REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, January 21, 2021, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

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

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

Meeting will recess for a lunch break between 12:30 p.m. and 1:15 p.m.

Pages

A. APPROVAL OF AGENDA

*B. CONSENT AGENDA

Proposals for the Consent Agenda:

- F.2 - Proclamation: Wear Red Canada Day
- F.3 - Proclamation: International Day of Zero Tolerance for Female Genital Mutilation

C. READING OF MINUTES

D. UNFINISHED BUSINESS

E. LAND USE MATTERS

*E.1. 1125 Fort Street: Rezoning Application No. 00712, Development Permit with Variances Application No. 00142 and Heritage Designation Application No. 000192 (Fairfield) *1*

Addendum: Presentation

A report regarding the Rezoning Application No. 00712, Development Permit with Variances Application No. 00142 and Heritage Designation Application No. 000192 for 1125 Fort Street in order to convert the existing building into multiple dwelling units and add dwelling units in a new addition at the rear, fronting Meares Street.

*E.2. 736 Princess Avenue: Victoria Housing Reserve Fund Application (Burnside) *50*

Addendum: Presentation

A report regarding the Victoria Housing Reserve Fund (VHRF) grant application from the John Howard Society of Victoria.

F. STAFF REPORTS

*F.1. Parks Regulation Bylaw Amendments - Mitigating the Impacts of Sheltering 62

Addendum: Presentation

A report regarding the mitigation of impacts relating to sheltering in City parks.

F.2. Proclamation - Wear Red Canada Day 105

A report regarding the proclamation for Wear Red Canada Day, February 13, 2021.

*F.3. Proclamation - International Day of Zero Tolerance for Female Genital Mutilation

Addendum: New Item

A report regarding the proclamation for International Day of Zero Tolerance for Female Genital Mutilation, February 6, 2021.

G. NOTICE OF MOTIONS

H. NEW BUSINESS

*H.1. Council Member Motion: In Response to the National Overdose Crisis: Regulation, Safe Supply and Decriminalization 108

Addendum: New Item

A Council Member Motion regarding regulation, safe supply and decriminalization as it relates to the Overdose Crisis.

*H.2. Late Items

*H.2.a. Council Member Motion: Response to Broken Windows 110

Addendum: New Item

A Council Member Motion regarding the proposed support of the downtown and to address the impacts of vandalism.

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Committee of the Whole Report
For the Meeting of January 21, 2021

To:	Committee of the Whole	**Date:**	January 7, 2021
From:	Karen Hoese, Director, Sustainable Planning and Community Development		
Subject:	**Development Permit with Variances Application No. 00142 for 1125 Fort Street**		

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No.00142, if it is approved, consider the following motion:

> "That Council authorize the issuance of Development Permit with Variance Application No.00142 for 1125 Fort Street, in accordance with:
>
> 1. Plans date stamped September 9, 2020.
> 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
> i. reduce the vehicle parking from eight to four stalls, including a reduction of the visitor parking from one stall to zero stalls.
> 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 1125 Fort Street. The proposal is to rezone the property from the R3-1 Zone, Multiple Dwelling District, to a new

site-specific zone in order to convert the existing building to two dwelling units and add three new residential units over parking within a new addition along Meares Street. The variance is to reduce the minimum number of vehicle parking stalls. There are also associated Rezoning and Heritage Designation applications that are presented in concurrent reports.

The following points were considered in assessing this application:

- the application is generally consistent with the Design Guidelines for Development Permit Area 7B(HC) – Corridors Heritage with regard to providing sensitive infill and human-scaled development that enhances the heritage character of the area
- the proposal is consistent with the *Fairfield Neighbourhood Plan*, 2019, which encourages more housing focused on the Fort Street corridor as well as the adaptive reuse of existing housing stock
- the location of the ground level enclosed parking and screened garbage/recycling area along Meares Street does not create active connection with the street; however the small size of the site limits opportunities to resolve this
- the parking variance is considered to be supportable given the site limitations and proximity to the Downtown Core, transit and bike network.

BACKGROUND

Description of Proposal

The proposal is to rezone the property from the R3-1 Zone, Multiple Dwelling District to a new site-specific zone in order to convert the existing building into two dwelling units and add three dwelling units in a new addition to the rear. The proposal includes the following major design components:

- the existing building would be moved three metres toward Fort Street and most of the building would be conserved with limited alterations to the North, East and West elevations
- the predominant materials of the addition at Meares Street would be HardiePanel with glass balconies
- along Fort Street the upper levels would be brick cladding HardiePanel at the side entrance areas
- the fourth storey would be comprised of an outdoor amenity space
- the ground level parking would be accessed off Meares Street
- the garbage and recycling area would be located at Meares Street, with a stained cedar fence, screening the street.

The proposed variance is to reduce the vehicle parking from eight stalls to four stalls, this overall parking relaxation includes a reduction of the visitor parking requirement from one stall to no stalls.

Affordable Housing

The applicant proposes the creation of five new residential units which would increase the overall supply of housing in the area. A Housing Agreement is being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units. A Housing Agreement is also being proposed to secure one unit within the existing building as rental for a period of 20 years.

Sustainability

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

Active Transportation

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

Public Realm

No public realm improvements beyond the City's standard requirements are proposed in association with this Development Permit application.

Accessibility

Accessibility measures beyond those contained in the British Columbia Building Code are not proposed.

Land Use Context

The area is characterized mainly by multi-unit residential buildings, with some commercial uses operating out of heritage houses along Fort Street.

Existing Site Development and Development Potential

The site presently contains a single family dwelling. Under the current R3-1 Multiple Dwelling District Zone, the property could be developed as a house conversion or multi-family dwelling; however, a multi-family dwelling would require a variance for the site area.

Data Table

The following data table compares the proposal with the R3-1 Multiple Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the standard expressed in the existing Zone.

Zoning Criteria	Proposal	Existing Zone
Site area (m^2) – minimum	**420.6***	920.0
Density (Floor Space Ratio) – maximum	**1.92***	1.20
Total floor area (m^2) – maximum	808	N/A
Lot width (m) – minimum	12.19	N/A
Height (m) – maximum	12.45	18.50
Storeys – maximum	4	N/A

Zoning Criteria	Proposal	Existing Zone
Site coverage % – maximum	**81***	30
Open site space % – minimum	**16***	30
Setbacks (m) – minimum		
Front (North - Fort Street)	**2.60***	10.50
Front Stair Projection	0.53	N/A
Rear (South - Meares Street)	**1.74***	10.50
Side (East)	**0***	7.22
Side (south)	**0***	7.22
Parking – minimum	4*	8
Visitor parking included in the overall parking total – minimum	0	1
Bicycle parking stalls – minimum		
Long term	8	6
Short term	6	6

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Fairfield Neighbourhood CALUC at a Community Meeting held on June 13, 2019. A letter dated June 13, 2019 is attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The subject site is designated as Urban Residential in the *Official Community Plan,* 2012 (OCP), which envisions low and mid-rise multi-unit buildings. The OCP also identifies the site within Development Permit Area 7B(HC) – Corridors Heritage, which supports high quality architecture, landscape and urban design that is human-scaled, responsive to its heritage context and helps to enhance the pedestrian experience along Fort Street. The design guidelines for this DPA, that are applicable to this site, are the *Advisory Design Guidelines for Buildings, Signs and Awnings* and the *Guidelines for Fences, Gates and Shutters*.

These Design Guidelines encourage developments and infill that are sensitive to the existing context. Since this proposal conserves and designates the existing building, it is largely

consistent with the guidelines. The proposal includes a balcony on the east side of the existing building, which may have privacy impacts to the neighbouring property; however, this balcony is an existing condition and the impacts will be reduced somewhat due to the proposal to shift the building three metres toward Fort Street, which creates a greater offset distance between the balcony and the existing windows on the house located to the east.

The proposal is generally consistent with the *Fairfield Neighbourhood Plan*, 2019, which encourages more housing focused on the Fort Street corridor as well as the adaptive reuse of existing housing stock. The location of the ground level enclosed parking and screened garbage/recycling area along Meares Street does not create an active connection with the street; however, the small size of the site limits opportunities to resolve this without further reducing the parking. On balance, staff consider this to be an acceptable approach given the preservation of the existing character building and the general fit with the surrounding context.

Local Area Plans

Tree Preservation Bylaw and Urban Forest Master Plan

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

Regulatory Considerations

Parking Variance

The parking requirement for the proposed five-unit development is eight stalls, which includes seven stalls for the resident parking and one stall for visitor parking. The proposal includes four parking stalls, which are accessed off Meares Street. The ability to provide additional parking stalls is largely limited by the size of the lot and the retention of the existing house. The provision of four stalls for five units may result in some level of increased demand for on-street parking; however, these would be relatively minor and the impacts are offset by the site being located in close proximity to the Downtown Core as well as along a frequent transit along Fort Street.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its November 10, 2020 meeting and was recommended for approval. The panel also recommended that the applicant consider making the addition to 1909 house more discrete and subordinate. Because the house is not currently designated, the *Standards and Guidelines for the Conservation of Historic Places in Canada* do not technically apply, and while the applicant has not revised the proposal to respond to this comment, they have provided clarification on the materials at the upper elevations of the building, which does somewhat improve the contextual relationship between the existing house and new addition.

Additional context and information related to the Heritage Designation can be found in the associated Heritage Designation application staff report.

CONCLUSIONS

The proposed development is generally consistent with the applicable Design Guidelines. The adaptive reuse of the existing building contributes to the heritage character of the Fort Street

Corridor and the addition is consistent with the pattern of development along Fort and Meares Streets. On balance, staff consider this to be an acceptable approach given the preservation of the existing character building, pedestrian oriented design at Fort Street and the general fit of the application with the surrounding context.

The parking variance is mitigated by the proximity of the site to the Downtown Core and location along a major transit corridor. Therefore, staff recommend for Council's consideration that Council advance the application for consideration at a hearing.

ALTERNATE MOTION

That Council decline Development Permit with Variance application No. 00142 for the property located at 1125 Fort Street.

Respectfully submitted,

Chloe Bryden Tunis
Planner
Development Services

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped September 9, 2020
- Attachment D – Photographs
- Attachment E – Statement of Significance
- Attachment F – November 10, 2020 Heritage Advisory Panel Meeting Minutes
- Attachment G – Letter from the applicant, date stamped March 3, 2020
- Attachment H – Economic Analysis Memo from applicant dated September 9, 2020
- Attachment I – CALUC Comments dated June 13th, 2019
- Attachment J – Correspondence (letters received from residents).

Committee of the Whole Report
For the Meeting of January 21, 2021

To:	Committee of the Whole	**Date:**	January 7, 2021
From:	Karen Hoese, Director, Sustainable Planning and Community Development		
Subject:	**Heritage Designation Application No. 000192 for 1125 Fort Street**		

RECOMMENDATION

That Council approve the designation of the property located at 1125 Fort Street, consistent with architectural plans dated September 9, 2020, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site, and that first and second reading of the *Heritage Designation Bylaw* be considered by Council and a Public Hearing date be set concurrent with the Public Hearing for Rezoning Application No. 00712.

LEGISLATIVE AUTHORITY

In accordance with Section 611 of the *Local Government Act*, Council may designate real property, in whole or in part, as protected property.

EXECUTIVE SUMMARY

The purpose of this report is to present City Council with information, analysis and recommendations regarding an owner request to designate the exterior of the 1.5-storey Edwardian style house located at 1125 Fort Street. The house was built in 1909 and contributes to the historic character of the Fairfield neighbourhood and the Fort Street heritage corridor, a stretch of Fort Street characterized by clusters of high-quality examples of Italianate, Gothic Revival, Second Empire and Edwardian Vernacular-style houses between Cook Street and Ormond Street.

The designation of this building is generally consistent with Section 8: “Placemaking (Urban Design and Heritage)” and Section 21: “Neighbourhood Directions” of the *Official Community Plan* (2012), with the *Fairfield Neighbourhood Plan* (2019) and with the *Victoria Heritage Thematic Framework*. The Statement of Significance supports its designation.

The application was reviewed by the Heritage Advisory Panel at its November 10, 2020 meeting and it recommended that Council consider approving the designation of the property located at 1125 Fort Street.

BACKGROUND

Description of Proposal

The property located at 1125 Fort Street is a 1.5-storey Edwardian house built in 1909, which anchors a cluster of cross-gabled Edwardian-style homes including 1121 and 1127 Fort Street. The exterior façade of 1125 Fort Street has maintained much of its original appearance. Its character-defining elements include its cross-gabled plan, bell-cast, octagonal tower, turned finials, wide, painted bargeboards, multi-pane-over-one sashes, leaded windows and double drop-siding. The house is currently a single family residential rental building. The property is valued for its asymmetrical design including a distinctive "witch's hat" tower. It is valued as an important example of the work of D.H. Bale, an architect who had a 40-year career in Victoria that included several dozen homes.

Condition/Economic Viability

The house is currently in good condition and retains its key architectural features and will receive upgrades including repainting and a seismic upgrade as part of Zoning Bylaw Amendment Application No. 00712.

ANALYSIS

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

Official Community Plan

The designation of this building is consistent with the *Official Community Plan* (2012), which in Section 8, "Placemaking (Urban Design and Heritage)", states:

> *<u>Goals</u>*
> *8 (B) Victoria's cultural and natural heritage resources are protected and celebrated.*
>
> *<u>Broad Objectives</u>*
> *8 (j) That heritage property is conserved as resources with value for present and future generations.*
> *8 (l) That heritage and cultural values are identified, celebrated, and retained through community engagement.*
>
> *<u>City Form</u>*
> *8.6 Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.*
> *8.11 Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.*
>
> *<u>Buildings and Sites</u>*
> *8.51 Continue to give consideration to tools available under legislation to protect or conserve heritage property including, but not limited to: heritage designation bylaws; listing on the heritage register; temporary protection; heritage alteration permits; heritage revitalization agreements; design guidelines; and, the protection*

of views of heritage landmark buildings from public vantage points as identified in Map 8, and to be determined in future local area plans.

8.54 Continue to work with senior government, community and business partners to identify, protect and conserve property of heritage value.

The designation of this building is also consistent with Section 21: "Neighbourhood Directions (Fairfield)" of the *Official Community Plan* (2012) which states:

> *Fairfield*
> 21.6.1 Maintain and enhance established character areas.

Fairfield Neighbourhood Plan (2019)

The designation of this building is also consistent with *Fairfield Neighbourhood Plan* (2019) policies which states:

> *10.3.1. Encourage landowners to consider the protection of heritage resources through the designation of properties listed on the City's Register of Heritage properties, identified on Map 12, or other buildings of heritage merit, including through the rezoning process*

Victoria Heritage Thematic Framework

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

Zoning Bylaw Amendment Application No. 00712

The designation of the property is connected to a development proposal to relocate the existing house three metres forward on the lot, where it would be placed on a new earthquake resistant concrete foundation. The interior of the house would be renovated to accommodate a new rental suite in the lower level and a suite on the upper two levels. Also proposed is the construction of a new four-storey addition at the rear of the house containing three residential units cantilevered over a ground level parking area. The proposal would conserve most of the building with limited alterations to the north, east and west elevations.

Statement of Significance

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

Resource Impacts

The designation of the property would make the building eligible for heritage grants from the Victoria Heritage Foundation to incentivize exterior conservation work.

Heritage Advisory Panel

The application was reviewed by the Heritage Advisory Panel at its November 10, 2020 meeting and was recommended for approval. The panel also recommended that the applicant consider making the addition to the 1909 house more discrete and subordinate. The applicant has not revised the proposal to respond to this comment, however the house is not heritage designated, so the *Standards and Guidelines for the Conservation of Historic Places in Canada* do not technically apply to the project. Moreover, through the Development Permit with Variance Application process, the applicant provided a material board specifying the materials and colours for the new addition. The cream-coloured brick used in the addition is complementary to the cream colour of the house, which was not apparent in the original drawings.

CONCLUSIONS

The designation of the property located at 1125 Fort Street as a Municipal Heritage Site would protect a house that is a good example of the Edwardian style. The designation is consistent with relevant City policies and strategic directions for the Fairfield neighbourhood. Staff therefore recommend that Council consider approving the Heritage Designation Application for building located at 1125 Fort Street.

ALTERNATE MOTION

That Council decline Heritage Designation Application No. 000192 for the property located at 1125 Fort Street.

Respectfully submitted,

John O'Reilly
Senior Heritage Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A – Subject Map
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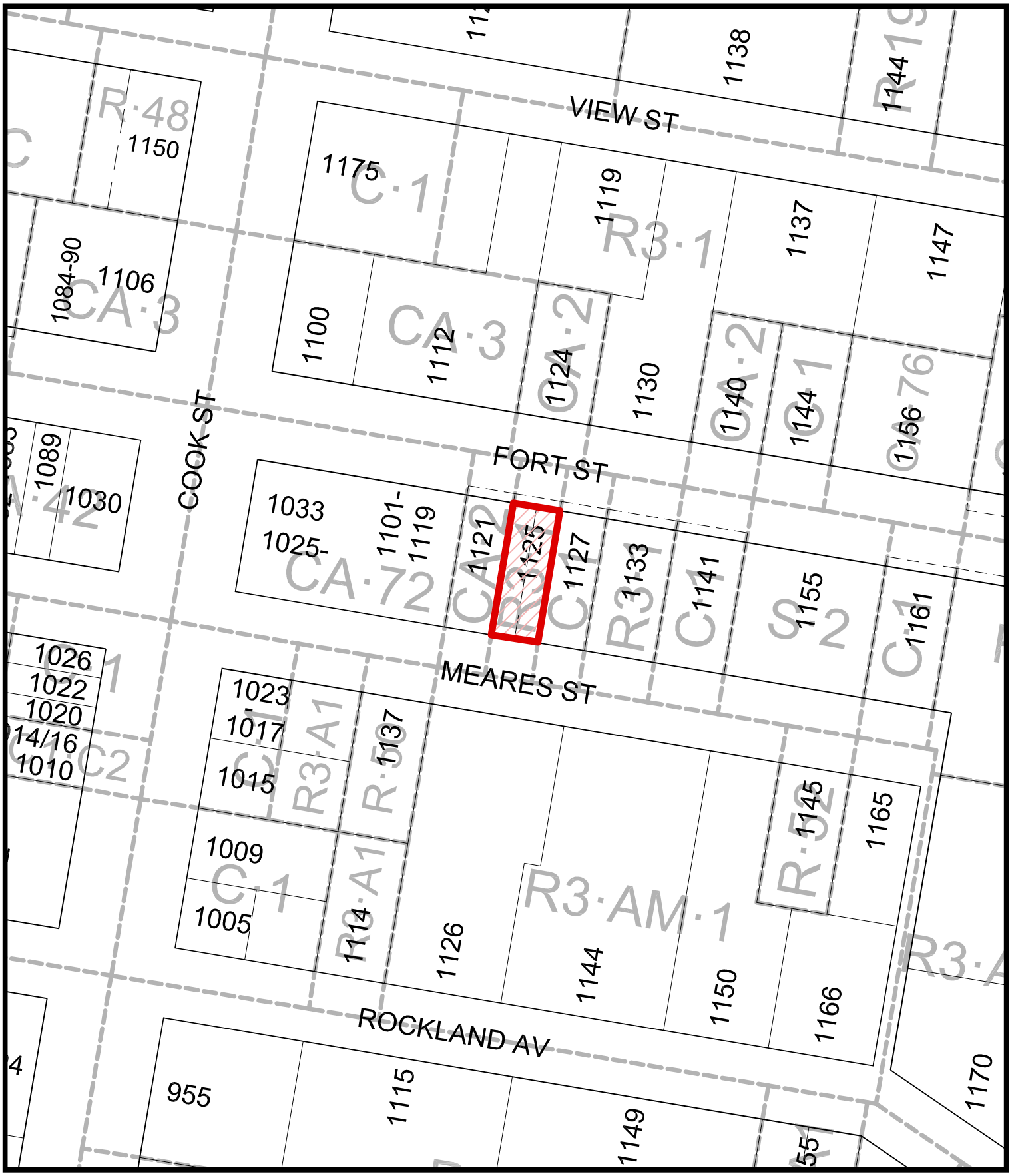
ATTACHMENT A



N

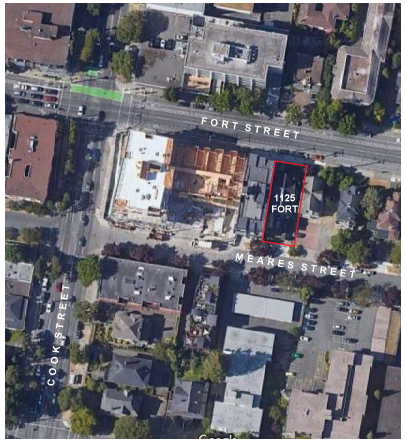
1125 Fort Street
Rezoning No.00712

CITY OF VICTORIA

N

1125 Fort Street
Rezoning No.00712

CITY OF VICTORIA



1 CONTEXT PLAN
Scale: 1:1000

CIVIC ADDRESS: 1125 FORT STREET, VICTORIA B.C.
LEGAL: WESTERLY 20 FEET OF LOT 1111 AND THE EASTERLY 20 FEET OF LOT 1112, BOTH OF VICTORIA CITY EXCEPT THE NORTHERLY 8 FEET THEREOF

ZONING INFORMATION		
LOT INFORMATION	EXISTING	PROPOSED
Zone	R3-1	Site Specific
Site Area	420.6 m²	unchanged
Total Floor Area	371 m²	808 m²
FSR	0.88 : 1	1.92 : 1
Site Coverage	35%	81%
Open Site Space	59%	16%
Height of Existing Dwelling	existing	unchanged
Height of Addition	—	12.43 m
Number of Storeys [Existing Dwelling]	3 storeys	unchanged
Number of Storeys [Addition]	—	4
Parking Stalls	1	4 *variance required*
Bicycle Parking	—	Existing Dwelling: No required bike parking per Schedule C 3.2.1(b) Addition: 1.25 spaces per dwelling unit > 45 m² x 3 4 required 8 provided + 6 short term
Setbacks		
Front Yard [Fort Street]	5.33 m	2.60 m
Rear Yard [Meares Street]	12.18 m	1.74 m
Side Yard [West]	0.00 m	0.00 m
Side Yard [East]	0.23 m	0.00 m
Residential Use Details		
Total Number of Units	1	5
Unit Types	Single Family	1 Rental | 4 Strata *refer to unit summary*
Ground-Orientated Units	2	2
Minimum Floor Area	—	106 m²
Total Residential Floor Area	371 m²	659 m²

UNIT SUMMARY		
UNIT	AREA	TYPE
Existing		
Unit B01	106 m²	2 bed 1 bath
Unit 100	220 m²	3 bed 3 bath
Addition		
Unit 101	115 m²	2 bed 2 bath
Unit 201	111 m²	2 bed 2 bath
Unit 301	107 m²	2 bed 2 bath

Note: Unit areas above measured to interior face of exterior and demising walls.

SUITE MIX	
TYPE	NUMBER
2 bed 1 bath	1
2 bed 2 bath	3
3 bed 3 bath	1
Total	**5**

SITE PLAN OF THE EASTERLY 20 FEET OF LOT 1112 AND THE WESTERLY 20 FEET OF LOT 1111, BOTH IN VICTORIA CITY EXCEPT THE NORTHERLY 8 FEET THEREOF.

