AMENDED AGENDA
GOVERNANCE & PRIORITIES COMMITTEE
MEETING OF JUNE 12, 2014
CLOSED MEETING AT 8:00 A.M.
TO START IN COMMITTEE ROOM # 1

OPEN MEETING AT 9:00 A.M.
COUNCIL CHAMBERS
CITY HALL, 1 CENTENNIAL SQUARE

Page

CALL TO ORDER

CLOSED MEETING

MOTION TO CLOSE THE JUNE 12, 2014, GOVERNANCE & PRIORITIES COMMITTEE MEETING TO THE PUBLIC (To consider the following items in a closed meeting of Governance & Priorities Committee, the following motion is required: "That Governance & Priorities Committee convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw.")
Section 12 (3) (g) – litigation or potential litigation affecting the City
Section 12 (3) (i)– the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

1. Legal Advice / Potential Litigation
   --J. Johnson, City Manager

ADJOURNMENT OF CLOSED MEETING

OPEN MEETING

APPROVAL OF THE AGENDA

CONSENT AGENDA (CA)

ADOPTION OF MINUTES

2. Minutes from the Meeting held May 22, 2014 **(CA)**

DELEGATIONS

3. ~~Rhys Wynn-Williams - Speech on Voter Apathy~~ - deferred

[Addenda]

4. Tourism Victoria -Aboriginal Cultural Festival 5
--P. Nursey, President & CEO

5. Liquor Policy Review 7 - 22
--Douglas Scott, Assistant Deputy Minister & General Manager, Liquor Control & Licensing Branch
--Cheryl Caldwell, Deputy General Manager, Licensing Division
(Addition of PowerPoint Presentation)

[Addenda]

6. Information on City Liquor Licences 23 - 24
--R. Woodland, Director of Legislative & Regulatory Services

PRESENTATION

7. Johnson Street Bridge Replacement Project Public Realm Update 25 - 60
--K. Hamilton, Director of Communications & Civic Engagement
--B. Dellebuur, Manager of Transportation

DECISION REQUESTS

8. David Foster Pathway Project Charter 61 - 142
--J. Jenkyns, Acting Director of Parks, Recreation & Culture

9. Centennial Park Welcome Pole 143 - 146
--J. Jenkyns, Acting Director of Parks, Recreation & Culture

10. Revised City of Victoria Recreation Fees Bylaw No. 10-036 147 - 168
--J. Jenkyns, Acting Director of Parks, Recreation & Culture

11. Civic Facilities Naming Rights - Philanthropic Guidelines **(CA)** 169 - 173
--J. Jenkyns, General Manager of the Victoria Conference Centre

12. Fortis BC Paving Repair and Fueling Services Agreements **(CA)** 175 - 192
--D. Kalynchuk, Director of Engineering & Public Works

13. Application for a Liquor Primary Licence Application - 753 View Street 193 - 206
--R. Woodland, Director of Legislative & Regulatory Services

14. 2014 Local General Election Update 207 - 214
--R. Woodland, Director of Legislative & Regulatory Services

15. Indemnification of Employees for Criminal Defence Costs 215 - 221
--T. Harrison, Director of Human Resources

--T. Zworski, City Solicitor

16. Grant of Easements - 1312/14 Government Street **(CA)** 223 - 228
--R. Woodland, Director of Legislative & Regulatory Services

17. 2014 UBCM Resolutions 229 - 235
--R. Woodland, Director of Legislative & Regulatory Services

NEW BUSINESS

---MOTION

18. Coordinated Release of Electronic Links to Council and Committee Agendas 237
--Councillor Alto
--Councillor Gudgeon

19. Community Services Facility in the Jubilee Neighbourhoods 239
--Councillor Gudgeon
--Councillor Alto

---COUNCILLOR INQUIRY

---COUNCILLOR SHARING

RECESS

MOTION TO CLOSE THE JUNE 12, 2014, GOVERNANCE & PRIORITIES COMMITTEE MEETING TO THE PUBLIC (To consider the following items in a closed meeting of Governance & Priorities Committee, the following motion is required: "That Governance & Priorities Committee convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw.")
Section 12 (3) (a) - personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another position appointed by the City
Section 12 (3) (c) – Labour relations or employee relations
Section 12 (3) (e) - the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.

CLOSED MEETING

CONSENT AGENDA - CLOSED MEETING

ADOPTION OF THE CLOSED MINUTES

20. Minutes from the Closed Meeting held May 22, 2014 **(CA)**

DECISION REQUESTS

21. Employee Relations
--J. Johnson, City Manager

22. Appointment / Board of Cemetery Trustees of Greater Victoria
--R. Woodland, Director of Legislative & Regulatory Services

23. Lease Renewal / 950 - 1000 Wharf Street
--R. Woodland, Director of Legislative & Regulatory Services

CONSIDERATION TO RISE & REPORT

ADJOURNMENT

TOURISM VICTORIA

Marketing our favourite destination

May 30, 2014

His Worship Mayor Dean Fortin
City of Victoria
Via email: mayor@victoria.ca

Re: Request to Speak at Governance and Priorities Committee Meeting June 12

Dear Mayor Fortin,

Please accept this letter as a formal request to speak at the Governance and Priorities Committee Meeting on June 12, 2014.

Tourism Victoria is extremely proud to support the upcoming first annual Aboriginal Cultural Festival from June 19 to 21, 2014, created in partnership with Aboriginal Tourism BC (AtBC), the Esquimalt and Songhees Nations, Royal BC Museum, Tourism Victoria, Robert Bateman Centre, Greater Victoria Harbour Authority and the First Peoples Cultural Council.

Aboriginal cultural tourism is extremely important to both the destination and our consumer. Tourism Victoria would sincerely appreciate the opportunity to inform council about this new festival and answer any questions they may have. We would like to invite Keith Henry, CEO of AtBC, to attend as well as the Chiefs of the Esquimalt and Songhees Nations. We anticipate taking no more than five minutes of the Committee's time.

Thank you for your consideration of this request.

Sincerely,

Paul Nursey
President & CEO
Tourism Victoria

CC: Jason Johnson – City Manager, City of Victoria
Marianne Alto – Councillor, City of Victoria
Dave Cowen – Chair, Tourism Victoria Board of Directors

GREATER VICTORIA VISITORS AND CONVENTION BUREAU
Mailing address: Suite 200 – 737 Yates Street, Victoria, B.C. Canada V8W 1L6 Tel: (250) 414-6999 Fax: (250) 361-9733
Visitor Centre: 812 Wharf Street, Victoria, B.C. Canada V8W 1T3 Tel: (250) 953-2033 Fax: (250) 382-6539
www.tourismvictoria.com

Liquor Policy Review

PRESENTATION
TO
VICTORIA CITY COUNCIL
JUNE 12, 2014

Overview

- Report Recommendations
- Implementation Status
- Recommendations of Interest to Local Government

Report Recommendations

- Health, safety and social responsibility (18 recommendations)
- Retail and convenience (4 recommendations)
- Economic growth, jobs, tourism and marketing(11 recommendations)
- Licensing and cutting red tape (38 recommendations)
- Change management (2 recommendations)

Health and Safety

- Report's goal was to balance the access and convenience consumers were looking for with appropriate policies and controls that government and health and safety advocates were looking for.
- Key health and safety recommendations:
  - Increased public education (6 recommendations).
  - Requiring training of everyone selling and serving alcohol. (3 recommendations including on *Serving it Right*)
  - More closely linking the price of liquor to alcohol content.
  - Stricter enforcement of existing legislation and regulations (3 recommendations).

Retail and Convenience

- Liquor in grocery stores drew more public interest and comment than any other topic
- Key retail recommendations:
  - 2 part model:
    - Store in Store
      - Continue to restrict total number of retail outlets
      - Require separation of grocery products and liquor
      - Require controlled access points
    - VQA wine products on shelves
      - Limited number of stores
    - Adopt a phased in approach

Retail and Convenience

- The model is still being developed but government has already announced some elements
  - 1 km rule for LRS's will continue, and will be expanded to include distance between LRS's and GLS's
  - 5 km rule for LRS's will be eliminated, allowing an LRS to relocate anywhere within the province
  - local governments can control number and location of stores through zoning and LCLB will not issue a licence until zoning is in place
  - LRS moratorium will remain

Economic Growth, Jobs and Tourism

- Report looked at ways to better showcase B.C. product and increase flexibility around sales and sampling
- Key retail recommendations:
  - Liquor manufacturers to sell at farmer's markets and temporary stores at liquor and food festivals
  - Allow manufacturers to sell liquor they did not produce in their on-site lounges
  - Develop a VQA-like quality assurance program for brewers and distillers

Licensing and Cutting Red Tape

- Report recommended substantial changes to Liquor-Primary, Food-Primary and Special Occasion Licences to remove outdated restrictions and develop a streamlined licence approval process
- Key licensing recommendations:
  - Streamlined liquor application process (3 recommendations)
  - Minors in LPs until a certain time
  - Allow FPs to transition to LPs at a certain time with local govt input
  - On-line SOL application process/ Whole-site SOL licensing if there are no public safety concerns
  - Expand the types of businesses who can sell liquor to clients

Special Occasion Licences

- SOL recommendations already implemented:
  - Allow mixed drinks at public SOL's
  - Permit whole site licensing and eliminate beer gardens, except where it is not suitable because of public safety risk

Special Occasion Licences

- Other SOL recommendations include:
  - Move the system online
  - Create an annual SOL for organizations that hold occasional meetings or activities throughout the year
  - Remove the regulation that requires non-profit organizations to apply for an SOL for concerts and event
  - Allow pop-up stores at food and beverage festivals so festival goers can purchase bottles of liquor that are showcased.

Implementation Status

- Government accepted all 73 recommendations in the Liquor Policy Review report;
  - Over 70% of the 73 recommendations will be completed by the end of fiscal 2014/15 – including all high priority items
  - Most of the recommendations will require consultation with stakeholders
  - Legislative amendments to enable key aspects received Royal Assent on May 30, 2014

Legislative Plan: LCL Act

The Liquor Control and Licensing Act requires a complete rewrite to fully modernize, implement all recommendations, and provide a flexible legislative platform for future evolution of the industry

Required legislative work will be completed in 2 phases

- Phase 1 (Fast Action): Spring 2014
  - Proceed with priority amendments to the existing Act
  - Allows faster implementation of key LPR recommendations
- Phase 2 (Final Changes – Flexible Act for Future): 2015
  - Current Act restricts most changes by law. The new Act will enact flexible regulation making powers to make future changes easier in order to keep pace with industry change and changing societal values
  - Final LPR changes will be incorporated during the full repeal and rewrite
  - Policy work associated with these amendments can be done prior to spring 2015

Role of Local Government

- Report contained several recommendations that affect local government processes or the way LCLB and local government interact including:
  - Liquor in grocery
  - Farmer's markets
  - Allow manufacturers to sell their products at additional off-site locations (e.g., permanent tasting rooms)
  - Allow FPs to transition to LPs at a certain time with local govt input
  - Expand the types of businesses who can sell liquor to clients

Role of Local Government

- Consult with local govt on streamlining the liquor application process including seeking input from local govt before or at the same time as it applies to LCLB
- Local govt to determine how best to asses liquor licence applications in their community
- Local govt councils could delegate licence application input to staff

Role of Local Government

- Local governments know their community and play a critical role in the licensing approval process – this will continue
- We will also continue to seek input from local government on proposed changes via the UBCM Liquor Policy Working Group (of which Victoria is a member)

Questions

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CITY OF VICTORIA

Governance and Priorities Committee Report
For the June 12, 2014 Meeting

To:	Governance and Priorities Committee	**Date:**	June 5, 2014
From:	Robert Woodland, Director of Legislative and Regulatory Services		
Subject:	Council's request for information regarding the number of Liquor Primary and Patron Participation seats that have been approved in the City since January 1, 2012		

Purpose

On May 15, 2014 the Planning and Land Use Committee passed a motion requesting that staff provide information to Council on the number of Liquor Primary and Patron Participation seats have been approved over the past two to three years in the City. This Report responds to that motion.

Background

The provision of liquor service in the province is managed and licensed by the Liquor Control and Licensing Branch (LCLB). Local governments provide input on a number of licensing decisions made by the LCLB in accordance with the regulations established under the *Liquor Control and Licensing Act* and Regulations. While there are many specific types of licenses issued by the LCLB, the provision of liquor service to the public is generally captured under one of 2 categories: Food Primary Liquor Licenses or Liquor Primary Liquor Licenses. The general distinction is the focus of the specific business, Food Primary Liquor licensees must be focused on providing food service to their customers while Liquor Primary licensees are focused on the provision of alcoholic beverages to their customers.

Patron participation endorsements are issued to Food Primary Liquor Licenses that wish to allow some form of "patron participation" to take place in their business. This could include activities such as interactive (audience participation) live entertainment, karaoke, dancing, etc. The LCLB seeks input from local governments before approving a patron participation endorsement being added to a Food Primary Liquor Licence.

Issues & Analysis

As stated above, all Liquor Licenses are issued by the LCLB and as a result, the information sought by Council has been provided by the LCLB. All information is current to June 4, 2014.

Since January 1, 2012 the LCLB have approved the addition of Patron Participation endorsements to 5 Food Primary Liquor Licensees in the City. This involved a total of 670 seats with the largest establishment having 200 seats and the smallest having 83 seats.

Since January 1, 2012 the LCLB has approved one new Liquor Primary Liquor Licence in the City that has 40 seats (The Polo Lounge). During the same period, the LCLB approved occupant load increases to 8 Liquor Primary Licensees for a total of 3313 seats. It should be noted that of this total, 2575 seats were for the Royal BC Museum which only provides service to invited guests at special functions and 200 seats were for a theatre Liquor Primary Licensee that has specific conditions attached. As a result, the net gain in liquor primary licensed seats in the City that are accessible to the general public totals 568 during the reporting period.

Recommendation

It is recommended that the Committee receive this Report for information.

Respectfully submitted,

Mark Hayden
Manager, Bylaw and
Licensing Services

Robert Woodland
Director Legislative and
Regulatory Services

Report accepted and recommended by the City Manager:

Date: June 6, 2014

CITY OF VICTORIA

Governance and Priorities Committee Report
For the June 12, 2014 Meeting

To:	Governance and Priorities Committee	**Date:**	May 26, 2014
From:	Dwayne Kalynchuk, P. Eng., Director of Engineering and Public Works		
Subject:	Johnson Street Bridge Replacement Project Public Realm Update		

Executive Summary
This report brings forward new drawings of the public realm areas for the Johnson Street Bridge Replacement Project.

In July 2012 Council was presented with results of public engagement sessions specific to the public realm areas of the new Johnson Street Bridge. The report included recommendations for additions to the public realm based on public input, including the addition of new sidewalk and pedestrian crossings, plaza amenities, traffic calming measures, and naturalized landscaping including exposed bedrock. A finalized Public Realm and Landscape Design Strategy was brought forward to Council in October 2012.

In September 2013, Council requested that staff bring forward more information related to the public realm for the bridge to help inform further discussions regarding public art.

Recommendation:
That Council receive this report for information.

Respectfully submitted,

Dwayne Kalynchuk,
P. Eng., Director of
Engineering and Public
Works

Ken Jarvela, P. Eng.
Senior Project Manager
JSB Replacement Project
Engineering and Public Works

Katie Hamilton
Director of Communications
and Civic Engagement

Report accepted and recommended by the City Manager:

Date: June 3, 2014

Purpose
This report brings forward new drawings of the public realm areas for the Johnson Street Bridge Replacement Project.

Background
In July 2012 Council was presented with results of public engagement sessions specific to the public realm areas of the new Johnson Street Bridge. The report included recommendations for additions to the public realm based on public input (Appendix A), including the addition of new sidewalk and pedestrian crossings, plaza amenities, traffic calming measures, and naturalized landscaping including exposed bedrock. A finalized Public Realm and Landscape Design Strategy (Appendix C) was brought forward to Council in October 2012.

In September 2013, Council requested that staff bring forward more information related to the public realm for the bridge to help inform further discussions regarding public art.

Overview of Public Consultation
In the summer of 2012, the City consulted the public to seek input on the public realm elements of the Johnson Street Bridge Replacement Project. 130 people attended the session in June and more than 80 people attended the second session in July.

As a result of the first session in June, 124 surveys were received in addition to written submissions from both the Downtown Residents and Victoria West Community Associations and the Greater Victoria Cycling Coalition. The input (Appendix A) was very constructive and a number of themes emerged from the feedback:

- The area is very much seen as a transportation hub, with a desire for enhancing walk ability and cycling connections and improving overall accessibility;
- Animation of the public realm – supporting opportunities for social gathering through community events, festivals, and entertainment in the plaza areas and new green space area;
- Creating opportunities to sit and view the harbour;
- Improving overall safety and introducing elements to encourage traffic calming;
- The approaches are considered gateways to neighbourhoods.

When asked where to prioritize the public realm budget of $1.3 million, the top priorities were:

- Investing in landscaping;
- Plaza amenities;
- Pathway lighting / pedestrian and cyclists' safety.

In terms of prioritizing investment in plazas, the two south plazas were ranked as most important. The south west plaza was seen to be an opportunity for social gathering and harbor viewing. The south east plaza was seen to be an opportunity for harbour viewing and trail connections. The north east plaza was seen to be a trail connection and social gathering point.

Overall, as a result of the community input, proposed refinements touched on themes such as connectivity, traffic calming, plaza areas, landscaping, and treatment of retaining walls.

Upon the City's review of this feedback, the intention of the second session in July was to close the loop with the community in terms of what was heard and demonstrate how it influenced the project design. Changes based on the input included additional sidewalks and pedestrian crossings, plaza amenities, traffic calming measures, and naturalized landscaping including exposed bedrock.

The draft public realm plans produced by Sharp and Diamond, which reflected changes from the public sessions, were presented at the Governance and Priorities Committee meeting (GPC) on July 26, 2012. The final documents produced were provided to the proponents to assist them in the preparation of their proposal. These documents were also available on the Johnson Street Bridge website and shared with the Vic West Community Association and the Downtown Residents Association.

The public realm report presented at the GPC meeting on October 4, 2012 focused on the objectives, strategy, design, and components of the public realm within the project scope. It offered insight to the design rationale behind the landscape design: the scale of spaces; the connections between these spaces; how these spaces might be used; and what combinations of materials were considered. Consideration of, and integration with adjacent development was included.

Issues & Analysis

In 2016, Victoria citizens will have a new bridge connecting downtown Victoria with Victoria West and neighbouring municipalities. The new bridge will provide improved safety and improved connectivity for pedestrians and cyclists and also creates three new plaza spaces for people to gather, meet and enjoy the harbour views.

Connectivity

More than 50 per cent of the new bridge will be dedicated to pedestrians and cyclists. The new bridge will include on-road bike lanes, a multi-use trail for pedestrians and cyclists, and a dedicated pedestrian pathway, in addition to maintaining three lanes for vehicles.

The new bridge will help improve pedestrian (Appendix D) and cycling (Appendix E) connectivity for the region by creating a new downtown trailhead for the Galloping Goose, Lochside, and E&N Trails. Connectivity will also be enhanced at Esquimalt and Harbour Roads with the inclusion of a multi-use overpass connecting the E&N Trail with the Galloping Goose and Lochside Trails.

The future David Foster Way will link with the bridge's new pedestrian walkway, passing underneath the bridge and through the bridge wheel. This new connection will improve pedestrian and cycling connectivity between the Victoria West Westsong Walkway, the north end of downtown, and the Inner Harbour.

Additional connectivity improvements in the area include the addition of "elephants-feet" bicycle crossings at the end of the multi-use trail, a new sidewalk connection on the west side of Wharf Street, and a four-way crosswalk at Harbour and Esquimalt Roads with sidewalk connections leading up to the bridge on both sides of Esquimalt Road.

Plaza Spaces

The bridge will feature three new public plaza spaces; two on the east side of the bridge and one on the west side.

The new north east plaza (Appendix F) with be located beside the new Janion development and will serve as the trailhead for the region's Galloping Goose, Lochside, and E&N multi-use trails. It will include new bike racks, a drinking fountain – accessible for pets as well as people, and new recycling and garbage receptacles. The space will provide for opportunities for future programming such as cafes, entertainment, sitting, and viewing.

The new plaza on the west side of the bridge (Appendix G) will create a new space for the public to sit and enjoy views of downtown Victoria and the Inner Harbour. It will be adjacent to the future

waterfront green space and will be designed to allow for future event and entertainment programming. It will connect with an accessible pedestrian pathway to Harbour Road and pedestrian pathway over the bridge. A staircase will connect directly to the bridge's pedestrian pathway.

The new plaza on the south east side of the bridge (Appendix H) will connect with the new bridge's pedestrian pathway and future David Foster Way. This plaza features new benches alongside new landscaped areas creating a new downtown space for people to sit and enjoy views of the harbour.

The two south plazas (Appendices H and I) will be built on top of the existing bridge's abutments. Leaving the existing bridge piers in place helps preserve existing marine habitat. Wayfinding signage is identified for each of the plazas and can be added by the City at project completion. Interpretive signage recognizing the history and significance of the area may also be added.

Approximately 20 City heritage lamps on the downtown side of the bridge will be relocated during construction and replaced in the area at project completion.

Options & Impacts
The Fixed Price Contract with PCL includes a cash allowance for the landscaping and public realm amenities. The scope of work in the cash allowance includes the following:

- plants and ground coverings;
- topsoil;
- trees, shrubs, lawn and seed mixes;
- irrigation;
- rock boulders;
- bollards and bicycle racks;
- hardwood retaining wall seats and benches;
- fountains and garbage receptacles;
- concrete seating wall;
- landscape lighting;
- electrical connections for artwork and wayfinding.

The final landscaping construction drawings were issued to PCL in May. Once plans are reviewed and approved, plans will be finalized for the work to be completed in 2015.

Recommendations
That Council receive this report for information.

Attachments

- Summary of community input – Appendix A
- Public spaces overview (illustration of response to community input) – Appendix B
- Public Realm and Landscape Design Strategy – Appendix C
- Pedestrian connections illustration – Appendix D
- Cycling connections illustration – Appendix E
- North east plaza – Appendix F
- West plaza – Appendix G
- South east plaza looking east – Appendix H
- South east plaza looking west – Appendix I

Appendix A

JOHNSON STREET BRIDGE
SUMMARY OF COMMUNITY INPUT ON PUBLIC REALM ELEMENTS
JULY 2012

EXECUTIVE SUMMARY:

In June, the City hosted an information session about the public realm elements of the Johnson Street Bridge Replacement Project. 130 people attended.

124 surveys were received. 76% of the respondents indicated they were from Victoria. In addition, written submissions from both the Downtown Residents and Victoria West Community Associations and the Greater Victoria Cycling Coalition were received. The input was very constructive and a number of themes have emerged.

Common themes:

- The area is very much seen as a transportation hub, with a desire for enhancing walk ability and cycling connections and improving overall accessibility
- Animation of the public realm. Supporting opportunities for social gathering through community events, festivals, and entertainment in the plazas areas and new green space area
- Creating opportunities to sit and view the harbour
- Improving overall safety and introducing elements to encourage traffic calming
- The approaches are considered gateways to neighbourhoods

Setting priorities:

When asked where to prioritize the public realm budget of $1.3 million, the top priorities were:

- Investing in landscaping
- Plaza amenities
- Pathway lighting / pedestrian and cyclists safety

In terms of prioritizing investment in plazas, the two south plazas were ranked as most important

- The south west plaza is seen to be an opportunity for social gathering and harbour viewing.
- The south east plaza is seen to be an opportunity for harbour viewing and trail connections.
- The northeast plaza is seen to be a trail connection and social gathering point.

Additional feedback areas:

There was no strong desire for gateway signage on either side, however, both approaches were seen to be gateways to the respective neighbourhoods and there was a desire to be treated as such with other elements such as landscaping and banner or lighting treatments.

It was felt that a combination of way-finding and interpretive signage was needed in the area

64% agreed with the proposed transit stops. 17% didn't.

Several comments were focused on the importance of preserving the rail corridor, public art and the consolidated green space. This information will inform the respective consultation processes and planning on these matters.

There were comments about the potential treatment of the walls and pedestrian overpass.

A strong majority were satisfied with the level of information and input opportunities and the majority who responded would like to continue be involved in the future.

Proposed refinements as a result of community input:

Connectivity

- Separated sidewalks on west approach where space allows
- Way-finding signage to direct pedestrians/cyclists
- Intersection with crosswalk markings at all four crossings at Esquimalt and Harbour Road intersection
- Sidewalk added on south side of Esquimalt Road to improve pedestrian connectivity. The earlier proposed pathway on the south side was removed as it may have a potential conflict with protected rail corridor.
- Enhanced crossing for pedestrians and cyclists (elephant's feet bicycle crossing) at north east trailhead. An elephant feet bicycle crossing is a new standard introduced by Transportation Association of Canada that provided dedicated, marked crossings for cyclists. This is the first crossing of this kind in Victoria, and likely one of the first in the province.
- Cyclist left turning lane (north on Wharf to access multi-use trail)
- Recognize north west trail junction potential as a meeting point and opportunity for way-finding signage
- Ensure connections to David Foster Way (harbour pathway)

Traffic Calming

- Raised medians for traffic calming effects on west and east sides
- Landscaped median west of harbour and a treed median on east approach into downtown
- Delta Ocean Pointe Resort and future public space access road reduced to two narrow lanes
- Minimize left turn lane length at the intersection of Esquimalt and Harbour Roads
- Consideration of banner installation on Westside median to serve as traffic calming and gateway feature for Victoria West

Plaza Areas

- Plaza space on south west designed for harbour viewing, including seating, lighting and utilities for potential future programming
- Plaza space on north east designed for trail connection with bike racks and drinking fountain
- Staff will look at opportunities for programming, street entertainers etc over next few years

Landscaping

- Landscaping will be a mix of ornamental and native plantings and trees, with bedrock where appropriate.

Treatment of Retaining Walls

- Staff are exploring opportunities for treatments on the retaining walls of the pedestrian overpass on the west side to prevent graffiti and incorporate creative elements, while remaining within project budget.

Next steps:
The next open house is scheduled for July 7 and is intended to close the loop with the community in terms of what we heard and how it has influenced the project design.

This input and the City's guiding policy documents will guide the development of concept drawings to be developed by the landscape architects.

This will be presented to Council and the community and form the basis of an addendum for the request for proposals regarding the main construction contract. Packages of all the surveys and comments will be provided to Council for their review.

Johnson Street Bridge Replacement Project

Appendix B

Public Spaces

- Public plaza space
- Green space
- Future park/public space/greenspace
- Protected rail corridor
- Proposed transit locations
- Retaining walls
- Galloping Goose/ E&N Rail Trail Head
- Future David Foster Way (Harbour Pathway)

Responses to what we heard:

1. Medians for traffic calming
2. Way-finding signage to direct pedestrians/cyclists
3. Crosswalk on all approaches at intersection
4. Delta Hotel and future public space access road reduced to two narrow lanes
5. Sidewalk added on south side of Esquimalt Road
6. Plaza space designed for harbour viewing
7. Ensure connections to David Foster Way (Harbour Pathway)
8. Enhanced crossings for pedestrians and cyclists (Elephant's Feet Bicycle Crossing)
9. Cyclist left turning lane to access multi-use trail

www.JohnsonStreetBridge.com

CITY OF VICTORIA

Appendix C

JOHNSON STREET BRIDGE REPLACEMENT PROJECT

PUBLIC REALM AND LANDSCAPE DESIGN STRATEGY

PREPARED BY
SHARP & DIAMOND LANDSCAPE ARCHITECTURE INC
SEPTEMBER 27, 2012

JOHNSON STREET BRIDGE REPLACEMENT PROJECT
PUBLIC REALM AND LANDSCAPE DESIGN STRATEGY

DOCUMENT PREPARED BY
Sharp & Diamond Landscape Architecture Inc
Ken Larsson, Mike Enns, and Brett Hitchins

PRODUCED FOR
City of Victoria

PROJECT CONSULTANTS
MMM Group (Prime Consultant and Project Manager)
Wilkinson Eyre Architects (Bridge Design)

Contents

EXECUTIVE SUMMARY

1.0 CONCEPT
- 1.1 Site Plan Concept
- 1.2 Downtown Site Plan Enlargement
- 1.3 Victoria West Site Plan Enlargement

2.0 COMPONENTS OF THE PUBLIC REALM
- 2.1 Surfacing
- 2.2 Planting
- 2.3 Furnishing
- 2.4 Lighting
- 2.5 Walls
- 2.6 Sustainability

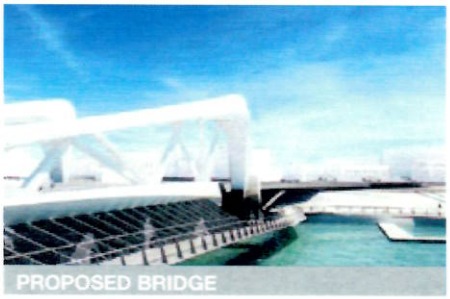
Executive Summary

This document summarizes decisions made with City Parks, Engineering, including feedback from the Public, and refinement of project scope to meet anticipated budgets, prior to proceeding to Detailed Design Drawings. This information will be provided to the proponents for inclusion in the overall budget for the project.

Preliminary designs including location, scale, general program and character have been discussed with City staff, and the public. Specifics including a refined program, details, materials, budgets, and potential long term phasing have also been addressed. As part of early works, we anticipate design refinements to coordinate road edges, sidewalks, crossings, boulevards, retaining wall materials and slope design.

This document references background analysis, objectives, design principles, preliminary design, and the budgeting for components of the public realm. It offers insight to the design rationale behind the landscape design: the scale of spaces; the connections between these spaces; how these spaces might be used; and what combinations of materials were considered. Consideration of, and integration with, adjacent development has been included.

EXISTING BRIDGE


PROPOSED BRIDGE

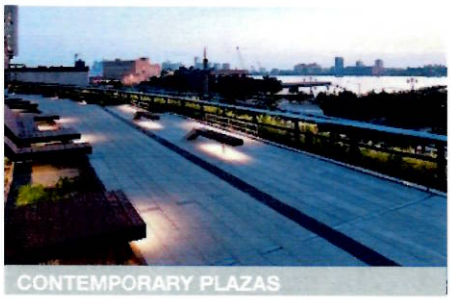
DESIGN TEAM AND CITY WORKSHOPS

NATURE AS INSPIRATION

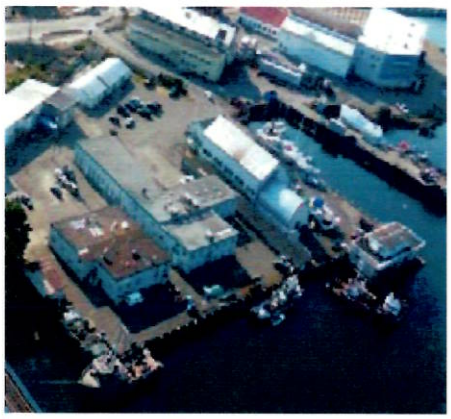
CONCEPTS

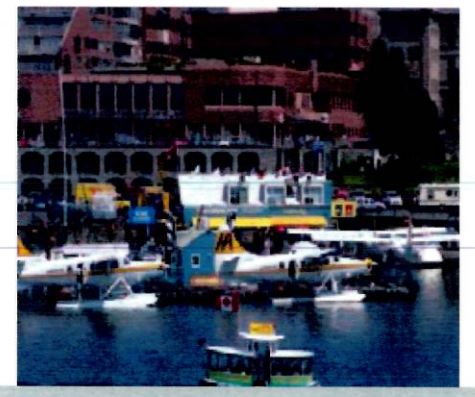
MATERIALS

MULTI-USE PATHWAYS


CONTEMPORARY PLAZAS

NATURAL LANDSCAPES





PRECINCTS

Section 1: Design

1.1 Site Plan

APPROXIMATE SITE AREA: 4.57 Acres

The Johnson Street Bridge Public Realm Plan and components draw inspiration from the local context, site character, and the modern forms of the proposed bridge. Key design influences include:

- Diverse and vibrant urban character areas of the downtown and Victoria West
- The natural landscapes including the Garry Oak meadows of the Saanich Peninsula and bedrock character of Esquimalt / Victoria West
- Meet existing topography and conditions while strengthening connections and accessibility

SITE PLAN

DOWNTOWN

Downtown Visualization

View of Johnson Street Plaza — looking East.

Victoria West Visualization >>

View of West Bank approach from Esquimalt Road — looking East.

1.2 Downtown Plan Enlargement >>

APPROXIMATE SITE AREA: 1.23 ACRES

---

1. GALLOPING GOOSE TRAIL HEAD AND PANDORA PLAZA

This junction of the regional multi-use path system pulls together urban precincts within the city's historic fabric to provide a symbolic trail head and flexibl civic gathering space and viewing plaza.

Scope: 5M wide multi-use trail with enhanced pedestrian/cyclist crossing and left turn lane.
Boulevard street trees and shrub plantings, pedestrian lighting, railings, bollards, plaza areas as future gathering space

Future Work:
Opportunity for ground level uses in association with Janion Building/site (outdoor cafe, seating, small events, etc.).
Opportunity to interpretive the story of Janion Hotel, Swans roundhouse, E&N Rail, Canoe Club, underground stream etc. together with regional trail network map.
Explore connection to David Foster Way (Harbour Pathway).

---

2. CENTRAL GREEN (JOHNSON / PANDORA)

A central welcoming civic green presence to re-establish the bridge connection to the city

Scope: Green lawn, seating widened sidewalk, boulevard plantings, ornamental tree grove, retain existing Oak Tree

Future Work:
Public Art and Lighting.

---

3. WHARF STREET BOULEVARD AND JOHNSON STREET MEDIAN

Existing green space with sidewalk, existing trees, and historic marker to remain. Street median provides green gateway and traffic calming.

Scope: Repair and replace concrete sidewalk and turf as required to boulevard
Textured raised median with street trees

---

4. JOHNSON STREET PLAZA

Spectacular civic viewing plaza and urban green space terminus for southside pedestrian bridge path with grade accessible access to downtown.

Scope: Textured paving, seating, concrete retaining walls, plantings, retain existing Oak Trees, railings, bollards, pedestrian lighting, contemporary furnishings.

Future Work:
Informative signage program together with regional trail network map.
Explore connection to David Foster Way (Harbour Pathway).
Integration with Northern Junk property.

NOTE:
Traffic laning and crosswalks shown schematically, refer to civil for further detail.
Refer to electrical for lighting.
STORE STREET
JANION HOTEL
SWAN'S HOTEL
EXPLORE DFW CONNECTION
PANDORA AVENUE
1
2
3
4
3
SLOPE TO MATCH EXISTING GRADES
NORTHERN JUNK PROPERTY
JOHNSON STREET
WHARF STREET
DOWNTOWN ENLARGEMENT PLAN

1.3 Victoria West Design Plan Enlargement

APPROXIMATE SITE AREA: 3.34 ACRES

---

1. ESQUIMALT / HARBOUR ROAD STREETSCAPE

Gateway to Victoria West. Boulevard, median improvements, and formalized intersection will slow down traffic speed, provide visual interest with safe access to Delta Hotel.

Scope: Signalized intersection with improved sidewalk crossings, boulevard sidewalks.

---

2. GALLOPING GOOSE MULTI-USE TRAIL AND FLYOVER MULTI-USE BRIDGE

Junction of the regional multi-use E&N Rail Trail with spectacular views and grade access to Upper Harbour and south to Inner Harbour.

Scope: 5M wide multi-use trail, rock walls and boulder groupings, railings, pedestrian lighting, park tree plantings, custom meadow seed and bulb grass mix.

Future Work:
Informative signage program with regional trail network map.

---

3. S-CURVE LANDS

Future City green space within the decommissioning of the existing S-Curve roadway.

Scope: Regrade and seed this area to a 3:1 maximum grade.

Future park design by Parks & Recreation Department.

---

4. SOUTHSIDE VIEW PLAZA

Significant gathering space with spectacular views to Inner Harbour. Grade accessible pedestrian path follows original alignment of Delta Hotel access road.

Scope: Textured paving, seating, concrete retaining wall, tree plantings, landscape and pedestrian lighting, railings, stairs to bridge path

NOTE:
Traffic laning and crosswalks shown schematically, refer to civil for further detail. Refer to electrical for lighting.
EXISTING BUILDING
HARBOUR ROAD
ESQUIMALT ROAD
1
2
3
4
RAIL CORRIDOR
E&N TRAIL
DELTA HOTEL PARKING LOT
VICTORIA WEST ENLARGEMENT SITE PLAN

Section 2: Components of Public Realm

Key design influences that will provide the foundation for the selection of type and location of surfacing materials, site furnishings, plant materials and architectural elements include, but are not limited to:

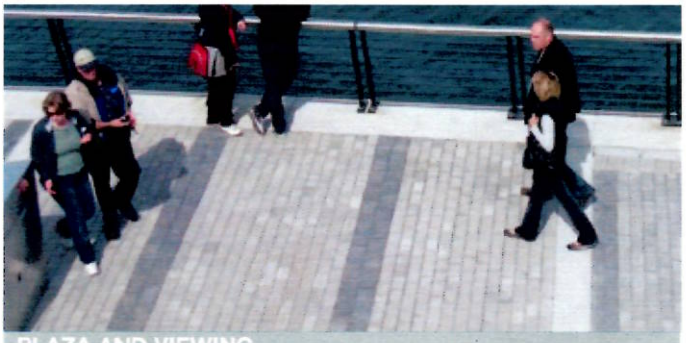
- The City Design Guidelines
- Site Context including diverse and vibrant character areas of the Downtown and Victoria West
- Local materials, availability, and inspiration of natural landscape
- Modern contemporary design of Johnson Street Bridge
- City Engineering, Operations, and Maintenance
- Project budget and Design Principles

Final selection, design, and locations of materials is subject to revision by City Staff, Operations, and Maintenance.

EXAMPLES OF FINAL SURFACING SHOWN BELOW:

CONCRETE UNIT PAVING

CONCRETE BAND



PLAZA AND VIEWING

ASPHALT WITH CONCRETE EDGE

SCORED CONCRETE / GRID PATTERNS

STONE PAVING AT KEY EDGES

2.1 Surfacing

Intent: Plazas: *Plazas are the gathering spaces, places where people socialize, and nodes for pause and movement. As such, these spaces accommodate flexible programmatic uses, with emphasis on scale and simple materials palette.*

Intent: Multi-Use Pathways: *The surface treatment should be durable, functional, and respond to the needs of ALL users. Contrasting or textured materials delineate path, intersections and help direct traffic flow. Special attention will be made to safety markings, areas to pause and view, beginning and ends, with visual and functional edging materials*

Intent: Sidewalks: *Important components include: crosswalk texturing, design of curb drops, curb edge types, integration of utilities, grid proportions, and boulevard plantings and street trees should be considered.*

1. PLAZAS

Concrete Unit Paving

- Size: 150 x 300 x 60mm; 150 x 150 x 60mm concrete unit paver on sand, granular base.
- Colour: 60% natural, Charcol; 40% Sand Blend

Concrete Edge

- Finish: Smooth Trowel
- Width: 200-500mm

Stone Setts

- Size: 150 x 150 x 75mm
- Finish: Cut flame finish granite on sand bed, granular base

2. MULTI-USE PATHWAY

Asphalt

- 5m wide asphalt with concrete edge

Cast-in-Place Concrete Edge

- Width varies: 200-500mm wide smooth trowel finish

3. SIDEWALKS

Cast-in-Place Concrete

- Sawcut pattern or tooled joint pattern. Final dimensions as per detailed design.

Median

- Raised median with textured concrete (pattern to be confirmed with COV).
- Tree planting pit with rock cobble mulch

2.2 Planting

Intent: *Plant materials and palette responds to unique site location, program and use, orientation, and climate while considering traffic and people movement, sitelines, safety, and maintenance.*

1. Downtown Urban Areas And Plazas

- Park Trees: River Birch, Katsure, Tupelo, Locust (7cm), and Shore Pine (3-5m ht.)
- Shrub Plantings: Wheatgrass, Sedge, Strawberry Bush, Californai Lilac, Snowberry, Fescue, Kinnikinick, Sedum
- Retain existing large Oak Trees where possible

2. Streetscapes And Sidewalks

- Street/Median Trees: Fastigiate Maple and Beech (8cm cal.)
  - Structural soil to promote healthy and robust rooting systems
  - Boulevard Shrub: Boxwood, Spurge, Sedge, Bluegrass, Fescue

3. Victoria West (Natural Slopes)

- Park Trees: Garry Oak, River Birch, Arbutus, Tupelo, Pin Oak, Locust, Shore Pine (3-5m ht.)
- Meadow groupings and pockets of native bulbs with fescue grass mix

4. Rock Dry Stream

- 75-100mm angular rock mix with basalt boulders

STREET TREES

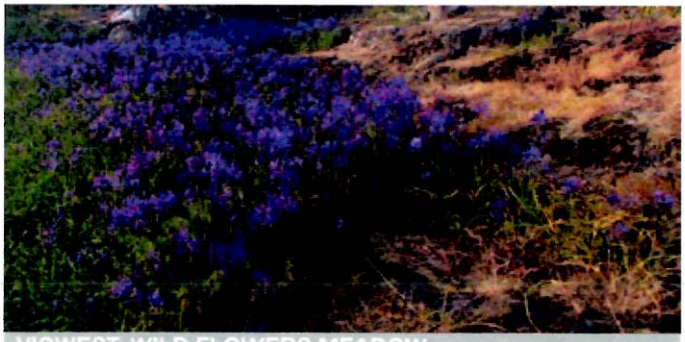
RETAINED OAK TREES

EXISTING SCULPTURAL GARRY OAKS

TREED MEDIAN

DRY ROCK STREAM

URBAN AREAS: SEASONAL PLAZA PLANTING



VICWEST: WILD FLOWERS MEADOW

NATURAL SLOPES: TREE CLUSTERS AND GRASSES

2.3 Furnishings

Intent: *The furniture should be of modern industrial aesthetic, balancing contemporary materials with local designs, long term maintenance and operations. Placement and orientation determined by pedestrian nodes, views, sunlight, areas for interaction, and input from City staff. Seating can be incorporated with lighting applications to welcome night-time use.*

Incorporate seating materials into overall design aesthetic (materials, edges, steps, walls). Wide seating surfacing allows for multiple uses (group seating, lying, reading etc.) Consider moveable seating for outdoor spaces (cafe, urban parks) inassocation with future building edges.

Railings: Consider ramp slope less than 5% to avoid excessive ramps and railings in landscape. Use in high traffic areas, intersections, and adjacent to steep grade changes or hazard. Incorporate bridge forms and materials and incorporate signage where applicable to expand on site heritage and existing views

Seating
- Freestanding: NU Wood Bench 2.5m length by Landscape Forms complete with backrest.
- Bench tops: IPE wood slats by Francis Andrew.

Bollards
- Stainless steel 125mm diameter x 750mm height to direct pedestrian / bike movement.

Drinking Fountain
- Stainless steel with dog bowl or approved alternative. Supplier to be confirmed.

Railings
- Galvanized stanchions with stainless steel rail and cable.

Bike Racks
- Ring by Landscape Forms, with stainless steel finish.

2.4 Lighting

Intent: *Lighting provides opportunity for public interaction, symbolic reference, and to accentuate built form and plantings. Lighting should reflect sustainability, energy efficiency, and complement the architectural bridge lighting.*

Pedestrian Lighting
- SETI Pole and LED Luminaire by Beacon along multi-use pathway and plazas

Recessed Wall Lightings
- Step Light 7"round by Architectural Area Lighting to light stairs

MODERN WOOD BENCHES

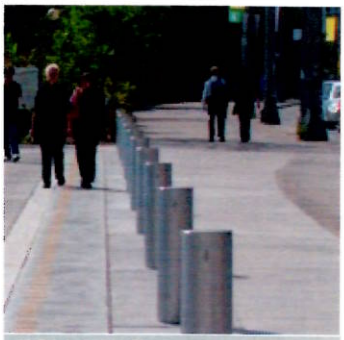
WOOD ON CONCRETE SEAT WALL: WIDE PLAZA SEATING

RAILINGS

DRINKING FOUNTAIN

LUMINAIRES: DARK SKIES

TRASH



BOLLARDS

BIKE RACK

RECESS WALL LIGHTING

2.5 Walls >>

Intent: *Wall types and forms are inspired by historic remnant stone walls throughout the downtown, inner harbour and old town, and of the dramatic and symbolic natural rock outcroppings throughout the peninsula.*

Mechanically stabilized walls will be required as part of civil roadworks and bridge construction package. However, smaller scale landscape walls will stablize slope, shape and define entry, provide texture and interest to roadscape, ramps, and sitting edges.

A higher level of detailing and finish are proposed in the more urban downtown setting with possible integration with lighting public art, signage, and furnishing elements. Victoria West side is envisioned to be rockstack design. Note: final wall type, design, and locations to be coordinated with project budget, and City approvals.

