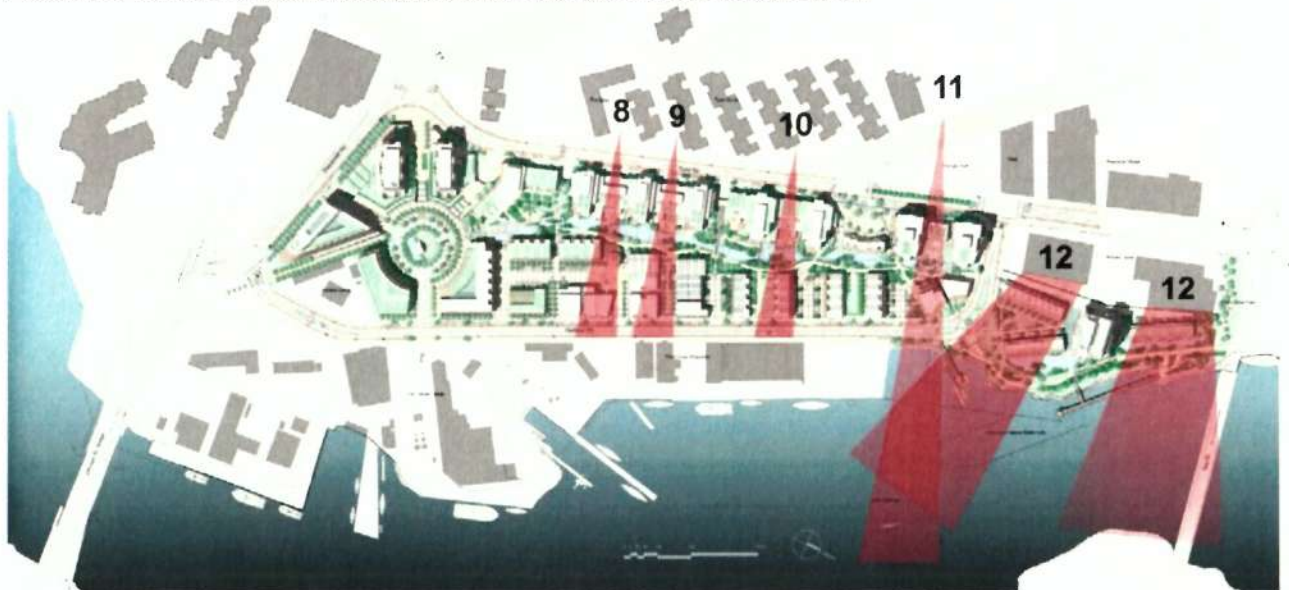


FIGURE 5: Views through site from upper elevations. See description above for each view.



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.

