



## REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, November 8, 2018, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

Located on the traditional territory of the Esquimalt and Songhees People

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*A report presenting Council with information on a Development Variance Permit application for 1300 Yates Street to convert an existing amenity space to an additional residential unit and recommending it move forward to an opportunity for public comment.*

*Addenda: Presentation*

- \*F.4      2906 Cook Street - Development Permit Application No. 000535 (Hillside/Quadra)      185**

*A report presenting Council with information on a Development Permit Application for 2906 Cook Street to install an emergency storage container and recommending it be approved.*

*Addenda: Presentation*

- \*F.5      1150 McClure Street - Rezoning Application No. 00652      199**

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*Addenda: Report & Presentation*

- F.6      759 Yates Street - Application for a Permanent Change to Hours of Service for a Liquor Primary License (044231), Yates Street Taphouse      247**

*A report regarding an application by the Yates Street Taphouse to change their Liquor Primary License service hours.*

## **G.      STAFF REPORTS**

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*A report recommending the appointment of an Animal Control Officer.*

- G.2      2019 Meeting Schedule Report      275**

*A report regarding the 2019 schedule of Committee of the Whole and Council meetings for Council's consideration.*

- \*G.3      Cannabis Retail Store License Referrals      278**

*A report providing information to Council about the provincial cannabis retail store licensing process.*

*Addenda:*

*Attachment C- Cannabis Licensing Policy and Fee Bylaw*

*Presentation*



<b>G.4</b>	<b><u>Proclamation - Diabetes Awareness Day</u></b>	<b>303</b>
	<i>A report regarding the proclamation for a "Diabetes Awareness Day".</i>	
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	<i>A report regarding the proclamation for a "Turkish Republic Day".</i>	
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	<i>A report regarding the proclamation for a "World Lymphedema Day".</i>	
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	<i>A report regarding the proclamation for a "Think Local Week".</i>	

## **H. NOTICE OF MOTIONS**

## **I. NEW BUSINESS**

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	<i>A Council member motion regarding a formation of a Renters' Advisory Committee to ensure that renters are better represented in decision-making processes.</i>	
<b>I.2</b>	<b><u>Actions for Housing Affordability</u></b>	<b>323</b>
	<i>A Council member motion regarding endorsing interim actions to strengthen the City's emphasis on housing affordability.</i>	
<b>I.3</b>	<b><u>Acquiring Land to Facilitate Investment in Decommodified Housing</u></b>	<b>327</b>
	<i>A Council members motion proposing the acquisition of land to facilitate senior government investment in decommodified housing.</i>	
<b>I.4</b>	<b><u>Incentivize and Mandate the Creation of Family Appropriate Rental Units</u></b>	<b>363</b>
	<i>A Council members motion proposing to amend the Victoria Housing Strategy and applicable bylaws and policies to increase affordable family housing options.</i>	
<b>*I.5</b>	<b><u>Adopt and Consistently Apply the CMHC's Definition of Affordable Housing</u></b>	<b>381</b>
	<i>A Council Members motion on the Canadian Mortgage and Housing Corporation definition of affordable housing and how it is applied to the City of Victoria.</i>	
<b>*I.6</b>	<b><u>Attendance at Ahousaht First Nation-Khalsa Aid Canada Event, October 26,</u></b>	<b>383</b>

## **2018**

*A Council member motion seeking retroactive costs for attendance at a protocol event with Ahousaht First Nation and Khalsa Aid Canada.*

*Addenda: Motion*

### **I.7 Councillor Sharing (Verbal)**

*A Councillor Sharing regarding the passing of former City Councillor Janet Baird.*

### **I.8 Councillor Sharing (Verbal)**

*A Councillor Sharing regarding the passing of Richard Nakamura. As well as a request to write a letter of condolence from Mayor and Council.*

## **J. ADJOURNMENT OF COMMITTEE OF THE WHOLE**



## MINUTES - COMMITTEE OF THE WHOLE

September 6, 2018, 9:00 A.M.

**COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE**

**Located on the traditional territory of the Esquimalt and Songhees People**

**PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Coleman, Councillor Loveday, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe, Councillor Young

**ABSENT FOR PORTION  
OF MEETING:** Councillor Isitt

**STAFF PRESENT:** J. Jenkyns - City Manager, C. Coates - City Clerk, P. Bruce - Fire Chief, S. Thompson - Director of Finance, J. Tinney - Director of Sustainable Planning & Community Development, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Meyer - Assistant Director of Development Services, A. Hudson - Assistant Director of Community Planning, C. Mycroft - Manager of Executive Operations, T. Zworski - City Solicitor, C. Medd - Planner, L. Taylor - Senior Planner, J. Tarbotton - Senior Planner Housing Policy, M. Sandhu - Manager, Interdisciplinary Projects, K. Sidhu - Committee Secretary

### **A. APPROVAL OF AGENDA**

**Moved By** Councillor Madoff  
**Seconded By** Councillor Alto

That the agenda be approved.

#### **Amendment**

**Moved By** Councillor Madoff  
**Seconded By** Councillor Alto

That the Agenda of the September 6, 2018, Committee of the Whole meeting be amended as follows:

#### **Consent Agenda:**

**C.1** – Minutes from the Special Joint meeting held June 26, 2018

**C.2** – Minutes from the Committee of the Whole meeting held August 2, 2018

**F.4 – 515 Chatham Street – Development Permit with Variance Application Permit  
No. 00085**

**G.3 – CRD Arts and Culture Support Service Establishment Amendment Bylaw**

**G.4 – Bylaw Officers**

**G.5 – Proclamation – International Deaf Week**

**G.6 – Proclamation – Wrongful Conviction Day**

**G.7 – Proclamation – Ride for Refugee Day**

**G.8 – Proclamation – Prostate Cancer Awareness Month**

**G.9 – Proclamation – BC Thanksgiving Food Drive for the Food Bank Day**

**G.10 – Proclamation – United Way Day**

**G.11 – Proclamation – Performance & Learning Month**

**I.1 – Attendance at the Global Climate Action Summit, San Francisco Sept 12-14**

**I.2 – Attendance at the UBCM Conference for Councillor Isitt, Whistler Sept 11-14**

**I.3 – Attendance at the UBCM Conference for Mayor Helps, Whistler Sept 11-13**

**I.4 – Attendance at the UBCM Conference for Councillor Coleman, Whistler  
Sept. 11-14**

**CARRIED UNANIMOUSLY**

**Main Motion as amended**

**CARRIED UNANIMOUSLY**

**B. CONSENT AGENDA**

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the following items be approved without further debate:

**C.1 Minutes from the Special Joint meeting held June 26, 2018**

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the minutes from the Special Joint meeting held June 26, 2018 be adopted.

**CARRIED UNANIMOUSLY**

**C.2 Minutes from the Committee of the Whole meeting held August 2, 2018**

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the minutes from the Committee of the Whole meeting held August 2, 2018 be adopted.

**CARRIED UNANIMOUSLY**

**F.4 515 Chatham Street - Development Permit with Variance Application Permit No. 00085 (Downtown)**

Committee received a report dated August 15, 2018 from the Director of Sustainable Planning and Community Development proposing to construct a five-storey, mixed-use building containing ground-floor commercial uses with residential units above for property located at 515 Chatham Street.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

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 Variance Application No. 00085 for 515 Chatham Street, in accordance with:

1. Plans date stamped July 16, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - i. increase the height from 15m to 16.43m.
3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at time of the building permit approval, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
  - a. building encroachment(s) adjacent to Chatham Street and Store Street.
  - b. anchor-pinning in the City Right-of-Way.
4. Final plans to be in accordance with the plans date stamped July 16, 2018, to the satisfaction of City staff.
5. The Development Permit lapsing two years from the date of this resolution.”

Should the above resolution be endorsed, that Council consider the following motion:

"The previously approved Development Permit No. 00034 for 515 Chatham Street approved May 24, 2018, be rescinded."

**CARRIED UNANIMOUSLY**

**G.3 CRD Arts and Culture Support Service Establishment Amendment Bylaw**

Committee received a report dated August 21, 2018 from the City Clerk presenting a Bylaw that if approved, authorizes amendments to the Arts and Culture Support Service.

**Moved By** Councillor Loveday  
**Seconded By** Councillor Lucas

That Council consent to the adoption of CRD Arts and Culture Support Service Establishment Bylaw No. 1, 2001 Amendment Bylaw No. 5, 2018.

**CARRIED UNANIMOUSLY**

**G.4 Bylaw Officers**

Committee received a report from the City Clerk dated September 4, 2018 regarding the requirement for a specific Council resolution to enable a Bylaw Officer to act with full capacity.

**Moved By** Councillor Loveday  
**Seconded By** Councillor Lucas

That Council approve the appointment of Barrie Cockle:

1. as a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061);
2. as a Business Licence Inspector for the City of Victoria

**CARRIED UNANIMOUSLY**

**G.5 Proclamation - International Deaf Week**

Committee received a report dated August 16, 2018 from the City Clerk regarding a proclamation for an "International Deaf Week" for September 23-30, 2018.

**Moved By** Councillor Loveday  
**Seconded By** Councillor Lucas

That the *International Deaf Week Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration

**CARRIED UNANIMOUSLY**

**G.6 Proclamation - Wrongful Conviction Day**

Committee received a report dated August 16, 2018 from the City Clerk regarding a proclamation for a "Wrongful Conviction Day" for October 2, 2018.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the *Wrongful Conviction Day Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**G.7 Proclamation - Ride for Refugee Day**

Committee received a report dated August 16, 2018 from the City Clerk regarding a proclamation for a "Ride for Refugee Day" for September 29, 2018.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the *Ride for Refugee Day Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**G.8 Proclamation - Prostate Cancer Awareness Month**

Committee received a report dated August 27, 2018 from the City Clerk regarding a proclamation for a "Prostate Cancer Awareness Month" for September 2018.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the *Prostate Cancer Awareness Month Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**G.9 Proclamation - BC Thanksgiving Food Drive for the Food Bank Day**

Committee received a report dated August 27, 2018 from the City Clerk regarding a proclamation for a "BC Thanksgiving Food Drive for the Food Bank Day" for September 15, 2018.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the *BC Thanksgiving Food Drive for the Food Bank Day Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**G.10 Proclamation - United Way Day**

Committee received a report dated August 27, 2018 from the City Clerk regarding a proclamation for a "United Way Day" for September 19, 2018.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the *United Way Day Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**G.11 Proclamation - Performance & Learning Month**

Committee received a report dated August 16, 2018 from the City Clerk regarding a proclamation for a "Performance & Learning Month" for September 2018.

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That the *Performance & Learning Month Proclamation* be forwarded to the September 6, 2018 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**I.1 Attendance at the Global Climate Action Summit, San Francisco Sept 12-14**

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That Council authorize the attendance and associated costs for Mayor Lisa Helps to attend the Global Climate Action Summit to be held in San Francisco, September 13-14, 2018.

**CARRIED UNANIMOUSLY**

**I.2 Attendance at the UBCM Conference for Councillor Isitt, Whistler Sept. 11-14**

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas

That Council authorize the attendance and associated costs for Councillor Isitt to attend the Union of BC Municipalities Conference to be held in Whistler, BC, in September 2018.

**CARRIED UNANIMOUSLY**

**I.3 Attendance at the UBCM Conference for Mayor Helps, Whistler Sept, 11-13**

**Moved By** Councillor Loveday

**Seconded By** Councillor Lucas



That Council authorize the attendance and associated costs for Mayor Lisa Helps to attend the Union of BC Municipalities Conference to be held in Whistler, BC, in September 11-13, 2018.

**CARRIED UNANIMOUSLY**

**I.4 Attendance at the UBCM Conference for Councillor Coleman, Whistler Sept. 11-14**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Lucas

That Council authorize the attendance and associated costs for Councillor Chris Coleman to attend the UBCM Conference to be held in Whistler, September 11-14, 2018.

**CARRIED UNANIMOUSLY**

*Councillor Isitt withdrew from the meeting at 9:09 am.*

**D. Presentation**

**D.1 Second Quarter 2018 Update**

Victoria Police Report

The Police Chief provided Committee with a presentation outlining progress made in the last quarter.

*Committee discussed:*

- *Solutions and strategies implemented towards current issues in the City.*
- *The type of tickets given out to citizens.*
- *The diversity of the police organization.*
- *The effect of the amount of retirees in police force.*
- *Employment with the police force.*

**Moved By** Councillor Coleman  
**Seconded By** Councillor Alto

That Council receive this report for information.

**CARRIED UNANIMOUSLY**

Operation Plan Progress Report

Committee received a report dated August 31, 2018 from the City Manager detailing the City of Victoria's activities and accomplishments on major projects, initiatives and programs in the second quarter.

**Moved By** Councillor Coleman  
**Seconded By** Councillor Alto

That Council receive this report for information.

**CARRIED UNANIMOUSLY**

Committee considered staff's report "Responses to Council Motions".

**Beepers in the Downtown:**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Mayor Helps

That Council direct that this item be considered as a part of the 2019 budget process.

**CARRIED UNANIMOUSLY**

**School Crossing Guard Program:**

Committee considered staff's recommendation and no further action was taken.

**Housing Trust Fund Rental Supports:**

Committee considered staff's recommendation and no further action was taken.

**Residential Rental Zoning:**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Thornton-Joe

That Committee postpone consideration of this part of the item until after the discussion of item F6- Proposed Inclusionary Housing and Density Bonus Policy.

**CARRIED UNANIMOUSLY**

**Recommendations from Advisory Committees:**

**Moved By** Councillor Loveday  
**Seconded By** Councillor Alto

That Council forward this report with the recommendations from Accessibility Working Group to the 2019 budget process to receive the financial implications of all of these.

**CARRIED UNANIMOUSLY**

*Councillor Isitt joined meeting at 10:58 a.m.*

**Topaz park improvement Plan:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council direct staff to expedite work for the Topaz Park Improvement Plan.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

Add the following wording:

report back on funding options...including potential cost saving on design work.

FOR (1): Councillor Isitt,

OPPOSED (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Loveday, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe and Councillor Young

**DEFEATED (8 to 1)**

**On the main motion:**

FOR (2): Councillor Isitt, Councillor Loveday

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe and Councillor Young

**DEFEATED (7 to 2)**

*Councillor Coleman withdrew from meeting at 11:20 a.m. and returned at 11:22 a.m.*

**Adoption of Canadian Code of Advertising Standards:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That the report be received for information

**CARRIED UNANIMOUSLY**

### **Accessibility in the City Hall:**

Committee discussed with staff the improvements for accessibility at City Hall which are currently being reviewed, noting that an assessment led by third party professionals will provide further guidance.

### **Safe Consumption Sites:**

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

1. That Staff be directed to investigate beginning in the first quarter of 2019 regulations in other jurisdictions governing consumption sites for cannabis use.
2. That this review take into consideration the City and County of Denver, Colorado's Cannabis Consumption Pilot Program, as well as the regulatory context in the City of Victoria arising from regional, provincial and federal regulations.
3. That staff report back to Council on the advisability of initiating a Pilot Program or introducing regulations for consumption sites for cannabis use.

### **CARRIED UNANIMOUSLY**

### **Fair Trade Policy:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

That Council direct that this item be considered as a part of the 2019 budget process.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

### **CARRIED (8 to 1)**

As a part of the quarterly update, Committee discussed with staff the status of the deer management program.

*Committee recessed at 11:38 a.m. and reconvened at 11:53 a.m.*

**F. LAND USE MATTERS**

**F.1 210 Gorge Road - Development Permit with Variances Application No. 00076 (Burnside)**

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development proposing to construct a six-storey, multi-unit residential building at property located at 210 Gorge Road.

*Committee discussed:*

- *the concerns from the Land Use Committee*
- *concerns with the height and density of the building*
- *location of parking lot*

**Moved By** Councillor Isitt

**Seconded By** Councillor Lucas

That Council, after giving notice and allowing for an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00620, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No. 00076 for 210 Gorge Road East, in accordance with:

1. Plans date stamped August 17, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - ii. reduce the required number of visitor parking spaces from 8 to 4
  - iii. locate a gazebo in the front yard
  - iv. reduce the separation space between the gazebo and the principal building from 2.40m to 1.55m.
3. The Development Permit lapsing two years from the date of this resolution.
4. The applicant entering into an agreement with a local car share company to secure 20 car share memberships to the satisfaction of City Staff.
5. The applicant providing two bikes and bike share parking spaces on-site, to the satisfaction of City Staff.”

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**F.2     953 Balmoral Road - Rezoning Application No. 00598 and Development Permit with Variance Application No. 000506 (North Park)**

*Councillor Young left meeting at 12:12 p.m. due to pecuniary conflict with this item as his clients are involved with this project.*

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development proposing to rezone the property at 953 Balmoral Road from the R-2 Zone, Two Family Dwelling District, to a new zone in order to construct a four-storey, multi-unit residential building.

**Moved by** Councillor Isitt

That Council decline Rezoning Application No. 00598 and Development Permit with Variance Application No. 000506 for the property located at 953 Balmoral Road.

**MOTION DEFEATED DUE TO NO SECONDER**

Council requested an alternate motion for this application.

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

This item be postponed to later in this meeting.

**CARRIED UNANIMOUSLY**

*Councillor Young returned to the meeting at 12:23 p.m.*

**F.3     505, 517, 519/521 Quadra Street and 931 Convent Place - Rezoning Application No. 00610 & Development Permit with Variance No. 00088 (Fairfield)**

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development presenting Council with information, analysis and recommendations for a Rezoning and a Development Permit with Variances Applications for the properties located at 505, 517, 519/521 Quadra Street and 931 Convent Place.

*Committee discussed:*

- *existing character of the area*
- *setbacks on landscape*
- *benefit of the tenants assistance plan*
- *increase of traffic in the neighbourhood*

**Moved By** Councillor Coleman

**Seconded By** Councillor Lucas

**Rezoning Application No. 00610**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00610 for 505, 517 and 519/521 Quadra Street and 931 Convent Place, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Statutory Right-of-Way to secure 1.59 metres of the site adjacent Southgate Street, to the satisfaction of the Director of Engineering and Public Works
2. Statutory Right-of-Way to secure 2.02 metres of the site adjacent Convent Place, to the satisfaction of the Director of Engineering and Public Works
3. Housing Agreement to secure the residential units as rental for a 20 year period, to ensure that these units are not strata titled prior to the 20 year term of the agreement lapsing and to ensure that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development

#### **Development Permit with Variances**

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. 00610, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variances Application No, 00088 for 505, 517, 519/521 Quadra Street and 931 Convent Place, in accordance with:

1. Receipt of final plans generally in accordance with the plans date stamped August 20, 2018, with the following changes to the satisfaction of the Director of Sustainable Planning and Community Development:
  - i. correct minor inconsistencies between plans
  - ii. siting and design of the proposed fence and guardrail as shown on the landscape plan
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the required vehicle parking from 115 stalls to 95 stalls;
  - ii. reduce the required visitor parking from 9 stalls to 8 stalls
3. Receipt of a car share agreement that includes MODO car share memberships for 50% of the residential units to the satisfaction of the Director of Engineering and Public Works.
4. The Development Permit lapsing two years from the date of this resolution.”

#### **Amendment:**

**Moved By** Councillor Madoff

**Seconded By** Councillor Coleman

That the application be referred back to Advisory Design Panel for comment where their concerns were addressed and that this letter be added to the Public Hearing.

**CARRIED UNANIMOUSLY**

**Main Motion as amended**

FOR (7): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Madoff  
Councillor Thornton-Joe and Councillor Young

OPPOSED (2): Councillor Isitt and Councillor Loveday

**CARRIED (7 to 2)**

**F.2 Continued - 953 Balmoral Road - Rezoning Application No. 00598 and Development Permit with Variance Application No. 000506 (North Park)**

*Councillor Young left meeting at 12:31 p.m. due to pecuniary conflict with this item as his clients are involved with this project.*

**Moved By** Councillor Coleman

**Seconded By** Councillor Alto

That Committee lift from the table this postponed item.

**CARRIED UNANIMOUSLY**

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development proposing to rezone the property at 953 Balmoral Road from the R-2 Zone, Two Family Dwelling District, to a new zone in order to construct a four-storey, multi-unit residential building.

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

**Rezoning Application No. 00598**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00598 for 953 Balmoral Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
  - a. Statutory Right-of-Way of 1.22m on Balmoral Road.
2. The applicant provide an amenity contribution in the amount of \$76,694.69 toward the Local Amenities Reserve Fund in accordance with the *City of Victoria Density Bonus Policy* to the satisfaction of City Staff.
3. Following consideration of Rezoning Application No. 00487, if approved, that Council authorize staff to prepare and enter into an Encroachment Agreement for a fee of \$750 plus \$25 per m<sup>2</sup> of exposed shored face during construction, to the satisfaction of the City staff.



### **Development Permit with Variance Application No. 000506**

That, subject to review by the Advisory Design Panel and report back to the Committee of the Whole, 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. 00598, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 000506 for 953 Balmoral Road, in accordance with:

1. Plans date stamped January 18, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the required number of parking spaces from 12 to 5
  - ii. Part 3.3(10): reduce the front yard setback from 10.50m to 2.00m
  - iii. Part 3.3 (10): reduce the side (east) yard setback from 6.10m to 1.52m
  - iv. Part 3.3(10): reduce the side (west) yard setback from 6.10m to 3.64m
  - v. Part 3.3(4)(1): increase the site coverage from 30% to 43%
  - vi. Part 3.3(4)(6)(1): reduce the open site space from 30% to 15.30%
3. Registration of legal agreements on the property's title to secure the MODO Car Share Vehicle and parking space, car share memberships, one monthly transit pass for each unit over a period of three years (396 monthly passes), and one bicycle for each unit to the satisfaction of City Staff.
4. Revise the landscape plan to indicate floating pavement where the proposed parking spaces overlap with the tree's critical root zone in accordance with the arborist report prepared by Talbot Mackenzie & Associates.
5. The Development Permit lapsing two years from the date of this resolution.”

FOR (7): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Loveday, Councillor Lucas, Councillor Madoff and Councillor Thornton-Joe

OPPOSED (1): Councillor Isitt

**CARRIED (7 to 1)**

*Committee recessed for lunch at 12:45 p.m. and reconvened at 1:20 p.m.*

### **F.6 Proposed Inclusionary Housing and Density Bonus Policy**

Committee received a report dated August 21, 2018 from the Director of Sustainable Planning and Community Development seeking direction from Council on a draft Inclusionary Housing and Density Bonus policy, along with updated affordable housing targets that together will best meet Council's objectives in achieving affordable housing units in projects.

*Committee discussed:*

- *the importance of providing market houses*
- *differences of this policy and previous policies*
- *comparisons to other cities and jurisdictions' policies*
- *the importance of affordable housing*
- *timeline of changes if policy is adopted*
- *if this policy is balanced*
- *the grace period when the policy comes into effect*

*Councillor Loveday left meeting at 2:06 pm and returned at 2:08 pm*

**Moved By** Councillor Coleman

**Seconded By** Councillor Alto

Motion to extend meeting until 3:30 p.m.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council:

1. Consider the draft Inclusionary Housing and Density Bonus Policy and direct staff to undertake further consultation with stakeholders.
2. Adopt the updated affordable housing targets and levels of affordability to guide community amenity contribution negotiations, and incorporate these in the Victoria Housing Strategy to be updated in Quarter Four of 2018.
3. Direct staff to further explore pre-zoning by consulting with stakeholders, including the Community Association Land Use Committees.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

1. That the Inclusionary Housing and Density Bonus Policy referenced in Recommendation 1 be replaced with the below amended Inclusionary Housing and Density Bonus Policy.

Committee agreed to separate each point of the amendment.

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

*Policy Application*

*The affordable housing contributions outlined in this policy will ~~only~~ apply to Strata residential rezoning proposals that are seeking ~~bonus~~ density **beyond the existing zoning** (not every residential rezoning and not projects proceeding under existing zoning).*

~~Some areas of the city have been identified by the OCP as areas where future growth and change would be focused. These areas include the following urban place designations:~~

- ~~• Core designations (Core Historic; Core Business; Core Employment where residential is permitted; Core Inner Harbour/Legislative; Core Songhees; Core residential)~~
- ~~• Town Centre~~
- ~~• Large Urban Village~~
- ~~• Urban Residential~~

~~Within these areas, the OCP indicates a base density and a maximum density which may be considered where a proposed project may support provision of on-site affordable housing. In cases where an amendment to the OCP is sought, this policy will apply to density beyond the current maximum, regardless of use.~~

FOR (3): Councillor Isitt, Councillor Loveday, Councillor Young

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Madoff and Councillor Thornton-Joe

## **DEFEATED**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

*Alternative Cash in Lieu Provision*

*A cash contribution of \$200,000 per affordable housing unit in lieu of the delivery of on-site affordable rental units, may be considered for the following project types:*

- Projects delivering less than 10 40 net new strata units*

## **Amendment to Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

That '10' be changed to '**20**'

FOR (7): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Madoff, Councillor Thornton-Joe and Councillor Young

OPPOSED (2): Councillor Isitt, Councillor Loveday

## **CARRIED (7 to 2)**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

*Hardship Clause: The City will consider negotiating a different (lower) percentage in cases where the applicant can demonstrate an extreme financial hardship whereby the development viability is compromised. For instance, evidence that the land value under existing zoning is higher than the land value at the base OCP density will be evaluated.*

*Financial analysis undertaken to support a case for hardship must be conducted 'open book' and with absolute transparency.*

***Effective Date*** ~~*Grace Period*~~

*This policy takes effect on January 1, 2019. Applications received up to three months from the adoption date will be grandfathered under the previous Density Bonus Policy requirements.*

**Amendment to Amendment:**

**Moved By** Councillor Lucas

**Seconded By** Councillor Thornton-Joe

That the effective date be changed to **March 31, 2019**

FOR (6): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Lucas, Councillor Thornton-Joe and Councillor Young

OPPOSED (3): Councillor Isitt, Councillor Loveday, Councillor Madoff

**CARRIED (6 to 3)**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

2. That an additional Recommendation 4 be added to the motion:
  4. That staff report back twelve (12) months following adoption of the policy with information on: (a) the impacts on new developments; (b) total amenities received, identified by value and type; and (c) recommendations for any potential revisions to the policy.

**CARRIED UNANIMOUSLY**

**Main Motion as Amended:**

That Council:

1. Approve the draft Inclusionary Housing and Density Bonus Policy, with the following amendments:

A cash contribution of \$200,000 per affordable housing unit in lieu of the delivery of on-site affordable rental units, may be considered for the following project types: Projects delivering less than 20 net new strata units

That the Policy take effect March 31, 2019

2. And direct staff to undertake further consultation with stakeholders.

3. Adopt the updated affordable housing targets and levels of affordability to guide community amenity contribution negotiations, and incorporate these in the Victoria Housing Strategy to be updated in Quarter Four of 2018.
4. Direct staff to further explore pre-zoning by consulting with stakeholders, including the Community Association Land Use Committees.

**Amendment:**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Isitt

Add to # 3: And other interested stakeholders

**Amendment to Amendment**

**Moved By** Councillor Madoff

**Seconded By** Councillor Thornton-Joe

Add to # 3: The Victoria Civic Heritage Trust

**CARRIED UNANIMOUSLY**

**On the amendment:**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Alto

That the Development Summit this year be called a housing summit.

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Helps

Flag for further discussion and research whether the 3 bedroom allocation at 5% is sufficient.

**CARRIED UNANIMOUSLY**

**Main motion as amended:**

That Council:

1. Approve the draft Inclusionary Housing and Density Bonus Policy with the following amendments:

A cash contribution of \$200,000 per affordable housing unit in lieu of the delivery of on-site affordable rental units, may be considered for the following

project types: Projects delivering less than 20 net new strata units.

That the Policy take effect March 31, 2019.

2. And direct staff to undertake further consultation with stakeholders.
3. Adopt the updated affordable housing targets and levels of affordability to guide community amenity contribution negotiations, and incorporate these in the Victoria Housing Strategy to be updated in Quarter Four of 2018.
4. Direct staff to further explore pre-zoning by consulting with stakeholders, including the Community Association Land Use Committees.

And other interested community stakeholders and Victoria Civic Heritage Trust

5. That staff report back twelve (12) months following adoption of the policy with information on: (a) the impacts on new developments; (b) total amenities received, identified by value and type; and (c) recommendations for any potential revisions to the policy.
6. That the Development Summit this year be called the Housing Summit

Flag for further discussion and research whether the 3 bedroom allocation at 5% is sufficient.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**Moved By** Councillor Alto

**Seconded By** Councillor Madoff

Motion to extend meeting until 4:30 p.m.

**CARRIED UNANIMOUSLY**

*Committee recessed at 3:30 p.m. and reconvened at 3:37 p.m.*

**F.5     457 and 459 Kipling Street - Rezoning Application No. 00644 and Development Permit with Variance Application No. 00644 (Fairfield)**

*Councillor Young excused himself at 3:37 p.m. for a non-pecuniary conflict of interest due to family members living at this location.*

Committee received a report dated August 23, 2018 from the Director of Sustainable Planning and Community Development proposing to rezone from the

R1-B Zone, Single Family Dwelling District to R-2 Zone, Two Family Dwelling District, to permit an existing non-conforming duplex to be strata titled and to alter the building.

**Moved By** Councillor Madoff

**Seconded By** Councillor Coleman

**Rezoning Application No. 00644**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00644 for 457 and 459 Kipling Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set.

**Development Permit with Variance Application No. 00644**

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. 00644, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 00644 for 457 and 459 Kipling Street in accordance with:

1. Plans date stamped July 3, 2018.
2. Development meeting all Zoning Regulation Bylaw requirements, except to increase the combined floor area maximum from 380m<sup>2</sup> to 389.78m<sup>2</sup>.
3. The Development Permit lapsing two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

*Councillor Young returned to the meeting at 3:38 p.m.*

**Residential Rental Zoning – Postponed from Second Quarter Update**

**Moved By** Councillor Loveday

**Seconded By** Councillor Thornton-Joe

That Committee lift from the table this postponed item.

**CARRIED UNANIMOUSLY**

Committee considered staff's recommendation for this item as outlined in the report.

**Moved By** Councillor Loveday

**Seconded By** Councillor Isitt

That Committee receive this report for information.

**CARRIED UNANIMOUSLY**

**G. STAFF REPORTS**

**G.1 2019 Permissive Property Tax Exemptions**

Committee received a report dated August 17, 2018 from the Director of Finance outlining applications from non-profit organizations requesting permissive property tax exemptions for 2019 for Council's consideration.

*Committee discussed:*

- the scope of who is eligible for exemption

**Moved By** Councillor Coleman

**Seconded By** Councillor Madoff

That Council:

1. Approve all applications for permissive property tax exemption detailed in Table 2 for the 2019 tax year.
2. Direct staff to prepare a 2019 permissive property tax exemption bylaw for Council's consideration at the September 6, 2018 Council meeting.

**Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Mayor Helps

That Fairfield United Church at 1303 Fairfield Road be excluded from this approval.

**Motion to postpone the amendment:**

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

That consideration be postponed pending receipt of more information on the time used for programming at 1303 Fairfield Road.

**CARRIED UNANIMOUSLY**

**Motion to postpone:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Alto

That this matter be postponed until the September 20 Committee of the Whole Meeting.

**CARRIED UNANIMOUSLY**



**G.2 Crystal Pool and Wellness Centre Replacement Project - Initial Parking Alternatives Review**

Committee received a report dated August 17, 2018 from the Director of Parks, Recreation and Facilities regarding an update for parking at the Crystal Pool and Wellness Centre. This report highlights an approach to accommodating the new park-space-preservation target, as well as the anticipated parking needs of users of the future facility.

*Committee discussed:*

- *the amenities that can be implemented in the plan*
- *lifecycle benefits of researching additional parking options for revenue potential*
- *possible locations for additional parking and for this project.*

**Moved by** Councillor Isitt

**Seconded by** Councillor Coleman

1. That Council direct staff to consult with stakeholders and residents from the North Park neighbourhood on neighbourhood street parking options associated with a distributed parking approach.

**Amendment:**

**Moved By** Councillor Young

**Seconded By** Councillor Isitt

That staff also be requested examine the option of locating the pool elsewhere on the site or re-orienting the entrance to the pool in order to reduce distances to potential parking locations.

FOR (2): Councillor Isitt, Councillor Young

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Loveday, Councillor Lucas, Councillor Madoff and Councillor Thornton-Joe

**DEFEATED (7 TO 2)**

**Moved By** Councillor Coleman

**Seconded By** Councillor Alto

Motion to extend meeting until 5:00 p.m.

**CARRIED UNANIMOUSLY**

**On the main motion:**

**CARRIED UNANIMOUSLY**

**Moved By** Mayor Helps  
**Seconded By** Councillor Loveday

Approve \$40,000 to be funded from 2018 Contingencies, to complete an investigation of underground parking options in Central Park and/or modular parking on the Save on Food Memorial Parking lot

**CARRIED UNANIMOUSLY**

**J. ADJOURNMENT OF COMMITTEE OF THE WHOLE**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Alto

That the Committee of the Whole Meeting be adjourned at 4:50 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR

# **The Messy Wicked Problem of Housing Affordability**

## **An Action Plan for the City of Victoria**

Angela Spence, Hannah Naworth, Keltie Gower, Nora Gibson, Sarah Murray

Sustainable Community Development Graduate Certificate

Royal Roads University

October 28, 2018

City Project Contact: Jesse Tarbotton

Title: Senior Housing Planner

## **Executive Summary**

The United Nations-endorsed International Covenant on Economic, Social and Cultural Rights (1966), Article 11, lists housing as a human right. The City of Victoria is tackling this human rights issue, and is experiencing similar affordable housing challenges as other cities around the world. When it comes to the development of such housing, additional layers of complexity come into the process (Office of the High Commissioner United Nations Human Rights, n.d.). Fear of change and of the unknown plague neighborhoods and create unnecessary challenges for City staff when working to create recommendations regarding densification. Combine this with multiple parties in the development process, all requiring knowledge of policies and processes in an evolving city, and the desire to make meaningful change is faced with challenges from all corners of the process. This is the messy wicked problem of affordable housing. To address the housing crunch in the City of Victoria, a review based on available housing data was completed looking at the number of single-family dwellings, existing policies, zoning within the city and actions of major cities around the world; discussions with those involved in the local housing sector also took place.

Supplementing all the work the City of Victoria has already done to increasing affordable rental housing stock, the following recommendations are put forward for consideration:

- Recommendation 1: Expand city policies regarding housing options and densification;
- Recommendation 2: Create a public education campaign to address “not in my backyard” perspective; and
- Recommendation 3: Reduce the complexity of the permitting and development process.

These recommendations include some new ways of looking at how affordable housing can be sustainable and strengthen community; bringing developers, builders, renters and the city together to solve the problem of the lack of affordable housing in the City of Victoria. Meeting the needs of citizens is a challenge; however, as stated by Mead, “never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has” (2008).

### **Acknowledgements**

The authors would like to thank the City of Victoria for engaging with the Royal Roads Sustainable Community Development Graduate Certificate students on this project. In particular, Jesse Tarbotton, our City liaison, the participants in our collaborative sessions, and our instructors Dr. Ann Dale, Dr. Hilary Leighton and Dr. Bill Dushenko who have all provided invaluable insight and guidance on this topic. We acknowledge, with respect and thanks, the Lekwungen-speaking peoples on whose traditional territory the City of Victoria stands, along with the Lekwungen (Songhees), Xwsepsum (Esquimalt) and WSÁNEĆ peoples whose historical relationships with the land continue to this day.

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## **Introduction**

“No housing means no community and no economy,” said Selina Robinson, Minister of Municipal Affairs and Housing, at the “What Have You Done for Me Lately - A Missing Middle Housing Panel” at the Museum of Vancouver on October 11, 2018. The simplicity and truth of the statement belies the messy, wicked problem of rental housing affordability currently affecting the region. In 2016, the City of Victoria adopted a Housing Strategy that laid out a set of targets and strategies aimed at supporting and incentivizing new, attainable housing developments (City of Victoria, 2015). The research team was engaged to come up with some considerations and recommendations that the City could use to supplement this strategy. Key initiatives and study opportunities included examining the barriers and bridges to facilitating supportive housing developments, reviewing the City’s inventory of existing affordable rental stock, considering re-evaluation of policies and incentives to support regeneration of affordable housing, exploring the impacts of market-based regulatory changes to facilitate increased supply and diversity, and examining the impact and regulations pertaining to short term vacation rentals.

## **Background Information and Review**

The City of Victoria’s current Strategic Plan (City of Victoria, 2015b) states that Victoria is a leading-edge capital city that embraces the future and builds on the past, where human well-being and the environment are priorities, where the community feels valued, heard and understood, and where City Hall is trusted. It identifies Victoria as being a liveable, affordable, prosperous and vibrant city where all work in partnership to create and seize opportunities, and to get things done (City of Victoria, 2015b). In this Strategic Plan, making Victoria more affordable is one of the objectives. When considering affordability in terms of housing, as

defined by the Canadian Mortgage and Housing Corporation (CMHC), housing provided by private, public and non-profit sectors that costs less than 30% of a household's before-tax income were considered (CMHC, 2018). Victoria's median individual income is \$34,164 (Statistics Canada, 2018b), meaning that the average monthly rent at this level would be \$854 per month.

As with past City projects between Royal Roads University and the City of Victoria, such as rejuvenating Centennial Square, youth working on climate change initiatives, and review of social procurement processes, the City of Victoria is open to new ways of addressing sustainability challenges facing their community. Affordable housing initiatives that increase density in neighbourhoods can reduce the City of Victoria's environmental impact and have a positive influence on issues such as transportation by increasing the efficiency of transit and having more walkable and cyclable areas. This demonstrates synergies with the 'Big Topics' relating to liveable cities that municipalities confront.

### **Housing and Demographic Statistics**

In 2016, Statistics Canada determined the City of Victoria's population to be 85,792, a 7.2% increase from the 2011 results. The breakdown of dwelling characteristics (Table 1) shows the different types of housing available in the City. With the City of Victoria's population estimated to grow to 105,000 by 2041, particularly within the 65 years plus demographic, an additional 15,000 housing units are needed to meet demand, specifically 13,000 apartments and 2,700 ground floor units (City of Victoria, 2016).

Table 1

*Dwelling Characteristics in the City of Victoria*

<b>Dwelling Type</b>	<b>Number of Units</b>
Single-detached house	6,545
Apartment in a building that has five or more storeys	8,195
Semi-detached house	1,140
Row House	2,260
Apartment or flat in a duplex	4,490
Apartment in a building that has fewer than five storeys	23,035
Other single-attached house	85
Movable dwelling	10

From: Statistics Canada (2016).

To provide overview and insight into the current rental housing stock, there are currently approximately 24,885 purpose-built rental housing apartment units across the Victoria Census Metropolitan Area; an area which includes 13 municipalities, one electoral area, and 13 First Nations Reserves south of the Cowichan Valley Regional District (CRD, 2016). Not including strata, secondary suites, duplexes, or non-profit or government owned buildings, 703 rental buildings exist in the City of Victoria area, as identified by the City of Victoria Mapping Tool (City of Victoria, 2018c). As noted within the City of Victoria's 2017 Housing Report, 248

purpose-built rental units, and building permits for 48 secondary suites, six garden suites, and 775 net new residential dwellings were issued that year. Fifty-nine percent of current City of Victoria residents rent - an amount 25% higher than other municipalities in the capital region - while rental vacancy rates remain at 0.8% as of 2017 (City of Victoria 2017b). Efforts have been made to increase available affordable housing stock, yet the need for more is apparent, particularly with population increases and demographic changes on the way (City of Victoria, 2016). Table 2 shows the 2018 housing targets for the City. It was assumed 20% would be family units and 80% would be single units. Households with incomes of \$85,000 and above may access Below Market Ownership and Ownership Housing. The total demand of 520 units per year includes 124 units below market rental, which equals 24% of the total units created (Tinney, 2018).

Table 2

*2018 Housing Targets for the City of Victoria*

	<b>Very Low Income</b>	<b>Low Income</b>	<b>Low to Moderate Income</b>	<b>Moderate</b>	<b>Above Moderate</b>
Income	<\$20k/yr	\$20-35k/yr	\$35-55k/yr	\$55-85k/yr	>\$85k/yr
Rent	Less than \$500 per month	\$500 to \$875 per month	\$875 to \$1,375 per month	\$1,375 to \$2,125 per month	More than \$2,125 per month
Single	29	34	40	161	152
Family (2-bed+)	7	9	10	40	38
Total	<b>36</b>	<b>43</b>	<b>50</b>	<b>201</b>	<b>190</b>
	Supportive and Social Housing	Below Market Rental	Market Rental	Below Market Ownership	Ownership

From: Tinney (2018).

## Housing Prices

Over the past two decades, average prices of single-family detached homes (SFD), condominiums and townhouses in Victoria have all steadily increased (Figure 1); prices of these increasing by 13%, 17% and 12% respectively (City of Victoria, 2017b).



Figure 1. Average Victoria housing sale prices - 1997-2017.

Compared to 2016, year-to-year average rents in the City of Victoria increased by 4.7% for a bachelor unit, 7.2% for a one-bedroom, and 7.7% for three-bedroom units, with overall average rents being 7.1% higher for all units in 2017 compared to the previous year (City of Victoria, 2017b). The 2018 Canadian Rental Housing Index, provides a breakdown of the proportion of renter household income spent on rent and utilities by type of unit (Table 3).

Table 3

*Proportion of Renter Household Income Spend on Rent Plus Utilities*

Name	Household Income Range	Quartile	Average Income	Studio	1-Bed	2-Bed	3-Bed	4-Bed	All Units
British Columbia	\$0 to \$23,378	Q1	\$13,557	57%	71%	92%	109%	141%	80%
	\$23,378 to \$45,979	Q2	\$34,352	30%	32%	36%	41%	47%	36%
	\$45,979 to \$78,065	Q3	\$60,592	20%	21%	22%	26%	30%	23%
	\$78,065+	Q4	\$126,289	12%	13%	14%	15%	16%	14%
		All		29%	26%	23%	22%	22%	23%

From: Canadian Rental Housing Index (2018)

**Housing and Development Subsidies**

There are a number of rental assistance programs provided by BC Housing (2018) for low income and elderly renters; program eligibility varies depending on income, dependent children, and the amount paid on housing. Shelter aid for elderly renters is also available, and BC Housing offers home adaptations for persons with diminished physical abilities of up to \$20,000 per year until the allocated funding is exhausted each fiscal year (BC Housing, 2018).

The team did not come across any current subsidies or tax benefits for private homeowners to incentivise or facilitate the development of secondary suites; however, in the past, Victoria has offered grants of up to \$5,000 or 25% of project costs for this (City of Victoria, 2009). More subsidy programs and initiatives currently exist to support developers and non-profit groups with affordable housing projects, including those from BC Housing that target the non-profit housing sector or builders to create subsidized rental units at cost (BC Housing, 2018). In November 2017, the Government of Canada (GOC) launched the first ever National Housing

Strategy - a 10 year, 40-billion-dollar initiative to create up to 100,000 new affordable units and provide housing for approximately 530,000 people (GOC, 2018). Overall, it appears available benefits and subsidies are for large builders creating large rental complexes, not for single family home owners looking to increase density through secondary suites on their properties. To solve the problem of the lack of affordable housing in the City of Victoria, the team looked at current housing available in Victoria, brought together developers, builders, renters and the city and looked at how affordable housing can be sustainable and strengthen community through case studies and city policies.

### **Methodology**

The Team spent nine days in Victoria in June where we built upon the principles of sustainability that we had learned to date while exploring various issues surrounding affordable housing. The residency was structured around experiencing hands-on learning tools such as maker-space with representatives from the City and Pinterest to examine the ecological, social and economic imperatives of the city while defining and developing the methods to be used for this research. Presentations from a number of influential individuals from different branches of the housing spectrum including United We Can, Victoria's Coalition to End Homelessness, United We Can and Victoria Placemaking, provided food for thought as the team worked through ideas for the research. Subsequent months were spent researching and narrowing down the research topic, discussing affordable housing with different authorities, completing literature reviews, and hosting two online public collaboratory sessions on October 4, 2018 with vested stakeholders on affordable rental housing.

## **Collaboratory Sessions**

The collaboratory sessions brought together a variety of perspectives on affordable rental housing; from both the development and non-profit sector. The team wanted to ground truth some of the theories formed from the research and existing housing numbers, and gain feedback on city processes in relation to rental housing. Ten participants joined the afternoon, and two participants in the evening session.

## **Results and Findings**

### **Affordable Housing Case Studies**

#### **Singapore.**

In Singapore, 90% of land is government-owned and 80% of homes are government-built apartments (Jha, 2018). Due to limited land, housing is constructed as bottom up designs, creating neighborhoods that include mixed use buildings proximal to high quality public transportation and shared green spaces.



These flats are located in Singapore housing estates, self-contained satellite towns with schools, supermarkets, clinics, hawker centres, and sports and recreational facilities. Bernard Spragg photography. <https://www.flickr.com/photos/volvob12b/17141963879>

*Photograph 1. Singapore*

The land surface area of the City of



Victoria is 19.47 km<sup>2</sup> and the population density is approximately 4,400 people per square km (Statistics Canada, 2016). Singapore has approximately 5.6 million people in 716 km<sup>2</sup> which equates to a population density of 7,915 per square km (World Bank Group, 2017) which is 45% greater than the City of Victoria.

In 1967, the Land Acquisition Act empowered Singapore to acquire land at low cost for public use (Jha, 2018). In Singapore, great emphasis is placed on standardization and efficiencies in construction management. Despite being one of the densest cities in the World; Singapore regularly scores among the highest in livability ratings (Jha, 2018), which demonstrates how these standardization and efficiencies combined with the government owned properties were able to be utilized to create affordable housing.

### **Germany.**

After the Second World War, there was a need for housing as 20% of Germany's housing stock was destroyed. Mortgages were not an option as the currency was basically worthless (Phillips, 2014). "A housing program would simultaneously put people back to work and reduce the stress of the housing crunch" (Phillips, 2014). Britain also faced a similar situation after the war, but when they developed their housing strategy, they choose to leave private developers out of the offering. This difference impacted the current state of rentals in each country, with Germany a country of renters and Britain a country of home owners. (Phillips, 2014). Developers were also provided government subsidies for rentals which was not, and still is not, common, and a large number of rental properties were created. Unlike many other countries within the European Union, the German government does not encourage home ownership as mortgage interest cannot be deducted on taxes. This, paired with policies prohibiting rent rates from being

increased by more than 15% over three years, makes renting a good option; with supportive regulations, a good supply of units, and low increase in costs. Rental rates work out to approximately 30% of household income in larger cities, and 20% outside of these core areas (Feargus, 2016).

### **The Eden Concept.**

The Eden Concept believes the most effective way to address the affordable housing crisis is to add a large number of high-quality, low rent apartments, thereby increasing supply (Hessling, 2016). This European-based model goes beyond building a single development and instead is based on an economy of scale. The more units created decreases individual unit construction costs which can then be passed along to the consumer in the form of lower rents. This allows tenants to focus on their community and personal well-being. Hessling (2016) believes this approach will not only support the rental market but, with an increase of affordable, quality units, the housing market will begin to cool, making single family housing more affordable. As mentioned by one of the collaboratory participants, the wheel does not need to be reinvented; there are already a number of solutions out there, the key will be to find solutions, such as the Eden Concept, that work for the City.

### **Collaboratory Findings**

Through our facilitated discussions, similar themes arose: the need to reduce barriers and the cumbersome nature of application and permitting processes, the need to address the ‘not in my backyard’ perspective of residents and communities, and the need to increase affordable rental

density. Notable comments made and recommendations provided by participants included the following:

- increased density, making for healthier, more interactive neighbourhoods;
- development having the potential to be easily derailed by community “bullies” (naysayers) who may be misinformed;
- the need for a viral dissemination of information regarding affordable housing with the intention of sparking a change in mindset;
- community consultation being an invaluable piece of the puzzle;
- pre-zoning for affordable housing developments and increased rental stock opportunities should be considered en masse;
- the need for increased taxation of vacation rental properties;
- a development application process that can be politicalized and non-transparent;
- the City of Victoria having implemented zoning bylaw changes to make the development process easier in the downtown core neighbourhood; and
- develop an affordable housing development strategy and community plan with consistent funding committed annually to support development.

### **Current Initiatives and Policies**

A summary of the affordable housing initiatives and policies that the City of Victoria has undertaken, and their anticipated outcomes, are included in Appendix A. As of April 2017, garden suites are permitted in single-family zones across the city (City of Victoria, 2017c) but, there are currently no grants available to support homeowners in the development of such housing. Properties already possessing secondary suites were ineligible for adding a garden suite.

Rules are under review for this. Multiple cities in Canada offer grants to create suites for seniors living on low incomes, and individuals with disabilities. For example, the County of Simcoe provides up to \$25,000 for the creation of garden or secondary suites that are to remain as affordable rental units for 15 years (County of Simcoe, 2018).

In terms of short-term vacation rental properties, according to a CBC article (Wilson, 2016), it is estimated that approximately 300 housing units in Victoria have been converted to short term rental properties through rental agencies such as AirBnB. Even though this is a small number, only 0.6% of the total number of houses in Victoria, 49,212 (Statistics Canada, 2018a), the popularity of AirBnB is on the rise and could create a problem in the future. Zoning in the downtown core currently permits short term rentals in 1,700 units (City of Victoria, 2016) and the Short-Term Rental Regulation Bylaw (No. 18-036) was updated in March of 2018 (City of Victoria, 2018a). City of Victoria staff recommended increased enforcement and monitoring to ensure that business licenses are obtained for these units (Wilson, 2016).

The McKinsey Global Institute looked at four categories that could make housing more affordable - land, development, operations, maintenance and financing - and suggested unlocking land for affordable housing, improving capital productivity and energy efficiency, and reducing borrowing costs to buyers as being key for success (2014). Some successful examples from the McKinsey report include the following:

- Hong Kong had 1.4 million new homes constructed in the past 40 years; all within close proximity to transportation networks. Approximately 43% of residents and 53% of jobs are within 500 meters of a transit station.

- China, Turkey and Monterey California have all increased housing by releasing public land; an effective way to create housing while freeing up land costs for other development.
- Japan, South Korea, and Gujarat, India have successfully implemented housing initiatives through land pooling. Owners pool their land in exchange for higher density and infrastructure investment, and land is then redeveloped with a parcel coming back to the owner. The increase in land value makes it enticing for owners to contribute.



Hong Kong Wetland Park & Residential Housing.  
[https://commons.wikimedia.org/wiki/File:Hong\\_Kong\\_Wetland\\_Park\\_%26\\_Residential\\_Housing\\_\(2141079680\).jpg](https://commons.wikimedia.org/wiki/File:Hong_Kong_Wetland_Park_%26_Residential_Housing_(2141079680).jpg)

*Photograph 2. Hong Kong Residential Housing*

## Recommendations

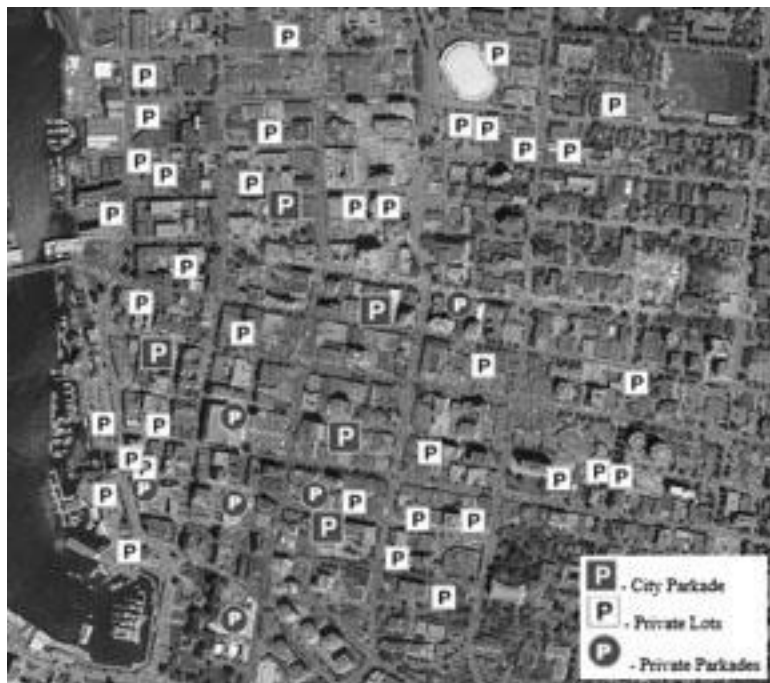
### **Recommendation 1: Expand city policies regarding housing options and densification.**

In 2018, BC Housing introduced Housing Hub as the provincial land trust office. Their mission is to increase the supply of affordable housing for middle-income earners, many of whom have been priced out of the housing market (BC Housing, 2018).

“Community land trusts have the common purpose to provide affordable housing and access to land controlled by the community. They complement mainstream affordable housing through the creation of housing associations and can secure vital assets including local shops, community halls, and open spaces” (Dale et al, 2014).

In British Columbia, the first land trust partnership is with the British Columbia Conference of the United Church of Canada who have provided land for approximately 400 units of housing at four church sites through the province. Project development funding of nearly \$12.4 million has been provided by the province to advance this redevelopment proposal. Each development will include an affordable rental housing component, along with redevelopment of the existing church facilities, offices and other programming spaces (BC Housing, 2018). Developing further land trust partnerships with organizations such as school boards, military bases, and other faith communities opens up opportunities for increasing affordable rental stock.

Another option, one perhaps a bit more radical, would be use of parkades as potential housing developments. Currently, as depicted in Figure 2, there are five city owned parkades, six privately owned parkades and 37 privately owned lots in the downtown core (City of Victoria, 2018c).



*Figure 2.* Parkades in downtown Victoria (City of Victoria, 2018c)

As an opportunity to increase densification and provide affordable housing, the City could consider permitting development on top of city-owned parkades (provided they are structurally sound), or the redeveloping of surface lots to permit structures above (without significant compromise to the surface parking space still on ground-level). A few unique and innovative developments have been proposed in the City of Vancouver that would see childcare facilities built on the top floor of a couple of city-owned parkades (Robinson, 2016), and the addition of temporary modular housing to one flat-topped parking lot (Chan, 2018). Although unsuccessful due to poor business practice, Vancouver leased the top floor of a downtown parkade for greenhouse space in 2012 for the cultivation of greens hydroponically (Shore, 2011).

With a significant and increasing senior population, many municipalities are looking at co-housing with students, allowing seniors, who may have more housing space than they require or can afford, to ‘age in place’. This would free up rental properties previously occupied by

students. Students are provided housing at a reduced cost in exchange for a weekly commitment of assisting with household chores and errands. One example of this is the Symbiosis Co-Housing program at McMaster University in Hamilton, Ontario (Roussy, 2018).

As a final option, micro homes are an affordable form of housing that could be used as infill to densify neighbourhoods. Mobile Loaves & Fishes has established the Community First! Village in Austin, Texas (Katy Christian, 2018); a 51-acre community of affordable micro housing that



Community First! Village is 51-acre master planned community that provides affordable, permanent housing.

<http://www.nydailynews.com/news/national/pioneering-homeless-community-planned-texas-article-1.1528129>

Photograph 3. Micro Housing.

provides permanent housing and a supportive community for to up to 250 people at a time.

## **Recommendation 2: A public education campaign to address “not in my backyard” perspective**

The City of Victoria has done an effective job of creating, compiling and implementing public engagement strategies, yet a lack of trust still remains between stakeholders that is slowing the affordable housing development process. In the collaboratory sessions, developers were cautious of public consultations, stating that the participatory process often gets hijacked and bogged down by those resistant to development. In situations like this, it is important to have strong facilitators that can manage the polarizing naysayers that make it difficult for all to participate. “Developers are nervous about participation because they are afraid the community will have unrealistic expectations, but this is how good development happens” (Freeman, 2017);



citizen engagement and participation are critical for fostering a strong, sustainable community. To overcome this, all stakeholders must start from a place of gratitude which, as research shows, “leads to a positive spiral of helping, gratitude, trust and cooperation” (Macy & Johnstone, 2012). This strengthens communities and provides the resilience needed to face whatever messy, wicked problem is at hand.

For real action to take place and trust to be built, engaging with people in the real world and having real conversations is invaluable. That being said, deliberately designed dialogues that are capable of bringing about personal and social change can be virtual and place-based (Dale, 2018). Public forums, discussions and other environments that foster two-way communication, either in-person or virtual, should be used.

Part of this online strategy for engagement could be a website; something comprehensive yet concise that provides people a one-stop-shop to hone in on the topic and issue at hand. Knowledge of this platform should be deliberately shared to ensure community members are aware the resource exists; using avenues like community newsletters, social media, print advertising and/or sharing at community events as ways to spread the word. No matter how innovative a policy is, if citizens cannot access the information or do not know it exists, it is a wasted opportunity. Features such as newsletter sign up requests that pop up on a timer or with each click to a new page, or a live chat box, could provide citizens new opportunities to engage and feel better informed.

“The fastest way to grow a reliable audience is to improve the citizen experience on your website. No matter how you compose your message, make sure you communicate the value the reader will get for clicking through. Then to maintain your existing audience

and cultivate a new one give people the information they seek, when they need it.

Otherwise, they will unsubscribe” (Simpson, 2016).

Thorough public education is needed to change the “not in my backyard” perspective. A public awareness and education campaign designed to foster a new community attitude about affordable housing development could include:

- getting developers, renters and homeowners together to create skits or drawings inspired by rental housing affordability as “artistic practices...can inspire dialogue” (Dale et al, 2014);
- creating online vision boards where citizens, developers, etc. can share cool suites and interesting architectural designs sparking creativity and excitement for the development;
- creating time-lapse video clips of developments happening in the city, similar to what was done when the iconic blue Johnson Street Bridge was removed;
- providing walking tours of rental properties showcasing different types of properties from high rises to garden suites, and laneway houses to co-operatives; and
- facilitating open houses and question/answer opportunities for homeowners considering developing secondary or garden suites to walk through the processes and pieces required, making the process more manageable and ensuring applications are completed thoroughly and accurately from the get go.

Today the citizenry is highly informed through online participation. Getting them offline to not only talk, but do, is the challenge. If the City of Victoria can instill “deeper trust, deeper history [then people] will have moved beyond gestures and donations, (they will be able to) reach consensus, set goals, think strategically, and have philosophical direction” (Turkle, 2015).

**Recommendation 3: Reduce the complexity of the permitting and development process.**

Zoning bylaws regulate how a property can be developed. The City of Victoria has two zoning bylaws - one applying to the Downtown Core Area, and the other to all other properties within the City. Respecting the complexity of the zoning system, the City has recently made some amendments with the intention of making it easier for developers and property owners to understand. In July 2018, Council approved an update to the Downtown Core Area zoning to include four new zones; replacing the more than 70 that previously existed (City of Victoria , 2018d). Other improvements include editing ambiguous language, reducing the need for site-specific zones, introducing more permitted uses, eliminating the need of cross-referencing between zones, and updating the off-street parking regulations for vehicles and bicycles. City zoning policies can make the development process extremely challenging, and through the collaboratory session, participants felt that zoning poses a huge barrier to developers. Developers should find the recent changes and simplifications encouraging.

The City of Victoria website states the first step of the current permitting process is to submit an application. It is the developer's responsibility to review the Official Community Plan (OCP), applicable zoning regulations, engineering standards, environmental requirements, building code requirements, and all other applicable City of Victoria policies in the creation of their plan. To ensure a speedy review, developers should properly, thoroughly and comprehensively prepare the application package as incomplete or inadequate applications will require revision and longer processing. It was mentioned in the collaborator session that development identified as affordable housing is moved to the head of the approval queue; an example of how the city is trying to encourage and promote affordable housing. When applying, application fees intended to cover administrative time and thorough review of the application are

charged; including a base cost, and potentially community meeting, public hearing, public comment and resubmission fees (City of Victoria, 2017a). Applicants do have the potential of seeing the base cost and variance fees waived but, the development must be registered as affordable housing with the City and be owned by, or affiliated with, a non-profit or government agency for this to happen. If a portion of the units are allotted for affordable housing, the base and variance fees are reduced as a percentage of the total floor area of the building (City of Victoria, 2017a).

In the collaboratories, some participants stated that developers would argue the whole system needs to be fixed, and that the whole design process is very bureaucratic and restrictive. For example, homeowners can't have a garden suite when the house already has a secondary suite, and there is a \$1000 application fee to apply for a garden suite (City of Victoria, 2017a). These policies pose a barrier for people wanting to facilitate densification and establishment of affordable housing in their neighbourhoods. As garden suites can't be strata-titled (City of Victoria, 2017c) the burden of financing would be on the current homeowner, this could be an area for consideration in increasing density and the possibility of home ownership.

Suggestions to overcome some of these policy-based issues would be:

- to address the disconnect between different groups (city and developers, builders and homeowners) and seek clarification as to where the process seems overly cumbersome;
- to do large scale rezoning instead of spot rezoning, as was done for the Downtown Core Area (City of Victoria, 2018d);
- to reclaim land and make it government owned, like Singapore (Jha, 2018), ensuring the land is utilized for the betterment of Victoria as a whole; and

- to offer workshops for developers with the aim of having a better understanding of the permitting process and associated fees.

### **The Three Imperatives**

The social, environment, and economy imperatives should be thought of as both sufficient and necessary when implementing any type of change (Dale, 2001). All three of the recommendations above are trying to address housing shortages in the City of Victoria. While trying to create a solution for a complex problem, all three imperatives have to be taken into consideration (and integrated) as failure in one area will create failure in all three (Dale, 2001).

The recommendations touch on all three imperatives. For example, the social imperative is fulfilled by involving people and giving them a platform to be heard. Rezoning areas and having alternative types of buildings will also increase the social capacity of a city or neighborhood. By making it easier for people to obtain housing in established neighborhoods it will reduce the need for new suburbs, thereby saving the City money on infrastructure maintenance and replacement costs (roads, sewer, etc.). Sandra Hamilton (State Government of Victoria, 2010) suggests moving from ‘doing no harm, to doing some good’ by using procurement processes to generate positive social outcomes in addition to economic value. Adopting the social procurement process will enable the City to leverage tax dollars through the procurement of goods and services to build strong communities, strengthen the local economy, and achieve more value for money spent. Initiatives could include providing training and work for local disadvantaged residents, sourcing local goods and services, ensuring diversity and equality, and achieving social inclusion. All of these elements are keeping the economical imperative in check. By having housing built in established neighborhoods, the city is saving green space from being developed and taken over by roads, concrete, and people.

Keeping people close to the downtown core will also cut down on the amount of travel to and from work, saving on vehicle carbon emissions addressing the ecological imperative.

Allowing individuals the option to live closer to work reduces their costs for housing and travel, thereby allowing time and finances to increase participation both at an economic and social level, in their community. For example, supporting the revitalisation of important social gathering places such as Centennial Square at City Hall also supports the creation of social relationships. Increasing density and creating affordable housing initiatives can have a positive impact on the City of Victoria's environmental, social and economic imperatives.

### **Conclusion**

There is no easy fix to the lack of affordable rental housing in the City of Victoria; however, if the City continues to work with the community to i) expand city policies regarding housing options and densification, ii) develop a public education campaign to address "not in my backyard" attitude, and iii) reduce complexity in the permitting and development process, a solution can be found.

The team encourages the City to consider the recommendations provided, and to incorporate a systems-thinking approach with a focus on transformational change that looks at many elements, including organizational structures, systems, individual and cultural mindsets, and processes (Anderson & Ackerman Anderson, 2010). To ensure that a change of this size is implemented properly, it is important to consider the change management style used. In particular, a conscious process thinking model which considers all of the internal and external, aspects of implementing a change is considered is important (Anderson & Ackerman Anderson, 2010). The change being proposed has to take into consideration the internal elements that the city has the ability to change, such as policies and zoning bylaws that will impact the city, and

the external elements which are outside of the cities direct control. These external elements could be public perceptions and people's motivation to build secondary suites on their own property. All of these elements will impact the community and change the makeup of the city as a whole. Ensuring that all connected elements of this change from content to people (dynamics) and process are taken into consideration in an ongoing fashion will create a better outcome (Anderson & Ackerman Anderson, 2010), and a City of Victoria with affordable rental housing.