Stone Faced Retaining Wall

- Horizontally stacked rough cut basalt ledgestone facing with 250mm precast concrete cap

Low Concrete Seat Walls

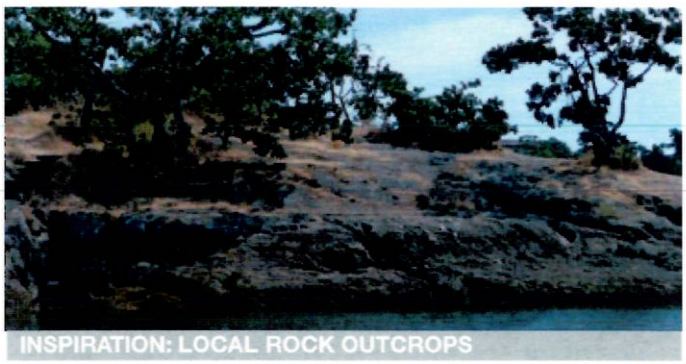
- Architectural finish, no chamfer, 450mm - 600mm ht x 500mm wide

Rock Stack And Boulder Outcroppings

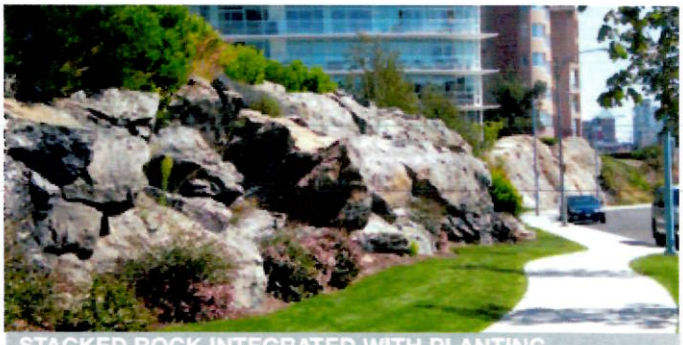
- Stacked local large basalt/sandstone shape boulders in groupings to grade slope, provide interest, and incorporate natural plantings

DRY STACK OR LEDGESTONE VENEER (BASALT)

LOW CONCRETE (SEAT HEIGHT)



INSPIRATION: LOCAL ROCK OUTCROPS



STACKED ROCK INTEGRATED WITH PLANTING

2.6 Sustainability

Intent: *The Johnson Street Bridge Public Realm promotes sustainable initiatives through celebrating pedestrian and energy efficient multi-use pathways, increasing surface permeability, water efficient landscapes, and maximizing habitat.*

Permeability And Stormwater

- Use permeable surfaces where possible to maximize infiltration and reduce runoff

Urban Heat Island

- Treed canopy for shade and reduce urban heat island and improve uban forest

Water Efficiency

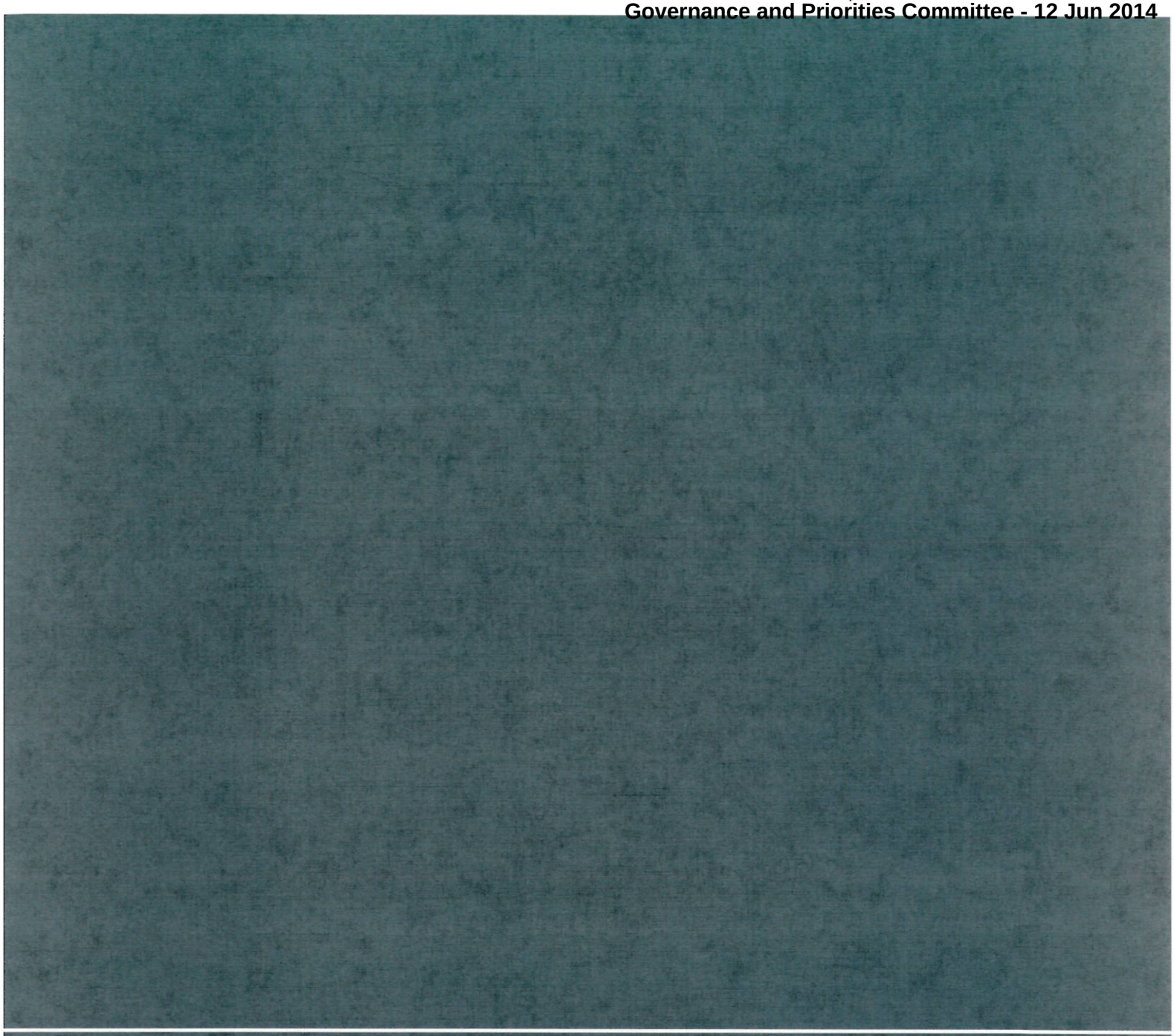
- Water wise and locally adapted plant species and improve biodiversity and regenerative landscapes

Energy Efficiency

- Seamless and intuitive pedstrian and multi-use pathways encourage reducing reliance on cars
- Encourage use of local products and distributors within 500km radius
- Efficient lighting (LED)

CYCLING AND WALKING ROUTES

NATURAL LOCALLY ADAPTED PLANTINGS



JOHNSON STREET BRIDGE REPLACEMENT PROJECT

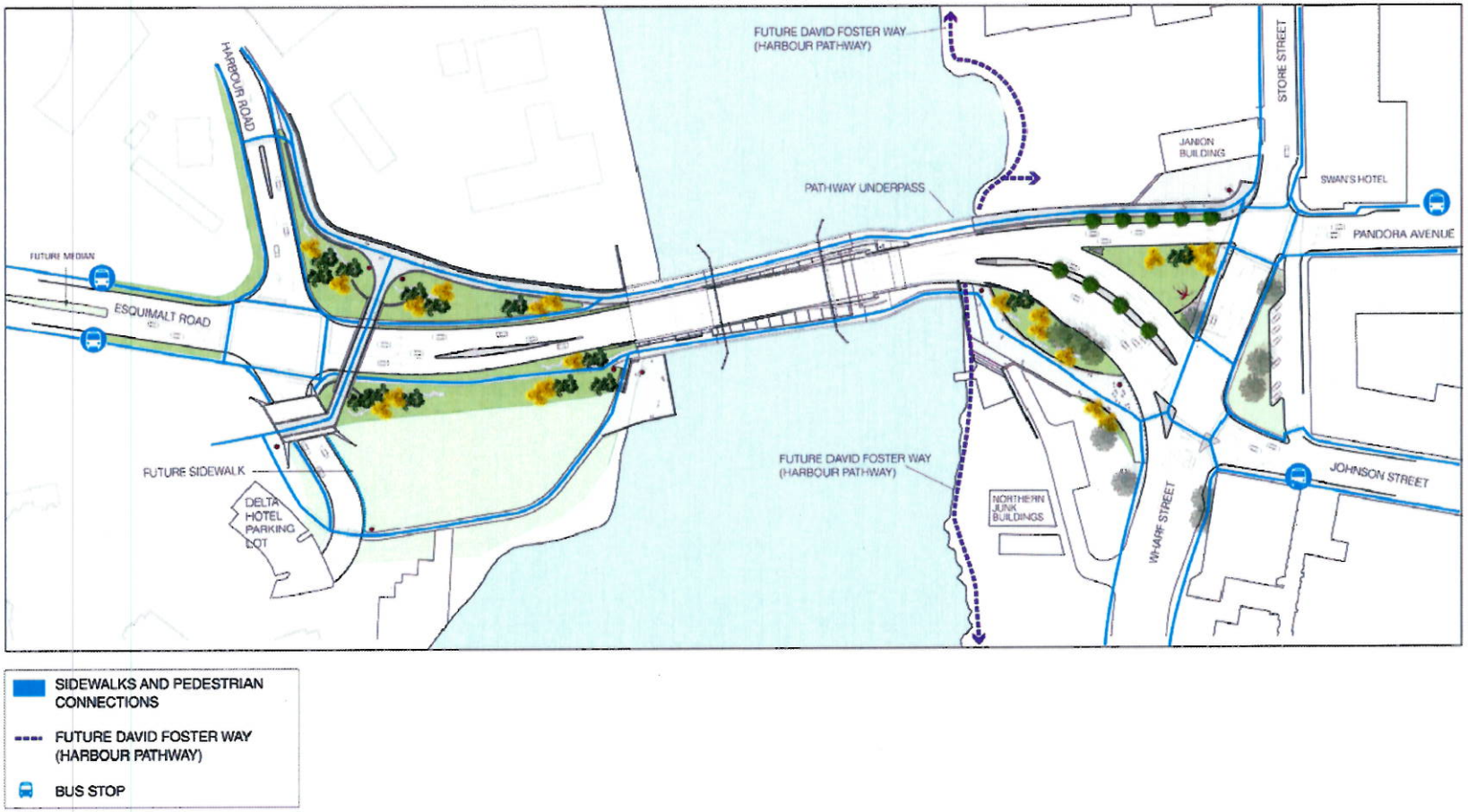
PUBLIC REALM AND LANDSCAPE DESIGN STRATEGY

PRODUCED BY
SHARP & DIAMOND LANDSCAPE ARCHITECTURE INC

Johnson Street Bridge Replacement Project

Appendix D

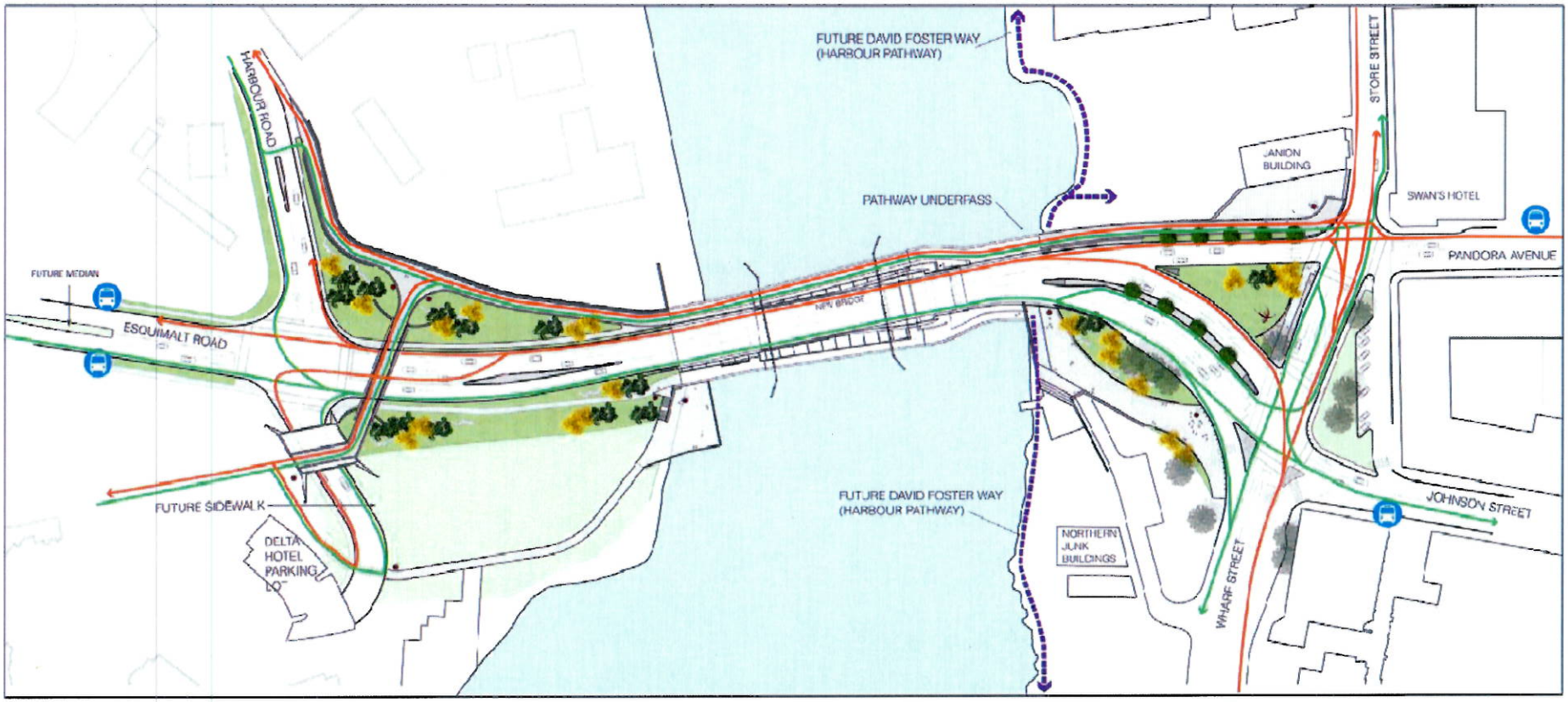
Pedestrian Connections



www.JohnsonStreetBridge.com

CITY OF VICTORIA

Cyclist Connections



Johnson Street Bridge Replacement Project Public Realm Updat...
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Governance and Priorities Committee - 12 Jun 2014

NORTH EAST PLAZA – APPENDIX F

WEST PLAZA – APPENDIX G

SOUTH EAST PLAZA LOOKING EAST – APPENDIX H

SOUTH EAST PLAZA LOOKING WEST – APPENDIX I

CITY OF VICTORIA

Governance and Priorities Committee Report
For the Meeting of June 12, 2014

To:	Governance and Priorities Committee	**Date:**	May 30, 2014
From:	Jocelyn Jenkyns, General Manager		
Subject:	David Foster Way Project Charter		

Executive Summary

The City of Victoria is committed to seeking opportunities to revitalize the Inner Harbour, as outlined in various Council-approved policy plans. The Harbour Pathway was identified as the first priority of the City-wide Greenways plan. The principal goal of the Harbour Pathway is to create a major public amenity for the entire city that will provide continuous public access to the harbour waterfront. The 2003 Harbour Pathway Plan involved substantial community and stakeholder consultation, including input from the Greenways Interdisciplinary Committee and all identified stakeholders.

The Harbour Pathway Plan was to be constructed as a long term project of the City with phased investment from parks capital on an annual basis. Work continues in that regard with key priority areas identified with funding allocations. In addition, to accelerate the project, the City has taken steps to partner with the David Foster Foundation on a community based philanthropic campaign to raise capital funds for the development of the "special places" along the pathway. As a result of this partnership, the City agreed to rename the Harbour Pathway "David Foster Way".

The attached project charter summarizes the work undertaken to plan and guide implementation of David Foster Way - the 5km stretch of continuous public pathway along the inner harbour waterfront between Ogden Point and Rock Bay. Included as attachments to this report are: Appendix A – Victoria Harbour Pathway Plan.

The design and development of David Foster Way is a significant multi-year City capital project. Work is well underway with regard to the connectivity of the pathway and an application to the Trans Canada Trail (TCT) for funding related to the connectivity will be submitted to TCT late summer of 2014. Updates for Council will be provided on a quarterly basis beginning in September 2014. There will also be periodic updates to Council and the public based on the achievement of significant milestones of the project which include:

1. Upon completion of the public consultation on Herron and Raymur pt. bridges
2. Upon completion (prior to tendering) of the 100% detailed design with cost estimates for the bridges and the Janion connection at Johnson Street Bridge.
3. Upon completion of the way finding program
4. Updates, as required when grant and/or funding opportunities become available.

Recommendation:

That Council approve the attached project charter as attached.

Respectfully submitted

Jocelyn Jenkyns
General Manager

Report accepted and recommended by the City Manager:

Date: June 6, 2014

PROJECT CHARTER

For the Development of David Foster Way

May 30, 2014

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1.0 INTRODUCTION

The City of Victoria is committed to seeking opportunities to revitalize the Inner Harbour, as outlined in the various Council-approved policy plans including the City of Victoria Strategic Plan (2013), Official Community Plan (2012), Downtown Core Area Plan (2011), Economic Development Strategy (2011), Harbour Pathway Plan (2008), City-wide Greenways Plan (2003) and the Victoria Harbour Plan (2001).

The Harbour Pathway was identified as the first priority of the City-wide Greenways plan. The principal goal of the Harbour Pathway is to create a major public amenity for the entire city that will provide continuous public access to the harbour waterfront. The 2003 Harbour Pathway Plan involved substantial community and stakeholder consultation, including input from the Greenways Interdisciplinary Committee and all identified stakeholders.

The Harbour Pathway Plan was to be constructed as a long term project of the City with phased investment from parks capital on an annual basis. In 2010, the City took steps to partner with the David Foster Foundation on a community based philanthropic campaign to raise capital funds to accelerate the development of the "special places" along the pathway. In May 2010, following an in camera meeting, Council moved to formally name the Harbour Pathway the "David Foster Harbour Pathway" to coincide with the City's 150th celebratory events and the 25th anniversary of the David Foster Foundation as recognition of David Foster's contributions to Arts and Culture, and his philanthropic and humanitarian work throughout Canada and the world.

This project charter summarizes the work undertaken to plan and guide implementation of David Foster Way - the 5km stretch of continuous public pathway along the inner harbour waterfront between Ogden Point and Rock Bay. Included as an attachment to this report are: Appendix A – Victoria Harbour Pathway Plan.

2.0 GOAL

The goal of David Foster Way is to create a major public amenity for the entire city that will provide continuous public access to the harbour waterfront which includes a pathway design which responds to a number of Character Areas or locational contexts identified along the route. Character Areas include: Rock bay Industrial, Design District, Downtown "Old Town", Fisherman's Wharf, James Bay and Tourist, Institutional, and Ceremonial areas. Along these areas a series of "Special Places" will be developed to correspond to both existing conditions and future opportunities for enhancing public use of the waterfront.

David Foster Way will be a model of environmental sustainability protecting and enhancing key viewpoints and view corridors and providing an opportunity for education and cultural, historical and natural interpretation.

3.0 OBJECTIVES

David Foster Way will:

- Aim to become Victoria's preeminent public space
- Follow the shoreline as the ultimate preferred priority, while ensuring that existing working harbour access is not compromised
- Utilize and build on those existing pathway sections that warrant being retained
- Vary in width according to existing/future circumstances with a target of 7.0 m for combined pedestrian and cyclist sections, and 5.0 m for pedestrian only sections.
- Vary in character and design in different sections of the route, to reflect the varying "character areas" along the route, with a range of technical/physical solutions.
- Maintain flexibility in combining or separating cyclists and pedestrians, with some sections of the Harbour Pathway having bicycle and pedestrian routes.

Explore a range of relationships to the water including:

- ✓ Bridging over water
- ✓ Floating on the water
- ✓ Fixed structure in the water
- ✓ On-grade beside the water
- ✓ Separated from the water (inland)

- Create "Special Places" along the harbour pathway route
- Provide public facilities and amenities along the harbour pathway route

4.0 ALIGNMENT WITH EXISTING POLICIES

David Foster Way's route and proposed design development plans are consistent with the current City policies:

- City of Victoria Strategic Plan (2013)
- Official Community Plan (2012)
- Downtown Core Area Plan (2011)
- Economic Development Strategy (2011)
- Harbour Pathway Plan (2008)
- Greenways Plan (2003)
- Victoria Harbour Plan (2001)
- Bicycle Master Plan (1995)

Pathway/Trail Route

5.0 SPECIAL PLACES

David Foster Way is intended to create a series of special, interesting public places that are linked by a generous waterfront pathway. The special places along the route correspond to both the existing conditions and future opportunities for enhancing public use of Victoria's urban waterfront. A comprehensive description of the use and function of each Special Place is outlined in Appendix B - David Foster Way: Partnering to Create a Unique National Landmark.

The City of Victoria has developed plans for 8 of the 11 special places along David Foster Way to articulate a vision of the potential the pathway holds for Victoria's harbour. There are 97 properties affected by or in the vicinity of David Foster Way. The concept plans are assisting staff in sharing this vision for Victoria's harbour with landowners and potential funders.

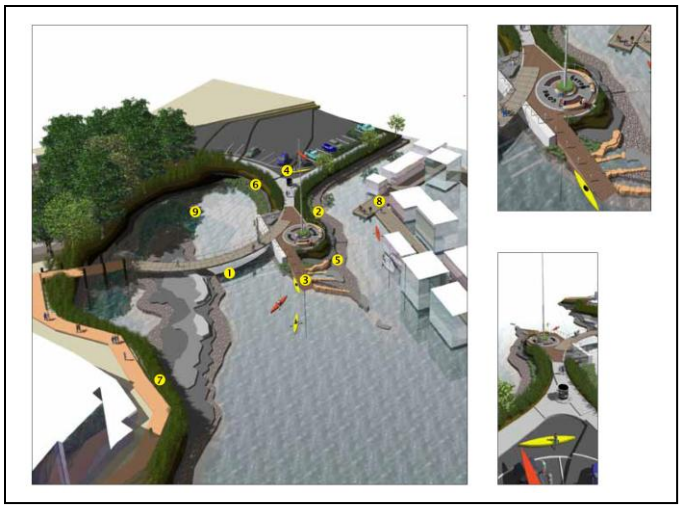
ODGEN POINT (special place without a concept plan)

- Southern terminus of the Harbour pathway
- Connects to Ogden Point Breakwater and south shore beach cliff top walk
- Ogden Point pavilion (shops and café)

FISHERMAN'S WHARF (special place without a concept plan)

- Marine commercial and tourist hub
- Fish market, shops, restaurants and marina
- Major tourist destination on the Harbour Pathway
- Public access onto water, with floating walkways

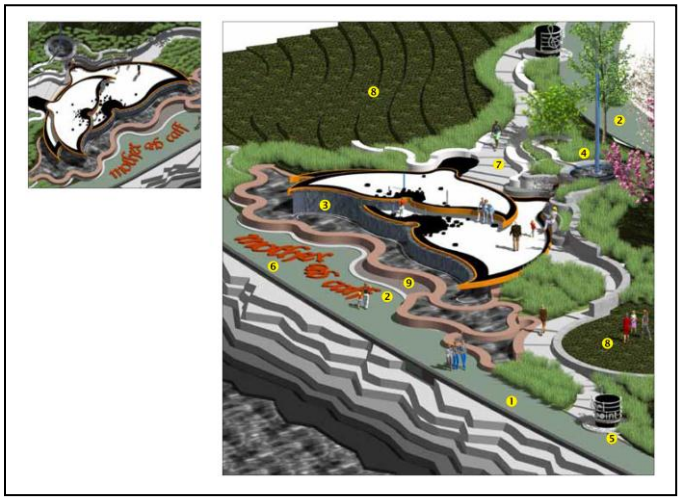
HERRON COVE AT FISHERMAN'S WHARF



This is a special place that features shoreline restoration and the construction of intertidal pools to complement the Fisherman's Wharf Park rain garden nearby. A new bridge will connect commercial business with the waterfront, and a new ramp for kayaks and small boats enhances recreation opportunities. Additionally it will include:

- Relatively intact natural tidal bay
- Natural shoreline, beach and rocky outcrops, mature landscaping
- High ecological rating and marine habitat rating
- Potential for pedestrian bridge across entry

LAUREL POINT



Situated on a grassy slope, this special place will provide an opportunity for freedom and play as depicted in the mother and baby orcas in the area's design. Accessible pathways meet mid-slope where water sprays and jets emanate into a series of terraced ponds. The space becomes a water play part during the summer. The grassy stage and whale tail sections will be used for performing arts events. The site will also provide:

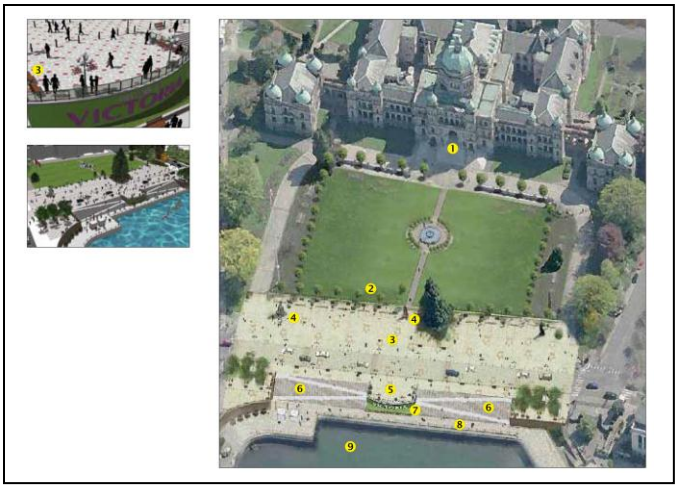
- Significant promontory
- Outstanding panoramic views across harbour
- Major waterfront park space
- Very low ecological rating but high to medium habitat rating

BELLEVILLE STREET LOOKOUT

The Belleville Street Lookout is a special place that serves as the gateway to Canada for the many visitors to our beautiful city. It's designed with compact seating and viewing to celebrate British Columbia's forest, mountains and oceans. Being situated close to the Clipper and Coho arrival and departure areas, enables views of Victoria's key landmarks: the Songhees, Johnson Street Bridge and the Inner Harbour. Future plans for the site may also include:

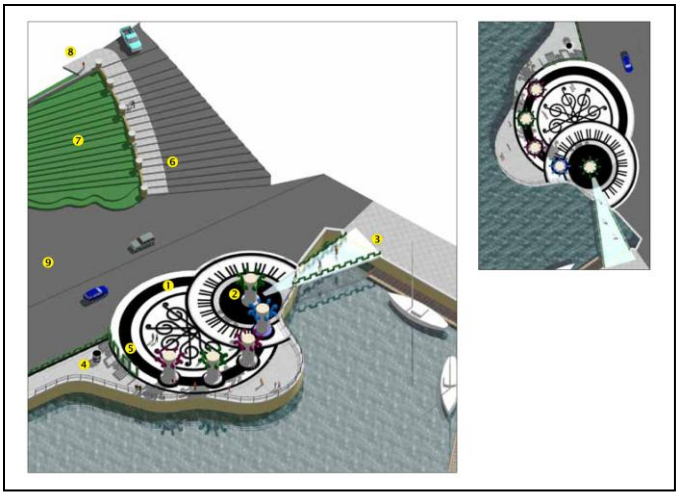
- Major redevelopment site (ferry terminal)
- Potential for significant public/tourist attraction and waterfront access
- Development to enhance Inner Basin urban experience

CELEBRATION PLACE



Encompassing the lawns of the legislature and the lower causeway, Celebration Place was envisioned as the premier celebratory and ceremonial venue in the Capital City with plans more closely tied to the development of the legislative precinct. At this time, Celebration Place is not a priority of the planning and fundraising for David Foster Way.

SHIP POINT



Ship Point is a music-themed special place that provides a dramatic setting for the many performing arts events and festivities that occur in Victoria's inner harbour. Large, theatrical columns with seating surrounding each column at the base provide rest stops and viewing points of the Inner Harbour. The site also:

- Provides excellent views out over the harbour
- Completes north side of Inner Basin
- Is currently a concrete wharf and pier extension
- Is Used for temporary boat moorage

ENTERPRISE WHARF/BASTION SQUARE WATERFRONT

The Bastion Square Waterfront special place brings the livelihood of Bastion Square across Wharf Street to the water's edge at Enterprise Wharf. A ramped pathway and stairs provide access for everyone to the beach at low tide and the ocean at high tide. Unique shoreline restoration will combine art and nature to form sculptural "wave" intertidal planting ledges set at various elevations to suit different coastal plants. The site also includes:

- Major public open space between Government Street and Wharf Streets
- Excellent views out over harbour
- Potential to extend major public open space down to waterfront Harbour Pathway

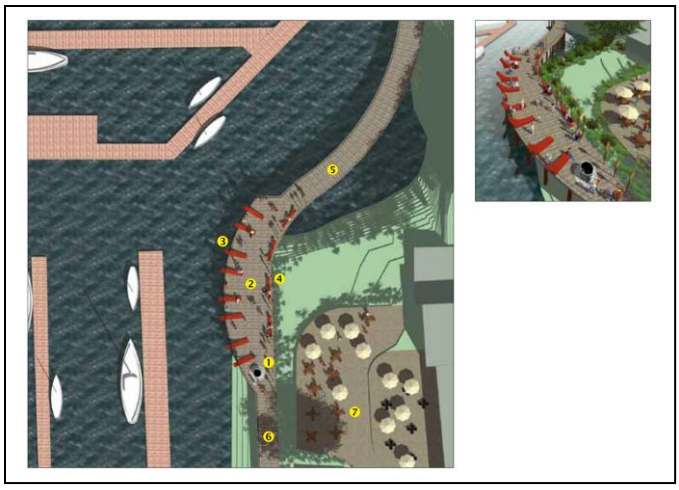
JOHNSON STREET BRIDGE (special place without a concept plan)

The new bridge will help improve pedestrian and cycling connectivity for the region by creating a new downtown trailhead for the Galloping Goose, Lochside, and E&N Trails. Connectivity will also be enhanced at Esquimalt and Harbour Roads with the inclusion of a multi-use overpass connecting the E&N Trail with the Galloping Goose and Lochside Trails.

The future David Foster Way will link with the bridge's new pedestrian walkway, passing underneath the bridge and through the bridge wheel. This new connection will improve pedestrian and cycling connectivity between the Victoria West Westsong Walkway, the north end of downtown, and the Inner Harbour.

Additional connectivity improvements in the area include the addition of "elephants-feet" bicycle crossings at the end of the multi-use trail, a new sidewalk connection on the west side of Wharf Street, and a four-way crosswalk at Harbour and Esquimalt Roads with sidewalk connections leading up to the bridge on both sides of Esquimalt Road.

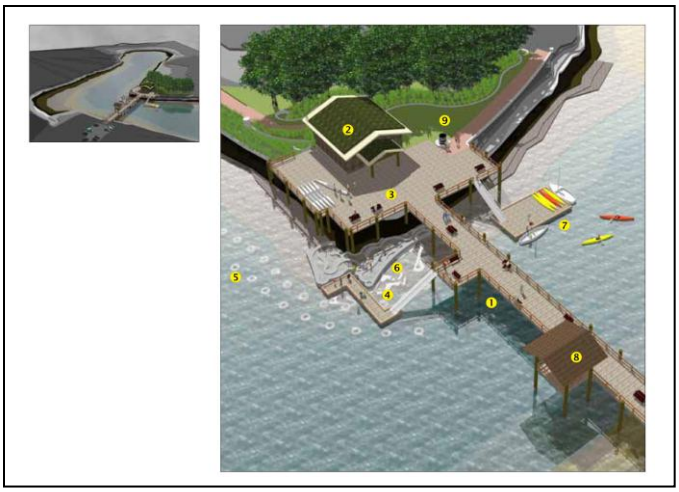
CANOE CLUB



The Canoe Club boardwalk is a special place to rest and view Victoria's harbour. Its design is inspired by the traditional canoes of the Songhees and Esquimalt Nations, and pays tribute to the popular canoe races which took place on the Gorge waterway in the 19th and 20th centuries. Site includes:

- Adaptive re-use of heritage waterfront industrial building
- Attractive waterfront pub/restaurant with outdoor seating adjacent to Harbour Pathway
- Major destination point on the Harbour Pathway
- Connecting Harbour Pathway and upland street work via Swift Street

BARCLAY POINT



Working closely with First nations, Barclay Point is a special place for a new footbridge to link David Foster Way with Bay Street in Rock Bay. It also provides a non-motorized boathouse and a large deck suitable for public events. The site is:

- Northern terminus of the Harbour Pathway
- Formerly a rocky islet in the bay, now a promontory (through landfill)
- Excellent views south over the harbour
- Potential for a future pedestrian bridge connection across to Bay Street
- Former marine industrial site, being remediated
- Currently inaccessible, but could become a public park with future redevelopment

6.0 LAND ACQUISITION

David Foster Way crosses many separate properties (land parcels and water lots) which are controlled by a number of landowners. 90% of the proposed route improvements are owned by various levels of government with the Federal Government (Transport Canada) accounting for about 37% of proposed new/expanded pathway. The other significant owners include: the Greater Victoria Harbour Authority (GVHA), Provincial Ministries of Shared Services and Transportation and a number of strata land holders. The recent land swap between the City of the Victoria and the Province has provided additional connectivity the pathway.

Negotiations with landowners (related to pathway land acquisition or the negotiation of Statutory Rights of Way) are now underway for all of the connection points along the path from Ogden Point to Rock Bay. Pathway access will be secured for the City through the registration of Statutory Rights of Way and or through the acquisition of property. The pathway connections and alignment of the portion from Rock Bay to Barclay Point will be determined as remediation and future development proceeds in that area.

7.0 PARTNERSHIP WITH DAVID FOSTER FOUNDATION

David Foster Way is a long term and complex project involving multiple jurisdictions and ownership conditions. It also represents a high value investment.

City of Victoria Department Parks, Recreation and Culture is responsible for preparing the multi-year implementation plan and budget which would be implemented in phases. The pathway will be constructed as a municipal civic project in partnership with the David Foster Foundation which will provide funding towards “special places” as funds are raised through philanthropic campaigns and individual donor requests.

The City is working with the representatives of the David Foster Foundation (DFF) to identify community based individuals who are interested in being part of a formal working fundraising committee to broaden the fundraising campaign. The most recent meeting with the DFF was on May 13, 2014. Terms of reference will be developed to guide the work of this committee and the partnership with the City in this major capital project.

The City is taking the lead on solidifying various organizational and individual relationships to increase community participation in this project.

8.0 TRANS CANADA TRAIL ALIGNMENT

The Trans Canada Trail (TCT) is one of the world's longest networks of trails, developed and promoted by a non-profit registered charity. When completed, the Trail will stretch nearly 24,000 kilometres from the Atlantic to the Pacific to the Arctic oceans, linking 1,000 communities and all Canadians. Today, nearly 17,000 kilometres of Trail have been developed.

The City and TCT have been working to ensure the alignment of DFW with TCT. As a result of this alignment, there may be an opportunity for 50% cost sharing for capital improvements along the pathway. Currently funding for the design and construction of Raymur Point bridge has been identified as the priority project. Should TCT funding be realized, Raymur Point bridge could be constructed by 2017 in conjunction with Canada's sesquicentennial.

On May 2, 2014 the City received information from the TCT that David Foster has agreed to be a TCT National Champion. Here is the quote from David Foster:

" I am so proud to be Canadian and love the fact that this trail unites all of us. I have travelled around the world and now more than ever do I appreciate how fortunate we all are to call this awesome country our home. Anyone who knows me, knows that I am the biggest Canadian flag waver on the planet--being born and raised in British Columbia is the best gift I have ever been given--no exceptions!! Great music has the ability to connect us in such a powerful way and like music I am so excited that the Trans Canada Trail is also an amazing connection between us all"

9.0 KEY PRIORITIES

1. Connectivity between Canoe Club and Ogden Point.
2. Land acquisition
3. Wayfinding
4. Special places

10.0 CAPITAL BUDGET AND SCHEDULE

The funding levels outlined below are proposed and will be subject to Council capital budget approvals. Funding from the TCT will be sought as 50% dollars towards the work outlined in years 2015, 2016 and 2017.

2014	$200,000	Design and construction drawings for Raymur Point, Herron Cove and the Janion walkway connections.
2015	$1,435,000	Pending Capital Budget approval – Construction of Heron Cove Bridge.
2016	$500,000	Pending Capital Budget approval – Construction of Janion Pathway Section.
2017	$950,000	Pending Capital Budget approval and 50% funding from Trans Canada Trail– Construction of Raymur Point connection.
2018	$600,000	Reeson Park – final alignment consisting of a short portion of boardwalk followed by an on-land condition, wayfinding planning and design.

11.0 STAFF AND STAKEHOLDERS - ROLES AND RESPONSIBILITIES

This section lays out the roles and responsibilities of staff various project stakeholders.

Steering Committee
A Steering Committee consisting of the City Manager and Directors from the following City departments: Finance, Planning and Sustainable Development, Engineering, Communications and the Victoria Conference Centre will be formed in late 2014 to oversee the project implementation. Legal and Legislative and Regulatory Services will participate in the committee as required.

Technical Working Group
A working group consisting of staff from the following City departments: Parks, Finance, Planning and Sustainable Development and Engineering, to provide intradepartmental expertise for the project.

The GM of the Victoria Conference Centre is the current lead for the project and will coordinate and support interdepartmental collaboration and integration as well as the relationships with the David Foster Foundation Community Fundraising Committee as well as the Trans Canada Trail.

All external communication will be managed through the Director of Communication's office regarding the progress of the project, key milestones and major decisions made by the Committee.

City Council: Council allocates resources to the project, and has final approval authority for the DFW. Council may solicit the input of the general public regarding DFW consistent with the City's Civic Engagement Policy.

Stakeholder Groups: Stakeholder groups and non-governmental organizations will contribute in the same way as the broader community, but also be the subject of focused consultation with respect to their particular areas of interest.

The design and development of David Foster Way is a significant multi-year City capital project. Work is well underway with regard to the connectivity of the pathway and an application to the Trans Canada Trail (TCT) for funding related to the connectivity will be submitted to TCT late summer of 2014. Updates for Council will be provided on a quarterly basis beginning in September 2014. There will also be periodic updates to Council and the public based on the achievement of significant milestones of the project which include:

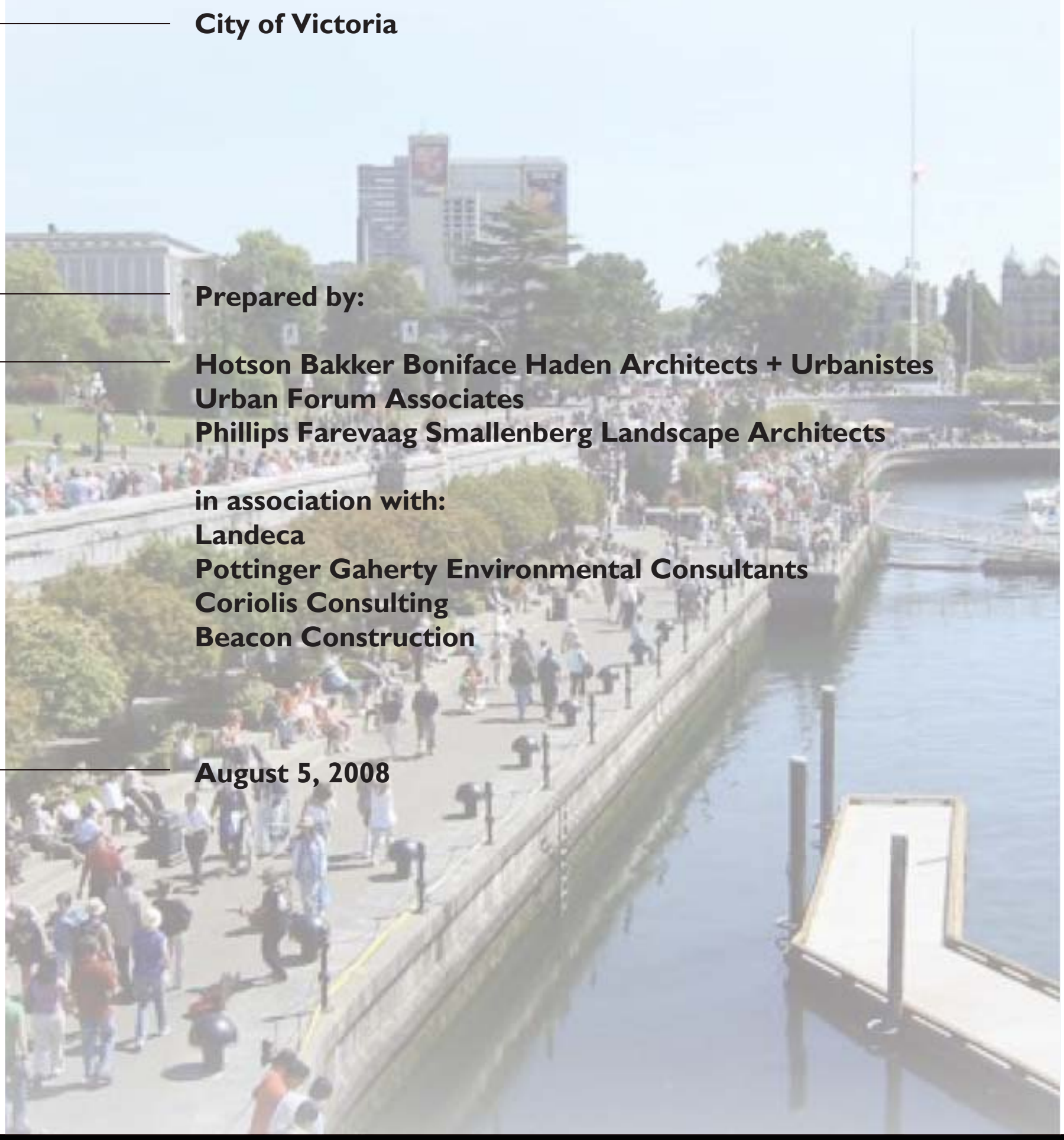
1. Upon completion of the public consultation on Herron and Raymur pt. bridges
2. Upon completion (prior to tendering) of the 100% detailed design with cost estimates for the bridges and the Janion connection at Johnson Street Bridge.
3. Upon completion of the way finding program
4. Updates, as required when grant and/or funding opportunities become available.

VICTORIA HARBOUR PATHWAY

A plan for the implementation of a pathway along the harbour waterfront between Ogden Point and Rock Bay

Prepared for:

City of Victoria



Prepared by:

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in association with:
Landeca
Pottinger Gaherty Environmental Consultants
Coriolis Consulting
Beacon Construction

August 5, 2008

VICTORIA HARBOUR PATHWAY • CITY OF VICTORIA

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Landeca
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Coriolis Consulting
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Detailed Sections

Cost Estimate

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EXECUTIVE SUMMARY

Context, Scope and Goals

The Harbour Pathway was identified as the first priority of the City-wide Greenways Plan approved by Council in 2003. This Harbour Pathway Plan report summarizes the work undertaken to plan and guide implementation of a continuous public pathway along the harbour waterfront between Ogden Point and Rock Bay.

The principal goal of the Harbour Pathway is to create a major public amenity for the entire city that will provide continuous public access to the harbour waterfront, with the exception of those properties currently requiring water access. A key objective of the project is the completion of gaps in the existing harbour pathway. The Harbour Pathway will complement and extend those sections of waterfront pathway that exist, such as the Inner Basin causeway, rather then replacing them.

Consultation

This plan has involved substantial community and stakeholder consultation, including input from the Greenways Interdisciplinary Committee and all identified stakeholders, as well as two public open houses, a questionnaire, newsletters and information carried on the City's website. The Harbour Pathway Plan enjoys widespread public support.

Principles

A set of Planning and Design Principles was established in consultation with the Greenways Interdisciplinary Committee and senior City management, and these principles have guided the Harbour Pathway Plan.

Greenways Integration

The Harbour Pathway forms a key part of the City's Greenways Plan. The Harbour Pathway will connect with a number of existing or proposed Greenway routes. These connections will serve to enhance public access to the waterfront from the wider Greenway network.

Character Zones & Special Places

The pathway design responds to a number of Character Zones identified along the route. A series of Special Places along the route correspond to both existing conditions and future opportunities for enhancing public use of the waterfront. Proposed Special Places include: extending Bastion Square down to the waterfront, with broad flights of stairs and terraces that provide public access from Wharf Street to the water's edge; developing Ship Point as a public space for festivals, concerts and other special events. Any future redevelopment of the existing waterfront surface parking lots should accommodate the development of enhanced public connections between upland areas and the waterfront.

Pathway Route

The pathway route has been established. Generally, the pathway is located alongside the water, except for those sections where this is not practical or existing land uses (such as industrial water use) preclude this. The plan accommodates both interim and ultimate route solutions, recognizing that construction will be phased over time and that some sections may involve short-term solutions. The Harbour Pathway both anticipates and is designed to accommodate new development on several key sites along the route.
Detailed Route & Material Plans are included in this report.

Pathway Width

The proposed pathway is typically 7.0 m wide. For much of its length, recreational cyclists and pedestrians will share the route. Other sections will be 5.0 m wide, where cyclists and pedestrians are separated, or where the pathway bridges over open water. In some sections cyclists will be separated onto existing adjacent roads. Certain sections are proposed as high-clearance bridges spanning over inlets such as across the mouth of Heron Cove and Raymur Point Bay. Other sections are planned as low-level boardwalks built out over the water such as north of Reeson Park and under the Johnson Street Bridge.

Pathway Design

This report describes and illustrates a full range of design solutions to the diverse site conditions found along the pathway route. A consistent, overall design language has been established that reflects Victoria's sense of place and is intended to be timeless, with a restrained yet robust elegance that will last.

The pathway will be built of either concrete or asphalt, with a 400 mm wide granite edge strip on both sides and a granite raised curb on the waterfront side. For those sections of the pathway where it crosses over the water or is suspended over a sloping shoreline bank, the pathway will be built of timber decking on a heavy timber structure.

A comprehensive set of design elements has been identified. This includes paving materials, edge treatment, lighting, furniture, and signage.

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Environmental Approach

The environmental approach is consistent with the “Green Shores” guiding principles:

- Preserving the integrity or connectivity of coastal processes;
- Maintaining or enhancing habitat diversity and function;
- Minimizing or reducing pollutants to the marine environment; and
- Reducing cumulative impacts to the coastal environment.

Pathway impacts will be minimized while maximizing opportunities for habitat protection and enhancement along the route. Primary goals include:

- Providing a net increase in both the quantity and quality of fish and wildlife habitat in the harbour area;
- Increasing the fish and wildlife species diversity in the harbour area; and
- Improving the overall ecological rating of the Harbours Ecological Inventory and Rating shore units in the Harbour Pathway area.

Land Acquisition

A detailed Land Acquisition Strategy Report has been submitted to the City under separate title. A multi-pronged strategy to acquire the land/water and rights of public access needed to implement the pathway while keeping acquisition costs to a minimum, is outlined in this report.

The proposed pathway route crosses many separate properties (land parcels and water lots), controlled by a number of different landowners. Agreements will need to be reached with these landowners to enable the Harbour Pathway to be completed. Transport Canada owns about 37% of the proposed pathway route. The Provincial Capital Commission and Greater Victoria Harbour Authority also own significant portions of the planned route. Private owners account for about 10% of the proposed route.

The Land Acquisition Strategy estimates a property acquisition allowance of approximately $4 – 5 million assuming the fee simple interest in the portion of each property required for the pathway is purchased. This excludes any sites that we assume can be acquired at nominal cost. If easements, statutory rights of way, licenses of occupation or leases can be negotiated instead of fee simple ownership, this would result in a lower property acquisition cost.

Construction Costs

Order of magnitude construction cost estimates of the proposed Harbour Pathway have been prepared. Cost estimates are attached to this report. More detailed cost estimates will be required at the detailed design and construction documentation stage for each phase of the work.

Cost Estimate Summary (in 2008 dollars):

James Bay/Dallas Road Zone	$1.249 million
Fisherman’s Wharf Zone	$2.969 million
Tourist/Residential/Park Zone	$2.786 million
Tourist/Institutional/Ceremonial Zone	$0.957 million
Downtown “Old Town” Zone	$5.285 million
Design District Zone	$3.786 million
Rock Bay Industrial Zone	$1.905 million
Total Harbour Pathway	$18.941 million

The above costs do not include soft costs such as design fees and permits. Design fees can typically be expected to be approximately 10% of construction costs.

Implementation & Phasing

This report describes a number of implementation governance models and a phasing strategy for undertaking the Harbour Pathway project. The City will need to select a preferred implementation model.

The Harbour Pathway will need to be developed in several phases, as funding and land become available. Based on a number of criteria, the following pathway sections have been identified as Highest Priority Phases (KP = Kilometer Points):

- Tourist/Institutional/Ceremonial Character Zone: Belleville Street on-street section between Pendray Street and Menzies Street (KP 1.3 – KP 1.6)
  estimated construction cost: $121,251
- Downtown ‘Old Town’ Character Zone: between Milestones Restaurant and the Customs Wharf at Broughton Street (KP 2.1 – KP 2.3)
  estimated construction cost: $285,990
- Downtown ‘Old Town’–Design District Character Zones overlap: from Reeson Park to north side of Johnson Street Bridge including underpass (KP 2.6 – KP 2.8)
  estimated construction cost: $2,097,516

Next Steps

The key next steps for the City are:
- Council endorsement of this Harbour Pathway Plan;
- select a preferred project implementation governance model;
- develop a detailed implementation and funding program, including identifying both short-term and long-term funding sources, adjust City's Capital Program accordingly;
- select a section of the pathway for implementation as Phase 1;
- negotiate land transfers or legal agreements with any affected land owners, if required;
- commission the preparation of detailed design and construction documents for the construction of Phase 1, and confirm construction costs;
- allocate funding;
- Council approval to proceed to construction of Phase 1;
- construct Phase 1

1.0 INTRODUCTION

1.1 PROJECT SCOPE AND GOALS

The Harbour Pathway project is being undertaken to guide the implementation of a continuous public pathway along the harbour waterfront between Ogden Point and Rock Bay. The Harbour Pathway is the first priority of the city-wide Greenways Plan approved by Council in 2003. The City retained interdisciplinary consultant team in 2007 to work with stakeholders and City staff to prepare a plan for the multi-use pathway. This is the final report of the Harbour Pathway Plan.

The original project scope extended from Fisherman's Wharf to Rock Bay. Following community input, the City extended the scope southwards along Dallas Road to where it meets the Ogden Point breakwater. The Harbour Pathway Plan therefore now extends from Ogden Point to Rock Bay.

The Harbour Pathway is envisioned as a major public amenity for the entire city. It will provide continuous public access to the harbour waterfront, with the exception of those properties that currently require water access. In these areas, such as marine industrial properties located in the Upper Harbour, the surrounding street system will be upgraded to improve connectivity along the corridor, until such time as there is a change in land use.

A key objective of the Harbour Pathway project is the completion of gaps in the existing harbour pathway between Ogden Point and Rock Bay. The Harbour Pathway will complement and extend those sections of waterfront pathway that exist, such as the Inner Basin causeway, rather then replacing them.

In addition, the development of consistent design elements will contribute to an overall sense of identity and unity for the Harbour Pathway.

This report describes and illustrates – through plans, cross-sections and design detail drawings – the full range of design solutions to the diverse site conditions found along the pathway route. The report also includes cost estimates of the proposed pathway, and a discussion about implementation.

This Harbour Pathway Plan does not include preparation of detailed design documents for construction of the Harbour Pathway: that will form the next stage of work on the project, once the City selects a section of the pathway as the first priority for construction.

1.2 STUDY PROCESS

This study has involved substantial community and stakeholder input. This has included the input of the City's Greenways Interdisciplinary Committee at multiple points in the process, numerous meetings with all identified stakeholders including all three levels of government, several Residents Associations, local businesses and property owners, and City staff and Council.

Two Public Open Houses were held at key points in the planning process to share information and seek public input. Both events were very well attended. A summary of this input is provided as an Appendix to this report.

The City's website also carried information about the project and received multiple visits during the study process..

2.0 PLANNING & DESIGN PRINCIPLES

A detailed set of Harbour Pathway Planning and Design Principles were developed by the consultant team in consultation with the client staff committee and with senior City management input

- The harbour pathway design should aspire to excellence, with the aim of becoming Victoria's preeminent public space.
- The harbour pathway shall follow the shoreline as the ultimate preferred priority, while ensuring that existing working harbour access is not compromised.
- The harbour pathway shall be mostly a "People Only Greenway" (i.e. no motor vehicles) intended for pedestrians, cyclists and other rolling modes (including motorized individual scooters)
- The harbour pathway shall utilize and build on those existing pathway sections that warrant being retained.
- The harbour pathway will vary in width according to existing/future circumstances, with a target width of 7.0 m for combined pedestrian and cyclist sections, and 5.0 m for pedestrian only sections.
- The harbour pathway should vary in character and design in different sections of the route,to reflect the varying "character zones" along the route, with a range of technical/physical solutions.
- Maintain flexibility in combining or separating cyclists and pedestrians, with some sections of the Harbour pathway having separate bicycle and pedestrian routes.
- The harbour pathway shall explore a range of relationships to the water, including:
  - bridging over water
  - floating on the water
  - fixed structure in the water
  - on-grade beside the water
  - separated from the water (inland)
- Create "Special Places" along the harbour pathway route.
- Provide public facilities and amenities along the harbour pathway route (e.g. public washrooms)
- The harbour pathway should be an opportunity for education and interpretation: cultural, historical and natural.
- The harbour pathway routing should be established before upland development plans, and new waterfront projects should be required to integrate this pathway routing in their site plans.
- The harbour pathway plan shall accommodate both interim and ultimate solutions, recognizing that construction will be phased over time and that some sections may involve short term solutions.
- The harbour pathway should be planned and designed to be extended in future.
- The harbour pathway design should include certain specific common elements to help define continuity.
- The harbour pathway should be a model of environmental sustainability and shall improve the natural environment.
- Aim for universal access wherever practically possible.
- Identify key viewpoints (lookouts) and view corridors (street-end views) to be protected and enhanced.
- Identify key connections to the upland street network and develop these as enhanced public spaces.
- With respect to edge protection, the harbour pathway design shall balance reasonable risk management with careful consideration given to not blocking views or limiting experience of the water: the existing typical bollard and chain solution is considered a generally appropriate edge treatment precedent.
- The harbour pathway shall be designed with public safety and comfort in mind, taking into consideration principles of Crime Prevention Through Environmental Design.

3.0 CHARACTER AREAS

The Harbour Pathway study area has been divided into a number of distinct Character Zones. These Character Zones reflect the varied contexts along the length of the proposed pathway. See the following Character Zones map for a detailed illustration and description of each Character Zone.

