



## REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, January 9, 2020, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Pages

### A. APPROVAL OF AGENDA

### \*B. CONSENT AGENDA

#### Proposals for Consent Agenda:

- C.1 - Minutes from the meeting held December 12, 2019
- C.2 - Minutes from the meeting December 5, 2019
- F.2 - 1450 Douglas Street: Application to add an Entertainment Endorsement for Cafe Veneto, Food Primary License
- G.1 - Community Care Facilities withing Residential Zones
- G.2 - Proclamation - Crime Stoppers Month
- H.1 - Conference Attendance Request for Councillor Alto - Canadian Capital Cities Organization Annual Board Meeting
- H.2 - Council Member Motion - Advocacy for Exemption for Victoria Cannabis Buyers Club

### C. READING OF MINUTES

C.1	<u>Minutes from the meeting held December 12, 2019</u>	1
C.2	<u>Minutes from the meeting held December 5, 2019</u>	19

### \*D. Presentations

*D.1	<u>Project Update: Crystal Pool and Wellness Centre Replacement Project</u>	31
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#### *Addendum: Presentation*

*A report regarding the proposed project plan for the next phase of work and Feasibility Study for the Crystal Pool and Wellness Centre Replacement Project.*

### E. UNFINISHED BUSINESS

*E.1	<u>Council Member Motion - Advocacy to Increase Tipping Fees for International Solid Waste to Preserve Capacity of the Hartland Landfill</u>	45
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***Addendum: Updated Report***

*Postponed from the December 12, 2019 Committee of the Whole meeting.*

**F. LAND USE MATTERS**

- \*F.1      1302 Finlayson Street: Heritage Register Application No. 00095 (Hillside/Quadra)** **73**

***Addendum: Correspondence and Presentation***

*A report regarding the proposed Heritage Register Application No. 00095 for 1302 Finlayson Street in order to add the two-storey, mixed-use building to the City of Victoria Register of Heritage Properties.*

- \*F.2      1450 Douglas Street: Application to add an Entertainment Endorsement for Café Veneto, Food Primary License (Downtown)** **98**

***Addendum: Presentation***

*A report regarding an application by Café Veneto to add an entertainment endorsement to their existing food primary licence.*

- \*F.3      11 Chown Place: Victoria Housing Reserve Fund Application (Burnside)** **119**

***Addendum: Presentation***

*A report regarding the proposed grant application from the Gorge View Society (GVS) to assist in the construction of a four-storey, 58-unit affordable housing apartment.*

**G. STAFF REPORTS**

- \*G.1      Community Care Facilities within Residential Zones** **138**

***Addendum: Presentation***

*A report regarding options for allowing sober housing for people in recovery within residential zones.*

- G.2      Proclamation - Crime Stoppers Month** **145**

*A report regarding the proclamation for Crime Stoppers Month, January 2020.*

**H. NOTICE OF MOTIONS**

**I. NEW BUSINESS**

- I.1      Conference Attendance Request for Councillor Alto - Canadian Capital Cities Organization Annual Board Meeting** **148**

*A Council Member Motion regarding a request for Councillor Alto to attend the Canadian Capital Cities Organization Annual Board Meeting.*

**\*I.2      Council Member Motion - Advocacy for Exemption for Victoria Cannabis Buyers Club**

150

***Addendum: New Item***

*A report regarding the proposed recommendation that Council advocate to the Province of British Columbia to provide an exemption to the Victoria Cannabis Buyers Club, to allow the Club to continue its important work in the community.*

**\*I.3      Council Member Motion - Site Selection for Pool and Fitness Centre**

153

***Addendum: New Item***

*A report recommending that Council establish a clear process for identifying a preferred site for a new pool and fitness centre and that staff report back with existing site selection information, including information regarding the site at 940 Caledonia Avenue.*

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



## MINUTES - COMMITTEE OF THE WHOLE

December 12, 2019, 9:00 A.M.

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

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People**

**PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Potts, Councillor Thornton-Joe, Councillor Young

**ABSENT:** Councillor Loveday, Councillor Dubow

**GUESTS:** A. Needoba – Diamond Head Consulting Inc.

**STAFF PRESENT:** J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Zworski - City Solicitor, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, J. O'Connor - Deputy Director of Finance, C. Mycroft - Manager of Executive Operations, L. Taylor - Senior Planner, M. Angrove - Planner, M. Sandhu - Head of Service Innovation & Improvement, N. Sidhu - Assistant Director of Parks, Recreation & Facilities, J. O'Reilly – Heritage Planner, M. Heiser - Committee Secretary.

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

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Potts

That the agenda be approved.

#### **Amendment:**

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

That the following item be added to the agenda:

#### **D.1 Presentation from the Grumpy Taxpayer\$ of Greater Victoria**

**CARRIED UNANIMOUSLY**



**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

That the Agenda of the December 12, 2019 Committee of the Whole meeting be amended as follows:

**Consent Agenda:**

- C.1 Minutes from the meeting held November 28, 2019**
- F.1 1881 Fort Street: Rezoning Application No. 00713 (South Jubilee)**
- F.7 1029 Queens Avenue: Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117 (North Park)**
- F.8 1029 Queens Avenue: Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)**
- G.2 Local Government Recommendation for Burnside Buds at 3175 Harriet Road**
- G.5 Proclamation - South Asian Women in Canada Day**
- G.6 Proclamation - National Homeless Persons' Memorial Day**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**B. CONSENT AGENDA**

**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

That the following items be approved without further debate.

**CARRIED UNANIMOUSLY**

**C.1 Minutes from the meeting held November 28, 2019.**

**Moved By** Councillor Alto  
**Seconded By** Councillor Isitt

That the minutes from the Committee of the Whole meeting held November 28, 2019 be adopted.

**CARRIED UNANIMOUSLY**

**F.1 1881 Fort Street: Rezoning Application No. 00713 (South Jubilee)**

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed

Rezoning Application for 1881 Fort Street in order to allow for the retail sale of cannabis.

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00713 for 1881 Fort Street, 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. Revised plans identifying the Statutory Right-of-Ways, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation and execution of a Statutory Right-of-Way of 1.4m off Davie Street and 0.72m off Fort Street.
3. Council authorizing an Encroachment Agreement for the four parking stalls at the northern-most portion of the site that project into City property in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

**CARRIED UNANIMOUSLY**

**F.7 1029 Queens Avenue: Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117 (North Park)**

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117 for 1029 Queens Avenue in order to retain the existing two-family dwelling and permit a new two-family rental residential building in the side yard and recommending that it move forward to a public hearing.

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

Rezoning Application No. 00693

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens Avenue, 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. Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)
2. Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.

3. A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00117

That prior to setting the Public Hearing for the Rezoning Application, the applicant consider revisions to the proposed two-family dwelling to create a more direct relationship with the street to the satisfaction of the Director of Sustainable Planning and Community Development.

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. 00693, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00117 for 1029 Queens Avenue, in accordance with:

1. Plans date stamped July 26, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - a. reduce the required off-site vehicle parking from four stalls to one stall
  - b. allow more than one principal building on a lot
  - c. variances for front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. The Development Permit lapsing two years from the date of this resolution.
4. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.

**CARRIED UNANIMOUSLY**

**F.8 1029 Queens Avenue: Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)**

Committee received a report dated December 5, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed request to add the two-storey, front gabled duplex at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties.

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

That, concurrent with Rezoning Application No. 00693, if it is approved, Council approve the request to add the property located at 1029 Queens Avenue to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act.

**CARRIED UNANIMOUSLY**

**G.2 Local Government Recommendation for Burnside Buds at 3175 Harriet Road**

Committee received a report dated November 25, 2019 from the City Clerk regarding an application by Burnside Buds at 3175 Harriet Street to obtain a provincial cannabis retail store license.

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

1. That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

Council supports the application of Burnside Buds at 3175 Harriet Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. The Council recommends that the LCRB issue a license to Burnside Buds at 3175 Harriet Road, subject to the condition that this license not be issued until after the applicant obtains a Delegated Development Permit for any proposed alterations to the building exterior.
- b. City staff did not raise any concerns about this application in terms of community impacts.
- c. The views of residents were solicited through a mail-out to property owners and occupiers within 100 meters of this address and the Burnside/Gorge Community Association.

The City sent 247 notices and received 9 responses. All respondents live within 100 metres of the property. The City did not receive correspondence from the Burnside/Gorge Community Association.

4 support issuing a license, 4 oppose issuing a license, and 1 did not provide comments about issuing a license. The concerned respondents raised issues related to traffic, parking, proximity to residential, nuisances (noise, smell, smoke), and public safety.

- d. A Delegated Development Permit may be required to ensure alterations to the building exterior do not diminish the pedestrian experience and create safety concerns by obstructing the view from the sidewalk or street into the store.
  - e. Council wishes the Province to make its own deliberations about the fact that this operation remained in operation for at least 6 months following legalization.
2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

**CARRIED UNANIMOUSLY**

**G.5 Proclamation - South Asian Women in Canada Day**

Committee received a report dated December 4, 2019 from the City Clerk regarding the proclamation for the South Asian Women in Canada Day, December 24, 2019.

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

That the *South Asian Women in Canada Day* Proclamation be forwarded to the December 12, 2019 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**G.6 Proclamation - National Homeless Persons' Memorial Day**

Committee received a report dated December 9, 2019 from the City Clerk regarding the proclamation for the National Homeless Persons' Memorial Day, December 21, 2019.

**Moved By** Councillor Alto

**Seconded By** Councillor Isitt

That the *National Homeless Persons' Memorial Day Proclamation* be forwarded to the December 12, 2019 Council meeting for Council's consideration.

**CARRIED UNANIMOUSLY**

**C. Presentations**

**D.1 Presentation from the Grumpy Taxpayer\$ of Greater Victoria**

Committee was presented with an award from the Grumpy Taxpayer\$ of Greater Victoria for taking leadership role in transparency and open government.

**D.1 Victoria Police Department - Quarter Three Report**

Committee received a report from Chief Constable Del Manak regarding the Victoria Police Department's highlights, emerging trends, priorities, and initiatives for Quarter Three, 2019.

*Committee discussed the following:*

- *Response times for emergency calls*
- *Delays on the non-emergency line for response time*
- *Bike theft and prevention*
- *Youth victims and challenges*

*Councillor Isitt left the meeting at 9:34 p.m. and returned at 9:36 p.m.*

## **D. LAND USE MATTERS**

### **F.2 1301 Hillside Avenue: Rezoning Application No. 00636 and Development Permit with Variances Application No. 00074 (Oaklands)**

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00636 and Development Permit with Variances Application No. 00074 for 1301 Hillside Avenue in order to construct a six-storey residential building with live-work units on the ground floor and recommending that it move forward to a public hearing.

*Committee discussed the following:*

- *TDM measures to offset parking shortfall*
- *Specifics relating to guest parking*
- *Consideration given to a loading zone*
- *Proposed statutory right of way*
- *Affordability for home-ownership*

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

#### **Rezoning Application No. 00636**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00636 for 1301 Hillside Avenue, 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:

- a. Revised plans to the satisfaction of the Director of Sustainable Planning and Community Development to correct inaccuracies and omissions.
- b. Preparation and execution of the following legal agreements, with form and contents to the satisfaction of the City Solicitor and the Director of Engineering and Public Works:
  - i. A Statutory Right-of-Way of 3.24m off Cook Street
  - ii. A Statutory Right-of-Way of 3.57m off Hillside Avenue
  - iii. Legal agreements securing the purchase of a car share vehicle, on-site provision of a vehicle parking space for the car share vehicle, provision of car share memberships that run with the unit and \$100 in credits for each of the unit, and one year subscription for each unit to the BC Transit EcoPass Program.
- c. Preparation and execution of the following legal agreements, with form and contents to the satisfaction of the City Solicitor and the Director of Sustainable Planning and Community Development:
  - i. Such legal agreement(s) as may be required to secure seven studios, one one-bedroom and one two-bedroom through BC Housing's

Affordable Home Ownership Program and prohibiting future stratas from restricting rentals.

- ii. A legal agreement to secure the construction of the raingardens within the Cook Street and Hillside Avenue boulevards.
- d. Preparation and execution of the following legal agreements, with form and contents to the satisfaction of the City Solicitor and the Director of Parks, Recreation and Facilities:
  - i. Legal agreements that provides for replacement of removed Garry oaks at a ratio of 3 to 1 at 1190 Kings Road (Cridge Centre property), to implement measures such as irrigation to ensure newly planted Garry oaks grow to maturity, to enhance the existing Garry oak meadow on the Cridge Centre property and to install split rail fencing around the Garry oak meadow on the Cridge Centre property.
- e. An updated Arborist Report, to the satisfaction of the Director of Parks, Recreation and Facilities, confirming the tree locations and health of the trees on the eastern property line, and confirming that the construction and excavation work would damage two Garry oak trees to the point that the removal of the trees is necessary.

Development Permit with Variances Application No. 00074

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. 00636, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00074 for 1301 Hillside Avenue in accordance with:

- 1. Plans date stamped September 13, 2019.
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. reduce the number of residential vehicle parking stalls from 48 to 19;
  - ii. reduce the number of visitor vehicle parking stalls from 5 to 4;
  - iii. increase the site coverage from 40% to 75.5%; and
  - iv. reduce the open site space from 50% to 20.9%.
- 3. The Development Permit lapsing two years from the date of this resolution."

FOR (5): Mayor Helps, Councillor Alto, Councillor Potts, Councillor Thornton-Joe and Councillor Young

OPPOSED (1): Councillor Isitt

**CARRIED (5 to 1)**

**F.3     2740 and 2742 Fifth Street: Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 (Hillside/Quadra)**

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00709 and Development Variance Permit Application No. 00236 for 2740 and 2742 Fifth Street in order to construct a new single family dwelling in the rear yard of the existing duplex and recommending that it be declined.

*Committee discussed the following:*

- *Required parking requirements*
- *Transition zones with regards to community planning*
- *The administration of housing agreements*

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council decline Rezoning Application No. 00709 for the property located at 2740 & 2742 Fifth Street.

FOR (4): Mayor Helps, Councillor Isitt, Councillor Potts and Councillor Young  
OPPOSED (2): Councillor Alto and Councillor Thornton-Joe

**CARRIED (4 to 2)**

*Committee recessed at 10:39 a.m. and reconvened at 10:45 a.m.*

**F.4     1050-1058 Pandora Avenue and 1508-1518 Cook Street: Rezoning Application No. 00695, Heritage Alteration Permit Application No. 00016, and Heritage Designation Application No. 000188 (North Park)**

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning application No. 00695, Heritage Alteration Permit application No. 00016, and Heritage Designation Application No. 000188 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street in order to increase the density and construct a new four- and six-storey mixed-use addition and recommending that it move forward to a public hearing.

*Committee discussed the following:*

- *Specifics of the tenant assistance plan*
- *Details of the recent plumbing issue*
- *Placement of current tenants*
- *Threshold of heritage conservation for tax exemption eligibility*
- *Setbacks with relation to neighbouring properties*
- *Statutory right of way specifics*

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto



Rezoning Application No. 000695

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00695 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, 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 and execution of the appropriate legal agreements in order to secure the following:
  - a. all dwelling units remain rental in perpetuity;
  - b. a Statutory Right-of-Way of 3.083m along Cook Street, to the satisfaction of the Director of Engineering and Public Works;
  - c. pay for the construction of an asphalt pathway in Franklin Green Park to connect the proposed 3m wide pathway at the northwest corner of the site to an existing park pathway to the west to the satisfaction of the Director of Parks, Recreation and Facilities;
  - d. provide a bus shelter on Cook Street in accordance with the site plan dated November 22, 2019, and to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development;
  - e. provide two car share vehicles, two assigned car share parking spaces on-site, 118 car share memberships, a \$100 of driving credits for each resident, and 40 electric bicycle charging stations (11 OV wall outlets) in the underground parkade, to the satisfaction of the Director of Engineering and Public Works; and
  - f. purchase 100 transit passes through BC Transit's EcoPass program to the satisfaction of the Director of Engineering and Public Works.
2. Council authorizing street-level projecting canopies and cornices over the City Right-of-Way on 1050-1058 Pandora Avenue and 1508-1518 Cook Street, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Heritage Designation Application No. 000188 and Heritage Alteration Permit Application No. 00016

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. 00695, if it is approved, consider the following motions:

1. "That Council authorize the issuance of Heritage Alteration Permit Application No. 00016 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, in accordance with:
  - a. Plans, date stamped November 22, 2019.

- b. The Conservation Plan for the Parkway Apartments, date stamped July 2019.
  - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Heritage Alteration Permit lapsing two years from the date of this resolution.
2. That Council approve the designation of the heritage-registered property located at 1050-1058 Pandora Avenue and 1508-1516 Cook Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, consistent with the plans dated November 22, 2019."

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

Rezoning Application No. 000695

**That subject to the applicant committing to measures outlined in the District Correspondence outlining the summary of the Parkway Building flood from November 2 to December 10,** Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00695 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, 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:

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

Rezoning Application No. 000695

That subject to the applicant committing to measures outlined in the District Correspondence outlining the summary of the Parkway Building flood from November 2 to December 10, Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00695 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, 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 and execution of the appropriate legal agreements in order to secure the following:
  - a. all dwelling units remain rental in perpetuity;
  - b. a Statutory Right-of-Way of 3.083m along Cook Street, to the satisfaction of the Director of Engineering and Public Works;

- c. pay for the construction of an asphalt pathway in Franklin Green Park to connect the proposed 3m wide pathway at the northwest corner of the site to an existing park pathway to the west to the satisfaction of the Director of Parks, Recreation and Facilities;
  - d. provide a bus shelter on Cook Street in accordance with the site plan dated November 22, 2019, and to the satisfaction of the Director of Engineering and Public Works and the Director of Sustainable Planning and Community Development;
  - e. provide two car share vehicles, two assigned car share parking spaces on-site, 118 car share memberships, a \$100 of driving credits for each resident, and 40 electric bicycle charging stations (11 OV wall outlets) in the underground parkade, to the satisfaction of the Director of Engineering and Public Works; and
  - f. purchase 100 transit passes through BC Transit's EcoPass program to the satisfaction of the Director of Engineering and Public Works.
2. Council authorizing street-level projecting canopies and cornices over the City Right-of-Way on 1050-1058 Pandora Avenue and 1508-1518 Cook Street, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Heritage Designation Application No. 000188 and Heritage Alteration Permit Application No. 00016

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. 00695, if it is approved, consider the following motions:

- 1. "That Council authorize the issuance of Heritage Alteration Permit Application No. 00016 for 1050-1058 Pandora Avenue and 1508-1518 Cook Street, in accordance with:
  - a. Plans, date stamped November 22, 2019.
  - b. The Conservation Plan for the Parkway Apartments, date stamped July 2019.
  - c. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Heritage Alteration Permit lapsing two years from the date of this resolution.
- 2. That Council approve the designation of the heritage-registered property located at 1050-1058 Pandora Avenue and 1508-1516 Cook Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, consistent with the plans dated November 22, 2019."

**CARRIED UNANIMOUSLY**

**F.5 2649-2659 Douglas Street and 735 Hillside Avenue: Rezoning Application No. 00664 and Development Permit Application No. 000123 (Burnside)**

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning regarding the proposed Rezoning Application No. 00664 and Development Permit Application No. 00123 for 2649-2659 Douglas Street and 735 Hillside Avenue in order to increase the density, construct an addition on the existing heritage building and a new six-storey multi-unit residential building. Staff are also proposing to designate the exterior of the property located at 2659 Douglas Street as a Municipal Heritage Site and recommending that it move forward to a public hearing.

*Committee discussed the following:*

- *Specifics for heritage retention*
- *Existing building being maintained*
- *Materials proposed by the applicant*

**Moved By** Councillor Isitt

**Seconded By** Councillor Thornton-Joe

**Rezoning Application No. 00664**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00664 for 2649-2659 Douglas Street and 735 Hillside Avenue, 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 and execution of the appropriate legal agreements in order to secure the following:
  - a. All dwelling units remain rental in perpetuity.
  - b. A Statutory Right-of-Way of 3.57m on Hillside Avenue to the satisfaction of the Director of Engineering and Public Works.
  - c. Provide a bus shelter on Hillside Avenue in accordance with the site plans dated November 4, 2019, and to the satisfaction of the Director of Engineering and Public Works.
  - d. Provide two car share vehicles; two assigned car share parking spaces on-site; 151 car share memberships (one for each dwelling unit); a \$100 of driving credits for each resident; and 40 electric bicycle charging stations (11 OV wall outlets) in the underground parkade, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - e. Purchase 100 transit passes through BC Transit's EcoPass program to the satisfaction of the Director of Sustainable Planning and Community Development.

2. Council authorizing street-level projecting canopies and cornices over the City Right-of-Way on 2649-2659 Douglas Street and 735 Hillside Avenue, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

#### Development Permit Application No. 00123

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. 00123 if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00123 for 2649- 2659 Douglas Street and 735 Hillside Avenue, in accordance with:

1. Plans date stamped November 4, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

#### Heritage Designation Application No. 000180

That concurrent with Rezoning Application No. 00664, if it is approved, Council approve the designation of the property located at 2659 Douglas Street as a Municipal Heritage Site, consistent with plans dated November 4, 2019 and pursuant to Section 611 of the Local Government Act.

#### **CARRIED UNANIMOUSLY**

*Committee recessed at 12:25 p.m. and reconvened at 12:48 p.m.*

### **E. STAFF REPORTS**

#### **G.1 Urban Forest Master Plan Implementation**

Committee received a report dated November 21, 2019 from the Director of Parks, Recreation and Facilities regarding an overview of the five-year implementation plan of the Urban Forest Master Plan and to update Council on actions completed and planned for the near future.

*Committee discussed the following:*

- *Canopy estimates from 2013 vs 2019*
- *Fruit bearing trees and planting plans*
- *Stewardship plan*
- *Tree appreciation plan*

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council;

1. Approve the reallocation of \$110,000 from the Tree Preservation Bylaw project to the priority Urban Forest Master Plan actions outlined in this report and;
2. Direct staff to amend the Urban Forest Master Plan to reflect the updated canopy cover estimates, shown in Attachment A.

**Amendment:**

**Moved By** Councillor Isitt  
**Seconded By** Mayor Potts

3. **Direct staff to provide a progress report on the Urban Forest Master Plan implementation by June 2020.**

FOR (2): Councillor Isitt and Councillor Potts

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Thornton-Joe and Councillor Young

**DEFEATED (2 to 4)**

**On the main motion:**

FOR (5): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Potts and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (5 to 1)**

**G.3 2020 By-Election**

Committee received a report dated December 4, 2019 from the City Clerk regarding a review of the election process to determine the level of both voting opportunities and communications appropriate to the circumstances of a by-election for one seat on City Council.

*Committee discussed the following:*

- *Production Cost of a mail-out*
- *Legislative timelines for the election process*
- *Voter turnout for by-elections*
- *Selection of the four strategic voting locations*

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council direct staff to proceed with Option 1 a modified by-election process and report back on final timing, cost estimates and appointment of a Chief Election Officer in January 2020.

**Amendment:**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Young

That Council direct staff to proceed with Option 1 a modified by-election process and report back on final timing, cost estimates, appointment of a Chief Election Officer in January 2020, **and a voter information card mailed to each residence.**

**CARRIED UNANIMOUSLY**

**Amendment:**

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council direct staff to proceed with Option 1 a modified by-election process and report back on final timing, cost estimates, appointment of a Chief Election Officer in January 2020, a voter information card mailed to each residence, **and invite candidate profile information to be compiled and provided on the City's website.**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

That Council direct staff to proceed with Option 1 a modified by-election process and report back on final timing, cost estimates, appointment of a Chief Election Officer in January 2020, a voter information card mailed to each residence, and invite candidate profile information to be compiled and provided on the City's website.

**CARRIED UNANIMOUSLY**

**Motion to extend:**

**Moved By** Councillor Isitt  
**Seconded By** Councillor Potts

That the Committee of the Whole meeting be extended to 3:00 p.m.

**CARRIED UNANIMOUSLY**

**G.4 Municipal Licensing and Regulating of Provincially Approved Taxis, Limousines, and Ride-Hailing Services**

Committee received a report dated December 3, 2019 from the City Clerk regarding the provincial licensing requirements for passenger directed vehicles seeking Council direction for licensing and regulating ride-hailing services, taxis, and limousines.

*Committee discussed the following:*

- *Ensuring that existing taxis can operate on a level playing field*
- *Potential municipal regulations*
- *Collaboration with neighbouring municipalities*
- *How this work relates to the sustainable mobility strategy*

**Moved By** Mayor Helps

**Seconded By** Councillor Young

That Council direct staff to:

1. Bring forward amendments to the Vehicles for Hire Bylaw to Council that suspend taxi licensing conditions under Division 2, 3, 4, and 5, except section 70 and 71, of the Vehicles for Hire Bylaw.
2. Review City bylaws and bring forward bylaw amendments to align with provincial licensing requirements for taxis, limousines, and ride-hail vehicles.
3. Report back with further regulatory recommendations for passenger directed vehicles in conjunction with the Sustainable Mobility Strategy.

**CARRIED UNANIMOUSLY**

**F. NOTICE OF MOTIONS**

**H.1 Council Member Motion - Welcoming City Strategy**

Committee received a Council Member Motion dated December 5, 2019 from Councillor Dubow and Mayor Helps outlining the proposed next steps to develop a Welcoming City Strategy and to begin to implement the directives, decisions, and policies needed to create a welcoming city in the Victoria community.

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

That Council receives this report for information and considers allocating one-time funding from the 2019 surplus during January 2020 budget deliberations in order to develop a Welcoming City Strategy as identified in the 2019-2022 Strategic Plan.

**CARRIED UNANIMOUSLY**

**H.2 Council Member Motion - Advocacy to Increase Tipping Fees for International Solid Waste to Preserve Capacity of the Hartland Landfill**



Committee received a Council Member Motion dated December 5, 2019 from Councillor Isitt regarding the proposed request that the CRD amend the Hartland Landfill Tipping Fee and Regulation Bylaw to introduce a differential tipping fee for international solid waste from the cruise ship sector.

*Committee discussed the following:*

- *Specifics contained in the bylaw attachment*
- *CRD solid waste management review*

**Moved By** Councillor Isitt

**Seconded By** Councillor Potts

That Council:

1. Requests that the Capital Regional District amend the Hartland Landfill Tipping Fee and Regulation Bylaw to increase the tipping fee for disposal of international solid waste from cruise ships and other sources, informed by the City of Prince Rupert's fee and bylaw.
2. Directs staff to engage the CRD on this potential bylaw amendment.
3. Requests that the Mayor write to the CRD Board, copying Mayors and Councils of municipalities in the region, requesting favourable consideration of this request.

**Motion to postpone:**

**Moved By** Councillor Potts

**Seconded By** Councillor Alto

That consideration of this matter be postponed to the January 9, 2020 Committee of the Whole meeting.

**CARRIED UNANIMOUSLY**

**G. ADJOURNMENT OF COMMITTEE OF THE WHOLE**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

That the Committee of the Whole Meeting be adjourned at 2:40 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR



## MINUTES - COMMITTEE OF THE WHOLE

December 5, 2019, 9:00 A.M.

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

**The City of Victoria is located on the homelands of the Songhees and Esquimalt People**

**PRESENT:** Mayor Helps in the Chair, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

**PRESENT VIA ELECTRONIC PARTICIPATION:** Councillor Dubow

**STAFF PRESENT:** J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, T. Zworski - City Solicitor, F. Work - Director of Engineering & Public Works, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, J. O'Connor - Deputy Director of Finance, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, C. Royle - Deputy Fire Chief, K. Stratford - Neighbourhood Liason, P. Angelblazer - Committee Secretary.