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**Appendix A***City of Victoria Affordable Housing Initiatives Timeline*

<b>Year</b>	<b>Action</b>	<b>Outcome</b>
2015-2018	- Continue to keep subsidized housing units a focus and work with partners to create/identify new opportunities	
2015	<ul style="list-style-type: none"> <li>- Increase City contribution to Victoria Housing Reserve. - Lobby other municipalities in the Capital Region to do the same.</li> <li>- Review Victoria Housing Reserve to consider increasing the amount per door and building family housing and creating guidelines to allow Housing Reserves monies to be used for properties outside the City.</li> <li>- Initiate Municipal Housing Strategy; include income mixed zoning.</li> <li>- Form an Affordable Housing Task Force to research, analyze and implement innovative housing policy solutions.</li> <li>- Look at zoning, bylaws and specifically at inclusionary zoning.</li> <li>- Work with developers, BC Housing, and private sector landlords. Think and act outside the box. Be willing to pilot new ideas.</li> <li>- Limit annually property tax increases to a maximum of rate of inflation plus 1%.</li> <li>- Drive more garden suites and secondary suites through an incentive program.</li> <li>- Consider re-instituting incentives for suites.</li> </ul>	



# MESSY WICKED PROBLEM OF HOUSING AFFORDABILITY

Year	Action	Outcome
2016	<ul style="list-style-type: none"> <li>- Continue to push for a National Housing Strategy.</li> <li>- Develop Municipal Housing Action Plan.</li> <li>- Work with CRD partners to implement a Housing First Initiative.</li> </ul>	<ul style="list-style-type: none"> <li>- Substantial increase in construction of new low-cost housing units with implementation of income-mixed zoning.</li> <li>- Complete Municipal Housing Strategy; include income mixed zoning.</li> </ul>
2017	<ul style="list-style-type: none"> <li>- Continue to Implement Municipal Housing Strategy.</li> <li>- Strengthen policy and regulations related to short-term vacation rentals.</li> </ul>	<ul style="list-style-type: none"> <li>- Appropriate solutions in place for all individuals experiencing chronic homelessness with additional or other support needs as identified by the Greater Victoria Coalition to End Homelessness Priority One Task Force.</li> </ul>
2017/2018	<ul style="list-style-type: none"> <li>- Continue to support the work of the Greater Victoria Coalition to End Homelessness</li> </ul>	<ul style="list-style-type: none"> <li>- Increased range of affordable housing not only for those in need of supports but also for working people, families and youth.</li> </ul>
2018	<ul style="list-style-type: none"> <li>- Limit property tax increase to a maximum rate of inflation plus 1%, including police.</li> <li>- Accelerate Victoria Housing Strategy implementation.</li> <li>- Implement findings from Market Rental Revitalization Study (MARRS).</li> <li>- Review Community Amenity Contribution Policy and adopt an Inclusionary Housing Policy.</li> <li>- Report quarterly on new affordable housing units under development in the city.</li> </ul>	<ul style="list-style-type: none"> <li>- More affordable and supportive rental units available.</li> <li>- New garden and secondary suites are in process (Target TBD)</li> <li>- There is an Inclusionary Housing Policy in place that results in affordable housing units in new buildings approved for rezoning.</li> </ul>
2018-2022		<ul style="list-style-type: none"> <li>- Through the MARRS study, building owners understanding incentives available for affordability, seismic upgrading, and energy retrofitting and are actively engaged in undertaking such improvements.</li> </ul>

MESSY WICKED PROBLEM OF HOUSING AFFORDABILITY

Year	Action	Outcome
2021		- Appropriate solutions in place, including adequate housing, for all individuals experiencing chronic homelessness.

From: City of Victoria Strategic Plan (2018).

# Learning Towards a Better City

Reflections on the 2018 Europe Sustainability Field School



Hannah Boczulak, Cam Owens, Clare Suggett  
University of Victoria (Geography)

*Presentation to Victoria Council (Nov 8, 2018)*

# Europe Sustainability Field School (2018)



## Vancouver housing ranked 3rd most unaffordable by international study



Demographia International Housing Affordability Survey links median house prices to median household incomes

Chad Pawson · CBC News · Posted: Jan 22, 2017 8:41 PM PT | Last Updated: January 23, 2017



## Humans have wiped out 60% of animals since 1970, says WWF

Earth's ability to provide for humankind's increasing demands has been exhausted and the world's wildlife is paying the price.

19:56, UK  
Tuesday 30 October 2018



'Life on earth is being wiped out by humans'

## Intergovernmental Panel on Climate Change releases special report on global warming targets

THE United Nations has released a “wildly alarming” report on climate change and given the world just a 10 year deadline to take action.

# In a spirit of critical optimism

When asked if I am pessimistic or optimistic about the future, my answer is always the same: If you look at the science about what is happening on earth and aren't pessimistic, you don't understand data. But if you meet the people who are working to restore this earth and the lives of the poor, and you aren't optimistic, you haven't got a pulse.

What I see everywhere in the world are ordinary people willing to confront despair, power, and incalculable odds in order to restore some semblance of grace, justice, and beauty to this world.

Paul Hawken

PICTUREQUOTES.COM





## Enghave Square: 'A bench where everybody can sit'



**"You are very welcome to come and sit... This is actually the longest bench in Denmark! Everybody can sit here!"** (user of Enghave Minipark)



At the far end corner of Enghave Square in the neighborhood Vesterbro in Copenhagen, a small shelter, benches and a table form a meeting point for a group of the area's more marginalised citizens. The Minipark is a temporary space, created following the extension of the metro in 2010, which turned most of the former square into a building site. The shelter is an initiative between local community groups, artist Kenneth Balfeldt, Spectrum Architects and most importantly, many local beer drinkers. It continues a tradition of placemaking in Copenhagen, where instead of installing hostile architecture or excluding marginalised citizens from behaving in ways that are not considered 'social', inclusion is seen as an essential part of creating a resilient neighbourhood.

...and active  
collaboration



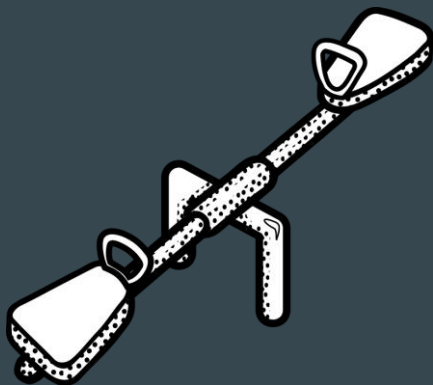




# Bringing Playgrounds Downtown

...

Clare Suggett



Who is privileged?

Who is not?





# East Side Platz



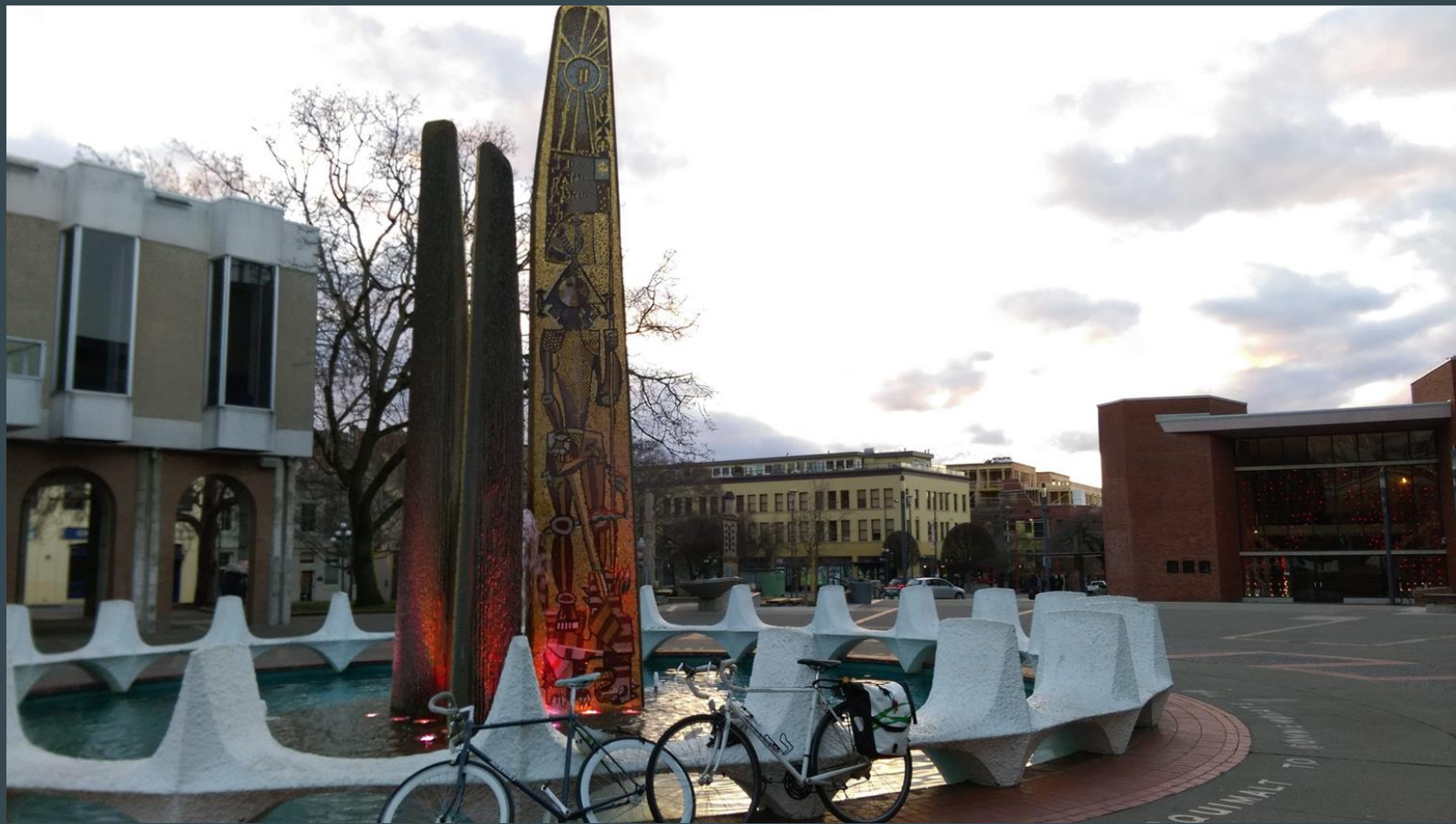
# Guldberg School



# “Play Street”









# Enhancing and Activating Victoria's Waterfront

...



Hannah Boczulak

# Inspired by Copenhagen



# Islands Brygge Harbour Baths







# Gorge Waterway





# Reffen













## Committee of the Whole Report For the Meeting of November 8, 2018

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**To:** Committee of the Whole **Date:** October 25, 2018  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00657 for 475 Gorge Road East

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### RECOMMENDATION

That Council decline Rezoning Application No. 00657 for the property located at 475 Gorge Road East.

### 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 475 Gorge Road East. The proposal is to rezone from the current S-1 Zone, Limited Service District, to a site-specific zone in order to allow for the retail sale of cannabis.

The following points were considered in assessing this Application:

- the proposal is consistent with the General Employment designation in the *Official Community Plan (2012)*
- the proposal is consistent with the General Employment designation in the *Burnside Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is a permitted storefront cannabis retailer within 400m.

### BACKGROUND

#### Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. No alterations to the exterior of the building are proposed. The following differences from the

standard zone are being proposed and would be accommodated in the new zone:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 189m<sup>2</sup>.

All other requirements within the S-1 Zone, Limited Service District, remain the same.

### **Sustainability Features**

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

### **Active Transportation Impacts**

The Application proposes a four-stall bicycle rack in front of the main entrance, which supports active transportation.

### **Public Realm Improvements**

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

### **Accessibility Impact Statement**

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

### **Land Use Context**

The area is characterized mainly by office and commercial uses, with some light industrial and transient uses.

### **Existing Site Development and Development Potential**

The site is presently developed as a single-storey commercial building. Under the current S-1 Zone, Limited Service District, the property could be developed for various commercial uses, including automobile uses such as garages, carwashes, and parking.

### **Relevant History**

Council declined a previous application to rezone the property to permit a storefront cannabis retailer with a floor area of 600m<sup>2</sup> following the December 14, 2017 Public Hearing. As a condition of rezoning for this previous application, a Statutory Right-of-Way was registered on the property for 4.03m on Gorge Road East, 0.85m on Bridge Street, and 1.38m on Garbally Road. This SRW continues to be registered on the property.

### **Community Consultation**

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) Community meeting is waived unless the application involves construction of a new building; however, the Application was referred to the Burnside Gorge Neighbourhood Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department. At the time of writing this report no comments had been received.

## ANALYSIS

### Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the General Employment urban place designation, within which employment-driven uses, including commercial, are envisioned.

### Local Area Plans

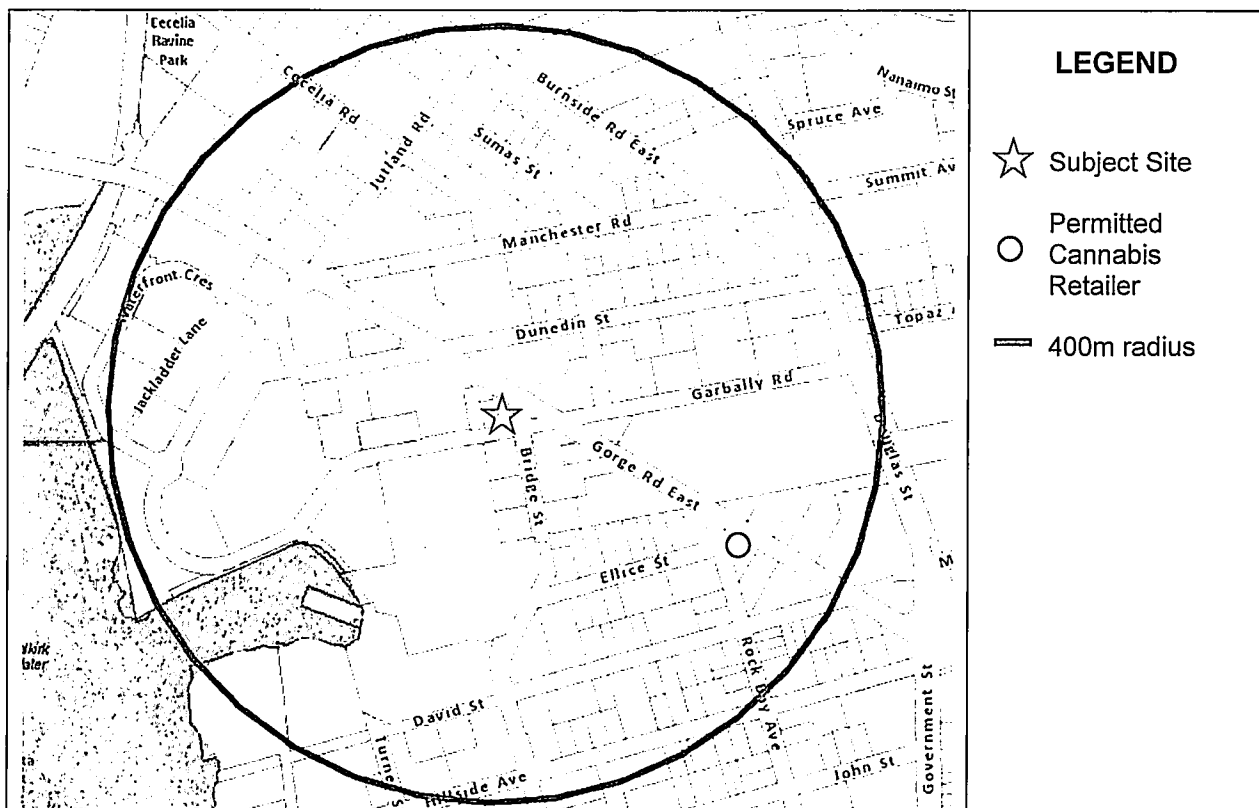
The *Burnside Gorge Neighbourhood Plan* identifies the property within the General Employment designation, which envisions retail uses on the ground floor along arterial roads.

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application. There are no impacts to public trees with this Application.

### Storefront Cannabis Retailer Rezoning Policy

The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is a permitted retailer at 603 Gorge Road East that is approximately 265m away from the subject property. There are no schools within 200m of the subject property.



## CONCLUSIONS

The proposal is consistent with both the OCP and the *Burnside Gorge Neighbourhood Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is a permitted storefront cannabis retailer within 400m the subject property. Therefore, staff recommend that Council consider declining this Application.

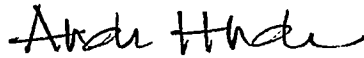
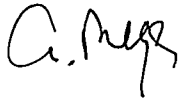
## ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00657 for 475 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

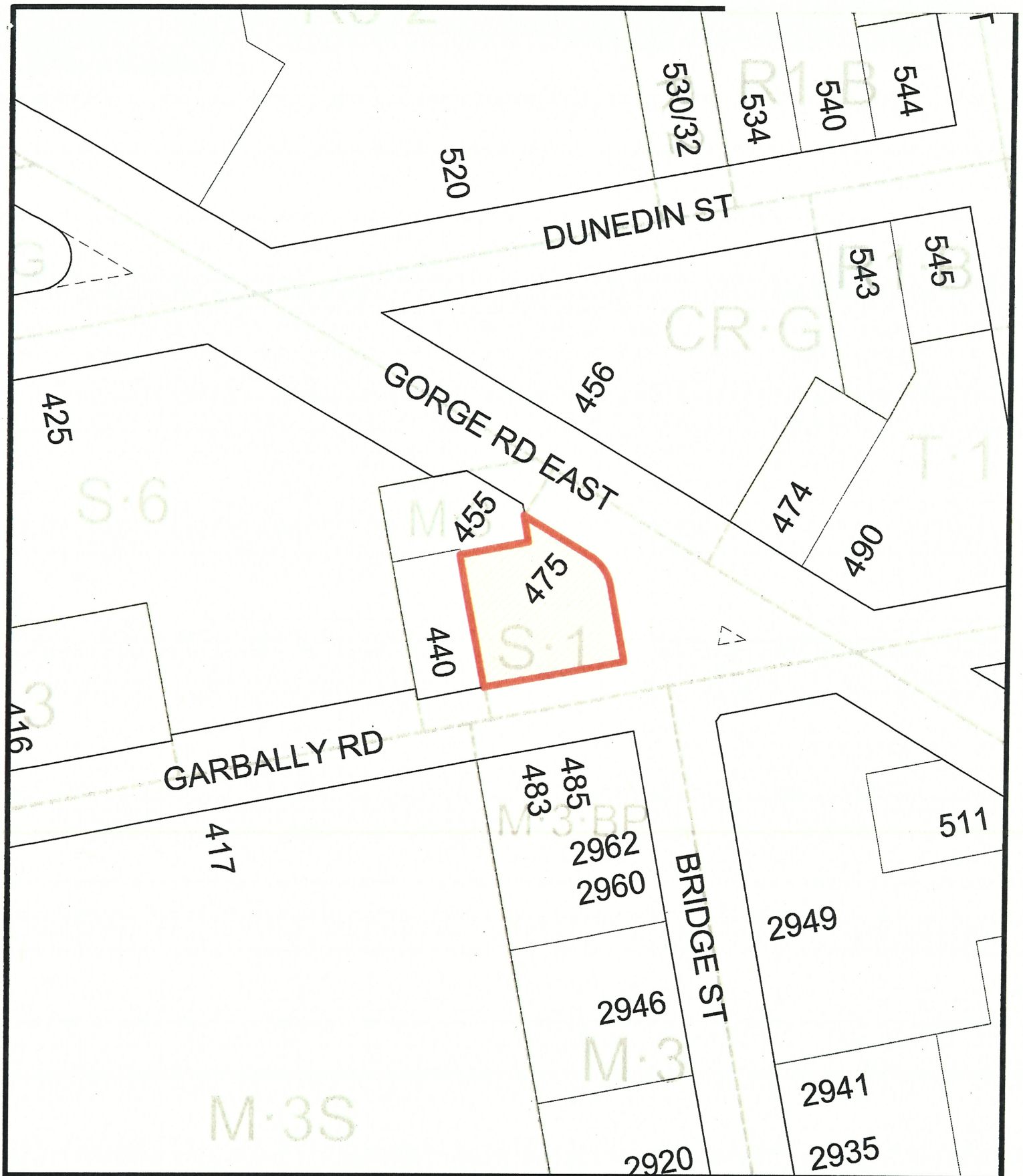


Date:

Nov 2, 2018

## List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 31, 2018
- Attachment D: Letter from applicant to Mayor and Council dated July 25, 2018
- Attachment E: Minutes from the December 14, 2017 Council Meeting
- Attachment F: Correspondence.



475 Gorge Road East  
Rezoning No.00657





475 Gorge Road East  
Rezoning No.00657



**THE GREEN HART, 475 GORGE ROAD**

## LIST OF DRAWINGS

## ARCHITECTURAL

- | ARCHITECTURAL |  |
|---------------|--|
| X-000         | Drawing List, Legend, Code Review, Project Information Table & Site Plan |
| X-001         | Site Plan  |
| X-002         | Existing Floor Plan  |
| X-003         | Exterior Photos  |
| X-004         | 400m Radius Map  |

## PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	S-1
Site Area (sq.m)	886.2 sq.m
Unit Floor Area (sq.m)	188.1 sq.m
Parking Stalls (Number on Site)	1 Loading, 13 On Site
Bicycle Parking Number (Class 1 and 2)	Class 1:4, Class 2:0

**Parking Calculation - Schedule C**

24 - Retail Stores - 1 space per 37.5 sq m gross floor area  
Gross Floor Area (Retail) - 153.3 sq m  
 $153.3 \text{ sq m} / 37.5 \text{ sq m} = 4.1$

25 - Other Offices - 1 space per 65 sq m gross floor area  
Gross Floor Area (Office) - 17.6 sq m  
 $17.6 \text{ sq m} / 65 \text{ sq m} = 0.3$

Required Parking Stalls - 5 Stalls

## CODE REVIEW

Item	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425
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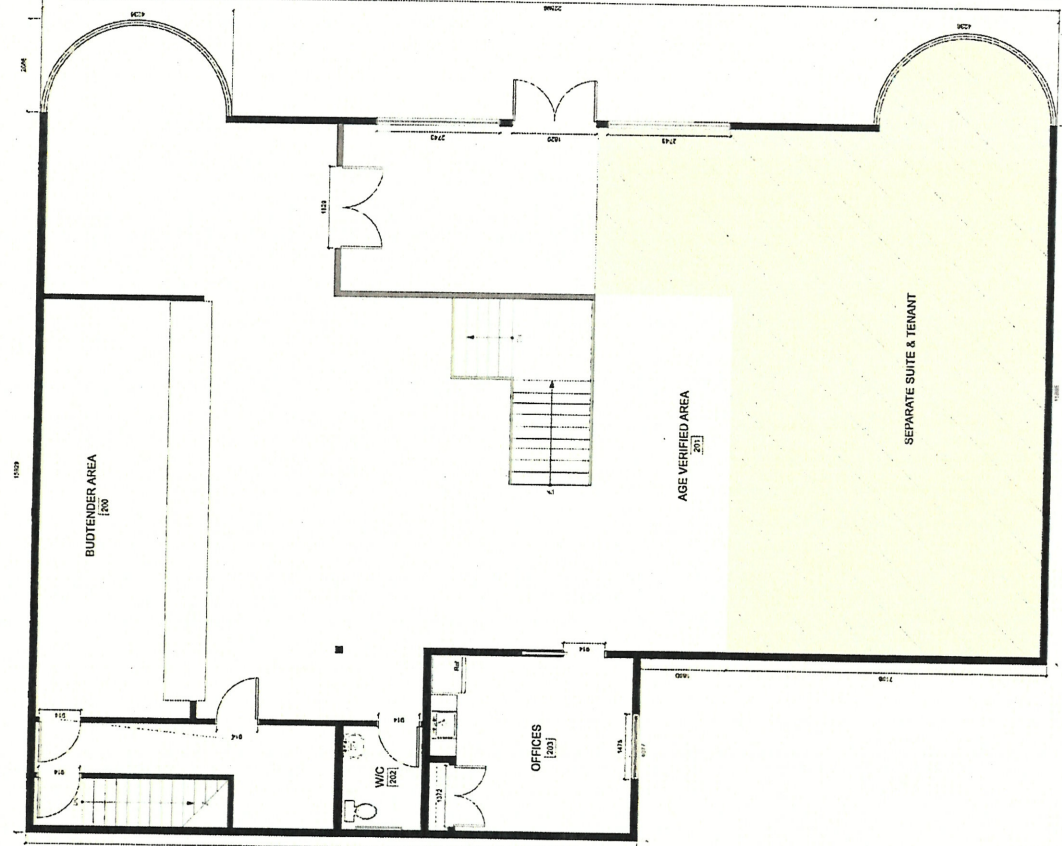


2. Silo Plan

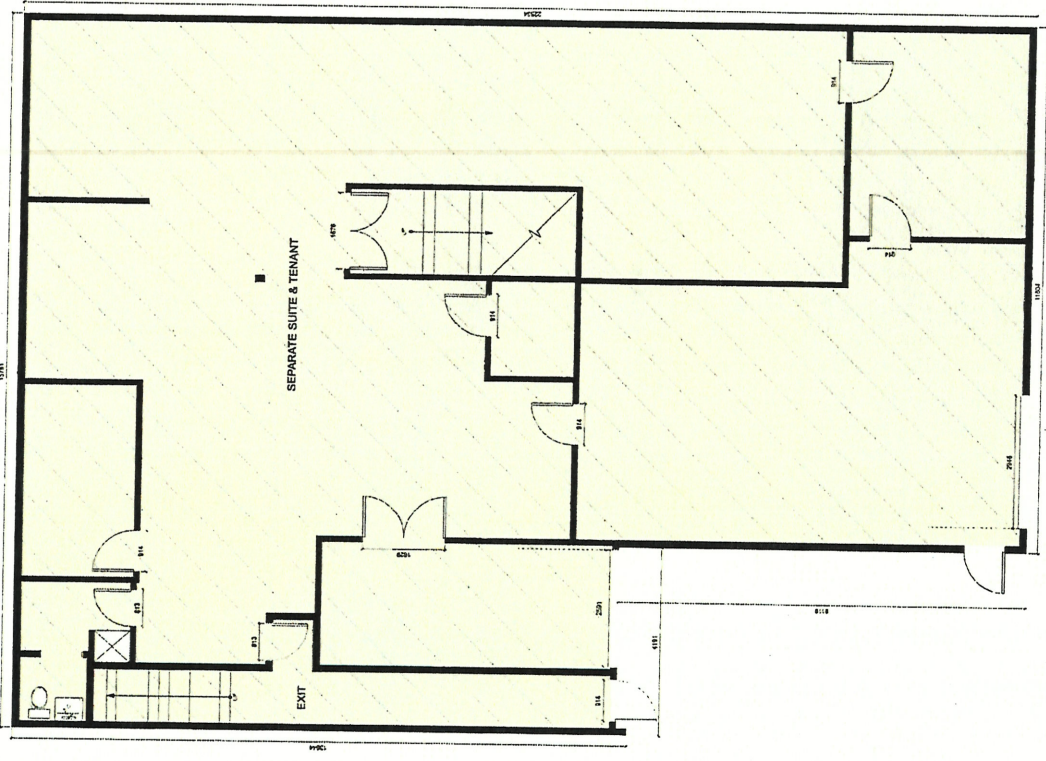
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2 Ground Level Plan



1 Lower Level Plan

numberTEN number 10  
10 YEARS OF  
COMMERCIAL  
PROPERTY  
INVESTMENT  
2018-07-20

The Green Hart  
Storefront Cannabis Retailer Rezoning  
475 Gorge Road  
Victoria, BC V8T 2L1

Floor Plans

DATE	2018-07-20
SCALE	1:50
PROJECT	Storefront Cannabis Retailer Rezoning
LOCATION	475 Gorge Road, Victoria, BC V8T 2L1
CLIENT	The Green Hart
DESIGNER	10
PROJECT NUMBER	A-002





DONATION BOX HAS BEEN REMOVED  
BIKE RACK (4 SPOTS) HAS BEEN INSTALLED



6 Exterior Photo - North Face

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July 25, 2018

City of Victoria  
Sustainable Planning and Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6  
Attention: Mayor Lisa Helps

**RE: REZONING APPLICATION FOR 475 GORGE RD EAST**

Dear Mayor Helps and Council,

Please find following the rezoning and supporting documentation for the property located at 475 Gorge Rd E for your review and consideration. The property is currently zoned as Limited Service District (S-1) and we are requesting it to be zoned the purpose of a Storefront Cannabis Retailer.

The existing 588.9 m<sup>2</sup> two story structure will remain intact, as is, and will not alter the current density and or add any additional dwelling spaces once rezoned.

Our re-zoning request complies with the current Official Community Plan and Neighborhood Plan so no changes are requested to either policy.

We are committed to ensuring that our business benefits and enhances our neighborhood socially, environmentally and economically. We have been proactively revitalizing our property as well cleaning the adjacent public areas. Showing pride in our property has helped to reduce the overall amount of refuse and paraphernalia that had collected from when the property was previously vacant. We have employed ten staff members to date and anticipate the need to increase our staffing levels as we continue to develop our business, allowing us to help support more local families with employment as well as provide residual benefits to our neighboring businesses.

Our business has provided a clothing drive for the benefit of the patrons of Rock Bay Landing. Organized a successful food drive to benefit the Mustard Seed Food Bank. We helped with the donations toward the Ride for Refugee, the participants were members of our Community Association. We have made several donations of our time as well as; food, Christmas hampers, organizing and preparation of "the dinner" that benefits the young families of the Gorge/Burnside Community. This year we had a very successful BBQ in which all the proceeds went to the Victoria Cool-Aid Society. We continue to drop helpful donations to the Community Centre for their summer programs and Christmas needs. ***In the future of our business we would like to give 2 percent of our yearly earnings to the City of Victoria. We would give it in quarterly payments. This could be for the maintenance of roads, bike lanes, building homes; such as the mini homes that would benefit Victoria.***

Our Storefront has been operational for two and half years in which time the need for our product and resources has exceeded our expectation. Our client base has increased to over 5000 patients since our opening and increases daily. Rezoning for a Storefront Cannabis

Retailer is a new classification that has not previously existed in the City of Victoria, therefore rezoning for a change of permitted use is mandatory in our situation.

As you know we have been denied the first attempt to our rezoning. Since this denial we have made changes in the size of our operating floor plan. We were aware of the grand size of the building and not needing all the space we have since started on the permit and the building plans to have a health and Wellness Centre. A separate entrance will be in place in order to progress with the provincial and municipal requirements. We have come to an agreement with the building owner we will not be leasing the lower level of the building.

Allowing the zoning and storefront in the Selkirk and Cecelia Village area of the Burnside Gorge neighborhood will help revitalize the area socially, environmentally and economically as identified previously. The Burnside Gorge Neighborhood Plan identifies the need to encourage and enhance current businesses and industry in the area that alternatively could otherwise continue to be left accent and vulnerable to socioeconomic stagnation or regression.

Our expectation is that our property and business will benefit the local area in a positive way. Our presence in the neighborhood has already aided in the clean-up of refuse and loitering in the area. We anticipate that the additional visitors to the community will also be economically beneficial to the other local business owners. The subject property is currently zoned S-1 and the impact on traffic flow, parking, infrastructure and noise concerns would have been identified and approved at the time of original development. We do not anticipate that traffic and noise levels will increase significantly from the current levels and could potentially decrease when zoned from Industrial to Retail.

The existing building and building envelope will not be altered. The current design complies with the design guidelines for the existing and proposed zoning and no Development Permit is required.

Safety and security is a priority to our patients, employees and the general public. Significant consideration was taken when planning, designing and implementing the use of natural, formal, lighting and territorial crime prevention at our location.

We have incorporated ACMPR regulations in the storage and packaging of our products. The wide-open space provides the opportunity for patrons to be visible inside the building. The low-lying flora around the parking lot of the building provides a wide-open space for natural surveillance and the hedging allows the natural flow of traffic while decreasing the opportunities for crime as outlined by CPTED. Adequate lighting has been installed to properly illuminate points of entry and is constructed of vandal resistant products. Consideration for glare and reduction of shadows and hiding spots were also incorporated into our lighting plan. A formal surveillance system has been installed and incorporated ten security cameras on-site as well four panic buttons strategically positioned for employees use if an eminent threat occurs. The panic buttons alert the RCMP as well our security provider immediately. In order to provide symbolic barriers and define private and public areas we have T&C Landscaping maintain the hedges around our parking area and the staff are required to do basic daily maintenance of the property.

The vehicle and bicycle parking requirements as defined by Schedule C have been met and exceeded. The property has thirteen marked, surface vehicle stall (one marked for handicapped parking) which exceeds the ratio of 1 per 205m<sup>2</sup> as well as one loading parking lot stall. We offer adequate secure, interior and exterior bicycle storage for our patrons. We have installed a wheelchair access ramp, door and have access for plug in for the electric

scooters/wheelchairs. We offer a wheelchair accessible washroom. Our location is located on a shared greenway.

The Selkirk and Cecelia Village area of the Burnside Gorge neighborhood area is serviced by public transit and the closest bus stop is located less than a block from the property allowing for alternative and eco-friendly access for patients to visit from other areas serviced by transit.

The subject property does not have Heritage Status therefore no Conservation Plan is required.

Currently The Green Hart is working toward our new building permit. The long-term plan for this space is to provide medical services with Medical Doctors at hand to the growing Burnside Gorge neighborhood as part of their neighborhood plan. We had at one time a pending approval for the building of the Health and Wellness Centre. Moving forward we will be applying and building. We understand and value the benefits of Green Built and LEED properties and will be applying the theories to increase energy efficiencies, utilize renewable resources and reduce water consumption when renovations begin in the future.

The property is currently and adequately serviced by the City of Victoria infrastructure and no additional requirements and or upgrades would be mandatory of the purpose of rezoning from Light Commercial to a Storefront Cannabis Retailer.

Thank you in advance for your consideration of this rezoning application. Please do not hesitate to contact Erin Drew at [info@thegreenhart.com](mailto:info@thegreenhart.com)

Regards,

Sean Pettifer

Enclosures

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3. **Rezoning Application No. 00535 for 475 Gorge Road East and Rezoning Application No. 00533 for 603 Gorge Road East**

1. **Public Hearing**

**Rezoning Application No. 00535**

To rezone the land known as 475 Gorge Road East from the S-1 Zone, Limited Service District, to the S-11 Zone, Limited Service (Cannabis 2) District, to permit a storefront cannabis retailer.

New Zone: S-11 Zone, Limited Service (Cannabis 2) District

Legal description: Lot A, Section 5, Victoria District, Plan 43288

Existing Zone: S-1 Zone, Limited Service District

Jim Handy (Senior Planner): *Advised that the application is to rezone the property to allow for the retail sale of cannabis.*

2. **Public Hearing**

**Rezoning Application No. 00533**

To rezone the land known as 603 Gorge Road East from the C1-S Zone, Limited Commercial Service Station District, to the C1-S2 Zone, Limited Commercial Service Station (Cannabis) District, to permit a storefront cannabis retailer.

New Zone: C1-S2 Zone, Limited Commercial Service Station (Cannabis) District

Legal description: Lot 1, Section 4, Victoria District, Plan 5362

Existing Zone: C1-S Zone, Limited Commercial Service Station District

Jim Handy (Senior Planner): *Advised that the application is to rezone the property to allow for the retail sale of cannabis.*

*Mayor Helps opened the public hearing at 7:24 p.m.*

Lee Shanks (Applicant for 475 Gorge Road East): Provided information regarding the application and how their cannabis storefront is run.

James Whitehead (Applicant for 603 Gorge Road East): Provided information regarding the application and how their cannabis storefront is run.

Patricia Morgan (Gorge Road East): Expressed support for the application at 475 Gorge Road East so they can continue to provide safe access to medical cannabis.

Steven Palmer (Resident): Expressed support for the application at 475 Gorge Road East so they can continue to provide accessible and safe access to medical cannabis.

*Mayor Helps closed the public hearing at 7:51 p.m.*

3. **Bylaw Approval for 603 Gorge Road East**

**Motion:**

It was moved by Councillor Isitt, seconded by Mayor Helps, that the following bylaw **be given third reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1104) No. 17-053*

*Council discussed the following:*

- *The supportability of the application due to its small footprint and the appropriateness of a cannabis storefront in relation to other medical storefront retailers.*

4. **Bylaw Approval for 475 Gorge Road East**

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the following bylaw be given third reading:

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1105) No. 17-068*

*Council discussed the following:*

- *Whether having a second cannabis storefront within 200 meters is supportable on the same street.*

**Defeated**

**For:** Councillors Alto, Isitt, and Loveday

**Opposed:** Mayor Helps, Councillors Coleman, Lucas, Madoff, Thornton-Joe, and Young

**REQUESTS TO ADDRESS COUNCIL**

**Motion:**

It was moved by Councillor Coleman, seconded by Councillor Alto, that the following speakers be permitted to address Council.

**Carried Unanimously**

1. **Aleksandar Milojevic: World Accordion and Tango Festival**

Outlined why Council should provide financial support for Victoria to host the 68<sup>th</sup> Trophee Mondial (World Accordion Championships), as part of the World Accordion and Tango Festival.

2. **Chris Marks: 3198 Quadra Street**

Outlined why Council should reconsider the defeated motion regarding 3198 Quadra Street.

3. **Dani Cee: Mental Health and Alternatives to Police**

Outlined why Council should consider alternatives to the police in relation to providing compassionate services for addiction, crisis, and mental health.

*Mayor Helps withdrew from the meeting at 8:10 p.m. due to a potential non-pecuniary conflict of interest with the following item, due to her relationship with a previous AirBnB operator.*

*Councillor Loveday assumed the Chair in her absence.*

*Councillor Lucas withdrew from the meeting at 8:10 p.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 8:10 p.m. due to a pecuniary conflict of interest with the following item, as she runs a Bed and Breakfast in her home.*

4. **Beverly Booth: Short-Term Rental Proposal**

Outlined why Council should recognize Premier Suites Victoria as a corporate housing supplier, and offer an exclusion or grandfather clause from the current Short-Term Rental bylaw.

5. **Rachelle Keeley: Short-Term Rental Proposal**

Outlined why Council should recognize Premier Suites Victoria as a corporate housing supplier, and offer an exclusion or grandfather clause from the current Short-Term Rental bylaw.

*Mayor Helps returned to the meeting at 8:21 p.m. and assumed the Chair.*

*Councillor Lucas returned to the meeting at 8:21 p.m.*

*Councillor Madoff returned to the meeting at 8:21 p.m.*





## Burnside Gorge Community Association

### ATTACHMENT F

471 Cecelia Road, Victoria, BC V8T 4T1  
T. 250-388-5251 | F. 250-388-5261  
info@burnsidegorge.ca | www.burnsidegorge.ca

March 23, 2018

Erin Drew  
Greenheart Health & Wellness  
475 Gorge Rd E  
Victoria, BC V8T 2W1

Dear Erin & team,

I am pleased to share the enclosed Burnside Gorge Community Association (BGCA) Annual Report for the 2016-2017 fiscal year.

We are proud of the work we do across our communities and have experienced success and positive outcomes for those we serve. On behalf of the BGCA Board of Directors and staff, I would like to extend our thanks for your contribution. Your continued support of the work that we do is greatly appreciated by all of us here and those we serve. We look forward to celebrating many future successes with you.

The BGCA provides a wide continuum of services and programs that respond to the needs of residents in the Burnside Gorge area as well as children, youth, families and seniors throughout Greater Victoria. We hope to continue being of service to our community for many years to come.

Sincerely,

Suzanne Cole  
Executive Director

## DISABLED RIGHTS ALLIANCE

---

\*A Non-Government Organization\*

9-3015 Jutland Rd

Victoria, British Columbia

Canada V8T 2T1-Phone: 590-8721, 778-430-3869 – Email: [palmersteven747@yahoo.ca](mailto:palmersteven747@yahoo.ca)

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June 20, 2018

The Disabled Rights Alliance is pleased to write this letter of support for The Green Hart Health and Wellness.

The Disabled Rights Alliance has provided support, intervention and empowerment for people with disabilities in Victoria since 2004. We are committed to providing responsible, informed information and advocacy for our members. This is particularly important for those of us who are older persons with serious disabilities and medical conditions especially those of us with prescribed medical marijuana by our physician.

On an effort to provide this information to our clients and members. We have done a thorough evaluation of many of the dispensaries now in operation and have found few of them that meet the needs of people with disabilities or are wheelchair accessible.

This is not the case with The Green Hart. This being the reason we stand behind them and for our request that you re visit the application for The Green Hart.

The Green Hart is not only wheelchair accessible it is also committed to employing people with disabilities who are grossly underrepresented in most areas of employment in our Province.

The Green hart has also worked closely with us to assure us that they are committed to providing safe and affordable access to these accessory resources.

Thank you for taking the time to hear our request.

Respectfully,



Steven Palmer

President of Disabled Rights Alliance

Business Name: MALIBU AUTOMOTIVE  
Business Address: 2905 BRIDGE ST  
Manager/Owner Name: JOHN NEELY MANAGER.

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

This cannabis dispensary has been located at 475 Gorge Rd E since the spring of 2016.

In that time, we at have not encountered any challenges arising as a direct result of nature of their business. The outlet is outwardly clean and tidy and it appears loitering is discouraged.

The Green Hart Health and Wellness has also kept the public areas surrounding their property clean, initiated food drives and fundraisers on behalf of The Mustard Seed and The Cool Aid Society and worked building relationships with the local Community Association.

Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Neely', written over a horizontal line.

Manager/Owner

Business Name:

Business Address:

Manager/Owner Name:

Tenor Tile Ltd  
3-416 Garbally Rd  
Victoria BC V8T 2K1

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,

Manager/Owner



WEI TU

A big support!



Business Name:

Business Address:

Manager/Owner Name:

MOTRO INN  
680 GARDEN RD  
VICTORIA BC

To Whom it May Concern:

VST2K2

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Thank you.

Sincerely,

Manager/Owner



Business Name: Winks #16791  
Business Address: 290-2950 Douglas St.  
Manager/Owner Name: Yunsheung Hou

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Thank you.

Sincerely,

Yunsheung Hou  
Manager/Owner

Business Name: Dentex Paintless dent Removal  
Business Address: #4 625 Hillside Ave  
Manager/Owner Name: Colin Vogat

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Thank you.

Sincerely,



Manager/Owner

Business Name: Bows & Arrows Coffee  
Business Address: 483 Garbally  
Manager/Owner Name: Dave Pede

To Whom it May Concern:

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Thank you.

Sincerely,



Manager/Owner



Business Name:  
Business Address:  
Manager/Owner Name:

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Thank you.

Sincerely,



Manager/Owner

Dave Alex



ECS ELECTRICAL CABLE SUPPLY LTD.  
Your industry • choice for the electrical professionals you want to support

**Dave Alex**  
Branch Manager

404 Garbally Road, Victoria, BC Canada V8T 2K1



Business Name: *Trotter Moring*  
Business Address: *370 Gorge Rd East*  
Manager/Owner Name: *Campbell Thomson*

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,



Manager/Owner

Business Name: *Jeanie's Cafe*  
Business Address: *241501 Sutherland Rd.*  
Manager/Owner Name: *Jeanie's Cafe*  
*Jeanie Stubbbs*

To Whom it May Concern:

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,



Manager/Owner

*Jeanie Stubbbs*

Business Name: CAR WASH  
Business Address: 628 GORGE ROAD EAST  
Manager/Owner Name: J. Haida

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,

Manager/Owner

Business Name: LIQUIDATION FURNITURE  
Business Address: 589-A BAY ST.  
Manager/Owner Name: JEFF GORDON

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

This cannabis dispensary has been located at 475 Gorge Rd E since the spring of 2016.

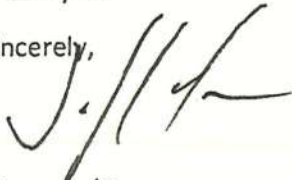
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Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Gordon', written over a horizontal line.

Manager/Owner



Business Name: Delhi  
Business Address: 105-2504 Government St  
Manager/Owner Name: Baljeet Samra

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,



Manager/Owner

Business Name: *The Scotsman Motel*  
Business Address: *490 Gorge Rd. East*  
Manager/Owner Name: *Lissa Carwithen - Manager.*

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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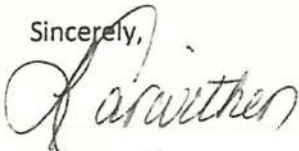
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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,



Manager/Owner

Business Name:

Business Address:

Manager/Owner Name:

Columbia Industrial  
612 Granby Road, Victoria.  
John Houghton

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,

  
Manager/Owner



Business Name: Van Isle Auto Brokers  
Business Address: 510 Gorge rd east  
Manager/Owner Name: Mark Wall

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Thank you.

Sincerely,

Manager/Owner

Mark Wall

Business Name: FASTENER FORCE ONE RESOURCES LTD  
Business Address: 625 HILLSIDE AVE #8  
Manager/Owner Name: WILLIAM PRATHER



To Whom it May Concern:

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,

Manager/Owner

Business Name: CB<sup>15</sup> Autotech  
Business Address: 2804 ROCK BAY AVE VICTORIA, BC V8T4S1  
Manager/Owner Name: MOORE KOWELL

To Whom it May Concern:

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Thank you.

Sincerely,



Manager/Owner

Business Name:

Business Address:

Manager/Owner Name:

REETZ

2740 ROCKBAU

DUANEWESTLEY



To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Thank you.

Sincerely,

Manager/Owner

Business Name: *Successful Visions Group Inc*  
Business Address: *2550 Rock Bay Ave*  
Manager/Owner Name: *MARIAN DT*

To Whom it May Concern:

We submit this letter today in support of one of our business neighbours, The Green Hart Health and Wellness.

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Based on the above, we don't hesitate to support The Green Hart Health and Wellness in their bid to seek rezoning at their current location.

Thank you.

Sincerely,

Manager/Owner



---

**To Mayor Lisa Helps and fellow council members"**

**My name is Patricia Morgan I live at 105 Wilson St. here in Victoria. I am a senior and I have multiple sclerosis. I have been buying my medical marijuana from Green Hart for over a year now. I chose to buy my medicine from Green Hart because they have top quality, lab tested medical marijuana at a reasonable price. The staff there are very knowledgeable about their products and they have helped me to build my awareness of cannabis products which has helped to remove my pain, aided in my insomnia and muscle spasms.**

**I hope they can remain in our community as a medicinal cannabis go-to retail outlet, providing medicinal marijuana and accessories in a safe, clean, bright open environment.**

Thank you

Patricia Morgan

*Pat Morgan*  
*July 18, 2018*





# The Green Hart Health and Wellness Inc.

475 Gorge Road East  
Victoria, BC V8T 2W1

We, the undersigned, in support of The Green Hart Health And Wellness Inc. Cannabis Dispensary, respectfully request that the City Of Victoria reconsider and reassess the application for 475 Gorge Road East to be rezoned to permit a storefront cannabis retailer.

Full Name (Printed)	Address	Signature
Mike West	642 Kenneth street	
PATRICIA MORGAN	252 GORGE RD. EAST	
Gerrit McLean	403 Terahue Rd.	
Marisa Lavan	411 Scotia St.	
HANA DATTN-THOMPSON	252 Gorge Rd EAST	
Daniel Myers	312-129 Gorge Rd East	
Charmelle Kneale	105-344 Goldstream Ave	
Kevin Anctil	7-3456 Turnstone Dr.	
Cellana Molzan	2480 Setchfield Ave.	
Sara Rutherford	530 Leaside Ave.	
Delchille Harrison	11-4000 Connors Place	
Rose Pijura	939 Scotia St	
Robin Loring	11260 Gord St	
PAULEY POLSON	1040 Telinic Ave	
Teron Lamerthor	124 Gorge Road	
Dina Belusic	311-57 Gorge Rd East	
Neal Stephens	2871 Lakeland Rd.	
Green McMillan	2890 Canyon Park Ave.	
Debbie Cole	130 Gorge Rd E	
Andrew Devlin	9349 Village Way, Sidney	
Mary McKenzie	125-344 Goldstream Ave	
J. Riley Ingram-Johnson	2622 Sunderland Rd	
Heidi Verrell	2848 Colquhoun Ave	
Karin Bladley	69-405 Gorge Rd West	
Susan Creamore	4174 Glenford Ave	
Rhys Ure	Suit 3 528 Seaw Street	
Lyndon West	1540 Pown St. Victoria	
Mich Kangas	794 JASMINE AVE	
Colton Gould	7387 Seabrook Rd.	
Mary Maurin	243 Gorge Rd East	
Andrew Gabriel	2402 Setchfield	
	3354 Sewell rd	
	306 Cambridge St.	
	194 Obed Ave	





# The Green Hart Health and Wellness Inc.

475 Gorge Road East  
Victoria, BC V8T 2W1

We, the undersigned, in support of The Green Hart Health And Wellness Inc. Cannabis Dispensary, respectfully request that the City Of Victoria reconsider and reassess the application for 475 Gorge Road East to be rezoned to permit a storefront cannabis retailer.

Full Name (Printed)	Address	Signature
Sherril Upton	389 Seaway Dr.	Sherril Upton
ESSIE MARISSETTE	626 Gorge Road East	ESSIE MARISSETTE
Michelle Luge	3411 W. ROAD, VICTORIA	Michelle Luge
Gursimran Kaur	4138 North Rd	Gursimran Kaur
LEE STANLEY	1719 Motta Rd Shawnigan Is.	LEE STANLEY
BRENDA LANE	3272 KENWOOD PL VICTORIA	BRENDA LANE
BARBARA ROBERTS	2713 CHAYLER PLACE	BARBARA ROBERTS
Michael King	2902 Washington Ave Victoria	Michael King
Colin Bell	55 Bay St	Colin Bell
Keith Culley	109 Wilson	Keith Culley
Patricia Bulhr	321 Wilson ST	Patricia Bulhr
Kenzie Rose	4285 Ponderosa Crescent	Kenzie Rose
PAUL MORRIS	#416-1061 FORT St.	PAUL MORRIS
SIGEE HAWKINS	4025 Lakeside DR Victoria	SIGEE HAWKINS
Jander Raappana	2831 Knolly Pine Rd Victoria	Jander Raappana
Tyler J. Hamilton	855 Leslie drive Victoria	Tyler J. Hamilton
John Miller	123 Superior St. Victoria BC	John Miller
Tommy Cardinal	102 822 Esquimalt RD	Tommy Cardinal
Jayne Russell	302-217 Gorge Rd Vic	Jayne Russell
Brett Carmichael	1166 Roy Road	Brett Carmichael
Shirley Creamer	252 Gorge Rd E	Shirley Creamer
Jill Sauer	740 Trancho Lane Victoria BC	Jill Sauer
Samuel Tatroff	#4113 - Gorge Rd	Samuel Tatroff
Jayna Bateman	10110 FIFTH ST., SIDNEY	Jayna Bateman
Cheryl Toppin	648 Grandison. Rd Langford	Cheryl Toppin
RORY QUINN	1069 TORRANCE AVE	RORY QUINN
M. Jelle Roseblade	534 tariff St Victoria BC	M. Jelle Roseblade
JUSTIN VORW	1315 Spirit Ridge Dr Vic	JUSTIN VORW
Tara Senger	3550 Pherryback Rd-Victoria	Tara Senger
Barbara O. Gibson	#308 - 215 Gorge Rd. E. Victoria	Barbara O. Gibson
CRISTINA MASSE	4501-734 Haddon Ave - Victoria	CRISTINA MASSE
ELISSA O'BRYEN	2556 Wentworth Rd.	ELISSA O'BRYEN
Jessy Sandstrom	4173 Brentwood St Vic V8Z 4L9	Jessy Sandstrom
Simon Pettifer	2740 ASQUITH ST	Simon Pettifer
BRYAN VAN DUSEN	2940 WILKIN RD	BRYAN VAN DUSEN
Kevin K. Kiehl	3371 LEXINGTON RD.	Kevin K. Kiehl
JIM HARRISON	312-2050 Whitebridge Rd Sidney	JIM HARRISON
Erika B		Erika B





# The Green Hart Health and Wellness Inc.

475 Gorge Road East  
Victoria, BC V8T 2W1



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Full Name (Printed)	Address	Signature
Correen Kardinal	918 Garthland place west	Correen Kardinal
Christopher Clifford	918 Garthland Pl W	Chris Clifford
Graham Dubois	3053 Westridge Pl	Graham Dubois
DEANNA WILSON	4040 Gorge South inner.	Deanna Wilson
Shawn Thompson	157 Gorge rd East	Shawn Thompson
Nick Lerik	254 Gorge Rd East	Nick Lerik
UNDERSIGNED	711 DONALD RD	UNDERSIGNED
Tyler Ellington	Saanich	Tyler Ellington
CHRIS McNEELY	<del>Wassenaar</del>	Chris McNeely
SHERI	Saanich	SHERI
Shannon Gregg	3983 Wolf St.	Shannon Gregg
Pat Grayhurst	3983 Wolf St.	Pat Grayhurst
Ben von Schulmann	2980 #5 Tutland rd	Ben von Schulmann
Alexandra Hudson	#103-252 Gorge Rd East	Alexandra Hudson
William Allen	4-558 Sumas St	William Allen
Chris Olson	2715 Cameron Taggart	Chris Olson
Atalia Lobo	1267 Walnut St	Atalia Lobo
Gray Hunter	1267 Walnut St	Gray Hunter
<del>PAUL HOLMES</del>	#14-740 Wilson St.	<del>PAUL HOLMES</del>
Jeanne Sheaves	4-740 Wilson St	Jeanne Sheaves
Corina York	2591 Rainville Road	Corina York
GRACE MCINNIS	7078 E SAANICH RD	GRACE MCINNIS
Cherie Nowell	904 Sioux Place	Cherie Nowell
William Bath	8-379 White Rd	William Bath
Matthew Dobbs	1410 Fort St.	Matthew Dobbs
Greg Bruns	213 Gorge Ave	Greg Bruns
John A. McInnes	2890 Inez Dr, Victoria	John A. McInnes
Aura Anderson	2890 Inez Dr	Aura Anderson
Kevin Kiehl	3351 LEXTON RD.	Kevin Kiehl
Brianne Perry	4150 Craighaven RD	Brianne Perry
Kenec Dale	131 Gorge East	Kenec Dale
GLORIA ROSS	131 GORGE EAST	GLORIA ROSS
Ivan Cramer	253 Gorge Rd E	Ivan Cramer
<del>PAUL HOLMES</del>	904-250 DOUGLAS ST.	<del>PAUL HOLMES</del>





# The Green Hart Health and Wellness Inc.

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Full Name (Printed)	Address	Signature
David G. B. Scott	10202 149 <sup>th</sup> St Surrey	[Signature]
William Holmbeck	3049 TILlicum Rd -	[Signature]
Sandra Page	2317 Limerick Rd - Duncan	[Signature]
Aron Schwartz	246 Gorge Rd. E	[Signature]
Steve Anst	3456 Turnstone Dr.	[Signature]
MAURICE STEVENOT	1219 JUNO ST. VEC.	[Signature]
Ken Sarauer.	990 Loch Glen Place	[Signature]
M.L. GUILMAULT	5912 GEMINI DR.	[Signature]
G. Gilbert	219 Gorge Rd	[Signature]
Rin Robert		[Signature]
Charlie Weststrand	2911 Sacke Lake Rd	[Signature]
Andy Danil	Duncan, BC	[Signature]
Damon Adams	534 Dunelm St	[Signature]
Debbie Cole	344 Goldstream	[Signature]
4 CRAIG	3971 Lexington	[Signature]
Michael Bowles	243 Gorge Rd E	[Signature]
Adam West	Hwy 636 14th Ave	[Signature]
GUILLIUME LACROIX	3621 Quadra St.	[Signature]
Allan Chaney	39 Kingham Pl.	[Signature]
Kelin Kruger	129 Gorge Rd. East	[Signature]
C. Jacobs	490 Gorge Rd East	[Signature]
Jana Boud	2733 Gorge Rd. E	[Signature]
Marc Stephenson	2733 Gorge Rd	[Signature]
Shauna Taylor	821 Gorge Rd	[Signature]
Orly Draves	1040 Tolmie Ave	[Signature]
Rosanna Desjardins	26 Nouvelle Terr. St. Albert, AB	[Signature]
JOSEPH J WHITE	866 CRAIGFLOWER RD	[Signature]
Jim Bynes	3331 Hatley Drive	[Signature]
Elise Kuwantes	208-464 Lampson St	[Signature]
Hannah Trampuh	2736 Birch St.	[Signature]
Ethan Rolfe	4274 Glenford Ave.	[Signature]
Scott Burman	560 Dudding	[Signature]
Justin Keetham	526 Head Street	[Signature]
Grellana Molzan	2480 setchfield ave.	[Signature]





**The Green Hart Health and Wellness Inc.**

475 Gorge Road East  
Victoria, BC V8T 2W1

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Full Name (Printed)	Address	Signature
Car Anderson	2893 Ashley Rd	Car Anderson
Nathan Alexander	2823 Rock Bay Ave	Nathan Alexander
Bambreea Tekman	986 Weaver Pl	Bambreea Tekman
Luke Gabriel	909 Pembroke	Luke Gabriel
Cara Dormerly	1040 Talmie	Cara Dormerly
Scott Gold	545 Manchester Rd	Scott Gold
Ashley Penner	525 Sumas Street	Ashley Penner
Nathan Laroque	2922 Donald St	Nathan Laroque
Tyler LeBreton	2923 Donald St	Tyler LeBreton
Stewart Maclean	2832 Gairgowan Road	Stewart Maclean
Kyle LeBreton	2922 Donald St	Kyle LeBreton
Joey Sharkey	#107 831 Elmer St	Joey Sharkey
Sheri	659 Kestrel	Sheri
Kassia DeSouza	2141 Sandown Rd	Kassia DeSouza
Tyler Pettigrew	3772 Tullicum Rd	Tyler Pettigrew
Jeremy Bergey	1467 Union Rd	Jeremy Bergey
Jason Wiggins	950 Edge Pl	Jason Wiggins
Andy Runklell	926 Edge Pl	Andy Runklell
Paul Gumbley	2811 Parkview Drive	Paul Gumbley
LorAnne Camp	252 Gorge Road East	LorAnne Camp
Ariel Adair	365 Gorge Rd Cecilia Rd	Ariel Adair
Valma Sampson	680 Garbally	Valma Sampson
Tina Weatherell	627 B Kelly Rd	Tina Weatherell
Daiton Miles	2387 122 Dr	Daiton Miles
Kaija Klassen	2827 Pickford Rd.	Kaija Klassen
Tracy Gilbert	846 Gorge Rd	Tracy Gilbert
Brett Hawthorth	8416 Weir Rd	Brett Hawthorth
Stephen Palmer	9-3015 Tutland Rd V8T2T1	Stephen Palmer
GREG MCMIS	9898 EAST SAANICH RD-501	GREG MCMIS
Kevin Kiehl	3321 Luxton Rd.	Kevin Kiehl
Carlan Aspinwall	3767 Duke Rd	Carlan Aspinwall
Tony VanWynk	1165 GARDEN GATE DRIVE	Tony VanWynk
TREVOR BALCOCK	338 112-174 Wilson St V8B1C	TREVOR BALCOCK





# The Green Hart Health and Wellness Inc.

475 Gorge Road East  
Victoria, BC V8T 2W1

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Full Name (Printed)	Address	Signature
Mathew Doral Smith	401 Obed Avenue.	Mathew Smith
Erick Skinner	377 K. Slingbury Lane	Erick
Edith DeGroff	11 Fowler's Pt. Rd	Edith DeGroff
Damon Joe	1030 McRae Ave	Damon Joe
Lex Bronec	2188 Gairman Pl	Lex Bronec
Richard Doyle	1198 Maria Park Dr.	Richard Doyle
Jordan Perrance	541 Langue Drive	Jordan Perrance
Nicholas Courville	603 Phelps	Nicholas Courville
Kristen McLeod	133 Gorge	Kristen McLeod
Anneli Rostek	2887 Austin Av	Anneli Rostek
Clara Curran	3943 Quadra Street	Clara Curran
Brian Giles	5444 Austin Av	Brian Giles
Sheryl Dehaert	37570 Cedarcroft Dr.	Sheryl Dehaert
Sheryl Boyd	250 Gorge Rd. W	Sheryl Boyd
Siberis Pawel	9074 Stage Pl	Siberis Pawel
Cherie Farrow	490 George Rd E	Cherie Farrow
Loa Peterson	4145 Interden Rd.	Loa Peterson
Nick Peterson	3049 Albion Street	Nick Peterson
Cornel Mann	17215 113rd E. Rd.	Cornel Mann
Roberto Gonzalez	3041 Fullerton Rd	Roberto Gonzalez
Maurice Farrow	416 Craig Court	Maurice Farrow
ERIN MONTELEONE	493 Thetis Crest Victoria	ERIN MONTELEONE
Doug Baker	40 EAGLE LANE	Doug Baker
Correen Kardynal	918 Garthland place west	Correen Kardynal
Christopher Clifford	918 Garthland place west	Christopher Clifford
Chris Lines	2806 Montego DR	Chris Lines
Colt Jorge	3377 Piper rd.	Colt Jorge
Scott Sanderburg	260 Michigan St.	Scott Sanderburg
Debbie Cole	105 344 Gold Street Ave	Debbie Cole
Q. Hardy	#150 Gorge Rd #360	Q. Hardy
Gellana Malzan	2480 setchfield ave	Gellana Malzan
Paul Fuller	157 gorge road east	Paul Fuller
Gordon R. Portice	306-246 Gorge Rd EAST	Gordon R. Portice





# The Green Hart Health and Wellness Inc.

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Victoria, BC V8T 2W1

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Full Name (Printed)	Address	Signature
Christina Nordstrom	3170 Anders Rd	[Signature]
Michelle Westlake	408 Michigan St	[Signature]
Jim Baynes	3331 Matley Drive	[Signature]
Bill Brooks	9906-RESTHAVEN DR, SIONEN	[Signature]
Shea Morgan	3023 Metchoss Rd	[Signature]
Ben King-Eagles	984 McKenzie Ave	[Signature]
Melanie Winter	740 Travino Ln	[Signature]
Jenn Baker	2891 Craigowan Rd	[Signature]
Ila Meens	2831 KMA St. Victoria BC	[Signature]
Karima Essa	194 Obed Ave. Victoria BC	[Signature]
George Hewitt	Gorge Rd Victoria BC	[Signature]
Jane Crosswell	Gorge Rd Victoria BC	[Signature]
WILLIAM VLOTE	3621 Quadra St	[Signature]
Sara Lynn Miles	3378 Radiant Way	[Signature]
Vanessa Conliffe	251 Chestalview Dr. Victoria	[Signature]
Jolie Suteri	105 Atkins Rd.	[Signature]
Cherie Nowell	904 Sioux Pl	[Signature]
Ken Saran	990 Loch Glen Langford	[Signature]
Andrew Greenly	880 Vernon Ave	[Signature]
PETER FOSTER	507-365 WATERFRONT CRESCENT	[Signature]
Justin Hall	2318 Selwyn Rd	[Signature]
Breeanna Fairlie	#40 1506 ADMIRALS RD	[Signature]
Mike Cook	1170 Greenwood Ave	[Signature]
Chantelle Kneak	3-346 Turnstone Dr	[Signature]
GARRY YEOMANS	1234-BASIN AVE	[Signature]
Richard Houbl	157 Gorge Rd E	[Signature]
Don Gent	356 Old Island Hwy	[Signature]
315TH	2438 Jackin Rd.	[Signature]
5.11-1001	1025-Kinden Ave	[Signature]
J. Buddel-7	2480 Setchfield Ave.	[Signature]
Gellana Moran	2559 Jeanine Drive	[Signature]
NICK RO	663 Goldstream Langford	[Signature]
Rae Whitesell	507-310 WATERFRONT CRES VICTORIA	[Signature]
Ingrid Stelmacher	219 Gorge Rd	[Signature]
Adam Trimm		[Signature]





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Full Name (Printed)	Address	Signature
Raymond Tossier	534 Dunedin St. Victoria	[Signature]
Rachel Brichnell	3109 Antiochus Crescent	[Signature]
Adam Madsen	1050 Provost Rd.	[Signature]
Stacy Chappas	663 Esplanade Rd.	[Signature]
INTELIGUE ART	809 GLADDA AVE.	[Signature]
Wendy Hewitt	658 Pine St Vic BC	[Signature]
ROGER VANDEMEYER	467 WALTER AVE	[Signature]
Leith Bechermeier	2717 Peatt Rd	[Signature]
Jaysaw Quisley	7048 West Coast Rd	[Signature]
John Campbell	548 Northcott Ave	[Signature]
William Kellen	4-558 Sumas	[Signature]
Gary Bowman	4678 22nd St. 2	[Signature]
Phil Zdobych	998 Premier	[Signature]
Steve Haff	3450 Transcona Dr	[Signature]
Teohen Stone	4425 Forbidden Plateau, Courtenay, BC	[Signature]
JOSEPH BERN	914 PENNARA	[Signature]
Shane Routhier	1044 Tillicum Rd, Victoria BC	[Signature]
Melinda DeGroot	1046 Tillicum Rd	[Signature]
Lindsay Banninger	3641 Bridgeport Pl Victoria	[Signature]
Hana Dapton-Thompson	252 Gorge Rd East	[Signature]
KELLY HEALEY	624 WALKER	[Signature]
Don Bristler	1242 Woodway	[Signature]
POD PATINGABER	416-250 Gorge Rd EAST	[Signature]
Eric Caudle	827 Selkirk Ave Victoria, BC	[Signature]
Reanan Hadjar	100 Johnson Park	[Signature]
John Fuller	24020 West Saanich	[Signature]
Mike Givert	575 Sumas St. vic. bc	[Signature]
Tia Frank	2941 Albina St	[Signature]
Kevin Price	1516 Belmont Ave	[Signature]
MIKE CAMPION	221 SPAR ST SAKYARD	[Signature]
Carleigh Baker	2891 Craigowan Rd Victoria BC	[Signature]
MARY STARR	940 GLENDA AVE VIC BC	[Signature]
Li Li	3400 Goldstream	[Signature]
TERESA MIDBO	110 MADDOCK AVEE.	[Signature]





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Full Name (Printed)	Address	Signature
Ashley Tinsley	207-215 Gorge Rd E.	Ashley Tinsley
DEBBIE CROOKES	3334 KENTS RD	Debbie Crookes
Sarah D. Clark	300 Quadra St	Sarah D. Clark
Heather Curle	1109 9818 54th Ave	Heather Curle
Diana Brathwaite	535 Sumas St.	Diana Brathwaite
Rach Rotachan	2834 CRESSIDA CROS	Rach Rotachan
Lain Taylor	5913 Folsom Terrace	Lain Taylor
RILEY O'NEILL	1559 JAWHUR RD	Riley O'Neill
SASH MASTERS	1359 GEORGE RD	Sash Masters
LAJ JONES	735 MISSIE DRIVE	Laj Jones
Correen Kardynal	918 Barthland place west	Correen Kardynal
Christopher (Chris)	918 Barthland place west	Christopher (Chris)
DAVE CARTER	4116 SCOKE RD	Dave Carter
Sara Haged	2779 Stuart Rd.	Sara Haged
Robert Beutnard	8001 2279 Stewart Rd.	Robert Beutnard
Shari	659 Kestrel ridge	Shari
Russ Hughes	1051 Colville	Russ Hughes
JOE STARKHARDT	277 McAFORD AV.	Joe Starkhardt
M.A. KING	3147 WHAPPELLE	M.A. King
Steve Mills	595 Denoun Ave	Steve Mills
Nicole Cadieux	127 Rockcliffe Pl	Nicole Cadieux
BRIAN TUCKER	698 SEVENOAKS Rd - VICTORIA	Brian Tucker
Correen Kardynal	918 Barthland place west	Correen Kardynal
Christopher (Chris)	918 Barthland place west	Christopher (Chris)
Diana Brathwaite	407-1445 Fort St Victoria, BC	Diana Brathwaite
Julia Borge	3576 Columel Ave Victoria, BC	Julia Borge
Deniss Leonovich	3576 Columel Ave Victoria BC	Deniss Leonovich
Barbara Russell	2055A White Birch Rd.	Barbara Russell
Shirley Marshall	2055A WHITE BIRCH RD.	Shirley Marshall
Shirley Marshall	632 Gidart east	Shirley Marshall
MAJONES	4000 COME PL	MAJONES





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Full Name (Printed)	Address	Signature
Cathy Van Wyk	1165 Gordon Gate Drive	Cathy Van Wyk
Anneli Raskski	2887 Austin Av.	Anneli Raskski
J. Myers	6839 Quarte dr.	J. Myers
UNA RAFAIRO	3447 Ambrosia Cr Vic	UNA RAFAIRO
Scott Tucker	3447 Ambrosia Vic	Scott Tucker
Candice MacIntyre	1171 Natures Gate Vic BC	Candice MacIntyre
Cherie Navell	904 Sioux Pl	Cherie Navell
BLAIR MERRIMAN	490 G ORGE RD Est A1143	Blair Merriman
Chris Brown	1190 KESAPULIN Cr.	Chris Brown
RACHEL F WILSON	3413 MARY ANNE CR.	Rachel F Wilson
MARVYNNE EDWARDS	3413 MARY ANNE CR.	Marvynne Edwards
Conner Kardel	918 Garthland place west	Conner Kardel
Christopher Clifton	918 Garthland place west	Christopher Clifton
Mike & Chris Malnar	856 Sunridge Valley Dr.	Mike & Chris Malnar
Ben Burnett-Forest	611 Mary St.	Ben Burnett-Forest
Jack Ortelord	1445 Craig Beaver	Jack Ortelord
Rea Port-Hris	1703-2365 LAM CIR V8N 6K9	Rea Port-Hris
MAIA GARLAND	102-3210 Jackson Rd V8B 0J5	Maia Garland
Donna Brown	6017 KENT ST V8N 6K9	Donna Brown
Donald Thompson	#1 park ave. N4 N4	Donald Thompson
Leah Caddell	2788 Strathmore Rd.	Leah Caddell
Wayne Lewis	403-565 Manchester Rd. Victoria	Wayne Lewis
Kevin Kiehl	3312 Luxton Rd.	Kevin Kiehl
Ed Schastka	926 Walken St	Ed Schastka
KELLY HEFFART	C-2002 Chamber St. Victoria	Kelly Heffart
Rob Coleman	226 SKANT, MARYLE 156	Rob Coleman
Pat Coleman	226 SKANT, MARYLE 156	Pat Coleman
Steven Hall	835 Esquimalt Rd	Steven Hall
Marcus Leleski	835 Esquimalt Rd	Marcus Leleski
SHARIS LIBORON	VICTORIA ELDER	Sharis Liboron
BLAIR KEMP	VICTORIA BC	Blair Kemp
D. Coe	Victoria B.C	D. Coe
Dan Carson	866 Gayflower. Victoria	Dan Carson

September 20, 2018

Dear Mayor and Council,

Committee  
of the Whole

SEP 27 2018

Late Item# 6.4

Re: Rezoning Application REZ00657 for 475 Gorge Road East

I am writing this letter in support of the Rezoning Application of 475 Gorge Road East for The Green Hart cannabis dispensary which is being presented before the Committee of the Whole on September 27, 2018.

