



REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, April 1, 2021, 9:00 A.M.

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET, VICTORIA, B.C.

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

- E.3 - 2747 Asquith Street: Development Variance Permit No. 00258 (Oaklands)
- F.4 - 901 Gordon Street: Seed and Stone Cannabis Store Referral
- F.5 - Proposed Donation: Swim Platform in Gorge Waterway
- H.1 - Council Member Motion: Advocacy for Protection of Fairy Creek and Other At-Risk Old-Growth Forests

C. READING OF MINUTES

D. UNFINISHED BUSINESS

E. LAND USE MATTERS

- *E.1. 780-798 Fort Street & 1106-1126 Blanshard Street: Rezoning Application No. 00745, Development Permit with Variances Application No. 000580, Heritage Designation Application No. 000196 (Downtown)

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Addendum: Additional Correspondence and Presentations

A report regarding a proposal to rezone the properties to allow for a 20-storey hotel with office and ground floor commercial uses, as a bonus density condition based on the heritage designation and secured rental tenure on the adjoining property.

- *E.2. 545 Manchester Road and 520 Dunedin Street: Development Variance Permit No. 00256 (Burnside)

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Addendum: Presentation

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F. STAFF REPORTS

- F.1. Strategic Plan Actions - Public Hearing-Only Council Meetings and Video Submissions to Public Hearings 208**

A report regarding the framework to permanently implement action items which have both been implemented on a temporary basis due to the pandemic.

- *F.2. Strategic Plan Actions - Lobbyist Registry Considerations 234**

Addendum: Presentation

A report regarding options for creating a lobbyist registry within legal authority granted to municipalities by the Province of British Columbia and considers alternative methods to strengthen accountability and transparency in local governance.

- F.3. Governance Review 302**

A report regarding next steps required to move forward with the Governance Review process.

- *F.4. 901 Gordon Street: Seed and Stone Cannabis Store Referral 310**

Addendum: Letter from Applicant

A report regarding an application by Seed and Stone at 901 Gordon Street to obtain a provincial cannabis retail store license.

- F.5. Proposed Donation: Swim Platform in Gorge Waterway 318**

A report regarding the proposed donation of a swim platform in the Gorge Waterway Park District.

G. NOTICE OF MOTIONS

H. NEW BUSINESS

- *H.1. Council Member Motion: Advocacy for Protection of Fairy Creek and Other At- 335**

Risk Old-Growth Forests

Addendum: New Item

A Council Member Motion regarding a recommendation that Council endorse a resolution to lend support for protection of Fairy Creek and other at-risk old-growth forests on Vancouver Island.

***H.2. Council Member Motion: Task Force on Sexual Abuse**

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Addendum: New Item

A Council Member Motion regarding the proposed establishment of a task force on Sexual Abuse.

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 18, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Rezoning Application No. 00745 for 780-798 Fort Street & 1106-1126 Blanshard Street**

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, subject to minor plan changes to correct the public realm details, and that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, to the satisfaction of City Staff, to:
 - a. Secure 21 residential units as rental for 60 years;
 - b. Restrict the stratification of units at 780-798 Fort Street and 1106-1126 Blanshard Street;
 - c. Secure public realm improvements as indicated on the plans dated November 20, 2020;
 - d. Secure the historic rehabilitation of the ground floor storefronts to preserve the original transoms, and restore the altered transoms and bulkheads, as can be accommodated without displacing existing commercial tenants, in accordance with the heritage conservation plan, dated March 2021;
 - e. Secure sewer attenuation.
2. Confirmation of the communication with existing tenants within the Montrose Apartments, outlining the commitments made to not evict tenants as part of the proposed renovations and, in instances where this cannot be avoided, tenant assistant commitments identified, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works, for:

- a. building encroachments adjacent to Blanshard Street and View Street for the existing Montrose Apartments;
- b. anchor-pinning in the City right-of-way.

LEGISLATIVE AUTHORITY

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

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the properties located at 780-798 Fort Street and 1106-1126 Blanshard Street. The proposal is to rezone the properties from the CBD-1 Zone, Central Business District, to a new variation of this zone. The proposal would increase the density on 780-798 Fort Street and 1106-1108 Blanshard Street, to allow for a 20-storey hotel with office and ground floor commercial uses, as a bonus density condition based on the heritage designation and secured rental tenure on the adjoining property at 1114–1126 Blanshard Street. The proposal includes minor renovations, secured rental tenure for 21 residential rental units, and heritage designation for the existing heritage-registered, three-storey Montrose Apartments at 1114–1126 Blanshard Street.

The following points were considered in assessing this application:

- The proposal is consistent with *Official Community Plan, 2012* (OCP) objectives related to advancing economic and tourism goals, achieving heritage designation of a registered heritage building and securing rental tenure of 21 existing residential units.
- The proposed densities and built form are in line with the relevant OCP urban place designation, noting that additional density may be considered in cases where heritage-designation is achieved.
- The proposed massing and density are consistent with the City form and placemaking objectives in the OCP, particularly in response to the landmark building radius and public realm goals to balance new development and heritage conservation.
- The proposal is consistent with the *Downtown Core Area Plan, 2011* (DCAP) guidelines aimed at revitalizing the central business district while balancing heritage values and views of heritage landmark buildings through the distribution of density proposed and through a high quality architectural and urban design approach.

BACKGROUND

Description of Proposal

This Rezoning Application is to increase the density from 3:1 Floor Space Ratio (FSR) to a combined density of 6.39:1 FSR for the comprehensive redevelopment of three adjoining properties. The two properties at 780-798 Fort Street are proposed to be redeveloped into a 20-storey hotel with office and ground floor commercial uses. The application also includes the heritage-registered Montrose Apartments at 1114-1126 Blanshard Street, which was originally constructed in 1912 and is proposed to be upgraded and heritage-designated. A housing agreement is proposed to secure rental tenure for the existing 21 units within the Montrose building for 60 years.

The proposal includes the following major components:

- retention and designation of the Montrose Apartments
- construction of a corresponding podium wrapping around Fort and Blanshard streets
- a 17-storey, slender, triangular tower with a 380m² floor plate above a new three-storey podium
- a 200m² three-storey, glass-enclosed, south-facing open space with an atrium commercial area
- office uses at levels two and three
- a green roof with a small patio above the third floor
- three levels of underground parking
- 21 rental residential units within the Montrose building with retained commercial units below.

The following changes from the current CBD-1 Zone are being proposed and would be accommodated in the new zone, which would allow an overall density across the site of 6.39:1 Floor Space Ratio (FSR) within two Development Areas. Regulations within the proposed zoning bylaw would:

- Development Area A – increase the density from 3:1 FSR to 9.13:1 FSR for the portion of the site identified as 780-798 Fort Street and 1106-1126 Blanshard Street
- Development Area B – reduce the density from 3:1 FSR to 2.53:1 FSR and limit height to 14.5m for the portion of the site identified as 1114-1126 Blanshard Street to align with the proposed heritage protection of the Montrose Apartments.

Affordable Housing

The applicant proposes the retention of 21 existing residential units in the Montrose Apartments building and a Housing Agreement to secure these units as rental for 60 years.

Tenant Assistance Policy

As part of this application, it is proposed to retain the existing Montrose Apartments building and its commercial and rental apartment units, and to only carry out renovations as vacancies become available. The applicant is working with the City's housing policy planners to document a strategy for managing renovations and supporting tenants through the renovation process. The recommended motion to Council includes language to ensure this commitment is communicated with the existing tenants and a strategy is formalized for tenant assistance in instances where unforeseen circumstances may necessitate vacating an apartment unit.

Sustainability

As indicated in the applicant's letter dated January 26, 2021, the proposal includes upgrades and retention of an existing heritage registered building along with several design strategies consistent with a LEED Certified building. However, the applicant is not seeking LEED certification.

Active Transportation

The application proposes curb alignments along Blanshard Street to allow for future bike lanes, which support active transportation.

Public Realm

The following public realm improvements are proposed in association with this Rezoning Application:

- increased sidewalk widths at Blanshard and View Streets
- higher quality paving patterns and materials employed on all public walkways consistent with the City New Town paving pattern outlined in the City's *Downtown Public Realm Plan*
- structural soil cells proposed for all street trees
- additional furnishings such as benches, garbage cans and bike racks.

These public realm improvements would be secured through a legal agreement registered on the property's title.

Accessibility

Accessibility measures beyond those contained in the British Columbia Building Code are not proposed. However, additional consideration has been given to the public realm and the pedestrian experience. The proposed landscaping is consistent with the Downtown Public Realm Plan and significantly improves the pedestrian areas surrounding the proposal. Existing street furniture is proposed to be formalized and co-located, thereby creating clear pedestrian paths and the removal of obstacles. Sidewalk widths are increased along Blanshard and View Streets which increases pedestrian safety and improves accessibility. Obstacle-free and tactile material changes are also proposed at enlarged pedestrian areas at the Fort and View Street intersections, which again improves the overall accessibility within the public realm.

Land Use Context

The area is characterized by one- to three-storey buildings within the immediate vicinity, with buildings of up to 12 storeys within the same block and within 100m of the subject property.

Immediately adjacent land uses include small format commercial uses such as barbers, bookstores, restaurants and independent retail stores as well as office towers, a parkade and St. Andrew's Church. Notably, this area is identified in the OCP as Core Business land, which envisions buildings of up to 20 storeys tall with floor plates more than double what is being proposed. From this perspective, contextually, this proposal is responding to both the existing as well as future context.

Existing Site Development and Development Potential

The site is presently occupied by retail stores in two single-storey and one two-storey building, surface parking and the three-storey Montrose Apartments building.

Under the current CBD-1 Zone, Central Business District, the property could be developed with a variety of uses, at a density of up to 3:1 FSR and a height of up to 43 metres, or approximately 14 storeys. Rooftop additions and increased density could also be proposed for the existing heritage-registered Montrose Apartments.

Data Table

The following data table compares the proposal with the existing CBD-1 Zone, Central Business District. An asterisk is used to identify where the proposal does not meet the existing Zone. Additionally, the key City policy that pertains to the area has been included in this table.

| Zoning Criteria | Proposal Development Area A | Proposal Development Area B | CBD-1 Zone, Central Business District | OCP Policy | Downtown Core Area Plan |
|--|--|----------------------------------|---------------------------------------|------------|-------------------------|
| Density (Floor Space Ratio) – maximum | 9.13* (6.39* Combined) | 2.53 (6.39* combined) | 3.0 | 6.0 | 6.0 |
| Height (m) – maximum | 65.93* | 14.5 | 43 | 60.0 | 60.0 |
| Storeys – maximum | 20 | 3 | n/a | 20 | 20 |
| Setbacks (m) – minimum (above level 4, 5:1 setback plane) | | | | | |
| Front (Blanshard) | 3.44* | Existing | 3-9 | | 3-9 |
| Rear (west) | 2.69* | Existing | 3-9 | | 3-9 |
| Side (north) | 1.95* | Existing | 3-9 | | 3-9 |
| Side (south) | 2.07* | Existing | 3-9 | | 3-9 |
| Vehicle parking – minimum | 39 | Existing | 32 | | |
| Bicycle parking stalls – minimum | | | | | |
| Long Term | 14 | 0* | 13 | | |
| Short Term | 14 | 0* | 14 | | |

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on January 20, 2020. The intent of CALUC process is to get early community feedback on proposals so applicants can consider this feedback in the review and revision process.

The Downtown Residents Association CALUC provided a letter on January 31, 2021, which is attached. Although the letter was received approximately a year after the meeting, many of the points raised in the CALUC's letter have been addressed in the application and discussed in the analysis section of this report.

ANALYSIS

The analysis below focuses on land use, density and OCP objectives, which are the main issues for Council's attention when considering a Rezoning Application. The concurrent Development Permit Application report (DP No. 000580) provides an analysis of the application against the relative design guidelines.

The following City policies were used to assess the Rezoning Application: *Official Community Plan* (2012) and *Downtown Core Area Plan* (2011).

Official Community Plan

The subject property is located within the Core Business Urban Place Designation in the *Official Community Plan* (OCP, 2012) and in an area that specifies maximum building heights of 60m (20 storeys) and a density of 6:1 floor space ratio (FSR).

The proposal is for a building height of 65.93m at an overall density of 6.39:1 FSR. Maximum densities and heights outlined within the OCP and design guidelines are interpreted with some flexibility, taking into account site conditions, local context and the array of objectives the OCP seeks to encourage. In this instance, specific policies also permit varying the densities identified in the OCP to achieve heritage conservation objectives. As such, an OCP amendment is not required given the retention and heritage designation proposed for the existing Montrose Apartments. Additionally, one block farther north, the same OCP designation envisions buildings up to twenty-four storeys (72m), putting this site at the boundary where building heights are envisioned to change.

The proposed hotel use and retention of the existing rental building, to be secured with a housing agreement, also advance OCP objectives, which are consistent with the land use designation for this area.

Density

To best regulate the uses and the form of development for this application, it is proposed that two development areas be created, but that they be considered comprehensively. One of the development areas would contain the hotel site and the other would contain the Montrose Apartments site. Combined, the overall density would be 6.39:1 FSR; separately, the density would be 9.13 and 2.53 FSR for the hotel site and the Montrose Apartments site, respectively.

Having separate development areas within a comprehensive development provides the opportunity to shift density from that portion of the site with a heritage resource, to a location

where it has the least impact, thereby preserving the heritage asset without additions or alterations. This approach is reinforced with the heritage designation of the Montrose Apartments.

Downtown Core Area Plan

The *Downtown Core Area Plan*, 2011 (DCAP) provides guidance on the overall form and character of proposals to influence a sustainable and balanced approach to growth, and, in terms of its relationship with the OCP, it is used to evaluate density impacts and alignment with the objectives of the OCP Urban Place Designation.

To achieve objectives around balancing heritage values and views of heritage landmark buildings, the proposal utilises a slender tower on a low podium to distribute the proposed building massing. This building form creates a unified podium between the existing heritage Montrose Apartments and the portions of the new proposed podium and helps to maintain views to the landmark St. Andrew's Cathedral to the north.

While Fort Street is an existing and vibrant commercial area, the proposal adds significant density in line with objectives to revitalize the area and proposes a unique semi-public commercial atrium area that reflects the emerging character of the area. The three-storey, glazed, south facing atrium, termed the "Wintergarden", is similar to features in other developments around the City have proven to be well-used.

Overall, the high quality architectural and urban design approach advances the objectives of the DCAP and meets the intent of the relevant design guidelines. A more fulsome analysis of the application's consistency with DCAP is provided in the concurrent Development Permit report DP No. 00580).

Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods.

This Rezoning application was received after October 24, 2019, so it falls under Tree Preservation Bylaw No. 05-106, consolidated November 22, 2019. The tree inventory in the Arborist Report (attached) includes seven trees on the municipal frontage along Blanshard Street. There are no bylaw-protected trees impacted on the subject property or on adjacent properties. The following is a summary of the tree-related considerations:

- Five trees along the Blanshard Street frontage are proposed for retention: two upright European purple beech, two oak leaf purple beech, and one upright green leaf beech. All are in good health with fair-good structure.
- Due to required site servicing and driveway access, two municipal trees are proposed for removal along Blanshard Avenue: both trees are upright European purple beech, one has a 30cm diameter at breast height (DBH) and the other has a 38cm DBH.
- Five trees are proposed to be planted along the frontage: two small trees along Blanshard Street and three medium trees along Fort Street. Soil cells are proposed to be installed to achieve recommended soil volumes. Tree species are proposed to be selected in coordination with Parks staff.
- At-grade shrub planting beds are provided at the curb edge in select locations along the Fort and Blanshard Street frontages.

Tree Information Table

| Tree Type | Total | To be REMOVED | To be PLANTED | Net Change |
|---|----------|------------------|------------------|------------|
| On-site tree, bylaw protected | 0 | 0 | 0 | 0 |
| On-site trees, non-bylaw protected | 0 | 0 | 0 | 0 |
| Municipal trees | 7 | 2 | 5 | +3 |
| Neighbouring trees, bylaw protected | 0 | 0 | 0 | 0 |
| Neighbouring trees, non-bylaw protected | 0 | 0 | 0 | 0 |
| Total | 7 | 2 | 5 | +3 |

Operating Budget Impacts

| Increased Inventory | Annual Maintenance |
|---------------------------------|--------------------|
| Five new Street Trees | \$900 |
| Planting Beds | \$1,500 |
| Irrigation | \$600 |
| Total Annual Maintenance | \$3,000 |

Encroachment Agreement

A number of existing street-level decorative features and awnings, associated with the existing Montrose Apartments, project above the City right-of-way. To facilitate these existing encroachments, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

CONCLUSIONS

This proposal reflects a continuation of recent development proposals along Fort Street, with increased density and building heights. Densities and uses proposed are consistent with the OCP urban place designation when considering the retention of the existing heritage building. It also achieves a number of outcomes that align with OCP objectives, including:

- adding a unique use to this area that complements an emerging district and diversifies the tourism economic sector while adding vibrancy to the area
- transitioning density, through a comprehensive plan, in a way that respects a heritage landmark building and minimizes impacts on the public realm
- retaining and securing existing rental housing and commercial uses
- improving the quality and accessibility of the public realm.

Additionally, the expression of the proposed density uniquely aligns with the intent of the design guidelines as outlined in the concurrent Development Permit report. As such, this application is recommended to advance to a public hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00745 for the property located at 780-798 Fort Street & 1106-1126 Blanshard Street.

Respectfully submitted,

Miko Betanzo
Senior Planner - Urban Design
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 November 20, 2020
- Attachment D: Arborist Report dated November 16, 2020
- Attachment E: Letter from applicant to Mayor and Council dated January 26, 2021
- Attachment F: Community Association Land Use Committee Comments dated January 31, 2021
- Attachment G: ADP minutes and motion dated January 13, 2021
- Attachment H: Correspondence (Letters received from residents).



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** January 28, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard 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. 00745, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street, in accordance with:

1. Plans date stamped November 18, 2020 with minor plan revisions to address Advisory Design panel comments, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the building height from 60 metres to 66 metres for Development Area A
 - ii. reduce the west side yard setback from 6 metres to 2.65 metres, for portions of the building 17.5 metres above average grade for Development Area A.
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 revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 780-798 Fort Street and 1106-1126 Blanshard Street. The proposal is to construct a 20-storey hotel with office and ground floor commercial uses and to heritage designate and upgrade the existing, three-storey Montrose Apartments. The variances are related to an increase in height and a reduced side-yard setback.

The following points were considered in assessing this application:

- The application is generally consistent with the Design Guidelines referenced in DPA 2 (Heritage Conservation): Core Business, that are contained in the *Official Community Plan, 2012* (OCP). This is achieved by retaining and protecting the existing Montrose Apartments through heritage designation and a rental housing agreement and by advancing a design that shifts density to where it has the least impact, using a unique slender tower form, that minimizing shadowing and liveability impacts.
- The proposal is consistent with the vision for building towers and podiums outlined in the *Downtown Core Area Plan, 2011*, by taking height and material cues from the retained Montrose Apartments.
- The redistribution of density into height rather than into the podium, where it could block view to the landmark building, and the slender tower, together with the marginal impacts illustrated in the shadow analysis, make the proposed height variance supportable.
- The side-yard setback variance is also considered supportable given that it is relatively minor and the angled building form mitigates potential impacts.
- The proposal also advances public realm objectives to formalize and improve safety in the surrounding public pedestrian network.

BACKGROUND

Description of Proposal

This Development Permit with Variances Application is to construct a 20-storey hotel, composed of a seventeen-storey, slender tower on a three-storey podium with commercial uses. A separate building but part of the proposal is the existing Montrose Apartments to the north. A south facing, 200m² glazed atrium is proposed to anchor the south and east facing portions of the podium, and includes a ground-floor café, a retractable glass façade and significant interior planting. The new podium extends the brick and metal vocabulary of the Montrose Apartments, the horizontal rhythm of vertical pilasters, as well as the street alignment and scale of the historic building.

The proposal includes the following major design components:

- retention of the Montrose Apartments and construction of a corresponding podium wrapping around Fort and Blanshard Street
- a 17 storey, slender, tower in a 380m² floor plate above the new three-storey podium
- a 200m² three-storey, glass-enclosed, south-facing, open space with an atrium commercial area
- office uses at levels two and three

- a green roof with a small patio above the third floor
- three levels of underground parking
- 21 rental residential units within the Montrose building with retained commercial units below.

Heritage designation of the Montrose Apartments is an important part of this proposal and will be brought forward to Council via a concurrent heritage report. Other background information pertaining to this proposal can be found in the concurrent Rezoning Application report.

ANALYSIS

The analysis below focuses on the form and character of the proposal and provides an evaluation against the relevant *Official Community Plan* and *Downtown Core Area Plan* policies and design guidelines.

Official Community Plan

The *Official Community Plan, 2012* (OCP) identifies this property within DPA 2 (HC), Core Business. Objectives of this DPA, that this application advances include:

- revitalizing the central business district with a high-rise commercial building and the retention of a low rise residential mixed-use building
- conserving and enhancing the heritage value and characteristics of this area through the heritage designation of the Montrose Apartments and a considered design approach
- enhancing the area through high quality architecture, landscape and urban design while responding to its historic context.

The Development Permit Area objectives also call for development to be balanced by protecting views of heritage landmark buildings from public vantage points. St. Andrews Cathedral is located one block to the north which triggers a consideration of Heritage Landmark Radius policies.

Heritage Landmark Radius

The Heritage Landmark radius guidelines generally look to ensure that new buildings contribute to the place-making goals around heritage landmark buildings. Specific policies speak to ensuring that views are maintained to heritage landmark buildings from the public realm. A number of view studies provided in the submission package illustrate how views to the church are maintained and satisfy this specific policy.

Other attributes of the application that contribute to the place-making goals around heritage landmark buildings include:

- similarly employed high quality design and architecture
- contemporary interpretations of heritage features and proportions
- a density shift away from the landmark building.

Downtown Core Area Plan

The *Downtown Core Area Plan, 2011* (DCAP) provides guidance on the overall form and character of proposals and is used to evaluate the impact and suitability of proposals for their ability to help achieve the plan's goals. Form and character considerations for this application relate to an assessment of the application's height and building setbacks at the east, west and south property lines.

Height

Building heights are generally defined to achieve an amphitheater City skyline and for this location, the maximum height envisioned is sixty metres. Beyond shadowing impacts, built form policies also aim to encourage building heights to complement the local context and provide a positive interface with the public realm.

As part of assessing the proposed building height, policies related to floor plate maximums are considered. For commercial buildings, including hotels, the maximum floor plates typically range from 930m² to 1500m². The proposed floor plate for the tower portion of the building is 377.3m². Shadowing impacts from the proposed height are reduced via this slender tower form and the extent of shadowing has been analyzed to confirm minimal impact on properties to the north. A positive relationship with the public realm is also achieved because the tower is well set back from the podium, effectively obscuring the perception and experience of the proposed height.

Generally, additional height as opposed to a larger podium is proposed, resulting in a more contextual building response by creating a unified podium between the Montrose Apartments and the new podium. Furthermore, the height is shifted to where it has the least impact, away from the Cathedral. Together, this approach makes the proposed additional height supportable and achieves the intent of the design guidelines.

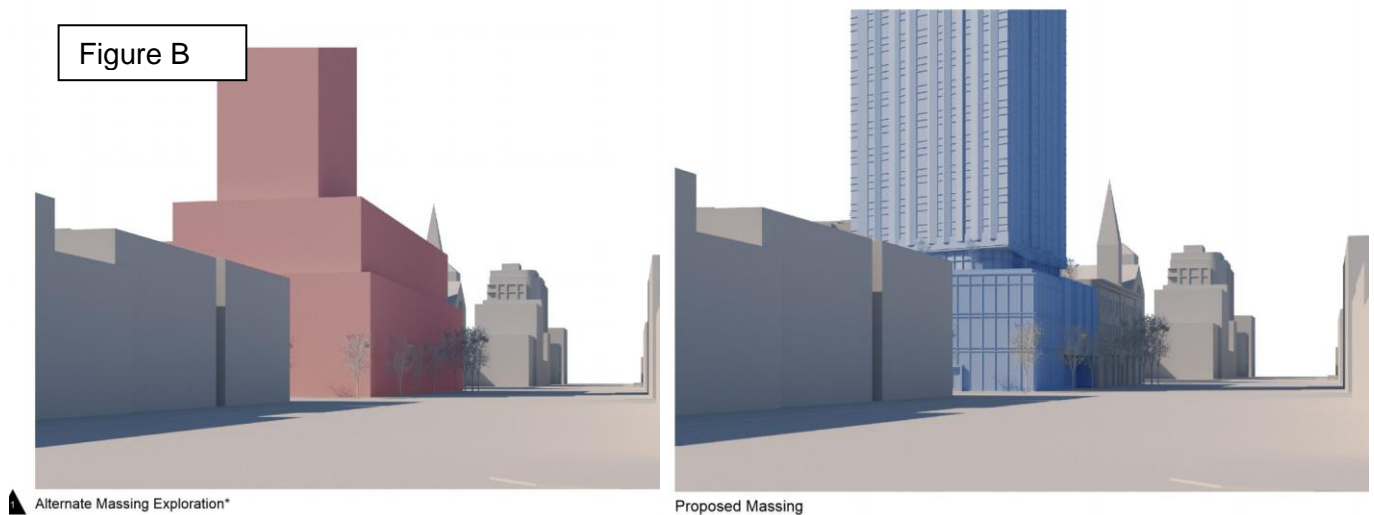
Setbacks

Setbacks are generally intended to minimize shadowing impacts, maintain views to the sky and create privacy between buildings. These guidelines are also intended to reduce the bulk of taller buildings at their upper storeys. Two forms of setbacks are relevant to this application, a standard side yard setback and a setback plane, where a 5:1 angle is defined above the podium. The proposed building massing infringes into the 5:1 setback plane on both its east and south elevations as shown in the below Figure A.

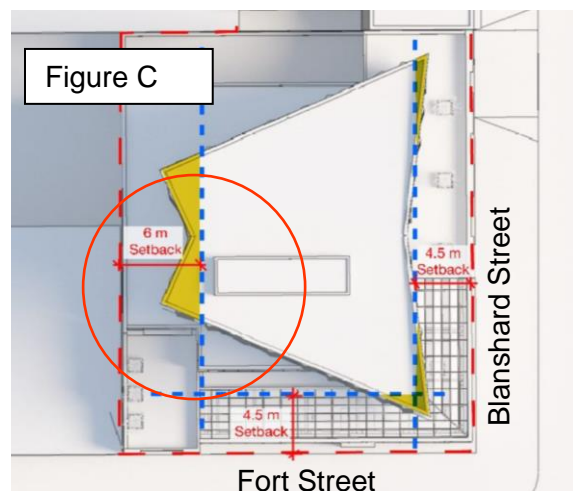


In both instances, where the proposed building massing infringes into the setback-plane, the slender tower floorplate and triangular shaped floor plan mitigates concerns around bulky building forms. Additionally, given the tower location, at an intersection on the north side of Fort Street, the infringement on the east elevation does not increase shadowing and is not anticipated to have a negative visual impact. Increased shadowing is anticipated from the infringement on the south elevation, however, again, because of the tower location, the narrow floor plate and the width of Blanshard Street, these impacts are negligible.

The proposal provides a 4.5m setback above the third storey and maintains this consistent setback to the top of the building. This results in a narrower building closer to the street, directly above the podium which creates a complementary podium height to the Montrose Apartments and increases views to St. Andrew's Church to the north. The benefits gained by reducing the height of the podium is illustrated in Figure B (below) which shows how building setbacks consistent with DCAP (shown on the left) diminish views to the church.



Portions of the proposal also infringe into the six-metre DCAP building separation guideline on its west boundary, by roughly 3m above the ninth storey (circled in Figure C below).



The intent of the building separation guideline is to ensure privacy between adjacent towers and to maximize light access between towers. In this instance, only a minor portion of the proposed tower infringes into the building separation. The angled walls also reduce direct sightlines between the proposed tower and a potential future tower, and the infringement occurs at the narrowest portion of the floor plate, further minimizing potential overlook impacts. In terms of the shadow impact, because the proposed tower is located on the south side of the block, the shadow is predominantly cast onto buildings to the north, rather than the public realm.

With the slender nature of the proposed tower, it is recognized that achieving the six-metre building separation guideline would further reduce an already very small floor plate, and likely render the project infeasible. And, while the City is revising its guidelines to increase building separation requirements, there is an acknowledged benefit to being the first tower on the block. That said, the benefits a combined site bring to the overall distribution of density, as well as the retained heritage building, in this instance, outweigh the potential risk of a narrower building separation and on that basis this discrepancy is supportable.

Advisory Design Panel

The Advisory Design Panel (ADP) reviewed this application at its meeting of January 13, 2021. Minutes from the meeting are attached, and the motion is below:

- consideration of the treatment to the Montrose building roof with some type of roofscape
- group tropical trees into larger planters for better chance of long-term survival
- consideration of a through route for pedestrians to be able to enjoy the atrium.

The applicant has agreed to address the relatively minor issues raised by the Panel and wording in the motion is provided to address aspects of these recommendations that are germane to the Development Permit Application.

CONCLUSIONS

The proposal takes a comprehensive approach to the site, facilitating the retention and heritage-designation of the Montrose Apartments while introducing a slender 20-storey tower at the corner of Fort and Blanshard Streets. The uniquely narrow tower, angled to increase views while minimizing privacy impacts, realizes the intent of the design guidelines in a novel and context sensitive way. Similarly, the proposed three-storey glazed atrium adds to the distinct character of the district, while the podium takes cues from the immediate existing context. For these reasons combined, the proposal is considered consistent with the intent of the relevant design guidelines.

Areas where the application differs from specific policy are either mitigated or improved upon through the unique design approach and a number of objectives outlined in the Development Permit Area are advanced. To that end, staff recommend the application be supported.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000580 for the property located at 780-798 Fort Street & 1106-1126 Blanshard Street.

Respectfully submitted,

Miko Betanzo
Senior Planner - Urban Design
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 November 20, 2020
- Attachment D: Arborist Report dated November 16, 2020
- Attachment E: Letter from applicant to Mayor and Council dated January 26, 2021
- Attachment F: Community Association Land Use Committee Comments dated January 31, 2021
- Attachment G: ADP minutes and motion dated January 13, 2021
- Attachment H: Correspondence (Letters received from residents).



Committee of the Whole Report For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 18, 2021
From: Karen Hoes, Director, Sustainable Planning and Community Development
Subject: Heritage Designation Application No. 000196 for 1114-1126 Blanshard Street

RECOMMENDATION

That Council direct staff to prepare the Heritage Designation Bylaw for the property located at 1114-1126 Blanshard Street and bring it forward for introductory readings, and after giving notice and allowing an opportunity for public comment at a joint Public Hearing with Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, if it is approved, consider the following motion:

1. "That Council approve the designation of the property located at 1114-1126 Blanshard Street, in accordance with the Conservation Plan prepared by Donald Luxton and Associates Inc. dated March 2021, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site."

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 Council with information, analysis and recommendations regarding an owner request to designate the exterior of the heritage-registered property located at 1114-1126 Blanshard Street. This request is connected to a Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street. The three-storey Edwardian-style mixed-use building, historically known as the Montrose Apartments, was built in 1912 and contributes to the historic character of the Downtown area.

The designation of this building is generally consistent with Section 8: "Placemaking (Urban Design and Heritage)" of the *Official Community Plan* (2012), with Section 7, "Heritage" of the *Downtown Core Area Plan*, and with the *Victoria Heritage Thematic Framework*.

The application was reviewed by the Heritage Advisory Panel at its February 9, 2021 meeting and it recommended that Council consider approving the designation of the building subject to conditions.

BACKGROUND

Description

The property located at 1114-1126 Blanshard Street, also referred to as the Montrose Apartments, is a three-storey, Edwardian-style, mixed-use building constructed in 1912. Architect Charles Elwood Watkins designed the building as an apartment-hotel with ground floor commercial uses. Its owner, Andrew Sheret, named the building after his birthplace, Montrose, Scotland.

The exterior façade has many intact original building features. Its character-defining elements include its form, scale and massing; its Edwardian-style symmetrical design; metal cornice and arched window hoods with keystones; two-tone masonry construction; surviving storefront elements like transoms and bulkhead tiling and its original windows including 6-over-1 and 8-over-1 wood sash windows. Interior features like its original room configuration and central staircase are character-defining elements of the building, however they are not included in the designation. The building includes areaways under the sidewalk and glass sidewalk prisms, however, because these are located on City property they are also not included in the designation. The City, as stewards of the sidewalk, would explore the conservation of these elements in future sidewalk improvements.

In addition to its architectural character, the property is valued because of its connection with the surge of real estate development in Victoria prior to World War One. During this era, European immigration contributed to the rapid growth of the City. Buildings like the Montrose Apartments provided high-density housing for families who could not afford single detached homes. The building is also valued as an excellent example of the work of local architect Charles Elwood Watkins, who was the official architect of the Victoria and Saanich School Boards.

Rezoning Application No. 00745

The heritage designation of the Montrose Apartments accompanies Rezoning Application No. 00745 for the subject property and two other properties to the south (municipal addresses - 1106-1108 Blanshard Street and 780-798 Fort Street). The rezoning application proposes to distribute density away from the Montrose Apartments to the properties to the south, and the height of the Montrose Apartments would be restricted to 14.5 metres to prevent future additions or alterations to its scale and massing.

The proposal includes the following major components:

- retention and designation of the Montrose Apartments
- construction of a corresponding podium wrapping around Fort and Blanshard streets
- a 17-storey, slender tower with a 380m² floor plate above a new three-storey podium
- a 200m² three-storey, glass-enclosed, south-facing, open space, atrium
- 21 residential rental units within the Montrose Apartments building, which would be secured with a housing agreement with retained commercial units below.

Condition/Economic Viability

According to the heritage consultant, most character-defining elements of the Montrose Apartments are in good condition. As part of the proposal to redevelop the property, the Montrose Apartments will be designated and rehabilitated. Conservation measures include:

- rehabilitation of masonry, including selective repairs, repointing and replacement of masonry units, and removal of redundant metal inserts and services mounted to the exterior walls
- window repairs, including re-puttying and weather-stripping and selective in-kind replacement of irreparable windows
- restoration of missing metalwork
- rehabilitation of storefront assemblies to their original 1912 configuration, as retail tenancies turn over
- reinstatement of historic colour scheme.

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* (OCP), which in Section 8, "Placemaking (Urban Design and Heritage)", states:

Goals

8 (B) *Victoria's cultural and natural heritage resources are protected and celebrated.*

Broad Objectives

8 (j) *That heritage property is conserved as resources with value for present and future generations.*

8 (l) *That heritage and cultural values are identified, celebrated, and retained through community engagement.*

City Form

8.6 *Conserve and enhance the heritage value, character and special features of areas, districts, streetscapes, cultural landscapes and individual properties throughout the city.*

8.11 *Determine the heritage value of areas, districts, streetscapes, cultural landscape and individual properties using the Victoria Heritage Thematic Framework as identified in Figure 12.*

Buildings and Sites

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

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

Downtown Core Area Plan

The designation of the building is consistent with Section 7: “*Heritage*” of the *Downtown Core Area Plan* (2011) which states:

Heritage - Objectives

- 1 *Retain, protect and improve real property with aesthetic, historic, scientific, cultural, social or spiritual value and heritage character as a benefit to the public.*

Areas and Districts - Policies and Actions

- 7.3. *Conserve heritage values of the Downtown Core Area and its character-defining elements, such as individual buildings, collections of buildings, streetscapes, structures and features.*

Buildings and Sites - Policies and Actions

- 7.20. *Continue to work with the private sector to identify, protect and conserve property and areas with heritage value in the Downtown Core Area.*
- 7.28. *Produce and update, as required, Statements of Significance for properties listed on the Heritage Register in the Downtown Core Area.*

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 framework recognizes a broad range of values under which City-wide themes can be articulated. A Heritage Value assessment with consideration of the *Victoria Heritage Thematic Framework* is incorporated into the Statement of Significance.

Statement of Significance

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

Resource Impacts

Heritage designation of 1114-1126 Blanshard Street will enable the property owner to apply for heritage grants from the Victoria Civic Heritage Trust and for a tax incentive from the City to assist with the cost of seismic upgrading.

Heritage Advisory Panel

The Heritage Advisory Panel (“HAPL”) reviewed the application at its February 9, 2021 meeting and recommended that Council approve the heritage designation of the Montrose Apartments, subject to the applicant completing a seismic upgrade and full restoration of all storefronts. (Minutes attached.)

According to the applicant, full seismic upgrading of the building was explored, but would involve displacing all tenants in the building, including long established commercial and residential tenants. Commercial rents would be increased following the renovations and the

applicant believes that the building would need to be converted to market condominium units to support the seismic upgrade, therefore, they are not pursuing this upgrade at this time

The applicant has revised the Conservation Plan to include restoration of the existing storefronts. The Plan now includes an elevation drawing depicting the future restoration of the original retail storefronts. The applicant advises that it is not possible to complete the storefront restoration immediately without disrupting commercial operations and because existing lease agreements would require the tenants to consent prior to commencing the work. Staff therefore propose to secure this work through a legal agreement with a condition requiring that the owner restore storefronts incrementally as retail tenancies turn over. The appropriate language is included in the concurrent Rezoning Application.

Given the competing objectives related to advancing a full building upgrade now, versus maintaining existing tenants and ensuring overall project financial viability, staff recommend that this compromise approach is acceptable.

CONCLUSIONS

This application for the heritage designation of the property located at 1114-1126 Blanshard Street as a Municipal Heritage Site is for a building that is an excellent example of Edwardian-era residential development. The recommendation is that that Council approve Heritage Designation Application No. 000196 for 1114-1126 Blanshard Street.

ALTERNATE MOTION

That Council decline Heritage Designation Application No. 000196 for the property located at 1114-1126 Blanshard Street.

Respectfully submitted,

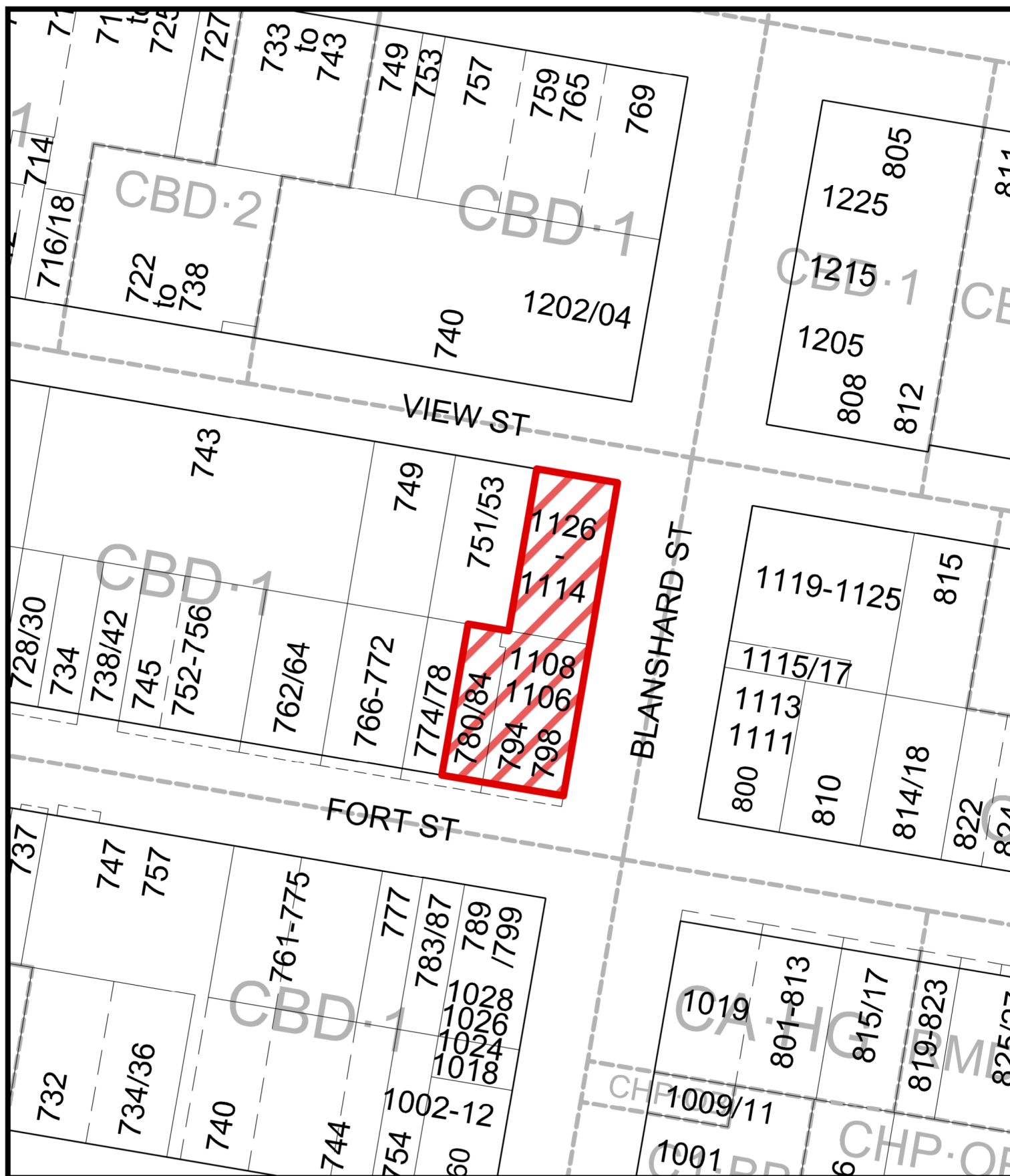
John O'Reilly
Senior Heritage Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

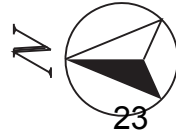
List of Attachments

- Attachment 1 - Subject Map
- Attachment 2 - Aerial Map
- Attachment 3 - Photographs
- Attachment 4 - Statement of Significance
- Attachment 5 - Conservation Plan by Donald Luxton & Associates dated March 2021
- Attachment 6 - Letter from the applicant, date stamped February 18, 2021
- Attachment 7 - Heritage Advisory Panel Minutes dated February 9, 2021.



780-798 Fort Street &
1106-1126 Blanshard Street
Rezoning No.00745







Revisions

Received Date:
November 20, 2020

List of Drawings

Architectural

Chapman Architecture + Urbanism
2000 Westside Road
Victoria BC
V8T 4K2

- A0.0 Cover Sheet
A0.1 Site Survey + Project Data
A0.2 Average Grade and Floor Area Calculations
A0.3 Massing Diagrams + Studies
A0.4 Shadow Studies
A2.1 P3 - P2 Plans
A2.2 P1 Plan
A2.3 Level 1 Plan
A2.4 Level 1 Mechanical Plan
A2.5 Level 2-3 Plan
A2.6 Level 4 Plan
A2.7 Level 5-6 Plan
A2.8 Level 7-20 Plan
A2.9 Roof Level Plan
A3.1 Building Elevations
A3.1a Proposed Materials
A4.1 Building Section
A6.1 Streetscape Elevation
A10.1 Streetscape and View Analysis
A10.2 Context and Skyline Analysis
A10.3 Rendered Sketch Views
A10.4 Rendered Sketch Views
A10.5 Rendered Sketch Views
A10.6 Rendered Sketch Views

Landscape

Marion De Groot Inc.
2000 Westside Road
Victoria BC
V8T 4K2

- L0.00 Cover
L0.01 Tree Retention and Removals
L1.01 Landscape Materials
L1.02 Landscape Materials
L1.03 Landscape Materials
L3.01 Planting Plan
L3.02 Planting Plan
L3.03 Planting Plan

Civil

J.E. Anderson & Associates
2000 Westside Road
Victoria BC
V8T 4K2

- 730 Fort Street Preliminary
Site Servicing Plan

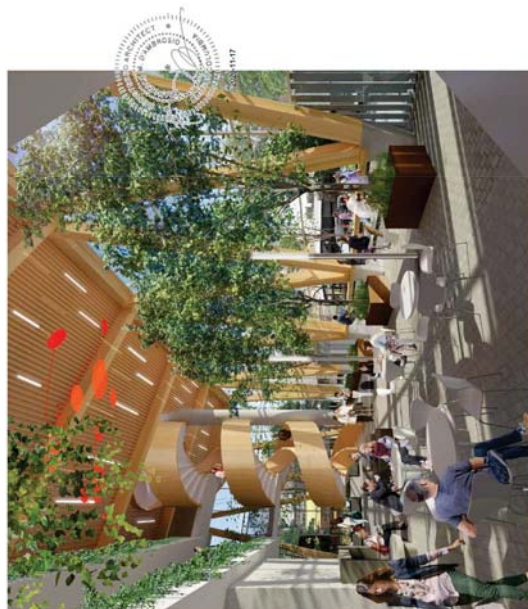
D'AMBROSIO
DESIGN CONSULTANTS

2960 Jutland Road
Victoria BC Canada V8T5K2
tel 250 384 2400
fax 250 384 2800
email mail@darc.ca
web www.darc.ca



MERCHANT
HOUSE
CAPITAL

Montrose Wintergarden Hotel
1106 Blanshard Street, Victoria B.C.



Issued for Rezoning and Development
Permit Resubmission
November 18th, 2020

Zoning

| Address | Existing Zone | Area |
|------------------------|---------------|------------------------------|
| 1114 Blunsard | C80-1 | 7,210.74 sf |
| 1106 Blunsard | C80-1 | 6,801.71 sf |
| 780 Fort | C80-1 | 3,329.27 sf |
| Total Site Area | | 17,341.72 sf |
| | | 1,611.0 m² |

| | Current Zone |
|--|--------------|
| Density - Residential | 0.69 |
| Density - Commercial, Hotel and Office | 0.36 |
| Density Total | 1.05 |
| | 0.69 |
| | 0.69 |
| | 6.00 * |
| | 6.00 * |

Note: Density calculated with combine area of all 3 properties. Proposal is to combine 110W Blumhard and 780 Fort for new building. 111A Standard to remain with existing Montrose Building.

* Density allowed under a Rezoning Density Bonus

** CSD-2 "Height Area 2" under a Rezoning

| Site Coverage - New Building on proposed lot | Proposed |
|--|----------|
| 97% | 97% |
| Mean Site Coverage | 97% |

Setbacks - Proposed Building

| | L1-14 (m) | L5-120 (m) |
|---------------------|-----------------------|------------|
| Front Yard | (Fort Street) | 0 |
| Parking Street Yard | (Blanchard St.) | 3.44 |
| Rear Yard | (North Property Line) | 1.95 |
| Side Yard | (West Property Line) | 2.69 |

Floor Area Retained - Montrose Building

| level | Use | Area (sq) | Density |
|--------------|-------------|---------------|----------------|
| level 1 | Commercial | 6,222 | 578.0 |
| level 2 | Residential | 6,015 | 558.8 |
| level 3 | Residential | 6,015 | 558.8 |
| Total | | 18,251 | 1,695.6 |

Floor Area New - Proposed Building

| event | Use | Area (sf) | Area (m2) |
|-------|-----|-----------|-----------|
|-------|-----|-----------|-----------|

| | | | |
|---------|---------------------------|-------|-------|
| Level 1 | Café + Atrium | 2,812 | 261.2 |
| | Lobbies + Circ. + Service | 3,383 | 314.3 |

| | Service- Gross | |
|--------------|----------------|-------|
| Level 1 Mech | 1,369 | 127.2 |

| | | |
|-----------------|--------------|--------------|
| Saleable Office | 4,459 | 414.3 |
| Lobbies + Circ. | 2,438 | 226.5 |
| Gross | 6,898 | 640.8 |

| | | | |
|---------|-----------------------------------|-------|-------|
| Level 3 | Saleable Office Lobbies + Cor. | 4,340 | 403.2 |
| | | 2,558 | 237.6 |
| | | 6,898 | 640.8 |

| | | | |
|---------|-----------------|-------|-------|
| level 4 | Saleable CRU | 4,675 | 434.3 |
| | Lobbies + Circ. | 1,480 | 137.5 |

| | | |
|-------------------------|-------|-------|
| 07033 | 0,135 | 371.8 |
| Level 4 Outdoor Terrace | 2,351 | 218.4 |

| | Hotel | Incar Floor | 4 051 | 377 3 | Suite Count |
|-------------|-------|-------------|-------|-------|-------------|
| April 5, 20 | | | | | |

| | | | | |
|-------|----|--------|---------|------------------|
| X | 16 | 64,950 | 6,036.8 | 128 Hotel Suites |
| Total | | 92,493 | 8,592.9 | 128 Hotel Suites |

| | Area (sf) | Area (m2) | Density |
|----------------------|-----------|-----------|---------|
| Proposed Residential | 0 | - | - |

| | | | |
|--------------------------------|--------|---------|------|
| Proposed Commercial Office | 8,799 | 817.5 | 0.48 |
| Proposed Hotel | 64,980 | 6,036.8 | 3.56 |
| Proposed Service + Circulation | 11,278 | 1,043.1 | 0.5 |

| | | | |
|----------------------------|--------|---------|------|
| Proposed New Building Area | 92,493 | 8,592.9 | 4.45 |
| Total Residential | 12,030 | 1,117.6 | 0.69 |

| | 1990 | 1995 | 2000 |
|---------------------------------|---------|----------|------|
| Gross Floor Area Combined Sites | 110,744 | 10,288.5 | 6.39 |

Accessible Suite Requirement
 Amount required
 1 in 40 rooms 4
 *Accessible suites conforming to 8.3.8 will be identified in detailed design
 (BCBC 2018 - 3.8.2.12)

OCDC 2018 - 3.8.2.12]

Project Statistics



1 Site Aerial View
1:4000



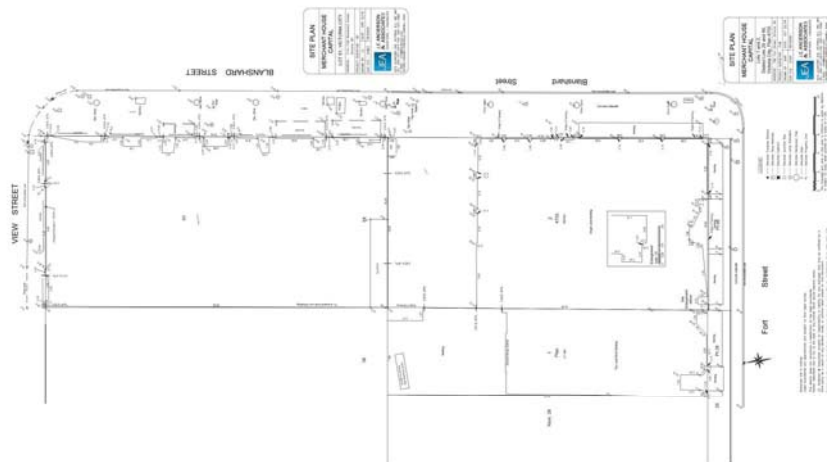
2 Site Bird's Eye View
NTS

Parking Calculation

Parking Calculation
As required by Zoning Bylaw 2018
No hotel visitor, CBU, or office vehicular parking required
As an existing heritage building currently without parking, no parking is provided for the use of the Montrose building in this proposal.

| | | |
|-----------------------|--------------------|--------------------|
| Hotel Vehical Parking | 0.25 stalls /suite | 32 stalls required |
|-----------------------|--------------------|--------------------|

| Total Vehicle Parking Slots | | Required | Provided |
|-----------------------------|-------------|------------|---------------|
| 32 | 39 | | |
| Onsite Parking | | | |
| Ratio | Amount | # Required | # Provided |
| | (ftm or m2) | | |
| 1 per 25 rms. | 128 | 5.1 | 1 per 40 rms. |
| 1 per 150m2 | 817.5 | 5.5 | 1 per 400m2 |
| 1 per 600m2 | 262.5 | 0.7 | 1 per 200m2 |
| 1 per 400m2 | 657.7 | 1.3 | 1 per 100m2 |
| | | | |
| Offsite Parking | | | |
| Ratio | Amount | # Required | # Provided |
| | (ftm or m2) | | |
| 1 per 25 rms. | 128 | 5.1 | 1 per 40 rms. |
| 1 per 150m2 | 817.5 | 5.5 | 1 per 400m2 |
| 1 per 600m2 | 262.5 | 0.7 | 1 per 200m2 |
| 1 per 400m2 | 657.7 | 1.3 | 1 per 100m2 |
| | | | |
| Total Required | | 14 | 16 |
| Total Provided | | 32 | 39 |



Site Survey
1250

project name
Montrose
Wintergarden Hotel

| | |
|---------------|----------------------------------|
| Sheet no. | 1908 |
| Project no. | 1908 |
| Drawing title | Site Survey + Project Statistics |
| Date | November 18, 2020 |
| Scale | 1:100 |
| Drawn by | MJ |
| Checked by | FD |
| Revision no. | sheet no. |
| | A0.1 |



MERCHANT HOUSE CAPITAL

GENERAL NOTES

1. General information, dimensions, and notes are provided for informational purposes only and are not to be used for any other purpose.



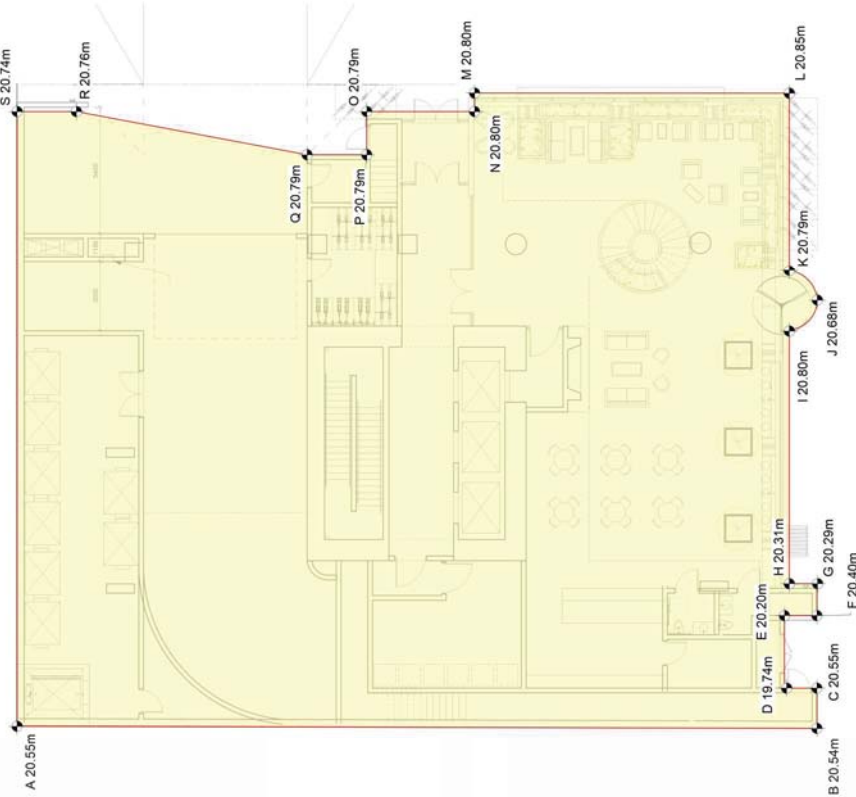
Scale 2000:11-17

| | | | | | |
|--|--|-------------------------|--|------------|--|
| 2 | | Revising L2P Foundation | | 18-11-2020 | |
| 1 | | Revising L2P Foundation | | 22-07-2020 | |
| REV no | | description | | date | |
| The following is a list of the changes made to the drawing. The changes are listed in the order in which they were made. The changes are listed in the order | | | | | |

Montrose
Wintergarden Hotel

Model title
Average Grade and Floor
Area Calculations

| | |
|--------------|-------------------|
| Project no. | 1008 |
| Drawing file | November 18, 2020 |
| Scale | 1:100 |
| Drawn by | MJ |
| Checked by | FD |
| Revision no. | 2 |
| Sheet no. | A0.2 |



1 Average Grade Points
1:100

| Grade Point | Points | Average | Distance (m) | Total |
|-------------|---------|---------|--------------|--------|
| A | 20.55 m | 14.20 | 14.20 | 702.72 |
| B | 20.54 m | 17.15 | 17.15 | 15.23 |
| C | 20.54 m | 17.15 | 17.15 | 27.90 |
| D | 20.54 m | 17.15 | 17.15 | 61.91 |
| E | 20.54 m | 17.15 | 17.15 | 28.12 |
| F | 20.54 m | 17.15 | 17.15 | 23.91 |
| G | 20.54 m | 17.15 | 17.15 | 22.78 |
| H | 20.54 m | 17.15 | 17.15 | 40.19 |
| I | 20.54 m | 17.15 | 17.15 | 39.11 |
| J | 20.54 m | 17.15 | 17.15 | 158.27 |
| K | 20.54 m | 17.15 | 17.15 | 16.45 |
| L | 20.54 m | 17.15 | 17.15 | 96.47 |
| M | 20.54 m | 17.15 | 17.15 | 38.32 |
| N | 20.54 m | 17.15 | 17.15 | 53.01 |
| O | 20.54 m | 17.15 | 17.15 | 52.46 |
| P | 20.54 m | 17.15 | 17.15 | 26.29 |
| Q | 20.54 m | 17.15 | 17.15 | 26.29 |
| R | 20.54 m | 17.15 | 17.15 | 26.29 |
| S | 20.54 m | 17.15 | 17.15 | 26.29 |
| Total | | | | 128.71 |

Perimeter of building
Average Grade
128.71 m
20.53 m

2 Average Grade Calculation

3 L1 Floor Area
1:500

4 L1 Mechanical Floor Area
1:500

5 L2, L3 Floor Area
1:500

6 L4 Floor Area
1:500

7 L5, L20 Floor Area
1:500

8 Roof Floor Area
1:500

| Level | Wintergarden Hotel Area | Montrose Apartments Area | Total |
|----------|-------------------------|--------------------------|------------|
| L1 | 6,195 sf | 575.2 m ² | 12,416 sf |
| L1 Mech. | 1,869 sf | 172.2 m ² | 1,869 sf |
| L2 | 6,088 sf | 568.8 m ² | 12,312 sf |
| L3 | 6,088 sf | 568.8 m ² | 12,312 sf |
| L4 | 6,155 sf | 571.8 m ² | 12,312 sf |
| L5 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L6 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L7 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L8 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L9 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L10 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L11 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L12 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L13 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L14 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L15 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L16 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L17 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L18 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L19 | 4,001 sf | 377.3 m ² | 4,001 sf |
| L20 | 4,001 sf | 377.3 m ² | 4,001 sf |
| Total | 92,493 sf | 8,562.9 m ² | 103,344 sf |

9 Floor Area Calculation



GENERAL NOTES

1. General information, dimensions, and materials are provided for information only and are not to be used as part of any construction documents.



Sheet 2020-11-17

| Rev | By | Date | Description |
|-----|----|------------|-------------------------|
| 1 | DA | 10/11/2020 | Revised CIP Application |
| 2 | DA | 10/11/2020 | Revised CIP Application |

Project Name: Montrose Wintergarden Hotel

Project No: 10008

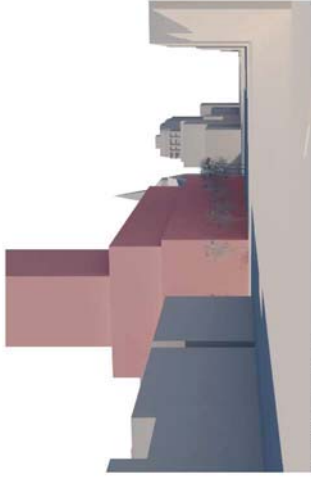
Drawn by: NTS

Checked by: MJ

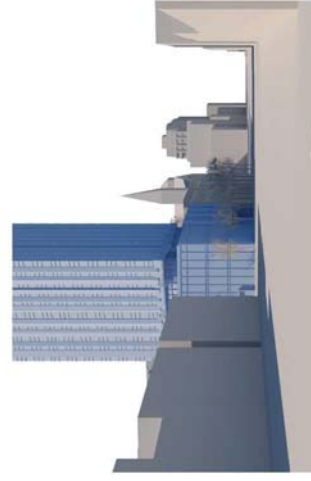
Revision No: 2

Sheet No: A0.3

Massing Diagrams + Studies

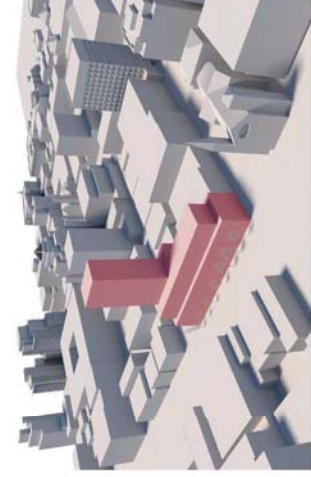


Alternate Massing Exploration*

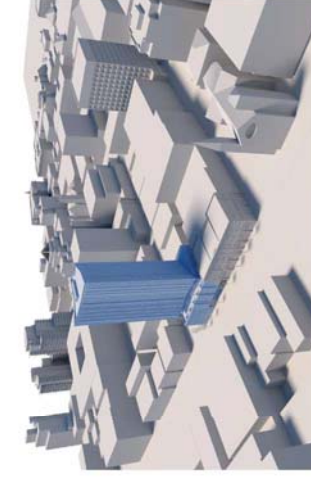


Proposed Massing

* Alternate Massing if the heritage Montrose Building was not retained and the proposed density was applied to all combined sites. Alternate Massing is shown as compliant to DCAP setback guidelines.

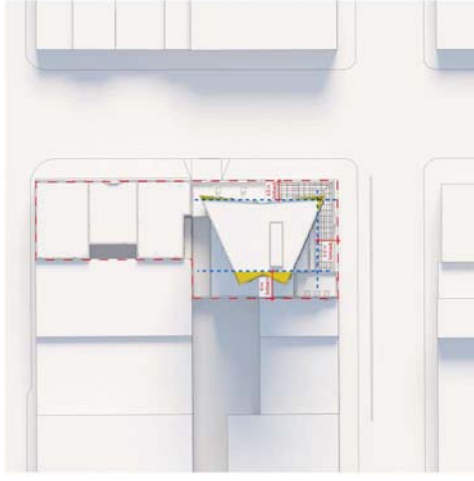


Alternate Massing Exploration*

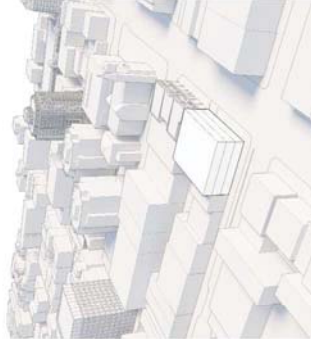


Proposed Massing

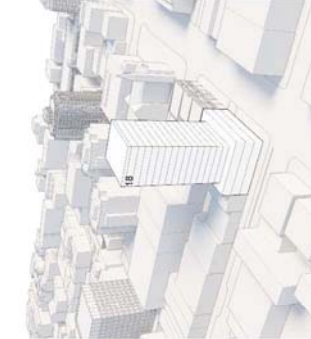
2 Alternate Massing Study for Entire Site



Setback Diagram**



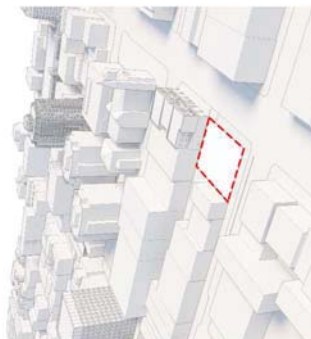
1 - Site Footprint



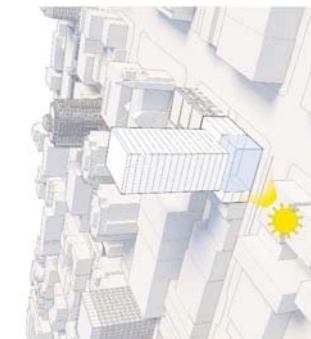
3 - Tower



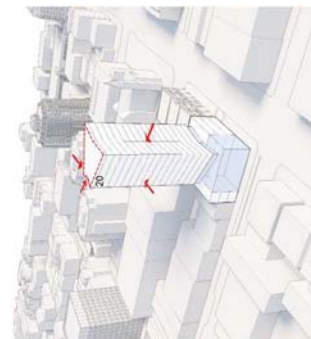
6 - Facade Articulation



4 - Public Plaza Space



5 - Tower Shaping



1 Massing Design Sequence

**Setbacks as described in the City of Victoria Policy Summary dated May 15, 2019



**MERCHANT
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GENERAL NOTES

1. General information, dimensions, and materials are indicated on the drawings. All information and are not to be used as part of any project construction.



Scale 2000:11-17

| | |
|---------------|-------------------|
| Project no. | 1908 |
| Drawing title | Shadow Analysis |
| Date | November 15, 2020 |
| Scale | 1:1500 |
| Drawn by | FD |
| Checked by | FD |
| Revision no. | 2 |
| Sheet no. | A0.4 |



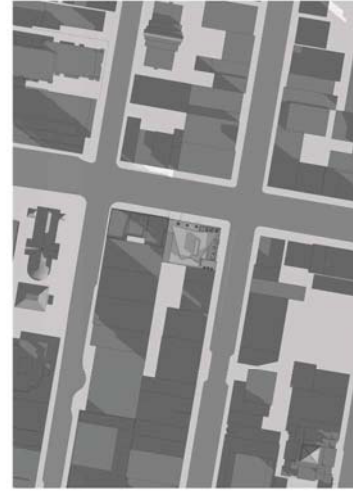
Equinox
March 19

3 Equinox - 4:00pm



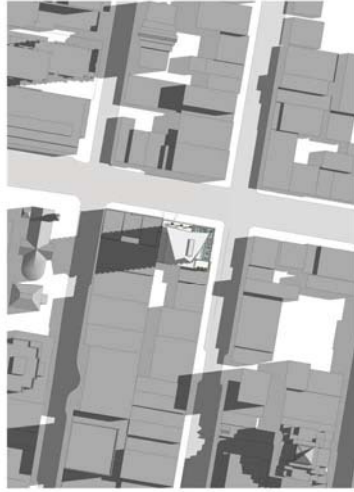
Summer Solstice
June 20

6 Summer - 4:00pm



Winter Solstice
December 20

9 Winter - 3:00pm



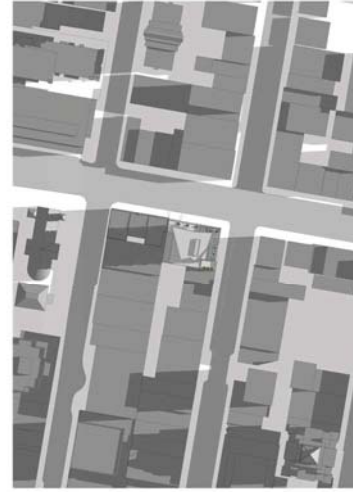
Equinox - 12:00pm
1:1500

2 Equinox - 12:00pm



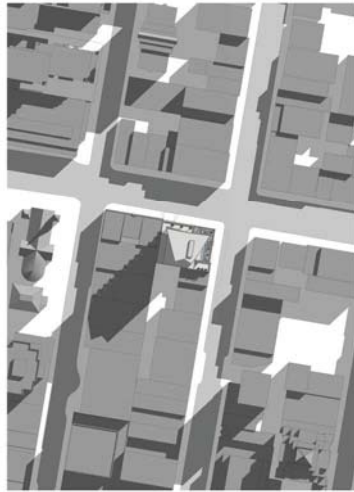
Summer - 12:00pm
1:1500

5 Summer - 12:00pm



Winter - 12:00pm
1:1500

8 Winter - 12:00pm



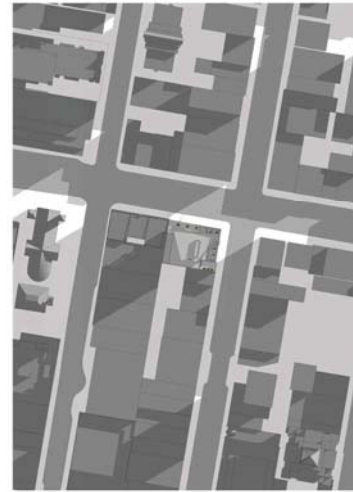
Equinox - 10:00am
1:1500

1 Equinox - 10:00am



Summer - 10:00am
1:1500

4 Summer - 10:00am



Winter - 10:00am
1:1500

7 Winter - 10:00am



MERCHANT
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GENERAL NOTES

1. General information, dimensions, and notes are provided for information only and are not to be used as part of the contract documents.



Scale: 1/8" = 1'-0"



Sheet: 2020-11-17

| REV | NO | DESCRIPTION | DATE |
|-----|----|------------------------|------------|
| 2 | 1 | Revised LSP Foundation | 10/11/2020 |
| 1 | 1 | Revised LSP Foundation | 10/11/2020 |

Notes: All dimensions are in feet and inches. All dimensions are to the center of the member unless otherwise noted.

Project name: Montrose Wintergarden Hotel

Project title: P3 - P2 Plans

Project no.: 19008

Drawing title: November 15, 2020

Date: November 15, 2020

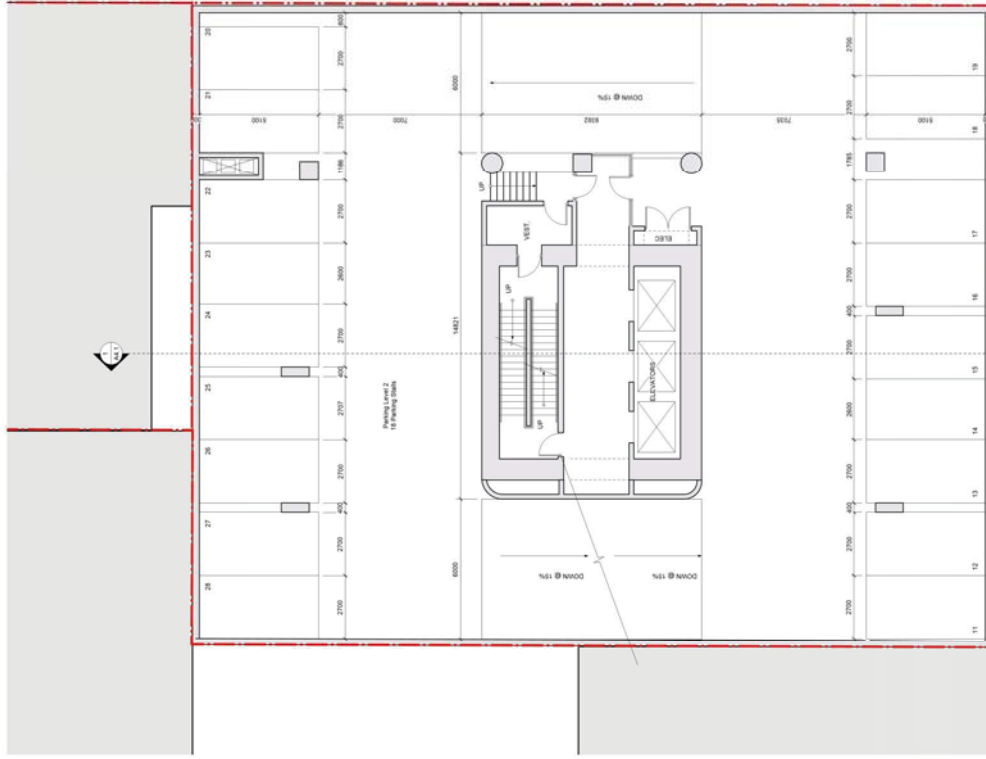
Scale: 1/8" = 1'-0"

Drawn by: MJ

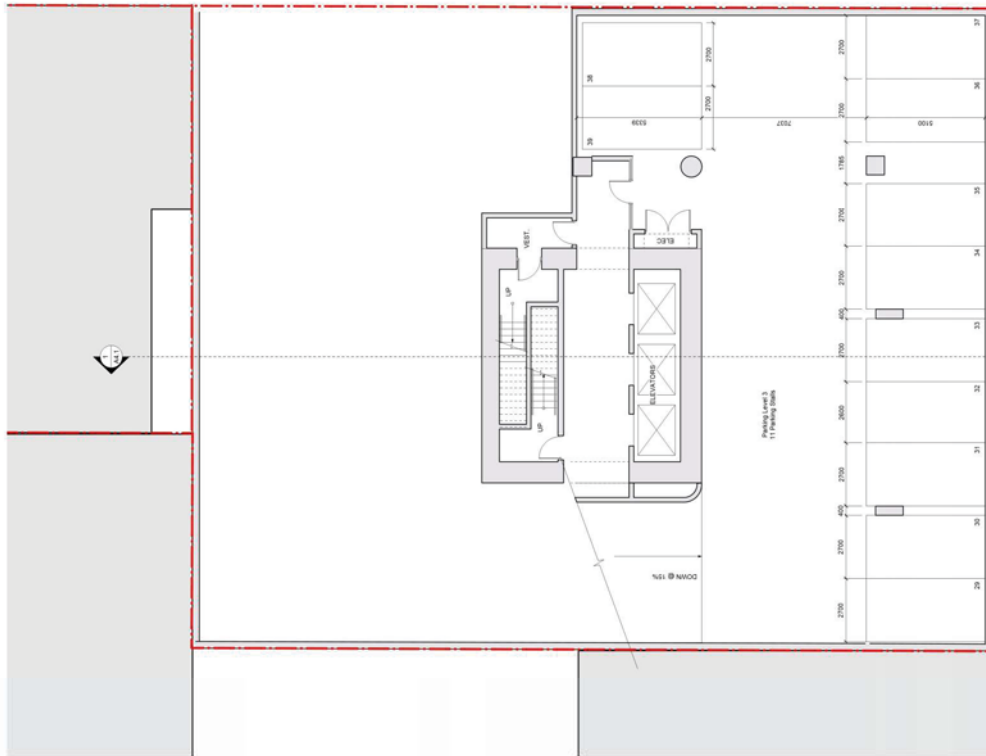
Checked by: FD

Revision no.: A2.1

Sheet no.: 2



2 Parking Level 2
1/8" = 1'-0"



1 Parking Level 3
1/8" = 1'-0"

GENERAL NOTES:

1. General information, dimensions, and materials are shown on this drawing. All information and are to be used as part of the project's requirements.



Sheet 2020-11-17

| | | | |
|-----|----------|----------------|------------|
| 2 | Revising | CP Amendment | 10/11/2020 |
| 1 | Revising | CP Application | 10/11/2020 |
| REV | NO | Description | Date |

Revised drawing based on changes and revisions to all sheets. The drawing is to be used as part of the project's requirements. All information and are to be used as part of the project's requirements.

Project Name

Montrose
Wintergarden Hotel

Sheet Title

P1 Plan

Project No. 1008

Drawing Title

Date November 15, 2020

Scale 1/100

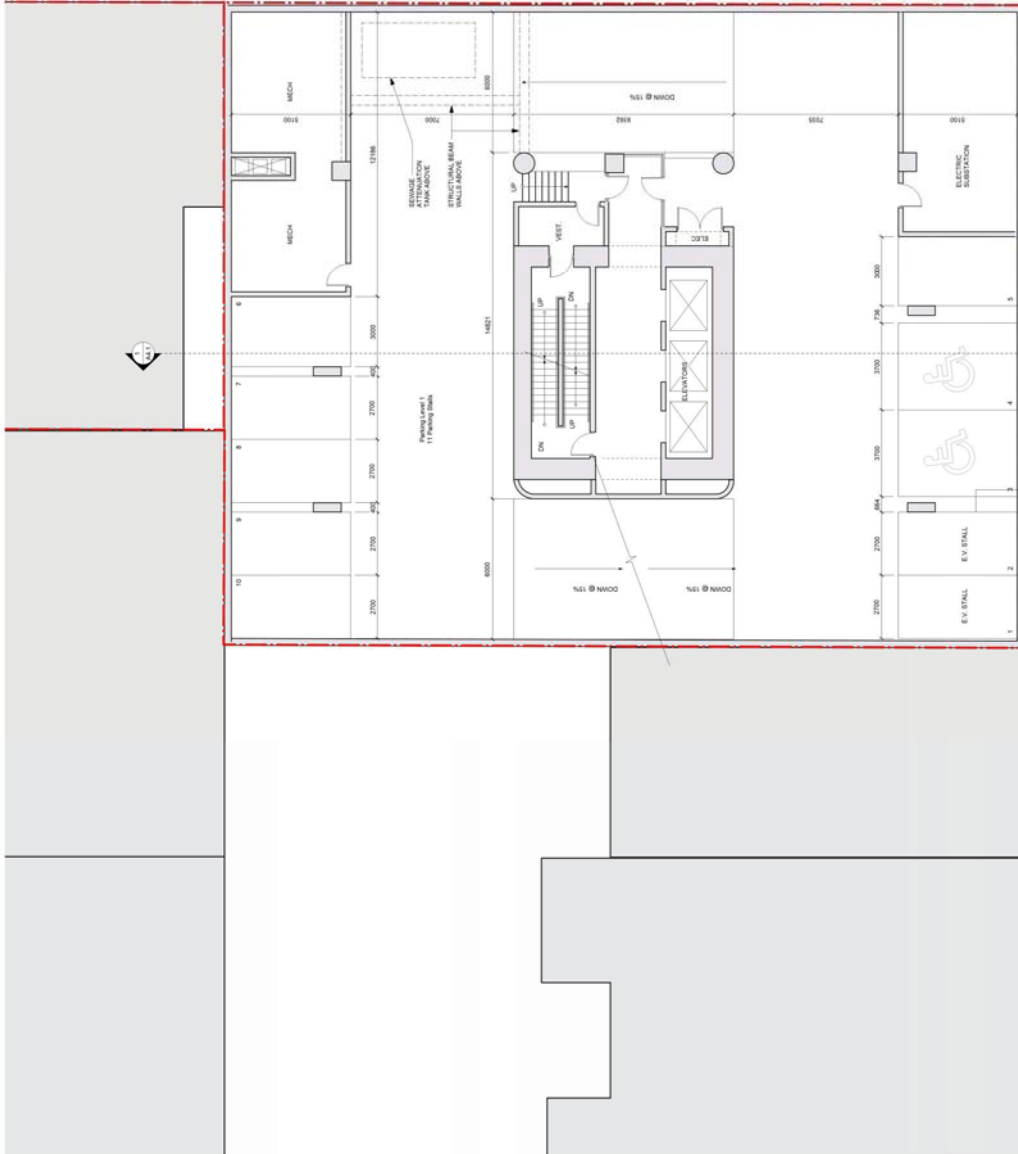
Drawn by MJ

Checked by FD

Revision No.

Sheet No. A2.2

2





GENERAL NOTES:

1. General information, dimensions, and materials are indicated on this plan and are to be used as part of the information and are not to be used as part of the construction documents.
2. All dimensions are based on existing information.
3. All dimensions are based on existing information.
4. All dimensions are based on existing information.
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6. All dimensions are based on existing information.
7. All dimensions are based on existing information.
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10. All dimensions are based on existing information.



Sheet: 2020-11-17

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Project Name: Montrose Wintergarden Hotel

Project No: 19008

Project Date: November 15, 2020

Project Scale: 1" = 10'-0"

Project By: MJ

Project Checked By: FD

Project Revision No: A2.3

Project Level: Level 1 Plan





GENERAL NOTES:

1. General information, dimensions, and materials are shown on the drawings and are to be used as part of the project specifications.