From north to south, the Character Zones are:

ROCK BAY INDUSTRIAL
- Characterized by heavy industrial operations and areas of inactive industrial lands
- Shoreline is a mix of working industry, wharfs and abandoned former industrial sites
- Surrounding streets have narrow concrete sidewalks with few trees
- No existing waterfront pathway in this zone

DESIGN DISTRICT
- Characterized by a mix of large warehouse and older industrial buildings, some of which have been converted into life style shops, design offices and restaurants
- Transition zone between Rock Bay industrial to north and Downtown to south
- Very limited connections to upland street grid

DOWNTOWN ‘OLD TOWN’

- Characterized by a mix of older industrial and commercial buildings, a multi-storey waterfront hotel and large surface parking areas
- Built form is a mix of older small masonry buildings, the multi-storey Regent Hotel, and floating transportation-related structures
- Existing shoreline pathway is largely continuous but under-scaled, and very poorly defined adjacent to the parking lots
- Connections to the upland street grid rely on access through parking lots

TOURIST /INSTITUTIONAL/ CEREMONIAL
- The most formal character zone along the entire harbour shoreline, attracting the highest concentration of tourists
- Characterized by a strong sense of containment, a consistent formal edge treatment, and generous scale of interconnected public waterfront spaces
- Built form consists of large, formal heritage structures, utilitarian transportation structures, and smaller waterfront pavilions
- Shoreline has been modified to create a formal public edge treatment flanked by hard-edged working wharfs on both the south and north sides of the Inner Basin

TOURIST/ RESIDENTIAL/ PARK

- Characterized by several hotels and residential buildings, and substantial sections of waterfront park space arrayed along a picturesque, irregular shoreline.
- Includes several coves and inlets, some of which have preserved their natural shoreline environment
- Shoreline has been modified in some sections, but largely follows its original alignment, with several inlets, bays and promontories including Laurel Point
- Connections to the upland street grid mostly rely on mid-block easements across private properties

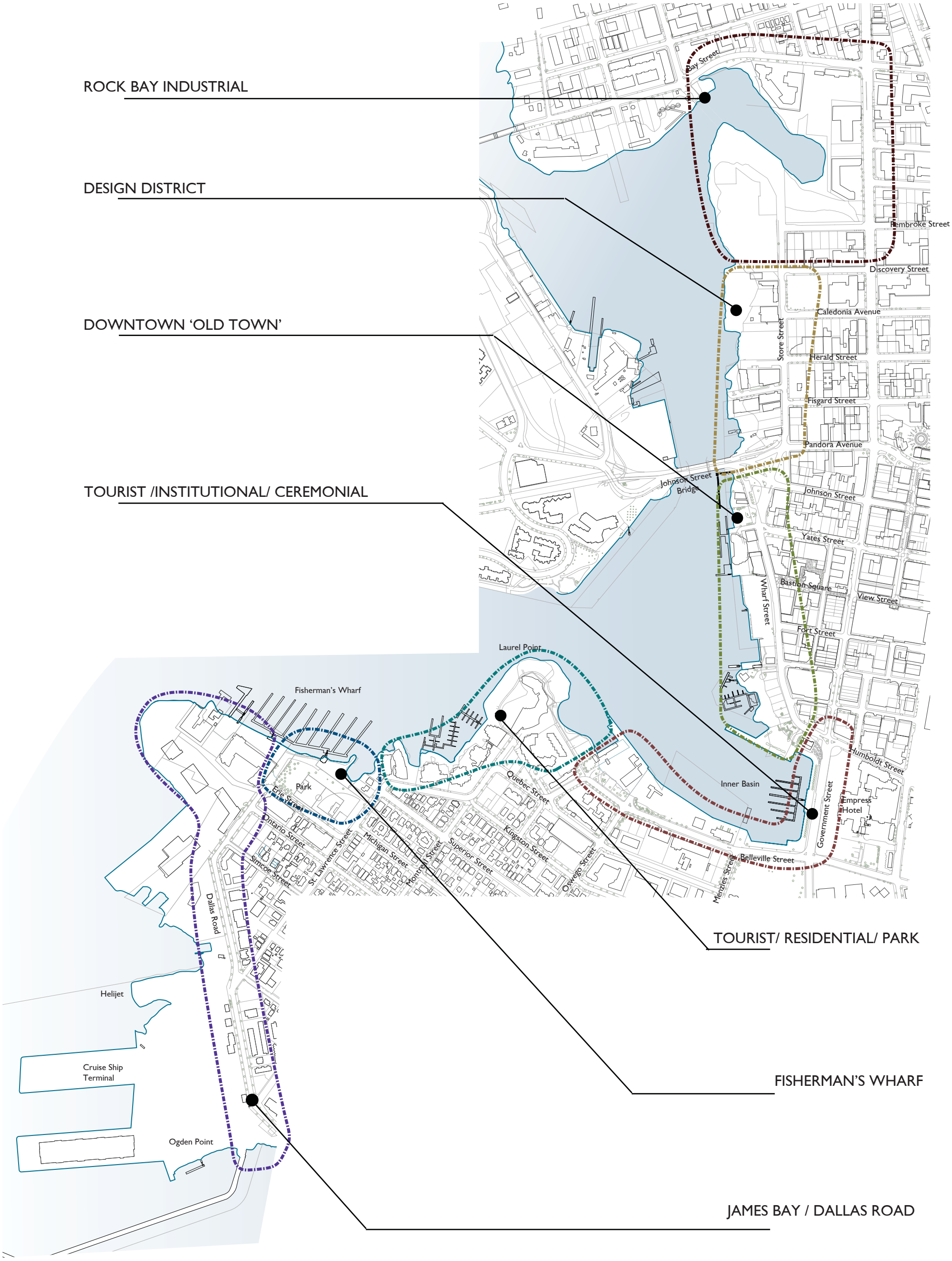
FISHERMAN’S WHARF

- Characterized by the tourist-oriented Fisherman’s Wharf marina and fish market
- Adjacent to public park
- Built form consists of a number of wharfs and floating homes and other structures at Fisherman’s Wharf
- Significant conflicts between vehicle traffic and pedestrians

JAMES BAY / DALLAS ROAD

- Characterized by a residential neighbourhood along the inland side of Dallas Road, and large institutional uses along the water side
- Dallas Road is characterized by rows of mature trees on both sides of the street and a broad landscaped boulevard along the west side, extending south to Ogden Point
- The proposed harbour pathway route in this area is integrated with the existing street grid along Dallas Road
- No existing waterfront pathway in this zone

3.0 CHARACTER AREAS



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4.0 LIFE AT THE EDGE

4.1 A DIVERSE WATER FRONT EXPERIENCE

This study should be considered as a component of the City's long term planning strategy for the waterfront.

The Harbour Pathway is about more than just a waterfront route for cyclists and pedestrians. It is about experiencing the waterfront as a special place in the city. It is a place for gathering, celebrating, special events, watching the marine based activities, enjoying nature and landscape, and participating in a vibrant public realm for the city.

As one moves along the Harbour Pathway one will engage in a variety of places, landscapes and activities. Many of these exist and many will come in future as redevelopment along the much of the route occurs. The pathway should respond to these conditions to provide a range of interesting and engaging places and experiences.

The Harbour Pathway will offer a wide diversity of physical experiences along its +5 km length. Reflecting the varied shoreline conditions and urban contexts, the pathway design will be physically diverse, with different experiences through different sections of the route.

For most of its length, the pathway will be 7.0 m wide, typically where recreational cyclists and pedestrians are combined. Other sections of the route will be 5.0 m wide, where cyclists and pedestrians are separated, or where the pathway bridges over open water. For much of its length, recreational cyclists and pedestrians will share the route. In some sections cyclists will be separated onto existing adjacent roads. Certain sections are proposed as high-clearance bridges spanning over inlets or coves such as across the mouth of Heron Cove and Raymur Point Bay. Other sections are planned as low level boardwalks built out over the water or under the Johnson Street Bridge.

Where the Harbour Pathway intersects with points of access to the upland street network, opportunities for creating expanded public areas and special places are included.

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VICTORIA HARBOUR PATHWAY • CITY OF VICTORIA

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vid Foster Pathway Project Charter--J. Jenkyns, Acting Dir...

4. 2 SPECIAL PLACES

Existing Special Places

OGDEN POINT
- Southern terminus of the Harbour Pathway
- Connects to Ogden Point Breakwater and south shore beaches, cliff top walk
- Ogden Point pavilion (shops and café)

FISHERMAN'S WHARF
- Marine commercial and tourist hub
- Fish market, shops, restaurants and marina
- Major tourist destination on the HarbourPathway
- Public access onto water, with floating walkways

HERON COVE
- Relatively intact natural tidal bay
- Natural shoreline, beach and rocky outcrops,mature landscaping
- High ecological rating and marine habitat rating
- Potential for pedestrian bridge across entry

LAUREL POINT
- Significant promontory
- Outstanding panoramic views across harbour
- Major waterfront parkspace
- Very low ecological rating but high to medium marine habitat rating

BELLEVILLE
- Major redevelopment site (ferry terminal)
- Potential for significant public/tourist attraction and waterfront access
- Currently inaccessible to public
- Development would extend Inner Basin urban expe rience

INNER BASIN
- Victoria's formal "front door"
- Heart of the Harbour Pathway
- Well established tourist attraction
- Generous design, high quality materials, consistent streetscape treatment
- Focus of public spectacles and special events

SHIP POINT
- Completes north side of Inner Basin
- Excellent views out over harbour
- Currently a concrete wharf and pier extension
- Used for temporary boat moorage
- Surface treatment is ill-defined, poor quality materials

BASTION SQUARE
- Major public open space between Government Street and Wharf Streets
- Excellent views out over harbour
- Currently very weak connection to waterfront (narrow wooden stairway)
- Potential to extend major public open space down to waterfront Harbour Pathway

CANOE CLUB
- Adaptive re-use of heritage waterfront industrial building
- Attractive waterfront pub/restaurant with outdoor seating adjacent Harbour Pathway
- Major destination point on the Harbour Pathway
- Connects Harbour Pathway and upland street work via Swift Street

BARCLAY POINT
- Northern terminus of the Harbour Pathway
- Formerly a rocky islet in the bay, now a promontory(through landfill)
- Excellent views south over harbour
- Potential for a future pedestrian bridge connection across to Bay Street
- Former marine industrial site, being remediated
- Currently inaccessible, but could become a public park with future redevelopment

New Special Places

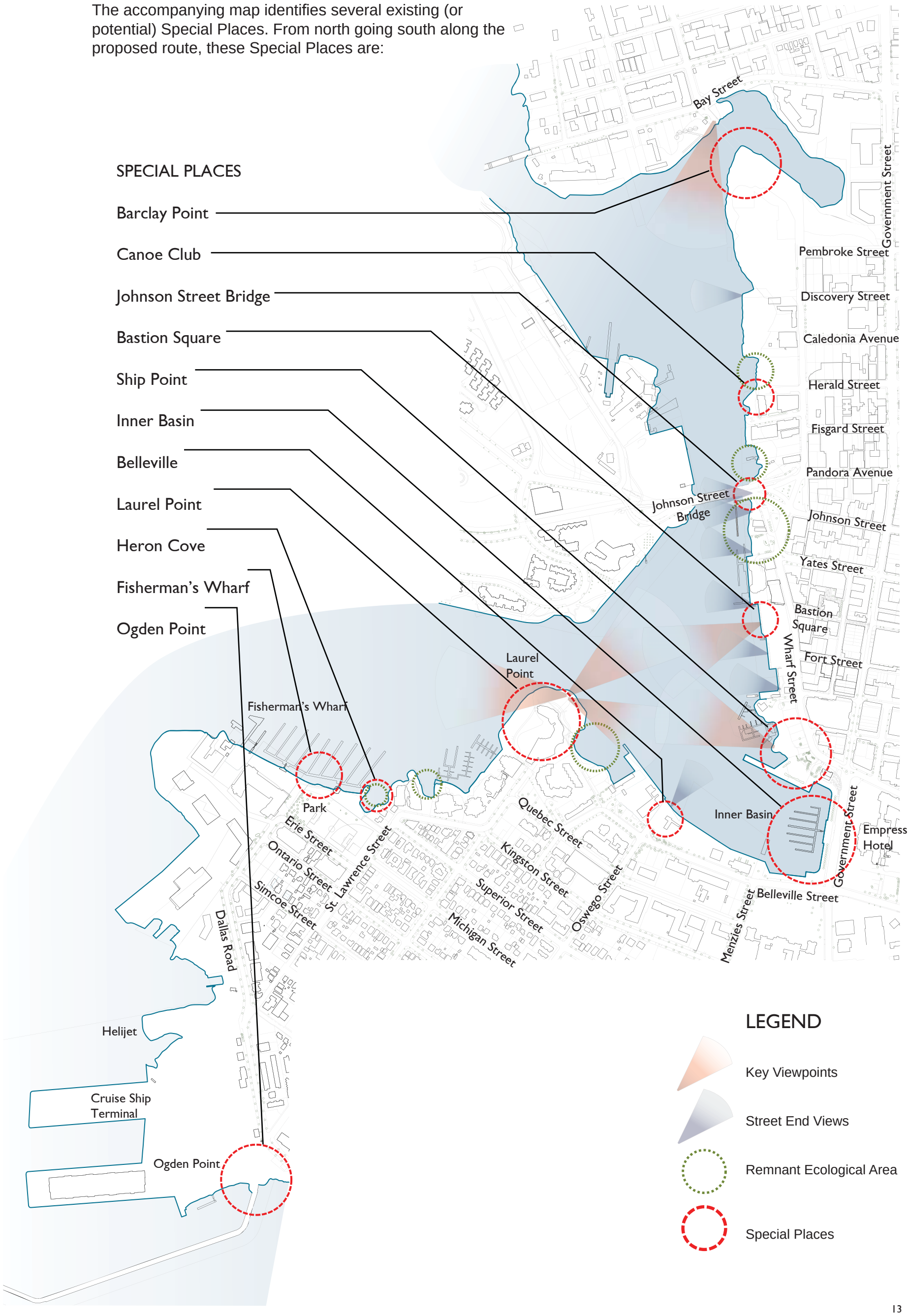
The Harbour Pathway is intended to create a series of special, interesting public places that are linked by a generous waterfront pathway. The special places along the route correspond to both the existing conditions and future opportunities for enhancing public use of Victoria's urban waterfront.

For example, the Harbour Pathway proposes to extend Bastion Square right down to the waterfront, with broad flights of stairs and terraces that provide public access from Wharf Street to the water's edge. This will become a key public entry point to the Harbour Pathway, and extend the Bastion Square public open space to the water.

Another example of an enhanced special place is the opportunity to develop Ship Point as a public space for festivals, concerts and other special events. There is also a possiblity that this site could be developed as a performance art center or other significatnt public building.This might involve a unique design for this area to accommodate a range of uses such as special paving, seating, special lighting, infrastructure and utilities (e.g. electricity supply, sound system) for public events and performances, a stage or performance platform, and weather protection.

4. 2 SPECIAL PLACES

The accompanying map identifies several existing (or potential) Special Places. From north going south along the proposed route, these Special Places are:



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4. 3 POTENTIAL DEVELOPMENT SITES /FUTURE LAND USE CHANGES

The Harbour Pathway both anticipates and is designed to accommodate new development on several key sites along the route. While this is not a land use study, this Harbour Pathway work does inform longer term land use planning and supports potential future changes in land use along the route. Development of these sites will bring more diverse uses to the waterfront, and these new uses will front onto and help animate the Harbour Pathway.

Key specific adjacent sites that are expected to be redeveloped in the near future, and some possible uses, include:

• Fisherman's Wharf area
(expected to add tourist commercial operations, a pub, and a performance area)

• Belleville Street ferry terminal site
(expected to be redeveloped as a marine gateway transportation hub with a mix of supporting uses including retail, restaurants, tourist attractions, etc.)

• City of Victoria owned parking lot along Wharf Street between Humboldt and Broughton streets
(envisaged to be redeveloped as a public celebration space with arts performance area, First Nations and tourist/ commercial operations)

• Provincial Capital Commission owned parking lot along Wharf Street between Fort Street and Bastion Square
(envisaged to be redeveloped as a mixed use, active public area, with a mix of tourist commercial, retail and food services)

Taken together with other planning policies such as the Harbour Plan or Downtown Plan Update, redevelopment of these and other adjacent sites will bring a more diverse, lively, active range of uses to Victoria's waterfront. The Harbour Pathway, with its generous width, is specifically designed to accommodate and support these uses and the increase in pedestrian and cyclist traffic that will accompany them.

The Harbour Pathway could also provide other opportunities to expand and improve existing commercial uses of the water itself such as for kayak launches, canoe rentals, ecotourism, whale watching, additional ferry services, etc.

Finally, the Harbour Pathway also anticipates eventual changes in land use around Rock Bay over the long term, from the existing industrial use to other uses. If and when this change occurs, then the Harbour Pathway plan has identified future new routes along the shoreline around Rock Bay, with a pedestrian bridging across the mouth of Rock Bay linking Barclay Point and Bridge Street. This bridge would only be developed once the existing industrial uses around Rock Bay no longer require barge access into the bay

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4. 4 PROGRAMMING

A key aspect of the success of the proposed Harbour Pathway will be the intensive programming of spaces along the pathway. Programming of the Harbour Pathway could include such elements as:

- Mobile food/drinks/crafts vending kiosks;
- Tourist Information kiosks;
- Public Washrooms;
- Public Art installations or temporary displays;
- Arts and Cultural Festivals
- Special events
- Seasonal flower displays/hanging baskets
- Busker program
- Sports events such as fundraiser walks, jogging races, etc.
- Environmental Interpretive program (signs and plaques)

The Harbour Pathway is designed to support a wide range of intensive programming. Locations for the infrastructure (e.g. electric power, lighting) and facilities (e.g. public art sites, gathering spaces, bike racks) required to support such programming will be included at various sites along the length of the pathway. The pathway is sufficiently wide (typically 7.0 m) to ensure that such programming should not impede the flow of pedestrians.

4. 5 TEMPORARY AND PERMANENT USERS

The Harbour Pathway route plan recognizes that there are both short term or interim conditions and longer term conditions. For example, the pathway route around Rock Bay cuts inland onto City streets to avoid compromising the water access requirements of existing industrial uses. At the same time, as noted above, the plan identifies the long-term preferred pathway route along the waterfront when and if such land uses change.

Similarly, the pathway is designed with built-in flexibility to accommodate a wide range of ephemeral uses or activities within its undifferentiated 7.0 m width, such as busking locations, mobile vending kiosks, craft stalls, temporary art displays, etc. These ephemeral uses can be added, relocated or terminated as required by program managers.

5.0 PATHWAY ROUTE

The Harbour Pathway routing alignment has been determined based on the key planning principle that:

“The harbour pathway shall follow the shoreline as the ultimate preferred priority, while ensuring that existing working harbour access is not compromised.”

This has meant that wherever possible the alignment follows the existing shoreline.

The alignment has also been determined based on another key planning principle that:

“*The harbour pathway plan shall accommodate both interim and ultimate solutions, recognizing that construction will be phased over time and that some sections may involve short term solutions.”*

This has meant that certain sections of the proposed alignment are interim solutions that do not as yet follow the shoreline.

The pathway initially began at Fisherman’s Wharf. Following community input, the City extended the pathway scope southwards along Dallas Road as far as Ogden Point. The pathway therefore now begins at the point where Dallas Road accesses the Ogden Point breakwater. The pathway then follows the west side of Dallas Road via a widened sidewalk all the way north to Fisherman’s Wharf Park.

From here the proposed alignment follows the roadway along the west side of the park down to the waterfront at Fisherman’s Wharf. At Fisherman’s Wharf the pathway is aligned along the shoreline, heading east.

Two pedestrian bridges are proposed, the first crossing the mouth of Heron Cove and the second crossing the entry to Raymur Point Bay. These bridges will allow remnant natural habitats in both these two bays to be retained and enhanced.

The route then follows the shoreline around to Laurel Point, where it joins the existing waterfront walkway, which would be widened and reserved for pedestrians only. A secondary route splits off here to form an upper (inland) route around the point, which will be the designated route for recreational cyclists.

After utilizing the existing pathway route around the park east of Laurel Pont (KP 1.1 – KP 1.3), the route again splits in two: one alignment joins Belleville Street where it is proposed to widen the north-side sidewalk by eliminating a row of on-street parking; the other alignment will follow the shoreline of the future Belleville ferry terminal site after redevelopment. It is assumed that this second alignment will be constructed as part of this site’s redevelopment, and the path will be separated from the controlled security area.

From here, the alignment connects into the existing Lower Causeway pathway that follows around the Inner Basin. This section of the route will remain unchanged.

From the north side of the Inner Basin, the alignment passes Ship Point and follows the west edge of the parking area as far north as the Customs wharf at Broughton Street. The pathway connects here to the existing boardwalk (KP 2.3) which would be widened.

The pathway then follows the existing route along the edge of the second parking lot between Fort Street and Bastion Square, again widened. This leads to the existing pathway across the rear of the Regent Hotel, which would also be widened over the water. At the north end of the Regent Hotel, the alignment extends out over the water as a boardwalk connecting to a new underpass beneath the Johnson Street Bridge. The underpass could either be suspended from the underside of the bridge or supported on piles in the water.

North of the bridge, the alignment follows the natural curved bay around to the Mermaid Wharf building, then joins the existing waterfront pathway here leading north past the Canoe Club restaurant. This section of the pathway would be widened.

From the north end of the Canoe Club restaurant, the alignment once again extends out over the water as a boardwalk, connecting back to the land at the north end of the Value Village building. From here the proposed alignment follows the existing shoreline as far north as Discovery Street where it turns away from the water and heads east uphill to Store Street, then turns north again along the west sidewalk as far as Pembroke Street.

At Pembroke Street the pathway follows an interim alignment east along the north side of Pembroke Street on a widened sidewalk as far as Government Street, then north along Government Street (west sidewalk) and west along Bay Street (south sidewalk).

In the long term the preferred alignment is to continue northwards on the Store Street right of way as far as Rock Bay, then follow the western shoreline north to Barclay Point from where a proposed pedestrian bridge will cross the mouth of Rock Bay to connect to Bay Street at Bridge Street (replicating the historical bridge that used to be here). From here, the Harbour Pathway will eventually extend and connect to surrounding proposed or existing greenway routes.

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5.0 PATHWAY ROUTE

ROUTE MAP LEGEND

- Bicycle Route (on Street)
- Pedestrian Only Route
- Pedestrian / Bicycle Combined Route
- Future Potential Waterfront Route *
- Proposed Bridge
- Harbour Ferry Landing (F)

(* - possibility, only if land use changes in the future)

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6.0 GREENWAYS PLAN INTEGRATION

The City's Greenways Plan (2003) identifies a network of existing and proposed greenway routes throughout the City.

The Harbour Pathway forms a key part of the Greenways Plan. The Harbour Pathway section was previously identified by the City as the highest priority section for implementation. The proposed routing is generally consistent with the Greenways Plan routing and policies (see Section 11.1 of this report).

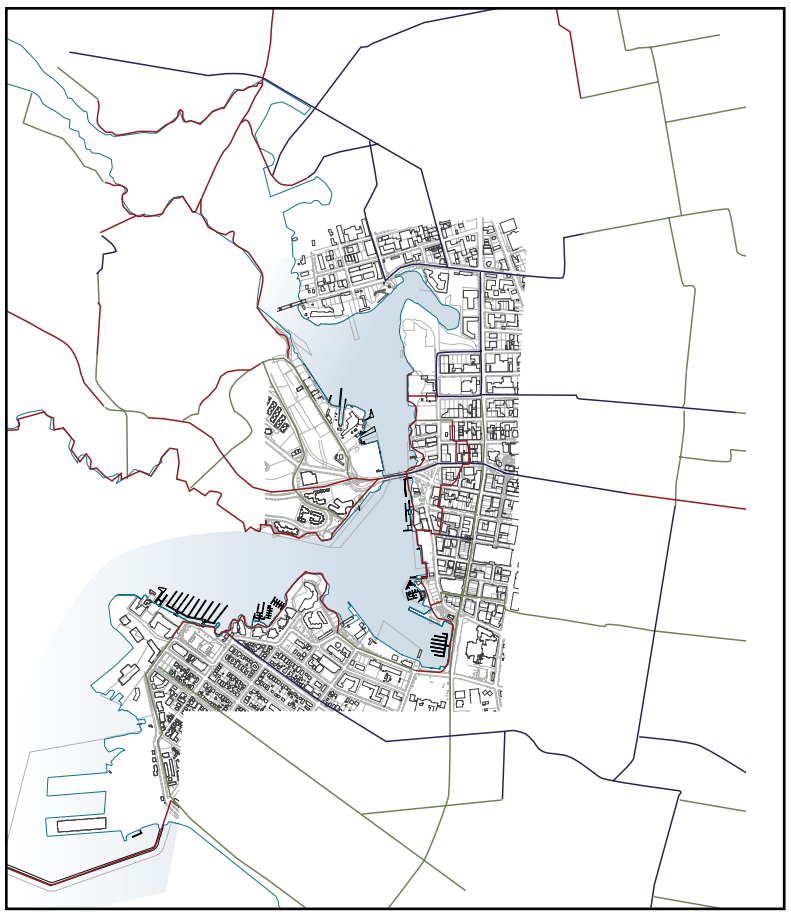
The Harbour Pathway will connect and integrate with a number of existing or proposed greenway routes, as illustrated on the map opposite. These connections will serve to enhance public access to the waterfront from the wider greenway route network.

Greenways that will be connected to the Harbour Pathway include, from south to north:

Dallas Road (east of Ogden Point)
Simcoe Street
Superior Street
Government Street (south)
Government Street (north)
Courtney Street
Bastion Square/View Street
Pandora Avenue
Johnson Street Bridge/E & N Trail/Galloping Goose Trail
Bay Street
Rock Bay Avenue
Hillside/Bridge Street

As described elsewhere in this report (see Section 4.2 Special Places), this study has identified opportunities to enhance and improve pedestrian connections between the Harbour Pathway and other Greenway routes at key Special Places. This includes at Bastion Square, Johnson Street Bridge, and Ship Point. At these intersection points it is proposed that expanded public open spaces are designed into the pathway. These will become the major pedestrian gateways to the Harbour Pathway and significant activity nodes.

6. 0 GREENWAYS PLAN INTEGRATION



CITY OF VICTORIA GREENWAYS MAP:

Existing Greenways and Greenways to be improved according to city of Victoria Greenways plan,2003 .

ROUTE MAP LEGEND

City of Victoria Greenways

Shared

(Designed for Pedestrian, Bicycle and other non -motorized rolling traffic, Motorized Vehicle. This type of Greenway will occur on streets classified as primary and secondary arterial and primary collectors.)

People Priority

(According to city of Victoria Greenways Map 2003: Pedestrian, Bicycle and other non -motorized rolling traffic, Motorized Vehicle. This type of Greenway will occur on streets classified as secondary collectors and local.)

People Only

(Designed for Pedestrian, Bicycle and other non -motorized rolling traffic. No Vehicular traffic is permitted except emergency or maintenance vehicle .)

Victoria Harbour Pathway

Bicycle Route (on Street)

Pedestrian Only Route

Pedestrian / Bicycle Combined Route

Future Potential Waterfront Route *

Proposed Bridge

Harbour Ferry Landing (F)

(* - Possibility, only if land use changes in the future)

VICTORIA HARBOUR PATHWAY:

Connection of Victoria Harbour Pathway to the regional Greenways.

0m 50 100 150 250m

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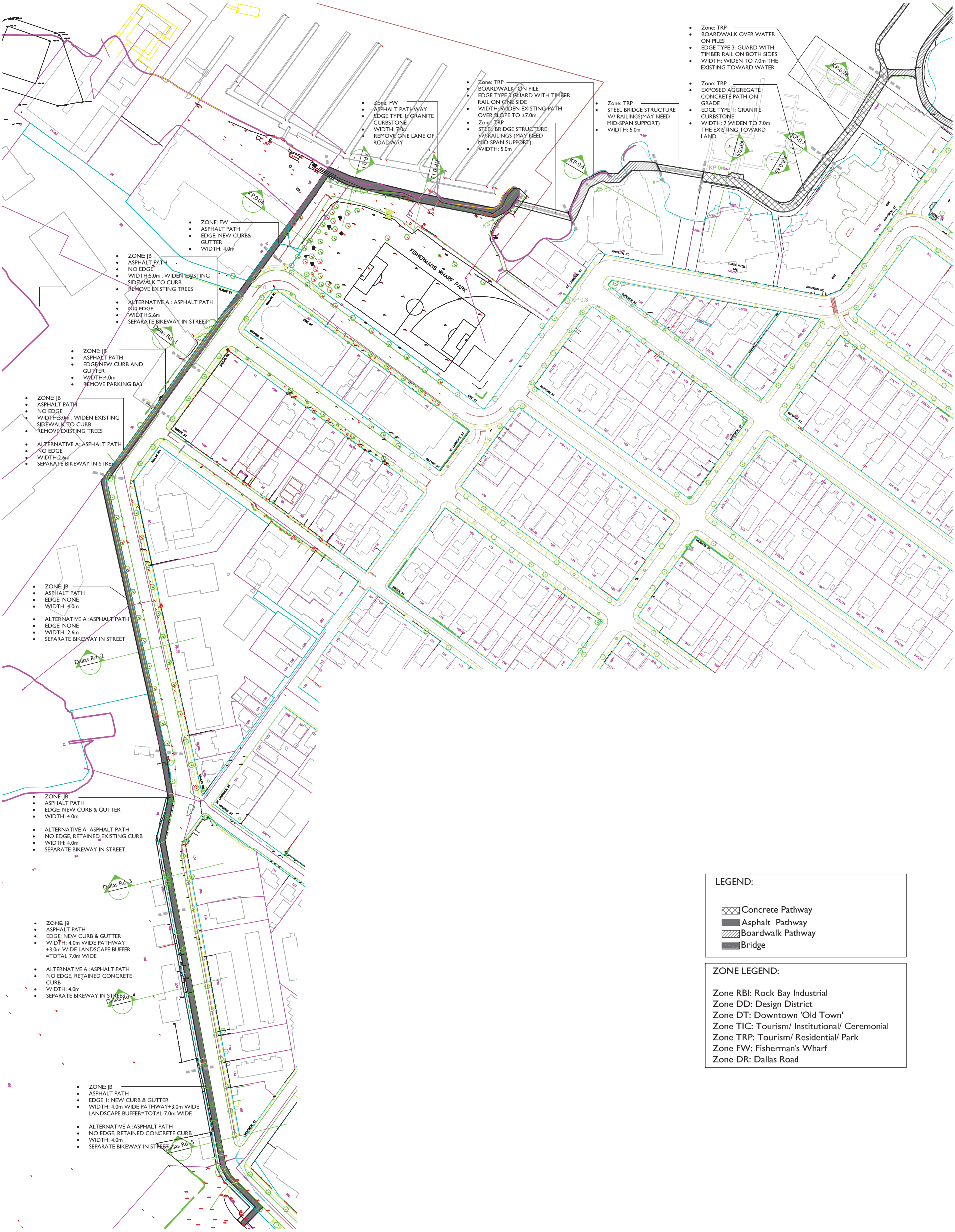
7.0 PATHWAY DESIGN APPROACH

ROUTE & MATERIAL MAP 1OF3



LEGEND:

- Concrete Pathway
- Asphalt Pathway
- Boardwalk Pathway
- Bridge

ZONE LEGEND:

Zone RBI: Rock Bay Industrial
Zone DD: Design District
Zone DT: Downtown 'Old Town'
Zone TIC: Tourism/ Institutional/ Ceremonial
Zone TRP: Tourism/ Residential/ Park
Zone FW: Fisherman's Wharf
Zone DR: Dallas Road

scale 1:1000

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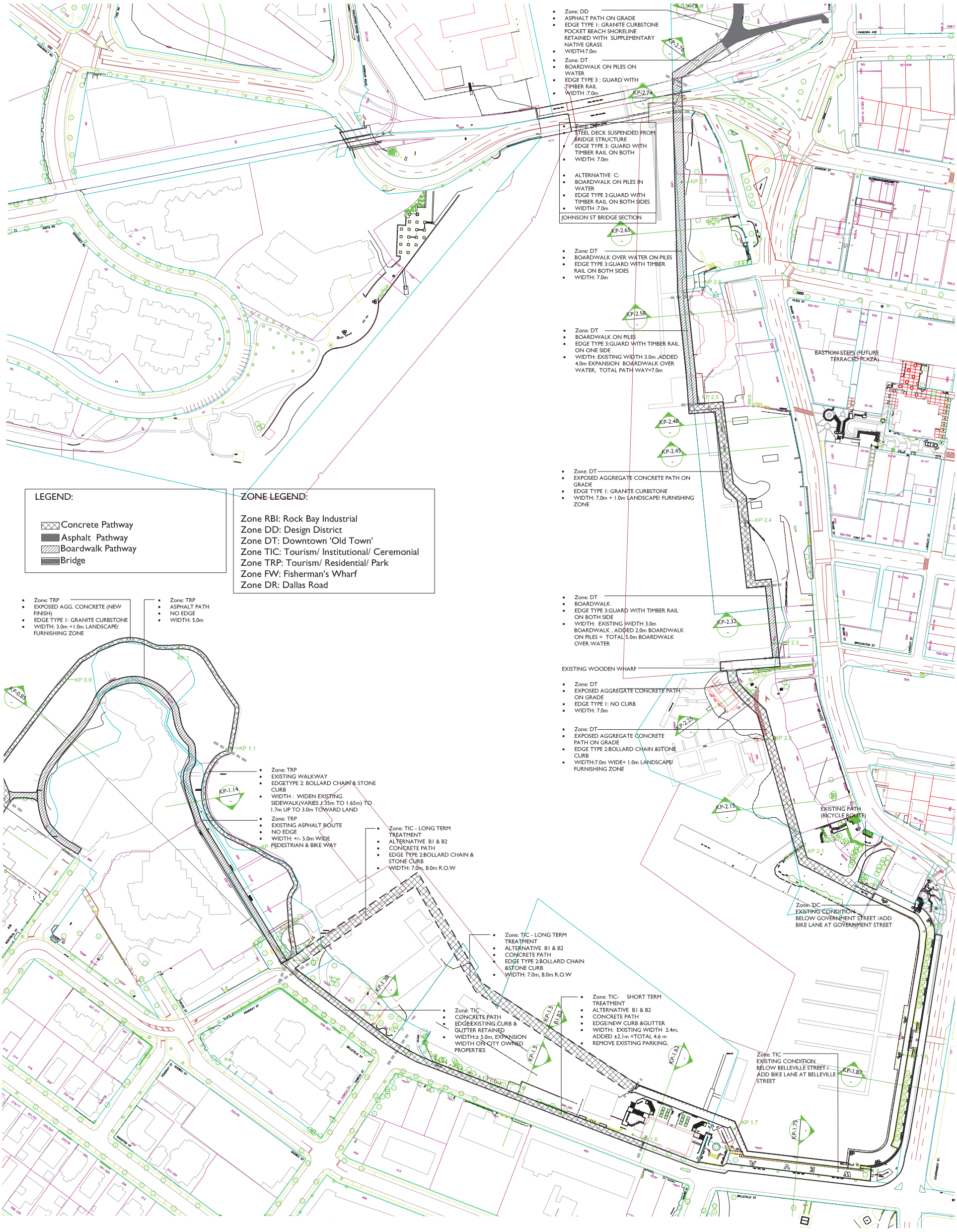
7.0 PATHWAY DESIGN APPROACH

ROUTE & MATERIAL MAP 2OF3



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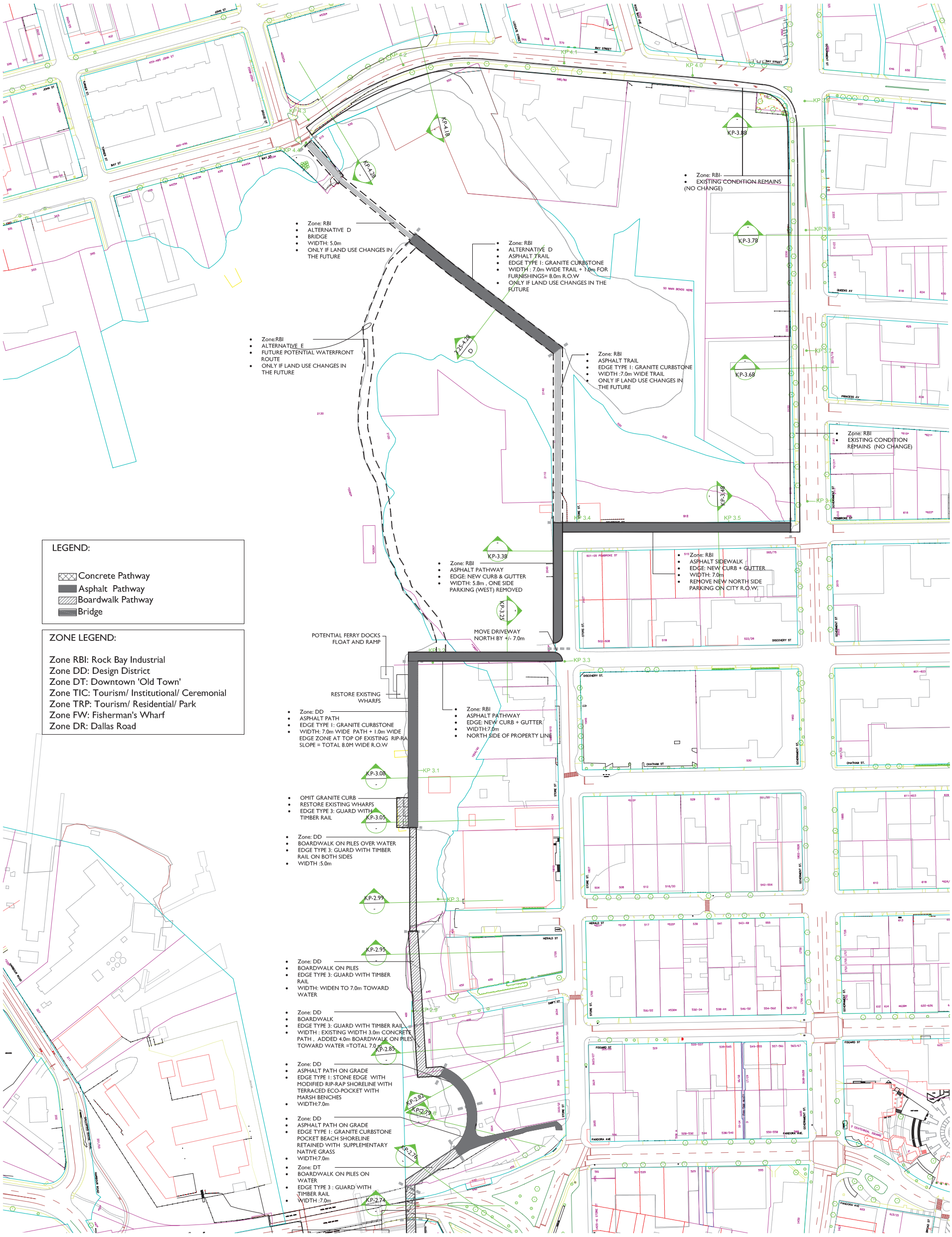
7.0 PATHWAY DESIGN APPROACH

ROUTE & MATERIAL MAPS 3OF3



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7.1 PATHWAY WIDTH

As noted on the accompanying Detailed Route & Material Plans, the width of the proposed Harbour Pathway varies.

Consistent with the Planning & Design Principles, typically the pathway will be 7.0 m wide where it is shared by pedestrians and cyclists, and where this width can be reasonably accommodated. In addition, wherever it is possible a 1.0 m wide zone has been added for landscaping and/or furniture.

Where the pathway separates cyclists and pedestrians the width is typically reduced to 5.0 m for cyclists-only sections, and 3.0 m for pedestrian-only sections (e.g. around Laurel Point).

In the Dallas Road section of the route the pedestrian only pathway is typically 2.6–4.0 m wide, depending on existing circumstances, with a separate bikeway in the street.

The proposed pedestrian bridges at Heron Cove, Raymur Point Bay and Rock Bay are 5.0 m wide (cyclists would be required to dismount on these bridges). The proposed new or widened existing boardwalks (e.g. north of the Customs Wharf) over water are either 5.0 m or 7.0 m wide.

The proposed section of pathway along Belleville Street is typically 4.6 m wide. This involves expanding the sidewalk into the street by removing a row of parking, and adding a striped bikeway on the street.

The Harbour Pathway will be designed to be universally accessible wherever possible.This means providing gentle ramps where necessary to access the route, and also sufficient clear width to accommodate wheelchairs, walking aids, etc. It also means ensuring that the pathway (and bridge) gradients are kept within acceptable tolerances. There are sections of the pathway however that will not be handicapped accessible due to very tight geographic constraints and grade changes.

7.2 DESIGN LANGUAGE AND MATERIALS

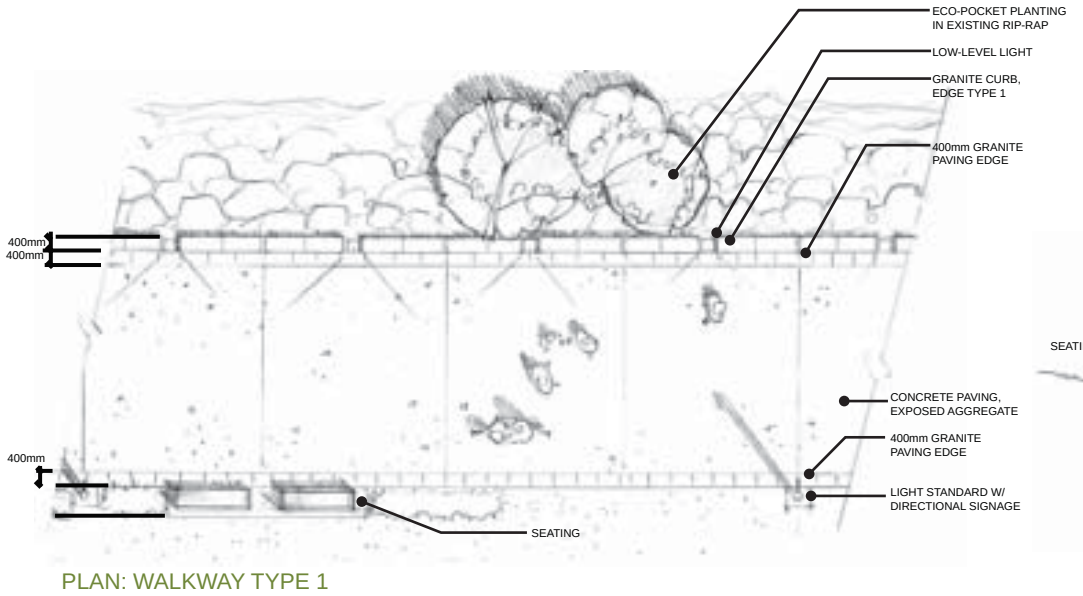
The proposed design language and materials selection reflect the history and sense of place of Victoria. They are also intended to be timeless, with a restrained yet robust elegance that will last and convey a sense of permanence.

Thus the pathway will be built of either concrete or asphalt, with a 400 mm wide granite edge strip on both sides and a granite raised curb on the waterfront side. This combined granite strip and raised curb will serve to unify the design along its length and convey a sense of high quality material, while being relatively economical to include, as the principal surface paving material will be cheaper (either concrete in the more urban central character zones or asphalt in the outlying character zones).

For those sections of the pathway where it crosses over the water or is suspended over a sloping shoreline bank, the pathway will be built of timber decking on a heavy timber structure (piles), with a timber bull rail and timber railings on metal stanchion supports.

The judicious yet limited use of granite along the length of the harbour pathway will create a sense of unity to the design and also reflects local geology and building traditions. Granite is also a sustainable material since it is available from local quarries, very long lasting and durable, and has very low embodied energy values.

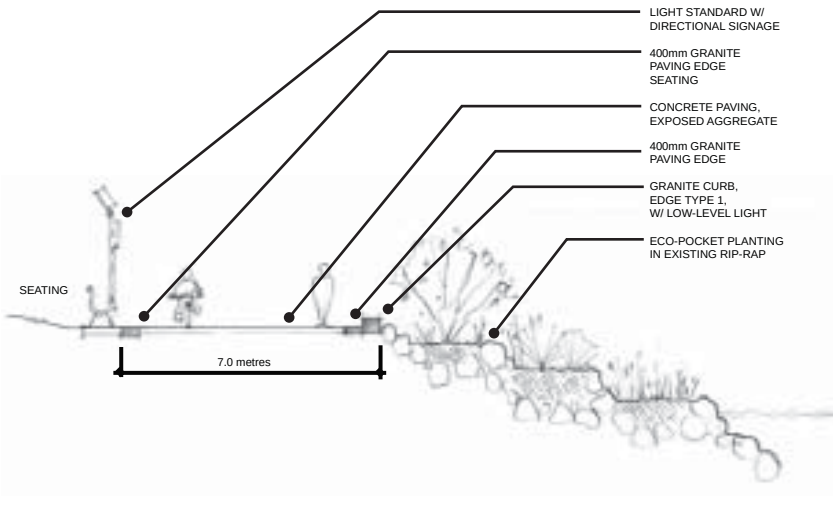
7. 2 DESIGN LANGUAGE & MATERIALS



PLAN: WALKWAY TYPE 1

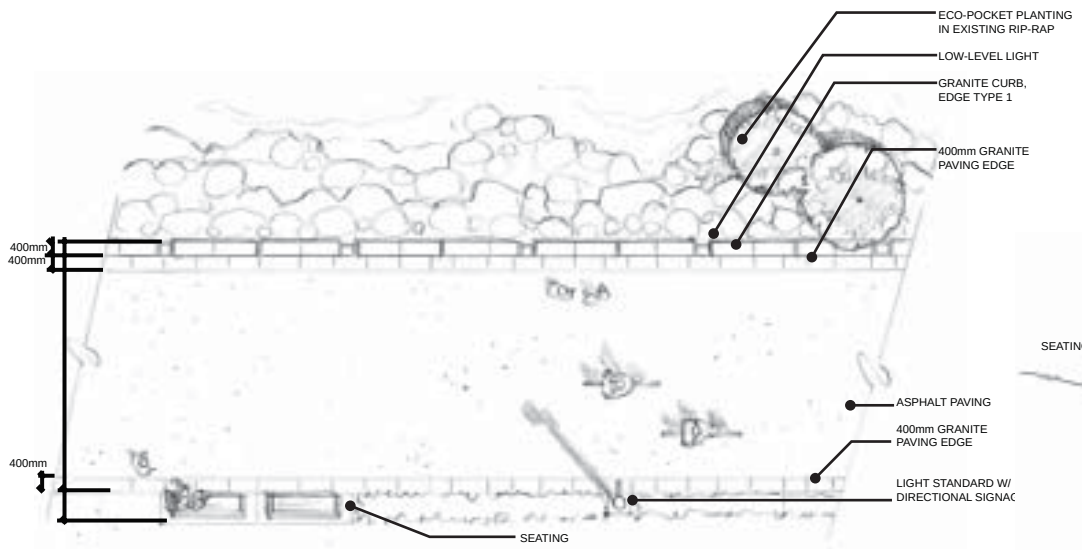
CONCRETE PATHWAY
GRANITE CURB
NO GUARDRAIL / HANDRAIL

This path type is the typical condition on grade above the existing shoreline, in the more central urban character areas.



SECTION: WALKWAY TYPE 1

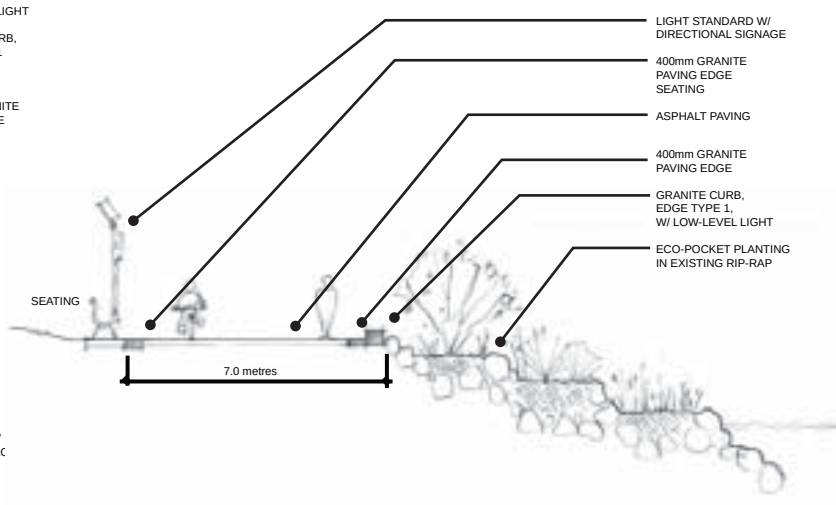
CONCRETE PATHWAY
GRANITE CURB
NO GUARDRAIL / HANDRAIL



PLAN: WALKWAY TYPE 2

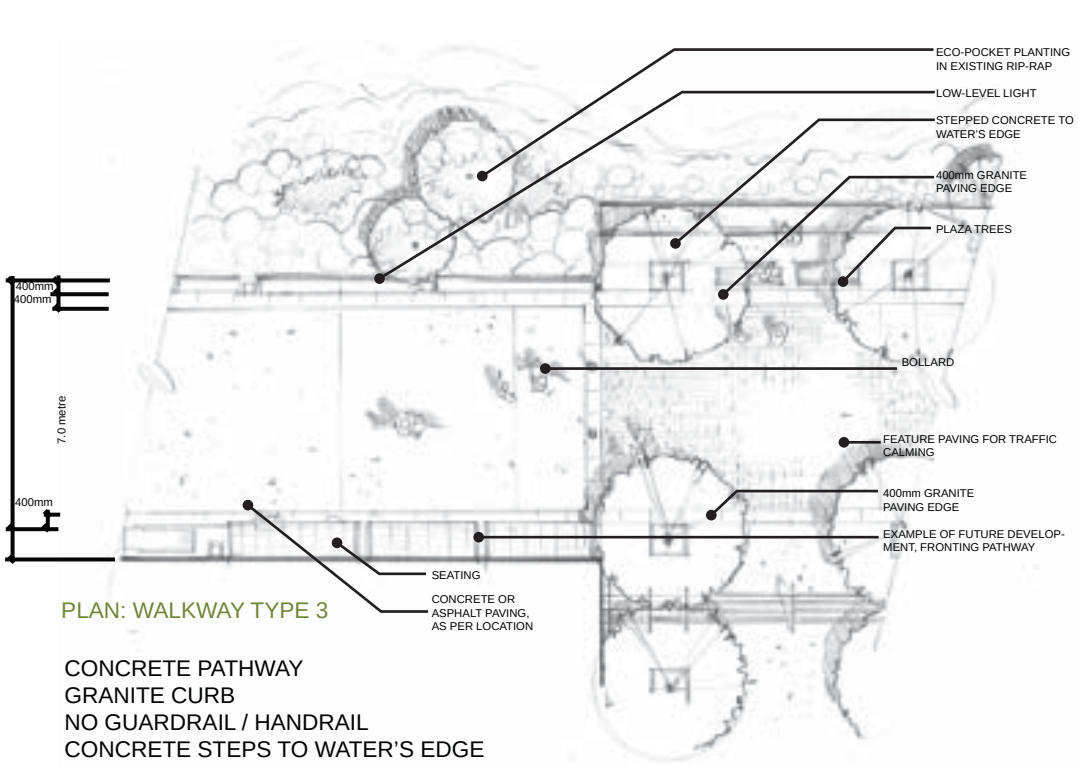
ASPHALT PATHWAY
GRANITE CURB
NO GUARDRAIL / HANDRAIL

This path type is the typical condition on grade above the existing shoreline, in the outlying sections of the route beyond the central urban area.



