



AMENDED AGENDA
COMMITTEE OF THE WHOLE
MEETING OF THURSDAY, OCTOBER 12, 2017, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE
Located on the traditional territory of the Esquimalt and Songhees People

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APPROVAL OF AGENDA

CONSENT AGENDA

READING OF MINUTES

1. Minutes from the meeting held September 7, 2017 9 - 19
[2017_09_07_Minutes](#)
2. ~~Deferred Minutes from the Meeting held September 21, 2017~~

[Addenda]

UNFINISHED BUSINESS

LAND USE MATTERS

3. Temporary Use Permit Application No. 00003 for 3020 Douglas Street and 540 Burnside Road East (Burnside) 21 - 55
--J. Tinney, Director of Sustainable Planning and Community Development

A report providing information and recommendations regarding a Temporary Use Permit (TUP) Application for the temporary change of use from motel to 52 transitional housing units and monthly rental parking for a period of up to three years.

Late Item: Presentation & Correspondence

Recommendation: That Council after giving notice and allowing an opportunity for a Public Hearing at the next available meeting of Council, consider the following motion: "That Council authorize the issuance of Temporary Use Permit Application No. 00003 for 3020 Douglas Street

and 540 Burnside Road East, in accordance with: 1. Plans date stamped August 24, 2017. 2. Development meeting all Zoning Regulation Bylaw requirements. 3. Registration of a Section 219 Covenant on title to the satisfaction of staff to secure the following minimum criteria with respect to transitional housing on the subject property: a. 24/7 staffing model and ancillary supports, including two trained resident support workers onsite at all times and one full-time supervisor during the week; b. at least one staff member patrolling around the entire perimeter of the building to inspect the property and attend to the removal of any rubbish or debris; c. residents provided with access to health care and counselling support services. 4. The applicant providing a landscape cost estimate for the entire cost of the onsite landscaping in accordance with the Landscape Plan prepared by LADR Landscape Architects dated August 17, 2017 and a landscape security deposit in the amount of 120% of the Landscape Cost Estimate is payable to the City prior to the issuance of any building permits. 5. The Temporary Use Permit lapsing three years from the date of this resolution."

- [1 Report TUP No. 00003 for 3020 Douglas Street and 540 Burnside Road East](#)
- [2 Attachment A & B Maps](#)
- [3 Attachment C Letter to Mayor and Council](#)
- [4 Attachment D Comments from June 26, 2017 Open House](#)
- [5 Attachment E Plans](#)
- [6 LATE Correspondence](#)
- [7 LATE Presentation](#)

[Addenda]

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|----|--|---------|
| 4. | Progress Report on 1525 Shasta Place 60-Day Temporary Protection Order (Rockland)
--J. Tinney, Director of Sustainable Planning and Community Development | 57 - 83 |
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A report providing information and recommendations regarding an update on the status of discussions with the owners of 1525 Shasta Place following the September 7, 2017 Council motion.

Late Item: Correspondence & Presentation

Recommendations: That Council receive this report for information.

- [1 Report Progress on 1525 Shasta Place](#)
- [2 Attachment A Subject Map](#)
- [3 Attachment B Aerial Map](#)
- [4 Attachment C Council Member Motion of August 30, 2017](#)
- [5 LATE Correspondence](#)
- [6 LATE Presentation](#)

[Addenda]

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| 5. | Application for a New Liquor Primary Licence for The Drake, 517 Pandora Street (Downtown) | 85 - 102 |
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--J. Tinney, Director of Sustainable Planning and Community Development

A report providing information and recommendations regarding an application by The Drake for a new Liquor Primary License at 517 Pandora Avenue for licenced hours of service from 9:00 am until 12:00 am seven days a week, with an occupant load of 178 persons.

Recommendation: *That Council direct staff to provide the following response to the Liquor Control and Licensing Branch: 1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of The Drake, located at 517 Pandora Street to obtain a new Liquor Primary License permitting service from 9:00 am until 12:00 am seven days a week for an occupant load not in excess of 178 persons. Providing the following comments on the prescribed considerations: a. The impact of noise on the community in the vicinity of the establishment has been considered and is expected to be consistent with existing operations based on an understanding that the total licensed capacity under the Food Primary Licence is 178 persons and the hours of operation are 11:30 am until 12:00 am seven days per week. b. If the application is approved, the impact on the community is expected to be negligible given the size and hours of the business. c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received four letters, all in support of the application. d. Council recommends the issuance of the license.*

- [1 Report Application for a New Liquor Primary Licence for The Drake, 517 Pandora Street](#)
- [2 Appendix A Letter of Rationale](#)
- [3 Attachment B Aerial Photograph \(map\)](#)
- [4 Appendix C Council Minutes May 24, 2007, \(Liquor Licencing Policy\)](#)
- [5 Appendix D Letter from the Public](#)
- [6 Appendix E Provincial Liquor License Types](#)

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| 6. | Land Use Procedures Bylaw Amendments - Temporary Use Permits Notification | 103 - 163 |
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--J. Tinney, Director of Sustainable Planning and Community Development

A report providing information and recommendations regarding recommended changes to the Land Use Procedures Bylaw following Council's previous intent for a Temporary Use Permit application process.

Late Item: **Presentation**

Recommendation: *That Council: 1. Give first, second, and third readings for the attached Land Use Procedures Bylaw amendments which would reduce the notification distance for opportunities for public comment for Temporary Use Permits. 2. Direct staff to amend the Storefront Cannabis Retailer Rezoning Policy to specify that Temporary Use Permit applications require the notification distance for Council's opportunity for public comment to 100 metres.*

- [1 Report Land Use Procedures Bylaw Amendments- Temporary Use Permits Notification](#)
- [2 Attachment A LUP Bylaw Amendments Report, COTW May 18, 2017](#)
- [3 Attachment B Bylaw Amendments DP Exemptions and Delegation Report, Council March 10, 2016](#)
- [4 Attachment C Proposed LUP Bylaw Amendment \(No.17-107\)](#)
- [5 LATE Presentation](#)

[Addenda]

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| 7. | Zoning Bylaw 2017 - Direction to Proceed to Public Hearing
--J. Tinney, Director of Sustainable Planning and Community Development | 165 - 251 |
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A report providing information and recommendations regarding the proposed Zoning Bylaw 2017 and related zoning maps and to seek direction on the advancement of the Zoning Bylaw 2017 to Public Hearing.

Late Item: Letters from UDI & DRA & Presentation

Recommendation: That Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second readings prior to a Public Hearing.

- [1 Report Zoning Bylaw 2017 -Direction to Proceed to Public Hearing](#)
- [2 Attachment 1 Zoning Bylaw 2017](#)
- [3 Attachment 2 Distribution of Proposed Zones.docx](#)
- [4 Attachment 3 Zoning Bylaw 2017 Comments](#)
- [5 LATE Letter from DRA](#)
- [6 LATE Letter from UDI](#)
- [7 LATE Presentation](#)

[Addenda]

STAFF REPORTS

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| 8. | Update: Artist in Residence Program
--J. Jenkyns, Acting City Manager | 253 - 286 |
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A report providing information regarding an update on the Artist in Residence program including a summary of work completed to date.

Late Item: Presentation

Recommendation: That Council approve the extension for one year of the Artist in Residence to December 31, 2018.

- [1 Report Artist in Residence Report](#)
- [2 Appendix A ActivitySummary](#)
- [3 LATE Presentation](#)

[Addenda]

9. 2018 Council and Committee Meeting Calendar 287 - 289
--C. Coates, City Clerk

A report providing the 2018 Committee and Council Meeting Schedule.

Recommendation: That Council approve the 2018 Committee of the Whole and Council meeting schedule attached to this report and make available to the public as required under the Section 127 of the Community Charter.

[1 Report 2018 meeting dates](#)

[2 Attachment A 2018 meeting dates](#)

NOTICE OF MOTIONS

NEW BUSINESS

10. Emergency Container at 2906 Cook Street 291 - 295
--Councillors Isitt & Loveday

A Council member motion providing recommendations regarding the installation of an emergency container on Spencer Castle property.

Recommendation: That Council direct staff to add the property at 2906 Cook Street to the second round of Land Use Contract terminations, and initiate a rezoning to the R3-A1 Zone via a concurrent City initiated rezoning, to permit the installation of an emergency container on the property.

[1 Report Emergency Container at 2906 Cook Street](#)

[2 Attachment Letter from Spencer Castle Strata Presidents dated May 26, 2017](#)

[3 Attachment Letter from Spencer Castle Strata Presidents October 4, 2017](#)

11. Holding Fossil Fuel Companies Responsible for Climate Change 297 - 309
--Mayor Helps, Councillors Loveday & Isitt

A Council member motion providing recommendations regarding holding fossil fuel companies responsible for climate change.

Recommendation: That Council request that the Mayor, on behalf of Council, send a Climate Accountability Letter to major fossil fuel companies.

[1 Report Holding Fossil Fuels Companies Responsible for Climate Change](#)

[2 Appendix 1 Climate Accountability Letters An Introduction](#)

[3 Appendix 2 Highlands Letter to CRD](#)

- [4 Appendix 3 Highlands Letter to Fossil Fuel Companies](#)
- [5 Appendix 4 Accountability Letter template](#)
- [6 Appendix 5 Fossil Fuel Company Contact Information](#)

ADJOURNMENT OF COMMITTEE OF THE WHOLE

CONVENE COUNCIL MEETING

MOTION TO CLOSE THE OCTOBER 12, 2017 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

- *Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

APPROVAL OF CLOSED AGENDA

READING OF CLOSED MINUTES

1. Minutes from the closed Meeting held September 7, 2017

UNFINISHED BUSINESS

CORRESPONDENCE

2. Legal
--C. Coates, City Clerk

NEW BUSINESS

3. **Late Item:** Legal
--T. Zworski, City Solicitor

[Addenda]

4. Appointment
--C. Coates, City Clerk

5. **Late Item:** Land
--L. van den Dolder, Assistant City Solicitor

[Addenda]

6. **Late Item:** Labour / Employee Relations
--J. Jensen, Head of Human Resources

[Addenda]

CONSIDERATION TO RISE & REPORT

ADJOURNMENT

**MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, SEPTEMBER 7, 2017, 9:00 A.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.

Committee Members Present: Mayor Helps (Chair), Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe, and Young

Staff Present: D. Manak – Police Chief; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; J. Jensen – Head of Human Resources; J. Tinney – Director of Sustainable Planning & Community Development; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; M. Macintyre – Director of Public Crime Prevention Services & Public Affairs, Victoria Police; B. Eisenhower – Head of Engagement; A. Meyer – Assistant Director of Development Services; Q. Anglin – Business Ambassador; M. Angrove – Planner; C. Mycroft – Manager of Executive Operations; A. M. Ferguson – Recording Secretary

2. APPROVAL OF AGENDA

Motion: It was moved by Councillor Madoff, seconded by Councillor Alto, that the Agenda of the September 7, 2017, Committee of the Whole meeting be approved.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Alto, that the Agenda of the September 7, 2017, Committee of the Whole meeting be amended as follows:

Consent Agenda:

Item # 1 - Minutes from the meeting held August 10, 2017

Item # 8 - Bylaw Officers

Item # 9 - Proclamation: "Prostate Cancer Awareness Month" - September 2017

Item # 10 - Proclamation: "KidSport Week" - September 9 -16, 2017

Item # 11 - Proclamation: "International Day of Peace" - September 21, 2017

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That the amended Agenda of the September 7, 2017, Committee of the Whole Meeting be approved with the following amendments:

Consent Agenda:

Item # 1 - Minutes from the meeting held August 10, 2017

Item # 8 - Bylaw Officers

Item # 9 - Proclamation: "Prostate Cancer Awareness Month" - September 2017

Item # 10 - Proclamation: "KidSport Week" - September 9 -16, 2017

Item # 11 - Proclamation: "International Day of Peace" - September 21, 2017

On the main motion as amended:
CARRIED UNANIMOUSLY 17/COTW

3. CONSENT AGENDA

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following items be approved without further debate:

3.1 Minutes from the meeting held August 10, 2017

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the Minutes of the meeting held August 10, 2017, be adopted.

CARRIED UNANIMOUSLY 17/COTW

3.2 Bylaw Officers

Committee received a report dated August 15, 2017, from the City Clerk regarding the appointment of a bylaw officer.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Council approve the appointment of Shane MacDonald: as a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061).

CARRIED UNANIMOUSLY 17/COTW

3.3 Proclamation: "Prostate Cancer Awareness Month" - September 2017

Committee received a report dated August 10, 2017, from the City Clerk providing information regarding a proclamation for Prostate Cancer Awareness Month in September.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the Prostate Cancer Awareness Month Proclamation be forwarded to the September 7, 2017 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY 17/COTW

3.4 Proclamation: "KidSport Week" - September 9 - 16, 2017

Committee received a report dated August 15, 2017, from the City Clerk providing information regarding a proclamation for KidSport Week on September 9 – 16, 2017.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the KidSport Week Proclamation be forwarded to the September 7, 2017 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY 17/COTW

3.5 Proclamation: "International Day of Peace" - September 21, 2017

Committee received a report dated August 10, 2017, from the City Clerk providing information regarding a proclamation for International Day of Peace on September 21, 2017.

Motion: It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the International Day of Peace Proclamation be forwarded to the September 7, 2017 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY 17/COTW

4. UNFINISHED BUSINESS**4.1 2017 Second Quarter Report**

Committee received a report dated August 9, 2017, from the Chief Constable with the Victoria Police regarding their quarterly update.

Committee discussed:

- We speak translate training for Victoria Police.
- The details of the Block Watch Program.
- The role of Victoria Police in enforcing drug trafficking and the overdose crisis.
- Services provided by Victoria Police and various impacts to service levels.

Motion: It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that Council receive this report for information.

Councillor Loveday withdrew from the meeting at 9:39 a.m. and returned at 9:39 a.m.

Committee discussed:

- The Federal Government's recognition of the Victoria Police force.

CARRIED UNANIMOUSLY 17/COTW

Committee received a report dated August 25, 2017, from the City Manager regarding the quarterly update.

Committee discussed:

- Progresses of various initiatives and programs including the new bike lanes, Topaz Park improvements, and the parks and open spaces master plan.
- Financial progresses and grants.
- Receiving a report from the new youth coordinator.

Motion: It was moved by Mayor Helps, seconded by Councillor Alto, that Council receive this report for information.

CARRIED UNANIMOUSLY 17/COTW

Committee received a report dated August 16, 2017, from the Head of Human Resources regarding the resolution for the "We Speak Translate Project" that was referred to the quarterly update from the July 27, 2017 Committee of the Whole Meeting.

Motion: It was moved by Councillor Loveday, seconded by Councillor Alto, that Council Direct staff to proceed with Google Translate Training for the front line service delivery positions identified in Appendix A, with subsequent "lunch and learn" opportunities. Utilize re-purposed equipment as required, deployed on a shared basis wherever possible. Schedule training sessions to minimize impact to service delivery and additional staffing costs.

CARRIED UNANIMOUSLY 17/COTW

Committee recessed at 10:25 a.m. and returned at 10:30 a.m.

Councillor Thornton-Joe and Isitt returned to the meeting at 10:31 a.m.

5. LAND USE MATTERS

5.1 Rezoning Application No. 00574 for 543 Herald Street

Committee received a report dated July 27, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Alto, seconded by Councillor Lucas, that Council decline Rezoning Application No. 00574 for the property located at 543 Herald Street.

Committee discussed:

- Concerns regarding the proximity to the Chinese Public School.
- Concerns about the amendment made to the policy relating to distance while applications had been submitted based on the initial policy.

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Lucas, Madoff, Thornton-Joe, and Young
Against: Councillors Coleman, Isitt, and Loveday

Councillor Loveday withdrew from the meeting at 10:41 a.m. and returned at 10:42 a.m.

5.2 Rezoning Application No. 00581 for 2018-2030 Douglas Street and 649 Pembroke Street (Rock Bay)

Committee received a report dated August 24, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Committee discussed:

- Other potential proposals for the site.

Motion: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00581 for 2018-2030 Douglas Street & 649 Pembroke Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe
Against: Councillor Young

5.3 Rezoning Application No. 00570 for 2650-2654 Quadra Street (Hillside/Quadra)

Committee received a report dated August 24, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Committee discussed:

- The effects of declining the application on the occupants of the building.

Motion: It was moved by Councillor Isitt, seconded by Councillor Alto, that the following motion be considered at the November 2, 2017, Committee of the Whole Meeting:
That Council decline Rezoning Application No. 00570 for the property located at 2650-2654 Quadra Street and refer the property to Bylaw Services to bring into compliance any unlawful construction and unlawful occupancy.

DEFEATED 17/COTW

For: Councillors Alto and Isitt
Against: Mayor Helps, Councillors Coleman, Loveday, Lucas, Madoff, Thornton-Joe, and Young

Committee discussed:

- Concerns about the proximity to the nearby school.

Motion: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council decline Rezoning Application No. 00570 for the property located at 2650-2654 Quadra Street and refer the property to Bylaw Services to bring into compliance any unlawful construction and unlawful occupancy.

CARRIED UNANIMOUSLY 17/COTW

5.4 Rezoning Application No. 00590 for 608 Johnson Street (Downtown)

Committee received a report dated July 27, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that Council decline Rezoning Application No. 00590 for the property located at 608 Johnson Street.

Committee discussed:

- Concerns about the proximity to nearby dispensaries.

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe, and Young
Against: Councillor Loveday

Councillor Lucas withdrew from the meeting at 10:58 a.m. due to a pecuniary conflict of interest at she manages a retail store near the subject site being considered in the following item.

5.5 Temporary Use Permit No. 00004 for 1601 Douglas Street (Downtown)

Committee received a report dated August 24, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that Council decline Temporary Use Permit Application No. 00004 for the property located at 1601 Douglas Street.

CARRIED UNANIMOUSLY 17/COTW

Councillor Lucas returned to the meeting at 10:59 a.m.

6. NEW BUSINESS

6.1 Demolition of Heritage Registered Property Located at 1525 Shasta Place

Committee received a Council member motion dated August 30, 2017, from Councillors Madoff and Thornton-Joe regarding recommendations for a temporary protection order to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner.

Motion: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner.

Committee discussed:

- Rationale for the temporary protection order and concerns about the fact that staff have worked with the applicant since 2008.

Postpone: It was moved by Councillor Lucas, seconded by Councillor Young, that Council postpone the following information until further information is received:

That Council direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner.

On the motion to postpone:

CARRIED 17/COTW

For: Mayor Helps, Councillors Coleman, Lucas, Thornton-Joe, and Young

Against: Councillors Alto, Isitt, Loveday, and Madoff

Mayor Helps requested that the motion to postpone be reconsidered.

Motion: It was moved by Councillor Lucas, seconded by Councillor Young, that the motion to postpone be reconsidered.

CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- The process of the temporary-protection order.
- Receiving information from staff on the advice given to the owner regarding the renovation of the heritage property.

Amendment: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the motion be amended as follows:

That Council direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place ~~and to negotiate an appropriate resolution with the property owner~~ **based on a staff report to be provided for the meeting of September 21, 2017.**

Committee discussed:

- Staff's rationale for not recommending designation of the property.

The Director of Sustainable Planning & Community Development provided a verbal overview of staff's position on the property.

On the amendment:
DEFEATED UNANIMOUSLY 17/COTW

Councillor Loveday withdrew from the meeting at 11:39 a.m.

Mayor Helps withdrew from the meeting at 11:41 a.m. Councillor Alto assumed the chair in her absence.

Councillor Loveday returned to the meeting at 11:41 a.m.

Committee discussed:

- Concerns about the conflicting messages being received from the applicant and staff on the advice given for the renovation of the property.

Mayor Helps returned to the meeting at 11:42 a.m.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Young, that the motion be amended as follows:

That Council direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place ~~and to negotiate an appropriate resolution with the property owner~~ **possible resolutions with the property owner to protect the heritage registered house.**

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that the amendment be amended as follows:

That Council direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner **possible resolutions with the property owner to protect the heritage registered house property.**

On the amendment to the amendment:

CARRIED UNANIMOUSLY 17/COTW

On the amendment:

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, Thornton-Joe, and Young

Against: Councillor Lucas

Committee discussed:

- Concerns about the lack of notification to the property owner regarding the motion for the temporary protection order.
- The process of the temporary protection order and coming to a resolution with the applicant.

Amendment: It was moved by Mayor Helps, seconded by Councillor Alto, that the motion be amended as follows:

That Council direct staff to prepare a resolution directing staff to prepare a ~~60~~ **30**-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate possible resolutions with the property owner to protect the heritage registered property.

On the amendment:

DEFEATED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that the motion be amended as follows:

That Council:

1. direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate possible resolutions with the property owner to protect the heritage registered property
2. **direct staff to report back in 30 days with a progress report.**

On the amendment:

CARRIED UNANIMOUSLY 17/COTW

Postpone: It was moved by Councillor Lucas, that Council postpone the following resolution until further information is received:

That Council:

1. direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate possible resolutions with the property owner to protect the heritage registered property
2. **direct staff to report back in 30 days with a progress report.**

MOTION FAILED DUE TO NO SECONDER

Main motion as amended:

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, That Council:

1. direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate possible resolutions with the property owner to protect the heritage registered property
2. direct staff to report back in 30 days with a progress report.

On the main motion as amended:

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, Thornton-Joe, and Young

Against: Councillor Lucas

6.2 Transgender, Gender Non-Binary, and Two-Spirit Equity and Inclusion Policy

Committee received a Council member motion dated August 31, 2017, from Councillors Loveday and Alto regarding recommendations for a Transgender, Gender Non-Binary, and Two-Spirit Equity and Inclusion Policy.

Motion: It was moved by Councillor Loveday, seconded by Councillor Alto:
 BE IT RESOLVED THAT Council approves the following policy statement:
 "The City of Victoria is committed to making civic facilities, operations and programs safe, inclusive, and equitable for people of all genders, gender identities, and gender expressions, and their communities.
 In the City of Victoria, this may include but is not limited to:
 a) Signage and Literature
 b) Public Spaces (including washrooms and change-rooms)
 c) Human Resource Training and Staff Policies
 d) Programming (including "all-bodies" programming)
 e) Collaborative Public and Community Partnerships
 f) Forms and records and instruments of data collection and management."

CARRIED UNANIMOUSLY 17/COTW

Motion: It was moved by Mayor Helps, seconded by Councillor Alto, that Council direct staff to report back as part of the next quarterly update and in the context of the next strategic plan on the following motion:
BE IT FURTHER RESOLVED THAT Council direct staff to report back with a plan to: Identify and change policies needed to make civic facilities, operations, and programs safe, inclusive, and equitable for people of all genders, gender identities, and gender expressions engage Transgender, Gender Non-Binary and Two-Spirit communities as such identification and changes are undertaken.

CARRIED UNANIMOUSLY 17/COTW

7. ADJOURNMENT

Motion: It was moved by Councillor Loveday, seconded by Councillor Alto, that the Committee of the Whole meeting of September 7, 2017, be adjourned at 12:25 p.m.

CARRIED UNANIMOUSLY 17/COTW

CERTIFIED CORRECT:

CITY CLERK

MAYOR



Committee of the Whole Report For the Meeting of October 12, 2017

To: Committee of the Whole **Date:** September 28, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Temporary Use Permit Application No. 00003 for 3020 Douglas Street and 540 Burnside Road East

RECOMMENDATION

That Council after giving notice and allowing an opportunity for a Public Hearing at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00003 for 3020 Douglas Street and 540 Burnside Road East, in accordance with:

1. Plans date stamped August 24, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. Registration of a Section 219 Covenant on title to the satisfaction of staff to secure the following minimum criteria with respect to transitional housing on the subject property:
 - 24/7 staffing model and ancillary supports, including two trained resident support workers onsite at all times and one full-time supervisor during the week
 - at least one staff member patrolling around the entire perimeter of the building to inspect the property and attend to the removal of any rubbish or debris
 - residents provided with access to health care and counselling support services.
4. The applicant providing a landscape cost estimate for the entire cost of the onsite landscaping in accordance with the Landscape Plan prepared by LADR Landscape Architects dated August 17, 2017 and a landscape security deposit in the amount of 120% of the Landscape Cost Estimate is payable to the City prior to the issuance of any building permits.
5. The Temporary Use Permit lapsing three years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Temporary Use Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit (TUP) Application for the property located at 3020 Douglas Street. The proposal is to temporarily change the use from motel to 52 transitional housing units and monthly rental parking for a period of up to three years.

The following points were considered in assessing this Application:

- the *Official Community Plan* (OCP) identifies the property within the General Employment Urban Place Designation, which does not support residential uses; however, TUPs are permitted in the OCP throughout the whole City.
- the *Burnside Gorge Neighbourhood Plan* designates the front portion of the subject property where the motel is situated as General Employment and the rear portion of the property is designated General Employment With Limited Residential Uses. The General Employment designation in the OCP does not support residential uses.
- the proposed changes to the landscaping are consistent with the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial*.
- the Application is supportable given that it is to allow an interim use to accommodate a critical housing need, while providing time to develop a long-term redevelopment plan for the site consistent with the OCP and the *Burnside Gorge Neighbourhood Plan*.

BACKGROUND

Description of Proposal

The proposal is to temporarily change the use from motel to 52 transitional housing units and monthly rental parking for a period of up to three years. Subject to Council approval, a Temporary Use Permit (TUP) can be extended one time for an additional period of up to three years. Specific details of the proposal include:

- relocating the front door to the south side of the building in order to address existing grade changes and limiting it to one controlled entrance
- providing adequate storage space in the building
- closing off individual unit doors to the outside at the ground level
- making interior improvements to enhance common areas, office space and building security
- removing the existing swimming pool and creating a new outdoor garden area with substantial landscaping for the residents
- introducing new soft and hard landscaping fronting Douglas Street
- enclosing a garbage and recycling area to screen it from public view
- installing a new fence between the building and parking lot in the rear yard with controlled entry point for fire truck access only.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The Application proposes to install a six stall bicycle rack on the property, which supports active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Temporary Use Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. According to the applicant, the proposed residential units and outdoor common areas, excluding the entrance driveway, will not be accessible. However, accessibility issues are to be addressed with the longer term redevelopment of the site.

Existing Site Development and Development Potential

The site is presently a motel and parking lot. Under the current T-1 Zone, Limited Transient Accommodate District, the permitted uses are restricted to single family dwellings and customary accessory uses, transient accommodation, housekeeping apartment buildings, boarding houses and rooming houses.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on September 5, 2017, the Application was referred for a 30-day comment period to the Burnside Gorge CALUC. At the time of writing this report, a letter from the CALUC had not been received.

In addition to the referral to the CALUC, the applicant conducted an open house on June 26, 2017. Twenty-eight people attended the event and nine comment forms were submitted (attached).

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP) identifies the property within the General Employment Urban Place Designation. Residential uses are not supported within this designation. A TUP would allow the residential use for a period of up to three years, with the ability to extend the permit for another three years subject to Council approval.

The OCP also identifies this property within Development Permit Area 16 (DPA 16): General Form and Character. The applicant is proposing minor exterior renovations to the building; which are exempt from the DP process in accordance with the *Land Use Procedures Bylaw*. With respect to onsite landscaping, the existing pool deck would be converted into a patio with

substantial landscaping as amenity space for the residents. The pool itself would be repurposed as a large planter including three trees. The proposed landscaping fronting onto Douglas Street would screen the surface parking lot from the street and sightlines would be maintained.

Local Area Plans

The Burnside-Gorge Neighbourhood Plan identifies the subject site as both General Employment and General Employment With Limited Residential. The existing building is located on the site identified as General Employment, which does not support residential uses.

CONCLUSIONS

The proposal to temporarily change the use from motel to 52 transitional housing units and monthly rental parking for a period of up to three years at the property located at 3020 Douglas Street is supportable given that it is to allow an interim use to accommodate a critical housing need, while providing time to develop a long-term redevelopment plan for the site consistent with the OCP and the *Burnside Gorge Neighbourhood Plan*. Staff recommend for Council's consideration that the Application advance to a Public Hearing.

ALTERNATE MOTION

That Council decline Temporary Use Permit Application No. 00003 for the property located at 3020 Douglas Street and 540 Burnside Road East.


Respectfully submitted,


Leanne Taylor
Senior Planner
Development Services Division



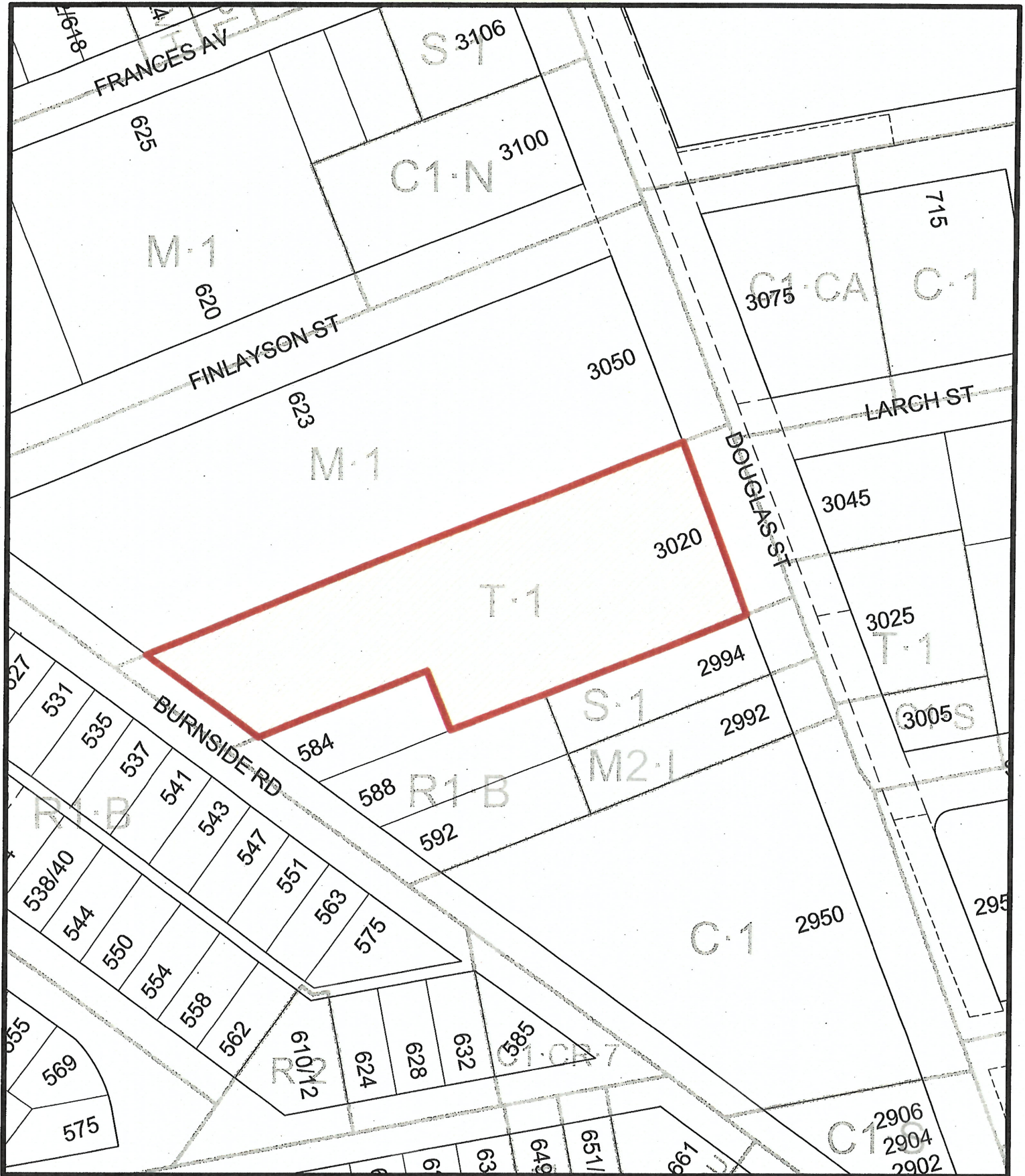

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: October 3, 2017

List of Attachments

- Attachment A: Zoning Map
- Attachment B: Aerial Photo
- Attachment C: Letters from applicant, dated July 10, 2017 and August 24, 2017
- Attachment D: Comments from June 26, 2017 Open House
- Attachment E: Plans dated August 24, 2017.



3020 Douglas Street
 Temporary Use Permit No.00003
 Temporary Use Permit Application No. 00003 for 3020 Douglas ...

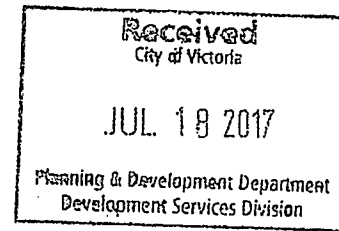


3020 Douglas Street
 Temporary Use Permit No.00003
 Temporary Use Permit Application No. 00003 for 3020 Douglas ...



July 10, 2017

Mayor Lisa Helps & Council
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6



RE: FORMER TALLY HO HOTEL SITE - 3020 DOUGLAS STREET
TEMPORARY USE PERMIT APPLICATION

Dear Mayor Helps & Council:

CitySpaces Consulting, on behalf of the Victoria Cool Aid Society (Cool Aid), is pleased to submit this application for a Temporary Use Permit for site of the former Tally Ho Hotel.

THE PROPOSAL

This application proposes permitting the property (located at 3020 Douglas Street) to be used for 52 temporary transitional housing units instead of its current zoned use of T-1 Limited Transient Accommodation.

In addition to the transitional housing, Cool Aid would like to permit the temporary use of the property for the following activities:

- Cool Aid support office space;
- Parking;
- Extreme weather protocol shelter (possible use);
- Island Health ACT Team offices (possible use); and,
- Primary and ancillary satellite health services clinic (possible uses).

Minor renovations will be needed to the hotel building to allow for the housing units. These renovations will include:

- Lobby and security upgrades;
- Minor individual room repairs;
- Addition of a heat treatment room;
- An enhanced sprinklering system; and
- Clean-up and enhancement of landscaping.

PURPOSE

With the View Royal *Choices* facility closing at the end of 2017 (up to 40 residents), and an estimated 1,400 people in the region needing primary housing and experiencing homelessness, there is critical and immediate need for additional affordable and supportive housing. Temporary use of the Tally Ho

CitySpaces
Consulting Ltd.

5th Floor
844 Courtney St.
Victoria BC
V8W 1C4

250.383.0304 Tel
866.383.0304 Toll-free
250.383.7273 Fax
www.cityspaces.ca

Victoria

Vancouver



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property will provide 52 units of much needed accommodation, along with a 24/7 staffing model and ancillary supports. The building requires very few changes to adapt it for housing accommodation, and the site is close to downtown and Mayfair Shopping Centre, with convenient walking and transit access to a full spectrum of wellness, recreation, and commercial services.

The application for a Temporary Use Permit is just that – an interim use of an ideally situated building to accommodate a critical need, while providing time to develop a long-term redevelopment plan for the site. At more than two acres (1.4 ha) in size, with access via two arterial roads, the site can be developed in a comprehensive way that meets the objectives of the new Burnside Gorge Neighbourhood Plan and serves the needs of the community.

BACKGROUND

Originally built by Archie McDonald, the Tally Ho opened in 1961 with 50 rooms, a beer parlour, a cocktail lounge, and a restaurant. The property was put on the market in 2016, and purchased by the British Columbia Housing Management Commission (BC Housing) in early 2017. In March 2017, BC Housing transferred ownership of the property to Cool Aid.

Ultimately, Cool Aid would like to make maximum use of this substantial property for permanent affordable and supportive housing. However, such a large project will take time and resources to develop, and a Temporary Use Permit will allow for those processes to occur.

About the Operator: Victoria Cool Aid Society

Cool Aid's mission is to provide housing, shelter, health, and employment services to the region's most vulnerable population, and is committed to doing what it can to eliminate homelessness in Victoria.



- Founded in 1968, Cool Aid has a long history of working with the region's most disadvantaged. Overseen by a Board of Directors elected from the community, Cool Aid employs more than 300 trained staff, who are committed to working with its clients/ residents, and the community in a professional, respectful, and non-judgemental way.
- Including the current operations at Mount Edwards, Cool Aid operates 13 supportive and affordable housing buildings, accounting for 457 residential units throughout the region. Four of its buildings (Fairway Woods, Hillside Terrace, Olympic Vista, and Cottage Grove) offer supportive and affordable housing for seniors. Cool Aid also operates three permanent shelters, which house approximately 125 residents, as well as other seasonal shelters.
- The Access Health Centre, co-owned with AIDS Vancouver Island, features the Cool Aid Community Health Centre, providing integrated primary health care, counselling, pharmaceutical, and dental services to disadvantaged/low income residents.
- Cool Aid's REES Mental Health and Employment Centre operates the Community Casual Labour Pool, the Every Step Counts Running Program, and provides outreach, counselling, and volunteer opportunities.

Cool Aid's Downtown Community Centre offers thousands of individuals, including Cool Aid Tenants and clients, a variety of free recreation, food, arts, and vocational training opportunities.

Cool Aid (and members of its staff) has been honoured on numerous occasions for its compassionate commitment to caring for those who are disadvantaged, or need support and guidance to help them through physical and mental health issues and addictions.

2009 | Cool Aid and its Next Steps Transitional Shelter received a "good neighbour" award from the North Park Neighbourhood Association;

2010 | Cool Aid and AIDS Vancouver Island receive an Award of Merit from the Hallmark Society for the Access Health Centre building's heritage restoration;

2012 | Kathy Stinson (Cool Aid's CEO) was honoured with the inaugural United Way of Greater Victoria Award for Collaboration and Partnership;

2013 | Cool Aid received the Victoria Foundation's Community Leadership Award; and

2016 | Kathy Stinson was honoured with a Longevity of Leadership Award, sponsored by the Victoria Foundation's Andrew D. Beckerman Fund.

FLOOR PLANS

As evident from the plans submitted as part of this application, there is no intention of modifying the building's exterior appearance, except for some small changes to the configuration of the front entrance, some additional landscaping, and other minor existing issues relating to BC Building Code and Fire Code requirements. These exterior improvements include:

- Relocation of the front door to the south side of the building in order to address existing grade changes;
- Blocking off of individual unit doors to the outside on the lower level;
- Improvements to the front landscaping along Douglas Street, removal of the swimming pool to create a new outdoor garden area, and installation of screening and fencing to provide additional access control for Cool Aid, and separation for near neighbours along the back of the building; and
- Minor upgrades to the exterior of the lower level to meet code exiting requirements.

Interior improvements will include:

- Modifying the reception area to provide enhanced monitoring capabilities;
- Replacing an existing office area with a heat treatment room, and installation of a separate external access to the room.
- Providing common laundry space on the main and upper floor levels.
- Minor upgrades to offices for resident support programs and ancillary health services; and
- New electronic keying of the rooms, and new camera monitoring of the building.

SITE & BUILDING CHARACTERISTICS

CHARACTERISTIC	DESCRIPTION/NOTE	COMMENT
1 Legal Description	Lot A, Section 4, Victoria District, Plan 14497	Note: A separate adjacent parcel, comprising about 1,040 m ² , is not part of this application.
2 Address	3020 Douglas Street	
3 Neighbourhood	Burnside Gorge	
4 Zoning	T-1 Limited Transient Accommodation	
5 Property Size	0.81 ha/87,080 sf	Located between Douglas Street and Burnside Road East
6 Hotel Building Size	Lower floor: 498 m ² / 5,355 sf Main floor: 713 m ² / 7,675 sf Upper floor: 713 m ² / 7,675 sf TOTAL: 1,924m ² / 20,705 sf)	The restaurant/bar building will not be renovated at this time, but the large open spaces it provides could possibly be used as temporary extreme weather shelter space.
7 Services	All services & utilities are available	Upgrades to the domestic water line may be required for the sprinklering system.
8 Hotel Building Overall	Two and a half-storey woodframe building with access to residential units via interior hallways & elevator.	The non-residential half of the building consists of the former hotel's food and beverage facilities, commercial kitchen, conference rooms, and ancillary office space.
9 Vehicle Parking & Bicycle Storage	27 surface vehicle stalls have been identified based on 0.5 stalls per unit, plus three near the entrance for visitors. An exterior storage rack for six bicycles will also be installed near the entrance.	There is more than ample parking on the site to meet demand. Surplus parking spaces accessed from Burnside Road East will continue to be used as rental parking. Bicycle storage for residents will be accommodated in resident rooms - Cool Aid has found this arrangement to be the most suitable.

VEHICLE & BICYCLE PARKING

The site currently has approximately 108 more parking stalls than required for the TUP. Parking for the supportive housing has been identified, and is accessible from the Douglas Street. Stalls accessed from Burnside Road will continue to be used as monthly rental parking. A fence will be installed between the supportive housing and surplus parking areas, and will be keyed for fire access purposes.

Resident-owned bicycles will be stored in their rooms. A bicycle rack for staff and visitors will be installed immediately outside the front entrance.

PROPOSED STAFFING & COMMUNITY SUPPORTS

1. **Staffing.** Tally Ho will be staffed 24/7. There will be at least two trained resident support workers on site at all times, and one full-time supervisor during the week. Additional staff members on site during the day may include cooks, janitors or maintenance staff, and a Manager.
2. **Volunteers.** During the week, there may be three to four volunteers to assist with the provision of meals and other programs.
3. **Health Care Providers/Counselors** will visit on a regular basis, and work with each resident individually to assess what assistance is needed, and then direct them to appropriate services.

SECURITY PLAN FOR SUPPORTIVE HOUSING UNITS

Security is an important community consideration. Cool Aid commits to the following protocols for the Tally Ho:



- A minimum of two (2) staff will be on the premises at all times;
- The building will be fully monitored both inside and out, and the entrance secured and controlled by staff;
- Guest privileges will be monitored at all times, and may be revoked if security plan protocols are violated;
- Pets are permitted only if they are suitably cared for and managed;
- Excessive noise or disturbances will not be permitted; and
- Installation of screening and fencing to provide additional access control for Cool Aid, and separation for near neighbours along the back of the residential building.

PUBLIC CONSULTATION

On June 26, 2017, neighbours from around the 3020 Douglas Street site were invited to review Cool Aid's proposal, and to ask questions of Cool Aid and the project team. Approximately 28 people attended (23 signed in), and nine comment forms were returned (see attached attendee list and comments). The majority of attendees were from the Burnside/Jutland/Sumas Street residential neighbourhood, and their questions and concerns mainly related to:

1. Potential impacts of the supportive housing on the neighbourhood;
2. Concerns about a potential connection between the Rock Bay Landing Shelter and this project, and people moving through the neighbourhood between the two facilities; and
3. A desire to have Cool Aid go directly into a redevelopment planning program for the site, and forfeit the opportunity for temporary use of the existing building.

In response to the first two concerns:

1. The project will be managed on a 24/7 basis, and will primarily house those already in supportive housing facilities, who have favourably responded to and are willing to accept the restrictions, policies, and procedures for the building.
2. The proposed Tally Ho residence is not a shelter like Rock Bay Landing on Ellice Street. They are two distinct facilities, providing services to two separate groups of people. The challenges facing all shelters are not experienced in supportive housing projects, and in the Tally Ho, the number of residents will be limited to 52.

Additionally, a significant attraction to using the Tally Ho for interim supportive housing is that it faces Douglas Street. The entrance to, and monitoring of, the facility will be from the Douglas Street side. The direct connections to outside services and amenities will also be from the Douglas Street access, not along Burnside Road.

Based on Cool Aid's extensive experience, staff is confident that there will not be resident connections between the Tally Ho and Rock Bay Landing. Cool Aid commits to continuing to communicate and work with the neighbourhood, and is always looking for ways to improve its facilities to mitigate neighbourhood and community concerns.

FUTURE PLANNING

The entire Tally Ho property consists of two parcels of land (hotel and parking, plus a smaller parking lot) comprising approximately 0.913 ha. Future development of the site has not yet been determined. From an urban planning perspective, the property offers unique and important opportunities to create an integrated community and comprehensive development that respects the Burnside neighbourhood, and meets the future needs of the community.

As part of its redevelopment planning for the site, Cool Aid is committed to a full public engagement process, and to receiving input, advice, and feedback from the neighbourhood.

The requested three-year Temporary Use Permit period will allow for thorough consultation and planning with neighbours and the City of Victoria, the development of comprehensive plans, and construction of the first of what will likely be a two to three-phase project. The intended timeline for the initial phase is shown below:

- Fall 2017 to Spring 2018. Comprehensive planning of the site, seeking neighbourhood input throughout.
- Spring 2018 to Fall 2018. Application to the City for rezoning of the site.
- Spring 2019 to Fall 2020. Construction of the first phase of redevelopment.

TIMELINE

It is anticipated that once the temporary use renovations and upgrades are completed to the existing hotel building, final occupancy will be completed by early December 2017.

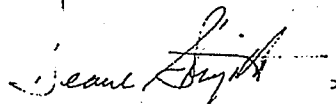
CLOSING

The intention of Cool Aid is to renovate and occupy all 52 units of the Tally Ho Hotel. No changes to the siting or size of the building are contemplated.

This application represents a special opportunity to redevelop a large urban site to address the need for affordable and supportive housing in the region, and to house 52 of those most in need while that redevelopment planning process is going on. We look forward to presenting this proposal to Council and committees, and demonstrating its many positive features.

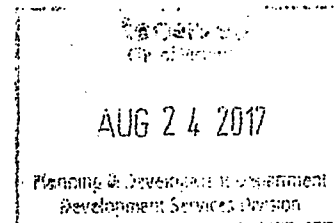
Should you require any further information, please do not hesitate to contact the undersigned (250-383-0304 x 22, dstrongitham@cityspaces.ca). If any additional information is needed relating to building operations, please contact Kathy Stinson, Chief Executive Officer of the Victoria Cool Aid Society (250-383-1977, kstinson@CoolAid.org).

Sincerely,



Attachs.

cc: Kathy Stinson, Victoria Cool Aid Society
Malcolm McNaughton, BC Housing



August 24, 2017

Department of Sustainable Planning and Community Development
Development Services Division
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Re: 3020 Douglas Street Temporary Use Permit – Response to Update to the Application Review Summary

Attached, please find additional amended drawings showing minor revisions to the earlier submitted plans that formed part of the original submission, and additional explanations on matters raised in the Application Review Summary. The minor revisions to the plans are described as follows:

1. Revision to the landscape plan and site plan removing the fence screening from the Douglas Street frontage, as requested;
2. Revised site plan showing all onsite parking consisting of approximately 133 stalls, exceeding Schedule C parking requirements;
3. Removal of two bus parking stalls to make allowance for two-way traffic. The bus stalls are not needed;
4. Repositioned fence along the rear of the building with indicative photos showing examples of the fencing to be installed; and,
5. Updated site plan showing the location of the screened garbage and recycling area and indicative examples of the form of screening.

The application requests a three year Temporary Use Permit for 52 units of supportive, transitional housing. The three year term will allow time for planning, land-use approvals, and redevelopment of at least some of the site. The building is remarkably suited for the interim use requested and requires minimal changes/renovations to it.

Transitional housing provides a stable and supportive housing environment for residents to address those factors that led to homelessness. The building will have 24/7 staffing with a single point of entry that allows for the safety and security of residents and effective operational management of the building. During certain periods of the day staffing will be augmented with support and counselling/health workers. While it is a longer-term housing option,

CitySpaces
Consulting Ltd.

Suite 101
848 Courtney St.
Victoria BC
V8W 1C4

250.383.0304 Tel
866.383.0304 Toll-free
250.383.7273 Fax

www.cityspaces.ca

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transitional housing typically provides residential accommodation for approximately three months to three years.

The individual housing units are approximate 35 m² in size. Although the structure was designed for tourist accommodation use, the units are relatively spacious and can easily transfer into a comfortable housing environment. There is ample space for socialization areas, counselling/health office space, and dining areas.

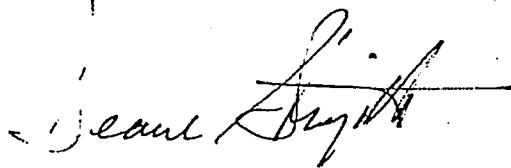
Operationally, meal are provided and prepared off-site and brought to the premises. Visitors are allowed on an individual basis with staff monitoring all ingress and egress. The entrance and primary access faces Douglas Street. Interior hallways and common areas will be monitored by security cameras, as will the exterior of the building. CEPTED practices have been considered with the proposed changes.

Given the size of the building and the significant surplus space that is available, there is ample opportunity to store any extraneous possessions that residents may have within the building. Small animals will be permitted.

The planning process for consideration of future redevelopment of the Burnside Rd. half of the property will commence early this fall, with a commitment to engage the neighbours from the beginning of that process.

Please feel free to contact the undersigned if you require any further information.

Yours truly,

A handwritten signature in black ink, appearing to read "Deane Strongitharm", with a horizontal line drawn through the middle of the signature.

Deane Strongitharm, MCIP
CitySpaces Consulting

cc Kathy Stinson, CEO, Victoria Cool Aid Society.

attach.

Tally Ho Open House (June 26, 2017) Comment Form Written Responses

My name is Amparo Ker. My husband and I were please with this idea. Our suggestion, if things get worse, we need a high fence, facing Burnside East.

Amparo & Ray Ker, [REDACTED]

We appreciate that the commitment to security and safety and maintenance of the property remains a priority at all times. Consistency in rule enforcement and continual neighbourhood engagement is a must.

Anonymous

Instead of yet more housing for single homeless and people with psychiatric issues, build housing for the working poor. This is a large lot, so suitable for a larger development. Please consult residents before making decisions that affect our community.

Joanne Peake, [REDACTED]

Perhaps a fence along Burnside end of property landscaped with tall shrubs to appease the neighbours and encourage tenants to use Douglas Street corridor over residential section.

Anonymous

- Longterm plan (not convinced short term plan is effective)
- Additional staffing (2 people on staff doesn't seem enough)
- Security on patrol
- The area has reached the point of saturation

Anonymous

What are you doing flooding the neighbourhood with these people. The neighbourhood will get worse, go downhill. without even letting us know. sneaking. I'm very very upset about this

Anonymous

- I do not support the temporary use permit as I have seen temporary become permanent too many times.
- We support well planned social housing for families and couples, but we are already inundated with supportive and transition housing.
- There are serious issues with access directly into the neighbourhood across the street so proper planning needs to be undertaken to ensure residents are forced onto Douglas Street instead of Burnside.
- We want the long term plan to be implemented sooner so we can integrate new residents families into the community long term.
- Cool Aid does not have a good reputation in the lower Burnside Gorge due to the poor management of Rock Bay Shelter

Christina Sinnemann, [REDACTED]

It's been told that individuals whom are no longer accepted at other housing will be accepted at this location. This is reason for concern if this the case. This poses unnecessary risk to property owners in the immediate vicinity Disciplinary issues, property concerns, cleanliness. No matter the issues, ie: drug use by your occupants, it's the tax payer, the people that pay their taxes to support this city that are saddled with the decisions of others. I hope I'm wrong.

Anonymous

Additional Post-it Note Comment:

Please consider the pedestrian environment and need for screening behind the Tally Ho.