1" = 10'-0"



Sheet 2020-11-17

| REV | NO | DESCRIPTION | DATE |
|-----|----------|--------------|------------|
| 2 | Revising | CF Amendment | 10/11/2020 |
| 1 | Revising | CF Amendment | 10/11/2020 |

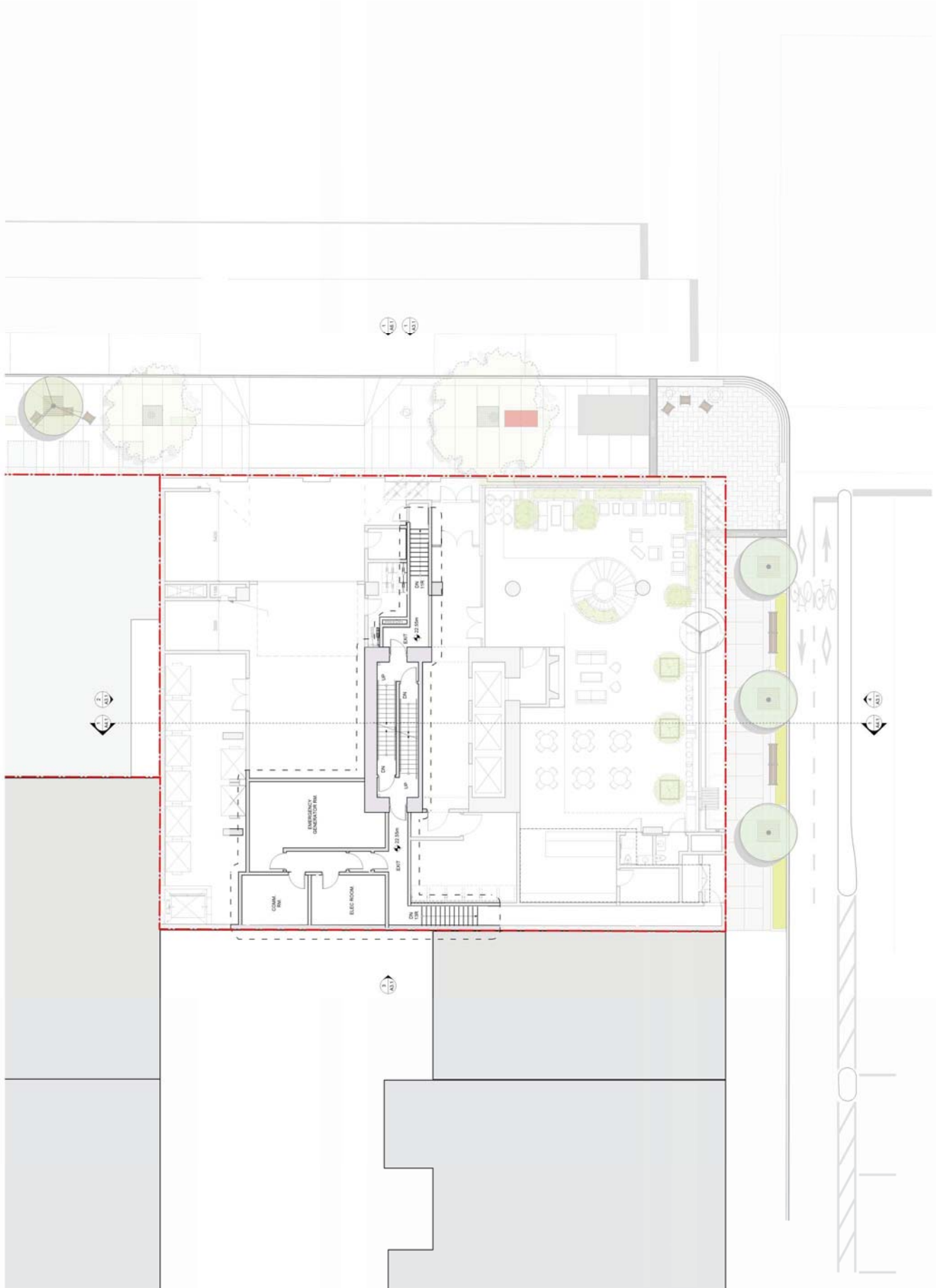
Project Name: Montrose Wintergarden Hotel
Project No: 19008

Client: Montrose Wintergarden Hotel
Project No: 19008

Level 1
Mechanical Level

Drawing No: 19008
Date: November 15, 2020
Scale: 1/100
Drawn by: MJ
Checked by: FD
Revision No: 2

Sheet No: A2.4





GENERAL NOTES:

1. General information, dimensions, and materials are shown on this sheet and are to be used in all drawings and specifications.



1" = 10'-0"



Sheet 2020-11-17

| REV | NO | DESCRIPTION | DATE |
|-----|----------|--------------|------------|
| 2 | Revising | CF Amendment | 10/11/2020 |
| 1 | Revising | CF Amendment | 10/11/2020 |

Montrose Wintergarden Hotel

Level 2-3 Plan

Project no. 1909

Drawing title

Date November 15, 2020

Scale 1:100

Drawn by MJ

Checked by FD

Revision no.

2

A2.5





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GENERAL NOTES:

1. General information, dimensions, and materials are shown on the drawings. All information and notes are to be used in conjunction with the project specifications.



1" = 10'-0"



Sheet 2020-11-17

| REV | NO | DESCRIPTION | DATE |
|-----|----|------------------------|------------|
| 2 | 1 | Revising: CP Amendment | 10/11/2020 |
| 1 | 1 | Revising: CP Amendment | 10/11/2020 |

Montrose Wintergarden Hotel

Level 4 Plan

Project no. 1908

Drawing title

Date November 15, 2020

Scale 1:100

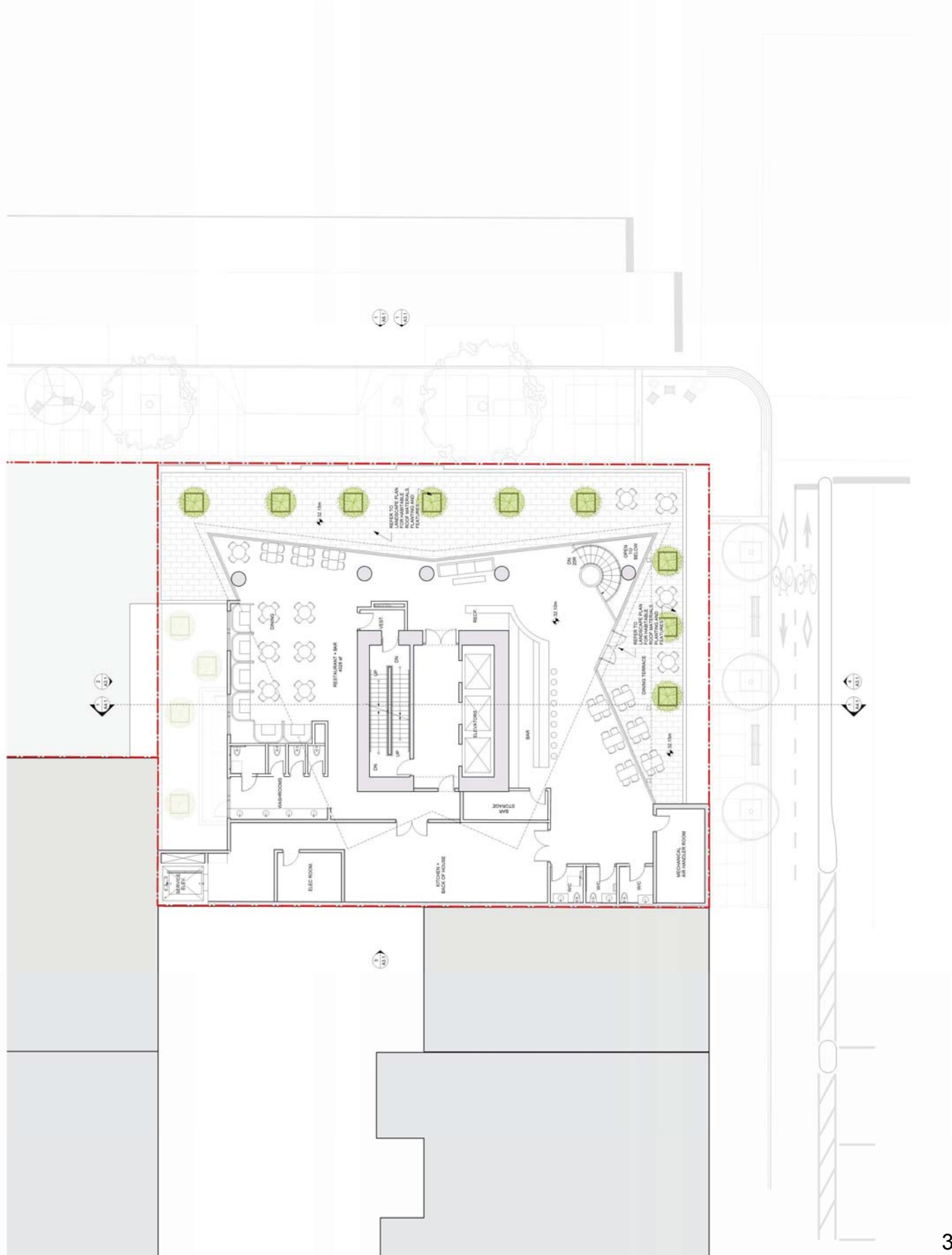
Drawn by MJ

Checked by FD

Revision no.

2

A2.6





GENERAL NOTES:

1. General information, dimensions, and materials are shown on this drawing. All information and notes are to be used in conjunction with the project specifications.



1" = 10'-0"



Sheet 2020-11-17

| | | | |
|-----|----------|--------------|------------|
| 2 | Revising | CF Amendment | 10/11/2020 |
| 1 | Revising | CF Amendment | 10/11/2020 |
| REV | NO | Description | Date |

Montrose
Wintergarden Hotel

Level 5+6 Plan

Project No. 1908

Drawing Title

Date November 15, 2020

Scale 1:100

Drawn by MJ

Checked by FD

Revision No.

Sheet No. A2.7

2

1908

November 15, 2020

1:100

MJ

FD

Revision No.

Sheet No. A2.7

2

1908

November 15, 2020

1:100

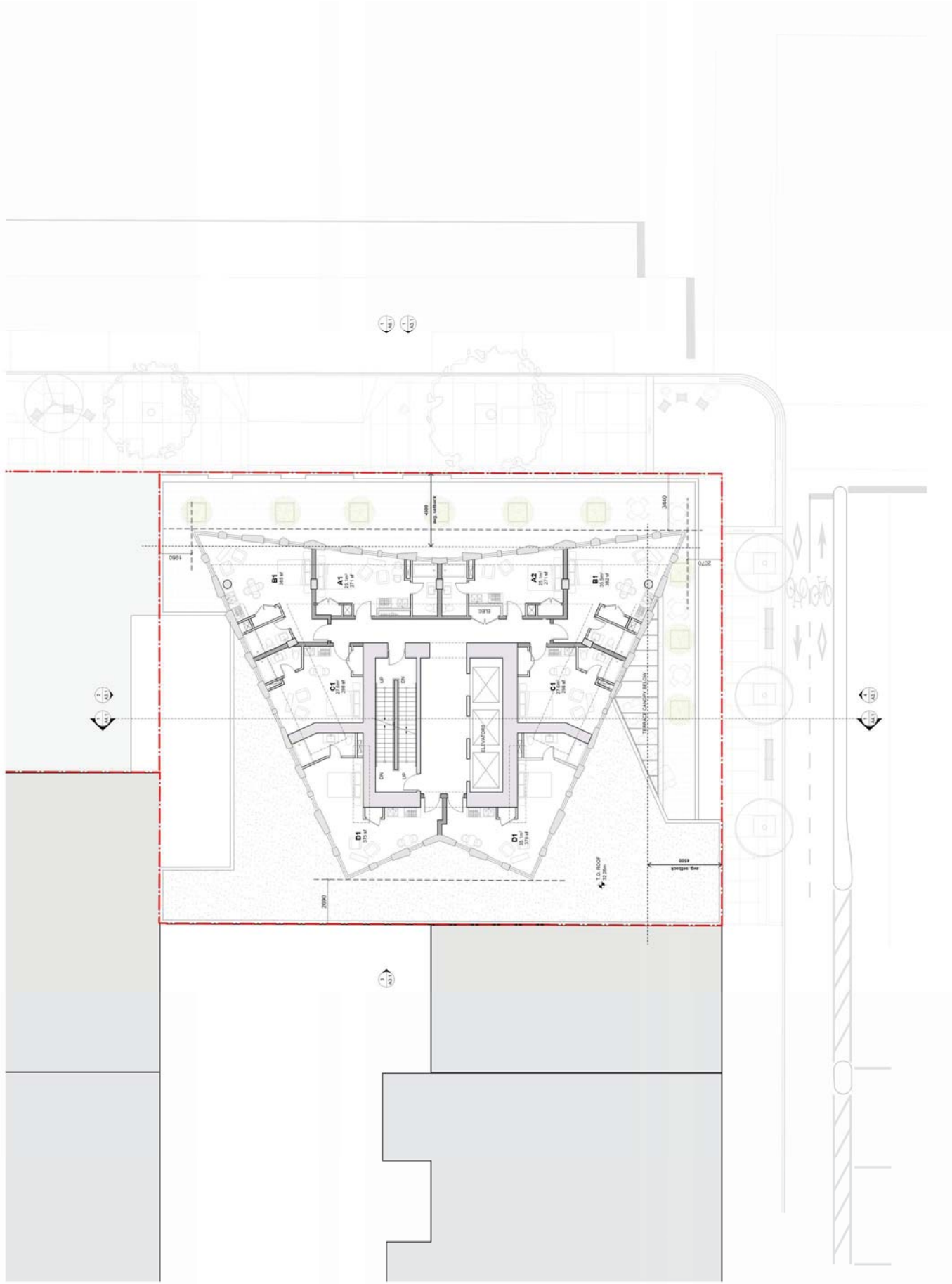
MJ

FD

Revision No.

Sheet No. A2.7

2





GENERAL NOTES:

1. General information, dimensions, and materials are shown on this sheet. All information and notes are to be used in conjunction with the project specifications.



1"=20'-0"



Sheet 2020-11-17

| | | | |
|-----|----------|----------------|------------|
| 2 | Revising | 1/2" Revisions | 10/11/2020 |
| 1 | Revising | 1/2" Revisions | 10/11/2020 |
| REV | NO | DESCRIPTION | DATE |

Revised notes: These changes and dimensions are all of the same type and are to be used in conjunction with the project specifications.

Project Name

Montrose

Wintergarden Hotel

Level 7-20 Plan

Project No. 1908

Drawing No. November 15, 2020

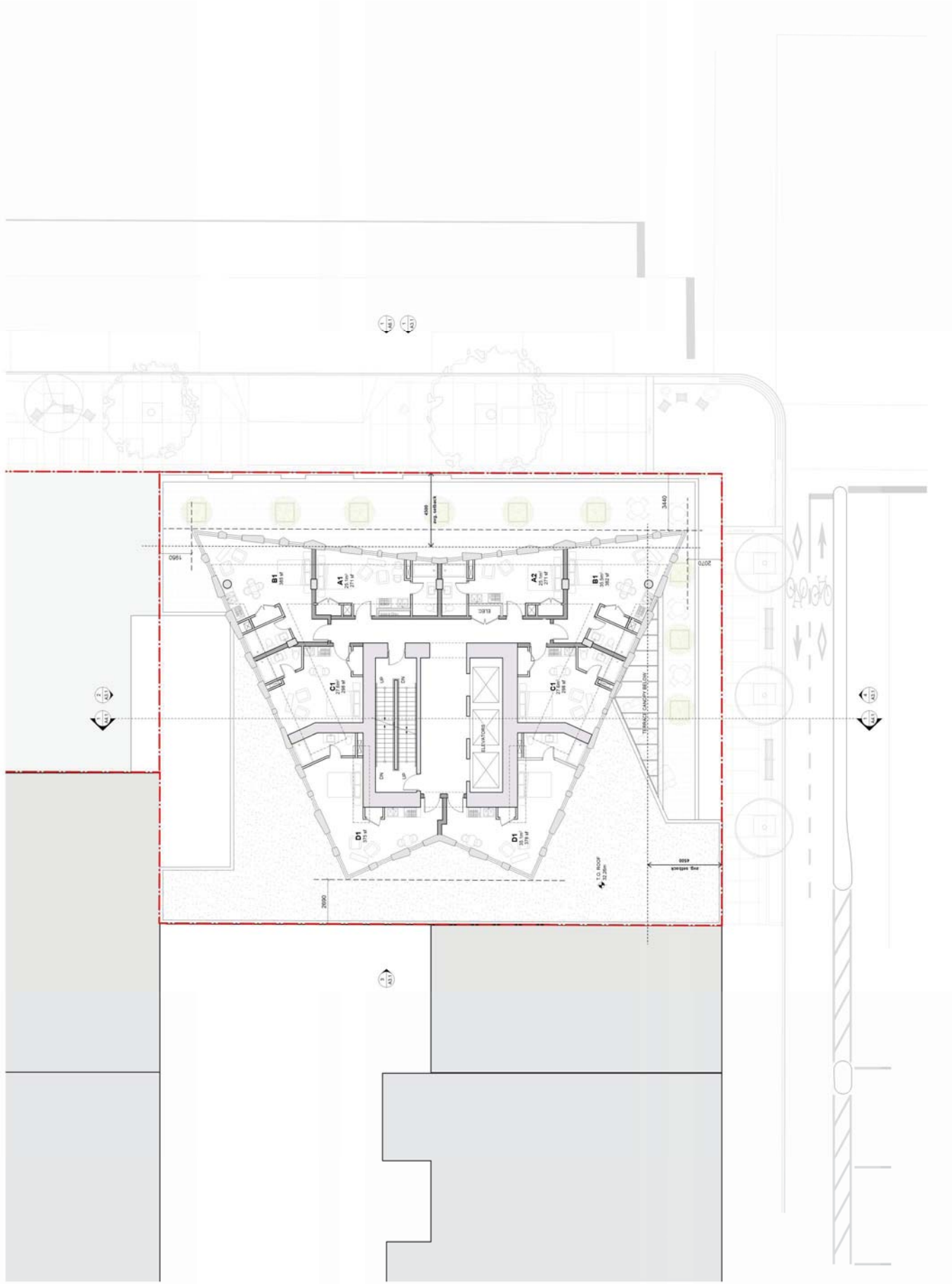
Scale 1"=100'

Drawn by MJ

Checked by FD

Revision No. 2

Sheet No. A2.8





GENERAL NOTES

1. General information, dimensions, and materials are provided for information only and are not to be used as part of the contract documents.



| | |
|------------------|--------------------------------|
| Project no. | 1008 |
| Client no. | 1008 |
| Project name | Montrose Wintergarden Hotel |
| Project location | Montrose, New York |
| Project date | November 18, 2020 |
| Drawn by | FD |
| Checked by | FD |
| Revision no. | A3.1a |



MONTROSE BUILDING EXISTING BRICK FACADE



MONTROSE BUILDING EXISTING BRICK FACADE
MONTROSE BUILDING EXISTING BRICK FACADE



MONTROSE BUILDING EXISTING BRICK FACADE
MONTROSE BUILDING EXISTING BRICK FACADE



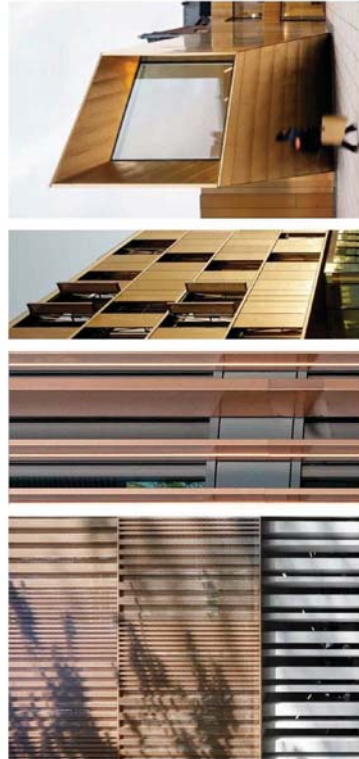
MONTROSE BUILDING EXISTING BRICK FACADE
MONTROSE BUILDING EXISTING BRICK FACADE



MONTROSE BUILDING EXISTING BRICK FACADE
MONTROSE BUILDING EXISTING BRICK FACADE

2 MONTROSE BUILDING - EXISTING HERITAGE MATERIALS

A3.1a



ALUMINUM BRASS CLADDING
COMPARISON PHOTO

BRASS COLOURED FACADE
LUNA APARTMENTS, AUSTRALIA

VERTICAL EXTENDING OVER WINDOW
ANDWORTH GALLERY CENTRE, U.K.

VARIABLE COLOURED FACADE
REINHOLD GALLERY, GERMANY

3 METAL CLADDING PRECEDENTS

A3.1a



8 9
REINHOLD GALLERY CENTRE AND
WOOD GARDEN, GERMANY
WOOD SPECIES AND FINISH F.B.O.



2 3
SPANDREL GLASS PANEL
COLOUR LIGHT GREY
FINISH LAMINATE OR METAL PANEL
COLOUR LIGHT GREY



4
LOW E COATED GLASS IN THERMALLY
BROKEN ALUMINUM CURTAIN WALL FRAME



2
VERTICAL ALUMINUM BRASS
COLOURED ARTIAL CLADDING
SIMILAR TO ALUMINUM - MONOC BRASS



6
FINISHED CONCRETE
SANDGRADED



1
RED BROWN MASONRY BRICK
SIMILAR TO BRICK SHOWN
MATERIAL: MASONRY BRICK

1 PROPOSED WINTERGARDEN MATERIALS

A3.1a



GENERAL NOTES

1. General information, dimensions, and materials are shown on the drawings. All information and are subject to the client's approval and any changes to the design shall be approved by the client.

WINTERGARDEN HOTEL MATERIALS:

- 1 RED BROWN MAJESTIC BRICK
- 2 VERTICALLY FINISHED BRICK
- 3 VERTICALLY FINISHED BRICK
- 4 COLOURED METAL CLADDING
- 5 PANEL CLADDING SYSTEM
- 6 LIME GLAZING
- 7 SPANDREL GLASS PANEL
- 8 FINISHED CONCRETE
- 9 GLASS QUADRANT
- 10 WOOD GLASS STRUCTURE
- 11 WOOD GLASS SPINE STRUCTURE
- 12 CHALK WALL WITH MURAL



Scale 2000-11-17

| REV | NO | DESCRIPTION | DATE |
|-----|----|--------------------|------------|
| 1 | 1 | Issued for Permits | 10-11-2020 |

Project Name

Montrose

Wintergarden Hotel

Building Elevations

Project No. 1008

Drawing No.

Date November 15, 2020

Scale 1:300

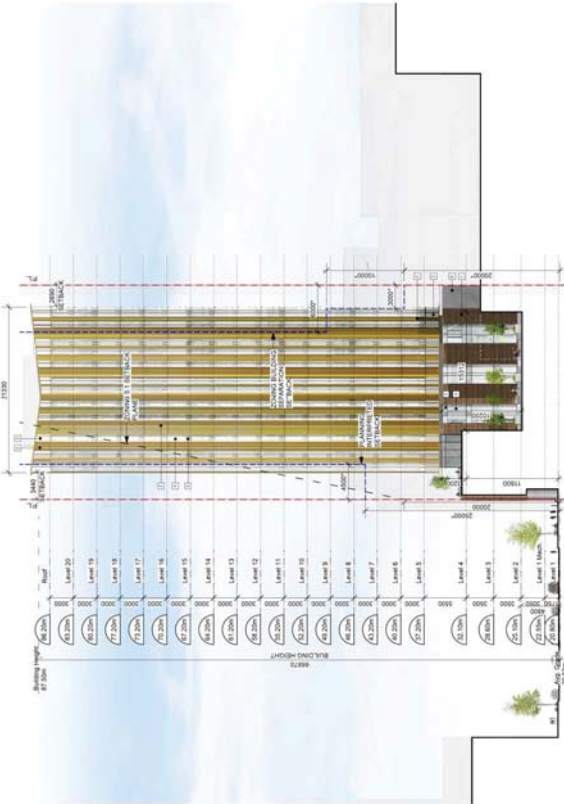
Drawn by MJ

Checked by FD

Revision No.

Sheet No. A3.1

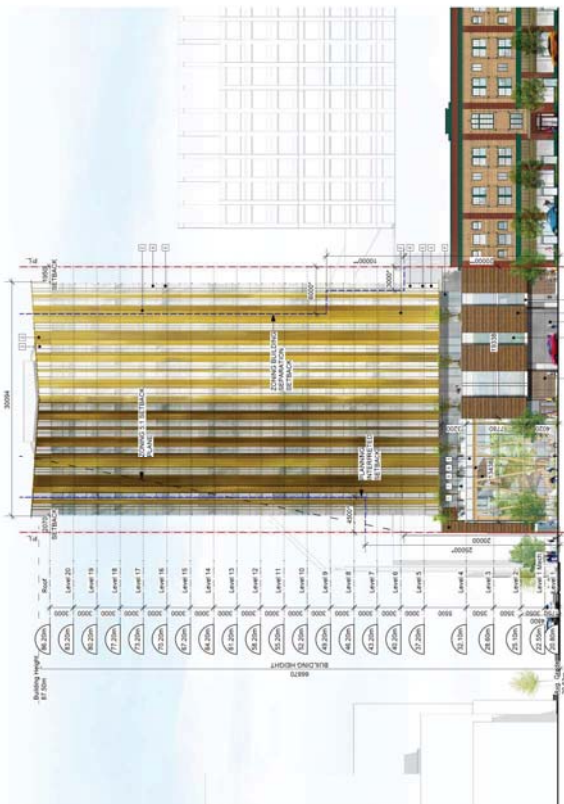
1



2 NORTH ELEVATION
A3.1 1:300



4 SOUTH ELEVATION
A3.1 1:300



1 EAST ELEVATION
A3.1 1:300



3 WEST ELEVATION
A3.1 1:300

Notes:
1. Projected building as proposed in 2020.
2. Projected building as proposed in 2021.



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GENERAL NOTES

1. General information, dimensions, and materials are shown on the drawings and are to be used as part of the project's requirements.



Sheet 2020-11-17

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|-----|--------------------------|--|--|--|------------|
| REV | | | | | |
| 2 | Reasoning / CB Reasoning | | | | 18/11/2020 |
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Project Name
Montrose
Wintergarden Hotel

Project Site
Building Section

Project No.
1508

Drawing Date
November 15, 2020

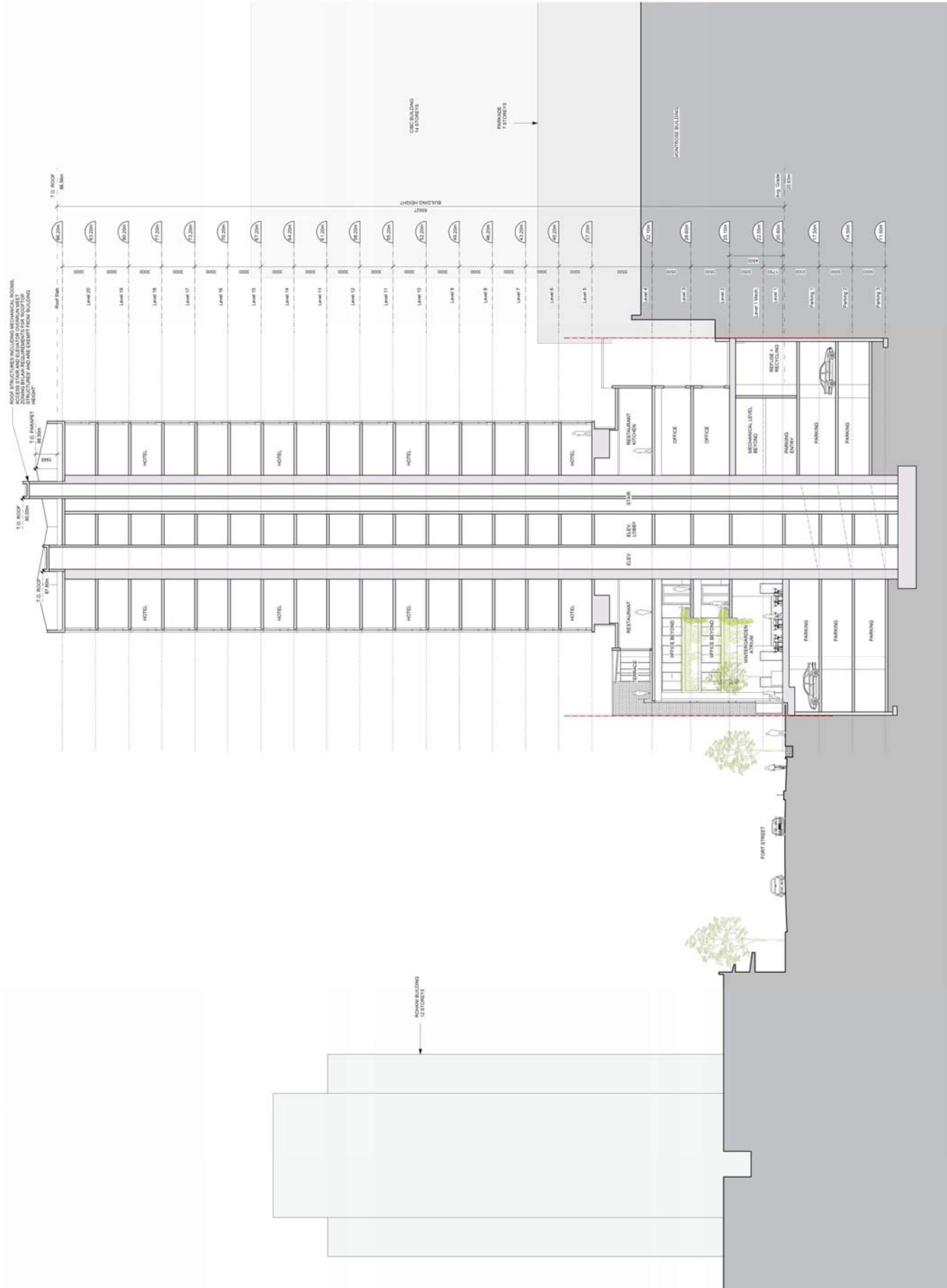
Scale
1:150

Drawn by
MJ

Checked by
FD

Revision No.
A4.1

Sheet No.
2





WINTERGARDEN HOTEL
MATERIALS:

- 1. REINFORCED CONCRETE
2. BRICK
3. METAL CLADDING SYSTEM
4. LOWE CLADDING
5. SPANTEL GLASS PANEL
6. FINISHED CONCRETE
7. GLASS CURTAIN
8. WOOD CLAD SPIRAL STAIRCASE
9. WOOD CLAD SPIRAL STAIRCASE
10. CURTAIN WALL WITH MURAL

HERITAGE MONTROSE
MATERIALS:

- 1. REINFORCED CONCRETE
2. BRICK
3. METAL CLADDING SYSTEM
4. LOWE CLADDING
5. SPANTEL GLASS PANEL
6. FINISHED CONCRETE
7. GLASS CURTAIN
8. WOOD CLAD SPIRAL STAIRCASE
9. WOOD CLAD SPIRAL STAIRCASE
10. CURTAIN WALL WITH MURAL



MERCHANT
HOUSE
CAPITAL

GENERAL NOTES

1. General information, dimensions, and materials are indicated on the drawings and are to be used as part of the project's information.



Sheet 2020-11-17

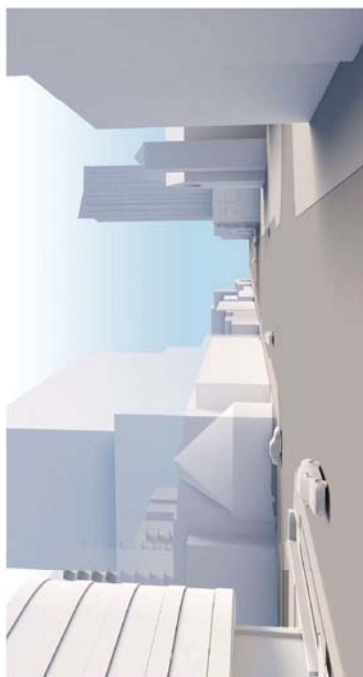
| REV | NO | DESCRIPTION | DATE |
|-----|----|--------------------------|------------|
| 1 | 1 | Revising: CP Application | 22/07/2020 |
| 2 | 2 | Revising: CP Application | 18/11/2020 |

Project name
Montrose
Wintergarden Hotel

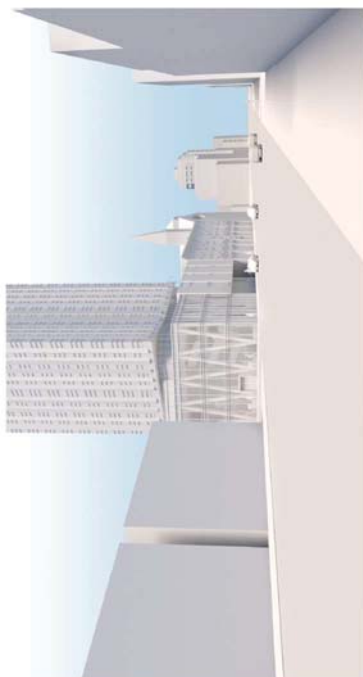
Project no.
1908
Drawing title
Streetscape and View Analysis

| | |
|--------------|-------------------|
| date | November 15, 2020 |
| scale | NTS |
| drawn by | MJ |
| checked by | FD |
| revision no. | 2 |

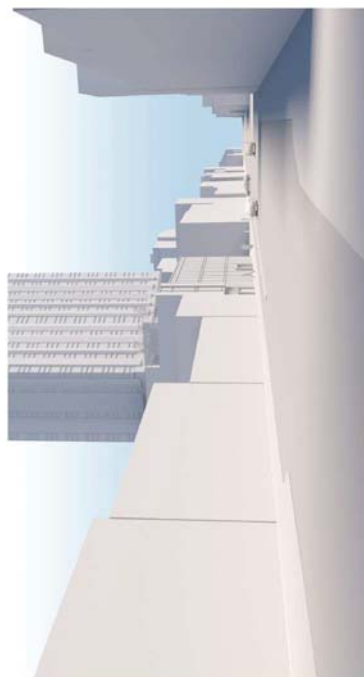
sheet no.
A10.1



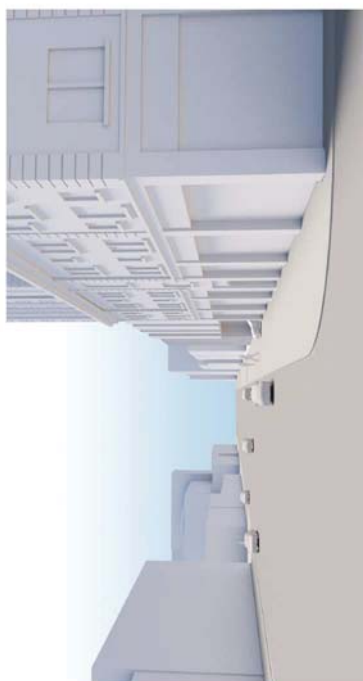
2 - Far View Looking South on Blanshard



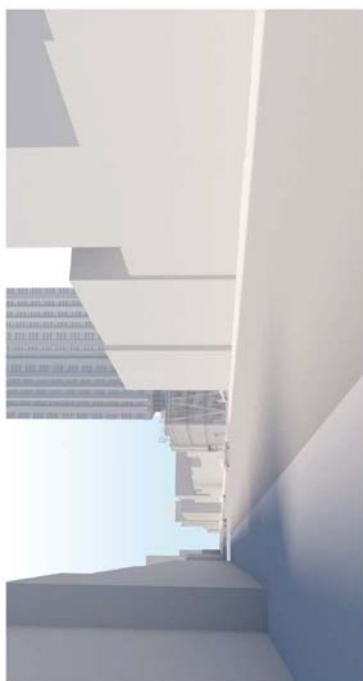
4 - View Looking North on Blanshard



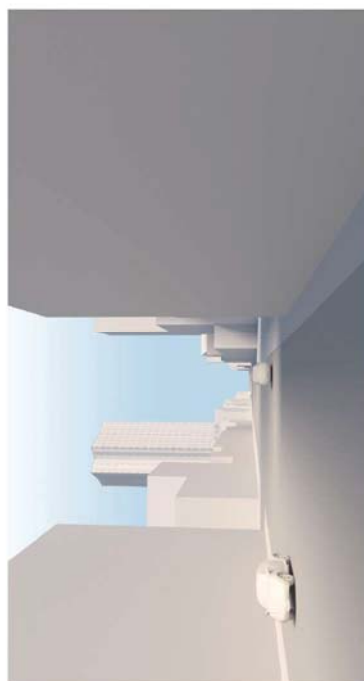
6 - Close View Looking East on Fort



1 - Close View Looking South on Blanshard



3 - View Looking West on Fort



5 - Far View Looking East on Fort



2 Key Plan
1:2000



MERCHANT
HOUSE
CAPITAL

GENERAL NOTES

1. General information, drawings, and
specifications are for the proposed
development and are not to be used for any
other purpose.



Sheet 2020-11-17

| | | |
|--------|---------------------------|------------|
| 2 | Planning / CP Amendment | 18-11-2020 |
| 1 | Planning / CP Application | 22-07-2020 |
| Rev No | Description | Date |

Project Name

Montrose
Wintergarden Hotel

Project No.

Context Views and
Skyline Analysis

Project No.

15008

Drawing title

November 15, 2020

Scale

NTS

Drawn by

MJ

Checked by

FD

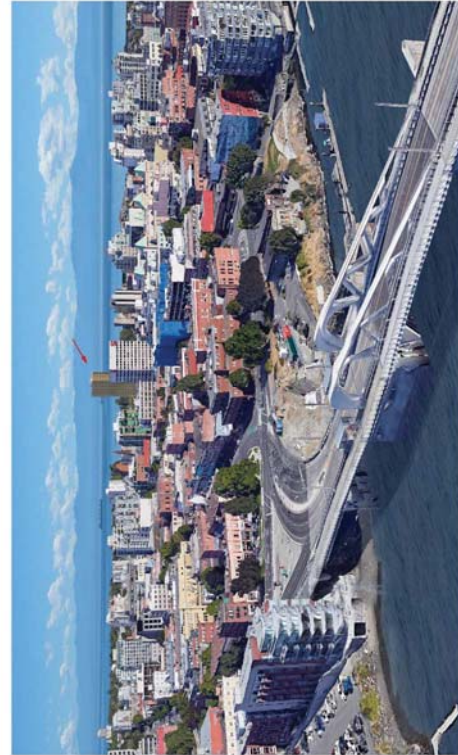
Revision no.

2

A10.2



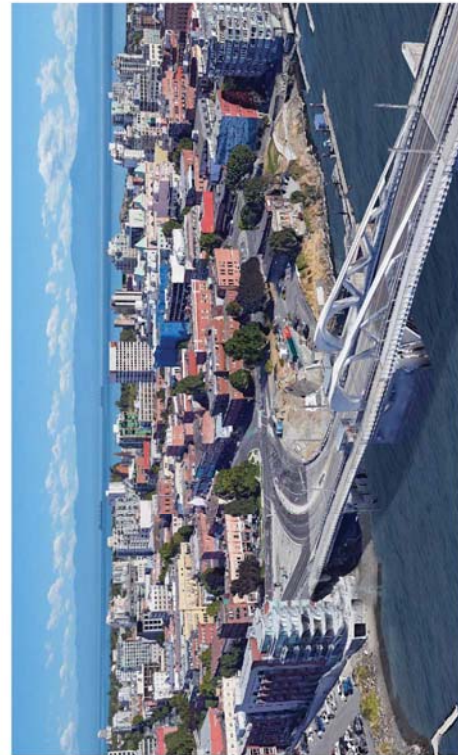
2 - Context View Birdseye



4 - City Skyline with Proposed Building



1 - Context View from Above



3 - City Skyline Existing

1 Context Views and Skyline Analysis



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CAPITAL

GENERAL NOTES:

1. General information, dimensions, and materials are provided for information only and are not to be used as part of any permit application.



Sheet 2020-11-17

| Item | Description | Date |
|------|---------------------|------------|
| 1 | Revised: 12/11/2020 | 12/11/2020 |
| 2 | Revised: 12/11/2020 | 12/11/2020 |

Project Name: Montrose Wintergarden Hotel

Project No: 1908

Drawn By: November 15, 2020

Scale: NTS

Checked By: MJ

Revision No: FD

Sheet No: A10.3

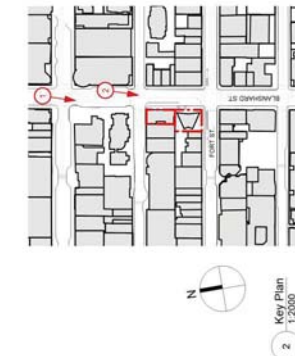
Rendered Sketch Views



2 - Close View Looking South on Blanchard St



1 - Far View Looking South on Blanchard St



1 - Rendered Sketch Views



MERCHANT
HOUSE
CAPITAL

GENERAL NOTES

1. General information, dimensions, and materials are provided for informational purposes only and are not to be used as part of any project's construction.



Sheet 2020-11-17

| Rev | no | description | date |
|-----|----|------------------------|------------|
| 1 | 1 | Revised CP Application | 2020/2020 |
| 2 | 2 | Revised CP Application | 10/11/2020 |

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Project name

Montrose
Wintergarden Hotel

Sheet title

Rendered Sketch Views

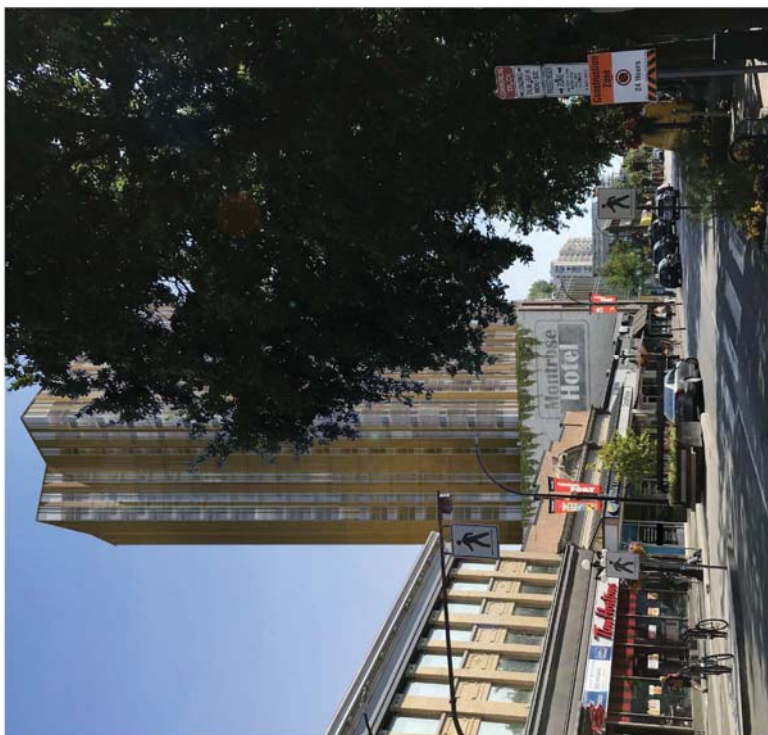
| | |
|---------------|-------------------|
| Project no. | 1008 |
| Drawing title | November 15, 2020 |
| Date | NTS |
| Scale | MJ |
| Drawn by | FD |
| Checked by | FD |
| Revision no. | 2 |

Sheet no.

A10.4



2 - Close View Looking East on Fort St



1 - Far View Looking East on Fort St

Rendered Sketch Views



GENERAL NOTES:
1. General information, descriptions, and details are provided for the project. All information and details are subject to change and will be updated as part of the project development.



| | |
|-------|----------------------------|
| Sheet | 2020-11-17 |
| 1 | Reasoning / CP Application |
| 2 | Reasoning / CP Application |
| 3 | Reasoning / CP Application |
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| 99 | Reasoning / CP Application |
| 100 | Reasoning / CP Application |

Project Name
Montrose
Wintergarden Hotel

Project No.
10000

Drawing No.
November 15, 2020

Date
NTS

Scale
1/4" = 1'-0"

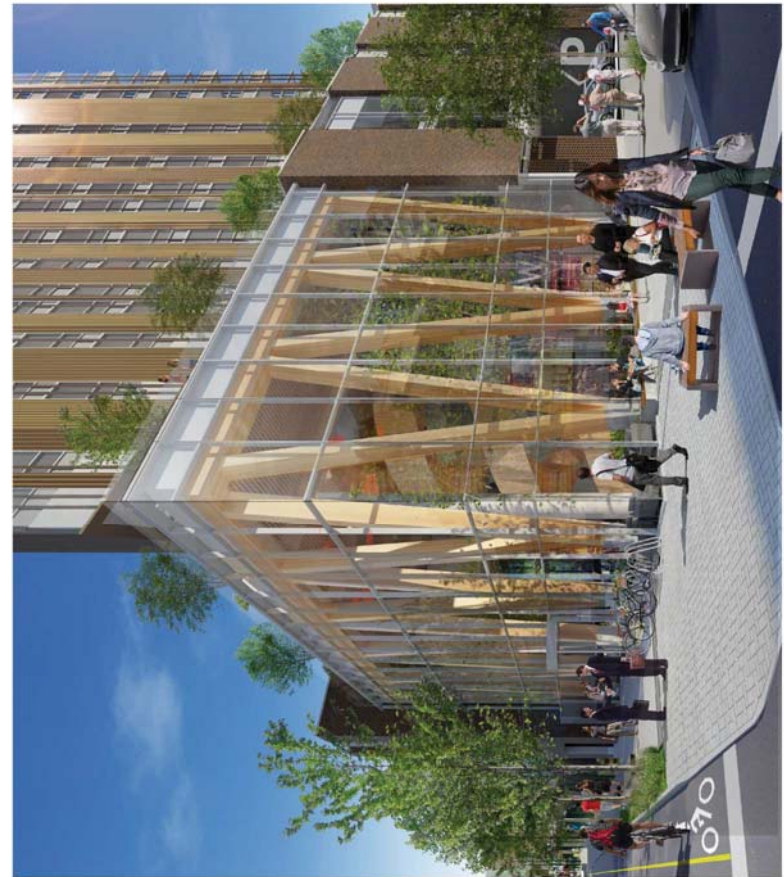
Drawn by
MJ

Checked by
FD

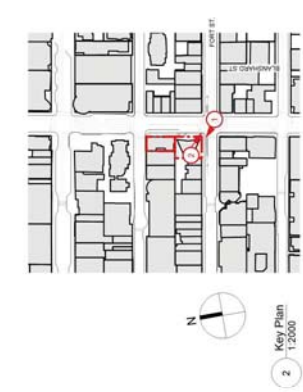
Revision No.
sheet no. A10.5



2 - Wintergarden Interior View



1 - Wintergarden Street View



1 - Rendered Sketch Views



MERCHANT
HOUSE
CAPITAL

GENERAL NOTES

1. General information, dimensions, and materials are provided for informational purposes only and are not to be used as part of the contract documents.



total 2020-11-17

| REV | DESCRIPTION | DATE |
|-----|--------------------------|------------|
| 1 | Revising ICF Application | 10/11/2020 |
| 2 | Revising ICF Application | 10/11/2020 |

Revised design: These drawings and designs are not to be used as part of the contract documents.

Project Name

Montrose
Wintergarden Hotel

Sheet title

Rendered Sketch Views

| | |
|--------------|-------------------|
| Project no. | 1908 |
| Drawing file | November 18, 2020 |
| Date | NTS |
| Scale | NTS |
| Drawn by | MD |
| Checked by | FD |
| Revision no. | 2 |

Sheet no.

A10.6



1 - View looking North on Blanshard



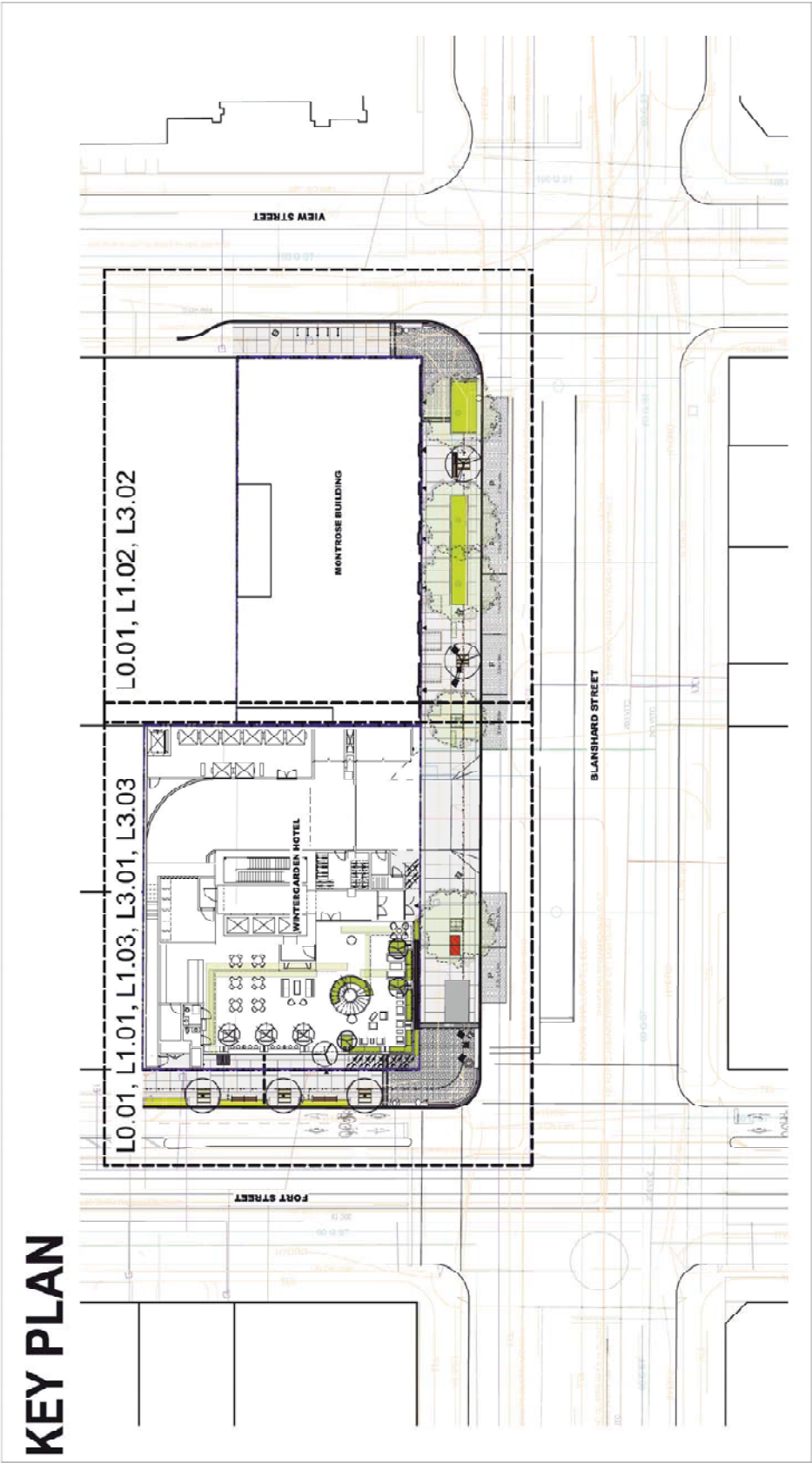
Key Plan
2 1:2000



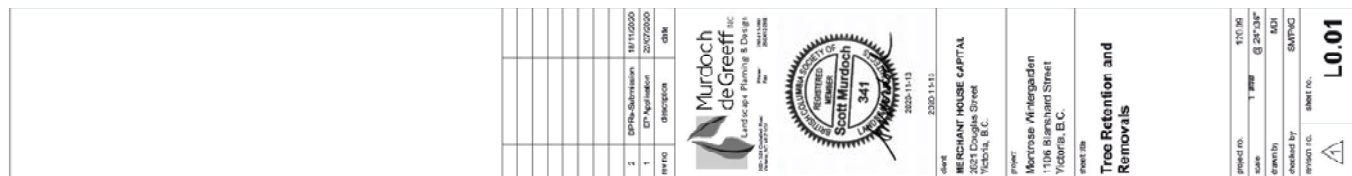
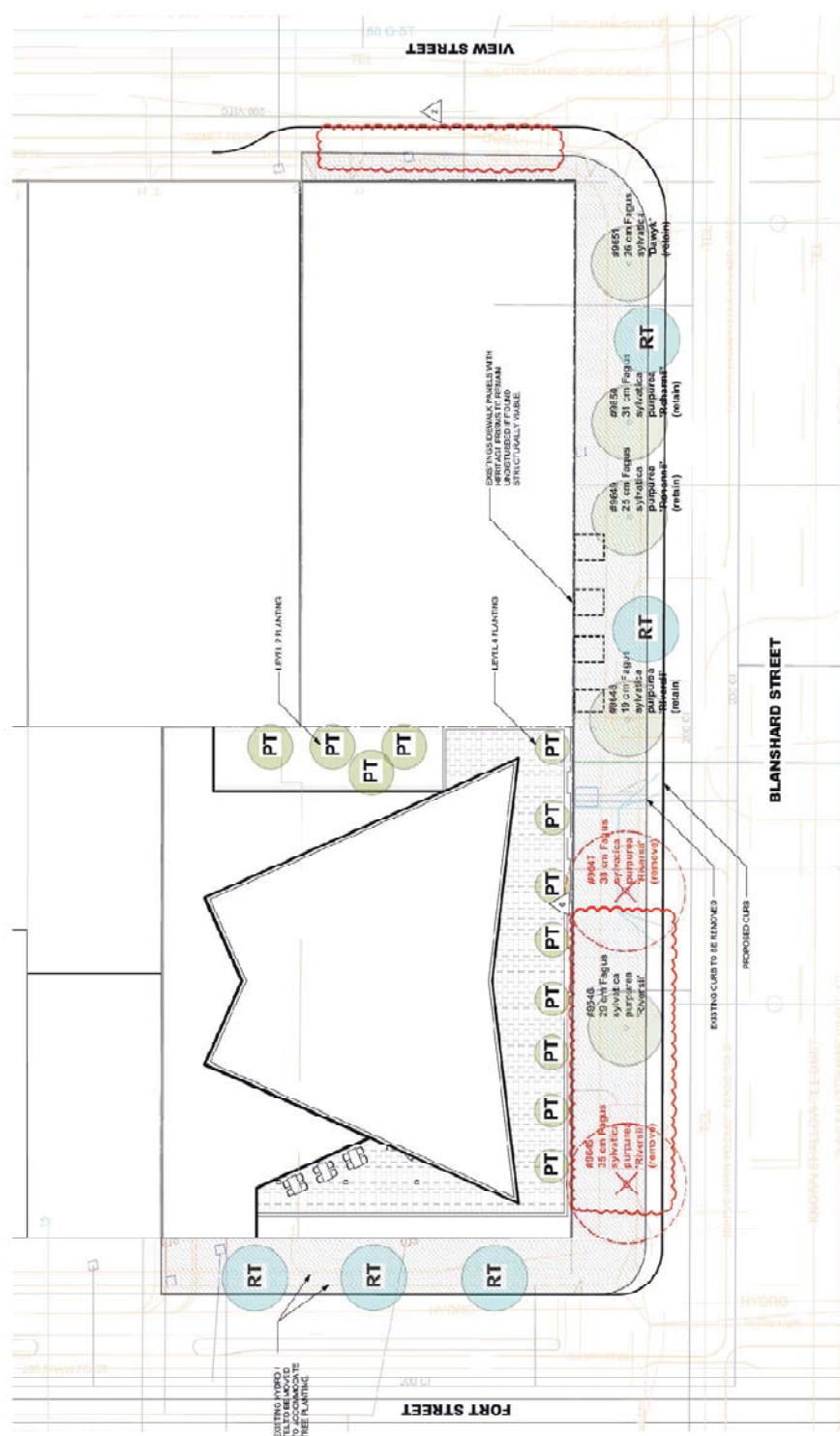
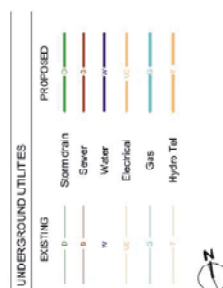
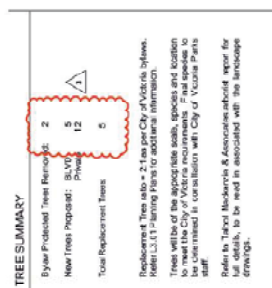
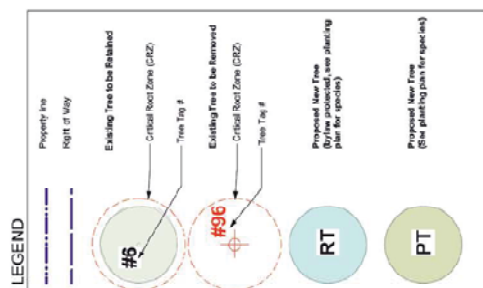
Merchant House Capital
MONTROSE WINTERGARDEN
 Victoria, BC

| Landscape Sheets | |
|------------------|-----------------------------|
| Sheet No. | Sheet Title |
| L3.00 | Cover |
| L3.01 | Tree Retention and Removals |
| L3.02 | Landscape Materials |
| L3.03 | Landscape Schedule |
| L3.04 | Planting Plan |
| L3.05 | Planting Plan |
| L3.06 | Planting Plan |

KEY PLAN










| | | |
|---|--|---|
| <div> <div> <p>Murdoch de Greeff Landscape Planning & Design</p> </div> <div> </div> </div> | | <div> <div> <p>DATE: 22/01/2020</p> <p>BY: [Signature]</p> </div> <div> <p>2020-11-13</p> </div> </div> |
| <div> <div> <p>2</p> <p>DTB Submission</p> <p>18/11/2020</p> </div> <div> <p>1</p> <p>DTB Notification</p> <p>20/07/2020</p> </div> </div> | <div> <div> <p>CLIENT: MERCHANT HOUSE CAPITAL</p> <p>2021 Douglas Street</p> <p>Victoria, B.C.</p> </div> <div> <p>PROJECT: Montrose Wintergarden</p> <p>1106 Blanshard Street</p> <p>Victoria, B.C.</p> </div> </div> | |
| <div> <div> <p>PROJECT NO: 1106</p> <p>SCALE: 1:100</p> <p>DATE: 20/07/2020</p> </div> <div> <p>DESIGNED BY: MJD</p> <p>CHECKED BY: SMD</p> <p>APPROVED BY: [Signature]</p> </div> </div> | | |
| <div> <div> <p>PROJECT NO: 1106</p> <p>SCALE: 1:100</p> <p>DATE: 20/07/2020</p> </div> <div> <p>DESIGNED BY: MJD</p> <p>CHECKED BY: SMD</p> <p>APPROVED BY: [Signature]</p> </div> </div> | | |
| <div> <div> <p>PROJECT NO: 1106</p> <p>SCALE: 1:100</p> <p>DATE: 20/07/2020</p> </div> <div> <p>DESIGNED BY: MJD</p> <p>CHECKED BY: SMD</p> <p>APPROVED BY: [Signature]</p> </div> </div> | | |










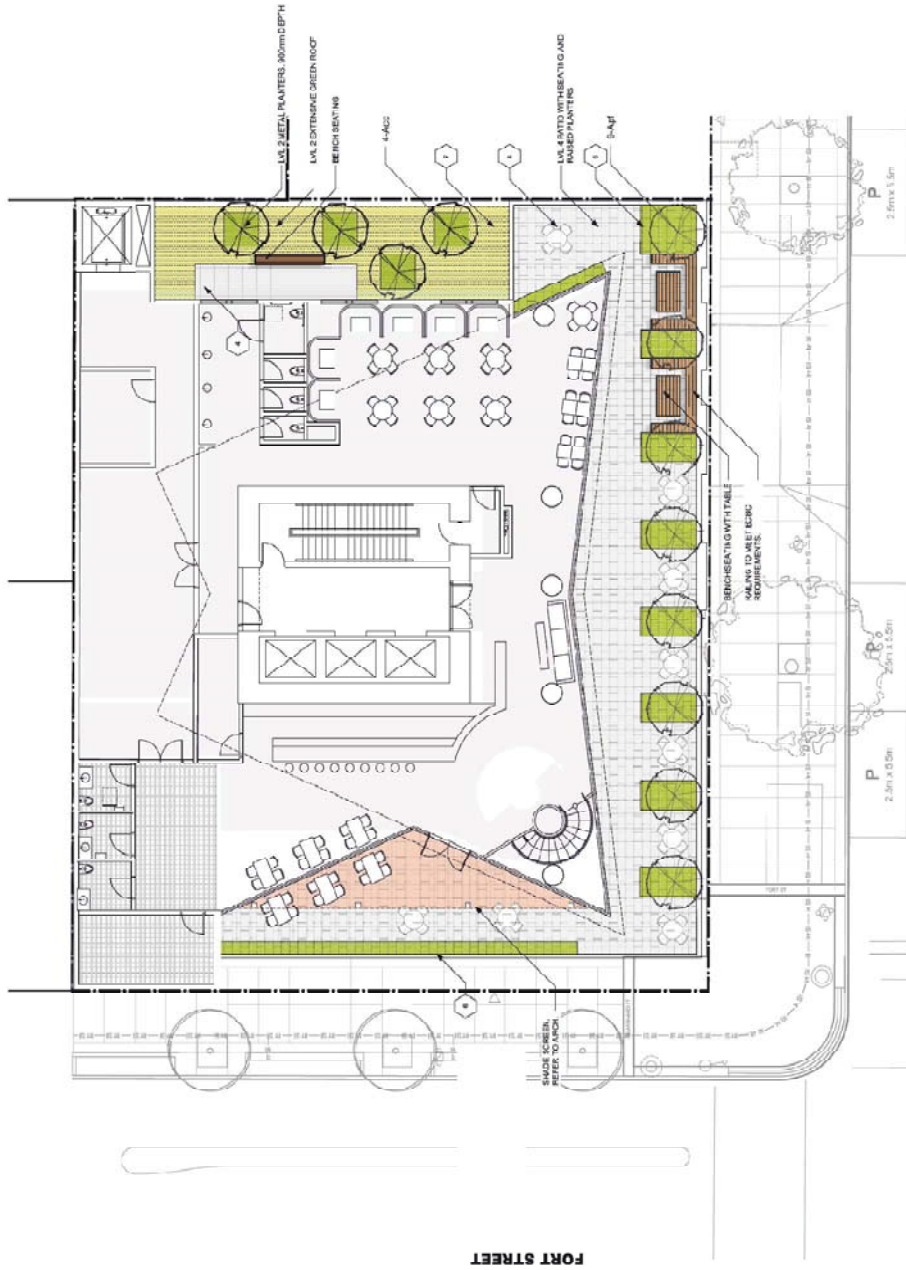
LEGEND

LANDSCAPE MATERIALS

- | | |
|---|---|
|  | Castor Pelica Ground Paving Fine broom finish, broard joints. New 100M CVN Std. |
|  | Unit Finishing - Type 1 New 100M CVN Std. Mid-rail dry/Unfinished. New 100M CVN Std. |
|  | Unit Finishing - Type 2 300mm x 300mm x 10mm. Slant side with 10mm wide joint. Chorded grid. New 100M CVN Std. |
|  | Unit Finishing on Paved Area - Type 5 Hydroapplied into an asphalt. |
|  | Shall's Type Paving Area - On Grade 450 mm depth ground medium, roller to landscape Specification. |
|  | Raised Pavement - On Slope 450 mm depth ground medium, roller to landscape Specification. Height: 300mm and Height. |
|  | Grass Road - On Slope Extensive Grass Root Dry vegetation root Root depth varies 100 - 200 mm |

LANDSCAPE STRUCTURES/FURNISHINGS

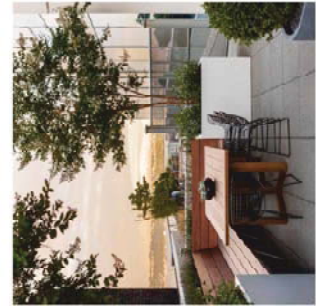
- | | |
|---|---|
|  | Tree Grade on Grade First, Two's Standard, designed by Robert R. Smith, is a 20' x 20' x 120mm, polyester, finished steel, 200 x 120mm. |
|  | Bioplastic - material property A 20' x 20' x 120mm, 120mm, 120mm, polyester, finished steel, 200 x 120mm. |
|  | Other, material property New, Two's Standard One, or standard equivalent. |
|  | Bioplastic - material property A 20' x 20' x 120mm, 120mm, 120mm, polyester, finished steel, 200 x 120mm. |
|  | Other, material property New, Two's Standard One, or standard equivalent. |
|  | Custom Bioplastic and Oak (Root and trunk) A 20' x 20' x 120mm, 120mm, 120mm, polyester, finished steel, 200 x 120mm. |
|  | Bioplastic - material property A 20' x 20' x 120mm, 120mm, 120mm, polyester, finished steel, 200 x 120mm. |
|  | Other, material property New, Two's Standard One, or standard equivalent. |



BLANSHARD STREET



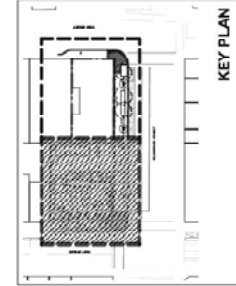
CORTEN STEEL RAISED PLANTER



WOOD BENCH SEATING



SHADE SCREEN



KEY PLAN



| | |
|---------------|--------------------|
| project no. | 17036 |
| scale | 1"=20' @ 24" x 36" |
| drawn by | MDI |
| checked by | SMF/PG |
| revision i.d. | sheet no. |



L1.03

L1.03

SERVICING NOTES:

1. PROPOSED DRAINAGE TO CITY OF VICTORIA STANDARDS. EXISTING PARKING LOTS TO BE RELOCATED AS SHOWN.
2. EXISTING 150mm STORM SERVICE TO BE REMOVED FOR RE-USE. CITY OF VICTORIA TO INSTALL INSPECTION CHAMBERS AT DEVELOPER'S EXPENSE.
3. EXISTING 150mm STORM SERVICE TO BE REMOVED FOR RE-USE.
4. PROPOSED WATER SERVICE AND VAULT INSTALLED BY THE CITY OF VICTORIA AT DEVELOPER'S EXPENSE.
5. EXISTING BOLLARD TREE WITH PROPOSED DRAINAGE TO BE REMOVED AND REDUCED.
6. EXISTING RECREATION WATER SERVICES TO BE REMOVED BY THE CITY OF VICTORIA AT DEVELOPER'S EXPENSE.
7. PROPOSED CATCHBASINS TO BE INSTALLED AS PER CITY OF VICTORIA SO 311 DUE TO BE HIPO DUTY RAMP.
8. CATCHBASINS.



SITE SERVING PLAN
N 1:250



KEY PLAN
N 1:250

LOCAL INCORPORATION LOT 81 VICTORIA CITY AND LOTS 1 AND 2 OF LOTS 28 AND 86,
VICTORIA CITY, PLAN 4250

**780 FORT STREET
PRELIMINARY SITE
SERVICING PLAN**

Scale 1:250

Sheet 1 of 1

Eng. Project No. 31541-2

1

J E ANDERSON &
ASSOCIATES

VICTORIA, NANTWICK, PARKVILLE, CAMPBELL RIVER

1:250

ISSUED FOR DEVELOPMENT PERMIT

V:\Projects\31541-2 - Main Road - 2nd Servicing\07 - Engineering\05 - Servicing & Services (05)\31541-2 Serv.doc Rev Date: November 13, 2020



Talbot Mackenzie & Associates
Consulting Arborists

Arborist Review
Montrose Wintergarden Hotel,
1106 Blanshard Street Victoria, BC

PREPARED FOR: David Fullbrook
Merchant House Capital
PO Box 8087 – Victoria Main
Victoria, BC V8W 3R9

PREPARED BY: Talbot, Mackenzie & Associates
Tom Talbot – Consulting Arborist
ISA Certified # PN-0211A
TRAQ - Qualified

Date submitted: Amended for November 16, 2020

Box 48153 RPO - Uptown Victoria, BC V8Z 7H6
Ph: (250) 479-8733
Fax: (250) 479-7050
Email: tmtreehelp@gmail.com



Talbot Mackenzie & Associates

Consulting Arborists

Jobsite Property: Montrose Wintergarden Hotel 1106 Blanshard Street

Date of Site Visit: June 16, 2020

Site Conditions: Existing developed property

Summary: The from the information that was compiled during our site inspections and our review of the tree resource and the development proposal, we determined that:

- There are no bylaw-protected trees located within the subject property or on adjacent properties where they could be impacted.
- In our opinion the removal of beech #9645 and 9647 will be required.
- Beech #9649, 9650 and 9651 are located along the footprint of the existing hotel building that is to be retained. The only proposed construction activity near these trees that was reviewed is the replacement of the existing hardscape and street curbs, and if the mitigation procedures outlined below for the replacement of the hardscape can be implemented and adhered to it should be possible to protect and retain these three trees
- Beech #9646 is on the frontage of the new hotel building. The Vista Street lighting chamber and conduit have been relocated further to the south to reduce the encroachment on the root zone of this tree. If the excavation can be contained within the footprints of the existing building and lighting chamber in this location, there is a good opportunity to retain this tree.
- Beech #9648 is located close to the corner where the new hotel building and the existing hotel building to be retained adjoin. Changes have been made to the original proposal that was reviewed to move the underground access and underground services away from this corner of the project. If the excavation can be contained within the footprints of the existing building and water/fire chamber in this location, the retention of this tree should be possible.
- All the trees that are to be retained must be isolated from the construction impacts by erecting protective barrier fencing or solid hording.
- All excavation within or along the edge of the critical root zones of trees that are to be retained, must be supervised by an ISA Certified arborist.

Assignment: Provide arborist services to:

- Visually exam the above-ground portions of and document the trees located along the Blanshard Street municipal frontages of the land parcel that comprises the Montrose Wintergarden development proposal.
- Review the preliminary Architectural, Civil and Landscape drawings related to this development proposal.

- Prepare a Tree Impact and Protection report indicating the health and structural characteristics of the existing trees and outline mitigation strategies to mitigate the impacts of the construction on the trees that have been identified for retention.

Method: During our June 16, 2020 site visit we visually examined the above-ground portions of and document the trees on the municipal frontages of this property that are located where they could potentially be impacted by the proposal to redevelop the subject property. The compiled information is entered on a Tree Resource spreadsheet attached to this report and includes the municipal tree identity number, trunk diameter (d.b.h.), a defined critical root zone (CRZ) or root protection area, the health and structural condition of the tree based on our visual assessment, the status regarding tree removal or retention, the species tolerance to construction impacts and any noted remarks or recommendations

The trees on the municipal frontages have been identified with the City of Victoria's site ID number indicated for each municipal tree in their GIS mapping system.

The identity number for each tree is entered on a survey drawing that was supplied to us.

Tree Resource and Potential Impacts:

During our site visit we reviewed the preliminary, architectural, civil and landscape drawings that were supplied and summarised our general findings and comments below:

- There are seven (7) upright beech trees *Fagus sylvatica*, growing along the Blanshard Street frontage of the subject land parcels.
 - Three (3) of the trees #9647, 9649 and 9650 are the cultivar 'Rohannii' that has purple foliage with an oak leaf like appearance.
 - Three (3) of the trees #9645, 9646 and 9648 are the cultivar 'Riversii' that has purple foliage with a typical beech leaf appearance.
 - One (1) of the trees #9651 has green foliage (in contrast to the other trees in the row that have purple foliage) with a typical beech leaf appearance and is possibly the cultivar 'Dawyk'.
 - There are no bylaw-protected trees located within the subject property or on adjacent properties where they could be impacted.
- All the trees are reasonably healthy and have a narrow canopy form that is suited for growing in urban settings where the planting space is constricted. The structural defects that were identified in several of the trees are considered minor for trees of this species.
- The root zone spread of the trees will have been restricted by the footprints of the existing buildings, therefore where the excavation that is required can be confined to the area within the footprints of the existing buildings, the retention of that tree will be possible.
- From the plans that were reviewed and discussions with the architect, regarding the depth of the excavation it will be difficult to contain the excavation along the entire footprint of the existing building that is to be demolished to construct the new hotel building. The access driveway to the underground and service connection are located along this frontage where they will impact specific trees. Therefore, in our opinion:
 - The removal of beech #9645 that will be impacted by the Street light chamber, and 9647 within the footprint of the driveway access, will be required.

- Beech #9646 on the frontage of the new building and #9648 located close to the corner where the new hotel building adjoins the existing hotel building to be retained. Changes have been made to the original proposal that was reviewed to move the underground access and underground services away from these two trees. If the excavation can be contained within the footprints of the existing buildings and servicing chambers and conduits there is a good opportunity to retain these trees.
- Beech #9649, 9650 and 9651 are located along the footprint of the existing hotel building that is to be retained. The only proposed construction activity near these trees that was reviewed is the replacement of the existing hardscape and street curbs, and if the mitigation procedures outlined below for the replacement of the hardscape can be implemented and adhered to it should be possible to protect and retain these three trees

Mitigation: We recommend the following procedures be implemented to reduce the impacts on the Five (5) trees that are located Blanshard Street municipal frontage where they could potentially be retained.

Demolition: Prior to any demolition of the existing buildings, hording or some form of barrier fencing must be erected around the municipal trees to protect the trunks and canopies of the trees from accidental mechanical injury. If a building permit has not been issued that permits the removal of specific trees at the time of demolition these trees must also be protected with fencing or hording during the demolition stage, even if their removal may occur at a later date.

The root zones are covered with a hardscape surface that we recommend remaining undisturbed through the demolition phase. All equipment required for this purpose must work from within the subject property and there shall be no excavation outside the property boundary to facilitate the demolition activity

Barrier Fencing: Rigid hording material or protective barrier fencing must be erected to protect the trunks and canopies of the municipal trees prior to any construction, excavation or demolition work commencing on the site. As the root zones are protected by hardscape surfacing that is recommended to remain in place it may be difficult to erect barrier fencing. We suggest erecting fencing frames or boxes that extend out to the edges of the tree driplines that are anchored in place to prevent relocation during construction. Where barrier fencing is erected, it must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing (see attached diagram). Signs must be posted around the protection zone to declare it off limits to all construction related activity. The fencing must be erected prior to the start of any construction activity on site (i.e. site clearing, demolition, pavement removal, excavation, and construction), and remain in place through completion of the project. The project arborist must be consulted, and the municipality notified before this fencing is removed or moved for any purpose. Solid hording material may also be required to protect the trunks of trees from mechanical injury where vehicles or machinery are permitted close to tree trunks.

Building Envelope: Excavation for the underground portion is likely to extend over the property boundary and onto the municipal frontage and where the removal of Beech 9645 and 9647 will be required. Beech #9646 and #9648 are located close to or along the frontage of the proposed building to be constructed. If the excavation can be contained within the existing building footprint in this location, the retention of these trees should be possible. We recommend that the project arborist supervise the excavation along the Blanshard Street frontage of the site to observe the impacts on these trees and determine if it is feasible to retain them based on any encroachment into its critical root zone. Shoring or some other method of bank cut stabilization will be required if the cut slope within the property boundary is not sufficient to attain safe working conditions and bank support

Servicing: The civil drawings that were reviewed indicate that all the proposed underground services are located outside the critical root zone areas of trees that are to be retained. The storm service and domestic water/fire connections are located near the root zone of Beech 9648 and a Street lighting chamber and connection are located close to the root zone of Beech #9646. Arborist supervision is recommended for the excavation through the municipal frontage adjacent to these trees.

Hardscape and Landscape Replacement: At present the entire root zones of the subject trees are covered with hardscape. We recommend retaining the existing hardscape areas until the building construction has been completed to protect the root structures beneath the hardscape panels from the construction activity. Once the panels are lifted, the exposed area beneath the panels must be isolated from all foot and machine activity until the sidewalk construction commences.

Due to the presence of root structures beneath the sidewalk, it may not be possible to excavated deeper than the existing sidewalk base or base layers without having a detrimental impact on the trees. This can be determined once the panels have been removed and adjustments to the specifications made to assure that the sidewalk replacement will not have a detrimental impact on or effect the ability to retain these trees.

The street curbing is proposed to be removed and relocated an additional 1.5 metres further into the street and away from the trunks which will reduce the impacts on the trees when the curbing is replaced.

The removal of the existing sidewalk panels and curbing and any excavation required for their replacement must be supervised by the project arborist.

Pruning: It is unlikely that any pruning of the tree canopies will be required to facilitate the construction work. If any pruning is found to be necessary, it must first be reviewed by the municipal parks staff and be completed by the parks staff or by ISA Certified Arborist or to ANSI A300 standards.

Please do not hesitate to call us at (250) 479-8733 should you have any further questions. Thank You.

Yours truly,
Talbot Mackenzie & Associates



Tom Talbot & Graham Mackenzie
ISA Certified, & Consulting Arborists

Enclosures: Tree Resource spreadsheet (1), Key to definitions (2), Civil Plan reviewed (1)
Barrier Fencing specifications (1). Landscape drawing with barrier fencing diagram 1)

Assumptions and Limiting Conditions:

The assessment was based on site visits to the trees and from a visual ground-level assessment made of the subject trees on June 16, 2020

Resistograph Readings and other methods of detecting internal flaws or decay were not requested and were not part of our assignment.

The opinions provided will be based on the circumstances and observations as they existed at the time of the site inspection of the client's or agent's property and the trees situated thereon and upon information provided by the client or their agent. The opinions are given based on observations made and using generally accepted professional judgment. However, because trees and plants are living organisms whose health and structure are subject to change, damage and disease, the results, observations, recommendations and analysis as set out are valid only as at the date any such testing, observations and analysis took place and no guarantee, warranty, representation or opinion is offered as to the length of the validity of the results, observations, recommendations and analysis. As a result, the Client shall not rely upon this Assessment, save and except for representing the circumstances and observations, analysis and recommendations that were made at the date of such inspections. Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed. It is recommended that the trees discussed in this project should be re-assessed periodically if they are retained.

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Key to Headings in Tree Resource Spreadsheet – Page 1

Tag: Tree identification number on a metal tag attached to tree with nail or wire at eye level. Trees on municipal or neighboring properties are not tagged and are identified on the site plans with the municipal tree species identity number.

DBH: Diameter at breast height – diameter of trunk, measured in centimetres at 1.4m above ground level. For trees on a slope, it is taken at the average point between the high and low side of the slope.

* Measured over ivy.

~ Approximate because of inaccessibility or on neighbouring property.

Crown Spread: Indicates the diameter of the crown spread measured in metres to the dripline of the longest limbs.

Relative Tolerance Rating: Relative tolerance of the species of tree to construction related impacts such as root pruning, crown pruning, soil compaction, hydrology changes, grade changes and other soil disturbance. This rating does not take into account individual tree characteristics, such as health and vigour. Three ratings are assigned: Poor, Moderate or Good.

Optimal Root Protection Zone: A calculated radial measurement in metres from the trunk of the tree. It is the optimal size of tree protection zone and is calculated by multiplying the DBH of the tree by 10, 12 or 15 depending on the Tree's Construction Tolerance Rating. This methodology is based on the methodology described by Nelda Matheny and James R. Clark in their book "Trees and Development: A Technical Guide to Preservation of Trees During Land Development."

- 15 x DBH = Poor Tolerance of Construction
- 10 or 12 x DBH = Moderate
- 08 or 10 x DBH = Good

For this purpose, the DBH of multiple stems is considered the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk. It should be noted that these measures are solely mathematical calculations that do not take into account crown spread, soil depth, age, health, or structure (such as lean).

Health Condition

- Poor - significant signs of visible stress and/or decline that threaten the long-term survival of the specimen
- Fair - signs of significant stress
- Good - no visible signs of significant stress and/or only minor aesthetic issues

Structure Condition

- Very Poor – Potentially imminent hazard that requires immediate action such as large dead hanging limbs or an unstable root plate
- Poor - Poor structural defects that have been in place for a long period of time to the point that mitigation measures are limited
- Fair - Structural concerns such as codominant stems that are still possible to mitigate through pruning
- Good - No visible or only minor structural flaws that require no to very little pruning

Tree Status:

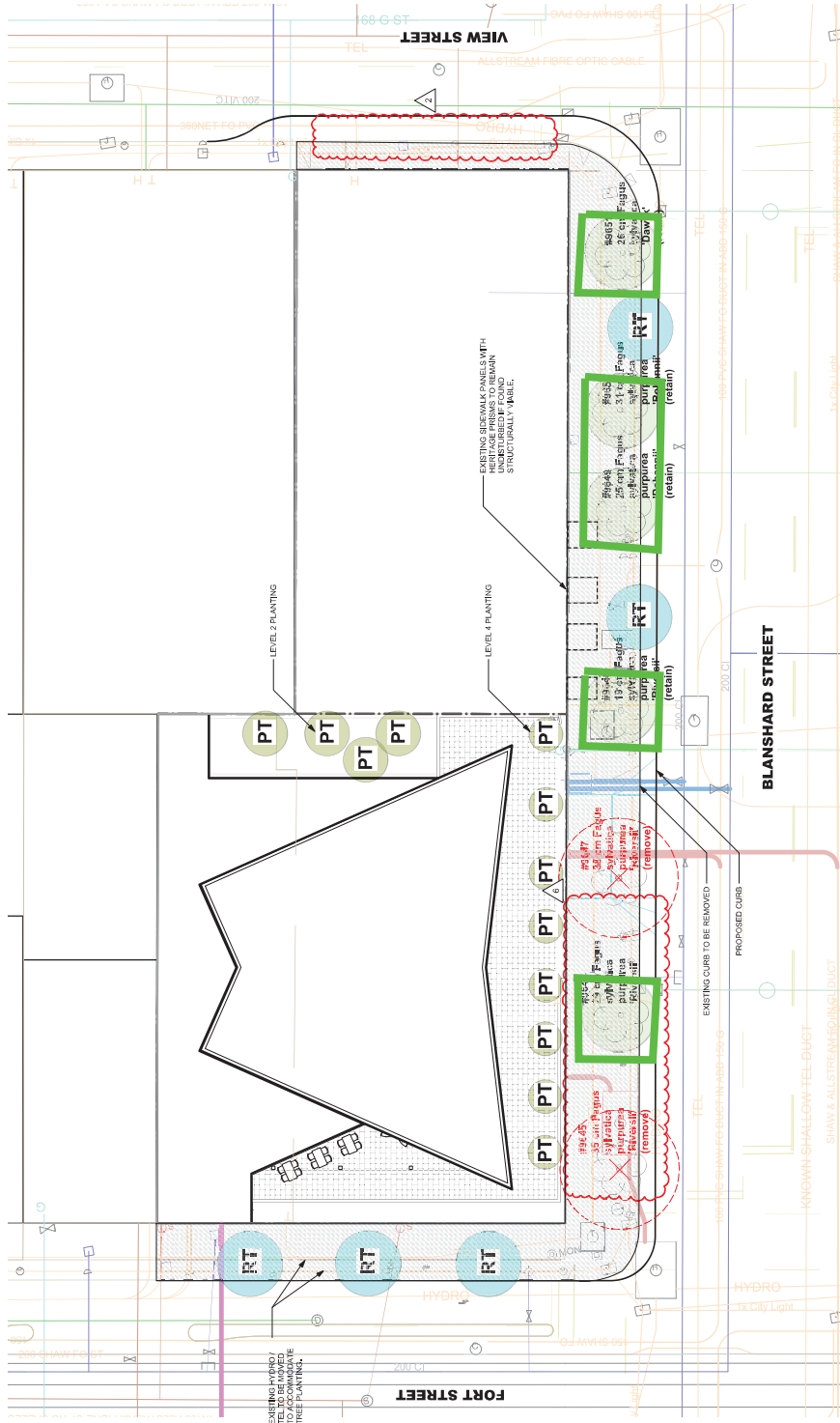
- Bylaw-protected – Tree that is of a size or species that is protected under the current municipal Tree Protection Bylaw.
- Not Protected – Tree that is of a size or species that is not protected under the current municipal Tree Protection Bylaw.
- Municipal – Tree that is located on the municipal frontage.