I am a resident of Burnside Gorge and reside within 2 blocks of this business. The site of The Green Hart dispensary is always kept to high standards of appearance, with a clean lot, well maintained landscaping, and a graffiti free well kept building exterior. The staff's commitment to professionalism is evident throughout the business operation.

While I am not a supporter of the large number of cannabis dispensaries in Burnside Gorge, I am a strong supporter of this facility's application. Unlike many of the other businesses in my community the proprietor, Erin Drew, and the staff of The Green Hart are model community citizens. Their volunteer time commitments and financial contributions are much needed and appreciated by the Burnside Gorge community. Their actions in supporting their neighbourhood are what make a community a better place to live.

My interactions with The Green Hart staff has not been as a patron but through their ongoing community actions which have always been positive.

I appreciate the opportunity to comment.

Respectfully,



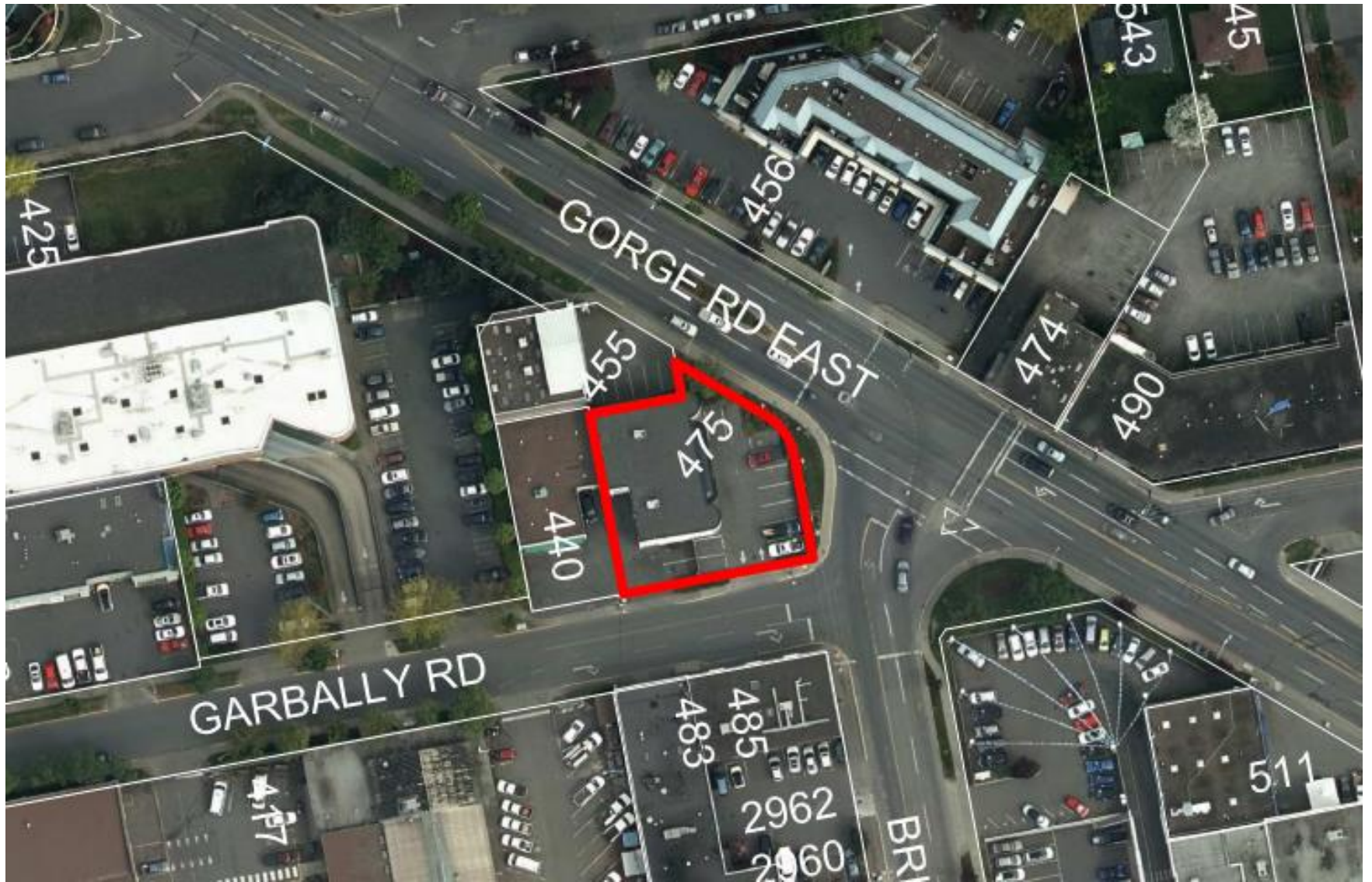
Avery Stetski

Cc: Erin Drew, The Green Hart



---

# Rezoning Application for 475 Gorge Road East

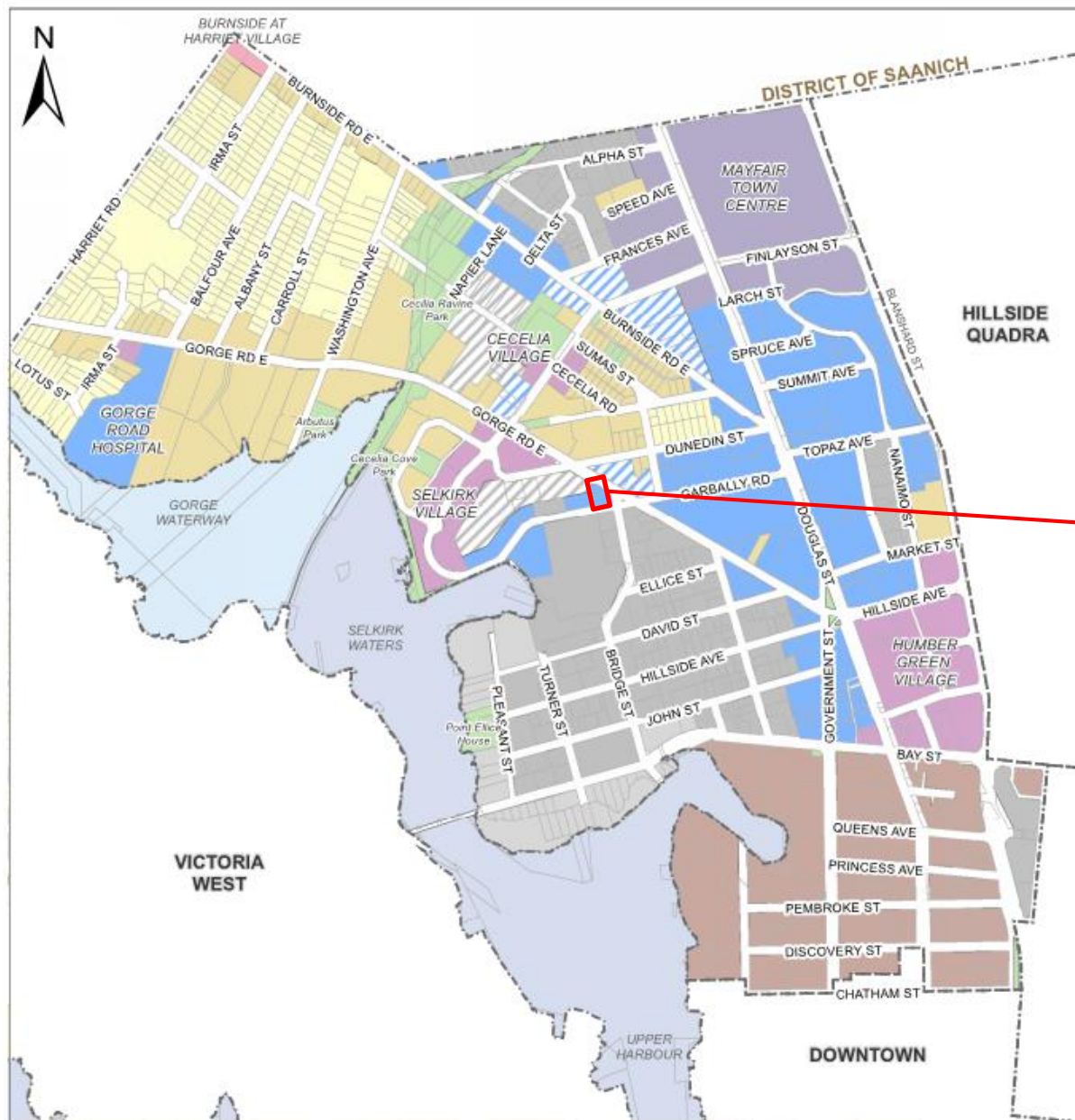






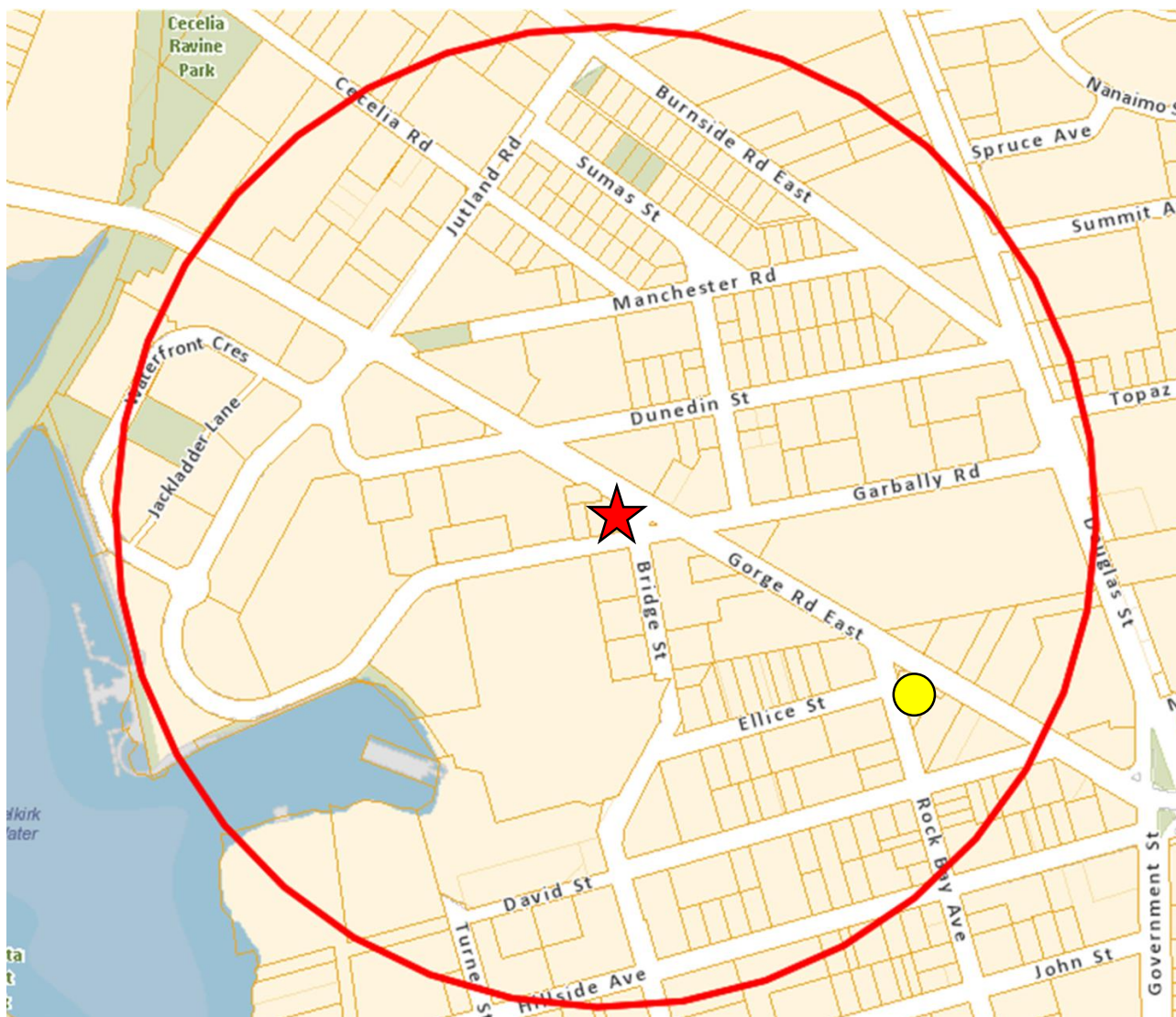






\*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.







## Committee of the Whole Report

For the Meeting of November 8, 2018

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**To:** Committee of the Whole **Date:** October 25, 2018

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00658 for 1402 Douglas Street

---

### RECOMMENDATION

That Council decline Rezoning Application No. 00658 for the property located at 1402 Douglas Street.

### 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 1402 Douglas Street. The proposal is to rezone the property by amending the existing site specific regulations of the OTD-1 Zone, Old Town District-1 in order to increase the maximum allowable floor area of the existing storefront cannabis retailer from 200m<sup>2</sup> to 450m<sup>2</sup>.

The following points were considered in assessing this Application:

- the proposal is consistent with the Core Historic designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Historic Commercial designation in the *Downtown Core Area Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are permitted storefront cannabis retailers within 400m.

An alternate motion has also been provided for Council's consideration, given that the proposal is for an expansion of an existing cannabis retailer rather than introducing a new use in this location.



## BACKGROUND

### Description of Proposal

This Rezoning Application is to rezone the property by amending the site specific regulations of the OTD-1 Zone, Old Town District-1 to increase the maximum floor area from 200m<sup>2</sup> to 400m<sup>2</sup>.

### 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.

### Public Realm Improvements

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

### Accessibility Impact Statement

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

### Land Use Context

The area is characterized by mainly commercial and office uses. Some residential and transient accommodation uses are located in the nearby area. In addition, a number of heritage buildings are located in close proximity.

### Existing Site Development and Development Potential

The site is presently a two-storey, heritage-designated building known as the Porter Block. It was constructed in 1900 using mainly brick and stone materials. Under the current OTD-1 Zone, Old Town District-1, the property could be used for commercial, residential, office and transient uses. The site specific regulations for this property permit one storefront cannabis retailer on the lot with a maximum floor area of 200m<sup>2</sup>.

### Data Table

The following data table compares the proposal with the site specific regulations of the OTD-1 Zone.

Zoning Criteria	Proposal	Existing Zone OTD-1
Total floor area of a storefront cannabis retailer (m <sup>2</sup> ) – maximum	450	200

### Relevant History

On February 6, 2018, Council approved a rezoning application to permit the use of storefront cannabis retailer with a maximum total floor area of 200m<sup>2</sup>.

### Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) meeting is waived unless the application involves construction of a new building; however, the Application was referred to the Downtown CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). The following table displays the number of VicPD service calls:

Calls for Service	2016	2017	2018 (up to September 7)
Calls to the immediate area	0	0	0
Calls to the block	337	281	174

### ANALYSIS

#### Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the Core Historic urban place designation, within which commercial activities including retail are an envisioned use.

#### Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

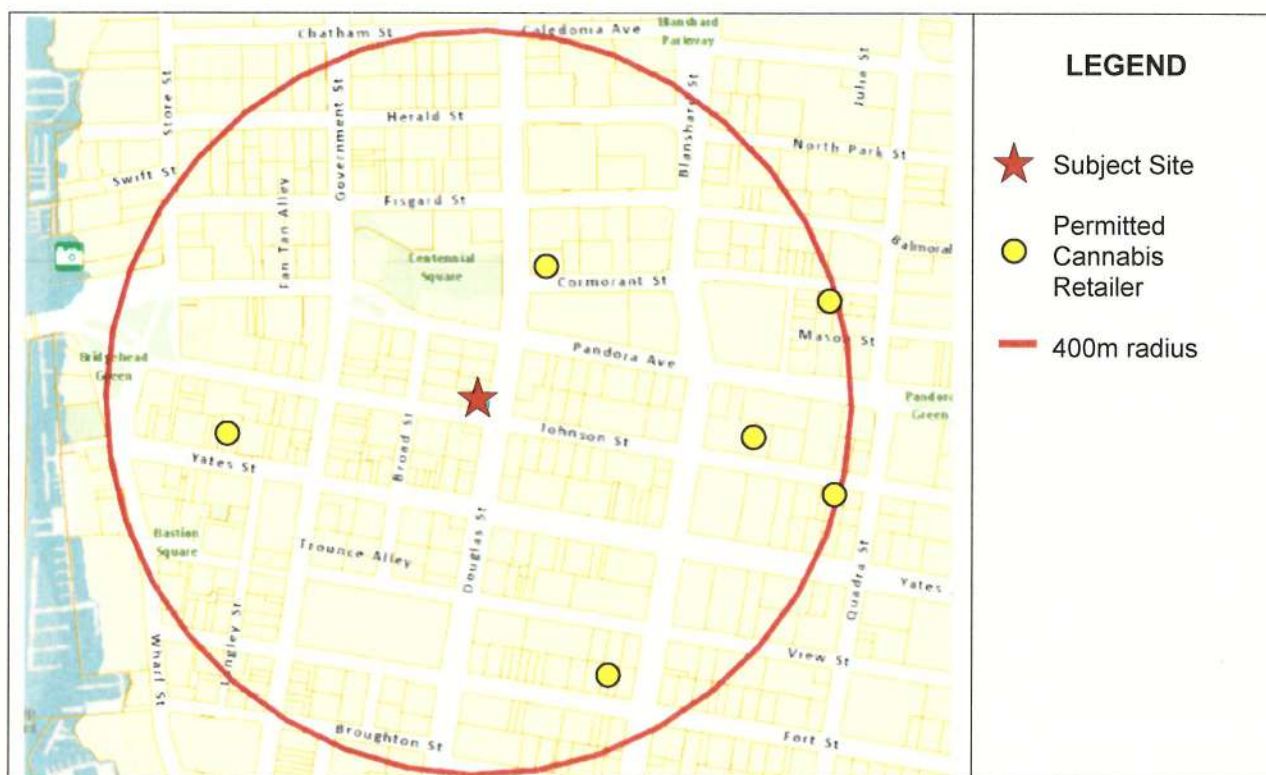
#### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application and there are no impacts to public trees with this Application.

#### Storefront Cannabis Retailer Rezoning Policy

While the *Storefront Cannabis Retail Rezoning Policy* does not speak directly to maximum sizes of retailers, this Application could be considered an increase in the intensity of the use. This increase in intensity would be inconsistent with the policy, as there are six approved retailers within 400m of the subject site: 1601 Douglas Street, 826 Johnson Street, 851 Johnson Street, 853 Cormorant Street, 546 Yates Street and 778 Fort Street. However, the property has already been approved for this use and it is unlikely that an expansion would have a deleterious effect on the streetscape or present as a concentration of this type of use in the area. An Alternate Motion, which would advance the application for consideration at a Public Hearing, has also been provided below.






## CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are now six permitted storefront cannabis retailers within 400m the subject property. Therefore, staff recommend that Council consider declining this Application.

## ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

Michael Angrove  
Planner  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

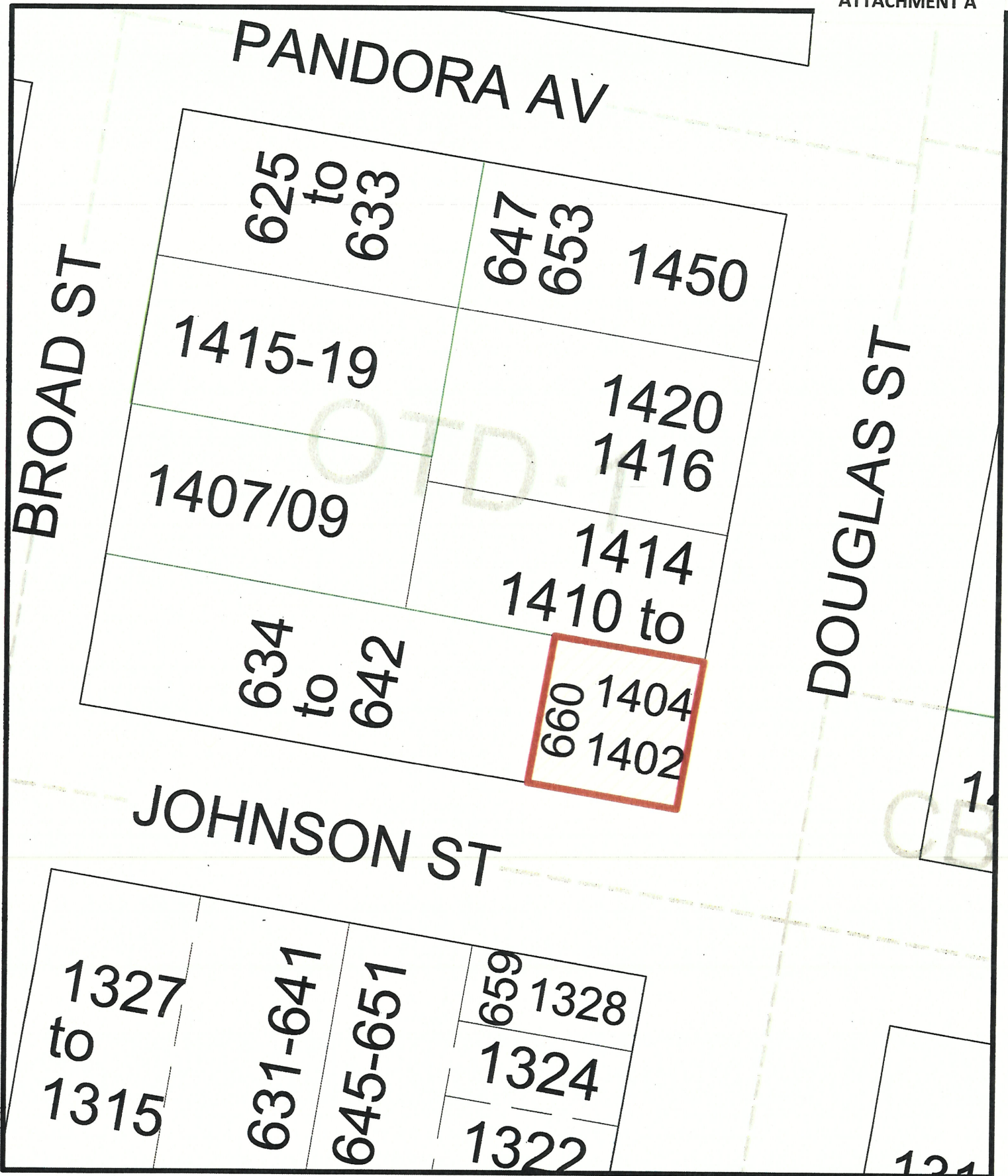
Report accepted and recommended by the City Manager:

  
Date: Nov 2, 2018



**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 27, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2018
- Attachment E: Correspondence (letters received from residents).



1402 & 1404 Douglas Street  
Rezoning No.00658



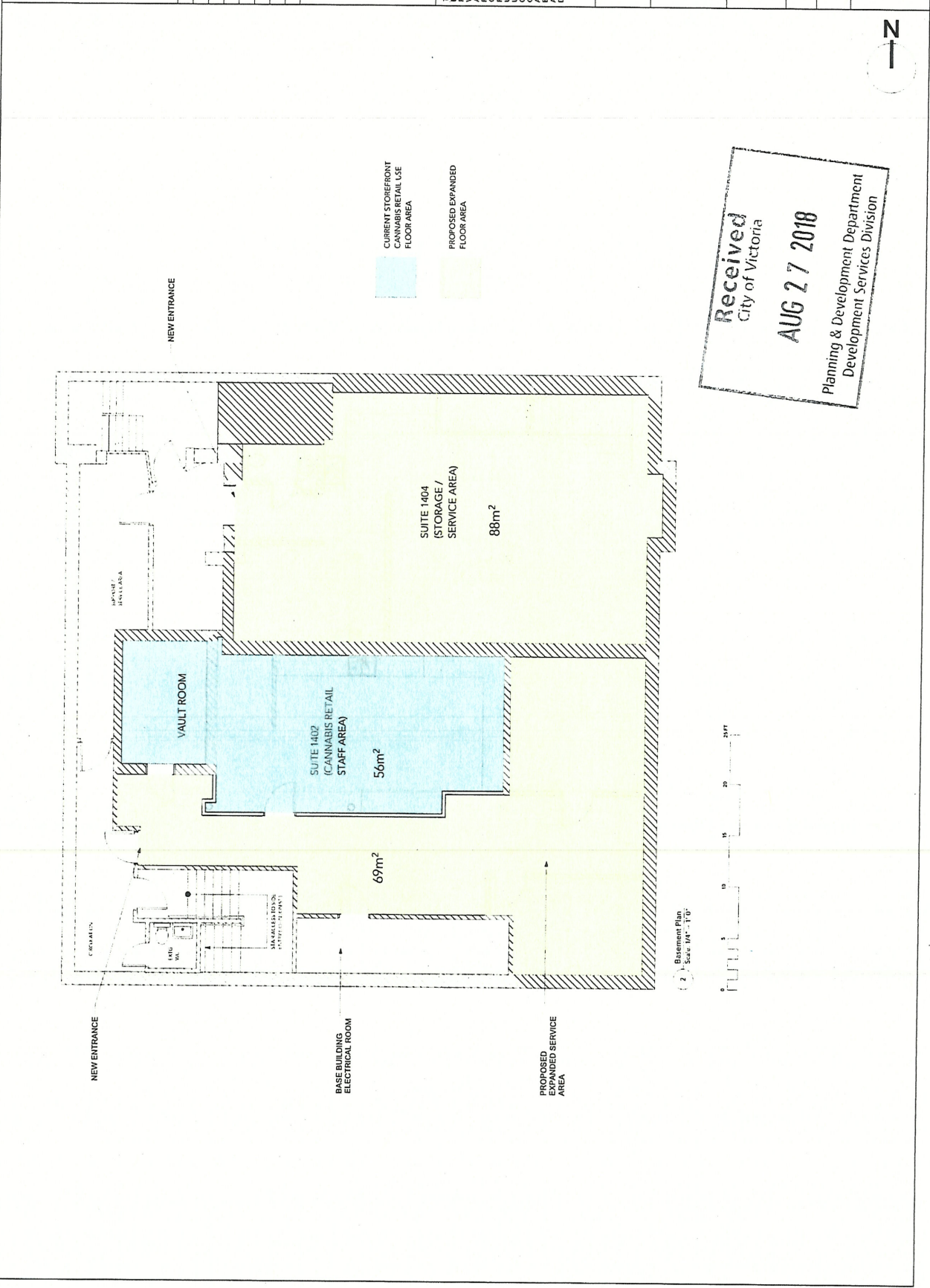




1402 & 1404 Douglas Street  
Rezoning No.00658



GASTON CASTANO ARCHITECT ABC P.O. BOX 39013 VICTORIA BC VICTORIA, BC 260-868-8856		
NO.	DATE	FOR
1	2018.05.19	REVIEW AND COMMENT
2	2018.07.11	DVP APPLICATION
CONSULTANT		
THIS DRAWING IS A COPYRIGHTED DOCUMENT AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT WRITTEN PERMISSION FROM EDGE ARCHITECTURE. THIS DRAWING MUST BE RETURNED TO THE ARCHITECT UPON COMPLETION OF WORK OR UPON REQUEST BY THE ARCHITECT. IT SHALL NOT BE USED FOR ANY CONSTRUCTION UNTIL MARKED "ISSUED FOR CONSTRUCTION". THE ARCHITECT'S GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL DISCREPANCIES TO THE ARCHITECT. THE ARCHITECT'S ARCHITECTURE DO NOT SCALE THE DRAWINGS.		
PROJECT NAME FARMACY DVP Application		
PROJECT ADDRESS 1402 - 1404 Douglas VICTORIA, BC		
DRAWING TITLE BASEMENT PLAN		
DATE JULY 11, 2018		
SCALE 1/4" = 1'-0"		
DRAWING NO. A1.0		





GASTON CASTANO  
 ARCHITECT  
 P.O. BOX 39013  
 RPO JAMES BAY  
 VICTORIA BC  
 250-655-6966

REVISIONS		
NO	DATE	FOR
1	2018.06.19	REVIEW AND COMMENT
2	2018.07.11	DVP APPLICATION
-	-	-
-	-	-
-	-	-
-	-	-
CONSULTANT		

THIS DRAWING IS A COPYRIGHTED DRAWING AND SHALL NOT BE REPRODUCED OR REVISED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THIS DRAWING MUST BE USED IN CONJUNCTION WITH THE COMPLETE SET OF ARCHITECTURAL DRAWINGS. NO PART OF THIS DRAWING SHALL BE USED FOR CONSTRUCTION WORK UNLESS THE GENERAL CONTRACTOR HAS BEEN ADVISED BY THE ARCHITECT THAT ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO EDGE DRAWMAN.

PROJECT NAME  
 FARMACY  
 DVP Application

PROJECT ADDRESS  
 1402 - 1404 Douglas  
 VICTORIA, BC

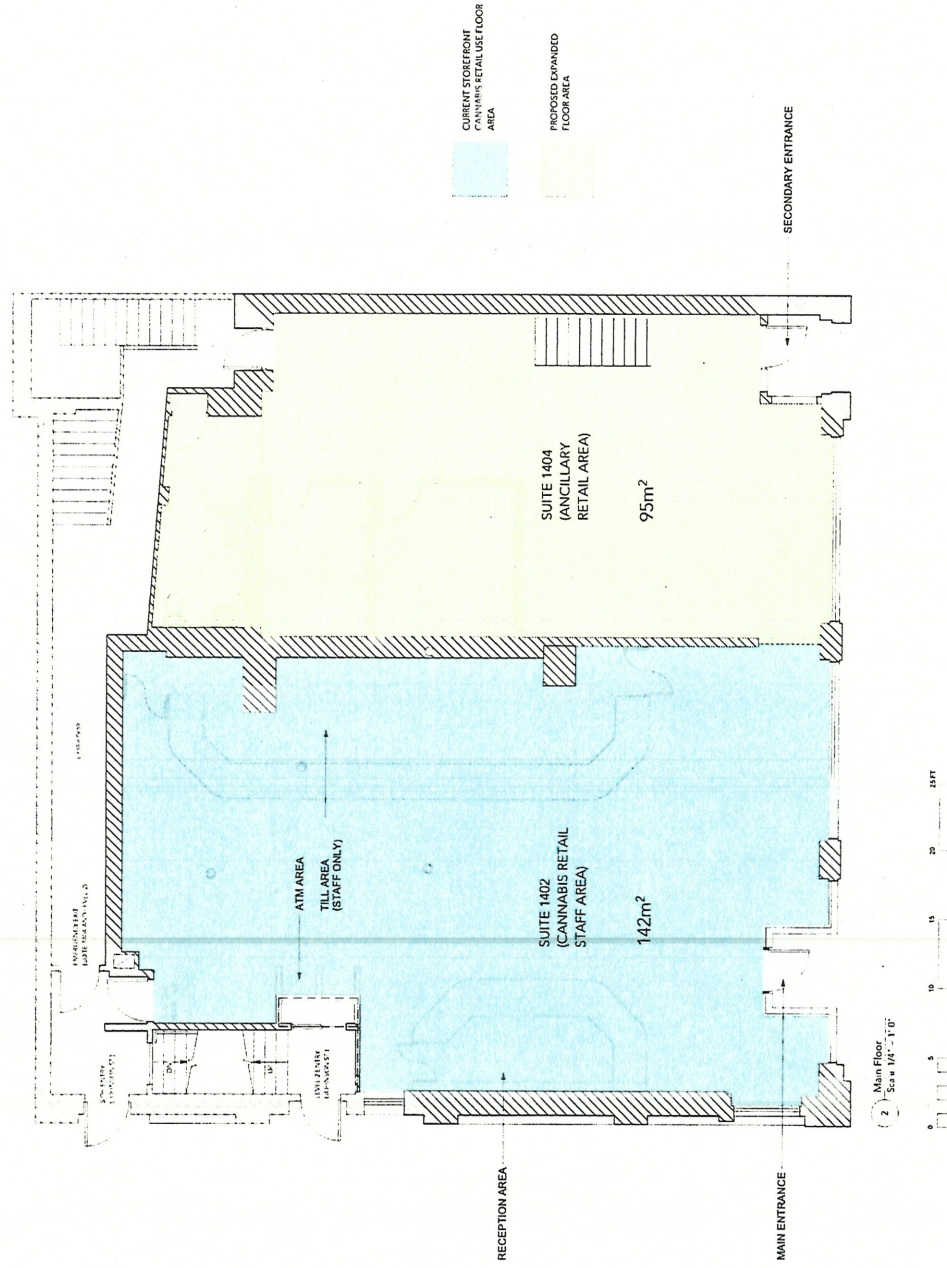
DRAWING TITLE  
 MAIN FLOOR PLAN

DATE  
 JULY 11, 2018

SCALE  
 1/4" = 1'-0"

DRAWING NO.

A1.1



Received  
 City of Victoria  
 AUG 27 2018  
 Planning & Development Department  
 Development Services Division

August 24, 2018

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

**RE: STOREFRONT CANNABIS RETAILER REZONING APPLICATION  
FOR 1402 DOUGLAS STREET**

Dear Mayor Helps & Council:

**INTRODUCTION**

Please accept this letter, along with the accompanying forms and fees, as our client's (business name, "Farm") rezoning application for the property at 1402 Douglas Street. This site, recently rezoned CA-82 (Old Town Cannabis District), and issued with a Cannabis Business Licence, is currently operating as a storefront cannabis retailer. Based on operational needs, we wish to apply for a rezoning to expand existing operations into the newly available adjacent retail space in the same building, thus requiring an amendment to the maximum floorspace permitted for storefront cannabis retail.

**THE SITE**

The ongoing retail function is consistent the City's land use policies, since the property (located at the corner of Douglas and Johnson Streets) is part of the *Official Community Plan* designated area of *Core Historic*. The applicant has a long term lease with the owner of the property, who supports this application. Built in 1900, the building (known as *The Porter Block*) has housed many diverse businesses over the last century, but still retains its architectural integrity and remains a Downtown Victoria landmark. This building is also "Designated" on the City's Heritage Registry.

Legally described as *the easterly 60 feet of Lot 671, Victoria City*, the site is 18.43 m by 18.35 m, for a total area of about 338 m<sup>2</sup>. The site contains a two-storey commercial building (approximately 930 m<sup>2</sup>). The owner resides in the upper storey of the same building envelope.

The building's main entrance fronts onto Douglas Street, and abuts other commercial uses on the north and west sides.

**CitySpaces  
Consulting Ltd.**

Suite 101  
848 Courtney St.  
Victoria BC  
V8W 1C4

250.383.0304 Tel  
866.383.0304 Toll-free  
250.383.7273 Fax  
[www.cityspaces.ca](http://www.cityspaces.ca)

Victoria

Vancouver



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S



## THE PREMISES

The premises consist of a storefront with a monitored entrance that faces Douglas Street. The existing ground level interior floor plan provides an exterior entrance leading into a 142 m<sup>2</sup> cannabis "retail" area, in which product is displayed in secure glass cases that can only be accessed by staff. The basement level consists of preparation, packaging, and storage space. The total floor area for the business is 198 m<sup>2</sup>.

During the renovations after the initial rezoning, Farm made extensive and high quality capital improvements to the premises and property, including restoration of an original heritage entrance on Douglas Street. These renovations have enhanced the urban streetscape at this prominent Downtown intersection.

## RATIONALE FOR ADDITIONAL FLOORSPEACE

Since operations began at Farm (Douglas Street) in April 2018, there has been a steady increase in clientele to the point where there are customer line-ups within the premises. This location has become a "destination" site for retail cannabis in Downtown Victoria for tourists and locals alike. With the upcoming legalization of recreational cannabis, Farm anticipates the demand for cannabis will only continue to grow.

This early success has meant an increase in storage space is already necessary, and having more actual retail space would increase safety and security by giving staff better sightlines of the entrance, the display cabinets, and the client mix in general.

The owner of the building (Paul DaCosta, Flower Power Enterprises) is in the process of retiring and closing his adjacent storefront AVEDA business within 1402 Douglas Street. Expansion into this street level space would add 95 m<sup>2</sup> to the main floor cannabis retail area. Given that the AVEDA location also contains 88 m<sup>2</sup> of available basement space, it makes practical sense to include that floorspace as part of the designation, and add it to the existing Farm administration/packaging area. The new total floor area would be 450 m<sup>2</sup>, although only 237 m<sup>2</sup> would actually be storefront "retail" space. No exterior changes to the building are proposed.

## SITE PROFILE

Because renovations to the building to expand the retail and storage spaces will not disturb the soil or involve soil excavation, and none of the uses indicated in Schedule 2 (as indicated in the Ministry of Environment Administrative Guidance on Contaminated Sites) has occurred on the site, a site profile has not been submitted with this application.



## ONGOING OPERATIONAL REQUIREMENTS

The following operational requirements are in place, and will continue into the proposed expanded space:

- Admittance is restricted to adults 19+ years of age;
- Exterior signage meets the City's bylaw requirements;
- No consumption of product is permitted on the premises;
- The business operates within designated hours of operation, and does not operate between 8 pm and 7 am;
- Health and safety warnings are posted within the premises;
- Adequate ventilation is provided;
- All security provisions have been met, including a security plan, surveillance cameras, security personnel, training, and a minimum of two employees on-site during business hours, one of whom is a manager; and
- Security and fire alarms are installed, and professionally monitored.

## CLOSING

In addition to the Douglas Street location, for the past three years, the applicant has been operating the original "Farm" cannabis dispensary (3055A Scott Street) in a safe and professional manner. Operated to rigorous standards, and respectful of its neighbours, "Farm" intends to continue this level of professionalism within the proposed expanded premises at 1402 Douglas Street.

Thank you for your favourable consideration of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Deane Strongitharm", with a long horizontal flourish extending to the right.

Deane Strongitharm, MCIP, RPP

cc: Paul DaCosta  
Allen Spillette  
Michael Supowitz

Attachs.



MAYOR'S OFFICE

OCT 06 2017

VICTORIA, B.C.

2 October 2017

The Honorable Mayor Lisa Helps  
Honorable Members of the Council  
City of Victoria  
1 Centennial Square  
V8W 1P6

Dear Mayor Helps,

First, I want to commend you for your leadership in developing bicycle lanes in Victoria. As the population density and traffic congestion increase, bicycle and public transportation will become even more important for living in the city. Although bicycle lanes seem to have become a contentious topic for automobile drivers, I hope that will pass with more experience. I believe that the city leaders who support this effort are on the right side of history. I thank you.

I am writing today because of a growing concern for cannabis retailing in the city. I'm sure you would agree that these retailers are an additional threat to the stability of the downtown retailing area that is already burdened by homelessness and the effects of drugs and mental illness. Cannabis retailing makes this worse, not better; it is going in the wrong direction.

In this regard, I am writing to call your attention to the situation on the 1400 block of Douglas Street. It is my understanding that cannabis retailing and the lust for those illusionary profits are displacing some established business; eg, the *Taste of Europe Deli* at 1412 Douglas.

Although leasing arrangements is a matter of business decision, the municipality has a responsibility to monitor and guide the development of commerce, especially in the city center. Moreover, the choices that you make will affect all of us who live in the metropolitan area. We all have some skin in this game, and I have strong objections to the development of cannabis retailing in the city centre.

I would be grateful if you would investigate this situation on Douglas Street and send me a report of your judgment in this matter.

With best regards,



David Rodenhuis



## **Committee of the Whole Report**

**For the Meeting of November 8, 2018**

---

**To:** Committee of the Whole **Date:** October 25, 2018

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Development Variance Permit Application No. 00209 for 1300 Yates 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 Variance Permit Application No. 00209 for 1300 Yates Street, in accordance with:

1. Plans date stamped September 17, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce vehicle parking stalls from 78 to 57;
  - ii. reduce visitor vehicle parking stalls from 8 to nil.
3. The Development Permit lapsing two years from the date of this resolution."

### **LEGISLATIVE AUTHORITY**

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 1300 Yates Street. The proposal is to convert an existing amenity space on the fifth floor into an additional residential unit. The variances are related to reducing the vehicle parking stalls from 78 to 57 and reducing the visitor parking stalls from 8 to 0.

The following points were considered in assessing this Application:

- the proposal is consistent with the *Official Community Plan* as it upgrades and regenerates the existing rental housing stock
- the vehicle parking variances would reduce the number of resident stalls from 78 to 57 and the visitor stalls from 8 to 0. This variance is considered supportable as it represents

the current parking configuration on-site and a Parking Review Summary conducted by Bunt & Associates confirms that the current number of stalls is adequate.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to convert an existing amenity space on the fifth floor into an additional residential unit, which triggers two parking variances. The proposed variances are to reduce the vehicle parking stalls from 78 to 57 and reduce the visitor parking stalls from 8 to 0.

### **Sustainability Features**

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

### **Active Transportation Impacts**

The Application proposes a new four-stall bicycle rack, which supports active transportation.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit 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 a five-storey rental apartment building. Under the current R3-2 Zone, Multiple Dwelling District, the property could be developed as multi-unit residential at a maximum density of 1.6 to 1 Floor Space Ratio (FSR) and a maximum height of 22m.

### **Data Table**

The following data table compares the proposal with the existing R3-2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R3-2</b>
Site area (m <sup>2</sup> ) – minimum	4272.35	920.00
Unit floor area (m <sup>2</sup> ) – minimum	54.00	33.00
Density (Floor Space Ratio) – maximum	1.20	1.20
Total floor area (m <sup>2</sup> ) – maximum	5114.00	5138.88
Height (m) – maximum	10.80	18.50

Zoning Criteria	Proposal	Zone Standard R3-2
Storeys – maximum	5	N/A
Vehicle parking – minimum		
Vehicle parking	57 *	78
Visitor parking included in the overall units	0 *	8
Bicycle parking stalls – minimum		
Long term	0	0 (legally non-conforming)
Short term	4	0 (legally non-conforming)

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on March 9, 2018, the Application was referred for a 30-day comment period to the Fernwood CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

#### Official Community Plan

The proposal for additional rental units within the rental apartment building is consistent with the *Official Community Plan (OCP, 2012)*, which supports housing diversity, rental housing choice and the ongoing upgrade and regeneration of the City's rental housing stock. Parking management includes the addition of one stall to offset the new unit and the addition of a bicycle rack to support active transportation.

#### Local Area Plans

The Fernwood Neighbourhood Plan notes that apartments should be contained to the Eastern Approaches, within which this property is located. However, the Plan does not speak to parking variances.

#### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts and no impacts to public trees with this Application.



## Regulatory Considerations

The applicant is requesting to reduce the required parking from 78 to 57 stalls. Under Schedule C, the parking requirement is 86 stalls; however, previous approvals for the site permitted 77 stalls. The addition of one unit would require a one vehicle stall increase for a total of 78 stalls required; however, it would appear that 77 stalls under previous approvals were never built and the current configuration is for 56 stalls. The applicant is proposing the addition of one stall to offset the new unit for a total of 57 stalls, which would still be 21 stalls below the required 78 stalls. To help offset the anticipated parking shortfall for this development and to incentivize reduced vehicle ownership and active transportation, the applicant has agreed to provide a four-stall bicycle rack on-site. In addition, a Parking Review Summary (attached) dated September 22, 2017 has been provided by the applicant, which demonstrates that the expected parking demand is lower than the number of stalls provided. Therefore, the parking variance for vehicle stalls and visitor stalls may be warranted.

## CONCLUSIONS

The site has been functioning with a reduced parking allotment, below the standard established in Schedule C, for a number of years. The Parking Review Summary has shown that there is enough parking on-site to satisfy the demand, and the provision of one stall offsets the new unit being created. Finally, the applicant is providing a bicycle rack on-site to further reduce vehicle demand. Therefore, staff recommend that Council consider supporting this Application.

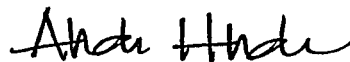
## ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00209 for the property located at 1300 Yates Street.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

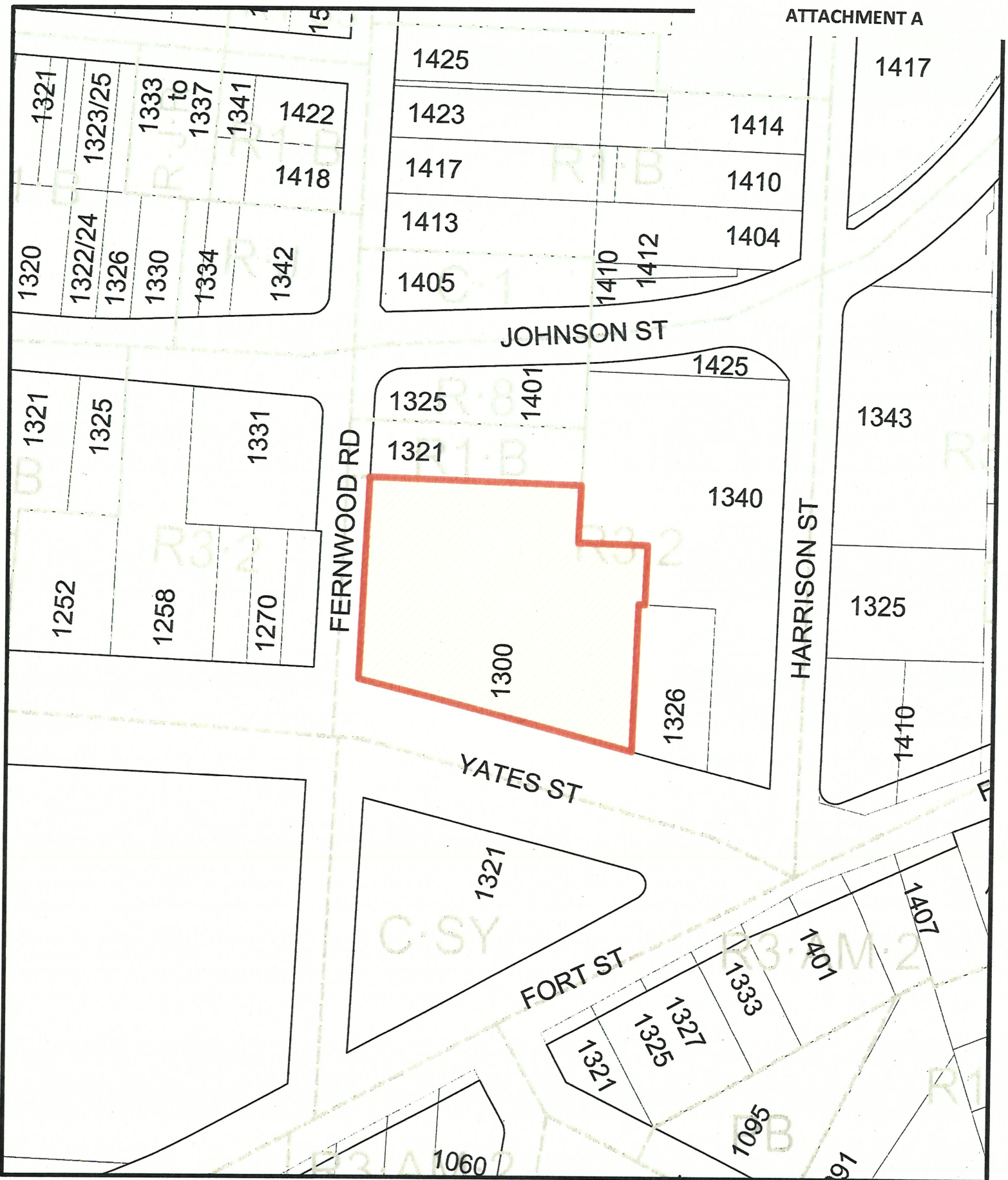


Date:

Nov 2, 2018

## List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 17, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 27, 2018
- Attachment E: Parking Review Summary dated September 22, 2017.



1300 Yates Street  
Development Variance Permit #00209

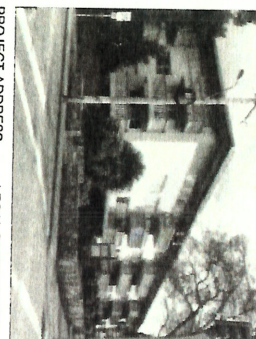




1300 Yates Street  
Development Variance Permit #00209



**1300 YATES STREET**  
VICTORIA, BRITISH COLUMBIA  
RESIDENTIAL PENTHOUSE UNIT 1



PROJECT ADDRESS	LEGAL DESCRIPTION
1000 MARKET STREET	

## BUILDING CODE REVIEW

CLASSIFICATION BY MAJOR OCCUPANCY (ART 3.1.2)

**EXISTING WITH OCCUPANCY OF BUILDING GROUP C - RESIDENTIAL OCCUPANCY**

**NON-COMBUSTIBLE CONSTRUCTION (PART 3.1.9)**

The building is a 4-story wood structure and is not sprinklered. THE BUILDING WAS CONSTRUCTED BETWEEN 1900 AND 1970.

PENETRATION IN FIRE SEPARATION AND FIRE RATED ASSEMBLIES (PART 3.1)  
ANY FIRE SEPARATION (PARTITION AND FLOOR) IS CONTINUOUS AND HAS A FIRE  
RATED RESISTANCE  
ANY PENETRATION OF SEPARATION SHALL BE PROPERLY INSTALLED AND PROTECTED  
FIRE WALLS (PART 3.1.10)  
EXISTING FIRE WALLS ARE CONTINUOUS

EXISTING OCCUPANT LOAD 2 PERSONS PER SLEEPING UNIT  
TOTAL OCCUPANT LOAD 176 PERSONS  
PROPOSED OCCUPANT LOAD 2 PERSONS PER SLEEPING UNIT  
TOTAL OCCUPANT LOAD 152 PERSONS  
RESIDENTIAL OCCUPANCY (PART 3.3.4)

TRAVEL DISTANCE (PART 3.4.2.2)  
EVERY FLOOR AREA INTENDED FOR OCCUPANCY IS SERVED BY 2 EXITS (PART 3.4.2.3)  
MINIMUM TRAVEL DISTANCE (TOTAL LEAST 1 EXIT IS 20 M)  
RATING (NOT LESS THAN 1 STAR) (3.4.2.3)

EXIT CAPACITY CALCULATIONS (PART 3.3.3.2)			
OCCUPANT	NEED EXIT	EXIT DOOR	
LOAD	DOOR WIDTH	ADJUSTED WIDTH	
PENITENTIARY	2.6 m (8' 6")	1.90 m (6' 2")	
4	48.6 m (159' 8")	34.90 m (114' 5")	
45	392.5	279.5	
48		279.5	

## PROJECT STATISTICS

[illegible]

### PROJECT DESCRIPTION

THE CURRENT FINANCIAL DIFFICULTIES ARE NOT UNRELATED TO THE SUBSTANTIAL MODEL REVISIONS THAT ARE BEING IMPLEMENTED BY ADOBE DURING 1997.

THE US GOVERNMENT REPORT FROM 1996 REGARDING THE RECENTLY CONDUCTED LOTUS DEVELOPMENT SURVEY REVEALS THAT THE RECENT REVISIONS TO THE LOTUS DEVELOPMENT ARE THE RESULT OF RECENT MARKET RESEARCH AND ANALYSIS ON THE PART OF THE COMPANY.

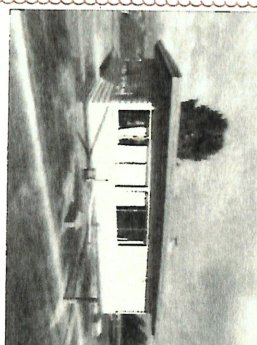
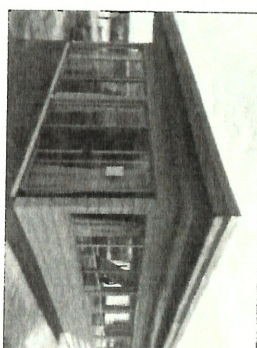
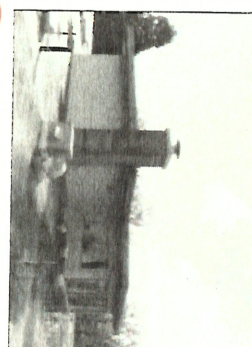
NO CHANGES TO THE EXISTING BUSINESS PLAN OF MAINTAINING EXISTING CUSTOMER BASES AND EXPANDING INTO NEW MARKETS WILL BE MADE.

NO CHANGES TO CURRENT STRATEGIES OR TO CURRENT INVESTMENT STRATEGIES WILL BE MADE.

NO CHANGES TO EXISTING STRUCTURE

## MINOR VARIANCE

EXISTING STATE COURT: 26  
PROPOSED STATE COURT: 52

PROJECT TEAM  
CLIENT[illegible]

## LIST OF DRAWINGS

A-000	OBJECTIVE: UNBROKEN USE OF UNIFORMS PROPOSED	●	●	●	●
A-010	SITE PLANNING SITE PLANNING	●	●	●	●
A-011	TECHNICAL SPECIFICATIONS	●	●	●	●
A-012	TECHNICAL SPECIFICATIONS	●	●	●	●
A-100	EXISTING PLAN: DEVOLUTION PLAN CONSTRUCTION PLAN: NO ELECTRICAL PLAN	●	●	●	●

UNIT NUMBER	FLYING AREA	UNIT NUMBER	FLYING AREA
101	2400	204	2400
102	2400	205	2400
103	2400	206	2400
104	2400	207	4400
105	2400	208	2400
106	2400	209	2400
107	2400	210	2400
108	2400	211	2400
109	2400	212	2400
110	2400	213	2400
111	2400	214	2400
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228	2400	247	2400
229	2400	248	2400
230	2400	249	2400
231	2400	250	2400



1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

Received  
City of Victoria

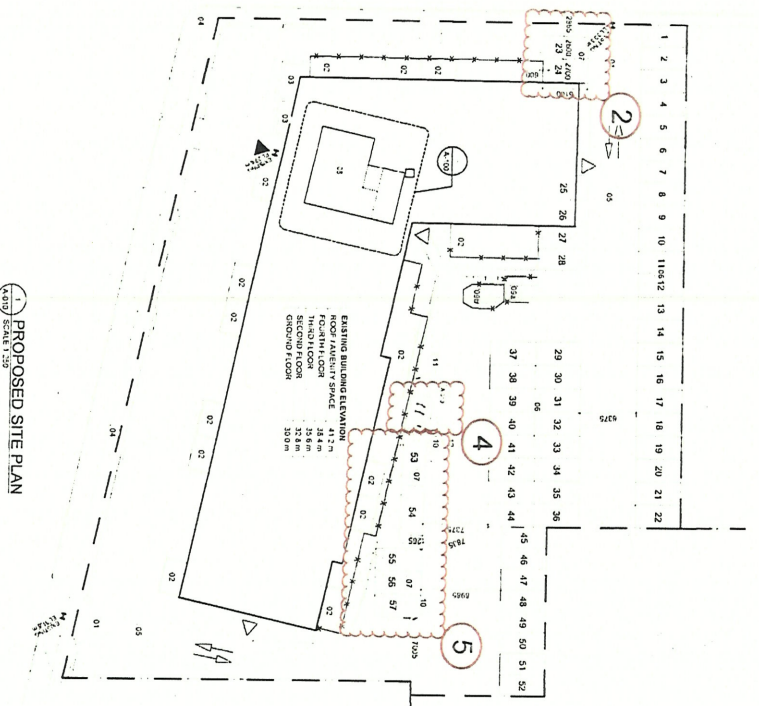
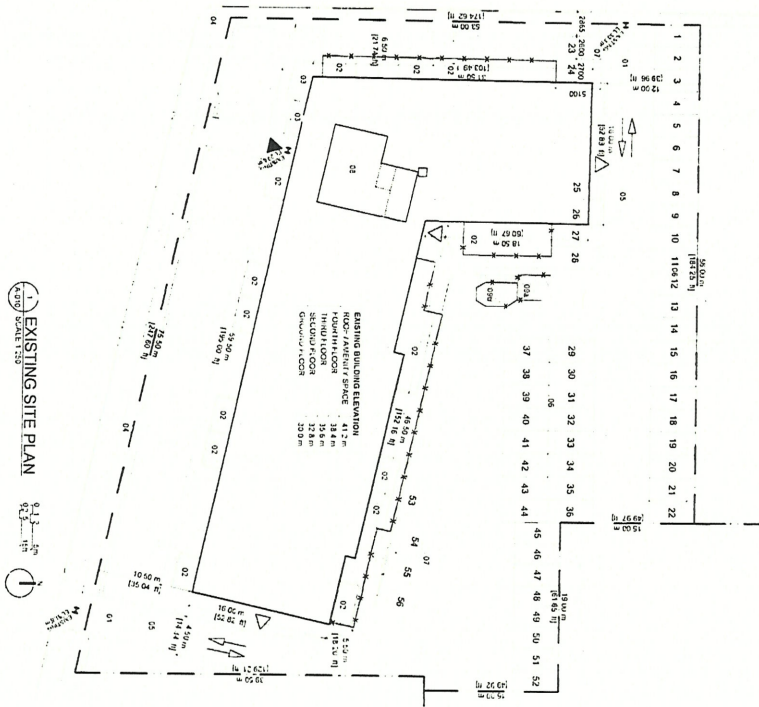
SEP 17 2018

Planning & Development Department  
Development Services Division



1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

RECEIVED	DATE	BY
SEP 17 2018		
City of Victoria		
Planning & Development Department		
Development Services Division		



BICYCLE RACK  
SCALE 1:50

BOLLARD DETAIL  
SCALE 1:50

6

**NOTES**

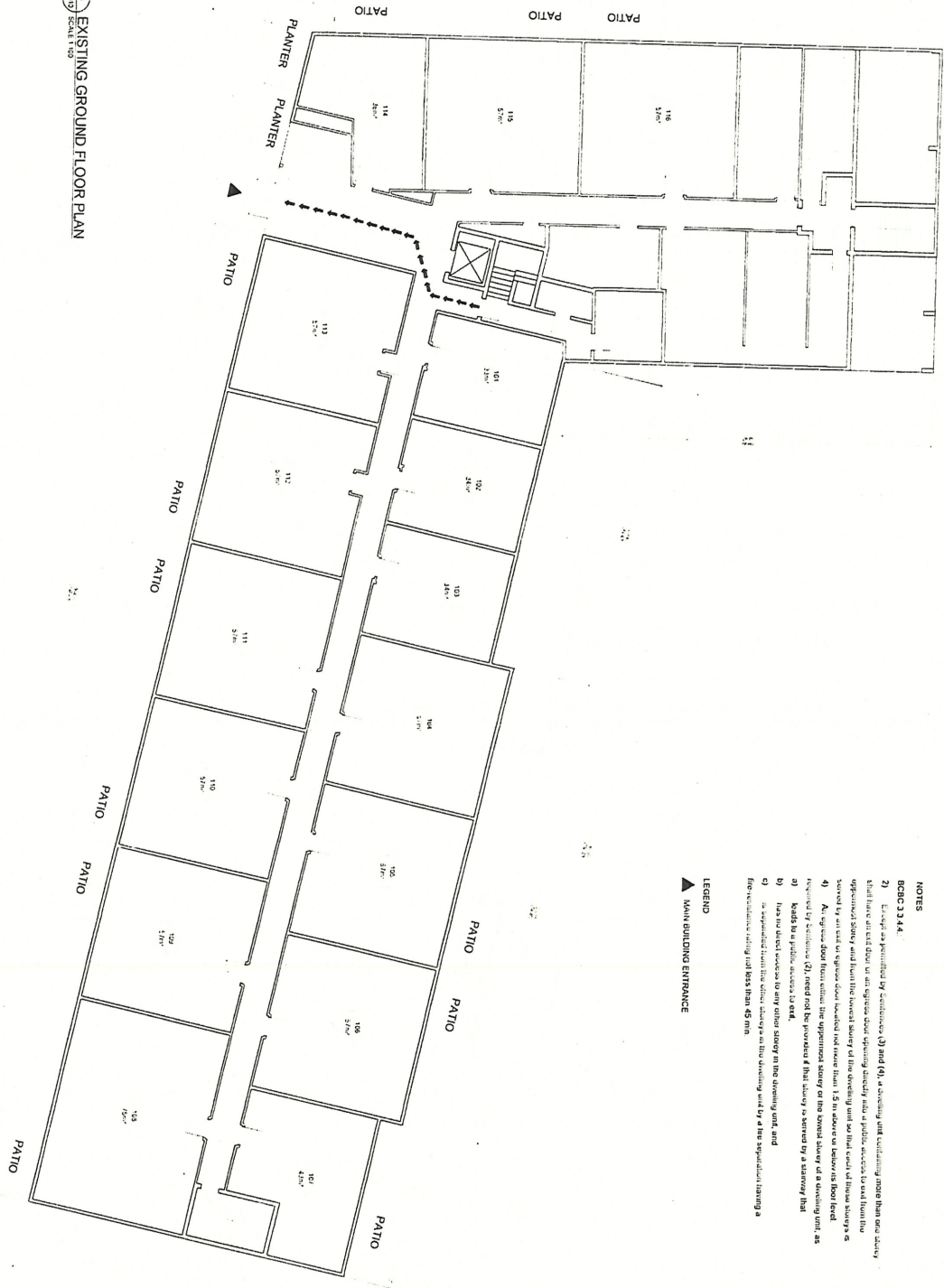
BCBC 3.3.4.4.

