UPDATED AMENDED AGENDA
COMMITTEE OF THE WHOLE
MEETING OF JULY 6, 2017, AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE

Located on the traditional territory of the Esquimalt and Songhees People

Page

CONSENT AGENDA

READING OF MINUTES

1. Minutes from the Meeting held June 15, 2017 — 9 - 29

2017_06_15_Minutes

Presentation

2. Greater Victoria Harbour Authority Annual Presentation — 31 - 36
--I. Robertson, CEO - Greater Victoria Harbour Authority

A presentation regarding the Harbour Authorities annual updates on activities and an overview of their 2016/2017 financials.

Late Item: Presentation

LATE_Presentation

[Addenda]

UNFINISHED BUSINESS

3. ~~Update on Royal and McPherson Theatres Society~~**Deferred to the July 13, 2017 COTW Meeting**
~~*--Councillors Alto & Madoff*~~

[Addenda]

4. Letter from the Capital Regional District — 37 - 55
Referred by Council from the Meeting of June 22, 2017

A letter dated April 24, 2017 seeking input on a motion regarding the Foreign Purchaser Property Transfer Tax, brought forward as per the Council Member Motion from May 11, 2017.

Late Item: CRD Minutes and Report

1_Letter from the Capital Region District
2_LATE_Draft Minutes from the CRD Board Meeting of June 14, 2017
3_LATE_CRD Staff Report_Foreign Purchaser Property Transfer Tax_June 14, 2017 Meeting
4_LATE_Appendix A_Notice of Motion and Support Documentation
5_LATE_Appendix B_View Royal Response
6_LATE_Appendix C_Highlands Response

[Addenda]

5. Letter from Generation Squeeze 57 - 59
Referred by Council from the Meeting of June 22, 2017

A letter dated April 20, 2017 expressing the organization's support for asking the province to apply the Foreign Buyers' Tax to Victoria and the Capital Regional District, brought forward as per the Council Member Motion from May 11, 2017.

Letter from Generation Squeeze

LAND USE MATTERS

6. a. Rezoning Application No. 00538 for 335 Moss Street (Fairfield) 61 - 133
--J. Tinney, Director of Sustainable Planning & Community Development

A report providing information and recommendations regarding an application to subdivide the lot to create one small lot, while maintaining the existing house on a regular lot.

Late Item:Presentation & Correspondence

Recommendation:That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00538 for 335 Moss Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

1_Report_REZ 00538_335 Moss Street
2_Attachment_Maps
3_Attachment_Plans
4_Attachment_Letter to Mayor and Council
5_Attachment_CALUC Meeting Minutes
6_Attachment_Small Lot Rezoning Petition
7_LATE_Presentation
8_LATE_Correspondence

9_LATE LATE_Correspondence

[Addenda]

6. b. Development Permit Application No. 00538 for 335 Moss Street (Fairfield) 135 - 139

--J. Tinney, Director of Sustainable Planning & Community Development

A report providing information and recommendations regarding an application to subdivide and create one small lot while retaining the existing house on a regular lot.

Please refer to the Rezoning Application for attachments.

Recommendation: ***That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00538, if it is approved, consider the following motion: "That Council authorize the issuance of Development Permit with Variances Application No. 00538 for 335 Moss Street, in accordance with: 1. Plans date stamped May 19, 2017. 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances for the Existing Dwelling: i. Part 1.2.5 (c) - reduce the minimum required side yard setback from 3.00m to 1.30 ii. Part 1.2.5 (d) – reduce the minimum required combined side yard setback from 4.5 m to 3.1m. 3. The Development Permit lapsing two years from the date of this resolution."***

1_Report_DPwV 00538_335 Moss Street

7. Development Permit with Variances Application No. 00023 for 2770 Pleasant (Burnside) 141 - 164

--J. Tinney, Director of Sustainable Planning & Community Development

A report providing information and recommendations regarding an application to install a 66.9m2 pre-fabricated office trailer and truck scale in an existing metals recycling yard.

Late Item: **Presentation**

Recommendation: ***That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion: "That Council authorize the issuance of Development Permit with Variances Application No. 00023 for 2770 Pleasant Street subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building and equipment straddling the property line to the satisfaction of the City Solicitor, in accordance with: 1. Plans date stamped June 16, 2017 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances: i. reduce Class 1 bicycle space requirement from four to zero; ii. relaxation to permit construction over the lot lines for the office trailer structure. 3. The Development Permit lapsing two years from the date of this resolution."***

1_Report_DPwV 00023_2770 Pleasant Street
2_Attachment_Maps
3_Attachment_Plans
4_Attachment_Letter to Mayor and Council
5_Attachment_Letter from CALUC
6_LATE_Presentation

[Addenda]

8. Request to remove off-site parking easement and covenant at 324/328 Cook Street 165 - 183

--J. Tinney, Director of Sustainable Planning & Community Development

A report providing information and recommendations regarding a proposal to the remove an off-site parking easement and covenant from the property located at 324/328 Cook Street.

***Recommendation:*That Council authorize the Mayor and City Clerk to execute a legal instrument, in the form satisfactory to the City Solicitor, to discharge off-site parking easement number EX143925 (as modified by FA103662) and covenant number EX143926 (as modified by FA103663) from the property located at 324/328 Cook Street.**

1_Report_Request to remove off-site parking easement and covenant at 324 - 328 Cook Street
2_Attachment_Maps
3_Attachment_Letter to Mayor and Council
4_Attachment_Off-Site Parking Easement No. EX143925 andCovenant No. EX143926
5_Attachment_Off-Site Parking Easement No FA103662 and Covenant No. FA103663

9. Request to discharge and replace existing Statutory Right of Way, 755Caledonia Street (Hudson Walk) 185 - 226

--J. Tinney, Director of Sustainable Planning & Community Development

A report providing information and recommendations regarding a proposal to discharge and replace a SRW from title and replace this with a new SRW on the property 755 Caledonia Street.

Late Item:Presentation

***Recommendation:*That Council authorize the Mayor and City Clerk to execute legal instruments, in a form satisfactory to the City Solicitor, to discharge Statutory Right of Way numbers CA4143281 and CA4143284 and register a replacement Statutory Right of Way on the property with the civic address of 755 Caledonia Street.**

1_Report_Request to discharge and replace existing Statutory Right of Way, 755 Caledonia Street (Hudson Walk)
2_Attachment_Letter to Mayor and Council
3_LATE_Presentation

[Addenda]

10. a. Appointment of a Representative to the 2016 Regional Growth Strategy Dispute Resolution Process 227 - 240

--J. Tinney, Director of Sustainable Planning & Community Development

An appointment in response to the June 8, 2017 Council Motion to appoint a representative to the Regional Growth Dispute Resolution Process.

Recommendation: ***That Council appoint a Council Member to the 2016 Regional Growth Dispute Resolution Process.***

Minutes and Report re Appointment of a Representative to the 2016 Regional Growth Strategy Dispute Resolution Process

10. b. **Late Item:** City of Victoria Policy in Regional Growth Strategy Mediation 241 - 334

--Councillor Isitt

A Council Member Motion providing a policy to guide the City's participation as an intervenor in the Regional Growth Dispute Resolution Process.

Recommendation:*That Council adopt the following position in the Regional Growth Strategy mediation process in support of the positions of Central Saanich, Highlands, North Saanich, Saanich and View Royal with respect to encouraging compact and complete communities, discouraging urban sprawl and retaining effective growth management tools: 1. Endorsing concerns expressed by the District of Central Saanich that policies 2.2 (1) and (2) need to be strengthened to avoid development and sprawl on rural lands in Electoral Areas which would be contrary to the objectives of the Regional Growth Strategy to support complete and compact communities, but Council is supportive of water servicing from localized community water sources. 2. Endorsing the position of the District of Highlands that the 2003 Regional Growth Strategy is a stronger tool to support managed growth for the benefit of the entire region, and that incremental sprawl affects biodiversity, increases greenhouse gases and fundamentally negates the values of a Regional Growth Strategy. 3. Endorsing the objection from the District of North Saanich to provisions 1.1 (Keep Urban Settlement Compact) and 1.2 (Protect the Integrity of Rural Communities) for the following reasons: a) There are not sufficient integrated objectives and targets with respect to reduced development pressures contained in the RGS which would strengthen the protection of rural communities; b) There are not clear population projections broken by municipality to provide sufficient certainty;c) There is not sufficient strength in aspirational targets such as the food systems target to ensure objectives are met, particularly containing development and meeting crop production goals; d) Food systems targets are not linked to food security and climate change*

targets; e) Meeting climate action targets are not linked specifically to rural communities, which have a high percentage of transportation by cars and a large agricultural land base, limiting their ability to meet climate change targets. The RGS does not fully integrate climate action considerations into all aspects of regional growth management; f) The RGS ought to specifically demonstrate how land use designations in Regional Context Statements correspond to the RGS to limit growth; and g) That urban containment boundaries are a more certain and effective approach to protecting rural communities than emphasizing urban growth areas. 4. Endorsing the objection of the District of North Saanich to provision 6.1 (Foster a Resilient Food and Agriculture System) for the following reason: the target of 5,000 ha is aspirational and not linked to population projections or food security. 5. Endorsing the position of the District of Saanich that in comparison to the existing 2003 Regional Growth Strategy, it would appear that the proposed 2016 Regional Growth Strategy reduces the emphasis on a regional and focused approach to sustainable growth management, and that the 2016 RGS can be strengthened through the following actions: a) Including a strong regional growth management hierarchy, which indicates the location of Centres where growth should be focused and investments in infrastructure and transportation facilities should be prioritized; b) Applying stronger criteria to limit future water extensions outside the Growth Area boundary to prevent significant additional development in outlying Rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary; and c) Develop a robust monitoring and adaptation program to assess progress towards Regional Growth Strategy targets and objectives. In particular, the targets to accommodate 95% of new dwelling units within the Growth Policy Area and to reduce greenhouse gas emissions by 61% below 2007 levels will need to be evaluated on a regular basis. 6. Endorsing the objection of the Town of View Royal to provisions 2.2.2 and 2.2.4 for the following reasons: a) That additional development on rural and resource lands is at the expense of development of lands within the Urban Containment Boundary; b) That additional development on rural and resource lands will contribute to further transportation challenges in the region, and does not allow for efficient public transportation, increases greenhouse gas emissions, and does not provide for jobs/housing balance; c) That rural development will further contribute to GHG emissions by encouraging a high-carbon built form.

1_Report_City of Victoria Policy for Regional Growth Strategy Mediation
2_Attachment 1_Record of Resolutions
3_Attachment 2_Draft RGS Bylaw 4017

[Addenda]

STAFF REPORTS

NOTICE OF MOTIONS

NEW BUSINESS

11. Off-leash Dog Park Pilot Project in Barnard Park 335

--Councillors Loveday & Thornton-Joe & Mayor Helps

A Council member motion providing recommendations regarding an off-leash dog area in Barnard Park, on a trial basis.

Recommendation:Therefore Be It Resolved that Council directs staff to report back on impacts and advisability of allowing for dogs off-leash on a trial basis in Barnard Park.

Off-leash Dog Park Pilot Project in Barnard Park

12. Storefront Cannabis Retailer Rezoning Policy 337 - 341
--Councillors Lucas & Thornton-Joe

A Council member motion providing recommendations to amend the policy to increase the distance between cannabis dispensaries.

Recommendation:BE IT RESOLVED THAT Council consider a change to the Storefront Cannabis Retailer Rezoning Policy: a) to change the distance from 200m to 400m that a storefront cannabis retailer (in a straight line from the closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active or not (sample map attached). b) this Policy does not limit Council from considering variances to the separation distances noted in the Policy based on circumstances related to a specific application.

Late Item: Letter of support from the Downtown Residents Association

1_Council Motion_Storefront Cannabis Retailer Rezoning Policy
2_Attachment_Map
3_LATE_Letter from the DRA_Support for Bylaw Amendments

[Addenda]

13. Naming of the James Bay Library 343
--Councillor Young

A Council member motion providing recommendations regarding a process for the naming of the new James Bay Library Branch.

Recommendation:That the City request public input as to a suitable name for the James Bay branch of the Greater Victoria Public Library.

Naming of James Bay Branch

14. **Late Item:** Advocacy for Provincial and Federal Investment in the E & N Rail Corridor 345
--Councillor Isitt

A Council member motion providing recommendations on a request for Provincial and Federal investment in the E & N Rail Corridor.

Recommendation: ***That Council endorse the following resolution and request that the Mayor write, on behalf of Council, to the Provincial and Federal Ministers responsible for Transportation and Infrastructure, forwarding this resolution and requesting favourable consideration, with copies sent to the Premier and Prime Minister, the Island Corridor Foundation, the Capital Regional District, and local governments and First Nations governments on Vancouver Island: Resolution: Provincial and Federal Investment in E & N Rail Corridor WHEREAS the City of Victoria's Strategic Plan 2015-2018 identifies the strategic action to work with other municipalities, First Nations and other partners to get the train running between Victoria and Langford; AND WHEREAS rail provides a viable long-term option for the transport of people and goods on Vancouver Island that aligns with a commitment to climate action and compact, complete communities; AND WHEREAS a lack of investment in the Esquimalt & Nanaimo (E & N) Rail Corridor between Victoria, Courtenay and Port Alberni has resulted in unrealized economic opportunities and limited transportation options; THEREFORE BE IT RESOLVED THAT the City of Victoria requests Provincial and Federal investment in the E & N Rail Corridor in the next Provincial and Federal budgets, to allow for the establishment as soon as possible of efficient commuter rail service between Victoria, the Western Communities and the Cowichan Valley, and restoration of inter-city passenger rail service between Victoria and Courtenay; AND BE IT FURTHER RESOLVED THAT consideration be given to electrification of the rail line between Victoria and Courtenay, to reduce reliance on fossil fuels and provide a clean energy option for the transport of people and goods on Vancouver Island.***

Report Advocacy for Provincial and Federal Investment in the E & N Rail Corridor

[Addenda]

APPROVAL OF AGENDA

ADJOURNMENT

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD THURSDAY, JUNE 15, 2017, 9:00 A.M.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:01 A.M.

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

Staff Present: J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; C. Havelka – Deputy City Clerk; P. Bruce – Fire Chief; S. Thompson – Director of Finance; T. Soulliere – Director of Parks, Recreation, & Facilities; F. Work – Director of Engineering & Public Works; J. Tinney – Director of Sustainable Planning & Community Development; T. Zworski – City Solicitor; A. Hudson – Assistant Director of Community Planning; A. Meyer – Assistant Director of Development Services; R. Morhart – Manager of Permits & Inspections; C. Mycroft – Manager of Executive Operations; R. Bateman – Senior Process Planner; L. Milburn – Senior Planner, Housing Policy; M. Angrove – Planner; A. Johnston – Planner; R. Penz – Citizen Engagement Advisor; A. M. Ferguson – Recording Secretary

Guests: Ms. S. Davis – Victoria Youth Council; Ms. E. Hanna – Victoria Youth Council; Ms. S.M. Bhandar – Victoria Youth Council; Ms. Z. Chaudhry – Victoria Youth Council; Ms. E. de Rosenroll – Executive Director, South Island Prosperity Project; Mr. A English – P. Eng, Vice President, WSP

2. APPROVAL OF AGENDA

Motion: It was moved by Councillor Coleman, seconded by Councillor Isitt, that the Agenda of the June 15, 2017, Committee of the Whole meeting be approved.

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the Agenda of the June 15, 2017, Committee of the Whole meeting be amended to move item no. 21 - Correcting the Zoning of Residential Strata Buildings in Downtown Victoria, to take place after item no. 7.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Coleman, seconded by Councillor Alto, that the Agenda of the June 15, 2017, Committee of the Whole meeting be amended as follows:

Consent Agenda:

Item No. 1 – Minutes from the Meeting held May 18, 2017

Item No. 12 – Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

Item No. 13 – Application for a change to a Food-Primary License to add an Entertainment Endorsement to Liquor License (003279), Argyle Attic, 850 Blanshard Street

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that the Agenda of the June 15, 2017, Committee of the Whole meeting be amended to include the following additional item on the consent agenda:

Consent Agenda:

Item No. 20 – Council Member Motion: Urban Development Institute Tour of Austin Texas

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That the amended Agenda of the June 15, 2017, Committee of the Whole Meeting be approved with the following amendments:

Consent Agenda:

Item No. 1 – Minutes from the Meeting held May 18, 2017

Item No. 12 – Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

Item No. 13 – Application for a change to a Food-Primary License to add an Entertainment Endorsement to Liquor License (003279), Argyle Attic, 850 Blanshard Street

Item No. 20 – Council Member Motion: Urban Development Institute Tour of Austin Texas

DRAFT

Other Item:

Item no. 21 - Correcting the Zoning of Residential Strata Buildings in Downtown Victoria, to take place after item no. 7.

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

3. Presentation

3.1 City of Victoria Youth Council

Council received a presentation from Ms. Shae-Linn Davis, Ms. Emma Hanna, Ms. Sara Maya Bhandar, and Ms. Zara Chaudhry with the City of Victoria Youth Council regarding activities and initiatives.

Motion: It was moved by Mayor Helps, seconded by Councillor Lucas, that Council receive the presentation for information.

Committee discussed:
- The growth and value of the Youth Council.

CARRIED UNANIMOUSLY 17/COTW

3.2 South Island Prosperity Project

Council received a presentation from Ms. Emilie de Rosenroll, Executive Director with the South Island Prosperity Project regarding the project's past and future projects and initiatives.

Motion: It was moved by Councillor Alto, seconded by Councillor Isitt, that Council receive the presentation for information.

Committee discussed:
- The Annual General Meeting to be held on June 29th at the University Club.

CARRIED UNANIMOUSLY 17/COTW

Councillor Loveday withdrew from the meeting at 9:41 a.m. and returned at 9:42 a.m.

4. UNFINISHED BUSINESS

4.1 Johnson Street Bridge Project Update

Committee received a memo dated June 14, 2017, from Mr. Angus English, Project Director with WSP regarding updates and information on the scheduling delays associated with the Johnson Street Bridge Replacement Project.

Committee discussed:

- Concerns about the reliability of the new revised schedule.
- PCL's obligation to monitor its subcontractor ZTSS and concerns about the City needing to oversee this.

Motion: It was moved by Councillor Isitt, seconded by Councillor Alto, that Council receive the report for information.

Committee discussed:

- Issues associated with the external contracting on the bridge project.
- The on-going updates and information with the Johnson Street Bridge and ensuring, as best possible, timely and transparent information.
- The fact that the corrosion is a cosmetic concern rather than a structural issue.

CARRIED UNANIMOUSLY 17/COTW

4.2 Crystal Pool Upgrade - Lessons Learned from Johnson Street Bridge

Committee received a report dated June 15, 2017, from the Project Director for the Johnson Street Bridge Replacement Project regarding some of the lessons learned from the Johnson Street Bridge Replacement Project which should be considered and applied to the Crystal Pool Project.

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

Committee discussed:

- Guidance to deal with risk factors in a more proactive way, including risk analysis for future Council orientations.
- The misleading information received during the procurement process leading to various unknown risks. This included the reputations of the companies, the low quote, and the advice that the uniqueness of the bridge was only specific to the configuration not the technology.
- The choice of PCL to sub-contract to ZTSS with little experience in building bridges to North American Standards.

Amendment: It was moved by Councillor Loveday, seconded by Mayor Helps, that Council receive this report for information, **and;**

1. **Direct staff - in addition to the Project Management Framework - to use this lessons learned report to guide all future capital projects.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, that the motion be amended as follows: That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report to guide ~~all future~~ **current and upcoming** capital projects.

MOTION FAILED DUE TO NO SECONDER

Amendment: It was moved by Councillor Loveday, seconded by Mayor Helps, that the motion be amended as follows:
That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report **and future lessons learned reports** to guide all future capital projects.

Amendment to the amendment:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the amendment be amended as follows:
That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report **and future lessons learned reports** to guide all future capital projects
2. **That training in regards to risk profile and lessons learned for major capital projects be provided to Council members.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amendment be amended as follows:
That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report and future lessons learned reports to guide all future capital projects
2. That training in regards to risk profile and lessons learned for major capital projects be provided to Council members.
3. **Staff be directed to report back to Council on the advisability of establishing a risk management function for capital projects.**

Committee discussed:

- Adding a check-in with Council to the lessons learned policy so Council can reflect on the political lessons learned after capital projects.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council receive this report for information, and;

1. Direct staff - in addition to the Project Management Framework - to use this lessons learned report and future lessons learned reports to guide all future capital projects, and;
2. That training in regards to risk profile and lessons learned for major capital projects be provided to Council members, and;
3. Staff be directed to report to Council on the advisability of establishing a risk management function for capital projects.

Councillor Lucas withdrew from the meeting at 11:22 a.m., due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel.

Councillor Madoff withdrew from the meeting at 11:22 a.m., due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.

Mayor Helps withdrew from the meeting at 11:22 a.m., due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with an AirBnB operator. Councillor Thornton-Joe assumed the chair in her absence.

Committee recessed at 11:22 a.m. and returned at 11:30 a.m.

4.3 Short Term Vacation Rentals – Regulatory Options

Committee received a report dated June 8, 2017, from the Director of Sustainable Planning and Community Development regarding regulatory options for short-term rentals (STR) in downtown Victoria where both residential use and transient accommodation is permitted.

Motion: It was moved by Councillor Alto, seconded by Councillor Isitt, that Council direct staff to:

1. Limit short term rentals in Victoria to the greatest extent possible through appropriate language in the *Zoning Regulation Bylaw,* housing agreements, or other available tools to ensure that all new residential zoned units are used for the primary purpose of housing, rather than as short-term rentals (STR).
2. Bring forward a comprehensive scheme of business regulations for existing and future short term rentals. Such regulations may include:
   a. requirements for a business licence for all short-term rentals
   b. business licence fees
   c. requirement that business activity comply with applicable strata rules
   d. establishing appropriate rules for operation of short-term rentals.
3. Work with the BC Assessment Authority to ensure that properties used for short-term rental are properly assessed as Class 6- business and other
4. Report back with a short-term rental enforcement strategy that will detail considerations for proactive enforcement of City-wide short-term rental including:
   a. benefits and challenges of manual (staff led) enforcement vs. enlisting third party STR management assistance

b. fines and escalatory action for non-compliance
c. audit options to monitor adherence to rules and regulations
d. engaging STR host platforms for regulatory cooperation
e. additional policies, regulations, and programs to ensure compliance with regulations
f. expediting the time frame for rolling out enforcement
g. creating a dedicated short-term rental webpage for clarity and transparency regarding new regulations that outlines the City's progress on reducing short-term rental impact on long-term rental housing availability
h. establishing a monitoring system to evaluate success of short-term rental regulations and the Short-Term Rental Enforcement Strategy

Committee discussed:

- The issues associated with the lack of regulation on short-term rentals.

Amendment: It was moved by Councillor Young, seconded by Councillor Coleman, that the motion be amended in the following point:

3. Work with the BC Assessment Authority to ensure that properties used for short-term rental are properly assessed as Class 6- business and other **and request the province to revise the regulations to facilitate appropriate assessment of properties used for transient accommodation.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Councillor Young withdrew from the meeting at 11:54 a.m. and returned at 11:54 a.m.

Councillor Loveday withdrew from the meeting at 11:55 a.m. and returned at 11:56 a.m.

Main motion as amended:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council direct staff to:

1. Limit short term rentals in Victoria to the greatest extent possible through appropriate language in the *Zoning Regulation Bylaw,* housing agreements, or other available tools to ensure that all new residential zoned units are used for the primary purpose of housing, rather than as short-term rentals (STR).
2. Bring forward a comprehensive scheme of business regulations for existing and future short term rentals. Such regulations may include:
   a. requirements for a business licence for all short-term rentals
   b. business licence fees
   c. requirement that business activity comply with applicable strata rules
   d. establishing appropriate rules for operation of short-term rentals.
3. Work with the BC Assessment Authority to ensure that properties used for short-term rental are properly assessed as Class 6- business and other and request the province to revise the regulations to facilitate appropriate assessment of properties used for transient accommodation.
4. Report back with a short-term rental enforcement strategy that will detail considerations for proactive enforcement of City-wide short-term rental including:

a. benefits and challenges of manual (staff led) enforcement vs. enlisting third party STR management assistance
b. fines and escalatory action for non-compliance
c. audit options to monitor adherence to rules and regulations
d. engaging STR host platforms for regulatory cooperation
e. additional policies, regulations, and programs to ensure compliance with regulations
f. expediting the time frame for rolling out enforcement
g. creating a dedicated short-term rental webpage for clarity and transparency regarding new regulations that outlines the City's progress on reducing short-term rental impact on long-term rental housing availability
h. establishing a monitoring system to evaluate success of short-term rental regulations and the Short-Term Rental Enforcement Strategy

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

4.4 Correcting the Zoning of Residential Strata Buildings in Downtown Victoria

A Council member motion dated June 12, 2017, from Councillors Isitt, Loveday, and Thornton-Joe regarding changes to the zoning of residential strata properties in Downtown Victoria, removing transient accommodation as a permitted use.

Motion: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to:

1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
2. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
3. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
4. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

Councillor Alto withdrew from the meeting at 12:04 p.m. and returned at 12:06 p.m.

Committee discussed:

- Impacts of this motion on staff's recommendations.

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

That Council direct staff to:

1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
2. **Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw.**
3. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

Amendment to the amendment:

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

That Council direct staff to:

~~1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;~~

1. **Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw.**
2. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
3. **Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;**
4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.

5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

On the amendment to the amendment:
DEFEATED 17/COTW

For: Councillor Young
Against: Councillors Alto, Coleman, Isitt, Loveday, and Thornton-Joe

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amendment be amended as follows:
That Council direct staff to:

2. **Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw (c) legal non-conforming status.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council direct staff to:

1. Prepare bylaw amendments for first reading to correct the zoning of residential strata property in Downtown Victoria, removing transient accommodation as a permitted use;
2. Provide the following information to Council when the bylaw amendments are considered for first reading: (a) the number of buildings and units to which this change would apply; and (b) the resource requirements of initiating this change to the Zoning Regulation Bylaw (c) legal non-conforming status.
3. Convene a public hearing as part of the rezoning process to provide members of the public, including owners of residential strata property in Downtown Victoria, with the opportunity to provide input to Council prior to final consideration of the bylaw amendments;
4. Invite residential strata councils to indicate to the City whether they consent by mutual agreement to amending Housing Agreements registered on title, to clarify that provisions barring strata councils from introducing bylaws restricting rentals shall apply only to rentals under the Residential Tenancy Act, and that strata councils shall have the authority to introduce bylaws restricting transient accommodation and short-term rentals.
5. Prepare these bylaw amendments for Council's consideration on a priority basis, reflecting the severity of the housing affordability and housing availability crisis in Victoria.

On the main motion as amended:
CARRIED 17/COTW

For: Councillors Alto, Coleman, Isitt, Loveday, and Thornton-Joe
Against: Councillor Young

Councillor Lucas returned to the meeting at 11:53 a.m.

Councillor Madoff returned to the meeting at 11:53 a.m.

Mayor Helps returned to the meeting at 11:53 a.m. and assumed the chair.

Motion: It was moved by Councillor Alto, seconded by Councillor Lucas, that the following additional item be included on the consent agenda for the June 15, 2017, Committee of the Whole meeting:

Consent Agenda:

Item No. 16 – Update and Consolidation of Building and Electrical Bylaws

CARRIED UNANIMOUSLY 17/COTW

3. CONSENT AGENDA

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

3.1 Minutes from the Meeting held May 18, 2017

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that the minutes from the Meeting held May 18, 2017, be adopted.

CARRIED UNANIMOUSLY 17/COTW

3.2 Heritage Designation Application No. 000164 for 1402-1406 Douglas Street

Committee received a report dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding an application to designate the exterior of the Heritage-Registered property located at 1402-1406 Douglas Street.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council consider the following motion:
"That Council approve the designation of the property located at 1402-1406 Douglas Street, pursuant to Section 611 of the *Local Government Act,* as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

CARRIED UNANIMOUSLY 17/COTW

3.3 Application for a change to a Food-Primary License to add an Entertainment Endorsement to Liquor License (003279), Argyle Attic, 850 Blanshard Street

Committee received a report dated May 26, 2017, from the Director of Sustainable Planning and Community Development regarding an application by Argyle Attic to

change their Food-Primary License and add an Entertainment Endorsement at 850 Blanshard Street.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to the location of the establishment, the occupant capacity and the hours of liquor service, supports the application of Argyle Attic, located at 850 Blanshard Street, to add an Entertainment Endorsement to their Food-Primary Liquor License. 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 not expected to be appreciatively different than that generated by the existing operations. It is understood that there is no change to the existing approved occupant load or hours of operation.
   b. If the application is approved the impact on the community is expected to be positive, as the approval supports the long term viability of the business in the community. Approval is not expected to be disruptive to the community.
   c. The views of residents were solicited via a mail-out to neighbouring property owners and occupiers within 50 metres of the licensed location, as well as a notice posted at the property. The City received one letter in support of the application.
   d. Council recommends the issuance of the license as the requested change benefits the business and is compatible with the neighbourhood.

CARRIED UNANIMOUSLY 17/COTW

3.4 Council Member Motion: Urban Development Institute Tour of Austin Texas

A Council member motion dated June 12, 2017, from Councillor Lucas regarding a conference attendance request for the UDI tour of Austin Texas.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council approve the attendance of Councillor Margaret Lucas at the UDI Tour of Austin Texas.

CARRIED UNANIMOUSLY 17/COTW

3.5 Update and Consolidation of Building and Electrical Bylaws

Committee received a report dated June 8, 2017, from the Director of Sustainable Planning and Community Development regarding an updated and consolidated Building and Plumbing Bylaw.

Motion: It was moved by Councillor Coleman, seconded by Councillor Alto, that Council advance the proposed Building and Plumbing Bylaw to first and second reading and that Council direct staff to:

1. Present the proposed Building and Plumbing Bylaw for information to the Urban Development Institute and the Victoria Residential Homebuilders

Association as well as to the public at an in-house information session prior to adoption.

2. Revise applicable engineering bylaws and/or standards to address technical requirements related to infrastructure, site drainage and enforcement where they are more appropriately addressed.

CARRIED UNANIMOUSLY 17/COTW

Committee recessed at 12:54 p.m. and returned at 1:25 p.m.

4. LAND USE MATTERS

4.1 Rezoning Application No. 00571 for 2639-2641 Quadra Street

Committee received a report dated June 1, 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 Loveday, seconded by Councillor Lucas:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00571 for 2639-2641 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon proof of registration of an executed Statutory Right-of-Way (SRW) of 3.2m on Quadra Street at the Land Titles Survey Authority.
2. That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00571, if it is approved, consider the following motion: "That Council authorize the issuance of a Development Variance Permit for 639-2641 Quadra Street, in accordance with:
   a. plans date stamped May 15, 2017
   b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
      i. reduce the parking requirements to one parking stall per 132m2 for commercial uses.
   c. the Development Variance Permit lapsing two years from the date of this resolution."

CARRIED 17/COTW

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

Against: Councillor Young

4.2 Rezoning Application No. 00546 for 510-512 Yates Street

Committee received a report dated June 1, 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 Thornton-Joe, seconded by Councillor Alto, that Council decline Rezoning Application No. 00546 for the property located at 510-512 Yates Street.

Committee discussed:

- Process to amend the policy to extend the distance between dispensaries.

CARRIED UNANIMOUSLY 17/COTW

4.3 Development Permit with Variances Application No. 00021 & Heritage Designation Application No. 000163 for 515 Foul Bay

Committee received reports dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding an application to subdivide the existing panhandle lot into four lots and construct three new single-family dwellings while retaining the existing five-unit house conversion on one lot and to designate the exterior of the Heritage-Registered property.

Committee discussed:

- Protection of the native landscape during the blasting.

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the meeting be extended until 3:00 p.m.

CARRIED UNANIMOUSLY 17/COTW

Mayor Helps excused herself from the meeting at 1:53 p.m. to attend a meeting with BC Housing. Councillor Thornton-Joe assumed the chair in her absence.

Motion: It was moved by Councillor Lucas, seconded by Councillor Alto:
That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:
"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, in accordance with:

1. Plans date stamped March 10, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Lot A:
      a. increase the maximum height from 5.00m to 7.80m
      b. increase the maximum number of storeys from one to two
      c. reduce the front setback from 7.50m to 1.22m (west)
      d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)

ii. Lot B:
   a. increase the maximum height from 5.00m to 7.70m
   b. increase the maximum number of storeys from one to two
   c. reduce the front setback from 7.50m to 6.81m (south)
   d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)

iii. Lot C:
   a. increase the maximum height from 5.00m to 7.90m
   b. increase the maximum number of storeys from one to two
   c. reduce the front setback, from 7.50m to 0.69m (north)
   d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)

iv. Lot D (Existing House):
   a. reduce the front setback from 7.50m to 1.58 (west)
   b. reduce the rear setback from 7.50m to 2.00m (east)
   c. reduce the side setback from 7.50m to 0.00m (north).

3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan is followed.
4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
5. The Development Permit lapsing two years from the date of this resolution."

Amendment: It was moved by Councillor Isitt, seconded by Councillor Alto, that the motion be amended in the following section:
That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:
"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection**, and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road**, in accordance with:

Councillor Loveday withdrew from the meeting at 2:07 p.m. and returned at 2:09 p.m.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended in the following point:

3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan **and protection of environmentally sensitive areas** is followed.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Isitt, seconded by Councillor Madoff, that the motion be amended to include the following point:

6. **Consideration of protection of the vegetation management area to the west of building d.**

Amendment to amendment:

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

6. **Consideration of protection of the vegetation management area to the west of Building D including the natural topography.**

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Amendment: It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended in the following point:

6. Consideration of protection of the vegetation management area**s** ~~to the west of Building D including the natural topography~~.

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the amended motion be amended to include the following point:

6. Consideration of protection of the vegetation management area**s and natural topography to the west of Building D and to the south of Building C** ~~to the west of building d including the natural topography~~.

On the amendment to the amendment:
CARRIED UNANIMOUSLY 17/COTW

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Concerns about the approach taken to the property, including affects to the neighbouring properties and the response to the unique topography of the site.

Amendment: It was moved by Councillor Coleman, seconded by Councillor Isitt, that the motion be amended to include the following point:

7. **That a CALUC meeting be held and the meeting minutes be provided at the hearing.**

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00021 for 515 Foul Bay Road for the subdivision of the panhandle lot and subsequent construction of three single-family dwellings, subject to the Heritage Designation of the existing house and registration of a Section 219 Covenant for tree protection, and a grant of an easement in common with the registered owner of 511 Foul Bay Road (the "Property") strictly for the purposes of allowing the registered owner of the Property access to and from the existing garage on the Property and Foul Bay Road, in accordance with:

1. Plans date stamped March 10, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. Lot A:
      a. increase the maximum height from 5.00m to 7.80m
      b. increase the maximum number of storeys from one to two
      c. reduce the front setback from 7.50m to 1.22m (west)
      d. reduce the side setbacks from 7.50m to 4.00m (north) and 3.74m (south)
   ii. Lot B:
      a. increase the maximum height from 5.00m to 7.70m
      b. increase the maximum number of storeys from one to two
      c. reduce the front setback from 7.50m to 6.81m (south)
      d. reduce the side setbacks from 7.50m to 3.00m (east) and 2.68 (west)
   iii. Lot C:
      a. increase the maximum height from 5.00m to 7.90m
      b. increase the maximum number of storeys from one to two
      c. reduce the front setback, from 7.50m to 0.69m (north)
      d. reduce the side setbacks from 7.50m to 4.00m (east) and 1.85m (west)
   iv. Lot D (Existing House):
      a. reduce the front setback from 7.50m to 1.58 (west)
      b. reduce the rear setback from 7.50m to 2.00m (east)
      c. reduce the side setback from 7.50m to 0.00m (north).
3. Retention of an International Society of Arboriculture certified arborist during construction to ensure the tree protection plan and protection of environmentally sensitive areas is followed.
4. Registration of a Housing Agreement to secure rental of the five unit house conversion for a ten year period.
5. The Development Permit lapsing two years from the date of this resolution.
6. Consideration of protection of the vegetation management areas and the natural topography to the west of Building D and south of Building C.
7. That a CALUC meeting be held and the meeting minutes be provided at the hearing.

On the main motion as amended:
CARRIED 17/COTW

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

Against: Councillor Young

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council consider the following motion:
"That Council approve the designation of the property located at 515 Foul Bay Road, pursuant to Section 611 of the *Local Government Act,* as a Municipal Heritage Site and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set."

CARRIED UNANIMOUSLY 17/COTW

4.4 Victoria Housing Reserve Fund Program Update

Committee received a report dated June 2, 2017, from the Director of Sustainable Planning and Community Development regarding changes to the Victoria Housing Reserve Fund (VHRF) following focused consultation with affordable housing providers and the development community.

Motion: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that Council direct staff to:

1. Implement all changes to the Victoria Housing Reserve fund approved at the November 24, 2016 Committee of the Whole Meeting; and
2. Further update the Fund Guidelines to incorporate the following changes developed during the consultation period:
   a. add women and children to the priority target group
   b. increase income limits for affordable home ownership projects
   c. ensure financial health of project proponents
   d. cap the funding window to two years
   e. improve flexibility for how the fund maybe used
   f. require affordable home ownership projects to demonstrate how they are affordable and how they will remain so over the long term
   g. expand funding eligibility criteria to include for-profit entities provided they enter into a partnering agreement.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that the motion be amended in the following point:

2. Further update the Fund Guidelines to incorporate the following changes developed during the consultation period:
   h. culturally appropriate first nations housing to the priority target group

Committee discussed:

- Alignment with the Regional Housing First Strategy.

On the amendment:
CARRIED 17/COTW

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

Main motion as amended:

It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that Council direct staff to:

1. Implement all changes to the Victoria Housing Reserve fund approved at the November 24, 2016 Committee of the Whole Meeting; and
2. Further update the Fund Guidelines to incorporate the following changes developed during the consultation period:
   a. add women and children to the priority target group
   b. increase income limits for affordable home ownership projects
   c. ensure financial health of project proponents
   d. cap the funding window to two years
   e. improve flexibility for how the fund maybe used
   f. require affordable home ownership projects to demonstrate how they are affordable and how they will remain so over the long term
   g. expand funding eligibility criteria to include for-profit entities provided they enter into a partnering agreement.
   h. culturally appropriate first nations housing to the priority target group

On the main motion as amended:
CARRIED 17/COTW

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

4.5 Sidewalk Café Bylaw Update-Noise, Parklet Trial Installation and Fees for Use of Parking Stalls

Committee received a report dated May 25, 2017, from the Director of Sustainable Planning and Community Development regarding noise concerns with sidewalk cafes and to update the fees associated with sidewalk cafes using adjacent parking stalls.

Motion: It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that Council direct staff to:

1. Monitor potential noise issues related to sidewalk cafes under the existing Noise Bylaw and Nuisance (Business Regulation) Bylaw and report back to Council in two years with analysis and recommendations.
2. Bring forward amendments to the Sidewalk Cafe Bylaw to update the fees for sidewalk cafes using the adjacent parking stall so that it is double the amount currently charged for sidewalk cafes occupying a sidewalk.
3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets.

Motion: It was moved by Councillor Madoff, seconded by Councillor Coleman, that the meeting be extended to 3:30 p.m.
CARRIED UNANIMOUSLY 17/COTW

Committee discussed:

- Reviewing and updating the Noise Bylaw to consider the increased population downtown.

Amendment: It was moved by Mayor Helps, that the motion be amended in the following point:

3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets **including a 2 for 1 parking spot deal for public use rather than private business**.

MOTION FAILED DUE TO NO SECONDER

Amendment: It was moved by Mayor Helps, seconded by Councillor Alto, that the motion be amended in the following point:

3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets **including a 2 for 1 parking spot deal for groups of businesses and residents that come together to develop a parklet**.

Councillor Coleman withdrew from the meeting at 3:14 p.m.

On the amendment:
CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council direct staff to:

1. Monitor potential noise issues related to sidewalk cafes under the existing Noise Bylaw and Nuisance (Business Regulation) Bylaw and report back to Council in two years with analysis and recommendations.
2. Bring forward amendments to the Sidewalk Cafe Bylaw to update the fees for sidewalk cafes using the adjacent parking stall so that itis double the amount currently charged for sidewalk cafes occupying a sidewalk.
3. Conclude the Parklet Trial Installation (700 block Fort Street) and bring back to Council proposed bylaw regulations for parklets including a 2 for 1 parking spot deal for groups of businesses and residents that come together to develop a parklet.

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

5. STAFF REPORTS

5.1 Capital Regional District Arts and Culture Support Service Establishment Amendment Bylaw

Committee received a report dated May 23, 2017, from the City Clerk regarding CRD Bylaw No. 4127, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 4, 2017.

Councillor Coleman returned to the meeting at 3:17 p.m.

Motion: It was moved by Mayor Helps, seconded by Councillor Madoff, that Council postpone consideration of this matter until staff get more information from the CRD Arts Commission:
That Council advise the Capital Regional District that the City requests the Bylaw be amended to reduce the maximum Group 1 Participant contribution by the amount of the contributions of the Group 2 Participants.

CARRIED UNANIMOUSLY 17/COTW

5.2 Municipal Finance Authority Socially Responsible Investments Survey

Committee received a report dated June 2, 2017, from the Director of Finance regarding the Municipal Finance Authority's Socially Responsible Investment Fund survey.

Motion: It was moved by Mayor Helps, seconded by Councillor Loveday, that Council:

1. Direct staff to respond to the Municipal Finance Authority Socially Responsible Investment Fund survey question 3. "What is the dollar amount your organization would be willing to invest in an SRI fund?" noting the City would be willing to invest up to $15 million in an SRI fund, to represent a maximum of 10% of the City's investment portfolio balance, consistent with the current Investment Policy.
2. Direct staff to report back on any financial impacts if the new fund is created by the Municipal Finance Authority.

CARRIED 17/COTW

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

Against: Councillor Young

6. ADJOURNMENT

Motion: It was moved by Councillor Madoff, seconded by Councillor Lucas, that the Committee of the Whole meeting of June 15, 2017, be adjourned at 3:21 p.m.

CARRIED UNANIMOUSLY 17/COTW

CERTIFIED CORRECT:

CITY CLERK

MAYOR

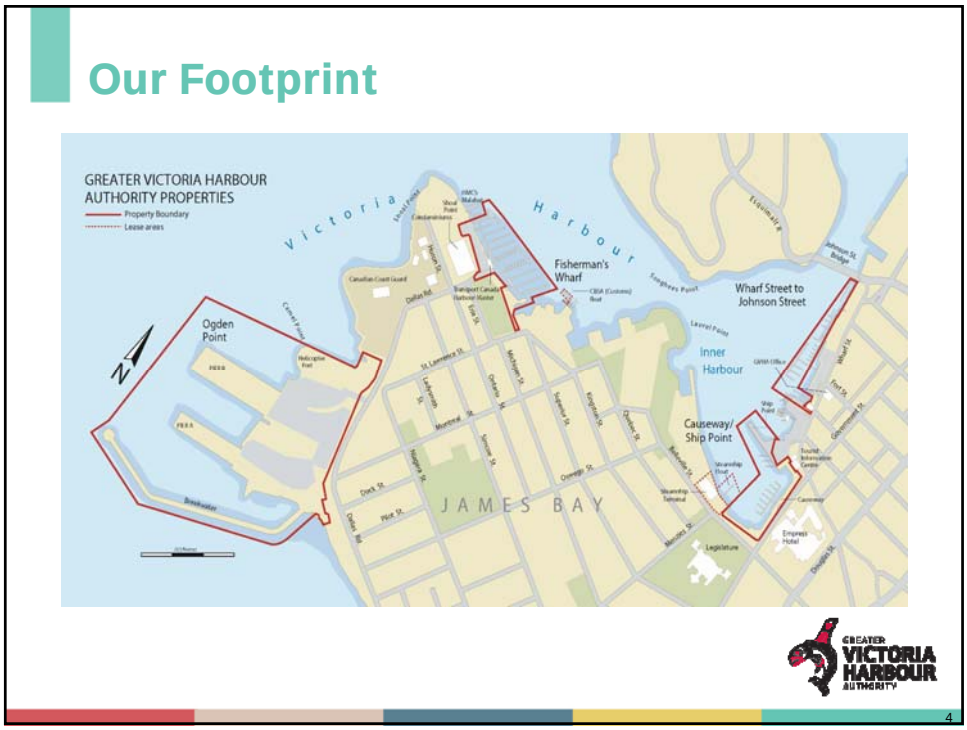
DRAFT

Respecting Traditional Territories

Esquimalt Nation

Songhees Nation

Our Member Agencies
Capital Regional District
City of Victoria
Esquimalt Nation
Songhees Nation
Greater Victoria Chamber of Commerce
Tourism Victoria
Township of Esquimalt
Victoria Esquimalt Harbour Society
GREATER VICTORIA HARBOUR AUTHORITY


Our Footprint
GREATER VICTORIA HARBOUR AUTHORITY PROPERTIES
Property Boundary
Lease areas
Victoria Harbour
Fisherman's Wharf
Wharf Street to Johnson Street
Ogden Point
Inner Harbour
Causeway/ Ship Point
JAMES BAY
GREATER VICTORIA HARBOUR AUTHORITY
4

2016 / 2017 Financials

Financial Summary 2016/17 ($ millions)

FY 2016/17 ending March 31, 2017 (unaudited internal statements)

OPERATIONS	ACTUAL	BUDGET	PRIOR YEAR
Revenues	$ 12.85	$ 11.84	$ 11.65
Expenses, excluding asset amortization	10.04	9.95	9.61
Net surplus before amortization	**2.81**	**1.89**	**2.04**
Less: Amortization of capital assets	2.26	2.30	2.23
Net surplus (deficit) including amortization	**0.55**	**(0.41)**	**(0.19)**
OTHER REVENUE			
Deferred contributions	1.16	1.01	1.01
Investment income	0.53	0.22	.001
Total revenue over expenses	**$ 1.21**	**$ 0.82**	**$ 0.82**
INVESTMENT IN CAPITAL ASSETS			
Capital Projects	$ 1.85	$2.30	$ 1.67

Financial Highlights

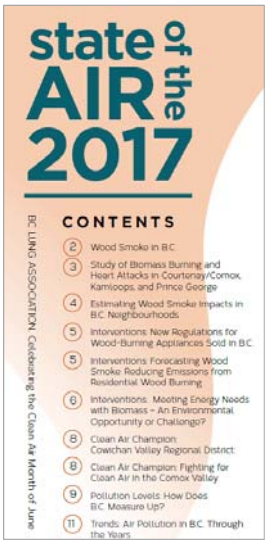
Financial operating surplus of $2.81MM, before amortization expense and other income. Contributing factors to the positive result included:

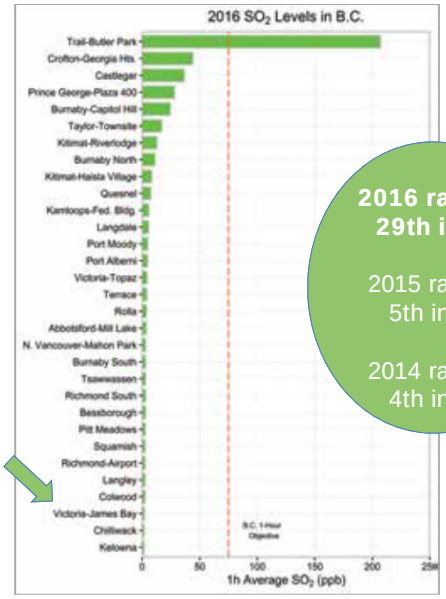
1. Higher passenger volumes due to larger cruise ships
2. Successful operating season for commercial clients with concession based agreements
3. Increased event revenue due to Ogden Point being marketed as an event venue

Execution of Annual Capex Plan:

Capital expenditures were managed within approved budget ($1.85MM spent on $2.50MM available ($847K carry forward from 15/16 + $1.65MM approved for 16/17). The capex spend equates to 74% spent of total funds available. The SST L1 tenancy and Breakwater upgrades budgets were not fully expended due reduction in the scope of SST upgrades to include landlord only works and aligning the Breakwater upgrades with the 100th anniversary Legacy Fund application. If the SST and breakwater project are excluded 99% of the budgeted capex funds were spent.

Air Quality



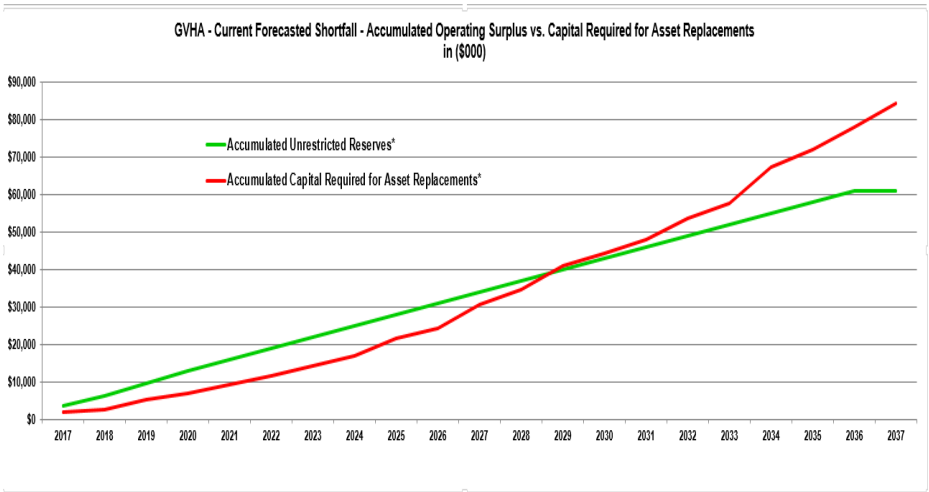


2016 ranking
29th in BC

2015 ranking
5th in BC

2014 ranking
4th in BC

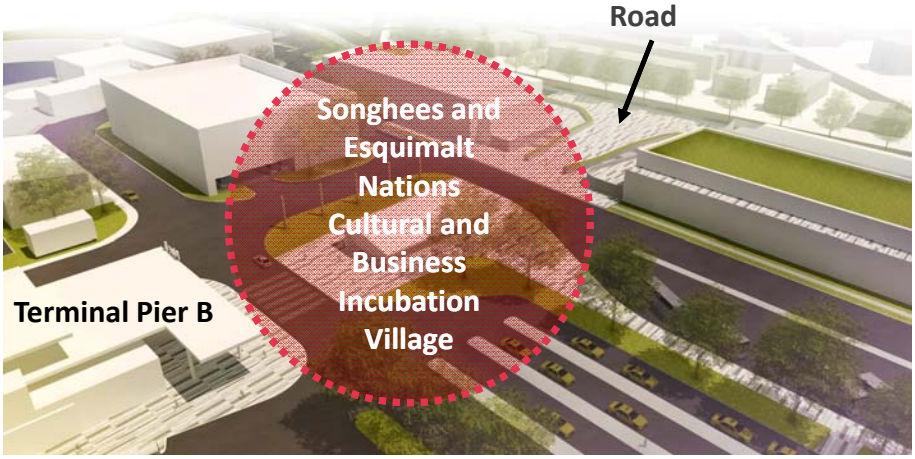
Operating Surplus vs. Asset Replacement



OPMP

Aviation/Marine
Marine/ Cruise
Amenity
Commercial/Retail

OPMP


Community Gateway to and from Dallas Road
Songhees and Esquimalt Nations Cultural and Business Incubation Village
Terminal Pier B

OPMP – next steps and timing

Market Impact and Transportation Impact Studies	Estimated July 2017
Revision and Preparation of the Masterplan	Estimated July – September 2017
Submission of the Masterplan for City Approval	Estimated October – December 2017
Preparation of Rezoning Application	Estimated January – February 2018
Rezoning Application Process	Estimated February 2018 – January 2019

Thank you

GVHA Annual General Meeting
Friday September 29, 2017
Time and Location - tbd

Join the conversation on social media!

Greater Victoria Harbour Authority
@gvicharbour
Greater Victoria Harbour Authority
Vicharbour

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6
T: 250.360.3000
F: 250.360.3234
www.crd.bc.ca

Making a difference...together

April 24, 2017

File 0400-50

Mr. Chris Coates
City Clerk, Legislative & Regulatory Services
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mr. Coates:

RE: Foreign Purchaser Property Transfer Tax

At the Capital Regional District (CRD) Board meeting of April 12, 2017, the Board considered the following Notice of Motion brought by two CRD Directors:

> *That the CRD Board Chair write to the Provincial Government requesting that should the percentage of foreign purchasers in the region be 10% or more for two consecutive months, that the Province immediately introduce a 15% Additional Property Transfer Tax to ensure a level playing field among the three least affordable regions in the country.*

The full wording of the motion along with supporting documentation is enclosed for your reference.

The Board resolved to postpone further consideration of the motion until June 14 to allow the Board to seek input on the issue from other affected local governments in the region.

If Victoria Council wishes to provide any input to the CRD Board on the issue, please provide it to me in writing on or before Wednesday, June 7, 2017, so that it can be included in the Board's agenda material for its June 14 meeting.

Do not hesitate to contact me if you have any questions.

Yours sincerely,

Brent Reems
Senior Manager
Legislative & Corporate Services
T 250.360.3128
F 250.360.3130
E breems@crd.bc.ca

Encl.

Notice of Motion for CRD Board Meeting Wednesday April 12th 2017

Whereas in July 2016, the Government of British Columbia introduced a 15% Additional Property Transfer Tax to purchases of residential real-estate by foreign entities;

And whereas Greater Victoria, Metro Vancouver and Toronto have for sometime now been now the three most unaffordable real estate markets in the country;

And whereas the Government of Ontario is now considering implementing a similar tax for Toronto which would potentially increase the pressure on Greater Victoria's market;

Therefore be it resolved that the CRD Board Chair write to the Provincial Government requesting that should the percentage of foreign purchasers in the region be 10% or more for two consecutive months*, that the Province immediately introduce a 15% Additional Property Transfer Tax to ensure a level playing field among the three least affordable regions in the country.

* See attached data for Metro Vancouver and individual municipalities for June and July 2016. The proposed 10% for two months in a row threshold is on the low end of the spectrum when compared to the Metro Vancouver Region as a whole for the months of June and July.

Director Helps
Director Howe

PROVINCE	June 10-August 1, 2016		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	30126		17808		11682		11128		10942		8817		90503	
Total Number of Property Transfers that involved foreign nationals	2519	8.4%	249	1.4%	247	2.1%	329	3.0%	350	3.2%	329	3.7%	4023	4.4%
Total Value of All Property Transfers	$20,499,449,901		$10,922,923,675		$7,237,233,481		$6,294,981,366		$6,765,450,335		$5,048,310,340		$56,768,349,098	
Total Value of All Property Transfers Involving Foreign Nationals	$2,619,156,390	12.8%	$156,055,924	1.4%	$162,185,677	2.2%	$245,198,463	3.9%	$295,758,538	4.4%	$225,182,674	4.5%	$3,703,537,666	6.5%

METRO VANCOUVER	June 10-August 1, 2016		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	14978		6964		5150		4694		5013		4216		41015	
Total Number of Property Transfers that involved foreign nationals	1974	13.2%	60	0.9%	92	1.8%	140	3.0%	204	4.1%	168	4.0%	2638	6.4%
Total Value of All Property Transfers	$14,079,792,502		$6,541,646,159		$4,520,716,824		$3,653,313,044		$4,263,221,032		$3,251,490,521		$36,310,180,082	
Total Value of All Property Transfers Involving Foreign Nationals	$2,321,595,023	16.5%	$46,869,877	0.7%	$79,247,974	1.8%	$115,376,442	3.2%	$197,551,473	4.6%	$138,524,778	4.3%	$2,899,165,567	8.0%
Total Investment from foreign nationals based on % ownership	$2,161,424,712	15.4%	$17,135,140	0.3%	$50,358,215	1.1%	$88,845,777	2.4%	$165,920,817	3.9%	$104,283,939	3.2%	$2,483,684,661	6.8%

REST OF PROVINCE	June 10-August 1, 2016		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	15148		10844		6532		6434		5929		4601		49488	
Total Number of Property Transfers that involved foreign nationals	545	3.6%	189	1.7%	155	2.4%	189	2.9%	146	2.5%	161	3.5%	1385	2.8%
Total Value of All Property Transfers	$6,419,657,399		$4,381,277,516		$2,716,516,657		$2,641,668,322		$2,502,229,303		$1,796,819,819		$20,458,169,016	
Total Value of All Property Transfers Involving Foreign Nationals	$297,561,367	4.6%	$109,186,047	2.5%	$82,937,703	3.1%	$129,822,021	4.9%	$98,207,065	3.9%	$86,657,896	4.8%	$804,372,099	3.9%

Percentage of all Transactions in BC that were in Metro Vancouver	49.7%	39.1%	44.1%	42.2%	45.8%	47.8%	45.3%
Percentage of all Investment in BC that was in Metro Vancouver	68.7%	59.9%	62.5%	58.0%	63.0%	64.4%	64.0%
Percentage of all Transactions that involved foreign nationals in BC that were in Metro Vancouver	78.4%	24.1%	37.2%	42.6%	58.3%	51.1%	65.6%

METRO VANCOUVER ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total -June 10 - Dec 31, 2016	
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Total Number of Property Transfers that involved foreign nationals	1974	13.2%	60	0.9%	92	1.8%	140	3.0%	204	4.1%	168	4.0%	2638	6.4%
Total Value of All Property Transfers	$14,079,792,902		$6,541,646,159		$4,530,716,824		$3,653,313,044		$4,263,221,032		$3,251,480,521		$36,310,180,082	
Total Value of All Property Transfers Involving Foreign Nationals	$2,321,595,023	16.5%	$46,860,877	0.7%	$79,247,974	1.8%	$115,376,442	3.2%	$197,551,473	4.6%	$138,524,778	4.3%	$2,899,165,567	8.0%
Total Investment from foreign nationals based on % ownership	$2,161,424,712	15.4%	$17,135,140	0.3%	$50,358,215	1.1%	$88,845,777	2.4%	$165,920,817	3.9%	$104,283,938	3.2%	$2,587,868,600	7.1%

VANCOUVER ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	3287		1483		1087		935		1111		806		8709	
Total Number of Property Transfers that involved foreign nationals	508	15.5%	14	0.9%	23	2.1%	23	2.5%	49	4.4%	36	4.5%	653	7.5%
Total Value of All Property Transfers	$4,093,182,110		$1,898,690,874		$1,280,770,081		$991,046,357		$1,450,647,595		$961,405,510		$10,695,742,927	
Total Value of All Property Transfers Involving Foreign Nationals	$732,956,732	17.9%	$11,185,004	0.6%	$28,859,999	2.3%	$27,400,300	2.8%	$81,501,077	5.6%	$52,488,376	5.3%	$934,335,488	8.7%
Total Investment from foreign nationals based on % ownership	$689,495,127	16.8%	$6,496,953	0.3%	$18,907,243	1.5%	$21,188,148	2.1%	$67,514,454	4.7%	$45,790,568	4.7%	$849,392,494	7.9%

RICHMOND ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	1257		538		480		801		754		375		4205	
Total Number of Property Transfers that involved foreign nationals	310	24.7%	10	1.9%	21	4.4%	54	6.7%	66	8.8%	27	7.2%	488	11.6%
Total Value of All Property Transfers	$1,230,751,579		$488,811,598		$402,354,023		$535,296,597		$454,903,352		$322,133,507		$3,444,250,656	
Total Value of All Property Transfers Involving Foreign Nationals	$334,726,069	27.2%	$6,353,000	1.3%	$12,889,900	3.1%	$38,400,433	7.2%	$46,795,133	10.3%	$24,571,173	7.6%	$463,185,708	13.4%
Total Investment from foreign nationals based on % ownership	$321,907,339	26.2%	$3,896,901	0.8%	$7,239,717	1.8%	$34,279,882	6.4%	$40,542,855	8.9%	$12,769,883	4.0%	$420,696,287	12.2%

SURREY ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	3299		1572		1139		953		977		1250		9230	
Total Number of Property Transfers that involved foreign nationals	318	9.6%	10	0.6%	11	1.0%	9	0.9%	15	1.5%	54	4.2%	417	4.5%
Total Value of All Property Transfers	$2,414,362,950		$1,170,827,290		$887,528,453		$578,705,804		$681,783,567		$647,998,624		$6,391,206,688	
Total Value of All Property Transfers Involving Foreign Nationals	$311,696,608	12.9%	$6,669,913	0.6%	$8,076,793	0.9%	$5,957,660	1.0%	$13,345,339	1.9%	$22,928,766	3.5%	$368,252,090	5.8%
Total Investment from foreign nationals based on % ownership	$266,055,416	11.0%	$1,569,501	0.1%	$3,686,981	0.4%	$2,883,908	0.5%	$10,868,195	1.6%	$20,956,648	3.2%	$306,020,648	4.8%

BURNABY ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	1084		494		358		307		393		344		2980	
Total Number of Property Transfers that involved foreign nationals	262	24.2%	5	1.0%	5	1.4%	18	5.9%	35	8.9%	27	7.8%	352	11.8%
Total Value of All Property Transfers	$913,758,073		$424,764,646		$300,399,054		$248,056,436		$267,357,194		$249,210,518		$2,399,545,721	
Total Value of All Property Transfers Involving Foreign Nationals	$221,166,731	24.2%	$1,078,000	0.3%	$12,705,700	4.2%	$11,227,000	4.5%	$21,323,000	8.0%	$19,043,400	7.6%	$287,543,831	12.0%
Total Investment from foreign nationals based on % ownership	$216,148,281	23.6%	$1,123,640	0.3%	$11,175,700	3.7%	$9,425,200	3.8%	$18,650,882	7.0%	$11,683,300	4.8%	$267,207,005	11.1%

Percentage of all Transactions in Metro Vancouver that were in Vancouver, Richmond, Surrey and Burnaby	59.6%	58.7%	59.5%	63.8%	64.5%	66.8%	61.3%
Percentage of all Investment in Metro Vancouver that was in Vancouver, Richmond, Surrey and Burnaby	61.5%	61.0%	63.5%	64.4%	67.2%	67.5%	63.2%
Percentage of all Transactions that involved foreign nationals in Metro Vancouver that were in Vancouver, Richmond, Surrey and Burnaby	70.8%	65.0%	65.2%	74.3%	80.9%	85.7%	72.4%
Percentage of all Investment involving Foreign Nationals in Metro Vancouver that was in Vancouver, Richmond, Surrey and Burnaby	69.1%	76.4%	81.4%	76.3%	82.9%	87.5%	71.2%

Average Value of Property Transfer

District	Total	Foreign Nationals	Canadians / Permanent Res.
Metro Vancouver	$885,290	$1,099,001	$870,600
Vancouver	$1,128,125	$1,430,835	$1,211,694
Richmond	$819,085	$949,151	$802,008
Surrey	$692,438	$883,098	$683,417
Burnaby	$805,217	$816,886	$803,654

PROVINCE OUTSIDE OF METRO VANCOUVER	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
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Total Number of Property Transfers that Involved foreign nationals	545	3.6%	189	1.7%	155	2.4%	189	2.9%	146	2.5%	161	3.5%	1385	2.8%
Total Value of All Property Transfers	$6,419,657,399		$4,381,277,516		$2,716,516,657		$2,641,668,322		$2,502,229,303		$1,796,819,819		$20,458,169,016	
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Capital Regional District	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	2280		1214		824		879		848		735		6780	
Total Number of Property Transfers that Involved foreign nationals	90	3.9%	45	3.7%	27	3.3%	55	6.3%	39	4.6%	38	5.2%	294	4.3%
Total Value of All Property Transfers	$1,304,572,544		$738,947,274		$514,615,953		$526,964,594		$510,469,293		$386,839,321		$3,982,408,979	
Total Value of All Property Transfers Involving Foreign Nationals	$62,727,356	4.8%	$38,468,620	5.2%	$18,908,220	3.7%	$54,377,408	10.3%	$32,008,579	6.3%	$24,859,449	6.4%	$231,349,632	5.8%

Average Value of Property Transfer

District	Total	Foreign Nationals	Canadians / Permanent Res.
Rest of Province	$413,397	$580,774	$408,577
Capital Regional Distri	$587,376	$786,904	$578,332

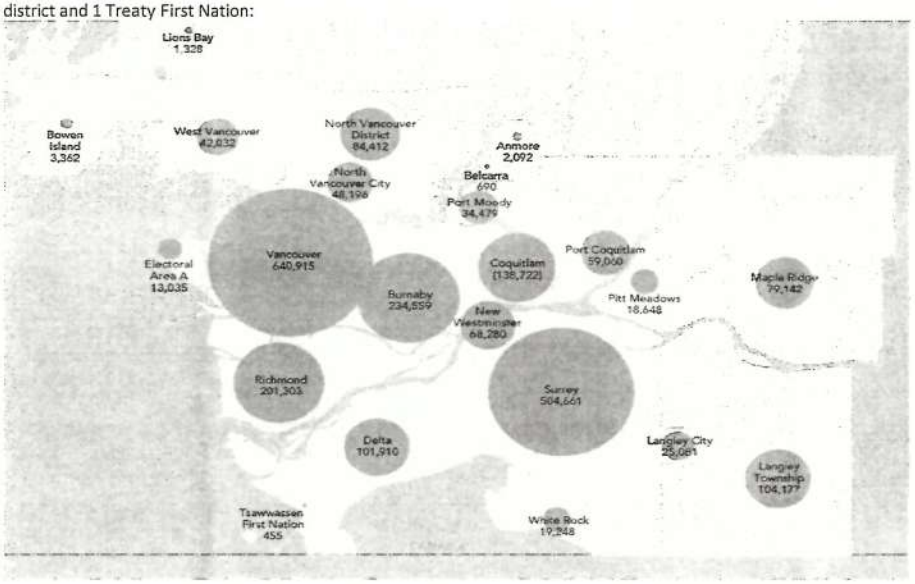
NOTES:

Property Transfer Transactions A transaction that involves the transfer of a single property (regardless of the number of individuals involved)

Foreign National Someone other than a Canadian Citizen or a Permanent Resident.

Metro Vancouver Encompasses 21 municipalities, 1 electoral district and 1 Treaty First Nation:

- Anmore
- Belcarra
- Bowen Island
- Burnaby
- Coquitlam
- Delta
- Electoral Area A
- Langley City
- Langley Township
- Lions Bay
- Maple Ridge
- New Westminster
- North Vancouver City
- North Vancouver District
- Pitt Meadows
- Port Coquitlam
- Port Moody
- Richmond
- Surrey
- Tsawwassen First Nation
- Vancouver
- West Vancouver
- White Rock



Capital Regional District (CRD) Encompasses 13 municipalities and 3 Electoral Areas (Juan de Fuca, Salt Spring, and the Southern Gulf Islands).
(Victoria, Saanich, Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Sidney, Sooke, View Royal)

DRAFT MINUTES FROM THE CRD BOARD MEETING OF JUNE 14, 2017

Foreign Purchaser Property Transfer Tax

MOVED by Director Screech, SECONDED by Director Helps,
That the Capital Regional District Board receive this report for information.
CARRIED

MOVED by Director Finall, SECONDED by Director Isitt,
That this item be referred to the upcoming discussion on Housing Affordability at the meeting on Friday, June 16th.
DEFEATED

DRAFT

Making a difference...together

REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JUNE 14, 2017

SUBJECT **FOREIGN PURCHASER PROPERTY TRANSFER TAX**

ISSUE

To provide a summary of information received from local governments in the region regarding a foreign purchaser property transfer tax motion.

BACKGROUND

At the Capital Regional District (CRD) Board meeting of April 12, 2017, the Board considered the following Notice of Motion brought by two CRD Directors:

> *That the CRD Board Chair write to the Provincial Government requesting that should the percentage of foreign purchasers in the region be 10% or more for two consecutive months, that the Province immediately introduce a 15% Additional Property Transfer Tax to ensure a level playing field among the three least affordable regions in the country.*

The original motion with supporting documentation is attached at Appendix A.

At the April 12 meeting the Board resolved to postpone further consideration of the motion until June 14 to allow the Board to seek input on the issue from other affected local governments in the region. Following the Board meeting, staff wrote to the municipal councils in the CRD notifying them of the motion and requesting that any input on the issue be provided in advance of the June Board meeting. The matter was also referred to the Electoral Area Services Committee ("EASC") for comment and input from the CRD's Electoral Area Directors.

The Town of View Royal and the District of Highlands were the only Councils that provided substantive responses (see Appendix B). Staff received informal emails from several municipalities indicating that their Councils had received the letter for information. The EASC received the motion and accompanying staff report for information.

CONCLUSION

Staff notified municipal councils and elected officials in the region of the proposed motion and received one substantive response.

RECOMMENDATION

That the Capital Regional District Board receive this report for information.

Submitted by:	Brent Reems, MA, LLB, Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments: Appendix A – Notice of motion and supporting documentation
Appendix B – View Royal response
Appendix C – Highlands response

Notice of Motion for CRD Board Meeting Wednesday April 12th 2017

Whereas in July 2016, the Government of British Columbia introduced a 15% Additional Property Transfer Tax to purchases of residential real-estate by foreign entities;

And whereas Greater Victoria, Metro Vancouver and Toronto have for sometime now been now the three most unaffordable real estate markets in the country;

And whereas the Government of Ontario is now considering implementing a similar tax for Toronto which would potentially increase the pressure on Greater Victoria's market;

Therefore be it resolved that the CRD Board Chair write to the Provincial Government requesting that should the percentage of foreign purchasers in the region be 10% or more for two consecutive months*, that the Province immediately introduce a 15% Additional Property Transfer Tax to ensure a level playing field among the three least affordable regions in the country.