**GUESTS:** M. Gardiner – President - James Bay Neighbourhood Association, B. Van Der Steen – Director - James Bay Neighbourhood Association, I. Robertson - CEO - Greater Victoria Harbour Authority, J. Doucette - CEO - Synergy Enterprises, S. Hnatko - Vice President & General Manager – Tymac, B. Penner - Strategic Advisor - Cruise Lines International Association North West & Canada

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

**Moved By** Councillor Loveday

**Seconded By** Councillor Thornton-Joe

That the agenda be approved.

#### **Amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Dubow

That the agenda of the December 5, 2019, Committee of the Whole meeting be amended as follows:

**Consent Agenda:**

**C.1 - Minutes from the meeting held November 21, 2019**

**F.1 – 1216 Richardson Street – Development Variance Permit Application No. 00231 (Rockland)**

**G.3 – City of Victoria Governor General’s Youth Legacy Fund**

**I.1 – Council Member Motion – Briefing on Climate Champions Program**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**B. CONSENT AGENDA**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the following items be approved without further debate

**CARRIED UNANIMOUSLY**

**C.1 Minutes from the meeting held November 21, 2019**

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

That the minutes from the November 21, 2019 Committee of the Whole meeting be approved.

**CARRIED UNANIMOUSLY**

**F.1 1216 Richardson Street - Development Variance Permit Application No. 00231 (Rockland)**

Council received a report dated November 22, 2019 from the Acting Director of Sustainable Planning and Community Development presenting Council with an application to reduce required parking from four to three stalls in order to allow for four residential units within an existing house which is currently approved for two units. The report recommends moving forward to an opportunity for public comment.

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

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. 00231 for 1216 Richardson Street, in accordance with:

1. Plans date stamped September 17, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  - i. Reduce the parking requirement from four stalls to three stalls.
3. The Development Permit lapsing two years from the date of this resolution

**CARRIED UNANIMOUSLY**

### **G.3 City of Victoria Governor General's Youth Legacy Fund**

Council received a report dated December 5, 2019 from the Head of Business and Community Relations seeking Council's recommendation to fund the continuation of the Youth at Risk Art Project in Centennial Square.

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

1. That Council recommend to the Victoria Foundation Board to fund \$8,265 for the Centennial Square Youth at Risk Art Project from the Governor General Youth Legacy Fund.
2. That Council forward the recommendation to the daytime Council meeting of December 5, 2019 for ratification.

**CARRIED UNANIMOUSLY**

### **I.1 Council Member Motion - Briefing on Climate Champions Program**

Council received a report dated November 27, 2019 from Mayor Helps outlining the proposed Climate Champions program including a request to amend the Strategic Plan to reflect the proposal as well as consideration of a budget allocation to fund the program as a pilot project in 2020.

**Moved By** Councillor Alto

**Seconded By** Councillor Potts

1. That Council receive this report for information.
2. That Council amend the strategic plan to remove 2019 Action "Create Neighbourhood Climate Champion program with one child, youth, adult and elder from each neighbourhood to lead and inspire at the local level on Climate Action" and replace it with a 2020 Action "Create a Climate Champions Program."

3. That Council consider allocating up to \$50,000 from the 2019 surplus to fund the program in 2020 as a pilot project and assess its effectiveness in mobilizing people to take climate action, reduce greenhouse gas emissions and build community resilience.

**CARRIED UNANIMOUSLY**

**D. PRESENTATIONS**

**D.1 James Bay Neighbourhood Association - Cruise Ships**

Council received a presentation from the James Bay Neighbourhood Association on Cruise Ship Emissions at Ogden Point.

*Committee opted to have both presentations back to back, and to ask questions and discuss this matter with both sets of presenters.*

**D.2 Greater Victoria Harbour Authority**

Council received a presentation from the Greater Victoria Harbour Authority and industry partners.

*Committee suspended the rules of order at 10:04 a.m. for the duration of the item.*

*Committee discussed the following:*

- *Future Environmental initiatives in the Victoria cruising industry;*
- *Future expansion opportunities;*
- *Traffic calming in the James Bay neighbourhood;*
- *Waste reduction, reuse, recycling, and disposal;*
- *Opportunities for collaboration on climate change initiatives.*

*Committee recessed at 11:08 a.m., and reconvened at 11:15 a.m*

**E. UNFINISHED BUSINESS**

**E.1 Proposed Adjustments to the Draft 2020-2024 Financial Plan**

Council received a report dated November 25, 2019 from the Deputy City Manager/Chief Financial Officer seeking direction regarding adjustments to the draft 2020-2024 Financial Plan based on the feedback received from public consultation before Council gives final approval to the Financial Plan Bylaw prior to May 15 as required by the *Community Charter*.

*Committee discussed the following:*

- *Possible discrepancies in the budget estimates for Full-Time Employees.*

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That Council receive this report for information and consideration at budget meetings starting on January 10, 2020.

**Amendment:**

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

That Council receive this report for information and consideration at budget meetings starting on January 10, 2020 **and request that staff report back on priorities for FTEs to carry out the existing work.**

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

## **E.2 Draft Financial Plan - Public Input Summary**

Council received a report dated November 28, 2019 from the Deputy City Manager/Chief Financial Officer and the Head of Engagement providing Council with public feedback and correspondence received during the consultation period for the 2020 Financial Plan.

*Committee discussed the following:*

- *Current survey results compared with results from previous iterations;*
- *Survey format and methodology.*

**Moved By** Councillor Isitt  
**Seconded By** Councillor Loveday

That Council receive this report for information.

**CARRIED UNANIMOUSLY**

## **E.3 My Great Neighbourhood Grant - Fall Intake Report**

Council received a report dated November 18, 2019 from the Head of Business and Community Relations providing information and recommendations regarding the 2019 Fall intake of the My Great Neighbourhoods Grant applications for Council's consideration of approval.

*Committee discussed the following:*

- *Applications which were withdrawn or declined;*
- *Impacts of successful applications on the serviced communities;*
- *Emergency preparedness applications.*

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That Council:

1. Approve the 29 applications received for the Fall Intake of the 2019 My Great Neighbourhood Grant program in the amount of \$52,945 as outlined in Tables 1 and 2.

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Loveday

1. Approve the 29 applications received for the Fall Intake of the 2019 My Great Neighbourhood Grant program in the amount of \$52,945 as outlined in Tables 1 and 2.
2. That the \$10,755 unallocated grant funds goes to the My Great Neighbourhood grant stream for 2020

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

That Council:

1. Approve the 29 applications received for the Fall Intake of the 2019 My Great Neighbourhood Grant program in the amount of \$52,945 as outlined in Tables 1 and 2.
2. That the \$10,755 unallocated grant funds go to the My Great Neighbourhood grant stream for 2020.

**CARRIED UNANIMOUSLY**

**Motion Arising:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That items 1 and 2 in Table 3 to be referred to staff to report back on options for installing the proposed amenities.

**Amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

That items 1 and 2 in Table 3 to be referred to staff to report back on options for **the potential to** installing the proposed amenities.

**CARRIED UNANIMOUSLY**

**On the motion arising as amended:**

**CARRIED UNANIMOUSLY**

**E.4 Vacant Council Appointments**

Council received a report dated November 19, 2019 from the City Clerk providing information regarding vacant external committee/commission appointments that are the result of the resignation of Councillor Collins.

*Committee discussed the following:*

- *If the James Bay Neighbourhood Liaison should also be the representative for the Greater Victoria Harbour Authority;*
- *Relevant impacts stemming from the Schlenker v. Torgrimson decision.*

*Councillors Thornton-Joe and Dubow nominated Councillor Alto for the Greater Victoria Harbour Authority. Councillor Isitt nominated Councillor Potts for the Greater Victoria Harbour Authority*

*Council voted by secret ballot on the two nominees resulting in a draw.*

**Moved By** Councillor Isitt  
**Seconded By** Councillor Potts

That Councillor Loveday be appointed on an interim basis to the Urban Food Table as the Council Liaison.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Isitt

That consideration of this matter be postponed until the December 12

**Failed to proceed due to no seconder**

**Moved By** Mayor Helps  
**Seconded By** Councillor Young

That names be drawn for a nominee to the GVHA.



FOR (3): Mayor Helps, Councillor Thornton-Joe, Councillor Dubow

OPPOSED (5): Councillor Isitt, Councillor Potts, Councillor Alto,  
Councillor Loveday, and Councillor Young

**DEFEATED (3 to 5)**

**Moved By** Councillor Isitt

**Seconded By** Councillor Loveday

That consideration be postponed until the following week.

FOR (4): Councillor Loveday, Councillor Isitt, Councillor Potts, and  
Councillor Dubow

OPPOSED (4): Mayor Helps, Councillor Thornton-Joe, Councillor Alto,  
and Councillor Young

**DEFEATED (4 to 4)**

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

That Council vote on nominees for the Greater Victoria Harbour Authority a  
second time.

FOR (6): Mayor Helps, Councillor Thornton-Joe, Councillor Dubow,  
Councillor Isitt, Councillor Alto, and Councillor Young

OPPOSED (2): Councillor Potts, and Councillor Loveday

**CARRIED (6 to 2)**

*Council voted by a secret ballot on the nominees a second time, ending with the  
successful nomination of Councillor Alto.*

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

That Councillor Alto be nominated to the Greater Victoria Harbour Authority  
Board.

**CARRIED UNANIMOUSLY**

*Committee recessed at 12:15 p.m., and reconvened at 12:32 p.m.*

## **F. LAND USE MATTERS**

### **F.2 Next Generation Conversion Regulations - Proposed Changes**

Committee of the Whole Minutes

December 5, 2019

Council received a report dated November 20, 2019 from the Acting Director of Sustainable Planning and Community Development outlining to Council a series of potential changes to the House Conversion Regulations and seek Council's direction regarding the preferred approach for moving forward.

*Councillor Isitt left the meeting at 12:45 p.m., and returned at 12:53 p.m.*

*Committee discussed the following:*

- *New possibilities with the proposed regulations;*
- *Amount of existing house conversions;*
- *Heritage Designations in relation to the new process;*
- *Benefits of targeted consultation;*
- *Accessibility concerns with conversions.*

**Moved By** Mayor Helps

**Seconded By** Councillor Loveday

That Council direct staff to:

1. Undertake consultation, as outlined in this report, on the following proposed changes to the Zoning Regulation Bylaw Schedule G - Housing Conversion Regulations and Schedule C - Off-Street Parking Regulations described as the 'Run' option:
  - a. Change the qualifying year of construction
  - b. Reduce restrictions on exterior changes
  - c. Clarify and expand opportunities to utilize under-height basements
  - d. Allow attic spaces to be developed
  - e. Allow vehicle car parking in front yard (for non-heritage properties)
  - f. Increase and incentivize permitted number of units
  - g. Allow windows and doors on front elevations
  - h. Decrease parking requirements
  - i. Require bicycle parking
  - j. Allow exemptions for required bicycle parking
2. Report back to Council with feedback from consultation and final recommendations for amendments to the Zoning Regulation Bylaw.

**CARRIED UNANIMOUSLY**

## **G. STAFF REPORTS**

### **G.1 709/711 Douglas Street (Previously CityStudio Victoria)**

Council received a report dated November 19, 2019 from the Head of Business & Community Relations providing Council with information on potential models for operating the property previously known as 'CityStudio Victoria' to allow for continued usage by neighbourhood associations, all connected community organizations, City of Victoria Youth Council, the City's Local Champions Program, and City staff.

*Committee discussed the following:*

- *The use of the City-Studio space outside of the groups outlined in the staff report;*
- *Importance of curated community space;*
- *How booking the space would function under proposed amendments;*
- *Details on security requirements for booking the space.*

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

Council authorizes the use of 709/711 Douglas Street, previously known as 'CityStudio Victoria', operate as a pilot for 2020 as the 'NeighbourHub' to be managed by the Neighbourhood Team and be available to all neighbourhood associations, all community organizations that directly impact or are connected to neighbourhood associations, City of Victoria Youth Council, City's Local Champions Program, and City Staff.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

Council authorizes the use of 709/711 Douglas Street, previously known as 'CityStudio Victoria', operate as a pilot for 2020 as the 'NeighbourHub' to be managed by the Neighbourhood Team and be available to all neighbourhood associations, all community organizations that directly impact or are connected to neighbourhood associations, City of Victoria Youth Council, City's Local Champions Program, and City Staff, **and community advocacy organizations where capacity permits.**

**Amendment to the amendment:**

**Moved By** Councillor Loveday

**Seconded By** Councillor Potts

Council authorizes the use of 709/711 Douglas Street, previously known as 'CityStudio Victoria', operate as a pilot for 2020 as the 'NeighbourHub' to be managed by the Neighbourhood Team and be available to all neighbourhood associations, all community organizations that directly impact or are connected to neighbourhood associations, City of Victoria Youth Council, City's Local Champions Program, and City Staff, **and community advocacy organizations where capacity permits.**

**CARRIED UNANIMOUSLY**

**Amendment to the amendment:**

**Moved By** Councillor Loveday

**Seconded By** Mayor Helps

Council authorizes the use of 709/711 Douglas Street, previously known as 'CityStudio Victoria', operate as a pilot for 2020 as the 'NeighbourHub' to be managed by the Neighbourhood Team and be available to all neighbourhood associations, all community organizations that directly impact or are connected to neighbourhood associations, City of Victoria Youth Council, City's Local Champions Program, City Staff, and community organizations **that deliver either strategic or operational requirements** where capacity permits.

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Dubow, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Potts

**CARRIED (6 to 2)**

**On the amendment:**

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

**On the main motion as amended:**

Council authorizes the use of 709/711 Douglas Street, previously known as 'CityStudio Victoria', operate as a pilot for 2020 as the 'NeighbourHub' to be managed by the Neighbourhood Team and be available to all neighbourhood associations, all community organizations that directly impact or are connected to neighbourhood associations, City of Victoria Youth Council, City's Local Champions Program, City Staff, and community organizations that deliver either strategic or operational requirements where capacity permits

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

**CARRIED (7 to 1)**

**G.2 Update Report - Citizen's Assembly Terms of Reference**

Council received a report dated November 27, 2019 from the City Clerk presenting Council with information regarding differences between proposed Saanich and Victoria terms of reference for the Citizens' Assembly.

*Committee discussed the following:*

- *Differences in language regarding the proportion of Indigenous Peoples.*

**Moved By** Mayor Helps

**Seconded By** Councillor Isitt

That Council receive this report for information and accept the final terms of reference as presented by Saanich and direct staff to work with Saanich staff to bring forward a report outlining the steps necessary to be completed in order to make application to the Province for funding to undertake the Citizens Assembly.

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Mayor Helps

After 7.3.5 in the document:

**A proportionate number of Aboriginal People based on the population for Saanich and Victoria.**

FOR (2): Councillor Isitt, Councillor Dubow

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Young, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

**Defeated (2 to 6)**

**On the main motion:**

**CARRIED UNANIMOUSLY**

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

**Moved By** Councillor Alto

**Seconded By** Councillor Loveday

That the Committee of the Whole Meeting be adjourned at 2:00 p.m.

**CARRIED UNANIMOUSLY**

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CITY CLERK

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MAYOR



## **Committee of the Whole Report**

### **For the Meeting of January 9, 2020**

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**To:** Committee of the Whole **Date:** December 2, 2019  
**From:** Thomas Soulliere, Director of Parks, Recreation and Facilities  
**Subject:** Project Update: Crystal Pool and Wellness Centre Replacement Project

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### **RECOMMENDATION**

That Council:

1. Approve an allocation of up to \$725,000 for the Feasibility Study; and
2. Approve the process to create a Project Advisory Group for the Crystal Pool and Wellness Centre Replacement Project, as outlined in this report.

### **EXECUTIVE SUMMARY**

On October 17, 2019 the project team engaged in a workshop with Council to discuss the definitions, objectives, and engagement components of the June 2019 motion. The project team has taken this input and developed the project plan outlined in this report for the next phase of work. This Feasibility Study will focus on the program components and location of the new facility, and ultimately produce a viable concept design, design and construction budget, and schedule to complete the new facility.

The key activities of the Feasibility Study will include:

1. Establishing a Project Advisory Group
2. Developing criteria, assessing and refining program and siting options
3. Public consultation
4. Confirming a preferred concept design and cost estimate

The first action will be to establish the Project Advisory Group (PAG). At the workshop on October 17, staff heard from Council support for development of an advisory group comprised of a diverse mix of community stakeholders and equity seeking populations. In response, the project team has developed a draft Terms of Reference for the PAG (Attachment A) and an implementation plan.

Once the PAG is in place, the project team will progress through the various activities to confirm the program and siting of the new facility, while engaging with Council and the general public throughout the process. The projected timeline to complete the Feasibility Study is approximately 14-16 months.

## PURPOSE

The purpose of this report is to provide an update on the project plan for the next phase of work and to detail the process for creating the Project Advisory Group.

## BACKGROUND

In June 2019, Council received a presentation from representatives of the North Park Neighbourhood Association consisting of information relating to neighbourhood demographics, potential facility siting options and potential programming. Subsequent to this presentation, Council approved a new set of directions relating to the project:

*That Victoria City Council direct staff to develop a plan to revisit the objectives, scope and schedule of activities for the Crystal Pool project that aligns with the new Strategic Plan, including application of the evaluative tools described in section i, ii, iii, iv below, for Council consideration:*

- i. Ensure no net loss of green space in the neighbouring area.*
- ii. Apply an equity lens to siting, design, amenity selection, engagement, procurement, and evaluation, to inform decisions about and investment in community*
- iii. Apply an affordability lens to assess total cost of ownership, siting, amenity selection, operating costs, costs to taxpayers and users*
- iv. Invite potential partners and neighbourhood representatives to collaborate to align and help achieve these equity, accessibility and affordability objectives*
- v. Embed distributional, procedural, structural and inter-generational equity into the City's corporate policies guiding hiring, staff training and professional development, procurement and civic engagement*
- vi. Report back to Council on potential locations in the North Park and Hillside/Quadra neighbourhoods.*

In the October 17 workshop with Council, the project team received further input on key components of the June 2019 motion that provided new direction on the project. At this session Council passed the following motion:

- i. That the pool project include consideration of a possible neighbourhood library branch.*

## ISSUES & ANALYSIS

During the October meeting, staff committed to reporting back on two immediate actions; the draft plan for the Feasibility Study, and the process to create a Project Advisory Group, including terms of reference.

### Scope

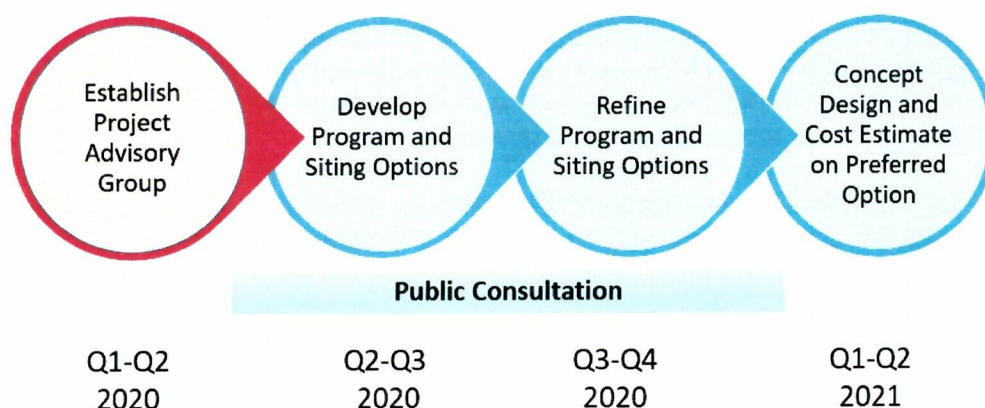
Over the past couple of months, the project team has developed a scope, schedule and budget to carry out the new Feasibility Study, which will define key components including the facility program and amenities, as well as the site. This process is intended to ensure robust community

engagement, effective technical support, and upon completion will establish a viable concept design, along with a schedule and budget to complete the detailed design and construction.

The scope will include the following priority activities; establishing the PAG, developing criteria for and conducting assessments of program and siting options, hosting multiple public engagement sessions, architectural design, and financial analysis. The community engagement plan will leverage outputs from the Equity Framework, currently in development, into the project design and location.

### Schedule

The overall timeline for the study is estimated to be 14-16 months, and the pace of progress will be reported at regular intervals to Council. The graphic below provides an outline of the process and anticipated duration of the various activities.



### Budget

In 2017, Council approved \$10 million to the project, of which \$7.8 million remains. Staff propose allocating up to \$725,000 of this funding to execute the Feasibility Study.

BUDGET	
Feasibility Study (design, technical assessment, cost estimation)	\$425,000
Soft Costs (project management, communications, Project Advisory Group)	\$300,000
<b>TOTAL</b>	<b>\$725,000</b>

The time and effort involved in executing the study is significant, and the proposed budget includes external support, given the existing demands on staff from other approved projects. The anticipated investments in public engagement, technical analysis and design are expected to lead to a new foundation for future phases of work.



## Project Advisory Group

The purpose of the PAG is to provide input from a diversity of community perspectives on the potential program and siting options for the new facility. Although the group will not be responsible for project decisions, their contributions will be critical to the development of decision-making criteria and the analysis of options.

The PAG will consist of up to 15 community stakeholders. To the extent possible, membership will reflect the diversity of the local community and city including; age, ethnicity, gender, housing status, income, employment status, language, and other underrepresented populations. The PAG will include, but is not limited to, representation from community and neighborhood associations, facility users, business owners, youth, people living with disabilities, families with children, Indigenous people, seniors, lower income residents, multi-cultural groups, and new Canadians.

The PAG is anticipated to be established in early 2020 and representatives will be appointed for one year. The meeting frequency will be determined based on the pace of the project but is expected to be every two months.

Staff plan to utilize an independent facilitator to lead the review and appointment of candidates for the PAG, as well as chair the PAG meetings and provide input into the overall public engagement plan. A facilitator with expertise in this type of work will be selected through a bid process involving local firms who are on the City's consultant roster.

Starting in January, staff intend to onboard the facilitator who will be responsible for leading the call-for-applications, which will be followed by a confidential selection process led by the facilitator for the PAG. The facilitator will be provided with communications support including access to the City's various digital media channels.

Following the establishment of the PAG, the project team will coordinate a series of community engagement activities to inform and solicit input on the initial activities, including the development of the program and site evaluation criteria.

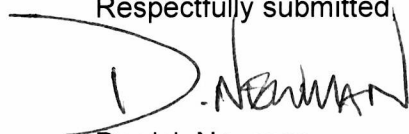
### *Accessibility Impact Statement*

The Crystal Pool replacement project will result in a new recreation facility, based on the principles of universal design, which will serve as a model for inclusion and accessibility. Through extensive consultation and analysis over the past four years, the project team has acquired significant information on this topic, however, this effort will continue through the upcoming phase of work.

## CONCLUSIONS

The Crystal Pool and Wellness Centre Replacement project remains one of the most significant infrastructure initiatives the City has undertaken. The updated plan lays out a new approach to engaging with the community on the priorities for this project and is intended to be thorough and efficient. Council will be provided with an update on the progress in early 2020.

Respectfully submitted,




Derrick Newman  
Assistant Director  
Facilities and Construction Management



Thomas Soulliere  
Director  
Parks, Recreation and Facilities

Report accepted and recommended by the City Manager:

  
Date: Dec 19, 2019

### Attachments:

A) Terms of Reference - Crystal Pool and Wellness Centre Project Advisory Group



## TERMS OF REFERENCE

### Crystal Pool Wellness Centre Replacement Project Project Advisory Group

These terms of reference apply to the Crystal Pool Wellness Centre Replacement Project Advisory Group. They are intended to provide a general outline of the purpose, function and expected outcomes of the Project Advisory Group.

#### **About Crystal Pool Wellness Centre Replacement Project**

In late 2016, City Council directed staff to develop a plan for the future of the aging Crystal Pool facility. Subsequently, the project team conducted a technical analysis, and developed a schematic design for a new facility within Central Park, based on public consultation. In the fall of 2018, Council directed staff to explore changes to the project scope and consider alternative sites based on concerns raised in the local neighbourhood.

In mid-2019, Council directed staff to revisit the objectives, scope and schedule of activities related to the project and to develop and apply an “equity and affordability lens” for the project. The introduction of a new Project Advisory Group is one of the improvements recommended by the project team to align with Council direction.

#### **Purpose**

The purpose of the Project Advisory Group is to ensure participation from the interested community groups in project planning discussions. Group discussions will be led by an independent third-party facilitator and provide inputs into project decisions.

Members of the PAG will serve an important role in connecting the larger community to the project and the various viewpoints.

#### **Members of the Project Advisory Group will:**

- Participate in meetings with the Process Facilitator
- Provide advice and recommendations to the project team on ways to reach project outcomes for the community
- Promote awareness of the project and public engagement opportunities through their networks
- Provide input on the program and siting options for the new facility

#### **Composition**

The Project Advisory Group will be comprised of up to 15 members. To the extent possible, membership should reflect the diversity of the local community including age, ethnicity, gender, family status, housing status, income, ability, employment status, language, through the identification and active recruitment of members and representatives of underrepresented groups and equity-seeking populations.

Project Advisory Group membership will include representation from, but not limited to:

- Community/Neighbourhood Associations (North Park, Hillside-Quadra)
- Facility users
- Indigenous people
- Multi-cultural groups and new Canadians
- Residents
- Citizens living with disabilities
- Local businesses and service providers
- Youth
- Families
- People with lower incomes
- Seniors

### **Commitment**

The Project Advisory Group will meet with staff approximately once every two months for approximately one year.