- 2) Except as permitted by sentences 3) and 6), a dwelling unit containing more than one storey shall have an exit door to an upper storey opening directly into a public access to and from the uppermost storey and from the lower storey of the dwelling unit so that each of those storeys is served by an exit to upper storey located not more than 1.5 m above or below its floor level.
- 4) As upper storey from within the uppermost storey of the lower storey of a dwelling unit, as required by sentence 2), need not be provided if that storey is served by a stairway that
  - a) leads to a public access to exit,
  - b) has no direct access to any other storey in the dwelling unit, and
  - c) is separated from the other storeys on the dwelling unit by a fire-resistance rating a fire-resistance rating not less than 45 min.

**LEGEND**

▲ MAIN BUILDING ENTRANCE

1 EXISTING GROUND FLOOR PLAN  
SCALE 1:100

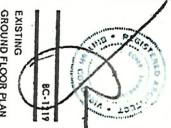


1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

Received  
City of Victoria

SEP 17 2018

Planning & Development Department  
Development Services Division

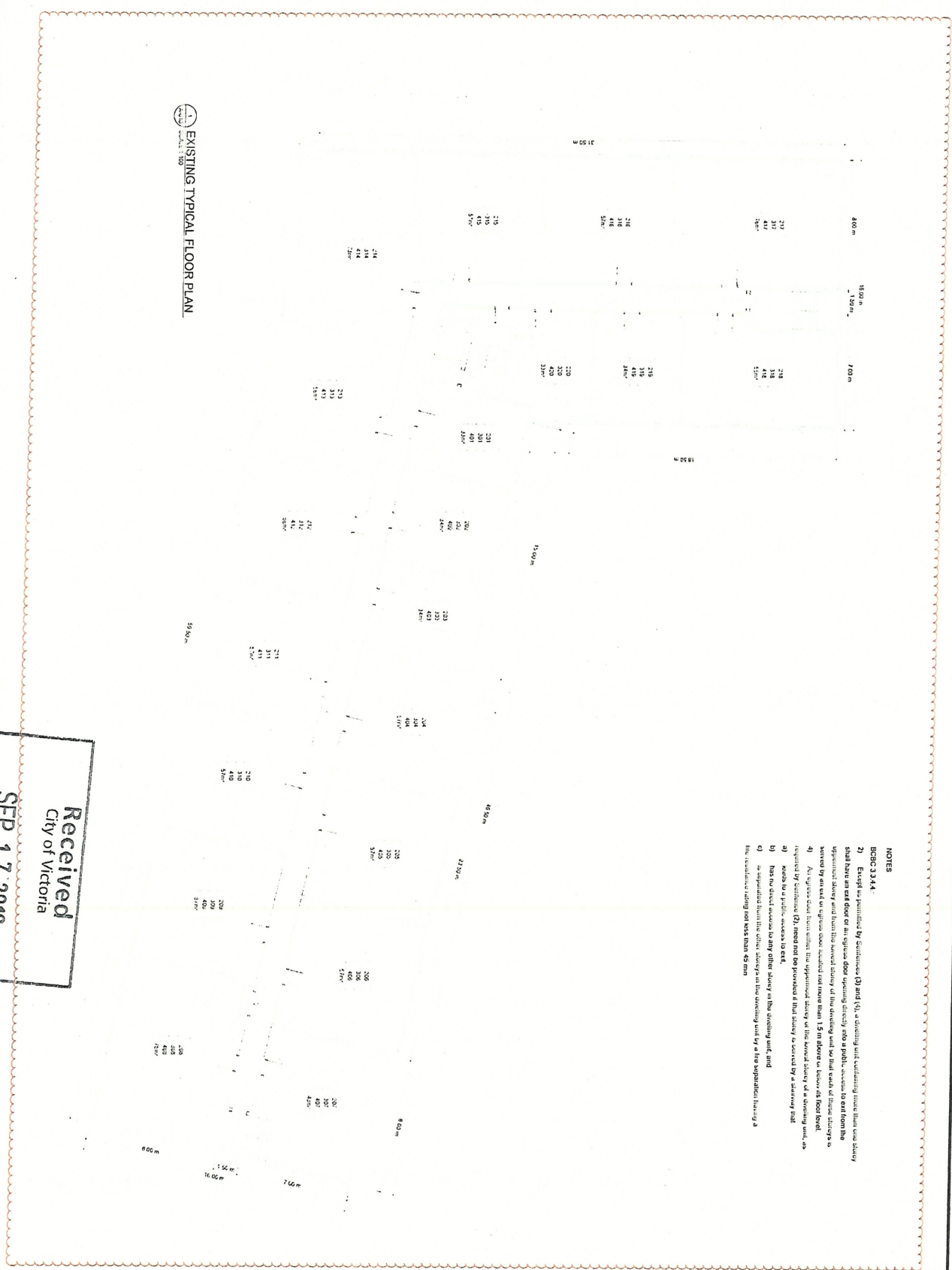


EXISTING GROUND FLOOR PLAN	EC-117
DATE	2018.09.17
BY	A-011
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6

- NOTES**
- BCRC 3.4.4.**
- 2) Except as permitted by Subsection (3) and (4), a dwelling unit containing more than one storey shall have an exit door or an egress door opening directly into a public access to exit from the uppermost storey and from the lowest storey of the dwelling unit so that each of these storeys is served by an exit or egress door located not more than 1.5 m above or below its floor level.
  - 3) An egress door from within the uppermost storey of the lowest storey of a dwelling unit, as required by Subsection (2), need not be provided if that storey is served by a stairway that:
    - a) leads to a public access to exit,
    - b) has no direct access to any other storey in the dwelling unit, and
    - c) is separated from the other storeys in the dwelling unit by a fire separation having a fire resistance rating not less than 45 min.

1 EXISTING TYPICAL FLOOR PLAN



1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

EXISTING  
TYPICAL FLOOR PLAN

A-012

Received  
City of Victoria  
SEP 17 2018  
Planning & Development Department  
Development Services Division

















1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

EXISTING  
GROUND FLOOR PLAN

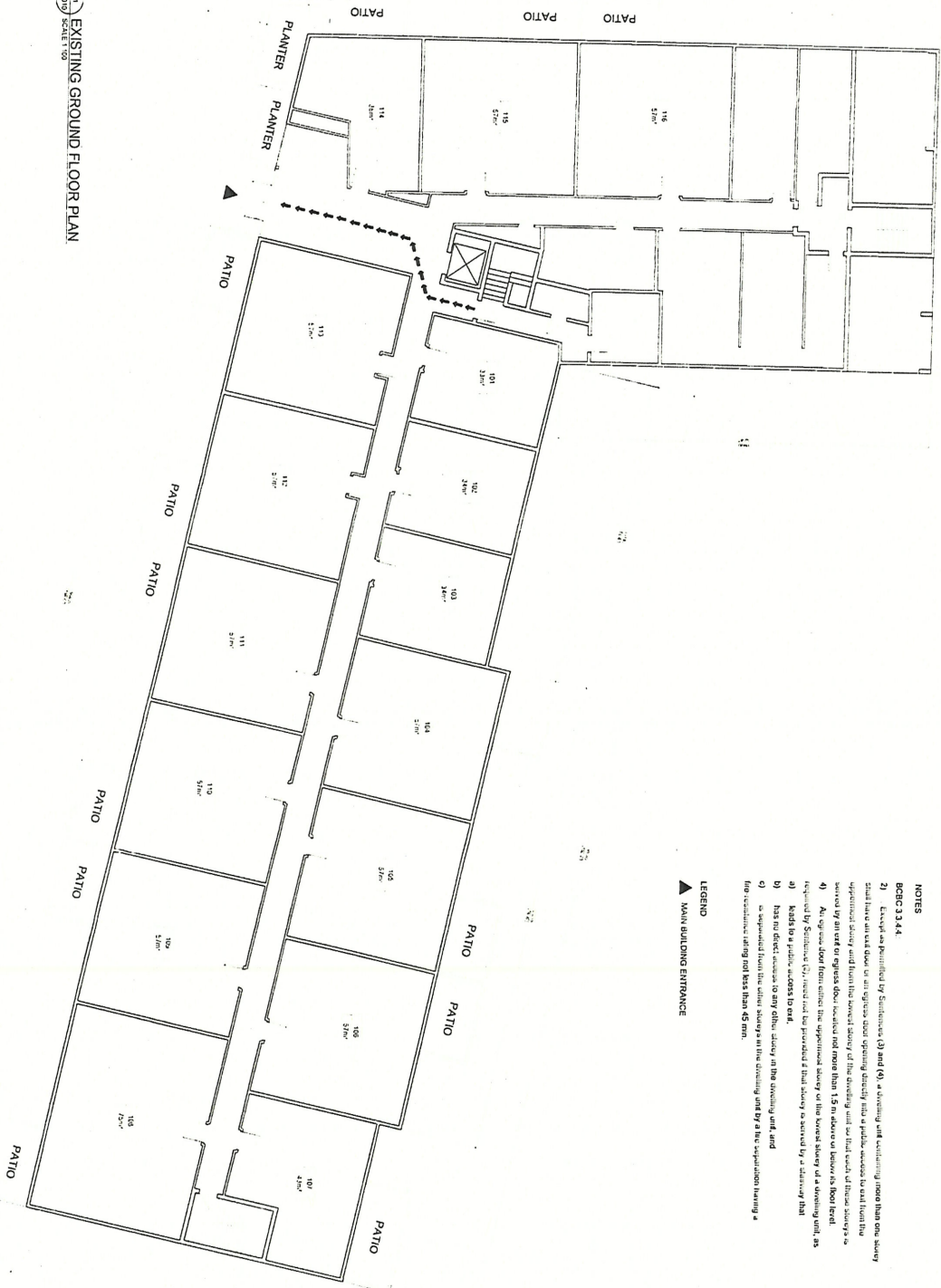
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CONSULTANT  
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ASSIGNED  
A-011

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1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

1  
EXISTING GROUND FLOOR PLAN  
SCALE 1:50



NOTES

RECORD 3344

- 2) Example as permitted by Sections 13 and 14, a dwelling unit containing more than one storey shall have an exit door or an egress door opening directly into a public access to exit from the uppermost storey and from the lowest storey of the dwelling unit so that such a direct egress is achieved by an exit or egress door located not more than 1.5 m above or below its floor level.
- 4) An egress door from within the uppermost storey of the lowest storey of a dwelling unit, as required by Section 13, need not be provided if that storey is served by a stairway that:
  - a) leads to a public access to exit,
  - b) has no direct access to any other storey in the dwelling unit, and
  - c) is separated from the other storeys at the dwelling unit by a fire separation having a fire resistance rating not less than 45 min.

LEGEND

▲ MAIN BUILDING ENTRANCE

Received  
City of Victoria  
SEP 17 2010  
Planning & Development Department  
Development Services Division



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Planning & Development Department  
Development Services Division

[illegible]





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SHALL BE INSPECTED

SMALL BUSINESS INFORMATION AND APPLICATIONS

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 When the building is on

When the observer's eye is located at a distance of not less than 100 mm (4 in.) from the surface, the viewing angle from a distance of not less than 100 mm (4 in.) shall be at least 1.5°.

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RECEIVED  
MAY 1 1972

## Development

## Developmental Activities


1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

TECHNICAL  
SPECIFICATIONS

ASSEMBLED  
A-014



1300 YATES STREET  
VICTORIA, BRITISH COLUMBIA

THIBODEAU  
ARCHITECTURE+DESIGN



Vancouver Montreal

August 27, 2018

Mayor and Council, City of Victoria – City Hall  
1 Centennial Square  
Victoria, BC, V8W 1P6



**Re : BC-1219 - 1300 Yates, Victoria, BC - Request for Development Variance**

To Mayor Lisa Helps and Council,

I am writing you regarding a Development Variance proposal for a multi-dwelling residential rental property at 1300 Yates Street, Victoria, British Columbia.

The current owner of the property is applying for a development variance permit to relax the parking requirements in order to transform an existing disengaged amenity space on the 5th floor into a residential rental suite.

The property is currently zoned for R3-2. The uses permitted in this zone include dwelling units and dwelling unit accessory uses. The Zoning By-Law (Part 3.3, art.2) requires that a residential unit be no smaller than 33m<sup>2</sup>. The off-street parking requirement, as per the updated Schedule C – Art1.2 - Parking Calculations, requires 86 parking stalls in total for 77 (76 + 1 proposed unit) units including visitor parking, creating a ratio of 1.1 of parking stalls to residential units.

The multi-unit residential building was built between 1966-1970. There is a total of 76 rental units and 56 parking stalls which represent a ratio of 0.73 parking stalls per residential unit, existing.

The scope of work includes: Transformation of an existing amenity space located on the roof, into a one-bedroom residential rental unit, 54.0sqm (581.25 sqft), with an addition of a parking spaces (Schedule C – Art1.2-Parking Calculations states 1.00 spaces per dwelling unit that is between 45sqm-70sqm).

The transformation scope includes demolition of non-structural partitions, construction of new partitions, installation of new doors, installation of new finishes and new fixtures.

VANCOUVER

Thibodeau Architecture + Design

138 West 8th Avenue, Vancouver, BC, V6Y 1N2

2018-08-27 - 10:43

T. 778.330.1139 F. 778.327.6844

www.gofaa.ca

MONTREAL

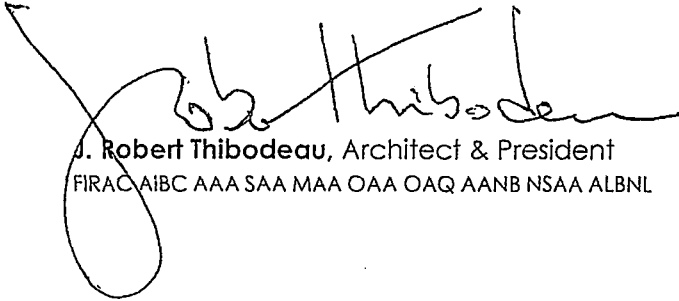




Date :  
Reference :

I am available at your convenience to discuss the above and respond to any comments of questions you may have.

Best regards,



J. Robert Thibodeau, Architect & President  
FIRCAIBC AAA SAA MAA OAA OAQ AANB NSAA ALBNL





## TECHNICAL MEMO

DATE: September 22, 2017  
PROJECT NO: 04-17-0019  
PROJECT: 1300 Yates Street Parking Review  
SUBJECT: Parking Review Summary

TO: Karim Aiche  
Thibodeau Architecture + Design

PREPARED BY: Simon Button, EIT, M.Eng.  
REVIEWED BY: Tyler Thomson, MURB, MCIP, RPP, PTP

---

The following memo summarizes the findings and recommendations of our parking review required by the City of Victoria for the proposed design changes at 1300 Yates Street. A parking occupancy review was required by the City in order to approve the proposed conversion of a rooftop amenity space into an additional rental unit given that the City's parking requirements would be impacted.

### 1. INTRODUCTION

The building at 1300 Yates Street was provided a development permit in 1966 which included 75 parking stalls. The building currently has 57 stalls for 76 rental suites and the owner plans to add 1 rental suite for a total of 77 rental suites. As such, Thibodeau Architecture + Design have requested that Bunt conduct a parking study as this is a condition of approval from the City. The site location is highlighted at **Figure 1**.

**Figure 1: Site Location**

The focus of this study was on developing an understanding of the existing parking demand for the building in order to assess whether there is adequate existing parking supply to accommodate the proposed additional rental unit given that there are already more rental units than there are parking spaces. To do this, it was important to monitor both the on-site parking, and the nearby on-street parking to capture the full extent of the parking demand for the building including visitor parking demands.

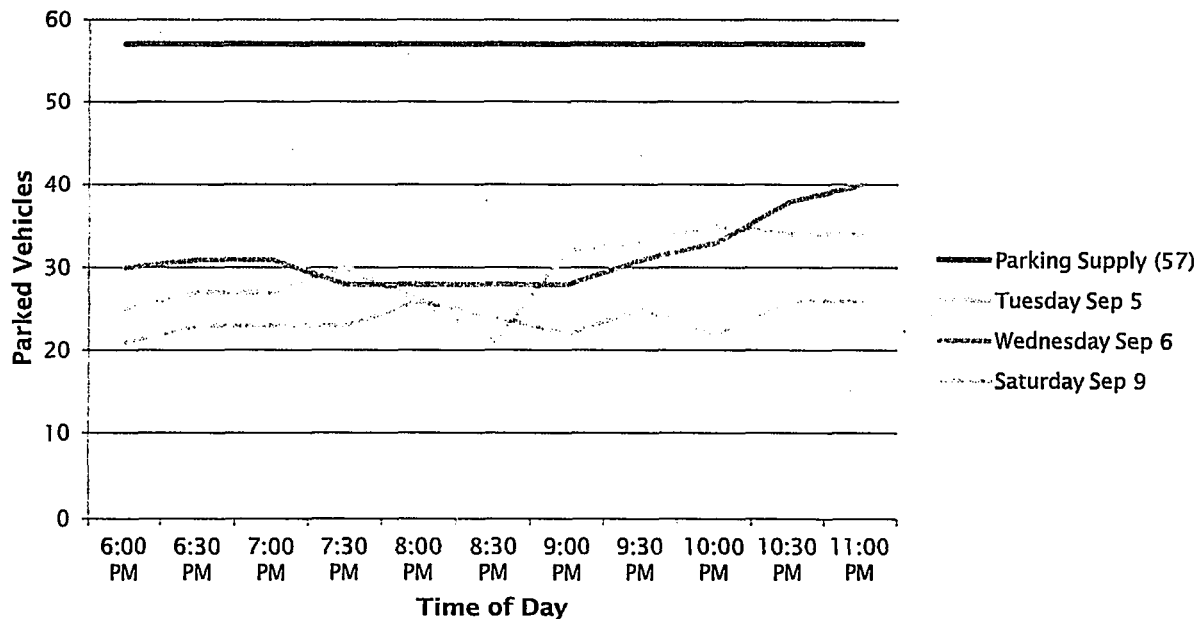
The following section highlights the survey information for the study and the results from the survey.

## 2. DATA COLLECTION & RESULTS

Parking demand surveys were conducted for two weekdays (Tuesday September 5<sup>th</sup>, 2017 and Wednesday September 6<sup>th</sup>, 2017), and one weekend day (Saturday September 9<sup>th</sup>, 2017) from 6pm to 11pm. This time frame was chosen as most residents are home in the late evening. Parking occupancy counts were conducted every 30 minutes in the 1300 Yates Street off-street parking lot and parking turnover surveys were conducted at the on-street parking stalls in front of the building (1300 block of Yates Street).

As shown in Figure 2, the peak parking demand in the off-street parking lot during the data collection periods was 40 parked vehicles which is approximately two thirds of the supply (57 stalls).



**Figure 2: Off-Street Parking Occupancy**

The 1300 block of Yates Street has space for approximately 7 parked vehicles. The on-street parking was relatively busy during the data collection periods. During each data collection day there was at least one instance of there being 7 parked vehicles. Approximately half of the drivers were observed going into/out of 1300 Yates Street. To be conservative it can be assumed that 1300 Yates Street was responsible for generating a maximum of 4 vehicles parked on the street at one time.

By combining the off-street and on-street parking data, the peak parking demand for 1300 Yates Street is 44 which is 0.6 parked vehicles per rental suite. Therefore the conversion of the rooftop amenity space to an additional dwelling is anticipated to add 0.6 parked vehicles to the total parking demand for the building. The total parking demand with the additional rental suite is anticipated to be 45 parked vehicles.

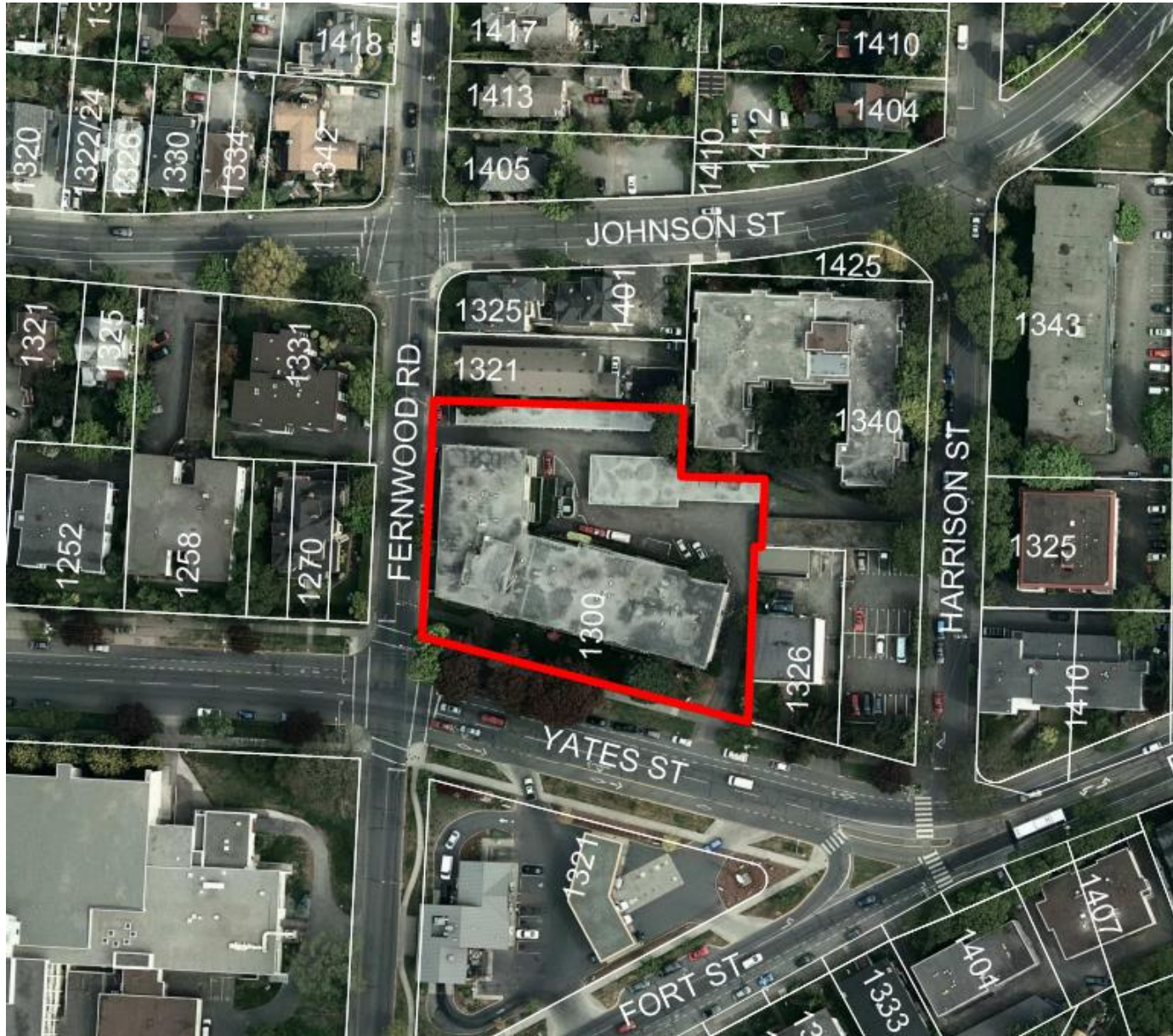
### 3. PARKING SUMMARY AND RECOMMENDATIONS

1300 Yates Street has 57 off-street parking stalls and there is space for 7 parked vehicles on Yates Street in front of the building. During the data collection periods, the peak parking demand reached 40 parked vehicles off-street and 7 parked vehicles on-street. 1300 Yates Street currently has 76 rental suites which results in a peak parking rate of less than one vehicle per rental suite. The parking demand from one additional rental suite will be able to be accommodated within the existing parking supply.

cc: Patrick Schilling, Thibodeau Architecture + Design

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# Development Variance Permit Application for 1300 Yates Street

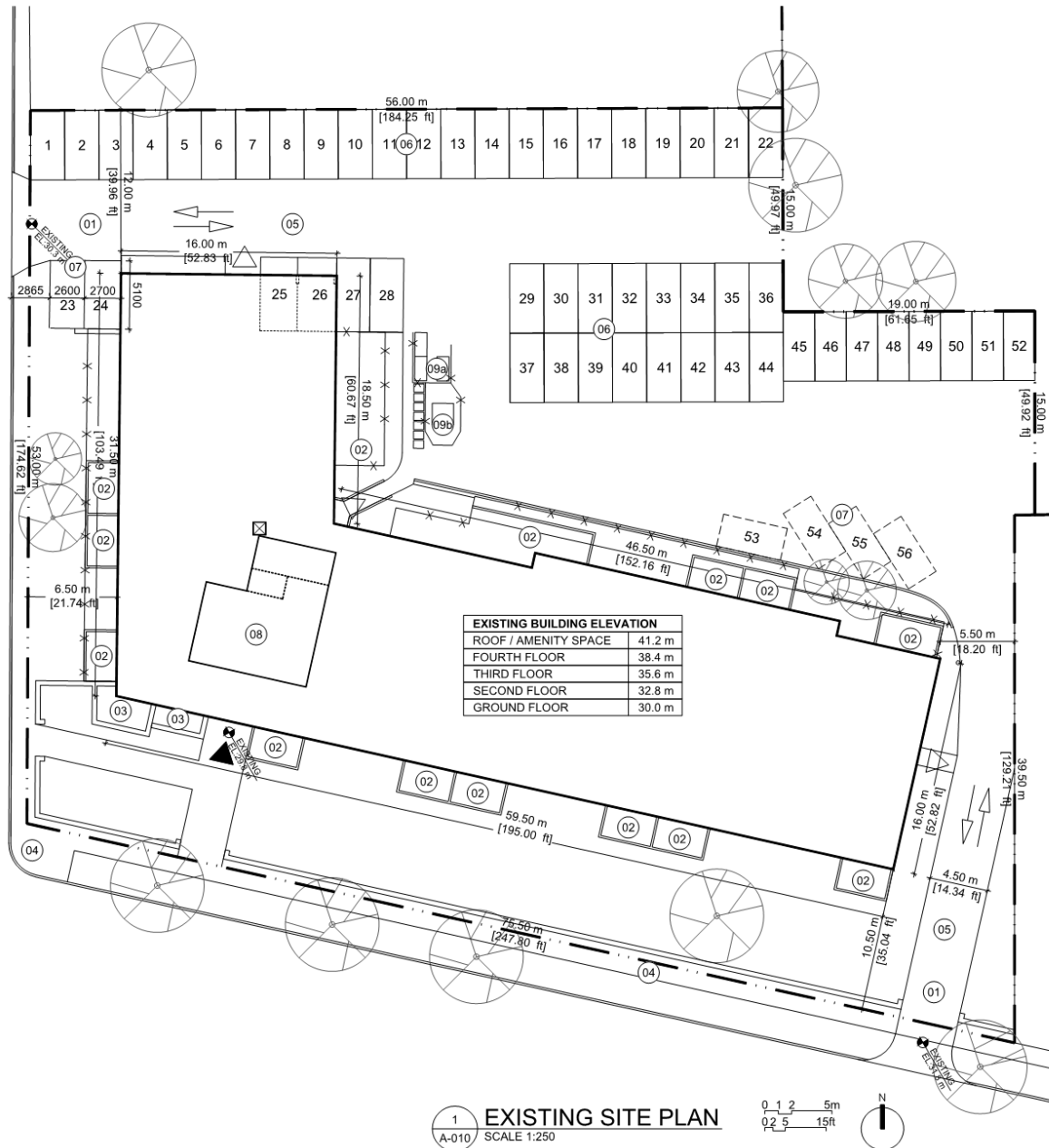


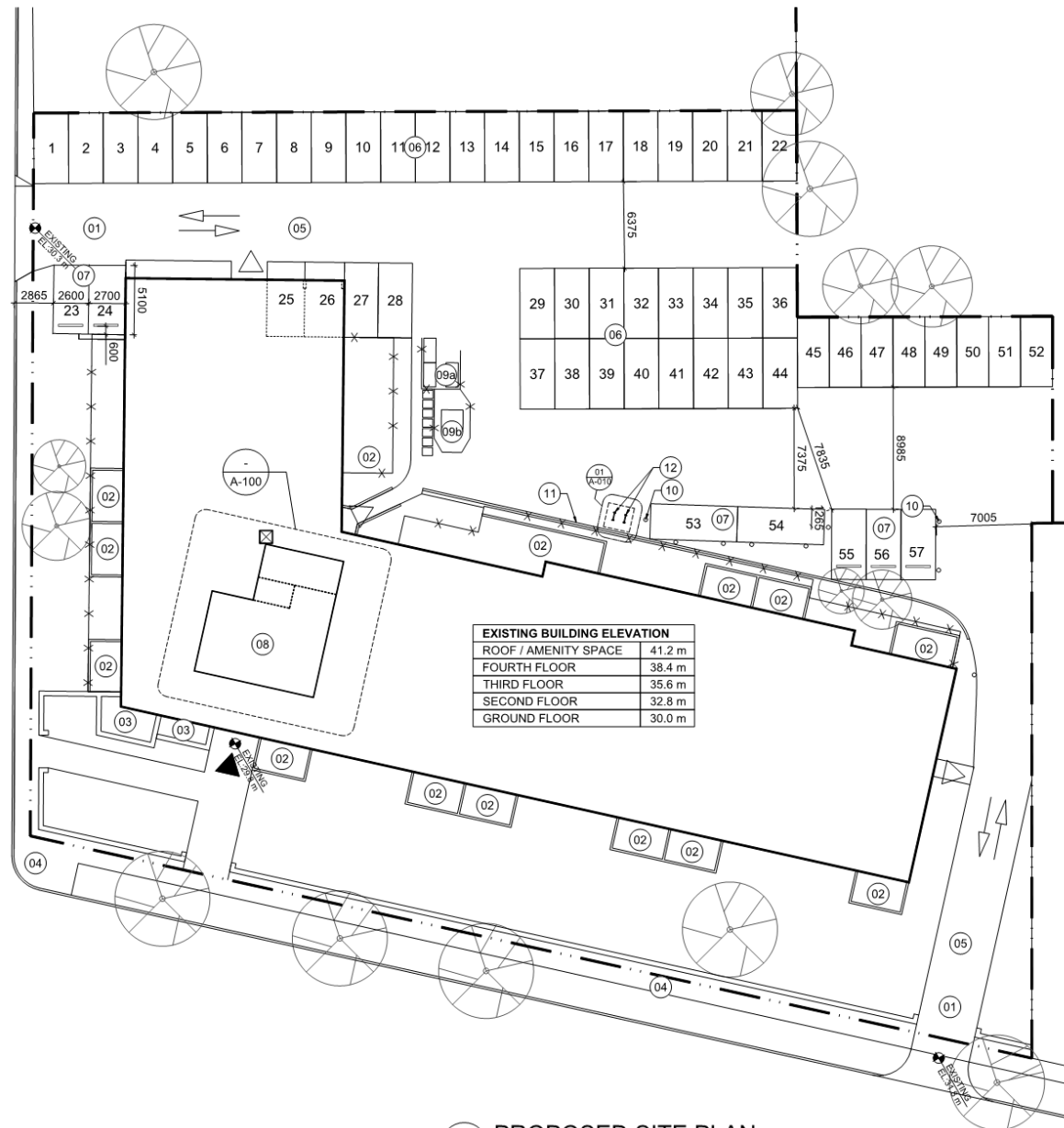












1 PROPOSED SITE PLAN  
A-010 SCALE 1:250



## **Committee of the Whole Report**

### **For the Meeting of November 8, 2018**

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**To:** Committee of the Whole

**Date:** October 25, 2018

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Development Permit Application No. 000535 for 2906 Cook Street

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### **RECOMMENDATION**

That Council authorize issuance of a Development Permit for 2906 Cook Street to amend the Land Use Contract to permit placement of an emergency storage container, in accordance with plans date stamped September 12, 2018, and subject to the following conditions:

1. Development meeting all Zoning Regulation Bylaw requirements.
2. Development Permit lapsing two years from the date of this resolution, if the holder of the permit does not substantially start construction under this permit.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 546 of the *Local Government Act*, Council may issue a Development Permit to amend a land use contract that is registered in a land title office, but may not affect the permitted use or density of the land from that specified in the land use contract.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application to amend a land use contract for the property located at 2906 Cook Street. The proposal is to install a storage container that would store emergency supplies to be used in the event of a natural disaster.

The following points were considered in assessing this Application:

- the proposal is consistent with the *Official Community Plan* (2012) in enhancing emergency preparedness in residences
- the existing rock wall and new landscaping will be used to soften the effect of the container from the street.

### **BACKGROUND**

#### **Land Use Contracts**

Land Use Contracts (LUCs) were legislated as a regulatory tool in place of zoning in the 1970s. The LUCs addressed development issues that zoning could not and in these cases Zoning was



rendered inapplicable. LUCs are registered on land titles and can be amended or discharged by agreement between both the Municipality and land owner. The legislation authorizing the use of Land Use Contracts was repealed in 1978; however, LUCs entered into prior to these legislative changes remain in force.

### **Description of Proposal**

The proposal is to install a storage container for emergency supplies to be used in the event of a natural disaster. There is a land use contract currently in effect on-site and as such the property owners have applied to amend the land use contract to permit the proposed container. The container would be located 5.4m from the western property line and 0.6m from the south property line; which, although not directly applicable due to the land use contract, is consistent with Schedule F - Accessory Building Regulations. The container would be painted black, and blue arrow junipers, elderberry bushes, and curly-leaf privets would be planted along the western façade to minimize the visibility of the container from Topaz Avenue.

### **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 proposal.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit 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 regulated with a land use contract, which restricts the buildings to those already found on site. The building on site, also known as Spencer Castle, is heritage registered. The property is shared and used by the three surrounding multi-unit residential properties for operational purposes, such as events and housing guests.

## **ANALYSIS**

### **Official Community Plan**

The Application is consistent with the Emergency Management objectives found in the *Official Community Plan*, 2012 (OCP). Specifically, the installation of an emergency supplies storage container would encourage and support the efforts of individuals to strengthen the resiliency to a major seismic event and aid in enhancing the emergency preparedness in residences.

### **Development Permit Area and Design Guidelines**

The *Official Community Plan* identifies this property within DPA 16 – General Form and Character. The *Design Guidelines for Multi-Family Residential, Commercial, and Industrial Development* are applicable. The guidelines encourage landscaping open space to soften the

impact of buildings. The applicant has proposed landscaping along the western façade. While additional landscaping along the southern façade would be ideal, the location of the container adjacent the existing rock wall is not able to support landscaping due to space and lack of sunlight. The sloping nature of the site makes it difficult to locate the container elsewhere on the property.

### Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* does not have any applicable policies with regard to this Application, beyond recognizing Spencer Castle as an historic landmark.

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts nor impacts to public trees associated with this Application.

### CONCLUSIONS

The *Official Community Plan* supports the installation of emergency supplies storage containers in order to strengthen community resiliency. The container would have minimal impact as it meets the setbacks of an accessory building and would be partially screened. Therefore, staff recommend that Council consider supporting this Application.

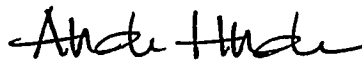
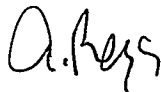
### ALTERNATE MOTION

That Council decline Development Permit Application No. 000535 for the property located at 2906 Cook Street.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 2, 2018

### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 12, 2018
- Attachment D: Letter from applicant to Mayor and Council received September 12, 2018.



2906 Cook Street  
Development Permit #000535







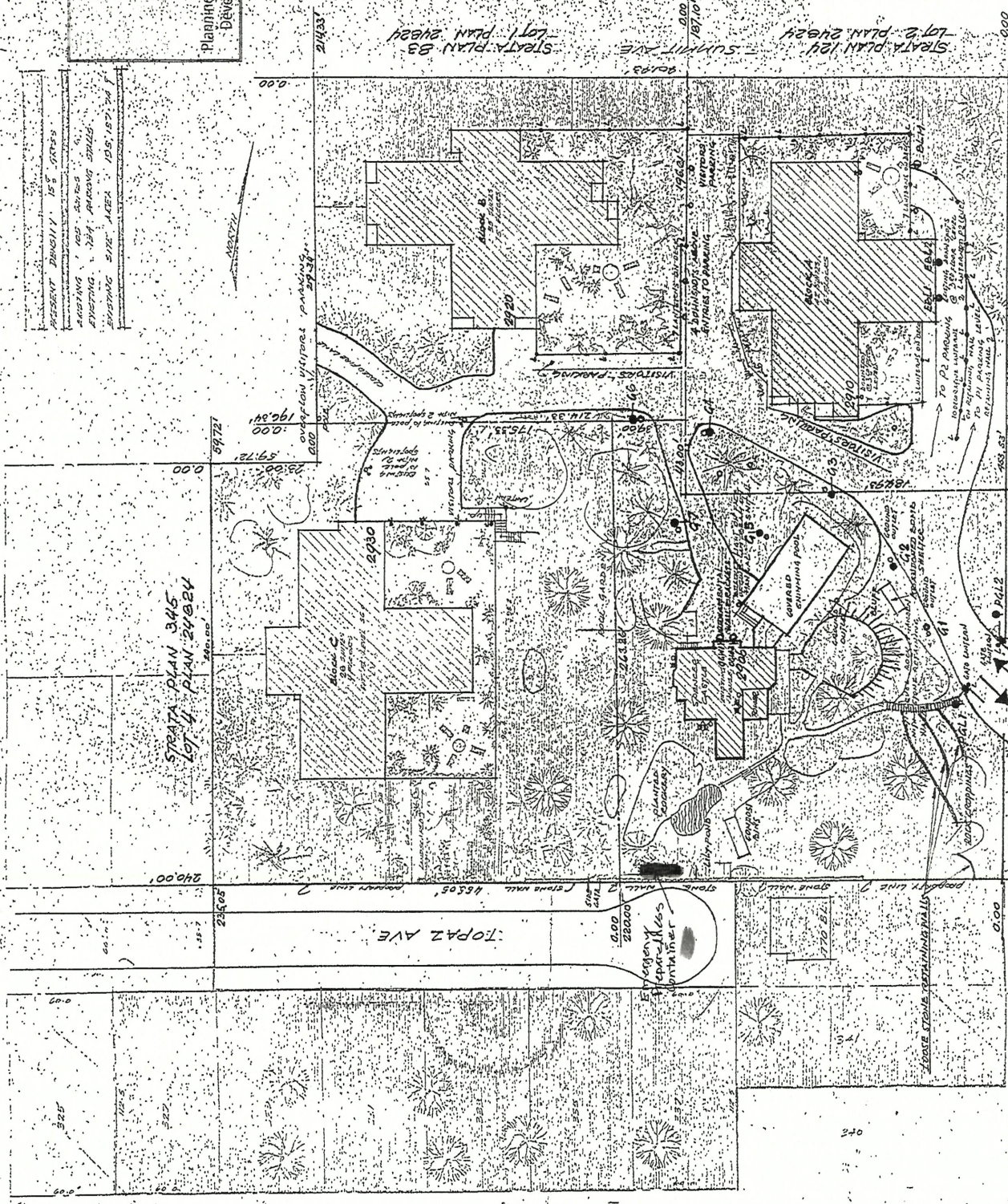
2906 Cook Street  
Development Permit #000535





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SEP 12 2018  
Planning & Development Services Division

THE RISE



NEW WORK:  
PCL & NEW PÉDESTAL, GLOBE  
GLOBE NEW GARDEN LIGHT  
ECL & NEW EXTERIOR BRACKET  
O&M EXIST. BRACKET W/RED  
BLM & EXIST. BRACKET MODIFIED

SPENCER CASTLE DEVELOPMENTS, INC.  
LOT 3, PLAN 24024  
SYMBOLS:  
EXISTING  
NEW  
PROPOSED  
SOCKET  
POLE LIGHT  
NEW  
SOCKET

FEET  
SUBSEQUENT REVISIONS: 10/10/16  
REVISED 10/10/16

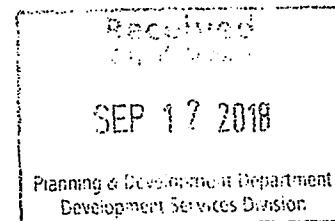


# SPENCER CASTLE

2906, 2910, 2920, 2930 Cook St. Victoria V8T 3S7

November 22, 2017

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



RE: Development Permit Application for Emergency Preparedness Container

The owners of the three strata corporations that jointly own the 2906 Cook Street property, known as Spencer Castle, voted to install an Emergency Preparedness Container on that property with the intention of storing supplies and equipment in order to be ready and prepared in the event of an emergency. We have recently been advised by staff in your Planning Department that the LUC covering this property can be amended by a Development Permit, which Application is attached for your consideration.

Once installed and stocked, the container will provide residents of Spencer Castle with the ability to address some immediate emergency needs following an earthquake. It's likely that the City's emergency response will be fully taxed immediately following an earthquake and we hope that our preparations aided by the contents of our container will reduce suffering while we wait for aid to arrive.

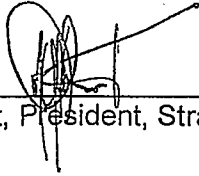
The 20'x8'x8 steel shipping container will be placed close beside a 4'6" rock wall adjacent to Topaz Street. This location is ideal as the container can be easily lifted into place from Topaz Street, is relatively flat with bedrock close to the surface, is out of any "fall line" of nearby buildings, and is close to the large lawn area that can be used as a set-up area for tent shelters, first aid tent, food preparation and distribution etc.

The container will not need to be connected to any City services. The selected location does not have any underground services running through it (i.e. no existing services to be relocated). The container will be anchored to bedrock (which is close to the surface in this location) to prevent it shifting in the event of an earthquake (details of how this will be done are included in the application documentation).

The container will be painted black (to blend in with the dark grey stone of the rock wall and the black wrought iron gate), and will have trees/shrubs planted to help "camouflage" it from view. Looking at it from the Topaz Street side, there already is some very tall natural fennel growing along part of the rock wall which will hide the container from view, and this planting can be extended further along this 4'6" tall rock wall. As well, there is usually a large white pickup truck (belonging to a Topaz Street neighbour) parked right next to the rock wall that is nearly as tall as

the container will be when it is installed. Attached to this application are actual photos of the location, with the container drawn in, to scale, showing what it will look like when installed and landscaped.

Sincerely,



---

York Stewart, President, Strata 124, 2910 Cook St.



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Richard Parrott, President, Strata 83, 2920 Cook St.



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Barbara Howatt, President, Strata 345, 2930 Cook St.

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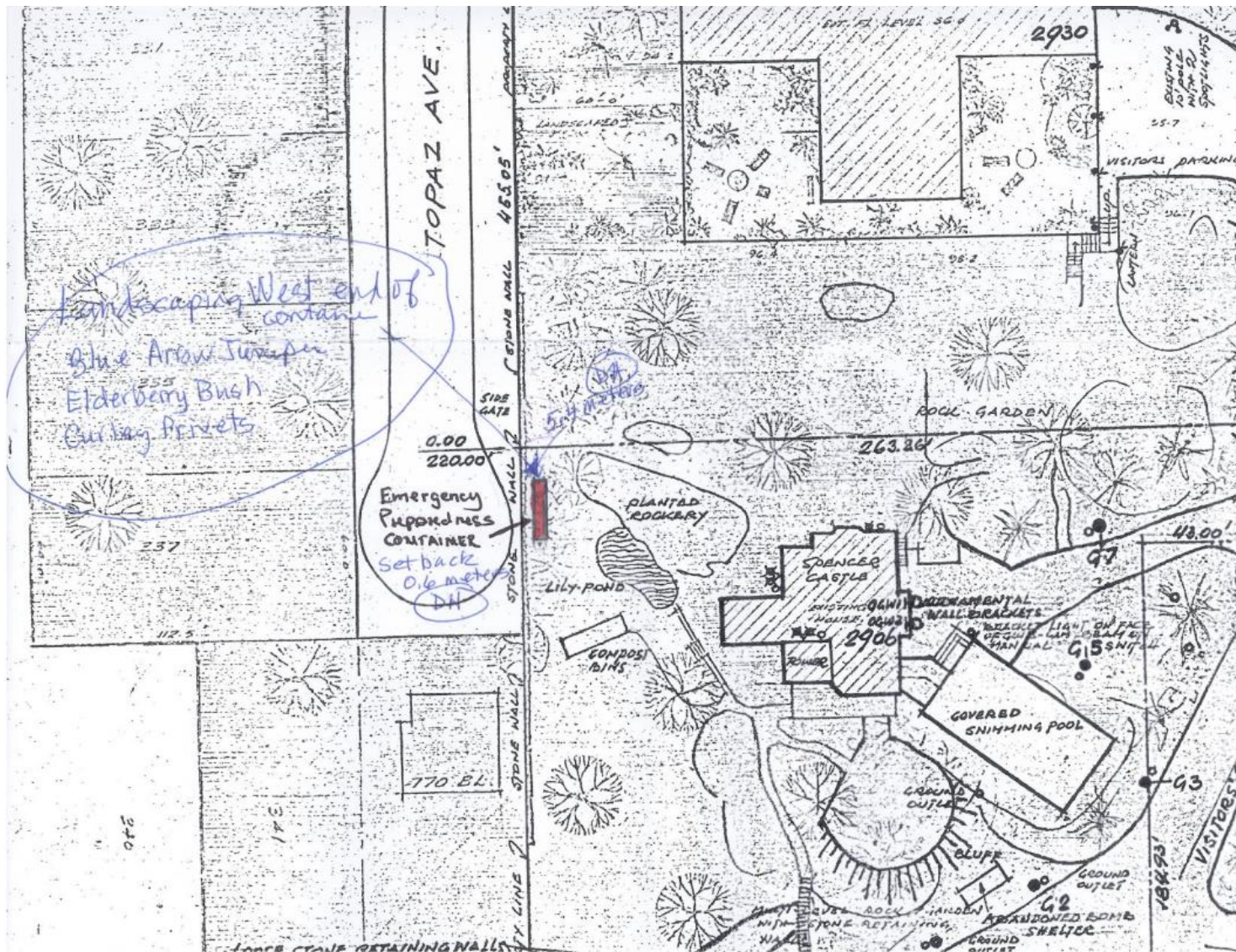
# Development Permit Application for 2906 Cook Street





















## **Committee of the Whole Report**

### **For the Meeting of November 8, 2018**

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**To:** Committee of the Whole

**Date:** October 25, 2018

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00652 for 1150 McClure Street

---

### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00652 for 1150 McClure Street, that first and second reading of the Zoning Regulation Bylaw amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development, in order to secure:
  - a. two basement suites as rental units in perpetuity
  - b. building design and landscape.
2. The applicant entering into an agreement with a car-share organization to secure two car-share memberships and car-share usage credits, to the satisfaction of the Director of Sustainable Planning and Community Development.

### **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.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use or the density of the land from that permitted under the zoning bylaw.

### **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 1150 McClure Street. The proposal is to rezone from the R1-B Zone, Single Family Dwelling District, to a site-specific zone in order to

permit the construction of a detached single-family dwelling with two rental suites as accessory residential uses. A reduction from Schedule C: Off-Street Parking Regulations is proposed to reduce the vehicle parking requirement from two stalls to one stall.

The following points were considered in assessing this application:

- the proposal is consistent with the density and use ranges established for this area, which is designated Traditional Residential in the *Official Community Plan, 2012* (OCP)
- the proposal is consistent with the Fairfield Strategic Directions in the OCP to maintain and enhance established character areas
- the provision of two rental units supports housing diversity and market rental housing policies outlined in the OCP.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to rezone from the R1-B Zone, Single Family Dwelling District, to a site specific zone in order to permit the construction of a single family dwelling with two rental suites as accessory uses. The proposed new house is designed with a similar built form and character to the Edwardian Vernacular Arts & Crafts style character house which was previously situated on the property.

Specific details include:

- the construction of a detached single-family house with two rental suites in the basement level
- a two-storey, pitched roof building form
- the site plan includes one vehicle parking stall in the front yard and a new driveway crossing on McClure Street
- the landscape plan includes privacy fencing and landscape treatments to screen the rental suite entrances and patios from neighbouring properties.

The following differences from the standard R1-B Zone, Single Family Dwelling District, are being proposed and would be accommodated in the new zone:

- permit two rental suites as accessory residential uses
- increase the maximum building height from 7.60m to 8.98m
- decrease the west side setback from 3.00m to 2.64m
- decrease the required vehicle parking from two stalls to one stall.

The applicant is proposing a reduction from the Schedule C: Off-Street Parking Regulations to reduce the vehicle parking requirement from two stalls to one stall. To help offset the parking shortfall, the applicant is offering a Transportation Demand Management (TDM) program comprised of four short-term bicycle parking spaces, four long-term bicycle parking spaces, and a Modo car-share membership for each of the two rental units.

### **Affordable Housing Impacts**

The applicant proposes the creation of two rental units, which would provide rental housing supply in the area. The applicant has agreed to register a housing agreement on title for the two rental units to ensure their rental tenure in perpetuity.

## Sustainability Features

As indicated in the applicant's letter dated September 20, 2018, the sustainability features associated with this proposal include the use of some soffit lighting and potentially additional low-voltage landscape lighting for light pollution reduction, and the inclusion of low water use plantings and native plants in the new garden areas.

## Active Transportation Impacts

The application proposes the voluntary provision of four short-term and four long-term bicycle parking spaces, which support active transportation.

## Public Realm Improvements

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

## Accessibility Impact Statement

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

## Land Use Context

The surrounding area within the Fairfield neighbourhood is characterized by single-detached dwellings, house conversions, and duplexes on tree-lined streets with heritage character buildings and landscapes. Multi-unit residential in the form of apartment buildings are located further west at Cook Street.

## Existing Site Development and Development Potential

The property is presently vacant with the exception of an accessory building located in the northwest portion of the site. Under the current R1-B Zone, Single Family Dwelling District, the site could be redeveloped as a single-family dwelling with no more than one secondary suite, garden suite, or up to four roomers and/or boarders.

## Data Table

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Existing Zone R1-B
Site area (m <sup>2</sup> ) - minimum	671.00	460.00
Lot width (m) - minimum	18.28	15.00
1st & 2nd storey floor area (m <sup>2</sup> ) (max.)	232.96	280.00
Combined floor area (m <sup>2</sup> ) (max.)	400.52	420.00
Floor space ratio	0.60	n/a



<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Existing Zone R1-B</b>
Average grade	20.57	n/a
Height (m) (max.)	<b>8.98*</b>	7.60
Storeys (max.)	2.00	2.00
Basement	Yes	Permitted
Roof deck	None	Not permitted
<b>Setbacks (m)</b>		
Front	7.50	7.50
Projections – stairs/porch (max.)	2.17	2.50
Rear	11.22	9.20
Side (west)	<b>2.64*</b>	3.00
Side (east)	1.89	1.83
Side on flanking street	n/a	3.50 or 10% of lot width
Combined side yards	4.53	4.50
Site coverage (%) (max.)	32.20	40.00
<b>Vehicle Parking (min.)</b>		<b>Schedule C: Off-Street Parking Regulations</b>
Parking stalls	<b>1*</b>	2
<b>Bicycle Parking (min.)</b>		
Long term	4	0
Short Term	4	0

## Relevant History

The house, which was destroyed in a fire earlier this year, was originally constructed as a single-family dwelling and had been converted to a duplex and finally to one suite plus three light housekeeping units. It was an Edwardian Vernacular Arts & Crafts style building with a steeply pitched roof, front gable, asymmetrical main floor front façade, contrasting cladding of stucco with half timbering and shingles, an upper horizontal belt course with dentil detailing, a partial wrap-around front porch with a stone foundation and wide central front entrance steps. The design of the current proposal is intended to reflect the house which was previously located on the site.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield-Gonzales CALUC at a Community Meeting held on September 14, 2017. A letter dated May 15, 2018 waived the need for a second meeting and is attached to this report.

## **ANALYSIS**

### **Official Community Plan**

The proposed single-family dwelling with two rental suites at a density of 0.60 FSR is consistent with the Traditional Residential Urban Place Designation in the OCP, which envisions a density up to approximately 1:1 FSR and includes ground-oriented, residential single-family dwellings and accessory residential uses. The proposed rental units are consistent with OCP policies to support a range of housing types, forms and tenures within neighbourhoods and to increase rental housing choice. The form and character of the development as a detached residential house fulfills the Fairfield Strategic Directions to maintain and enhance established character areas and would integrate rental housing in a manner that is in character with the neighbourhood.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application.

While best efforts have been made in the design of the vehicle parking to preserve the two public trees fronting the site, the proposed driveway crossing may have negative impacts on the boulevard tree situated 2.5m from the driveway edge. At the Building Permit stage, the City will require that an arborist be retained by the applicant to review driveway construction impacts to the City tree. In the event that the tree needs to be replaced, the applicant will be responsible for paying for its value and a replacement tree.

## **Regulatory Considerations**

### Vehicle Parking

The applicant proposes to reduce the required number of vehicle parking stalls from two to one. The proposed stall is located in the front yard and, because no vehicle parking previously existed on this property, a new driveway crossing provides vehicle access. To help offset the vehicle parking requirement, the applicant has included four long-term and four short-term bicycle parking spaces, as well as two Modo car-share memberships valid for the lifetime of the development. Additionally, one-hundred dollars of driving credits will be provided to each of the two residents of the development joining Modo. Attached to this report is a letter from Modo, dated October 16, 2018, confirming that they see the location of the proposed development as having good potential for car-sharing, and that nine Modo vehicles are located within 600m of the development site.

Both sides of McClure Street consist of residential parking only. The proposed TDM measures may help to offset some of the anticipated parking demand; however, it is likely that additional demand for parking will impact on-street parking availability. Although there is an anticipated parking shortfall, overall, staff support the proposed reduction for the following reasons:

- active and shared transportation are convenient options given the location of bus stops on Cook and Richardson Streets, car-share vehicles located in proximity to the site, and walkability and bike-ability to daily services and amenities
- staff support the applicant's stated intention to maintain the residential character of the property and to maximize the amount of soft landscape. In order to conform to Schedule C: Off-Street Parking Regulations which requires two parking stalls for this development, alternate site plan options would be to either locate two parking stalls in the rear yard, or to locate one parking stall in the front yard and the second stall in the side or rear yard. As a design note, in both these scenarios, the proposed house or verandah would need to be reduced in size in order to provide a driveway in the side yard that conforms to the minimum required driveway width of 3.0m.

#### Differences from the R1-B Zone, Single Family Dwelling District

The following differences from the existing R1-B Zone, Single Family Dwelling District, are proposed and would be incorporated into the new zone:

- permit a single-family dwelling with two rental suites as accessory residential uses
- increase the maximum building height from 7.60m to 8.98
- decrease the west side setback from 3.00m to 2.64m
- decrease the required parking from two stalls to one stall.

The new building is situated on the lot in a similar form and manner to the previously existing house except for the main differences of additional massing at the rear, and the creation of two basement rental suites with entrances on the east and west sides. The proposed front yard, east side yard, and west side yard setbacks of the new house appear to be the same distance as those for the previously existing house on the property. Although staff are not able to verify the height of the previous house through documentation, anecdotally, we understand it was higher than the permitted maximum height.

#### **Other Considerations**

##### Design Covenant

The design fit of new and old is an important neighbourhood concern in order to maintain the character of the neighbourhood. As part of this Rezoning Application, the applicant has agreed to register a section 219 covenant on title for the building design and landscape to ensure the development is completed in accordance with the plans provided.

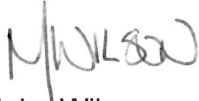
#### **CONCLUSIONS**

The proposal is consistent with the density and use ranges established for this area, which is designated Traditional Residential in the *Official Community Plan*, 2012. The proposed development as a detached house, similar in form and character to the previously existing character house, is sensitive to its surroundings and consistent with the Fairfield Strategic Directions in the OCP to maintain and enhance established character areas. The inclusion of two rental units, with a housing agreement registered on title to ensure their rental in perpetuity, supplies additional rental housing in the area. The proposed reduction of vehicle parking requirements from two stalls to one is supported by staff with consideration of the provided Transportation Demand Management measures, and the residential landscape character of the property.

## ALTERNATE MOTIONS

That Council decline Rezoning Application No. 00652 for the property located at 1150 McClure Street.