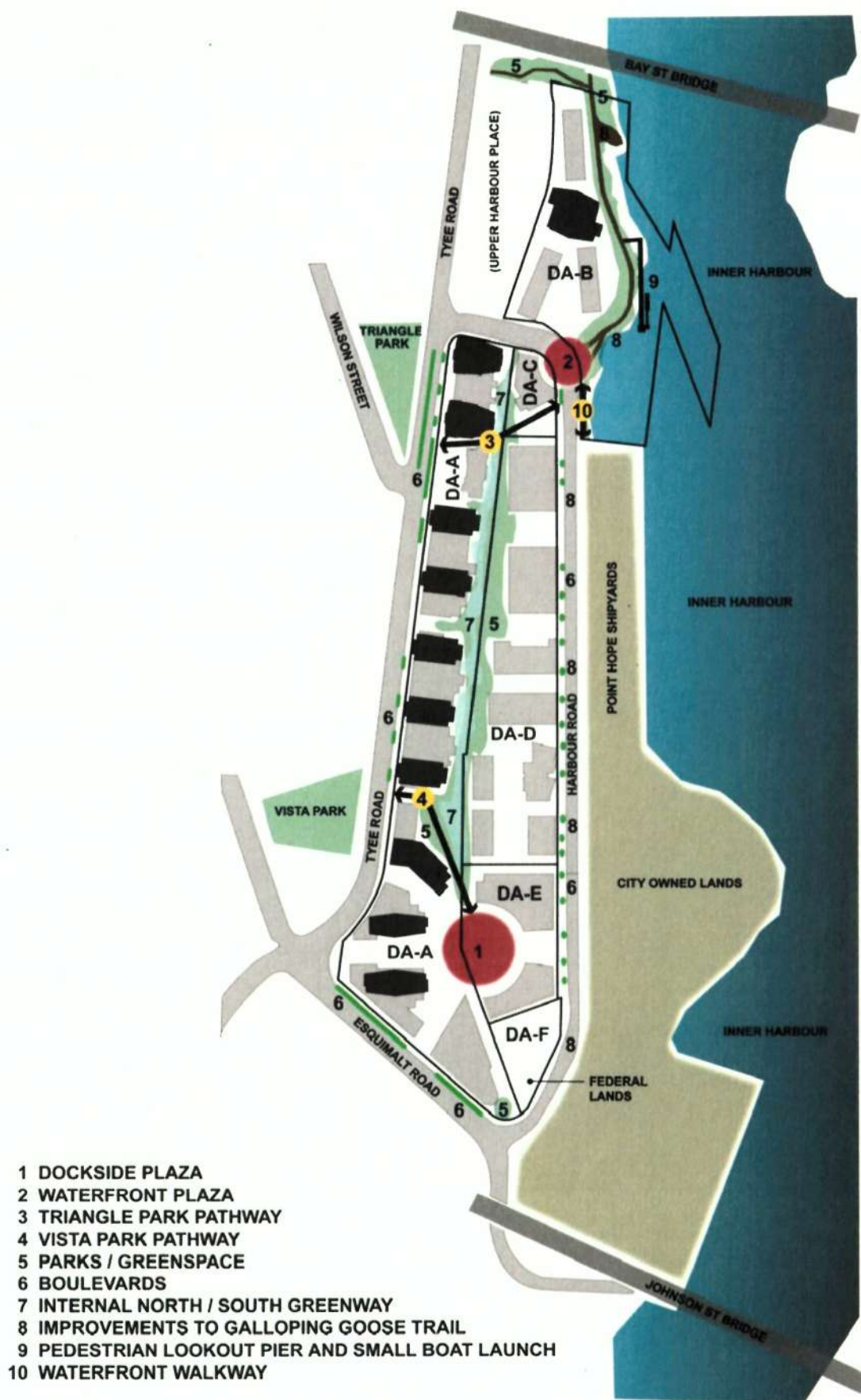


FIGURE 7 : Diagrammatic Plan of the Docks Area

September 2005





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 space that 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. Public art 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 development areas.



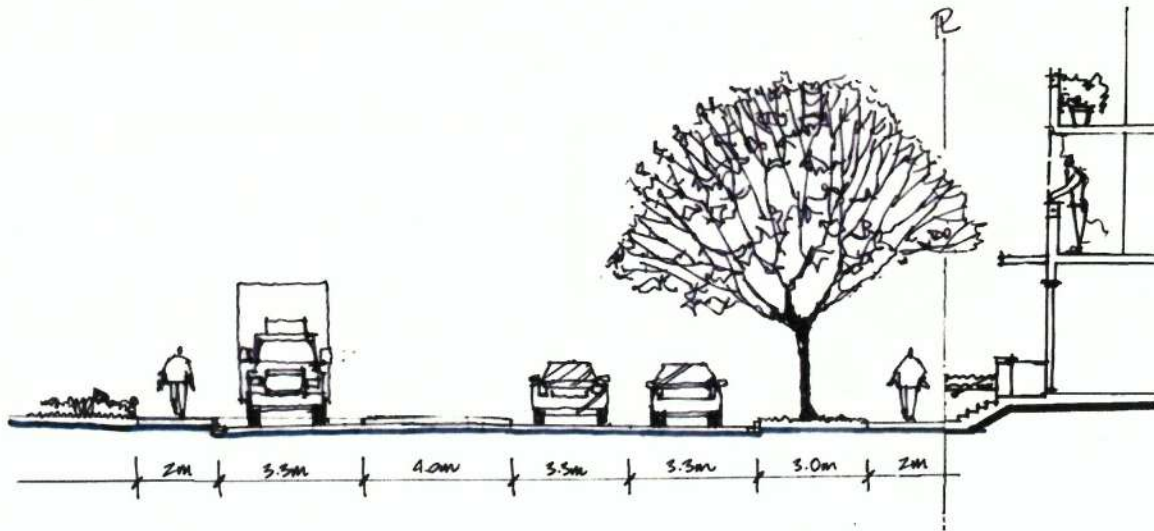


FIGURE 10: Illustrative Section across Esquimalt Road (Illustrating minimum streetscape widths)