### **Responsibilities**

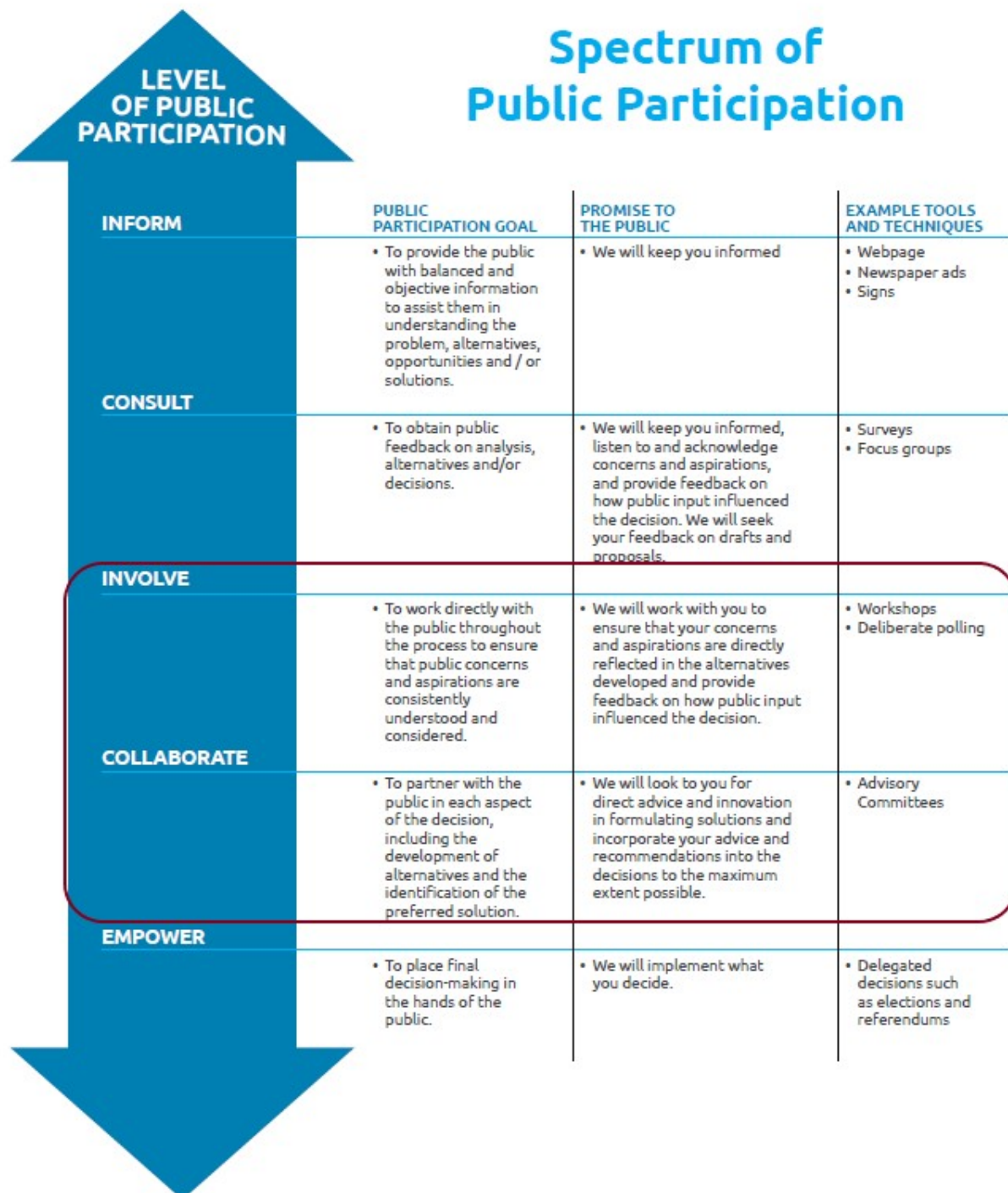
The responsibilities of the Project Advisory Group members include:

- Attending PAG meetings
- Responding to communications from the Facilitator;
- Following meeting procedures and Code of Conduct;
- Reviewing and provide feedback on draft documents or material as requested;
- Attending public engagement sessions;
- Consider the broader public input, analysis, objectives of the community when participating in making recommendations;
- Work collaboratively and be open to new ideas and perspectives.

The Project Advisory Group members agree to fulfill the roles and responsibilities outlined. Representatives who are unable to meet these expectations may be excused from the Project Advisory Group. Any vacant position may be filled by the Facilitator.

## Participation

The process is intended to focus on the “collaborate” and “involve” levels of public participation, as identified by the City’s Engagement Framework.



## Process Facilitator

The PAG will be supported by an independent third-party professional who will facilitate the discussions of the group. The Facilitator will chair each of the PAG meetings and manage the agenda and notes for each session.

**Establishing Project Advisory Group**

The City will post information on the PAG, including meeting dates and outcomes, along with application and selection details for any vacancies on the Victoria.ca website. Applications will be reviewed by the independent Facilitator and recommended to the PAG on behalf of the project team.

**Budget and Remuneration**

The cost for the Project Advisory Group is included in the overall project budget and will cover reasonable costs including, but not exclusive, of: catering, meeting materials, Facilitator, and administrative support. No remuneration will be provided to Project Advisory Group members.

**Consensus Advice**

The Project Advisory Group provides advice to the project team. Where possible, group consensus will be sought, however minority opinions will be considered to have merit and be noted. No votes will be held to determine the group's position.

**Conflicts of Interest**

PAG members or their immediate family must not be employed with the City of Victoria, either through direct employment or a business relationship of any type.

**Declaring Conflict of Interest**

Project Advisory Group members are required to declare the nature and extent of any conflict of interest to the process facilitator immediately after the relevant facts come to the member's attention.

**Observers**

Project Advisory Group meetings are open to the public. Individuals may attend meetings to observe, but may not participate in the discussions.

# Crystal Pool and Wellness Centre Replacement Project Update

Committee of the Whole

January 9, 2020



1

## Purpose

To review the proposed project plan for the next phase of work and the process for creating a Project Advisory Group



2

## Project Plan

### Objectives

**Inclusive: all feel welcome in the new facility**

Reduce barriers to access through application of universal design principles

**Sustainable: a showcase for climate leadership**

Significantly reduce the City's carbon emissions and align with climate action goals

**Beyond recreation: enabling health and wellness**

A high-quality aquatic and wellness centre with amenities that offer programming spaces for a wide range of community needs



3

## Project Plan

### Directives

- No net loss of green space
- Apply equity and affordability lenses
- Collaborate with the community
- Investigate locations for the facility in North Park or Hillside/Quadra neighborhoods
- Give consideration for a neighborhood library branch



4



# Feasibility Study

## Key Activities

1. Establish a Project Advisory Group composed of community stakeholders to help guide the development of options and analysis
2. Develop criteria and recommendations for the program and siting through technical assessment and public feedback
3. Develop a new concept design with cost estimate to complete the facility



5

## Project Advisory Group

Led by an independent facilitator, the Project Advisory Group will provide input from a wide range of community perspectives

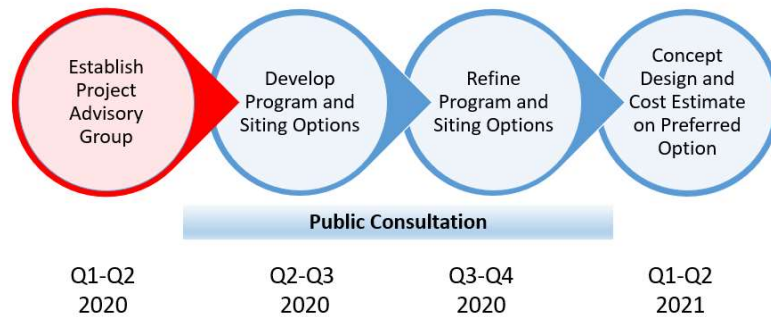
- *Community/Neighbourhood Associations*
- *Facility users*
- *Indigenous people*
- *Multi-cultural groups and new Canadians*
- *Residents*
- *Citizens living with disabilities*
- *Local businesses and service providers*
- *Youth*
- *Families*
- *People with lower incomes*
- *Seniors*



6

## Feasibility Study Timeline

Study is anticipated to occur over 14-16 months



7

## Budget

Council approved \$10 million to the project, of which \$7.8 million remains.

FEASIBILITY STUDY	
Consulting Services & Technical Assessments	\$278,000
Concept Design	\$147,000
<b>Subtotal</b>	<b>\$425,000</b>
SOFT COSTS	
Facilitator Services – Project Advisory Group	\$23,000
Project Management Services	\$160,000
Outreach Coordinator (term staff position)	\$103,000
Disbursements	\$14,000
<b>Subtotal</b>	<b>\$300,000</b>
<b>TOTAL</b>	<b>\$725,000</b>

8

## Recommendations

That Council:

1. Approve an allocation of up to \$725,000 for the Feasibility Study; and
2. Approve the process to create a Project Advisory Group for the Crystal Pool and Wellness Centre Replacement Project, as outlined in the report.





**Council Member Motion**  
**For the Committee of the Whole Meeting of January 9, 2020**

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**Date:** January 7, 2020  
**From:** Councillor Ben Isitt  
**Subject:** Advocacy to Increase Tipping Fees for International Solid Waste to Preserve Capacity of the Hartland Landfill – Updated Report

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**Background:**

Council has directed staff to work with the Capital Regional District to explore mechanisms to limit the volume of international solid waste being offloaded from cruise ships at Ogden Point and transported to the CRD-operated Hartland Landfill.

An analysis of best practices in other jurisdictions reveals regulations to limit impacts of international solid waste on local communities, including provisions in the City of Prince Rupert's Solid Waste Management Bylaw providing a clear definition of "cruise ship international garbage" and imposing a tipping fee of \$205 / tonne on this form of waste (see the fee for non-residential waste in the attached bylaw). In contrast, the Capital Regional District currently levies a tipping fee of \$157 / tonne on international solid waste from cruise ships.

To inform the CRD's Solid Waste Management Plan and considerations regarding capacity of the Hartland Landfill, including potential quarrying of the easterly slope of Mount Work to expand landfill capacity (with corresponding loss of biological diversity, mature forest canopy and recreational opportunities), it is recommended that Council request that the CRD amend the Hartland Landfill Tipping Fee and Regulation Bylaw to increase the tipping fee for disposal of international solid waste from cruise ships and other sources.

**Recommendations:**

That Council:

1. Requests that the Capital Regional District amend the Hartland Landfill Tipping Fee and Regulation Bylaw to increase the tipping fee for disposal of international solid waste from cruise ships and other sources.
2. Directs staff to engage the CRD on this potential bylaw amendment.
3. Requests that the Mayor write to the CRD Board, copying Mayors and Councils of municipalities in the region, requesting favourable consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'B. Isitt'.

Councillor Isitt

Attachment: City of Prince Rupert Solid Waste Management Bylaw, No. 3405

# CITY OF PRINCE RUPERT

## SOLID WASTE MANAGEMENT BYLAW NO. 3405, 2016

A BYLAW REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTES AND THE CHARGES, METHODS AND REQUIREMENTS TO OPERATE AND MAINTAIN A SOLID WASTE DISPOSAL SITE.

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**WHEREAS** the *Community Charter*, SBC 2003, Chapter 26, provides that Council may by bylaw establish, maintain and operate grounds for disposal of solid wastes and of noxious, offensive or unwholesome substances and to establish and maintain a system to collect, remove and dispose of such solid wastes, substances and discarded matter and to compel persons to make use of such a system and prescribe the terms and conditions for the use thereof; and

**WHEREAS** the Council deems it necessary to provide and continue such a system in the City of Prince Rupert;

**NOW THEREFORE** the Council of the City of Prince Rupert in an open meeting assembled, enacts as follows:

### **PART 1    DEFINITIONS AND INTERPRETATION**

#### **Title:**

1.1     This Bylaw may be cited as “**Solid Waste Management Bylaw No. 3405, 2016.**”

#### **Definitions:**

1.2     In this **Bylaw**:

“**active face**” means the area of the *disposal site* that is currently being filled with *solid waste*;

“**add-a-day system**” means the scheduling system in which the day for collection of *solid waste* advances by one day following any holiday recognized by the *City*;

“**approved disposal site**” means a site for the deposit and disposal of *solid waste*, recyclable materials, or both, which is either owned or operated by the *City* or is authorized by the *City* as a disposal site;

“**Asset Management Reserve Fee**” means a surcharge collected to repair and replace the service infrastructure assets for present and future needs of users.

**“attendant”** means the *person* authorized to perform the duty of directing and controlling access to the *Landfill Site*;

**“attractant”** means any *waste* which could reasonably be expected to attract *wildlife* or does attract *wildlife* including but not limited to kitchen waste, food products, pet food, bird feed, compost, grease, fruit, honey, salt, or chemical products;

**“City”** means City of Prince Rupert;

**“Commercial Collection Service”** means any *trade* or *institutional* premise using City Collection Services.

**“container”** means a container used to hold *waste*;

**“contaminated water waste”** means water which contains more than a minor trace, as determined by the *Director of Operations*, of a petroleum/grease product and includes wastewater from facilities where maintenance or lubrication of vehicle/equipment components are washed or where solvents are used for removal of paint, grease or oils. It will be the determination of the *Director of Operations* as to what level of contamination is deemed to be minor and therefore acceptable at the *Landfill Site* or what level of contamination is more than minor and unacceptable at the *Landfill Site*, but under no circumstance is it to include the classification of ‘Special Waste’ under the Waste Management Act;

**“controlled waste”** means certain *waste* which is approved for disposal at the disposal site but which, because of its inherent nature or quantity, requires special handling and disposal techniques to avoid creating health hazards, nuisances, or environmental pollution, and shall include those wastes outlined in the schedule attached hereto as Schedule “C”;

**“cover”** means material that is of a gravel/soil type nature, is compactable, and does not contain large pieces of debris;

**“creosote”** means a dark brown oil, distilled from coal tar, used as a wood preservative;

**“cruise ship international garbage”** means low risk and high risk garbage offloaded from foreign vessels which has written approval from the Canadian Food Inspection Agency in the form of a “Certificate for Disposal of *Low Risk International Garbage*”;

**“curbside collection service”** means the system established under this Bylaw by the City for the collection and removal of solid waste solid waste;

**“Director of Operations”** means the person holding the title of “Director of Operations” at the City of Prince Rupert, or his/her designate;

**“Disposal Site”** means that area of the *Landfill Site* which accepts certain *solid wastes*, *controlled wastes*, *cover*, and *low risk international garbage*;

**“dwelling unit”** means any building, or one or more rooms connected together within a building, for residential occupancy as a single housekeeping unit with facilities for cooking, eating, living, sleeping, and sanitary facilities and having a separate entrance, but does not include any building containing a store, or a *multiple family premises*;

**“insecure load”** means a load of *solid waste* that has not been secured to, or confined within, a vehicle in such a manner that it cannot fall from or blow out of the vehicle while the vehicle is in transit;

**“Landfill Site”** means the *City Landfill Site* and describes an area of land located off Ridley Island Road that includes a *“Disposal Site”* and a *“Recyclable Site”*;

**“multiple family premises”** means a building or part thereof which is, or is intended to be, for residential occupancy, usually with facilities for cooking, eating, living, sleeping, and sanitary facilities, and having a common entrance to four or more such *dwelling units*, and shall include apartment buildings, hotels, motels, tenement houses, lodging houses, rooming houses, boarding houses, or any business block which is, or is intended to be occupied by four or more *persons* in individual rooms or *dwelling units*;

**“non-compliance notice”** means a notice of violation issued in accordance with this Bylaw;

**“non-profit organization”** means an incorporated organization or society which exists for educational, recreational or charitable reasons and from which shareholders or trustees do not benefit financially;

**“non-resident”** means an *owner* of lands and *premises* situated outside of the geographical boundaries of the City;

**“person”** means and includes natural persons of either sex, associations, co-partnerships and corporations, whether acting by themselves or by a servant, agent or employee;

**“owner”** means the registered owner of any lands and *premises* situated within the *City* and includes the agent, heir, executor, or administrator of the owner, or the lessee or occupier of the lands and *premises*;

**“premises”** means land composed of one or more parcels along with any building or group of buildings which may be located thereon and includes buildings located on land under common ownership or management,

**“prohibited waste”** means *solid waste* that is not acceptable at the *Landfill Site* and shall include those *wastes* outlined in Schedule “B” attached to and forming part of this Bylaw;

**"recyclable material"** means reusable or marketable materials such as those items described in Schedule "D" attached to and forming part of this Bylaw;

**"Recyclable Site"** means that area of the *Landfill Site* which accepts *recyclable material*;

**"service period"** means the period of time associated with scheduled *solid waste* collection services;

**"solid waste"** means any *waste* that originates from residential, commercial, industrial, institutional, demolition, land clearing, or construction sources or activities, or any other source, but excludes liquid waste or effluent;

**"soot"** means black carbonaceous residue of wood, coal, oil, and all other fossil fuels originating in open fires, chimney linings, boilers, furnaces, and other burners;

**"sorted building debris"** means construction or building demolition materials that have been manually or mechanically separated into products of clean wood, metals, and masonry materials, with no amounts of other mixed contaminants (i.e. very small pieces of drywall, gypsum, tar paper, wiring, etc.).

**"sterilized biomedical waste"** means non-anatomical *waste* which is generated by, but not limited to, the following: hospitals, laboratories, doctors' offices, clinics, veterinarians and which has been sterilized, and clearly identified as being sterilized, in a 'Certified Sterilization Facility' and as defined in the CCME Draft Code of Practice for the Management of Biomedical Waste in Canada (June 1991);

**"tag"** means the sticker sold by the City of Prince Rupert which is to be affixed to garbage bags in excess of the 2 bag limit for residential properties.

**"temporary worker residence"** means residences, including related facilities and infrastructure, used for workers' temporary accommodation for a defined period to support projects within and outside the geographical boundaries of the City;

**"trade premises"** means any commercial *premises* including a shop, café, restaurant, eating house, club, drive-in lunch counter, wholesale or retail business place, or office block, or any building other than an industrial operation, a *dwelling unit* or a multiple *family premises*;

**"trade waste"** means *waste* resulting from the operation of a trade *premises*;

**"unacceptable waste"** means those materials listed in Schedule "A" attached to and forming part of this Bylaw;

**"uncovered load"** means a load of *solid waste* of such a nature that it can fall from or blow out of the vehicle if it is not covered while in transit;



**“unserviceable property”** means:

- a) any *premises* to which access from a street is inadequate for collection service as determined by the *Director of Operations*; or
- b) any *premises* which by its lack of proximity to other *premises* being provided collection service would result in excessively high costs or time being allocated to service as determined by the *Director of Operations*;
- c) any *premises* the *Director of Operations* determines is unsafe to service;

**“waste”** means discarded, rejected or abandoned materials, substances or objects;

**“white goods”** means metal appliances such as refrigerators, freezers, washing machines, dishwashers, clothes dryers, ranges, stoves, furnaces, air conditioners and hot water tanks;

**“wildlife”** means any mammal not normally domesticated, including but not limited to bears, cougars, coyotes, wolves, foxes, raccoons and skunks; and

**“wire rope”** means metal in the form of a flexible thread or slender rod and/or a rope formed wholly or chiefly of wires.

- 1.3 Wherever the singular or masculine is used in the Bylaw the names shall be deemed to include the plural or the feminine or the body politic or corporate, and also their respective heirs, executors, administrators, successors and assigns.

## **PART 2 PROHIBITIONS**

- 2.1 No person shall:

- a) dispose of any type of *waste*, except in accordance with this Bylaw, and all other applicable municipal, provincial and federal laws;
- b) cause, allow or permit any *waste* to collect, accumulate or remain on *premises*, unless it is securely contained in a *container* meeting the specifications of this Bylaw;
- c) deliver, place, bury or dump, or cause or allow to be delivered, placed, buried or dumped, any *waste* anywhere in the *City* other than at the *Landfill Site* or an *approved disposal site*;
- d) place *solid waste* on or in front of another person's *premises* without the permission of that person;
- e) place *solid waste* in another person's *container* or in a container used by private contractors without the permission of that person or private contractor, as the case may be;
- f) cause, allow or permit any *container* to be filled above the top of the container, or any plastic bag, in such a way that the lid or cover cannot be closely fitted, the plastic bag cannot be securely fastened;
- g) deposit or leave any *waste* or other discarded material on any highway, public place

- or *premises* other than the *premises* on which the *solid waste* was generated, and no person shall remove *solid waste* from a *premises* except for the purpose of disposal in accordance with this Bylaw;
- h) transport any *waste* without securing the materials in an enclosure, under a cover or such other methods to ensure that all of the materials will reach the *Disposal Site* without spillage;
  - i) place any *unacceptable waste* at curbside for collection by the City;
  - j) cause, allow or permit *recyclable materials* to be discarded as *waste*;
  - k) remove, take, salvage or convert for their own purpose, any *solid waste* placed at any curbside collection location as part of the *curbside collection service* unless the person is:
    - l) the person who initially placed the material at curbside for collection by the City; or
    - m) an employee or agent of the City authorized to provide the *curbside collection service*;
  - n) interfere with, threaten or in any way obstruct any employee or agent of the City engaged in the provision of a *curbside collection service*;
  - o) cause, allow or permit any *attractant* to be deposited or kept outdoors on any *premises* in a manner that makes the *attractant* accessible to *wildlife*;
  - p) place wet *waste* in any *container* unless it is drained of excess moisture and wrapped in waterproof material;
  - q) allow to run into, accumulate in or place into a *container*, liquid, rainwater or other free water;
  - r) throw, sweep, or place any waste onto any *premises*, street, lane, walkway, sidewalk, or other public place in the *City*;
  - s) deposit or dispose in the *Landfill Site* any of the materials outlined on Schedule “B” (*prohibited wastes*), attached to and forming part of this Bylaw;
  - t) allow refuse of any kind to drop from or be blown from any vehicle or premises onto any other *premises*, street, lane, walkway, sidewalk, or other public place in the *City*; and,
  - u) dispose of *waste* if the vehicle used to transport the *waste* exceeds the weight restrictions of the weigh scale. Split-weighing will not be permitted.

### **PART 3    CURBSIDE WASTE COLLECTION SERVICE**

#### **City Collection:**

- 3.1    It shall be lawful for the *City* to establish, regulate, continue, maintain and operate a *curbside collection service* within the *City* under the control and direction of the *Director of Operations* as follows:
- a) collection of certain residential *solid waste* from any dwelling unit; and
  - b) collection of commercial solid waste from any *trade premises* or *institutional premises* comprising of two (2) or less *containers* with a maximum of four garbage

bags in total per collection day,

At the frequency set out under this Bylaw.

3.2 The City shall not be required to collect *solid waste* from:

- a) a *multiple family premises*;
- b) a *trade premises* that has placed more than two (2) *containers* for collection;
- c) an industrial *premises*; and
- d) an *unserviceable property*.

### **General Conditions of Service:**

- 3.3 The *City's* not to be liable for any damages suffered or costs incurred by any person by reason of the failure of the *City* to supply *curbside collection service*.
- 3.4 No *person* will be relieved of the obligation to observe the requirements of all applicable municipal, provincial and federal laws by reason of the services provided by the *City*.
- 3.5 The *City* shall not be responsible for the replacement of any *container* or lids damaged or lost for any reason whatsoever.
- 3.6 The *City* will not be responsible for the accidental collection of goods not intended to be placed for collection in the event that such goods are left in garbage bags.

### **Right to Refuse Waste:**

- 3.7 The *City* reserves the right to refuse to collect all waste which is not acceptable at the *Landfill Site* or which does not comply with the provisions of this Bylaw or any other material as deemed by the *Director of Operations* to be unacceptable.

## **PART 4 DUTIES OF OWNERS**

### **Duty to Remove Waste:**

- 4.1 Every *owner* of *premises* shall, at least once each *service period*, dispose of any *waste* produced on such *premises* through any of the following means:
  - a) by the *City's curbside collection service*;
  - b) by a private *waste* collection service approved and licensed by the *City*;
  - c) by otherwise removing or arranging for the removal of the *waste* to an *approved disposal site* for the *waste* being deposited.

- 4.2 Only *waste* generated within the geographical boundaries of the City is eligible for collection under the *curbside collection service* unless otherwise permitted under this Bylaw.
- 4.3 The *City* will not provide for the collection and disposal by means of the *curbside collection service* of any wastes other than *solid waste*. Every *owner* of a *premises* must provide for the legal collection and disposal of all other waste products not eligible for collection under the *curbside collection service*.
- 4.4 No person shall deposit *solid waste* from a residential property, *trade premises* or *institutional premises* into a *City* garbage receptacle located in public areas.

**Noxious Waste:**

- 4.5 An *owner* of *premises* shall immediately remove any noxious, offensive, or unwholesome *waste*, odour, matter or substance upon their *premises* to the *Landfill Site*, or other *approved disposal site*, and shall not permit such waste, matter or substance to be left upon the *premises* for collection through the *curbside collection service*.
- 4.6 If an *owner* fails to comply with Section 4.5, the *Director of Operations* may provide the *owner* written notice to remove the noxious, offensive, or unwholesome *waste*, odour, matter or substance and/or to wash and clean the *container* to eliminate the odour, within such time as the *Director of Operations* deems reasonable and, if the *owner* fails to have the noxious, offensive, or unwholesome *waste*, odour, matter or substance removed from the *premises* within the stipulated time, the *City* may, by its workmen or others enter at all reasonable times upon the *premises* and remove the noxious, offensive, or unwholesome *waste*, odour, matter or substance, in a reasonable manner at the expense of the *owner* who shall be charged at cost, with a minimum charge of \$150.00 and a maximum of actual cost to the *City*.
- 4.7 Any charges incurred by the *City* pursuant to Section 4.6 shall be due and payable upon receipt of notice from the *City* and any such charges remaining unpaid at December 31 of that year shall be added to and form part of the taxes payable on the *premises* as taxes in arrears.

**Mandatory Service:**

- 4.8 Every *owner* of *premises* shall pay for the collection of *solid waste* from their *premises* as herein provided and shall also pay for the use of the *approved disposal sites* as may be available from time to time except as otherwise permitted in this Bylaw.

**Authority Not Exclusive – Others:**

- 4.9 Any *person* may collect *solid waste*, and collect recyclable material, provided that they obtain the necessary licenses and comply with all applicable municipal, provincial and

federal laws and do not interfere with the *City waste collection service* or the recycling system operated by the North Coast Regional District.

- 4.10 *Owners* of *premises* listed in Section 3.2 shall, at their cost, make arrangements for *waste* collection by a private waste collection service provider approved and licensed by the *City* that disposes of *waste* at an *approved disposal site*.

### **Unacceptable Materials:**

- 4.11 An *owner* of any *solid waste* that cannot be placed in a *container* or that may cause harm to the collector must make arrangements to have the *solid waste* disposed of at the *Landfill Site* in designated locations, or as directed by the *attendant*, and upon payment of the designated disposal fee.

## **PART 5 CONTAINERS**

### **General Specifications:**

- 5.1 *Owners* are responsible for providing all *containers* required for their premises conforming to the following specifications:
- a) galvanized iron or plastic container specifically manufactured for the containment of waste;
  - b) equipped with a close-fitting watertight lid or cover that is animal, bird and insect proof;
  - c) having rigid handles which permit ease in handling; and
  - d) having a capacity of not more than 0.16 cubic meters (6 cubic feet).
- 5.2 *Solid waste* to be collected under the *curbside collection service* must be contained within durable plastic garbage bags that are a minimum of 76 cm x 80 cm and a maximum of 90 cm x 127 cm and have a maximum capacity of 17 kilograms in weight, properly fastened and closed and placed within a *container* that is loaded to a height not greater than 5 centimeters (2") from the top rim.
- 5.3 Every *owner* shall provide and maintain in sanitary condition and in good order of repair, containers sufficient in number to, at all times, contain all *solid waste* for collection.
- 5.4 All *solid waste* put out for collection which does not comply with the requirements of this Bylaw will not be collected and may be marked with a *non-compliance notice* setting out the reason which it was not collected.

### **Number of Bags:**

- 5.5 Basic residential collection charges are for two (2) garbage bags only per collection day.

- 5.6 An *owner* may have in excess of two (2) garbage bags by purchasing and affixing a *tag* to each additional garbage bag, for the fee specified in this Bylaw.
- 5.7 When a *trade* or *institutional* premise has an excess of four (4) garbage bags per collection day, as per Section 3.1 b, they will be charged for each additional garbage bag at the fee specified in this Bylaw.

### **Placement of Containers:**

- 5.8 *Containers* must be stored in a location that does not encroach upon or project over any highway or other public place except during times that the *containers* are put out for collection in accordance with this Bylaw.
- 5.9 The placement of containers for *City* collection shall be as follows:
- a) where premises are serviced by street collection, *containers* shall be set out, on the scheduled day for collection, not more than 1.2 metres (4 feet) back from the curb or traveled portion, whichever is applicable, of the collection roadway in a location clearly visible to collection workers.
  - b) where premises are served by a lane collection, garbage containers must be easily accessible at the lane.
  - c) *containers* are not to be placed with the garbage of others or on the inside of a fence, hedge, etc., on collection day.
  - d) *containers* shall not be placed so as to obstruct vehicles or pedestrians.
- 5.10 In the event there is more than one possible collection roadway for *solid waste collection*, the *Director of Operations* shall determine the location of collection.