0 20 60 100
Scale 1:250. All distances are in metres.

NOTE:

Lot dimensions shown are based upon Plan EPP94814 and may vary from those registered.

Lot dimensions, offsets, and area shown may vary upon completion of a comprehensive legal survey.

Geodetic elevations shown are based upon observations to geodetic control monument 9-2 (Elev.=29.68m).

This plan is for building design & permit purposes only and is for the exclusive use of our client. This plan shall not be used to define property lines or property corners. Unregistered interests have not been included or considered.

Field survey dated November 25th and 27th, 2019.

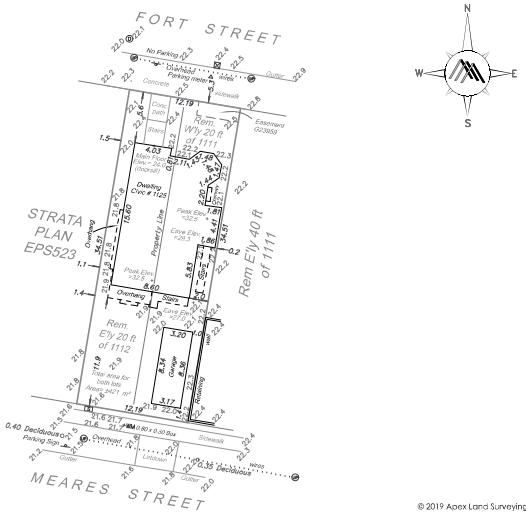
PID: 009-394-338 (Westerly 20 feet of lot 1111)
PID: 009-394-311 (Easterly 20 feet of lot 1112)

Both parcels are subject to charges:
-Easements F44889 and G23959

LEGEND
- Denotes catch basin
- Denotes water meter
- Denotes drain manhole
- Denotes sewer manhole
- Denotes sewer service box
- 0.20 Fir — Denotes approximate tree location, diameter and species
- 23.4 — Denotes ground elevation
- Denotes utility pole
- Denotes sign

Summit Land Surveying
Operated by Apex Land Surveying Ltd.
#101-630 Goldstream Avenue
Victoria B.C. V9B 2W8
Telephone 250-391-4708
www.summitsurveying.ca

File: 9-KEAY-SP | Date: December 2, 2019



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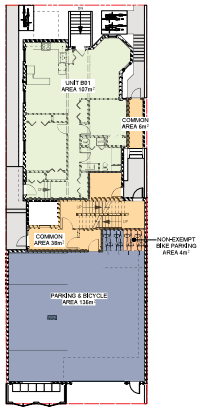
2 SURVEY
Scale: 1:250

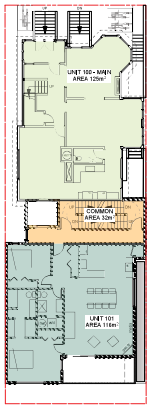
CITY OF VICTORIA

Revisions
Bubbled areas indicate revisions compared to the previously submitted plans

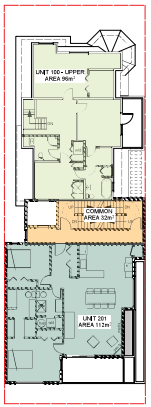
Received Date: September 9, 2020



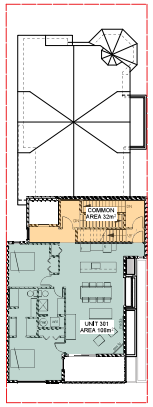
BASEMENT
FLOOR AREAS:
UNIT B01 107m²
COMMON 48m²
PARKING AND BIKE 136m² *(excluded from total)*
TOTAL FLOOR AREA 155m²



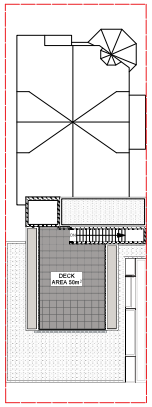
MAIN FLOOR
FLOOR AREAS:
SUITE 100 125m²
SUITE 101 116m²
COMMON 32m²
TOTAL FLOOR AREA 273m²



SECOND FLOOR
FLOOR AREAS:
SUITE 100 96m²
SUITE 201 112m²
COMMON 32m²
TOTAL FLOOR AREA 240m²



THIRD FLOOR
FLOOR AREAS:
SUITE 301 108m²
COMMON 32m²
TOTAL FLOOR AREA 140m²



ROOF DECK
FLOOR AREAS:
DECK 50m² *(excluded from total)*
TOTAL FLOOR AREA n/a

3 AREA CALCULATIONS
Scale: 1:200

keay architecture ltd.
2nd Floor, 1124 Fort Street, Victoria, BC, V8V 3K8
o. 250-382-3623 e. info@keayarchitecture.com

COMMENTS

No.	DESCRIPTION	DATE	BY
1	PRELIMINARY DESIGN	18/11/04	JK
2	PRELIMINARY DESIGN	19/01/03	JK
3	REZONING SUBMISSION	19/08/15	JA
4	REZONING SUBMISSION REVISIONS	20/03/02	NS
5	REZONING SUBMISSION REVISIONS	20/09/08	NS

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REGISTERED ARCHITECT JOHN KEAY BRITISH COLUMBIA
September 08, 2020

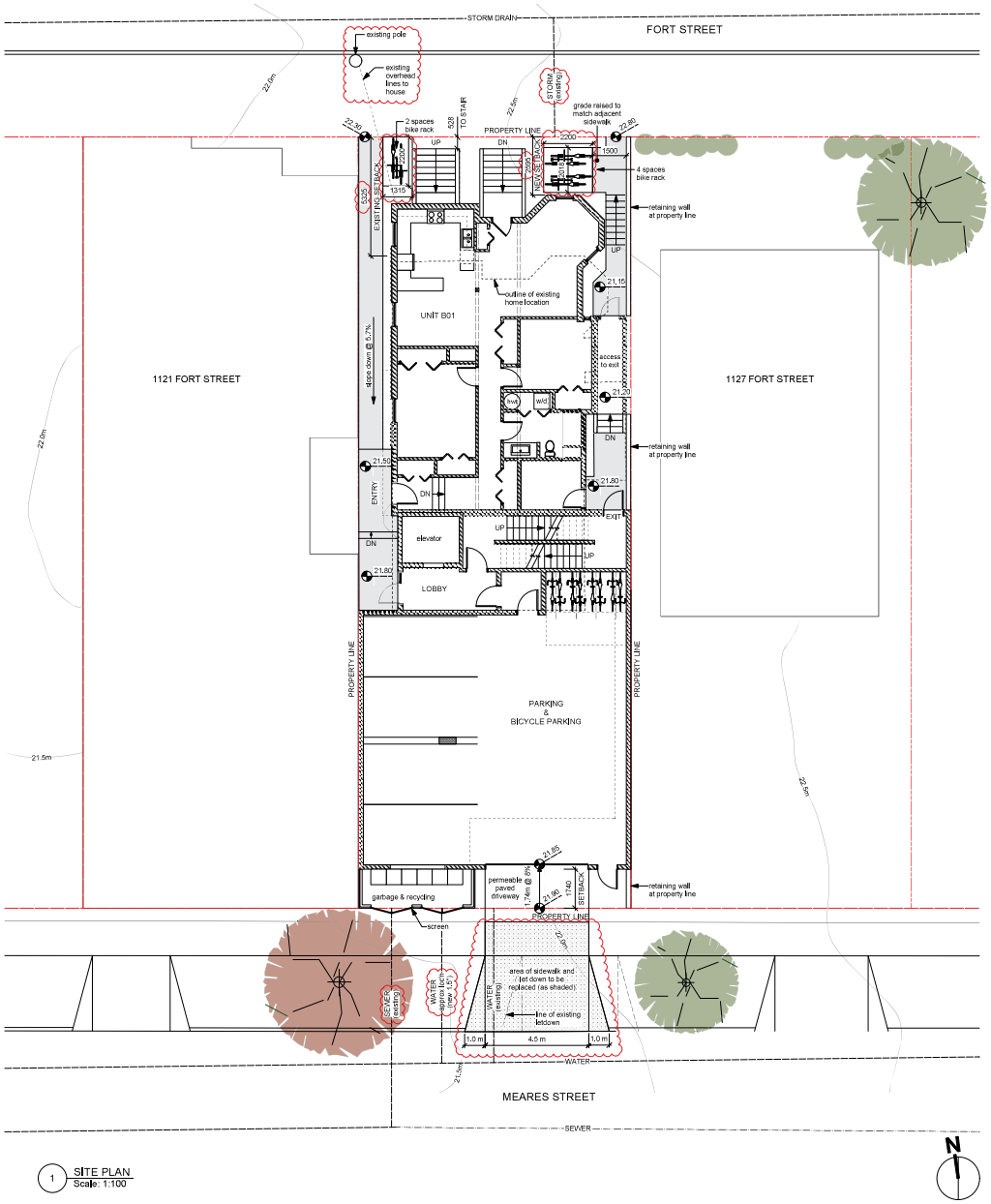
DRAWING LIST

A-1.0 PROJECT INFORMATION
A-1.1 SITE PLAN
A-2.0 BASEMENT, FIRST, AND SECOND FLOOR PLANS
A-2.1 THIRD FLOOR AND ROOF PLAN
A-3.0 ELEVATIONS
A-4.0 SECTIONS AND STREETSCAPES
A-5.0 COLOUR BOARD

PROJECT
PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

SHEET TITLE
PROJECT INFORMATION

SCALE	JOB No.
AS SHOWN	1741
PLOT DATE Sep 08, 2020	A-1.0
DRAWN JK/NS	



1 SITE PLAN
Scale: 1:100

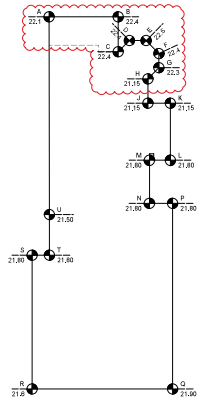
GRADE POINTS

Point	Grade
A	22,10
B	22,40
C	22,40
D	22,40
E	22,50
F	22,50
G	22,10
H	21,15
J	21,15
K	21,15
L	21,80
M	21,80
N	21,80
P	21,80
Q	21,80
R	21,80
S	21,80
T	21,80
U	21,50

CALCULATIONS

Line	Average Grade	Distance	Totals
AB	22,25	5,99	133,28
BC	22,40	3,03	67,87
CD	22,40	1,37	30,69
DE	22,45	1,44	32,33
EF	22,50	1,58	35,55
FG	22,30	1,23	27,43
GH	21,83	1,36	29,41
HJ	21,15	2,11	44,63
JK	21,15	1,94	41,03
KL	21,48	4,95	106,30
LM	21,80	1,81	39,46
MN	21,80	4,29	93,52
NP	21,80	2,02	44,04
PQ	21,85	16,07	351,13
QR	21,75	12,16	264,48
RS	21,70	11,59	251,50
ST	21,80	14,90	324,82
TU	21,85	3,51	75,99
UA	21,80	14,68	320,02
TOTAL	-	106,03	2313,48

AVERAGE GRADE 21,82



2 AVERAGE GRADE CALCULATIONS
NTS

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COMMENTS

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September 08, 2020

PROJECT
PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

SHEET TITLE
SITE PLAN

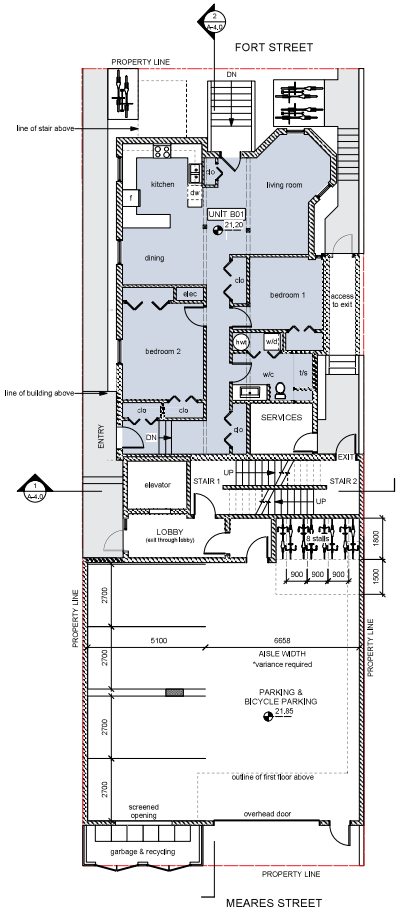
SCALE
AS SHOWN

JOB No.
1741

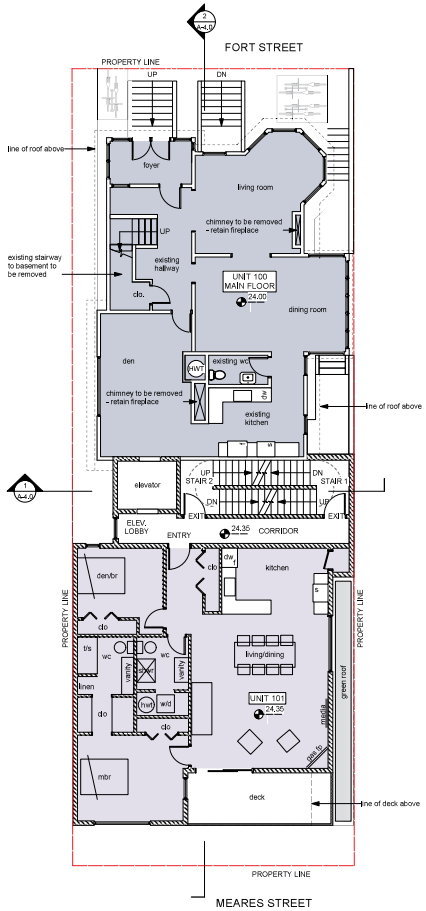
PLOT DATE
Sep 08, 2020

DRAWN
JK/NS

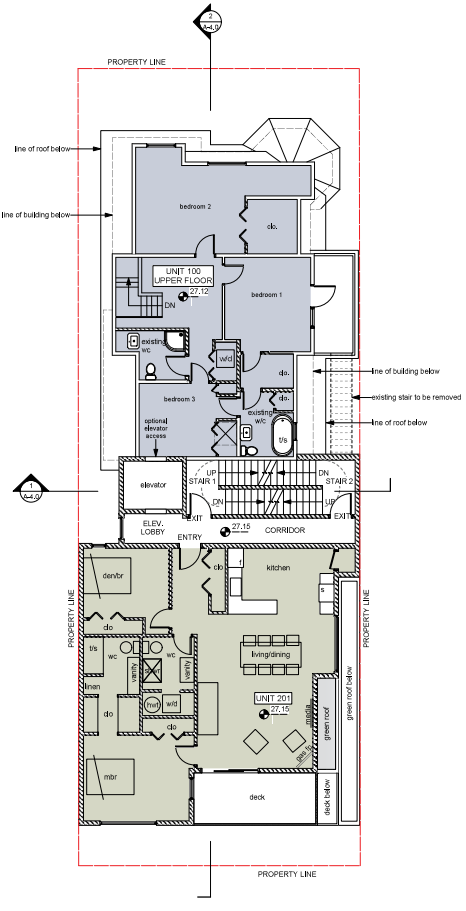
A-1.1



1 BASEMENT AND PARKING PLAN
Scale: 1:100



2 FIRST FLOOR PLAN
Scale: 1:100



3 SECOND FLOOR PLAN
Scale: 1:100

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REGISTERED ARCHITECT JOHN KEAY BRITISH COLUMBIA
September 08, 2020

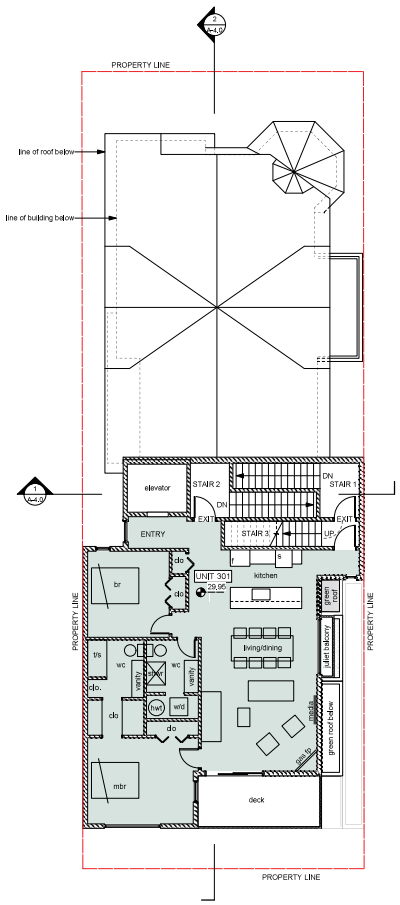
PROJECT

PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

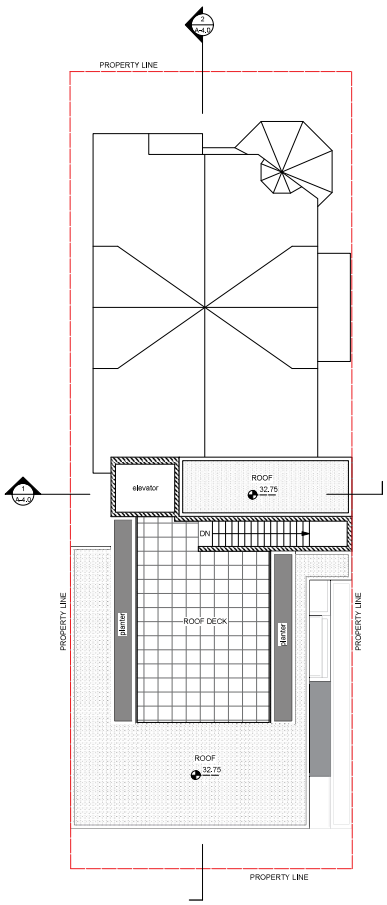
SHEET TITLE

BASEMENT
FIRST AND
SECOND
FLOOR PLANS

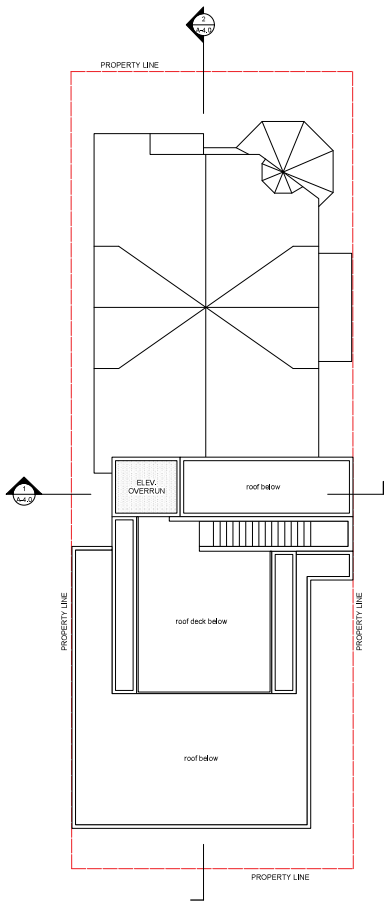
SCALE AS SHOWN	JOB No. 1741
PLOT DATE Sep 08, 2020	A-2.0
DRAWN JK/NS	



1 THIRD FLOOR PLAN
Scale: 1:100



2 ROOF DECK PLAN
Scale: 1:100



3 UPPER ROOF PLAN
Scale: 1:100

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REGISTERED ARCHITECT JOHN KEAY BRITISH COLUMBIA
September 08, 2020

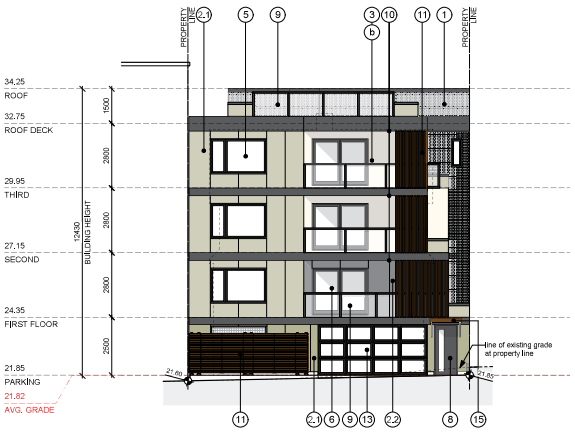
PROJECT

PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

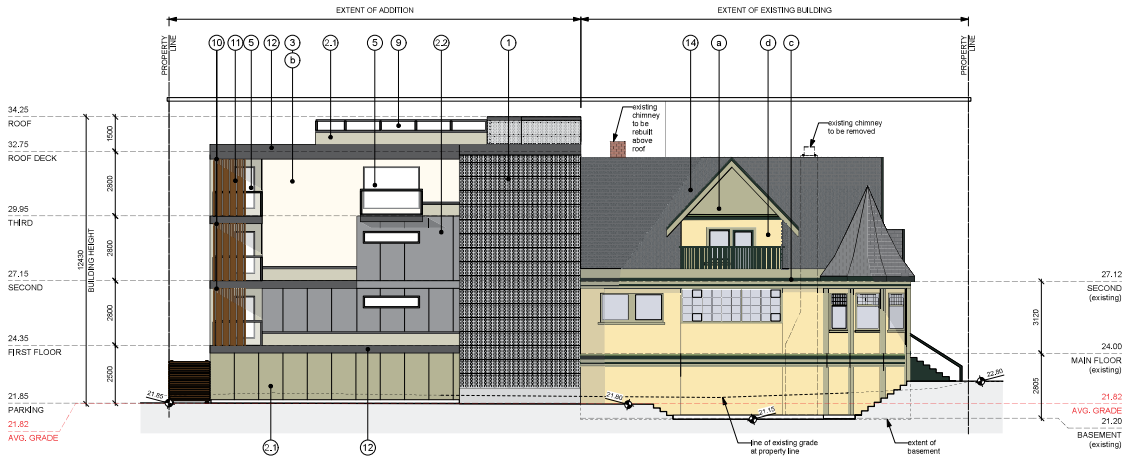
SHEET TITLE

THIRD FLOOR
AND
ROOF PLANS

SCALE	JOB No.
AS SHOWN	1741
PLOT DATE Sep 08, 2020	A-2.1
DRAWN JK/NS	

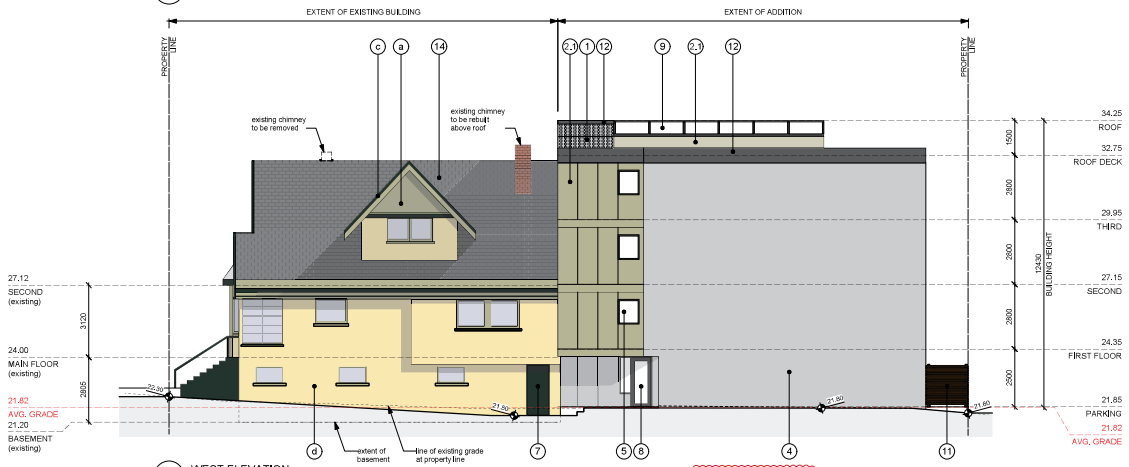


1 MEARES STREET (REAR) SOUTH ELEVATION
Scale: 1:100

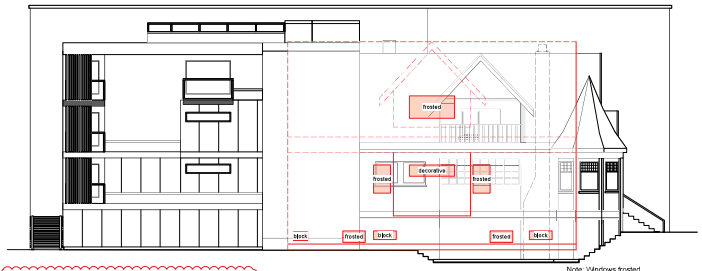


2 EAST ELEVATION
Scale: 1:100

3 FORT STREET (FRONT) NORTH ELEVATION
Scale: 1:100



4 WEST ELEVATION
Scale: 1:100



5 EAST ELEVATION WINDOW OVERLAY
N.T.S. *Windows at 1127 Fort Street

Note: Windows frosted, decorative and glass block as noted.