SECTION: WALKWAY TYPE 2

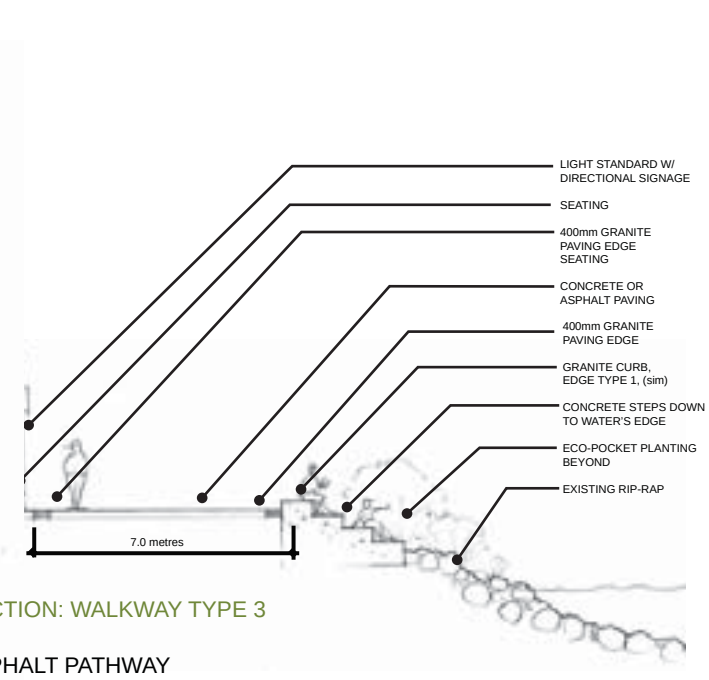
ASPHALT PATHWAY
GRANITE CURB
NO GUARDRAIL / HANDRAIL



PLAN: WALKWAY TYPE 3

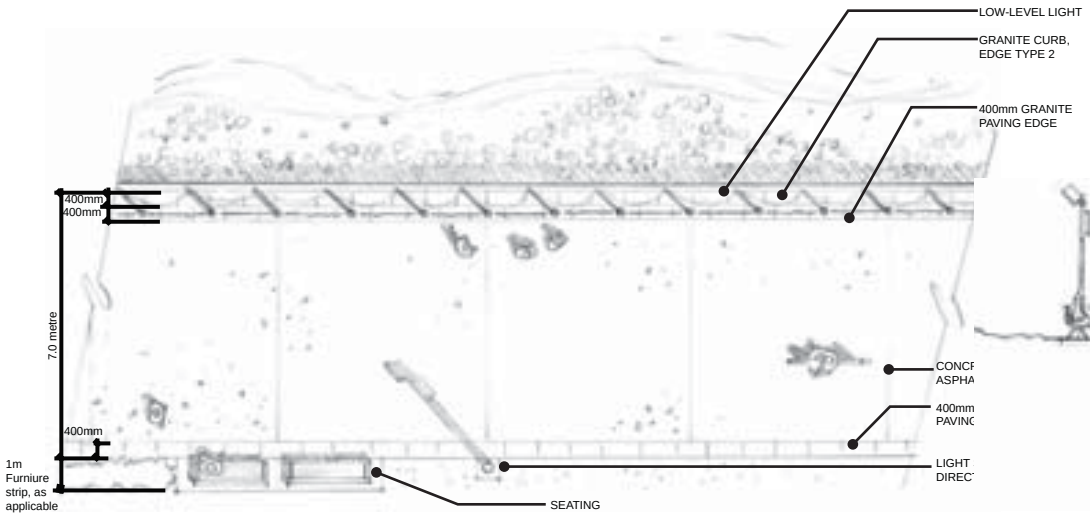
CONCRETE PATHWAY
GRANITE CURB
NO GUARDRAIL / HANDRAIL
CONCRETE STEPS TO WATER'S EDGE

This path type occurs at special places, and where the water's edge is amenable to direct access



SECTION: WALKWAY TYPE 3

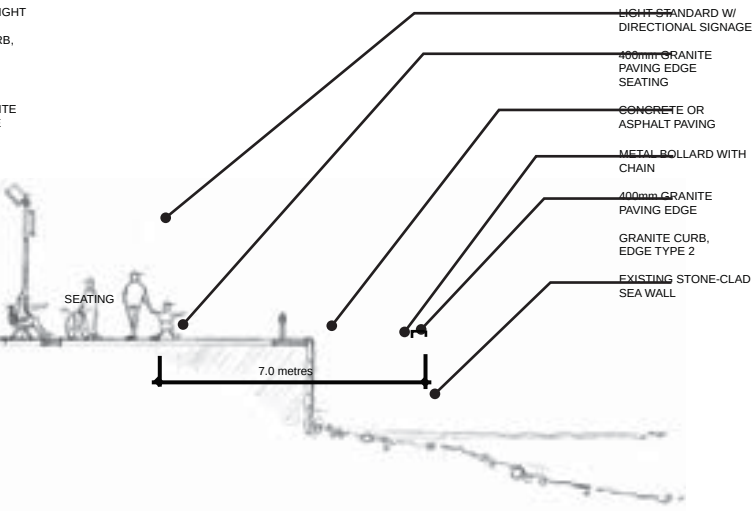
ASPHALT PATHWAY
GRANITE CURB
NO GUARDRAIL / HANDRAIL
CONCRETE STEPS TO WATER'S EDGE



PLAN: WALKWAY TYPE 4

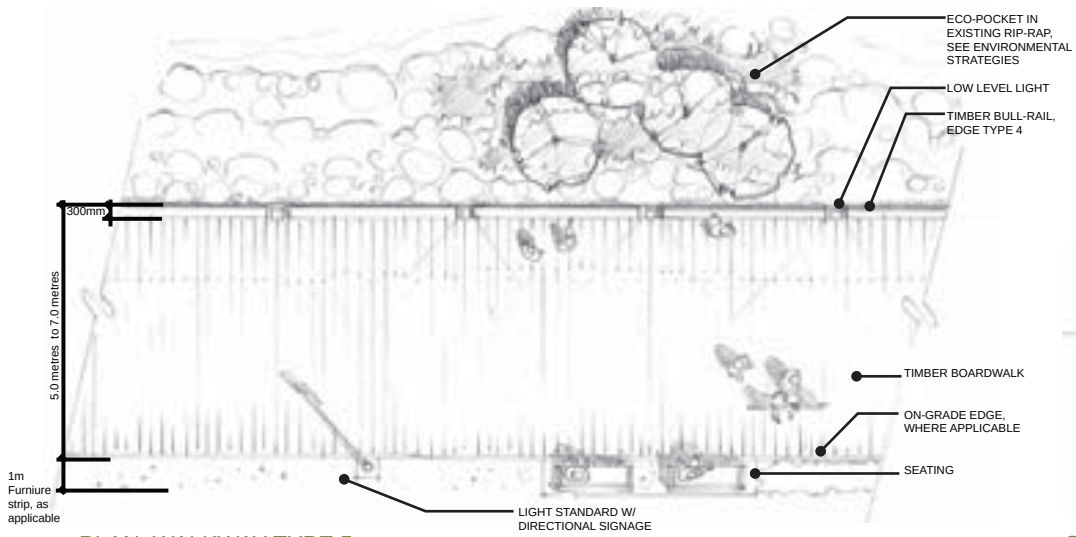
CONCRETE PATHWAY
GRANITE EDGING
BOLLARD AND CHAIN BARRIER

This path type is the typical condition on grade above the existing shoreline, where the vertical drop to the shoreline is greater than 0.6metres, less than 2.0metres



SECTION: WALKWAY TYPE 4

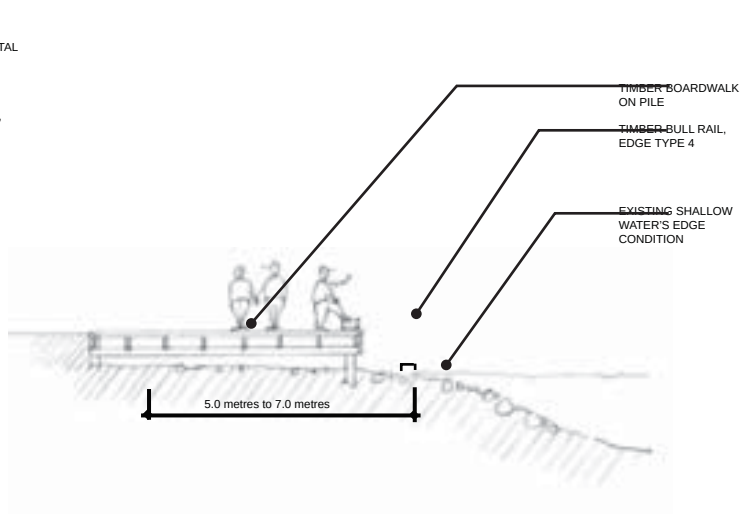
CONCRETE PATHWAY
GRANITE EDGING
BOLLARD AND CHAIN BARRIER



PLAN: WALKWAY TYPE 5

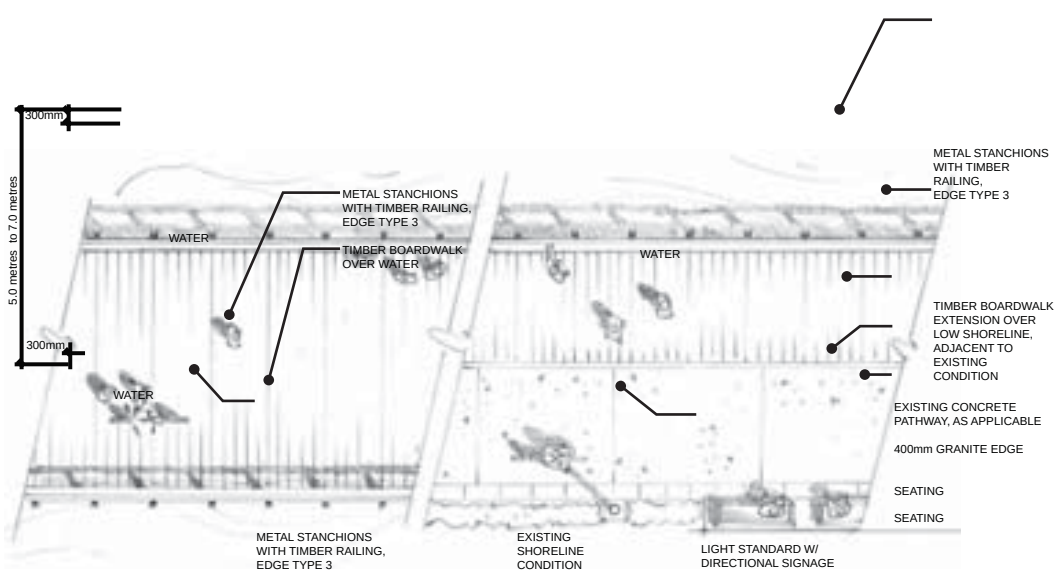
BOARDWALK PATHWAY
TIMBER BULL RAIL
NO GUARDRAIL / HANDRAIL

This path type is the condition in those sections of the route where a wooden boardwalk is proposed on grade above the existing shoreline, and the drop is less than 0.6metres.



SECTION: WALKWAY TYPE 5

BOARDWALK PATHWAY
TIMBER BULL RAIL
NO GUARDRAIL / HANDRAIL



PLAN: WALKWAY TYPE 6a

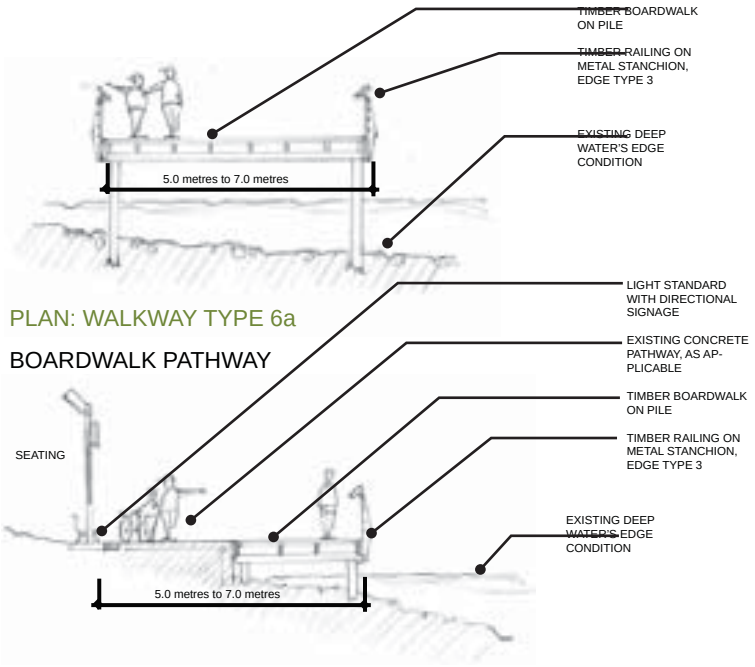
BOARDWALK PATHWAY
GUARDRAIL W/ METAL STANCHIONS
AND TIMBER TOP RAIL

This path type is the condition in those sections of the route where a wooden boardwalk is proposed above the existing shoreline or over water, and the drop is greater than
0.6metres.

PLAN: WALKWAY TYPE 6b

BOARDWALK EXPANSION OF EXISTING PATHWAY
GUARDRAIL W/ METAL STANCHIONS
AND TIMBER TOP RAIL

This path type is the condition in those sections of the route where a wooden boardwalk is proposed adjacent to an existing walkway, and the drop is greater than 0.6metres.



PLAN: WALKWAY TYPE 6a

BOARDWALK PATHWAY

PLAN: WALKWAY TYPE 6b

BOARDWALK EXPANSION OF EXISTING PATHWAY
GUARDRAIL W/ METAL STANCHIONS
AND TIMBER TOP RAIL

7.3 STREET FURNITURE

Street furniture such as benches, bike racks, garbage receptacles and seating walls are incorporated into the design. These elements will typically be placed in a 1.0 m wide furniture strip on the inland side of the pathway (where space is available). The suite of street furniture is seen as being unique to the Harbour Pathway, thus helping to create a sense of unity to the design along its length.

The proposed benches are a stock product, with wooden slats (catalogue selected).

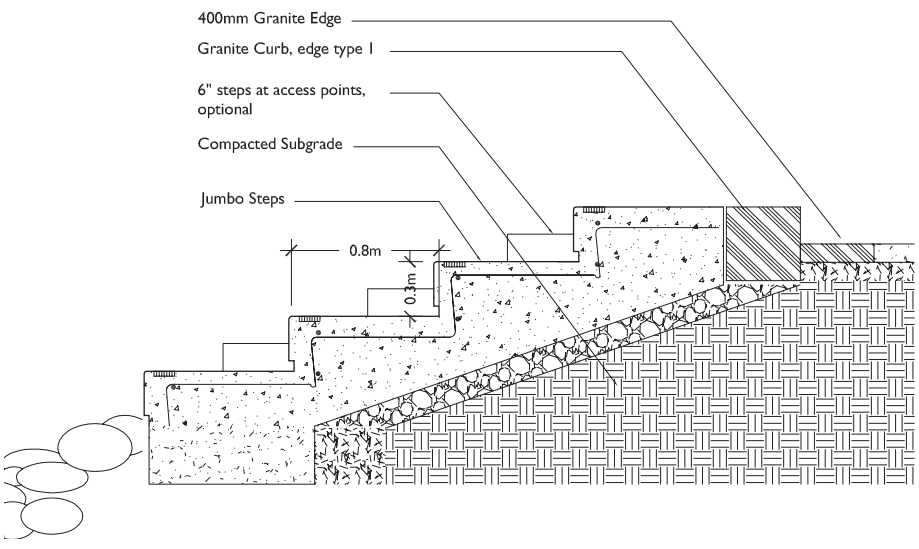
The proposed bike racks are looped steel model (catalogue selected).

Seating walls could occur where there is a grade change between the pathway and the adjacent land, thus requiring a low retaining wall. The seat is a wooden seating strip set on top of a concrete retaining wall.

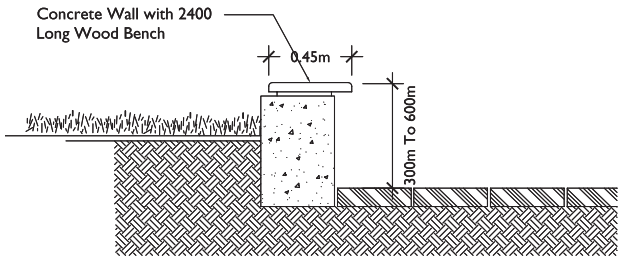
The design also contemplates sections of concrete seating steps that lead down to the water's edge in specific locations. These steps would be dimensioned to provide comfortable seating, and integrated with regular dimensioned regular steps.

SITE FURNISHINGS EXAMPLES

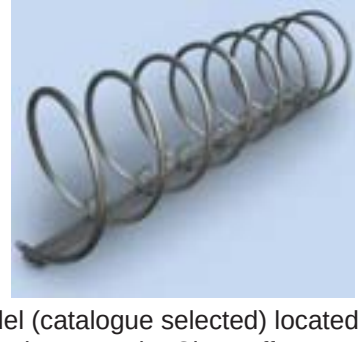
SEATING TYPE 1: Standard wooden bench (catalogue selected) located on inland side granite paving strip



SEATING TYPE 2: Concrete seating steps leading down to water



SEATING TYPE 3: Wooden seating strip fixed on top of concrete retaining wall



BIKE RACK: Looped steel model (catalogue selected)

TRASH RECEPTACLE Standard model (catalogue selected) located on inland side granite paving strip, specific locations TBD by City staff

BRIDGE EXAMPLES

Bridge Example :Barcelona

Existing Boardwalk/Bridge :Downtown/Old town Victoria

Bridge Example Railing:New York

3 bridges are proposed for the Victoria Harbour Pathway as well as a number of boardwalk over water.

The boardwalk are intended to follow condition indicated in "Pathway types".

The bridges are intended to be unique expression of metal timber or other materials.

Bridges intended to be 5.0m wide and to have guard rail and low level lighting.

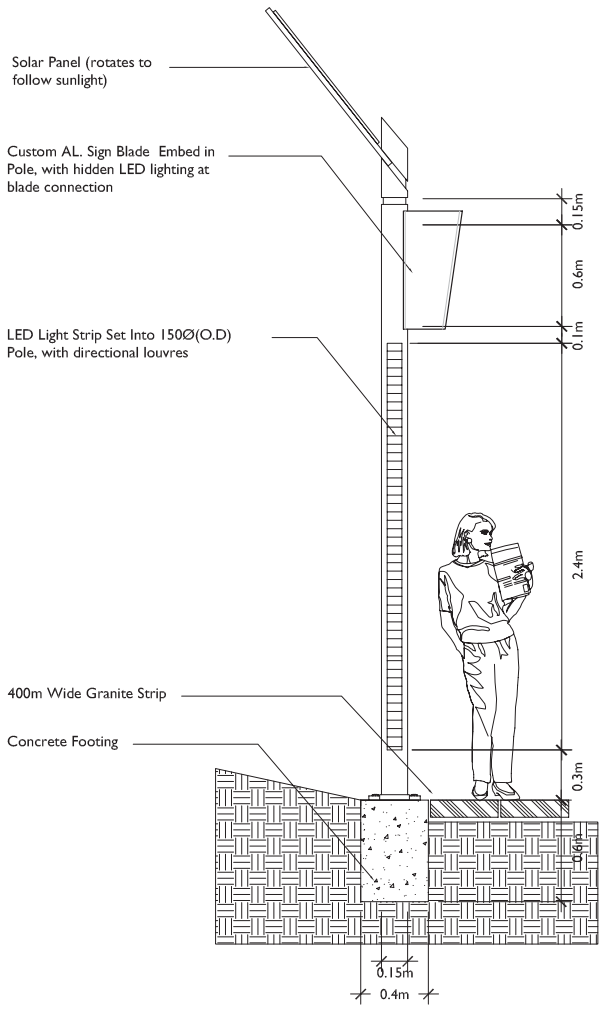
7. 4 LIGHTING & SIGNAGE

Pedestrian lighting is a key design feature of the proposed pathway. Regularly spaced light poles will be a significant unifying design element that ties the entire pathway length together.

The proposed light poles are custom designed specifically for the Harbour Pathway. They would be unique to the pathway, and help 'brand' the pathway as a special public space and contribute to an overall sense of identity and unity for the Harbour Pathway.The proposed light poles would be self-powered by individual solar panel power units, thus contributing to the planning principle that the harbour pathway should be a model of environmental sustainability.

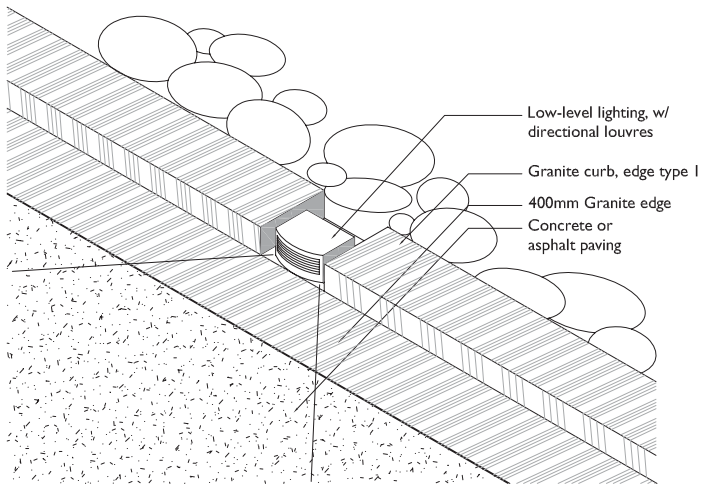
In addition, it is proposed to have low-level (ground) lighting integrated into the granite curbs, and recessed step lights set into concrete retaining walls or cheekwalls. These low level lights will provide direction and safety at night, while the lamp poles will provide ambient lighting along the length of the pathway.

SITE LIGHTING / DIRECTIONAL SIGNAGE

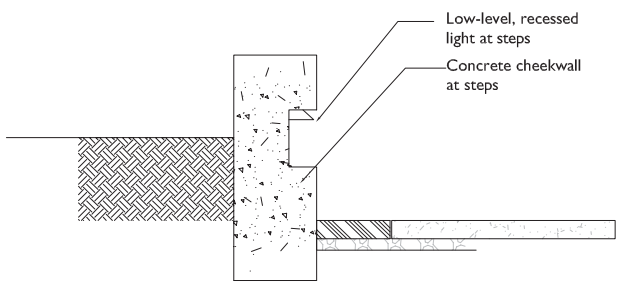


LAMP STANDARD & DIRECTION SIGNAGE:

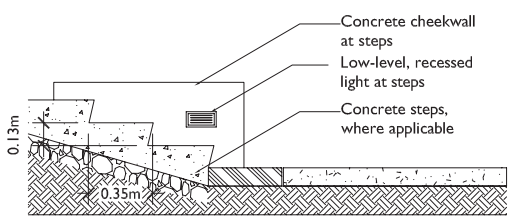
Located along length of pathway on inland side, at regular intervals (approx. 10 m), except for those sections over water
Custom designed powder coated steel lamp pole,typ. 3.6 m height, individual solar powered (top mounted panel)
LED strip light set into length of pole
Directional signage bracket option



LOW LEVEL LIGHTING AT CURB: Along stone curb ,Edge type 1, or bull rail edge,Edge Type 4.

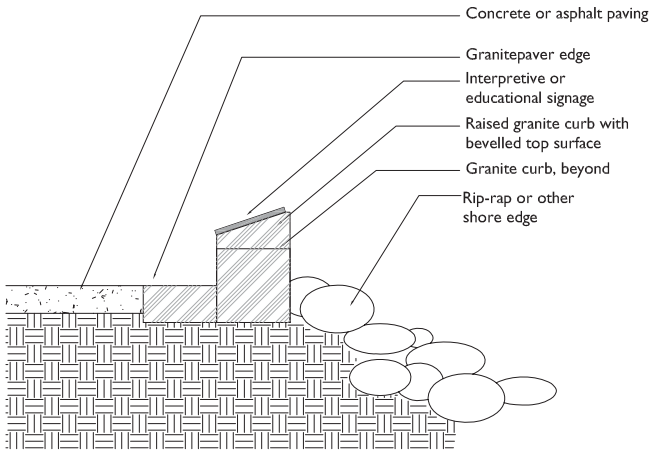


STEPLIGHT AT CHEEKWALL: Recessed light in concrete retaining wall

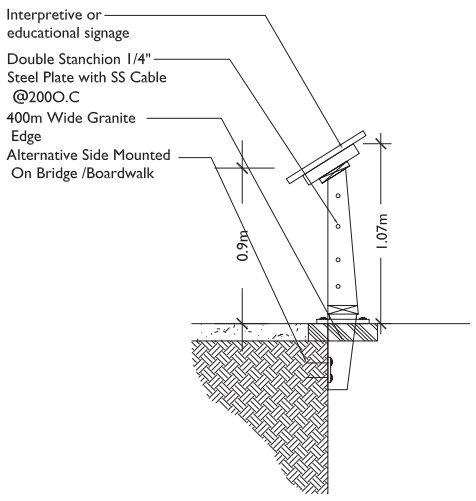


STEPLIGHT AT CHEEKWALL: Recessed step light in concrete stair sidewall

INTERPRETIVE / EDUCATIONAL SIGNAGE



LOW LEVEL SIGNAGE AT CURB EDGE: Stainless steel plaque set into top of granite curbstone on water side.



MID. LEVEL SIGNAGE AT RAIL: Stainless steel plaque set into top of metal guard with timber rail.

7.5 PUBLIC ART

The proposed Harbour Pathway will provide multiple opportunities to incorporate public art into the design.

Both permanent and temporary art could be installed at select locations along the pathway.

For example, it is understood that there is an ongoing program to locate a series of First nations “wheels” along the pathway. These art elements could be set into the landscape/furniture strip along the inland side of the pathway.

Other artworks could be commissioned for specific sections of the pathway, either by the City or by private developers who are redeveloping properties along the Harbour Pathway.

Public artworks will need to take into account the design context of the pathway and also address issues of public safety, maintenance, access, view impacts, etc.

8.0 ENVIRONMENTAL STRATEGY

8.1 ENVIRONMENTAL APPROACH SUMMARY

The team's environmental consultant, Pottinger Gaherty Environmental Consultants Ltd. (PGL), toured the proposed Victoria Harbour Pathway route, and developed the following summary of environmental strategies for the project.

Background
Cumulative impacts from a long history of industrial activity have had significant effects on subtidal, intertidal, riparian and upland habitat in the Victoria Harbour. Existing habitat quality in the majority of the study area is very low, with only a few small undisturbed areas remaining.

Approach
Our environmental approach will be consistent with the recently developed "Green Shores" guiding principles, which include:

- Preserving the integrity or connectivity of coastal processes;
- Maintaining or enhancing habitat diversity and function (on a local or regional scale);
- Minimizing or reducing pollutants to the marine environment; and
- Reducing cumulative impacts to the coastal environment.

We propose to minimize Pathway impacts while maximizing opportunities for habitat protection and enhancement along the Pathway and throughout the harbour. Our primary goals will include:

- Providing a net increase in both the quantity and quality of fish and wildlife habitat in the harbour area;
- Increasing the fish and wildlife species diversity in the harbour area; and
- Improving the overall ecological rating of the Harbours Ecological Inventory and Rating (HEIR) shore units in the Pathway project area.

Our suggestions/recommendations for meeting these habitat protection and enhancement goals along the Pathway and throughout other areas of the harbour include:

- Avoiding, protecting, and restoring the few remaining natural habitats;
- Removing invasive plant species;
- Creating and/or augmenting upland habitat;
- Planting native vegetation along the existing top-of-bank wherever possible, in as wide a strip as conditions permit. This includes:
    - Planting in areas where the Pathway is not located near the waterfront;
    - Planting in any areas where the Pathway can be pulled back from the top-of-bank; and
    - Planting on the water side of the Pathway wherever possible (including the use of planter boxes with overhanging vegetation.
- Planting native vegetation in "ecopockets":
    - Within any new riprap placement; and
    - In existing riprap area where creation of pockets is feasible.
- Softening of the shoreline wherever possible by:
    - Removing sheet piling and/or retaining walls; and
    - Creating vegetated banks.
- Creating intertidal marsh habitat;
- Creating intertidal "hard surface" habitat;
- Creating subtidal "hard surface" (reef) habitat;
- Establishing pocket beaches wherever possible;
- Orienting "above-water" portions of the Pathway in a north-south direction to minimize shading impacts;
- Recycling concrete slabs/sections as "hard surface" subtidal reef habitat;
- Cantilevering sections of the pathway to reduce intertidal impacts;
- Minimizing "on-water" (floating) Pathway areas to reduce shading impacts;
- Daylighting historic streams by removal of culverts wherever possible; and
- Providing interpretive signage along the Pathway route on topics such as:
    - Fishing industry;
    - Fish (resident and migratory);
    - Riparian habitat;
    - Intertidal habitat;
    - Subtidal habitat (especially in areas of reef creation); and
    - Wildlife.

8. 2 SITE SPECIFIC PROTECTION & ENHANCEMENT OPPORTUNITIES

Pottinger Gaherty Environmental Consultants Ltd. has provided the following habitat protection and enhancement opportunities for specific waterfront locations along the proposed Harbour Pathway route. KP refers to Kilometre Points along the proposed route as per the City's Harbour Maps (by Westland, January 2007).

KP 0.1 – KP 0.65
- Revegetate the grassy bank adjacent to Fisherman's Wharf with native tree and shrub species.
- Augment riparian habitat at the top of bank along the foreshore with native plant species.
- Create ecopockets in the existing riprap foreshore adjacent to Fisherman's Wharf wherever possible. Eco pockets would be planted with native vegetation, and could be designed to augment existing riparian and/or intertidal marsh habitat.
- Remove invasive plant species and replant with native species at selected locations along the waterfront.
- Daylight a portion of the stormwater culvert terminating in Heron Bay to create an open watercourse with a small riparian fringe.
- Avoid impacting natural beach and riparian habitat areas in Heron Bay.
- Terminate boat cleaning operations in Heron Bay
- Design the bridge over Heron Bay at a height to reduce shading impacts.
- Avoid impacting natural bedrock and mudflat habitats on the west side of Raymur Point.
- Design the bridge immediately east of Raymur Point at a height to reduce shading impacts.
- Replace invasive vegetation upland of the small pocket beach immediately east of Raymur Point with native species, and restore the pocket beach.

KP 0.85 Laurel Point
- Upon completion of remediation of this area, reconstruct the foreshore/shoreline area to include a mix of grades and habitat types, including:
- Pocket beaches with sediment-dominated areas and native vegetation species;
- Intertidal marsh benches; and
- Riparian zones vegetated with native grasses, shrubs and trees.

KP 2.15
- Remove asphalt and replace with permeable pavers.
- Plant native shrub and tree species at the top of bank.

KP 2.45 – KP 2.48
- Plant native shrub and tree species at selected locations along the top of bank.
- Create a native vegetated riparian zone along the reconstructed foreshore bank.
- Plant native grass and shrub vegetation in ecopockets within the riprap along the bottom of the reconstructed foreshore bank.
- Create intertidal marsh benches.

KP 2.65 – Johnson Street Bridge
- Pile-supported boardwalk above the water immediately west of the shoreline will provide a good interpretive opportunity, and will preserve the natural bedrock shoreline. (North-south orientation of this boardwalk will minimize shading impacts on subtidal habitat).
- Remove invasive plant species and replant with native species at selected locations along the natural bed rock shoreline.

KP 2.78 (Bay Immediately North of Johnson Street Bridge)
- Plant native species to augment existing riparian and marsh vegetation.
- Remove invasive plant species from riparian and upland areas and replant with native shrub and tree species.
- Create ecopockets in existing riprap north of the beach, and plant with native grass or shrub species.

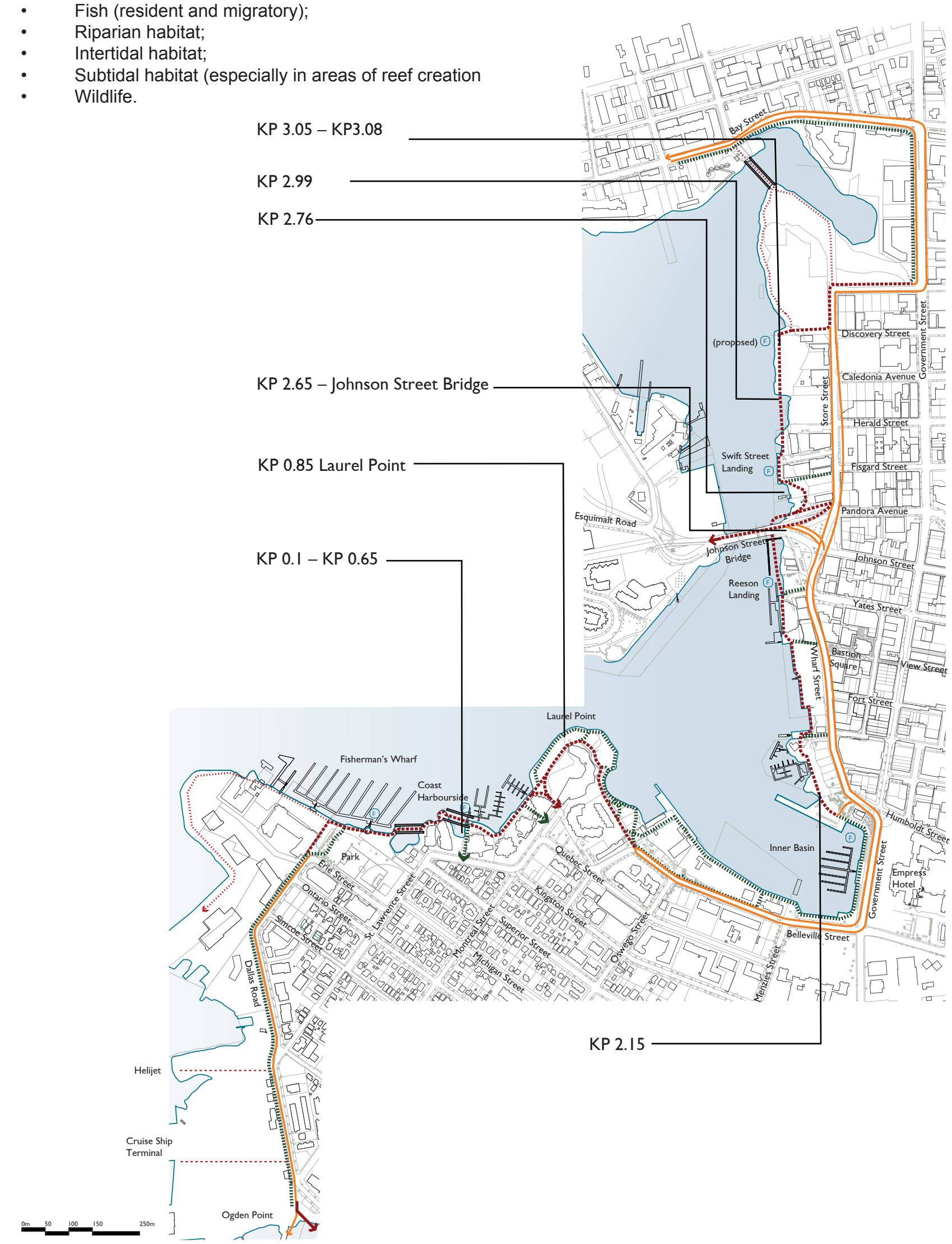
KP 2.99
- Pile-supported boardwalk above the water immediately west of the shoreline will provide a good interpretive opportunity, and will preserve the natural bedrock shoreline. (North-south orientation of this boardwalk will minimize shading impacts on subtidal habitat).
- Remove invasive plant species and replant with native species at selected locations along the natural bedrock shoreline.

KP 3.05 – KP3.08 (Fill Site)
- Plant native shrub and tree species at selected locations along the top of bank.
- Plant native grass and shrub vegetation in ecopockets within the existing riprap bank.
- Create intertidal marsh benches.

8. 2 SITE SPECIFIC PROTECTION & ENHANCEMENT OPPORTUNITIES

Other Environmental Protection and Enhancement Opportunities

- At locations where the pathway is not located at the waterfront, remove invasive plant species from riparian foreshore and top of bank areas and replant with native grass, shrub and tree species.
- At locations where the pathway is not located at the waterfront, explore opportunities to create riparian eco pockets, marsh benches and pocket beaches.
- Conduct subtidal biophysical surveys at selected locations in the harbour to determine appropriate locations for creation of subtidal “hard surface” (reef) habitat.
- Recycle concrete slabs as “hard surface” (reef) habitat.
- Provide interpretive signage along the pathway route on a variety of topics, including:
- Fishing industry;
- Fish (resident and migratory);
- Riparian habitat;
- Intertidal habitat;
- Subtidal habitat (especially in areas of reef creation
- Wildlife.



Hotson Bakker Boniface Haden
Urban Forum Associates
Phillips Farevaag Smallenberg
Landeca
Pottinger Gaherty
Cordilis Consulting
Beacon Construction

9.0 LAND ACQUISITION

The proposed Harbour Pathway route crosses many separate properties (land parcels and water lots), which are controlled by a number of landowners. Agreements will need to be reached with these landowners to enable the Harbour Pathway to be completed.

A land acquisition analysis was undertaken by Coriolis Consulting Corp. A detailed Land Acquisition Strategy Report has been submitted to the City under separate title. A summary of this report follows:

Property Acquisition Strategy

Property ownership along the portions of the proposed pathway that will be new or widened can be divided into five categories by ownership as shown in the following table.

	Lineal Metres of Proposed New or Widened Pathway	Approximate Share of Total
City of Victoria	845 lineal metres	26%
PCC	615 lineal metres	18%
GVHA	315 lineal metres	9%
Transport Canada	1235 lineal metres	37%
Private	335 lineal metres	10%
Total	3345 lineal metres	100%

Various levels of the government own about 90% of the portion of the route where improvements are planned (the government owned portion is even higher if the sections to Ogden Point and Rock Bay are included). The main property owner that the City will need to involve is Transport Canada, which owns about 37% of the proposed new/ expanded pathway route. The Provincial Capital Commission (PCC) and Greater Victoria Harbour Authority (GVHA) also own significant portions of the planned route. Private owners account for about 10% of the proposed route.

Based on our evaluation of land/water lot use and property ownership along the proposed pathway, we recommend the following strategy to acquire the land/water and rights of public access that will be needed to implement the planned pathway while keeping acquisition costs to a minimum.

1. Use the City owned lands along the pathway to accommodate new portions of the pathway wherever possible.

2. For the section of proposed pathway along the harbor in Rock Bay (north of Discovery Street), wait for sites to redevelop (and rezone) and negotiate any property requirements at that time.

3. Work with the GVHA to implement improvements to the existing pathway and proposed new pathway sections at the GVHA properties/water lots without negatively affecting the development potential of the GVHA properties. The main issue to the GVHA will likely be avoiding any loss of parking at Fisherman's Wharf and moorage at the other GVHA sites. If impacts cannot be avoided, the City could consider trading City water lots (at the existing float plane base) and land (at Fisherman's Wharf) to offset any impacts on the GVHA.
   Any discussions should be completed prior to the GVHA and the City needing to make decisions about renewing existing water leases.

4. Work with the PCC to:
   - Ensure development plans for the Belleville Terminal site incorporate the planned pathway system.
   - Create the planned pathway at the sites currently used for parking along the Inner Harbour. If the PCC cannot provide the required land (or right of access) in the short term at these sites, wait for these sites to be developed (and likely rezoned) and negotiate inclusion of the pathway at that time.
   - Obtain a right of access for the proposed pathway at Reeson Park. Given current zoning (park), we assume that this would be provided at nominal cost to the City.

5. Negotiate with Transport Canada to obtain the required land/water (or right of access) for the pathway improvements at the sites owned by Transport Canada:
   - Any Transport Canada lands needed to widen the existing pathway at Laurel Point Park will likely need to be part of broader discussions/negotiations on the future remediation and disposal of all of Transport Canada's land holdings in this area. We have not included a land acquisition cost estimate for the pathway improvements on Transport Canada lands at Laurel Point.
   - Negotiate the right to use Transport Canada water lots/foreshore where needed for the proposed pathway.
   - Negotiate rights of access or acquire property from Transport Canada for the portions of the pathway along the Transport Canada waterfront sites north of Johnson Street Bridge. If Transport Canada cannot provide the required land, the City has two options:
     a. Wait for Transport Canada to sell the sites to another party (such as a developer) and then negotiate the pathway requirements from the new owner/developer. This could be inexpensive if the new owner rezones the site and makes the required land available to the City as part of the approvals

process. However, if the sites are not rezoned, the City may not be able to acquire the required land.

b. Acquire these parcels at market value. The City can then sell the portion of these sites not required for the pathway to a private developer.

If the City decides to purchase any Transport Canada owned sites, it should consider negotiating acquisition of all of the Transport Canada properties needed for the pathway simultaneously.

6. Negotiate with private land owners to obtain the required property (or access rights) in the few locations that property is privately owned along the proposed pathway.

Acquisition Cost Estimate

Our property acquisition cost estimate is only for the land (and water) area needed for the pathway. It is possible that it would be more attractive financially for the City to acquire entire parcels (at a higher cost) and then market the surplus lands that are not required for the pathway.

We estimate that the total ballpark property acquisition allowance is between $4 million and $5 million if the fee simple interest in the portion for each property required for the pathway is purchased. This excludes any sites that we assume can be acquired at nominal cost, including the GVHA properties and the PCC properties. It also excludes any costs associated with acquiring the necessary Transport Canada lands at Laurel Point Park.

It is possible that the City will not need to acquire the fee simple interest in each of the properties needed for the pathway. If an easement, statutory right of way, license of occupation or lease can be negotiated to meet the City's needs, it would result in a lower property acquisition cost.

10.0 COSTS

Beacon Construction Consultants (Quantity Surveyors) have prepared construction cost estimates of the proposed Harbour Pathway. The detailed cost estimates are attached as an Appendix to this report.

It is important to note that these are order-of-magnitude cost estimates, based on the preliminary concept design drawings. More detailed cost estimates will be required at the detailed design and construction documentation stage for each phase of the work.

A summary of the overall cost estimates (in 2008 dollars) follows. These summary cost estimates include the following assumptions:

15% construction contingency
15% contractor's overhead
10% contractor's profit

The cost estimates have been organized by Character Zone, so that the City can see the costs by segment, since it is most likely that the Harbour Pathway will be constructed in several phases.

Cost Estimate Summary	
James Bay/Dallas Road Zone	$1.249 million
Fisherman's Wharf Zone	$2.969 million
Tourist/Residential/Park Zone	$2.786 million
Tourist/Institutional/Ceremonial Zone	$0.957 million
Downtown "Old Town" Zone	$5.285 million
Design District Zone	$3.786 million
Rock Bay Industrial Zone	$1.905 million
Total Harbour Pathway	$18.941 million

Cost Estimate Options

The above cost estimates are reflective of a 'baseline' design, indicated in the detailed cost estimate as 'Option 1'. Alternate cost estimates have been prepared where additional design options have been identified, as shown in Section 7.0, Route and Materials Map, and in Appendix 3, Detailed Cross-Sections, and described below:

James Bay / Dallas Road Zone

- Option 1 (baseline) generally consists of widening the existing sidewalk for a shared bike/pedestrian path. Curb and gutter relocation/replacement is called for in some locations.
- Option 2 includes creating bike lanes within Dallas Road, and the construction of half-height roll curbs to separate them from vehicles.

Tourist / Institutional / Ceremonial Zone

- Option 1 (baseline) assumes no redevelopment at the ferry terminal along the waterfront, therefore routing the pathway along Belleville Street only.
- Options 2 and 3 assume redevelopment at the ferry terminal, with harbour pathway access along the waterfront as well as on Belleville Street.

Downtown 'Old Town' Zone

- Option 1 provides for a steel pedestrian bridge, suspended beneath the existing Johnson Street Bridge, connecting the pathway north and south under the bridge.
- Option 2 calls for a timber boardwalk on piers in the water beneath the existing Johnson Street Bridge, connecting the pathway north and south under the bridge.

Costs for these options have been indicated in the Cost Analysis as 'Summary Option 2', and 'Summary Option 3'. These costs correspond to only a portion of the baseline costs of each zone; the overlapping costs are noted as 'Corresponding Items', and the net cost increase per zone for subsequent options is determined by subtracting the 'Summary Option 2 (or 3)' from the 'Corresponding Items'.

It is important to note that the above costs do not include soft costs such as design fees and permits. Design fees can typically be expected to be approximately 10% of constructions costs, although some preliminary design work has already been done.

It is also important to note that these costs do not include allowances for any land acquisition.

11.0 REVIEW EXISTING POLICY COMPATIBILITY

The Harbour Pathway consultant team reviewed the following City policy documents to identify any conflicts between current policies and the proposed Harbour Pathway route and design development plans:

- Greenways Plan (2003)
- Harbour Plan (2001)
- Bicycle Master Plan (1995)
- Downtown Plan (date?)

This section of the report describes the review and identifies any areas where there are policy compatibility issues.

11.1 GREENWAYS PLAN (2003)

The City formally adopted the Greenways Plan in August 2003. The Harbour Pathway forms a part of the City's proposed Greenways Plan. The Harbour Pathway section was identified by the Greenways Committee as the highest priority section for implementation. The proposed routing is generally consistent with the Greenways Plan routing (Greenways Map 1) and policies.

The relevant specific sections of the Greenways Plan, and how the proposed Harbour Pathway Plan responds to them, are described below:

Greenways Plan Policy:	Harbour Pathway Plan:
People Only Greenway: for pedestrians, cyclists and other non-motorized rolling traffic - 7.0 m ROW width - min. 1.5 m pathway width, >2.0 m - min. 4.0 m bikeway width - bicycles and pedestrians to be separated	consistent with People Only Greenway (between Fisherman's Wharf and Discovery Street) - 7.0 m ROW proposed except for sections over water (5.0 m) - min. pedestrian & bike widths achieved - bicycles and pedestrians combined
People Priority Greenway: for pedestrians, cyclists, other non-motorized rolling traffic and vehicles, on secondary collector streets - bicycles on roadway - min. 1.2 m width bike lane	consistent with People Priority Greenway (Dallas Road between Ogden Point and Fisherman's Wharf) - bicycle lanes proposed on roadway - min. 1.2 m bike lane width achieved
Shared Greenway: for pedestrians, cyclists, other non-motorized rolling traffic and vehicles, on primary/secondary arterials - bicycles on roadway - min. 1.2 m width bike lane	consistent with Shared Greenway (Rock Bay: Government and Bay streets) - bicycle lanes proposed on roadway - min. 1.2 m bike lane width achieved
Access to Water: where greenway is adjacent to water, design will provide opportunities for public to get close to water where it is safe and compatible with environmental conditions	several places for public access to the water are proposed along the harbour pathway
Environmental Considerations: where remnant ecosystems exist and restoration is feasible, incorporate native, aquatic and cultural habitats	several locations identified along route for habitat restoration and enhancement

Based on our review of the Greenways Plan, there are no policies in it that would need to be amended in order to permit or facilitate implementation of the proposed Harbour Pathway plan, other than the People Only Greenway characteristic that rolling traffic (e.g. bicycles) and pedestrians should be separated.

11.2 VICTORIA HARBOUR PLAN (2001)

The Victoria Harbour Plan was formally adopted by Victoria City Council in November 2001, and forms a set of policies that are reflected in the City's Official Community Plan.

The Victoria Harbour Plan includes a section titled Public Path System (p.18), which lays out a number of issues/ opportunities, an overall objective (establish a continuous public path system around the harbour), and a series of strategies.

The proposed Harbour Pathway plan and design is entirely consistent with this objective. It also addresses all the following Victoria Harbour Plan strategies (p.18):

1. City will continue to acquire public rights-of-way and pathway amenities through density bonus agreements, development and subdivision agreements, and capital projects.

2. Whenever possible, a corridor of between 5 and 7 metres will be sought.

3. Incorporate the following features in any new pathway designs:
- include design details to balance the needs of cyclists, pedestrians and other recreational uses…
- wherever possible, make the path universally accessible…
- preserve areas of significant intertidal habitat…
- provide opportunities for the public to get close to the water's edge…

The proposed Harbour Pathway route is also consistent with the route illustrated in the Victoria Harbour Plan (see Map 9, page 19).

The Victoria Harbour Plan also contains Design Guidelines and illustrated concept plans for the following areas:
- Ship Point/Ocean Cement (pp 31-32)
- Bastion Site (pp 34-35)
- Johnson Bridge to Discovery Street (pp 39-40)

The proposed Harbour Pathway plan and design is generally consistent with the intent and spirit of all these design guidelines. While the Harbour Pathway plan proposes minor deviations to some specific parts of the illustrated concept plans for these areas, there are no significant conflicts identified that would require changes to the Victoria Harbour Plan.

11.3 BICYCLE MASTER PLAN (1995)

The Bicycle Master Plan was submitted to Victoria City Council in February 1995. It is not clear whether it was formally approved or adopted by Council.