### **Storage Sheds:**

- 5.11 All facilities such as stands, sheds or other structures that are to be used to disguise or store containers awaiting collection shall meet with the approval of the *Director of Operations*.

### **Frequency of Curbside Collection Services:**

- 5.12 Unless otherwise approved by the *Director of Operations* and scheduled accordingly, residential *solid waste* shall be collected once each service period on the same day of each week according to the *add-a-day system*.
- 5.13 Under the *add-a-day system* where a collection day falls on a holiday recognized by the *City*, the schedule for residential collection advances one day for each such holiday.

- 5.14 Unless otherwise approved by the *Director of Operations* and scheduled accordingly, commercial *solid waste* shall be collected on Mondays and Thursdays (other than after a holiday recognized by the City).

**Collection Time:**

- 5.15 Every *owner* of a *dwelling unit* served by City collection services shall, on the regular collection day for that *dwelling unit*, ensure that all *solid waste* is placed at curbside for collection by 8:00 am. All emptied *containers* shall be removed from the curb within 16 hours of collection.
- 5.16 Every *owner* of *trade premises* served by City collection services shall, on the regular collection day for that *premises*, ensure that all *solid waste* is placed at curbside for collection by 9:00 am. All emptied *containers* shall be removed from the curb within 15 hours of collection.
- 5.17 City collectors **will not return** for *solid waste* that was not placed at curbside for collection at the times designated in Sections 5.15 and 5.16.

**Safe Collection Area:**

- 5.18 Every *owner* of premises shall on the regular collection day for that *premises* ensure that pathways are cleared of all snow, ice, and other hazards.
- 5.19 City collectors will not collect *solid waste* that is not accessible by a safe, cleared pathway.

**Suspension of Service:**

- 5.20 The *City* may suspend *curbside collection service* from any *premises* where the provisions of this Bylaw are not met, including but not limited to, bagging of wastes, number of bags, lack of standard *containers*, location or design of collection facilities, or the condition of *wastes*, but such suspension shall not waive any requirement, or abate or waive any charges or rates, under the provisions of this Bylaw.

**PART 6 PRIVATE WASTE COLLECTION SERVICE**

**Private Collection:**

- 6.1 Every *owner* of a *premises* not eligible or opts out of the *City's curbside collection services*, shall arrange to rent receptacles from a private *waste* collection firm and shall, on the regular collection day for that *premises*, cause to be removed all wastes from all *premises* of the *owner*.

### **Private Containers:**

- 6.2 Every *person* who has entered into a contract with a licensed contractor for the removal of *solid waste* shall:
- a) use only those containers supplied or specified by the contractor; and,
  - b) keep the container(s) and the area around them in a condition not noxious, offensive, objectionable, or dangerous to the public or to public health.

### **Responsibilities of Private Contractors:**

- 6.3 All private contractors operating within the *City* must comply with the following regulations:
- a) Containers must at all times be:
    - i. kept in good repair; and
    - ii. designed and maintained so as to prevent the intrusion of rain water or wildlife into the container and so as to contain any and all liquids comprising part of, or which escape from, the *solid waste*; and,
    - iii. approved by the *Director of Operations*.
  - b) All vehicles used for the collection of *solid waste* that is liable to rot or putrefy must be of a closed metal type, suitably designed to contain the liquid by-products of any rotting or putrefaction.
  - c) Subject to the provisions of the City's Noise Control Bylaw, the hours of operation in and adjacent to residential areas are limited to the period between 7:00 a.m. and 9:00 p.m.
  - d) All collecting, transporting, processing, converting or salvaging of any *solid waste*, must be carried out so as not to be offensive or objectionable.
  - e) Any *solid waste* that will not immediately be processed, converted or salvaged, must be removed as directly as possible on the day of collection to an *approved disposal site*.
  - f) All containers used by private contractors or their customers must, unless approved by the *Director of Operations* to occupy a street, lane, walkway, sidewalk, or other public place, be kept on private *premises* at all times.
  - g) Ensure that customers are equipped with suitable, and a sufficient number of, containers so that the containers themselves, and the area around the containers, remains in a condition not noxious, offensive, objectionable, or dangerous to the public or to public health.
  - h) Every private contractor must keep areas around containers clean of all *solid waste* deposited outside of the container, whether the container is used by the private contractor or its customers.



## **PART 7    BUILDING OPERATIONS**

- 7.1 No *person* carrying out building construction, maintenance, renovation, or demolition within the *City* shall:
- a) place or dump the *waste* accumulating from such construction or other operations on any lane, street, walkway, sidewalk or any public place; or
  - b) accumulate such *waste* on the *premises* where such construction or operations are being carried out without disposing of the waste at an *approved disposal site* within such time as the *Director of Operations* by written notice may deem reasonable.

### **Construction Clean-up Costs:**

- 7.2 If the *owner* fails to comply with Section 7.1a) or b), the *City* may, by its workmen or others enter at all reasonable times upon the *premises* and remove the *waste* at the expense of the person carrying out the building construction, maintenance, renovation, or demolition at cost, with a minimum charge of \$150.00 and a maximum of actual cost to the *City*.
- 7.3 Any charges incurred by the *City* pursuant to Section 7.2 shall be due and payable upon receipt of notice from the *City* and any such charges remaining unpaid at December 31 of that year shall be added to and form part of the taxes payable on the *premises* as taxes in arrears.

## **PART 8    LANDFILL SITE REGULATIONS**

### **Prohibited and Controlled Waste:**

- 8.1 The *City* reserves the right to ban, refuse, or otherwise control the type and nature of waste which is to be deposited at the *Landfill Site*, and the *attendant* on duty or the *Director of Operations* may refuse any waste material he considers unacceptable.
- 8.2 If any *prohibited wastes* are deposited at the *Landfill Site*, they shall be removed immediately by the *person* depositing them.
- 8.3 In addition to requiring the removal of any *prohibited wastes* deposited at the *Landfill Site*, the *person* depositing such *prohibited wastes* shall also be required to pay any fees specified by bylaw for such unauthorized disposal.
- 8.4 No *person* shall deposit or dispose of any of the controlled materials set out in Schedule "C" (*controlled wastes*), attached to and forming part of this Bylaw, contrary to the special handling and/or disposal techniques determined to be in effect for that *controlled waste* by the *attendant* at the *Landfill Site* or by the *Director of Operations*.

- 8.5 Any *person* depositing or disposing of any *controlled waste* contrary to the special handling and/or disposal techniques determined to be in effect for that *controlled waste* by the *attendant* at the *Landfill Site* or by the *Director of Operations* without the prior written authorization of the *attendant* shall, in addition to any other penalties imposed or actions taken for such unauthorized disposal, pay any fee specified by bylaw for such unauthorized disposal.

**General Disposal Regulations:**

- 8.6 No *person* shall, in disposing *solid waste* at the *Landfill Site*:
- a) deposit *solid waste* without first having it weighed on the scales at the *Landfill Site*;
  - b) drive a vehicle anywhere on the *Landfill Site* except on roads provided by the *City* for that purpose unless otherwise instructed;
  - c) act in a manner contrary to the posted *Landfill Site* regulations;
  - d) having deposited *solid waste*, fail to pay the applicable disposal fee prescribed by this Bylaw;
  - e) deposit any *solid waste* at the *Landfill Site* until any outstanding disposal fees and/or scale use charges and interest owing thereon have been paid in full;
  - f) enter the *Landfill Site* in a vehicle if the vehicle's load exceeds the permitted weight limits set out in the regulations passed pursuant to the Motor Vehicle Act, or the Commercial Transport Act;
  - g) exceed the posted speed limits;
  - h) enter the *Landfill Site* with an *insecure load*;
  - i) enter the *Landfill Site* with an *uncovered load* (applicable to Commercial Vehicles only);
  - j) deposit *waste* in any place or manner other than as directed by the *attendant* or *Landfill Site* staff;
  - k) remove *waste* from the *Landfill Site* except with prior written approval of the *Director of Operations*;
  - l) loiter on the *Landfill Site*. All vehicles must proceed directly to the designated dumping area and leave the *Landfill Site* as soon as possible after unloading;
  - m) use the wash down facility to wash out the interior of truck boxes unless they have been granted access to deposit waste at the *active face*; or
  - n) smoke within the *Landfill Site*.

**Wash Down Facility:**

- 8.7 When operational, the tires and undercarriages of vehicles permitted access to the *active face* for the disposal of waste must be washed down at the wash down facility prior to leaving the *Landfill Site*. The wash down facility is not available during the winter season.

**Recyclable Site:**

- 8.8 The *City* may accept *recyclable material* into the *Recyclable Site*.
- 8.9 Building debris/demolition material must be sorted in order to be accepted at the *Recyclable Site* as defined under “*sorted building debris*”. No large pieces or amounts of unacceptable waste shall be permitted. Acceptance of the “*sorted building debris*” shall be at the discretion of the Scale Attendant.
- 8.10 All loads for the *Recyclable Site*, intended to be delivered on Saturday, must have prior written approval from the *Director of Operations* before being accepted.

**Material Ownership:**

- 8.11 All materials accepted by the *City* at the *Recyclable Site*, unless unlawfully deposited, shall become the property of the *City*, and may be sold or otherwise disposed of at the *City's* discretion.

**Buildings, Mobile Homes, Boats & Trailer Demolitions:**

- 8.12 Residential House, Mobile Home, Boats & Trailer demolitions will be accepted at the *Landfill Site* under the following conditions:
- a) all loads will be screened;
  - b) no *prohibited waste* will be permitted;
  - c) asphalt roofing is to be separated, weighed at the scale house, and staff will give directions for unloading at the *Disposal Site* and the regular disposal fees for general waste at the *Disposal Site* shall apply;
  - d) *sorted building debris* remaining after separation of asphalt roofing is to be weighed at the scale house, and staff will give directions for unloading at the *Recyclable Site*, and the disposal fees for *sorted building debris* at the *Recyclable Site* shall apply;
  - e) If large pieces and/or amounts of asphalt roofing is seen in a mixed load of *sorted building debris*, then the regular disposal fees for general waste at the *Disposal Site* shall apply; and,
  - f) wood or metal roofing materials are to be separated, and transported to the *Recyclable Site* and the disposal fees for the *Recyclable Site* shall apply.
  - g) mobile homes, boats or trailers must be demolished before crossing the scale, they will not be accepted as a whole unit;
  - h) steel trailer frames must be separated and taken to the *Recyclable Site*;
  - i) tires must be removed from rims and are not accepted at the *Landfill Site*; and,
  - j) boats must be stripped of fuel tanks, engines, oils and fluids.

**Disposal by Non-profit Organizations:**

- 8.13 *Non-profit organizations*, in order to benefit from the “non-profit organization” disposal rate, must have prior written approval from the *Director of Operations* before depositing their wastes at the *Landfill Site*.

**PART 9 FEES AND CHARGES**

- 9.1 For *City* residential and commercial collection services and for general disposal of solid wastes at the *Landfill Site*, the collection and disposal rates set out in Schedule “E” are hereby imposed and levied by the *City* and are due and payable to the *City* by the parties liable under this Bylaw for provision of *curbside collection services* or for disposal of such *solid waste*.

**Residential Collection Charges Discontinued:**

- 9.2 The rates set out in Schedule “E” for residential collection services are due and payable by the *owner* whether or not:

- a) the *dwelling units* are occupied
- b) the *owner* makes use of the service, or
- c) the service is interrupted or altered in any manner.

unless any of the circumstances in Section 9.3 apply and the prior arrangements referred to in Section 9.3 have been made.

- 9.3 Charges for residential *solid waste* collection will only be discontinued in respect of a *dwelling unit* if the owner has provided prior written notice to the *City* that:

- a) the *dwelling unit* is temporarily rendered uninhabitable because of fire or other similar disaster; or
- b) the *dwelling unit* is serviced by an approved alternate service and the *owner* has provided the name of the collection service to be used and the date private collection service will start; or
- c) the *dwelling unit* will not require such service for any period of time not less than three consecutive months; and
- d) the *dwelling unit* not receiving the service is unoccupied for the entire duration of the cessation of service; and
- e) the *owner* has either arranged for the Building Inspector to verify that the *dwelling unit* is empty and has paid the charge for this service in accordance with the general “Inspection Fees” under Bylaw 2420, 1982, Fee Schedule "A" and any amendments thereto, or the *owner* will obtain a water disconnect permit from the *City*, in which case charges will resume when water service is reconnected; and

- f) the *owner* enters into an agreement with the Finance Department regarding the discontinuation of collection service to the *dwelling unit* and his responsibility to notify the City if the *dwelling unit* is to be occupied at any time, in the future,  
and in such event the charge or rate shall be abated or reduced pro rata as the case may be.
- 9.4 Should the *City* become aware that the *dwelling unit* has been occupied without notification, or that the private collection service has been terminated without reinstating *curbside collection service*, the City shall back charge the owner to the date of discontinuation of the collection service fee and charge the ten (10%) percent late payment penalty.

## **PART 10 PAYMENT OF ACCOUNTS**

### **10.1 Payment of Accounts:**

- a) Residential Accounts under Section 9.1 and in accordance with Schedule “E” shall be paid on an annual basis. Instalment payments can be made for any amount at any time. Interest shall be paid on these payments at the discretion of the Financial Administrator.
- b) **Commercial Accounts** under Section 9.1 and in accordance with Schedule “E” shall be rendered monthly or quarterly and shall be due and payable at the designated *City* Collection Office on or before the last working day of the month or quarter. Quarter means any three-month period ending on the last day of March, June, September, or December.
- c) **Landfill Site Disposal Charges** will be rendered monthly for those *persons* with an established credit account and shall be due and payable on or before the 30<sup>th</sup> day after the invoice date. Where a *person* liable to a disposal fee under Section 9.1 and in accordance with Schedule “E” does not have an established credit account, the fee payment must be made in cash to the *Landfill Site* staff prior to leaving the *Landfill Site*.

- 10.2 Failure to receive mail will not be recognized as valid excuse for failure to pay rates when due.

### **Outstanding Fees and Charges Added to Taxes:**

- 10.3 Pursuant to the provisions of *Community Charter*, SBC 2003, Chapter 26 as amended, the fees and charges payable by the *owner* of any *premises* subject to the conditions and terms of this Bylaw, if remaining unpaid after the thirty-first day of December in any year, shall be deemed to be taxes in arrears in respect to that *premises* and such sums shall be recovered with interest, in the same manner as ordinary municipal taxes upon premises in accordance with the applicable provisions of the *Community Charter*.

## **PART 11 CUSTOMER SERVICE**

- 11.1 The *Director of Operations* will seek to ensure customer service and satisfaction in the provision of *solid waste* collection and disposal services to the local consumer. It will be his right and obligation to take such action as is deemed equitable and necessary in terms of service delivery, customer charges, and the long-term interest of the utility. Consumer relations, including advertising and marketing may also be done at the discretion of the *Director of Operations*.

## **PART 12 OFFENCES AND PENALTIES**

### **Bylaw Contravention:**

- 12.1 Any *person* who contravenes any provision of this Bylaw for which a specific penalty has not otherwise been specified commits an offence of this Bylaw.
- 12.2 Every person who commits an offence punishable on summary conviction shall be liable to a fine of not more than \$10,000 or the imprisonment for not more than six months, or both, or such other maximum penalties as set out in the *Community Charter SBC 2003*, Chapter 25, as may be amended or replaced from time to time.
- 12.3 This Bylaw may be enforced under the *Offence Act*, R.S.B.C. 1996, chapter 338, or the City of Prince Rupert Ticket Information Bylaw No. 2783, 1992, as may be amended or replaced from time to time.
- 12.4 Where an offence under this Bylaw is of a continuing nature, each day that the offence continues or is permitted to exist shall constitute a separate offence.

### **Specific Penalties:**

- 12.5 The *City* reserves the right to suspend collection services, or to charge a fee of \$30.00 per incident, to the *owner* of *premises* when:
- a) *approved containers* are not used,
  - b) *containers are overfilled* and the lid is not secured.
- 12.6 When a violation of Section 12.2 results in solid waste spills or is spread by animals, birds or wind onto *City* property, *solid waste* collectors will clean up *solid waste* and the *owner* will be invoiced for the cost of such clean up, with a minimum charge of \$150.00 and a maximum of actual cost to the *City*.

### **Right of Entry:**

- 12.7 For the purpose of collection, removal and disposal of *solid wastes*, and other noxious, offensive, unwholesome and discarded substance or matter, and ascertaining whether the provisions of this Bylaw are observed, authorized *solid waste* collectors and employees

of the City shall have the right to enter upon any *premises* in the *City* during reasonable daylight hours on any day of the week.

**Other Remedies:**

12.8 Nothing in this section affects any other right or remedy of the *City* in respect of any violation of any provision of this Bylaw.

**PART 13 SEVERABILITY**

**Severability:**

13.1 If any section, subsection, clause, sub clause, phrase or any other part, of this Bylaw is for any reason held to be invalid, void or ineffective by the decision of any court of competent jurisdiction, the part in question is to be severed from the rest of this Bylaw and that does not affect the validity of the remainder of this Bylaw, which is to be interpreted and applied as if this Bylaw had been enacted without the severed part.

**PART 14 ADOPTION AND REPEAL**

**Adoption:**

14.1 This Bylaw shall come into full force and effect upon its final passage and adoption, except Schedule “E” which shall come into force on January 1, 2017.

**Repeal:**

14.2 “Solid Waste Management Bylaw No. 3358, 2014”, and its amendments are hereby repealed except Schedule “E” which will be repealed on the effective date of the substitute Schedule in this Bylaw .

Read a First time this 12<sup>th</sup> day of December, 2016.

Read a Second time this 12<sup>th</sup> day of December, 2016.

Read a Third time this 12<sup>th</sup> day of December, 2016.

Final Consideration and Adopted this 14<sup>th</sup> day of December, 2016

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Mayor

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Corporate Administrator

**SCHEDULE “A” to  
Solid Waste Management Bylaw No. 3405, 2016**

**UNACCEPTABLE WASTES FOR CITY COLLECTION SERVICE**

The following waste materials will not be collected by City collection forces and shall not be placed by any person in any container or other location for collection by the City:

1. any prohibited wastes described in Schedule “B”.
2. any controlled wastes described in Schedule “C”.
3. trade waste to be collected from residential premises.
4. industrial wastes.
5. dead animals.
6. oversized items of any kind.
7. demolition or construction waste.
8. wood or wood waste.
9. garden waste, grass and leaves.
10. trees.
11. hedge clippings.
12. rocks.
13. discarded furniture.
14. metal scraps.
15. cardboard.
16. Any other waste material determined by the Director of Operations to be unacceptable.



**SCHEDULE “B” to  
Solid Waste Management Bylaw No. 3405, 2016**

**PROHIBITED WASTES**

The following wastes are prohibited from disposal at the Landfill Site:

1. hazardous (including pathogenic and radioactive) wastes.
2. “Hazardous Wastes” as defined by the *Environmental Management Act* (BC).
3. Any substance prescribed as "waste" by regulation under the *Environmental Management Act* (BC).
4. non-sterilized biomedical waste.
5. explosive substances.
6. chemicals or other materials which may create hazardous working conditions.
7. inflammable materials.
8. ashes or other materials hot enough to start combustion.
9. waste oil, petroleum by-products, used oil filters or equipment lubricant filters.
10. contaminated water waste.
11. all forms of excrement excluding minor amounts of domestic pet waste.
12. tanks, barrels, drums, pails, and other large liquid containers that are not empty, unless authorized by the Director of Operations.
13. creosote painted/pressure treated material.
14. contaminated soils unacceptable to the Director of Operations.
15. tires.
16. commercial loads of dry cell batteries.
17. corrugated cardboard from commercial sources.
18. white goods.
19. any other material deemed by the Director of Operations or the Medical Health Officer as hazardous, unacceptable, or unsuitable for disposal at the Landfill Site.
20. some prohibited materials may be accepted in small quantities for recycling.
21. Wire rope.

**SCHEDULE “C” to  
Solid Waste Management Bylaw No. 3405, 2016**

**CONTROLLED WASTES**

The following *waste* materials may be accepted at the *Landfill Site* upon approval from the *Director of Operations*, but because of their inherent nature or quantity may be subject to special handling and disposal techniques to avoid creating health hazards, nuisances, or environmental pollution:

1. asbestos.
2. liquid wastes and sludges including sewage.
3. dead animals and animal parts (including bones, feathers, skin, hair, nails and teeth).
4. contaminated soils acceptable to the Director of Operations.
5. non-contaminated water waste acceptable to the Director of Operations.
6. soot.
7. mobile homes.
8. automobile bodies, automobile parts, or boat hulls.
9. tanks, barrels, drums, pails and other large liquid containers, that are empty.
10. gypsum.
11. lumber, timber, logs, etc., longer than 3.6 metres (12 ft).
12. cruise Ship International Garbage (low and high risk).
13. grain.
14. sandblast sand.
15. non-processed Fish Waste (salmon, crab, sea urchins, etc.)

**SCHEDULE “D” to  
Solid Waste Management Bylaw No. 3405, 2016**

**WASTES ACCEPTED AT THE RECYCLABLE SITE**

The following *waste* materials only are accepted for disposal at *Recyclable Site*:

1. muskeg, berm material, and overburden, (including grass and branches).
2. cement products (including protruding rebar).
3. metal products (no allowable contamination).
4. approved *sorted building debris* such as clean wood, but excluding drywall or gypsum.
5. clean wood (pallet boards, etc.). No treated wood products.
6. steel frames from mobile homes.
7. tin, steel and aluminum.

The foregoing accepted materials exclude any leachable material or any loose material that can be wind swept.

**SCHEDULE “E”**  
**Solid Waste Management Bylaw No. 3405, 2016**

**FEES AND CHARGES**

	2017	2018	2019	2020	
<b>CITY COLLECTION FEES</b>					
<b>Residential Collection Service</b>					
Per dwelling unit, charge per month for two (2) bags of garbage per week.	\$33.00	\$34.00	\$35.00	\$36.00	
Asset Management Reserve Fee – 2%	\$0.66	\$0.68	\$0.70	\$0.72	
Total Residential House per dwelling	\$33.66	\$34.68	\$35.70	\$36.72	
<b>Commercial Collection Service</b>					
Minimum charge per month for two (2) cans picked up twice per week.	\$66.00	\$81.00	\$96.00	\$111.00	
Asset Management Reserve Fee – 2%	\$1.32	\$1.62	\$1.92	\$2.22	
Total Commercial Collection	\$67.32	\$82.62	\$97.92	\$113.22	
<b>Extra Bag Tags</b>					
Residential Extra Bag Tags	\$4.25	\$4.50	\$4.75	\$5.00	
Commercial for each additional garbage bag above four (4)	\$9.75	\$10.00	\$10.25	\$10.50	
<b>The above City Collection Fees will be subject to a 2% Asset Management Reserve Fee.</b>					
<b>USE OF DISPOSAL SITE – CASH RATES</b>					
Fees for disposing of waste at the Disposal Site is measured by weight (tonne) on the scale provided at the site unless otherwise stated. Cash rates include debit and credit cards.					
<b>General Waste Disposal</b>					
Regular Tipping Fees	Resident	\$134.00	\$138.00	\$142.00	\$146.00
	Minimum	\$3.00	\$3.00	\$3.00	\$3.00
	Non-Res	\$187.00	\$193.00	\$199.00	\$205.00
	Minimum	\$4.00	\$4.00	\$4.00	\$4.00
Temporary Worker’s Residence (upon approval).	Resident	\$341.00	\$351.00	\$362.00	\$373.00
	Non-Res	\$477.00	\$491.00	\$506.00	\$521.00
<b>The above General Waste Disposal fees will be subject to a 2% Asset Management Reserve Fee.</b>					

		2017	2018	2019	2020
<b>Controlled Waste Weekdays</b>					
Non-processed fish waste	Resident	\$449.00	\$462.00	\$476.00	\$490.00
	Non-Res	\$629.00	\$648.00	\$667.00	\$687.00
Non-contaminated Water Waste (upon approval)	Resident	\$169.00	\$174.00	\$179.00	\$184.00
	Non-Res	\$236.00	\$243.00	\$250.00	\$258.00
Liquid Waste and Sludge includes sewage	Resident	\$8.40	\$8.70	\$9.00	\$9.30
	Non-Res	\$11.80	\$12.20	\$12.60	\$13.00
Waste that requires immediate burial	Resident	\$316.00	\$325.00	\$335.00	\$345.00
	Non-Res	\$442.00	\$455.00	\$469.00	\$483.00
<b>Controlled Waste Weekends/Holidays</b>					
Regular tipping fees plus additional charge of:	Resident	\$328.00	\$338.00	\$348.00	\$358.00
	Non-Res	\$459.00	\$473.00	\$487.00	\$502.00
Any Controlled Waste without a specified disposal charge shall be charged the general disposal rate for the particular site (General or Recycle) that is directed to by staff.					
<b>The above Controlled Waste fees will be subject to a 2% Asset Management Reserve Fee.</b>					
<b>Non Operational Scale Fees</b>					
In the event that the Landfill Site scales provided are not operational, all solid waste delivered to the Landfill Site shall be subject to the following charges, according to the type of vehicle delivering the waste and without taking into consideration the volume or weight of the waste contained in the vehicle.					
Standard size garbage bags up to 6 bags	Resident	\$6.20	\$6.40	\$6.60	\$6.80
	Non-Res	\$8.70	\$9.00	\$9.30	\$9.60
Automobiles including cars, vans, suv's, small trucks and single axle trailer with tire inner diameter of less than 10" (25 cm)	Resident	\$9.80	\$10.10	\$10.40	\$10.70
	Non-Res	\$13.70	\$14.10	\$14.50	\$14.90
Small truck overloaded, ½ or ¾ ton truck and single axle trailer with tire inner diameter of more than 10" (25 cm)	Resident	\$13.40	\$13.80	\$14.20	\$14.60
	Non-Res	\$18.70	\$19.30	\$19.90	\$20.50
Overloaded ½ or ¾ ton truck and tandem trailer with sides less than 1 metre (3 ft)	Resident	\$21.60	\$22.20	\$22.90	\$23.60
	Non-Res	\$30.30	\$31.20	\$32.10	\$33.10

		2017	2018	2019	2020
<b>Non-Operational Scale Fees Continued</b>					
Tandem trailer with sides more than 1 metre (3 ft)	Resident	\$27.80	\$28.60	\$29.50	\$30.40
	Non-Res	\$39.00	\$40.00	\$41.00	\$42.00
One (1) ton units	Resident	\$30.00	\$31.00	\$32.00	\$33.00
	Non-Res	\$42.00	\$43.00	\$44.00	\$45.00
Single axle dump truck	Resident	\$365.00	\$376.00	\$387.00	\$399.00
	Non-Res	\$511.00	\$526.00	\$542.00	\$558.00
Tandem dump truck	Resident	\$598.00	\$616.00	\$634.00	\$653.00
	Non-Res	\$838.00	\$863.00	\$889.00	\$916.00
Single axle side load 20 yd Refuse Truck (low compaction)	Resident	\$641.00	\$660.00	\$680.00	\$700.00
	Non-Res	\$898.00	\$925.00	\$953.00	\$982.00
Single axle side load 20 yd Refuse Truck (mid-high compaction)	Resident	\$1,031.00	\$1,062.00	\$1,094.00	\$1,127.00
	Non-Res	\$1,443.00	\$1,486.00	\$1,531.00	\$1,577.00
Tandem side load 30 yd Refuse Truck (mid-high compaction)	Resident	\$1,284.00	\$1,323.00	\$1,363.00	\$1,404.00
	Non-Res	\$1,797.00	\$1,851.00	\$1,907.00	\$1,964.00
Front load Refuse Truck	Resident	\$1,093.00	\$1,126.00	\$1,160.00	\$1,195.00
	Non-Res	\$1,530.00	\$1,576.00	\$1,623.00	\$1,672.00
Roll on/off Tandem with open container	Resident	\$749.00	\$771.00	\$794.00	\$818.00
	Non-Res	\$1,049.00	\$1,080.00	\$1,112.00	\$1,145.00
Roll on/off Tandem with compactor style container	Resident	\$1,179.00	\$1,214.00	\$1,250.00	\$1,288.00
	Non-Res	\$1,650.00	\$1,700.00	\$1,751.00	\$1,804.00
<b>The above Non-operational scale fees will be subject to a 2% Asset Management Reserve Fee.</b>					
<b>USE OF RECYCLABLE SITE – CASH RATES</b>					
Recycling under one tonne – minimum charge	Resident	\$3.00	\$3.00	\$3.00	\$3.00
	Non-Res	\$4.00	\$4.00	\$4.00	\$4.00
Recycling above one tonne	Resident	\$13.00	\$13.40	\$13.80	\$14.20
	Non-Res	\$18.00	\$18.50	\$19.10	\$19.70
Automobiles for recycling as authorized	Resident	\$42.00	\$43.30	\$44.60	\$45.90
	Non-Res	\$58.00	\$59.70	\$61.50	\$63.30
<b>The above Recycling fees will be subject to a 2% Asset Management Reserve Fee.</b>					

		2017	2018	2019	2020
<b>OTHER LANDFILL SITE CHARGES – CASH RATES</b>					
Use of Scale	Resident	\$23.00	\$24.00	\$25.00	\$26.00
	Non-Res	\$32.00	\$33.00	\$34.00	\$35.00
Clean Cover Material (grain & sand) per load	Resident	\$23.00	\$24.00	\$25.00	\$26.00
	Non-Res	\$32.00	\$33.00	\$34.00	\$35.00
Disposal of Controlled Waste or Prohibited Waste without prior approval (per item). This fee will be added to the general tipping fees.	Resident	\$550.00	\$550.00	\$550.00	\$550.00
	Non-Res	\$770.00	\$770.00	\$770.00	\$770.00
<b>The above fees will be subject to a 2% Asset Management Reserve Fee.</b>					
<b>UNCOVERED OR INSECURE LOADS</b>					
General Waste Disposal fees will be doubled when Commercial Vehicles attend the disposal site with an uncovered or an insecure load.					
<b>NON-PROFIT ORGANIZATIONS FEE</b>					
Non-profit groups may apply to have a 50% reduction in their landfill tipping fees to a maximum of \$3,000 annually when authorized by the <i>Director of Operations</i> or his designate. This approval must be granted prior to attending the disposal site. Any other requests for financial assistance must be directed to City Council.					
<b>INVOICE RATES – LANDFILL SITE</b>					
Invoice rates will be 12% higher than the cash rate identified in this Schedule.					
<b>BILLING AND EARLY PAYMENT REWARD</b>					
Accounts paid in full by the due date on the Billing Statement may be entitled to receive a ten percent (10%) reduction. Any payments received after the close of business day at Prince Rupert City Hall on the due date are not eligible for the discount. Payments made at a Financial Institution must be received by the City on or before the application due dates in order for the customer to qualify for the discount. Non receipt of the utility bill will not be recognized as a valid excuse for failure to pay the rates when due.					
<b>UNPAID FEES AND CHARGES</b>					
Any amounts imposed under this Schedule remaining unpaid on the thirty-first (31 <sup>st</sup> ) day of December in any year shall be deemed to be taxes in arrears in respect of the parcels of land concerned and such sums shall be recovered with interest, in the same manner as ordinary municipal taxes upon land in accordance with the applicable provisions of the Community Charter and Local Government Act. Furthermore, these accounts will also be subject to a late fee of ten percent (10%).					