Respectfully submitted,



Moira Wilson,  
Senior Planner – Urban Design,  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



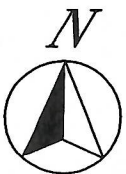
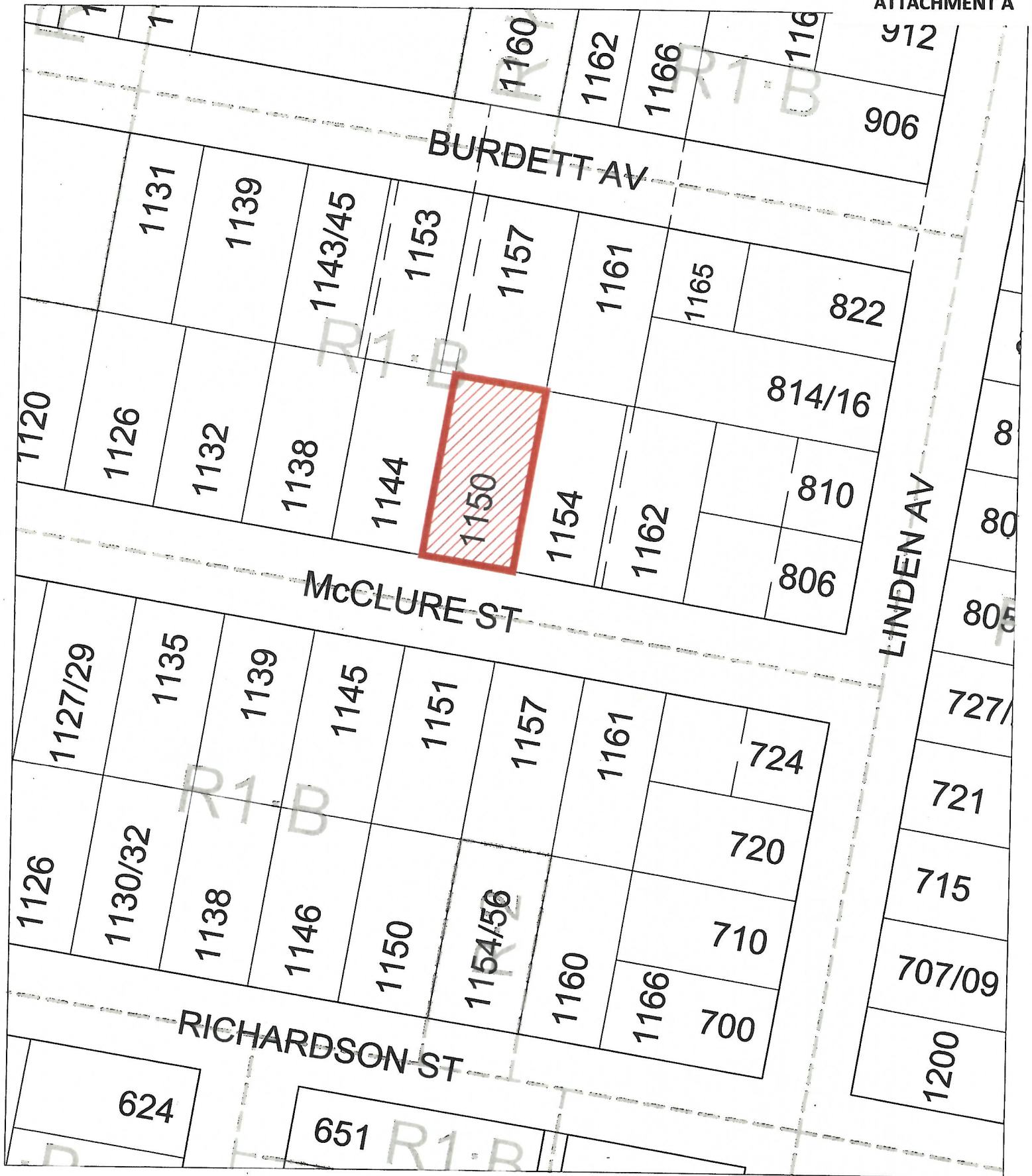
Date:

Nov 5, 2018

### List of Attachments:

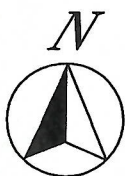
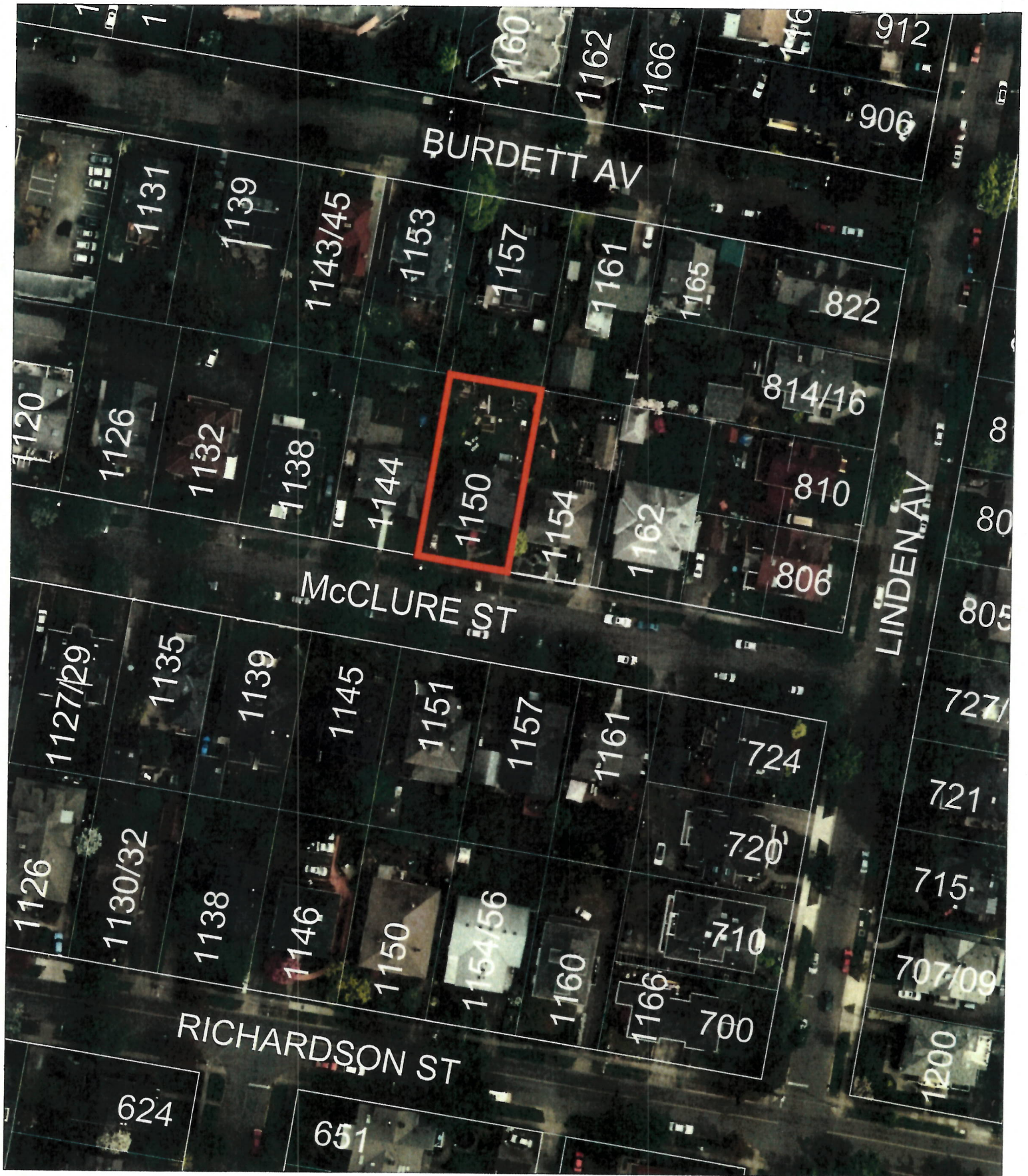
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped October 22, 2018
- Attachment D: Letter from applicant to Mayor and Council dated September 20, 2018
- Attachment E: Community Association Land Use Committee Comments dated May 15, 2018
- Attachment F: Modo car sharing letter dated October 16, 2018





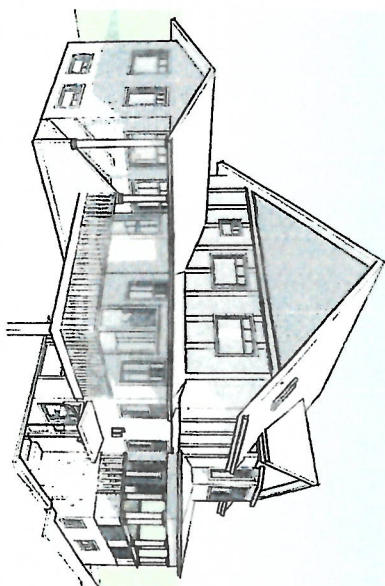
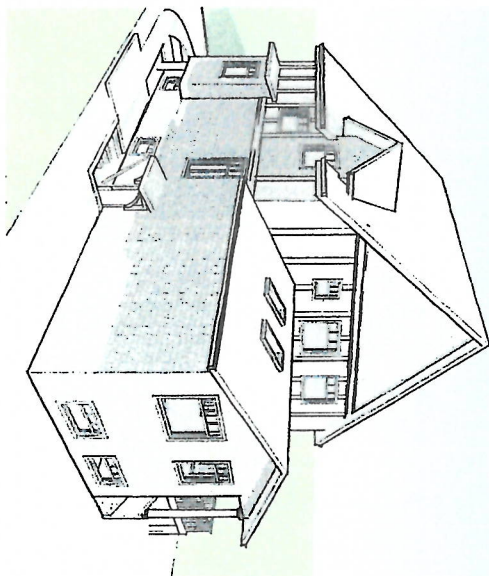
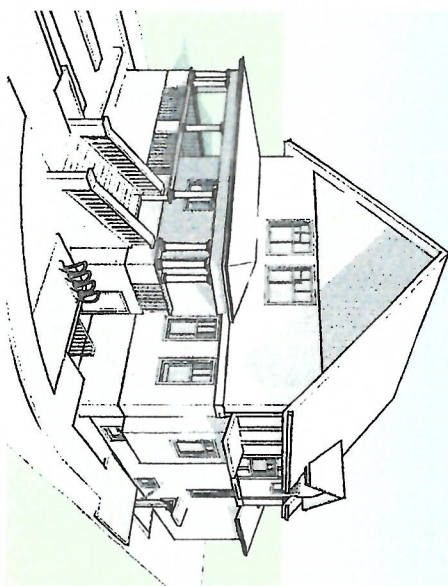
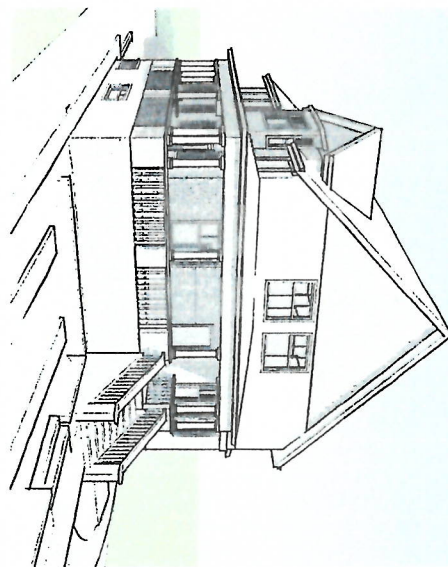
1150 McClure Street  
Rezoning No.00652





1150 McClure Street  
Rezoning No.00652

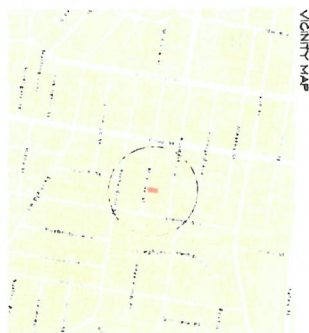




Received  
City of Victoria

OCT 22 2018

**Planning & Development Department  
Development Services Division**



PROJECT INFORMATION TABLE	
Zone (existing)	R1-B
Proposed Zone or Site Specific Zone	NEM 220E
Site Area	671 M <sup>2</sup>
Total Floor Area	409,321 M <sup>2</sup>
Commercial Floor Area	N/A
Floor Space Ratio	0.620
Site Coverage	52.2 % (215.6 SqM)
Open Site Space (%)	64.6 %
Height of Building	8.0x14 M *
Number of Storeys	2
Parking Stalls on site	1 *
Bicycle Parking Number	0
<b>SETBACKS</b>	
Front yard	7.50 M
Rear yard	11.22 M
Side yard - West (Left)	2.64 M *
Side yard - East (Right)	1.67 M
Combined Side yards	4.33 M
<b>RESIDENTIAL USE DETAILS</b>	
Total Number of Units	3
Unit Type	4 br. 2 bath, 1 br. 1 bath, 1 br. 1 bath
Ground-Organized Units	
Minimum Unit Floor Area (m <sup>2</sup> )	571.2 M <sup>2</sup>
Total Residential Floor Area	50,726 M <sup>2</sup>

- VARIANCE SOUGHT

### GENERAL NOTE

[illegible]

PROJECT DATA		Sheet List	
DRAWING		SHEET NO.	SHEET NAME
Project 1 - MacArthur Vialtoa Rd. Vialtoa 250-563-6605		A1	Site
STRUCTURAL ENGINEER		A2	Foundation
Metro Engineering 1110 Huron St. Victoria BC 250-687-3440		A3	Structural Steel Detail
		A4	Foundation
		A5	Structural Steel Detail
		A6	Foundation
		A7	Structural Steel Detail
		A8	Foundation
		A9	Structural Steel Detail
		A10	Foundation

DATE	ISSUED FOR
OCT. 14, 2016	RE: 2016 RENEWAL
OCT. 15, 2016	RE: 2016 - 2017 DATA
OCT. 2, 2016	RE: 2016 - 2017 DATA - 2016
SEPT. 7, 2016	REVISIONS
JULY 31, 2016	REVISIONS

## REASONING

**Cover**

**WILLIAMS**

OCT. 19, 2018

525

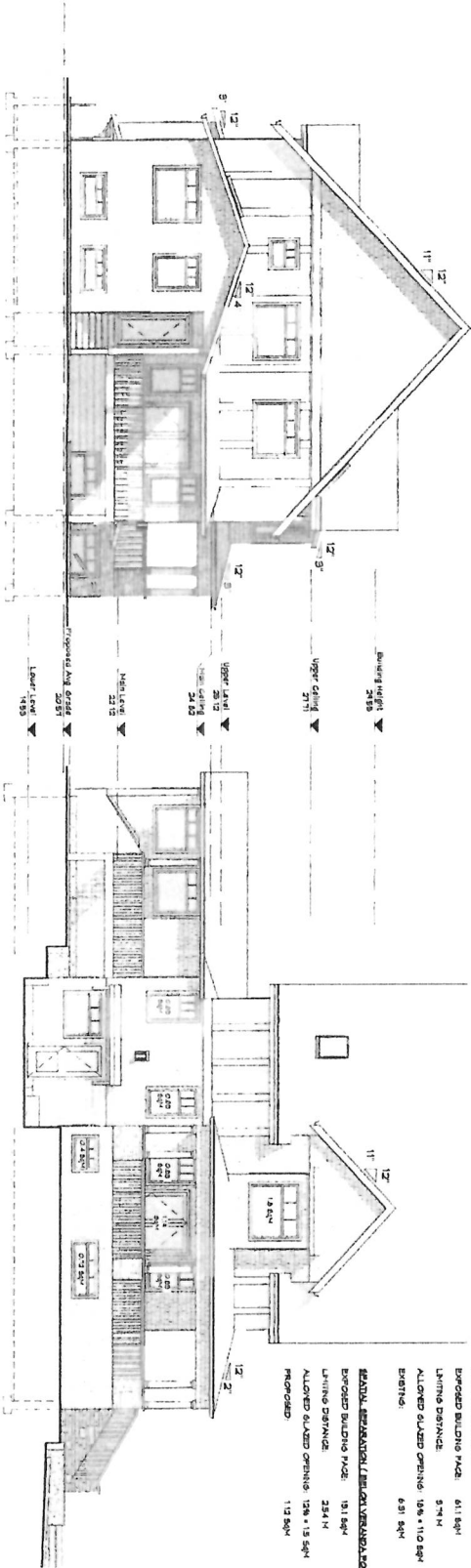
1150 McClure St.  
Victoria, BC

**Client:**  
**Jesika and Mike**  
**Edison**

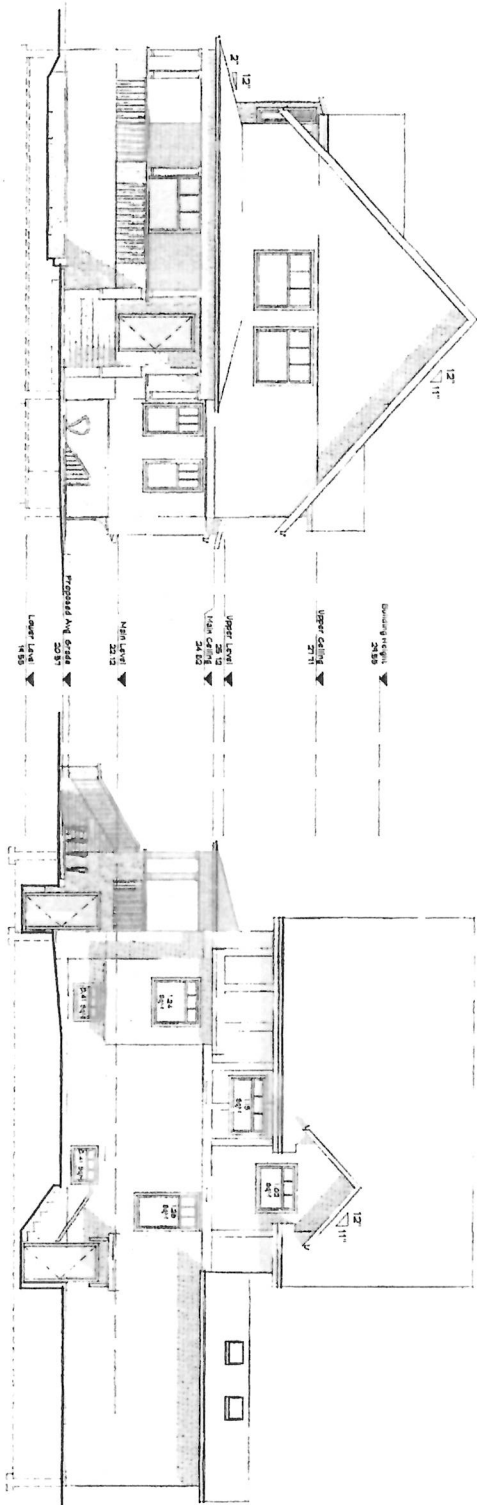


**Villamar**  
DESIGN

③ North (Rear)  
3/16" = 1'-0"

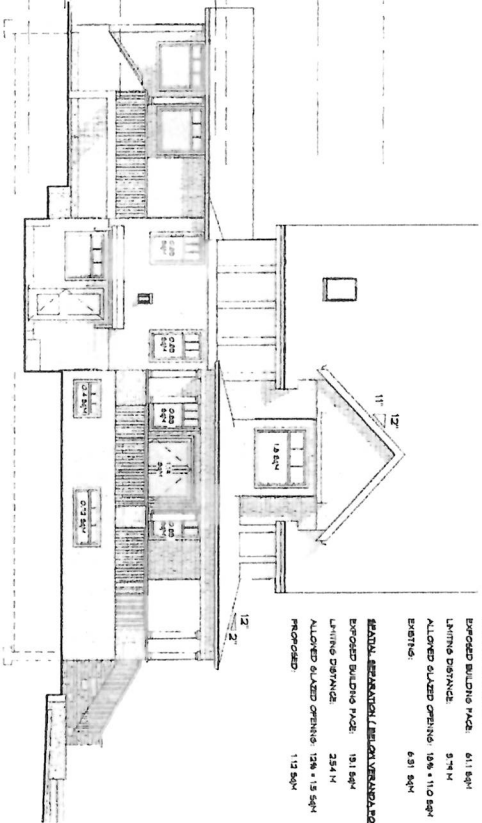


① South (Front)  
3/16" = 1'-0"



② East (Right)  
3/16" = 1'-0"

④ West (Left)  
3/16" = 1'-0"



PROPOSED MATERIAL SPECIFICATIONS			
PROPOSED BUILDING FACE	71.6 SQM	PROPOSED BUILDING FACE	71.6 SQM
LIMITED DISTANCE	2.81M	LIMITED DISTANCE	1.67M
ALLOWED GLAZED OPENING	48.6 SQM	ALLOWED GLAZED OPENING	48.6 SQM
EXISTING OPENING	4.25 SQM	EXISTING OPENING	1.24 SQM

EXISTING MATERIAL SPECIFICATIONS			
EXISTING BUILDING FACE	61.1 SQM	EXISTING BUILDING FACE	61.1 SQM
LIMITED DISTANCE	3.74M	LIMITED DISTANCE	3.74M
ALLOWED GLAZED OPENING	108.6 SQM	ALLOWED GLAZED OPENING	108.6 SQM
EXISTING OPENING	6.93 SQM	EXISTING OPENING	6.93 SQM

EXISTING MATERIAL SPECIFICATIONS (PORTION)			
EXISTING BUILDING FACE	15.1 SQM	EXISTING BUILDING FACE	15.1 SQM
LIMITED DISTANCE	2.81M	LIMITED DISTANCE	2.81M
ALLOWED GLAZED OPENING	12.4 SQM	ALLOWED GLAZED OPENING	12.4 SQM
EXISTING OPENING	1.13 SQM	EXISTING OPENING	1.13 SQM

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City of Victoria

OCT 22 2018

Planning & Development Department  
Development Services Division

1150 McClure St.  
Victoria, BC

Client:  
Jessica and Mike  
Edison



DATE	REVISION
OCT 14, 2016	REVISION 1
OCT 15, 2016	REVISION 2
OCT 2, 2016	REVISION 3
SEPT 1, 2016	REVISION 4
JULY 31, 2016	REVISION 5

REZONING

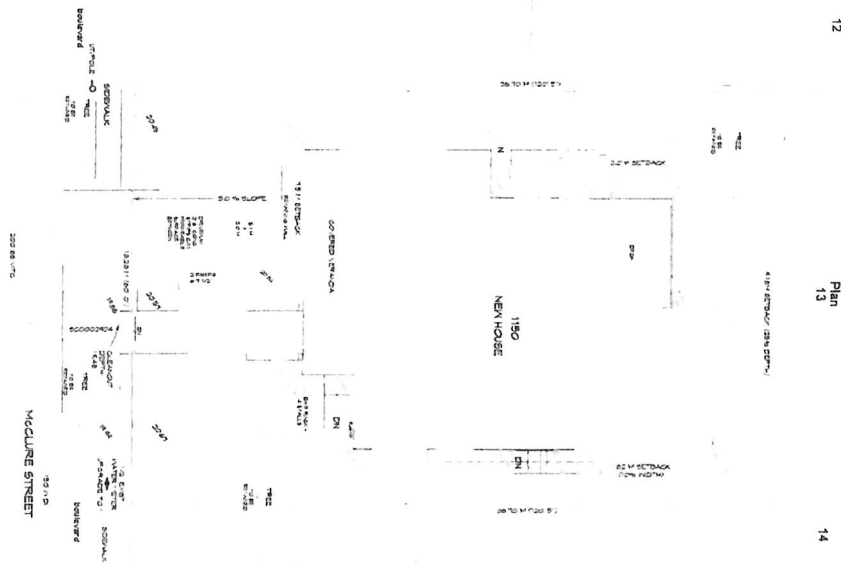
Elevations

OCT 14, 2018

A2



1 Site  
1:100



12

Plan  
13

14

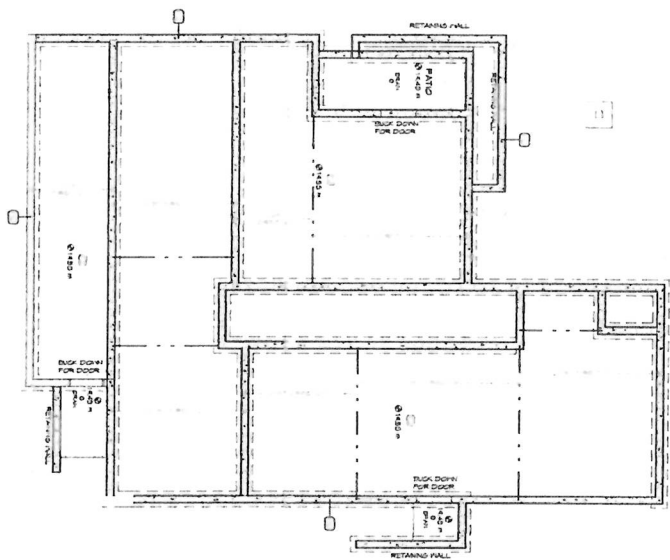
**PROPOSED AREAS**

PROPOSED AREAS	AREA (SQ. FT.)	AREA (SQ. M.)	PERCENT	TOTAL
PROPOSED AREAS	1,150.00	106.71	100.00%	1,150.00
EXISTING AREAS	1,150.00	106.71	100.00%	1,150.00
TOTAL	2,300.00	213.42	200.00%	2,300.00

**PERCENT CALCULATION**

PERCENT CALCULATION	AREA (SQ. FT.)	AREA (SQ. M.)	PERCENT	TOTAL
PERCENT CALCULATION	1,150.00	106.71	100.00%	1,150.00
TOTAL	2,300.00	213.42	200.00%	2,300.00

2 Foundation Plan  
1:64



Received  
City of Victoria  
OCT 22 2018

Planning & Development Department  
Development Services Division

DATE	REVISION FOR
OCT 14 2018	REVISION - STRECH
OCT 15 2018	REVISION - STRECH
OCT 2 2018	REVISION - STRECH
SEPT 1 2018	REVISIONS
JULY 31 2018	REVISIONS

REZONING

Site & Foundation  
Plan

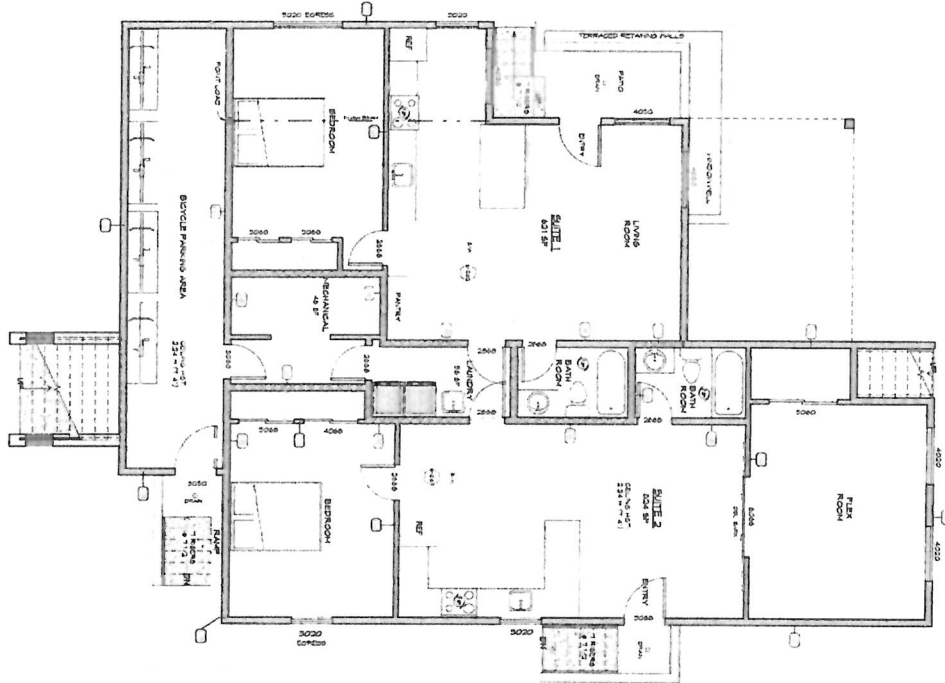
OCT 14 2018

A3

Client:  
Jesika and Mike  
Edison

1150 McClure St.  
Victoria, BC





<b>WALL FLOOR AREA</b>	
SWH	5491
SUITE 1:	9712
SUITE 2:	7656
LOVER LEV	
COMMON	3926
SUITE 3:	25246
TOTAL:	40092
	45112



150

1. LIVING ROOM  
 2. KITCHEN  
 3. BATH  
 4. HALL  
 5. BED ROOM  
 6. BREAKFAST ROOM  
 7. CLOSET  
 8. PORCH  
 9. GARAGE  
 10. DRIVEWAY  
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- 2011-2012 BAYERN MÜNCHEN
- 7 DAVALL
- 8 HANDED STICK ON
- 9 BURNED FLOORS
- 2 DAVALL
- 2011 PAINTING @ G.D.M.W.
- 12 DAVALL THROUGHOUT
- 2011 PAINTING @ G.D.M.W.
- 17 DAVALL THROUGHOUT

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Received  
City of Victoria

~~OCT 22 2018~~

Planning & Development Department  
Development Services Division

1150 McClure St.  
Victoria, BC

Client:  
Jesika and Mike  
Edison

6825A  
VILLAGE ROAD  
WILTONA, SC  
VBN 247  
772-351-4288

**Villamar**  
DESIGN

## REZONING

## Basement Floor Plans

OCT. 19, 2018

OCT. 19, 2018  
 RECEIVED BY  
 DATE  
 A4



Planning & Development Department  
Development Services Division

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**Client:**  
**Jesika and Mike**  
**Edison**

6825A  
VEYANESS ROAD  
VICTORIA 36  
V8M 2A7  
778-351-4088

**Villamar**  
DESIGN

## REZONING

1111



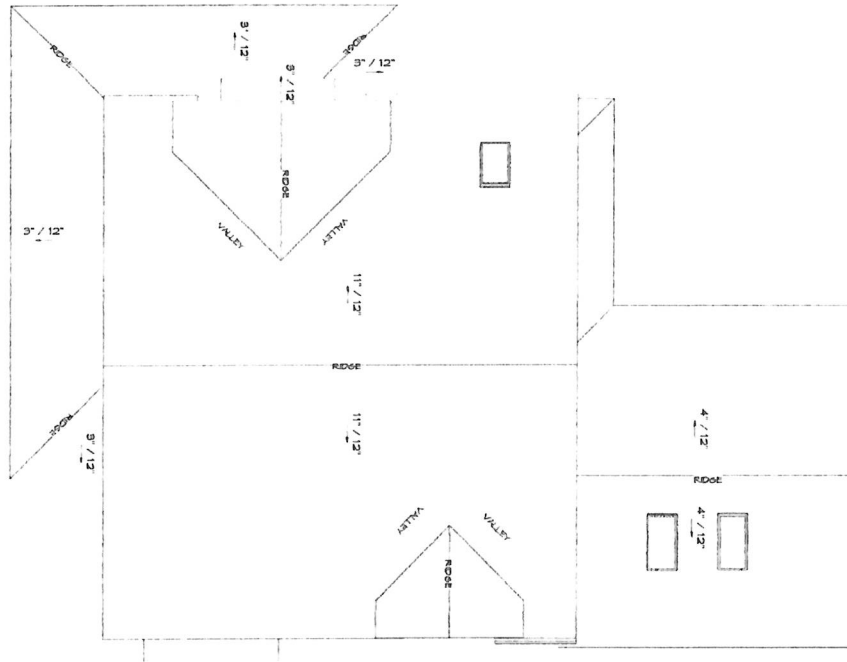
~~OCT 22 1977~~

6825A  
VEYANESS ROAD  
VICTORIA, BC  
V8M 2A7  
778-351-4088

A6



① Roof Plan  
1:50



**ROOF AREAS**  
 UPPER ROOF: 2461 SF  
 VERANDA ROOFS: 419 SF  
 TOTAL: 2880 SF  
 \* THIS IS FOR REFERENCE ONLY  
 AND IS NOT TO BE USED BY  
 ROOFING CONTRACTOR

**ROOF VENTILATION:**  
 - SUGGESTED INTAKE TO BE 5" CONTINUOUS SOFFIT SLOT,  
 AS PER INTAKE RATE OF 1/200.  
 - SUGGESTED EXHAUST TO BE 1 BAR FLAT TOP VENT,  
 AS PER EXHAUST RATE OF 1/200.

Received  
 City of Victoria  
 OCT 22 2018

Planning & Development Department  
 Development Services Division

FOR BIDDING  
 OCT. 15, 2018  
 PREPARED BY: JAV  
 CHECKED BY: JAV  
 DATE: 04-05-2018

REZONING  
 Roof Plan

DATE	ISSUED FOR
OCT 14 2018	RE-ZONING REVIEW
OCT 15 2018	RE-ZONING REVIEW
OCT 2 2018	RE-ZONING REVIEW
SEPT 1 2018	RE-ZONING REVIEW
JULY 31 2018	RE-ZONING REVIEW

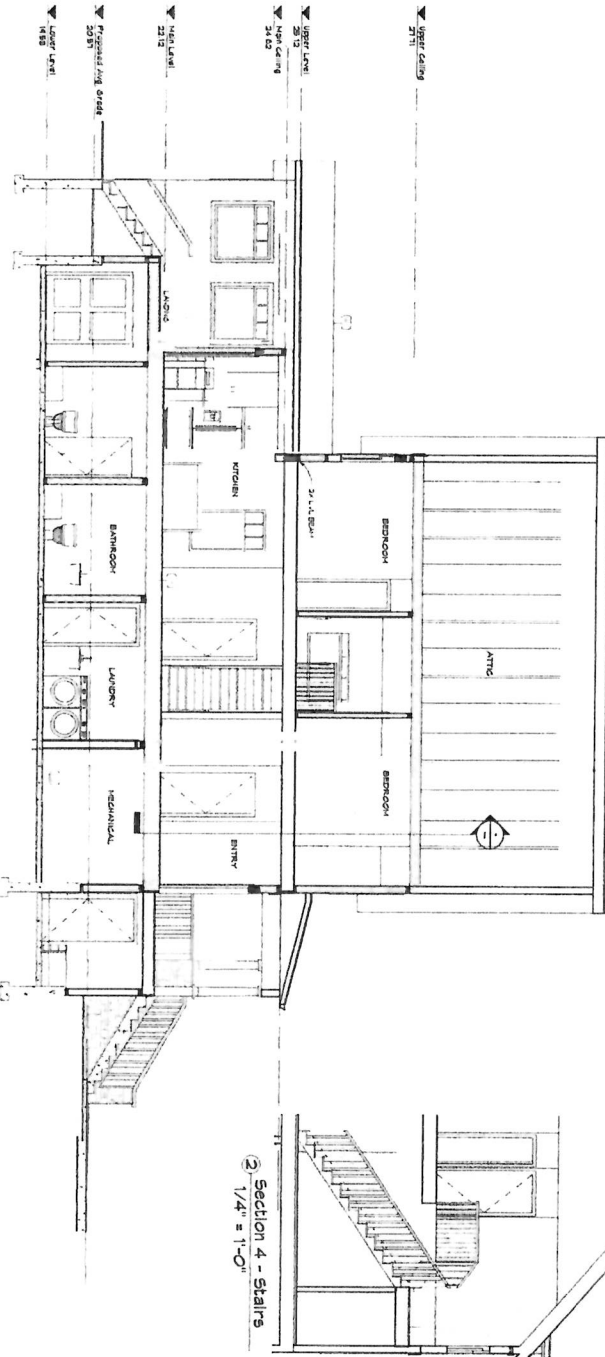
Client:  
 Jesika and Mike  
 Edison

1150 McClure St.  
 Victoria, BC

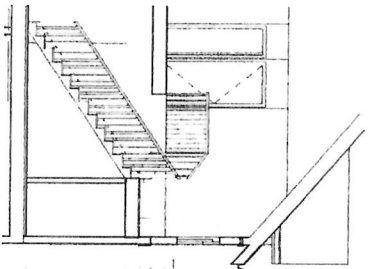
08228A  
 VERANESS ROAD  
 VICTORIA BC  
 V8M 2A4  
 778-991-4066

**Villamar**  
 DESIGN

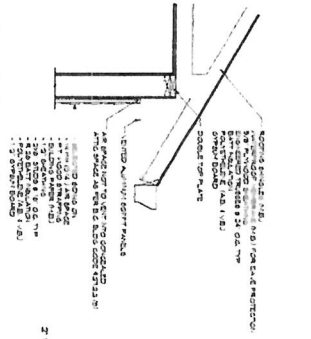
1 Section - Front-Back  
1:50



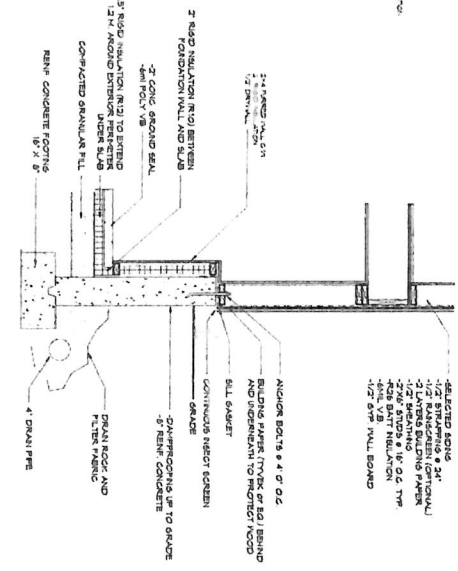
2 Section 4 - Stairs  
1/4" = 1'-0"



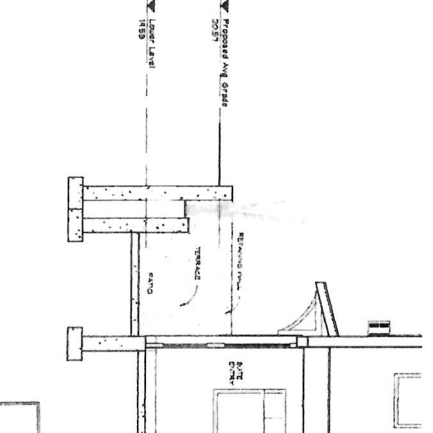
3 Water Shedding Roof Wall  
3/4" = 1'-0"



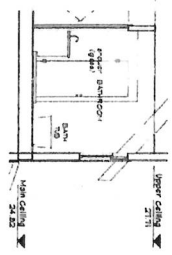
4 FDN Wall- Basement (NTS)  
3/4" = 1'-0"



5 Section 1 - Terraced Patio  
3/8" = 1'-0"



6 Section 2 - Bath  
3/8" = 1'-0"



DATE	REVISION
OCT 14 2016	REVISED FOR
OCT 15 2016	REVISED FOR
OCT 2 2016	REVISED FOR
SEPT 1 2016	REVISED FOR
JULY 31 2016	REVISED FOR

1150 McClure St.  
Victoria, BC

Client:  
Jesika and Mike  
Edison

**Villamar**  
DESIGN

6825A  
VANANSE ROAD  
VICTORIA BC  
V8M 2A7  
778-951-4088

Received  
City of Victoria

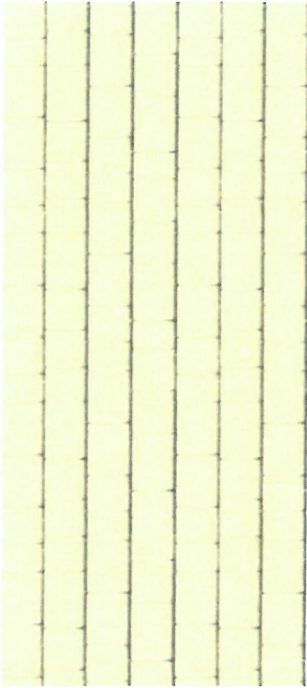
OCT 22 2018

Planning & Development Department  
Development Services Division

DATE	REVISION
OCT 15 2018	REVISED FOR
OCT 16 2018	REVISED FOR
OCT 17 2018	REVISED FOR
OCT 18 2018	REVISED FOR
OCT 19 2018	REVISED FOR
OCT 20 2018	REVISED FOR
OCT 21 2018	REVISED FOR
OCT 22 2018	REVISED FOR
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OCT 26 2018	REVISED FOR
OCT 27 2018	REVISED FOR
OCT 28 2018	REVISED FOR
OCT 29 2018	REVISED FOR
OCT 30 2018	REVISED FOR
OCT 31 2018	REVISED FOR



SHAKE SHINGLES



STONE CLADDING



**Received**  
City of Victoria

**OCT 22 2018**

Planning & Development Department  
Development Services Division

**Villamar**  
DESIGN

1150 McClure St.  
Victoria, BC

Client:  
Jessica and Mike  
Edison

REZONING

Photos and  
Materials

OCT. 15, 2018

DATE  
TIME  
BY  
CHECKED  
CLOCK

A9







Mike McComb and Jesika Edison  
1150 McClure Street  
Victoria, BC V8V 3G2  
(M) 250-858-2149 , (J) 250-858-7189  
mikemccomb2@gmail.com  
jesikaedison@gmail.com

September 20, 2018

To:  
Mayor and Council  
City of Victoria  
1 Centennial Square, Victoria BC V8W 1P6

Dear Mayor and Council,

Last March, our family's home, that has been our home since 2007, was overcome by a devastating fire that could not be saved. We lost everything, including our wonderful tenants that shared our home and gave us the ability to stay in the neighbourhood we love so much. Our proposal to Mayor and Council is to be able to rebuild our home the way it was, as much as we are able, and with 2 suites in the basement so there is room for our family while still being able to offer long term rental units.

We are prepared to enter into legal agreements for the two basement suites as rental units in perpetuity and for the design of the building and landscape, prior to the Public Hearing.

In addition, we researched City staff's recommendation to provide a TDM program relating to the 2 basement suites and will be purchasing 2 car share memberships, a one-time membership for each unit. Our proposal also includes secured short term and long term bicycle parking for our family and tenants.

We understand Council's concern for parking issues on our street. Being the only house on McClure St. without a driveway has always been a sore spot for us. Through this process, we have tried really hard to put in a driveway that would have room for two vehicles. Unfortunately, the cost of relocating the hydro pole, and the removal of a healthy City tree, is just too much for us, and with current regulations, and the many adjustments made to accommodate all departments, a single pad in the front seems to be the only solution. Still, this is more parking than we had before the fire. With the same number of tenants planned, that we had before the fire, we hope that Council will be satisfied with our current plan of, one parking pad, adding additional bike storage, and MODO memberships, will be enough to offset the need for additional parking on site.

Our great concern for adding additional parking stalls is the amount of green space that would be taken up in order to make the parking on site work. This would include having to pave a long driveway down to the back of the house as well as create the additional parking stalls, and room for a turnaround, that would become extremely awkward for this site. Doing this would take away valuable recreational green space, important to our family, as well as give the look and feel of being more of a commercial property in a residential neighbourhood. Our family would no longer have the use of outdoor space they had to play in before the fire. In addition, the cost we would have to incur in order to make this happen would truly be a hardship for our family as the unanticipated length of time it is taking for us to rebuild our home is already taking its toll.

We have been landlords for the past 10 years, at the McClure address, and in our experience, we've had fewer tenants with a vehicle and far more with bicycles. (YAY to the many, new, wonderful bike lanes that have been added!) By adding additional parking stalls, would seem to go against City's desire for less traffic in the downtown core, while not having them would promote the need for the TDM program. We have found that as the cost of renting increases in city centers, many renters today can't afford, or choose not to own a vehicle, making the access to affordable, rental, vehicles when they need one, a benefit to renting downtown. Along with the car-share program, our location already lends itself to easy, walkable, and bike-rideable distances to just about everything anyone would need, and where it doesn't, the many bus stops and MODO memberships should surely cover any deficiencies.

With regards to sustainability, we are including MODO/TDM as part of the equation, Light pollution reduction (Some soffit lighting, and potentially additional low voltage landscape lighting). We are also looking at including low water use plantings as well as native plants for the landscape of some of the new garden areas.

We had herb and vegetable garden beds before and would like to add these again where we can. Maintain current fruit trees (apple and pear) that still exist on site. Our overall goal is to reach an EnerGuide Rating of 80 or higher.

Our family hope's that Mayor and Council will take these points into consideration when making their final decision, and would like to thank you all for your time and consideration with our proposal and the rebuilding of our home.

Most respectfully,

Mike McComb, Jesika Edison,  
and all our kiddos who love our home and the community they are growing up in.

**Katie Lauriston**

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**From:** CALUC chair <planandzone@fairfieldcommunity.ca>  
**Sent:** Tuesday, May 15, 2018 4:29 PM  
**To:** Duane Ensing  
**Cc:** Alec Johnston; Katie Lauriston  
**Subject:** Re: 1150 McClure

Duane:

Pursuant to your inquiry regarding a second community meeting for the proposal at 1150 McClure, I have surveyed the Committee and we have decided that we will NOT require a second Community meeting.

In this regard we feel that the proposal is much the same as the original, with a slight exception having to do with height of the building from a now proposed lower outside floor or "trench" designed to provide better access to the secondary suite in the lower level. The above and a delay caused by the unfortunate fire at this address have both informed our decision and have provided unique reasons why we will in this particular case waive the need to a second meeting.

We have in the past required second meetings when the building height has changed significantly, but have concluded that this is an exception.

David Biltek  
Chair,  
**Fairfield-Gonzales Community Association**  
**Land Use Committee**

*A Volunteer committee helping our neighbours engage in community planning by providing opportunities and processes to collect and forward residents' comments to City Council*



**FAIRFIELD GONZALES**  
COMMUNITY ASSOCIATION  
the place to connect

**Fairfield Gonzales Community Place**  
**1330 Fairfield Road**  
**Victoria BC V8S 5J1**  
**near Moss street and Sir James Douglas School**  
**t: 250 382 4604**  
**e: place@fairfieldcommunity.ca**



October 16, 2018

Attention: Mike and Jesika Edison

Dear Mike and Jesika:

Re: Carshare arrangements at proposed residential development located 1150McClure Street, Victoria

This letter will confirm that Modo sees the location of the proposed residential development at 1150McClure Street in Victoria as having good potential for carsharing. Nine Modo vehicles are located within 600 metres of the development site. Under the following arrangements, Modo would be willing to enter into an agreement to provide carsharing services:

1. Prior to the issuance of a development permit by the City of Victoria for the proposed development, we will enter into a legally binding agreement for the provision of carsharing services at the location of the proposed development in compliance with City of Victoria requirements;
2. You will pay to Modo a one-time Project Fee of \$1,000 for the purchase of a Partnership Membership valid for the lifetime of the proposed development allowing two (2) residents of the proposed development to benefit from Modo membership privileges without the need to themselves pay membership fees;
3. Modo will provide a promotional incentive worth \$100 of driving credits to each resident of the proposed development joining Modo; and
4. You will communicate the benefits of Modo carsharing services to prospective residents and residents of the proposed development. This will be done through your own communication channels and representatives with support as needed by Modo, with the intent to raise awareness of and participation in Modo carsharing services.





Modo's purpose is to transform communities by connecting people with places in a way that is affordable, convenient, inclusive and sustainable. Modo advocates for walking, cycling, using transit and, when the trip requires a vehicle, use of a shared one.

Modo is interested in working with you, and be part of the proposed development to be located at 1150 McClure Street whose tenants may no longer need to own a car of their own for their personal and business needs.

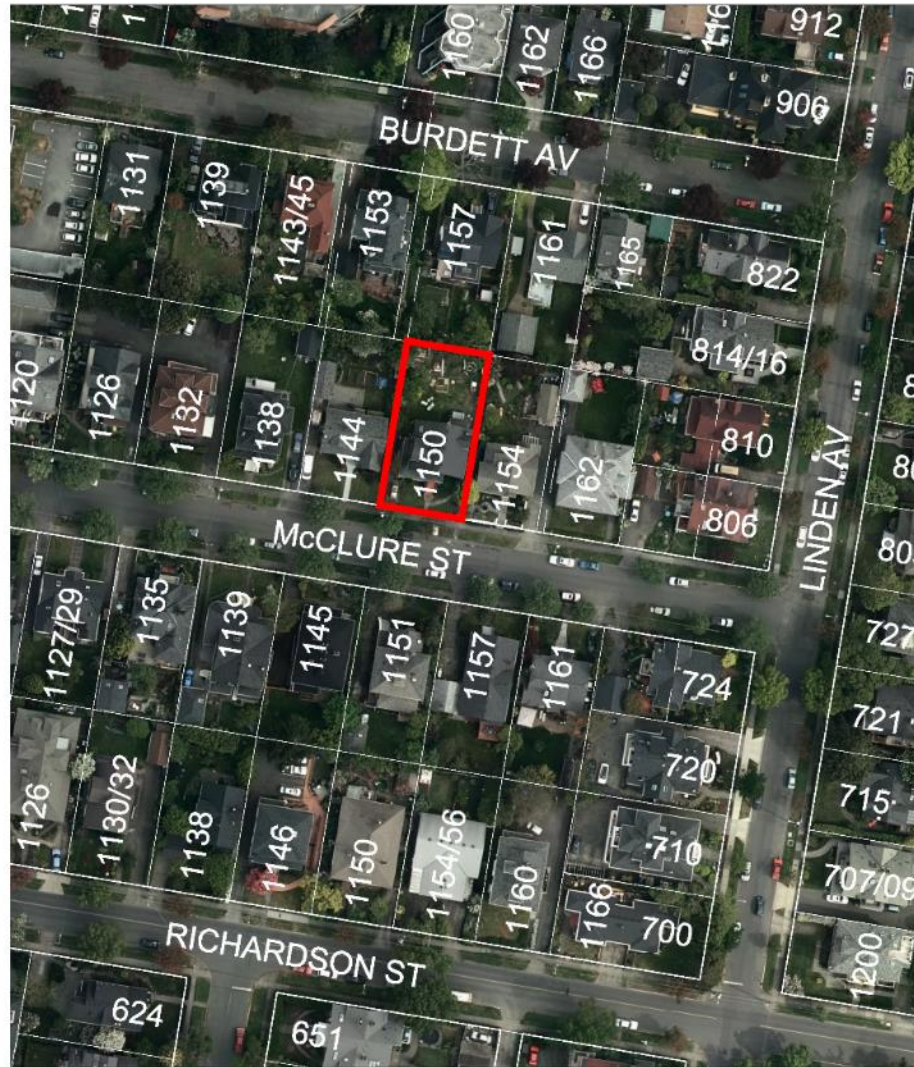
Thank you for your support of carsharing in the City of Victoria.

Regards,

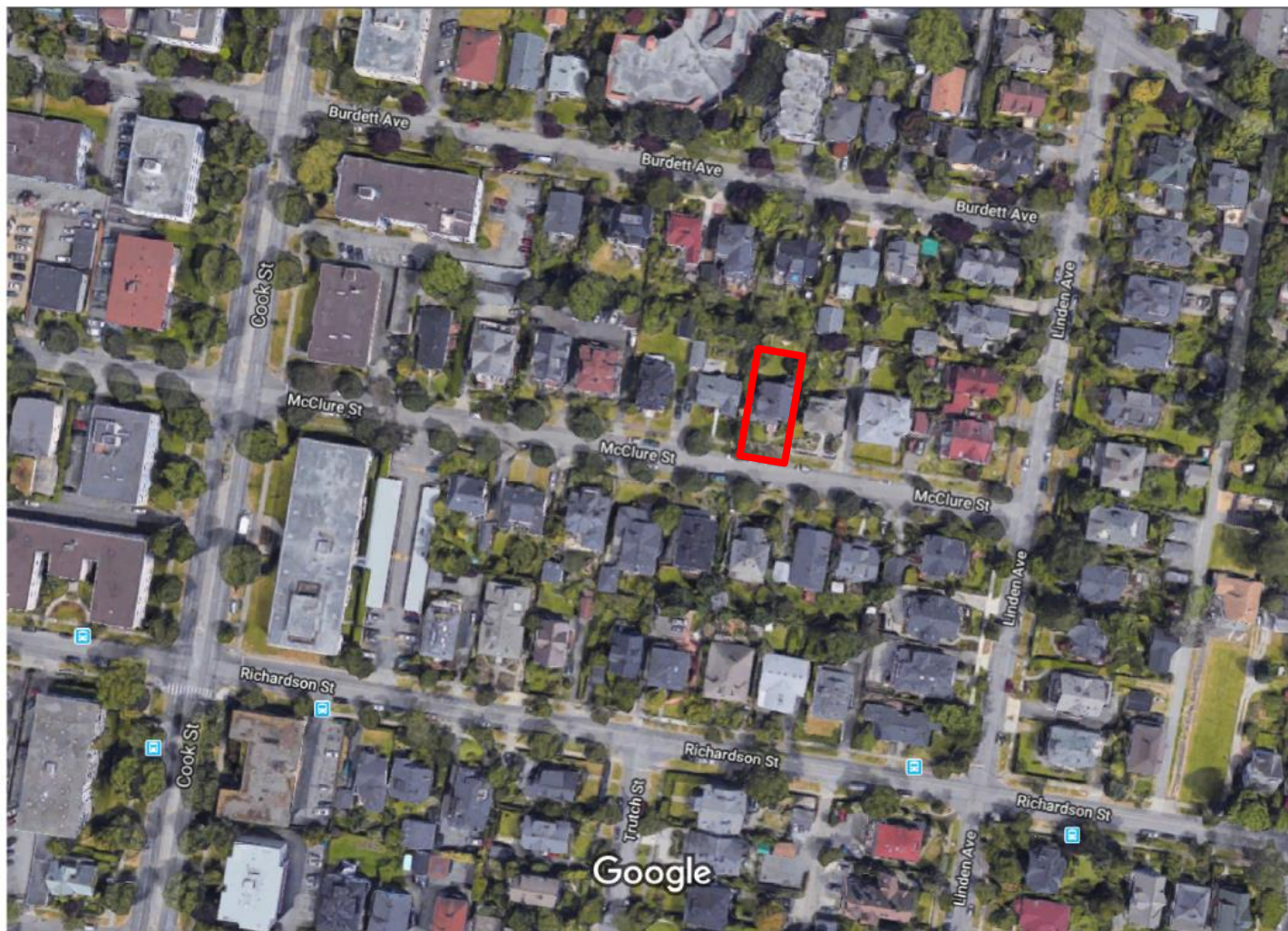
Sylvain Celair  
Business Development Manager

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# Rezoning Application for 1150 McClure Street







Imagery ©2018 Google, Map data ©2018 Google 20 m





# Subject Site





# Subject Site – Looking East





# Neighbouring Properties – East Side





# Neighbouring Properties – West Side





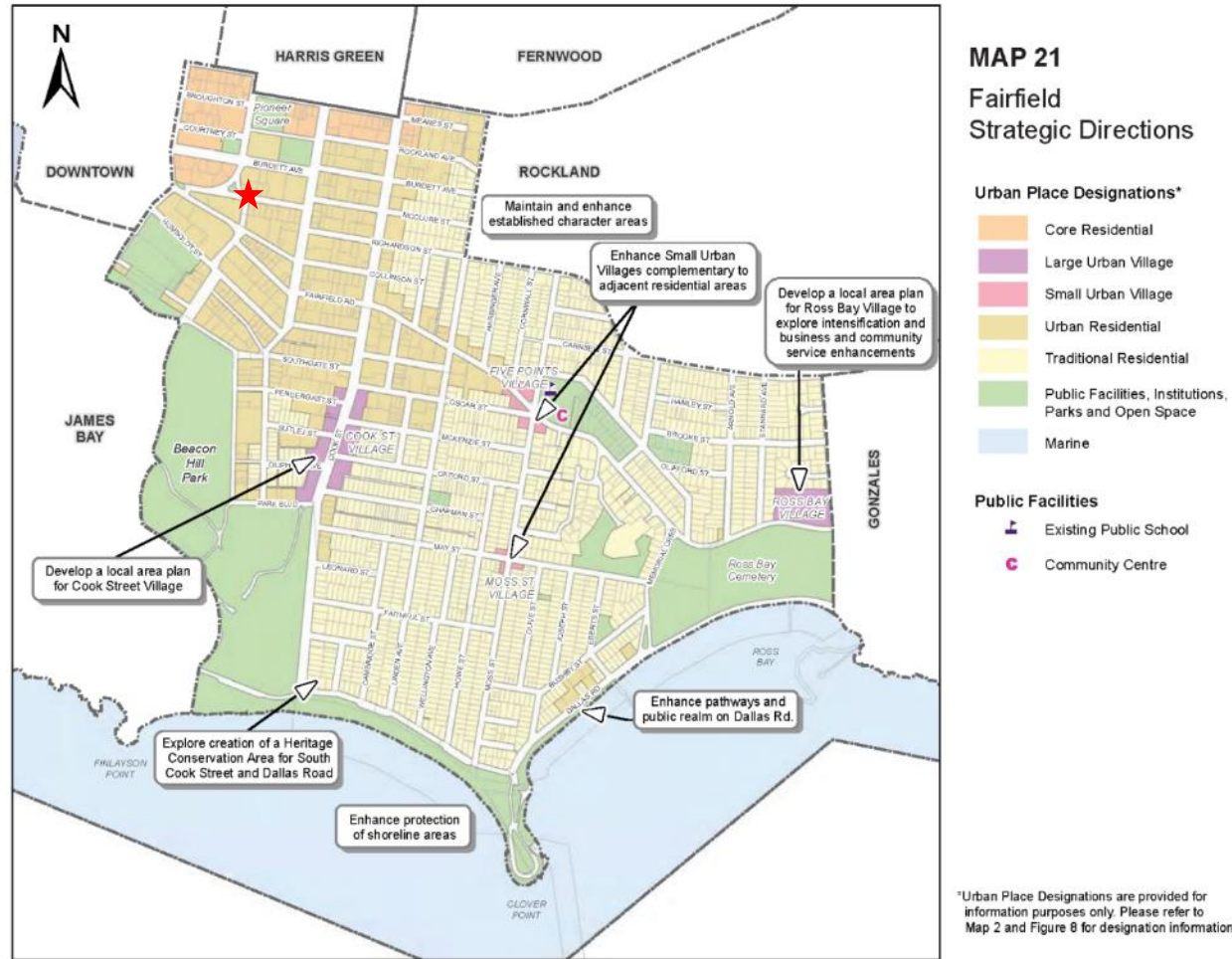
# Neighbouring Properties – Across the Street

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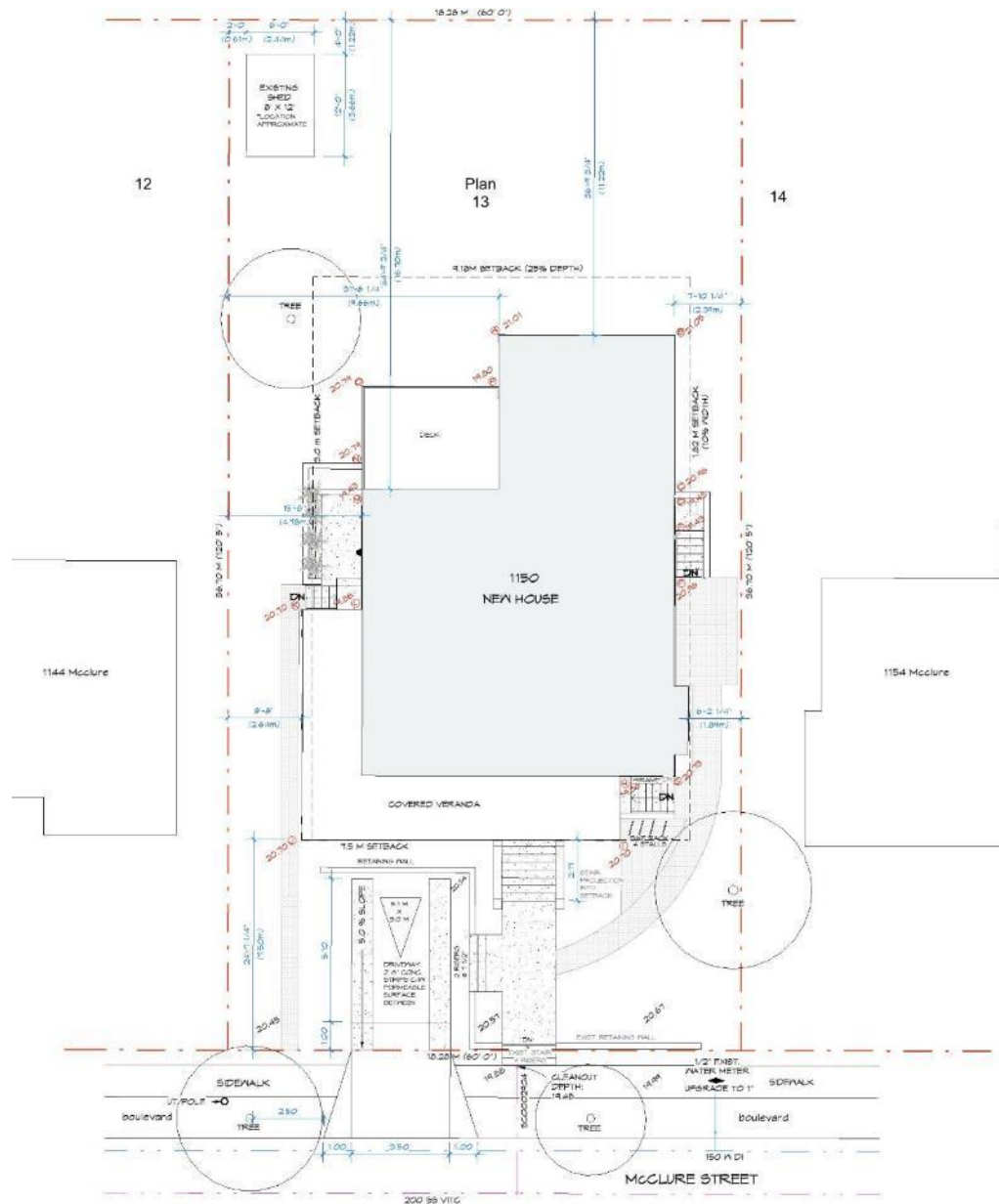


# Policy – Official Community Plan

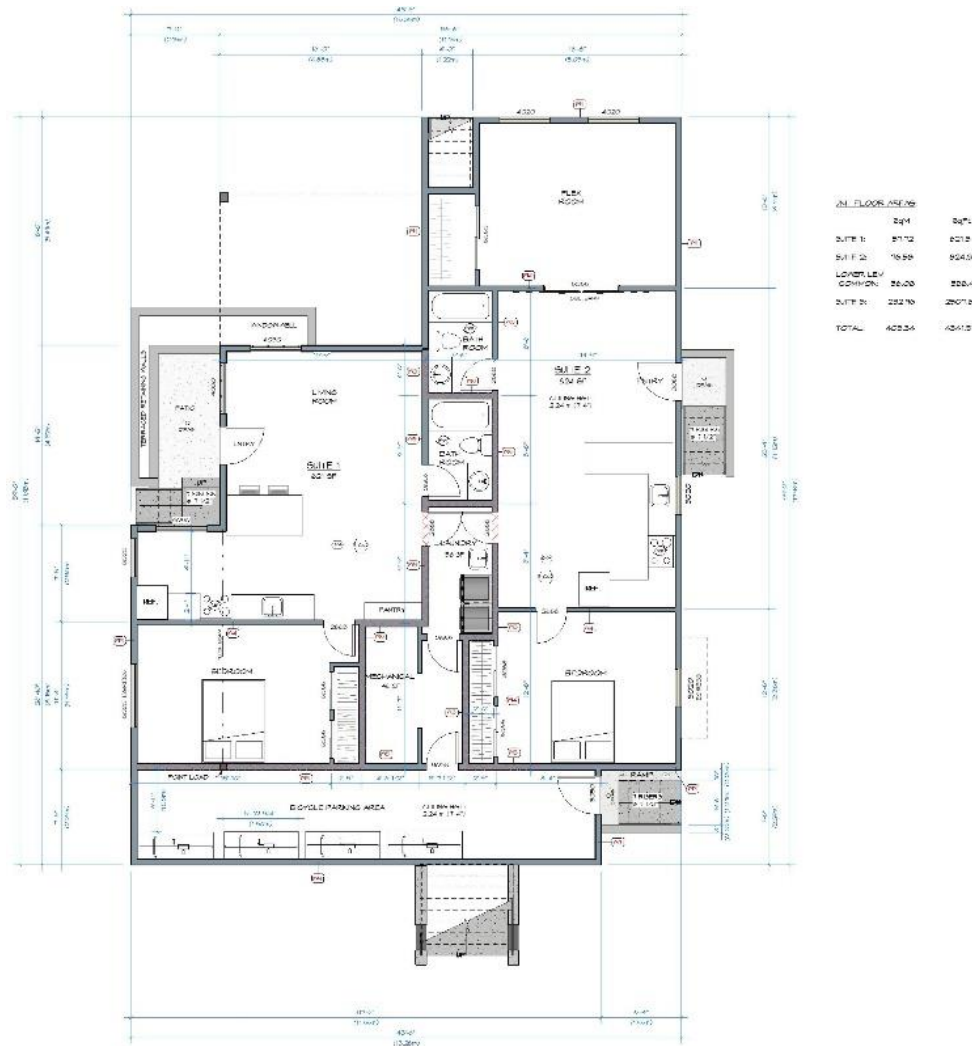
## SECTION 21: NEIGHBOURHOOD DIRECTIONS



# Site Plan

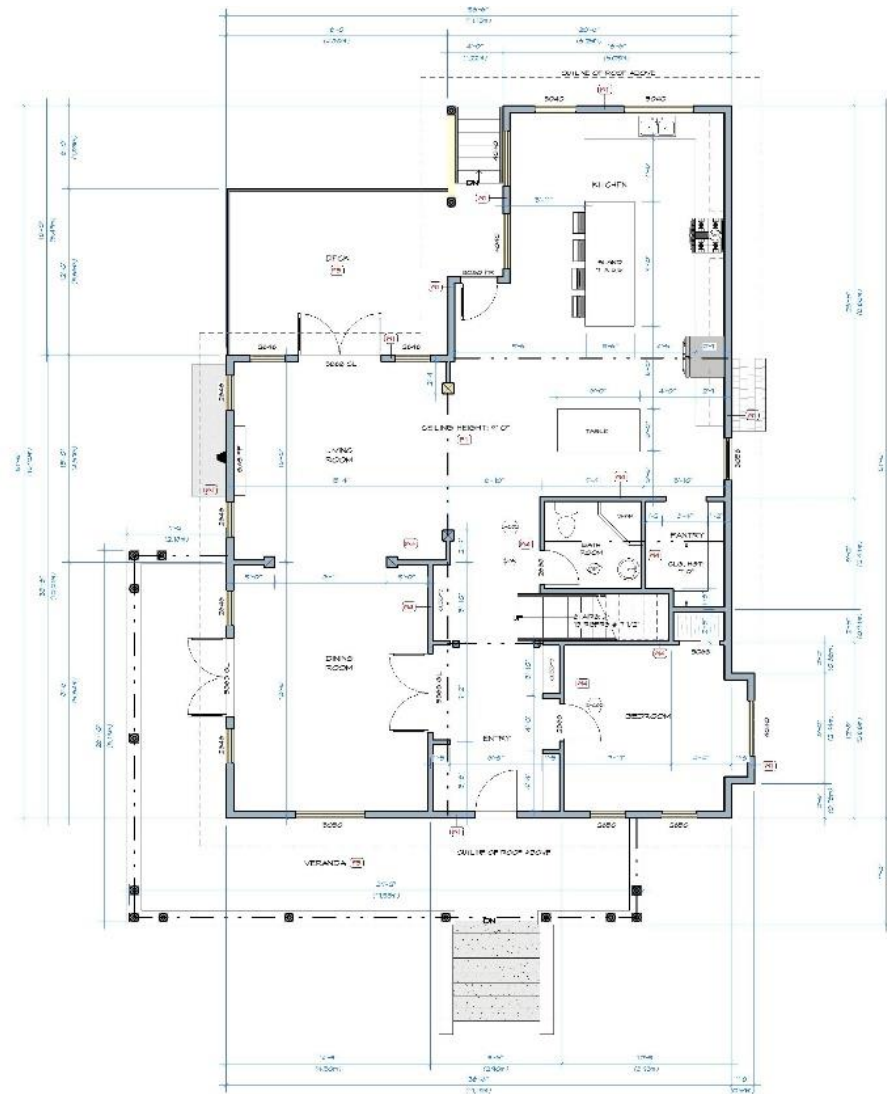


# Floor Plans – Basement Level (Rental Suites)



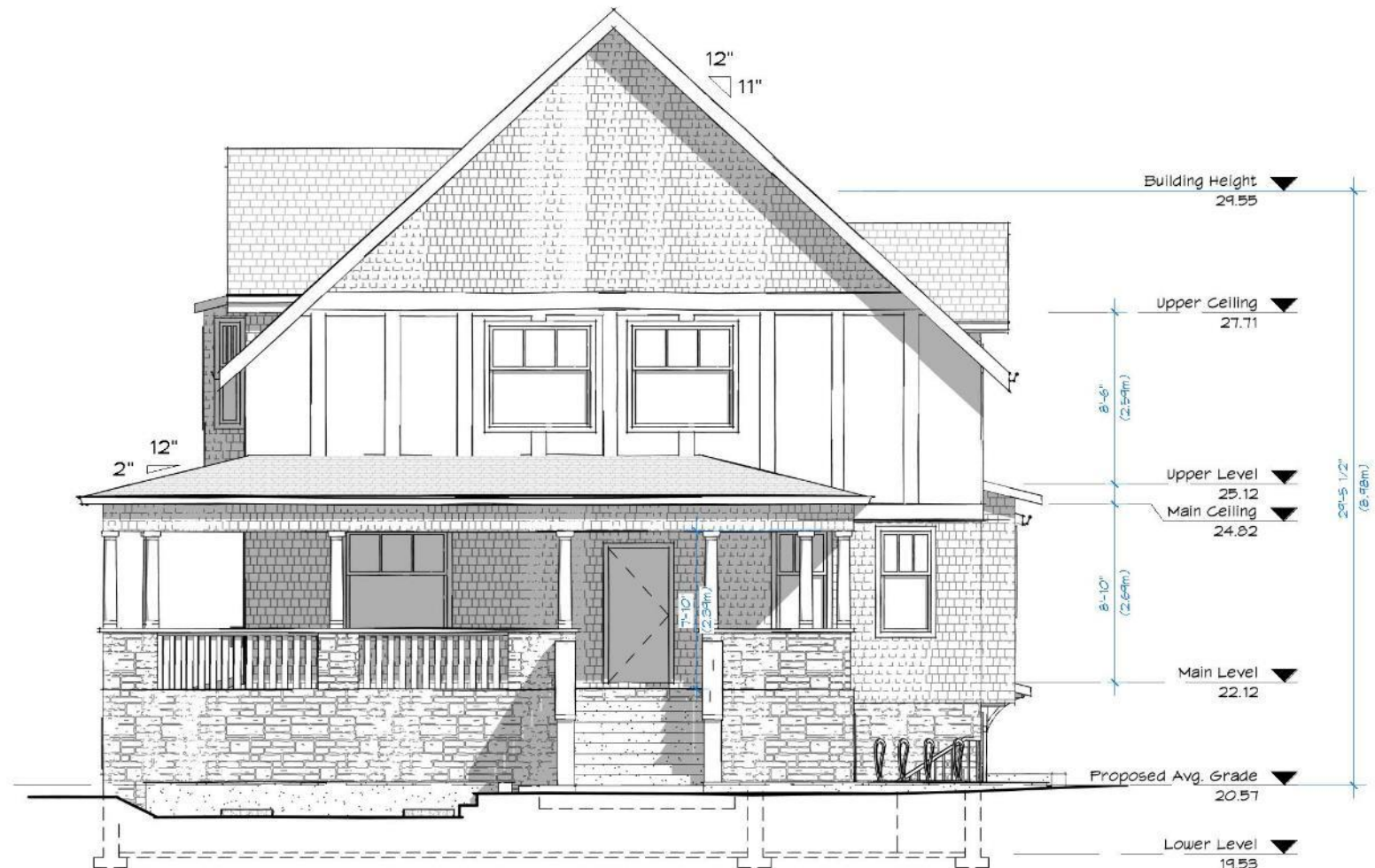


# Floor Plans – First Level

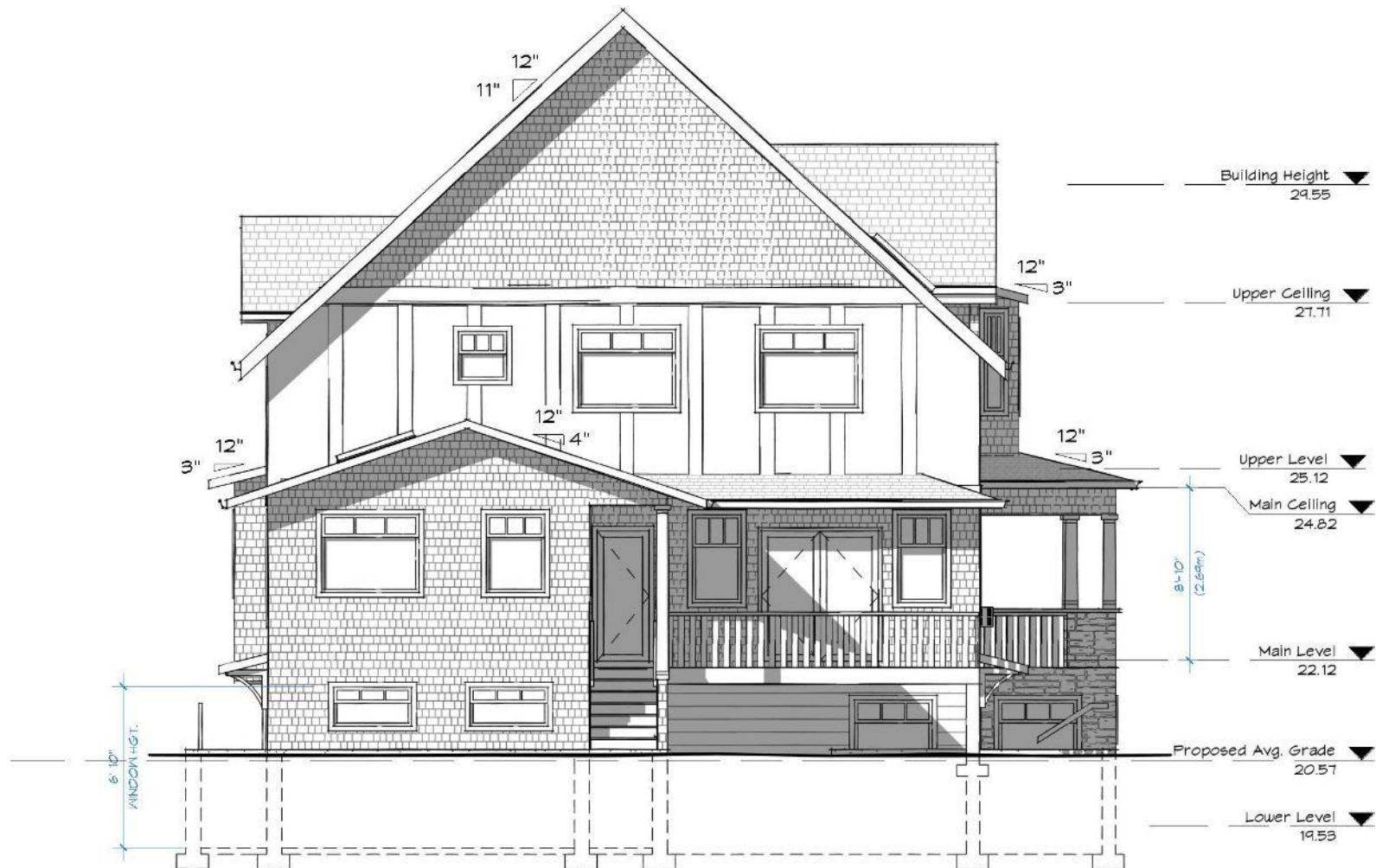




# Front Elevation (South)



# Rear Elevation (North)





# Side Elevation (West)



# Side Elevation (East)



# Neighbourhood Context – Streetscape





# Neighbouring Context – With Previous Building



Imagery ©2018 Google, Map data ©2018 Google 10 m



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CITY OF  
VICTORIA

# Renderings – Front

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South Elevation



South & West Elevations

# Renderings – Rear and Sides

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North & West Elevations



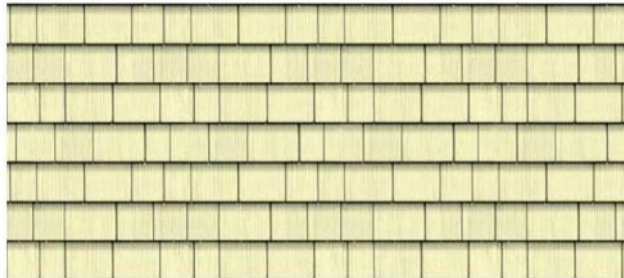
North & East Elevations



# Material Board



SHAKE SHINGLES



STONE CLADDING





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## RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendments that would authorize the proposed development outlined in Rezoning Application No. 00652 for 1150 McClure Street, that first and second reading of the Zoning Regulation Bylaw amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development, in order to secure:
  - two basement suites as rental units in perpetuity
  - building design and landscape.
2. The applicant entering into an agreement with a car-share organization to secure two car-share memberships and car-share usage credits, to the satisfaction of the Director of Sustainable Planning and Community Development.