Anonymous

**B.C. Land Surveyor's
Building Location Certificate of:**

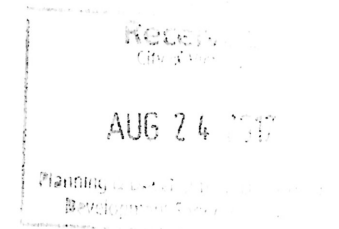
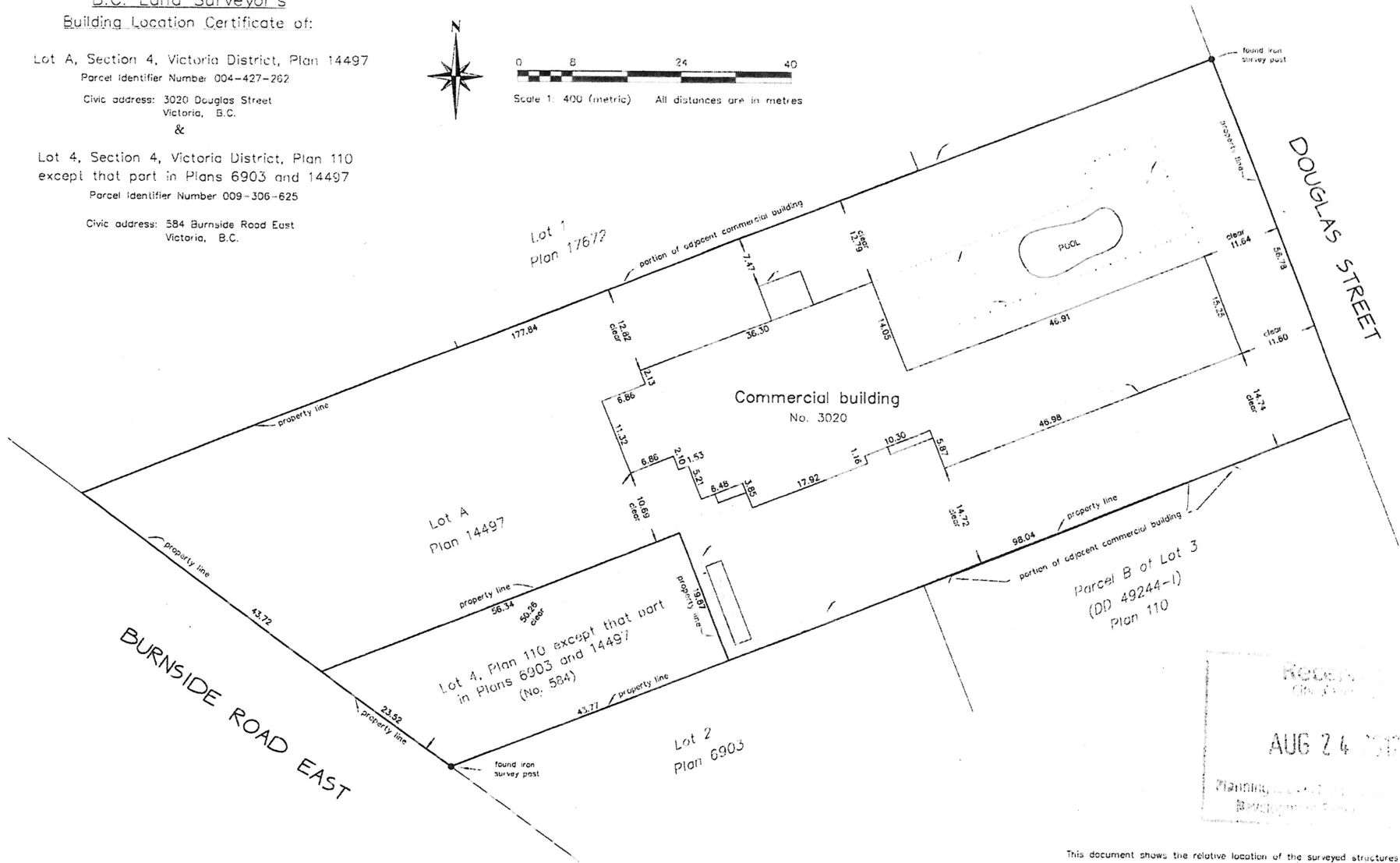
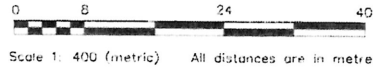
Lot A, Section 4, Victoria District, Plan 14497
Parcel Identifier Number 004-427-262

Civic address: 3020 Douglas Street
Victoria, B.C.
&

Lot 4, Section 4, Victoria District, Plan 110
except that part in Plans 6903 and 14497

Parcel Identifier Number 009-306-625

Civic address: 584 Burnside Road East
Victoria, B.C.



This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

All buildings lie wholly within the property boundaries. This Building Location Certificate has been prepared in accordance with the client's instructions.

Certified correct this 28th day of February, 2017

Glen
Mitchell
P2GT7R

cat.A, cmi, Glen Mitchell
P2GT7R, BC Land
Surveyor, outVerifyID
at www.janet.com
1RUP4mtd:4P2GT7R

B.C.L.S.

© This document is not valid unless originally signed and sealed or electronic signature is attached.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the written consent of the signatory.

This plan was prepared for mortgage and/or municipal purposes and is for the exclusive use of our client.

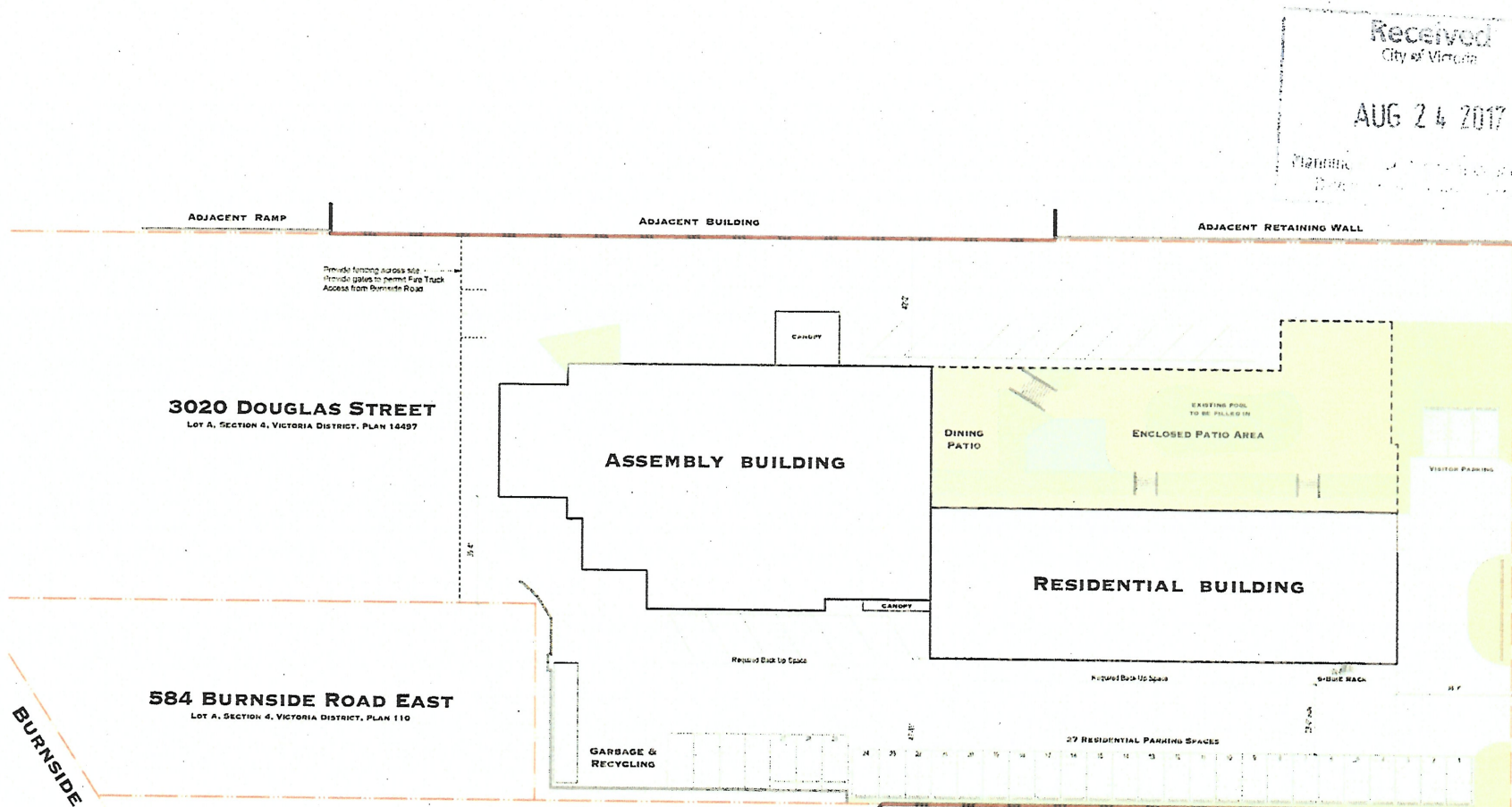
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

Property dimensions are derived from Land Title Plans and field survey.

Clearances may change slightly upon complete legal survey.



fb 285 file 17-33-9031



- Legend**
- 1. 10m Fire Lane
 - 2. 10m Utility Easement
 - 3. 10m Easement
 - 4. 10m Easement
 - 5. 10m Easement
 - 6. 10m Easement
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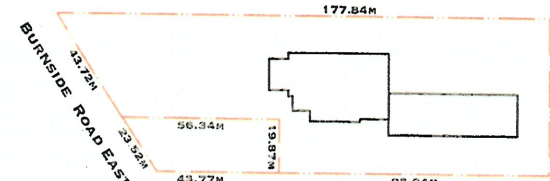
PROJECT DATA

Owner:	Victoria Coal Aid Society
Project Manager:	Deane Smith/Mark MCP, CAPPAC, CEMM, CEMM
Architect:	Joseph R. Howell, MARCH, B. Arch, B.E.C. Joe Howell/Architect Inc. 4477 Main Street, Victoria, B.C. Telephone: 250-362-4200 Fax: 250-362-5200
Civic Address of Property:	709 Douglas Street and 584 Burnside Road East
Legal Description of Property:	Lot A, Section 4, Victoria District, Plan 1107 (750-100-100-200) and Lot A, Section 4, Victoria District, Plan 1107 (750-100-100-200)

Zoning (existing):	T-1 Zone Local Business & Commercial District
Project Description:	Temporary Use Permit Application for Temporary Housing in Existing Building
Site Area:	Existing 8,008.09 sq. ft. (81,000 sq. ft.)
Total Floor Area:	Existing 8,008.09 sq. ft. (81,000 sq. ft.)
Floor Space Ratio:	Permitted 0.30 to 1.00 Existing 0.30 to 1.00
Building Footprint:	Residential Building (Existing) 713.00 sq. ft. (7,575 sq. ft.) Assembly Building (Existing) 829.20 sq. ft. (8,400 sq. ft.)
Site Coverage:	Permitted 20.0% Existing 20.0%
Open Site Space:	Permitted 20.0% Existing 20.0%
Building Height / Storeys:	Existing 3 Storeys - does not exceed permitted height of 21.5m (70' 6")

Building Setbacks:	
Front Yard (Douglas):	Required 7.50m (24' 6") Existing 11.04m (36' 2")
Rear Yard (West):	Required 7.50m (24' 6") Existing 59.00m (193' 6")
Side Yard (North):	Required 7.50m (24' 6") Existing 12.70m (41' 6")
Side Yard (South):	Required 7.50m (24' 6") Existing 10.00m (32' 8")
Residential Use Details:	62 Full-time Housing Units - single, semi-detached, or townhouse units Units: 62 units, approx. 22 sq. ft. per unit, approx. 1,364 sq. ft. 20 Units: 20 units, approx. 22 sq. ft. per unit, approx. 440 sq. ft. 20 Units: 20 units, approx. 22 sq. ft. per unit, approx. 440 sq. ft.
Parking Stalls on Site:	Parking on Site for Residential Use - 21 stalls provided 8.5 spaces / stall for temporary housing units under 10m x 10m (33' x 33') 4 stalls will be provided at street entrance for visitors Total stalls will be provided to meet the 10m x 10m (33' x 33') stalls
Bicycle Parking:	4 bike racks will be provided at street entrance for visitors Total stalls will be provided to meet the 10m x 10m (33' x 33') stalls

1 Site Plan
A1.1



CONTEXT PLAN (N.T.S.)

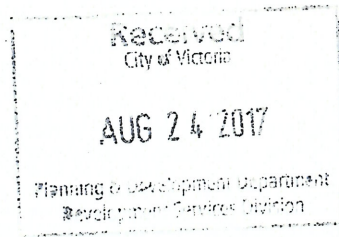
Issued For:
Temporary Use
Permit

Joe Newell
2101 Douglas Street
Victoria, B.C. V8T 1K1
Tel: 250-362-4200 Fax: 250-362-5200
www.victoriacoalaid.org

Tally Ho Redevelopment
2101 Douglas Street
Victoria Coal Aid Society

Site Plan / Data

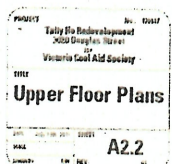
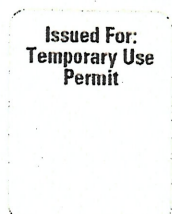
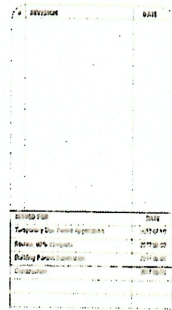
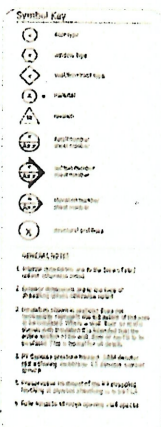
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**Issued For:
Temporary Use
Permit**

Joe Newell
architect inc.
21st Floor, 21 Victoria St., 100-504
T (604) 681-4300 F (604) 681-5700
www.jnewellarchitects.com



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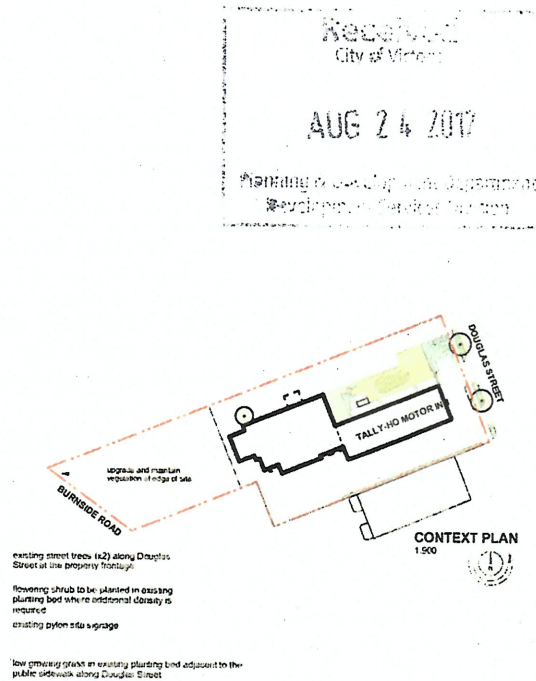
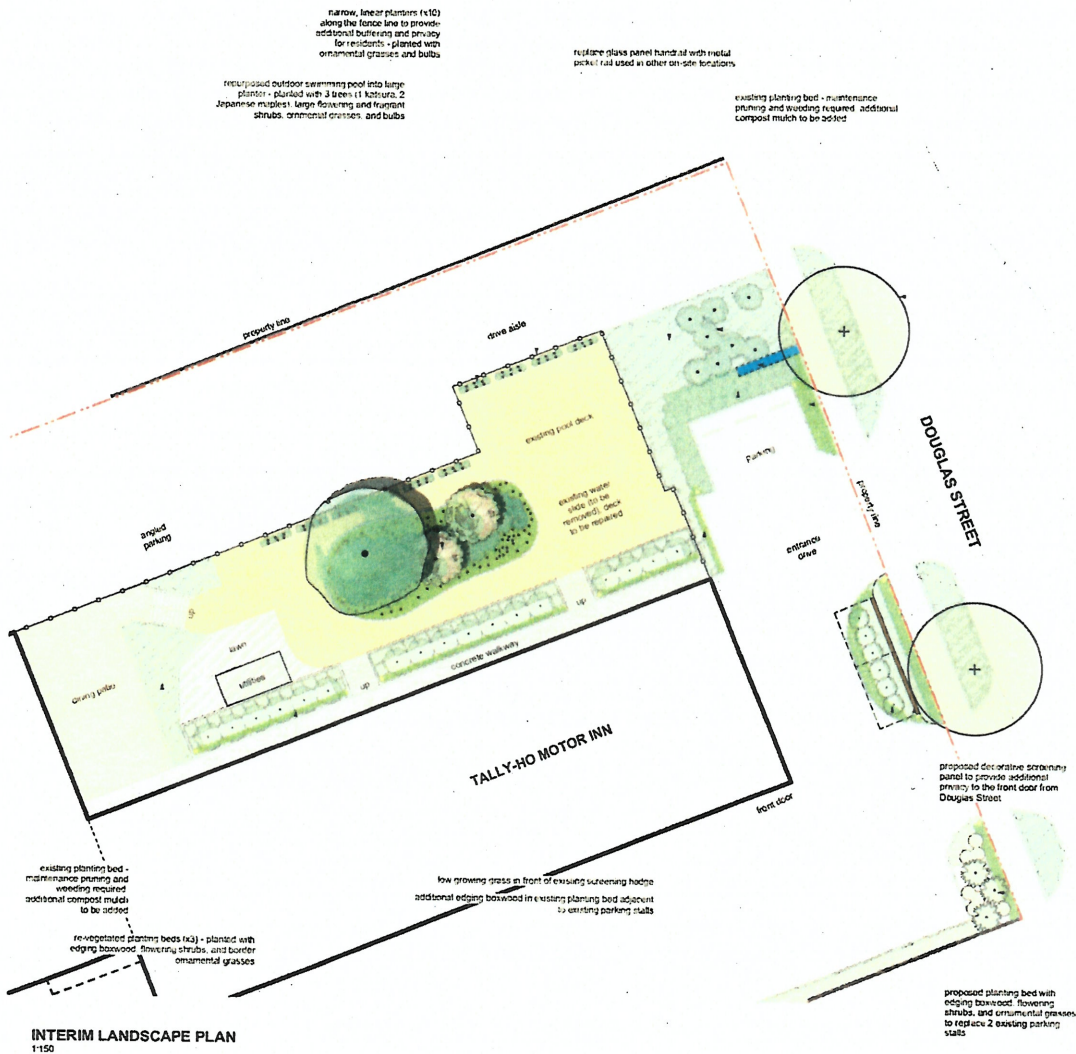
Joe Newell
architect inc. 
2-101 Presley Pl Young, IL 60804
T (708) 582-1440 F (708) 582-8720
www.joe-newell-architect.com

PROJECT: Yally Ho Redevelopment
3628 Douglas Street
By
Victorian Cool Aid Society

FILE: 1111

Lower Floor Plans

DATE: 10/11/01 10:00:00
SCALE: 1/8" = 1'-0"
DRAWN: JN
A2.3



Recommended Nursery Stock

Trees	Botanical Name	Common Name	Size
	<i>Acer palmatum</i> 'Semi-seaboarder'	Japanese maple	6-12 ft
	<i>Camodochilus japonicum</i>	Kidney	6-12 ft
	<i>Picea canadensis</i>	Canadian Spruce	1-2 ft
Large Shrubs	Botanical Name	Common Name	Size
	<i>Parthenocarpus</i> 'Violet Haze'	parthenocarpus	#1 pot
Medium Shrubs	Botanical Name	Common Name	Size
	<i>Abies</i> 'Spectabilis'	Abies	#1 pot
	<i>Staphylea trifoliate</i>	edging boxwood	#1 pot
	<i>Daphne odora</i> 'Amurensis'	variegated Winter daphne	#1 pot
	<i>Hamamelis</i> 'Witch of Ham'	Hamamelis	#1 pot
Small Shrubs	Botanical Name	Common Name	Size
	<i>Calluna</i> 'hybridus'	Calluna	#1 pot
	<i>Malva</i> 'renouardii'	Low Oregon Grape	#1 pot
	<i>Spiraea</i> 'Bumalda Magic Carpet'	Magic Carpet Spiraea	#1 pot
Perennials, Annuals and Ferns	Botanical Name	Common Name	Size
	<i>Artemisia</i> 'Candidissima'	Artemisia	#1 pot
	<i>Campanula</i> 'medium'	Campanula	#1 pot
	<i>Heuchera</i> 'Lime Green'	Heuchera	#1 pot

- Notes:
- All work to be completed to current Canadian Landscape Standard
 - All soft landscape to be irrigated with an automatic irrigation system

Profound decorative screening panel to provide additional privacy to the front door from Douglas Street

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NOT FOR CONSTRUCTION

2. July 17 RE-DESIGNED FOR THE PERMIT
1. MAY 17 ISSUED FOR TEMPORARY USE PERMIT
ISSUANCES: REVISIONS

LADN LANDSCAPE ARCHITECTS LTD.
2-604 Columbia Ave. Victoria, B.C. V8T 1M5
PHONE: 250-383-1000

PROJECT
Tally-Ho Motor Inn
3020 Douglas Street
Victoria, BC

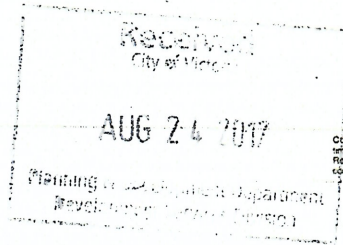
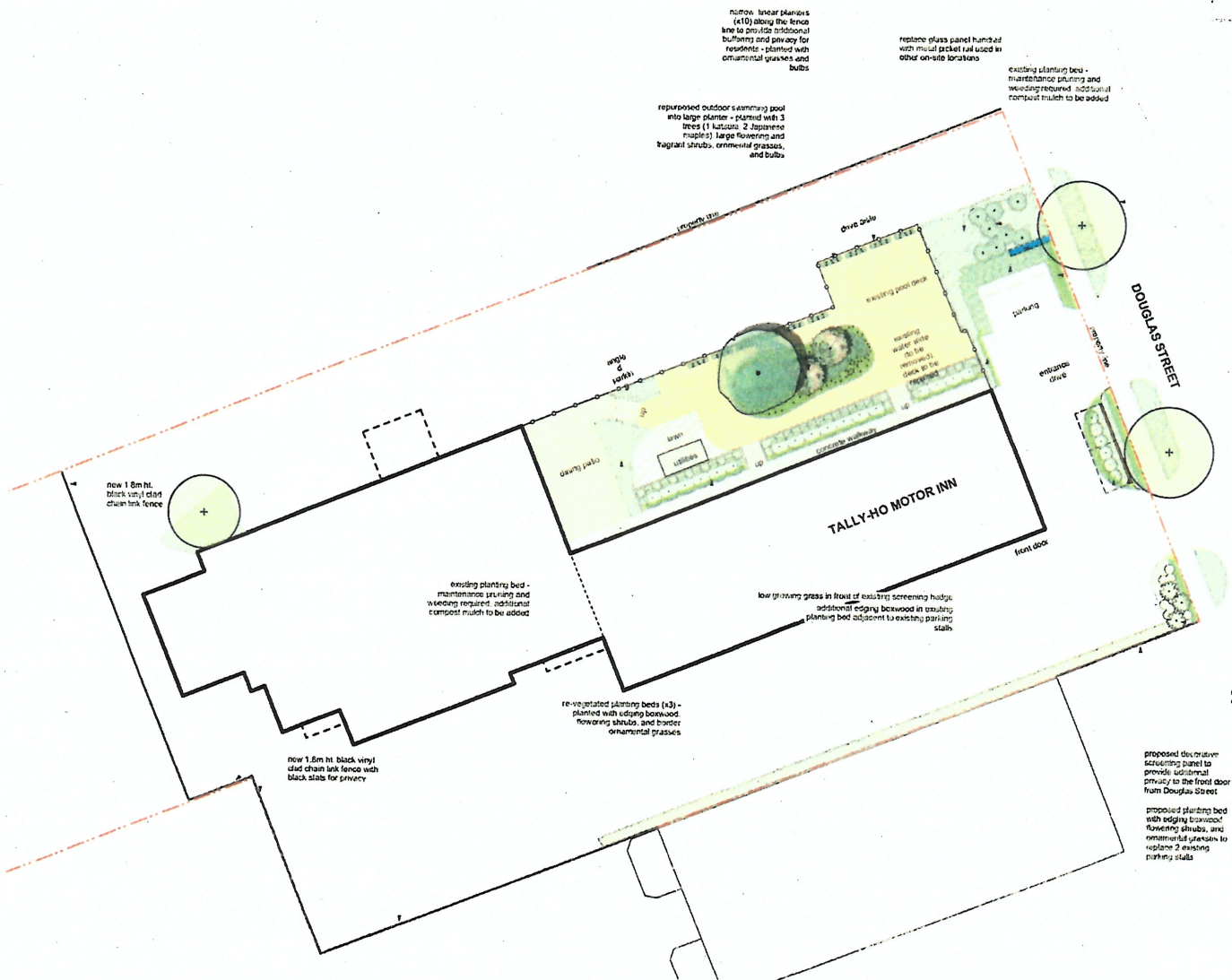
TITLE
Interim
Landscape Plan
East End

SCALE
as shown

PROJECT No. 1742

DATE
May 18-17

L1 of 2
SHEET



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NOT FOR CONSTRUCTION

2 July 17 REV SHEET ISSUED FOR TUPPERHART
ISSUANCES/REVISIONS

LAOR LANDSCAPE ARCHITECTS
2064 Queens Ave. Victoria B.C. V8T 1K2
Phone: (250) 556-0102

PROJECT
Tally-Ho Motor Inn
3020 Douglas Street
Victoria, BC

TITLE
**Interim
Landscape Plan
Full Site**

SCALE
1:200
DRAWN
BW
CHECKED

PROJECT No 1742

DATE
July 7-17
L2 of 2
SHEET



October 10, 2017

Mayor & Council
City of Victoria

RE: Temporary Use Permit Application No. 00003 for 3020 Douglas Street/540 Burnside Road East.

Dear Mayor and Council,

On behalf of the Burnside Gorge Community Association (BGCA) Board of Directors, I am writing in regards to Cool Aid's application for a Temporary Use Permit for 3020 Douglas Street / 540 Burnside Road East. We ask that Mayor & Council delay the hearing and decision for the Temporary Use Permit so that we can ensure the fair and just consideration of neighbourhood interests alongside the needs of homeless citizens.

To date, the information that residents and the BGCA have received from the Cool Aid Society with regards to 3020 Douglas Street is incomplete and unclear. We believe that a delay of the issuance of this Temporary Use Permit is essential for the City to respect its commitment to Civic Engagement, namely "timely and meaningful" efforts to inform and consult with citizens. Additionally, through our Land Use Committee meetings neighbours have expressed deep concerns about the "temporary" nature of this facility, that the facility will not, in fact, be temporary and also the continued concentration of service in Burnside Gorge, a community that already has a shockingly disproportionate number of supportive and low/no barrier housing units.

The BGCA has been a reliable supporter of social programs in Victoria for many decades and we are fully aware of the commitments of the City of Victoria and the Province to house a marginalized population with a high level of complex needs. However, the intense concentration of these facilities in our neighbourhood has created a critical situation for the Burnside Gorge community. As you are aware from our letter to Ministry officials dated October 3, 2017, (attached for your reference) we have requested a moratorium on all new supportive/low-barrier facilities in the Burnside Gorge community as well as a review of the critical situation that has been created in the neighbourhood. We cannot endorse or accept any further supportive housing in the Burnside Gorge community until we have commitments from both municipal and provincial levels of government as well as direct service providers to address existing community impacts and mitigate future impacts.

Given all of our concerns, we feel that issuance of a Temporary Use Permit at this time would be irresponsible on the part of the City and grievous to the well-being of the Burnside Gorge community. Thank you in advance for honouring our request.

Respectfully,

Avery Stetski
President



October 3, 2017

To: Honourable Selina Robinson, Minister of Municipal Affairs & Housing
Honourable Judy Darcy, Minister of Mental Health & Addictions
Rob Fleming, MLA Victoria-Swan Lake
Shayne Ramsay, CEO, BC Housing

RE: Request for moratorium on development of emergency homeless shelter in Burnside Gorge, Victoria

On behalf of the Burnside Gorge Community Association Board of Directors, I am writing to emphatically request that BC Housing immediately cease work on the planned homeless shelter at 2915 Douglas Street in Victoria, BC. We are also requesting a moratorium on the development or operations of any new supportive housing in Burnside Gorge.

The Burnside Gorge Community Association is responsible for advocating in the best interest of our community and ensuring a representative voice for all of those we serve. Our community includes almost 6000 residents and over 1400 businesses. As a direct consequence of current provincial policies that intended to address the crises of homelessness and escalating mental health and addictions issues, our small neighbourhood is currently experiencing critical social problems at a scale not seen in the past decade. The planned homeless shelter at 2915 Douglas Street is a direct threat to our community's well-being and would be a serious mistake.

The Burnside Gorge neighbourhood is already saturated with supported facilities such as emergency shelters, low/no barrier housing, residential treatment facilities, and a long history of low-income single resident occupancy conversions. Burnside Gorge comprises just 7% of the City of Victoria's population, but we have 77% of the shelter units in the City. We have 36% of all supportive housing units in Victoria, most of these added in the past six years.

The concentration of marginalized and vulnerable populations has put tremendous strain on businesses and residents across the neighbourhood as there are steadily mounting levels of crime, drug dealing, open drug use, and entrenchment of transient encampments in doorways and boulevards. For residents and businesses within a few hundred metres of the existing Rock Bay Landing shelter, as well as the planned new shelter, the situation is having significant social, economic and mental health impacts.

The Province's decision to concentrate homeless shelters and supportive housing in Burnside Gorge is a failure not only to our community but also the people you are attempting to serve. Placing housing and shelter units for high-needs, high-risk individuals in one neighbourhood actually creates conditions that are counter-productive to success, undermining both the intent and delivery of services. Individuals cannot and do not integrate into the community at large. We urge the Province to immediately adopt a regional approach to addressing the complex social issues we are seeing in our neighbourhood.

As a respected social service provider with decades of experience, the BGCA is committed to working with all parties to develop a solution to what has become an intolerable situation in a Victoria neighbourhood. We respectfully request that you, as the Ministers with the mandates to work with all stakeholders on the means to effectively address homelessness and mental health and addictions, take the following actions:

1. Immediately cease all work and plans to develop a homeless shelter at 2915 Douglas Street, or any other location in Burnside Gorge;
2. Establish a moratorium on the purchase or development of any new units of shelter and/or supportive housing anywhere within the Burnside Gorge neighbourhood boundaries. This moratorium would allow for a total review of the critical situation developing in the Burnside Gorge neighbourhood due to current provincial policies.
3. At the earliest possible time, arrange for senior leaders within your Ministries and BC Housing to meet with the Burnside Gorge Community Association executive and board of directors to develop concrete strategies to resolve issues that result from the existing concentration of shelters and low/no barrier supportive housing in our neighbourhood;

Given the gravity of this situation, we look forward to your reply as soon as possible. If you have any questions, please contact me at 250-386-6163 or by email at astetski@telus.net.

Regards,



Avery Stetski
Chair

CC: Honourable Shane Simpson, Minister of Social Development & Poverty Reduction
City of Victoria Mayor & Council
CRD Board of Directors

Temporary Use Permit Application for 3020 Douglas Street





Subject Property – 3020 Douglas Street



Existing parking lot in the rear fronting Burnside Road



Neighbouring Properties



Neighbour to the north



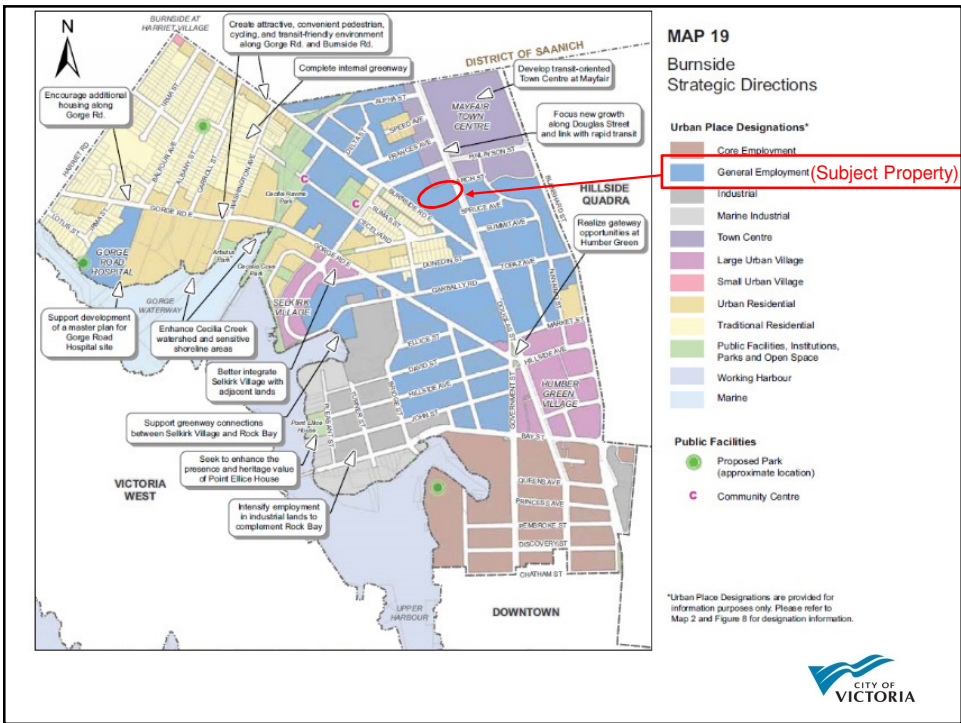
Neighbours to the east



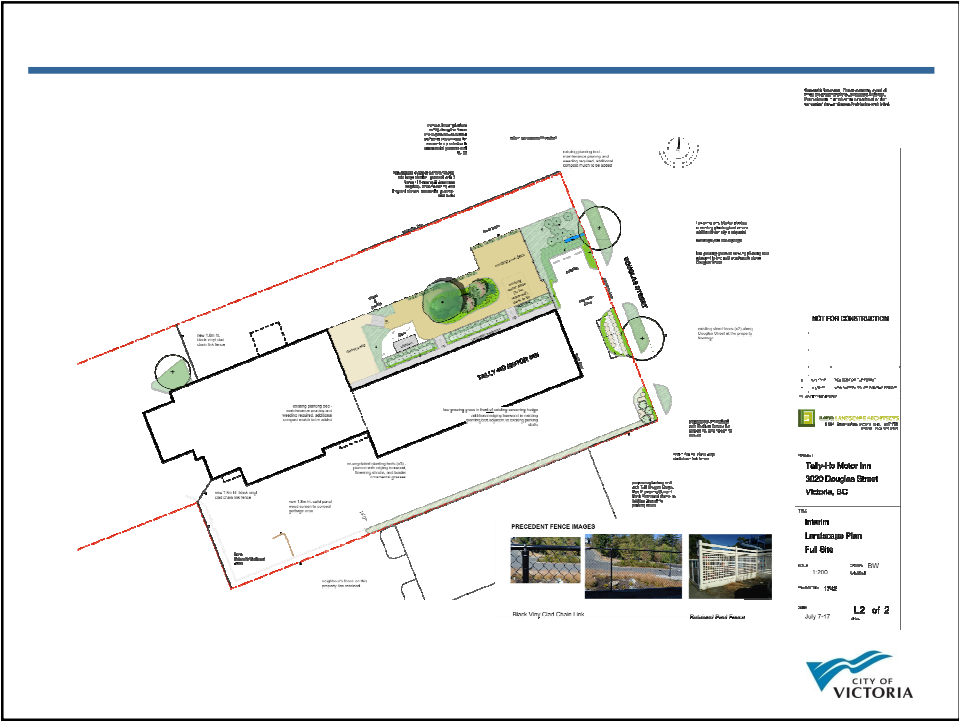
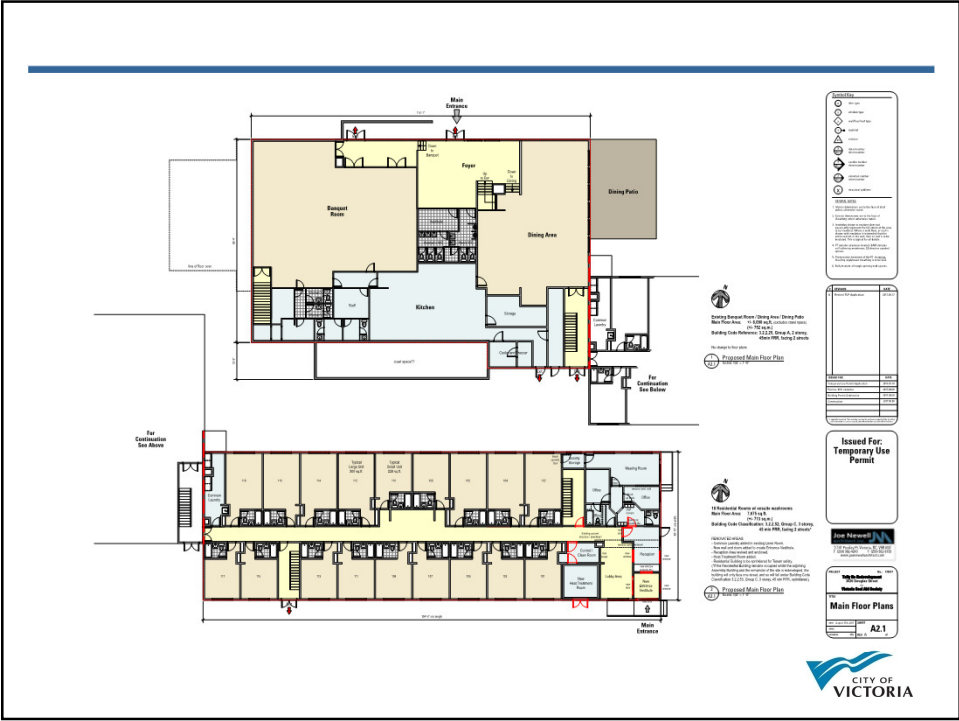
Neighbours to the south



Neighbours to the west on Burnside Road









Committee of the Whole Report

For the Meeting of October 12, 2017

To: Committee of the Whole **Date:** October 3, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Progress Report on 1525 Shasta Place 60-Day Temporary Protection Order

RECOMMENDATION

That Council receive this report for information.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on the status of discussions with the owners of 1525 Shasta Place that have occurred as a result of the 60-day temporary protection order placed on the property. On September 7, 2017, Council passed the following motion:

That Council:

1. *approve a 60-day temporary protection order for the property at 1525 Shasta Place, without consent of the owner, to allow Council to give detailed consideration for further long-term protection options for the property and to negotiate possible resolutions with the property owner to protect the heritage registered property;*
2. *direct staff to report back in 30 days with a progress report.*

Accordingly, staff have met with the owners of this property on four occasions and have discussed a range of options that would be available to them as they consider potential renovation and redevelopment plans for their property. In summary, the options discussed include:

1. Lift the structure and add a foundation.
2. Replace windows with thermal units.
3. Enlarge selected fenestration openings to increase light penetration.
4. Replace exterior materials in-kind (siding, shingles, wood details).
5. Add an addition(s) to the main structure that is located to the rear or side of the building.
6. Lift and shift the structure on the site with the option of including all of the above.
7. Relocation of the structure to another site within the immediate context of the neighbourhood.

Additional options were discussed involving the relocation of the structure to another site outside the immediate context of the neighbourhood or to another site within the region; however, these options would not be supportable from a staff perspective.

Although the meetings between the property owners and City staff have been characterized by a spirit of openness and mutual problem solving, at this time the applicant has indicated they would like to proceed with their initial plan. However, they are considering the possibility of reusing and integrating elements of the existing structure into parts of the new home and proposed garden suite, and potentially using a portion of the original façade for the proposed garden suite. Depending on the degree of reuse, the proposed garden suite may require variances and/or a rezoning process; for instance, the greater the degree of reconstruction of the front façade the larger the building is likely to be; therefore, additional City approvals would be required. Any process associated with a new garden suite could proceed independently of plans for constructing a new house on the property.

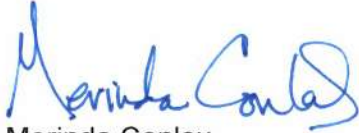
Staff have also explored the possibility of extending the 60-day temporary protection order for 1525 Shasta Place with the property owners; however, the owners have declined. In accordance with the *Local Government Act*, extending a 60-day temporary protection order, requires the consent of the property owners, so further protection through this mechanism is not an option. Although Heritage Designation remains open to Council as a way to provide ongoing protection of the building, staff would not recommend this course of action for a number of reasons:

- The property owners would be eligible to apply for compensation for the reduction in the market value of the property.
- The current house, as presently sited on the lot, is not particularly visible from the public street.
- Numerous architectural features collected throughout the Victoria area have been layered-on and integrated into the building's design, over the years. Deconstruction of other heritage buildings and the reuse of their elements and materials is how 1525 Shasta Place evolved from a stable to a residence. On the one hand, this utilizes an approach which is not particularly consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*; however, on the other hand, the fact this has occurred is, in part, what makes the history of this building unique and interesting. As noted above though, there exists a possibility of continuing this tradition of layering, relocation and reuse of architectural elements if certain building features along with parts of the existing structure can be reused and reconstructed as part of a garden suite, and as feature elements within the new primary residence to respect the layered memory of the building's development.
- The property owners are cognizant of the value of conserving heritage and reducing waste. Rather than "demolish" the building, they wish to disassemble the structure and reuse portions, elements and materials to respect its layered memory, and follow a path with the least environmental impact.

As part of their plans to build a new house on the site, the applicant has made an application to the Board of Variance (BOV) to request permission to reduce the front and rear yard setbacks and to allow a garden suite in the side yard instead of the rear yard (the variance associated with the garden suite is triggered by the request to reduce the rear yard setback for the main building.) On September 14, 2017, the BOV approved the front yard setback variance, but adjourned consideration of the other two variances to a future meeting in order to obtain more information. The BOV is a separate body and their considerations and decisions are independent of the City of Victoria.

Staff will continue to meet with the property owners over the coming weeks and will advise Council of the final outcome prior to the temporary protection order lapsing on November 6, 2017.

Respectfully submitted,

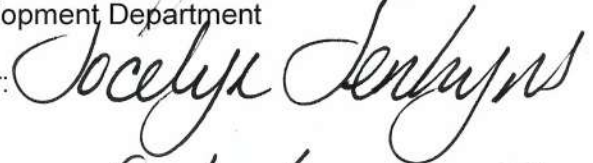


Merinda Conley
Senior Heritage Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

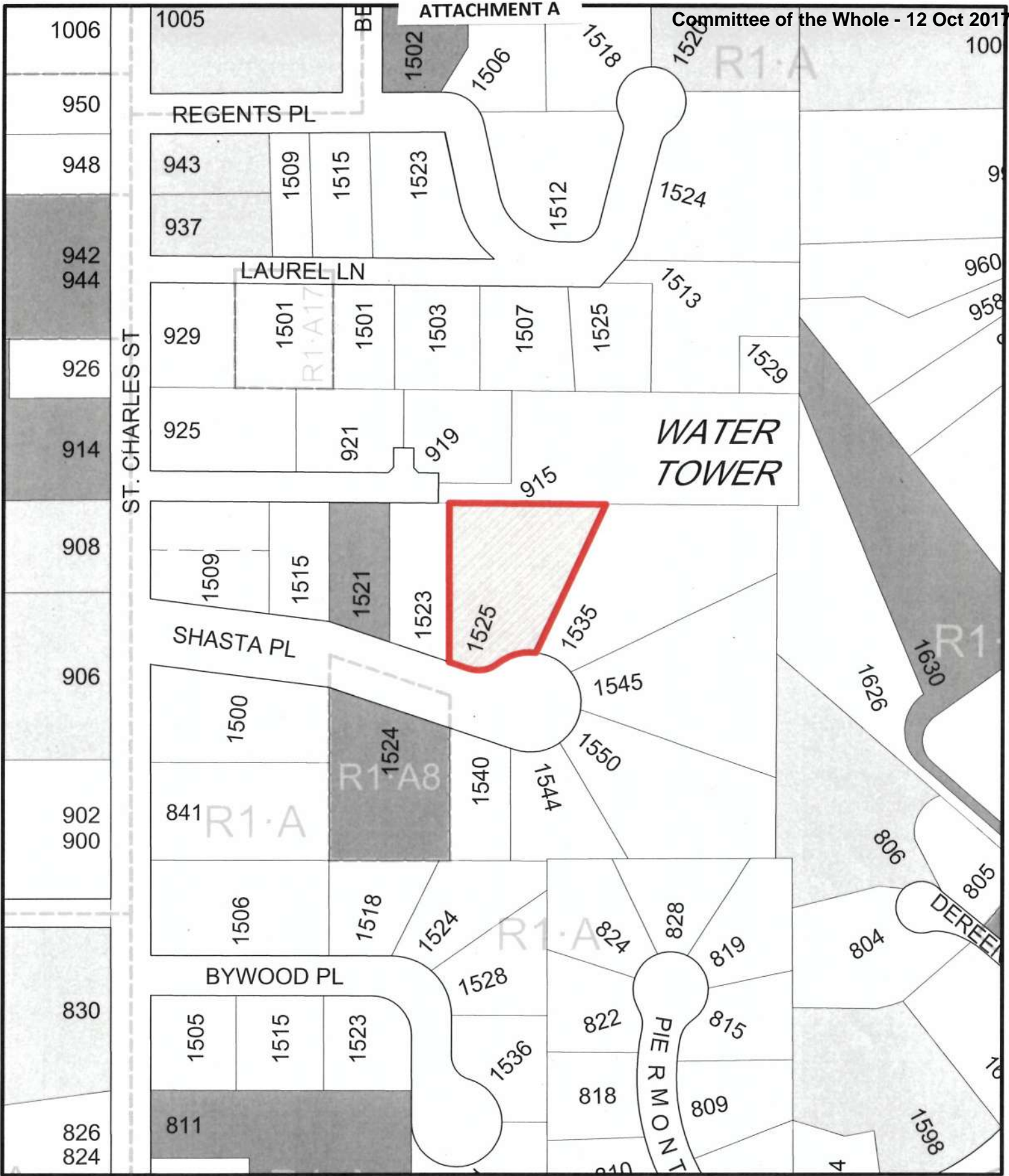


Date:

Oct 6, 2017.

List of Attachments

- Attachment A: Subject map
- Attachment B: Aerial map
- Attachment C: Council Member Motion of August 30, 2017.



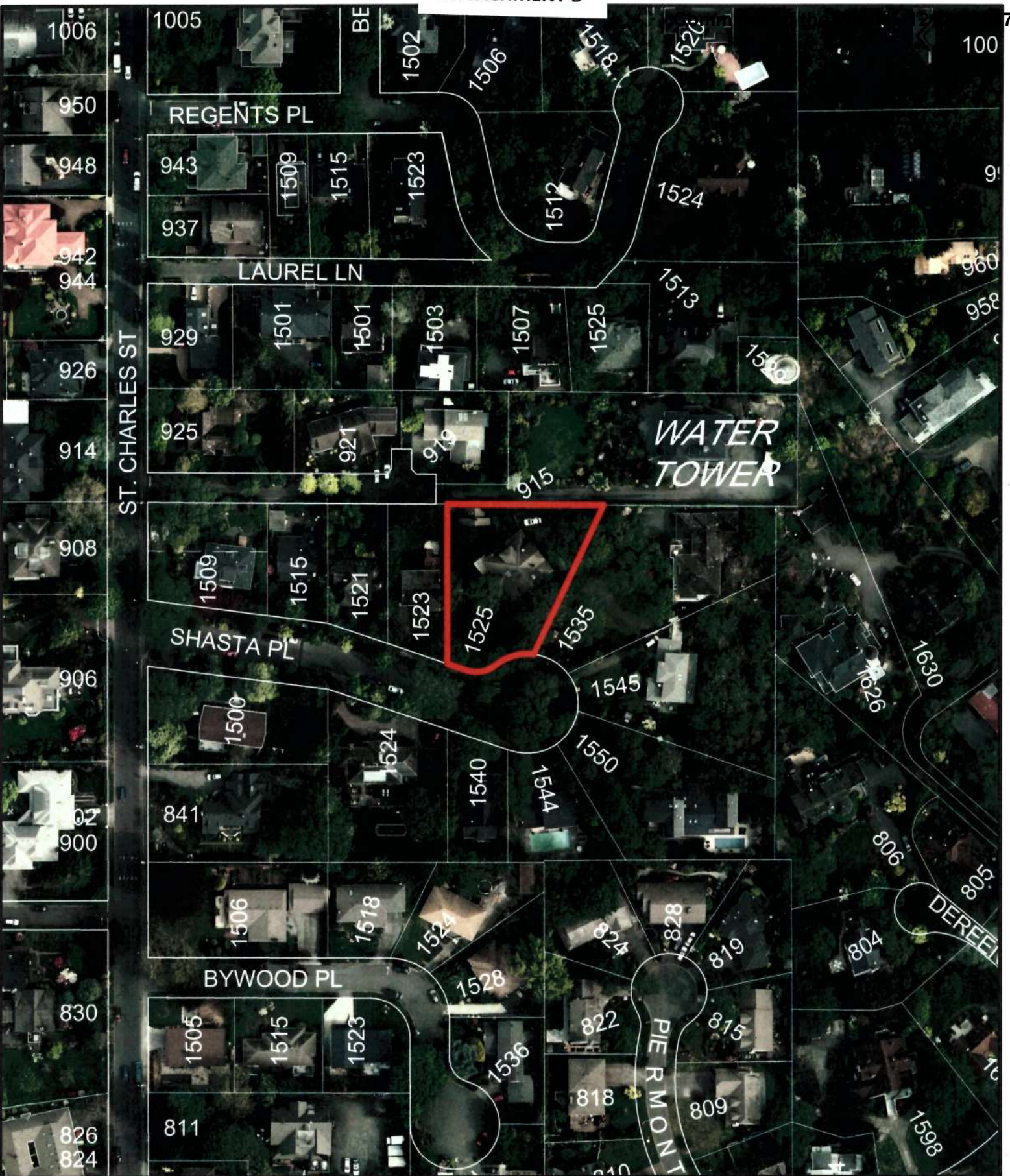
1525 Shasta Place

Heritage Address File #00085



Designated Registered





1525 Shasta Place

Heritage Address File #00085



Progress Report on 1525 Shasta Place 60-Day Temporary Protec...

**Council Member Motion****For the Committee of the Whole Meeting of September 7, 2017**

To: Committee of the Whole **Date:** August 30, 2017
From: Councillors Madoff & Thornton-Joe
Subject: Demolition of Heritage Registered Property Located at 1525 Shasta Place

BACKGROUND

The property at 1525 Shasta Place is located in Rockland and is a Heritage Registered property. It is not designated, and is not located in a Heritage Conservation Area. Designed by architect William Ridgway, and built in 1904, it served as a stable / coach house to accommodate carriages and horses for occupants of the main residence that was demolished in the late 1950s. The stable / coach house is the only remaining structure of one of Victoria's great estates known as *The Leasowes*. The building was converted from a stable to a standalone residence in the 1950s and then restored in the 1980s. The building is not in public view from the street.

The City has received an application on the property which will be considered by the Board of Variance on September 14, 2017. If approved, the City would have to issue a demolition permit for the structure when the owner wished to proceed with the proposed re-development.

However, in accordance with the *Local Government Act*, Council has the option to order temporary protection for no longer than 60 days to give detailed consideration to further long-term protection options for the property, and to support additional negotiations toward an appropriate resolution with the property owner. Given the significance of this property, it would appear appropriate to consider temporary protection.

RECOMMENDATION

That Council direct staff to prepare a resolution directing staff to prepare a 60-day temporary protection order, without consent of the owner to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner.

Respectfully submitted,

Handwritten signature of Amanda Madoff.

Councillor Madoff

Handwritten signature of Charlayne Thornton-Joe.

Councillor Thornton-Joe

List of Attachments

- Attachment 1: Victoria Heritage Foundation - Heritage Register Property Summary
- Attachment 2: Neighbourhood Correspondence

Lacey Maxwell

From: Jeannie Blaney [REDACTED]
Sent: September 1, 2017 12:53 PM
To: Victoria Mayor and Council
Cc: Unifor Local 114 Representative Jeannie Blaney
Subject: 1524 Shasta Place Victoria, B.C

Dear Victoria City Council,

Do not allow the Demolition of 1525 Shasta Place.

We have all lost enough of our old buildings and the City of Victoria continues to allow our houses to be moved and destroyed. This is beyond wrong and stop this wasteful behavior for the sake of the mighty dollar.

Please save our heritage in Victoria.

Thank you

Jeannie Blaney 741 Canterbury Road

Victoria, B.C.

V8X 3E4

Sent from my BlackBerry 10 smartphone on the Rogers network.