* See attached data for Metro Vancouver and individual municipalities for June and July 2016. The proposed 10% for two months in a row threshold is on the low end of the spectrum when compared to the Metro Vancouver Region as a whole for the months of June and July.

Director Helps
Director Howe

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ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	**30126**		**17808**		**11682**		**11128**		**10942**		**8817**		**90503**	
Total Number of Property Transfers that Involved foreign nationals	2519	8.4%	249	1.4%	247	2.1%	329	3.0%	350	3.2%	329	3.7%	4023	4.4%
Total Value of All Property Transfers	**$20,499,449,901**		**$10,922,923,675**		**$7,237,233,481**		**$6,294,981,366**		**$6,765,450,335**		**$5,048,310,340**		**$56,768,349,098**	
Total Value of All Property Transfers Involving Foreign Nationals	**$2,619,156,390**	**12.8%**	**$156,055,924**	**1.4%**	**$162,185,677**	**2.2%**	**$245,198,463**	**3.9%**	**$295,758,538**	**4.4%**	**$225,182,674**	**4.5%**	**$3,703,537,666**	**6.5%**

METRO VANCOUVER	June 10-August 1, 2016		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	**14978**		**6964**		**5150**		**4694**		**5013**		**4216**		**41015**	
Total Number of Property Transfers that Involved foreign nationals	1974	13.2%	60	0.9%	92	1.8%	140	3.0%	204	4.1%	168	4.0%	2638	6.4%
Total Value of All Property Transfers	**$14,079,792,502**		**$6,541,646,159**		**$4,520,716,824**		**$3,653,313,044**		**$4,263,221,032**		**$3,251,490,521**		**$36,310,180,082**	
Total Value of All Property Transfers Involving Foreign Nationals	**$2,321,595,023**	**16.5%**	**$46,869,877**	**0.7%**	**$79,247,974**	**1.8%**	**$115,376,442**	**3.2%**	**$197,551,473**	**4.6%**	**$138,524,778**	**4.3%**	**$2,899,165,567**	**8.0%**
Total Investment from foreign nationals based on % ownership	$2,161,424,712	15.4%	$17,135,140	0.3%	$50,358,215	1.1%	$88,845,777	2.4%	$165,920,817	3.9%	$104,283,939	3.2%	$2,483,684,661	6.8%

REST OF PROVINCE	June 10-August 1, 2016		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	**15148**		**10844**		**6532**		**6434**		**5929**		**4601**		**49488**	
Total Number of Property Transfers that Involved foreign nationals	545	3.6%	189	1.7%	155	2.4%	189	2.9%	146	2.5%	161	3.5%	1385	2.8%
Total Value of All Property Transfers	**$6,419,657,399**		**$4,381,277,516**		**$2,716,516,657**		**$2,641,668,322**		**$2,502,229,303**		**$1,796,819,819**		**$20,458,169,016**	
Total Value of All Property Transfers Involving Foreign Nationals	**$297,561,367**	**4.6%**	**$109,186,047**	2.5%	**$82,937,703**	3.1%	**$129,822,021**	4.9%	**$98,207,065**	3.9%	**$86,657,896**	4.8%	**$804,372,099**	**3.9%**

Percentage of all Transactions in BC that were in Metro Vancouver	49.7%	39.1%	44.1%	42.2%	45.8%	47.8%	45.3%
Percentage of all Investment in BC that was in Metro Vancouver	68.7%	59.9%	62.5%	58.0%	63.0%	64.4%	64.0%
Percentage of all Transactions that involved foreign nationals in BC that were in Metro Vancouver	78.4%	24.1%	37.2%	42.6%	58.3%	51.1%	65.6%

METRO VANCOUVER

ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016) Totals	Percentage	Aug. 2- 31, 2016 Totals	Percentage	Sept 1 - 30, 2016 Totals	Percentage	Oct 1 - 31, 2016 Totals	Percentage	Nov 1 - 30, 2016 Totals	Percentage	Dec 1 - 31, 2016 Totals	Percentage	Cumulative Total -June 10 - Dec 31, 2016 Totals	Percentage
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Total Value of All Property Transfers	**$14,079,792,502**		**$6,541,646,159**		**$4,520,716,824**		**$3,653,313,044**		**$4,263,221,032**		**$3,251,490,521**		**$36,310,180,082**	
Total Value of All Property Transfers Involving Foreign Nationals	**$2,321,595,023**	**16.5%**	**$46,869,877**	**0.7%**	**$79,247,974**	**1.8%**	**$115,376,442**	**3.2%**	**$197,551,473**	**4.6%**	**$138,524,778**	**4.3%**	**$2,899,165,567**	**8.0%**
Total Investment from foreign nationals based on % ownership	$2,161,424,712	15.4%	$17,135,140	0.3%	$50,358,215	1.1%	$88,845,777	2.4%	$165,920,817	3.9%	$104,283,939	3.2%	$2,587,968,600	7.1%

VANCOUVER

ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016) Totals	Percentage	Aug. 2- 31, 2016 Totals	Percentage	Sept 1 - 30, 2016 Totals	Percentage	Oct 1 - 31, 2016 Totals	Percentage	Nov 1 - 30, 2016 Totals	Percentage	Dec 1 - 31, 2016 Totals	Percentage	Cumulative Total - June 10 - Dec 31, 2016 Totals	Percentage
Total Number of Property Transfers	**3287**		**1483**		**1087**		**935**		**1111**		**806**		**8709**	
Total Number of Property Transfers that Involved foreign nationals	508	15.5%	14	0.9%	23	2.1%	23	2.5%	49	4.4%	36	4.5%	653	7.5%
Total Value of All Property Transfers	**$4,093,182,110**		**$1,898,690,874**		**$1,280,770,081**		**$991,046,357**		**$1,450,647,995**		**$981,405,510**		**$10,695,742,927**	
Total Value of All Property Transfers Involving Foreign Nationals	**$732,956,732**	**17.9%**	**$11,135,004**	**0.6%**	**$28,853,999**	**2.3%**	**$27,400,300**	**2.8%**	**$81,501,077**	**5.6%**	**$52,488,376**	**5.3%**	**$934,335,488**	**8.7%**
Total Investment from foreign nationals based on % ownership	$689,495,127	16.8%	$6,496,953	0.3%	$18,907,243	1.5%	$21,188,149	2.1%	$67,514,454	4.7%	$45,790,568	4.7%	$849,392,494	7.9%

RICHMOND

ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016) Totals	Percentage	Aug. 2- 31, 2016 Totals	Percentage	Sept 1 - 30, 2016 Totals	Percentage	Oct 1 - 31, 2016 Totals	Percentage	Nov 1 - 30, 2016 Totals	Percentage	Dec 1 - 31, 2016 Totals	Percentage	Cumulative Total - June 10 - Dec 31, 2016 Totals	Percentage
Total Number of Property Transfers	**1257**		**538**		**480**		**801**		**754**		**375**		**4205**	
Total Number of Property Transfers that Involved foreign nationals	310	24.7%	10	1.9%	21	4.4%	54	6.7%	66	8.8%	27	7.2%	488	11.6%
Total Value of All Property Transfers	**$1,230,751,579**		**$498,811,598**		**$402,354,023**		**$535,296,597**		**$454,903,352**		**$322,133,507**		**$3,444,250,656**	
Total Value of All Property Transfers Involving Foreign Nationals	**$334,726,069**	**27.2%**	**$6,353,000**	**1.3%**	**$12,339,900**	**3.1%**	**$38,400,433**	**7.2%**	**$46,795,133**	**10.3%**	**$24,571,173**	**7.6%**	**$463,185,708**	**13.4%**
Total Investment from foreign nationals based on % ownership	$321,907,239	26.2%	$3,896,901	0.8%	$7,239,717	1.8%	$34,279,692	6.4%	$40,542,855	8.9%	$12,769,883	4.0%	$420,636,287	12.2%

SURREY

ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016) Totals	Percentage	Aug. 2- 31, 2016 Totals	Percentage	Sept 1 - 30, 2016 Totals	Percentage	Oct 1 - 31, 2016 Totals	Percentage	Nov 1 - 30, 2016 Totals	Percentage	Dec 1 - 31, 2016 Totals	Percentage	Cumulative Total - Totals	June 10 - Dec 31, 2016 Percentage
Total Number of Property Transfers	**3299**		**1572**		**1139**		**953**		**977**		**1290**		**9230**	
Total Number of Property Transfers that Involved foreign nationals	318	9.6%	10	0.6%	11	1.0%	9	0.9%	15	1.5%	54	4.2%	417	4.5%
Total Value of All Property Transfers	**$2,414,362,950**		**$1,170,827,290**		**$887,528,453**		**$578,705,804**		**$691,783,567**		**$647,998,624**		**$6,391,206,688**	
Total Value of All Property Transfers Involving Foreign Nationals	**$311,698,608**	**12.9%**	**$6,669,913**	**0.6%**	**$8,076,733**	**0.9%**	**$5,957,660**	**1.0%**	**$13,345,320**	**1.9%**	**$22,503,766**	**3.5%**	**$368,252,000**	**5.8%**
Total Investment from foreign nationals based on % ownership	$266,055,416	11.0%	$1,569,501	0.1%	$3,686,981	0.4%	$2,883,908	0.5%	$10,868,195	1.6%	$20,956,648	3.2%	$306,020,649	4.8%

BURNABY

ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Cumulative (from June 10-August 1, 2016) Totals	Percentage	Aug. 2- 31, 2016 Totals	Percentage	Sept 1 - 30, 2016 Totals	Percentage	Oct 1 - 31, 2016 Totals	Percentage	Nov 1 - 30, 2016 Totals	Percentage	Dec 1 - 31, 2016 Totals	Percentage	Cumulative Total - June 10 - Dec 31, 2016 Totals	Percentage
Total Number of Property Transfers	**1084**		**494**		**358**		**307**		**393**		**344**		**2980**	
Total Number of Property Transfers that Involved foreign nationals	262	24.2%	5	1.0%	5	1.4%	18	5.9%	35	8.9%	27	7.8%	352	11.8%
Total Value of All Property Transfers	**$915,758,073**		**$424,764,646**		**$300,399,054**		**$248,056,436**		**$267,357,194**		**$243,210,318**		**$2,399,545,721**	
Total Value of All Property Transfers Involving Foreign Nationals	**$221,166,731**	**24.2%**	**$2,078,000**	**0.5%**	**$12,705,700**	**4.2%**	**$11,227,000**	**4.5%**	**$21,323,000**	**8.0%**	**$19,043,400**	**7.8%**	**$287,543,831**	**12.0%**
Total Investment from foreign nationals based on % ownership	$215,148,281	23.5%	$1,123,640	0.3%	$11,175,700	3.7%	$9,425,200	3.8%	$18,650,882	7.0%	$11,683,300	4.8%	$267,207,003	11.1%

Percentage of all Transactions in Metro Vancouver that were in Vancouver, Richmond, Surrey and Burnaby	59.6%	58.7%	59.5%	63.8%	64.5%	66.8%	61.3%
Percentage of all Investment in Metro Vancouver that was in Vancouver, Richmond, Surrey and Burnaby	61.5%	61.0%	63.5%	64.4%	67.2%	67.5%	63.2%
Percentage of all Transactions that involved foreign nationals in Metro Vancouver that were in Vancouver, Richmond, Surrey and Burnaby	70.8%	65.0%	65.2%	74.3%	80.9%	85.7%	72.4%
Percentage of all Investment Involving Foreign Nationals in Metro Vancouver that was in Vancouver, Richmond, Surrey and Burnaby	69.1%	76.4%	81.4%	76.3%	82.9%	87.5%	71.2%

Average Value of Property Transfer

District	Total	Foreign Nationals	Canadians / Permanent Res.
Metro Vancouver	$885,290	$1,099,001	$870,600
Vancouver	$1,228,125	$1,430,835	$1,211,694
Richmond	$819,085	$949,151	$802,008
Surrey	$692,438	$883,098	$683,417
Burnaby	$805,217	$816,886	$803,654

PROVINCE OUTSIDE OF METRO VANCOUVER	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	**15148**		**10844**		**6532**		**6434**		**5929**		**4601**		**49488**	
Total Number of Property Transfers that Involved foreign nationals	545	3.6%	189	1.7%	155	2.4%	189	2.9%	146	2.5%	161	3.5%	1385	2.8%
Total Value of All Property Transfers	**$6,419,657,399**		**$4,381,277,516**		**$2,716,516,657**		**$2,641,668,322**		**$2,502,229,303**		**$1,796,819,819**		**$20,458,169,016**	
Total Value of All Property Transfers Involving Foreign Nationals	**$297,561,367**	**4.6%**	**$109,186,047**	2.5%	**$82,937,703**	3.1%	**$129,822,021**	4.9%	**$98,207,065**	3.9%	**$86,657,896**	4.8%	**$804,372,099**	**3.9%**

Capital Regional District	Cumulative (from June 10-August 1, 2016)		Aug. 2- 31, 2016		Sept 1 - 30, 2016		Oct 1 - 31, 2016		Nov 1 - 30, 2016		Dec 1 - 31, 2016		Cumulative Total - June 10 - Dec 31, 2016	
ALL RESIDENTIAL PROPERTY TRANSFER TRANSACTIONS	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage	Totals	Percentage
Total Number of Property Transfers	**2280**		**1214**		**824**		**879**		**848**		**735**		**6780**	
Total Number of Property Transfers that Involved foreign nationals	90	3.9%	45	3.7%	27	3.3%	55	6.3%	39	4.6%	38	5.2%	294	4.3%
Total Value of All Property Transfers	**$1,304,572,544**		**$738,947,274**		**$514,615,953**		**$526,964,594**		**$510,469,293**		**$386,839,321**		**$3,982,408,979**	
Total Value of All Property Transfers Involving Foreign Nationals	**$62,727,356**	**4.8%**	**$38,468,620**	5.2%	**$18,908,220**	3.7%	**$54,377,408**	10.3%	**$32,008,579**	6.3%	**$24,859,449**	6.4%	**$231,349,632**	**5.8%**

Average Value of Property Transfer

District	Total	Foreign Nationals	Canadians / Permanent Res.
Rest of Province	$413,397	$580,774	$408,577
Capital Regional Distri	$587,376	$786,904	$578,332

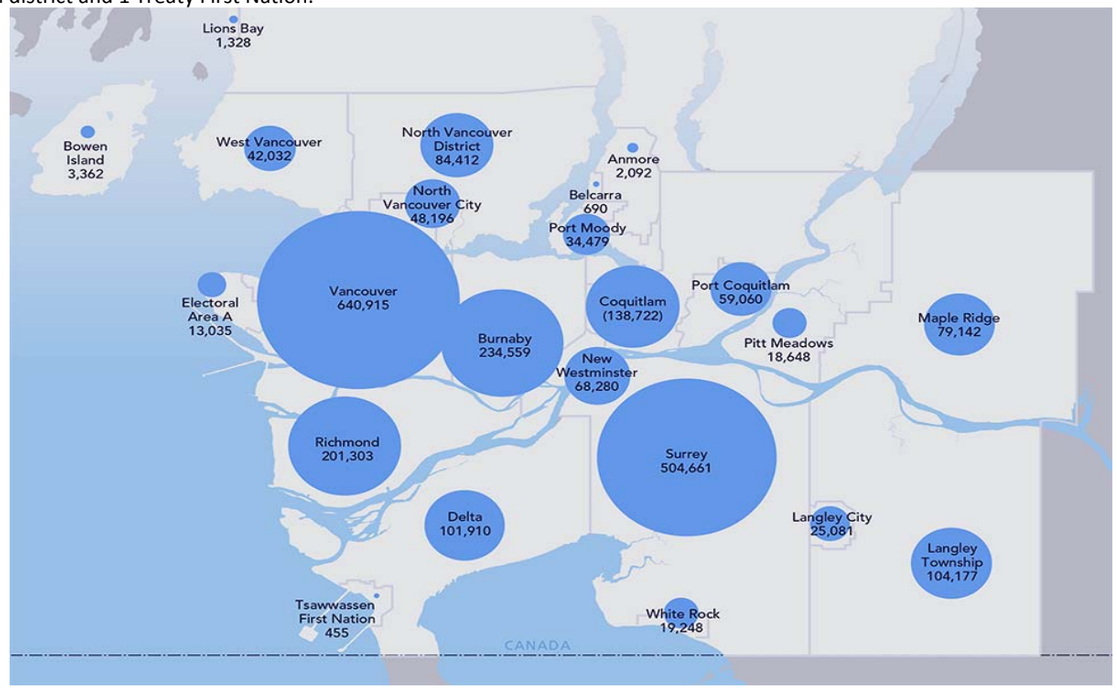
NOTES:

Property Transfer Transactions A transaction that involves the transfer of a single property (regardless of the number of individuals involved)

Foreign National Someone other than a Canadian Citizen or a Permanent Resident.

Metro Vancouver Encompasses 21 municipalities, 1 electoral district and 1 Treaty First Nation:

- Anmore
- Belcarra
- Bowen Island
- Burnaby
- Coquitlam
- Delta
- Electoral Area A
- Langley City
- Langley Township
- Lions Bay
- Maple Ridge
- New Westminster
- North Vancouver City
- North Vancouver District
- Pitt Meadows
- Port Coquitlam
- Port Moody
- Richmond
- Surrey
- Tsawwassen First Nation
- Vancouver
- West Vancouver
- White Rock



Capital Regional District (CRD) Encompasses 13 municipalities and 3 Electoral Areas (Juan de Fuca, Salt Spring, and the Southern Gulf Islands).
(Victoria, Saanich, Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Sidney, Sooke, View Royal)

TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6
Ph. 250-479-6800 · Fx. 250-727-9551 · E. info@viewroyal.ca · www.viewroyal.ca

May 17, 2017

Brent Reems
Capital Regional District
Senior Manager, Legislative & Corporate Services
625 Fisgard Street
Victoria, BC V8W 1R7

VIA EMAIL: breems@crd.bc.ca

Dear Mr. Reems:

Re: Foreign Purchaser Property Transfer Tax

I am writing in response to your letter addressed to Sarah Jones, Director of Corporate Administration for the Town of View Royal. Mayor and Council received and considered your letter during our Council meeting held on May 16, 2017.

At this time, Council does not support the idea of a foreign buyer tax. However, I can assure you that Town Council and I fully support the exploration of ideas on how best to tackle the current real estate climate. With the intent to slow the rate of price growth and cool demand, we would support future meetings and dialogue between Mayors and the province to that effect.

Sincerely,

David Screech
Mayor

DISTRICT OF
HIGHLANDS

File: 0470.02

May 31, 2017

Brent Reems
Senior Manager, Legislative & Information Services
Capital Regional District
PO Box 1000, 625 Fisgard Street
Victoria BC V8W 2S6

Dear Mr. Reems,

Re: Foreign Purchaser Property Transfer Tax

Council of the District of Highlands passed the following motion at their May 15, 2017 Regular Meeting of Council:

> *That Council respond to the Capital Regional District indicating that Council has concerns regarding the impact on the housing market in relation to foreign purchasers, and is interested in a conversation on this topic, however, more information is needed in order to provide input to the Board.*

If you require anything further, please don't hesitate to contact the undersigned.

Yours truly,

Tina Neurauter
Corporate Officer

1980 Millstream Road, Victoria, B C V6B 6H1
Tel: (250) 474-1773 Fax: (250) 474-3677 Web: www.highlands.ca

GENERATION | squeeze

500- 1112 Fort Street • Victoria, BC • V8V 3K8 • Phone: 250-661-7112
E-Mail: eric@gensqueeze.ca Web: www.gensqueeze.za

April 20th 2017

City of Victoria,
Mayor and Council

Re: Foreign Buyers' Tax

Dear Mayor and Council,

I'm writing a quick note to express our organization's support for asking the province to apply the foreign buyers' tax to Victoria/CRD.

We look forward to engaging more thoroughly, and regionally on this topic in the coming weeks and months.

In brief:

- A foreign buyers' tax ("FBT") has never been Gen Squeeze's favourite policy tool to address the housing crisis, generally.
- Nor is a FBT our preferred tool to *tax housing wealth fairly*. This requires a broader discussion to unpack (more info at http://bit.ly/GS_BCworsteconomy), but is a key principle to achieve generational equity in the housing market.
- A FBT has never been the favourite policy tool of most of our academic and sector colleagues, either. For example, more than 50 B.C. economists have signed a letter indicating their support for a different way of taxing speculative activity here.
- **Nonetheless, we view the 15% FBT, especially as recently amended to exempt those with work permits, as solid policy that has the potential to help significantly.**
- **We see no good reason *not* to bring it to Victoria/the CRD. It's already on the books, it's been amended to exempt those with work permits, it generates revenue for affordable housing initiatives, and it aligns the City/region with other hot housing markets including Metro Vancouver and the GTA (Ontario announced a FBT this morning).**
- A FBT is not anti-immigrant. The intention and application of the amended tax is clear: cool problematic foreign demand by those who don't live, work and pay income taxes in B.C. Foreign investment is often a good thing, but we need to ensure it is channeled for public good.

- Is there a chance Victoria/CRD could be perceived as less welcoming, as suggested by some councillors? Perhaps, but as emphasized by our "Homes First, Investment Second" principle (a) purchasing of residential real-estate with no intention to live and work here full-time is NOT an activity we should be particularly welcoming of and (b) given the desperate situation of many local residents this perceptual risk pales in comparison to the material impact that foreign speculative investment has on local real estate costs and psychology. We agree the term "foreign buyers' tax" is not ideal, e.g. in announcing a similar measure for the GTA this morning Ontario adopted the arguably improved language of "Non-Resident Speculation Tax". However, given the scale of the crisis, semantic considerations are just that.

- On the topic of material impact, nobody knows what the long-term effectiveness of the FBT in Metro Vancouver will be. Nor could anyone claim to have that knowledge for Victoria/the CRD.

  Hypothetical scenarios forecasting the behaviour of foreign buyers in response to the tax are just that, hypothetical.

  What we CAN say for certain is that <u>doing nothing</u> to cool this type of unhealthy demand <u>will achieve nothing</u> to cool this type of unhealthy demand.

- The province has now been collecting data on foreign involved transactions in the CRD for close to a year, and the numbers are significant.

  Instinctively, any given person will react differently to numbers like two, three, five, eight percent on any given month.

  But make no mistake: those numbers are causing real pain to local buyers who are trying to compete with cash offers, often sight-unseen and no conditions attached.

- The bottom line is we need to discourage this type of unhealthy demand. The percentage of foreign involved transactions, month-to-month, are helpful indicators but should not be used as the primary basis for deciding whether to bring the tax here.

- The decision should be based on whether the FBT can *<u>contribute</u>* to cooling unhealthy demand and rein in costs, as guided by foundational principles like "Homes First, Investments Second." This principle is part of the Common Ground that Generation Squeeze has helped to build in the in BC housing sector with developers, real estate agents, landlords, renters group, non-profit housing, academics, city planners, mayors and people squeezed by high home prices. See http://bit.ly/CodeRedBHCG.

In sum, we believe the FBT is one useful measure that in combination with additional policy adaptations – such as Victoria's recent decision to permit garden suites in zoning – can ease the #CodeRed housing squeeze. **We encourage you to request that it be extended to Victoria/the CRD.**

Sincerely,

Eric Swanson, Executive Director
Generation Squeeze

Dr. Paul Kershaw, Founder
Generation Squeeze

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of July 6, 2017

To: Committee of the Whole **Date:** June 7, 2017

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

Subject: **Rezoning Application No. 00538 for 335 Moss Street**

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No.00538 for 335 Moss Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures, as well as, the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 335 Moss Street. The proposal is to subdivide the subject property and rezone the new lot to the R1-S2 Zone, Restricted Small Lot (Two Story) District. The existing house would remain in the present, R1-B Zone, Single Family Dwelling District.

The following points were considered in assessing this application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan, 2012*
- the proposal is consistent with the policies and design guidelines specified in *the Small Lot House Rezoning Policy, 2002*
- the proposal is consistent with the *Suburban Neighbourhoods Plan, 1984* which considers development in instances where there is undeveloped land, infill development is appropriate, and will reinforce the local character and scale of the neighbourhood.

BACKGROUND
Description of Proposal

This Rezoning Application proposes to subdivide the lot to create one small lot, while maintaining the existing house on a regular lot. Variances for the existing house would be required to facilitate this development and will be discussed in the concurrent Development Permit with Variance Application. The existing house will be maintained as a four-unit house conversion.

Affordable Housing Impacts

The applicant proposes the creation of one new residential unit which would increase the overall supply of housing in the area.

Sustainability Features

The applicant has proposed landscaping, and permeable paving for hard landscaping, as well as, several energy and water saving features for the new small lot house as outlined in the letter dated May 19, 2017 provided by applicant.

Active Transportation Impacts

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

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The immediate area is characterized by single-family dwellings. Near the intersection of Moss Street and Fairfield Road there are retail stores, offices, restaurants, a community centre, a church and an elementary school.

Existing Site Development and Development Potential

The site is presently a house conversion containing four units. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone for the existing house, and the R1-S2 Zone for the proposed small lot house. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Dwelling	Zone Standard R1-S2	Existing Dwelling	Zone Standard R1-B
Site area (m^2) - minimum	335.30	260.00	543.00	460.00

Zoning Criteria	Proposed Dwelling	Zone Standard R1-S2	Existing Dwelling	Zone Standard R1-B
Density (Floor Space Ratio) - maximum	0.47:1	0.6:1	n/a	n/a
Total floor area (m^2) - maximum	158.30	190.00	420.60 (existing non-conforming)	300.00
Lot width (m) - minimum	10.00	10.00	16.12	15.00
Height (m) - maximum	7.31	7.50	10.60 (existing non-conforming)	7.60
Storeys - maximum	2	2	2.5 (existing non-conforming)	2
Site coverage % - maximum	30.80	40.00	32.00	40.00
Setbacks (m) – minimum:				
Front	6.80	6.00	8.10	7.50
Rear	6.40	6.00	8.10 (existing non-conforming)	8.38
Side (north)	1.50	1.50	1.80	1.61
Side (south)	3.0	2.40	**1.30***	3.00
Combine Side Yard	n/a	n/a	**3.10***	4.50
Parking - minimum	1	1	1 (existing non-conforming)	4

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield CALUC at a Community Meeting held on October 20, 2016. A letter from the CALUC dated October 20, 2016 is attached.

In accordance with the City's *Small Lot House Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 93% support the application. Under this policy, "satisfactory support" is considered to be support in writing for the project by 75% of the neighbours. The required Small Lot House Rezoning Petitions, and Summary provided by the applicant, are attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan (OCP)* Urban Place Designation for the subject properties is Traditional Residential. In accordance with the OCP, small lots are subject to DPA 15A:

Intensive Residential – Small Lot. The proposal is consistent with the objectives of DPA 15A to achieve new infill development that respects the established character in residential areas.

Small Lot House Rezoning Policy (2002)

The *Small Lot House Rezoning Policy* encourages sensitive infill development with an emphasis on ground-oriented housing that fits with the existing character of a neighbourhood. The Policy refers to a "Small Lot House" with a minimum lot size of 260m² and a minimum lot width of 10m. The proposed small lot meets the minimum lot size and lot width requirements of the Policy, and the existing single-family dwelling would be retained.

Suburban Neighbourhood Plan

The application is also consistent with the *Suburban Neighbourhood Plan* which wishes to conserve traditional streetscapes, while considering infill that is in keeping with the local character and scale of the neighbourhood.

CONCLUSIONS

This proposal to subdivide and rezone the subject property, retain the existing house, and construct one new small lot house is consistent with the objectives in the *OCP* and the *Small Lot House Rezoning Policy* for sensitive infill development. Staff recommend for Council's consideration that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00538 for the property located at 335 Moss Street.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

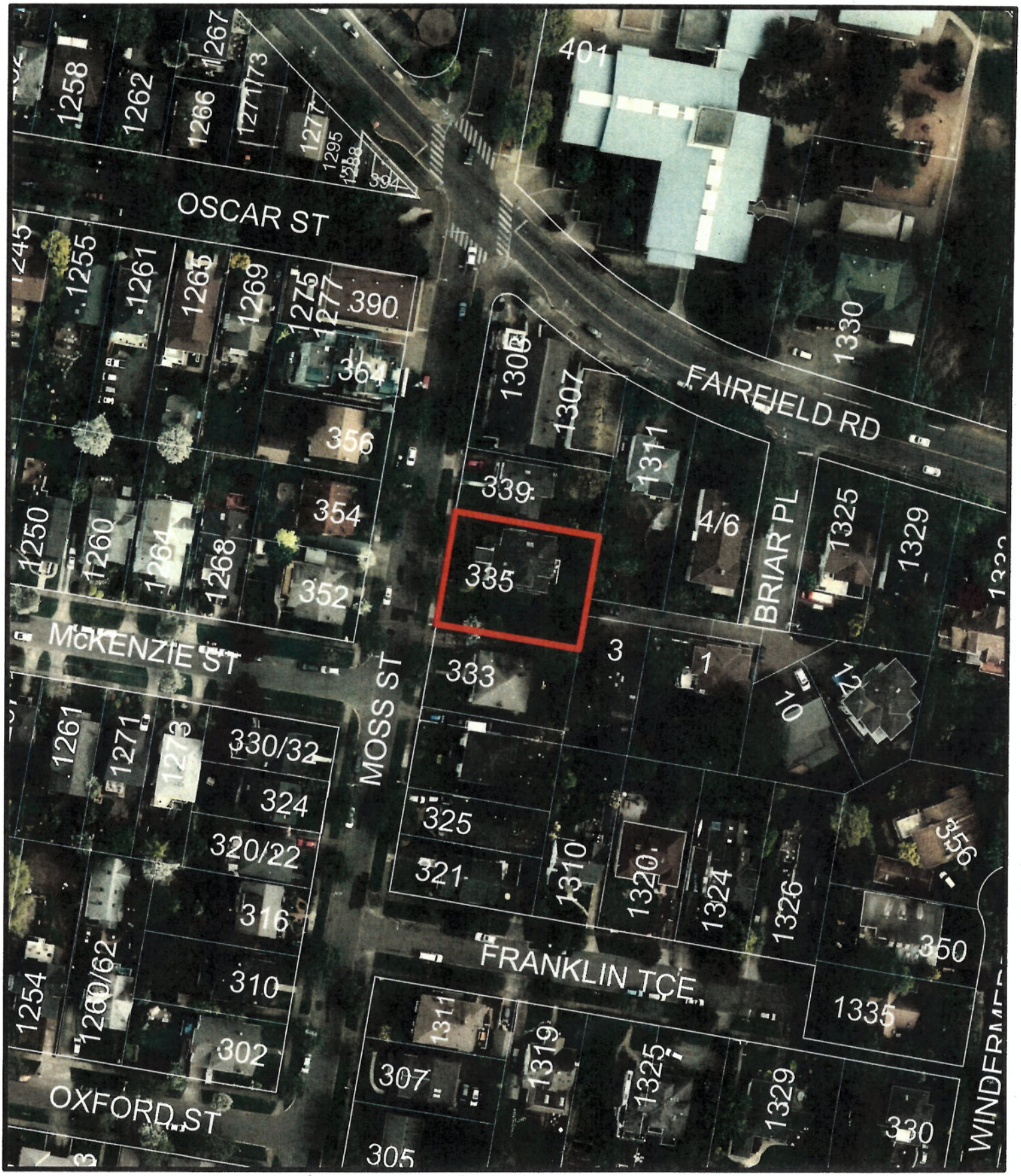
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: June 28, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans date stamped May 19, 2017
- Letters from applicant to Mayor and Council dated November 7, 2016 and May 18, 2017.
- Fairfield CALUC meeting minutes
- Small Lot House Rezoning Petition

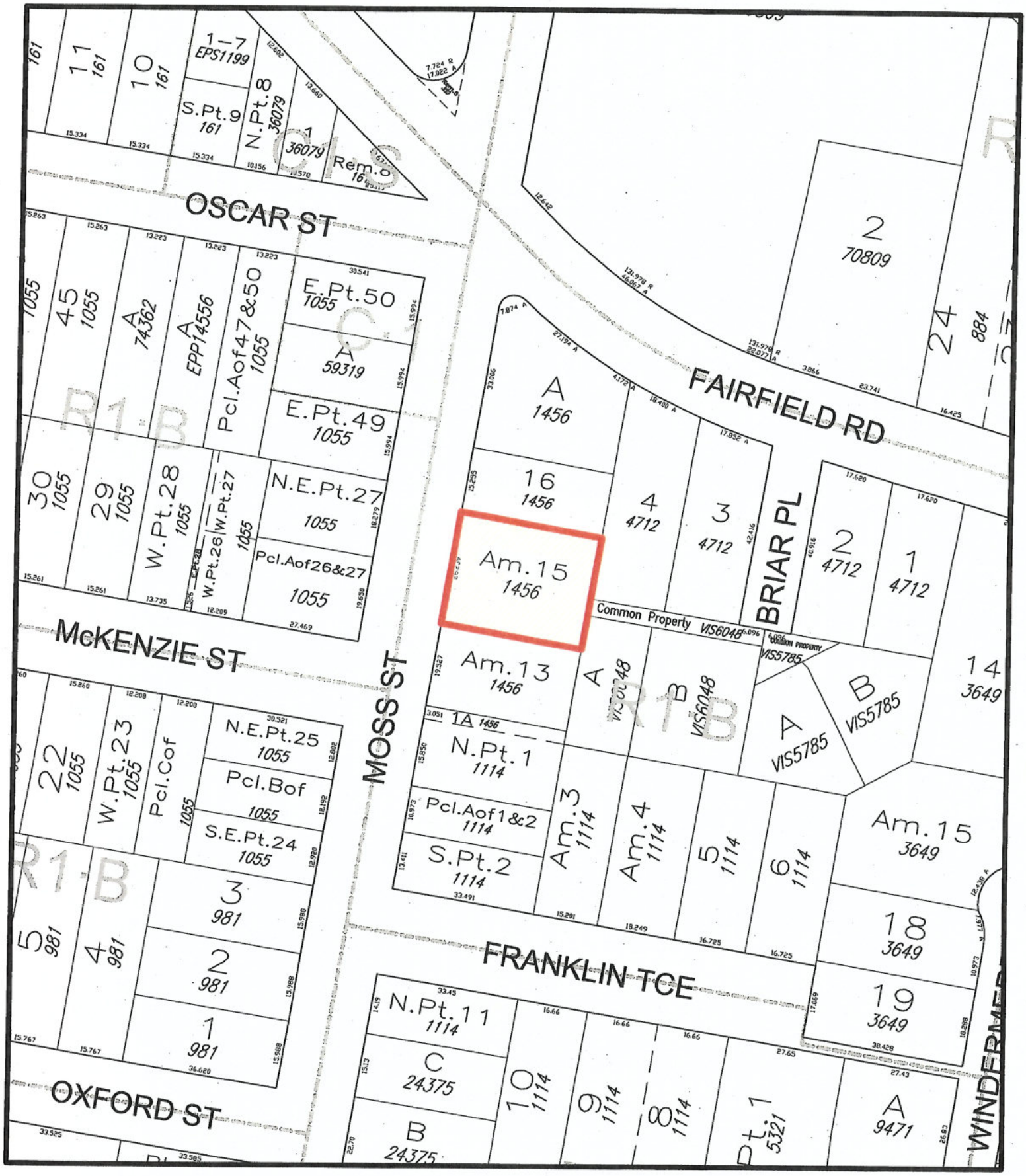


N

335 Moss Street

Rezoning No.00538

CITY OF VICTORIA



N

335 Moss Street

Rezoning No.00538

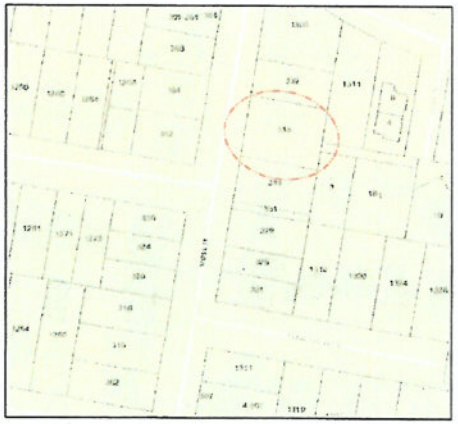
CITY OF VICTORIA

PROPOSED SUBDIVISION:

335 Moss St.

VICTORIA, BC

KEY PLAN:



PROJECT INFORMATION:

SITE ADDRESS: 335 MOSS STREET. VICTORIA, B.C. V8V 4M9

LOT 15, PLAN VIP1456, SECTION FFLD, LAND DISTRICT 57, AMENDED LOT 15 (DD79076-I)

OWNER: 0975116 BC LTD.

ZONING ANALYSIS: (EXISTING HOUSE 335)

ZONE:	R1-B	
LOT AREA:	878.3m2	
LOT COVERAGE:		**EXISTING**
HOUSE		19.8% (173.6m/878.3m)

SHEET INDEX:

A0.0 COVER SHEET

A1.0 COMMUNITY PLAN
A1.1 EXISTING & PROPOSED NEIGHBORHOOD PLAN
A1.2 EXISTING & PROPOSED SITE PLAN
A1.3 PROPOSED SITE SERVICE PLAN
A1.4 EXISTING & PROPOSED LANDSCAPE PLAN
A1.5 SITE IMAGES
A1.6 DEVELOPMENT ELEVATIONS
A1.7 DEVELOPMENT PERSPECTIVES
A1.8 DEVELOPMENT PERSPECTIVES

A2.0 LOT A - COVER SHEET
A2.1 LOT A - FLOOR PLANS
A2.2 LOT A- SECTION
A2.3 LOT A - ELEVATIONS
A2.4 LOT A - PERSPECTIVES

A3.0 LOT B - COVER SHEET
A3.1 LOT B - FLOOR PLANS
A3.2 LOT B - FLOOR PLANS
A3.3 LOT B - SECTION
A3.4 LOT B - ELEVATIONS
A3.5 LOT B - ELEVATIONS
A3.6 LOT B - PERSPECTIVES

PROJECT DIRECTORY:

DESIGNER:	RYAN HOYT DESIGNS INC. 250.999.9893
GENERAL CONTRACTOR:	TBD
STRUCTURAL ENGINEER:	TBD
SURVEYOR:	BRAD CUNNIN LAND SURVEYOR LTD 250.381.2257

SCOPE OF WORK:

1.) SUBDIVISION OF EXISTING R1-B PARCEL INTO ONE R1-B (LOT B) & ONE R1-S2 (LOT A).

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GENERAL NOTES

Date:	Description:	By:	No.:	Comments
16Nov08	Issue for Rezoning	RH	1	
17Feb10	Rezoning Resubmission	RH	2	
17Apr05	Rezoning Resubmission	RH	3	
17May17	Rezoning Resubmission	RH	4	

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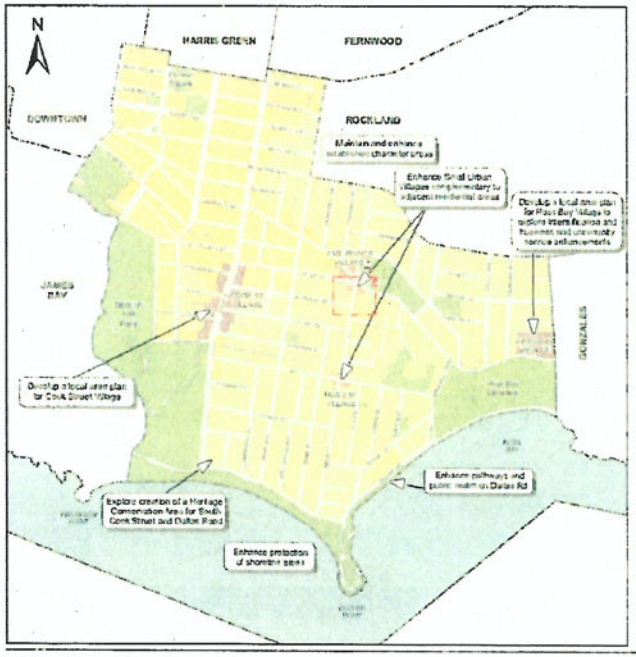
www.ryanhoytdesigns.com

Project: 335 Moss Street

Sheet Title: Cover Sheet

Project No.: 1603

Sheet: A0.0



MAP 21
Fairfield
Strategic Directions

Urban Place Designations*

- Core Residential
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Marine

Public Facilities

- Existing Public School
- Community Centre

*Urban Place Designations are provided for illustrative purposes only. Please refer to Map 2 and Page 5 for definitive information.

142 Official Community Plan CITY OF VICTORIA

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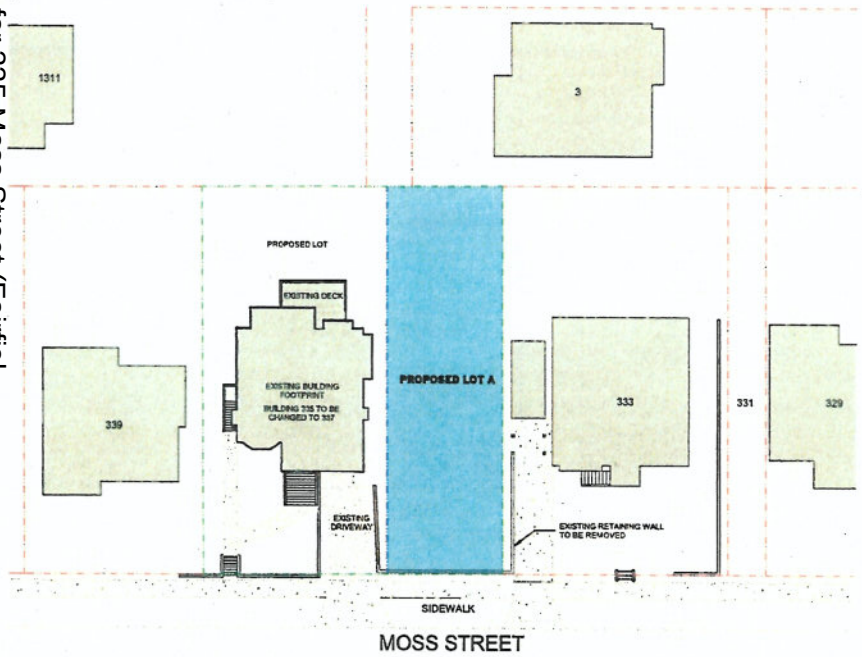
Project: 335 Moss Street

Sheet Title:

Project No.: 1603

Sheet: A1.0



1 Existing Neighborhood Plan
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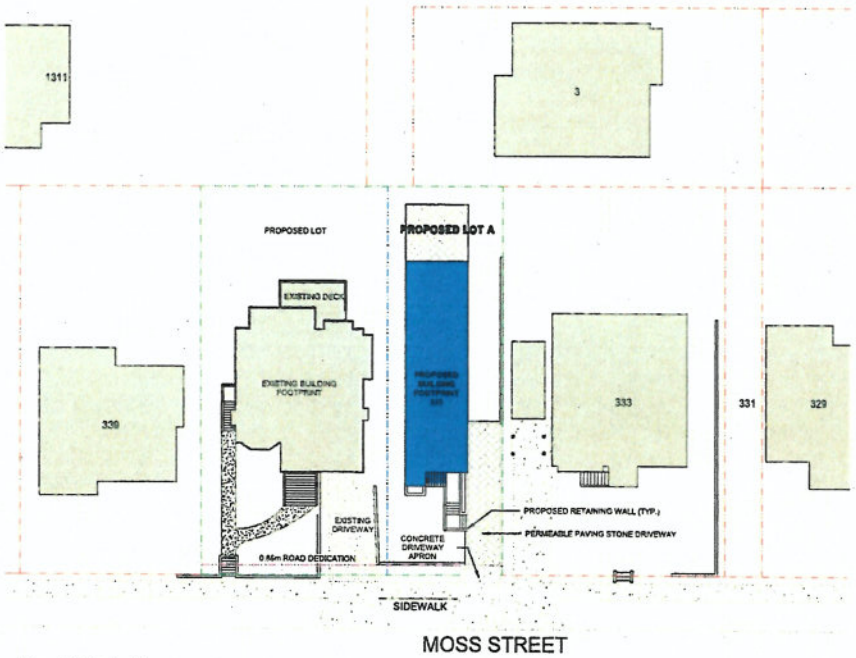

2 Proposed Neighborhood Plan
1 : 200

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16Nov09	Issue for Rezoning	RH	1
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17April05	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

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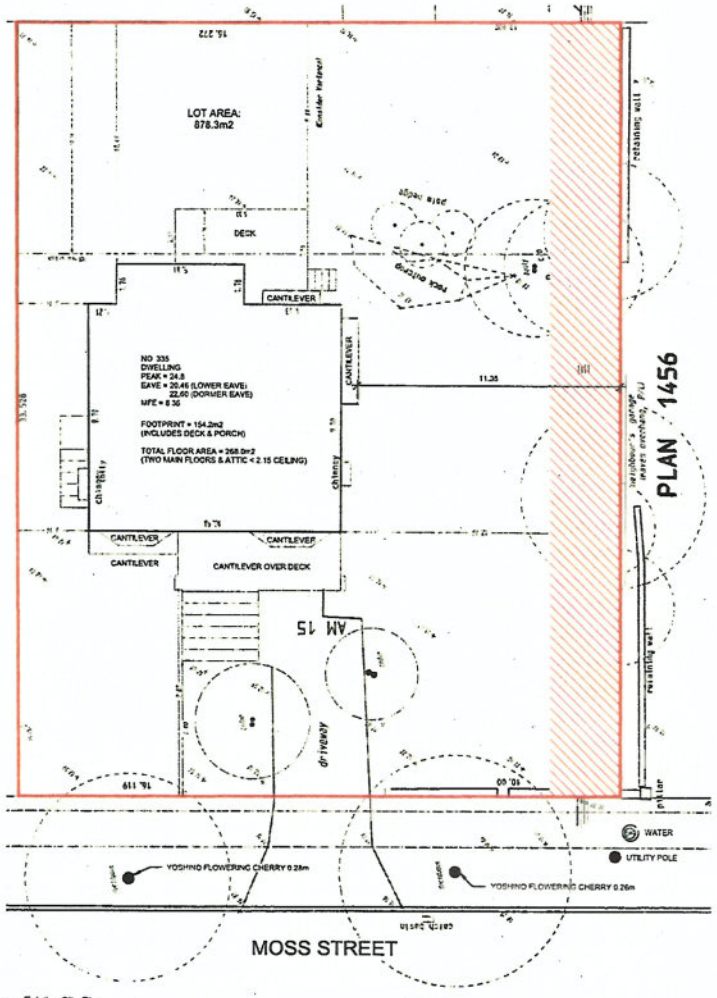
W: www.ryanhoytdesigns.com

Project: 335 Moss Street

Sheet Title: Existing & Proposed Neighborhood Plan

Project No.: 16031

Sheet: A1.1



1 Existing Site Plan
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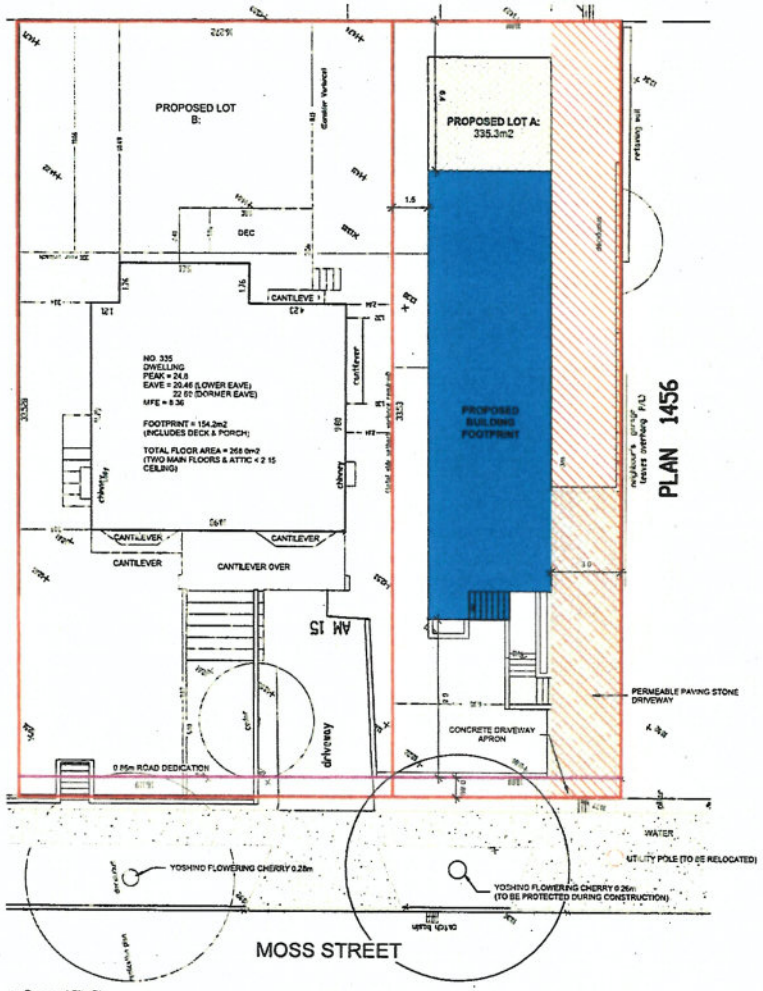

2 Proposed Site Plan
1 : 100

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GENERAL NOTES

1. All drawings, plans, models, designs, specifications and other documents prepared by Ryan Hoyt Designs (RHD) and stored in conjunction with this project are, remains, or serve for the work shown in these "the Works", and as such are and remain the property of RHD whether the work has been done or not, and RHD retains ownership of them and in the case of drawings they have, and the work, not to be used for any other work or purpose.

2. It is the responsibility of the Contractor to verify in advance and between and after consultants to architects in the project and the proposed work. The Contractor shall notify the Designer of any errors, omissions, or discrepancies in the Contract Documents or drawings prior to commencement of construction or any part thereof. Commencement of construction or any part thereof constitutes acceptance of the drawings, specifications and other documents, acceptance of the existing site conditions, and means that all dimensions and elevations have been checked, verified and are acceptable.

3. The Contractor shall work with a [illegible] to verify that construction work, siting and elevation of the completed building or an element on the property prior to commencing the work. RHD is not responsible for any encroachments with respect to setbacks, siting or proximity etc. unknown changes with respect to property lines, unknown easements, and as such RHD is not liable and will not be responsible.

4. The Contractor shall employ a Professional Engineer licensed in the Province of BC for the design and field review of all structural components, and in cases within the work as required by the authority having jurisdiction. The Contractor shall be responsible for the complete and proper installation of the work in the design required by the Structural Engineer. Such installation or any structural component cannot be modified or altered without the Structural Engineer's written approval.

Date:	Description:	By:	No.:
16Nov08	Issue for Rezoning	RH	1
17Feb10	Rezoning Resubmission	RH	2
17Apr05	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

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www.ryanhoytdesigns.com

Project: 335 Moss Street

Sheet Title: Site Plan

Project No.: 1603

Sheet: A1.2

Existing & Proposed

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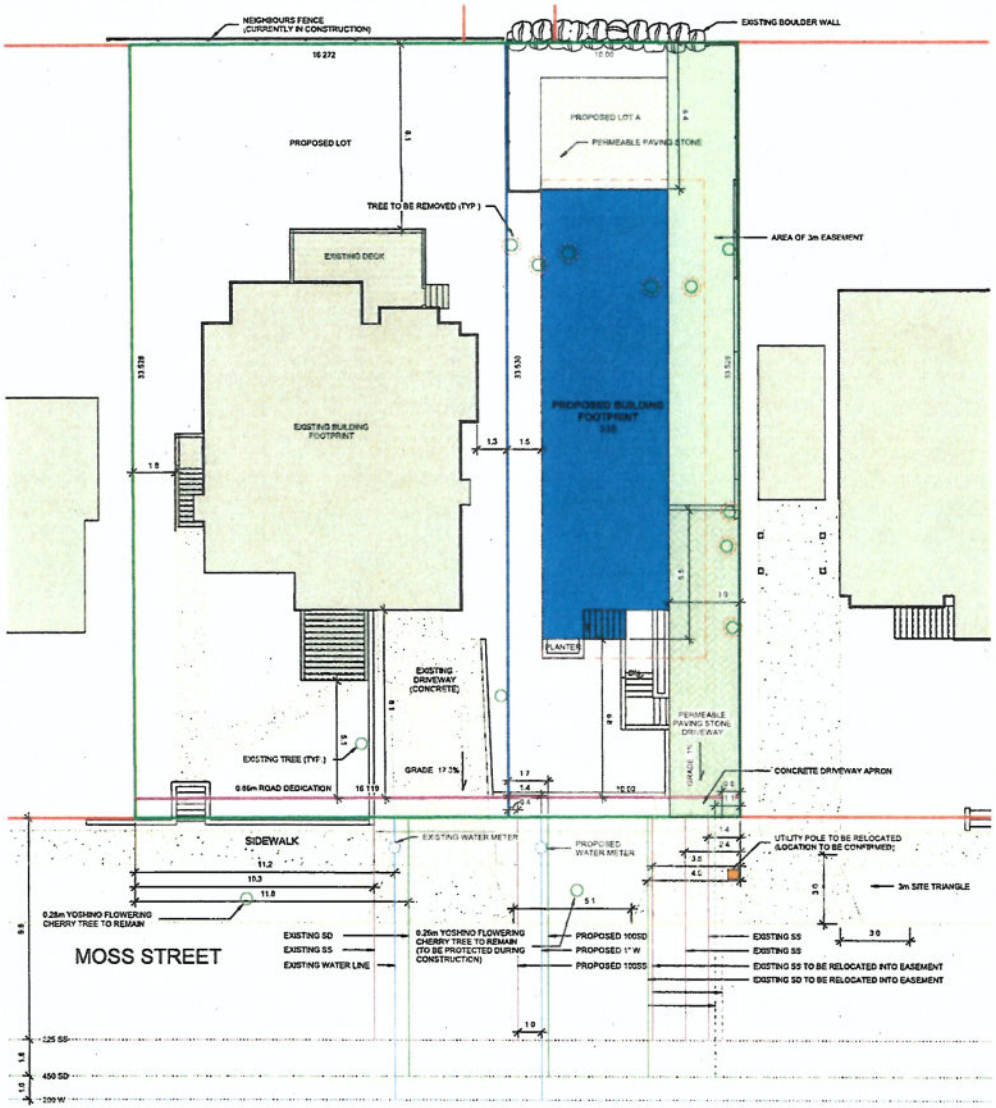

1 Proposed Site Servicing Plan
1 : 100

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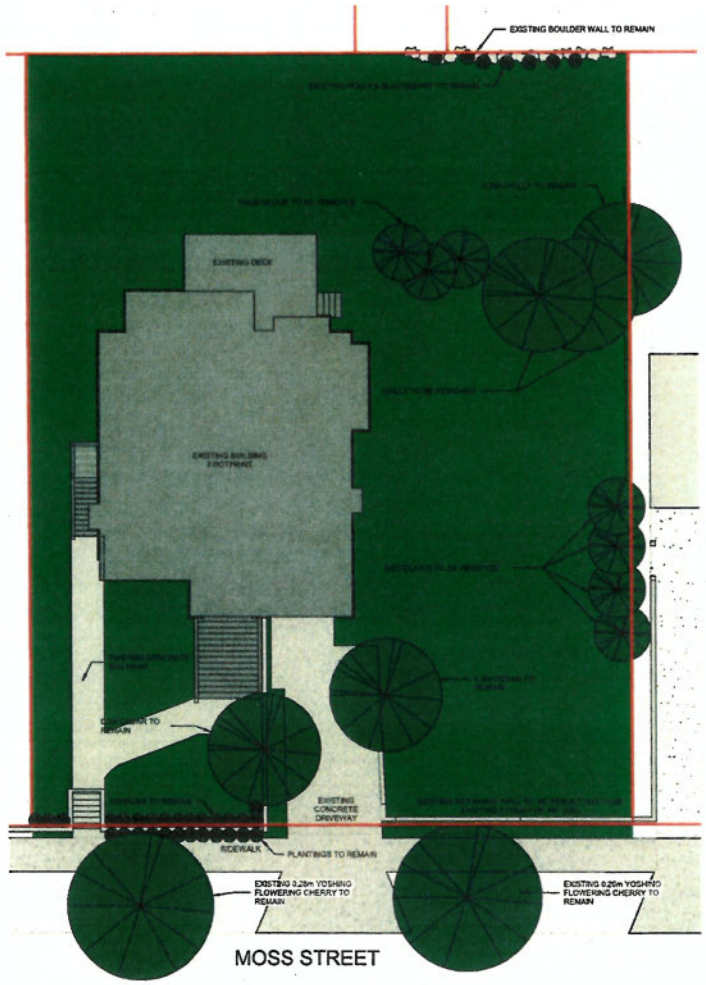
Project: 335 Moss Street

Sheet Title: Proposed Site Servicing Plan

Project No.: 1603

Sheet: A1.3

Committee of the Whole - 06 Jul 2017



① Existing Landscape Plan
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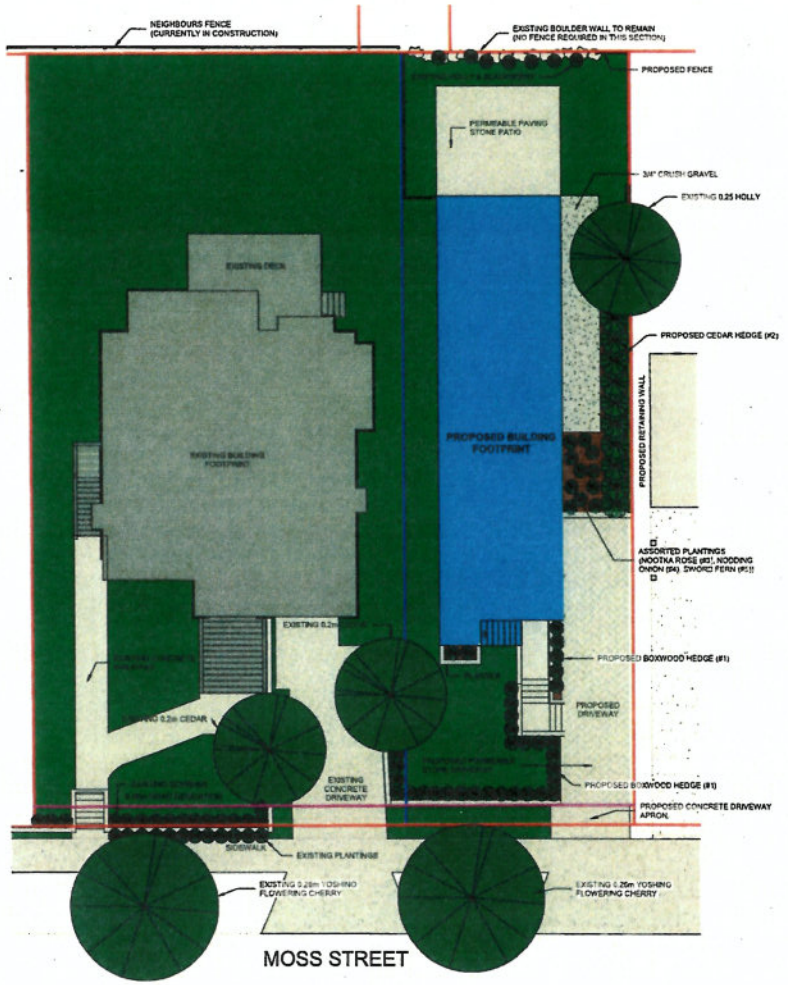

② Proposed Landscape Plan
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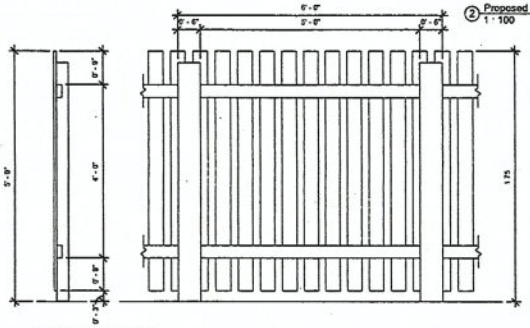

③ Fence - Typical Detail
3/4" = 1'-0"

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LANDSCAPE LEGEND

- GRASS
- TREES/SHRUBS
- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- ASHPHALT
- CONCRETE
- PERMEABLE PAVING STONE

GENERAL NOTES

1. All drawings, specifications, reports, details, sketches and other documents prepared by Ryan Hoyt Designs (RHD) and which or upon our with this project are the property of Ryan Hoyt Designs (RHD) and may be used at such time as we have fulfilled our contract with the client, whether this work is completed or not, and RHD reserves the copyright in them and shall be entitled to use them elsewhere if RHD shall not be liable for any other use of them.
2. It is the responsibility of the Contractor to verify all dimensions, elevations, and site conditions as applicable to the project and the proposed work. The Contractor shall notify the Designer of any errors, omissions or discrepancies identified prior to commencement of construction. Failure to do so shall constitute acceptance of the drawings, specifications and the existing site conditions, and relieve the Designer and consultants from their consultant contract and are accepted.
3. The Contractor shall work with a P.L.S. to verify lying and grading, siting and elevation of the proposed buildings in all phases of the project. Prior to commencing the work, RHD is not responsible for any errors/inserts with respect to site siting, grade or elevation. Any proposed changes with respect to elevation, siting or placement must be consulted with RHD & must be approved.
4. The Contractor shall employ a Professional Engineer licensed in the Province of B.C. for the design and construction of all structural components and systems, all in the same as required by the authority having jurisdiction. Prior to commencement of the work, the Contractor shall notify RHD of any changes to the design required by the Structural Engineer. Every manufacturer or other engineered component and system

Date:	Description:	By:	No.:
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Project: 335 Moss Street

Sheet Title: Existing & Proposed Landscape Plan

Project No.: 1603

Sheet: A1.4

PHOTO #1: VIEW OF PROPOSED LOT LOOKING NORTH EAST FROM MOSS STREET. NOTE AREA OF EXISTING SIDE YARD AVAILABLE.

PHOTO #2: VIEW OF PROPOSED LOT LOOKING EAST FROM MOSS STREET. NOTE EXISTING FOLIAGE TO BE REPLACED TO PROVIDE PRIVACY FOR NEIGHBOUR

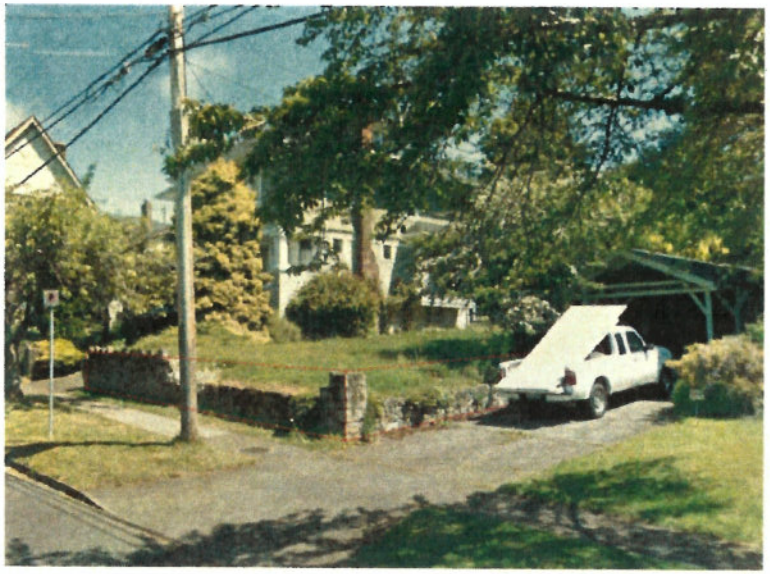

PHOTO #3: VIEW OF PROPOSED LOT LOOKING NORTH EAST FROM MOSS STREET. NOTE EXISTING RETAINING WALLS TO BE SALVAGED AND RE-USED DURING CONSTRUCTION

PHOTO #4: VIEW OF PROPOSED LOT LOOKING SOUTH EAST FROM MOSS STREET. NOTE EXISTING BOULEVARD TREE TO REMAIN, HYDRO POLE TO BE RELOCATED TO ACCOMMODATE PROPOSED DRIVEWAY

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Date:	Description:	By:	No.:
16Nov08	Issue for Rezoning	RH	1
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17May17	Rezoning Resubmission	RH	4

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E ryan@ryanhoydesigns.com
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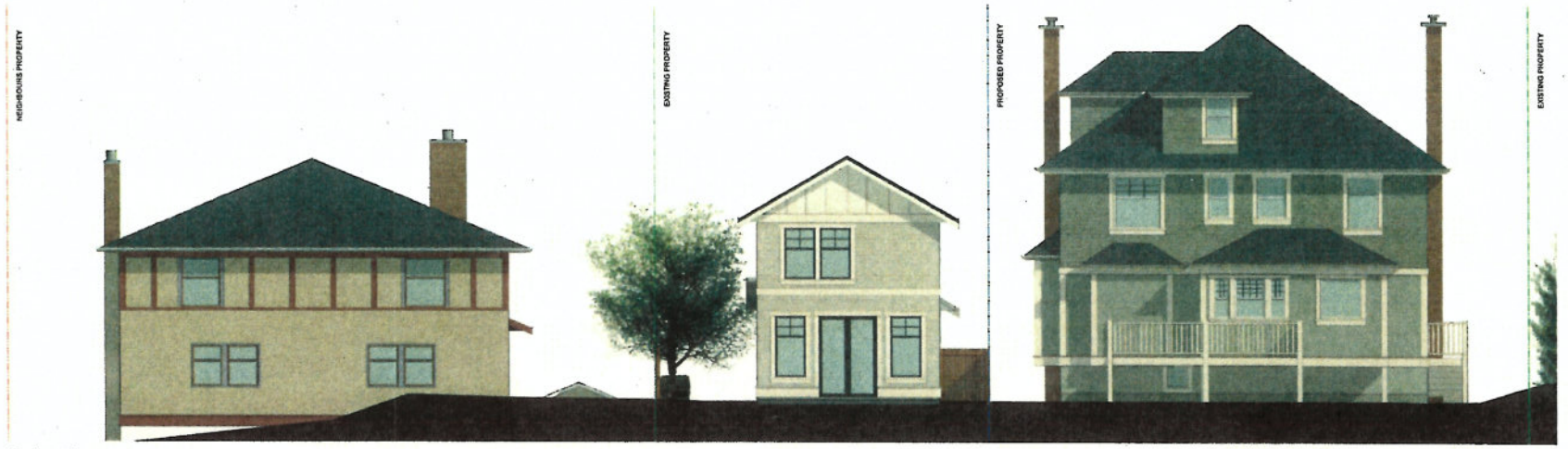
Project: 335 Moss Street

Sheet Title: Site Images

Project No.: 160316

Sheet: A1.5

2 Development West
3/16" = 1'-0"



1 Development East
3/16" = 1'-0"

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2. It is the responsibility of the contractor to verify all dimensions, elevations and site conditions as applicable to the project and the proposed work. Any discrepancy shall notify the Designer of any errors, omissions or discrepancies identified prior to the commencement of construction or any such deficiencies identified during the course of the work. Commencement of construction or any such deficiencies identified during the course of the work implies that the contractor has verified the existing site conditions, any existing drawings and dimensions have been considered, verified and are acceptable.

3. The Contractor shall work with a [illegible] in order to coordinate the work. RHD is not responsible for any changes made with respect to location, sizes or treatment. Any proposed changes shall be reported to RHD. Start of placement shall be construed as acceptance of the work as described.

4. The Contractor shall engage Professional Engineers licensed in the Province of BC for the design and field review of all structural components and systems as per the work as defined by the drawings, notes and specifications. Prior to commencement of the work, the Contractor shall notify RHD of any changes to the design required by the Structural Engineer, from manufacturer or other engineered components or systems.

Date:	Description:	By:	No.:	Comments
16Nov08	Issue for Rezoning	RH	1	
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17Apr09	Rezoning Resubmission	RH	3	
17May17	Rezoning Resubmission	RH	4	

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Project: 335 Moss Street

Sheet Title: Development

Project No.: 16031

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1 3D View 1

2 3D View 2

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2. It is the responsibility of the Contractor to verify all dimensions, elevations, and other conditions as applicable to the project and the proposed work. The Contractor shall notify the Designer of any errors, omissions or discrepancies identified prior to commencement of the work. Commencement of construction or any part thereof shall be deemed to be an acceptance of the dimensions, elevations and other conditions of the project, including all existing and proposed structures, materials, finishes and equipment.

3. The Contractor shall work with a B.C.I.S. is with completed work and, after completion of the work, provide a complete set of drawings as the project progresses in accordance with the requirements of any municipal or other authority or authorities having jurisdiction. Prior to commencement of the work, the Contractor shall notify the Designer of any "errors" or an design required by the Structural Engineer, heat manufacturer or other professional consultant involved.

4. The Contractor shall arrange a Professional Engineer licensed in the Province of BC for the design and field review of all BC Building Code components and systems affecting the work as required by the authority having jurisdiction. Prior to commencement of the work, the Contractor shall notify the Designer of any "errors" or an design required by the Structural Engineer, heat manufacturer or other professional consultant involved.