## PURPOSE

The purpose of this report is to seek Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by the Yates Street Taphouse to change their Liquor Primary License service hours at 759 Yates Street as follows.

### Current Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:30 am	11:30 am	11:30 am	11:30 am	11:30 am	11:30 am	11:00 am
Close	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	12:30 am

### Proposed Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	12:00 am

## BACKGROUND

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

1. The potential for noise.
2. Impact on the community if the application is approved.

LCLB applications for a permanent change to hours of business for Liquor Primaries do not require the applicant to submit a corresponding letter of intent.

A map of the subject property and the immediate area is attached to this report (Appendix A).

As noted above, this application is for a permanent change to the hours of liquor service for the Liquor Primary License. The Liquor Control and Licensing Branch is requesting a resolution from the City of Victoria regarding the application and the review criteria noted above.

## ISSUES & ANALYSIS

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

### City Liquor Licensing Policy

The City's Liquor Licensing Policy directs staff to consider applications for Liquor Primaries having hours of operation not later than 2:00 am. The applicable Council Policy is attached to this report (Appendix B).

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

## City Referrals

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

- Planning and Engineering Staff do not anticipate a noticeable impact on existing noise levels during licenced hours, transportation or the community in general due to the earlier hours and Bylaw Services has expressed no concern for the application.
- Police have made the following comments regarding the application.

*Police have no objections to the extension of hours for the Taphouse. The earlier opening/service times are of no significant concern. The application, if granted, should not have any impacts on policing in the area.*

## Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 100 metres of the establishment were solicited by a mailed notice to provide input regarding this application. In addition, Yates Street Taphouse displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

Three letters were received opposing the application to change hours of liquor service. The letters of concern focus on societal impacts of increased availability for alcohol and on potential for immediate impacts due to patron behaviours when intoxicated. The DRA did not provide correspondence regarding this application. One letter was received in support of the application from the public.

All letters are available in Appendix C.

## Applicant Response

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

In summary, after conducting a review with respect to noise and community impacts, and soliciting community views regarding Yates Street Taphouse's application to permanently change hours from 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:30 am Sundays to 9:00 am to 1:30 am Monday to Saturday and 9:00 am to 12:00 am Sundays at 759 Yates Street, it is considered that the proposal is consistent with current City policy. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the application to extend hours of licenced service for the Liquor Primary License.

## IMPACTS

### Accessibility Impact Statement

None



## Strategic Plan 2015 – 2018

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

### Impacts to Financial Plan

None

### Official Community Plan

The existing and proposed uses of the liquor primary license are consistent with the *Official Community Plan* objectives for this neighbourhood.

## **CONCLUSIONS**

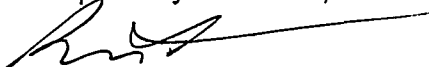
The application regarding the Liquor Primary License for Yates Street Taphouse to change hours from 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:30 am Sundays to 9:00 am to 1:30 am Monday to Saturday and 9:00 am to 12:00 am Sundays is not in conflict with the City's current liquor licensing policy; therefore, staff recommend for Council's consideration that a resolution be made regarding the application, and that Council support the application to change the hours for the Liquor Primary License of Yates Street Taphouse.

## **ALTERNATE MOTION (No Support)**

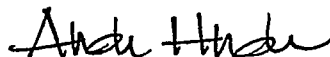
### Alternate Motion

That Council, after conducting a review with respect to noise and community impacts regarding the application to extend hours of liquor service for a Liquor Primary License (044231), Yates Street Taphouse, 759 Yates Street, does not support the request for the amendment.

Respectfully submitted,



Ryan Morhart  
Manager  
Permits & Inspections



Andrea Hudson  
Acting Director  
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:



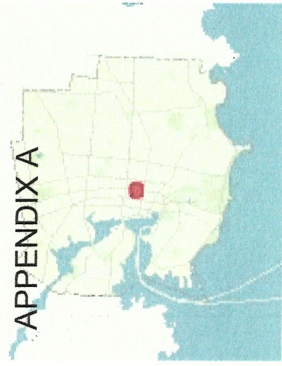
Date:

Nov 2, 2018

## **List of Attachments:**

- Appendix A: Aerial photograph (map) of the establishment and surrounding area.
- Appendix B: Liquor Licencing Policy – October 12, 2017
- Appendix C: Letters from the public
- Appendix D: Provincial Liquor License Types
- Appendix E: Police Comments





**Legend**

Victoria Parcels

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 803



**Notes**




41 20 0 41 Meters

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.

NAD\_1983\_CSRS\_UTM\_Zone\_10N  
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	<b>Liquor Licencing Policy</b>	
	Page 1 of 2	
<b>SUBJECT:</b>	Liquor Licencing Policy	
<b>PREPARED BY:</b>	Sustainable Planning and Community Development	
<b>AUTHORIZED BY:</b>	City Council	
<b>EFFECTIVE DATE:</b>	October 12, 2017	
<b>REVIEW FREQUENCY:</b>	Every three years	<b>REVISION DATE:</b>

## A. PURPOSE

The purpose of the City of Victoria's Liquor Licensing Policy is to provide direction to the following parties:

1. Liquor licence applicants on the process and fees associated with City of Victoria review of applications;
2. Liquor Control and Licencing Board (LCBC) on the types of applications that the City will opt-out of providing comment on; and
3. City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

## B. POLICY STATEMENTS

1. This policy applies to liquor license applications in the City of Victoria.:
2. The city will opt out of the review and comment requirements for the following types of applications;
  - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
  - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
  - c. A temporary extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
  - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
3. The City of Victoria generally does not approve the extension of liquor service past 2:00 am, with the exception of New Year's Eve, which allows for service up to 3:00 am. In extraordinary cases, the City may consider short term or one time provisions for allowing liquor service between 2:00 am and 9:00 am to accommodate international sporting or significant cultural events.

## **C. PROCEDURES**

A business engaging in the manufacture, sale or service of liquor must have a City of Victoria Business License to lawfully conduct its businesses.

The provincial government, through the Liquor Control and Licencing Branch, is the first and last point of contact for businesses interested in applying for a liquor licence.

The application process and related fees will be made available to any business or member of the public through the internet or by request.

For any liquor applications where the City of Victoria has not opted out of providing comment, the following provisions apply:

1. Public notification for comment will be placed at the site for a period no less than 30 days.
2. The City will provide public notification through mailed notice to all residents and businesses within a 100 metre radius.
3. The City will provide notification to the applicable community association.
4. When providing comment on an application, the City will include comments on those aspects within the parameters set by LCLB which currently include:
  - a. Noise impacts in the immediate vicinity of the establishment;
  - b. Impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment)
  - c. Confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary)

## **D. ENFORCEMENT POLICY**

Businesses that have a history of non-compliance with local and provincial government bylaws and legislation or re-occurring nuisance issues may be subject to a Good Neighbour Agreement that will be reviewed along with the annual renewal of a business licence. Lack of adherence to this agreement may result in a business licence being revoked. This will be assessed by staff on a case by case basis.

## **E. REFERENCES**

Business License Bylaw (89-071)  
Land Use Procedures Bylaw (16-028)  
Noise Bylaw (03-012)  
Liquor Licensing Fee Bylaw (01-06)

## **F. REVISION HISTORY**

None



## Ryan Morhart

---

**From:** DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification  
<DoNotReply@escribemeetings.com>  
**Sent:** Monday, June 18, 2018 3:15 PM  
**To:** Ryan Morhart  
**Subject:** eSCRIBE Task Alert: Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant...

This is an automated task reminder from eScribe.

A Task has been assigned to you does not have a due date.

Meeting: **VCC\_Jun14\_2018**

Agenda Item: **Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)**

Due Date: None

### Task Description:

That Council direct staff that all future liquor licence applications include a letter from the Police Department attached to the report.

To view the task, please [click here](#).

Please complete the task as soon as possible. Thank you.

**Ryan Morhart**

---

**From:** [REDACTED] <[REDACTED]@[REDACTED]>  
**Sent:** Monday, August 27, 2018 5:17 PM  
**To:** Ryan Morhart  
**Subject:** Oppose the Application for a Permanent Change to a Liquor Primary Liquor Licence in Yates Street Tapehouse

Dear Sir/Madam,

I am a resident in 728 Yates Street. I oppose the application. As a resident across the street, the noise of the Yates Street Tapehouse is already an annoyance. I am afraid of the extension of the time selling alcohol in the Tapehouse will make longer noise. It is not only a noise issue, but also **alcohol** can increase the chance of violence happened when people get drunk.

[REDACTED]

Please do NOT disclose my email address and name.

Thank you.

## Ryan Morhart

---

**From:** Kathy Kay <director@victoriafilmfestival.com>  
**Sent:** Thursday, August 23, 2018 9:13 AM  
**To:** Ryan Morhart  
**Subject:** 759 Yates St. application for permanent Liquor Licence change

To: Manager, Permits & Inspections,

Thank you for the opportunity to express my opinion regarding the Notice of Application for a Permanent Change to a Liquor Primary Liquor Licence at 759 Yates Street.

I am opposed to the change.

I see no positive benefit to the neighbourhood and only an increased probability of detriment. I believe that when there was a bar at the Douglas Hotel with such an early start time that it was a concern to the community and downtown. Do we need to encourage 'the free breakfast with your first beer' clientele? I see this change as enabling more people who have an addiction, alongside the possibility that others will join in if we make this socially acceptable again by signalling that it's okay for restaurants and bars to begin serving so early in the day.

Kind regards,  
Kathy

---

Kathy Kay  
Festival Director  
Victoria Film Festival  
1215 Blanshard St., Victoria, B.C., Canada V8W 3J4  
p) 250 389 0444 f) 250 389 0406  
c) 250 884 3121



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FilmCan October - January

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## Ryan Morhart

---

**From:** Rachel Conconi <[REDACTED]@[REDACTED]>  
**Sent:** Tuesday, September 4, 2018 9:27 PM  
**To:** Ryan Morhart  
**Subject:** Liquor Control Licensing Branch

Hi there,

I live at 819 Yates street and I am in favour of the Yates Street Taphouse expanding its license to 9am.

Best,

Rachel Conconi

[REDACTED]



## Ryan Morhart

---

**From:** Robert Gallagher [REDACTED]  
**Sent:** Sunday, August 26, 2018 9:01 AM  
**To:** Ryan Morhart  
**Cc:** Christy Gallagher  
**Subject:** 749 Yates Liquor Licence Change Application

I am the co-owner of unit 703 at 728 Yates St and am opposed to the change because it will result in additional noise and congestion in the busy morning hours.  
Robert J Gallagher

Sent from my mobile

## Types of Liquor Licences Issued in the Province of British Columbia

*Last updated: October 5, 2017*

The Liquor Control and Licensing Branch (LCLB) supervises over 10,200 licensed establishments and over 25,000 temporary special events per year in B.C.

The purpose of this document is to give a broad understanding of the types of liquor licences issued in B.C. Visit the LCLB's website at [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing) and the hyperlinks below for the most up to date information.

### Licences:

Agent – for independent liquor agents who market products from liquor manufacturers outside of B.C.

Catering – for catering companies who wish to serve liquor in addition to food, with food service as the primary purpose.

Food Primary – for businesses where the primary purpose is to serve food (such as restaurants).

A Patron Participation Endorsement is an additional term and condition on a food primary licence that permits the active involvement of patrons in entertainment or results in patrons leaving their seats, such as dancing or karaoke. An application for this endorsement requires additional considerations beyond the routine assessment of an initial application. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary establishment.

Liquor Primary – for businesses where the primary purpose is to sell liquor (such as bars, pubs, and nightclubs, as well as stadiums, theatres, aircraft, etc.). Liquor primary licences are also for businesses that wish to serve liquor as an additional service to their primary business (such as spas, salons, art galleries, etc.)

*Liquor Primary Club* – a sub-class of the liquor primary licence for private clubs. To be eligible to apply, the club must be a society registered under the provincial Societies Act or a non-profit or veterans organization incorporated by special act of parliament. LP Clubs must have at least 50 members who pay annual fees. The service area of an LP Club is restricted to members and guests only.

Manufacturer – for businesses making wine, cider, beer (this includes brew pubs), or spirits (known as wineries, breweries, and distilleries). Manufacturers can also apply to add a lounge, special event area, and/or picnic area endorsement to their manufacturer licence.

UBrew/UVin (Ferment-on-Premises) – for businesses that sell ingredients, equipment and provide advice for customers to make their own beer, wine, cider or coolers.

Licensee Retail Store\* – for selling liquor by the bottle at retail stores (often called private liquor stores).

Wine Store\* – for wine stores including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

Special Wine Store – available to eligible grocery stores only, the special wine store licence permits the sale of 100% BC wine on grocery store shelves.

*\*No new licences are available at this time.*

## **Permits:**

Special Event Permit – for individuals and groups holding special events (such as community celebrations, weddings or banquets).

Ethyl Alcohol Purchase Permit – for purchasing ethyl alcohol for commercial and industrial use.

Charitable Auction Permit – for registered charities and non-profit organizations that wish to hold liquor auctions to raise funds for a charitable purpose.

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

A food primary licence is issued when the primary purpose of the business is the service of food (such as restaurants and cafes). A liquor primary licence is issued when the primary purpose of the business is the service of liquor, hospitality or entertainment (such as bars, pubs, spas, and art galleries).

The approval process is different for both types of licences, with the process for liquor primaries being more involved. Minors are generally prohibited from liquor primary establishments, unless the licence specifically allows them.

## **Additional Resources:**

Forms – access to all LCLB forms, including application forms and licence change forms.

Frequently Asked Questions – answers to common liquor-related questions.

Licensed Establishment Locations – a list of all licensed establishments in B.C.

Publications & Resources – access to the licensee terms and conditions handbooks, public consultations, and the Local Government/First Nations Guide page and more.

**Ryan Morhart**

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 14, 2018 8:12 AM  
**To:** Ryan Morhart  
**Subject:** RE: LL000268 YATES STREET TAPHOUSE LP CHANGE OF HOURS

Good Morning Ryan,

I'll keep our comments short.

Police have no objections to the extension of hours for the Taphouse. The earlier opening/service times are of no significant concern. The application, if granted, should not have any impacts on policing in the area.

Thanks  
Cliff



**Sgt Cliff Watson**  
Operational Planning  
Victoria Police Department  
850 Caledonia Ave  
Victoria BC, V8T 5J8  
Office. 250-995-7218  
[REDACTED]



# LCLB Application

## Change to Hours of Liquor Service

### Yates Street Taphouse, 759 Yates Street



---

# Liquor Control and Licensing Branch (LCLB)

- Restaurants
- Bars
- Pubs Retailers
- Manufacturers and
- Special Events.

---

# LCLB Approvals

- Criminal Background Checks
- Local Government
  - Municipal Input : potential for noise
  - Public Input : potential for impact on the community, and
- Occupant Load Approvals

---

# Local Government

## Staff Review:

- Police, Bylaw, Planning, Community Development and Engineering
- Zoning regulation, liquor policy and the Liquor Licencing Fee Bylaw

## Public Notification and Comment:

- Notice Posted at entrance to establishment
- Mailed Notice to within 100m of establishment
- 30 days to provide comment

## Local Government provides a resolution with comment on:

- Potential for Noise
- Potential for Impact on the Community, and



# LCLB Application

	MON	TUE	WED	THU	FRI	SAT	SUN
EXISTING	11:30 am – 1:30 am	11:30 am – 1:30 am	11:30 am – 1:30 am	11:30 am – 1:30 am	11:30 am – 1:30 am	11:30 am – 1:30 am	11:00 am – 12:30 am
PROPOSED	9 am – 1:30 am	9 am – 1:30 am	9 am – 1:30 am	9 am – 1:30 am	9 am – 1:30 am	9 am – 1:30 am	9 am – 12:00 am

---

# Staff Review and Public Comment

## Staff Review:

- Staff, including Police, have no objections to the application.

## Public Comment:

- One letter was received in support of the application and three letters were received in opposition to the application to change the hours.
- No correspondence was received from the Downtown Resident's Association regarding the modified hours.

---

# Recommendation

That Council direct staff to notify the Liquor Licensing Agency that Council supports the application for the change to hours of liquor service.



## Committee of the Whole Report

For the Meeting of November 8, 2018

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**To:** Committee of the Whole **Date:** October 30, 2018  
**From:** Nancy Johnston – Manager Bylaw and Licensing Services  
**Subject:** Appointment of Animal Control Officer

---

### RECOMMENDATION

That Council approve the appointment of Chris McAllister: as Bylaw Officers pursuant to section 2(a) of the Inspection Bylaw (06-061); and as an Animal Control Officer pursuant to section 49(1) of the Community Charter

### EXECUTIVE SUMMARY

Chris McAllister has joined Victoria Animal Control Services staff filling role of Animal Control Officer. To enable him to act as an Animal Control Officer and enforce the Animal Responsibility Bylaw and Parks Bylaw, a specific resolution of council is required.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "N. Johnston".

Nancy Johnston  
Manager Bylaw and Licensing Services

Report accepted and recommended by the City Manager:

Date:

A large, stylized handwritten signature in cursive script, appearing to read "B. Senkayus".  
A handwritten date in cursive script, appearing to read "Nov 2, 2018".



## PART 1 - INTRODUCTION

### Title

- 1 This Bylaw may be cited as the "ANIMAL RESPONSIBILITY BYLAW".

### Definitions

- 2 In this Bylaw

"animal"

means any member of the animal kingdom, other than a human being;

"animal control officer"

means a person designated as an animal control officer for the purposes of section 49 of the *Community Charter*;

"cat"

means an animal of the species *Felis domesticus* that is apparently over the age of twelve weeks old;

"chicken"

means an animal of the species *Gallus gallus domesticus*;

"dangerous dog"

means a dog that has been designated as a dangerous dog under section 28;

"dog"

means an animal of the species *Canis familiaris* that is apparently over the age of twelve weeks old;

"farm animal"

means any domesticated animal normally raised for food, milk or as a beast of burden and includes cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen but does not include poultry or bees;

"guinea pig"

means an animal of the species *Cavia porcellus* that is apparently over the age of twelve weeks old;

## Division 6 — Animal Control

### Classes of animals

**47** For certainty and without limiting section 12 (1) [*bylaw variation authority*], a bylaw under section 8 (3) (k) [*spheres of authority — animals*] may establish different classes of animals on the basis of sex, age, size or breed.

### Seizure and related powers

**48** A council may, by bylaw, do one or more of the following:

- (a) provide for the seizure of animals that are
  - (i) unlicensed, if there is a requirement that they be licensed,
  - (ii) unlawfully at large on a highway or in a public place,
  - (iii) straying or trespassing on private property, or
  - (iv) on unfenced land and not securely tethered or contained;
- (b) establish penalties to be paid in relation to animals seized under this section;
- (c) establish or regulate fees to be paid in respect of seizures under this section;
- (d) provide for the sale, other disposition or destruction of impounded animals, if
  - (i) the animals are not claimed within the time and in the manner established by the bylaw, or
  - (ii) the penalty or fees are not paid within a reasonable time;
- (e) provide for the seizure and destruction of any animal that is subject to suffering that the council, or a person designated by council, considers cannot be otherwise reasonably addressed.

### Special powers in relation to dangerous dogs

**49** (1) In this section:

**"animal control officer"** means

- (a) a municipal employee, officer or agent designated by the council as an animal control officer for the purposes of this section, or
- (b) a peace officer;

**"dangerous dog"** means a dog that

- (a) has killed or seriously injured a person,

- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
- (c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

(2) In addition to the authority under section 48 but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog.

(3) Before exercising a power under subsection (2), in the case of a dog that has acted as described in paragraph (a) or (b) of the definition of "dangerous dog", the animal control officer must consider whether the dog was acting while in the course of

- (a) attempting to prevent a person from committing an unlawful act, or
- (b) performing law enforcement work.

(4) An animal control officer may enter a place to exercise the power under subsection (2),

- (a) in any case, with the consent of the owner or occupier of the place,
- (b) in any case, in accordance with a warrant under subsection (5) or (6), or
- (c) if the circumstances referred to in subsection (8) apply, in accordance with that subsection.

(5) If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that there is a dangerous dog in a place, a justice may, by warrant, authorize an animal control officer to enter and search the place and to seize the dog.

(6) If

- (a) it is impracticable for an animal control officer to appear personally before a justice to apply for a warrant in accordance with subsection (5), and
- (b) the officer believes on reasonable grounds that there is a dangerous dog in a place,

the officer may apply for a warrant in accordance with the regulations under subsection (7).

(7) The Lieutenant Governor in Council may make regulations respecting the authority and procedure for warrants under subsection (6).

(8) Subject to subsection (9), an animal control officer may, without a warrant, enter and search any place, except a place that is occupied as a private dwelling, and seize a dog, if the officer believes on reasonable grounds that

- (a) the dog is a dangerous dog,

- (b) the dog presents an imminent danger to the public, and
  - (c) the purpose of seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.
- (9) For the purposes of subsection (8), an animal control officer who is not a police officer must be accompanied by a police officer.
- (10) In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.
- (11) A dog that has been seized under this section may not be impounded and detained for more than 21 days unless court proceedings for a destruction order are commenced within that time.

## **Division 7 — Authority in Relation to Trees**

### **Restrictions in relation to authority**

- 50** (1) A bylaw under section 8 (3) (c) [*spheres of authority — trees*] that is in relation to the protection of trees does not apply to the following:
- (a) land and the trees on it if forestry practices on the land are governed by a tree farm licence, permit or other authority or tenure under the *Forest Act*;
  - (b) land and trees on it if section 21 of the *Private Managed Forest Land Act* applies to the land;
  - (c) tree cutting or removal that is undertaken by a utility, on land owned or held by the utility, and done for the purpose of safety, maintenance or operation of the utility's infrastructure.
- (2) Subject to subsection (3), if a bylaw under section 8 (3) (c) would have the effect on a parcel of land of
- (a) preventing all uses permitted under the applicable zoning bylaw, or
  - (b) preventing the development to the density permitted under the applicable zoning bylaw,
- the bylaw does not apply to the parcel to the extent necessary to allow a permitted use or the permitted density.
- (3) A bylaw referred to in subsection (2) applies without limit to a parcel if the council, by resolution, commits the municipality to
- (a) pay compensation to the owner of the parcel for any reduction in the market value caused by the prohibition, or



(b) provide, by development permit, development variance permit or otherwise, alternative means for the parcel to be used for a permitted use or developed to the permitted density.

(4) For the purposes of subsection (3),

(a) the compensation must be as determined and paid as soon as reasonably possible in an amount set by agreement between the owner and the municipality or, if no agreement is reached, by the Supreme Court, and

(b) the council may issue a development permit or development variance permit on its own initiative without an application from the owner.

### **Compensation not payable**

**51** Except as provided in section 50 (3), no compensation is payable to any person for a reduction in the value of any interest in land that results from

- (a) a bylaw under section 8 (3) (c) [*spheres of authority — trees*], or
- (b) the issue or refusal of a permit required under such a bylaw.

### **Right to reconsideration by council**

**52** If a council delegates powers, duties or functions in relation to its authority under section 8 (3) (c) [*spheres of authority — trees*], the owner or occupier of real property that is subject to a decision of a delegate is entitled to have the council reconsider the matter.



## Committee of the Whole Report For the Meeting of November 8, 2018

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**To:** Committee of the Whole **Date:** October 25, 2018  
**From:** Chris Coates, City Clerk  
**Subject:** 2019 Committee and Council Meeting Schedule

---

### RECOMMENDATION

That Council approve the 2019 Committee of the Whole and Council meeting schedule attached to this report and make available to the public as required under Section 127 of the *Community Charter*.

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval of the 2019 Committee of the Whole and Council meeting schedule. Typically, Committee of the Whole meetings are held on the first four Thursdays of each month and Council meetings, the second and fourth Thursdays. Exception to the schedule include:

- Summer and Winter holidays:
  - August 15 – 29, 2019
  - December 19 – 26, 2019
- Conferences that Council members may choose to attend:
  - Association of Vancouver Island Coastal Communities Annual Conference (Powell River) April 12 – 14, 2019
  - Federation of Canadian Municipalities Annual Conference (Quebec City) May 30 – June 2, 2019
  - Union of British Columbia Municipalities Annual Conference (Vancouver) September 23 – September 27, 2019

The proposed 2019 schedule of Committee of the Whole and Council Meetings is attached as Attachment A for Council's consideration.

Alternatively, Council may wish to discuss the meeting schedule and direct staff to revise the meeting dates.

Respectfully submitted,

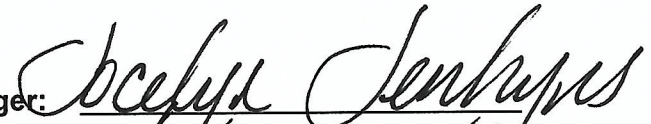


Christine Havelka  
Deputy City Clerk



Chris Coates  
City Clerk

Report accepted and recommended by the City Manager:

  
Date: Nov 2, 2018

Attachment A – 2019 Meeting Schedule

**ATTACHMENT A**  
**2019 COMMITTEE AND COUNCIL MEETING SCHEDULE**

	<b>Committee of the Whole (COTW) 9:00 a.m.</b>	<b>(Closed) Council Meeting After COTW meetings as required</b>	<b>Council Meeting 6:30 p.m.</b>
January	10, 17, 24, 31	10, 17, 24, 31	17, 31
February	7, 14, 21, 28	7, 14, 21, 28	14, 28
March	7, 14, 21, 28	7, 14, 21, 28	14, 28
April	4, 11, 18, 25	4, 11, 18, 25	11, 25
May	2, 9, 16, 23	2, 9, 16, 23	9, 23
June	6, 13, 20, 27	6, 13, 20, 27	13, 27
July	4, 11, 18, 25	4, 11, 18, 25	11, 25
August	1, 8	1, 8	8
September	5, 12, 19	5, 12, 19	5, 19
October	3, 10, 17, 24	3, 10, 17, 24	10, 24
November	7, 14, 21, 28	7, 14, 21, 28	14, 28
December	5, 12	5, 12	12



**Committee of the Whole Report**  
**For the Meeting of November 8, 2018**

suggest a written notification process, similar to that for liquor licenses, as the public consultation process to enable public comments on proposed Provincial Licenses.

Optimal timing and type public consultation and alignment of municipal with provincial rules will result in more efficient local government recommendation process to fulfil the requirements of the provincial cannabis retail store licensing framework.

## PURPOSE

The purpose of this report is to provide information to Council about the provincial cannabis retail store licensing process, and recommend a process for providing a local government recommendation in relation to an application to the Province, a public consultation method, and review the *Cannabis-Related Business Regulation Bylaw* to align with and compliment the Province of British Columbia's *Cannabis Control and Licensing Act*.

## BACKGROUND

### Legislative framework for cannabis retail stores

The Government of Canada legalized cannabis under the *Cannabis Act* on October 17, 2018. The *Cannabis Act* creates a framework for controlling the production, distribution, sale and possession of cannabis in Canada. Under this framework, each province is responsible for authorizing retailers of legal cannabis products in their jurisdiction.

Consequently, the Province of British Columbia (the Province) adopted the *Cannabis Control and Licensing Act* (the Act) and subordinate regulations establishing a provincial cannabis retail store licensing program. A cannabis retail store licence authorizes sale of dried cannabis, cannabis oil, cannabis seeds and cannabis accessories for non-medical purposes in a private retail store. The Act sets out the power to issue, renew, transfer, or amend licenses, to refuse to accept applications, license applications requirements, mandatory and discretionary requirements, the power to determine if an applicant is fit and proper, and other matters.

In 2016, the City of Victoria (the City) adopted the *Cannabis-Related Business Regulation Bylaw* (the Bylaw) to regulate illegal cannabis retail stores operating in the City in anticipation of federal laws. The purpose of this Bylaw was to minimize any adverse effects that operation of such businesses may have on the safety, health, and well-being of the community. Since the Province adopted the Act, the role of the City in regulation of cannabis retail stores is more limited.

### Provincial Licensing Process

A cannabis retail store owner applies for a licence with the provincial Liquor and Cannabis Regulation Branch (LCRB). LCRB refers applications to the local government where the applicant is located for confirmation that a local government is accepting applications and that the proposed location has retail zoning. If the local government is accepting applications and retail zoning is in place, the LCRB conducts a review of the application. An applicant must satisfy a security screening and financial integrity check at some point in the process. In addition to an LCRB review, the local government may choose to provide a recommendation.

## Summary of provincial licensing process:

1. LCLB Receives application
2. LCLB contacts local governments asking if they will consider it.
3. Local government provides zoning confirmation. (Zoning is required in order for the application to proceed any further).
4. Province undertakes security screening and financial integrity check.
5. Local Government provides a recommendation, including public consultation.
6. LCLB completes final consideration and issues license or rejects application.

A local government may choose not to make a recommendation, which would end the application, or choose to make a recommendation. A recommendation must include residents' views. If the local government makes a recommendation in favour of the application, LCRB has discretion whether or not to issue the licence, but must consider the recommendation. LCRB cannot issue a license without a positive recommendation.

Under the provincial licensing system, a local government has discretion to choose when to provide a recommendation, if at all, the method of public consultation, and whether to levy a fee in exchange for work done in relation to an application.

## Current State

To date, LCRB has referred 7 applications to the City. Each application has retail zoning in place. A process, public consultation method, and fee as well as bylaw revisions are needed before the City of Victoria makes recommendations on these applications.

## ISSUES AND ANALYSIS

### Consistency with Liquor Retail Store Licensing Framework

The provincial licensing frameworks for liquor retail stores and cannabis retail stores are similar, therefore consistency at the municipal level with regard to process for providing a local government recommendation, choosing a public consultation method, and establishing fees would be logical.

LCRB is also responsible for regulating licensing liquor retail stores in BC. After LCRB refers an application to the City after it conducts security screening and financial integrity check related to a liquor retail store license application. The City of Victoria *Liquor Licensing Policy* attached as Appendix A provides direction about the City's process and fees associated with a review of applications, directs the LCRB on the types of applications that the City will not provide comments on, and directs City staff on application review and public notification criteria for those application that require an opportunity for the public to comment.

This policy requires that:

1. An applicant places a notification for comment at the site for a period of no less than 30 days.
2. The City mails a notice to all residents and businesses within a 100 metre radius and receive written materials in relation to the application.
3. The City notifies the relevant community association.

The City of Victoria *Liquor Licensing Fee Bylaw* attached as Appendix B sets out that for the purpose of recovering the costs incurred by the City, the person making a liquor licence application must pay \$200.00 for a staff assessment of a licence application or \$750.00 for a licence application that requires staff assessment and Council assessment, and an additional fee for the City's costs for public notification of a public consultation process.

#### Developing a Process for Viable Cannabis Retail Store License Applications

The City has discretion to choose when to provide a recommendation. The Province conducts security screening and financial integrity checks. These checks provide valuable information about the applicant that would allow the Province, the City, and the applicant to determine the merit of public consultation. The Province will not issue a license to an applicant who fails a security screening and financial integrity check. Therefore it is reasonable to develop a recommendation and advance to public consultation after the check. This ensures that public will be invited to comment on viable license applications and prevents the City from having to charge and then reimburse the applicant for fees paid but work not undertaken.

#### Choosing an Effective Public Consultation Method

The public may comment on an application through an opportunity for public comment, public hearing, referendum or another method. Each method has implications for the quality of input, timeliness of input, and cost of seeking input. The City would collect a fee for costs incurred in relation to the application; therefore, a public consultation method would take into consideration how cost may prohibit an application.

An opportunity for public commentary would be consistent with public consultation on liquor licenses, which requires a business to send out letter to owners and occupants of parcels within 100 metres of the location subject to the application and place a poster on the proposed business location for 30 days. A wider notification area would increase public consultation costs. This approach invites the public to provide detailed comments, provides a two week period to receive input, and is the least expensive option.

#### Aligning Provincial and Municipal Cannabis Retail Store License Requirements

Since the Province adopted the Act and subordinate regulations, the Bylaw is no longer current. The Act renders some of the Bylaw clauses as redundant or contradictory. An update to this Bylaw would reflect the new provincial framework for cannabis retail store licensing.

**Table of Proposed Bylaw Changes**

<b>Comparing Provincial and Municipal Rules</b>		
<b>Municipal Bylaw</b>	<b>Provincial Act and Regulation</b>	<b>Action Needed</b>
Purpose refers to anticipation of federal laws	Not relevant	Amend purpose of Bylaw
2 Definition of storefront retailer. Means a cannabis-related business where cannabis is sold or otherwise provided to a person who attends the premise	Licensee means a person who holds a cannabis retail store license	Refer to provincial definition of licensee



4(2)(c-f) Requires security measures, proof of ownership, and police information check	More robust	Repeal from Bylaw
5(1) Sets right of City to refuse a licence in detail based on prior convictions or inaccurate license applications	Sets right of Province and City to refuse a license	Repeal from Bylaw
6 Sets age of consent, advertisement, consumption, and display rules	Sets these rules	Repeal from Bylaw
7(a-c) Requires video surveillance, retention of video camera data, and security and fire alarm systems that is always monitored by third-party	Sets these rules	Repeal from Bylaw
8(d) Requires transparent and unobstructed windows	Requires opaque windows	Repeal from Bylaw

## OPTIONS AND IMPACTS

### **Option 1: Written Notification within 100 metres of Property (Recommended)**

This option proposes using a written opportunity for public commentary after the provincial security screening and financial integrity check. The City would send notices to owners and occupants of parcels within 100 metres of the property and receive written comments for a 2 week period. The applicant would pay a \$750.00 fee for costs incurred in the course of work on an application. All comments received on the referral would be brought forward in a staff report for Council's consideration

This recommendation also proposes a review of the Cannabis-Related Business Regulation Bylaw.

### **Option 2: Opportunity for public comment within 100 metres of Property**

This option proposes using another opportunity for public comment (non-statutory public hearing) after the provincial security screening and financial integrity check. The City would send notices to owners and occupants of parcels within a 100 metre notification area, hold an opportunity for public comment at a specified location, date, and time, and receive written comments until the close of the opportunity for public comment. The applicant would pay a fee for costs incurred in the course of work on an application.

This option also proposes a review of the *Cannabis-Related Business Regulation Bylaw*

## **2015 – 2018 Strategic Plan**

The recommended option aligns well with the City's strategic goals in Economic Development for reducing red tape and barriers for businesses and making it easier to do business in the City of Victoria.

## Impacts to Financial Plan

The recommended option proposes a fee for costs incurred for notification. Application review would be covered by a flat fee and existing staff resources in Legislative Services would manage the referral process. The impacts of the referral process are significant and will have ongoing implications that greatly limits Legislative Services staff resources for any additional project work in 2019.

## Accessibility Impact Statement


The recommended option has no specific accessibility implications and the recommended public consultation has broad accessibility implications.

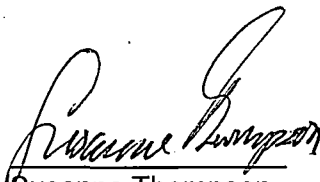
## CONCLUSION

Public commentary with 100 metre notification area after provincial security screening and financial integrity check would ensure an opportunity for public input in a timely and cost –effective way for viable applications. In addition, a review Cannabis-Related Business Regulation Bylaw would align municipal, provincial and federal rules in regard to cannabis retail stores.

Respectfully submitted,

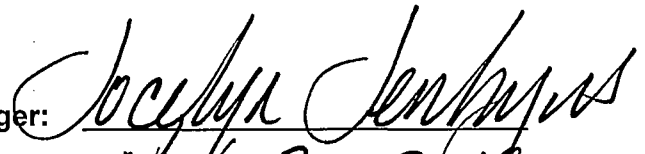
  
Monika Fedyszewska  
Legislative and Policy Analyst

  
Chris Coates  
City Clerk

  
Susanne Thompson  
Deputy City Manager

Report accepted and recommended by the City Manager:

Date:


  
Nov 2, 2018

## List of Attachments

Appendix A – Liquor Licensing Policy

Appendix B – Liquor Licence Fees Bylaw

Appendix C – Draft Cannabis Retail Consultation Fees Bylaw (to follow)

 <b>CITY OF VICTORIA</b>	<b>Liquor Licencing Policy</b>
	Page 1 of 2
<b>SUBJECT:</b>	Liquor Licencing Policy
<b>PREPARED BY:</b>	Sustainable Planning and Community Development
<b>AUTHORIZED BY:</b>	City Council
<b>EFFECTIVE DATE:</b>	October 12, 2017
<b>REVIEW FREQUENCY:</b>	Every three years
<b>REVISION DATE:</b>	

**A. PURPOSE**

The purpose of the City of Victoria's Liquor Licensing Policy is to provide direction to the following parties:

1. Liquor licence applicants on the process and fees associated with City of Victoria review of applications;
2. Liquor Control and Licencing Board (LCBC) on the types of applications that the City will opt-out of providing comment on; and
3. City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

**B. POLICY STATEMENTS**

1. This policy applies to liquor license applications in the City of Victoria.:
2. The city will opt out of the review and comment requirements for the following types of applications;
  - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
  - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
  - c. A temporary extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
  - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
3. The City of Victoria generally does not approve the extension of liquor service past 2:00 am, with the exception of New Year's Eve, which allows for service up to 3:00 am. In extraordinary cases, the City may consider short term or one time provisions for allowing liquor service between 2:00 am and 9:00 am to accommodate international sporting or significant cultural events.

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish fees to recover the City's costs associated with the assessment of liquor licence applications.

Under its statutory powers, including section 15.1 of the *Liquor Control and Licensing Act*, the Municipal Council of the City of Victoria enacts the following provisions:

1 This Bylaw may be cited as the "LIQUOR LICENSING FEE BYLAW".

2 In this Bylaw,

"Act"

means the *Liquor Control and Licensing Act* and its regulations;

"assessment"

means a Council assessment or a staff assessment;

"Council assessment"

means a method used to conduct an assessment of a licence application involving Council's taking into account related matters, commenting on, making recommendations in connection with, and otherwise considering;

"Council"

means

- (a) the City's Council,
- (b) the City's Committee of the Whole Council, or
- (c) both Council and the City's Committee of the Whole Council, acting jointly in the same matter;

"licence"

has the same meaning as under the Act;

"licence application"

means an application under the Act for

- (a) the issue, amendment, or renewal of a licence, including but not limited to the following matters:



similar method required under the Act or, if permitted but not required under the Act, determined by the Council;

- (b) undertaking the procedures connected with the matters referred to in paragraph (a), including the providing of notices and making related information publicly available.

- (2) For the purpose of carrying out any of the matters under subsection (1), the Council must apply the following rules and procedures applicable to each matter, including hearings and decision-making:

- (a) the common law rules of procedural fairness;
- (b) the procedures for notice and other procedural matters required under the Act.

READ A FIRST TIME the        **22<sup>ND</sup>** day of        **FEBRUARY**        , 2001.

READ A SECOND TIME the        **22<sup>ND</sup>** day of        **FEBRUARY**        , 2001.

READ A THIRD TIME the        **22<sup>ND</sup>** day of        **FEBRUARY**        , 2001.

ADOPTED on the        **8<sup>TH</sup>** day of        **MARCH**        , 2001.

**"MIKE MCCLIGGOTT"**  
ACTING DIRECTOR OF  
CORPORATE SERVICES

**"ALAN LOWE"**  
MAYOR

LIQUOR LICENSING FEE BYLAW, AMENDMENT BYLAW (NO. 2)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to update the fees in the *Liquor Licensing Fee Bylaw* and to make housekeeping amendments to reflect changes to the *Liquor Control and Licensing Act*.

**Contents**

- 1 Title
- 2 Amendments
- 3 Effective Date

Under its statutory powers, the Council of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "Liquor Licensing Fee Bylaw, Amendment Bylaw (No. 2)".

**Amendments**

- 2 The Liquor Licensing Fee Bylaw (01-36) is amended:
  - (1) in the preamble, by deleting the number "15.1" and replacing with "41".
  - (2) in section 2, by:
    - a. repealing the definition of "Council assessment" and replacing it with the following:

"Council assessment" means any method used by Council to decide whether to recommend that a licence application be issued or amended, and includes providing comments and recommendations or gathering the views of residents in accordance with the Act;
    - b. repealing the definition of "staff assessment" and replacing it with the following:

"staff assessment" means the technical evaluation by the City's officers or employees to determine if a Council assessment is required for a licence application;
  - (3) in section 3, by:
    - a. deleting the words "in connection with a an assessment";
    - b. repealing section 3(a) and renumbering 3(b) to 3(a);
    - c. inserting the following new section 3(b) after section 3(a):

- (b) \$200 application fee for a licence application that requires a staff assessment;
  - d. repealing sections 3(c) and (d) and replacing with the following new section 3(c):
    - (c) \$750 application fee for a licence application that requires a staff assessment and Council assessment;
  - e. renumbering section 3(e) to 3(d).
- (4) in subsection 4(1), by:
- a. deleting the word "an" and replacing it with "a"; and
  - b. inserting the word "Council" before "assessment".

#### **Effective Date**

**3** This Bylaw comes into force upon adoption.

READ A FIRST TIME the	<b>26<sup>th</sup></b>	day of	<b>October</b>	2017.
READ A SECOND TIME the	<b>26<sup>th</sup></b>	day of	<b>October</b>	2017.
READ A THIRD TIME the	<b>26<sup>th</sup></b>	day of	<b>October</b>	2017.
ADOPTED on the	<b>9<sup>th</sup></b>	day of	<b>November</b>	2017.

**"CHRIS COATES"**  
CITY CLERK

**"LISA HELPS"**  
MAYOR

## NO. 18-120

**CANNABIS RETAIL STORE LICENSING CONSULTATION POLICY AND FEE BYLAW  
A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to establish a process for the City to provide a recommendation to the Provincial Government for a cannabis retail store licence application referral, and to establish fees to recover the City's costs incurred in the course of work on a referral.

**Contents**

- 1 Title
- 2 Definitions
- 3 Public Consultation Method
- 4 Fees
- 5 Effective Date

Under its statutory powers, including section 33 of the *Cannabis Control and Licensing Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "CANNABIS RETAIL STORE LICENSING CONSULTATION POLICY AND FEE BYLAW".

**Definitions**

- 2 In this Bylaw,

“Act”

means the *Cannabis Control and Licensing Act*;

“City”

means the Corporation of the City of Victoria;

"Council"

means the Council of the Corporation of the City of Victoria;

“general manager”

has the same meaning as under the Act;

“licence”

has the same meaning as under the Act;



**“licence application referral”**

means a referral to the City by the general manager of an application for the issue, amendment, or renewal of a licence under section 33 of the Act.

**Public Consultation Method**

- 3 (1) Subject to subsection (4), after receiving a licence application referral the City will
  - (a) notify the neighbourhood association for the area to which the licence application referral relates to; and
  - (b) provide a written notice of the licence application referral to the owners and occupants of the properties located within 100 metres from the property to which the licence application referral relates; and
  - (c) after considering any written responses received, provide to the general manager comments and recommendations on the licence application referral, including Council’s views on the impact of the proposed application on the community.
- (2) The notice referred to in subsection (1) shall be mailed out at least 14 days before Council considers the licence application referral.
- (3) The obligation to give notice under subsection (1) is satisfied if the City made a reasonable effort to mail or otherwise deliver the notice.
- (4) The City shall be under no obligation to provide notice or consider a licence application referral until after it has received
  - (a) confirmation from the general manager that the general manager has made a determination in accordance with section 26(2)(e) of the Act and the applicant has been found to be fit and proper; and
  - (b) the applicant has paid to the City the fees under section 4.

**Fees**

- 4 For the purpose of recovering the costs, the applicant whose licence application is referred to the City must pay to the City the following fees:
  - (a) a \$750 processing fee; and
  - (b) the City’s actual costs for providing notice under section 3(1).

**Effective Date**

- 5 This bylaw comes into force on adoption.

READ A FIRST TIME the                      day of                      , 2018.

READ A SECOND TIME the                      day of                      , 2018.

READ A THIRD TIME the                      day of                      , 2018.

ADOPTED on the                      day of                      , 2018.

CITY CLERK

MAYOR

# Cannabis Retail Store Licensing

Developing a Public Consultation  
Policy and Fees

# Purpose

- Provide Council with information about Provincial cannabis retail store licensing
- Outline issues with respect to a public consultation policy and fees
- Outline a review of the *Cannabis-Related Business Regulation Bylaw*
- Recommend a public consultation policy and fees

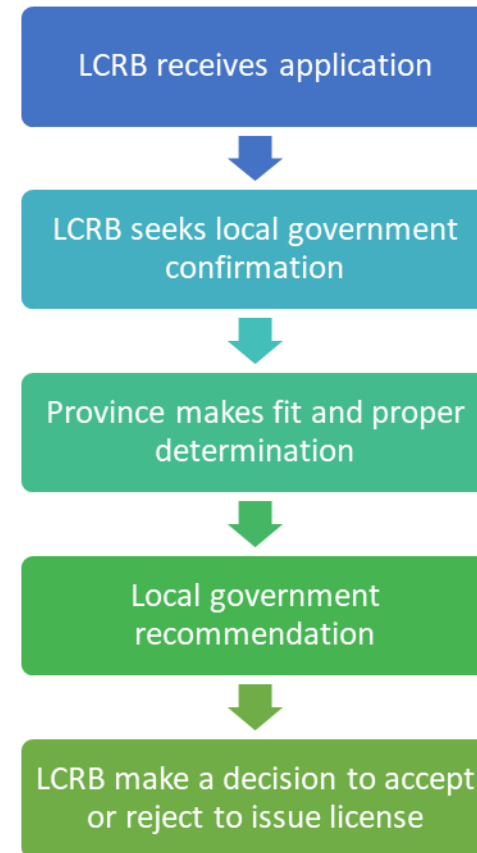


# Cannabis Distribution

- Legalized cannabis on October 17, 2018
- Provinces and territories determine how to distribute cannabis
- BC enacted the *Cannabis Control and Licensing Act*
- In 2016, the City enacted *Cannabis-Related Business Bylaw*

# Provincial Framework and Process

- Liquor and Cannabis Regulation Branch is responsible for licensing
- City may decline to accept referral or provide recommendation but City accepting them given current licensing regime  
City may choose public consultation policy and fee



# Current State

- 7 cannabis retail store license application referrals
- All referrals have retail zoning
- City to establish public consultation policy and fees
- Inconsistent provincial and municipal legislative framework

# Processing of Referrals

- City advises LCRB that it accepts application and of zoning in place. Zoning is required by Province to continue.
- LCRB determines if applicant is fit and proper
- City gives recommendation to LCRB before, concurrent with, or after fit and proper results
- Limit to fit and proper referrals reduces work/costs



# Consulting on Referrals

- Requirement for public consultation
- Potential public consultation methods:
  - Opportunity for public commentary
  - Public hearing
  - Referendum
- Method and scope have cost implications

# Reviewing City Bylaw

- Bylaw contains business license requirements, operating requirements, and general provisions
- No longer current due to new Act
- Review to:
  - Align Bylaw and Act
  - Reflect more limited municipal role

# Option 1: Written notification within 100 meters of property (recommended)

- After fit and proper
- Notify owners and occupants within 100 metres of property and neighbourhood association
- \$750 processing fee and public notification costs
- Review Bylaw

# Option 2: Opportunity for public comment within 100 meters of property

- After fit and proper
- Alternative method
- \$750 processing fee and higher public notification costs
- Review Bylaw



# Recommendation

That Council direct staff to

1. Forward *Cannabis Retail Store Public Consultation Policy and Fees Bylaw* to establish public consultation policy and fees, to the November 8, 2018 Council meeting for introductory readings.
2. Amend the *Cannabis-Related Business Regulation Bylaw* to align with the Province of British Columbia's *Cannabis Control and Licensing Act*.



## Committee of the Whole Report For the Meeting of November 8, 2018

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**To:** Committee of the Whole

**Date:** October 9, 2018

**From:** Chris Coates, City Clerk

**Subject:** Proclamation "Diabetes Awareness Day" November 14, 2018

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### RECOMMENDATION

That the *Diabetes Awareness Day Proclamation* be forwarded to the November 8, 2018 Council meeting for Council's consideration.

### EXECUTIVE SUMMARY

Attached as Appendix A is the requested *Diabetes Awareness Day Proclamation*. Council has established policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of previous Proclamations is provided as Appendix B in accordance with the policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

A blue ink signature of Chris Coates, written in a cursive style.

Chris Coates  
City Clerk

Appendix A: Proclamation "Diabetes Awareness" Day  
Appendix B: List of Previously Approved Proclamations

**“DIABETES AWARENESS DAY”**

**WHEREAS** *an estimated 3,700 Victorians of all ages live with type 1 diabetes (T1D), a chronic, life-threatening autoimmune disease which occurs when a person’s immune system mistakenly destroys beta cells within the pancreas, leaving that person reliant on daily injections of insulin to keep them alive. We recognize the courageous people living with type 1, their community and support network, as well as the brilliant researchers mobilized towards finding a cure and improving the lives of those impacted by the disease.*

**NOW, THEREFORE** *I do hereby proclaim November 14<sup>th</sup>, 2018 as “DIABETES AWARENESS DAY” on the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 8<sup>th</sup> day of November Two Thousand and Eighteen.*

\_\_\_\_\_  
**LISA HELPS**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**Jessica Koch**  
**JDRF Vancouver Island**

## Appendix B

<b>Council Meetings</b>	<b>Proclamations</b>
11-Jan-18	none
25-Jan-18	Eating Disorder Awareness Week - February 1 to 7, 2018
08-Feb-18	Rare Disease Day - February 28, 2018 International Development Week - February 4 - 10, 2018 Chamber of Commerce Week - February 19 - 23, 2018
22-Feb-18	Victoria Co-op Day - March 10, 2018 Tibet Day - March 10, 2018
08-Mar-18	Revised World Water Day - March 22, 2018 Purple Day for Epilepsy Awareness - March 26, 2018
22-Mar-18	Parkinson's Awareness Month - April 2018 Barbershop Harmony Quartet Week - April 8-14, 2018 Autism Awareness Day - April 2, 2018
12-Apr-18	St. George Day - April 23, 2018 Human Values Day - April 24, 2018
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	Co-op Housing Day - June 9, 2018
	Planning Institute of BC 60th Anniversary Day - June 9, 2018
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	Independent Living Across Canada Day - June 4, 2018
	Built Green Day - June 6, 2018
	International Medical Cannabis Day - June 11, 2018
14-Jun-18	ALS Awareness Month - June 2018
28-Jun-18	Pride Week - July 1 to 8, 2018
12-Jul-18	None
26-Jul-18	A Day of Happiness - August 4, 2018
09-Aug-18	World Refugee Day - June 20, 2018
	Literacy Month - September 2018
06-Sep-18	Prostate Cancer Awareness Month - September 2018
	Performance and Learning Month - September 2018
	BC Thanksgiving Food Drive for the Food Bank Day - September 15, 2018
	United Way Day - September 19, 2018



## Committee of the Whole Report For the Meeting of November 8, 2018

---

**To:** Committee of the Whole **Date:** October 30, 2018  
**From:** Chris Coates, City Clerk  
**Subject:** Proclamation "Turkish Republic Day" October 29, 2018

---

### RECOMMENDATION

That the *Turkish Republic Day* Proclamation be forwarded to the November 8, 2018 Council meeting for Council's consideration.

### EXECUTIVE SUMMARY

Attached as Appendix A is the requested *Turkish Republic Day* Proclamation. Council has recently established policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2018 Proclamations is provided as Appendix B in accordance with the new policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Coates".

Chris Coates  
City Clerk

### LIST OF ATTACHMENTS

- Appendix A: Proclamation "Turkish Republic Day"
- Appendix B: List of Previously Approved Proclamations

**“TURKISH REPUBLIC DAY”**

**WHEREAS** *October 29, 1923, is the date of the proclamation of the Republic of Turkey by Mustafa Kemal Ataturk; and*

**WHEREAS** *City residents of Turkish descent have played a significant role in the educational, cultural, economic and civic development of our community through sharing their rich cultural heritage and through their dedication to the responsibilities of good citizenship; and  
the City of Victoria appreciates opportunities to celebrate the diversity of cultures in our City; and*

**WHEREAS** *All Turks and the Turkish Canadians will be celebrating Turkish Republic Day on October 29th, 2018.*

**NOW, THEREFORE** *I do hereby proclaim October 29<sup>th</sup> 2018 as “TURKISH REPUBLIC DAY” on the  
TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS in the  
CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 8<sup>th</sup> day of November Two Thousand and Eighteen.*

\_\_\_\_\_  
**LISA HELPS  
MAYOR  
CITY OF VICTORIA  
BRITISH COLUMBIA**

**Sponsored by:  
The Vancouver Turkish  
Canadian Society**

## Appendix B

<b>Council Meetings</b>	<b>Proclamations</b>
11-Jan-18	none
25-Jan-18	Eating Disorder Awareness Week - February 1 to 7, 2018
08-Feb-18	Rare Disease Day - February 28, 2018 International Development Week - February 4 - 10, 2018 Chamber of Commerce Week - February 19 - 23, 2018
22-Feb-18	Victoria Co-op Day - March 10, 2018 Tibet Day - March 10, 2018
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	United Way Day - September 19, 2018



## Committee of the Whole Report For the Meeting of November 8, 2018

---

**To:** Committee of the Whole **Date:** October 30, 2018  
**From:** Chris Coates, City Clerk  
**Subject:** Proclamation "World Lymphedema Day" March 6, 2019

---

### RECOMMENDATION

That the *World Lymphedema Day* Proclamation be forwarded to the November 8, 2018 Council meeting for Council's consideration.

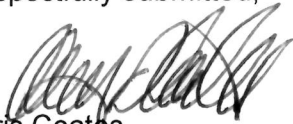
### EXECUTIVE SUMMARY

Attached as Appendix A is the requested *World Lymphedema Day* Proclamation. Council has recently established policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2018 Proclamations is provided as Appendix B in accordance with the new policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,



Chris Coates  
City Clerk

### LIST OF ATTACHMENTS

- Appendix A: Proclamation "World Lymphedema Day"
- Appendix B: List of Previously Approved Proclamations

**“WORLD LYMPHEDEMA DAY”**

- WHEREAS** *lymphedema is a disease afflicting more than 300 million people worldwide (World Health Organization) with disfigurement, disabilities, discomfort, pain, and distress; and*
- WHEREAS** *approximately 1,000,000 Canadians are living and suffering with lymphedema, whether: primary - inherited, present at birth or manifesting itself later in life, from genetic defects; or, secondary - developed from bodily trauma such as cancer treatment, radiation therapy, major surgery, severe burns or other injuries; and*
- WHEREAS** *lymphedema is an accumulation of high-protein lymphatic fluid that causes swelling in the legs, arms, genitals, trunk, head and/or neck, which impairs mobility, function, can cause pain, significantly impact quality of life, and lead to severe infection or the loss of use of limbs, for the affected person, regardless of age or gender; and*
- WHEREAS** *there is currently no cure for lymphedema; and*
- WHEREAS** *in recognition of the severe physical, emotional, psychosocial, and financial impacts and consequences lymphedema has on patients and families, it is time to support the courageous individuals living with this debilitating disease as well as their caregivers, both professionals and lay persons; and*
- WHEREAS** *2019 marks the fourth annual year, where World Lymphedema Day is observed and recognized throughout Canada and the world to increase public attention, awareness and action related to this serious, chronic and progressive disease.*

**NOW, THEREFORE** I do hereby proclaim March 6<sup>th</sup>, 2019 as **“WORLD LYMPHEDEMA DAY”** on the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS** in the **CITY OF VICTORIA**, **CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.

**IN WITNESS WHEREOF**, I hereunto set my hand this 8<sup>th</sup> day of November Two Thousand and Nineteen.

---

**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored By:**  
**Stephen Kelland**  
**Lymphatic Education and Research**  
**Network (LE&RN): Canada Chapter**

## Appendix B

<b>Council Meetings</b>	<b>Proclamations</b>
11-Jan-18	none
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	United Way Day - September 19, 2018



## Committee of the Whole Report For the Meeting of November 8, 2018

---

**To:** Committee of the Whole **Date:** November 7, 2018  
**From:** Chris Coates, City Clerk  
**Subject:** Proclamation "Think Local Week" November 12 to 18, 2018

---

### RECOMMENDATION

That the *Think Local Week* Proclamation be forwarded to the November 8, 2018 Council meeting for Council's consideration.

### EXECUTIVE SUMMARY

Attached as Appendix A is the requested *Think Local Week* Proclamation. Council has established a policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2018 Proclamations is provided as Appendix B in accordance with the policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

A blue ink signature of Chris Coates.

Chris Coates  
City Clerk

### LIST OF ATTACHMENTS

- Appendix A: Proclamation "Think Local Week"
- Appendix B: List of Previously Approved Proclamations

**“THINK LOCAL WEEK”**

**WHEREAS** *investing in our community by shopping at locally-owned businesses creates a stronger and healthier Victoria by keeping more money in the local economy; and*

**WHEREAS** *locally-owned businesses help to sustain vibrant, compact and sustainable communities; and*

**WHEREAS** *locally-owned businesses contribute to the unique character of our community; and*

**WHEREAS** *spending money with local businesses keeps that money and jobs in the community; and*

**WHEREAS** *locally-owned businesses invest more in local labour, pay more local taxes, and spend more time on community- based organizations.*

**NOW, THEREFORE** *I do hereby proclaim the week of November 12<sup>th</sup> to 18<sup>th</sup>, 2018 as “**THINK LOCAL WEEK**” on the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 8<sup>th</sup> of November, Two Thousand and Eighteen.*

\_\_\_\_\_  
**LISA HELPS**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored By: Think Local**  
**First**

## Appendix B

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**Council Member Motion**  
**For the Committee of the Whole Meeting of November 8, 2018**

---

**Date:** October 30, 2018

**From:** Councillor Dubow and Councillor Loveday

**Subject:** Better Representing Renters in City Decision-Making through the Creation of a Renters' Advisory Committee

---

**Background:**

Roughly 60% of residents in Victoria are renters.

In Victoria and other cities across Canada, renters are under-represented in decision-making processes. To help ensure that renters are better represented in decision-making processes, many cities have established advisory committees made up of renters and tenant advocates to advise on policy, bring experiential knowledge, and help the municipality achieve goals relating to providing adequate and affordable housing for residents.

It is therefore recommended that the City of Victoria establish a Renters' Advisory Committee and adopt the attached interim terms of reference.

**Recommendation:**


That Council:

1. Approves the formation of a Renters' Advisory Committee.
2. Adopts the attached Interim Terms of Reference for the committee, pending input from committee members on potential revisions.
3. Directs staff to invite applications from members of the public for appointment to the committee, aiming for an initial committee meeting in January 2018.
4. Appoints Councillors Dubow and Loveday as the initial Council Liaisons to the committee.

**Respectfully Submitted,**



Councillor Dubow



Councillor Loveday

Attachment:

1. Interim Terms of Reference for Renters' Advisory Committee

## **Interim Terms of Reference**

### **Renters' Advisory Committee**

#### **1. Purpose**

The purpose of the Renters' Advisory Committee is to provide advice and recommendations to Victoria City Council and staff on:

- Policies to increase rental housing stock;
- Improving conditions and wellbeing for renters in the City of Victoria;
- Strategic priorities for the city relating to renters,
- The impacts of provincial and federal legislation affecting tenants;
- Enhancing access and inclusion for renters in developing municipal policy and civic life; and
- Other matters that the committee deems relevant to the interests of renters in the City of Victoria.

#### **2. Composition**

The Renters' Advisory Committee will be comprised of up to twelve (12) members of the public appointed to two (2) year terms, representing the diverse perspectives and experiences of renters and renters' advocates.

Two Council members will be appointed to serve as non-voting liaisons to the committee.

Staff in Sustainable Planning and Community Development, and Legislative Services will act as a resource to the committee as appropriate and at the direction of the City Manager.

#### **3. Procedure**

Committee members will elect a Chair and Vice-Chair at the first meeting from among the members.

The committee will meet monthly from September to November and January to June.

Meetings will be conducted in accordance with procedures adopted for other City of Victoria advisory committees.



Members may initiate discussion of new initiatives. Initiatives requiring staff support will require Council approval before work is undertaken.

Recommendations approved by members at committee meetings will be forwarded within two weeks for Council's consideration at the Committee of the Whole.



**Council Member Motion**  
**For the Committee of the Whole Meeting of November 8, 2018**

---

**Date:** November 1, 2018  
**From:** Councillors Loveday and Isitt  
**Subject:** Actions for Housing Affordability

---

**Background**

Bold action is need from all levels of government to tackle the housing crisis. The following recommendations respond to several initiatives that are currently underway from the previous term of Council, in order to strengthen the City's emphasis on housing affordability and endorse interim actions that will contribute toward greater affordability.

The recommendations include endorsement of one new item – a Town Hall meeting and technical workshop on the future of co-operative housing, in partnership with the Co-operative Housing Federation of BC.

**Recommendations**

That Council:

1. Direct staff to: (a) Proceed with stakeholder engagement on the Inclusive Housing and Density Bonus Policy for final consideration by Council no later than the first quarter of 2019, inviting input from rental housing advocates, nonmarket housing providers, community association land use committees, and members of the development community; and (b) Negotiate an affordable component in rezoning applications for new strata housing received after November 8, 2018, in the form of nonmarket units or a cash-in-lieu payment depending on the size of the project, as an interim measure until the final policy is adopted.
2. Invite BC Assessment to provide data on land values and land appreciation in the City of Victoria over the past decade, to inform the development and implementation of the Inclusive Housing and Density Bonus Policy and other housing initiatives.
3. Request that the Mayor write, on behalf of Council, to the Minister responsible for the BC Assessment Authority and Members of the Legislative Assembly representing constituencies on Vancouver Island, requesting amendments to the BC Assessment Act on a priority basis to provide for "split classification" / split taxation of units in multi-unit buildings to ensure that units used as commercial ("whole-unit") short-term rentals are taxed as commercial, rather than residential, property.

4. Endorse a Town Hall Meeting on the Future of Co-operative Housing for November 28 in partnership with the Co-operative Housing Federation of BC, as well as a Technical Workshop for staff and housing partners, with an in-kind contribution from the City consisting of: (a) the use of City Hall; and (b) Staff support with publicity / promotion of the Town Hall and Technical Workshop to optimize public and stakeholder participation.
5. Direct staff to initiate robust enforcement of STR regulations no later than January 1, 2019, to return units to the residential housing supply and ensure fairness for people complying with the regulations, and report back to Council within six months on the effectiveness of the regulations, including options for introducing platform accountability to improve compliance and reduce costs.

