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Roundhouse at Bayview Rezoning

File No: REZ00729

Final Submission

September 9, 2022

Appendix D: Environmental

Attachments:

- Roundhouse at Bayview Place - Approval in Principle and Rezoning Application, January 26, 2021
- Approval in Principle and Rezoning Application, July 24, 2008

SLR Consulting (Canada) Ltd.
303-3960 Quadra Street, Victoria, BC V8X 4A3



January 26, 2021

Mr. Kenneth Mariash
Focus Equities Limited Partnership
80 Saghallie Road
Victoria, BC V9A 6Z6

SLR Project No.: 205.03677.00000

Dear Mr. Mariash,

**RE: Roundhouse at Bayview Place – Approval in Principle and Rezoning Application
251, 253 and 259 Esquimalt Road and 355 Catherine Street, Victoria, BC**

Existing Approval in Principle

An Approval in Principle (AIP) dated July 24, 2008 was issued by the Ministry of Environment (ENV) for the above listed site (BC Site 4640). An AIP indicates that ENV will issue a Certificate of Compliance (CoC) for the site if the Remediation Plan is followed and the site is confirmed to meet applicable standards after remediation. The approved AIP was based on the Remediation Plan and Human Health and Ecological Risk Assessment (HHERA) prepared by Morrow Environmental Consultants Inc. (Morrow) in 2007.

Rezoning Application

The January 2021 Rezoning Application to the City of Victoria for the portion of the site north of the E&N right-of-way is consistent with the overall plan and objectives of the Morrow Remediation Plan, HHERA and approved AIP. SLR does not foresee any issues regarding the conditions listed in the AIP based on the January 2021 Rezoning Application.

Yours sincerely,
SLR Consulting (Canada) Ltd.

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REGISTERED MAIL

July 24, 2008

Regional File: 26250-20/4640
Victoria File: 26250-20/4640
SITE ID: 4640

Kenneth Marish
Focus Holdings (Victoria) Inc.
80 Saghalie Rd.
Victoria, BC V9A 0A1

Dear Kenneth Marish:

**Re: Approval in Principle – 251, 253 and 259 Esquimalt Road and
355 Catherine Street, Victoria, British Columbia**

Please find enclosed a revised Approval in Principle for the lands referenced above. This Approval in Principle replaces the Approval issued on May 12, 2008 based on new information provided to the Ministry of Environment regarding the site's legal description. In addition to the conditions provided in the Approval in Principle please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. This Approval does not authorize entry upon, crossing over, or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority rests with the Approval holder. It is also the responsibility of the Approval holder to ensure that all activities conducted under this Approval are carried out with due regard to the rights of third parties, and comply with other applicable legislation that may be in force.
3. All necessary permits, approvals and other authorizations shall be obtained from appropriate regulatory agencies prior to commencing remediation.
4. All site materials (e.g. excavated soil, replaced soil, groundwater from dewatering, pumping, well development etc.) shall be characterized and managed in accordance with applicable legislation and ministry guidelines.

Ministry of Environment	Local Remediation Environmental Management Environmental Protection Division	Mailing Address: PO Box 9342 Sta Prov Govt Victoria BC V8W 9M1	Telephone: 250 387-8120 Facsimile: 250 387-9935 Website: www.gov.bc.ca/env
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ENV-REMEDICATION SITE

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APPROVAL IN PRINCIPLE
(Pursuant to Section 53 of the *Environmental Management Act*)

THIS IS TO CERTIFY that the remediation plan described herein submitted by Focus Holdings (Victoria) Ltd. for the lands identified below has been approved.

External Review of PSI, DSI, Remediation Plan and Risk Assessment reports: 251, 253, 259 Esquimalt Road and 355 Catherine St, Victoria, BC. Site No. 4640, SLR Consulting (Canada) Ltd., April 15, 2008;

E-mail: *Site 4640 – Songhees, SNC-Lavalin Morrow Environmental, April 14, 2008;*

E-mail: *Site 4640 – Songhees, SNC-Lavalin Morrow Environmental, April 11, 2008;*

E-mail: *Songhees Risk Assessment, Ross Wilson (SNC-Lavalin Morrow Environmental), April 3, 2008;*