## Committee of the Whole Report For the Meeting of January 9, 2020

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**To:** Committee of the Whole **Date:** December 27, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Heritage Register Application No. 00095 for 1302 Finlayson Street

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### RECOMMENDATION

That, concurrent with Rezoning Application No. 00687, if it is approved, Council approve the request to add the property located at 1302 Finlayson Street to the City of Victoria Register of Heritage Properties pursuant to section 598 of the *Local Government Act*.

### LEGISLATIVE AUTHORITY

In accordance with Section 598 of the *Local Government Act*, Council may establish a community heritage register that identifies real property that is considered by the local government to be heritage property.

### EXECUTIVE SUMMARY

The purpose of this report is to present City Council with information, analysis and recommendations regarding an owner request to add the two-storey, mixed-use building at 1302 Finlayson Street to the City of Victoria Register of Heritage Properties (the "Heritage Register"). The building, otherwise known as the "Finlayson Grocery Building," was built in 1925 and contributes to the historic character of the Hillside-Quadra neighbourhood. Hillside-Quadra is an area characterized by homes from the early 1900's, Topaz and Summit Park, early commercial development around the Hillside Avenue and Quadra Street intersection, and its post-war subdivisions built in the 1940s and later.

Adding this building to the Heritage Register is generally consistent with Section 8: "Placemaking (Urban Design and Heritage)" and Section 21: "Neighbourhood Directions" of the *Official Community Plan (OCP, 2012)*, with the *Hillside-Quadra Neighbourhood Plan (1995)* and with the *Victoria Heritage Thematic Framework*. The Statement of Significance supports its addition to the Register.

The application was reviewed by the Heritage Advisory Panel at its December 11, 2019 meeting and it was recommended that Council designate the property as a condition of the associated Rezoning Application No. 00687. The Rezoning Application proposes to rezone the property from the R1-B Zone, Single Family Dwelling District, to two zones, the R1-S2 Zone, Restricted Small Lot (Two Storey) District, and a site-specific zone, in order to subdivide the property, retain the existing mixed-use building and construct a new small lot house on the northern portion of the property. Committee of the Whole considered the Rezoning Application at its



November 28, 2019 meeting and voted to advance the application, subject to an opportunity for City Council to consider heritage recognition or designation of the building based on a motion from the Heritage Advisory Panel.

## **BACKGROUND**

The Heritage Register is a list of all properties that the City of Victoria considers to have heritage value and heritage character. Listing a property on the Heritage Register does not create any permit requirements for the owner or prevent them from altering their property in the future. In the event demolition was proposed, staff would proactively discuss alternatives with the applicant. If the owner proposed to rezone the property or redevelop it, staff and the applicant would discuss ways that the building could be conserved as a public amenity.

The only exception to the above is when a Heritage Register property is also located in a Heritage Conservation Area, in which case alterations would require prior authorization through a Heritage Alteration Permit. 1302 Finlayson Street is not located in a Heritage Conservation Area, so including it on the Heritage Register would be for purposes of identification and monitoring.

### **Description of Proposal**

The Finlayson Grocery Building, home to the English Cabinet Maker business, is a two-storey wooden commercial and residential building built in 1925 during a construction boom prior to the Great Depression. It occupies the southeast corner of Finlayson Street and Highview Street in the Hillside-Quadra Neighbourhood. It was originally a mixed use building constructed in a vernacular style that was common during this period. It has broad, ground floor windows suited to the display of goods in the grocery store that occupied the building from 1925 to 1965. The second storey of the front elevation features double hung sash windows. The building is plainly detailed with two different types of siding. A rear addition constructed in 1976 is visible from Highview Street, along with a pair of wooden posts with fan brackets supporting a second floor balcony. The exterior of 1302 Finlayson Street retains its original façade design, including its arrangement of windows and doors. The building's character-defining elements include distinct and large display windows on the first floor; double hung windows on the second floor; a second floor overhang on the front façade; its mid-pitch roof and decorative fan posts on the rear deck. The property is also valued for its continuous commercial use within the neighbourhood.

### **Regulatory Considerations**

The proposed inclusion of the property on the Heritage Register is consistent with surrounding land uses.

### **Condition / Economic Viability**

The building is in fair condition. Some exterior components, like the wood window sills on the side elevation, are in need of cosmetic repairs. The owner is proposing to subdivide the rear portion of the property facing Highview Street to create a new lot for a new single detached home. The applicant has submitted Development Permit and Rezoning Applications that will proceed to City Council concurrent with the request to add the corner building to the Heritage Register. The owner is not proposing to rehabilitate the Finlayson Grocery Building at this time.

## **ANALYSIS**

The following sections provide a summary of the application's consistency with the relevant City policies and guidelines.

## Official Community Plan

The addition of this building to the Heritage Register is consistent with the *Official Community Plan* (OCP, 2012) which in Section 8, “Placemaking (Urban Design and Heritage)” states:

### Goals

- 8 (B) Victoria’s cultural and natural heritage resources are protected and celebrated.

### Broad Objectives

- 8 (j) That heritage property is conserved as resources with value for present and future generations.
- 8 (l) That heritage and cultural values are identified, celebrated, and retained through community engagement.

### City Form

- 8.6 Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.
- 8.11 Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.

### Buildings and Sites

- 8.51 Continue to give consideration to tools available under legislation to protect or conserve heritage property including, but not limited to: heritage designation bylaws; listing on the heritage register; temporary protection; heritage alteration permits; heritage revitalization agreements; design guidelines; and, the protection of views of heritage landmark buildings from public vantage points as identified in Map 8, and to be determined in future local area plans.
- 8.54 Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.

The addition of this building to the Heritage Register is also consistent with Section 21: “Neighbourhood Directions (Hillside-Quadra)” of the OCP, which states:

### Hillside-Quadra

- 21.14.2 Maintain the ground-oriented Traditional Residential character in the majority of the neighbourhood.

## Hillside-Quadra Neighbourhood Plan

The addition of this building to the Heritage Register is also consistent with the *Hillside-Quadra Neighbourhood Plan* (1996) policies which states that an objective is to “conserve and enhance heritage buildings in the Hillside-Quadra Neighbourhood.”

## Victoria Heritage Thematic Framework

A key policy of the OCP includes the determination of heritage value using a values-based approach. In this regard, a city-wide thematic framework (OCP, Fig. 12) was developed and incorporated into the OCP to identify the key civic historic themes. The *Victoria Heritage Thematic Framework* functions as a means to organize and define historical events, to identify representative historic places, and to place sites, persons and events in an overall context. The thematic framework recognizes a broad range of values under which city-wide themes can be

articulated. A Heritage Value assessment with consideration of the *Victoria Heritage Thematic Framework* is incorporated into the Statement of Significance.

### **Statement of Significance**

A Statement of Significance describing the historic place, outlining its heritage value and identifying its character-defining elements, is attached to this report.

### **Resource Impacts**

Adding 1302 Finlayson Street to the Heritage Register will not have resource impacts, since unlike heritage-designated properties, Heritage Register properties are not eligible for tax incentives or grants from the Victoria Civic Heritage Trust.

### **Heritage Advisory Panel**

The Heritage Advisory Panel reviewed the application at its December 11, 2019 meeting and was recommended for full designation rather than inclusion on the Heritage Register. In the opinion of the Panel, because the applicant is seeking density and zoning permissions exceeding their current entitlements, their rezoning approval should be conditional on full designation.

Staff encouraged the applicant to apply for heritage designation, however the applicant is not willing to voluntarily designate the property. The applicant is willing to put their property on the Heritage Register in addition to dedicating a 2.5m statutory Right-of-Way to the City. Given this combination of benefits, staff recommend adding the property to the Heritage Register only.

### **CONCLUSIONS**

This application to add the Finlayson Grocery Building to the Heritage Register is for a building that is a good example of an early 20<sup>th</sup> century two-storey vernacular retail building. It contributes to the historic character of the Hillside Quadra neighbourhood and is a tangible reminder of a city-wide construction boom that occurred just prior to the Great Depression. The longstanding and continued commercial use of the building is also a valuable function within its residential surroundings. The building retains original features and is a good candidate for future rehabilitation. Based on these characteristics, staff recommend that the property be placed on the Heritage Register.

### **ALTERNATE MOTIONS**

That Council decline the request to add the property located at 1302 Finlayson Street to the City of Victoria Register of Heritage Properties.

Respectfully submitted,



John O'Reilly  
Senior Heritage Planner  
Development Services Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: January 2, 2020

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Photographs
- Attachment D: Statement of Significance
- Attachment E: Letter from the applicant, dated May 3, 2019.



1302 Finlayson Street  
Heritage Register Application No. 00095







1302 Finlayson Street  
Heritage Register Application No. 00095



1302 FINLAYSON STREET



View of property from opposite corner



View of front (south) elevation





Side (west) elevation



Side (east) elevation with rear addition





View of fan brackets on rear addition

# STATEMENT OF SIGNIFICANCE FOR 1302 FINLAYSON STREET

THE ENGLISH CABINET MAKER  
(FORMERLY FINLAYSON GROCERY)



Prepared by Adrian Brett & Associates

For

The City of Victoria



### **1302 Finlayson Street – The English Cabinet Maker**

**Construction date:**

**1925**

**Architect/Builder:**

**Unknown**

### **DESCRIPTION OF HISTORIC PLACE**

The English Cabinet Maker, formerly known as Finlayson Grocery is a two storey wooden commercial and residential building. Originally built with only a commercial retail space on the first floor and a residential upper floor; later a rear addition of a deck, retail storage space, and second floor balcony was added sometime after 1925.

### **HERITAGE VALUE**

The English Cabinet Maker buildings has heritage value for its aesthetic and socio-cultural attributes.

The English Cabinet Maker has aesthetic value as it is a representative example of the types of mixed-use buildings built during the 1920's-1930 in Victoria. It is a good example of the craftsmanship employed by vernacular builders in British Columbia during a relative construction boom that occurred just prior to the Great Depression. The building has retained its original commercial window styling on the first floor and double hung windows on the second floor.

On the rear addition of the building there are two decorative wooden posts and that fan upwards forming support for the second floor balcony. Although the building lacks any ornamentation or notable features on its east and west elevations, its front façade is characterized by large display windows that were once primarily used to draw the attention of pedestrian traffic inwards towards shelves stocked with food. Today these windows serve a similar purpose to draw attention to the finely crafted wood cabinetry and furniture contained within.

The English Cabinet Maker is also valued for its continuous use as a commercial building and as an important amenity for the Highview neighborhood. The building served as a grocery store from 1925 to 1965 and then a variety of other commercial uses before it became a craft furniture store in 2018.

### **CHARACTER DEFINING ELEMENTS**

Those elements that define the building's vernacular design include:

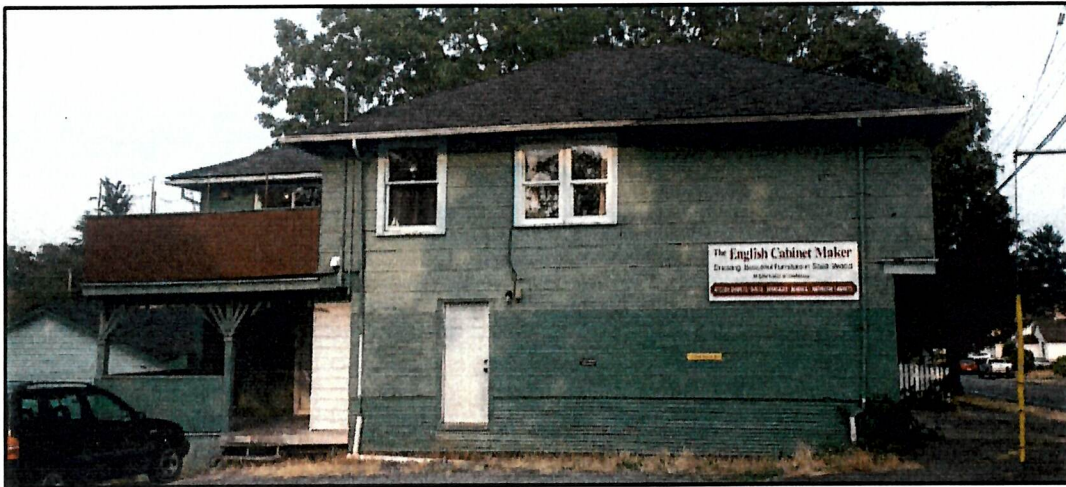
- Distinct and large display windows on first floor
- Double hung windows on second floor



Second floor overhang on front façade  
Mid-pitch roof  
Wooden siding  
Decorative fan posts on rear deck

Elements that relate to this building's socio-cultural value:  
Continuous use since its construction as a small-scale neighborhood commercial building

#### **ADDITIONAL PHOTOS OF 1302 FINLAYSON STREET**







# Letter to Mayor & Council

May 3, 2019

Re: Proposed Small Lot Housing Subdivision at 1302 Finlayson Street

Owner: Paul and Marta Fisher

Applicant: Adrian Brett & Associates

## INTRODUCTION & OVERVIEW

This letter provides a rationale for the proposed development at 1302 Finlayson Street (at Highview Street). The project entails the subdivision of an existing R1-B lot into two lots, one R1-S2 single family residential lot and one site-specific zoned lot allowing the continued use of the existing commercial neighbourhood amenity. The existing residential/commercial building (the English Cabinetmaker store) will be preserved and a new single family home is proposed behind it, which will front onto Highview Street. The proponent intends to rent the above grade residential unit of the existing building, retain the existing commercial use and utilize the new single family home as his primary residence. The project will also provide a 0.86 road dedication and a 2.5m-wide Statutory Right of Way for future streetscape improvements along Finlayson.

## RATIONALE & SUPPORT

### Policy Support

#### Official Community Plan

- Consistent with Traditional Residential Land Use designation, which supports ground-oriented built forms.
- Consistent with numerous housing and infill policies.

#### Development Permit Area (15A)

Consistent with numerous DPA objectives, including:

- Accommodation of 10% of Victoria's population growth in traditional residential areas
- Support existing commercial services.
- Accommodation of growth in Traditional Residential neighborhoods in a gradual manner that reflects the local context.
- Integrates a single family home into the neighborhood in a manner that respects the established character of the neighborhood.

#### Small Lot House Rezoning Policy

Consistent with numerous objectives, including:

- Preferred corner lot siting.
- Preserves existing house and business.
- High quality neo-traditional architectural design that is representative of adjacent homes vernacular style.

- Consultation with adjacent neighbours and wider community, more than 75% of neighbors are in favor of the proposed development.

### **Project Need & Benefits**

- Satisfies need for sensitive infill housing in a strategic location – a corner lot on public and active transportation routes with easy access to green space (Highview and Summit Parks are within walking distance)
- Retains an existing local commercial amenity.
- Adds value to the neighborhood via high quality architecture.
- Enhance eyes on the park (Highview Park) and improves public safety.

### **Servicing**

- The site is served by all necessary public infrastructure and services.
- The project will provide a 0.86 Road Dedication and a 2.5m wide SRW to accommodate future improvements along Finlayson Street.
- Very little on-street parking is available on Finlayson Street. The owner and neighbors have organized a petition to ask Council to allow the frontage along Highview Street to remain a gravel shoulder so that existing parking spots can be retained.

### **Neighbourhood / Appropriateness**

The site is appropriate for a small lot rezoning for the following reasons:

- it is a corner lot located on public and active transportation routes.
- The site is walkable to parks, schools, services, and amenities.
- The proposal is consistent with its surrounding development patterns of lot sizes, moderately sized homes, and architectural details.
- The owner has agreed to place the existing commercial/residential building on the City's Heritage Register and has provided a Statement of Significance.
- The owner is willing to covenant the existing upper unit of the building to ensure it retains its use as rental housing into perpetuity.

### **Impacts & Impact Mitigation**

- Project will retain a neighbourhood commercial amenity and retain much needed rental housing.
- Design of new house will improve neighbourhood safety by providing additional sightlines from the new home onto the nearby Highview Park (Crime Prevention through Environmental Design).
- No protected trees will be affected by the addition of this proposed new single family home.
- New house is of a modest scale, consistent with the heights and building footprints of neighbouring homes.
- The second floor windows of the proposed house will be frosted so as to maintain both the resident's and neighbor's privacy. Views from the first floor windows (facing the neighboring property to the east) will be obscured by the 1.5m high fence erected on the property line. Also the new house is positioned to the rear of the neighbour's lot, the



windows on the east side of the new house look onto the neighboring back yard where there are no buildings. Neither house will be in the direct view of its neighbor's windows.

## VARIANCES

The proposal requires two setback variances:

1. On the front yard (fronting Highview Street) of the proposed new house, (2.0m proposed), a variance of 4m is requested to allow for the new house to be positioned closer to the street to be more consistent with the position of the existing house, which is setback only 0.43m from Highview Street.
2. On the rear yard (east) of the proposed new house (3.43m proposed) a variance of 2.57m is requested. This requested back yard setback variances is consistent with typical small lot designs. The impact of the rear variance is mitigated by frosted glazing on its east façade, and the adjacent house is located much farther south on its neighbouring lot, out of direct view from the new proposed house.
3. The requested variances do not significantly affect the amount of private outdoor space provided for each lot. The lot with the existing building will have approximately 114m<sup>2</sup> of private outdoor space and the lot with the new building will have approximately 106m<sup>2</sup> of outdoor space. In addition to these private outdoor spaces, there is also ample public open space nearby. Highview Park abuts the north property line of this site and contains approximately 1,680m<sup>2</sup> of outdoor amenity space.
4. There are also many other nearby properties with similar rear and front yard setbacks in the local neighborhood. The following table provides several examples of nearby properties that have rear/front setbacks less than the 6m zoning requirement.

Property Address	Front Yard Setback	Rear Yard Setback
3136 Highview Street	1.5m	4.5m
3135 Mars Street	4.5m	3.2m
3114 Mars Street	3.0m	4.8m
3104 Mars Street	7.0m	0.75m
3122 Highview Street	3.2m	18.0m

## SUMMARY

The proposed development is consistent with the objectives and guidelines of the OCP, Development Permit Area 15A and the Small Lot Rezoning policy. This proposal is an example of context-sensitive and neighbourhood-scaled infill housing. It will retain much needed attainable rental housing units in the city, as well as retaining an existing neighbourhood commercial amenity. Moreover, the corner lot location is ideal for this type of development, the proposed design is responsive and sensitive to the neighbourhood, and its orientation will improve public safety by providing more eyes onto Highview Park.



## Lucas De Amaral

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**From:** Adrian Brett [REDACTED]  
**Sent:** January 3, 2020 4:42 PM  
**To:** Lisa Helps (Mayor); Marianne Alto (Councillor); Sharmarke Dubow (Councillor); Ben Isitt (Councillor); Jeremy Loveday (Councillor); Sarah Potts (Councillor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor)  
**Cc:** The English Cabinet Maker  
**Subject:** Adding 1302 Finlayson to the Heritage Register

Hello Mayor and Council Members,

I'm writing on behalf of the owner, Mr. Paul Fisher, of the English Cabinet Maker shop located at 1302 Finlayson Street. We are currently mid-way through a small lot rezoning application that was recently before you at the Committee of the Whole Meeting of November 28, 2019. The application as proposed will retain the mixed-use commercial building at the corner of Highview & Finlayson and add one additional single family residence at the back of the lot fronting onto Highview Street.

As part of the rezoning application, Mr. Fisher agreed with City staff to place the existing building located on his property on the City of Victoria's Heritage Register. Additional public benefits provided by this rezoning application will include a 0.86m wide road dedication and 2.5m wide statutory right of way along the Finlayson Street frontage to meet the City's targeted ROW width of 20m for Finlayson, a new curb and sidewalk along the neighboring Highview Street frontage leading to Highview Park, and a housing agreement placed on title to ensure the existing rental unit at 1302 Finlayson is retained into perpetuity.

In the recent City staff report presented to Council at the November 28 COTW meeting, staff recommended that the property be placed on the Heritage Register. However, at the recent Heritage Advisory Panel (HAPL) meeting held on December 11, 2019, the HAPL chose to recommend that the building instead be Heritage Designated.

A report regarding the property's heritage status will be presented before Council at the upcoming meeting on January 9, 2020. I have been informed by the City's Heritage Planner, that staff will again be recommending the property be added to the Heritage Register, as opposed to being Heritage Designated. A rezoning application with similar circumstances, 1029 Queen's Street, within which staff recommended the property be added to Register and HAPL recommended Heritage Designation, was presented to Council on December 12, and Council chose to follow the staff recommendation to add that property to the Register.

I urge you to again please follow the staff recommendation and add this property to the Heritage Register. From the beginning of the rezoning process Mr. Fisher agreed specifically to add 1302 Finlayson to the Register. In addition to the public benefits listed above that this application will provide to the City, Mr. Fisher plans to relocate from Sooke into the proposed single family home (which is to be just behind the English Cabinet Maker shop) so that he can eliminate the substantial daily commute to his business. This new home located next to his local business will provide the environmental benefit of eliminating Mr. Fishers carbon emissions from daily travel back and forth to Sooke.

Given these significant public and environmental benefits, we believe it would be fair to continue the course as initially agreed to with City staff to add 1302 Finlayson to the Heritage Register.

Kind regards,



---

Application for  
Heritage Registration  
  
1302 Finlayson Street



1



2

### Staff Recommendation

That, concurrent with Rezoning Application No. 00687, if it is approved, Council approve the request to add the property located at 1302 Finlayson Street to the City of Victoria Register of Heritage Properties pursuant to section 598 of the Local Government Act.