Date:	Description:	By:	No.:	Comments
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17April05	Rezoning Resubmission	RH	3	
17July17	Rezoning Resubmission	RH	4	

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Project: 335 Moss Street

Sheet Title: Development

Project No.: 160311

Sheet: A1.7

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① 3D View 3

② 3D View 4

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MAY 19 2017
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Development Services Division

GENERAL NOTES

Date:	Description:	By:	No.:	Comments
16Nov08	Issue for Rezoning	RH	1	
17Feb10	Rezoning Resubmission	RH	2	
17Apr05	Rezoning Resubmission	RH	3	
17May17	Rezoning Resubmission	RH	4	

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Project: 335 Moss Street

Sheet Title: Perspectives

Project No.: 1603

Sheet: A1.8

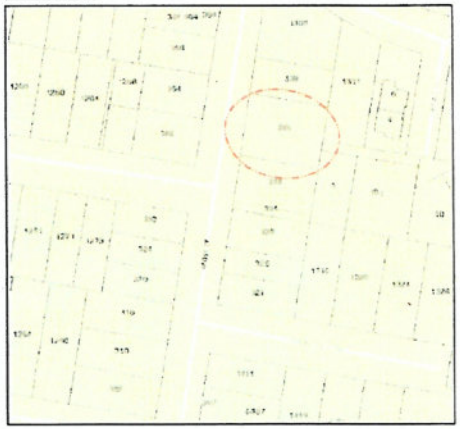
Committee of the Whole - 06 Jul 2017

PROPOSED SINGLE FAMILY DWELLING:

335 Moss St. (Lot A)

VICTORIA, BC

KEY PLAN:



PROJECT INFORMATION:

SITE ADDRESS: 335 MOSS STREET

LOT 15, PLAN VIP1456, SECTION FFLD, LAND DISTRICT 57, AMENDED LOT 15 (DD79076-I)

OWNER: VITTORIO CHELI

SCOPE OF WORK:

1.) CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING

PROJECT DIRECTORY:

DESIGNER: RYAN HOYT DESIGNS INC. 250.999.9893

GENERAL CONTRACTOR: TBD

STRUCTURAL ENGINEER: TBD

SURVEYOR: BRAD CUNNING LAND SURVEYOR LTD 250.381.2257

ZONING ANALYSIS:

ZONE: R1-S2

LOT AREA: 335.3m2

GRADES: AVERAGE GRADE: 12.7m

	ALLOWABLE	PROPOSED
F.S.R:	0.60	0.47
GROSS FLOOR AREA:	**ALLOWABLE**	**PROPOSED**
MAIN FLOOR:		80.7m2
SECOND FLOOR:		77.6m2
BASEMENT:		69.8m2 — CEILING HEIGHT BELOW 1.8m ABOVE GRADE THEREFORE AREA IS EXEMPT FROM TOTAL FLOOR SPACE
TOTAL:	190.0m2	158.3m2 (80.7m2 + 77.6m2)
LOT COVERAGE:	**ALLOWABLE**	**PROPOSED**
HOUSE:	40% (0.40*335.3m2 = 134.1m2)	103.3m2 (103.3m2/335.3m2 = 30.8%)
HEIGHT:	**ALLOWABLE**	**PROPOSED**
HOUSE:	7.5m	7.31m
SETBACKS:	**ALLOWABLE**	**PROPOSED**
FRONT (W):	6.0m	6.8m
REAR (E):	6.0m	6.4m
SIDE (N):	1.5m	1.5m
SIDE (S):	1.5m	3.0m

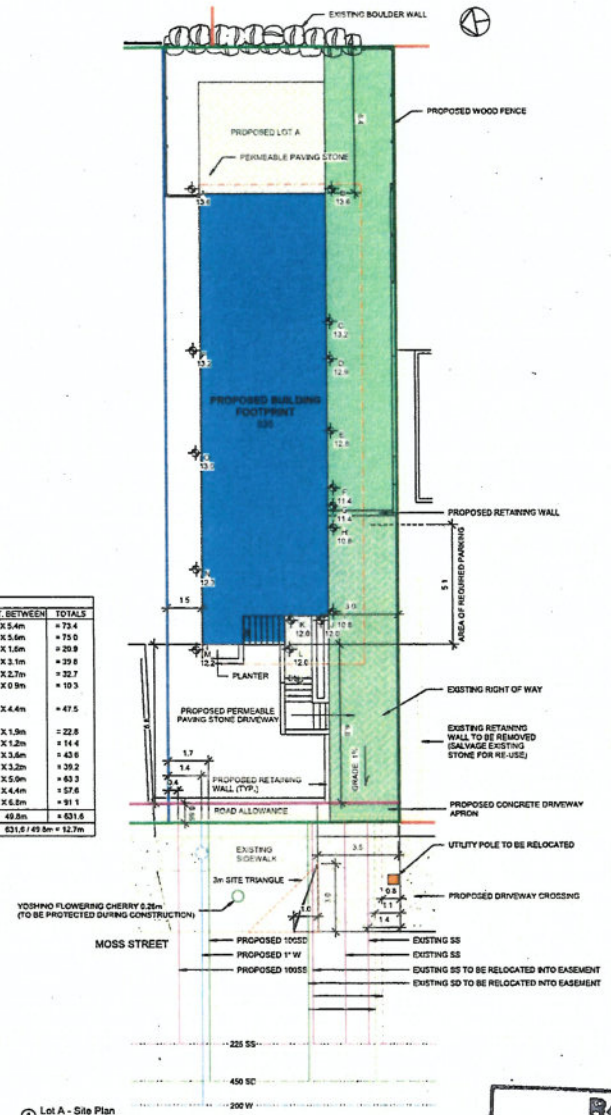
SHEET INDEX:

A2.0 LOT A - COVER SHEET

A2.1 LOT A - FLOOR PLANS
A2.2 LOT A - SECTION
A2.3 LOT A - ELEVATIONS
A2.4 LOT A - PERSPECTIVES

AVG. GRADE CALC

GRADE POINTS		AVG. OF POINTS	DIST. BETWEEN	TOTALS
POINT "A"	13.6m	A-B ((13.6 + 13.6) / 2)	X 5.4m	= 73.4
POINT "B"	13.6m	B-C ((13.6 + 13.2) / 2)	X 5.6m	= 75.0
POINT "C"	13.2m	C-D ((13.2 + 12.9) / 2)	X 1.6m	= 20.9
POINT "D"	12.9m	D-E ((12.9 + 12.8) / 2)	X 3.1m	= 39.8
POINT "E"	12.8m	E-F ((12.8 + 11.4) / 2)	X 2.7m	= 32.7
POINT "F"	11.4m	F-G ((11.4 + 11.4) / 2)	X 0.9m	= 10.3
POINT "G"	11.4m			
POINT "H"	10.8m	H-I ((10.8 + 10.8) / 2)	X 4.4m	= 47.5
POINT "I"	10.8m			
POINT "J"	12.0m	J-K ((12.0 + 12.0) / 2)	X 1.9m	= 22.8
POINT "K"	12.0m	K-L ((12.0 + 12.0) / 2)	X 1.2m	= 14.4
POINT "L"	12.0m	L-M ((12.0 + 12.2) / 2)	X 3.6m	= 43.6
POINT "M"	12.2m	M-N ((12.2 + 12.3) / 2)	X 3.2m	= 39.2
POINT "N"	12.3m	N-O ((12.3 + 13.0) / 2)	X 5.0m	= 63.3
POINT "O"	13.0m	O-P ((13.0 + 13.2) / 2)	X 4.4m	= 57.6
POINT "P"	13.2m	P-A ((13.2 + 13.6) / 2)	X 6.8m	= 91.1
TOTAL			49.8m	= 631.6
GRADE CALCULATION			631.6 / 49.8m = 12.7m	



1 Lot A - Site Plan
1 : 100

Date:	Description:	By:	No.:
16Nov09	Issue for Rezoning	RH	1
17Feb10	Rezoning Resubmission	RH	2
17Apr05	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

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Project: 335 Moss Street

Sheet Title:

Project No.: 1603

Sheet: A2.0

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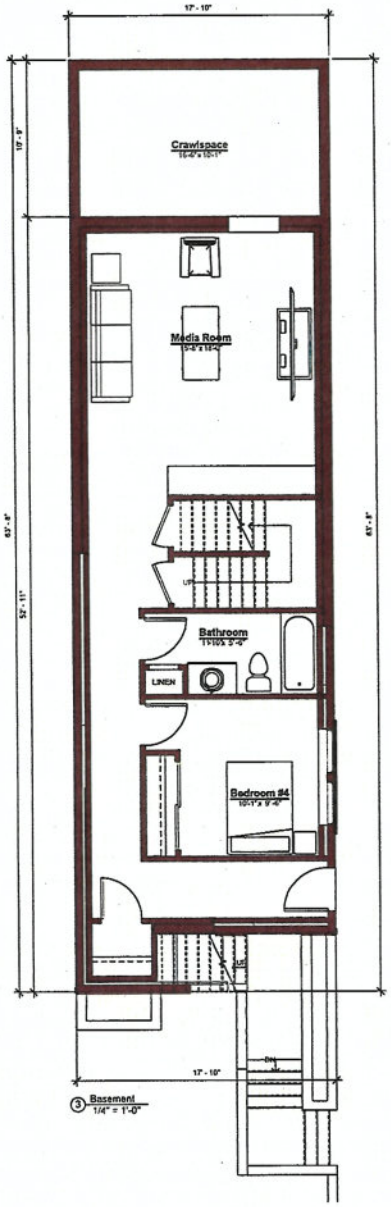

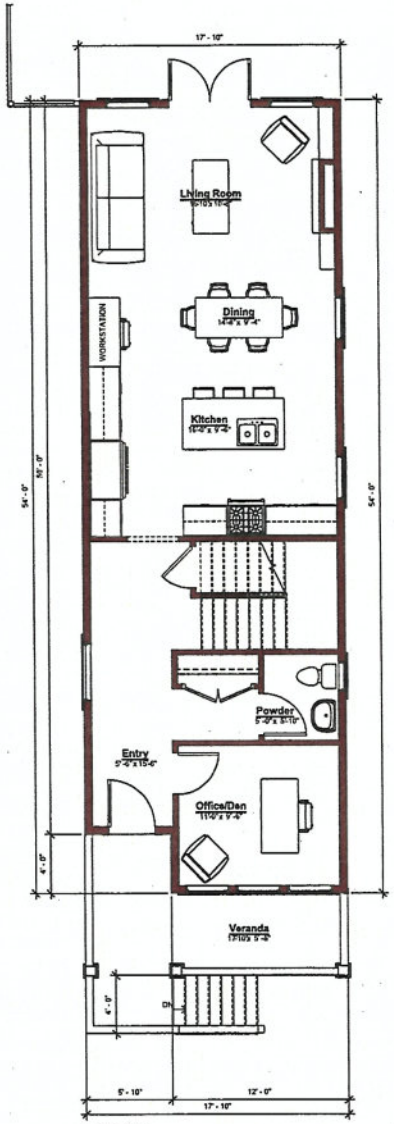

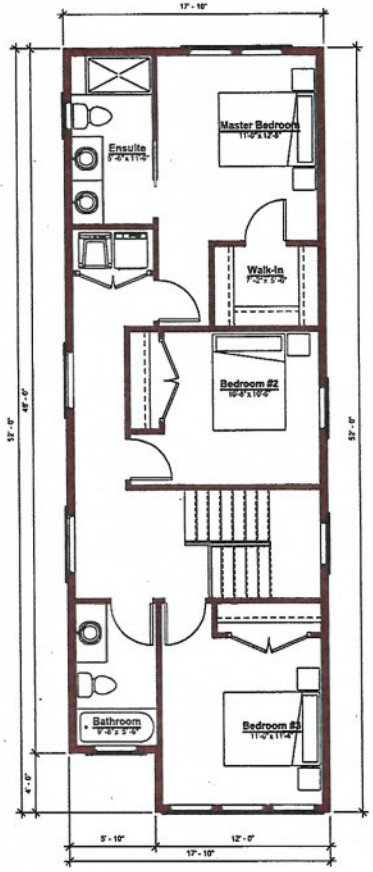

FLOOR AREA	
MAIN:	868 SF
UPPER:	835 SF
BASEMENT:	754 SF
TOTAL:	2457 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

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Date:	Description:	By:	No.:
16Nov08	Issue for Rezoning	RH	1
17Feb10	Rezoning Resubmission	RH	2
17Apr06	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

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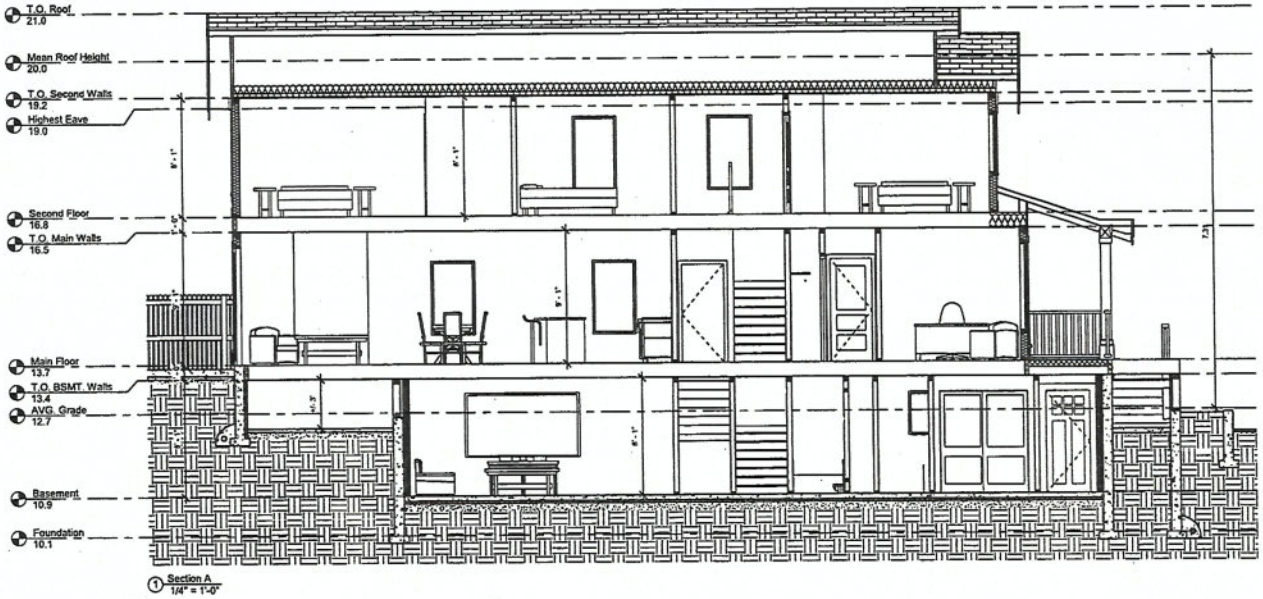
Project: 335 Moss Street

Sheet Title: Floor Plans

Project No.: 1603

Sheet: A2.1



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FLOOR AREA	
MAIN:	858 SF
UPPER:	835 SF
BASEMENT:	734 SF
TOTAL:	2457 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

GENERAL NOTES

Date:	Description:	By:	No.:
16Nov09	Issue for Rezoning	RH	1
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17May17	Rezoning Resubmission	RH	4

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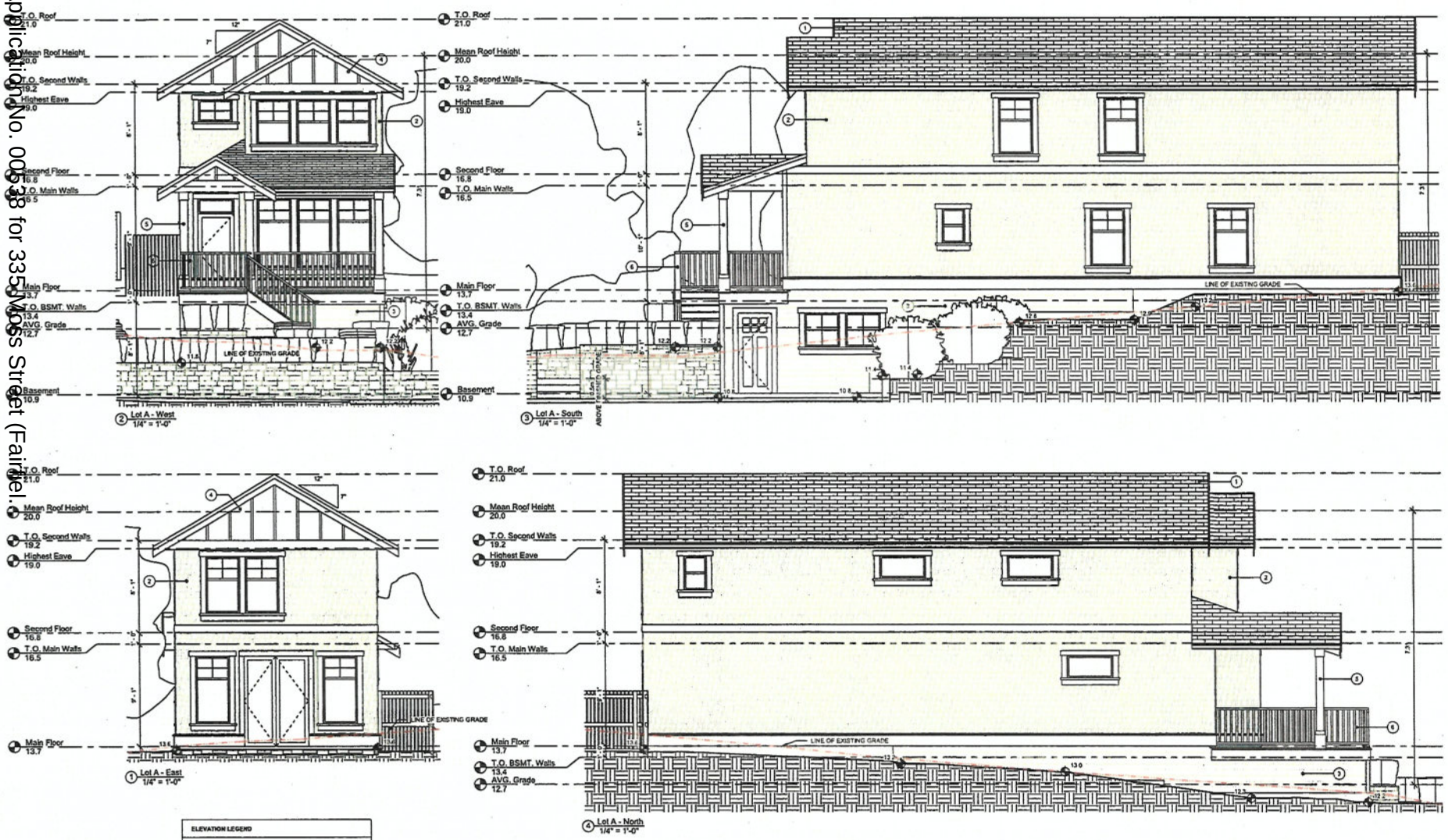
Project: 335 Moss Street

Sheet Title: Section A

Project No.: 1603

Sheet: A2.2



ELEVATION LEGEND

1. 30 YEAR LAMINATE ASPHALT SHINGLE
2. PAINTED CEDAR SHINGLES
3. PAINTED FIBRE CEMENT LAP
4. PAINTED FIBRE CEMENT PANEL C/W 1X3 PAINTED BATTENS @ 2' O/C
5. 6"X6" WOOD POSTS C/W PAINTED COMB FACE WRAP (8"X2" FINISH)
6. WOOD GUARD RAIL

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FLOOR AREA	
MAIN:	868 SF
UPPER:	835 SF
BASEMENT:	794 SF
TOTAL:	2497 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

Date:	Description:	By:	No.:
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17Feb10	Rezoning Resubmission	RH	2
17Apr05	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

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Project: 335 Moss Street

Sheet Title:

Project No.: 1603

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Lot A - 3D View 1

Lot A - 3D View 3

Lot A - 3D View 2

Lot A - 3D View 4

GENERAL NOTES

All drawings, plans, models, design, specifications and other documents prepared by Ryan Hoyt Designs (RHD) and used in connection with this contract are instruments of service and shall remain the property of RHD whether the work for which they are prepared is executed or not. RHD shall retain all rights in these documents including the copyright. These documents shall not be used by others without prior written consent.

It is the responsibility of the Contractor to verify all dimensions and site conditions as applicable to the project and the proposed work. The Contractor shall notify the Designer of any errors, omissions or discrepancies identified when the Contractor prepares the measurements of the work. Commencement of construction or any part thereof shall be deemed to be an acceptance of all dimensions, specifications, descriptions, drawings, models, and other documents and shall constitute a waiver of any claim against RHD for any errors, omissions, inaccuracies and discrepancies.

The Contractor shall verify all B.C.B.C. to verify compliance with B.C.B.C. 2012 and shall be responsible for supervising the work. RHD not responsible to site and personnel not trained to supervise, using or observing this proposal. Persons with training in accepted, safe, or advanced trade practices in accordance with B.C.B.C. and to execute.

The Contractor shall engage a Professional Engineer licensed to the Province of BC for the design and field review of all structural components and systems within the work as required by authority having jurisdiction. Prior to commencement of any work, the Contractor shall verify the Engineer's design required by the Structural Engineer. Work is inclusive or other engineered components supplied.

Date:	Description:	By:	No.:	Comments
16Nov08	Issue for Rezoning	RH	1	
17Feb10	Rezoning Resubmission	RH	2	
17Oct05	Rezoning Resubmission	RH	3	
17May17	Rezoning Resubmission	RH	4	

rhd
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Project: 335 Moss Street

Sheet Title: Lot A - 3D Views

Project No.: 1603

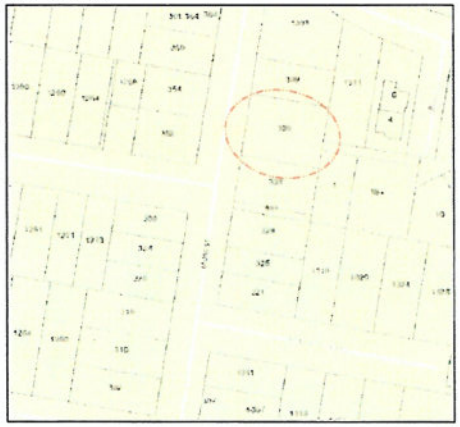
Sheet: A2.4

EXISTING SINGLE FAMILY DWELLING:

337 Moss St. (Lot B)

VICTORIA, BC

KEY PLAN:



PROJECT INFORMATION:

SITE ADDRESS: 337 MOSS STREET

LOT 15, PLAN VIP1456, SECTION FFLD, LAND DISTRICT 57, AMENDED LOT 15 (DD79076-I)

OWNER: VITTORIO CHELI

SCOPE OF WORK:

1.) MODIFICATION OF EXISTING BUILDING

PROJECT DIRECTORY:

DESIGNER:	RYAN HOYT DESIGNS INC. 250.999.9893
GENERAL CONTRACTOR:	TBD
STRUCTURAL ENGINEER:	TBD
SURVEYOR:	BRAD CUNNING LAND SURVEYOR LTD 250.381.2257

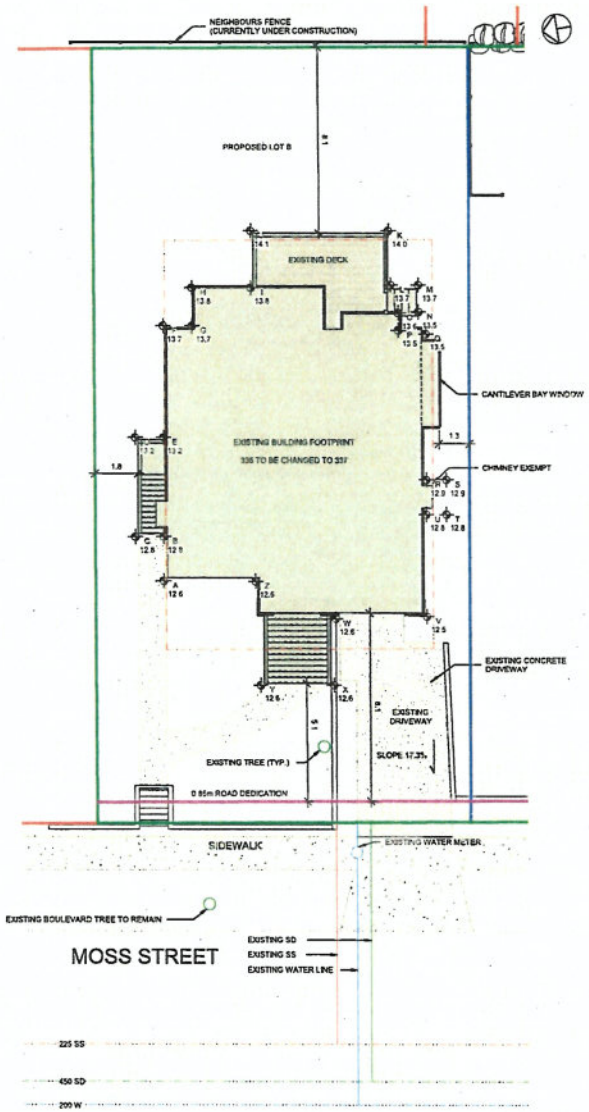
ZONING ANALYSIS:

ZONE:	R1-B
LOT AREA:	543.0m2
GRADES:	AVERAGE GRADE: 13.2m

	ALLOWABLE	EXISTING	PROPOSED
F.S.R:	(N/A)	0.78 (N/A)	0.78 (N/A)(NO CHANGE)
GROSS FLOOR AREA:	**ALLOWABLE**	**EXISTING**	**PROPOSED**
BASEMENT:		113.5m2	113.5m2 (NO CHANGE)
MAIN FLOOR:	280.0m2	117.9m2	117.9m2 (NO CHANGE)
SECOND FLOOR:		124.9m2	124.9m2 (NO CHANGE)
THIRD FLOOR:		65.3m2	65.3m2 (NO CHANGE)
TOTAL:	300.0m2 (AS PER R1-B ZONING)	421.6m2	421.6m2 (113.5+117.9+124.9+65.3) (NO CHANGE)
LOT COVERAGE:	**ALLOWABLE**	**EXISTING**	**PROPOSED**
HOUSE:	40% (0.40*335.3m2 = 134.1m2)	173.6m2 (173.6/543.0 = 32.0%)	173.6m2 (173.6/543.0 = 32.0%; (NO CHANGE)
HEIGHT:	**ALLOWABLE**	**EXISTING**	**PROPOSED**
HOUSE:	7.5m	10.57m	10.57m (NO CHANGE)
SETBACKS:	**ALLOWABLE**	**EXISTING**	**PROPOSED**
FRONT (W):	7.5m	9.0m	8.1m (REDUCED BY 0.86m FOR ROAD DEDICATION)
REAR (E): (25% LOT DEPTH)	8.4m	8.1m	8.1m (NO CHANGE)
SIDE (N): (10% LOT WIDTH)	1.62m → 4.62m	1.8m	1.8m (NO CHANGE)
SIDE (S):	3.0m	1.3m	1.3m (NO CHANGE)

SHEET INDEX:

A3.0 LOT B - COVER SHEET
A3.1 LOT B - FLOOR PLANS
A3.2 LOT B - FLOOR PLANS
A3.3 LOT B - SECTION
A3.4 LOT B - ELEVATIONS
A3.5 LOT B - ELEVATIONS
A3.6 LOT B - PERSPECTIVES



① Lot B - Site Plan
1 : 100

AVERAGE GRADE CALCULATION - LOT B				
GRADE POINTS	AVG. OF POINTS	DIST. BETWEEN		TOTALS
POINT A 12.6	12.7 = (12.6+12.8/2)	1.9		24.1
POINT B 12.8	12.8 = (12.8+12.8/2)	1.2		15.3
POINT C 12.8	12.8 = (12.8+13.2/2)	3.9		50.6
POINT D 13.2	13.2 = (13.2+13.2/2)	1.2		15.8
POINT E 13.2	13.4 = (13.2+13.7/2)	5.0		67.0
POINT F 13.7	13.7 = (13.7+13.7/2)	1.2		16.4
POINT G 13.7	13.7 = (13.7+13.8/2)	1.6		22.0
POINT H 13.8	13.8 = (13.8+13.8/2)	2.6		35.9
POINT I 13.8	13.9 = (13.8+14.1/2)	2.6		36.2
POINT J 14.1	14.0 = (14.1+14.0/2)	5.9		82.7
POINT K 14.0	13.9 = (14.0+13.7/2)	2.8		38.8
POINT L 13.7	13.7 = (13.7+13.7/2)	1.2		16.4
POINT M 13.7	13.6 = (13.7+13.5/2)	0.9		12.2
POINT N 13.5	13.6 = (13.5+13.6/2)	1.2		16.3
POINT O 13.6	13.5 = (13.6+13.5/2)	0.5		6.8
POINT P 13.5	13.5 = (13.5+13.5/2)	1.4		18.9
POINT Q 13.5	13.2 = (13.5+12.9/2)	6.8		89.8
POINT R 12.9	12.9 = (12.9+12.9/2)	0.4		5.2
POINT S 12.9	12.9 = (12.9+12.8/2)	1.1		14.2
POINT T 12.8	12.8 = (12.8+12.8/2)	0.4		5.1
POINT U 12.8	12.7 = (12.8+12.5/2)	4.5		57.1
POINT V 12.5	12.6 = (12.5+12.6/2)	3.6		45.2
POINT W 12.6	12.6 = (12.6+12.6/2)	3.2		40.2
POINT X 12.6	12.6 = (12.6+12.6/2)	3.6		45.3
POINT Y 12.6	12.6 = (12.6+12.6/2)	4.7		59.1
POINT Z 12.6	12.6 = (12.6+12.6/2)	3.9		49.1
TOTAL		67.3		885.6
GRADE CALCULATION				885.6/67.3 = 13.2m

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GENERAL NOTES

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17Apr05	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

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Project: 335 Moss Street

Sheet Title: Lot B

Project No.: 1603

Sheet: A3.0

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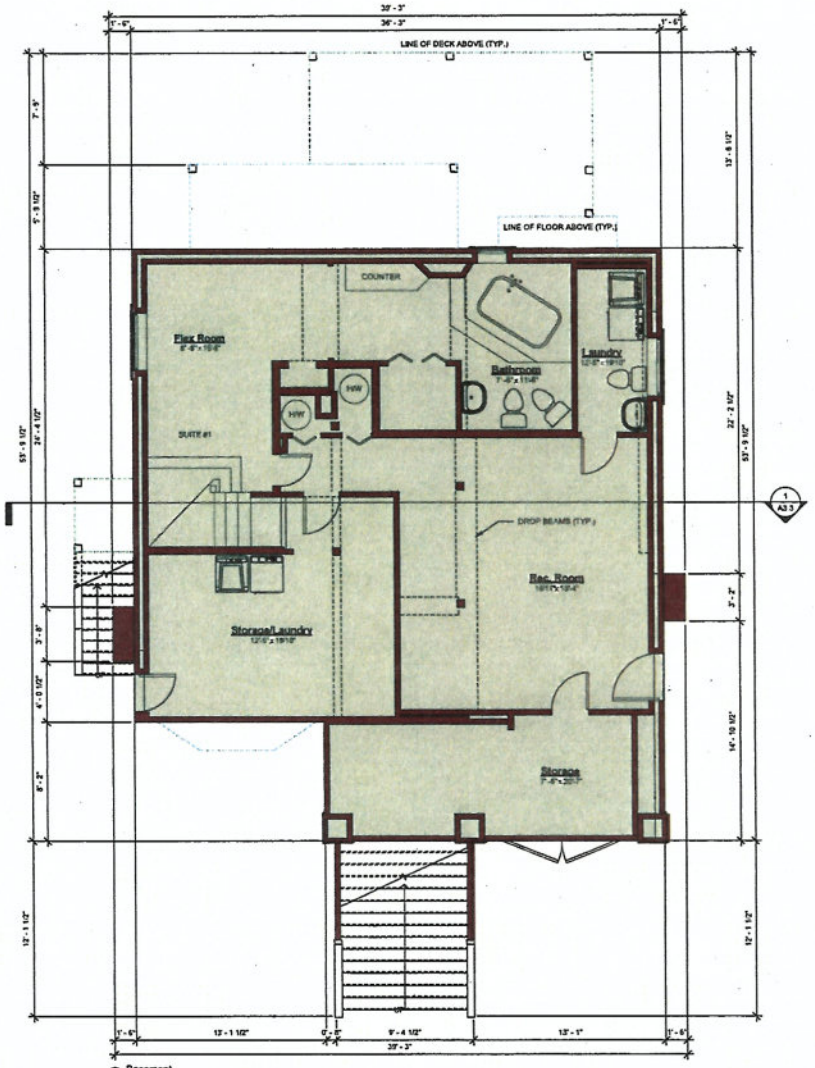
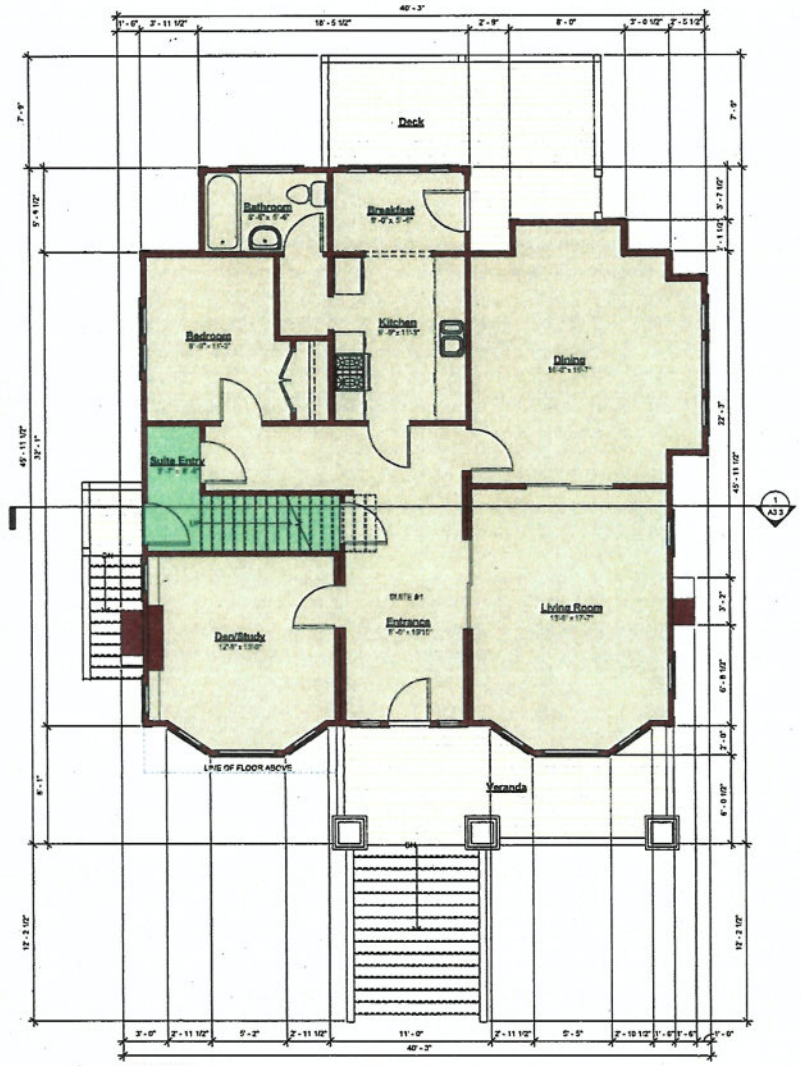


1 Basement
1/4" = 1'-0"



2 Main Floor
1/4" = 1'-0"

SUITE LOCATION & SIZE	
SUITE #1	2453 SF
SUITE #2	574 SF
SUITE #3	565 SF
SUITE #4	784 SF
COMMON AREA	171 SF

FLOOR AREA	
BASEMENT:	1006 SF
MAIN:	1296 SF
SECOND:	1292 SF
THIRD:	394 SF
TOTAL:	3982 SF
GARAGE:	246 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

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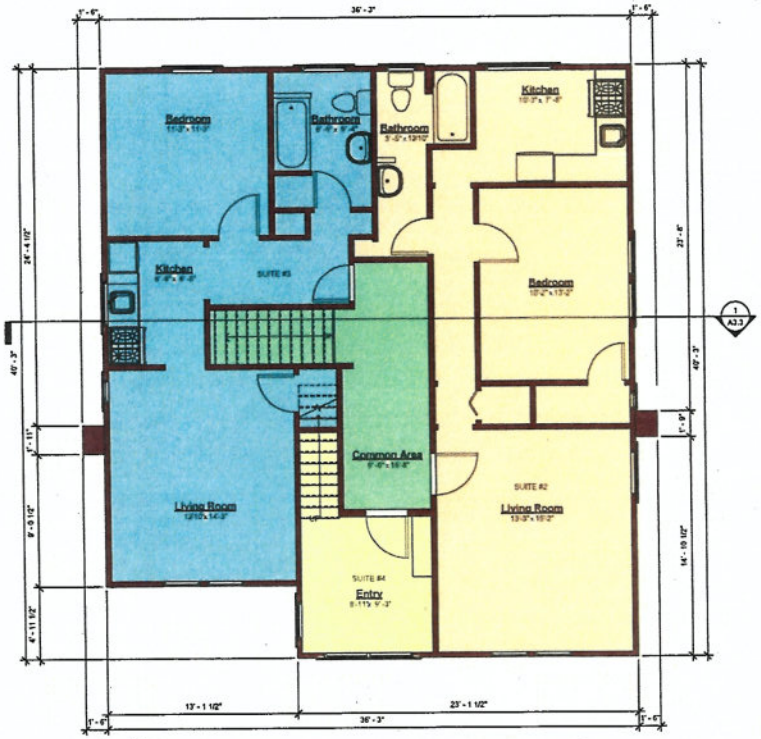
Project: 335 Moss Street

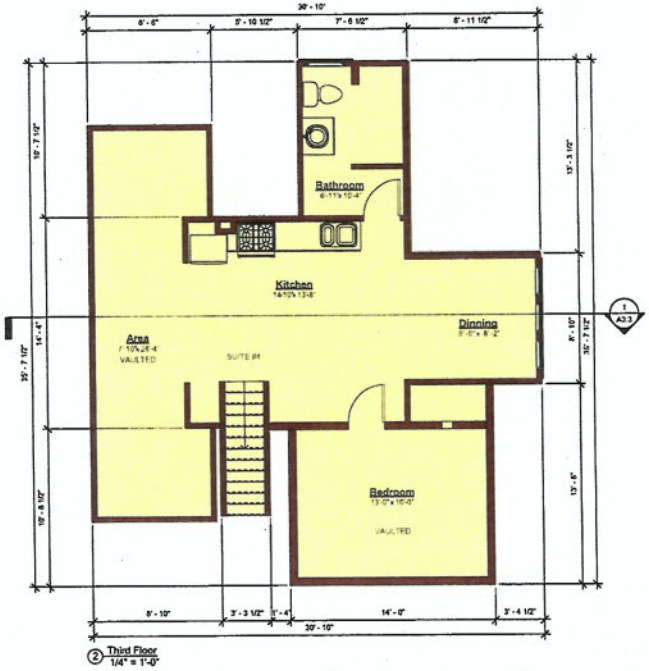
Sheet Title:

Project No.: 1603

Sheet: A3.1



1 Second Floor
1/4" = 1'-0"



2 Third Floor
1/4" = 1'-0"

SUITE LOCATION & SIZE	
SUITE #1	2453 SF
SUITE #2	574 SF
SUITE #3	508 SF
SUITE #4	784 SF
COMMON AREA	171 SF

FLOOR AREA	
BASEMENT	1009 SF
MAIN	1296 SF
SECOND.	1252 SF
THIRD	354 SF
TOTAL	3910 SF
GARAGE	240 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

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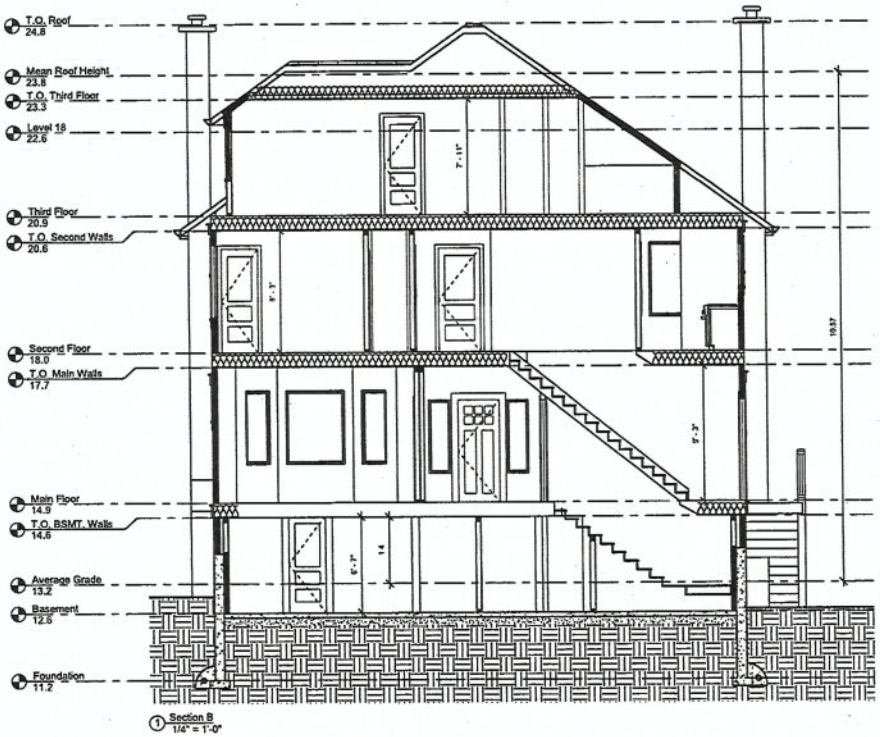
Project: 335 Moss Street

Sheet Title: Floor Plans

Project No.: 1603

Sheet: A3.2



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FLOOR AREA	
BASEMENT	1009 SF
MAIN:	1296 SF
SECOND:	1252 SF
THIRD:	354 SF
TOTAL:	3922 SF
GARAGE:	346 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

GENERAL NOTES

Date:	Description:	By:	No.:
16Nov08	Issue for Rezoning	RH	1
17Feb10	Rezoning Resubmission	RH	2
17Apr05	Rezoning Resubmission	RH	3
17May17	Rezoning Resubmission	RH	4

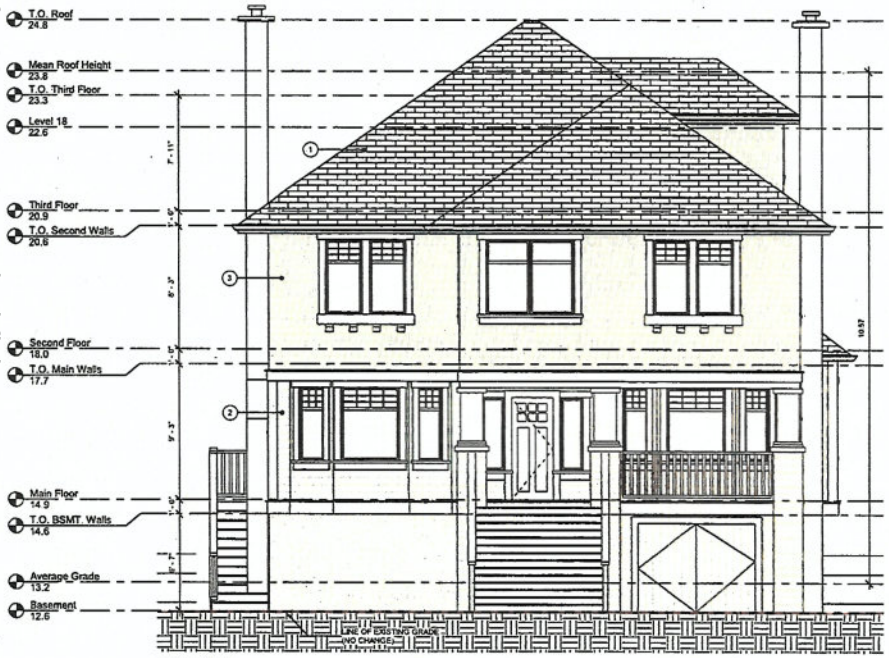
rhd
RYAN HOYT DESIGNS
Ryan Hoyt Designs Inc.
Suite 207, 4475 Viewmont Ave.
Victoria, BC V8Z 6L8
250.995.5893
ryan@ryanhoytdesigns.com
www.ryanhoytdesigns.com

Project: 335 Moss Street

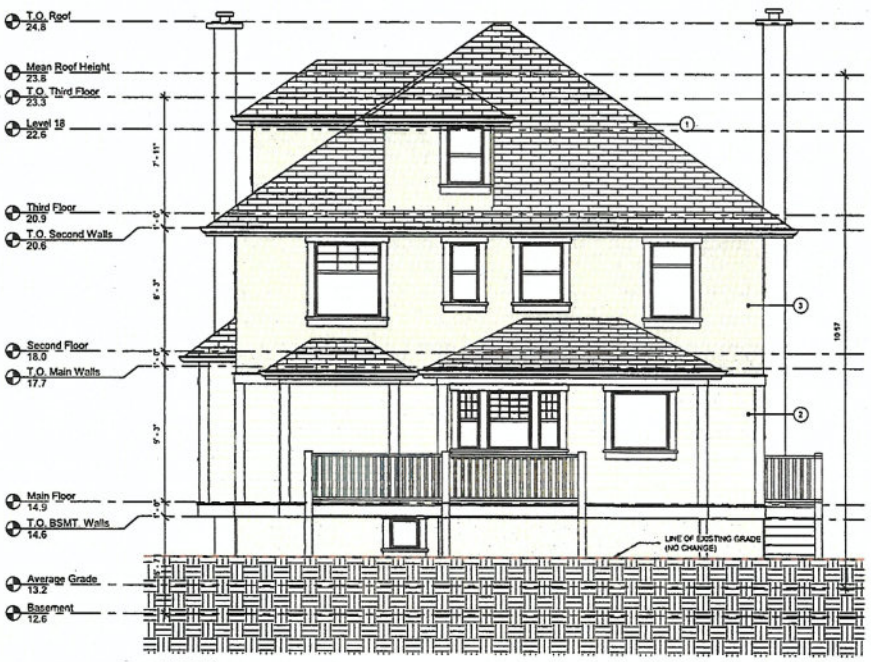
Sheet Title:

Project No: 1603

Sheet: A3.3



1 Lot B - West
1/4" = 1'-0"



2 Lot B - East
1/4" = 1'-0"

ELEVATION LEGEND

1. EXISTING ASPHALT SHINGLE
2. EXISTING LAP SIDING
3. EXISTING SHINGLE SIDING

FLOOR AREA	
BASEMENT:	1909 SF
MAIN:	1296 SF
SECOND	1232 SF
THIRD:	354 SF
TOTAL:	3922 SF
GARAGE	246 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

Received
City of Victoria
MAY 19 2017
Planning & Development Department
Development Services Division

GENERAL NOTES

Date:	Description:	By:	No.:	Comments
18Nov08	Issue for Rezoning	RH	1	
17Feb10	Rezoning Resubmission	RH	2	
17Oct05	Rezoning Resubmission	RH	3	
17May17	Rezoning Resubmission	RH	4	

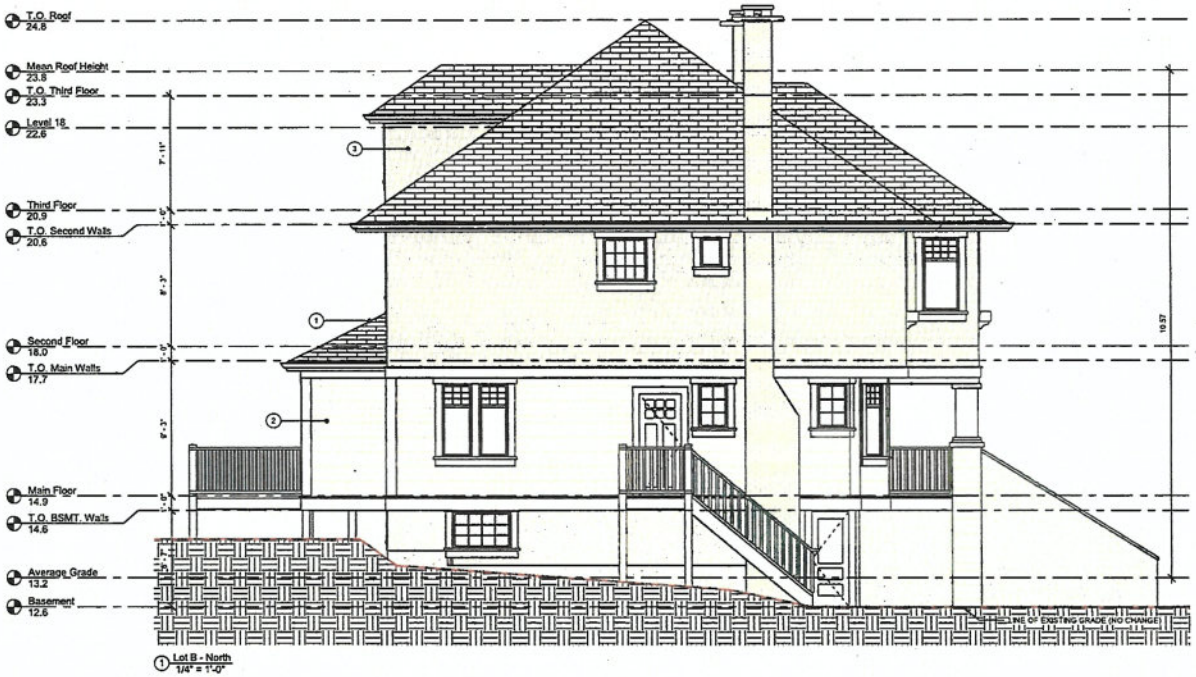
Ryan Hoyt Designs Inc.
Suite 1-1277 Gladstone Avenue,
Victoria, BC V8Z 4L8
T: 250.999.9893
www.ryanhoytdesigns.com

Project: 335 Moss Street

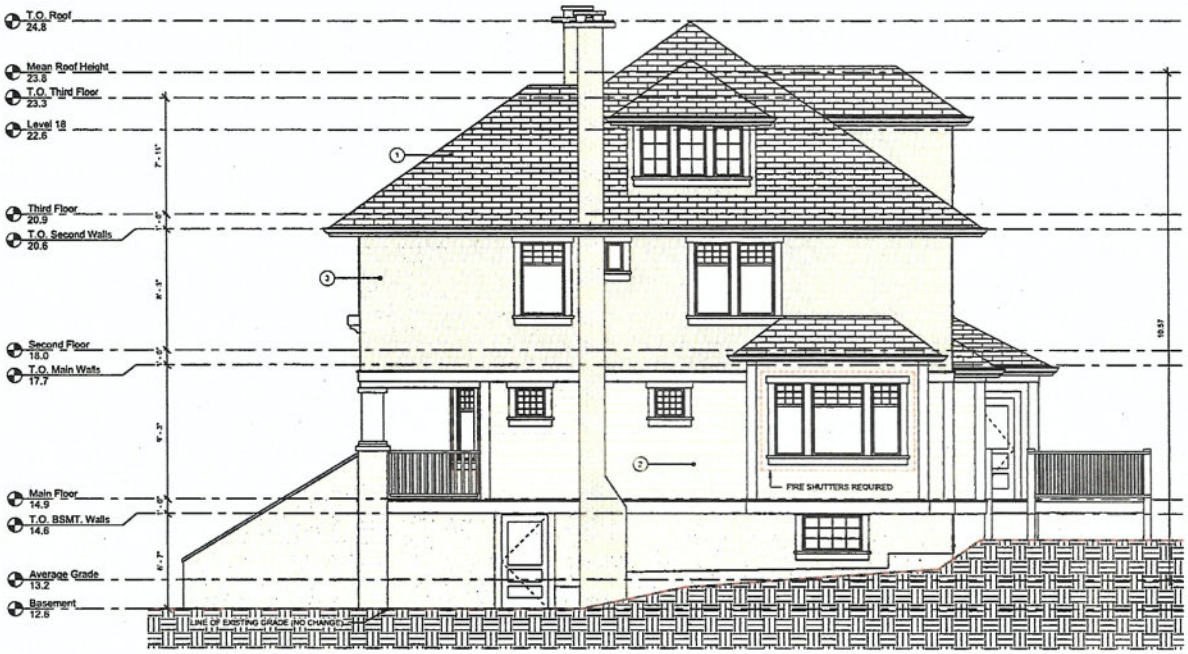
Sheet Title: Lot B Elevations

Project No.: 16031

Sheet: A3.4



1 Lot B - North
1/4" = 1'-0"



2 Lot B - South
1/4" = 1'-0"

Received
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MAY 19 2017
Planning & Development Department
Development Services Division

ELEVATION LEGEND
1 EXISTING ASPHALT SHINGLE
2 EXISTING LAP SIDING
3 EXISTING SHINGLE SIDING

PROPOSED SOUTH ELEVATION SPACIAL SEPARATION #1	
AREA OF EXPOSING BUILDING FACE:	95.5m2
LIMITING DISTANCE:	2.0m
PERCENTAGE OF GLAZED AREA ALLOWABLE:	9.0%
AREA OF GLAZED OPENINGS ALLOWABLE: (95.5m2*9.0%)	8.6m2
AREA OF GLAZED OPENINGS PROPOSED.	7.5m2
PERCENTAGE OF GLAZED AREA PROPOSED:	7.8%

PROPOSED SOUTH ELEVATION SPACIAL SEPARATION #2	
AREA OF EXPOSING BUILDING FACE:	11.6m2
LIMITING DISTANCE:	1.3m
PERCENTAGE OF GLAZED AREA ALLOWABLE	7.7%
AREA OF GLAZED OPENINGS ALLOWABLE: (11.6m2*0.077)	0.9m2
AREA OF GLAZED OPENINGS PROPOSED	3.5m2
PERCENTAGE OF GLAZED AREA PROPOSED:	30.2%

*FIRE SHUTTERS REQUIRED FOR THIS SECTION

FLOOR AREA	
BASEMENT	1009 SF
MAIN:	1296 SF
SECOND.	1292 SF
THIRD:	354 SF
TOTAL:	3952 SF
GARAGE:	246 SF

DRAWING SCALE: 1/4" = 1' - 0" ALL MEASUREMENTS ARE IN FEET

5 4 3 2 1 0 5 10 15 20

GENERAL NOTES

Date:	Description:	By:	No.:	Comments
16Nov08	Issue for Rezoning	RH	1	
17Feb10	Rezoning Resubmission	RH	2	
17Apr05	Rezoning Resubmission	RH	3	
17May17	Rezoning Resubmission	RH	4	

rhd RYAN HOYT DESIGNS
Ryan Hoyt Designs Inc.
Suite 207, 4475 Wilkinson Ave.
Victoria, BC V8Z 6L8
250.979.9309
info@ryanhoytdesigns.com
www.ryanhoytdesigns.com

Project: 335 Moss Street

Sheet Title: Elevations

Project No.: 1603

Sheet: A3.5

Received
City of Victoria
MAY 19 2017
Planning & Development Department
Development Services Division

4 3D View 8

2 3D View 6

3 3D View 7

1 3D View 5

GENERAL NOTES

Date:	Description:	By:	No.:	Comments
16Nov08	Issue for Rezoning	RH	1	
17Feb10	Rezoning Resubmission	RH	2	
17Apr05	Rezoning Resubmission	RH	3	
17Mar17	Rezoning Resubmission	RH	4	

RYAN HOYT
Ryan Hoyt Designs Inc.
Suite 201, 4475 Viewmont Ave.
Victoria, BC V8Z 6L8
250.999.0893
ryan@ryanhoytdesigns.com

Project: 335 Moss Street

Sheet Title: Lot B - Perspectives

Project No.: 16031

Sheet: A3.6

RYAN HOYT DESIGNS

info@ryanhoytdesigns.c
www.ryanhoytdesigns.c

Ryan Hoyt Designs Inc.
250.999.9893

Received
City of Victoria
MAY 19 2017
Planning & Development Department
Development Services Division

May 18, 2017

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

Dear Mayor & Council,

RE: Rezoning and Small Lot Subdivision Application – 335 Moss Street – Victoria, BC

On behalf of Vittoria Cheli and David Weeks (the Owner), Ryan Hoyt Designs Inc. (RHD) has submitted a Subdivision and Rezoning application (the Proposal) with variance to subdivide the existing parcel at 335 Moss to create an additional small lot parcel, to be zoned R1-S2. The following information outlines the details of this proposal.

1.0 BACKGROUND

The Property is located on the East side of Moss Street just 2 lots south of Fairfield Road, with an area of 878m2. The Property is currently zoned R1-B (Residential Single Family) with an existing Multi-Family rental dwelling currently located towards the Northerly boundary of the property. This existing building is retained as part of this proposal.

2.0 LOCATION

The adjacent parcels are all zoned R1-B (Single Family Dwelling), while some of these lots have existing multi-family structures similar to the subject property. Larger commercial and institutional structures are sited a few lots away at the busy junction of Fairfield and Moss.

3.0 THE OWNERS

The Owners currently operate the existing multi-family dwelling as a rental building, and intend to retain ownership of the existing building and maintain its current rental use following the rezoning and subdivision.

4.0 PROJECT DETAILS

The proposal is to create an additional small lot out of the existing parent parcel while retaining the existing building in it's current form. The only modification to the existing building is to install fire shutters over the existing dining room windows to overcome the closer proximity to the new side lot line. The original project proposal

RYAN HOYT DESIGNS
info@ryanhoytdesigns.com
www.ryanhoytdesigns.com
250.999.9893

was to remove the dining room bump out from the building, but after consulting with the City Planning and heritage staff, it was preferred to leave the bump-out intact to retain the character of the existing building.

The existing lot size is 878m2, with the proposed new lot at 335.3m2 (260m2 required by R1-S2 zone). The parent lot will remain at 543m2 (460m2 required by R1-B Zone). The proposed new house is a 2-storey, 4 bedroom home, totalling ~2400sf including the basement.

5.0 PROJECT BENEFITS

This subdivision presents an excellent opportunity for sensitive infill that does not affect existing housing stock or impose significantly on the neighborhood. The site location is in close proximity to a village like setting (Moss and Fairfield Junction) with many larger residential, commercial and institutional structures in close proximity. With close access to bus routes and community facilities, this setting is an excellent infill candidate.

The proposed house provides enough space to allow a young family to move into the Fairfield community. While some many not consider the pending value of this new home to fit the affordable housing description, it is a more affordable route to access a new home in this neighborhood vs. demolishing an existing single family home and re-building.

6.0 PROPOSED VARIANCES

There are no variances sought for the proposed new home, but two variances proposed for the existing house, to relax the side yard setback and the combined side yard setback as follows:

Side Yard -	Required: 3.0m	Proposed: 1.3m
Combined Side Yard -	Required: 4.5m	Proposed: 3.1m.

Despite the variances, there will remain a 3.0m space between the proposed house and the neighbor to the south which is greater than the 1.5m side yard setback which is the minimum prescribed by the zone.

7.0 NEIGHBORHOOD IMPACT

We feel this Proposal provides a positive addition to the neighborhood in the sense that it provides an urban density addition with very little deleterious impact on the surrounding properties.

Initial feedback from the neighbors generally echoes this sentiment.

RYAN HOYT DESIGNS

info@ryanhoytdesigns.co
www.ryanhoytdesigns.co

RH Designs Inc.
250.999.9893

8.0 DESIGN

The design of the new home reflects a Traditional / Transitional styling which remains in keeping with the existing form and character along Moss Street, while introducing some subtle modern features that gives this house some unique appeal.

9.0 HERITAGE DESIGNATION

The Owners have consulted with the City of Victoria heritage planning staff regarding the potential for a heritage designation on the existing building. Following a review of the heritage program; it's benefits and impacts, the Owners have elected not to apply for heritage designation at this time.

10.0 CLOSURE

Thank you for the opportunity to submit this Proposal. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Yours truly,

Ryan Hoyt Designs Inc.

Ryan Hoyt, AScT, RBD, LEED®AP
Principal

www.ryanhoytdesigns.com

Constructive Design Solutions

RYAN HOYT
DESIGNS

info@ryanhoytdesigns.com
www.ryanhoytdesigns.com

RH Designs Inc.
250.999.9893

November 07, 2016

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

Dear Mayor & Council,

RE: Green Features - 335 Moss Street - Victoria, BC

On behalf of Vittoria Cheli and David Weeks (the Owners), Ryan Hoyt Designs Inc. (RHD) has submitted a Small Lot Rezoning Package for a proposed subdivision at 335 Moss Street (the Property). The following 'green features' are considered for this project:

Landscaping:	Extensive green barriers for privacy along neighbours property to the South
Transportation:	Required parking does not exceed the minimum number of off-street spaces
Energy Efficiency:	New Construction to pursue Energuide 80 (or equivalent)
Water:	Low flow fixtures
Site Permeability:	Permeable paving stones for hard landscaping

Yours truly,

Ryan Hoyt Designs Inc.

Ryan Hoyt, AScT, RBD, LEED®AP
Principal

FAIRFIELD GONZALES
COMMUNITY ASSOCIATION
the place to connect

Fairfield Gonzales Community Association Land Use Committee
Community Meeting October 20, 2016
Fairfield Community Place
1330 Fairfield Road

Chaired by Corey Burger (acting vice chair) Heather Murphy and Alice Albert (recorders) Robin Jones and Susan Kainer (members of CALUC).

Four community members in attendance.

335 Moss Street

R1-B (single Family District) to R1B and R1-S2 Restricted Small Lot (Two Storey) District " I propose to split the subject property in two, retaining the existing building (R1-B) and then subdividing and re zoning the resulting small lot (R1-S2) for the purpose of erecting a two storey, small lot infill building. Both resulting properties fit into existing zoning bylaws, with only a minor total setback variance required on the existing building."

Proponent states he has support from neighbours. Currently, there is an older home on the site which contains 4 units.

1 Briar Place

- One neighbour at back did not receive notice. Some **confusion over who needs to be notified**. Four homes have **easement** to lot but were not given notice. Given only one day left to respond.
- Objects to proponent's statement that neighbours are unanimously in support of proposed development.
- Last 10' right of way for gas and water services. Response: Building does not encroach on easement.
- Neighbour to south most affected.
- What is going to be the setback?
- Basement and Garage?
- Future service to access pipes?
- Distance between existing house and proposed house is 1.5 metres therefore concern re fire. Example given in similar situation where steel studs were mandated by fire department to fire proof. Response: recess bay window as one possibility.
- Concern: Complete loss of sunlight after 2pm.

1330 FAIRFIELD RD. VICTORIA, BC V8S 5J1
Tel. 250.382.4604 Fax 250.382.4613
www.fairfieldcommunity.ca
office@fairfieldcommunity.ca

- Living room privacy from another neighbour not present.
- Easement private matter. What will happen if our services are cut off?
- (Proponent) will not live in house will move on. Response: We are here to stay.
- Proponent: We are here to hear your concerns; this is the first of many opportunities. We are here to start a dialogue.

12 Briar Place

- What are the plans to protect services located on easement during construction? Will it have to be dug up? Not sure you can dig because of services. Response: Thinks it can be done so that services can be preserved.
- Blasting may be necessary.
- Sewer Storm will be out for 3 weeks no room to excavate. Neighbour's past experience with blasting for months resulted in an 80 to 100' tree going down. Response: There are no guarantees when blasting and will be done as carefully as possible.

General Comment: There is nothing money can't solve. (in reference to what can be achieved with or without blasting).

Robin Jones, CALUC Committee Member, 1330 Fairfield Road

- Width of house? 7metres.
- Rental of basement? No, because no entrance.
- Will there be a retaining wall between the existing house and the proposed development? Response: There will be a partial retaining wall.

Heather Murphy, CALUC Committee Member, 1330 Fairfield Road

- Concern blasting effects on mature Garry Oak on property to the south. Response: Will check with arborist.
- Will new driveway cut out be required? Yes.

Summary of Concerns:

Confusion regarding who needed to be notified. Most concern focused on potential and unknown impact on services (water etc.) provided by way of easement.

1330 FAIRFIELD RD. VICTORIA, BC V8S 5J1
Tel. 250.382.4604 Fax 250.382.4613
www.fairfieldcommunity.ca
place@fairfieldcommunity.ca

SUMMARY
SMALL LOT HOUSE REZONING PETITION

I, Vittorio Francesco Cheli (applicant), have petitioned the adjacent neighbours* in compliance with the *Small Lot House Rezoning Policies* for a small lot house to be located at 335 Moss Street (location of proposed house) _____ and the petitions submitted are those collected by September 19, 2016 (date).**

Address	In Favour √	Opposed √	Neutral (30-day time expired) √
333 Moss Street	1	0	1
~~1-335 Moss Street~~ N/A	~~3~~	0	0
~~2-335 Moss Street~~ N/A	~~1~~	0	0
~~3-335 Moss Street~~ N/A	~~2~~	0	0
~~4-335 Moss Street~~ N/A	~~2~~	0	0
339 Moss Street	2	0	0
1-352 Moss Street	2	0	0
2-352 Moss Street	0	0	2
1272 McKenzie Street	2	0	0
354 Moss Street	2	0	0
356 Moss Street	3	0	0
1311 Fairfield Road	2	0	0
3 Briar Place	0	0	2
1 Briar place	0	1	0

SUMMARY	Number	%	
IN FAVOUR	13 ~~12~~ ~~11~~		93%
OPPOSED	1		7%
TOTAL RESPONSES	~~12~~ 14	100%	

*Do not include petitions from the applicant or persons occupying the property subject to rezoning.
**Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) PAUL BOURKE & CHRISTINE BECHER (~~see note above~~)

ADDRESS: # 1 BRIAR PLACE, VICTORIA V8S 3J5

Are you the registered owner? S. Yes ☑ No ☐

I have reviewed the plans of the applicant and have the following comments:

☐ I support the application.

☑ I am opposed to the application.

Comments:

- THERE IS INSUFFICIENT LAND TO SUPPORT R1-S2 REZONING - THE SET BACK ON THE NORTH SIDE AGAINST THE EXISTING HOUSE IS TOO CLOSE.
- OUR SERVICE LINES (STORM & SANITARY) AS WELL AS OUR GAS LINES WILL BE DAMAGED / CUT OFF DURING CONSTRUCTION

October 18, 2016 — Date

Paul Bourke — Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, i,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

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to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) MARK ALLDRITT (see note above)

ADDRESS: 333 MOSS ST.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

I UNDERSTAND MR. CHELI INTENDS TO SELL THE DIVIDED PROPERTY AND DEVELOPMENT PERMIT + PLANS. MY APPROVAL IS CONTINGENT ON THE FINAL STRUCTURE BEING SUBSTANTIALLY IDENTICAL TO THE PROPOSAL

SEPT 17, 2016
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) [redacted] (see note above)

ADDRESS: 339 Moss Street

Are you the registered owner? Yes ☑ No ☐

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

Aug 16/16
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) _____ (see note above)

ADDRESS: 339 MOSS ST

[illegible] the registered owner? Yes ☒ No ☐

[illegible]ewed the plans of the applicant and have the following comments:

[illegible]ort the application.

[illegible]posed to the application.

12/16

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Andrew Wream (see note above)

ADDRESS: 1-352 Moss St Victoria BC

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:
Density Is Good

August 15/16
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) Janelle Heron (see note above)

ADDRESS: 1-352 Moss St.

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

Aug 15/16
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

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(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) Mirielle Tahian (see note above)

ADDRESS: 1472 McKenzie Street

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

Sep 12 2017
Date

Mirielle Tahian
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) Rob Doak (see note above)

ADDRESS: 1272 McKenzie St

Are you the registered owner? Yes ☐ No ☑

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

Sept 12 2017 — RB Doak
Date — Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) DANIEL JOHNS (see note above)

ADDRESS: 3534 MOSS ST

Are you the registered owner? Yes ☑ No ☐

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

I support the application on the basis that, as shown on the plans, the development include a garage and driveway for resident parking. The area is already under served by parking for existing housing, so further density needs to include reasonable onsite parking to serve the added residents.

Date: September 18, 2016

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) VASSILENA JOHNS (see note above)

ADDRESS: 354 Moss St

Are you the registered owner? Yes ☑ No ☐

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

I support the application so long as, as a condition of the re-zoning the city requires the development to include a driveway and on-site parking for the added resident load to the area.

SEPT 18, 2016
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

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Please review the plans and indicate the following:

NAME: (please print) Talia Stirton (see note above)

ADDRESS: 356 Moss St.

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

Aug. 17/2016
Date

T. Stirton
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Mat Cheli (see note above)

ADDRESS: 356 Moss St.

Are you the registered owner? Yes ☐ No ☑

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

Aug. 16/2016
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Chance Poyds (see note above)

ADDRESS: 356 Moss St.

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

Aug-16-2016
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) RACHEL MALLET (see note above)

ADDRESS: 1311 FAIRFIELD RD

Are you the registered owner? Yes ☑ No ☐

I have reviewed the plans of the applicant and have the following comments:

☑ I support the application.

☐ I am opposed to the application.