E-mail: *Site 4640 – Songhees, Victoria, Ross Wilson (SNC-Lavalin Morrow Environmental), March 13, 2008;*

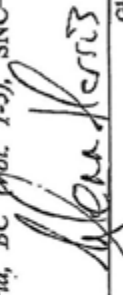
Summary of Site Condition for Site ID: 4640, SNC-Lavalin Morrow Environmental, March 11, 2008;

Letter: *Human Health and Ecological Risk Assessment, SNC-Lavalin Morrow Environmental, January 17, 2008;*

Human Health and Ecological Risk Assessment, Songhees Yard, 251/253/259 Esquimalt Road, 355 Catherine Street, Victoria, BC, SNC-Lavalin-Morrow Environmental, January 29, 2007;

Remediation Plan, Songhees Yard Site Re-Development, 251, 253 and 259 Esquimalt Road, 355 Catherine Street, Victoria, BC, SNC-Morrow Environmental, January 29, 2007; and Detailed Site Investigation, CP Rail Songhees Yard Site Re-Development, 251, 253 and 259 Esquimalt Road, 355 Catherine Street, Victoria, BC (Vol. 1-5), SNC-Morrow Environmental, January 29, 2007; and

July 23, 2008
Date Attested


Glenn Harris
For Director, *Environmental Management Act*

May 12, 2008
Date Issued

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Glenn Harris
For Director, *Environmental Management Act*

SITE Identification Number 4640

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Detailed Site Investigation, CP Rail Songhees Yard Site Re-Development, 251, 253 and 259 Esquimalt Road, 355 Catherine Street, Victoria, BC (Vol. 1-5), SNC-Morrow Environmental, January 29, 2007.

This Approval in Principle is qualified by the conditions specified in Schedule "B" which is attached to and is a part of this Approval.

The lands covered by this Approval are located at 251, 253 and 259 Esquimalt Road and 355 Catherine Street, Victoria, British Columbia, which are more particularly known and described as:

PID: 010-218-769 All that part of Section 31, Esquimalt District, Described as Commencing on the East Boundary of Said Section, at the High Water Mark of the Public Harbour of Victoria, 125 feet more or less, in a Southerly Direction from the South East Corner of Lot 52-A, Plan 549, Thence Northerly Along the East Boundary of Section 31 to the Said South East Corner of Lot 52A, Thence Westerly along the Southerly Boundaries of Said LOT 52A, Thence Westerly along the Southerly Boundaries of Said LOT 52A and LOT 52, PLAN 549, 86 feet more or less, to High Water Mark, Thence in a Southerly Easterly Direction Following Said High Water Mark to the Point of Commencement,

as depicted in an engineering drawing prepared by SNC-Lavalin Morrow Environmental on May 26, 2006 and included in the report: *Remediation Plan, Songhees Yard Site Re-Development, 251, 253 and 259 Esquimalt Road, 355 Catherine Street, Victoria, BC, January 29, 2007.*

PIDs: 002-948-451 (Lot 1, D.L. 119); 026-685-507 (Lot 2); 008-944-121 (Lot 52); 008-944-164 (Lot 52A); 008-944-181 (Lot 53); 008-944-229 Lot 54); 008-944-253 (Lot 55); 008-944-318 (Lot 56); 008-944-342 (Lot 56A); 008-944-351 (Lot 57); 008-944-369 (Lot 58); 008-944-377 (Lot 59); 026-416-751 (Lot 1, Part of Bed of Victoria Harbour).

Approximate centre of the lands *

Latitude: 48° 25' 46.20" * Using the NAD (North American Datum)
 Longitude: 123° 23' 1.20" 1983 convention

A site plan is attached as Schedule "A" to this Approval.

This Approval in Principle is based upon the most recent information provided to the ministry with respect to the specified lands. I, however, make no representation or warranty as to the accuracy or completeness of this information.

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 Date Augaled

May 12, 2008
 Date Issued


 For Director, Environmental Management Act
 Glenn Harris
 Environmental Management Act

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This Approval in Principle should not be construed as an assurance that there are no hazards present on the site described above.

If a Certificate of Compliance is to be required for the site based on the confirmation of remediation report required by this Approval in Principle, the confirmation of remediation report must demonstrate compliance with current remediation standards and criteria, which may differ from those in force at the time of issuance of this Approval in Principle.