Retention Status:

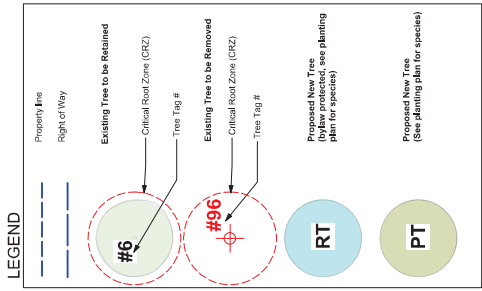
- Remove - Not possible to retain given proposed construction plans
- Retain - It is possible to retain this tree in the long-term given the proposed plans and information available. This is assuming our **recommended mitigation measures are followed**
- Retain * - See report for more information regarding potential impacts
- TBD (To Be Determined) - The impacts on the tree could be significant. However, in the absence of exploratory excavations and in an effort to retain as many trees as possible, we recommend that the final determination be made by the supervising project arborist at the time of excavation. The tree might be possible to retain depending on the location of roots and the resulting impacts but concerned parties should be aware that the tree may require removal.
- NS - Not suitable to retain due to health or structural concerns

Tree Resource Spreadsheet for Montrose Wintergarden Hotel

| Tree ID | Common Name | Latin Name | DBH (cm) * over ivy ~ approximate | Crown Spread (m) | CRZ (m) | Health | Structure | Relative Tolerance | Remarks and Recommendations | Retention Status |
|---------|---|---|---|---------------------|---------|--------|-----------|--------------------|--|------------------|
| 9651 | Upright beech Green leaf cultivar | <i>Fagus sylvatica</i> 'Davyk' | 26.0 | 4 | 4.0 | Good | Fair | Poor | Weakness at union of main and secondary stem. Green leaf variety in contrast to purple leaf cultivars in remainder of row. | Retain |
| 9650 | Purple oak leaf beech | <i>Fagus sylvatica</i> <i>purpurea</i> 'Rohannii' | 31.0 | 8 | 4.0 | Good | Good | Poor | | Retain |
| 9649 | Purple oak leaf beech | <i>Fagus sylvatica</i> <i>purpurea</i> 'Rohannii' | 25.0 | 7 | 4.0 | Good | Good | Poor | | Retain |
| 9648 | Upright European beech purple | <i>Fagus sylvatica</i> <i>purpurea</i> 'Riversii' | 19.0 | 4 | 3.0 | Good | Good | Poor | | Retain |
| 9647 | Purple oak leaf beech | <i>Fagus sylvatica</i> <i>purpurea</i> 'Rohannii' | 38.0 | 9 | 4.0 | Good | Fair | Poor | Weakness at secondary stem unions | Remove |
| 9646 | Upright European beech purple | <i>Fagus sylvatica</i> <i>purpurea</i> 'Riversii' | 29.0 | 8 | 4.0 | Good | Fair | Poor | Weakness at secondary stem union | Retain |
| 9645 | Upright European beech purple | <i>Fagus sylvatica</i> <i>purpurea</i> 'Riversii' | 35.0 | 9 | 4.0 | Good | Fair | Poor | | Remove |
| | | | | | | | | | | |
| | | | | | | | | | | |



Barrier Fencing



TREE SUMMARY

| | |
|---------------------------------|----|
| Below Protected Trees Removals: | 2 |
| New Trees Proposed: | 5 |
| BLVD Private: | 12 |
| Total Replacement Trees: | 5 |

Replacement Tree ratio = 2:1 as per City of Victoria bylaws.
Refer to City of Victoria bylaws for details on tree replacement.
Trees will be planted within the same species and size class as the trees being removed. Final species to be determined in consultation with City of Victoria Parks staff.
Refer to Talbot MacKenzie & Associates arborist report for details on tree health, to be read in association with the landscape drawings.

UNDERGROUND UTILITIES

| EXISTING | PROPOSED |
|-------------|-------------|
| Storm drain | Storm drain |
| Sewer | Sewer |
| Water | Water |
| Electrical | Electrical |
| Gas | Gas |
| Hydro Tel | Hydro Tel |



APPROVAL REQUIREMENTS

1. All trees to be removed must be identified and tagged in accordance with the City of Victoria bylaws.

2. Removal of both protected trees due to existing underground utilities.

3. Change in the location of trees to be removed must be approved by the City of Victoria.

client
MERCHANT HOUSE CAPITAL
201 Douglas Street
Victoria, B.C.

project
Montrose Wintergarden
1106 Blanshard Street
Victoria, B.C.

sheet no.
L0.01

project no.
120.09

scale
1:1000 @ 24"x36"

drawn by
MDI

checked by
MDI

revision no.
MDI

revision
MDI

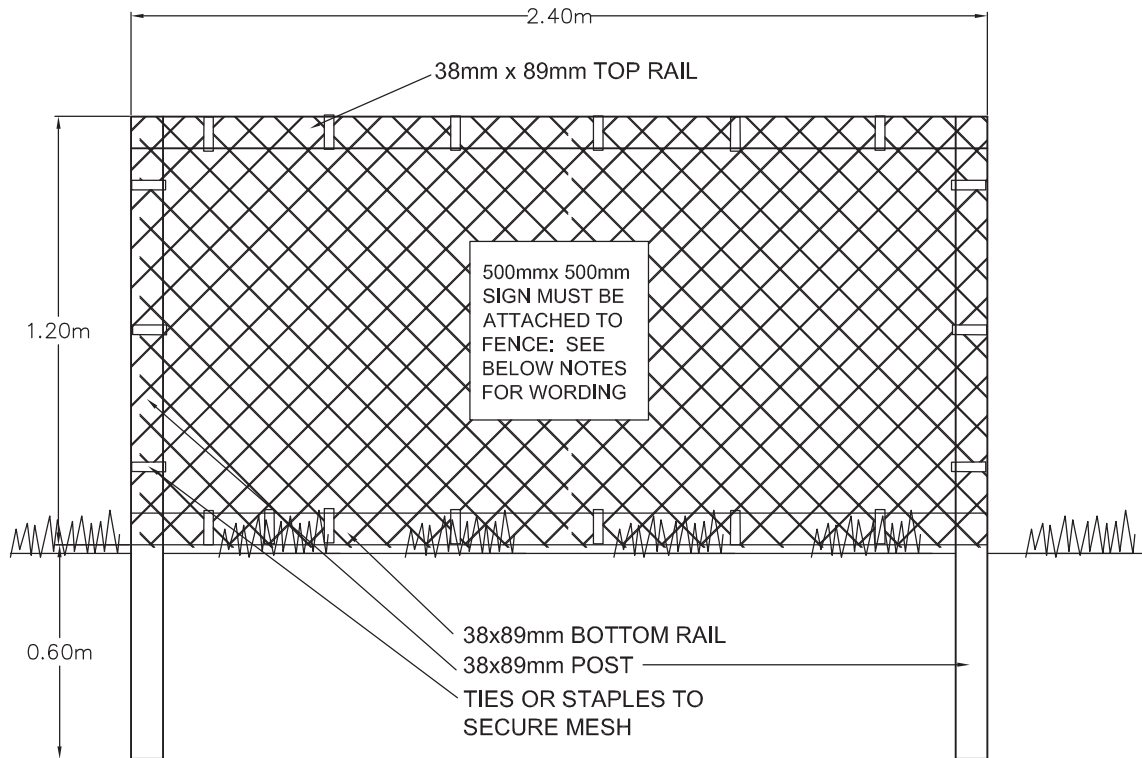
DATE
11/12/2023

DP Application
22/07/2023

DP Re-Submission
18/11/2023

description
Landscape Planning & Design

date
11/12/2023



TREE PROTECTION FENCING

1. FENCE WILL BE CONSTRUCTED USING 38 mm X 89mm WOOD FRAME: TOP, BOTTOM AND POSTS * USE ORANGE SNOW-FENCING MESH AND SECURE THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
 2. ATTACH A 500mm X 500mm SIGN WITH THE FOLLOWING WORDING: WARNING- TREE PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE OR AT LEAST EVERY 10 LINEAR METERS.
- * IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



January 26, 2021

City of Victoria

1 Centennial Square

Victoria BC V8W 1P6

Dear Mayor Helps and Members of Council,

Re: 1114 Blanshard Street, Montrose Apartments and Wintergarden Hotel Rezoning, Development Permit and Heritage Designation Application

We are pleased to submit this summary of the background, intentions and design concept that is the subject of this proposal and part of an application for the Rezoning and Development Permission. The proposal is to construct a new mixed-use hotel project that includes the historic restoration, preservation and heritage designation of the Montrose Apartments building located at the corner of Blanshard Street and View Street. We are subscribers to the Victoria 3.0 vision and to that end, are prepared to invest and contribute in a meaningful way to the evolution of Victoria toward the *future-ready, globally-fluent influencer and innovator* that our city is set to become. Bringing a new hotel model to downtown will expand Victoria's tourism sector. It will contribute to a more resilient place where guest accommodation serves to support the city's innovation ecosystem and allows us to tell a different story and provide rich amenities for visitors seeking an immersive and authentic urban experience in the heart of Downtown Victoria.

The tourism sector plays an important role in Victoria and the CRD's economy, but has a history of being seasonal and volatile to global influences, as has been experienced in the COVID-19 pandemic. Our proposal offers diversification of the guest accommodation market to support visitors that are part of Victoria's innovation economy with an extended-stay model that we anticipate being in demand year-round. We are also investing in the creation of a new public face to a hotel building, with a bold atrium and wintergarden space opening onto the street and connecting to Victoria's local retail and commercial main street.

Site Context

The site includes the properties located at 780 Fort Street, 1106 Blanshard Street and 1114 Blanshard Street, spanning the eastern block of Blanshard Street between Fort Street and View Street. The property at 1114 Blanshard Street is developed with the Montrose Apartments building, originally constructed in 1912 and comprising ground floor commercial space with 21 rental apartment units above. Through careful heritage rehabilitation, these commercial and residential units will be preserved to continue to provide cherished local retail space and much-needed, affordable market rental apartments.

The redevelopment opportunity is then focused on the properties located at 1006 Blanshard Street and 780 Fort Street, currently developed with single-storey commercial buildings. Bringing vibrancy and



development in keeping with the City's Official Community Plan (OCP) and Downtown Core Area Plan (DCAP), our proposal represents new investment in Victoria's storied and historic Fort Street corridor that will serve as a landmark destination for residents and visitors alike.

We began work on this application in 2019 through research and dialogue with local stakeholders and a thoughtful exploration of the commercial and architectural history, and the development potential of the site within its unique context. Despite the uncertainty that arrived in early 2020, we have great confidence in the Victoria market - its attractiveness as one of Canada's most diverse and livable cities, its entrepreneurial spirit and surging technology sector, and its timeless appeal to visitors from near and far, that together contribute to the strength and resiliency of the local economy.

Hotel Proposal - Investing in the Experiential Economy

Our proposal envisions a new offering within the tourist accommodation space to deliver a hotel product that is tailored to serve visitors looking to experience an authentic Victoria stay. Away from the tourist bustle of the Inner Harbour, our site is immersed in the vibrant streetscape along Fort Street and its dynamic commercial mix influenced by the high-tech and innovation firms, restaurants, food-focused services, and local retailers. This is where Victorians live, work, eat, gather and experience community life. Our hotel will create a new destination at the important intersection of Fort and Blanshard streets, in the heart of an authentic Victoria experience.

The proposed 128 commercial guest accommodation units are designed to support extended stay visitors, with in-suite kitchenette and compact, flexible living spaces suited to working travelers and long-term visitors. The podium of the building is designed to include an efficient lobby space, ground-level cafe and commercial uses oriented to the street, with boutique office spaces above. An indoor/outdoor lounge, restaurant and amenity space at the fourth floor creates a destination on the podium's rooftop, supporting hotel guests and welcoming Victoria residents to experience a new view over the city.

The Architecture

Conceived as a contemporary architectural expression but sympathetic to its downtown neighbourhood and historic neighbours, the design concept had intentions to achieve:

- An architectural landmark at an important intersection contributing to Victoria's emerging skyline, while maintaining the characteristic roof cornice line of the surrounding early 20th century fabric;
- A compatible architectural foil to the historic Montrose Apartments and St. Andrew's Cathedral;
- A restored, preserved and Heritage Designated Montrose Apartments Building; and,
- The addition of an exceptional wintergarden as a public amenity for downtown Victoria.

The 16 storey triangular plan-form tower contains hotel suites. It resulted from extensive design studies to create an elegantly proportioned slender tower that while providing viable floor areas, reduces shadowing impacts and visual scale. The floorplan shape avoids forming a 'back' wall, while affording excellent light and views for all suites. The angled walls of the tower are accentuated by angled, vertical, bronze-toned



metal cladding and angled, raised penthouse roof corners. This will give the facade a dynamic effect of subtle changes in hue and brightness at different times of the day and night and a distinctive silhouette. Beyond the aesthetic effect, the angled façades, with minor averaging, all conform to the intent and largely exceeds minimum setback requirements from Blanshard and Fort Streets.

The three-storey podium of the composition forms the 'walls' of the Blanshard Street and Fort Street rights-of-way, their height visually aligning with that of the re-instated upper cornice of the Montrose Apartments. The new podium extends the brick and metal vocabulary of the Montrose, the horizontal rhythm of vertical pilasters, as well as the street alignment and scale of the historic building.

The proposed 200m² south-facing Wintergarden, we are confident, will become a landmark within the downtown public realm. Entered from Fort Street, the space is a glass-enclosed, heavy timber structure enclosing a three-storey, semi-public space. It serves as a grand entrance to the offices on levels two and three and with a soaring spiral stair, a restaurant and bar on level four. This glass atrium, in addition to nestling seating areas, and an open multi-purpose space, will be served by a ground-floor café. With tall trees echoing those along the street boulevards outside, this richly planted space will be a welcome green oasis at the prominent, busy, downtown intersection. A retractable glass façade, with bar seating will face a new Fort streetscape designed by Murdoch de Greeff Landscape Architects, adding new trees, planted boulevards, seating and lighting to a widened sidewalk and recently completed bike-way.

As mentioned, Level two and three of the building are specialty office spaces that enter from the atrium and overlook the Wintergarden. Level four is a fully equipped bar/restaurant with extensive terrace seating to the south and east, overlooking the two streets. The restaurant level is reached by a designated elevator and a spiral wood-clad staircase from the atrium.

Located at the farthest point on the block from the Cathedral, the proposed building respects St. Andrew's Spire and the slender tower maintains important street views of the landmark. For those who look, when viewed from the ground, the sloping parapets at the top of the new Wintergarden Building may make a spire-like silhouette against the sky. A subtle nod to the historic landmark.

The Landscape Architecture

Streetscape and Public Realm

The project has three distinct streetscapes that are influenced by available ROW space, land use, exposure and street/transportation uses. As such the design of the public realm varies between, and even within, the street frontages (eg. Blanshard Street). The Fort Street public realm space is unchanged from the existing condition while Blanshard and View Streets will both become larger due to road narrowing on Blanshard and a small reduction in parking on View Street.

Newly planted street trees, combined with benches and planting will provide shade and separation for the 2.7m wide pedestrian walkway on Fort Street and create a comfortable space for people to sit. This is a south facing frontage and will be a bright space for pedestrians to occupy. The added trees provide shade for pedestrians and the hotel atrium, and will enhance the City's urban forest canopy. The hardscape treatment, City New Town paving pattern, will be used on all public walkways.



The Blanshard Street frontage is split between the modern hotel and the heritage Montrose Apartments. The new trees and benches are offset from the existing trees to create pedestrian spaces in the public realm of the Montrose building. Heritage glass paving also is present in the Montrose sidewalk. Our team will work with City staff to determine whether these features can be retained or moved as the project progresses. These softscape and heritage elements 'soften' the hardscape treatment associated with the Montrose to better integrate the heritage building with a modern hardscape treatment. Removal of a few parking stalls on View St. enables the increased width of the sidewalk and the creation of space for street trees and bicycle parking.

Most trees will be planted in hardscape in the public realm. Structural soil cells will be used to provide adequate soil volumes for the trees to reach maturity. Furnishings such as benches, garbage cans and bike racks will meet City specifications and contribute to creating an urban gathering place at the important corner of Fort and Blanshard. The benches are wood bench tops set on concrete slabs.

On-Site Landscape

The main level consists of exterior bike parking facilities and seating benches, and interior atrium café space, a second floor extensive green roof with patio and landscape features that provide separation and shade on the fourth floor restaurant patio. Bicycle parking and a custom bench will frame the building edge at the street level. The bench will create a space for hotel users to wait for cabs or the public to watch the busy street activity. The Wintergarden atrium will provide an oasis for hotel and restaurant users. The interior plants are suitable for interior landscape applications and will provide privacy and separation in the space. An extensive green roof with a small patio will create an open space area for the offices associated with the second floor. Tree species suitable for this shady area will be planted in planters within the green roof landscape. The restaurant patio on the fourth floor provides a variety of outdoor spaces for people to enjoy the city environment. The south face patio will have a linear planter to soften the edge and act as a protective rail while a sun-shading canopy will provide shade for guests. The east facing patio provides tables with adequate separation for guests with planters that support small trees and low height shrubs and flowering plants.

Vegetation

Plant material in the public realm will be suitable for the urban streetscape condition with final approval for shrubs and trees to be obtained from City Parks staff. The proposed plant material on Fort Street consists of columnar trees with a screen of tall grasses and low growing plantings in the planters. Four columnar trees will be retained on Blanshard Street. New trees will contribute to the urban forest and street canopies along Blanshard Street and View Street. Plants on the rooftop landscape areas have been picked to fit the site conditions and to function with the proposed uses. Plants have been selected that provide habitat for beneficial insects and pollinator species.

Montrose Apartments Heritage Designation

The Montrose Apartments building was constructed for Andrew Sheret Ltd. in 1912, providing ground floor commercial space with housing units above. The 3 storey brick building was designed by Victoria-born architect C. Elwood Watkins and was named by Andrew Sheret after his birthplace in Montrose, Scotland. A painted sign advertising Sheret's Plumbing is still visible on the western facade today. The



building was listed on the Canadian Register of Historic Places in 1995, but has not been designated as a heritage building. Andrew Sheret's plumbing business operated out of the building until the 1950s.

Donald Luxton and Associates has been engaged to prepare a heritage conservation plan for the Montrose Building, which is included in support of the Rezoning and Development Permit applications.

Some of the key character-defining elements of the Montrose Apartments include its:

- continuous use as an apartment building with retail storefronts at ground level;
- form, scale and massing as expressed in its three-storey height, full basement, rectangular plan, flat roof and central entry with raised parapet above, built to the property lines with no setbacks;
- Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative sandstone insets; and central arched entry with inset oak door assembly;
- masonry construction, including pressed tan brick for two main façades, high-fire iron-spot brown brick for quoins and piers, concrete window sills, and common red brick for side and rear façades;
- original fenestration, including: variety of 6-over-1 and 8-over-1 double-hung wooden sash windows in single and double assembly; 1-over-1 double-hung wooden sash windows in lightwell on south side; and multi-paned casement window assemblies with transoms in central stairwell;
- surviving early storefront elements including transoms, bulkhead tiling, and mosaic tile insets at the entries;
- early painted wall sign on west façade;
- area ways that extend under the sidewalk, with purple glass prism lights; and,
- interior features including original room configuration, central staircase with cut-out flat balusters, lath-and-plaster walls and wooden trim.

The Canadian Register of Historic Places states that the Montrose Apartments building is valued as a "reflection of the surge of development that characterized Victoria's gateway economy" in the height of the pre-World War One real estate boom:

The Montrose illustrates the continuing redevelopment of the eastern edge of downtown, through the replacement of earlier buildings on prime sites during a time of great prosperity. At the time it was built, Blanshard Street was being established as a significant north-south commercial street that rivalled Douglas and Government Streets.

The Montrose Apartments is a superior example of the dense, cubic apartment blocks typical of the Edwardian era, which provided housing alternatives in a rapidly urbanizing environment. Originally an apartment-hotel, it provided a variety of accommodation in a location that provided convenient access to downtown amenities. The city relied increasingly on trade and commerce and was growing swiftly with large numbers of immigrants. Apartment blocks suited people and families in transition who could not afford or did not want a single-family home. This was a familiar housing type to those from denser eastern cities and from Europe, who were fuelling coastal settlement.



This is also notable as a superior example of the work of Victoria-born C. Elwood Watkins (1875-1942). Watkins began his architectural apprenticeship in 1890 in the office of Thomas Hooper, and by 1902 had become a full partner. He opened his own office in 1909, and in addition to his many commercial, institutional and residential projects, Watkins was the official architect of the Victoria and Saanich School Boards. Reflective of the architectural expression of the Classical Revival styles that were popular during the Edwardian era, the Montrose is articulated in a tripartite division of base, shaft and capital. The richly-detailed main façades are clad in two tones of brick, with sophisticated detailing that demonstrates a high quality of design and craftsmanship.

Our proposal is to retain the Montrose Apartments building and its commercial and rental apartment units through designation of the property as a heritage building. We are currently updating and renovating the suites as vacancies become available to address life-safety requirements. Careful rehabilitation of the windows and of the exterior facade, including reconstruction of the historic upper cornice, restoration of the windows with historic colours, and restoration of the lower cornice with historic colours, is proposed.

Full seismic upgrading of the building was explored, but deemed to be impractical considering the form and function of the existing development. Retention of the existing commercial and residential rental units is paramount to the project. The loss of long established commercial tenancies unique to this area, in addition to residential tenants, resulting from the substantial construction time and cost to achieve full seismic upgrading of the building is not compatible with this endeavour. Final cost analysis would prescribe retention of only the facade of the Montrose Apartments building and creation of new floor area to support market condominium residential development. The role of the Montrose Apartments has always been to provide rental housing and commercial spaces to support the local Victoria community. The building contributes to the urban fabric in an authentic and meaningful way, which this proposal engrains through heritage designation of the building and retention of the residential units as rental units for 60 years or the life of the building.

Consistency with City Policy

Our proposal is consistent with City planning policies, representing investment in the local economy and development aligned with the OCP and DCAP.

The properties are currently zoned CBD-1. We are proposing rezoning to a site-specific Comprehensive Development (CD) zone to the density envisioned in the Core Business section of the OCP Urban Place Designation. The proposed density of 6.41 to 1 is slightly above the anticipated 6.0 to FSR for commercial density, and the proposed height of 20 storeys, (67m), about 2 storeys higher than the 60 m anticipated height; however, the preservation of the low heritage building, the comprehensive site redevelopment and unique slender building form coupled with the commitment to heritage designation offer a compelling rationale for consideration of the proposed design and solution. The OCP includes building heights up to 24 storeys in the Core Business area in select locations; however, the exact 'select locations' are not specified. The DCAP Maximum Building Height is 60m; however buildings up to 72m are allowed on the neighbouring block to the north. We believe the proposed density and height are appropriate for the site and that the building positioning, architectural design, amenity-rich ground floor, the podium typology and beautiful streetscape improvements offer strong rationale in support of the proposal. Further, the OCP specifies that guidelines may be varied to achieve heritage conservation objectives.



The OCP growth concept envisions the Core Business area remaining the region's government headquarters and central business district through retention of office uses and guidance for new high density commercial development. The objectives of this designation reference revitalization of the central business district through high-rise commercial buildings and low-to-medium rise residential mixed-use buildings, with greatest heights along Douglas Street, Blanshard Street and Yates Street, balanced with protection of the views from public vantage points of heritage landmark buildings on Pandora Avenue, Blanshard Street, Broughton Street and Humboldt Street. The site planning approach taken for the block was guided by current revitalization policy with a focus on preserving public views of St. Andrew's Cathedral.

The DCAP sets a height limit of 60m. Our proposal reaches a maximum of 67m, or 20 storeys, comprised of a 17 storey hotel tower above a 3 storey podium. The relatively small and constrained site results in a slender building form and small floor plates. These constitute positive elements of the design solution, with a strong street relationship achieved through the expressive atrium and podium composition. All parking is provided underground with access to the garage located at the driveway from Blanshard into the current surface parking lot.

While the City's policies typically encourage buildings to taper toward the top and to have a distinctive base, body and top, our design solution is intentional in its presentation of a unique architectural form that differs from what would result from the current prescriptive guidelines. Our team's participation in the current initiative to revisit and reinvigorate the DCAP guidelines encouraged creative interpretation of the intent of the guidelines. The resulting podium and slender tower form will contribute to a distinctive skyline while creating a humane and beautiful pedestrian street experience. The building as designed is largely outside of the step-back planes, with greater distances, with only the tips of the 'wings' protruding.

Housing Policies

The application proposes retention of the existing 21 residential rental units, which will be secured through legal agreement to remain rental for 60 years or the life of the building. We have been working with the City's Housing Policy Planners to document our strategy for managing renovations and supporting tenants through the renovation process and provide the following information to be clear about our plans.

It is our intention to complete renovations through residential attrition and to not have any tenants impacted by the work: no tenants will be evicted due to renovations or repairs. In the case where termination of tenancy of a unit may be unavoidable due to unforeseen major renovations, tenants will be offered right of first refusal back to the unit at the same rent, with permitted rent increases, and provided with temporary accommodation at a comparable units. We have been upgrading units as the rental tenancies have turned over, without requiring the displacement of tenants. The scope of renovations address life safety issues with respect to lighting, exiting, signage, and fire detection systems, in addition to replacement and upgrades to building mechanical and electrical systems, roof, skylight and window replacement, along with cosmetic renovations to upgrade interior finishes and building envelope and heritage restoration and have been managed on a unit-by-unit basis as vacancies have come up. These improvements support the ongoing use in keeping with its original intent as a purpose-built rental building, while extending the life of the building into the future. There is a unique mix of residents and business owners that form the Montrose community and our intention is to minimize disruptions as the development and renovation processes advance. We commit to maintaining open lines of



communication with our tenants as the rezoning application advances to ensure there is clear understanding of our intent to retain existing tenants. A copy of our letter will be provided to Tenants prior to the project advancing to a Public Hearing.

Green Building Practices

While the building is not registered with Canadian Green Building Council, and at the time of this writing, will not be applying to be LEED certified, the design team includes experienced LEED-accredited Green-Building Professionals. All the people involved take seriously their environmental responsibility and their designs include careful consideration and progressive recommendations toward reduction of energy consumption and the production of greenhouse gasses in all material, methods, systems and equipment selections. The building will incorporate ecologically responsible strategies as follows:

Site Selection:

The prominent downtown site is a redevelopment, located along major public transit and biking routes and is walking distance to extensive services, public recreation and cultural amenities.

Innovation and Design:

- i. Coordinated multi-disciplinary, integrated design team approach from the outset of the project.
- ii. Preference for durable building & cladding materials
- iii. Resilient landscape specified for streetscape vegetation adding trees to urban tree canopy.
- iv. A public Wintergarden atrium with extensive indoor planting to serve as an urban 'living room' and thereby contribute to resilient city building.

Transportation:

- i. Service for electric vehicle charging stations.
- ii. Streetscape design to enhance Bike Lane infrastructure and thereby improve cycling experience and encourage use.
- iii. Provision of at-grade secure bicycle storage and short-term bike racks exceeding city requirements.
- iv. Proposed curb alignment along Blanshard to allow for future bike lanes.

Energy Efficiency / Renewable Energy:

- i. Whole-building energy modelling to meet BC Energy Step Code parameters.
- ii. Energy efficient building systems including heat recovery from the Hotel's exhaust air
- iii. Specification of 'Energy Star' rated appliances throughout.



- iv. Incorporate motion sensor lighting activators in common areas; high efficiency LED lighting.
- v. Programmable digital thermostats.
- vi. Designed to manage solar heat gains through shading and high-performance glazing

Water:

- i. Low-flow plumbing fixtures and water efficient appliances will be specified.
- ii. Selection of native and adaptive planting and water efficient irrigation techniques (drip, rainwater catchment in planted areas) to reduce demand on the city's water service.

Landscape Urban Wintergarden:

Extensive indoor planting to accomplish goals including:

1. Creation of a unique, vibrant, indoor public space in downtown Victoria.
2. Improvement of building's indoor air quality for all podium levels.
3. Increased connection to nature for all building users and passersby.

Materials & Resources:

- i. Provision of facilities for storage & collection of recyclables & compost on site for hotel guests and commercial tenants.
- ii. Use of durable materials to prolong the lifespan of the buildings and site elements.

Community Engagement

We have made available and presented details of all aspects of the proposed development and actively engaged with a range of stakeholders throughout the design of the proposed building. Through public engagement and research we have come to understand the local community context and recognize how this proposal can contribute to the ongoing success of the Fort Street corridor and the Downtown Precinct.

We introduced and presented the preliminary concept to the Downtown Residents Association in October 2019 and received encouraging feedback. Following further design development, we then presented to a Community Meeting hosted by the DRA CALUC on January 29, 2020. A summary of the feedback received is provided below:

Montrose Building

- Strong support for retention of Heritage-Registered Montrose Building and sensitive approach to retaining the existing residential units and commercial spaces along Blanshard Street,



while pursuing building envelope, life-safety, and interior upgrades as vacancies allow and mitigating potential construction impacts on existing buildings.

Wintergarden Hotel

- Strong support for the proposed design, with many commending the proposal, the elegant, slender tower design and the 'wintergarden' space within the podium.
- Support for the hotel use and associated commercial, cafe, restaurant and lounge spaces, with some comments warning of the challenging financial climate for restaurants, and some wondering if locating a hotel here will encourage other hotel proposals to follow.
- Some questions about the proposed additional height (+6.0 m/2 floors), with some supporting the project noting it's the right location for height (corner site, and up to 72 m is allowed directly to the north), and some inquiring about the financial rationale for the proposed development.
- Some questions about the relationship between the proposed building and St. Andrew's Cathedral, and the need to preserve views toward the spire.

Neighbourhood Context / Urban Design

- Some concern about the potential construction disruptions and sensitivity of existing commercial businesses along Fort Street following the impacts of the bike lane construction and noting a need for a comprehensive communications and construction management plan.
- Inquiry about the proposed streetscape and plans for trees, seating, etc. in the outdoor spaces along Fort and Blanshard.

We have worked to incorporate feedback and comments into the development plans through further design development since the Community Meeting. We are incredibly thankful to have had the opportunity to share the development plans with many stakeholders prior to the pandemic's onset and we have continued to engage around our proposal using new approaches and technology to meet physical distancing requirements as the application has advanced. Most recently, we shared an update with the DRA via virtual meeting on November 12, 2020.

We are pleased to have had a thorough discussion with the Advisory Design Panel at their meeting on January 13, 2021 and that the project received their unanimous support, with design suggestions. We will address their suggested consideration with respect to the interior planting plan and pedestrian circulation plan for the atrium of the wintergarden at the Building Permit stage. We will also take into consideration the suggestion to incorporate a rooftop treatment on the Montrose Apartments building to address the overlook down from the hotel units and surrounding buildings. We propose that these items can be considered in full at the Building Permit stage.

Investing in Economic Resiliency

Our proposal is firmly on the pathway toward Victoria 3.0. We are innovative and are supporting the innovation ecosystem. We are telling a new story of Victoria through elegant and sophisticated architecture and welcoming visitors to experience the city from the perspective of the people who live and



MERCHANT
HOUSE

CAPITAL

work here. We look forward to your input into the evolution of the story and are confident that collectively we will arrive at the best possible plan for reimagining the future of this landmark corner at Fort and Blanshard.

Sincerely Yours,

Merchant House Capital Inc.
David Fullbrook, CEO



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC V8W 1P6

31 January 2021

Re: 1106 Blanshard Street, Montrose Winter Garden Hotel

Dear Mayor Helps and Council,

The DRA LUC hosted a CALUC meeting for this application on 29 January 2020. Thirty-six people registered their attendance at the door. David Fullbrook - Merchant House Capital, Jennifer Kay - TownSquare, and Frank D'Ambrosio - D'Ambrosio architecture + urbanism conducted the presentation and answered questions from attendees. A summary of the public meeting with the public's comments is appended to this letter. A follow up meeting was held via Zoom with the applicants and LUC members on 12 November 2020.

Response from the LUC:

- It was generally acknowledged by the committee that the proposed building is strikingly unique for Victoria and a handsome building that would be a landmark for the city. There are, however, serious fundamental concerns. The proposed height, density and lack of consideration for the Heritage Corridor or St Andrew's Cathedral reflect an underlying degradation of our core planning documents if it were approved as proposed.
- The OCP mandates a maximum density of 6:1 in the Downtown Core. This density is already exceedingly generous even when compared to other jurisdictions including London, UK and Manhattan. This application is requesting a 6.5% increase over the maximum to 6.39:1 but this appears misleading as this calculation includes a transfer of unused density from a separate legal property. The effective density for the proposed hotel project considered on its own lot is actually 9.13:1 which is higher than maximums for Hong Kong.
- The use of a Master Development Agreement for the singular purpose of stripping potential density from a separate legal parcel in exchange for Heritage Designation (with no other significant building improvements) and transferring it to another legally

separate parcel is highly irregular, not permitted in bylaw, sets a dangerous precedent and provides for no community benefit.

- The proposed improvements to the Montrose Building promoted as a part of this application appear to constitute little more than deferred maintenance.
- DCAP's Density Bonus Objective #7 states: *That the density bonus system encourages the rehabilitation and permanent protection of more heritage properties through seismic upgrading.* No seismic upgrade is proposed for the Montrose Building as part of this application in exchange for the irregular transfer of density to an adjacent property. City policy is to require/support seismic upgrading as the opportunities arise. We find it problematic that by avoiding property amalgamation, millions of dollars worth of density can be removed from this site without the seismic upgrades that will save the lives of tenants, reduce the risk of building collapse and increase public safety on the street during a significant seismic event.
- It has not been explained how this proposal reconciles with the Fort Street Heritage Corridor designation of the OCP.
- The properties included in this proposal all fall within the 90m proximity for the protection of views from public vantage points of a Heritage Landmark Building: St Andrew's Cathedral. The proximity protection was established in the OCP to maintain the prominence of 16 significant heritage buildings in the City of Victoria while development continues around them. A rationale has not been offered as to why this provision in the OCP is not being upheld.
- While this is a business model that excites the developers - an Airbnb style experience "operated by an international hotel platform" in a non-touristy part of downtown – it doesn't appear to do much to sustain the Fort Street corridor. Likewise, the business model relies on minimal staffing, so it will not provide the level of new employment opportunities that would be anticipated with a traditional hotel operation.
- Land Lift analyses for past projects provided a pittance to the city due to early City policy failures to set a realistic price for increases in property value. We anticipate this project, as presented, will again leave the City with little opportunity to capture the amenity contribution equivalent to 75% of the additional land value created by the rezoning to support currently unfunded public amenities.

This proposal appears to have been structured in such a way as to strip all additional density from the Montrose property while avoiding the expenses involved with seismic upgrades in order to maximize the developer's benefit and profit. The applicant is not providing any essential life safety upgrades to the Montrose building. This building is on the Heritage Registry, located in a Heritage Conservation Area and is within the 90m-proximity for protection of the Heritage Landmark Building of St. Andrew's Cathedral. As such, there are general protections in place for the Montrose building even in the absence of Heritage Designation. We suggest that this is a dubious approach offered to justify Hong Kong densities along a Heritage Corridor for an Airbnb-type hotel tower. Neither the public nor the community will likely receive any benefit from permitting this to take place. However, its approval would provide the precedence for other applicants to engage in what is, in fact, the sale of potential density between separate parcels of land: a process that is not currently permitted (for good reason) in the City of Victoria.

We are concerned that Staff has reinterpreted aspects of our core planning documents in order to bring this proposal before Council. We suggest that it's not the job of our Planning Department to maximize the profit of developers but to uphold the vision for the city and the downtown; bringing an objective eye to all applications, leaving the political decisions of compromise to Council, having been informed by the applicant's presentation, Staff's objective review and community input.

Council's approval of applications such as this will only encourage others to come forward with equally inappropriate proposals that are outside the bounds of our recently updated core planning documents and contrary to the vision they represent for the future of our city.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ian Sutherland', with a large loop at the start and a trailing flourish.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

Summary of CALUC Meeting Held January 29, 2020

Based on the information the applicant provided at the meeting and relevant documents, we understand the project includes the following:

Project Overview:

- Proposal encompasses three properties with Blanshard frontage between View and Fort and includes Montrose Building.
- All three properties are located within the Core Historic Urban Place Designation in the OCP and the Central Business District in DCAP.
- This is a Heritage Conservation Area so there are general protections for Registered buildings.
- The Montrose is a Heritage Registered Building but not Heritage Designated.
- The property at 780 Fort is located along the Fort Street Heritage Corridor: Antique Row.
- The properties are all within the 180m radius of a Heritage Landmark Building: St Andrew's Cathedral.
- DCAP proscribes Maximum Building Heights at 60 m or ~15 storeys.
- The properties are included in an Area for Density Bonus System with a base density for commercial of 4:1 and a maximum density of 6:1.
- Proposed density of 6:41:1 is calculated with combined area of all 3 properties but the properties will not be amalgamated. Instead 1106 Blanshard and 780 Fort will be "combined" for the new building.
- The applicant identified the need for an OCP amendment for height and density but will rely on the advice of Staff.

Montrose:

- Proposal includes renovating the building envelope, re-establishing the cornice, re-establishing the flag over the main entry and renovating individual units.
- The building will not be seismically upgraded.
- Will apply for Heritage Designation to provide additional protections.
- Tenants (commercial & residential) will be retained in situ while renovations occur.

Winter Garden:

- Height: ~3-storey podium (~12m) with 20-storey tower (66.87 m).
- Setbacks: L1-L4: 0m, L5-L20: 1.95-2.69m. Setbacks on upper storeys conform to about +90% because of the triangular shape the wedges of space do intrude.
- Shadow studies: triangular shape of tower minimizes shadowing on adjacent buildings.
- 128 hotel suites with an Airbnb concept.
- Vehicle Parking: 32 stalls required, 43 provided. Two or three levels underground accessed from the driveway cut of the current parking lot beside Monks. There's also a drop off area for luggage.
- Bike parking: 26 required, 29 provided.
- Ground floor: The atrium has direct connection with spiral stair up to the restaurant level next to the elevators. They also connect the offices with the ground level.
- Second and third floors: specialty office space.

- Fourth floor: an amenity floor. Hasn't been determined. Could be restaurant, bar, dining. It has two roof decks.
- Fifth floor and above contain the hotel units with kitchenettes.

Comments and concerns raised by the public at the CALUC meeting:

Overview

- Point raised that we have an OCP and why can't the development community work within it. As opposed to asking us every time, not some of the time, just give us a little more. And if there's an economic rationale that's being used, then use a neutral third party to assess and show us the actual numbers.
- This proposal includes a density transfer from the Montrose property to the hotel properties. There's no City policy that supports a transfer of density.
- The density calculated for the proposal understates the impact the tower will have in the area and the City's skyline. It's estimated that the effective density of the Winter Garden portion of the proposal is approximately 9.18:1.
- The transfer of density is problematic and dangerous for the rest of downtown, and Old Town, in particular, which we're trying to keep to 3:1 FSR.
- Concerns that the trade-off being offered; putting a hotel tower on the block with this height, in exchange for preserving the Montrose, may come at too high a cost to the City and risks increasing development pressures in the area.
- Developers consistently ask for more density and yet the community is not being given anything in return. No amenities, no parks, no non-market daycares. None of the things we need for a complete community. One project can't provide everything, but each projects adds to the deficiency and is a missed opportunity.
- A question whether there were designs created that keep within the proscribed FSR.
- Concerns raised regarding the impact on the neighbouring local businesses on the Fort St block and possible strategies to mitigate the disruptive effects of construction in the area.
- The question regarding the timeline for this project was answered with an estimate of 4 years.
- Comment noting that there had been no discussions about environmental standards and whether there had been any thoughts on that aspect. The applicant answered that they aren't at that point in the project.

Montrose

- Increased protection of the Montrose Building through Heritage Designation is appreciated.
- Concerns were raised regarding the lack of seismic upgrade for life & safety considerations and for long-term viability of this 1912 Registered Heritage Building.
- Concerns were raised that the work proposed for the Montrose is merely an aesthetic upgrade rather than a comprehensive preservation or rehabilitation strategy.
- Commend the plan for respecting the existing building and its tenants.
- Commercial tenant appreciates that tenants would be retained.
- Concerns regarding the impacts on existing tenants in terms of increased rents and elimination of affordable rental units.
- Appreciation expressed for keeping the interior character and wide hallways.

- A question of whether or not parking will be created for residents as part of the proposal (none).

Winter Garden

- Several comments regarding the height, including:
 - Several general statements that the building is too tall;
 - Height not consistent with local context;
 - Height is competing with the church spire;
 - Is this height is permitted this close to the landmark spire; and,
 - Rather see 2 extra floors if that's what's needed to make it an exceptional project if 2 less would make it a mediocre project.
- Great design of the triangular shape that does not loom over the street but is elegant and slender.
- Concern for whether existing view corridors of cathedral will be blocked.
- It's great architecture by one of Victoria's better architects.
- An interesting building but concern expressed for the preservation of small shops along Fort St that are disappearing and being replaced represents a loss of local character and history.
- Question of what special considerations and references are used when a property such as this one is located along the Fort St Heritage Corridor. Does the application comply?
- Concern for the Airbnb concept of a hotel and whether the units would be sold individually. The applicant assured that the units would be operated by an international hotel platform.
- Questions whether the Winter Garden will be classified as a hotel by the City and pay relevant taxes, licensing, etc.
- Concern whether this is an appropriate location in the City for a hotel.
- Concerns were expressed for the feasibility of a restaurant concept and all the challenges the industry is facing with increased costs and a changing competitive landscape.
- Appreciation expressed for the thoughtful design considerations and programming to create an active and animated streetscape on the corner of Fort and Blanshard.
- Concern expressed for the risk of damage to St Andrews Cathedral and other heritage buildings in the area during blasting/construction.

4. APPLICATION

4.1 Development Permit Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street

The City is considering the construction of a twenty-storey hotel with ground floor commercial and the heritage designation and upgrade of an existing, three-storey heritage building.

Applicant meeting attendees:

| | |
|------------------|-----------------------------|
| DAVID FULLBROOK | MERCHANT HOUSE CAPITAL |
| FRANC D'AMBROSIO | D'AMBROSIO ARCHITECTURE AND |
| | URBANISM |
| JENNIFER KAY | TOWNSQUARE PLANNING INC |
| SCOTT MURDOCH | MURDOCH DE GREEFF INC |

Miko Betanzo provided the Panel with a brief introduction of the application and the areas that Council is seeking advice on, including the following:

- height impacts
- landmark building radius response
- building setbacks for the tower portion of the proposal
- any other aspects of the proposal on which the ADP chooses to comment.

David Fullbrook provided the Panel with a detailed presentation of the site and context of the proposal. Scott Murdoch provided the panel with a detailed presentation of the landscaping plan.

The Panel asked the following questions of clarification:

- what is the dimension of the section of the building that sits closest to the eastern property line in terms of the setback?
 - 2.69m at the closest point.
- Can you please speak about the proposed height and massing of the tower and the intent as to how and why you can to those conclusions?
 - The homogenous massing is intentional and the accommodations we're asking for are to allow the floor plate to be shaped in a way that it will diminish its presence from different angles. The additional screening to take the parapets up to really make the top into something different gave us more height.
- In the winter garden, have you considered planting the large garden trees in larger areas or garden beds instead of small spots?
 - No, we haven't gotten into the finer details and will discuss this in further depth. Our strategy will be to have mostly hanging plants.
- Did you investigate the possibility of any viewing platform or area on the roof that would be accessible?
 - No, the size of the floor plates has restricted us in terms of the circulation. We cannot put in another elevator shaft to be able to grant rooftop access.
- Do you have an operator identified for this hotel?
 - There are discussions ongoing with two, no one has committed yet.
- Have you thought about dedicating floors to condo units?

- No, we are not interested in condos. We are interested in the concept of a neighbourhood within a building.
- Can you please explain your justification for a 6m height variance?
 - We required a certain useable sq. footage within the building to allow for the number of units that we are proposing to backflow into a financeable project. The height is a dictate of the viability to the building. If we don't achieve the height the project doesn't work.
- Can we see how the shadows will impact St. Andrews church around 1pm at the front?
 - The tip of the upper extended screen will cover the top corner. It's the tallest portion of the furthest point on the building so it will not be the full extent of the shadow.
- Has any consideration been given to the roof of the Montrose building?
 - It was discussed, but we are not doing a restructuring of this building.
- Did you consider larger openings into the atrium at street level?
 - We wanted to share it and the activity that a hotel may bring. We do have the potential to open to the sidewalk as shown in the plans.

Panel members discussed:

- Concerns for the design with regards to surrounding heritage buildings
- Appreciation for the project
- Comfortable with the height variance
- Contextually the angels and details are well done
- Good application and proposal for this corner of the City
- No concern with building setback
- Livability of units look well thought out
- Sidewalk interface is well achieved
- Concern with shadowing cast on St. Andrews church
- Montrose building's roof needs some visual attention
- Concern for livability for interior trees
- Appreciation for the timber frame structure
- Support for the massing and shape

Motion:

It was moved by Brad Forth, seconded by Marilyn Palmer, that Development Permit Application No. 000580 for 780-798 Fort Street & 1106-1126 Blanshard Street be approved with the following changes:

- Consideration of the treatment to the Montrose building roof with some type of roofscape
- Group tropical trees into larger planters for better chance of long-term survival
- Consideration of a through route for pedestrians to be able to enjoy the atrium

Carried Unanimously

Heather McIntyre

From: Sheila Hanna [REDACTED]
Sent: February 17, 2020 10:29 AM
To: Victoria Mayor and Council
Subject: Proposal for development Blanshard and Fort - Monk's site

Dear Mayor and Council,

I am writing to voice my objection to any approval being given for a proposal for a 20 storey building on the Fort and Blanshard Streets block. (Monk's site).

Simply put, the building would be much too tall, and not in proportion to other buildings in the area.

Furthermore, approval of a building this high would be the thin edge of the wedge.

We have a unique downtown core which locals and tourists appreciate as it is. Adding huge high rises would be a detriment to the beauty of our city, and are totally out of scale.

Please nip this in the bud and ensure the number of storeys does not exceed those of surrounding properties.

Thank you.

Yours sincerely,

Sheila Hanna
143 Medana St.
Victoria, BC
V8V 2H6

Heather McIntyre

From: Deb and Bob Sherwood [REDACTED]
Sent: March 9, 2020 5:25 PM
To: Victoria Mayor and Council
Cc: [REDACTED]
Subject: Proposed Development of 780-798 Fort St and 1106-1126 Blanshard St

Dear Mayor and Council,

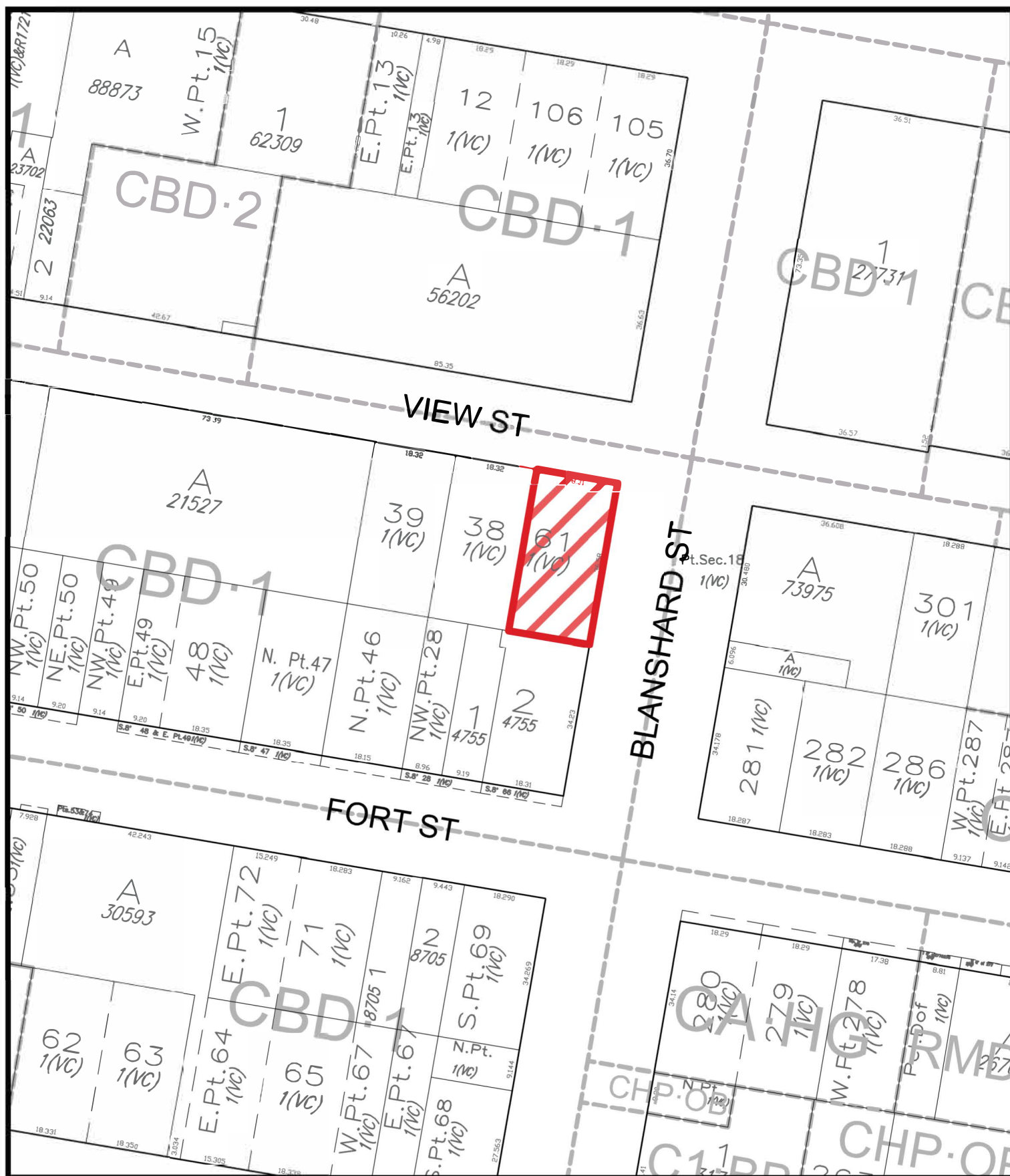
We understand that Merchant House Capital Inc is requesting a zoning variance for their Montrose Wintergarden Hotel project. As we understand it, the proposal includes a height increase from 43m to 65.5m. We strongly object to this added height.

We bought a condo in the downtown core and were assured that sight lines would be preserved as well as the unique character of downtown Victoria. This building will block our view and that of many others. As Victoria struggles to preserve a viable downtown core, adding another hotel for short-term visits is not the way to do it.

Furthermore, the Montrose Apartments Building is Heritage Registered - keeping a few of the original bricks is not heritage preservation.

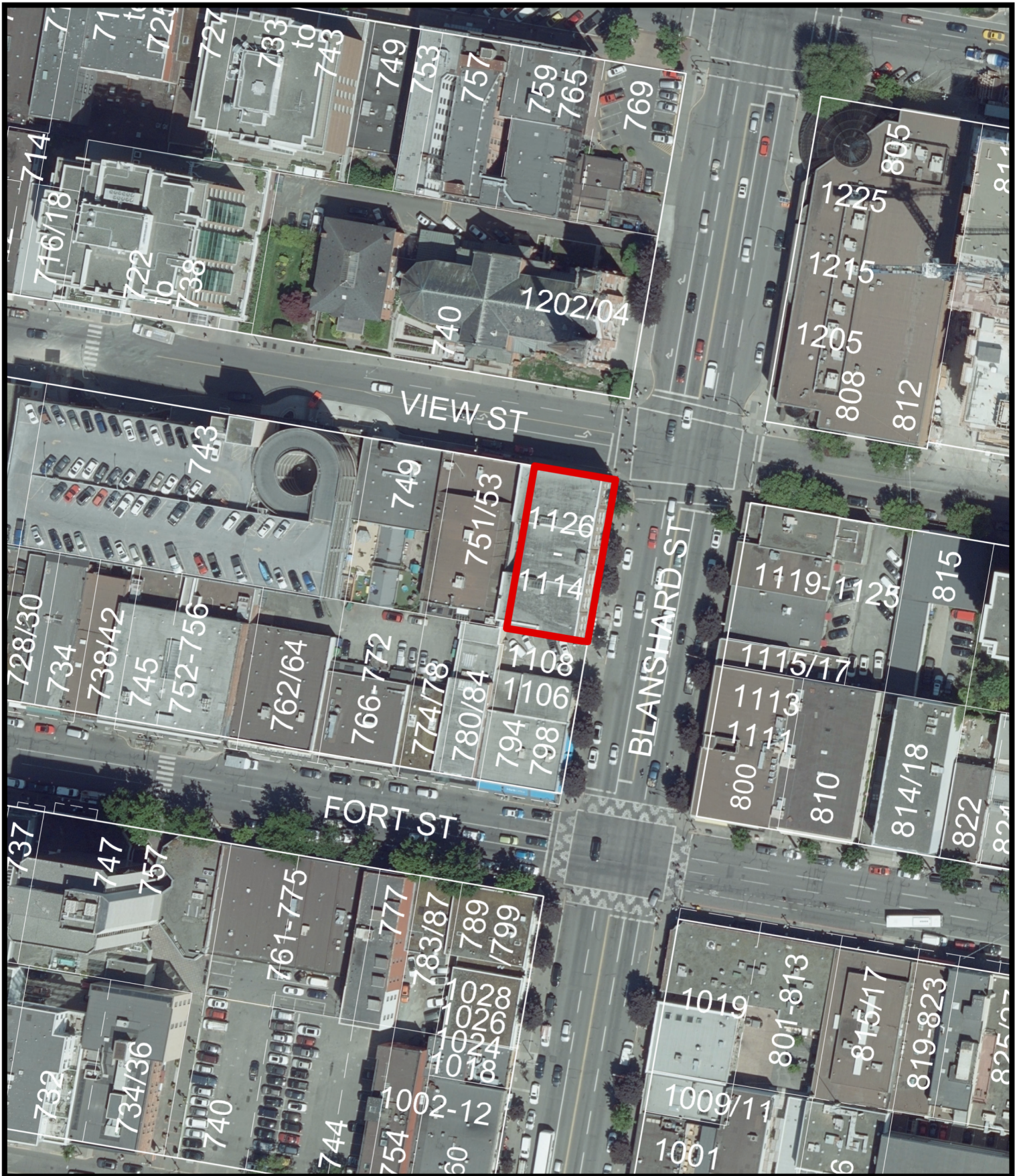
Please honour your zoning by-laws.

Deb and Bob Sherwood
1206-728 Yates Street
Victoria, BC



1114 -1126 Blanshard Street
Heritage Designation No.000196





1114 -1126 Blanshard Street
Heritage Designation No.000196



Photographs



Front (East) Elevation- facing Blanshard Street



Side (North) Elevation- facing View Street



Andrew Sheret Sidewall Sign on Rear (West) Elevation



Side (South) Elevation

MONTROSE APARTMENTS

1114-1126 BLANSHARD STREET

Original Owner: Andrew Sheret

Architect: C. Elwood Watkins

Date of Construction: 1912

Description of Historic Place

The Montrose Apartments is a three-storey, brick apartment block, located at the corner of Blanshard and View Streets in Downtown Victoria. The two main façades are articulated with decorative Edwardian-era elements, including brick detailing in two colours. Six retail storefronts face Blanshard Street, with the two central ones having the narrowest frontage.

Heritage Value of Historic Place

Constructed during the height of the pre-World War One real estate boom, the Montrose Apartments is valued as a reflection of the surge of development that characterized Victoria's gateway economy. With its substantial size, brick construction and classically-influenced detailing, the Montrose was, and remains, a downtown landmark. It was built in 1912 as an investment property by Andrew Sheret (1870- 1947), who had arrived in Victoria in 1891. He established a local plumbing firm in 1893 that continues in business to the present day; a painted sign advertising Sheret's Plumbing is still visible on the west façade. Sheret named this apartment building after Montrose, his birthplace in Scotland. Its scale reflects the optimism and rapid growth of the Edwardian era, prior to the collapse of the local economy in 1913 and the outbreak of World War One the following year. The Montrose illustrates the continuing redevelopment of the eastern edge of downtown, through the replacement of earlier buildings on prime sites during a time of great prosperity. At the time it was built, Blanshard Street was being established as a significant north-south commercial street that rivalled Douglas and Government Streets.

The Montrose Apartments is a superior example of the dense, cubic apartment blocks typical of the Edwardian era, which provided housing alternatives in a rapidly urbanizing environment. Originally an apartment-hotel, it provided a variety of accommodation in a location that provided convenient access to downtown amenities. The city relied increasingly on trade and commerce and was growing swiftly with large numbers of immigrants. Apartment blocks suited people and families in transition who could not afford or did not want a single-family home. This was a familiar housing type to those from denser eastern cities and from Europe, who were fuelling coastal settlement.

This is also notable as a superior example of the work of Victoria-born C. Elwood Watkins (1875-1942). Watkins began his architectural apprenticeship in 1890 in the office of Thomas Hooper, and by 1902 had become a full partner. He opened his own office in 1909, and in addition to his many commercial, institutional and residential projects, Watkins was the official architect of the Victoria and Saanich School Boards. Reflective of the architectural expression of the Classical Revival styles that were popular during the Edwardian era, the Montrose is articulated in a tripartite division of base, shaft and capital. The richly-detailed main façades are clad in two tones of brick, with sophisticated detailing that demonstrates a high quality of design and craftsmanship.

Character-Defining Elements

Key elements that define the heritage character of the Montrose Apartments include its:

- prominent location at the corner of Blanshard and View Streets, in Victoria's historic downtown core
- continuous use as an apartment building with retail storefronts at ground level
- form, scale and massing as expressed in its three-storey height, full basement, rectangular plan, flat
- roof and central entry with raised parapet above, built to the property lines with no setbacks
- Edwardian era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative cast-stone insets; and central arched entry with inset oak door assembly
- masonry construction, including pressed tan brick for two main façades, high-fire iron-spot brown brick for quoins and piers, concrete window sills, and common red brick for side and rear façades
- original fenestration, including: variety of 6-over-1 and 8-over-1 double-hung wooden sash windows in single and double assembly; 1-over-1 double-hung wooden sash windows in lightwell on south side; and multi-paned casement window assemblies with transoms in central stairwell
- surviving early storefront elements including transoms, bulkhead tiling, and mosaic tile insets at the entries
- flagpole above main entry
- early painted wall sign on west façade
- areaways that extend under the sidewalk, with purple glass prism lights interior features including original room configuration, central staircase with cut-out flat balusters, lath-and-plaster walls and wooden trim



MONTROSE APARTMENT

1114-1126 BLANSHARD STREET, VICTORIA, BC

OUTLINE HERITAGE CONSERVATION PLAN

MARCH 2021

DONALD LUXTON
AND ASSOCIATES INC





Figure 1: Cover page: Montrose Apartments, 1114-1126 Blanshard Street, southwest corner of Blanshard Street and View Street, 1918.
[Harry Upperton Knight, photographer. City of Victoria Archives M00874]

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1 - INTRODUCTION

The above cut gives an excellent representation of what will be the appearance of the new block under construction for Mr. Andrew Sheret, on the southwest corner of View and Blanchard street. The structure, which will be three stories in height, is from plans drawn by Mr. C.E. Watkins and will be of brick and stone. The site has a frontage of 120 feet on Blanchard street and 60 feet on View street. It will be ready for occupancy within four months. Mr. Sheret will occupy one store and the other five, all on Blanchard street, will afford ample showroom space for their occupants. The upper storeys will be utilized as a high class rooming house. Messrs. Murray and Aves are the contractors.
Victoria Daily Colonist, April 9, 1912, page 2.

Andrew Sheret was the head of the local plumbing company of the same name. This prominent apartment building was built in 1912 as an investment property; it was named after his ancestral birthplace in Scotland.



Figure 2: Victoria Daily Colonist, April 9, 1912, page 2.

2 - HISTORIC CONTEXT

ORIGINAL OWNER: Andrew Sheret
CIVIC ADDRESS: 1114-1126 Blanshard Street
HISTORIC NAME: Sheret Building / Montrose Apartments
ARCHITECT: C. Elwood Watkins
CONTRACTORS: Murray & Aves
DATE OF CONSTRUCTION: 1912

STORES AND HOTEL FOR VIEW STREET
BUILDING FOR ANDREW SHERET IS COMMENCED
\$45,000 Steel, stone and Pressed brick Block on Important City Corner.

Ground was broken at View and Blanchard streets on Saturday for the basement of Andrew Sheret's new and modern private hotel, and the contractor, Murray and Aves, are to work continuously until the building is complete. It will be three stories with stores on the ground floor and rooms above.

The hotels of Victoria will be augmented by one of the most modern and most completely equipped private hotels in the province

as Mr. Sheret has spared nothing in providing for the building all that is needed to complete it on the most modern lines.

Forty-eight rooms constructed in the best known methods will cover the two top floors of the lot, occupying ground 60 feet by 120 feet. The ground floor will have six stores of splendid depth and provide a spacious entrance for the hotel above.

Stone and steel construction, finished with pressed brick, hot and cold water for every room, with the best of fittings and hot water heating are provided for in the plans. The building when completed will cost \$45,000, and occupy a prominent site in the inside portion of the city. It will be in keeping with the general improvement of that part of Victoria and form a solid structure for an important corner on Blanchard street. Opposite corners are occupied by the Y.M.C.A. and the Roman Catholic cathedral.

Victoria Daily Times, April 8, 1912, page 11.

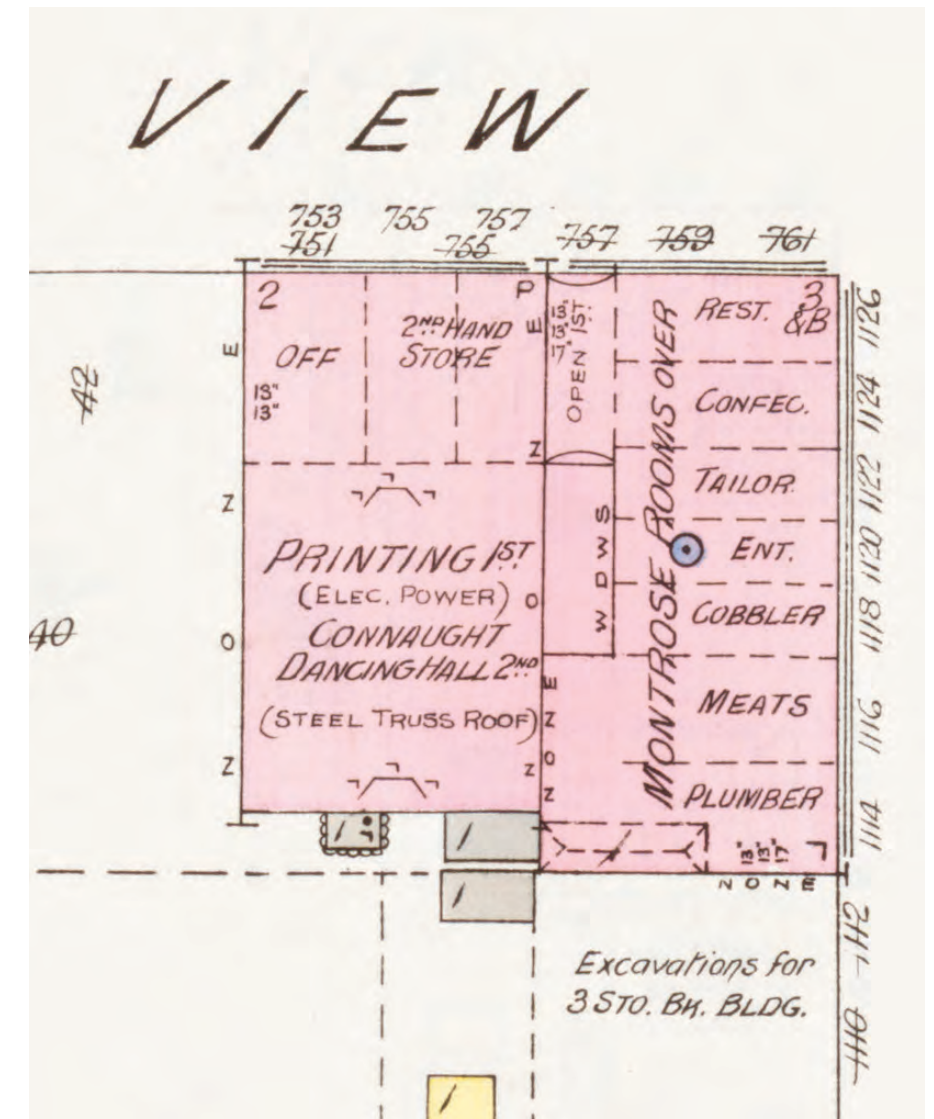


Figure 3: Goad's Fire Insurance Plan, 1911 [Revised 1913], Sheet 8.

2.1 ANDREW SHERET

Andrew Sheret was born in 1870 in Montrose, Scotland. After his schooling, he apprenticed as a plumbing and heating tradesman. On Victoria Day, May 24th, 1890, Andrew relocated to Victoria, BC. For a short time, he found work with McLennan and McFeely Hardware. In 1892, he went into business as a plumbing and heating contractor and opened a shop on lower Fort Street. In 1900, Andrew married 23-old Victoria native, Annie McDowell.

Over the next twenty years, Andrew built up a very successful business, supplying plumbing and heating supplies to Victoria customers. During the prosperous 1920's, Andrew gradually eased out of the retail business and into wholesale distribution. In 1921, he sold the retail side of the business to three former employees. Andrew Sheret stayed active in the business until his death in 1947, at the age of 76. Annie Sheret died in 1965, at the age of 88.

After Andrew Sheret's death, his eldest son, Andrew William Sheret (Will), stepped in as President of the company, a position he held until 1992. Under Will's leadership, Andrew Sheret Limited was the first in the industry to implement a pension plan, and one of the first businesses anywhere with a company funded medical plan. Will maintained an active role in the company until his death in 1998.

Will's son-in-law, Brian Findlay, became President of the company in 1992. Andrew Sheret Limited realized significant growth under Brian's leadership, including the expansion of eleven branches during his tenure, and the implementation of a share participation program for employees in 2001. Brian was also instrumental in establishing a national buying group to provide individual companies, like Andrew Sheret Limited, the ability to remain competitive with national companies. Brian retired from Andrew Sheret Limited in 2015, with his son, Eric Findlay, succeeding him as President, with the vision to advance the family business well into the future.



Figure 4: Andrew Sheret, circa 1925.



Figure 5: William Sheret, circa 1940.



Figure 6: Andrew Sheret Ltd. Warehouse on View Street, Victoria, 1947. [Duncan Macphail, photographer. British Columbia Archives I-01623]



Figure 8: Andrew Sheret Ltd., 1114 Blanshard Street, Victoria; South Side of Blanshard, between Fort and View Streets, 1947. [Duncan Macphail, photographer. British Columbia Archives I-01622]



Figure 7: The McDowell Sisters, Margaret Blair and Annie Dollie Sheret. [BC Archives D-09770]



Figure 9: Montrose Apartments, 1114-1126 Blanshard Street, southwest corner of Blanshard Street and View Street, February 1961 [City of Victoria Archives M01495]

2.2 C. ELWOOD WATKINS, ARCHITECT

By Jennifer Nell Barr and Donald Luxton
Retrieved from “Building the West: The Early Architects of British Columbia”

Although he spent the first half of his career in the shadow of his more famous partner, Thomas Hooper, native-born C. Elwood Watkins was a prolific and talented designer whose work deserves wider recognition. He was born on October 3, 1875 in Victoria, B.C., the eldest son of Charles Richard Watkins, of Abergavenny, Wales, and Mary Hannah McMillan, of Bowmanville, Ontario. In 1862 both his parents’ families moved to Victoria, where Charles and Mary were married on December 12, 1874. Elwood’s father died of typhoid in November 1884 at the age of forty-two. Mary and her five younger children went to live with her father, and Elwood was sent back to Ontario to attend high school. Before the age of fifteen he was back in Victoria and began his architectural apprenticeship in the office of Thomas Hooper. This was a busy and prolific time, and as Hooper travelled a great deal, it can be imagined that young Elwood was the backbone of the practice, handling many of the practical affairs. The office developed a steadily increasing reputation among numerous clients for solid, competent work. In recognition of his contributions, in 1902 he was made a full partner. Their output was prodigious: within a few short years they designed many of the buildings that still define the character of Victoria’s Old Town. The firm also produced a large volume of residential work, and a number of landmark projects around the province.

Their success enabled Watkins to design and build his own home on prestigious Rockland Avenue, 1904-05. On April 19, 1905 he married Lillian Matilda ‘Lill’ Nisbet, the daughter of Philip and Catharine Nisbet. Elwood and Lill had two children, a daughter, Gwendolyn, and a son, Thomas Elwood, named after Hooper. After an acrimonious split with Hooper in 1909, Watkins opened his own office in the Green Block on Broad Street.



Figure 10: C. Elwood Watkins
[City of Victoria Archives M05363]

From 1908 to 1913 the population boom in Victoria, with the influx of new residents particularly from Britain, led to a major expansion programme for local schools. Watkins was one of the group of younger architects who developed more modern school designs, including advanced technology and the use of a wider range of building materials. In his austere design for George Jay School, started in 1908 while he was still in partnership with Hooper, he introduced the “Kahn System” of reinforced concrete construction, patented in the United States by the engineer brother of Detroit architect Albert Kahn. By 1912 Watkins had been appointed official architect of the Victoria School Board, and after H.J. Rous Cullin left for overseas service, he also became the architect for the Saanich School Board. His most imposing and lavish school design was the new Victoria High School, the highlight of his career. This glorious essay in Beaux-Arts Classicism is richly encrusted with terra cotta. Watkins had been selected as architect for the new building in 1910, and worked closely with Principal Samuel J. Willis, also his brother-in-law, in studying the latest elements of school design. Tenders closed in March 1912, but the school was not opened until April 20, 1914. The final cost of \$460,000 made it the most expensive school building in the province.

The years of the First World War were very slow for local architects. Watkins did some school work and private residences, but went one year without making any money at all. Apparently, Watkins and the Victoria Building Inspector, Herbert Shade, played cards together to pass the time. Watkins did secure the commissions for two large lavish Tudor Revival homes for the Luney Brothers, Walter and William, prominent local contractors. The brothers had won the contract for Provincial Normal School, which allowed them the funds to build their own homes in the middle of the war, at a time when few people could afford to build anything.

After the war, Watkins became very busy again, with a varied practice that included residential, commercial and institutional work. Following the trend towards period revival styles, he designed several Colonial Revival residences, a Spanish Colonial Revival funeral parlour, and an Art Deco crematorium chapel. He provided designs for a number of buildings at Victoria’s two major hospitals, and also donated a design for the Saanich Pioneer Society’s museum in Central Saanich, 1932-33. During the 1930s Watkins sometimes worked in informal association with other architects, including J. Graham Johnson. Watkins was a favourite architect of the local Chinese community, and provided designs for Hook Sin Tong, Lee’s Benevolent Association, the Lee Block, and several buildings on Fan Tan Alley.

Along with a number of other prominent families, the Watkinses owned one of the first summer homes on the cliff-top lots on Mileva Crescent in north Gordon Head, Saanich, which was developed in 1912. Neighbouring property-owners, the five Parfitt Brothers, were also business associates; as local contractors they constructed many of Watkins’s buildings. The families organized numerous tennis and lawn bowling parties. Musical events were often hosted by the Parfitts, who had a twelve-piece family orchestra, and built a concert hall on their property.

Watkins was known for his civic contributions, including membership on the Plumbing Board of Examiners, and the Building Board of Appeal for the City

of Victoria. As a prominent member of the Kiwanis Club, he was chairman of the tuberculosis rehabilitation committee and organized the TB Seal Drive at Christmas. For many years he was on the Board of Stewards and Trustees of the Metropolitan Methodist, one of the first buildings on which he had worked in Hooper’s office.

Active in the creation of the AIBC and first Vice-President of the organization, at the time of his death Watkins was the chair of the Victoria Chapter. Elwood died on August 14, 1942 at the age of sixty-six, and was buried in Royal Oak Burial Park in Saanich. He had worked at his profession until two days before his death. His wife, Lillian, died on November 26, 1959.

3 - STATEMENT OF SIGNIFICANCE

ORIGINAL OWNER: Andrew Sheret
CIVIC ADDRESS: 1114-1126 Blanshard Street
HISTORIC NAME: Sheret Building / Montrose Apartments
ARCHITECT: C. Elwood Watkins
CONTRACTORS: Murray & Aves
DATE OF CONSTRUCTION: 1912

Description of the Historic Place
The Montrose Apartments is a three-storey, brick apartment block, located at the corner of Blanshard and View Streets in Downtown Victoria. The two main façades are articulated with decorative Edwardian-era elements, including brick detailing in two colours. Six retail storefronts face Blanshard Street, with the two central ones having the narrowest frontage.

Heritage Value of the Historic Place
Constructed during the height of the pre-World War One real estate boom, the Montrose Apartments is valued as a reflection of the surge of development that characterized Victoria’s gateway economy. With its substantial size, brick construction and classically-influenced detailing, the Montrose was, and remains, a downtown landmark. It was built in 1912 as an investment property by Andrew S heret (1870-1947), who had arrived in Victoria in 1891. He established a local plumbing firm in 1893 that continues in business to the present day; a painted sign advertising Sheret’s Plumbing is still visible on the west façade. Sheret named this apartment building after Montrose, his birthplace in Scotland. Its scale reflects the optimism and rapid growth of the Edwardian era, prior to the collapse of the local economy in 1913 and the outbreak of World War One the following year. The Montrose illustrates the continuing redevelopment of the eastern edge of downtown, through the replacement of earlier buildings on prime sites during a time of great prosperity. At the time it was built, Blanshard Street was being established as a significant north-south commercial street that rivalled Douglas and Government Streets.

The Montrose Apartments is a superior example of the dense, cubic apartment blocks typical of the Edwardian era, which provided housing alternatives in a rapidly urbanizing environment. Originally an apartment-hotel, it provided a variety of accommodation in a location that provided convenient access to

downtown amenities. The city relied increasingly on trade and commerce and was growing swiftly with large numbers of immigrants. Apartment blocks suited people and families in transition who could not afford or did not want a single-family home. This was a familiar housing type to those from denser eastern cities and from Europe, who were fuelling coastal settlement.

This is also notable as a superior example of the work of Victoria-born C. Elwood Watkins (1875-1942). Watkins began his architectural apprenticeship in 1890 in the office of Thomas Hooper, and by 1902 had become a full partner. He opened his own office in 1909, and in addition to his many commercial, institutional and residential projects, Watkins was the official architect of the Victoria and Saanich School Boards. Reflective of the architectural expression of the Classical Revival styles that were popular during the Edwardian era, the Montrose is articulated in a tripartite division of base, shaft and capital. The richly-detailed main façades are clad in two tones of brick, with sophisticated detailing that demonstrates a high quality of design and craftsmanship.

Character-Defining Elements

Key elements that define the heritage character of the Montrose Apartments include its:

- prominent location at the corner of Blanshard and View Streets, in Victoria’s historic downtown core;
- continuous use as an apartment building with retail storefronts at ground level;
- form, scale and massing as expressed in its three-storey height, full basement, rectangular plan, flat roof and central entry with raised parapet above, built to the property lines with no setbacks;
- Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative sandstone insets; and central arched entry with inset oak door assembly;
- masonry construction, including pressed tan brick for two main façades, high-fire iron-spot brown brick for quoins and piers, concrete window sills, and common red brick for side and rear façades;
- original fenestration, including: variety of 6-over-1 and 8-over-1 double-hung wooden sash windows in single and double assembly; 1-over-1 double-hung wooden sash windows in lightwell on south side; and multi-paned casement window assemblies with transoms in central stairwell;
- surviving early storefront elements including transoms, and mosaic tile insets at the entries;
- flagpole above main entry;
- early painted wall sign on west façade;
- areaways that extend under the sidewalk, with purple glass prism lights; and,
- interior features including original room configuration, central staircase with cut-out flat balusters, lath-and-plaster walls and wooden trim

4 - CONSERVATION GUIDELINES

4.1 STANDARDS & GUIDELINES

The Montrose Apartments are listed on the City of Victoria Heritage Register and are considered a significant historical resource. The Parks Canada’s *Standards & Guidelines for the Conservation of Historic Places in Canada* is the source used to assess the appropriate level of conservation and intervention. Under the *Standards & Guidelines*, the work proposed for the Montrose Apartments includes aspects of preservation, rehabilitation and restoration.

Preservation: the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of a historic place or of an individual component, while protecting its heritage value.

Restoration: the action or process of accurately revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.

Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of a historic place or an individual component, through repair, alterations, and/or additions, while protecting its heritage value.

The following document should be referenced when carrying out any work to an historic property: [Standards and Guidelines for the Conservation of Historic Places in Canada](#), Parks Canada, 2010.

4.2 OTHER CONSERVATION REFERENCES

The following additional conservation resources should also be referred to, as necessary:

[Building Resilience - Practical Guidelines for the Sustainable Rehabilitation of Existing Buildings in Canada](#), MTBA & Associates Inc., 2016.

National Park Service, [Technical Preservation Services. Preservation Briefs:](#)
Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings.
Preservation Brief 2: Repointing Mortar Joints in Historic Masonry Buildings.
Preservation Brief 3: Improving Energy Efficiency in Historic Buildings.
Preservation Brief 6: Dangers of Abrasive Cleaning to Historic Buildings.
Preservation Brief 9: The Repair of Historic Wooden Windows.
Preservation Brief 10: Exterior Paint Problems on Historic Woodwork.
Preservation Brief 11: Rehabilitating Historic Storefronts.
Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns.
Preservation Brief 18: Rehabilitating Interiors in Historic Buildings – Identifying Character-Defining Elements.
Preservation Brief 25: The Preservation of Historic Signs.
Preservation Brief 32: Making Historic Properties Accessible.
Preservation Brief 38: Removing Graffiti from Historic Masonry.
Preservation Brief 39: Holding the Line: Controlling Unwanted Moisture in Historic Buildings.
Preservation Brief 41: The Seismic Retrofit of Historic Buildings: Keeping Preservation in the Forefront.



Figure 11: Standards & Guidelines: Conservation Decision Making Process

4.3 GENERAL CONSERVATION STRATEGY

The primary intent is to preserve components of the existing historic structure, while undertaking an overall rehabilitation, with the restoration of key missing elements. The historic building is part of a larger proposed mixed-use development that will result in a new building to the south, located at the corner of Fort and Blanshard Street. As part of this development, the Montrose Apartments will receive heritage designation.

Proposed Redevelopment Scheme

The redevelopment scheme for this property has been prepared by D’Ambrosio Architecture + Urbanism, and includes the conservation and designation of the Montrose Apartments, with a new building constructed to the south.

The proposed conservation interventions include:

- preservation of the Montrose Apartments in its current form;
- rehabilitation of masonry;
- restoration of sheet metal cornices;
- structural bracing of the parapets;
- preservation of storefront cornices on historic street façades;
- rehabilitation of fenestration;
- phased rehabilitation of the storefronts;
- restoration of missing metalwork;
- rehabilitation of existing windows; and
- restoration colour scheme.

Interventions to the Montrose Apartments should be based upon the Standards outlined in the *Standards & Guidelines*, which are conservation principles of best practice.

4.4 SUSTAINABILITY STRATEGY

Heritage conservation and sustainable development can go hand in hand with the mutual effort of all stakeholders. In a practical context, the conservation and re-use of historic and existing structures contributes to environmental sustainability by reducing solid waste disposal, saving embodied energy, and conserving historic materials that are often less consumptive of energy than many new replacement materials.

In 2016, the Federal Provincial Territorial Ministers of Culture & Heritage in Canada (FPTMCHC) published a document entitled, [***Building Resilience - Practical Guidelines for the Sustainable Rehabilitation of Existing Buildings in Canada***](#), that is “intended to establish a common pan-Canadian ‘how-to’ approach for practitioners, professionals, building owners, and operators alike.”