The Bicycle Master Plan identifies a network of Bikeway Routes on City streets (Figure 1, Page 2). There are limited Bikeway Route sections that coincide with the proposed Harbour Pathway route. These include:

Dallas Road (between Ogden Point and Erie Street)
Government Street (between Discovery and Bay streets)
Bay Street (between Government and Bridge streets)

Interestingly, no bike routes are identified within the Downtown core.

The Bicycle Master Plan focuses on on-street Bikeway Routes. No bikeways are identified along the harbour shoreline, which is the proposed route for most of the Harbour Pathway.

The Plan recommends that for arterials (such as Government Street and Bay Street), marked bike lanes be implemented. The Plan recommends that bike lanes should be 1.2 m – 1.6 m wide, with a minimum 1.5 m width recommended.

The Plan further notes that “marked bike lanes may not be the best or only option”, and may be unnecessary on other, less busy, streets.

The proposed Harbour Pathway plan meets these minimum dimension requirements for marked bike lanes on streets. Specifically, the proposed on-street bikeway option for Dallas Road has painted bike lanes of at least 1.2 m wide. The Harbour Pathway plan proposes retaining the existing painted bikeways on Government Street and Bay Street.

The following identifies and compares the Bicycle Master Plan’s recommended potential improvements (see Figure 2, Page 4) required for each of the noted road sections coinciding with the proposed Harbour Pathway Plan, and the Harbour Pathway Plan proposal for those same sections:

Street Section Bicycle	Master Plan Recommendations	Harbour Pathway Plan proposals
Dallas Road:	- signs only (no widening or marked bike lanes)	- painted bike lanes in each direction minimum 1.2 m –1.5 m wide
Government Street:	- markings and signs	- retain and use existing painted bike lanes
Bay Street:	- widening required	- does not contemplate widening of Bay Street(unclear if already completed)

As noted above, the Harbour Pathway Plan either matches or exceeds the Bicycle Master Plan recommendations for these street sections.

The Harbour Pathway Plan does not contemplate widening of Bay Street, as it is assumed this has already been done and that the existing painted bike lanes will continue to be used here.

The Bicycle Master Plan notes that “experience…suggests that separated or joint bicycle-pedestrian paths can support commuting and recreational cycling by all age groups.” (page 7, section 1.1.7). It goes on to note that “For joint use paths, special control measures are necessary. “Pedestrians Keep Right “signs should be posted and a speed limit should be considered.”

The Harbour Pathway Plan proposes that pedestrians and cyclists would share the combined pathway, which would be between 5.0 m and 7.0 m wide. The consultant team’s experience is that shared waterfront pedestrian-bicyclist pathways work as effectively as and are safer than separated pathways, especially where there is extensive cross traffic of pedestrians. However, this would require a possible modification to the Bicycle Master Plan recommendation noted above.

11.4 DOWNTOWN PLAN

The City of Victoria is currently updating its 1990 Downtown Victoria Plan to serve as a “blueprint” to guide and manage physical change in the downtown area over the next 20 years. The planning process for the Downtown Plan Update is expected to be complete by the end of 2008. Option plans for the Downtown Update have been reviewed to identify potential areas of overlap and integration between the planning policies for the Harbour Pathway and those under development for the downtown.

Connectivity and Integration with Harbour Pathway

The Harbour Pathway Plan identifies a number of key connections to the upland street network and proposes enhancing these connections to facilitate public access to the waterfront. An opportunity exists through the Downtown Plan Update to further facilitate the integration of the Harbour Pathway with adjacent neighbourhoods through the development of additional pedestrian and cyclist connections to the waterfront.

Enhanced integration between the Downtown ‘Old Town’ portion of the Harbour Pathway and the upland areas of the downtown are needed to enhance public access to the waterfront. The existing grade separation between Wharf Street and the water’s edge acts as a physical barrier between downtown and the Harbour Pathway. The Harbour Pathway recognizes the opportunity to extend public spaces such as Bastion Square down to the Harbour Pathway. Any future redevelopment of the existing waterfront surface parking lots should accommodate the development of enhanced public connections between upland areas and the waterfront.

The proposed alignment of the Harbour Pathway under the Johnson Street Bridge, connecting the Downtown ‘Old Town’ area to the Design District, presents a key opportunity to enhance pedestrian and cyclist connections within the downtown. The provision of a pedestrian and cyclist corridor separated from the vehicular road network will serve to encourage alternative forms of transportation within the downtown core.

This connection will also provide enhanced connectivity to other pedestrian and cyclist facilities within the region, including the Galloping Goose Regional Trail, the proposed E&N Rail Trail and the West Song Walkway.

The Downtown Plan Update could consider additional urban design and public realm improvements on upland sites to facilitate connections to the proposed Harbour Pathway.

Land Uses

The Harbour Pathway Plan is primarily focused on the routing and design of the overall pathway system. Adjacent land uses including industrial, institutional, commercial and residential, influence and inform the character of the Harbour Pathway and have been considered in the Harbour Pathway Plan.

Section 4.0 of the Harbour Pathway Plan addresses the relationship between adjacent land uses and the Harbour Pathway. Where opportunities exist, the Downtown Plan Update should consider land use designations that will further complement the Harbour Pathway Plan.

Parks and Open Spaces

The Harbour Pathway will provide additional connections between existing public gathering spaces and parks within the city. Existing and planned park spaces at or near the water’s edge should be integrated into the Harbour Pathway system through enhanced greenway links. The development of new park spaces along the Harbour Pathway corridor should be considered to serve as destinations and areas of rest for users of the facility. In particular, the Rock Bay portion of the Harbour Pathway corridor is under-served by public gathering spaces at the water’s edge. Future land use planning for these lands should take into consideration the development of additional public park lands for community use and access to the water.

Opportunities to consider the development of additional public spaces and parks within the Downtown Plan Update should be pursued.

12.0 IMPLEMENTATION

This report describes the results of a high-level overall Concept Plan for the proposed Harbour Pathway. As part of this initial stage of work, the consultants have identified a number of potential implementation governance models and a phasing strategy for undertaking the Harbour Pathway project. In the next stage of work on the project, the City will need to develop a detailed Implementation Plan and funding program. This section of the report discusses these components, and also describes the proposed Phasing Strategy.

12.1 IMPLEMENTATION GOVERNANCE MODELS

The Victoria Harbour Pathway is a long term and complex project involving multiple jurisdictions and ownership conditions. It also represents a high value investment. Given this, there are several potential implementation governance models for the City to consider for implementing the Harbour Pathway project. These implementation models are discussed below.

Development Corporation Model

In this model, the City would establish and mandate a Development Corporation to oversee and manage the implementation of the Harbour Pathway. This model, as its name implies, would be more appropriate if the City decided it was going to be an active player in the development of sites along the pathway route, and that such development was a way to help pay for the construction of the pathway.

A Development Corporation would be mandated to acquire, develop and sell certain key properties required for the Harbour Pathway. In this process the City would in effect act as a land developer through the Development Corporation, which would be structured to develop properties that it acquired on behalf of the City. As part of such developments, the Harbour Pathway route would be defined and secured (either through subdivision, easements or rights of way) and the pathway constructed as part of the development.

This model may be of relevance if, for example, the City wished to acquire certain key properties from such agencies as Transport Canada who in turn were seeking to divest their properties in their entirety, at market value. A Development Corporation would be set up at arms length from the City. It would require capitalization and establishment of a Board of Directors and a Development Manager who would in effect be the Chief Executive. Enabling legislation would be required (which may involve the provincial government).

An example of a Development Corporation includes the Downtown New Westminster Development Corporation, which was established to spur redevelopment of downtown New Westminster's waterfront.

City Departmental Model

In this model, City Council, on the advice of staff, would designate a specific City department as having responsibility for implementing the Harbour Pathway. This department would be responsible for preparing a multi-year implementation plan and budget, and would oversee and manage implementation of the pathway in phases. The pathway would be constructed as a municipal civic project with 100% municipal funding, through the City's standard procurement process (i.e. open tender).

The designated department would be responsible for managing each phase of construction, and for coordinating the inputs and approvals of other departments as required.

The most likely department in this model would be the Parks & Recreation Department, although Engineering or Planning could also conceivably manage the project.

Given the limited available municipal funding, this model is likely to take the longest to complete construction of the entire pathway.

Special Project Working Group Model

In this model, the City would strike a Special Project Working Group to oversee and manage implementation of the Harbour Pathway. This would be an inter-departmental group with senior representatives appointed from all key departments, and additional staff seconded as required. Typically, such a Special Project Working Group (or Task Force) would report directly to the City Manager's office. The Harbour Pathway Special Project Working Group would be responsible for preparing a multi-year implementation plan and budget, and would manage implementation of the pathway in phases.

Examples of the Special Project Working Group model include the City of Richmond's 2010 Winter Olympic Games Speed Skating Oval project, and the City of Vancouver's Broadway Corridor Rapid Transit Project Office.

Harbour Pathway Trust Model

This implementation model would bring together outside representatives from key stakeholders (e.g. DVBA, PCC, GVHA, etc.) and the community into a decision making group. A Board of Trustees would be appointed by Council. The Board would be responsible for seeking funding partners, and approving development phases. The Trust could be managed by an appointed, paid CEO and supported by a single City department (e.g. Parks & Recreation) on behalf of the City, or it could be managed by an interdepartmental Working Group as described above.

Having a separate Trust governed by a Board of Trustees with decision-making authority would encourage City staff to deliver the project in a timely and accountable way.Examples of the Trust model include the Simon Fraser University Community Trust, and the Granville Island Trust.

Each of these implementation models has pros and cons. In the next stage of work on the Harbour Pathway, the City's Implementation Plan should include a detailed analysis of the appropriate project governance model leading to a recommendation on the preferred model.

12.2 PHASING

At over 5 km in length, and with multiple property owners along its length, the Harbour Pathway will need to be developed in several phases, as funding and land become available. This section identifies a number of criteria for phasing the project, and based on these criteria, specific pathway sections have been identified as either Highest Priority Phases or Secondary Priority Phases. There is also a discussion on Opportunity Phasing sites. The following plan illustrates the Phasing Strategy.

Phasing Criteria:

The following criteria have been identified as key factors in determining which sections of the proposed pathway should be undertaken as highest priority phases and which as secondary priority phases.

Criterion: City-owned Land
- refers to proposed sections on land that is already in City ownership which can be developed quickly as a first priority
- includes those sections of the pathway that are proposed on City streets (e.g. Dallas Road, Belleville Street)
- these sections do not require any negotiations with or acquisitions from other property owners

Criterion: Leverages Existing Pathway Sections
- refers to proposed sections that extend existing completed sections of pathway
- also refers to proposed sections that connect two existing sections of pathway

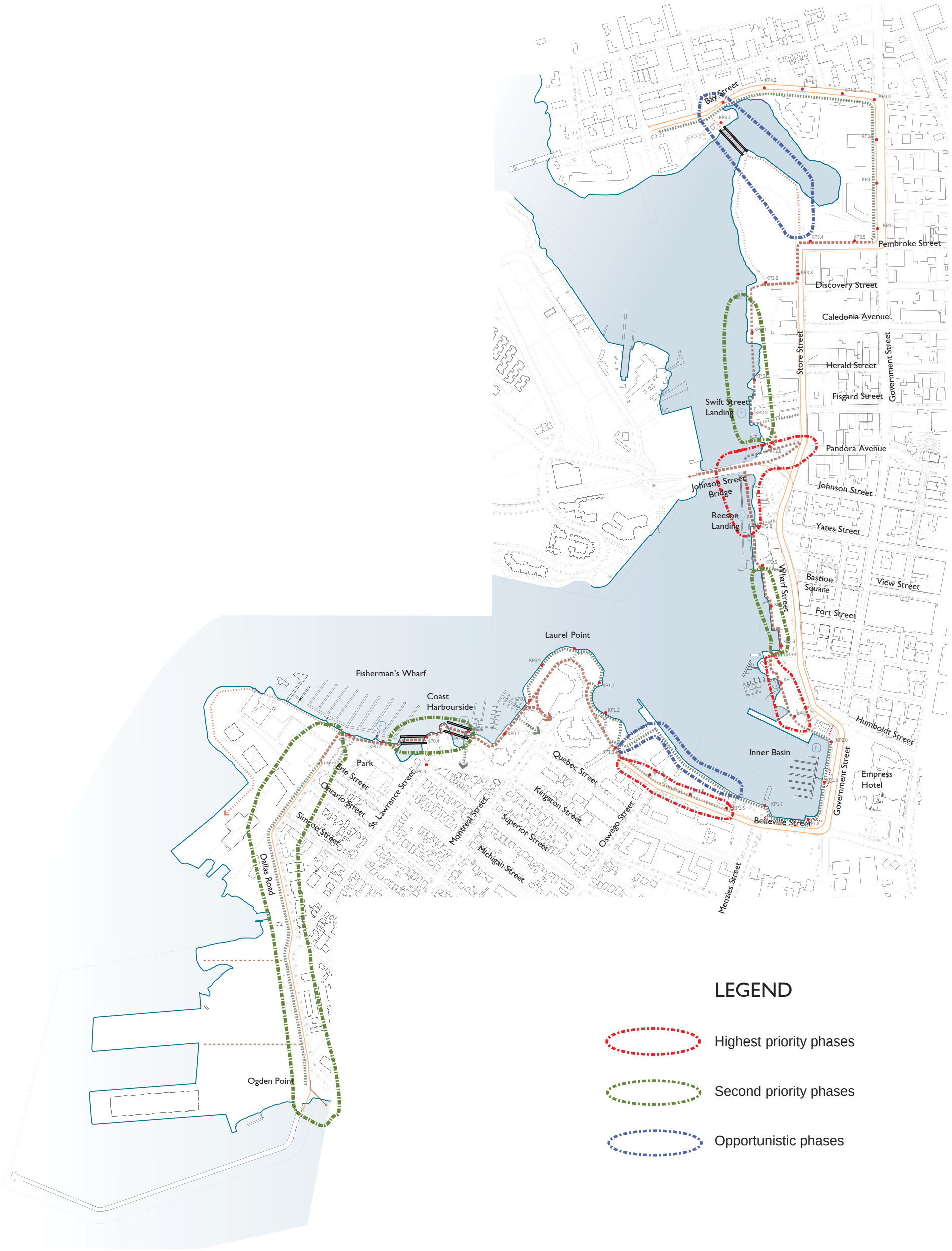
Criterion: Enables Greenway Connection Opportunities
- refers to proposed sections that create new connections to the wider City Greenway network
- includes both the principal pathway and improved connections to existing Greenways (e.g. connections to Dallas Road, Simcoe Street, Superior Street, Courtney Street, Bastion Square, Pandora Avenue, Government Street, Rock Bay Avenue, and Bridge Street/Hillside)

Criterion: Construction Cost
- refers to proposed sections whose estimated construction cost matches available funding [the City has budgeted $1.2 million per year for the next four years for pathway construction]
- excludes relatively high cost sections such as proposed bridges

Criterion: Resolves Other Issues
- refers to proposed sections whose construction would help to address other planning / public safety / transportation issues
- Examples: improving movements for all travel modes at Johnson Street bridgehead, creating a safer public environment at Reeson Park

Criterion: Leverages other Landowners' Interests
- refers to proposed sections whose construction helps to achieve other landowner's development interests
- includes sections that could create increased development opportunities and land value for adjacent properties, such as the surface parking lots between Milestones Restaurant and the Customs Wharf at Broughton Street (KP 2.1 – KP 2.3)

Criterion: Demonstration Project
- refers to completion of proposed sections that present a good opportunity to demonstrate new design standards and higher expectations for the entire pathway
- includes high visibility sections such as either side of the Inner Causeway



LEGEND

- Highest priority phases
- Second priority phases
- Opportunistic phases

Hotson Bakker Boniface Haden
Urban Forum Associates
Phillips Farevaag Smallenberg
Landeca
Pottinger Gaherty
Coriolis Consulting
Beacon Construction

Criterion: Soil Remediation Status

- refers to proposed sections across land that has already been remediated
- such sections can be developed more quickly than on lands that may still require soil remediation

Criterion: Existing Land Use

- refers to proposed sections across land that is not currently used or zoned for waterfront commercial / industrial use
- such sections can be developed more quickly than properties that still require commercial / industrial water access, or would require rezoning to exclude such industrial use
- this would exclude pathway sections proposed across existing industrial lands around Rock Bay, for example

Based on applying the above noted criteria for prioritizing phasing of the Harbour Pathway construction, the following proposed pathway sections have been identified as Highest Priority or Secondary Priority Phases:

Highest Priority Phases:

- Tourist/Institutional/Ceremonial Character Zone: Belleville Street on-street section between Menzies Street and Pendray Street (KP 1.3 – KP 1.6)

- Downtown 'Old Town' Character Zone: between Milestones Restaurant and the Customs Wharf at Broughton Street (KP 2.1 – KP 2.3)

- Downtown 'Old Town'–Design District Character Zones overlap: from Reeson Park to north side of Johnson Street Bridge including underpass (KP 2.6 – KP 2.8)

One or more of these three pathway sections would be the most appropriate to implement as first priority phases, either because they only require lands that the City already owns (e.g. along Belleville Street, Downtown 'Old Town' Character Zone between KP 1.3 – KP 1.6), or because they connect existing sections of pathway and maximize leverage, and/or resolve other issues (e.g. Johnson Street Bridge section between KP 2.6 – KP 2.8).

The first section requires City-owned lands only (Belleville Street). The second section traverses primarily City-owned lands (between Milestones and Broughton Street Customs Wharf; KP 2.1 – KP 2.3). The third section (Reeson Park to Johnson Street Bridge underpass; KP 2.6 – KP 2.8) would extend the existing pathway north of Reeson Park and provide a new connection to the Johnson Street Bridge which in turn connects to the city-wide Greenway and Bikeway trail system, e.g. the Galloping Goose, etc.

None of these highest priority sections require soil remediation as far as we are aware.

Secondary Priority Phases:

- James Bay/Dallas Road Character Zone: west side of Dallas Road between Ogden Point and KP 0.0 (Fisherman's Wharf Park)

- Fisherman's Wharf–Tourist/Residential/Park Character Zones overlap: between Fisherman's Wharf and the Coast Hotel (KP 0.2 – KP 0.6)

- Downtown 'Old Town' Character Zone: between the Customs Wharf at Broughton Street and Reeson Park (KP 2.3 – KP 2.6)

- Design District Character Zone: between north end of Johnson Street Bridge and Discovery Street (KP 2.8 – KP 3.2)

It is recognized that implementing some of these Second Priority Phase sections will depend on concluding successful land acquisition or rights of way negotiations with other property owners.

Opportunistic Phases:

In addition to the Highest Priority and Second Priority Phases noted above, it is important to note that some pathway sections could be implemented as a condition of approvals for the redevelopment of certain specific development sites. Those pathway sections would then be constructed as part of these new developments. Such developments could happen at any stage during the life of the project and the City should be ready to move forward with such pathway sections as and when such opportunities present themselves: we refer to these as Opportunistic Phasing sites.

Opportunistic Phases sites include:

- Belleville Ferry terminal site (KP 1.3 – KP 1.6)
- Laurel Point site (KP 0.8 – KP 1.1)
- PCC Wharf Street parking lot site (KP 2.3 – KP 2.5)
- Transport Canada sites such as: between Johnson Street Bridge and Mermaid Wharf (KP 2.8); between Value Village and Discovery Street (KP 3.0 – KP 3.2); Rock Bay/Barclay Point site north of Pembroke Street along the water (KP 3.4 – KP 4.4)
- proposed bridge across the entrance to Rock Bay, once industrial water access to Rock Bay is no longer required (this section is tied to previous Opportunistic Phasing site)

Cost Estimates:

The following are order of magnitude land acquisition and construction cost estimates for the three Highest Priority Phases:

- Tourist/Institutional/Ceremonial Character Zone: Belleville Street on-street section between Menzies Street and Pendray Street (KP 1.3 – KP 1.6)

Land acquisition: This is all owned by the City (street right of way) so we assume the required land is available at no cost to the City.

The construction cost: $121,251

- Downtown ‘Old Town’ Character Zone: between Milestones Restaurant and the Customs Wharf at Broughton Street (KP 2.1 – KP 2.3)

Land acquisition: This is all owned by the City, the GVHA and the PCC so we assume the required land is provided at nominal cost to the City.

The construction cost: $285,990

- Downtown ‘Old Town’–Design District Character Zones overlap: from Reeson Park to north side of Johnson Street Bridge including underpass (KP 2.6 – KP 2.8)

Land acquisition: This includes property owned by private owners, Transport Canada, the GVHA and the City. We assume that the GVHA and City owned property is provided at nominal cost. Our ballpark acquisition cost estimate for the Transport Canada and private land/water needed for the pathway is $3 million. If the City acquires entire parcels (not just the property needed for the pathway), then the costs would be higher.

The construction cost: : $2,097,516

12.3 PROGRAMMING & MANAGEMENT

As noted in Section 4.0, the Harbour Pathway should be an opportunity to experience the waterfront as a special place in the city: a place for gathering, celebrating, special events, watching water activities, enjoying nature and landscape, and participating in a vibrant public realm. Detailed programming components are described in Section 4.0. Effectively programming and managing the Harbour Pathway are important to its success as a public space.

One approach to doing this is to build on what already works. The Inner Causeway section is well programmed, with an extensive range of uses and events. The City may want to use the same programming and management structure for the extended Harbour Pathway.
Alternatively, if the City decides to establish a Trust or Development Corporation to implement the project, that entity could assume responsibility for managing and programming the extended Harbour Pathway.

Outside agencies or third parties such as the Downtown Victoria Business Association, Tourism Victoria and the Provincial Capital Commission, could all play an important role in programming and managing the Harbour Pathway. Such agencies could be represented on a Board of Trustees if the City elects to establish a Harbour Pathway Trust model.

12.4 NEXT STEPS

The key next steps for the City are:

- seek Council endorsement of this Harbour Pathway Plan
- select a preferred project implementation governance model
- develop a detailed Implementation Plan and funding program, including identifying both short- and long-term funding sources
- adjust the City's Capital Program accordingly
- select a section of the pathway for implementation as Phase 1 (see Section 12.2 above)
- negotiate any land transfers or legal agreements with any affected land owners (if required)
- commission the design team to prepare detailed design and construction documents for the construction of Phase 1, and confirm construction costs
- seek Council approval to proceed to construction
- construct Phase 1

Johnson Street Bridgehead Urban Design & Transportation Study

In the course of undertaking the harbour pathway work, it became clear to the consultants that the area around the east end of the Johnson Street Bridge has a number of conflicts requiring resolution. We therefore recommend that a key next step is to undertake a detailed urban design and transportation study of the Johnson Street bridgehead.

This study is necessary to determine the optimum route(s) for pedestrians and cyclists to move between the Harbour Pathway at water level and the street level system above. This work is also required to resolve the multiple current conflicts between different transportation modes in this area: vehicles, cyclists, pedestrians and trains. The study should analyse existing conditions, and result in practical proposals for improving movements for all modes in this area, as well as improving the public realm. The study could result in recommendations for reconfiguring the road network intersection at the bridgehead. The study would also include confirmation of the proposed route for the Harbour Pathway section beneath the Johnson Street Bridge, and its connections to the north and south, as well as the best route between the pathway at water level and the street level system at bridge level above.

While we believe that this study should be undertaken regardless of which pathway section is selected as Phase 1, this work will need to be done as a high priority if the Johnson Street Bridge underpass section (KP 2.6 – KP 2.8) is confirmed as a highest priority phase of the pathway and selected as Phase 1.

Governance and Priorities Committee
David Foster Way Project Charter
June 12, 2014

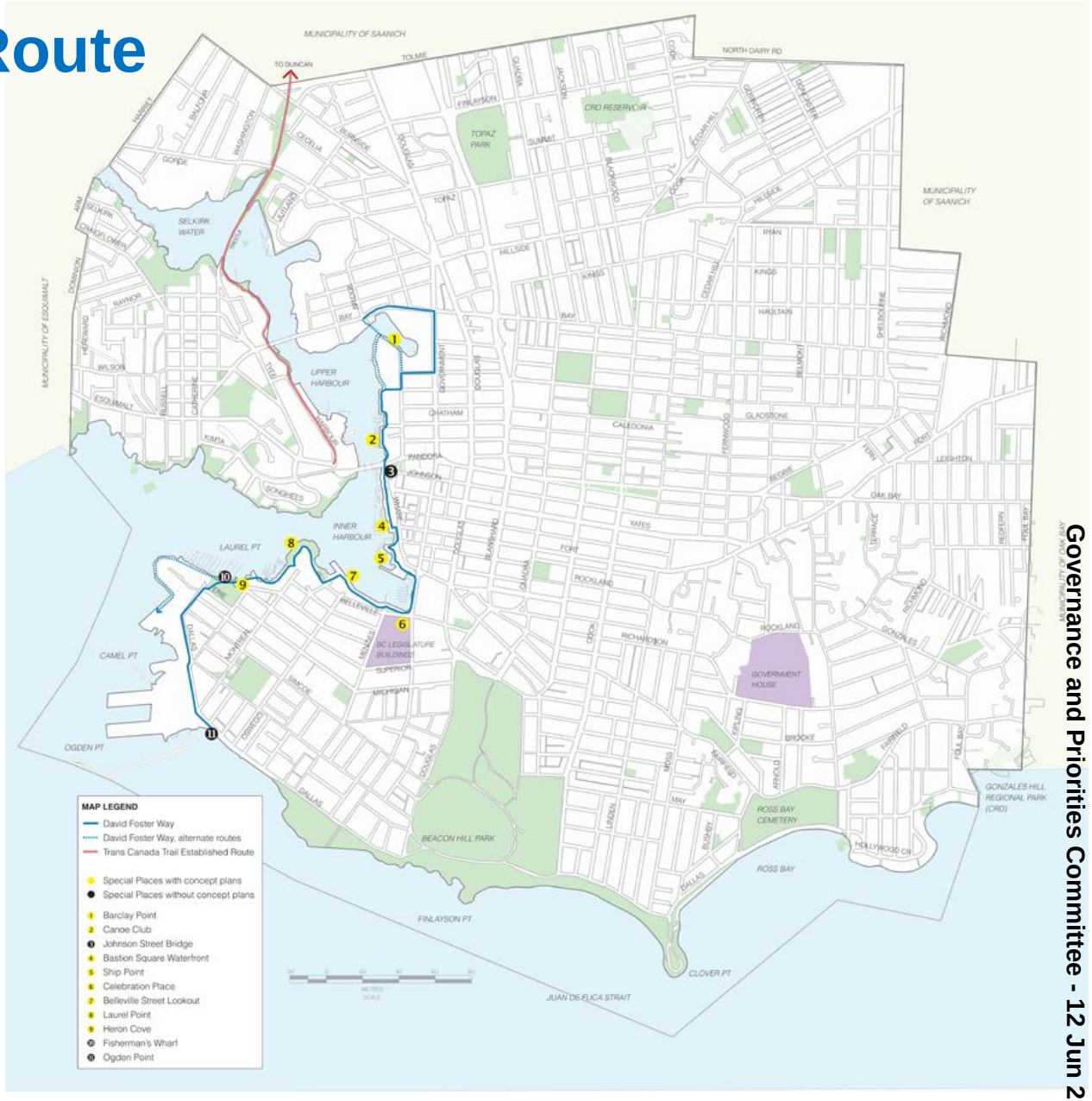
Introduction and goal

- Inner harbour revitalization
- Alignment with existing City policies and plans
- Protection and enhancement of key viewpoints
- Cultural historical and natural interpretation

Objectives

- Preeminent public space
- working harbour not compromised
- maintain flexibility for cyclists and pedestrians
- Explore range of relationships to water
- Special places

Pathway/Trail Route

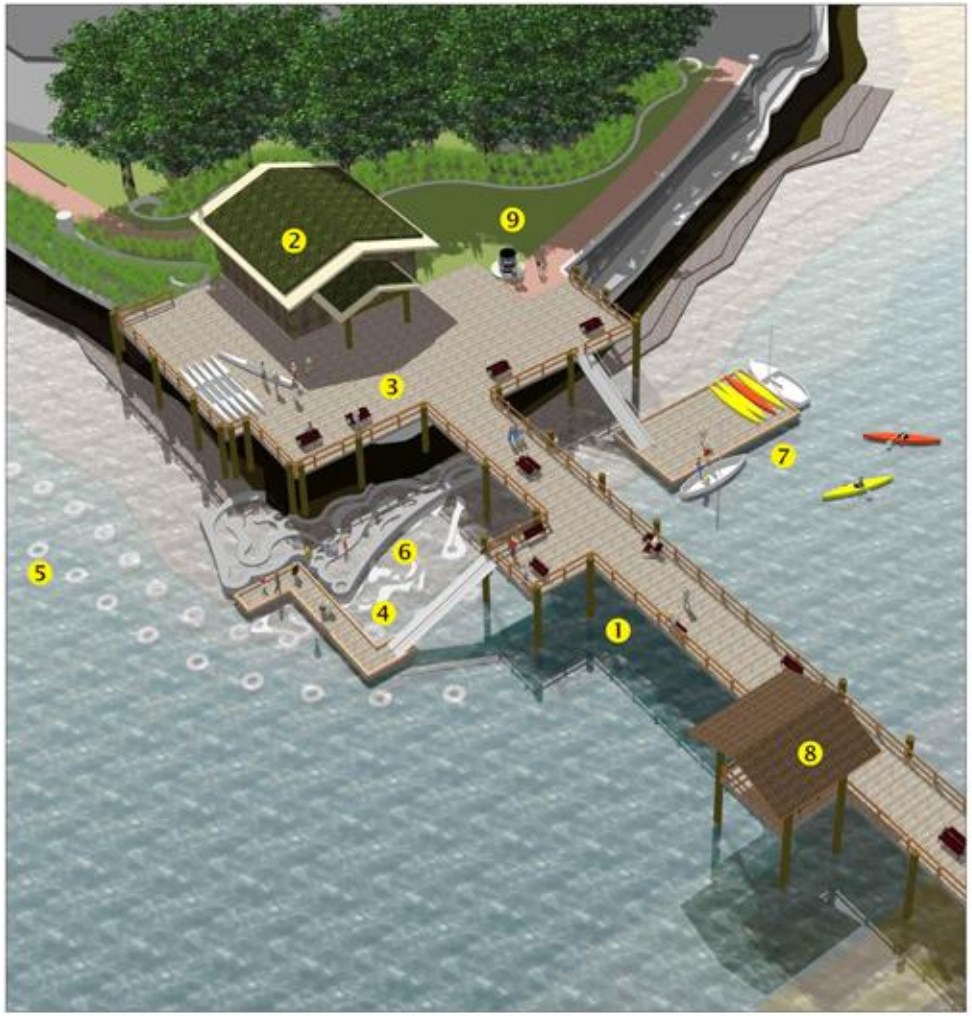


CITY OF VICTORIA

Special Places

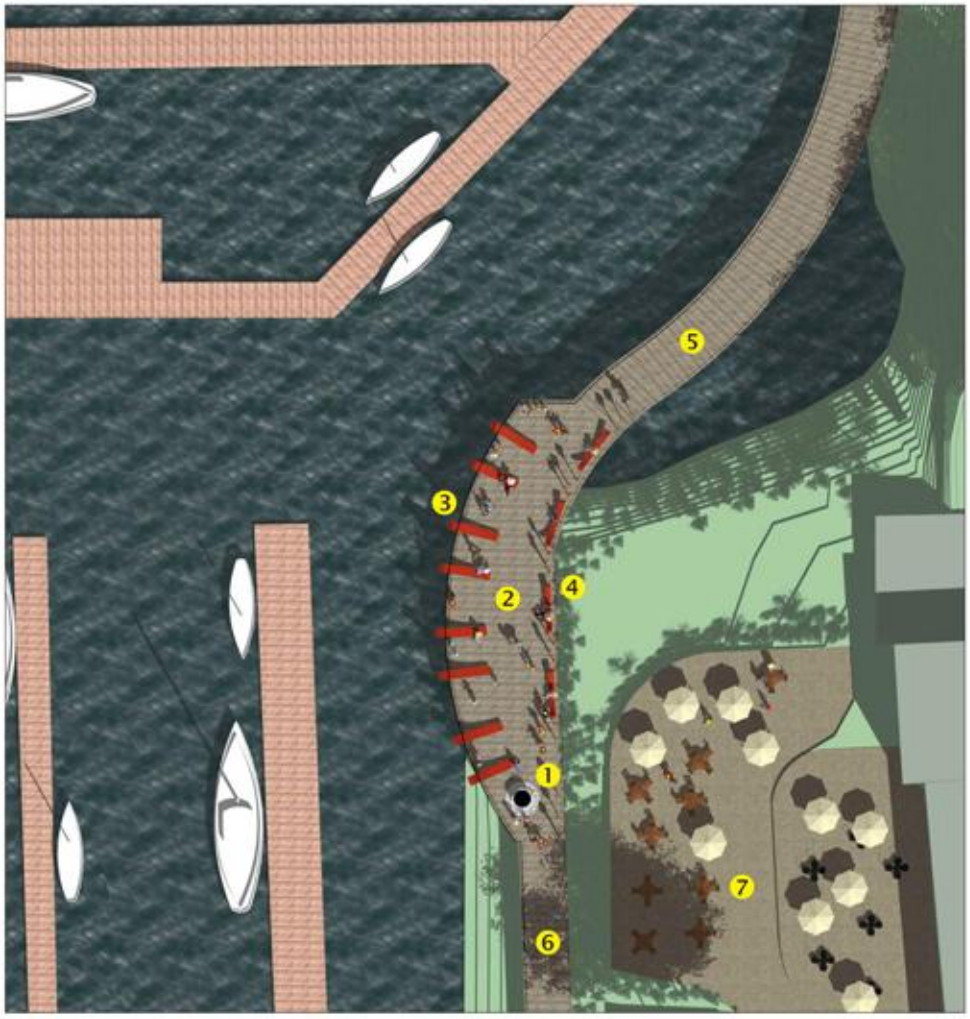
- Series of interesting public places enhancing public use of Victoria's urban waterfront
- 8 of 11 special places have concept plans
- Belleville Terminal, Ship Point and Lower Wharf Street sites presented recently as part of the Harbour Dialogue

Barclay Point



1. Footbridge Bridge Link to Bridge Street
2. Non-Motorized Boathouse With Green Roof
3. Boathouse Work Space and Public Event Area
4. Marine Habitat Restoration Demonstration Area
5. Artificial Reef Marine Habitat Spheres
6. Non-Motorized Boathouse Dock
7. Covered Interpretation Area (Historical/Marine)
8. Barclay Point Sign

Canoe Club

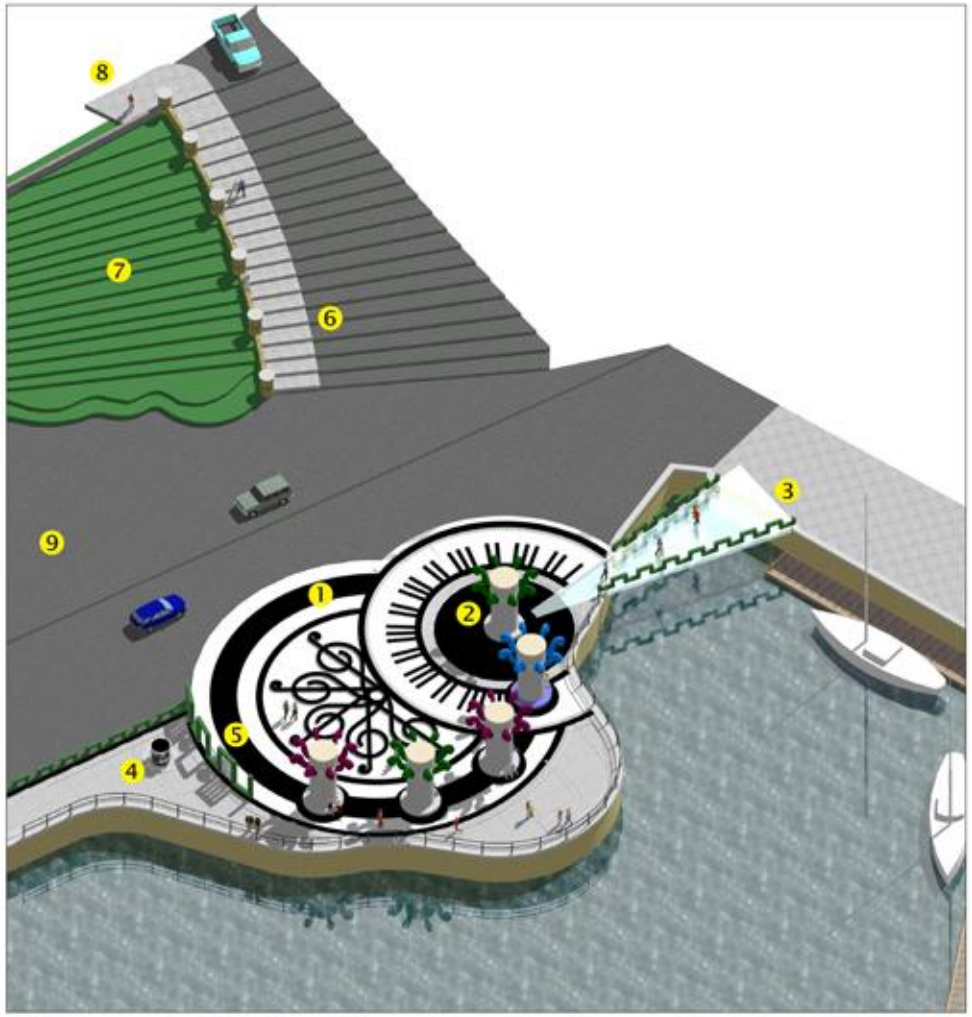


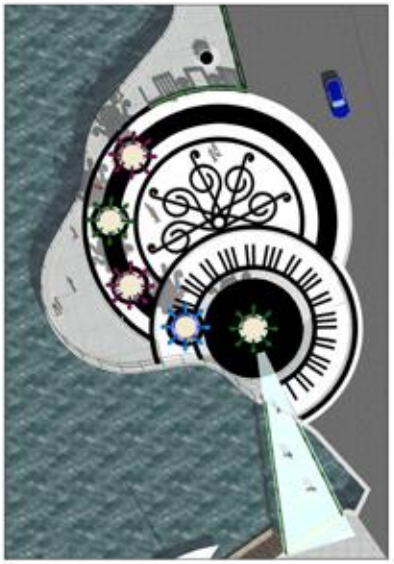
1. Canoe Club Sign
2. Wood Deck Surface
3. Wood Seat Shaped as First Nations Canoe
4. Upstanding Wood Paddle
5. Future David Foster Way Boardwalk Connection
6. Boardwalk Connection to Swift Street
7. Canoe Brewpub Patio

Bastion Square Waterfront

1. Bastion Square Waterfront Sign
2. Fish Scale Pattern Upper Walkway
3. Accessible Ramp to Beach
4. Stepped Seating
5. Public Beach Area
6. Constructed Tidal Pools
7. Salt Marsh Vegetation Ledges
8. Separation Walls and Seating, Lighthouse Colour Scheme
9. Sculptural “Wave” Walls

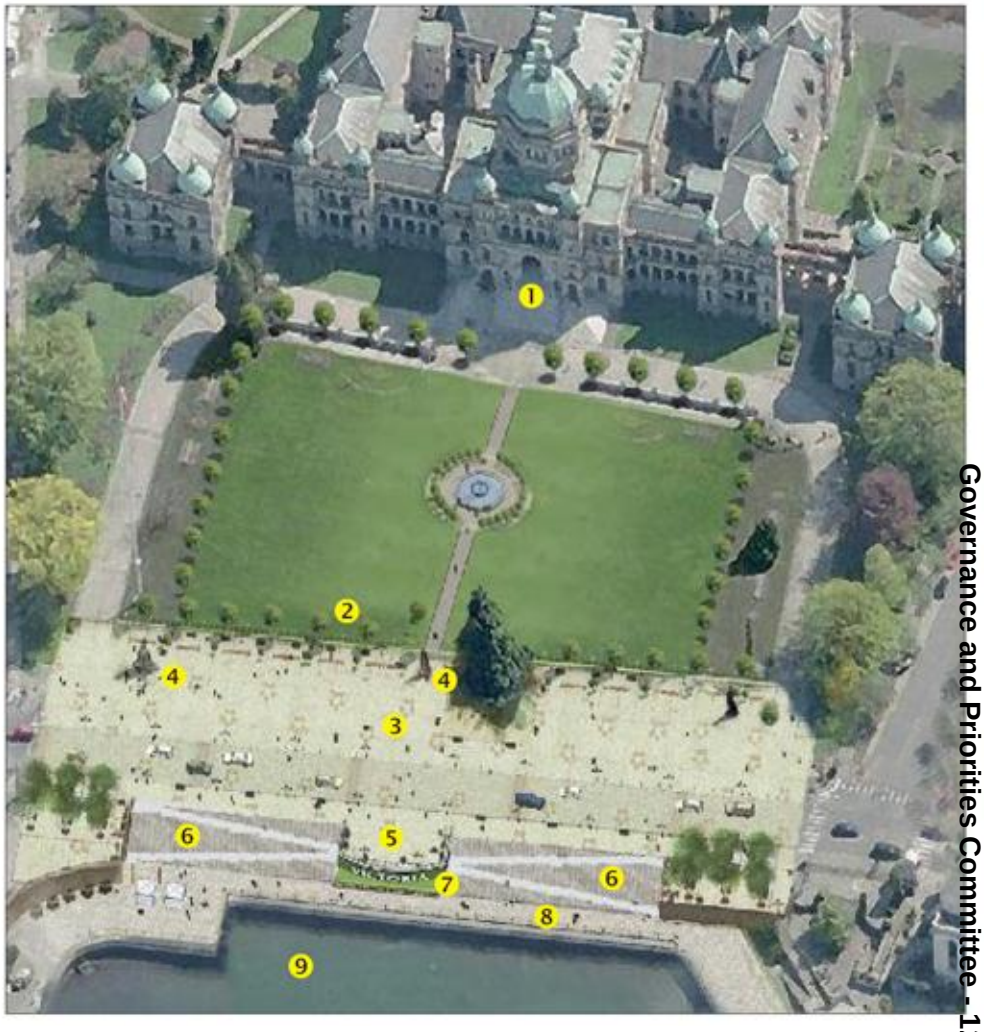
Ship Point





1. Organized Event Stage Surface
2. “Landmark” Columns with Fiddle Neck Capitals (Illuminated)
3. Footbridge With Transparent Elements
4. Ship Point Sign
5. Suspended Tubular Bells and Gong
6. Sidewalk Access from Wharf Street
7. Greenspace Viewing Area
8. Wharf Street
9. Parking Lot

Celebration Place

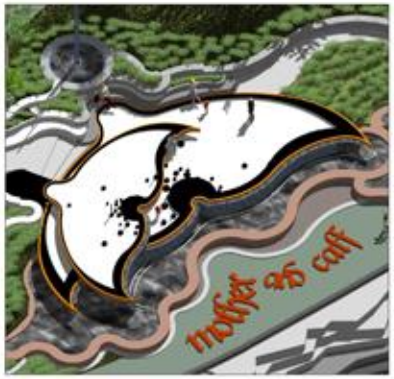


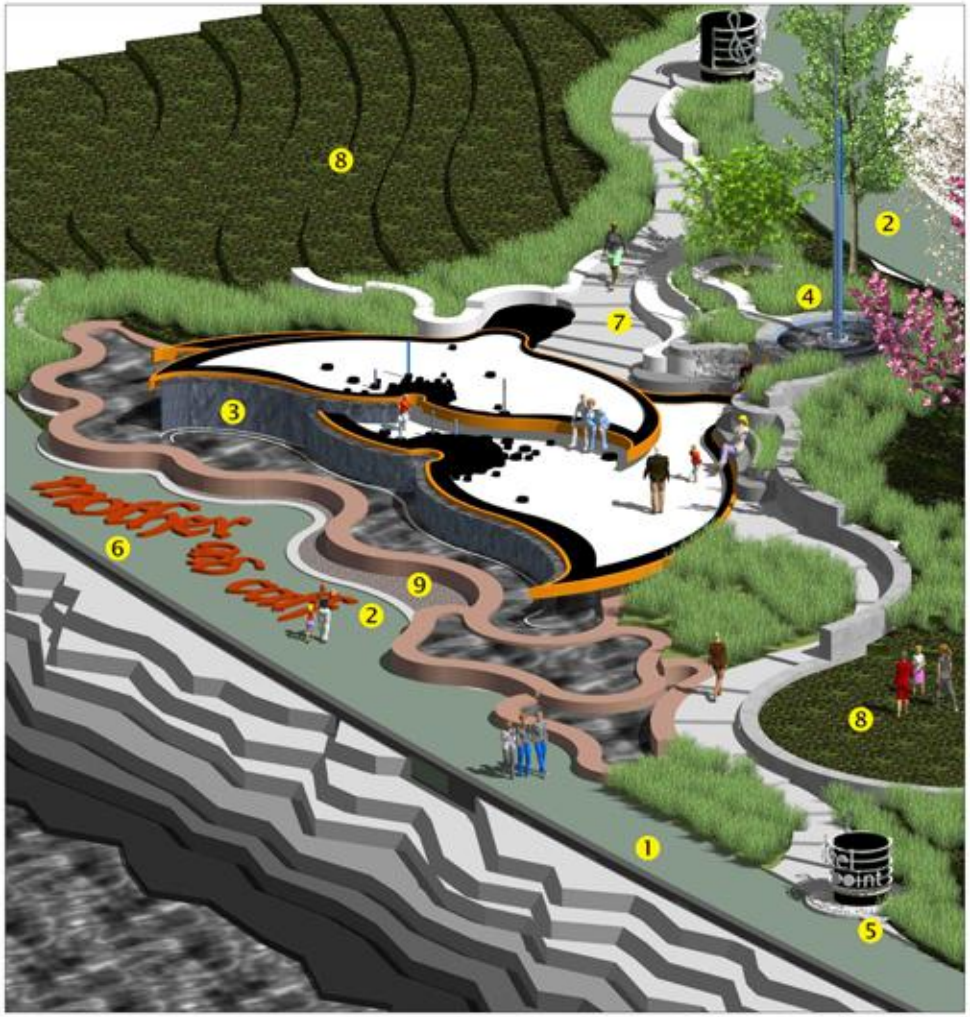
1. British Columbia Legislature Building
2. Legislature Front Lawns
3. Hardscape Plaza Featuring Maple Leaf/Dogwood Paving Pattern and Shared Roadway (Belleville Street)
4. Retention of Heritage Landmarks (Cenotaph, Queen Victoria Statue, Giant Sequoia Tree) and Potential for Future Features
5. Small Stage and Viewing Area of Victoria's Inner Harbour
6. Tiered Stairs and Ramps Improve Accessibility to Waterfront and David Foster Way (Lower Causeway)
7. New "VICTORIA" Welcome Sign
8. David Foster Way (Lower Causeway)
9. Victoria's Inner Harbour

Belleville Street Lookout

1. Fish Scale Sidewalk Paving at Entrance
2. Heavy Timber Decking
3. A Mountain Scene Sculptural Wood Wall
4. Wind Chime Polycarbonate Marine Life
5. Low Height Mountain Scene Wood Wall To Screen Ferry Vehicles
6. Heavy Timber Seating
7. Heavy Timber (Carved) Posts
8. Decking Is Cantilevered Over Embankment
9. Belleville Street Sign

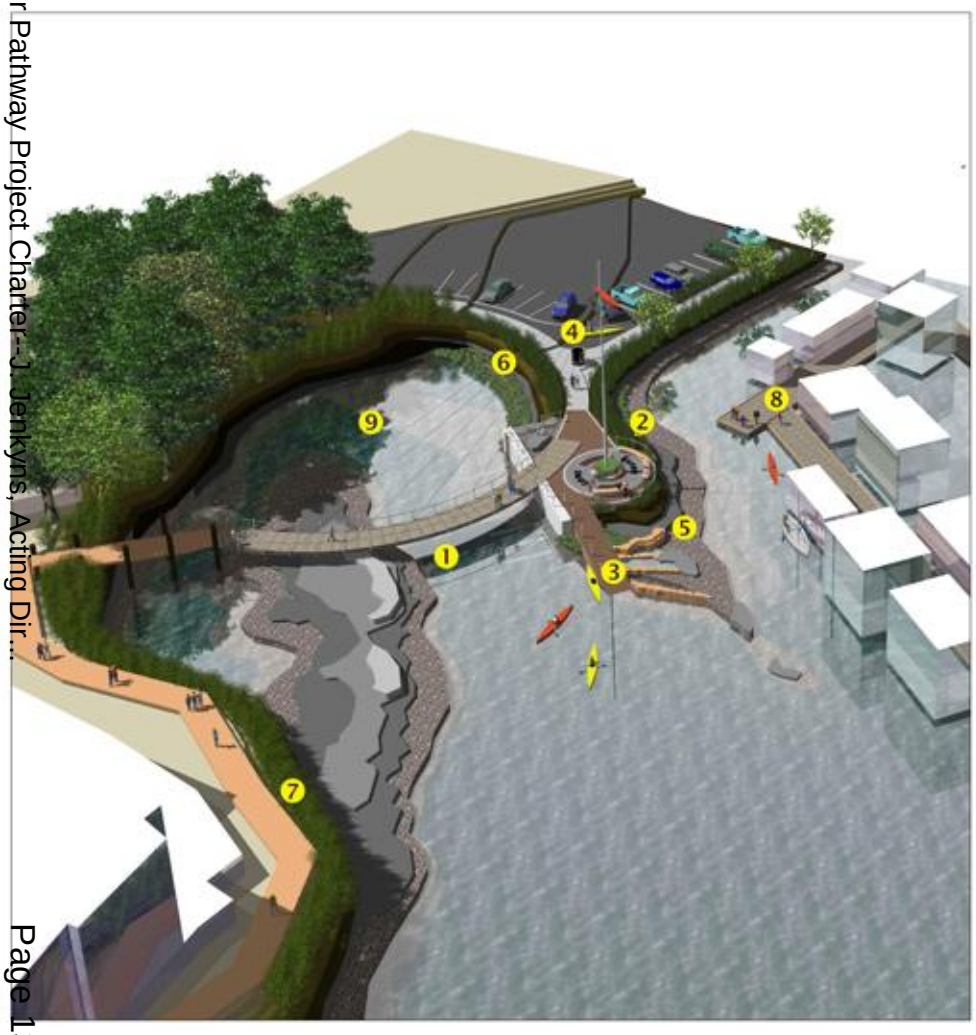
Laurel Point





1. Lower Walkway
2. Upper Walkway
3. Orca Fluke Waterfall
4. Orca “Water Spout” Fountain
5. Laurel Point Sign
6. “Mother and Calf” Text Inlay
7. Accessible Pathway Link
8. Lawn
9. Lower Pond With Seat-Level Edge

Heron Cove at Fisherman's Wharf



1. Footbridge Link to Existing Boardwalk
2. Seating Space Anchored by Tall Mast
3. Permanent Small Boat Launch Ramp and Tie-Up
4. Heron Cove Sign
5. Constructed Tidal Pools
6. Shoreline Vegetation Restoration
7. Existing Boardwalk
8. Fisherman's Wharf
9. Heron Cove

CITY OF VICTORIA

Land Acquisition

- 97 separate properties affected by or in the vicinity of David Foster Way
- Focus on connectivity
- Negotiations with landowners are all underway
- Rock Bay to Barclay Point portion determined once future development proceeds in that area

Partnership with David Foster Foundation

- Community based working fundraising committee
- Meeting with David Foster Foundation in May 2014
- City is solidifying relationships to increase community participation
- Terms of Reference will be developed to guide the work of the committee and partnership with the City

Trans Canada Trail Alignment

- 24,000 km from Atlantic to the Pacific
- City working with TCT to align pathways
- Funding application
- Three key connection points could be completed by 2017
- Trails Projects Committee Meeting

Capital Budget and Schedule

2014	$200,000	Design and construction drawings for Raymur Point, Heron Cove and the Janion walkway connections.
2015	$1,435,000	Pending Capital Budget approval – Construction of Heron Cove Bridge.
2016	$500,000	Pending Capital Budget approval – Construction of Janion Pathway Section.
2017	$950,000	Pending Capital Budget approval and 50% funding from Trans Canada Trail– Construction of Raymur Point connection.
2018	$600,000	Reeson Park – final alignment consisting of a short portion of boardwalk followed by an on-land condition, wayfinding planning and design.