Comments:

In general we support the proposal, but due to the proximity of the proposed house to our backyard, we would need the developer to build a fence along the property line for privacy

SEPT 18, 2016
Date

Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Vittorio Francesco Cheli, am conducting the petition requirements for the
(print name)

property located at 335 Moss Street

to the following Small Lot Zone: R1-S2

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) MARK MALLET (see note above)

ADDRESS: 1311 FAIRFIELD RD.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

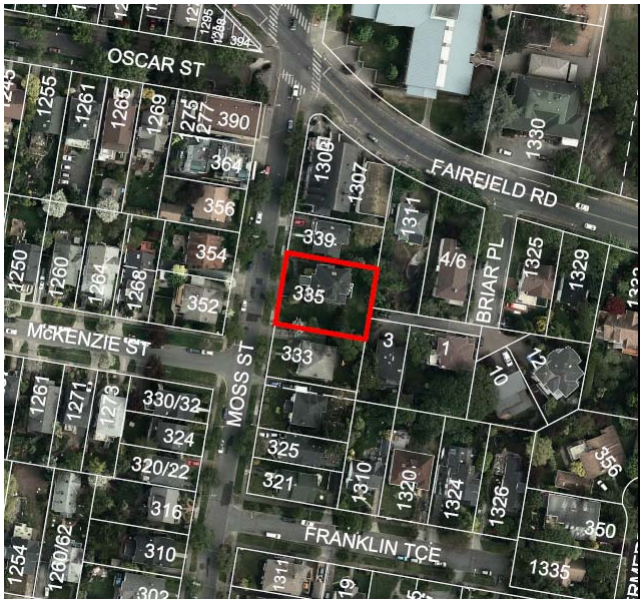
In general we support the proposal, but due to the proximity of the proposed house to our backyard (the rear setback is much closer than the existing house), we would need the developer to build a fence along the property line for privacy.

SEPT 18, 2016
Date

Signature

Proposed Rezoning and Development Permit Application

335 Moss Street



Current 335 Moss St. (North)

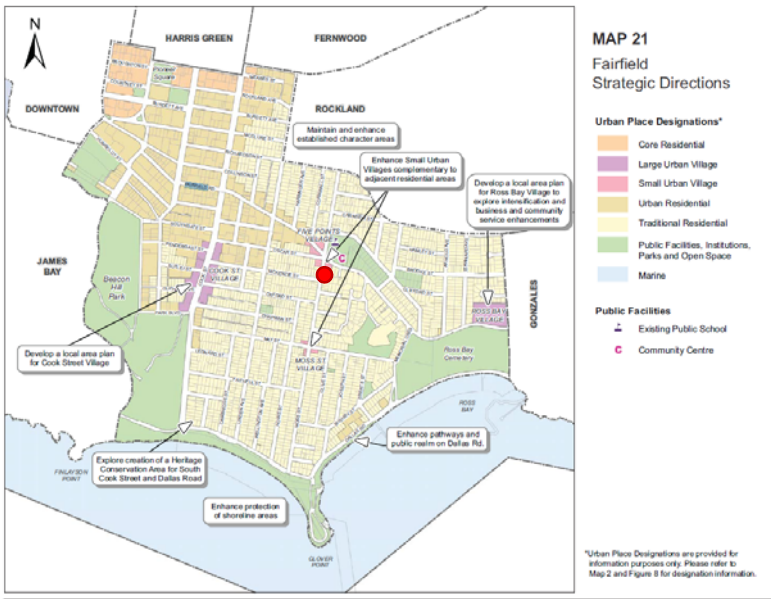
Site

333 Moss St. (South)

339 Moss St. (North)

354 Moss St. (NE)

352 Moss St. (East)



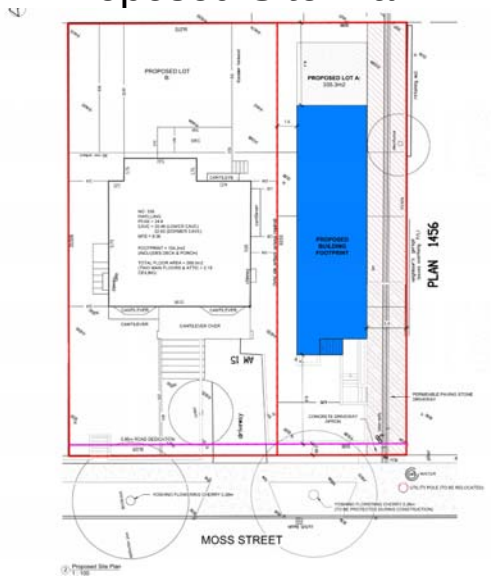
142 Official Community Plan | CITY OF VICTORIA

Neighbourhood

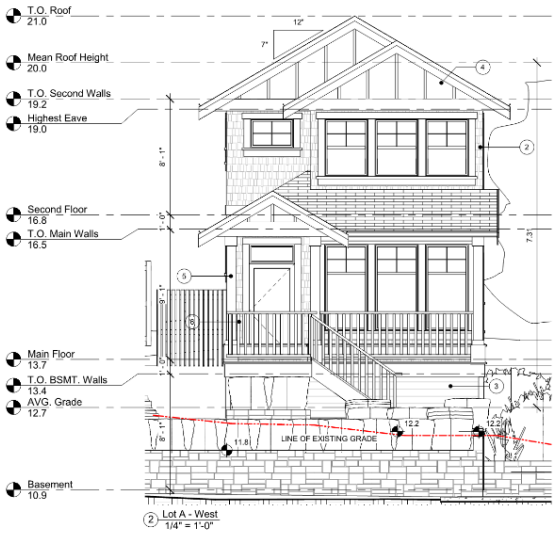
Proposed Neighborhood Plan
1 : 200

CITY OF VICTORIA

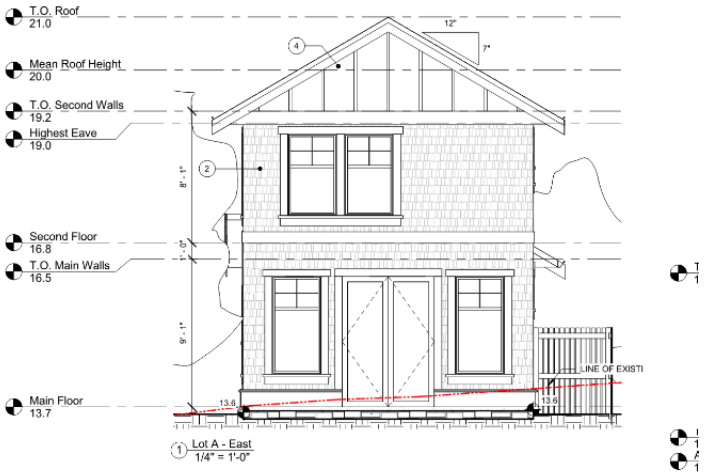
Proposed Site Plan



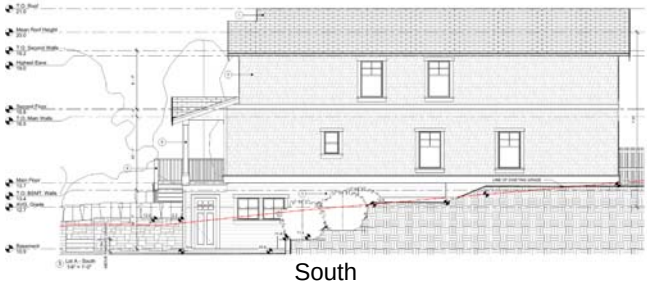
Front Elevation



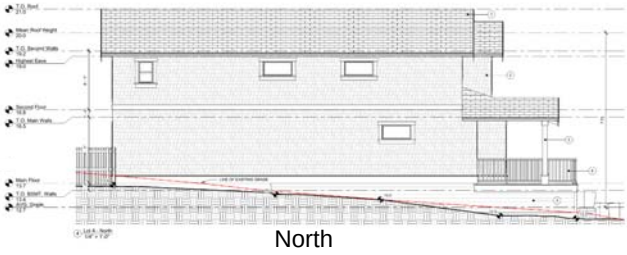
Rear Elevation



Side Elevations



South



North

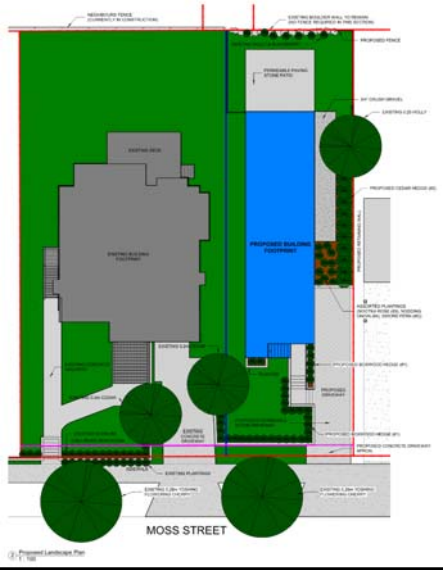
Floor Plans

Basement Main Floor Second Floor

Front Massing

Rear Massing

Landscape Plan



Perspectives

Perspectives

Perspectives

Received
City of Victoria
JUL 0 5 2017
Planning & Development Department
Development Services Division

12 Briar Place

Victoria, BC

V8S 3J5.

4 July 2017

Attention Committee of the Whole, July 6, 2017

RE: Rezoning and Small Lot Subdivision Application – 335 Moss Street, Victoria, BC

We are residents of the above address. Briar Place is immediately adjacent to the rear property line of 335 Moss Street. There are a number of reasons which have created concerns for us regarding this proposed development.

Foremost is the lack of communication between the owner/developer and the nearest neighbors, of which we are one. We have not been petitioned by the owner/developer regarding this proposal. It was only through the community grapevine that we heard of a community meeting discussing this project in the fall of 2016. Further, we have been made aware by our neighbors that there have been a number of changes to the proposed development since that meeting, again without community consultation.

In addition, we are very concerned about the existing easement across 335 Moss Street, which contains our underground water, gas, storm drain and sanitary drain services. We are not aware of any assurances by the owner/developer to mitigate the possible interruption of these services to our home and the other three homes located on Briar Place during any excavation/construction. This concern was expressed at the initial community meeting last fall, and we are not aware of any mitigating strategies under consideration.

Additionally, living on this busy corner (Moss and Fairfield), with the school and the Community Place, parking and traffic flow is heavy and at a premium. As council is aware, the Fairfield Church is potentially being developed into 16-18 rental units, further adding to the local parking crunch. 335 Moss Street currently has only one parking spot, and is already a four-plex, without sufficient parking for its occupants. Moss Street also only allows parking on one side of the street, further adding parking stress.

Thank you for your consideration of these concerns.

Sincerely

Vanessa Young and Steve Keeler

Received
City of Victoria
JUL 0 5 2017
Planning & Development Department
Development Services Division

1 Briar Place
Victoria, BC
V8S 3J5

4 July 2017

With reference to Rezoning and Small Lot Subdivision Application - 335 Moss Street - Victoria, BC

This letter is from the property owners of 1 Briar Place. Below are listed the reasons that we believe this rezoning and small lot subdivision should not be permitted:

Inadequate parking

Only one parking spot currently exists at the original home of 335 Moss St, although there are 4 units at this property. There is a garage that is part of the house structure, but it is used as a workshop and is not available for parking. The proposed new house will only have one parking space and no garage. Would it not be reasonable to expect the existing house to have to provide adequate parking for the existing 4 units, before a new house can be built next door, adding to the parking problem. Parking is only permissible on one side of the street on Moss Street and the parking situation is already stressed.

Inadequate Set Backs

Rules are rules, and should be enforced in an equitable manner. The proposal is suggesting that the existing property is the property that is not in alignment with the set back requirements but this is quite obviously not true. The existing house at 335 Moss currently has a very generous set back on the south side of more than 10 meters. The plan however says that the existing set back on the south side is 1.3 meters! This is an arbitrary set back, imposed by the positioning of the proposed house, that cannot be sited any further south on the lot because of an easement granted to the four houses on Briar (1, 3, 10 and 12) for their services (water, gas, sanitary drain, storm sewer). **The house that is not in compliance is the proposed one.**

Fire Safety

Why is there not a requirement to replace the highly flammable siding (cedar shingles) on the south side of the existing structure at 335 Moss St with inflammable siding, such as Hardieplank siding? The new house should be built with steel studs and inflammable siding, such as stucco, on the north side, adjacent to the existing house

Has any consideration been given to the narrowness of the space between the two houses (335 and 337) causing difficulty with ladder access for the fire department in the event of a fire?

Inaccessibility to Underground Services through Easement

The four neighbouring houses on Briar, who have been granted a permanent easement through the property at 335 Moss St, are concerned for the accessibility to their underground services. The proposal replaces a grassed and easily accessible area into a paved driveway, with a retaining wall and garden beds. The existing services were laid and renewed fairly recently (circa 2005) at large expense (more than $10,000) to the owners on Briar at the time

The services allowed through this area are water, gas, storm drain and sanitary drain. Currently the services being supplied through this easement are gas, storm drain and sanitary drain. A copy of the easement is attached.

At this time, the proponent has given no indication as to how he proposes to mitigate the interruption of services to the four houses on Briar when the house is under construction.

We respectfully submit this document for consideration by the Committee of the Whole at the hearing on July 6, 2017.

Signed

Christine Becher Paul Bourke

Christine Becher and Paul Bourke

THIS INDENTURE MADE the 6th day of March, 1946.

BETWEEN:

123200

PAUL LINDAL ELLISON, of the City of Victoria, in the Province of British Columbia, and ROSE FLORENCE ELLISON, his wife,

(Hereinafter called "the Grantors")

OF THE FIRST PART,

-and-

GEOFFREY CONYERS D'ARCY and GRACE AGNES D'ARCY, his wife, and LIONEL ANTHONY D'ARCY and ARLEIGH JEAN D'ARCY, his wife, all of the said City of Victoria,

(Hereinafter called "the Grantees")

OF THE SECOND PART.

WHEREAS the Grantors are the owners of the parcel of land in the City of Victoria particularly described as Amended Lot Fifteen (15), Fairfield Estate, Plan 1456, Victoria City;

AND WHEREAS the Grantees Geoffrey Conyers D'Arcy and Grace Agnes D'Arcy, his wife, are the owners of an adjoining parcel of land particularly described as Lot Five (5), Fairfield Estate, Plan 4712, Victoria City; and the Grantees Lionel Anthony D'Arcy and Arleigh Jean D'Arcy, his wife, are the owners of an adjoining parcel particularly described as Lot Six (6), in the said Plan 4712;

AND WHEREAS the Grantees are desirous of obtaining and the Grantors have agreed to grant such rights over a portion of their said lands as are hereinafter expressed;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of One Dollar ($1.00) now paid by the Grantees to the Grantors, the receipt whereof is hereby acknowledged, the Grantors do hereby grant unto the Grantees full and free liberty, right,

149875 E
160775 E
162156 E

No. 123200 h.
REGISTERED THE 10th DAY OF Feb. 1947
IN BOOK, VOL. FOLIO ON
APPLICATION RECEIVED THE 7th DAY OF Feb.
1947 AT THE HOUR OF 2:50 P.M.
REGISTRAR

123200

and authority for themselves, their agents, servants, and workmen , to enter into and upon a strip of land ten feet (10') in width, part of the said Amended Lot 15, Fairfield Estate, Plan 1456, particularly described as the most Southerly ten feet (10') of the said Lot, extending from the Westerly to the Easterly boundary thereof, for the purpose of laying, maintaining, constructing and repairing sewers, drains and water and gas pipes for the purpose of providing sewer, drainage, water and gas service for the lands of the Grantees hereinbefore described;

THIS INDENTURE shall enure to the benefit of and be binding upon the Parties hereto respectively, and each of their successors in title as owners of the hereinbefore described parcels of land.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals on the day and in the year first above written.

SIGNED, SEALED and DELIVERED)
in the presence of:-)

[illegible]
Barrister, etc.
1149 Devin St.
Oak Bay, B.C.

Paul L Ellison

Rae Florence Ellison

FEB 7 1947

No. 130200

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA

LAND REGISTRY ACT.

FORM C. *(Section 126.)*

Application for Registration of Charge.

Date February 3, 1947

I, Harold Arthur Beckwith, solemnly declare that I am [*or* Solicitor for ~~*or the duly authorized Agent of*~~ Geoffrey Conyers D'Arcy & Grace Agnes D'Arcy, his wife, and Lionel Anthony D'Arcy & Arleigh Jean D'Arcy, his wife, and that he is] entitled to a * charge by way of easement over the land hereunder described, and hereby make application under the provisions of the "Land Registry Act" and claim registration of a charge accordingly.

The full name, address, and occupation of the person so entitled to be registered as owner of the charge is Geoffrey Conyers D'Arcy & Grace Agnes D'Arcy, 1321 Vimy Ave., Victoria, B.C.; and Lionel Anthony D'Arcy & Arleigh Jean D'Arcy, 614 Monterey Ave., Victoria, B.C.

† Not applicable where the applicant is a corporation. Strike out words not applicable.

I am a British subject.† [*Or*]
I am not a British subject.† [*Or*]

I am informed by the persons so entitled (Adapt to suit circumstances.), and verily believe, that the person so entitled to be registered as owner of the charge is a British subject ~~[*or*] is not a British subject.~~‡

‡ For use where the application is made by a solicitor or agent.

The fee-simple is registered in Vol. , Fol. of the Register. 149875

DESCRIPTION OF LAND.

Municipality or Assessment District.	Lot or Section.	Admeasurement or Acreage.
Victoria City	Amended Lot 15, Fairfield Estate, Plan 1456, Victoria City.	16/385

LIST OF INSTRUMENTS.

Date.	Parties.	Character of Deed.
March 6, 1946	Paul Lindal Ellison & Rose Florence Ellison, his wife, -and- Geoffrey Conyers D'Arcy & Grace Agnes D'Arcy, his wife, and Lionel Anthony D'Arcy & Arleigh Jean D'Arcy, his wife.	Grant of Easement
	Tax Certificate	Produced

Do not write outside the side-line. Space reserved for binding.

And I solemnly declare that I have investigated and ascertained the value of the interest covered by the charge, registration of which is hereby applied for, and that the true value thereof at the date of this application is 450.00 dollars: [*In the case of a Solicitor or Agent, add*] and I am duly authorized by the owner to make this application [*In the case of an Agent, add*] and I reside in the Province of British Columbia, and am of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

DECLARED before me this 7th day of February, 19 47, at Victoria, British Columbia.

(Signature) [signature]

(Full Post-office address) 206 Union Bldg., Victoria, B.C.
For mailing notices and documents.

Alex Macleman

* NOTE.—Insert here the estate less than the fee-simple, or encumbrance, or equitable interest claimed in, over, or upon the land. E.g.—Mortgage in fee-simple for $500, estate for life, lis pendens (according to circumstances, upon, in, over).

(Section 56 (b).)

For Maker of a Deed

123200

I HEREBY CERTIFY that, on the 6th day of March, 1946, at Victoria, B. C., in the Province of British Columbia, Paul Lindal Ellison and Rose Florence Ellison, [~~whose identity has been proved by the evidence on oath of~~ ~~who is~~] personally known to me, appeared before me and acknowledged to me that they are the person~~s~~ mentioned in the annexed instrument as the maker~~s~~ thereof, and whose name~~s~~ are subscribed thereto as part~~y~~, that each knows the contents thereof, and that they executed the same voluntarily, and each is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereto set my hand and ~~Seal of Office~~ at Victoria, B. C., this 7th day of March, the year of our Lord one thousand nine hundred and forty-six.

~~A Notary Public~~ in and for the Province of British Columbia.
A Commissioner for taking affidavits within British Columbia.

NOTE.—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.

July 4, 2017

Meghan and Jeff Day
3 Briar Pl
Victoria, BC
V8S 3J5

Re: Rezoning and Small Lot Subdivision at 335 Moss St, Victoria BC

We are residents of the above address. Our property is immediately adjacent to the proposed rezoning and small lot subdivision at 335 Moss St.

We have many concerns regarding the proposal that will be presented to Council this week. Foremost is the total lack of communication with the affected residents on Briar Place. It was a complete surprise to me reading through this week's COW agenda to see a report recommending rezoning and a small lot subdivision of 335 Moss St. It was also a shock to see that the developer claims to have petitioned our address. We have never met the proponent nor have we been invited to review the any of the many iteration of the proposal. Neither have others on Briar.

Neighbours at 1311 Fairfield were provided plans and information in 2016 by the developer. Our neighbours kindly shared this information with us. The residents of Briar attended a CALUC meeting in October where two of the Briar residents voiced concerns. None of the Briar residents were not notified of this or subsequent CALUC meetings – one resident spotted it on the Oct 2016 agenda at the last minute and alerted the other Briar residents. Only two were able to attend on such short notice.

During the intervening months, it appears that several iterations of the proposal with substantial changes were presented to the City. At no point were Briar residents consulted. We are surprised that the four Briar Pl properties would not have been identified as impacted. All four share title in the easement that traverses through 335 Moss.

Easement

Underground utilities easement granted to the Briar residents through 335 Moss will be disrupted. They were installed at great cost to the Briar residents over the past few years. I know the issue of service disruption was raised at the CALUC meeting by the residents of Briar, however, there has been no attempt to communicate a mitigation plan.

Setbacks and Shade Study

When we designed and built our house at 3 Briar, adjacent to 335 Moss, it was our assumption that rules are rules and we designed within the parameters of the bylaw and guidelines set out by Planning and City Council. We planned window placements etc based on existing shade plans and built form. We knew the setbacks for the lot at 335 Moss were too narrow to accommodate for a narrow lot rezoning and subdivision. It is our feeling that because rules set by the City were established after extensive community consultation and consideration just 5 years ago we would be safe to assume they would be applied equitably. I expect that if exemptions are granted the current property owner will profit by selling the opportunity to build to another developer. Although the proponent is seeking exemptions for the existing house, it is the proposed house that is not in compliance.

Fire Safety

The highly flammable cladding of the existing house if too close. More substantial steps would need to be taken to ensure adequate firewall exists between the properties.

We respectfully submit this letter for consideration by the Committee of the Whole meeting on July 6, 2017.

Jeff Day and Meghan Day

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of July 6, 2017

To:	Committee of the Whole	**Date:**	June 7, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Development Permit with Variances Application No. 00538 for 335 Moss Street**		

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00538, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00538 for 335 Moss Street, in accordance with:

1. Plans date stamped May 19, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances for the Existing Dwelling:
   i. Part 1.2.5 (c) - reduce the minimum required side yard setback from 3.00m to 1.30m
   ii. Part 1.2.5 (d) – reduce the minimum required combined side yard setback from 4.5 m to 3.1m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 335 Moss

Street. The proposal is to subdivide and create one small lot, while retaining the existing house on a regular sized lot. The variances are related to reducing the side yard setback, and combined yard setback for the existing house.

The following points were considered in assessing the application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan* 2012 (OCP)
- the proposal is consistent with the policies and design guidelines specified in *the Small Lot House Rezoning Policy, 2002,* and the applicant would be retaining the existing multi-family conversion
- the proposal is consistent with the *Suburban Neighbourhoods Plan, 1984* which considers rezoning in instances where there is undeveloped land, and infill development is appropriate, and the development will reinforce the local character and scale of the neighbourhood
- the requested variances associated with the existing house at 335 Moss Street are to reduce the side yard setbacks. These variances are supportable given that the building is existing and the proposed setbacks would not further disrupt the established pattern of structures, privacy, access to sunlight and views of the neighbouring properties.

BACKGROUND

Description of Proposal

This Rezoning Application is to subdivide and create one small lot while retaining the existing house on a regular lot.

The details for the proposed small lot house include:

- two-storey building
- design elements and roofline that fits in with the neighbourhood context
- the exterior materials include cedar shingles, asphalt shingles, fibre cement panel on the roof and wood guard rails
- permeable surface treatment on the driveway and patio landscaping
- new hard and soft landscaping.

The proposed variances are related to the existing house, which would be triggered by introducing the new lot line and would:

- reduce the side yard setback to the south
- reduce the combined side yard setbacks.

Sustainability Features

As indicated in the applicant's letter dated November 7, 2016 the following sustainability features are associated with this application: additional landscaping and permeable paving, as well as, several energy and water saving features for the new small lot house.

Existing Site Development and Development Potential

The site is presently a four-unit house conversion. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone for the existing house, and the R1-S2 Zone for the proposed small lot house. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Dwelling	Zone Standard R1-S2	Existing Dwelling	Zone Standard R1-B
Site area (m^2) - minimum	335.30	260.00	543.00	460.00
Density (Floor Space Ratio) - maximum	0.47:1	0.6:1	n/a	n/a
Total floor area (m^2) - maximum	158.30	190.00	420.60 (existing non-conforming)	300.00
Lot width (m) - minimum	10.00	10.00	16.12	15.00
Height (m) - maximum	7.31	7.50	10.60 (existing non-conforming)	7.60
Storeys - maximum	2	2	2.5 (existing non-conforming)	2
Site coverage % - maximum	30.80	40.00	32.00	40.00
Setbacks (m) – minimum:				
Front	6.80	6.00	8.10	7.50
Rear	6.40	6.00	8.10 (existing non-conforming)	8.38
Side (north)	1.50	1.50	1.80	1.61
Side (south)	3.0	2.40	**1.30***	3.00
Combine Side Yard	n/a	n/a	**3.10***	4.50
Parking - minimum	1	1	1 (existing non-conforming)	4

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield CALUC at a Community Meeting held on October 20, 2016. A letter from the CALUC dated October 20, 2016 is attached.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw,* it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The proposal is consistent with policies and design guidelines specified in the *Small Lot Housing Rezoning Policy*. The design of the small lot house reflects the character along Moss Street while introducing some subtle modern features such as large windows along the front and rear of the house. The pitched roof above the entrance and porch is in keeping with the existing street context and helps to accentuate the entrance.

The proposal retains the rock wall along the street frontage which is characteristic of the neighbourhood and neighbouring properties. In addition, the proposal would add hedges and trees around the perimeter. A cedar fence around the backyard delineates the yard of the small lot. Permeable pavers would be used for the driveway and patio areas.

Local Area Plans

The *Suburban Neighbourhoods Plan, 1984* considers rezoning in instances where there is undeveloped land and infill development is appropriate, and the development will reinforce the local character and scale of the neighbourhood. The proposal reinforces and builds upon the existing house and neighbourhood character and scale.

Regulatory Considerations

The following variances from the R1-B Zone, associated with the existing house are being proposed, which would:

- reduce the minimum side yard setback from 3.00m to 1.30m
- reduce the minimum combined side yard setback from 4.50m to 3.10m.

The window protrusion on the south side of the existing house extends into the side yard setback; this bay window adds character to the house and is proposed to be maintained. Privacy considerations have been made in designing the new house, such as reducing the number and size of windows along the north side.

CONCLUSIONS

The proposal to construct a new small lot house along with the requested two variances is consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00538 for the property located at 335 Moss Street.

Respectfully submitted,

Chelsea Medd
Planner
Development Services Division

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: June 30, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans date stamped May 19, 2017
- Letters from applicant to Mayor and Council dated November 7, 2016 and May 18, 2017
- Fairfield CALUC meeting minutes
- Small Lot House Rezoning Petition.

CITY OF VICTORIA

Committee of the Whole Report

For the Meeting of July 6th, 2017

To:	Committee of the Whole	**Date:**	June 22, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Development Permit with Variances Application No.00023 for 2770 Pleasant Street**		

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00023 for 2770 Pleasant Street subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building and equipment straddling the property line to the satisfaction of the City Solicitor, in accordance with:

1. Plans date stamped June 16, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
   i. reduce Class 1 bicycle space requirement from four to zero;
   ii. relaxation to permit construction over the lot lines for the office trailer structure.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 2770 Pleasant Street. The proposal is to add a prefabricated office trailer and install a truck weigh-scale at an existing metals recycling yard. The proposal requires two variances. The first variance would allow the office trailer to straddle two legal lots. The General Regulations of the *Zoning Regulation Bylaw* require that a building be wholly contained on one lot. The second variance is to reduce the required Class 1 bicycle parking from four to zero.

The following points were considered in assessing this Application:

- The proposed building design, landscaping and fencing is generally consistent with the Development Permit Area objectives and design guidelines.
- The variance to allow a building to straddle two properties is needed in this instance as the property owner does not want to consolidate the two properties into one; however, they are willing to register a legal agreement on title ensuring that the properties cannot be sold independently of each other unless the condition is rectified.
- The small size of the office trailer limits the feasibility of adding Class 1 secured bicycle parking within the building; however, this is addressed through a Class 2 four stall bike rack (only two stalls are required).
- The proposed development has minimal visibility from the street, waterfront and adjacent properties, including the heritage-designated Point Ellice House located three lots to the south.

BACKGROUND

Description of Proposal

The proposal is to install a 66.9m^2 pre-fabricated office trailer and truck scale in an existing metals recycling yard. Specific details include:

- pre-fabricated office trailer, with entry stairs and ramp constructed on site
- three parking stalls (one is required) and one loading bay
- four stall bike rack.

The proposed variances are related to:

- allowing the placement of the office trailer across more than one lot
- reducing the required Class 1 bicycle parking from four to zero.

Sustainability Features

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

Active Transportation Impacts

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

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently in the M-3 Zone. Under the current zoning the property could be developed at a density of 3:1 Floor Space Ratio (FSR) with a range of heavy industrial uses.

Data Table

The following data table compares the proposal with the existing M-3 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard M-3
Site area (m^2) - minimum	2837.6	N/A
Building wholly on one lot	**No** *	Contained on one lot
Height (m) - maximum	New Office Trailer - 3.51 New Truck Scale - 0.48	15.00
Setbacks, Office Trailer (m) - minimum:		
Front (East)	7.05	3.00 or 0.00
Rear (West)	62.20	3.00 or 0.00
Side (North)	0.00	3.00 or 0.00
Side (South)	3.00	3.00 or 0.00
Parking - minimum	3	1
Bicycle parking stalls (minimum)		
Class 1	**0***	4
Class 2	**4**	2

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on December 13th, 2016 the Application was referred for a 30-day comment period to the Burnside-Gorge CALUC. The CALUC did not have any comments regarding this Application. Correspondence confirming this, dated January 7th, 2017, is attached to this report.

This Application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw,* it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area, Design Guidelines and Local Area Plans

The *Official Community Plan* (OCP) identifies this property within DPA 16. This Development Permit Area designation enables Council to review and approve the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

The *OCP* and *Burnside Neighbourhood Plan* both recognize the application site as part of a key employment area where there is support for the continuation of industrial uses and industries requiring shoreline access for their operations. The proposal is consistent with this vision. Further, allowing the construction across two lots without consolidating them retains flexibility for future development or changes in industrial activity.

The proposed development is generally consistent with the policies in the *Design Guidelines of Multi-Unit Residential, Commercial and Industrial Development, 2012* which are referenced in

DPA 16. These guidelines recommend placing bike parking near entryways for safety and convenience. The proposed bike rack has been placed in a prominent place, close to the front entry of the building. These design guidelines also recommend shielding the visual impact of loading areas. The loading bay has been placed between the proposed trailer and a new Quonset hut on the east portion of the property, limiting the visual impact from both the water and the street.

Because the parking and loading is located on one of the two lots but serves both, a registered easement is required to secure access to these spaces for as long as the office structure remains on site. Additionally, an easement is required to secure the construction across the lots. This would prevent the lots from being sold separately or altering the easement area without first addressing issues related to the structures. As with the easement for access, the easement would end if the office and weigh scale were to be removed and the area restored.

CONCLUSIONS

The proposal is consistent with the City's policies and design guidelines. The Application proposes the construction of an office trailer and truck scale within a well-established heavy industrial area. Allowing the construction across two lots without consolidating them retains flexibility for future development or changes in industrial activity. The variance to eliminate the required Class 1 bicycle parking is acceptable given the small amount of interior space and the provision of a four stall bike rack. Staff recommend that Council approve the Application subject to registration of legal agreements on the properties' titles securing access across the site and addressing issues of the proposed building straddling the property line to the satisfaction of the City Solicitor.

ALTERNATE MOTION

That Council decline the Development Permit with Variances Application No.00023 for the property located at 2770 Pleasant. Street.

Respectfully submitted,

Chloe Tunis
Planning Technician
Development Services Division

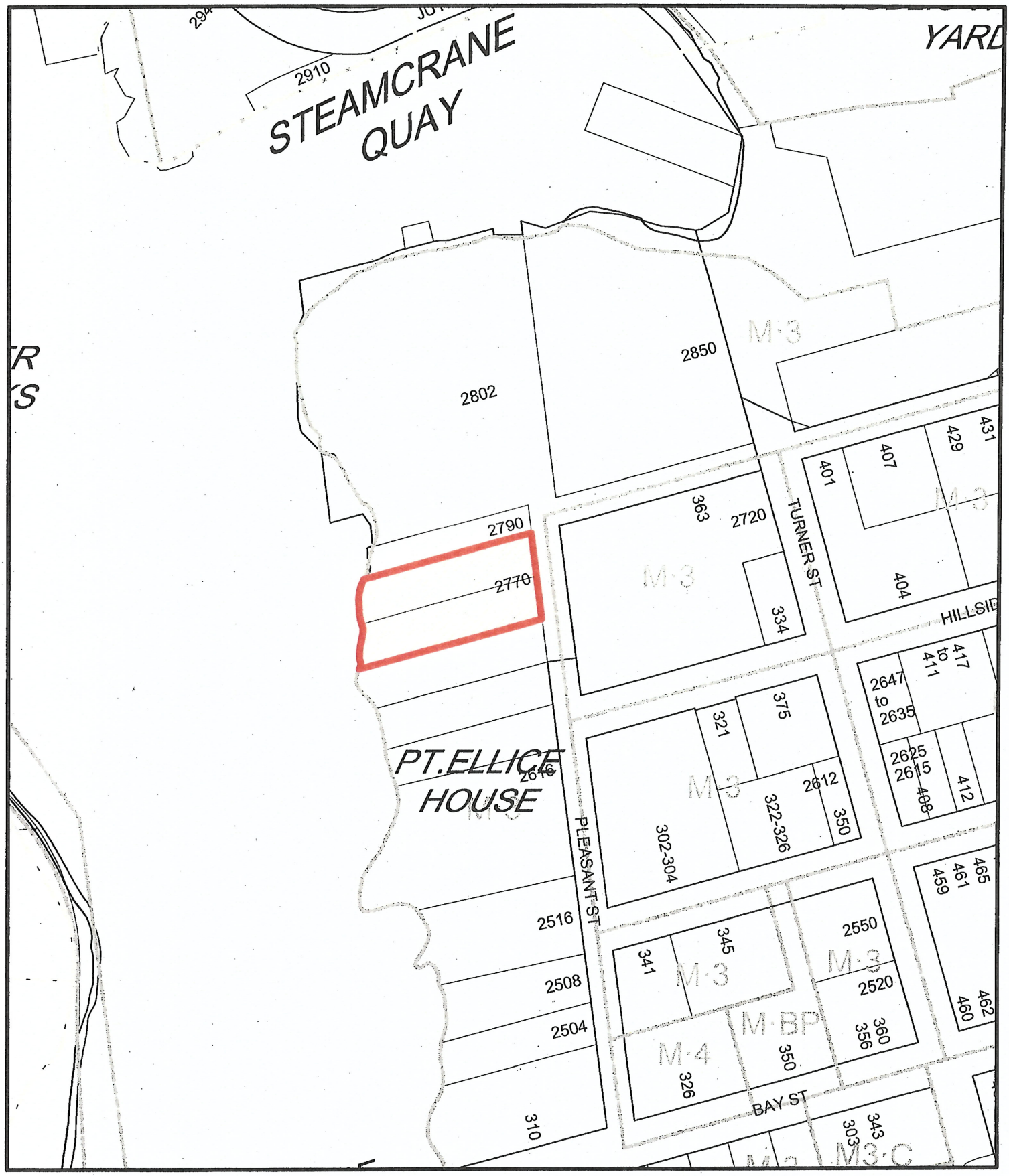
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: June 28, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped June 16, 2017
- Letter from applicant to Mayor and Council dated June 14, 2017
- Community Association Land Use Committee comments dated January 7, 2017.



N

2770 Pleasant Street

Development Permit with Variance #00023

CITY OF VICTORIA

N

2770 Pleasant Street

Development Permit with Variance #00023

CITY OF VICTORIA

SCHNITZER STEEL CANADA LTD.
NON-FERROUS REDEVELOPMENT PROJECT
2770 PLEASANT STREET, VICTORIA, B.C.

DRAWING LIST

DRAWING NUMBER	DESCRIPTION
3951–003 S01	COVER SHEET, DRAWING INDEX AND GENERAL NOTES
3951–003 S02	GENERAL ARRANGEMENT – WITH ORTHOPHOTO
3951–003 S03	GENERAL ARRANGEMENT – WITHOUT ORTHOPHOTO
3951–003 S04	ABOVE GROUND TRUCK SCALE FOUNDATION PLAN, ELEVATION AND SECTIONS
3951–003 S05	BRITCO TRAILER FOUNDATION PLAN AND SECTION WITH STRUCTURE ELEVATION
3951–003 S06	BRITCO TRAILER WHEELCHAIR RAMP AND LANDING
3951–003 S07	BRITCO TRAILER STAIR ACCESS AND LANDING

GENERAL NOTES:

DESIGN LOADS:

FOUNDATION NOTES:

EXCAVATION, BACKFILLING, COMPACTION NOTES:

CONCRETE NOTES:

REINFORCING STEEL NOTES:

ISSUED FOR DEVELOPMENT AND DEVELOPMENT PERMIT WITH VARIANCES

HEROLD ENGINEERING

3951–003

Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division

ISSUED FOR BUILDING PERMIT AND DEVELOPMENT PERMIT WITH VARIANCES

NOTES:

1. FOR GENERAL NOTES, SEE DWG S01
2. BASE DWG DATA IN NAD 1983, CSRS UTM ZONE 10 (WGS) FROM CITY OF VICTORIA "OPEN" DATA
3. ALL DIMENSIONS ON THIS DRAWING ARE IN METRES UNLESS NOTED OTHERWISE

No.	DATE	ISSUED FOR
A	2016.09.16	BL. 2ND AND TYP. DWG. REV
B	2016.11.08	REVISED BL. 2ND AND DEL. DWG. REV
C	2016.11.03	REVISED BL. 2ND AND DEL. DWG. REV
D	2016.11.22	REVISED BL. 2ND AND DEL. DWG. REV
E	2017.03.17	REVISED BL. 2ND AND DEL. DWG. REV

ISSUES

No.	DATE	ISSUED FOR
F	2017.05.24	REVISED BL. 2ND AND TYP. DWG. REV
G	2017.06.13	REVISED BL. 2ND AND TYP. DWG. REV

No.	DATE	ISSUED FOR

S.E. CONSULTANT

DRAWN: JRW
DRAWING REVIEW
DESIGNED: TWW
DESIGN REVIEW

HEROLD ENGINEERING
1401 Stanley Ave, Victoria, BC V8P 2L3
tel. 250 381 8509 fax. 250 381 8503
www.heroldengineering.com

ENGINEERS SEAL

GENERAL ARRANGEMENT - WITH ORTHOPHOTO

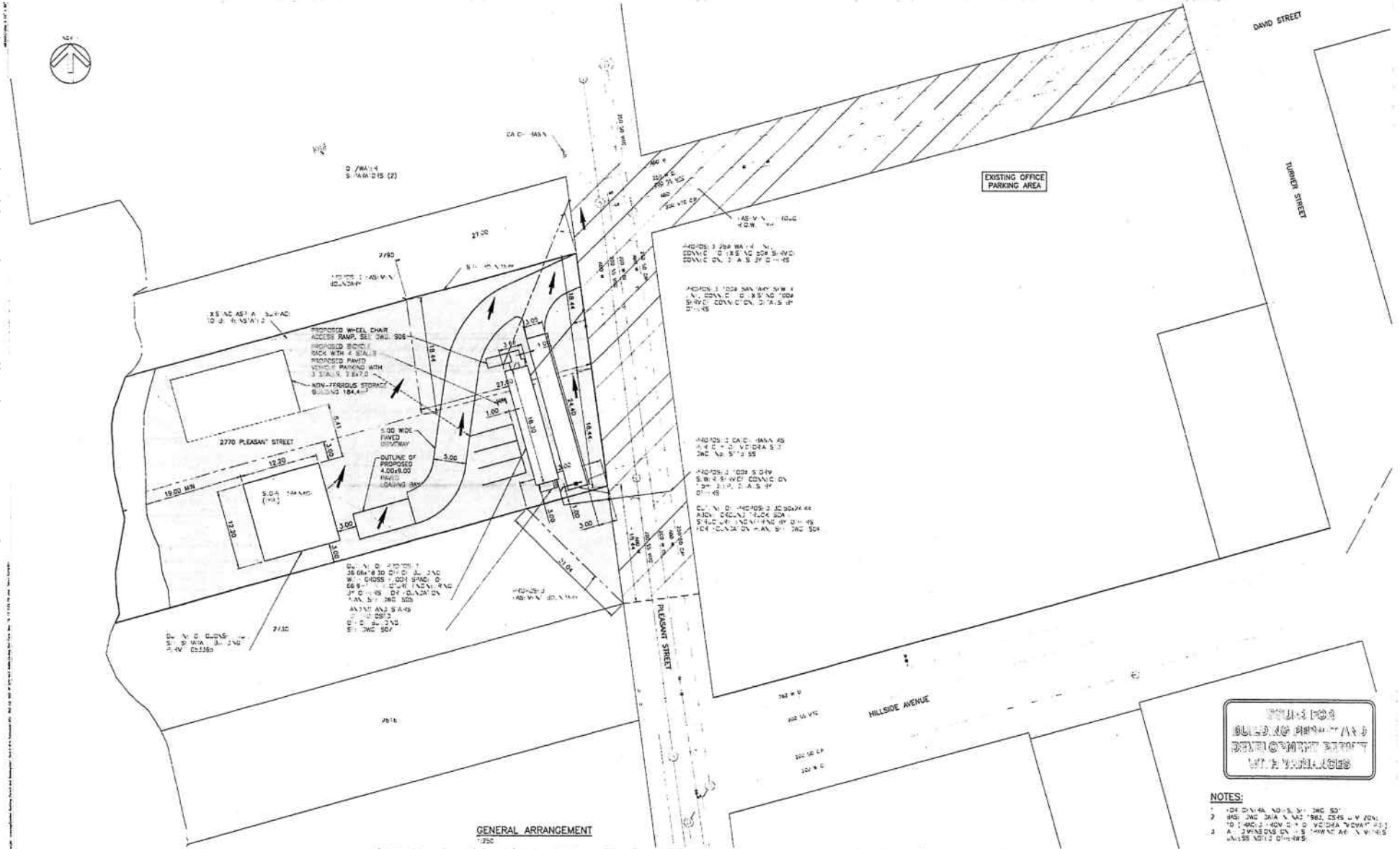
NON-FERROUS REDEVELOPMENT PROJECT

SCHNITZER STEEL CANADA LTD

REL. PROJECT No: 3991-003
CLIENT DWG. No: N/A
SCALE: AS SHOWN
PROJ. No: N/A
REL. DRAWING No.
REVISION: C
S02

REPLACES ALL DRAWINGS SHOWING PREVIOUS REVISION

Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division


DAVID STREET
TURNER STREET
EXISTING OFFICE PARKING AREA
PLEASANT STREET
HILLSIDE AVENUE
2770 PLEASANT STREET
PROPOSED WHEEL CHAIR ACCESS RAMP, SEE DWG. S06
NON-FERROUS STORAGE BUILDING 184.4m²
5.00 WIDE PAVED DRIVEWAY
OUTLINE OF PROPOSED 4.00x9.00 PAVED LOADING BAY
19.00 MIN
NOTES:
GENERAL ARRANGEMENT
1:250
HEROLD ENGINEERING
GENERAL ARRANGEMENT - WITHOUT ORTHOPHOTO
NON-FERROUS REDEVELOPMENT PROJECT
SCHNITZER STEEL CANADA LTD.
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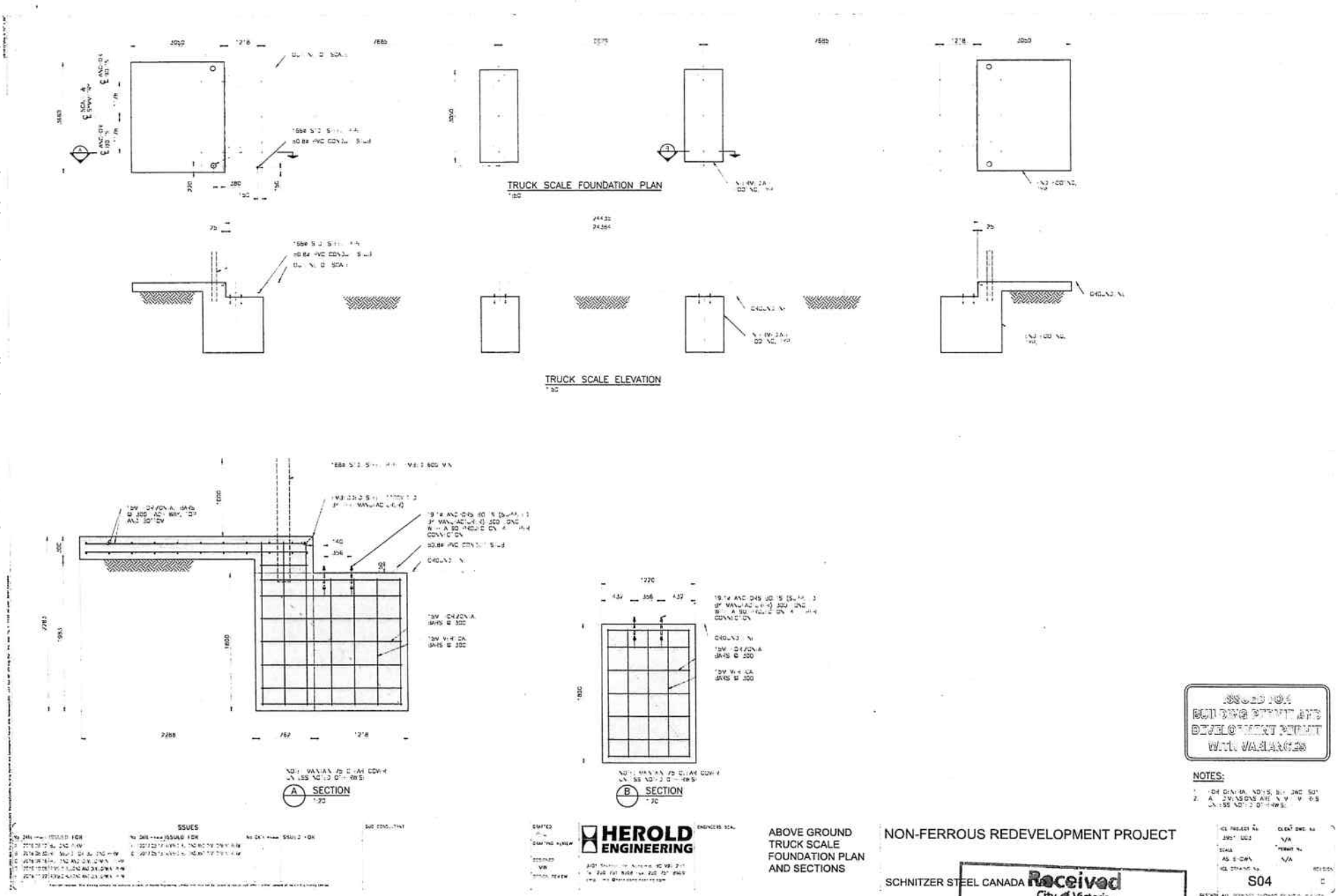
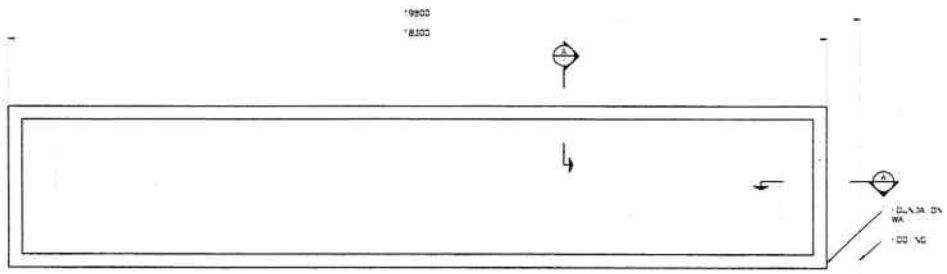
JUN 16 2017
Planning & Development Department Development Services Division


TRUCK SCALE FOUNDATION PLAN
TRUCK SCALE ELEVATION
SECTION
SECTION
ISSUED FOR
BUILDING PERMIT AND
DEVELOPMENT PERMIT
WITH VARIANCES
NOTES:
SSUES
HEROLD
ENGINEERING
ABOVE GROUND
TRUCK SCALE
FOUNDATION PLAN
AND SECTIONS
NON-FERROUS REDEVELOPMENT PROJECT
SCHNITZER STEEL CANADA
S04
Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division



BRITCO TRAILER FOUNDATION PLAN
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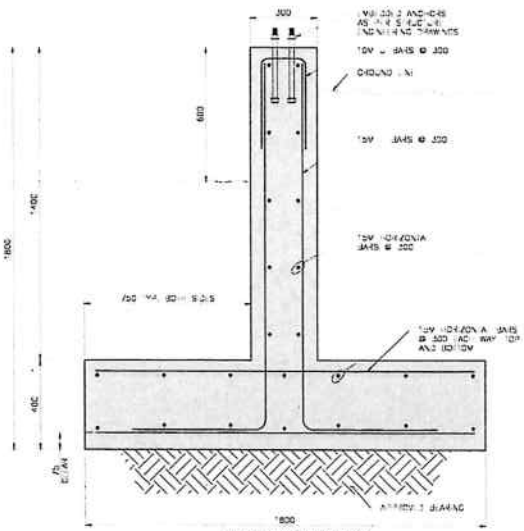

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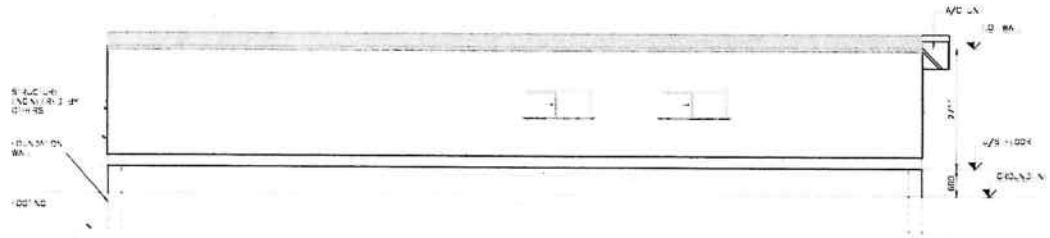

BRITCO TRAILER EAST ELEVATION
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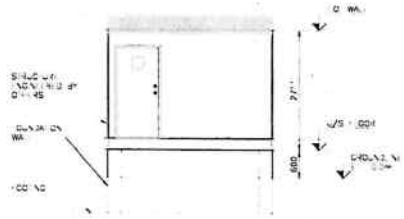

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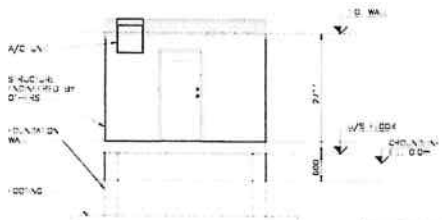


BRITCO TRAILER NORTH ELEVATION
1:50

ISSUED FOR
BUILDING PERMIT AND
DEVELOPMENT PERMIT
WITH VARIANCES

NOTES:

ISSUES

No.	DATE	ISSUED FOR	No.	DATE	ISSUED FOR	No.	DATE	ISSUED FOR

SUB CONSULTANT

HEROLD ENGINEERING

ENGINEERS SEAL

BRITCO TRAILER FOUNDATION PLAN AND SECTION WITH STRUCTURE ELEVATION

NON-FERROUS REDEVELOPMENT PROJECT

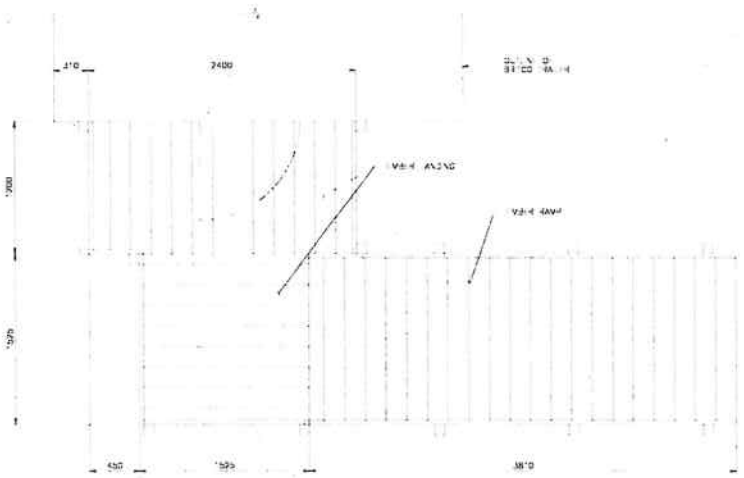
SCHNITZER STEEL CANADA LTD.

SCALE: AS SHOWN

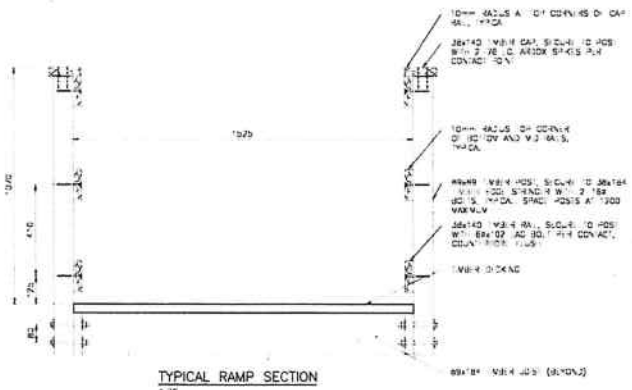
DWG NO.: S05

REVISION

Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division



PLAN – WHEELCHAIR RAMP AND LANDING
1:20



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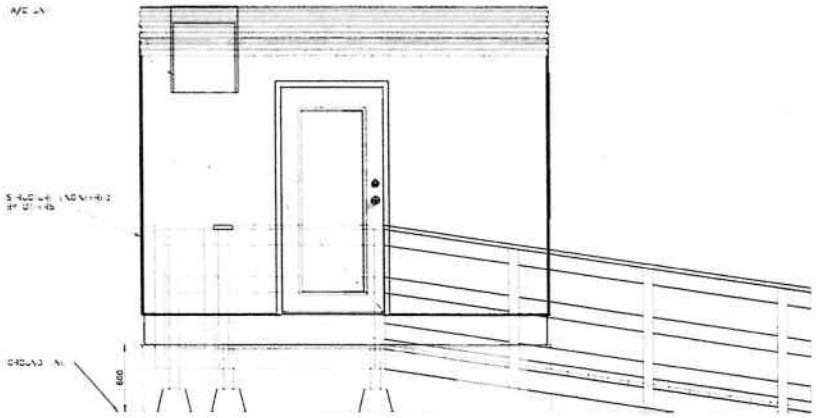


BRITCO TRAILER NORTH ELEVATION
1:20

ISSUED FOR BUILDING PERMIT AND DEVELOPMENT PERMIT WITH VARIANCES

NOTES:

1. [illegible]
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.

ISSUES

No	DATE	ISSUED FOR	No	DATE	ISSUED FOR	No	DATE	ISSUED FOR
A	2016-11-22	ISSUED FOR DP						
B	2016-11-22	ISSUED FOR DP						
C	2017-03-17	ISSUED FOR DP						
D	2017-05-24	ISSUED FOR DP						

DRAWN: TMW
CHECKED: TMW
ELISHA REVIEW

HEROLD ENGINEERING

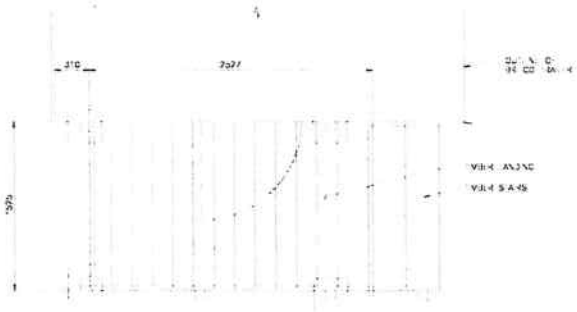
BRITCO TRAILER WHEELCHAIR RAMP AND LANDING

NON-FERROUS REDEVELOPMENT PROJECT

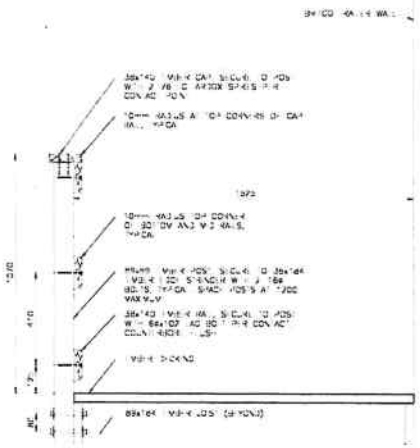
SCHNITZER STEEL CANADA LTD.

JOB NO. 3991 DCJ
SCALE AS SHOWN
DWG. No. 306

Received City of Victoria
JUN 16 2017
Planning & Development Department Development Services Division



PLAN – STAIRS AND LANDING



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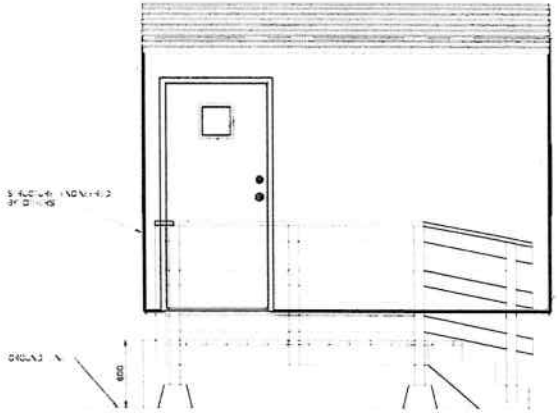


BRITCO TRAILER SOUTH ELEVATION

ISSUED FOR BUILDING PERMIT AND DEVELOPMENT PERMIT WITH VARIANCES

NOTES:

ISSUES

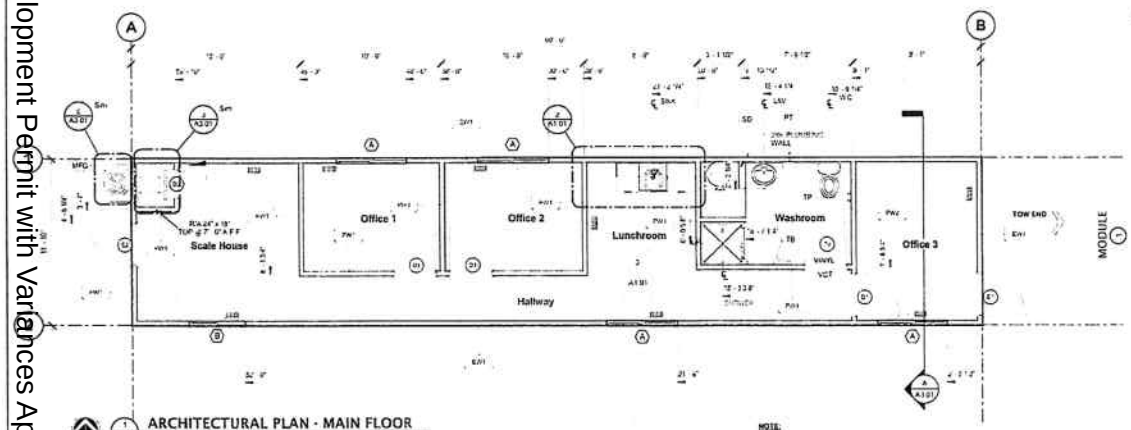
HEROLD ENGINEERING

BRITCO TRAILER STAIR ACCESS AND LANDING

NON-FERROUS REDEVELOPMENT PROJECT

SCHNITZER STEEL CANADA LTD.

Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division



ARCHITECTURAL PLAN - MAIN FLOOR
SCALE 1/4" = 1'-0"

NOTE:
SFF S1.2 FOR STRUCTURAL SHIPPING: POSTS, BEAM STRAPS, ETC

WALL TYPE SCHEDULE

STRUCTURAL SHIPPING WALL - SEE S1.2

EXTERIOR WALL SCHEDULE

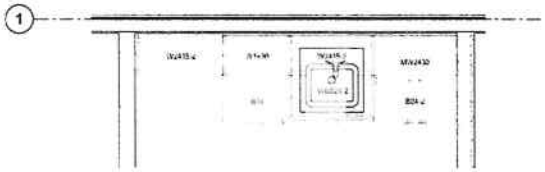
EW1	1'-4"	METAL CLADDING SEE ELEVATIONS & SPECS TYVEK HOUSE WRAP OSB SHEATHING - SEE STRUCTURAL 2x4 STUD @ 16" O.C. R-12 FRACTION FIT FIBERGLASS BATT INSULATION 6 MIL POLY VAPOUR BARRIER 1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD

INTERIOR WALL SCHEDULE

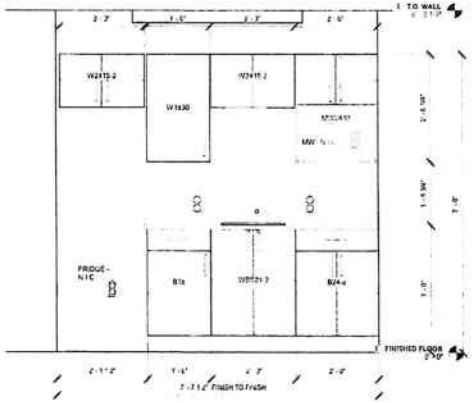
PW1	1'-4"	1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD 2x4 STUD @ 16" O.C. 1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD
PW2	1'-4"	1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD 2x4 STUD @ 16" O.C. R-12 FRACTION FIT FIBERGLASS BATT INSULATION 1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD
PW2	1'-4"	1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD 1/2" PLYWOOD SHEATHING - SEE STRUCTURAL PLANS 2x4 STUD @ 16" O.C. 1/2" TYPE X VINYL CLADDED GYPSUM WALL BOARD

SYMBOL LEGEND

- W# — WINDOW TYPE - SEE SPEC
- EX# — EXTERIOR DOOR TYPE - SEE SPEC
- D# — INTERIOR DOOR TYPE - SEE SPEC
- W# — WALL TYPE - SFF SPEC



KITCHEN MILLWORK PLAN
SCALE 3/4" = 1'-0"



KITCHEN MILLWORK ELEVATION
SCALE 3/4" = 1'-0"

ARCHITECTURAL - ROOM SCHEDULE

NAME	FLOOR FINISH	FLOOR BASE	CEILING FINISH	WALL FINISH	AREA	COMMENTS
Scale House	VCT	1000 PAINTED	VC CW6	VC CW6	118 SF	
Office 1	VCT	1000 PAINTED	VC CW6	VC CW6	75 SF	
Office 2	VCT	1000 PAINTED	VC CW6	VC CW6	75 SF	
Washroom	VINYL	1000 PAINTED	VC CW6	VC CW6	62 SF	
Office 3	VCT	1000 PAINTED	VC CW6	VC CW6	98 SF	
Lunchroom	VCT	1000 PAINTED	VC CW6	VC CW6	87 SF	
Hallway	VCT	1000 PAINTED	VC CW6	VC CW6	128 SF	
Entrance	VCT	1000 PAINTED	VC CW6	VC CW6	8 SF	
Grand total: 8					615 SF	

ARCHITECTURAL - FURNISHINGS SCHEDULE

TYPE MARK	TYPE	MODEL	COUNT	COMMENTS
MI	18" x 24"	MIRROR	1	
BH	Double Robe Hook	01-0407	1	
PT	PAPER TOWEL DISPENSER	F1001	1	
SC	Plastic Shower Curtain on Metal Rod	N/A	1	
SD	Soap Dispenser - Bathroom & Kitchen	B-40	1	
TP	TOILET PAPER HOLDER	01-0410	1	
TB	Towel Bar - Trimmer	01-0405-16	1	
Grand total: 7				

ARCHITECTURAL - CASEWORK SCHEDULE

TYPE	WIDTH	COUNT	COMMENTS
BASE CABINETS - B			
B18	1'-6"	1	
B24-2	2'-0"	1	
Counter top (Granite) - 10" Deep, 2'-0 1/2" Deep	2'-5"	1	VANITY KITCHEN
WALL BASE SINK CABINET - WBS	5'-6 3/4"	1	
WBS24-2	2'-0"	1	
WALL CABINET MICROWAVE - MW			
MW2430	2'-0"	1	
WALL CABINETS - W			
W1830	1'-6"	1	
W2415-2	2'-0"	2	
Grand total: 9			

ARCHITECTURAL - WINDOW SCHEDULE

TYPE MARK	GENERAL CONSTRUCTION SIZE	GENERAL CONSTRUCTION CONFIGURATION	GENERAL CONSTRUCTION FRAME	GENERAL CONSTRUCTION MATERIAL	GENERAL CONSTRUCTION U K R	SIZE R.O. WIDTH (IN)	SIZE R.O. HEIGHT (IN)	SIZE WINDOW MIN WIDTH (IN)	SIZE WINDOW MIN HEIGHT (IN)	MISC OBSCURE GLAZING	MISC SCREENS	MISC BLINDS	MISC HEAD HEIGHT	COUNT	TYPE MARK	COMMENTS
A	5'-0" x 4'-0"	O-XO	BREATH	VINYL	N/A	60	48	59.25	47.25	No	Yes	No	6'-10"	4	A	
B	4'-0" x 4'-0"	XO	BREATH	VINYL	N/A	48	48	47.25	47.25	No	No	No	6'-10"	1	B	
Grand total: 5																

ARCHITECTURAL - FENESTRATION REQUIREMENTS

PERFORMANCE GRADE (PG)	MIN. POSITIVE/NEGATIVE DESIGN PRESSURE (PA)	MIN. WATER RESISTANCE PENETRATION (PA)	MIN. AIR INFILTRATION/ EXFILTRATION	# PANES	U/W "T"	U FACTOR
40	1920	240	A2	2		1.76

ARCHITECTURAL - DOOR SCHEDULES

TYPE MARK	DOOR TYPE	DOOR SIZE WIDTH	DOOR SIZE HEIGHT	DOOR SIZE THICKNESS	R.O. SIZE R.O. WIDTH	R.O. SIZE R.O. HEIGHT	MATERIALS DOOR FINISH	MATERIALS FRAME TYPE	HINGES QUANTITY	HINGES HINGE SIZE/ HINGE PTS	HINGES HINGE FINISH	FIRE RATING	DOOR STYLE	GLAZING	DOOR VIEWER & LITE HEIGHT	DOOR VIEWER & LITE WIDTH	DOOR VIEWER & LITE HEAD HEIGHT	GLAZING NOTES	COUNT	TYPE MARK	COMMENTS
HC METAL INSULATED																					
E1	HC METAL INSULATED	3'-0"	6'-6"	1.75	3'-1 1/4"	6'-9 1/8"	PAINTED	METAL	3	NRP 4 1/2"x4"	C15	N/A	NO	Yes	16"	10"	6'-6"	CMC	1	E1	
E2	HC METAL INSULATED	2'-0"	6'-6"	1.75	2'-1 1/4"	6'-9 1/8"	PAINTED	METAL	3	NRP 4 1/2"x4"	C15	N/A	NO	Yes	3'-4"	1'-10"	6'-0"	INTERIOR SECURITY BARS	1	E2	
HC WOOD DOOR																					
D1	HC WOOD DOOR	3'-0"	6'-6"	1.375	3'-2"	6'-10"	PAINTED	WOOD	3	3 1/2"x3 1/2"	C15	N/A	N/A	No					1	D1	
D2	HC WOOD DOOR	3'-0"	6'-6"	1.375	3'-2"	6'-10"	PAINTED	WOOD	3	3 1/2"x3 1/2"	C15	N/A	N/A	No					1	D2	
D3	HC WOOD DOOR	2'-6"	6'-6"	1.375	2'-2"	6'-10"	PAINTED	WOOD	3	3 1/2"x3 1/2"	C15	N/A	N/A	No					1	D3	
Grand total: 7																					

ARCHITECTURAL - DOOR HARDWARE SCHEDULE

Type Mark	HARDWARE GROUP	HARDWARE SET #	HARDWARE TYPE	HARDWARE FUNCTION	HARDWARE FINISH	DEADBOLT REQUIRED	DEADBOLT FIRE	DEADBOLT STYLE	CHAIN STOP	DOOR STOP	WEATHER STRIPPING	WEATHERSTRIP PING	DOOR FINISH	THRESHOLD	FIRE RATING	COUNT	TYPE MARK C	Comments
D1	1111	DR01	EXPRESS	PASSAGE	Yes	No			No	YES		No			N/A	1	D1	
D2	1111	DR01	EXPRESS	PRIVACY	Yes	No			No	YES		No			N/A	1	D2	
D3	1111	DR01	EXPRESS	PASSAGE	Yes	No			No	YES		No			N/A	1	D3	
E1	1111	DR01	EXPRESS	PASSAGE	Yes	Yes	N/A	DB2051	Yes	YES	DS128	Yes	DS-128-36	DS-17MAN	N/A	1	E1	
E2	1111	DR01	EXPRESS	PASSAGE	Yes	Yes	N/A	DB2051	Yes	YES	DS128	Yes	DS-128-36	DS-17MAN	N/A	1	E2	

© BRITCO LP, 2016

100 - 20091 96A AVENUE, LANGLEY, BC V1M 3A2
Tel 604 455 0000 Fax 604 514 8201

NO.	DESCRIPTION	BY	DATE
S1	ISSUED FOR SIGN OFF	MV	SEP/16/16
S2	ISSUED FOR BP	MV	SEP/20/16

PROJECT
SCHNITZER STEEL CANADA LTD
12x60 FIELD OFFICE
307 DAVID ST., VICTORIA, B.C. V8T 5C1

DRAWING TITLE
OVERALL FLOOR PLAN

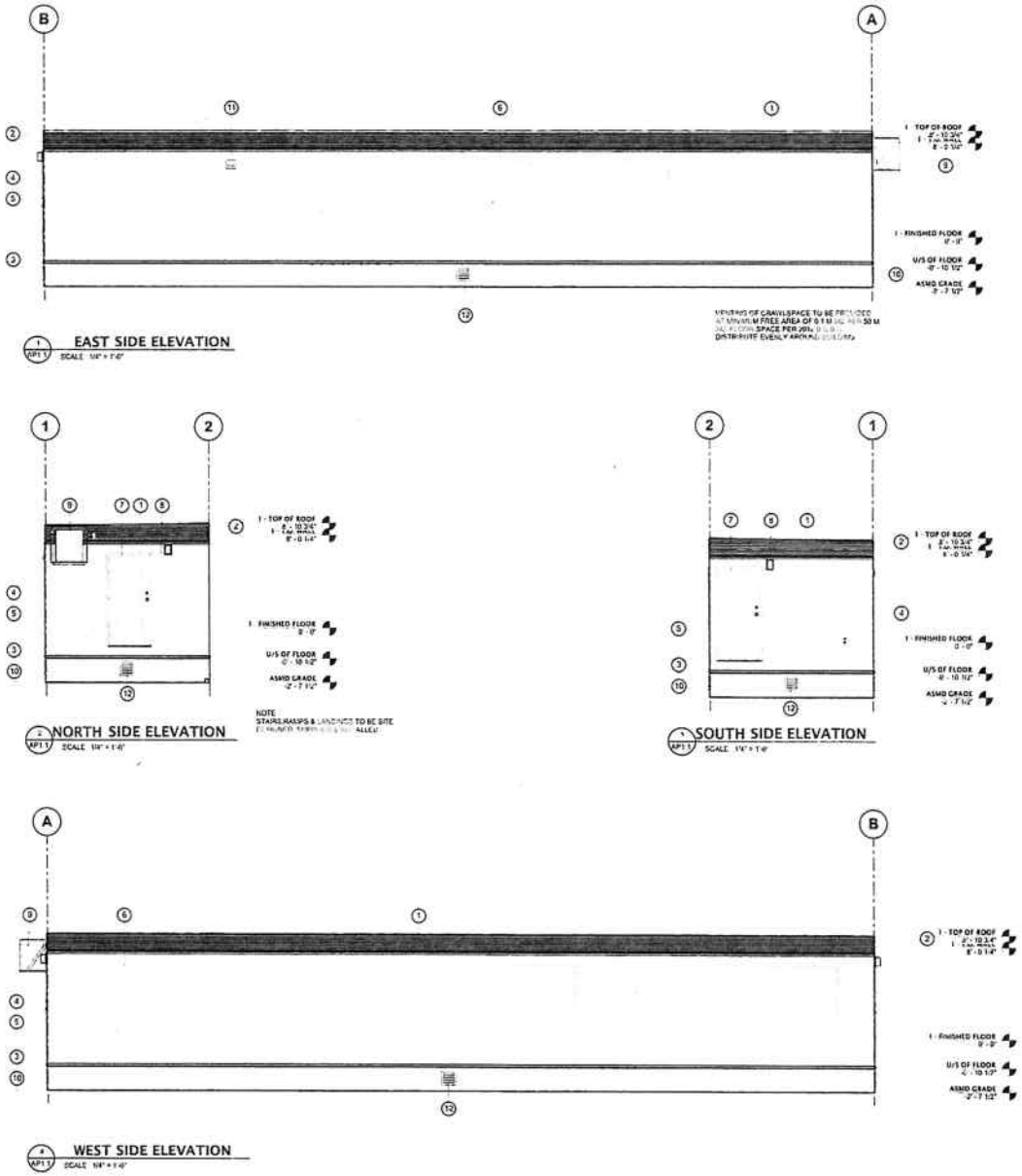
DATE: SEP 20 16
SCALE: As indicated
DRAWN BY: MV
CHECKED: CS
INTERNAL USE ONLY: SHEET #

PROJECT NUMBER
1616200

SHEET NO
A1.01

britco
BUILDING INNOVATION

Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division



SCHEDULE OF FINISHES

1. EPDM ROOFING ON TERMINATION BAR
2. PRE FINISHED METAL FASCIA
3. PRE FINISHED METAL BOTTOM STARTER FLASHING
4. PRE FINISHED METAL SIDING
5. PRE FINISHED CORNER TRIMS
6. VINYL WINDOW FLASHING
7. INSULATED METAL DOOR & FRAMING
8. EXTERIOR LIGHTING
9. A/C UNIT - (WALL MOUNTED)
10. METAL FENCE SIDING (N.I.C.)
11. EXHAUST MELH HOOD
12. CRAWLSPACE VENT (N.I.C.)