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Lacey Maxwell

From: elizabeth johnson [REDACTED]
Sent: September 1, 2017 11:30 AM
To: Victoria Mayor and Council
Subject: Dear Victoria Mayor and Council

I am writing to support the preservation and retention of 1525 Shasta Place, a significant heritage building.
Thanks you for your consideration to this matter

Sincerely, Elizabeth Johnson

Lacey Maxwell

From: [REDACTED]
Sent: September 1, 2017 11:26 AM
To: Victoria Mayor and Council
Subject: 1525 Shasta Place

Good afternoon – I would like to express my concern about the possible teardown of the above-mentioned property.

It is a residence that belongs to the history of the neighbourhood as it relates to the Dunsmuir heritage. Please respect that as once one house is removed surely others will follow.

Have paraphrased this from a previous post:-

- City Councillor Pam Madoff will be bringing forth a motion at the September 7th city council meeting: "That staff prepare a resolution directing staff to prepare a 60 day temporary protection order, without consent of the owner, to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner."

Thank you for your time and consideration.

Leigh Stempski, Victorian resident for 25 years.

Lacey Maxwell

From: webforms@victoria.ca
Sent: August 30, 2017 5:06 PM
To: Victoria Mayor and Council
Subject: Mayor and Council email

From: Sylvia Mitbrodt

Email : [REDACTED]

Reference : <http://www.victoria.ca/EN/main/city/mayor-council-committees/councillors.html>

Daytime Phone : [REDACTED]

I am writing about the possible demolition of Westover, the heritage house at 1525 Shasta Place. We are owners of two heritage houses in the Rockland area, 1320 Rockland Avenue and 811 St. Charles Street, and hope that demolition of 1525 Shasta Place will not be allowed.

It should be preserved as appears to be worthwhile doing so.

Hopefully it will be declared Heritage so it cannot be demolished.

Regards,

Sylvia Mitbrodt

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IP Address: 70.67.105.131

Lacey Maxwell

From: webforms@victoria.ca
Sent: September 7, 2017 7:39 AM
To: Victoria Mayor and Council
Subject: Mayor and Council email

From: Donna Andrew

Email : [REDACTED]

Reference : <http://www.victoria.ca/EN/main/city/mayor-council-committees/contact-mayor-council.html>

Daytime Phone : [REDACTED]

Good morning!

May I weigh in on Shasta Place? Having heard it for the first time this morning, my first thought is the option of taking photos of the property to document the property. Once documented, move the buildings to a suitable location for heritage preservation. A couple of suggestions would be Hatley Castle Grounds or out to Saanich Historical Grounds. We would secure a historical building (something we don't do anywhere near enough here) and the owners would have their bare land. Another thought... would someone please remember the heritage of the plants on the property.. there may be heritage plants and bushes that could also be documented and preserved. Many old varieties of plants can only be found on these old properties now. A location for those plants may be the Horticultural Centre for the Pacific or Point Ellis House.

As you know, Victoria has the luxury of having a wonderful heritage that effects the whole Province.. preservation should be first and foremost. It may need to have a creative approach applied but it should be first and foremost.

Thanks for considering my suggestions.

Cheers

Donna

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IP Address: 24.114.24.248

Lacey Maxwell

From: webforms@victoria.ca
Sent: September 6, 2017 9:54 AM
To: Victoria Mayor and Council
Subject: Mayor and Council email

From: William Lake
Email : [REDACTED]
Reference : <http://www.victoria.ca/EN/main/city/mayor-council-committees/councillors.html>
Daytime Phone : Not provided

I am concerned about that the owner of the heritage house "Westover" at 1525 Shasta Place, has applied to demolish it. It is a significant heritage property in Rockland area. I am concerned about the continued loss of the heritage properties in Rockland. The neighbourhoods in Victoria are different. If development continues at without effective restrictions all neighbourhoods will become alike and the appealing nature of the city will be lost. Don't be the Council that lets this happen.

Support Pam Madoff's motion requesting staff prepare a resolution directing staff to prepare a 60 day temporary protection order.

Thanks

William

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IP Address: 154.5.210.111

Lacey Maxwell

From: webforms@victoria.ca
Sent: September 3, 2017 8:52 AM
To: Victoria Mayor and Council
Subject: 1525 Shasta place

From: Brhett Bendall
Email : [REDACTED]
Reference : <http://www.victoria.ca/EN/main/city/mayor-council-committees/councillors.html>
Daytime Phone : [REDACTED]
Dear Victoria city council

I think it would be a poor descicion to approve a demolition permit for this house. Victoria is already loosing too many of our old homes to developers and being replaced with cookie cutter houses. Buyers need to be sent a message, that if they want to build something, better find some empty land, or at least stay away from these character houses. I support a temporary protection order, and a settlement with the owner. I also support a harsh penelty of the owner starts work before this process is complete.

Regards
Brhett

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. Thank you.

IP Address: 154.20.7.238

Lacey Maxwell

From: Charis Burke [REDACTED]
Sent: September 2, 2017 1:52 PM
To: Victoria Mayor and Council
Subject: 1525 Shasta Place

Dear Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe & Young:

I would like to express my dismay and concern in regard to the possible demolition of 1525 Shasta Place, an elegant and gracious Rockland home. The possibility of such an important historical and heritage registered property forever disappearing from Victoria is of grave concern.

I encourage you to support the motion which Pam Madoff will be bringing forward, requesting "That staff prepare a resolution directing staff to prepare a 60 day temporary protection order, without consent of the owner, to allow Council to give detailed consideration for further long-term protection options for the property at 1525 Shasta Place and to negotiate an appropriate resolution with the property owner."

If this demolition moves forward, the unnecessary loss of the only remaining structure of one of Victoria's great estates will truly be tragic.

Sincerely,

Charis Burke
1509 Rockland Avenue

Lacey Maxwell

From: Alicia Parker [REDACTED] >
Sent: September 1, 2017 3:19 PM
To: Victoria Mayor and Council
Cc: Scott McWilliams
Subject: 1525 Shasta Place

Hello Mayor and Council:

I have recently become aware that the owners of 1525 Shasta Place have applied for a demolition permit for this property. I am also aware that Councillor Pam Madoff will put forward a motion asking for a temporary protection order for 1525 Shasta Place.

While I understand that development is necessary for a growing community such as ours I believe development should not come at the cost of erasing beautiful and unique homes such as this.

Given the historical and aesthetic value of this house I encourage you to support Councillor Madoff's motion. I also encourage you to work to protect this property beyond the sixty days referenced in the motion.

Sincerely,

Alicia Parker
3145 Quadra Street
Victoria BC
V8X 1E9

Lacey Maxwell

From: vaysha hirsch <[REDACTED]>
Sent: September 1, 2017 3:01 PM
To: Victoria Mayor and Council
Subject: 1525 Shasta Place

To Whom It May Concern,

Please do not allow 1525 Shasta Place to be destroyed. It is a work of art and an important part of our city's heritage. Please don't change our landscape to match the sad development of heartless industry. It is soulless. Please preserve our beautiful heritage.

Vaysha Hirsch

 Sent with [Mailtrack](#)

Lacey Maxwell

From: Teresa J [REDACTED]
Sent: September 1, 2017 2:03 PM
To: Victoria Mayor and Council
Subject: 1525 Shasta place

City Council and Mayor Helps,

Please don't let this historic and important property be demolished. Victoria has kept itself apart from bigger urban areas by maintaining it's important cultural and historic links that keep the roots of the city alive and well. It has served Victoria well and given it a character that is recognized globally. Please protect that and protect this impotent building.

Thank you for your time.
Teresa Marek

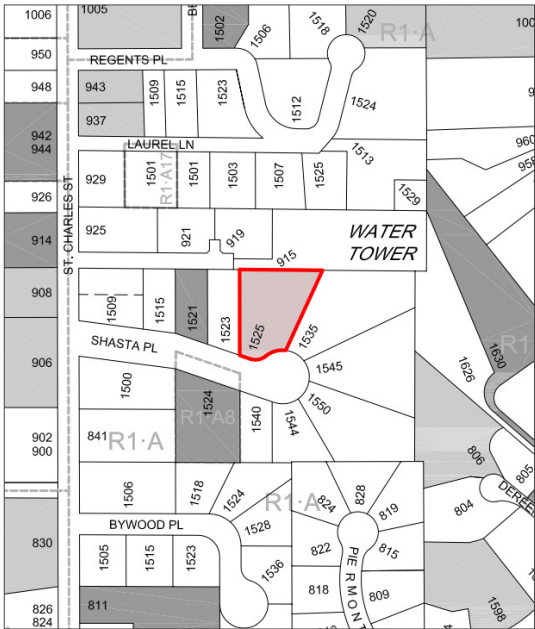
Sent from my LG Mobile

Progress Report

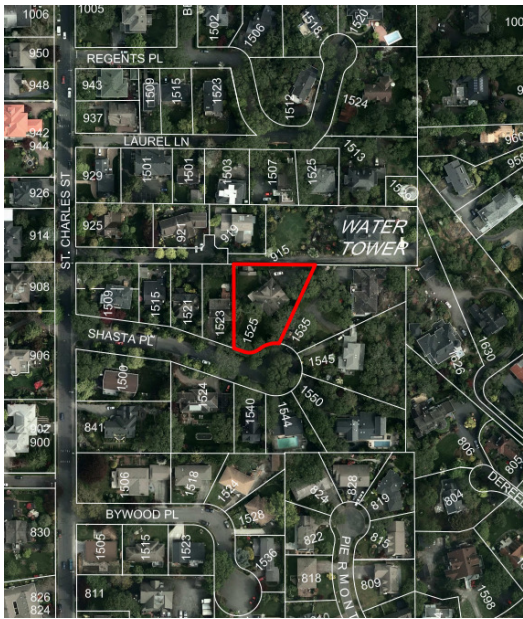
1525 Shasta Place
60-Day Temporary Protection Order



Location | 1525 Shasta Place – Base Map



Location | 1525 Shasta Place – Aerial



1525 Shasta Place– barn / stable / carriage house



1525 Shasta Place— converted to a residence in 1969



1525 Shasta Place— 2017



1525 Shasta Place— front entrance



1525 Shasta Place— original facade



1525 Shasta Place— respecting the layered memory through reuse



To: Committee of the Whole **Date:** September 22, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Application for a New Liquor Primary Licence for The Drake, 517 Pandora Street.

- a. The impact of noise on the community in the vicinity of the establishment has been considered and is expected to be consistent with existing operations based on an understanding that the total licensed capacity under the Food Primary Licence is 178 persons and the hours of operation are 11:30 am until 12:00 am seven days per week.
- b. If the application is approved, the impact on the community is expected to be negligible given the size and hours of the business.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received four letters, all in support of the application.
- d. Council recommends the issuance of the license.

PURPOSE

The purpose of this report is to seek Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by The Drake for a new Liquor Primary License at 517 Pandora Avenue having licenced hours of service from 9:00 am until 12:00 am seven days a week and an occupant load of 178 persons.

BACKGROUND

The Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding:

1. The impact of noise on nearby residents.
2. The impact on the community if the application is approved.

In an attached letter of intent (Appendix A), the applicant outlines the rationale for application to LCLB for the new Liquor Primary License. A map of the subject property and the immediate area is attached to this report (Appendix B).

The establishment has been in operation a number of years and recently they have been directed by LCLB to obtain a Liquor Primary Licence in order to more accurately reflect the consumption behaviours of the patrons and to accommodate entrance of minors throughout business hours.

As is the case with all Liquor Primary Licence applications, the LCLB is requesting a resolution from the City of Victoria regarding the application.

ISSUES & ANALYSIS

The following sections will identify the key issues and provide analysis for Council's consideration:

City Liquor Licensing Policy

In 2007 Council adopted as part of the City's Liquor Licensing Policy that it consider applications for Liquor Primaries having hours of operation not later than 2:00am

*The limitations for opening and closing hours adopted by Council only refers to the sale of liquor and not the other aspects of the business. The applicable Council minutes are attached to this report as Appendix C.

The hours of licensed service proposed in the application are within parameters of the policy.

City Referrals

An inter-departmental review of the project has been undertaken by City staff. The inter-departmental review includes circulation to Police, Bylaw, Planning, Community Development and Engineering. That review has resulted in the following feedback:

- No concerns have been brought forward by the inter-departmental review.

Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, The Drake displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

Four letters were received, all in support of the application to LCLB.

The letters of support noted the business owners to be responsible, respectable and professional operators and support their efforts and all that The Drake brings to the community.

Applicant Response

As is standard practice as a part of the liquor licence process, after City staff give input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. After the applicant reviewed City staff comments, the applicant declined opportunity.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding the application for a new Liquor Primary License by The Drake, located at 517 Pandora Street, it is considered that the proposal is consistent with current City policy and would result in a net-positive impact on the community and not generate noise related issues as a consequence of the license approval. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the application for the new Liquor Primary License.

IMPACTS

Accessibility Impact Statement

None

Strategic Plan 2015 – 2018

The recommendation to support the application is likely to increase the viability of the business, which is consistent with Strategic Plan Objective #5 - *Create Prosperity Through Economic Development*.

Impacts to Financial Plan

There are no anticipated impacts to the Financial Plan.

Official Community Plan

The business is existing and licensing opportunities are secondary to the primary focus of the business. The primary purpose of the business aligns with the *Official Community Plan* objectives for this neighbourhood.

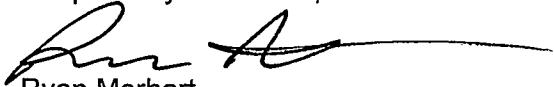
CONCLUSIONS

The application for a new Liquor Primary License for The Drake is not in conflict with the City's current liquor licensing policy and no objection has been raised through the community consultation process. Therefore, staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application of The Drake to LCLB for a Liquor Primary License having hours of licensed service from 9:00 am – 12:00 am seven days per week.

ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application for a new Liquor Primary License for The Drake, located at 517 Pandora Avenue, does not support the request for the amendment.

Respectfully submitted,

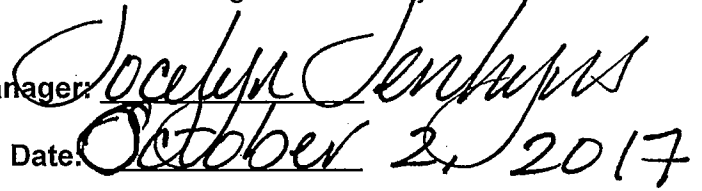


Ryan Morhart
Manager
Permits & Inspections



Jonathan Tinney
Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

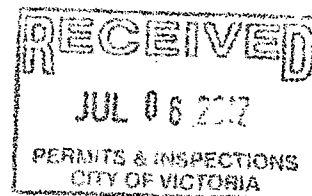

Date: October 2, 2017

List of Attachments

- Appendix A: Letter of Rationale
- Appendix B: Aerial photograph (map)
- Appendix C: Council Minute from May 24, 2007, (Liquor Licensing Policy)
- Appendix D: Letters from the public
- Appendix E: Provincial Liquor License Types

The DRAKE EATERY

517 Pandora Ave.
Victoria, BC V8Y 1N5
(250) 818-5465
lee.spence.112@gmail.com



July 6, 2021

Ryan Morhart
City of Victoria

Dear Ryan,

We have put forth an application for a dual liquor license for The Drake Eatery. We will ask, if possible, for the dual license to cover about $\frac{3}{4}$ of the room, so that there will remain an area for families in search of a meal, late night. Currently, we operate with a food primary liquor license. Our hours of operation are from 11:30 a.m. until midnight daily, and our kitchen operates for the same hours. With a dual liquor license, the liquor primary aspect will be from 8 p.m. until midnight, with minors being allowed from 8 p.m. until 10 p.m. with an adult. As mentioned a portion of the room will remain family friendly for the duration of the service.

The Drake Eatery offers a concise quality food menu and a well curated craft beer selection, as well as some wine, cider and non-alcoholic selections. We do not offer spirits, we do not put alcohol on special, or serve beer in jugs. The liquor board has asked us a couple of times about applying for a dual liquor license. The inspectors feel that, when they arrive late evenings, approximately at 10:30 p.m. for inspections, that we are operating more like a bar than a restaurant, as there is not much evidence of guests eating at this time. The inspectors have also noted that other liquor primary license holders have commented on our operations. We wish to maintain a cooperative relationship with the liquor board and want the inspectors to view The Drake Eatery as being in total compliance with liquor policy. We do not intend to change anything about our operations with the addition of a dual liquor license, as we all appreciate the current ambiance in The Drake.

Best regards,

Mike & Lee Spence
Owner/Operators of The Drake Eatery



1: 1,000

NAD_1983_CSRS_UTM_Zone_10N

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.

APPENDIX C

MINUTES – VICTORIA CITY COUNCIL MEETING OF THURSDAY, MAY 24, 2007, AT 7:30 P.M.

Excerpt from Council Minutes ...

Liquor Establishments Extended Hours

It was moved by Councillor Holland, seconded by Councillor Fortin, that:

1. **Liquor-Primary Extension of Hours on Sunday**
That City Council approve extended hours of service until 02:00h on a holiday Monday for liquor-primary establishments and authorize staff to implement this policy by approving multiple dates for each calendar year, through a Temporary Change to a Liquor Licence application; and
2. **Liquor-Primary Extension of Hours past 02:00h**
That City Council not consider applications for extended hours of sale past 02:00h for any date other than New Year's Eve; and
3. **Liquor-Primary and Food-Primary Extension of Hours on New Year's Eve** That City Council approves extended hours of service until 03:00h January 1, for all licensees on the condition that food is available to patrons; and
4. **Food-Primary Extension of Hours past Midnight**
That Council considers applications for extended hours of service up to, but not past 01:00h, on Friday and Saturday only for all food-primary licensees.

Carried

The logo for Habit Coffee, featuring the word "habit" in a lowercase, hand-drawn, sketchy font.

coffee &
culture

Victoria
BC, Canada

T 250.294.1127

F 250.294.6183

E habitcoffee@gmail.com

www.habitcoffee.com

Manager, Permits & Inspections
Re: Primary Liquor Licence The Drake

My name is Shane Devereaux and I'm the owner of Habit Coffee located at 552 Pandora Ave. I wanted to write a quick note of support for the application for a new Liquor Primary Licence at the Drake Eatery. I have been in business for 11 years on Pandora and I am very excited to see our street finally reaching its potential. One of the best things to happen not only on this street but also in this city has been the addition of The Drake. Our craft beer scene has been growing steadily for several decades and this establishment is the embodiment of the fantastic community craft beer has become.

There are two main reasons that I completely support this application. The first is Mike and Lee who own & operate The Drake are complete professionals. I consider myself a student of the hospitality industry and we would be hard pressed to find better operators in our City. The staff are attentive, knowledgeable, mature, and focused on providing the best possible service. This does not come easy, I can tell you from my own experience. It is entirely evident that Mike and Lee invest a tremendous amount of time training and working with their staff to build such a strong team. If we need a group of people to handle the different aspects of a Liquor Primary Licence and to ensure the highest professional standards, this is the group to do so.

The second reason I fully support this application is the very obvious fact that nothing will change with how they operate. In the last few years we have seen the loosening of our century old Liquor Laws and this has finally allowed great operators to contribute excellent hospitality offerings like The Drake. They have built a fantastic space that allows people to enjoy the many great craft beers our region has to offer. They have a simple food program to support their beer focused business. I can't see how anything will change. I feel certain they will continue to ensure that overservice doesn't happen and that the space is comfortable for everyone. In closing I should point out that I visit the Drake several times a week at different times of the day and I have never experienced anything but a lovely time in a community focused environment.

Thanks for listening

Shane Devereaux
Owner, Operator
Habit Coffee LTD.

Habit Coffee Chinatown: 552 Pandora Ave Habit Coffee at the Atrium: 808 Yates Street

Habit Coffee Chinatown: 552 Pandora Ave **Habit Coffee at the Atrium:** 808 Yates Street

Ryan Morhart

From: Ben Nemtin [REDACTED]
Sent: Thursday, August 24, 2017 9:57 AM
To: Ryan Morhart
Subject: Pro New Liquor License

Hi there,

As an owner of property within 50 meters of #146-560 Johnson St, I support the proposed new Liquor Primary License.

Best,
Ben

Ryan Morhart

From: Ian Hoar [REDACTED]
Sent: Thursday, August 24, 2017 7:43 PM
To: Ryan Morhart
Subject: Reasoning application for The Drake

Hi there,

I'm writing in support of the rezoning application for the Drake at 517 Pandora. As a long time downtown resident living on Herald st. I can say that The Drake has always been a great neighbor. I can't recall a time in the several years that the Drake has been operating that I've noticed any patrons spilling onto the street or any excessive drunkenness in or around the establishment. They are a model pub and deserve to be rezoned appropriately.

Ian Hoar

114 Rendall st (V8V 2E2)
Formerly 532 Herald st. (V8W 1S6)

Ryan Morhart

From: Maia Green <maia@fun society.ca>
Sent: Saturday, September 2, 2017 11:10 AM
To: Ryan Morhart
Subject: In support of Drake proposal

I live almost directly above the Drake and am in full support of their application. Their establishment has hugely enhanced the vibe and character of this neighbourhood and I see no issue with them getting a liquor primary licence.

Thank you for including my comments!

Maia Green
#3-1441 Store Street, Victoria, BC, V8W 3J6

--
Maia Green, MA
Founder and Board Chair
FUN Society (Friends Uniting for Nature)
778 977 5921 (Local Victoria # - Dial 1 if outside Victoria, BC)
maia@fun society.ca
www.fun society.ca
www.facebook.com/FUNSociety

- inspiring youth into action -

FUN Tip: "Neither people nor actions need to be big to make a HUGE difference!"

Appendix E

TYPES OF LIQUOR LICENCES ISSUED IN THE PROVINCE OF BRITISH COLUMBIA

DATE: November 20, 2015

(but hyperlinks will be updated whenever this document is accessed)

In response to a request of Council during the Planning and Land Use Committee meeting of November 12, 2015 we are providing this document to give a broad understanding of the types of liquor licences issued in the province of British Columbia. All of this information is excerpted directly from the website for B.C.'s Liquor Control and Licensing Branch. Hyperlinking this document will ensure updated information. The purpose of making it a hyperlinked document is so that as liquor applications progress and continue, the website information (linked below) will be updated.

B.C.'s Liquor Control and Licensing Branch issues:

- Agent's Licences for independent liquor agents who market products from a variety of liquor manufacturers, and BC liquor manufacturers who want to sell their products off-site.
- Catering Licences for catering companies so they may provide full food and beverage services to their customers at events.
- Food-Primary Licences for selling liquor by the glass at businesses (restaurants) where the primary purpose is to serve food.
 - Patron participation entertainment is outside the normal terms and conditions of a food primary licence, and outside the routine steps established to assess their impacts during the application process. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary licensed restaurant.
- Liquor-Primary Licences for selling liquor by the glass at businesses (pubs, bars, lounges, nightclubs, etc.) where the primary purpose is to sell liquor. Private clubs require a liquor-primary club licence.

Sub Category: Liquor primary club licence:

Section 1 of the Act defines a club as an organization incorporated under the laws of British Columbia that has been in continuous operation for at least one year immediately prior to application for a liquor licence. A club must have at least 50 members who pay annual membership fees of at least \$10.00. The main focus of a club must be social, athletic, recreational, fraternal, benevolent or patriotic in nature, but this does not preclude profit-making. A club has its own facilities and does not sublet food or liquor service. Under section 52 of the Regulations, liquor may only be served to club members and invited guests. Guests must be registered along with the accompanying club member.

Veterans' clubs are eligible for liquor primary club licences. These currently include the following organizations:

- the Royal Canadian Legion
- Army, Navy and Air Force Veterans in Canada
- War Amputations of Canada

- The Royal Canadian Air Force Association
- a chartered branch of any of the organizations listed above
- British Ex-Servicemen's Association of Vancouver, and
- The Royal Canadian Naval Association.

Under section 29 of the Act, a chartered branch of a veterans' club is not entitled to apply for, obtain or hold a liquor licence while it is not in good standing with the central organization.

- Manufacturer's Licences for making liquor at a winery, brewery or distillery. Manufacturers can also apply to add a lounge, special event area, tour area and/or picnic area endorsement to their manufacturer's licence.
- Special Occasion Licences for individuals and groups holding special events, such as community celebrations, weddings or banquets.
- UBrew/UVin (Ferment-on-Premises) Licences for businesses that sell their customers the ingredients, equipment and advice they need to make their own beer, wine, cider or coolers.

In addition, although no new licences are available at this time:

- Liquor (Licensee) Retail Store Licences for selling liquor by the bottle at retail stores (often called Private Liquor Stores).
- Wine Store Licences for wine stores including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

What is the difference between a food-primary and a liquor-primary licence?

A food-primary (restaurant) licence is issued when the primary purpose is the service of food. A liquor-primary (bar) licence is issued when the primary purpose is the service of liquor, hospitality or entertainment. The approval process is different for each type of licence with the liquor primary process being more involved. Minors are generally prohibited from liquor primary establishments.

There is an excellent and comprehensive Frequently Asked Questions section of the BC Liquor Control and Licensing Branch website. The FAQs section covers areas of application, transfers, delivery, minors, enforcement, public complaints and concerns, etc.



Committee of the Whole Report

For the Meeting of October 12, 2017

To: Committee of the Whole **Date:** September 29, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Land Use Procedures Bylaw Amendments – Temporary Use Permits Notification

RECOMMENDATION

That Council:

1. Give 1st, 2nd, and 3rd readings for the attached Land Use Procedures Bylaw amendments which would reduce the notification distance for opportunities for public comment for Temporary Use Permits.
2. Direct staff to amend the Storefront Cannabis Retailer Rezoning Policy to specify that Temporary Use Permit applications require the notification distance for Council's opportunity for public comment be 100 metres.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with recommended changes to the Land Use Procedures Bylaw to fulfil Council's previous intent for the Temporary Use Permit application process.

In 2016 and early 2017, staff reviewed the Land Use Procedures Bylaw and presented potential changes to Council for consideration. As part of this review, Council instructed staff to alter the Temporary Use Permit process so it would be in accordance with the Development Variance Permit application process rather than the rezoning process (see attached staff reports for May 18, 2017 and March 10, 2016). The subsequent bylaw amendments did not completely carry out this intent. Specifically, the notification distance is still 100 metres from the subject property rather than the immediately adjacent properties.

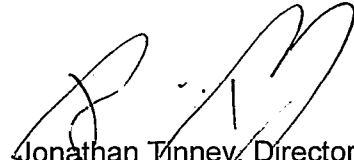
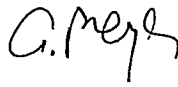
Therefore, staff are bringing forward bylaw amendments (attached) to reduce the mail-out notification to the owners and occupiers of all parcels that are the subject of, or that are adjacent to, the Temporary Use Permit application. Staff recommend that Council consider these amendments to fulfil Council's previous direction related to the Temporary Use Permit application process.

Furthermore, in accordance with Council's previous direction related to notification for a Temporary Use Permit application for a Storefront Cannabis Retailer, staff recommend that Council consider amending the Storefront Cannabis Retailer Rezoning Policy to increase the notification distance for all Storefront Cannabis Retailer Temporary Use Permits to 100 metres. The staff recommendation includes the necessary wording for this.

Respectfully submitted,

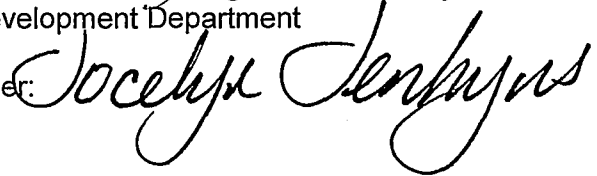


Rob Bateman
Senior Process Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Oct 3, 2017

List of Attachments:

- Attachment A: Land Use Procedures Bylaw Amendments Report, Committee of the Whole meeting of May 18, 2017
- Attachment B: Bylaw Amendments related to Development Permit Exemptions and Delegation Report, Council meeting of March 10, 2016
- Attachment C: Proposed Land Use Procedures Bylaw Amendment (No. 17-107).



Committee of the Whole Report

For the Meeting of May 18, 2017

To: Committee of the Whole **Date:** April 28, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Land Use Procedures Bylaw Amendments – Temporary Use Permits, CALUC Review Implementation, Fee Updates and Housekeeping

RECOMMENDATION

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to implement the following changes:

1. Clarify terminology and application process for Temporary Use Permits.
2. Update Pre-Application Fees to fulfil Council's previous direction with regard to revisions to the Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendment, Rezoning, Variance, Temporary Use Permit and Liquor License Applications.
3. Eliminate development application fees associated with affordable non-profit housing.
4. General update to fees related to processing development applications as described in Table 3 (Development Application Fee Update Comparison Table) of this report.
5. Undertake a number of housekeeping and process consistency amendments as described in this report.

LEGISLATIVE AUTHORITY

In accordance with Section 460 of the *Local Government Act*, if a local government has adopted an official community plan or a zoning bylaw it must define procedures under which an owner may apply for an amendment to the plan or obtain a permit under Part 14 of the *Local Government Act*.

EXECUTIVE SUMMARY

The purpose of this report is to bring forward, for Council's consideration, proposed changes to the Land Use Procedures Bylaw to:

- ensure Temporary Use Permits are processed in a manner consistent with the provisions of the *Local Government Act* (LGA)
- fulfil Council's direction with regard to revisions to the Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendment, Rezoning, Variance, Temporary Use Permit and Liquor License Applications
- recommend eliminating development application fees associated with affordable non-profit housing
- recommend a general update of fees related to processing development applications
- undertake a number of housekeeping amendments.

The recommended amendments address a number of initiatives over the past years either specifically directing a particular change to the Land Use Procedures Bylaw or directing further review and consultation that would lead to an update to the Bylaw. Overall, the proposed amendments brought forward for Council's consideration are consistent with actions identified through past Development Summits, the Victoria Housing Strategy, the Strategic Plan and the *Official Community Plan*.

PURPOSE

The purpose of this report is to recommend changes to the Land Use Procedures Bylaw to:

- ensure Temporary Use Permits are processed in a manner consistent with the provisions of the *Local Government Act* (LGA)
- fulfil Council's direction with regard to revisions to the Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendment, Rezoning, Variance, Temporary Use Permit and Liquor License Applications
- recommend eliminating development application fees associated with affordable non-profit housing
- recommend a general update of fees related to processing development applications
- undertake a number of housekeeping amendments.

BACKGROUND

There have been a number of initiatives over the past years either specifically directing a particular change to the Land Use Procedures Bylaw or directing further review and consultation that would lead to an update to the Bylaw. In the Issues and Analysis section of this report, the background information relevant to each proposed change is discussed.

ISSUES & ANALYSIS

Temporary Use Permits

In the 1980s, the *Municipal Act* made provision for local governments to designate temporary commercial and industrial use permit areas and specify conditions for their issuance. In subsequent amendments to the *Local Government Act* in 2010 the scope was broadened to include any uses.

The *Official Community Plan* (2012) designates the entire City for the issuance of Temporary Use Permits (TUPs), which is a necessary pre-condition for Council to consider TUPs. The term can be up to three years (or less if directed by Council) and may be renewed only once. Essentially, TUPs provide Council and the community an opportunity to "try out" a use. To date, the City has issued very few Temporary Use Permits. Only four have been issued since 2005 for the following uses: vehicle storage, liquor retail sales in a temporary building, scooter rental and parking lot use:

Due to the low volume of these types of permits, the City did not consider a separate process for these permits, and generally followed the process for rezoning applications; however, when the Land Use Procedures Bylaw was updated in 2016, after legal review and advice, it was determined that temporary use permits should follow the process of a permit (versus a rezoning) which will eliminate some steps in the processing. This approach is consistent with recommendations and feedback received at the 2016 Development Summit. While the processing time will be somewhat shorter for the applicant, there is still an opportunity for public comment prior to Council's consideration of these types of permits. Temporary use permits are issued by resolution.

A Temporary Use Permit generally follows the same processing requirements as a Development Variance Permit with the exception that the *Local Government Act* requires an advertisement in a local newspaper.

The established procedure for public notification and input is as follows:

- staff provide a digital copy of the submission to the CALUC
- the CALUC has 30 days from the date of receipt to comment. If comments are provided, the comments are included with the staff report on the application
- if Council decides to advance the application, the owners and occupiers of land subject to the permit and adjacent properties (owners and occupiers) receive notification of the Council meeting at which a decision will be made
- a sign is posted on the subject property at least 10 days prior to the date of the Council meeting at which a decision will be made
- A notice of the permit is placed in the newspaper (Note: this is not a legal requirement for other types of permits)
- at a meeting of Council, the applicant may make a presentation to Council and an opportunity for public comment is allowed.

As there is an additional cost for newspaper advertising for this type of permit, it is recommended that the administration fee for the opportunity for public comment be the same as a public hearing fee.

Further, as the analysis and conditions related to a temporary use are often of a non-standard nature, i.e., no established guidelines, these types of applications often require more staff time to process. These types of applications often involve extensive interaction with the applicant to reach a mutually acceptable outcome. As such, it is recommended that the application fee be set the same as a rezoning fee. The changes proposed for Council's consideration would formalize the process noted above and would also change the reference in the Land Use Procedures Bylaw from "temporary commercial or industrial use permits" to "Temporary Use Permits" to make it consistent with the *Local Government Act*.

CALUC Process Updates

As a result of the 2016 CALUC Review, there is a need to update the Bylaw in order to implement Council's previous directives with regard to refinements to the Community Association Land Use Committee (CALUC) Procedures to Processing Applications.

In August 2016 Council passed a motion (Appendix A) to increase Pre-Application Fees to better account for mail-out costs associated with the Community Meeting. In December 2016 Council passed a motion (Appendix B) to increase Pre-Application Fees by \$250 to provide CALUCs financial support for Community Meetings. In accordance with these motions, this bylaw amendment would increase the pre-application fees from \$400 to \$750 for Council Rezoning Applications (100m notification area), and from \$800 to \$1250 for OCP Amendment Applications (200m notification area.)

Affordable Housing provided by Registered Non-Profits Application Fees

To help address the current shortage of affordable non-profit housing, and in keeping with the intent of the Victoria Housing Strategy (2016-2025), staff recommend for Council's consideration that there be no fee for applications that consist entirely of affordable dwelling units. Additionally, staff recommend for Council's consideration that fees of applications that include a portion of affordable housing dwelling units be prorated. The recommendation is that the fee be reduced based on the floor area of affordable housing units as a percentage associated with the total floor area of the

building. Fees would not be reduced for floor areas associated with common areas, parking, or amenity space as these would be provided in any case.

Any reduction to fees for affordable housing would have to meet the following requirements:

- the development is fully owned and operated by a registered non-profit or government agency. Alternatively, a private developer may enter into a legally binding arrangement, in perpetuity, with a registered non-profit or government organization
- the affordable housing is secured in a Housing Agreement or other legal agreement with the City.

These proposed changes are consistent with Strategic Direction 1: Increase Supply of the *Victoria Housing Strategy*, which includes the action to "Examine opportunities to create further incentives". The proposed changes to the fees for affordable housing would provide monetary relief for non-profit affordable housing applications which would assist with this strategic direction. These proposed changes are also consistent with the Council motion of December 13, 2007, directing staff to give priority to the processing of applications for non-market housing and associated services, as well as medical institutions.

Staff have consulted both the Urban Development Institute (UDI), the Victoria Residential Builders Association, and local non-profit housing providers who are generally in support of the overall direction of the proposed changes. At the time of writing this report no letters had been received from any of these groups; however, any correspondence received will be provided to Council as the proposed changes are advanced to Council for further consideration.

Development Application Fee Update

Consistent with Council's motion of August 25, 2016 to undertake a review of current fees associated with development and building approvals and to engage the Urban Development Institute and the Victoria Residential Buildings Association as part of this review, staff are advancing a number of fee adjustments for Council's consideration (see staff report attached in Appendix C).

In general, the proposed changes are intended to:

- update the fees to an amount more commensurate with the current level of service and costs associated with offering this service. The fees were last updated in 1998
- reflect the principle of the fees increasing as the development process progresses
- ensure the amount of staff time required to process an application is more closely reflected in the fee
- recover costs for services where no fee has been levied in the past
- simplify and clarify the current fee schedule so that it is more efficient for staff to administer and easier for applicants to understand.

As noted in the previous staff report (Appendix C) and summarized in the table below, existing fees do not cover City costs associated with development applications, and at the same time, Council have made strong commitments to increasing levels of service. The proposed updates aim to keep rates as low as possible to support ongoing development and renewal of the City's building stock while minimizing, to the extent possible, inputs to support these functions from other revenues including general tax revenue. The approach also supports graduation of the overall fee structure to generate a larger share of total revenue later in the development process when applicants have greater surety of timing and some entitlements are already in place.

Table 1: Fee Revenue and Expenditures for Development Services Functions - 2012 TO 2016 (In Millions)

	2012	2013	2014	2015	2016
Expenditures	\$3.215	\$3.319	\$3.378	\$3.376	\$3.540
Revenues	\$2.458	\$2.633	\$2.864	\$3.243	\$4.046

Within the Development Services Division there are presently 16.24 Full Time Equivalents (FTE) dedicated to processing development applications and the associated functions such as administering Advisory Design Panel, Heritage Advisory Panel and Board of Variance as well as responding to enquiries. This number does not include the temporary planner position that has been funded by Cannabis Storefront Retail Rezoning Applications, management positions, nor numerous staff from other departments that support this function as well.

Additionally, staff have reviewed the public hearing fee and recommend it be increased to \$1800, noting that the current fee of \$1200 has not increased since 2006. This recommendation is based on a review of the average charge for placing the required notices in the newspaper in 2016. The fee for an application where Council provides an opportunity for public comment remains the same at \$200.

It is difficult to predict the impact that the fee updates would have on the net revenue as it is largely dependent on the market; however, based on development applications received for the first quarter of 2017 (January 1, 2017 to March 31, 2017), the fees collected were approximately \$168,000 but would have been approximately \$240,000 if the proposed fees were charged (see table below).

Table 2: Approximate Development Application Fees (Q1 2017)

Existing Rates		Proposed New Rates	
January Fees	\$56,000	January Fees	\$90,000
February Fees	\$27,000	February Fees	\$40,000
March Fees	\$85,000	March Fees	\$110,000
Total Q1 2017	\$168,000	Total Q1 2017	\$240,000

The following comparison table summarizes the type of fee, the current rate and the proposed rate:

Table 3: Development Application Fee Update Comparison Table

Fee Type	Current	Proposed	Notes
Use and Density Applications + OCP Amendments:			
OCP Amendment Fee	\$1400	\$2500	Includes covering cost of additional 200m mailout required prior to 1 st Reading – satisfying LGA requirements for consultation considerations.
Rezoning Base Fee	\$1400	<u>Residential Only (up to 3 units):</u> SFD: \$2000/unit Duplex: \$3000 Triplex: \$4000 <u>Other Uses:</u> Equal to or under 500m ² : \$3000 + \$0.5 per m ² floor area	Over three-dwelling units of any type would require a Large Project Fee instead of a Base Fee. Fees based on proposed

		<u>Mixed Use:</u> Equal to or under 500m ² : \$3000 + \$0.5 per m ² floor area	development not existing.
Rezoning Large Project Fee	Projects exceeding \$2M: (Project value - \$2M) x \$.001 = Large Project Fee	<u>Residential Only (over 3 units):</u> Any dwelling unit type: \$6000 + \$0.5 per m ² floor area <u>Other Uses:</u> Over 500m ² : \$6000 + \$0.5 per m ² floor area <u>Mixed Use:</u> Over 500m ² : \$6000 + \$0.5 per m ² floor area	Current definition of Large Project is anything over \$2M of buildable floor area. Proposed definition is projects in excess of 3 units for residential or with floor area greater than 500m ² for non-residential and mixed use developments. Fees based on proposed development not existing.
Land Use Contract Amendments, Temporary Use Permits or Heritage Revitalization Agreements that facilitate use or density changes	\$1400	Same as Rezoning	Land Use Contracts being phased out; however, in the event Council chooses to not expire all of them, it is important to set fee.
Cannabis Storefront Retail Rezoning, Temporary Use Permit, Land Use Contract Amendment	\$7500	\$7500	Clarify fee is the same for any application type that permits the use.
DPs /HAPs/ Variances			
DP/HAP Base Fee	Under \$25,000 construction value: \$200 \$25,000 to \$2M: \$500	<u>Residential Only (up to 3 units):</u> SFD: \$2000/unit Duplex: \$3000 Triplex: \$4000 <u>Other Uses:</u> Equal to or under 500m ² : \$3000 + \$2.5 per m ² floor area <u>Mixed Use:</u> Equal to or under 500m ² : \$3000 + \$2.5 per m ² floor area	This goes up, because rezoning fees, overall, go down. (For SFD, duplex, triplex there is no DP fee if there is a concurrent rezoning fee) Fees based on proposed development not existing.
DP/HAP Large Project Fee	Projects exceeding \$2M: (Project value - \$2M) x \$.001 = Large Project Fee	<u>Residential Only (over 3 units):</u> Any dwelling unit type: \$6000 + \$2.5 per m ² floor area <u>Other Uses:</u> Over 500m ² : \$6000 + \$2.5 per m ² floor area <u>Mixed Use:</u> Over 500m ² : \$6000 + \$2.5 per m ² floor area	This goes up, because rezoning fees, overall, go down. Fees based on proposed development not existing.

DVP	\$500 + \$250 for each additional variance (first variance included in \$500 fee)	\$750 + \$250 for each additional variance (first variance included in \$750 fee)	This fee would increase to better cover costs to process the application.
HAPs for SFDs, Duplexes	Free	Free	
DP for subdivision only	\$250 for each new proposed lot	\$250 for each new proposed lot	
Delegated Approvals			
Delegated DP / HAP	\$200	\$200	
Delegated DP Fee in DPA#16 resulting in building over 100m ² and DPA#15E	\$200	Half of DP Fee	
Miscellaneous Fees			
Amendments to Existing Legal Agreements	0	\$1000 + City's Legal Costs	This fee would better cover costs to process the application.
Pre-Application Fee for Community Meetings	\$400 for notice to owners and occupiers of properties within 100m. \$800 for notice to owners and occupiers of properties within 200m.	\$750 for notice to owners and occupiers of properties within 100m. \$1250 for notice to owners and occupiers of properties within 200m.	Fees to be raised based on Council motions resulting from the 2016 CALUC Review.
Resubmission Fee	\$500	\$500	
Administrative Fee for Public Hearing or Opportunity for Public Comment	\$1200 for public hearing \$200 for opportunity for public comment	\$1800 for public hearing \$200 for opportunity for public comment	Staff have reviewed the public hearing fee and recommend it be increased to \$1800, noting that the current fee of \$1200 has not increased since 2006. This recommendation is based on a review the average charge for placing the required notices in the newspaper in 2016.

Council Authorization Report	0	\$1000	Special Requests that come in that require Council Authorization that require a report e.g. to waive clean hands policy.
Site Profile	\$100	\$100	

Legend:
DP: Development Permit
DVP: Development Variance Permit
HAP: Heritage Alteration Permit
OCP: Official Community Plan
SFD: Single Family Dwelling

Housekeeping and Process Consistency Amendments

There are also a number of proposed amendments which can be categorized either as "housekeeping" or minor changes and clarifications to ensure the Bylaw reflects current processes and practices. The proposed Land Use Procedures Bylaw amendments are consistent with what was heard at the 2016 Development Summit regarding improvements to the City's land use application and permit processes (2016 Development Summit Action Plan, Action 10: Update the Land Use Procedures Bylaw to reflect any administrative streamlining, as needed).

These proposed housekeeping updates are:

1. Correct several typographic errors in text.
2. There is no fee for Heritage Alteration Permits for single-family dwellings or duplexes without any variances; however, the bylaw is not clear that when a variance is required, a fee of \$250 is required per variance in compliance with the City's standard fees. The base fee is still waived but a variance fee will be charged as a staff report to Council is required. This clarification is consistent with historical practice.
3. With respect to rezoning sign posting, an applicant is required to post a notice of rezoning sign on the property, or properties, subject to the rezoning. This direction is not clear and staff believe it was not the intention that this would also apply to city-initiated applications that require signage that involve a number of properties. For instance, it would not be practical to place signage on every lot for Zoning Regulation Bylaw improvement initiatives (changes to garden suite regulations or changes to the definitions that effect 1000s of properties in the City.) The *Local Government Act* (Section 466) states that specific notification (mailed or delivered) is not required if 10 or more parcels owned by 10 or more persons are the subject of the bylaw amendment. As such, in keeping with the spirit of this notification requirement, if 10 or more parcels are affected by a City-initiated rezoning, then rezoning sign posting is not required.
4. To ensure that the Community Meeting is current with the associated application, staff do not accept applications if the associated Community Meeting was held more than six months prior to the submission date. If an application is received more than six months prior to the submission it may be accepted at the discretion of the Director of Sustainable Planning and Community Development and this is typically reviewed with the CALUC. This is consistent with information provided on City application forms and is in keeping with long standing processes. Staff propose that this be included in the Land Use Procedures Bylaw.
5. Clarify that a Landscaping Security Deposit is required for both delegated and Council approved Development Applications.

IMPACTS

This initiative is consistent with the City's Strategic Plan, Financial Plan and the *Official Community Plan*.

2015 – 2018 Strategic Plan

The proposed amendments to the Land Use Procedures Bylaw contribute to Strategic Objective 2: Engage and Empower the Community, Strategic Objective 3: Strive for Excellence in Planning and Land Use, and Strategic Objective 6: Make Victoria More Affordable. Specifically, the proposed amendments to the Land Use Procedures Bylaw help to directly support the following 2016 Outcomes of the Strategic Plan:

- build capacity of neighbourhood/community associations
- reduce processing time for all types of applications from building permits to rezoning applications
- streamline land use policies
- substantial increase in construction of new low-cost housing units with implementation of income-mixed zoning.

Impacts to Financial Plan

Combined with proposed fee changes to Building, Plumbing and Electrical bylaws, the projected fee revenue will meet administrative costs in an average development year.

Official Community Plan Consistency Statement

Continued residential and employment growth is central to achieving the vision and objectives of the *Official Community Plan* (OCP). This initiative aims to reduce barriers to investment and development in Victoria by making development application processes more effective and efficient. It also advances a goal included in the "Plan Administration" section which states, "Victorians are interested, informed, empowered and involved in their communities and the process of democratic governance."

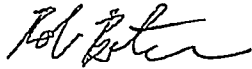
ALTERNATE RECOMMENDATION

If Council would prefer to not proceed with some of the proposed amendments to the Land Use Procedures Bylaw, direct staff accordingly to prepare an amended Bylaw for Council's consideration.

CONCLUSIONS

The proposed amendments to the Land Use Procedures Bylaw would provide correctness and clarity to the Bylaw for the processing of Temporary Use Permits, advance Council's direction to make revisions associated with the CALUC processes, update Development Application Fees, address housekeeping and provide clarity regarding process. Overall, the proposed amendments brought forward for Council's consideration are consistent with actions identified through past Development Summits, the Victoria Housing Strategy, the Strategic Plan and the *Official Community Plan*.

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services Division


LT



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:


May 5, 2017
List of Attachments:

- Appendix A - Community Association Land Use Committee Review – 2016, Council Motion of August 25, 2016
- Appendix B - Community Association Land Use Committee Review – 2016, Council Motion of December 8, 2016
- Appendix C – Development and Permit Fee Review Report, Committee of the Whole meeting of August 18, 2016.

Appendix A

2. Community Association Land Use Committee (CALUC) Review - 2016

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council:

1. Approve the following documents as interim guidance for the Community Association Land Use Committee process:
 - a. Community Association Land Use Committee (CALUC) Terms of Reference
 - b. Role of Developer, Council and Staff in Community Association Land Use Committee (CALUC) Processes
 - c. Community Association Land Use Committee (CALUC) Procedures for Processing Official Community Plan Amendments, Rezoning, Variance, Liquor License and Temporary Use Permit Applications.
2. Direct staff to prepare the necessary Land Use Procedure Bylaw Amendments to increase fees associated with mailed notices for community meetings from \$400 to \$500 for rezoning applications, and from \$800 to \$1,000 for Official Community Plan Amendment Applications and bring them forward for consideration at Council.
3. Direct staff to continue to work with the Community Associations, Community Association Land Use Committees (CALUCs) and the Urban Development Institute (UDI) to:
 - a. explore models and options to address resourcing and equity issues amongst the Community Associations and CALUCs to enable the City to provide more formalized support to the CALUC process
 - b. assess an appropriate role for CALUCs in areas beyond the review of development applications
 - c. report back to Council in October 2016 with further recommendations based on the outcome of this additional review.
4. As part of the next phase of consultation, direct staff to get the current written policies of each CALUC with regard to how a person becomes a member, how diversity and representation of the neighbourhood is sought, length of membership term, and maximum committee size.

Carried Unanimously

August 25, 2016

Appendix B

9. Community Association Land Use Committee Review**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Alto:

1. That Council direct staff to undertake changes necessary to implement:
 - Option C - Current Community Association Land Use Committee Model with Additional Resources and Membership Improvements:
 - i. direct staff to provide additional staff time and a \$250 honorarium per hosted Community Meeting to cover expenses associated with these meetings
 - ii. direct staff to prepare the necessary Land Use Procedures Bylaw Amendments to increase fees associated with Community Meetings to accommodate the \$250 honorarium
 - iii. direct staff to monitor the impact of providing additional support to CALUCs and report back to Council with the 2017 Fall annual review
 - iv. direct staff to amend the CALUC Terms of Reference to include requirements for annual notification and advertisement regarding board elections and membership opportunities
 - v. approve the Principles and Guidelines for Involving CALUCs in Broader Project and Policy Initiatives (Appendix G)
 - vi. confirm the CALUC Terms of Reference, Procedures document and Roles document contained in Appendix H, I and J and amended as described in (v) above.

That the following be included in Option C as a requirement:

Anyone who is interested in their neighbourhood and who is looking beyond their own self-interest is encouraged to join the CALUC. Membership policies regarding how a person joins, length of term, maximum committee size, etc. are set by each CALUC; however, CALUC membership must be established through a fair, well-publicized and open process on at least an annual basis. Size: Three members or more.

2. That Council approve continuing the current grant program for neighbourhood per capita funding, and require recipients of this funding to report annually on how the funding was spent, in advance of the following year's allocation.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

Opposed: Councillor Young

December 8, 2016

Committee of the Whole Report
For the Meeting of August 18, 2016

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- 2) supports the recovery of core costs associated with administering the development process
- 3) aligns fees with the size of the project and the stage of its development
- 4) supports better alignment of fees with those charged by other municipalities dealing with similar types of projects.

BACKGROUND

The *Local Government Act*, Section 931, allows local governments to set application fees for land use applications. The Act states as follows:

- 2) A fee imposed under subsection (1) must not exceed the estimated average costs of processing, inspection, advertising and administration that are usually related to the type of application or other matter to which the fee relates.

Fees for applications are set out in the Land Use Procedures Bylaw. Fees related to building, electrical and plumbing permits are laid out in the Building Bylaw, Electrical Safety Regulation Bylaw and the Plumbing Permit Fees Bylaw, respectively.

An update to the Plumbing Bylaw was undertaken in 2012 however, a review of the associated fee bylaw was not then undertaken at that time and this fee schedule currently dates back to 1988. Reviews of other fee schedules associated with other development-related bylaws within the City have also not occurred for some time. The fee schedule for the Building Bylaw has not been updated since 1993 and the schedule within the Electrical Safety Regulation Bylaw has not been assessed since 2004.

Council's Operational Plan currently prioritizes updates to the Building and Electrical Safety Regulation bylaws in 2016. This is to bring both bylaws into compliance with more up-to-date provincial regulation. As part of the 2016 Budget discussions Council directed staff to review fees associated with plan searches as part of the update to the Building Bylaw.

Fees included within the Land Use Procedures Bylaw have not been updated since 1998. A review was undertaken in 2010. However, Council chose at that time not to move forward with the proposed revisions to the fee schedule.

ISSUES & ANALYSIS

Currently fee schedules do not adequately support cost recovery in most years for these service areas. While forecasts for 2016 suggest that fee revenue will exceed associated expenditures related to the processing of development and building approvals, this is likely an isolated case. As summarized in the table below, expenditures for core services related to land use and building regulation surpassed revenues in all other years.