The following is an excerpt from the introduction of the document:

[Building Resilience] is intended to serve as a “sustainable building toolkit” that will enhance understanding of the environmental benefits of heritage conservation and of the strong interrelationship between natural and built heritage conservation. Intended as a useful set of best practices, the guidelines in Building Resilience can be applied to existing and traditionally constructed buildings as well as formally recognized heritage places.

These guidelines are primarily aimed at assisting designers, owners, and builders in providing existing buildings with increased levels of sustainability while protecting character-defining elements and, thus, their heritage value. The guidelines are also intended for a broader audience of architects, building developers, owners, custodians and managers, contractors, crafts and trades people, energy advisers and sustainability specialists, engineers, heritage professionals, and officials responsible for built heritage and the existing built environment at all jurisdictional levels.

Building Resilience is not meant to provide case-specific advice. It is intended to provide guidance with some measure of flexibility, acknowledging the difficulty of evaluating the impact of every scenario and the realities of projects where buildings may contain inherently sustainable elements but limited or no heritage value. All interventions must be evaluated based on their unique context, on a case-by-case basis, by experts equipped with the necessary knowledge and experience to ensure a balanced consideration of heritage value and sustainable rehabilitation measures.

Building Resilience can be read as a stand-alone document, but it may also further illustrate and build on the sustainability considerations in the Standards and Guidelines for the Conservation of Historic Places in Canada.

4.5 ALTERNATE COMPLIANCE

As a listed building on the Municipal Heritage Register, the Montrose Apartments may be eligible for heritage variances that will enable a higher degree of heritage conservation and retention of original material, including considerations available under the following municipal legislation.

- British Columbia Building Code
- Energy Efficiency Act

4.6 SITE PROTECTION & STABILIZATION

It is the responsibility of the owner to ensure the heritage resource is protected from damage at all times. At any time that the building is left vacant, it should be secured against unauthorized access or damage through the use of appropriate fencing and security measures. Additional measures to be taken include:

- Are smoke and fire detectors in working order?
- Are wall openings boarded up and exterior doors securely fastened once the building is vacant?
- Have the following been removed from the interior: trash, hazardous materials such as inflammable liquids, poisons, and paints and canned goods that could freeze and burst?

The façade should be protected from movement and other damage at all times during demolition, excavation and construction work. Install monitoring devices to document and assess cracks and possible settlement of the masonry façade.

5 - PRELIMINARY CONDITION ASSESSMENT & OUTLINE RECOMMENDATIONS

The aforementioned items will assist in protecting the listed heritage resource that is currently unoccupied during the planning process until actual site work commences.

A condition review of the Montrose Apartments was carried out during a number of site visits in November 2019 and June 2020. The extent of preliminary condition assessment was limited to visual review of the exterior of the building from the ground level, as well as other accessible areas at the time the review was conducted. The recommendations for the overall preservation of the historic façades are based on the site review and archival documents that provide valuable information about the original appearance of the historic building.

The following chapter describes the materials, physical condition and recommended conservation strategy for the Montrose Apartments based on *Parks Canada Standards & Guidelines for the Conservation of Historic Places in Canada*.

TABLE 5A - PRELIMINARY CONDITION ASSESSMENT & OUTLINE RECOMMENDATIONS

| | EXISTING ELEMENTS (CDE = CHARACTER DEFINING ELEMENT) | PRELIMINARY CONDITION ASSESSMENT | CONSERVATION TREATMENT | OUTLINE CONSERVATION RECOMMENDATION |
|-----|---|--|---------------------------|---|
| 5.1 | SITE (CDE) <ul style="list-style-type: none"><i>prominent location at the corner of Blanshard and View Streets, in Victoria's historic downtown core;</i><i>continuous use as an apartment building with retail storefronts at ground level;</i><i>areaways that extend under the sidewalk, with purple glass prism lights;</i> | INTACT (GOOD) <ul style="list-style-type: none">The exterior masonry walls are built to the front, side and rear property lines with no setback. The upper floor levels are characterized by exterior masonry walls that are setback to the side (south) and rear (west) to accommodate window openings.Original mixed-use occupancy is extant, characterized by residential apartment on the upper floor levels, and commercial storefronts at ground level.Basement level retains its original areaways that extend under the sidewalk, with purple glass prism lights. | Preservation | <ol style="list-style-type: none">Prior to construction, all heritage elements within the site should be protected from any damage or destruction at all times. Reference Section 4.6: Site Protection for further information.Preserve the original location of the building.Retain the main frontage on east elevation along Blanshard Street.Design a new infill structure to the south that is “physically and visually compatible with, subordinate to, and distinguishable from the historic place” as recommended in Standard 11. |
| 5.2 | FORM, SCALE & MASSING (CDE) <ul style="list-style-type: none"><i>form, scale and massing as expressed in its three-storey height, full basement, rectangular plan, flat roof and central entry with raised parapet above, built to the property lines with no setbacks;</i><i>Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative cast-stone insets; and central arched entry with inset oak door assembly;</i> | INTACT (GOOD) <ul style="list-style-type: none">Generally intact, with no major alterations to the overall form, scale, and massing of the historic structure.Symmetrical facade, with articulation of corner and central bays through quoining pilasters above storefront cornice are intact.Raised parapet walls conceal the low-slope roof with two central lightwells and roof access with side gable roof directly behind the raised pediment on the central bay.The original projecting metal cornice at parapet level is missing, and enclosed by unsympathetic panelling that diminishes the historic character of the building and should be removed. | Preservation | <ol style="list-style-type: none">Preserve the overall form, scale and massing of the building. |
| 5.3 | MASONRY (CDE) <ul style="list-style-type: none"><i>Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative cast-stone insets; and central arched entry with inset oak door assembly;</i><i>masonry construction, including pressed tan brick for two main façades, high-fire iron-spot brown brick for quoins and piers, concrete window sills, and common red brick for side and rear façades;</i> | INTACT (GOOD) <ul style="list-style-type: none">The Montrose Apartments retains its original masonry construction, including: pressed tan brick for two main façades, high-fire iron-spot brown brick for quoins and piers, concrete window sills, and common red brick for side and rear façades.In general, the brick masonry units appear to be in good condition, with some discolouration and efflorescence noted in localized areas, which can be attributed to water saturation.Some brick masonry units have been finished with unsympathetic paint. Further investigation is required to determine the condition of fireskin surfaces and mortar joints underneath the paint layers.Architectural detailing includes: arched window hoods with keystones, herringbone brick nogging in spandrels and decorative cast-stone insets.Historic street facades along Blanchard Street (east) and View Street (north) feature surviving original decorative sandstone insets; some appear to be in good condition, while others show natural weathering and signs of accelerated degree of deterioration, as evidenced by blistering and delamination. | Preservation | <ol style="list-style-type: none">Preserve existing original masonry construction. Repair in-kind brickwork that are in poor condition, or replace like-for-like if heavily deteriorated and structurally unsound.Determine if paint removal is feasible using non-abrasive methods to confirm the condition of brick masonry units underneath, and to determine extent of necessary brickwork repair.Undertake complete condition survey of condition of all masonry elements.Cleaning, repair and repointing specifications to be reviewed and recommended by Heritage Consultant. Work should only be undertaken by skilled masons.All redundant metal inserts and services mounted on the exterior walls should be removed or reconfigured.Any holes in the brick should be filled or replaced to match existing.Overall cleaning of all brick masonry walls, particularly on the historic street façades, should be carried out.Sandblasting or any abrasive methods that may damage the fireskin surfaces are not permitted. Chemical restoration cleaners should be reviewed and recommended by Heritage Consultant.Repoint the brickwork as required. It should match original in consistency, composition, strength, colour and pointing profile; note the finely tooled profile of the original mortar joints.Retain sound exterior masonry or deteriorated exterior masonry that can be repaired or reused elsewhere. |



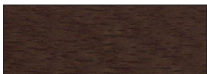
| | EXISTING ELEMENTS (CDE = CHARACTER DEFINING ELEMENT) | PRELIMINARY CONDITION ASSESSMENT | CONSERVATION TREATMENT | OUTLINE CONSERVATION RECOMMENDATION |
|-----|--|--|--|--|
| 5.4 | ARCHITECTURAL METALWORK (CDE) <ul style="list-style-type: none">Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative cast-stone insets; and central arched entry with inset oak door assembly; | INTACT (FAIR); DISTURBED <ul style="list-style-type: none">The Montrose Apartments originally had an ornate projecting galvanized sheet metal cornice that ran the length of the parapet level at the east and north elevations.There was also a small projecting sheet metal cornice located above the central ground floor entry.The parapet and entry sheet metal cornices were completely removed prior to 1961.The original storefront sheet metal cornice and fascias are intact. Some are showing accelerated degree of deterioration, as evidenced by paint loss, discolouration, corrosion, and material loss. | Preservation and/or Restoration | <div>16. Reinstall historically appropriate ornate metal cornice along the entire length of the parapet level at the east and north elevations.</div> <div>17. Investigate condition of brickwork where the metal cornice will be reinstated, and repair in-kind as required.</div> <div>18. Repair in-kind existing storefront metal cornice, as required.</div> <div>19. Structurally brace the parapets to improve seismic performance.</div> |
| 5.5 | FENESTRATION (CDE) <ul style="list-style-type: none">Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative cast-stone insets; and central arched entry with inset oak door assembly;original fenestration, including: variety of 6-over-1 and 8-over-1 double-hung wooden sash windows in single and double assembly; 1-over-1 double-hung wooden sash windows in lightwell on south side; and multi-paned casement window assemblies with transoms in central stairwell;surviving early storefront elements including transoms, and mosaic tile insets at the entries; | <div>5.5.1 WOOD WINDOW ASSEMBLIES</div> <div>INTACT (GOOD); DISTURBED</div> <ul style="list-style-type: none">The second and third floor windows are intact including a variety of 6-over-1 and 8-over-1 double-hung wooden sash windows in single and double assembly, 1-over-1 double-hung wooden sash windows in the lightwell on south side, and multi-paned casement window assemblies with transoms in central stairwell.Four small bathroom windows on the Blanshard Street facade have been changed from double-hung configuration to casement window sash.In general, most of the wood window frames are in good condition, with signs of natural weathering as evidenced by paint failure.There is an ongoing program of progressive rehabilitation and maintenance of the original windows that is underway, that will ensure the continued viability of the original windows. <div>5.5.2 PRIMARY ENTRANCE WOOD DOOR ASSEMBLY</div> <div>INTACT (GOOD); DISTURBED</div> <ul style="list-style-type: none">The primary entrance to the apartments along Blanshard Street is characterized by an inset oak door assembly that includes paired sidelights and transoms with true-divided lights.The existing entrance double door sashes do not appear to be original; existing narrow stile metal doors with glass inset do not contribute to the historic character of the Montrose apartments, and should be replaced with historically appropriate wood door sashes. <div>5.5.3 STOREFRONTS</div> <div>INTACT (FAIR); DISTURBED</div> <ul style="list-style-type: none">The storefronts of the Montrose Apartments include many early storefront elements including a variety of transoms, inset doors, and mosaic tile insets at the entries.Some storefront elements have been altered over time, relating to individual tenant improvements.The most intrusive elements, however, are the disparate signs and awnings that disrupt the original character. | Preservation and/or Rehabilitation | <div>5.5.1 WOOD WINDOWS & TRIMS</div> <div>20. Inspect for condition and complete detailed inventory to determine extent of recommended repair or replacement.</div> <div>21. Preserve existing window frames and sashes. Repair as required, using in-kind repair techniques.</div> <div>22. Each window should be made weather tight by re-puttying and weather-stripping as necessary.</div> <div>23. If existing wood sashes are deteriorated beyond repair, replace with new wood-sash assemblies to match original.</div> <div>24. New windows to be solid wood sash with through mortise-and-tenon joints, and true rope and pulley double-hung system.</div> <div>25. Prime and repaint as required in appropriate colour, based on colour schedule devised by Heritage Consultant.</div> <div>5.5.2 PRIMARY ENTRANCE DOOR ASSEMBLY</div> <div>26. Inspect for condition to determine extent of recommended repair or replacement.</div> <div>27. Preserve surviving, original elements of the entrance door assembly. Repair in-kind as required.</div> <div>28. Replace existing narrow-stile metal door sashes with historically appropriate wood door sashes.</div> <div>5.5.3 STOREFRONTS (SEE FIGURE 12 ON THE FOLLOWING PAGE)</div> <div>29. The storefronts will be rehabilitated to the original 1912 configuration.</div> <div>30. The transoms and storefront elements, and the mosaic tile entries will be retained when original to 1912, and rehabilitated as required.</div> <div>31. The storefront bulkheads will be restored according to their historic appearance, of wood profiles.</div> <div>32. The storefront rehabilitation will be phased in over time, tied to the issuance of a building permit related to tenant improvements.</div> <div>33. Restoration of the original transom windows, except in the case where mezzanine spaces have been added within two of the commercial retail units, in which case the transoms will be restored if the mezzanines are removed.</div> <div>34. Preserve any surviving original storefront elements. Repair in-kind as required.</div> <div>35. Any new storefront elements should be visually compatible with the historic character of the building, and reflect original based on extant elements, or evidence from archival photos.</div> <div>36. Prime and repaint as required in appropriate colour, based on colour schedule devised by Heritage Consultant.</div> |

| | EXISTING ELEMENTS (CDE = CHARACTER DEFINING ELEMENT) | PRELIMINARY CONDITION ASSESSMENT | CONSERVATION TREATMENT | OUTLINE CONSERVATION RECOMMENDATION |
|-----|---|---|---------------------------|---|
| 5.6 | FLAGPOLE (CDE) <ul style="list-style-type: none">flagpole above main entry; | INTACT (FAIR); DISTURBED <ul style="list-style-type: none">Existing flagpole located at the rooftop level is centrally placed above the main entry.The roof was inaccessible during site visit, and further investigation is required to determine its condition and confirm what is appropriate conservation approach. | Preservation | 37. Preserve the existing flagpole in its current configuration. Repair in-kind only as required. 38. If deteriorated beyond repair, carefully document before dismantling, and salvage original as reference. New replacement material should match original like-for-like. |
| 5.7 | HISTORIC SIGNAGE (CDE) <ul style="list-style-type: none">early painted wall sign on west façade; | INTACT (DISTURBED) <ul style="list-style-type: none">An early painted wall sign “ANDREW SHERET LTD.” remains intact on the west facade below the northwest corner of the parapet wall.The paintwork has weathered over time, and some areas of the early painted wall sign have been tagged. | Preservation | 39. Preserve early painted wall sign on west elevation. |
| 5.8 | EXTERIOR COLOUR SCHEDULE | INTACT; DISTURBED <ul style="list-style-type: none">The original applied colour on the windows have been matched to a dark green colour. Based on the appearance of archival images, the cornices likely were painted the same colour. | Restoration | 40. Reinstate historical colour scheme for exterior painted finishes; refer to Table 5B . |
| 5.9 | INTERIOR FEATURES (CDE) <ul style="list-style-type: none">interior features including original room configuration, central staircase with cut-out flat balusters, lath-and-plaster walls and wooden trim | INTACT <ul style="list-style-type: none">The interior of the Montrose Apartments are significantly intact, including the original room configuration, central staircase with cut-out flat balusters, lath-and-plaster walls and wooden trim.There is no intention of changing the interior layout or elements at this time. | Preservation | 41. Preserve existing original interior layouts or elements. |



Figure 12: (Above) View of original storefronts

TABLE 5B - HISTORICAL COLOUR SCHEME:
MONTROSE APARTMENTS, 1114-1126 BLANSHARD STREET, VICTORIA BC

| | ELEMENT | COLOUR | CODE* | SAMPLE | FINISH |
|---|--|---|---------|---|------------|
| A | Wood Window Frames, Brick Moulds, Storefront Profiles & Wood Window Sashes (at side and rear elevations) | Rookwood Shutter Green | SW-2809 |  | Gloss |
| B | Wood Window Sashes** (at street elevations) | TBD | - | - | Gloss |
| C | Sheet Metal Cornices | Rookwood Shutter Green | SW-2809 |  | Semi-Gloss |
| D | Primary Entrance Wood Door Assembly | Stained & Varnished (Preserve existing colour and finish) | - |  | - |

*SW - Paint colours matched from Sherwin Williams’ *Historic Colors Collection*

** Colour of street facades wood window sashes to be confirmed once access is available.



Figure 13: (Left) Primary Entrance Wood Door Assembly

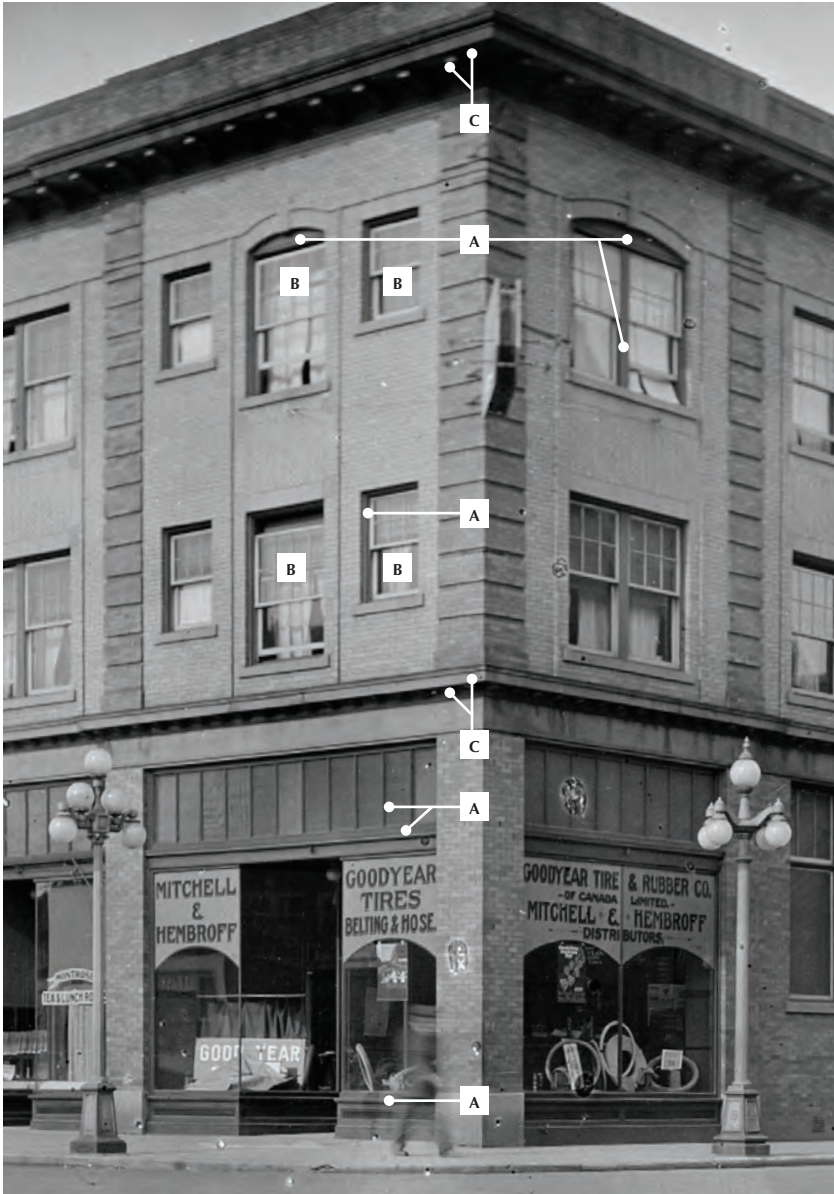


Figure 14: (Right) Montrose Apartments, 1114-1126 Blanshard Street, southwest corner of Blanshard Street and View Street, 1918. [Harry Upperton Knight, photographer. City of Victoria Archives M00874]

APPENDIX A - REFERENCE PHOTOS



Figure 15: Partial South (side) and East (front) Elevation, as viewed from along Blanshard Street.



Figure 17: South (side) Elevation, as viewed from adjacent parking lot.



Figure 16: East (front) Elevation, as viewed from along Blanshard Street.



Figure 18: North (secondary historic street facade) Elevation, as viewed from View Street.



Figure 19: Detail photo showing central bay above entrance alcove. Note typical deterioration of window sills, sandstone insets, and wood window frames.



Figure 20: Detail photo showing typical paired wood window assembly with double-hung sashes. Note typical deterioration of brick masonry units below missing parapet cornice.



Figure 21: Detail photo showing arched window openings with double-hung wood window sashes at south elevation. Note deteriorated parging of wood window sills, exposing brick masonry units in rowlock coursing underneath.



Figure 22: Detail photo showing recessed primary entrance portico at central bay of front facade along Blanshard street. Note existing replacement door sashes (paired narrow-stile metal doors with glass inset) that are not historically appropriate.



Figure 23: Detail photo showing existing typical deteriorated condition of column bases.



Figure 24: Detail photo showing existing typical deteriorated condition of storefront metal cornice.



Figure 25: Detail photo showing existing typical deteriorated condition of pediment above the central bay of the historic front facade along Blanshard Street. Note existing flagpole partially shown in the background.



Figure 26: Detail photo showing existing typical condition of storefronts along Blanshard Street. Note ribbon of transom windows above "The Cookie Guy" does not reflect original configuration as shown above "Better Choice Staffing".



Figure 27: Partial secondary front (north) facade, and surviving early painted signage along west (rear) elevation.



Figure 28: Detail photo showing partial North Elevation (along View Street) showing typical deterioration of exterior character-defining elements caused by water ingress and saturation.



Figure 29: Detail photo showing typical deterioration of window sill. Note discolouration and biological growth, and paint failure.



Figure 30: Detail photo showing typical deterioration of architectural metal cornice. Note discolouration and biological growth; paint failure; and, corrosion of metal elements.

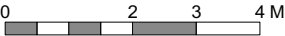


Figure 31: Detail photos showing unsympathetic paint finish over brick masonry units. Note discolouration and biological growth; further investigation is required to determine if face brick are spalling underneath.

APPENDIX B - PROPOSED BLANSHARD STREET FACADE



Montrose Building - Proposed Restored Elevation



Montrose Wintergarden Hotel
Feb. 25 2021 | DAU #1908

Figure 32: Elevation drawing showing the proposed overall treatment of the Blanshard Street facade.

APPENDIX C: RESEARCH SUMMARY

ORIGINAL OWNER: Andrew Sheret
CIVIC ADDRESS: 1114-1126 Blanshard Street
HISTORIC NAME: Sheret Building / Montrose Apartments
ARCHITECT: C. Elwood Watkins
CONTRACTORS: Murray & Aves
DATE OF CONSTRUCTION: 1912

- VICTORIA CITY HALL PLANS:**
- C. Elwood Watkins for Andrew Sheret; February 1912; 8 sheets.

- CITY OF VICTORIA BUILDING PERMIT:**
- City of Victoria Building Permit #3822; April 3, 1912; owner Andrew Sheret; Blanshard and View; 1 brick bldg; 3 stories, 48 rooms; stores + apartments; \$43,000.

- CITY OF VICTORIA PLUMBING PERMITS:**
- CoV-CR-0181-00096: September 16, 1893. Consists of application by George Kennell to connect building at 1114-1126 Blanshard Street to sewer. Name of architect on plan: John Teague. Related plan numbers: 5582; 10503. Demolished.
 - Plumbing Permit #5582; April 26, 1912 [Issued May 2, 1912]; 1114 Blanshard Street; for Andrew Sheret; stores and rooming house.
 - Water Permit #4788: August 12, 1911; A. Sheret; Blanshard & View; 3”; \$50; Corner.

- BC VITAL EVENTS:**
- Groom: Andrew Sheret; Bride: Annie McDowell; Event Type: Marriage; Registration Number: 1900-09-009708; Event Date: 1900-01-01; Event Place: Victoria.
 - Person: Andrew Sheret; Event Type: Death; Registration Number: 1947-09-007958; Event Date: 1947-09-12; Event Place: Victoria; Age at Death: 76.
 - Person: Annie Sheret; Event Type: Death; Registration Number: 1965-09-005927; Event Date: 1965-05-04; Event Place: Victoria; Age at Death: 88.
 -

- REFERENCES:**
- Luxton, Donald, Ed. *Building the West: The Early Architects of British Columbia*. Vancouver, Talonbooks, 2nd ed., 2007.

- NEWSPAPER REFERENCES:**
- Victoria Daily Times*, March 4, 1912, page 11: NOTICE TO CONTRACTORS. Tenders will be received on or before Monday, March 11th at 5 o’clock p.m., for the erection and completion of a three storey brick building with basement on the corner of View and Blanchard streets, for Andrew Sheret, Esq. Drawings and specifications may be seen at the office of the undersigned. Lowest or any tender not necessarily accepted. C. Elwood Watkins, Architect.
 - Victoria Daily Colonist*, April 4, 1912, page 5: Another Business Block. The clearing away of the old shacks on the corner of Blanchard and View streets is preparatory to the erection there for Andrew Sheret of a three-storey brick block for stores and rooms, of which there are to be 48, by Murray and lwes [sic], from the designs of C.E. Watkins. The cost will be \$43,000.
 - Victoria Daily Colonist*, April 8, 1912, page 11: Stores and Hotel for View Street.
 - Victoria Daily Times*, April 9, 1912, page 2: Elevation and caption.

- Victoria Daily Times*, April 27, 1912, page 3: In addition to the Belmont, the Union Bank, The Central, and Empress blocks are all important commercial additions to the city, while in hotel and rooming accommodation may be mentioned the St. James hotel, the Challoner & Mitchell building, the Sheret building on the corner of View and Blanchard street, and the ninety-room addition to the Empress hotel.
- Victoria Daily Times*, December 23. 1912, page 5: Rochon’s Now Open. – Try us for your Xmas candies and chocolates. We make all our own. 1124 Blanchard Street in Sheret Building.

- DIRECTORIES:**
- 1910-11 *Henderson’s Greater Victoria City Directory*, page 76:
Blanchard Street
Fort intersects
1110 Sam Chong Chinese laundry
1114 Alexander John carp
View intersects
 - 1912 *Henderson’s Greater Victoria City Directory*, page 84:
Blanchard Street
Fort intersects
1110 Sam Chong Chinese laundry
1114 Occupied
1120 Gilders Restaurant
View intersects
 - 1912 *Henderson’s Greater Victoria City Directory*, page 512:
Murray & Aves Ltd (A J Murray, E O Aves and M Menkus) bldrs 222 Pemberton Bldg
 - 1913 *Henderson’s Greater Victoria City Directory*, page 240:
Blanchard Street
Fort intersects
1114 Sheret Andrew plumber
1116 Vacant
1118 Progressive Shoe Repairing Depot
1120 Montrose Apartments
1122 Vacant
1124 Rochon Bros confrs
1126 Palm Cafe
View intersects



18 February 2021

City of Victoria

1 Centennial Square

Victoria BC V8W 1P6

Dear Mayor Helps and Members of Council,

Re: 1114 Blanshard Street, Montrose Apartments and Wintergarden Hotel Rezoning, Development Permit and Heritage Designation Application

We are pleased to submit this summary of the background, intentions and design concept that is the subject of this proposal and part of an application for the Rezoning and Development Permission. The proposal is to construct a new mixed-use hotel project that includes the preservation and rehabilitation, and heritage designation of the Montrose Apartments located at the corner of Blanshard Street and View Street. We are subscribers to the Victoria 3.0 vision and to that end, are prepared to invest and contribute in a meaningful way to the evolution of Victoria toward the *future-ready, globally-fluent influencer and innovator* that our city is set to become. Bringing a new hotel model to downtown will expand Victoria's tourism sector. It will contribute to a more resilient place where guest accommodation serves to support the city's innovation ecosystem and allows us to tell a different story and provide rich amenities for visitors seeking an immersive and authentic urban experience in the heart of Downtown Victoria.

The tourism sector plays an important role in Victoria and the CRD's economy, but has a history of being seasonal and volatile to global influences, as has been experienced in the COVID-19 pandemic. Our proposal offers diversification of the guest accommodation market to support visitors that are part of Victoria's innovation economy with an extended-stay model that we anticipate being in demand year-round. We are also investing in the creation of a new public face to a hotel building, with a bold atrium and wintergarden space opening onto the street and connecting to Victoria's local retail and commercial main street.

Site Context

The site includes the properties located at 780 Fort Street, 1106 Blanshard Street and 1114 Blanshard Street, spanning the eastern block of Blanshard Street between Fort Street and View Street. The property at 1114 Blanshard Street is developed with the Montrose Apartments, originally constructed in 1912 and comprising ground floor commercial space with 21 rental apartment units above. Through



careful heritage rehabilitation, these commercial and residential units will be preserved to continue to provide cherished local retail space and much-needed, affordable market rental apartments.

The redevelopment opportunity is then focused on the properties located at 1006 Blanshard Street and 780 Fort Street, currently developed with single-storey commercial buildings. Bringing vibrancy and development in keeping with the City's Official Community Plan (OCP) and Downtown Core Area Plan (DCAP), our proposal represents new investment in Victoria's storied and historic Fort Street corridor that will serve as a landmark destination for residents and visitors alike.

We began work on this application in 2019 through research and dialogue with local stakeholders and a thoughtful exploration of the commercial and architectural history, and the development potential of the site within its unique context. Despite the uncertainty that arrived in early 2020, we have great confidence in the Victoria market - its attractiveness as one of Canada's most diverse and livable cities, its entrepreneurial spirit and surging technology sector, and its timeless appeal to visitors from near and far, that together contribute to the strength and resiliency of the local economy.

Hotel Proposal - Investing in the Experiential Economy

Our proposal envisions a new offering within the tourist accommodation space to deliver a hotel product that is tailored to serve visitors looking to experience an authentic Victoria stay. Away from the tourist bustle of the Inner Harbour, our site is immersed in the vibrant streetscape along Fort Street and its dynamic commercial mix influenced by the high-tech and innovation firms, restaurants, food-focused services, and local retailers. This is where Victorians live, work, eat, gather and experience community life. Our hotel will create a new destination at the important intersection of Fort and Blanshard streets, in the heart of an authentic Victoria experience.

The proposed 128 commercial guest accommodation units are designed to support extended stay visitors, with in-suite kitchenette and compact, flexible living spaces suited to working travelers and long-term visitors. The podium of the building is designed to include an efficient lobby space, ground-level cafe and commercial uses oriented to the street, with boutique office spaces above. An indoor/outdoor lounge, restaurant and amenity space at the fourth floor creates a destination on the podium's rooftop, supporting hotel guests and welcoming Victoria residents to experience a new view over the city.

The Architecture

Conceived as a contemporary architectural expression but sympathetic to its downtown neighbourhood and historic neighbours, the design concept had intentions to achieve:

- An architectural landmark at an important intersection contributing to Victoria's emerging skyline, while maintaining the characteristic roof cornice line of the surrounding early 20th century fabric;
- A compatible architectural foil to the historic Montrose Apartments and St. Andrew's Cathedral;
- A preserved, rehabilitated, and Heritage Designated Montrose Apartments; and,
- The addition of an exceptional wintergarden as a public amenity for downtown Victoria.



The 16 storey triangular plan-form tower contains hotel suites. It resulted from extensive design studies to create an elegantly proportioned slender tower that while providing viable floor areas, reduces shadowing impacts and visual scale. The floorplan shape avoids forming a 'back' wall, while affording excellent light and views for all suites. The angled walls of the tower are accentuated by angled, vertical, bronze-toned metal cladding and angled, raised penthouse roof corners. This will give the facade a dynamic effect of subtle changes in hue and brightness at different times of the day and night and a distinctive silhouette. Beyond the aesthetic effect, the angled façades, with minor averaging, all conform to the intent and largely exceeds minimum setback requirements from Blanshard and Fort Streets.

The three-storey podium of the composition forms the 'walls' of the Blanshard Street and Fort Street rights-of-way, their height visually aligning with that of the re-instated upper cornice of the Montrose Apartments. The new podium extends the brick and metal vocabulary of the Montrose, the horizontal rhythm of vertical pilasters, as well as the street alignment and scale of the historic building.

The proposed 200m² south-facing Wintergarden, we are confident, will become a landmark within the downtown public realm. Entered from Fort Street, the space is a glass-enclosed, heavy timber structure enclosing a three-storey, semi-public space. It serves as a grand entrance to the offices on levels two and three and with a soaring spiral stair, a restaurant and bar on level four. This glass atrium, in addition to nestling seating areas, and an open multi-purpose space, will be served by a ground-floor café. With tall trees echoing those along the street boulevards outside, this richly planted space will be a welcome green oasis at the prominent, busy, downtown intersection. A retractable glass façade, with bar seating will face a new Fort streetscape designed by Murdoch de Greeff Landscape Architects, adding new trees, planted boulevards, seating and lighting to a widened sidewalk and recently completed bike-way.

As mentioned, Level two and three of the building are specialty office spaces that enter from the atrium and overlook the Wintergarden. Level four is a fully equipped bar/restaurant with extensive terrace seating to the south and east, overlooking the two streets. The restaurant level is reached by a designated elevator and a spiral wood-clad staircase from the atrium.

Located at the farthest point on the block from the Cathedral, the proposed building respects St. Andrew's Spire and the slender tower maintains important street views of the landmark. For those who look, when viewed from the ground, the sloping parapets at the top of the new Wintergarden Building may make a spire-like silhouette against the sky. A subtle nod to the historic landmark.

The Landscape Architecture

Streetscape and Public Realm

The project has three distinct streetscapes that are influenced by available ROW space, land use, exposure and street/transportation uses. As such the design of the public realm varies between, and even within, the street frontages (eg. Blanshard Street). The Fort Street public realm space is unchanged from the existing condition while Blanchard and View Streets will both become larger due to road narrowing on Blanshard and a small reduction in parking on View Street.

Newly planted street trees, combined with benches and planting will provide shade and separation for the 2.7m wide pedestrian walkway on Fort Street and create a comfortable space for people to sit. This is a south facing frontage and will be a bright space for pedestrians to occupy. The added trees provide



shade for pedestrians and the hotel atrium, and will enhance the City's urban forest canopy. The hardscape treatment, City New Town paving pattern, will be used on all public walkways.

The Blanshard Street frontage is split between the modern hotel and the heritage Montrose Apartments. The new trees and benches are offset from the existing trees to create pedestrian spaces in the public realm of the Montrose building. Heritage glass paving also is present in the Montrose sidewalk. Our team will work with City staff to determine whether these features can be retained or moved as the project progresses. These softscape and heritage elements 'soften' the hardscape treatment associated with the Montrose to better integrate the heritage building with a modern hardscape treatment. Removal of a few parking stalls on View St. enables the increased width of the sidewalk and the creation of space for street trees and bicycle parking.

Most trees will be planted in hardscape in the public realm. Structural soil cells will be used to provide adequate soil volumes for the trees to reach maturity. Furnishings such as benches, garbage cans and bike racks will meet City specifications and contribute to creating an urban gathering place at the important corner of Fort and Blanshard. The benches are wood bench tops set on concrete slabs.

On-Site Landscape

The main level consists of exterior bike parking facilities and seating benches, and interior atrium café space, a second floor extensive green roof with patio and landscape features that provide separation and shade on the fourth floor restaurant patio. Bicycle parking and a custom bench will frame the building edge at the street level. The bench will create a space for hotel users to wait for cabs or the public to watch the busy street activity. The Wintergarden atrium will provide an oasis for hotel and restaurant users. The interior plants are suitable for interior landscape applications and will provide privacy and separation in the space. An extensive green roof with a small patio will create an open space area for the offices associated with the second floor. Tree species suitable for this shady area will be planted in planters within the green roof landscape. The restaurant patio on the fourth floor provides a variety of outdoor spaces for people to enjoy the city environment. The south face patio will have a linear planter to soften the edge and act as a protective rail while a sun-shading canopy will provide shade for guests. The east facing patio provides tables with adequate separation for guests with planters that support small trees and low height shrubs and flowering plants.

Vegetation

Plant material in the public realm will be suitable for the urban streetscape condition with final approval for shrubs and trees to be obtained from City Parks staff. The proposed plant material on Fort Street consists of columnar trees with a screen of tall grasses and low growing plantings in the planters. Four columnar trees will be retained on Blanshard Street. New trees will contribute to the urban forest and street canopies along Blanshard Street and View Street. Plants on the rooftop landscape areas have been picked to fit the site conditions and to function with the proposed uses. Plants have been selected that provide habitat for beneficial insects and pollinator species.

Montrose Apartments Heritage Designation

The Montrose Apartments building was constructed for Andrew Sheret Ltd. in 1912, providing ground floor commercial space with housing units above. The 3 storey brick building was designed by Victoria-



born architect C. Elwood Watkins and was named by Andrew Sheret after his birthplace in Montrose, Scotland. Andrew Sheret's plumbing business operated out of the building until the 1950s, and a painted sign advertising Sheret's Plumbing is still visible on the western facade today. The building was listed on the Canadian Register of Historic Places in 1995, but has not been designated as a heritage building.

Donald Luxton & Associates has been engaged to prepare a heritage conservation plan for the Montrose Apartments, which is included in support of the Rezoning and Development Permit applications.

Some of the key character-defining elements of the Montrose Apartments include its:

- continuous use as an apartment building with retail storefronts at ground level;
- form, scale and massing as expressed in its three-storey height, full basement, rectangular plan, flat roof and central entry with raised parapet above, built to the property lines with no setbacks;
- Edwardian-era decorative features including: symmetrical design that demonstrates a Classical Revival influence; pressed metal cornice above the storefronts; arched window hoods with keystones; herringbone brick nogging in spandrels; decorative sandstone insets; and central arched entry with inset oak door assembly;
- masonry construction, including pressed tan brick for two main façades, high-fire iron-spot brown brick for quoins and piers, concrete window sills, and common red brick for side and rear façades;
- original fenestration, including: variety of 6-over-1 and 8-over-1 double-hung wooden sash windows in single and double assembly; 1-over-1 double-hung wooden sash windows in lightwell on south side; and multi-paned casement window assemblies with transoms in central stairwell;
- surviving early storefront elements including transoms, bulkhead tiling, and mosaic tile insets at the entries;
- early painted wall sign on west façade;
- areaways that extend under the sidewalk, with purple glass prism lights; and,
- interior features including original room configuration, central staircase with cut-out flat balusters, lath-and-plaster walls and wooden trim.

The Canadian Register of Historic Places states that the Montrose Apartments building is valued as a "reflection of the surge of development that characterized Victoria's gateway economy" in the height of the pre-World War One real estate boom:

The Montrose illustrates the continuing redevelopment of the eastern edge of downtown, through the replacement of earlier buildings on prime sites during a time of great prosperity. At the time it was built, Blanshard Street was being established as a significant north-south commercial street that rivalled Douglas and Government Streets.

The Montrose Apartments is a superior example of the dense, cubic apartment blocks typical of the Edwardian era, which provided housing alternatives in a rapidly urbanizing environment. Originally an apartment-hotel, it provided a variety of accommodation in a location that provided convenient access to downtown amenities. The city relied increasingly on trade and commerce and was growing swiftly with large numbers of immigrants. Apartment blocks suited people and families in transition who could not afford or did not want a single-family home. This was a familiar



housing type to those from denser eastern cities and from Europe, who were fuelling coastal settlement.

This is also notable as a superior example of the work of Victoria-born C. Elwood Watkins (1875-1942). Watkins began his architectural apprenticeship in 1890 in the office of Thomas Hooper, and by 1902 had become a full partner. He opened his own office in 1909, and in addition to his many commercial, institutional and residential projects, Watkins was the official architect of the Victoria and Saanich School Boards. Reflective of the architectural expression of the Classical Revival styles that were popular during the Edwardian era, the Montrose is articulated in a tripartite division of base, shaft and capital. The richly-detailed main façades are clad in two tones of brick, with sophisticated detailing that demonstrates a high quality of design and craftsmanship.

Our proposal is to retain the Montrose Apartments building and its commercial and rental apartment units through designation of the property as a heritage building. We are currently updating and renovating the suites as vacancies become available to address life-safety requirements. Careful rehabilitation of the windows and of the exterior facade, including reconstruction of the historic upper cornice, restoration of the windows with historic colours, and restoration of the lower cornice with historic colours, is proposed.

Full seismic upgrading of the building was explored, but deemed to be impractical considering the form and function of the existing development. Retention of the existing commercial and residential rental units is paramount to the project. The loss of long established commercial tenancies unique to this area, in addition to residential tenants, resulting from the substantial construction time and cost to achieve full seismic upgrading of the building is not compatible with this endeavour. Final cost analysis would prescribe retention of only the facade of the Montrose Apartments building and creation of new floor area to support market condominium residential development. The role of the Montrose Apartments has always been to provide rental housing and commercial spaces to support the local Victoria community. The building contributes to the urban fabric in an authentic and meaningful way, which this proposal engrains through heritage designation of the building and retention of the residential units as rental units for 60 years or the life of the building.

Further to the Recommendations of the HAPL

The proposal to designate the Montrose Apartments building was reviewed by the Heritage Advisory Panel at their meeting on February 9, 2021. During discussion, panel members supported designation of the building, but asked about the potential to include restoration of the commercial/retail storefronts to their original condition and seismic upgrading of the building. In response to the HAPL motion, we re-engaged with our heritage consultant and structural engineer to consider how to address the request for further works to be included in the project.

We would like to pursue restoration of the original retail storefronts as commercial tenancies turn over. This scope of work was originally excluded from our plans as we do not want to interrupt our existing tenants with construction disruptions or displacements, particularly as the local retail shops and business owners are facing the ongoing challenges of the COVID-19 pandemic. To this end, we commit to restoring the storefronts, as requested by HAPL, with the work to be completed as contributions by the owner to the tenant improvements as new leases are signed; the scope of work is to include restoration of the original transom windows, except in the case where mezzanine spaces have been added within two



of the commercial retail units, where we propose complete restoration of the storefronts to their original condition if the commercial tenant wishes to remove the mezzanine space (or at our discretion as tenancies turn over).

With respect to seismic upgrading, we continue to prioritize retention of the existing residential rental units without disrupting tenancies or displacing tenants, either temporarily or permanently. Full seismic upgrading would likely result in retention of just the facade of the building and would no longer support affordable market rental units as the long-term use of the building. With input from our structural engineer, we propose to include within the scope of work seismic bracing of the parapet walls, which will contribute to improved life-safety following a seismic event. These works can be completed without disrupting existing commercial and residential tenants within the building. We believe this approach best balances the heritage, economic and housing considerations that contribute to viability of the overall project proposal.

Consistency with City Policy

Our proposal is consistent with City planning policies, representing investment in the local economy and development aligned with the OCP and DCAP.

The properties are currently zoned CBD-1. We are proposing rezoning to a site-specific Comprehensive Development (CD) zone to the density envisioned in the Core Business section of the OCP Urban Place Designation. The proposed density of 6.41 to 1 is slightly above the anticipated 6.0 to FSR for commercial density, and the proposed height of 20 storeys, (67m), about 2 storeys higher than the 60 m anticipated height; however, the preservation of the low heritage building, the comprehensive site redevelopment and unique slender building form coupled with the commitment to heritage designation offer a compelling rationale for consideration of the proposed design and solution. The OCP includes building heights up to 24 storeys in the Core Business area in select locations; however, the exact 'select locations' are not specified. The DCAP Maximum Building Height is 60m; however buildings up to 72m are allowed on the neighbouring block to the north. We believe the proposed density and height are appropriate for the site and that the building positioning, architectural design, amenity-rich ground floor, the podium typology and beautiful streetscape improvements offer strong rationale in support of the proposal. Further, the OCP specifies that guidelines may be varied to achieve heritage conservation objectives.

The OCP growth concept envisions the Core Business area remaining the region's government headquarters and central business district through retention of office uses and guidance for new high density commercial development. The objectives of this designation reference revitalization of the central business district through high-rise commercial buildings and low-to-medium rise residential mixed-use buildings, with greatest heights along Douglas Street, Blanshard Street and Yates Street, balanced with protection of the views from public vantage points of heritage landmark buildings on Pandora Avenue, Blanshard Street, Broughton Street and Humboldt Street. The site planning approach taken for the block was guided by current revitalization policy with a focus on preserving public views of St. Andrew's Cathedral.

The DCAP sets a height limit of 60m. Our proposal reaches a maximum of 67m, or 20 storeys, comprised of a 17 storey hotel tower above a 3 storey podium. The relatively small and constrained site results in a slender building form and small floor plates. These constitute positive elements of the design



solution, with a strong street relationship achieved through the expressive atrium and podium composition. All parking is provided underground with access to the garage located at the driveway from Blanshard into the current surface parking lot.

While the City's policies typically encourage buildings to taper toward the top and to have a distinctive base, body and top, our design solution is intentional in its presentation of a unique architectural form that differs from what would result from the current prescriptive guidelines. Our team's participation in the current initiative to revisit and reinvigorate the DCAP guidelines encouraged creative interpretation of the intent of the guidelines. The resulting podium and slender tower form will contribute to a distinctive skyline while creating a humane and beautiful pedestrian street experience. The building as designed is largely outside of the step-back planes, with greater distances, with only the tips of the 'wings' protruding.

Housing Policies

The application proposes retention of the existing 21 residential rental units, which will be secured through legal agreement to remain rental for 60 years or the life of the building. We have been working with the City's Housing Policy Planners to document our strategy for managing renovations and supporting tenants through the renovation process and provide the following information to be clear about our plans.

It is our intention to complete renovations through residential attrition and to not have any tenants impacted by the work: no tenants will be evicted due to renovations or repairs. In the case where termination of tenancy for vacancy of a unit may be unavoidable due to unforeseen major renovations, tenants will be offered right of first refusal back to the unit at the same rent, with permitted rent increases, and provided with temporary alternative accommodation at a comparable unit. We have been upgrading units as the rental tenancies have turned over, without requiring the displacement of tenants. The scope of renovations address life safety issues with respect to lighting, exiting, signage, and fire detection systems, in addition to replacement and upgrades to building mechanical and electrical systems, roof, skylight and window replacement, along with cosmetic renovations to upgrade interior finishings and building envelope and heritage restoration and have been managed on a unit-by-unit basis as vacancies have come up. These improvements support the ongoing use in keeping with its original intent as a purpose-built rental building, while extending the life of the building into the future. There is a unique mix of residents and business owners that form the Montrose community and our intention is to minimize disruptions as the development and renovation processes advance. We commit to maintaining open lines of communication with our tenants as the rezoning application advances to ensure there is clear understanding of our intent to retain existing tenants. A copy of our letter to tenants will be provided prior to the project advancing to a Public Hearing.

Green Building Practices

While the building is not registered with Canadian Green Building Council, and at the time of this writing, will not be applying to be LEED certified, the design team includes experienced LEED-accredited Green-Building Professionals. All the people involved take seriously their environmental responsibility and their designs include careful consideration and progressive recommendations toward reduction of energy consumption and the production of greenhouse gasses in all material, methods, systems and equipment selections. The building will incorporate ecologically responsible strategies as follows:



Site Selection:

The prominent downtown site is a redevelopment, located along major public transit and biking routes and is walking distance to extensive services, public recreation and cultural amenities.

Innovation and Design:

- i. Coordinated multi-disciplinary, integrated design team approach from the outset of the project.
- ii. Preference for durable building & cladding materials
- iii. Resilient landscape specified for streetscape vegetation adding trees to urban tree canopy.
- iv. A public Wintergarden atrium with extensive indoor planting to serve as an urban 'living room' and thereby contribute to resilient city building.

Transportation:

- i. Service for electric vehicle charging stations.
- ii. Streetscape design to enhance Bike Lane infrastructure and thereby improve cycling experience and encourage use.
- iii. Provision of at-grade secure bicycle storage and short-term bike racks exceeding city requirements.
- iv. Proposed curb alignment along Blanshard to allow for future bike lanes.

Energy Efficiency / Renewable Energy:

- i. Whole-building energy modelling to meet BC Energy Step Code parameters.
- ii. Energy efficient building systems including heat recovery from the Hotel's exhaust air
- iii. Specification of 'Energy Star' rated appliances throughout.
- iv. Incorporate motion sensor lighting activators in common areas; high efficiency LED lighting.
- v. Programmable digital thermostats.
- vi. Designed to manage solar heat gains through shading and high-performance glazing

Water:

- i. Low-flow plumbing fixtures and water efficient appliances will be specified.
- ii. Selection of native and adaptive planting and water efficient irrigation techniques (drip, rainwater catchment in planted areas) to reduce demand on the city's water service.



Landscape Urban Wintergarden:

Extensive indoor planting to accomplish goals including:

1. Creation of a unique, vibrant, indoor public space in downtown Victoria.
2. Improvement of the building's indoor air quality for all podium levels.
3. Increased connection to nature for all building users and passersby.

Materials & Resources:

- i. Provision of facilities for storage & collection of recyclables & compost on site for hotel guests and commercial tenants.
- ii. Use of durable materials to prolong the lifespan of the buildings and site elements.

Community Engagement

We have made available and presented details of all aspects of the proposed development and actively engaged with a range of stakeholders throughout the design of the proposed building. Through public engagement and research we have come to understand the local community context and recognize how this proposal can contribute to the ongoing success of the Fort Street corridor and the Downtown Precinct.

We introduced and presented the preliminary concept to the Downtown Residents Association in October 2019 and received encouraging feedback. Following further design development, we then presented to a Community Meeting hosted by the DRA CALUC on January 29, 2020. A summary of the feedback received was shared with the DRA immediately following the CALUC meeting, and is provided below:

Montrose Apartments

- Strong support for retention of Heritage-Registered Montrose Apartments and sensitive approach to retaining the existing residential units and commercial spaces along Blanshard Street, while pursuing building envelope, life-safety, and interior upgrades as vacancies allow.
- Understanding and support for how the project is proposing designation of the Montrose Apartments and concentration of all new development on the corner site at Fort and Blanshard.
- Some questions about the enabling City policies that would support the site-wide approach to heritage retention and redevelopment (i.e. 'transfer' of density/calculation of density) and how any future development potential of the Montrose site would be capped through this process.
- Some concerns about how to best mitigate construction impacts (i.e. blasting) on existing buildings, heritage Montrose Apartments and St. Andrew's Cathedral in particular.
- Some questions about the City's Fort Street Heritage Corridor and relevant building and urban design considerations, and the extent of heritage preservation being proposed (i.e. not pursuing seismic upgrading).

Wintergarden Hotel

- Strong support for the proposed design, with many commending the proposal, the elegant, slender tower design and the 'wintergarden' space within the podium.
- Support for the hotel use and associated commercial, cafe, restaurant and lounge spaces, with some comments warning of the challenging financial climate for restaurants, and some wondering if locating a hotel here will encourage other hotel proposals to follow.



- Some questions about the proposed additional height (+6.0 m/2 floors), with some supporting the project noting it's the right location for height (corner site, and up to 72 m is allowed directly to the north), and some inquiring about the financial rationale and pro forma analysis.
- Some questions about the relationship between the proposed building and St. Andrew's Cathedral, and the need to preserve views toward the spire.
- Inquiry about the environmental standard being pursued for the project.

Neighbourhood Context / Urban Design

- Some concern about construction disruptions and sensitivity of existing commercial businesses along Fort Street following the impacts of the bike lane construction and noting a need for a comprehensive communications and construction management plan.
- Inquiry about the proposed streetscape and plans for trees, seating, etc. in the outdoor spaces along Fort and Blanshard.

Follow-up discussions with City staff confirmed policy support for the project's comprehensive site approach and response to heritage and housing considerations. We have worked to incorporate feedback and comments into the development plans through further design development since the Community Meeting. We are incredibly thankful to have had the opportunity to share the development plans with many stakeholders prior to the pandemic's onset and we have continued to engage around our proposal using new approaches and technology to meet physical distancing requirements as the application has advanced. Most recently, we shared an update with the DRA via virtual meeting on November 12, 2020.

We are pleased to have had a thorough discussion with the Advisory Design Panel at their meeting on January 13, 2021 and that the project received their unanimous support, with design suggestions. We will address their suggested considerations with respect to the interior planting plan and pedestrian circulation plan for the atrium of the wintergarden at the Building Permit stage. We will also take into consideration the suggestion to incorporate a rooftop treatment on the Montrose Apartments building to address overlook down from the hotel units and surrounding buildings. We propose that these items can be considered in full at the Building Permit stage. In the interim, we propose to include additional plan annotations and details, to the satisfaction of the Director of Sustainable Planning and Community Development, prior to advancing to a Public Hearing.

Investing in Economic Resiliency

Our proposal is firmly on the pathway toward Victoria 3.0. We are innovative and are supporting the innovation ecosystem. We are telling a new story of Victoria through elegant and sophisticated architecture and welcoming visitors to experience the city from the perspective of the people who live and work here. We are also sensitive in our approach and have worked to balance complex heritage restoration, economic development and housing affordability priorities to present a viable and contextual solution for the site. We look forward to your input into the evolution of the story and are confident that collectively we will arrive at the best possible plan for reimagining the future of this landmark corner at Fort and Blanshard.



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On behalf of the entire design and planning team,

Thank you,

David Fullbrook

Merchant House Capital

**CITY OF VICTORIA
HERITAGE ADVISORY PANEL
MEETING MINUTES
FEBRUARY 9, 2021**

Present: Pamela Madoff, Chair
Steve Barber
Doug Campbell
Helen Edwards
Jim Kerr
Shari Khadem
Graham Walker
Avery Bonner

Regrets: Aaron Usatch
Kirby Delaney

Guests: Jennifer Kay
Marilyn Palmer
Josh Anderson
Andre Linaksita
Steve Watt
David Fawley
Guadalupe Font
Ken Johnson
Wendy Bowkett
David Fullbrook
Paul Silk
Franc D'Ambrosio
Matthew Jarvis
Councillor Geoff Young
Councillor Charlayne Thornton-Joe

Staff: John O'Reilly, Senior Heritage Planner
Miko Betanzo, Senior Planner – Urban Design
Justine Wendland, Heritage Secretary

The Chair called the meeting to order at noon.

1. Adoption of the Minutes of the January 12, 2021 Meeting

Amendment to include that the Director of the Planning Department was in attendance.

Moved by Steve Barber

Seconded by Helen Edwards

Carried (unanimous)

2. Business Arising from the Minutes

None raised.

3. **Announcements**

Councillor Young is the Council Liaison is for the Heritage Advisory Panel.

4. **Cross appointment from the Heritage Advisory Panel to the Advisory Design Panel**

John O'Reilly provided a brief introduction.

Panel Questions and Comments

Nominations raised – Pamela Madoff

Pamela Madoff was appointed unanimously as the Heritage Advisory Panel's appointee to the Advisory Design Panel.

5. **1114-1126 Blanshard Street
Heritage Designation Application No. 000196**

John O'Reilly provided a brief introduction.

Panel Questions and Comments

- What is the current seismic condition of the structure and what seismic upgrading will occur as part of this project? The building is not seismically upgraded, and it is not part of the proposal.
- Will the ground floor storefronts be restored as part of the conservation plan? Restoration and repairs of the storefronts is planned. Are the storefronts going to be restored to wooden features? The focus is on the transoms above the storefronts to create the appearance of the original building.
- Will this development proposal be discussed at this meeting? The Panel is to determine if the building should receive heritage designation at this meeting.
- What is the gap between the Montrose Apartments and the proposed development? There is no gap, the buildings will be side-by-side. Will the original painted "Montrose Apartments" signage be covered by the proposed development? Only the portion of the building with the character defining signage of "Andrew Sheret" will be preserved.
- With the scale of density transfer, will the storefronts be restored to the original look? This is currently not included. Secondly, seismic upgrading of the building is important. These two elements should be considered for inclusion in the proposal.

Motion:

Moved by Avery Bonner

Seconded by Helen Edwards

1. That the Heritage Advisory Panel recommend that Council approve the designation of the property located at 1114-1126 Blanshard Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site.

2. That the Heritage Advisory Panel recommend that the designation also include the restoration of the storefronts and a seismic upgrade as a condition of approval.

Carried (unanimous)

- Will any residential or commercial tenants have to be evicted for seismic upgrade who otherwise would not be? The storefronts could be seismically upgraded as businesses change.
- Will the scale of the project have an impact on the small-scale retail on Fort Street? There is a possible impact of change regarding the nature of Fort Street.

6. **611 Chatham Street
Development Permit with Variances Application No. 00156**

John O'Reilly provided a brief introduction. David Fawley presented.

Panel Questions and Comments

- Was a special entry or feature of architectural nature considered for the corner of Herald and Chatham Streets? Options were explored but a grander entrance did not work with the design of the building.
- What is the floor-to-ceiling height and how does it vary across the site? East to west, the units get taller as you get closer to Government Street, in-line with the topography. The units are different heights based on the location in the building. Each storefront entrance will be a bit below the sidewalk.
- How much flexibility is there in changing the height differences and setback? That is up to the applicant to consider that.
- The applicant has adhered to the *Old Town Design Guidelines for New Buildings and Additions to Existing Buildings* (2019). The streets have a sawtooth profile, and some buildings are different heights which gives variety to the skyline and form of the buildings. The heritage property across from this site has adapted to provide that diversity by adjusting the colour of the brick.
- An important aspect to maintain is the streetscape. The storefronts look generic and there is a need for diversification. Signage will be a key element along with differentiation between blocks by way of balconies, windows, brick colour, etc.
- The scale of this project is the largest in the area of Old Town. It will have a large impact on the national historic site of Chinatown. The livability of the units is tied to the internal courtyard. This was an aspect that is key, but a rendering of the courtyard and its impact was not part of the presentation. The installation of boulevard trees on Herald and Chatham Streets would add value to the streetscape.
- The colours used for the building make the project look quite somber and it would benefit from more variety of colours and colours that are more complementary to Old Town
- The brick colour for the buildings in the project emphasize that it is different from the surrounding buildings. Would like to see more variation in the colour and type of brick and for the brick to be more in keeping with colours throughout Old Town.
- Is the courtyard accessible to the public? No, it is private for the use of the building's residents.

Motion:

Moved by Avery Bonner

Seconded by Jim Kerr

The Heritage Advisory Panel commends the applicant for the quality of their design and their response to the *Old Town Design Guidelines for New Buildings and Additions to Existing Buildings* (2019), and recommends to Council that Development Permit with Variances Application No. 00156 for 610 - 624 Herald Street and 611 - 635 Chatham Street be approved with the following changes:

1. Diversify the massing of the project, particularly the rooflines of the building, in order to reduce the repetitiveness and homogeneity of the proposal and to create visual interest while responding to the site context;
2. Consider increasing the floor-to-ceiling height of ground floor commercial units to 4.5m, particularly the corner commercial unit at Herald and Government Streets;
3. Consider increasing the street wall height on Chatham Street to be consistent with the form and character of Old Town;
4. Diversify the brick colours in the project and make colours more consistent with those found in Chinatown and Old Town;
5. Consider introducing boulevard trees along all three frontages in consultation with Engineering staff;
6. Consider increasing the variety of storefront assembly designs through the use of wood assemblies, different types of canopies, awnings and lighting in order to enhance the pedestrian experience.

Carried (unanimous)

7. 1411 Government Street
Delegated Heritage Alteration Permit Application No. 00160

Formal minutes were not recorded.

Motion to adjourn: Avery Bonner Seconded: Shari Khadem Adjournment: (Unanimous)

Adjourned at 2:04pm



March 31, 2021

City of Victoria

1 Centennial Square

Victoria BC V8W 1P6

Dear Mayor Helps and Members of Council,

Re: 1114 Blanshard Street, Montrose Apartments and Wintergarden Hotel Rezoning, Development Permit and Heritage Designation Application

As additional information to inform the Committee of the Whole meeting this week, we felt it was important to provide background on the renovation proposed for the Montrose Apartments, in particular the decision not to pursue a **full seismic upgrade** in companion to the proposed heritage designation.

Having undertaken a heritage renovation project which included seismic upgrading and also renovated a heritage building without a seismic upgrading, I can affirm seismic upgrading has significant impact on cost and interior space design and function. In fact the two go hand in hand, not only do seismic upgrades add cost to the budget, but the structural upgrades often require substantial alteration to the interior plan.

As Council is aware, the goals for our proposed redevelopment aspire to contribute in a meaningful way to the vision of Victoria 3.0 and the evolution of Victoria toward the future-ready, globally-fluent influencer and innovator. As we continue to persevere through the challenging and complex impacts of the persistent health pandemic, the importance of our collective ability to deliver on these aspirations is of paramount importance and demands thoughtful and considered decisions. In the case of the Montrose Building, we have investigated options to preserve the heritage values of this building with RJC Engineers. RJC summarized the work as follows:

*"Seismic upgrading for a building of this type is possible, but it is costly and very disruptive. **All interior finishes would have to be removed**, in order to install new floor diaphragms (plywood), connections from floors and roof to the walls, and restraint of the walls (to prevent brick walls from buckling). Overall building force resistance would be improved by adding steel braces or concrete walls, with significant new foundations. At the main floor storefront openings, new steel supports may be required to support masonry walls over, and to resist seismic loads."*

The requirement that *"all interior finishes would have to be removed"* would result in non-structural related demolition and construction costs to remove and reinstate wall, ceiling, and floor systems. These works would be in addition to upgrades to building electrical, mechanical, unit and common areas, fire alarm and life safety, building roof, windows and envelope and other works under the heritage conservation plan currently contemplated for the project.



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In addition to economic impacts, pursuing a full seismic upgrade to the Montrose would have significant human impacts to the community of residents and businesses that call the Montrose home. Today the Montrose Building has 21 residential units (6 studios (350 sf), 14 1-bedrooms (550 sf), 1 2-bedroom (792 sf)). Ten units have been renovated and leased at market rates. Typical asking rents for improved units are \$2.25-\$2.50 per square foot; however, the building has 7 tenants we would recognize as having substantially below market rents. Current gross monthly rents averaged over the usable square feet of leased space is \$1.90 per square foot.

On the retail side, 6 CRU's totalling 4,158 square feet comprise the ground floor of the Montrose. Per square foot lease rates are in the low \$20's. These spaces include demolition classes which tend to keep rents low as the potential exists that the Landlord could terminate tenancies prematurely. While Blanshard is not a key retail node, mostly attracting tenants that serve the commercial business district, its proximity to Fort Street does signal market supports for higher rents.

While it is true that requiring the building be vacated would result in achieving higher rents upon re-occupancy for both retail and residential units, it is also true that the increase in rents necessary to offset the cost of fully seismically upgrading the building would be so significant as to render the Montrose, and the larger Wintergarden, unviable.

But assuming for a moment this were not the case, the resulting building would operate substantially differently than it does today. Many of the residential units are carefully designed efficiency suites. Units which function perfectly well today, and merit renovation, would be challenged by loss of usable space and function as a result of the physical changes required to meet modern seismic requirements, not to mention the heritage value of the interior portions of the building being lost.

For the retail tenants, the loss of their current location would result in many of them being forced to close permanently or move and pay higher rents, incur additional relocation and improvement costs while attempting to re-establish their revenues in challenging times that we anticipate to continue even in a post-COVID environment.

There is no doubt about the value of the Montrose Apartments to the Victoria housing stack. The Montrose caters to a specific residential clientele; the tenants are typically single, working in the downtown, walking or biking for transportation. Because of unit size and the building location, these units represent much needed and never to be replaced affordable market housing. While the Montrose merits renovation and preservation, it would be a misapplication of good intentions to fully seismically upgrade the building only to trigger the loss of this in-demand housing--the human fabric--for whom the building was built to serve.

However, as RJC Engineers observed:

"...we often refer to a hierarchy of safety interventions as related to cost. The most significant seismic risks in historic buildings are due to unrestrained masonry, such as parapets or facades, falling on pedestrians, and from lack of connection between roofs and floors to bearing walls and columns. These are considered "non-structural" and "bolts-plus" respectively, and address the majority of safety concerns related to this type of building."



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We have embraced a concept of improving the building's life safety and structural integrity where those objectives are achievable without substantial disruption to the building's form and function and the inhabitants within. To this end, we have made commitments to address structural improvements to the Montrose, including securing the parapet wall to the roof to ensure it does not collapse during a seismic event. We have committed to replacing the retail store openings with restored heritage storefronts, and we will seek to incorporate structural reinforcement to support the masonry facade above in this work.

We will continue to investigate opportunities to enhance the buildings structural integrity and life safety while preserving the "whole" building heritage renovation process of the historic Montrose building.

Sincerely Yours,

David Fullbrook
Merchant House Capital

**Rezoning Application No. 00745, and
Development Permit with Variances Application
No.000580,**
780-798 Fort Street & 1106-1126 Blanshard Street



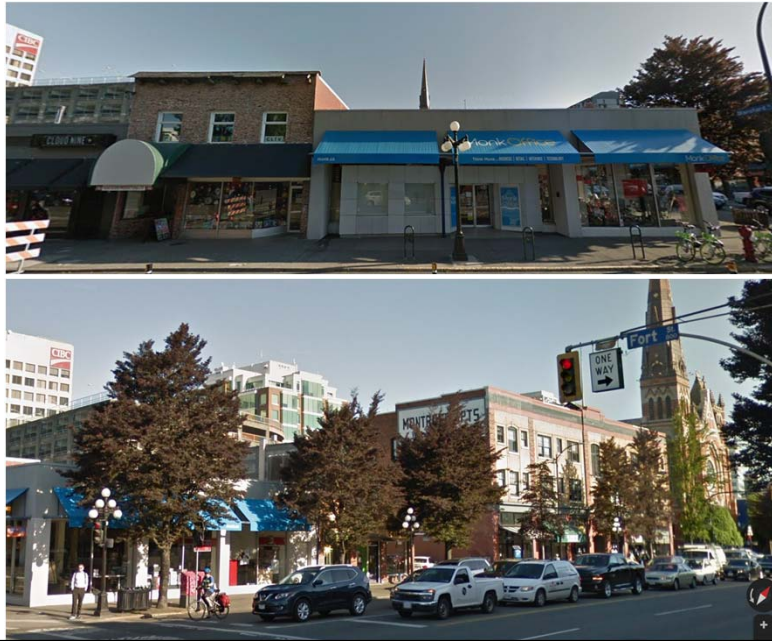
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Aerial Map



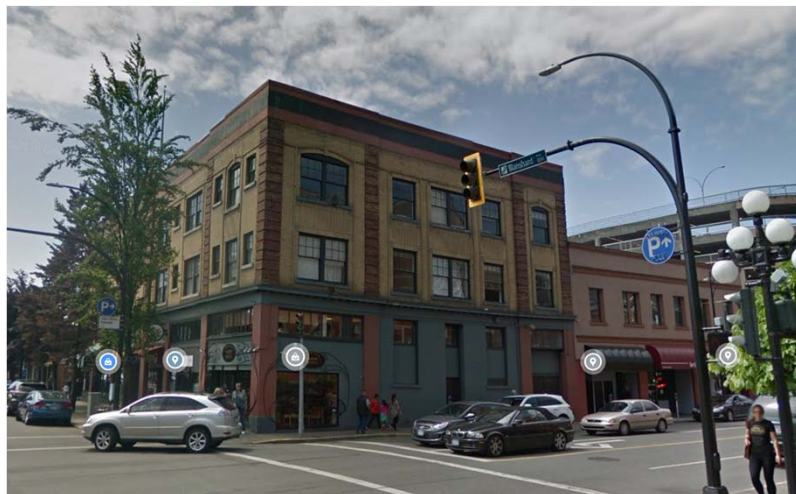
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Existing Site



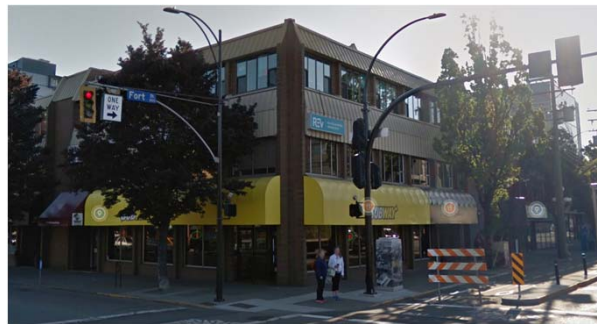
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Existing Site



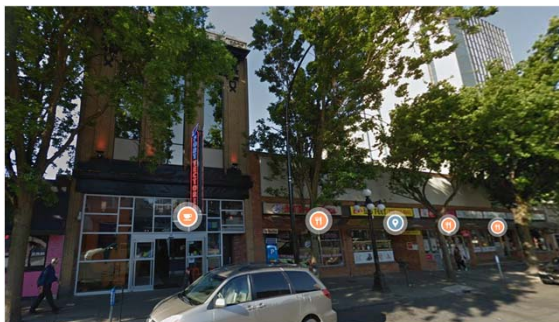
4

Neighbouring Properties



5

Neighbouring Properties



6

Neighbouring Properties

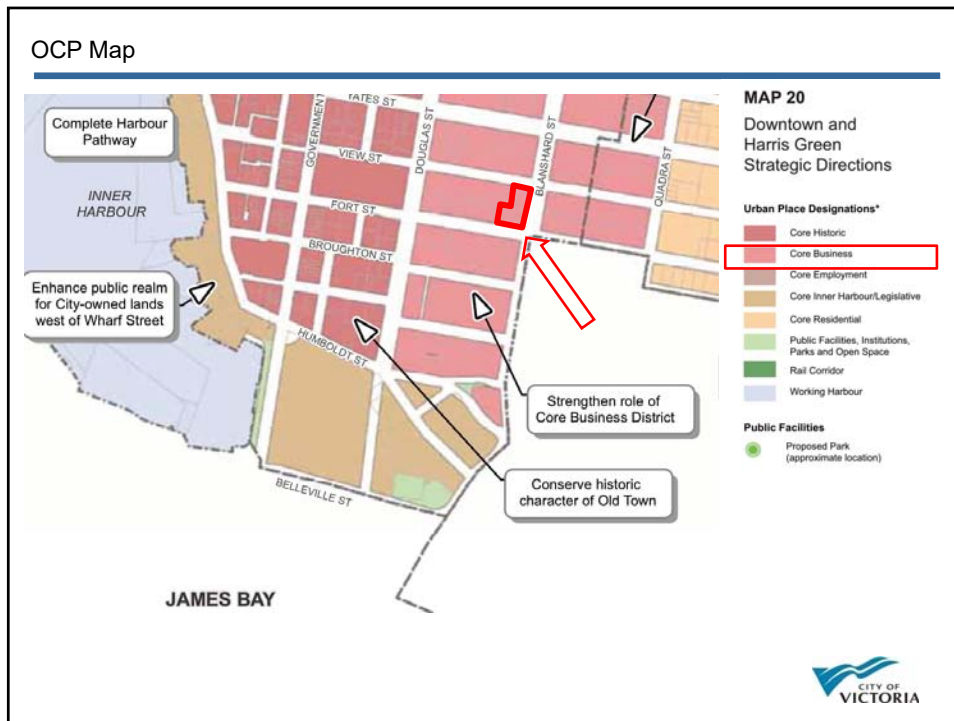


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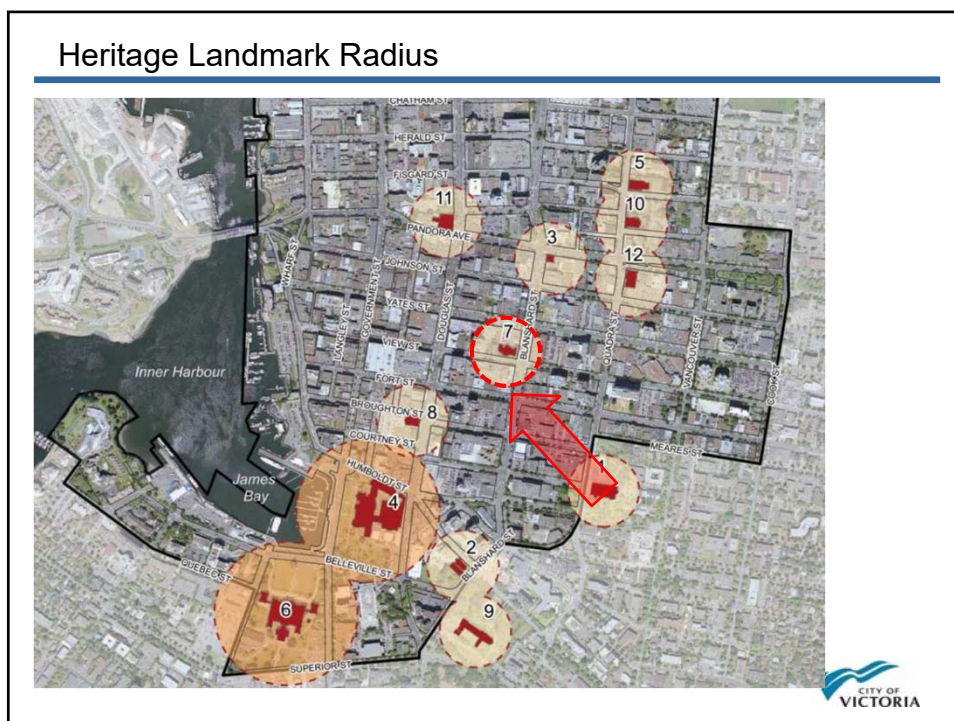
Area Context



8

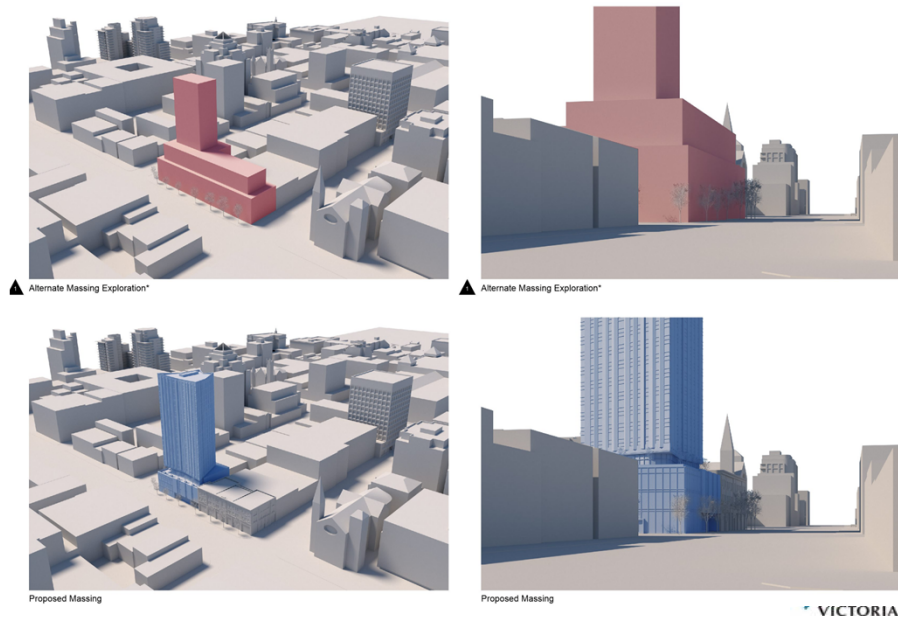


9



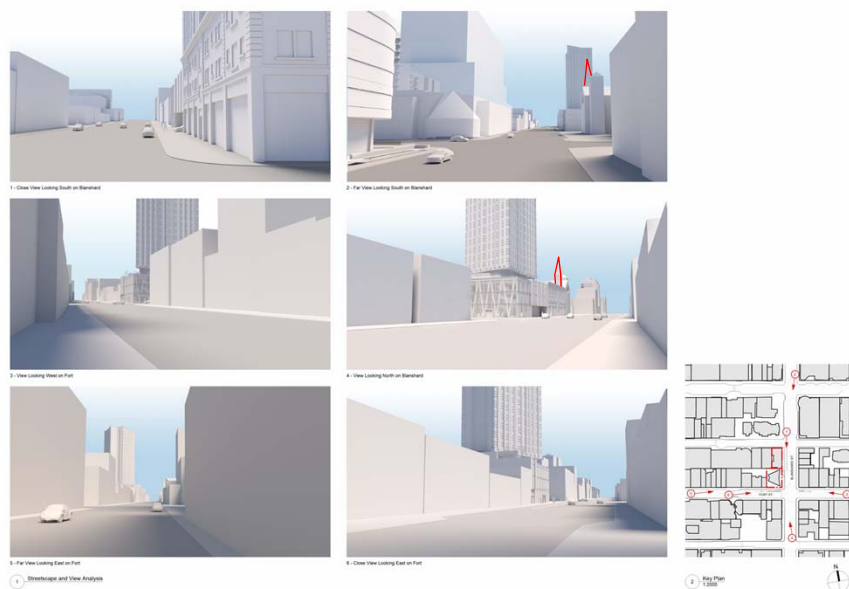
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Heritage Landmark Radius – Views- Alternate Massing



11

Heritage Landmark Radius - Views



12

Uses



CITY OF
VICTORIA

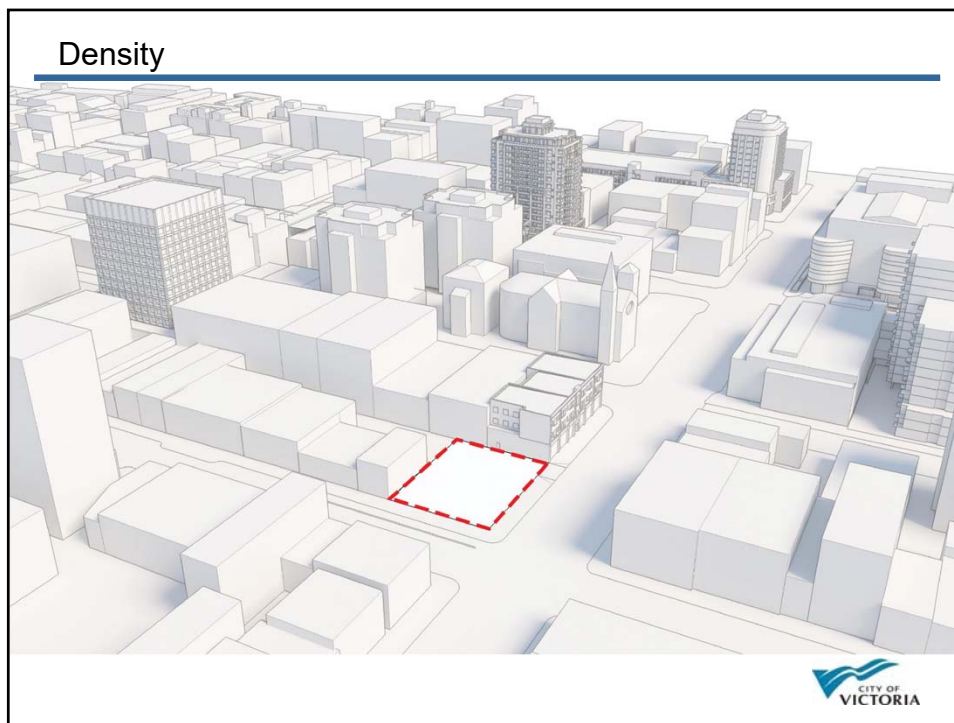
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Uses