STAIRS AND RAMPS NOT SHOWN FOR CLARITY

© BRITCO LP, 2016

NO.	DESCRIPTION	BY	DATE
01	ISSUED FOR SIGN OFF	NV	SEP/16/16
02	ISSUED FOR DP	NV	SEP/23/16

PROJECT
SCHNITZER STEEL CANADA LTD
12x60 FIELD OFFICE
307 DAVID ST., VICTORIA, B.C. V8T 5C1

DRAWING TITLE
EXTERIOR ELEVATIONS

DATE:
SCALE: 1/4" = 1'-0"
DRAWN BY: NV
CHECKED: CB
INTERNAL USE ONLY:

PROJECT NO. 1616200

SHEET NO. A2.01

britco
BUILDING INNOVATION

Received
City of Victoria
JUN 16 2017
Planning & Development Department
Development Services Division

Schnitzer

June 14, 2017

Mayor and Council
City of Victoria
C/O Sustainable Planning & Community Development Department
Development Services Division
1 Centennial Square
Victoria, BC V8W-1P6

Dear Mayor and Council;

Re: Schnitzer Steel Canada Ltd. Victoria Facility - 2770 Pleasant Street – Development Permit with Variances Application Revised Information

Schnitzer Steel Canada (Schnitzer) hereby makes application to the City of Victoria for a Development Permit with Variances for the above-referenced property. This letter updates the additional documents from the original submission dated November 24, 2016.

Schnitzer is proposing the following works:

- Installation of a 12ft. x 60 ft. Britco office/scale trailer; and
- Installation of a 10 ft. x 80 ft. truck scale adjacent to the Britco trailer.

The variances requested are:

1. a relaxation to Section 19 of the Zoning By-law's General Regulations, to permit our proposed Britco office trailer to cross two property parcels.
2. a relaxation in the Class 1 Off Street Bicycle Parking Spaces provided from 4 to 0. Note that 4 stalls of Class 2 Bicycle Parking will be provided.

The subject property is located within Development Permit Area #16 – General Form and Character and Zoning Area M3 – Heavy Industrial. The additional building and truck scale are in keeping with the General Form and Character of the surrounding neighborhood and will not affect the neighboring streetscape.

Enclosed herewith are the revised documents to accompany the Schnitzer's Development Permit with Variances application and supplementary information as outlined below:

1. Revised Site/Elevation plans illustrating the current depiction of the property and layout of the proposed structures on the subject property;
2. A Transmittal listing the revisions requested by the City of Victoria with numbers corresponding to the changes;
3. Recommendation for Site Profile Release from the Ministry of Environment. The project does not involve disturbance or excavation of soil.
4. An Explanatory Plan will be provided from Powell and Associates to accompany the Easement Agreement for the variances shown on the drawings.

The signed and sealed drawings to accompany the Schedule B Letters of Assurance have been delivered to the Building Permits Department to support the Building Permit Application for the works.

Schnitzer thanks you for your consideration of this application. If there are any questions, please do not hesitate to contact Nures Kara at 604-586-6765 or nkara@schn.com.

Sincerely,

Allison Bergman, P.Eng., Herold Engineering Ltd.

On behalf of :
Mr. Nures Kara
Senior Environmental/Project Manager – Schnitzer Steel Canada Ltd.

Cc: Chloe Tunis – City of Victoria Planning Technician – Sustainable Planning and Community Development

Encl.

Laura Wilson

From: Carolyn Gisborne <landuse@burnsidegorge.ca>
Sent: Saturday, Jan 7, 2017 6:47 PM
To: caluc@victoria.ca
Cc: Nures Kara
Subject: Re: 2770 Pleasant Street – DPV No. 00023

Dear Mayor and Council,

The Burnside Gorge Land Use Committee has reviewed the application for 2770 Pleasant Street and do not have comments on the variances as described below.

We appreciate the opportunity to comment.

Best regards,

Carolyn Gisborne
Chair, Burnside Gorge Land Use Committee

On Tue, Dec 13, 2016 at 1:18 PM, Quinn Anglin <qanglin@victoria.ca> wrote:

Dear Carolyn Gisborne,

Re: 2770 Pleasant Street – DPV No. 00023

City staff have completed a plan check on the submitted plans and have identified the following *Zoning Regulation Bylaw* variances:

- **Part 7.3.8 (2) - Relaxation for the minimum side yard setback (south) from 3.0m to 1.0m for the truck scale.**

- **Part 7.3.9 (1) - Relaxation for a loading space from one to none.**

- **Schedule C - Section 17 (2) - Relaxation for bicycle spaces required from 4 Class 1 to 0.**

The details of this application can be found on the Development Tracker at 2770 Pleasant Street. You will also be notified of any further revisions to the plans.

If your Land Use Committee has comments it would like considered by City Council, please submit them to Mayor and Council with a copy to the Sustainable Planning and Community Development Department within 30 days from the date of this email.

Yours truly,

Quinn

Quinn Anglin

Secretary

Advisory Design Panel & Board of Variance

Planning & Development Services

1 Centennial Square

Victoria, BC V8W 1P6

T: 250-361-0329

F: 250-361-0386

E: qanglin@victoria.ca

Development Permit with Variances

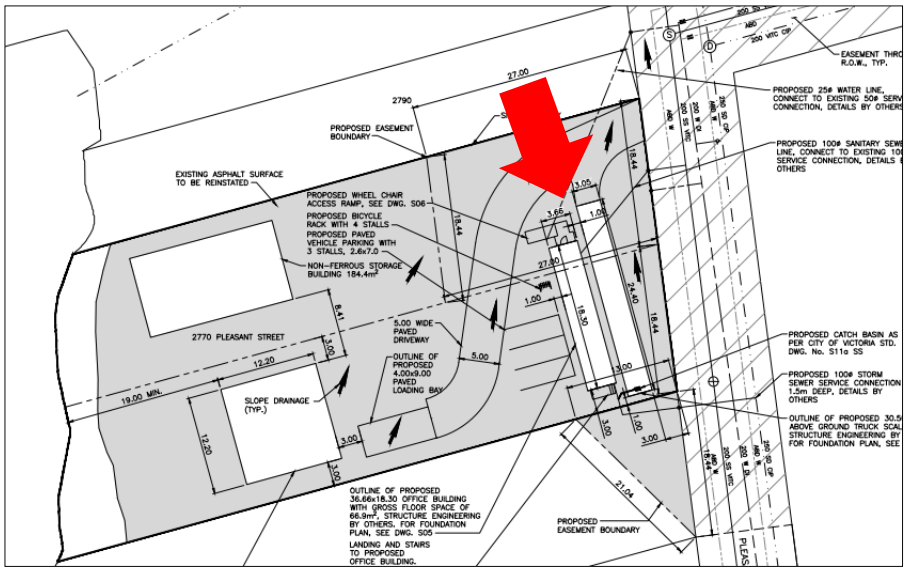
Application for

2770 Pleasant Street

Context

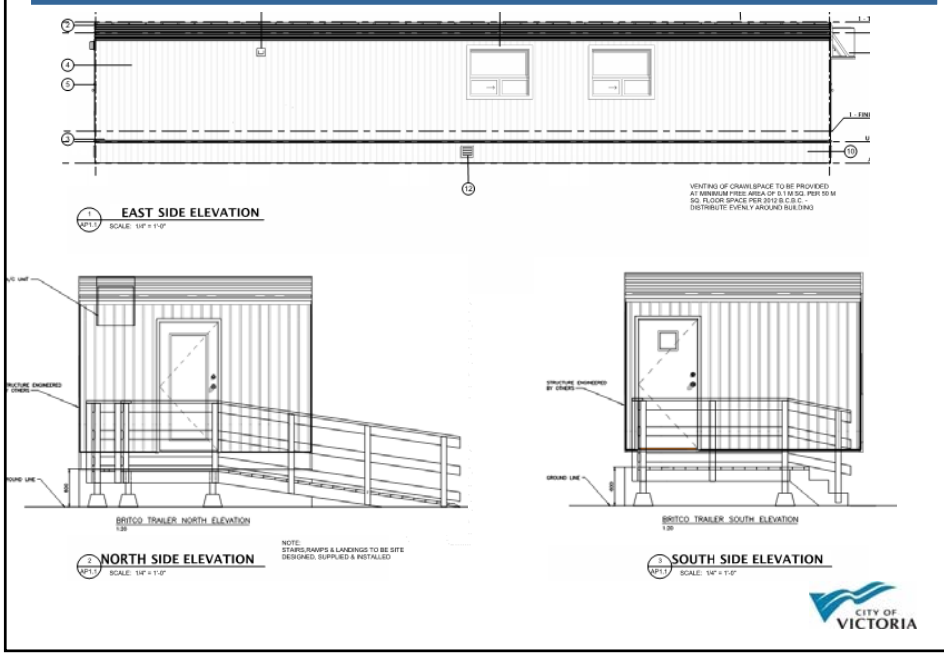
CITY OF VICTORIA

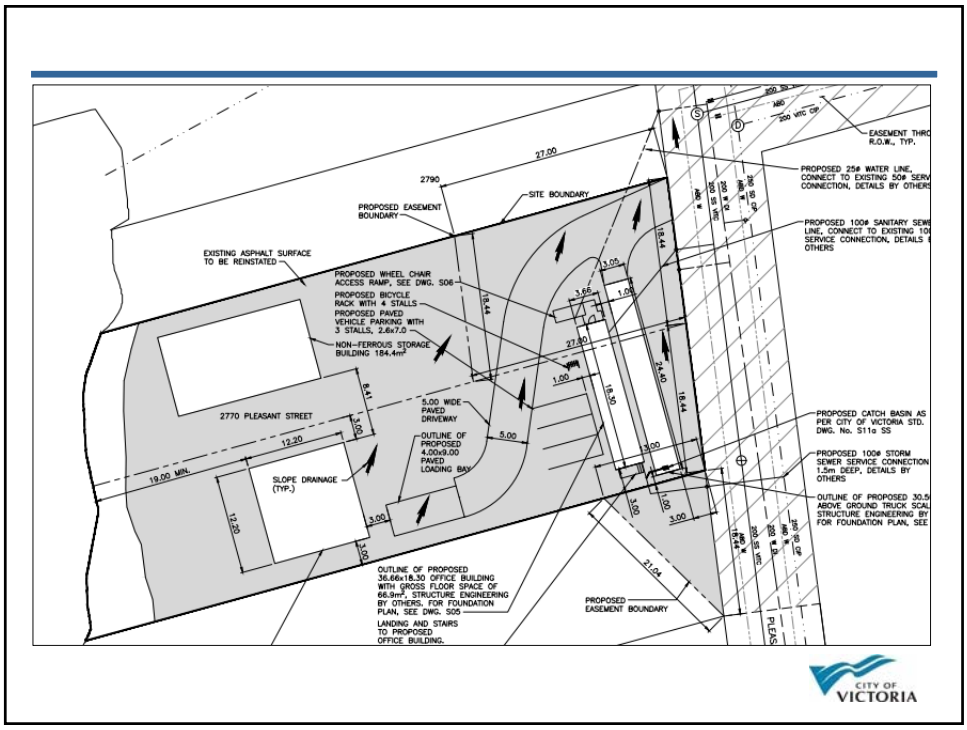
Site Plan



CITY OF VICTORIA

Office Trailer





CITY OF VICTORIA

CITY OF VICTORIA

Committee of the Whole Report

For the Meeting of July 6, 2017

To:	Committee of the Whole	**Date:**	June 16, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Request to remove off-site parking easement and covenant at 324/328 Cook Street**		

RECOMMENDATION

That Council authorize the Mayor and City Clerk to execute a legal instrument, in the form satisfactory to the City Solicitor, to discharge off-site parking easement number EX143925 (as modified by FA103662) and covenant number EX143926 (as modified by FA103663) from the property located at 324/328 Cook Street.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding the removal of an off-site parking easement and covenant from the property located at 324/328 Cook Street (Pic-A-Flic Site). The easement and covenant were registered on title in favour of 320 Cook Street (Starbucks Site) in order for this property to comply with the parking requirements under Schedule C of the *Zoning Regulation Bylaw*, when the need for additional parking at this site was required by an intensification of the uses.

The following points were considered in assessing this request:

- the off-site parking easement and covenant for six parking stalls were put in place on November 10, 2005 (and modified on August 30, 2006 to add an additional two stalls) to meet the parking requirements for the commercial uses of 320 Cook Street
- the use of 320 Cook Street has since changed and the off-site parking stalls at 324/328 Cook Street are no longer required to meet the Schedule C parking requirements
- there are 19 surface parking stalls at 320 Cook, which is enough to satisfy the parking requirements under Schedule C of the *Zoning Regulation Bylaw*
- any future change in use at 320 Cook Street would be reviewed for compliance with the parking requirements under Schedule C and if there was not enough on-site parking to satisfy the requirement of Schedule C, then an alternate arrangement or parking variance would be required.

BACKGROUND

The request is to remove the off-site parking easement number EX143925 (as modified by FA103662) and covenant number EX143926 (as modified by FA103663) from the property located at 324/328 Cook Street to allow for future redevelopment of the property. The original easement and covenant were registered November 10, 2005 to provide six parking stalls in favour of 320 Cook Street. The easement and covenant were modified on August 10, 2006 to add an additional two parking stalls to the agreement.

The two-storey building at 320 Cook Street was approved in 1978 for office commercial uses on both floors. The approved parking layout showed 19 parking stalls: 16 regular stalls and 3 small car stalls, which at the time, was the Bylaw-required parking for the proposed office use. Later, when the use of the building changed to other commercial uses, the parking requirements increased and a portion of the required parking was provided off-site on the property located at 324/328 Cook Street and secured by easement and covenant.

The second floor of 320 Cook Street is now vacant; therefore, the off-site parking stalls at 324/328 Cook Street are no longer required to fulfil the parking requirements under Schedule C of the *Zoning Regulation Bylaw*, as the 19 on-site parking stalls are enough to meet the requirements based on the current ground floor restaurant and office uses of the building.

The property located at 324/328 Cook Street is zoned CR-3M, Commercial Residential Apartment Modified District. The CR-3M zone allows for a range of commercial uses, including restaurants and offices, provided they are located in the ground floor of a commercial-residential building. A commercial-residential building is defined in the CR-3M zone as "a building, the ground floor or which is used solely for one or more [commercial uses], and the floors above the ground floor are used solely for residential purposes". Therefore, commercial use of the second floor was considered legal non-conforming with regards to the provisions of the CR-3M zone. Given the commercial use of the second floor has ceased for a period exceeding six months, the legal non-conforming status is no longer valid. The future use of the second floor must therefore conform to the provisions of the CR-3M zone (i.e. solely residential use). As indicated in the applicant's letter to Mayor and Council dated April 27, 2017, the owner's acknowledge the change in the legal non-conforming use status and are evaluating residential conversion strategies for the second floor of the building. Any future use of the second floor would need to comply with the parking provisions of the CR-3M zone.

CONCLUSIONS

This request to remove the off-site parking easement and covenant at 324/328 Cook Street is supportable as the on-site parking at 320 Cook Street is sufficient based on the current use of the building. Staff recommend that Council consider supporting this request.

ALTERNATE MOTION

That Council decline the request to remove the off-site parking easement and covenant from the property located at 324/328 Cook Street.

Respectfully submitted,

Alec Johnston
Senior Planner
Development Services

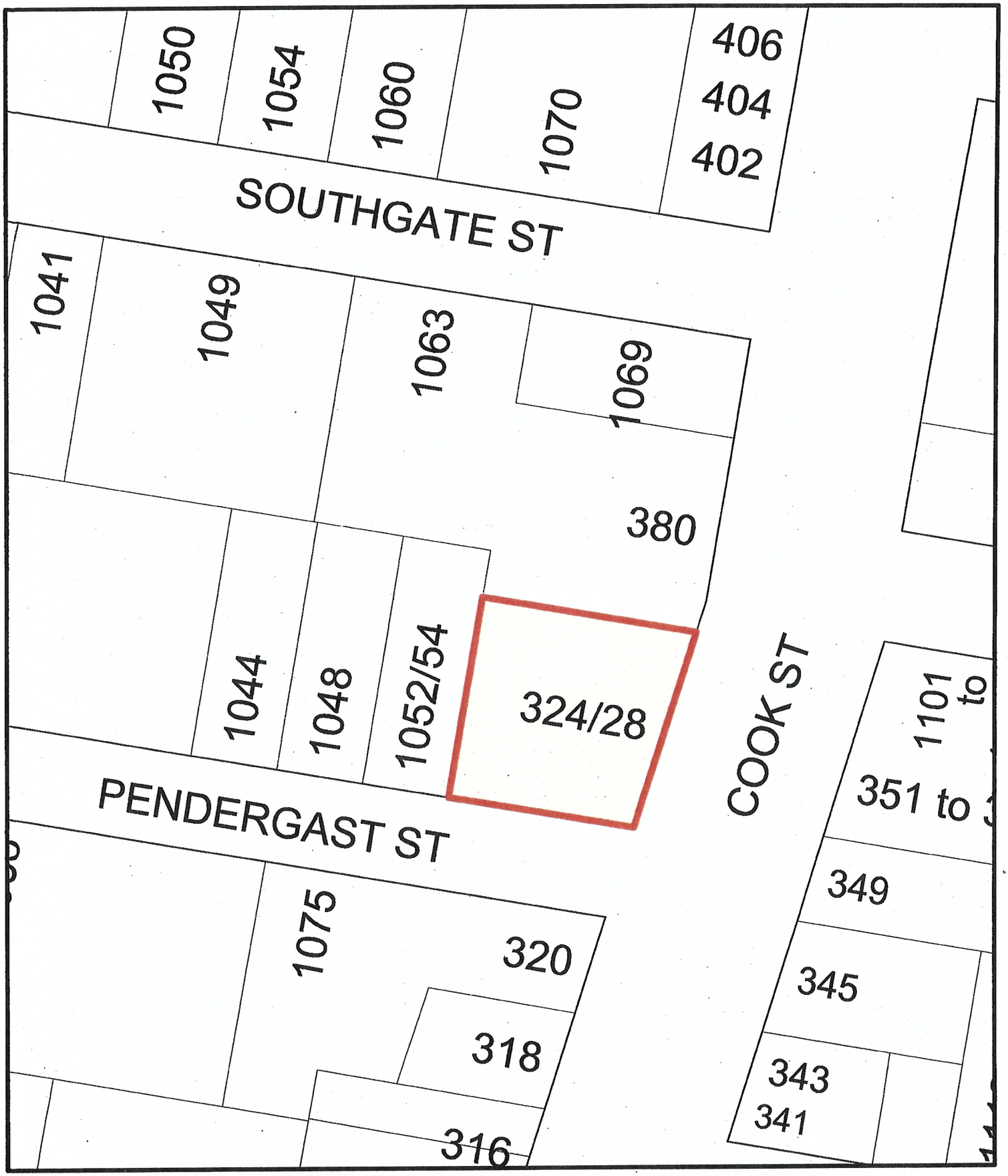
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: June 28, 2017

List of Attachments

- Subject map
- Aerial map
- Owner's Letter to Mayor and Council, dated April 27, 2017
- Off-Site Parking Easement No. EX143925 and Covenant No. EX143926
- Off-Site Parking Easement No FA103662 and Covenant No. FA103663



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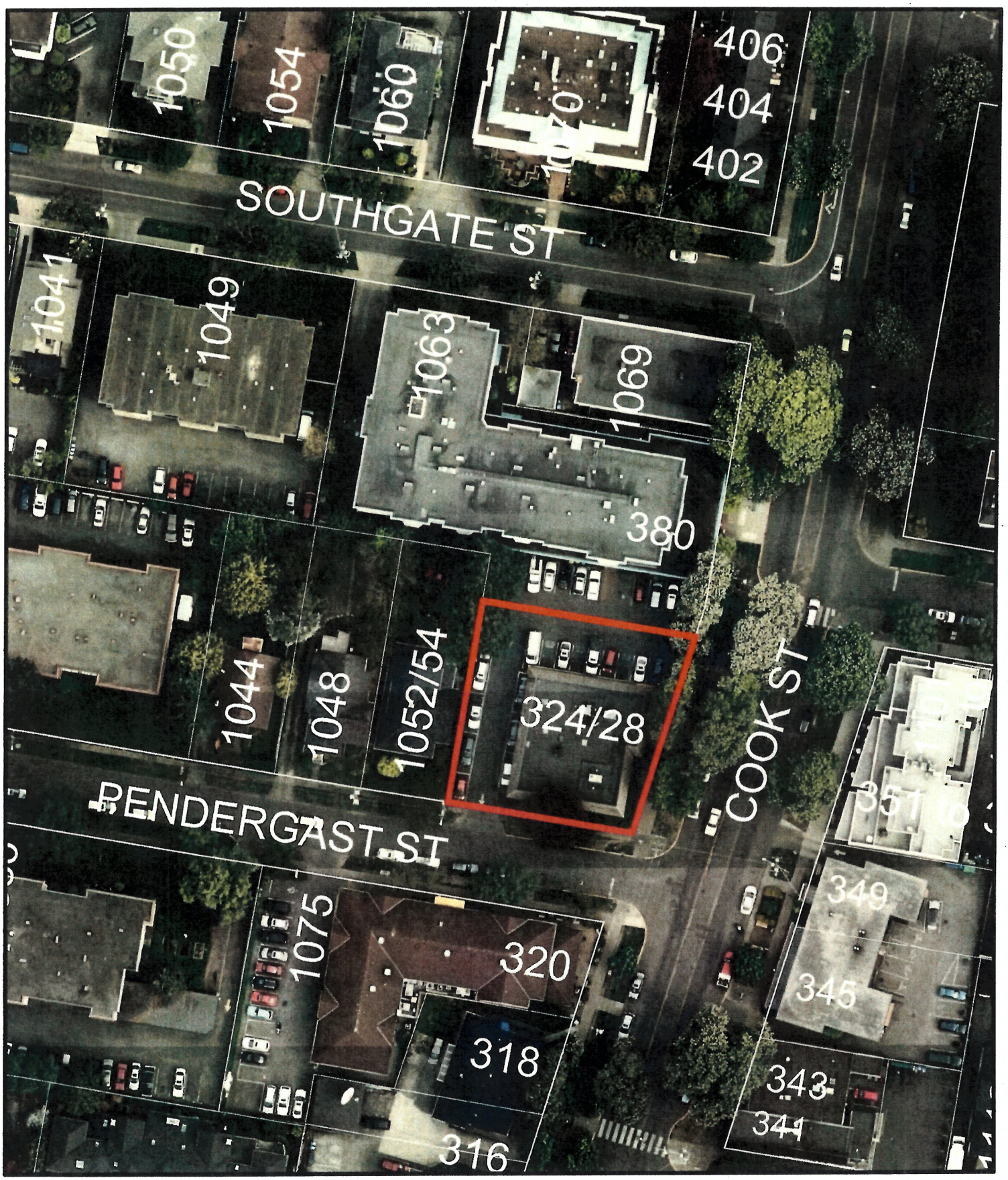
324/28 Cook Street

CITY OF VICTORIA



N

324/28 Cook Street

CITY OF VICTORIA

DUCKETT MANAGEMENTS LTD.

27 April 2017

Mayor Lisa Helps and Council
City Hall
1 Centennial Square
Victoria, BC, V8W 1P6

Reference: **324/328 Cook Street, Victoria, BC - Off-Site Parking Easement EX143925 (as modified by FA103662) and Covenant EX143926 (as modified by FA103663)**

Dear Mayor Helps and Council:

Please accept this letter as our formal request for the discharge of the above off-site parking easement and covenant (the "Easement/Covenant") on the property at 324/328 Cook Street.

The original purpose of the Easement/Covenant was to provide for the use of parking stalls on 324/328 Cook Street by the commercial tenants of the second floor of the building across the street at 320 Cook Street/1075 Pendergast Street. In light of this, our request is being made for two reasons:

1) these parking arrangements are no longer required, as there are no longer any commercial tenants occupying the second floor of 320 Cook Street/1075 Pendergast Street; and

2) the discharge of the Easement/Covenant is necessary for the development of the NW corner of the Cook and Pendergast Streets (being the contiguous properties at 324/328 Cook Street and 1044 – 1052 Pendergast).

Put in place on Nov. 10, 2005 (and modified on Aug. 30, 2006), the Easement/Covenant enabled commercial tenants to operate, within the City's guidelines, on the 2nd floor of 320 Cook Street/1075 Pendergast for a number of years. However, as of July 31, 2016 all of these tenants had relocated leaving the 2nd floor completely vacant. The on-site parking at 320 Cook Street/1075 Pendergast is more than adequate to meet the requirements of the ground-floor businesses.

In February, 2017 we were advised by Mr. Alec Johnston, Planner, City of Victoria, that the use of the 2nd floor of 320 Cook Street/1075 Pendergast for commercial offices was, in fact, a "legal, non-conforming" use and that since the 2nd floor had remained vacant for more than six months this "legal, non-conforming" use would no longer be permitted. We acknowledge this change in status and are working on plans to comply with the CR-3M zoning. In this regard, all leasing signage relating to the 2nd floor has been removed along with any leasing references on our property manager's website. Seven local contractors have been contacted to discuss residential conversion strategies for the 2nd floor and three have been identified as good options to work with at the appropriate time.

For over three decades our family has owned a combination of commercial and residential properties on the NW and SW corners of Cook and Pendergast Streets. In keeping with the City of Victoria's Official Community Plan "Large Urban Village" designation for the area, we embrace

817 Beaver Point Road, Salt Spring Island, BC, V8K 1X9
250-930-3337, gduckett@shaw.ca

the need to increase residential opportunities in the village. Development of the properties on the NW corner will serve this vision well, and our short and long-term strategy for the SW corner should deliver a similar outcome in time, however the discharge of the Easement/Covenant is necessary for this development to proceed.

Thank you for your time and consideration of this request. We are at your disposal to answer questions.

Sincerely,

Greg Duckett
VP, Duckett Managements Ltd.

817 Beaver Point Road, Salt Spring Island, BC, V8K 1X9
250-930-3337, gduckett@shaw.ca

Status: Registered

Doc #: EX143925 RCVD: 2005-11-10 RQST: 2013-07-29 11.42.00

EX143926

LAND TITLE ACT
FORM C
(Section 233)
Province of
British Columbia

10 NOV 2005 10 48 EX143925

GENERAL DOCUMENT (This area for Land Title Office use) Page 1 of 6 pages

1. APPLICATION: (Name, address, phone number & signature of applicant, applicant's solicitor or agent).
Johns, Southward, Glazier, Walton & Margetts
202 - 911 Yates Street, P.O. Box 847
Victoria, B.C. V8V 4X3 Ph. 381-7321
(Client 10208)

Authorized Agent:
File No. 050908
WENDY SMITH REGISTRY

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
000-309-745	Lot 1, Fairfield Farm Estate, Victoria City, Plan 34863

3. NATURE OF INTEREST:*

Description	Document Reference (page & paragraph) Entire Instrument	Person entitled to Interest
X Easement and Restrictive Covenant		OWNER, LOT 1, FAIRFIELD FARM ESTATE, VICTORIA CITY PLAN 33046

01 05/11/10 10:48:22 01 VI 668497
CHARGE $129.50

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

(a) Filed Standard Charge Terms | | D.F. No.

(b) Express Charge Terms | x | Annexed as Part 2

(c) Release | | There is no part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):* **DUCKETT MANAGEMENTS LTD. (Inc. No. A19290)**

6. TRANSFEREE(S): (Including postal address(es) & postal code(s)*.
DUCKETT MANAGEMENTS LTD. (Inc. No. A19290)
202 - 911 Yates Street, Victoria, B.C. V8W 2R9

and

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square, Victoria, B.C. V8W 1P6

7. ADDITIONAL OR MODIFIED TERMS:* N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y M D	Transferor(s) Signature(s)
Eric Kerr BARRISTER & SOLICITOR Box 847, 202 - 911 Yates St. Victoria, BC V8W 2R9	5 10 25	**DUCKETT MANAGEMENTS LTD.** by its authorized signatory: Print Name LES DUCKETT

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E
** If space insufficient, continue executions on additional page(s) in Form D.

Status: Registered Doc #: EX143925 RCVD: 2005-11-10 RQST: 2013-07-29 11.42.00

Land Title Act
Form D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y M D	Transferee Signature
Eric Kerr BARRISTER & SOLICITOR Box 847, 202 - 911 Yates St. Victoria, BC V8W 2R9	5 10 25	**DUCKETT MANAGEMENTS LTD.** By its authorized signatory(ies): Print Name: LES DUCKETT
Officer Signature(s)	Y M D 5 11 04	Transferee Signature(s)
JOHN R. BASEY, Q.C. Barrister and Solicitor #1 Centennial Square Victoria, B.C. V8W 1P6 (As to both signatures)		**THE CORPORATION OF THE CITY OF VICTORIA**, by its authorized signatory(ies): Mayor Alan Lowe Corporate Administrator Robert Woodland

PART 2 - TERMS OF INSTRUMENT

WHEREAS:

A. The Transferor is the registered owner in fee simple of the lands described in item 2 of Part 1 of this General Instrument.

B. The Transferee, Duckett Managements Ltd., is the registered owner in fee simple of the lands situated in the City of Victoria, Province of British Columbia, particularly known and described as:

PID: 000-224-766, Lot 1, Fairfield Farm Estate, Victoria City, Plan 33046.

C. An easement over the Transferor's lands for parking purposes, in favour of the Transferee, Duckett Managements Ltd., and a restrictive covenant pursuant to section 219 of the *Land Title Act* in favour of the Transferee, the Corporation of the City of Victoria, are required for the purposes of Schedule "C" of the City of Victoria zoning regulation bylaw number 80-159.

NOW THEREFORE in consideration of the premises and the covenants and agreements contained herein, and the sum of ONE ($1.00) DOLLAR, now paid by the Transferees to the Transferor (the receipt and adequacy is hereby acknowledged by the Transferor), the parties hereto covenant and agree as follows:

1. Interpretation

1.1 In this General Instrument:

a. "Lands" means the lands described in item 2 of Part 1 of this General Instrument;

b. "Duckett Managements" means the Transferee, Duckett Managements Ltd.;

c. "City" means the Transferee, The Corporation of the City of Victoria;

d. "Easement Area" means those portions of the Lands described as 'Area A' and 'Area B' on the Reference Plan of Easement filed in the Victoria Land Titles Office under number VIP79890; and

e. "Restrictive Covenant" means the restrictive covenant granted by the Transferor to the City under Section 4 of this Agreement.

1.2 The Transferor hereby grants, transfers and conveys to Duckett Managements forever, the full, free and uninterrupted right, privilege, license, liberty, and easement (the "Easement") for Duckett Managements, on behalf of itself, its heirs, executors, administrators, assigns, servants, employees, agents, permitees, invitees, lessees, licensees, contractors, and other persons acting under its authority, together with materials, supplies, equipment, machinery, and vehicles, at all times hereafter and from time to time by day and night and at their will and pleasure, through, across, under and over the Easement Area:

a. to install, construct, reconstruct, maintain, repair, improve, alter, place, and replace asphalt or cement and any other form of thing Duckett Managements may require or deem necessary, practical, or expedient for the purpose of providing for six (6) parking stalls for motor vehicles;

b. to inspect and clean the Easement Area;

c. to clear the Easement Area and keep it clear of all or any part of any trees, vegetation, shrubs, structures, equipment, obstructions, or damaging or interfering growth now or hereafter on the

Easement Area, which might, in the opinion of Duckett Managements, interfere with and hinder or obstruct the exercise of the rights granted under this General Instrument;

d. to enter upon and occupy, pass and repass on the Easement Area, for the purpose of exercising the rights granted under this General Instrument;

e. to use the parking stalls constructed on the Easement Area, as contemplated under section 1.2(a) herein for the parking of up to six (6) motor vehicles; and

f. without limiting the generality of the foregoing, to undertake, perform and complete all work necessary or incidental to the use of the Easement Area under this General Instrument.

1.3 The Transferor hereby grants, transfers and conveys to Duckett Managements forever, the full, free and uninterrupted right, privilege, license, liberty, and easement, on behalf of itself and its heir, executors, administrators, assigns, servants, employees, agents, permitees, invitees, lessees, licensees, contractors, and any other persons acting under its authority to pass, repass, cross, remain, stand, loiter, or otherwise use the Easement Area by night and by day.

1.4 Duckett Managements covenants with the Transferor to enter upon and occupy the Easement Area, by night and by day.

1.5 Duckett Managements covenants with the Transferor to enter upon and occupy the Easement Area solely for the purpose of exercising the rights granted under this General Instrument.

2. Provisos

2.1 Duckett Managements is under no obligation to provide access, services, maintenance, repair or contribution, financial or otherwise, to the Lands or to the Easement Area, including, without limitation, to construct, maintain or replace any works described in section 1.2 of this General Instrument.

3. Covenants

3.1 The Transferor covenants with Duckett Managements that the Transferor will, after the registration of this General Instrument:

a. not impede, hinder, obstruct, interrupt, or otherwise interfere with, or cause to be impeded, hindered, obstructed, interrupted or otherwise interfered with the Easement Area or the rights granted under this General Instrument;

b. not carry out any excavation on or adjacent to the Easement Area without the consent of Duckett Managements;

c. not make, place, erect or maintain, and not suffer or permit to be made, placed, erected or maintained on, over or under the Easement Area any building, structure, foundation, pipe, wire, ditch, conduit, trees, vegetation, or shrubbery, including their roots and other growth; obstruction or any other thing of whatsoever nature or kind, which will interfere with the Easement Area or the rights granted under this General Instrument; and

d. permit Duckett Managements to feasibly hold and enjoy the rights granted under this General Instrument without hindrance, molestation, or interruption on the part of the Transferor or of any person, firm, or corporation claiming by, through, under or in trust for the Transferor.

4. Restrictive Covenant

4.1 The Transferor covenants and agrees with the City, pursuant to Section 219 of the *Land Title Act*, that the Transferor shall only use or permit the use of the Easement Area for parking purposes as contemplated under the terms of the easement granted herein.

4.2 The Transferor and the City agree that the enforcement of this Restrictive Covenant shall be entirely within the discretion of the City and that the execution and registration of this covenant against the title to the Lands shall not be interpreted as creating any duty on the part of the City to the Transferor or to any other person to enforce any provision or the breach of any provision of this Restrictive Covenant.

4.3 Nothing contained or implied herein shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Restrictive Covenant had not been executed and delivered by the Transferor.

4.4. The Transferor hereby releases and forever discharges the City of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Transferor can or may have against the City for any loss or damage or injury that the Transferor may sustain or suffer arising out of this Restrictive Covenant.

4.5 The Transferor covenants and agrees to indemnify and save harmless the City from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or by anyone who suffers loss of life or injury to his person or property, that arises out of a breach of this Restrictive Covenant by the Transferor or the use of the Lands as a result of this Restrictive Covenant.

4.6 It is mutually understood, acknowledged and agreed by the parties hereto that the City has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Restrictive Covenant.

4.7. This Restrictive Covenant shall be registered as a first charge against the Lands and the Transferor, at its sole cost, agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Restrictive Covenant.

4.8 The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.

4.9 The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to Section 219 of the *Land Title Act* as covenants in favour of the City as a first charge against the Lands.

4.10 This Restrictive Covenant shall enure to the benefit of the City and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.

4.11 Wherever the expressions "Transferor" and "City " are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

5. <u>General Terms and Conditions</u>

5.1 Notwithstanding anything contained herein, the Transferor will not be liable for breach of the restrictions and covenants contained in this General Instrument occurring after the Transferor has ceased to be the owner of the Lands.

5.2 This General Instrument will not be modified, amended, discharged or released in any manner whatsoever without the prior written consent of each of the parties hereto.

5.3 Each of the parties will, upon the reasonable request of the other, make, do, execute or cause to be made, done or executed all further and other lawful acts, deeds, things, devices, documents, instruments, and assurances whatever for the better and more perfect and absolute performance of the terms and conditions of this General Instrument.

5.4 It is mutually understood, agreed and declared by the parties that this General Instrument and the rights and covenants contained herein will run with the Lands and be perpetual, and this General Instrument, including all the rights and covenants in it, will extend to and be binding upon and enure to the benefit of the parties and their respective heirs, executors, administrators, successors, lessees, licensees and assigns.

5.5 No part of the fee of the soil of the Lands will pass to or be vested in the Transferee under or by this General Instrument.

5.6 No term of this General Instrument will be considered to have been waived by either party unless such waiver is expressed in writing by the party and the waiver by either party of any such term, condition, covenant, or other provision of this General Instrument will not be construed as or constitute a waiver of any further or other term, condition, covenant or other provision of this General Instrument by that party.

5.7 Wherever the singular, or masculine, or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic, unless the context requires otherwise.

5.8 Any notice, document, or communication required or permitted to be given under this General Instrument will be in writing and will be deemed to have been duly given, if delivered by personal delivery, mailed by postage prepaid mail to the party to whom it is to be given, or made at the address first shown for such party.

5.9 Time is of the essence of this General Instrument.

5.10 This General Instrument will be governed by, construed and interpreted in accordance with the laws of the Province of British Columbia.

5.11 If any section of this General Instrument, or any part of the section is found to be illegal or unenforceable, that part or section, as the case may be, will be considered separate and several and the remaining parts or sections will not be affected and will be enforceable to the full extent permitted by law.

As evidence of their agreement to be bound by the terms of this General Instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this General Instrument.

END OF DOCUMENT

Status: Registered Doc #: EX143925 RCVD: 2005-11-10 RQST: 2013-07-29 11.42.00

1A/1

10 NOV 2005 10 48 EX143925

VIP79890

PID 309745

LAND TITLE ACT
FORM 11 (a)
(Section 99(1) (a), (j) and (k))

APPLICATION FOR DEPOSIT OF AN EXPLANATORY PLAN

I, Eric A. Kerr, Barrister and Solicitor of the firm, Johns Southward, Glazier, Walton & Margetts, 202 - 911 Yates Street, Victoria, B.C. V8V 4X3, apply on behalf of **DUCKETT MANAGEMENTS LTD.**, of 202 - 911 Yates Street, Victoria, B.C. to deposit an Reference Plan of Easement over Lot 1, Fairfield Farm Estate, Victoria City, Plan 34863

01 05/11/10 10:48:11 01 VI 668497
PLANS $54.00

1. The Reference Plan;
2. The reproductions of the plan required by section 67 (u) (see below).
3. Fees of N/A.

VIP79890

DATED the day of November, 2005.

Eric A. Kerr
Barrister and Solicitor
202 - 911 Yates Street, P.O. Box 847
Victoria, B.C. V8W 2R9

WENDY SMITH REGISTRY

NOTE: (i) Under section 67 (u) the following reproductions of the plan must accompany this application:
(a) one blue linen original (alternatively white linen or original transparencies).
(b) one duplicate transparency.
(c) one white print is required as a worksheet for the land title office.

(ii) The following further requirements may be necessary:
(a) If the parent property is in an Agricultural Land Reserve, a release is required unless the parent property is less than 2.0 acres (approximately 8094 hectares) or where, for permitted uses, an approving officer has signed the plan under section 1 (1) (a) and (b) of the Subdivision and Land Use Regulation (B.C. Reg. 7/81) under the *Agricultural Land Commission Act*.
(b) Where a notice representing a grant under the *Home Purchase Assistance Act* is endorsed on title, an extra white print must accompany the application, unless the Ministry of Lands, Parks and Housing agrees otherwise in writing. This extra print must contain the following endorsement:

"The eligible residence as defined by the *"Home Purchase Assistant Act* is located on lot created by this plan.

B.C.L.S. or solicitor for the owner"

(c) Controlled access approval must be evident on the plan where a parent property adjoins a highway that is designated as a controlled access highway.
(d) Where the plan refers to a restrictive covenant to be made under section 215, the instrument containing the covenant must be tendered with the plan.

NOTE: Please return one paper print of the mylar and one copy of Form 11(a) to this office with registration particulars noted thereon.

REFERENCE PLAN OF EASEMENT OVER LOT 1, PLAN 34863 FAIRFIELD FARM ESTATE, VICTORIA CITY

Pursuant to Section 99 (1) (e) Land Title Act

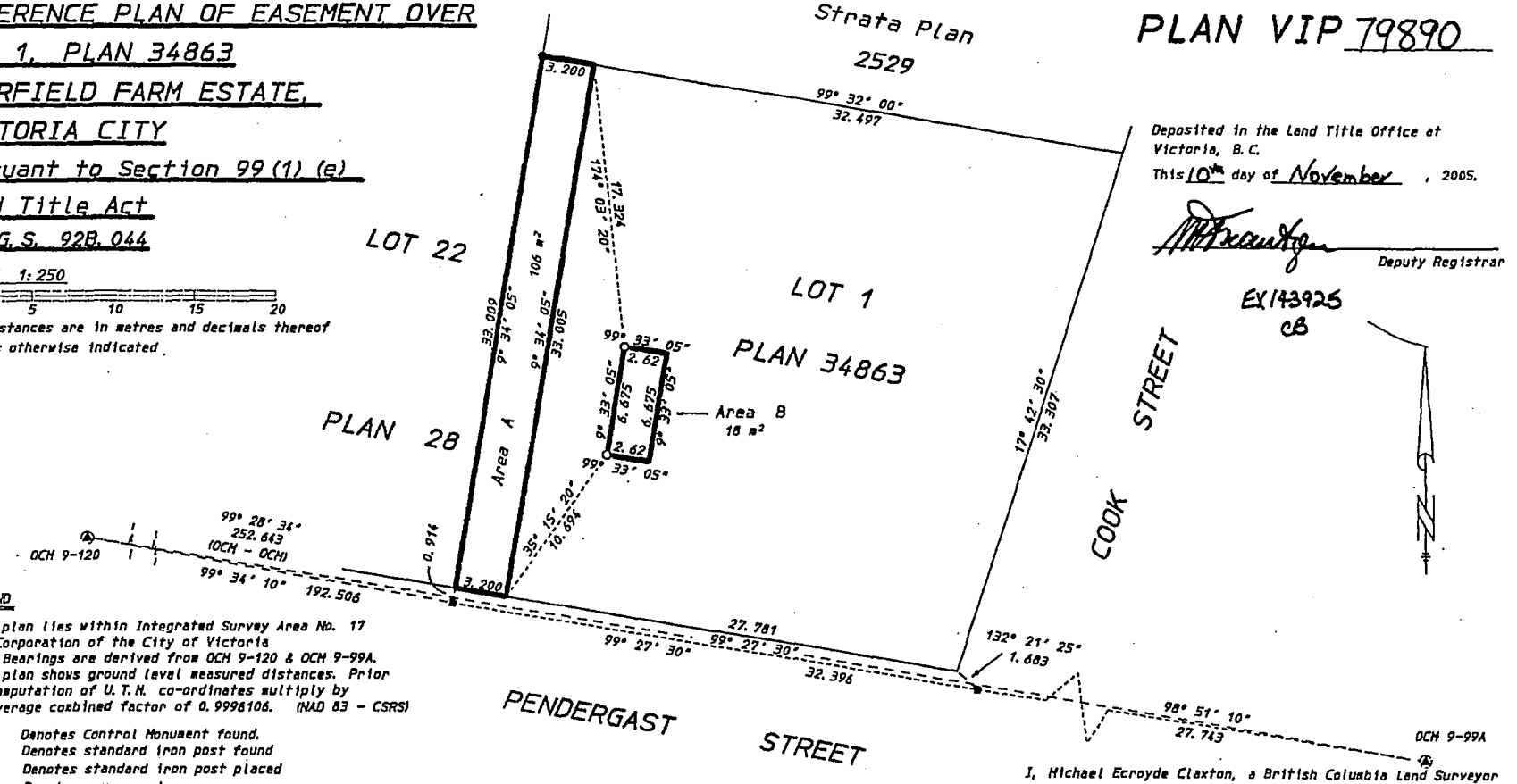
B. C. G. S. 92B. 044

PLAN VIP 79890

SCALE 1: 250

0 5 10 15 20

All distances are in metres and decimals thereof unless otherwise indicated.



Deposited in the Land Title Office at Victoria, B. C.
This 10th day of November, 2005.

Deputy Registrar

EX143925 CB

LEGEND

This plan lies within Integrated Survey Area No. 17 The Corporation of the City of Victoria
Grid Bearings are derived from OCH 9-120 & OCH 9-99A.
This plan shows ground level measured distances. Prior to computation of U. T. M. co-ordinates multiply by an average combined factor of 0.9996106. (NAD 83 - CSRS)

- Denotes Control Monument found.
- Denotes standard iron post found
- Denotes standard iron post placed
- m^2 Denotes square metres
- Denotes lead plug found

MICHAEL E. CLAXTON
B. C. & CANADA LANDS SURVEYOR
Unit 80A 4223 Commerce Circle
VICTORIA, B. C. V8Z 6N6
PHONE 479-2258 FAX 479-3831
FILE: 05-17284. EAS FB363 CHEC

BOOK OF REFERENCE

Lot 1. Plan 34863	Area Required
Area A	106 m^2
Area B	18 m^2
Total	124 m^2

This plan lies within the Capital Regional District.

I, Michael Ecroyde Claxton, a British Columbia Land Surveyor of Victoria, in British Columbia, certify that I was present at and personally superintended the survey represented by this plan and that the survey and plan are correct.

The field survey was completed on the 5th day of October, 2005.

The plan was completed and checked, and the checklist filed under ECP 38843, on the 17th day of October, 2005

B. C. L. S.

Request to remove off-site parking easement and covenant at ...

1D

LAND TITLE ACT
FORM C
(Section 233) FA 103663
Province of
British Columbia

30 AUG 2006 14 20 FA103662

2C

GENERAL DOCUMENT (This area for Land Title Office use) Page 1 of 3 pages

1. APPLICATION: (Name, address, phone number & signature of applicant, applicant's solicitor or agent).
Johns, Southward, Glazier, Walton & Margetts
202 - 911 Yates Street, P.O. Box 847
Victoria, B.C. V8V 4X3 Ph. 381-7321
(Client 10208)
Authorized Agent:
File No. 050908

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
000-309-745	Lot 1, Fairfield Farm Estate, Victoria City, Plan 34863

3. NATURE OF INTEREST:*

Description	Document Reference (page & paragraph)	Person entitled to Interest
Modification of Easement EX143925 and Restrictive Covenant EX143926	Entire Instrument	Owner, Lot 1, Fairfield Estate, Victoria City, Plan 33046

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

(a) Filed Standard Charge Terms | | D.F. No.

(b) Express Charge Terms | x | Annexed as Part 2

(c) Release | | There is no part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):* **DUCKETT MANAGEMENTS LTD. (Inc. No. A19290)**

6. TRANSFEREE(S): (Including postal address(es) & postal code(s)*
DUCKETT MANAGEMENTS LTD. (Inc. No. A19290)
202 - 911 Yates Street, Victoria, B.C. V8W 2R9

and

02 06/08/30 14:20:37 02 VI 717307
CHARGE $130.40

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square, Victoria, B.C. V8W 1P6

7. ADDITIONAL OR MODIFIED TERMS:* N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y M D	Transferor(s) Signature(s)
Eric Kerr BARRISTER & SOLICITOR Box 847, 202 - 911 Yates St. Victoria, BC V8W 2R9	06 08 08	**DUCKETT MANAGEMENTS LTD.** by its authorized signatory: Les Duckett

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E
** If space insufficient, continue executions on additional page(s) in Form D.

Status: Registered Doc #: FA103662 RCVD: 2006-08-30 RQST: 2013-07-29 11.42.00

Land Title Act
Form D

EXECUTIONS CONTINUED Page 2 of 3

Officer Signature(s)	Execution Date Y M D	Transferee Signature
Eric Kerr BARRISTER & SOLICITOR Box 847, 202 - 911 Yates St. Victoria, BC V8W 2R9	06 08 08	**DUCKETT MANAGEMENTS LTD.** By its authorized signatory: Les Duckett
Officer Signature(s)	Y M D	Transferee Signature(s)
ROBERT G. WOODLAND Corporate Administrator City of Victoria #1 Centennial Square Victoria BC V8W 1P6 (As to both signatures)	06 08 28	**THE CORPORATION OF THE CITY OF VICTORIA**, by its authorized signatory(ies): Print Name: Alan Lowe, Mayor Print Name:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E
** If space insufficient, continue executions on additional page(s) in Form D.

Land Title Act
Form E

PART 2 - TERMS OF INSTRUMENT

WHEREAS:

A. The Transferor granted to the Transferee, Duckett Managements Ltd., an easement over the Transferor's land described in item 2 of Part 1 of this General Instrument, which easement was registered in the Victoria Land Title Office under number EX143925 (the "Easement").

B. The Transferor granted to the Transferee, the Corporation of the City of Victoria, a restrictive covenant, pursuant to section 219 of the *Land Title Act* (British Columbia) over the Transferor's land described in item 2 of Part 1 of this General Instrument, which restrictive covenant was registered in the Victoria Land Title Office under number EX143926 (the "Restrictive Covenant").

B. The Transferor and the Transferees wish for the Easement and the Restrictive Covenant to be modified as set forth herein.

NOW THEREFORE in consideration of the premises and the sum of ONE ($1.00) DOLLAR, now paid by the Transferees to the Transferor (the receipt and adequacy of which is hereby acknowledged by the Transferor), the parties hereto covenant and agree as follows:

1. Subparagraph 1.1 (d) of the Easement and the Restrictive Covenant shall be deleted in its entirety and replaced with the following:

   ""Easement Area" means, collectively, those portions of the Lands described as 'Area A' and 'Area B' on the Reference Plan of Easement filed in the Victoria Land Title Office under number VIP 79890 and those portions of the Lands described as 'Area 1' and 'Area 2' on the Reference Plan of Easement filed in the Victoria Land Title Office under number VIP 81627; and"

VIP81627

2. Subparagraph 1.2 (a) of the Easement and the Restrictive Covenant shall be deleted in its entirety and replaced with the following:

   "to install, construct, reconstruct, maintain, repair, improve, alter, place, and replace asphalt or cement and any other form of thing Duckett Managements may require or deem necessary, practical, or expedient for the purpose of providing for eight (8) parking stalls for motor vehicles;"

3. Subparagraph 1.2 (e) of the Easement and the Restrictive Covenant shall be deleted in its entirety and replaced with the following:

   "to use the parking stalls constructed on the Easement Area, as contemplated under section 1.2(a) herein for the parking of up to eight (8) motor vehicles; and"

4. This indenture shall, from the date hereof, be read and construed along with the Easement and the Restrictive Covenant and be treated as a part thereof, and the Easement and the Restrictive Covenant are so amended together with all the covenants, agreement and provisos therein contained which shall remain in full force and effect.

5. This indenture shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

6. Wherever the singular or masculine are used in this indenture, the same shall be construed as meaning the plural or feminine, or body corporate or politic where the context or the parties hereto so require.

As evidence of their agreement to be bound by the terms of this General Instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this General Instrument.

END OF DOCUMENT

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of July 6, 2017

To:	Committee of the Whole	**Date:**	June 22, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	**Request to discharge and replace existing Statutory Right of Way, 755 Caledonia Street (Hudson Walk)**		

RECOMMENDATION

That Council authorize the Mayor and City Clerk to execute legal instruments, in a form satisfactory to the City Solicitor, to discharge Statutory Right of Way numbers CA4143281 and CA4143284 and register a replacement Statutory Right of Way on the property with the civic address of 755 Caledonia Street.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding a request to discharge and replace a Statutory Right of Way (SRW) registered on the title of the property 755 Caledonia Street.

In 2014, concurrent with a Development Permit Application for a 16 storey mixed-use building at 755 Caledonia Street, the Developer volunteered to register an SRW on title to secure public access through the site from Caledonia Street to Herald Street. This development is now complete and the owner would now like to discharge the existing SRW and replace it with a new SRW accurately depicting the finished boundaries of the right-of-way.

BACKGROUND

The proposal is to discharge and replace a SRW from title and replace this with a new SRW on the property 755 Caledonia Street. The SRW was registered in 2014 concurrent with the approval of a Development Permit Application for a 16 storey mixed-use building. This development, including the public walkway, is complete and the building is occupied.

The request to Mayor and Council is further outlined in the attached letter from the property owner. This letter also includes the existing and proposed replacement SRWs.

CONCLUSIONS

The Developer voluntarily entered into the existing SRW to secure public access from Caledonia Street to Herald Street, through the development now known as Hudson Walk. The owner is requesting to discharge and replace the SRW to ensure that it accurately depicts the finished

boundaries of the right-of-way. The changes to the SRW boundaries are relatively minor in nature.

Staff recommend that Council approve the request to discharge and replace the SRW.

Respectfully submitted,

Jim Handy, Senior Planner – Development Agreements
Development Services

Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

Date: June 28, 2017

List of Attachments:

- Letter to Mayor and Council dated May 29, 2017

TOWNLINE

May 29, 2017

DELIVERED VIA E-MAIL (JHandy@victoria.ca)

City of Victoria
1 Centennial Square
Victoria, B.C. V8W 1P6

Attention: Jim Handy
Mayor Lisa Helps and City Council Dear Mayor Helps and Council:

Re: 755 Caledonia Avenue, Victoria, British Columbia, being legally described as Parcel Identifier: 029-953-944 Lot A of Lots 714, 715, 716, 726, 727, 728 and 729 Victoria City Plan EPP66100 and 785 Caledonia Avenue, Victoria, British Columbia, being legally described as Parcel Identifier: 029-953-952 Lot B of Lots 723, 724, 725 and 726 Victoria City Plan EPP66100 (together, the "Lands")

As you know, PTR Development Holdings Ltd., a Townline Company (the "**Owner**") is the registered owner of the Lands and has over the last several years developed the Lands for the purposes of a mixed-use development known as "Hudson Walk" (the "**Development**"). The Development is comprised of two (2) mixed-use multi-storey buildings and includes, among other things, a public thoroughfare located between the buildings (the "**Carriageway**") which provides access to and/or egress from Caledonia Street and/or Herald Street.

In December 2014, a Form C Statutory Right-of Way and Section 219 Covenant was registered against title to the Lands under registration numbers CA4143281 and CA4143284 (collectively, the "**Original Carriageway Agreement**"), with the intent of securing the obligations of the Owner to construct and maintain the Carriageway as part of the Development and also to grant a right-of-way so that members of the public could use the Carriageway upon its completion (the "**Right of Way**"). The Original Carriageway SRW included a specific proviso that, upon the completion of construction of the Carriageway: (i) the Owner would commission an explanatory or reference plan in registerable form defining the actual as-built boundaries of the Carriageway; and (ii) the Corporation of the City of Victoria (the "**City**") would enter into a replacement agreement (the "**Replacement Carriageway Agreement**") with the Owner whereby the registered area of the Right of Way would be restricted to the surveyed portions of the Carriageway and the Original Carriageway Agreement would be discharged from title to the Lands.

The Owner confirms that it has: (i) completed the construction of the Carriageway; (ii) commissioned Statutory Right of Way Plan EPP64034 (the "**Survey Plan**"), which defines the as-

TOWNLINE

built boundaries of the Carriageway accordance with the terms of the Original Carriageway Agreement; (iii) prepared and settled the terms and conditions of the Replacement Carriageway Agreement with the City's legal department; and (iv) obtained the consent of the Owner's mortgagees to the registration of the Replacement Carriageway Agreement and the subordination of their registered mortgage security to the same.

The boundaries of the Right of Way shown on the Survey Plan and the legal terms and conditions of the Replacement Carriageway Agreement have been reviewed and approved by City staff.

Please find enclosed the following documents for your ease of reference:

1. the Original Carriageway Agreement;

2. the Survey Plan;

3. a Form C Replacement Carriageway Statutory Right of Way and Section 219 Covenant (together, the "**Replacement Carriageway Agreement**"); and

4. a Form C Release of the Original Carriageway SRW (the "**Release**", together with the Replacement Carriageway Agreement, the "**Replacement Documents**").

In accordance with Section 3.1 of the Original Carriageway Agreement, the Owner kindly requests that the authorized signatory(ies) of the City execute both Replacement Documents in registerable form. We confirm that our solicitors, Lawson Lundell LLP, have made arrangements with Carrie Moffatt for the registration of the Replacement Documents upon the execution of the same by the City.

Please e-mail the signed Replacement Documents to pchau@lawsonlundell.com following execution and please contact Peggy Chau, at 604.408.5343 once the originals are available for pick up so that we can arrange for a courier.

Thank you in advance for your timely attention to this matter.
Yours very truly,

PTR DEVELOPMENT HOLDINGS LTD.

Justin Filuk
Townline Group of Companies

THE TOWNLINE GROUP OF COMPANIES
120 – 13575 Commerce Parkway Richmond, BC V6V 2L1 Tel 604 276 8823 Fax 604 270 0854 www.townline.ca

FORM_C_V19 (Charge)

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Dec-17-2014 11:29:36.002

CA4143281 CA4143284

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Chad Travis V49B1F

Digitally signed by Chad Travis V49B1F
DN: c=CA, cn=Chad Travis V49B1F, o=Lawyer, ou=Verify ID at www.juricert.com/LKUP.cfm?id=V49B1F
Date: 2014.12.17 11:16:02 -08'00'

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

Chad Travis (Jill Oehlschlager)
Lawson Lundell LLP Barristers and Solicitors
1600 - 925 West Georgia Street
Vancouver BC V6C 3L2

(604) 685-3456
File No. 30395-124064
Document No. 10985583

Document Fees: $310.88

Deduct LTSA Fees? Yes ☑

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]	[LEGAL DESCRIPTION]
027-272-338	LOT 1 OF LOTS 712, 713, 714, 715, 716, 723, 724, 725, 726, 727, 728, AND 729 VICTORIA CITY PLAN VIP83911 EXCEPT THAT PART IN PLAN VIP86828

STC? YES ☐

3. NATURE OF INTEREST | CHARGE NO. | ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☑ Express Charge Terms Annexed as Part 2
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VICTORIA

#1 CENTENNIAL SQUARE
VICTORIA BRITISH COLUMBIA
V8W 1P6 CANADA

7. ADDITIONAL OR MODIFIED TERMS:
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Transferor(s) Signature(s)
Darren C. Trester Barrister & Solicitor 120 - 13575 Commerce Parkway Richmond, B.C. V6V 2L1	14	12	10	PTR DEVELOPMENT HOLDINGS LTD. by its authorized signatory(ies): Name: Rick Ilich

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_D1_V19

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
Robert G. Woodland Commissioner for Taking Affidavits in BC #1 Centennial Square Victoria, BC V8W 1P6	14	12	15	THE CORPORATION OF THE CITY OF VICTORIA by its authorized signatory(ies): Name: Mayor Lisa Helps #1 Centennial Square Victoria, BC V8W 1P6
Kimberly Collins Barrister & Solicitor 1701 - 1166 Alberni Street Vancouver, B.C. V6E 3Z3	14	12	09	PTR DEVELOPMENT HOLDINGS LTD. by its authorized signatory(ies): Name: Jane Young

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

ORM_D1_V19

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
Shelley D. Campbell Commissioner for Taking Affidavits in BC 22nd Floor, 666 Burrard Street Vancouver, B.C. V6C 2X6 Expires March 31, 2017 (as to all signatures)	14	12	09	CANADIAN WESTERN BANK by its authorized signatory(ies): Name: Hanny Au Name: Jennifer Drury

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_E_V19

LAND TITLE ACT
FORM E

SCHEDULE

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right of Way		
Covenant		Section 219 Covenant
Priority Agreement		Granting the Statutory Right of Way with two registration numbers less than this priority agreement priority over Mortgage CA2912700, Assignment of Rents CA2912701, Mortgage CA2912942 and Assignment of Rents CA2912943
Priority Agreement		Granting the Covenant with two registration numbers less than this priority agreement priority over Mortgage CA2912700, Assignment of Rents CA2912701, Mortgage CA2912942 and Assignment of Rents CA2912943

ORM_E_V19

LAND TITLE ACT
FORM E

SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

PTR DEVELOPMENT HOLDINGS LTD.(INC. NO. BC0866565)

CANADIAN WESTERN BANK (as to priority)

Statutory Right of Way – Public Carriageway
s. 219 Covenant

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered owner of the following land in the Province of British Columbia:

Parcel Identifier: 027-272-338
Lot 1 of Lots 712, 713, 714, 715, 716, 723, 724,725, 726, 727, 728, AND 729 Victoria City Plan VIP83911 Except That Part in Plan VIP86828

(the "**Lands**").

B. The Transferee is The Corporation of the City of Victoria.

C. The Transferee wishes to be able to access, for itself and all members of the public, a public pedestrian walkway to be constructed, developed and maintained in perpetuity over the Lands.

D. The Transferor has agreed to grant a Statutory Right of Way on the terms hereinafter set forth.

E. It is necessary for the operation and maintenance of the Transferee's undertaking of a public carriageway (the "**Public Carriageway**") for the enjoyment of the general public that a right of way be established in accordance with this document.

F. The Transferor has agreed to register the herein restrictive covenant under Section 219 of the *Land Title Act*, on the title to the Lands to secure the commitment of the Transferor to construct and maintain the Public Carriageway.

G. The Transferee has the authority to accept the covenants under s.219 of the *Land Title Act*.

NOW, THEREFORE, THIS INDENTURE WITNESSES that in consideration of the sum of Ten ($10.00) Dollars of lawful money of Canada, now paid by the Transferee to the Transferor and other valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor), and in consideration of the covenants hereinafter contained:

1.0 STATUTORY RIGHT OF WAY

1.1 Pursuant to Section 218 of the *Land Title Act*, the Transferor does hereby grant, convey, confirm and transfer, in perpetuity, to the Transferee, its successors and assigns, and all of its employees, agents, servants, licensees and invitees including all members of the public who might so desire, at all times by day or night, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way, to enter, use, go, return, pass over and across the Lands on foot, in wheelchairs or similar devices, with baby carriages or similar devices, on bicycle, and by vehicle for the purpose of gaining access to and/or egress from Caledonia Street and/or Herald Street (the "**Right of Way**").

1.2 The Transferor will permit the Transferee and every member of the public to peaceably hold and enjoy the rights hereby granted.

1.3 Notwithstanding anything to the contrary contained in this Agreement, the Transferor and the Transferee acknowledge and agree as follows:

(a) the grant of rights under Section 1.1 will be suspended until the Transferor has completed the construction of the Public Carriageway to the satisfaction of the Transferee;

(b) when necessary or reasonable for purposes of public safety during construction or maintenance on the Lands, the Transferor may temporarily interrupt the use of the Right of Way with the consent of the Transferee, not to be unreasonably withheld; and

(c) the Transferor and those claiming through the Transferor and their respective agents may bar entry to or eject from the Public Carriageway any member of the public who:

(i) acts in a disorderly or offensive manner, interferes with or obstructs any other person, appears intoxicated or commits or appears to commit an illegal act; or

(ii) presents an apparent threat to the safety of others or to the security of any landscaping or any improvements on the Public Carriageway.

2.0 SECTION 219 RESTRICTIVE COVENANT

2.1 Pursuant to Section 219 of the *Land Title* Act, in respect of the use of the Lands, the Transferor will construct, develop and improve the Public Carriageway on the Right of Way, and keep and maintain it in good condition and repair in

accordance with the Transferee's standards and policies, as amended from time to time.

2.2 The Transferor covenants and agrees that it will not occupy or use the building to be constructed on the Lands for any purpose until it has constructed and installed the Public Carriageway with an average width of not less than 6 metres and generally in the area shown outlined in bold on the site plan attached hereto as Schedule "A" at the Transferor's sole cost and to the satisfaction of the Transferee.

3.0 GENERAL

3.1 The Transferor and the Transferee agree that upon completion of the Public Carriageway, the Transferor shall, at its sole cost and expense, cause a British Columbia Land Surveyor to prepare an explanatory or reference plan of statutory right of way in registerable form defining the actual as built boundaries of the Public Carriageway as constructed (the "**Specific Right of Way Area**") and the Transferor shall prepare and deliver to the Transferee and the Transferee shall execute and deliver to the Transferor a statutory right of way which replaces this Agreement to restrict the area of the Right of Way to the Specific Right of Way Area but in all other respects containing the same terms and conditions of this Agreement. Upon registration of the replacement statutory right of way in the Land Title Office in priority to all financial charges, the Transferee shall execute and deliver a discharge of this Agreement in registerable form to the Transferor within a reasonable period of time after a written request therefor has been received by the Transferee.