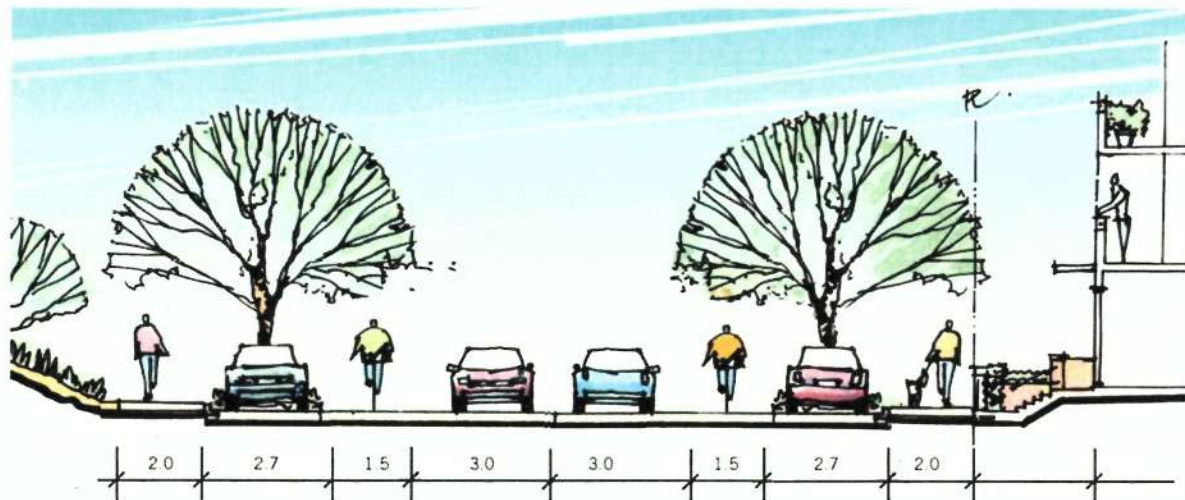


FIGURE 11: Illustrative Section across Tye Road (Illustrating minimum streetscape widths)

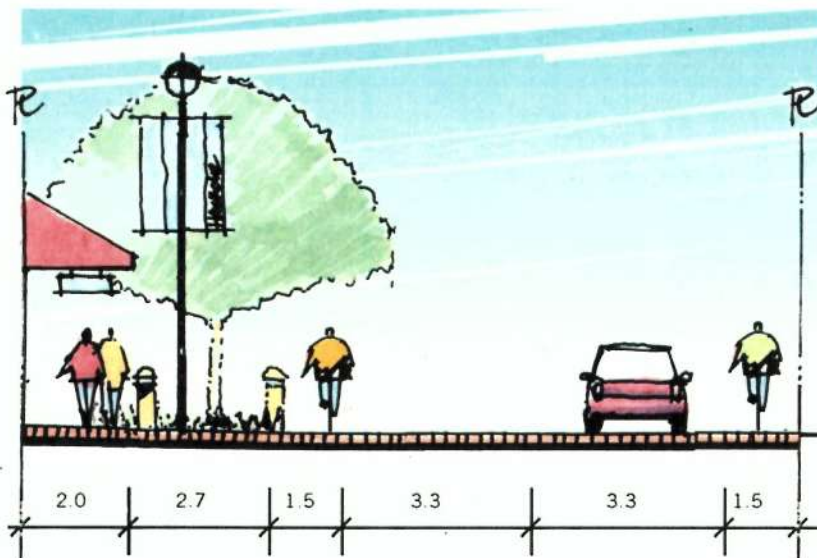


FIGURE 12: Illustrative Section across Harbour Road (Illustrating minimum streetscape widths)

### 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 Tyee Road, 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.