3

- Constructed in 1925 during a construction boom occurring just prior to the great depression
- Built as a neighbourhood scale mixed-use building with ground floor retail and upper storey residential
- The building was a grocery store for forty years, from 1925 to 1965



City of Victoria Archives



4

**Heritage Property:**

One with sufficient heritage value or heritage character to justify its conservation

**Heritage Value:**

A rare, representative example of a 1920's neighbourhood scale mixed-use building/corner store

**Heritage Character:**

Ground floor display windows, second storey double hung windows, wood siding



5



Front (south) elevation  
Faces Finlayson Street



6



Side (west) elevation  
Faces Highview Street



7

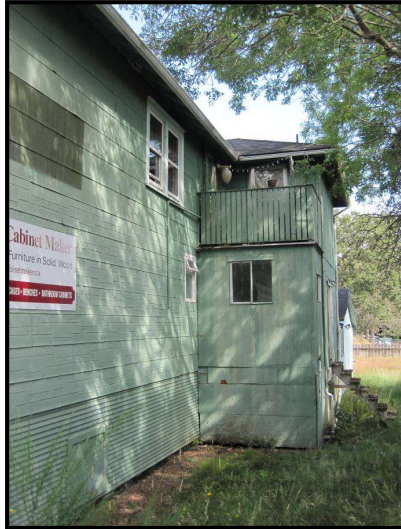


Side (west) elevation  
Faces Highview Street



8





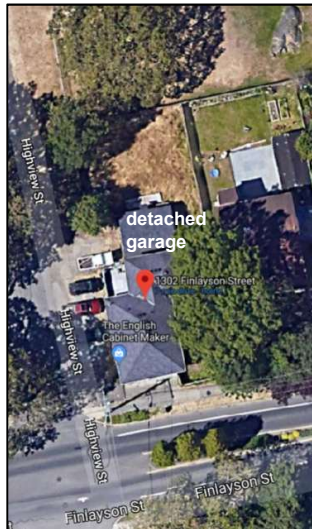
Side (east) elevation



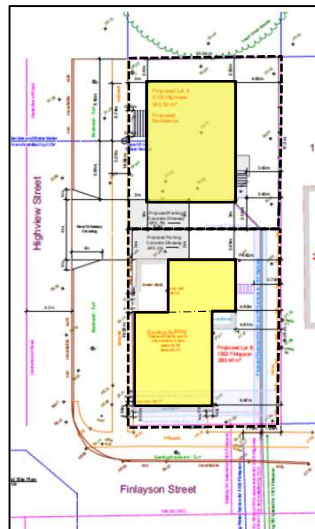
Fan Brackets on 1976 Addition



9



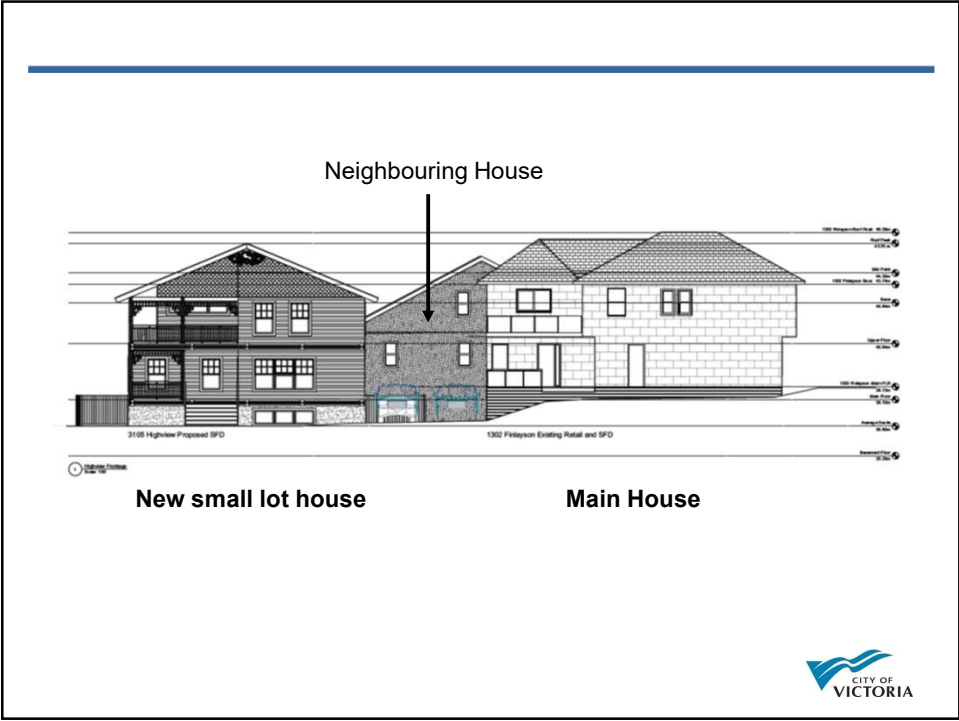
Aerial Photo



Proposed Site Plan



10







## Committee of the Whole Report

For the Meeting of January 9<sup>th</sup>, 2020

---

**To:** Committee of the Whole **Date:** November 21, 2019

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

**Subject:** Application to add an Entertainment Endorsement for Café Veneto, Food Primary License at 1450 Douglas Street.

---

### RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Café Veneto located at 1450 Douglas Street to add an entertainment endorsement to their food primary licence.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are the noise impacts would be negligible based on experience with the operator, and nature of the request. The establishment is motivated by its own business activities to manage noise and impacts are not expected.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
- c. If the application is approved, it is not expected to result in the service area being operated in a manner contrary to the primary purpose.
- d. The views of residents were solicited via a mail out which included 260 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received two letters in response to the request, both of which supported the application and included one letter of support from the Downtown Residents Association.
- e. Council recommends the license endorsements be approved.

### EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by Café Veneto. The hotel operates

both a liquor primary and a food primary licence and the food primary has hours from 9:00 am to 1:00 am daily and an occupant load of 96 people. The application has been reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police. In addition, a public notification process was conducted, as required by the Liquor Licence Policy, to allow individuals and the community to share comments through written correspondence. The application has been reviewed against technical policy, and inputs provided by City staff, and through the public notification process have been considered. The proposal has also been considered in the context of the local vicinity and the City as a whole, all of which are reflected in this report and the resulting recommendation.

Café Veneto's application to add an entertainment endorsement to their food primary licence is not in conflict with the City's current Liquor License Policy. Staff, including police have not expressed concern for the endorsement as the hotel is motivated by its own business to manage impacts. Opportunity for public comment included two letters, both of which supported the application. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to add an entertainment endorsement to the food primary licence having hours of operation from 9:00 am to 1:00 am daily with an occupant load of 96 people at 1450 Douglas Street.

## **PURPOSE**

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by Café Veneto to add an entertainment endorsement to their existing food primary licence.

## **BACKGROUND**

The Liquor and Cannabis Regulations Branch (LCRB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. LCRB determines the category of licence appropriate for the business based on submitted details. In the case of Café Veneto, the establishment is regulated under a food primary licence.

This application is to add an entertainment endorsement to an existing food primary license for Café Veneto. The existing hours are 9:00 am to 1:00 am daily with an occupant load of 96 people. The letter of intent provided in conjunction with the application is included as Appendix A.

The LCRB is requesting a resolution from the City of Victoria regarding:

1. The impact of noise on nearby residents.
2. Impact on the community if the application is approved.
3. Whether the amendment will result in the service area being operated in a manner that is contrary to the primary purpose.

A map of the subject property and the immediate area is attached to this report (Appendix B) and illustrates the 100m public notification area targeted for comment.

## **ISSUES & ANALYSIS**

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

## **Zoning**

Zoning for the establishment is Old Town District 1, which permits “drinking establishments,” and imposes no restriction on hours or occupant loads. Compliance would be demonstrated through application for a building permit and the resulting construction verified for compliance through the City inspection process related to an issued building permit.

## **Noise Bylaw**

The City's Noise Bylaw sets forth limits on four key areas within the City, which are the Quiet District, Intermediate District, Harbour Intermediate and Activity District. Café Veneto is within the Intermediate Noise District and limited to 60dBA at the point of reception during daytime hours, which end at 10:00 pm. During nighttime hours, noise at the point of reception received is limited to 50dBA in Quiet districts, 55dBA in the Harbour Intermediate and Intermediate districts and 65dBA in the Activity district. 50dBA is comparable to rainfall, light traffic or a refrigerator and 60dBA is comparable to conversational speech or an air conditioner. Where issues of non-compliance exist, Bylaw Officers and Police have authority to order compliance.

The City of Victoria Noise District Map is included for reference (Appendix C).

## **Vicinity and Municipal Impacts**

Predictability of noise related issues or other community impacts, negative or positive in effect, is challenging due to several variable factors. The business model, target clientele, quality of owner/operator, existing density of licenced capacity in the area, hours of service, demographics, and fluctuating populations due to tourism factor into predicting the likelihood of noise related issues and impacts on the community.

Consideration of those factors can assist a municipality to predict negative aspects associated with licenced establishments. The factors considered in conjunction with any application approval at time of consideration change over the life of a licenced establishment, and when they do change, and unanticipated issues arise, the fallback to re-establish compliance related to noise and other aspects is to use tools of enforcement. These tools include LCRB enforcement, which ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can be enforced to bring an establishment into compliance, and police have additional authority to bring an establishment back into compliance where issues are more complex.

Café Veneto's application has been considered regarding the impact it would have on the community and its potential to generate noise related issues. The addition of an entertainment endorsement with no change to existing hours or occupant load is not expected to have significant impact as the establishment is within the hotel, and it is in the hotel's interest to manage noise.

## **City Liquor Licensing Policy**

The City's Liquor Licensing Policy directs staff to consider applications for liquor licences having hours of operation not later than 2:00 am. The applicable Council policy is attached to this report (Appendix D). 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 was undertaken and included circulation to Planning, Engineering, Community and Business Relations, Bylaw, and Police. That review resulted in the

following feedback.:

#### Planning

- The application is supportable as the establishment is zoned appropriately for use as a drinking establishment.

#### Engineering

- Transportation related noise impacts or general community impact are not anticipated.

#### Community and Business Relations

- No Concerns.

#### Bylaw

- Bylaw's perspective is that impacts are unlikely to extend beyond the establishment as it is in the hotels interest to ensure guests are not disturbed.

#### Police

- Police have no concern with the application. Full police comments are available in Appendix E.

### **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 applicant's location were solicited by a mailed notice to provide input regarding this application. In addition to the 260 letters sent, Café Veneto displayed a notice poster at the entrance for 30 days which invited people to provide input to the City with respect to this application.

A total of two letters were received, both of which supported the application and one was a letter from the Downtown Residents' Association. The letters are available in Appendix F.

### **Applicant Response**

As is standard practice as a part of the liquor licence process, after City staff gives input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. After the applicant reviewed City staff comments, the applicant chose not to provide additional correspondence related to the staff review and the report.

### **IMPACTS**

#### Accessibility Impact Statement

Not applicable

#### Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the viability of the hotel as a local employer, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

#### Impacts to Financial Plan

None

### Official Community Plan

The proposed license changes are consistent with the *Official Community Plan* objectives for this neighbourhood as the property is located within the Old Town, Core Historic designation which permits commercial, visitor accommodation and other mixed uses.

## **CONCLUSIONS**

The application to add an entertainment endorsement to the food primary licence for Café Veneto with hours of 9:00 am to 1:00 am daily and an existing occupant load of 96 people is not in conflict with the City's current liquor licensing policy. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for Café Veneto at 1450 Douglas Street.

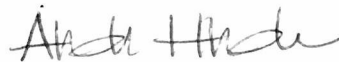
## **ALTERNATE MOTIONS**

1. That Council, after conducting a review with respect to noise and community impacts regarding the application of Café Veneto, at 1450 Douglas Street, does not support the request for the endorsement.

Respectfully submitted,



Ryan Morhart  
Manager, Permits & Inspections



Andrea Hudson, Acting Director  
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

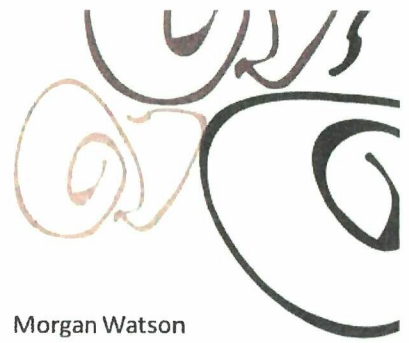
Date:

  
Dec 19, 2019

## **List of Attachments**

- Appendix A: Rationale Letter
- Appendix B: Site Map
- Appendix C: Noise District Map
- Appendix D: Council Policy
- Appendix E: Police Comments
- Appendix F: Public Response from 30 day posting
- Appendix G: Provincial Liquor License Types

# Appendix A



Morgan Watson  
Director of Food and Beverage  
Hotel Rialto  
653 Pandora Ave  
Victoria, B.C  
V8W 1N8  
250 383 6674

[m.watson@hotelrialto.com](mailto:m.watson@hotelrialto.com)

September 5<sup>th</sup>, 2019

Re: Entertainment Endorsement (Food Primary Licence)

To whom it may concern,

I am submitting this letter as notice of our intent requesting a change to our Food Primary Licence (#088436). Our request is for an Entertainment Endorsement to allow dancing by patrons to take place in our dining room during regular trading hours at certain times of the year (Christmas, holidays, private parties, special events, etc.) On these dates tables and chairs will be removed from the front section of the dining room to storage in order to facilitate this.

The appropriate application forms have been completed and submitted for approval. If there are any other requirements needed to begin the application process please contact me directly via the details provided.

Thank you for your assistance with this matter.

Kind regards,

Morgan Watson  
Director of Food and Beverage  
Hotel Rialto

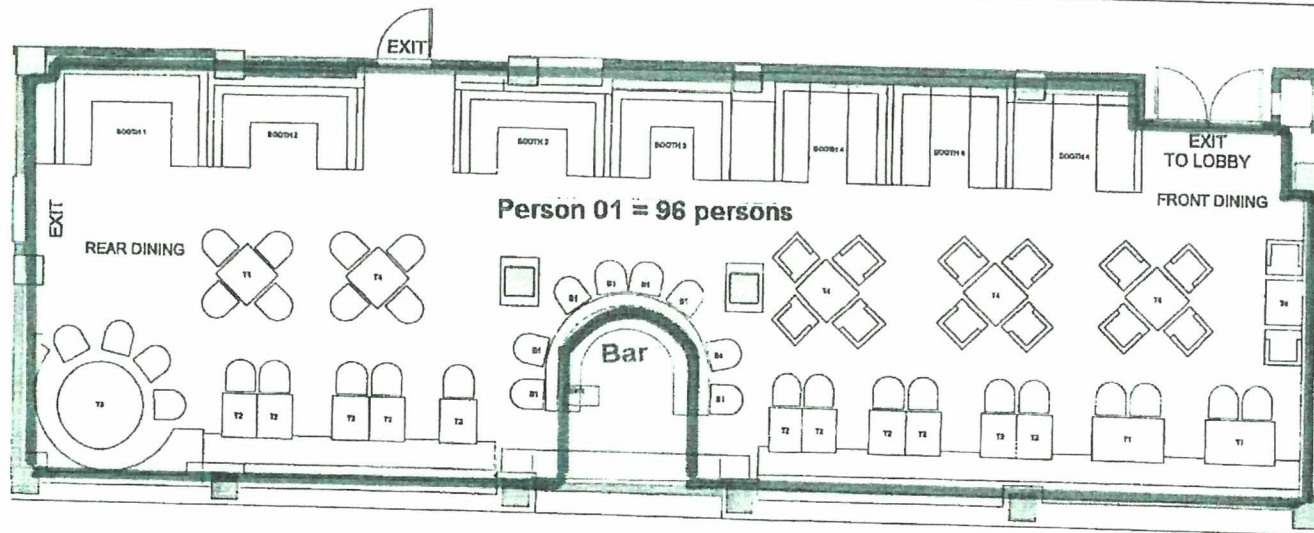


HOTELRIALTO.CA



LCLB OFFICIAL PLAN  
MUST BE KEPT WITH LIQUOR LICENCE  
AND AVAILABLE FOR INSPECTION AT ALL TIMES  
Date Issued: March 29, 2018  
Licence #303414  
General Manager

Kitchen



RESTAURANT FLOOR PLAN  
Scale 1/4\"/>

City of Victoria - Fire Department  
\* Occupant Load Reviewed Under Current BC Fire Code Only

Maximum Occupant Load is:	Fire Prevention Officer:
Main Floor: 96 Persons	Name: M. SABELL
Mezzanine: / Persons	Signature:
Patio/Deck: / Persons	Date: DEC 21 2017
Total: 96 Persons	

TABLE TYPE	SEATING	
T1 (6031)	6	
T2 (4030)	32	
T3 (607)	8	
T4 (2032)	22	
B1 BAR SEATING	6	
BOOTH 11 (072017)	6	
BOOTH 12 (072017)	6	
BOOTH 13 (072017)	3	
BOOTH 14 (072017)	12	
TOTAL	88	

SEATING CALCULATIONS: DINING AREA = 1400 sq ft (1000 sq ft)  
KITCHEN: 1000 sq ft (1000 sq ft)  
MEZZANINE: 1000 sq ft (1000 sq ft)  
PATIO/DECK: 1000 sq ft (1000 sq ft)  
TOTAL: 1000 sq ft (1000 sq ft)

WASHROOM CALCULATIONS: (BOOTH 11) 6 SEATING  
BOOTH 12 (072017) 6 SEATING  
BOOTH 13 (072017) 3 SEATING  
BOOTH 14 (072017) 12 SEATING  
TOTAL: 27 SEATING

LIQUOR CONTROL AND LICENSING BRANCH  
FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE: January 24, 2018  
M. SABELL

LICENSING ADMINISTRATOR

Maximum Capacity: 96 persons

Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated:

BSA BOX

LIQUOR CONTROL & LICENSING  
RECEIVED  
DEC 22 2017  
VICTORIA BC



key architecture ltd.

2000 West 10th Avenue, Suite 100, Victoria, BC V8S 1C1  
Tel: 250-383-3333 Fax: 250-383-3334

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

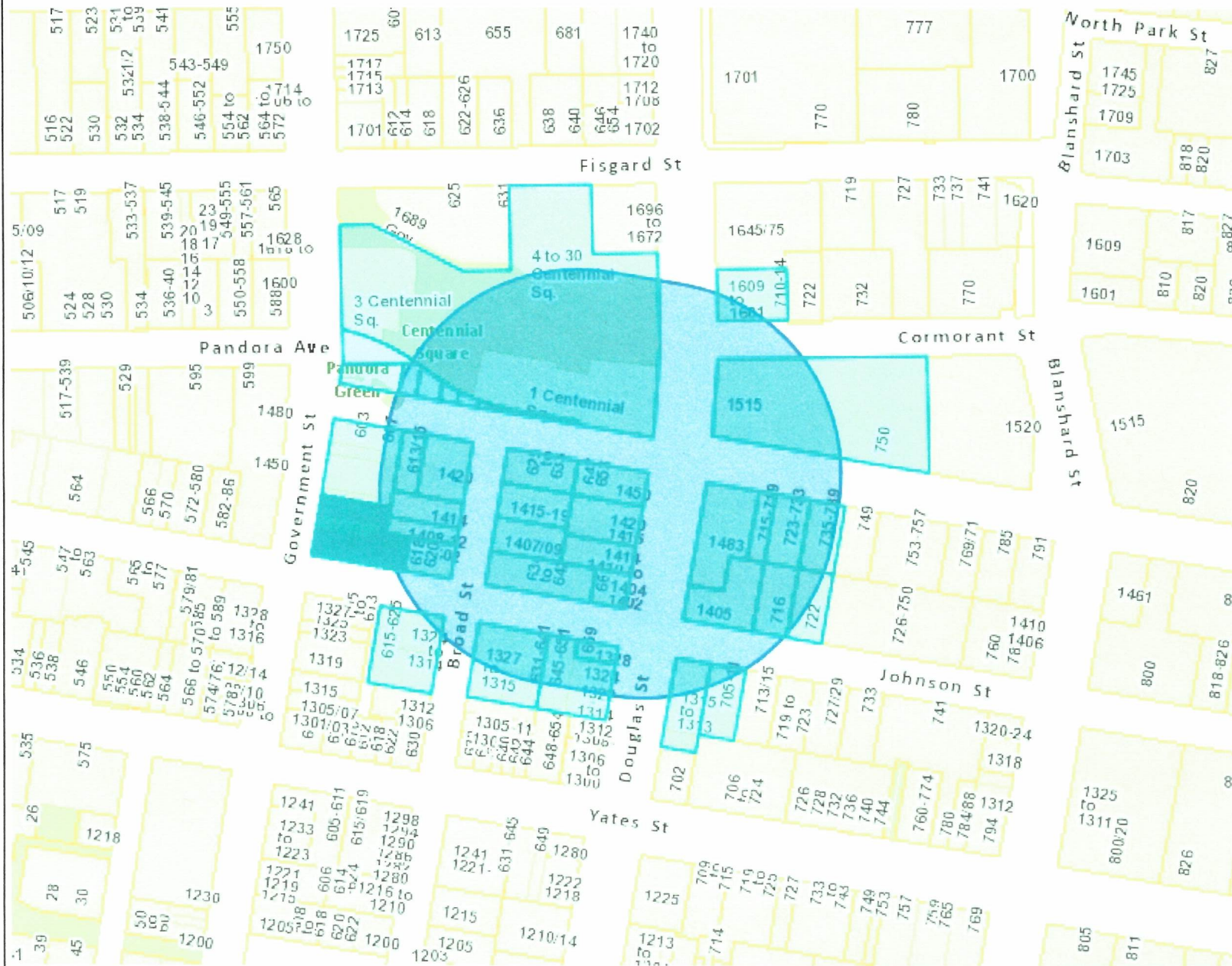
NOTES

1. All work shall be done in accordance with the Building Code of Canada and the British Columbia Building Code. 2. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 3. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 4. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 5. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 6. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 7. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 8. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 9. All work shall be done in accordance with the latest edition of the National Building Code of Canada. 10. All work shall be done in accordance with the latest edition of the National Building Code of Canada.

VENETO  
THE HOTEL RIALTO  
MAIN FLOOR ALTERATIONS  
653 PANDORA AVENUE,  
VICTORIA

REVIEW  
REVIEW  
REVIEW

DATE: 11/11/17  
BY: A2.0



### Legend

 Victoria Parcels

1: 3,001



### Notes

Appendix B

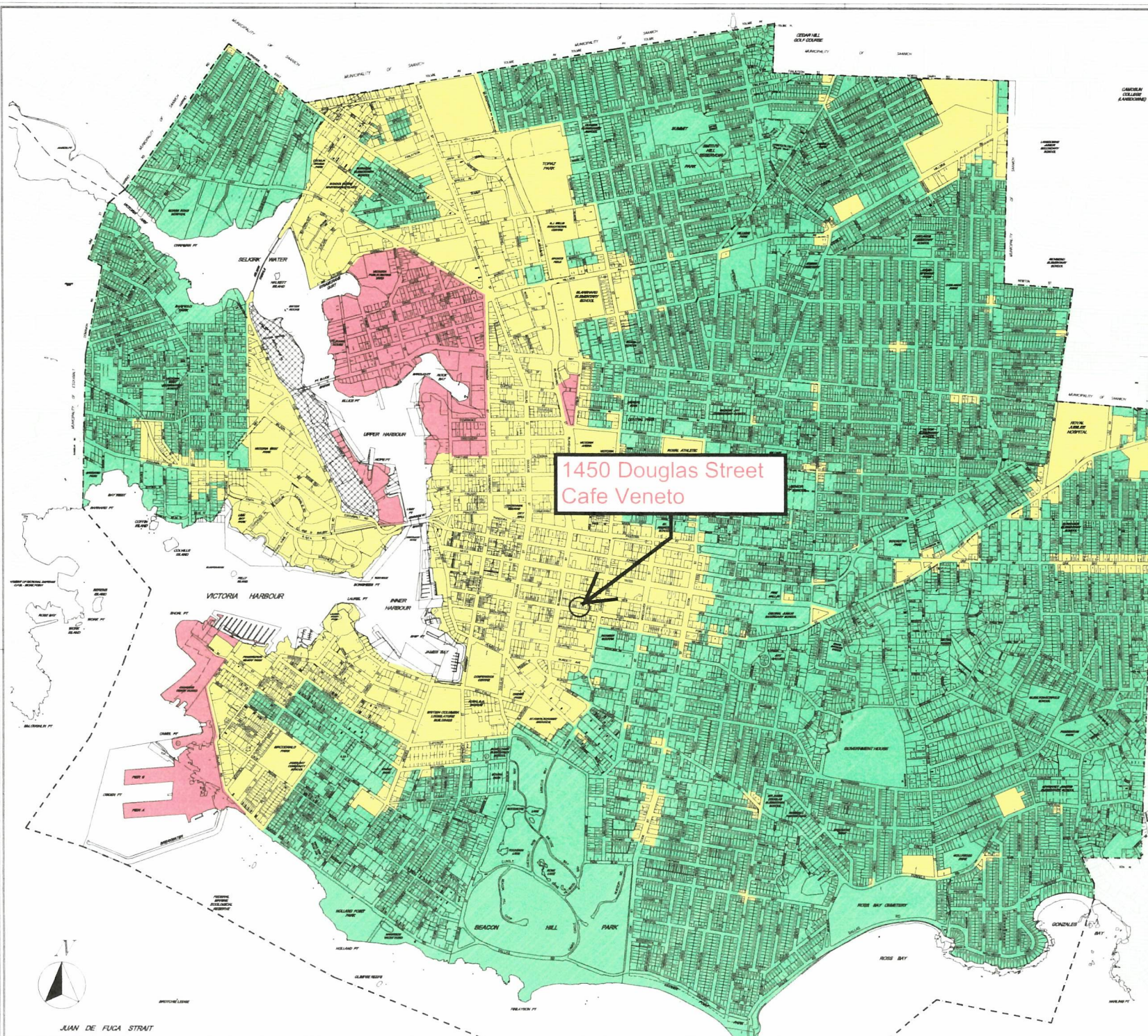
NAD\_1983\_CSRS\_UTM\_Zone\_10N

Public domain: can be freely printed, copied and distributed without permission.

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.



# City of Victoria Noise District Map



## LEGEND

- Quiet District
- Intermediate District
- Harbour Intermediate District
- Activity District

Date: February 17, 2004

Scale: Not to Scale



**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 Restauran...

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.

	<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:** Watson, Cliff [REDACTED]  
**Sent:** September 26, 2019 2:24 PM  
**To:** Ryan Morhart; Steve Hutchison; Michael Hill; Whiskin, Jamie; Barrie Cockle; Miko Betanzo; Thom Pebernat  
**Subject:** RE: LL000308 Veneto Cafe | 1450 Douglas Street

No concerns with respect to adding an entertainment endorsement to the Food Primary at this location.



**Sgt Cliff Watson**  
Operational Planning  
Victoria Police Department  
850 Caledonia Ave  
Victoria BC, V8T 5J8  
Office. 250-995-7218  
[REDACTED]  
[REDACTED]

## Ryan Morhart

---

**From:** Chris Watson <chris@bestwesterncarlton.com>  
**Sent:** October 16, 2019 10:25 AM  
**To:** Ryan Morhart  
**Subject:** Support  
**Attachments:** Copier@bestwesterncarlton.com\_20191016\_093835.pdf

To whom it may concern,

The best Western Plus Carlton Plaza Hotel is in support of this application.

Sincerely,  
Chris Watson  
General Manager  
Best Western Plus Carlton Plaza Hotel  
642 Johnson St. Victoria, B.C., V8W 1M6

Direct Phone: 250-413-2190  
Email: chris@bestwesterncarlton.com

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

From: Copier@bestwesterncarlton.com [mailto:Copier@bestwesterncarlton.com]

Sent: October 16, 2019 9:39 AM  
To: chris@bestwesterncarlton.com  
Subject: Scanned image from MX-2615N

Reply to: Copier@bestwesterncarlton.com <Copier@bestwesterncarlton.com> Device Name: Not Set Device Model: MX-2615N  
Location: Not Set

File Format: PDF MMR(G4)  
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe Systems Incorporated in the United States and other countries.

<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.adobe.com%2F&data=02%7C01%7Crmorhart%40victoria.ca%7C3f28d403f1e044d7e82308d7525dd4b5%7Cd7098116c6e84d2a89eedb15b6c23375%7C0%7C1%7C637068435265507997&data=dNeo3NyXGb4gCt1qVm7NoTuUsm%2FWBEzo6rFZex7bSRA%3D&r eserved=0>



1715 Government Street  
Victoria, BC, V8W 1Z4

Manager, Permits & Inspections  
Sustainable Planning and Community Development Department  
1 Centennial Square Victoria, BC V8W 1P6

November 1<sup>st</sup>, 2019

**Re: Café Veneto - Application for Entertainment Endorsement to a Food Primary License**

Dear Manager, Permits & Inspections,

The DRA Land Use Committee has reviewed the application by Café Veneto (Rialto Hotel) to make a permanent change to add an entertainment endorsement to their food primary licence. The scope of change is restricted to the existing licence, without changes to the existing occupant load of 96 people or hours. The hours are noted to be 9:00 am to 1:00 am daily.

Feedback from the committee is as follows:

- No new seating is being requested nor are the hours of operation being extended;
- There are no outdoor patio areas associated with this licence;
- There are very few residents currently living proximal to the Rialto Hotel;
- This seems to be a reasonable request as the comfort of their hotel guests will be a priority in terms of noise; and
- Hotels are quite well incentivized to self-regulate their licensed premises.

The DRA LUC generally supports this proposal.