Roles and Responsibilities

- Steering committee, technical working group, Council and Stakeholder groups

Quarterly updates beginning September 2014 as well as:

1. Upon completion of the public consultation on Heron and Raymur pt. bridges
2. Upon completion (prior to tendering) of the 100% detailed design with cost estimates for the bridges and the Janion connection at Johnson Street Bridge.
3. Upon completion of the way finding program
4. Updates, as required when grant and/or funding opportunities become available.

CITY OF VICTORIA

Governance and Priorities Committee Report
For the June 12, 2014 Meeting

To:	Governance and Priorities Committee	**Date:**	June 3, 2014
From:	Julie MacDougall, Assistant Director Parks, Recreation and Culture		
Subject:	Centennial Park Welcome Pole		

Executive Summary

The Welcome Pole in Centennial Park turns 44 this year. Showing its age, the pole was removed by Parks staff on March 12, 2014 and safely stored in the Parks Yard to allow it to dry out with the intention to restore the pole to its original condition. Upon further inspection by staff and First Nations carver Harold Alfred, it has been determined that the pole has reached the end of its lifespan.

The condition assessment involved visual observation and measurements including specific measurements of the density resistance of the wood carried out using a resistograph instrument. These assessments concluded that the Pole is in poor condition, with a significant amount of decay present. The average life span of a West Coast welcome pole is about 50 years.

Traditionally, poles are left to return to the earth or gifted back to the carver's family. The next step in the process is to contact the carver's family and discuss options for relocating the Welcome Pole.

Recommendation:

1. That Council receive this report for information

Respectfully submitted,

Nichola Reddington
Community Recreation & Culture Coordinator

Julie MacDougall
Assistant Director

Jocelyn Jenkyns
General Manager, VCC

Report accepted and recommended by the City Manager:

Date: June 5, 2014

Purpose

The purpose of this report is to inform Council of the condition of the James Dick Welcome Pole and the process to work with the carver's family to discuss next steps and future options for Council's consideration.

Background

Kwakwaka'wakw Nation master carver James Dick of Alert Bay was commissioned in 1970 by the Government of British Columbia to carve the Welcome Pole. It was gifted to the City of Victoria one year later to commemorate the 100th anniversary of British Columbia joining Canadian Confederation.

The Welcome Pole at Centennial Park is approximately 4.5 metres tall and one metre in diameter at the base, and is carved out of Western red cedar. It is one of 13 poles commissioned by the Government of Canada in 1970, as a gift to commemorate British Columbia entering Confederation. A pole was given to each of the 10 provinces, to the Yukon and the Northwest Territories, and one was erected on the grounds of the Parliament Buildings in Ottawa.

Showing its age, the pole was removed by Parks staff on March 12, 2014 and safely stored in the Parks Yard to allow it to dry out with the intention of restoring the pole to its original condition. Upon further inspection conducted by staff and First Nations carver Harold Alfred, it has been determined that the pole has reached its lifespan.

The City of Victoria has six totem poles in the civic outdoor art collection including a pole carved by Mungo Martin in 1956 in Beacon Hill Park. The City received a consultant report from Andrew Todd Conservators in January 2011 with an assessment and condition report on the six poles and provided treatment proposals for each artwork. The Two Brothers in Centennial Square by Butch and Clarence Dick and the Mungo Martin pole in Beacon Hill Park were cleaned, capped and re-sealed in 2011. The totem pole conservation report has been incorporated into an overall public art maintenance plan that is currently being developed to ensure the City is proactively caring for and maintaining existing works in the collection.

Issues & Analysis

The condition assessment for the Welcome Pole involved visual observation and measurements including specific measurements of the density resistance of the wood carried out using a resistograph instrument. The resistograph is an instrument that detects decay and cavities in trees and timber. Through resistograph technology, an arborist is able to detect wood decay, stages of rot, hollow areas, cracks and ring structure. As the micro drill enters the tree, the resistance of the wood changes the rotation speed of the drill. These variations are translated into a graph.

These assessments concluded that the Pole is in poor condition, with a significant amount of decay present. The mild, wet environment of the coast and exposure to salt water is destructive to wood and has expedited the decaying process.

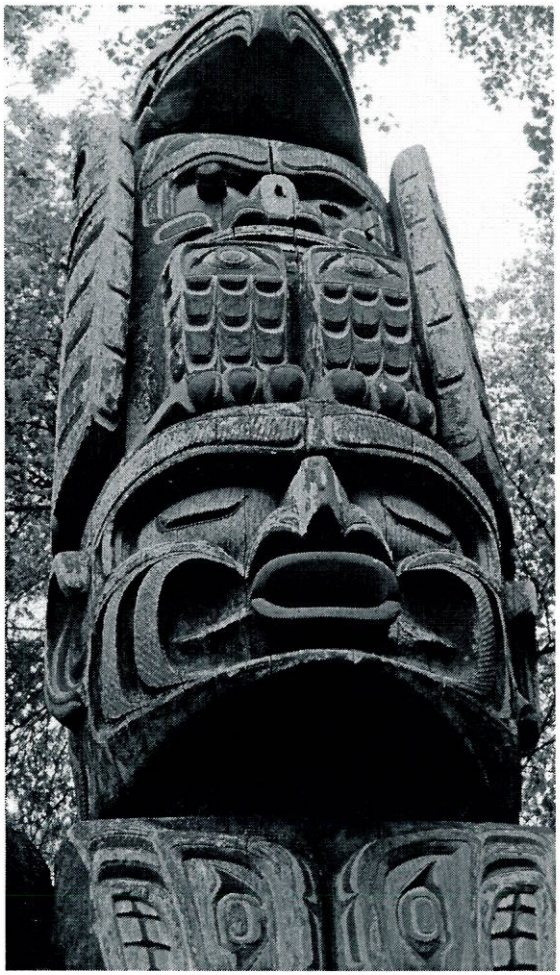
The average life span of a West Coast welcome pole is approximately 50 years, and traditionally, poles are left to return to the earth or gifted back to the carver's family when de-accessioned.

Restoration of the pole was desired, however, the pole is beyond the state of repair based on the extensive rot and cracking found at five different testing spots. Due to the urban setting of Centennial Park, the option of leaving the pole at the current site is not advisable due to safety concerns and heavy use of the walking and biking trails running alongside the park space and the Inner Harbour.

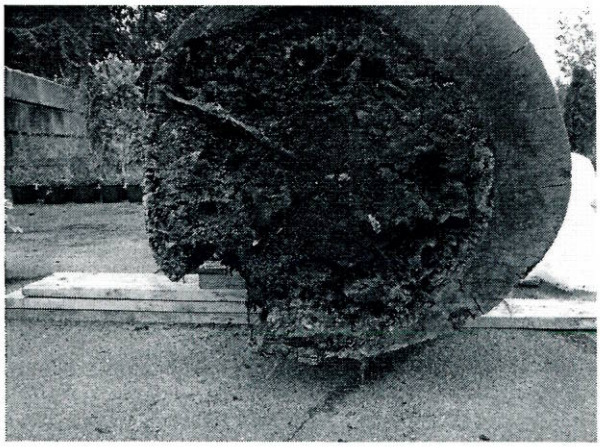
The next steps in the process will be to engage in dialogue with the carver's family to discuss future options and to report back to Council on outcomes and any options to be considered.

Recommendation:

1. That Council receive this report for information.



Aerial View from Top of Pole



View of Pole Base

CITY OF VICTORIA

Governance and Priorities Committee Report
For the June 12, 2014 Meeting

To:	Governance and Priorities Committee	**Date:**	May 30, 2014
From:	Julie MacDougall, Assistant Director Parks, Recreation and Culture		
Subject:	Revised City of Victoria Recreation Fees Bylaw No. 10-036		

Executive Summary

The purpose of this report is to seek Council consideration of proposed changes to the Recreation Fees Bylaw effective September 1, 2014.

The annual review of the recreation fees has been completed as directed by the City of Victoria Financial Sustainability Policy. The primary consideration in the review of recreation fees is to strike a balance between fiscal goals, affordability for citizens, and the marketplace.

To meet these considerations a 2% increase on all fees is recommended to Council with the following exceptions:

- In order to reposition youth rates within the regional average, and to encourage increased youth participation in recreation, it is recommended that the youth admission rate for Crystal Pool & Fitness Centre and Save-on-Foods Memorial Centre be lowered from $3.64 to $3.25.
- In order to meet requests from local employers and to increase participation, it is recommended that a new fee titled Corporate Wellness program be added at the rate of $262.93 (Equal to Adult Gold one year pass less 25%.)

Recommendation:

1. That Council approve the revised Recreation Fees Bylaw No. 10-036 effective September 1, 2014 as outlined in Appendix 1 of this report and instruct the City Solicitor to bring forward the necessary bylaw amendments for three readings and consideration for adoption.

Respectfully submitted

Terri Askham
Manager
Programs and Facilities

Julie MacDougall
Assistant Director
Parks, Recreation and Culture

Report accepted and recommended by the City Manager:

Date: Jun 6, 2014

Purpose
The purpose of this report is to seek Council consideration of proposed changes to the Recreation Fees Bylaw effective September 1, 2014.

Background

The Recreation Fees Bylaw is reviewed on an annual basis in accordance with the City of Victoria Financial Sustainability Policy (2011). This report contains the analysis and recommendations regarding proposed fee amendments to the Bylaw, effective September 2014.

The primary consideration in the review of recreation fees is to strike a balance between fiscal goals, affordability for citizens, and the marketplace. It is also necessary to ensure consistency with the City of Victoria Financial Sustainability Policy. The policy states:

"Fees and charges will be reviewed annually and adjusted where appropriate. Departments should consider a minimum increase equal to inflation (CPI). The users will be provided with no less than two months' notice of those changes."

The annual process for reviewing recreation rates and fees includes consideration of:
- Rates of other municipal recreation services in the region
- Rate increases in previous years
- Economic climate
- Offering financially accessible services
- Attendance trends and targets

In municipal recreation across the region, it is common practice to use the following guidelines when determining fee structures:
- Fees for youth and children are typically lower than those for adult and seniors.
- Fees for commercial users are typically more than for adult users.
- Traditionally in Aquatics, fees for group or club use are typically discounted to encourage high volume and/or non-peak hour use.

Over the past three years fee increases have averaged 2% with some exceptions. In 2013, a 2% increase was implemented on all fees. In 2012 admission fees were increased 4.5% - 8.8% after being held static in 2011, but pool lane rental rates were not increased following a fee framework change and increase in 2011. Sports field, other public space, and festival equipment rental rates were increased by 2% in all three of the previous years.

When HST was repealed in 2013 some local municipalities did not reduce their admission fees, which were inclusive of tax. The City of Victoria adjusted the total cost to the customer to reflect the lower GST only. For example, an adult admission in March of 2013 was $5.75 inclusive of HST; in April 2013 an adult admission was $5.40 inclusive of GST. In September of 2013 through the recreation fee bylaw review, adult admission was increased by 2% to $5.50 inclusive of GST. The overall result was a 4.7% decrease in actual cost for the customer from September 2012 to September 2013.

Issues & Analysis

The Consumer Price Index as reported by StatsCan for Victoria was -0.3% since the Recreation Fees Bylaw was adjusted in September 2013. However, factors that impact municipal recreation operation costs are primarily energy rates and consumption as well as staffing costs. Staffing costs increased by 2% in 2013. From January 2013 to January 2014 Stats Canada Consumer

Price Index showed an increase in energy costs of 2.6% in BC. The Crystal Pool and Fitness Centre experienced a net increase in energy costs of 16% in 2013, in part due to system modifications to improve air quality that increased gas consumption. Increased revenues and efficiencies in other areas of the business resulted in no net increased cost to the taxpayer. Energy conservation assessment strategies are underway to improve energy efficiency moving forward.

Unrecovered cost increases are born by the taxpayer. In 2013, total increased costs for business areas affected by the revenue items covered in the Recreation Fees Bylaw were offset by a combination of the rate increase, increases in participation and rental levels, and controlled expenses. It is expected that the proposed rate increases for 2014 will generate approximately $20,000 in additional revenue over the course of a year, given participation and rental levels remain consistent with 2013. The addition of the new corporate wellness program is intended to generate additional revenue and increase the customer base.

A comparison of the City's pool and arena admission fees to other municipal recreation centres in the region was completed in February 2014. Other regional municipalities are considering increases between 0 and 5%. The chart below shows the admission fees for regional recreation centres. A 2% increase in fees at Crystal Pool and Fitness Centre and Save-On-Foods Memorial Centre indicates that the City can maintain affordable rates for citizens, a competitive advantage to attract new customers, and its position within the region.

Regional Admission Fee Comparison
For the purposes of this comparison fees are shown inclusive of tax

2013 Admission Fees	Adult	Senior Student	Youth	Child	Family
Esquimalt	$5.75	$4.25	$3.00	$2.75	$11.50
Oak Bay	$6.75	$5.25	-	$3.40	$13.50
Panorama	$6.75	$5.50	$3.50	$3.50	$13.50
PISE	$10.00	$6.00	-	-	-
Saanich	$6.25	$5.25	-	$3.25	$12.50
SEAPARC	$5.75	$4.35	$3.45	$2.90	$11.50
Victoria 2013	$5.50	$4.30	$3.80	$2.85	$11.00
Victoria 2014 Proposed	$5.61	$4.39	$3.41	$2.93	$11.23
Westshore	$6.00	$4.40	-	$3.10	$12.00
Regional Average (2013)	$6.61	$4.95	$3.40	$3.13	$12.31

As a result of the above considerations a 2% increase is recommended to increase all rates with the following exceptions:

1. Youth Admission Rates
   In order to reposition youth rates within the regional average, and to promote further youth participation in recreation, it is recommended that the youth drop in fee for Crystal Pool & Fitness Centre and Save-on-Foods Memorial Centre be lowered from $3.64 to $3.25.

   In comparison to other municipally operated recreation centres admission rates for youth in the City of Victoria are 8% above the regional average.

   Participation in recreation and regular physical activity has been linked to improved self-concept and self-esteem, reduced depressive symptoms, decreased stress and anxiety, improved self-acceptance, changes in anti-social behavior, and enhanced psychological well-being. McKay et al (1996), Reid (1994), and Witt (1996) all found that youth who participate in appropriate recreational activities have a decrease in leisure boredom and subsequently, a decrease in deviant behaviors. (As cited in Recreation and Children and Youth Living in Poverty: Barriers, Benefits and Success Stories *Section II.* Developed by The Canadian Council on Social Development (CCSD) for CPRA, 2001.)

   If participation rates for youth remain static following the rate reduction, revenue in this category would decrease by approximately $500. By implementing a targeted marketing strategy it is expected that youth participation would increase, offsetting the rate decrease and potentially increasing total revenue.

2. New Corporate Wellness Program
   It recommended that a new fee titled Corporate Wellness Program be added at the rate of $262.93 (Equal to Adult Gold one year pass less 25%.)

   Corporate Wellness Programs have been shown to reduce absenteeism, staff member turnover rates, and healthcare costs. They translate into fewer injuries, less human error, and a more harmonious office environment. They show that organizations are concerned about employee health and well-being. The City of Victoria demonstrates recognition of the importance of active living in maintaining employee health and well-being through its Employee Wellness Program.

   Corporate Wellness programs currently exist in the City of Vancouver, and locally, at the CRD's Panorama Recreation Centre. These organizations report an increase in pass sales revenue and customer participation through corporate wellness passes and programs.

   Over the past year the Crystal Pool and Fitness Centre has received requests from small local employers for this type of program. The proposed program is intended to respond to those requests. It is expected that the majority of participants in the Corporate Wellness Program will be new customers. The revenue from the program, along with the potential increased participation in registered programs by these new customers, will result in increased revenue.

   Providing a discount to encourage group purchase of passes is in keeping with existing fee structure principles.

   A Corporate Wellness Program fee in the Bylaw, will allow the City to respond to requests

from local employers and incorporate the program into a comprehensive marketing strategy to be developed by the end of 2014.

Options & Impacts

Option 1:

- Revise the Recreation Fees Bylaw as outlined in Appendix 1 of this report.

Option 2:

- Hold the rates and fees at their current levels.

Option 3:

- Direct staff to investigate a combination of options or revenue structure of Recreation fees and charges. This would delay implementation in order to provide 2 months' notice of increase in fees to participants and may result in inconsistency between fee posted in the Active Living guide and fees charged.

Recommendations

1. That Council approve the revised Recreation Fees Bylaw No. 10-036 effective September 1, 2014 as outlined in Appendix 1 of this report and instruct the City Solicitor to bring forward the necessary bylaw amendments for three readings and consideration for adoption.

Appendices

APPENDIX I: Schedule of Fees
APPENDIX II: Draft Corporate Wellness Program Application

APPENDIX I

Schedule A
Save-on-Foods Memorial Centre Community Use Rental and Admission Fees

(Subject to Applicable Taxes)

The fees in this schedule apply to use of the Save-on-Foods Memorial Centre, including during community use time. All rental fees are hourly rates unless otherwise indicated. Equipment rental fees are based on usage of equipment during the designated public session when the equipment is available for use.

	2013	2013	Proposed 2014	Proposed 2014
Ice Rentals – Community Use Time	Prime Time	Non-Prime Time	Prime Time	Non-Prime Time
Minor Organization	$118.91	$89.17	$121.29	$90.95
Adult Organization	$207.08	$155.32	$211.22	$158.43

	2013	Proposed 2014
Meeting Room Rental		
Minor or Adult Organizations	$24.78	$25.28
4 hours or more per day	$99.08	$101.06
Dry Floor Rentals		
Minor Organizations	$42.61	$43.46
Adult Organizations	$66.39	$67.72
Equipment Rental		
Skate Rental	$3.42	$3.49
Helmet Rental	$1.13	$1.15
Public Skating		
Child	$2.73	$2.79
10 Ticket Admission	$24.60	25.11
Youth	$3.64	3.25*
10 Ticket Admission	$32.77	$29.25
Senior	$4.10	$4.18
10 Ticket Admission	$36.90	$37.62
Adult	$5.23	$5.34
10 Ticket Admission	$47.09	$48.06
School District/Group Admission to Public Skating (25 or more participants)		
Adult	$4.10	$4.18
Senior	$3.18	$3.24
Youth	$2.96	$3.02
Child	$2.04	$2.08
Skate Rental	$1.37	$1.40
Helmet Rental	$1.14	$1.16

APPENDIX I

Schedule B
Crystal Pool and Fitness Centre Admission Fees
(Subject to Applicable Taxes)

		2013	Proposed 2014
Preschool		No charge	No charge
Child	Single Admission	$2.73	$2.79
	10 Ticket Admission	$24.60	25.11
	One Month Pass	$27.34	$27.90
	Three Month Pass	$61.51	$62.78
	Annual Pass	$175.64	$179.15
Youth	Single Admission	$3.64	3.25
	10 Ticket Admission	$32.77	$29.25
	One Month Pass	$36.41	$32.50
	Three Month Pass	$81.94	$73.13
	Annual Pass	$239.19	$211.25
Senior	Single Admission	$4.10	$4.18
	10 Ticket Admission	$36.90	$37.62
	One Month Pass	$41.00	$41.80
	Three Month Pass	$92.26	$94.05
	Annual Pass – Gold	$265.30	$270.61
	Annual Pass – Silver	$243.55	$248.42
Adult	Single Admission	$5.23	$5.34
	10 Ticket Admission	$47.09	$48.06
	One Month Pass	$52.33	$53.40
	Three Month Pass	$117.44	$120.15
	Annual Pass – Gold	$343.70	$350.57
	Annual Pass – Silver	$315.52	$321.83
Corporate Wellness Pass	Annual Pass		$262.93*
Family	Single Admission	$10.48	$10.69
	10 Ticket Admission	$94.29	$96.21
Locker Usage 1 visit	Small	$0.22	$0.22
	Large	$0.22	$0.22
Locker Rental (6 months)	Small	44.20	$45.08
	Large	65.58	$66.89

APPENDIX I

Schedule B (Continued)

Crystal Pool and Fitness Centre Rental Fees

(Subject to Applicable Taxes)

"After Hours" means any time when the swimming pool is not open to the general public. "High Volume" means a minimum of 200 long course (50m pool) or 400 short course (25m pool) hours, or an equivalent combination of long course and short course hours, per calendar year.

Rates are hourly rates unless otherwise indicated

	2013	Proposed 2014
25 Meter Pool (per Lane)		
Minor Organizations	$11.17	$11.39
Minor Organizations High Volume/After Hours	$8.37	$8.54
Adult Organizations	$13.96	$14.24
Adult Organizations High Volume/After Hours	$10.47	$10.68
Commercial	$17.45	$17.80
Commercial High Volume/After Hours	$13.09	$13.35
50 Meter Pool (per Lane)		
Minor Organizations	$16.76	$17.10
Minor Organizations High Volume/After Hours	$12.57	$12.82
Adult Organizations	$20.94	$21.37
Adult Organizations High Volume/After Hours	$15.71	$16.03
Commercial	$26.17	$26.71
Commercial High Volume/After Hours	$19.64	$20.03

Meeting Room	2013	Proposed 2014
Minor and Adult Organizations	$24.78	$25.28
4 hours or more per day	$99.08	$101.06
Birthday Party Package (2 hour room rental plus swimming for 10 children)	$49.17	$50.15

APPENDIX I

Schedule C

Royal Athletic Park Rental Fees

(Subject to Applicable Taxes)

Rates are hourly rates unless otherwise indicated.

			2013	Proposed 2014	2013	Proposed 2014
			Minor	Minor	Adult	Adult
Field	Spectator (Minimum four consecutive hours rental)	Prime Time	$57.22	$58.36	$63.91	$65.19
		Non-Prime Time	$51.54	$52.57	$56.69	$57.82
	Non-Spectator (Minimum two consecutive hour rental)	Prime Time	$47.71	$48.66	$52.59	$53.64
		Non-Prime Time	$42.27	$43.12	$46.38	$47.31
Diamond/ Football	Spectator (Minimum four consecutive hours rental)	Prime Time	$64.42	$65.71	$71.12	$72.54
		Non-Prime Time	$58.76	$59.94	$63.91	$65.19
	Non-Spectator (Minimum two consecutive hour rental)	Prime Time	$54.73	$55.82	$60.34	$61.55
		Non-Prime Time	$49.01	$49.99	$53.60	$54.67

Meeting Room	2013	Proposed 2014
Minor and Adult Organizations	$24.78	$25.28
4 or more hours per day	$99.08	$101.06
Field Lighting		
One Field	$50.50	$51.51
Two Fields (all lights)	$60.29	$61.50

APPENDIX I

Schedule D

Festival Equipment Fees

(Subject to Applicable Taxes Except Where Otherwise Stated)

A "Community Use Event" is a publicly accessible activity (festival, celebration, or special event) that is not longer than 7 consecutive days where equipment is used in the City of Victoria. A "Rental" is a publicly accessible event (festival, celebration, or special event) that is not longer than 4 consecutive days where equipment is used outside of the City of Victoria.

	2013	2013	2013	Proposed 2014	Proposed 2014	Proposed 2014
Minor Equipment	Damage Deposit (Applicable Taxes Included)	Community Use Event (per Event)	Other (per rental)	Damage Deposit (Applicable Taxes Included)	Community Use Event (per Event)	Other (per rental)
Cable Covers	$ 150.00	$5.30	$15.92	$150.00	$5.41	$16.24
Chairs	$ 150.00	$0.74	$2.26	$150.00	$0.75	$2.31
Crowd Barriers	$ 150.00	$6.57	$19.21	$150.00	$6.70	$19.59
Tables	$ 150.00	$3.54	$9.86	$150.00	$3.61	$10.06
Tent (10' x 10')	$ 150.00	$13.13	$38.4	$150.00	$13.39	$39.17
Microphone & Speaker	$ 150.00	$40.43	$116.22	$150.00	$41.24	$118.54
Major Equipment						
Bleachers – Quick Lock	$ 500.00	$1.01/seat	$2.53/seat	$500.00	$1.03/seat	$2.58/seat
Bleachers – Trailer	$ 500.00	$616.51	$833.80	$500.00	$628.84	$850.48
Staging – Outdoor	$ 500.00	$5.31	$15.92	$500.00	$5.42	$16.24
Staging – Indoor	$ 500.00	$5.31	$15.92	$500.00	$5.42	$16.24
Staging – Trailer	$ 500.00	$262.80	$429.75	$500.00	$268.06	$438.35
Tent – 10' x 10' Marquee	$ 250.00	$51.54	$156.65	$250.00	$52.57	$159.78
Tent – 20' x 20' Marquee	$ 500.00	$57.62	$171.81	$500.00	$58.77	$175.25
Tent – 15' x 20' Marquee	$ 500.00	$57.62	$171.81	$500.00	$58.77	$175.25
Tent – 30' x 30' Marquee	$ 500.00	$65.69	$192.03	$500.00	$67.00	195.87
Tent – Saddle span Stage Cover	n/a	n/a	n/a	-	--	-

APPENDIX I

Schedule E

Hard Court Surface Rental Fees

(Subject to Applicable Taxes)

"Hard Court Surfaces" means tennis courts and lacrosse boxes.

	2013	Proposed 2014
Hard Court Surfaces		
Minor Organization (per court/hour)	$2.37	$2.42
Adult/Senior Organization (per court/ hour)	$4.73	$4.82
Commercial Rate (per court/hour)	$7.11	$7.25
Clubs (per court/hour)	$2.37	$2.42
Minor Tournament (per court/day)	$23.69	$24.16
Club Tournament (per court/day)	$23.69	$24.16
Adult Tournament (per court/day)	$47.37	$48.32

Schedule F

Park and Green Space Rental Fees

(Subject to Applicable Taxes)

	2013	Proposed 2014
Special Events		
Gated Event/per day	$101.06	$103.08
Private Use		
Annual Sport and Hobby Use (per year)	$121.29	$123.72
Weddings under 4 hours	$121.29	$123.72
Commercial/Corporate Use		
Per event (under 4 hours)	$158.67	$161.84
Per event (4 hours or more)	$234.48	$239.17
Cameron Bandshell		
Non profit Concert or Series Event Not Co-Sponsored by the City Per event (under 4 hours)	$103.08	$105.14
Per event (4 hours or more)	$153.62	$156.69
Concert or Private Non-Profit Events Including Weddings Per event (under 4 hours)	$158.67	$161.84
Per event (4 hours or more)	$234.48	$239.17
Beer Garden		
Service Charge for Park cleanup (refunded if cleanup is unnecessary)	$101.06	$103.08
Permit Fees:		
Public Event for One Day	$126.34	$128.87
Public Event for each Additional Day after First Day	$60.64	$61.85
Private Event for Each Day	$151.60	$154.63
Picnics and Gatherings		
Reserved Area for Picnic or Family Type Gathering (refunded if cleanup is unnecessary)	$96.04	$97.96
Centennial Square		
Commercial/Corporate Use (per day)	$473.75	$483.23
Non-Profit Ticketed Event (per day)	$236.86	$241.60

APPENDIX I

Schedule G
Sport Field Rental Fees

(Subject to Applicable Taxes)

Rates are hourly rates unless otherwise indicated.

	2013	Proposed 2014
Finlayson Artificial Turf Field		
Minor Organization per hour	$33.44	$34.11
Adult/Senior Organization per hour	$50.18	$51.18
Sports Field Lighting		
Beacon Hill Park –Douglas Street Field per hour	$15.46	$15.77
All Other Fields (excluding RAP per hour)	$20.62	$21.03
Parks Sports Change Room Fee (per booking, except tournaments)	$15.46	$15.77
Tournaments/Community Events		
Deposit Package (garbage & cleanup) (refunded if cleanup is unnecessary).	$300.00	$300.00
Adult/Senior (per day)	$103.08	$105.14
Minor Organization (per day)	$51.54	$52.57
Change Rooms (per day)	$25.78	$26.30
Miscellaneous Fees		
Park Bleachers		
Rental for One Section of 25 – 50 seats for One Event	$48.00	$48.96
Delivery and Removal of Bleachers within City Boundaries	$106.12	$108.24
Barrier Fence Rental (per 50 foot roll)	$10.61	$10.82
Garbage Disposal Fee per load	$96.02	$97.94
Sound Monitoring	$25.28	$25.79
Sports Fields		
Commercial Rate	$19.32	$19.71
Class A Sports Field:		
Adult/Senior Organizations	$ 12.38	$12.63
Minor Organizations	$ 6.19	$6.31
Class B Sports Field:		
Adult/Senior Organizations	$ 8.57	$8.74
Minor Organizations	$ 4.28	$4.37

APPENDIX I

Schedule H

Filming Fees

(Subject to Applicable Taxes)

Rates are hourly rates unless otherwise indicated.

	2013	Proposed 2014	2013	Proposed 2014
Filming	Crew Size Under 10	Crew Size Under 10	Crew Size 10 or more	Crew Size 10 or more
Commercial - Movie, TV, Tour Photography, Photography	$60.64	$61.85	$121.29	$123.72
Application Changes/Rescheduling (per change)	$40.43	$41.24	$40.43	$41.24

CITY OF VICTORIA
CORPORATE WELLNESS PROGRAM

Company/Organization Name: _____

Main Contact: _____

(name, address, city, postal code) _____

_____

Telephone No.: (W) _____ (H) _____ (C) _____

E-mail: _____

Company/Organization Type: Private ☐ Public ☐ Non-Profit ☐
Other _____

Industry _____

Program Outline:
The Corporate Wellness Program Purchase Agreement requires that an organization register a minimum of 5 individuals and purchase a minimum of 5 annual passes in order for its employees to obtain a discount on Annual Crystal Pool & Fitness Centre Memberships. Organizations enrolled in the program must maintain a minimum of 5 active users.

Enrollment includes:
- Unlimited use of the Crystal Pool & Fitness Centre facility and drop in programs and the Save-On-Foods Memorial Centre public skating.
- Complimentary group fitness orientations with a certified Personal Trainer.

Guidelines:
- Organizations must pay for a minimum of five (5) employees at the Corporate Wellness Pass rate at the time of registration.
- Refunds are permitted in keeping with the City of Victoria recreation refund policy, however withdrawals cannot bring the minimum number of employees below five.

DRAFT

Recreation Fees Bylaw

Annual Review

Governance & Priorities Committee

June 12, 2014

Background

- Recreation fees are reviewed annually as per the City's Financial Sustainability Policy
- The process for review considers:
  - rates at other facilities in the region
  - Previous increases
  - Economic climate
  - Accessibility for our residents
  - Attendance trends and targets
- Fees have averaged an increase of 2% annually for the last 3 years.

CITY OF VICTORIA

Background

- City of Victoria fees reflect common practices such as:
  - Children and youth fees are typically lower than for adults/seniors
  - Commercial use is charged higher rates
  - High volume use receives discounts (i.e., swim clubs) of non-peak hours

Analysis

- CPI has been relatively flat for Victoria over the past year
- Factors that impact costs at recreation facilities are have increased:
  - Staff wages (2% in 2013)
  - Energy costs of 2.6% in BC were disproportionally higher at CP (16%) as a result of system modifications that improved air quality

CITY OF VICTORIA

Summary of changes

- 2% increase to all recreation fees with the following exceptions:
  - Decrease Youth admission rate from $3.64 to $3.25
  - Addition of new fee titled “Corporate Wellness Program”
- With the 2% increase admission fees in the City remain:
  - Affordable
  - Competitive

CITY OF VICTORIA

Regional Comparison

2013 Admission Fees	Adult	Senior Student	Youth	Child	Family
Esquimalt	$5.75	$4.25	$3.00	$2.75	$11.50
Oak Bay	$6.75	$5.25	-	$3.40	$13.50
Panorama	$6.75	$5.50	$3.50	$3.50	$13.50
PISE	$10.00	$6.00	-	-	-
Saanich	$6.25	$5.25	-	$3.25	$12.50
SEAPARC	$5.75	$4.35	$3.45	$2.90	$11.50
Victoria 2013	$5.50	$4.30	$3.80	$2.85	$11.00
Victoria 2014 Proposed	$5.61	$4.39	$3.41	$2.93	$11.23
Westshore	$6.00	$4.40	-	$3.10	$12.00
Regional Average (2013)	$6.61	$4.95	$3.40	$3.13	$12.31

CITY OF VICTORIA

CITY OF VICTORIA

Governance and Priorities Committee Report
For the Meeting of June 12, 2014

To: Governance and Priorities Committee **Date:** May 30, 2014

From: Jocelyn Jenkyns, General Manager

Subject: Civic Facilities Naming Rights – Philanthropic Guidelines

Executive Summary

The Victoria Conference Centre was established as a self-financing department of the City of Victoria in 1989. The centre was built on property owned by the Fairmont Empress. The Fairmont Empress and the City are parties to a 50 year lease which extends to 2037.

The centre is the sales organization for conferences in Victoria and works in partnership with the business, post-secondary, technology, tourism and hospitality sectors to bring direct spending related economic impact to the city of between $40 and $60 million a year. The VCC is benchmarked each year with other convention centres across the country and ranks highly year after year in its competitive set.

In early 2007, the VCC expanded their space to include the Crystal Garden to be able to accommodate larger conferences to the City. As of 2009, additional operating costs associated with the Crystal Garden as well as a decrease in business revenue led to the City providing a subsidy to the centre. In an effort to return to being self-financing, the City is exploring the financial opportunities related to naming rights.

In 2013, Spectrum Marketing was selected through a competitive process to conduct a feasibility study related to the naming rights opportunities that exist for the VCC. On April 24, Spectrum and staff presented draft corporate naming rights guidelines related to Corporate naming for City of Victoria Civic Facilities. Council then directed staff to draft philanthropic naming policy guidelines for review at a subsequent meeting.

Recommendation:

That Council adopt the attached philanthropic naming policy.

Respectfully submitted

Jocelyn Jenkyns
General Manager

Report accepted and recommended by the City Manager:
Date: June 5, 2014

CITY OF VICTORIA	COUNCIL POLICY	
	No.	Page 1 of 5
CHAPTER:		
SECTION:		
SUBJECT:	Philanthropic Naming Recognition	
AUTHORIZED BY:	Council	
EFFECTIVE DATE:	**REVISION DATE:**	

1. PURPOSE

The purpose of this policy is to:

- provide guidance to City staff and others who have an interest in pursuing a philanthropic donation in support of a civic property
- ensure that there is a consistent approach to receiving, soliciting, managing and reporting on philanthropic namings
- ensure that the reputation, integrity and aesthetic standards of the City and its assets are protected, and
- ensure that revenues are provided to enhance community and public service priorities and amenities.

2. APPLICATION

(a) This policy applies to Civic Properties determined by City Council as being available for naming recognition in return for a philanthropic donation.

(b) This policy does not apply to:

- corporate naming rights or sponsorships wherein an organization provides goods, services or financial support in return for access to the commercial and/or marketing potential associated with the public display of the organization's name on a City property for a finite period
- gifts or donations where no recognition is granted to the donor, or
- bequeaths.

3. DEFINITIONS

For purposes of this policy:

"Philanthropic naming recognition" means the naming of Civic property in response to a charitable donation from an individual, group of individuals, civic or charitable group or other entity, that is intended to enhance the community by financial and/or in-kind support for a specific Civic property. This could take place in the form of an unsolicited donation or a campaign initiated by the City or Civic Property.

4. POLICY STATEMENTS

General

(a) An asset analysis and market valuation is to be completed to determine the value of the property being considered for philanthropic naming recognition. Factors to be considered in development of the goal shall include, but not be limited to:
- capital costs
- annual operating and maintenance costs, and
- desirability and marketability of the opportunity.

(b) Proposals for philanthropic naming recognition will be evaluated on a case-by-case basis according to the compatibility of the proposed honouree, event or icon with the City's mission, vision and values.

(c) A risk/benefit analysis should be completed prior to the acceptance of any philanthropic donation related to naming recognition.

(d) The proposed benefactor's history and, if applicable, business activities should be appropriate to the specific opportunity for naming recognition.

(e) Consideration shall be made with respect to how the proposed Civic Property name and philanthropic naming recognition satisfies the criteria of this policy. Specifically, the following should be considered:
- Background information and/or biographical information (if named after an organization or an individual) demonstrating that the proposed name for the Civic Property is of significance to the community and/or the City and supports the image and values of the City.
- Names should give a sense of place, continuity, belonging, and celebrate distinguishing characteristics and uniqueness of Victoria
- Names should maintain a long-standing local area identification with residents of Victoria
- Names shall be consistent with any other applicable City of Victoria policies and standards

(f) Names which reflect or imply a reference to any of the following will not be eligible:
- Elected officials currently in office
- Political affiliation
- Derogatory or offensive terms or references
- Discrimination against race, gender, ethnicity, or creed
- Duplication
- Tobacco, alcoholic, pornography, weapons or other life-threatening products

(g) The City must obtain documentation verifying that the person/organization (or their legal representative) for which the honorary naming is being bestowed is in agreement with the recognition.

(h) A statement of intent is required outlining the details of and any conditions applicable to the financial contribution.

(i) A list of recognition and benefits commensurate to the donation must be assembled.

(j) The City or Civic Partner must retain all rights to manage and control the facility.

(k) All philanthropic naming agreements shall be confirmed by a written contract that shall be approved by the City's Legal Services.

(l) The terms and conditions of the philanthropic naming agreement must not conflict with the terms and conditions of an existing lease, license or agreement with the City.

(m) Proceeds received by the City/Civic Property for the philanthropic naming recognition are to be used in accordance with the donor's wishes which may include the enhancement and maintenance of the named facility and the provision of programs and services directly related to its mandate.

(n) Signage and branding shall conform to all applicable municipal bylaws and policies and must not impact the quality and integrity of the associated properties, buildings or land.

Naming Rights Agreements

(o) A philanthropic naming rights agreement for a Civic Property will be evidenced in a written contract that will include the following:
- A definitive term that does not exceed the useful life of the property
- The value of the consideration and, in the case of in-kind contributions, the method of valuation
- The payment schedule
- Rights and benefits, and
- Confidentiality terms.

(p) A philanthropic naming recognition agreement will be reviewed by the City Solicitor prior to finalization in order to ensure that the City's legal interests are protected.

Donor Recognition

(q) The City of Victoria will consider naming a public building or property or features of a building or property as a means of providing recognition for significant financial gifts to the City, in accordance with this and other applicable city policies.

(r) The City will establish an aggregate campaign goal for specific philanthropic naming rights opportunities. Factors to be considered in development of the goal shall include, but not be limited to, capital costs, annual operating and maintenance costs, and desirability and marketability of the opportunity. Each campaign shall be developed on a case-by-case basis.

(s) The City will establish associated benefits for specific donations related to philanthropic naming rights campaigns.

(t) All naming rights shall be approved for a specific term, which shall not be longer than the useful life of the property or facility, as determined by the City, unless otherwise established in a donor contract approved by the City and the donor.

5. RESPONSIBILITIES

(a) City Council will:

- Exercise decision-making authority for opportunities for naming regardless of whether guidelines are met or not.
- Approve and revise these guidelines as necessary.
- Ensure processes that balance the need for information to be made public, with the requirements for confidentiality in negotiations.
- Accept philanthropic contributions and provide appropriate donor recognition based on these guidelines.

(b) City Administration will:

- Designate a key contact who will:
  - Act as the main contact and information conduit
  - Participate in donor discussions on behalf of the Civic Partner
  - Consult with other City resources as appropriate
  - Assess the extent to which guidelines have been met, and
  - Ensure timely communication to Council and other members of the Administration.

(c) Civic Partner will:

- Provide the City Manager with notice of intent to pursue a philanthropic naming donation/campaign in advance of commencing such activity.
- Maintain regular communication with the City Manager.
- Undertake due diligence efforts to ensure that these Guidelines have been considered.
- Provide a written summary of the philanthropic naming recognition donation/campaign that addresses the application of these guidelines including:
  - results of asset analysis and market valuation
  - Results of risk/benefit analysis, including any possible contentious issues, if any, and proposed methods of resolving those issues
  - Value and term of philanthropic rights, and
  - Intended use of funds.

6. REVISION HISTORY

CITY OF VICTORIA

Governance and Priorities Committee Report
For the June 12, 2014 Meeting

To:	Governance and Priorities Committee	**Date:**	May 29, 2014
From:	Allison Ashcroft, Senior Planner, Environment		
Subject:	Fortis BC – Pavement Repair Services and Fueling Services Agreements		

Executive Summary

Staff recommend that Council provide authoritative approval to have the Mayor and Corporate Administrator execute two separate services agreements with Fortis BC Energy Vancouver Island (Fortis BC) . Council's authorization is required because each agreement contains an indemnity clause. The first agreement provides for cost recovery from Fortis BC for City costs related to pavement repair work to City infrastructure resulting from Fortis BC activities within the city of Victoria. The second agreement relates to the fueling of City vehicles at Fortis BC's compressed natural gas (CNG) facility in Langford in the rare event of a scheduled or unforeseen closure of the City's CNG fueling station at public works.

1. Pavement Repair Services Agreement

The City routinely works with utility and telecommunications companies to coordinate the maintenance and upgrade of utilities infrastructure in the City's right-of-way. The work of these utility companies often necessitates repairs or upgrades to nearby City assets and infrastructure; most commonly this involves pavement repair to sidewalks and roads subsequent to utilities work. The City performs these repairs to City infrastructure rather than the utilities. In 2013, the City billed $640,000 to third party utility and telecom companies for cost recovery of City works associated with their capital projects. These City charges are invoiced weekly on an individual project basis to each company. Generating these project-based invoices requires compiling detailed time and material records and is a very time-consuming and data-intensive process. Through the proposed pavement repair service agreement between the City and Fortis BC, the City would base its charges on agreed-upon unit costs for supplying labour, equipment and materials required for typical pavement repair work. The unit costs to be included within this pavement service agreement reflect full cost recovery and will be monitored and adjusted, as needed, at each renewal term. The term of this agreement is from January 30, 2014 through December 31, 2015.

Contained within the agreement is an indemnity clause to release and save harmless Fortis BC from all actions, claims, damages, or costs with respect to the injury or death of any person, damage or loss to property, or remediation of any environmental damage incidental to the pavement repair work. The application of this clause is deemed to be remote; therefore, staff request that Council provide authorization to execute the agreement.

2. Fueling Services Agreement

In 2013, the City of Victoria's fueling facility dispensed 120,000 litres of CNG, one quarter of this usage was from outside sales to third parties with CNG vehicles, the other three quarters was used by the City's approximately 25 heavy duty fleet vehicles which run exclusively on CNG. These CNG vehicles include some of the City's specialty trucks, such as garbage packers, flat decks, and hotboxes, in addition to, some larger pick- up trucks and vans. Some of the City's specialty vehicles are needed on a daily basis, in particular the new dual stream garbage packers. In 2013, the newly acquired dual stream CNG garbage packers consumed 64% of all the City's CNG usage (net of outside sales).

Until very recently, the City's fueling facility at public works was the only location on southern Vancouver island to acquire CNG. Fortis BC Energy Vancouver Island (Fortis BC) has completed the construction and commissioning of a new CNG facility in Langford which it operates as a third party fueling facility.

The City's CNG fueling equipment is near the end of its life and in need of major repair or replacement. Staff are assessing different options for financing these upgrades, including exploring potential partnership opportunities. Staff will bring forth a recommendation for financing the upgrade to the City's CNG fueling infrastructure through the 2015 budget process. There is a risk of failure with this existing fueling infrastructure, and there is a possibility that scheduled maintenance may necessitate a temporary closure of the City's CNG fueling facility. In either instance, having an agreement in place with Fortis BC to use their third party CNG fueling facility in Langford provides added redundancy.

Staff request that Council authorize the execution of a fueling services agreement with Fortis BC in order that, in the event of downtime due to failure or scheduled maintenance of the City's CNG facility, the City's CNG fleet will have an alternate facility from which to fuel. It should be noted that there are no other CNG fueling stations within Greater Victoria. Staff is not recommending that we use Fortis's CNG fueling station in the normal course of business as fuel and travel cost will be higher.

Contained within the agreement is an indemnity clause to release and save harmless Fortis BC from all expense, risks, and liability with respect to the use by us of their fueling station. Application of this clause is deemed remote, thus the City is agreeing to indemnify Fortis BC, and staff request Council's authorization to execute the agreement.

Recommendation:

1. That Council authorize the Mayor and Corporate Administrator to execute
    a. The Pavement Repair Services Agreement with Fortis BC
    b. The Fueling Services Agreement with Fortis BC.
2. That Council ratify the motion to execute these agreements at the meeting of City Council on June 12, 2014.

Respectfully submitted,

Allison Ashcroft
Senior Planner, Environment

Dwayne Kalynchuk
Director of Engineering

Report accepted and recommended by the City Manager:

Date: June 5, 2014

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
Tel. (604) 576-7000

Vendor: CITY OF VICTORIA
#1 CENTENNIAL SQUARE
VICTORIA BC V8W 1P6

Vendor Contact: Ed Robertson
Telephone: 250-385-5711

Ship To: Fortis BC Energy (VI) Inc.
1027 Langford Parkway
Victoria BC V9B 0A5

BLANKET ORDER NUMBER **4500042057**
Purchase Order Date: (yyyy/mm/dd) 2014/05/28
THIS PO NUMBER MUST APPEAR ON ALL VENDOR DOCUMENTS

FortisBC Contact: Margrit Himmel
Telephone: 604-592-7636
Fax Number: 778-571-3205
Email: MARGRIT.HIMMEL@FORTISBC.COM
Payment Terms: 30 Days Due Net

Commencement Date: 2014/01/30
Termination Date: 2015/12/31

Your Reference: Rate Sheet
Our Reference: 7.480.10

PAVEMENT REPAIR - WITHIN THE CITY OF VICTORIA, BC

TO COVER THE COST OF SUPPLYING ALL LABOUR, EQUIPMENT AND MATERIALS REQUIRED FOR PAVEMENT REPAIR WORK RESULTING FROM FORTISBC ENERGY (VANCOUVER ISLAND) INC. ("FORTISBC") ACTIVITIES WITHIN THE CITY OF VICTORIA. WORK WILL BE PERFORMED ON AN "AS AND WHEN REQUIRED" BASIS.

THE RATES TO BE CHARGED AGAINST THE PURCHASE ORDER MAXIMUM TOTAL ESTIMATE WILL BE ADDED TO LINE 10 BELOW WHEN THE 2014 RATE SHEET IS AVAILABLE.

THE FORTISBC REPRESENTATIVE IS: T JASON EARDLEY (VICTORIA-LANGFORD)
TEL: 250.380.5720
CELL: 250.883.5062
EMAIL: jason.eardley@fortisbc.com

THE CITY OF VICTORIA REPRESENTATIVE IS: ED ROBERTSON
EMAIL: engineering@city.victoria.bc.ca

***PRIOR TO COMMENCEMENT OF WORK, A COPY OF THIS BLANKET ORDER MUST BE SIGNED IN THE AREA INDICATED BELOW AND RETURNED VIA E-MAIL, FAX, OR HARD COPY TO MARGRIT HIMMEL.

FOR VALUABLE CONSIDERATION, I HEREBY AGREE TO BE RETAINED BY FORTISBC TO PROVIDE THE SERVICES DESCRIBED HEREIN AND AGREE TO BE BOUND BY, OBSERVE AND PERFORM THE TERMS, CONDITIONS AND OBLIGATIONS AS SET FORTH IN THIS PURCHASE ORDER AND TERMS AND CONDITIONS ATTACHED HERETO.

DATED AT (CITY) _____ ON THIS _____ DAY OF

_____, 2014.

(CONTINUE NEXT PAGE)

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
Tel. (604) 576-7000

BLANKET ORDER NUMBER	**4500042057**
Purchase Order Date: (yyyy/mm/dd)	2014/01/30
Change Date : (yyyy/mm/dd)	2014/05/28
THIS PO NUMBER MUST APPEAR ON ALL VENDOR DOCUMENTS	

PER _____
(City of Victoria - AUTHORIZED SIGNATURE)

PRINT NAME & TITLE: _____

8) THE VENDOR'S WORKSAFE BC NUMBER (IF APPLICABLE) IS:
_____

CC: Jason Eardley, Victoria-Garbally
Accounts Payable

CHG NBR: 65207 - 6312
FILE: 7.480.10 (VIS)

Item	Quantity	Unit	Material / Service Description	Delivery Date	Unit Price	Extended Price
00010	1	PU	Paving & Concrete Repair within the city of Victoria, BC	2015/12/31	1000,000.00	1,000,000.00

Total net value excl. tax CAD 1,000,000.00

TAXES ARE NOT INCLUDED IN THE COSTS SHOWN.
WHERE APPLICABLE, PLEASE SHOW AMOUNT OF TAXES
SEPARATELY ON INVOICE.