MATERIALS SCHEDULE

MATERIALS

1. BRICK OR ALIKE CLADDING
   MUTUAL MATERIALS - SEA GREY (SMOOTH)
2.1. HARDIEPANEL VERTICAL SIDING - KEYLIME
   (or similar cement board panel)
2.2. HARDIEPANEL VERTICAL SIDING - GRAY SLATE
   (or similar cement board panel)
3. SOFT TEXTURED STUCCO - PAINTED
   (BM-VC-1 : OXFORD IVORY)
4. CONCRETE BLOCK
5. VINYL WINDOWS - CHARCOAL
6. VINYL SLIDING DOORS - CHARCOAL
7. METAL DOOR - PAINTED
   (BM-VC-20 : VANCOUVER GREEN)
8. ALUMINUM AND GLAZED DOOR - CHARCOAL
9. ALUMINUM AND FROSTED GLASS
   GUARDS - CHARCOAL
10. STAINED CEDAR SOFFITS
11. STAINED CEDAR SCREENING WITH GATES
12. ALUMINUM FLASHING - CHARCOAL
13. ALUMINUM AND GLASS OVERHEAD DOOR
14. ASPHALT SHINGLES - CHARCOAL
15. WOOD AND METAL CANOPY

COLOURS

a. BM-VC-16 : COMOX SAGE
   BENJAMIN MOORE - VANCOUVER COLLECTION
b. BM-VC-1 : OXFORD IVORY
   BENJAMIN MOORE - VANCOUVER COLLECTION
   (or similar precoloured stucco)
c. BM-VC-20 : VANCOUVER GREEN
   BENJAMIN MOORE - VANCOUVER COLLECTION
d. BM-VC-7 : EDWARDIAN CREAM
   BENJAMIN MOORE - VANCOUVER COLLECTION

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COMMENTS

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REGISTERED ARCHITECT JOHN KEAY BRITISH COLUMBIA
September 08, 2020

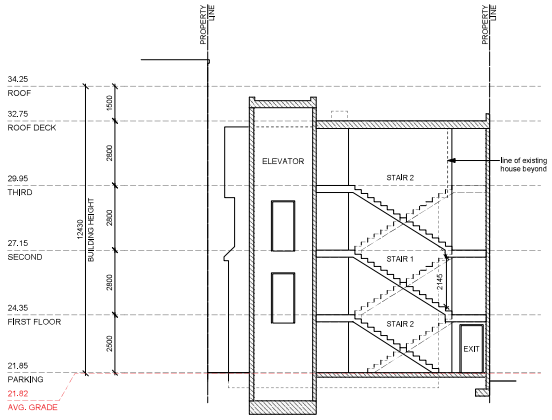
PROJECT

PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

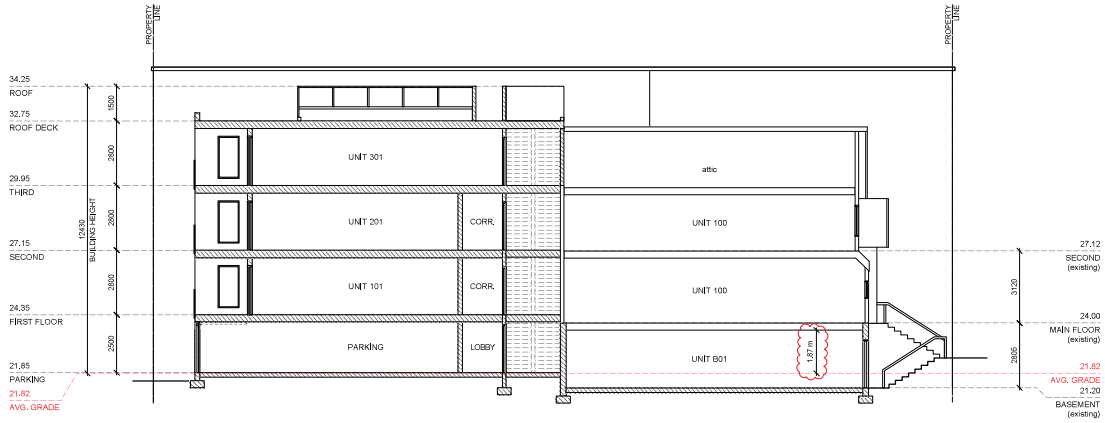
SHEET TITLE

ELEVATIONS

SCALE AS SHOWN	JOB No. 1741
PLOT DATE Sep 08, 2020	A-3.0
DRAWN JK/NS	



1 CROSS SECTION AT STAIR
Scale: 1:100



2 LONGITUDINAL SECTION
Scale: 1:100

3 STREETSCAPE - FORT STREET

4 STREETSCAPE - MEARES STREET

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REGISTERED ARCHITECT
JOHN KEAY
September 08, 2020
BRITISH COLUMBIA

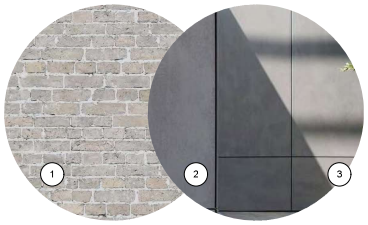
PROJECT

PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

SHEET TITLE

SECTIONS
AND
STREETSCAPES

SCALE	JOB No.
AS SHOWN	1741
PLOT DATE Sep 08, 2020	A-4.0
DRAWN JK/NS	



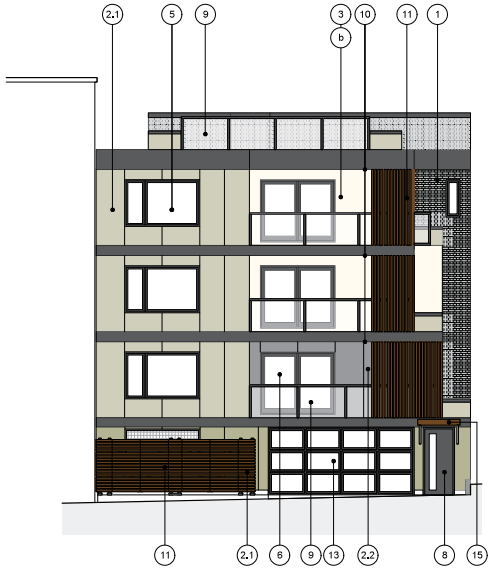
MATERIALS SCHEDULE

MATERIALS

1. BRICK OR ALIKE CLADDING MUTUAL MATERIALS - SEA GREY (SMOOTH)
2.1. HARDIEPANEL VERTICAL SIDING - KEYLIME (or similar cement board panel)
2.2. HARDIEPANEL VERTICAL SIDING - GRAY SLATE (or similar cement board panel)
3. SOFT TEXTURED STUCCO - PAINTED (BM-VC-1 : OXFORD IVORY)
4. CONCRETE BLOCK
5. VINYL WINDOWS - CHARCOAL
6. VINYL SLIDING DOORS - CHARCOAL
7. METAL DOOR - PAINTED (BM-VC-20 : VANCOUVER GREEN)
8. ALUMINUM AND GLAZED DOOR - CHARCOAL
9. ALUMINUM AND FROSTED GLASS GUARDS - CHARCOAL
10. STAINED CEDAR SOFFITS
11. STAINED CEDAR SCREENING WITH GATES
12. ALUMINUM FLASHING - CHARCOAL
13. ALUMINUM AND GLASS OVERHEAD DOOR
14. ASPHALT SHINGLES - CHARCOAL
15. WOOD AND METAL CANOPY

COLOURS

a. BM-VC-16 : COMOX SAGE BENJAMIN MOORE - VANCOUVER COLLECTION
b. BM-VC-1 : OXFORD IVORY BENJAMIN MOORE - VANCOUVER COLLECTION (or similar precoloured stucco)
c. BM-VC-20 : VANCOUVER GREEN BENJAMIN MOORE - VANCOUVER COLLECTION
d. BM-VC-7 : EDWARDIAN CREAM BENJAMIN MOORE - VANCOUVER COLLECTION



1 MEARES STREET (REAR) SOUTH ELEVATION

2 FORT STREET (FRONT) NORTH ELEVATION

3 EAST ELEVATION

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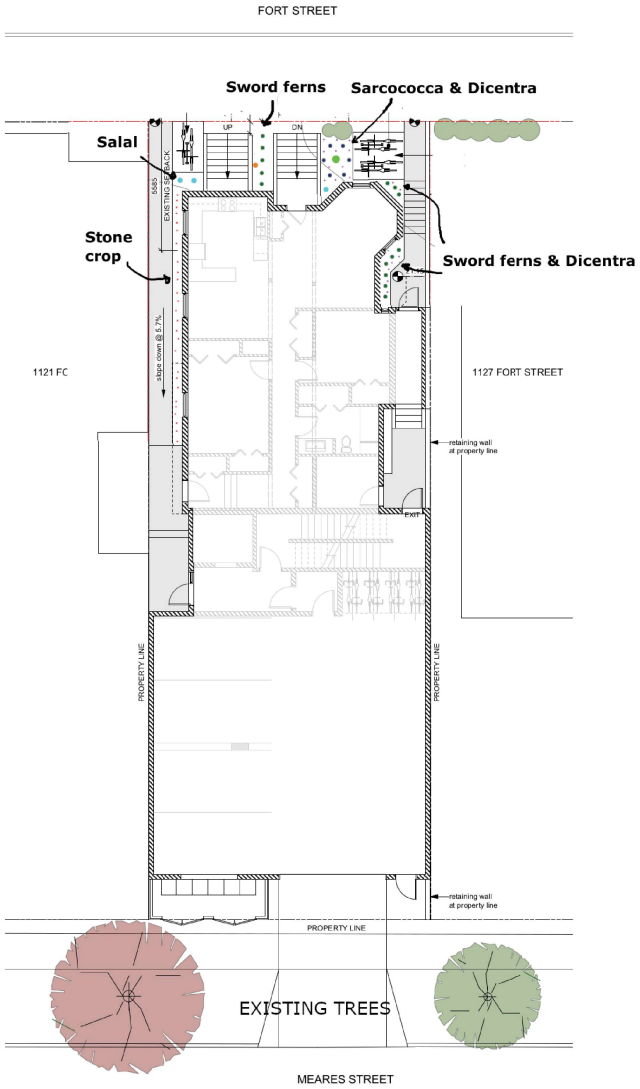
PROJECT

PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

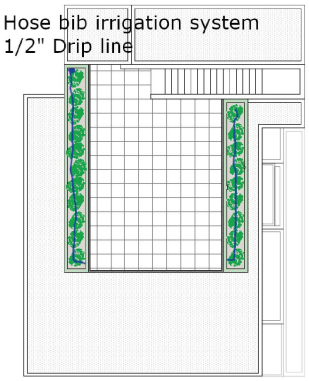
SHEET TITLE

COLOUR BOARD

SCALE	JOB No.
AS SHOWN	1741
PLOT DATE Sep 08, 2020	A-5.0
DRAWN JK/NS	



1 LANDSCAPE - SITE PLAN
Scale: 1:100
*Note: Refer to 1/A-1.1 for site grading information.



2 LANDSCAPE - ROOF DECK PLAN
Scale: 1:100

Plant List

No.	DESCRIPTION
	11 - 3 Gal - Sword Ferns (Polystichum munitum)
	1 - 3 Gal - Virginia Creeper (Parthenocissus quinquefolia)
	6 - 3 Gal - Sweet Boxwood (Sarcococca hookeriana)
	2 - Flats - Broad-leaved Stonecrop (Sedum spathifolium)
	3 - 3 Gal - Salal (Gaultheria shallon)
	1 - 5 Gal - Indian Plum (Oemleria cerasiformis)
	16 - 1 Gal - Bleeding Heart (Dicentra formosa)
R	34 - 1 Gal - Boxwoods - Roof top planting

NO.	DESCRIPTION	DATE	BY

COMMENTS

This landscape plan was designed by Vision Landscaping.
The front yard will have a simple modern appearance. The use of drought-tolerant natives is key in this design. Sword ferns create an elegant west coast feel while providing evergreen interest all year round. Virginia creeper will climb the up staircase turning the concrete into a beautiful yet simple living wall. The use of low walls brings a sense of fullness and happiness to the environment.
An Indian plum lies to the left of the eastern bike rack. The Indian plum is one of the first flowering native shrubs. It has a small white flower that marks the beginning of spring and invites hummingbirds to drink from its nectar. The rest of this area will be filled with Sarcococca and Pacific Bleeding hearts. The former is a beautiful native herbaceous flower that will bring a floral element to the landscape (see below for attached picture). This flower will bring a lot of beauty to the landscape and invite hummingbirds to the environment. The Sarcococca is the one nonnative plant we have elected to use in this garden. It brings year-round interest as an evergreen shrub however it shines during the winter when its flowers bloom and release an amazing sweet scent into the landscape.
Salal is a great plant to fill the west bike rack garden bed. drought-tolerant, native, evergreen.
Broadleaf stonecrop will be used to fill the small shaded bed along the eastern side of the building.
All planted areas will be finished with a dark rich fish mulch to suppress weeds and reduce maintenance.
The eastern rooftop gardens on the first, second and third floors will be covered with a Sedum mat. This is an excellent product that requires very little maintenance and watering.
The topmost roof deck will be completed with a row of boxwoods.

Rooftop plantings:

Green roof sedum mats: 15.4 m2 - This sedum mat will cover the following rooftop planters.
First Floor - 7.2 m2
Second Floor - 3.1 m2
Third Floor - 1.1 m2

Roof Deck - 12.2 m2 (1 @ 6.7m2 + 1 @ 5.5m2)
34 boxwoods - 1 Gal - Spacing every 18" - 131 ft2

Indian plum

Pacific bleeding heart

Sword fern

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o. 250-382-3823 e. info@keayarchitecture.com

VISION LANDSCAPING

Contact:
Vision Landscaping
250-812-3311
info@visionlandscapingvictoria.ca

PROJECT
PROPOSED DEVELOPMENT
1125 FORT STREET
VICTORIA

SHEET TITLE
LANDSCAPE PLAN

SCALE
AS SHOWN

PLOT DATE
March 2, 2020

L-1.0

Photographs - 1125 Fort Street

Street View

Front (north) Elevation

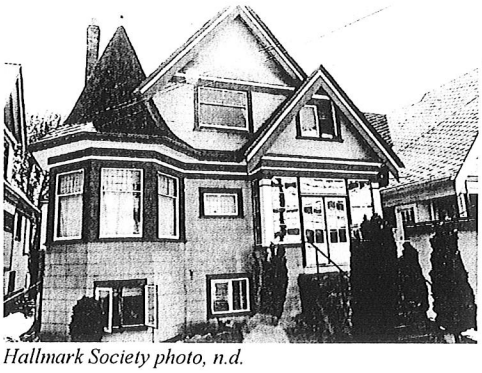
Rear (south) elevation

Rear (south) elevation

Side (east) elevation

1125 Fort
Date: 1909

Photo: J.N.Barr, 2008.



Hallmark Society photo, n.d.

Nick Russell photo, 2008

Statement of Significance

Description of Historic Place

1125 Fort Street is a 1½-storey wood-frame house with bellcast tower adjacent to the important intersection of Fort St (the original trail to Cadboro Bay) and Cook St., and within comfortable walking distance of Downtown. It marks the transition area between the eastern edge of Downtown Victoria and the foot of Rockland hill.

Heritage Value:

1125 Fort Street, designed and built in 1909 for $3,100, is the centerpiece of a three-house cluster of cross-gabled, Edwardian-style homes. This unusual house serves as the anchor for the group, with its neighbours (1121 & 1127) continuing the front-facing gable theme, with matching front façades.

1125 Fort Street is particularly remarkable for the way in which its compact bellcast Queen Anne tower in the "witch's hat" tradition is tied tightly to the main structure. On the right side of the front façade, balancing the corner tower, is a front-facing entry porch with square pillars. The asymmetrical design is unified by an elaborate belt course with dentils. It is also noteworthy that this house was built close to the intersection with Cook Street at the same time that streetcar service was established there.

The house is an important example of the work of D. H. Bale, who moved from Ontario and Vancouver to Victoria in 1898. In a career spanning some 40 years, he made a significant impact on the Victoria landscape, building several dozen homes as a self-described architect, builder and contractor.

Owner and music teacher Ben Bantly is representative of the influx of entrepreneurial European immigrants who were attracted to the new colony in the late 19th Century, and who went on to develop successful business and cultural traditions. Ben was the son of Marcus and Anna Bantly who arrived from Germany via California in 1883. Marcus Bantly established a cigar- factory on Fort Street. The family formed a popular local dance band, and they became leading musicians in the Victoria cultural community. Creation of a "Bantly compound" in the transition area between the city and the gentrified Rockland area indicates the success and the confidence of an immigrant family which played a major role in Victoria, both in the manufacture of cigars and the making of music. This is further exemplified by the addition of a music studio to the house in 1914.

Character-defining Elements:
The character-defining elements of 1125 Fort Street include elements of the Edwardian style but are not limited to the following:

- Cross-gabled plan;
- Turned finials on gables and tower;
- Wide, pointed bargeboards;
- Fenestration with multi-pane-over-one sashes;
- Leaded windows on the upper floor;
- Double drop-siding overall;
- Elaborate belt-course with dentils.

Queen Ann elements include but are not limited to:

- Short, bellcast, octagonal tower.

Further distinctive elements include:

- Corbelled chimney;
- Rear porch with square column, matching front porch;
- Cantilevered shallow box-bay on side.

CITY OF VICTORIA
HERITAGE ADVISORY PANEL
MEETING MINUTES
NOVEMBER 10, 2020

Present: Avery Bonner
Doug Campbell
Helen Edwards
James Kerr
Kirby Delaney
Pamela Madoff, Chair
Steve Barber

Presenters/Guests: Erica Sangster
Donald Luxton
Greg Damant
Bianca Bodley
Hallmark Office
Josh Harvey
Karen Ayers
Kristine Liu
Laura Ralph
Luke Mari
Peter Nadler
Sara Huynh
Robert Fung

Absent: Shari Khadem
Graham Walker
Aaron Usatch

Staff: John O'Reilly, Senior Heritage Planner
Alec Johnston, Senior Planner
Andrea Walker Collins, Planning Secretary

The Chair called the meeting to order at 12:09pm.

1. Adoption of the Agenda

Moved by Avery Bonner **Seconded** by Doug Campbell

Carried (unanimous)

2. Adoption of the Minutes of the October 13, 2020 Meeting

Moved by Avery Bonner **Seconded** by Doug Campbell

Carried (unanimous)

3. Business Arising from Minutes

a. Six consultant offers for Bank Street School have been received. City staff will likely retain a consultant next week.

4. 902 Foul Bay Road – Heritage Alteration Permit with Variances Application No. 00022

Introduction by John O'Reilly
Presentation by Erica Sangster & Bianca Bodley

Panel Questions

- Doug Campbell: why is the bicycle in the south/east corner rather than with the planned parking? Erica Sangster: vehicle parking and bike parking were separated to maximize each.
- Avery Bonner: why was a modern gate design chosen, rather than restoring or referencing? Erica Sangster: we are not trying to recreate something that isn't heritage, but are open to other ideas.
- Pamela Madoff: what was the reason to remove the Copper Beech trees? Erica Sangster: this is a challenging part of the site. We tried to keep one of the Copper beeches, but it was not in the best health. We had to choose which had to be removed. Ultimately both would need to be removed.

Panel Discussion

- Pamela Madoff noted the matters staff requested HAPL's comments on, including alterations to the stone wall, the salvage strategy for the stone wall, and eligibility of the site for continued heritage designation. As the site is a designated heritage landscape, the Panel needs to decide if this is an appropriate approach to a designated landscape. The building and landscape can be considered as being of equal importance, the house to its setting and the landscape as it relates to the house.
- Doug Campbell: the use of the stone for reusing for a new stone wall is very well done. Preference for the open form gate. Efforts to preserve trees and other vegetation is commendable. The approach to present the built form as two clusters makes a gesture towards traditional architecture. The proposal demonstrates a good use of materials for this neighbourhood. Having individual units offset responds well to the houses in the area, and to the curve in the road. The proposal is a nice addition to this neighbourhood.
- Avery Bonner: the spirit of maintaining the landscaping is well done. Prefers the open gate.
- Steve Barber: preference for the open gate. Designation of the landscape was completed with the previous building on the site. There is no longer reason to continue the designation of the landscaping, except for the sake of the stone wall.
- Doug Campbell: the bicycle enclosure structure in the prominent south-east corner could be a beautifully landscaped space instead. Encourage the applicants to locate the bicycle enclosure elsewhere.
- Pamela Madoff: the building form is driving the landscape rather than the landscape driving form of the building. Would have preferred a more balanced approach.

Motion:

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with Variances Application No. 00022 for 902 Foul Bay Road be approved with the following changes:

The heritage designation bylaw be revised with the exception of the stone wall.