Sincerely,

Ian Sutherland  
Chair Land Use Committee  
Downtown Residents Association



## 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.

## LCRB Application

Entertainment Endorsement – Food Primary

Café Veneto, 1450 Douglas Street



1

## Liquor and Cannabis Regulation Branch (LCRB)

- Restaurants
- Bars
- Pubs Retailers
- Manufacturers and
- Special Events.



2

## LCRB Approvals

- Criminal Background Checks
- Local Government
 

<ul style="list-style-type: none"> <li>Municipal Input</li> <li>Public Input</li> </ul>	<ul style="list-style-type: none"> <li>: potential for noise</li> <li>: potential for impact on the community, and</li> <li>: Whether the amendment will result in the service area being operated in a manner that is contrary to the primary purpose.</li> </ul>
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- Occupant Load Approvals



3

## Local Government

### Staff Review:

- Police, Bylaw, Planning, Business and Community Relations 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
- Whether the amendment will result in the service area being operated in a manner that is contrary to the primary purpose.



4

## LCRB Application

LICENCE TYPE	
PROPOSED	Food Primary with Entertainment Endorsement
OCCUPANT LOAD	
EXISTING	96 people
LICENSED HOURS OF OPERATION	
EXISTING	9:00 am to 1:00 am daily



5

## Staff Review and Public Comment

### Staff Review:

- The proposal is consistent with anticipated uses in the area
- If issues arise at the hotel, the ability to resolve is within the control of the hotel operator.

### Public Comment:

- 1 letter was received in support from the Downtown Resident's Association.
- Letters were sent to 260 owners and occupants



6

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## Recommendation

That Council direct staff to notify the Liquor and Cannabis Regulation Branch that Council supports the application to add an entertainment endorsement.





## Committee of the Whole Report

### For the Meeting of January 9, 2020

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**To:** Committee of the Whole **Date:** December 20, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** **Victoria Housing Reserve Fund Application for 11 Chown Place (Burnside)**

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### RECOMMENDATIONS

That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$295,000 to assist in the construction of a four-storey 58-unit housing project at 11 Chown Place, subject to the following conditions:

1. The applicant obtaining the required development permit approvals for the construction of a four-storey 58-unit housing project at 11 Chown Place on or before January 30, 2022.
2. The execution of a Housing Fund Grant Agreement acceptable to the Director of Sustainable Planning and Community Development and in the form satisfactory to the City Solicitor; outlining terms for the eligible use of the grant, reporting requirements, repayment, indemnification and construction insurance, and communication protocols.
3. The execution of a Housing Agreement, in the form satisfactory to the City Solicitor, to secure
  - a) 58 new housing units as rentals in perpetuity;
  - b) 49 of the new units (one bedroom) to be dedicated for seniors (55+) as follows:
    - i) 11 units for very low income level;
    - ii) 13 units for low income level;
    - iii) 11 units median income level;
    - iv) 14 units at market rent;
  - c) seven of the new units (two bedroom) to be reserved for occupation by families as follows:
    - i) one unit for very low income level;
    - ii) three units for median income level; and
    - iii) three units at market rent; and
  - d) two of the new units (three bedroom) to be reserved for occupation by families with a median income level.
4. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines; and
5. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

## **EXECUTIVE SUMMARY**

The City of Victoria is in receipt of a Victoria Housing Reserve Fund (VHRF) grant application (Attachment 1) from the Gorge View Society (GVS) seeking \$295,000 to assist in the development of a four-storey, 58-unit affordable housing apartment on a centrally located vacant portion of a 5.4 acre (2.2 ha) parcel at 11 Chown Place (Attachment 2). The application complies with the applicable VHRF Guidelines and outlines a proposed new development that will provide affordable housing for seniors and families. 49 one-bedroom units will be dedicated for seniors with very low, low, median and market-based incomes, while the remaining nine units composed of two and three-bedroom units will be available for families with very low, median and market-based incomes. The proposed monthly rental rates for very low, low and median income units are consistent with the VHRF Guidelines and will be secured through a Housing Agreement. The proposed development site is currently vacant and, therefore, the Tenant Assistance Policy does not apply.

The VHRF has a current unallocated net balance of \$1,403,915, which includes \$1 million recently received as part of a community amenity contribution that Council allocated for affordable housing for seniors. The property at 11 Chown Place is the only current VHRF project that is seeking to develop dedicated affordable housing for seniors, therefore approval of this grant will not impact funding available for three other applications received that are forthcoming to Council shortly. If approved, this grant will be subject to Council's approval of the required development permit anticipated to be considered by Council in early 2020; fulfilling the applicable requirements of the VHRF Guidelines; and execution of a Housing Agreement and a Housing Fund Grant Agreement.

## **PURPOSE**

The purpose of this report is to present Council with information, analysis and recommendations for a Victoria Housing Reserve Fund grant application from the Gorge View Society (GVS) to assist in the construction of a four-storey, 58-unit, affordable housing apartment that will be centrally located on a vacant portion of a parcel at 11 Chown Place.

## **BACKGROUND**

Located in the Burnside neighbourhood at 11 Chown Place, the proposed building will be added onto a site with existing housing at Chown Place. The property is a large 5.4 acre (2.2 ha) site containing 15 low-rise buildings built between 1962 and 2012 with a mix of studios and one-bedroom units for low-income seniors. Chown Place is owned and operated by the GVS, which has a long history of providing modest independent housing for seniors living on low and fixed incomes.

Founded in 1956 with the support of the United Church of Canada, the GVS constructed its first seniors housing building in 1959. Over 62 years, the GVS has built a total of 17 buildings without outside funding. The GVS understands that to achieve its vision of strengthening the community by providing comfortable and affordable homes for people in need, it needs to build at a larger scale and with partners such as BC Housing, CMHC and the City of Victoria. This project reflects the vision of the GVS and the goal of the program by providing housing for seniors and families in Victoria.

## **ISSUES AND ANALYSIS**

Staff have reviewed the Gorge View Society's VHRF application and conclude that the project meets the VHRF Guidelines as outlined below, and is a secure investment for the City that will lead to the construction of a total of 58 housing units for seniors and families with very low, low,

median and moderate incomes.

#### Affordability Requirements

The proposed project includes a mix of unit and income types, which is one of the key priorities of the VHRF Guidelines. Although the project includes a total of 41 affordable units (eligible for VHRF support), the applicant is only seeking financial assistance from the City of Victoria to support the development of the 35 one-bedroom affordable seniors' units.

The new building at 11 Chown Place proposes to include units that fall within the criteria for very low, low and median income limits, as set out in the VHRF Guidelines and are outlined in the table below. The project's affordability is largely achieved through its partnership with BC Housing, which has contributed \$5.8 million to this development. The proposed monthly rents in all funded units are below the maximum rent thresholds for each income level as outlined in the VHRF Guidelines, thereby supporting greater levels of affordability for seniors and families than required by the fund guidelines. In addition to 41 affordable units, the project also includes 17 market-rate units with proposed monthly rents that are targeted to moderate incomes and help to ensure that the project includes housing for a broad range of target incomes.

#### Unit Composition and Affordability Table

Unit Type	Number of Units	Target Income Level	Proposed Monthly Rent	VHRF Max Monthly Rent	VHRF Contribution per Unit	VHRF Total Contribution
1 bedroom (Seniors)	11	Very Low	\$375	\$425	\$10,000	\$110,000
1 bedroom (Seniors)	13	Low	\$641	\$650	\$10,000	\$130,000
1 bedroom (Seniors)	11	Median	\$739	\$1,050	\$5,000	\$55,000
1 bedroom (Seniors)	14	Market	\$1,235	N/A	Ineligible for funding	
2 bedroom	1	Very Low	\$570	\$575	No funding requested	
2 bedroom	3	Median	\$1,280	\$1,300	No funding requested	
2 bedroom	3	Market	\$1,610	N/A	Ineligible for funding	
3 bedroom	2	Median	\$1,380	\$1,750	No funding requested	
<b>Total Units</b>	<b>58 Units</b> 41 Affordable Units					<b>\$295,000</b>

#### Leveraging Additional Funding

The Gorge View Society (GVS) has been successful in securing a \$5.8 million grant through the BC Housing Community Housing Fund, as well as an additional \$74,200 grant from CMHC to support the Chown Place project. These types of grants from BC Housing and CMHC are generally predicated on supporting projects that can secure additional funding partnerships such as those with the City of Victoria. The GVS is also contributing \$700,000 of its own funds to offset the capital project costs. Operations at the new Chown Place building are anticipated to be largely supported by the monthly rents received.

The proposed City of Victoria VHRF contribution of \$295,000 represents approximately 2.0% of the total capital project cost (\$14,374,257) and 1.0% of all grants and contributions (\$28,384,000) excluding land value. Therefore, while the City continues to play an important role as a supporting partner to this local affordable housing project, most of the project funding will be contributed by other levels of government.



### Project Priorities

The Chown Place project aligns with nearly all project priorities outlined in the VHRF Guidelines, including the provision of housing for families and seniors, those at risk of homelessness; mixed affordability; affordable rental units in perpetuity, and prioritizing housing for people with very low and low incomes over median incomes.

### Required Approvals

A Development Permit with Variances Application is required to construct the proposed four-storey, multi-unit residential building under the existing zoning (R3-G-SC Zone – Garden Apartment (Senior Citizen) District). The proposed variances are associated with building height, building separation distances and parking. The DPV is currently being reviewed by staff and is expected to be considered by Council in early 2020. Approval of the proposed VHRF grant will be subject to all required development approvals being received.

### Legal Agreements

If Council approves the grant request, the applicant has made a commitment to enter into a Housing Fund Grant Agreement with the City of Victoria to secure the conditions of the grant as outlined in the VHRF Guidelines. The applicant has also agreed to enter into a Housing Agreement with the City to:

- secure in perpetuity 58 new units of rental housing including 35 dedicated units for seniors (55+) that qualify as very low, low and median-income tenants as defined in the Victoria Housing Reserve Fund Guidelines;
- secure a mix of one bedroom, two bedroom and three bedroom rental units as outlined in the grant application for 11 Chown place; and
- secure very low, low and median income rent levels as defined by the VHRF Guidelines.

Per the VHRF Guidelines, the applicant will also be required to provide a one-year progress report to the City outlining how the project is achieving the affordability targets outlined in the Housing Agreement.

### Tenant Assistance Plan

The new building is proposed to be constructed on a portion of the overall parcel that is vacant and will not result in the displacement of tenants including those living in the other surrounding buildings at Chown Place. Therefore, the Tenant Assistance Policy does not apply.

### Capacity of the Victoria Housing Fund

The VHRF has a current unallocated net balance of \$1,403,915 that is calculated after excluding previously approved grants for other projects. The current balance reflects a \$1 million contribution to the VHRF as part of a rezoning application for 1900 Richmond Road that was approved on August 1, 2019. A related Council motion stipulates that this \$1 million contribution can only be allocated to support affordable housing for seniors. 11 Chown Place is the only current VHRF application received as part of the recent intake process that is seeking to develop purpose-built affordable housing dedicated to seniors. Should this grant be approved, \$705,000 would remain in the fund for future affordable seniors housing, and \$403,915 will continue to be available for other applications received.

The City of Victoria currently has three additional VHRF grant applications received earlier this year that are not proposing dedicated seniors housing; therefore, approval of this grant will not affect the funds available for those projects.

## OPTIONS AND IMPACTS

### Option 1 - Approve the Grant Request

Approval of a \$295,000 grant request will allow the GVS to provide 35 units of dedicated affordable units for seniors, as part of the overall 58-unit development that also includes affordable housing for families. This project meets a number of the VHRF priorities, including housing for seniors, very low and low income housing, mixed income housing, and family housing units, and provides timely application of the \$1,000,000 of funding received dedicated to seniors housing. Approval of this grant will reduce the balance of the seniors housing portion of the fund to \$705,000 and will not affect the \$403,915 remaining for other VHRF applications.

### Option 2 – Approve a reduced grant amount

Council may consider approving a reduced grant amount for the project. A reduced grant amount could result in a reduced number of affordable housing units being provided and other potential financial impacts to the project. A reduced grant amount may also allow for increased Housing Reserve Funds to better support future applications for other dedicated affordable seniors housing projects that may be received through a future intake process in 2020, however staff are not aware of any future applications for this type of housing at this time.

### Option 3 - Decline the Grant Request

Should the grant be declined, construction of the 58-unit affordable housing project may not be economically feasible and may also impact the applicant's additional project funding through BC Housing and CMHC.

#### *Accessibility Impact Statement*

This grant request will have no accessibility impacts. The project also includes a total of 50 accessible one and two bedroom units.

#### *2019 - 2022 Strategic Plan*

Providing grants to support the development of affordable rental housing supports multiple actions described within Strategic Objective Three: Affordable Housing as well as Strategic Objective Eight: Strong, Liveable Neighbourhoods.

#### *Impacts to Financial Plan*

Issuance of a \$295,000 grant to the Gorge View Society will reduce the VHRF balance from \$1,403,915 to \$1,108,915, which would be comprised of \$705,000 dedicated for affordable senior housing and \$403,915 for other affordable housing projects.

#### *Official Community Plan Consistency Statement*

This project supports several OCP objectives, but specifically policies related to achieving multi-generational neighbourhoods by working collaboratively with other public and private partners to plan for the housing of Victoria's population as it ages.

## CONCLUSIONS

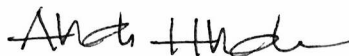
The VHRF grant application from the Gorge View Society presented in this report is well aligned

with VHRF priorities, exceeds the affordability requirements outlined in the Guidelines, provides an opportunity to access \$1,000,000 recently contributed to the VHRF reserved for affordable seniors housing, and would lead to the construction of 58 affordable housing units for seniors and families.

Respectfully submitted,



Robert Batallas,  
Senior Planner  
Community Planning Division



Andrea Hudson,  
Acting Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date: January 2, 2020

**List of Attachments:**

- Attachment 1: Application to the Victoria Housing Reserve Fund
- Attachment 2: Aerial Map – 11 Chown Place



Sustainable Planning and  
Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

T 250.361.0382  
E [communityplanning@victoria.ca](mailto:communityplanning@victoria.ca)

# Victoria Housing Reserve Fund Application Checklist

Please ensure all items below are included with your application. If you have questions about your eligibility, or about this or any part of the application package, please call or email the Community Planning Division using the contact information below.

- ☒ Completed application checklist
- ☒ Letter to Mayor and Council describing project and how it meets Victoria Housing Reserve Fund Program objectives as outlined in the Program Guidelines
- ☒ Completed Application Form
- ☒ Building plans
- ☒ Site plans
- ☒ Capital budget
- ☒ 10-year operating budget
- ☒ Housing operator's most recent audited financial statements (including management letter if available)

I have read and understand the Victoria Housing Reserve Fund Guidelines:

Kaeley Wiseman

September 26, 2019

Signature

Print Name

Date

Applications will be accepted in person at City Hall, by mail, or by email. **Please contact Community Planning to ensure receipt of your application package.** The City of Victoria is not responsible for lost or missing applications.

**Community Planning Division**  
**1 Centennial Square, Victoria, BC V8W 1P6**  
Email: [communityplanning@victoria.ca](mailto:communityplanning@victoria.ca)  
Phone: **250.361.0382**

September 26, 2019

Mayor and Council  
City of Victoria  
1 Centennial Square  
Victoria, BC

**Re: Application for Funding for the Gorge View Society Project on 11  
Chown Place, Victoria**

Dear Mayor and Council,

On behalf of Gorge View Society (the Society), please find an enclosed application in response to the Victoria Housing Reserve Fund call for the affordable housing development project on 11 Chown Place, Victoria, BC.

As a housing provider in the Capital Region, the Society is aware of the growing need for affordable housing for low income families and independent seniors. While this project will help in reducing the gap through providing the much-needed housing for low income independent seniors and families in Victoria; the Society realizes that seniors specific funding is available and as such, is seeking a contribution of **\$295,000** from City of Victoria's Housing Reserve Fund for the seniors units of this project. This contribution will help realize the project's vision of affordability and will help make the project financially feasible.

Table 1 outlines how the project meets and exceeds the requirements outlined in the program guidelines.

**Table 1: Project and Program Alignment**

Program Requirements and Guidelines	How the project meets the guidelines and requirements
<b>Partnerships</b> <ul style="list-style-type: none"><li>Include financial leveraging and partnerships with other government funding agencies, private industry, community agencies and/or individuals.</li></ul>	<ul style="list-style-type: none"><li>The Society has leveraged funds from BC Housing, Canada Mortgage and Housing Corporation and the Victoria Presbytery of the United Church of Canada. The project will be done in partnership with the community and other levels of government.</li><li><i>See attached budget showing equity contributions from partners.</i></li></ul>
<b>Mixed affordability</b>	<ul style="list-style-type: none"><li>The project will provide subsidized units, Rent Geared to Income (RGI)</li></ul>

**CitySpaces  
Consulting Ltd.**

Suite 101  
848 Courtney St.  
Victoria BC  
V8W 1C4

250.383.0304 Tel

[www.cityspaces.ca](http://www.cityspaces.ca)

Victoria

Vancouver



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<ul style="list-style-type: none"> <li>• Target housing for very low, low, and median income households as defined above.</li> <li>• Projects that provide a component of housing for people with low and very low incomes first, over moderate income households.</li> </ul>	<ul style="list-style-type: none"> <li>• units, affordable units and market units, demonstrating the rent mix.</li> <li>• The proposed rents fall within the program's affordability targets and income thresholds for 2019-2024.</li> <li>• <i>See attached building designs and budget.</i></li> </ul>
<b>Unit sizes and demographic mix</b> <ul style="list-style-type: none"> <li>• 2 bedrooms or larger.</li> <li>• Housing for individuals and families who are either experiencing homelessness or are at risk.</li> </ul>	<ul style="list-style-type: none"> <li>• The project provides a range of unit mixes - one bedroom, two- and three-bedroom for seniors and families</li> <li>• <i>See attached building designs.</i></li> </ul>
<b>Accessibility</b> <ul style="list-style-type: none"> <li>• Projects that serve persons with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>• The project includes accessible units for seniors and people living with disabilities.</li> <li>• <i>See attached designs.</i></li> </ul>
<b>Tenant assistance</b> <ul style="list-style-type: none"> <li>• Adhere to the Tenant Assistance Policy and submit a Tenant Assistance Plan for staff approval.</li> </ul>	<ul style="list-style-type: none"> <li>• Tenancies will be managed in accordance with the terms of the operating agreement and the Residential Tenancy Act and regulation.</li> </ul>
<b>Location</b> <ul style="list-style-type: none"> <li>• Projects within the City of Victoria.</li> </ul>	<ul style="list-style-type: none"> <li>• The project is in the Burnside Gorge neighbourhood boundaries of Victoria.</li> <li>• <i>See attached title and map showing the site.</i></li> </ul>
<b>Perpetual affordability</b> <ul style="list-style-type: none"> <li>• If approved, enter into a Housing Agreement securing units funded as affordable housing in perpetuity, or for a time negotiated and approved by Council motion.</li> </ul>	<ul style="list-style-type: none"> <li>• The Society will enter into a Housing Agreement with the City to ensure perpetual affordability for a time approved by Council.</li> </ul>



Should you have any questions or require any clarifications on this application, do not hesitate to reach out on email: [kwiseman@cityspaces.ca](mailto:kwiseman@cityspaces.ca) or Phone: 250 580 3835.

Sincerely,

Kaeley Wiseman



Sustainable Planning and  
Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6

T 250.361.0382  
E [communityplanning@victoria.ca](mailto:communityplanning@victoria.ca)

# Victoria Housing Reserve Fund Application for Funding

The Victoria Housing Reserve Fund Program Guidelines contain important information on project eligibility and the application process. Please review the guidelines prior to completing an Application for Funding.

The entire Application for Funding must be completed along with all other documents identified on the Application Checklist. Please attach additional pages if more space is needed.

An appointment is strongly encouraged prior to applying for funding to ensure the project meets eligibility criteria. To make an appointment, email [communityplanning@victoria.ca](mailto:communityplanning@victoria.ca).

If you have any questions about the criteria or the process, please contact the Community Planning Division at [communityplanning@victoria.ca](mailto:communityplanning@victoria.ca) or 250.361.0382.

## 1. Letter to Mayor and Council

Please include a letter to Mayor and Council highlighting key aspects of the proposed project and how it meets the objectives of the Victoria Housing Reserve Fund Program as outlined in the Program Guidelines.

## 2 Proponent Information

Organization Name Gorge View Society Non-profit Society Yes ☒ No ☐

Contact Person/Position Kaeley Wiseman, Project Manager

Business Address CitySpaces Victoria, 101-848 Courtney St. Victoria BC V8W 1C4

Telephone 250 580 3835

Fax \_\_\_\_\_

Email kwiseman@cityspaces.ca

Date of Incorporation 1956


Canada Revenue Agency Charity # \_\_\_\_\_

Previous Projects Funded through the Victoria Housing Reserve Fund, if any: \_\_\_\_\_

I have read and understand the Victoria Housing Reserve Fund Program Guidelines ☒

I understand funding is a one-time, non-renewable grant ☒

Application Date mm/dd/yyyy September 26, 2019

Applicant Signature 

## 3. Project Summary

Submission of building and site plans are required as part of the application package.

Address/location of project 11 Chown Place, Victoria BC V9A 1H5

Developer and contact information (if different from the Proponent) \_\_\_\_\_

Project Architect and contact information Number Ten Architectural Group, 200 -1619 Store Street Victoria BC V8W 3K3

Owner and Operator of Housing Gorge View Society

Housing type (strata/apt etc.), number of units and sizes (bedrooms) Apartment - One-, Two-, Three- bedroom units



Sustainable Planning and Community Development  
1 Centennial Square  
Victoria, BC V8W 1P6  
T 250.361.0382 E [communityplanning@victoria.ca](mailto:communityplanning@victoria.ca) [victoria.ca](http://victoria.ca)

## Victoria Housing Reserve Fund Application for Funding

Target population, incomes (as defined in the Program Guidelines) and target rents or sale price per unit

The independent rental housing will be for low income seniors and families and will offer a mix of rents and income limits in accordance to BC Housing's Community Housing Fund requirements - The rents are; Jr one bedroom, subsidy - \$375, Jr one bedroom, RGI - \$641, one bedroom, RGI - \$739, one bedroom, market - \$1,235; Two bedroom, subsidy - \$570, two bedroom, RGI - \$1,280, two bedroom, market - \$1,610; three bedroom, RGI - \$1,380

Support services provided (if any)

N/A

Additional features

The project has 77 parking stalls including a spot for carshare program, storage for bikes (68 bike stalls) and scooters, a play/social outdoor space, garden space, lobby, lounge and an office space.

Target Completion Date

Oct 2021

How does the project meet the objectives of the Victoria Housing Reserve Fund Program as described in the Program Guidelines?

The housing project is for key target demographic highlighted in the program guidelines - families and seniors. The project also provides a mix of units (-Jr one bed- one-, two-, and three-bedroom units), some accessible, to accommodate the need of the demographic. The rents of the proposed development project are below 30% of gross household income. The Society has leveraged funding from BC Housing who is also a partner in the project, as well as with CMHC under the Seed Funding Program. The Society will ensure long term affordability through entering into a housing agreement with the City of Victoria, and registration of a covenant on title.

Describe how the project is consistent with the City's Official Community Plan (OCP), Neighbourhood Plan policies and zoning.

This project is in line with the housing and homelessness policy objectives outlined in the Official Community Plan. Specifically, this project will provide housing for individuals in the core housing need and will increase housing choices to support different demographic including seniors and families. The benefits of this project to the community will be achieved through the promotion of the city's OCP guidelines and principles, including the creation of affordable housing through partnering with stakeholders and the community and ensuring the project design incorporates energy efficient measure and sustainability principles, as well as promoting operational efficiencies and affordability by optimizing density. The project also strives to achieve Regional Growth Strategy goals highlighted in the OCP - improving housing affordability. The project also increases housing choices and builds on the current pattern of development in the Burnside Neighbourhood Plan. The development project is also in line with the Burnside Neighbourhood growth vision of encouraging housing diversity for the various demographics.

What development approvals are required or have been received?

Development Variance Permit - Required and completed pre-application meeting and resident and neighbour consultation. Submission anticipated for mid-October 2019.  
Building Permit - Required.



#### 4. Experience and Capacity to Develop and Manage Affordable Housing

Outline the proponent's experience in the development and management of affordable housing. How does this project compare to this previous experience and the proponent's capacity to complete the project in the short-term and manage it over the long-term?

The Society has a long history providing modest independent housing at Chown Place for seniors living on low and fixed incomes. Founded in 1956 with the support of the United Church of Canada, the Society constructed its first seniors housing building in 1959. Over 62 years, the Society has built a total of 17 buildings without outside funding. The Society understands that to achieve its vision of strengthening the community by providing comfortable and affordable homes for people in need, it needs to build at a larger scale and with partners such as BC Housing. This project reflects the vision of the Society and the goal of the program by providing housing for seniors and families in Victoria.

#### 5. Project Financing and Sustainability

Describe how the funding model will support long-term financial sustainability and housing affordability. Please also attach a detailed Capital Budget and 10-year Operating Budget. For affordable home ownership projects, detail how the units will be affordable and will remain so over time.

The project assumes stabilized occupancy in year one and no operating deficit. Rents for RGI and Deep Subsidy Units are based on 2021 rents. Affordable Market Rents are CMHC 2017 Average Market Rents for Victoria CMA adjusted by 25%. Affordable Market and RGI rents increase by 2% each year. No increase is applied to Deep Subsidy rent units. Utility expense estimates are based on the operating target framework. Administration charges and maintenance labour assume an allocation based on the percentage share of total units, with 35% of common charges allocated to the Project. Inflation of 2% is applied to expenditures. Mortgage payments are calculated to achieve a 1.1 Debt Coverage Ratio and increase in Year 6 to reflect refinancing at the end of a 5-year term.

#### 6. Partnerships

List partners in this project (developers, agencies, other levels of government etc.), and detail their involvement.

BC Housing - partner and funder for the project  
CMHC - partner and seed funder for the project  
Design consultant - NumberTen Architectural Group  
Development Consultant - CitySpaces

Project Name:	GorgeView Society - Chown Place Project
Project Address:	11 Chown Place, Victoria BC
Tenure:	Rental

**Column F:** Enter the maximum eligible funding per income bracket and bedroom size using **Table B: Maximum Eligible Funding per Unit**

Unit Breakdown Chart					
Unit Size	Rent	Quantity	Income Bracket	Eligible Funding	Max Eligible Funding
1 Jr Bed - Subsidy	\$375	11	Very Low	\$10,000	\$110,000
1 Jr Bed - RGI	\$641	13	Low	\$10,000	\$130,000
1 bedroom - RGI	\$739	11	Median	\$5,000	\$55,000
1 bedroom - Market	\$1,235	14	Ineligible for funding		\$0
2 bedroom Subsidy	\$570	1	No funding requested		\$0
2 bedroom - RGI	\$1,280	3	No funding requested		\$0
2 bedroom - Market	\$1,610	3	Ineligible for funding		\$0
3 bedroom - RGI	\$1,380	2	No funding requested		\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
Total Units		58 Units - 41 Affordable Units			
TOTAL FUNDING REQUEST:					\$295,000

Income Bracket	Bachelor	1 bedroom	3 Bedroom
Very Low Income	\$375	\$425	\$700
Low Income	\$500	\$650	\$1,000
Median Income	\$875	\$1,050	\$1,750

Income Bracket	Bach/1bd	2 bedroom	3+ bedroom
Very Low Income	\$10,000	\$20,000	\$30,000
Low Income	\$10,000	\$20,000	\$30,000
Median Income	\$5,000	\$10,000	\$15,000
Home Ownership	\$5,000	\$10,000	\$15,000



## 7. Tenant Assistance

If there are existing tenants involved in the project, describe how the tenants will be assisted throughout the project. Refer to the [Tenant Assistance Policy and Guidelines](#) for further information. Please indicate the following:

a. Compensation by Tenancy Length

Not applicable as no existing building exists on the site.

b. Notification to End Tenancy

N/A

c. Moving Expenses

N/A

d. Relocation Assistance

N/A

e. Right of First Refusal

N/A

f. Vulnerable Tenants

N/A

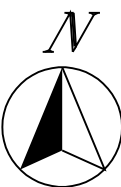
Note: Please be advised that additional information may be requested as part of the Tenant Assistance Plan for Council's consideration.