Table 1: Fee Revenue and Expenditures for Development Services Functions – 2012 TO 2016 (In Millions)

	2012	2013	2014	2015	2016 (F)
Expenditures	\$3.215	\$3.319	\$3.378	\$3.429	\$3.589
Revenues	\$2.458	\$2.633	\$2.864	\$3.243	\$4.114

At the same time, staff and Council have made strong commitments to increasing levels of service in terms of application turnaround times through ongoing engagement with the development community. Staff continue to seek efficiency and productivity improvements within both divisions,

but given application volumes and current commitments, in the short term, it will be difficult reduce costs to align with current revenues.

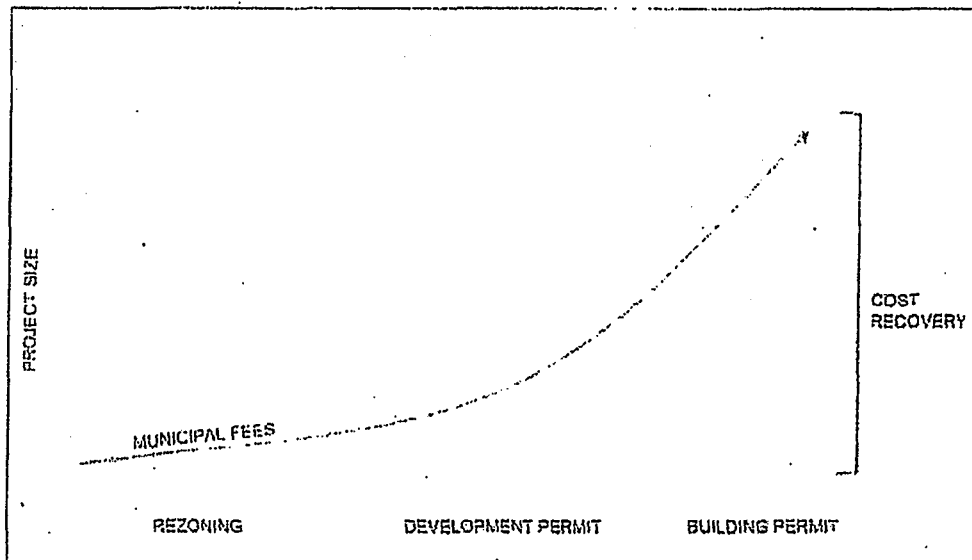
Current fee schedules also face other challenges in addition to fee rates that make them harder for applicants to understand and create difficulties in administration.

Development services fees currently are based on value of construction which is difficult to verify at the early stages of the development process, and do not include more recent additions to the land use approval process such as revisions to master development agreements or heritage revitalization agreements which require significant staff time but are not currently reflected in the fee schedule.

Fees schedules for building and other trades permits require assessment to better align them with comparable municipalities elsewhere in BC when dealing with projects of similar scale and complexity. As well, permit bylaw schedules also do not cover all services currently provided (such as alternative solution assessments, re-inspection, or charges for work without permits).

Based on these challenges, staff are recommending a review of current fee schedules and an associated engagement program with UDi and the VRBA based on the following conceptual approach.

Figure 1: Conceptual Approach to Fee Review



This conceptual approach aims to support overall cost recovery in alignment with the Local Government Act for services within an average year (by application value and volume). The aim here is to keep rates as low as possible to support ongoing development and renewal of the City's building stock while minimizing, to the extent possible, inputs to support these functions from general tax revenue.

The proposed approach will also look at models that support graduation of the overall fee structure to generate a larger share of total revenue later in the development process when applicants have greater surety of timing and some entitlements are already in place.

OPTIONS & IMPACTS

2015 – 2018 Strategic Plan

Objective 3: Strive for Excellence in Planning and Land Use

- Reduced processing times for types of applications from building permits to rezonings
- Streamlined land use policies

Impacts to Financial Plan

Exact impacts are not known at this stage, however the aim of the review will be to support greater cost recovery of planning and development services through fees collected.

Official Community Plan Consistency Statement

None.

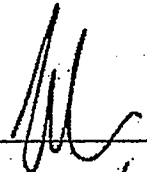
Respectfully submitted,



Jonathan Tinney
Director – Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:

Date:


August 12, 2016



Council Report

For the Meeting of March 10, 2016

To: Council **Date:** February 15, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Bylaw Amendments Related to Development Permit Exemptions and Delegation – Update

RECOMMENDATION

That Council:

1. Give first reading to Bylaw No. 16-027, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20).
2. Consider consultation under Section 475(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 amendments.
3. Give second reading to Bylaw No. 16-027, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 20).
4. Refer Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), for consideration at a Public Hearing.
5. Allow an opportunity for public comment regarding Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, concurrent with the Public Hearing for OCP Amendment Bylaw No. 20.
6. After the Public Hearing consider adopting Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), and Bylaw No. 16-028 Land Use Procedures Bylaw, 2016.

LEGISLATIVE AUTHORITY

In accordance with Section 472 of the *Local Government Act*, Council may adopt one or more official community plans. During the development or amendment of an official community plan, Council must provide opportunities for consultation as set out in Section 475 of the *Local Government Act*. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

In accordance with Section 460 of the *Local Government Act*, if a local government has adopted an official community plan or a zoning bylaw it must define procedures under which an owner may apply for an amendment to the plan or obtain a permit under Part 14 of the *Local Government Act*.

EXECUTIVE SUMMARY

The purpose of this report is to bring forward, for Council's consideration, an Official Community Plan (OCP) Amendment Bylaw as well as amendments to the Land Use Procedures Bylaw, as directed by Council's motion from November 26, 2015 (Attachment 1). Additionally, the proposed bylaws advance a number of other amendments intended to clarify and simplify the language and to ensure accuracy and thoroughness.

The Official Community Plan Amendment Bylaw (Attachment 2) serves to:

1. Exempt the construction, placement or alteration of a building or structure that has a total floor area no greater than 9.2m² (100ft²) from requiring development permits in the following areas:
 - a. DPA 4: Town Centres
 - b. DPA 5: Large Urban Villages
 - c. DPA 6A: Small Urban Villages
 - d. DPA 7A: Corridors
 - e. DPA 10A: Rock Bay
 - f. DPA 13: Core Songhees
 - g. DPA 14: Cathedral Hill Precinct
 - h. DPA 15A: Intensive Residential Small Lot
 - i. DPA 15B: Intensive Residential Panhandle Lot
 - j. DPA 15D: Intensive Residential Duplex
 - k. DPA 16: General Form and Character.
2. Exempt changes to existing landscaping, other than landscaping identified in a development permit for the property from requiring development permits in the following areas:
 - a. DPA 5: Large Urban Villages
 - b. DPA 6A: Small Urban Villages
 - c. DPA 7A: Corridors
 - d. DPA 10A: Rock Bay
 - e. DPA 11: James Bay and Outer Harbour
 - f. DPA 13: Core Songhees
 - g. DPA 14: Cathedral Hill Precinct.
3. Clarify the language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

The Land Use Procedures Bylaw Amendment (Attachment 3) serves to:

1. Delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:
 - a. New buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage;
 - b. New buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential

- iii. DPA 4: Town Centres
- iv. DPA 5: Large Urban Villages
- v. DPA 6A: Small Urban Villages
- vi. DPA 6B (HC): Small Urban Villages Heritage
- vii. DPA 7A: Corridors
- viii. DPA 7B (HC): Corridors Heritage
- ix. DPA 10A: Rock Bay
- x. DPA 10B (HC): Rock Bay Heritage
- xi. DPA 11: James Bay and Outer Harbour
- xii. DPA 12 (HC): Legislative Precinct
- xiii. DPA 13: Core Songhees
- xiv. DPA 14: Cathedral Hill Precinct;
- c. Accessory Buildings in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex;
- d. Floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
- e. Floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
- f. Renewals of up to two years for previously approved (unlapsed and unchanged) Development Permits where there have been no intervening policy changes;
- g. Renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes;
- h. Replacement of exterior materials on existing buildings;
- i. Temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years;
- j. Temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
- k. Temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
- l. Changes to landscaping where applicable design guidelines exist or where identified within an approved plan.

2. Simplify and clarify language in the Land Use Procedures Bylaw to:

- a. update references to be consistent with the *Official Community Plan, 2012*;
- b. clarify the sign bylaw variance process;
- c. set a time limit for cancelling applications which are inactive;
- d. clarify fee schedules;
- e. clarify notification requirements for Heritage Revitalization Agreements;
- f. introduce new procedures for Rezoning Application site sign requirements.

3. Update the Land Use Procedures Bylaw to:

- a. reflect the current numbering of the *Local Government Act*;
- b. incorporate changes to enable Temporary Use Permits to be processed as intended by the *Local Government Act*;
- c. include recent changes to City governance practices.

PURPOSE

The purpose of this report is to bring forward an Official Community Plan (OCP) Amendment Bylaw as well as a Land Use Procedures Amendment Bylaw for Council's consideration, as directed by Council's motion from November 26, 2015. The proposed OCP Amendment Bylaw will exempt the need for development permits for buildings and structures with a floor area no greater than 9.2m² as well as for the replacement of existing landscaping where the landscaping does not form part of an approved development permit. The Land Use Procedures Bylaw Amendment will delegate authority to staff to review and potentially approve a number of minor changes to buildings and landscaping as well as to approve small additions in some Development Permit Areas and Heritage Conservation Areas as noted above. Delegated authority would not extend to any circumstances where variances are required and would not expand the current limited role that staff have in relation to reviewing and approving minor changes and improvements to buildings that are on the City's Heritage Register including those that are designated.

BACKGROUND

The proposed OCP Amendment Bylaw (Attachment 2) and Land Use Procedures Bylaw Amendment (Attachment 3) have both been prepared based on a Council motion from November 26, 2015 (Attachment 1). As directed by Council on November 14, 2013 (minutes included as Attachment 4), the proposed Land Use Procedures Bylaw Amendment also includes amendments related to:

- updating references to be consistent with the *Official Community Plan, 2012*;
- clarifying sign bylaw variance process;
- setting a time limit for cancelling applications which are inactive;
- clarifying fee schedules;
- clarifying notification requirements for Heritage Revitalization Agreements;
- introducing new procedures for Rezoning Application site sign requirements

The delay in advancing these amendments was in part due to competing priorities and partially because it was more efficient to roll-in the Council's direction related to changes needed to establish a degree of delegated authority.

Finally, the proposed Land Use Procedures Bylaw Amendments also advances, for Council's consideration, changes to the City's method of processing Temporary Use Permits. The City's practice to date has been to treat temporary commercial and industrial permits like rezoning applications which is not particularly efficient, is not the normal process used by other municipalities and is not consistent with the *Local Government Act*.

ISSUES & ANALYSIS

The following sections detail a number of updates and changes that have been included in the proposed bylaws, recommended for Council's consideration, in order to advance bylaws which will be as thorough and accurate in their approach, as possible.

Official Community Plan Amendment

Omission of DPA 7A in Council Motion

Staff have noted a minor typographical error from the related Council minutes from November 26, 2015 related to the proposed development permit exemption for buildings and structures not greater than 9.2m². However, the staff report from November 26, 2015, that was presented to Planning and Land Use Committee and Council identified both DPA 10A: Rock Bay as well as DPA 7A: Corridors. Therefore, although the Council motion did not reference DPA 7A: Corridors, the proposed OCP Amendment Bylaw does include DPA 7A: Corridors.

Development Permit Requirements for Landscaping Changes in DPA 15A, DPA 15B, DPA 15D and Landscaping in DPAs 15A, 15B, 15C, 15D, 15 E and DPA 16.

The intent of the original Council motion and staff report from November 26, 2015, included exempting changes to existing landscaping within various development permit areas including DPA 15A, DPA 15B, DPA 15D and DPA 16. However, through further review, staff confirmed that the provisions contained in Section 489 of the *Local Government Act* do not require a development permit for the alteration of land (landscaping) within Development Permit Areas 15A, 15B, 15C, 15D and 16, after the initial construction and landscaping associated with a Development Permit is complete. Therefore, these Development Permit Areas have not been identified within the attached OCP Amendment Bylaw, because they are in essence already exempt.

Updated Numbering and Language Clarity

The proposed OCP Amendment Bylaw also includes updated references to specific sections of the *Local Government Act* which were recently renumbered. These reference updates have been restricted to the Overview section of Appendix A until a more comprehensive update of the OCP is completed. The OCP Amendment Bylaw also includes minor amendments to the language contained within the Overview section of Appendix A to improve clarity and interpretation of when a development permit is required. The suggested changes to the existing language do not alter the overall intent or scope of the existing language.

Land Use Procedures Bylaw

Updated Numbering and Language Clarity

The proposed Land Use Procedures Amendment Bylaw includes updated references to specific sections of the *Local Government Act* which were recently renumbered. It also simplifies and clarifies language to make the Bylaw more user-friendly, without changing the intent of the original content; this work is consistent with the direction provided by Council on November 14, 2013.

Governance Changes

A number of changes have been incorporated into the proposed Land Use Procedures Amendment Bylaw in order to reflect recent changes to the City's governance structure and to allow for maximum flexibility to incorporate future changes. Recommended changes include items like changing references to specific Committees of Council (Planning and Land Use Committee) to a more general term and to clarify the distinction between a public hearing (rezoning applications) and an opportunity for comment at a meeting of Council (variance applications).

Clarification Regarding Extent of Delegation for Heritage Registered and Designated Properties

The proposed amendments to the Land Use Procedures Bylaw have been drafted to not expand the current scope of staff authority that is in place to review and approve minor changes and improvements to heritage registered and designated buildings; however, the table included as an appendix to the August 27, 2015 Planning and Land Use Committee Report (attached) indicates that no delegated authority at all, was recommended for these types of properties. If there was absolutely no delegated authority for these situations, there would be an increase of approximately 20 to 30 reports and applications per year, needing to be considered by Council. It is recommended that the current approach remain as is, where any additions (of any size) to heritage buildings would be referred to Council; however, staff would continue to review and potentially approve items such as landscaping and replacement of exterior materials when consistent with approved guidelines. New areas of delegated authority in relation to heritage properties would be limited to a one time renewal of previously approved Heritage Alteration Permits where there has been no change to the proposal, regulations or policy and temporary trailers associated with the construction and marketing of projects.

Temporary Use Permits

After legal review and advice, it was determined that temporary commercial and industrial use permits should follow the process of a permit (versus a rezoning) which will make processing quicker, less costly for applicants and will make better use of Council and staff time. Additionally, it provides Council with a more expedient method to "try out" uses on a temporary basis and is consistent with recommendations and feedback received at the Development Summit. The OCP designates the entire City as appropriate for Temporary Use Permits which is a necessary precondition for Council to consider Temporary Use Permits. The process used to date has been the same as a rezoning application; however, by processing as a rezoning the processing requirements and length of time is increased as compared to the processing of a permit. There has only been one Temporary Use Permit since the adoption of the OCP in 2012, which may in part be due to the onerous nature of the process. The processing time and cost will be shorter for the applicant, and there is still an opportunity for public comment prior to Council's consideration of these types of permits.

OPTIONS & IMPACTS

1. Provide first and second reading to the proposed OCP Amendment Bylaw and Land Use Procedures Bylaw Amendment and refer to a Public Hearing for further consideration **(Recommended)**.

This option would continue to support Council's previous direction from November 26, 2015, and will allow Council to receive additional feedback through a Public Hearing prior to Council's consideration and decision.

2. Maintain Status Quo

If Council does not advance the proposed OCP Amendment Bylaw and Land Use Procedures Bylaw to a Public Hearing, the limitations of the current system will persist and staff would need to seek further direction as to whether Council would like these types of applications to come to Council for a decision in the future. This status quo approach would make it more difficult to achieve the objectives of the *Development Summit Action Plan* and the *City of Victoria Strategic Plan 2015-2018* related to improving application process times.

2015 - 2018 Strategic Plan

The proposed development permit exemptions and delegations help to directly support the following 2016 Outcomes of the Strategic Plan:

- reduced processing time for all types of applications from building permits to rezoning
- streamlined land use policies.

Impacts to 2015 - 2018 Financial Plan

There are no additional financial resources required to prepare the proposed OCP Amendment Bylaw or Land Use Procedure Bylaw Amendment.

Official Community Plan (OCP), 2012 - Consistency Statement

The proposed development permit exemptions and delegations are consistent with the Adaptive Management chapter, which contemplates periodic updates and refinements to ensure the OCP is able to deliver and support its various broad objectives and actions.

CONCLUSIONS

The proposed development permit exemptions and delegations are a positive initiative that will support the streamlining of the development approval process and reduce the overall volume of development applications. The proposed changes are also consistent with the previous Council direction from November 26, 2015, and in direct support of the City's *Strategic Plan* and the *Development Summit Action Plan*.

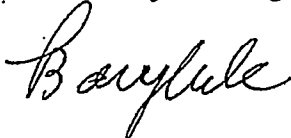
Respectfully submitted,



Robert Batallas
Senior Planner
Community Planning Division




Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Lucina Baryluk,
Senior Process Planner
Development Services Division

Report accepted and recommended by the City Manager:


Date: March 4, 2016

List of Attachments

- Attachment 1: Council Motion – November 26, 2015
- Attachment 2: Proposed OCP Amendment Bylaw (Bylaw 16-027)
- Attachment 3: Proposed Land Use Procedures Bylaw, 2016 (Bylaw 16-028)
- Attachment 4: Council Motion – November 14, 2013.
- Attachment 5: November 16, 2015 and August 27, 2015 Planning and Land Use Committee Reports

REPORTS OF THE COMMITTEES**3. Planning and Land Use Committee – November 26, 2015****1. Delegated Authority and Exemptions for Development Permits:**

It was moved by Councillor Alto, seconded by Councillor Lucas,:

1. Prepare an Official Community Plan (OCP) Amendment Bylaw:

- a. To exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:
 - i. DPA 4: Town Centres
 - ii. DPA 5: Large Urban Villages
 - iii. DPA 6A: Small Urban Villages
 - iv. DPA 10A: Rock Bay
 - v. DPA 10A: Rock Bay
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - b. To exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
 - i. DPA 5: Large Urban Villages
 - ii. DPA 6A: Small Urban Villages
 - iii. DPA 7A: Corridors
 - iv. DPA 10A: Rock Bay
 - v. DPA 11: James Bay and Outer Harbour
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - c. To clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.
2. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:
 - a. New buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage.
 - b. New buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages

- vi. DPA 6B (HC): Small Urban Villages Heritage
 - vii. DPA 7A: Corridors
 - viii. DPA 7B (HC): Corridors Heritage
 - ix. DPA 10A: Rock Bay
 - x. DPA 10B (HC): Rock Bay Heritage
 - xi. DPA 11: James Bay and Outer Harbour
 - xii. DPA 12 (HC): Legislative Precinct
 - xiii. DPA 13: Core Songhees
 - xiv. DPA 14: Cathedral Hill Precinct
 - c. Accessory Building in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex
 - d. Floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District.
 - e. Floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs.
 - f. Renewals of up to two years for previously approved (unlapsed and unchanged) Development Permits where there have been no intervening policy changes.
 - g. Renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes.
 - h. Replacement of exterior materials on existing buildings.
 - i. Temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years.
 - j. Temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring.
 - k. Temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring.
 - l. Changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
3. Develop and implement a process to monitor and evaluate the effectiveness and impacts of the proposed delegation authority and report to Council at six months and one year on the effectiveness of the system. After one year, that Council will consider an annual review.

Carried Unanimously

Council meeting
November 26, 2015

NO. 16-027

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Official Community Plan to exempt certain types of development, in certain areas of the City, from the requirement to obtain a development permit.

Under its statutory powers, including Sections 471 to 475 and 488 to 491 of the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 20)".
2. Bylaw No. 12-013, Official Community Plan Bylaw, 2012, is amended in Schedule A by making the following changes to Appendix A, "Development Permit Areas and Heritage Conservation Areas":
 - a) In "Overview", subsections 1(b)(i) and (ii) are deleted and replaced with the following:
 - (i) the provisions of each of those designated areas shall apply, and
 - (ii) an exemption relating to one designated area only relieves the requirement for a permit under that designation, not under other designations applicable to the land;
 - b) In "Overview", Subsection 2(a) is deleted and replaced with the following:

"(a) Development Permit Areas: In accordance with Section 488(4) of the Local Government Act, a Development Permit is not required in any designated Development Permit Areas under any of the following conditions:";
 - c) In "Overview", Subsection 2(b) is deleted and replaced with the following:

"(b) HCAs: In accordance with section 614(3)(a) of the Local Government Act, a heritage alteration permit is not required in any designated heritage conservation areas under any of the following conditions:";
 - d) In "DPA 4: Town Centres", the following subsection is added as a specific exemption, immediately after subsection 2(b)(ii):

"(iii) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, that does not exceed 9.2m²."

and the existing text in subsection 2(b) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.
 - e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- f) In "DPA 6A: Small Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- g) In "DPA 7A: Corridors", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- h) In "DPA 10A: Rock Bay", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- i) In "DPA 11: James Bay and Outer Harbour", the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (2):

"(3) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- j) In "DPA 13: Core Songhees", the following subsections are inserted as specific exemptions immediately after subsection 2(b)(i) (2):

"(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²;

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property; or"

and the existing subsection 2(b)(i) (3) is renumbered subsection 2(b)(i) (5).

- k) In "DPA 14: Cathedral Hill Precinct" the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

"(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- l) In "DPA 15A: Intensive Residential – Small Lot" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (3):

"(4) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- m) In "DPA 15B: Intensive Residential – Panhandle Lot" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (5):

"(6) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- n) In "DPA 15D: Intensive Residential – Duplex" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (6):

"(7) he construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- o) In "DPA 16: General Form and Character" the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (4):

“(5) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

READ A FIRST TIME the day of 2016.

READ A SECOND TIME the _____ day of _____, 2016.

Public Hearing held on the _____ day of _____ 2016.

READ A THIRD TIME the _____ day of _____ 2016.

ADOPTED on the _____ day of _____ 2016.

CORPORATE ADMINISTRATOR

MAYOR

NO. 16-028

Attachment 3

LAND USE PROCEDURES BYLAW**A BYLAW OF THE CITY OF VICTORIA**

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*; and

The Council of the City of Victoria has adopted an official community plan and a zoning bylaw; and

A local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or an amendment to a land use contract or a heritage revitalization agreement; and

A local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

The Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of the City of Victoria, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

1. Title
2. Repeal
3. Severability
4. Definitions
5. Applications Subject to this Bylaw

PART 2 – APPLICATIONS

6. Pre-Application Community Meeting Requirements
7. Notification Distance
8. Waiving a Community Meeting
9. Applications Forms

10. Application Requirements
11. Evidence of Participation in a Community Meeting
12. Declared value of buildable floor area
13. Declared value of construction
14. Receipt of Applications
15. Incomplete applications
16. Notification of incomplete applications
17. Application referral
18. Application review summary
19. Council referral
20. Application Fee
21. Refund
22. Refund of administration fee
23. Cancellation of Applications
24. Reapplication – cancelled file
25. Application Sign Posting Requirements – permits
26. Application Sign Posting Requirements – other applications
27. Public hearing
28. Right to waive a public hearing
29. Opportunity for public comment
30. Notice of public hearing
31. Notice of opportunity for public comment
32. Notice requirements for temporary use permits or development variance permit
33. Reapplications

PART 3 – DELEGATION AND RECONSIDERATION

34. Types of Permits
35. Referral
36. Referral consideration
37. Council reconsideration
38. Time limit for reconsideration

- 39. Notice of reconsideration
- 40. Representation to Council
- 41. Council's authority

SCHEDULES

- Schedule A Application Fees
- Schedule B Procedures for Sign Posting– Permits
- Schedule C Procedures for Sign Posting – Other Applications
- Schedule D Delegated Approvals

PART 1 – INTRODUCTORY PROVISIONS

Title

- 1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, 2016".

Repeal

- 2. Bylaw No. 09-048, the "Land Use Procedures Bylaw" is repealed.

Severability

- 3. If any Section, subsection, sentence clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portion of the Bylaw.

Definitions

- 4. In this bylaw,
 - "ADP" means
the City's Advisory Design Panel
 - "CALUC" means
Community Association Land Use Committee
 - "Committee" means
a select or standing committee of Council
 - "Community Meeting" means
a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

"development permit" or "DP" means

a permit authorized by Section 490 of the *Local Government Act*

"development variance permit" or "DVP" means

a permit authorized by Section 489 of the *Local Government Act*

"Director" means

the City's Director of Sustainable Planning and Community Development
Department

"HAPL" means

the City's Heritage Advisory Panel;

"heritage alteration permit" means

a permit authorized by Section 617 of the *Local Government Act*

"heritage revitalization agreement" means

an agreement authorized by Section 610 of the *Local Government Act*

"Official Community Plan" or "OCP" means

the City's Official Community Plan Bylaw, 2012

"public comment" means

members of the public addressing Council, other than at a public hearing,
regarding the subject matter of a decision Council proposes to make

"public hearing" means

a public hearing that is required to be held under the *Local Government Act*
before Council adopts a bylaw

"TRG" means

the Technical Review Group composed of City of Victoria staff

"zoning bylaw" means

the City's Zoning Regulation Bylaw

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:
 - (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract;
 - (d) a temporary commercial or industrial use permit;

- (e) a heritage revitalization agreement;
- (f) a development variance permit;
- (g) a development permit;
- (h) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application community meeting requirements

6. Before submitting an application to initiate changes to the OCP or the zoning bylaw the applicant must:
 - (a) pay to the City the community meeting notification fee as calculated in accordance with Schedule A of this Bylaw; and,
 - (b) arrange and participate in a Community Meeting.

Notification Distance

7. The City will provide notification of the date of the scheduled Community Meeting to the owners and occupiers of properties located within:
 - (a) 100 metres of the property that is the subject of the application (the "subject property") if the application is for one of the matters listed in Section 26 of this Bylaw;
 - (b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or
 - (c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.

Waiving a Community Meeting

8. The requirement to arrange and participate in a Community Meeting in relation to an application may be waived:
 - (a) in writing by the CALUC in the area in which the proposed development is located;
 - (b) by the Director if, in the Director's opinion, the applicant has made reasonable attempts to hold a Community Meeting;
 - (c) by Council.

Application Forms

9. The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:
 - (a) all of the information and supporting documents specified in the application form;
 - (b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

11. If a Community Meeting was required in relation to an application, the applicant must submit evidence that the applicant has participated in the Community Meeting.

Declared value of buildable floor area

12. An application for an amendment to the zoning bylaw, or for a heritage revitalization agreement or amendment, must include a declaration of the value of the buildable floor area permitted under the amendment or agreement, as certified by a qualified professional.

Declared value of construction

13. An application for a development permit or a heritage alteration permit must include a declaration of the value of construction proposed under the permit, as certified by a qualified professional.

Receipt of applications

14. If a person submits a complete application to the Director, the Director must process the application.

Incomplete applications

15. If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.

Notification of incomplete applications

16. If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.

Application Referral

17. When processing an application, the Director may refer the application to other agencies or associations, the TRG, or other staff members.

Application Review Summary

18. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 17.

Council Referral

19. Council or a Committee of Council may refer a development permit application or a heritage alteration permit to ADP or HAPL or a joint meeting of ADP and HAPL for its recommendations concerning the design of the application or other matters within the ADP's or HAPL's terms of reference.

Application fee

20. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:
 - (a) the pre-application fee for the community meeting;
 - (b) the base application fee;
 - (c) the large project fee;
 - (d) the administration fee; and
 - (e) the resubmission fee.

Refund

21. An applicant who has paid the base application fee, or the large project fee, or both, is entitled to:
 - (a) a 90% refund if the application is formally withdrawn prior to the review of the application by the TRG;
 - (b) a 75% refund if the application is withdrawn or cancelled after the TRG review but prior to being placed on an agenda for a Committee of Council.

Refund of administration fee

22. An applicant who has paid the administration fee in relation to an application is entitled to a refund of that fee if the application is cancelled, withdrawn or abandoned, and the applicant requests a refund, before the City has incurred any expenses in relation to the giving notice of a public hearing, the waiver of a public hearing, or an opportunity for public comment in relation to the application.

Cancellation of Applications

23. If an application has been accepted by the Director for processing and further information from the applicant is requested after review by the Director, TRG Committee or Council, the applicant is required to provide the requested information within 6 months. If the applicant does not provide the requested information within 6 months of the request, the City will provide a final written notification to the applicant and if the requested information is not provided within 3 months of the final written notification, the file will be closed.

Reapplication - cancelled file

24. An applicant wishing to reopen a closed file must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 33 of this Bylaw does not apply.

Application Sign Posting Requirements - Permits

25. A person who submits an application for any of the following must post signage in compliance with Schedule B of this Bylaw:
- (a) development variance permit;
 - (b) development permit with variances;
 - (c) heritage alteration permit with variances
 - (d) a temporary commercial or industrial use permit.

Application Sign Posting Requirements – Other applications

26. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:
- (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan Bylaw* amendment;
 - (c) an application to amend a land use contract, if the amendment relates to the use or density of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Public hearing

27. In accordance with the *Local Government Act*, a public hearing is required before Council adopts a bylaw to:
- (a) amend the zoning bylaw;
 - (b) amend the OCP;
 - (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Right to waive a public hearing

28. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consistent with the OCP.

Opportunity for public comment

29. Council may provide an opportunity for public comment before passing a resolution to issue:
- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*;
 - (b) a development permit with variances;

- (c) a heritage alteration permit with variances; or,
- (d) a temporary commercial or industrial use permit.

Notice of public hearing

30. The distance specified for the purpose of the notification of a public hearing required in relation to any of the following is 100 m:
- (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw.

Notice of opportunity for public comment

31. If Council proposes to provide an opportunity for public comment, the City will mail or otherwise deliver notice of the opportunity to the owners and occupiers of all parcels that are the subject of, or that are adjacent to the parcels that are the subject of, the permit in relation to which Council proposes to make a decision.

Notice requirements for temporary use permits or development variance permit

32. For clarity, nothing in this bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the City's obligation, under Section 494 or Section 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a temporary use permit or a development variance permit.

Reapplications

33. If the Council does not approve an application submitted in accordance with this bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application. However, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

34. Council delegates to the Director the authority to issue the types of permits listed in column A of the table attached as Schedule D to this Bylaw, in the areas listed in column B, accordance with the conditions set out column C.

Referral

35. Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies or associations, ADP, HAPL, the TRG, or other staff as required.

Referral consideration

36. If the Director refers an application as contemplated in Section 35 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Council reconsideration

37. If an application is refused, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director in accordance with the provisions for reconsideration set out in this Part.

Time limit for reconsideration

38. Within 10 days of being notified in writing of a decision of the Director, the applicant may apply to the City's Corporate Administrator to have Council reconsider a decision of the Director.

Notice of reconsideration

39. The City's Corporate Administrator must give the applicant at least 10 days notice of the time and place of Council's reconsideration, and of the applicant's right to appear before Council to make representations concerning the application.

Representation to Council

40. A person exercising the right of reconsideration may make oral or written submission to Council and may appoint a representative to make representation.

Council's authority

41. Council may either confirm the decision made by the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

READ A FIRST TIME on the day of 2016.

READ A SECOND TIME on the day of 2016.

READ A THIRD TIME on the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

**City of Victoria
Bylaw No. 16-028**

Schedule A

APPLICATION FEES

1 Pre-application fee

The pre-application fee, for giving notice of a Community Meeting, is:

- (1) \$400.00 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$800 if notice of a Community Meeting must be given to owners and occupiers of properties within 200 metres of the subject property.

2 Base application fee

- (1) The base application fee for the following applications is \$1400:
 - (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan* amendment;
 - (c) an application to amend a land use contract, if the if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
- (2) For applications that would enable the creation of new small lots as defined in the OCP, the base application fee is applicable to each potential new small lot.
- (3) The base application fee for Development Permits and Heritage Alteration Permits with or without variances is outlined in the following table plus \$250 for each variance that is requested or proposed in the application, based on the declared value of the construction that is contemplated in the application, as follows:

Declared Value of Construction	Base Application Fee
Less than \$25,000	\$200
\$25,000 to \$2,000,000	\$500

- (4) The base application fee for a Development Variance Permit is \$500, plus \$250 for each variance that is requested or proposed in the application.

- (5) The base application fee for a Development Permit for subdivision only is \$250 for each new lot that is proposed to be created in the application.
- (6) The base application fee for a permit which the Director is authorized to issue is \$200.
- (7) There is no application fee for a heritage alteration permit without variances for single family dwellings or duplexes.

3 Administration Fee

- (1) The administration fee for an application to amend a bylaw that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is \$1200.00.
- (2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is \$200.00.

4 Large Project Fee

- (1) The Large Project Fee for applications to amend the zoning bylaw or amend or enter into a heritage revitalization agreement applies if the value of the total buildable floor area permitted under the proposed amendment or agreement exceeds \$2 million.
- (2) The value of the total buildable floor area shall be calculated as follows:
 - (a) The site area used in the calculation of the Large Project Fee includes all lots subject to the application.
 - (b) For the purpose of calculating the Large Project Fee, the maximum floor space ratio or building floor area is used that is possible under the *Zoning Regulation Bylaw Amendment* or Heritage Revitalization Agreement bylaw (as the case may be), not the amount of floor area proposed by the application.

Step 1 – Calculation of Value of Buildable Floor Area						
Site area (m ²)	X	Maximum FSR	X	Cost per m ²	=	Value of buildable floor area

Step 2 – Calculation of Large Project Fee						
Value of buildable floor area (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (3) The Large Project Fee for an application to amend the zoning bylaw or amend or enter into a heritage revitalization agreement shall be calculated as follows:
- (4) The Large Project Fee for a development permit or a heritage alteration permit application applies if the value of the construction value under the proposed amendment or agreement exceeds \$2 million.

- (5) The construction value shall be calculated as follows:

Step 1 - Calculation of Construction Value of Building				
Total floor area including basement (m ²)	X	Cost per m ²	=	Construction value of building

- (6) The Large Project Fee for a development permit or a heritage alteration permit application shall be calculated as follows:

Step 2 - Calculation of Large Project Fee						
Construction value of building (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (7) If an application subject to the Large Project Fee under both section 4(1) and 4(4) of this Schedule, the Large Project Fee will only be assessed once for the application.

5 Resubmission fee

- (1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.
- (2) If revised plans are a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of \$500 shall be required for each new submission.
- (3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from Committee, Council, ADP or HAPL.

**City of Victoria
Bylaw No. 16-028**

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

1. For the following applications, a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) Development variance permit;
 - (b) Development permit with variances;
 - (c) Heritage alteration permit with variances;
 - (d) Temporary commercial or industrial use permit.
2. The City shall determine the specifications, format, and information content of the sign or signs.
3. The applicant shall:
 - (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;
 - (c) post additional meeting notices and additional signs if required;
 - (d) maintain the sign or signs on the subject property for the required time period.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

1. For the following applications a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) rezoning;
 - (b) application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (c) official community plan bylaw amendment;
 - (d) heritage revitalization agreement, if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
3. The applicant shall, at its sole expense:
 - (e) prepare the sign or signs in accordance with the specifications provided by the City;
 - (f) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;
 - (g) post additional meeting notices and additional signs if required by the City;
 - (h) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule D

DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

A. Permit Types	B. DPAs and HCAs	C. Conditions
DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
HAP without variances for a single family dwelling or duplex	All DP Areas	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
DP or HAP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas	The permit being renewed must be: <ul style="list-style-type: none"> o unexpired at the time of application; o unchanged from the original application; and o not subject to any new policies or regulations. Permit valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment that are less than 100 m ² in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay	Permit is valid for two years from the date of issuance.

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential - Duplex	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions and floating structures that do not exceed 100 m ² in floor area	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
Landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential	The proposed guidelines must comply with applicable guidelines. Permit is valid for two years from the date of issuance. A landscape security may be required to ensure compliance with the approved plans.
Temporary buildings and structures that do not exceed 100 m ² in floor area	All DP Areas	Temporary buildings and structures located on private property. Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.
Temporary construction trailers and temporary residential unit sales trailers	All DP Areas	Temporary construction trailers and temporary residential unit sales trailers located on private property. Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame: <ul style="list-style-type: none"> o Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or o Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or o If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.

Attachment 4

REPORTS OF THE COMMITTEE

Governance and Priorities Committee – November 7, 2013

Amendment to Land Use Procedures Bylaw to Update References to OCP and other minor changes

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council approve:

1. That the City Solicitor be instructed to prepare a consolidated version of the *Land Use Procedures Bylaw* incorporating the changes as proposed in this report and further minor changes for legal purposes as required.
2. That the City Solicitor be instructed to prepare an amendment to the *Sign Bylaw* to provide for an amendment by way of a Development Variance Permit specific to signs and associated fees.

Carried Unanimously

Council Minute
November 14, 2013



Planning and Land Use Committee Report For the Meeting of September 10, 2015

To: Planning and Land Use Committee **Date:** August 27, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Delegated Authority and Exemptions for Development Permits

RECOMMENDATIONS

That Committee forward this report to Council for consideration and that Council direct staff to:

1. Prepare an Official Community Plan (OCP) amendment bylaw:
 - a. to exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:
 - i. DPA 4: Town Centres
 - ii. DPA 5: Large Urban Villages
 - iii. DPA 6A: Small Urban Villages
 - iv. DPA 7A: Corridors
 - v. DPA 10A: Rock Bay
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - b. to exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
 - i. DPA 5: Large Urban Villages
 - ii. DPA 6A: Small Urban Villages
 - iii. DPA 7A: Corridors
 - iv. DPA 10A: Rock Bay
 - v. DPA 11: James Bay and Outer Harbour
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - c. to clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

2. Undertake public consultation to receive feedback on the proposed Official Community Plan amendment bylaw and report back to Council with a summary of comments received prior to a Public Hearing.
3. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications when consistent with relevant policy:
 - a. new buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay, and DPA 10B (HC): Rock Bay Heritage;
 - b. new buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages
 - vi. DPA 6B (HC): Small Urban Villages Heritage
 - vii. DPA 7A: Corridors
 - viii. DPA 7B (HC): Corridors Heritage
 - ix. DPA 10A: Rock Bay
 - x. DPA 10B (HC): Rock Bay Heritage
 - xi. DPA 11: James Bay and Outer Harbour
 - xii. DPA 12 (HC): Legislative Precinct
 - xiii. DPA 13: Core Songhees
 - xiv. DPA 14: Cathedral Hill Precinct;
 - c. accessory buildings in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex;
 - d. floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
 - e. floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
 - f. renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes;
 - g. renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes;
 - h. replacement of exterior materials on existing buildings;
 - i. temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to five years;
 - j. temporary construction trailers on private property;
 - k. temporary residential unit sales trailers on private property;
 - l. changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
4. Develop and implement a process to monitor and evaluate the effectiveness and benefits of the proposed delegation authority initiative and report to Council with an annual summary of findings and recommendations.

EXECUTIVE SUMMARY

The purpose of this report is to seek direction from Council to advance two key initiatives that are in direct support of the *City of Victoria Strategic Plan 2015-2018*, annual Development

Summit feedback, and the *Official Community Plan (OCP)* monitoring and evaluation program. The first initiative is to prepare an Official Community Plan amendment bylaw to exempt certain forms of 'minor' development (small scale buildings/structures and changes to existing landscaping) from requiring development permits within specific Development Permit Areas and associated with these proposed amendments, to provide improved language in the OCP so it is clear when a permit is and is not required. The minor forms of development that are proposed to be exempted from development permits typically have minimal impacts on the form and character of the surrounding area including the public realm and could be adequately reviewed through the *Zoning Regulation Bylaw* in combination with the proposed conditions described in Attachment 1.

The second initiative is to prepare an amendment to the *Land Use Procedures Bylaw* to provide staff with delegated authority to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with approved City policy. Both of these initiatives were identified through the Development Summits as a means to reduce the overall volume of development applications and a way to streamline the development application process.

The delegation approach would also help to streamline the review process for a number of relatively straight-forward development proposals, shortening timelines for applicants and reducing the number of applications that need to be processed through to a Council decision point. It is anticipated that processing times for delegated applications would be typically reduced from approximately three to four months down to two to four weeks. A number of informal review processes would also be regularized with the implementation of this approach, enhancing staff's ability to review and respond to development and business requirements related to needing temporary structures as well as building maintenance and upgrades. Staff also propose to monitor and evaluate the overall effectiveness and benefits of the delegated authority initiative and provide Council with an annual summary of outcomes and recommendations.

If Council endorses the proposed development permit exemptions, staff will report back to Council with an Official Community Plan amendment bylaw that will be subject to a Public Hearing process in accordance with the requirements of the *Local Government Act*. Similarly, if Council endorses the proposed delegation authority initiative, staff will report back to Council with a Land Use Procedures Bylaw amendment and a detailed outline of the administrative review process for the proposed delegated development permit and heritage alteration permit applications for Council's consideration.

PURPOSE

The purpose of this report is to provide Council with information, analysis and recommendations to support Council's consideration of exempting specific forms of minor development from requiring development permits and to establish a system of delegated authority to enable staff to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with established City policy. These initiatives have been identified as key outcomes from the annual Development Summits and also provide a means to streamline development applications in support of the *City of Victoria Strategic Plan 2015-2018* and the OCP monitoring and evaluation program.

BACKGROUND

Previous Council Consideration of Delegated Authority

Over the past three years, a series of reports and Council workshops have been advanced for Council's consideration which explored the possibility of delegating authority to staff to approve a range of DPs and HAPs. Copies of these Council reports and minutes are included in Attachments 4, 5 and 6 for reference. Council initially directed staff to explore the possibility of developing a delegated authority option that included delegating some types of variance applications to staff, which was reflected in Council's selection of Option #5 from the range of delegation options (below) that were presented to Council in 2012:

- Option # 1 - No Delegation
- Option # 2 - Maintain Status Quo
- Option # 3 - Delegation (No variances and Exemptions)
- Option # 4 - Delegation (No Variances)
- Option # 5 - Delegation (With Variances and Exemptions)
- Option # 6 - Full Delegation.

Upon receiving information on this approach on December 12, 2013, Council requested a more limited form of delegation and posed a number of questions related to how to ensure adequate community input and whether there was a way to forward applications to Council for a decision, particularly in instances when consultation was part of the existing process. A follow-up workshop was held on September 18, 2014, where staff brought forward a report focused on a more limited version of delegation, but still with variances and some exemptions; however, a final conclusion was not reached and a number of concerns continued to be expressed by Council related to a number of topics.

The approach being advanced for Council's consideration via this report strives to address these concerns by limiting the range of delegation to applications without variances. At the same time, this initiative along with the proposed DP exemptions described in this report, provide an opportunity to advance a number of key goals targeted at streamlining development application processing that are noted in the Strategic Plan and articulated at the 2014 and 2015 Development Summits, at which participants discussed the need to simplify and speed up the review process for routine applications while freeing up staff time to focus on more complex applications.

While this report presents a key opportunity to advance the current Development Summit outcomes it should be noted that staff will be consulting with the development industry and communities (CALUCs) for feedback on the proposed Development Summit Action Plan that is anticipated to be presented to Council in October 2015. Regardless, the proposed initiatives described in this report continue to be reinforced through the outcomes of the last Development Summit.

ISSUES AND ANALYSIS

1. Development Permit Exemptions

Volume of Development Permit Minor Applications

Staff have identified that over a 24 month period (July 31, 2013 - July 31, 2015) the City received a total of 125 development permit minor applications (DPM) of which six were for small scale buildings and structures and five were for changes to landscaping. While these types of

NO. 17-107

LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 6)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to clarify the notification area for temporary use permits.

Under its statutory powers, including Parts 14 of the *Local Government Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, AMENDMENT BYLAW (NO. 6)".

Amendments

2. Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, is amended as follows:
 - (a) in the table of contents, at section 34, by striking out "or development variance permit",
 - (b) by repealing section 34 and replacing it with the following:

"Notice requirements for temporary use permits"

34. For the purposes of Section 494 of the *Local Government Act*, if Council proposes to pass a resolution to issue a temporary use permit, the distance specified for the purpose of notification is all parcels that are the subject of, or that are adjacent to, the parcels that are the subject of the permit in relation to which Council proposes to make a decision."

Effective Date

3. This Bylaw comes into force on adoption.

READ A FIRST TIME the	day of	2017
READ A SECOND TIME the	day of	2017
READ A THIRD TIME the	day of	2017
ADOPTED on the	day of	2017

CITY CLERK

MAYOR

Land Use Procedures Bylaw Amendment

Temporary Use Permit Notification



Purpose

Recommend changes to the Land Use Procedures Bylaw to fulfil Council's previous intent for the Temporary Use Permit application process.



TUP Notification Distance

- TUP process to be in accordance with the Development Variance Permit application process rather than the rezoning process.
- Therefore the notification distance should be to immediately adjacent properties, not 100m from the subject property.



Storefront Cannabis Retailer Notification

- Previous Council direction for a Storefront Cannabis Retailer TUP application to have notification of 100m.
- Therefore, staff recommend that Council consider amending the Storefront Cannabis Retailer Policy to increase the notification distance for all Storefront Cannabis Retailer TUP to 100m.



Recommendation

That Council:

1. Give 1st, 2nd, and 3rd readings for the attached Land Use Procedures Bylaw amendments which would reduce the notification distance for opportunities for public comment for Temporary Use Permits.
2. Direct staff to amend the Storefront Cannabis Retailer Rezoning Policy to specify that Temporary Use Permit applications require the notification distance for Council's opportunity for public comment be 100 metres.





Committee of the Whole Report

For the Meeting of October 12, 2017

To: Committee of the Whole **Date:** September 18, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Zoning Bylaw 2017 – Direction to Proceed to Public Hearing

RECOMMENDATION

That Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second readings prior to a Public Hearing.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with the proposed Zoning Bylaw 2017 and related zoning maps and to seek direction to advance Zoning Bylaw 2017 to Council for consideration of first and second readings prior to a Public Hearing. The Zoning Bylaw 2017 has been further refined based on public feedback received earlier this year from residents, land owners, businesses and the development industry. Key updates relate to improved definitions for brew pubs, distillery and winery, improved distinction between restaurants, bars and nightclubs, removal of light industrial and short-term rentals as a permitted uses downtown and the inclusion of updated off-street parking requirements for motor vehicles and bicycles. The new Zoning Bylaw 2017 will support City objectives related to economic development, improving development processes and providing more user-friendly regulations with improved clarity.

PURPOSE

The purpose of this report is to present Council with the proposed Zoning Bylaw 2017 and related zoning maps and to seek direction to advance Zoning Bylaw 2017 to Council for consideration of first and second readings prior to a Public Hearing.

BACKGROUND

The proposed Zoning Bylaw 2017 introduces new zoning regulations that are more simplified and flexible including new permitted uses, definitions, off-street parking requirements and updated building siting regulations. It is also more user-friendly and helps to support the land uses and development forms that are outlined in the *Downtown Core Area Plan*.

On February 23, 2017 Council considered the draft Zoning Bylaw 2017 and directed staff to undertake focused consultation including the related zoning maps for the Central Business District and Old Town Area. Staff were also directed to report back to Council by May 2017 with the

proposed Zoning Bylaw 2017 that considers the public feedback and a related enabling bylaw prior to a Public Hearing.

Staff initiated a public consultation process between March and April 2017 that included individual meetings and presentations to key stakeholder organizations including the Urban Development Institute, Downtown Victoria Business Association, Downtown Residents' Association, Heritage Advisory Panel and the Advisory Design Panel. A public open house was also held at City Hall on April 18, 2017 which was attended by over 60 people including residents, business owners, downtown and other surrounding community associations, developers and architects. Notices for the open house were advertised through regular print and online outlets and individual postcards were mailed to all property owners, including local, national and international. The public had the opportunity to provide feedback directly at the open house as well as through email.

Following the consultation process, staff compiled and reviewed all feedback that was received and prepared further refinements to the Zoning Bylaw 2017. A complete list of all feedback and proposed changes to the Zoning Bylaw 2017 are included in this report (Attachment 3). Reporting back to Council in May 2017 with the draft Zoning Bylaw 2017 was postponed to allow Council the opportunity to provide direction on the regulation of short-term rentals as this use is common to most of the zones in the downtown area.

Once the new Zoning Bylaw 2017 is adopted it will replace the existing *Zoning Regulation Bylaw No. 80-159* beginning with the Central Business District and Old Town Area. Staff will then continue to develop additional zones and regulations for other areas of the city, with the intent that Zoning Bylaw 2017 will eventually replace the current *Zoning Regulation Bylaw No. 80-159* in its entirety.

ISSUES & ANALYSIS

1. Brew Pub, Distillery and Winery Definition

Based on public feedback as well as through comments received through the City of Victoria Business Hub, the earlier definition of 'Brew Pub' has been amended to also account for the production of spirits, wine and other alcoholic beverages. Although the range of products has been expanded, in all cases the area used for production cannot exceed 35% of the total floor area. These uses are also not permitted within 6m of the portion of a building that abuts a street or pedestrian walkway, except if provided in conjunction with a retail component or food and beverage service. This helps to ensure that there are active commercial uses along the street level rather than just manufacturing activity. These requirements are common to the Central Business District and Old Town Area. It is anticipated that the opportunity to undertake a full-scale brewery or distillery would be accommodated as a light industrial activity within the city's industrial areas such as Rock Bay.

2. Drinking Establishment Definition

To provide improved clarity between uses such as restaurants, bars, pubs and nightclubs a new definition of 'Drinking Establishment' has been introduced. Drinking establishment means *facilities such as nightclubs, bars and pubs that are licensed through the BC Liquor Control and Licensing Act for the sale and consumption of liquor within the facilities and where entertainment is provided in the form of recorded music, live performances or a dance floor*. In addition to this new definition, the previous definition of Food, Beverage and Entertainment Service has been renamed 'Food and Beverage Service' and no longer includes reference to 'Entertainment', dance clubs or nightclubs. This proposed distinction between restaurants and drinking establishments provides the public,

Council and staff with improved clarity and understanding of each use as a permitted activity within the downtown and avoids the blending these uses together or using ambiguous terminology to describe each use.

3. Light Industrial

Light Industrial has been removed as a permitted use from the Central Business District and Old Town Area zones. Light Industrial was identified as a permitted use in the earlier draft version to reflect a few industrial activities that were included in some older site specific zones. However, industrial activities within the CBD or Old Town Area are not in alignment with the objectives and policies of the *Downtown Core Area Plan*. Therefore, while Light Industrial is not included in the new zones, any existing 'light industrial' businesses would be permitted to continue their operation as legal non-conforming uses based on the provisions of the Local Government Act.

4. Short-Term Rental

Based on recent Council direction on Short-term Rental, this use has been removed from all of the new zones within the Central Business District and Old Town Area. The new zoning bylaw will continue to define Short-term Rental given its link with home occupation regulations, however it is not included as a permitted use. This change does not impact the operation of hotels, motels or hostels as they are captured under a separate definition of 'Hotel' which is a permitted use.

5. Off-Street Parking Requirements

A comprehensive set of off-street parking requirements for motor vehicles and bicycles is included within Part 5 of the proposed Zoning Bylaw 2017. These updated requirements have been developed through a separate initiative to review the City's overall off-street parking regulations. As a result, off-street motor vehicle and bicycle parking is only required for residential development and hotels within the Central Business District, while the Old Town Area does not have off-street parking requirements given the tight site conditions and as a means to further encourage the retention and re-use of heritage buildings. In addition, the new requirements provide a more refined approach for residential uses including reduced parking requirements for smaller residential units, purpose-built rental and affordable housing. Part 5 also includes updated requirements for long and short-term bicycle parking including regulations for the design and placement of bicycle parking facilities.

6. Additional Refinements

A complete list of other minor refinements to the Zoning Bylaw 2017 are included in Attachment 3. In general this includes the key changes outlined above as well minor changes such as improved wording, formatting and refinements to the regulations for projections, rooftop structures, various administrative definitions and location and siting of uses.

OPTIONS AND IMPACTS

Option 1:

Direct staff to advance Zoning Bylaw 2017 to a meeting of Council for consideration of first and second readings prior to a Public Hearing. **(Recommended)**

Given the outcome of the short term rental Public Hearing held on September 21, 2017, and the incorporation of changes from previous public engagement, the proposed Zoning Bylaw 2017 is now ready to proceed through the public hearing process.