MOVED by Avery Bonner **SECONDED** by Doug Campbell

Carried (5 in favour, 1 opposed)

5. 1244 Wharf Street – Heritage Alteration Permit with Variances Application No. 00023

Introduction by John O'Reilly
Presentation by Greg Damant, Donald Luxton & Robert Fung

Panel Questions

- Steve Barber: the renderings have an inconsistency with the proposed new doors. Some doors appear to have divided windows, while the materials provided have simple glazed doors. What is proposed exactly? Greg Damant: the design has evolved. The presentation indicates the proposed doors. The all-glass doors are in keeping with the window elements. After considering the function of the doors, it was decided to recall the original configuration of the doors as they looked previously.
- James Kerr: commends the applicants for the well thought out presentation and design, with a balance of preservation and rehabilitation. Behind the present mural there is a masonry wall with proposed changes. How is the plan for new windows possible with a masonry wall? Can the mass of the walls be preserved? Greg Damant: the walls can be preserved with the lower windows, but it would not be consistent in the upper windows. Some openings could be pushed in instead of out.
- Pamela Madoff: are the openings on the main floor original openings? Greg Damant: some are reopening original openings in the south elevation.
- Pamela Madoff: the large horizontal window is antithetical to the original building design. Greg Damant: the applications would like to take the opportunity to create a unique approach that favours the interior functionality.
- Pamela Madoff: will the patio structure be covered with a canopy during the winter? Greg Damant: the structure is designed for four seasons with the ability to add enclosures.
- James Kerr: the mural is faded and past its prime. Is it a liability? Greg Damant: this has been investigated, and unfortunately stucco was applied directly to the brick. Removing the stucco will damage the brick. The wall could be cladded, but it would be a risk to remove the stucco.

Panel Discussion

- Doug Campbell: it is unusual to receive such a great example of conservation work with no addition to the building.
- Steve Barber: appreciation for the overall rehabilitation and preservation of the features of the building. The rear patio is light and well-designed, and does not have any serious impacts on the public realm. However the use of Corten steel sleeves for the windows and doors is inappropriate. Guideline 20 of the *Standards and Guidelines* recommends "designing and installing new windows, doors or storefronts required by a new use on

non-character-defining elevations in a manner that is compatible with the building's style, era and character." Windows on both the north and south elevations should be inset. Concern for the impact on the masonry wall, and its consistency with the *Standards and Guidelines.*

- Helen Edwards: the mural is unfortunately unattractive due to the lack of maintenance.
- Pamela Madoff: the mural was not installed correctly.

Motion:

That the Heritage Advisory Panel recommend to Council that Heritage Alteration Permit with a Variance Application No. 00023 for 1244 Wharf Street be approved with the following changes:

- revisit the window treatment on north and south elevation with punched window openings.
- reconsider use of the detailing of the new entrances with regards to the Corten steel on the sides of the brick.
- reconsideration of the large horizontal window on the north elevation.
- mural is deleterious to the masonry wall and precludes the opening of new windows. Not a contributing element to the building or a character defining element in the statement of significance.
- more details regarding the pediments at a larger scale.

Moved by Avery Bonner **Seconded** by Steve Barber

Carried (unanimous)

6. 2536 Richmond Road – Heritage Designation Application No. 00193

Introduction by John O'Reilly
Presentation by Sheena (owner)

Recommendation:

That the Heritage Advisory Panel recommend that Council approve the designation of the heritage-registered property located at 2536 Richmond Road, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.

Moved by Helen Edwards **Seconded** by Doug Campbell

Carried (unanimous)

7. 1125 Fort Street – Heritage Designation No. 00193

Introduction by John O'Reilly
Presentation by Nicole Parker

Panel Questions

- Avery Bonner: is the Zen building taller than the subject property? Nicole Parker: yes, it is taller.

- Avery Bonner: is the back street available for parking? Is underground parking included? Nicole Parker: ground level parking is available.
- Steve Barber: what is the zoning entitlement for the site? John O'Reilly: the floor space ratio permitted under the zoning is 1.2 times the lot area, and proposed is 1.93 times the lot area.
- Avery Bonner: will the chimneys be retained? Nicole Parker: for seismic purposes, one of the chimneys will need to be removed.
- James Kerr: do the windows on the property line remain? Nicole Parker: that they remain with a protective glass.

Panel Discussion

- Doug Campbell: the application is supportable given the likelihood of demolition without designation.
- Pamela Madoff: this architectural approach would not be supportable if the building were heritage-designated.
- James Kerr: every effort should be made to distinguish the larger building from the heritage so that the heritage house is distinct.

Recommendation:

That the Heritage Advisory Panel recommend that Council approve the designation of the property located at 1125 Fort Street, consistent with architectural plans dated September 9, 2020, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.

Comments for consideration:

- Create as much visual separation and subordination to the building at 1125 Fort Street.

Moved by Avery Bonner

Seconded by James Kerr

Carried (unanimous)

Adjournment of the meeting: 2:51 pm

keay architecture ltd.
John Keay, Architect, AIBC
Nicole Parker, Architectural Technologist, AIBC

2nd Floor, 1124 Fort Street
Victoria, BC, V8V 3K8

o. 250-382-3823
e. info@keayarchitecture.com

March 2, 2020

To: Mayor and Council
City of Victoria
Planning Department
1 Centennial Square
Victoria, B.C.

Re: Rationale for 1125 Fort Street Rezoning

Dear Mayor and Council,

We are applying for the rezoning of 1125 Fort Street from R3-1 (Multiple Dwelling District) to a new site-specific zone. This property is currently a single-family residence built in 1909. The owner, Donald Colborne, is proposing to preserve this historic home by moving it closer to Fort Street, on a new earthquake resistant foundation, and thoroughly renovating the interior. This will allow for a new residential suite at lower level and for an addition of three residential units at the rear of the existing home, where the lot extends to Meares Street. The owner is also planning to apply for heritage designation of the existing home.

1125 Fort Street is a Queen Anne Revival style home by builder D.H. Bale, a notable figure whose career lasted 40 years, resulting in a significant impact on Victoria's cityscape. The home was one of three built for the Bantly Family.[1] 1125 Fort Street was specifically built for family patriarch Ben Bantly and his wife Joanna Mensinger. The Bantlys owned a cigar factory and formed a popular local dance band.

Due to recent construction immediately to the west, the property now sits in the shadow of multi-storey condominium buildings. The proposed development is far less intensive than these neighbouring developments[2] and provides a transition from them towards the heritage properties to the east.

1125 Fort Street is in excellent condition, having maintained its key architectural features, notably a compact bellcast Queen Anne tower, with minimal alterations. We are proposing an addition at the back of the existing home but fronting on Meares Street, creating three new dwelling units with parking stalls located

[1] 1127 Fort Street remains while 1121 Fort Street, the former Bantly home closest to Cook Street, has been moved to Fernwood.

[2] The adjoining lot of the same size at 1121 Fort Street was redeveloped as the four-storey 25 unit "Zen" condominium building. Immediately to the west of the site is the recently completed six-storey 75 unit "Black and White" condominium. Across the street on south side of the property, at 1137 Meares Street, a previous parking lot is now a three-storey 6 unit condominium building. Other intensive developments are proposed on single lots in the immediate neighbourhood, at 1015 Cook Street (31 units) and 1114 Rockland Avenue (22 units).

at the ground level below. The parking will increase from an aging single car garage to four enclosed parking stalls, and we are requesting a parking variance of two. We are also requesting a parking variance for aisle depth of approximately 350 mm (14”). The new units in the addition will range in size from 108 m^2 (1160 sq ft) to 116 m^2 (1250 sq ft). Within the existing house the two units will be 107 m^2 (1150 sq ft) and 221 m^2 (2380 sq ft). This application proposes to increase the site coverage to 81%, and the total floor area to 804 m^2 (8655 sq ft), resulting in an F.S.R. of 1.91:1.

The design for the addition is in accord with recent changes to the neighbourhood’s streetscape, but will not dominate the view or character of the original home along the Fort Street facade. As per the *Standards and Guidelines for the Conservation of Historic Places in Canada*, the addition draws a clear distinction between what is new in terms of massing and materiality. The home will be moved forward, enhancing its presence on Fort Street. The lot size (40 ft. by 113 ft.) restricts what can be done in terms of development without sacrificing the existing house. Moving the original home forward and locating an addition to the rear is a reasonable solution that does not promote an overbearing streetscape. This allows for a comfortably sized addition with room for parking.

The location of the addition creates a unique challenge in connecting the two structures. The connection is accomplished through a shared stairwell and elevator, providing greater mobility for residents and which supports aging in place. Another positive feature of the addition is the generous size of the units when compared with the majority of new property developments in the downtown area, thereby fulfilling a need for more diverse housing options. Amenities on the property will include eight secure bicycle parking stalls, large balconies, and a roof deck. The project will result in the stabilization and preservation of a significant residence in the Fort Street heritage precinct, through designating the property, and provide a physical and visual transition from the high density blocks immediately to the west to the significant assembly of heritage and character buildings to the east. The project will also add to the rental housing stock in the area under a housing agreement with the City of Victoria for the lower level suite in the existing home.

The project provides modest additional density in Victoria’s urban core, making the current home a greater reflection of urban residences whilst retaining its historical characteristics. We see this application as an opportunity to efficiently use the land available and establish new dwellings in an area of increased housing demand.

Sincerely,

John Keay
Architect AIBC

keay architecture ltd.
John Keay, Architect, AIBC
Nicole Parker, Architectural Technologist, AIBC

2nd Floor, 1124 Fort Street
Victoria, BC, V8V 3K8

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e. info@keayarchitecture.com

September 8th, 2020

To: City of Victoria
Development Services
1 Centennial Square
Victoria, BC

1125 Fort Street Rezoning | Economic Analysis Requirements

Dear Development Services Department,

It has been noted in the Planning Comments for our 1125 Fort Street Rezoning Application, received May 13th, 2020, that a third-party economic analysis is required to determine whether the proposal is subject to community amenity contributions. Due to the scale of this project and the density proposed, we feel that this should not be a requirement for the application and that it creates unnecessary additional costs to the owner.

We would like to provide the following outlining why we believe that an economic analysis should not be required:

Official Community Plan and Zoning Context

We have reviewed the *City of Victoria Official Community Plan* (OCP) and find that an increased density should be considered as base reference zoning for the property to be used in applying the *Inclusionary Housing and Community Amenity Policy* based on the following:

a. Urban Place Designations
The property has an Urban Place Designation of Urban Residential. The neighbouring property is designated as Core Residential.
(City of Victoria OCP, Map 2 Urban Place Designations, pg. 37)

b. Urban Place Guidelines
Urban Residential designation allows total floorspace ratios generally up to 1.2:1. It is also noted that increased density up to a total of approximately 2:1 may be considered in strategic locations for the advancement of plan objectives.
(City of Victoria OCP, Figure 8: Urban Place Guidelines, pg. 39)

c. Urban and Traditional Residential
"Generally support new development in areas designated Urban Residential that seeks densities toward the upper end of the range identified in Figure 8 where the proposal significantly advances the objectives in this plan and is:
6.22.1 within 200 metres of the Urban Core;…
6.22.3 along arterial or secondary arterial roads"
(City of Victoria OCP, pg. 53)

d. Property Location

This property lies within 200 meters of the Urban Core, and lies on a secondary arterial road.
(City of Victoria OCP, Map 4 Functional Street Classification, pg. 58)

Based on the Urban Place Designation, and the location of the property, we feel that this justifies considering a density of up to 2:1 for the site based on the *City of Victoria Official Community Plan* as outlined above, and this density should be used when considering the *Inclusionary Housing and Community Amenity Policy*.

Heritage Contribution

As a part of this application, the owner is committing to an extensive scope of work in restoring the existing single family dwelling. The planned work includes seismic upgrading, a new foundation, to stabilize the building, restoration of the exterior of the home, and major upgrades to the interior. On top of the work to be completed, the owner plans to seek Heritage Designation status for the home.

Not only is the restoration work a significant financial commitment, but the work to be completed provides a contribution to the community in preserving a part of Victoria's history within the Fort Street Corridor.

Inclusionary Housing and Community Amenity Policy

The Inclusionary Housing and Community Amenity Policy outlines Community Amenity Contributions (CAC) based on density and the nature of the development. It also provides alternative amenities for policy exemptions such as "projects with heritage conservation contributions of equal or greater value to that of the community amenity contribution are exempt as determined through an economic analysis."

Based on this exemption we would like to provide the following information:

As of Right Zoning	R3-1 = **1.2:1** (based on building of 4 storeys with enclosed parking spaces)
Urban Residential	1.2:1 up to **2:1**
Proposed Density	**1.92:1**

Using the Urban Residential density of up to 2:1, the additional density would fall in the category Level 'A' Bonus from Existing Zoning to OCP Base Density. This bonus density uses Cash-in-lieu calculated at $5/ft^2$ of bonus area.

Calculation of Cash-in-lieu payment based on site area of 420.6 m^2 (4527 ft^2):

As of Right Zoning	1.2:1	505 m^2	5435 ft^2
Proposed Density	1.92:1	808 m^2	8697 ft^2
Bonus			**3262 ft^2**

Cash-in-lieu = 3262 ft^2 x $5/$ft^2$ = $16,310.00

It is clear based on the scope of work, as previously noted, that the value of work to be completed to maintain the heritage home would far exceed the required cash-in-lieu contribution required if the increased density for the site is considered in the calculations.

Summary

As outlined above, we feel that the economic analysis should not be required for this development. Not only is the project conserving a heritage home, it is providing additional housing stock, as well as providing further variety to the housing available near the downtown core. These aspects of the project help in advancing the goals of the City's Official Community Plan. If you still feel this economic analysis is required, please outline in a response to this memo.

Please feel free to contact us regarding any questions.

Kind Regards,

Nicole Showers

Nicole Showers | Architect AIBC

FGCA CALUC meeting Report June 13, 2019

Project address 1125 Fort St
Developer Don Coburn
Architect John Keay
Nichole Parker

Attendance CALUC members. - David Wales, Robin Jones, Joanna Fox, Michael Hirsch
Chairman Alice Albert
FGCA Board member Pat Ward
Community members. - 4

Data. Rezone for site specific and to designate the heritage house

5 units - in existing heritage house 1 basement unit and 1 (2 floor) unit
- addition at rear 3 - 3 bedroom condominiums - each floor stepped back

Parking - requesting a variance for 4 parking stalls instead of 5 - electric plug ins, accessed from Mears street

Presentation by Architect - Goal is to preserve the 1909 heritage house thru designation and to stay the encroachment of taller buildings into the Fort Street Heritage Precinct. The House will be moved closer to Fort street to improve street appearance and to add 1 basement suite. The addition on the back will have 3 condo units and roof garden and 4 parking spaces at ground level under the building . Access stairs, elevator and secure covered and short term bike storage will join the old and new buildings.

Property to west is the Zen Condos which is built to the lot line.
Property to east is a heritage house whose owner is in favour of the project.

The heritage existing house will be painted in heritage colours. The new addition will have a modern design with step back for each floor and balconies (none of which will look onto the Zen condos.) Current heritage approach is to not mimic the older house but transition into the new addition.

Garbage will be totes not dumpster.

Landscape plan will indicate new path from Fort and plantings visible from Fort and Mears.

Step Code was discussed - solar could be more difficult because units will be Strata.

NEIGHBOURHOOD COMMENTS

-Will there be blasting? - Answer - none or very little as parking is at grade
-Could they consider a green roof? Answer - will consider it but it would increase the load and be more expensive.
-Concern from Mears resident - Privacy from new Condo balconies and increased traffic on Mears
-Owner surveyed the commercial and residential properties to the East on Fort and all are in favour of the project.

Monica Dhawan

From: Stacey O'Sullivan [redacted]
Sent: Monday, June 03, 2019 7:29 PM
To: Victoria Mayor and Council
Cc: Fairfield Community Place
Subject: Community meeting - 1125 Fort Street

Hello,

I cannot attend the June 13th meeting for the development proposed at 1125 Fort Street, but I wish to provide input.

I am in favour of the development and wish to express my support for the project. Urban densification in desirable, walkable neighbourhoods is good for the community and prevents urban sprawl and all its downsides. I also like that the existing home will be retained, restored, and designated a heritage building. It is great to keep the character of the neighbourhood alive.

Thanks for considering this input!
Stacey
303-1147 View Street, Victoria

Rezoning and Development Permit With Variances Application

for

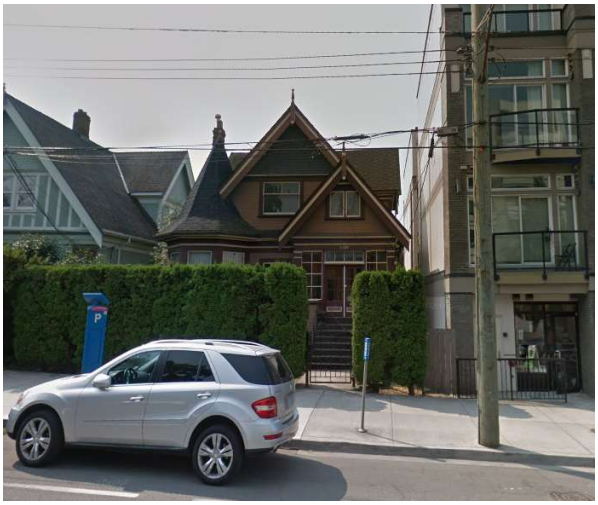
1125 Fort Street

1

Subject Property

2

Subject Property



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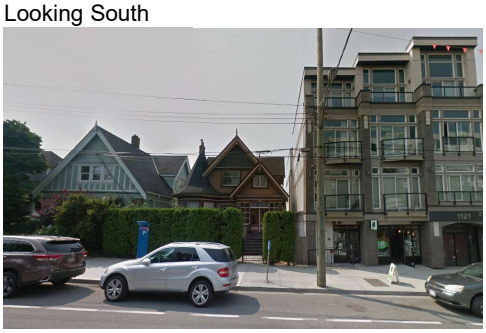
Street Context – Fort Street

Looking South

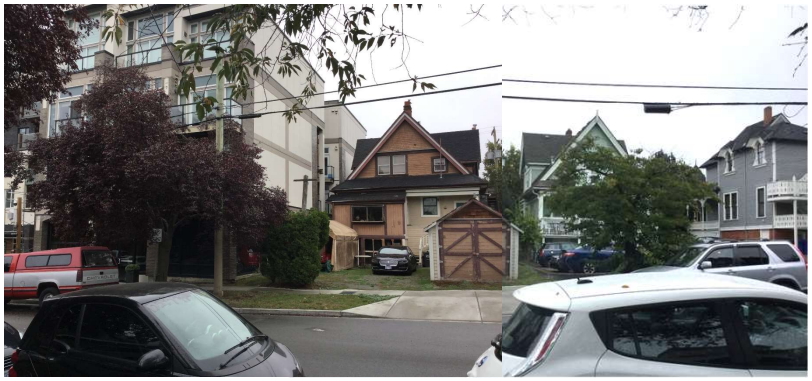


Looking North- across the street

4

Street Context- Meares Street

Looking North



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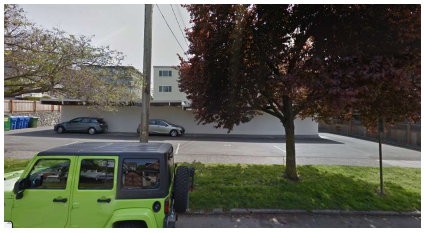
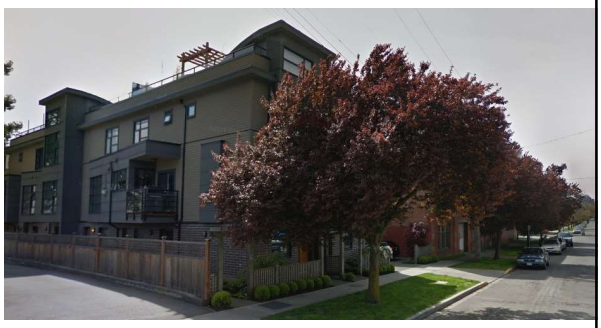
Street Context- Meares Street

Across the street and to the East



Across the street and to the West



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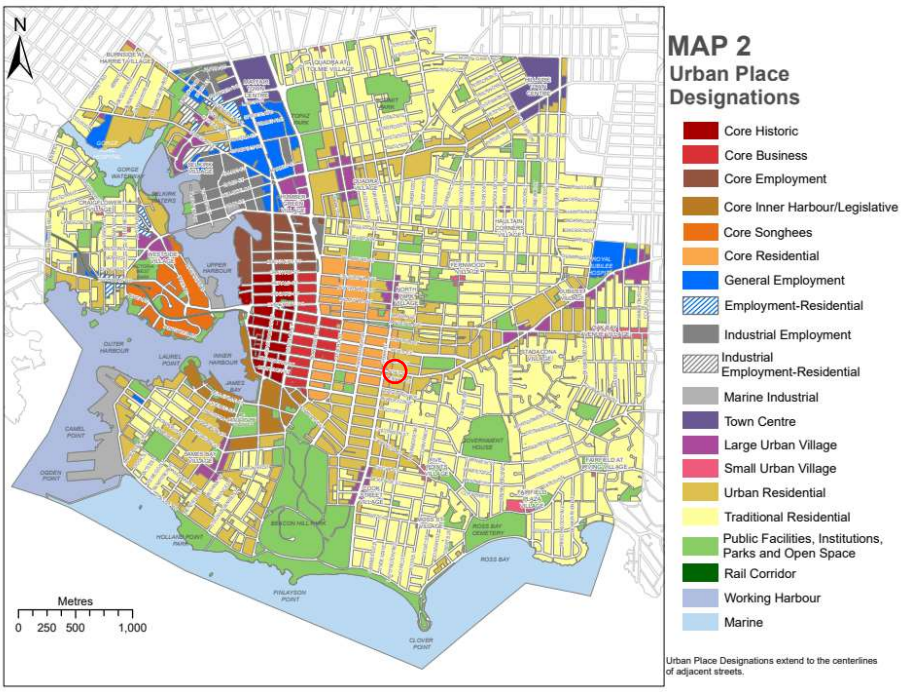


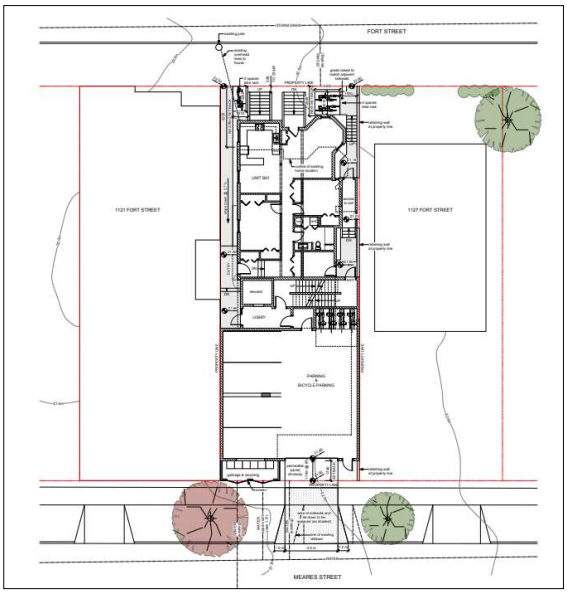
MAP 2
Urban Place Designations

- Core Historic
- Core Business
- Core Employment
- Core Inner Harbour/Legislative
- Core Songhees
- Core Residential
- General Employment
- Employment-Residential
- Industrial Employment
- Industrial Employment-Residential
- Marine Industrial
- Town Centre
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Rail Corridor
- Working Harbour
- Marine

Urban Place Designations extend to the centerlines of adjacent streets.