SPECIAL INSTRUCTIONS:

1) FORWARD ALL INVOICES TO THE FORTISBC REPRESENTATIVE AT THE "SHIP TO" ADDRESS

(CONTINUE NEXT PAGE)

FORTIS BC™

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
Tel. (604) 576-7000

BLANKET ORDER NUMBER	**4500042057**
Purchase Order Date: (yyyy/mm/dd)	2014/01/30
Change Date : (yyyy/mm/dd)	2014/05/28
THIS PO NUMBER MUST APPEAR ON ALL VENDOR DOCUMENTS	

REQUESTING THE WORK.

REFERENCE THE FOLLOWING INFORMATION ON ALL INVOICES:
-BLANKET ORDER NUMBER;
-FORTIS GAS JOB NUMBER; AND
-NAME OF FORTISBC REPRESENTATIVE FOR THE JOB;

2) THE BLANKET ORDER TOTAL IS A MAXIMUM ESTIMATE ONLY AND DOES NOT GUARANTEE A SPECIFIC AMOUNT OF WORK;

3) TERMS AND CONDITIONS OF ORDER - Standard SERVICES (March 28,2013) WILL APPLY TO THIS PURCHASE ORDER;

4) THE CITY OF VICTORIA MUST PROVIDE THE FORTISBC PROCUREMENT DEPARTMENT AT 16705 FRASER HWY, SURREY, BC V4N 0E8 WITH 30 DAYS WRITTEN NOTICE OF ANY CHANGES TO THE RATE STRUCTURE.

(CONTINUE NEXT PAGE)

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
Tel. (604) 576-7000

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TERMS AND CONDITIONS OF ORDER - (SERVICES)

1. PURCHASE ORDER

1.1. FortisBC Energy Inc. ("FortisBC") has accepted a quotation ("Quotation") from the Contractor (described as the Vendor in the Purchase Order) to provide services, the details of which are outlined in the Scope of Work attached to the Purchase Order.
1.2. The Terms and Conditions, the Quotation and the Scope of Work are all attached to the Purchase Order and collectively form the Contract Documents.

2. SCOPE OF WORK

Generally, the services to be performed by the Contractor are set out in the Scope of Work attached to the Purchase Order or directly on the Purchase Order attached hereto (the "Work"). Specific services may be assigned by FortisBC throughout the term.

3. REPRESENTATIVES

3.1. Following the award of the Work to the Contractor, each party shall notify the other of its named representative. The Contractor#s representative shall be available on the site where the Work is being performed.
3.2. FortisBC's representative shall be identified on the Purchase Order.
3.3. Any written notices required to be given to a party under the Purchase Order shall be delivered to the party's representative.
3.4. The parties' respective representatives shall have the authority to transmit information and instructions to one another and to act on behalf of and bind their respective parties.

4. TERM OF PURCHASE ORDER

This Purchase Order shall commence on the date set out on the Purchase Order (the "Commencement Date") and shall be deemed terminated and the Contractor discharged from any further obligation to perform services on the earlier of the date when the Work has been performed, accepted and approved by FortisBC (the "Termination Date") and the termination date identified on the Purchase Order.

5. PROGRESS OF WORK

5.1. The Contractor shall provide all services, labour, supervision and equipment necessary to perform the Work in accordance with the terms of the Purchase Order and the Scope of Work. The Contractor shall perform the Work in accordance with any drawings and instructions issued by FortisBC.
5.2. At the request of the FortisBC representative, the Contractor shall provide details about its plans and methods of performing the Work. If the FortisBC representative determines that the Contractor cannot supply personnel and equipment to meet the requirements of the Work as assigned on the schedule identified, the Contractor shall, if requested by FortisBC, expedite the progress of the Work at no additional cost to FortisBC.

6. DELAY

6.1. If the Work as assigned is delayed beyond the specific Work assignments scheduled completion date(s), (the "Completion Date(s)") as a result of an event or circumstance which the Contractor could not have anticipated or avoided and which makes it impossible to perform the Work on time, the parties' representatives shall agree on, and failing such agreement, the FortisBC representative shall establish, an equitable adjustment of the time within which the Work is to be performed.
6.2. If the Work as assigned is delayed beyond the scheduled Completion Date(s) as a result of any act or failure to act by the Contractor, its agents, employees or subcontractors, the FortisBC representative shall either:
(a) establish an equitable adjustment of the amount to be paid for the Work or the time within which the Work is to be performed; or
(b) terminate the Purchase Order without incurring damages or penalties in accordance with Sections 12.1 and 12.2.
6.3. Any party anticipating a delay shall notify the other party as soon as possible with full particulars. Both parties shall make every reasonable effort to mitigate or overcome the effects of any anticipated delay.

7. EXTRA WORK

(CONTINUE NEXT PAGE)

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
Tel. (604) 576-7000

BLANKET ORDER NUMBER	4500042057
Purchase Order Date: (yyyy/mm/dd)	2014/01/30
Change Date : (yyyy/mm/dd)	2014/05/28
THIS PO NUMBER MUST APPEAR ON ALL VENDOR DOCUMENTS	

TERMS AND CONDITIONS OF ORDER - (SERVICES)

7.1. The FortisBC representative may require the Contractor to perform work that is in addition to the Scope of Work and results in an increase to the cost of the Work ("Extra Work").
7.2. Prior to the commencement of any Extra Work, the details of the Extra Work shall be discussed and mutually agreed upon in writing by the parties. Failing agreement, the FortisBC representative may direct the Contractor, in writing, to proceed with such Extra Work which is within the general scope of the type of Work required by the Contractor or required to properly complete the Work, in which case the Contractor shall perform such Extra Work. Any dispute as to the Extra Work shall be resolved in accordance with Section 18 below.
7.3. Extra Work shall be paid at the hourly rate outlined in the Purchase Order, or if none has been set out, then at a rate to be mutually agreed upon prior to commencing the Extra Work. Failing agreement as to cost the parties will resolve the matter in accordance with Section 18.
7.4. FortisBC shall not accept any claim made by the Contractor for Extra Work unless the Contractor has complied with Sections 7.2 and 7.3 above.

8. WORK CHANGES

8.1. The FortisBC representative may require the Contractor to perform any additions to or revisions of the Work which are within the scope of the Purchase Order and/or to make any deletions to the Work ("Work Changes").
8.2. If the FortisBC representative requires such Work changes, the parties' representatives shall agree on any equitable adjustment of the amount to be paid for the Work Changes and the time within which the Work Changes and the Work are to be performed, and, failing such agreement, either representative may escalate the disagreement within its organization and failing resolution may elect to have the matter resolved in accordance with Section 18. The parties will continue to fulfil their respective obligations pursuant to this Purchase Order during any resolution of any dispute.

9. TERMS OF PAYMENT

9.1. Subject to any equitable adjustment or Section 18, FortisBC shall pay the Contractor an amount approved by the FortisBC representative as set out in the Purchase Order for performance of the Work in accordance with these Terms and Conditions.
9.2. The Contractor shall submit an itemized invoice, on the last day of each month during the term of this Purchase Order unless otherwise specified in the Purchase Order or on the Termination Date, whichever is appropriate, to the FortisBC representative, which at a minimum shall include:
(a) hourly rates, where appropriate, as quoted in the Purchase Order; or
(b) lump sum price, where appropriate, as quoted in the Purchase order;
(c) a detailed description of the Work;
(d) any Extra Work at the hourly rates as set out in the Purchase Order or as mutually agreed upon between parties;
(e) applicable Federal Goods and Services Tax ("GST") and British Columbia Provincial Sales Tax ("PST");
(f) FortisBC's Work order number, if applicable;
(g) complete address of the location of the Work being invoiced or where the materials were delivered;
(h) where appropriate, minimum callout prices; and
(i) copies of all delivery slips for Materials.
9.3. The FortisBC representative shall verify the invoice and approve it for payment. Payment of the approved invoices shall be made by FortisBC to the Contractor within 30 days of receipt by FortisBC unless otherwise specified in the Purchase Order.
9.4. The Contractor shall remit the PST to the British Columbia Minister of Finance in accordance with all laws and regulations.
9.5. FortisBC shall pay to the Contractor the applicable GST provided that the invoices that the Contractor provides to FortisBC includes the following:
(a) sufficient information to identify the Contractor's name or trade name;
(b) the Contractor's GST registration number;
(c) sufficient information to identify the reporting period when the GST, in respect of the goods and services being provided by the Contractor, was paid or become payable and the amount of GST paid or payable;
(d) sufficient information to identify the name of FortisBC; and
(e) sufficient information to specifically identify the nature of the goods and services being provided and invoiced.
9.6. FortisBC will not, under any circumstance, be responsible for any tax monies not remitted in accordance with Section 9.4 above, nor for any interest or penalties imposed on unremitted taxes.
9.7. FortisBC shall not be responsible for any GST other than as specified above. The Contractor agrees to hold FortisBC harmless from and against any order, penalty, interest or tax that may be exercised or levied against FortisBC as a result of the failure or delay of the Contractor to file any return or information required by any law, ordinance or regulation. Without limiting the generality of the foregoing, FortisBC shall have no liability or

(CONTINUE NEXT PAGE)

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
Tel. (604) 576-7000

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TERMS AND CONDITIONS OF ORDER - (SERVICES)

responsibility for the payment of any penalty or interest assessed or levied against the Contractor as a result of the failure of the Contractor to charge, collect or remit the GST as required under all applicable laws.

10. EQUIPMENT & MATERIALS OF FORTISBC

All maps, drawings, photographs, equipment and materials relevant to the Work provided by FortisBC to the Contractor shall remain the property of FortisBC and the Contractor shall be responsible for the safe care, handling, custody and proper maintenance of them. The Contractor shall return any FortisBC property to FortisBC within ten (10) days of termination of the Purchase Order.

11. MAINTENANCE OF RECORDS

The Contractor shall keep full and detailed records respecting performance of the Work for at least one year after completion of the Work and the Contractor shall permit FortisBC to inspect and audit these records at all reasonable times.

12. TERMINATION

12.1. If the Contractor breaches a material term of the Terms and Conditions of this Purchase Order or is in substantial breach of the Terms and Conditions of this Purchase Order, becomes insolvent, commits an act of bankruptcy, has a receiver or liquidator appointed for its assets or otherwise files for protection from claims of its creditors, such that any of the above causes the Contractor to be unable to fulfil its obligations under this Purchase Order, assigns or abandons the Work, or fails to meet the Completion Dates, FortisBC may, without prejudice to any other rights or remedies it has, terminate this Purchase Order by giving the Contractor seven (7) calendar days written notice.
12.2. Notwithstanding the forgoing, in its sole discretion FortisBC reserves the right to cancel this Purchase Order without damages or penalty whatsoever by giving the Contractor fourteen (14) calendar days written notice.
12.3. Should FortisBC terminate this Purchase Order in accordance with Section 12.1 or 12.2, it shall only be required to pay the Contractor for Work completed to FortisBC's satisfaction up to the date of Termination and those costs incurred solely for the purpose of completing that Work.
12.4. If FortisBC terminates the Purchase Order, it may take possession of the Contractor's work product and materials and complete the Work. The Work, including, without limitation, finished drawings, materials, correspondence, calculations and other work in progress completed up the date of termination shall become the property of FortisBC.
12.5. If FortisBC fails to make payment to the Contractor when due under the Purchase Order, other than in cases where FortisBC disputes the amount of entitlements of the Contractor to some or all of a payment, breaches a fundamental term of the Purchase Order or is in substantial breach of the terms hereof, the Contractor may, without prejudice to any other rights or remedies it has, terminate this Purchase Order by giving FortisBC seven (7) calendar days written notice.

13. INSURANCE

13.1. Within five (5) days of award of the Work, the Contractor shall obtain at its own expense, the following insurance and with the exception of (a) below, name FortisBC as an additional insured and provide FortisBC with proof of the insurance coverage including:
(a) Automobile liability on all vehicles used by the Contractor in connection with this Purchase Order in the minimum amount of $2 million per occurrence in respect of bodily injury, death and property damage.
(b) General Commercial liability for bodily injury, death and property damage with minimum amount of $2 million per occurrence with respect to the Work. The policy shall also contain a cross liability provision.
13.2. During the term of this Purchase Order, FortisBC's representative may, by written notice, require the Contractor to obtain additional insurance or to alter or amend the insurance policies required under this Section at FortisBC's expense. The Contractor shall be responsible for the full amount of all deductible of all insurance policies required under this Section. All insurance policies required herein shall provide that the insurance shall not be cancelled or changed in any way without the insurer giving at least ten (10) calendar days written notice to FortisBC and shall be purchased from insurers registered in and licensed to underwrite insurance in British Columbia. Where the Contractor fails to comply with the requirements of this Section, FortisBC may take all necessary steps to affect and maintain the required insurance coverage at the Contractor's expense.
13.3. If an insurer fails or refuses to pay any claims under an insurance policy covering activities relating to or arising out of the Work, the Contractor will not be released from any responsibility and liability arising under these Terms and Conditions.

14. WORKER'S COMPENSATION INSURANCE

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FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

ACCOUNTS PAYABLE:
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14.1. Within five (5) days of award, the Contractor shall provide FortisBC with written proof of Workers' Compensation insurance coverage in accordance with the statutory requirements in British Columbia for all its employees engaged in performing the Work herein.
14.2. The Contractor shall comply with the British Columbia Workers' Compensation Act and regulations thereto and shall pay all assessments, compensation and all other amounts required to be paid thereunder.
14.3. If the Contractor fails to pay any such assessment, compensation or other amounts when due, FortisBC may make such payment on behalf of the Contractor but will not be obliged to do so.
14.4. The Contractor shall reimburse FortisBC the amount of such payment upon demand, or FortisBC may deduct the amount from any payment then or thereafter due to the Contractor under the Purchase Order.

15. INDEMNIFICATION

15.1. The Contractor shall indemnify and hold FortisBC, its directors, officers, agents and employees harmless from and against any actions, claims, damages, costs and expenses including without limitation all applicable solicitors' fees and disbursements, investigation expenses, adjusters' fees and disbursements whatsoever which may be brought against or suffered by FortisBC, or its directors, officers, agents and employees or which they may incur, sustain or pay arising out of or in connection with:
(a) any injury to or the death of any and all persons;
(b) damages, destruction or loss to or of any and all property whether real or personal;
(c) restoration and/or remediation for any environmental damage sustained and all penalties, fines or other costs associated therewith; and
(d) any act, omission, default or representation, negligent or otherwise, of the Contractor, its employees, agents and subcontractors,
in any way incidental to the Work or this Purchase Order.
15.2. The Contractor shall defend any such claims or suits provided that FortisBC shall have the right at its option to participate in the defence of such claims or suits and in such events the Contractor shall pay FortisBC's cost for defending such claims or suits.
15.3. This indemnity shall survive the termination of this Purchase Order.

16. SAFETY & SECURITY

16.1. The Contractor shall be responsible for the protection and security of the Work and the protection and safety of all persons performing the Work on the site. The Contractor shall comply with all safety procedures required by FortisBC.
16.2. At the request of FortisBC, the Contractor shall cause each of its employees engaged in the performance of the Work to obtain and provide to FortisBC a Consent for Disclosure of Criminal Record Information from the Royal Canadian Mounted Police and such further information regarding such employee's criminal record as may be requested by FortisBC.
16.3. FortisBC may, in its sole and absolute discretion, require the Contractor to remove any of the Contractor's employees from the performance of the Work and to replace such employee with another employee acceptable to FortisBC.

17. REPRESENTATIONS AND WARRANTIES

17.1. The Contractor hereby covenants, represents and warrants to FortisBC, and shall be deemed to have covenanted, represented and warranted to FortisBC on and as of the Commencement Date, as follows:
(a) the personnel the Contractor assigns to perform the Work herein possess the necessary qualifications, knowledge, skills, expertise and experience to perform the Services to the highest professional standards;
(b) the Contractor shall, at all times during the term of the Purchase Order, act in the best interest of FortisBC and shall perform the Work in a competent, workmanlike and professional manner and using due care and diligence;
(c) the Contractor shall act with integrity and use the highest ethical standards in performing the Work hereunder and it shall not, in any way, directly or indirectly compromise the reputation or image of FortisBC;
(d) in performing the Work, the Contractor shall comply with all applicable laws, orders, regulations, ordinances standard, codes and other rules, licences and permits of all lawful authorities;
(e) the Contractor shall be responsible at no cost to FortisBC, to provide such additional services as may be necessary to remedy any defects or deficiencies in the Work caused by the negligent act or omission of the Contractor or its employees, agents or subcontractors or by the failure of such party(ies) to perform the Work in accordance with the provisions of this Purchase Order; and
(f) where applicable, the Contractor shall take all measures in the performance of the Work to minimize disturbance or damage to the environment.
17.2. These representations and warranties shall survive the termination of this Purchase Order.

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18. DISPUTES

18.1. Where any dispute arises out of or in connection with this Purchase Order, including failure of the parties to reach agreement hereunder, the parties agree to try to resolve the dispute by participating in a structured mediation conference with a mediator under the National Arbitration Rules of the ADR Institute of Canada Inc.
18.2. If the parties fail to resolve the dispute through mediation, the unresolved dispute shall be referred to, and finally resolved or determined by arbitration under the National Arbitration Rules of the ADR Institute of Canada Inc. Unless the parties agree otherwise the arbitration will be conducted by a single arbitrator.
18.3. The arbitrator shall issue a written award that sets forth the essential findings and conclusions on which the award is based. The arbitrator will allow discovery as required by law in arbitration proceedings.
18.4. If the arbitrator fails to render a decision within thirty (30) days following the final hearing of the arbitration, any party to the arbitration may terminate the appointment of the arbitrator and a new arbitrator shall be appointed in accordance with these provisions. If the parties are unable to agree on an arbitrator or if the appointment of an arbitrator is terminated in the manner provided for above, then any party to this Purchase Order shall be entitled to apply to a judge of the British Columbia Supreme Court to appoint an arbitrator and the arbitrator so appointed shall proceed to determine the matter mutatis mutandis in accordance with the provisions of this Section.
18.5. The arbitrator shall have the authority to award:
(a) money damages;
(b) interest on unpaid amounts from the date due;
(c) specific performance; and
(d) permanent relief.
18.6. The costs and expenses of the arbitration, but not those incurred by the parties, shall be shared equally, unless the arbitrator determines that a specific party prevailed. In such a case, the non-prevailing party shall pay all costs and expenses of the arbitration, but not those of the prevailing party.
18.7. The parties will continue to fulfil their respective obligations pursuant to this Purchase Order during the resolution of any dispute in accordance with this Section 18.

19. SUBCONTRACTING

19.1. No subcontracting of any of the Work shall be permitted without the prior written consent of FortisBC which consent may be arbitrarily withheld.
19.2. Notwithstanding FortisBC's consent to the subcontracting of any of the Work, no subcontracting of any Work shall relieve the Contractor from its obligations and responsibilities to FortisBC pursuant to this Purchase Order. Nothing contained in these Terms and Conditions shall be construed as creating any contractual relationship between FortisBC and the subcontractor.

20. ASSIGNMENT

The Contractor shall not assign its rights under this Purchase Order without the prior written consent of FortisBC, which consent may be arbitrarily withheld. FortisBC may assign this Purchase Order without the consent of the Contractor.

21. CONFIDENTIALITY

21.1. All information or documentation received by a party (the "Receiving Party") pertaining to or arising from the Work or the business affairs or trade secrets of the other party (the "Disclosing Party") shall be deemed to be confidential and proprietary to the Disclosing Party. Except as otherwise provided herein, the Receiving Party shall not directly or indirectly disclose any such confidential information or documentation to any third party without the prior written consent of the Disclosing Party. Such consent is not required where the third party is another contractor or consultant retained by the Disclosing Party for the purposes of the Work and to the extent that such disclosure is necessary for the proper performance of this Purchase Order.
21.2. Notwithstanding the foregoing, the Receiving Party may use such confidential information or documentation pertaining to or arising from the Work in the preparation for and conduct of submissions to regulatory agencies.
21.3. The obligation of confidentiality set out above shall not apply to material, data or information which is known to either party prior to its receipt thereof, which is generally available to the public or which has been obtained from a third party which has the right to disclose the same. The

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FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
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confidentiality covenants of the parties herein shall survive the termination of this Purchase Order.
21.4. The Contractor further acknowledges and agrees that FortisBC has, and shall have title to all information and documentation arising from the performance of the Work and the Contractor shall surrender any of such material which may be in its possession to FortisBC at any time upon the request of FortisBC.

22. RELATIONSHIP

In performing the Work the Contractor shall be an independent contractor and as such shall not have authority to bind or commit FortisBC and shall have responsibility for the control over the details and means of performing the Work. The Work shall be performed by the Contractor under its own superintendence and at its own risk. Nothing herein shall be deemed or construed to create a joint venture, partnership, employment or agency relationship between the parties for any purpose.

23. AGENCY

Where FortisBC requests the Contractor to carry out Work on Vancouver Island or the Sunshine Coast, FortisBC is acting as agent for FortisBC Energy (Vancouver Island) Inc. and all references in the Purchase Order to FortisBC shall be deemed to be references to FortisBC Energy (Vancouver Island) Inc. Where FortisBC requests the Contractor to carry out Work in Whistler, FortisBC is acting as agent for FortisBC Energy (Whistler) Inc. and all references in the Purchase Order to FortisBC shall be deemed to be references to FortisBC Energy (Whistler) Inc.

24. LAW

This Purchase Order shall be governed by and construed in accordance with the laws of the Province of British Columbia.

25. TIME

Time is of the essence in this Purchase Order.

26. ENUREMENT

This Purchase Order shall be for the benefit of and be binding upon FortisBC and the Contractor and their respective successors and permitted assigns.

27. AMENDMENTS

Subject to any equitable adjustment made, the parties are not bound by any amendment, variation or waiver of any provision of this Purchase Order unless it is in writing and signed by their representatives.

28. PUBLICITY

Except as required by applicable law, the Contractor shall not issue any press release or make any public announcement or disclosure concerning the terms and conditions of any Purchase Order, the nature and extent of this agreement with FortisBC pursuant to the Purchase Order and performance of the Work, including publication or disclosure in any reference list, without the prior written consent of FortisBC.

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FORTIS BC™

FortisBC Energy (Vancouver Island) Inc.
16705 Fraser Highway
Surrey, British Columbia. Canada, V4N 0E8

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TERMS AND CONDITIONS OF ORDER - (SERVICES)

5.152 Standard - Services (FortisBC).doc / March 28, 2013

FORTIS BC

FUELING SERVICES AGREEMENT
PART I – BASIC TERMS

Customer		
Name or company name *(include business registration no. if applicable)* ♦		
Mailing/billing address ♦		
If company, contact name ♦	**Telephone** ♦	**Email** ♦

Fueling Station Location
FortisBC (Vancouver Island) site at 1027 Langford Parkway, Victoria, BC or such other location as substituted or added by FEVI at its discretion, from time to time

Term		
Commencement Date ♦ [or the first day of the month after the Fueling Station becomes operational as determined by FEVI].	**Initial Term** (years) ♦ years from the Commencement Date	**Renewal** ♦

Type of Fuel:
Compressed natural gas

Dispensing Rate				
	$/Gigajoule ("GJ"), subject to adjustment pursuant to sections 4(b) and (c) of Part II.			
As at the Commencement Date:	**Capital Rate:** $7.529/GJ	**O & M Rate:** $2.683/GJ	**Overhead Rate:** $0.52/GJ	**Total Dispensing Rate:** **$10.732**

Minimum Annual Quantity
♦ GJs, subject to adjustment pursuant to section 4(c) of Part II.

Supplemental Terms and Conditions:

(a) Access to and use of the Fueling Station Location by the Customer is conditional upon FEVI entering into an agreement with the property owner/occupier (the "**Property Agreement**") effective on or before the Commencement Date, and in addition to any termination provisions contained in Part II, this Agreement will terminate concurrent with the termination of the Property Agreement at no cost or liability accruing to FEVI as a result of such termination.

(b) The Dispensing Rate payable by the Customer pursuant to this Agreement is in addition to any amounts payable by the Customer to FEVI for:

(i) the purchase of the Fuel pursuant to the Rate Schedules.
(ii) any transportation services pursuant to a separate transportation services agreement between the Customer and FEVI.

The Customer, by signing this Agreement, accepts and agrees to be bound by the terms and conditions herein contained. This Agreement, including Part I and Part II and any schedules or appendices attached hereto, constitutes the entire agreement between the parties and supersedes all other agreements with respect to the fueling services described herein. This Agreement will not come into effect and does not bind the parties until :

(a) **FortisBC Energy (Vancouver Island) Inc.** ("**FEVI**") has obtained the necessary approvals for this Agreement from all regulatory or other applicable governmental authorities having jurisdiction, including the British Columbia Utilities Commission ("**BCUC**"), on terms and conditions which are satisfactory to FEVI; and
(b) the Fueling Station has been installed at the Fueling Station Location and is operational.

CUSTOMER:

_____ _____
Signature Date

_____ _____
Name Title

FORTIS BC

PART II – BACKGROUND AND TERMS AND CONDITIONS

SECTION A - BACKGROUND

A. FEVI owns and operates a fueling station (the "**Fueling Station**"), at the Fueling Station Location identified in Part I, from which is sells and distributes natural gas (the "**Fuel**").

B. The Customer has agreed to purchase the Fuel from FEVI pursuant to FortisBC Rate Schedules (the "**Rate Schedules**") and wishes to use the Fueling Station for the purpose of self-serve fueling of their vehicles.

SECTION B – TERMS AND CONDITIONS

1. TERM

(a) *Initial Term* -The initial term of this Agreement will be for the period of time set out in Part I.

(b) *Renewal* - This Agreement automatically renews at the end of the Initial Term for the additional periods of time set out in Part I. The Customer may decide not to renew this Agreement by providing FEVI with notice at least sixty (60) days prior to the expiry of the Initial Term.

2. USE OF FUELING STATION AND ACCESS TO PROPERTY

(a) *Use of Fueling Station* – Provided the Customer is, at all times, in compliance with this Agreement, and unless otherwise provided herein, the Customer shall be entitled to access and use the Fueling Station for the purpose of self-serve fueling of their vehicles.

(b) *Training and Operation*- The Customer shall not enable any person to access the Fueling Station, to dispense Fuel, or to use a Fueling Card (as defined below) before such person has successfully completed training (directly from FEVI or a supervisor or manager of the Customer qualified by FEVI to dispense Fuel from the Fueling Station) on the use of the Fueling Station, including safety training, in accordance with the manufacturer's dispensing instructions, all applicable laws, and the requirements of FEVI, as established or amended from time to time. The Customer shall provide, and shall ensure each person dispensing Fuel from the Fueling Station, or using a Fueling Card, provides proof of training to FEVI upon request.

(c) *Access to Property* – The Customer shall only access those parts of the property on which the Fueling Station is located and designated for access to the Fueling Station and shall at all times comply with site safety instructions communicated by FEVI or the property owner and any on-site signage or instructions. The Customer is aware access to the Fueling Station may be detoured or made unavailable by the property owner from time to time.

(d) *Fueling Cards* - In order to dispense Fuel from the Fueling Station, the Customer shall use only those fueling cards issued by FEVI to the Customer (the "**Fueling Cards**"). The Fueling Cards shall at all times be and remain the property of FEVI and may be cancelled or withdrawn by FEVI at any time by FEVI. The Customer shall surrender the Fueling Cards to FEVI on demand. Except to the extent prohibited by law, unless the Customer has notified FEVI of any loss or theft, the

Customer shall be liable for and shall pay FEVI in accordance with the terms of this Agreement for the full amount of all transactions in respect of the use of any lost or stolen Fueling Card.

(e) *Personal Identification Numbers* – Use of Fueling Cards shall be restricted through the use of personal identification numbers ("**PINs**"). The Customer shall not reveal its PINs to any person other than those authorized by the Customer and trained to use the Fueling Station. The Customer shall be liable for and shall pay FEVI in accordance with the terms of this Agreement for the full amount of all transactions where the Customer has in any way comprised the security and confidentiality of its PIN.

3. SAFETY

(a) *Responsibility for Safety* – The Customer is, at all times, responsible for the safety and protection of its employees, contractors, agents, representatives, subcontractors and any other person for whom the Customer is at law responsible (collectively, the "**Representatives**") using the Fueling Station or otherwise accessing the property on which the Fueling Station is located.

(b) *Covenant re: Training and Operation* – By issuing a Fuel Card to any person, the Customer covenants and agrees such person has successfully completed the applicable training and will continually use the Fueling Station and access the Fueling Station in a safe manner. The Customer shall ensure, at all times, all safety requirements are adhered to strictly by its Representatives. Failure to do so constitutes a material breach of this Agreement.

4. FEES, BILLING AND PAYMENT

(a) *Dispensing Fees* – The Customer, in consideration of access to and use of the Fueling Station, shall pay to FEVI the Dispensing Rate for each GJ of Fuel dispensed by the Customer from the Fueling Station, as measured by a meter located on the Fueling Station and attributable to the Customer through use of the Fueling Cards.

(b) *Annual Rate Escalation* – On each anniversary of the Commencement Date:

(i) the Capital Rate will increase by 2%; and

(ii) the O & M Rate will increase by the percentage increase, if any, in the Consumer Price Index (published by Statistics Canada for the City of Vancouver, all items, not seasonally adjusted) from the previous twelve month period.

(c) *Change in Dispensing Rate* – If:

(i) FEVI upgrades or expands the Fueling Station to meet increased Customer demand or use of the Fueling Station by others; or

(ii) the volume of Fuel dispensed by the Customer from the Fueling Station during a Service Year is twenty (20%) percent greater than the Minimum Annual Quantity for that Service Year; where a "**Service Year**" means the twelve month period of the Term calculated from the Commencement Date or the anniversary thereof;

FEVI and the Customer agree to negotiate in good faith an adjustment to the Dispensing Rate and the Minimum Annual Quantity going forward, subject to BCUC approval.

(d) *Minimum Guarantee* - The Customer acknowledges the Dispensing Rate has been calculated by FEVI having regard to, among other things, the Customer's estimated Fuel demand profile and the number of vehicles served by the Fueling Station, and accordingly, the Customer agrees to pay a minimum annual charge (the "**Minimum Guarantee**") calculated by multiplying the Dispensing Rate by the Minimum Annual Quantity shown in Part I for each Service Year (pro-rated for part years).

(e) *Billing and Payment* - Bills will be rendered by FEVI on a monthly basis and payable by the Customer, without deduction or set-off, within thirty (30) days following the billing date.

(f) *Payment of Minimum Guarantee* – Where the annual amount billed to the Customer is less than the Minimum Annual Guarantee, the shortfall will be added to the next bill.

(g) *Taxes* - Any applicable taxes will be added to all rates and charges on each bill.

(h) *Late Payments* - Overdue payments shall be subject to a late payment charge of 1.5% per month (19.56% per annum).

(i) *Verification* - The Customer must report any billing errors promptly to FEVI. Statements shall be final and binding unless questioned by the Customer within one year after its billing date. The Customer shall have the right to review meter data and other relevant records in order to verify statements. Such review shall be conducted at the Customer's expense unless such review discloses errors in the amount of Fuel dispensed which exceed two percent (2%).

5. LIABILITY, RELEASE, DISCLAIMER, INSURANCE AND ENVIRONMENTAL COMPLIANCE

(a) *Liability* - The Customer is responsible for, and shall indemnify and save harmless FEVI from, all expense, risks and liability with respect to the use of the Fueling Station by the Customer, including any damage to the Fueling Station occasioned by its use.

(b) *Release* - The Customer, on its own behalf and on behalf of its Representatives, hereby releases, defends, indemnifies and holds harmless FEVI, and its directors, officers, employees, agents, contractors, successors and assigns, from and against any and all adverse claims, losses, suits, actions, judgments, demands, debts, accounts, damages, costs, penalties and expenses (including all legal fees and disbursements) arising from or incurred by or suffered as a result of the Customer's presence at the Fueling Station Location or while using the Fueling Station, howsoever caused, save and except from any negligent act or omission of FEVI.

(c) *No Warranty and Disclaimer* – The Customer acknowledges and agrees:

(i) Suitability of Fueling Station - FEVI does not represent or warrant the adequacy or suitability of the Fueling Station for the Customer's purpose and all express or implied warranties, terms or conditions of merchantability or fitness for a particular purpose, whether existing at law or in equity, are expressly disclaimed by FEVI.

(ii) Limitations on Use - The Customer acknowledges and is aware the fuel supply may be temporarily suspended or unavailable from time to time, including as a result of equipment breakdown, to make repairs or improvements to the Fueling Station or to comply with the requirements of any law. FEVI will, whenever practicable, give notice to

the Customer of such suspension and will diligently undertake required repairs to minimize Fueling Station down-time.

(iii) Disclaimer of Liability - FEVI shall not be liable for any loss of profit, use, interruption of business or otherwise and shall not be liable for any direct, indirect, punitive, exemplary, incidental, aggravated, punitive or consequential damages of any kind regardless of the form of action whether in contract, tort, strict product liability, breach of warranty, breach of representation, misrepresentation, statutory duty, or any other legal or equitable theory, even if FEVI has been advised of the possibility of such damages.

(d) *Insurance* - The Customer shall obtain and maintain the following insurance coverage and provide proof of coverage to FEVI:

(i) Workers' Compensation Insurance in accordance with the statutory requirements;

(ii) Automobile Liability Insurance with a limit of not less than $5,000,000 per occurrence in respect of bodily injury, death and property damage;

(iii) Comprehensive General Liability Insurance from insurers registered in and licensed to underwrite insurance in British Columbia for bodily injury, death and property damage in the amount of $5,000,000 per occurrence naming FEVI as an additional insured with respect to this Agreement and providing that the insurance shall not be cancelled or materially changed without the insurer giving at least 30 calendar days written notice to FEVI; and

(iv) Such other insurance as reasonably required by FEVI from time to time.

(e) *Environmental Compliance* - The Customer acknowledges and agrees the Customer has environmental responsibilities arising from the Customer's use of the Fueling Station pursuant to environmental laws and regulations, including related spills, and is required to comply with the requirements of FEVI as they relate to environmental management, compliance and reporting. The Customer covenants and agrees to co-operate with FEVI in co-ordinating, establishing, implementing and verifying processes and procedures to manage and address environmental impacts and ensure compliance with environmental laws and regulations.

6. DEFAULT AND TERMINATION

(a) *Default*- If the Customer, or any person using the Fuel Cards, is unable, refuses or fails to produce proof training upon request by FEVI, or the Customer is otherwise in default of this Agreement, FEVI may terminate this Agreement, or de-activate the applicable Fuel Cards, temporarily or permanently, without prior notice to the Customer and without any liability to FEVI as a result thereof.

(b) *Surrender of Fuel Cards* – Upon termination of this Agreement, all Fuel Cards issued under this Agreement will immediately cease to be valid and the Customer shall surrender the Fuel Cards to FEVI upon demand.

(c) *Effect of Termination* – If this Agreement is terminated for any reason prior to expiry of the Initial Term, in addition to any other amounts due and owing by the Customer to FEVI and

despite any other remedies available at law or in equity, the Customer shall pay to FEVI, within 30 days of billing, the Dispensing Rate (as escalated annually) calculated on the Minimum Annual Quantity to the remainder of the Initial Term.

(d) *Survival* - Upon expiry or earlier termination of this Agreement, all claims, causes of action or other outstanding obligations remaining or being unfulfilled as of the expiry or termination date and all of the provisions of this Agreement relating to the obligation or either the parties to account to or indemnify the other and to pay to the other any amounts owing as at the date of expiry or termination in connection with this Agreement will survive such expiry or termination.

(e) *Effect of Termination on Other Agreements* – The expiration or termination of this Agreement does not affect or result in the expiry or termination of any other agreements made between FEVI and the Customer, including any fuel purchase agreements or transportation Agreements.

7. MISCELLANEOUS

(a) *Amendments* - Except as set out in this Agreement, no amendment or variation of this Agreement shall be effective or binding unless in writing and signed by the parties and, where applicable, upon receipt of BCUC approval.

(b) *Further Assurances* - The Customer will execute and deliver any further agreement, document or instrument and do and perform any further act or thing as may be reasonably required by FEVI from time to time in order to evidence or give full force and effect to the terms, conditions and intent of this Agreement.

(c) *Governing Law* - This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia and the laws of Canada. The parties hereby attorn to the jurisdiction of the courts of British Columbia and all courts competent to hear appeals therefrom.

(d) *Assignment* - FEVI may assign, transfer or sell its right, title and interest in this Agreement, to any Affiliate, as that term is defined in the *Business Corporation Act*, S.B.C. 2002, c.57.

(e) *Waiver* - FEVI is not bound by any waiver of any provision of this Agreement unless it consents to such waiver in writing. No waiver of any provision of this Agreement constitutes a waiver of any other provision, nor does any waiver constitute a continuing waiver unless otherwise provided.

(f) *Severability* - If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such determination does not impair or affect the validity, legality or enforceability of any other provision of this Agreement.

(g) *Time of the Essence* - Time is of the essence of this Agreement.

END OF DOCUMENT

CITY OF VICTORIA

Governance and Priorities Committee Report
For the June 12, 2014 Meeting

To:	Governance and Priorities Committee	**Date:**	May 20, 2014
From:	Robert Woodland, Director of Legislative and Regulatory Services		
Subject:	Application for a Liquor Primary Licence, **Hermann's Jazz Club Inc. (Hermann's),** 753 View Street		

Executive Summary

The purpose of this report is to seek a Council resolution regarding an application by Hermann's Jazz Club Inc. (Hermann's) located at 753 View Street for a Liquor Primary Licence. This is a new licence application and will require Council to receive input from the Public through a Liquor Licence hearing as set out in the Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy and Process.

The proposed hours of liquor service would be from 09:00h (9:00AM) to 01:00h (1:00AM) Monday through Saturday and 09:00h (9:00AM) to Midnight on Sunday. The occupant load for the proposed lounge/club is 80 persons (all inside the building).

Recommendation:

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Hermann's** located at 753 View Street and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and

2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.

3. That this motion be forwarded to the June 12th Council Meeting for ratification.

Respectfully submitted,

Mark Hayden
Manager, Bylaw and
Licensing Services

Robert Woodland
Director Legislative and
Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: May 25, 2014

Purpose

The purpose of this report is to seek Council direction regarding a Liquor Primary Liquor Licence application by Hermann's Jazz Club Inc., in relation to their proposed liquor primary lounge/club style business located at 753 View Street.

Background

This is a new application requesting the ability to provide liquor service as part of a lounge/club style business. The maximum proposed hours of service would be from 9:00AM to 1:00AM Monday through Saturday and 9:00AM to Midnight on Sunday.

The proposed business is located at 753 View St. near the corner of Blanshard Street. With the closing of the "Army, Navy, Airforce Veterans in Canada" business at this address, the applicant is seeking to open a new business to provide a similar type of service for the general public (beverage and food service at reasonable prices). A Letter of Intent from the business owner (submitted in December 2012 to the LCLB when the applicant first initiated this request) is attached in the Appendix to this Report as well as the Application Summary prepared by the LCLB. An occupant load of 80 persons has been approved by the City's Chief Building Official.

Location
Official Community Plan:

- The OCP designates the property within the "Primary Centre".
- The area is designated within Development Permit Area 2 (Heritage Conservation) Core Business.

Downtown Core Area Plan:

- The property is within the "Central Business District" (CBD).
- The CBD is the main employment centre for the Region as a whole. With its concentration of higher density office buildings, this helps to attract and retain a range of supporting commercial uses – such as restaurants, cafés, convenience stores, office supply stores, retail stores, hair salons and other personal service businesses, as well as major banks and other financial institutions – to provide the daily amenities and services required by the businesses, employees and residents within the CBD.

Zoning:

- The property is zoned CA-4, Central Area Commercial Office.
- This zone permits a mix of uses including restaurants, clubs, theatres, retail sales, transient accommodation and office space.
- Off-street parking is required for transient accommodation purposes, but not required for other uses listed in the zone.

Neighbourhood Compatibility:

- Surrounding land uses include: retail, restaurants, personal services hotels, offices, residential and public/cultural buildings. There is residential use on the second story above commercial space located at 1114/1126 Blanshard St., which is adjacent to this building.
- The subject property is included in the "Intermediate District" under the Noise Bylaw.

The Sustainable Planning & Community Development Department has no objection to the application as the use is permitted.

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government is to provide comments and recommendations to the LCLB on all new liquor-primary licence applications regarding the following criteria:

a) The location of the establishment;
b) The proximity of the establishment to other social or recreational facilities and Public buildings;
c) The person capacity and hours of liquor service of the establishment;
d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location;
e) The impact of noise on the community in the immediate vicinity of the establishment; and
f) The impact on the community if the application is approved.

Relevant City Policy / Bylaw

a) Liquor Licensing Policy;
b) Liquor Licensing Fee Bylaw.

Issues and Analysis

As stipulated in the *Liquor Control and Licensing Act*, Council has been requested to provide input to the LCLB with respect to this application. Under the City's Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy, Council is required to hold a Liquor Licence hearing to receive input on new applications for a Liquor Primary Licence, such as this application.

Under the rules established by the Liquor Control and Licensing Branch, Council can choose to "opt out" of providing comment on this application. As proceeding to opt out is contrary to the City's Policy on Liquor Licensing, that option has not been further explored in this report.

Within a 2 block radius of the proposed business, there are 6 other Liquor Primary Licensed establishments with a total patron capacity of 1250 seats. Details are set out in the table:

VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Bedford Regency Hotel 1140 Government St.	11:00h to 01:00h	11:00h to Midnight	198	Hotel
Irish Times Pub 1200 Government St.	11:00h to 01:00h	11:00h to 01:00h	250	Public House
Touch Lounge 751 View Street	19:00h to 02:00h	19:00h to Midnight	400	Cabaret
Boutique Lounge 1318 Broad St.	19:00h to 02:00h	19:00h to 02:00h	292	Cabaret
Dalton Hotel (DORMANT) 759 Yates Street	11:30h to 01:30h	11:00h to Midnight	50	Hotel
Peacock Billiards (Licence application i/p) 1175C Douglas St.	11:00h to 02:00h	11:00h to 02:00h	60	Lounge

The City has received and processed 8 Liquor Primary Liquor licence change applications since

December 1, 2013. Three of these (including this application) are for new licenses totalling 400 seats (260 are for a theatre application). The remaining 5 applications were for an increase in occupant load for a total of 190 additional seats for all applications combined.

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. If this application is ultimately approved, the applicant would need to complete a Good Neighbour Agreement in accordance with the requirements of the Business Licence Bylaw. This would become a condition of their City issued business licence.

Engineering & Public Works Department

The Downtown Community Development Section (DCDS) provided the following comments:

- The location of the venue is in the entertainment area of the downtown,
- The applicant has operated their Food Primary venue much like a Liquor Primary Licence,
- A daycare has been historically operating in the immediate area, and
- The rationale for an opening of 9:00am seven days a week is not understood, but impacts are conceivable if used extensively.

The change of licence from the Army, Navy, Airforce Veterans Club to this new business is not believed likely to increase behaviour issues in the area significantly, if at all. As a result, the DCDS has no concerns with this application being approved.

Police

The Police Department has no concerns with this application being approved. They note a general concern with the number of applications coming forward in the past 6 months which will collectively serve to increase the number of liquor primary licensed seats in the downtown.

Public Engagement and Consultation

If Council endorses the recommendation of this Report, in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers of property within 100 metres of the applicant's location will be solicited by mail to provide input regarding this application and invited to attend the Liquor Licence Hearing. In addition, the business will be required to display posters at the access points to their proposed business location for a minimum 3 week period which will also invite the Public to provide input to the City with respect to this application and to attend the Liquor Licence Hearing.

Conclusions

As required under the City's bylaws and policy, the staff review has been completed and has identified no barriers to this application proceeding to the next step – public consultation via a Liquor Licence hearing before Council.

If the recommendations are approved, staff will arrange to receive public input via a Liquor Licence hearing in accordance with City policy within 30 days. A final Report to Council would be prepared and submitted summarizing the results of the Liquor Licence Hearing. This report will also provide a draft Resolution for submission to the Liquor Control and Licensing Branch for Council's consideration.

Recommendation

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Hermann's** located at 753 View Street and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and

2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.

3. That this motion be forwarded to the June 12th Council Meeting for ratification.

ATTACHMENTS

The following documents are attached:

1. An aerial photograph (map) of the property and surrounding area.
2. The Application Summary prepared by LCLB
3. A letter from the applicant explaining the purpose for the application.

CITY OF VICTORIA

Hermann's - 753 View Street

05/09/2014

Legend

- Victoria Parcels

1: 2,425

Notes

123.2 0 61.60 123.2 Meters

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 MAP IS NOT TO BE USED FOR NAVIGATION

BRITISH COLUMBIA

APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: March 27, 2014 **Job #20186465-1**

Created by: Janine Lind

Re: Application for a Liquor-Primary (LP) Licence
Applicant: Hermann's Jazz Club Inc.
Proposed Location: 753 View Street, Victoria
Proposed Establishment Name: ~~View Street Pub~~ Hermann's

1. APPLICATION INFORMATION

Date application deemed complete: November 5, 2013

Local Government Jurisdiction: City of Victoria

The primary business focus of the proposed establishment: Food & Beverage

Total person capacity/occupant load requested: Person 01 = 80 persons
(this number includes patrons plus staff)

Hours of Operation requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	12:00 Midnight

Terms and Conditions and/or Endorsements Requested:

- Minors not permitted.

2. APPLICANT ELIGIBILITY AND SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act (LCLA) as well as Liquor Control and Licensing Policy section 3.2.

3. LOCATION/SITE FACTORS

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The legal description of the proposed site is: Lot 38 Victoria District with a civic address of 753 (and 751) View Street. The landlord company is comprised of related shareholders with the Applicant company, and a 10 year lease agreement between the Applicant and the Landlord effective April 1, 2013, has been signed.

The proposed establishment location is currently occupied by the Army Navy Air Force Veterans (ANAFV) Unit #12, holding liquor licence LP Club #115328, under an informal month to month agreement; however, that tenancy agreement has been terminated and the ANAFV has agreed to a notice to vacate the premises by April 30, 2014. If the ANAFV does not request cancellation of the LP Club licence #115328 at that time, the Branch will issue a notice of

cancellation given the licensee will no longer hold valid interest in the location.

The Applicant's proposal for the establishment is a pub style lounge facing View Street, in the front half of the ground floor that is shared with the Applicant's Food Primary licence #119715; the two areas are separated by a shared kitchen.

See the attached **Applicant's Letter of Intent** for details of the proposed Liquor Primary establishment, including the following details:

a) **Business Focus or Purpose**
b) **Target Market**
c) **Composition of the Neighbourhood and Reasonable Distance Measure**
d) **Benefits to the Community**
e) **Noise in the Community**
f) **Impact on the Community**
g) **Other impacts, comments or requests**

Please note that the applicant's letter of intent is attached to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

The following information is provided by both the applicant and the Liquor Control and Licensing Branch

h) **Distance measure used for public buildings and other liquor primary licensed establishments: 2 BLOCKS**

i) **Social Facilities and Public Buildings within the distance measure of 2 BLOCKS radius:**

Name/Type of Facility	Distance from site	Clientele Affected	Identified by
1 Churches	Within 2 blocks	Residents, minors, tourists	Applicant
ESL School	Within 2 blocks	Residents, minors	Applicant
2 theatres	Within 2 blocks	Residents, minors, tourists	Applicant
3 government buildings	Within 2 blocks	Residents, minors	Applicant
Freedom Childcare	Next door	Minors, residents	Applicant
Tillicum after school care	Within 2 blocks	Minors, residents	Applicant

j) **Liquor Primary and Liquor Primary Club establishments within the reasonable distance of 2 BLOCKS from the proposed location:**

Establishment Name	Licence Number	Establishment Type	Total Capacity	Distance from proposed site	Market Served	Identified by
Peacock Billiards	LP in progress	Lounge	60	Within 2 blocks	Residents, Tourists	Branch
Bedford Regency Hotel	116081 / 115527	Hotel	168 / 30	Within 2 blocks	Tourists, Residents	Branch
Irish Times Pub	301113	Public House	250	Within 2 blocks	Tourists, residents	Applicant
Touch Lounge	151099	Cabaret	400	Within 2 blocks	Residents, Tourists	Applicant
Boutique Lounge	113949	Cabaret	292	Within 2 blocks	Residents, Tourists	Branch
(DORMANT status) Dalton Hotel	161479	Hotel	50	Within 2 blocks	Tourists, Residents	Branch

The following information is provided by Liquor Control and Licensing Branch except where indicated otherwise.

Community Indicators

Contravention Statistics

The Liquor Control and Licensing Branch has compiled contravention statistics on the identified liquor primary and liquor primary club establishments within a 2 BLOCK radius of the proposed location. These statistics are based on a period covering from January 2007 to present and only include **proven** contraventions.

Contravention Type	Total number of LP contraventions within the 2 block radius
Supply to Minors, s. 33	1
Overcrowding beyond capacity/occ load, s. 6(4)	3

POPULATION AND SOCI0-ECONOMIC INFORMATION

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp

4. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Section 10 of the Liquor Control and Licensing Regulation states that local government or First Nation must consider and comment on each of the following criteria:

a) The location of the establishment;
b) The proximity of the establishment to other social or recreational facilities and public buildings;
c) The person capacity and hours of liquor service of the establishment;
d) The number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location;
e) The impact of noise on the community in the immediate vicinity of the establishment; and
f) The impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

(i) the views of the residents,
(ii) the method used to gather the views of the residents, and
(iii) its comments and recommendations respecting the views of the residents;

The local government or first nation must provide their recommendations with respect to whether the licence should be issued and the reasons for its recommendations.

The resolution must be provided to the general manager within 90 days after the local government or first nation receives notice or any period authorized by the general manager in writing.