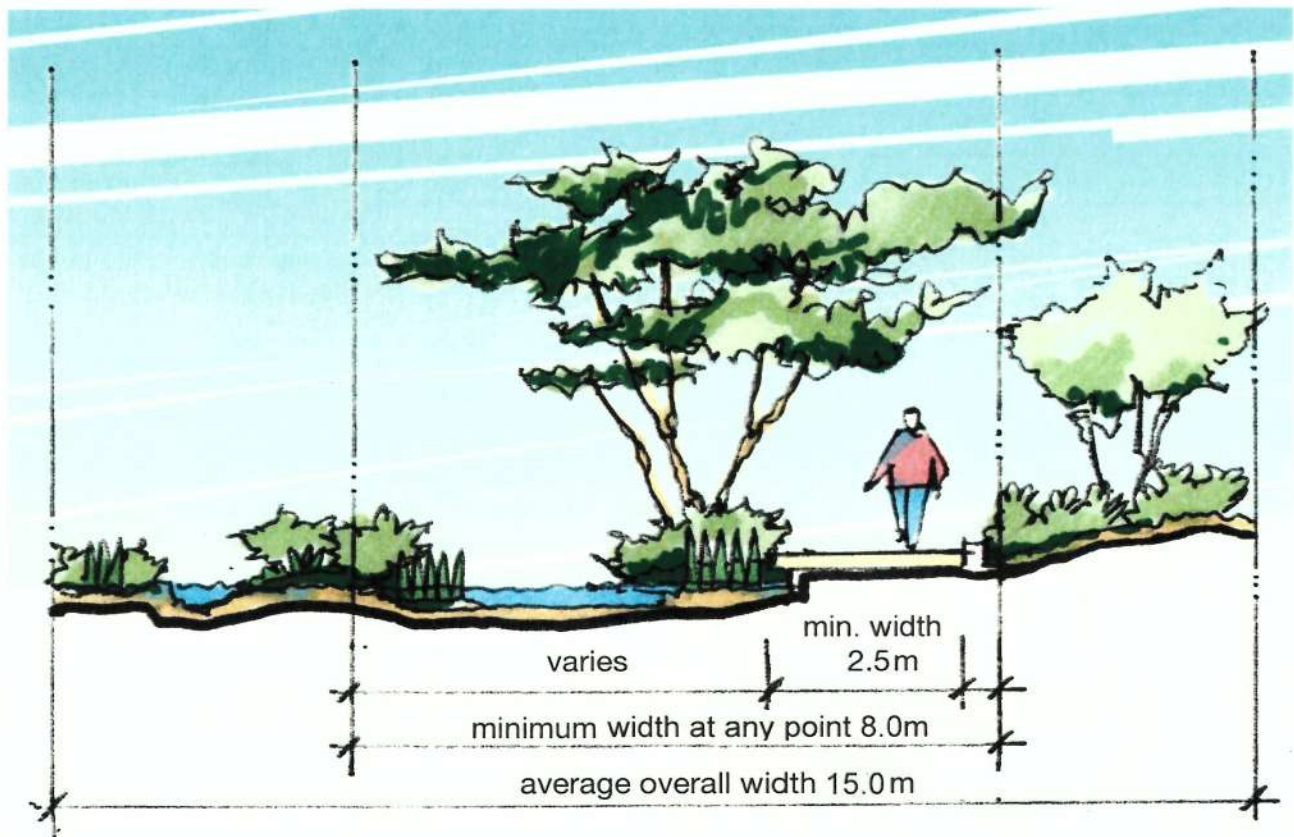


FIGURE 13: Illustrative Section across Internal Greenway (Illustrating key dimensions)

### 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 storm water 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 wall assembly.

- 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-in future 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.

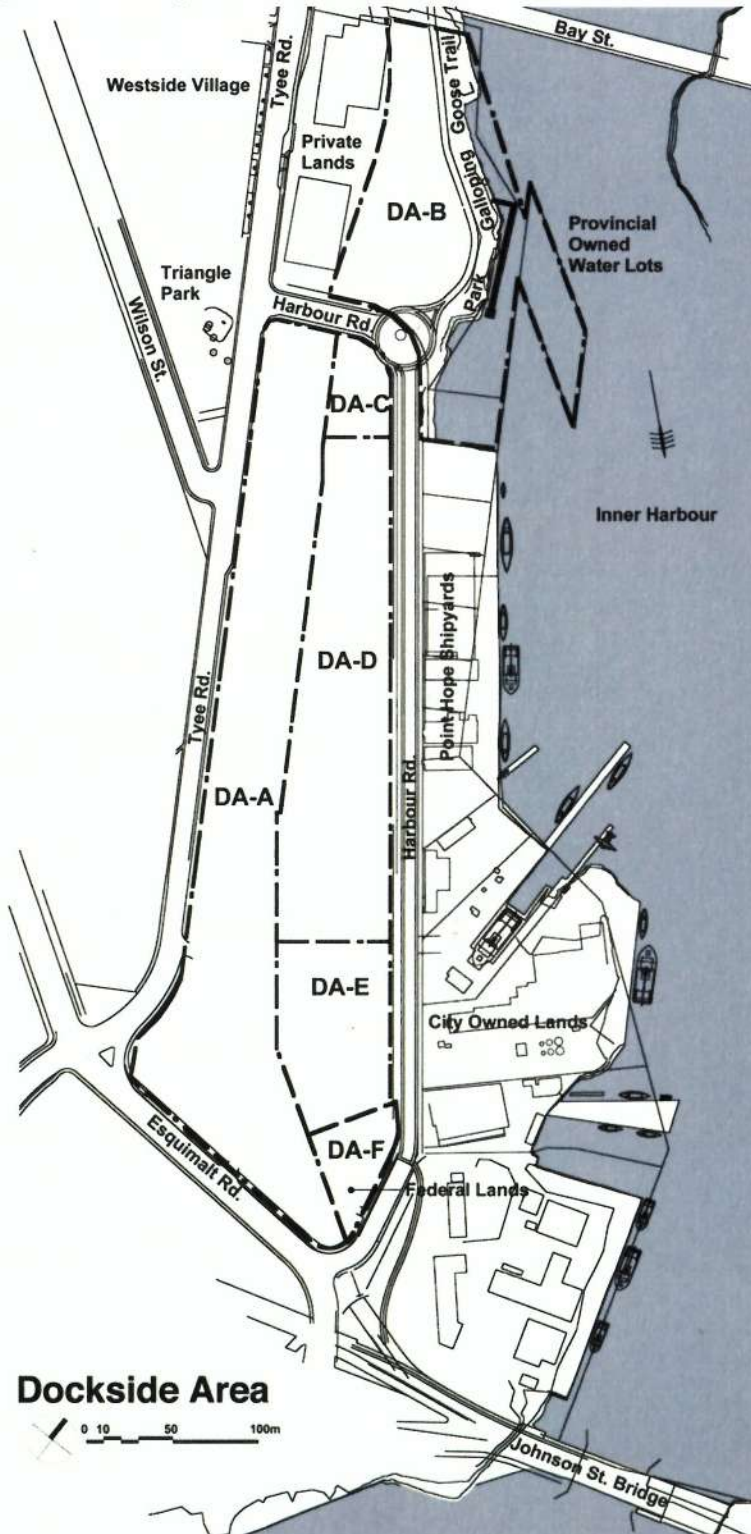


FIGURE 15: Dockside Area – Development Area information



#### 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

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

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.