Respectfully submitted,



Councillor Loveday



Councillor Isitt

# City of Victoria – Interim Inclusive Housing and Density Bonus Policy

## Policy Objectives

The Interim Inclusive Housing and Density Bonus Policy has been developed to help encourage the supply of affordable rental housing within new strata developments in the City of Victoria. The Policy is focused on translating the additional value generated through the rezoning process into on-site secured rental housing that meets the affordability objectives outlined in Victoria's Housing Strategy.

## Context

Renters account for a significant portion of the City of Victoria's population and are an important part of the City's social fabric. New purpose built rental accommodations are often unaffordable to the average Victorian and fall outside the targets of the Victoria Housing Strategy 2016-2025.

Lack of affordable housing, especially affordable rental stock, is a significant factor that contributes to relatively high levels of homelessness in the city, with significant social and economic costs and impacts. Generating new rental stock that is affordable for low to middle income renters is a serious challenge. Therefore, the City's Density Bonus program is primarily focused on the provision of on-site affordable rental units, where possible.

In cases of redevelopment where a rezoning is considered, the Inclusive Housing and Density Bonus Policy is intended to provide guidance to property owners of the City's expectations for the delivery of on-site rental housing as a community amenity contribution.

## Policy Application

The affordable housing contributions outlined in this policy will apply to residential rezoning proposals that are seeking density beyond the existing zoning.

## Policy Exemption

The following projects are exempted from the policy, provided that the tenure and affordability of the rental units are secured in perpetuity:

- 100% purpose-built rental projects
- Projects with heritage conservation contributions with equal or greater value to that of delivering the inclusive rental units
- Projects that do not include residential use

## Affordable Rental Housing Targets

In order to best meet the City's affordable housing objectives the affordable rental housing delivered through this policy should meet the following expectations:

<b>Target</b> (% of total units in project)	Core Residential*: 15% (maximum) Other OCP Designations**: 10% (maximum)
<b>Affordability</b>	80% of CMHC current average rents for the City of Victoria at the time of the application  Affordable unit rents are permitted to increase over time under Residential Tenancy Act regulations of CPI + 2% per year.



<b>Security</b>	Rents and tenure will be secured for 60 years or the life of the building through a housing agreement
<b>Tenure</b>	Affordable Rental
<b>Target Unit Mix</b> (for affordable housing units)	<ul style="list-style-type: none"> <li>• Studio - 45%</li> <li>• 1-Bedroom – 35%</li> <li>• 2-Bedroom – 15%</li> <li>• 3-Bedroom – 5%</li> </ul>
<b>Ownership</b>	Developer will retain ownership of inclusionary rental units but sale, lease or managing contract with non-profit housing providers are strongly encouraged
<p>*Includes the following OCP designations: Core Historic; Core Business; Core Employment where residential is permitted; Core Inner Harbour/Legislative; Core Songhees; Core residential</p> <p>** Includes the following OCP designations: Urban Residential, Large Urban Village, Town Centre</p>	

### Alternative Cash in Lieu Provision

A cash contribution of \$200,000 per affordable housing unit in lieu of the delivery of on-site affordable rental units, may be considered for the following project types:

- Projects delivering less than 10 net new strata units

The cash contribution must be equal to or greater than the value of delivering the on-site affordable rental units.

The City will utilize these cash-in-lieu contributions, deposited into the Victoria Housing Fund, to work with senior levels of government and community-based groups to provide affordable subsidized housing units in the City.

**Hardship Clause:** The City will consider negotiating a different (lower) percentage in cases where the applicant can demonstrate an extreme financial hardship whereby the development viability is compromised. Financial analysis undertaken to support a case for hardship must be conducted 'open book' and with absolute transparency.

### Effective Date

This policy takes effect on November 8, 2018.



**Council Member Motion**  
**For the Committee of the Whole Meeting of November 8, 2018**

---

**Date:** November 1, 2018  
**From:** Councillors Isitt, Loveday, Collins and Potts  
**Subject:** Acquiring Land to Facilitate Investment in Decommodified Housing

---

**Background**

The City of Victoria is in the midst of a housing affordability crisis. This crisis is structural and acute, reflecting a deep disconnect between the incomes of a majority of the population and the price of housing available to rent or own. This crisis is impacting the wellbeing of individuals as well as the health and sustainability of the local economy.

As noted in the attached report by the United Nations Special Rapporteur on Adequate Housing, recent years have witnessed the “financialization of housing”: “massive amounts of global capital have been invested in housing as a commodity ... and as a means of accumulating wealth,” negatively impacting “the enjoyment of the right to adequate housing” – which Canada recognized as a fundamental human right in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Looking to European jurisdictions, access to affordable housing is improved when a substantial share of the housing supply is decommodified (defined as housing that is owned and operated by public or non-profit entities for the social purpose of providing affordable housing, rather than housing that is privately owned and operated with prices established for the private purpose of maximizing the economic benefit to the owner). (See Attachment 2).

Recent announcements by the Governments of British Columbia and Canada suggest that investment in decommodified housing can be secured if local government is willing to contribute land. It is therefore recommended that Council endorse in principle the acquisition of land to facilitate senior government investment in decommodified housing, and direct staff to report back on options for financing this acquisition.

**Recommendations**

That Council:

1. Endorse in principle the acquisition of land on a priority basis to facilitate federal, provincial and regional investment in decommodified housing, to address the escalating housing costs that have made securing safe, affordable housing out of reach for many in our community, including seniors, youth, people with disabilities, families, workers, and people from racialized and Indigenous communities.
2. Direct staff to report to Council by December 13, 2018 with recommendations on options for financing the acquisition of land to facilitate federal, provincial and regional investment in decommodified housing.

Respectfully submitted,



Councillor Isitt



Councillor Loveday



Councillor Collins



Councillor Potts

Attachments:

1. Report of UN Special Rapporteur on Adequate Housing
2. Kathleen Scanlon, et al., "Social Housing in Europe," (2015)



# General Assembly

Distr.: General  
18 January 2017

Original: English

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## Human Rights Council

### Thirty-fourth session

27 February-24 March 2017

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

### **Note by the Secretariat**

The Secretariat has the honour to transmit to the Human Rights Council the thematic report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha, pursuant to Human Rights Council resolution 31/09.

The report focuses on the “financialization of housing” and its impact on human rights. It examines structural changes that have occurred in recent years whereby massive amounts of global capital have been invested in housing as a commodity, as security for financial instruments that are traded on global markets, and as a means of accumulating wealth. The report assesses the effect of those historic changes on the enjoyment of the right to adequate housing and outlines an appropriate human rights framework for States to address them. The report reviews the role of domestic and international law in that sphere, and considers the application of principles of business and human rights.

The report concludes with a review of States’ policy responses to the financialization of housing and some recommendations for more coherent and effective strategies to ensure that the actions of global financial institutions and actors are consistent with ensuring access to housing for all by 2030. The Special Rapporteur suggests that, as a way forward, States must redefine their relationship with private investors and international financial institutions, and reform the governance of financial markets so that, rather than treating housing as a commodity valued primarily as an asset for the accumulation of wealth they reclaim housing as a social good, and thus ensure the human right to a place to live in security and dignity.

GE.17-00770(E)



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## Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

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## I. Introduction: the financialization of housing

1. The expanding role and unprecedented dominance of financial markets and corporations in the housing sector is now generally referred to as the “financialization of housing”.<sup>1</sup> The term has a number of meanings. In the present report, the “financialization of housing” refers to structural changes in housing and financial markets and global investment whereby housing is treated as a commodity, a means of accumulating wealth and often as security for financial instruments that are traded and sold on global markets. It refers to the way capital investment in housing increasingly disconnects housing from its social function of providing a place to live in security and dignity and hence undermines the realization of housing as a human right. It refers to the way housing and financial markets are oblivious to people and communities, and the role housing plays in their well-being.

2. Housing and real estate markets have been transformed by corporate finance, including banks, insurance and pension funds, hedge funds, private equity firms and other kinds of financial intermediaries with massive amounts of capital and excess liquidity. The global financial system has grown exponentially and now far outstrips the so-called real “productive” economy in terms of sheer volumes of wealth, with housing accounting for much of that growth.

3. Housing and commercial real estate have become the “commodity of choice” for corporate finance and the pace at which financial corporations and funds are taking over housing and real estate in many cities is staggering. The value of global real estate is about US\$ 217 trillion, nearly 60 per cent of the value of all global assets, with residential real estate comprising 75 per cent of the total.<sup>2</sup> In the course of one year, from mid-2013 to mid-2014, corporate buying of larger properties in the top 100 recipient global cities rose from US\$ 600 billion to US\$ 1 trillion.<sup>3</sup> Housing is at the centre of an historic structural transformation in global investment and the economies of the industrialized world with profound consequences for those in need of adequate housing.

4. In “hedge cities”, prime destinations for global capital seeking safe havens for investments, housing prices have increased to levels that most residents cannot afford, creating huge increases in wealth for property owners in prime locations while excluding moderate- and low-income households from access to homeownership or rentals due to unaffordability. Those households are pushed to peri-urban areas with scant employment and services.

5. Elsewhere, financialization is linked to expanded credit and debt taken on by individual households made vulnerable to predatory lending practices and the volatility of markets, the result of which is unprecedented housing precarity. Financialized housing markets have caused displacement and evictions at an unparalleled scale: in the United States of America over the course of 5 years, over 13 million foreclosures resulted in more

<sup>1</sup> See Manuel Aalbers, *The Financialization of Housing: A political economy approach* (London and New York, Routledge, 2016), and Radhika Balakrishnan, James Heintz and Diane Elson, *Rethinking Economic Policy for Social Justice: The radical potential of human rights* (London and New York, Routledge, 2016), p. 85.

<sup>2</sup> Savills World Research, “Around the world in dollars and cents: what price the world? Trends in international real estate trading”, 2016, pp. 4-5. Available from [www.savills.co.uk/research\\_articles/188297/198669-0](http://www.savills.co.uk/research_articles/188297/198669-0).

<sup>3</sup> Saskia Sassen, “The global city: enabling economic intermediation and bearing its costs”, *City & Community*, vol. 15, No. 2 (June 2016), p. 105.

than 9 million households being evicted.<sup>4</sup> In Spain, more than half a million foreclosures between 2008 and 2013 resulted in over 300,000 evictions.<sup>5</sup> There were almost 1 million foreclosures between 2009 and 2012 in Hungary.<sup>6</sup>

6. In many countries in the global South, where the majority of households are unlikely to have access to formal credit, the impact of financialization is experienced differently, but with a common theme — the subversion of housing and land as social goods in favour of their value as commodities for the accumulation of wealth, resulting in widespread evictions and displacement. Informal settlements are frequently replaced by luxury residential and high-end commercial real estate.<sup>7</sup>

7. While much has been written about the financialization of housing, it has not often been considered from the standpoint of human rights. Decision-making and assessment of policies relating to housing and finance are devoid of reference to housing as a human right. Issues related to business and human rights have received some attention in recent years. However, the housing and real estate sector — the largest business sector with many of the most serious impacts on human rights — appears to have been mostly ignored.

8. A report on the topic is timely as States embark on the implementation of the Sustainable Development Goals. If the commitment in target 11.1 to ensure access for all to adequate, safe and affordable housing and basic services is to be achieved by 2030, it is essential to consider the role of international finance and financial actors in housing systems. That will help to identify and address more effectively patterns of systemic exclusion, to ensure more meaningful human rights accountability for issues of displacement, evictions, demolitions and homelessness, and the engagement of all relevant actors in the realization of the right to adequate housing.

9. Constructing human rights accountability within a complex financial system to which Governments are themselves accountable, involving trillions of dollars in assets, may seem a daunting task. However, the global community cannot afford to be cowered by the complexity of financialization.<sup>8</sup> The present report aims to cut through some of the complexity and opaqueness of finance in housing to expose the central relevance and necessity of the human rights paradigm at multiple levels, from the international to the local.

10. The report builds on important work undertaken by the previous Special Rapporteur on the right to housing. In her 2012 report on the impact of finance policies on the right to housing of those living in poverty (A/67/286), she warned of emerging trends towards the financialization of housing encouraged by States' abandonment of social housing programmes and increased reliance on private market solutions. She documented attempts by States to rely on the private market and homeownership, which increases inequality and fails to address the housing needs of low-income and marginalized groups. More fundamentally, she called for a paradigm shift through which housing would once again be

<sup>4</sup> Saskia Sassen, "Finance as capability: good, bad, dangerous", 2014, pp. 5-6. Available from <http://arcade.stanford.edu/occasion/finance-capability-good-bad-dangerous>.

<sup>5</sup> Observatory of Economic, Social and Cultural Rights and Platform of Mortgage Victims, "Housing emergency in Spain: the crisis of foreclosures and evictions from a human rights perspective" (December 2013), p. 12. Available from <http://observatoridesc.org/sites/default/files/2013-housing-emergency-spain-observatory-desc.pdf>.

<sup>6</sup> Saskia Sassen, *Expulsions: Brutality and Complexity in the Global Economy* (Cambridge, Massachusetts and London, Harvard University Press, 2014), p. 48.

<sup>7</sup> Stanley D. Brunn, Maureen Hays-Mitchell and Donald J. Zeigler, eds., *Cities of the world: world regional urban development*, 5th ed. (Plymouth, Rowman & Littlefield Education, 2012), p. 446.

<sup>8</sup> See Saskia Sassen, *Expulsions: Brutality and Complexity in the Global Economy* (Cambridge, Massachusetts and London, Harvard University Press, 2014).

recognized as a fundamental human right rather than as a commodity. The present report takes up that challenge.

## II. Human rights framework

11. The right to adequate housing is, at its core, the right to a place to live in dignity and security. It is interdependent with other human rights, particularly the right to equality and non-discrimination and the right to life (see A/71/310). It is against those core human rights values that the actions of States in relation to financial actors and housing systems are to be assessed.

12. International and domestic financial institutions and markets are created and sustained by Governments and must be made accountable to States' human rights obligations. Millions of foreclosures, evictions and displacements and more than a billion people living in grossly inadequate housing conditions and homelessness worldwide signal, among other things, the failure of States and of the international community to manage the interaction between financial actors and housing systems in accordance with the right to adequate housing. The absence of any effective human rights monitoring or accountability in that sphere also signals the underestimation on the part of Governments, international and national human rights bodies, domestic courts, lawyers and advocates of the role that domestic, regional and international human rights law could play as a framework for both regulating financial actors and engaging financial systems in the realization of the right to housing.

13. States' human rights obligations are commonly categorized on the basis of a tripartite division of obligations to respect, protect and fulfil human rights. A State must respect the right to housing by refraining from taking any action that would violate that right, protect individuals and communities from violations of the right to housing by third parties and fulfil the right to adequate housing to the maximum of its available resources, with a view to achieving progressively its full realization by all appropriate means, including particularly the adoption of legislative measures.<sup>9</sup> The obligation to fulfil the right to housing includes adopting and implementing, in collaboration with stakeholders, strategies for the realization of the right to housing that clarify the responsibilities and roles of all levels of government, institutions and private actors, with goals, timelines, accountability mechanisms, appropriate budgetary allocations and measures to ensure access to justice.<sup>10</sup>

14. The tripartite obligations of States in relation to the management of financial markets and the regulation of private actors are often interpreted too narrowly. Under international human rights law, States' obligations in relation to private investment in housing and the governance of financial markets extend well beyond a traditional understanding of the duty to simply prevent private actors from actively violating rights. The assumption, bolstered by neo-liberalism, that States should simply allow markets to work according to their own rules, subject only to the requirement that private actors "do no harm" and do not violate the rights of others, is simply not in accordance with the important obligation to fulfil the right to adequate housing by all appropriate means, including legislative measures.

15. The State must regulate, direct and engage with private market and financial actors, not simply to ensure that they do not explicitly violate rights, but also to ensure that the

<sup>9</sup> See International Covenant on Economic, Social and Cultural Rights, art. 2 (1).

<sup>10</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, paras. 11-15.



rules under which they operate and their actions are consistent with the realization of the right to adequate housing. States are obliged under international human rights to ensure that private investors respond to the needs of residents for secure, affordable housing and do not cater only to the wealthy or purchase homes simply to leave them empty.

16. State compliance with the right to adequate housing must ultimately be assessed in relation to the circumstances of rights-holders. A human rights framework for addressing the financialization of housing must challenge the way in which accountability to the needs of communities and the human rights obligations of Governments has been replaced with accountability to markets and investors. Mechanisms must be established for rights-holders to be fully heard and engaged in decisions that affect them. States must ensure that financial institutions and investors are responsive to the needs of marginalized communities, behave in a manner that is consistent with the full realization of the right to adequate housing and provide complaints procedures and access to effective remedies.<sup>11</sup>

17. The Committee on Economic, Social and Cultural Rights has suggested that the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide.<sup>12</sup> In the context of the critical relationship between housing and financial markets, the articulation of a State's fulfilment obligation to not only provide housing when needed but also to facilitate the implementation of the right to housing is helpful in capturing the wide range of States' obligations to ensure that financial markets and the actions of private investors work towards the realization of the right to adequate housing.

18. In addition to the more obvious requirements, within the framework of human rights, to ensure that housing developers exercise due diligence, comply with safety standards and adopt policies of non-discrimination, for example, States may also be required to ensure that investment in housing complies with a rights-based housing strategy and with the target of ensuring adequate housing for all by 2030. Private actors may be required to take particular steps to ensure access to credit for disadvantaged households and to address the needs of residents of informal settlements, women, migrants and people with disabilities. The obligation of States to facilitate the realization of the right to housing by establishing a coherent strategy at both the national and international levels with clearly allocated roles and responsibilities is central to the commitments made by States in the 2030 Agenda for Sustainable Development and the New Urban Agenda.

### **III. Human rights implications of the financialization of housing**

#### **A. Historical origins of the financialization of housing**

19. The financialization of housing has its origins in neo-liberalism, the deregulation of housing markets, and structural adjustment programmes imposed by financial institutions and agreed to by States. It is also tied to the internationalization of trade and investment agreements which, as discussed below, make States' housing policies accountable to investors rather than to human rights. The financialization of housing is also the result of significant changes in the way credit was provided for housing and more specifically, of the advent of "mortgage-backed securities".

<sup>11</sup> See Committee on Economic, Social and Cultural Rights, communication No. 2/2014, *I.D.G. v. Spain*, Views adopted on 17 June 2015, and general comment No. 9 (1998) on the domestic application of the Covenant. See also Balakrishnan, Heintz and Elson, *Rethinking Economic Policy for Social Justice*, pp. 96-97.

<sup>12</sup> See Committee on Economic, Social and Cultural Rights, general comments No. 12 (1999) on the right to adequate food, para. 15, and No. 13 (1999) on the right to education, para. 46.

20. Prior to the advent of mortgage-backed securities in the 1980s, the provision of credit for a housing purchase was generally an individualized contractual relationship between a single lender, usually a bank or a savings and loan institution, and a single creditor or homeowner. Mortgage-backed securities were promoted as a means of attracting additional lenders into the mortgage market by reducing the reliance on local financial institutions. They allowed for portfolios of mortgages to be bundled together, in order to distribute the risk more evenly among all of the mortgages, and sold to investors in the form of bonds or investment instruments on secondary bond markets. That created new conditions for global capital to be invested in housing finance.<sup>13</sup>

21. The 2008 global financial crisis revealed the fragility, volatility and predatory nature of financialized housing markets and the potential for catastrophic outcomes both for individual households and for the global economy. In the United States of America, there were an average of 10,000 foreclosures per day in 2008, and as many as 35 million individuals were affected by evictions over a five-year period.<sup>14</sup> Not only had people lost their homes but they faced personal financial ruin.

22. Many expected that the global financial crisis and its impact on the human rights of millions of households would act as an alarm bell, forcing States and international financial institutions to reassess the value of unbridled financialization and introduce reforms to ensure that the financial system addressed rather than exploited the housing needs of low-income households. Unfortunately, it seemed to have the opposite effect. Individuals and families who were affected by the crisis were often blamed for taking on too much debt and new rules and regulations were put in place to restrict their access to mortgages. Austerity measures cut programmes on which they had relied for access to housing options, and the march towards the financialization of housing continued. The States that were the most severely affected by the crisis assumed responsibility for billions of dollars' worth of distressed debt (high-risk mortgages) and arranged for them to be sold off to private equity funds, thereby increasing rather than decreasing the role and power of corporate finance in national housing systems.<sup>15</sup>

23. States have continued to focus on attracting capital and wealthy investors with reduced taxes and other benefits. Countries like Cyprus, Greece, Portugal and Spain, where harsh austerity measures have been implemented, have enacted policies to entice foreign investors into their domestic markets.<sup>16</sup> One such measure, colloquially known as the "golden visa", allows foreign investors to receive permanent residence or even citizenship in exchange for a minimum amount of investment in property: €500,000 in Spain and Portugal, €300,000 in Cyprus and €250,000 in Greece.<sup>17</sup> Australia has a similar programme for individual foreign investors who purchase \$A 5 million in real estate through a real estate investment trust to qualify for an Australian significant investor visa.<sup>18</sup> Programmes

<sup>13</sup> See Aalbers, *The Financialization of Housing*.

<sup>14</sup> Sassen, *Expulsions*, p. 128.

<sup>15</sup> Debt and Development Coalition Ireland, "From Puerto Rico to the Dublin docklands: vulture funds and debt in Ireland and the global South", 2014, pp. 4-9. Available from [www.debtireland.org/download/pdf/ddci\\_vulture\\_funds\\_report.pdf](http://www.debtireland.org/download/pdf/ddci_vulture_funds_report.pdf).

<sup>16</sup> Xiangming Chen and Julia Mardeusz, "China and Europe: reconnecting across a new silk road", *European Financial Review*, vol. 2 (February 2015), p. 8.

<sup>17</sup> See, for example, Spain, Act No. 25/2015, art. 63; Greece, Act No. 4146/2013, art. 6 (2); and Portugal, Act No. 23/2007, amended by Act No. 29/2012. See also "Living, buying property and doing business in Cyprus", available at [www.cyprusinformation.com/](http://www.cyprusinformation.com/).

<sup>18</sup> See Australia, "Explanatory statement: select legislative instrument No. 102, 2015", attachment D (Subclass 188 (Business Innovation and Investment) visa). See also Dallas Rogers, Chyi Lin Lee and Ding Yan, "The politics of foreign investment in Australian housing: Chinese investors, translocal sales agents and local resistance", *Housing Studies*, vol. 30, No. 5 (2015).

of that nature can contribute to housing affordability problems for local residents without providing any evidence of substantial benefits for the broader population.

## B. Effects of excess global capital

24. The amount of money involved in the purchase of housing and real estate is almost impossible to digest. Cushman and Wakefield, an American global real estate services firm engaging in \$90 billion worth of real estate sales per year, publishes an annual report entitled “The Great Wall of Money” which includes a calculation of the amount of capital raised each year for trans-border real estate investments. The total in 2015 was a record \$443 billion, with residential properties representing the largest single share. The report notes that “cross border flows will continue to transform real estate investment across the globe”.<sup>19</sup>

25. Housing and urban real estate have become the commodity of choice for corporate finance, a “safety deposit box” for the wealthy, a repository of capital and excess liquidity from emerging markets and a convenient place for shell companies to stash their money with very little transparency.<sup>20</sup> In addition, corporate tax havens that generate massive amounts of profit immune from taxation, estimated at 30 per cent of global gross domestic product, are particularly attracted to housing and real estate.<sup>21</sup> In most countries, residential investment provides many tax advantages, so that the housing system itself provides a tax haven for the rich (see A/67/286, pp. 11-12).

26. Housing prices in so-called “hedge cities” like Hong Kong, London, Munich, Stockholm, Sydney and Vancouver have all increased by over 50 per cent since 2011, creating vast amounts of increased assets for the wealthy while making housing unaffordable for most households not already invested in the market.<sup>22</sup> Land prices in the 35 largest cities in China have increased almost five-fold in the past decade and prices for urban land in the top 100 cities in China have increased on average by 50 per cent in the past year.<sup>23</sup>

27. Corporate finance does not only profit from inflated prices in hedge cities, it also profits from housing crises.<sup>24</sup> The global financial crisis created unprecedented opportunities for buying distressed housing and real estate debt, which was sold off at fire sale prices in countries such as Ireland, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Blackstone Group, the world’s largest real estate private equity firm, managing \$102 billion worth of property, spent \$10 billion to purchase repossessed properties in the United States of America at courthouses and in online auctions following the 2008 financial crisis, emerging as the largest rental

<sup>19</sup> Cushman and Wakefield, “The Great Wall of Money”, 2016, p. 5. Available from [www.cushmanwakefield.com/en/research-and-insight/2016/great-wall-of-money-2016/](http://www.cushmanwakefield.com/en/research-and-insight/2016/great-wall-of-money-2016/).

<sup>20</sup> See Rodrigo Fernandez, Annelore Hofman and Manuel Aalbers, “London and New York as a safe deposit box for the transnational wealth elite” *Environment and Planning A*, vol. 48, No. 12 (December 2016).

<sup>21</sup> Aalbers, *The Financialization of Housing*, p. 85.

<sup>22</sup> See Sassen, “The global city”.

<sup>23</sup> Edward Gleason and others, “A real estate boom with Chinese characteristics”, National Bureau of Economic Research, Working Paper 22789 (2016), p. 2. Available from [www.nber.org/papers/w22789.pdf](http://www.nber.org/papers/w22789.pdf). See also Jacky Wong, “Why China’s developers can’t stop overpaying for property”, *Wall Street Journal*, 24 June 2016.

<sup>24</sup> Elvin Wyly and others, “Cartographies of race and class: mapping the class-monopoly rents of American subprime mortgage capital”, *International Journal of Urban and Regional Research*, vol. 33, No. 2 (June 2009), p. 333.

landlord in the country.<sup>25</sup> Other major institutional players invested \$20 billion to purchase approximately 200,000 single-family homes in the United States between 2012 and mid-2013.<sup>26</sup> With the recovery of the United States housing market, Blackstone and other private equity firms have sought to take advantage of other buying opportunities in Europe and Asia. Cushman and Wakefield estimated that there was over €541 billion of distressed real estate debt in Europe in 2015, much of it held by public asset management companies such as the National Asset Management Agency in Ireland and the Sociedad de Gestión de Activos Procedentes de la Reestructuración Bancaria (company for the management of assets proceeding from the restructuring of the banking system) in Spain. The vast majority of that debt is being purchased by giant private equity firms.<sup>27</sup>

28. Massive investment of capital into housing markets and rising prices should not be confused with the production of housing and the benefits that accrue from it. The bulk of real estate transactions of that sort do not create needed housing or long-term secure employment. When rented homes or mortgages are owned by remote investors, money mostly flows out of communities and simply creates greater global concentration of wealth. The new corporate interest in developing rental properties from homes sold in foreclosures has also raised concerns that there is a greater incentive to pursue foreclosures rather than modify a loan agreement to avoid an unnecessary eviction.<sup>28</sup> The proliferation of foreign and domestic investment in short-term rental properties, such as for Airbnb, in countries like Portugal, has contributed to escalating prices of housing and changes to the make-up of neighbourhoods, without creating affordable housing or other benefits for the local population.

29. What is so stark about the pouring of those vast amounts of money into housing is that hardly any of it is directed towards ameliorating the insufferable housing conditions in which millions live. If even a portion of those amounts was directed towards affordable housing and access to credit for people in need of it, target 11.1 of the Sustainable Development Goals, to ensure adequate housing for all by 2030, would be well within reach.<sup>29</sup> Financialization under current regimes, however, creates the opposite effect: unaccountable markets that do not respond to housing need, and urban centres that become the sole preserve of those with wealth.

### C. Dehumanized housing: from social use to commodity value

30. A significant portion of investor-owned homes are simply left empty. In Melbourne, Australia, for example, 82,000 or one fifth of investor-owned units lie empty.<sup>30</sup> In the

<sup>25</sup> Joe Beswick and others, "Speculating on London's housing future: the rise of global corporate landlords in 'post-crisis' urban landscapes", *City*, vol. 20, No. 2 (March 2016), pp. 323-325.

<sup>26</sup> Right to the City Alliance, "Renting from Wall Street: Blackstone's invitation homes in Los Angeles and Riverside", July 2014, p. 9. Available from <http://homesforall.org/wp-content/uploads/2014/07/LA-Riverside-Blackstone-Report-071514.pdf>.

<sup>27</sup> Debt and Development Coalition Ireland, "From Puerto Rico to the Dublin docklands", p. 9.

<sup>28</sup> See Sarah Edelman, Julia Gordon and David Sanchez, "When Wall Street buys Main Street: the implications of single-family rental bonds for tenants and housing markets" (Washington, D.C., Centre for American Progress, 2014). Available from [www.americanprogress.org/wp-content/uploads/2014/02/WallStMainSt\\_Report.pdf](http://www.americanprogress.org/wp-content/uploads/2014/02/WallStMainSt_Report.pdf).

<sup>29</sup> Jonathan Woetzel and others, "Tackling the world's affordable housing challenge" (McKinsey Global Institute Report, October 2014), p. 8. Available from [www.mckinsey.com/global-themes/urbanization/tackling-the-worlds-affordable-housing-challenge](http://www.mckinsey.com/global-themes/urbanization/tackling-the-worlds-affordable-housing-challenge).

<sup>30</sup> Catherine Cashmore, "Speculative vacancies 8: the empty properties ignored by statistics" (Prosper Australia, 2015), p. 5. Available from [www.prosper.org.au/wp-content/uploads/2015/12/11Final\\_Speculative-Vacancies-2015-1.pdf](http://www.prosper.org.au/wp-content/uploads/2015/12/11Final_Speculative-Vacancies-2015-1.pdf).



affluent boroughs of Chelsea and Kensington in the city of London, prime locations for wealthy foreign investors, the number of vacant units increased by 40 per cent between 2013 and 2014.<sup>31</sup> In such markets, the value of housing is no longer based on its social use. The housing is as valuable whether it is vacant or occupied, lived in or devoid of life. Homes sit empty while homeless populations burgeon.

31. Financialized housing markets respond to preferences of global investors rather than to the needs of communities. The average income of households in the community or the kinds of housing they would like to inhabit is of little concern to financial investors, who cater to the needs or desires of speculative markets and are likely to replace affordable housing that is needed with luxury housing that sits vacant because that is how best to turn a profit quickly. Financialized housing thus precipitates what has been referred to as “residential alienation”, the loss of the critical relationship to housing as a dwelling and the diverse set of social relationships that give it meaning.<sup>32</sup> In financialized housing markets, those making decisions about housing — its use, its cost, where it will be built or whether it will be demolished — do so from remote board rooms with no engagement with or accountability to the communities in which their “assets” are located.<sup>33</sup>

32. Many corporate owners of housing are nameless. In the first fiscal quarter of 2015, 58 per cent of all property purchases over \$3 million in the United States were made by limited liability companies rather than named people, and the majority of those purchases were in cash, creating a greater level of anonymity.<sup>34</sup> More than 36,000 properties in London are held by shell companies registered in offshore havens such as Bermuda, the British Virgin Islands, the Isle of Man and Jersey.<sup>35</sup>

33. Many residential rental properties are now owned by bondholders or holders of public stock with no direct connection to properties. It is difficult to know who is accountable for human rights when the owner of housing is a multibillion dollar fund, bondholders, public stockholders or a nameless corporate shell. Tenants living in housing owned by absentee corporate landlords have complained of sharp increases in rent, inadequate maintenance and conditions as a result of substandard renovations that have been undertaken quickly to flip the home into rentals, and an inability to hold anyone accountable for those conditions.

<sup>31</sup> See Department for Communities and Local Government, “Vacant dwellings”. Available from <https://data.london.gov.uk/dataset/vacant-dwellings/resource/c428a18b-9961-4b98-9cfe-b7f120114141>. See also Ed Cumming, “‘It’s like a ghost town’: lights go out as foreign owners desert London homes”, *Guardian*, 25 January 2015, and “Empty Homes in England — data”. Available from [https://docs.google.com/spreadsheets/d/1IgLJr3bfF\\_63Hv1w17AkhwqwsPehC6N8q8eriVLuWs8/edit#gid=0](https://docs.google.com/spreadsheets/d/1IgLJr3bfF_63Hv1w17AkhwqwsPehC6N8q8eriVLuWs8/edit#gid=0).

<sup>32</sup> See David Madden and Peter Marcuse, *In Defense of Housing: The Politics of Crisis* (London and New York, Verso, 2016), chap. 2.

<sup>33</sup> *Ibid.*, p. 19.

<sup>34</sup> See Ana Swanson, “How secretive shell companies shape the U.S. real estate market”, *Washington Post*, 12 April 2016, and Louise Story and Stephanie Saul, “Stream of foreign wealth flows to elite New York real estate”, *New York Times*, 7 February 2015.

<sup>35</sup> See Transparency International UK, *Corruption on your doorstep: how corrupt capital is used to buy property in the UK* (2015). Available from [www.transparency.org.uk/publications/corruption-on-your-doorstep/](http://www.transparency.org.uk/publications/corruption-on-your-doorstep/).

## D. Creating inequality and exclusion

34. Increased prices of housing and real estate assets have become key drivers in the creation of greater wealth inequality. Those who own property in prime urban locations have become richer, while lower-income households confronting the escalating costs of housing become poorer. Surveys of ultra-high-net-worth individuals show that more than half have increased the proportion of their investments allocated to residential properties, with the most common reasons being in order to sell at a later date and to provide a safe haven for wealth.<sup>36</sup> The “economics of inequality”,<sup>37</sup> in fact, may be explained in large part by the inequalities of wealth generated by housing and real estate investments.<sup>38</sup> Buying a home with a mortgage becomes a speculative investment depending on volatile financial markets, which may generate considerable wealth on leveraged equity or, alternatively, deprive households of a lifetime of savings.

35. The dominant impact of wealth and private investment has also created and perpetuated spatial segregation and inequality in cities. In South Africa, for example, the impact of private investment in the urban core of cities has sustained the discriminatory patterns of the apartheid area, with wealthier, predominantly white households occupying areas close to the centre and poorer black South Africans living on the peripheries of cities. That “spatial mismatch”, relegating poor black households to homeownership in peri-urban areas where employment opportunities are scarce, rather than rentals in the urban core, for example, has entrenched their poverty and cemented inequality.<sup>39</sup> Similar patterns of racial displacement from urban centres and segregation in evidence in large cities in the United States have led to more severe impacts of financialization and the mortgage crisis being experienced by African-American households.<sup>40</sup> Financialization also creates gender segregation. In Australia, analysis has shown that average-income single female workers can afford to live in only one suburb of Melbourne and cannot afford to live anywhere in Sydney.<sup>41</sup>

36. In contemporary Chile, the appropriation of land by large scale investors and speculators, accumulating land and luxury properties, has meant that inner-city redevelopment has displaced many traditional residents, exemplifying “the intertwined roles of the state and assorted holders of economic capital in the production, distribution and representation of urban exclusion and segregation”.<sup>42</sup>

<sup>36</sup> Knight Frank Research, “The Wealth Report 2016: the global perspective on prime property and investment”, p. 13. Available from <http://content.knightfrank.com/research/83/documents/en/wealth-report-2016-3579.pdf>.

<sup>37</sup> See Thomas Piketty, *The Economics of Inequality* (Cambridge, Massachusetts and London, Harvard University Press, 2015).

<sup>38</sup> See Matthew Rognlie, “Deciphering the fall and rise in the net capital share: accumulation or scarcity?” *Brookings Papers on Economic Activity* (Spring 2015), and Aalbers, *The Financialization of Housing*, p. 83.

<sup>39</sup> See Socio-Economic Rights Institute of South Africa, “Edged out: spatial mismatch and spatial justice in South Africa’s main urban areas”, November 2016. Available from [www.seri-sa.org/images/images/SERI\\_Edged\\_out\\_report\\_Final\\_high\\_res.pdf](http://www.seri-sa.org/images/images/SERI_Edged_out_report_Final_high_res.pdf).

<sup>40</sup> See Jacob Rugh and Douglas Massey, “Racial segregation and the American foreclosure crisis”, *American Sociological Review*, vol. 75, No. 5 (October 2010).

<sup>41</sup> See Council to Homeless Persons, “Single working women being locked out of renting in Melbourne”, 2 October 2016. Available from [http://chp.org.au/wp-content/uploads/2016/10/161002\\_single-women-locked-out-of-rental.pdf](http://chp.org.au/wp-content/uploads/2016/10/161002_single-women-locked-out-of-rental.pdf). See also Calla Wahlquist, “Apartment rent in Sydney and Melbourne beyond reach of many women”, *Guardian*, 3 October 2016.

<sup>42</sup> Ernesto López-Morales, “Gentrification in the global South”, *City*, vol. 19, No. 4 (2015), p. 569.

37. Financialized housing markets create and thrive on gentrification and the appropriation of public value for private wealth. Improved services, schools or parks in an impoverished neighbourhood attract investment, which then drives residents out. The transformation of an old railway line in West Chelsea in Manhattan into a public walkway and park has attracted wealthy investors to a mixed income neighbourhood, radically transforming it with luxury housing units costing in the multimillions, and displacing longer term residents.<sup>43</sup> In Vancouver, the opening of new public transport facilities in Burnaby, one of the few remaining areas of affordable rental housing, has quickly led to the development of expensive condominium towers, displacing residents who have not only lived there for decades, but also invested in developing their community.

38. Patterns of inequality are often starkest in developing countries. In Africa, if current trends continue, the number of households living in informal settlements will continue to increase while the number of ultra-high-net-worth individuals is predicted to rise by almost 50 per cent in the next decade.<sup>44</sup>

## **E. Relinquished governance and accountability**

39. The financialization of housing has dramatically altered the relationship of States to the housing sector and to those to whom they have human rights obligations. Rather than being held accountable to residents and their need for housing, States' housing policies have often become accountable to financial institutions and seem to pander to the confidence of global credit markets and the preferences of wealthy private investors. Given the predominance of housing-related credit in many economies, domestic housing policy becomes intertwined with the priorities and strategies of central banks and international financial institutions, which are themselves rarely held accountable to States' human rights obligations to ensure access to adequate housing and do not meaningfully engage with rights-holders.<sup>45</sup>

40. Accountability to global finance rather than to human rights has been rigorously imposed by the International Monetary Fund and other creditors when Governments have faced foreign debt crises. Decisions made by central banks and finance ministers in consultation with international financial institutions are rarely informed by input from stakeholders or those involved with housing policy and programmes. Processes put in place to address the debt crisis in Central, Eastern and South-Eastern Europe through the "Vienna Initiative" for example, brought together "key stakeholders", identified as national central banks and Western European parent banks along with multiple regional and international financial institutions. Absent were civil society groups and anyone representing the interests of borrowing households, the people most affected by any decisions taken.<sup>46</sup>

41. In circumstances where Governments should be relying on positive measures and resource allocation to provide housing to households affected by economic downturns and widespread unemployment, many have been held accountable to austerity measures imposed by creditors. They have agreed to dramatically reduce or eliminate housing programmes, privatize social housing and sell off massive amounts of housing and real estate assets to private equity funds.

<sup>43</sup> Kevin Loughran, "Parks for profit: the High Line, growth machines, and the uneven development of urban public spaces", *City & Community*, vol. 13, No. 1 (March 2014), pp. 49-68.

<sup>44</sup> Knight Frank Research, "The Wealth Report 2016", p. 13.

<sup>45</sup> Ray Forrest, "Globalization and the housing asset rich", *Global Social Policy*, vol. 8, No. 2 (2008), p. 168.

<sup>46</sup> See Daniela Gabor, *Central Banking and Financialization: A Romanian Account of how Eastern Europe became Subprime* (New York, Palgrave Macmillan, 2011).

42. As noted by the Institute for Human Rights and Business, global financial institutions with representations from central bank governors and ministers of finance, “seem generally remote from stakeholder engagement. These institutions are independent self-governing bodies with their own rules of procedure and are not directly accountable to the public.”<sup>47</sup> Governments relying on the financial system and financialized housing assets to service their own debt are not encouraged by global financial institutions to manage housing systems for compliance with human rights. They are more likely to be urged to cut housing programmes and social protection programmes to comply with the demands and economic theories of financial corporations and credit agencies.

#### **IV. Financialization of housing in developing and emerging economies**

43. Research into the financialization of housing has focused on Australia, Europe and North America, where access to credit extends to a large portion of the population and where the majority of the “global cities” attracting capital in unprecedented quantity are located. Caution is needed, therefore, when examining the diverse experiences of financialization, in order to avoid generalizations about global patterns based on the particular circumstances in those cities.

44. The housing sector in the global South has not been subject to extensive financing of homeownership. Only about 17 per cent of the population in Botswana, Kenya, Namibia and Zambia, for example, would be eligible for mortgage finance based on existing criteria.<sup>48</sup> Low-income, informal and indigenous communities have nevertheless experienced, first-hand, the power of financial corporations to appropriate land and real estate and to generate vast disparities in wealth by treating housing and land as commodities. The displacement of Garifuna communities by model cities containing luxury developments for tourists and wealthy residents in Honduras is an example of the kinds of displacements of communities and forced evictions that are occurring in many countries (see A/HRC/33/42/Add.2, para. 56). Many local and national governments looking for capital investment have opted to sell land to major developers at the expense of indigenous and impoverished communities and those living in precarious housing.

45. Informal settlements in Southern cities are regularly demolished for luxury housing and commercial development such as shopping malls and other high-end services intended for those with expendable incomes. In Lagos, Nigeria, for example, 30,000 residents of the Otodo Gbame community were forcibly removed after their waterfront homes were set alight, allegedly related to luxury developments. Many were left homeless.<sup>49</sup> Elsewhere, when informal settlements are upgraded with infrastructure development and the granting of formal title and credit, they become subject to speculation and rising costs that force existing residents, particularly informal renters, out of the community. The real estate market in Mumbai, India, is now actively engaged in promoting speculative investment in

<sup>47</sup> See Institute for Human Rights and Business, “Human rights and sustainable finance: exploring the relationship”, 11 February 2016. Available from [www.ihrb.org/focus-areas/finance/report-human-rights-and-sustainable-finance-exploring-the-relationship](http://www.ihrb.org/focus-areas/finance/report-human-rights-and-sustainable-finance-exploring-the-relationship).

<sup>48</sup> See Centre for Affordable Housing Finance in Africa, “Housing Microfinance”. Available from [www.housingfinanceafrica.org/projects/housing-microfinance](http://www.housingfinanceafrica.org/projects/housing-microfinance).

<sup>49</sup> Information on the relevant communication is to be made public in the joint communications report for the thirty-fourth session of the Human Rights Council.



informal settlements, where upgraded housing is attracting real estate speculation and price increases.<sup>50</sup>

46. Experiences of financialization in emerging economies demonstrate many commonalities with experiences in global cities.<sup>51</sup> In Malaysia, for example, the national mortgage corporation, Cagamas, originally established to promote access to affordable housing as a social policy, has been transformed into the single largest issuer of asset-backed securities in Malaysia, with more than 50 per cent of the market share, and with the goal to establish itself as a “leading securitization house in the region”. It has been at the centre of a significant expansion of homeownership modelled on the United States institutions, Fannie Mae and Freddie Mac.<sup>52</sup>

47. The Republic of Korea experienced a fairly rapid transition to a financialized economy after the Asian financial crisis, when the International Monetary Fund bailout of Korean banks was made conditional on a restructuring programme of deregulation and privatization. While expanded access to mortgages has increased the rate of homeownership, the Republic of Korea now experiences greater inequality between rich and poor and has the highest level of household debt for any emerging country.<sup>53</sup>

48. In Egypt, after Prime Ministerial Decree No. 350/2007 removed restrictions on foreign purchases of property, land prices more than doubled in many areas, rising at a rate of 148 per cent per year between 2007 and 2011.<sup>54</sup> Extension of credit for housing has been largely restricted to higher income households in Cairo and Giza, and approximately 3 million homes have been left empty or unfinished by their owners in urban areas. Poverty continues to increase and more than 12 million people live in informal housing.<sup>55</sup>

49. In Mexico, mortgage securitization and other aspects of financialization have been adopted, beginning in 2003, with the active involvement of the World Bank. The housing market experienced a boom with increased mortgage lending and a tripling of the amount of residential mortgage-backed securities to over US\$ 6 billion in 2006. However, the benefits of the housing boom and securitized mortgages have not extended to the households that are most in need. Measures taken by the Government to stabilize the financial sector proved attractive to financial corporations, pension funds and private equity firms, which have become more significant actors in the Mexican housing market.<sup>56</sup>

50. In many developing and emerging economies, the World Bank and other international and regional financial institutions continue to actively promote the financialization of housing as the dominant strategy for addressing the critical need for housing, despite evidence that such strategies fail to provide housing options to the

<sup>50</sup> See Vandana Desai and Alex Loftus, “Speculating on slums: infrastructure fixes in informal housing in the global South”, *Antipode*, vol. 45, No. 4 (2012).

<sup>51</sup> Bruno Bonizzi, “Financialization in developing and emerging countries: a survey”, *International Journal of Political Economy*, vol. 42, No. 4 (2014), p. 91.

<sup>52</sup> *Ibid.*, p. 93.

<sup>53</sup> See Kyung-Hwan Kim and Miseon Park, “Housing policy in the Republic of Korea”, Asian Development Bank Institute Working Paper, No. 570 (April 2016). Available from [www.adb.org/sites/default/files/publication/183281/adb-wp570.pdf](http://www.adb.org/sites/default/files/publication/183281/adb-wp570.pdf).

<sup>54</sup> See Yahia Shawkat, “Egypt’s deregulated property market: a crisis of affordability”, Middle East Institute, 5 May 2015. Available from [www.mei.edu/content/at/egypts-deregulated-property-market-crisis-affordability](http://www.mei.edu/content/at/egypts-deregulated-property-market-crisis-affordability).

<sup>55</sup> See World Bank, “Opening up housing to Egypt’s poorest”, 5 May 2015. Available from [www.worldbank.org/en/news/feature/2015/05/04/opening-up-housing-to-egypt-s-poorest](http://www.worldbank.org/en/news/feature/2015/05/04/opening-up-housing-to-egypt-s-poorest).

<sup>56</sup> Susanne Soederberg, “Subprime housing goes south: constructing securitized mortgages for the poor in Mexico”, *Antipode*, vol. 47, No. 2 (March 2015), pp. 495-96.

households that are most in need, and lead to greater socioeconomic inequality.<sup>57</sup> World Bank development programmes concentrate on what they consider to be the building blocks of housing finance such as title registration, foreclosure procedures, lending regulations, long-term funding instruments, and improving the liquidity of mortgage assets in order to reduce the costs of credit-risk underwriting for investors.<sup>58</sup> Those policies, combined in many cases with austerity measures that reduce social protection and housing programmes, have meant that development programmes frequently support the emergence of a financialized housing system that may be at odds with States' obligations to prioritize the needs of those in the most desperate circumstances.<sup>59</sup>

## **V. Lack of access to justice, effective remedies and accountability**

51. Financialization is made possible through the legal enforcement of agreements between lenders and borrowers. It relies on legal systems governing property rights, zoning laws and contracts and also on an increasingly complex system of international and regional treaties governing the terms and conditions of investments and government actions that may have an impact on profitability.

52. The excessive financialization of housing is directly related to systemic patterns of inequality in investment treaties and in domestic law that fail to recognize the paramountcy of human rights over investor interests and deny access to justice for those whose right to housing is at stake. Ensuring meaningful accountability of financial institutions and private actors to the right to housing will require a significant transformation of current systems of law and accountability and new avenues of access to justice at the local, national and international levels.

### **A. Investment treaties**

53. There are currently almost 2,500 bilateral investment treaties in force and almost 300 treaties with investment provisions.<sup>60</sup> Provisions in investment treaties generally provide protection for investors from actions by States without imposing obligations on them to uphold human rights. Investors are guaranteed fair and equitable treatment, protection from direct or indirect expropriation and other protections and have access to an investor-State dispute settlement procedure to seek damages for breaches of those provisions. The effect of those protections is that investment in housing and real estate for the purposes of speculation and the accumulation of wealth becomes a protected "right", while government measures to regulate investment to protect the right to housing may be the basis for claims against States by private investors for massive damage awards.

54. Claims have recently been brought against the Dominican Republic and Panama, for example, on the basis that government decisions to cancel planned luxury developments in

<sup>57</sup> International Bank for Reconstruction and Development and World Bank Group, "World Bank Group support for housing finance" (Washington, D.C., 2016), pp. 22-29. Available from <https://ieg.worldbankgroup.org/Data/reports/housingfinance.pdf>.

<sup>58</sup> Loïc Chiquier and Michael Lea, eds., *Housing Finance Policy in Emerging Markets* (Washington, D.C., The International Bank for Reconstruction and Development/The World Bank, 2009), p. xlv.

<sup>59</sup> See Padraic Kenna, ed., *Contemporary Housing Issues in a Globalized World* (Farnham, Ashgate Publishing, 2014).

<sup>60</sup> See the International Investments Agreements Navigator. Available from <http://investmentpolicyhub.unctad.org/IIA>.

order to protect indigenous territories or environmental resources violated investors' rights under bilateral investment treaties.<sup>61</sup> The Government of Mauritius is currently being taken to arbitration by a group of property development companies from the United Kingdom that invested in luxury real estate developments in Mauritius and are now seeking damages for a decision on the part of the Government to change its planning policy to restrict such developments.<sup>62</sup>

55. The mere threat of those kinds of claims can have a directive effect on State housing policy. Investment treaty arbitration frequently involves millions of dollars in damages, and thus acts as a disincentive for States to enact and enforce any regulatory measures restricting the profitability of housing or real estate assets purchased by foreign investors. Those whose right to adequate housing may have been infringed by States' failures to regulate the activities and speculative profits of foreign investors, on the other hand, have few if any avenues of redress, and certainly no ability to seek damages in the amounts claimed by private investors. The imbalance in access to remedies creates an imbalance in State accountability and priorities.

## B. Domestic courts

56. Domestic adjudication in the area of housing and finance has also tended to protect investors and has been oriented towards enforcing the contractual relationship between lenders and creditors, both with individual households and with States, without considering imbalances in power or the implications for human rights of the means used for enforcing repayment.<sup>63</sup> The right to adequate housing has rarely been referenced in the adjudication of foreclosures and subsequent evictions, although it is clearly at issue.

57. In some instances, courts have played an important role in holding financial institutions liable for predatory and discriminatory lending practices, albeit without reference to international human rights obligations. In a recent case, the Eleventh Circuit Court of Appeals in the United States ruled in favour of a lawsuit brought by the city of Miami against Bank of America and Wells Fargo for discriminatory predatory lending practices linked to the mortgage crisis.<sup>64</sup> The Constitutional Court of South Africa recently considered a case involving a fraudulent scheme by investors and a finance company leading to hundreds of homeowners suffering losses of homes and savings. The Court rejected a claim by banks that would place responsibility on the homeowner for repayment of an unpaid debt due to the bank, holding that there is an obligation on the part of well-resourced powerful banking groups to check on the legality of what their clients are buying before lending money and earning interest on it.<sup>65</sup>

58. There is considerable variation and inconsistency, however, in the way mortgage or rental default is addressed in domestic law and enforced by courts. In many jurisdictions,

<sup>61</sup> See *Michael Ballantine and Lisa Ballantine v. Dominican Republic*, Notice of arbitration and statement of claim, 11 September 2014, and *Álvarez and Marín Corporación S.A. and others v. Panama* (2015), International Centre for the Settlement of Investment Disputes (ICSID) case No. ARB/15/14.

<sup>62</sup> See *Thomas Gosling and others v. Republic of Mauritius* (2016), ICSID case No. ARB/16/32.

<sup>63</sup> See Lauren E. Willis, "Introduction: why didn't the courts stop the mortgage crisis?", *Loyola of Los Angeles Law Review*, vol. 43, No. 4 (January 2010), and Ada Colau and Adrià Alemany, *Mortgaged Lives: From the housing bubble to the right to housing* (Journal of Aesthetics & Protest Press, Los Angeles, Leipzig and Lon, 2014), pp. 165-167.

<sup>64</sup> See *City of Miami v. Bank of America Corp.*, in The United States Court of Appeals for the Eleventh Circuit, case No. 14-14543.

<sup>65</sup> See *Absa Bank Limited v. Moore and Another* (CCT 03/16), Constitutional Court of South Africa.

foreclosure is a common practice for arrears in mortgage payments, regardless of the cause of the arrears and the consequences of foreclosure. Principles of international human rights law requiring, for example, that no eviction take place if it will lead to homelessness, have not generally been properly applied by domestic courts to evictions linked to defaults on mortgages or rent. The Special Rapporteur is concerned that in the area of housing, the “remedy” of eviction from homes is routinely applied in the case of unpaid debts, even though there are many other options available for courts to enforce repayment or restructuring of debts, short of invoking the State power to seize or evict individuals from their home, such as imposing repayment plans or garnishing wages. Foreclosures and evictions have severe effects on health and well-being and may result in the loss of custody of children.<sup>66</sup> Those are unacceptable consequences of default on mortgage or rent payments when other options are available. They are, moreover, generally contrary to international human rights law.

59. In some jurisdictions, foreclosures for mortgage default are not permitted and alternative procedures are limited by statute. Foreclosure was abolished in Ireland following the 2008 financial crisis, with an equivalent procedure to foreclosure provided, however, to the public asset management company, the National Asset Management Agency.<sup>67</sup> In Brazil, foreclosures are prohibited by law where residential properties are used by their owners for dwelling purposes, although creditors have developed ways of circumventing those restrictions.<sup>68</sup> In China, there are provisions for many other options for collecting outstanding debts, with foreclosure only being permitted when all other options have been exhausted.<sup>69</sup> In Spain, however, mortgage arrears are not considered to have been discharged by a foreclosure, which means indebted homeowners are required to continue to make payments on outstanding arrears even after having lost their home.<sup>70</sup>

60. In the first case to be considered by the Committee on Economic, Social and Cultural Rights under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, *I.D.G. v. Spain*, the Committee considered States’ obligations to ensure access to justice in the context of mortgage foreclosure. As a result of a domestic court’s lack of diligence, the author of the communication had not received notification of mortgage enforcement proceedings and received no other communication prior to an auction order. In those circumstances, the Committee found that the author’s right to access to justice to protect the right to housing had been violated. The Committee found that “such notice in respect of a foreclosure application needs to be adequate, in accordance with the standards of the Covenant applicable to the right to housing”.<sup>71</sup> The Committee clarified that Spain should ensure that no eviction takes place without due process guarantees, affirming that “the right to housing should be ensured to all persons irrespective of income or access to economic resources”.<sup>72</sup>

61. In that case, the author was able to remain in her home and the Committee did not address the question of whether foreclosure and eviction from housing, potentially into

<sup>66</sup> Colau and Alemany, *Mortgaged Lives*, pp. 165-167.

<sup>67</sup> See Ireland, Land and Conveyancing Law Reform Act 2009 and National Asset Management Agency Act 2009.

<sup>68</sup> Bruno Martins, Eduardo Lundberg and Tony Takeda, “Housing finance in Brazil: institutional improvements and recent developments”, Inter-American Development Bank Working Paper, No. 269 (2011), pp. 8-9. Available from [www.iadb.org/document.cfm?pubDetail=1&id=36411946](http://www.iadb.org/document.cfm?pubDetail=1&id=36411946).

<sup>69</sup> Tien Foo Sing, Yonglin Wang and Daxuan Zhao, “Impact of foreclosure laws on mortgage loan supply and performance”, 10 September 2016. Available from [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2837333](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2837333).

<sup>70</sup> Colau and Alemany, *Mortgaged Lives*, pp. 165-167.

<sup>71</sup> See Committee on Economic, Social and Cultural Rights, *I.D.G. v. Spain*, para. 11.1.

<sup>72</sup> See the Committee’s general comment No. 4 (1992) on the right to adequate housing, para. 7.



homelessness, was a reasonable remedy in the case of mortgage or rent default or whether it was consistent with State obligations to respect the right to adequate housing. It is hoped that the issue will be subject to consideration and clarification by the Committee and other human rights bodies in future cases. In the Special Rapporteur's view, the all too common practice of depriving people of their homes as a remedy for outstanding mortgage or rental arrears should be subject to more rigorous human rights review than it has received to date from domestic courts and international human rights bodies.

### C. Business and human rights

62. Emerging norms for business and human rights and increased attention to corporate social responsibility offer additional avenues through which to pursue enhanced accountability and effective remedies for violations of human rights linked to the financialization of housing.

63. A leading framework for the human rights responsibilities of business enterprises is the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. It is grounded in three pillars: (a) the obligation of States to protect against human rights abuses committed by companies; (b) the responsibility of business enterprises to respect human rights, and thus avoid causing or contributing to adverse human rights impacts; and (c) the obligation of States to provide victims with access to effective remedies when rights are breached. A similar framework is applied in the ten principles of the United Nations Global Compact, the first two of which commit businesses to support and respect the protection of internationally proclaimed human rights and to refrain from complicity in human rights abuses.<sup>73</sup> The Principles for Responsible Investment, launched in 2006 by the United Nations Environment Programme Finance Initiative and the Global Compact, provide a voluntary framework for the incorporation of environmental, social and governance issues into decision-making and ownership practices. Over 1,200 investment institutions have become signatories, with approximately US\$ 45 trillion assets under management.<sup>74</sup>

64. Despite the growing attention to the importance of business and human rights and despite the fact that housing represents the largest global business sector, very little attention has been paid to the obligations of business enterprises and financial corporations operating in the real estate and housing sector with respect to the right to adequate housing. The "Practical guide to ESG integration for equity investing", for example, makes no reference to human rights in relation to investments in housing and other real estate. The International Organization of Securities Commissions, whose members regulate more than 95 per cent of the world's capital markets, has not addressed the central role that human rights in general and the right to housing in particular should play in the regulation of capital markets.<sup>75</sup>

65. Decisions made by global financial corporations, institutions and private equity firms regarding access to credit, foreclosures and development priorities have a direct impact on homelessness, displacement and access to affordable housing. The adoption of progressive policies with respect to corporate social responsibility by investors in housing

<sup>73</sup> See [www.unglobalcompact.org/what-is-gc/mission/principles/principle-1](http://www.unglobalcompact.org/what-is-gc/mission/principles/principle-1).

<sup>74</sup> See [www.unglobalcompact.org/take-action/action/responsible-investment](http://www.unglobalcompact.org/take-action/action/responsible-investment).

<sup>75</sup> See Tajinder Singh, Deputy Secretary General of the International Organization of Securities Commission, "IOSCO initiatives and the challenges going forward", remarks to the Annual General Meeting and Conference of the International Council of Securities Associations, Stockholm, 23 May 2016. Available from [www.iosco.org/library/speeches/pdf/20160523-Tajinder-Singh.pdf](http://www.iosco.org/library/speeches/pdf/20160523-Tajinder-Singh.pdf).

and real estate could play an important role in redirecting investment towards the social use of housing and advancing the implementation of the Sustainable Development Goals.

66. Business and human rights guidelines in the housing sector must recognize the responsibility of private investors and the obligations of regulators of capital markets to ensure that the needs of vulnerable and marginalized groups are adequately addressed through inclusive investment strategies and to contribute to the realization of the right to housing and the implementation of the 2030 Agenda and the New Urban Agenda.

## VI. Policy responses to the financialization of housing

67. Policy responses to the financialization of housing have tended to prioritize support for financial institutions over responding to the needs of those whose right to adequate housing is at stake. Spending on bailouts of banks and financial institutions after the 2008 financial crisis far outstripped spending to provide assistance to the victims of the crisis. In fact, many national Governments made substantial cuts to their housing programmes. As noted above, the World Bank continues to promote “financial liberalization” rather than active State intervention in housing provision in emerging economies, despite the evidence that financialization generally increases inequality and fails to address the needs of the millions of households living in situations of homelessness or grossly inadequate informal housing.<sup>76</sup>

68. Nonetheless, a number of subnational and national governments have started to address the effects of excess capital flows and financialization on affordability and access to housing for low-income households. Initiatives have been advanced at both national and subnational levels providing a number of tools that can at least curb the excesses of financialization and mitigate its effects.

69. In response to the mortgage crisis in Spain, the autonomous regions of Andalusia and Catalonia introduced progressive laws explicitly affirming the social function of housing and facilitating temporary expropriation of vacant housing.<sup>77</sup> Catalanian legislation also prohibited foreclosures and evictions that would result in homelessness.<sup>78</sup> Both of those regional initiatives were struck down by the Constitutional Court as encroaching on the jurisdiction of the national Government and opposing the general economic interests of the country.<sup>79</sup> In response, at least in the case of Catalonia, the legislation was reintroduced with amendments and was passed by the Catalanian parliament.<sup>80</sup>

70. A number of States, including Austria, China, the Philippines, Thailand and Viet Nam, have instituted restrictions on foreign purchasers of residential real estate. The province of British Columbia in Canada has introduced a 15 per cent foreign homeowner

<sup>76</sup> See International Bank for Reconstruction and Development and World Bank Group, “World Bank Group support for housing finance”. See also Aalbers, *The Financialization of Housing*, p. 73.

<sup>77</sup> See Aalbers, *The Financialization of Housing*, p. 73.

<sup>78</sup> See Autonomous Region of Catalonia, Spain, Ley 24/2015, de 29 de julio, de medidas urgentes para afrontar la emergencia en el ámbito de la vivienda y la pobreza energética, arts. 2, 3 and 4, and Regional Government of Andalusia, Decreto-Ley 6/2013, de 9 de abril, de medidas para asegurar el cumplimiento de la Función Social de la Vivienda.

<sup>79</sup> See [www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-6831](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-6831) (BOE-A-2015-6831, 19 June 2015), and [www.boe.es/diario\\_boe/txt.php?id=BOE-A-2016-5337](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2016-5337), (BOE-A-2016-5337, 3 June 2016).

<sup>80</sup> See Clara Blanchar, “Cataluña recupera la ley contra los desahucios que anuló el Constitucional”, *El País*, 22 December 2016.

tax.<sup>81</sup> The City of Vancouver recently approved a 1 per cent tax, which would apply to both foreign and domestic investors, on vacant homes in order to address the issue of approximately 20,000 vacant homes in its overheated speculative housing market. Net revenue from those taxes is to be invested in affordable housing initiatives.<sup>82</sup>

71. Elsewhere, taxes on luxury properties have been instituted. Singapore imposes an 18 per cent property sales tax<sup>83</sup> and an additional buyer stamp duty on wealthy property owners and investors, with revenues used to subsidize homeownership of low-income individuals.<sup>84</sup> A number of jurisdictions, including China, Germany and Malaysia, have introduced a property speculation tax.<sup>85</sup> Tax in China, announced in early 2013 after renewed speculative activity in the housing market, involves a straight 20 per cent on capital gains,<sup>86</sup> and in Taiwan Province of China, residential property owners are taxed 15 per cent on the sale price of their property if they sell it within one year of purchase and 10 per cent if sold within two years.

72. Some Governments have chosen to encourage a more inclusive approach to private investment in housing in the form of financial incentives to encourage the development of affordable units. The Government of Algeria, for example, finances the development of rental housing for households earning less than 1.5 times the minimum wage, on free government land. It also provides a lease-to-own programme for households with little down-payment capacity.<sup>87</sup> Other Governments require that developers include a proportion of affordable units. The Mayor of London recently announced that builders will be required to ensure that 35 per cent of new homes that are built are genuinely affordable.<sup>88</sup>

73. Those types of programmes or agreements must be properly designed and monitored in order to be effective. For example, definitions of “affordability” do not always reflect actual income levels of those in housing need and accountability mechanisms to ensure that developers deliver are rarely in place. Additionally, agreements to include affordable housing within developments have sometimes resulted in the stigmatization of tenants occupying the affordable units. Referred to as the “poor door” phenomenon, low-income tenants are segregated from the more affluent residents, compelled to use separate, less attractive entrances and segregated services, such as laundry facilities and waste bins.<sup>89</sup>

<sup>81</sup> British Columbia, Ministry of Finance, “Additional property transfer tax on residential property transfers to foreign entities in the Greater Vancouver Regional District: Property Transfer Tax Act” (27 July 2016). Available from [www2.gov.bc.ca/assets/gov/taxes/property-taxes/property-transfer-tax/forms-publications/is-006-additional-property-transfer-tax-foreign-entities-vancouver.pdf](http://www2.gov.bc.ca/assets/gov/taxes/property-taxes/property-transfer-tax/forms-publications/is-006-additional-property-transfer-tax-foreign-entities-vancouver.pdf).

<sup>82</sup> See City of Vancouver, “Empty homes tax”. Available from <http://vancouver.ca/home-property-development/empty-homes-tax.aspx>.

<sup>83</sup> Ibid.

<sup>84</sup> See Sock-Yong Phang and Matthias Helbie, “Housing policies in Singapore”, Asian Development Bank Institute Working Papers, No. 559 (Tokyo, Asian Development Bank Institute, 2016). Available from [www.adb.org/sites/default/files/publication/181599/adbi-wp559.pdf](http://www.adb.org/sites/default/files/publication/181599/adbi-wp559.pdf).

<sup>85</sup> Andrew Heywood and Paul Hackett, “The case for property tax speculation”, Smith Institute discussion paper (Smith Institute, 2013), p. 12. Available from <https://smithinstitutethinktank.files.wordpress.com/2014/11/the-case-for-a-property-speculation-tax.pdf>.