Option 2:

Direct staff to further refine the proposed Zoning Bylaw 2017 prior to advancing it to a Public Hearing.

This approach allows Council to direct staff to integrate any further changes.

Accessibility Impact Statement

The Zoning Bylaw 2017 provides regulations for land use and development on private property and does not have any direct impacts on accessibility as all new development on private property is subject to the requirements of the BC Building Code which address accessibility needs. In addition, the City will be undertaking additional consultation on its updated off-street parking regulations which may include additional requirements for barrier-free parking. It is anticipated that the consultation process will also include a direct meeting with the City's Accessibility Working Group.

2015 – 2018 Strategic Plan

This project directly supports Objective 3: Strive for Excellence in Planning and Land Use, as the proposed Zoning Bylaw 2017 is anticipated to contribute to streamlining application processes by reducing the need for site-specific zones. This project also supports Objective 5: Create Prosperity through Economic Development, as the new zoning regulations serve to facilitate increased investment and development within the Downtown Core Area.

Impacts to Financial Plan

There are no impacts to the Financial Plan required to implement the new Zoning Bylaw 2017. Resourcing for this project is identified in the Financial Plan including the development of additional zones in 2017.

Official Community Plan Consistency Statement

The development of the new Zoning Bylaw 2017 is in direct support of policy 6.3 of the Official Community plan which supports the role of the Zoning Bylaw to help implement the various land use designations, objectives, uses, built forms and densities that are described within the OCP Section 6: Land Management and Development.

CONCLUSIONS

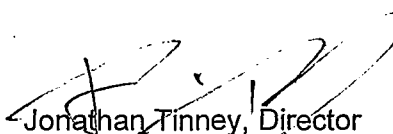
The proposed Zoning Bylaw 2017 has been refined based on public feedback received earlier this year and is now suited to better implement the Downtown Core Area Plan and support other City objectives related to economic development, improving development processes and providing more user-friendly regulations with improved clarity. Once the Zoning Bylaw 2017 is approved it will replace the current Zoning Regulation Bylaw 80-159 for the Central Business District and Old Town Area.

Respectfully submitted,



Robert Batallas, Senior Planner
Community Planning Division

Alt.



Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Jocelyn Jenkins

Date:

Oct 3, 2017

List of Attachments:

- Attachment 1: Zoning Bylaw 2017
- Attachment 2: Distribution of proposed Zones within the Central Business District and Old Town Area
- Attachment 3: Zoning Bylaw Comments and Proposed Changes.

Draft - Zoning Bylaw 2017

September 2017



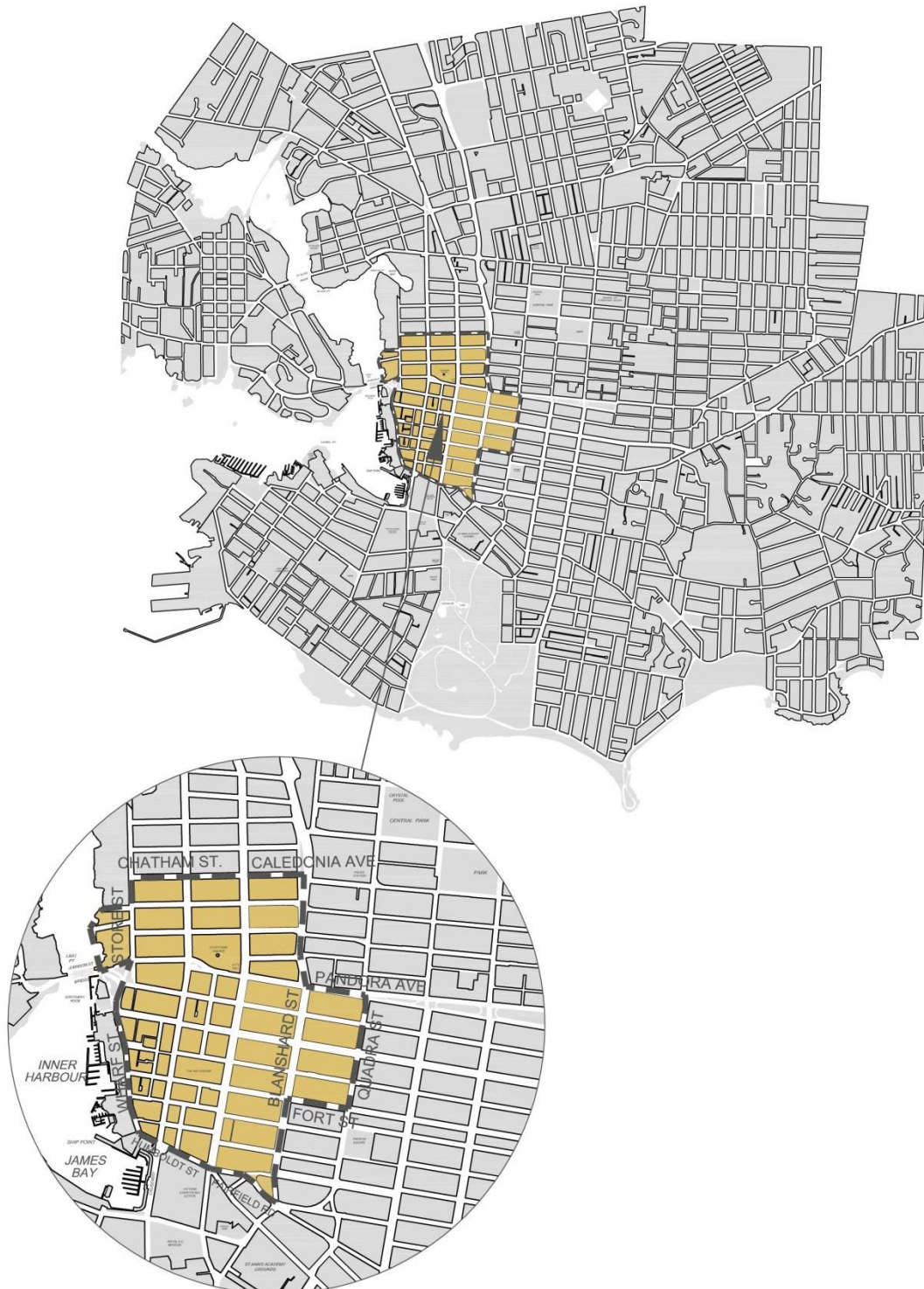
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1.1 Interpretation

1. This bylaw may be cited as the “Zoning Bylaw 2017”
2. This bylaw applies to the area indicated with a dashed line in Map 1.

Map 1: Area subject to Zoning Bylaw 2017



3. The Zoning Regulation Bylaw No. 80-159 is inapplicable to the area indicated within the dashed line in Map 1.
4. The area to which this bylaw applies is divided into the zones indicated on the Zoning Map, being the zoning information layer in **VicMap**.
 - 4.1 In all civil and criminal judicial proceedings a printout of the Zoning Map, purporting to be certified as such, shall be prima facie evidence of the location of each zone and of the lands included therein as at and since the date of the certificate, without proof of the signature or approval of the Director.
 - 4.2 Whenever any land is removed from one zone into another by a rezoning bylaw the Director shall, forthwith after the adoption of the such bylaw, cause the Zoning Map to be updated to reflect the changes.
5. The regulations, requirements and definitions in Parts 1 through 6 of this bylaw apply to land in the area to which this bylaw applies in accordance with the zoning designations indicated on the Zoning Map, and if Parts 3 through 6 specify regulations and requirements for a particular location within a zone that is identified by civic address, legal description or both, then the specific regulations and requirements take precedence over the general regulations and requirements for the zone.
 - 5.1 Without limiting the scope of section 5, where a property is specifically identified in column A of the “Site Specific Regulations” table in the zone regulations applicable to that property, the specific regulations and requirements set out in column B of that table apply, subject to the conditions or requirements to provide amenities set out in column C, if any.
 - 5.2 Where a property is divided into two or more development areas (DA) as shown in a plan included in the applicable “Site Specific Regulations” table, section 5.1 applies to each development area as if that development area was a separate property.
 - 5.3 In the event of a conflict, the regulations or requirements applicable pursuant to section 5.1 apply despite any other provisions of this bylaw.
 - 5.4 Where a property to which section 5.1 applies is subdivided, section 5.1 applies to all properties that had formerly formed part of that property as if they were individually listed in the table.
 - 5.5 Where a property to which section 5.1 applies is consolidated or otherwise merged with another property, section 5.1 applies only to that part of the new property to which section 5.1 applied before consolidation or merger.
 - 5.6 Where a property is identified in this bylaw by reference to a civic address and a legal description, the legal description shall be deemed to be the correct description in the event of any conflict or inconsistency.
6. For certainty, if the Zoning Map indicates that a Lot lies within two or more zones, each portion of the Lot may be used and built upon only in accordance with the regulations and requirements applicable to that portion under Part 3 or 4.

7. Unless otherwise indicated on the Zoning Map:
 - 7.1 Streets and lanes are deemed to have the same zoning designation as the abutting land, and any zone boundary that coincides with a **Street** or lane is deemed to be located at the centerline of the **Street** or lane;
 - 7.2 Any zone boundary that coincides with a railway right of way is deemed to be located at the centreline of the right of way;
 - 7.3 The surface of all water is within the same zone as the nearest land to it within the City boundaries unless zoned otherwise; and
 - 7.4 Whenever any land, fronting on a **Street**, railway, or water, is removed from one zone and placed into another that portion of the street, railway, or water to which this section applies shall also be so removed and rezoned.
8. For the purposes of this bylaw, an airspace parcel is deemed to be part of the same **Lot** as the parcel at ground level.
9. In the event of any inconsistency between the text of this bylaw and an illustration or diagram that relates to the text, the text takes precedence over the illustration or diagram.
10. No person shall use land or a **Building** or structure, or allow or permit another person to do so, except in accordance with this bylaw.
11. No person shall place, erect, construct or alter a **Building** or structure, or allow or permit another person to do so, except in accordance with this bylaw.
12. No person shall use land or a **Building** or structure, or allow or permit another person to do so, except in accordance with the requirements of this bylaw in respect of the provision of motor vehicle and bicycle parking spaces, the provision of **Loading Spaces** and the provision of screening or landscaping.
13. An officer or employee of the City appointed to administer this bylaw may enter on land including any place that is occupied as a private dwelling, to inspect and determine whether the regulations and requirements in this bylaw are being met, and in the case of a private dwelling may enter only in accordance with s. 16(5) of the *Community Charter*.
14. A person who contravenes this bylaw is liable to a maximum fine of \$10,000 and, in the case of a continuing offence, each day on which the contravention continues constitutes a separate offence that is subject to that maximum fine.
15. This bylaw may be enforced by means of a municipal ticket information, in which case the offence descriptions and ticket fines set out in the Ticket Bylaw apply.
16. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Density of Development – Maximum” is the maximum **Floor Space Ratio** of any **Building** or structure that may be constructed or erected in the relevant zone.
17. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Height – Maximum” is the maximum Height of any **Building** or structure that may be constructed or erected in the relevant Height Area of the relevant zone shown on Schedule A to Part 6, provided that building features indicated in the relevant table with

the heading “Projections - Maximum” in Part 4 may project beyond the maximum **Height** to the extent indicated in Items b, c and d of the table.

18. The ratio indicated in a column of a table in Part 4 of this bylaw with the heading “Front Setback Plane – Minimum” is the angle of inclination of the **Front Setback Plane** for any portion of a **Building** or structure that may be constructed or erected in the relevant zone, provided that building features indicated in the relevant table with the heading “Projections - Maximum” in Part 4 may project beyond the **Front Setback Plane** to the extent indicated in the table.
19. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Side and Rear Lot Line Setbacks – Minimum” is the minimum horizontal distance between any portion of a **Building** or structure of the **Height** indicated in the table and the **Side** or **Rear Lot Lines** of the **Lot** on which the **Building** or structure is located, provided that building features indicated in the relevant table with the heading “Projections - Maximum” in Part 4 may project into the minimum setback to the extent indicated in the table.
20. The figure indicated in a column of a table in Part 4 of this bylaw with the heading “Corner Lot Setback - Minimum” is the minimum horizontal distance between any portion of a **Building** or structure and the **Corner Lot Lines** of the **Lot** on which the **Building** or structure is located.

Part 2 - Definitions

2.1 Administrative Definitions

1. In this bylaw,

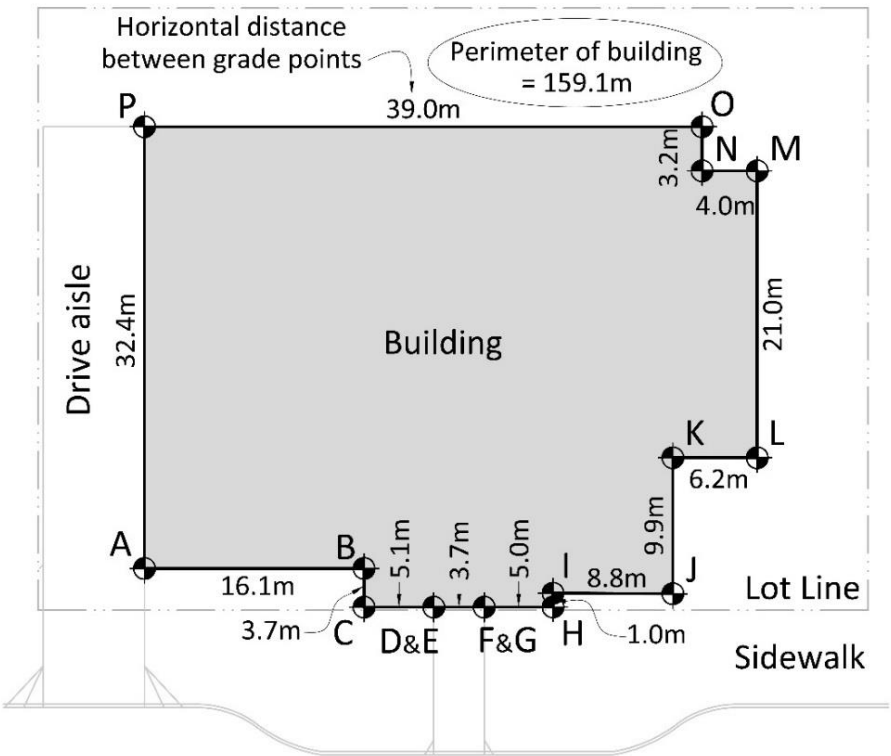
Accessory Landscape Structure means gates, fences, walls, trellis, gazebos, pergolas or a similar ornamental feature which is open to the elements and includes sheds that are less than 9.3m².

Affordable means housing that falls within the financial means of a household in either market or non-market dwellings. Total costs for rent or mortgage plus taxes (including a 10% down payment), insurance and utilities should equal 30% or less of a household's annual income.

Average Grade means the weighted average of the elevations of the surface of land adjacent to the exterior wall of a **Building** or structure, other than any portion of an exterior wall that is in a window well, calculated in the method indicated in the following example:

Grade Points:

Grade point A: 15.7	Grade point F: 14.5	Grade point K: 15.8
Grade point B: 16.0	Grade point G: 15.8	Grade point L: 15.7
Grade point C: 16.1	Grade point H: 16.0	Grade point M: 16.0
Grade point D: 16.0	Grade point I: 16.1	Grade point N: 15.9
Grade point E: 14.5	Grade point J: 15.9	Grade point O: 15.9
		Grade point P: 16.0



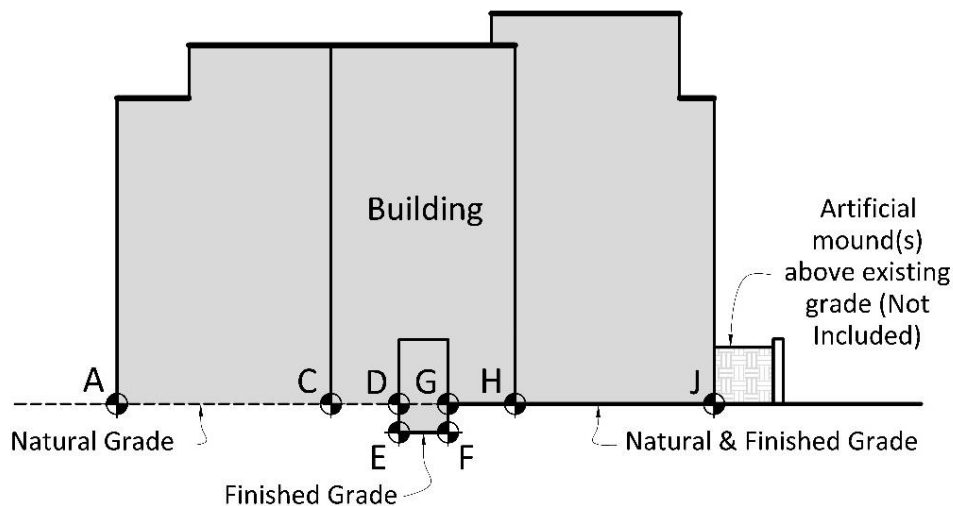
Part 2 - Definitions

Calculation Example:

Grade Points	Average of Points	Distance Between Grade points	Totals
Points A & B:	$((15.7 + 16.0) \div 2)$	x 16.1m	= 255.19
Points B & C:	$((16.0 + 16.1) \div 2)$	x 3.7m	= 59.39
Points C & D:	$((16.1 + 16.0) \div 2)$	x 5.1m	= 81.86
Points E & F:	$((14.5 + 14.5) \div 2)$	x 3.7m	= 53.65
Points G & H:	$((15.8 + 16.0) \div 2)$	x 5.0m	= 79.50
Points H & I:	$((16.0 + 16.1) \div 2)$	x 1.0m	= 16.05
Points I & J:	$((16.1 + 15.9) \div 2)$	x 8.8m	= 140.80
Points J & K:	$((15.9 + 15.8) \div 2)$	x 9.9m	= 156.92
Points K & L:	$((15.8 + 15.7) \div 2)$	x 6.2m	= 97.65
Points L & M:	$((15.7 + 16.0) \div 2)$	x 21.0m	= 332.85
Points M & N:	$((16.0 + 15.9) \div 2)$	x 4.0m	= 63.80
Points N & O:	$((15.9 + 15.9) \div 2)$	x 3.2m	= 50.88
Points O & P:	$((15.7 + 16.0) \div 2)$	x 39.0m	= 618.15
Points P & A:	$((16.0 + 15.7) \div 2)$	x 32.4m	= 513.54
			= 2520.23

Grade Calculation:

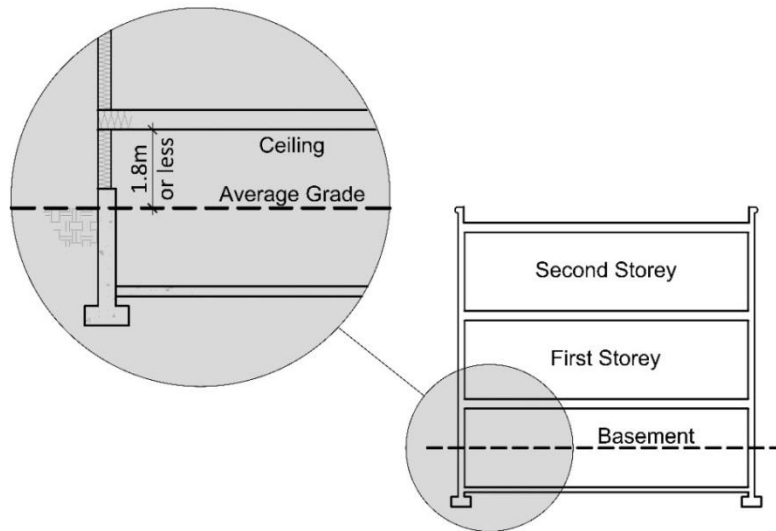
$$2520.23 \div 159.10\text{m (perimeter of building)} = 15.84$$



Balcony means a projecting portion of a Building above the First Storey, the perimeter of which is, on at least one side, wholly unenclosed except by a guard of the minimum Height required by the BC Building Code.

Part 2 - Definitions

Basement means a storey of a building any portion of which is below Average Grade and that has a ceiling that is not more than 1.8m above Average Grade.



Bicycle Parking, Long-Term is intended for long-term users of a **Building**, such as employees or residents, and will consist of a secure space dedicated for bicycle parking within a **Structure** or **Building** on the same **Lot**.

Bicycle Parking, Short-Term is intended for short-term use by visitors and customers and will consist of bicycle racks located in a publicly accessible location at or near a **Building** entrance.

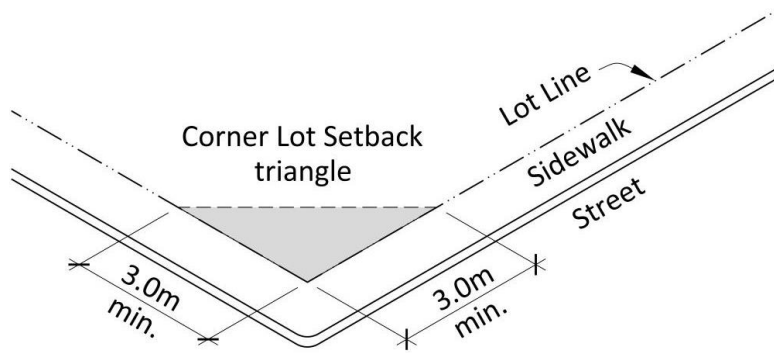
Boundary in reference to a **Lot**, extends throughout its length both upwards and downwards ad infinitum from the surface of the **Lot**.

Building means anything constructed or placed on a **Lot** and used or intended for supporting or sheltering any use, excluding landscaping, docks, wharfs and piers.

Corner Lot means a Lot at the intersection or junction of two or more **Streets**.

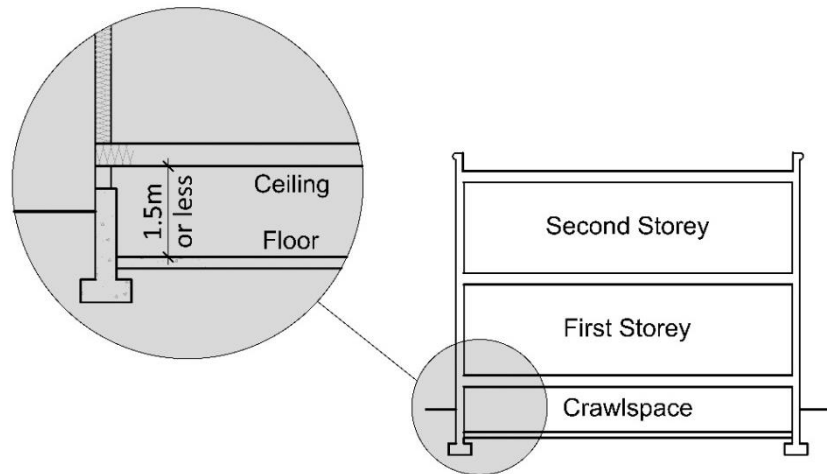
Corner Lot Setback means the triangular horizontal area formed within a corner lot by the intersecting Lot Lines abutting the **Streets** and a straight line connecting them at a distance specified in Part 4 from their point of intersection.

Part 2 - Definitions



Note: 3.0m setback shown for illustrative purposes only. Refer to specific zone for required setback.

Crawlspace means an area beneath the lowest habitable **Storey** of a **Building**, with clearance of 1.5m or less.



Density of Development is the maximum **Floor Space Ratio** of any **Building** or structure of the type that is constructed or erected in the zone for which that **maximum Floor Space Ratio** is indicated.

Director means the person employed by the City of Victoria to perform the duties and functions of the position of the Director of Sustainable Planning and Community Development, as that position title is amended from time to time, and includes persons acting under his or her authority.

Driveway means that portion of a **Lot** that provides access to parking, **Loading Space** or the **Drive Aisle** within the **Lot** and is considered to be the extension of the **Lot's Driveway** crossing, as depicted in Figure 1 of Part 5 of this bylaw. For certainty, a ramp provided to access parking stalls is considered a **Driveway**.

Drive Aisle means a vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls as depicted in Figure 1 of Part 5 of this bylaw.

Dwelling Unit means a self-contained unit comprised of one or more rooms designed as a residence for a single household with a sleeping area, a principal kitchen for food cooking and a separate bathroom facility.

Part 2 - Definitions

Finished Grade means the finished elevation of the ground surface of land following construction or land altering activities.

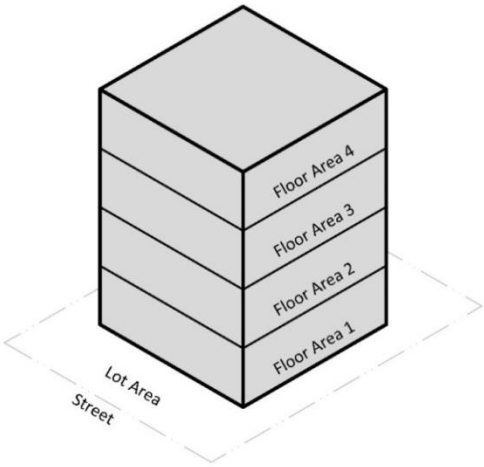
First Storey means the storey immediately above the basement of a **Building**, and in the case of a **Building** without a **Basement**, means the lowest **Storey**.

Flanking Street Lot Line means a **Lot Line**, not being a **Front** or **Rear Lot Line** that is common to a **Lot** and a **Street**.

Floor Area is measured to the interior surface of the exterior walls of **Buildings** and structures, includes the area of any mezzanine, loft or partial **Storey**, and excludes the following:

- (a) the area of any **Balcony**, veranda, exposed deck, patio or roof;
- (b) the area of any **Crawlspace** or **Basement**;
- (c) the area of **Rooftop Structures**; and
- (d) the area that is used to provide bicycle parking required by this bylaw.

Floor Space Ratio means the ratio of the total **Floor Area** of all **Storeys** of all **Buildings** and structures on a **Lot** to the area of the **Lot** on which the **Buildings** and structures are located. The **Floor Space Ratio** of a **Lot** with a water boundary is determined according to the location of the natural boundary at the time the maximum **Floor Space Ratio** regulation is being applied, and not according to any survey previously filed in the Land Title Office.



Floor Space Ratio Calculation:
(Example)

Floor Area 1:	345m ² +
Floor Area 2:	345m ² +
Floor Area 3:	345m ² +
Floor Area 4:	345m ² +

Total (Structure): 1380m²

Lot Area: 460m²

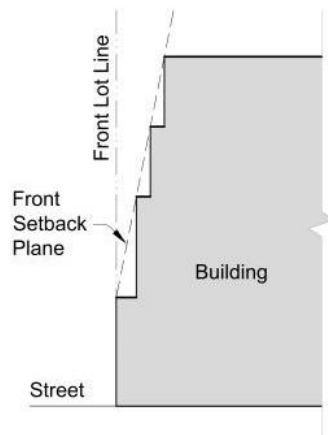
Total (Structure)	1380m ² ÷
Lot Area	460m ²
	3.00 =

3:1

Front Lot Line means the **Lot Line** abutting a public **Street**, and in the case of a **Corner Lot**, the **Lot Line** having the shortest length abutting one **Street** shall be considered the front **Lot Line**.

Part 2 - Definitions

Front Setback Plane means a plane having an angle of inclination expressed as a ratio (rise over run), based at a specified point above the front Lot Line, as illustrated in the following sketch, beyond which no portion of a building or structure on the lot may project.

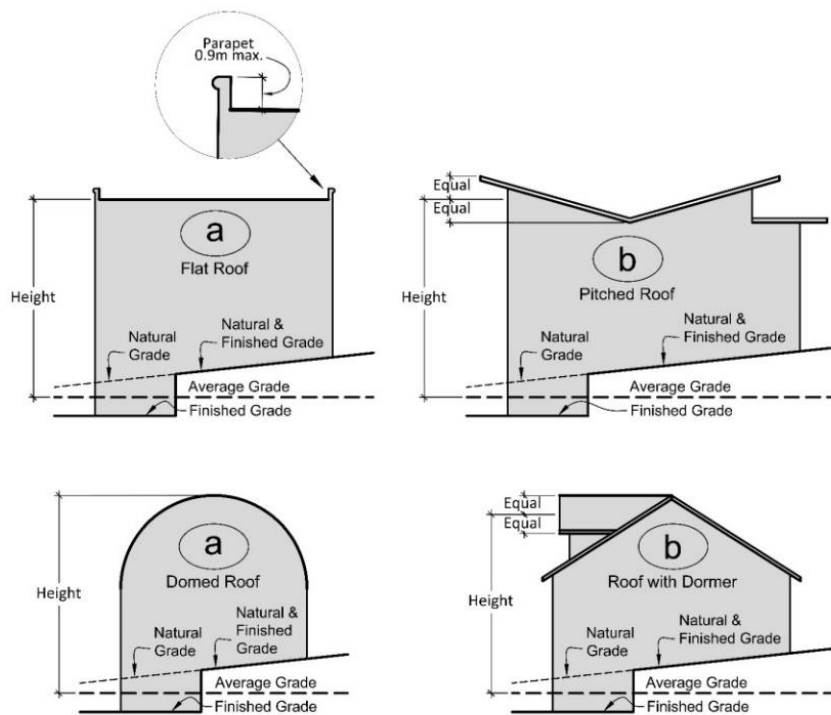


Front Yard means a yard located between the principal **Building** and the **Front Lot Line**, extending the full width of the **Lot**.

Height means the distance measured in a vertical straight line between the highest point of a **Building** and the **Average Grade** directly below the highest point; and is determined as follows:

- (a) for **Buildings** with a flat or domed roof, the highest point is the highest part of the roof;
- (b) for **Buildings** with a pitched roof, the highest point is the midpoint between the highest ridge and the highest eave of the roof; and
- (c) for **Buildings** with a gambrel roof, the highest point is the midpoint between the ridge and the hip line of the roof.
- (d) The highest point excludes any rainwater cistern, **Rooftop Structure**, rooftop greenhouse, stormwater retention or water quality facilities together with their supporting structures.

Part 2 - Definitions



Landscape Screen means a visual barrier formed by shrubs, trees, fences or masonry walls, or any combination of these or like materials.

Loading Space means a parking space associated with a commercial or industrial use that is used temporarily for the loading or unloading of products or materials.

Lot means an area of land, designated and registered at the Victoria Land Title Office as not more than one parcel of land, and if a parcel of land is divided by a highway or another lot, each division thereof constituting a single area of land shall be deemed to be a separate **Lot**, and includes a strata lot in a bare land strata plan but does not include any other strata lot or an air space parcel.

Lot Area means the area of land within the boundaries of a **Lot**.

Lot Coverage means the horizontal area of all **Buildings** and outdoor covered areas on a **Lot**, expressed as a percentage of the **Lot Area**.

Lot Depth means the average distance between the **Front Lot Line** and the **Rear Lot Line** of a **Lot**.

Lot Line means the **Boundary** line of a **Lot**, commonly referred to as the property line, as indicated in a plan registered at the Victoria Land Title Office.

Lot Width means the lesser of the horizontal dimensions of the smallest rectangle within which a **Lot** can be contained.

Natural Grade means the elevation of the ground surface of land prior to any land alteration, including, but not limited to, disturbance, excavation, filling, or construction. Where land alteration has occurred, the natural grade shall be determined by a building inspector on the basis of historical records or by interpolation from adjacent natural grades.

Parapet means a vertical projection of a wall at the outer edge of a roof.

Part 2 - Definitions

Parking Area means all parking spaces, **Driveways** and **Drive Aisles** on a **Lot**.

Permeable means hard surfacing specifically designed to allow water to flow through the surface and into the soil below, but does not include unconsolidated materials such as crushed rock, gravel, grass, earth or other loose materials.

Rear Lot Line means a **Lot Line** opposite to the **Front Lot Line** that spans the width of the **Lot**, provided that in the case of triangular shaped lots with no **Rear Lot Line**, the point of intersection between two **Side Lot Lines** or a **Side Lot Line** and a flanking **Street Lot Line** shall be deemed the **Rear Lot Line**.

Residential Lock-off Unit means a self-contained **Dwelling Unit** with a lesser **Floor Area** than the principal **Dwelling Unit** from which it may be locked off, which must have both independent external access and shared internal access.

Rooftop Structure includes elevator penthouses, elevator landings, stair access and landings, mechanical equipment, chimneys, ventilation systems, solar heating panels, green roof systems and similar structures that project above a roof, are non-habitable and which may be enclosed or unenclosed.

Side Lot Line means a **Lot Line**, not being a **Rear Lot Line** that separates two **Lots**.

Storey means the space between two floors of a **Building** or between any floor and the roof next above, but does not include a **Basement**, **Crawlspace** or a **Rooftop Structure**.

Street includes a lane, road, sidewalk and other public highway.

Unobstructed Access means the ability of the intended user of the parking space to access and egress to the **Street** at the time that the parking space is required.

VicMap means the electronic geographic information system database maintained by the City of Victoria and made available to the public through the City's internet website.

Zoning Map means the zoning information layer in VicMap as amended from time to time.

Part 2 - Definitions

2.2 Use Definitions

1. In this bylaw,

Assembly includes places of worship, convention facilities, cinemas, commercial recreation facilities and education and training facilities and does not include commercial casinos.

Assisted Living Facility means premises in which housing, meal services, housekeeping services, laundry services, social and recreational opportunities, a 24 hour emergency response system, and one or two prescribed services as defined in the Community Care and Assisted Living Act are provided by or through the operator to 3 or more adults who are not related by blood or marriage to the operator of the premises.

Automotive Repair means a facility used for mechanical or body repairs, of motor vehicles, but does not include the sale of automotive fuel.

Brew Pub, Distillery and Winery means facilities in which not more than 35% of the **Floor Area** is used for the production and manufacturing of beer, spirits, wine and other alcoholic beverages and includes the **Retail** sale of products made on the premises for consumption off-site and may be provided in combination with **Food and Beverage Service**.

Cannabis means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis.

Care Facility means a day care facility or residential care facility, in each case licensed under the Community Care and Assisted Living Act.

Civic Facility means premises in which government services are provided to the public including a legislature, municipal hall, law court, hospital, fire hall, library, ambulance or police station.

Cultural Facility means facilities used for artistic performances and the display of art and cultural artifacts, and includes art galleries, theatres other than cinemas, and museums.

Drinking Establishment means facilities such as nightclubs, bars and pubs that are licensed through the Liquor Control and Licensing Act for the sale and consumption of liquor within the facilities and where entertainment may be provided in the form of recorded music, live performances or a dance floor.

Equipment Rental means the rental of home, office, garden equipment, sports equipment or motor vehicles.

Financial Service means chartered banks, credit unions, trust companies, insurance brokers or mortgage brokers.

Food and Beverage Service includes the operation of catering establishments, portable food vendors, cafes and restaurants.

Foodstand means a container or structure which holds, shelves or otherwise displays products of **Small-scale Commercial Urban Food Production** for retail purposes outdoors.

Heavy Industrial means fabricating, assembling, processing, cleaning, servicing, testing or storing goods and materials.

Home Occupation means the use of a residential **Dwelling Unit** for the practice of a profession, trade, art or craft, by one or more residents of the premises.

Hotel means a facility offering transient lodging accommodation to the general public and may provide accessory uses such as restaurant, meeting rooms, recreational facilities and includes motels and hostels.

Part 2 - Definitions

Light Industrial means fabricating, assembling, processing, cleaning, servicing, testing or storing goods and materials that does not potentially cause neighbourhood impact beyond the premises through noise, odour, vibration or otherwise.

Office means the provision of administrative, clerical, management, professional or technical services.

Parkade means parking that is regularly available to the general public whether located above or below grade.

Personal Service means services provided to the person of a customer such as barbering, hairstyling, optometry, medical and dental care, and services provided to the apparel of a customer including laundry and dry cleaning services, tailoring, and shoe, jewellery and watch repair.

Residential means a self-contained **Dwelling Unit** of any type, including **Assisted Living**, residential care facilities, studio uses containing dwelling uses and a **Dwelling Unit** associated with an artist's or artisan's studio.

Residential Lock-off Unit means a self-contained **Dwelling Unit** within a multi-residential building with a lesser floor area than that of the principal Dwelling Unit from which it may be locked off, which must have both independent external access and shared internal access.

Retail Liquor Sale means the retail sale of packaged liquor.

Retail Trade means the retail sale, repair, servicing, or refurbishment of consumer goods other than automobiles or automotive fuels, but does not include **Retail Liquor Sale** or **Storefront Cannabis Retailer**.

Short-term Rental means the renting of a dwelling, or any portion of it, for a period of less than 30 days and includes vacation rentals.

Small-scale Commercial Urban Food Production means:

- (a) cultivating and harvesting plants or fungi;
- (b) Beekeeping and harvesting honey;
- (c) Keeping poultry to collect eggs; or
- (d) Sorting, cleaning, packaging, selling or storing for retail purposes the items listed in (a) through (c) above that had been harvested on the premises.

Storefront Cannabis Retailer means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

Studio means a purpose-designed work space for an artist or artisan engaged in an art or craft that is compatible with residential uses, which may include an associated **Dwelling Unit** and in which works produced in the studio may be sold.

Utility means infrastructure that is used to provide water, sewer, drainage, district heat, gas, electrical, or telecommunications service whether located on, above or below ground and includes pump stations and service vaults and kiosks but does not include sewage treatment plants.

3.1 General Regulations

1. Unless a contrary intention appears in another Part of this bylaw, the following regulations apply to all land to which this bylaw applies.
2. Each use that is listed in Part 4 of this bylaw with the heading “Permitted Uses” is permitted in the relevant zone, and all other uses are prohibited in that zone unless a use is permitted under the site specific regulations in which case that use is permitted on the applicable property but is not permitted anywhere else in that zone.
3. No portion of a **Building** located less than 3m from grade shall be located within a **Corner Lot Setback** except for a building pillar or building column.
4. The uses permitted in Part 4 of this bylaw include uses that are normally incidental to and associated with the use.
5. Drive through businesses of any kind, including drive through restaurants and **Financial Service** institutions are prohibited in all zones.
6. Storage of rental equipment in an **Equipment Rental** use must be enclosed in a **Building**.
7. A **Dwelling Unit** or premises in a **Building** in which any commercial use is permitted may be used as a display unit or sales centre for residential **Dwelling Units**.
8. A **Studio** use may include an associated residential **Dwelling Unit** only if at least one artist or artisan engaged in their art or craft on the premises resides in the **Dwelling Unit**.
9. **Home Occupations** must comply with the following:
 - a. A City business license is required;
 - b. The sale of goods on the premises is not permitted, except as accessory to the primary business; and
 - c. A **Home Occupation** may not create noise, electronic interference, dust, odour, smoke or any other nuisance detectable beyond the premises in which it is being conducted, including in any common areas or other **Dwelling Units** in a multiple-unit residential building.
10. **Rooftop Structures** must comply with the following:
 - a. A **Rooftop Structure** must not occupy more than 20% of the roof area of the **Building**; and
 - b. A **Rooftop Structure** must be set back a minimum of 3m from the outer edge of the roof.
11. **Small-scale Commercial Urban Food Production** and sales are permitted in all zones, provided that the use is not noxious or offensive to neighbours or the general public by reason of emitting odor, noise or artificial lighting, and subject to compliance with Schedule B of this bylaw.
12. Rooftop greenhouses must not exceed:
 - a. 3.65m in **Height**; and
 - b. The lesser of 28m² or 50% of the building roof area.

4.1 Central Business District-1 Zone (CBD-1)

1. Permitted Uses					
a. Assembly b. Assisted Living Facility c. Brew Pub, Distillery and Winery d. Care Facility e. Civic Facility f. Cultural Facility g. Drinking Establishment h. Equipment Rental i. Financial Service j. Food and Beverage Service k. Home Occupation		l. Hotel m. Office n. Personal Service o. Residential p. Residential Lock-off Unit q. Retail Liquor Sale r. Retail Trade s. Small-scale Commercial Urban Food Production t. Studio u. Utility			
1.1 Location and siting of Uses					
a. No First Storey Office use is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway. b. The display of rental sports equipment and rental motorized vehicles, other than automobiles are permitted outside of a building for the use of Equipment Rental. c. No First Storey Brew Pub, Distillery and Winery is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway, except where the brew Pub, Distillery and Winery is provided in conjunction with Retail Trade or Food and Beverage Service. d. Residential uses and Hotel guest rooms are not permitted on the First Storey of a building. e. Areas used for the storage of garbage or recyclable materials must be enclosed within a Building or screened by a fence or masonry wall that provides a complete visual barrier.					
2. Density of Development - Maximum					
a. Maximum Density of Development :			3.0:1		
3. Height - Maximum					
a. Maximum Height:		HA-1	HA-2	HA-3	HA-4
		72.0m	60.0m	50.0m	45.0m
b. Notwithstanding sub section (a), maximum Height for buildings or any portion located within 40m from the Lot Line abutting the east side of Douglas Street:		45.0m			
4. Front Setback Plane - Minimum			Angle of Inclination		
a. Buildings abutting Blanshard, Douglas or Yates street, for any building portion above 20.0m in Height:			5:1		
b. All other buildings, for any portion above 15.0m in Height:			5:1		
5. Side and Rear Lot Line Setbacks - Minimum					
a. Exterior walls 20.0m up to 30.0m in Height:				3.0m	
b. Exterior walls over 30.0m and up to 45.0m in Height:				6.0m	

c. Exterior walls over 45.0m in Height:	10.0m
d. Exterior walls abutting Douglas Street 30.0m or more in Height:	9.0m

6. Projections into Setbacks and Height- Maximum

a. Balconies, cornices, guardrails, fin walls, slab edges, window overhangs and sunscreens:	0.6m
b. Cornices, guardrails, fin walls and sunscreens:	0.6m
c. Parapets:	1.0m
d. Rooftop Structures:	5.0m

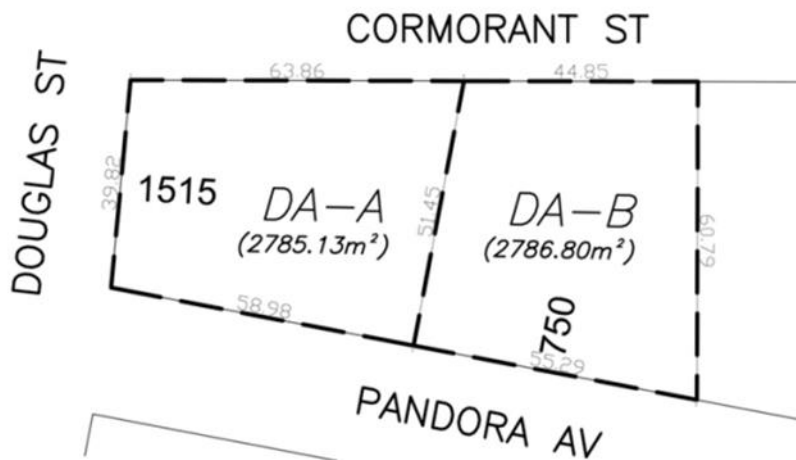
7. Motor Vehicle and Bicycle Parking

a. All motor vehicle and bicycle parking shall be provided in accordance with Part 5 of this bylaw.
b. Notwithstanding the requirements in Part 5 of this bylaw, all required motor vehicle parking must be located below grade within a Building .

8. Site Specific Regulations

	Column A	Column B	Column C
	Civic Address and Legal Description	Regulations	Conditions
1.	940 Blanshard Street LOT 2 OF LOTS 79-85, 89-92, VICTORIA, VIS4516	a. Maximum Density of Development: 3.08:1	
2.	980 Blanshard Street LOT 1 PLAN 39153 VICTORIA OF LOTS 86/87/88	a. Maximum Density of Development: 3.6:1	
3.	1520 Blanshard Street LOT B OF LOT 1257, VICTORIA, VIP60943	a. Maximum Density of Development: 0.8:1	
		b. At least 60% of the area of the site must be open space.	
		c. No building or structure, other than a public plaza or driveway providing access to underground parking, may be located within 18 m of the western boundary of the site.	
		d. The Height of a structure that is within 18m of the western boundary of the site must not exceed the Height of Pandora Avenue or Cormorant Street, whichever is nearer the structure.	

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
4.	734 Broughton Street LOT 63, VICTORIA	a. Maximum Density of Development: 3.3:1	i. At least 15 bicycle parking spaces are provided on the site; and; ii. The Broughton Street frontage of any building on the site is glazed and used for retail trade or restaurant uses only.
5.	735 Broughton Street LOT 1 OF LOTS 79-85, 89-92 VICTORIA, VIS4516	a. Maximum Density of Development: 3.08:1	
6.	740 Burdett Avenue LOT A PLAN 26090 SECTION 88 VICTORIA & OF LOT 100	a. Maximum Density of Development: 3.6:1	
7.	905 Douglas Street LOT A (DD 18381W) OF LOTS 75, 76, 77 AND 94, VICTORIA, PLAN 1061	a. Motor vehicle parking spaces may be provided on a separate lot within 125m of the use for which they are provided, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner of 905 Douglas Street.	
8.	1515 Douglas Street LOT 1 OF LOT 1247, 1248 AND 1257 VICTORIA EPP27886 Development Area – A (DA-A) Development Area – B (DA-B) Note: In this subsection, the “Development Areas” are those depicted in the following sketch as DA-A and DA-B		



Column A	Column B	Column C
Civic and Legal Address	Regulations	Conditions
Development Area – A	a. Maximum Density of Development: 2.91:1	
	b. Maximum Density of Development: 3.7:1	i. At least 140 motor vehicle parking spaces are provided underground on the site in addition to those otherwise required by Section 7 of this Part; ii. At least 34 Long-term bicycle parking spaces and 34 storage lockers for use by cyclists are provided on the site.
	c. Maximum floor area for residential uses: in Development Area DA-A must not exceed 7,468m ² .	
	d. Up to 258m ² of floor area used for mechanical equipment on the uppermost storey of a building may be excluded from floor area calculations.	
	e. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.7 spaces per dwelling unit, and for hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces are required.	

		f. Motor vehicle parking spaces may be provided on a separate lot within Development Area DA-A or DA-B, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces.	
	(Development Area - B)	g. Maximum Density of Development 2.86:1	
		h. Maximum density of development: 5.88:1	i. a public walkway with an average width of 3.7m and a minimum width at all points of 3m is constructed on the site to connect Pandora Avenue and Cormorant Street, and secured by a statutory right of way and covenant in favour of the City.
		i. Up to 400m ² of floor area used for mechanical equipment on the uppermost storey of a building may be excluded from floor area calculations.	
		j. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces are required.	
		k. Motor vehicle parking spaces may be provided on a separate lot within Development Area DA-A or DA-B, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces.	

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
9.	777 Fort Street STRATA PLAN VIS700	a. Maximum Density of Development: 3.52:1 b. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit and for hotel uses is 0.5 spaces per accommodation unit, and no off-street loading spaces are required.	
10.	778 Fort Street THE W 1/2 OF LOT 28, VICTORIA, EXCEPT THE S 8 FT	a. Storefront Cannabis Retailer is a permitted use	i. The use does not occupy more than 100m ² ; ii. The use is restricted to the ground floor; iii. Only one Storefront Cannabis Retailer at a time is operational on the property.
11.	838 Fort Street LOT 289, VICTORIA, EXCEPT THE SOUTHERLY 8 FEET THEREOF	a. Maximum Density of Development: 2.8:1	
12.	840 Fort Street LOT 290, VICTORIA, EXCEPT THE SOUTHERLY 8 FEET THEREOF	a. Maximum Density of Development: 3.7:1	
13.	727 Johnson Street LOT 33 VICTORIA	a. Maximum Density of Development: 4.35:1	i. Rehabilitation of the existing building on the lands in accordance with the heritage conservation plan in Schedule B of the restrictive covenant registered against the title to the lands pursuant to section 219 of the land Title Act; and ii. Provision of a housing agreement pursuant to section 483 of the Local Government Act to require that all residential dwellings are to be used and occupied as rental units in perpetuity.

		b. Off-street motor vehicle and Short-term Bicycle Parking are not required.	
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
14.	851 Johnson Street LOT 379 VICTORIA	a. Storefront Cannabis Retailer is a permitted use	i. The use does not occupy more than 25m ² ; ii. The use is restricted to the ground floor.
15.	823 Pandora Avenue LOT A PLAN VIP63518 VICTORIA OF LOTS 402 407 408 AND 409 SEC 339 LGA	a. Parkade is a permitted use, provided that no parking spaces are located within 6m of a street.	
		b. Maximum Density of Development: 3.5:1	i. At least 200 motor vehicle parking spaces are provided within a building.
		c. Maximum Density of Development for Office and Retail trade: 2:1	
16.	812 View Street LOT 1, OF LOTS 304, 305, 326, & 327, VICTORIA, PLAN 27731	a. Maximum Density of Development for Retail trade and Office: 2.0:1	
17.	865 View Street STRATA PLAN VIS3578	a. Maximum Density of Development: 3.2:1	
		b. Not more than 140m ² of floor area on the 12 th storey of any building may be used for Office uses other than medical or dental offices.	
		c. Off-street motor vehicle parking spaces are not required in respect of any floor area on the 12 th storey of any building.	
18.	706 Yates Street LOT A, VICTORIA, PLAN 46366	a. Maximum Density of Development: 3:8:1	i. A building provides at least 1850m ² of floor area on the first floor for retail trade or restaurant use or for pedestrian circulation uses.
19.	769 Yates Street LOT 105 VICTORIA PLAN 1	a. Maximum Density of Development: 3.9:1	

4.2 Central Business District-2 Zone (CBD-2)

1. Permitted Uses

- | | |
|------------------------------------|---|
| a. Assembly | l. Hotel |
| b. Assisted Living Facility | m. Office |
| c. Brew Pub, Distillery and Winery | n. Personal Service |
| d. Care Facility | o. Residential |
| e. Civic Facility | p. Residential Lock-off Unit |
| f. Cultural Facility | q. Retail Liquor Sale |
| g. Drinking Establishment | r. Retail Trade |
| h. Equipment Rental | s. Small-scale Commercial Urban Food Production |
| i. Financial Service | t. Studio |
| j. Food and Beverage Service | u. Utility |
| k. Home Occupation | |

1.1 Location and siting of Uses

- No First Storey Office use is permitted within 6m of the wall of any building that abuts a street or pedestrian walkway.
- The display of rental sports equipment and rental motorized vehicles, other than automobiles are permitted outside of a building for the use of Equipment Rental.
- No First Storey Brew Pub, Distillery and Winery is permitted within 6m of the wall of any Building that abuts a street or pedestrian walkway, except where the Brew Pub, Distillery and Winery is provided in conjunction with Retail Trade or Food and Beverage Service.

2. Density - Maximum

- | | |
|--|-------|
| a. Maximum Density of Development: | 4.0:1 |
| b. Maximum Density of Development for Residential uses | 3.0:1 |

3. Height - Maximum

- | | HA-1 | HA-2 | HA-3 | HA-4 |
|---|-------|-------|-------|-------|
| a. Maximum Height: | 72.0m | 60.0m | 50.0m | 45.0m |
| b. Notwithstanding sub section (i) above, maximum Height for buildings or portion of located within 40m from the Lot Line abutting the east side of Douglas Street: | 45.0m | | | |

4. Front Setback Plane - Minimum

Angle of Inclination

- | | |
|--|-----|
| a. Buildings abutting Blanshard, Douglas or Yates Street, for any portion above 20.0m in Height: | 5:1 |
| b. All other buildings, for any portion above 15.0m in Height: | 5:1 |

5. Side and Rear Lot Line Setbacks - Minimum

a. Exterior walls 20.0m up to 30.0m in Height:	3.0m
b. Exterior walls over 30.0m and up to 45.0m in Height:	6.0m
c. Exterior walls over 45.0m in Height:	10.0m
d. Exterior walls abutting Douglas Street 30m or more in Height:	9.0m

6. Projections into Setbacks and Height - Maximum

a. Balconies, cornices, guardrails, fin walls, slab edges, window overhangs and sunscreens:	0.6m
b. Cornices, guardrails, fin walls and sunscreens:	0.6m
c. Parapets:	1.0m
d. Rooftop Structures:	5.0m

7. Motor Vehicle and Bicycle Parking

a. All motor vehicle and bicycle parking shall be provided in accordance with Part 5 of this bylaw.
b. Notwithstanding the requirements in Part 5 of this bylaw, all required motor vehicle parking must be located below grade within a Building .