*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



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

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.

*DA-C is bordered to the east and north by Harbour Road as it turns to meet Tye 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.



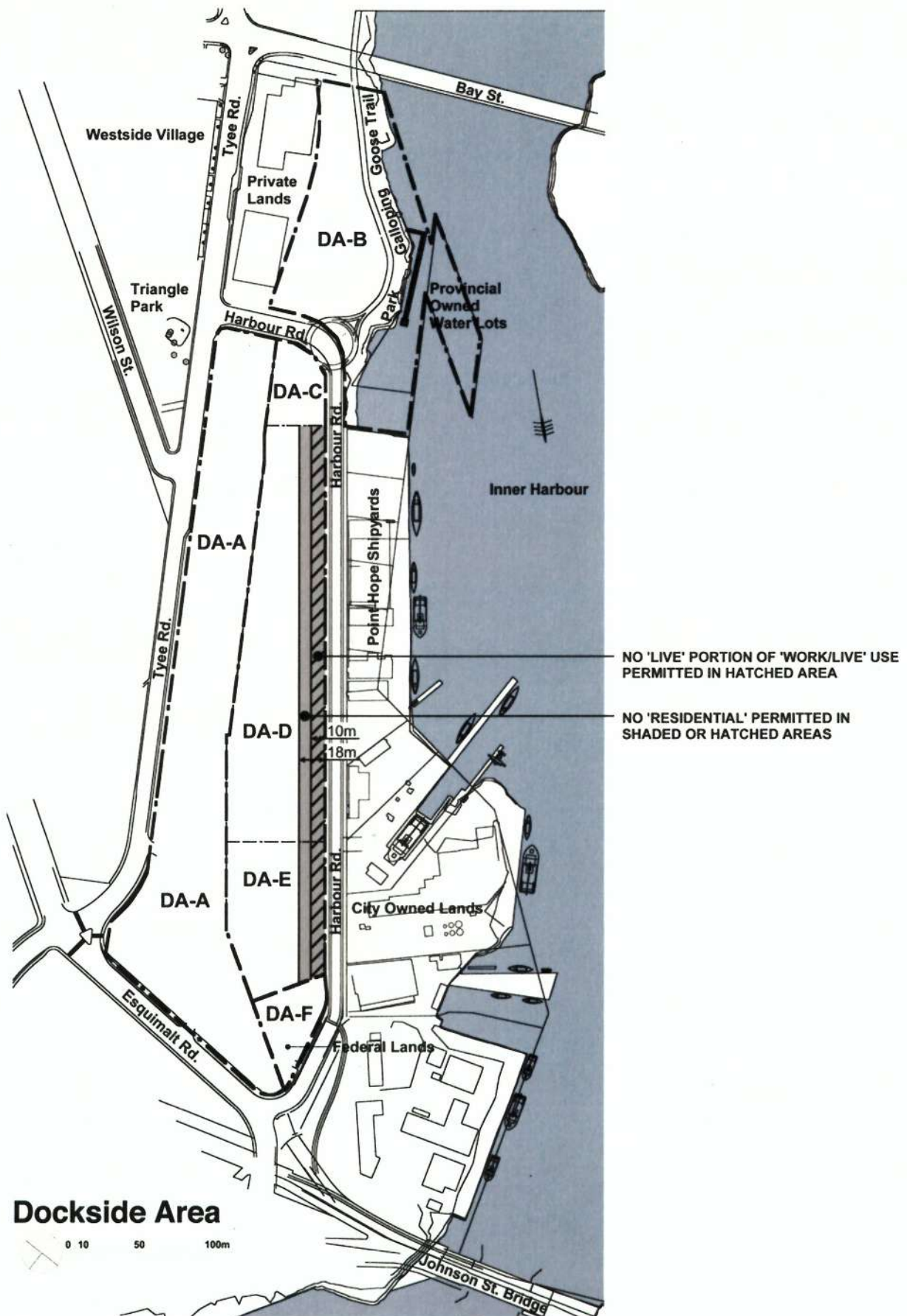


FIGURE 16: Dockside Area – Use Distribution in Industrial Areas



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

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

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



*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.*

#### 4.5 Development Area-E (DA-E)

##### Use and Character

The lower density DA-E will be a combination of restaurant, light industrial, 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.