<sup>86</sup> Ibid.

<sup>87</sup> See Centre for Affordable Housing Finance in Africa, “2014 Yearbook: housing finance in Africa: a review of some of Africa’s housing finance markets” (South Africa, November 2014). Available from [www.housingfinanceafrica.org/wp-content/uploads/2014/11/CAHF-14.11.2014-small.pdf](http://www.housingfinanceafrica.org/wp-content/uploads/2014/11/CAHF-14.11.2014-small.pdf).

<sup>88</sup> See Dave Hill, “Sadiq Khan sets out key plans for more ‘genuinely affordable’ London homes”, *Guardian*, 29 November 2016.

<sup>89</sup> See Hilary Osborne, “Poor doors: the segregation of London’s inner-city flat dwellers”, *Guardian*, 25 July 2014.

74. A range of initiatives has also been introduced in a number of States and cities to provide access to credit for low-income households based on alternative, community controlled models of microfinancing. Growing either from non-governmental organizations or microenterprise lenders, microfinance allows low-income households to finance construction over time, often in unplanned areas.

## **VII. Conclusions and recommendations: the way forward**

75. Despite the positive elements of some States' policy responses, overall responses have tended to be sporadic and reactive, addressing overheated markets or providing limited initiatives to expand access to credit. The broader systemic issues of financialization and commodification of housing remain largely unaddressed. What is lacking is for States to reclaim the governance of housing systems from global credit markets and, in collaboration with affected communities and with cooperation and engagement by central banks and financial institutions, redesign housing finance and global investment in housing around the goal of ensuring access to adequate housing for all by 2030.

76. Many States have been too deferential to the dynamics of unregulated markets and have failed to take appropriate action to bring private investment into line with the right to adequate housing. By providing tax subsidies for homeownership, tax breaks for investors, and bailouts for banks and financial institutions, States have subsidized the excessive financialization of housing at the expense of programmes for those in desperate need of housing. There seems to be a gross imbalance between the attention, mechanisms and resources that States have developed to support the financialization of housing and the complete deficit of housing for the implementation of the right to adequate housing.

77. The Special Rapporteur suggests that the way forward requires a shift to take hold so that States ensure that all investment in housing recognizes its social function and States' human rights obligations in that regard. That requires a transformation of the relationship between the State and the financial sector, whereby human rights implementation becomes the overriding goal, not a subsidiary or neglected obligation. The Special Rapporteur believes that can be achieved with more constructive engagement and dialogue between States, human rights actors, international and domestic financial regulatory bodies, private equity firms and major investors. In order to create those new conversations and achieve that shift, the Special Rapporteur recommends the following:

(a) New initiatives should be developed in order to bridge the worlds of corporate and government finance, housing, planning and human rights. The Special Rapporteur recommends that an international high-level meeting of States, international financial institutions, human rights bodies, civil society organizations and relevant experts be organized to design a strategy for engaging financial regulatory bodies and actors in the realization of the goal of adequate housing for all by 2030;

(b) Strategies developed by States and local governments to achieve target 11.1 of the Sustainable Development Goals and the New Urban Agenda should include a full range of taxation, regulatory and planning measures in order to re-establish housing as a social good, promote an inclusive housing system and prevent speculation and excessive accumulation of wealth;

(c) Trade and investment treaties should recognize the paramountcy of human rights, including the right to housing, and ensure that States are fully



empowered to regulate private investment so as to ensure the realization of the right to housing;

(d) Business and human rights guidelines should, on a priority basis, be developed specifically for financial actors operating in the housing system;

(e) States should review all laws and policies related to foreclosure, indebtedness and housing, to ensure consistency with the right to adequate housing, including the obligation to prevent any eviction resulting in homelessness;

(f) States must ensure that courts, tribunals and human rights institutions recognize and apply the paramountcy of human rights and interpret and apply domestic laws and policies related to housing and housing finance consistently with the right to adequate housing;

(g) International, regional and national human rights bodies should devote more attention to the issue of financialization and clarify for States, through constructive dialogue during periodic reviews and in consideration of individual cases, their obligations in relation to the financialization of housing.

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## Social Housing in Europe

### Abstract

Social housing has been an important part in Europe's housing provision for many decades both in terms of investment in new build and regeneration but also in providing adequate affordable housing for a wide range of European citizens. This role has been seen to be under threat especially since the 1980s as public expenditure pressures have grown, liberalisation and privatisation have become more important and alternative tenures have become more readily available.<sup>1</sup> This paper draws out some of the most important trends in the scale of social housing in countries across Europe; clarifies who lives in the sector and under what terms and conditions, and then discusses some of the drivers behind these trends and implications for the future provision of social housing.<sup>2</sup> In particular it addresses the extent to which social housing contributes to ensuring that households can access adequate standard accommodation at a price they can afford in different contexts within the European Union. It also looks to the challenges faced by the sector and its role in the future.

### 1 Introduction

The European Union has no direct competence in the field of housing policy, at least as it is conventionally defined. However housing issues have become increasingly important across the Union, especially since the global financial crisis. Even before the crisis affordability issues were worsening in many European countries and greater pressures were being put on the rental sectors and on the public budgets that support housing investment. The Commission had also begun to concern itself with the role of social housing in the context of competition policy (Ghekiere, 2007; Boccadoro, 2008). Since 2008 the role that the EU is looking to play in housing has increased, both at the macro level because housing has been seen to be an important driver of the banking crisis (Lunde and Whitehead, 2014) but also as

a sector than has been most affected by the consequent recession (Priemus and Whitehead, 2014). As a result EU policy has impinged more heavily on the operation of both private and social housing systems (Czischke, 2014).

Social housing has been an important part in Europe's housing provision for many decades both in terms of investment in new build and regeneration but also in providing adequate affordable housing for a wide range of European citizens. This role has been seen to be under threat especially since the 1980s as public expenditure pressures have increased, liberalisation and privatisation have become increasingly important and alternative tenures have become more readily available (see e.g. Whitehead and Scanlon, 2007, Scanlon and Whitehead, 2008). The authors have

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<sup>1</sup> See e.g. Whitehead and Scanlon, 2007 and Scanlon and Whitehead, 2008.

<sup>2</sup> This paper is based on the new book *Social Housing in Europe*, edited by Kathleen Scanlon, Melissa Fernández and Christine Whitehead and published 2014 by Wiley Blackwell, Oxford. The text includes chapters by twelve country experts from across Europe, together with a number of cross-cutting chapters looking at issues such as regeneration, social housing finance and privatisation of the social housing stock in a European context. Electronic versions of each chapter may be purchased separately from the publishers.

updated and extended their earlier analyses in a new book *Social Housing in Europe*, published last year. This paper draws out some of the most important trends in the scale of social housing in countries across Europe; clarifies who lives in the sector and under what terms and conditions, and then discusses some of the drivers behind these trends and implications for the future provision of social housing. In particular it addresses the extent to which social housing contributes to ensuring that households can access adequate standard accommodation at a price they can afford in different contexts within the European Union. It also looks to the challenges faced by the sector and its role in the future.

## 2 Some history

Historically the social sector was very large in Northern Europe and in most socialist states. It was strongest in the immediate post-war period, when the state held the commanding heights of many economies and directed the allocation of the majority of resources. In Western Europe, housing was seen as part of the social contract between government and citizens which made up the welfare state. In Central and Eastern Europe, a more corporatist approach was normal with housing more tied to the organisation of production and therefore accommodated workers and their dependants where required. The provision and allocation of housing varied between countries and over time in response to national political imperatives.

Looking further back over the centuries, what we would now call social housing was provided by religious orders, charities or employers for particular groups. From the nineteenth century onwards, however, increasingly important strategic roles were played by central government and municipalities: the former in subsidising housing usually for working households, the latter in developing local infrastructure and services.

Underlying the role of the state at national and local level were several objectives. These included effective urban planning in rapidly growing urban areas; direct support for the residential development industry; provision of affordable housing for the workforce; and the maintenance of political power. Social housing's role in accommodating lower-income and vulnerable households tended to be relatively low down the list of priorities, at least until national numerical housing shortages were overcome in the 1970s and 1980s.

In the early post-war period the model of social housing was broadly similar across Northern and Eastern Europe: there was a heavy emphasis on state-supported housing

construction to overcome the effects of destruction and lack of investment during the war, to accommodate rapidly growing populations, to help bring economies back to some sort of normality and to ensure employment.

The mechanisms for achieving this large expansion in housing investment differed across Europe. In most countries local authorities were heavily involved, either building municipal housing themselves or creating the conditions for independent social landlords to do so. In socialist economies the link to employers was much stronger. However the forms of central-government subsidy and intervention were specific to each country, and helped to mould longer-term approaches to ensuring what became the near-universal core objective of 'a decent home for every household at a price they could afford' (Department of Environment, 1971).

The extent to which housing was seen as part of the welfare state and thus part of the contract between citizens and government – also varied. In Eastern Europe social housing was very much based on state provision of the social wage, and therefore was supplied to households at very low or zero direct price; in most of Northern Europe housing was seen as an important part of the welfare-state contract enabling households to afford adequate housing rented from a non-profit (or sometimes a regulated private sector) organisation with their welfare at heart; while in most of Southern Europe the policy emphasis was far more on supporting family provision – and thus often on owner-occupation.

Among what might be called the welfare-state economies, the most important distinction was between countries that saw housing as a mechanism for providing for *all* types of household (an approach usually called universalist), and those that emphasised provision for *lower-income* households (denoted as dualist). The first group included the Netherlands, France and Sweden even though Sweden did not identify the housing as social but rather simply as one mechanism for increasing total supply. The second included the UK, Ireland, Norway and West Germany. As numerical housing shortages began to be overcome this distinction became more embedded, and was further strengthened by the increasing emphasis on private finance during the 1980s and 1990s.

From the 1970s other housing options, particularly owner-occupation, became accessible to mainstream households and income-related subsidies towards housing costs became more prevalent particularly for renters whether social or private. The 1970s and 1980s were also the time when

finance started to be liberalised and governments began to reduce direct assistance to housing supply in the face of the need to control public expenditure (Turner and Whitehead, 1993). The scale of change was greatest in post-1989 Eastern Europe, where it was often overlaid with other policies, notably restitution. However the pressures to redirect resources were found even in those countries with a tradition of social rented housing. In many places this led to large-scale shifts away from public ownership and finance as well as to greater targeting of both people and areas. The next decade was therefore a period of rapid change in the organisation of social housing, the demographics of its residents and indeed in the scale of provision.

By the new century there was a clear distinction between European countries whose governments wanted to withdraw

from housing provision (as opposed to support) and those that continued to see a clear mainstream role for social housing, particularly in urban renewal. Eastern European countries were in the forefront of withdrawal—and often did so without putting in place other mechanisms for supporting lower-income and vulnerable households. At the other extreme was the Netherlands, where social housing providers became increasingly strong in financial terms and took on more and more urban investment opportunities.

### 3 Variations in the size of the sector across Europe

What is clear from the numbers above there are many ways of thinking about social housing, both over time and even sometimes within the same country. It is therefore impossible to provide entirely consistent comparative

**TABLE 1** HOUSING TENURE OF DWELLING STOCK: HIGHEST TO LOWEST BY % OF SOCIAL RENTED HOUSING (MOST RECENT YEAR)

Size group	Country	Year	Social rented housing			Private rental (% of stock)	Owner-occupation (% of stock)	Other (% of stock)
			Number of dwellings (000s)	% of stock	Change in preceding decade (%)			
High	Netherlands	2010	2,300	32	-4	9	59	
	Scotland	2011	595	24	-6	12	64	
	Austria	2012	880	24	+1	16	50	10
	Denmark	2011	541	19	+1	17	49	18 <sup>4</sup>
Medium	Sweden (“allmännyttan”)	2008	795	18 <sup>3</sup>	-3	19	41	22
	England	2011	4,045	18	-2	18	64	
	France	2011	4,472	16	-1	21	58	5
	Ireland	2011	144	9	+1	19	70	3
Low	Czech Republic	2011 <sup>5</sup>	312 <sup>6</sup>	8 <sup>6</sup>	-9	10 <sup>6</sup>	65	18
	Germany	2010	1,054 de jure 1,000 de facto	5	-3	49 <sup>7</sup>	46	
	Hungary	2011	117	3	-1	4-8	88-92	1
	Spain	2011	307	2	+1	11	85	2

Figures based on national definitions of ‘housing stock’, which are not consistent. See Dol and Haffner 2010 (Housing Statistics in the European Union 2010), Table 3.1.

Sources: Austria: Statistik Austria. Czech Republic: Census data. Czech tenure split, Sweden: CECODHAS Housing Europe 2012. Denmark tenure split, Spain: Realdania 2012. Denmark social stock: Author’s calculations based on Danmarks Statistik data. England: DCLG Tables 100 and 104 (December 2012). France: France: 2011 from USH Données Statistiques 2012 and INSEE Enquêtes Logement; and 2001 figures from INSEE Enquêtes Logement 996 and 2002. Germany tenure split: Dol & Haffner 2010, Tables 3.5 and 3.6.

<sup>3</sup> Owned by municipal housing companies; not formally defined as social housing

<sup>4</sup> Co-operative housing

<sup>5</sup> Preliminary results from Census 2011, Czech Statistical Office

<sup>6</sup> Rough estimates. Total rental housing = 17.6%; breakdown between social rental and PRS is not known. About 8% is public housing, which is not synonymous with social

<sup>7</sup> Legally all rentals are private rental. This includes social rental by municipal or other companies.

figures for the stock of social housing, both because different countries define the tenure in different ways and because of data availability. Conceptually the central distinction is that market housing is allocated according to effective demand, while social housing is allocated according to need, and usually has sub-market rents (Haffner et al 2009). Most social housing statistics are, however, based on ownership of the dwelling rather than allocation mechanisms.

We can classify the twelve countries included in the text into three groups according to the size of the sector based on this ownership definition. In three countries social housing makes up over 20% of the overall housing stock. The Netherlands, with nearly one third of dwellings in social rental, tops the list, and Austria and Scotland also fall into this category. There is a cluster of four countries which, based on ownership, are seen to have social sectors of – just under 20% of the stock – Denmark, Sweden, England and France. All of these countries have had a long term commitment to ensuring all household groups are properly housed but through different approaches. Finally, five have less than 10% of housing in this tenure: Ireland, the Czech Republic, Germany, Spain and Hungary. Most of the dozen or so post-socialist countries would also fall into this category. Spain and Hungary, with only 2% and 4% respectively of the housing stock in social rental, are the other outliers – Spain because historically social housing has been provided in the form of owner-occupation rather than rental, and Hungary because of the mass privatisation of state-owned housing after the fall of communism. Germany's figure of 5% also requires some qualification, as this represents only that part of the stock still under legal restrictions with regard to rent and access. A further 5% or so is owned by (mostly public) landlords who operate it as if it were social housing.

It should be noted that Sweden and the Netherlands are different in kind from other European countries in that they treat their rented sectors whoever owns them and whatever they call them in a similar fashion. In the Netherlands, all social housing is provided by housing associations but rent regulation applies to all properties, private or social, such that all rents are centrally regulated on properties that are determined to have quality points that equate to a rent of 700 euros or below. In Sweden all rental properties are regulated and rents are set by negotiation between landlords and the federation of tenants. Indeed Swedish commentators argue that there is no such thing as 'social housing' particularly as the municipally owned companies ("allmännyttan") are profit driven (Lind, 2014). Both have been under pressure from the European Union to move

away from this strongly universalist approach because it is seen to distort competition in the labour market (Lind, 2014; Czischke, 2014)

In general, countries with a medium or high level of social housing belong to the set of relatively wealthy European welfare states. Those in the 'low' group have traditionally placed far stronger emphasis on owner-occupation (Spain, Ireland) or are former communist countries that have privatised or restituted state-owned or social housing after the fall of communism (Hungary, Czech Republic). This is a pattern that has been replicated across most transition economies (Hegadus et al, 2014). Germany is the exception in this group – in most other contexts it is seen as one of Northern Europe's welfare states, but its approach to social housing differs radically from that of its neighbours, as it is provided through time-limited subsidies mainly to private landlords (Droste and Knorr-Siedow, 2014). Actual provision of low-cost rented housing in Germany is probably at least twice as high as the figures in table 1 suggest.

## 4 Ownership

In the main there are two types of owners of social rented housing: companies in municipal ownership or municipalities themselves (in the UK the term 'council housing' was long synonymous with social housing), and non-profit organisations usually known as housing associations. In some countries, such as Denmark, all the social stock is owned by housing associations; in others, such as Czech Republic, all social housing is municipal. Most countries have a mix, although the relative proportions in each type of ownership vary widely partly as a result of history. Germany and Spain are exceptions: Germany because much of its social housing is provided by private landlords with state subsidy, and Spain because the bulk of its social provision is in the form of subsidised owner-occupation rather than rented housing.

In recent years there has been a trend in many countries for social housing to move out of public ownership, often into the hands of not-for-profit housing associations with a social mission. This has been driven partly by a desire to reduce pressure on public budgets, and partly by a neo-liberal belief that private providers can be more efficient and responsive to residents.

## 5 Demographics of social tenants

While the scale and organisational structures differ widely across European countries the current demographics of social housing tenants are strikingly similar (Table 2). Broadly speaking, it is the old and the young who live



in social housing: pensioners and single-parent families are heavily overrepresented in almost all countries, while couples with children are underrepresented. In all countries social tenants have lower than average incomes – and often much lower. Nowhere does the income distribution in social housing reflect that of the population as a whole. Indeed the income divide between social housing and other tenures is generally increasingly sharp. Importantly this is true even in those countries with universalist housing traditions such as Sweden and the Netherlands.

Another important finding is that ethnic minorities and immigrants tend to be overrepresented in social housing. This might be expected given that on average their incomes are lower than those of indigenous populations and their initial housing conditions are often poor. However it is a phenomenon that has grown rapidly over the last few decades as the policy emphasis has moved away from accommodating lower-income employed households toward helping the more vulnerable and those without affordable access to market housing. Useful cross-national comparative

**TABLE 2** DEMOGRAPHICS OF SOCIAL HOUSING

Country	Age/household type	Income levels	Proportion of social housing residents from a minority or immigrants
Austria	Young families (on new estates); older people/singles (on older estates).	Municipal housing: working class/low income. Housing associations: more middle income.	6% Significantly higher in Vienna. Only Austrian citizens had access until 2006.
Czech Republic	Pensioners and unemployed slightly overrepresented.	Lower than average.	n.a.
Denmark	57% of social tenant households are single persons (most often women), and 68% have only one adult. Children and young people.	Average household income 68% of national average.	About 25% (immigrants and their children).
England	Single parents; older and single households.	Low incomes – on average 50% of overall average household income.	16% (minorities).
France	Somewhat younger than households nationally, though not as young as in the PRS. Single people and single parents overrepresented.	Increasing concentration of low-income households in sector since 1984.	Twice the share in the population as a whole.
Germany	Single parents, single people, childless couples.	Increasing concentration of low-income households.	Particularly high in Berlin and Munich.
Hungary	Single-parent families are over-represented.	Low income and social status.	Share of Roma among social tenants around 25 – 30%; 20-25% in terms of units.
Ireland	Single-parent families and couples with children.	62% have incomes below 60% of median (vs 22% overall); dependent on state transfers.	n.a.
Netherlands	Households older and smaller than national average, more likely to be on benefit and to be non-Dutch.	Lower than average and falling, but there is still some 'skewness' – i.e., occupation by households not in target income groups. Some call this social mix.	31%.
Scotland	Strong pattern of 'hollowing out' leaving young and old; singles and single parents.	Low incomes – on average half the median household income for owner-occupier, 2011 data £22k to £13k	1.4%.
Spain	Low income households, first-time buyers, young or old people, female victims of domestic violence, victims of terrorism, large families, gypsies, one-parent families, and handicapped and dependent people.	Lower than average.	n.a.
Sweden ("allmännyttan")	Single parents; elderly single people.	Below average.	Over 30% in metropolitan areas; 15% elsewhere.

**TABLE 3 VERY SOCIAL HOUSING: WHERE THE VULNERABLE LIVE**

Country	Social sector in general	Concentrated in municipal	Concentrated in independent social landlords	Private rented sector
Austria	No (exceptions at regional level).	Partly (Vienna: emergency dwellings in municipal housing).	Partly (e.g. asylum seekers, homeless people housed by charities).	Yes (migrants).
Czech Republic	Partly (especially lone mothers, pensioners).	Partly (municipal housing is the only type of social housing).	There are none.	Yes (migrants, Roma, homeless, people in acute housing need).
Denmark	Municipality can use its 25% allocation for households in need according to local criteria.	By tradition this sector has had a high concentration of very vulnerable people.	Asylum seekers yes, but they are not recognised as residents. There are also institutions for temporarily housing the homeless.	Easy access means the PRS functions as acute housing provider more than social renting or owner occupation.
England	Yes – the local authority is responsible for housing homeless families and determining priorities.	Joint allocation processes between LAs and HAs. In those LAs that still have their own stock, vulnerable are concentrated in municipal housing.	Special needs housing and hostels concentrated in independent sector because of history of provision. Homeless and those in priority need allocated by LAs.	Yes – partly in partnership with housing associations and local government, partly just because the sector is easy to access and rent can be paid with housing benefit.
France	Yes, but only in low-demand areas. New housing types such as residences sociales receive public funding.	No, although departments are supposed to facilitate accommodation of excluded households. Provide temporary housing for homeless.	No. Asylum seekers are supposed to be housed in CADA but their numbers are highly limited. Temporary housing of homeless is increasingly provided by charitable associations.	Yes, but the sector has shrunk. Hotels and private furnished accommodation used.
Germany		Yes, where available.		Yes.
Hungary	Yes, the social rented sector provides more and more housing opportunity for vulnerable groups.	Almost entirely made up of very vulnerable, but very limited provision.	Very few independent social landlords (for example churches).	Yes, typically in the periphery of urban areas, poor substandard housing where both the rent and the energy cost is affordable.
Ireland	Most of those housed.	All tenants have very low incomes but the sector also houses many older people, lone parents with low incomes and people with addictions.	All tenants have low incomes but the sector also accommodates large number of formerly homeless people and people with disabilities.	Yes with some LA involvement especially in determining individual based subsidies.
Netherlands	65% (housing associations own many dwellings which are managed by a special organisation for homeless, etc.).	None.	30% (with buildings of their own).	5%.
Scotland	Yes – the local authority is responsible for housing homeless families and determining priorities.	Joint allocation processes between LAs and HAs. In those LAs that still have their own stock, vulnerable are concentrated in municipal housing.	Special needs housing and hostels concentrated in independent sector because of history of provision. Homeless and those in priority need allocated by LA.	Yes – partly in partnership with housing associations and local government, partly just because the sector is easy to access and rent can be paid with housing benefit.
Spain	Yes.	Municipalities use part of their small stock to accommodate households in need.	Not available.	Not available.
Sweden		Poorest families tend to live in municipal housing (“allmännyttan”).		Younger single people.

data are hard to find, as each country collects statistics on a different basis, but the final column of table 2 presents some indicative figures. Rules governing access to social housing for recent immigrants, particularly from outside the EU, vary across countries: some allow access almost immediately upon arrival, while others require a minimum residence period or particular legal or employment status. In post-socialist countries Roma are often excluded (intentionally or not) from social housing.

Although social housing tends to accommodate households with lower-than-average incomes and government policies increasingly emphasise helping the vulnerable, social housing is not always the tenure where the most vulnerable live (Table 3). The table shows that in almost all countries, municipalities are responsible for accommodating households who are homeless, although who is included in that category varies enormously. In many countries these households will be placed in municipal housing, especially in lower-demand areas. In some countries housing associations and charities have a role in accommodating asylum-seekers, often in special hostels. But although social housing everywhere now tends to concentrate on lower-income households (even in countries that still technically have a universalist approach, like the Netherlands and France), the private rented sector remains the main source of accommodation for non-priority groups. The definitions of priority and non-priority vary by country, but single-person households, households without children and migrants are often low on the priority list for social housing. The private housing that they can access is usually of poor quality and often in inaccessible locations.

## **6 Terms and conditions in social housing**

### **6.1 Rents**

Rents in social housing are generally lower than rents in the private sector. Indeed in some countries the definition of social rented housing is that rents are set below market levels. In some countries rents are based on the financial costs incurred by the landlord – i.e., there is historic cost pricing (albeit often with some modifications). Other approaches include rent relativities based on a points system related to dwelling attributes (the Netherlands), to market value (England) and to individual incomes (Ireland).

In some countries the extent to which social rents are below market levels varies greatly between areas – with particularly low relative social rents in urban areas with high market rents, such as Paris and London, or in areas where there has been little investment over the last few decades as compared to areas of new building and regeneration where rents are

higher. In others (e.g. Hungary) rents may not even cover running costs. In some countries rent controls or regulations apply equally to the social and private sectors, and rents in the two sectors are similar (e.g. Austria, the Netherlands). In Sweden they are negotiated across the rental sector with the unions. In others such as Germany there are ‘mirror’ systems which link the rents of socially and privately owned properties.

Thus there is very little consistency across European countries about how social rents are set. However it is probably true to say that there has been upward pressure in most countries as governments look to the sector to become more self-sufficient and income-related subsidies to support poorer households have become more generally available (see below).

### **6.2 Security of tenure**

There is much more consistency across countries with respect to the extent of security. Indeed, one of the features of social housing is that in most countries it offers a home for life – that is, once a household has secured a social tenancy that household can remain as long as the rent is paid and other tenancy conditions met, even if income increases over the eligibility ceiling or family size changes. Some countries have legal provisions for increasing rents when household income goes up but they are rarely applied because they are difficult to enforce and tend to push out stable, employed households, who are seen as vital anchors within social housing communities. England stands out in that the legislation allows for probationary tenancies during which continued occupancy depends upon meeting all terms and conditions. Recently it has also introduced limited-term tenancies for social housing tied to a new, higher ‘affordable rents’ regime. The coalition government has also made housing benefit changes that will force some tenants to move if they occupy homes that are ‘too big’ and cannot or do not wish to pay a rent supplement (DWP, 2014).

### **6.3 Access**

Many European countries now impose formal income ceilings for access to social housing. Some of those countries that do not employ formal income ceilings, such as England and Scotland, use other criteria that in practice have the same effect. This reflects a general ideological shift away from the notion of state-subsidised accommodation available to all; pressure on public finances, particularly in the wake of the global financial crisis; and the EU rulings holding that state subsidies for housing for middle- and upper-income households conflict with EU competition law.

**TABLE 4 INCOME-RELATED SUBSIDIES FOR HOUSEHOLDS**

Available to				
Country	Social renters	Private renters	Owner-occupiers	Eligibility
				Amount
Austria	•	•	•	Three types, related to income, housing size/household type/dwelling size, rent levels, or rent increases.
Czech Republic	•	•	•	Two benefits: 1. Housing benefit - all households that spend more than 30% of income (35% in Prague) on housing. Living space and housing costs ceilings apply. 2. Housing supplement for people in material need.
Denmark	•	•	•	Low-income households with children and pensioners.
England	•	•	•	<i>Rent</i> : Based on rent of specific property, household income and characteristics. <i>Support for Mortgage Interest</i> : Covers interest payments on loans of up to £200,000 for maximum of two years.
France	•	•	•	Depends on income and household size, but all tenures eligible. Current recipients include 5m tenants and 500,000 owner-occupiers.
Germany	•	•	•	1. Wohngeld: federal housing-payment subsidy related to income and (cold) rent or mortgage payment. For lower- to medium-income group. 2. Recipients of social benefits, subject to limits on floor space and rent level.
Hungary	•	•	•	There is a national housing-allowance scheme as well as rent subsidies managed by municipalities. Typically limited to the public sector, but there are some special programmes for private rentals.
Ireland	•	•	•	Private renting tenants in receipt of social security benefits, or participants on return-to-work or education schemes.
Netherlands	•	•	•	Households who meet income criteria, and rent below €681/month (in 2013).
Scotland	•	•	•	Private renting tenants receive a rent allowance based on their property, household income and characteristics. Social renting tenants living in appropriately sized property get their rent covered depending on household income and characteristics.
Spain		Regional		National <i>renta básica de emancipación</i> was removed in December 2011 although tenants already in receipt of the allowance can continue to receive it until the end of its four-year term.
Sweden	•	•	•	The elderly and low-income households with children.
				Maximum amount does not depend on housing cost, and may not cover rent on new apartments.

\* Only pensioners.

\*\* State covers interest element of mortgage payment for some borrowers who become unemployed for up to 2 years France: Union Sociale pour l'Habitat Données Statistiques 2012 CGEDD SOeS 2012; Ministry of Housing statistical department Comptes du logement Other countries: Country chapters in Social Housing in Europe.

Most countries now limit access to social housing to households at the lower end of the income distribution. However, the percentage of households legally eligible is normally far in excess of the proportion of social housing in the overall stock, even in countries with large social sectors. In Austria, for example, social housing makes up 23% of the housing stock, but 80-90% of the population is eligible. At the other end of the spectrum, in Hungary only 3% of the housing stock is social but 15-40% of households are eligible, depending on where they live.

Some of this mismatch is more apparent than real, as by no means all eligible households want to live in social housing. Owner-occupation has generally proved to be the option preferred by those who can afford to buy. However in almost all countries the demand for social housing exceeds the number of available units – in part because rents are held below market levels. This position has also worsened in most countries since the financial crisis as access to owner-occupation has become more difficult and risks associated with buying are perceived to be higher.

Various rationing methods are employed, including waiting lists, ranking of households (in England for example homeless persons, families with children and disabled people are given priority) or – even now in some countries – insider information, side payments etc. But even in the countries where housing pressure is highest there are areas with low demand, where social housing units are empty and difficult to let. These may be used as a sort of housing of last resort for households who cannot be accommodated elsewhere or, in some areas (Eastern Germany for example), may simply be demolished.

## 7 Housing allowances

Even though social rents in most countries are lower than private rents, that does not mean that all low-income households can afford to pay them (except perhaps in Ireland, where rents are set in relation to tenant incomes). As we have already noted, rent levels normally depend on the cost of provision of the housing or on the relative desirability of the unit – and there may be a large gap between the rents charged and the ability of poorer tenants to pay. Thus all countries covered here provide additional income-related subsidies for low-income households (Table 4). These subsidies, known as housing allowances or housing benefits, are usually provided by national governments but can also (or instead) be funded by regional or local authorities.

These housing-cost subsidies are normally available to both private and social tenants, and also often to at least

some categories of owner-occupier – in Denmark only homeowners who are pensioners are eligible; in England and Scotland mortgage borrowers who lose their jobs can have their mortgage interest (up to a ceiling) paid for a limited period. Spain is unusual in having abolished its rent-support programme as part of government expenditure cuts in the wake of the recent crisis.

Housing support is sometimes targeted at particular types of household – usually those with children and pensioners. There are often limits on eligible rents and/or the floor area of the dwelling, or number of bedrooms, in relation to household size to ensure that government subsidy does not support consumption of dwellings that are ‘too big’ for the household. The amount of subsidy generally depends on households’ assessed ability to pay: the Czech Republic, for example, expects households to spend 30-35% of their income on housing costs. Subsidy may cover the entire gap between the actual rent and assessed ability to pay, but more often there are cash ceilings or minimum payment requirements. These mean that the subsidy available can fall short of actual rents, especially in high-cost areas, leaving people with inadequate income to pay for other necessities.

## 8 Major trends

Although the proportion of social housing has been falling in most countries and new investment has become more difficult, social housing remains significant as a percentage of overall housing stock in seven of the ten countries outside the post-socialist group that are included in the text. The role of the sector also continues to be an important topic of social and political debate in these countries.

There are five countries where social housing is provided in traditional fashion: Austria, Denmark, France, Sweden (allmännyttan) and the Netherlands. In three of these countries (Austria, France and the Netherlands), changes are expected in the near future. Only in Denmark is the social sector expected to maintain its traditional role intact. Government subsidy to support investment in new housing and regeneration has generally been declining and is also becoming more targeted (e.g. at specific regeneration projects and improvement of the existing stock). This is in part because numerical shortages have themselves been reduced. It is also because of increasing pressures to reduce public expenditure – and in some countries because it has become easier to use existing capital values to fund new investment. Denmark and France stand out as having maintained investment through continued subsidy. At the other extreme, in both Sweden and the Netherlands housing associations and corporations make a net contribution to



the national coffers so new investment must be funded from providers' own equity. In the UK, capital subsidies have been much reduced and housing associations are expected to raise private finance based on rents up to 80% of market rents. In some, notably Eastern European, countries there is little or no supplier subsidy still available.

The availability of demand-side subsidies is fairly general across Western Europe, but further shifts in this direction depend mainly on changes in rents policies and the way that the existing social-housing stock is funded. In most countries social rents still relate closely to costs and are not affected by changes in subsidies to tenants. In England new rent policies push up rents and therefore housing allowances, while in the Netherlands social landlords' greater freedom to set rents above a relatively low minimum could result in larger bills for government. In some countries, notably in the post-socialist ones but also in Spain and (outside our remit) Italy, demand-side subsidies are generally provided at the regional or local level, and tend to be more restricted because of funding constraints.

Europe has faced a credit crunch followed by continuing financial constraints and increasing debt burdens, recession and austerity. The effects of these economic pressures have differed greatly between countries; some (notably Germany and Sweden) were hardly affected, at least in the early years, while others, especially those most exposed to international financial markets, suffered major declines in GDP and employment as well as massive cutbacks in public expenditure. Moreover across Europe there is less confidence in future growth.

The extent to which social housing has been affected by these pressures has also differed greatly. Some countries, such as Denmark and France, have invested in social housing as a stimulus to the economy. The use of housing investment as a stimulus also occurred in other countries, notably the UK, the Netherlands and in the mid-2000s in Spain, but in these cases the investment proved short-lived and austerity measures caused major cutbacks. Both the Netherlands and the UK have now significantly cut public expenditure and with it new social provision. Some countries have used these economic and financial pressures to introduce policies that had seemed politically unacceptable before the crisis – notably by limiting funding streams, while requiring social landlords to take on increasing responsibilities.

In all the countries studied there is increasing pressure of demand for social rented housing, which has resulted in longer waiting lists, at least in pressure areas. At the same time

in most countries the social rented sector is becoming more residualised, both as a result of shifts in the nature of demand (notably increased demand from migrants and ethnic-minority households) and of increasing concentrations of new entrants being placed in less desirable locations. On the other hand, there is also growing demand from many mainstream households who are finding it increasingly difficult to obtain affordable homes in the private sector. In some countries these lower-income employed households are now more likely to be accommodated in new tenures such as shared ownership and near-market-rent housing which involve either more limited (or even no) direct public subsidy. This is one area where there has been increasing diversity of provision.

Another area where there has been a considerable shift in policy across countries is the relationship between the private rented sector and social housing – especially as in many countries social housing is increasingly provided by private landlords. Germany is clearly in the lead in this context but other countries (notably England and Ireland) are also expanding the range of providers. This may work in both directions, with existing social landlords looking to provide market housing as well as private providers entering the social sector.

Of particular importance in this context is how and where the very vulnerable households continue to be accommodated – as this is often in the private rented sector. The use of this sector for the most vulnerable households, including those in acute housing need, appears generally to be increasing.

More positively in some countries social providers have been pioneers in a range of areas. They have taken the initiative in the development of mixed communities and mixed-tenure developments, which have helped offset some of the pressures towards residualisation and exclusion (notably in the Netherlands, France and Germany - see Droste et al, 2014 and in new mixed tenure new build, especially through s106 in England - see e.g. Crook and Monk, 2011) They, sometimes with ECB support, have also been leaders in improving standards in energy efficiency especially in Eastern Europe.

Finally, social-housing providers are under constant pressure to achieve greater efficiency. There is an increased need for financial and management skills as well as a shift towards a more business-oriented approach, even among charitable organisations. In most countries there is no longer a role for social providers who are not focused on reducing costs

and providing greater value for public money. The financial crisis has reinforced these trends as direct subsidies decline and many households accommodated in the sector need additional social and work-related support.

## 9 Conclusion – looking forward

The large growth in government-sponsored social housing in the EU was mainly a post-war phenomenon, rooted in the shortages that built up during the conflict. How each country organised and funded it depended on the local approach to resource allocation and the development of the welfare state. Here the split between universalist, corporatist and dualist approaches became apparent – although in many ways, especially in the early years, what happened on the ground differed rather less than the rhetoric did.

None of these different approaches inherently meant that priority was given to the poorest and most vulnerable households. In some there was no allocation specifically in relation to need. Indeed in most countries, employed households actively sought state-provided housing, which was seen as more desirable than private rented housing in terms of both quality and rents. It was only from the 1970s and 1980s that more vulnerable households began increasingly to be accommodated in mainstream social housing. Thereafter, both demand- and supply-side factors, changing government priorities and the aging of the post-war stock meant that social housing in many countries became residualised—at least in some parts of the sector. This has resulted in increasingly negative public attitudes to social housing. Government cutbacks and the EU competition rulings have also made it harder to achieve traditional goals. These have meant that governments (whether they wish to or not) must target subsidised housing towards more vulnerable households, making it increasingly difficult to provide social housing for households across the income scale.

What is clear is that while the vast majority of households across Europe are well housed there remain major issues in how to accommodate more vulnerable and excluded households in the mainstream housing sectors. Issues of increasing importance relate particularly to migrant and minority households but also to the quality and maintenance of the stock built after the second world war to address absolute shortages in supply. Particularly since the global financial crisis there is evidence that conditions

have worsened both in terms of levels of new housebuilding, regeneration and improvement but also often in terms of affordability. This is partly because of austerity measures but also because of economic conditions in the market.

It is often said that social housing is at a crossroads. In the sense that few expect established systems to survive into the longer term without change, this may well be true. Five of the countries examined (Austria, Denmark, France the Netherlands and in a rather different way Sweden) have maintained the traditional role of social and municipal housing in providing for a broad cross section of the population. But all but one of these countries have experienced large-scale change restricting capacity to provide in traditional ways, or are expecting such changes in the near future.

Most of the country specialists expect these trends to continue, even in countries with large social sectors and universalist traditions. The optimism they felt in 2007 (Whitehead and Scanlon, 2007) about a revival of investment disappeared during the financial crisis or in its aftermath, as austerity has become the norm. Compared to eight years ago, social housing providers now generally have fewer resources but far greater responsibilities, while the private rented sector is often the tenure of last resort.

Although there is evidence almost everywhere in the EU of some reduction in the total stock of social housing, decline has been slower than predicted in 2007 and much slower than during the period of mass privatisation in the 1980s and 1990s. There is generally less new investment than there was before, but also fewer losses of social sector stock – and in most countries commentators expect the role of social housing to remain significant. Its form and organisation will undoubtedly change, with respect to methods of financing and the range of providers (including e.g. co-operatives and other means of involving residents) as well as probably the types of housing provided and the terms and conditions of tenancies. It will have to become more efficient and consumer oriented. The tensions between the positive political rhetoric about the role social housing can play and the capacity to attract adequate resources will continue. Yet at a more fundamental level, European social housing has proved to be both flexible and robust in an increasingly diverse housing environment.

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Respectfully Submitted,



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**List of Attachments:**

**Attachment A: Family Friendly Housing Policy New Westminster**





NEW WESTMINSTER



# FAMILY-FRIENDLY HOUSING POLICY

Spring 2016





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## Section 1: Introduction

Effective January 1, 2016, Zoning Amendment Bylaw (Family-Friendly Housing) No. 7741, 2015 came into effect. After this date, all development applications (i.e., Rezoning, Development Permits and Building Permits) which have 10 or more residential units must conform to the new regulations.

This document provides background information as to:

1. the specifics related to the policy and bylaw, including the bedroom composition regulations, design guidelines, housing affordability considerations (which would be applicable in cases where the City has negotiation rights) and exemptions to the policy and bylaw;
2. the origins of and rationale for the policy and bylaw; and
3. frequently asked questions and responses based on the Family-Friendly Housing Feasibility Study (2014), the consultation process and City staff review and feedback.







## Section 2: Policy and Bylaw Specifics

### BEDROOM COMPOSITION

#### Minimum Percentage of Two and Three Bedroom Units

Effective January 1, 2016, Zoning Amendment Bylaw (Family-Friendly Housing) No. 7741, 2015 came into effect. After this date, all development applications (i.e., Rezoning, Development Permits and Building Permits) which have 10 or more residential units must conform to the below cited regulations. More specifically, the regulations state:

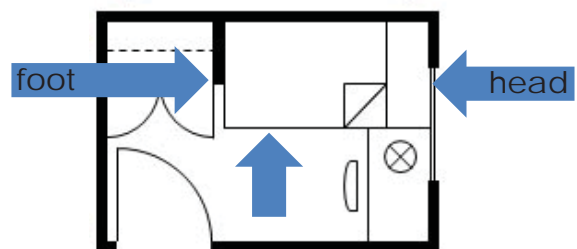
- That multi-family ownership projects include a minimum of 30% two- and three-bedroom units, and that at least 10% of the total project units be three-bedrooms or more. Further, such projects may increase the percentage of three-bedroom or more units with a corresponding decrease in two-bedroom units.
- That multi-family rental projects include a minimum of 25% two- and three-bedroom units, and that at least 5% of the total project units be three-bedrooms or more. Further, such projects may increase the percentage of three-bedroom or more units with a corresponding decrease in two-bedroom units.

### DESIGN GUIDELINES

Effective January 1, 2016, all development applications (i.e., Rezoning, Development Permits and Building Permits) which have 10 or more residential units must conform to below cited design guidelines. More specifically, the design guidelines state:

#### *Bedroom Design*

- To locate bedroom doors so that they are able to open a full 90 degrees when the room is furnished.
- To allow full access to the foot of the bed and at least one other side (excluding the head of the bed), except for the smallest bedroom in units with three or more bedrooms, which must allow full access to at least one side of the bed (excluding the foot and the head of the bed).
- To provide sufficient room for storage of clothes and avoid conflict between access to clothes storage and the placement of beds.
- To provide a window directly to outside, except for the smallest bedroom in units with three or more bedrooms, which must have indirect natural light from at least



E.g. smallest room, full access to one side

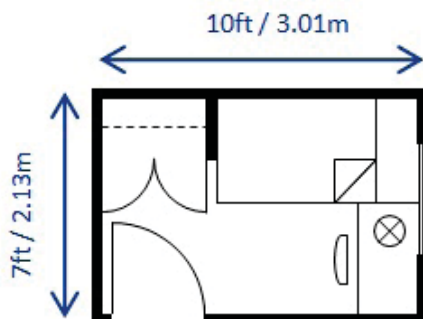


two sources (e.g. glass wall, light tube or well, etc.), one of which may be the doorway.

- e. To avoid designs that locate beds under upper-storey functional windows.

#### *Bedroom Size*

- f. In all units, at least one bedroom should be large enough to accommodate a standard queen-sized bed while meeting the general bedroom guidelines above.
- g. In multiple bedroom units, all other bedrooms should be large enough to accommodate a standard single bed while meeting the general bedroom guidelines above.
- h. In units with three or more bedrooms, the smallest bedroom must be no smaller than 70 square feet (6.5 square metres) with no dimension smaller than 7 feet (2.1 metres).

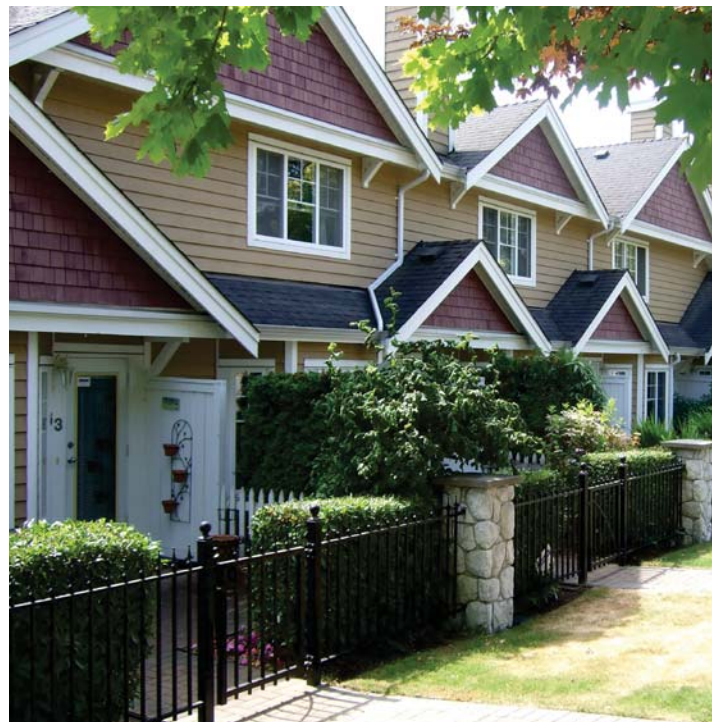


E.g. smallest room layout

## AFFORDABILITY CONSIDERATIONS

The affordability considerations apply in situations where the City has negotiation rights such as in the case of Rezoning or Heritage Revitalization Agreements.

- a. That the City encourage the required two- and three-bedroom units to be generally located in lower priced per square footage portions of buildings such as at-grade or lower in buildings, and portions of buildings with less marketable views.





## EXEMPTIONS TO THE POLICY AND BYLAW

After January 1, 2016, an applicant may seek to develop a multi-family residential development which does not comply with the family-friendly housing requirements. This will be possible to do through one of the following two methods:

1. The submission of a Rezoning application, in which the applicant addresses other corporate objectives (e.g., affordable housing or employment generation) or for which existing site conditions make complying with the family-friendly housing requirements inappropriate. A rationale should be included in the application as to why the regulations should not be applied and it should not include financial considerations.
2. The submission of a Heritage Revitalization Agreement (HRA), in which the applicant makes a case as to why the family-friendly housing regulations should not be applied to this development. The rationale should be based on why the site is not appropriate for family-friendly, multi-unit residential housing or how the benefits of the HRA outweigh the benefits of the family-friendly housing regulations.







## Section 3: Origins and Rationale

### CHILD AND YOUTH FRIENDLY COMMUNITY STRATEGY

In September 2013, the Society for Children and Youth of BC (SCY) and the City received funding from the United Way of the Lower Mainland and the Vancouver Foundation to develop a Child and Youth Friendly Community Strategy (2016). At this time, the City was planning to start work on a Family-Friendly Housing Policy, which would facilitate the provision of more housing with ground-orientation and two- and three-bedroom counts. Given the close association between these two initiatives, a decision was made to do them in tandem, with SCY taking the lead on the strategy and the City taking the lead on the policy.

### FAMILY-FRIENDLY HOUSING NEEDS ANALYSIS

Between January and May 2014, SCY and the City conducted an extensive community consultation process as part of the larger Child and Youth Friendly Community Strategy (2016). During this time period, 840 parents, children and youth were consulted, including:

- 320 parents who completed a survey;
- 156 children (6 to 12 years) who completed a school-based assignment or survey;
- 228 youth (13 to 17 years) who completed a survey; and
- 136 parents, children and youth who completed a “dotmocracy” exercise on Family Day.

Consultation participants were asked a number of questions, including about their current housing situation. More specifically, they were asked “if their current housing situation met their family’s needs.” Consultation participants also commented on housing as part of other questions, including about the family, child and youth friendliness of their neighbourhood and the city and what they would like to see done to improve the city for families, children and youth. Of the 320 parents who completed the survey, 50.7% reported that their current housing situation somewhat (36.4%) or did not (14.3%) meet their family’s needs.





## FAMILY-FRIENDLY HOUSING SUPPLY ANALYSIS

In February 2014, the City conducted a supply analysis related to family-friendly housing, with an emphasis on ground-oriented and three-bedroom units. Based on this analysis, the city ranked 21st out of 22 Metro Vancouver municipalities with regard to ground-orientation and 20th out of 22 Metro Vancouver municipalities with regard to three-bedroom or more units.



## FAMILY-FRIENDLY HOUSING FEASIBILITY STUDY

In June 2014, the City posted a Request for Proposals (RFP) for a consultant to conduct a Family-Friendly Housing Feasibility Study (2014). Based on the RFP process, the City retained the services of Colliers International Consulting and Toderian UrbanWorks. This consultant team was tasked with the following responsibilities:

- to explore the financial feasibility of developing two- and three-bedroom units as part of new multi-family projects and to determine the development cost for such units;
- to estimate the market demand and ability to pay for such units;
- to estimate the relative return on investment for such units as compared to smaller units and to determine whether such units are financially feasible, or whether, on a comparative basis, they are less profitable;
- to analyze the return on investment and relative return on investment related to form (i.e., apartment versus townhome) and tenure (i.e., ownership versus rental); and
- to make recommendations to inform the policy – e.g., the minimum percentages of such units, minimum threshold size which would be applicable, etc.

On October 6, 2014, the consultant team made a presentation to Council. This presentation





highlighted the main findings of the feasibility study and shared policy considerations. Based on the feedback from Council and follow-up consultation, the consultant team revised and finalized the feasibility study.



## FAMILY-FRIENDLY HOUSING LITERATURE REVIEW

During July and August 2014, the City conducted a comprehensive literature review of academic journals, municipal documentation and relevant studies. In total, 68 municipalities were studied, with an emphasis on Canada. Other countries included Australia, Britain, Ireland, New Zealand and the United States.

Of the municipalities studied, five had mandatory minimum percentages of two- and three-bedroom units in multi-family projects. In Metro Vancouver, only the City of Vancouver requires mandatory minimum percentages (i.e., 25%) of two- and three-bedroom units in multi-family projects. The City of Vancouver also had design guidelines to inform the development of such units. The City of Richmond, the Corporation of Delta and Langley Township had policies related to play space requirements as part of multi-family projects.



## Section 4: Frequently Asked Questions

The feasibility study, housing supply analysis, literature review and consultation process provided important feedback in answering a number of frequently asked questions.

*Will increasing the proportion of two- and three-bedroom units in new multi-family projects have a negative impact on developer return on cost?*

The feasibility study concluded that there is no negative impact on return on cost with an increased proportion of two- and three-bedroom units in new multi-family projects.

The feasibility study reported that three-bedroom units cost less to build per square foot compared to one-bedroom units. For example, each unit, regardless of bedroom count, has one kitchen – the most expensive room in a unit to build. Building additional bedrooms does not cost as much and therefore brings the per square foot cost of a three-bedroom unit down. Three-bedroom units also have a lower sale price per square foot compared to one-bedroom units. However, total project cost decreases by a greater percentage than total revenue, therefore providing a positive difference in net proceeds.

*Will increasing the proportion of two- and three-bedroom units in new multi-family projects lead to longer absorption periods which could negatively impact revenues and profits?*

The feasibility study reported that in most new multi-family projects, studios and one-bedroom units are sold at a faster rate compared to two- and three-bedroom units. This can be attributed to smaller units having a lower sale price and easier mortgage financing. Due to the anticipation of a longer time period needed to sell two- and three-bedroom units, most projects allocate more studio and one-bedroom units to ensure consistent and achievable sales.

The feasibility study reported that the difference in time to sell could be within weeks; however, the lag may potentially have an impact over a longer time period. The longer absorption period associated with a larger proportion of two- and three-bedroom units increases project risk, which could incentivize a developer to require a higher profit margin. It could also cause a negative impact on both revenues and profits.

The feasibility study emphasized that the impact on revenues and profits may be a reasonable result of a justifiable policy initiative and should be able to be absorbed into a well-considered, reasonably positioned multi-family project. It further emphasized that it is not the City's responsibility to ensure that every project, however marginal, will proceed in the short-term.



### *What is the market demand for two- and three-bedroom units in new multi-family projects?*

The feasibility study reported that it is challenging to accurately predict the level of demand that will exist for two- and three-bedroom units in new multi-family projects.

The feasibility study reported that 3,305 families (51%) could potentially afford to purchase a three-bedroom unit and 4,270 families (65%) could potentially afford to rent a three-bedroom unit in New Westminster. It cautioned that whether or not this translates into actual purchases and occupancies of three-bedroom units is unknown.

The feasibility study reported that families with children are not the only potential purchasers or renters of two- and three-bedroom units. Some other market segments that may be interested include: downsizing seniors, empty nesters, extended families, people who want a home office, roommates and shared student arrangements.



### *What should be the minimum percentages of two- and three-bedroom units in new multi-family projects?*

The feasibility study suggested that the initial requirement should be ambitious relative to the current activity being seen in two- and three-bedroom construction but not overly ambitious relative to the unknowns. In the case of two-bedroom units, which are already being constructed in reasonable numbers, it should, at a minimum, set a base for such construction, so that it does not fall below current levels over time as market factors fluctuate. In the case of three-bedroom units, the expectation should be to create a base level of unit achievement that can also be used as a basis for observation and analysis.

The feasibility study and housing supply analysis included a review of new multi-family projects in the approvals and construction phases. With regard to townhomes and apartments, 39.7% of all units had two-bedrooms and 10.8% of all units had three-bedrooms or more. Counting only apartments, 35.7% of all units had two-bedrooms and 7.2% of all units had three-bedrooms or more. Regarding the latter percentage, it is likely inflated, as staff, in anticipation of the family-friendly housing policy and in situations such as Rezoning, have been successful in negotiating higher percentages of three-bedroom units.

Based on the literature review, only five of the 68 municipalities surveyed have mandatory minimum percentages of two- and three-bedroom units. In Metro Vancouver, only the City of Vancouver requires mandatory minimum





percentages (i.e., 25%) of two- and three-bedroom units; however, a number of other municipalities are currently exploring such policies.

### *Should the minimum percentages of two- and three-bedroom units apply to new multi-family rental projects?*

The feasibility study reported that multi-family rental projects have negative to low returns, warranting them unfeasible because the created values are insufficient to offset the risk of undertaking such projects. It further reported that such projects often require additional financing or other incentives such as density bonusing, parking reductions and expedited processing to be feasible or viable.

The City has implemented a Secured Market Rental Housing Policy (2013), which provides a range of incentives and relaxations to facilitate

the development of new market rental housing. Since its implementation, 1,136 market rental units are in the approvals or construction phases. Of this total, 24.8% are two-bedroom units and 4.8% of three-bedroom units. As such, two- and three-bedroom units are being realized in multi-family rental projects but in smaller percentages than in multi-family ownership projects.

### *Should the minimum percentages of two- and three-bedroom units be realized through regulations or incentives?*

The feasibility study and literature review found that municipalities who have achieved a level of success in the consistent realization of two- and three-bedroom units did so through regulations rather than incentives. The feasibility study also cautioned that in municipalities with many policy objectives, offering incentives for two- and three-bedroom units have the added disadvantage of using some of the limited 'incentive capacity' that may be more appropriately reserved for policy goals that cannot be regulated.

### *Should the family-friendly housing policy regulate design beyond the number of bedrooms?*

The feasibility study cautioned against being too prescriptive with regard to design considerations





beyond the number of bedrooms, as this could have a significant effect on both project viability and unit prices. It could also lead to building floor-plates and unit layout designs that are disadvantageous to project viability.

Given concerns regarding livability, particularly related to third bedrooms, staff have developed guidelines related to bedroom design for key aspects such as minimum room size and natural light access. These guidelines are intended to set reasonable minimum standards (e.g., 70 square feet for the smallest bedroom) and are not intended to be onerous. They will also be subject to review and possible revision after a two-year trial period.

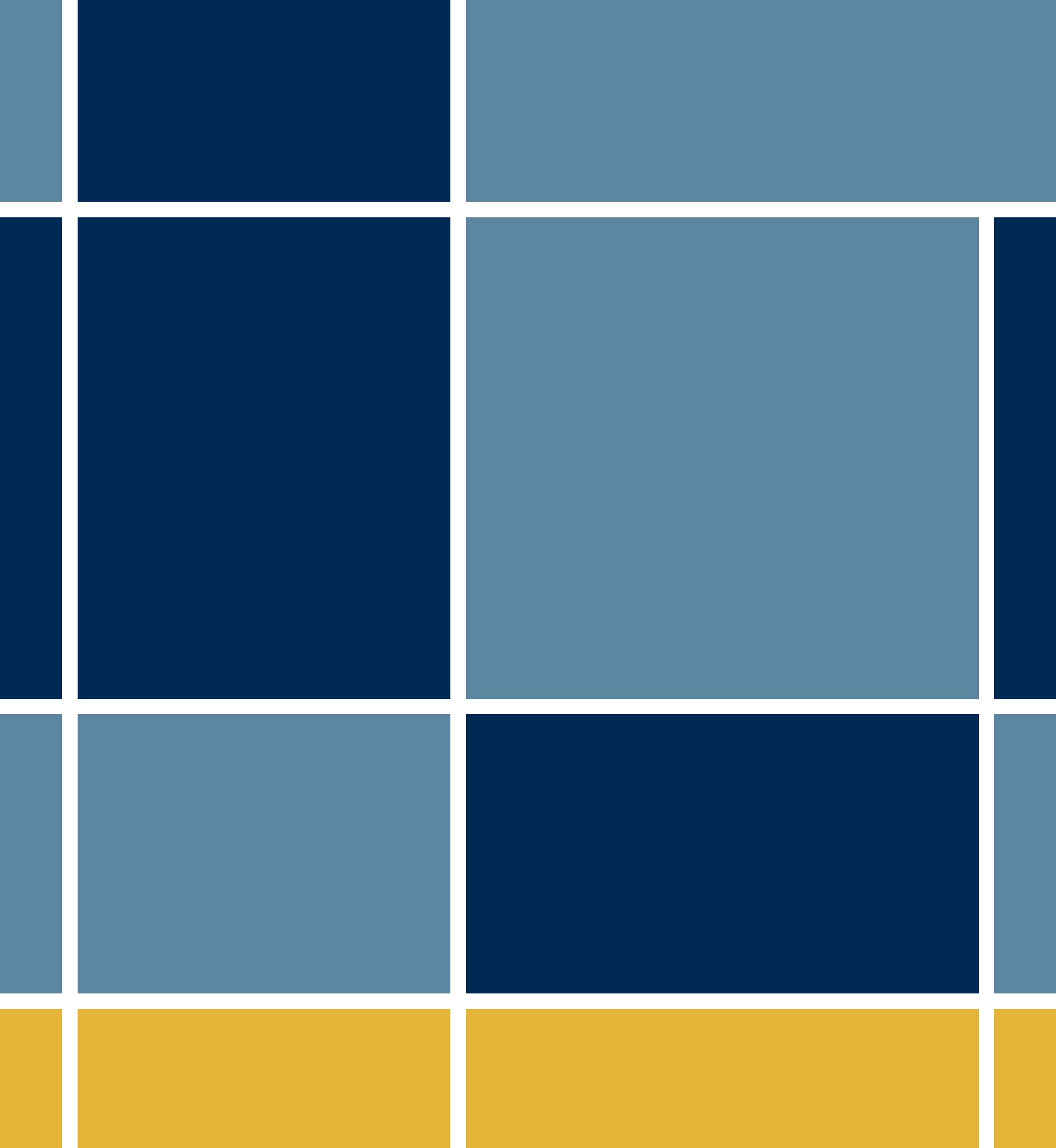
*Will the family-friendly housing policy be successful in retaining existing and attracting new families with children?*

The feasibility study emphasized that although it is clear that neighbourhoods without sufficient family-friendly housing will have limited success in retaining or attracting families, it is also true that neighbourhoods with housing sizes to support families but lacking in other family-supportive neighbourhood amenities, designs and services, will also have limited success.

The City has recognized the need for such family-supportive neighbourhood amenities, designs and services and has initiated synergistic policies and plans to ensure that they will be achieved, including Child and Youth Friendly Community Strategy (2016) and a Child Care Strategy (2016).









## **Council Member Motion**

**For the Committee of the Whole Meeting of November 8, 2018**

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**Date:** November 8, 2018

**From:** Councillor Collins, Councillor Potts, Councillor Dubow

**Subject:** Adopt and Consistently Apply the CMHC's Definition of Affordable Housing

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### **Background**

The City of Victoria uses the Canada Mortgage and Housing Corporation (CMHC) definition of affordable housing in the Victoria Housing Strategy:

The Canadian Mortgage and Housing Corporation (CMHC) defines affordable housing relative to income, as housing that costs less than 30% of before-tax household income. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments, property taxes and any condominium fees along with payments for electricity, fuel, water and other municipal services. Affordable housing is a relative term and can also be defined relative to market prices. The City of Victoria defines affordable housing as costing no more than 30% of gross household income. This Strategy uses this definition to define the limits of affordability, based on a range of incomes to determine the number and types of units required by 2026 based on average rental prices coupled with population growth projections. These figures were used to ascertain high level targets for market and affordable (subsidized) rental for individuals and for families.

More recently, in July 26, 2018, Council adopted Bylaw 18-017, amending the Zoning Regulation Bylaw to include the following definition:

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

Despite the use of the CMHC’s definition in Victoria Housing Strategy and in the Zoning Regulation Bylaw, the definition is not being consistently applied in the development and rezoning processes.

## Recommendations:

That Council:

1. Adopt and consistently apply the definition of affordable housing, as housing where the price does not exceed 30% of the gross annual household income for very-low income to moderate income households. Ensure this definition is used consistently in rezoning processes.
2. Direct staff to notify council about the number of affordable units in each rezoning proposal, as well as for which incomes brackets the affordable units are targeted.
3. Direct staff to report on a quarterly basis on the number of affordable units built or under construction, as well as for which incomes brackets the affordable units are targeted.
4. Direct staff to report back with recommendations on other improvements to processes for data gathering and reporting on affordable housing.

Laurel Collins



Sarah Potts



Sharmarke Dubow





<b>Council Attendance Request 2018</b>		<b>Budget</b>	<b>Total Actuals</b>
<b>Approved Council Requests</b>			
<b>Council Budget 2000.4116 (Conferences/Travel)</b>		<b>\$ 35,000</b>	<b>\$ 35,000</b>
<b>Approved Requests:</b>			
<b>January 25, 2018 COTW</b>			
Councillor Loveday - Local Government Leadership Academy Conference held in Vancouver Jan 31-Feb 2			1,011
Mayor Helps - FCM Sustainable Communities Conference held in Ottawa Feb 6-8			2,478
Councillor Alto - Canadian Capital Cities Organization Board Meeting held in Ottawa Feb 7-8			1,300
<b>February 22, 2018 COTW</b>			
Councillor Isitt - AVICC Conference held in Victoria Apr 13-15			305
<b>March 1, 2018 COTW</b>			
Councillor Isitt - FCM Conference held in Halifax May 31-June 4			2,905
Councillor Isitt - Local Government Forum on Back Country Access held in Port Alberni Feb 23			157
<b>March 8, 2018 COTW</b>			
Councillor Alto - FCM Conference held in Halifax May 31-June 3			1,869
Mayor Helps - AVICC Conference held in Victoria Apr 13-15			375
<b>March 15, 2018 COTW</b>			
Councillor Loveday - FCM Conference held in Halifax May 31-June 4			2,857
Councillor Loveday - AVICC Conference held in Victoria Apr 13-15			275
<b>March 22, 2018 COTW</b>			
Councillor Alto - The High Ground Communities Conference held in Vancouver Mar 23-24			280
Councillor Thornton-Joe - AVICC Conference held in Victoria Apr 13-15			345
<b>May 10, 2018 COTW</b>			
Mayor Helps - FCM Conference held in Halifax May 31-June 4			3,780
Mayor Helps - ICLEI World Congress held in Montreal June 19-22			1,616
Councillor Coleman - Canadian Capital Cities Annual Conference held in Halifax May 30-31			300
Councillor Coleman - FCM Conference held in Halifax May 31-June 3 Registration*			3,384
<b>May 24, 2018 COTW</b>			
Councillor Thornton-Joe - Canadian Capital Cities Organization Conference held in Halifax May 30-31			2,602
Councillor Alto - Canadian Capital Cities Annual Conference held in Halifax May 30-31			1,221
Councillor Alto - AVICC Conference held in Victoria Apr 13-15			275
Councillor Coleman - FCM Board Meetings held in Laval QC Mar 4-9*			1,826
Mayor Helps - Liberal National Conference held in Halifax April 20-21			31
<b>September 6, 2018 COTW</b>			
Mayor Helps - Global Climate Action Summit held in San Francisco Sep 12-14			1,029
Mayor Helps - UBCM Conference held in Whistler Sep 10-12			1,721
Councillor Isitt - UBCM Conference held in Whistler Sep 11-14			1,303
Councillor Coleman - UBCM Conference held in Whistler Sep 11-14			2,375
<b>Miscellaneous</b>			
Councillor Loveday Reimbursed for Guthrie House Tour Sep 19, 2017			-25
Mayor Helps - Provincial Finance Minister Luncheon			85
Mayor Helps - Breakfast Capital Project Board Overview			60
Mayor Helps - Chamber Premier Luncheon Victoria			60
Mayor Helps - Speaking UBC Alma Mater Mar 16			11
Mayor Helps - UDI Capital Region lunch April			43
Mayor Helps - UDI Capital Region lunch June			45
Mayor Helps - Qualicum Beach Meeting July 12			39
Councillor Alto - UDI Capital Region June 11			45
Councillor Isitt - Miscellaneous meeting food and coffee expenses			265
Councillor Isitt - Miscellaneous meeting transportation expenses			7
Councillor Young - Breakfast Capital Project Board Overview			44
<b>Total Requests/Actuals</b>	<b>\$</b>	<b>35,000</b>	<b>36,299</b>
Notes *Council gave approval for Councillor Coleman to attend all FCM meetings			
<b>Over Budget</b>			<b>-1,299</b>