8. Site Specific Regulations			
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
1.	1321 Blanshard Street LOT A OF LOTS 368-370, 385-387 VICTORIA, VIP83640	a. Maximum Density of Development: 5.0:1	i. At least 80% of the floor area is used for office uses; ii. The south and west frontages of any building on the site are glazed and used for retail trade or restaurant uses only; iii. Public art having a value of at least \$100,000 is provided on the site; and iv. At least 160 motor vehicle parking spaces are provided underground on the site and at least 125 of the spaces are made available for general public use after ordinary office hours.

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
2.	1701 Douglas Street/770 Fisgard Street LOT 1 OF LOTS 692 TO 696 INCLUSIVE, AND OF LOTS 707 TO 711 INCLUSIVE, VICTORIA, EPP3862 (Development Area 1)	a. Maximum Density of Development: 3.26:1	i. At least 50% of the floor area of each development area is Residential; ii. A public walkway at least 3.7m wide is constructed on the site to connect Herald Street to Fisgard Street at a point approximately equidistant from Douglas and Blanshard Streets, and secured by a statutory right of way in favour of the City; and iii. The owner enters into a housing agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement.
		b. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces, and no off-street loading spaces, are required.	
		c. Motor vehicle parking spaces may be provided on a separate lot within Development Area 1, 2 or 3, including an air space parcel, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces.	

3.	780 Fisgard Street LOT 2 OF LOTS 696 TO 698 INCLUSIVE, AND OF LOTS 705 TO 707 INCLUSIVE, VICTORIA EPP3862 EXCEPT PART IN AIR SPACE EPP38768 (Development Area 2)	d. The only building setback that is required is a setback from each of Herald, Blanshard, Fisgard and Douglas Streets of 1 cm for each 5cm of building Height that exceeds 10m.	
		e. Maximum Density of Development: 4.88:1	<ul style="list-style-type: none"> i. At least 50% of the floor area of each development area is residential; ii. A public walkway at least 3.7m wide is constructed on the site to connect Herald Street to Fisgard Street at a point approximately equidistant from Douglas and Blanshard Streets, and secured by a statutory right of way in favour of the City; and iii. The owner enters into a housing agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement.
		f. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.7 spaces per dwelling unit, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street parking spaces, and no off-street loading spaces, are required.	

4.		g. Motor vehicle parking spaces may be provided on a separate lot within Development Area 1, 2 or 3, including an air space parcel, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces	
		h. The only building setback that is required is a setback from each of Herald, Blanshard, Fisgard and Douglas Streets of 1cm for each 5cm of building Height that exceeds 10m.	
	1700 Blanshard Street LOT A, OF LOTS 699 TO 700 INCLUSIVE, AND OF LOTS 703 TO 707 INCLUSIVE, VICTORIA, PLAN 13333, EXCEPT PART IN PLAN EPP3862 (Development Area 3)	i. Maximum Density of Development: 7.47:1	i. At least 50% of the floor area of each development area is residential; ii. A public walkway at least 3.7m wide is constructed on the site to connect Herald Street to Fisgard Street at a point approximately equidistant from Douglas and Blanshard Streets, and secured by a statutory right of way in favour of the City; and iii. The owner enters into a Housing Agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement.
		j. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.7 spaces for Residential uses, and for Hotel uses is 0.5 spaces per accommodation unit. No other off street	

		parking spaces, and no off-street loading spaces, are required.	
		k. Motor vehicle parking spaces may be provided on a separate lot within Development Area 1, 2 or 3, including an air space parcel, if the parking site is charged by a covenant in favour of the City restricting the use of the parking area and an easement in favour of the owner who requires the parking spaces	
		l. The only building setback that is required is a setback from each of Herald, Blanshard, Fisgard and Douglas Streets of 1cm for each 5cm of building Height that exceeds 10m.	
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
5.	1810 Blanshard Street LOT A, OF LOTS 717-720, VICTORIA, VIP52793	a. Maximum Density of Development: 5.0:1	i. The site has an area of at least 2,000m ² ; ii. No fewer than 80 underground motor vehicle parking spaces are provided on the site; and iii. At least 10% of the area of the site adjacent to the intersection of Blanshard and Herald Streets is an open plaza to a Height of at least 5.5m above grade.
		b. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.25 spaces per dwelling unit, and for office uses is 1 space per 170m ² of floor area.	
6.	720 Broughton Street LOT A PLAN VIP59410 VICTORIA OF LOTS 57 58 59 AND 60	a. Maximum Density of Development: 4.6:1	i. The site has an area of at least 2500m ² ; ii. All motor vehicle parking spaces are provided underground; iii. At least 425m ² of open space is provided on the site; and iv. At least 50% of the site frontage on

			Douglas and Broughton Streets is in use for retail trade, restaurant or financial services uses having direct pedestrian access from one of those streets.
		b. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.25 spaces per Dwelling Unit and for Office uses is 1 space per 95m ² of floor area, and no other motor vehicle parking or loading spaces are required.	
7.	732 Cormorant Avenue STRATA PLAN VIS5950	a. Maximum Density of Development: 4.75:1	i. At least 50% of the floor area on the site is residential.
		b. Residential uses are permitted on the First Storey.	
		c. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.6 spaces per dwelling unit.	
8.	809 Douglas Street LOT 1 OF LOTS 95-98 AND 104, VICTORIA VIS6797	a. Maximum Density of Development: 5.5:1	i. At least 10,000m ² of residential floor area is provided; ii. Retail Trade and restaurant uses only are operated at grade level; iii. Landscaped open space accessible to the public is provided at grade level; iv. All motor vehicle parking spaces other than those for visitor use are provided underground; and v. Public art having a value of at least \$150,000 is provided on the site.

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
9.	1405 Douglas Street LOT 1 OF LOTS 139 & 140, VICTORIA, PLAN 21972	<p>a. Maximum Density of Development: 4:1</p> <p>b. Individual Retail Trade and restaurant premises must have a floor area of at least 70m².</p> <p>c. Grade level Douglas Street site frontage and Johnson Street site frontage that is within 6m of Douglas Street may be used only for retail sales and restaurant uses.</p> <p>d. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.25 spaces per dwelling unit, and for office uses is 1 space per 95m² of floor area in excess of 2850m².</p>	
10.	741 Fisgard Street LOT 684 & LOT 683, VICTORIA, EXCEPT PART SHOWN COLOURED RED ON PLAN 316 BL, THE E 1/2 OF LOT 685 AND THE W 1/2 OF LOT 685, VICTORIA	a. Maximum Density of Development: 7.6:1	<p>i. A public walkway at least 3.7m wide is constructed on the site at mid-block to connect Fisgard Street to the southerly boundary of the site, and secured by a statutory right of way in favour of the City;</p> <p>ii. A statutory right of way is granted to the City for the 2 m wide portion of the site adjacent to Blanshard Street for sidewalk, bicycle lane and boulevard improvement uses;</p> <p>iii. At least 60% of the floor area is used for office uses and is located on the second and higher storeys;</p> <p>iv. The north and east frontages of any building on the site are glazed and used for retail trade or restaurant uses only;</p> <p>v. Public art having a value of at least</p>

			<p>\$350,000 is provided on the site; and</p> <p>vi. The owner contributes at least \$100,000 to the City's Housing Reserve Trust Fund.</p>
		b. At least 140 motor vehicle parking spaces must be provided underground.	
		c. At least 42 bicycle parking spaces must be provided.	
11.	722 Johnson Street LOT 142 VICTORIA	a. Enclosed motor vehicle parking is also a permitted principal use.	
		b. Maximum Density of Development is 4:1 for any building that includes a motor vehicle parking use.	
12.	834 Johnson Street STRATA PLAN EPS522	a. Maximum Density of Development: 5.76:1	<p>i. The floor area of office uses may not exceed 60% of the area of the site;</p> <p>ii. The floor area of non-residential uses, excluding areas used for underground motor vehicle parking spaces, may not exceed 50% of the floor area on the site;</p> <p>iii. Non-residential uses other than home occupations are not permitted above the second storey;</p> <p>iv. The minimum number of off-street motor vehicle parking spaces for residential uses is 0.65 spaces per dwelling unit, and no parking spaces are required for non-residential uses; and</p> <p>v. At least 15% of the area of the site</p>

			must be open space.
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
13.	1406 Blanshard Street LOT 2 OF LOTS 147 & 148, VICTORIA, VIS6683	a. Maximum Density of Development: 6.06:1	i. At least 3700m ² of residential floor area is provided; ii. Retail sales and restaurant uses only are operated at grade level; iii. Landscaped open space accessible to the public is provided between the building on the site and the adjacent streets; and iv. All motor vehicle parking spaces other than those for visitor use are provided underground.
		b. There are no minimum front, side or rear yard setbacks	
14.	1250 Quadra Street LOT A PLAN 19445 VICTORIA OF LOTS 311/314	a. Maximum Density of Development: 4.0:1	i. At least 35% of the area of the site is open space; and ii. All motor vehicle parking spaces are provided underground.
15.	835 View Street STRATA PLAN VIS3578	a. Maximum Density of Development: 4.4:1	i. For any building with at least 8000m ² of floor area used for Residential uses, and the proportion of Residential use of the site is unrestricted.
		b. At least 39% of the area of the site must be open space.	
		c. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.55 spaces per dwelling unit.	

		d. The minimum number of off-street motor vehicle parking spaces for uses located on the First Storey is 50% of the number otherwise required by this bylaw.	
16.	728 Yates Street STRATA PLAN EPS2516	a. Maximum Density of Development: 6.4:1	<ul style="list-style-type: none"> i. The façade of the building at 738-740 Yates Street is conserved, including restoration of the brick parapet and upper façade brick; ii. Grade level Yates Street site frontage and the site frontage on the walkway is used only for retail sales and restaurant uses; and iii. A landscaped area of at least 50m² is provided for public use between any building on the site and Yates Street.
17.	743 Yates Street STRATA PLAN VIS4308	a. Maximum Density of Development: 5.4:1	<ul style="list-style-type: none"> i. At least 150m² of floor area is in use for child care services; ii. At least 50m² of open space is provided along each Lot Line that abuts a street; iii. At least 43 motor vehicle parking spaces are provided in addition to those otherwise required by Section 7 of this Part; and iv. At least 50% of the site frontage on View and Yates Streets is in use for retail trade, office or financial services uses having direct pedestrian access

			from one of those streets.
		b. Maximum Density of Development : 5.6:1	i. The conditions described above in sub sections (i.) thru (iv.) are met and an area equal to at least 20% of the site area is in use for an enclosed public arcade or mall.
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
18.	819 Yates Street LOT A, DISTRICT LOTS 306, 307, 324 & 325, VICTORIA, PLAN 33016	a. Maximum Density of Development: 5.83:1	i. A public walkway at least 3.0m wide is constructed on the site to connect Yates Street to View Street along the easterly boundary of the site, and secured by a statutory right of way in favour of the City. ii. At least 80% of the floor area is residential iii. The owner enters into a housing agreement with the City that requires at least 10% of dwelling units on the site to be adaptable units and that all dwelling units on the site be available for occupancy under a residential tenancy agreement for at least 10 years following issuance of an occupancy permit for any dwelling unit; iv. Public art having a value of at least \$100,000 is

			provided on the site; and v. The owner contributes at least \$100,000 to the City's Housing Reserve Trust Fund.
		b. Residential uses may be located on the First Storey.	
		c. Building floor area used for accessory bicycle storage is excluded from floor area calculations used to determine the Floor Space Ratio of a building.	
		d. Buildings with frontage on Yates Street must be sited at least 1.4m from the street to the 10m Height level and 3.5m from the street above that level.	
		e. Buildings with frontage on View Street must be sited at least 1.5m from the street to the 10m Height level and 5.3m from the street above that level.	
		f. Buildings must be sited at least 3.0m from the easterly boundary of the site.	
19.	836 Yates LOT A OF LOTS 373 & 382, VICTORIA, PLAN 60321	a. Maximum Density of Development: 4.0:1 b. The minimum number of off-street motor vehicle parking spaces for Residential uses is 0.25 spaces per dwelling unit, and for Office uses is 1 space per 95m ² of floor area in excess of 2850m ²	
20.	849 Yates LOT 315 VICTORIA	a. Maximum Density of Development: 4.0:1	i. At least 35% of the area of the site is open space; and ii. All motor vehicle parking spaces are provided underground.

4.3 Mixed Use Residential District-1 Zone (MRD-1)

1. Permitted Uses		
a. Assembly	i. Personal Service	
b. Assisted Living Facility	j. Residential	
c. Care Facility	k. Residential Lock-off Unit	
d. Civic Facility	l. Retail Trade	
e. Financial Service	m. Small-scale Commercial Urban Food Production	
f. Food and Beverage Service	n. Studio	
g. Home Occupation	o. Utility	
h. Office		
1.1 Location and siting of Uses		
a. Non-residential uses, other than home occupations, are not permitted above the second storey.		
2. Density - Maximum		
a. Maximum Density of Development for Office:		0.6:1
b. Maximum Density of Development for non-residential uses, excluding Home Occupation:		0.5:1
3. Height - Maximum		
a. Maximum Height:		30.0m
4. Front Lot Line Setback - Minimum		
a. Buildings with residential use on First Storey:		3.5m
b. Buildings with non-residential use on First Storey:		0.5m
5. Projections into Setbacks and Height - Maximum		
a. Balconies, cornices, guardrails, fin walls, slab edges, window overhangs and sunscreens:		0.6m
b. Cornices, guardrails, fin walls and sunscreens:		0.6m
c. Parapets:		1.0m
d. Rooftop Structures:		5.0m
6. Motor Vehicle and Bicycle Parking		
a. Notwithstanding the requirements contained in Part 5 of this bylaw, no motor vehicle or bicycle parking is required.		

4.4 Old Town District-1 (OTD-1)

1. Permitted Uses		
a. Assembly		l. Hotel
b. Assisted Living Facility		m. Office
c. Brew Pub, Distillery and Winery		n. Personal Service
d. Care Facility		o. Residential
e. Civic Facility		p. Residential Lock-off Unit
f. Drinking Establishment		q. Retail Liquor Sale
g. Cultural Facility		r. Retail Trade
h. Equipment Rental		s. Small-scale Commercial Urban Food Production
i. Financial Service		t. Studio
j. Food and Beverage Service		u. Utility
k. Home Occupation		
1.1 Location and siting of Uses		
a.	No First Storey Office use is permitted within 6 m of the wall of any building that abuts a street or pedestrian walkway.	
b.	The display of rental sports equipment and rental motorized vehicles, other than automobiles are permitted outside of a building for the use of Equipment Rental.	
c.	No First Storey Brew Pub, Distillery and Winery is permitted within 6m of the wall of any Building that abuts a street or pedestrian walkway, except where the brew Pub, Distillery and Winery is provided in conjunction with Retail Trade or Food and Beverage Service.	
2. Density - Maximum		
a.	Maximum Density of Development	3.0:1
b.	Maximum Density of Development for Office within any building constructed after 1914:	1.0:1
3. Height - Maximum		
a.	Maximum Height:	15.0m
4. Corner Lot Setback - Minimum		
a.	Corner Lot Setback:	3.0m
5. Projections into Setbacks and Height - Maximum		
a.	Parapets:	1.0m
b.	Rooftop Structures:	3.0m
6. Motor Vehicle and Bicycle Parking		
a.	Notwithstanding the requirements contained in Part 5 of this bylaw, no motor vehicle or bicycle parking is required.	

7. Site Specific Regulations			
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
1.	1215 Broad Street Lot 1 Plan VIP64889	a. Maximum building Height: 43m	
2.	608 Broughton Street Lot 1 Plan EPS1336	a. Maximum Density of Development: 5.1:1	i. Retail Trade or restaurant provided as the principal ground level uses; and ii. A minimum of 45 parking spaces are provided, of which at least 35 are located underground and two are permitted to be stacked one behind the other.
		b. Maximum building Height: 34m	
3.	617 Broughton Street Lot A Plan VIP14044	a. Parkade is a permitted use.	
		b. Maximum Density of Development: 3.9:1	
4.	619 – 625 Courtney Street Lot 4 Plan VIS4624	a. Maximum Density of Development: 4.6:1	i. A minimum of 630m ² of the First Storey area of a building and at least 50% of the building's interior First Storey area adjacent to street frontage are devoted to Retail Trade or restaurant use.
		b. Maximum building Height: 20.3m	
5	850 Douglas Street Lot 1 Plan VIP16810	a. Maximum building Height: 43m	
6.	1200 Douglas Street Lot B Plan VIP48444	a. Maximum building Height: 43m	
7.	1214 Douglas Street Lot A Plan VIP48444	a. Maximum building Height: 43m	
8.	1222 Douglas Street S. Pt. Lot 426 & E. Pt. Lot 427 and Pcl. A of Lots 427/428 City Plan	a. Maximum building Height: 43m	

	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
9.	1280 Douglas Street Lot 426 Plan CITY	a. Maximum building Height: 43m	
10.	1402 Douglas Street The Easterly 60 Feet of Lot 671 Plan CITY	a. Storefront Cannabis Retailer is a permitted use	i. The use does not occupy more than 200m ² ; ii. Only one Storefront Cannabis Retailer at a time is operational on the property.
11.	1802 Douglas Street Lot 1 Plan VIP36720	a. Maximum Density of Development: 5.0:1	i. At least 270m ² of First Storey space is provided for Retail Trade or restaurant use; ii. At least 17m of linear building floor area along Herald Street is used for retail or restaurant use; iii. At least 10% of the lot area adjacent to the street intersection is maintained as a street level open plaza to a distance of not less than 5.5m above street level; and iv. A minimum of 60 underground on-site parking spaces are provided
		b. Maximum building Height: 26m	
12.	517-519 Fisgard Street Lot 4 Plan EPS1833 530 Pandora Ave. Lot 1 Plan EPS1833	a. Maximum Density of Development: 5.5:1	
		b. Parkade is a permitted use.	
13.	638 Fisgard Street Lot 1 Plan VIP55957	a. Maximum Density of Development: 4.0:1	i. A minimum density of 2.0:1 is provided for Residential uses.
		b. Residential uses may be located on the First Storey except within 3m from any street.	
		c. Maximum building Height: 22m	
14.	623 Fort Street Lot A Plan VIP87839	a. Maximum Density of Development: 3.8:1 for all uses	i. At least 75% of the total floor area of the building is provided exclusively for office uses.
		b. Short-Term bicycle stalls are not required.	

15.	685-695 Fort Street 1060-1080 Government Street Lot 1 Plan VIP16563	a. Maximum building Height: 43m	
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
16.	816 Government Street Lot Plan VIP219	a. Maximum Density of Development: 4.0:1	i. Rehabilitation of the façade of the existing Customs House on the westerly portion of the site in accordance with Heritage Revitalization Agreement Bylaw no. 15-057.
		b. Maximum Floor Area for distillery use: 175m ²	
		c. Maximum building Height: 17.7m	
17.	1001 Government Street Lot 7 & 8 Plan VIP2671	a. Maximum Density of Development: 4.0:1	i. Where Retail Trade, offices and financial institutions have direct access to and are located along at least 50% of the street frontage along Government Street.
		b. Maximum building Height: 16m	
18.	1312 Government Street Lot 1 Plan EPS1881 1314 Government Street Lot 2 Plan EPS1881 Portion on Roadway Lot Plan EPP37406	a. Maximum Density of Development: 3.85:1	i. A conservation covenant of the existing building is provided ii. A Housing Agreement is established to require that all residential dwellings in this Zone are provided as rental units.
		b. Maximum building Height: 18.6m	
19.	1411 Government Street Lot 1 Plan VIS4995	a. Maximum Density of Development: 3.32:1	
20.	1450 Government Street Lot 1 Plan VIS6012 595 Pandora Ave. Lot 1 Plan VIP77724	a. Maximum Density of Development: 2.2:1	
		b. Maximum building Height: 15.2m	

	599 Pandora Ave. Lot 2 Plan VIS6012		
	Column A	Column B	Column C
	Civic and Legal Address	Regulations	Conditions
21.	1885 Government Street Lot A Plan VIP45681	a. Automotive repair is a permitted use	
22.	461 Herald Street Lot A Plan VIP33307 1720 Store Street Lot A Plan VIP18303	a. Residential uses are prohibited	
		b. Maximum Density of Development for Office and all other uses: 1.5:1	
		c. Maximum Density of Development: 2.0:1	i. At least 500m ² of First Storey area is used for retail or restaurant.
23.	634 Johnson Street Lot A Plan VIP34894	a. Only the following uses are permitted: Hotel, Retail Trade and Food and Beverage Service	
		b. Maximum Density of Development: 5.23:1	
		c. Maximum building Height: 23m	
24.	524-528 Pandora Ave. Lot 2 Plan EPS1833	a. Parkade is a permitted use	
		b. Maximum Density of Development: 5.5:1	
25.	603 Pandora Ave. Lot 1 Plan VIP7110	a. Maximum Density of Development: 4.57:1	i. Rehabilitation of the existing Plaza Hotel building in accordance with Heritage Revitalization Agreement (603-607 Pandora Avenue) Bylaw No. 13-040; ii. Construction of a public plaza at the corner of Government Street and Pandora Avenue valued at least \$180,000; and iii. Payment to the City of Victoria of \$27,500 to contribute to the long term maintenance of the public water feature to be constructed as part of the public plaza.

		b. Maximum Floor Area: 6793m ²	
		c. Maximum building Height: 23.1m	
26.	1441 Store Street Lot 1 Plan VIS1580	a. Maximum Density of Development: 4.0:1	
27.	1610 Store Street Lots 1 to 127 Plan EPS3614 456 Pandora Avenue Lots 1 to 127 Plan EPS3614	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
28.	1624 Store Street Lot 1 Plan VIP5617	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
29.	1630 Store Street Parcel A (DD 832051) of Lot 126 City Plan	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
30.	407-409 Swift Street Lot 100 Plan VIS4930	a. Docks, public washrooms and showers are permitted uses.	
31.	440 Swift Street Lot A Plan VIP85421	a. Docks, public washrooms and showers are permitted uses.	
	450 Swift Street Lot 1 Plan VIP36884	b. Maximum Density of Development: 1.5:1	

32.	467 Swift Street Lot A Plan VIP49848	a. The grade of a building means the elevation calculated to be the arithmetical average of the elevations of the highest and lowest points on the street boundaries of the lot on which the building is situated.	
33.	650 View Street Lot C Plan VIP48444	a. Maximum building Height: 43m	
34.	546 Yates Street LOT 1 OF LOTS 175, 176, 186, 187, VICTORIA, PLAN 30210	a. Storefront Cannabis Retailer is a permitted use	<ul style="list-style-type: none"> i. The use does not occupy more than 800m²; ii. The use is restricted to the ground floor; and iii. Only one Storefront Cannabis Retailer at a time is operational on the property.

5.1 Off-Street Parking Regulations

1. Interpretation

- a. The minimum number of parking spaces required for each use must be calculated to the nearest whole number.
- b. Where a **Building** contains more than one use, the total number of parking spaces required shall be the sum of the number of parking spaces required for each use, calculated separately.

Example: Calculating Vehicular Parking Requirements

Type of Building or Use	Units / Floor Area	Parking Required	Visitor Parking Required	Total Parking Required
Multi-Residential, Condominium	14 units greater than 70m ² in the Downtown Area	14 x 1.2 = 16.8 (16.8 → 17)	14 x 0.1 = 1.4 (1.4 → 1)	17 + 1 = 18

Total Vehicular Parking Spaces Required

18

- c. If a use is not specifically listed in Table 1 or Table 2 of this Part, the number of parking spaces required shall be calculated on the basis of a use or class of use that is most similar to the actual use, based on parking demand characteristics.
- d. Unless otherwise stated, all references to “**Floor Area**” in this Part shall be calculated as gross floor area.
- e. For the purpose of calculating parking requirements under this bylaw, in addition to all internal **Floor Areas**, all outside seating and serving areas located on a **Lot** and associated with a **Food and Beverage Service** use shall be counted as **Floor Area**.

2. Required Vehicle and Bicycle Parking Spaces

- a. The owner or occupier of any land or of any **Building** or other structure must provide off-street vehicular parking spaces in accordance with Table 1 of this Part and calculated in accordance with section 1. of this Part.

Table 1: Minimum Number of Required Vehicular Parking Spaces

Use or Class of Use	Minimum Number of Parking Spaces per Dwelling Unit		Minimum Number of Visitor Parking Spaces per Dwelling Unit
Residential	Dwelling Unit Floor Area		
Condominium (dwelling unit in a building owned by a Strata Corporation)	< 40m ²	0.65	0.1
	40m ² to 70m ²	0.80	
	> 70m ²	1.20	
Apartment (dwelling unit secured as rental in perpetuity through a legal agreement)	< 40m ²	0.50	0.1
	40m ² to 70m ²	0.60	
	> 70m ²	1.00	
Affordable (affordable dwelling units secured in perpetuity through a legal agreement)	< 40m ²	0.20	0.1
	40m ² to 70m ²	0.50	
	> 70m ²	0.75	
Assisted Living Facility	-	0.35	0.1
Use or Class of Use	Minimum Number of Parking Spaces per Dwelling Unit		Minimum Number of Visitor Parking spaces per Dwelling Unit
Commercial			
Hotel	0.25 spaces per room		-

- b. The owner or occupier of any land or of any **Building** or other structure must provide off-street bicycle parking spaces in accordance with Table 2 of this Part and calculated in accordance with section 1. of this Part.

Table 2: Minimum Number of Required Bicycle Parking Spaces

Use or Class of Use	Minimum Number of Bicycle Parking, Long-Term Spaces		Minimum Number of Bicycle Parking, Short-Term Spaces
Residential	Dwelling Unit Floor Area		
Condominium (Dwelling unit in a Building owned by a Strata Corporation)	< 40m ²	1 per unit	0.20 spaces per unit
	≥ 40m ²	1.25 per unit	0.20 spaces per unit
Apartment (Dwelling unit secured as rental in perpetuity through a legal agreement)	< 40m ²	1 per unit	0.20 spaces per unit
	≥ 40m ²	1.25 per unit	0.20 spaces per unit
Affordable (Affordable Dwelling units secured in perpetuity through a legal agreement)	< 40m ²	1 per unit	0.20 spaces per unit
	≥ 40m ²	1.25 per unit	0.20 spaces per unit
Assisted Living Facility	1 space per 20 units		1 space per 50 units
Commercial			
Brew Pub, Distillery and Winery	1 space per 200m ²		1 space per 200m ²
Drinking Establishment	1 space per 200m ²		1 space per 200m ²
Equipment Rental	1 space per 200m ²		1 space per 200m ²
Financial Service	1 space per 200m ²		1 space per 200m ²
Food and Beverage Service	1 space per 200m ²		1 space per 200m ²
Hotel	1 space per 25 rooms		1 space per 40 rooms
Office	1 space per 200m ²		1 space per 200m ²
Personal Service	1 space per 200m ²		1 space per 200m ²
Retail Liquor Sale	1 space per 200m ²		1 space per 200m ²
Retail Trade	1 space per 200m ²		1 space per 200m ²
Storefront Cannabis Retailer	1 space per 200m ²		1 space per 200m ²
Institutional			
Assembly	-		1 space per 200m ²
Civic Facility	1 space per 400m ²		1 space per 400m ²
Cultural Facility	1 space per 450m ²		1 space per 130m ²
Care Facility	1 space per 700m ²		1 space per 200m ²

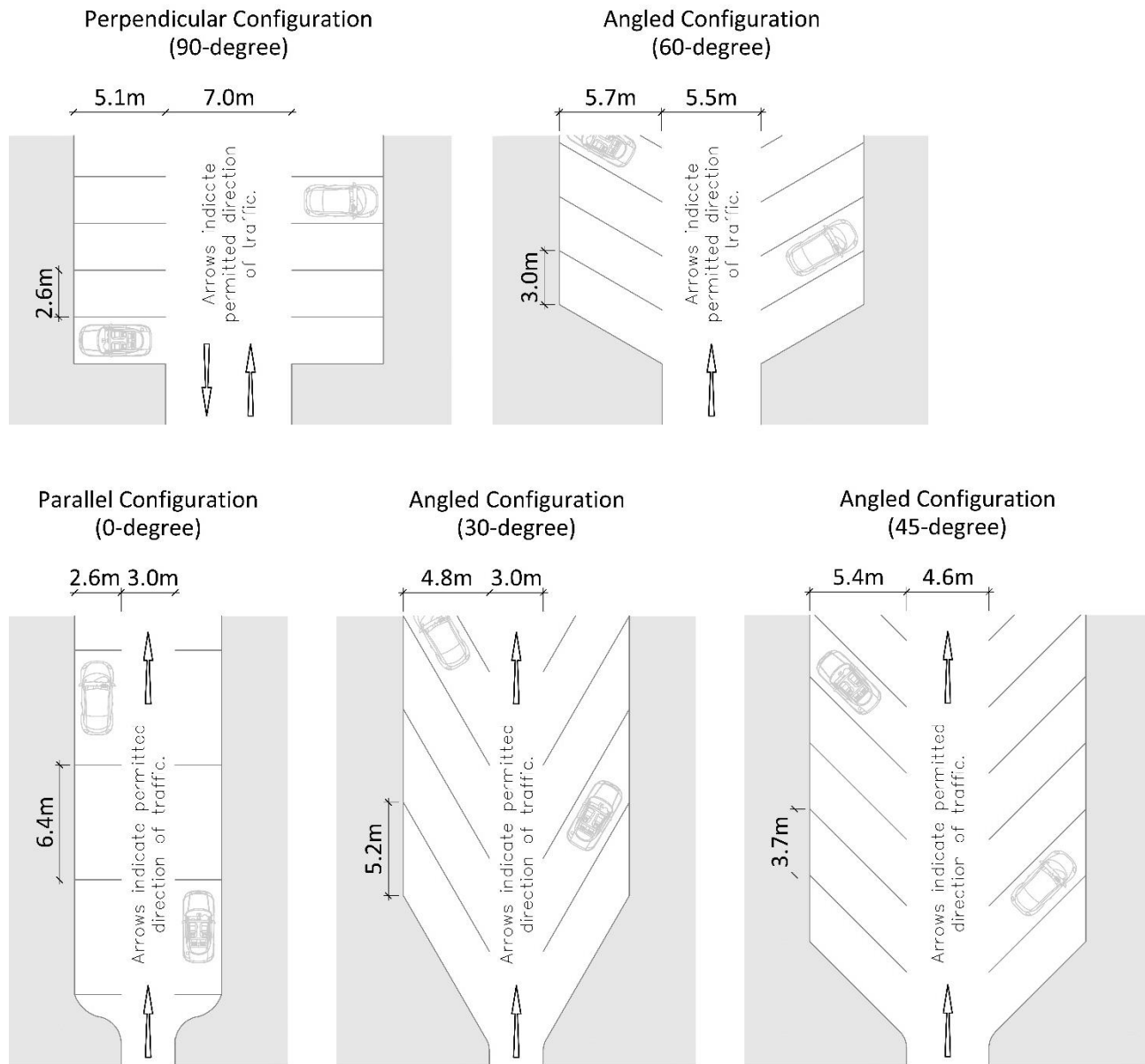
3. Vehicular Parking Appearance

- a. Each vehicle parking space must be clearly delineated on the parking surface.
- b. Each visitor vehicle parking space required under this bylaw must be clearly identified for the sole use of visitors.

4. Vehicular Parking Location and Dimensions

- a. All vehicle parking spaces required under this bylaw must be provided on the same **Lot** as the **Building** or use which they serve.
- b. A vehicle parking space must have **Unobstructed access**.
- c. All vehicle parking spaces and **Drive Aisles** must have dimensions not less than those identified in Figure 1 of this Part.

Figure 1: Minimum Parking Space and **Drive Aisle** Dimensions (all measurements in metres)



- d. One way access and egress through the **Parking Area** is required where:
 - i. more than one vehicle parking space is provided in the **Parking Area**, and
 - ii. the vehicle parking spaces are not configured parallel or perpendicular to the **Drive Aisle**.
- e. A vehicle parking space that abuts a structure on one side, such as a wall or column, must have a minimum width of 2.7m.
- f. A vehicle parking space that abuts a structure on both sides, such as a wall or column, must have a minimum width of 3.0m.

- g. Where a vehicle parking space or **Drive Aisle** is located underground or covered by a roof, a minimum unobstructed height clearance of 2.1m must be provided between the floor and ceiling.
- h. Where a **Drive Aisle** or parking space is located within 6.0m of a **Street Boundary** it must comply with applicable grade requirements prescribed in this Part and the *Highway Access Bylaw*.
 - i. The maximum grade for a **Drive Aisle** or parking stall is 8%.
 - ii. The maximum grade for a **Driveway** is 15%.

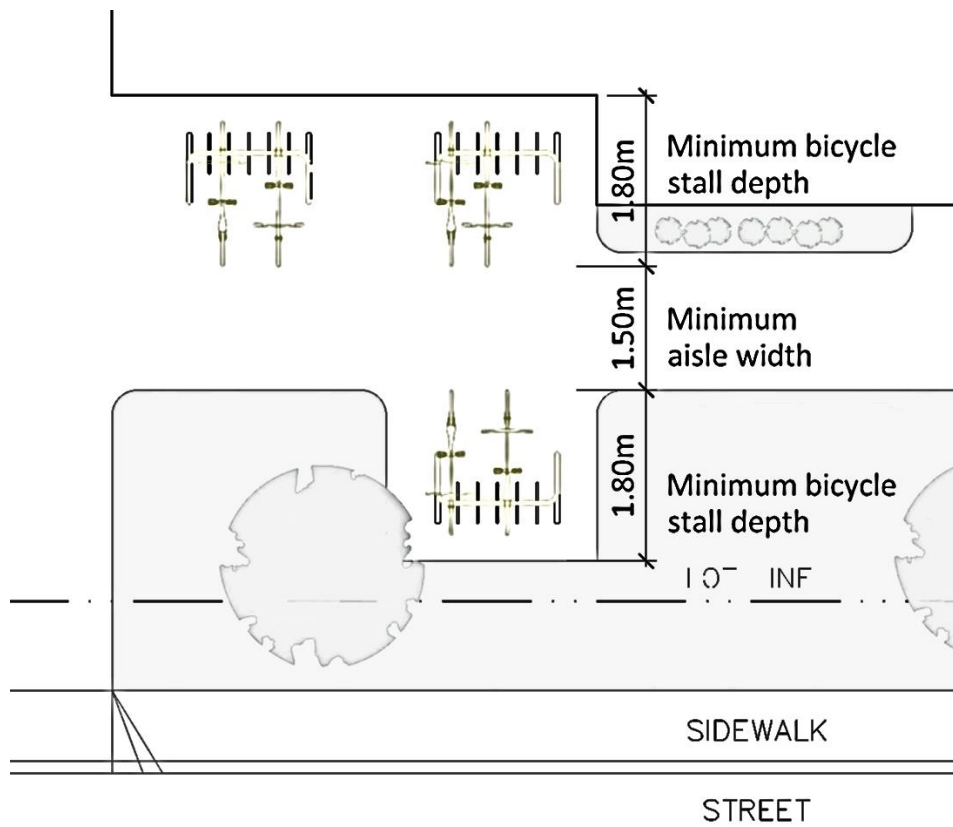
5. Bicycle Parking Specifications

- a. All bicycle parking spaces required under this bylaw must be provided on the same **Lot** as the **Building** or use which they serve.
- b. Each **Bicycle Parking, Short-Term** space required under this bylaw must be:
 - (i) designed and installed to the minimum dimensions shown in Table 3 of this Part; and
 - (ii) provided as a bicycle rack that is permanently anchored to the ground or a wall.
- c. Each **Bicycle Parking, Short-Term** space required under this bylaw in association with a residential use must be located a maximum of 15.0m from a **Building** entrance that is accessible by visitors.
- d. Each **Bicycle Parking, Short-Term** space required under this bylaw in association with a commercial or institutional use must be located not more than 15.0m from a **Building** entrance that is accessible by the public.
- e. Each **Bicycle Parking, Short-Term** space required under this bylaw in association with an industrial use must be located not more than 15.0m from the primary **Building** entrance.

Table 3: Minimum Dimensions for Bicycle Parking (all minimum dimensions measured in metres)

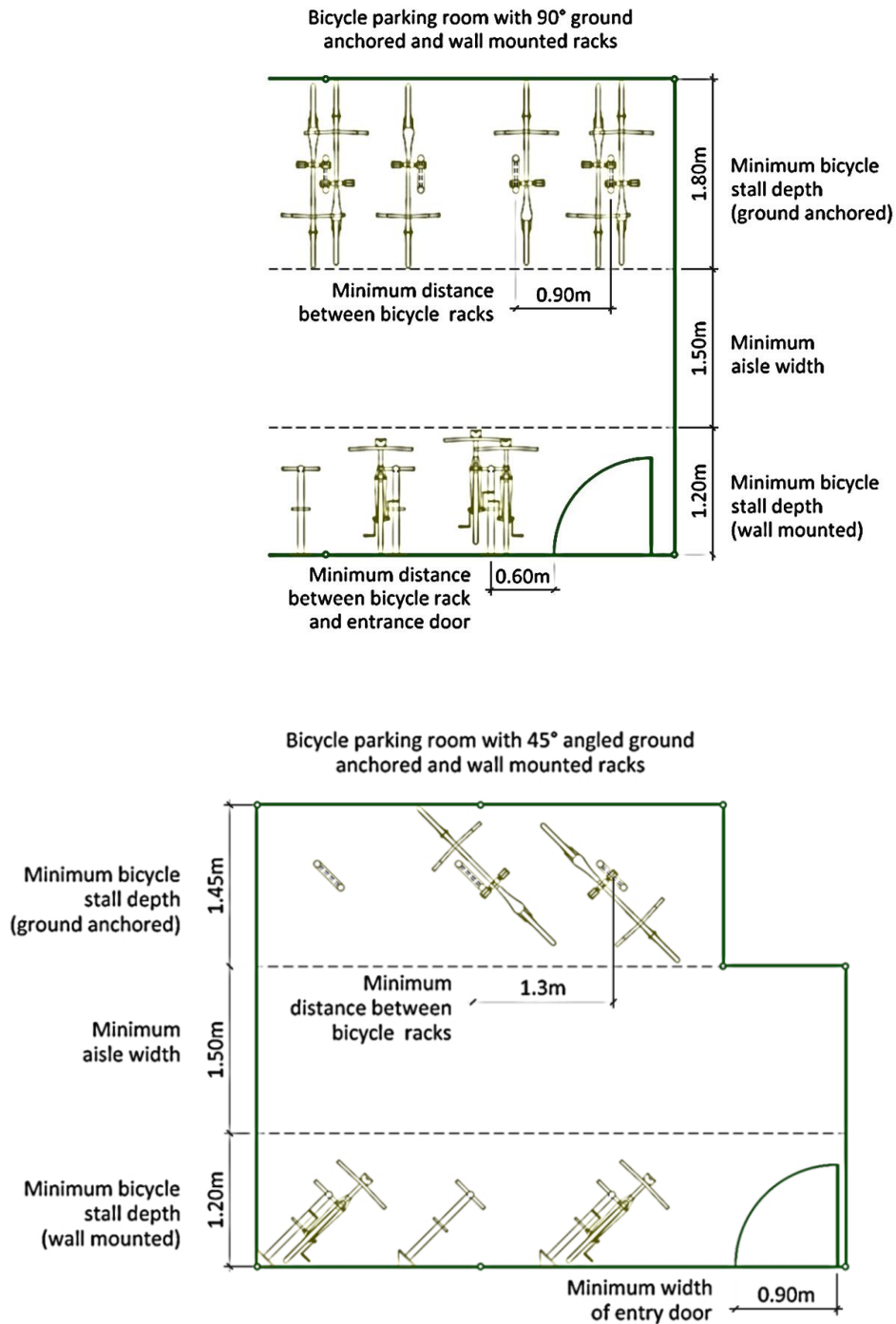
	Ground Anchored Rack		Wall Mounted Rack	
	>45 degrees	≤45 degrees	>45 degrees	≤45 degrees
Angle of Rack (in an aerial perspective, measured from the plane of the nearest wall of a Building)				
Minimum stall depth	1.8	1.45	1.2	1.2
Minimum aisle width	1.5	1.5	1.5	1.5
Minimum distance between bicycle racks	0.9	1.3	0.9	1.3
Minimum distance between bicycle racks and entrance door to bicycle storage facility	0.6	0.6	0.6	0.6

Examples: Bicycle Parking, Short-Term Configuration



- f. Each **Bicycle Parking, Long-Term** space required under this bylaw must:
 - (i) be designed and installed to the minimum dimensions shown in Table 3 of this Part;
 - (ii) be provided as a bicycle rack that is permanently anchored to the ground or a wall;
 - (iii) have a minimum unobstructed height clearance of 2.1m between the floor and ceiling;
 - (iv) be provided in a secure, weather-protected, dedicated bicycle parking facility accessible to residents, employees or other identified users of the **Building**;
 - (v) be located in a bicycle parking facility accessible through an entry door with a minimum width of 0.9m; and
 - (vi) be located within one floor of **Finished Grade** and, if accessed by a stairwell only, the stairwell must include a ramp for bicycles.
- g. At least half of the **Bicycle Parking, Long-Term** spaces required under this bylaw must be ground anchored.

Examples: Bicycle Parking Long-Term Configurations



6. Bicycle Parking Exemptions

- a. Notwithstanding section 5.1.5(a), **Bicycle Parking, Short-Term** spaces are not required to be provided where the siting of a **Building** existing on the date of adoption of the bylaw incorporating this Part physically prohibits such spaces from being provided on a **Lot** in accordance with this bylaw.
- b. Notwithstanding section 5.1.5(a), no additional **Bicycle Parking Short-Term** or **Bicycle Parking Long-Term** spaces are required to be provided where any additions, alterations or changes of use to a **Building** existing on the date of adoption of the bylaw incorporating this Part would, in total, result in an increase of less than 10% of the number of spaces required before the additions, alterations or change in use.

Schedule A – CBD Height Areas Map



Schedule B – Small Scale Commercial Urban Food Production

1. Products

- a. Subject to subsection (b) and (c), only the following items may be cultivated, harvested, kept, sorted, cleaned and packaged as part of **Small-scale Commercial Urban Food Production**:
 - i. Fruits
 - ii. Vegetables
 - iii. Edible flowers
 - iv. Edible fibre
 - v. Edible seeds
 - vi. Nuts
 - vii. Seedlings and cuttings of edible plants
 - viii. Culinary herbs
 - ix. Eggs
 - x. Honey
 - xi. Mushrooms
- b. Plants regulated under the *Controlled Drug and Substances Act* (Canada) may not be produced as part of small-scale commercial urban food production

2. Sale on Lot

Sale of products of **Small-scale Commercial Urban Food Production** is permitted on a **Lot** on which **Small-scale Commercial Urban Food Production** occurs, regardless of whether **Retail Trade** is permitted, provided it occurs:

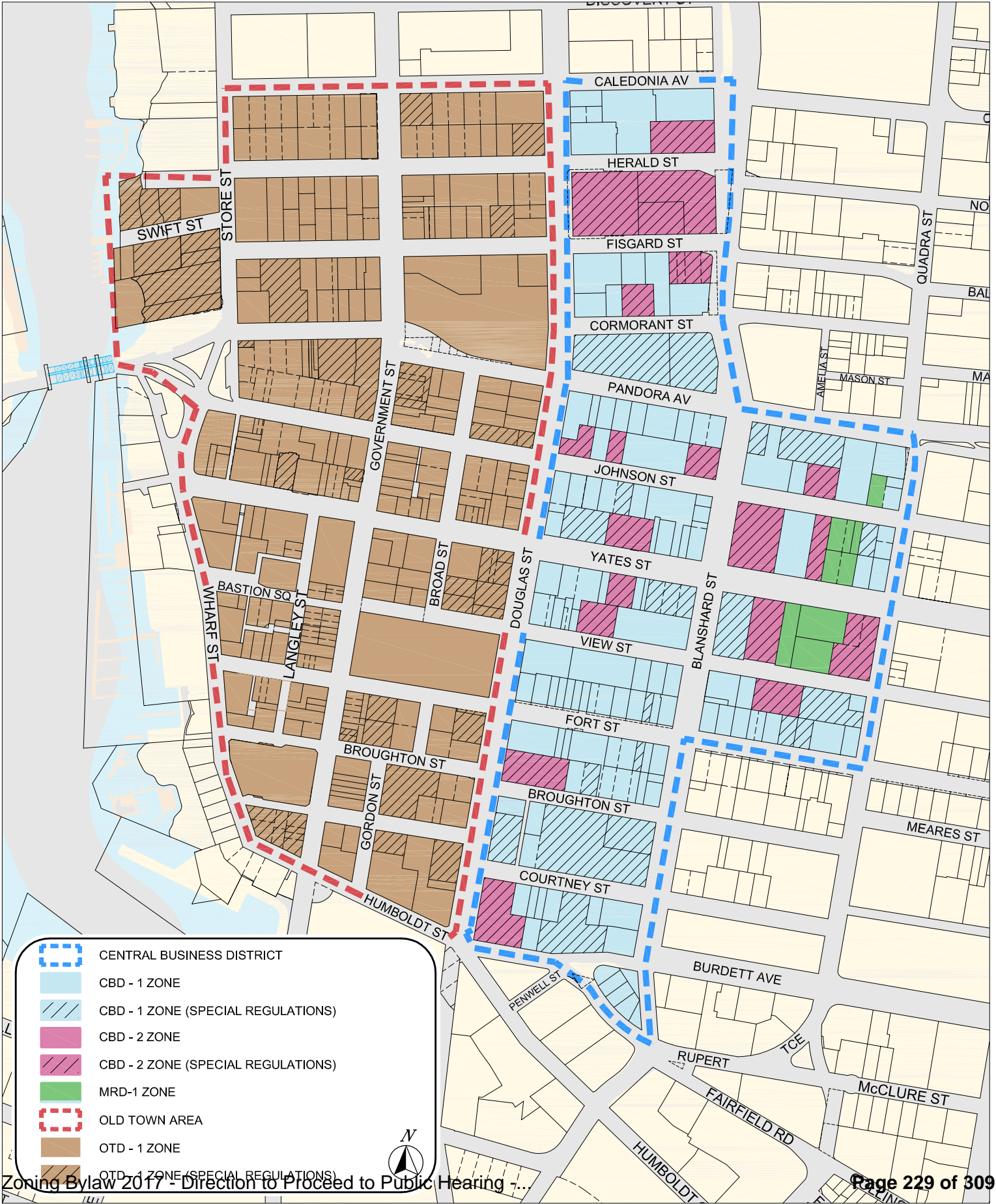
- a. within a **Foodstand** located in the **Front Yard**; or
- b. as a component of any of the following permitted uses of the lot:
 - i. **Retail Trade**
 - ii. **Food and Beverage Service**
 - iii. any other use which permits the sale of the items in section 1(a)

3. Foodstand

A **Foodstand** must not:

- a. Exceed an area of 1.85m² and a **Height** of 3.35m
- b. Be located within 0.60m of a **Lot Line**
- c. Be fully enclosed
- d. Remain on the **Front Yard** without items for sale in excess of eight consecutive days
- e. Hold, shelve or otherwise display an item unless it:
 - i. is listed in section 1(a) of this Schedule;
 - ii. was harvested on the **Lot** on which the **Foodstand** is located; and
 - iii. is displayed and sold in raw, unprocessed form.
- f. No more than one **Foodstand** may be used or erected on one **Lot**.