3.2 The Transferor and the Transferee agree that enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or prevent or restrain the breach of any provision of this Agreement.

3.3 The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have, whether as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or otherwise, which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:

(a) the breach of any covenant in this Agreement;

(b) the use of the Lands contemplated under this Agreement; and

(c) restrictions or requirements under this Agreement.

3.4 The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:

(a) the breach of any covenant in this Agreement by the Transferee;

(b) the use of the Lands contemplated under this Agreement; and

(c) restrictions or requirements under this Agreement.

3.5 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all registered and pending charges and encumbrances of a financial nature against the Lands.

3.6 This Agreement does not:

(a) affect or limit the discretion, rights or powers of the Transferee under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238, on the reference date of this Agreement) or at common law in relation to the Transferor or the Lands all of which may be exercised or enforced by the Transferee as if this Agreement did not exist,

(b) affect or limit any enactment relating to the use or subdivision of the Lands, or

(c) relieve the Transferor from complying with any public or private enactment, including in relation to the use or subdivision of the Lands.

3.7 Where the Transferee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Transferor agrees that the Transferee is under no public law duty of fairness or natural justice in that regard and agrees that the Transferee may do any of those things in the same manner as if it were a private party and not a public body.

3.8 No part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use

and enjoy all of the Lands subject only to the rights and restrictions herein contained. For greater certainty, nothing in this Agreement shall be interpreted so as to restrict or prevent the Transferor from using the Public Carriageway in any manner which does not interfere with the exercise of the rights herein granted.

3.9 If the Transferor is in breach of and provision of this Agreement, including section 2.0, the Transferee may but is under no obligation to inspect, repair and maintain the Right of Way and Public Carriageway, including removal of any buildings, structures or improvements placed without consent, at the expense of the Transferor. The Transferee, except in cases of emergencies as determined by the Transferee, shall not exercise these rights without first giving thirty (30) days written notice to the Transferor of the Transferee's intention to carry out such work. The notice shall include a reasonable description of any breach by the Transferor of any covenant or agreements contained in this Agreement.

3.10 The covenants herein shall be covenants running with the Lands upon which the Right of Way is situated and none of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during the Transferor's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Transferor shall have an interest, but that the Lands, nevertheless, shall be and remain at all times charged herewith.

3.11 The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary or desirable to give proper effect to the intention of this instrument.

3.12 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and their heirs and administrators respectively.

3.13 Whenever the singular or masculine are used they shall be construed as including the plural, feminine or body corporate where the context requires.

3.14 Time is of the essence of this Agreement.

3.15 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

4.0 PRIORITY AGREEMENT

4.1 **CANADIAN WESTERN BANK**, the registered holder of the following charges or interests encumbering the Lands, all of which have been registered in the Land Title Office at Victoria, British Columbia, under the numbers respectively indicated:

(a) Mortgage registered under No. CA2912700;

(b) Assignment of Rents registered under No. CA2912701;

(c) Mortgage registered under No. CA2912942; and

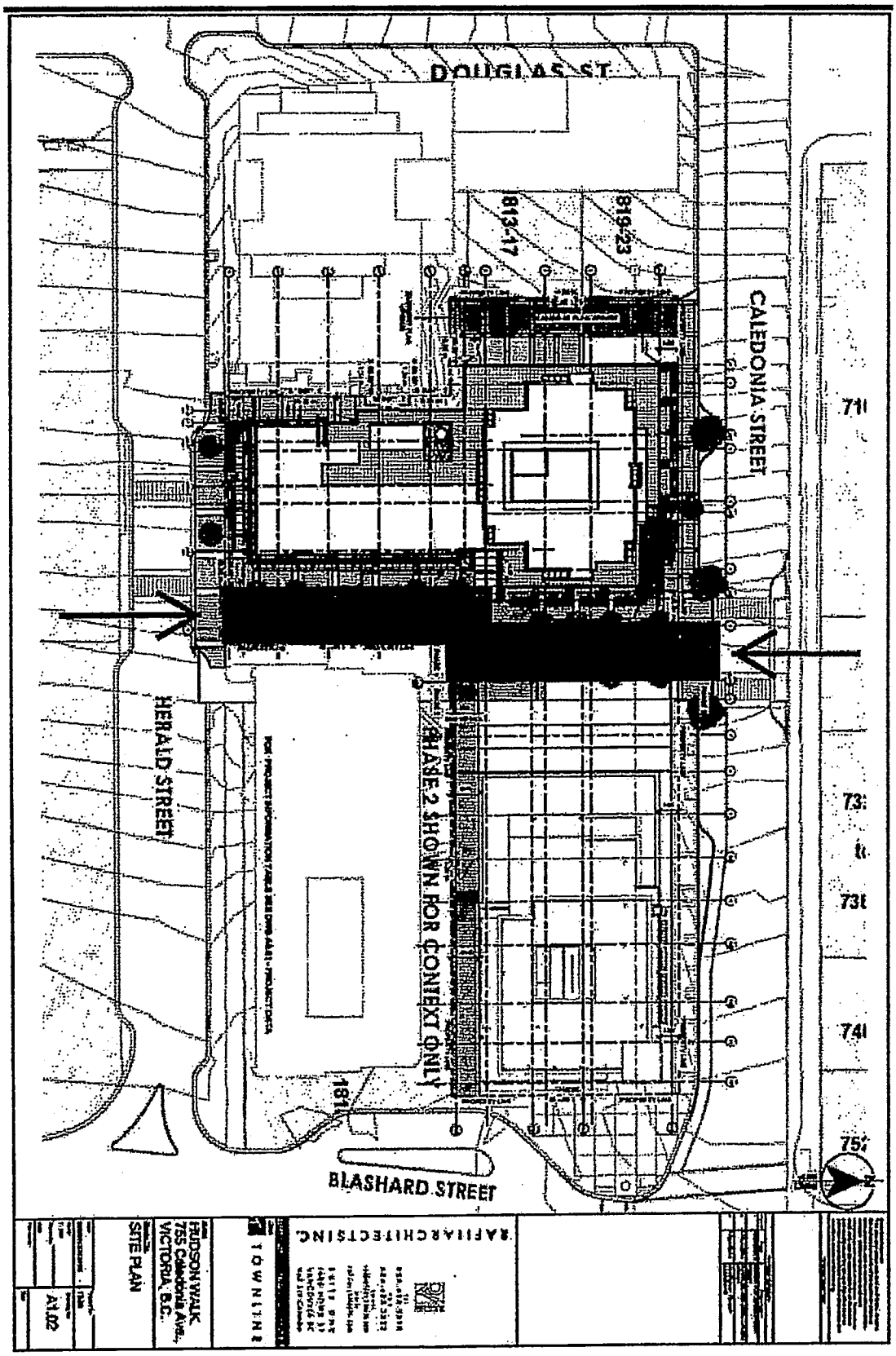
(d) Assignment of Rents registered under No. CA2912943

(collectively, the "**Chargeholder Security**"),

for and in consideration of the sum of Ten ($10.00) Dollars paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), hereby agrees with the Transferee, its successors and assigns, that the within Statutory Right of Way and Section 219 Covenant shall each be an encumbrance upon the Lands in priority to the Chargeholder Security in the same manner and to the same effect as if they had been dated and registered prior to the Chargeholder Security.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

Schedule "A"
Site Plan



FORM_SPC_V11

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you
(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and
(b) certify the matters set out in section 168.73 (4) of the Land Title Act,
Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

Jordan Litke P643XQ
c=CA, cn=Jordan Litke P643XQ, o=BC Land Surveyor, ou=Verify ID at www.juricert.com/LKUP.cfm?id=P643XQ

1. BC LAND SURVEYOR: (Name, address, phone number)

Jordan Elliot Litke
Box 324
110-174 Wilson Street
Victoria BC V9A 7N7
jlitke@plsi.ca

☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:
Plan Number: EPP64034
Control Number: **149-616-6611**

3. CERTIFICATION: ◉ Form 9 ○ Explanatory Plan ○ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on:	2016	July	06	(YYYY/Month/DD)	The checklist was filed under ECR#:
The plan was completed and checked on:	2017	March	28	(YYYY/Month/DD)	189212

◉ None ○ Strata Form S

◉ None ○ Strata Form U1 ○ Strata Form U1/U2

Arterial Highway ☐

4. ALTERATION: ☐

STATUTORY RIGHT OF WAY PLAN OVER PART OF LOT A OF LOTS 714, 715, 716, 726, 727, 728 AND 729, AND OVER PART OF LOT B OF LOTS 723, 724, 725, AND 726, BOTH IN VICTORIA CITY, PLAN EPP66100.

Pursuant to Section 113 of the Land Title Act.

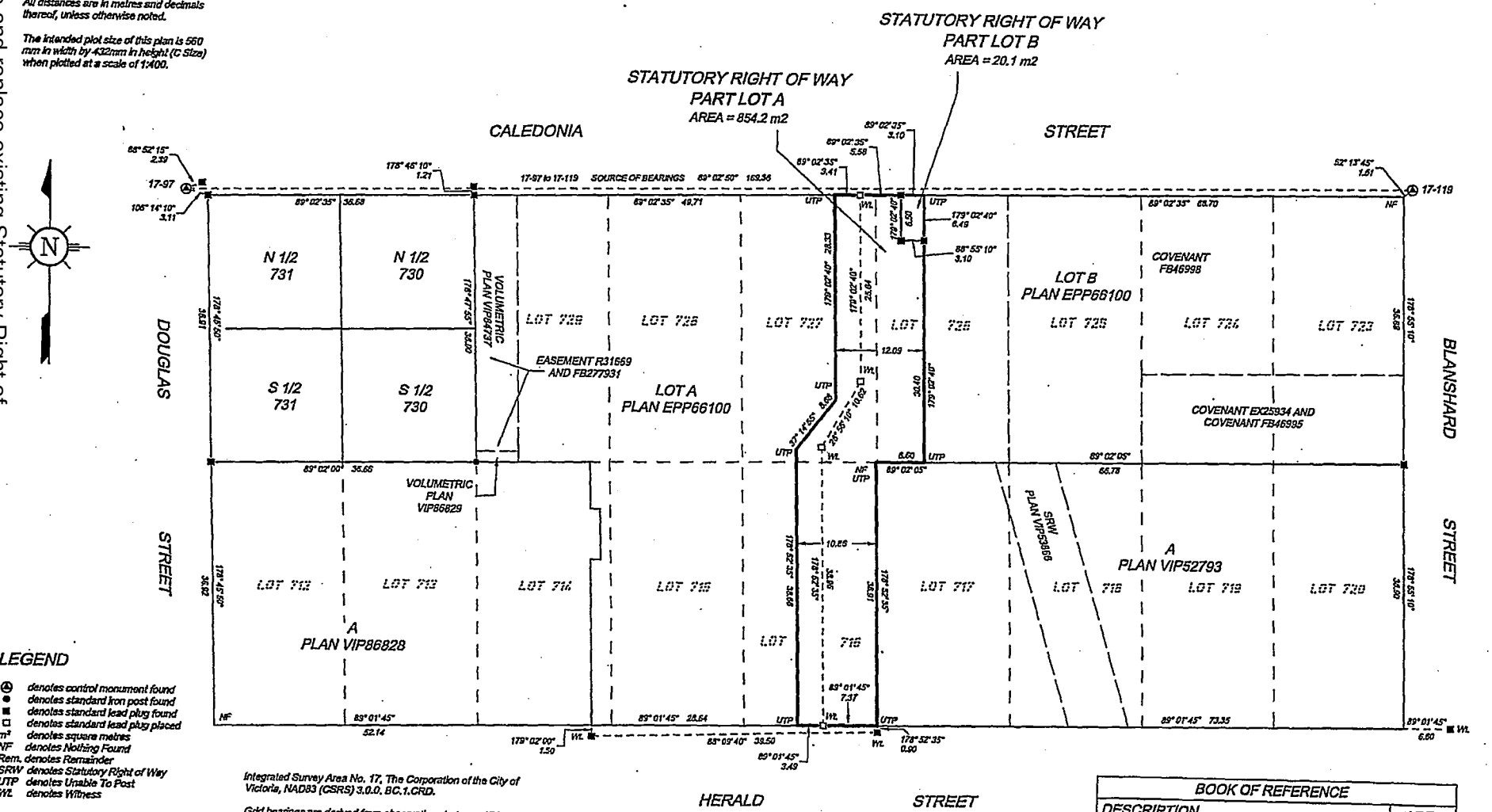
PLAN EPP64034

BCGS MAP SHEET 92B.044

0 5 10 15 20 25

All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 560 mm in width by 432mm in height (C Size) when plotted at a scale of 1:400.



LEGEND

- denotes control monument found
- denotes standard iron post found
- denotes standard lead plug found
- denotes standard lead plug placed
- m^2 denotes square metres
- NF denotes Nothing Found
- Rem. denotes Remainder
- SRW denotes Statutory Right of Way
- UTP denotes Unable To Post
- Wt. denotes Witness

Note: This plan shows one or more witness posts which are not set on true corner(s).

Integrated Survey Area No. 17, The Corporation of the City of Victoria, NAD83 (CSRS) 3.0.0. BC.1.CRD.

Grid bearings are derived from observations between ISA monuments 17-97 and 17-119 and are referred to the central meridian of UTM Zone 10.

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from ties to Integrated Control Monuments 17-97 and 17-119.

This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9996091. The average combined factor has been determined based on an ellipsoidal elevation of 0 metres.

INTEGRATED CONTROL MONUMENTS
UTM Zone 10
Datum: NAD83(CSRS) 3.0.0.BC.1.CRD

STATION	NORTHING	EASTING	COMBINED FACTOR	ESTIMATED HORIZONTAL ACCURACY
17-97	5364271.71	473047.93	0.999610	0.01
17-119	5364274.53	473217.21	0.999608	0.01

BOOK OF REFERENCE

DESCRIPTION	AREA
SRW AREA IN LOT A, PLAN EPP66100, VICTORIA CITY	854.2 m2
SRW AREA IN LOT B, PLAN EPP66100, VICTORIA CITY	20.1 m2
TOTAL	874.3 m2

This plan lies within the Capital Regional District.

The field survey represented by this plan was completed on the 6th day of July, 2016.

Jordan Elliot Litke, BCLS 905.

Polaris Land Surveying Inc.
Box 324, #110-174 Wilson Street
Victoria BC V9A 7N7

File: 0181-TOWNLINE-PLS1026
Drawing: 0181-026-SRW.DWG
Date: 2017-03-28

FORM_C_V21 (Charge)

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)
Chad Travis, Lawson Lundell LLP (Peggy Chau)
Barristers and Solicitors
1600 - 925 West Georgia Street
Vancouver BC V6C 3L2
Tel. No.: (604) 685-3456
File No.: 30395-124064
Document No.: 13226385
Deduct LTSA Fees? Yes ☑

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]
SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION
SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☑ Express Charge Terms Annexed as Part 2
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):
SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))
THE CORPORATION OF THE CITY OF VICTORIA

1 CENTENNIAL SQUARE
VICTORIA BRITISH COLUMBIA
V8W 1P6 CANADA

7. ADDITIONAL OR MODIFIED TERMS:
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

MAURICE E.J. LAMBERT
Barrister and Solicitor
#215-8171 Cook Road
Richmond, BC V6Y 3T8
Phone: 604-273-7575

Execution Date		
Y	M	D
16	12	22

Transferor(s) Signature(s)

PTR DEVELOPMENT HOLDINGS LTD., by its authorized signatory:

Print Name: RICK LICH
(1st authorized signatory)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_D1_V21

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
Kimberly Collins *Barrister & Solicitor* 1701 - 1166 Alberni Street Vancouver, BC V6E 3Z3	16	12	12	PTR DEVELOPMENT HOLDINGS LTD., by its authorized signatory: Print Name: (2nd authorized signatory)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_D1_V21

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
	17			THE CORPORATION OF THE CITY OF VICTORIA, by its authorized signatory(ies):
				Print Name:
				Print Name:
(as to all signatures)				

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_D1_V21

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
KENNA CHRISTINE SPENCE A Commissioner for taking Affidavits for British Columbia 22nd Floor 666 Burrard Street Vancouver, B.C. V6C 2X8 Expires June 30, 2019	17	02	17	CANADIAN WESTERN BANK, by its authorized signatory(ies): Print Name: JENNY SIMAN Print Name: HANNY AU
(as to all signatures)				(as to priority over Lot B Plan EPP66100)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_D1_V21

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
Charlene Burnett CHARLENE L. BURNETT NOTARY PUBLIC 100 Osborne Street North Winnipeg, Manitoba R3C 1V3 Phone: +1(204) 946-4228 Expiry Date: Nov 6 /17 (as to all signatures)	16	1	4	APPROVED THE GREAT-WEST LIFE ASSURANCE COMPANY, by its authorized signatory(ies): Print Name: GAYLE D. SWAN - Manager Mortgage Administration and Closing Print Name: KENNETH F. SMITH Assistant Vice-President Mortgage Investments (as to priority over Lot A Plan EPP66100)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

FORM_D1_V21

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date Y	M	D	Transferor / Borrower / Party Signature(s)
Sam Golder Notary Public in and for The Province of Ontario 100 University Ave., 11th Flr., Toronto, ONTARIO M5J 2Y1 416-263-9314	16	12	19	COMPUTERSHARE TRUST COMPANY OF CANADA, by its authorized signatory(ies): Samuel S. Liaw Administrator, MBS Print Name: Aaron Cao Professional, MBS Print Name: (as to priority over Lot A Plan EPP66100)

(as to all signatures)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

ORM_E_V21

LAND TITLE ACT
FORM E

SCHEDULE

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-953-944 LOT A OF LOTS 714, 715, 716, 726, 727, 728 AND 729 VICTORIA CITY PLAN EPP66100

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-953-952 LOT B OF LOTS 723, 724, 725 AND 726 VICTORIA CITY PLAN EPP66100

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

FORM_E_V21

LAND TITLE ACT
FORM E

SCHEDULE

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right of Way		Over part of Lot A and Lot B Plan EPP66100 as shown on Plan EPP64034 (Page 11)

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		Section 219 Covenant (Page 12)

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		See Schedule

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		See Schedule

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

3. NATURE OF INTEREST

Priority Agreement - ADDITIONAL INFORMATION:

Granting the Statutory Right of Way herein priority over:
Mortgage CA5611450 and Assignment of Rents CA5611451 in favour of The Great-West Life Assurance Company (as to Lot A Plan EPP66100)
(Page 16)
Mortgage CA5615185 and Assignment of Rents CA5615186 in favour of Computershare Trust Company of Canada (as to Lot A Plan EPP66100)
(Page 17)
Mortgage CA5610275 and Assignment of Rents CA5610276 in favour of Canadian Western Bank (as to Lot B Plan EPP66100)
(Page 18)

Priority Agreement - ADDITIONAL INFORMATION:

Granting the Section 219 Covenant herein priority over:
Mortgage CA5611450 and Assignment of Rents CA5611451 in favour of The Great-West Life Assurance Company (as to Lot A Plan EPP66100)
(Page 16)
Mortgage CA5615185 and Assignment of Rents CA5615186 in favour of Computershare Trust Company of Canada (as to Lot A Plan EPP66100)
(Page 17)
Mortgage CA5610275 and Assignment of Rents CA5610276 in favour of Canadian Western Bank (as to Lot B Plan EPP66100)
(Page 18)

5. TRANSFEROR(S):

PTR DEVELOPMENT HOLDINGS LTD. (Inc. No.: BC0866565)
(as to Statutory Right of Way and Section 219 Covenant)

CANADIAN WESTERN BANK (as to priority over Lot B Plan EPP66100)

THE GREAT-WEST LIFE ASSURANCE COMPANY (Inc. No.: A0038811) (as to priority over Lot A Plan EPP66100)

COMPUTERSHARE TRUST COMPANY OF CANADA (Inc. No.: A0052313) (as to priority over Lot A Plan EPP66100)

Statutory Right of Way and s. 219 Covenant
– Public Walkway

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered owner of the following lands in the Province of British Columbia:

Parcel Identifier: 029-953-944
LOT A OF LOTS 714, 715, 716, 726 727, 728 AND 729 VICTORIA CITY PLAN EPP66100

("**Lot A**")

Parcel Identifier: 029-953-952
LOT B OF LOTS 723, 724, 725 AND 726 VICTORIA CITY PLAN EPP66100

("**Lot B**", together with Lot A the "**Lands**").

B. The Transferee is The Corporation of the City of Victoria.

C. The Transferee wishes to be able to access, for itself and all members of the public, a public pedestrian walkway developed and maintained in perpetuity over the Lands.

D. The Transferor has constructed a public walkway (the "**Public Walkway**") on the SRW Area (as defined below) for the enjoyment of the general public.

E. It is necessary for the operation and maintenance of the Transferee's undertaking that the Right of Way (defined below) be established over the SRW Area in accordance with this document.

F. The Transferor has agreed to grant the Right of Way on the terms hereinafter set forth.

G. The Transferor has agreed to register the herein restrictive covenant under Section 219 of the *Land Title Act*, on the title to the Lands to secure the commitment of the Transferor to maintain the Public Walkway.

H. The Transferee has the authority to accept the covenants under s.219 of the *Land Title Act.*

NOW, THEREFORE, THIS INDENTURE WITNESSES that in consideration of the sum of Ten ($10.00) Dollars of lawful money of Canada, now paid by the Transferee to the Transferor and other valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor), and in consideration of the covenants hereinafter contained:

1.0 STATUTORY RIGHT OF WAY

1.1 Pursuant to Section 218 of the *Land Title Act*, the Transferor does hereby grant, convey, confirm and transfer, in perpetuity, to the Transferee, its successors and assigns, and all of its employees, agents, servants, licensees and invitees including all members of the public who might so desire, at all times by day or night, the full, free and uninterrupted right, licence, liberty, privilege, permission and right of way, to enter, use, go, return, pass over and across that portion of the Lands shown in heavy outline on the Statutory Right of Way plan prepared by Jordan Elliot Litke and filed in the Victoria Land Title Office under Plan No. EPP64034, a reduced copy of which plan is attached hereto as Schedule "A" (the "**SRW Area**"), on foot, in wheelchairs or similar devices, with baby carriages or similar devices, on bicycle, and by vehicle all for the purpose of passing and repassing over the Public Walkway and gaining access to and/or egress from Caledonia Street and/or Herald Street (the statutory right-of-way granted under this Section 1.1 being herein referred to as the "**Right of Way**").

1.2 The Transferor will permit the Transferee and every member of the public to peaceably hold and enjoy the rights hereby granted.

1.3 The Transferor covenants with the Transferee:

(a) not to make, place, effect or maintain any building, structure, foundation, excavation, well, or obstruction of any other description which does nor may interfere with the enjoyment of the Right of Way;

(b) that the Transferor will not do or knowingly permit to be done any act or thing which will interfere with or obstruct the enjoyment of the Right of Way; and

(c) that the Transferor will not diminish the soil cover over any portion of the SRW Area.

1.4 Notwithstanding anything to the contrary contained in this Agreement, the Transferor and the Transferee acknowledge and agree as follows:

(a) for greater certainty, the Right of Way does not include the permission for any person to temporarily or permanently park any vehicle or vehicles on any portion of the SRW Area;

(b) when necessary or reasonable for purposes of public safety during construction or maintenance on the Lands, the Transferor may temporarily interrupt the use of the Right of Way with the consent of the Transferee, not to be unreasonably withheld; and

(c) the Transferor and those claiming through the Transferor and their respective agents may bar entry to or eject from the Public Walkway and/or the SRW Area any member of the public who:

(i) acts in a disorderly or offensive manner, interferes with or obstructs any other person, appears intoxicated or commits or appears to commit an illegal act; or

(ii) presents an apparent threat to the safety of others or to the security of any landscaping or any improvements on the Public Walkway.

2.0 SECTION 219 RESTRICTIVE COVENANT

2.1 Pursuant to Section 219 of the *Land Title* Act, in respect of the use of the Lands, the Transferor will keep and maintain the Public Walkway on the SRW Area in good condition and repair in accordance with the Transferee's standards and policies, as amended from time to time.

3.0 GENERAL

3.1 The Transferor and the Transferee agree that enforcement of this Agreement shall be entirely within the discretion of the Transferee and that the execution and registration of this Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision or prevent or restrain the breach of any provision of this Agreement.

3.2 The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have, whether as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or otherwise, which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:

(a) the breach of any covenant in this Agreement;

(b) the use of the Lands contemplated under this Agreement; or

(c) restrictions or requirements under this Agreement.

3.3 The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:

(a) the breach of any covenant in this Agreement;

(b) the use of the Lands contemplated under this Agreement; or

(c) restrictions or requirements under this Agreement.

3.4 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all registered and pending charges and encumbrances of a financial nature against the Lands.

3.5 This Agreement does not:

(a) affect or limit the discretion, rights or powers of the Transferee under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1996, c. 238, on the reference date of this Agreement) or at common law in relation to the Transferor or the Lands all of which may be exercised or enforced by the Transferee as if this Agreement did not exist,

(b) affect or limit any enactment relating to the use or subdivision of the Lands, or

(c) relieve the Transferor from complying with any public or private enactment, including in relation to the use or subdivision of the Lands.

3.6 Where the Transferee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Transferor agrees that the Transferee is under no public law duty of fairness or natural justice in that regard and agrees that the Transferee may do any of those things in the same manner as if it were a private party and not a public body.

3.7 No part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use

and enjoy all of the Lands subject only to the rights and restrictions herein contained. For greater certainty, nothing in this Agreement shall be interpreted so as to restrict or prevent the Transferor from using the Public Walkway and/or the SRW Area in any manner which does not interfere with the exercise of the rights herein granted.

3.8 If the Transferor is in breach of any provision of this Agreement, including Section 2.1, the Transferee may but is under no obligation to inspect, repair and maintain the SRW Area and Public Walkway, including removal of any buildings, structures or improvements placed in breach of Section 1.3, at the expense of the Transferor. Notwithstanding the foregoing, the Transferee, except in cases of emergencies as determined by the Transferee, shall not exercise its rights to repair and/or maintain the SRW Area and/or the Public Walkway without first giving seven (7) days written notice to the Transferor of the Transferee's intention to carry out such work and unless the Transferor has not rectified the default within such seven (7) day period (except that if the Transferor, by reason of the nature of the default, cannot reasonably rectify it within seven (7) days, then the Transferor will have a further reasonable period to rectify so long as the Transferor proceeds promptly and diligently). The notice shall include a reasonable description of the maintenance, repair and/or replacement to be undertaken by the Transferor pursuant to Section 2.1 of this Agreement. For greater certainty, the Transferee shall not be required to provide any prior notice or cure period in respect of the removal by the Transferee of any buildings, structures or improvements placed in breach of Section 1.3.

3.9 The covenants herein shall be covenants running with the Lands upon which the Right of Way is situated and none of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during the Transferor's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Transferor shall have an interest, but that the Lands, nevertheless, shall be and remain at all times charged herewith.

3.10 The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary or desirable to give proper effect to the intention of this instrument.

3.11 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and their heirs and administrators respectively.

3.12 Whenever the singular or masculine are used they shall be construed as including the plural, feminine or body corporate where the context requires.

3.13 Time is of the essence of this Agreement.

3.14 If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

The parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached hereto.

CONSENT AND PRIORITY AGREEMENT

In this Consent and Priority Agreement:

(a) "**City**" means the Corporation of the City of Victoria;

(b) "**Existing Charges**" collectively means the Mortgage registered under No. CA5611450 and Assignment of Rents registered under No. CA5611451;

(c) "**Existing Chargeholder**" means THE GREAT-WEST LIFE ASSURANCE COMPANY;

(d) "**New Charges**" means the statutory right of way and section 219 covenant being registered, or to be registered, in the Victoria Land Title Office on title to and charging, inter alia, Lot A in favour of the City and described in Item 3 of the attached General Instrument - Part 1;

(e) "**Owner**" means the transferor described in Item 5 of the attached General Instrument - Part 1; and

(f) words capitalized in this Consent and Priority Agreement, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument – Part 2.

For $1.00 and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder:

(i) consents to the Owner granting the New Charges in favour of the City; and

(ii) agrees with the City that the New Charges charge Lot A in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charges, and it had been registered against title to Lot A, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

IN WITNESS WHEREOF, the Existing Chargeholder has caused its duly authorized signatory(ies) to executed the attached General Instrument - Part 1.

CONSENT AND PRIORITY AGREEMENT

In this Consent and Priority Agreement:

(a) "**City**" means the Corporation of the City of Victoria;

(b) "**Existing Charges**" collectively means the Mortgage registered under No. CA5615185 and Assignment of Rents registered under No. CA5615186;

(c) "**Existing Chargeholder**" means COMPUTERSHARE TRUST COMPANY OF CANADA;

(d) "**New Charges**" means the statutory right of way and section 219 covenant being registered, or to be registered, in the Victoria Land Title Office on title to and charging, inter alia, Lot A in favour of the City and described in Item 3 of the attached General Instrument - Part 1;

(e) "**Owner**" means the transferor described in Item 5 of the attached General Instrument - Part 1; and

(f) words capitalized in this Consent and Priority Agreement, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument – Part 2.

For $1.00 and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder:

(i) consents to the Owner granting the New Charges in favour of the City; and

(ii) agrees with the City that the New Charges charge Lot A in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charges, and it had been registered against title to Lot A, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

IN WITNESS WHEREOF, the Existing Chargeholder has caused its duly authorized signatory(ies) to executed the attached General Instrument - Part 1.

CONSENT AND PRIORITY AGREEMENT

In this Consent and Priority Agreement:

(a) "City" means the Corporation of the City of Victoria;

(b) "**Existing Charges**" collectively means the Mortgage registered under No. CA5610275 and Assignment of Rents registered under No. CA5610276;

(c) "**Existing Chargeholder**" means CANADIAN WESTERN BANK;

(d) "**New Charges**" means the statutory right of way and section 219 covenant being registered, or to be registered, in the Victoria Land Title Office on title to and charging, inter alia, Lot B in favour of the City and described in Item 3 of the attached General Instrument - Part 1;

(e) "**Owner**" means the transferor described in Item 5 of the attached General Instrument - Part 1; and

(f) words capitalized in this Consent and Priority Agreement, not otherwise defined herein, have the meaning ascribed to them in the attached Terms of Instrument – Part 2.

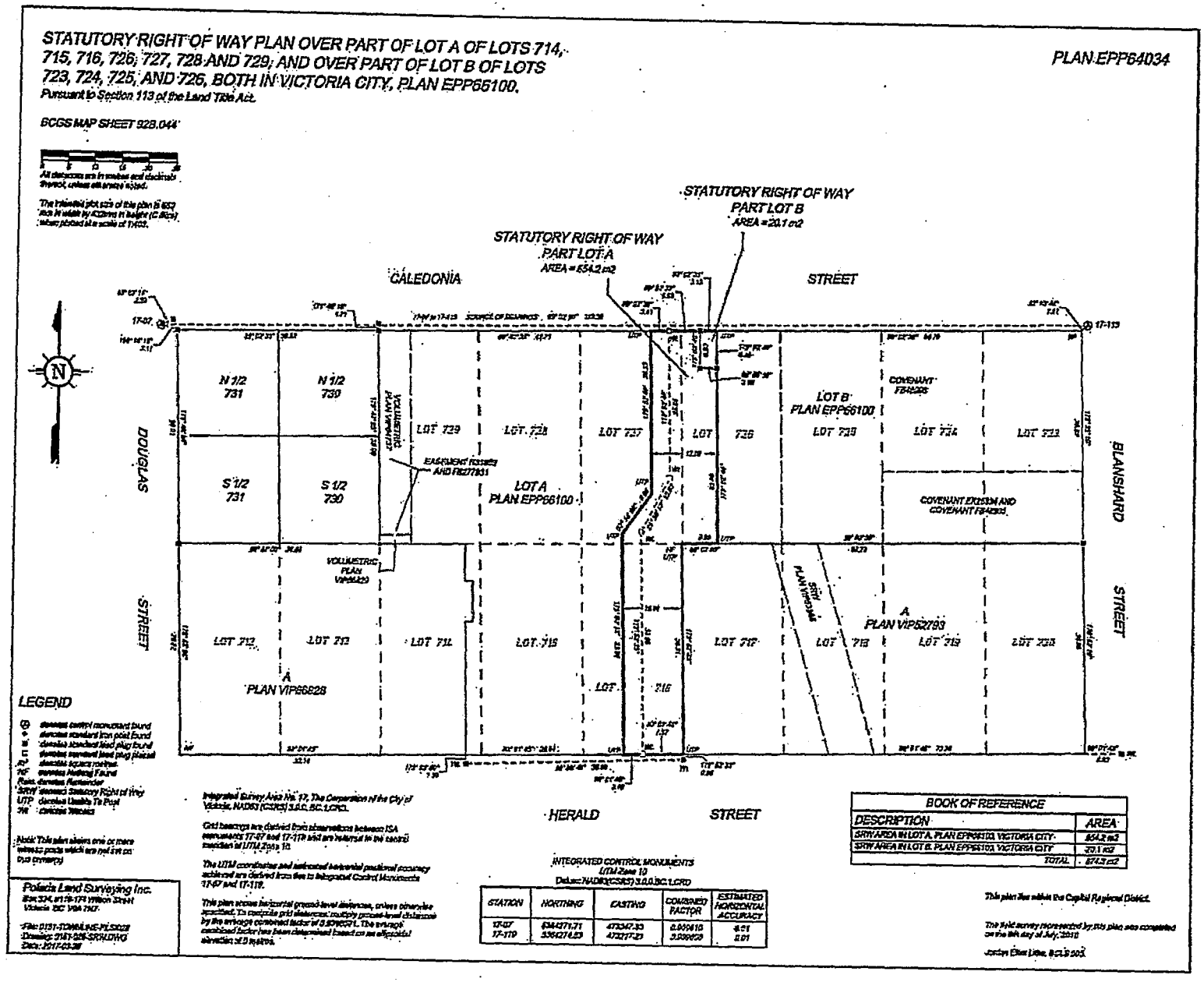
For $1.00 and other good and valuable consideration, the receipt and sufficiency of which the Existing Chargeholder acknowledges, the Existing Chargeholder:

(i) consents to the Owner granting the New Charges in favour of the City; and

(ii) agrees with the City that the New Charges charge Lot B in priority to the Existing Charges in the same manner and to the same effect as if the Owner had granted the New Charges, and it had been registered against title to Lot B, prior to the grant or registration of the Existing Charges or the advance of any money under the Existing Charges.

IN WITNESS WHEREOF, the Existing Chargeholder has caused its duly authorized signatory(ies) to executed the attached General Instrument - Part 1.

Schedule "A"
SRW AREA



FORM_C_V22 (Release)

LAND TITLE ACT
FORM C (Section 233) RELEASE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

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

Chad Travis, Lawson Lundell LLP (Peggy Chau)
Barristers and Solicitors
1600 - 925 West Georgia Street
Vancouver BC V6C 3L2

Tel. No.: 604-685-3456
File No.: 30395-124064
Document No.: 13227212

Deduct LTSA Fees? Yes ☑

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST BEING RELEASED

NATURE OF INTEREST BEING RELEASED	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right Of Way	CA4143281	
Covenant	CA4143282	

4. TERMS
The charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):

THE CORPORATION OF THE CITY OF VICTORIA

6. TRANSFEREE(S): (including postal address(es) and postal code(s))
Registered owner

7. ADDITIONAL OR MODIFIED TERMS:
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D
17		

Transferor(s) Signature(s)

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

Print Name:

Print Name:

(as to all signatures)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

'ORM_E_V22

LAND TITLE ACT
FORM E

SCHEDULE PAGE 2 OF 2 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-953-944 LOT A OF LOTS 714, 715, 716, 726, 727, 728 AND 729 VICTORIA CITY PLAN EPP66100

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

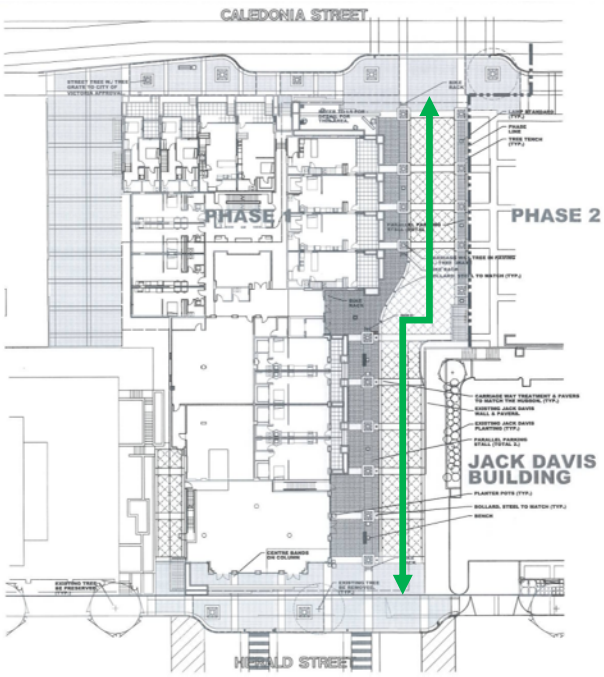
029-953-952 LOT B OF LOTS 723, 724, 725 AND 726 VICTORIA CITY PLAN EPP66100

STC? YES ☐

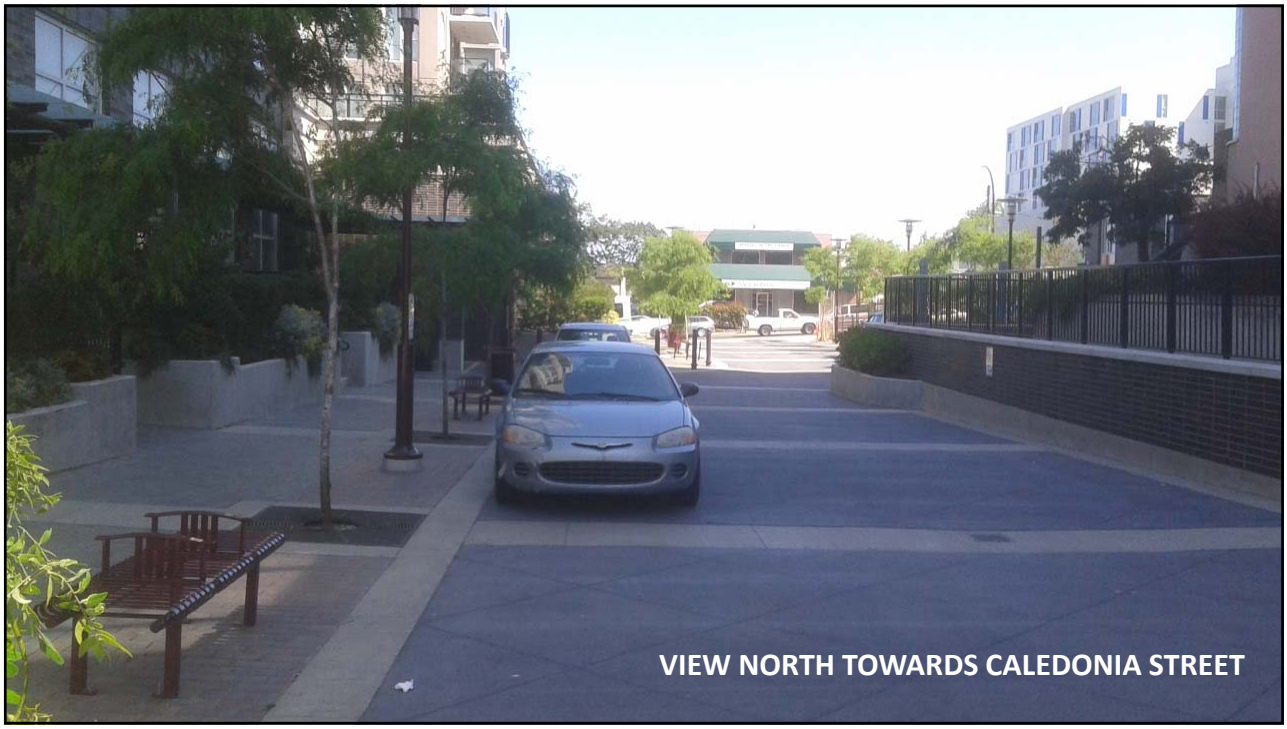
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

DISCOVERY ST
CHATHAM ST
DOUGLAS ST
CALEDONIA AVE
HERALD ST
BLANSHARD ST
NORTH PARK ST
QUADRA ST


CALEDONIA STREET
PHASE 1
PHASE 2
JACK DAVIS BUILDING
HERALD STREET

SITE PLAN


VIEW NORTH TOWARDS CALEDONIA STREET

VIEW SOUTH TOWARDS HERALD STREET

REPORTS OF COMMITTEES

1. Committee of the Whole – June 8, 2017

7. 2016 Regional Growth Strategy - Dispute Resolution Process

Motion:
It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council advise the CRD of the City's interest in appointing a designated representative to participate in the RGS dispute resolution process.

Carried

For: **Mayor Helps, Councillors Isitt, Loveday, Lucas, and Madoff**
Opposed: **Councillors Alto and Young**

Council Meeting Minutes – June 8, 2017

6. LAND USE MATTERS

6.3 2016 Regional Growth Strategy – Dispute Resolution Process

Committee received a report dated May 19, 2017 from the Director of Sustainable Planning and Community Development providing information regarding an upcoming non-binding dispute resolution process for the 2016 Regional Growth Strategy.

Motion: It was moved by Councillor Alto, seconded by Councillor Young, that Council advise the CRD that the City of Victoria will not participate in the dispute resolution process for the 2016 Regional Growth Strategy.

Committee discussed:

- Reasoning for municipalities not supporting the Regional Growth Strategy.
- Deadline for response to the CRD.
- Of the accepting municipalities who would be participating in the dispute process.

Motion to Postpone:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the motion be postponed pending information from staff.

On the motion to postpone:
CARRIED UNANIMOUSLY 17/COTW

CITY OF VICTORIA

Committee of the Whole Report

For the Meeting of June 8, 2017

To:	Committee of the Whole	**Date:**	May 19, 2017
From:	Jonathan Tinney, Director, Sustainable Planning and Community Development		
Subject:	2016 Regional Growth Strategy – Dispute Resolution Process		

RECOMMENDATION

That Council advise the CRD that the City of Victoria will not participate in the dispute resolution process for the 2016 Regional Growth Strategy.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with information related to an upcoming non-binding dispute resolution process for the 2016 Regional Growth Strategy (RGS). Council previously accepted the 2016 RGS as part of a formal referral process; however, since some CRD municipalities did not accept the RGS, the Local Government Act requires the CRD and those municipalities that rejected the RGS to enter into a dispute resolution process as a means to gain full acceptance of the RGS. The dispute resolution process is focused on resolving specific issues identified by those municipalities that did not accept the RGS; however, any municipality that accepted the RGS also has the option to participate in the process. Participation in the process requires the appointment of an authorized representative from each municipality and the total cost of the process is shared by all participating municipalities through a proportional assessed value. At the conclusion of the dispute resolution process, all CRD municipalities will have the opportunity through a formal re-referral process to review and either accept or reject those changes to the 2016 RGS that arise from the dispute resolution process.

PURPOSE

The purpose of this report is to provide Council with information on a non-binding dispute resolution process for the 2016 Regional Growth Strategy (RGS). Council has the option to pass a formal motion if it wishes to participate in this process through an appointed representative.

BACKGROUND

On January 26, 2017 Council passed a motion to accept CRD Bylaw No. 4017: 2016 Regional Growth Strategy. Council's acceptance was part of a 60-day formal referral process that is required through the *Local Government Act*. Council's acceptance of the RGS was supported by the strong alignment between the RGS policies and the policies of the City's *Official Community Plan*. Resolutions from each CRD local government were then presented to the CRD Board on February 22, 2017 including resolutions to accept by the City of Victoria, District of Oak Bay, City of Langford,

of Langford, Town of Sidney and the District of Metchosin. Resolutions to not accept were submitted by the City of Colwood, District of Central Saanich, Township of Esquimalt, District of Saanich, District of North Saanich, District of Highlands and the Town of View Royal. Although each rejecting municipality identified different reasons for not accepting the RGS, the most common issue related to water servicing and growth management policies. The CRD Board received the various resolutions and passed a motion to notify the Minister of Community, Sport and Cultural Development and to request a mediated process in accordance with section 439 of the *Local Government Act*. Subsequently, the CRD organized a meeting with all CRD municipalities to provide information on the process. The municipalities that rejected the RGS were then requested to collaborate with the CRD and the Province to confirm a non-binding dispute resolution process including retaining the services of a third-party dispute resolution professional based on an RFP process. With the process confirmed at a staff level, the Minister directed that the dispute resolution process must begin by June 14, 2017 which also provides the option for accepting municipalities to participate in the process through a Council appointed representative. On May 5, 2017 the CRD sent a letter (Attachment) to each CRD municipality that includes background information and an overview of the process.

ISSUES AND ANALYSIS

1. Participation in Dispute Resolution Process

As outlined in the *Local Government Act*, any municipality that accepts the Regional Growth Strategy also has the voluntary opportunity to participate in a subsequent dispute resolution process along with the municipalities that have not accepted the RGS. The dispute resolution process is limited to discussions only on those specific items that have been identified as the basis for non-acceptance of the RGS. This means that additional issues cannot be introduced into the process by any participating municipality. If an accepting municipality wishes to participate, the local Council must pass a resolution to indicate their interest, as well as, identify a representative who has the authority to speak on behalf of the municipality and whom would be required to report and/or consult with their respective Council as needed. The representative is typically an elected official or administration/staff. A Council resolution is not required if an accepting municipality does not wish to participate.

2. Opportunities for additional consideration of the RGS

Regardless whether the City of Victoria chooses to participate or not in the RGS dispute resolution process, there will still be additional opportunities to consider the RGS including through a subsequent formal re-referral process that would occur at the conclusion of the dispute resolution process. This is similar to the previous 60-day formal referral process; however, the basis for acceptance or rejection of the revised RGS will be restricted to those specific provisions that have been changed as an outcome of the dispute resolution process.

3. Dispute Resolution Cost Sharing

In accordance with section 439(6) of the *Local Government Act*, the costs of the dispute resolution process must be shared between all participating parties. The amount that each participating municipality contributes toward the overall cost is based on a converted value that proportions the combined land values and improvement values for each municipality as established through BC Assessment. Based on information provided by the CRD, the City of Victoria's combined land and improvement values represent approximately 27% of the overall combined values for the Region. Therefore, if the City of Victoria decides to participate it would be responsible for

approximately 27% of the total dispute resolution process costs. The specific costs for the process are not yet known as the costs may fluctuate based on the length of time and the number of CRD municipalities that participate; however it is anticipated that total costs could range from $40,000 up to $100,000. This means that the City could be required to pay anywhere from $10,800 up to approximately $27,000 for this process. Funding for this process is not included in the current Financial Plan.

OPTIONS AND IMPACTS

Option 1:

Advice the CRD that the City of Victoria will not participate in the RGS dispute resolution process. **(Recommended)**

Since the City of Victoria has already accepted the 2016 RGS, there does not appear to be a strong reason to participate in the dispute resolution process. The City of Victoria will also have the opportunity to review any changes to the 2016 RGS that arise from the dispute resolution process as part of a subsequent formal referral process.

Option 2:

Advice the CRD of the City's interest in appointing a designated representative to participate in the dispute resolution process through a resolution of Council.

If Council decides to participate in the dispute resolution process, there will be a need to identify potential funding sources for the City's proportioned cost share, as well as, a potential impact on further staff time required to participate and support the process.

2015 - 2018 Strategic Plan:

Although the review and acceptance of the RGS is not specifically identified within the *Strategic Plan*, Council did previously accept the 2016 RGS as the various objectives contained in the 2016 RGS align with many of the City's strategic objectives.

Impacts to Financial Plan:

Participation in the dispute resolution process for the 2016 Regional Growth Strategy is not identified within the current *Financial Plan*. If Council decides to participate in the process, this would require a 2017 financial commitment of up to approximately $27,000.

Official Community Plan Consistency Statement:

Council's previous acceptance of the 2016 Regional Growth Strategy was premised on the alignment between the policies and objectives of the 2016 RGS with those of the Official Community Plan. In addition, once the RGS receives acceptance by all CRD municipalities, the City of Victoria will have two years to prepare and submit an updated Regional Context Statement to the CRD Board that highlights the alignment between the RGS and the *Official Community Plan*. The Regional Context Statement is subject to acceptance by the CRD Board, to ensure the municipality and the CRD Board agree that the two documents are compatible and consistent.

CONCLUSIONS

The City of Victoria accepted the 2016 RGS as part of a previous formal referral process as it provides alignment with the policies and objectives of the *Official Community Plan*. Therefore, staff recommend that participation in the dispute resolution process is not necessary as the City will continue to have the opportunity at the conclusion of the process to accept or reject the revised RGS as part of a formal re-referral process.

Respectfully submitted,

Robert Batallas
Senior Planner
Community Planning Division

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: May 31, 2017

List of Attachments

- Letter dated May 5, 2017: Preparation of a Non-Binding Dispute Resolution Process.

Attachment

Making a difference...together

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3000
F: 250.360.3234
www.crd.bc.ca

May 5, 2017

File: 1475-20

Development Planning Advisory Committee (DPAC) Representatives

Dear DPAC Representatives:

Re: Preparation of a Non-Binding Dispute Resolution Process

This letter is to provide information on the preparation of a non-binding dispute resolution process for the 2016 Regional Growth Strategy (RGS). A summary of the proposed non-binding dispute resolution process is provided in Attachment A.

On March 28, 2017, the Minister of Community, Sport and Cultural Development directed a non-binding dispute resolution process for the 2016 RGS, as requested by the CRD Board. As per s.439 of the *Local Government Act*, the process for non-binding dispute resolution is to be determined by agreement between the rejecting municipalities (Central Saanich, Colwood, Esquimalt, Highlands, North Saanich, Saanich and View Royal) and the CRD Board. Municipalities accepting the RGS (Langford, Metchosin, Oak Bay, Sidney, Sooke and Victoria) may participate in dispute resolution if they so choose. Agreement to a process and identification of a desire to participate in the process must happen by June 14, 2017.

Developing the Mediation Process

The legislation does not prescribe requirements for developing a non-binding dispute resolution process. CRD staff have worked with municipal directors of planning through the Development Planning Advisory Committee (DPAC) to provide information about non-binding dispute resolution and to develop a mediation process in coordination with rejecting municipalities.

The desired outcome was to reach agreement – at a staff level – on a mediator and a process that could be brought to rejecting municipal councils and the CRD Board for approval by June 14, 2017. To facilitate agreement, CRD staff coordinated a competitive process to identify a qualified mediator who could develop and deliver a dispute resolution process to which DPAC representatives from the CRD and rejecting municipalities could agree. The following summarizes key decisions leading to the identification of a mediator and a process.

- In anticipation of Ministry direction, on March 23, 2017, CRD staff issued a request for qualifications (RFQ) to two locally-based mediators with previous experience resolving RGS disputes. The mediators were on a provincial list of qualified service providers.

- On April 3, 2017, DPAC representatives from the CRD and the rejecting municipalities met to review the RFQ submissions. A mediator was not identified based on the RFQ submissions, and the group requested that the CRD broaden the search through a request for proposal (RFP) processThe group provided input on the RFP and the RFP evaluation criteria.

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- On April 7, 2017 the CRD issued an RFP for RGS dispute resolution services, with a closing date of April 19, 2017. One Proponent, different from the Proponents who submitted on the RFQ, submitted a proposal in response to the RFP.

- On April 25, 2017, DPAC representatives from the CRD and the rejecting municipalities met to review the proposal. The group agreed that the proposal could be brought forward for council / Board approval subject to clarification / refinement of certain items. CRD staff invited the Proponent to revise the proposal.

- On April 29, 2017, the Proponent submitted a revised proposal. DPAC representatives from the CRD and rejecting municipalities were satisfied with the refinements and agreed to bring forward the proposed mediation process for council / Board approval.

Considerations
RGS dispute resolution is a niche field as a limited number of mediators have experience resolving RGS disputes. Staff from the province confirmed that seven RGS disputes have been subject to a non-binding dispute resolution process:

- RDN – Qualicum (in progress)
- CRD – Central Saanich
- Metro Vancouver – Langley
- Comox Valley
- Metro Vancouver – Coquitlam
- Squamish Lillooet
- CRD – Highlands

Three mediators have provided dispute resolution services to these disputes. The RFQ process identified that of those three mediators, one has retired and one may not be perceived as neutral for the present case. The third mediator decided not to submit a proposal in response to the RFP.

Next Steps
As directed by the Minister, the dispute resolution process must begin by June 14, 2017. If the rejecting municipalities and the CRD Board cannot agree to a process, the Minister will direct a process. The table below summarizes next steps.

Tasks		Timing
1	Rejecting municipalities indicate whether they agree to the mediator and the proposed process.	June 5, 2017
2	Accepting municipalities indicate if they wish to participate in dispute resolution.	June 5, 2017
3	The CRD Board indicates whether they agree to the mediator and the proposed process.	June 14, 2017

Thank you for your participation in the process to date. Please do not hesitate to contact me at 250-360-3244 or sbagh@crd.bc.ca for further information.

Kindly,

Signe K. Bagh, MCIP, RPP
Senior Manager, Regional and Strategic Planning

Attachments: Attachment A: Summary of Proposed Non-Binding Dispute Resolution Process

Distribution: Bruce Greig, Director of Planning & Building Services, Central Saanich
Iain Bourhill, Director of Planning, Colwood
Bill Brown, Director of Development Services, Esquimalt
Laura Beckett, Municipal Planner, Highlands
Mathew Baldwin, Director of Planning, Langford
Sherry Hurst, Planner, Metchosin
Anne Berry, Director of Planning and Community Services, North Saanich
Roy Thomassen, Director of Building & Planning, Oak Bay
Sharon Hvozdanski, Director of Planning, Saanich
Alison Verhagen, Manager of Planning, Sidney
Robert Howat, Director of Development Services, Sooke
Jonathan Tinney, Director of Sustainable Planning and Community Development, Victoria
Lindsay Chase, Director of Development Services, View Royal

Attachment A: Summary of Proposed Non-Binding Dispute Resolution Process

Mediation Team Qualifications

The Proponent proposes that mediation for RGS dispute resolution be undertaken by a team consisting of a mediator, Mr. Morley McKeachie, and a retired lawyer and registered professional planner, Mr. Raymond Young. The mediation team has experience working with local governments on land-use related issues, although no direct experience working with Part 13 (Regional Growth Strategies) of the *Local Government Act*.

Mediation Team Roles and Responsibilities

Mr. McKeachie will lead the mediation team and be responsible for overall project coordination. Pre-mediation work (e.g., reviewing written submissions, contacting parties for bi-lateral discussions) will be divided between the team. Mr. McKeachie will lead the mediated sessions with Mr. Young providing support as-needed. The team will work collaboratively to evaluate positions and issues. Mr. McKeachie will author the final report, with contributions from Mr. Young.

Role of Participants

Each party will identify a representative who has the authority to speak on their party's behalf. The proposed process indicates that representatives would report and/or consult with their respective councils / Board as needed. The proposed process gives the parties flexibility to determine whether the representative is an elected official or administration / staff.

Proposed Process

The mediation will be undertaken in four phases, as follows:

1. **Process confirmation:** The mediators will review available information and plan their strategy / process.
2. **Pre-mediation:** The mediators will seek written submissions from participating parties and meet individually with parties via teleconference to clarify issues. Parties will be asked to comment, in writing, on the positions. The mediators estimate one round of comments on the positions. The mediators will work with the participating parties to identify a date, time and participants for the mediated sessions.
3. **Mediated session(s):** The mediated session(s) will be held with representatives from the parties. Note that representatives must be authorized to speak on behalf of the party.
4. **Findings report:** The mediators will prepare a findings report summarizing the process and outcome, and recommend next steps.

Costs

The mediators underscore that time spent on the process is dependent on the nature of the issues under dispute and the level of responsiveness and participation in the process. The mediators are not presently in a position to provide a cost estimate on the dispute resolution process as they do not yet have detailed information as to the issues under dispute. The mediators are amenable to provide weekly cost reports. The mediators suggest that the parties be responsible for coordinating meeting logistics so as to save on costs.

As a cost control mechanism, the CRD would request that the Proponent provide an estimate of fees once information on issues and reasons for objections has been obtained, at the end of Phase 1. The estimate of fees would then be used to manage costs for the remaining dispute resolution phases.

Summary of RGS Formal Referral

ACCEPT	REJECT	REJECTED PROVISIONS
Langford	Central Saanich	Policies 2.2(1) and 2.2 (2)
Metchosin	Colwood	Objective 6.1 and requests changes to Map 3: Growth Management Concept Plan
Oak Bay	Esquimalt	Policies 1.1(1), 2.1(1), 5.1(3) and 5.1(4); requests that Objective 7.1 be moved to earlier in the RGS document and requests changes to the description of its community profile in Appendix A
Sidney	Highlands	Policy 2.2(2)
Sooke	North Saanich	Objectives 1.1, 1.2, 2.2, 4.1 and 6.1
Victoria	Saanich	Objectives 1.1, 1.2, 2.2 and 3.1
	View Royal	Map 3: Growth Management Concept Plan and associated policies, and policies 2.2(2), and 2.2(4)

CONTENT AREA	RGS OBJECTIVES	RATIONALE FOR REJECTION
Growth Management and Mapping	1.1, 1.2, 3.1	Insufficient direction for growth management within the growth area
	1.2	Insufficient protection of rural communities
	1.1, 2.1, 5.1	Disagree with the application of Capital Green Lands and Renewable Resource Lands land use designations and associated policies to properties within the growth area as shown in Map 3: Growth Management Concept Plan
	4.1, 6.1	Weak relationship of population projections to transportation planning and food systems targets
Water Servicing and Growth Management	2.2	Relaxed water servicing policy likely to create additional development in rural areas that will contribute to transportation issues, increase Greenhouse Gas emissions and divert development away from land within the Growth Area boundary
Climate Action	5.1	Municipalities should be responsible for setting priorities for new business attraction and investment, not the CRD
	7.1	Disagree with placement of the Climate Action objective at the end of the document

2016 Regional Growth Strategy (RGS)

Dispute Resolution Process

CITY OF VICTORIA

Purpose

- Provide Council with information related to an upcoming non-binding dispute resolution process for the 2016 Regional Growth Strategy

Background

- January 26, 2017 Council passed a motion to accept the 2016 RGS (CRD Bylaw No. 4017) as part of a 60-day formal referral process
- Council's acceptance was supported by the strong alignment between the RGS policies and those of the Official Community Plan
- Resolutions to not accept the RGS were passed by seven municipalities and resolutions to accept the RGS were passed by six municipalities
- When a municipality does not accept the RGS a dispute resolution process is required through the Local Government Act between the CRD and those rejecting municipalities as a means to gain full acceptance of the RGS

Participation in RGS Dispute Resolution Process

- The dispute resolution process is limited to resolving only those specific issues identified by rejecting municipalities; however any municipality that accepted the RGS has the option to participate in the process
- Participation requires the appointment of an authorized municipal representative (e.g. Elected Official or Senior Administration)
- Total cost of dispute resolution process is shared by all participating municipalities based on a proportional assessed value; City of Victoria would be responsible for approximately 27% of the total costs which could range from approximately $40,000 up to $100,000
- The RGS will be subject to a re-referral process at the conclusion of the dispute resolution process to allow all CRD municipalities the opportunity either accept or reject the proposed changes to the RGS

Recommendation

That Council advise the CRD that the City of Victoria will not participate in the dispute resolution process for the 2016 Regional Growth Strategy

Council Member Motion
For the Committee of the Whole Meeting of July 6, 2017

Date: July 3, 2017

From: Councillor Ben Isitt

Subject: City of Victoria Policy in Regional Growth Strategy Mediation

Background:

The Capital Regional District is entering into mediation with several local governments, aimed at reaching agreement on amendments to the Regional Growth Strategy Bylaw.

Council has decided that the City of Victoria should participate as an intervenor in this mediation, and it is therefore recommended that the following policy be adopted to guide the City's participation, aligned with the position of several local governments with respect to encouraging compact and complete communities, discouraging urban sprawl, and retaining effective growth management tools for a sustainable region. (See attached resolutions)

Recommendation:

That Council adopt the following position in the Regional Growth Strategy mediation process in support of the positions of Central Saanich, Highlands, North Saanich, Saanich and View Royal with respect to encouraging compact and complete communities, discouraging urban sprawl and retaining effective growth management tools:

1. Endorsing concerns expressed by the District of Central Saanich that policies 2.2 (1) and (2) need to be strengthened to avoid development and sprawl on rural lands in Electoral Areas which would be contrary to the objectives of the Regional Growth Strategy to support complete and compact communities, but Council is supportive of water servicing from localized community water sources.

2. Endorsing the position of the District of Highlands that the 2003 Regional Growth Strategy is a stronger tool to support managed growth for the benefit of the entire region, and that incremental sprawl affects biodiversity, increases greenhouse gases and fundamentally negates the values of a Regional Growth Strategy.

3. Endorsing the objection from the District of North Saanich to provisions 1.1 (Keep Urban Settlement Compact) and 1.2 (Protect the Integrity of Rural Communities) for the following reasons:
    a) There are not sufficient integrated objectives and targets with respect to reduced development pressures contained in the RGS which would strengthen the protection of rural communities;
    b) There are not clear population projections broken by municipality to provide sufficient certainty;

c) There is not sufficient strength in aspirational targets such as the food systems target to ensure objectives are met, particularly containing development and meeting crop production goals;
d) Food systems targets are not linked to food security and climate change targets;
e) Meeting climate action targets are not linked specifically to rural communities, which have a high percentage of transportation by cars and a large agricultural land base, limiting their ability to meet climate change targets. The RGS does not fully integrate climate action considerations into all aspects of regional growth management;
f) The RGS ought to specifically demonstrate how land use designations in Regional Context Statements correspond to the RGS to limit growth; and
g) That urban containment boundaries are a more certain and effective approach to protecting rural communities than emphasizing urban growth areas.

4. Endorsing the objection of the District of North Saanich to provision 6.1 (Foster a Resilient Food and Agriculture System) for the following reason: the target of 5,000 ha is aspirational and not linked to population projections or food security.

5. Endorsing the position of the District of Saanich that in comparison to the existing 2003 Regional Growth Strategy, it would appear that the proposed 2016 Regional Growth Strategy reduces the emphasis on a regional and focused approach to sustainable growth management, and that the 2016 RGS can be strengthened through the following actions:

    a) Including a strong regional growth management hierarchy, which indicates the location of Centres where growth should be focused and investments in infrastructure and transportation facilities should be prioritized;
    b) Applying stronger criteria to limit future water extensions outside the Growth Area boundary to prevent significant additional development in outlying Rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary; and
    c) Develop a robust monitoring and adaptation program to assess progress towards Regional Growth Strategy targets and objectives. In particular, the targets to accommodate 95% of new dwelling units within the Growth Policy Area and to reduce greenhouse gas emissions by 61% below 2007 levels will need to be evaluated on a regular basis.

6. Endorsing the objection of the Town of View Royal to provisions 2.2.2 and 2.2.4 for the following reasons:

    a) That additional development on rural and resource lands is at the expense of development of lands within the Urban Containment Boundary;
    b) That additional development on rural and resource lands will contribute to further transportation challenges in the region, and does not allow for efficient public transportation, increases greenhouse gas emissions, and does not provide for jobs/housing balance;
    c) That rural development will further contribute to GHG emissions by encouraging a high-carbon built form.

Respectfully submitted,

Councillor Isitt

APPENDIX A RECORD OF RESOLUTIONS TO ACCEPT AND NOT ACCEPT THE RGS

The Corporation of the District of Central Saanich

January 31, 2017

File: 0400-60/17

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC V8W 2S6

Attention: Board Chair Barbara Desjardins

Dear Chair Desjardins:

Re: 2016 RGS Bylaw 4017 – Referral for Municipal Acceptance

Please be advised that at their January 30, 2017 Special meeting, Council resolved the following:

A. *That Council not accept "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016";*

B. *That Council note its objection to policies 2.2 (1) and (2), noting concern that these policies need to be strengthened to avoid development and sprawl on rural lands in Electoral Areas which would be contrary to the objectives of the Regional Growth Strategy which supports complete and compact communities, but Council is supportive of water servicing from localized community water sources;*

C. *That Council indicate that it could accept the RGS bylaw if amended in line with "Alternative 2" in Appendix E to the staff report to the CRD Board November 9, 2016.*

Should you have any questions, please contact the undersigned.

Yours truly,

Mayor Ryan Windsor

1903 Mount Newton Cross Road, Saanichton, B.C. V8M 2A9
Phone: (250) 652-4444 Fax: (250) 652-0135

CRD EXECUTIVE OFFICE
Received
JAN 30 2017

Colwood

January 24, 2017
File: 6440-40-REG-12811

☑ Chair
☑ CAO
☑ GM PPS
☑ For action / resp. by Regional Planning
☐ Corresp. for Board / Committee meeting
☐ For Information Only
☑ Copies to S. Bagh
0400-50 Clwood
☐ Board
☐ Communications

Capital Regional District
Regional and Strategic Planning
625 Fisgard Street, PO Box 1000
Victoria, BC V8W 2S6

Re: Capital Regional District Regional Growth Strategy Bylaw 4017 – Referral for Municipal Acceptance

The City of Colwood Council considered the Referral for Municipal Acceptance for the Capital Regional District Regional Growth Strategy Bylaw No. 4017 at the Regular Meeting of Council held on January 23, 2017. At the meeting Council endorsed the following resolution:

> Not accept "Capital Regional Growth Strategy Bylaw No. 1, 2016" **AND,**
>
> Objects to "Map 3: Regional Growth Management Concept Plan" on the basis that it conflicts with the land use designations contained within Colwood's Official Community Plan; **AND,**
>
> Objects to Chapter 6 in its entirety on the basis that it is overly vague with respect to how its policies would be acted on by the CRD in terms of potential new regional services and initiatives.

If you have any questions regarding the above, please contact me at 250-478-5999.

Thank you.

Iain Bourhill, MCIP, RPP
Director of Planning

cc: Ian Howat, Chief Administrative Officer
Patricia VanBuskirk, Director of Administration

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3300 Wishart Road
Colwood, BC V9C 1R1

CONTACT
Phone: 250 478 5999
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ibourhill@colwood.ca

OFFICE HOURS:
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Monday – Friday
except stat holidays

Colwood.ca

Township of ESQUIMALT
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Esquimalt BC V9A 3P1
PHONE: 250-414-7100
FAX: 250-414-7111
www.esquimalt.ca

Via email to breems@crd.bc.ca

January 24, 2017

Brent Reems, Senior Manager
Legislative & Information Services
Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC V8W 2S6

Dear Mr. Reems:

RE: 2016 RGS Bylaw 4017 – Referral for Municipal Acceptance

Further to the letter from Board Chair Barbara Desjardins dated December 2, 2016 regarding the above captioned matter, I am pleased to provide the Board with Township of Esquimalt Council's decision related to Municipal Acceptance of the Regional Growth Strategy.

Council considered this matter at their January 9, 2017 regular meeting and passed two motions. The first motion stated as follows:

> *That Council respond to the December 2, 2016 letter from the Chair of the Capital Regional District (Schedule "A") that it does not "accept" the 2016 Proposed Regional Growth Strategy for the reasons outlined in the "Issues" section of Staff Report DEV-17-001.*
> *Furthermore, that Council indicate to the Capital Regional District Board that, "it is willing that a provision to which it objects be included in the proposed Regional Growth Strategy on the basis that the provision will not apply to the Township of Esquimalt".* ***Carried Unanimously.***

The "Issues" section of Staff Report DEV-17-001 referred to in the motion has been copied here for your convenience:

ISSUES:

The proposed Regional Growth Strategy states: "Local municipalities will identify how their ***Official Community Plan aligns to each policy*** *(emphasis added) in a Regional Context Statement." Because the entirety of the Township's Official Community Plan will need to align with its Regional Context Statement, some of the policies in the proposed Regional Growth Strategy could severely limit the Township's opportunities to develop. These policies are identified in Table 1.*

Table 1 Summary of proposed Regional Growth Strategy policies that create potential problems for the Township.