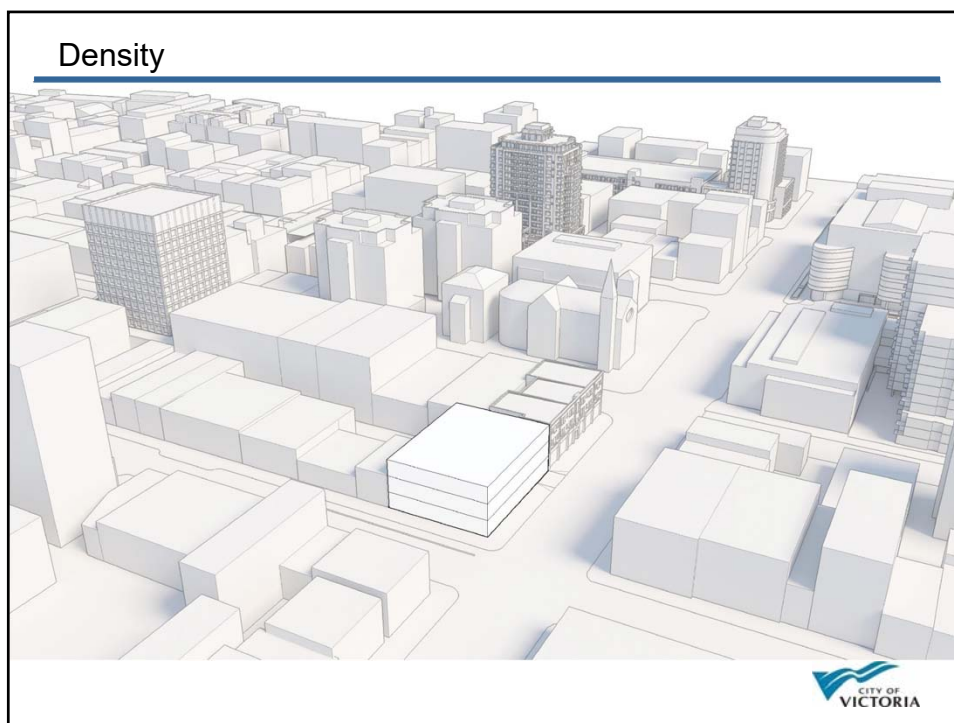


CITY OF
VICTORIA

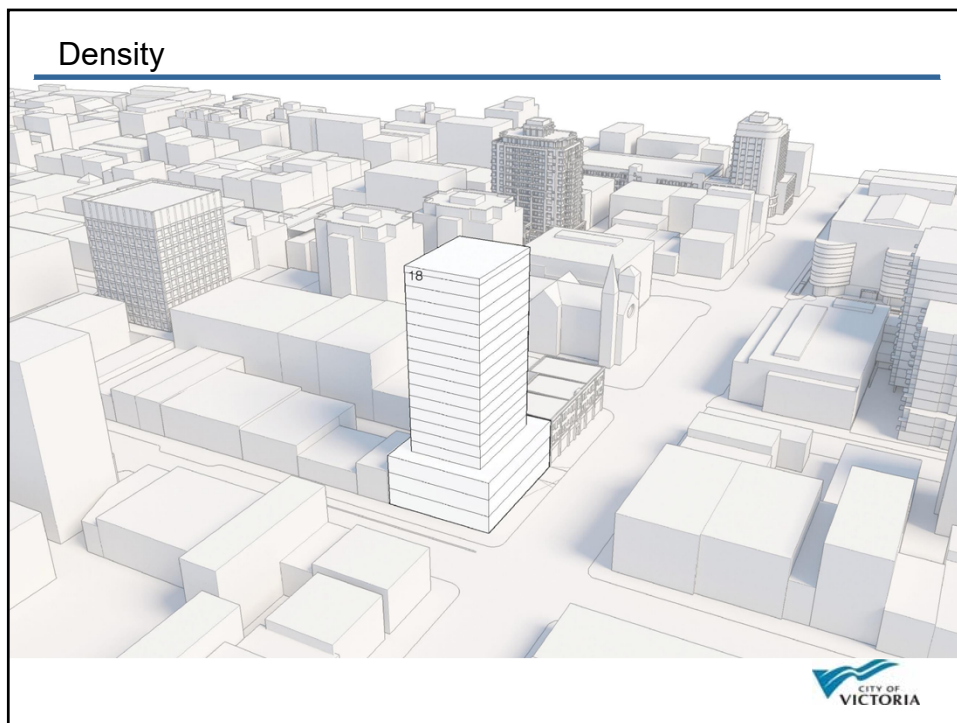
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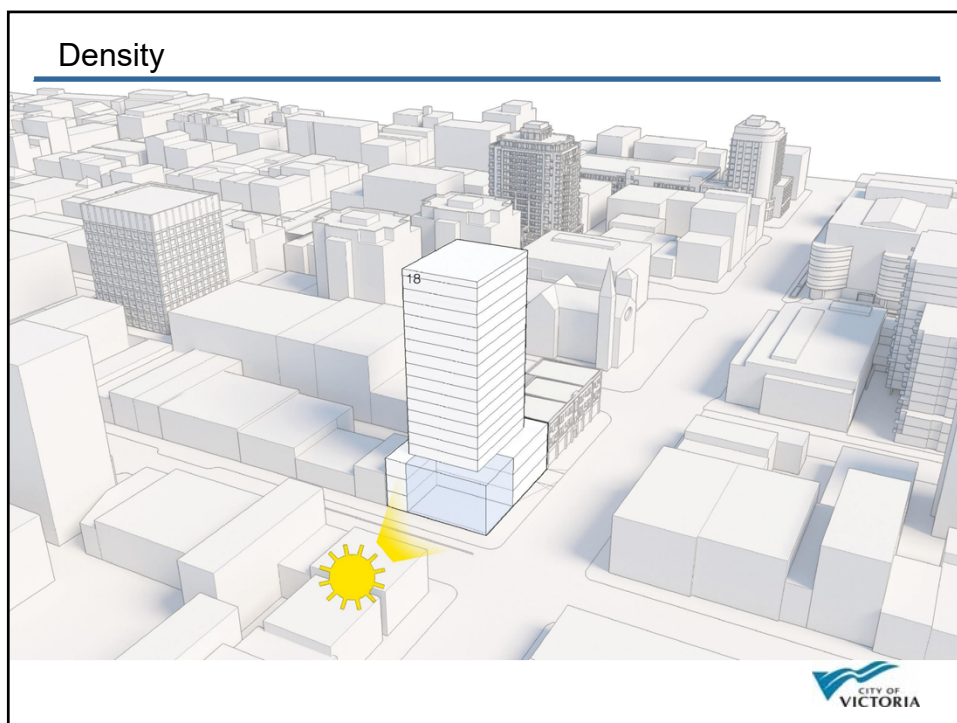
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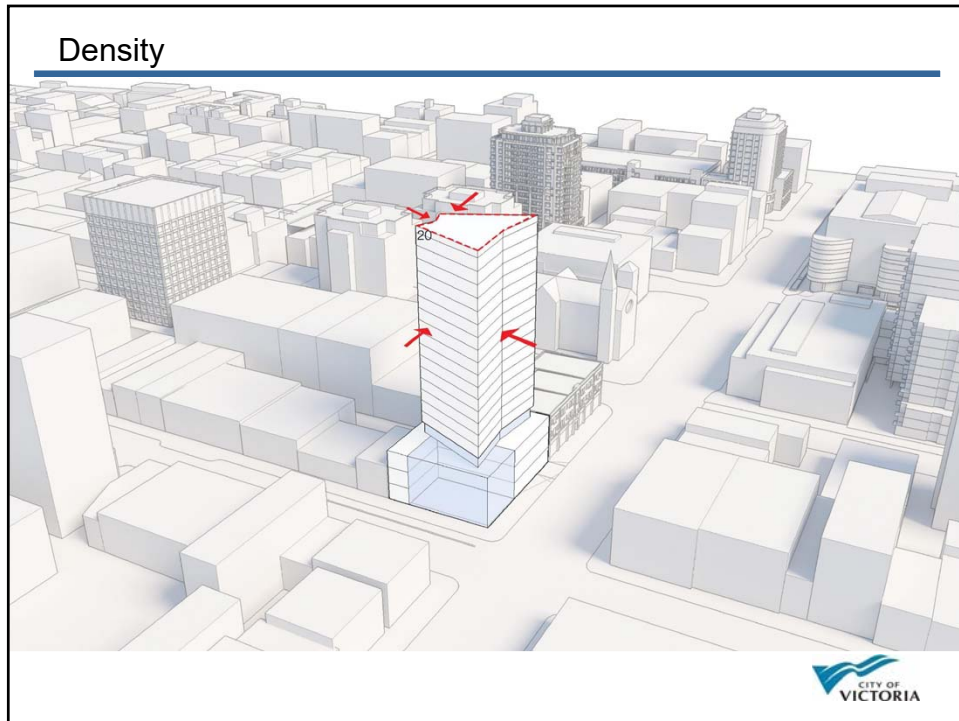
16



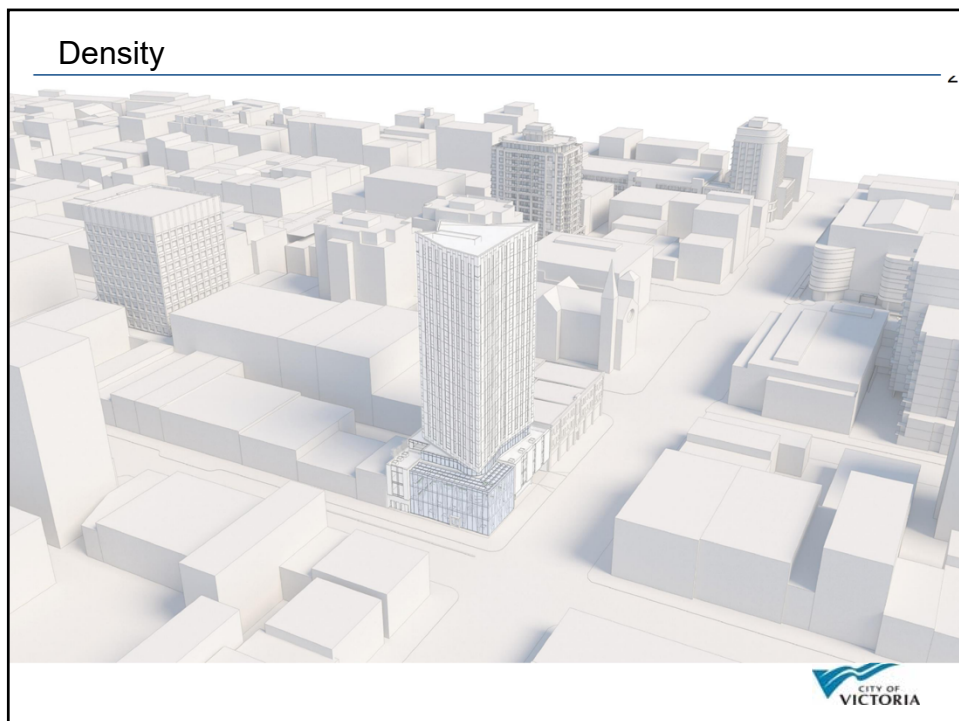
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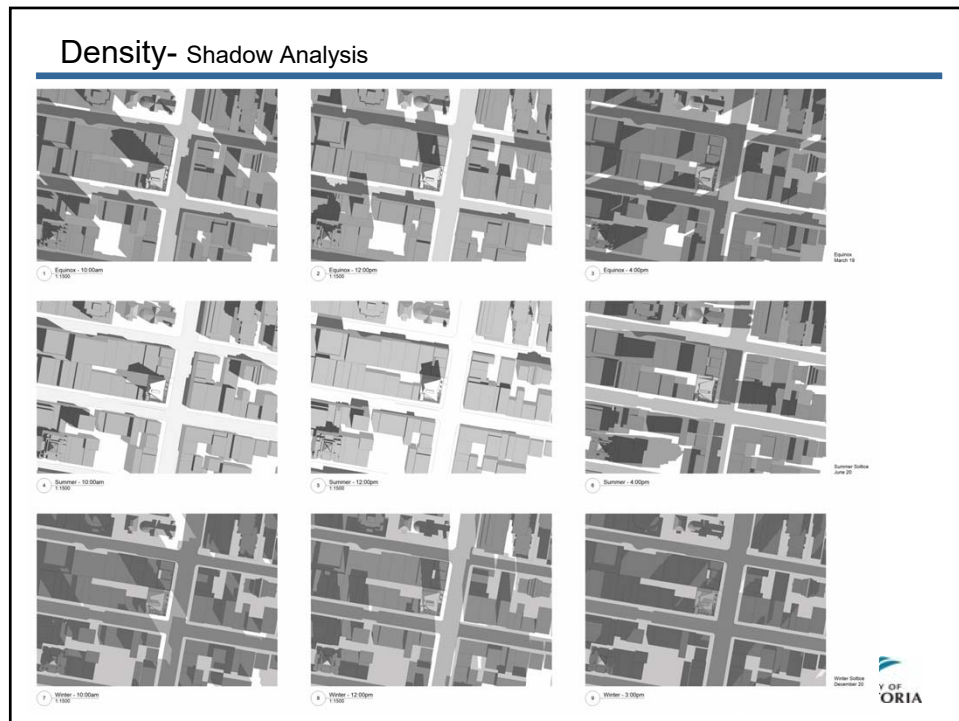
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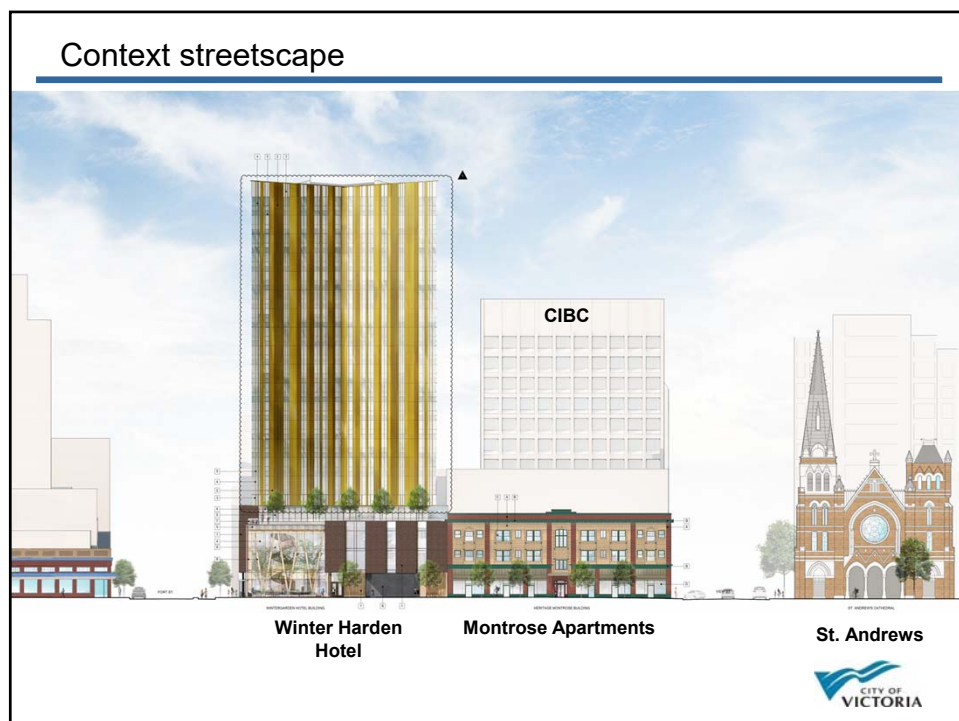
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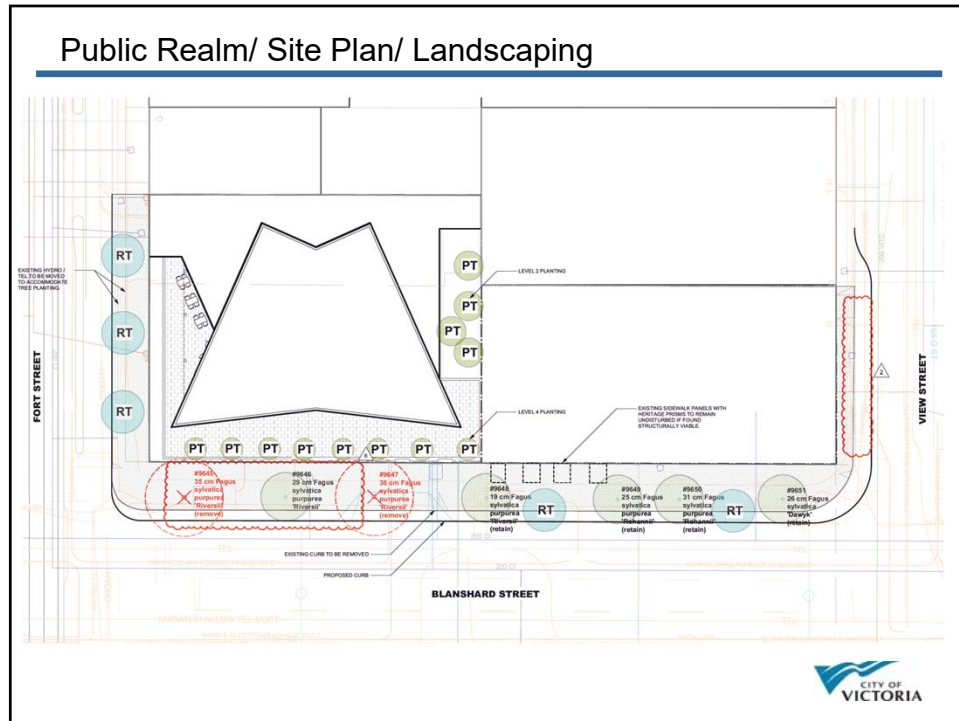
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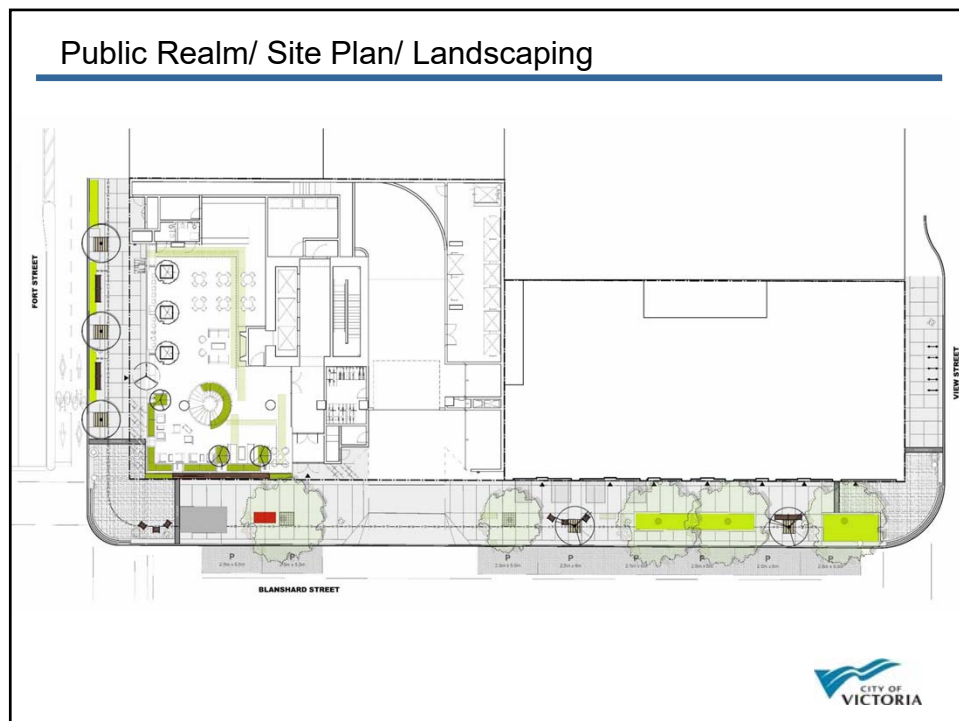
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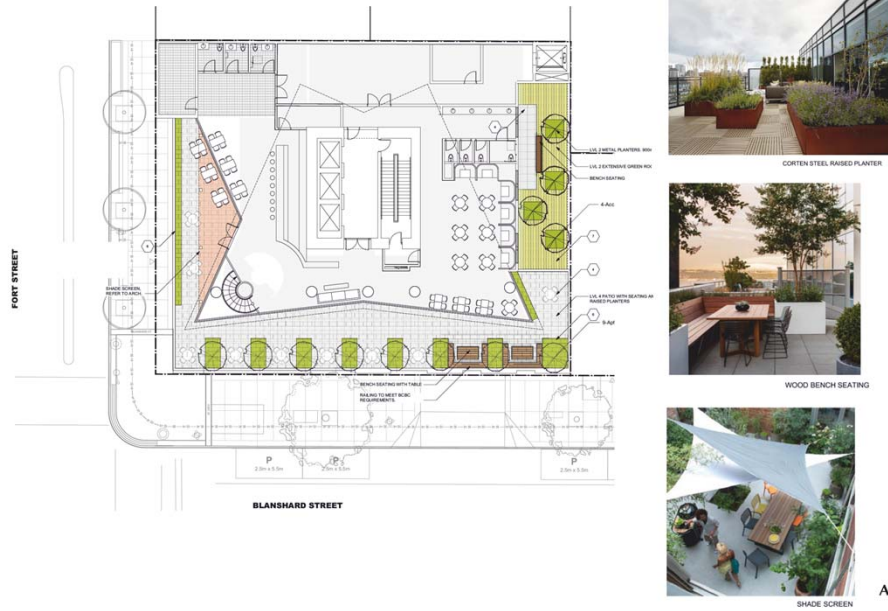


23



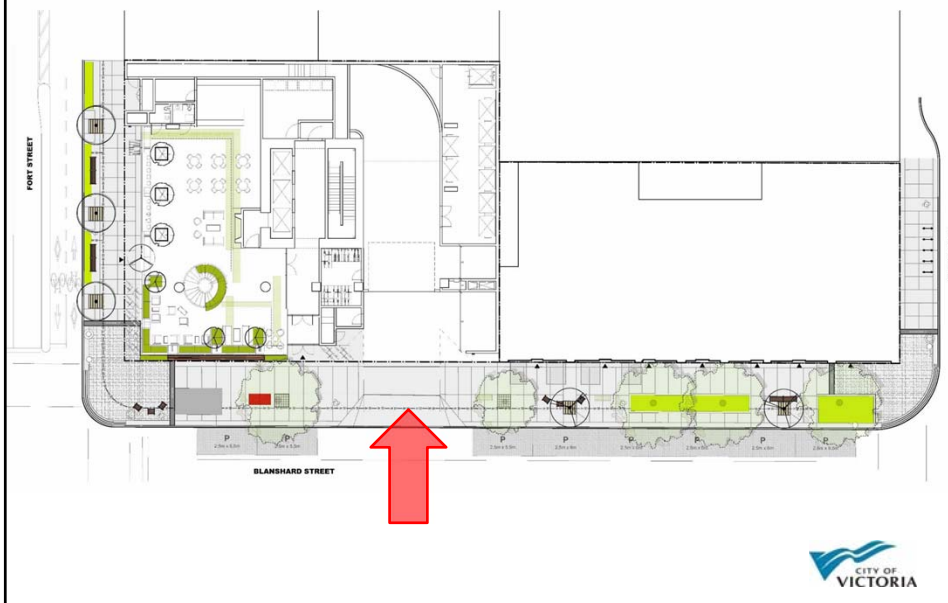
24

Public Realm/ Site Plan/ Landscaping



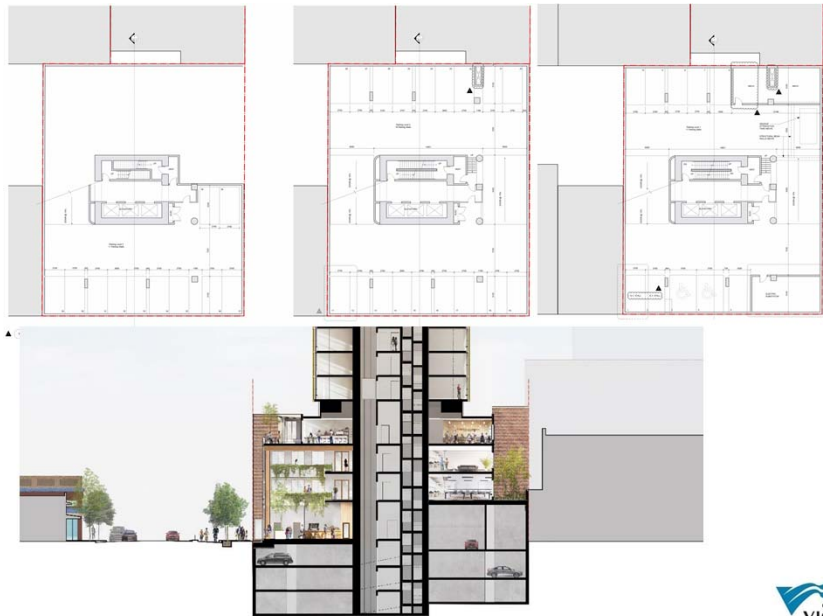
25

Public Realm/ Site Plan- Parking Access



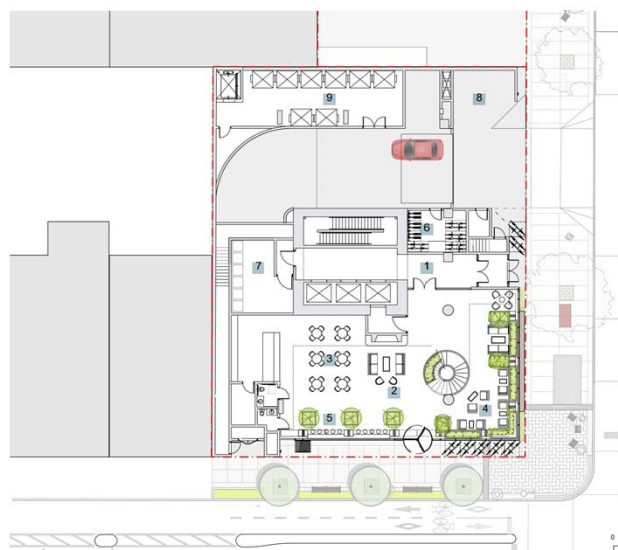
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Underground Parking

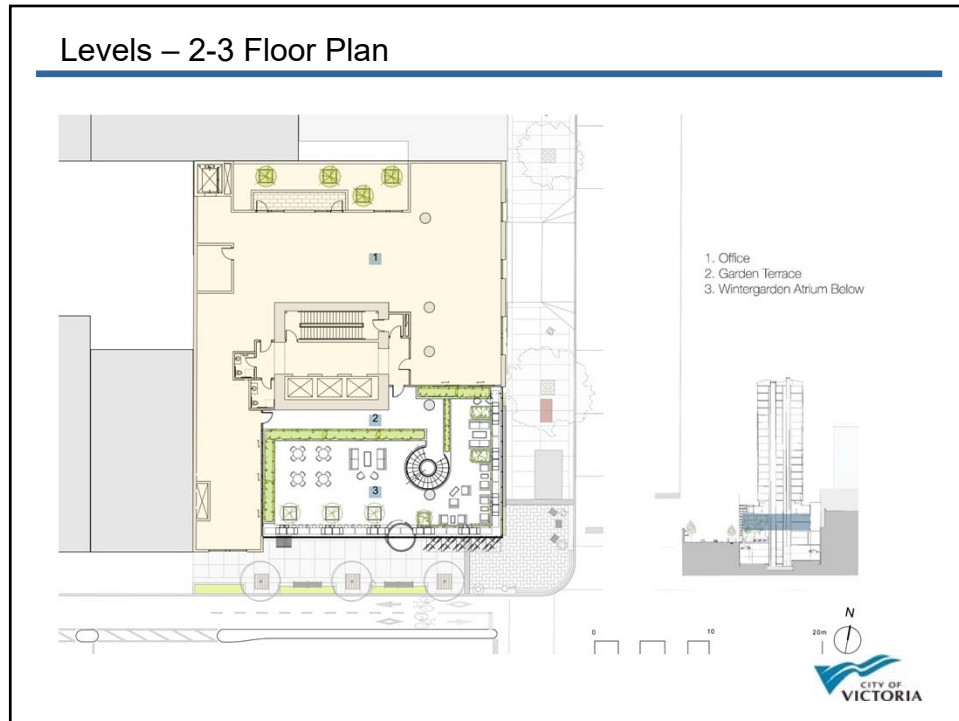


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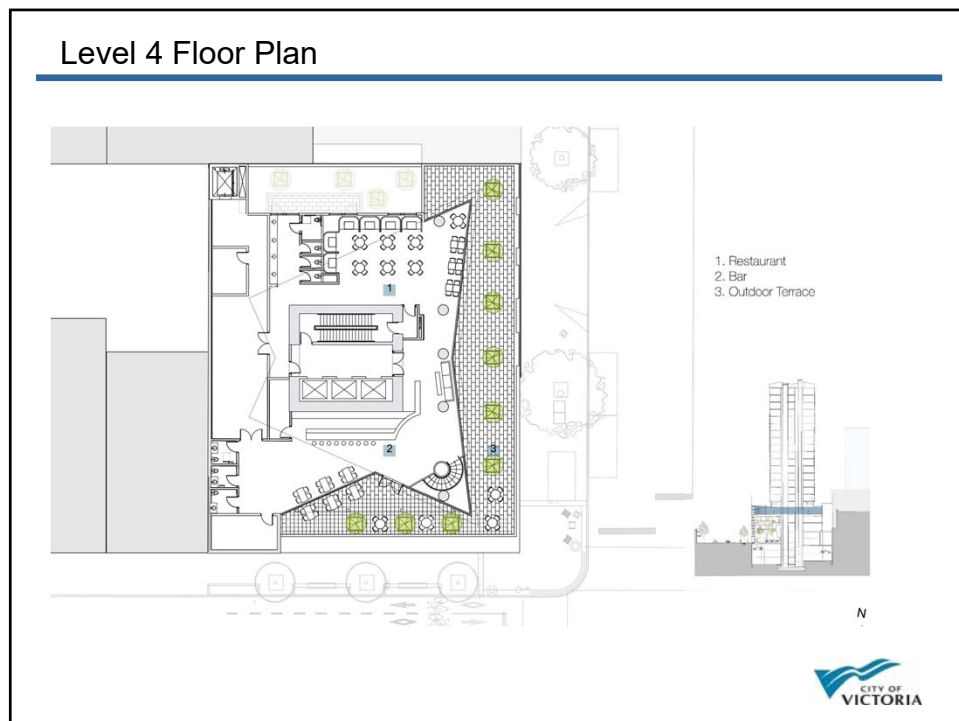
Level 1 Floor Plan



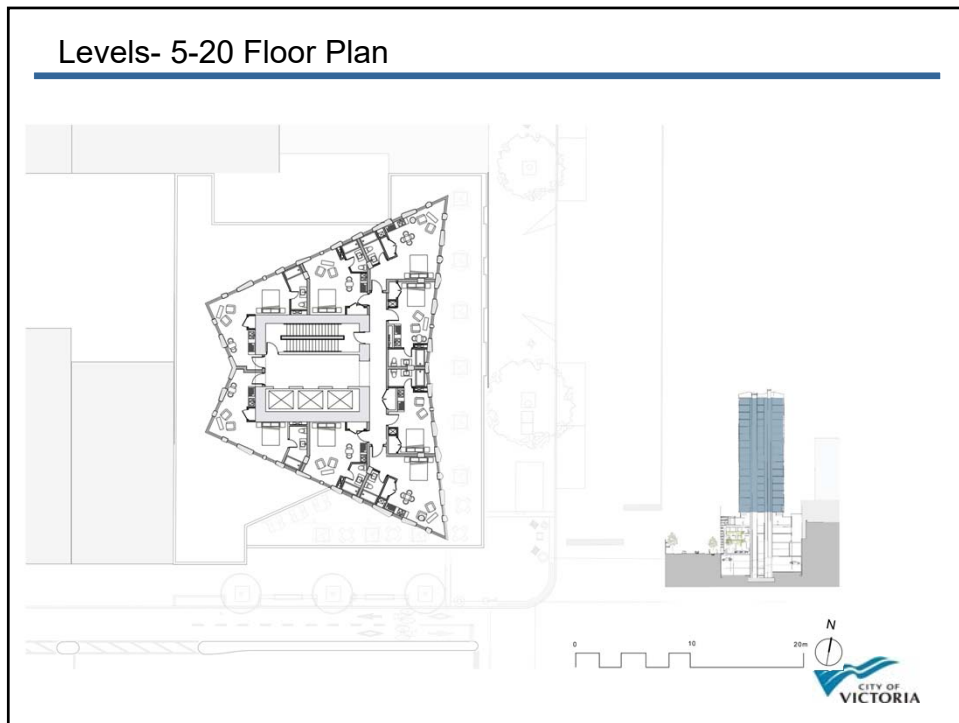
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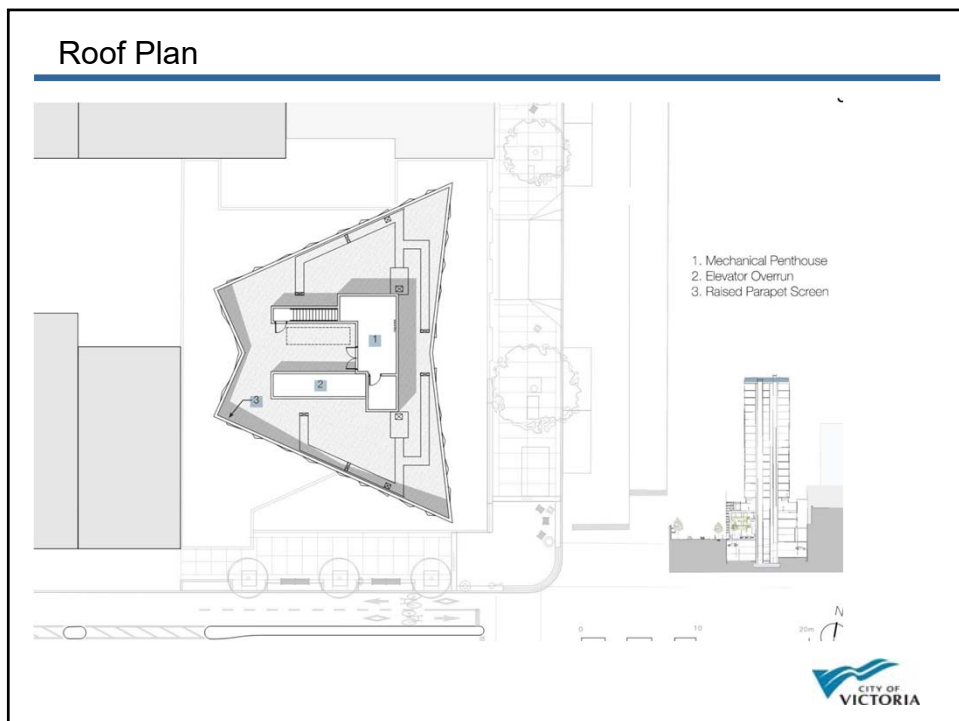
29



30



31



32

Elevation Plans



33

Elevation Plans- Setbacks



34

Elevation Plans- Setbacks to Fort



35

Elevation Plans- Setbacks to Fort



36

Elevation Plans- Setbacks to Blanshard



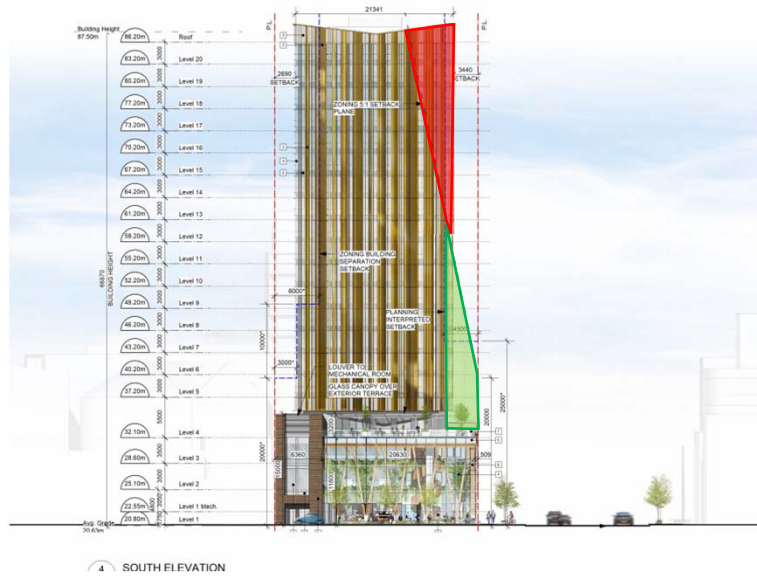
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Elevation Plans- Setbacks to Blanshard



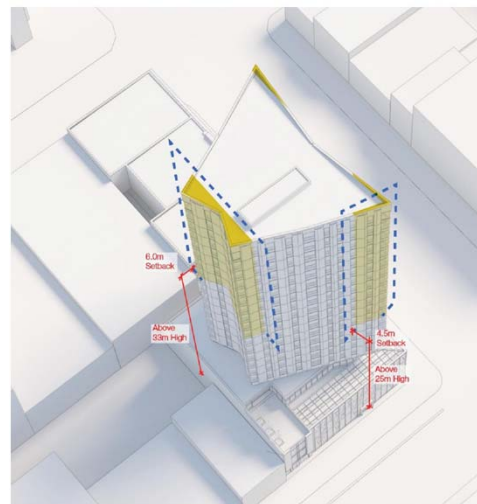
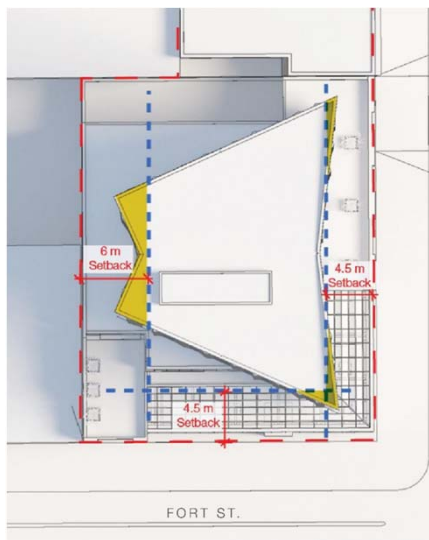
38

Elevation Plans- Setbacks to Blanshard



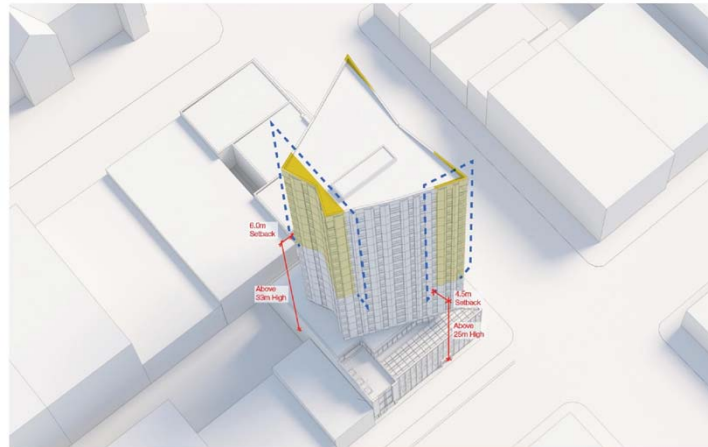
39

Elevation Plans- Setbacks



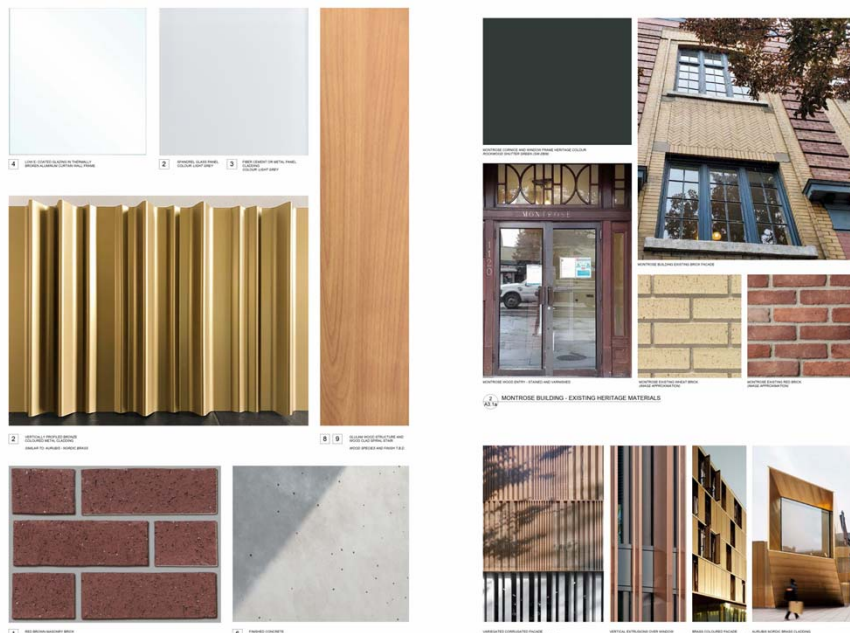
40

Elevation Plans- Setbacks



41

Materials



42

Rendering 1



View Looking South on Blanchard St



2 - Close View Looking South on Blanchard St



43

Rendering 2



1 - Far View Looking East on Fort St

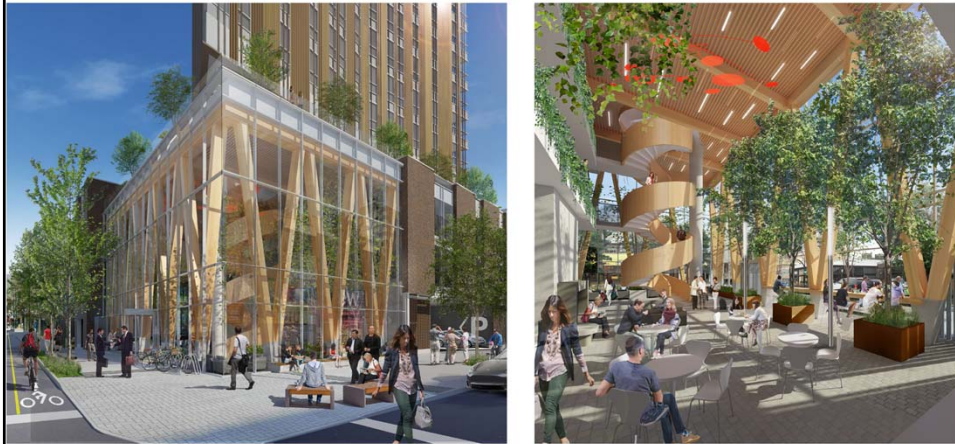


2 - Close View Looking East on Fort St



44

Rendering 3



45

Rendering 4



46

END



47

Additional Information – Aerial View from West



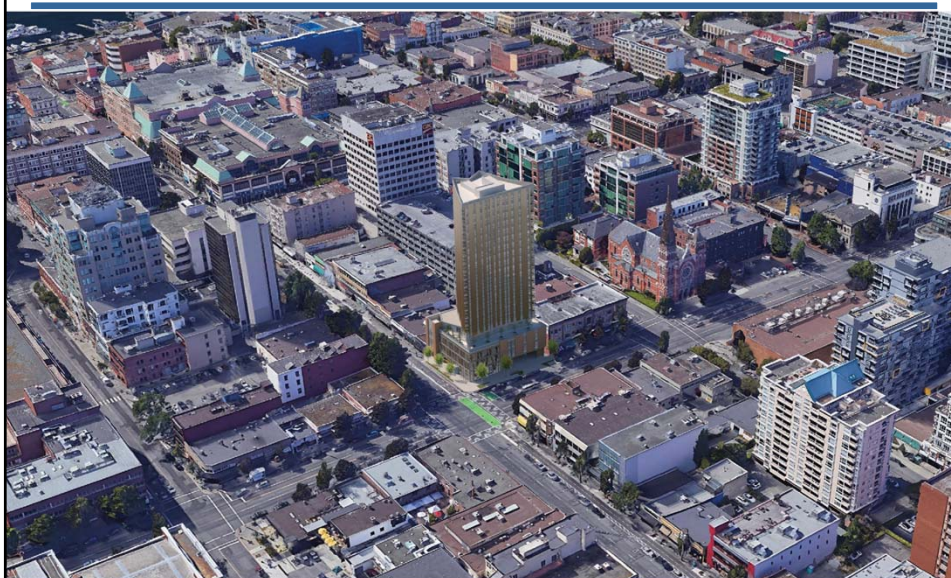
48

Additional Information- Aerial view looking south



49

Additional Information- Aerial view looking NE



50

Additional Information- SE Corner Public Realm



51

1

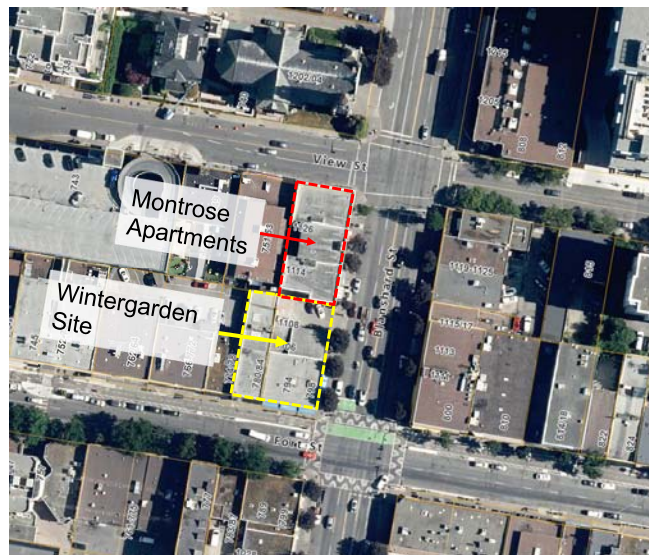
Heritage Designation Application No. 00196 for 1114-1126 Blanshard Street



1

Aerial

2



2



Proposal

To designate the exterior of the building located at 1114-1126 Blanshard Street

Date of Construction: 1912

Original Owner: Andrew Sheret

Architect: Charles Elwood Watkins

Neighbourhood: Downtown



3

Designation Assessment

4

Designation Assessment

A heritage property is one with "sufficient **heritage value** or **heritage character** to justify its conservation".

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

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

(Local Government Act, Section 611)



North (Side) Elevation facing View Street



4

Heritage Value Assessment

5

Heritage Value

- Associated with the surge of real estate development in Victoria prior to World War One.
- Representative example of high-density housing for immigrant families who could not afford single detached homes.
- An excellent example of the work of local architect Charles Elwood Watkins, who was the official architect of the Victoria and Saanich School Boards.



Side (South) Elevation



5

Heritage Character Assessment

6

Character Defining Elements

- Form, scale and massing
- Edwardian-style symmetrical design
- Metal cornice and arched window hoods with keystones
- Two-tone masonry construction; surviving storefront elements like transoms and bulkhead tiling and its original windows including 6-over-1 and 8-over-1 wood sash windows



6

Heritage Character Assessment

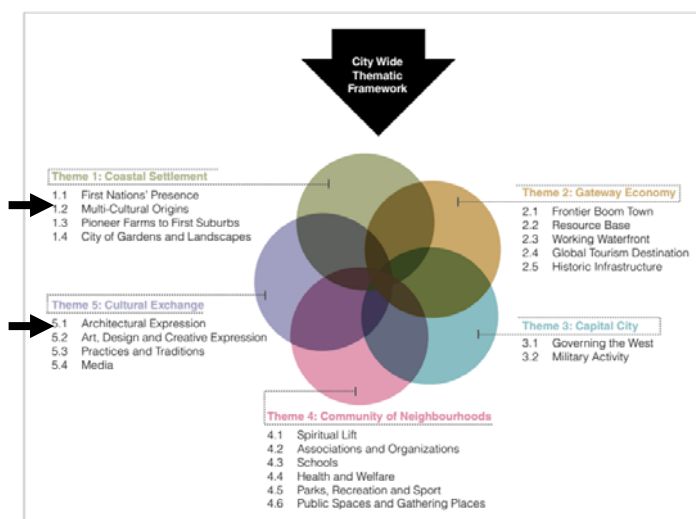
7



7

Thematic Framework

8



8

Heritage Value Assessment

9

Conservation and Restoration Measures:

- Parapets to be seismically upgraded and restrained (falling hazard)
- Cornice restoration
- Rehabilitation of masonry, including selective repairs, repointing and replacement of masonry units, and removal of redundant metal inserts and services mounted to the exterior walls
- Window repairs, including re-puttying and weather-stripping and selective in-kind replacement of irreparable windows
- Restoration of missing metalwork
- Reinstatement of historic colour scheme
- Storefront rehabilitation as tenancies turn over



9

Proposed Rehabilitated Front Elevation

10



Montrose Building - Proposed Restored Elevation



10

Staff Recommendation

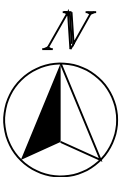
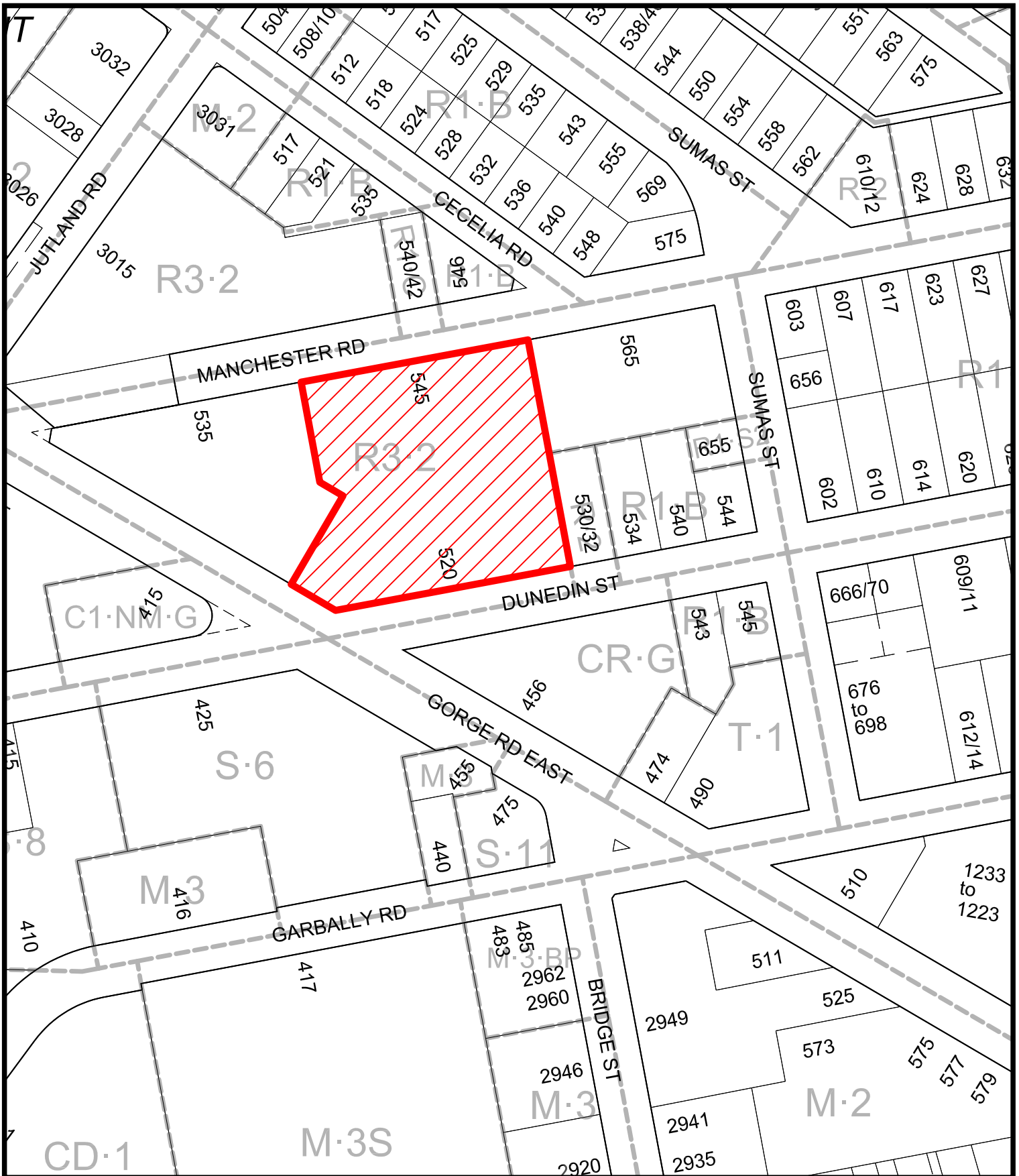
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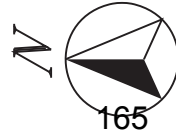
That Council direct staff to prepare the Heritage Designation Bylaw for the property located at 1114-1126 Blanshard Street and bring it forward for introductory readings, and after giving notice and allowing an opportunity for public comment at a joint Public Hearing with Rezoning Application No. 00745 for 780-798 Fort Street and 1106-1126 Blanshard Street, if it is approved, consider the following motion:

1. "That Council approve the designation of the property located at 1114-1126 Blanshard Street, in accordance with the Conservation Plan prepared by Donald Luxton and Associates Inc. dated March 2021, pursuant to Section 611 of the *Local Government Act*, as a Municipal Heritage Site."





520 Dunedin Street
Development Variance Permit 00256









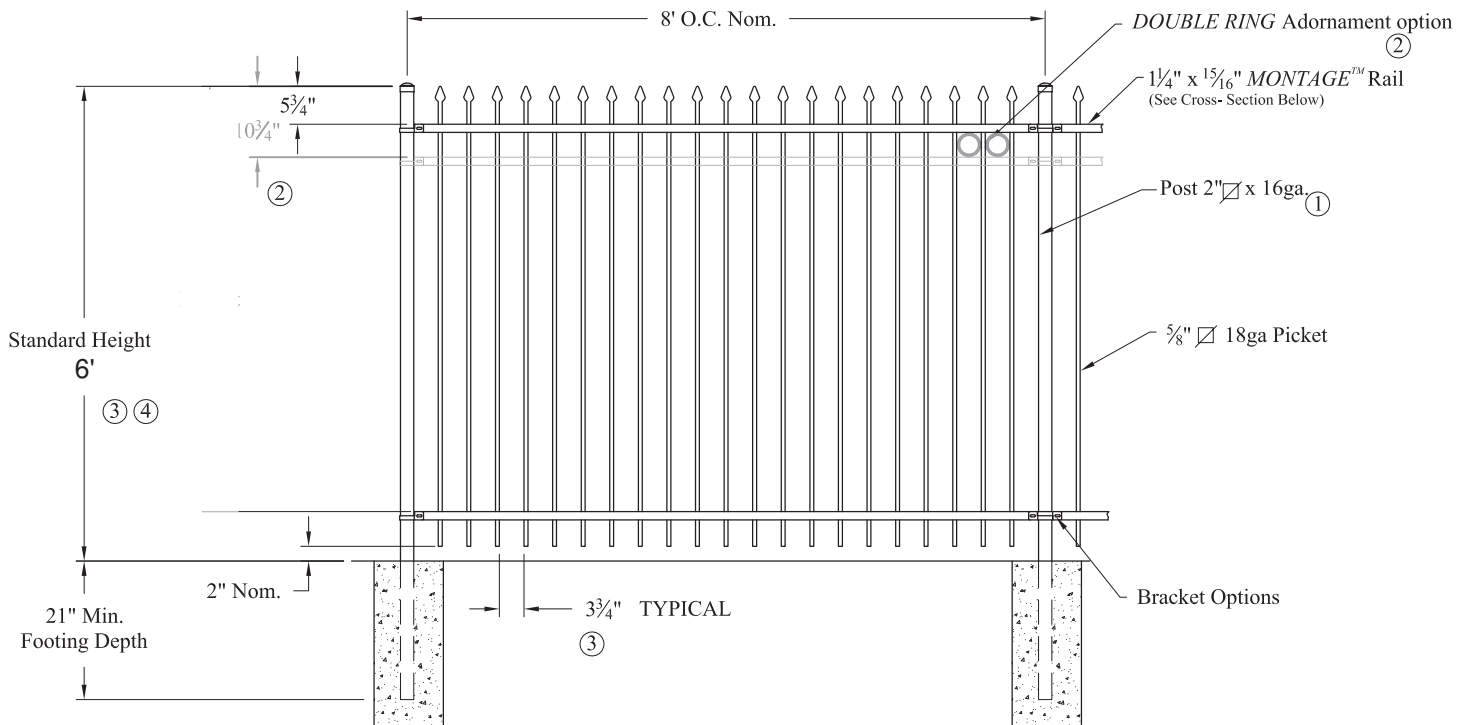


RENDERING

RENDERING

RENDERING



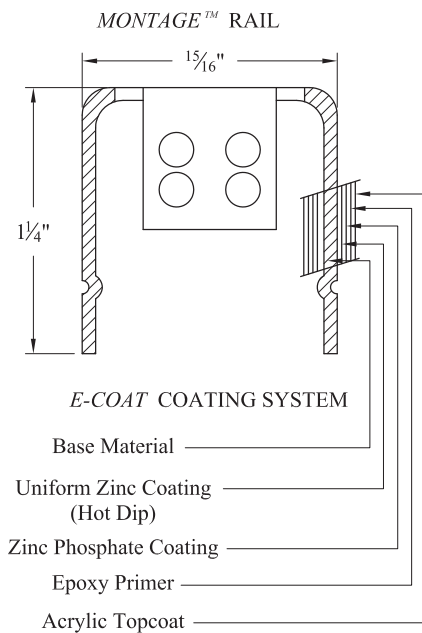


NOTES:

- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
- 2.) Third rail required for *Double Rings*.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

RAKING DIRECTIONAL ARROW

Welded panel can be raked 45" over 8' with arrow pointing down grade.

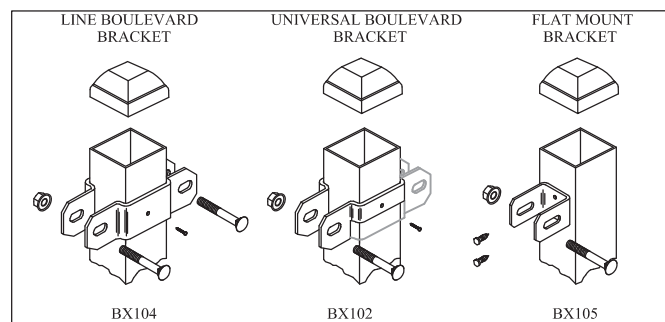


PROFUSION™ WELDING PROCESS

No exposed welds,
Good Neighbor profile - Same
appearance on both sides

MONTAGE RAIL

Specially formed high strength
architectural shape.



RESIDENTIAL WELDED STEEL PANEL

PRE-ASSEMBLED

Title: MONTAGE CLASSIC 2/3-RAIL

DR: CI SH . 1 of 1 SCALE: DO NOT SCALE

CK: ME Date 7-19-11 REV: c



AMERISTAR®

1555 N. Mingo
Tulsa, OK 74116
1-888-333-3422
www.ameristarfence.com

RCISO

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.



← City Tree
(Left)

Trunk to grass
>3 Feet

Fence line

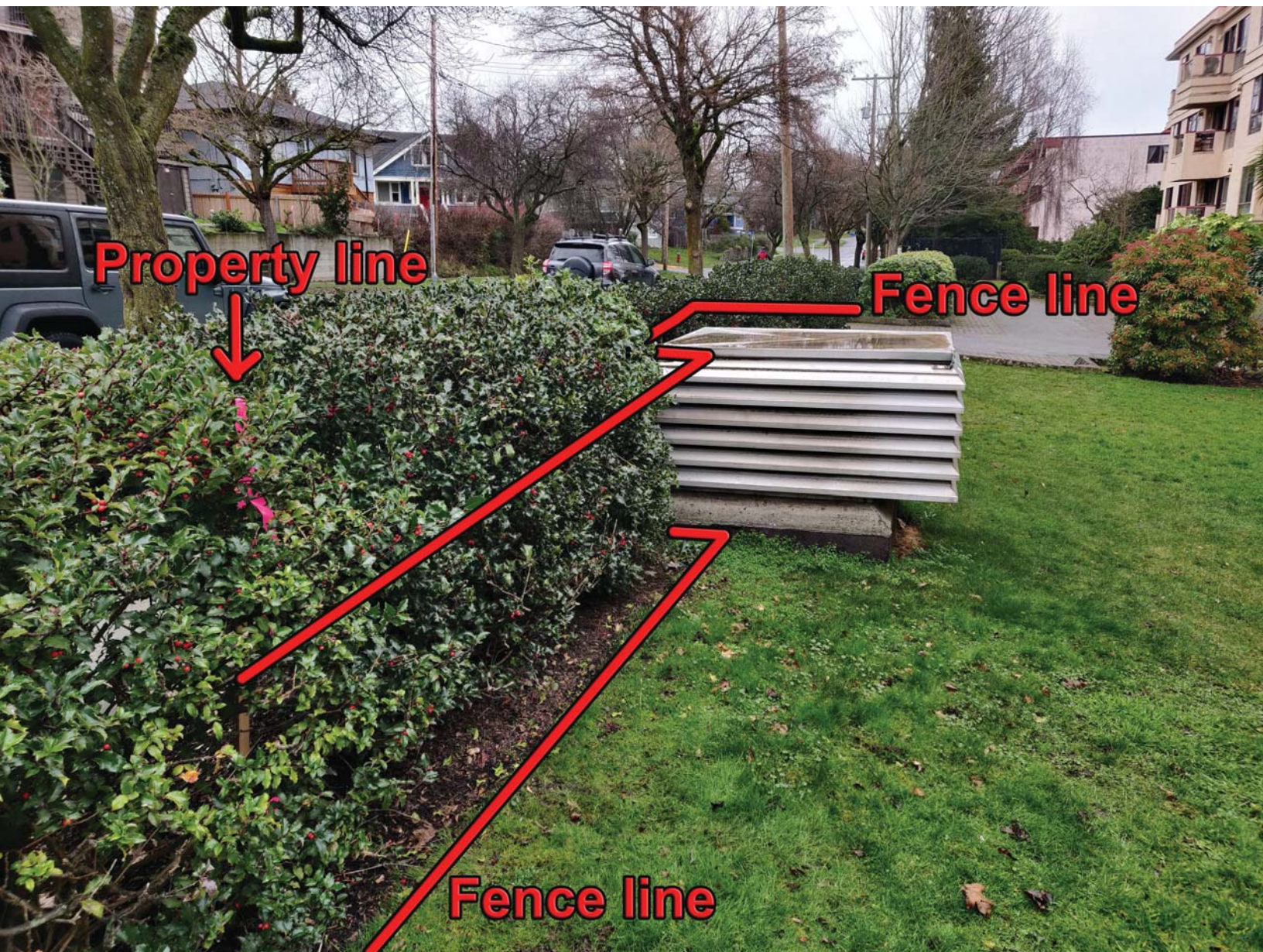
**City Tree
(Right)** →

Fence line

Property line ↓

PROPERTY CORNER CIP

SP
V15
3192





545



PASSENGER DROP
OFF ONLY

**3 MINUTE
MAXIMUM**

VIOLATORS WILL
BE TOWED.

NOTICE
ALL VEHICLES IMPOUNDED
AT OWNER'S RISK
ALLIED
EVS 10000 1000-1000



Start
of
Fence







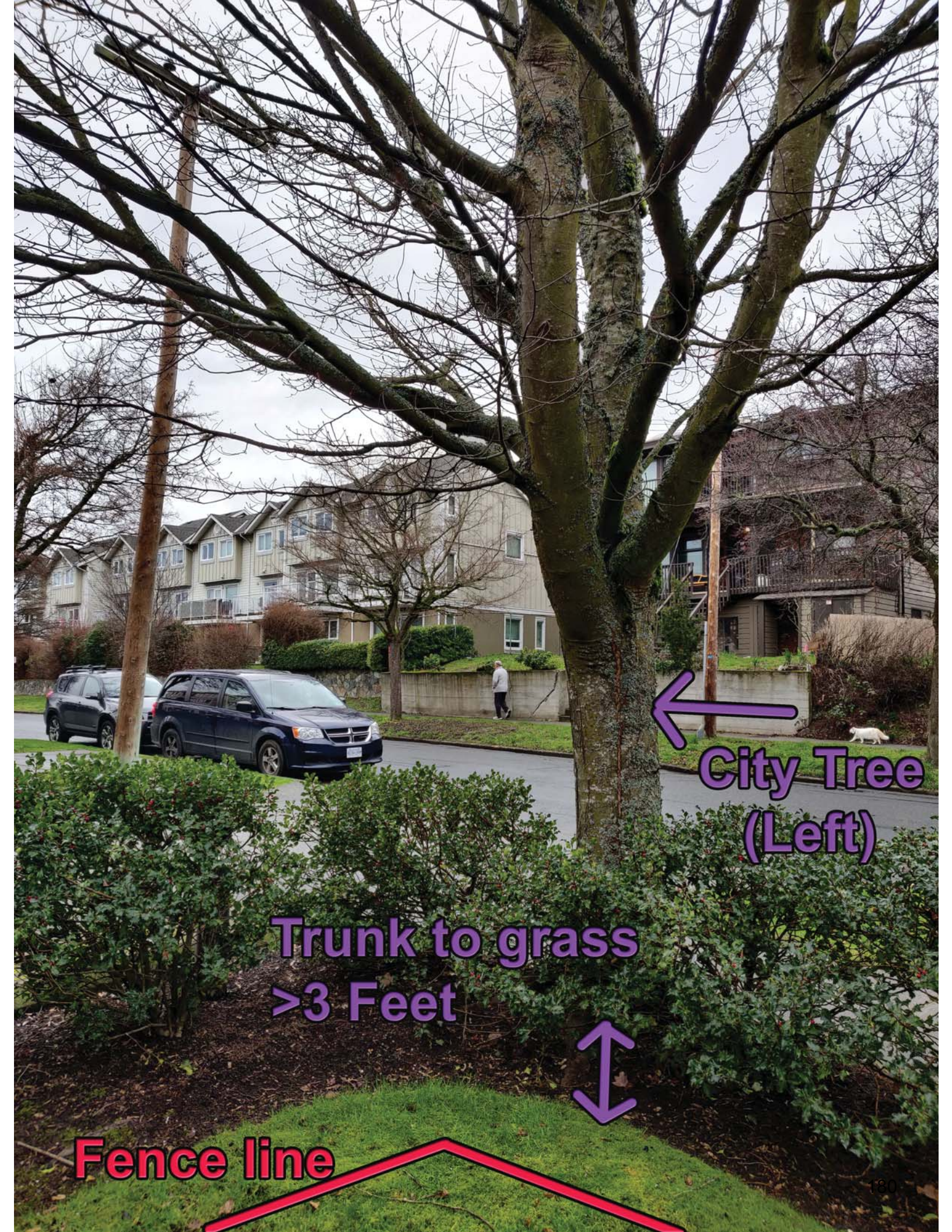
**City Tree
(Right)** →

Fence line

Property line ↓

TRAYES - CURVE CIP

SP
V15
3192



City Tree
(Left)

Trunk to grass
>3 Feet



Fence line



**Fence
line**

**City Tree
(Left)**

Property line

Dear Mayor and Council,

As you are no doubt aware, crime in our Burnside Gorge neighbourhood has been on the rise. Our community has – within the confines of our strata property – dealt with breaking and entering, aggressive people harassing and threatening violence against our residents, men chasing our children on our front lawn, needles, human feces, and theft from patios. The accessible area around our property has become a place where constant vigilance is required.

One bright spot has been the fenced area between the two buildings of our strata. The six foot security fence installed in the fall of 2018 around the rest of the property has clearly demonstrated the effectiveness of a physical barrier. Inside is a space you can walk barefoot and lay down for a picnic. Outside that area you have to watch your step and sometimes even your back. A sample of specific events is attached to this letter.

As such, to prevent assault, vandalism, theft and litter of bio hazardous materials, **our strata is requesting the approval of a six foot security fence along the front of our property**, an increase of two feet from the standard allowable four feet. This small two foot variance will allow us to balance our requirement for basic safety with aesthetic concerns of neighbourhood planning (please see attached rendering and adjacent-property neighbour's approval).

We thank you for your time and hope that you will consider our security a priority.

Yours sincerely,



Gayle Chong

Strata 2720 Council President

Neighbour Outreach – 535 Manchester Rd

Please note: 535 Manchester is adjacent to our property and is the neighbour most affected by our fence.

Re: Front yard fence

1 message

Adrian Lowe <[REDACTED]> 12 November 2020 at 14:06
 To: Helen Merlot <[REDACTED]>
 Cc: Condo - Dane <[REDACTED]> Marco Taccarelli <[REDACTED]>

Hi Helen, **I'm happy to report that everyone on our Council has had a chance to respond, and no concerns were expressed with your plans. Feel free to proceed :) [color and bolding added]**

Thanks,

Adrian

On Wednesday, November 4, 2020, 1:56:22 p.m. PST, Helen Merlot <[REDACTED]> wrote:

OK! No problem for the light - we'll make sure we go over it (we will not impale it with the bottom of the fence).

So, I guess the plan is to use the retaining wall. The current plan - with your OK - is to remove the guardrail and put the fence in its place. We will be sure to retain your signage and replace it on the new fence. Again, the total height of the fence would be 6' (retaining wall + fence = 6')

Thanks again!

Helen

On Wed, 4 Nov 2020 at 11:36, Adrian Lowe <[REDACTED]> wrote:
 Sorry to hear about the break-in, Helen, thanks for the warning.

As for the retaining wall, again, I don't see any problem...except we have installed a light at the top end of our driveway, bolted to the top surface of the retaining wall. Would it be possible to create a bit of a "jog" in the bottom of whatever fence would be there, in order to loop over the light? The light only extends about 6-8 inches above the level of the retaining wall, but it provides the major illumination for the upper part of our driveway, and we would not want to lose that. Take a look, you'll see what I mean.

Adrian

On Wednesday, November 4, 2020, 11:22:52 a.m. PST, Helen Merlot <[REDACTED]> wrote:

Thank you very much for your quick response!

I spoke to Gayle and as it stands I believe the plan is to put the fence on the retaining wall, but maintain the total height at 6' (retaining wall + fence = 6').

Also, BTW, we had a break-in last night. Someone has been going around and breaking into the intercom access panel and short circuiting the system to gain access to the building. We are at the very least changing the lock (I guess the same key often works across buildings), but we are hoping to upgrade it to a higher security lock.

Thanks again, neighbor!

Helen

On Wed., Nov. 4, 2020, 10:28 Adrian Lowe, <[REDACTED]> wrote:
Hi Helen, it all looks fine to me, but I will have to circulate these details to my strata colleagues for their own comment. I will get back to you as soon as possible. It was very nice talking to you :)

Adrian

On Wednesday, November 4, 2020, 09:14:24 a.m. PST, Helen Merlot <[REDACTED]> wrote:

Good morning!

Thank you for your time on the phone this morning :)

As discussed, we are applying to the city to get a variance to allow a 6' (vice 4') fence to be built in our front yard - map and renderings attached. I will get back to you with the exact placement of the fence WRT to the railing and retaining wall.

As our neighbor, we were hoping for your blessing, or an opportunity to discuss the project if you do have concerns.

Thank you kindly for your time! You can reach me at this email address or at [REDACTED]

Crime Reports

Please note that **this is NOT a complete list**. Unfortunately we have not kept very good records and this list is not at all comprehensive.

29 November, 2020 – Attempted Break and Enter

Unknown person(s) bent fence bars in an attempt to gain access to the shared green space (also grants access to patios facing the green space).

3 November, 2020 – Attempted Break and Enter

Unknown person(s) broke open the Entercomm and attempted to enter the building.

20 October, 2020 – Attempted Assault

GO# VI 2020-38773

Child was run at by an unknown man who was using drugs.

14 October, 2020 – Attempted Break and Enter

GO# VI 2020-901359

Attempt to break in ground floor in the middle of the night into a family residence.

24 September, 2020 – Theft Under \$5000

GO# VI 2020-37271

“sometime overnight a table and some dishes were stolen from her patio. The unknown person(s) accessed the patio through some bushes.”

18 May, 2020 – Theft Under \$5000

GO# VI 2020-900646

Theft of BBQ and propane tank.

1 September, 2020 – Theft Under \$5000

GO# VI 2020-901159

Two motorcycle helmets stolen during daylight hours.

5 July, 2018 – Break & Enter

GO# VI 2018-28812

“at 0206 hours..... two people, a male and female, had just broke into 520 Dunedin St. through the front door.”

6 September, 2017 – Unwanted Guest

GO# VI 2017-36602

“a female was camped outside of her building and appeared high on drugs.”

18 May, 2017 – Break & Enter

GO# VI 2017-8640

“someone had been into her car”

“a silver bike is removed from the group of bikes by the male and walked out of the camera view.”

31 January, 2017 - Theft Under \$5000

GO# VI 2017-3889

“unknown person(s) entered her vehicle and stole a Parking KeyFob”

Gayle Chong

From: [REDACTED]
Sent: October-29-20 12:05 PM
To: 'Gayle Chong'
Subject: FW: FENCE

From: Sandra Radford <[REDACTED]>
Sent: October-28-20 7:35 PM
To: [REDACTED] >
Subject: FENCE

Hello Strata 2720,

At the 2019 strata AGM I mentioned an incident that occurred a few months before the AGM, during the day, on the third floor of Hampton Court. Although I did not alert anyone at the time of the incident, and the police were not notified, I believe it is relevant to our request for a height variance for the proposed fence around the front yard of Hampton Court.

A man appeared in the west stairwell entrance to the third floor hall, and banged on the door. There had been workmen in the building, working on one of the units. I assumed that he had inadvertently been locked out, and I opened the door. I realised I was mistaken. He was dressed all in black, and wore fingerless gloves. He was unshaven and his face and eyes were red. He went to the door of my neighbour next to the stairwell and started pounding on the door and calling out a name. He seemed angry and desperate. Several times I asked him if he lived in the building. He approached me and told me to back off and walk away. He was menacing, and I felt threatened, so I walked away.

The lack of an adequate fence around the front of Hampton Court contributes to making it too easy for people who do not live in our building, or have no legitimate reason to be in our building, to gain access. I do not feel safe or secure, and have had installed another security measure to the lock on my door. But far better to prevent unauthorized access to our building in the first place. We need to deter people who find it far too easy to gain entrance with unlawful intent. A complete six foot fence around our building is needed to help prevent property crime, and allow us to feel safe in our homes.

Sandra Radford
Hampton Court #304

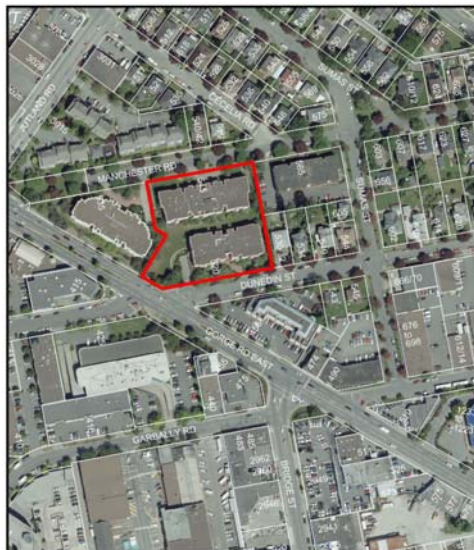
Sent from [Mail](#) for Windows 10

10/29/20

Development Variance Permit
Application No. 00256
for
545 Manchester Road
and
520 Dunedin Street



1



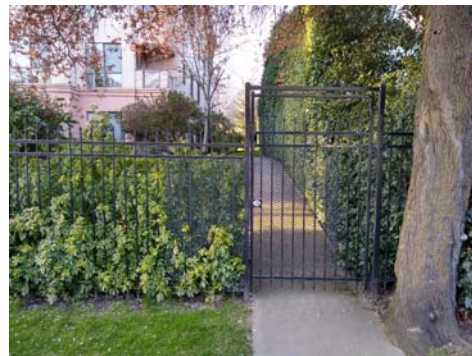
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Subject Property



3



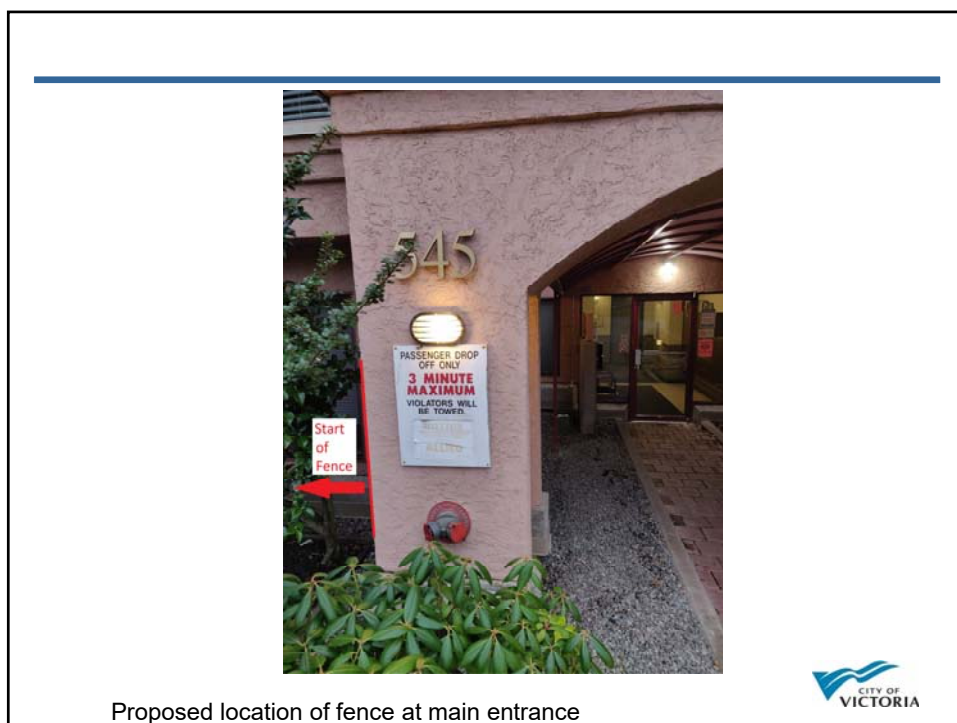
Existing fence and gate along the Dunedin frontage



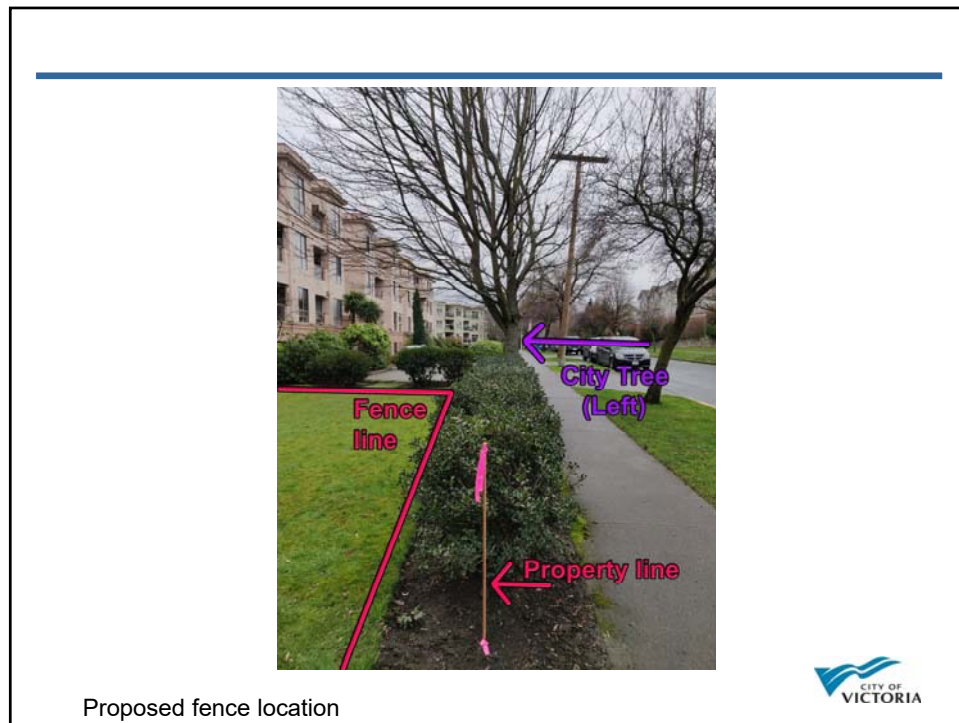
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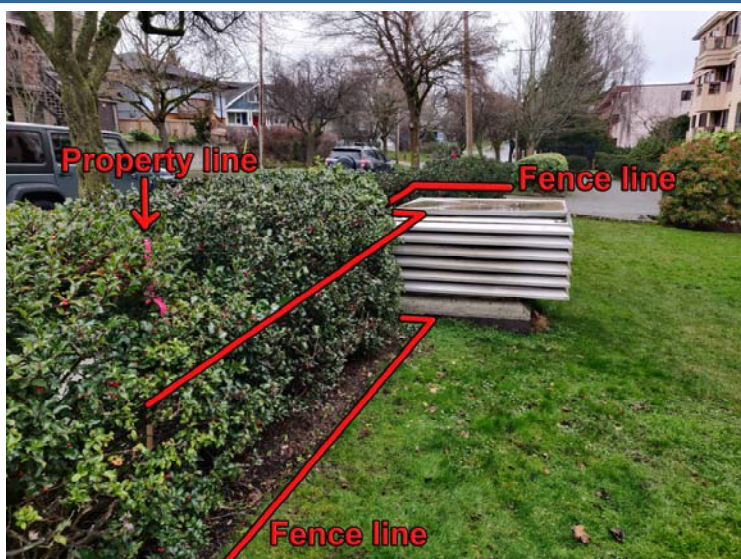
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7



8



Proposed fence location



9



Proposed fencing around main entrance



10



Proposed fence and gate



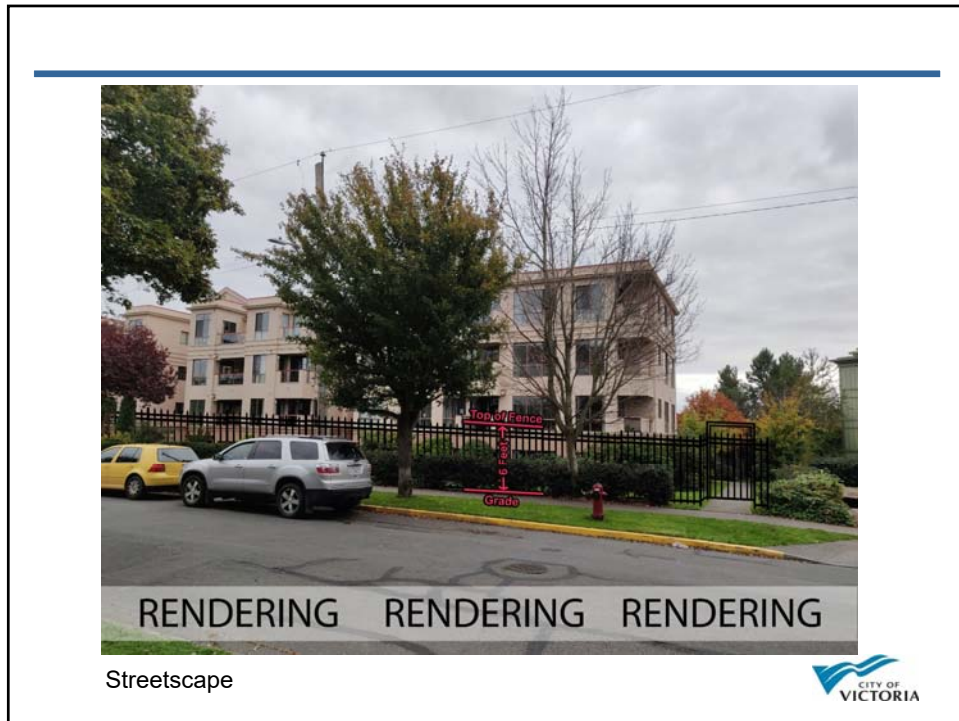
11



Streetscape



12





Committee of the Whole Report For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 18, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit Application No. 00258 for 2747 Asquith Street

RECOMMENDATION

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

"That Council authorize the issuance of Development Variance Permit Application No. 00258 for 2747 Asquith Street in accordance with:

1. Plans date stamped January 21, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 2747 Asquith Street. The proposal is to renovate the existing single-family dwelling to create a secondary suite. The proposal meets the required number of parking stalls (one). However, a variance is required to reduce the minimum distance from the parking stall to a street from 1.0m to 0.87m.