Distribution of Proposed Zones within Central Business District and Old Town Area



Zoning Bylaw 2017 Comments and Proposed Changes

Comments	Proposed Change	Rationale
Interpretation		
Need to create grandfather clause for variances that were previously approved prior to the adoption of new Zoning Bylaw	No Change	Addressed through LGA
Administrative Definitions		
Part 2 – Definitions. I believe that the definition of “Floor Area” should note a further exclusion of “(e) the area of any enclosed Rooftop Structure” as by definition, a Rooftop Structure is a building service areas and are not occupiable.	Rooftop Structure definition has been amended to identify structures as being enclosed or unenclosed and non-habitable.	Will exclude non-habitable mechanical structures from FSR calculation
Part 2 – Definitions. The term “rooftop structure” in the high point exclusion within the definition of “Height” should be capitalized	Capitalize and use bold font for all defined terms	Improves user-friendliness
Part 2 – Definitions. In the definition of “Rooftop Structure”, I would suggest noting that such structures may be “enclosed or unenclosed” as certainly the list of inclusions in the definition will be comprised of both	Rooftop Structure definition has been amended to identify structures as being enclosed or unenclosed and non-habitable.	Provides more flexibility in design of rooftop mechanical equipment without being attributed to floor area (density) calculation.
Floor Area Exclusions - Allow 40 sq. feet of storage within suites to be excluded from FSR (as Vancouver allows) This provides for more useable storage and avoids extensive excavation which is a significant challenge in Victoria	No Change	Difficult to regulate if interior space is used for storage. Wall could be removed.
With dramatic increases to structural element thicknesses to meet seismic codes, there should be some consideration of exempting core structural elements from FSR calculations	No Change	Would require higher level of information on building plans as well as a more detailed review process which would increase processing times. For example it could be difficult to distinguish between building columns that are required for structural purposes versus aesthetic. Increased building heights also help to accommodate some of these thicker building elements.
There should be some consideration to exempting interior corridors and circulation space from FSR calculations to discourage the design of exterior walkways, as in some other municipalities (e.g. Esquimalt).	No Change	Better handled through design guidelines as part of the Development Permit process

Comments	Proposed Change	Rationale
Downtown buildings with underground parking often are left with an excessive amount of space in the parking garage located between the parkade floor level and the second floor level as the parkade winds itself downward to slip under the first floor level. This space could be captured with an intermediate floor slab but its ceiling height is typically too high above average grade to be considered basement and is then factored into the calculation of FSR. The ceiling height is typically too low for habitable use and there is typically no access to natural light. Such space could be used for service space, or storage space, or other support space similar to other spaces in the underground parking structure and therefore should be considered part of the parkade and not factored into the calculation of FSR, even though its floor area would typically be higher than the main floor level.	Will explore as part of on-going Zoning Bylaw maintenance. Requires additional analysis and consideration.	Regulations would need to ensure that area is limited to: <ul style="list-style-type: none"> • Storage purpose only for individual residential units • On First Floor • Not common space • Maximum floor area • Used for storage purpose only in perpetuity Explore as a subsequent amendment following adoption of Bylaw
Front setback plane – Allow buildings to be more vertical. The setbacks are very expensive to build and do not assist in creating affordable housing.	No Change	This setback provision assists with mitigating the perception of building height in parts of the city where taller buildings are envisioned. Variances can be considered case-by-case.
Height – Parapet should be at least 1M for mid & high rise construction. Allow opportunity to hide mechanical behind the parapet is architect chooses.	Projection limit increased to 1.0m from 0.9m	Confirmed through review of recent building plans
Calculation of Height: It should be made clear that the 'grade' that height is measured from is Average Grade (rather than Natural Grade or Finished Grade). Just as the calculation of Floor Area for the purposes of FSR is measured to the inside face of exterior walls so as to not penalize for a superior performing wall assembly (such as rainscreen/increased insulation), the calculation of Building Height should be measured to the inside face of highest ceiling, rather than to the top of roof insulation. This factors out the roof assembly from the determination of height and encourages better building performance.	No Change	Surveyor bases calculations on exterior of building rather than interior structural elements. Opportunity for height variance if needed for green building
Height of rooftop structure – Should be at least 28 ft. in height to allow for elevator overrun and roof top mechanical on top of elevator, plus screening etc.	Rooftop structure projection above maximum building height has been increased to 5.0m from 4.0m	Supported through review of recent approved building permits for new multi-residential buildings

Comments	Proposed Change	Rationale
Calculation of FSR & Determination of Number of Storeys for Roof-top Services There are many services that need to be located on the roof level. It is more desirable to have these services enclosed in a mechanical room rather than exposed as a rooftop structure. The enclosure should be not included in the calculation of the FSR, nor contribute to the determination of the number of storeys (consistent with BCBC2012 3.2.1.1 (1) – exemptions in determining building height). Uses within the enclosure could be limited to those listed in allowable Rooftop Structures. The size of the enclosure should not be unduly restricted to a percentage of roof area on which it is located, but be related to overall building size or total roof area. If a Rooftop Structure as defined in the bylaw is an enclosed space (and roofed), then this should be made clear.	Projection height for Rooftop Structures increased to 5.0m and the overall dedicated roof top area has been increased to 20% from 10%	Supported through review of recent approved building permits for new multi-residential buildings
Change 'Property line' to 'Lot Line' throughout bylaw	Changed to Lot Line	
Develop a definition for 'Structures' to differentiate from 'Buildings' as well as a height definition for 'Structures'	Accessory Landscape Structures means gates, fences, walls, trellis, gazebos, pergolas or a similar ornamental feature which is open to the elements and includes sheds that are less than 9.3m ²	New definition developed
Consider distillery in addition to brew pubs	New definition created for Brew Pub, Distillery and Winery. Production area limited to 35% of floor area and may be provided in conjunction with Retail Trade or Food and beverage Service	Recognizes opportunity for small-scale production of beer, wine or spirits.
Part 3 – General Regulations. In Section 3.1 subsection 13 (a), I think the 10% limit will likely prove too small for many lots. I appreciate the sensitivity to an overloaded roof area but with building mechanical systems becoming ever more complex (and oftentimes sizable), I don't think you want to create a disincentive to have these enclosed as doing so has meaningful aesthetic and sound attenuation benefits. I think if this were amended to a 15% to 20% cap, a more appropriate balance would be struck.	Maximum floor area for Rooftop Structures increased from 10% to 20%	Supported by review of approved building permit plans
Short term rental is a commercial use and allowing them above the first floor is contrary to the zoning bylaw	No Change, however use may be removed from all	Not contrary as bylaw does not prevent commercial uses on upper storeys.

	zones pending Council direction on September 21.	
What about restaurants in a hotel lobby?	Location and siting regulations now prohibit residential uses and hotel guest rooms from first storey	Distinguishes hotel rooms from other ancillary hotel uses such as restaurants
Comments	Proposed Change	Rationale
Why prohibit townhomes/city homes on the first storey of a building? This creates an interesting street scape. Eyes on the street, alternate housing, etc.	Move regulation to each zone as it will not be a universal rule	Only prohibited in CBD and Old Town Zone. Ground floor dwelling units permitted in more residential areas
Consider allowing a portion of ground floor to include residential	No change in CBD or Old Town – address through a variance	Ground floor residential to be addressed in new residential zones rather than general regulations
Landscape screen or decorative fencing as just landscape does not work (fencing is required for garbage etc.)	Added regulation within CBD and Old Town zones to require garbage and recycling areas to be within building or screened by fence or masonry wall	Implements a higher standard of screening within the Downtown core
Roof top structure likely takes up about 30-50% of a roof area on typical Victoria buildings due to small floor plates.	Increased to 20%	Supported by review of approved Building plans
A stairwell may need to be on the outside of a wall with no setback. ie: Duet, 819 Yates and many more. Also, it may be efficient and cost effective to have an elevator core on the extension wall as this greatly affects the suite sizes on a typical floor. This will allow architects some flexibility and creativity.	No Change	Address through variance – too many design scenarios Can also be addressed through design guidelines
Develop wording within General regulations to explain that general regulations and zone regulations apply collectively to the entire development and not replicated for each air parcel.	Assistant City Solicitor is currently developing appropriate wording to account for Density of Development, Total Floor Area and Floor Space Ratio	Wording will ensure that Airspace parcel is not treated as a separate parcel for calculating these aspects of the development
Should create a general provision to allow 'Utility' on public property including roadways	No Change	Zoning extends to middle of roadway and utilities are a permitted use (except sewage treatment plant). Do not want to allow on other public property such as parks simply as a permitted use
Require a maximum of 1 vehicle parking stall per unit over 70m ²	No change	As per recent data analysis and revised Schedule C review

Central Business Districts		
Comments	Proposed Change	Rationale
Why such a large setback requirement? What about townhomes?	No change	Most upper storey setbacks have been left to design guidelines. CBD and Old Town Zones allow for residential dwellings, although not on the ground level.
Density Maximum <ul style="list-style-type: none"> Eliminate the maximum density of residential to 3.0. Properties are too small to have 2 banks of elevators for commercial and residential in a typical downtown Victoria project. Has any project in Victoria been built with this form of mixed commercial/residential since implemented over 5 years ago? I think not, because it's not economic or feasible in the Victoria scale of building. You need 40 stories and larger floor footprints. 	No change – requires policy change Not appropriate in CBD (employment area)	Can be re-explored through DCAP review/update
Reduce or eliminate the setbacks. (very restrictive)	No change	Upper storey setbacks are needed to address building separation and livability. Applicants can always apply for a variance if needed.
Clarify projections from what? All these measurements are too constrained.	Section title changed to 'Projections into Setbacks and height - Maximum'	Agreed
Require a maximum of 1 stall per unit over 70 m. Again, think about affordability	No Change	Updated Off-street parking based on actual ownership data
The industrial use of brewery and distillery was never an allowed use and is now included which is potentially completely incompatible with residential uses.	Use has been refined to ensure Brew Pub, Distillery and Winery are not industrial, but rather, small-scale and accessory to commercial uses.	Consulted on this use – multiple examples of site specific zones to allow this use. Limitations on production area (35%) and requires complementary use of food service or retail to maintain active street presence.
Remove 'Light Industrial' as a permitted use as it is currently not allowed in the downtown and Old Town zones	Delete from CBD-1 and CBD-2	The Light Industrial definition was originally added to account for some of the uses in CA-4 and CA-3C that allowed for commercial bakeries, artisan trades, high tech and dry cleaning. However given that the Zoning Bylaw includes new uses such as Studio, Retail Trade and Personal Service, the Light Industrial use will be removed as a permitted use from the new CBD-1, CBD-2 and HCD-1 zones

Comments	Proposed Change	Rationale
Night clubs should not be allowed in buildings that contain residential uses to protect residents rights to peaceful enjoyment	Definitions have been amended to clearly differentiate Food and Beverage Service from Drinking Establishments to provide improved transparency	Nightclubs, pubs and bars are currently permitted as a form of 'Assembly' in most downtown zones including those that allow for residential. Generally allowed through: Theatres, Auditoriums, Gymnasiums and other places of recreation or worship as well as 'Recreation and Entertainment Services'. From a land use perspective bars, pubs and nightclubs are anticipated in the downtown core. However matters of noise, hours of operation, etc. are generally addressed through bylaw enforcement and business licensing.
Need to consider appropriate location downtown for entertainment type uses e.g. night clubs/bars	No Change	Potential to explore through DCAP update in addition to other regulatory tools such as business licensing and bylaw enforcement
The new heights for CBD-1 and CBD-2 are too high. It will get built to the maximum. Too high, too much traffic, wind tunnels, etc. I would suggest a maximum height of 15m for the CBD.	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan
Proposed heights for CBD-1 and CBD-2 are too high. The siren call of the developer is seductive and self-interested	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan
Proposed heights are too high. I agree with increasing density and multi-use buildings, but 20 storey+ is way too high and would change the cityscape dramatically. Why not cap at 10 storeys (30m)?	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan
Historic Commercial District		
Maximum height for the Old Town area should remain at 15m to retain the one-to-five storey "saw tooth" skyline characteristic of the district, except where it pertains only to current development that exists.	No Change	15m height has been retained. Reflects Downtown Core Area Plan.
It is important to preserve the historic area. Restrict the height to less than 15m.	No Change	Zoning bylaw heights reflect building height policies from Downtown Core Area Plan – 15m is also the existing zoned height limit in most of Old Town
In the event, any site that currently exceeds the 15m height limit in Old Town is redeveloped, then all new development should conform to the maximum height of 15m.	No Change	Reduced building height could be explored through rezoning, however unlikely that property owners would want a reduced building height
Where exceptions to the height limit of 15m is necessary, every effort should be made to transfer the height through a Transfer of Density that shifts an on-site height density bonus from Old Town, where it is inappropriate, to areas that can	No Change	Density and maximum building height are two separate matters. Heritage Density transfer was explored when DCAP was being developed however analysis indicated that such a system would not be viable in Victoria.

accommodate development with greater density in built form.		
Retain current CA-3C building height calculation (from street level) for waterfront properties that are located on the west side of Store Street. Otherwise average grade regulations will be punitive compared to previous developments where height was calculated from the street.	Height calculation from street level has been retained for those waterfront properties along Wharf Street that currently have this height regulation.	Agree that standardized height calculation is punitive on steeply sloped properties that currently refer to street level.
Delete Light Industrial and replace with service station for site specific regulations where currently permitted	Light Industrial to be deleted as a use	Light Industrial would open up additional uses that are non-compatible. To be added into Bylaw when new zones are developed for existing industrial areas
Bicycle Parking		
Comments	Proposed Change	Rationale
Vertical stacking bikes should be allowed	Vertical bike racks have been included in the updated Off-street parking regulations	Agreed
Need to tighten bike storage requirements – Does the City have any idea of what this space costs to build? Affordability? If a purchaser knew how much that bike stall is really costing I think they would be shocked.	Off-street parking regulations include updated requirements for long-term and short-term bicycle parking	Need for bicycle parking is supported through demand analysis and supports City and regional modal share targets
Summary of proposed parking rates would be better described as “requirements” rather than “rates”.	Title changed to ‘Requirements for Motor Vehicle and Bicycle Parking’	Agreed



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

October 4, 2017

Re: New Zoning Bylaw – DRALUC Review

Dear Mayor Helps and Council,

The DRA LUC met with City of Victoria Staff on two occasions where we were informed of the intentions relating to the adoption of the new Downtown Zoning Bylaw. Staff represented that the intent of the proposed bylaw is to reconcile the many site specific zones into 4 zones that maintain existing entitlements. It is understood that changes are proposed relating to parking requirements and that additional permitted uses have also been added.

Comments and concerns raised by committee members are as follows;

- The number of parking spots required per unit is proposed to be reduced for units under 40m² in floor area. Concerns were expressed that by setting the threshold for reduced parking requirements at 40m², construction of only this size of unit will be encouraged over units that may otherwise be made even moderately larger. In the interest of providing the best possible livability, it would be appropriate to set the reduction of parking at a higher threshold (perhaps 55m²) so as to not artificially encourage the production of “micro” units.
- Currently there are some very large buildings proposed in the downtown area that have been achieved by amalgamating several small lots into a single large one. These applications appear at odds with the surrounding land use and will have negative impacts on the character of our city. There appears to be no maximum building size in the proposed bylaw and it may be appropriate for Council to consider establishing one, especially in “Old Town”.
- Residential “Lock off unit” is included as a permitted use, apparently as it was identified within the “Victoria Housing Strategy” document as an action item to encourage affordable housing projects. While the intent of encouraging affordable housing is laudable, how this particular use can achieve this is not explained. This use is more closely associated with “timeshare” condominium and the STVR market, and its inclusion should be perhaps reconsidered or more stringently defined.
- While undeveloped waterfront lands north of the Johnson Street Bridge are proposed to be included within the new zoning bylaw, the similarly undeveloped lands surrounding the Northern Junk property have been specifically excluded. Staff has not provided an adequate explanation for the exclusion of these properties from the proposed bylaw.

- The DRA has repeatedly expressed concerns that allowing uses such as brewpubs and distilleries (which are essentially industrial uses) within residential buildings, can be problematic without requirements for specific mitigation measures. Typically these measures have been required through commitments made through the rezoning process. These new permitted uses without the corresponding special regulations will remove the city's ability to obtain these commitments to mitigate for noises, smells and loading considerations. It may be also appropriate to identify other proposed new uses within the zoning bylaw such as "drinking establishment" that should be subject to special conditions and regulations if proposed in the same building as a residential use.

The DRA LUC appreciates that Staff have shared information on the creation of the new Downtown Zoning Bylaw. The DRA continues to express concerns regarding impacts of proposed policy on the rapidly increasing Downtown residential population and appreciates any consideration Council takes in addressing these concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Sutherland', with a stylized, flowing script.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning



October 5, 2017

Mayor and Council
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Re: Zoning Bylaw Review

Mayor and Council –

The Urban Development Institute (UDI) - Capital Region would like to thank the City of Victoria Staff for involving us in their review of the Zoning Bylaw (Downtown Districts). We collectively commend Staff on the extent of their engagement with UDI. UDI recognizes the efforts of Staff for taking on this review to simplify the zoning categories, creating more flexibility, as well as adding more definitions, resulting in a streamlined approach to seek increased density. Further, these changes reflect a more coordinated approach to conforming with the Downtown Area Plan. In addition, we appreciate the opportunity to offer further feedback on the review.

The proposed comprehensive Zoning Bylaw was, in general, well thought out. UDI appreciates that Staff listened to our concerns and implemented changes based on our comments. The revised Zoning Bylaw results in an overall reduction of zones with the current 42 zones in the Central Business District (CBD) and 29 zones in the Historic Commercial District (HCD) collectively taken down to 4 common zones. The revisions simplify and streamline the zoning process, which in the end will mean shorter timelines from submission to a final decision; a benefit to both local businesses and the City of Victoria. Site specific zoning, along with added definitions, will hopefully encourage greater density in the CBD and HCD areas.

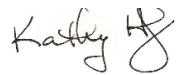
An area of concern for UDI was in the height and specifics of rooftop structures. We are pleased to see that Staff took our recommendations into consideration by increasing the allowable height of rooftop structures and allowing rooftop structures to be enclosed or not enclosed as long as the enclosed area is non-habitable. UDI also recognizes the change to make bike parking exempt from floor area calculations. Both of the afore mentioned changes will add to the total useable floor space to enable more residential units or commercial square footage.

However, removing Short Term Vacation Rental (Transient Zoning) as a permitted use from the CBD and HCD is of great concern to UDI. UDI does support licencing/regulation of Short Term Vacation Rentals but sees the removal of this permitted use as an overly broad and problematic approach to addressing this activity. Although grandfathering of the use may apply to those who currently use the Short Term Vacation Rental (Transient Zoning), it will leave many in a difficult situation. Developers who acquired recent rezonings (just prior to the zoning change), and

marketed their developments on that basis, will now have to advise pre-sale purchasers of this significant change and amend their disclosure statements accordingly. Pre-sale purchasers (and others contemplating entering the market) now have to reassess the nature of the product being offered and consider their options going forward. This creates uncertainty in the market for both Developers and consumers. . As well, people who relied on renting out their suite while they were away to help make ends meet will no longer have that financial help. We believe more discussion is needed around Short Term Vacation Rental (Transient Zoning) as UDI is concerned this may detrimentally affect the stability of the Victoria real estate market. We have attached our letter to council regarding Short Term Vacation Rentals dated September 18, 2017 and request further dialogue with council and staff on this matter.

We conclude our remarks by once again offering high praise for the work of the Zoning Bylaw review team. The draft is thorough, specific and, simultaneously, adaptable to change. We look forward to future collaboration and engagement on this and other issues.

Kind Regards,

A handwritten signature in black ink, appearing to read "Kathy H", with a stylized flourish at the end.

Kathy Hogan – Executive Director
(on behalf of the UDI Capital Region Board of Directors)



September 18, 2017

Mayor and Council
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

To Mayor and Council:

Re: Short Term Vacation Rentals

UDI Capital Region is writing this letter to share some of our thoughts and concerns about the Short Term Vacation Rental (STVR) discussion that is currently taking place in Victoria. We feel this issue is complex, and that any regulation requires substantial research and careful thought before any actions are taken. An ill-considered approach could have detrimental effects on the economic and social vibrancy of the City.

The Official Community Plan and Downtown Area Plan have been instrumental in encouraging the development of downtown residential rental units, condos and office/commercial space. The development community responded positively to staff and council's goal of building a more vibrant downtown core. The development of new residential, office/commercial and retail spaces has created a renewed energy, which in return brings increased tax revenue, a more vital retail scene and a safer urban core with more eyes on the street.

The presence of STVR units in the City and the tourists that they attract undoubtedly have a positive economic impact on many local businesses.

AirBNB and STVR are a world-wide phenomenon, and their presence in a city may open up the tourism market to groups such as families and long-term business travellers who would be less likely to visit the area if such accommodation were unavailable. Rental accommodation in private residences provides a more personal experience to tourists and is more accommodating lodging for families, and its presence likely has a positive economic impact on the communities and local businesses in which they are located. Moreover, STVR tend to attract travellers in search of a more "authentic" experience and STVR disperse tourist dollars into more diverse neighbourhoods and locally owned businesses across the City.

Like many other parts of Canada, Victoria is also home to many "snow birds", who maintain a primary residence in the City, but spend a large portion of the year in warmer climates. Some of those seasonally vacant properties may in turn be rented out as STVR, greatly benefitting restaurants and retailers and improving the tourism and business market.

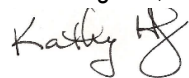
The relationship drawn between STVR and housing affordability is complex. Homeowners who rent rooms and basements suites as STVR use them as a flexible mechanism to supplement their incomes, improving housing affordability for the homeowners. It is uncertain whether these rooms and suites would return to the regular rental stock if STVR regulation was to change. Other homeowners rent out their home/condo in its entirety while on vacation, again as a method of supplementing their income. Although there has been a link drawn between STVR and housing affordability, data on the impact of regulation on housing affordability are lacking. The exact percentage of STVR in Victoria is unknown, and it is estimated that if they were put back in to the regular rental stock it may increase our very low vacancy rate slightly but would not have any significant impact on housing affordability, yet could be detrimental to the local economy.

UDI is aware council will be considering a bylaw change that will remove entire-unit short term rentals. It is our belief that the City and all involved would be best served if the regulations were left to the individual strata councils for multi-family dwellings. To resolve unfair STVR competition with purpose built transient accommodation, an alternative solutions could be to have Air BnB introduce a licencing fee or STVR pay the provincial hospitality tax. Another alternative solution could be to have the City look at possible incentives to encourage people to rent out entire units long-term by providing property tax grants.

Understanding the impact and finding the right regulations to implement for STVR is a complex issue. Further, the relationship between STVR and housing affordability is unclear. Housing affordability could be directly addressed by the City simply by making their process easier and creating incentives to build affordable housing. As well, densification of our urban cores and making the City owned land available for development in partnership and collaboration with the private sector could be added solutions. The development industry is ready and willing to do their part.

Policy on this issue requires a well thought out process to mitigate negative impacts on the City's social and economic fabric. UDI looks forward to further dialogue on this matter.

Kind Regards,



Kathy Hogan

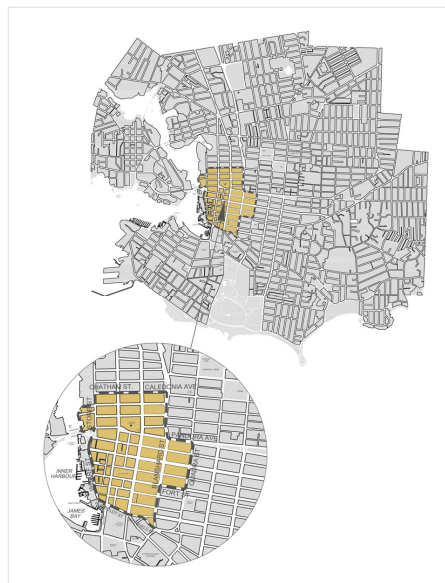
(On Behalf of the Urban Development Institute – Capital Region Board of Directors)

Draft Zoning Bylaw 2017



Background

- New comprehensive zoning bylaw including zones for Central Business District and Old Town Area
- Zoning updates for other areas of the city will be undertaken and introduced into the new Bylaw



Background

- Council endorsed Draft Zoning Bylaw in February 2017 and directed staff to undertake focused engagement prior to preparing an enabling bylaw for a Public Hearing
- Engagement was undertaken between March and April, 2017 and the draft bylaw was refined
- Reporting back to Council was postponed until direction was provided on the regulation of Short-term Rentals (September 21)
- The draft Zoning Bylaw now aligns with Council's recent direction on Short-term Rentals and includes updated off-street parking regulations



Bylaw Improvements

- User-friendly bylaw
- Improved language to reduce ambiguity with interpretation
- Separate sections for updated Use definitions and Administrative definitions
- Definitions supplemented with illustrations
- Increased flexibility with permitted uses
- Zoning information presented in consistent format
- Reduced need for site specific zones
- Eliminates cross-referencing between zones
- Easier to maintain and update from time to time



Key Changes

Brew Pub, Distillery and Winery Definition

- Brew Pub definition expanded to include distillery and winery based on public feedback and increasing interest from business community
- Production is restricted to a maximum of 35% of floor space
- Must be set back 6m from street front unless provided in conjunction with Food and Beverage Service or Retail trade - to maintain active uses along the street

Short-term Rental

- Removed as a permitted use from all zones based on recent Council direction
- Does not impact operation of hotels and motels as they are defined separately



Key Changes

New definition for Drinking Establishment

- Provides improved clarity to distinguish facilities such as nightclubs, bars and pubs from restaurants and brew pubs.
- Previous definition of Food, Beverage and Entertainment Service has been renamed to Food and Beverage Service
- Definitions provide the public, Council and staff with improved clarity and understanding of each use

Light Industrial

- Removed as a permitted use from downtown zones – does not align with land use policies of the Downtown Core Area Plan for the Central Business District and Old Town Area. Light industrial will be included in subsequent industrial zones



Key Changes

Off-street parking Requirements

- Comprehensive off-street parking requirements for vehicles and bicycles included as Part 5 of the draft zoning bylaw
- Based on off-street parking regulations that were presented to Council on October 5, 2017
- Off-street parking required only for Residential Uses and Hotel in CBD
- No off-street parking required within Old Town Area
- Parking rates reduced for smaller residential dwellings, purpose-built rental and affordable housing
- Parking rates increased for larger dwelling units (greater than 70m²)
- Increased (long-term) bicycle parking requirements



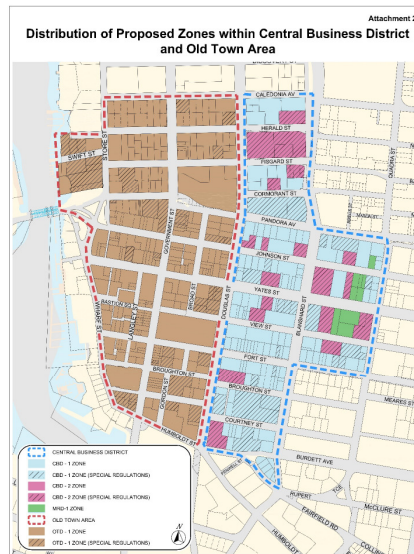
Recommendation

That Council direct staff to bring forward Zoning Bylaw 2017 for Council's consideration of first and second reading prior to a public hearing



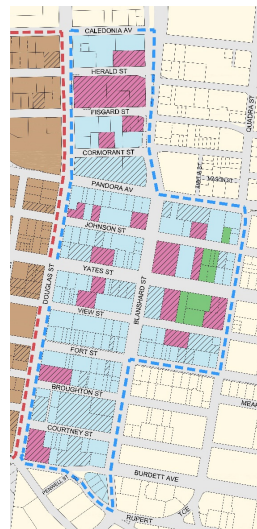
New Zones

- New zones for Central Business District and Old Town Area to implement Downtown Core Area Plan
- Over 70 existing zones replaced by 4 zones: CBD-1, CBD-2, MRD-1 and OTD-1
- Unique development rights for existing site specific zones are retained through special regulations in each of the new zones.



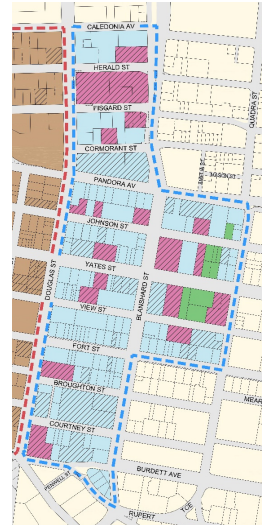
CBD-1 Zone

- Maintains a maximum density of 3.0:1 FSR
- Generally replaces existing CA-4 zone as well as other site specific zones that are based on CA-4 zone
- Includes updated use definitions that provide greater flexibility and reflect current trends and Council policy



CBD-2 Zone

- Similar to CBD-1 zone except for maximum density
- 3:1 maximum density for residential.
- 4:1 maximum density for commercial or mixed-use
- CBD-2 has been applied to 20 parcels that currently have a density equal to or greater than 4:1 FSR
- Anticipated that CBD-1 properties will rezone to CBD-2



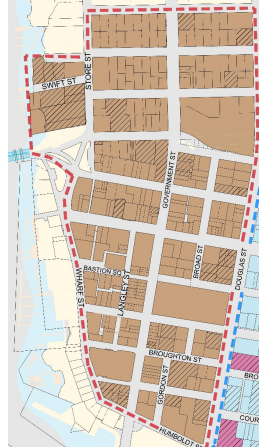
Mixed use Residential-1 Zone

- Replaces R-48 Harris Green Zone.
- Maintains R-48 development rights (as directed in DCAP) including 30m maximum height and no density limit, however introduces updated use definitions
- CRD-1 applied to six parcels within the CBD



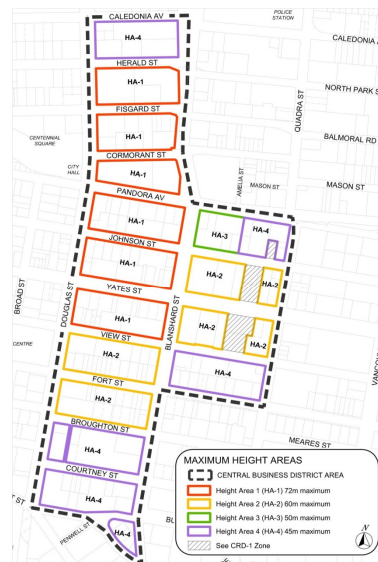
Old Town District-1 Zone

- Generally applies within Old Town Area
- Generally replaces CA-3 and CA-3C zones
- Maintains 15m maximum building height and 3:1 maximum density
- Introduces updated use definitions
- No minimum off-street vehicle parking required



CBD Building Height

- Maximum building height for CBD-1 and CBD-2 zones is geographically based to reflect DCAP policy
- Maximum building heights are identified in Schedule A:
 - HA-1 (72m)
 - HA-2 (60m)
 - HA-3 (50m)
 - HA-4 (45m)





**Committee of the Whole Report
For the Meeting of October 12, 2017**

To: Committee of the Whole **Date:** October 12, 2017
From: Jocelyn Jenkyns, Acting City Manager
Subject: Update: Artist in Residence Program

RECOMMENDATION

That Council approve the extension for one year of the Artist in Residence to December 31, 2018.

EXECUTIVE SUMMARY

The Artist in Residence program embeds an artist in the City's planning process, providing a unique creative and collaborative approach to enhance the value and aesthetic appeal of upcoming capital projects in Victoria, while broadening the community's involvement in the arts.

In 2016, the City of Victoria launched an Artist in Residence Program. Luke Ramsey was selected to be the initial Artist in Residence, a position which provided him with the opportunity to work collaboratively with City staff to identify and develop a creative artwork for one or more capital projects over a one-year period.

Luke works 20 hours per week for a total fee of \$42,000 over his one year term which commenced on November 1, 2016. Additionally, Luke has access to a project budget of up to \$30,000 for project expenses. This position is funded through the City's Art in Public Places Reserve Fund.

The Artist in Residence position has modified the City's public art workflow thereby increasing the efficiency to manage projects as well as improved engagement with citizens and the arts community. The benefits have included:

- streamlined project management,
- lower administrative expenses,
- faster project turnaround,
- inclusion of creative elements in capital infrastructure projects such as the Vic West Skate Park and the Johnson Street Bridge project,
- utilized art to engage vulnerable and disadvantaged citizens,
- participated in the City's reconciliation journey, and
- supported local artists and businesses through collaborative art projects.

The key intent behind the program was to keep art in mind by having an artist's perspective at the table during the City's project meetings, community engagement, and planning sessions. The Art in Public Places Committee City staff and the many stakeholders engaged are pleased with the contributions from the Artist in Residence program to date and there is unanimous support for

continuing the program. There are several projects scheduled to continue into 2018 that would benefit from having Luke remain on the project team and in some cases take on a key role in development and delivery.

Staff recommend that Council consider the approval of a one year extension of Luke's position to conclude December 31, 2018.

PURPOSE

The purpose of this report is to update Council on the Artist in Residence program including a summary of work completed to date.



Image: *Mother Protector Hawk and Home*, 2017, Luke Ramsey with Jill Stanton and Kristofer Ray, Dallas Road Turret

BACKGROUND

In preparation for the creation of this program staff completed extensive best practice research and held discussions with other municipal administrators who have lead similar programs regarding lessons learned and advice.

History of Municipal Artists in Residence:

Mierle Alderman Ukeles, is commonly considered the first municipal Artist in Residence. In 1977 Mierle requested to work with the City of New York's sanitation department to create her project titled *Touch Sanitation*. *Touch Sanitation* took almost a year to complete and saw Ukeles meet over 8500 employees of the New York Sanitation Department, shaking hands with each of them and saying, "Thank you for keeping New York City alive". She documented her activities on a map, meticulously recording her conversations with the workers. Ukeles documented the workers' private stories in an attempt to change some of the negative words used in the public sphere of society, using her art as an agent of change to challenge conventional stereotypes.

The majority of municipal artist in residence positions in Canada offer an artist a dedicated studio space within a municipal building along with an artist fee and or material stipend (Edmonton, Fredericton, and Fort McMurray for example). In these cases the artists is tasked with producing a body of work and add an artistic presence into a City space.

Other Canadian cities such as Vancouver, Calgary and Winnipeg offer site and project specific residencies that embed an artist within a specific community organization or a capital infrastructure project. For example, the City of Vancouver's Artist in Communities program hosts artist residencies each year in participating community centres to support artists working in neighbourhoods and encourage a wide variety of interactions between artists and residents.

The City of Victoria's residency program borrowed ideas from many different residencies to create a unique opportunity. Staff and the Art in Public Places Committee chose to embed an artist into the day-to-day operations at the City, and left room for the artist to develop their own projects and themes. Luke worked collaboratively with City staff in multiple departments, to research current and upcoming projects and to develop an art plan for the year. The key intent was to assist City staff to keep art in mind by having an artist's perspective at the table during project meetings, community engagement, and planning sessions.

Luke Ramsey Artist in Residence



Image: Summer Banner Project - Luke Ramsey and students from Ecole Shoreline Community Middle School students in front of their final banners.

Luke Ramsey, an illustrator, designer, muralist and painter was selected from 40 submissions to a Request for Expressions of Interest.

The opportunity was open to artists and artist teams who are residents of the Capital Region and Gulf Islands. He was one of five artist/groups shortlisted, based on his artistic merit, professional experience and understanding of the new program.

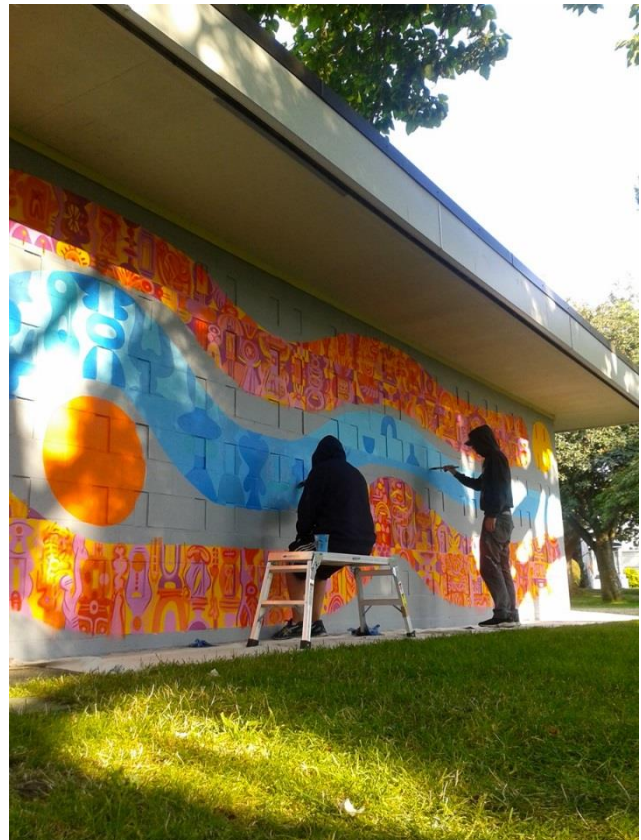
The Art in Public Places selection panel noted that Ramsey's work in the realm of public art, his aesthetic approach, and his experience leading workshops and community-based projects made him an excellent fit for the position.

Luke spent the first six months of his residency researching and networking with various City departments. He attended team and interdepartmental project meetings to offer an artist's perspective. After the research phase, Luke presented the Art in Public Places Committee with his Art Plan, which outlined his projects, timelines and budgets for the remainder of his residency.

ISSUES & ANALYSIS

By working closely with City staff and engaging the community, Luke researched and identified opportunities to collaborate and provide a unique creative approach to enhance the value and aesthetic appeal of upcoming capital projects. As a result, Luke has:

- engaged more than fifteen artists through paid opportunities,
- joined two interdepartmental working groups,
- worked directly with five departments on thirteen projects,
- has created 10 unique artworks,
- has executed four new mural works that enhance and beautify city infrastructure,
- contributed \$16,125.00 of his project budget to artists via artist fees for collaborative work
- contributed \$9,268.00 of his project budget back into the local economy through project expenses to local businesses.



Left Image: Parks Mural Project in progress, Gonzales Beach Park collaboration with Meghan Hidebrand
Right Image: Parks Mural Project in progress, Hollywood Park collaboration with Andrew Dick

For a more detailed breakdown of Luke's activities please see Appendix A.

During the June 2017 Art in Public Places Committee meeting, staff and Committee discussed 2018 public art projects including the Artist in Residence program. There was unanimous support for continuing the program. The Art in Public Places Committee recommended that the position be a two year term, and recommended extending Luke's term for one more year. An extension would maximise the momentum gained over the last year to continue the relationships Luke has established with the Parks, Recreation and Facilities Department, Sustainable Planning and Community Development Department and Public Works and Engineering Department including his involvement on the Johnson Street Bridge project.

Luke has been very successful in engaging with internal and external stakeholders and is receiving requests for his time, expertise and perspective. There are several projects scheduled to continue into 2018 that would benefit from having Luke remain on the project team and in some cases take on a key role in development and delivery.

OPTIONS & IMPACTS

Option 1 – Extend the Artist In Residence for 1 year

Option 2 – Do not Extend the Artist is Residence

2015 – 2018 Strategic Plan

Objective 10: Nurture our Arts, Culture and Learning Capital

- Support for arts and culture is increased, inclusive and strategic.

Objective 2: Engage and Empower the Community

- More youth are engaged in City programs, civic issues, and the broader community.

Impacts to Financial Plan

Funding to extend Luke Ramsey's position for one year and continue the Artist in Residence program has been allocated as part of the 2018 Financial Plan for Council consideration. The total budget request from the Public Art Reserve Fund in 2018 is \$72,000 which includes \$42,000 artist fee and \$30,000 project expense budget.

Official Community Plan Consistency Statement

Section 8: Placemaking

8.37 Support a wide range of opportunities for permanent and temporary art in public and public-private spaces

Section 14: Economy

14 (A) Victoria generates economic growth through innovation, entrepreneurship and business formation, and attracts and retains sustainable enterprise well-suited to the region.

14.2 Continue to enhance the Urban Core through public realm improvements for pedestrian comfort and enjoyment, such as plantings, lighting, street furniture and art in public places

Section 16: Arts and Culture

16 (A) Victoria is a place where artists are able to thrive and where people from all walks of life enjoy formal and informal opportunities to create and enjoy the arts, culture and entertainment activities

16.13 Encourage and enable community-led public art programs with support from City staff and professional artists.

Accessibility Impacts

A member of the Accessibility Working Group attended an Art in Public Places meeting to discuss accessibility as it relates to public art. Luke Ramsey was impacted by that meeting and made a concerted effort to consider the "AWG Definition and explanation of accessibility related terms" document when planning his projects. Luke did consider the potential barriers and ensured that all of his art works are physically accessible in the public realm.

CONCLUSION

The feedback on the Artist in Residence Program from both internal and external stakeholders is overwhelmingly positive. The Art in Public Places Committee City staff and the many stakeholders engaged are pleased with the contributions from the Artist in Residence program to date and there is unanimous support for continuing the program. By continuing to support the Artist in Residency program Victoria positions itself as a City that embraces and supports artists and values artist's unique perspective.

Respectfully submitted,



Connor Tice
Arts, Culture and Events Liaison

Report accepted and recommended by the City Manager:


Date: Oct 6, 2017

List of Attachments

Appendix A: Luke Ramsey's Residency Activities

Artist in Residence Activity Summary:

October 2016 – October 2017

Luke's Biography:

Luke Ramsey is an illustrator, designer, muralist and painter. In 2010, he completed a giant, collaborative outdoor mural with artist Josh Holinaty on the John Howard Society building in Edmonton, Alberta. The mural won an Award of Excellence from the City of Edmonton in 2011, and a 2012 National Urban Design Medal from the Royal Architectural Institute of Canada.

Ramsey co-founded the Islands Fold residency, exhibits internationally and works in public art, painting, and freelance illustration. His client list includes The New York Times, The Drake Hotel, Patagonia, The BC Children's Hospital and more. Ramsey's book *Intelligent Sentient?* is published by Drawn & Quarterly, and was nominated for a Doug Wright Award. Luke's work is inspired by a continuous line in time that draws from the inside, and paints over edge.

Residency Artist Statement:

I love to consider the public's perception of art, and make it balance between accessibility and abstraction. I intend to consider concepts that connect with public wellbeing. Explore possibilities that can convey sustainability, plant and urban life, transport, community and connectivity. I love to make things, but more importantly, I love to make things happen – I want to see movement, I want a public audience to see vibrancy and life in the art projects I am involved with. It's important for me to work on public art projects that have a connection to person and place. I appreciate art as an aesthetic, but I strive to create pieces that have a message.

As an illustrator, designer, muralist and sculpture, I love seeking practical solutions to problems. The artwork has to work. I'm interested with the inner workings of a city, and am ecstatic thinking about the possibilities of an artist's mind working with a city's projects. I want to open doors. I want to see how other people work, so I can learn different approaches in exchange for sharing my experience and insight as a visual artist.

Community Feedback:

"The citizens thank you for making Victoria more interesting and more beautiful. Your initiatives as Artist in Residence are an example of how this position can create honest value."

-Llyod Chesley, owner of Legends Comics

Artist in Residence

Artist in Residence Project Budget Summary:

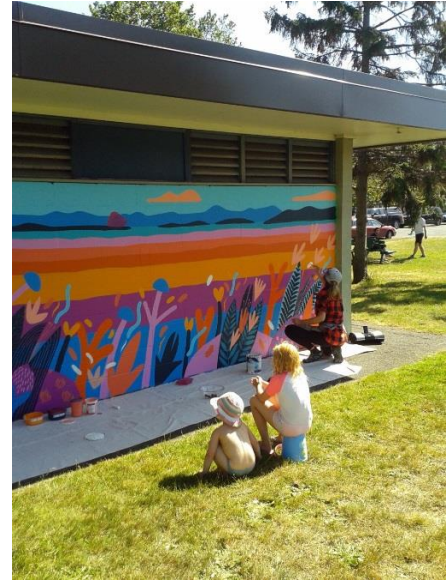
Project	Budget
Gonzales Park	\$1,850
Vic West Park	\$3,200
Hollywood Park	\$1,750
Mother Protector	\$8,500
North Park Mural	\$13,418
Virtual Reality Engagement	\$760
Total Expenses	\$29,538

City Projects that Utilized Luke's time:

Project	Engaged Department/Organization
Summer Banners	Reconciliation Task Force
First Night Projections	Arts, Culture and Events & Spirit Committee
Vic West Skate Park	Parks, Recreation and Facility
Recycling Receptacle Design	Waste Management and Cleaning Services
Create Victoria	Arts, Culture and Events & Engagement
Construction Hording	Citizen Engagement & Parks, Recreation and Facilities
Visual Victoria	Planning
Commercial Alley	Art in Public Places Committee
My Great Neighbourhoods Grant Review	Citizen Engagement, Neighbourhoods Team
Johnson Street Bridge	Planning

Artist in Residence

Gonzales Beach Mural – Collaboration with Meghan Hildebrand (Powell River)



Timeline: June 28th-29th 20 hours

Objective: To beautify ordinary walls, celebrate neighbourhood pride, deter graffiti hotspots and collaborate with local and out-of-town artists within Luke's residency program. Landscape mural of local flora and fauna, representing the Fairfield neighbourhood, with playful motifs, shapes of beach activity etc.

"Collaborating is challenging – I didn't know how it would unfold," said artist Meghan Hildebrand. "I love Luke's art and I enjoy collaborating with him (we've played in a band together, he's a great improviser) so I trusted that in two days we could create a huge painting that we could be proud of. The experience was great, especially sharing the process with locals, like the bus drivers who took breaks there and saw the mural being painting hour by hour. The response was so positive, thank you Victoria!"

Community Feedback:

- "Our family lives in Fairfield, close to Gonzales Beach and Hollywood Park. I just wanted to send you a quick note to let you know that we absolutely LOVE your work and the wonderful and inspiring impact it's having on the public spaces around us. Many thanks for what you're doing - hope to see much more of it around town!"
- Johan Bosman, local resident
- "Amazing to see this public art come to life in this important public space. Love the process too. And thanks to the neighbour who brought the artists strawberries!" - Lisa Helps, City of Victoria Mayor
- "So Awesome to see more public art like this popping up around Victoria"
– Natalie Brakeart, local resident
- "Wow, this is stunning!! Thank you for brining your creativity to Gonz Bay!"
– Michelle Heslop, local resident
- "This kind of vibrant, local, accessible art makes my family and I SO HAPPY! thank you!"
– Skye Ladell, local resident

Artist in Residence

Vic West Dog Park Mural – Collaboration with Jill Stanton (Edmonton)



Timeline: July 10-17th 40 hours

Objective: To beautify ordinary walls, celebrate neighbourhood pride, deter graffiti hotspots and collaborate with local and out-of-town artists within Luke's residency program. Landscape mural of dogs and people with playful shapes and plant life.

Community Feedback:

- "Luke and Jill were a joy to watch as their art slowly evolved and came to fruition by the Vic West Dog Park. Bala and I are so touched to see her on the wall." - Dione, local resident
- "Finally some decent new public art in the city! More than decent! Spectacular! Thanks you! -Pamela Bosman, local resident
- "So awesome for our community! Thank you!" -Michelle Heslop, local visual artist
- "I've been watching the transformation and it's lovely. Happy to be able to share kudos to you because it is quite lovely and fun and colourful. I walk by it every day and see something new." - Regina Irving, local resident
- "Amazing! It's so fun and colourful. Thank you to the artists for splashing your talent on this great neighbourhood." – Amy Bronee

Artist in Residence

Hollywood Park Mural – Collaboration with Andrew Dick (Victoria)



Timeline: July 24-27th 25 hours

Objective: To beautify ordinary walls, celebrate neighbourhood pride, deter graffiti hotspots and collaborate with local and out-of-town artists within Luke's residency program. Landscape mural of simple shapes of sports equipment mixed with abstract textures and shapes.

"Since I was a child I've always enjoyed seeing public art in this city," said artist Andrew Dick. "I'm very excited to be involved with a public art project in Victoria. It's a special honour for a chance to give back to a community I spent a lot of time growing up in. I've known Luke Ramsey for many years, in the past we have worked on several collaborative art projects. I'm thrilled to work on a new project with him at Hollywood park this summer."

Community Feedback:

- "I saw this mural last weekend and wondered about it. It's really beautiful. Great job!" – Reslie Rutabaga
- "A big improvement! Thanks!" Wallace Bird
- "Oh man!! Best one yet!! So lucky it's in my hood!! Nice work!! – Archi Pam, local resident

Artist in Residence

Mother Protector: Hawk and Home



Timeline: Completed August 28 –September 16, 2017

Artists: Luke Ramsey with Jill Stanton and Kristofer Ray

Artist Statement: This location was once used as a turret for military protection. This hawk mural represents an all-seeing protector, a messenger for how things can be viewed differently. In creating this project I asked - can this pathway be more than a staircase with no colour, a wall with offensive graffiti tags? Can its structure be animated by art?

The hawk has one wing open for invitation, the other to embrace visitors. When it rains, water passes through its eyes like tears. This hawk is a mother whose child appeared the day of the mural unveiling. This child will be a hawk costume that transforms into a tent. It will walk around park, performers will join as it leads everyone to turret. The baby hawk will rest on top of the turret viewing circle, and transform into a tent. When participant enters the tent, they can wear a virtual reality headset to view a world relating to the mural.

Community Feedback:

- "This is incredible! great job man, I always thought that staircase deserved a good paint job" -Aaron Geeraert, visual artist
- "You are taking things to new levels. Really interesting and inspiring stuff" - Dru Vid
- "Wonderful collaboration, brings life to that space and I like the symbolism that I interpret from some of the shapes etc. Cool stuff." – Natalie Brake
- "AWESOME!! Paint this city beautiful you two!! Bala says hi from Vic West"
– Dionne, local resident

Artist in Residence

Cook and North Park / Collaborative Mural



Timeline: Completed October 1- 7, 2017

Artists: James Kirkpatrick, Tyler Keeton Robbins, Charlie Walker, Kristofer Ray, Ian George, Kay Gallivan, Jesse Campbell, Ali Khan, Sarah Jim, Luke Ramsey

Artist Statement: Most of my work derives from a line in time, and with this mural the line connects to a neighbourhood story. It hopes to set a tone/theme for future murals on neighbouring buildings organized with The North Park Community Association. This gestural line is like a tag across a wall, but not a tag that omits the work, but one that works with it. This line will travel through everyone's work, a nod to how other artists are an important part of my practice and projects. The line will be defined by the colour variation of an artist's work. Each artist will have their section to work in, cross-over collabs/blend where sections meet.

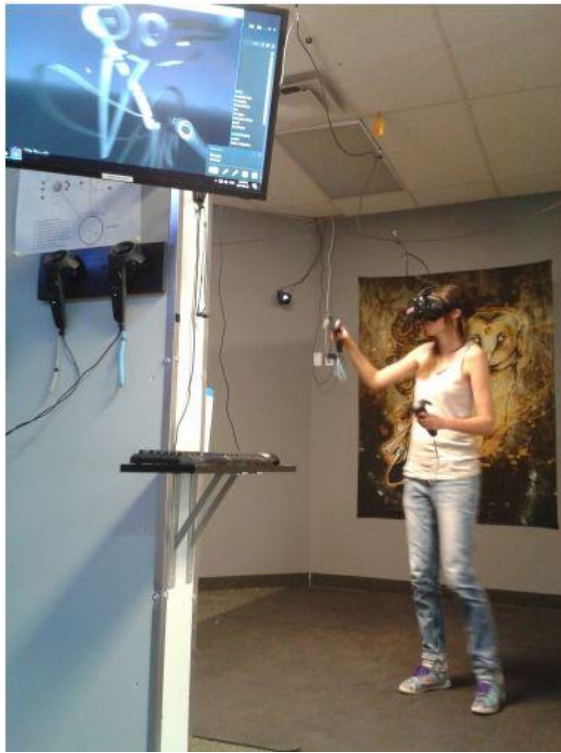
Project with The City of Victoria, The North Park Community Association, and the owners of WIN, Squash Club and Logan's.

Community Feedback:

- "So awesome, stoked to see these colabs!" – local resident
- "I love this, nice work!" – Charlotte Campbell
- "I was admiring this yesterday!! Nice one! – Vic Horvath
- "So awesome!" - Sarah Norrad

Artist in Residence

Virtual Reality Public Engagement



Open to all artists in Victoria, especially youth who write graffiti tags in their sketchbooks, encouraging them to try drawing in a new medium like Virtual Reality. Participants can also collaborate with Luke. The VIC VR arcade will be booked 1-5 pm for two consecutive afternoons in October. Each day there will be 8x 30minute slots.

Each participant will get a 5 minute tutorial and 25 minutes with the Google Tilt Brush app. Interested artists can make reservations by email or phone.

Participants will also receive art supply gift certificates for contributing their art with Luke.

Artist in Residence

The following pages are six examples of City Projects that Utilized Luke's time during his residency. These projects did not utilize Luke's "Artist in Residence Project Budget"

1. First Night Projections



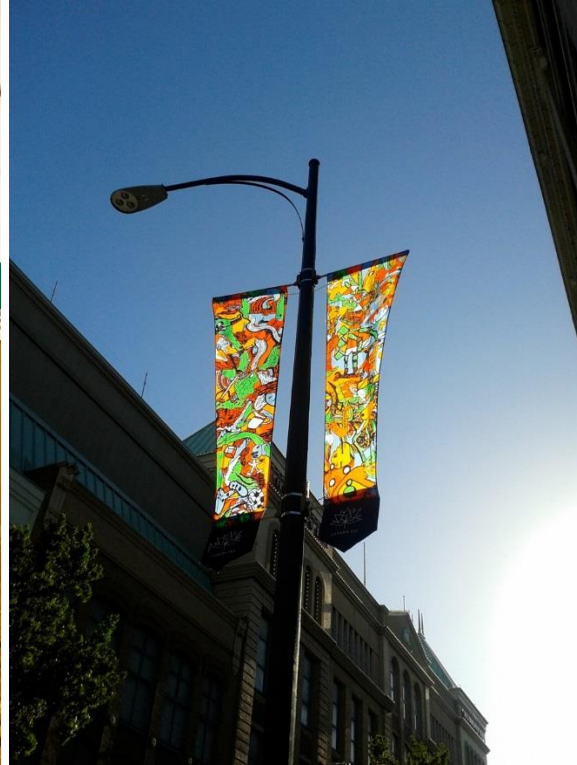
Community Feedback:

"Finally some decent new public art in the city! More than decent! Spectacular! Thanks you!"

-Pamela Bosman, local resident

Artist in Residence

2. Summer Banners



Timeline: The banners will hang downtown over the summer seasons for 2017 and 2018.

Project Description: With the support of the Songhees and Esquimalt Nations, Grade 6 – 8 Indigenous and non-Indigenous youth from Ecole Shoreline Community Middle School students participated in two drawing workshops led by Luke Ramsey. The project provided an opportunity for the youth to explore their self-esteem and confidence through collaborative art making and contribute to the design of the banners. Both workshops were hosted by Education Liaison, Songhees Elder and Master Carver, Butch Dick afterschool at the Songhees Wellness Centre. The students were provided an original poster of their drawings designed by Ramsey as well as honorariums for their artistic contributions. In the first workshop, the youth used a natural object such as a rock, piece of wood or flower to find inspiration. Drawings were shared among the students as part of the collaborative process. In the second workshop, Ramsey displayed the students' drawings and led them in a group discussion about shape, composition and collaboration, which resulted in one overall art piece. For the final design, Ramsey used aspects of the students' artwork in combination with his own drawings to create an abstract collection of imagery which captures the whimsy and personality of the students. In describing the process, the youth expressed it was a positive experience. Some feedback included: "I loved meeting new people and friends", "I like being able to work together and come together to make something new," "I like art because it evokes emotions and it lets you achieve anything you want," "I wish we could do this more," and "What I liked most was being included."