July 23, 2008
Date Amended

May 12, 2008
Date Issued

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For Director, Environmental Management Act

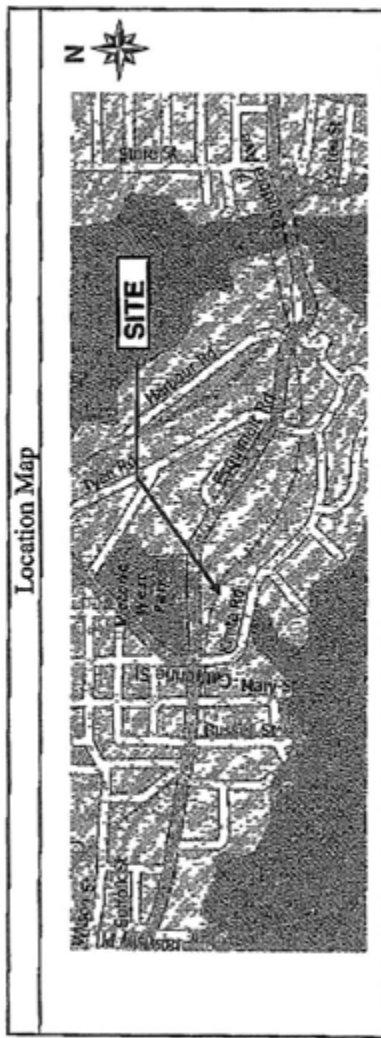
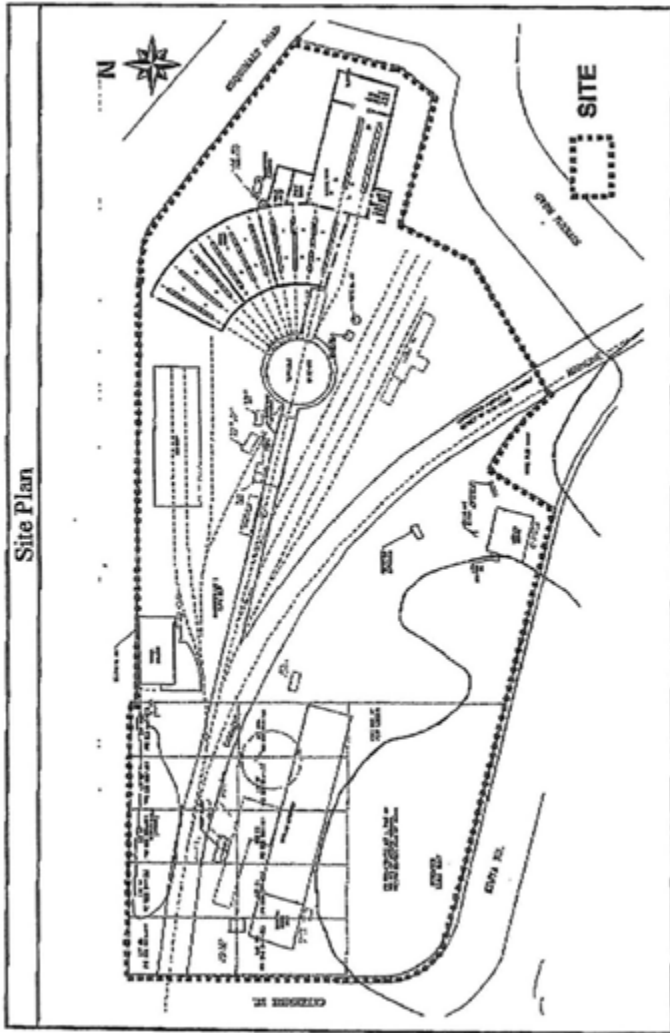
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Schedule "A"



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Schedule "B"
Conditions

- 1. This Approval is valid only for substances that exceed standards and criteria prescribed in the Contaminated Sites Regulation for residential land, commercial land and industrial land soil uses¹, aquatic life (marine) water use¹, and Hazardous Waste Regulation standards.
- 2. Monitoring, inspections and maintenance of works shall be undertaken as specified in the approved remediation plan. The plan to which this condition applies is contained in:

Letter: *Human Health and Ecological Risk Assessment, SNC-Lavalin*
Morrow Environmental, January 17, 2008;

Remediation Plan, Songhees Yard Site Re-Development, 251, 253 and 259 Esquimalt Road, 355 Catherine Street, Victoria, BC, SNC-Morrow Environmental, January 29, 2007; and

Human Health and Ecological Risk Assessment, Songhees Yard, 251/253/259 Esquimalt Road, 355 Catherine Street, Victoria, BC, SNC-Morrow Environmental, January 29, 2007.