*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

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

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        | 6 BOULEVARDS                                  |
| 2 WATERFRONT PLAZA      | 7 INTERNAL NORTH/SOUTH GREENWAY               |
| 3 TRIANGLE PARK PATHWAY | 8 IMPROVEMENTS TO GALLOPING GOOSE TRAIL       |
| 4 VISTA PARK PATHWAY    | 9 PEDESTRIAN LOOKOUT PIER (SMALL BOAT LAUNCH) |
| 5 PARKS/GREENSPACE      | 10 WATERFRONT WALKWAY                         |

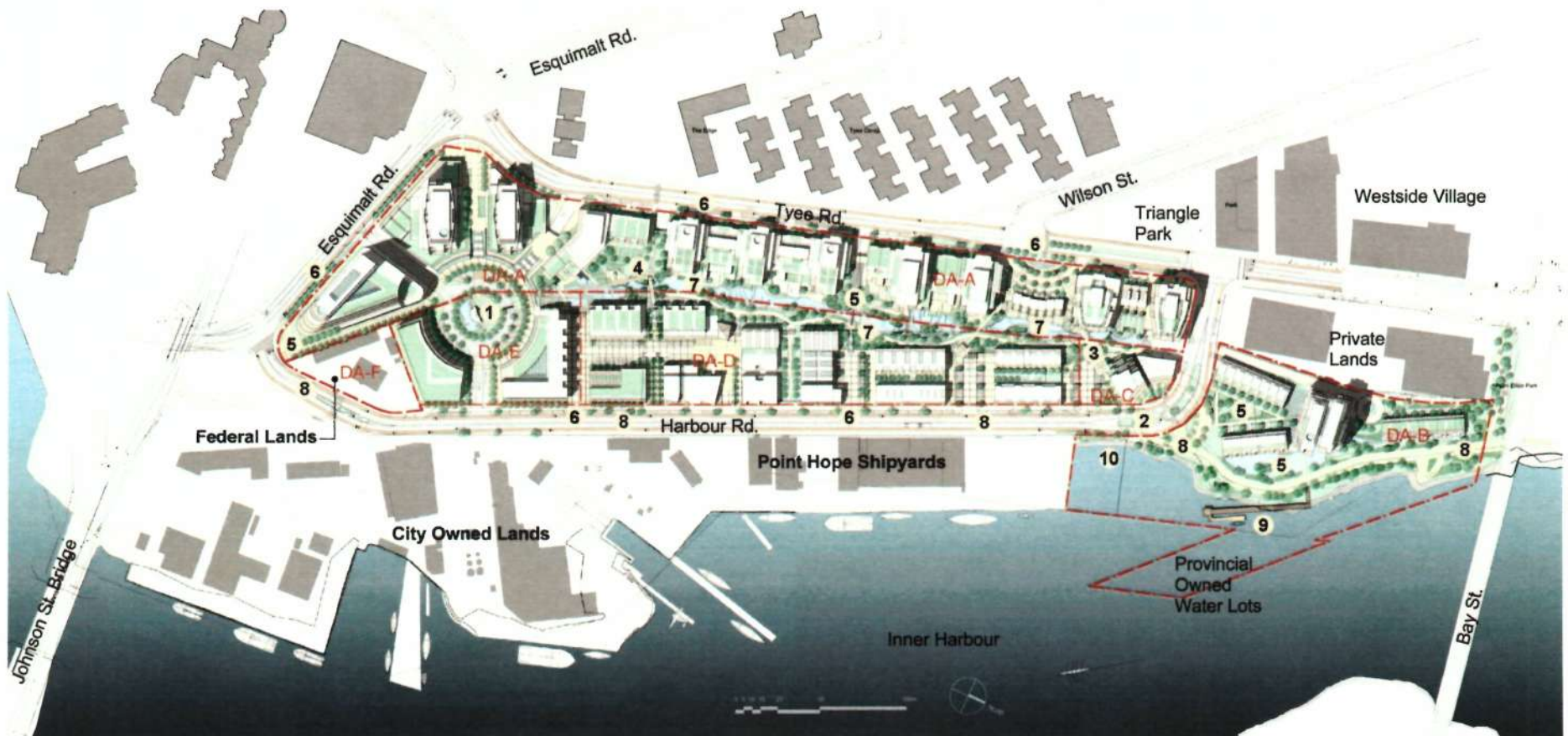


Figure 19: Illustrative Master Plan of the Dockside Area (Building footprints and locations may vary)  
 Note that base plan is same as that shown in MDA, however number sequence of features is not the same.



**Jim Handy**

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**From:** Cindy Waites [REDACTED]  
**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  
[REDACTED]

Sent from my iPad

## Jim Handy

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**From:** Graham Zirul [REDACTED]  
**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. Admittedly, 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 immediately 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 purchase payment of \$3,500. The site also happens to be a blight on the otherwise 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 prejudicial to their original decision to purchase and their interests going forward.

Thank you for your consideration,  
graham j zirul



## Jim Handy

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**From:** [REDACTED]  
**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

## Jim Handy

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**From:** Timothy Haskett [REDACTED]  
**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 residential above. 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



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. It should be built, and soon.