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

5. REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18
Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

6. POLICY CONSIDERATIONS

Policy Manual Section 3.2 Applicant Eligibility Assessment
Policy Manual Section 3.3 Site and Community Assessment
Policy Manual Section 3.4 Building Assessment and Issue of a Licence

Hermann Nieweler
Hermann's Jazz Club Inc.
753 View Street
Victoria, BC
V8W 1J9

11 December 2012

Liquor Control and Licensing Branch
PO Box 9292
Stn Prov Govt
Victoria, BC
V8W 9J8

To Whom It May Concern:

Re: Letter of Intent for Liquor Primary Licence Application

Thank you for considering my application for a Liquor Primary Licence at 753 View Street. This letter is intended to provide relevant information pertaining to the functions and services that the facility will provide. The remaining information and documents that have been requested are included as part of this application.

The proposed establishment is intended to be a friendly local pub, where patrons are able to have a drink and eat good quality meals at a reasonable price. The establishment will be primarily geared to residents in the surrounding Downtown neighbourhood, as well as the large number of workers in the Central Business District. Due to its relatively close proximity to the tourist areas of the city centre and hotels, it is anticipated that tourists will become a secondary market, particularly during the summer months. There may also be some patrons that come from other parts of the city, particularly if they are planning to visit the other entertainment uses located in the surrounding area. The pub will be open throughout the year, and will not be reliant on single events. Due to its related pre-existing uses, rezoning will not be required.

This business will generate numerous benefits for the community. The establishment will be open for lunch and dinner, seven days a week, and will offer light snacks and coffee on weekday mornings, along with brunch on weekend mornings, when many televised sporting events in more eastern time zones are active. The pub may offer space for dartboards, allowing occasional tournaments to take place. The substantial number of office workers in the immediate vicinity will be a key market for the establishment, as they will patronize at lunch and after work. This will be good for Downtown Victoria, as there will be another choice for businesses, bureaucrats and clients to socialize in an informal environment. Furthermore, there will be a friendly place for members of our community to meet friends and neighbours, and feel a sense of belonging in their Downtown neighbourhood. The pending closure of the Army, Navy and Air Force Veterans Club would result in the loss of a meeting place for

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many patrons. The new establishment would be a partial replacement for some of these patrons.

There have been a number of new mixed-use developments that have taken place in the area over the past few years. The neighbourhood continues to evolve into a more vibrant, mixed use and dense environment, and a number of nearby sites have redevelopment potential. The new residents and workers have increased the size of the immediate market, and there are few alternative neighbourhood pub options in the immediate vicinity. Similar establishments along Government Street are geared towards a different market, as they are in the middle of the tourist district.

We do not anticipate significant noise-related challenges related to this establishment. The entire building and most neighbouring structures are geared towards commercial uses, and the pub will be fully contained indoors, as there will not be an outdoor patio. We acknowledge the existence of a daycare facility on the top level of the neighbouring building (749 View Street). As its hours of operation are similar to standard office hours (8am-5pm), we do not expect there to be any significant level of interaction with the proposed use. It is unlikely that noise levels would differ from that which is currently experienced at this location. Nonetheless, we plan on placing signage at our entranceway, reminding patrons of their duty to show courtesy to all of our neighbours. Our staff will be trained to deal with situations as they arise, and take appropriate action, as necessary. They will ensure that patrons leave the establishment in a quiet and orderly manner.

The existing lease for this space will be terminating on March 31, 2013, therefore, it would be our hope that this Liquor Primary License commence after April 1, 2013.

Please feel free to contact me at 604.720.0292 if you have any additional questions. Thank you, once again, for considering this application for a Liquor Primary License.

Yours Sincerely,

Hermann J. Nieweler

Mr. Hermann J. Nieweler
Owner, Hermann's Jazz Club Inc.
604.720.0292
hermann.nieweler@gmail.com

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CITY OF VICTORIA

Governance and Priorities Committee Report

For the June 12, 2014, Meeting

To:	Governance and Priorities Committee	**Date:**	June 6, 2014
From:	Robert Woodland Director of Legislative and Regulatory Services		
Subject:	2014 Local General Election Update		

Executive Summary

The purpose of this report is to provide the Committee with information about the 2014 Local General Election, and to request additional funding for voting places.

General voting day for local governments this year is Saturday, November 15, 2014. The positions of mayor and eight councillors will be contested in the City of Victoria; voting will also be conducted for nine members to serve on the Board of Trustees for School District 61. The City will also conduct non-statutory voting for Council members who wish to serve on the Capital Regional District Board, and conduct the plebiscite on the Council-approved amalgamation question.

On general voting day, electors will be able to vote at 12 voting places around Victoria. As well, there will be two advance voting opportunities at City Hall on Wednesday, November 5 and Monday, November 10. The City may offer other special advance voting opportunities to electors, and will use mail ballots to offer voting opportunities to residents of hospitals and other electors who are unable to physically attend voting places. Approval of an additional amount of $25,000 is sought to enable an additional special advance voting opportunity and an electronic voter check-in process.

In 2014, the City will increase efforts to address specific barriers to voter participation. In Victoria, with traditionally a high number of candidates and within a region of 13 municipalities, election information can be intimidating to navigate.

Recognizing these specific potential barriers, increased efforts will be made to coordinate with neighbouring municipalities, where possible, for greater efficiency and effectiveness in raising awareness of voting day, how to vote and where to vote. Staff are also exploring opportunities to create a centralized location, for information about all Victoria candidates, making it easier for voters to review all candidates and their information in preparation for voting.

Recommendation:

That Committee recommend that Council authorize expenditures of up to $25,000 from contingencies for:

a) electronic check-in of electors; and
b) additional advance voting opportunities.

Respectfully submitted,

Don Schaffer
Manager, Legislative Services

Robert Woodland
Director of Legislative and Regulatory Services

Report accepted and recommended by the City Manager:

Date: June 6, 2014

Purpose

The purpose of this report is to provide the Committee with information about the 2014 Local General Election, and to request additional funding for a potential special advance voting place and an electronic voter check-in process.

Background

The *Community Charter* specifies at section 81 that a local general election, to elect members of municipal councils and school district trustees among other local government officials, must be held once every three years. The *Local Government Act*, which governs election proceedings, specifies at section 36 that each local general election must be held on the third Thursday of November in an election year. This year, the local general election is to take place on Saturday, November 15, 2014.

On November 15, City of Victoria electors will be asked to elect a mayor and eight councillors for a four-year term ending in the fall of 2018. Additionally, electors will be asked to vote for nine members of the School District 61 Board of Trustees. In addition to required voting for these offices, Council policy in Victoria is to ask electors to nominate through voting the members of Council who if elected should represent the City on the Board of Directors of the Capital Regional District. Finally, Council resolved to place the following question on the ballot as a non-binding referendum:

> "Are you in favour of reducing the number of municipalities in Greater Victoria through amalgamation?"

The *Act* also specifies, at section 41, that a council must appoint a chief election officer and deputy chief election officer for the purpose of conducting the election. At its meeting held February 13, 2014, Council appointed Robert Woodland as chief election officer and Don Schaffer and Sheryl Masters as deputy chief election officers.

Issues & Analysis

1. Legislative change

The provincial government enacted two bills that alter the manner in which local general elections are conducted in BC: the *Local Elections Campaign Financing Act* and the *Local Elections Statutes Amendment Act*. Both of these acts have received Royal Assent and are currently in force.

The *Local Elections Statutes Amendment Act* changes the term of office for mayors, councillors, school district trustees and other local government elected officials from the current three years to four years, starting with the 2014 election. This means that the terms of those people elected to office in November 2014 will expire in November 2018. This *Act* makes a number of consequential amendments to other enactments of the Province that govern elected officials.

Among other changes, the *Local Elections Campaign Financing Act* changes the manner in which all candidates, successfully elected or not, must report the contributions and expenses associated with their campaigns. It removes the requirement for municipal election officers to oversee financial reporting documents and gives that responsibility to Elections BC, which will now review and store financial documentation and enforce rules

governing campaign financing and reporting. It specifies that individuals and groups engaging in election advertising register with Elections BC, that all campaign-related advertising indicate who is sponsoring the advertising, and provides penalties for violations of the *Local Elections Campaign Financing Act*.

2. Budget

In 2011, the City budgeted $233,500.00 for the conduct of the election. The main cost centres were:

- Election personnel: $ 92,000
  - Advance and election day staff; support staff
- Contracted services: $ 95,000
  - DataFix (elector information cards); Election Services and Software
- Advertising: $ 35,000
  - Statutory and other advertising

As per the City's budget guidelines, the budget remains essentially the same. After the 2011 election cycle was complete, some small additions were made to accommodate changes which will be discussed below. The budget allocation for 2014 is $267,500.

3. Voting places

The City operates 12 voting places on general voting day in venues convenient for residents to access on foot from each neighbourhood in the City. Two advance voting opportunities are scheduled for Wednesday, November 5, and Monday, November 10.

For election-day voting places, the City has traditionally utilized public schools, church halls or community centres. Use of public schools is subject to an agreement with School District 61 that defines costs and recovery of expenses, as well as use of facilities. This year, the City has approached SD61 for the use of the following schools:

• George Jay Elementary School	1118 Princess Street
• James Bay Community Elementary School	140 Oswego Street
• Margaret Jenkins Elementary School	1824 Fairfield Road
• Oaklands Elementary School	2827 Belmont Avenue
• Quadra Elementary School	3031 Quadra Street
• Sir James Douglas Elementary School	401 Moss Street
• Victoria West Elementary School	750 Front Street

In the past the City has used Sundance Elementary School, but due to the school's impending closure that venue has been moved to St. Barnabas' Church, which is the nearest accessible facility and is located at 1525 Begbie Street.

The City will also use:

• Burnside Campus	3130 Jutland Road
• Central Baptist Church	834 Pandora Avenue
• Cook Street Village Activity Centre	380 Cook Street
• James Bay New Horizons Centre	234 Menzies Street

Discussion has taken place about holding a special advance voting opportunity at the University of Victoria, since the City received a formal request in the previous election. City officials have met with representatives of the UVic Student Society and are exploring the opportunity.

The University's reading break is scheduled to run from Monday, November 10 (the date of the second advance voting opportunity) to Wednesday, November 12. This reduces the practicality of an advance voting opportunity at UVic the week of November 10, since many students are absent from campus that week. To be an effective advance voting opportunity for students either November 6 or 7 would be the best choice of dates.

Mail ballots

The City of Victoria has used mail ballots since the 2010 referendum and by-election. Mail ballots provide access to voting for those physically unable to vote on the day of the local general election or at the advance voting opportunities.

Mail balloting was put in place in Victoria largely to assist shut-ins and clients at long-term care facilities to vote. In 2008, the last year the City undertook special advance voting opportunities at hospitals and long-term care facilities, only 45 electors cast ballots. It was felt that this method of advance voting was ineffective, and that the mail ballot process might better enable voting. It was also felt that the mail ballot might be a better approach for electors who are travelling on advance or general voting days.

In 2011, 241 mail ballots were issued, but only 111 valid ballots were returned and counted. Many ballots that were returned were blank and therefore no votes were counted. A small number of ballots were spoiled and could not be counted.

Mail ballots requested by travellers were subject to tight timelines between receipt of the mail ballot package by the elector and the return of the ballot to the City. If travellers were in a distant place, it was problematic to send a package and receive it back within the legislated time frame.

In order to address these issues and make the process more user-friendly for shut-ins and others, election staff will be adjusting procedures and trying to work more closely with the families of those affected and interested in voting. As well, staff will provide clearer information and direction to travellers wishing to vote regarding the practicality of the mail ballot in the hopes of enabling more travellers to vote during the election period.

4. Personnel

The largest single budget allocation for the conduct of an election in Victoria is for the hiring and training of staff for voting places on general voting day. General voting day staff remuneration accounted for approximately $64,000 in 2011; total staffing allocation was $92,000. This included the hiring of a temporary full-time auxiliary clerical position as well as a temporary full-time voting supply and logistics employee, 31 staff for advance and special voting and 196 general voting day staff.

If additional voting opportunities are added the requirement for election staff funding will increase. For instance, a six-hour advance voting opportunity at the University of Victoria as noted above might incur as much as $3,500 in additional costs, including staff and equipment.

5. Equipment

Since 1999, the City of Victoria has used the AccuVote ballot counting system. This technology is reliable and continues to be supported by its provider, Election Systems and Software Canada (ES&S). This system uses a physical ballot, which provides a hard record for recount purposes if such an eventuality arises.

Earlier this year, the City purchased an additional 10 AccuVotes from ES&S for less than it would have cost to lease them for the election. This will reduce the cost of future elections.

6. List of electors

The City of Victoria uses the provincial voters list to compile its list of electors for local general elections and other election functions. Since the by-election and referendum of 2010, the City has contracted with the Ontario company DataFix to provide data verification for the list of electors, a function it performs for a number of other governments in Canada. DataFix provides a number of management tools that allow the election officers to register new electors (provided they meet the criteria set out by the provincial government), remove duplicate entries and produce elector information cards.

The elector information cards are mailed to each registered elector and include information about voting places, residency requirements, elector eligibility criteria and identification that should be brought to the voting place. An election information card feature that has not been used in the past assigns each card a bar code which allows municipalities using the feature to use an electronic voter check-in system. It is felt this system will speed the process of voting by allowing a smoother intake of electors at each voting place. There is no way to connect the election information bar code to a ballot, so the secrecy of the ballot is not at risk.

In order to utilize the functionality of the electronic voter check-in system, two computers will be provided to each voting place, with bar code readers connected to each. Electors will present their card to be scanned, at which time the elector's name will be checked off an electronic voters' list. This will allow voters with cards to move directly to a separate station where they will sign the electors' book and receive their ballots more quickly. Electors without cards would be manually checked in using the digital voters list and the elector's identification.

In addition to the smoother check-in process, electronic check-in will provide staff with an ability to update the voters' list after advance voting is completed and audit the voters' list after the election.

The District of Saanich has used a form of real-time digital check-off of electors attending at voting places in past elections. Election staff there intend to use bar code scanners at some voting places as a trial in this election as well.

Rental of the laptops and bar code scanners will add about $7,000 to the cost of the election. Staffing the additional equipment will require three additional staff per voting place for a total added staffing cost of about $12,000.

7. Elector engagement

The City of Victoria traditionally sees about a 27% voter turnout, which is higher participation than in many other communities in BC as some jurisdictions have 20 per cent or less of their eligible electors taking part in the process. However, it indicates that a large majority of the population does not participate in local general elections.

During the last election, the City introduced new engagement tools and approaches to support the election, and will continue to build upon those in 2014. This included a more approachable visual identity for the election to engage youth and first-time voters, on-street information on parking kiosks, increased on-campus presence to assist students, utilizing social media tools (which were newer at the time), and a City election app for smartphones. As well, an "I voted" sticker was introduced for raising awareness on general voting day itself.

In 2014, the City will increase efforts to address specific barriers to voter participation. In Victoria, with traditionally a high number of candidates and within a region of 13 municipalities, election information can be intimidating to navigate.

Recognizing these specific potential barriers, efforts will be made to coordinate with neighbouring municipalities where possible for greater efficiency and effectiveness in raising awareness of general voting day, how to vote and where to vote. Staff are also exploring opportunities to create a centralized location, for information about all Victoria candidates, making it easier for voters to review all candidates and their information in preparation for voting.

An engagement strategy will utilize earned media opportunities and build upon growth in the City of Victoria's social media following to raise awareness and encourage participation, as well as communicate important timelines throughout the election process.

With a high demographic of residents 20-29, outreach on campus and to youth groups will be a focus and staff will engage the Victoria Youth Council to assist in identifying further opportunities for youth engagement.

Staff will refresh the visual identity, to differentiate from statutory notices and provide consistency of publications and advertising across all mediums.

Options & Impacts

Two unfunded options for the election are:

- Option 1 – conducting an additional special advance voting opportunity at UVic.
    - Due to the UVic reading break, a voting opportunity would need to be held either Thursday, November 6, or Friday, November 7.
    - The voting opportunity would last six hours and be scheduled when there is the highest number of people on campus.
    - The cost, for staff and supplies, would be approximately $3,500.

- Option 2 – An electronic voter check-in system.
    - The City would rent two computers, bar code readers and software for each voting place.
    - Three additional election staff at each voting place would be required to operate the check-in system.

- Costs for this system would be approximately $16,000.

It is anticipated that some of the costs for these options might be covered by savings from changes to other procedures; however, specific savings have not yet been quantified.

Recommendation

That Committee recommend that Council authorize expenditures of up to $25,000 from contingencies for:

a) electronic check-in of electors, and
b) Additional advance voting opportunities.

From the May 22, 2014 Governance and Priorities Committee:

3.1 Indemnification of Employees for Criminal Defence Costs

Committee received a report regarding indemnifying City employees for their legal defence costs when criminal charges have been laid against them arising from the performance of their duties as City of Victoria employees.

Action: It was moved by Councillor Coleman, seconded by Councillor Gudgeon, that Committee postpone consideration of this item until the June 12, 2014, Governance and Priorities Committee Meeting.

CARRIED UNANIMOUSLY 14/GPC

CITY OF VICTORIA

Governance and Priorities Committee Report
For the May 22, 2014 Meeting

To:	Council	**Date:**	May 16, 2014
From:	Trina Harrison, Director of Human Resources Tom Zworski, City Solicitor		
Subject:	Indemnification of Employees for Criminal Defence Costs		

Purpose

The purpose of this report is to respond to Council's request to develop policy regarding indemnifying City employees for their legal defence costs when criminal charges have been laid against them arising from the performance of their duties as City of Victoria employees.

Background and Analysis

Under the *Local Government Act*, the City may provide indemnity for legal defence costs of employees, including in relation to criminal prosecution, either through bylaw or, on a case by case basis, through resolution, if the legal proceeding relates to the performance of the employee's duties. Council adopted the *Indemnification Bylaw* which provides for automatic indemnification of City employees in relation to civil claims arising out of execution of their duties. In majority of cases, the conduct of the defence is assumed by the City, or the City's insurer, however, the indemnity extends to cover cost of legal defence of the employee if the City Solicitor determines that the employee requires separate legal representation (typically due to a potential conflict of interest). There is no provision in the bylaw for indemnification of the employee for defence in criminal proceedings but such indemnification can be, and in the past has been, granted through specific resolutions on a case by case basis. The City does not have an established policy to guide the exercise of Council's discretion when dealing with indemnification in relation to criminal charges and, on September 13, 2012, Council instructed staff to draft such a policy (see Appendix A). A policy, rather than a bylaw amendment, was recommended as it provides Council with greater flexibility for dealing with each situation on the basis of its particular circumstances.

Criminal charges against City employees in relation to conduct while performing their duties have been very rare. More importantly, activities that are likely to result in criminal charges are not usually part of typical City employee's duties. While an employee acting in good faith performance of his or her duties may make a mistake that leads to a civil claim for damages, it is unlikely that good faith performance of the duties will result in criminal charges. The exception is the Bylaw Officers who, in a good faith performance of their duties, may be involved in physical confrontation and, therefore, may face criminal charges (typically, assault or false imprisonment allegations). However, even then

the likelihood is very low since the Bylaw Officers are instructed to avoid confrontations and, when faced with a possibility of violence, to call the police.

In civil cases, as part of the indemnity under the Bylaw, the City (or its insurer) assumes control over the conduct of the defence and has control over the cost of the defence, including the ability to settle the matter. Furthermore, in a typical civil claim, the City is a defendant in addition to any employees that may be named as defendants. However, in a criminal prosecution, the City cannot assume conduct of the defence because the charges and the potential consequence are specific to the charged employee. The employee, who remains the person at risk in a criminal case, must have control over selection of defence lawyer and control over the conduct of the defence, making it very difficult for the City to control potential defence costs.

While the majority of civil claims, even those where liability is found against an employee or the City, relate to good faith conduct, criminal cases by their very nature are based on allegations of inappropriate and morally blameworthy conduct. City employees are never directed or authorized, as part of their duties, to commit crimes. Extending automatic indemnity for legal costs to all criminal charges, simply because the conduct occurred in the performance of the employee's duties, therefore, may not be appropriate as it would deprive Council of the ability to assess the particulars of the circumstances and to determine whether or not indemnification is warranted. In fact, it could lead to the absurd result of the City paying legal defence costs of an employee charged with defrauding the City or stealing from the City, since the alleged crime would arise out of the performance of the employee's duties.

The current system of automatically indemnifying employees in relation to civil claims and on a case by case approach to the rare instances of criminal charges arising out of performance of duties, balances the need for the protection of employees with the need to protect public interest in avoiding expenditure of public funds in inappropriate cases. It provides the flexibility and allows Council to decide, on a case by case basis, whether to provide indemnity for defence in relation to criminal charges. However, adoption of a policy to guide Council's discretion would provide for greater predictability and, therefore, comfort to employees and taxpayers.

In the alternative, Council could amend the *Indemnification Bylaw* to incorporate the existing system of providing indemnification for legal costs in defending criminal charges on a case by case basis. The bylaw amendment would represent a more formal statement of policy but offers no other advantage over the policy approach. The policy can be adopted immediately while the bylaw amendment will require additional work.

In making decisions on a case by case basis, Council could be governed by such factors as:

1) Nature of the alleged offence;
2) Conduct which gave rise to the charges and its relationship with the employee's assigned duties;
3) Was the employee performing his or her duties in a manner authorized by and consistent with the City's bylaws, collective agreement; policies and operating procedures;
4) Did the employee have the appropriate equipment and/or training to perform his or her normal duties;
5) Employee's past performance; and

6) Is it in the public interest for the City to pay for the defence of the criminal charges in the circumstances?

Recommendation:

That Council adopt the attached policy (Appendix B) to consider requests by employees for indemnification of an employee's legal costs incurred to defend a prosecution of criminal charges arising from an employee's performance of his or her normal duties.

Respectfully submitted

Tom Zworski, City Solicitor

Trina Harrison, Director of Human Resources

Report accepted and recommended by the City Manager:

Date: May 16, 2014

CITY OF VICTORIA	CORPORATE POLICY	
	No. xx	Page 1 of 2

CHAPTER:	HUMAN RESOURCES	
SECTION:	EMPLOYEE	
SUBJECT:	INDEMNIFICATION FOR DEFENCE OF CRIMINAL CHARGES	
AUTHORIZED BY:	COUNCIL	
EFFECTIVE DATE:	JANUARY 2014	**REVISION DATE:**

1. PURPOSE / OBJECTIVES

The City seeks to ensure that, in appropriate circumstances, employees are indemnified for legal defense costs related to criminal charges arising out of performance of their duties.

2. POLICY STATEMENT(S)

The City may indemnify an employee for legal defense costs when criminal charges have been laid against them arising from the performance of their duties subject to the following principles:

1) Council will consider each application on a case by case basis;

2) Council shall take in to account factors including:

   a) Nature of the alleged offence;
   b) Conduct which gave rise to the charges and its relationship with the employee's assigned duties;
   c) Was the employee performing their duties in a manner authorized by and consistent with the City's bylaws / collective agreement, policies and operating procedures;
   d) Did the employee have the appropriate equipment and/or training to perform their normal duties;
   e) Employee's past performance; and
   f) Is it in the public interest for the City to pay for the defence of the criminal charges under the circumstances.

3) Council may impose conditions as part of any agreement to indemnify an employee for legal defence costs related to criminal charges, including:

   a) Requirement to enter into a retainer agreement with legal counsel in a form acceptable to the City Solicitor;
   b) Requirement to co-operate with the City in verifying reasonableness of the fees, including co-operation in proceedings under the *Legal Profession Act*;
   c) Limit on the amount of fees to be reimbursed by the City;
   d) Requirement to repay legal fees if the employee is convicted of the offence; and
   e) Other terms and conditions that Council considers appropriate in the circumstances.

3. APPLICATION AND RESPONSIBILITIES

This policy applies to all City employees.

4. PROCEDURES

1) Employees making application for indemnification for legal defense costs related to criminal charges arising out of performance of their duties, shall provide written notice to the City Manager within five (5) days of receiving formal notification of criminal charges against them.

2) The City Manager will bring forward a report to Council outlining the circumstances that give rise to the request for indemnification for an employee's legal defense costs when criminal charges have been laid against them arising from the performance of their duties.

3) The employee shall be advised in writing of Council's decision along with the terms and conditions for which any indemnification may be provided.

4) The employee must agree to the terms and conditions, if any, required by Council prior to the City indemnifying the employee for legal costs.

5) Nothing in this policy shall be interpreted to limit the City's ability to discipline any employee.

6. REFERENCES

7. REVISION HISTORY

CITY OF VICTORIA

Governance and Priorities Committee Report
For the Meeting of June 12, 2014

To:	Governance and Priorities Committee	**Date:**	May 27, 2014
From:	Robert Woodland, Director of Legislative & Regulatory Services		
Subject:	Grant of Easements – 1312/14 Government Street		

Executive Summary

The purpose of this report is to seek Council approval to grant easements in respect of part of the building and bay windows which extend over the sidewalk at 1312/14 Government Street.

The developer of the former New England Hotel, 1312 Government Street Inc., was granted a heritage alteration permit in 2011 to rehabilitate the building and provide 21 residential apartment units on the upper floors and one commercial unit on the ground floor. A new one-storey addition to the roof of the existing four-storey building was also approved. The former hotel is a significant heritage designated building in DPA-1(HC) Old Town and Chinatown. A location plan and photograph are attached in Schedules A and B respectively.

The front wall of the building is constructed beyond the property line and, in addition, four bay windows extend over the sidewalk as shown in Schedule B. Consequently, easements are required to authorize these encroachments into the road right of way. The proposed easement area, 12.5 square metres, will be created following the raising of title in the City's name for a portion of the right of way. The planimetric and volumetric easements are shown in Schedules C and D respectively.

All legal documentation and plans have been prepared by the developer and submitted to the City Solicitor for approval, thus minimising the City's costs. In similar cases, Council has previously accepted a nominal consideration of $10.00 to reflect the heritage value of the subject features. The proposed easements will terminate in the event that the building is demolished or modified in such a way that it no longer encroaches into the right of way.

The recommended course of action is to enter into the proposed easements as the front wall and bay windows are part of the heritage designation of the building. The publication of notices of Council's intention to enter into them is a precondition of their final execution.

Recommendation:

That Council authorizes staff to enter into easements with 1312 Government Street Inc. at 1312/14 Government Street for historic brickwork and bay windows, subject to the publication of the notices required under the Community Charter.

Respectfully submitted

Neil Turner
Property Manager

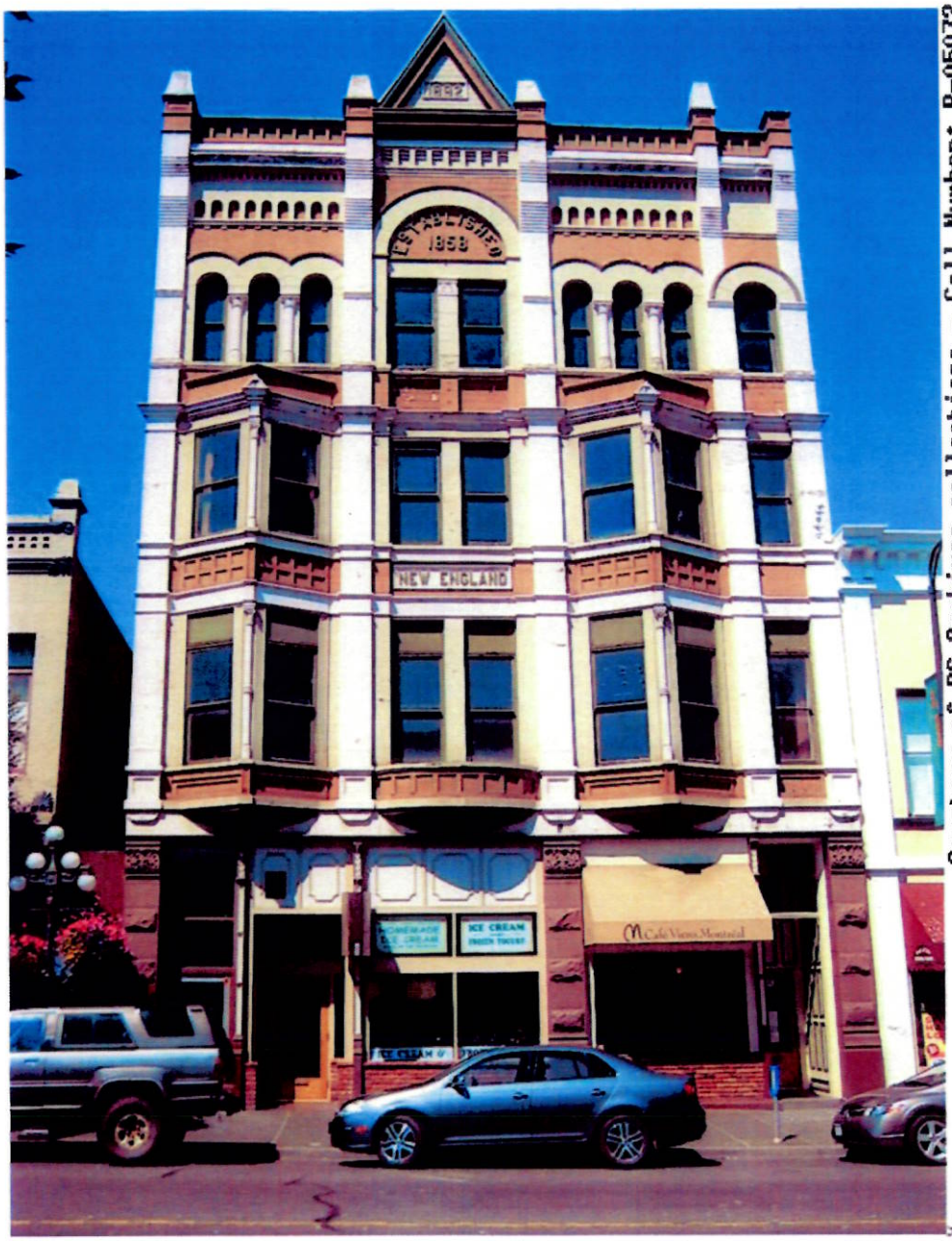
Robert Woodland
Director of Legislative
& Regulatory Services

Report accepted and recommended by the City Manager:

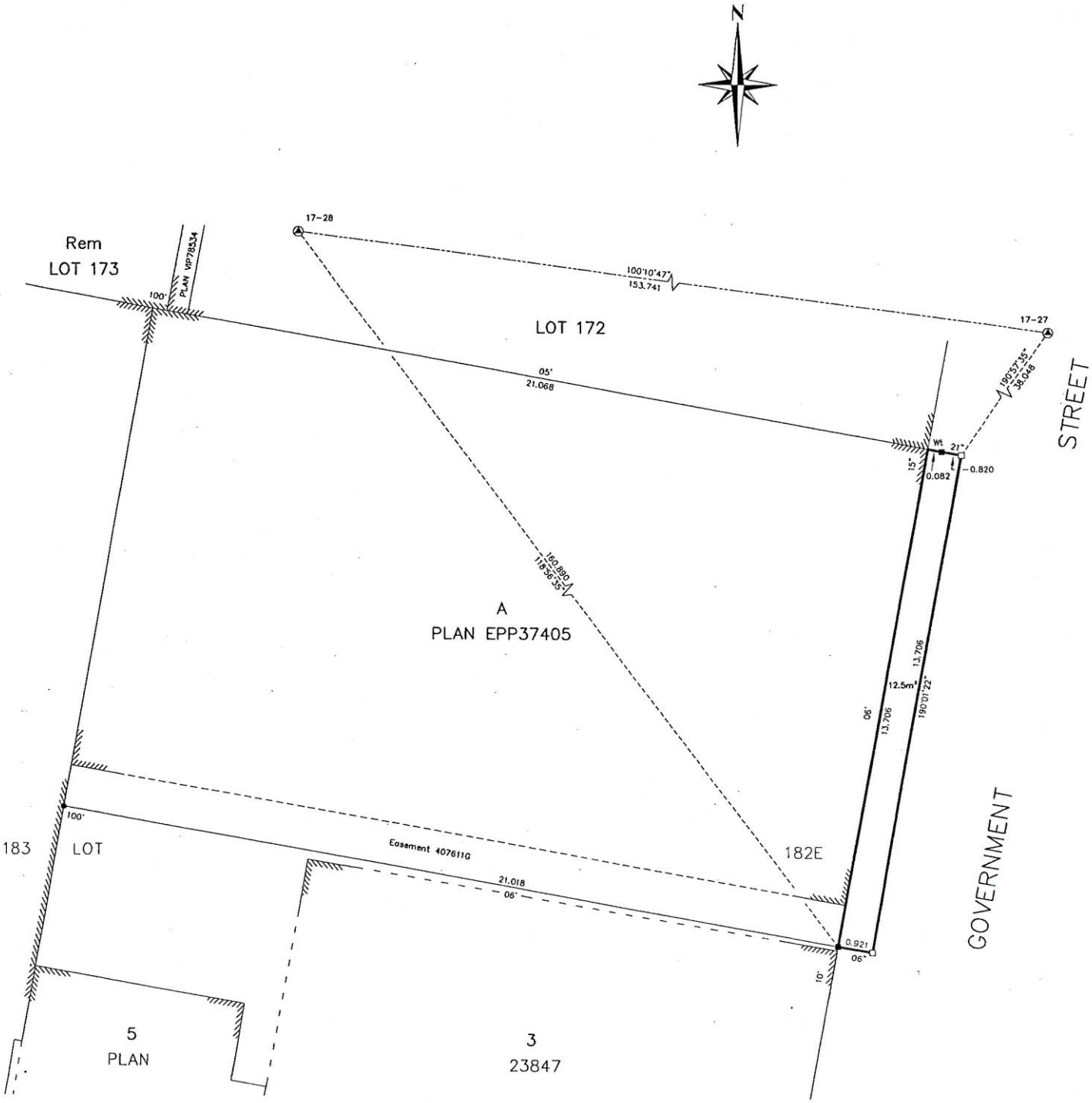
Date: June 3, 2014

Schedule A
Location Plan

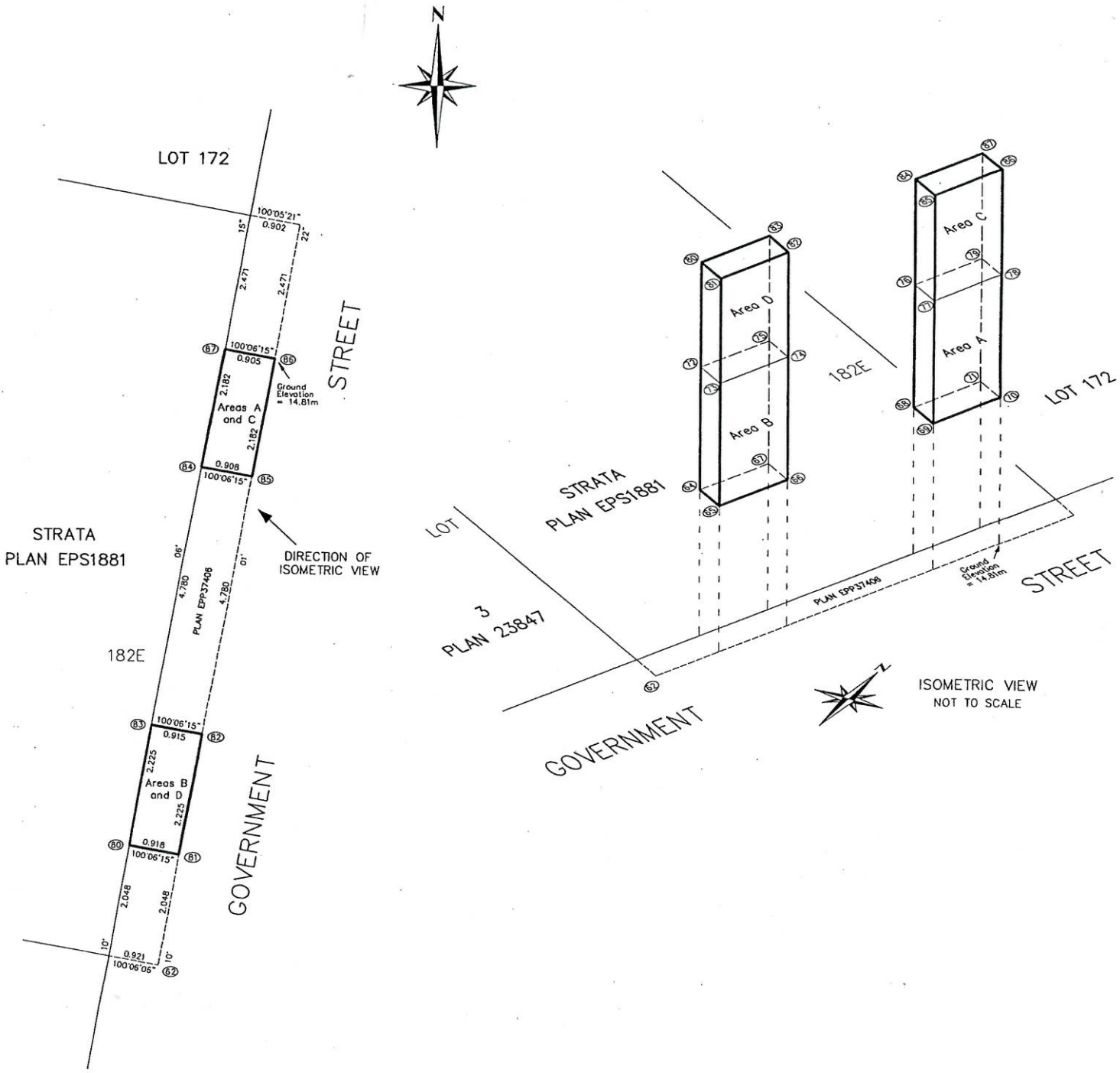
Schedule B
New England Hotel



Schedule C
Planimetric Easement



Schedule D
Volumetric Easement



CITY OF VICTORIA

Governance and Priorities Committee Report
For the Meeting of June 12, 2014

To:	Governance and Priorities Committee	**Date:**	June 2, 2014
From:	Robert Woodland, Director, Legislative and Regulatory Services		
Subject:	2014 UBCM Resolutions		

The purpose of this report is to advise Council of a final opportunity to propose policy resolutions for the Union of British Columbia Municipalities (UBCM) Annual Conference in September.

The UBCM is the provincial advocacy group for local governments. Resolutions passed at the UBCM annual convention guide the organization's policy and advocacy work. The UBCM urges members to submit their resolutions to Area Associations first for consideration.

Council held a Resolutions Workshop in January 2014 to identify policy resolutions for the Association of Vancouver Island and Coastal Communities (AVICC) Annual Convention. Two resolutions from the City, as outlined in Appendix A, were heard at the AVICC Convention in April, with the following results:

- Utility Bill Deferral resolution was NOT ENDORSED
- Agricultural Land Reserve & Agricultural Land Commission resolution was ENDORSED and will be forwarded automatically for consideration by UBCM

Currently, there are no additional Council resolutions to be submitted for consideration by UBCM. Since the AVICC resolutions workshop in January, the following issues have been discussed by Council and may warrant consideration as potential resolutions (minutes and additional information are attached as Appendix B):

- Closure of the Provincial Youth Custody Center
- Mining Moratorium in First Nations Reserves (e.g., Tla-o-qui-ahi territories)
- Sponsorship at AVICC/UBCM meetings

The deadline for submitting resolutions directly to UBCM for inclusion at their Annual Convention is **June 30, 2014**. Policy matters identified at the June 12th GPC meeting will come forward to the June 26th Council meeting as a proposed resolution in time for the June 30th submission deadline.

Recommendation:

That Council:

a) Identify any further policy matters that warrant consideration at the 2014 UBCM Convention; and
b) Direct staff to prepare draft resolutions for Council's consideration at the June 26, 2014 Council meeting.

Respectfully submitted

Robert Woodland, Director
Legislative and Regulatory Services

Report accepted and recommended by the City Manager:

Date: June 3, 2014

Appendix A – Resolutions Forwarded to AVICC

R9 UTILITY BILL DEFERRAL — Victoria

WHEREAS utility billing, once included as a part of property taxes, is increasingly being billed separately by local governments;

AND WHEREAS this has unintended consequences of creating potential financial hardship for seniors, people with disabilities, surviving spouses, and families with children who participate in the provincial Tax Deferment Program:

THEREFORE BE IT RESOLVED that UBCM request the Province of British Columbia to include municipal utility bills in the Tax Deferment Program.

ON MOTION, was NOT ENDORSED

R22 AGRICULTURAL LAND RESERVE & AGRICULTURAL LAND COMMISSION — Victoria

WHEREAS the Agricultural Land Commission, created as an autonomous body in 1974, has served to protect over four million hectares of farmland in the Province of British Columbia;

AND WHEREAS measures to protect farmland and support farmers and regional food systems are essential to provide food security in the face of increasing global transportation and energy costs and the impacts of climate change:

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities and the Union of British Columbia Municipalities (UBCM) request that the provincial government respect the integrity of the province-wide Agricultural Land Reserve and support its management by an independent and adequately funded Agricultural Land Commission;

AND BE IT FURTHER RESOLVED that the provincial government work with the agricultural community, UBCM and local governments to identify and implement additional measures that will increase the viability of farming and food production in British Columbia.

ON MOTION, was ENDORSED

Appendix B – Minutes and Additional Information

Minutes from Council Meeting of May 8, 2014

NEW BUSINESS

Councillor Alto withdrew from Council Chambers at 9:53 p.m. due to an indirect pecuniary conflict of interest in the following item as her partner is an employee of Ministry of Children and Family Development.

1. **Proposed Closure of Victoria Youth Custody Services Centre**

It was moved by Councillor Isitt, seconded by Councillor Thornton-Joe, that Council approve the following resolution:

WHEREAS the Provincial Government has recently announced the proposed closure of the Victoria Youth Custody Services centre in the Town of View Royal;

AND WHEREAS this is the only provincial youth custody facility on Vancouver Island, meaning the closure would result in all young offenders remanded or sentenced from Vancouver Island Courts being removed from their family and community supports, to custody facilities on the Lower Mainland or elsewhere in the Province;

AND WHEREAS there are no custody facilities for women on Vancouver Island, resulting in all female offenders who are remanded or sentenced from Vancouver Island Courts being temporarily held in local police cells and subsequently removed from their family and community supports, to custody facilities on the Lower Mainland or elsewhere in the Province;

AND WHEREAS the City of Victoria and Capital Regional District appoint representatives to the Youth and Family Justice Committee to consider and address current issues impacting youth and families involved in the Youth and Family Court system;

AND WHEREAS reasonable access to family and community supports is integral to rehabilitation planning for Vancouver Island youth and women in custody;

THEREFORE BE IT RESOLVED THAT Council directs staff to write a letter to the Minister of Children and Family Development, requesting that the Victoria Youth Custody Services centre remain open and, further, that the Provincial Government consider re-purposing a part of this facility to include female offenders remanded in custody from Vancouver Island Courts. Carried Unanimously

Councillor Alto returned to the meeting at 3:13 p.m.

Minutes from the Council meeting of April 10, 2014

4. **Motion of Support for Tla-o-qui-aht First Nation**

It was moved by Councillor Isitt, seconded by Councillor Helps, that Council approve the following resolution:

WHEREAS the Tla-o-qui-aht First Nation has requested that the City of Victoria support its request for a moratorium on mining activity within its territories, so as to allow for implementation of its Land Use Plan and the pursuit of economic, ecological and social priorities;

AND WHEREAS the Provincial Government has issued expanded mining exploration permits to Imperial Metals for drill sites within the Tranquil Creek watershed, notwithstanding the lack of consent from the First Nation Government;

AND WHEREAS the City of Victoria has been a leader among local governments in British Columbia in forging respectful relationships with indigenous people and First Nations governments:

THEREFORE BE IT RESOLVED that the City of Victoria supports the request of the Tla-o-qui-aht First Nation for a moratorium on mining activity within its territories, so as to allow for implementation of its Land Use Plan and the pursuit of economic, ecological and social priorities;

AND BE IT FURTHER RESOLVED THAT Council directs the Mayor to write to the Premier and Minister of Energy and Mines requesting that a moratorium on mining activity in Tla-o-qui-aht territories be introduced.

Councillor Isitt said that he hopes if we were facing a similar issue here in Victoria, that other municipalities would support us.

Councillor Young said that he is unable to support as there can be competing needs and interests and all resource development involve some kind of impact on the environment and he does not know if this is the appropriate response. He also cannot support as sometimes other local governments make mistakes and following their requests blindly can be an unwise course of action

Carried

For: ***Mayor Fortin, Councillors Alto, Coleman, Gudgeon, Helps, Isitt, Madoff and Thornton-Joe***

Against: ***Councillor Young***

Minutes from the GPC Meeting of February 13, 2014

3.1 Motion – Sponsorship at AVICC/UBCM Meetings

Action: Councillor Isitt moved that Committee recommends that Council approve the following resolution:

BE IT RESOLVED that the City of Victoria supports the following resolution for consideration at the 2014 annual meetings of the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of British Columbia Municipalities (UBCM).

WHEREAS, the Community Charter provides clear direction to local governments to ensure that decision-making is independent of interested parties and free to the greatest extent possible from conflicts of interest;

THEREFORE BE IT RESOLVED that UBCM and its area associations agree to conduct their proceedings in a manner that encourages decision-making that is independent from interest parties, by:

- Transitioning by 2016 toward a self-financed model for annual meetings that do not rely on financial contributions by external sponsors;
- Allows for ongoing opportunities for externally-sponsored events scheduled and promoted outside the official program of UBCM and its area associations.

BE IT FURTHER RESOLVED that the City of Victoria forward this resolution to AVICC and UBCM member municipalities/local governments, requesting those bodies adopt resolutions in support of this policy to regional area conventions and UBCM.

Committee discussed:

- The need to protect our process by not having the appearance of conflict of interest.
- The financial impact on the ability of smaller municipality's to attend conferences.
- If Committee has enough information on the effect that eliminating sponsorships would have on the respective organizations.
- If the organizations have a sponsorship policy that Committee could review prior to making any decisions.

Action: Councillor Isitt moved that Committee amend the motion as follows:

BE IT RESOLVED that the City of Victoria supports the following resolution for consideration at the 2014 annual meetings of the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of British Columbia Municipalities (UBCM).

WHEREAS, the Community Charter provides clear direction to local governments to ensure that decision-making is independent of interested parties and free to the greatest extent possible from conflicts of interest;

THEREFORE BE IT RESOLVED that UBCM and its area associations ~~agree to~~ **examine conducting** ~~conduct~~ their proceedings in a manner that encourages decision-making that is independent from interest parties, by:

- Transitioning by 2016 toward a self-financed model for annual meetings that do not rely on financial contributions by ~~external sponsors~~ **non-governmental entities.**

- Allows for ongoing opportunities for externally-sponsored events scheduled and promoted outside the official program of UBCM and its area associations.

Action: Councillor Coleman moved that Committee postpone consideration of this item until further information is obtained regarding current sponsorship policy from the UBCM and member organizations.

CARRIED UNANIMOUSLY 14/GPC096

UBCM comment to City of Victoria's motion regarding "Sponsorship at AVICC/UBCM Meetings" - June 3, 2014

UBCM Sponsorship Overview

1. Corporate Sponsorship Guidelines

a) Only companies that UBCM considers compatible with it's goals, values and mission will be considered as potential corporate sponsorship partners.
b) UBCM's Executive Director will decide the eligibility of a potential corporate sponsor.
c) If UBCM's Executive Director decides that a sponsor may not be compatible, the Executive Director will seek direction from Executive before approval is given.
d) UBCM reserve the right to terminate an existing corporate sponsor if the sponsor becomes incompatible with UBCM's values and mission.

2. Sponsorship Contributions

UBCM convention sponsorship contributions from non-governmental entities will equate to $200K+ revenue in 2014. Non-Governmental sponsorship provides measurable benefits to our members including:

- Lower registration fees
- Receptions for networking and socializing
- Strong relationship building opportunities with corporate partners

Many non-governmental sponsored receptions are included within UBCM's "official program" including the CUPE reception. CUPE has been a long-standing sponsor and the reception is one of the most anticipated events for local government elected officials to socialize and network. Under this resolution the CUPE reception would no longer be acceptable.

3. Implications of adopting the City of Victoria's Resolution

The implications of adopting the City of Victoria's resolution on sponsorship for 2014 are a 30% increase in member registration fees from $455 to $590 and approximately 34% increase for non-member and government fees.

UBCM has seen a reduction in governmental sponsorship revenue as agencies come under public scrutiny and sponsorship budgets are reduced.

AVICC Convention 2014 Sponsorship Overview

The April 2014 AVICC Convention generated $67K in convention related revenue of which $18K or almost 30% was non-governmental sponsorship.

CITY OF VICTORIA

Council Member Motion

For the Governance & Priorities Committee Meeting of June 12, 2014

Date: May 30, 2014 **From:** Councillor Marianne Alto
Councillor Shellie Gudgeon

Subject: Coordinated Release of Electronic Links to Council and Committee Agendas

Whereas the city continues to act on it commitment to open government,

Whereas the city values and encourages increasing community engagement and collaboration in city decision-making,

Whereas minimal additional staff resources are required,

Therefore Be It Resolved that the city's procedural bylaw be amended to enable electronic links to upcoming Council and Committee meetings be posted to the city website at the same time as they are emailed to Councillors.

Respectfully submitted

Councillor Marianne Alto

Councillor Shellie Gudgeon

CITY OF VICTORIA

Council Member Motion

For the Governance & Priorities Committee Meeting of June 12, 2014

Date: May 30, 2014 **From:** Councillor Shellie Gudgeon
Councillor Marianne Alto

Subject: Community Services Facility in the Jubilee Neighbourhoods

Whereas opportunities continue to arise regarding potential community services facility sites in the Jubilee area,

Whereas the city desires to facilitate a proactive, thoughtful dialogue about such opportunities,

Whereas community connections can be supported with common, shared infrastructure,

Therefore Be It Resolved that staff be asked to provide an outline of the resources required to create a workplan to facilitate a community conversation on a potential community services facility in the Jubilee neighbourhoods.

Respectfully submitted

Councillor Shellie Gudgeon

Councillor Marianne Alto