The following points were considered in assessing this application:

- the proposal is consistent with the *Official Community Plan* as it adds to the existing housing rental stock.

- the proposal is consistent with the *Oaklands Neighbourhood Plan* as it maintains the low-scale, family-oriented character of the neighbourhood.
- the variance to reduce the required distance from the parking stall to the street by 0.13m (approximately five inches) is considered supportable since the municipal boulevard provides sufficient buffer to prevent any potential obstruction of the sidewalk.

BACKGROUND

Description of Proposal

The proposal is to renovate the existing property to create a secondary suite. No parking is required for a secondary suite, but the one stall for the single-family dwelling is subject to the regulations in Schedule C – Off Street Parking, which requires a minimum distance of 1.0m from the parking stall to a street.

Affordable Housing

The applicant proposes the creation of one new secondary suite, which would increase the overall supply of rental housing in the area.

Tenant Assistance Policy

The proposal is for the creation of a secondary suite within an existing single-family dwelling and would not result in the loss of any existing residential rental units.

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 City standard requirements are proposed in association with this Development Variance Permit Application.

Accessibility

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The proposed secondary suite would be accessed without the use of stairs.

Existing Site Development and Development Potential

The site is presently a single-family dwelling. Under the current R1-B Single Family Dwelling District Zone, the property could be developed to include either a secondary suite or garden suite.

Data Table

The following data table compares the proposal with the existing R1-B Single Family Dwelling District Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify where the proposal is legally non-conforming.

| Zoning Criteria | Proposal | Existing R1-B Zone |
|--|---|--------------------|
| Site area (m ²) – minimum | 508.90 | 460.00 |
| First and second storey floor area (m ²) – maximum | 208.50 | 280.00 |
| Combined floor area (m ²) – maximum | 223.50 | 300.00 |
| Lot width (m) – minimum | 15.22 | 15.00 |
| Height (m) – maximum | 6.24 | 7.60 |
| Storeys – maximum | 2 | 2 |
| Site coverage (%) – maximum | 30.00 | 40.00 |
| Setbacks (m) – minimum | | |
| Front | 4.10** (to porch) 5.97** (to building) | 7.50 |
| Rear | 10.20 | 8.36 |
| Side (south) | 1.70 | 1.52 |
| Side (north) | 3.60 | 3.00 |
| Combined side yards | 5.30 | 4.50 |
| Parking – minimum | 1 | 1 |
| Distance from parking stall to street | 0.87* | 1.0 |

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 27, 2021 the application was referred for a 30-day comment period to the Oaklands CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

Official Community Plan

The proposal is for an additional rental unit within an existing single-family dwelling and is consistent with the *Official Community Plan, 2012* (OCP), which supports housing diversity, rental housing choice and the ongoing upgrade and regeneration of the City's rental housing stock.

Local Area Plans – Oaklands Neighbourhood Plan

The *Oaklands Neighbourhood Plan* notes a number of objectives related to housing, including “to make provision for a range of housing types and sizes in the Oaklands neighbourhood through limited infill, redevelopment and new housing” and “to maintain the family-oriented housing character of much of Oaklands”. The proposal is consistent with these objectives in the creation of a secondary suite within an existing dwelling.

Tree Preservation Bylaw and Urban Forest Master Plan

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

Regulatory Considerations

The existing property operates with a legal non-conforming front yard setback. The proposal meets the required number of parking stalls (one) for a single-family dwelling and secondary suite. The parking stall is located in the front yard as permitted under the bylaw and meets the minimum standards for stall dimensions. However, given the legal non-conforming front yard setback, the proposal cannot meet the required 1.0m distance from a parking stall to a street, without radically altering the exterior façade of the building. The requested variance to reduce this distance to 0.87m is considered supportable since the municipal boulevard provides sufficient buffer to prevent any potential obstruction of the sidewalk.

CONCLUSIONS

The subject site has been functioning with a legal non-conforming front yard setback for a number of years. The proposal to construct a secondary suite would increase the rental housing stock in the neighbourhood and the potential impacts on the neighbourhood would be minimal. Therefore, staff recommend that Council support the proposed variance.

ALTERNATE MOTION

That Council decline Development Variance Application No. 00258 for the property located at 2747 Asquith Street.

Respectfully submitted,

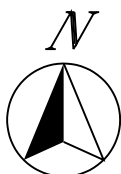
Charlotte Wain
Senior Planner – Development Services
Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

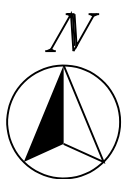
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped January 21, 2021
- Attachment D: Letter from applicant to Mayor and Council dated January 18, 2021.



2727 Asquith Street
Development Variance Permit 00258

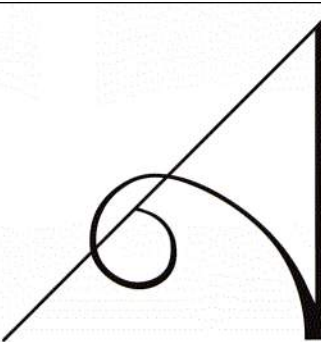




2747 Asquith Street
Development Variance Permit 00258

Air Photo





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1. Do not scale drawings.
2. Verify all dimensions.
3. Check Drawings against Specifications. In case of discrepancies, specifications shall govern.
4. Use latest revised drawings only.

Revisions:

- 1 Oct 28 / 20 - BP Revisions
- 2 Jan 9 / 21 - BP Revisions
- 3 Jan 11 / 21 - Variance Application

Project:

Stucchi-Leach Residence, Lower Level Renovation
2747 Asquith Street,
Victoria, BC.

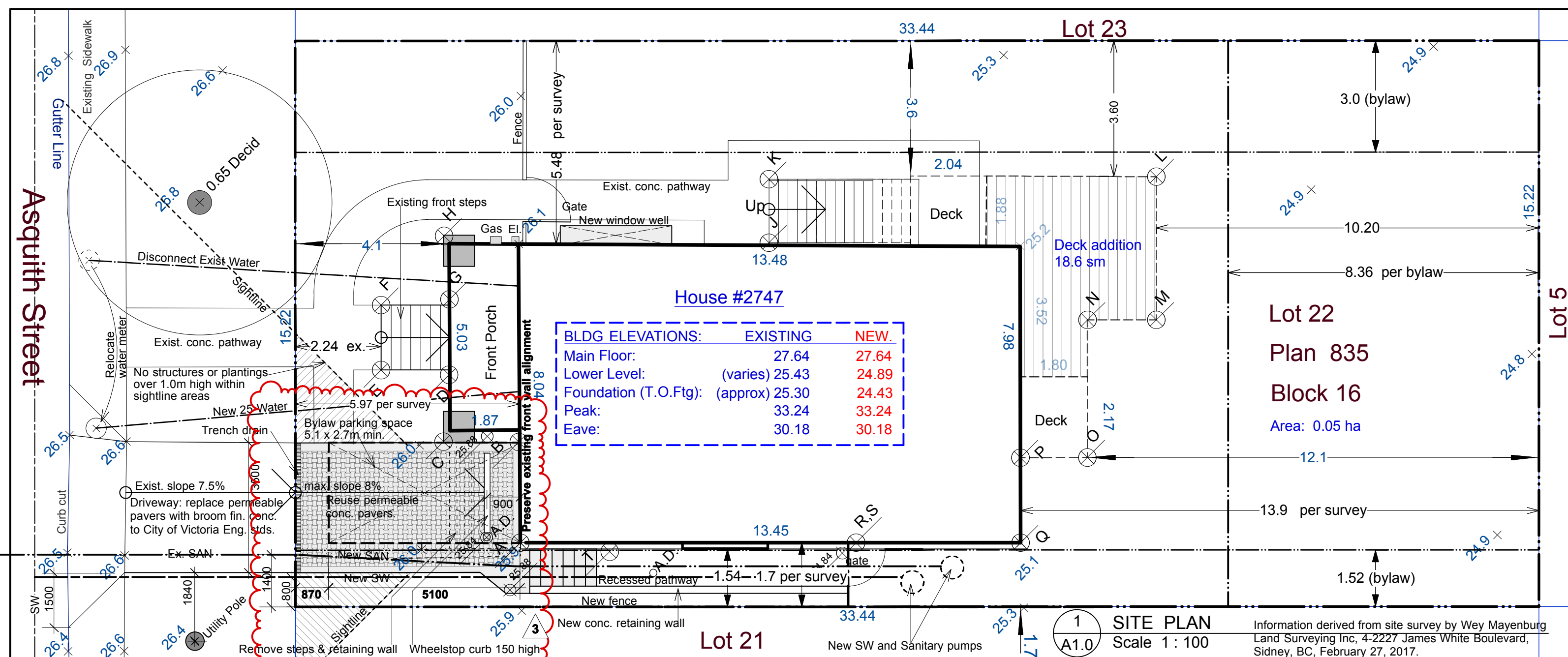
Title:
SITE PLAN
FLOOR PLANS

Date: June 12, 2020
Scale: As noted
Issue: BUILDING PERMIT

Sheet Number:

A-1.0

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PROJECT DATA

Property address: 2747 Asquith Street.

Legal: Lot 22, Block 16, Section 48, Victoria District, Plan 835.

Zoning: R1-B
Single Family Residential
Secondary Suite permitted

Floor Area:
Total (minimum): 218.24sm, existing
Total (maximum): 215.55sm, proposed
Storeys 1 & 2(max): 203.24sm, existing
200.55sm, proposed

Building Height:
- Bylaw: 7.60 m
- Existing: 6.24 m
2 storeys
2 1/2 storeys
(per Variance, Sep 14, 2017)

Setbacks: (per Variances, Sep 14, 2017)
Front: House: 5.97m, no change
Front Porch: 4.10m, no change
Front Steps: Existing 2.24m

Rear: 10.20m

Sides: 1.54m & 3.6m, 1.52 m & 3.0 m

Lot Area: 509 sm

Site Coverage:
- Bylaw: 509 x 40% = 203.6 sm
- SFD: Existing + New (incl decks) 153.0 sm (30%)
- Accessory buildings: None

Floor Area, Secondary Suite:
- Bylaw: 200.55 x 40% = 80.22 sm or 90 sm
- New secondary suite: 37.63 sm

Fire Separations (Secondary Suite): 45 minutes, walls & ceiling.
Refer Elevations.

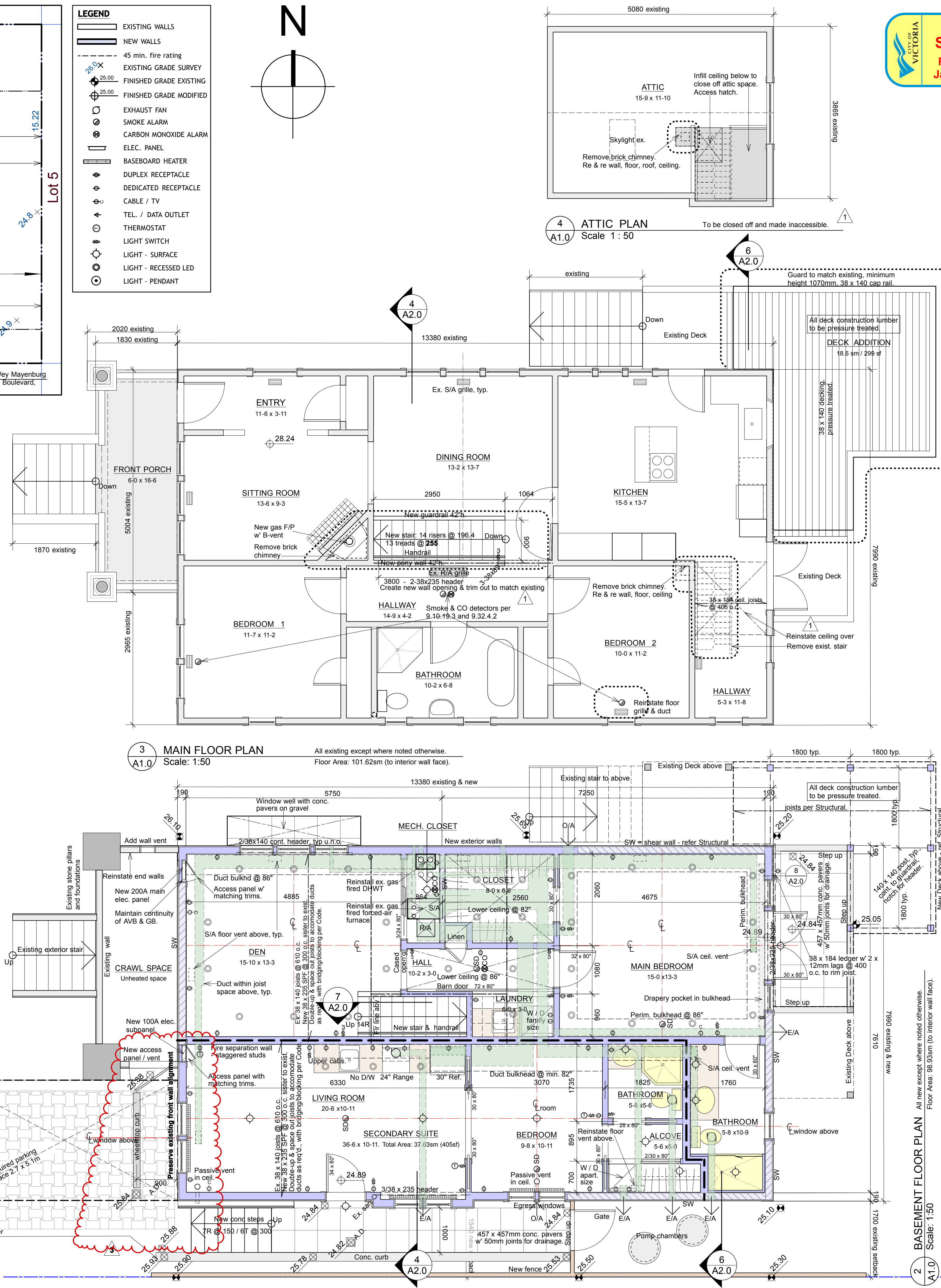
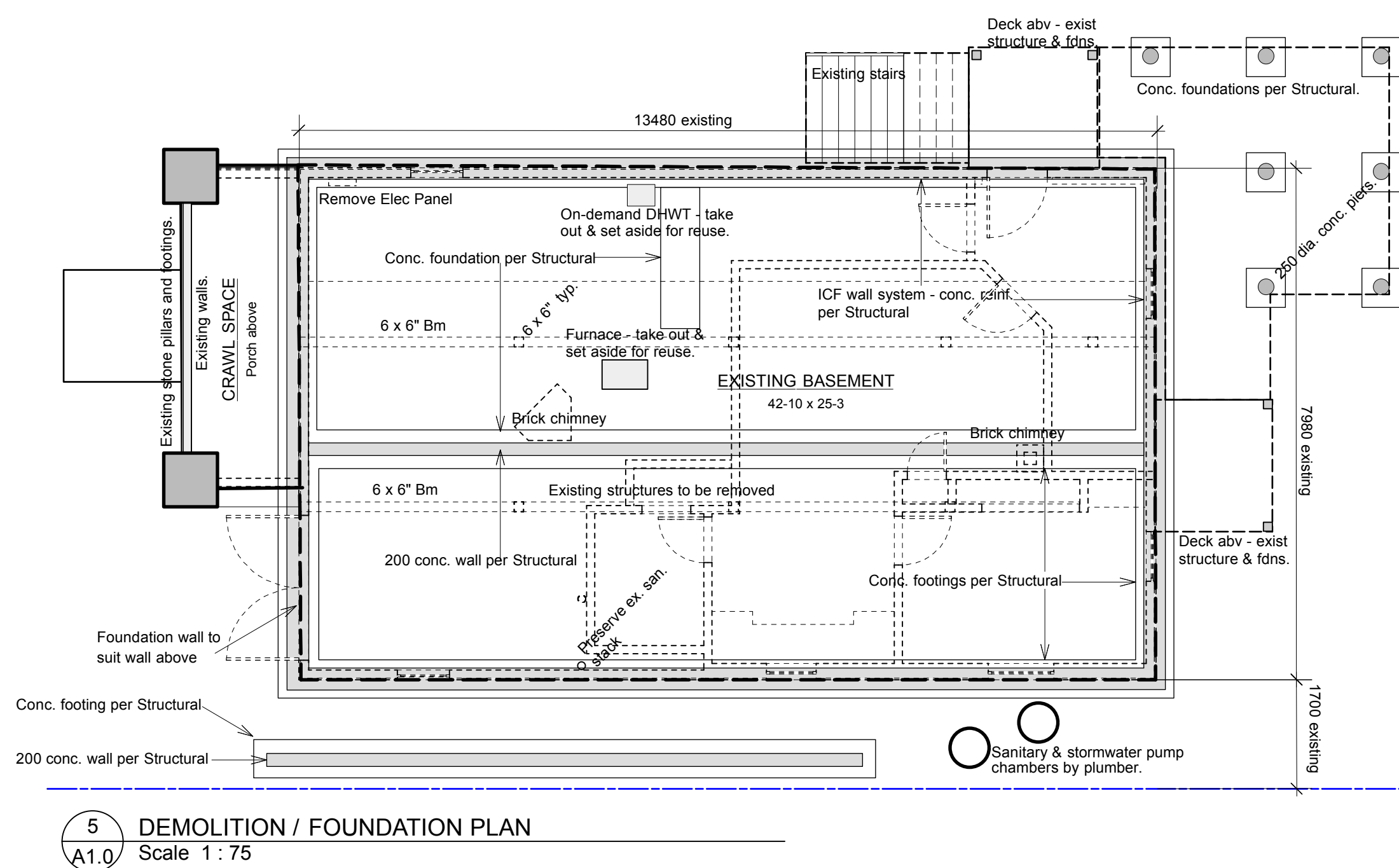
GENERAL NOTES.

1. All work to be carried out in accordance with 2018 BC Building Code, latest edition, governing legislation and Standards, and applicable local bylaws.
2. Firestop plumbing and other penetrations through fire separations. Limited penetrations for electrical boxes are permitted if tightly fitted. No interconnected ductwork or vacuum system.
3. Install Can/ULC-S531 smoke alarms hard-wired to Code, interconnected within each dwelling unit, but not connected between SFD and Secondary Suite.
4. All new windows, doors and skylights to conform to the thermal performance standard *AAMA WDMA/CSA 1011, S.2/A440-08 NAFS - North American Fenestration Standard/Specification for Windows, Doors and Skylights* together with Canadian Supplement *A440S1-09*.
5. Obtain engineered structural drawings for non-standard foundation, underpinning, retaining walls, shoring and framing details.
6. Mechanical ventilation to SFD portion to connect to existing gas-fired furnace with new ductwork to suit, all by licensed mechanical contractor.
7. Mechanical exhaust ventilation to SFD portion as follows:
Main bathroom - continuous, 110 cfm, Panasonic FV-11VQ5,
Kitchen - existing rangehood,
Ensuite bathroom - 110 cfm, Panasonic FV-11VQ5.
8. Secondary suite ventilation as follows:
Bathroom - continuous exhaust, 110 cfm, Panasonic FV-11VQ5,
Kitchen - rangehood to be determined, Make-up air inlet vents Panasonic FV-GKF32SI
9. Secondary suite heating - electric resistance baseboard heaters, to be sized by licensed electrical contractor.

GRADE CALCULATION

| POINTS | AVERAGE | X | DISTANCE | = | TOTALS |
|--------|---------------------|---|----------|---|---------|
| A + B: | (25.88 + 25.88) / 2 | x | 2.70 | = | 69.88 |
| B + C: | (25.88 + 26.00) / 2 | x | 1.80 | = | 46.69 |
| C + D: | (26.00 + 26.00) / 2 | x | 1.90 | = | 49.40 |
| D + E: | (26.00 + 26.30) / 2 | x | 1.80 | = | 47.07 |
| E + F: | (26.30 + 26.30) / 2 | x | 2.00 | = | 52.60 |
| F + G: | (26.30 + 26.25) / 2 | x | 1.80 | = | 47.30 |
| G + H: | (26.25 + 26.25) / 2 | x | 1.80 | = | 47.25 |
| H + J: | (26.25 + 25.65) / 2 | x | 8.50 | = | 220.58 |
| J + K: | (25.65 + 25.65) / 2 | x | 1.80 | = | 46.17 |
| K + L: | (25.65 + 25.08) / 2 | x | 10.50 | = | 266.33 |
| L + M: | (25.08 + 25.05) / 2 | x | 3.80 | = | 95.25 |
| M + N: | (25.05 + 25.05) / 2 | x | 1.90 | = | 47.60 |
| N + O: | (25.05 + 25.05) / 2 | x | 3.70 | = | 92.69 |
| O + P: | (25.05 + 25.10) / 2 | x | 1.80 | = | 45.14 |
| P + Q: | (25.10 + 25.10) / 2 | x | 2.30 | = | 57.73 |
| Q + R: | (25.10 + 25.10) / 2 | x | 3.60 | = | 90.36 |
| S + T: | (24.84 + 24.84) / 2 | x | 7.70 | = | 191.27 |
| T + A: | (24.84 + 25.88) / 2 | x | 2.10 | = | 53.26 |
| | | | 61.50 | = | 1566.57 |

AVERAGE GRADE:
1566.57 / 61.50m (perimeter) = **25.47**





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January 18, 2021

The City of Victoria,
1 Centennial Square,
Victoria, BC. V8W 1P6.

To: The Mayor and Council,

Re: 2747 Asquith Street, Lot 22, Block 16, Section 48, Victoria District, Plan 835.

Request for Variance:

Front Yard Setback – Parking: 5.97m existing versus 6.1m bylaw

On behalf of the Owners of this property, we wish to outline the rationale for this variance request.

This Arts and Crafts cottage was built in about 1913 and is very representative of the form and character of its time. This includes a close and direct relationship to the street that contributes significantly to the pedestrian-friendly character of this inner suburb. It is the owners' intention to preserve the appearance and character of this house as much as possible.

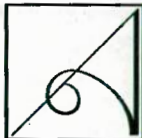
The new owners purchased the property in 2016 and are proposing to upgrade the below-standard basement to expand living space for their growing family and create a secondary suite. An earlier (2017) proposal to lift the house and rebuild the basement, with related variances, was abandoned due to cost and other factors.

A subsequent bylaw change now permits on-site parking to be located in the front yard only, rather than behind the line of the house front. This is a crucial innovation to encourage the development of secondary suites (and help address our housing crisis) and was a deciding factor in the choice of renovation strategy in this case.

The setback requirement (per Zoning Bylaw, Schedule C) is 6.1m total: 5.1m for the parking space plus an additional 1.0m to a street, commonly referred to as a "landscape strip". The existing setback for this house is 5.97m so it is non-conforming by 130mm (approximately 5") sometimes referred to as "less than a cellphone". On this and neighbouring streets, there is an additional 4.4m of municipal boulevard, between the property line and the back of the sidewalk, that provides a substantial buffer for residential parking. It seems a remote possibility that the City might one day choose to widen this street to such an extent that the length of this driveway would ever become an issue physically or practically. Also, the concept of the 1.0m "landscape strip" is more appropriately applied to "hammerhead" driveway configurations and large commercial parking lots, whereas it is somewhat moot in this case being an essential part of the driveway itself.

To bring the house into conformance would not be impossible but would require cutting back half of the front face of the house. This would require some structural contortions and would compromise the integrity of its appearance and structure. Similarly, a conforming "hammerhead" driveway configuration is theoretically possible but would result in paving almost the entire front yard. This would be out of step with the form and character of the streetscape and would potentially compromise a municipal street tree. Either solution would impose a degree of hardship without achieving any community benefit.

In summary, the variance condition represents a trivial historical anomaly, a "paper" discrepancy between an arbitrary bylaw requirement and an existing physical condition that is neither functionally deficient nor materially improved by bringing into literal conformance.



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Subject property with driveway and front property line marked.

We trust you will find the proposed variance request to be modest in scope and entirely due to pre-existing conditions, and to be consistent with the form and character of this house within its established neighbourhood.

Respectfully submitted,

John Armitage, Architect AIBC.

Development Variance Permit
No. 00258 for
2747 Asquith Street



1

Aerial View



2

Subject Site

3



3

Context

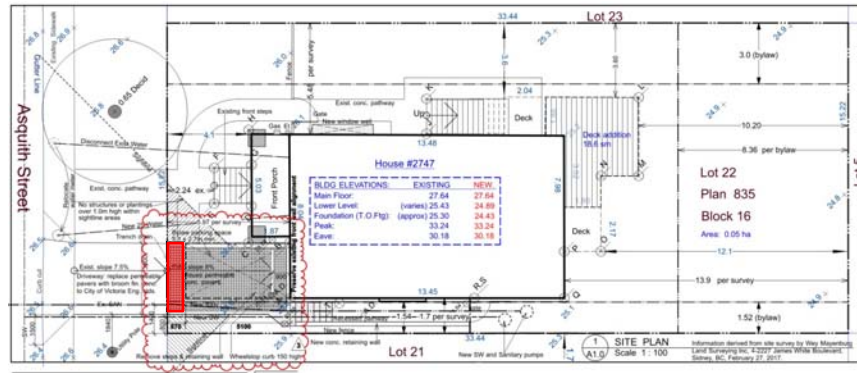
4



4

Site Plan

5



5



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** February 26, 2021

From: Chris Coates, City Clerk
Karen Hoes, Director of Sustainable Planning and Community Development

Subject: Strategic Plan Actions – Public Hearing-Only Council Meetings and Video Submissions to Public Hearings

RECOMMENDATION

That Council direct staff to:

1. Bring forward amendments to the Council Procedures Bylaw to:
 - (a) formally establish daytime Council meetings to follow Committee of the Whole meetings and the order of business for them.
 - (b) establish the Order of Business for evening Council meetings to include Public Hearings, Opportunities for Public Comment and Request to Address Council and Question Period.
2. Approve amendments to the Public Hearing Speaking Policy and Request to Address Council Policy to permit pre-recorded audio and video submissions and telephone participation.

EXECUTIVE SUMMARY

Council's Strategic Plan includes "Hold Public Hearing Only Council Meetings" and "Allow people to make video submissions to public hearings" as action items continuing in 2021. The purpose of this report is to introduce the legislative framework to permanently implement these action items which have both been implemented on a temporary basis due to the pandemic and to discuss the experiences during the time they have been utilized.

In the spring of 2020 the COVID-19 pandemic resulted in a re-structuring of Council's meeting processes to comply with Health Orders that enabled public participation by electronic means both live remote participation and through pre-recorded audio or audio and video submissions. In addition, evening Council meetings were adapted to only include public participation components of the specified Order of Business in the Council Procedures Bylaw while the other items of business were moved to a daytime Council meeting that follows Committee of the Whole. The staff report introducing these temporary changes is attached as Appendix A.

The Council Procedures Bylaw provides the regulatory framework for conducting Council meetings and includes the Order of Business for Council's meetings. Ministerial Orders from the Provincial

Government enabled processes to be adapted in response to the COVID-19 pandemic without amendments to the Council Procedures Bylaw. These adapted processes have been in effect since June 2020.

Staff suggest that expanded opportunities for public participation in Council meetings and public hearings align very closely with Council's approved principles around Equity. Should Council wish to adopt these processes on a permanent basis as identified in the Strategic Plan, amendments to the Council Procedures Bylaw, the Public Hearing Speaking Policy and the Request to Address Council Policy would be appropriate. Alternatively should Council wish to consider an alternative approach further options are presented for consideration.

PURPOSE

The purpose of this report is to bring forward two Strategic Plan action items involving Public Hearing Only Council Meetings and Video Submissions to Public Hearings.

BACKGROUND

Council's 2019-2022 Strategic Plan includes "Hold Public Hearing Only Council Meetings" and "Allow people to make video submissions to public hearings" as action items originally for 2020 but that were delayed due to the pandemic and the by-election and are now identified as continuing in 2021. These items were temporarily implemented under the authority of Ministerial Orders in response to the Covid-19 pandemic. There were no technical changes to City bylaws and policies made.

On May 28, 2020 Council passed the following motion:

That Council:

1. *Authorize an amended process and move forward with public hearings and opportunities for public comment in accordance with the Ministerial Order M139 for receiving oral submissions during public hearings by allowing the public to participate via live phone and pre-recorded video as a substitute to in-person attendance while authorized by the provincial government.*
2. *Restore the public request to address Council and question period to regular council meetings by electronic participation or written submissions during the COVID-19 pandemic.*
3. *Restore the holding of twice monthly evening council meetings with remote participation in Public Hearings and Opportunities for Public Comment, Request to Address Council and Question Period.*
4. *That staff proactively communicate opportunities for public participation in the City of Victoria public processes and information regarding all public hearings be sent to all CALUCs.*
5. *That staff provide a verbal progress report on public participation at the June 18 COTW meeting.*

ISSUES & ANALYSIS

These action items, albeit with a slightly expanded scope including request to address council and question period have essentially been implemented since June 2020 due to the pandemic and the technology is available to support them on a permanent basis. However the authority for them is as a result of the Ministerial Orders under the pandemic and to adopt them permanently, Bylaw and Policy amendments would be required.

While in-person participation is a foundation of local governance, a need for electronic participation during the pandemic provided opportunities to gain experience with these methods of participation

as well as piloting public participation only Council meetings (Public Hearings, opportunities for Public Comment and Request to Address Council during the evening.

The Strategic Plan actions essentially give direction to implement these items but given that they have been utilized during the pandemic staff are also providing a review based on the experiences during this time to further inform Council's decision making around permanent implementation, while heeding the strategic plan direction to implement them as the recommendations indicate.

Public Hearing-Only (Evening) Council Meetings

The Strategic Plan action involves public hearings (and opportunities for public comment) applicable to land use items. Council may wish to consider expanding the action item to include all public participation adding request to address council, and question period to be included as has occurred under the pandemic-related modifications.

If Council wishes to keep the action item scope to public hearing-only meetings, these other sections under the Orders of Business would need be added to the daytime Council meeting agenda. However, such addition to Council daytime meetings would increase the length of daytime meetings resulting in less time between day and evening meeting twice monthly. A minimum break of at least 1.5 hours in between the daytime and evening meetings is usually necessary in order to ensure the technical ability to conduct the evening meetings.

To permanently implement this action item, amendments to provisions in the Council Procedures Bylaw would require the formal establishment of the two types of meetings and the Order of Business for each of them that would appear as follows:

Daytime Council Meeting

Order of Business

Approval of Agenda
Reading of Minutes
Proclamations
Unfinished Business
Rise and Report
Reports of Committee
Notice of Motions
Bylaws
Correspondence
New Business
Closed meeting, if required
Adjournment

Evening Council Meeting

Order of Business

Approval of Agenda
Request to address Council (max 6)
Public Hearings
Request to address Council
Question Period
Adjournment

Staff recommend expanding the scope of this action item to include Request to Address Council and Question Period in addition to Public Hearings and opportunities for public comment.

Video Submissions to Public Hearings

This action item includes statutory and non-statutory hearings, which includes both public hearings under the Local Government Act and Opportunities for Public Comment under the Land Use Procedures Bylaw. The pandemic-related adaptations also allowed for video submissions to

Request to Address Council submissions. The City has existing policy enabling staff to provide accommodations for speaking to Council for accessibility reasons. Therefore, the matter for consideration is not based on accessibility but rather on issues of practicality. Staff interpret the scope of this action to apply only to hearings as opposed to request to address council or question period. Council may wish to consider expanding the scope of this to include request to address council and/or question period.

Expanded opportunities could potentially produce an increase in public participation through more convenient, remote methods in addition to attending in-person or by written correspondence. Telephone participation has also been utilized and has been a successful way to allow real-time participation but remotely done. It requires at least one additional staff person to be in attendance in order to ensure callers can be effectively managed. Telephone participation could also be considered on a permanent basis.

Since the Strategic Plan was approved Council has directed the preparation of an Equity Frameworks. Expanded public participation opportunities in Council's meetings aligns very closely with the principles Council endorsed to prepare the Equity Framework.

The experience during the pandemic with video submissions to public hearings suggests there is a tendency for both supporters and opponents to organize and coordinate video submissions. This practice occurs during in-person participation with supporters and opponents attending hearings in an organized manner. For some, producing a pre-recorded submission is easier than attending in person. Increasing participation in public hearings is important but has consequences. Council may wish to further consider the benefit of making this practice permanent after the pandemic restrictions are removed based on the experiences over the past months.

More broadly, there have been questions raised around who is entitled to speak at a public hearing. The Local Government Act provides that *"At the public hearing, all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing"*. From a planning perspective, this includes not only those in the neighbourhood but extends to those with a future interest in the neighbourhood or the city more generally. Council members can be subjective about the relative weight to issues raised by speakers with these varying perspectives.

The City has an existing policy for accommodation to persons wishing to speak at a public hearing who are unable to do so for reasons of accessibility. Three options for implementation of this process are reviewed below.

Staff recommend an expanded scope to include request to address Council and question period submissions and to also permit telephone participation in addition to pre-recorded submissions.

OPTIONS AND IMPACTS

A. Public Hearing Only Council Meetings

Option 1 – Establish Daytime Council Meeting and Evening Meetings as follows (Recommended)

Daytime Council Meeting

Order of Business

Approval of Agenda
Reading of Minutes
Proclamations
Unfinished Business
Rise and Report
Reports of Committee
Notice of Motions
Bylaws
Correspondence
New Business
Closed meeting, if required
Adjournment

Evening Council Meeting

Order of Business

Approval of Agenda
Request to address Council (max 6)
Public Hearings
Request to address Council
Question Period
Adjournment

Option 2 – Same as Option 1, but moving request to address council and questions period to daytime meetings

B. Video Submissions to Public Hearings

It is noted that options 2 and 3, if selected, would not come into effect until in-person participation is restored as Ministerial Order M192 overrides Council Procedure Bylaws at this time. Staff have included telephone participation into these options as this practice has been utilized during the pandemic and note that it is out of scope to the Strategic Plan actions and can be included or excluded at Council's discretion based on the merits of that method of participation.

Option 1 - Expanded Scope to include Request to address Council and Question Period and telephone participation (*Recommended*)

This option would require amendments to the Public Hearing Speaking Policy and the Request to as shown on Appendices B and C

Option 2 – Public Hearings and Opportunities for Public Comment only with telephone participation

This option would require only the amendment to the Public Hearing Speaking Policy (Appendix B)

Option 3 – Limit Video submissions or telephone participation only for Reasons of Accessibility

The City has a Public Hearing Speaking Policy around accommodation for reasons of accessibility, attached as Appendix D. This option would not technically require amendments to policies, although it may be more clear to provide amendments to all of the policies to clarify the range of options for participating.

Accessibility Impact Statement

Implementing these Strategic Plan action items will support accessibility at Council meetings. Dedicated public hearing-only or public participation-only meetings would reduce the length of evening meetings with the formal move of other business to the daytime. Use of video submissions

and telephone participation would continue to enable persons who are unable to attend for accessibility reasons to speak to Council and also enable those who are otherwise unable or unwilling to participate in-person to send a pre-recorded video submission or participate by telephone.

Impacts on Financial Plan

There are no measurable implications on the Financial Plan for holding Public Hearing Only Council meetings or accepting pre-recorded submissions. Accepting telephone participation has resulted in at least one additional staff member attending evening Council meetings and in some cases for expected larger public hearings, two additional staff persons to manage telephone participation. This could have an additional cost of approximately \$4,000.00 per year and is currently being employed due to the pandemic. Additional costs have been absorbed due to vacancy management strategies in Legislative Services.

CONCLUSIONS

Council identified these action items in the Strategic Plan. Helpful experience from implementing these to support participation during the COVID-19 pandemic demonstrates that it is possible to implement these moving forward. All the options presented above would support participation at Council meetings, a critical component of local governance.

Respectfully submitted,

Chris Coates
City Clerk

Karen Hoes
Director of Sustainable Planning
and Community Development

Report accepted and recommended by the City Manager.

List of Attachments:

Appendix A – May 14, 2020 COTW Report
Appendix B – Public Hearing Speaking Policy showing proposed amendments
Appendix C – Request to Address Council Policy showing proposed amendments
Appendix D - Public Hearing Speaking Accommodation Policy



Committee of the Whole Report For the Meeting of May 14, 2020

To: Committee of the Whole **Date:** May 14, 2020

From: Karen Hoes, Director of Sustainable Planning and Community Development
Chris Coates, City Clerk

Subject: **Public Hearings and Opportunities for Public Comment during the COVID-19 Pandemic**

RECOMMENDATION

That Council:

1. authorize an amended process and move forward with public hearings and opportunities for public comment in accordance with the Ministerial Order M139 for receiving oral submissions during public hearings by allowing the public to participate via live phone and pre-recorded video as a substitute to in-person attendance while authorized by the provincial government.
2. restore the public request to address Council and question period to regular council meetings by electronic participation or written submissions during the COVID-19 pandemic.
3. restore the holding of twice monthly evening council meetings with remote participation in Public Hearings and Opportunities for Public Comment, Request to Address Council and Question Period.

EXECUTIVE SUMMARY

Since the COVID-19 pandemic declaration in March, Council has considered and approved several processes for meetings of council that typically involve in person participation.

The purpose of this report is to present Council with information and recommendations on alternate means of receiving public feedback during Public Hearings and Opportunities for Public Comment, and other public participation opportunities at Council meetings. This is in response to the direction that Council provided at the April 2, 2020 Committee of the Whole Meeting related to examining modifications to development application processes in order to continue to process applications through the COVID-19 pandemic while complying with public health orders and maintaining transparency and accountability of land use processes.

It is recommended for Council's consideration that the practice of allowing the public to phone in and provide an oral submission during a Public Hearing or Opportunity for Public Comment, as a substitute for the standard practice of receiving these oral submissions in person, be initiated for development applications. The public would also have the option of providing a pre-recorded video in advance of the meeting, to be played at the hearing. The existing practices around receiving

written submissions, mailing notices to adjacent neighbours (and the Community Association Land Use Committee), posting signs on site and placing notices in the newspaper and on the City website would be maintained.

This will enable development applications to advance through the review process and be considered by Council with the benefit of receiving comments from the public while maintaining physical distancing and compliance with the Provincial Health Officer's Order prohibiting mass gatherings. No additional considerations around waiving OPC or public hearings are included in this report, as the recommendations would allow for public hearings to resume, thereby addressing the concerns around potential delay in moving development applications forward.

Reinstating public hearings could also help with increasing the supply of affordable and rental housing, maintaining a healthy economy, and enhancing the ability of the development and trades industries to both weather and recover from the COVID-19 pandemic.

This report further includes a review of the interim COVID-19 Council meeting measures that have already been put in place. Staff are recommending that these electronic participation alternatives can also be applied to the public's request to address Council and question period, enabling those to be restored to the unrestricted levels that existed before the pandemic caused temporary changes.

PURPOSE

The purpose of this report is to present Council with information and recommendations on alternate means of receiving public comments as a substitute for the standard practice of inviting physical attendance at Public Hearings and Opportunities for Public Comment (OPC) within City Hall and to report back on interim Council processes resulting from the COVID-19 pandemic.

BACKGROUND

On March 16, 2020, the British Columbia Medical Health Officer passed an order (Attachment A) that prohibits gatherings in excess of 50 people. Shortly after this order and based on further provincial guidance requiring physical distancing during the pandemic, the City of Victoria suspended public meetings until further notice. This was part of the following motion which was passed at the March 19, 2020 Council meeting:

Council Processes

1. *That Council give first second and third reading to Council Procedures Amendment (No. 1) Bylaw No. 20-053.*
2. *That staff undertake required advertising of the proposed Bylaw in accordance with section 124(3) of the Community Charter.*
3. *That Council suspend the holding of Public Hearings in accordance with the Class Order on COVID-19 from the Office of the Provincial Health Officer until further notice.*
4. *That Council suspend the Question Period section of Council meeting agendas for in person participation until further notice.*
5. *That Council authorize adjustments to the Request to Address Council process including:*
 1. *Telephone participation where possible*
 2. *The reading out of written submissions and/or the broadcasting of recorded submissions, if necessary.*

That this temporary measures in 3, 4 and 5 be reviewed no later than April 16th.

These measures were reviewed at the April 16, 2020 Committee of the Whole meeting where staff were directed to report back pending information from the Ministry of Municipal Affairs and Housing relative to Public Hearings, by May 14, 2020.

At the March 26, 2020 Council meeting, further process changes occurred with respect to the suspension of evening Council meetings through the following motion:

That Council:

1. *Direct staff to amend the 2020 Council and Committee of the Whole meeting Schedule until further notice to provide for:*
 - a. *the suspension of evening Council meetings effective immediately;*
 - b. *conducting Council meetings during the day following Committee of the Whole;*
 - c. *conducting both Council and Committee of the Whole on the second and fourth Thursday of each month beginning April 9, 2020.*
2. *Direct staff to give public notice of the revised Meeting Schedule in accordance with Section 127 (1)(b) of the Community Charter.*
3. *Forward the March 26th Council meeting agenda items to the daytime Council meeting April 2, 2020.*

On March 26, 2020, Ministerial Order No. M083 (Attachment B) gave municipalities the ability to hold electronic City Council meetings and committee meetings without the public being physically present. The order will be in place for the duration of the state of emergency but applied only to open meetings and not to public hearings.

On April 2, 2020 Council directed staff to report back on modifications to development application processes to enable the continued processing of development applications through the COVID-19 pandemic. This included examining alternate means of gathering public input for public hearings and Opportunities for Public Comment (OPC) as well as exploring opportunities to waive these requirements in certain circumstances. The staff report and motion are attached as Attachment D.

On May 1, 2020, Ministerial Order M083 was repealed and replaced by Ministerial Order M139 along with the associated guidance (Attachment C) to enable local governments to hold meetings and Public Hearings via electronic or other communication facilities while complying with prohibitions on mass gatherings and recommendations on physical distancing.

ISSUES AND ANALYSIS

1. Provincial Orders

The direction from the province has been strongly worded to:

- avoid in-person meetings altogether and hold virtual meetings instead;
- stay close to home as much as possible; and
- work from home if possible, and if that is not possible, maintain physical distancing and stay home when sick.

To date, staff have been focused on moving forward under these conditions to satisfy all the requirements and most importantly to ensure the health and safety of the public, and of City staff and Council members.

The Ministerial Order is in effect only during the state of provincial emergency, after which the ability to conduct electronic public hearings is uncertain. Staff will be closely monitoring this situation and will continue to examine ways to consider safe and effective ways to re-establish in person participation and will report back to Council as the circumstances evolve in that regard. Based on the current provincial directives however, it is not considered safe or appropriate to institute in-person participation.

2. Local Government Act and Land Use Procedures Bylaw

The following section outlines the Public Hearing and Opportunity for Public Comment (OPC) requirements, including those regarding signs and notices, as stipulated in the *Local Government Act* (LGA) and *Land Use Procedures Bylaw* (LUPB).

Public Hearing Requirements

The *Local Government Act* legislates the specific provisions and requirements for Public Hearings to provide citizens with a reasonable opportunity to be heard before the adoption of *Official Community Plan* bylaw amendments, zoning bylaw amendments, phased development agreement bylaws and bylaws for the early termination of land use contracts.

Public Hearings may be waived if a proposed amendment to a zoning bylaw is aligned with the *Official Community Plan*, however, in practice Council has consistently held Public Hearings in all of these circumstances. Staff have reviewed the timelines associated with holding or waiving public hearings, and note that there are little or no time savings achieved from waiving public hearing requirements as all the steps related to notification, advertising and signage, in accordance with the requisite timeframes, must still be maintained.

Opportunity for Public Comment Requirements

In contrast to Public Hearings, under the *Local Government Act* (LGA), an Opportunity for Public Comment is not a legislative requirement for temporary use permits (TUP), development permits with variances (DPV), development variance permits (DVP) or heritage alteration permits with variances (HAV). Each municipality in British Columbia has the authority to determine if there should be a public forum associated with the approval of these permits. The City's *Land Use Procedures Bylaw* (LUPB), states the following with respect to the City's requirements for an Opportunity for Public Comment:

31. Council may provide an opportunity for public comment before passing a resolution to issue:
- a development variance permit, other than a permit that varies a bylaw under Section 528 of the *Local Government Act*;
 - a development permit with variances;
 - a heritage alteration permit with variances;
 - a temporary use permit.

In practice, Council has consistently held in-person OPC before considering approval of these types of applications, unless there is a concurrent Public Hearing held for the same proposal (i.e. if a rezoning is also required). Similarly to the public hearing process, all the steps related to notification, advertising and signage, in accordance with the requisite timeframes, must still be maintained; therefore, there are little or no time savings achieved from waiving OPC requirements.

Sign and Notification Requirements

The table below summarizes the LGA and LUPB requirements related to notification and sign posting for Public Hearings and Opportunities for Public Comment. To continue to engage the community and nearby residents, the practice of mailing notices and posting signs on site would be maintained. However, instead of providing notification of an in-person Public Hearing or OPC, the notice would provide information on how comments can be shared through other communication channels such as mail, email, phone or pre-recorded video (see below). The notice would also indicate that any material that is to be made available for public inspection for the purposes of the Public Hearing or OPC would be available online. The sign requirements would remain the same except applicants would be emailed the sign for printing to avoid them having to come to City Hall to pick it up.

Table: Summary of Notice and Sign Requirements

| Application Type | Local Government Act (LGA) Requirements | | City Land Use Procedures Bylaw (LUPB) Requirements | |
|---|--|---|---|---|
| | Advertisement in two consecutive issues of a newspaper | Notification of Public Hearing or Council Meeting to consider Variances Mailed to Owners and Occupiers of <u>Subject Property</u> | Sign Posted on Site | Notification of Public Hearing or Opportunity for Public Comment Mailed to Owners and Occupiers |
| Official Community Plan (OCP) Amendment | ✓ | ✓ | ✓ 10 days prior to first Committee of the Whole review | ✓ Subject Site and Properties within 100m Notified |
| Rezoning | ✓ | ✓ | ✓ 10 days prior to first Committee of the Whole review | ✓ Subject Site and Properties within 100m Notified |
| Temporary Use Permit | ✓ | ✓ | ✓ 10 days prior to Opportunity for Public Comment | ✓ Subject Site and Adjacent Properties Notified |
| Development Variance Permit | - | ✓ | ✓ 10 days prior to Opportunity for Public Comment | ✓ Subject Site and Adjacent Properties Notified |
| Development Permit with Variance(s) | - | - | ✓ 10 days prior to Opportunity for Public Comment | ✓ Subject Site and Adjacent Properties Notified |
| Development Permit | - | - | - | - |
| Heritage Alteration Permit with Variance(s) | - | - | ✓ 10 days prior to Opportunity for Public Comment | ✓ Subject Site and Adjacent Properties Notified |
| Heritage Alteration Permit | - | - | - | - |

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3. Alternate Means of Receiving Public Feedback

The *Land Use Procedures Bylaw* and the *Council Procedures Bylaw* do not prescribe the format for receiving oral submissions during Opportunities for Public Comment or Public Hearings, so the City maintains some flexibility as to how these oral submissions are received. In addition, Ministerial Order M139 supersedes council procedure bylaws in terms of the format for Public Hearings and electronic council meetings. Having said that, staff recommend that Council provide policy direction to amending the format for receiving in-person submissions during the pandemic.

Phone In and Pre-Recorded Video Submissions

It is recommended that the public be permitted to phone into a Council meeting at the point in the meeting where an in-person Public Hearing or OPC would normally occur. The option for the public to provide a pre-recorded video in advance, which would then be played during the meeting, would also be offered. The City has the technology to receive live phone calls and pre-recorded videos while hosting an electronic Council meeting and staff can prepare guidance to assist the public with understanding how to call in. Other means of providing comments to Council in advance of a Council meeting will remain in place, including submission of emails and physical letters.

Sharing Comments through Live Video

At this time, it is not recommended that the public be permitted to phone in with live video as it involves more complicated operational details that have yet to be worked out, such as privacy, technology, and staffing, which would delay restoring Public Hearings and Opportunities for Public Comment. However, staff will continue to work to implement this over the longer term.

Sharing Comments In-Person

Due to the public health orders that are currently in place it is not recommended that any form of in-person Public Hearings be reinstated at this time. Staff will continue to monitor the situation and explore opportunities to expand in-person attendance at hearings as restrictions are lessened.

4. Waiving Public Hearings or Opportunity for Public Comment

In accordance with Council's direction of April 2, 2020, staff examined the option of waiving Public Hearings and Opportunities for Public Comment. The option for the public to phone into a Council meeting as a substitute for providing oral in-person submissions at the Public Hearing or Opportunity for Public Comment addresses concerns around potential delay in moving development applications forward. Further, there would be minimal or no time savings associated with doing so because legislation and the LUP Bylaw requires that standard signage and notification with the requisite timeframes be maintained. Also, waiving hearing requirements on an ad hoc basis may increase the chance of legal challenge.

5. Current Applications

At the time of writing this report, there are currently eight applications that are ready for a Public Hearing and consideration for approval by Council. In addition to these, 11 more proposals have been forwarded by Committee of the Whole to a Public Hearing but are still in the process of

completing the necessary conditions, such as legal agreements, before being ready to proceed to a Council meeting. For Opportunity for Public Comment, two are ready and four are still satisfying the necessary conditions. Appendix E contains a list of these applications.

Any changes to help facilitate the development application process moving forward could help with increasing the supply of affordable and rental housing as well as maintaining a healthy economy, but it is important to ensure that appropriate opportunities for comment occur in keeping with the legislative requirements.

6. COVID-19 Pandemic Interim Council Processes Review

Since the initial suspension of Public Hearings and evening Council meetings in March, the COVID-19 pandemic has resulted in a significant resource commitment by staff in most departments throughout the City. As that transitions back toward a more conventional focus and looking ahead to recovery, a review of the interim measures is prudent and, as noted above, was directed by Council. Valuable technological experience has been gained over the last few weeks that enable the City to move processes forward, and ultimately respond to Strategic Plan items around electronic participation, which can be established for the long term should Council wish to. This will be reported on separately in the coming weeks.

Request to Address Council and Question Period

It is important to keep in mind that the Provincial State of Emergency is still in effect along with Public Health Orders limiting the gathering of people and requirements for social distancing as noted above.

To this point, there has been little public uptake of opportunities for requests to address Council during Council meetings and Public Hearings have been suspended. The Provincial Order permitting electronic participation at Public Hearings opens the door to review the suite of interim measures. Rationale around the interim measures was outlined in the earlier reports on Council processes attached as Appendices F and G. In short, the rationale was two-fold: to both respond to the closing of City Hall to the public to maintain compliance with the Health Orders, as well as to maintain the integrity of the processes of the City.

Staff recommend that both these practices can now be restored using electronic participation methods or by written submissions, while the state of emergency and Health Orders remain in place.

Evening Council Meetings

When Council considered the initial suspension of evening council meetings it was the result of the Health Orders that necessitated the suspension of public hearings and in person public participation due to the limits on gatherings in excess of 50 people, social distancing requirements and encouraging people to stay at home as much as possible. The experience gained with electronic participation, and more importantly, the Ministerial Order now permitting electronic public hearings, enables the restoration of public participation by electronic means. Council may consider that is more appropriate to occur in the evening as has traditionally been the City's practice.

Staff are recommending resumption of evening meetings and piloting the Strategic Plan Action of holding public hearing and public participation only sections during these evening meetings, to enable the broadest degree of public participation while complying with the Health Orders that remain in effect.

Alternatively, in view of the large number of persons working remotely along with the electronic participation options, Council could consider continuing with the suspension of evening meetings until circumstances around the Health Orders change as outline in Option 2 in this report.

OPTIONS AND IMPACTS

Option 1

Proceed with Electronic Public Hearings and Opportunities for Public Comment, Restore Request to Address Council and Question Period electronically and in writing, and resume Evening Council meetings for public hearing and public participation sections of the agenda. (Recommended)

That Council:

1. authorize an amended process and move forward with public hearings in accordance with the Ministerial Order M139 for receiving oral submissions during Public Hearings and Opportunities for Public Comment by allowing the public to participate via live phone and pre-recorded video as a substitute to in-person attendance at City Hall while authorized by the provincial government
2. restore request to address council and question period to regular council meetings by electronic participation or written submissions during the COVID-19 pandemic
3. restore the holding of twice monthly evening council meetings with remote participation Public Hearings and Opportunities for Public Comment, Request to Address Council and Question Period.

This option would enable development applications to advance through the review process and be considered by Council with the benefit of public input. Accessibility of meetings for those with access to phones or the ability to make video recordings is enhanced. This will assist with the City's ability to weather the economic impacts and ultimately recover from the pandemic and move toward a more conventional process.

Option 2

Proceed with Electronic Public Hearings and Opportunities for Public Comment, Restore Request to Address Council and Question Period electronically and in writing

That Council:

1. authorize an amended process and move forward with public hearings in accordance with the Ministerial Order M139 for receiving oral submissions during Public Hearings and Opportunities for Public Comment by allowing the public to participate via live phone and pre-recorded video as a substitute to in-person attendance at City Hall
2. restore request to address Council and question period to regular council meetings by electronic participation or written submissions during the COVID-19 pandemic.

This option would achieve the same outcomes as noted in Option 1, except for the restoration of evening meetings.

Option 3

That Council decline the staff recommendations. This option is not recommended. Declining the staff recommendation would put development applications that require a Public Hearing or Opportunity for Public Comment on indefinite hold, which would have negative consequences with regard to the provision of housing, the overall economy and positioning the City for recovery after COVID-19.

Accessibility Impact Statement

Under normal circumstances, Public Hearings and Opportunities for Public Comment are held at City Hall, requiring the public to physically travel to observe and or participate. Providing the opportunity to phone in or pre-record videos would be more physically accessible to the public, although this would require individuals having access to a phone or computer. Therefore, accessibility may increase for some but decrease for others. Requests for additional accommodation will be considered on a case-by-case basis (see Appendix H *Interim Public Hearing Speaking Accommodation Policy*, 2019).

2019 – 2022 Strategic Plan

The Strategic Plan contains a number of objectives which depend on viable and timely development activity. Therefore, although the proposed recommendation does not have direct Strategic Plan implications, any measures that promote continuation of processing of land use applications are likely to help achieve numerous Strategic Plan objectives, including increased supply of affordable and rental housing as well as maintaining a healthy economy.

Impacts to Financial Plan

The City of Victoria has a license to operate a web-based meeting program called Microsoft Teams, which has worked well for a range of internal and external meetings. It is unlikely that the City will have to purchase any additional software licenses, so there are no anticipated impacts to the City's financial plan as a result of holding Public Hearings and Opportunities for Public Comment electronically; however, in terms of staff resources, this approach is more labour intensive.

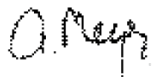
CONCLUSIONS

This report recommends that Council direct staff to initiate the practice of allowing the public to phone into a Council meeting or provide pre-recorded videos as a substitute for the standard practice of receiving in-person oral submissions during Public Hearings and Opportunities for Public Comment. All other established practices related to mailing notices, posting signs and placing notification in newspapers and on the City's website would be maintained. These steps will allow applications to continue to move forward through the process and receive Council consideration while still inviting input from the public. The recommendations outlined in this report will enhance the ability of the development and trades industries to both weather and recover from the COVID-19 pandemic. This report also includes a review of the interim COVID-19 Council meeting measures that have already been put in place and recommends that Council restore the request to address Council and question period to regular Council meetings.

Respectfully submitted,



Rob Bateman
Senior Process Planner
Development Services



Karen Hoese, Director
Sustainable Planning Community Development
Department



Chris Coates, City Clerk
Legislative Services Department


Report accepted and recommended by the City Manager:



Date: May 12, 2020

List of Attachments

- Attachment A: March 16, 2020 Order of the Provincial Health Officer on Mass Gatherings
- Attachment B: March 26, 2020, Ministerial Order No. M083
- Attachment C: May 1, 2020, Ministerial Order M139 along with the associated guidance
- Attachment D: COTW report on Development Application Processes
- Attachment E: List of current applications
- Attachment F: Legislative COTW report on Council Processes
- Attachment G: Legislative COTW report on Council Processes
- Attachment H: *Interim Public Hearing Speaking Accommodation Policy, 2019*

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|---|-----------------------------|-----------------------|---------------|
|  | | COUNCIL POLICY | |
| | | Ref.: | Page 1 of 5 |
| CHAPTER: | | | |
| SECTION: | | | |
| SUBJECT: | Speaking at Public Hearings | | |
| AUTHORIZED BY: | Council | | |
| EFFECTIVE DATE: | March 2014 | REVISION DATE: | February 2021 |

A. BACKGROUND

The City's Land Use Procedures Bylaw, 2016, specifies a number of situations where Council must hold a public hearing before making a decision. Section 27 of that bylaw indicates that a public hearing is required before Council adopts a bylaw to:

- (a) amend the Zoning Regulation Bylaw
- (b) amend the Official Community Plan
- (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract, or
- (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Section 465(2) of the *Local Government Act* states that, at a public hearing, Council must afford all persons who believe that their interest in property is affected by a proposal a reasonable opportunity to be heard, or to present written submissions, respecting the matter that is the subject of a public hearing.

Under Section 29 of the Land Use Procedures Bylaw, 2016, Council may provide an opportunity for public comment before passing a resolution to issue:

- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*
- (b) a development permit with variances
- (c) a heritage alteration permit with variances, or
- (d) a temporary commercial or industrial use permit.

While public hearings and opportunities for public comment are most frequently used for land use applications, similar public feedback opportunities are used to assist Council in making a variety of other types of decisions. These include:

- adopting a bylaw that closes, reopens or removes the dedication of a highway (see section 40 of the *Community Charter*), and
- providing comments and recommendations to the BC Liquor and Cannabis Regulation Branch within the Ministry of the Attorney General on certain types of liquor licence applications (see section 11.1 of the *Liquor Control and Licensing Act*).

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|  | <p style="text-align: center;">Council Policy Speaking at Public Hearings</p> | <p style="text-align: right;">Page 2 of 5</p> |
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B. PURPOSE

The purpose of this policy is to ensure both:

- that members of the public are afforded a reasonable opportunity to be heard at public hearings and other opportunities for public comment, and
- that public hearings and other opportunities for public comment are conducted in an efficient, timely and respectful manner.

DEFINITIONS

In this policy:

Electronic participation method includes

- (a) using audio or a combination of audio and video information and communication technologies;
- (b) submitting pre-recorded audio or a combination of audio and video material.

Public hearing includes

- (a) a public hearing on a matter described in section 27 of the Land Use Procedures Bylaw, 2016
- (b) an opportunity for public comment held pursuant to section 29 of the Land Use Procedures Bylaw, 2016
- (c) a public hearing held pursuant to section 11.1(2)(c)(ii) of the *Liquor Control and Licensing Act* in respect of a liquor licence application
- (d) an opportunity provided pursuant to the *Community Charter* for persons who consider they are affected by a bylaw that closes, reopens or removes the dedication of a highway to make representations to Council, and
- (e) any other public hearing or opportunity for public comment included under agenda item “Public and Statutory Hearings” on a regular Victoria City Council meeting agenda.

C. POLICY STATEMENTS

1. At the beginning of each public hearing, the chair of the hearing will inform speakers of the maximum speaking time permitted and the expectations for personal conduct during the hearing.
2. Generally, time limits for speakers at a public hearing are as follows:
 - an applicant is permitted a maximum of fifteen (15) minutes at the start of the hearing to outline their proposal
 - the chair of the appropriate Community Association Land Use Committee (CALUC), or the chair’s designate, is permitted a maximum of ten (10) minutes to express the views of the community association, and
 - each member of the public is permitted a maximum of five (5) minutes to speak the hearing.

Any member of the public who is unable to attend the Council chambers at City Hall to speak at the public hearing may participate in the public hearing by means of electronic participation.

:

3. An applicant or CALUC chair or designate that speaks in that role at a public hearing may not also speak as a member of the public.
4. At the time that a public hearing is set, if Council believes that the subject matter of the hearing is complex or has generated a great deal of community interest, Council may resolve to grant additional time to each speaker as follows:
 - an applicant is permitted a maximum of thirty (30) minutes at the start of the hearing to outline their proposal
 - the chair of the appropriate Community Association Land Use Committee (CALUC), or the chair's designate, is permitted a maximum of twenty (20) minutes to express the views of the community association, and
 - each member of the public is permitted a maximum of ten (10) minutes to speak the hearing.
5. When the speaker is finished speaking or when the permitted speaking time expires, the speaker must yield to the next speaker."
6. At the end of the public hearing, the presiding member may invite the applicant to come forward to answer questions from Council members.

D. PROCEDURES

1. The chair of the public hearing may use the following language to introduce the hearing:


"Welcome to the Victoria City Council meeting of (*date*).

Before we commence our meeting, I'd like to advise those in attendance of Council's expectations about personal conduct at this meeting. The City of Victoria is a respectful workplace, which means that each person is expected to treat others in a respectful and courteous manner. Council asks that each person in the audience refrains from interjecting while others speak or applauding following any person's remarks. For those of you who wish to address Council we ask that you:

- Address your remarks to the Chair and Council and not to any person in the audience.
- Speak to the matter before Council.
- Respect the remarks made by others.

Council has adopted the following policies that govern speakers at public hearings:

1. An applicant is permitted a maximum of 15 minutes at the start of the hearing to outline their proposal.
2. The chair of the appropriate Community Association Land Use Committee, or the chair's designate, is permitted a maximum of ten (10) minutes to express the views of the community association.
3. Each member of the public is permitted a maximum of 5 minutes to speak to the hearing.
4. When the speaker is finished speaking or five minutes expires, they must yield to the next speaker."

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|  | <p align="center">Council Policy Speaking at Public Hearings</p> | <p align="right">Page 4 of 5</p> |
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2. The chair of the public hearing will invite members of the public who are present in the Council Chambers or participating using electronic participation methods to speak at the public hearing.

E. REFERENCES


Community Charter, SBC. 2003, c. 26
Liquor Control and Licensing Act, RSBC 1996, c.27
Local Government Act, RSBC 2015, c.1
 City of Victoria Land Use Procedures Bylaw, 2016, No. 16-011

F. REVISION HISTORY

Version 1.0 – March 2014

Version 2.0 – May 2016

Version 3.0 – February 2021

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|---|-----------------------------|-------------------------------------|-------------|
|  | | COUNCIL POLICY | |
| | | Ref.: | Page 1 of 3 |
| CHAPTER: | | | |
| SECTION: | | | |
| SUBJECT: | Requests to Address Council | | |
| AUTHORIZED BY: | Council | | |
| EFFECTIVE DATE: | May 2016 | REVISION DATE: February 2021 | |

A. BACKGROUND

Under the City's Council Procedures Bylaw, requests to address Council are a standing agenda item for all regular City Council meetings. Up to six requests are scheduled after reading of the minutes. Any additional requests are included on the agenda after any public and statutory hearings.

The Council Procedures Bylaw provides further details regarding visitors and delegations. Requests to address Council must be received by the City Clerk by 11 a.m. on the day before the meeting, in order to be published on the agenda prior to the Council meeting. Addresses are limited to five minutes, unless a longer period is agreed to by unanimous vote of the Council members present at the meeting.

The nature of the presentations made to Council during this portion of the agenda can vary greatly. The only limitation is outlined in section 16(6) of the Council Procedures Bylaw, which states that Council must not permit a delegation to address Council regarding a bylaw or permit for which a public hearing has been held or the promotion of commercial goods or services.

Individuals may present simply for Council information or request that Council respond to specific questions or take action on a matter. Section 16(5) of the Council Procedures Bylaw states that Council must not take any action on an address to Council at the meeting at which the address is made, unless the proposed action is approved by unanimous vote of the members present.

B. PURPOSE

The purpose of this policy is to:

- outline the administrative policies used in placing requests to address Council on meeting agendas, and
- provide guidance to Council in managing issues resulting from requests to address Council.

DEFINITIONS

In this policy:

Electronic participation method includes

- using audio or a combination of audio and video information and communication technologies;
- submitting pre-recorded audio or a combination of audio and video material.

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|  | <p style="text-align: center;">Council Policy Requests to Address Council</p> | <p style="text-align: right;">Page 2 of 3</p> |
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C. APPLICATION

This policy applies to all regular Council meetings.

D. POLICY STATEMENTS

Publishing Requests to Address Council on the Agenda

1. An individual may submit a request to address Council using the form provided for that purpose on the City website. Supporting materials may be attached. Requests submitted via other methods will also be accepted, if the requests includes the individual's name, address and the topic upon which the individual wishes to address Council.
2. Individuals submitting requests to address Council are generally scheduled on the agenda on a first come, first serve basis. Exceptions may be made, with approval of the City Clerk, for:
 - (a) a representative from a government agency or a First Nation, or
 - (b) an individual who will be significantly inconvenienced if scheduled later on the agenda.
3. In accordance with the Council Procedures Bylaw, the Council Secretary will not place a request to address Council on an agenda if the topic of the address is:
 - (a) the promotion of commercial goods or services
 - (b) a bylaw or permit for which a public hearing has been held, if Council has not yet decided on the issuance of the bylaw or permit, or
 - (c) a bylaw or permit that is scheduled for consideration at a public hearing on the same Council agenda.
4. More than one individual may address Council on the same topic at the same Council meeting.
5. An individual may not address Council more than once at the same meeting, even if the topic of each address is different.
6. The Council Secretary will review the information contained in the request and any other materials submitted and remove any information that, if included on a public Council agenda, would violate:
 - (a) the BC *Freedom of Information and Protection of Privacy Act*, such as an individual's contact information or information about third parties
 - (b) the BC *Human Rights Code*, including any information that indicates discrimination or an intention to discriminate against a person or a group or class of persons, or is likely to expose a person or a group or class of persons to hatred or contempt because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons, or

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|  | <p align="center">Council Policy Requests to Address Council</p> | <p align="right">Page 3 of 3</p> |
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- (c) the City's Respectful Workplace Policy, including information that is intended to insult, bully, intimidate or otherwise diminish a person's self-esteem, subject to the freedom of speech provision of the Canadian Charter of Rights and Freedoms.
- 7. Once reviewed, the Council Secretary will include the request and any other materials submitted, along with the individual's name and topic of the address, in the appropriate order on the Council agenda.
- 8. Council can resolve, during a Council meeting, to add additional requests to address Council to the agenda, or change the order of requests within the agenda. However, generally, if an individual scheduled during the first six requests does not address Council, that space will not be filled by an individual scheduled to address Council during the second round of requests.

Participation during Request to Address Council

- 9. An individual may speak during the Request to Address Council portion of a Council meeting in person at the Council Chambers in City Hall or by means of electronic participation.

Council Response to Addresses

- 10. Generally, Council members will not respond to an individual making an address to Council, other than the presiding member, who may thank the individual for making the address. If an individual raises an operational matter, the presiding member may direct the individual to contact the Director of the responsible department.
- 11. Council members who wish to propose action in response to an individual's address will generally do so by submitting a motion at a subsequent Committee of the Whole or Council meeting.
- 12. A Council member who wishes to propose an action in response to an individual's address during the meeting at which the address was made, will indicate the member's intention to do so at the end of that request to address Council portion of the meeting. If approved by the presiding member, the Council member may make a motion outlining the proposed action during the new business portion of the meeting. The motion will fail if it is not approved by unanimous vote of all Council members present.

E. REFERENCES

City of Victoria Council Procedures Bylaw, No. 16-011
 BC *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165.
 BC *Human Rights Code*, RSBC 1996, c 210.
 City of Victoria Respectful Workplace Policy

F. REVISION HISTORY

Version 1.0 – May 2016
 Version 2.0 – February 2021

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|  | CORPORATE POLICY | |
| | No. | Page 1 of 2 |
| SUBJECT: Interim Public Hearing Speaking Accommodation Policy | | |
| PREPARED BY: Legislative Services | | |
| AUTHORIZED BY: City Manager | | |
| EFFECTIVE DATE: December 9, 2019 | | REVISION DATE: |
| REVIEW FREQUENCY: 1 year | | |

A. PURPOSE

The purpose of this Policy is to establish an interim Policy to enable accessibility accommodations for persons wishing to speak at public hearings. This Policy is established on an interim basis pending consideration of the 2020 Strategic Plan Item "Receive Video Submissions to Public Hearings and Request to Address Council"

B. APPLICATION

This Policy will be applied at the discretion of the City Clerk, or designate when a formal request is made to the City from a member of the public who cannot attend City Hall as a result of circumstances related to accessibility.

C. POLICY STATEMENTS

1. Upon receiving a request, the City Clerk or designate is authorized to permit an individual the following options to make a representation at a public hearing:
 - a) Subject to the technological capacity of the City at that time and with 48 hours advance notice to the City, the individual may be permitted to connect by telephone or other electronic means to read or have another person on their behalf, read the submission.
 - b) Submit a written request to Legislative Services by 4pm on the day of the public hearing with a request that city staff read aloud the written submission during the public hearing.
2. The Provisions of the Public Hearing Speaking Policy apply to all submissions received or made under this Policy.

D. PROCEDURES

1. Submissions under section 1 of this Policy shall be made at the beginning of the public hearing for the item on which the individual wishes to make the representation to Council.

E. REVISION HISTORY



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Committee of the Whole
From: Chris Coates, City Clerk
Subject: Lobbyist Registry Considerations

Date: March 15, 2021

RECOMMENDATION

That Council refer considerations for creating a lobbyist registry to the Governance Review to evaluate additional methods to strengthen accountability and transparency in local governance.

EXECUTIVE SUMMARY

A 2020 Strategic Plan action item continuing in 2021 is Create a Lobbyist Registry.

This report examines options for creating a lobbyist registry within legal authority granted to municipalities by the Province of British Columbia and considers alternative methods to strengthen accountability and transparency in local governance.

A lobbyist registry is a publicly accessible accountability and transparency tool that involves recording and may involve regulating the activities of those who communicate with public office holders in order to influence decision-making. In Canada, there are four types of municipal lobbyist registries: a provincially-administered registry in Quebec, mandatory or voluntary registries in Ontario, a provincially-mandated mandatory registry in Toronto, and voluntary registries in many provinces. In general, municipal lobbyist registries are not common even in Ontario which enables municipalities to create mandatory lobbyist registries that can require lobbyists to register and to be penalized for violating lobbyist rules. Outside of Ontario, this research identified Edmonton, Surrey, and Winnipeg with some type of voluntary lobbyist registry.

The Province of British Columbia does not extend legal authority to municipalities to require lobbyists to register and report lobbying activities. Surrey administers a municipal lobbyist registry since 2009, but it cannot require lobbyists to register and report their lobbying activities. Instead, Surrey relies on councillors to ensure that lobbyists do not violate Surrey's lobbyist rules. Because municipalities lack the authority to require lobbyist registration, municipalities through UBCM adopted Resolution B74 in 2017 and Resolution B99 in 2019 to request that BC develop a legislative framework to enable a municipality to implement a mandatory municipal lobbyist registry.

While the provincial legislative framework enables a municipality to create a voluntary lobbyist registry, development of a municipal lobbyist registry needs to be considered in the broader governance context. This would require at least the following considerations: who is a lobbyist, who is being lobbied, topics of interest subject to lobbying, how to organize and make accessible registry data, what to implement and maintain a registry, how to ensure that lobbyists register and report,

what other accountability and transparency tools could support or better achieve the desired outcomes, and what would be the impact on lobbyists and elected and unelected officials.

Staff recommend that Council refer this matter to the Governance Review in 2021 to examine the issues and identify solutions to address these specific issues.

Other tools available to address concerns about accountability and transparency, recommended by the Ministry of Municipal Affairs, include accountability frameworks, codes of conduct, and Ethics Commissioners. These options can be implemented within the existing provincial legislative framework. They regulate council members rather than lobbyists.

PURPOSE

The purpose of this report is to inform Council about options for strengthen accountability and transparency in local governance through use of municipal lobbyist registries and other tools.

BACKGROUND

Strategic Plan (2019-2022)

In 2019, Council adopted the Strategic Plan (2019-2022). A 2020 Strategic Plan action item is to promote good governance and civic engagement by creating a lobbyist registry. This action item was deferred to 2021 due to shifting resources to respond to the Covid-19 pandemic and the by-election in Victoria.

What is Lobbying?

Lobbying is generally considered to be a legitimate activity in a free and democratic society. Lobbying is often defined as communication with public office holders to influence decision-making. Although many jurisdictions restrict their definitions of lobbying in the following ways which address concerns in different municipal contexts:

- Define lobbying as communication with public office holders for pay (e.g. a consultant or in-house lobbyist) and exclude communication by unpaid individuals (e.g. voluntary lobbyist).
- Define public office holders as elected and unelected public office holders, including senior management staff.
- Exclude communication by public office holders in other levels of government or First Nations governments.
- Exclude communication by citizens on their own behalf.
- Exclude communication that will form part of the public record (e.g. speaking during a public hearing).
- Only require reporting on communication related to prescribed matters (e.g. land use matters).

Lobbying definitions are included as Attachment A – Definitions of Lobbying from Selected Canadian Jurisdictions.

What is a Lobbyist Registry?

A lobbyist registry ensures public disclosure of lobbying activities that involves recording the lobbying activities of those who try to influence public office holders.

A lobbyist registry typically discloses a lobbyist's name (individual and organization), lobbyist's position or title, subject matter of lobbying, individual lobbied, and date of lobbying. Municipalities with registries commonly limit the reporting to lobbying activities related to specific subject matter (e.g. land use matters). In most jurisdictions, lobbyists are responsible for registering as a lobbyist and reporting lobbying activities. However, some municipalities which lack the authority to require lobbyists to register and report lobbying activities instead require councillors to report violations of lobbyist rules (e.g. Surrey).

A registrar establishes and maintains a registry in which a record of all registration is kept. It is best practice for a lobbyist registry to be free to search and accessible to the public. Municipalities with mandatory lobbyist registries in Ontario maintain accessible and searchable lobbyist activity information online. Municipalities with voluntary lobbyist registries use less expensive forms. In Surrey, a lobbying activities report is published on the City website each month which is the form chosen by the registrar who under the policy has the authority to determine how the information is organized and what form it is kept in.

A lobbyist registry is often embedded in a broader accountability framework that often includes a Code of Conduct for public officials and lobbyists, which may set general expectations such as honesty, openness, disclosure of identity and purpose, confidentiality, conflict of interest, and proper communication. This framework upholds and strengthens lobbyist rules especially when a municipality does not have the authority to require a lobbyist to register and report lobbying activities. For example, Surrey adopted the Council Code of Conduct Bylaw in 2020, which supports the effectiveness of a voluntary lobbyist registry by requiring a councillor to follow the City's rules respecting lobbying and to report any violation or any attempted such violation.

Under a mandatory lobbyist registry, the registrar is able to investigate lobbying activities and to impose penalties. For example, a penalty could be imposed on a lobbyist who failed to register a lobbying activity. A penalty can be a temporary communication ban with public office holders or monetary. Under a voluntary lobbyist registry, the registrar cannot penalize lobbyists who violate lobbyist registration rules. Instead, under a voluntary lobbyist registry, an independent officer, such as an Ethics Commissioner, would observe that councillors report lobbying activities.

Municipal Lobbyist Registries in Canada

There are four basic approaches to municipal lobbyist registries in Canada:

- a provincial registry for municipalities (Quebec);
- mandatory or voluntary municipal registries established under enabling authority in provincial legislation (some Ontario municipalities);
- voluntary municipal registries (Winnipeg, Edmonton, Surrey); and
- Provincially-mandated mandatory lobbyist registries (Toronto, Ontario)

Municipal lobbyist registries are not common. In Ontario, where municipalities have the authority to require lobbyists to register and report lobbying activities, approximately 5 municipalities have a municipal lobbyist registry. Other municipalities in Ontario investigated the adoption of municipal lobbyist registries but chosen not to adopt them. There were several reasons for not establishing a lobbyist registry, including:

- Lack of significant issues related to lobbyists
- Other safeguards related to the conduct of public officers and open and transparent government including internal policies and by-laws

- Uncertainty surrounding the potential costs and other resource requirements
- Unclear impact on staff
- Lack of Council support for establishing a registry

This research identified three municipalities outside of Ontario that have voluntary registries, which are Edmonton, Surrey, and Winnipeg. Although in Edmonton, the Mayor's Office established a registry maintained by staff and only during the current Mayor's term (2017-2021). In 2018, Calgary also examined the possibility of a municipal lobbyist registry following reports by Ethics Commissioner that councillors were circumventing code of conduct rules that require them to report any visitors to their offices.

Municipal Lobbyist Registries in BC

In BC, the provincial legislative framework enables a municipality to establish a municipal lobbyist registry. However, it does not extend legal authority to require lobbyists to register and report lobbying activities in a municipal lobbyist registry.

In response to this limited legal authority, municipalities through the Union of British Columbia Municipalities passed Resolution B99 in September 2017 and Resolution B74 in September 2019. These resolutions requested for the Province to change this restriction on municipal legal authority.

Resolution B99 requested that the Province of BC provide municipalities with the ability to register lobbyists, create rules for lobbyist's conduct in their interactions with elected officials and public servants, and the ability to enforce those rules. The Ministry of Municipal Affairs responded that municipalities may establish voluntary lobbyist registries. Further, that if municipalities through UBCM express interest in a mandatory lobbyist registry that it would be willing to discuss the matter.

Similarly, Resolution B74 requested a lobbying regulation system for municipalities, similar to the provincial BC Lobbyists Registration Act, be established. The Ministry of Municipal Affairs responded that it is willing to discuss a municipal lobbyist registry and other initiatives to promote openness and transparency. In moving forward, the Province would need a clearer understanding of what local governments hope to achieve through a municipal lobbyist registry.

In discussions this year, Ministry staff confirmed that the Ministry of Municipal Affairs is continuing to explore approaches for establishing enabling legislation to allow municipalities to set up lobbyist registries and also encourages consideration of a voluntary lobbyist registry such as in Surrey, BC.

Surrey administers a voluntary lobbyist registry. Surrey adopted the Lobbyist Registration Policy in 2008 requiring paid lobbyists who intend to advocate on behalf of applicants for a rezoning, development permit, or an official community plan amendment to register with the City and report any lobbying activities. Registrants do not need to provide information such as the elected or unelected public office holder who are the subject of lobbying activities. Although Surrey cannot require lobbyists to register and report lobbying activities, the Council Code of Conduct Bylaw requires councillors to following lobbying rules and to report any violation or attempted violation of lobbying rules, which supports lobbyist compliance with the voluntary lobbyist registry. The number of lobbyists who register increased from 54 registrants in 2009 to 260 registrants in 2020, although the total number of registrants has fluctuated with up to 308 registrants in 2017.

See Attachment B for a copy of Surrey's Lobbyist Registration Policy and Attachment C for a copy of Surrey's Council Code of Conduct Bylaw.

Gift Registries

In addition to a lobbyist registry, a municipality may establish a gifts registry which records gifts or personal benefits received by public office holders from lobbyists.

Under the Community Charter, a council member must not directly or indirectly accept a fee, gift, or personal benefit that is connected with their performance of the duties of office, with limited exceptions. In relation to those exceptions, if a gift exceeds \$250 or exceeds \$250 from one source in a 12 month period, then the council member must disclose this to the corporate officer. Municipalities may establish more strict reporting requirements. For example, Vancouver's code of conduct policy requires mayor and councillors to disclose when they receive a gift or personal benefit worth \$50 or more, or to relinquish it to the City Clerk without disclosure.

The City has no specific policy around gifting and defaults to the Community Charter requirements.

ISSUES AND ANALYSIS

Designing an Effective Voluntary Lobbyist Registry

Only a voluntary lobbyist registry is possible under the current provincial legislative framework. Under provincial legislation, municipalities cannot investigate or levy and enforce fines or impose other penalties on lobbyists for non-compliance. A municipality may create a voluntary lobbyist registry and encourage lobbyists to record lobbying activities or give responsibility to councillors to report lobbying activities or at least monitor lobbyist compliance with a voluntary lobbyist registry.

A voluntary lobbyist registry may create new issues for accountability and transparency. A key concern would be that some lobbyists would register and others would not. Those who register may face heightened public scrutiny which could discourage adherence to lobbyist rules. A lobbyist registry design would need to consider how to ensure compliance by all those who are defined as lobbyists. Without additional measures, it would not be possible to evaluate the success of a registry because the number of actual registrants could not be known.

Despite this limitation, how lobbying is defined and who is responsible for reporting lobbying activities could support the desired outcomes. One way to achieve accurate information about lobbying in a voluntary lobbyist registry is to make elected officials and non-elected officials responsible for reporting lobbying activities. This is the model in Calgary, Edmonton, and Surrey.