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.

I respectfully submit that the Application be declined, 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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## Jim Handy

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**From:** Chris Lawson [REDACTED]  
**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



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**From:** Nigel Deacon [REDACTED]  
**Sent:** July-24-15 9:34 AM  
**To:** jhandy@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.

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. Please ask for better. Thank you, Nigel Deacon. G4 395 Tyee Road, Victoria V9A 0A9. [REDACTED]



## Jim Handy

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**From:** Chris Lawson [REDACTED]  
**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 paneled 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



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.

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

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:

1. 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 <http://vibrantvictoria.ca/local-news/dockside-green-mega-project-goes-back-to-the-drawing-board/>):

"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.



**Jim Handy**

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**From:** Chris Lawson [REDACTED]  
**Sent:** Tuesday, Nov 18, 2014 4:20 AM  
**To:** landuse@victoriawest.ca  
**Cc:** 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.

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Chris Lawson

## Jim Handy

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**From:** Nigel Deacon [REDACTED]  
**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.

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.



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. Please ask for better. Thank you, Nigel Deacon. G4 395 Tyee Road, Victoria V9A 0A9. [REDACTED]

## Jim Handy

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**From:** Kevin Bishop [REDACTED]  
**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 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.  
[REDACTED]



## Jim Handy

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**From:** Bev Weber [REDACTED]  
**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  
[REDACTED]

## Jim Handy

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**From:** Marilyn Winterbottom [REDACTED]  
**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 and 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



## Jim Handy

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**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: [www.cgigc.com](http://www.cgigc.com)

## Jim Handy

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**From:** Brian and Elizabeth Elliott [REDACTED]  
**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)



## Jim Handy

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**From:** Kelli Segboer [REDACTED]  
**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

## Jim Handy

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**From:** Ken Halstead [REDACTED]  
**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

## Jim Handy

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**From:** Courtland Fooks <court@cmlsolutions.ca>  
**Sent:** Saturday, Jul 18, 2015 9:16 AM  
**To:** Jim Handy  
**Cc:** 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](mailto:court@cmlsolutions.ca)



**Jim Handy**

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**From:** CANDY LO [REDACTED]  
**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.

## Jim Handy

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**From:** Mcuaf [REDACTED]  
**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

## Jim Handy

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**From:** Elaine Weidner [REDACTED]  
**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**

[REDACTED]  
[REDACTED]  
[REDACTED]  
**Location:** Victoria, BC



## Jim Handy

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**From:** Brant Pulsford [REDACTED]  
**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  
[REDACTED]  
[REDACTED]

## Jim Handy

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**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.

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*Deborah Kumka*  
[debkumka@time-line.ca](mailto:debkumka@time-line.ca)

**TimeLine Bookkeeping Services**

#201, 388 Harbour Road, Victoria, BC, V9A 3S1  
W: 250-590-4771 | F: 250-590-1883  
M: 250-885-4700 | [www.time-line.ca](http://www.time-line.ca)

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## Jim Handy

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**From:** Lisa Kozokowsky [REDACTED]  
**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](mailto:lisa@lisakozokowsky.com)

Information Design Group  
104 Cannington Place SW  
Calgary, AB T2W1T8



**Jim Handy**

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**From:** Nathan Vadeboncoeur [REDACTED]  
**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

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**From:** John Stewardson [REDACTED] >  
**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 especially 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;

(d) 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 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:

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Mayor Lisa Helps

---

Corporate Administrator Rob Woodland

**DOCKSIDE GREEN LIMITED PARTNER-SHIP** by its General Partner, **DOCKSIDE GREEN LTD.** by its authorized signatory:



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Norman Shearing, President



**Schedule "A"**  
**Housing Agreement**

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

**THIS AGREEMENT** is made the 21<sup>st</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**

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}

{250067-500126-00325588;12}

**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.

{250067-500542-00315787;7}

**"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

{250067-500542-00315787;7}



- (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

{250067-500542-00315787;7}

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*

{250067-500542-00315787;7}

*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

{250067-500542-00315787;7}



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

{250067-500542-00315787;7}

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

Headings

- 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.

{250067-500542-00315787;7}

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

**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.

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.

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.