Objective and Policy	***Staff Comments***
Objective 1.1 Keep Urban Settlement Compact	
Policy 1. Provide for land uses consistent with the Growth Management Concept Plan depicted on Map 3 and adopt policies to implement the Growth Management Concept	*Map 3 indicates that the Gorge Vale Golf Course is designated as "Renewable Resource Lands". As such, future development may not be possible. The Board of the Gorge Vale Golf Course is*

Objective and Policy	***Staff Comments***
Plan consistent with the land use policy designation described in Objective 1.1.	*currently seeking to have a portion of its land removed from the Agricultural Land Reserve in order to develop it for medium to high density mixed residential/commercial uses. The proposed development of a portion of the golf course would be consistent with the "Approaches" identified in the proposed Regional Growth Strategy under Objective 1 – namely:* - *Focus employment and population growth primarily in complete communities, located in areas that meet criteria described in Objective 3.1, that will encourage the development of walkable, bikeable and transit-focused areas with a dense mix of housing, employment, services an public open space;* - *Increase the proportion of apartments, row houses and other attached housing types within the Growth Policy Area, especially within complete communities; and* - *Locate a minimum of 95% of the region's new dwelling units to 2038 within the Growth Policy Area.* *The Gorge Vale Golf Course represents a fantastic opportunity to further the goals and objectives of the proposed Regional Growth Strategy for the "Growth Policy Area" which surrounds the Golf Course on all sides except for the First Nations Reserve which is exempt from the Regional Growth Strategy. Having it designated as "Renewable Resource Lands" because it is in the Agricultural Land Reserve is a classic "text out of context is pretext problem". As part of the Official Community Plan review, staff will be recommending that portions of the Gorge Vale Golf Course be designated for Commercial and Residential Mixed Use.* *This issue was identified by Council and forwarded to the Capital Regional District in a letter dated October 17, 2016 (Schedule "C"). The Board chose not to act on Council's request.* *Staff recommend that Council* ***not accept*** *this policy but indicate to the Board that it is willing that this provision be included in the proposed Regional Growth Strategy on the basis that the provision will not apply to the Township.*

Objective and Policy	***Staff Comments***
Objective 2.1 Protect, Conserve and Manage Ecosystem Health	
Policy 1. Ensure the long-term protection of Capital Green Lands depicted on Map 3. This could include policies for buffering and land use transition between Capital Green Lands and adjacent settled areas (i.e. lands within Rural/Rural Residential Land Use Policy Area as well as the Growth Policy Area), as well as policies aimed at enhancing, restoring or naturalizing Capital Green Lands.	*When Map 3 is enlarged approximately 1000 times (Schedule "D"), many small pixilated areas representing "Capital Green Lands" appear within the Township. It is impossible to positively identify most of them and absolutely impossible to accurately define the boundaries of each area. The proposed Regional Growth Strategy policy is incongruent with the lands indicated on Map 3 that are located within the Township. It is not reasonable that the Board would expect the Township to implement this policy on such small parcels of land that would have only a minute regional consequence.* *In addition, this policy could potentially block the Township from disposing of parkland through the statutory process outlined in the Community Charter.* *Staff recommend that Council* ***not accept*** *this policy but indicate to the Board that it is willing that this provision be included in the proposed Regional Growth Strategy on the basis that the provision will not apply to the Township.*
Objective 5.1 Realize the Region's Economic Potential	
Policy 3. Prioritize the attraction of new businesses and investment that will support climate action.	*The Township will prioritize the attraction of new businesses and investments that are desired by its citizens and that support the ship repair and refitting industry, high tech industry, and other allied industries irrespective of support for climate action.* *Staff recommend that Council* ***not accept*** *this policy but indicate to the Board that it is willing that this provision be included in the proposed Regional Growth Strategy on the basis that the provision will not apply to the Township.*
Policy 4. Ensure the long-term protection of Renewable Resource Lands depicted on Maps 3 and 4.	*As noted above, this would apply to the Gorge Vale Golf Course. Preventing the development of the Golf Course for housing or employment lands is a contradiction within the proposed RGS.* *Staff recommend that Council* ***not accept*** *this policy but indicate to the Board that it is willing*

Objective and Policy	***Staff Comments***
	that this provision be included in the proposed Regional Growth Strategy on the basis that the provision will not apply to the Township.

At the January 9th, 2017 Council meeting, the second motion passed by the Council of the Township of Esquimalt stated as follows:

> *That all additional concerns identified by Council regarding Esquimalt be forwarded to the CRD by staff, to include reconsideration regarding the order of Priorities.* ***Carried Unanimously.***

The additional concerns that are referred to in the second main motion above are as follows:

1) Council would like the description of Esquimalt found in Appendix "A" amended by deleting the first sentence and adding reference in the description to Esquimalt's strengths such as its walkability and its outstanding green spaces.
2) Council would like to see the Climate Action objective moved up in the list of objectives. It is currently listed last; however, the importance of dealing with climate action is crucial and therefore, should be given greater importance by moving it up the list.

Please let me know if you have any questions relating to this matter.

Yours truly,

Anja Nurvo, BA, LLB
Director of Corporate Services

DISTRICT OF HIGHLANDS

File 0470-43

January 31, 2017

CRD Board Chair Barb Desjardins
Via email: crdchair@crd.bc.ca *and*
Capital Regional District
625 Fisgard Street
Victoria BC V8W 2S6

Dear Chair Desjardins:

Re: 2016 Regional Growth Strategy Bylaw 4017 – District of Highlands' Referral Response

District of Highlands Council considered the 2016 RGS Bylaw 4017 at its meetings of January 16 and 30, 2017, and at its January 30, 2017 Meeting resolved:

> THAT Council refuse the 2016 Regional Growth Strategy Bylaw No. 4017, citing the removal of piped water services as a growth management tool (policy 2.2 (2)) as the provision to which it objects, and further that it be conveyed to the CRD that Council's reasons for wanting to retain the current restriction on water servicing within the RUSCPA are:
>
> 1. The use of piped water fosters a change in stewardship with regards to land use policy protecting the quality and quantity of aquifer resources.
> 2. The cumulative effect of piped water dependence is a society that is less resilient to major disaster events. Expansion of piped water services – a single system – to increasingly remote rural areas makes the whole system more vulnerable. This impacts all CRD communities.
> 3. Some communities appear to support proposed policy 2.2(2) with the rationale that it will allow them water for health and safety reasons. Highlands Council questions this reasoning because such provisions are in proposed policy 2.2(3).
> 4. Installing infrastructure in areas with low density is not a good use of regional funds and all of the CRD will face increasing costs of maintenance of the water system due to expanding piped water coverage.
> 5. The 2003 RGS is a stronger tool to support managed growth for the benefit of the entire region.
> 6. Incremental sprawl affects biodiversity, increases greenhouse gases and fundamentally negates the value of an RGS.

. . . /2

1980 Millstream Road, Victoria, British Columbia V9B 6H1
Tel: 250-474-1773 Fax: 250-474-3677 Web: www.highlands.ca

7. Maintaining control of water servicing at a regional level reinforces official community plans. Relying solely on official community plans is not adequate because OCPs can be amended easily. If they are changed to allow for more development (outside current servicing boundaries), there will be greater pressures on the rural fringes to develop. Over time, this will increase land values and negatively impact housing affordability.
8. Allowing piped water contradicts the objectives of an RGS as stated in Appendix B of the draft and therefore is not consistent with the requirements in the *Local Government Act*.

In response to *Local Government Act* section 436 (7)(c), Council is not willing to accept the RGS if policy 2.2 (2) would not apply to the District of Highlands.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Laura Beckett

Laura Beckett, MURP, MCIP, RPP
Municipal Planner / Approving Officer

LB/lc

cc: *Mr. R. Lapham* rlapham@crd.bc.ca
Ms S. Bagh sbagh@crd.bc.ca
Ms E. Sinclair esinclair@crd.bc.ca

City of Langford
www.cityoflangford.ca

2017/01/31

Capital Regional District Board
625 Fisgard St
Victoria, BC V8W 2S6

Dear CRD Board members,

RE: City of Langford response to the CRD Regional Growth Strategy referral

Please be advised that at their Special Meeting held January 24th, 2017, that the Council for the City of Langford passed the following resolution with regards to the RGS:

a) CRD – 2016 Regional Growth Strategy Bylaw 4017 – for Municipal Acceptance - Staff Report (Planning)

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SIFERT

That Council accept the proposed new Regional Growth Strategy as contained in Bylaw No. 4017 and recommend its adoption to the CRD Board.

CARRIED.

Sincerely,

Jim Bowden,
Administrator

2nd Floor · 877 Goldstream Avenue · Langford, BC Canada · V9B 2X8
T · 250-478-7882 F · 250-478-7864

north saanich

CRD EXECUTIVE OFFICE
Received
JAN 25 2017

January 24, 2017

DNS File: 6440-20 RCS Amendments

Capital Regional District Board
Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7
Attention: Barb Desjardins, Chair

☑ Chair ☐ Board
☑ CAO ☐ Communications
☑ GM PPS
☑ For action / resp. by Regional Planning
☐ Corresp. for Board / Committee meeting
☐ For Information Only
☑ Copies to S. Bagh
04/00-50 North Saanich

Dear Chair Desjardins:

Re: Bylaw 4017 "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016" Formal Referral

At the meeting held January 23, 2017, North Saanich Council adopted a resolution to reject the Capital Regional District formal municipal referral of Bylaw 4017 "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016". Pursuant to Section 436(7) of the *Local Government Act*, Council provides the following comments:

1. That Council objects to provisions Managing Growth 1.1 (Keep Urban Settlement Compact) and 1.2 (Protect the Integrity of Rural Communities) for the following reasons:
    a. there are not sufficient integrated objectives and targets with respect to reduced development pressures contained in the RGS which would strengthen the protection of rural communities;
    b. there are not clear population projections broken by municipality to provide sufficient certainty;
    c. there is not sufficient strength in aspirational targets such as the food systems target to ensure objectives are met, particularly containing development and meeting crop production goals;
    d. food systems targets are not linked to food security and climate change targets;
    e. meeting climate action targets are not linked specifically to rural communities. The District of North Saanich has a high percentage of transportation by cars and a large agricultural land base which may limit its ability to meet climate change targets. The RGS does not fully integrate climate action considerations into all aspects of regional growth management;
    f. the RGS ought to specifically demonstrate how land use designations in Regional Context Statements correspond to the RGS to limit growth; and

District of North Saanich 1620 Mills Road, North Saanich, BC V8L 5S9 • 250-656-0781 • admin@northsaanich.ca

g. that urban containment boundaries are a more certain and effective approach to protecting rural communities than emphasizing urban growth areas.

2. That Council objects to provisions 2.2 Manage Regional Infrastructure Services Sustainably for the following reasons:
   a. that the expansion of water services promotes growth in rural areas

3. That Council objects to provisions in 4.1 Improve Multi-Modal Connectivity for the following reasons:
   a. that the transportation plan is not sufficiently integrated with population projections

4. That Council objects to the provisions in 6.1 Foster a Resilient Food and Agriculture System for the following reasons:
   a. the target of 5,000 ha is aspirational and not linked to population projections or food security

North Saanich Council is not willing to include any of the objectionable provisions in the Regional Growth Strategy on the basis that the provision will not apply within the District of North Saanich except for reason 1.b.

On behalf of the Mayor and Council or the District of North Saanich, thank you for your attention to this matter.

Sincerely,

Curt Kingsley
Director of Corporate Services

THE CORPORATION OF THE DISTRICT OF OAK BAY
MUNICIPAL HALL – 2167 OAK BAY AVENUE – VICTORIA, B.C. V8R 1G2
PHONE 250-598-3311 FAX 250-598-9108 WEBSITE: www.oakbay.ca

CRD EXECUTIVE OFFICE
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January 16, 2017

☐ Chair ☐ Board
✓ CAO ☐ Communications
✓ GM PPS
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sp. for Board / Committee meeting
information Only
Copies to
S. Bagh
0400-50 Oak Bay

Brent Reems
Senior Manager, Legislative
And Information Services
Capital Regional District
625 Fisgard Street
P.O. Box 1000
Victoria, BC V8W 2S6

Dear Mr. Reems:

Regional Growth Strategy Amendment Bylaw

Your correspondence dated November 9, 2016 was considered by Oak Bay Municipal Council at its meeting held January 9, 2017.

At that time, Council passed the following resolution:

> "That *Council accept the RGS Bylaw No. 4017, the Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016, and direct staff to notify the Capital Regional District of their acceptance."*

Yours truly,

Maura Jones

Maura Jones
Deputy Director of Corporate Services

MJ/jp

cc: Manager of Planning

District of Saanich
Legislative Services
770 Vernon Ave.
Victoria BC V8X 2W7

t. 250-475-1775
f. 250-475-5440
saanich.ca

LEGISLATIVE SERVICES

File: 2160-20

January 30, 2017

Chair Barbara Desjardins and Directors
Capital Regional District
PO Box 1000
625 Fisgard Street
Victoria BC V8W 2S6

Dear Chair Desjardins and Directors:

RE: 2016 Regional Growth Strategy – Proposed Comprehensive Update to 2003 Regional Growth Strategy

This letter confirms that at their meeting held January 23, 2017, Council considered a report of the Director of Planning dated January 13, 2017 and Bylaw 4017, Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016 and resolved as follows:

> *"That Council not accept Bylaw 4017, Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016,"* for the following reasons as outlined in Option 1 of the report of the Director of Planning dated January 13, 2017:
>
> - There is insufficient direction for growth management within the Growth Area to provide a predictable land use pattern that could focus transportation and infrastructure investment and create less carbon intensive development; and
> - The proposed criteria for water servicing extensions are insufficient to prevent significant additional development in outlying rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary.

If you require further clarification, please contact me at 250-475-5494, Ext. 3500.

Sincerely,

Donna Dupas,
Legislative Manager

dh

Attachments

cc: Mayor and Council
Paul Thorkelsson, CAO
Sharon Hvozdanski, Director of Planning
Brent Reems, Senior Manager, Legislative and Information Services

2160-20
Regional Growth Strategy

2016 REGIONAL GROWTH STRATEGY – PROPOSED COMPREHENSIVE UPDATE TO 2003 REGIONAL GROWTH STRATEGY (RGS)

MOVED by Councillor Derman and Seconded by Councillor Haynes: "That Council not accept "Bylaw 4017, Capital Regional District Regional Growth Strategy, Bylaw No. 1, 2016" for the following reasons as outlined in Option 1 of the report of the Director of Planning dated January 13, 2017:

- **There is insufficient direction for growth management within the Growth Area to provide a predictable land use pattern that could focus transportation and infrastructure investment and create less carbon intensive development; and**
- **The proposed criteria for water servicing extensions are insufficient to prevent significant additional development in outlying rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary."**

CARRIED

1410-04
Report – Planning

xref: 2160-20
Regional Growth Strategy

2016 REGIONAL GROWTH STRATEGY – PROPOSED COMPREHENSIVE UPDATE TO 2003 REGIONAL GROWTH STRATEGY (RGS)

Report of the Director of Planning dated January 13, 2017 recommending that Council not support Bylaw 4017 "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016".

In response to questions from Council, the Manager of Community Planning stated:

- The 2003 RGS Bylaw links water servicing to the growth containment boundary and sewer servicing and does not permit extensions except in the cases of fire suppression, public health or environmental issues; the proposed 2016 bylaw includes some criteria for extensions for water servicing outside the growth containment boundary including majority approval from the Capital Regional District (CRD) Board. A provision also has also been added to permit water service along existing lines that service agricultural lands within the Agricultural Land Reserve (ALR) provided there is no increase to density.
- View Royal and Esquimalt Councils have rejected the proposed bylaw, ensuring it will be entering into a dispute resolution process.
- If Saanich rejects the proposed bylaw, they would partner in selecting the dispute resolution process and through the Council motion provide input into the issues that would be part of that process.
- If Saanich accepts the proposed bylaw, they would have the option to still participate in the dispute resolution process, but would not have input into the type of process that is used or the issues to be discussed as part of the process.
- Staff comments would not form part of the communications to the CRD but specific rationale for rejection could be included.

In response to questions from Council, the Chief Administrative Officer stated:

- It will be important for Saanich to participate in the dispute resolution process regardless of the decision made in relation to the proposed bylaw; it is necessary to make Saanich's policy perspective clear.

In response to questions from Council, the Director of Planning stated:

- In terms of determining and measuring sustainability, there are agreed upon standards; an excerpt in the Official Community Plan (OCP) references the foundational work of the Brundtland Report which speaks of "not making decisions that would preclude those coming behind us from having an equal quality of life that we enjoy"; livability is also well defined through long standing planning and urban design principles

PUBLIC INPUT:

J. Anderson, Lauder Road, stated:

- Saanich Council is to be complimented on the leadership provided at the Capital Regional District; Saanich should go on record to highlight concerns with the proposed bylaw.
- The initiative on transportation needs to be strengthened; if there are to be "centres", mobility and linkages need to be priorities.

T. Barry, Lily Avenue, stated:

- Saanich is the largest and most significant partner in the RGS; the proposed changes in the bylaw provides incentives and subsidies to other municipalities.
- Growth needs to be contained and be located as close to centres as possible or built as properly planned "nodes" with amenities.
- This is an opportunity to give direction to the CRD to create a RGS that reflects sustainability priorities.

R. Wickson, Inez Drive, stated:
- The RGS is an opportunity to influence regional intrusions; all decisions should reflect Saanich's goals.

C. Horne, Knight Avenue, stated:
- The RGS is concerning; other municipal RGS include plans for where growth will happen.
- The proposed bylaw influences other municipalities through their regional context statement of their OCP in that they must adhere to the RGS.
- It is important that First Nations are included in consultation for the RGS.

COUNCIL DELIBERATIONS:

Motion: **MOVED by Councillor Derman and Seconded by Councillor Brice: "That it be recommended that Council not accept "Bylaw 4017, Capital Regional District Regional Growth Strategy, Bylaw No. 1, 2016" for the following reasons as outlined in Option 1 of the report of the Director of Planning dated January 13, 2017:**

- **There is insufficient direction for growth management within the Growth Area to provide a predictable land use pattern that could focus transportation and infrastructure investment and create less carbon intensive development; and**
- **The proposed criteria for water servicing extensions are insufficient to prevent significant additional development in outlying rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary."**

Councillor Derman stated:
- The region needs to aim for a compact region around a central core; removing the word "centre" has decreased the ability for that to take place.
- The emphasis on climate change mitigation has weakened; the bylaw should reflect using climate change mitigation as a lens through which decision making will take place.

Councillor Murdock stated:
- It is disappointing that municipalities and the CRD were not able to work together collaboratively and that arbitration is necessary; it is indicative of a region divided.

Councillor Brice stated:
- Council has supported different strategies that are not reflected in the proposed bylaw; it is necessary to go on record and use Saanich's influence to hold out for

a better plan for a more sustainable community.
- Council should maintain its environmental integrity.

MOVED by Councillor Derman and Seconded by Councillor Brice: "That the meeting continue past 11:00 p.m."

CARRIED

Councillor Haynes stated:
- The staff report is thorough and concise; "using climate change mitigation as a lens" need to be defined in terms of a Saanich perspective.
- This is a vote to support Saanich's vision.

Councillor Sanders stated:
- It will be important to be at the table to ensure that what Saanich feels strongly about is represented; the proposed bylaw is disappointing.

Councillor Wergeland stated:
- In 2003, some municipalities may have felt there would be flexibility in the bylaw; it is important to move forward and build relationships with other municipalities.

The Motion was then Put and CARRIED

ref: 2160-20

Saanich

The Corporation of the District of Saanich

Report

Mayor
Councillors
Administrator
Council
Administrator
Media
Jan 16/17

To: Mayor and Council

From: Sharon Hvozdanski, Director of Planning

Date: January 13, 2017

Subject: 2016 Regional Growth Strategy – Proposed Comprehensive Update to 2003 Regional Growth Strategy
File: 2160-20

PURPOSE

The purpose of this report is to:

1. Provide background information on the existing Regional Growth Strategy, the current update process, and the dispute resolution process;
2. Highlight key legislative authority considerations related to the review process;
3. Outline the CRD's response to issues previously identified by Saanich Council during the informal referral of the proposed Regional Growth Strategy in March 2016;
4. Provide an overview of substantive changes made to the proposed Regional Growth Strategy since the informal referral in March 2016;
5. Outline potential options for Council to consider; and
6. Seek Council's recommendation on the proposed amendment so that it can be conveyed to the Capital Regional District within the prescribed 60-day referral period.

BACKGROUND

Existing Regional Growth Strategy

In 1995, the Provincial Government passed into law the "Growth Strategies Act". The purpose of this provincial initiative was to encourage regional districts and member municipalities to prepare for growth and future change in an integrated manner. The "Growth Strategies Act" provides a framework for interactive planning between municipalities and a regional district. Member municipalities are bound to the Regional Growth Strategy (RGS) through adoption of Regional Context Statements in their Official Community Plans.

The "Local Government Act" provides direction for content and process and states that a Regional Growth Strategy must address: Housing; Transportation; Regional district services; Parks and natural areas; Economic development; and Greenhouse gas emissions.

In February 1996, the Capital Regional District Board formally initiated a Regional Growth Strategy. After significant public and stakeholder consultation, the Regional Growth Strategy was formally adopted by the Capital Regional District (CRD) Board, with the support of all municipalities, on August 13, 2003.

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DISTRICT OF SAANICH

The Regional Growth Strategy includes eight strategic initiatives that together express a 25-year program for this joint partnership reflective of the content and process set out in the "Local Government Act". The eight strategic initiatives of the existing (2003) Regional Growth Strategy are: Keep urban settlement compact; Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainably; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy.

Current Regional Growth Strategy Update

A process to update the existing District Regional Growth Strategy (2003) has been underway since 2008. The Growth Strategy is a regional vision that commits affected local municipalities to a course of action to meet common social, economic, and environmental objectives. The updated Regional Growth Strategy would set the vision for the future of the region to 2038.

At the outset, the primary focus of the update was to transition the Regional Growth Strategy (RGS) to a Regional Sustainability Strategy (RSS) that would address a broader range of subject matter. However, on October 25, 2015, the CRD Board directed staff to revert the Regional Sustainability Strategy to a Regional Growth Strategy. This decision reflects the CRD Board's desire to focus more on the statutory requirements of a Regional Growth Strategy with an emphasis on: Meeting legislative requirements; Incorporating directions from adopted plans; and Providing up to date data and information.

A draft 2016 RGS was presented to the CRD Board on March 9, 2016, following which an informal referral was made to local governments for comment. Comments on key issues and potential implications were provided by Saanich Council on May 16, 2016.

The CRD Board considered comments from member municipalities at their June 29, 2016 meeting, following which direction was provided to:

- Integrate a section on food and agriculture;
- Integrate a section describing municipalities;
- Integrate water servicing criteria;
- Provide for climate action as the overarching objective of the RGS;
- Edit the document to improve clarity and comprehensiveness; and
- Integrate additional policy provisions to ensure all policy that was covered in the Regional Sustainability Strategy is covered in the draft RGS.

The Regional Growth Strategy Bylaw was revised and received 1st and 2nd reading on July 13, 2016. A Public Hearing was held on October 19, 2016. As a result of subsequent amendments, an amended 2016 Regional Growth Strategy Bylaw received 1st and 2nd reading on November 9, 2016.

The amendments made after the October 19, 2016 Public Hearing, and which are further explored in the Discussion section of this report are:

- Reducing the Rural/Rural Residential Area and expanding the extent of the Renewable Resource Lands Policy Area shown in Map 3 Growth Management Concept Plan in the community of Shirley-Jordan River to reflect the recently completed OCP; and
- Proposed amendment to the 2003 RGS, which is included in the Proposed 2016 RGS Bylaw, to include 154 hectares within the RUCSPA (Growth Area) as part of a boundary adjustment between the District of Metchosin and the City of Langford.

A referral to municipal councils for acceptance or rejection as per Section 436 of the "Local Government Act" was made on December 2, 2016. Referral for municipal acceptance is the last step in the provincially-mandated update process before the Regional Growth Strategy bylaw can be adopted. The referral period is 60 days, beginning December 2, 2016 and ending on February 1, 2017. A non-response is considered to be a response in support of the proposed amendment bylaw.

Dispute Resolution Process

Before the CRD Board can adopt the Regional Growth Strategy Bylaw, it must be accepted by all municipalities. If acceptance by all parties cannot be reached, provincial legislation sets out a dispute resolution process for resolving the outstanding matters.

At the date this report was finalized, two municipalities, Esquimalt and View Royal have voted to not accept the Regional Growth Strategy. This assures that a dispute resolution process will be required in order to reach acceptance.

Issues highlighted in Council rejection motions will be the subject of the dispute process. Local governments who accept the Regional Growth Strategy Bylaw are also able to participate in the settlement process.

LEGISLATIVE AUTHORITY

The "Local Government Act" requires the Capital Regional District (CRD) Board to submit a proposed Regional Growth Strategy bylaw to: member municipalities; the Board of the adjoining Regional District; and the Minister of Community Services for formal consideration, following the Public Hearing, and prior to third reading.

Legislation requires affected local governments to respond to the Regional District Board within 60 days of formal notification, with a resolution to either:

- Accept the proposed Regional Growth Strategy; or
- Not accept the proposed Regional Growth Strategy, and outline their reasons for objecting.

In order for the CRD Board to be able to adopt a Regional Growth Strategy amendment bylaw, unanimous support from member municipalities is required. The legislative process for amending the Regional Growth Strategy is the same as it was for its original adoption in 2003.

When a Regional Growth Strategy is adopted, Saanich and other municipalities will be required to update the Regional Context Statement in their Official Community Plans within two years of Regional Growth Strategy Bylaw adoption.

As previously noted, the formal Regional Growth Strategy Bylaw referral period is 60 days, beginning December 2, 2016 and ending on February 1, 2017. A non-response is considered to be a response in support of the proposed amendment bylaw.

DISCUSSION

This report provides an analysis of the proposed 2016 Regional Growth Strategy (RGS) Bylaw. As part of the earlier informal referral of the draft Regional Growth Strategy in early 2016, staff assessed the document from a Saanich perspective and Council provided comment on potential

issues and areas of change to the CRD. Given this context, the discussion section of this report focuses of three areas:

- An overview of the structure of the proposed 2016 Regional Growth Strategy Structure;
- An examination of the CRD's response to issues previously identified by Saanich Council as part of the informal referral in March 2016; and,
- An overview and assessment of substantive changes to the document that have occurred since the informal referral in March 2016.

Proposed 2016 Regional Growth Strategy Structure

Overall, the proposed 2016 RGS Bylaw maintains the general direction of the 2003 Regional Growth Strategy, with the following updated sections and objectives serving as the framework:

Managing and Balancing Growth
Keep Urban Settlement Compact
Protect the Integrity of Rural Communities

Environment and Infrastructure
Protect, Conserve and Manage Ecosystem Health
Manage regional Infrastructure Services Sustainably

Housing and Community
Create Safe and Complete Communities
Improve Housing Affordability

Transportation
Improve Multi-Modal Connectivity and Mobility

Economic Development
Realize the Region's Economic Potential

Food Systems (new)
Foster a Resilient Food and Agriculture System

Climate Action (new)
Significantly Reduce Community-Based Greenhouse Gas Emissions

CRD Response to Issues Previously Identified by Saanich Council

As part of the informal review of the draft 2016 Regional Growth Strategy (RGS) an analysis of the document was undertaken by staff and presented to Council for review and consideration. A staff report was presented to Council at its May 16, 2016 Committee of the Whole meeting where the following motion was endorsed:

> "That Council
>
> 1. Support the integration of a regional food and agricultural systems section into the 2016 Regional Growth Strategy.
>
> 2. Request that the CRD incorporate more stringent criteria to guide any future piped water service extensions.

3. Request that the CRD add policies to Section 5 of the 2016 Regional Growth Strategy to address: The protection of industrial land; and Collaboration on issues of regional economic development, including through shared research and analysis, and work with regional economic development entities.

4. Request that the CRD integrate the following points into an updated community profile for Saanich: Mention that Saanich's framework for growth is based on sustainability and livability; Recognition of environmental integrity as paramount for ensuring social wellbeing and economic vibrancy; and Acknowledgement of the role "Centres" and "Villages" play in managing growth and building complete communities.

5. Request that the CRD include language to establish climate change mitigation and adaptation as an overarching lens through which all decision making and subsequent actions must pass."

This section of the report identifies how the items identified in the May 16, 2016 motion have been addressed in the proposed 2016 Regional Growth Strategy Bylaw.

1. Food and Agricultural Systems

The initial draft 2016 Regional Growth Strategy did not include any new content related to agriculture and food systems. Following informal referral and direction from the CRD Board, a section on food systems is now included with the main objective to "Foster a Resilient Food and Agriculture System". Its aim is to: Enable food production, processing, distribution; Foster a place-based food economy that increases access to local, nutritious, safe and culturally appropriate food; Support food waste management that is environmentally sustainable, benefits the regional economy; and Improve resident's connection to rural and agricultural landscapes.

In addition, policy has also been included in the Economic Development section of the Regional Growth Strategy to ensure long-term protection of Renewable Resource Lands and to address the need for transition buffer areas that support farming within the Agricultural Land Reserve.

Staff comment: The food systems section in the proposed 2016 Regional Growth Strategy adequately addresses the previous Saanich comments. Regional Growth Strategy principles and policy together with the CRD Food and Agriculture Strategy will serve as tools to address this regional issue and guide future regional decision making.

2. Piped Water Servicing as a Growth Management Tool

The initial draft 2016 Regional Growth Strategy did not include water as a growth management tool. This represented a significant departure from the 2003 Regional Growth Strategy, which restricted water and sewer servicing outside the Regional Growth Containment Area. In the draft 2016 Regional Growth Strategy all references to restricting water extensions outside the Growth Containment Area were removed.

As part of its response to the draft Regional Growth Strategy, Saanich Council passed a motion on May 16, 2016 to "Request that the CRD incorporate more stringent criteria to guide any future piped water service extensions". In other feedback to the CRD, piped water service was viewed by a number of communities as being a key tool to manage growth and meet Regional Growth Strategy objectives. That being said, other communities felt that the 2003 Regional Growth Strategy was too restrictive.

Based on the informal referral feedback and Public Hearing comments, a number of water servicing options were considered by the CRD. As a result, the proposed 2016 Regional Growth Strategy was updated to include several policies to guide future water service extensions. This represents a major change from the 2003 Regional Growth Strategy, which restricted piped water service extensions outside the Growth Containment Area, except to address public health or environmental issues, to provide fire suppression or to support agriculture.

The proposed 2016 Regional Growth Strategy Bylaw maintains the exceptions for public health, environment, fire suppression and agriculture, but introduces criteria to guide water service extensions, including those outside the Growth Area. Policy 2 under Objective 2.2 outlines the criteria for water service extensions, both for municipalities and the Juan de Fuca Electoral Area, as follows:

"2. Provide new water system services (public or private) only to areas where:

a) For a municipality, the areas to be serviced are shown on RGS Map 3 as either Growth Policy Area or Rural/Rural Residential Policy Area and the area to be serviced is consistent with OCP servicing provisions and an accepted Regional Context Statement identifies the population to be serviced and how growth in water demand will be addressed. Before approving a new water service bylaw, the full CRD Board must review the request for the new bylaw as it relates to the Regional Growth Strategy and deem the new bylaw consistent with the Regional Growth Strategy. This review is to include a detailed analysis of costs and cost recovery implications, including implications, related to parcel taxes, fees, charges and grants, and subject to the principles as noted above.

b) For the Juan de Fuca Electoral Area, the areas to be serviced are shown on RGS Map 3 as either Growth Policy Area or Rural/Rural Residential Policy Area and the area to be serviced is consistent with OCP servicing provisions and the applicable OCP identifies the population to be serviced and how growth in water demand will be addressed. Where new water system services are provided to the community of Shirley-Jordan River, areas to be serviced may also include lands shown on RGS Map 3 as Renewable Resource Lands Policy Area and designated in the OCP as Coastal Uplands subject to limiting development potential of serviced parcels to a density of one parcel per four hectares, as set out in the OCP."

Additionally, Policy 4 in this section permits the provision of water service to residential units within the Agriculture Land Reserve that are along an existing line that services agriculture, provided that the municipality's OCP prevents further subdivision or residential density increases.

Staff Comment: The changes incorporated into the proposed 2016 Regional Growth Strategy Bylaw provide more guidance for water extensions than the previous draft version, which removed water service as a growth management tool. However, the integrity of the overall growth management policy framework is degraded, as the explicit link between the growth containment boundary, sewer service and water service is removed. The potential areas where water service could be incorporated is greatly expanded, as the area of land designated as Rural / Rural Residential is roughly equivalent to the area of land within the Growth Area Boundary.

For municipalities, expansion to water service would be evaluated based on adherence to the relevant municipal OCP and require an indication how future water demand would be addressed. Provisions are included to enable the CRD Board to review new water service bylaws for consistency with the Regional Growth Strategy, with information on costs and cost recovery to assist in their decision-making. This approach would enable a significant area of the region to potentially have access to piped water service.

For the Juan de Fuca Electoral Area, similar requirements for consistency with local OCPs is required for expansion of water service. Additionally, in Shirley-Jordan River water service may be provided in areas designated as Renewable Resource lands, provided they are designated as Costal Uplands in the OCP, with a development limit of one parcel per four hectares. Similar to municipalities the CRD Board would need to approve new water service bylaws in the Juan de Fuca Electoral Area. Including similar language around CRD Board approval, as is noted for municipal extensions, would help to provide clarity around the approval process. While OCPs in the Juan de Fuca Electoral Area provide density limits, the provision of water service would increase the viability of development and increase the likelihood of densification in areas far from urban centres.

Provisions to enable water service to residential properties along pre-existing water lines that service agricultural lands are supportable. This helps improve the overall sustainability of operation and maintenance of these lines and includes language to limit any future subdivision or density increases. Additionally, given that the core infrastructure already exists, significant capital expenditures would not be required.

The criteria incorporated into the proposed Regional Growth Strategy Bylaw represent a move away from water as a growth management tool, but provides more guidance than the previous Regional Growth Strategy draft. This could have potential impacts for climate change, compact settlement patterns and fiscal sustainability of infrastructure systems. The availability of water service in Rural/Rural Residential areas will increase the viability of development in these areas outside the regional Growth Area boundary and contribute to transportation issues, increase greenhouse gas emissions and work against the objective of keeping settlement compact. Generally, the delivery of infrastructure is more efficient and cost-effective in areas where there is a higher density of users. Servicing development with low density is generally more costly, with overall system cost implications for operation and maintenance.

3. Economic Development Content

The economic development section of the draft 2016 Regional Growth Strategy largely contained the contents of the 2003 Regional Growth Strategy minus the direction around the creation of an Economic Development Strategy. Saanich feedback during the informal referral suggested this content could be enhanced, including through directions around protection of industrial lands and collaboration on issues of regional economic development.

Resulting from feedback received following the informal review by local municipalities and direction to include content from the Regional Sustainability Strategy, a number of enhancements were included to the proposed 2016 Regional Growth Strategy document, namely: Prioritization of attracting businesses that will support climate action; Policies to support the food agriculture economy; and Policy to support regional collaboration on issues surrounding the supply and demand for employment lands.

Staff comment: Changes have been made to enhance the economic development section with respect to collaboration on regional issues, climate action and the agricultural economy. Though the protection of industrial lands is deemed as important from a Saanich and regional perspective, it is important to note that the CRD does not have a direct role in economic development or the ability to protect or ensure adequate supply of industrial lands. In general, previous suggestions have been addressed within the scope of the CRD's mandate.

4. Community Profile Update

The proposed 2016 Regional Growth Strategy includes updated profiles of all regional municipalities and electoral areas, reflecting input from municipalities during the informal referral process. Saanich's profile reads as follows:

"Environmental integrity is paramount to ensuring social wellbeing and economic vibrancy. Saanich remains a series of community focused neighbourhoods, within an urban containment boundary that clearly separates the urban area from the rural portion of the municipality. This growth framework is based on principles of sustainability and livability. Rural Saanich forms part of the peninsula farm lands. Population increases are managed within the context of the local area planning process, where land use, density and development policies direct growth to "Centres" and "Villages" to build complete communities that encourage diversity of lifestyle, housing, economic and cultural opportunities."

Staff comment: This revised statement is reflective of changes highlighted by Saanich during the informal review process and is consistent with the Saanich OCP vision.

5. Climate Change as an Overarching Lens

The Council motion passed on May 16, 2016 included comment to the CRD to "include language to establish climate change mitigation and adaptation as an overarching lens through which all decision making and subsequent actions must pass".

The proposed 2016 Regional Growth Strategy Bylaw addresses this comment through revision of the Strategy's vision to note that "Our choices reflect our commitment to collective action on climate change". A figure that emphasizes Regional Growth Strategy interconnections has been introduced to show relationships between various parts of the Strategy and highlight climate change as the overarching lens that links all elements together. Additionally, policies have been added to address climate change mitigation and adaptation in various sections of the strategy, including Housing and Community and Economic Development.

Staff Comment: The incorporation of a revised vision, text framing the objectives, new policies and a figure that highlights the primary role of climate change in framing directions helps to address previous Council comments. Ultimately, regional decision-making with respect to the Strategy's fundamental objectives and growth management framework will dictate how well climate change mitigation and adaptation are addressed.

Substantive Changes to the RGS since the Informal Referral Process

The proposed 2016 Regional Growth Strategy Bylaw includes a number of substantive changes that have been made since the informal referral process in March 2016. Some of these changes are the result of feedback from member municipalities and stakeholders, while others are in response to concurrent planning processes. Substantive changes for Council's review and consideration are as outlined below:

1. Changes to land use designations;
2. Revisions to designations in Shirley-Jordan River to align with their recently completed OCP;
3. Inclusion of portions of Port Renfrew in the Growth Area on Map 3; and
4. Expansion of the Growth Area to include 154 hectares as part of a municipal boundary adjustment to transfer the land from the District of Metchosin to the City of Langford.

1. Changes to Land Use Designations

The proposed 2016 Regional Growth Strategy Bylaw contains a number of changes to land use designations that have been made since the March 2016 draft Regional Growth Strategy was informally referred for comment. These changes relate to Section 1 - Managing and Balancing Growth and Map 3 - Growth Management Concept Plan and are:

- Change in designation terminology from "Regional Urban Containment and Servicing Policy Area" to "Growth Area";
- Removal of designation identifying Metropolitan Core and Major Centres; and
- Removal of the Unprotected Green Space Designation and changes to the Rural/Rural Residential Designation.

<u>Change from "Urban Containment and Servicing Policy Area" to "Growth Area"</u>
Language in the Land Use Designation definitions and on Map 3 has been changed from "Regional Urban Containment and Servicing Policy Area" to "Growth Area". The rationale for the change is twofold. Firstly there is a desire for simpler terminology. Secondly given the changes to water servicing policy there is no longer an explicit link between the provision of servicing and growth containment boundaries.

Saanich staff is concerned over the change in terminology and the weakening of this fundamental approach to both growth management and sustainability. The term growth/urban containment conveys more strongly the intent of focusing more dense development within a prescribed area.

CRD staff indicated the name change reflects the CRD Board direction that water servicing not be used as a growth management tool.

<u>Removal of Reference to "Metropolitan Core and Major Centers"</u>
The existing 2003 Regional Growth Strategy and March 2016 draft Regional Growth Strategy both identified the Metropolitan Core and eight Major Centres within the Growth Management Concept Plan Map. Of the eight Major Centres, five were either completely or partially in Saanich.

The proposed 2016 Regional Growth Strategy Bylaw removes any reference or mapping of "Major Centres" and the "Metropolitan Core" and instead uses general criteria for complete communities and notes that future population and employment growth should be directed to areas that meet these objectives.

In removing the defined growth hierarchy, the proposed Regional Growth Strategy defers to individual municipal OCPs with respect to where population and employment centres should develop. This approach effectively diminishes the significant value of a regionally coordinated approach to growth management found in the current Regional Growth Strategy.

Without a coordinated and thoughtful regional approach to growth, it makes it more difficult to provide a predictable land use pattern that would allow for focus transportation and infrastructure investment and the creation of less carbon intensive development.

Changes to Rural/Rural Residential Policy Area and Removal of Unprotected Green Space Policy Area Designation

In the proposed 2016 Regional Growth Strategy Bylaw the previous designations of Rural/Rural Residential and Unprotected Green Space Policy Area have been folded into one designation, Rural/Rural Residential.

In the existing 2003 Regional Growth Strategy, the intent of the designations was largely the same, except that the Unprotected Green Space Policy Areas included areas identified in the Regional Green/Blue Space Strategy as areas of potential ecological value that may require protection through a variety of means such as Development Permit Areas.

The language around identifying and protecting areas with ecosystem benefits through a variety of tools has been incorporated into the Rural/Rural Residential designation, reflecting the key emphasis of the Unprotected Green Space designation. The Environment and Infrastructure section also includes new principles to manage ecological resources and policies referring to the use of a variety of tools to protect, restore and enhance ecosystem health in general, as opposed to a specific link to the Unprotected Green Space designation.

An additional change noted in the Rural / Rural Residential designation is with respect to commercial uses. Previously the designation noted that the area included "isolated local commercial and industrial land uses" in areas of predominantly rural character. The proposed 2016 Regional Growth Strategy Bylaw notes that "Commercial uses are local serving and such uses and other employment opportunities result in minimal impact to the surrounding community and to the environment." There is a distinction here, as local serving could potentially have a much broader connotation than isolated local uses.

Staff comment: By themselves, the changes to land use designations do not dramatically change the fundamental intent of the Regional Growth Strategy, as supporting policies, such as stating that new development in rural areas should not exceed 5% of all new dwelling units serve to make the objectives of the Regional Growth Strategy clear.

However, in comparison to the existing 2003 Regional Growth Strategy, it would appear that the proposed 2016 Regional Growth Strategy, with its loss of language around urban containment, removal of Major Centres and Metropolitan Core designations and removal of the Unprotected Green Space designation has a reduced emphasis on a regional and focused approach to sustainable growth management.

2. Shirley-Jordan River Land Use Designation Change

The community of Shirley-Jordan River has been working on their Official Community Plan concurrently with the Regional Growth Strategy update. In earlier stages of the Regional Growth Strategy process, land use policy was still being developed for the Shirley-Jordan River area, therefore Regional Growth Strategy policy area designations were shown at their most expansive, pending the outcome of the Shirley-Jordan River planning process.

With the recent conclusion of the Shirley-Jordan River OCP planning process, the proposed 2016 Regional Growth Strategy Bylaw has been updated to reflect these changes. This includes re-designating 1779 hectares in Shirley Jordan River from Rural/ Rural Residential Policy Area to Renewable Resource Land Policy Area. The affected lands are currently within the Private Managed Forest Lands program.

The Regional Growth Strategy sets out in policy the continued long-term use of the Renewable Resource Lands Policy Area as renewable resource working landscapes. The Renewable Resource Lands Policy Area allows for residential use so long as forestry is the primary use. The CRD staff report dated September 21, 2016, indicates that while the area is proposed for forestry use, single family residential is also supported but limited to a minimum lot size of 4 ha by the OCP Coastal Upland designation.

Staff Comment: Re-designating 1779 hectares as Renewable Resource Area Policy Area will better support Regional Growth Strategy growth management objectives and provide more predictability around the footprint of development in Shirley-Jordan River. Given the proposed changes in water servicing policy, reducing the quantity of land designated as Rural / Rural Residential is desirable to assist in sustainable growth management.

3. Inclusion of a Portion of Port Renfrew in the Growth Area

The existing 2003 Regional Growth Strategy and draft 2016 Regional Growth Strategy identified the central area of Port Renfrew as Rural/Rural Residential. In response to comments received during the informal referral, the proposed 2016 Regional Growth Strategy Bylaw was amended to change this designation to Growth Area. .

The inclusion of this area within the Growth Area would recognize existing servicing and the direction of the Port Renfrew Comprehensive Community Development Plan, which has been in place since 2004. The CRD currently operates a water and sewer service within a portion of the area proposed to be added within the Growth Area. The proposed amendment would acknowledge the Port Renfrew Comprehensive Community Development Plan Area as a growth area and allow the expansion of services within the designated area.

It should be noted that zoning in the Port Renfrew OCP allows for differential densities depending on the level of servicing provided. The two primary zoning designations within the area are Tourism Commercial 1 and Community Residential 1. For Tourism Commercial 1, if the parcel is not serviced the minimum parcel size is 4 hectares, if it has sewer or water hook-up the minimum parcel size changes to 0.4 hectares and if it has both sewer and water there is no minimum parcel size. For Community Residential, if a parcel is hooked up to both sewer and water the minimum parcel size changes from 1 hectare to 0.1 hectare.

In advance of adoption of the updated Regional Growth Strategy, a motion was put forward at the CRD Board to extend water serving within the entire Port Renfrew Comprehensive Community Development Plan area. In response, on November 23, 2016, the CRD Board confirmed the intent to provide water service within the Comprehensive Community Development Plan area in Port Renfrew.

Staff Comment: The proposed change acknowledges the Port Renfrew Comprehensive Community Development Plan's objective to develop a town centre in Port Renfrew. A water

and sewer service already exists in Port Renfrew for a portion of the land proposed to be included in the Growth Area, with recent direction from the CRD Board to provide water service to the entire area. While the changes have the potential to significantly increase the quantity of development in Port Renfrew, the footprint is consistent with the area identified in Port Renfrew's Comprehensive Community Development Plan. Additionally, given the distance from other urban centres in the CRD, the development is more likely to support the development of a complete community in Port Renfrew, as opposed to rural sprawl associated for Electoral Area land closer to existing urban centres.

4. Metchosin-Langford Boundary Adjustment and Inclusion in Growth Area

The proposed 2016 Regional Growth Strategy Bylaw includes an amendment to the Growth Area boundary to reflect an in progress change to the 2003 Regional Growth Strategy. The change expands the Growth Area by 154 hectares and adjusts the boundary between Metchosin and Langford.

Due to the time sensitivity of this proposal, an amendment application to the 2003 RGS was advanced. This amendment is going through the legally mandated approval process, which includes referral to member municipalities.

In response to the formal referral from the CRD, Saanich Council, on December, 19, 2016 voted to support the amendment to the 2003 Regional Growth Strategy.

OPTIONS

Option 1 - Not Accept the Proposed Regional Growth Strategy Bylaw
Reject the proposed Regional Growth Strategy Bylaw based on growth management implications. The primary rationales for not accepting the proposed RGS Bylaw would be:

- There is insufficient direction for growth management with the Growth Area to provide a predictable land use pattern that could focus transportation and infrastructure investment and create less carbon intensive development; and
- The proposed criteria for water servicing extensions are insufficient to prevent significant additional development in outlying rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary.

Option 2 - Accept the Proposed Regional Growth Strategy Bylaw
Accept the proposed Regional Growth Strategy Bylaw based on the assessment that the outlined growth management approach and water servicing criteria are sufficient to address future population increases, expansion and change in the region.

Subsequent monitoring of outcomes would be critical to ensure a less directive growth management approach is successful in meeting proposed Regional Growth Strategy targets.

Staff Recommendation
Staff recommend Option 1, for the reasons outlined in the following section of the report.

CONCLUSION

The CRD's Regional Growth Strategy at its best is both a vision and a social contract between local governments to adhere to a course of action in an effort to achieve common social, economic, and environmental objectives. The Regional Growth Strategy is a foundational document that hopefully will guide and ensure that the region makes substantive progress on fundamental issues such as sustainable growth management and climate change.

In comparison to the existing 2003 Regional Growth Strategy, it would appear that the proposed 2016 Regional Growth Strategy reduces the emphasis on a regional and focused approach to sustainable growth management. This is reflected in both changes to land use designations and the revised water servicing policy.

Assuming the intent of the Regional Growth Strategy is to aide and support sustainable growth management, Staff believe the document could be strengthened, and ultimately supported, through the following actions:

- The inclusion of a strong regional growth management hierarchy, which indicates the location of Centres where growth should be focused and investments in infrastructure and transportation facilities should be prioritized;
- The application of stronger criteria to limit future water extensions outside the Growth Area boundary to prevent significant additional development in outlying Rural areas that would contribute to transportation issues, increase greenhouse gas emissions and divert development away from land inside the Growth Area boundary; and
- The development of a robust monitoring and adaptation program to assess progress towards Regional Growth Strategy targets and objectives. In particular, the targets to accommodate 95% of new dwelling units within the Growth Policy Area and to reduce greenhouse gas emissions by 61% below 2007 levels will need to be evaluated on a regular basis.

Given the concerns around growth management and water servicing policy, staff's recommendation is that the 2016 Regional Growth Strategy in its present form not be accepted.

RECOMMENDATION

That Bylaw 4107 Capital Regional District Regional Growth Strategy Bylaw No.1, 2016 not be accepted.

Report prepared by: Silvia Exposito, Planner

Report prepared & reviewed by: Cameron Scott, Manager of Community Planning

Report reviewed by: Sharon Hvozdanski, Director of Planning

SE/CS/gv
G:\PLANNING\RGS-RSS\2016 Formal Referal RGS\Report\REPORT - Formal Referral of RGS 2016 Final.docx

cc: Paul Thorkelsson, CAO

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning.

Paul Thorkelsson, CAO

TOWN OF SIDNEY

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CRD EXECUTIVE OFFICE
Received
JAN 26 2017
☑ Chair ☐ Board
☑ CAO ☐ Communications
☑ GM PPS
☑ For action / resp. by Regional Planning
☐ Corresp. for Board / Committee meeting
☐ For Information Only
☑ Copies to S. Bagh
0400-50 Sidney

January 25, 2017

VIA EMAIL: breems@crd.bc.ca

Brent Reems
Corporate Officer & Senior Manager
Capital Regional District
625 Fisgard Street, P.O. Box 1000
Victoria, BC V8W 2S6

Dear Mr. Reems:

Subject: CRD Regional Growth Strategy Bylaw – Referral for Municipal Acceptance

This is to advise that Town of Sidney Council, at a meeting on January 23, 2017, received the Board Chair's correspondence, dated December 2, 2016, regarding the Regional Growth Strategy Bylaw and passed the following resolution:

> *That staff be directed to respond to the Capital Regional District with a statement of acceptance for Regional Growth Strategy Bylaw No. 4017.*

I trust you will find this satisfactory.

Yours truly,

Sandi Nelson
Corporate Officer

District of Sooke
Incorporated December 7, 1999

2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2
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CRD EXECUTIVE OFFICE
Received
JAN 30 2017

File No. 0400-90

January 25, 2017

☑ Chair
☑ CAO
☑ GM PES
☑ For action / resp. by Regional Planning
☐ Corresp. for Board / Committee meeting
☐ For Information Only
☑ Copies to S. Bagh
☐ Board
☐ Communications
0400-50 Sooke

Barbara Desjardins
Chair, Capital Regional District Board
Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC V8W 2S6

VIA email (barbara.desjardins@esquimalt.ca)
ORIGINAL mailed

Dear Chair Desjardins:

RE: 2016 Regional Growth Strategy (RGS) Bylaw 4017 – Referral for Municipal Acceptance

This letter is in response to your correspondence dated December 2, 2016 regarding referral of the RGS bylaw to participating municipalities of the Capital Regional District.

Please be advised that at the District of Sooke Council at its January 23, 2017 Regular Council Meeting, by resolution, consented to accept the Regional Growth Strategy Bylaw No. 4017, the *Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016,* in accordance with Section 436 of the *Local Government Act.*

We trust you will find the above to be in order. However, if you have any questions, please do not hesitate to contact me at 642-1622.

Sincerely,

Patti Rear
Deputy Corporate Officer

cc: Robert Lapham, CRD (via email – rlapham@crd.bc.ca)

CITY OF VICTORIA

Legislative and Regulatory Services Department

Legislative Services

#1 Centennial Square
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January 31, 2017

Ms. Signe Bagh
Senior Manager, Regional and Strategic Planning
625 Fisgard Street
Victoria, BC V8W 1R7

Dear Ms. Bagh:

Re: Regional Growth Strategy Formal Referrals

I am writing to advise you that Victoria City Council passed the following resolution at the January 26, 2017 Council meeting:

That Council advise the Capital Regional District (CRD) Board that the City of Victoria accepts CRD Bylaw No. 4017 to enact the 2016 Regional Growth Strategy for the Capital Region.

If you require further information concerning this matter, please contact Robert Batallas, Senior Planner, at 250.361.0286.

Yours truly,

Chris Coates
City Clerk
:pjm

cc: J. Tinney, Director, Sustainable Planning and Community Development

The City of Victoria acknowledges the Songhees and Esquimalt Nations in whose traditional territories we live and work.
"Hay swx qa"

TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6
Ph. 250-479-6800 · Fx. 250-727-9551 · E. info@viewroyal.ca · www.viewroyal.ca

January 31, 2017

The following resolution was passed by View Royal Council at its regular meeting held January 17, 2017:

"THAT "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016" not be accepted;

AND THAT Council objects to Map 3: Regional Growth Management Concept Plan and policy statements relating to the definitions of the land use designations as they imply a hierarchy between the Regional Growth Strategy and Local Government planning, and due to errors on the map as it pertains to View Royal as illustrated in the staff report dated January 3, 2017;

AND FURTHER THAT Council objects to provisions 2.2.2 and 2.2.4 for the following reasons:

- that provision of water service will increase sprawl in rural areas and is contrary to the objectives of the overall Regional Growth Strategy which supports complete and compact communities;
- that additional development on rural and resource lands is at the expense of development on lands within the Urban Containment Boundary;
- that additional residential development on rural and resource lands will contribute to further transportation challenges in the region, and does not allow for efficient public transportation, increases greenhouse gas emissions, and does not provide for jobs/housing balance;
- that rural development will further contribute to GHG emissions by freeing a high-carbon built form."

I hereby certify the above to be a true copy of the resolution carried by Council of the Town of View Royal on January 17, 2017.

Dated at Victoria, British Columbia, this 31st day of January, 2017.

Elena Bolster
Deputy Corporate Officer

Regional Growth Strategy

Capital Regional District

November 2016

Making a difference...together

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4017

A BYLAW TO ADOPT A REGIONAL GROWTH STRATEGY FOR THE CAPITAL REGIONAL DISTRICT

WHEREAS Part 13 of the *Local Government Act* provides for a regional district to undertake the development, adoption, implementation, monitoring and review of a regional growth strategy;

AND WHEREAS the Board of the Capital Regional District by resolution dated July 13, 2011 initiated the review of "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2002", pursuant to Section 433 of the *Local Government Act*;

AND WHEREAS the Board of the Capital Regional District has given notice to each affected local government; and has obtained the acceptance of each affected local government to the proposed amendment, pursuant to Section 436(3) and Section 437(3) of the *Local Government Act*;

NOW THEREFORE the Board of the Capital Regional District, in open meeting enacts as follows:

1. Bylaw No. 2952 "Capital Regional District Regional Growth Strategy Bylaw No. 1, 2002" is hereby repealed.

2. Schedule "A" attached to and forming part of this Bylaw is hereby designated as the "Regional Growth Strategy for the Capital Regional District."

3. This Bylaw, Bylaw No. 4017, may be cited as the "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and takes effect on the date adopted.

READ THE FIRST TIME this	13th	day of September,	2016
READ THE SECOND TME this	13th	day of September,	2016
FIRST AND SECOND READING RESCINDED this	12th	day of October,	2016
READ THE FIRST TIME this	12th	day of October,	2016
READ THE SECOND TME this	12th	day of October,	2016
PUBLIC HEARING CONDUCTED PURSUANT TO PART 13, SECTION 434 of the *LOCAL GOVERNMENT ACT* this	19th	day of October,	2016

FIRST AND SECOND READING RESCINDED this	23rd	day of	November,	2016
READ THE FIRST TIME this	23rd	day of	November,	2016
READ THE SECOND TME this	23rd	day of	November,	2016
READ THE THIRD TIME this	___	day of	_____,	_____
ADOPTED this	___	day of	_____,	_____

_____ _____

Chair Corporate Officer

The Capital Regional District Regional Growth Strategy (Schedule "A" to Bylaw No. 4017)

Prepared by

Regional and Strategic Planning

Capital Regional District

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Vision

In 2038, Capital Regional District residents enjoy a healthy and rewarding quality of life. We have a vital economy, livable communities and steward our environment and natural resources with care. Our choices reflect our commitment to collective action on climate change.

Fundamental to this vision is a commitment to work toward regional sustainability. Simply defined, sustainability means that actions taken to meet needs today do not compromise the ability of future generations to meet their needs, ensure the ongoing health of the natural processes that sustain life, and support the social and economic arrangements that create prosperity and wellbeing. Further, sustainability is critical to addressing head-on the myriad effects of a changing global climate. Whether in the context of compact growth, multi-modal transportation, greenhouse gas emissions reductions, environmental conservation, protection of human and ecosystem health or safe and complete communities, decisions at the local and regional level play an important role in addressing climate change.

The purpose of the Regional Growth Strategy is to help realize the region's vision, through the commitment of the Capital Regional District, the Juan de Fuca Electoral Area and local municipalities to guide growth and change toward common objectives.

Objectives:

- Keep urban settlement compact;
- Protect the integrity of rural communities;
- Protect, conserve and manage ecosystem health;
- Deliver services consistent with RGS objectives;
- Create safe and complete communities;
- Improve housing affordability;
- Increase transportation choice;
- Strengthen the regional economy;
- Foster a resilient food and agriculture system; and
- Significantly reduce community-based greenhouse gas emissions.

Context

A regional growth strategy is a framework, developed by municipalities and the regional district in partnership, for identifying social, economic and environmental objectives. Its purpose, under Part 13 of the *Local Government Act*, is to "... promote human settlement that is socially, economically, and environmentally healthy and that makes efficient use of public facilities and services, land and other resources." A regional growth strategy expresses how communities will work together to enhance regional quality of life and social well-being. As of 2008, regional growth strategies must also include policies, actions and targets for the reduction of greenhouse gas emissions.

The Capital Regional District adopted a Regional Growth Strategy bylaw in 2003. In 2011, the Capital Regional District Board in partnership with local municipalities initiated the required five year review of the Regional Growth Strategy (2003). The 2016 update to the Regional Growth Strategy follows considerable public and intergovernmental discussion and consultation. Map 1 shows the Regional Growth Management Planning Area. At the present time, the Capital Region's ten First Nations are not partners in the regional growth strategy, nor does it apply to the Salt Spring Island and the Southern Gulf Islands Electoral Areas, which fall under the planning jurisdiction of the Islands Trust (see Map 1).

Citizens, local governments, First Nations, school district boards, stakeholders, and provincial and federal agencies have been involved in the Strategy's update through a regional sustainability planning process. This process determined that many of the policies of the Regional Growth Strategy (2003) are achieving desired objectives, notably, increasing compact and complete communities, acquiring green space, and substantially completing the regional trail network. Further, key complementary planning documents identified as actions to implement the Regional Growth Strategy (2003) are complete, including:

- 2007 Regional Housing Affordability Strategy; and
- Regional Transportation Strategy (completed as the 2014 Regional Transportation Plan and the 2011 Pedestrian and Cycling Master Plan).

Input and feedback have affirmed the desire for a strong growth management framework rooted in the 2003 Regional Growth Strategy objectives and emphasized the importance of mitigating and adapting to the effects of climate change. Updates integrate recommendations from completed planning documents and address the requirements for policies, actions and targets for greenhouse gas reductions.

MAP 1: REGIONAL GROWTH MANAGEMENT PLANNING AREA

The Capital Region is located at the southern-most end of Vancouver Island, in the Cascadia/Salish Sea bio-region (see Map 2). The bio-region runs north-south along a coastal corridor stretching from Campbell River south to Olympia, Washington and east to Hope. The Capital Region's present settlement pattern is characterized by a diverse mix of urban and rural communities, with a concentration of population in the Core Area located along key transportation corridors. The West Shore and Saanich Peninsula feature smaller urban centres, with forestry lands to the west throughout the Juan de Fuca Electoral Area. Agricultural lands are concentrated on the Saanich Peninsula, with some slightly more dispersed lands on the West Shore.

In this context, modest population growth is forecast for the Capital Region. Table 1 highlights existing and forecasted population, dwelling units and employment.

TABLE 1: POPULATION, DWELLING UNIT AND EMPLOYMENT FORECAST

	2011			2038			Population Share	
	Population	Dwellings	Employment	Population	Dwellings	Employment	2011	2038
Core • Esquimalt • Oak Bay • Saanich • Victoria • View Royal	238,900	111,400	141,900	276,700	137,400	164,900	68.9%	62.6%
Saanich Peninsula • Central Saanich • North Saanich • Sidney	38,400	16,100	20,300	47,300	20,900	24,900	11.1%	10.7%
West Shore • Colwood • Highlands • Juan de Fuca Electoral Area • Langford • Metchosin • Sooke	69,600	26,700	21,500	117,800	46,600	42,700	20.0%	26.7%
TOTAL	346,900	154,200	183,700	441,800	204,900	232,500	100%	100%

Source: Urban Futures, 2014

Please note that First Nations populations are not included in Table 1, as First Nations Reserves fall outside the GMPA.

MAP 2: SALISH SEA

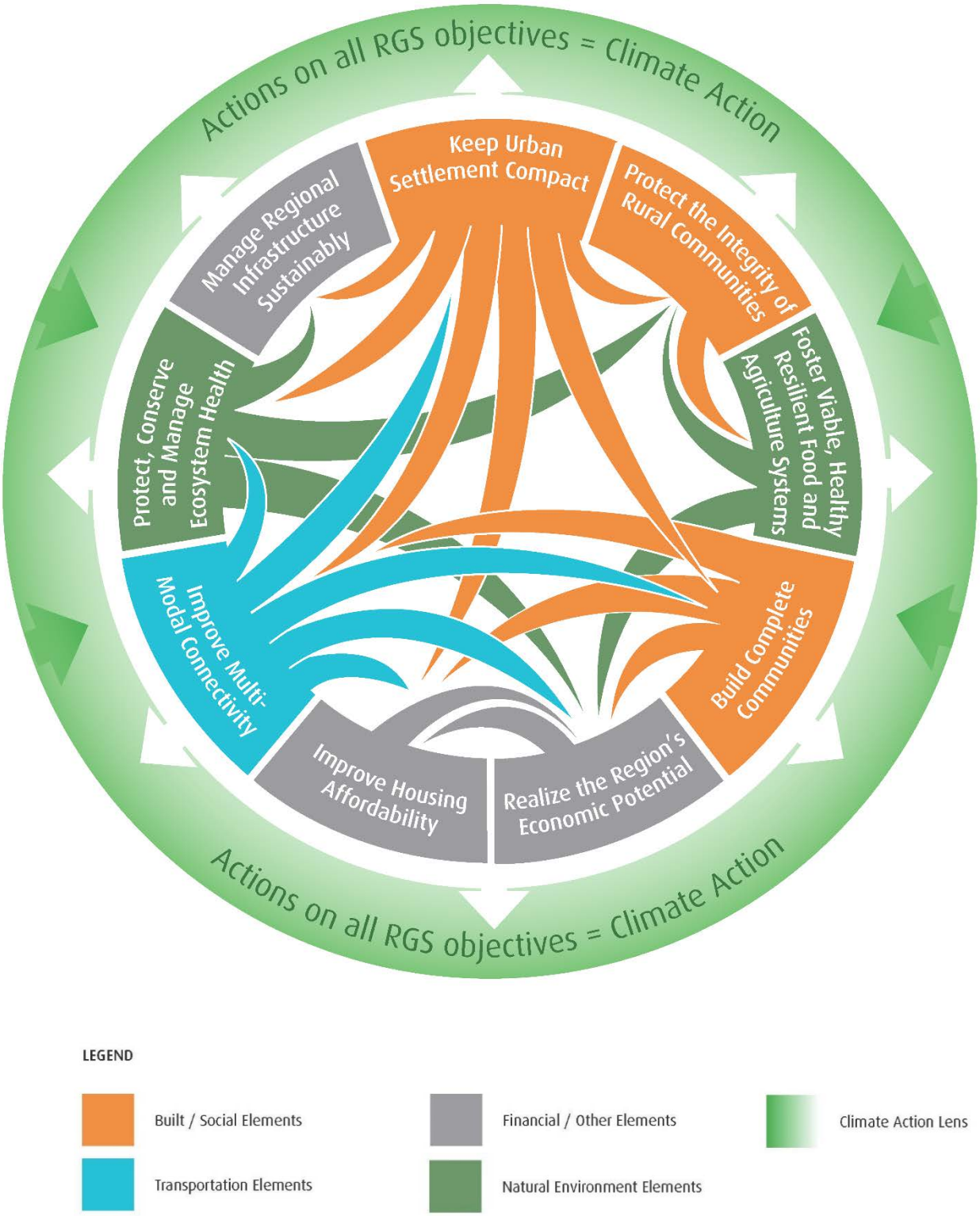
From a 2011 base of approximately 346,900, the region's population is forecast to increase by approximately 94,900 people to 441,800 in 2038, an approximate 1% average annual population increase. The slow aging of the region's population continues as a significant trend, with the proportion of residents 65 years and older expected to rise from 18% in 2011 to 26% by 2038. Further, although the workforce (ages 15 to 64) is projected to grow by 31,900, the proportion of workforce to total population is projected to decline from 69% to 61% by 2038. Serving the needs of an aging population in the context of a proportionately smaller workforce will affect all aspects of the region's social, economic and physical development.

It continues to be clear, however, that even modest population growth would undermine the regional vision if it were accommodated as it has been since the 1950s, through further urban expansion into farms, forests and countryside. Further, an expanded regional footprint would significantly contribute to increased greenhouse gas emissions. Achieving the regional vision requires a concerted effort to largely shift to policies that encourage investment and development in complete communities within the designated growth area. Paramount to success is coordinated and consistent decision-making that focuses on how people, land use, transportation, infrastructure and technology can mitigate and adapt to a changing climate.

The Regional Growth Strategy supports the regional vision by making this policy shift, through objectives that aim to: keep urban settlement compact; protect the integrity of rural communities; protect, conserve and manage ecosystem health; deliver services consistent with RGS objectives; build safe and complete communities; improve housing affordability; increase transportation choice; strengthen the regional economy; and, foster a resilient food and agriculture system. Realising these objectives is critically important for successfully reducing greenhouse gas emissions.

Figure 1 illustrates the interconnections among the Regional Growth Strategy objectives and between these objectives and climate change. The objectives are colour-coded to reflect how different elements of sustainability are represented in the Regional Growth Strategy and how together, these elements provide for a climate action lens. *Keeping urban settlement compact* and *increasing transportation choice* have a high degree of interdependence with other objectives. These strong links illustrate that achieving these two objectives will be particularly important for the realization of the regional vision. Further, the graphic illustrates that the Regional Growth Strategy objectives will support climate action and that taking action on climate change will, in turn, impact each objective.

FIGURE 1: REGIONAL GROWTH STRATEGY INTERCONNECTIONS



Objectives

The Regional Growth Strategy includes integrated objectives, incorporating policies, targets, maps and guidelines that together express a program of joint action by the Capital Regional District and local municipalities to achieve the regional vision.

- Objectives define a desired future on matters of regional interest.
- Policies are provided under the "policy" heading for each objective. The Capital Regional District will implement policies and undertake actions for regionally-delivered services and programs. Local municipalities will identify how their Official Community Plan aligns to each policy in a Regional Context Statement.
- Maps showing the Growth Management Concept Plan (Map 3) and details of the Renewable Resource Lands (Map 4) provide spatial definition for policy.
- Targets for each objective are provided in Table 2 at the end of the document. Targets are aspirational in nature. It is unlikely that they will be achieved by the CRD and municipalities alone. Achieving the targets will require concerted effort on the part of the CRD and municipalities as well as senior governments, local residents and businesses, utilities, community groups and others.
- Actions for the Capital Regional District to implement the Regional Growth Strategy are provided in the Implementation Measures section.

Subject to the *Local Government Act* and the articulation of policies in the Regional Growth Strategy document, the CRD and local municipalities recognize that the Regional Growth Strategy is intended as a planning policy document to serve as a guide for future decision making.

1. Managing and Balancing Growth

1.1 Keep Urban Settlement Compact

A designated Growth Policy Area aims to keep urban areas compact and to keep growth largely contained within its boundaries. Fundamental to growth management are four related approaches that aim to increase the capacity of urban areas, particularly in the Core Municipalities and the urban West Shore, to accommodate new growth.[1]

Approaches

I. Establish a strong mix of uses focused around Victoria's downtown core area as the primary regional employment, business and cultural centre;
II. Focus employment and population growth primarily in complete communities, located in areas that meet criteria described in Objective 3.1, that will encourage the development of walkable, bikeable and transit–focused areas with a dense mix of housing, employment, services and public open space;
III. Increase the proportion of apartments, row houses and other attached housing types within the Growth Policy Area, especially within complete communities; and,
IV. Locate a minimum of 95% of the region's new dwelling units to 2038 within the Growth Policy Area.

The aim of keeping urban settlement compact is to concentrate growth within a firm Growth Policy Area Boundary that will over time result in the creation of centres and connecting corridors that can be effectively served by express-bus transit. This lays the foundation to achieve a longer term objective of connecting the downtown Victoria–Douglas Street–Uptown corridor with Colwood and Langford by high– capacity public transit running in a dedicated right–of–way.

To support quality of life and community character in rural areas, urban containment directs growth into complete communities to reduce development pressures in the Saanich Peninsula, rural West Shore, Sooke and the Juan de Fuca Electoral Area. Growth outside the growth boundary is to be kept to 5% or less of the regional total.

A Growth Management Concept Plan and four land use policy designations will help keep urban settlement compact. Map 3 sets out the Growth Management Concept Plan and Map 4 provides additional detail for the Renewable Resource Lands Policy Area.

---

[1] Table 1 provides a general forecast, for information only, of population, dwelling units and employment in 2038 by sub-region that could be expected under the Regional Growth Strategy.

Land Use Designations

Capital Green Lands Policy Area: Includes Ecological Reserves, Capital Regional District Water lands, and Parks. The Regional Growth Strategy sets out in policy 2.1(1) the continued long–term use of these lands for these purposes.

Renewable Resource Lands Policy Area: Includes lands within the Agricultural Land Reserve (ALR), the Private Managed Forest Lands and Crown Forest Lands. The Regional Growth Strategy sets out in policy 5.1(4) the continued long–term use of these lands as renewable resource working landscapes.