7

Site Plan



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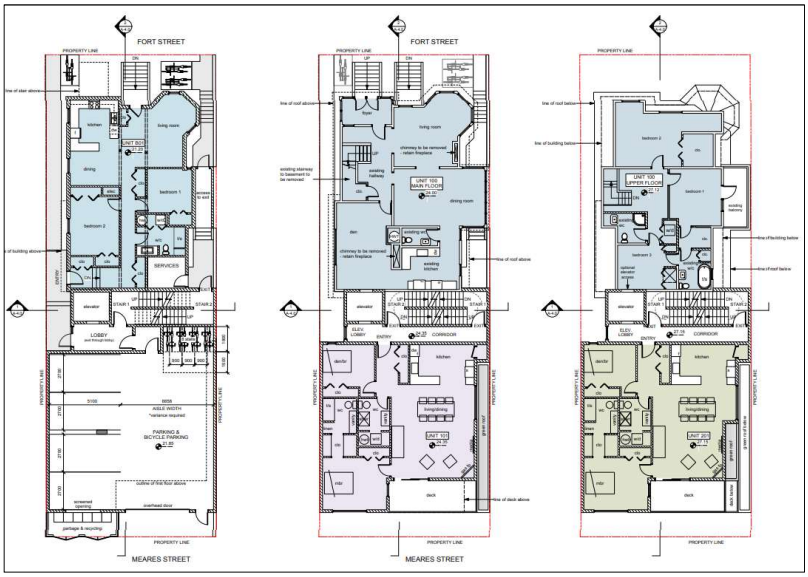
8

Floor Plans



First, Second and Third Storeys

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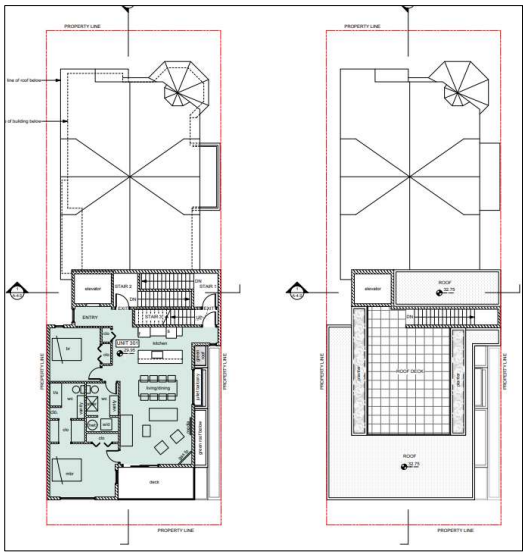
Floor Plans



Fourth Storey and Roof Deck

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10

Elevation Plans

11

Elevation Plans

East Elevation

West Elevation

12

Elevation Plans

13

CITY OF VICTORIA

14

Heritage Designation Application No. 000192

1125 Fort Street

1

1125 Fort Street (HD000192) Streetscape

Proposal

To designate the exterior of the house located at 1125 Fort Street, consistent with architectural plans dated September 9, 2020

2

1125 Fort Street (HD000192)

3

1125 Fort Street (HD000192)

Designation Assessment

A heritage property is one with

"sufficient **heritage value** or **heritage character** to justify its conservation"

Designation Assessment: Does the property have sufficient *heritage value* or *heritage character*?

Heritage Value: historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area.

Heritage Character: the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

(*Local Government Act, Section 611*)

CITY OF VICTORIA

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1125 Fort Street (HD000192)

Heritage Value

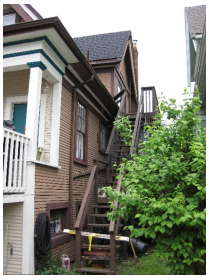
- Designed/Built in 1909 for $3100
- Centrepiece of a 3-house cluster of cross-gabled Edwardian homes
- Remarkable for its compact, bellcast Queen Anne “witches hat” tower
- Important example of D.H. Bale, an architect responsible for several dozen homes in Victoria
- Associated with original owner Ben Bantly, representative of the influx of entrepreneurial European immigrants in the late 1800s

5

1125 Fort Street (HD000192)

CDE’s

- Cross-gabled plan
- Turned finials on gables and tower
- Wide, pointed bargebaords
- Fenestration with multi-pane windows
- Leaded windows on upper storeys
- Double drop siding
- Elaborate belt-course with dentils
- Bellcast octagonal tower
- Corbelled chimney
- Rear porch with square column



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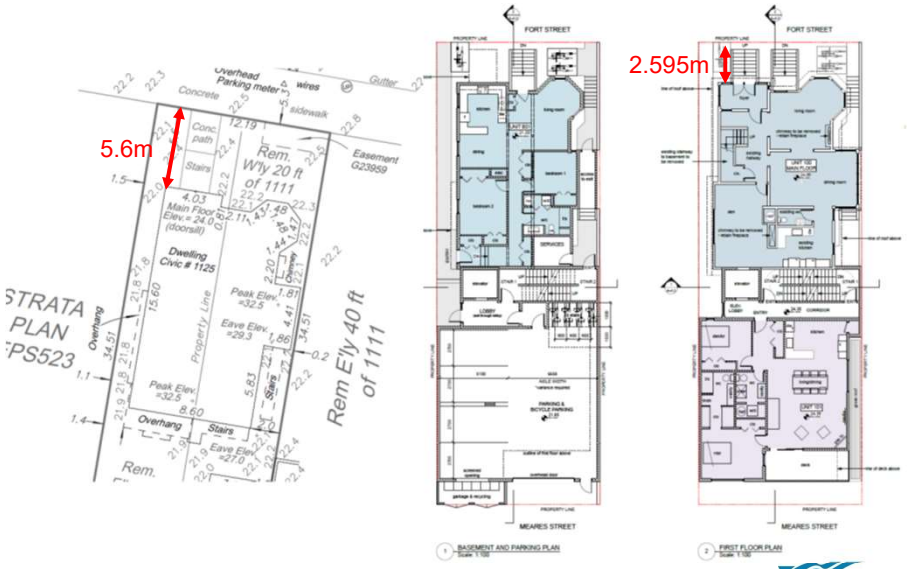
1125 Fort Street (HD000192)



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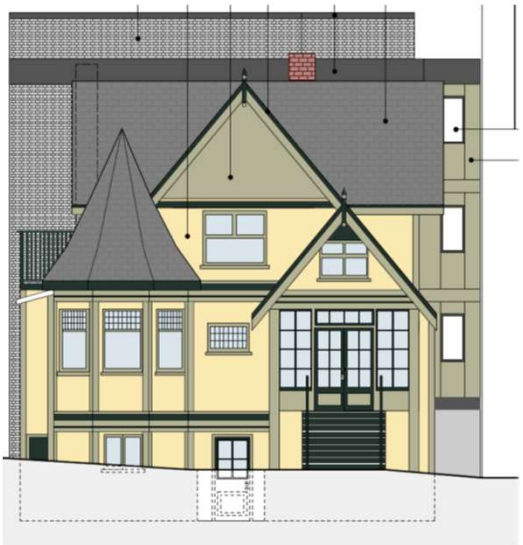
1125 Fort Street (HD000192)



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1125 Fort Street (HD000192)

DPA 7B (HC): CORRIDORS HERITAGE: the Fort Street heritage corridor, a stretch of Fort Street characterized by clusters of high quality examples of Italianate, Gothic Revival, Second Empire and Edwardian Vernacular-style houses between Cook Street and Ormond Street.

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1125 Fort Street (HD000192)

Staff Recommendation

That Council approve the designation of the property located at 1125 Fort Street, consistent with architectural plans dated September 9, 2020, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site, and that first and second reading of the Heritage Designation Bylaw be considered by Council and a Public Hearing date be set concurrent with the Public Hearing for Rezoning Application No. 00712.

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Committee of the Whole Report
For the Meeting of January 21, 2021

To:	Committee of the Whole	**Date:**	January 7, 2021
From:	Karen Hoese, Director, Sustainable Planning and Community Development		
Subject:	**Victoria Housing Reserve Fund Application for 736 Princess Avenue**		

RECOMMENDATIONS

That Council approve a grant from the Victoria Housing Reserve Fund to the John Howard Society of Victoria in the amount of $280,000 to assist in the construction of a 28-unit affordable housing project at 736 Princess Avenue, subject to the following conditions:

1. The execution of a Housing Fund Grant Agreement in a form satisfactory to the Director of Sustainable Planning and Community Development and the City Solicitor; with terms for the eligible use of the grant, reporting requirements, repayment, indemnification, and communication protocols;
2. The applicant fulfills the applicable requirements of the Victoria Housing Reserve Fund Guidelines;
3. $140,000 shall be payable to the applicant upon execution of the Housing Fund Grant Agreement and the remaining balance of $140,000 shall be payable to the applicant once the City has issued all required occupancy permits for the project; and
4. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Victoria Housing Reserve Fund (VHRF) grant application from the John Howard Society of Victoria. The applicant is seeking $280,000 to assist in the construction of a new mixed-use building that will provide 28 affordable rental units at 736 Princess Avenue. The development will provide supportive housing for individuals transitioning into the community from correctional facilities that are at risk of homelessness.

On October 22, 2020 Council approved the rezoning application, development permit with variances and related housing agreement that secures the units as rental for 60 years along with the levels of affordability. The 28 studio units will have monthly rental rates for tenants with very low (deep subsidy) incomes. The current grant application complies with the VHRF Guidelines. The new building is proposed to be constructed on a vacant parcel that is currently used as a surface parking lot, therefore the *Tenant Assistance Policy* does not apply.

The VHRF has a current unallocated net balance of $2,995,442 including $705,000 allocated for affordable housing for seniors. In addition to this VHRF grant application, the City received one other application as part of the VHRF intake process on September 30, 2020 that is seeking an $850,000 grant, dependent on the outcomes of a rezoning application that is currently in progress. Therefore, approval of the $280,000 grant outlined in this report will result in a net balance of 2,715,442 (excluding 2021 Financial Plan contribution). If approved, this grant will be subject to a Housing Fund Grant Agreement.

PURPOSE

The purpose of this report is to present Council with information, analysis and recommendations for a Victoria Housing Reserve Fund (VHRF) grant application (Attachment 1) from the John Howard Society of Victoria, to assist in the construction of an affordable housing project at 736 Princess Avenue (Attachment 2)

BACKGROUND

A rezoning application, development permit with variances, and a related housing agreement were approved by Council on October 22, 2020 to support the construction of a six-storey, mixed-use building at 736 Princess Avenue. The development will include 28 units of affordable rental housing on the upper floors. These units will provide supportive housing for individuals transitioning into the community from correctional facilities and that are at risk of homelessness.

The multi-purpose building will include a ground floor coffee shop/art gallery that would operate as a social enterprise and provide an opportunity for the Society to implement their employment readiness program and allow local artists to showcase and sell their art. The second and third floors would be comprised of employment training space, a demonstration and teaching kitchen, support services and offices, and the fourth to sixth floors will contain the dwelling units.

ISSUES AND ANALYSIS

The application is consistent with the VHRF Guidelines as outlined below and is a secure investment for the City that will lead to the construction of 28 housing units for individuals with very low (deep subsidy) incomes.

Affordability Requirements

Providing affordable housing for individuals who are experiencing homelessness or are at risk is a key priority of the VHRF guidelines. The development at 736 Princess Avenue will achieve this objective by providing 28 affordable rental units for tenants with very low (deep subsidy) incomes. The John Howard Society of Victoria will own and operate the units and is seeking funding to offset capital and mortgage debt borrowing costs.

Unit Composition and Affordability Table

Unit Type	Number of Units	Target Income Group	Proposed Income Level	Proposed Monthly Rent	VHRF Eligible Grant	VHRF Total Contribution
Studio (Supportive Housing units)	28	Very Low (Deep Subsidy)	< $19,999	$375	$10,000/unit	$280,000

Leveraging Additional Funding

The applicant received a $37,000 CMHC Seed Funding grant to support initial project planning work and is now is in the process of seeking an additional $2.6 million in capital and operating grants through the BC Housing Community Housing Fund ($2,100,000) and CMHC National Co-Investment Fund ($500,000). These types of grants from BC Housing and CMHC are generally predicated on supporting projects that can secure additional funding partnerships such as those with the City of Victoria. The applicant is also contributing $750,000 of their own funds to offset the capital project costs.

The proposed City of Victoria VHRF grant of $280,000 represents approximately 3.2% of the total construction cost ($8,559,360) and 10.6% of all grants and contributions ($2,637,000) excluding land value and owner's equity. Therefore, while the City continues to play an important role as a supporting partner to this local affordable housing project, most of the project funding will be contributed by other levels of government.

Project Priorities

The proposed project aligns with several objectives of the VHRF program as it will provide affordable housing for individuals with very low incomes, is located within Victoria, provides housing for those at risk of homelessness, receives no other supports from the City of Victoria, will serve persons with disabilities, and provides affordability for a period of 60 years.

Legal Agreements

A housing agreement for the project was approved by Council on October 22, 2020. The agreement secures the provision of 28 units of supportive rental housing for individuals with very low incomes for a period of 60 years. Staff have determined that the existing agreement will serve to fulfil the requirements of the VHRF guidelines. The existing agreement also allows the Director of Planning to request the applicant to submit a progress report at any time during the term of the agreement outlining how the project is achieving the affordability targets that applies to the 28 units.

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

Tenant Assistance

The new building is proposed to be constructed on a vacant parcel that is currently used as a surface parking lot. Therefore, the *Tenant Assistance Policy* does not apply.

Capacity of the Victoria Housing Fund

The VHRF has a current unallocated balance of $2,995,442 and is anticipated to be supplemented with a $650,000 annual contribution later this year, upon approval of the 2021 Financial Plan. The City currently has two grant applications from the September 2020 VHRF intake process that are seeking a combined grant amount of $1,130,000 ($280,000 + $850,000). Therefore, if both VHRF grants are approved in full the VHRF will have a remaining unallocated balance of approximately $2,515,442 that will be available for future applications.

OPTIONS AND IMPACTS

Option 1 - Approve the Grant Request (Recommended)

Approval of a $280,000 grant request will allow the applicant to provide 28 affordable housing units, supporting individuals with very low incomes. This project meets many of the VHRF priorities, including housing for individuals who are at risk of homelessness, located within Victoria and providing affordability for a period of 60 years. The current, unallocated VHRF balance can support this project as well as future applications.

Option 2 - Decline the Grant Request

This option is not recommended as it may affect the applicant's ability to secure additional project funding through BC Housing and CMHC programs, which typically require applicants to demonstrate that they have secured other additional funding partnerships.

Accessibility Impact Statement

This grant request will have no accessibility impacts. The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The applicant is proposing five accessible dwelling units, which would be designed in accordance with CSA B651-12 Accessible Design for the Built Environment, which exceeds the accessibility requirements of the *British Columbia Building Code*. All common areas in and around the building will be universally accessible, including the program areas and the social enterprise space on the ground floor.

2019 - 2022 Strategic Plan

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

Impacts to Financial Plan

Issuance of a $280,000 grant to the John Howard Society of Victoria will not affect the Financial Plan, as the current VHRF (unallocated) balance of $2,995,442 is sufficient to fund this application as well as another application that the City received through the September 2020 VHRF intake process.

Approval of this grant application will reduce the VHRF balance to $2,715,442 (excluding 2021 contribution), which would be comprised of $705,000 dedicated for affordable senior housing and $2,010,442 for other affordable housing projects.

Official Community Plan Consistency Statement

This project supports Official Community Plan policies related to working with coordinated community and regional efforts to enable stable, affordable housing within the region.

CONCLUSIONS

This grant application from the John Howard Society of Victoria is well aligned with VHRF priorities and would lead to the construction of a mixed-use building with affordable rental units for individuals with very low incomes.

Respectfully submitted,

Robert Batallas Senior Planner Community Planning Division	Karen Hoese, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment 1: Application to the Victoria Housing Reserve Fund (736 Princess Avenue)
- Attachment 2: Aerial Map – 736 Princess Avenue.

Wiser Projects
Competent. Creative. Committed.

City of Victoria – Community Planning Division
1 Centennial Square
Victoria BC, V8W 1P6
VIA EMAIL: communityplanning@victoria.ca

September 25, 2020

RE: Victoria Housing Reserve Fund

Dear Mayor and Council,

I am pleased to submit the attached application for $280,000 from the City of Victoria Housing Reserve Fund (VHRF) on behalf of the John Howard Society of Victoria (JHS). Our proposed project located at 736 Princess Avenue will provide 28 units of deeply subsidized units for JHS clients and meets many of the objectives of the VHRF.

JHS provides a range of services for those who have come into conflict with the law, including providing housing for those leaving correctional facilities and reintegrating into the community. In order to expand their housing program to help house those who are homeless or at risk of homelessness, JHS is proposing a 6-storey mixed-use building with 3 floors of residential units, for a total of 28 affordable units. The units will all be rented at shelter rates and largely paid for by our partners and funders. The units are self-contained studio units which include kitchenettes, with communal space on every floor. There will be a total of 5 accessible units, and common areas will be designed to be barrier-free.

We are applying for a total of $280,000 for the 28 units in this project, as summarized in the table below:

Total units	Type of unit	Income threshold	Rent	Funding requested
28	Bachelor	Very low-income rental (yearly income of <$19,999)	$375/month	28 units x $10,000 = **$280,000**

The bottom 3 floors of the building will support JHS's operations. The bottom floor will consist of a social enterprise café, which will support a barista-training program; the second floor will provide classroom and educational space for JHS's various programs, including a commercial kitchen. The third floor will consist of office space for JHS administration, as well as end-of-trip facilities for staff and a small outdoor patio including a therapeutic garden.

This is an exciting project that will meet many of the objectives of the VHRF program, such as:

- Being located within the City of Victoria
- Housing for individuals who are at risk of homelessness
- Receiving no other supports from the City of Victoria
- Serving persons with disabilities
- Being affordable in perpetuity, secured through a Housing Agreement as a result of the rezoning/DP process

- Providing housing for people with low or very low income

The project team has also applied for funding from CMHC's Seed Funding program and will be submitting an application for BC Housing's Community Housing Fund (CHF) before their January 4 deadline.

JHS provides essential support through housing, job training, and counselling; without these services and support, many people leaving incarceration find it difficult or impossible to re-establish themselves in the community. This project will provide space not only for an additional 28 units of affordable housing, but for JHS to continue and expand their operations and services.

Thank you and please do not hesitate to contact me if you have any questions.

Kaeley Wiseman

Kaeley Wiseman, MCP, RPP, MCIP, PMP
Principal, Wiser Projects
P: 250.518-3835
E: kaeley@wiserprojects.com

CC Manj Toor, Executive Director, John Howard Society
Robert Batallas, Senior Planner, City of Victoria

Attachments:

- Completed application checklist
- Completed application form
- Building and Site plans
- Capital budget and 10-year operating budget
- John Howard Society audited financial statements

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

T 250.361.0382
E communityplanning@victoria.ca

Victoria Housing Reserve Fund Application for Funding

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

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

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

If you have any questions about the criteria or the process, please contact the Community Planning Division at communityplanning@victoria.ca or 250.361.0382.

1. Letter to Mayor and Council

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

2. Proponent Information

Organization Name John Howard Society of Victoria Non-profit Society Yes ☒ No ☐

Contact Person/Position Manj Toor

Business Address 2675 Bridge Street, Victoria, BC V8T 4Y4

Telephone (250) 386-3428

Fax

Email manj.toor@jhsvic.ca

Date of Incorporation

Canada Revenue Agency Charity #

Previous Projects Funded through the Victoria Housing Reserve Fund, if any: N/A

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

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

Application Date mm/dd/yyyy

Applicant Signature

3. Project Summary

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

Address/location of project 736 Princess Ave, Victoria BC

Developer and contact information (if different from the Proponent) Kaeley Wiseman, Wiser Projects, kaeley@wiserprojects.com

Project Architect and contact information Larry Cecco (designer) cecco@telus.net; Eddie Williams (architect) eddie@stellerconsulting.com

Owner and Operator of Housing John Howard Society of Victoria

Housing type (strata/apt etc.), number of units and sizes (bedrooms) Apartment, 28 units, studio

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

This building will provide housing for people leaving correctional facilities and reintegrating into the community. The rents will be offered at shelter rates of $375/unit. Most/all of this is covered by JHS' funders/partner such as Correctional Service Canada.

Support services provided (if any)

JHS administration will be located in the building on the 2nd and 3rd floors. Included in the space will be educational spaces/classrooms, including a commercial kitchen that can be used for job training. JHS provides a range of services and programs, including counseling and mental health supports, individual care plans, community/therapeutic garden, and several employment/skills training programs.

Additional features

The bottom floor will consist of a social enterprise cafe, where JHS clients can receive barista/customer service training. The cafe will also showcase/sell local art pieces and produce grown in the therapeutic garden on site.

Target Completion Date

The construction is expected to be completed in Spring 2022.

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

This project meets both objectives of the VHRF program: it is developing and retaining affordable housing for households with very low income, and is developing affordable rental housing. It meets several of the priority areas outlined in the Program Guidelines, such as: being located within the City of Victoria, providing housing for those at risk of homelessness, receiving no other supports from the City of Victoria, serving persons with disabilities, providing affordability in perpetuity, and providing a housing for people with low and very low incomes.

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

The property is designated as Core Employment in the OCP, which allows for mixed-use buildings with density up to 5:1. It is within DPA 7A which supports mixed-use buildings that revitalize areas of commercial use along corridors with high-quality architecture, landscape, and urban design. The project meets these goals by replacing a parking lot with a mixed-use building, with a building design that respects the light-industrial character of the surrounding area.

The property is within the Residential Mixed-Use District in the 2011 Downtown Core Area Plan (DCAP). The height and density of the project does not exceed those prescribed in the DCAP, and it meets the goal of the District of encouraging residential development with street level uses. The cafe on the bottom floor will drastically increase pedestrian activity on the site.

The site does require a rezoning, from M-1 (Limited Light Industrial) to a zone that will allow for mixed use-residential. Because the project fits with goals within the OCP and DCAP, a rezoning is justified.

What development approvals are required or have been received?

The development team has submitted concurrent rezoning and development permit applications, with a Public Hearing to be schedule in the near future. A building permit will be required prior to construction.

4. Experience and Capacity to Develop and Manage Affordable Housing

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

JHS has been managing affordable housing for over 35 years and currently manages multiple residential properties. The buildings are operated with transparency and accountability; JHS has built data systems that track tenant information, unit and building repairs, and capital expenditures that capture projected expenditures to safeguard the asset value and expand the life span of the building systems and infrastructure. The Society has extensive knowledge of the Residential Tenancy Act, Human Rights, and contractual obligations with community partners. Property management is also operated within the framework of being a "good neighbour" and the Society/its tenants have become integral parts of neighbourhoods around Victoria. JHS Victoria has taken on several major renovation projects at their residential buildings and community office. For the purpose of developing a property, JHS has engaged the services of a local developer (Hartwig Industries) and a development consultant (Wiser Projects) who are guiding and managing the development process. Both companies have extensive housing and development experience.

5. Project Financing and Sustainability

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

This project will be secured with a housing agreement upon completion of rezoning/DP ensuring permanent below market housing. A ten year capital and operational budget is appended to demonstrate this level of affordability and the operational funding that is able to support this.