- 3. Reporting shall be completed as follows:

(a) Prepare a report which provides supporting documentation and the following:

- i) A statement on whether the Approval terms and conditions were met during the reporting period. Where Approval terms and conditions were not achieved, the report shall specify remedies and a schedule for implementation;
- ii) Interpretation of current and cumulative monitoring results from the groundwater, soil and vapour monitoring program;
- iii) A summary of remedial activities undertaken during the reporting period;
- iv) An assessment of overall remediation progress;
- v) A summary of the results of inspection and maintenance of any risk management and treatment works;

¹ Soil and water standards listed in Schedule 10 of the Contaminated Sites Regulation are specific to human health only. It is the responsibility of the responsible person for the site to ensure that use of the standards of Schedule 10 does not constitute a significant risk or hazard to ecological health.

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vi) A summary and evaluation of risk management and treatment works system performance.

(b) The report shall be signed and sealed by an Approved Professional.

(c) The report shall be submitted for review to the Director on an annual basis within 90 days of the anniversary of the date of issue of this Approval.

4. Site specific terms and conditions imposed pursuant to Section 47(3) of Contaminated Sites Regulation are as follows (Note: where reference is made below to "the Remediation Plan", this means the document: *Remediation Plan, Songhees Yard Site Re-Development, 251, 253 and 259 Esquimalt Road, 355 Catherine Street, Victoria, BC, SNC-Morrow Environmental, January 29, 2007*, and "the Risk Assessment Report" means the document: *Human Health and Ecological Risk Assessment, Songhees Yard, 251/253/259 Esquimalt Road, 355 Catherine Street, Victoria, BC* as well as subsequent responses to questions referenced above in this Approval in Principle.

a) In accordance with condition 6 below and pursuant to the remediation schedule in Table C, Section 7 of the Remediation Plan, an up-to-date schedule, the Re-development Plan referenced in Section 6.1 and the Soil and Building Material Management Plan referenced in Section 6.2 of the Remediation Plan with summaries of the building areas and soil management plan areas to be excavated and areas not to be excavated, shall be submitted to the Director within 30 days of issuing this Approval in Principle and thereafter as may be required according to condition 6.

b) A plan shall be prepared and submitted to the Director within 30 days of issuing this Approval in Principle, with a schedule for implementation at the earliest possible time, taking into account uses and activities, for investigating areas of buildings that are to remain on site due to being designated heritage buildings. The plan shall include, but not necessarily be limited to, the assessment of potential contaminants of concern in soil vapour below floor areas of the heritage buildings. A supplement to the Risk Assessment Report shall be prepared and submitted to the Director to document risk estimates accounting for the investigation results and shall also include measures if required so that compliance will be assured, with risk-based standards in the Remediation Plan, the Risk Assessment Report and the *Contaminated Sites Regulation*.


c) A plan shall be prepared and submitted to the Director within 30 days of issuing this Approval in Principle for the purpose of investigating areas where contaminants are not adequately characterized and/or delineated from sources on site. The plan shall include

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the approach for assessment and delineation of potential contaminants of concern exceeding the applicable Contaminated Sites Regulation standards in soil and groundwater where characterization and delineation has not been achieved for respective standards. The AIP will require amendment to modify the site boundary if contaminant concentrations exceeding the applicable Contaminated Sites Regulation standards extend outside the property boundaries from sources on site.

d) During redevelopment of the property, remediate contaminated soils with concentrations of substances greater than residential land (RL) use, commercial land (CL) use, industrial land (IL) use standards or risk based standards as applicable in accordance with the Remediation Plan and the Contaminated Sites Regulation, or in accordance with risk-based standards in the Risk Assessment Report and the Contaminated Sites Regulation or other standards a director may require under Section 17(4) of the Contaminated Sites Regulation.