**Corporate Administrator Robert Woodland**

{250067-500542-00315787;7}



**DOCKSIDE GREEN LIMITED PARTNERSHIP** )  
by its General Partner Dockside Green Ltd., by if )  
authorized signatories:

\_\_\_\_\_)  
Print Name: )

\_\_\_\_\_)  
Print Name: )

**CATALYST COMMUNITY DEVELOPMENTS** )  
**SOCIETY** by its authorized signatories: )

\_\_\_\_\_)  
Print Name: )

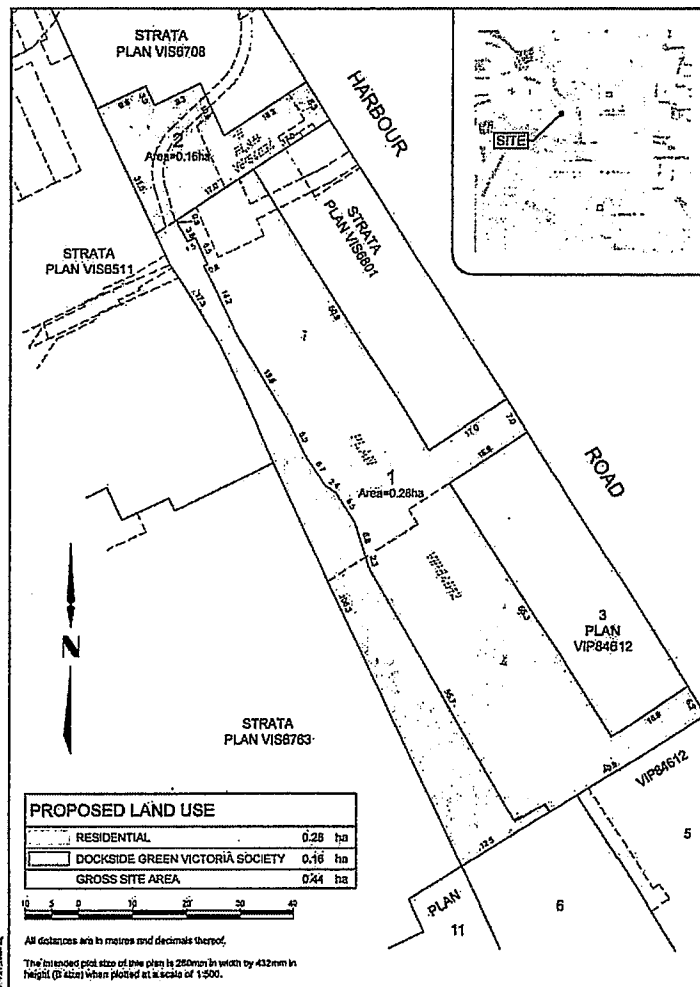
\_\_\_\_\_)  
Print Name: )

**VANCOUVER CITY SAVINGS CREDIT UNION** )  
(as to priority only) by its authorized signatories: )

\_\_\_\_\_)  
Print Name: )

\_\_\_\_\_)  
Print Name: )

SCHEDULE A



{250067-500542-00315787;7}

{250067-500126-00325588;12}

**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:

- 1. 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 PARTNERSHIP** by its General Partner, **DOCKSIDE GREEN LTD.** by its authorized signatory:

\_\_\_\_\_  
Name:

**DOCKSIDE GREEN LTD.** by its authorized signatories:

\_\_\_\_\_  
Name:

**CATALYST COMMUNITY DEVELOPMENTS SOCIETY** by its authorized signatories:

\_\_\_\_\_  
Name:

LAND TITLE ACT  
FORM C (Section 233) CHARGE

Aug-27-2015 14:18:44.001

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 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 in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Elizabeth Hau  
Wan Yip  
FF8EQ2

Digitally signed by Elizabeth Hau Wan Yip FF8EQ2  
DN: c=CA, cn=Elizabeth Hau Wan Yip FF8EQ2, o=Lawyer, ou=Verify ID at www.juricert.com/LKUP.cfm? id=FF8EQ2  
Date: 2015.08.27 14:14:13 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Susan Kelly, TERRA LAW CORPORATION

Suite 2800 - 650 West Georgia Street

PO Box 11506

Vancouver

BC V6B 4N7

Phone 604-628-8980

Client No. 12544 Doc No. 338079

File No. 500126

TOI (Public Sidewalk)

Document Fees: \$468.60

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

**SEE SCHEDULE**STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**SEE SCHEDULE**

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a 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 VICTORIA**

1 CENTENNIAL SQUARE

VICTORIA

BRITISH COLUMBIA

V8W 1P6

CANADA

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)

Elizabeth H. Yip

Barrister &amp; Solicitor

Terra Law Corporation

Suite 2800 - 650 West Georgia St.

Vancouver, BC V6B 4N7

604 - 628-8998

Execution Date

Y	M	D
15	8	24

Transferor(s) Signature(s)

DOCKSIDE GREEN LTD.,  
by its authorized signatory:

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 10 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Robert G. Woodland

Commissioner for Taking Affidavits in British Columbia

#1 Centennial Square  
Victoria, BC V8W 1P6

Y	M	D
15	08	27

THE CORPORATION OF THE CITY  
OF VICTORIA, by its authorized  
signatory(ies)

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
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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):

Print name: Shirley-Anne Blackadder

Print name:

Susan Doi

Barrister & Solicitor

Vancouver City Savings Credit Union  
183 Terminal Avenue  
Vancouver, BC V6A 4G2

15	08	21
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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

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)



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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).

## W H E R E A S:

- 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").

1.2 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

2.1 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
- 4.1 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