6. Partnerships

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

JHS receives funding from from various levels of government, and many funding contracts have been in place/renewed for over 20 years. Prominent funders include Correctional Service of Canada, Provincial Health Authority, the Ministry of Social Development & Poverty Reduction (BC), the MInistry of Employment and Social Development (Canada), the Ministry of Advanced Education and Skills and Training (BC), the Ministry of Public Safety and Solicitor General (BC), and various smaller funders such as RBC, Rogers Foundation, and the Victoria Foundation. This funding goes towards JHS' housing programs as well as their support services.

JHS is applying for 2 major funding calls: CMHC Seed Funding and BC Housing's Community Housing Fund. If approved, both CMHC and BC Housing would provide capital contributions and options for loans.

7. Tenant Assistance

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

a. Compensation by Tenancy Length

N/A

b. Notification to End Tenancy

N/A

c. Moving Expenses

N/A

d. Relocation Assistance

N/A

e. Right of First Refusal

N/A

f. Vulnerable Tenants

N/A

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

8. Other Information

Provide any other information that supports your application.

N

736 Princess Avenue

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of January 21, 2021

To:	Committee of the Whole	**Date:**	January 9, 2021
From:	Thomas Soulliere, Director of Parks, Recreation and Facilities		
Subject:	Proposed Updates to Parks Regulation Bylaw		

RECOMMENDATION

That Council direct staff to prepare the following amendments to Section 16A of the *Parks Regulation Bylaw*;

A. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards, and
B. Add Central Park to the list of parks where sheltering is prohibited.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information regarding the mitigation of impacts relating to sheltering in City parks.

For years municipal parks have been used by individuals experiencing homelessness for overnight sheltering. In the years prior to 2020, the volume of sheltering was appreciably lower than the current level. Largely in response to the impacts associated with the COVID-19 pandemic, certain parks, including Central Park, have experienced a significant increase in sheltering activity. At its peak last year, there were more than 100 tents and other temporary structures erected in Central Park, the primary green space for the North Park neighbourhood.

In September 2020, Council amended the *Parks Regulation Bylaw* (the *Bylaw*) to temporarily allow homeless persons to maintain shelters in public parks during daytime hours. Following the introduction of further regulations to address health and safety risks, the number of structures in Central Park was gradually reduced to less than 40. In response to the 24-hour park use, the City invested in portable toilets, handwashing stations, site security, as well as expanded park cleaning and waste collection programs.

Municipal parks and other public places are not designed for sheltering and are often susceptible to the seasonal impacts of extreme weather, including pooling of rainwater and tree failures. The impacts of severe rainfall events were evident in the past month where large portions of Central Park experienced flooding (as outlined in Attachment A). The City warned people sheltering in Central Park about these risks. Despite that, the effects of heavy rainfall on people sheltering and property was considerable. In response, the City collaborated with various community stakeholders to establish a new temporary sheltering site for individuals who were living in Central

Park, in a City-owned parking lot at 940 Caledonia Avenue. On January 5, Central Park was temporarily closed so that staff could assess the damage caused by the combination of extreme weather and sheltering activity in the park and to develop a remediation plan.

The City does not permit sheltering in all of its 137 parks, and conditions under which sheltering may occur are listed within the *Parks Regulation Bylaw* (Section 16A). Through this bylaw, the City has established a list of designated areas within parks as well as entire parks where overnight sheltering is prohibited. To-date, Council has adopted an incremental approach to evaluating whether a park should be available for sheltering or not, considering the risk factors of each case.

As outlined in this report, Director of Parks, Recreation and Facilities recommends two amendments to the *Parks Regulation Bylaw*, to allow the City to better manage the risks relating to the use of parks for sheltering. The rationale for the proposed changes relates to environmental hazards and the availability of infrastructure to support sheltering needs.

PURPOSE

The purpose of this report is to present Council with information regarding the mitigation of impacts relating to sheltering in City parks.

BACKGROUND

People have been sheltering in Victoria parks for decades, despite the fact that it was prohibited under City bylaws until 2009. In that year, the City's *Parks Regulation Bylaw* (Attachment B) was amended to allow homeless persons to shelter overnight in municipal parks. This was done because of a court decision (*Victoria (City) v. Adams*, 2008), which struck down the *Bylaw's* absolute prohibition on erection of shelters as contrary to section 7 of the *Canadian Charter of Rights and Freedoms*.

The responsibility for addressing the root causes of street homelessness does not lie with municipalities, but rather at the provincial and federal levels of government. However, it is municipal parks and other public places that are most immediately impacted when there is inadequate housing or indoor shelter space available. Even though local parks are not designed to accommodate sheltering, they are the most easily accessible locations for sheltering in urban areas. As a result, the City is forced to mitigate the health and safety risks of all park users and impacts to park amenities that are associated with sheltering by people experiencing homelessness.

Central Park, on the northern edge of downtown in the North Park neighbourhood, is a highly utilized urban greenspace serving a wide range of community needs. The park is comprised of various sport and recreation facilities, including sport courts, a playground, fitness area, playing fields and picnic areas under an extensive tree canopy. The Crystal Pool and Fitness Centre is also located within the park, which is bordered on three sides by residential buildings.

ISSUES & ANALYSIS

As outlined in this report, the Director of Parks, Recreation and Facilities recommends two amendments to the *Parks Regulation Bylaw*, based on factors relating to environmental conditions and infrastructure to support sheltering needs. Although there may be other important considerations to be factored into assessments about where sheltering is accommodated, the items below are the most relevant and urgent given recent experiences.

Environmental Conditions

According to the *Climate Projections for the Capital Region* report (CRD 2017), extreme precipitation events are expected to become more frequent and intense as the climate changes over the coming decades, particularly in fall, winter, and spring. Fall rainfall is projected to increase 11% and the wettest day of the year will see an average of 20% more rain by the 2050s. The City of Victoria's *Hazard, Risk, and Vulnerability Analysis Report* (2017) identifies that flooding will increase in frequency and severity into the future. Further, the *Climate Change Vulnerability and Risk Assessment* completed in 2019, identified the following impacts:

- Heavy rainstorms leading to overland flooding either from pooling in low lying areas or rainfall exceeding the capacity of the drainage system (Medium risk)
- More frequent and intense storms negatively impacting City assets and services (Medium risk)

As observed this winter, there are areas within parks where sheltering is not prohibited that are at risk of environmental hazards such as tree failures, contact with utility lines, or flooding, which may cause serious harm. For example, staff have observed extensive pooling water in some areas of Beacon Hill Park, Victoria West Park, and Central Park. The challenges associated with effectively managing the drainage of heavy rainwater are complex, often requiring significant intervention and cost. Over time the City may invest in various methods of addressing this issue and the potential use(s) of these public areas would be a primary consideration in the investigation of options.

The composition of Central Park includes both hardscape (sport courts, pathways, and play areas), as well as softscape (primarily grassy spaces for both passive use and organized activities). In accordance with the *Parks Regulation Bylaw*, sheltering in the park is limited to softscape areas, the majority of which lies in the middle portion of the park, shown in Attachment A. This area is also where flooding may occur during periods of heavy rainfall. As illustrated in the attached map, there are very few other locations that are on higher ground available for sheltering in the park. If the middle area is designated as a prohibited area for sheltering, as recommended in this report, and if the current temporary measures relating to spacing between tents and park amenities remain in place, the result would be very limited capacity for this activity.

Support Infrastructure and Services

Another consideration is the infrastructure required to support individuals sheltering in public spaces, to meet basic health and hygiene needs. The City maintains public washrooms throughout the municipality, including 18 within parks. Of the 12 parks where sheltering typically occurs, only Central Park lacks a permanent public washroom available to park users. In response to the continuous sheltering activity during the current pandemic, the City made significant investments in this park, adding temporary facilities, including four portable toilets, a handwashing station, and expanding the park cleaning and waste collection program. The monthly cost for these services is approximately $22,000. Based on recent experience, the estimated capital cost to construct a new public washroom would be approximately $400,000.

If sheltering were to continue to be allowed in Central Park, with either the current or more limited capacity, City investments in temporary infrastructure and services would need to remain.

OPTIONS & IMPACTS

Option 1 (Recommended) - That Council direct staff to prepare the following amendments to Section 16A of the *Parks Regulation Bylaw*;

A. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards.

B. Add Central Park to the list of parks where sheltering is prohibited

Prohibition of sheltering in areas within parks which are susceptible to flood risk or other hazards relating to the physical environment (i.e. potential tree failure, contact with utilities, etc.), will help to mitigate the risk of injury or property damage. While primarily intended to protect persons sheltering in parks, it would also reduce impacts on the parks themselves. Recent experience relying on verbal communication with individuals sheltering in parks about environmental concerns, such as flood risks and tree hazards, has proven unsuccessful. Amending the *Bylaw* to formally prohibit sheltering in these areas would provide the City with the ability to address such issues in a timely manner. Areas covered by this prohibition would be identified on a basis of technical review and signage would be erected to clearly identify such areas.

The Director of Parks, Recreation, and Facilities also recommends that Central Park be added to the list of parks where sheltering is prohibited. The park is currently closed, and the remediation investment will be informed by whether this activity will be permissible or not upon re-opening.

The City has adopted a “de-centralized” approach to managing the risks associated with homelessness in parks. Prohibiting sheltering in Central Park will mitigate health and safety hazards and is not expected to substantially affect the overall capacity of possible shelter locations elsewhere in the park inventory.

It is recommended that the proposed bylaw amendments take effect upon adoption.

Option 2 – Make no changes to the *Bylaw*.

The City does not have to amend the *Bylaw* as recommended. However, unless the *Bylaw* is amendment, when Central Park re-opens, it is likely that some persons experiencing homelessness will return to shelter in that park. This is undesirable because:

1. The softscape areas of Central Park are susceptible to flooding during significant rainfall events, as demonstrated last month, exposing persons sheltering there to significant health risk and to loss or damage of property;
2. There is no appropriate permanent infrastructure to address the basis health and hygiene needs of persons sheltering in Central Park;
3. People sheltering in other parks in areas that are subject to environmental hazards, such as flooding, are also at increased risks;
4. Flooding combined with sheltering activity causes significant damage to the parks, requiring costly remediation work before a park area can be returned to its intended use.

For these reasons, this option is not recommended.

Accessibility Impact Statement

Although there are no direct impacts on accessibility, it has to be acknowledged that sheltering activity in park areas susceptible to flooding and other severe environmental risks can cause significant damage to park infrastructure. Such damage, if not properly remediated, would disproportionally affect persons with mobility challenges by restricting their ability to access certain park areas even long after the environmental event or sheltering ends. Furthermore, resources allocated to remediate damaged areas impacts delivery of other projects that are proactively aimed at improving accessibility in our parks.

Impacts to Financial Plan

The operating costs associated with the use of Central Park for sheltering has been factored into the draft 2021 Financial Plan. If sheltering is prohibited in Central Park, but remains available at 940 Caledonia Avenue, there would not be an impact on the Financial Plan. Pending further details on the remediation plan for Central Park, staff will advise Council if any investments that may be required which cannot be addressed within the approved budget.

Unless the Bylaw is amended as recommended, it is likely that sheltering will continue to occur in areas susceptible to sever environmental risks, such as flooding. That is likely to result in repeated damage to the park infrastructure beyond what would normally be expected due to severe weather events and will require further expense to remediate. Thus, while it is impossible to accurately predict at this point the full magnitude of the increased costs, unless the recommended amendments are implemented, future Financial Plans will need to accommodate additional costs.

CONCLUSIONS

The City's continued effort and investment of time and resources in mitigating the impacts of homelessness are substantial. One of the key tools available for risk management in parks is the Parks Regulation Bylaw. The Director of Parks, Recreation and Facilities recommends Council adopt the amendments proposed above to further improve the City's ability to provide safe, healthy and quality parks for all citizens.

Respectfully submitted,

Thomas Soulliere
Director

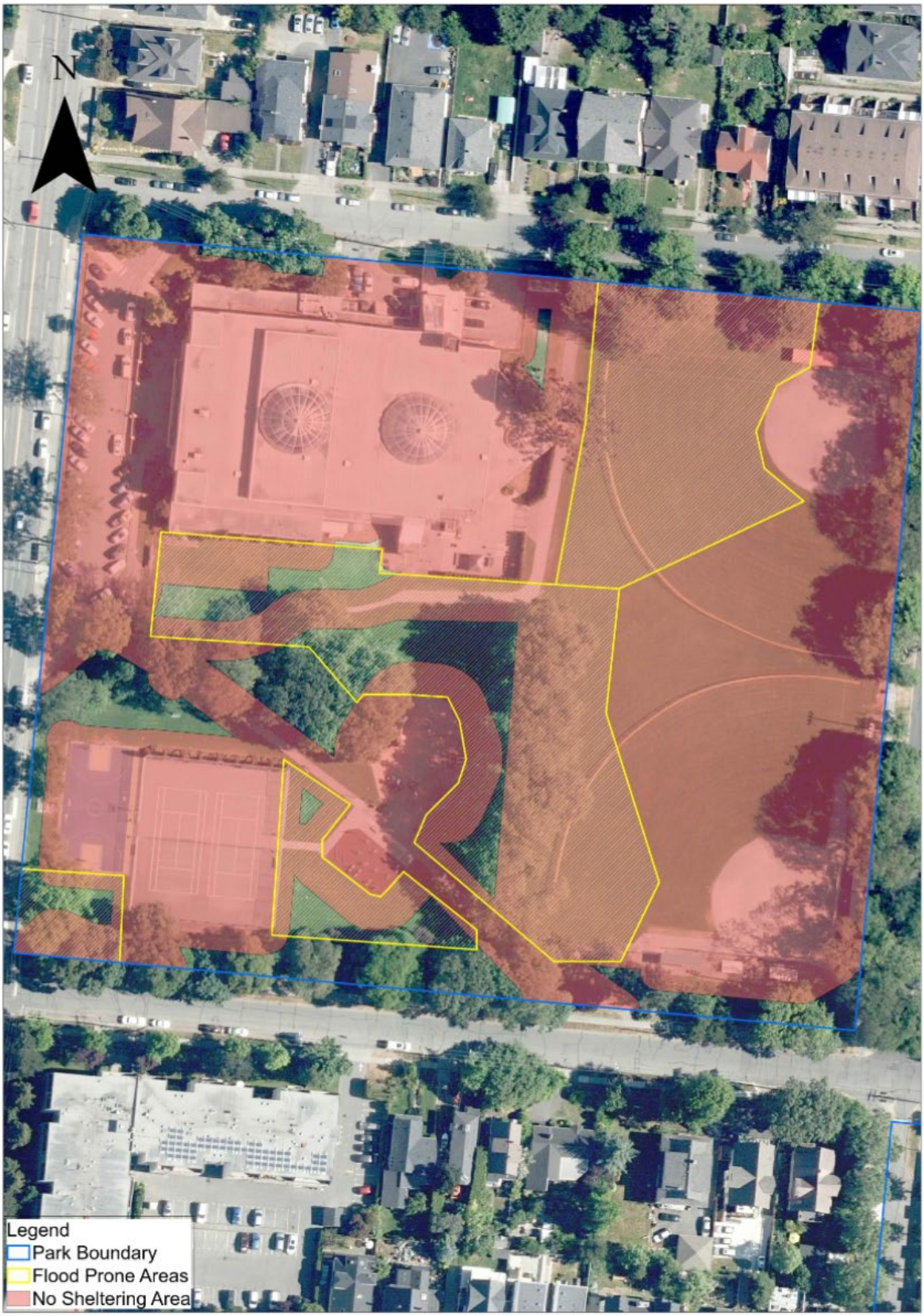
Report accepted and recommended by the City Manager.

List of Attachments

Attachment A – Central Park Sheltering Map with Areas of Flood Risk
Attachment B – Parks Regulation Bylaw

Attachment A

Central Park Sheltering Map with Areas of Flood Risk



PARKS REGULATION BYLAW

BYLAW NO. 07-059

This consolidation is a copy of a bylaw
consolidated under the authority of
section 139 of the *Community Charter*.
(Consolidated on September 22, 2020
up to Bylaw No. 20-102)

This bylaw is printed under and by
authority of the Corporate Administrator
of the Corporation of the City of Victoria.

NO. 07-059

PARKS REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 09-014, 09-021, 09-030, 09-052, 09-074, 10-021, 10-074, 16-012, 16-049, 17-099, 18-044, and 20-102)

The purpose of this Bylaw is to consolidate, clarify, and modernize the Parks Regulation Bylaw.

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Under its statutory powers, including sections 8(3)(b), 62, and 64 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

1 This Bylaw may be cited as the "PARKS REGULATION BYLAW".

Definitions

2 In this Bylaw, unless explicitly defined in another way,

"boulevard"

means a portion of a street or highway that has been seeded, sodded, or otherwise improved and maintained by the City;

"Clover Point Park"

means the park that is legally described as those parts of Section 82, Fairfield Farm Estate, Victoria City, Plan 13, that are shown outlined in red on Plan 524 OS;

"culturally sensitive area"

means any part of a park that is

(a) a heritage site as defined in the Heritage Conservation Act whether designated or not; or

(b) identified in a plan, map or City bylaw as having historical or cultural significance to British Columbia or an aboriginal people;

"Director"

means the City's Director of Parks, Recreation & Community Development, or that person's designated representative;

"environmentally sensitive area"

means any part of a park that has any of the following characteristics:

(a) areas or landscape features identified in *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of the Environment;

(b) areas or landscape features identified in a plan, map or City bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site;

"footpath"

means a way, thoroughfare, street, road, or sidewalk within a park that is set apart and improved by grading, gravelling, or other means for the use of pedestrians;

"Franklin Green"

means the park, located on Mason Street, that is legally described as Lot 1, Suburban Lot 15, Victoria City, Plan 9091;

"homeless person"

means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis;

"Moss Rocks Park"

means the park that

(a) is legally described as Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649, except those parts in Plans 7726 and 9553, and

(b) was formerly described as Remainder Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649;

"occupy"

means to remain in the same location or leave one's belongings in the same location;

"park"

includes

(a) a public park, playground, square, green, footpath, beach, road in a park, and other public place that is not a street and that is under the custody, care, and management of the Director, and

(b) Bastion Square and Centennial Square;

"Pioneer Square"

means the park and cemetery that is

(a) marked as "Cemetery" on the Official Plan of the City of Victoria, and

(b) bounded

(i) on the north by Meares Street,

(ii) on the east by Lot 2005, Victoria City, Plan 35C,

(iii) on the south by Rockland Avenue, and

(iv) on the west by Quadra Street;

"remote controlled model aircraft"

(a) means a scale model aircraft that is controlled by means of a radio control system or a fixed line control system;

(b) includes

(i) model aircraft that are propeller or jet fan driven, and

(ii) gliders;

"same location"

means the area within 100 metre radius of the location previously occupied;

"vehicle"

(a) means a conveyance that is for transporting a person or thing, and that is powered by mechanical, muscular, animal, or other means, and

(b) includes bicycles and tricycles;

Victoria Youth Park

means that area set out in the plan in Schedule F.

Application

3 This Bylaw does not apply to those who are performing their duties as the City's employees, or to volunteers working under the direct supervision of a City Officer or employee.

PART 2 – PERMITTED USES OF PARKS

Games

4 (1) A person may play at a game in a park only if that game is played

(a) in or on a portion of the park that is specially designated for that purpose;

(b) in accordance with rules and times that are posted in the park.

(2) A person may play at a game on a tennis court or bowling green in a park only

(a) if that person is wearing rubber soled shoes without heels, and is otherwise suitably equipped for that game, and

(b) in accordance with the rules and times that are posted at that court or green.

(3) Before engaging in a game or organized play of any kind in a park, including practice for a game, a person must obtain from the Director a Park Facility Permit for that purpose.

(4) A Park Facility Permit must be in the form set out in Schedule A of this Bylaw and is subject to the terms and conditions in that Schedule.

(5) An applicant for a Park Facility Permit under this section must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Processions, races, concerts, special events

5 (1) The following events may be held in a park only with the prior express permission of the Director:

(a) processions, parades, rallies, demonstrations, marches, drills, and races;

(b) performances, concerts, weddings;

(c) ceremonies, street or other dances, festivals, block parties in a street, community or other fairs, exhibitions, gatherings, meetings, or other special events.

(2) Permission required under this section must be in the form set out in

(a) Schedule B for an event referred to in subsection (1)(a) *[Parade/Race Permit]*,

(b) Schedule C for an event referred to in subsection (1)(b) *[Performance/Concert Permit]*, and

(c) Schedule D for an event referred to in subsection (1)(c) *[Special Event Permit]*.

(3) An application for a Parade/Race Permit or a Special Event Permit must be made at least 30 days before the event for which the application is made.

(4) An application for a Special Event Permit must be made at least 45 days before the event for which the application is made if a beer garden is proposed in connection with the event.

(5) After receiving an application for permission under this section, the Director may consult with Council or any other person or body in relation to the application.

(6) The Director may refer an application under this section to Council for Council's consideration and determination.

(7) If the Director refuses an application for permission under this section, the person seeking permission may request that Council reconsider the Director's decision.

(8) A request for reconsideration under subsection (7) must be submitted in writing to the Corporate Administrator within seven (7) days of the Director's refusal.

(9) Permission given under this section is subject to the terms and conditions set out in Schedule B, C, or D.

(10) An applicant for a Performance/Concert Permit must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Political expression in a park

5A (1) Except as authorized by a permit issued under section 5 or this section, a person must not

(a) erect a sign or another structure in a park; or

(b) occupy the same location in a park in excess of six hours in a 24 hour period;

as part of a protest, demonstration, or other political expression.

(2) The Director must issue the permit referred to in subsection (1) for a sign or another structure that conveys political expression unless the sign or another structure

(a) obstructs or interferes with:

(i) the use of a road or a pathway in a park;

(ii) an irrigation system, a utility, or existing structure lawfully in a park; or

(iii) the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons;

(b) would obstruct:

(i) sightlines along any intersection in or adjacent to a park; or

(ii) the use of a playground or a sport field.

(c) measures more than:

(i) 1.6 metres in height at the highest point;

(ii) 1.6 metres in width at its widest point; or

(iii) 1.0 metres in depth at its deepest point;

(d) has a base area that is larger than 1.6 metres square;

(e) contains moving parts, electrical or electronic components, or lights;

(f) is, in the opinion of the Director, unsafe or unstable; or

(g) was at the same location or in the same park within the previous seven days.

(3) The Director must issue a permit referred to in subsection (1) for a protest, demonstration, or other political expression unless, in the Director's opinion, issuance of the permit would result in interference with

(a) another approved event;

(b) scheduled maintenance, renovation, or other repair work in the park; or

(c) the use of a playground or a sports field.

(4) A holder of a permit granted under subsection (2), or his or her authorized representative, must

(a) attend at the sign or other structure for a minimum of six non-consecutive hours between the hours of 8 a.m. and 8 p.m. daily;

(b) remove the sign or other structure between the hours of 8 p.m. and 8 a.m. daily; and

(c) keep the sign or structure safe and in good repair at all times.

(5) Subsection (4)(b) does not apply to a homeless person sheltering in a park pursuant to section 16A.

(6) The holder of a permit issued under subsection (2) or (3) must not use or permit the use of:

(a) electronic signs;

(b) electric or gas lighting or appliances;

(c) extension cords; or

(d) open flames, propane tanks, gas or electric heaters, or barbeques

at or near the sign or other structure authorized by the permit.