e) During redevelopment of the property, remediate contaminated soil, groundwater or soil vapour exceeding applicable standards or criteria that were not identified in the DSI report or the Remediation Plan and may be identified in any other areas as the result of any works such as remediation, site preparation excavation, or construction excavation.

f) Conduct confirmatory sampling and analysis as indicated in the Remediation Plan, or in accordance with Ministry of Environment Technical Guidance Document 1- Site Characterization and Confirmation Testing, whichever is more stringent.


g) Prior to removing soils from the site, obtain a Contaminated Soil Relocation Agreement (CSRA) for all soils exceeding applicable standards in Contaminated Sites Regulation Schedule 7 as required in the *Environmental Management Act*, Section 55 and the Contaminated Sites Regulation, Part 8, unless the soils will be deposited at a landfill exempt from CSRA requirements by Contaminated Sites Regulation Section 42 or the relocation is exempt from a CSRA by any of the provisions of Section 41.

h) Prior to undertaking remediation of liquid phase hydrocarbons as proposed by the Remediation Plan, obtain any necessary authorizations for treatment and / or disposal as required by the *Environmental Management Act* and pursuant regulations and any applicable municipal bylaws.

i) If information is received as part of remediation (e.g. confirmatory sampling analysis results which exceed applicable Contaminated Sites Regulation standards at any of the property boundaries) that identifies that one or more substances has migrated or is likely to have migrated to a neighbouring site and is likely causing contamination of the

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For Director, *Environmental Management Act*

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neighbouring site, notification shall be given to the owner(s) of the neighbouring site(s) and to the manager in accordance with the Contaminated Sites Regulation Section 60.1 using the form, and in the format provided by the ministry.


- j) All free water occurring in excavations for remediation shall be retained onsite and managed in accordance with applicable standards under the Contaminated Sites Regulation, or if to be disposed offsite shall comply with standards, criteria or guidelines applicable at the receiving point or location.
 - k) Any use of blending, mixing or dilution as a remediation approach shall only be carried out in accordance with the document issued by the ministry, namely *Protocol 3 of Contaminated Sites - Blending, Mixing or Dilution as a Remediation Approach*, July 20, 1999.
5. Any substantial modifications to the approved remediation plan shall be promptly identified by written submission to the Director and an application for a new Approval in Principle shall be made at that time.
6. Remediation shall be confirmed in accordance with applicable legislation and ministry guidance. Within 90 days of completing each phase of remediation, a report summarizing confirmation of remediation shall be prepared in accordance with Section 49(2) of the Contaminated Sites Regulation and submitted to the Director.

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Date Amended

May 12, 2008
Date Issued

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Glenna Harris
For Director, Environmental Management Act

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5. Groundwater wells that are no longer required shall be properly decommissioned in accordance with the *Water Act's* Groundwater Protection Regulation.
6. Please be advised that there are inherent health and safety risks associated with remediation activities at contaminated sites. Development of site-specific work procedures in accordance with Workers' Compensation Board (WCB) regulations is warranted. Please direct related questions to the WCB office at 604-273-2266 (Lower Mainland only) or 1-800-661-2112 (toll free in BC).
7. Any substantial modifications to the approved remediation plan must be promptly identified by written submission to the Director.

Pursuant to *Environmental Management Act* section 53 (3) a Director may rescind an Approval in Principle if conditions imposed in the Approval are not complied with or any fees payable under Part 4 of the Act or the regulations are outstanding. If a new Approval in Principle is required, the submission of an application and associated fees for a new Approval in Principle would be necessary.

This Approval in Principle is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

The provisions of the Approval in Principle are without prejudice to the Director's right to make orders or to require additional remedial measures as deemed necessary in accordance with applicable laws and nothing in this Approval shall restrict or impair the Director's powers in that regard.

If you require clarification of any aspect of the Approval in Principle, please contact the undersigned at (250) 387-8120.

Yours truly,



Ardith Gingell, B.Sc.
Senior Contaminated Sites Officer

Enclosure

cc: Alana Duncan, SNC Lavalin Morrow Environmental, Victoria
City of Victoria
Canadian Pacific Railway

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