## 8. Other Information

Provide any other information that supports your application.

Tenancies will be managed in accordance with the terms of the operating agreement and the Residential Tenancy Act and regulation. The Society will obtain a Declaration of Income approved by BC Housing, and supporting documentation as evidence of the income of each resident at the time of the initial occupancy, and annually thereafter for RGI and Deep Subsidy Residents.





11 Chown Place  
Chown Place Affordable Housing Project





# Victoria Housing Reserve Fund Application

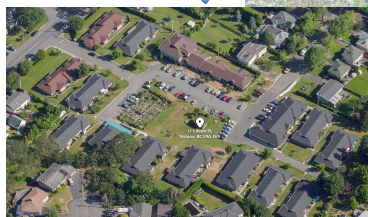
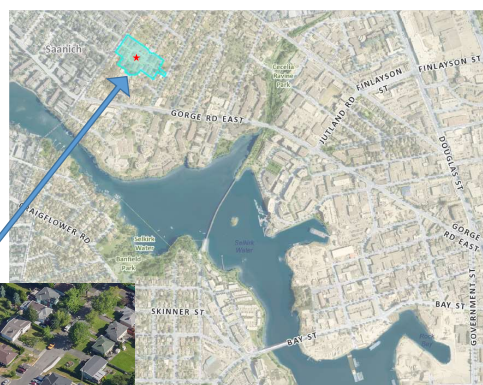
11 Chown Place



1

## Applicant

- The Gorge View Society (GVS) is a registered non-profit charitable society.
- Providing and operating affordable rental housing at 11 Chown Place since 1959 for low income seniors.



Victoria Housing Reserve Fund Application – 11 Chown Place

2

## Project Summary

- Application for \$295,000 to support development of a four-storey, 58-unit affordable housing apartment on a centrally located vacant portion of a 5.4 acre parcel at 11 Chown Place.
- Mix of one, two, and three-bedroom affordable units for seniors and families.



Victoria Housing Reserve Fund Application – 11 Chown Place

3

## Unit Types and Proposed Rents

Unit Type	Number of Units	Target Income Level	Monthly Rent	VHRF Contribution per Unit	VHRF Total Contribution
1 bedroom (Seniors)	11	Very Low	\$375	\$10,000	\$110,000
1 bedroom (Seniors)	13	Low	\$641	\$10,000	\$130,000
1 bedroom (Seniors)	11	Median	\$739	\$5,000	\$55,000
1 bedroom (Seniors)	14	Market	\$1,235	Ineligible for funding	
2 bedroom	1	Very Low	\$570	No funding requested	
2 bedroom	3	Median	\$1,280	No funding requested	
2 bedroom	3	Market	\$1,610	Ineligible for funding	
3 bedroom	2	Median	\$1,380	No funding requested	
<b>Total Units</b>	<b>58 Units</b> <b>41 Affordable Units</b>				<b>\$295,000</b>



Victoria Housing Reserve Fund Application – 11 Chown Place

4

## Funding

Funding Source	Amount	Status
BC Housing – Community Housing Fund	\$5,800,000	Confirmed
Gorge View Society – Equity Contribution	\$700,000	Confirmed
CMHC – Project Planning Grant	\$74,200	Confirmed
CoV - VHRF	\$295,000*	Pending
<b>Total Grants and Contributions</b>	<b>\$6,574,200</b>	

\*VHRF grant represents approximately 4.5% of all grants and contributions



Victoria Housing Reserve Fund Application – 11 Chown Place

5

## Capacity of Victoria Housing Fund

VHRF Current Balance:	*\$1,403,915
11 Chown Place Request:	<u>-\$295,000</u>
	\$705,000 (Seniors Housing)
	\$403,915 (Other Projects)
Potential Balance for 2020:	\$1,108,915

\*Note: Includes \$1 million allocated for affordable senior's housing

- Sufficient funding to support grant request.



Victoria Housing Reserve Fund Application – 11 Chown Place

6



## Eligibility and Legal Agreements

- Application meets eligibility criteria of Victoria Housing Reserve Fund Guidelines.
- Grant will require legal agreements to secure:
  - obligations to repay if conditions are not met;
  - 58 units of rental housing in perpetuity including 49 dedicated units for seniors and 7 units for families with very low, low and median incomes; and
  - a mix of, one, two and three-bedroom units.



Victoria Housing Reserve Fund Application – 11 Chown Place

7

## Recommendations

That Council approve a grant from the Victoria Housing Reserve Fund to the Gorge View Society in the amount of \$295,000 to assist in the construction of a four-storey 58-unit housing project at 11 Chown Place, subject to the following conditions:

1. The applicant obtaining the required development permit approvals for the construction of a four-storey 58-unit housing project at 11 Chown Place on or before January 30, 2022.
2. The execution of a Housing Fund Grant Agreement acceptable to the Director of Sustainable Planning and Community Development and in the form satisfactory to the City Solicitor; outlining terms for the eligible use of the grant, reporting requirements, repayment, indemnification and construction insurance, and communication protocols.
3. The execution of a Housing Agreement, in the form satisfactory to the City Solicitor, to secure
  - a) 58 new housing units as rentals in perpetuity;
  - b) 49 of the new units (one bedroom) to be dedicated for seniors (55+) as follows:
    - i) 11 units for very low income level;
    - ii) 13 units for low income level;
    - iii) 11 units median income level;
    - iv) 14 units at market rent;
  - c) seven of the new units (two bedroom) to be reserved for occupation by families as follows:
    - i) one unit for very low income level;
    - ii) three units for median income level; and
    - iii) three units at market rent; and
  - d) two of the new units (three bedroom) to be reserved for occupation by families with a median income level.
4. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines; and
5. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.



Victoria Housing Reserve Fund Application – 11 Chown Place

8



## **Committee of the Whole Report**

### **For the Meeting of January 9, 2020**

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**To:** Committee of the Whole **Date:** December 16, 2019

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

**Subject:** **Community Care Facilities within Residential Zones**

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### **RECOMMENDATION**

That Council receive this report for information.

### **EXECUTIVE SUMMARY**

The purpose of this report is to respond to a Council motion from March 1, 2019 regarding options for allowing sober housing for people in recovery within residential zones. A review of existing provincial and municipal regulations indicates that the provincial legislation contained in the *Community Care and Assisted Living Act* already permits community care facilities, such as sobering houses or addiction treatment centres, in residential areas throughout the City when contained in a single detached dwelling and not exceeding ten occupants (up to six persons in care). Community care facilities are primarily licensed and regulated by the province; therefore, local municipalities cannot apply additional requirements for these facilities.

In response to the Council motion, staff have explored the related provincial and municipal regulations and have confirmed that community care facilities such as sobering houses or addiction treatment facilities are permitted in residential zones throughout the City; therefore, no further action is needed.

### **PURPOSE**

The purpose of this report is to respond to a Council motion from March 1, 2019 regarding options for allowing sober housing for people in recovery within residential zones.

### **BACKGROUND**

City Council passed the following motion on March 1, 2019 related to the accommodation of treatment and recovery facilities within residential zones:

"That Council request that the Mayor write to the Minister of Mental Health and Addictions requesting that the Province open publicly funded and financially accessible treatment and recovery rooms and facilities on lower Vancouver Island and that Council direct staff to report back with options for allowing sober housing for people in recovery within residential zones".

## ISSUES & ANALYSIS

### 1. Community Care Facilities

The *Community Care and Assisted Living Act* defines Community Care Facilities as follows:

**“community care facility”** means a premises or part of a premises:

- (a) in which a person provides care to 3 or more persons who are not related by blood or marriage to the person and includes any other premises or part of a premises that, in the opinion of the medical health officer, is used in conjunction with the community care facility for the purpose of providing care, or
- (b) designated by the Lieutenant Governor in Council to be a community care facility.

Therefore, this definition applies to a broad range of services that provide care, such as sobering houses and addiction treatment facilities.

### 2. Exemption for Certain Care Facilities from Municipal Bylaws

Section 20 of the *Community Care and Assisted Living Act*, as outlined below, identifies that municipal regulations (e.g., zoning) do not apply to community care facilities that comply with provincial regulations related to licensing, number of occupants, health and safety and that are located in a single (family) detached dwelling:

- 20** (1) This section applies to a community care facility
- (a) for which a license has been issued,
  - (b) that is being, or is to be, used
    - (i) as a day care for no more than 8 persons in care, or
    - (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care,
  - (c) from which, in the event of a fire, persons in care can safely exit unaided or be removed by its staff, and
  - (d) that complies with all enactments of British Columbia and the municipality where the community care facility is located that relate to fire and health respecting a single family dwelling house.
- (2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to a community care facility described in subsection (1) if that provision would
- (a) limit the number of persons in care who may be accepted or accommodated at the community care facility,
  - (b) limit the types of care that may be provided to persons in care at the community care facility, or
  - (c) apply to the community care facility only because
    - (i) it is not being used as a single family dwelling house, or
    - (ii) it operates as a community care facility, a charitable enterprise or a commercial venture.

This means that a community care facility such as a sobering house or addiction treatment facility that is licensed by the province and complies with all applicable provincial requirements is permitted to operate in a single (family) detached dwelling. A municipality cannot apply additional requirements or restrict the operation of the community care facility through the application of municipal regulations. Therefore, a licensed community care facility can operate in any residential area within a single detached house.

### 3. Zoning Bylaws

*Zoning Bylaw 2018* applies within the Downtown Core Area, and accommodates treatment facilities as a component of Care Facility that is defined as a day care facility or residential care facility, in each case licensed under the *Community Care and Assisted Living Act*. Care Facility is a permitted use within all standard zones including CBD-1, CBD-2, OTD-1 and MRD-1.

The *Zoning Regulation Bylaw* applies to the remainder of the City and accommodates treatment facilities as a component of Rest home – Class A, which is defined as a facility in which food, lodging and care are provided with or without charge to more than two persons who, on account of age, infirmity or their physical, mental or psychiatric condition, are given personal care, or who are lawfully detained as prisoners for a period not exceeding three months, pursuant to judicial process. Rest home - Class A is identified as a permitted use within a range of residential and commercial zones including R3, R3C, R3-1, R3-2, C2, C1CR, C2S and IHP-2.

### 4. Scale of Treatment Facility

The *Community Care Facility and Assisted Living Act* permits treatment facilities within single detached dwellings with no more than 8 people as a day care use, or no more than 6 people who are receiving care and living within the residence. These regulations also apply to Care Facilities within *Zoning Bylaw 2018*. Therefore, the provincial regulations are intended to allow small scale treatment facilities within residential areas. However, if a more intensive or larger scale treatment facility is proposed, then the facility may require further municipal approvals such as a rezoning.

#### *Accessibility Impact Statement*

Council's consideration of addiction treatment facilities does not have any impacts on accessibility.

#### *2019 – 2022 Strategic Plan*

The accommodation of addiction treatment facilities aligns with a range of actions described in the *2019 – 2022 Strategic Plan* related to mental health and addictions advocacy as outlined in Strategic Objective 5: Health, Well-Being and a Welcoming City.

#### *Impacts to Financial Plan*

As no further action is needed regarding accommodation of addiction treatment facilities, there are no impacts to the *Financial Plan*.

#### *Official Community Plan Consistency Statement*

The *Official Community Plan* (OCP, 2012) supports access for residents to a network of health-related amenities, facilities and programs to promote wellness and meet the needs of all levels of mental and physical care (Goal 15 F).

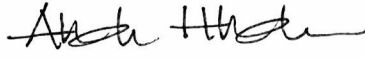
## **CONCLUSIONS**

Sober housing and addictions treatment facilities are primarily regulated by the province, as community care facilities and are permitted in all residential areas if the facility complies with all the applicable provincial regulations and licensing requirements. Provincial legislation already permits such small-scale facilities in residential areas. Therefore, the City does not need to amend the zoning bylaws to accommodate these types of facilities.

Respectfully submitted,



Robert Batallas  
Senior Planner  
Community Planning Division



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: January 2, 2020

# Community Care Facilities

## Response to Council Motion



1

## Background and Purpose

- On March 1, 2019 Council passed the following motion:

“That Council request that the Mayor write to the Minister of Mental Health and Addictions requesting that the Province open publicly funded and financially accessible treatment and recovery rooms and facilities on lower Vancouver Island and that Council direct staff to report back with options for allowing sober housing for people in recovery within residential zones.”
- Report before Council provides information on the regulation of community care facilities.



Community Care Facilities

2



## Community Care and Assisted Living Act

**“community care facility”** means a premises or part of a premises:

- (a) in which a person provides care to 3 or more persons who are not related by blood or marriage to the person and includes any other premises or part of a premises that, in the opinion of the medical health officer, is used in conjunction with the community care facility for the purpose of providing care, or
  - (b) designated by the Lieutenant Governor in Council to be a community care facility.
- Definition applies to a broad range of services that provide care, such as sobering houses and addiction treatment facilities.



Community Care Facilities

3

## Community Care and Assisted Living Act

Section 20 of the Community Care and Assisted Living Act identifies that:

- Municipal regulations (e.g. zoning) do not apply to community care facilities that comply with provincial regulations related to licensing, number of occupants, health and safety and that are:
  - located in a single (family) detached dwelling (approved by municipality)
  - being used as a day care for no more than 8 persons in care; or
  - used as a residence for no more than 10 persons, of whom not more than 6 are persons in care.
- A community care facility such as a sobering house or addiction treatment facility that complies with provincial regulations is permitted to operate in a single detached dwelling anywhere in the city without further amendments to the zoning bylaws.



Community Care Facilities

4

## Recommendation

- Staff recommend that Council receive this report for information.



Community Care Facilities



## Committee of the Whole Report For the Meeting of January 9, 2020

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**To:** Committee of the Whole  
**From:** Chris Coates, City Clerk  
**Subject:** Crime Stoppers Month – January 2020

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**Date:** December 20, 2019

### RECOMMENDATION

That the *Crime Stoppers Month* Proclamation be forwarded to the January 9, 2020 Council meeting for Council's consideration.

### EXECUTIVE SUMMARY

Attached as Appendix A is the requested *Crime Stoppers Month* 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 2019 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 handwritten signature in black ink, appearing to read 'Chris Coates'.

Chris Coates  
City Clerk

### List of Attachments

- Appendix A: Proclamation "Crime Stoppers Month"
- Appendix B: List of Previously Approved Proclamations

**“CRIME STOPPERS MONTH”**

**WHEREAS** *Each year Crime Stoppers programs around Canada celebrate our successes during Crime Stoppers Month, which is January; and*

**WHEREAS** *Our program works very hard year in and year out with your local police departments to help solve crime through anonymous information, which is provided by your citizens. We have seen growing success each year through our program and growing support by the Police and the citizens you serve; and*

**NOW, THEREFORE** *I do hereby proclaim the month of January 2020 as “CRIME STOPPERS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this January 9<sup>th</sup>, Two Thousand and Twenty.*

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**LISA HELPS  
MAYOR  
CITY OF VICTORIA  
BRITISH COLUMBIA**

**Sponsored by:**  
*Phil Downie  
Greater Victoria Crime Stoppers*

**Appendix B****Council Meetings****Proclamations**

17-Jan-19	BC Aware Days 2019: Be Secure, Be Aware Days - Jan 28 - February 5
31-Jan-19	Eating Disorder Awareness Week - February 1 to 7, 2019 International Development Week - February 3 to 9, 2019
14-Feb-19	Heritage Week 2019 - February 18 to 24, 2019 Rare Disease Day - February 28, 2019
28-Feb-19	Tibet Day - March 10, 2019
14-Mar-19	Purple Day - March 26, 2019 World Kidney Day - March 14, 2019 World Tuberculosis Day - March 26, 2019
28-Mar-19	Sikh Heritage Day - April 14, 2019 Global Meetings Industry Day - April 4, 2019
11-Apr-19	National Organ and Tissue Donation Awareness Week - April 21 to 27, 2019 Human Values Day 2019 - April 24, 2019 Global Love Day - May 1, 2019 National Dental Hygienists Week - April 6 to 12, 2019
25-Apr-19	Child Abuse Prevention Month - April 2019 St. George Day - April 23, 2019 Huntington Disease Awareness Month - May 2019 Falun Dafa Day - May 13, 2019
9-May-19	Apraxia Awareness Day - May 14, 2019 North American Safe Boating Awareness Week - May 18 to 24, 2019 Phones Away Day - May 23, 2019 International Internal Audit Awareness Month - May 2019
23-May-19	Brain Injury Awareness Month - June 2019 Orca Action Month - June 2019 Orca Awareness Month - Southern and Northern Residents - June 2019 Intergenerational Day Canada - June 1, 2019 Pollinator Week - June 17 to 23, 2019 ALS Awareness Month - June 2019 Myalgic Encephalomyelitis Awareness Day - May 12, 2019 Built Green Day - June 5, 2019
13-Jun-19	Small Business Month - June 2019 International Medical Marijuana Day - June 11, 2019 World Refugee Day - June 20, 2019
27-Jun-19	Pride Week - June 30 - July 7, 2019 Parachute National Injury Prevention Day - July 5, 2019
11-Jul-19	Mexican Heritage Week - July 9 to 14, 2019
25-Jul-19	Clover Point Parkrun Day - August 10, 2019
8-Aug-19	National Polycystic Kidney Disease Awareness Day - September 4, 2019
5-Sep-19	Mitochondrial Disease Awareness Week - September 15 to 21, 2019 Project Serve Day- September 14, 2019 One Day Together - September 7, 2019
12-Sep-19	Manufacturing Month - October, 2019
19-Sep-19	Fire Prevention Week - October 6 to 12, 2019 Small Business Month - October 2019 Performance and Learning Month - September 2019 British Home Child Day - September 28, 2019 World Cerebral Palsy Day - September 19, 2019
10-Oct-19	Waste Reduction Week - October 21 to 27, 2019 Pregnancy and Infant Loss Awareness Day - October 15, 2019 Fair Employment Week - October 7 to 11, 2019
24-Oct-19	National Diabetes Awareness Month and World Diabetes Day - November 2019 and November 14, 2019
14-Nov-19	Adoption Awareness Month - November 2019 Cities for Life / Cities Against the Death Penalty Day - November 30, 2019 Think Local Week - November 18 to 24, 2019
12-Dec-19	National Homeless Persons' Memorial Day - December 21, 2019 South Asian Women in Canada Day - December 24, 2019



## Committee of the Whole Report

For the Meeting of January 9, 2020

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**To:** Committee of the Whole **Date:** January 9, 2020  
**From:** Councillor Marianne Alto  
**Subject:** Canadian Capital Cities Organization annual Board Meeting in Ottawa, Ontario  
from January 29 – 31, 2020

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### RECOMMENDATION

That Council authorizes the attendance and associated costs for Councillor Alto to attend the Canadian Capital Cities Organization annual Board meeting to be held in Ottawa, Ontario, from January 29 – 31, 2020.

The approximate cost for attending is:

Travel to/from Ottawa	\$736.61
Airport shuttles	\$ 24.00
Accommodation (3 nights)	\$570.80
Incidentals	\$125.00
Carbon footprint calculation	\$345.00
<b>Estimated total cost</b>	<b>\$1801.41</b>

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Alto".

Councillor Alto



Council Conference Attendance - Approved & Pending Requests 2020	Budget	Mayor / Council Motions	Total Requests/ Actuals
Mayor Budget 2000.4116 (Conferences/Travel)	\$ 15,000		
<u>Pending Requests:</u>			
Total Requests/Actuals	\$ 15,000	\$ -	\$ -
Remaining			\$ 15,000
Council Budget 2000.4116 (Conferences/Travel)	\$ 35,000		
<u>Pending Requests:</u>			
Councillor Alto - Canadian Capital Cities Organization annual Board Meeting in Ottawa, Ontario from January 29 – 31, 2020		1,801	1,801
<u>Miscellaneous Conferences and Expenditures</u>			
Total Requests/Actuals	\$ 35,000	\$ 1,801	\$ 1,801
Remaining			\$ 33,199



**Council Member Motion  
For the Committee of the Whole Meeting of January 9, 2020**

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**Date:** December 13, 2019  
**From:** Councillor Ben Isitt, Councillor Jeremy Loveday and Councillor Sarah Potts  
**Subject:** Advocacy for Exemption for Victoria Cannabis Buyers Club

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**Background:**

The Victoria Cannabis Buyers Club has provided a compassionate, not-for-profit, safe, inclusive and welcoming space for medical users of cannabis in the City of Victoria for more than two decades.

In November 2019, the Province of British Columbia raided the premises of the Club, disrupting the provision of medical cannabis to club members.

Legislation adopted by the British Columbia Legislative Assembly, the *Cannabis Control and Licensing Act*, specifically section 130, allows for an exemption from the provincial regulatory provisions when an exemption is deemed advisable by the Lieutenant Governor in Council, the provincial Cabinet (see Attachment 1).

In light of the unique service and community space provided by the Victoria Cannabis Buyers Club, it is recommended that Council advocate to the Province of British Columbia to provide an exemption to the Club, to allow the Club to continue its important work in the community.

**Recommendation:**

That Council request that the Mayor write, on behalf of Council, to the Premier of British Columbia, copying the Solicitor General and Members of the Legislative Assembly representing constituencies in the Capital Region, advising the Province of the valuable service that the Victoria Cannabis Buyers Club has provided to medicinal users of cannabis for the past two decades, and requesting that the Provincial government consider authorizing an exemption to the Victoria Cannabis Buyers Club under s. 130 of the Cannabis Control and Licensing Act, to allow the Club to continue to provide responsible access and a safe, welcoming community space for medical cannabis users in the City of Victoria and Capital Region.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ben Isitt'.

Councillor Isitt

A handwritten signature in blue ink, appearing to read 'Jeremy Loveday'.

Councillor Loveday

A handwritten signature in blue ink, appearing to read 'Sarah Potts'.

Councillor Potts

**Attachments:**

1. Cannabis Control and Licensing Act, s. 130

- (4) A regulation under this Act may be different for a different matter or thing or for different classes of matters or things in respect of which the regulation is made, including, without limitation, differences based on cannabis, licences, licensees, persons, entities, establishments, actions, contraventions, services, training programs, circumstances or transactions.
- (5) A regulation under this Act may adopt by reference, in whole or in part and with any changes the Lieutenant Governor in Council considers appropriate, the following:
  - (a) a law of another jurisdiction, including a foreign jurisdiction;
  - (b) a code, standard or rule enacted as or under a law of another jurisdiction, including a foreign jurisdiction;
  - (c) a code, standard or rule set by a provincial, national or international body or any other body that may make codes, standards or rules.

## Definitions

- 128** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) modifying the meaning of "cannabis", "cannabis accessory" or "cannabis plant";
  - (b) defining "compliance history", "industrial hemp" and "medical cannabis";
  - (c) defining a word or expression used but not defined in this Act.
- (2) The definition of "medical cannabis" in the regulations may establish circumstances when cannabis becomes or ceases to be medical cannabis.

## Application of Act to medical cannabis and industrial hemp

- 129** (1) The Lieutenant Governor in Council may make regulations applying all or part of one or more provisions of Parts 3 or 4 to medical cannabis.
- (2) The Lieutenant Governor in Council may make regulations applying all or part of one or more provisions of this Act to industrial hemp.
- (3) A regulation under subsection (1) or (2) may provide
- (a) limits or conditions on the application of the provision, and
  - (b) circumstances in which the application of the provision applies.

## Exemptions

- 130** (1) The Lieutenant Governor in Council may make regulations exempting the following from all or part of one or more provisions of this Act:
- (a) a person or entity;
  - (b) a class of cannabis;
  - (c) a form of consumption of cannabis;
  - (d) a thing;
  - (e) an action, transaction or circumstance;

(f) a place.

(2) A regulation under subsection (1) may provide

- (a) limits or conditions on the exemption, and
- (b) circumstances in which the exemption applies.

### **General manager**

**131** (1) The Lieutenant Governor in Council may make regulations as follows:

- (a) conferring additional powers and duties on the general manager;
- (b) without limiting paragraph (a), conferring a discretion on, or delegating a matter to, the general manager;
- (c) conferring a discretion on, or delegating a matter to, the administrator under the *Cannabis Distribution Act*.

(2) Without limiting subsection (1), a regulation under this Act may allow the general manager,

- (a) for the purposes of imposing terms and conditions that apply to a licence, or to a class of licence or class of establishment, to restrict, limit, add to, vary or make exceptions to the regulation as the general manager considers appropriate, or
- (b) with or without restrictions, to exempt licensees from one or more provisions of the regulations and set out
  - (i) limits or conditions on the exemption, and
  - (ii) circumstances in which the exemption applies.

### **Director**

**132** The Lieutenant Governor in Council may make regulations

- (a) conferring additional powers and duties on the director, and
- (b) without limiting paragraph (a), conferring a discretion on, or delegating a matter to, the director.

### **Licences**

**133** The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting the issue, renewal, transfer, amendment, suspension and cancellation of licences;
- (b) respecting the activities that a licence authorizes;
- (c) providing for the conversion of
  - (i) a class of licence to another class of licence, and
  - (ii) a class of application to another class of application;
- (d) establishing requirements respecting establishments, including the location of establishments;



**Council Member Motion  
For the Committee of the Whole Meeting of January 9, 2020**

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**Date:** January 7, 2020

**From:** Councillor Ben Isitt

**Subject:** Site Selection for Pool and Fitness Centre

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**Background**

There have been several years of delay in making progress with the Crystal Pool and Fitness Centre replacement project, due to problems including challenges with site selection. Major risks associated with siting a replacement pool in Central Park include disruption of operations of the existing pool and fitness centre, or alternately loss of greenspace, including loss of a mature urban forest canopy and loss of valuable community amenities.

It is therefore recommended that Council establish a clear process for identifying a preferred site for a new pool and fitness centre that avoids both of these risks, while allowing the project to move forward with minimal delay based on the previously developed design.

It is also recommended that Council provide direction to staff to proceed with a Community Meeting through the Community Association Land Use Committee (CALUC) process to gauge public input on the preferred site as soon as it is confirmed, and report back with the results of the Community Meeting and recommendations on next steps to secure project funding.

**Recommendation**

That Council direct staff to:

1. Report back at the January 23, 2020 Committee of the Whole Meeting with all existing site selection information for the new swimming pool and fitness centre, including information on the technical feasibility of siting the previously developed design for the new swimming pool and fitness centre at 940 Caledonia Avenue.
2. Convene a Community Meeting through the Community Association Land Use Committee (CALUC) process once the preferred location is confirmed, to gauge public input on the siting of the new pool and fitness centre at that location.
3. Report back to Council with the results of the Community Meeting and recommendations on next steps to secure funding for the project.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ben Isitt'.

Councillor Isitt