(7) The holder of a permit issued under subsection (2) or (3) must not use or promote the use of expression which:

(a) is obscene;

(b) promotes hatred or violence;

(c) is defamatory; or

(d) contains commercial content.

(8) A permit granted under subsection (2) or (3) is valid for seven days and the Director must not issue

(a) more than two consecutive permits for the same location;

(b) more than six non-consecutive permits for the same location per year; and

(c) a permit to an applicant who is the current holder of such a permit.

(9) The Director may cancel a permit if the permit holder has failed to comply with any provision of this Bylaw.

(10) Notwithstanding subsection (1)(a), a permit is not required for a table used to convey political expression if

(a) it is no larger than 1 metre in depth by 1.8 metre in width and .75 metres in height;

(b) it is placed in a park for no more than seven consecutive days;

(c) it is removed from a park between the hours of 8 p.m. and 8 a.m. daily;

(d) it is attended at all times by the permit holder or authorized representative;

(e) no more than one table is placed at the same location;

(f) the name of the sponsoring person or organization is clearly displayed on the table;

(g) it does not obstruct or interfere with:

(i) pedestrian or vehicular traffic;

(ii) an irrigation system, a utility, or existing structure lawfully in a park;

(iii) the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons; or

(iv) the use of a playground or a sport field;

(h) it contains no moving parts, electrical or electronic components or lights;

(i) it is structurally safe and stable;

(j) it is not used in association with any object referred to in subsection (6); and

(k) it is not used to promote any of the matters referred to in subsection (7).

Swimming and beaches

6 A person

(a) may enter or bathe in water in or adjoining a park only at a bathing beach or pool set aside for that purpose;

(b) may enter or bathe in water in or adjoining a park only if that person is not contravening provisions of the *Criminal Code* (Canada) concerning public nudity and indecent exposure;

(c) may undress or dress in or adjacent to a bathing beach or swimming pool in a park only in places specially provided for that purpose;

(d) may enter a portion of a building in a park that is designated by sign for the use of a specified sex of person only if the person entering is of that sex;

(e) may play a game on a beach in a park only if that does not interfere with or become a nuisance or a hazard to the general public;

(f) may use a boat, or other device for travel on or in water, in the immediate vicinity of a bathing beach in a park only if that does not endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming;

(g) must not interfere with or obstruct the carrying out of the duties of a person that is supervising or instructing swimming, bathing or aquatic games at a beach in a park;

(h) must not deposit or leave, or cause to be deposited or left, any thing on any beach in a park or in the adjacent water;

(i) must not do anything that does, or tends to, endanger, annoy, or disturb swimmers or bathers in or around a beach or pool in a park;

(j) must not drive, ride or exercise a horse, donkey, or mule on a beach in a park;

(k) must not permit a dog or other animal to swim in water in a park;

(l) must not, without the prior written consent of the Director, operate a saw with an internal combustion engine;

(m) must not excavate, dig a cave in, or in any other way cut open the natural terrain in a park.

Model aircraft

7 (1) In this section, “approved area” means the area shown on the map in Schedule E to be used for operating remote controlled model aircraft.

(2) A person may operate a remote controlled model aircraft in a park only

(a) in the approved area,

(b) if that person is a member of the Model Aeronautics Association of Canada or its local branch,

(c) if the Model Aeronautics Association of Canada or its local branch of which that person is a member has obtained a permit from the City for the operation of remote controlled model aircraft in the approved area,

(d) when that person and the City are included as additional insureds under a Model Aeronautics Association of Canada insurance policy for at least $3,000,000.00 general liability coverage, and

(e) if that person has received a League of Silent Flight Level 1 Certification or an equivalent certification from the Model Aeronautics Association of Canada.

(3) A person must not operate a remote controlled model aircraft in the approved area between sunset of one day and sunrise of the next day.

(4) Immediately before a person operates a remote controlled model aircraft in the approved area, the person must erect around the perimeter of the area, excluding the perimeter bounded by the dense brush and the edge of cliff shown on the map in Schedule E,

(a) at least 5 signs, each of which has a display face that

(i) is visible from outside the area,

(ii) measures at least 27 cm by 21 cm, and

(iii) contains the following words in letters covering as nearly as is possible the entire face: "Model Aircraft Flying in Progress. For Safety and Insurance Reasons, PLEASE DO NOT CROSS LINE", and

(b) a yellow 1 cm diameter rope that is approximately 45 cm above the ground.

(5) When a person is operating a remote controlled model aircraft in the approved area, the person must

(a) maintain signs and rope in accordance with subsection (4), and

(b) act in accordance with the Model Aeronautics Association of Canada's

(i) Safety Guidelines for Field Operations, and

(ii) Etiquette Code.

(6) A person must remove the signs and rope required under subsection (4) immediately after that person has finished operating a remote controlled model aircraft in the approved area.

(7) The Council may suspend, cancel, or refuse to renew a permit for the operation of a remote controlled model aircraft if a person, who is a member of the Model Aeronautics Association of Canada or its local branch to which the permit has been issued, has been found to be guilty of an offence because of a contravention of subsection (4) or (5).

Commercial sales in park only by permit

8 A person may conduct business, sell things, and expose things for sale or gift in a park only if that person first obtains the express permission of the Director.

Closing Hours

9 (1) A person must not cause a vehicle to be in Clover Point Park between 11:00 p.m. of one day and 6:00 a.m. of the next day.

(2) A person must not use the road leading to the lookout in Beacon Hill Park, known as Checkers Pavilion, between one-half hour after sunset of one day and one-half hour before sunrise of the next day.

(3) A person must not enter or remain in any of the following parks between one hour after sunset of one day and one hour before sunrise of the next day:

(a) Moss Rocks Park;

(b) Franklin Green;

(c) Pioneer Square.

(4) A person must not enter or remain in Victoria Youth Park between 10:30 p.m. of one day and 7:00 a.m. of the following day.

(5) Between 10:30 p.m. of one day and 7:00 a.m. of the following day a person must not bring into, leave in, or have in their possession in, Victoria Youth Park, a basketball, in-line skates, roller-skates, a skateboard, or a bicycle.

Temporary Closures

9A (1) The Director may order any park, or part of a park, to be closed to the public and may cause notices to be posted at the entrances to the park, or part of a park, indicating that it is closed to the public if the closure is necessary

(a) for maintenance, renovation, or other work in the park; or

(b) for the safety of park users or staff due to construction activity or existence of hazardous conditions.

(2) A person must not enter or remain in any park, or part of the park, that has been closed under subsection (1).

(3) The closure under subsection (1)(a) may not be in effect for more than 21 consecutive days.

(4) If the closure under subsection (1)(b) exceeds, or is expected to exceed, 21 days, the Director must report on the closure to Council.

Research

10 (1) A person wishing to do research or collect specimens in a park must first obtain from the Director a Research Permit in the form set out in Schedule G.

(2) There is no set fee for a Research Permit, but an applicant must pay to the City its costs incurred in surveying, examining and inspecting the area affected by the application.

PART 3 – GENERAL REGULATIONS

Fire and firearms

11 A person must not do any of the following activities in a park:

(a) discharge a firearm, air gun, air rifle, air pistol, spring gun;

(b) discharge a bow, as defined in the *Wildlife Act*;

(c) fire or explode any combustible or other explosive material, other than the discharge of fireworks as permitted under the Fire Prevention and Regulation Bylaw;

(d) carry or make a fire unless

(i) that person has the Director's prior written consent, and

(ii) the fire is placed within a lawfully authorized fire pit;

(e) throw or place upon the ground any lighted match, cigar, cigarette or other burning substance.

Traffic and parking

12 (1) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:

(a) ride or drive a horse or other animal or drive or propel any vehicle in, on or along any road at a rate of speed not consistent with safety, having due regard to all other traffic;

(b) fail to bring his horse, animal or vehicle to a stop upon the request or signal from any person lawfully directing any traffic within any park, or from any person in charge of any horse or other animal, or stop whenever any horse or other animal shows signs of fright or getting out of control;

(c) ride or drive any horse or other animal or drive any vehicle in any direction other than the direction as designated by signs erected in the park;

(d) park any vehicle in or along any road between the hours of sunset and sunrise without parking lights or reflectors being prominently displayed on such vehicle at all times during such parking;

(e) drive or allow or permit a vehicle to be driven on a surface that is not a hard surfaced portion of established roads;

(f) park a vehicle in an area that is not set apart and posted for the parking of vehicles;

(g) park in a parking space on a parking lot that is clearly marked as reserved for some other person;

(h) park a vehicle in a park for longer than 3.5 hours between 7:00 a.m. and 6:00 p.m. of any day from Monday to Friday;

(i) park a vehicle for a purpose other than visiting the park;

(j) leave a vehicle parked when that person is not within the park;

(k) park a vehicle in a park for the purpose of sleeping overnight in the vehicle;

(l) sleep overnight in a vehicle in a park;

(m) clean a vehicle;

(n) ride or operate a bicycle other than on a road or footpath designated for that purpose by signage, and in the direction designated by signage.

(2) A person may drive a commercial vehicle transport through a park on a road other than Dallas Road, Douglas Street, Heywood Avenue, or Park Boulevard, only if that person has received the Director's prior written consent.

(3) A person may ride or drive a horse or other animal in a park only

(a) on a road provided for that purpose, and

(b) in the direction of travel that is designated by sign.

(4) A person must not drive an animal on a footpath that is designated by sign to be used only by pedestrian traffic.

(5) A person must not use skates, skateboards, rollerblades or any similar apparatus in a park other than

(a) on a road on which vehicular traffic is permitted,

(b) on a footpath designated for that purpose by signage,

(c) in an area designated for that purpose by signage, or

(d) with prior express permission of the Director under section 5.

(6) A person using skates, skateboards, rollerblades or any similar apparatus in a park in accordance with subsection (5)(a) or (b) must

(a) comply with the requirements of section 43A of the Streets and Traffic Bylaw, and

(b) travel in the direction of traffic or as designated by signage.

Damage to environment, structures

13 (1) A person must not do any of the following activities in a park:

(a) cut, break, injure, remove, climb, or in any way destroy or damage

(i) a tree, shrub, plant, turf, flower, or seed, or

(ii) a building or structure, including a fence, sign, seat, bench, or ornament of any kind;

(b) foul or pollute a fountain or natural body of water;

(c) paint, smear, or otherwise deface or mutilate a rock in a park;

(d) damage, deface or destroy a notice or sign that is lawfully posted;

(e) transport household, yard, or commercial waste into a park for the purpose of disposal;

(f) dispose of household, yard, or commercial waste in a park.

(2) A person may deposit waste, debris, offensive matter, or other substances, excluding household, yard, and commercial waste, in a park only if deposited into receptacles provided for that purpose.

(3) The Director may erect or post signs or maps within a park for the purpose of identifying the boundaries of one or more environmentally sensitive areas.

Nuisances, obstructions

14 (1) A person must not do any of the following activities in a park:

(a) behave in a disorderly or offensive manner;

(b) molest or injure another person;

(c) obstruct the free use and enjoyment of the park by another person;

(d) take up a temporary abode over night;

(e) paint advertisements;

(f) distribute handbills for commercial purposes;

(g) place posters;

(h) disturb, injure, or catch a bird, animal, or fish;

(i) throw or deposit injurious or offensive matter, or any matter that may cause a nuisance, into an enclosure used for keeping animals or birds;

(j) consume liquor, as defined in the *Liquor Control and Licensing Act*, except in compliance with a licence issued under the *Liquor Control and Licensing Act*.

(2) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:

(a) encumber or obstruct a footpath;

(b) drive a motor vehicle in contravention of the Noise Bylaw,

(c) drive a motor vehicle in a manner that constitutes a nuisance or danger to pedestrians, animals or property;

(d) operate, drive or propel a vehicle for the specific purpose of displaying or broadcasting advertisements;

(3) A person may remove from a park material or debris only if

(a) that person has received prior express permission under section 5, or

(b) it is not a fallen tree, it has been determined by the Director to be unnecessary for municipal purposes, and it contains a sign advising that the material or debris may be removed.

(4) A person may enter an enclosure used for keeping animals or birds only if that is authorized by the Director.

(5) The Council or a person employed by it, may remove or cause to be removed from a park any obstruction or thing placed there contrary to the provisions of this Bylaw, and recover the costs and expenses of the removal from the owner of the obstruction or thing.

(6) Despite subsection (1)(e) and (g), section 74(1) of the Streets and Traffic Bylaw, and section 3 of the Property Maintenance Bylaw, a person may place an advertisement in a park, other than Beacon Hill Park, if

(a) that person obtains prior written permission, from the Director, for the advertisement and its location,

(b) that person abides by the terms of the City's rental agreement for this purpose,

(c) the advertisement is placed only on bags authorized by the City, and on the City's structures that dispense them, for the purpose of disposing of animals' feces, and

(d) the advertisement complies with all laws other than those from which it is specifically excepted above.

No interference with City employees

14A (1) A City employee engaged in clean-up, maintenance, renovation, or other work in a park may request any person in the park to move to another part of the park or to leave the park if it is necessary for the performance of the employee's duties.

(2) A person requested to move under subsection (1) must promptly comply with the request and remove all of his or her property as directed by the City employee.

(3) A person must not obstruct, or interfere in any way with, a City employee's performance of his or her duties in a park.

(4) A person must not interfere with a bylaw officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this Bylaw.

Uses prohibited by signs

15 A person must not do any of the following activities contrary to signs posted in a park:

(a) climb, walk, or sit on a wall, fence, or other structure in a park or boulevard;

(b) cross, travel on, or use grassed areas.

Construction

16 (1) A person may erect or construct, or cause to be erected or constructed, a tent, building or structure, including a temporary structure such as a tent, in a park only as permitted under this Bylaw, or with the express prior permission of the Council,

(2) A person may erect or construct, or cause to be erected or constructed, a temporary building or structure, including a tent, in a park for the purpose of an event permitted under section 5(1), only in accordance with the terms of the permit for that event.

Overnight Shelter

16A (1) Sub-section (2) applies despite the general prohibitions under section 14(1)(d) and section 16(1) of this Bylaw.

(2) A homeless person must not place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:

(a) subject to sub-section (b), except between the hours of:

(i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and

(ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,

(b) at any time, in

(i) a playground, sports field, footpath or road within a park,

(ii) Bastion Square,

(iii) Haegert Park,

(iv) Cridge Park,

(v) Kings Park,

(vi) Arbutus Park,

vii) Reeson Park,

(viii) Quadra Park,

(ix) Coffin Island,

(x) Summit Park,

(xi) Moss Rocks Park,

(xii) MacDonald Park,

(xiii) South Park,

(xiv) Robert Porter Park,

(xv) David Spencer Park,

(xvi) an environmentally or culturally sensitive area, community garden, or horticultural area, or

(xvii) any area within a park that has been designated for an event or activity under

(A) a valid and subsisting permit issued under the authority of this Bylaw, or

(B) a lease, licence, or other agreement authorized by Council.

Sheltering during Pandemic

16B (1) Despite section 16A(2)(a), a homeless person may place, erect, maintain, or use a shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or any other rigid or non-rigid material, in a park at any time, provided that they comply with subsections (2) and (3).

(2) A person must not place, erect, maintain or use a shelter in a park at any time

(a) in any area listed in section 16A(2)(b),

(b) within 8 metres of a playground,

(c) within 4 metres of any area listed in section 16A(2)(b),

(d) within 4 metres of any other shelter that is placed, erected, maintained or used in accordance with section 16A or this section,

(e) within 50 metres of a school as defined in the *School Act*, or

(f) that, including all associated objects or possessions, exceeds 9 square metres in size.

(3) A person must not keep, store, or use in a park

(a) a barbeque, stove, heater, or any other open flame appliance, or

(b) a propane tank, gasoline container, or any other flammable gas or liquid.

Animals at large

17 A person having the control of an animal may allow it to run at large or feed in a park only if that is permitted under the Animal Control Bylaw.

PART 4 – GENERAL

Offence

18 A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on conviction to the penalties imposed by this Bylaw and the *Offence Act*.

Impounding

19 (1) The Director, or a person authorized by the Director, bylaw officer, or a police officer, may remove, seize, and impound or cause the removal, seizure or impoundment of any property, matter or thing that unlawfully remains, or has been unlawfully placed or left in a park.

(2) After the seizure, removal or impoundment of an object referred to in subsection (1), the object must be made available to be claimed by a person entitled to its possession, in accordance with subsection (3), within six hours of it being removed, seized or impounded.

(3) After the seizure, removal or impoundment of an object referred to in subsection (1), a person entitled to its possession may obtain its release by attending at the Bylaw and Licencing Services office during regular business hours.

(4) The Director of Parks may cause a detained object to be sold, by public auction, to the highest bidder if

(a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and

(b) it appears to the Director of Parks that the object has market value.

(5) The Director of Parks must cause a detained object to be discarded as garbage if

(a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and

(b) it appears to the Director of Parks that the object has no market value.

(6) The City's Corporate Administrator must apply the proceeds of an auction sale held under this section in the following manner:

(a) firstly, deduct the costs of the auction;

(b) secondly, deduct the fees payable to the City under subsection (3);

(c) finally, pay the surplus, if any, to the person entitled if that person's identity and location are known.

(7) The Corporate Administrator must apply the surplus referred to in subsection (6)(c) in the following manner if the identity or location of the person entitled to the surplus is not known:

(a) hold the surplus for one year from the date of the auction;

(b) pay the amount of the surplus into the City's General Revenue if the surplus is not claimed within one year from the date of the auction.

(8) An amount paid into General Revenue under subsection (7)(b) is forfeited to the City.

Penalties

20 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person

(a) contravenes a provision of this Bylaw,

(b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw,

(c) neglects or refrains from doing anything required by a provision of this Bylaw, or

(d) obstructs or interferes with a bylaw officer in the enforcement of this bylaw.

(2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Repealed

21 [Repealed]

Repealed

22 [Repealed]

Severance

22A If any section, sub-section, sentence, clause, or phrase of this Bylaw is for any reason found to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal

23 Bylaw No. 91-19, the Parks Regulation Bylaw, is repealed.

READ A FIRST TIME the	**12th**	day of	**July**	2007
READ A SECOND TIME the	**12th**	day of	**July**	2007
READ A THIRD TIME the	**12th**	day of	**July**	2007
ADOPTED on the	**9th**	day of	**August**	2007

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

Schedule A

Park Facility Permit

(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holder: _____

Names, addresses, telephone numbers, & titles of Permit Holder's Representatives: _____

_____

Facility permitted to be used: _____

Type of use: _____

Special conditions of use: _____

Date and time of use (include set-up and finish time): _____

Charges: _____

Beer Garden requested: ____ (yes) ____ (no)

The Permit Holder's Representative

(a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,

(b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and

(c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:

_____

_____

Terms and Conditions

(Park Facility Permit)

1. The City does not make any warranties or representations about the suitability, for the Permit Holder's purposes, or about the condition of the Facility for which this Permit is issued. In particular, the City's sports fields do not receive daily care or inspection. It is the Permit Holder's responsibility to inspect all sports fields that are part of the Facility permitted for which this Permit is issued and to ensure that those fields are suitable and safe for the Permit Holder's purposes.

2. The Permit Holder

   (a) may use only the Facility named in this Permit;

   (b) must not allow another person to use the Facility;

   (c) must exercise the greatest care in using the Facility;

   (d) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages to the Facility that the Permit Holder causes;

   (e) must compensate the City for all damages that the Permit Holder causes to the Facility;

   (f) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;

   (g) may place an object in or on a grass field only after consulting with and following the directions of the City's Department of Parks, Recreation, and Community Development for the purpose of avoiding damage to underground irrigation systems;

   (h) must notify the City's Department of Parks, Recreation, and Community Development to cancel this Permit if the Permit Holder does not intend to use the Facility for which this Permit is issued;

   (i) may allow liquor to be present at a Facility for which this Permit is issued only if that is allowed by a permit issued under the Liquor Control and Licensing Act;

   (j) for the preparing and serving of food, and the operation of a food concession, must

      (i) obtain and comply with a permit for a catered function from the Vancouver Island Health Authority;

      (ii) comply with the *Health Act*.

3. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.

4. The Permit Holder will maintain commercial general liability insurance coverage for the purposes of indemnifying the City on the following bases:

   (a) the City will be covered as an additional named insured;

(b) the insurance policy will contain a cross liability clause;

(c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than $2 million per occurrence, including $2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued;

(d) the insurance policy will contain a clause providing that the insurer will give to the City 30 days prior written notice of a cancellation of insurance and of any important change to the coverage;

(e) the Permit Holder will give to the City an executed copy of a Certificate of Insurance as evidence of the coverage.

5. The Permit Holder understands that the City may revoke or cancel the Permit with cause.

Schedule B

Parade/Race Permit

(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

The Permit Holder must complete the following matters if the Event for which this Permit is a major event:

(a) show proof of $2 million liability insurance,

(b) conduct a pre-event course inspection, and

(c) before the Event for which this Permit is issued, must obtain the consent of all participants to a waiver of all claims against the City for liability for injury, death, or damage that arises directly or indirectly in connection with the Event.

Permit Holder: _____

Address & telephone number of Permit Holder: _____

Type of Event permitted: _____

Location or route of Event (include map): _____

Date and Time of Event: _____

Approximate number of participants, bicycles, and vehicles involved in the Event: _____

Notice given by Permit Holder to residents & businesses potentially affected by the Event: ____ (yes ____ (no)

Other details: _____

_____

Comments:

Police Department (Traffic): _____

Engineering (Traffic): _____

Engineering (Parks): _____

Fire Department: _____

_____

Schedule C

Performance/Concert Permit

(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holder: _____

Names, addresses, telephone numbers, & titles of Permit Holder's Representatives: _____

_____

Facility permitted to be used: _____

Type of use: _____

Date and time of use, including arrival & departure: _____

Services and structures to be provided by the City at its expense: _____

_____

Services and structures to be provided by the Permit Holder at its expense: _____

_____

Fee: _____

The Permit Holder's Representative

(a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,

(b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and

(c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:

Terms and Conditions

(Performance/Concert Permit)

1. This Permit in not valid until the Permit Holder signs and returns the copies of the Permit with the fee payment.
2. Part of a fee paid as a damage deposit for the Permit Holder's use of the Facility may be applied by the City to a claim made against the City as a result of that use.
3. The City may deduct an administration fee from part of a fee paid as a damage deposit for the Permit Holder's use of a Facility if the Permit Holder cancels this Permit.
4. The Permit Holder's Representatives must be present at the event for which this Permit is issued.
5. The Permit Holder
   - (a) may use the Facility only for the type of use stated in this Permit;
   - (b) must not assign any of the rights held under this Permit to another person;
   - (c) must not allow another person, other than a spectator, to use the Facility;
   - (d) must take all reasonable steps to ensure that participants do not violate any law;
   - (e) must not allow its performers, employees, and agents to produce excessive sound and will comply with all of the City's requirements in connection with minimum and maximum sound levels permitted for the purpose of limiting nuisance to neighbouring residents and park users;
   - (f) must pay all amounts owed to its performers, employees, and agents for the purpose of using the Facility for which this Permit is issued;
   - (g) must pay all royalties and fees of authors, publishers and composers that become payable as a result of the Permit Holder's performances
   - (h) must pay all assessments and taxes that are lawfully imposed by a government;
   - (i) may place a structure, or cause it to be placed, in or on the Facility only after obtaining the written consent of the Director;
   - (j) must not place posters, concerning the Facility or the Permit Holder's event in the Facility, on a sidewalk, a street, or a structure that is in or on a sidewalk or street, other than a cylinder or board provided for that purpose by the City;
   - (k) must acknowledge, on all of its promotional material, all applicable co-sponsorship by the City for an event for which this Permit is issued,
   - (l) must allow its concerts to be open to the public free of charge, and may accept donations only if the Permit Holder has paid a rental fee to the City;
   - (m) must maintain the Facility in a clean and tidy condition when using it;
   - (n) must not allow confetti to be used for weddings or any other event;
   - (o) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;
   - (p) must remove all of its property on or before the end of the time for which this Permit is issued;

(q) must ensure the safety of all equipment and other property owned by the City in the Facility;

(r) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages that the Permit Holder causes to the Facility;

(s) must compensate the City for all damages and loss that the Permit Holder causes to the Facility and the City's equipment and other property at the Facility, including damages and loss resulting from riot but excluding damages and loss resulting from natural disasters, hostile acts against the Crown, and acts or omissions of the City's officers and employees.

6. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.

7. The Permit Holder will maintain comprehensive public liability insurance coverage for the purposes of indemnifying the City on the following bases:

(a) the City will be covered as an additional named insured;

(b) the insurance policy will contain a cross liability clause;

(c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than $2 million per occurrence, including $2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued.

8. In connection with the Cameron Bandshell in Beacon Hill Park, a Permit Holder

(a) must not carry on or allow any commercial promotion or activity,

(b) may use the pathway adjacent to the Bandshell only for the purposes of loading and unloading equipment

(c) must not park or cause or allow the parking of vehicles on the pathway adjacent to the Bandshell when they are not being used for the purposes of loading and unloading equipment;

(d) must obtain a Special Event Permit from the City for additional parking on Douglas Street soccer field if an event for which this Permit is issued is expected to have more than 2,000 spectators,

(e) must ensure that concerts are performed only at times between 9:30 a.m. and 9:30 p.m. of the same day,

(f) must ensure that concerts are not longer than 3 hours and that the Permit Holder's concert does not start earlier than 2 hours after another Permit Holder's concert at the Bandshell.

9. A Permit Holder

(a) must not park or cause or allow the parking of vehicles anywhere in Centennial Square, and

(b) must not place equipment, structures, or any other thing on the grassed area of Centennial Square.

Schedule D

Special Event Permit

(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

Permit Holder: _____

Address & telephone number of Permit Holder: _____

Type of Event permitted: _____

Location of Event: _____

Date and Time of Event: _____

Approximate number of people and vehicles involved in the Event: _____

Notice given by Permit Holder to residents & businesses potentially affected by the Event: ____ (yes ____ (no)

Beer Garden requested: ____ (yes) ____ (no)

Other details: _____

_____

_____

Comments:

Police Department (Traffic): _____

_____

Engineering (Traffic): _____

_____

Engineering (Parks): _____

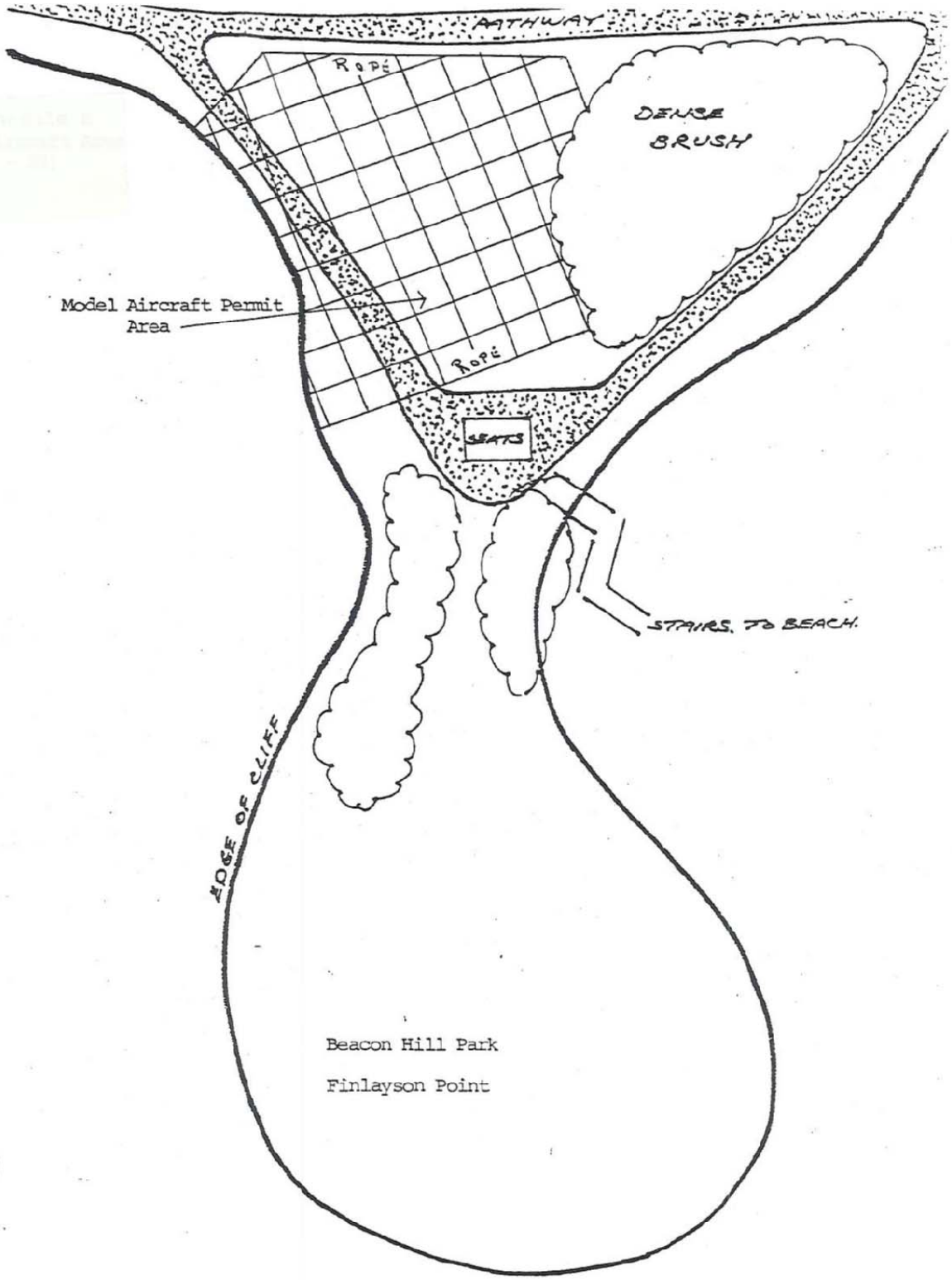
_____

Fire Department: _____

_____

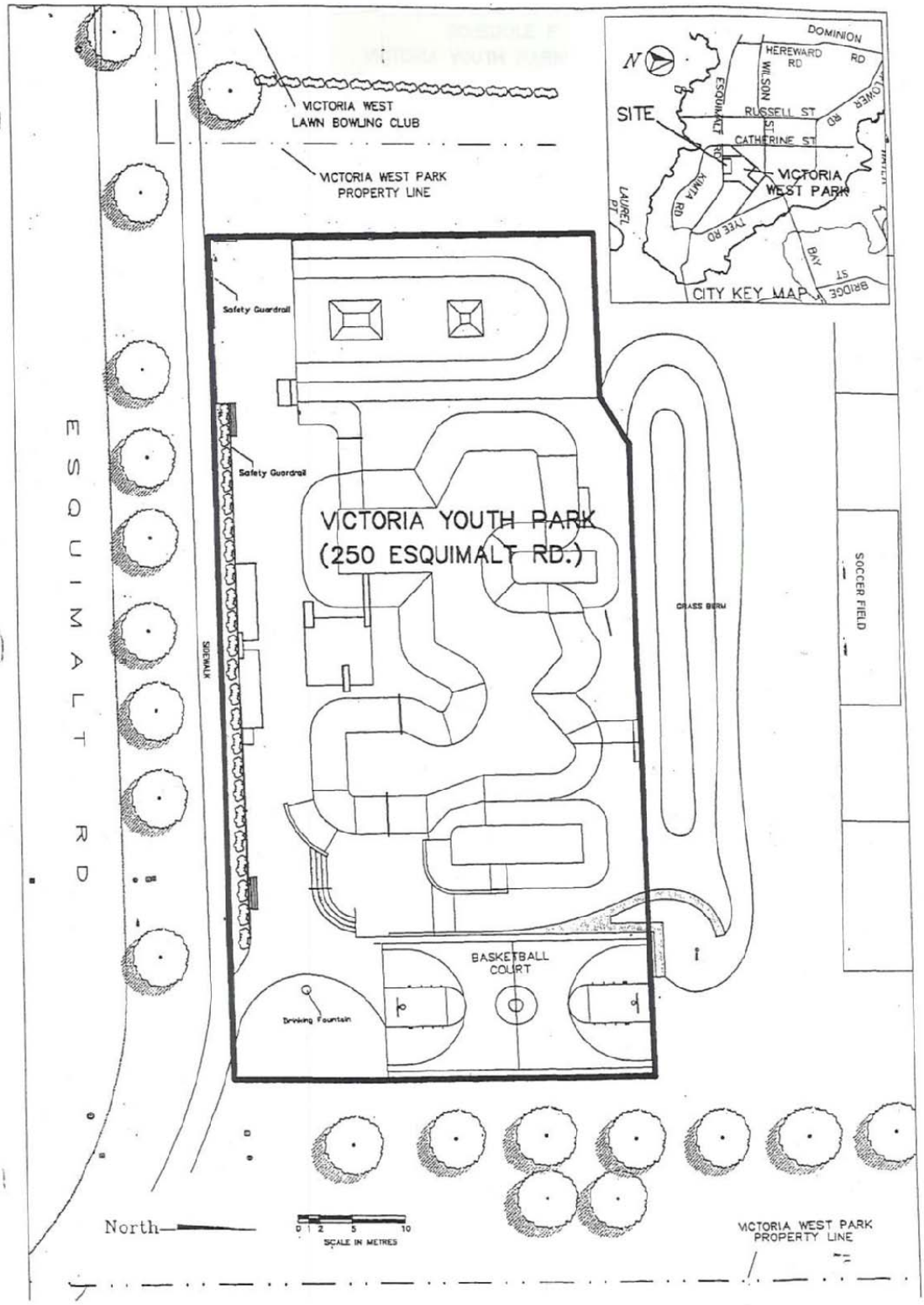
Schedule E

Model Aircraft Area



Schedule F

Victoria Youth Park



Schedule G

Research Permit

Application for a Research and Collection Permit in City of Victoria Parks

APPLICANT INFORMATION

COMPANY/SOCIETY/INDIVIDUAL NAME:_____

MAILING ADDRESS:_____

CITY / TOWN: PROV / STATE:_____

POSTAL / ZIP CODE:_____

BUSINESS PHONE NUMBER (AREA CODE):_____

_____

_____

_____

_____

_____

_____

_____

FAX NUMBER (AREA CODE):_____

NAME OF CONTACT:_____

E-MAIL ADDRESS:_____

BUS. PHONE NUMBER (AREA CODE):_____

FAX NUMBER (AREA CODE):_____

CELLULAR PHONE NUMBER (AREA CODE):_____

NAME OF PARK(S):_____

PERIOD OF USE (INCLUSIVE):_____

FROM:_____TO:_____

List all activities to be undertaken:

Collection of Specimens____ Survey/Inventory____ Research____ Monitoring____

Educational____Other(s)(specify):_____

Please attach a proposal that addresses the following:

A. Project description, including:

1. Purpose of research or educational activity;
2. Geographic location(s) of the activity (provide maps to an appropriate scale);
3. Scope and objectives of the research or educational activity;
4. Proposed methodology;
5. Detailed schedule for the project from start to completion with major benchmarks. Indicate how sensitive this schedule is to change (delays in approval, weather, etc.);
6. Resources required to undertake and manage the project, including all costs, proposed funding sources and other resources (equipment, supplies etc.);
7. Relevance of the proposal to the conservation and education mandate and objectives of the City
8. The reason for, type, number and intended use for each specimen collected;
9. Effects on vegetation, wildlife, species and ecosystems at risk and other protected area values;
10. What actions will be undertaken to mitigate impacts on protected area values resulting from the proposed research or educational activity; and
11. What report type(s) (thesis, publication, etc.) are anticipated and when will they be produced.

B. Project researcher(s), including:

1. Academic qualifications;
2. Duties with respect to the project;

Fees: Park use or permit fees are not charged for research and education activities. However, the applicant must pay the City for its costs incurred in surveying, examining and inspecting the area affected by the application.

THE APPLICANT HEREBY CERTIFIES THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of a park under this Permit.

Date:_____

_____
Signature of Applicant or Authorized Representative

Send completed application and proposal description to:

City of Victoria

Park Division
#1 Centennial Square
Victoria BC V8W 1P6

Project proposal reviewed by:_____

Date:_____

Revisions requested:_____

Project approved by:_____

Date:_____

Research Permit Guidelines

Permits are not issued for activities, which in the Director's opinion will adversely affect:

-conservation, recreation, or cultural values
-character and aesthetics of the protected area
-red/blue-listed species or ecosystems, species at risk,
-biogeoclimatic representation, etc
-critical or geographically unique characteristics
-public health and safety
-traditional use of the area by First Nations
-the local community
-recreational use or enjoyment of the park (regardless of the intended benefits of the proposed activities)

Permits do not allow the applicant:

-to operate vehicles off of roads within the parks
-to operate power equipment within the parks
-to carry on any activity that will disturb protected wildlife in the parks
-to damage or collect any species listed as endangered, threatened or of concern in the parks

Special permission is required to:

-interview park users or staff
-leave equipment unattended in the parks
-interfere with the use and enjoyment of the parks by park users
-interfere with the maintenance of parks by parks staff

The permit holder will be responsible for:

-ensuring personal and public safety during research activities
-any damage or injury to resources or property in the parks resulting from research activities
-compliance with all City bylaws governing the use of parks and public places

Permits are not transferable.

The City reserves the right to revoke any permit upon notice to the permit holder.

If the research results in the production of a publication or thesis, the researcher is required to forward a copy to the City of Victoria Parks division.

Committee of the Whole Report
For the Meeting of January 21, 2021

To:	Committee of the Whole	**Date:**	January 7, 2021
From:	Chris Coates, City Clerk		
Subject:	Wear Red Canada Day – February 13, 2021		

RECOMMENDATION

That the *Wear Red Canada Day* Proclamation be forwarded to the January 28, 2021 Council meeting for Council's consideration.

EXECUTIVE SUMMARY

Attached as Appendix A is the requested *Wear Red Canada Day* Proclamation. Council has established a policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2020 Proclamations is provided as Appendix B in accordance with the policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

Chris Coates
City Clerk

List of Attachments

- Appendix A: Proclamation “Wear Red Canada Day”
- Appendix B: List of Previously Approved Proclamations

"WEAR RED CANADA DAY"

WHEREAS *heart disease is the leading cause of premature death for women in Canada, a fact which is unknown to many women and their healthcare providers; and*

WHEREAS *The Canadian Women's Heart Health Alliance (CWHHA) is an organization of volunteer cardiovascular professionals and patients whose mission and vision is to improve women's cardiovascular health across the lifespan. The CWHHA supports clinicians, scientists, patients, and decision-makers in working collaboratively to implement evidence, to transform clinical practice, and to impact public policy related to women's cardiovascular health; and*

WHEREAS *The Canadian Women's Heart Health Alliance (CWHHA) is an organization of volunteer cardiovascular professionals and patients whose mission and vision is to improve women's cardiovascular health across the lifespan. The CWHHA supports clinicians, scientists, patients, and decision-makers in working collaboratively to implement evidence, to transform clinical practice, and to impact public policy related to women's cardiovascular health; and*

WHEREAS *We applaud and commend the many individuals involved with Wear Red Day Canada, the members of the CWHHA, and all healthcare providers here in Victoria, BC and across Canada for their dedication and commitment to the cardiovascular health of Canadian women and wish them continued successes in their work; and*

NOW, THEREFORE *I do hereby proclaim Saturday, February 13th, 2021 as "**WEAR RED CANADA DAY**" on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA.***

IN WITNESS WHEREOF*, I hereunto set my hand this 28th of January, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Emily Lerhe
Canadian Women's Heart Health Alliance (CWHHA)

Appendix B

Council Meetings	Proclamations
9-Jan-20	Crime Stoppers Month - January 2020
23-Jan-20	International Day of Zero Tolerance for Female Genital Mutilation - February 6, 2020 Eating Disorder Awareness Week - February 1 to 7, 2020
13-Feb-20	Heritage Week 2020 - February 17 to 23, 2020 British Isles Historic Festival Day - February 22, 2020 Chamber of Commerce Week - February 17 to 21, 2020
27-Feb-20	International Women's Day and Week - March 8, 2020 and March 8 to 15, 2020 Tibet Day - March 10, 2020
12-Mar-20	Purple Day - March 26, 2020 World Down Syndrome Day - March 21, 2020 Parkinson's Awareness Month - April 2020
9-Apr-20	Human Values Day - April 24, 2020 Melanoma Awareness Month - May 2020
23-Apr-20	Global Love Day - May 1, 2020 Apraxia Awareness Day - May 14, 2020
14-May-20	National Missing Children's Month and Missing Children's Day - May 2020 and May 25, 2020 Falun Dafa Day - May 13, 2020 Do Something Good For Your Neighbour Day - May 16, 2020
28-May-20	Honouring the National Day of the Republic of Azerbaijan - May 28, 2020 National Accessibility Week - May 31, 2020
11-Jun-20	World Refugee Day - June 20, 2020 International Medical Cannabis Day - June 11, 2020 World Refigeration Day - June 26, 2020 Longest Day of Smiles - June 20, 2020
18-Jun-20	International Women in Engineering Day - June 23, 2020
25-Jun-20	Pride Week - June 28 to July 5, 2020 Parachute National Injury Prevention Day - Jul 6, 2020
23-Jul-20	World PVNH Disorder Awareness Day - August 7, 2020 Hibashuka Remembrance Week - August 2 to 9, 2020
6-Aug-20	National Polycystic Kidney Disease Awareness Day - September 4, 2020 Mitochondrial Disease Awareness Week – September 13 to 19, 2020 International Overdose Awareness Day – August 31, 2020
3-Sep-20	United Way Month - September 2020 Jaswant Singh Khalra Day - September 6, 2020
1-Oct-20	International Day of Older Persons - October 1, 2020 Wrongful Conviction Day - October 2, 2020 Small Business Month - October 2020 Fire Prevention Week - October 4 – 10, 2020
8-Oct-20	Taoist Tai Chi Arts 50th Anniversary - November 7, 2020 Energy Efficient Day - October 7, 2020
15-Oct-20	Waste Reduction Week - October 19 to 27, 2020 World Pneumonia Day - Pneumolight - November 12, 2020
22-Oct-20	Respiratory Therapy Week - October 25 to 31, 2020
5-Nov-20	Respiratory Therapy Week - October 25 to 31, 2020
12-Nov-20	Rising Economy Week - November 16 - 20, 2020 Day of Awareness for Survivors of Financial Abuse and Economic Injustice - November 26, 2020 Orange Days: End Violence Against Women and Girls - November 25, 2020 to December 10, 2020 World Diabetes Day - November 14, 2020
3-Dec-20	National Day of Remembrance and Action on Violence Against Women - December 6, 2020

Council Member Motion

For the Committee of the Whole meeting of January 21, 2021

Date:	January 17, 2021	**From:**	Councillors Alto and Potts
Subject:	In Response to the National Overdose Crisis: Regulation, Safe Supply and Decriminalization		

Background

The opioid crisis is one of the largest public health emergencies of our lifetime, with a death on average about every two hours and a death toll of over 16,360 since 2016 (January 2016 to March 2020).

Other countries have significantly reduced drug-related fatalities with reforms such as legal regulation of illicit drugs to ensure safe supply and decriminalization for personal use.

The Canadian federal government has indicated it is premature to discuss these measures until there are comprehensive supports for people to get well. Supports are needed, but measures that save lives are essential if people are to survive and access supports.

The Canadian Association of Chiefs of Police has stated that they agree the evidence suggests decriminalization for simple possession is an effective way to reduce the public health and public safety harms associated with substance use, causing the government to indicate that it is now deliberating over decriminalization.

The overdose crisis rages, showing few signs of abating.

The City of Victoria has expressed its support for drug policy reform through its support for community organizations like Moms Stop the Harm, the SOLID Outreach Society, and Peers Victoria Resources Society, its collaboration with Island Health on harm reduction service and program reform and delivery, and through advocacy Motions as far back as 2010.

Some District of Saanich Councillors are now contemplating a Motion advocating similar calls for decriminalization.

Resolution

Resolved that the Mayor, on behalf of the City of Victoria, writes to the federal Minister of Health calling on the Government of Canada to declare the overdose crisis a national public health emergency;

Be it also resolved that in that letter the Mayor calls on the Government of Canada to immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, pan-Canadian overdose action plan, which includes

comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs, and decriminalization for personal use.

Respectfully Submitted,

Councillor Alto

Councillor Potts

Council Member Motion
For the Committee of the Whole meeting of January 21 2021

To:	Committee of the Whole	**Date:**	January 21 2021
From:	Mayor Helps		
Subject:	Response to Broken Windows		

Late meeting rationale: This motion is late because it responds to a recent event that happened after the Monday 11:00am motion deadline.

Background

Late Tuesday night and early Wednesday morning a man smashed the windows of 14 businesses in the city. In weeks previous, downtown businesses have also been targeted by professional criminals who remove glass and then steal from the businesses. VicPD has apprehended and held in custody the man who created the senseless act in the early morning of January 20th. And they will continue their work to apprehend the people committing the more targeted acts.

While the police continue their work, our small businesses, already hit hard economically and emotionally by the pandemic, are left with the repair bills or insurance deductibles.

In the past, the City has provided funds to the Downtown Victoria Business Association (DVBA) which they have turned into grant programs. Last year, for example, the City made a grant of $20,000 to the DVBA to help businesses with graffiti removal. The DVBA has also administered great neighbourhood grants on behalf of business working on items such as parklets.

Wednesday night, I was in contact with the DVBA Executive Director, Jeff Bray, who indicated his organization's willingness to create and administer a grant program for businesses in the downtown and beyond, whose businesses have been vandalized. As with past grant programs that DVBA has created and administered for their members, these details would be left to the DVBA to develop.

While a grant program may be one way to address the damage to downtown buildings which has an impact on the downtown's economic vibrancy and the public realm, there may be other steps that the City can take, in partnership with the DVBA.

Recommendation
That staff work with the DVBA and report back to Council on options to support the vibrancy and viability of the downtown and to address the impacts of vandalism.

Respectfully submitted,

Mayor Helps