Growth Policy Area: Includes residential, general employment, commercial and industrial lands, as well as other associated land uses. The Growth Policy Area is intended to accommodate 95% of the region's new dwelling units, and is where major new transportation infrastructure investments will be directed. The Regional Growth Strategy restricts extension of urban–standard sanitary sewerage services beyond the Growth Policy Area Boundary as set out under policy 2.2(5).

Within the Growth Policy Area, employment and population growth is to be directed to areas that meet criteria set out in Objective 3.1, for complete communities. Complete communities are intended to accommodate housing, jobs and services at densities that will support transit. Focusing growth in complete communities is central to reducing community-based greenhouse gas emissions, reducing development pressure on rural and resource lands and keeping infrastructure affordable.

Where Capital Green Lands and Renewable Resource Lands Policy Areas overlap with the Growth Policy Area, the land use policy for the Capital Green Lands and Renewable Resource Lands Policy Areas shall take precedence. Liquid waste service may be provided to such lands within the Growth Policy Area provided it is for a purpose consistent with the land use designations for the Capital Green Lands and Renewable Resource Lands Policy Areas.

Rural/Rural Residential Policy Area: Includes lands to be used for rural and rural residential purposes and the Victoria International Airport (with development potential as established through approved Memorandum of Understanding). The Regional Growth Strategy sets out in policy 1.1(1) and 1.2(1) that Rural/Rural Residential lands are not intended to become future urban areas requiring extensive services. Residential uses are of a form, density and character that support rural working landscapes. Commercial uses are local serving and such uses and other employment opportunities result in minimal impact to the surrounding community and to the environment. Low-impact tourism uses complement rural character. The policy area also includes lands with ecosystem benefits to be identified and protected through means such as development permit areas, conservation covenants, or acquisition and designation as a park or ecological reserve.

Municipal Boundary Adjustment Area: Includes approximately 380 acres of land, as shown in Map 3: Growth Management Concept Plan and Map 5: Municipal Boundary Adjustment - Detail, in the northwest portion of the District of Metchosin. The land within the Municipal Boundary Adjustment Area is designated as Rural/Rural Residential Policy Area, as per the land use designation set out in Objective 1.1. The Municipal Boundary Adjustment Area land is part of a municipal boundary adjustment proposal that, if approved, would result in the land being removed from the District of Metchosin and included within the City of Langford. In the event that the Province of British Columbia amends by Letters Patent the boundaries of the District of Metchosin and the City of Langford to include all or part of the Municipal Boundary Adjustment Area within the City of Langford, the land within the City of Langford will be designated Growth Policy Area, as per the land use designation set out in Objective 1.1, within the Growth Policy Area Boundary.

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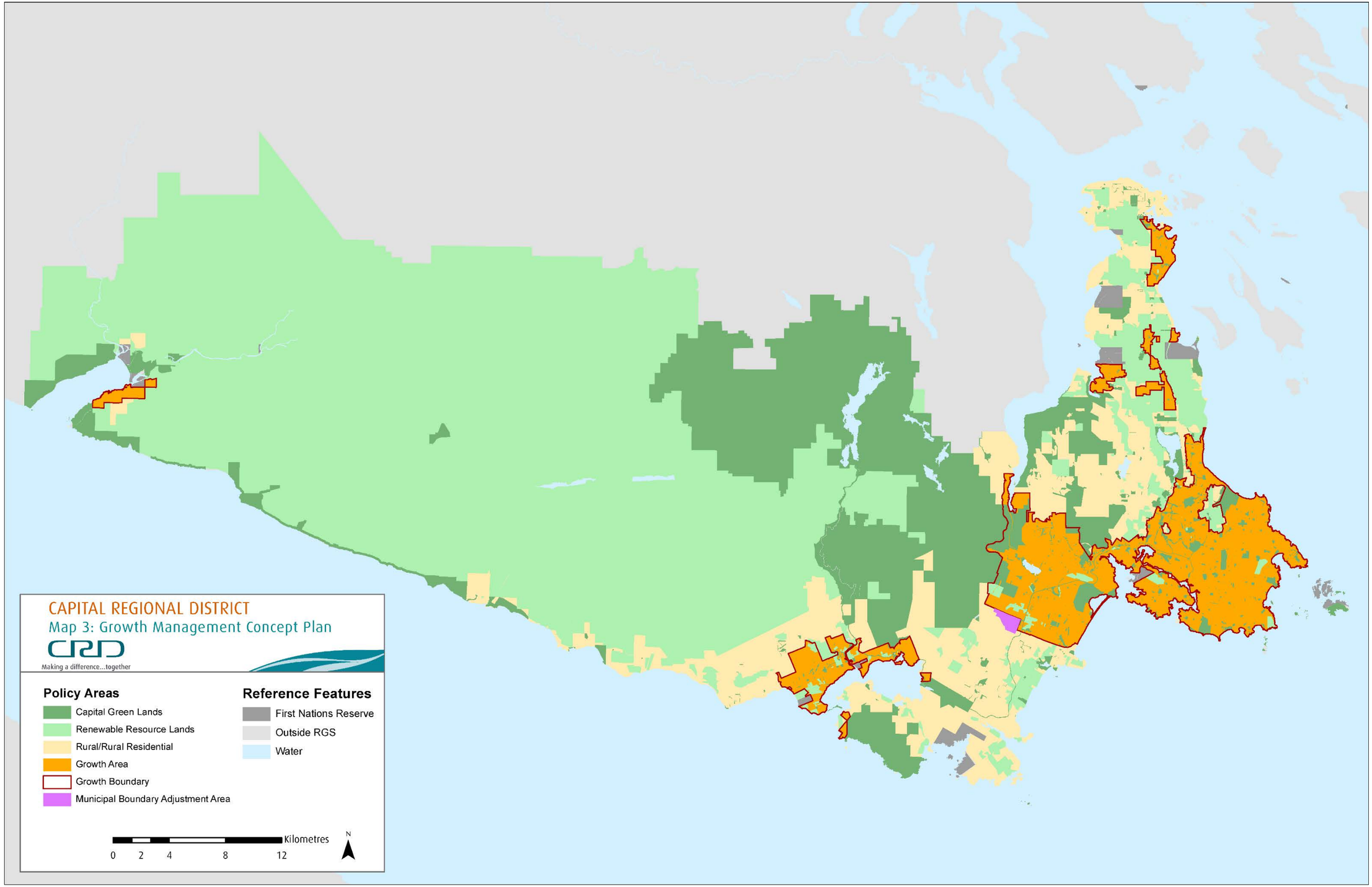
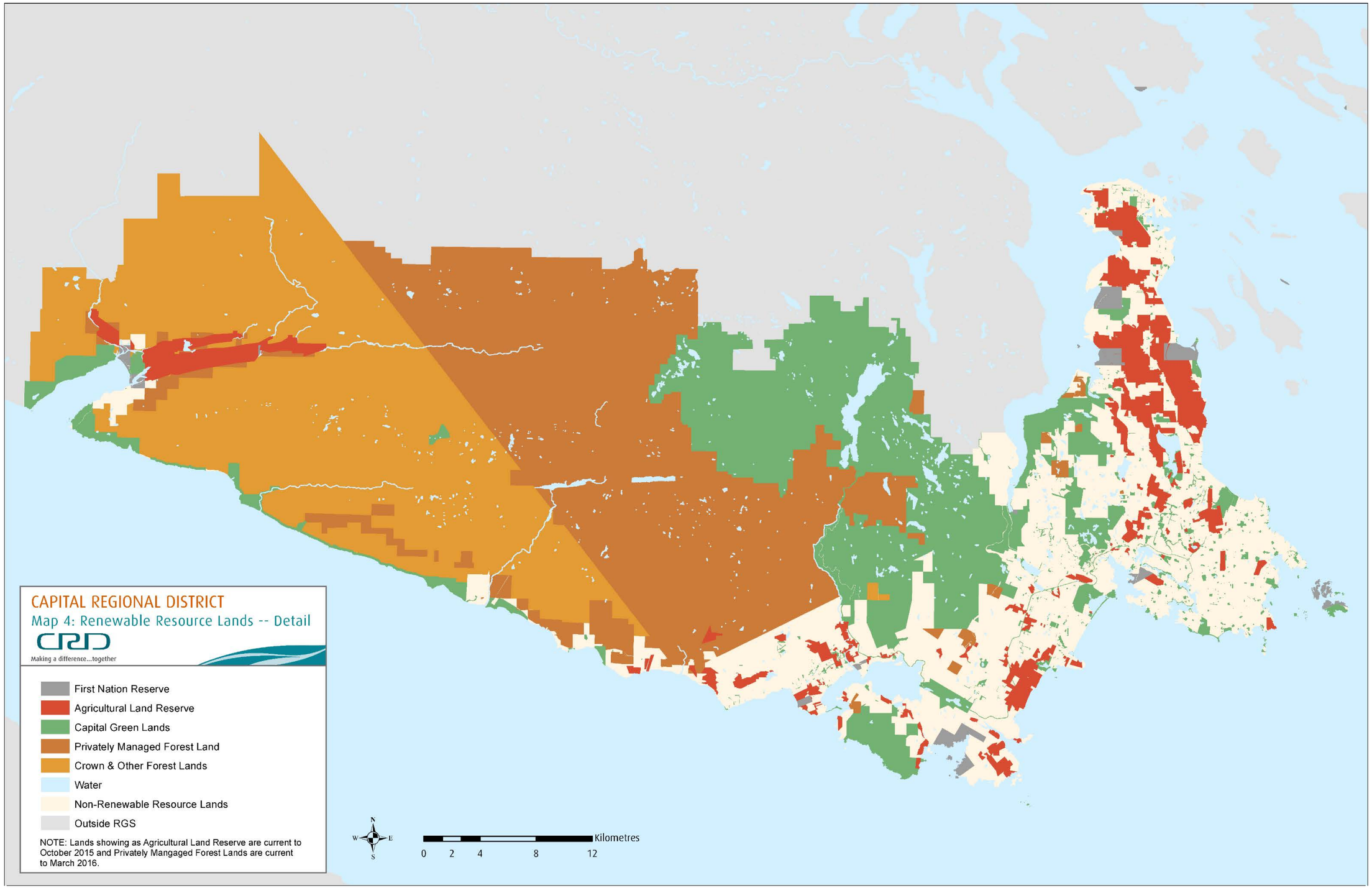
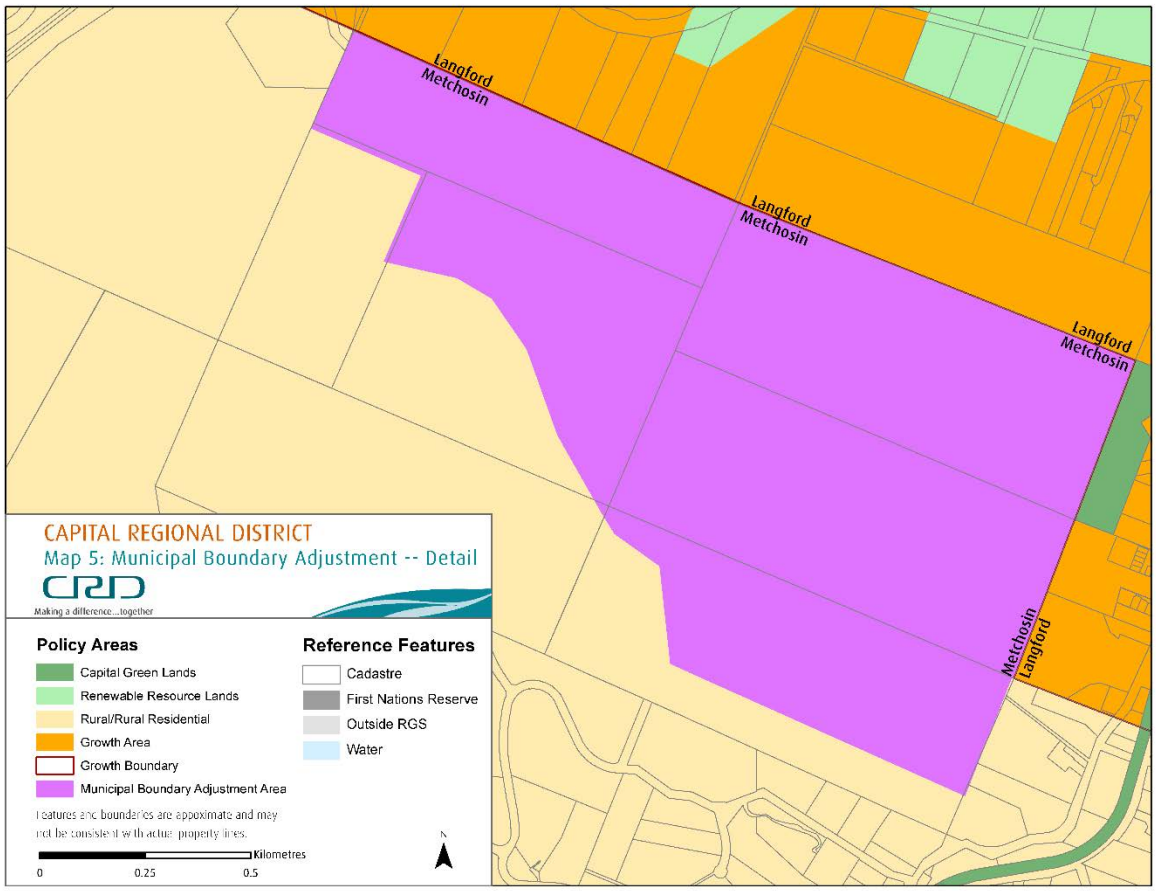
MAP 3: GROWTH MANAGEMENT CONCEPT PLAN



MAP 4: RENEWABLE RESOURCE LANDS - DETAIL



MAP 5: MUNICIPAL BOUNDARY ADJUSTMENT - DETAIL



Policies

1. Provide for land uses consistent with the Growth Management Concept Plan depicted on Map 3 and adopt policies to implement the Growth Management Concept Plan consistent with the land use policy designations described in Objective 1.1.
2. Adopt policies regarding the protection, buffering and long term maintenance of the Growth Policy Area Boundary.
3. Permit amendment to the Growth Policy Area designation generally, only as an outcome of a comprehensive 5-year review of the Regional Growth Strategy, recognizing that municipal councils and the Capital Regional District Board are free to initiate at any time amendments to official community plans and the regional growth strategy they deem necessary, through statutory processes established in the *Local Government Act*.
4. Maintain Victoria as the primary regional employment, business and cultural centre.
5. Enhance or develop major employment and population centres in areas that meet criteria, as set out in Objective 3.1, for complete communities.

1.2 Protect the Integrity of Rural Communities

Keeping urban settlement compact will help protect the character and quality of rural communities, ensure that they remain strongly rooted in the agricultural and resource land base, and allow the rural countryside and natural landscape to remain a durable fact of life in the Capital Region. The protection of rural communities starts with clearly defining and distinguishing between urban and rural areas. The Regional Growth Strategy does this by designating for long term protection as Capital Green Lands and Renewable Resource Lands those natural assets including parks, ecological reserves, forests, farmland and watersheds that make up the region's green infrastructure and contribute to the regional economy. The designation of a Growth Policy Area reinforces the protection of Capital Green Lands, Renewable Resource Lands and Rural/Rural Residential Policy Areas and has the further benefit of supporting the long–term effort to keep urban settlement compact.

Rural and rural–residential communities offer a choice of rural lifestyles and outdoor recreation opportunities that complement the surrounding working landscapes and preserve ecological diversity. New development in the Rural/Rural Residential Policy Area is not intended to exceed 5% of the region's new dwelling units. Policy 1.1 protects rural communities by requiring that local municipalities and the Juan de Fuca Electoral Area provide for land uses consistent with the Growth Management Concept Plan and adopt policies that would prevent lands designated as Rural/Rural Residential from becoming future urban areas. Strengthening the character and quality of rural communities can be achieved by planning for development in accordance with the principles set out below.

Principles

I. Maintain working landscapes including agriculture, forestry and outdoor recreation activities that contribute to the region's economy;
II. Avoid the creation of future urban areas through development patterns that complement rural form, density and character;
III. Minimize impacts to the natural environment and surrounding working landscapes; and
IV. Accommodate a slow to moderate rate of growth, contributing to no more than 5% of the region's new residential units.

Policies

1. Plan for development in the Rural/Rural Residential Policy Area depicted on Map 3 in a manner that is consistent with the principles set out in Objective 1.2.

2. Environment and Infrastructure

2.1 Protect, Conserve and Manage Ecosystem Health

The Capital Region has a rich inheritance of natural lands and waters of great beauty and biophysical diversity. Residents of the Capital Region enjoy a healthy environment where environmental quality is improved and the inheritance of renewable and non-renewable natural resources is carefully stewarded. Many of the region's terrestrial, fresh water and marine environments – its green and blue spaces – are of provincial, national and international significance.[2] The system of green and blue spaces that make up the region's natural environment spans a diverse range of ecosystems and land uses and requires integrated, collaborative and co-operative management of land and water resources. The Regional Growth Strategy aims to protect the landscape character, ecological heritage and biodiversity of the Capital Region by protecting, conserving and managing lands according to the principles set out below.

Principles

I. Waste discharges of all types should not exceed the assimilative capacity of the natural environment (including land, air and water);
II. Depletion rates for natural resources should not exceed the regenerative capacity of the ecosystems that produce them;
III. Consumption of scarce renewable and non–renewable resources should be minimized through conservation, efficiency and application of technology and reduce, reuse and recycle practices;
IV. Benefits derived from healthy ecosystems should be recognized and integrated into land use management and service delivery decisions; and,
V. Decision–making should give first priority to options that maintain ecosystem and population health and support the ongoing ability of natural systems to sustain life.

Parkland acquisition protects lands for conservation and recreation by establishing a connected system of natural areas. Central to this system is the protection of a sea to sea green/blue belt running from Saanich Inlet south to Juan de Fuca Strait, and the development of an integrated system of parks and trails linking urban areas to rural green space areas. By applying these principles, it will be possible to improve human health,

[2] The Regional Green/Blue Spaces Strategy was a foundational document for the development of the 2003 Regional Growth Strategy. The Strategy has been superseded by subsequent planning initiatives such as the Regional Parks Strategic Plan, the Integrated Watershed Management Program Plan, the Regional Parks Land Acquisition Strategy and park management plans for the Sooke Hills Wilderness and Sea to Sea Regional Parks.

reduce negative impacts on the natural environment and mitigate and adapt to the impacts of climate change.

Policies

1. Ensure the long–term protection of Capital Green Lands depicted on Map 3. This could include policies for buffering and land use transition between Capital Green Lands and adjacent settled areas (i.e., lands within the Rural/Rural Residential Land Use Policy Area as well as the Growth Policy Area), as well as policies aimed at enhancing, restoring or naturalizing Capital Green Lands.
2. Prioritize community and regional park land acquisition, public and private land stewardship programs and regional trail network construction that contributes to completion of the sea to sea green/blue belt running from Saanich Inlet south to Juan de Fuca Strait.
3. Identify, protect, enhance and restore healthy ecosystems using tools that may consist of policies, regulations, development permit area guidelines, incentives, initiatives and education and outreach delivered at the local level consistent with the principles set out in Objective 2.1.
4. Protect the ecological integrity of watersheds and marine areas through collaborative initiatives consistent with the principles set out in Objective 2.1.
5. Manage surface water, drainage and groundwater in non–catchment watersheds throughout the region using an integrated watershed planning approach consistent with the principles set out in Objective 2.1.
6. Plan for the long term strategic resource needs in the Capital Region – including food (paying specific attention to local food production), energy, water, and aggregate materials consistent with the principles set out in Objectives 2.1 and 7.1. Plans will consider long term demand, security of supply and potential impacts of factors such as long term climate change, fossil fuel depletion and water reclamation where feasible, and make policy and program recommendations to ensure that future needs are successfully anticipated and met.

2.2 Manage Regional Infrastructure Services Sustainably

Regional servicing infrastructure includes drinking water, liquid and solid waste. These services must be efficiently and cost-effectively managed for the long-term in order to accommodate the anticipated population increase.

The Sooke reservoir, managed and operated by the CRD, is the drinking water supply for the Capital Region. The CRD provides treated bulk water to multiple distribution systems around the region. The distribution systems differ by municipality and require ongoing cooperation for the planning and management of the service. Private wells and community water systems supply water to many residents in rural areas.

The Hartland Landfill provides solid waste disposal services for the Capital Region. The CRD sees waste as a commodity and seeks the highest and best use for these resources by applying the 5R hierarchy of Reduce, Reuse, Recycle, Resource Recovery and Residual Management. This includes a focus towards zero waste in our landfill, recycling programs, organics diversion, landfill gas capture and emerging opportunities.

The Saanich Peninsula Wastewater Treatment Plant provides secondary wastewater treatment to residents in the Saanich Peninsula. At the time of writing the Regional Growth Strategy, a planning process is underway to identify wastewater management strategies for the Core Area. Private septic fields treat liquid waste for residents in rural areas.

Infrastructure services may be impacted not only by an increased demand for the service as the population grows, but also by the form, pattern and location of new development. Servicing new development with limited or low density, which adds fewer new users per unit length of water or sewer pipe than the system average, would generally be more expensive than in denser areas. The costs of operating and maintaining this infrastructure over its lifecycle require consideration beyond the one-time capital investment. Keeping urban settlement compact will help create the densities needed to create efficient servicing infrastructure. It is also necessary to acknowledge and plan for the effects of a changing climate on regional infrastructure.

Managing regional infrastructure services according to the principles below and as outlined in Objective 2.1 will help minimize social, environmental and financial costs of providing regional infrastructure.

Principles

I. Promote settlement patterns that are cost-effective and efficient to service;
II. Minimize negative financial impacts to those currently serviced (impacts to consider system life cycle costs); and

III. Avoid negatively impacting the long-term availability of the service for existing development and planned growth within the growth boundary, recognizing the impacts of climate change.

Policies

1. Manage infrastructure services, including water supply and distribution, in accordance with the principles set out in Objectives 2.1 (Protect, Conserve and Manage Ecosystem Health) and 2.2 (Manage Regional Infrastructure Services Sustainably).
2. Provide new water system services (public or private) only to areas where:
   a. For a municipality, the areas to be serviced are shown on RGS Map 3 as either Growth Policy Area or Rural/Rural Residential Policy Area and the area to be serviced is consistent with OCP servicing provisions and an accepted Regional Context Statement identifies the population to be serviced and how growth in water demand will be addressed. Before approving a new water service bylaw, the full CRD Board must review the request for the new bylaw as it relates to the Regional Growth Strategy and deem the new bylaw consistent with the Regional Growth Strategy. This review is to include a detailed analysis of costs and cost recovery implications, including implications, related to parcel taxes, fees, charges and grants, and subject to the principles as noted above.
   b. For the Juan de Fuca Electoral Area, the areas to be serviced are shown on RGS Map 3 as either Growth Policy Area or Rural/Rural Residential Policy Area and the area to be serviced is consistent with OCP servicing provisions and the applicable OCP identifies the population to be serviced and how growth in water demand will be addressed. Where new water system services are provided to the community of Shirley-Jordan River, areas to be serviced may also include lands shown on RGS Map 3 as Renewable Resource Lands Policy Area and designated in the OCP as Coastal Uplands subject to limiting development potential of serviced parcels to a density of *one parcel per four hectares*, as set out in the OCP.
3. Notwithstanding policy 2.2(2), the CRD may extend water service if required to address a pressing public health, public safety or environmental issue relating to *existing* units or to service agriculture.
4. Where water service is extended to service agriculture in Policy 2.2(3), water service may be provided to residential units along the serviced line on lands within the Agricultural Land Reserve as long as an OCP is in place that prevents further subdivision or an increase in permitted residential density.

5. Do not further extend urban sewer services outside the Growth Policy Area Boundary depicted on Map 3.
6. Notwithstanding policies 2.2(2) and 2.2(4), evaluate requests for services from jurisdictions outside of Capital Regional District membership with a view towards supporting mutually beneficial relationships and fostering development consistent with all RGS objectives and policies.

3. Housing and Community

3.1 Create Safe and Complete Communities

The Regional Growth Strategy supports the development of complete communities within the Growth Policy Area that enable residents to undertake a wider range of daily activities closer to home. It does this by supporting the development of communities that offer a variety of housing types and tenures in proximity to places of work, schools, shopping, recreation, parks and green space. Complete communities provide a better balance and distribution of jobs and housing, a wider choice of affordable housing types, a better distribution of public services and more opportunity to walk, cycle, and use public transit conveniently. Complete communities, are safe, socially diverse, openly accessible, livable and attract economic investment, thereby enhancing social sustainability and health and well-being.

The characteristics of a complete community are highly dependent on context. In some locations, the addition of employment opportunities or commercial services may be required while in others it may be the provision of a greater mix of housing types. In still others, the development of a park, footpaths or cycling facilities may help create a complete community. The criteria for a complete community within the Growth Policy Area are listed below. Outside the Growth Policy Area, the notion of what makes a community complete may be yet different and the criteria set out for complete communities does not apply to the Rural/Rural Residential Policy Area.

Complete Communities Criteria

I. Multiple modes can be used to move to, from and within the community;
II. Places of work, shopping, learning, recreation and parks and green space can be easily accessed by a ten minute walk or a fifteen minute bike ride;
III. A range of housing types and tenures across the housing spectrum is available for people through all stages of their lives; and
IV. The community is demographically diverse, with a mix of people of all ages, incomes and abilities.

Lands vulnerable to natural hazards risks may be located throughout the Growth Management Planning Area. Risks may limit or eliminate development.

Policies

1. Identify locations within the Growth Policy Area that support the wellbeing of residents, consistent with the Complete Communities Criteria outlined in Objective 3.1, and adopt policies to direct growth to these locations.
2. Create complete communities consistent with the criteria in Objective 3.1 by adopting policies, developing regulations or pursuing strategies focusing on matters such as densification, mix of uses, diverse housing types and tenures and multi-modal transportation.
3. Avoid locating new development in the Growth Management Planning Area in areas with high seismic hazard associated with ground-motion amplification, liquification, slope instability or in areas prone to flooding, or incorporate appropriate engineering and planning measures to mitigate risk.
4. Design, manage and construct climate change-adaptive and risk-adaptive infrastructure and utilities in the Growth Management Planning Area.

3.2 Improve Housing Affordability

Maintaining a broad range of affordable housing types and forms is necessary for individual quality of life, community health, and economic competitiveness. Central to affordability is the provision of housing along a broad spectrum that acknowledges different market and non-market tenures, ranging from shelters to social housing, assisted and market rental to home ownership.

Growth management may have mixed results for housing affordability. In urban areas, increased residential densities and an expanded stock of attached housing may enhance affordability by expanding choice and by reducing the need to rely on travel by car to reach services. In rural areas, mobile homes, secondary suites and detached accessory suites may provide more affordable housing.

Growth management measures could have the effect of limiting the supply of new lands for the urban housing market, thereby putting upward pressure on housing prices, particularly for single detached homes. The provision of affordable housing to accommodate the anticipated population increase is the responsibility of many stakeholders including the Capital Regional District, local and senior levels of government, industry and the not-for-profit sector.

The Capital Region Housing Corporation will continue to provide affordable housing to meet the needs associated with anticipated population growth, recognizing that implementation relies on funding and partnerships with other stakeholders. In addition to the provision of affordable housing, the Regional Housing Affordability Strategy has been developed to support all residents of the Capital Region – especially low and moderate-income households, the elderly, youth, those with special health and other needs, and the homeless – to have reasonable choice of housing by type, tenure, price and location. Five approaches to housing affordability underlie the Regional Housing Affordability Strategy.

Approaches to Housing Affordability

I. Work across the housing spectrum when identifying the current and anticipated future issues concerning market and non-market housing affordability for no, low and middle income and special needs households;
II. Analyze the extent of present issues and forecast future problems;
III. Focus on developing practical policies, and gaining commitments to action to address identified needs and problems in the short, medium and long term across the Capital Region;
IV. Involve the broader community in the development of the strategy and its recommended solutions; and,
V. Act as a catalyst for activities to improve housing affordability in the Capital Region.

Policies

1. Provide for an adequate, accessible and diverse supply of affordable housing across the housing spectrum.

4. Transportation

4.1 Improve Multi-Modal Connectivity and Mobility

The Regional Growth Strategy supports the development of a balanced and sustainable transportation system providing residents with reasonable and affordable transportation choices that enhance overall regional quality of life. Increasing congestion and travel delays and desires for a more effective, connected, sustainable and multi-modal transportation system are of central concern to regional residents. The majority of transportation movements in the region cross municipal boundaries. Although some transportation issues can be addressed at the local level, resolution of most transportation challenges will require collaborative, multi-jurisdictional, region-wide action.

To improve multi-modal connectivity and mobility, the Regional Growth Strategy relies on two related initiatives. First, the coordination of land use and transportation so that the majority of regional residents do not have to rely solely on travel by automobile to meet their daily needs. The Regional Growth Strategy's aim to keep urban settlement compact and build complete communities (Objectives 1.1 and 3.1) will tend to increase average urban densities and put people and their activities (homes, jobs, services) closer together. Creating communities where housing is close to activities will enhance opportunities for using walking, cycling, and public transit to meet daily needs.

Secondly, transportation choice will be enhanced with the planning, development and implementation of the Regional Multi-Modal Network identified in the Regional Transportation Plan. The Regional Transportation Plan provides actions and outcomes to develop an effective inter-municipal arterial road network that provides travel choices and supports smart growth and livable, complete communities. Implementing the Regional Multi-Modal Network is the responsibility of many actors, including the Capital Regional District, local and senior levels of government and BC Transit. Seven principles guide the Regional Transportation Plan and support the multi-modal and connected approach to transportation across the region.

Principles

I. Take a coordinated and engaged approach to transportation and land use planning;
II. Prioritize strategic investments that serve regional mobility needs;
III. Reduce greenhouse gas emissions and prepare for climate change;
IV. Integrate transportation and land use planning;
V. Capitalize on the potential for alternatives to driving alone;
VI. Enhance the role for public transit; and
VII. Maximize efficiency of existing transportation corridors for multiple modes.

Policies

1. Implement the Regional Transportation Plan in accordance with the principles outlined in Objective 4.1.
2. Locate growth and major trip-generating uses where such can be efficiently serviced by transit and active transportation.
3. Prioritize transit and active modes in community planning and in the design and implementation of infrastructure, facilities and programs.

5. Economic Development

5.1 Realize the Region's Economic Potential

For residents of the Capital Region, economic prosperity is a foundation of high regional quality of life. Economic sustainability means the production and distribution of wealth to meet present and future generations' needs for goods and services in ways that ensure the long–term promotion of a satisfying and high quality of life for all residents. A sustainable economy is one that exhibits diverse and viable economic opportunities and is resilient and responsive to changing circumstances. Further characteristics of a sustainable economy are the involvement of a broad range of parties and interests in economic decision–making and contribution to the achievement of environmental and social sustainability.

The Capital Region already has a highly diversified economy. Current strengths include the internationally significant tourism industry, agri-tourism, colleges and universities, provincial capital services and functions, major national defense headquarters and facilities, a growing high technology sector, health services, small business, environmental consulting, retirement services, the film industry and a natural environment and livable communities that attract others to live here. These advantages notwithstanding, significant regional growth management and quality of life considerations remain un-addressed.

Economic Development Considerations

I. Finding ways to achieve a minimum jobs/population ratio of:
   i. 0.60 in the Core Area
   ii. 0.53 in the Saanich Peninsula
   iii. 0.36 in the West Shore;
II. Finding ways to work collaboratively on regional economic development considerations, including cooperation with First Nations;
III. Finding ways to expand and diversify the economy of formerly resource–dependent communities in Sooke and the Juan de Fuca Electoral Area, such as through low-impact recreation and tourism;
IV. Finding ways to ensure the long term, affordable supply of strategic economic resources such as water, aggregate and energy;
V. Finding ways to increase economic activity in forestry and agriculture including high–value and specialized agriculture and value-added forestry;
VI. Finding ways to address the shortage of designated space–extensive industrial/business land in the region in locations consistent with overall goals regarding community completeness, transportation balance, and a network of major centres within an urban containment boundary;

VII. Finding ways to enhance established employment centres;
VIII. Finding ways to integrate high–value, clean industry and business in complete communities;
IX. Finding ways to attract, develop and maintain a highly skilled workforce; and,
X. Finding ways to reduce poverty in the Capital Region.

Policies

1. Collaboratively build on the region's economic, environmental and quality of life advantages to position the region as a highly desirable location for investing in existing and new businesses, working to address the economic development considerations identified in Objective 5.1.
2. Provide for land development patterns that maintain an adequate supply of employment land, industrial land, transportation infrastructure and services to support a diverse regional economy.
3. Prioritize the attraction of new businesses and investment that will support climate action.
4. Ensure the long–term protection of Renewable Resource Lands depicted on Maps 3 and 4. This could include policies aimed for buffering and land use transition between Renewable Resource Lands and settled areas (i.e., lands within the Rural/Rural Residential Land Use Policy Area as well as the Growth Policy Area), and policies that support farming within the Agricultural Land Reserve, and forestry, silviculture, forestry-related industrial uses and low-impact tourism within the Private Managed Forest Land and Crown and other forest lands.

6. Food Systems

6.1 Foster a Resilient Food and Agriculture System

Food and agriculture are part of a food system which includes planting, irrigation, harvesting, processing, distribution, preparation and marketing and consumption, in addition to food waste management and soil betterments.

A viable and resilient local food and agriculture system is important to the Capital Regional District's health, sustainability, security and visual/cultural identity.

Changes in climate, energy costs and water availability will impact agricultural production and will draw greater attention to regional food system resiliency.

The widespread impact of food and agriculture and the nature of the challenges likely to be faced in coming years make food and agriculture a matter of regional interest. Challenges include loss of farmland, lack of farm profitability and financial sustainability, increasing average age of farmers, increasing food prices, limited (72 hour) supply of fresh food in an emergency, food wastage, need to revitalize indigenous food systems, lack of knowledge of how to grow and prepare healthy food, increasing rates of food insecure people and increasing rates of diet-related chronic disease. Regional alignment will strengthen the food and agricultural sector.

The Regional Food and Agriculture Strategy recommends actions to create a viable, healthy and resilient food system. Regional Growth Strategy policies are intended to work in tandem with the Regional Food and Agriculture Strategy to guide future decisions.

Achieving a healthy, viable and resilient local food and agriculture system will require adherence to the following related principles:

Principles

I. Support First Nations food interests and rights;
II. Protect and enhance the region's food and farmlands;
III. Avoid urban/agricultural land use conflict; mitigate where avoidance is not possible;
IV. Enhance access to nutritious, safe and culturally-appropriate food;
V. Expand food system economic opportunities;
VI. Encourage food system education and agri-tourism; and
VII. Foster resiliency in the face of an unpredictable climate, increased pest resistance, and declining, increasingly expensive water and energy supplies.

Policies

1. Implement initiatives in accordance with the principles outlined in Objective 6.1.
2. Enable food production, processing and distribution that will foster a place-based food economy that increases access to local, nutritious, safe and culturally appropriate food.
3. Support food waste management that is environmentally sustainable, benefits the regional economy and improves residents' connections to rural and agricultural landscapes.

7. Climate Action

7.1 Significantly Reduce Community-Based Greenhouse Gas Emissions

The Regional Growth Strategy supports the reduction of community-based greenhouse gas emissions to address the effects of a changing climate. In the Capital Region, community greenhouse gas emissions come from the transportation system, the heating, cooling and energizing of buildings, waste, energy production, the production of goods and agriculture.[3]

The Capital Regional District and local governments have long-standing commitments to make decisions, target investments and build capacity for reducing the use of fossil fuels and expanding the clean energy economy. Further, the Regional Growth Strategy's aim to keep urban settlement compact, protect, conserve and manage ecosystem health, build safe and complete communities, increase transportation choice, strengthen the regional economy and foster a resilient regional food and agriculture system will support the low-carbon built form that is the foundation for reducing energy demand.

Reducing community greenhouse gas emissions requires action on many fronts and is the responsibility of many actors including the Capital Regional District, local and senior levels of government, industry, institutions, businesses and residents. It requires coordinated, consistently applied action focusing on people, land use, transportation, infrastructure and technology. Achieving community greenhouse gas reduction targets means following four related principles.

Principles

I. Create a low-carbon built form to reduce energy demand;
II. Increase energy efficiency and recovery from retrofits and new development;
III. Promote energy efficiency and the use of renewable, clean energy to reduce reliance on fossil fuels; and
IV. Protect the carbon sequestration value of natural systems, including forested lands and wetlands.

[3] Source: Community Energy and Emissions Inventory (CEEI). Province of BC.

Policies

1. Prioritize investment that will provide for a low-carbon built form that supports efficient energy use, the provision of clean and renewable district energy, active transportation modes, transit service, and low/zero emissions vehicles.
2. Design, manage, fund and operate programs, services and infrastructure to reduce greenhouse gas emissions in keeping with the principles outlined in Objective 7.1.
3. Strategically acquire protected areas that contribute to climate change mitigation.

Implementation Measures

The Capital Regional District Board, working in partnership with local municipalities, the Province, the Federal Government and others, will undertake the following implementation measures to realize the vision, objectives and policies of the Regional Growth Strategy:

I-1a. Maintain a collaborative regional strategic planning program directed to work towards achievement of the long term objectives of the Regional Growth Strategy.

I-1b. At least once every five years, consider whether the Regional Growth Strategy should be reviewed for possible revision and amendment.

I-2. Monitor, evaluate and annually report on trends and progress towards achievement of Regional Growth Strategy vision and objectives.

I-3(a) Prepare a Climate Action Strategy to support the implementation of community-based greenhouse gas reduction initiatives.

I-3(b) Support local governments and the Juan de Fuca Electoral Area through regional capacity building, education and projects that reduce greenhouse gas emissions.

I-4(a) Work to reach agreement with local municipalities on Regional Context Statements within two years of the adoption of the Regional Growth Strategy. Regional Context Statements, adopted within the applicable Official Community Plan, set out how each municipality will address Regional Growth Strategy objectives and policies.

I-4(b) Adopt Official Community Plans in the Juan de Fuca Electoral Area that are consistent with the Regional Growth Strategy. The Official Community Plans will identify how they are consistent with the objectives and policies of the Regional Growth Strategy.

I-5. Establish a mechanism to ensure that the vision, goals and objectives of the Regional Growth Strategy cascade to Capital Regional District plans, bylaws, services, funding applications and spending.

I-6. Coordinate the review and update of regional planning documents to inform future updates to the Regional Growth Strategy and guide CRD action on housing, transportation, regional district services, parks and natural areas and economic development. Documents may include, but are not limited to:

- Housing Affordability Strategy
- Regional Transportation Plan
- Pedestrian and Cycling Master Plan
- Liquid Waste Management Plan
- Integrated Watershed Management Plan
- Solid Waste and Resource Management Plan
- Regional Parks Strategic Plan
- Food and Agriculture Strategy*
- Climate Action Strategy*

I-7. Implement the Regional Growth Strategy without prejudice to any aboriginal rights or title that may currently exist, or be defined further through treaty or other processes. The Board will do this with the full recognition that Capital Region First Nations have asserted within their traditional territories, aboriginal rights and title and treaty rights currently undergoing formal definition through the modern treaty and other processes. The Board recognizes that First Nations Councils are neighbouring governments in the Capital Region, with a shared interest in managing long term development to enhance regional quality of life.

I-8. Coordinate with the Cowichan Valley Regional District and the Islands Trust to ensure that long term planning and development policies and initiatives in those jurisdictions are compatible with the vision and objectives of the Capital Region's Regional Growth Strategy.

I-9 The Capital Regional District will work with the Province, agencies such as the Vancouver Island Health Authority and BC Transit, and the federal government to coordinate implementation of the Regional Growth Strategy while respecting the authority of each jurisdiction.

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* At the time of writing, the Food and Agriculture Strategy and the Climate Action Strategy are under development.

TABLE 2: 2038 TARGETS BY PRIORITY AREA AND OBJECTIVE

PRIORITY AREA	OBJECTIVE	TARGETS BY 2038
1) Managing and Balancing Growth	1.1 Keep Urban Settlement Compact	• Accommodate a minimum of 95% of the region's new dwelling units within the Growth Policy Area.
	1.2 Protect the Integrity of Rural Communities	
2) Environment and Infrastructure	2.1 Protect, Conserve and Manage Ecosystem Health	• Acquire 100% of the sea-to-sea green/blue belt. • Complete 100% of the Regional Trail Network. • Reduce contaminants to fresh and marine water bodies.
	2.2 Deliver Services Consistent with RGS Objectives	• Prepare long-term capital plans for Capital Regional District utilities and major infrastructure improvements necessary to address the impacts of climate change and natural hazards.
3) Housing and Community	3.1 Create Safe and Complete Communities	• Municipal targets for the number of people living in complete communities to be identified by municipalities in Regional Context Statements.
	3.2 Improve Housing Affordability	• Increase the supply of more affordable housing. • Reduce the number of people in core housing need. • Reduce the number of people who are homeless.[4]
4) Transportation	4.1 Improve Multi-Modal Connectivity and Mobility	• Achieve a transportation system that sees 42% of all trips made by walking, cycling, transit.
5) Economic Development	5.1 Realize the Region's Economic Potential	• Achieve a jobs/population ratio of: – 0.60 in Core Area – 0.53 in Saanich Peninsula – 0.36 in West Shore
6) Food Systems	6.1 Foster a Resilient Food and Agriculture System	• Increase the amount of land in crop production by 5,000 ha.
7) Climate Action	7.1 Significantly reduce community-based	• Reduce community greenhouse gas emissions by 33% (from 2007 levels) by 2020, and by 61% by 2038.

[4] Numeric targets will be identified in an updated Regional Housing Affordability Strategy. At the time of writing, the targets in the approved Regional Housing Affordability Strategy are inconsistent with the legislated timeline of the Regional Growth Strategy.

PRIORITY AREA	OBJECTIVE	TARGETS BY 2038
	greenhouse gas emissions	

Appendix A: Community Profiles

Spanning coastal, forest and agricultural landscapes, communities in the capital region range from seaside towns to rural farms, to suburban and downtown neighbourhoods. This diversity is our strength. Residents can access a variety of lifestyles thanks to the commitments of municipalities and the Juan de Fuca Electoral Area to protect and perpetuate our natural environments and to foster shared regional amenities and resources. This is made possible by our communities working together as a region, creating a whole that is greater than the sum of its parts.

The Regional Growth Strategy champions a collaborative approach to realizing our vision and objectives. It supports decision-making that takes a regional perspective while valuing the community characteristics of the 13 local municipalities and the Juan de Fuca Electoral Area.

Community profiles/vision statements are described below.

Central Saanich

The community of Central Saanich, including the Tsartlip and Tsawout First Nations, spans the centre of the Peninsula. The municipality includes the greatest concentration of agricultural production in the region, along with light industrial land, residential areas with rural and suburban character, and compact village centres. In order to maintain rural character and protect the function of natural ecosystems, slow and managed growth is accepted within defined urban settlement areas and outside of rural and agricultural lands. The intensification of high quality knowledge-based and light industrial business and industrial growth is encouraged in the Keating Industrial area.

Colwood

Colwood will become a more urban community while retaining its exceptional heritage resources and natural areas. Colwood Corners is transformed into an attractive, welcoming town centre. Royal Bay, Olympic View and Colwood Corners have expanded as complete communities. Hatley Park Estate is the home of Royal Roads University and features extensive public open space.

Esquimalt

Esquimalt exhibits a more sustainable model of urban development where the quality of the natural and built environment passed on to the next generation is healthier than at present. Through infrastructure investment and redevelopment, Esquimalt Road will transition into a vibrant, urban environment. It is Esquimalt's intention to strengthen its commercial/retail

sector to service the expanding needs of the community and to market our central location to businesses and high-tech industries. The Esquimalt graving dock and CFB/BFC Esquimalt are an important contributor to the regional economy.

Highlands

The Highlands will continue to preserve large areas of natural green space protecting elements of the regional ecosystem and providing outdoor recreational opportunities for CRD residents and visitors. Lands retained in a natural state preserve diversity of plant and animal life. Development remains primarily residential on rural acreages or large lots, with no role as an area for urban development.

Juan de Fuca Electoral Area

The Juan de Fuca Electoral Area comprises approximately 151,189 hectares or about 61% of the CRD land area. It contains significant provincial, regional and locally controlled parks and trail systems, ecological reserves and the CRD Water Supply area. The Rural Resource Lands comprise approximately 132,000 ha or 83% of land in the Juan de Fuca Electoral Area and is primarily Crown Forest or Private Managed Forest Land. These lands are preserved for renewable resource working landscapes, and provide for natural green space and outdoor recreational and eco-tourism opportunities for residents and visitors to the Capital Region. Port Renfrew, a tourism and forestry based community provides for small-lot tourism-oriented urban development. Five small community areas, East Sooke, Otter Point, Malahat, Shirley/Jordan River and Willis Point maintain the rural character while providing rural residential choices.

Langford

The City of Langford has a cohesive town centre with pedestrian areas, commercial districts, and convenient vehicle access, providing a central community focus and an enhanced regional role. An open space system made up of treed areas, lakes and streams links and defines neighbourhoods.

Metchosin

Metchosin is a community of rural character with a choice of rural lifestyles. The vibrant and locally-supported agricultural industry continues to thrive and diversify with a range of products and organic crops. Our natural areas, shorelines, sensitive ecosystems and biodiversity are valued, preserved and protected. There is an expanded system of local and regional parks and natural open spaces linked with multi-use trails, along with improved access to shoreline areas, allowing increased recreational opportunities and fostering active healthy lifestyles. Metchosin village continues to be the community hub and primary

commercial centre for local businesses and retailers, with some limited room for expansion. Metchosin's rural character is an integral component of, and valued contributor to the broader complete regional community.

North Saanich

Situated in the northerly tip of the Saanich Peninsula approximately 27 kilometres north of downtown Victoria, the District of North Saanich is a collection of coastal focused neighbourhoods which surround agricultural lands. The community's long term development plans are based on the desire of residents to retain rural character and safeguard environmental qualities. The District's policies reflect a strong commitment to preserve the agricultural land base and agricultural activities in the municipality.

Oak Bay

Oak Bay continues to be a green, landscaped, quiet residential community with a mix of housing types and neighbourhood commercial centres with a special emphasis on heritage preservation. Oak Bay village is a strong shopping area and the historical, cultural, community and business core of the municipality. Public access to waterfront amenities including clean safe beaches is maximized.

Saanich

Environmental integrity is paramount to ensuring social wellbeing and economic vibrancy. Saanich remains a series of community focused neighbourhoods, within an urban containment boundary that clearly separates the urban area from the rural portion of the municipality. This growth framework is based on principles of sustainability and livability. Rural Saanich forms part of the peninsula farm lands. Population increases are managed within the context of the local area planning process, where land use, density and development policies direct growth to "Centres" and "Villages" to build complete communities that encourage diversity of lifestyle, housing, economic and cultural opportunities.

Sidney

Sidney remains the commercial centre for the north Peninsula and the economic competitiveness of Sidney is maintained and enhanced. Commercial/industrial lands are available and there are growing knowledge-based industries. Orientation between the town and the ocean is strong, including enhanced ocean–side amenities.

Sooke

Sooke, located on the Sooke Harbour and Basin, will become a complete, vibrant community with a mix of businesses, affordable housing, services and public open spaces. The highest population densities and commercial growth occur in the Town Centre, serving the growing population base and the surrounding coastal communities. Residential growth will continue within the designated Community Growth Area. Large parcel sizes will maintain the rural ambiance, and limit the development outside the town's core.

Victoria

Victoria is an urban sustainability leader inspiring innovation, pride and progress towards greater ecological integrity, livability, economic vitality, and community resiliency confronting the changes facing society and the planet today and for generations to come, while building on Victoria's strengths as a harbour-centred, historic, capital city that provides exceptional quality of life through a beautiful natural setting, walkable neighbourhoods of unique character, and a thriving Downtown that is the heart of the region.

View Royal

View Royal will have a series of economic centres providing expanded retail, professional financial and convenience services. Single family detached housing will remain the predominant housing form with some provision made for other types of housing. A network of foot and cycle paths will provide neighbourhoods with access to shopping, recreation and natural open space. Natural amenities associated with shorelines, streams, estuaries, hillsides and forested areas will be protected.

Appendix B: Framework for Our Future Guiding Principles

On July 15, 1998 the Capital Regional District Board resolved to adopt the *Framework for Our Future Agreement* to guide the development of a regional growth strategy for the Capital Region. The Framework Agreement provided general guiding principles for the preparation of the Regional Growth Strategy. Over 15 years later, in 2016, this framework endures as the foundation of the Regional Growth Strategy.

1. The Capital Region's Growth Management Strategy is based on four fundamental principles:

   Sustainability: actions to meet our needs today do not compromise the ability of future generations to meet their needs, and ensure the ongoing healthy functioning of the natural systems that sustain life.

   Appropriateness: actions are appropriate to the aspirations and local conditions of the Capital Region, and do not simply reflect the uncritical application of ideas developed for other places and situations.

   Continuity: the strategy will build on work that has already been undertaken by the Capital Regional District and its member municipalities, and will consider the thoughts and ideas contributed by individual residents and community associations.

   Cooperation, Collaboration and Coordination: the Capital Regional District, local municipalities, provincial ministries and agencies, and regional residents will work together to develop and implement the strategy. First Nations, the Islands Trust, and the Cowichan Valley Regional District are neighbouring governments and will be invited to participate.

2. In addition, the development and evaluation of alternative solutions will pay due regard to the following 14 provincial goals set out in the *Local Government Act*:
   a. Avoid urban sprawl;
   b. Minimize automobile use and encourage walking, cycling and efficient public transit;
   c. Move goods and people efficiently, making effective use of transportation and utility corridors;
   d. Protect environmentally sensitive areas;
   e. Maintain a secure and productive resource base, including the agricultural land reserve;

f. Encourage economic development that supports the unique character of communities;
g. Reduce and prevent air, land and water pollution;
h. Ensure adequate, affordable and appropriate housing;
i. Ensure adequate inventories of suitable land and resources for future settlement;
j. Protect the quality and quantity of ground and surface water;
k. Minimize the risks to settlement associated with natural hazards;
l. Preserve, create and link urban and rural open space including parks and recreation areas;
m. Plan for energy supply and promote efficient use, conservation and alternative sources of energy; and,
n. Ensure good stewardship of land, sites and structures with cultural heritage value.

Appendix C: The Regional Green/Blue Spaces Vision

The Green/Blue Spaces Strategy set out a comprehensive, long–term strategy for maintaining, conserving, rehabilitating and restoring green/blue spaces on public and private lands in the region, including areas with ecological, aesthetic, renewable resource, outdoor recreation and greenways values. The Board adopted the Green/Blue Spaces vision on November 26, 1997 as a guide for the preparation of the 2003 Regional Growth Strategy. This vision – Our Essential Nature – formed part of the *Framework for Our Future Agreement* adopted by the Board on July 15, 1998 to guide the development of the Regional Growth Strategy. The Regional Green/Blue Spaces Strategy has been superseded by subsequent planning initiatives such as the Regional Parks Strategic Plan, the Integrated Watershed Management Program Plan, the Regional Parks Land Acquisition Strategy and park management plans for the Sooke Hills Wilderness and Sea to Sea Regional Parks.

"There are times when we just want to roam the Gowlland Range and listen to the sound of air stirred up by eagles' wings. Or stroll the Swan Lake boardwalk and watch a family of proud ducklings parade past our feet.

Then there are days when splashing about with our children in the cool, clean waters of Thetis Lake is the only thing worth doing. Or maybe it's kicking up the warm, soft sand of Willows Beach.

Perhaps it's walking along the Colquitz Creek that makes our world come alive. Or taking a second, reflective look at a rare old Douglas–fir on the grounds of Royal Roads.

Whether it is the pastoral splendour of the Saanich Peninsula Farmlands, or the stark and wild beauty of the Juan de Fuca coastline, our ability to appreciate nature begins with whatever captivates our senses. It then expands to values we feel deeply but rarely capture in words.

All of us who live in the Capital Regional District cherish the natural environment that is so essential to our quality of life, and we are determined that it never be compromised.

So although we already enjoy a diverse network of protected areas that stretches from the southern Gulf Islands to Port Renfrew, we cannot be complacent. As the region's population continues to grow, we must ensure

that the stewardship of the natural environment remains integral to all forms of urban, suburban and rural development.

But we don't protect nature just so we can hike, relax and contemplate. We must also safeguard endangered species and sensitive ecosystems such as Garry Oak meadows and stands of old growth Douglas–fir. And we need to give Pacific salmon a fighting chance to return to urban streams.

To that end we envision the development of a regional green/blue space system that will protect and maintain the full range and diversity of the natural environment that surrounds us, including significant green spaces, the marine environment, wetlands, fish and wildlife habitat, and unique ecosystems.

We are also committed to protecting and maintaining the last remnants of ecosystems that flourished here before the time of Captain Cook, and to restore natural systems we have altered.

This is neither a park plan nor a policy document, but a vision of cooperative stewardship that integrates the contributions of citizens, landowners, businesses, communities, and all levels of government. It is a vision of sustaining the essential nature of our region, of continually creating and protecting a livable and healthy community – and passing on that legacy to future generations. ”

The objectives of the Regional Green/Blue Spaces Strategy were to:

- Conserve rare, threatened or endangered ecosystems and species in the Capital Regional District;
- Maintain biological diversity by protecting and enhancing a variety of habitats;
- Conserve ecologically valuable areas in large, diverse, contiguous units and connect them with greenways;
- Maintain the character and diversity of green/blue spaces in the Capital Regional District;
- Enhance and restore areas that could have green/blue space values;
- Develop a comprehensive set of priorities for the conservation of green/blue spaces in the Capital Regional District;
- Educate people about the value of protecting green/blue spaces in the Capital Regional District; and,
- Foster partnerships for the conservation and stewardship of green/blue spaces.

Appendix D: Glossary

Attached housing Any form of housing where more than two individual dwellings are structurally attached including townhouses, apartments regardless of tenure, stacked townhouses and the like.

Climate Change A change of climate which is attributed directly or indirectly to human activity.[5]

Complete Community Multiple–use urban community that contains within its boundaries the full range of facilities and activities necessary to meet typical household needs for employment, shopping, personal services, recreation, housing, education and other goods and services. Complete communities typically are defined by what they are not, that is, single-use residential areas that serve a largely dormitory function to a larger centre, with few local opportunities to meet the broad range of household needs described.

Core Municipalities The Capital Region sub–region that includes the municipalities of Victoria, Esquimalt, Oak Bay, Saanich and View Royal.

Density A measure of the intensity of occupancy and use of the land, generally described in terms of persons per hectare, or dwelling units per hectare, or a ratio of the built floor area of a structure to the area of the lot it occupies.

Framework For Our Future Agreement An agreement approved by the Capital Regional District Board on July 15, 1998 that set out the scope, overall vision, priority areas and guiding principles for the preparation of the Regional Growth Strategy.

Greenhouse Gas (GHG) Gases in the earth's atmosphere that absorb and re-emit infrared radiation. These gases occur through both natural and human-influenced processes. GHG emitted through human activities include carbon dioxide (CO2), nitrous oxide (N2O), methane (CH4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF6).

Growth management Implementation of government regulations that control the type, location, quality, scale, rate, sequence or timing of development. More generally, the whole range of policies designed to control, guide or mitigate the effects of growth. By attempting to guide growth rather than react to its effects, communities engaged in growth management assume a proactive stance in ensuring that the very qualities that attract growth are not destroyed for existing residents and future generations.

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[5] Based on the United Nations Framework Convention on Climate Change definition.

Healthy ecosystems Terrestrial, riparian and shoreline areas with high ecological value that support habitat and biodiversity, support rare, threatened or endangered plant and animal species and contribute to the continued functioning of natural processes such as groundwater infiltration, water purification, air filtration, carbon sequestration and soil nutrient management. Healthy ecosystems could be on developed, partly developed or undeveloped public and private spaces.

Housing affordability Generally describes a condition in which housing costs consume no more than 30% of gross household income (unless by choice); including taxes and insurance (for owners) and utilities (for owners and renters). Applies to both market and non-market (subsidized) dwellings.

Infrastructure The physical capital and associated services considered basic and necessary to the functioning of the built environment. These include such things as: sanitary sewers, treatment plants, and water pipelines and distribution/collection systems; roads, signals, sidewalks and other components of the transportation system including transit vehicles, ferries and airports; solid waste management facilities including transfer stations and landfills; and, energy supply and distribution systems including hydroelectric and natural gas transmission and distribution systems. More generally, infrastructure can refer to other tangible public and private assets necessary to support the development of a modern urban settlement, such as hospitals, schools and recreation facilities. In some cases, preserved green space and natural areas including forests, wetlands, and stream corridors have been described as a "green infrastructure", essential to the vitality of healthy human communities.

Metropolitan Victoria or Victoria Metropolitan Area (VMA) That portion of the Capital Region from, Otter Point in the west to Swartz Bay in the north, defined by Statistics Canada as the Victoria Census Metropolitan Area.

Mixed–use Land use regulations that permit a variety of different uses and activities either on one legal parcel or within one defined land use zone. The classic example of a mixed use district is a historical downtown core that contains a wide range of residential, business, service, institutional, cultural, recreational and industrial uses within a relatively small area; in many cases, a wide range of different uses within individual buildings or on single sites.

Official Community Plan (OCP) Under Section 471 of the *Local Government Act*, a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements in the area covered by the plan.

Peninsula The sub–region of the Capital Regional District including the municipalities of Central Saanich, Sidney, and North Saanich.

Regional Context Statement Under Section 446 of the *Local Government Act*, a statement, accepted by the regional district board, included in a municipal official community plan within two years of the adoption of the Regional Growth Strategy, that explains the relationship between the official community plan and the Regional Growth Strategy.

Regional Growth Strategy (RGS) Under Part 13 of the *Local Government Act*, a regional agreement (including a vision, goals, policies and actions) that commits affected municipalities and regional districts to a course of action to meet common social, economic and environmental objectives. It is initiated and adopted by a regional district and referred to all affected local governments for acceptance.

Regional Multi-Modal Network The interconnected transportation corridors defined in the Regional Transportation Plan. The multi-modal network provides for connectivity across modes (walking, cycling, transit and driving) and describes the backbone of the region's transportation system. The corridors that comprise the network are prioritized based on expected demand for two or more transportation modes.

Sea to Sea Green/Blue Belt A band of watersheds running between Saanich Inlet and Sooke Basin that includes major parks and Capital Regional District Water lands.

Target A desired level of performance set for a specific situation in a plan or program. The time horizon for all targets is 2038.

Growth Policy Area Boundary The area contained within a regulatory boundary (an urban containment boundary) marking the limit between a defined urban growth and servicing area and other areas such as rural and resource areas, where urban growth is discouraged.

Walkable In urban design, a community is walkable when it is scaled, dimensioned and provided with facilities and a mix of uses and activities that make walking an easy, convenient way to get around. A general rule of thumb is that most people will not walk much more than 10 to 15 minutes to shop or reach services such as libraries and schools. To meet this standard, a walkable community would have a shopping and service centre no more than 400–600 metres from most residences, with a sidewalk and street environment scaled to be interesting and inviting to people on foot.

West Shore The sub–region of the Capital Regional District that includes the municipalities of Colwood, Langford, Metchosin, Highlands, Sooke, and the Juan de Fuca Electoral Area.

Council Member Motion

For the Committee of the Whole meeting of July 6, 2017

To:	Committee of the Whole	**Date:**	June 22, 2017
From:	Councillors Loveday & Thornton-Joe and Mayor Helps		
Subject:	Off-leash dog park pilot project in Barnard Park		

BACKGROUND

The City of Victoria has recently approved pilot projects for off-leash dog parks in Fisherman's Wharf Park and Oaklands Park.

The City of Victoria has also recently received a petition from Vic West residents requesting that an off-leash dog park be created on a pilot basis in Barnard Park in the Vic West Neighbourhood.

RECOMMENDATION

Therefore Be It Resolved that Council directs staff to report back on impacts and advisability of allowing for dogs off-leash on a trial basis in Barnard Park.

Respectfully submitted,

Councillor Jeremy Loveday | Councillor Thornton-Joe | Mayor Helps

Council Member Motion

For the Committee of the Whole meeting of July 6, 2017

To:	Committee of the Whole	**Date:**	June 30, 2017
From:	Councillors Lucas and Thornton-Joe		
Subject:	Storefront Cannabis Retailer Rezoning Policy		

BACKGROUND

In February 2017 Council accepted a Policy outlining the criteria that may be considered as part of a rezoning application to allow for a storefront cannabis retailer at a particular location.

This policy was established in response to the anticipated legalization, or partial legalization, of cannabis by the Federal Government and the unregulated proliferation of storefront cannabis retailers. It was intended to address potentially adverse community impacts of storefront cannabis retailers, including inappropriate exposure of minors to cannabis and undesirable concentration of storefront cannabis retailers.

Based on recent feedback from some of our Neighbourhood Associations we propose to make the following changes to the policy.

RECOMMENDATION

BE IT RESOLVED THAT Council consider a change to the Storefront Cannabis Retailer Rezoning Policy:

a) to change the distance from 200m to 400m that a storefront cannabis retailer (in a straight line from the closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active or not (sample map attached).

b) this Policy does not limit Council from considering variances to the separation distances noted in the Policy based on circumstances related to a specific application.

Respectfully submitted,

Lucas

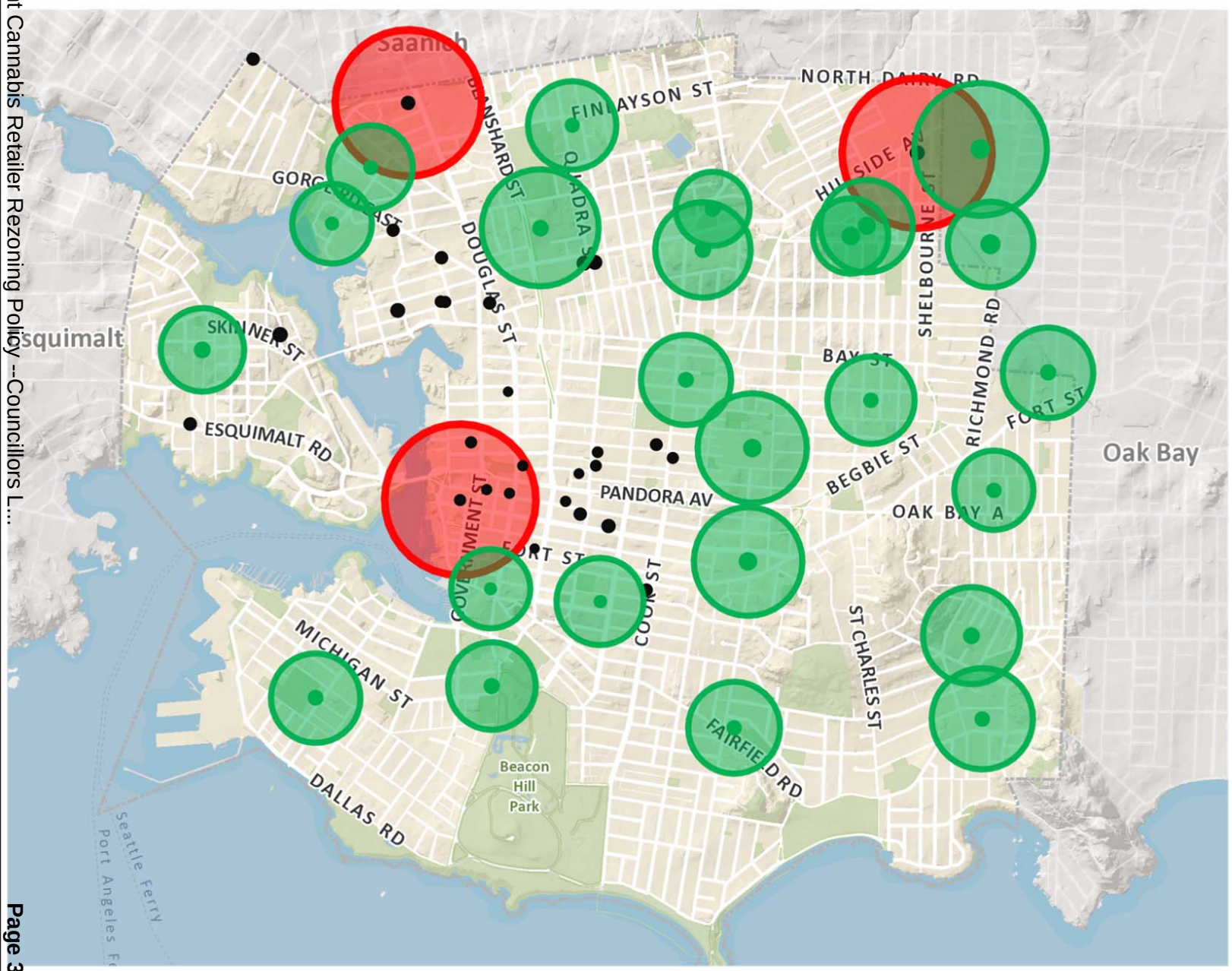
Charlayne Thornton-Joe

Councillor Lucas

Councillor Thornton-Joe

Cannabis Applications and Schools

06/30/2017



Legend

- City Boundary
- Municipal Boundaries
- City Parks - Intranet
- Park Roads
- Main Victoria Streets
- Ferry Labels

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 32,000

Notes

400m buffer for cannabis applications,
200m buffer for schools

,626 0 813 1,626 Meters

NAD_1983_CSRS_UTM_Zone_10N

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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.

1715 Government Street
Victoria, BC
V8W 1Z4

Mayor Lisa Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC
V8W 1P6

June 29th 2017

Re: Support for Bylaw Amendments - Cannabis Storefront Retail

Dear Mayor Helps and Council

On June 20th 2017 the Board of the DRA unanimously passed a resolution to express support for and agreement with the Cannabis Storefront Recommendations put forward by the North Park Neighbourhood Association in their letter dated June 15th 2017.

The DRA has expressed similar concerns and recommends amendment of this bylaw as proposed by NPNA including the reassessment of the current proximity distance. The motion put forward by Councillors Lucas and Thornton-Joe to amend this distance to 400 meters will address a major concern and has the full support of the DRA.

We also commend council for declining an application that was within the 200 metre limit from the Chinese Public School. We trust that Council will also move forward in a timely fashion with enforcement against unlicensed or noncompliant establishments.

Sincerely,

Ian Sutherland
On Behalf of the Board of Directors

Council Member Motion

For the Committee of the Whole meeting of July 6, 2017

To:	Committee of the Whole	**Date:**	June 30, 2017
From:	Councillor Young		
Subject:	Naming of James Bay Branch		

RECOMMENDATION

That the City request public input as to a suitable name for the James Bay branch of the Greater Victoria Public Library.

BACKGROUND

The new Branch will be opening shortly and a naming decision needs to be made for signage, labelling etc. I am not suggesting a formal contest because some of the most logical names have already been put forth and I am not sure that any new name would be more desirable. The library is using "James Bay Branch" as the working title, and this name has the advantage of conveying information to the public about how to find the library (in large cities names such as "Menzies Street Branch" are common). The name of one of the most prominent Victorians associated with James Bay, Emily Carr, is already in use. I know Mifflin Gibbs has been suggested. A combination name such as Mifflin Gibbs James Bay Branch is possible, of course, and this would apply to other possible names of individuals.

I do not propose a formal process of counting votes, but rather simply asking interested citizens to communicate to us their support for these and other ideas, followed by a council decision.

Respectfully submitted,

Councillor Geoff Young

Council Member Motion
For the Committee of the Whole Meeting of July 6, 2017

Date: June 27, 2017

From: Councillor Ben Isitt

Subject: Advocacy for Provincial and Federal Investment in the E & N Rail Corridor

Recommendation:

That Council endorse the following resolution and request that the Mayor write, on behalf of Council, to the Provincial and Federal Ministers responsible for Transportation and Infrastructure, forwarding this resolution and requesting favourable consideration, with copies sent to the Premier and Prime Minister, the Island Corridor Foundation, the Capital Regional District, and local governments and First Nations governments on Vancouver Island:

Resolution: Provincial and Federal Investment in E & N Rail Corridor

WHEREAS the City of Victoria's Strategic Plan 2015-2018 identifies the strategic action to work with other municipalities, First Nations and other partners to get the train running between Victoria and Langford;

AND WHEREAS rail provides a viable long-term option for the transport of people and goods on Vancouver Island that aligns with a commitment to climate action and compact, complete communities;

AND WHEREAS a lack of investment in the Esquimalt & Nanaimo (E & N) Rail Corridor between Victoria, Courtenay and Port Alberni has resulted in unrealized economic opportunities and limited transportation options;

THEREFORE BE IT RESOLVED THAT the City of Victoria requests Provincial and Federal investment in the E & N Rail Corridor in the next Provincial and Federal budgets, to allow for the establishment as soon as possible of efficient commuter rail service between Victoria, the Western Communities and the Cowichan Valley, and restoration of inter-city passenger rail service between Victoria and Courtenay;

AND BE IT FURTHER RESOLVED THAT consideration be given to electrification of the rail line between Victoria and Courtenay, to reduce reliance on fossil fuels and provide a clean energy option for the transport of people and goods on Vancouver Island.

Respectfully submitted,

Councillor Isitt