A voluntary lobbyist registry can vary in form and therefore vary in costs. The best practice is to establish and maintain an online database that is free to access and use, and searchable which enables easier data analysis. However, municipalities in Canada with voluntary lobbyist registries tend to favor a list or report format (e.g. Surrey). A list or report format discloses data in a timely way and requires less resources than a database.

The effectiveness of a voluntary lobbyist registry depends entirely on the desired lobbyist regulations. A system that encourages lobbyists to register will create a new requirement for lobbyists, so a voluntary lobbyist registry may be more effective if it is free to register, easy to access and use, and supported by education and clear lobbyist rules and instructions. Further, without significant resources to support a voluntary lobbyist registry, it would be helpful to limit the scope of who is defined as a lobbyist and what topics of lobbying should be reported.

If Council wishes to move forward with creating a municipal lobbyist registry, staff recommend moving this discussion to the Governance Review. This will not only help to identify what factors and issues to consider when designing a registry while considering the Governance Review findings. This will support the broader conversation around accountability and transparency that typically takes place when such tools are under consideration.

Promoting Accountability and Transparency

Given the challenges of a voluntary lobbyist registry, staff have examined the current legislative context to analyse the issues and other potential opportunities to implement other tools to promote accountability and transparency. Council may wish to consider specific issues that underpin a desire for lobbyist registration system in order to identify other potential options that may better address these concerns. Therefore, staff recommend referring this matter to the discussions during the Governance Review in 2021 where there will be comprehensive look at governance systems.

Others tools that Council may wish to consider is the adoption of a code of conduct for elected officials. The Province offers a guide and a model code of conduct, which has been attached as Attachment – Getting Started on a Code of Conduct for your Council/Board. A Code of Conduct would be drafted to include provisions for communication with lobbyists, as it is in Surrey's Council Code of Conduct Bylaw. A code of conduct could be adopted together with a municipal lobbyist registry to improve compliance with lobbyist rules.

Instead of a municipal lobbyist registry, Calgary has a code of conduct for councillors which requires them to register a visitor to their offices. This is one way to document lobbying activities that a municipal council can impose on itself. However, in 2018, the Calgary Ethics Commissioner found that some councillors were circumventing this code of conduct by taking meetings by phone. At this point, the Integrity Commissioner suggested the possibility of creating a municipal lobbyist registry.

Another part of accountability and transparency frameworks could include an Integrity Commissioner (also known as Ethics Commissioner). While more common with municipalities in Ontario, Calgary, Surrey, and Winnipeg have created this position in recent years.

Surrey became the first BC municipality establish an Office of the Ethics Commissioner. In February 2020, Council adopted the Ethics Commissioner Establishment Bylaw which establishes the role of an ethics commissioner who would have the authority to investigate allegations of ethical misconduct in relation to Mayor and Council; to report their findings to Council; and provide recommendations to Council as to the appropriate sanction or discipline. On July 14, 2020, Surrey hired an Ethics Commissioner.

OPTIONS AND IMPACTS

Option 1 – Refer to Governance Review (*Recommended*)

This option would refer the creation of a lobbyist registry to Governance Review to identify issues underlying this Strategic Plan action item, and consider options for supporting accountability and transparency in decision-making.

Option 2 – Establish voluntary lobbyist registry

This option would direct staff to report back separate from the Governance Review with design options and resource implications for a voluntary lobbyist registry.

Option 3 – Postpone decision until after Governance Review

This option would direct staff to report back with design options and resource implications for a voluntary lobbyist registry after the completion of the Governance Review.

Accessibility Impact Statement

The recommended option has no accessibility implications.

2019 – 2022 Strategic Plan

The recommended option is related to a Strategic Plan action item.

Impacts to Financial Plan

The recommended option has no financial implications.

Official Community Plan Consistency Statement

This issue has no specific Official Community Plan implications.

CONCLUSION

There are many tools that can strengthen accountability and transparency in local decision-making. They often come together as a part of a larger accountability framework that includes registries, codes of conducts, and ethics commissioners. Since municipalities in BC have limited enforcement tools, staff recommend bringing this discussion to the Governance Review to identify the issues so that tools can be selected to address those.

Respectfully submitted,

Monika Fedyczkowska
Legislative and Policy Analyst

Chris Coates
City Clerk

Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A: Definitions of Lobbying from Selected Canadian Jurisdictions
Attachment B: Surrey's Lobbyist Registration Policy
Attachment C: Surrey's Council Code of Conduct Bylaw
Attachment D: Getting Started on a Code of Conduct for your Council/Board

Appendix A – Definitions of Lobbying from Selected Canadian Jurisdictions

Government of Canada

Lobbying is communicating, with public office holders, for payment with regard to:

- the making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs;
- the awarding of federal grants, contributions or other financial benefits; and
- in the case of consultant lobbyists, the awarding of a federal government contract and arranging a meeting between their client and a public office holder.

British Columbia

A lobbyist is defined as someone who is paid to communicate or to arrange a meeting for the purpose of lobbying with a public office holder in an attempt to influence any of the matters set out in the LTA definition of “lobby”.

“lobbying activity” means to

(a) to communicate with a public office holder in an attempt to influence

(i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,

(ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,

(iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,

(iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) to arrange a meeting between a public office holder and any other individual for the purpose of attempting to influence any of the matters referred to in paragraph (a) of this definition;

"public office holder" means

(a) a member of the Legislative Assembly and any person on the member's staff,

(b) an officer or employee of the government of British Columbia,

(c) a person who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council, other than a person appointed on the recommendation of the Legislative Assembly,

(d) a person who is appointed to any office or body by or with the approval of a minister of the government of British Columbia, and

(e) an officer, director or employee of any government corporation as defined in the Financial Administration Act,

but does not include a judge or a justice of the peace;

Alberta

Lobbying is a legitimate activity in a free and democratic society. "Lobbying" means to communicate with a public office holder in an attempt to influence:

- the development of any legislative proposal by the Government or a prescribed Provincial entity or by a Member of the Legislative Assembly (MLA);
- the introduction, amendment, passage or defeat of any bill or resolution in or before the Legislative Assembly;
- the development or the enactment of any regulation or any order in council,
- the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government or a prescribed Provincial entity; •
- the awarding of any grant or financial benefit by or on behalf of the Government or a prescribed Provincial entity;
- a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or a prescribed Provincial entity or to the public, or
- A decision by the Executive Council or a member of the Executive Council regarding privatization of any goods or services to the Government.

For consultant lobbyists only, "lobbying" also includes arranging a meeting between a public office holder and any other individual, or communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Government or a prescribed Provincial entity.

Grassroots communication, defined in the Act as "appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion" is also considered to be a form of lobbying under the Act.

Saskatchewan

In order for someone to be lobbying, four components must be present:

- There must be payment to the lobbyist;
- There must be a form of communication;
- Communications must be with a public office holder; AND
- There must be an attempt to influence one or more outcomes.

All four variables must be present before a person is considered to be lobbying. There are two distinct types of lobbyists – consultant lobbyist and in-house lobbyists.

Manitoba

Lobbying is a legitimate activity in a free and democratic society. The Act defines "lobby" to mean in relation to a consultant lobbyist or an in-house lobbyist, to communicate with a public official in an attempt to influence:

- the development of a legislative proposal by the government of Manitoba or by a member of the Legislative Assembly (MLA);
- the introduction of a bill or resolution in the Legislative Assembly or the amendment, passage or defeat of any bill or resolution that is before the Legislative Assembly;
- the making or amendment of a regulation as defined in The Regulations Act;
- the development, amendment or termination of a program or policy of the Government of Manitoba or a government agency;
- the awarding of a grant, contribution or other financial benefit by or on behalf of the Crown; and

In relation only to a consultant lobbyist, "lobbying" also includes:

- arranging a meeting between a public official and any other individual; or
- communicating with a public official in an attempt to influence the awarding of any contract by or on behalf of the Crown.

Ontario

"Lobby" means to communicate with a public office holder in an attempt to influence,

- the development of any legislative proposal by the Government of Ontario or by a member of the Legislative Assembly,
- the introduction of any bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly,
- the making or amendment of any regulation as defined in Part III (Regulations) of the Legislation Act, 2006,

- the development or amendment of any policy or program of the Government of Ontario or the termination of any program of the Government of Ontario,
- a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or to the public,
- a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown,
- the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown, and
- in relation to a consultant lobbyist,
 - to communicate with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown, or
 - to arrange a meeting between a public office holder and any other person; (“exercer des pressions”)

Quebec

Lobbying is the act of communicating verbally or in writing with an elected official or a public official on behalf of a client, company or organization¹ in order to influence one or more of these decisions: • the development, introduction, amendment or defeat of any legislative or regulatory proposal, resolution, policy, program or action plan;

- the issuance of any permit, licence, certificate or other authorization;
- the awarding of any contract, other than by way of a call for public tenders, or of any grant or other financial benefit, or the granting of any other form of benefit determined by government regulation;
- the appointment of any public office holder within the meaning of the Loi sur le Ministère du Conseil exécutif (member of a board of directors, or member of a government agency or enterprise) or senior public officials (Secretaries-General or Secretaries of the Ministère du Conseil exécutif and the Secrétariat du Conseil du trésor, and the deputy ministers).

¹Non-profit organizations constituted to serve management, union or professional interests, or those mostly constituted of for-profit enterprises, or representatives of such enterprises, are subject to the Act.

New Brunswick

To lobby is to communicate with a public office holder by a consultant or in-house lobbyist in an attempt to influence:

- the development of a legislative proposal,
- the introduction of a public bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any public Act or resolution before the Legislative Assembly,
- the making or amendment of a regulation as defined in the Regulations Act,
- the development, amendment or termination of any policy or program of the Government of New Brunswick,

- a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provide goods or services to the Crown or to the public,
- a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown, and
- the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown. In the case of a consultant lobbyist, lobbying also includes arranging a meeting between a public office holder and any other person and communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown.

Newfoundland and Labrador

Lobbying is communicating with a public office holder in an attempt to influence government policy or program decisions, including:

- the development, introduction, passage, defeat, amendment or repeal of any legislation, bill, resolution, rule, regulation or a by-law;
- the development, amendment or termination of any policy or program of Government or a public body or by the City of St. John's or its controlled entities;
- a decision about privatization or outsourcing;
- the awarding of any contract, grant, contribution or other financial benefit by or on behalf of the Crown or the City of St. John's or its controlled entities;
- arranging a meeting between a public office holder and any other person;
- the procurement of goods and services;
- the terms of a tender or request for proposals or other procurement solicitation prior to the awarding of that tender or the acceptance of the request for proposals or other procurement solicitation;
- the terms of a contract, the choice of a contractor, or the administration, implementation or enforcement of a contract, or
- the appointment of any public official.

Nova Scotia

Communicating with a public servant in an effort to influence a decision is called lobbying. Under the Act, anyone who is paid to do this is considered a lobbyist; regardless of whether they are a hired consultant such as a lawyer or public relations professional, or an employee of a company or organization.

Under the LRA, lobbying means to communicate with a public servant in an attempt to influence:

- the development of a legislative proposal;
- the introduction, passage, defeat or amendment of a bill or resolution;
- the making or amendment of a regulation;
- the development, amendment or termination of a policy or program;
- a decision about privatization or outsourcing;

- the awarding of a grant, contribution, or other financial benefit by or on behalf of the government;
- the awarding of a contract by or on behalf of the government (consultant lobbyists only); or
- the arrangement of a meeting between a public servant and another person (consultant lobbyists only).

City of Toronto

The by-law defines lobbying to mean communication for payment with a public office holder on the wide range of decisions made by City Council and local boards, and those made by staff acting under delegated authority. The by-law defines three classes of lobbyist:

- Consultant lobbyists;
- in-house lobbyists;
- Voluntary unpaid lobbyists acting for for-profit enterprises.

City of Hamilton

"Lobby", used as a verb, means to communicate with a public officer holder on:

(a) any of the following subject matters with the goal of advancing a business or financial interest:

- the development, introduction, passage, defeat, amendment or repeal of a City by-law, bill or resolution on any matter;
- the development, approval, amendment or termination of a City policy, program, directive, guideline, including but not limited to a service delivery model;
- the purchase of goods, services or construction and the award of a contract by the City;
- the approval, approval with conditions, or refusal of an application for a service, grant, planning approval, permit or other licence or permission by the City;
- the award of any financial contribution, grant or other financial benefit by the City;
- the transfer to or from the City of any interest in or asset of any business, enterprise or institution;
- to arrange a meeting between a public office holder and any other person on any of the subject matters listed in paragraphs (i) to (vi) inclusive; and (b) the hiring, promoting, demoting, disciplining or terminating of an employee of the City who is a member of the City's Senior Management Team.

"Lobbyist" means a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist and:

- "consultant lobbyist" means an individual who lobbies for payment on behalf of a client (another individual, a business or other entity);
- "in-house lobbyist" means an individual who is an employee, partner or sole proprietor and who lobbies on behalf of his or her own employer, business or other entity; and
- "voluntary unpaid lobbyist" means an individual who lobbies without payment on behalf of an individual, business or other entity for the benefit of the interests of the individual, business or other entity;

City of Vaughn

Any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action, including, but not exclusively, development, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council, or staff member acting under delegated authority.

City of Ottawa

Lobbying occurs when an individual representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff to try to influence a decision on governmental matters that are outside of standard processes.

City of Winnipeg

A lobbyist is an individual who, when representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff with the intent of influencing a decision on governmental matters outside of the standard process.

Some general examples include:

Individuals seeking direct or indirect financial benefit, or increased / decreased / changed City services, policies, practices or legislation that may lead to direct or indirect financial benefit.

City of Edmonton

You will be considered a lobbyist if you wish to meet with the Mayor or the Mayor's Office staff outside of a formal public meeting with the intent of influencing or changing:

- An existing City of Edmonton program or policy;
- An upcoming or future Committee or City Council decision.

This may include:

- Development of a legislative proposal;
- Amendment, passage or defeat of a by-law;
- The development, establishment, amendment or termination of a program, policy, directive or guideline of the government or government entity;
- The awarding of a grant or financial benefit;
- A decision by the City to transfer assets or privatize provision of goods and services;
- If you are communicating for a client, arranging a meeting or trying to influence the awarding of a contract.

You will not be considered a lobbyist if you are meeting regarding a local constituency matter.

REFERENCE:

REGULAR COUNCIL MINUTES
September 8, 2008

APPROVED BY:

DATE:

CITY COUNCIL

September 8, 2008
(RES.R08-2040)

HISTORY:

NEW

TITLE: Lobbyist Registration Policy

1. PURPOSES

The purposes of the Lobbyist Registration Policy are:

- 1.2 To put in place registration and disclosure requirements to ensure that the citizens of Surrey have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists in relation to land use development applications, and
- 1.2 To promote transparency concerning attempts to influence Municipal decision making and ensure that complete information and disclosure of lobbyists and the clients they represent become public information for the benefit of Council and the general public;

2. DEFINITIONS

The following terms are used in this Policy and are defined as follows:

- (a) "City" means the City of Surrey;
- (b) "Clerk" means the holder of statutory officer position of Surrey City Clerk;
- (c) "client" means a person or organization on whose behalf a lobbyist undertakes to lobby;
- (d) "Council" means the elected Council of the City;
- (e) "lobby" means, in relation to a lobbyist, to communicate with a public office holder in an attempt to influence a decision in relation to a development application for a development permit, a rezoning Policy or an official community plan amendment in each case pursuant to the provisions of the *Local Government Act*;
- (f) "lobbyist" means an individual who engages in lobbying activities;

- (g) "organization" means
 - (1) a business, trade, industry, professional or voluntary organization,
 - (2) a charitable or non-profit organization, association or society, and
 - (3) a government, other than the City;
- (h) "public office holder" means
 - (1) any officer or employee of the City, and
 - (2) a member of the Council and any person on his or her staff;
- (i) "undertaking" means an undertaking by a lobbyist to lobby on behalf of a client, but does not include an undertaking by an employee to do anything:
 - (1) on the sole behalf of the employer, or
 - (2) if the employer is a corporation, at the direction of the employer on behalf of a subsidiary of the employer or any corporation of which the employer is a subsidiary.

3. RESTRICTIONS ON APPLICATION OF POLICY

3.1 This Policy does not apply to any of the following persons when acting in their official capacity:

- (a) members of the Senate or House of Commons of Canada or persons on their staff;
- (b) members of the Legislative Assembly of a province or persons on their staff;
- (c) employees of the government of Canada or of the government of another province or territory;
- (d) public office holders, members of a municipal council, regional district board, improvement district board, school district board or other local government authority, persons on the staff of those members, or employees of a municipality, regional district, improvement district, school district or other local government authority; or
- (e) employees of bodies representing municipal councils, regional district boards, improvement district boards, school district boards or other local government authorities.

3.2 This Policy does not apply in respect of an oral or written submission made as follows:

- (a) made in proceedings that are a matter of public record to Council or a committee of Council or to any body or person having jurisdiction or powers conferred by or under an Act;
- (b) made to a public office holder by an individual on behalf of a person or organization concerning
 - (i) the enforcement, interpretation or application of any Policy, Act or regulation by the public office holder with respect to the person or organization, or
 - (ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;

- (c) made to a public office holder by an individual on behalf of a person or organization in direct response to a written request from a public office holder for advice or comment on any matter referred to in the definition of "lobby"; or
 - (d) made to a member of the Council by or on behalf of a constituent of the member with respect to any personal matter of the constituent.
- 3.3 A submission made to a member of the Council concerning the introduction in Council or the passage or amendment of a Policy for the special benefit of a constituent of the member is not considered to be a personal matter of the constituent.

4. REQUIREMENT TO FILE A LOBBYIST REGISTRATION

- 4.1 A registration in the prescribed form identified as Schedule "A" to this Policy and containing the information required by section 5 is to be filed with the Clerk by a lobbyist, within 10 days after entering into an undertaking to lobby on behalf of a client.
- 4.2 Only one registration need to be filed for each undertaking even though the lobbyist may, in connection with the undertaking,
 - (a) communicate with one or more public office holders on one or more occasions, or
 - (b) arrange one or more meetings between a public office holder and any other person.

5. FORM OF CONTENT OF LOBBYIST REGISTRATION

- 5.1 Each registration filed under section 4 is to include the following information as applicable:
 - (a) the name and business address of the lobbyist;
 - (b) the name and business address of the client and of any person or organization that, to the lobbyist's knowledge, controls, or directs the client's activities and has a direct interest in the outcome of the lobbyist's activities on the client's behalf;
 - (c) the date of the undertaking entered into by the lobbyist; and
 - (d) particulars to identify the land use development application for a development permit, a re-zoning Policy or an official community plan amendment, in each case pursuant to the *Local Government Act*, concerning which the lobbyist named in the registration has undertaking to lobby.

6. CERTIFICATION OF DOCUMENTS AND DATE OF RECEIPT

- 6.1 An individual who submits a registration, to the Clerk under this Policy is to certify:
 - (a) on the document; or
 - (b) in the manner specified by the Clerk, if the document is submitted in electronic or other form under section 7,

that, to the best of the individual's knowledge and belief, the information contained in the document is true.

- 6.2 Subject to sections 7.2 and 8.5, for the purposes of this Policy the date on which a registration is received by the Clerk is the date on which the return is considered to have been filed.

7. SUBMISSION OF DOCUMENTS IN ELECTRONIC OR OTHER FORM

- 7.1 A registration that is required to be submitted to the Clerk under this Policy may be submitted in electronic or other form by the means and in the manner specified by the Clerk.
- 7.2 For the purposes of this Policy, any registration or other document that is submitted in accordance with section 7.1 is deemed to be received by the Clerk at the time provided for in this Policy.

8. DUTIES OF THE CLERK

- 8.1 The Clerk will establish and maintain a registry in which a record of all registrations submitted to the Clerk under this Policy is to be kept.
- 8.2 The registry will be organized in the manner and kept in the form as the Clerk may determine to be reasonable.
- 8.3 The Clerk may do one or more of the following:
- (a) verify the information contained in the registration;
 - (b) subject to section 8.4, refuse to accept a registration that does not comply with the requirements of this Policy or that contains information not required to be supplied or disclosed under this Policy;
 - (c) delegate, in writing, to a person employed in the Clerk's office any of the Clerk's functions under this Policy; and
 - (d) authorize a person to whom functions are delegated under subsection (c) to subdelegate those functions to another person employed in the Clerk's office.
- 8.4 On refusing to accept a return or other document under section 8.3(b), the Clerk will:
- (a) inform the individual who submitted it of the refusal and the reason(s); and
 - (b) allow a reasonable extension of the time set under this Policy for filing the registration if that individual cannot reasonably be expected to file another registration immediately.
- 8.5 A registration that is filed within the time allowed under section 8.4(b) and is accepted by the Clerk in place of one refused under section 8.3(b) is deemed to have been filed or submitted, as the case may be, on the date the Clerk received the one that was refused.

9. PUBLIC ACCESS TO REGISTRY

- 9.1 The registry will be available for public inspection in the manner and at the times that the Clerk may determine.

10. STORAGE OF DOCUMENTS

- 10.1 Any registration that is received by the Clerk under this Policy may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing that is capable of reproducing the stored registration in intelligible form within a reasonable time.

SCHEDULE "A"

CITY OF SURREY
LOBBYIST REGISTRATION FORM

Type or Print in Ink. Complete both sides. File Original with City Clerk.

☐ Check Box if an Amendment

If this is an Initial Registration, enter
DATE QUALIFIED as a Lobbyist: _____

FULL NAME OF LOBBYIST:

BUSINESS PHONE NUMBER:
()

BUSINESS ADDRESS: (Number and Street)

MAILING ADDRESS: (If different from above)

LOBBYIST'S EMPLOYER (if applicable):

BUSINESS PHONE NUMBER:
()

EMPLOYER'S BUSINESS ADDRESS: (Number and Street)

NATURE AND PURPOSE OF EMPLOYER'S BUSINESS:

VERIFICATION

By signing the verification below, I certify that I have reviewed and understand the requirements of the City of Surrey.

I have used all reasonable diligence in preparing this Registration. I have reviewed this Registration and to the best of my knowledge the information contained herein is true and complete.

Executed on _____ at _____
(date)

By _____
(signature of lobbyist)

CLIENT DISCLOSURE

CLIENT'S NAME:

BUSINESS OR MESSAGE
PHONE NUMBER:
()

CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

DEVELOPMENT APPLICATION NO. AND DESCRIPTION OF PROPOSAL/PROJECT FOR WHICH THE LOBBYIST
WAS RETAINED TO REPRESENT THE CLIENT:

CLIENT'S NAME:

BUSINESS OR MESSAGE
PHONE NUMBER:
()

CLIENT'S BUSINESS OR MAILING ADDRESS: (Number and Street)

NATURE AND PURPOSE OF CLIENT'S BUSINESS:

DEVELOPMENT APPLICATION NO. AND DESCRIPTION OF PROPOSAL/PROJECT FOR WHICH THE
LOBBYIST WAS RETAINED TO REPRESENT THE CLIENT.

CLIENT(S) TO BE DELETED FROM LOBBYIST'S REGISTRATION (check "Amendment" box on p. 1 of form):

NAME:

NAME:

☐ If more space is needed, check box and attach continuation sheet(s)

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.

CITY OF SURREY



Council Code of Conduct Bylaw, 2020, No. 20020

Council Code of Conduct Bylaw, 2020, No. 20020
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CITY OF SURREY

BYLAW NO. 20020

A bylaw to regulate the conduct of Council members
.....

WHEREAS Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authorities of the Community Charter, Local Government Act and other applicable enactments; and
- (c) be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council wishes to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council to conduct its business in accordance with the City's values of community, innovation, integrity, service and teamwork;

AND WHEREAS Council Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

NOW THEREFORE The Council of the City of Surrey ENACTS AS FOLLOWS:

Definitions

1. In this Bylaw

"Advisory Body" means a committee, task force, commission, board or other body established or appointed by Council or by the Mayor;

"Advisory Body Member" means a person sitting on an Advisory Board, and includes a Council Member appointed to the body;

"Bully and Harass" includes:

- (a) any conduct that would be contrary to the City's Respectful Workplace Policy;

(b) any unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code* if the conduct or comment was in respect of any of the following prohibited grounds:

- (i) race,
- (ii) conviction for an offence,
- (iii) colour,
- (iv) ancestry,
- (v) physical disability,
- (vi) place of origin,
- (vii) mental disability,
- (viii) political belief,
- (ix) sex,
- (x) religion,
- (xi) age,
- (xii) marital status,
- (xiii) sexual orientation,
- (xiv) family status;

(c) Sexual Harassment;

(d) any other unwelcome or objectionable conduct or comment by a Council Member toward another Council Member, an Advisory Board Member, Volunteer or Staff that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of an Advisory Board Member, Volunteer or Staff, calling someone derogatory names, hazing or initiation practices, vandalizing personal belongings or spreading malicious and untrue rumours;

"Campaign Period" means the period commencing the first of October immediately preceding a general election and ending on the day of the general election;

"Child" means a person toward whom a Responsible Adult has demonstrated a settled intention to treat as a child of his or her family and includes a child born within or outside marriage, an adopted child, step-child or grandchild;

"City" means the City of Surrey;

"City Business" means any City program, activity, policy, process, project or undertaking;

"City Manager" means the Municipal Officer position of the City manager;

"City Solicitor" means the Municipal Officer position of the City solicitor;

"City Record" includes anything on which information is recorded or stored by graphic, electronic, mechanical or other means in any format, but does not include a computer program or any other mechanism that produces records;

"City Record System" means a system used by the City of Surrey to manage City Records from creation through to disposal or long-term preservation;

"Commissioner" means the City of Surrey Ethics Commissioner;

"Confidential Information" means information or a record that is marked confidential by Council or Staff, that is Personal Information, that could reasonably harm the interests of individuals or organizations including the City if disclosed to persons who are not authorized to access the information, or information or a record to which section 117 of the *Community Charter* applies, including, without limitation, any:

- (a) decisions, resolutions or report contents forming part of the agenda for or from an *in-camera* meeting of Council until a Council decision has been made for the information to become public or otherwise released; and
- (b) details on Council's in camera deliberations or specific detail on whether an individual Council Member voted for or against a matter;

"Corporate Officer" means the Municipal Officer position of City Clerk that has been designated the corporate officer under section 148 of the *Community Charter*;

"Council Member" means the Mayor or a Councillor;

"Family Member" means a Spouse, a Child, a Responsible Adult, and siblings;

"Lobbying" means any communication with a Council Member by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development decisions, business licence decisions, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution, or development approval, zoning bylaw amendment, or termination of a City policy, program, directive, guideline, or the outcome of a decision on any matter before Council, an Advisory Body, or Staff;

"Municipal Officer" means a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section;

"Personal Information" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

"Responsible Adult" means a person who has demonstrated a settled intention to treat a Child as a member of his or her family whether or not that person is the biological parent of the Child;

"Sexual Harassment" is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation to a Council Member, Staff, Advisory Body Member, Volunteer or a member of the public or that might reasonably be perceived by Staff, an Advisory Body Member or Volunteer as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, and examples of sexual harassment may include but are not limited to:

- (a) unwelcome remarks, questions, jokes, innuendo or taunting, about a person's body or sex, including sexist comments or sexual invitations;
- (b) verbal abuse and threats of a sexual nature;
- (c) leering, staring or making sexual gestures;
- (d) display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings;
- (e) unwanted physical contact such as touching, patting, pinching, hugging;
- (f) intimidation, threat or actual physical assault of a sexual nature;
- (g) sexual advances with actual or implied work-related consequences;

"Spouse" means a person to whom the person is married or with whom the person is living in a marriage-like relationship, and includes a former spouse;

"Staff" means a Municipal Officer or employee, a contractor, consultant or other service provider;

"Volunteer" means a person serving the City who is not a Council Member, member of Staff or an Advisory Board Member;

"Workplace" includes, but is not limited to, work sites owned, operated or controlled by the City, including the municipal hall, operations centres, fire hall, parks locations and buildings, construction or maintenance sites, business related social functions, work locations away from the foregoing venues, work related conferences and training sessions, work related travel, telephone conversations, voice mail or electronic messaging.

Interpretation

2. In this Bylaw, a reference to the Mayor, a chair, or Staff includes, in the absence of the Mayor, chair or Staff member, a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.
3. Without limitation, this Bylaw applies in respect of the Workplace and elsewhere, and without limitation applies to the use of social media by a Council Member.

PART 1 – CONDUCT OF ELECTED OFFICIALS

General Conduct

4. A Council Member shall not:
 - (a) contravene this Bylaw, as amended or replaced;
 - (b) contravene any other City bylaw or policy, as amended or replaced;
 - (c) breach their oath sworn upon taking office as a Council Member;
 - (d) contravene a law of British Columbia or Canada, including the *British Columbia Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;
 - (e) Bully or Harass another person;
 - (f) defame another person;
 - (g) abuse their office.
5. A Council Member shall treat other Council Members, Staff, Advisory Body Members, Volunteers, and the public with respect and dignity.
6. A Council Member shall align their conduct with the City's values of integrity, innovation, service, teamwork and community.

Interactions of Council Members with Staff, Volunteers and Advisory Body Members

7. A Council Member shall not issue instructions or directions to Staff regarding City Business except through the City Manager or the appropriate department manager.
8. Before, during or after a procurement process, a Council Member shall not issue instructions or directions to a contractor, tenderer, proponent, consultant or other service provider. Outside of a Council or committee meeting, a Council Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.
9. A Council Member shall not interfere with, hinder or obstruct Staff, a Volunteer or an Advisory Board Member in the exercise or performance of their roles, responsibilities, powers, duties or functions.

10. If a Council Member has information about Staff, a Volunteer or an Advisory Board Member that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the City Manager. On receipt of such information, the City Manager shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

Conduct at Council and Advisory Board Meetings

11. A Council Member must act with decorum at Council and Advisory Body meetings in accordance with the *Council Procedure By-law*, No. 15300, as amended or replaced from time to time.
12. Council Members shall make every effort to participate diligently in the activities of Council and Advisory Bodies or other bodies to which they are appointed by the City or by virtue of being an elected official, including intergovernmental meetings. To "participate diligently" means that a Council Member shall not be absent from meetings of Council or Advisory Body meetings, or from those of other bodies to which they are appointed by virtue of their status as a Council Member, without reasonable justification (such as illness of the Council Member, family circumstance, regional government business) for more than four consecutive scheduled meetings, for a period of 60 consecutive days, or on a regular basis.

Improper Use of Influence

13. A Council Member shall only use the influence of their office in the good faith exercise of their official duties.

Election Activities

14. A Council Member shall not participate in any civic events requiring them to perform official ceremonial duties between the last day of the nomination period and the voting day, as defined in the *Local Government Act*, unless authorized by a resolution of Council.
15. A Council Member shall comply with the *Local Government Act* and the *Local Elections Campaign Financing Act* when undertaking election campaign activities and fundraising.

16. A Council Member shall not use the City's employees, property or resources for election campaign or fundraising activities at any point during a term of office, unless those resources are similarly available to all candidates and the fees associated with the use of the employees, property or resources has been paid for with election campaign funds. Without limiting the generality of the foregoing, this prohibition applies to:
 - (a) data sets and Personal Information collected and maintained by the City;
 - (b) office space; and
 - (c) City websites or external websites paid for by the City.
17. A Council Member may include a link on his or her campaign website to the City's website or an external website paid for by the City.
18. During the Campaign Period, a Council Member shall not:
 - (a) deliver City funded newsletters or conduct open houses funded by the City;
 - (b) distribute mass e-mails from the Council Member's City e-mail address, unless the communication arises from an emergency and the communication is authorized by the City Manager;
 - (c) update websites that are either City hosted or paid for by the City;
 - (d) use social media and internet resources such as Twitter, Facebook or Instagram in the Council Member's personal name, unless those accounts include a disclaimer that they are not City-funded and do not reflect City policy; nor
 - (e) request that City employees work on an election campaign during hours in which the employee receives compensation from the City, unless the work both unavoidably overlaps with the regular duties of the employee and is minor and infrequent, such as coordinating campaign schedules with the Council Member's calendar or redirecting citizens with campaign questions to campaign staff.
19. Council Members and their staff may take unpaid leave from the Council Member's office to work on an election campaign.

Conflicts of Interest

20. A Council Member shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.
21. A Council Member must disclose any conflict of interest in accordance with section 100 of the *Community Charter* and, if conflicted, must refrain from participating in a meeting in accordance with section 101 of the *Community Charter*.

22. In respect of each matter before Council, a Council Member shall:
- (a) assess whether they have a conflict of interest, if necessary, with the advice of the Commissioner; and
 - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the City Manager approves the cost if concerned about the validity of an affected bylaw or resolution, with respect to any situation which may result in a conflict of interest.
23. If a Council Member believes they may have or may reasonably be perceived to have a conflict of interest in respect of a matter in a Council or committee meeting, the Council Member shall:
- (a) notify the Mayor or the Chair of the meeting that the Council Member has a conflict of interest prior to the matter being considered, and the Council Member shall restate the conflict of interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Council Member publicly or privately; and
 - (c) leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded.

Conduct Respecting Lobbyists

24. Lobbying is a permitted but regulated activity in the City.
25. A Council Member shall follow the City's rules respecting Lobbying.
26. A Council Member shall report any such violation or attempted violation of the City's rules respecting Lobbying to the Municipal Official responsible for Lobbying or to the Commissioner, unless the Council Member believes in good faith that the violation or attempted violation was inadvertent or insignificant.

Outside Activities and Business Relations

27. A Council Member who engages in another profession, business or occupation concurrently with holding office shall not allow such outside employment to affect the Council Member's integrity, independence or competence. Without restricting the scope of this duty, the following shall be a contravention of this part of the Code of Conduct:
- (a) acting as an officer or director for a business that receives municipal funds in the form of grants or payments for goods or services;
 - (b) acting as an officer or director for a business that lobbies the City;

- (c) allowing the prospect of future employment by a person other than the City to affect the Council Member's performance of his or her duties to the City;
 - (d) borrowing money from any person who regularly does business with the City, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union;
 - (e) acting as a paid agent before Council or an Advisory Body;
 - (f) receiving compensation for referrals to a specific business;
 - (g) receiving compensation that is dependent on the business being awarded a contract with the City;
 - (h) subject to sections 40 through 43, providing advice for remuneration to any person who is involved in litigation or lobbying against the City, unless the Council Member first gives written notice of the relationship to the Commissioner.
28. A Council Member may obtain advice from the Commissioner on whether a new profession, business or occupation is compatible with their obligations under section 27 of this Bylaw. Provided that the Council Member made full and frank disclosure to the Commissioner at the time they sought advice, the Commissioner's opinion shall be the final determination of whether a Council Member has contravened section 27 of this Bylaw.

Council Members' Use of Municipal Assets and Services

29. A Council Member shall not use, or permit the use of, City land, facilities, equipment, supplies, services, property, employees or other resources for activities other than City Business unless the use or the permission is on the same terms and conditions that the land, facilities, equipment, supplies, services, property, employees or other resources are available to the general public. Accordingly, a Council Member shall not obtain personal gain from the use or sale of City-developed intellectual property, including all discoveries, inventions, know-how, improvements, developments, processes, technology, compositions, designs, techniques, methods, industrial designs, compositions, prototypes, models, literary work, research, drawings, software and trade secrets whether or not capable of patent, industrial design, copyright or trademark protection, or any other type of protection. Council Members acknowledge and do not dispute that all such property that a Council Member may prepare, use or encounter while holding office will be and remains the City's exclusive property.
30. A Council Member shall not request Staff to undertake personal or private work on behalf of the Council Member, nor shall a Council Member accept such work from Staff.

Employment of Council Family Members

31. A Council Member shall not attempt to influence personnel decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate an Advisory Board Member, a Volunteer or Staff. This prohibition includes giving references to any person applying for a position at the City and forwarding copies of an applicant's resume to any person hiring for any position at the City.
32. A Council Member shall not attempt to obtain a benefit from the City for a Family Member.

Gifts

33. For the purpose of sections 33 through 39 of this Bylaw, a gift or benefit is an item or service of value that is received by a Council Member for their personal use, including, but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions.
34. A Council Member must comply with the restrictions on accepting gifts in section 105 of the *Community Charter* and must disclose any permitted gifts over \$250 in accordance with section 106 of the *Community Charter*.
35. A gift or benefit provided to a Council Member's Family Member or staff in relation to City Business is deemed to be a gift or benefit to that Council Member.
36. If a Council Member is required to disclose to a Municipal Officer the nature of the gift or benefit, the Council Member shall also include a description of its source, including if the gift is from a corporation, the full names and addresses of at least two individuals who are directors of the corporation; when it was received; and the circumstances under which it was given and accepted.
37. The Municipal Officer shall provide a copy of this disclosure under section 36 to the Commissioner.
38. On receiving the disclosure statement, the Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Council Member. If the Commissioner makes that preliminary determination, the Commissioner shall call upon the Council Member to justify the receipt of the gift or benefit.

39. If the Commissioner considers the receipt was in contravention of this Bylaw or the *Community Charter*, the Commissioner may direct the Council Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift.

Collection and Handling of Information

40. A Council Member shall not release any Confidential Information unless the Council member is specifically authorized to release it by:
- (a) a resolution of Council to use or release the Confidential Information, and then only to the extent of the Council authorization;
 - (b) authorized discussion of the Confidential Information at a meeting that is open to the public; or
 - (c) lawful authorization under separate legal authority.
41. A Council Member must not discuss or disclose Personal Information of others to any person, except in a manner that complies with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.
42. A Council Member shall take reasonable care to prevent unauthorized access to Confidential Information or Personal Information by unauthorized persons. If a Council Member learns of unauthorized access to Confidential Information or Personal Information, the Council Member shall report this information to the City Manager as soon as possible.
43. A Council Member shall comply with the directions of the Corporate Officer respecting the use of the City Record System.

Council Members' Use of Social Media

44. A Council Member shall not publish Confidential Information on social media, unless authorized in accordance with the provisions of section 40 of this Bylaw.
45. A Council Member shall not publish information or an opinion on social media about City Business, unless the publication republishes the information that has been released by the City without alteration or the opinion includes a statement to the effect that the "opinion expressed is my own and does not necessarily reflect the view or opinions of the City of Surrey or other members of Surrey Council".

46. Without limiting any other obligation imposed by this Bylaw, a Council member shall not use or allow the use of their social media account for purposes that include content that:
- (a) Bullies and Harasses another Council Member, an Advisory Board Member, a Volunteer, Staff or a member of the public;
 - (b) evidences bias or a reasonable apprehension of bias in relation to a matter that is the subject of a statutory or other public hearing;
 - (c) promotes or constitutes illegal activity;
 - (d) may compromise the safety or security of the public.
47. A Council Member shall take steps to remove from their social media account any publication by another person of content that violates this Bylaw.

Communication Protocol

48. Council may appoint the spokesperson on City Business. Once a spokesperson has been appointed, a Council Member that is not appointed as the spokesperson shall ensure that inquiries from the public and media on the City's position are directed to the spokesperson. A Council Member communicating their own opinion shall ensure that the communication clearly indicates that it is the Council Member's own position. Nothing in this section prevents Council from appointing multiple spokespersons or changing the appointed spokesperson. Where no spokesperson has been appointed, the Mayor shall act as the spokesperson.

Interactions with the Public and the Media

49. A Council Member shall accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council.
50. When discussing the fact that they did not support a decision, or voted against the decision, or that another Council Member did not support a decision or voted against a decision, a Council Member shall refrain from making disparaging comments about other Council Members or about Council's processes and decisions.
51. Nothing in this Bylaw is intended to affect rights under the *Charter of Rights and Freedoms*.

Orientation and Training Attendance

52. After first being elected, a Council Member shall attend all sessions of orientation training on City Business that are identified as mandatory by the Commissioner unless doing so is not practically possible.

53. A Council Member shall attend any sessions of training on City Business that are identified as mandatory by Council, the City Manager, the City Solicitor, the Corporate Officer or the Commissioner, unless doing so is not practically possible.

PART 2 – PROCESS FOR COMPLAINTS

Individual Steps to Resolution

54. If a Council Member, an Advisory Board Member or Staff considers that they have been subjected to a contravention of this Bylaw by a Council Member and if they are comfortable discussing the matter directly with the Council Member, they may inform the Council Member of the alleged contravention and request an apology and, if applicable, that the contravention cease immediately.
55. If the complainant is unable to discuss the matter directly with the Council Member, or if after discussion the contravention continues, the complainant may inform the City Manager of the allegation. The City Manager may then agree to act as an advisor to aid the complainant or appoint an advisor as the City Manager deems suitable.
56. The advisor acting under section 55 shall assist the complainant, including discussing the alleged contravention with the Council Member to resolve the complaint.
57. If the complainant is not satisfied with the outcome after the advisor has finished assisting the complainant under section 56, the complainant may proceed to Mutual Resolution by filing a written record of the allegation with the Commissioner within 10 days of being informed by the advisor of the outcome.
58. Nothing in this Bylaw precludes the complainant from making reasonable efforts in good faith to address the complaint internally and informally without resort to the Mutual Resolution or Formal Resolution procedures set out in this Bylaw.
59. Nothing in this Bylaw precludes the complainant from taking measures that the complainant is entitled to take under law, including but not limited to filing a human rights complaint, a grievance or other applicable process under a collective agreement, a complaint with WorkSafe BC, or other proceedings, as applicable.
60. Discussions regarding the complainant's concerns are confidential, advisory and informal in nature. The only exception to the Commissioner or an advisor maintaining confidentiality is if they deem the complaint to indicate a possible physical threat to any person. In that case, the advisor must immediately inform the City Solicitor of the complaint and inform the complainant of this requirement to do so. The City Solicitor must then promptly request the Commissioner to initiate an investigation and inform the complainant of this request and may take any additional steps deemed appropriate to deal with the possible physical threat.

Mutual Resolution

61. If the Individual Steps to Resolution process is unsuccessful in resolving the complaint, at the request of the complainant and with the agreement of the Council Member, a third party will be selected under section 62 to act as a mediator to assist the individuals in resolving the complaint through mediation. If the parties cannot agree to resolve the complaint through Mutual Resolution, then the complainant may elect to proceed to Formal Review.
62. The role of the mediator is to help the complainant and the Council Member come to an agreement, and not to advocate a position or impose a decision. The mediator will be selected by agreement of the complainant and the Council Member, with the Commissioner retaining the right to select a mediator if the complainant and the Council Member are unable to agree.
63. Both the complainant and the Council Member may be accompanied by a representative of their choice, including a lawyer or if the complainant is a member of a union, a union representative or a lawyer on behalf of the union, or both. If the complaint is resolved through Mutual Resolution, a written record of the complaint and the resolution will be given to the complainant, the Council Member and the Commissioner. If the mediator has recommendations for the City to consider, the mediator will forward these recommendations to the Commissioner and the City Solicitor. The resolution and recommendations must be kept in confidence by the Commissioner, City Solicitor and the parties, unless the parties agree in writing to disclose the information.
64. If Mutual Resolution is not successful in resolving the complaint, the complainant may pursue other options by confirming in writing his or her election to the Commissioner within ten working days of receiving the mediator's report.

Other Processes

65. Failing Mutual Resolution, a breach of this Bylaw can be determined for the purposes of proceeding with a Council measure under section 74 by way of:
 - (a) an admission by the Council Member;
 - (b) an agreement with the Council Member;
 - (c) a report from a standing or select committee invested with investigation powers under section 134 of the *Community Charter*;
 - (d) a Formal Review.

Complaints

66. Any person who has witnessed or experienced conduct by a Council Member which they believe to be in contravention of this Bylaw, or another City policy governing conduct of a Council Member may submit a complaint to the Commissioner in accordance with sections 68 and 69 of this Bylaw.
67. If a Designated Management Employee, as defined in the City's Respectful Workplace Policy, receives a complaint under the Respectful Workplace Policy, the Designated Management Employee may elect to refer the complaint to the Commissioner for resolution pursuant to this Bylaw.

Formal Review

68. After the invocation of the procedures under sections 54 through 63 of this Bylaw, the complainant may elect to proceed with a formal complaint, which must be delivered in writing to the Commissioner in accordance with sections 64 and 69 of this Bylaw. This written complaint shall contain the particulars of the complaint, including the dates on which the conduct that is the subject of the complaint occurred.
69. The complainant must deliver the written complaint within six months of the date of the alleged contravention of this Bylaw, unless the parties have agreed in writing to postpone this deadline in order to pursue another resolution process.
70. Upon receipt of the written complaint, the Commissioner shall:
 - (a) take whatever steps the Commissioner considers reasonable with the complainant and the Council Member to resolve the matter informally under sections 54 through 63 within ten working days, if they have not already done so; or
 - (b) confirm in writing to the complainant and the Council Member that the City Manager or other advisor has terminated attempts to resolve the matter informally; and then
 - (c) begin an investigation within ten working days of the request being filed.
71. In keeping with the principles of procedural fairness, the Commissioner shall:
 - (a) confirm receipt of the written complaint to the complainant;
 - (b) notify the Council Member of the allegation, provide the Council Member with a copy of this Bylaw and advise the complainant of this notification;
 - (c) receive information from any witnesses who the Commissioner believes may have information relevant to the complaint, and this information may be received through written documentation, interviews, or informal hearings;

- (d) keep both the complainant and the Council Member aware of any allegations made against them and ensure that they are given a reasonable opportunity to respond; and
 - (e) inform the complainant and the Council Member that they may be accompanied by a representative, including a lawyer, of their choice during the Formal Review process, including the closed meeting described in sections 84 and 85 of this Bylaw.
- 72. If the Council Member fails to respond, the Mayor at the request of the Commissioner may compel witnesses under section 134 of the *Community Charter*.
- 73. The Commissioner shall ensure all details, dates, conversations and meetings are documented. These working records created by the Commissioner are confidential. Once the investigation has been completed, the Commissioner shall prepare a written report and provide a copy of the report to the City Manager and Council. The report must, at a minimum, contain a description of the allegations, a summary of the evidence of the parties and the witnesses, and a determination of whether a contravention occurred. The report may also provide recommendations with respect to the potential outcome.

Council Determination of Measures

- 74. Council shall decide on the appropriate measures, if any, are warranted by a contravention of this Bylaw and shall take such action as Council considers appropriate in the circumstances, after:
 - (a) reviewing the report of the Commissioner;
 - (b) considering the factors described in section 75 and the measures enumerated in section 76; and
 - (c) conducting a closed meeting in accordance with the process described in sections 84 and 85 of this Bylaw.
- 75. In determining the appropriate measure, Council shall consider the following factors:
 - (a) the degree and nature of the conduct;
 - (b) whether the contravention was a single or repeated act;
 - (c) whether the Council Member was told that the conduct was unwelcome or offensive, and nonetheless continued the conduct;
 - (d) the nature of the work relationship of the complainant and the respondent, and whether the Council Member was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;

- (e) the impact of the contravention on the complainant;
 - (f) the Council Member's acknowledgment of wrongdoing; and
 - (g) the Council Member's history of other contraventions.
76. Council may impose the following measures after considering the factors described in section 75, including, but not limited to:
- (a) an apology from the Council Member in substantially the form set out in Schedule B;
 - (b) removal of the Council Member from appointments such as chairperson, committees, commissions or Advisory Boards;
 - (c) motion of censure;
 - (d) mandatory training on City Business, the *Community Charter*, or this Bylaw;
 - (e) referral to a prosecutor or police;
 - (f) any other action recommended by the Commissioner; and
 - (g) any other measure permitted by the *Community Charter*, the *Local Government Act*, the *Local Elections Campaign Financing Act* and the *Charter of Rights and Freedoms*.
77. The Council decision under section 74 will be in writing and provided to the complainant and Council Member within ten working days of the closed meeting conducted in accordance with sections 84 and 85 of this Bylaw.

Staff Responsibilities in the Complaint Process

78. If the Commissioner concludes that a contravention has occurred, the City Manager shall consider reasonable action to protect the complainant from any subsequent action or reprisal. The City Manager shall also consider reasonable action to protect the rights of the subject Council Member and to see that no reprisal takes place beyond the measure determined by Council.
79. If the Commissioner finds that the original complaint was initiated in bad faith, with willful misconduct or intent to harm, where the complainant is a Council Member, Council may consider appropriate measures in respect of the complainant and where the complainant is Staff, the City Manager may consider appropriate measures in respect of the complainant.

80. A copy of the Commissioner's report and the Council decision will be retained in a confidential file maintained by the City Manager, except when all or part of the decision is disclosed to the public in accordance with the *Freedom of Information and Protection of Privacy Act*.
81. The Commissioner may proceed with a Formal Review even if the complainant withdraws the complaint.
82. If approved by Council, the City Manager shall consider implementing administrative changes to City policies or procedures recommended by the Commissioner's report.

Fairness Procedures Applicable to Council Determination of Measures

83. Sections 84 and 85 only apply if the complaint is not resolved under sections 54 through 63 of this Bylaw and if Council is considering measures under section 74.
84. The Mayor, or the Corporate Officer if the Mayor is alleged to have contravened this Bylaw, will notify the affected Council Member in writing that Council will be considering their conduct at a closed meeting. The notice and form of resolution where a breach is believed to have been proved are set out in Schedule A. The notice must be delivered at least seven business days in advance of the closed meeting at which Council will consider the measure, if any, that it will impose in accordance with section 74 of this Bylaw. The Corporate Officer will ensure that the matter is placed on the agenda of the closed meeting. At the closed meeting, the affected Council Member may be represented by legal counsel, which may be reimbursed in accordance with section 89 of this Bylaw.
85. The process at the closed meeting may vary depending on the situation, but the following elements will be incorporated:
 - (a) Council will read the Commissioner's determination of whether a contravention of this Bylaw occurred;
 - (b) the affected Council Member will be provided with reasonable notice in accordance with section 71(b) and given the opportunity to make submissions to Council, with legal counsel if the Council Member desires, which submissions, without limitation, may include explanations for the impugned behavior or suggestions on the measures that Council might impose as a result of the conduct;
 - (c) after the affected Council Member has made the submissions to Council, the Council Member will leave the meeting room and those Council Members without a conflict of interest will consider the measures, if any, to impose in accordance with section 76 of this Bylaw; and
 - (d) written notice of the decision will be given in accordance with section 77 of this Bylaw.

Mandatory Training

86. If the Commissioner recommends mandatory training for a Council Member, and if Council resolves to accept the recommendation pursuant to section 76(d) of this Bylaw, then the Council Member shall attend the training.

Obstruction

87. It is a contravention of this Bylaw to obstruct the Commissioner in the carrying out of their responsibilities, as for example, by the destruction of documents or the erasing of electronic communications relevant to a complaint.

Legal Fees

88. If a member of Staff is a complainant under this Bylaw, the City Manager may authorize the member of Staff to be reimbursed for legal fees reasonably incurred if the complaint was meritorious and a written request for reimbursement is filed with the City Manager within three months of any final disposition of a complaint under this Bylaw.
89. The City will pay the reasonably incurred legal fees of a Council Member who is subject to a complaint under this Bylaw, provided that:
- (a) the Commissioner ultimately does not determine that the Council Member acted with dishonesty, gross negligence, or malicious or willful misconduct; or
 - (b) in any event, if Council so resolves after considering all the circumstances.

General

90. The Corporate Officer will cause
- (a) this Bylaw to be visible and accessible on the City's website, and
 - (b) electronic copies of this Bylaw to be made available to all Staff and Council Members in easily accessible locations, including the City's intranet.
91. If any portion of this Bylaw is inconsistent with a binding collective agreement with the City or federal or provincial legislation, that portion and only that portion of this Bylaw will have no application to the extent of that inconsistency and all other portions of the Bylaw will continue in full force and effect.

Citation

92. This Bylaw may be cited as the "Council Code of Conduct Bylaw, 2020, No. 20020".

PASSED FIRST READING on the 6th day of April, 2020.

PASSED SECOND READING on the 6th day of April, 2020.

PASSED THIRD READING, as amended, on the 20th day of April, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of May, 2020.

_____MAYOR

_____CLERK

SCHEDULE A

NOTICE TO COUNCIL MEMBER OF COUNCIL CONSIDERATION OF BREACH OF THE COUNCIL MEMBER CONDUCT BYLAW

CONFIDENTIAL

Date

Dear *[Insert Name of Subject Council Member]*,

Please be advised that the City of Surrey Ethics Commissioner (the "Commissioner") believes that you may have breached **COUNCIL CODE OF CONDUCT BYLAW, 2020, NO. 20020**. I am placing this matter on the agenda of the Council closed meeting to be held on *[Insert date - must be at least seven business days from date this is delivered to member]*.

The reason for the meeting is to consider the Commissioner's report and recommendations, and to consider a resolution in relation to this breach.

Enclosed is a copy of the Resolution that will be considered at the meeting for discussion, debate and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from the breach, including removing you from your appointment to committees or other appointments, censuring you, requiring an apology, requiring training, referral to a prosecutor or police, seeking damages, releasing a public statement, or following any other recommendation of the Ethics Commissioner.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting at the in-camera meeting to determine which sanction they wish to invoke, if any, you will be provided with the opportunity to address Council regarding the contents of the draft form of resolution and any other documents that Council may have before it.

Following any submissions, you (or your legal counsel) make at the in camera meeting, Council will retreat and consider this matter. We will attempt to decide what measure or measures (if any) are appropriate under the bylaw.

Regarding any Council decisions, we will provide you with written reasons for our decision(s).

Sincerely,

(Mayor)

Encls

SCHEDULE A (Continued)
RESOLUTION (IN CAMERA)

CONFIDENTIAL

Whereas Council has concluded that [*Insert name*] has breached **COUNCIL CODE CONDUCT BYLAW, 2020, NO. 20020**, by [INSERT];

And Whereas [*Insert name*] has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular [*Insert name*] was notified at least seven business days in advance:

- (a) that Council would be considering the matter of the breach of and was given a copy of this draft Resolution and any documents that may be considered by Council, including the report and recommendations of the City of Surrey Ethics Commissioner;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including an in-camera motion of censure, removal from any appointment to committee or external entity, referral to law enforcement or a prosecutor, seeking damages, reduction or elimination of remuneration, or public notification of any sanctions;

Whereas [*Insert name*] was expressly informed of their right to retain legal counsel and for their legal counsel to be present at the Council meeting in which this Resolution would be discussed and voted on;

Whereas [*Insert Name*] was given the opportunity to personally, or via their legal counsel, make submissions to the rest of Council regarding their conduct in this matter;

Whereas Council has considered the submissions made by [*Insert Name*] and/or their legal counsel;

Whereas Council has attempted to reach a consensus as to the appropriate measures;

Whereas Council has provided united or separate written reasons so that [*Insert name*] understands the basis for the decision to address the concern that [*Insert name*] is alleged to have breached the bylaw;

Be it Resolved as follows:

1. That Council shall address what it has concluded to be a breach of **COUNCIL CODE OF CONDUCT BYLAW, 2020, NO. 20020**, by way of (as applicable):
 - (a) A motion of censure;
 - (b) Removal from [*insert name*] committee or [*Insert outside appointment*];

- (c) Revocation of appointment to [insert external agency or entity];
 - (d) Referral to a crown prosecutor;
 - (e) Public notification of sanctions;
 - (f) Seeking damages;
 - (g) Referral to police for an investigation under the Criminal Code or [*Insert provincial statute*];
 - (h) Mandatory training;
 - (i) Requirement for apology.
2. That Council will consider pursuing all legal options available with respect to any potential future breaches of the bylaw on the part of [*Insert name*];
3. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the City's obligations pursuant to the *Freedom of Information and Protection of Privacy Act*, substantially with the content of the following: [*Insert wording*].

SCHEDULE B

[DATE]

PERSONAL AND CONFIDENTIAL

[Name of Recipient]

[Title]

City of Surrey

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

Re: Apology [subject]

As you know, on [date], I *[Briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it]*.

On [date], you confronted me about my behaviour/conduct and expressed *[describe briefly the conduct complained of and how it affected the offended person]*.

I acknowledge that my conduct / actions made you feel *[describe how it affected the offended person]* and I admit that my *[actions / conduct]* were *[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]*.

Having reflected on *[your complaint / our conversation/ the decision of Council]*, I take full responsibility for my *[actions / conduct]* and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of *[identify the section(s) of the Code of Conduct breached]*.

(ALTERNATIVELY, IF HELD BY COUNCIL TO HAVE BEEN A VIOLATION OF THE CODE OF CONDUCT REPLACE WITH THE BELOW:

In light of Council having concluded that my conduct constituted a violation of the City's Council Code of Conduct, I acknowledge that my conduct / actions made you feel *[describe how it affected the offended person]* and I admit that my *[actions / conduct]* were *[reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.]*)

Going forward, I commit to being more careful in my [**words / actions**] and to making better efforts to respect and abide by my obligations set out in the Code of Conduct.

Please accept my heartfelt apology.

Sincerely,

[**name**]

[**title**]

For Your Information: British Columbia's **Apology Act** provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability.

"Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault."

The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter.

Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

MODEL CODE OF CONDUCT

Getting Started on a Code of Conduct for Your Council / Board

Produced by the Working Group on Responsible Conduct

August 2018



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The Working Group on Responsible Conduct is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs & Housing. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

INTRODUCTION & EXPLANATORY NOTES

What is a Code of Conduct?

- A Code of Conduct is a written document that sets shared expectations for conduct or behaviour. A local government council or board can adopt a Code of Conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.
- Responsible conduct of elected officials is not optional; it is essential to good governance. Responsible conduct is grounded in conducting oneself according to principles such as honesty and integrity, and in a way that furthers a local government's ability to provide good governance to their community (e.g. governing in a way that is transparent, ethical, accountable, respectful of the rule of law, collaborative, effective, and efficient).
- A Code of Conduct is one tool that can be used by a local government council or board to promote or further responsible conduct.

What is the purpose of this document?

- The purpose of this document is to provide local government council or board members with a model Code of Conduct which establishes a set of principles and general standards of conduct that can be used as a starting point to develop their own Code of Conduct.
- This model Code of Conduct may also be useful for councils or boards who already have a Code of Conduct in place, but wish to review or refresh the document following the 2018 general local elections.
- The Working Group on Responsible Conduct has also developed a "Companion Guide" to accompany this document that provides discussion questions, things to keep in mind, and other tips to facilitate a council or board's conversation in developing a Code of Conduct.
- The general standards of conduct set out in this model Code of Conduct reflect the foundational principles of integrity, respect, accountability, and leadership and collaboration.¹ Every Code of Conduct should be built on these key foundational principles.
- Councils or boards may choose to customize and expand on the general standards of conduct provided in this model Code of Conduct by:
 - Adding examples of specific behaviours or other details to further elaborate on the standards of conduct that are provided;
 - Including additional standards of conduct that address topics of importance to the council or board and which are not directly dealt with by the standards of conduct already provided; and/or
 - Incorporating, referencing or attaching other policies that are generally related to responsible conduct (such as social media policies), where a council or board feels it is appropriate.

¹ The Working Group on Responsible Conduct identified four foundational principles that can be used to guide the conduct of local elected officials in B.C. More information about these principles can be found [here](#).

What are some considerations in developing and using a Code of Conduct?

- In developing a Code of Conduct, council or board members should consider not just the content of the Code of Conduct, but also how to make it meaningful for members, both as individuals and as a collective decision-making body. While there is no 'right' way to develop and use a Code of Conduct, councils or boards should consider the following to maximize the effectiveness of their Code of Conduct:
 - *Don't overlook the importance of the process when developing and adopting a Code of Conduct:* How a Code of Conduct is developed and adopted matters; providing opportunities for council or board members to discuss the language and content of the Code of Conduct and how it can best be customized to meet the needs of the council or board, and individual members, is important to ensure its effectiveness. Discussing shared expectations as a part of the orientation process for newly elected officials, or including the Code of Conduct as an outcome of a strategic planning process (with dedicated follow-up opportunities for development) could be good ways of ensuring a Code of Conduct is adopted in a meaningful way.
 - *Make the Code of Conduct meaningful:* Finding ways to integrate the Code of Conduct into the council or board's ongoing governance will help ensure that it remains a relevant and effective living document. For instance, some councils or boards may choose to refer to the Code of Conduct at every meeting; others may have a copy included in every agenda package or framed on the wall in the meeting room or placed on the desk of each elected official as a regular point of reference.
 - *Make sure the Code of Conduct is consistent with existing laws and policies:* Council or board members may include a variety of topics in their Code of Conduct. Where existing laws or policies deal with topics they choose to include in their Code of Conduct (i.e. privacy legislation; Human Resources policies; etc.), they must ensure that their Code of Conduct is consistent with those laws and policies.
 - *Offer ongoing advice, education and support:* A council or board will also want to consider how members can best be supported in working with their Code of Conduct. This could include, for example, general education around the purpose of Codes of Conduct, opportunities for members to receive specific advice on how the Code of Conduct should be interpreted and applied, as well as other ongoing opportunities for support and education – for example, orientation when new members join the council or board or regular debriefings following council or board meetings to discuss how effectively the Code of Conduct guided the discussion.
 - *Revisit it regularly:* Council or board members should approach their Code of Conduct as a living document to be reviewed and amended from time to time, to ensure that it remains a relevant and effective tool.

MODEL CODE OF CONDUCT²

A. INTRODUCTION

As local elected representatives (“members”), we recognize that responsible conduct is essential to providing good governance for the [city / municipality / regional district / district] of [name of local government].

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This Code of Conduct applies to the members of [city / municipality / regional district / district] of [name of local government]. It is each member’s individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

² Some sections of this Code of Conduct include additional information in a shaded box. This information is for guidance and context only, and is not intended to be included in a local government’s Code of Conduct.

C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

Information about the Foundational Principles:

The foundational principles of integrity, respect, accountability and leadership and collaboration have been identified by the Working Group on Responsible Conduct as being important to promoting and furthering responsible conduct and should be incorporated into every Code of Conduct.

A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These principles are intended to provide members with a shared understanding of responsible conduct and guide them in fulfilling their roles and responsibilities both as individual elected officials and as a collective council or board. Key standards of conduct are set out in subsequent sections of this model Code of Conduct to provide specific examples of the types of conduct that demonstrate the foundational principles.

These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. **Respect** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

D. OPTIONAL: VALUE STATEMENTS

Information about including Value Statements:

A council or board may wish to customize their Code of Conduct to include ‘value statements’. These are high-level statements that identify the values that the council or board consider important and feels should be included for context in their Code of Conduct.

A council or board may find the “Companion Guide” to this Code of Conduct useful as they consider how ‘value statements’ may be incorporated into their own Code of Conduct.

E. STANDARDS OF CONDUCT

Information about the Standards of Conduct:

The following section provides general standards of conduct that reflect the foundational principles identified above. A council or board can customize their Code of Conduct by including additional standards of conduct, or by expanding on existing standards of conduct to more clearly demonstrate how a member can exemplify responsible conduct.

A council or board may find the “Companion Guide” to this Code of Conduct useful as they consider how these general standards of conduct may be customized to best fit their needs.

Integrity: Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council or board.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

Respect: Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council or board.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.

- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

F. OPTIONAL: ADDITIONAL POLICIES

Information about including Additional Policies:

A council or board may choose to include additional policies as part of their Code of Conduct. These additional policies may be useful in addressing matters of importance that require deeper attention or that are connected to the four foundational principles. Some examples of the types of policies that a council or board could include are provided below.

A council or board may want to consult the “Companion Guide” for tips and resources for including additional policies (e.g. examples of social media policies from particular local governments).

Policies About Communications

- *Use of social media by members.*
- *How members communicate as representatives of the local government.*

Policies About Personal Interaction

- *Interactions between members and others, such as the public, staff, bodies appointed by the local government, and other governments and agencies (e.g. respectful workplace policies).*
- *Roles and responsibilities of staff and elected officials.*

Policies About How Information is Handled

- *Proper handling and use of information, including information which is confidential or otherwise protected and is made available to members in the conduct of their responsibilities.*
- *Retention and destruction of records.*
- *How and when information that was relevant to the decision making process is made publicly available.*

Policies About Other Matters

- *Creation, use, and retention of the local government’s intellectual property.*
- *Personal use of local government resources.*
- *Receipt of gifts and personal benefits by members.*
- *Provision of remuneration, expenses or benefits to members in relation to their duties as members.*

Regulating Municipal Lobbying Activities

Background

- Strategic Plan item – Create a lobbyist registry
- Deferred to 2021
- Purpose of report to discuss options for promoting accountability and transparency using registry and other tools

Lobbying

- Communication with public office holder to influence decision-making
- Lobbying definitions will consider the following elements:
 - By paid and/or un-paid communication
 - With elected and/or unelected public office holders
 - In relation to all matters or prescribed matters (e.g. land use)
- Definitions often exclude communication by individuals and other public office holders

Lobbyist Registries

- Lobbying can be legitimate
- Discloses communication with public office holders
- Online, free to access and use, searchable, and updated regularly.
- May include information about
 - Lobbyist name and organization
 - Position and/or title
 - Subject matter of lobbying
 - Individual lobbied
 - Date of lobbying

Enforcing Lobbyist Rules

- Municipal lobbyist registries are often described as mandatory or voluntary
- Both methods can achieve compliance with an enforcement tool
- Mandatory
 - penalties for lobbyists who do not disclose
 - public office holders may be required disclose or to request for lobbyists to disclose
- Voluntary
 - no penalties for lobbyists who do not disclose
 - public office holders relied on to disclose or to request for lobbyists to disclose

Municipal Registries in Canada

- Provinces determine if municipalities may require lobbyists to register and impose penalties.
- Ontario allows mandatory lobbyist registries.
- Few municipalities in Ontario have any lobbyist registry.
- Municipal lobbyist registries in Edmonton, Surrey, Winnipeg.
- Calgary Code of Conduct requires councilors to disclose visitors to councilor's offices.

Calls for Change in BC

- BC does not provide authority to municipalities to require lobbyists to register
- 2017 - Municipalities through UBCM adopt Resolution B99 to be able to create a municipal registry with penalties.
- 2018 - Province responds that it is willing to discuss the matter further.
- 2019 - UBCM Resolution B74
- 2020 - Province responds that it is willing to work with municipalities to identify issues and develop options.

Surrey Lobbyist Registry

- Lobbyist Registration Policy (2008)
 - Sets lobbyist rules for paid lobbyists and lobbyists with business or financial interests for communication with a councilor about prescribed matters.
- Council Code of Conduct Bylaw (2020)
 - requires councilors to report any violations or attempts to violate lobbyist rules
 - identifies some appropriate measures for Council
- Ethics Commissioner oversees conduct of councilors and support other functions.

Issues and Analysis – Designing a Registry

- Voluntary lobbyist registry is possible
- With appropriate enforcement tools, a voluntary lobbyist registry could be effective
- Developing a voluntary registry model requires scoping.
 - Who is a lobbyist?
 - Who is being lobbied?
 - What is the subject of lobbying?
 - What form of registry?
 - How to promote disclosure of lobbying activities?
 - How does the public access this information?

Issues and Analysis – Promoting Accountability

- Registry should be considered as one part of a governance system
- Consider additional tools within an accountability framework including:
 - Lobbyist registry
 - Gift registry
 - Code of Conduct
 - Ethics/Integrity Commissioner

Recommendation

1 – That Council refer considerations for creating a lobbyist registry to the Governance Review to evaluate additional methods to strengthen accountability and transparency in local governance.



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Committee of the Whole

Date: March 16, 2021

From: Chris Coates and Curt Kingsley, City Clerk

Subject: Governance Review

RECOMMENDATION

That Council direct staff to initiate the procurement process for selecting consultant services for a Governance Review and report back to Council with the workplan once the consultant is selected.

EXECUTIVE SUMMARY

Council's Strategic Plan includes Undertaking a Governance Review as an Action Item for 2021. In November 2020, Council approved the general scope for the governance review as outlined in Appendices A and B. Subsequently Council approved funding of up to \$75,000 in the 2021 Financial Plan to engage a consultant to conduct the governance review.

The purpose of this report is to bring forward the approach to initiating the project. The initial approach involves bringing the consultant on board and having them involved with the three stakeholder sessions, one involving Council members, one involving staff, and one involving members of the public. As such, the engagement approach will be refined and determined as part of the consultant services for the project. Likewise, the workplan will be fully developed based upon the feedback received from the three stakeholder sessions and brought back to Council for final approval.

Council also directed that staff report back on best practices to embed equity and anti-racism into the governance review. Council has endorsed principles for an equity framework that is currently under development. These considerations would be built into the terms of reference for the consultant services to ensure that the works aligns with evolving direction in these areas.

PURPOSE

The purpose of this report is to bring forward the next steps required to move forward with the Governance Review process.

BACKGROUND

The 2019-2022 Strategic Plan contains a 2021 Action "Undertake a Governance Review"

At the November 5, 2020 Meeting Council passed the following motion resulting from a report from Councillor Loveday attached as Appendix A.

- 1. That Council direct staff to report back with a proposed work plan and engagement strategy that includes a Council workshop, a separate workshop for staff, and a workshop for residents and stakeholders to provide input to further inform the scope and priorities of a Governance Review aligned to the scope outlined in this report;*

2. *And That Council directs staff to report back with a budget estimate for the Governance Review and include that estimate in the 2021 budget for Council's consideration;*
3. *And That Council appoints up 3 Councillors as a sub-committee to guide the Governance Review process;*
4. *That Council direct staff to include in their report back best practices regarding embedding equity and anti-racism mandate into the governance review.*

As part of the 2021 Financial Planning Process staff reported back on estimated costs for a Governance review. That report back is attached as Appendix B, and at the January 28, 2021 meeting, Council passed the following motion:

That Council fund the governance review of up to \$75,000 from the Corporate Consulting Budget.

ISSUES & ANALYSIS

Project Scope

The intention to the slight modification Council made to section 1 of the motion was to enable the Consultant to be engaged before undertaking the consultative pieces noted in the motion. That way, the Consultants will be there first-hand to lead the stakeholder sessions and best develop an overall engagement strategy for the process.

In terms of initial scoping for the procurement process, the attachments outline a broad scope of work and the initial engagement of stakeholders, with the consultant on-board could provide further scope refinements to the works based on that feedback. Rather than pre-determine this at this time the final workplan and engagement components could be brought to Council after the initial scoping occurs. The consultant will be hired for their demonstrated expertise. The final scope and budget would be brought back to Council for approval after the initial stakeholder workshops.

Embedding Equity into the Governance Review

Equity and anti-racism considerations will be included in the terms of reference as a requirement for proponents to consider in both their proposed approach and methods to engage Council, staff and stakeholders, as well as demonstrate structural, procedural, distributional and transgenerational equity considerations in their final recommendations as described below.

- **Distributional** – fair distributions of benefits and burdens across all segments of a community, prioritizing those with highest need.
- **Procedural** – inclusive, accessible, authentic engagement and representation in processes to develop or implement programs and policies.
- **Structural** - decisions are made with a recognition of the historical, cultural, and institutional dynamics and structures that have routinely advantaged privileged groups in society and resulted in chronic, cumulative disadvantage for subordinated groups.
- **Intergenerational** - decisions consider generational impacts and do not result in unfair burdens on future generations.

It is expected that the various streams of work identified by Council for the governance review will consider the four dimensions of equity to different degrees. For example, distributional equity would be a key consideration related to the review of advisory bodies to Council, but not as applicable to the review of Council remuneration as defined above. Anti-racism considerations are expected to be a core component of all streams of the review, particularly as they relate to public input, engagement, and decision making.

OPTIONS AND IMPACTS

Option 1 – Direct staff to undertake the procurement process for Consultant Services for a Governance Review (*Recommended*)

Option 2 - Council provide alternate direction to staff.

Impacts on Financial Plan

Council has approved \$75,000 in funding for the project in the 2021 Financial Plan.

Accessibility Impact Statement

Accessibility is included in the broader equity considerations noted in this report, specifically distributional and structural equity considerations.

CONCLUSIONS

Moving forward with the governance review in an expeditious manner will be helpful to conclude it before the general local election in October 2022 and enable a fulsome analysis of the City's governance practices. The three stakeholder sessions at the outset of the project will better inform the final scope of the review and be subject to Council's approval, thus ensuring that the scope is acceptable and that the principles of equity and anti-racism are embedded as Council has directed.

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Respectfully submitted,

Chris Coates
City Clerk

Curt Kingsley
City Clerk

Susanne Thompson
Deputy City Manager/Chief Financial Officer

Report accepted and recommended by the City Manager.

List of Attachments:

Appendix A – Council Member Motion from October 20, 2020 COTW

Appendix B – Financial Plan Report Back on Governance Review Scope and Cost



Council Member Motion

For the Committee of the Whole Meeting of October 22, 2020

To: Committee of the Whole

Date: Oct. 12, 2020

From: Councillor Loveday

Subject: Initiating a City of Victoria Governance Review

Background:

The City of Victoria's 2018-2022 Strategic Plan includes a high-level priority of Good Governance and Civic Engagement and a 2021 action to "Complete a Governance Review". By conducting a targeted governance review, informed by Council, city staff, residents, and experts in civic governance, the City of Victoria has an opportunity to better align City processes with the City of Victoria's stated values and vision of inclusion, civic engagement, and good and open governance.

The City of Victoria's last governance review occurred in 2008, conducted by George Cuff, and much has changed since then, including demographic and population shifts, increased complexity of the issues facing Council, technological advances, and a new emphasis on diversity, inclusion, and reconciliation. Conducting a Governance Review in 2021 could help address governance challenges, improve transparency, and set up the next Council, to be elected in 2022, for success. To ensure the Governance Review is rooted in the espoused values of the City of Victoria, it is important that an equity lens is applied to this process.

Key Areas of Consideration for a Governance Review (to be fleshed out and added to through engagement with Council, City Staff, stakeholder groups, and residents):

1. Improving transparency and ensuring accountability

Considerations:

- Processes for effective Council decision-making including whose input is received and how that input is considered
- Ensuring all correspondence and public input is received, read, and responded to appropriately and in a timely fashion
- Clear definition of roles and responsibilities for Council, CAO, and staff
- Improving transparency of work undertaken by Councillors on City appointed committees and boards.
- Further limiting in-camera meetings and pro-active release of information
- Tracking plans and reports and ensuring implementation of all approved plans

2. Appropriate, consistent, and highly functioning advisory committee structures

Considerations:

- The best process for advice and recommendations to flow to and from committees
- Chairing of committees and role of council liaisons

- Adequate support from City Staff to support committees
 - Ensuring that the time and expertise of committee volunteers is respected and honoured
3. Length, frequency and scheduling of council meetings
 Considerations:
 - Improving governance and access for residents by shortening the length of meetings and limiting how late meetings can run
 - Ensuring meetings are accessible and inclusive of residents from diverse backgrounds and lived experiences
 4. Technology and the changing nature of work
 Considerations:
 - Role of virtual meetings and digital participation post-pandemic
 - Changes in governance, and expectations due to technological advances
 5. Respecting public input and building public trust
 Considerations:
 - Public engagement that meets IAP2 standards
 - Council and staff hear from diverse populations representative of City of Victoria residents
 - Ensuring responsiveness to public correspondence and requests
 - Flexibility of City processes to work within Indigenous protocols and approaches in relationships with the Esquimalt and Songhees Nations and in activities relating to reconciliation efforts
 6. Defining the role Mayor and Councillors
 Considerations:
 - What is the public expectation of the role(s)
 - What is the role of councillors as a neighbourhood liaison?
 - Is being a Councillor a full or part-time job?
 - If the role of Councillor is a part-time job, what can be done to limit the scope of work, provide support, or streamline processes?
 - If Councillor is full-time, what changes are required to recognize this expectation?
 - How should council evaluate its own performance?
 - Best practices for reviewing Council remuneration

It is recommended that an approach is undertaken that engages the working knowledge of mayor and council, city staff, residents, and an outside consultant with experience and expertise in civic governance. Consultation will be key to success and should occur in stages as the review process progresses. It is important that emerging governance issues can be tracked and considered as consultation advances.

Recommendation:

That Council direct staff to schedule a Council workshop and a separate workshop for residents and stakeholders to provide input to further inform the scope and priorities of a Governance Review and the selection of a consultant;

And That Council direct staff to report back with a proposed work plan and engagement strategy for the Governance Review aligned to the scope outlined in this report and informed by input received at the workshops outlined previously;

And That Council directs staff to report back with a budget estimate for the Governance Review and include that estimate in the 2021 budget for Council's consideration;

And That Council appoints up 3 councillors as a sub-committee to guide the Governance Review process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Loveday', written in a cursive style.

Councillor Loveday

GOVERNANCE REVIEW

Initiate a Governance Review

BACKGROUND:

At the January 7, 2019 council meeting and following the Q2 2019 update Council passed the following motion to advance the Strategic Plan action to “Initiate a Governance Review” in 2021.

That Council strike a working group consisting of Councillors Isitt, Loveday and Alto, to work with Legislative Services and Engagement in the first quarter of 2021 and report back to Council for a proposed governance review.

At this time, the scope of a Governance review has not been established. A governance review can encompass some or all of the following areas:

1. Functions
 - What is working
 - What is not working
2. Roles and Responsibilities
 - Mayor/Council City Manager/Department Heads
3. Strategic Planning Process
4. Decision Making Process
 - a) Council Procedures Bylaw.
 - Council Meetings Days and Times
 - Council Committee Structure
 - Advisory Bodies to Council.
 - b) public engagement/feedback on decision making processes
6. Council Code of Conduct
7. Council Remuneration (please refer to attached response on Council remuneration review).

A minor review was undertaken with existing staff resources in 2015/16 that covered Council and Committee meetings and Procedure Bylaw Amendments. Outside of the governance review, other 2020 Strategic Plan items relating to Good Governance and Civic Engagement involving video submissions, public hearing only council meetings and the creation of a lobbyist registry will be coming forward to Council in the coming weeks..

FINANCIAL AND HUMAN RESOURCE IMPLICATIONS:

The scope of the Governance Review will influence the costs and resource implications. A medium to full scope review would require the use of consultant services. Until a scope for the review is defined, it is difficult to assess financial and resource implications, as this could be within a range of \$10,000 to \$50,000.



Committee of the Whole Report

For the Meeting of April 1, 2020

To: Committee of the Whole **Date:** March 17, 2021
From: Chris Coates, City Clerk
Subject: Recommendation for Seed and Stone at 901 Gordon Street

RECOMMENDATION

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

The Council of the City of Victoria supports the application of Seed and Stone at 901 Gordon Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Seed and Stone at 901 Gordon Street.
- b. City staff did not raise any concerns about this referral in terms of community impacts.
- c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 702 notices and received 2 responses. The City did not receive correspondence from the Downtown Residents Association. 1 respondent supports the application, and 1 respondent opposes the application.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

EXECUTIVE SUMMARY

The Province of British Columbia is responsible for licensing cannabis retail stores. The Province refers applications to the City for a positive or negative recommendation, which must include residents' views. The City's *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120* establishes a public consultation process and fees to manage referrals.

The applicant completed a rezoning process for 901 Gordon Street on January 14, 2021.

The applicant has been compliant with the municipal bylaws which require that an applicant first obtain a provincial cannabis retail store license and a municipal storefront cannabis retailer business license before opening for business.

The City sent 702 notices and received 2 responses. 1 respondent supports the application, and 1 respondent opposes the application. The City did not receive correspondence from the Downtown Residents Association.

In the absence of a City policy for evaluating referrals from the Province for proposed cannabis retail stores, staff review previous operations and public input. Based on this, staff recommend that Council provide a positive recommendation for Seed and Stone at 901 Gordon Street.

PURPOSE

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Cannabis Control and Licensing Act*, regarding an application by Seed and Stone at 901 Gordon Street to obtain a provincial cannabis retail store license.

BACKGROUND

The LCRB issues cannabis retail store licences under the *Cannabis Control and Licensing Act* (the Act). LCRB refers an application to the City so that Council may recommend to issue or not to issue a provincial cannabis retail store licence. If Council provides a negative recommendation to the LCRB, the LCRB may not issue a licence to the applicant at the proposed location.

The City must consider the location of the proposed cannabis retail store, provide comments about community impact, and include the views of residents. The *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw* establishes a public consultation method and fees. Owners and occupiers of parcels within 100 metres of the proposed location, and the neighbourhood association for the area, and relevant City departments may provide written comments.

A provincially licensed cannabis retail store must obtain a municipal business licence to operate in the City. The *Business Licence Bylaw* and *Storefront Cannabis Retailer Regulation Bylaw 19-053* set out licensing and operating conditions for storefront cannabis retailers.

Council has provided 15 positive recommendations and no negative recommendations.

ISSUES AND ANALYSIS

There is no specific City policy to guide staff in evaluating a proposed cannabis retail store. Staff consider the applicant's compliance and enforcement history during previous operations as a cannabis retail store, if applicable, and input from residents and businesses within 100 metres of the proposed location.

Applicant

Seed and Stone is proposing a cannabis retail store at 901 Gordon Street.

The applicant completed a rezoning process for 901 Gordon Street on January 14, 2021.

The applicant has been compliant with the municipal bylaws which require that an applicant first obtain a provincial cannabis retail store license and a municipal storefront cannabis retailer business license before opening for business.

Community Impact

Bylaw Services, Sustainable Planning and Community Development, the Victoria Police Department did not indicate any concerns about impact on the community.

The Victoria Police Department comments are attached as Attachment A.

Residents' Views

The City sent 702 notices and received 2 responses. 1 respondent supports the application, and 1 respondent opposes the application.