Community Feedback:

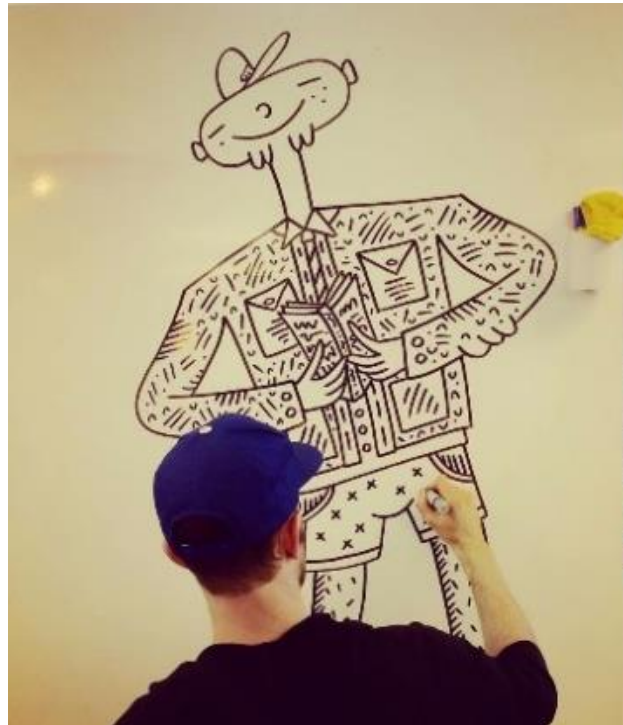
- "These are amazing! This project is fantastic – we need more like this" – Spacefinder BC
- "What a great project!!!" - Local artist, Monique Labusch
- "These flags are incredible! Fantastic job! – Local maker, Spirit Coast Creations

Artist in Residence

3. Vic West Skate Park Signage

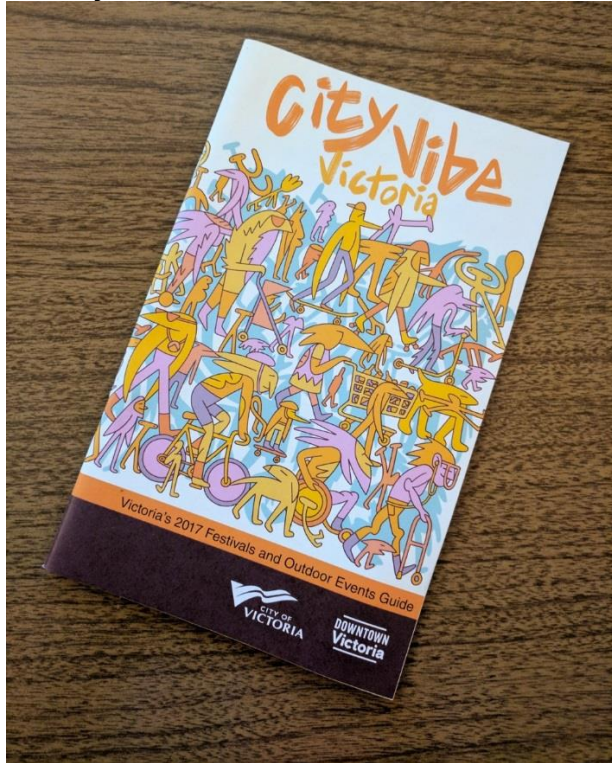


4. Create Victoria Design & Engagement Support



Artist in Residence

5. City Vibe Illustration



6. Construction Hoarding



Community Feedback:

"I sure hope your contract gets extended" Nicholas Robins, local resident

Artist in Residence: Luke Ramsey

Keep Art in Mind



"The citizens thank you for making Victoria more interesting and more beautiful. Your initiatives as Artist in Residence are an example of how this position can create honest value."

- Lloyd Chesley, Owner of Legends Comics



Artist in Residence – Keep Art in Mind

In 2016 we launched an Artist in Residence Program:

- Staff developed the program based on research into best practice and with the guidance of the Art in Public Place Committee
- Call to Artists returned 40 eligible applicants
- 5 shortlisted artists where interviewed
- Luke began his residency on November 1st, 2017.



Image: Summer Banner Workshop



Key Highlights

- Luke works 20 hours per week for a total fee of \$42,000
 - engaged more than 15 artists through paid opportunities
 - +18 local youth through the summer banner project
 - joined 2 interdepartmental working groups,
 - worked directly with 5 departments,
 - has created 10 unique artworks,
 - has executed 3 new mural works on city infrastructure,
 - has completed 1 large scale mural in partnership with a Community Association and 3 local businesses.
- Luke has access to a project budget of up to \$30,000
 - \$18,000 of his budget was distributed to artists,
 - \$9,268 of his budget flowed back into the local economy to local businesses.



Having an Artist at the Table

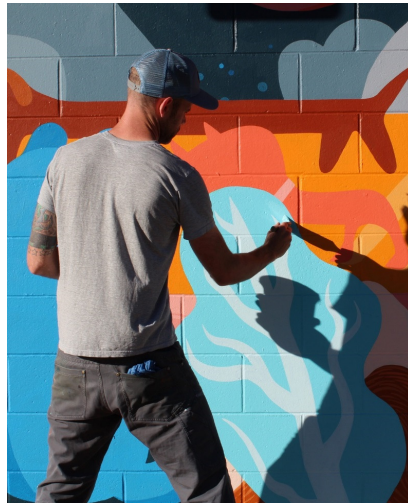
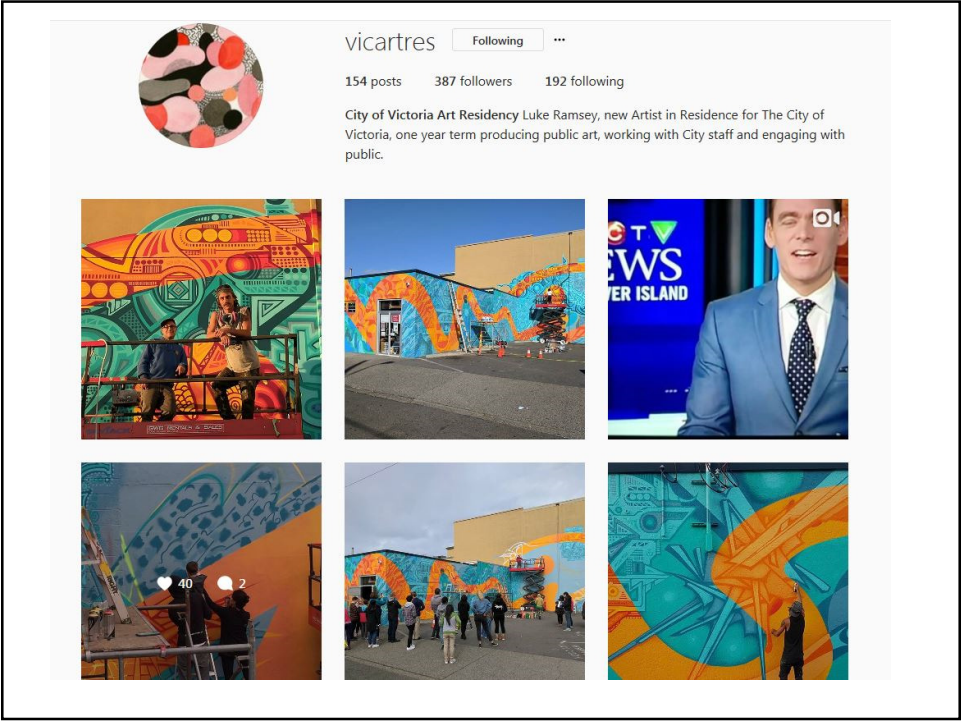


Image: Vic West Park Mural

The benefits have included:

- streamlined project management,
- lower administrative expenses,
- faster project turnaround,
- inclusion of creative elements in capital infrastructure projects,
- building new relationships between the City and the arts community
- paid opportunities for local artists
- support for local businesses

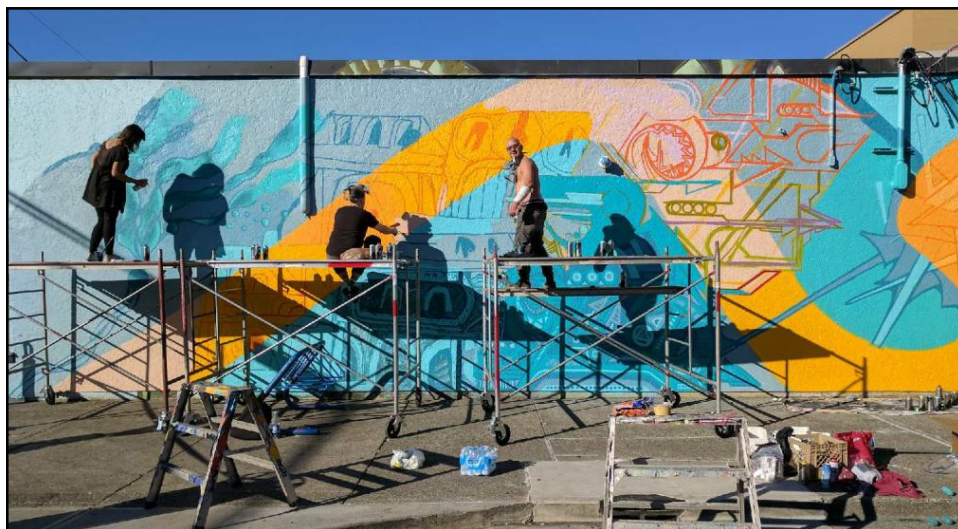




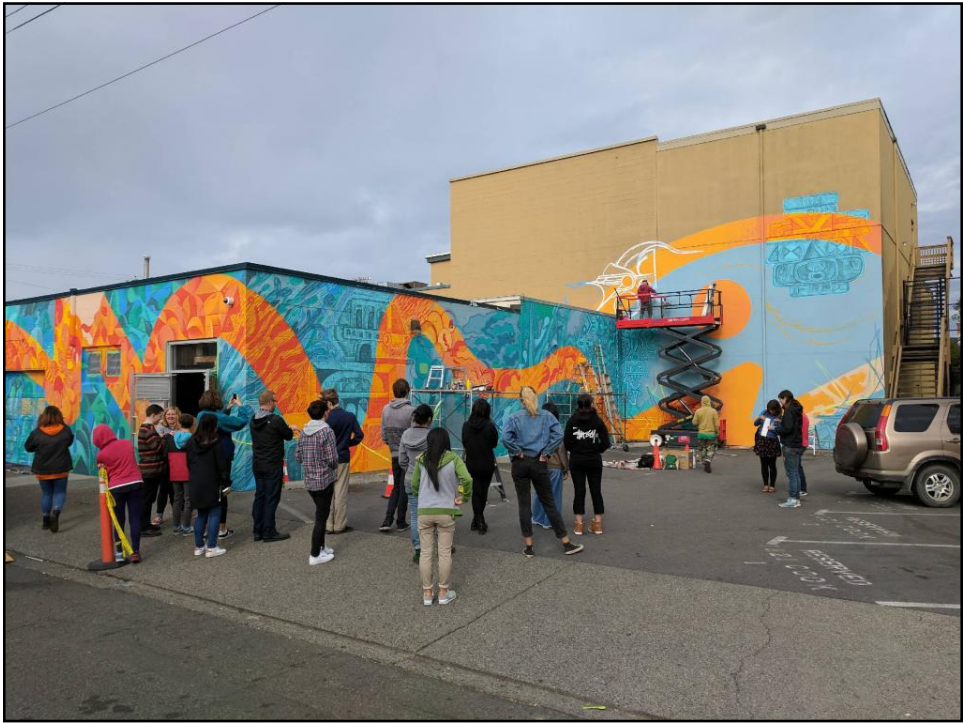


North Park Mural Collaboration

Artists: Jesse Campbell, Kay Gallivan, Ian George, Sarah Jim, Tyler Keeton, Ali Khan James Kirkpatrick, Kristofer Ray, Robbins, Charlie Walker and Sam Gafka.



- Beautiful mural going up at North Park & Cook by @vicartres and friends! Thank you for bringing more colour to our streets. - Fernwood NRG
- Inspiring from all angles. What a great addition to North Park Village! – Women In Need Community Cooperative

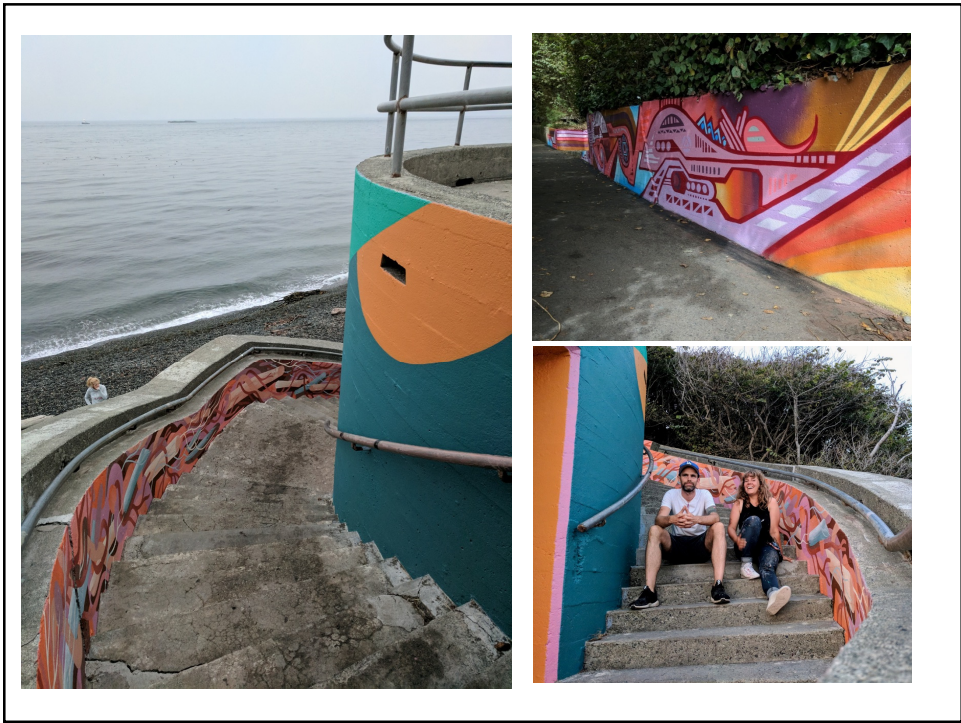




Mother Protector Hawk & Home, Dallas Road Mural with Jill Stanton & Krostofer Ray

"This is incredible! Great job man, I always thought that staircase deserved a good paint job"
- Aaron Geeraert

"You are taking things to new levels. Really interesting and inspiring stuff"
- Local Resident



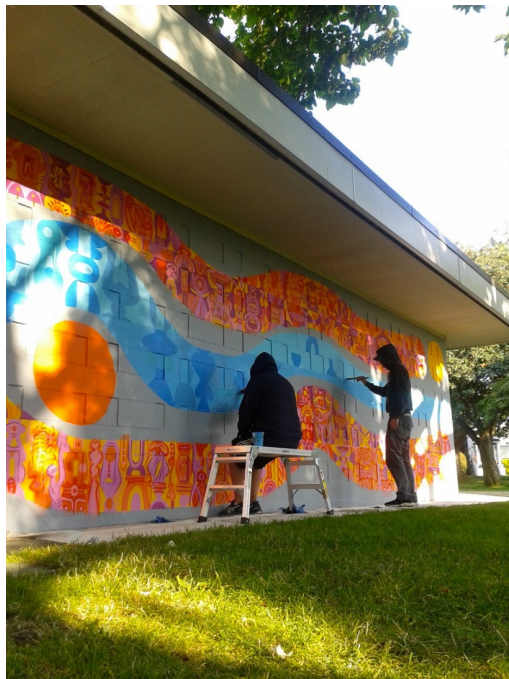




Hollywood Park Mural with Andrew Dick

"A big improvement! Thanks!" - Wallace Bird

"Oh man!! Best one yet!! So lucky it's in my hood!! Nice work!! – Archi Pam



"I saw this mural last weekend
and wondered about it. It's
really beautiful. Great job!"

– Reslie Rutabaga



Vic West Park Mural with Jill Stanton

"Luke and Jill were a joy to watch as their art slowly evolved and came to fruition by the Vic West Dog Park. Bala and I are so touched to see her on the wall."

- Dione, local resident



"Amazing! It's so fun and colourful. Thank you to the artists for splashing your talent on this great neighbourhood." – Amy Bronee



Gonzales Park Mural with Meghan Hildebrand

"Our family lives in Fairfield, close to Gonzales Beach and Hollywood Park. I just wanted to send you a quick note to let you know that we absolutely LOVE your work and the wonderful and inspiring impact it's having on the public spaces around us. Many thanks for what you're doing - hope to see much more of it around town!" - Johan Bosman, local resident



"So Awesome to see more public art like this popping up around Victoria"

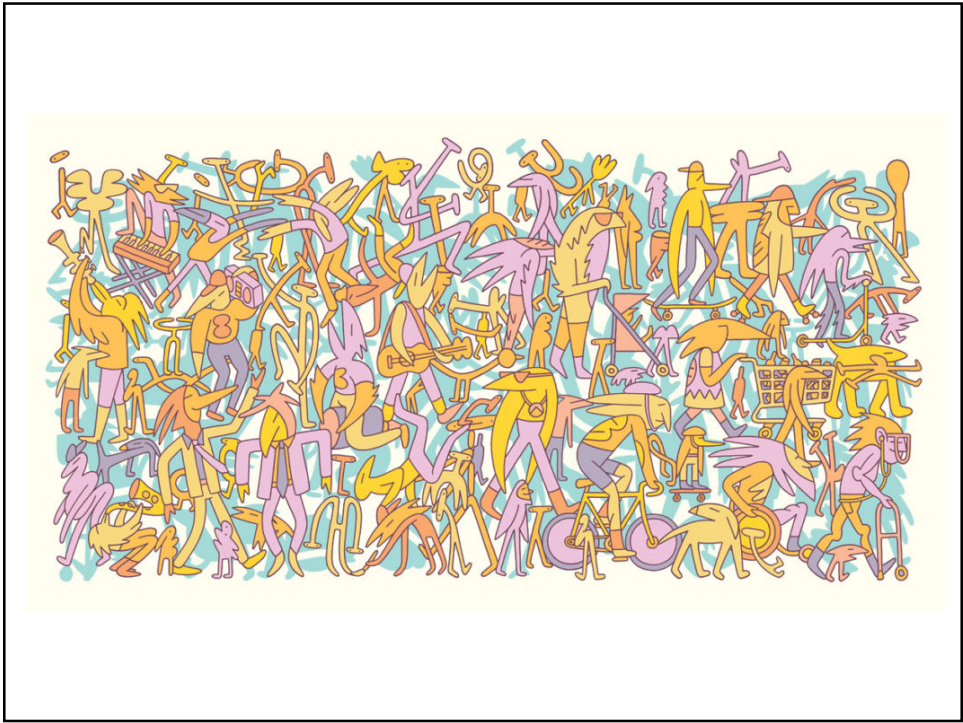
– Natalie Brakeart

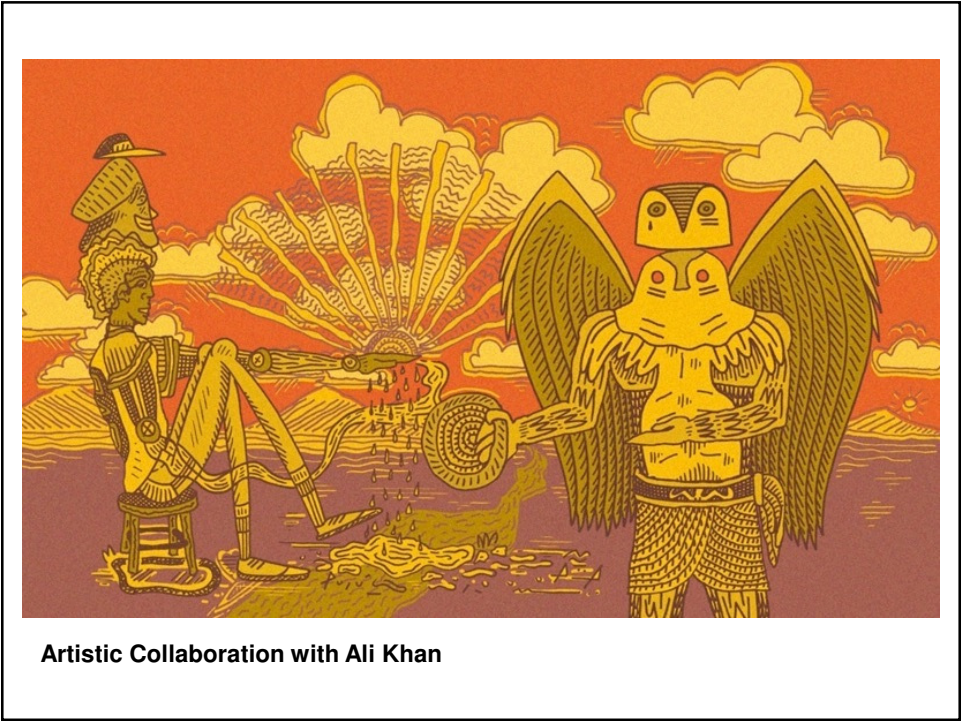
"Wow, this is stunning!! Thank you for brining your creativity to Gonz Bay!"

– Michelle Heslop

"This kind of vibrant, local, accessible art makes my family and I SO HAPPY! thank you!"

– Skye Ladell





Artistic Collaboration with Ali Khan









"These are amazing! This project is fantastic, we need more like this"
– Spacefinder BC

"What a great project!!!"
- Monique Labusch

"These flags are incredible! Fantastic job!"
– Spirit Coast Creations



Student feedback included:

"I loved meeting new people and friends"

"I like being able to work together and come together to make something new"

"I like art because it evokes emotions and it lets you achieve anything you want,"

"I wish we could do this more"

"What I liked most was being included."

Benefits of extension



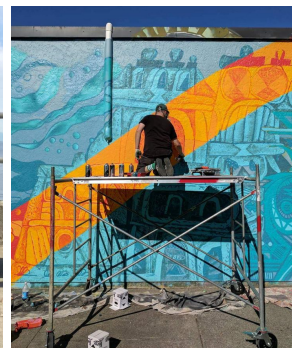
- Continue building Luke's project momentum with internal and external stakeholders
 - Johnson Street Bridge
 - Rock Bay Mural Project
 - Mural Toolkit
- Increased efficiency around project management and delivery



Artist in Residence: Luke Ramsey

Keep Art in Mind

Recommendation: That Council approve the extension for one year of the Artist in Residence to December 31, 2018.





Committee of the Whole Report For the Meeting of October 12, 2017

To: Committee of the Whole
From: Chris Coates, City Clerk
Subject: 2018 Committee and Council Meeting Schedule

Date: October 3, 2017

RECOMMENDATION

That Council approve the 2018 Committee of the Whole and Council meeting schedule attached to this report and make available to the public as required under the Section 127 of the *Community Charter*.

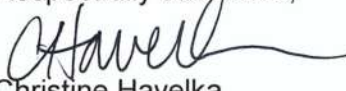
EXECUTIVE SUMMARY


The purpose of this report is to seek Council approval of the 2018 Committee of the Whole and Council meeting schedule. Typically, Committee of the Whole meetings are held on the first four Thursdays of each month and Council meetings, the second and fourth Thursdays. Exceptions to the schedule include:

- Summer and Winter holidays:
 - August 13 – 31, 2018
 - December 17 – 28, 2018
- Conferences that Council members may choose to attend:
 - AVICC Annual Conference (Victoria) – April 13 – 15, 2018
 - FCM Annual Conference (Halifax) – May 31 – June 3, 2018
 - UBCM Annual Conference (Whistler) – September 10 – 14, 2018
- The 2018 Local Government Election:
 - October 20, 2018

The proposed 2018 schedule of Committee of the Whole and Council Meetings is attached as Attachment A for Council's consideration.

Respectfully submitted,


 Christine Havelka
 Deputy City Clerk


 Chris Coates
 City Clerk

Report accepted and recommended by the City Manager:

Date:

Attachment A – 2018 Meeting Schedule


 Date: Oct 6, 2017

ATTACHMENT A
2018 COMMITTEE AND COUNCIL MEETING SCHEDULE

	Committee of the Whole (COTW) 9:00 a.m.	(Closed) Council Meeting After COTW meetings as required	Council Meeting 6:30 p.m.
January	4 th 11 th 18 th and 25 th	4 th 11 th 18 th and 25 th	11 th and 25 th
February	1 st 8 th 15 th and 22 nd	1 st 8 th 15 th and 22 nd	8 th and 22 nd
March	1 st 8 th 15 th and 22 nd	1 st 8 th 15 th and 22 nd	8 th and 22 nd
April	5 th 12 th 19 th and 26 th	5 th 12 th 19 th and 26 th	12 th and 26 th
May	3 rd 10 th 17 th and 24 th	3 rd 10 th 17 th and 24 th	10 th and 24 th
June	7 th 14 th 21 st and 28 th	7 th 14 th 21 st and 28 th	14 th and 21 st
July	5 th 12 th 19 th and 26 th	5 th 12 th 19 th and 26 th	12 th and 26 th
August	2 nd and 9 th	2 nd and 9 th	9 th
September	6 th 20 th and 27 th	6 th 20 th and 27 th	6 th and 20 th
October	4 th	4 th	25 th
Saturday, October 20, 2018 – Local Government Election			
Thursday, November 1, 2018 – Inaugural Meeting			
November	8 th 15 th and 22 nd	8 th 15 th and 22 nd	8 th and 22 nd
December	6 th and 13 th	6 th and 13 th	13 th



Council Member Motion
For the Committee of the Whole Meeting of October 12, 2017

Date: October 4, 2017

From: Councillor Ben Isitt and Councillor Jeremy Loveday

Subject: Emergency Container at 2906 Cook Street

Background:

Residents and owners of the Spencer Castle condominium complex at 2906, 2910, 2920 and 2930 Cook Street have approved the installation of an emergency container on Spencer Castle property, on the parcel at 2906 Cook Street, in order for the residents of the 105-unit, 3-building condominium complex to be self-sufficient in case of an emergency. This objective aligns with the City of Victoria's Strategic Priorities relating to emergency preparedness.

However, installation of the emergency container has been prevented due to technical complications with the zoning of the property. The condominium complex was approved through a Land Use Contract, which is tied to the original plans, and therefore does not permit installation of an emergency storage container. City of Victoria staff explored the option of a Temporary Use Permit (TUP), but the Land Use Contract overrules the TUP.

Terminating the Land Use Contract is insufficient on its own to permit installation of the emergency container, since the underlying zoning for this property is R1-B, meaning that both the use and structure would be legally non-conforming. While a non-conforming use is occurring, no structural alterations or additions are permitted. So the property also requires a rezoning.

City staff have advised Spencer Castle residents that with Council direction, the Land Use Contract could be discharged with the second round of LUC terminations, with a concurrent rezoning that includes the future location of the storage container. This process can be achieved most expeditiously through a concurrent City-initiated rezoning to the R3-A1 Zone, allowing for the emergency container to be installed.

It is therefore recommended that Council provide this direction to staff, to permit Spencer Castle residents to install the emergency container and increase emergency preparedness.

Recommendation:

That Council direct staff to add the property at 2906 Cook Street to the second round of Land Use Contract terminations, and initiate a rezoning to the R3-A1 Zone via a concurrent City-initiated rezoning, to permit the installation of an emergency container on the property.

Respectfully submitted,



Councillor Ben Isitt



Councillor Jeremy Loveday

Attachment:

Letter from Spencer Castle Strata Presidents

SPENCER CASTLE

2906, 2910, 2920, 2930 Cook St. Victoria V8C 3S7

May 26, 2017

Mr. Mike Angrove
Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square, Victoria B.C., V8W 1P6

Dear Mr. Angrove,

We are writing to you as a collective representing the owners and residents of Strata 83, 124 and 345 of Spencer Castle.

In May, in compliance with the City's emergency preparedness recommendations, our owners voted to install a 20'x8'x8' container on the Spencer Castle property with the intention of storing supplies and equipment in order to be ready and prepared in the event of an emergency.

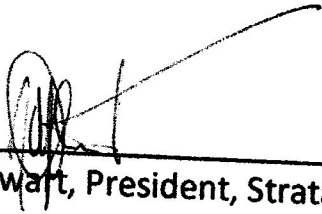
We are asking the City of Victoria to add the Spencer Castle property to the list that will terminate the Land Usage Contract for 2906, 2910, 2920 and 2930 Cook Street .

We would like to be included in Phase 1 of this process so we can continue with our plan to be emergency prepared. However, should this not be possible please add us to Phase 2.

The City is encouraging businesses and residents to be prepared in the event of an emergency. Our community of 105 units consisting of approximately 200

residents and owners is making every effort to comply with the City's wishes. With your cooperation we look forward to working closely with the City and the department of Sustainable Planning and Community Development to fulfil our emergency plan in a timely manner.


Sincerely,



York Stewart, President, Strata 124, 2910 Cook St.



Richard Parrott, President, Strata 83, 2920 Cook St.



Barbara Howatt, President, Strata 345, 2930 Cook St.

c.c. Mayor Lisa Helps

c.c. Councillor Ben Isitt

SPENCER CASTLE

2906, 2910, 2920, 2930 Cook St. Victoria V8T 3S7

October 4, 2017

Mike Angrove, Planner
Sustainable Planning and Community Development
City of Victoria
1 Centennial Square
Victoria, BC, V8W 1P6

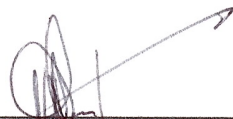
Re: LUC covering 2906 Cook Street, Victoria BC (aka "Spencer Castle")

Dear Mr. Angrove,

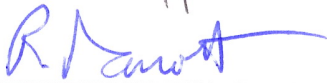
The property located at 2906 Cook Street is not a separate strata corporation, but it is a Common Asset (not Common Property) that is owned jointly by three strata corporations (Strata Plan 124 at 2910 Cook Street, Strata Plan 83 at 2920 Cook Street and Strata Plan 345 at 2930 Cook Street). The house on the property, the adjoining swimming pool, and the grounds surrounding the house and pool (all referred to as "Spencer Castle"), are used as a recreation facility, events venue, meeting space, and guest accommodation for the owners of the three strata corporations.

We the undersigned are the Presidents of the three strata corporation owners of 2906 Cook Street, and authorize the termination of the Land Use Contract currently in place on this property, and the concurrent rezoning of this property to permit the continued use as outlined above as well as to permit an accessory structure on site to be used as storage for emergency supplies.

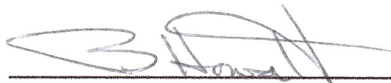
Sincerely,



York Stewart, President, Strata Plan 124, 2910 Cook St.



Richard Parrott, President, Strata Plan 83, 2920 Cook St.



Barbara Howatt, President, Strata Plan 345, 2930 Cook St.



Council Member Motion

For the Committee of the Whole Meeting of October 12, 2017

To: Committee of the Whole **Date:** October 5, 2017
From: Mayor Helps, Councillors Loveday & Isitt
Subject: Holding Fossil Fuel Companies Responsible for Climate Change

BACKGROUND

Victoria faces a range of impacts from climate change—including sea-level rise, increased coastal erosion, prolonged summer drought, and increased winter precipitation. The City is required to consider these impacts in our infrastructure planning, construction and maintenance, as well as to reduce the impacts of such impacts on citizens of Victoria. The precise amount of increased costs due to the increase in work on infrastructure is not yet quantified, but Victoria is almost certainly already paying significantly increased costs due to climate change and those amounts will only increase.

Victoria Council is required to manage the funds raised through taxes in a fiscally prudent manner, and that requires us to examine whether other parties that have played a role in causing climate change should indemnify the City for a share of our local climate costs.

Fossil fuel companies have played a major role in the creation of climate change, making hundreds of billions of dollars in selling products which cause climate change. This is not to say that fossil fuel companies are solely to blame for climate change. Climate change is a societal problem and all segments of society – especially including fossil fuel companies – will need to pay their fair share.

The 20 largest fossil fuel companies have contributed – through their operations and products – to approximately 29.3% of greenhouse gases in the global atmosphere today. (As per the peer reviewed research of Richard Heede). Economic theory emphasizes that allowing corporations to profit financially from causing pollution while leaving it to taxpayers to pay for the impacts of the pollution creates an “externality” – a perverse economic incentive to keep polluting. This is why industries are generally expected to take “cradle to grave” responsibility for their products.

In the context of climate change, the separation of the profits of the fossil fuel economy from its costs have slowed transition to a sustainable economy, and created the impression that the fossil fuel industry continues to be a net wealth creator, even as our communities begin to pick up the costs of climate change. This will continue if not addressed.

A Climate Accountability Letter sent by Victoria to 20 fossil fuel companies would outline the types of costs that Victoria is incurring and expected to incur due to climate change, and demand that

the companies pay their fair share of those impacts. The Districts of Highlands and Saanich have both voted to send Climate Accountability Letters of this type.

Sending a Climate Accountability Letter is unlikely to, by itself, result in companies making payments to Victoria. However:

- It begins a broader public conversation that creates space for political and legal action by other levels of government and in international negotiations;
- Fossil fuel company shareholders and investors are likely to have questions about how the companies they invest in should respond to Victoria's assertion that they are owed a fair share of climate costs. Consequently, it invites a conversation within the companies; and
- It puts fossil fuel companies on notice that communities are seeking compensation for a fair share of climate impacts.

It is therefore recommended that Council request that the Mayor send, on behalf of Council, a Climate Accountability Letter to major fossil fuels companies.

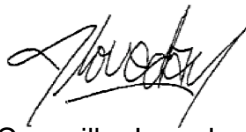
RECOMMENDATION

That Council request that the Mayor, on behalf of Council, send a Climate Accountability Letter to major fossil fuel companies.

Respectfully submitted,



Mayor Helps



Councillor Loveday



Councillor Isitt

List of Attachments

Attachment 1: Climate Accountability Letters – An Introduction for Local Governments

Attachment 2: District of Highlands letter to Capital Regional District Board

Attachment 3: District of Highlands letter to major fossil fuel companies

Attachment 4: Accountability letter template

Attachment 5: Contact information for major fossil fuel companies



CLIMATE ACCOUNTABILITY LETTERS

AN INTRODUCTION FOR LOCAL GOVERNMENTS

Andrew Gage, Staff Counsel

“Wildfires. Drought. Flooding. Rising sea levels. Climate change is already reshaping and impacting BC communities in profound and frightening ways. As unchecked fossil fuel pollution continues to push global temperatures ever higher, we are frightened for our communities, for communities around the world, and for the world we leave our children. Vulnerable groups - the poor, Indigenous communities, women and children - are often hardest hit by climate impacts.” – Letter from BC Community Groups to Local Governments, 25 January 2017

On 25 January 2017, over 50 community groups from around BC – organizations focused on health, faith, human rights and environment – wrote to all of BC’s local governments asking that they take action to hold the fossil fuel industry accountable for its role in causing climate change and in the climate costs being caused by fossil fuel pollution.

In the short term, we are asking your municipality (or regional district) to send “Climate Accountability Letters” to 20 of the world’s largest fossil fuel companies asking them to pay for climate costs that are being incurred by your community. This brief will answer some questions that you may have about why your community should send these letters.

Why does it matter to your community?

All our communities are facing a rising tide of costs, debt and claims for disaster relief arising from the many effects of climate change. With more frequent wildfires, 100-year storm events now coming every 25 years, snowpacks and aquifers disappearing, our communities are spending scarce taxpayer dollars to prepare for and respond to climate change. The situation is only going to get worse.

As it stands, the costs of building climate resilient communities fall to the taxpayer, as do the costs of re-building communities after floods or fires. Municipal governments bear much of the burden for these climate costs, because municipal infrastructure is frequently affected. In at least one case, municipalities in the U.S. were sued (by their insurers) for failing to prepare adequately for known climate impacts.ⁱ

It is time to ask whether taxpayers alone should be solely responsible to pay climate adaptation and damage costs, or whether costs should be shared with the companies that have made billions of dollars creating this situation. The products and operations of the **20 fossil fuel companies** are collectively responsible for roughly 30% of the greenhouse gases in the atmosphere today. That greenhouse gas pollution is changing the climate, and costing your community money as it is forced to respond and adapt.

It is essential that we have this conversation now. Communities need to know how much they can expect the fossil fuel industry to pay for their climate costs. The fossil fuel industry and its investors need to be able to make informed decisions about the future of the industry once they factor in the real costs of their activities.

Why does it matter to our planet?

Fighting climate change only works when everyone does their fair share. We all share the same precious atmosphere.

Right now the world's largest fossil fuel companies are making hundreds of billions of dollars from products that cause greenhouse gas pollution and put communities around the world at risk. There are powerful economic incentives for those companies, their investors and the governments of the world to continue producing fossil fuels without regard to the consequences for our planet. In many cases these companies have known since the late 1960s that their products were likely causing climate change. Since that time many have funded climate misinformation and lobbied hard against global rules that would protect our communities from climate change.

When companies make massive profits from pollution and products that cause pollution, this is known as an “externality.” It creates an economic system where some parties make money while the rest of us pay for the harm that they cause. Conversely, when companies are made to pay for the harm they cause, they, and their investors and governments, will start to have questions about the profitability of the industry.

Our efforts to reduce the greenhouse gases of our own communities (or even our own country) will only be a small drop in the global bucket. But if our communities demand accountability from **global** fossil fuel companies, the industry will finally have an incentive to stop opposing climate action – or, better yet, to start working for a sustainable future.

What is a Climate Accountability Letter?

A Climate Accountability Letter is a letter written by the representatives of a community to a fossil fuel company asking them to be accountable for the harm caused to that community by their operations and products. These letters are extremely flexible. A community can decide which climate impacts they wish to highlight, whether to demand that the company pay its fair share of current, or future, climate impacts or demonstrate its accountability in some other way.

We provide templates for accountability letters for your community to adapt on the climate law in our hands website.ⁱⁱ We also provide a spreadsheet with the addresses and share of global greenhouse gas emissions of 20 of the world's largest fossil fuel companies.

Is this within local government jurisdiction?

Municipalities and regional districts are incurring and will continue to incur costs related to climate change. Prudent management of their financial resources requires local governments to at least consider the possibility that some of those costs can be recovered from fossil fuel companies and, if appropriate, to take steps to do so.

One of the purposes of municipalities (according to the BC Community Charter) is “fostering the economic, social and environmental well-being” of the community – so Council also has a clear mandate to play its part in addressing climate change globally.

Why target fossil fuel companies?

Some argue that we're all responsible for climate change, but if so, surely we can agree that some of us are more responsible than others?

In 2013 a peer-reviewed paper "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010"ⁱⁱⁱ estimated the emissions from the operations and products of 90 entities – primarily fossil fuel companies. Just 20 of those fossil fuel companies – the 20 that we are asking you to write to – are responsible for almost 30% of the fossil fuels in the global atmosphere today.

But for the actions of these companies in extracting fossil fuels from the ground, and (in many cases), processing, transporting, marketing, and selling them for use by end consumers, these emissions would not have

ended up in our atmosphere. That's doubly true if you consider the impact of some of these companies in lobbying against action on climate change and in funding public misinformation on climate science. Had these companies acted, when they learned of the science of climate change in the 1960s, to shift the economy towards renewable energy, we would live in a very different, and more sustainable, society.

In addition, a focus on local impacts caused by fossil fuel companies creates new opportunities for local communities to have a global impact. Rather than focusing only on reducing the comparatively small amounts of greenhouse gases created in our own communities, we can also have a conversation about 30% of global emissions.

Shouldn't the Canadian (or BC) government be taking action?

Yes, of course all levels of government should be taking action to fight climate change. But the Canadian and BC governments still rely on the fossil fuel industry in many ways – from campaign contributions to hopes of economic growth.

The fact that the senior levels of government have not yet taken action to hold fossil fuel polluters accountable does not mean that local governments cannot take action to recover their own climate costs. Indeed, a community concerned about local costs of climate change may be more willing to show leadership to protect its residents and environment, and may be more willing to

have a discussion about the role of the fossil fuel industry in contributing to those costs.

Sometimes when people look to the provincial or federal governments for climate leadership, they are looking for regulation of sources of greenhouse gases. While such regulation is important, such laws can only regulate emissions or other activities that take place in Canada (or in BC). The claims for compensation related to climate accountability that we recommend use legal tools that can cross borders and address global sources of emissions.

Do you drive cars (or use gas)?

In response to the 25 January 2017 letter, three mayors independently wrote to us with variations on the message that if we use fossil fuels, we cannot ask for the fossil fuel industry to be held accountable.

We are not denying that individuals play a role in reducing their own greenhouse gas emissions (while recognizing that the options available to individuals to entirely eliminate their fossil fuel use in today's society are limited). Nor are we suggesting that fossil fuels could be eliminated tomorrow.

What we are suggesting is that the responsibility of fossil fuel companies is at least as great as that of the individual, and they should pay their fair share of the costs. We are further suggesting that once the industry realizes that it may be required to pay its fair share, there will be a powerful incentive for the system to change – creating more options for individuals seeking to reduce their greenhouse gas emissions. This is a crucial step in helping society as a whole move away from gas-powered vehicles (and uses of fossil fuels involving combustion).

In the fight to phase out ozone-destroying HFCs, no one ever told those concerned about the ozone layer: “Yeah, but do you own a refrigerator?”

Am I signing up for a lawsuit?

By sending Climate Accountability Letters, your community is simply initiating a conversation, not a lawsuit, about the role of the fossil fuel industry in causing climate harm to your community.

In the 25 January 2017 letter sent to your government, we did also encourage you to consider the possibility of a class action by all BC local governments against some fossil fuel companies. However, sending letters to the fossil fuel companies does not commit your government to participate in or support such a court case.

If your community is interested in exploring the possibility of a lawsuit against the fossil fuel industry, please do contact us for more information.

How do I find out more?

Contact Andrew Gage at agage@wcel.org or 250-412-9784 or learn more on the Climate Law in our Hands initiative website at www.climatelawinourhands.org.

ⁱ <http://www.eenews.net/stories/1059999532>; The insurance company subsequently dropped the lawsuit, but the case stands as a warning to local governments that fail to prepare for climate change.

ⁱⁱ www.climatelawinourhands.org/demand-accountability

ⁱⁱⁱ Heede, R. "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y



File: 0110.20

July 14, 2017

Capital Regional District Board
PO Box 1000, 625 Fisgard Street
Victoria BC V8W 2S6

Dear Chair Desjardins,

RE: CLIMATE RESPONSIBILITY/ FOSSIL FUEL

At the June 5, 2017 regular meeting of District of Highlands Council, Andrew Gage of West Coast Environmental Law provided District of Highlands Council a presentation of Climate Accountability.

Included in Mr. Gage's presentation was the proposal that Local Governments in British Columbia forward a Climate Accountability Letter to the world's largest fossil fuel companies. Ultimately Highlands Council endorsed this request and has forwarded letters requesting that these 20 companies pay their fair share of costs associated with preparing for Climate Change.

Attached for reference is the information received by Council at the June 5, 2017 Council meeting.

District of Highlands Council encourages all local governments in the Capital Region to send similar letters.

Yours truly,

Ken Williams
Mayor





File: 5280.30

June 30, 2017

Chevron
6001 Bollinger Canyon Road
San Ramon CA 94583
USA

Attn. CEO of Chevron

Dear Sirs/Mesdames:

Re: Chevron Fair Share of Climate Costs in Highlands, BC, Canada

We write as the Mayor and Council of the District of the Highlands, a municipality on the south end of Vancouver Island. Like other communities around the world, we are increasingly concerned about the harmful effects that climate change will have on our community and on other communities around the world.

We are being forced to prepare for progressively more serious impacts. We are already facing increased fire risk, summer droughts (most of our residents' are on wells) and extreme winter rain events. Increased winter precipitation is impacting our roads and stormwater management and increasing our costs as a local government. A coastal community, we are concerned about rising sea-levels and coastal erosion as well, although most of our lands are well above sea-level.

We expect the climate-costs facing our community to rise as global temperatures increase and as we examine how best to help our residents withstand the current and expected impacts. Climate change – as a result of fossil fuel pollution – is now inevitable, and growing more severe as you continue to market your products without aggressively moving to a different, more sustainable business model. Because of this pollution, we need to plan for and adapt to ongoing changes in our local climate, caused by rising global temperatures, so as to avoid future economic and other impacts of climate change on our District.

As we move forward with preparing our community and infrastructure for climate change, we will be incurring additional costs and inconvenience as a result of the increased severity of climate change attributable to your products and operations.



1980 Millstream Road, Victoria, B C V9B 6H1
Tel: 250-474-1773 Fax: 250-474-3677 Web: www.highlands.ca

While we recognize that individual consumers, and our community, do play a role in the fossil fuel economy, your company has had the power to lead the transition away from that economy, but has instead profited to the tune of many billions of dollars from products that you have known, or should have known, would harm our communities.¹ You cannot make billions of dollars selling your product, knowing that it is causing significant financial harm to communities around the world, and not expect to pay at least some of that harm.

All communities will expect you to pay your fair share of the costs associated with preparing the Highlands for climate change. It has been estimated, by the source noted below, that the emissions from those products and operations amount to fully 3.34% of historic human-caused greenhouse gas emissions,² and we suggest that this figure is a reasonable basis for estimating your company's fair share of costs incurred due to climate change.

We expect your industry to take cradle to grave responsibility for your product – and that starts by taking responsibility for its effects in the atmosphere and the resulting harm to communities. In addition, we would like to hear what steps you plan to take to reduce or eliminate the future impacts of your company's products on our community.

We know that our community will end up sharing some of the costs of climate change, even if you and other fossil fuel companies do pay your fair shares. These would include costs that cannot be recovered. We will do our part to minimize those costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,

Original Signed

Ken Williams
Mayor

¹ <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

² Heede, R. "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010" *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y, updated to 2013 at http://climateaccountability.org/carbon_majors_update.html, last accessed 23 September 2016.



«Responsible_Company»
 «Address_1»
 «Address_2»
 «City», «State» «Postal»
 «Country»

Attn. CEO of «Responsible_Company»

Dear Sirs/Mesdames:

Re: Climate Adaptation in [Community] – Your company’s responsibility

As you know, fossil fuel pollution from your products is the main cause of climate change. Like other communities around the world, our community is already seeing the harmful effects of climate change, and we are being forced to prepare for progressively more serious impacts. As the elected government of [Community], we have a responsibility to our citizens to ensure that our infrastructure and services are developed and maintained in ways that will be able to withstand the “new normal” that climate scientists have predicted for our region, and that our citizens are well protected from future climate impacts.

We write to inform you that we are committed to the process of preparing for the impacts that our community is projected to experience due to climate change. Climate change – as a result of pollution from your products – is now inevitable, and growing more severe as you continue to market them and work against a transition away from fossil fuels. However, we know that by planning for and adapting to these measures at an early date, we can minimize future economic and other impacts of climate change.

As a community, we will expect you to pay your fair share of the costs associated with developing and implementing adaptation plans. It has been estimated that products produced by [your company] are responsible for fully «M__of_GHGs_to_2013»% of historic greenhouse gas emissions.¹ Your industry has been aware of the role of fossil fuels in causing climate change and the types of impacts that communities such as ours would suffer as a result from the 1960s at least.²

Since then, however, your company has continued marketing your harmful products and many within your industry have worked, directly or indirectly, to delay or prevent the transition to a carbon free economy.³ While we recognize that individual consumers do play a small (although individually insignificant) role in the fossil fuel economy, your company has had the power to lead the transition

¹ Heede, R. “Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010” *Climatic Change* (2014) 122: 229. doi:10.1007/s10584-013-0986-y, updated to 2013 at http://climateaccountability.org/carbon_majors_update.html, last accessed 23 September 2016.

² <https://www.smokeandfumes.org/fumes>, last accessed 23 September 2016.

³ <http://www.ucsusa.org/sites/default/files/attach/2016/03/backgrounder-fossil-fuel-industry-climate-science-deception.pdf>, last accessed 23 September 2016; <http://www.fossilfreemit.org/wp-content/uploads/2014/08/FossilFreeMIT-Lobbying-Disinformation.pdf>, last accessed 23 September 2016.

away from that economy, but has instead profited to the tune of many billions of dollars from products that use our global atmosphere as a garbage dump, at the expense of our communities.

It is our position that you – in marketing a product that you knew would cause harm to our community and in opposing alternatives to that product – have played a key role in degrading the global atmosphere and creating a range of threats to our community. Your contribution is readily detectable globally and is therefore considered legally significant and actionable.

It is our responsibility – as one of the communities that face the consequences of that public nuisance to take action to protect ourselves and our citizens from the public nuisance that you have contributed to. The common law recognizes this responsibility and confirms that expenses associated with mitigating the risks of a nuisance can be recovered from those who have caused them.

Accordingly, as we undertake the task of planning for, and building and modifying our infrastructure and services and developing a community that can withstand current and anticipated climate change, we expect you to pay your fair share of the resulting costs – which we assert is equivalent to your proportionate contribution to climate change (ie. «M__of_GHG_s_to_2013»% in the case of your company). You cannot make billions of dollars selling your product, knowing that it is causing significant financial harm to communities around the world, and not expect to pay at least that much.

If you do not agree that «M__of_GHG_s_to_2013»% is your fair share, please inform us what proportion is your fair share, and why. In addition, we would like to hear what steps you plan to take to reduce or eliminate the future impacts of your company's products on our community.

Even if fossil fuel companies like yours do pay your respective shares (either voluntarily or through legal recourse), our community will still bear the costs of climate change – for example, costs that cannot be recovered from now defunct companies or loss and damage that are not prevented through adaptation. However, we are committed to doing our part to minimize those costs and impacts, and we look forward to your confirmation that you will do your part as well.

Sincerely,

Mayor of [Community]

Appendix 5

% of GHGs to 2013	Responsible Company	Address 1	Address 2	City	State	Postal	Country
3.34	Chevron	6001 Bollinger Canyon Road		San Ramon	CA	94583	USA
3.29	Saudi Aramco	P.O. Box 5000		Dhahran		31311	Saudi Arabia
3.1	Exxon Mobil	5959 Las Colinas Boulevard		Irving	Texas	75039-2298	USA
2.38	BP p.l.c.	1 St James's Square		London		SW1Y 4PD	United Kingdom
2.33	Gazprom	16 Nametkina St.		Moscow		GSP-7, 117997	Russian Federation
2.06	Royal Dutch Shell plc	PO box 162	2501 AN	The Hague			The Netherlands
2.02	National Iranian Oil Company	Hafez Crossing	Taleghani Av	Tehran			Iran
1.39	PEMEX	Avenida Marina Nacional #329 C 3,	Col. Verónica Del. Miguel Hidalgo	Distrito Fed		11300	Mexico
1.16	Coal India Limited	Coal Bhawan, Premise No-04 MAR	Plot No-AF-II Newtown, Rajarhat	Kolkata		700156	India
1.12	Conoco Phillips	600 North Dairy Ashford (77079-1175)	P.O. Box 216	Houston	TX	77252-2197	USA
0.89	Peabody Energy	Peabody Plaza	701 Market	St. Louis	MO	63101-1826	USA
0.88	Petroelios de Venezuela, S.A.	Av. Libertador La Campiña 169	Ed. Petróle	Caracas		1010-A	Venezuala
0.82	Total SA	Tour Coupole - 2 place Jean Millier	Arche Nord	Paris	La Défense	92078	France
0.78	PetroChina (CNPC)	9 Dongzhimen North Street	Dongcheng I	Beijing		100007	P.R.China
0.75	Kuwait Petroleum Corp.	P.O. Box: 26565		Safat		No. 13126	Kuwait
0.7	Murray Energy Corporation	46226 National Road		St. Clairsville	Ohio	43950	USA
0.66	Sonatrach	Djenane El Malik		Hydra		160335	Algeria
0.59	CONSOL Energy Inc.	CNX Center	1000 Consol	Canonsburg	PA	15317-6506	USA
0.55	BHP Billiton Limited	BHP Billiton Centre	171 Collins St	Melbourne	Victoria	3000	Australia
0.51	Iraq National Oil Company	c/o Iraq Ministry of Oil	PO Box 6178		Baghdad		Iraq
29.32	Combined Total						

Key	Privately Owned Corporation
	State Owned Corporation

Notes:

The estimates of responsibility for greenhouse gases from 1854-2013 are based on the "Carbon Majors" research of Richard Heede, found at http://www.climateaccountability.org/carbon_majors_update.html (last accessed 12 January 2017) which is an update of Heede's peer reviewed paper: Heede, R. "Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854–2010", Climatic Change (2014) 122: 229. doi:10.1007/s10584-013-0986-y.

West Coast Environmental Law has made reasonable efforts to identify the appropriate address for each corporate entity, but makes no guarantees. Anyone seeking to rely upon the above addresses should confirm the addresses themselves.