The City did not receive correspondence from the Downtown Residents Association.

Residents' views are attached as Appendix B.

Summary

Staff recommend that Council provide a positive recommendation for Seed and Stone at 901 Gordon Street.

Applicant's Response

The applicant provided a letter responding to the staff report which is attached as Attachment C.

OPTIONS AND IMPACTS

Option 1 – Refer application with a positive local government recommendation to LCRB (Recommended)

This option would enable to LCRB to issue a provincial cannabis retail store license.

Option 2 – Refer application with a negative local government recommendation

This option would prevent the Province from issuing a license to the applicant in this location. The applicant could apply at another location.

Accessibility Impact Statement

The recommended option has no accessibility implications.

CONCLUSION

Seed and Stone at 901 Gordon Street completed a rezoning for this property on January 14, 2021. The applicant has been compliant with municipal bylaws which require a provincial and municipal license before operating a cannabis retail store business. A positive recommendation would allow the Province to continue the provincial licensing process.

Respectfully submitted,

Monika Fedyczkowska
Legislative and Policy Analyst

Chris Coates
City Clerk

Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager _____

List of Attachments

Attachment A: Victoria Police Department comments

Attachment B: Residents' views

Attachment C: Letter from applicant

[REDACTED]

From: Legislative Services email
Sent: [REDACTED]
To: [REDACTED]
Subject: FW: Cannabis Application for 901 Gordon Street - NO

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Mathew Yee [REDACTED]
Sent: March 4, 2021 8:17 AM
To: Legislative Services email <LegislativeServices@victoria.ca>
Subject: Cannabis Application for 901 Gordon Street - NO

Hello,

I am against this application for a retail cannabis shop.

Downtown Victoria is already well served by a number of cannabis retailers. Everywhere you look, is a blacked out shopfront selling cannabis. It's an unattractive look. I would rather see the city and council encourage a variety of retailers to serve the downtown residents.

Additionally, this application is in the heart of the downtown tourist zone. The Victoria Bug Zoo and Miniature World are neighbours to this address. A Cannabis storefront would not be a welcome addition for parents bringing their kids between these sites.

Downtown Victoria should be vibrant and bright. Since Cannabis shops are restricted on how they can display their wares and visibly market themselves on sidewalk frontage, they are the opposite, almost acting as black holes.

Please do not approve this application.

Thank you
Mathew Yee

[REDACTED]

From: Legislative Services email
Sent: [REDACTED]
To: [REDACTED]
Subject: FW: Seed and Stone - provincial license application

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Mitchel Kajiura <[REDACTED]>
Sent: March 11, 2021 4:58 PM
To: Legislative Services email <LegislativeServices@victoria.ca>
Subject: Seed and Stone - provincial license application

To whom it may concern,

As an owner of a condo across the street from the possible Seed and Stone retail location (901 Gordon Street) I just wanted to put forth that I am very much in favour of this license being granted. Seed and Stone would bring some much needed diversity to the neighbourhood and would provide a wonderful service to the community.

Kind regards,

Mitchel Kajiura

[REDACTED]

Attachment B – Victoria Police Department Comments

I have reviewed the application for a cannabis retail license for the business Seed and Stone, located at 901 Gordon St. I noted the surrounding businesses are commercial, retail, and restaurant. This location should not cause an increase in calls for service to VicPD, thereby impacting community safety. I have no other site specific comments.

We (VicPD) would reply upon the existing fit and proper results through the LCRB and their background checks through the RCMP, and the community consultation process through the City of Victoria with respect to the applicant. The Victoria Police Department will not be conducting any further background investigation on the application.

TO: The Honorable Mayor and Council of Victoria
FR: Vikram Sachdeva

I, Vikram Sachdeva, on behalf of Seed & Stone, have entered an application to operate a nonmedical cannabis retail store at 901 Gordon Street, Victoria

Seed & Stone is an owner operated non-medical cannabis retail brand. Currently operating one store in Chilliwack and expanding its retail network throughout British Columbia with a focus on Vancouver Island and The Lower Mainland.

We are honored to be chosen as a partner by Songhees Nation to develop a plan which will incorporate economic growth and employment opportunities for Songhees members while providing Victoria with a boutique style cannabis experience.

This new comprehensive approach to promoting Indigenous tourism and the needs of thousands of tourists and locals alike, is about staying rooted in the ethics of how and why we do business, beginning with a brand new, ground-breaking cannabis destination on Gordon Street in Victoria.

Renown Tseshaht First Nation artist, Connie Watts, will guide indigenous design for our proposed location at 901 Gordon Street with Western Interior Design Group. This premier location will be at the heart of a new initiative to grow Indigenous culture and tourism in downtown Victoria. Not only that, but it will showcase Indigenous art and teachings, becoming a premier destination for the entire community.

As the journey of Seed & Stone continues to expand across Canada, we are humbled by the chance to work with Songhees Nation and do business on the traditional Lekwungan homelands.

We encourage council to support this business venture and help lay a great foundation for future opportunities.

Vikram Sachdeva
Founder & CEO
Seed & Stone
vikrams@seedandstone.com



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Council **Date:** March 15, 2021
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Donation Proposal – Gorge Waterway Swim Platform

RECOMMENDATION

That Council approve receipt of the donation of the swim platform from Aryze Developments Ltd, and direct staff to;

1. Complete a donation agreement with Aryze Developments Ltd, with terms satisfactory to the Director of Parks, Recreation and Facilities, and Chief Financial Officer; and in a form satisfactory to the City Solicitor;
2. Include the cost of maintaining the platform in the draft 2022 Financial Plan.

EXECUTIVE SUMMARY

In July 2020, Aryze Developments Ltd (Aryze) installed a swim platform in the Gorge Waterway adjacent to Banfield Park without authorization from the City, provincial or federal governments. At the same time, the City received a letter from Aryze claiming responsibility for the platform and proposing to donate the amenity to the City. In late 2020, Transport Canada issued a work permit to Aryze, following an assessment of the navigation impacts under federal jurisdiction.

Over the past several months, the City has conducted a review of the donation proposal, including alignment with City regulations and applicable legislation, the City's licence agreement with the Province for this area, the asset condition, and life safety implications for swimmers.

The floating swim platform is constructed of high-quality materials, and although minor improvements are required, it does not present a significant risk to public safety, is not obstructing marine navigation, nor adversely affecting the marine environment. The platform has remained in place since it was installed and has become very popular with park users.

Based on the analysis to-date, it is recommended that Council approve receipt of the donation, subject to an agreement with Aryze that meets the City's risk management, financial and regulatory requirements.

PURPOSE

The purpose of this report is to present Council with information regarding the proposed donation of a swim platform in the Gorge Waterway Park District.

BACKGROUND

The floating swim platform is anchored in the Gorge Waterway northwest of the Selkirk Trestle between Cecelia Creek and Banfield Park. The Province of British Columbia owns the land covered by water in this area, and the City has acquired a licence for the water lots adjacent to Banfield Park from the Province. This area is zoned as *Gorge Waterway Park District Zone* (GWP), which was adopted by the City in 2014.

In July of 2020, the City received a donation proposal from Aryze Developments Ltd for the swim platform installed without authorization in the GWP. The donation proposal and reference plan are appended to this report (Attachment A). Since that time, the platform has become a popular attraction for swimmers to nearby Banfield Park.

Council adopted a motion on October 1, 2020, indicating the City's support for the platform to Transport Canada as part of the federal agency's public consultation process for a temporary occupancy permit application. Transport Canada approved the permit application in December 2020 and authorized a work permit for the structure until it could be determined if the City wished to retain the asset.

ISSUES & ANALYSIS

Over the past several months, the City has conducted a review of the associated benefits, issues, and implications of the proposed donation.

This work included discussions with residents and members of the Victoria West Community Association who use the Gorge Waterway for recreation, and with Transport Canada representatives regarding marine navigation implications. The City also completed a physical condition assessment of the swim platform and engaged two other organizations to assist with further investigations. These studies produced recommendations to mitigate risks, however they did not identify any major issues with the structure that would negatively impact users of the Gorge Waterway nor the environment.

The City contracted Golder Associated Ltd to complete an assessment to identify and assess potential adverse effects to the marine environment. The study included a comprehensive underwater inspection by a qualified dive team to assess potential fish and wildlife habitat. The study identified that the swim platform's placement is unlikely to adversely affect the marine environment, fish, or wildlife habitat.

In addition, the Canadian Life Saving Society completed a safety audit that outlined a series of recommendations focused on the safe use of the floating swim platform. The City will work with Aryze to address these recommendations as part of the donation agreement.

To ensure the platform is effectively maintained, regular safety inspections are required during the warmer months and less frequent inspections for the remainder of the year. The City will conduct structural assessments on a five-year cycle for the asset's life, which is projected to be 20 years. The annual expenditures to maintain the asset are estimated to be no more than \$12,000 per year.

Regulatory Requirements

The City has the authority to regulate land use, including land covered by water, through its *Zoning Regulation Bylaw* and has done so with the adoption of a site-specific zone for GWP. In addition, the City has possession of the GWP through the licence granted by the Province in 2014. The

development of a GWP Management Plan is a requirement of the license agreement that has yet to be fulfilled. In April, staff will present a report to Council with project updates on the Banfield Dock Expansion and a proposal to develop the GWP Management Plan.

The swimming platform is located in the GWP, which allows “parks and accessory uses to parks” and “water-related recreational activities” as permitted uses. Docks are prohibited within this zone, however, the *Zoning Regulation Bylaw* defines a dock as “a floating structure with a level surface, to which a boat, ship or other vessels may be moored or tied.” In this instance, the amenity is considered a floating platform to support recreational swimming and is not designed to moor vessels. Therefore, it is consistent with activities which are expressly permitted in the applicable zoning.

The Federal government (Transport Canada) has jurisdiction over navigation and shipping to ensure the navigation channel is safe for marine transport. The federal Navigation Protection Program sets terms and conditions for works in navigable waters. Aryze has received a works permit to anchor the floating swim platform. The process included a 30-day public consultation period and engagement with local First Nations. The engagement results identified strong community support for the swim platform, and public concerns raised through consultation have been addressed in this report.

The City is also responsible for ensuring compliance with relevant provisions under the *Fisheries Act* and the *Species at Risk Act*, as assessed by the Department of Fisheries and Oceans (DFO). Should the DFO identify any further risks the City will need to address such potential impacts as necessary.

OPTIONS & IMPACTS

Option 1: That Council accept the swimming platform donation. (Recommended)

Council has previously indicated formal support for the Gorge Waterway swim platform and the value of expanding the adjacent City-owned dock for recreational use. This amenity has been well received by the community and improves recreation access to the Gorge Waterway. If Council chooses to accept the donation, Aryze will be asked to enter a donation agreement with the City, and the necessary operating budget allocation will be included in the 2022 draft Financial Plan. In addition, the City will comply with the necessary provincial and federal regulatory processes.

Option 2: That Council decline the donation proposal.

Council may decide to decline the donation proposal and direct staff to arrange for the swim platform’s immediate removal at the owner’s expense.

Accessibility Impact Statement

This sheltered waterway is a popular area for recreation and swimming. The addition of this platform makes swimming in the Gorge Waterway more accessible for many citizens. The platform is designed with two safe access points, a swim ladder and a transferring ramp. Given the platform is not connected to the shoreline, some individuals may not be able to access it without assistance.

Impacts to Financial Plan

Pending Council approval of the donation, the platform will be incorporated into the City’s asset management program. Annual inspection and life cycle maintenance costs are estimated at

\$12,000 per year and will be incorporated into the draft 2022 Financial Plan. This is equivalent to a 0.01% tax increase. It is anticipated that operating costs for 2021 can be accommodated within existing budgets.

CONCLUSIONS

The Gorge Waterway adjacent to Banfield Park offers extensive swimming and recreational opportunities, which Council has supported over many years. The proposed donation of the swim platform offers a high-quality addition to the supporting infrastructure in the area to complement the existing uses of the Gorge.

Respectfully submitted,

Thomas Soulliere
Director

Derrick Newman
Asst Director, Construction and Facilities Management

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A - Donation Proposal from Aryze Developments Ltd (2020)

20 July 2020

To: Thomas Soulliere
Director, Parks, Recreation and Facilities
City of Victoria

RE: Project Albero

Dear Thomas,

Aryze conceptualized and created Project Albero—Italian for “tree”—inspired by the City we love and beautiful urban cities around the world with working harbours. The swim float with planted Japanese Katsura tree is located just off Banfield Park in the Gorge waterway.

The goal of this project was to encourage swimmers to venture out onto the waterway and visit the float as a destination as well as to rethink the inner harbor as a place to not only live, work but also recreate.

Aryze is pleased to donate the swim float as a gift to the City of Victoria and has provided supporting documentation and as-built drawings outlining the integrity of the structure to give comfort to the City in receiving this swim float.

Please feel free to reach out with any questions or concerns.

Kind Regards,



Luke Mari
Principal, Development
Aryze Developments

Attachments:

1. Supporting letter
 - a. Design team lead, Franc D’Ambrosio, DAU Studio
 - b. Plant selection team lead, Bianca Bodley, Biophilia Design Collective
 - c. Structural engineering team lead, Leon Plett, RJC Engineering
2. ARYZE swim float ‘as-built’ drawings
3. Supporting imagery of the construction and installation process

The Albero Project: Back to the Harbour

In the last few years, many waterfront cities have rediscovered their harbours as being more than industrial transportation corridors that they became in the 19th and 20th century. The environmental remediation and clean-up of urban waters has opened the door to reimagining ideas of public enjoyment of water in the city. Open air swimming is experiencing a resurgence and the popularity of harbour swimming in Scandinavian cities demonstrates the latent desire and potential for an expanded public amenity that is there for the taking. To bring this energy to the forefront and spark a public conversation about open air and harbour recreational swimming, The Albero Project takes a page from the Copenhagen precedent launched a year or two ago.

Albero Gallegante (Floating Tree, in Italian) has taken shape and has been launched as a n inspiration that hopes to be picked up by the citizens. A public amenity to remind us all that grass-roots movements can have a profound effect on the quality of urban life.

Our Floating platform is oblong, the rounded shape reflecting the universality and symbolism of human settlement and interaction. Egalitarian, gentle and accessible. Western Red Cedar and a growing tree complete the metaphorical island that becomes both destination and place for those who venture into the Inner Harbour waters.

We hope that this small public gesture will inspire and be the touchstone for a return to clean urban water as a public amenity for the present and future generations.

Architect Franc D'Ambrosio AIBC FRAIC

Biophilia design collective Ltd.
1608 Camosun Street
Victoria, BC V8T 3E6
250.590.1156

December 10, 2019



Dear City of Victoria

Re: Floating Tree

A little story about the tree:

Species: Katsura "heart throb".

The tree selection was inspired by its form, as a Katsura tree offers a beautiful wide round canopy which provides ample shade to swimmers on the dock on a hot summer day. The leaves are an intricate collection of perfect circles, chartreuse in the summer and as the summer wanes into fall the leaves smell like sugar, a sweet farewell. Katsura trees are also salt tolerant and drought tolerant, making it a good selection for the salt water and not requiring excessive watering.

The growing medium that was used is a combination of high porosity potting mix and peat moss so that it is lightweight and retains water. A series of "sipper" water tanks were also installed below the tree which work on a capillary system so that the soil wicks water into the soil as it needs it. This system prevents overwatering and allows the water to release slowly over time. The watering containers that are in place can store 96 L of water, all told.

We are so excited to be a part of this gift to the city and its residents.

Sincerely,

A handwritten signature in black ink that reads "Bianca Bodley".

Bianca Bodley and the BIOPHILIA design collective.



July 20, 2020

Thomas Soulliere
Director of Parks, Recreation and Facilities, City of Victoria
City Hall, 1 Centennial Square
Victoria, BC V8W 1P6

Dear Thomas,

**RE: Project Albero - Public Dock Structural Engineering
Gorge Waterway off Banfield Park, Victoria**

RJC No. VIC.127845.0001

As requested, Read Jones Christoffersen Ltd. (RJC) confirms that we have reviewed the design and construction of the 20' diameter floating public dock at the above location.

RJC reviewed the materials and member sizing, connections, floatation capacity, and construction of the dock prior to it being lifted into the water. We confirm the capacity of the dock and the materials used are appropriate for its intended use as a public swim amenity.

We trust this letter meets your requirements. Please contact the writer if you have any questions.

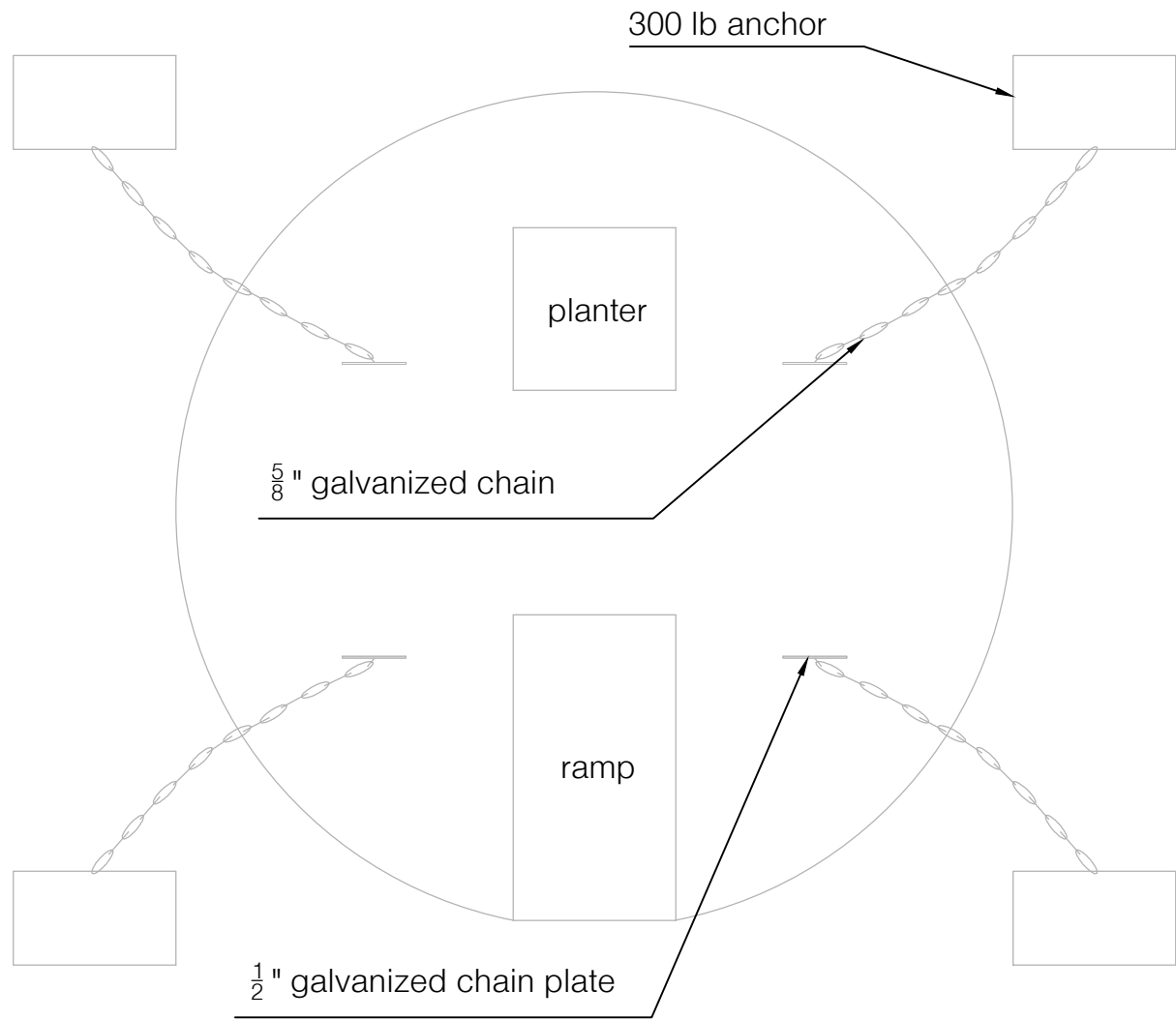
Yours truly,

READ JONES CHRISTOFFERSEN LTD.

Leon Plett, P.Eng., Struct. Eng., LEED AP
Managing Principal



LP/mml



1

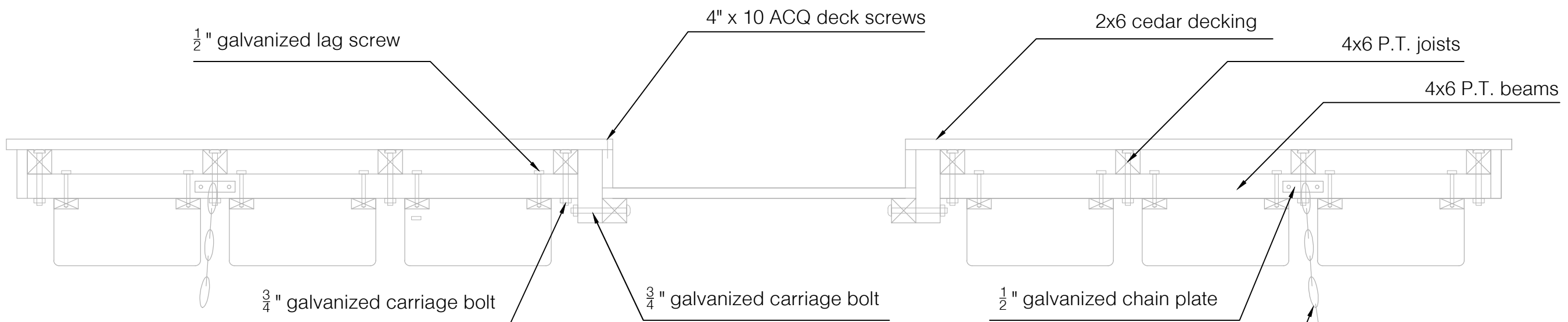
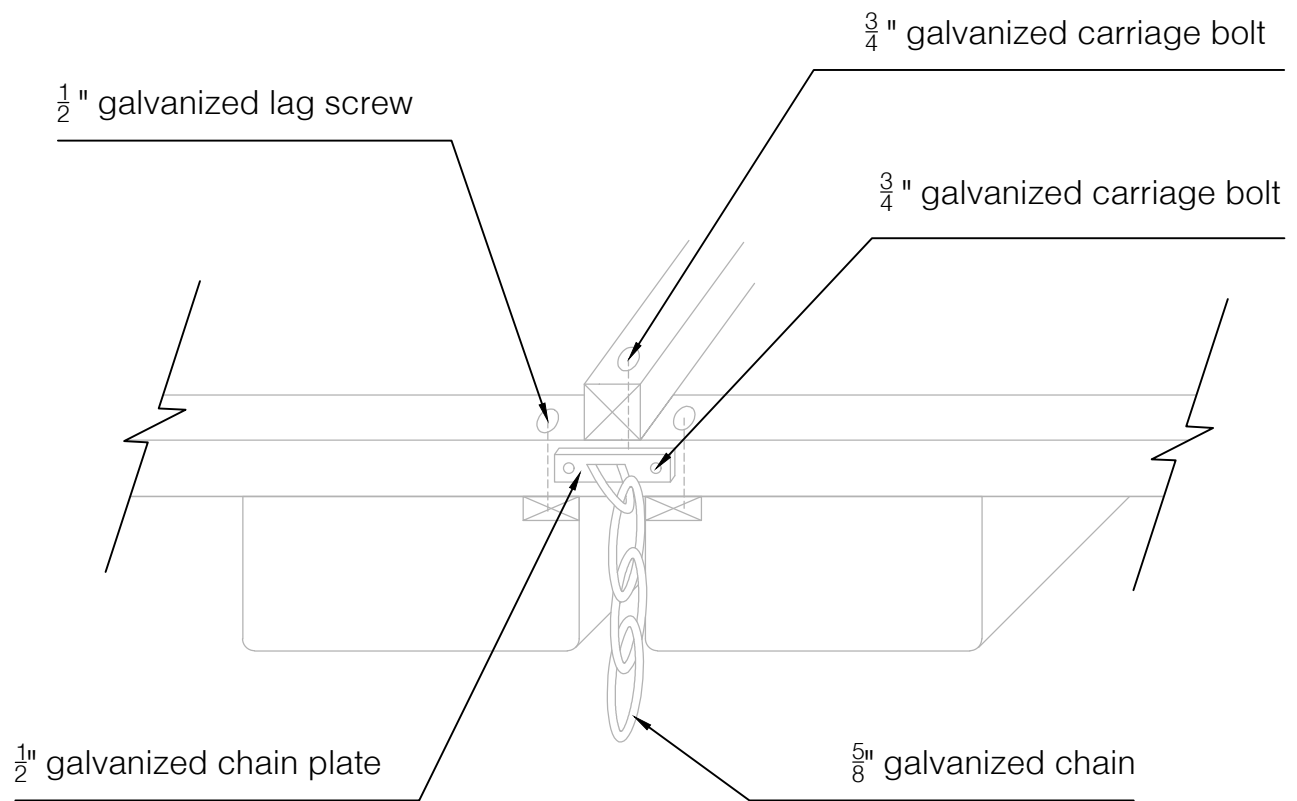
Anchor Plan

SCALE: 1/4" = 1'-0"

2

Anchor Fastening Detail

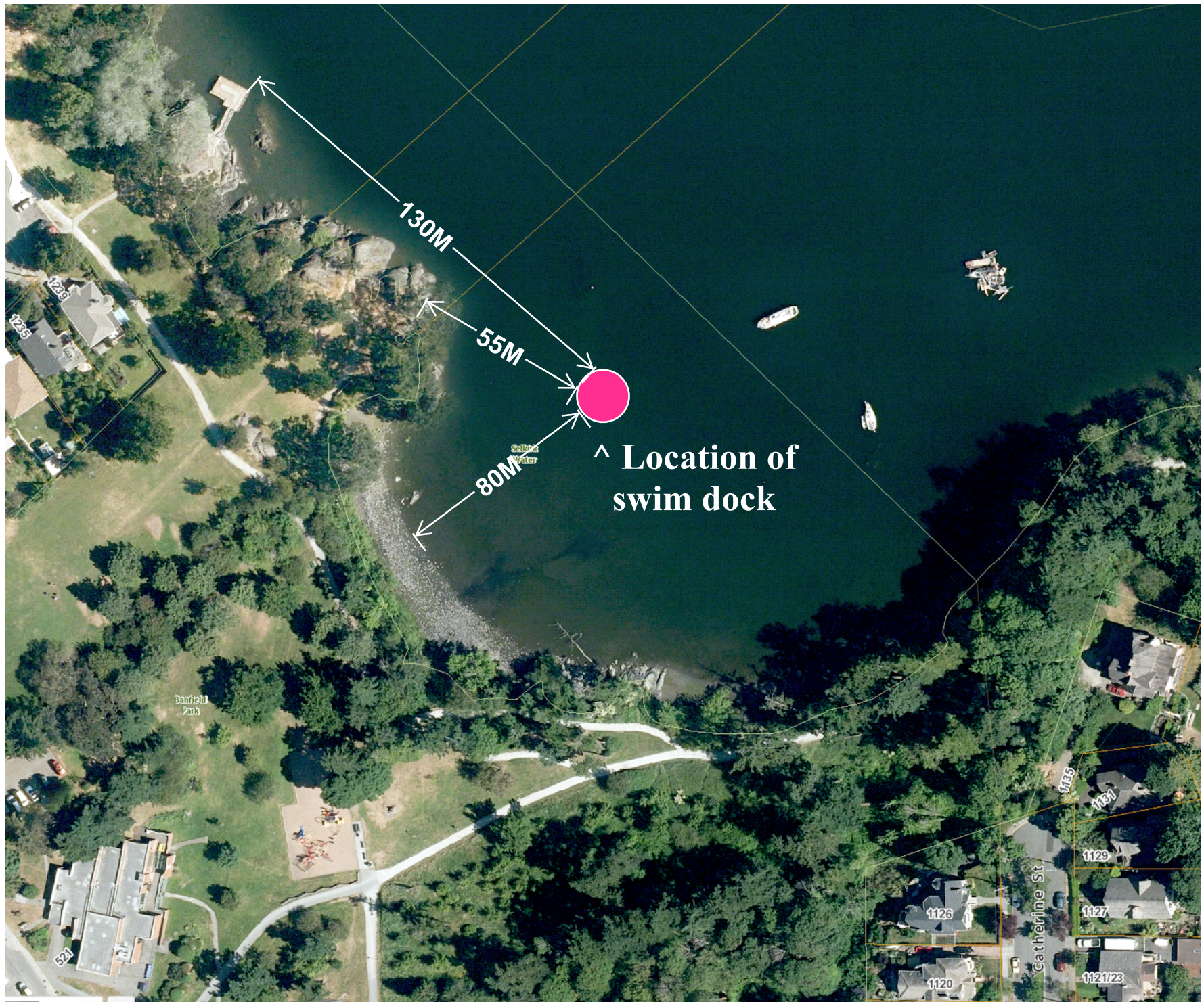
SCALE: 1" = 1'-0"



3

Cross Section

SCALE: 3/4" = 1'-0"









ARYZE





ARYZE



ARYZE





Council Member Motion
For the Committee of the Whole Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 27, 2021
From: Councillor Ben Isitt, Councillor Jeremy Loveday and Councillor Sharmarke Dubow
Subject: Advocacy for Protection of Fairy Creek and Other At-Risk Old-Growth Forests

BACKGROUND

Local governments including the City of Powell River, the City of Port Moody and the City of Nanaimo are joining the chorus of grassroots voices around British Columbia calling for protection of remaining stands of original high productivity (big tree) old-growth forests on Vancouver Island.

The City of Victoria has consistently advocated for protection of old-growth rainforests through the immediate transition to sustainable management of second-growth forests, improving outcomes including biological diversity, water quality, sustainable employment and community resilience.

Current controversy surrounding proposed logging at Fairy Creek – the last unlogged watershed in the San Juan River system in the Capital Regional District – has demonstrated the need for prompt action on recommendations in the Provincial government’s Old Growth Strategic Review (2020).

It is therefore recommended that Council endorse the following resolution to lend support for protection of Fairy Creek and other at-risk old-growth forests on Vancouver Island.

RECOMMENDATION

That Council endorse the following resolution and direct staff to forward copies to the Premier of British Columbia, Members of the Legislative Assembly representing constituencies on Vancouver Island, the Capital Regional District Board, municipalities in the Capital Region, and the Association of Vancouver Island and Coastal Communities, requesting favourable consideration:

Resolution: Immediate Protection for Fairy Creek and All At-Risk Old-Growth Forests on Vancouver Island

WHEREAS Ancient high productivity old-growth ecosystems are globally one of the most valuable climate mitigation and resiliency assets in terms of carbon storage, sequestration, protection against wildfire, storage of water and preservation of biological diversity;

AND WHEREAS Less than 3% of the original high productivity (big tree) old-growth forests in British Columbia remain standing, and of this residual land base, 75% is slated to be eliminated through industrial logging operations;

AND WHEREAS Alternatives exist to increase protection of biological diversity and employment, through the immediate transition to sustainable management of second-growth forests with expanded value-added processing and manufacturing;

THEREFORE BE IT RESOLVED THAT the City of Victoria calls on the Government of British Columbia to immediately defer logging in all high-productivity old-growth forests on Vancouver Island, as recommended by the Old Growth Strategic Review, until all 14 of the panel's recommendations have been implemented, including the Fairy Creek watershed in the Capital Regional District and all other at-risk old-growth forests on Vancouver Island;

AND BE IT FURTHER RESOLVED THAT the City of Victoria calls on the Government of British Columbia to allocate funding to enact deferrals in an economically just manner, in the full spirit of reconciliation and to support the economic transition of affected First Nations and non-First Nation communities from unsustainable old-growth logging toward the development of long-term sustainable local economies.

Respectfully submitted,

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

Councillor Isitt

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

Councillor Loveday

A handwritten signature in black ink, appearing to read 'Dubow'.

Councillor Dubow

Attachments:

1. *A New Future for Old Forests: Old Growth Strategic Review* (2020)
2. Letter from Elder Bill Jones, Pacheedaht First Nation (2020)

The background of the entire page is a vibrant, abstract stained glass illustration of a forest. It features large, irregular shapes in various shades of green (from deep forest green to bright lime green) and warm reds/oranges, representing foliage and tree trunks. These shapes are separated by thick black lines, mimicking the lead in stained glass. The overall effect is a colorful, textured representation of a natural environment.

A NEW FUTURE FOR OLD FORESTS

A Strategic Review of How
British Columbia Manages
for Old Forests Within its
Ancient Ecosystems

OUTCOMES

Healthy
Ecosystems

Effective
Management

Public
Support

PRODUCTS

Compliance
with existing
targets &
guidelines

Integrated
provincial-local
goals &
priorities

Innovative
silviculture
systems

Inclusive
stable
governance

Updated
targets &
guidelines

Updated
classification
& inventory

Protected,
Converted &
Consistent
zoning

Improved
public
information

Indigenous
involvement

Address
immediate
threats

Monitoring,
evaluation &
updates

Transition
planning

Transition
support

Over-Arching Ecosystem Health Legislation

Provincial Policy on Old
Forest & Implementation Plan

Public Engagement

BC-Indigenous G2G Relationship

CORE DRIVERS

GUIDING
PRINCIPLES

Focus on
ecosystem
health

Use
scientific
methods

Involve
the public

Maintain
local
flexibility

Foster a
paradigm
shift

Manage
for multiple
benefits



April 30, 2020

Honourable Doug Donaldson
Minister of Forests, Lands,
Natural Resource Operations
and Rural Development
Room 248 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister,

We are pleased to submit this report detailing the results of our independent strategic review of old growth forest management in British Columbia. We have been honoured to co-chair this work, and to have had the opportunity to engage with and hear from British Columbians directly about how they value old forests, and how they believe they should be managed.

In addition to scientific studies and data, people shared their personal observations, perspectives, and ideas about what needs to be done. In many cases, their information and ideas were about broader land use policies, or sometimes they focused on how to manage a specific plot of land. We particularly appreciated the constructive approach taken by nearly every participant in the dialogue, and the common sentiment that we need to find better ways to manage old forests for a broad spectrum of benefits and reasons.

Our recommendations are shaped by a recognition that society is undergoing a paradigm shift in its relationship with the environment, and the way we manage our old forests needs to adapt accordingly. In the government's upcoming deliberations about how to implement our recommendations, we encourage you to engage with Indigenous leaders and organizations from the outset, and to involve local communities and stakeholders throughout the process.

We also encourage you to consider our recommendations as a whole. Had previous old forest strategies and recommendations been fully implemented, we would likely not be facing the challenges around old growth to the extent we are today, i.e., high risk to loss of biodiversity in many ecosystems, risk to potential economic benefits due to uncertainty and conflict, and widespread lack of confidence in the system of managing forests.

We would finally like to thank you and your government for putting your trust in us to carry out this review. We have done our best to capture the passion and many good suggestions that were provided in the hopes that the results of our deliberations will help you as your government determines the future management of old forests in British Columbia.



Al Gorley, RPF
Co-Chair



Garry Merkel, RPF
Co-Chair



Ponderosa pine

Photo by Deb MacKillop

ACKNOWLEDGEMENTS

Many people care about appropriately conserving and managing British Columbia's old forest ecosystems. We spoke directly with nearly 800 people and heard from thousands more through our survey, written submissions and emails. We thank everyone for sharing their knowledge and opinions. Viewpoints were often expressed with passion and a sincere interest in old forests and land stewardship. In addition to scientific studies and data, people shared their personal observations, perspectives, and ideas about what needs to be done. In many cases, the information and good ideas we received were about broader land use policies, or sometimes they focused on how to manage a specific plot of land. We particularly appreciated the constructive approach taken by nearly every participant in the dialogue, and the common sentiment that we need to find better ways to manage old forests for a broad spectrum of benefits and reasons.

The written input we received has been provided to the provincial government, with the survey results, a specially commissioned technical report, and a summary of the written submissions is also provided in a What We Heard report. Please note that original versions of the written submissions we received are available on the Province's [Old Growth Strategic Review](#) website. This report does not cite every comment or idea we received, but we have attempted to bring together the essence of what we learned in our recommendations and implementation suggestions.

As many of you reminded us, it is important to recognize that old forests are more than old or big trees. They are a product of ancient and unique ecosystems, and their characteristics vary greatly across the province. They can only be effectively managed in the context of broader public priorities, including the interests of current and future generations.

We would also like to thank the people who directly supported our work on this endeavour:

- Project management: Steve Kachanoski (BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development)
- Logistics and record keeping: Sacha Chin and Trevor Pancoust (Pace Group Communications)
- Report preparation and editing: Greg Descantes (Pace Group Communications)
- Report graphic design: Myron Advertising + Design
- Survey design and results: Elevate Consulting



Al Gorley and Garry Merkel

Photo by Sacha Chin

FOREWORD

Almost three decades ago, over a hundred people from various walks of life, including government, worked for 18 months to find consensus on *An Old Growth Strategy for British Columbia* (B.C. Ministry of Forests, May 1992): In that report the development team said:

*“Members of the public, public interest groups, professional resource managers and representatives of industry have expressed increasing concern about management of old growth forests in British Columbia. Not only does the forest industry depend heavily on old growth for its current wood supply, but many new demands are being placed on the remaining old growth to satisfy a broad range of forest values. **In parts of the province, meanwhile, opportunities to reserve representative samples of old growth are dwindling rapidly** (emphasis added). These pressures are leading to increased instances of conflict among supporters of competing land uses.”*

Although many subsequent measures were taken under the auspices of land-use planning and the forest practices code (some of which carried forward to the current legislation), many critical aspects of the strategy laid out in that report were either discarded or only partly implemented. Had that strategy been fully implemented, we would likely not be facing the challenges around old growth to the extent we are today:

- High risk to loss of biodiversity in many ecosystems.
- Risk to potential economic benefits due to uncertainty and conflict.
- Widespread lack of confidence in the system of managing forests.

While some of the immediate old forest issues we face can be addressed within the existing policy framework, continuing to apply the approaches that brought us to this point will not provide a sustainable solution. Our underlying assumption is that the government feels it is in the public interest to conserve long-term ecosystem health by maintaining forest biodiversity, so this priority will therefore be the foundational goal of any new strategy. We also assume that a new strategy and supporting policies and programs will be developed through dialogue with Indigenous governments, communities, and stakeholders in a manner that reflects the ecological, historical, and socio-economic uniqueness of each region.

Many of the people we heard from during our engagement process expressed optimism for a positive change to managing old forests, however we also heard a considerable amount of skepticism. We frequently heard about examples where current and past governments were perceived as having not followed through on initiatives or recommendations, including: full implementation of the previous Old Growth Strategy (1992); monitoring and updating land-use plans; reviewing, monitoring and updating biodiversity guidance; and implementing the [recommendations](#) of the Forest Practices Board (2012) on old growth management, and the Auditor General’s (2013) [report](#) on biodiversity, to name just a few.

Therefore, we have suggested that if the government accepts our recommendations, it develop a formal implementation plan to accompany its public response. We advise that this be developed in collaboration with Indigenous governments, and in consultation with many others. We hope this approach provides an avenue to simultaneously build good policy and practices, a stable timber industry as well as public trust.

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DEFINITIONS

Aspatial – Used to describe targets set for the amount of old forest to be retained within a management area as a whole, but not at a specifically define location.

Biodiversity Conservation – To maintain ecosystem, species and genetic diversity, and the processes that shape them, in the face of human development.

Climax condition or climax vegetation communities – A forest community of plants, animals, and fungi which, through the process of ecological succession in an area over time, have reached a state where they are subject to very little overall change.

Forest Stewardship Plan – A plan which guides forest operations for a timber tenure required under the *Forest and Range Practices Act* which is prepared by a forest licensee and approved by government.

Land Use Plans – Plans sanctioned by the provincial government, including those arising from the Commission of Resources and the Environment (CORE), Land and Resource Management Plans (LRMPs), and those developed through government-to-government processes such as for the Great Bear Rainforest and Haida Gwaii.

Legal / Non-legal OGMA – Individual Old Growth Management Areas that are either legally established or are not legally established but still identified in the planning process.

Natural range of variability – Describes the disturbance processes and ecosystem variability that these disturbances create, typically defined by the period before European settlement.

Old growth – A generic term to describe forests with old trees. In British Columbia, for management purposes, this is usually described according to the age of the trees (usually 250+ years on the coast and 140+ years in the interior).

Primary forest – Forests of native tree species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed.

Second growth forest – Forests regenerated on native forests that were cleared by natural or human causes.

Seral stage - An intermediate stage found in ecological succession in an ecosystem advancing towards its climax community. In many cases more than one seral stage evolves until climax conditions are attained.

Site Index – An indicator of site productivity described by the height that a stand of trees reach in a given time, e.g., SI_{50} means the height at 50 years.

Site series – A finer stratification of a biogeoclimatic sub-zone based on soil moisture and nutrients.

Spatial vs Aspatial – OGMAs that are identified spatially on maps (spatial) or are tracked in overall statistics but not specifically identified on a map (aspatial).

ACRONYMS

AAC – Allowable Annual Cut: The number of cubic meters that are allowed for harvest each year in a given area.

BEC – Biogeoclimatic Ecological Classification: A system of classification that categorizes the landscape into zones, each with its own with unique biological, geological and climatic properties.

CORE – [Commission on Resources and Environment](#): A government-appointed commission that was in place from 1992-1996 and lead a variety of land initiatives including various regional land use plans.

ENGO – Environmental Non-Government Organization

FRPA – Forest and Range Practises Act: Legislation (2002) that regulates forest practises in British Columbia.

FSP – Forest Stewardship Plan

LRMP – Land and Resource Management Plan: A local land use plan that engages a number of local stakeholders in the preparation and ongoing monitoring and updates to that plan.

NGO – Non-Government Organization

NRV – Natural Range of Variability

OGMA – Old Growth Management Area: An area that is set aside and specially managed for old forest values.

LU – Landscape Unit: The base area for operational forest planning.

LUP – Land Use Plan

SI – Site Index

THLB – Timber Harvesting Land Base: The area that is operationally feasible to be accessed for timber harvesting.

TSA – Timber Supply Area: An administrative area that is used to set the AAC.

TSR – Timber Supply Review: The process for establishing the AAC in a TSA.

VQO – Visual Quality Objective: A mechanism for protecting the visual quality of a forested landscape.

TERMS OF REFERENCE AND PROCESS

On July 17, 2019, the Government of British Columbia announced that we, Al Gorley and Garry Merkel, would be appointed as an independent panel to undertake a province-wide [Old Growth Strategic Review](#) and provide a report to the Minister of Forests, Lands, Natural Resource Operations and Rural Development by April 30, 2020. The purpose is to inform the development of broad public policy regarding old growth forests. The government committed to releasing the report to the public within six months of us submitting it.

In British Columbia, the term “old growth” is officially defined by the age of trees in a forest using specific thresholds (often over 250 years on the coast and 140 years in the Interior). However, we did not limit ourselves to that timber-based definition because it would not have adequately captured the many values, interests and circumstances surrounding conservation and management of old forests.

We were asked to examine the subject from a variety of perspectives, including employment, economic, social, cultural, environmental and climate change, and to consider the interplay between them. To ensure we were aware of these perspectives, we undertook a four-month process of engagement which was substantially completed on January 31, 2020. We did not characterize our outreach as “consultation” because that will be the job of government after it receives our recommendations. Our aim was to learn as much as we could from a wide spectrum of people throughout the province so that we could hopefully make as fulsome a set of recommendations as possible. We also wanted to make sure every British Columbian had an opportunity to express their views.

Without limiting who we heard from, our commitment was to ensure we connected with:

- Indigenous governments and communities
- Local governments and communities
- The forest industry
- The tourism and recreation industries
- Environmental non-government organizations
- Professional associations
- Professionals, academics, and other experts
- Forest and resource stewardship organizations
- Stakeholder groups
- Members of the public

| Engagement Techniques | |
|---|---|
| In-person, teleconference, and videoconference | We participated in over 200 meetings in 45 communities with close to 800 people. To ensure we received input from a wide variety of perspectives, we reached out directly to some groups and individuals, and through our Province of BC website invited everyone interested to request a meeting. Due to the time available, we were unable to accommodate all meeting requests. We kept informal notes of these meetings to help us write this report, but they will not be published. A list of in-person meeting locations can be found in our <i>What We Heard</i> report. |
| Written submissions | We invited individuals and organizations to make formal written submissions. We received more than 300 submissions along with more than 400 published articles, scientific papers, and reports. With a few exceptions where confidentiality was requested, we have asked that these submissions be accessible on the government's website. A synopsis of the written submissions is available in our <i>What We Heard</i> report. |
| Survey responses and emails | We encouraged people to complete our on-line survey, which was open for just over three months, or to send us an email. We received 18,523 survey responses, and approximately 9,000 emails to our electronic mailbox. The results of the survey are summarized and available with this report. The original submissions are also available on the government's website. |
| Technical and scientific briefings | <p>We received an initial technical briefing from a group of over 30 government staff to ensure we were informed about the status of current forest management processes and initiatives relevant to our task. Several follow-up briefings were also held to address specific information requirements.</p> <p>We also commissioned a report from the Department of Forest Resources Management at the University of British Columbia to tell us how other jurisdictions manage old forests and what we can learn from them. That document is available in the <i>What We Heard</i> report.</p> |

The variety and number of contributors exceeded our expectations. We heard from and met with elementary school children, high-school and college students, leading researchers, small and large business from all areas of the timber and non-timber forest sector, practising and retired professionals, elders, parents and grandparents, forest and service sector workers, environmental advocates, self-described average citizens, government employees, and political leaders to name a few. Many people talked about the broader system for managing old forests, whereas others offered up specific local examples to explain their point of view.



Executive Summary

Grizzly Den Trail — High-elevation forest east of Prince George
Photo by Al Gorley

Old forests, especially those with very large trees, are the product of ancient ecosystems, icons of British Columbia's landscape, and a key aspect of the province's unique identity. In addition to their intrinsic value, the timber they provide is important to the provincial economy, and a primary source of income in many communities. These same forests anchor ecosystems that are critical to the wellbeing of many species of plants and animals, including people, now and in the future. The conditions that exist in many of these forests and ecosystems are also simply non-renewable in any reasonable time frame.

Facing diminishing available timber supplies, ecosystems at risk of biodiversity loss in several areas, and significant public concern, the Government of British Columbia announced that an independent panel (Al Gorley and Garry Merkel) would carry out a province-wide Old Growth Strategic Review to inform the development of new management policies and strategies.

In order to understand the range of perspectives (employment, economic, social, cultural, environmental, climate change and more) and consider the interplay between them, we undertook a four-month engagement process to hear from as wide a spectrum of people and organizations as possible throughout BC. This was achieved through a combination of meetings, written submissions, and an online survey. The review looked beyond the timber-based definition of "old growth" so we could adequately capture the many values, interests and circumstances surrounding the conservation and management of old forests. This is one of three reports, and contains a situation overview, our recommendations, and implementation advice. There are two companion documents: *A New Future for Old Forests: Summary Report and Old Growth Strategic Review: What We Heard*. All three reports and the written submissions we received are posted on the Province's [Old Growth Strategic Review website](#).

Our strategic review of the management of old forests led us to conclude that despite the good intentions and efforts of many people, including government personnel associated with forest management development and implementation, the overall system of forest management has not supported the effective implementation or achievement of the stated and legislated public objectives for old forests. This has not come about because of any one group or decision, but through a pattern of many choices made over several decades, within an outdated paradigm.

While our report cannot possibly reflect the full breadth and depth of the information provided to us, our key observations are:

1. Ecosystems with large, old trees are important to British Columbians for many different reasons.
2. Retaining and managing forests of old trees is a key strategy for maintaining biological diversity and cannot be done in isolation.
3. The extent and condition of ecosystems with old trees, relative to natural condition, is highly variable across the province.
4. The economy is heavily dependent on trees harvested from primary forests of old trees.
5. The current system for retaining old forest and managing their attributes has issues arising from incomplete implementation of previous strategies, social trade-offs and a changing landscape.
6. There are opportunities to create greater certainty for forest-dependent communities by formally zoning timber harvesting areas; generating more sustainable and longer-term non-timber economic benefits from old forests; and developing innovative silviculture systems.
7. Climate change will become an increasingly bigger factor in choices about forest management.
8. Information around the types, condition and current status of old forests and information provided to the public about old forests is highly variable across the province.
9. There is widespread support for the provincial government and Indigenous governments to collaboratively create updated strategies and policies for the management of old forests.

There is a near-unanimous agreement that managing the health of old ecosystems, especially those with old trees provides many benefits. We believe the fundamentals to success for the Province's forest management system are ecosystem health, effective forest management and public support. Our review identified weaknesses in each of these areas. To adequately manage and protect BC's old forest biodiversity, attributes, values and benefits for future generations, these weaknesses will have to be addressed. Our recommendations are shaped by that understanding, and the recognition that society is undergoing a paradigm shift in its relationship and interaction with the environment, and the way we manage our old forests needs to adapt accordingly.

Recommendations

On conditions required for change:

1. Engage the full involvement of Indigenous leaders and organizations to review this report and any subsequent policy or strategy development and implementation.
2. Declare conservation of ecosystem health and biodiversity of British Columbia's forests as an overarching priority and enact legislation that legally establishes this priority for all sectors.
3. Adopt a three-zone forest management framework to guide forest planning and decision-making.
4. Adopt a more inclusive and stable governance model that gives local communities and stakeholders a greater role in forest management decisions that affect them.
5. Provide the public with timely and objective information about forest conditions and trends.

For immediate response:

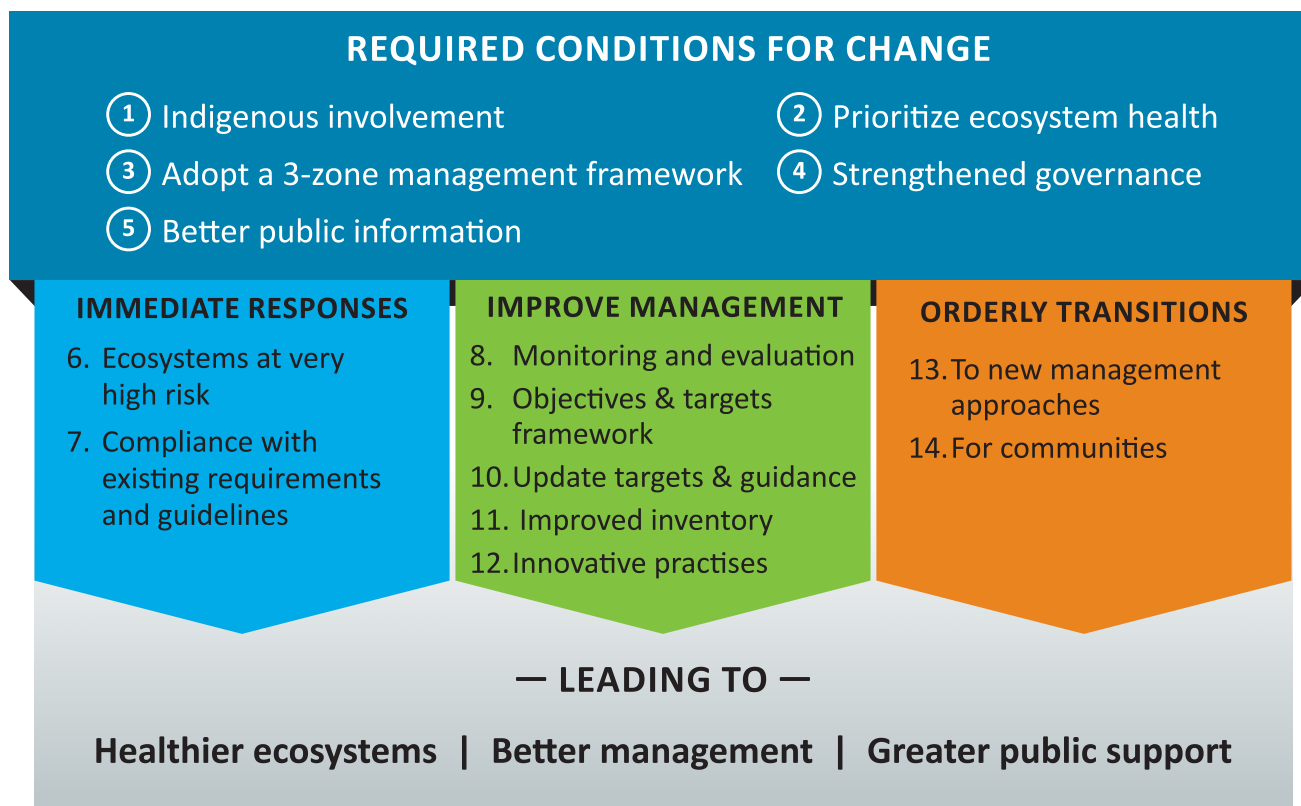
6. Until a new strategy is implemented, defer development in old forests where ecosystems are at very high and near-term risk of irreversible biodiversity loss.
7. Bring management of old forests into compliance with existing provincial targets and guidelines for maintaining biological diversity.

For improving management:

8. Establish and fund a more robust monitoring and evaluation system for updating management of old forests.
9. Establish a standardized system and guidance that integrates provincial goals and priorities to local objectives and targets.
10. Update the targets for retention and management of old and ancient forest.
11. Improve the mapping and classification of old forests to recognize multiple values.
12. Create a silviculture innovation program aimed at developing harvesting alternatives to clearcutting that maintain old forest values.

For orderly transitions:

13. Once developed, implement the new policies and strategies for for the management of old forests through mandatory provincial and local transition plans that define, schedule and monitor the process.
14. Support forest sector workers and communities as they adapt to changes resulting from a new forest management system.





Introduction

INTRODUCTION

Old forests, especially those with very large trees, are the product of ancient ecosystems, an icon of British Columbia's landscape, and a key aspect of the province's unique identity. In addition to their intrinsic value, the timber they provide is an economic mainstay, and was once the province's main economic driver. The same forests anchor ecosystems that are critical to the wellbeing of many species of plants and animals, including people, now and in the future.

In recent years, the government has been under pressure to protect old forests from degradation by industrial development. At the same time, there is pressure to maintain viable resource industries at a scale that can compete in global markets. This has led to increasing tension and uncertainty about what will happen to both the forest and the industry. There have been large-scale public demonstrations demanding an end to logging "old growth" and others demanding the government protect jobs by protecting "the working forest" in the face of diminishing timber supplies. The challenge for government is further complicated by the tremendous diversity of the province. Not only are forest types different, but the history of development and economic dependence of communities on forestry varies vastly from one part of the province to another.

The purpose of this report is to inform the development of provincial policies and strategies regarding old forests. In British Columbia the term "old growth" is officially defined by the age of trees in a forest using specific thresholds (often over 250 years on the coast and 140 years in the interior). However, we have not limited ourselves to that definition because it would not have adequately captured the many values, interests and circumstances surrounding the conservation and management of old forests.

It is important to acknowledge that old forests do not exist in a vacuum. Effective management of old forests can only be properly addressed in the context of their role within the larger ecosystem, and as one component of the larger management system. While our review focussed on how we manage old forests, a significant number of people we heard from during our engagement process told us they have lost confidence in our broader forest management system. Many communities expressed strong concerns about the negative effects of current practices on their forests, ecosystems, water supplies, community safety and other forest-related businesses with little benefit in return. Others told us they are very frustrated because they think that too much harvestable timber is being set aside or made cost-prohibitive, leading to the loss of jobs and essential revenue to the community. Recognizing all these concerns, we feel that orientation of the broader forest management policy, as well as some specific interdependent components, also need to be addressed and we have identified them accordingly.

We received many submissions that identified threats to old forests and their values, and a sense of urgency was often expressed. We also received a number of submissions telling us that old forests are well managed and should be left to the professionals. While some of this is likely the result of different perspectives, interests and beliefs, it also depends a lot on location and scale. One notable observation is that very few groups or individuals fully trusted the information they see on forest management and the state of old forests, regardless of the source.

The panel believes that the fundamentals of success for the Province's forest management system are ecosystem health, effective forest management and public support. Not effectively addressing any one of these elements creates an almost certain risk of failure.

“If we take care of the land
— the land will take care of us!”

A comment made to the Panel many times
throughout the engagement process



Ecosystem Health: Ecosystems provide a multitude of services essential to the health of all living things, including humans. Ecosystems are very complex and have many individual components which all have some interdependence at a local or landscape level. We will never fully understand ecosystems or how much they can be put under stress before they collapse. Science gives us some direction, but we need to continually improve our understanding and translate that understanding into practise while leaving room for error in the face of uncertainty.

Effective Management: An effective management system has clear and transparent publicly driven goals and objectives; programs and methods designed to achieve them; resources, authority, and management controls necessary to implement them; and monitoring of efficiency and effectiveness to adapt and improve over time.

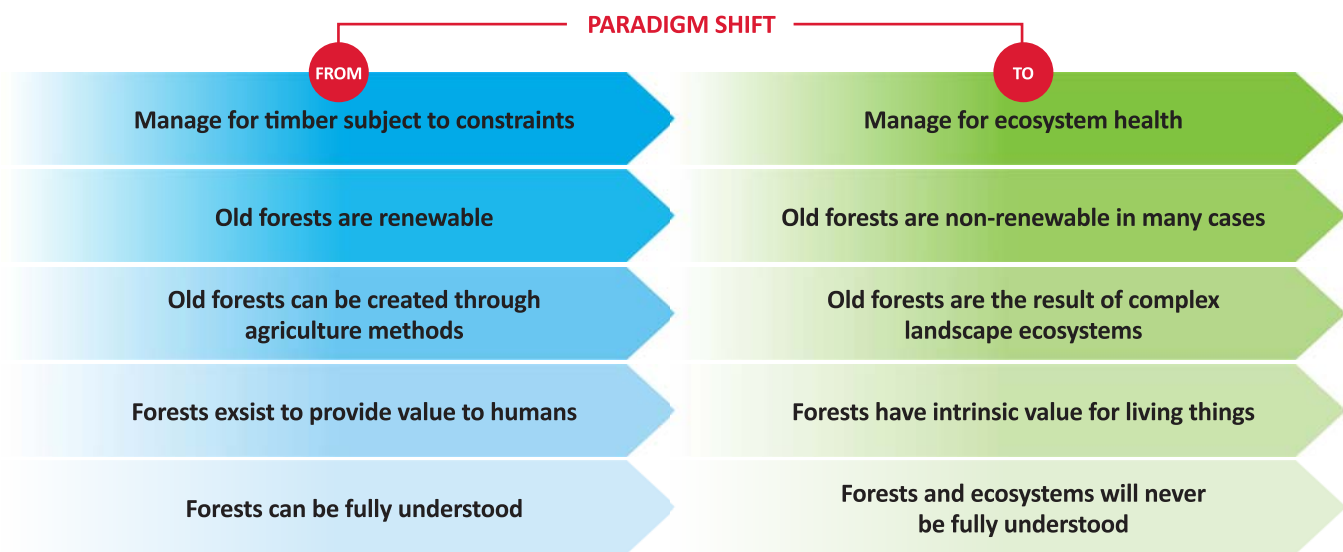
Public Support: We believe that deep and meaningful public engagement and a highly informed public are important factors in gaining public support and associated forest management stability. The confidence and trust of the general public is the biggest determinant in how much freedom government and industry have to manage our forests. If the public feels that the system is not looking after their interests, the predictable response is increased mistrust and opposition to many activities carried out by that system, demands for increased participation and control over decision-making, along with large swings in support for political parties. These reactions are intensified when communities feel that values and conditions important to their survival are threatened — a theme that we heard from a wide range of individuals and groups.



These fundamental requirements for success underly our conclusions and recommendations.

Many of the recommendations in this report are also shaped by our recognition that society is undergoing a paradigm shift, and public policy related to forest management will need to adapt accordingly:

1. BC’s Indigenous communities will be key players as one of the most important participants in our future forest management system.
2. Moving to an effective management system for old forests will require a shift in its underlying assumptions. Many other countries are experiencing a similar shift, some proactively and some reactively, largely because of public pressure. Some aspects of this new paradigm are illustrated in the adjacent diagram.
3. There is no one-size-fits-all solution. A new system can establish updated standards, but the application of those standards will need to vary throughout the province depending on ecosystem type, existing and potential ecosystem impacts, local socio-economic conditions and other factors.
4. The full suite of proven scientific methods, e.g., reliable vetted information, targeted research, adaptive management, monitoring and effective technology transfer (research to practise), are essential foundational elements. Properly incorporated, these elements provide a known, reliable, and replicable foundations upon which to build.



An aerial photograph of a vast forest landscape. The foreground is filled with a dense forest of trees with vibrant orange and red foliage, likely deciduous trees in autumn. Behind this, a large expanse of forest appears dead or dormant, with a greyish-brown canopy. In the far distance, rolling green hills are visible under a clear sky. A solid blue rectangular box is positioned in the upper right corner, containing the title text.

Situation Description

Beetle killed Interior pine forest.
Photo by Will MacKenzie

SITUATION DESCRIPTION

This section describes several of the major factors affecting management of old forests in British Columbia, as we have come to understand them. What we have written here cannot possibly reflect the full breadth and depth of the information provided to us, but we have attempted to capture the highlights. Additional detail can be found in our companion [What We Heard](#) document, and in the many written submissions and technical papers posted on the project [website](#). We encourage individuals desiring a more complete understanding of the situation to access that material.

One of several interrelated government initiatives.

In undertaking this review, we quickly became aware of several other government initiatives that are in various stages of completion (See figure below). Many of these touch on some of the same general issues as our review, i.e., How do we create more effective systems to manage forest lands throughout the province, and how do we manage the social, economic and environmental transition to these new systems of land management? We attempted to gain a general familiarity with these and other related ongoing initiatives so as to avoid creating unnecessary confusion or inadvertently getting at cross purposes.



“Old growth” means many things.

The definitions used for forest inventories and planning are based on the age of the dominant trees in a forest ecosystem (often over 250 years on the coast and 140 years in the Interior). However, those definitions were of little relevance to most people outside the forestry sector, and often seen as too narrow by those within it.

In many ways, old growth is in the eye of the beholder. If we mean old forest, then we need to recognize that nearly all of British Columbia's forests (and a host of species and ecosystems services) have evolved within ecosystems that have been developing since glaciation, around 10,000 years ago, and although the trees die and regrow, most areas have continuously been occupied by forest. In other parts of the world, these would be called "ancient forests" regardless of the age of the trees. If we are talking simply about old trees, then a sub-alpine forest comprised of 200-year-old, 20-meter-tall hemlock or balsam is every bit as much old-growth as the giant spruce, cedar, and fir on coastal lowlands. The photos below illustrate a few types of old forests in British Columbia.



1 Photo courtesy BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development



2 Photo courtesy BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development



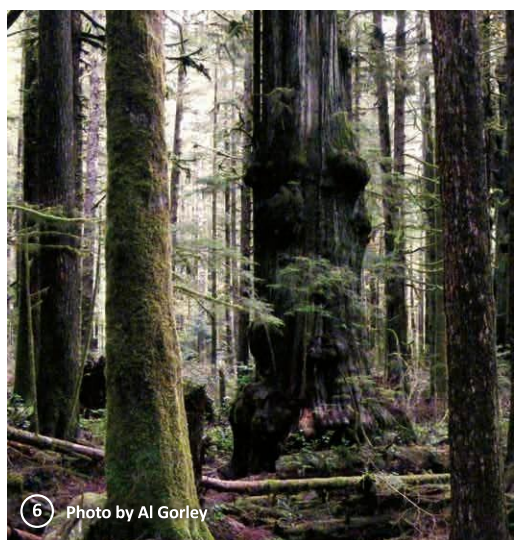
3 Photo courtesy Deb MacKillop



4 Photo by Garry Merkel



5 Photo courtesy BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development



6 Photo by Al Gorley



7 Photo courtesy BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development

1. Southern Interior Ponderosa Pine
2. Interior Lodgepole Pine

3. Mountain Hemlock
4. Southern Interior Cottonwood

5. Northern White Spruce bog
6. Coastal mixed age and species

7. Interior Engelmann Spruce,
Sub-Alpine Fir

strategy for managing the risk to biological diversity from industrial development, particularly logging.

Although scientists and professionals have developed working definitions for old growth, often based on the relative age of the dominant tree species, or sometimes on physical characteristics and ecological function, no single approach has been universally applicable. For example, according to An Old Growth Strategy for British Columbia (B.C. Ministry of Forests, May 1992): “*Old growth forests are natural stands of old and young trees and their associated plants, animals, and ecological relationships which have remained essentially undisturbed by human activities*”. The authors of that strategy recognized their definition required considerable refinement to reflect the diversity of the province’s forests, a notion repeated by others in subsequent years. The issue may be best described by an article in the *Journal of Forestry* (2004), which said: “*An ecological understanding of old growth requires a multi-scale perspective, ranging from individual trees to regions. A consensus on a single general ecological definition of old growth will never be reached, but that should not preclude the development of specific definitions need by managers.*”

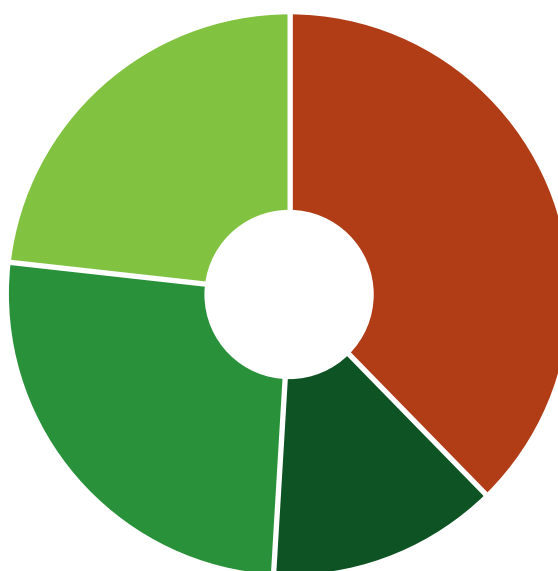
We heard from significant numbers of people who think of old growth as: exceptionally large trees worthy of travelling some distance to see; old or large trees near their home or school; accessible areas where they can enjoy a forest that doesn’t have obvious evidence of human disturbance; forests that feel old; areas of mostly older dead and dying trees; and forests with big trees that can be made into high-value products. Others didn’t differentiate by age or other characteristics specifically but were more interested in the ecosystem services mature forests provide, especially in relation to climate change, hydrology, and wildlife habitat. Many also made some reference to the value of old growth to conserving biological diversity. A common description was that it is original forest in its natural state, not altered by human activity. In our view, none of them are wrong. Through our recommendations we encourage more clarity in classifying and communicating about old forests, by being more specific about the management objectives and desirable attributes for a particular area of forest.

The amount of forest with old trees.

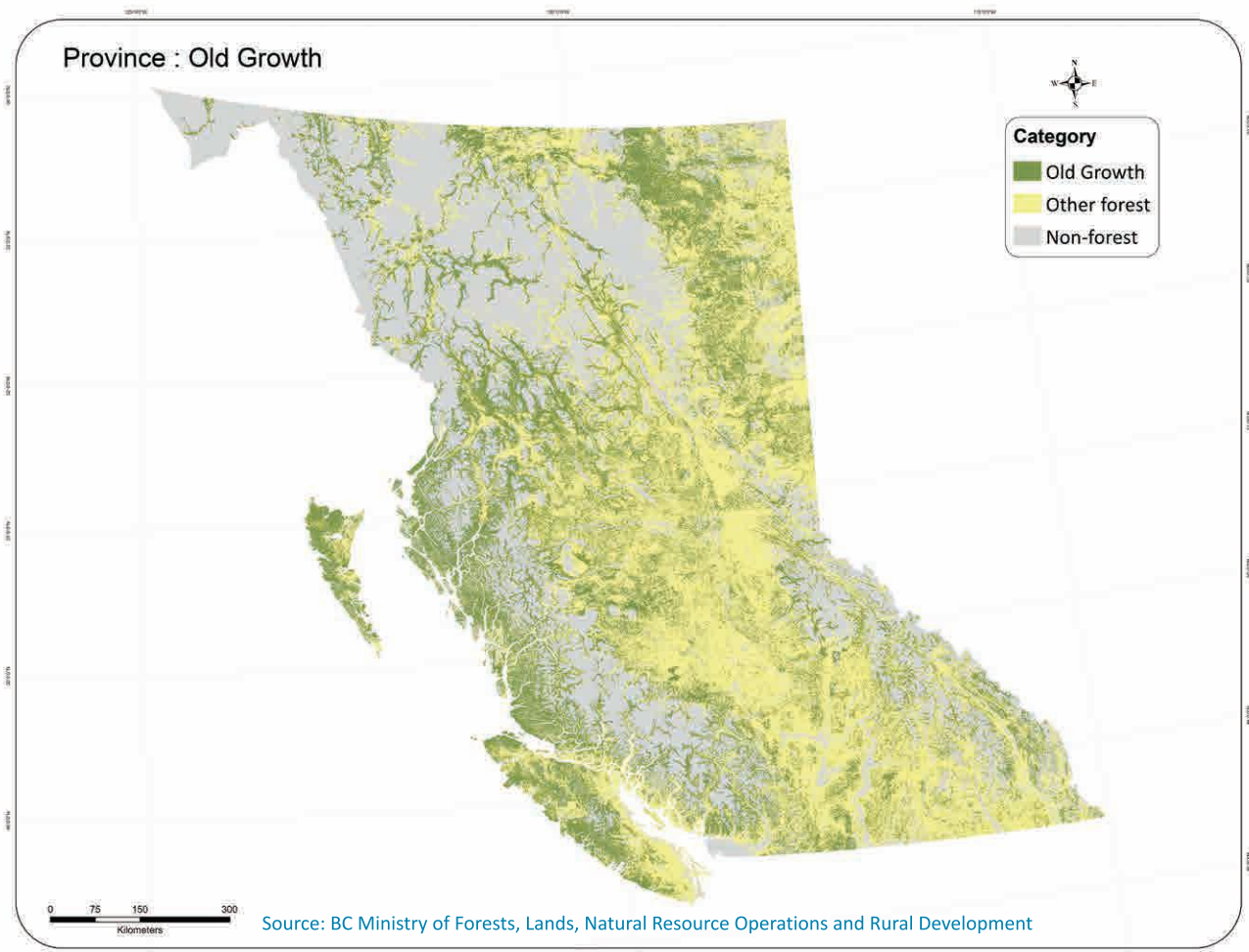
The total area of British Columbia is nearly 95 million hectares, of which 60% is forest. Based on the government’s forest inventory definitions, about 23%, or 13.2 million hectares is “old growth”.

The total area of British Columbia

-  Not Forest
-  Old Trees
-  Mature Trees
-  Young Trees



Forests with “mature” trees, but not classified as old growth constitute another 46% or 26 million hectares. Except at a very broad scale, the overall provincial statistics are of only limited value because there are vast differences in the amount and character of forest ecosystems with old trees across regions and on individual landscapes (naturally and because of human disturbance). And since the province is so biologically, ecologically and climatically diverse, with many different ecological zones, this means the distribution and representation of various types of forest is very uneven. The map below provides an overview of where old trees exist in the province.



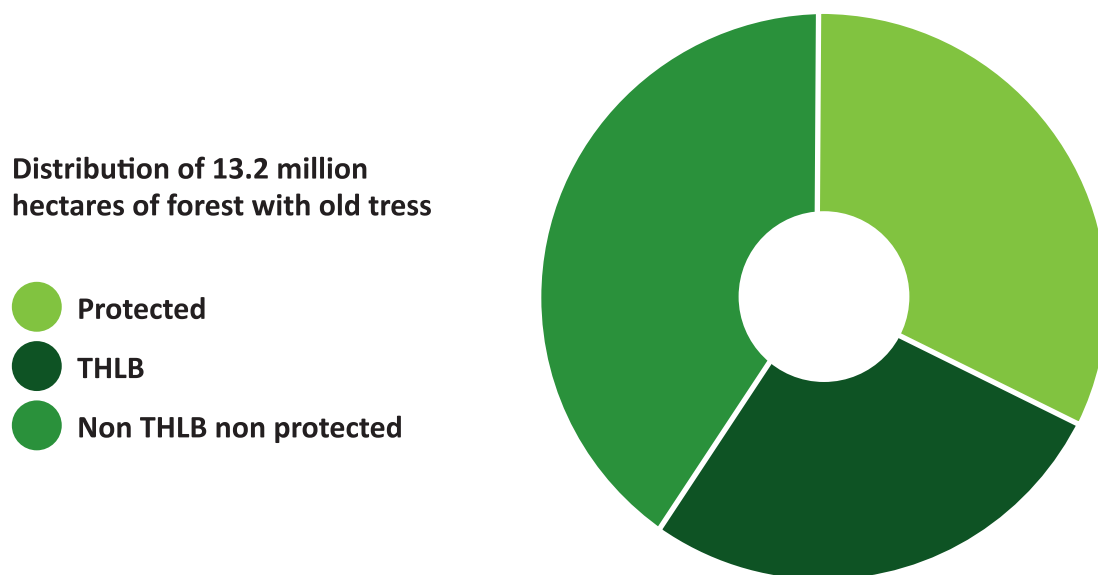
We have not attempted to include specific information about the amount, distribution, and quality of old forest at the regional or local level in this report, but our recommendations will encourage the government to proactively make more information publicly available at relevant scales.

About 4.5 million hectares, or 5% of the province is private land. Of that, approximately 818,000 hectares are in the Managed Forest Land Program. Although only a small portion of the total land area, this is important regionally, and is concentrated in the Kootenay area and southeastern Vancouver Island. Our review focused on public lands; but we heard various concerns that practices on private lands do influence adjacent public forest conservation and management objectives and are not integrated with the overall forest management system.

An important consideration, especially for managing risk to biological diversity, is how much of an area has old trees now relative to what would occur naturally — a proportion that varies by ecosystem and historical natural disturbance. Not all old forest is the same, and old does not necessarily mean big trees.

As much as 80% of the area of old forests consists of relatively small trees growing on lower productivity sites, such as Black Spruce bogs in the North, high elevation sub-alpine forests, or Cedar-Hemlock forests on the outer coast. Those forests remain in relatively great abundance, and are important ecologically, but they are not what many people typically envision as “old growth”, and although they may be disturbed by some industrial activities such as mining or oil and gas development, many are not likely to be extensively logged in the foreseeable future. Less abundant are ecosystems that are more productive from a timber perspective and have not already been heavily logged.

Of the 13.2 million hectares of old forest, 33% (4.4 million ha) is protected and 67% (8.8million ha) is not. Protected means the old forest is in parks, ecological reserves, ungulate winter range no-harvest areas, private conservation lands, regional water supply, wildlife management areas, OGMAs (legal and non-legal) and retention VQOs. Of the old forest that is not protected, 38% is within the THLB, while 62% is not as it is assumed to be currently inoperable.



One of the challenges we found early in the engagement process was how information about these statistics is communicated. We consistently heard concerns about the information available to the public. The issues were not so much about data, which has become much more widely available in recent years, but about how it is interpreted and communicated, and by whom. We have seen numerous examples of information put into the public realm that is fact-based but lacking in context or explanation of assumptions or scale.

Many people said they felt the government is largely absent in the discussion about old forest management. This perception is a problem, because the void leads some to believe that the government is bending to corporate interests, while others fear the government will acquiesce to the demands of environmental advocacy groups. If there was unanimity in the comments we received, it was around the need for the provincial government to take a stronger leadership role in facilitating an informed discussion about what is in the best long-term interest of the public, with a strong emphasis on Indigenous communities. In the past, the Province published State of the Forest reports through the Chief Forester’s office. The last such report was in 2010. On its website, the government does provide reports on environmental indicators, but not on forest conditions or on old forests specifically. The Forest Practices Board investigates and reports publicly on specific forest practices, but not on forest conditions.

British Columbians expressed a strong desire to participate in informed decisions about how old forests are managed. This was especially the case for those who will be most directly affected by changes to forest management strategies. We believe the public is not only looking for factual information, but also for objective analysis and context that explains what the collective statistics, indicators and trends are telling us.

Forests with old trees have many values

Forests with old and ancient trees contain unique combinations of attributes that grow from ecosystems that have formed over centuries or millennia. These attributes can rarely, if ever, be replicated in younger or compromised ecosystems, even if they contain old trees. It is also important to understand that the age and characteristics of old forests vary greatly between ecosystem types and therefore their descriptions and values are relative. In other words, a forest on the coast may have several species and many ages of trees, whereas drier Interior forests may have only one or two species and be relatively evenly aged. Of course, forest values go far beyond just the trees, as forests also contain other plants, insects and animals, many of which require old forest to survive.

Some of the many values found in forests with old and ancient trees are:

- Unique conditions and processes that are important to conservation of biodiversity;
- Unique species, many of which are still undiscovered;
- Banks of genetic material for future use or adaptation strategies;
- High value timber with qualities not found in younger forests;
- Resistance to fire;
- Interception and storage of water;
- High carbon storage and sequestration capacity;
- Botanical forest products, including medicinal, edible, decorative, and ceremonial plants;
- Fish and wildlife habitats, including essential attributes for nesting or denning, thermal protection and hiding from predators;
- Spiritual and cultural uses, including carvings, canoes, and ceremonial poles;
- Aesthetics such as resident viewing and tourism;
- Commercial and non-commercial recreation; and
- Knowing they are there for their own sake — intrinsic value.

Many of these values can be realized concurrently on the same landscape, or even in the same forest stand, but accessing them can also put them in conflict. The degree of risk depends on how much of the old forest is disturbed and what attributes remain and in what state.

Many people identified specific highly diverse and complex ecosystems that support very large, old trees, and have persisted in a relatively stable climax condition for centuries. These “ancient forests” are globally unique, rare, and contain species as yet undiscovered, and many of these ecosystems and old forests are simply non-renewable within any reasonable time frame. They promote protecting these areas from human disturbance to conserve a wide range of benefits, and particularly for their intrinsic value.

Economic Benefits.

Note that while we have provided examples of statistical information for the forestry and tourism sectors, we caution against direct comparisons as the information sources and their assumptions may vary. We also acknowledge that not all economic benefits are captured here, such as trapping, mushroom collecting, decorative plants, and others that are important sources of income for some individuals.

1. Timber harvesting

For over 100 years, the timber industry has been a central part of the provincial economy, exporting large quantities of lumber, pulp and other wood products to world markets, providing jobs in communities throughout British Columbia, and generating government revenue through stumpage fees and taxes. The industry depends heavily on cutting trees in old primary forests, and although its relative contribution to the overall provincial economy has declined in recent years, many communities, including an increasing number of Indigenous communities rely heavily on the jobs and revenue it generates.

According to statistics compiled in 2016 [report](#) for the Council of Forest Industries, harvesting of timber in British Columbia generates over 100,000 direct and indirect jobs, contributes \$12.9 billion to provincial GDP, and generates over \$2.5 billion to provincial tax revenues. Many of the jobs are spread across 140 forestry-dependent communities and urban centres, including Vancouver and the lower mainland.

According to Statistics Canada, forest product exports have made up 30% to 36% of B.C.'s commodity export value since the recession in 2009, and in 2018 was 32%. While service exports have been growing, commodities still make up the bulk of exports, making the forest sector an important source of foreign currency.

In BC, most of the industry is configured to harvest and manufacture existing primary old forest. There is a substantial interdependency between sub-sectors of the industry: harvesting; primary, secondary and tertiary manufacturing; transportation; and services. There are also regional interdependencies, with fibre moving between geographic locations at different stages of processing. For example, logs may be harvested in one area, sawn into lumber in another, with the byproduct chips being shipped to a pulp mill somewhere else. Some of the lumber may be shipped to a different region altogether for further manufacture.

According to [provincial government data](#), the non-lumber sector made up 46% of wood product manufacturing sales and more than 47% of wood manufacturing employment in 2018. The non-lumber industries include shingles and shakes, wood preservation, veneer, plywood and engineered wood products, millwork, container and pallet manufacturing, and other activities. The majority of non-lumber goods are consumed domestically, whereas the majority of lumber is exported (82% in 2018).

Concerns around log export and fibre utilization were raised in a number of outreach sessions. Several groups expressed frustration about logs being exported rather than used locally, valuable waste being left in the woods and the amount of old forest residue that is being burned because it is cheaper to burn it than use it. Some licensees and contractors told us that being forced to take poor quality timber, especially in isolated locations, would make their business uneconomical and cause them to shut down. We also heard from a few businesspeople that they could support a viable business if they could get access to these materials but are restricted by either the license holder or government regulations. We did not address this directly in this report however do note that it is an important matter with respect to continued social license.

2. Tourism and recreation

According to a [report in 2017](#) by Destination British Columbia, tourism employs 137,00 people and contributes \$9 billion to provincial GDP. Export revenue is reported to be \$5.4 billion and provincial tax revenue \$1.2 billion. The BC tourism industry is largely anchored in the “Super, Natural British Columbia” brand which invites visitors to enjoy activities in our wild and remote landscapes. While we have not seen province-wide data that states what portion of the economic impact of tourism and recreation is attributable to old forests, and perhaps it isn’t possible to know, we know old forests play a key role in tourism. Some individual tourism businesses have done studies on the economic value of old forests for tourism compared to timber in their specific area of operation. We are also aware of a recent (unpublished) study done in the area near Port Renfrew that found the net economic benefit is projected to be higher when the trees are left standing for tourism, than if they are logged.

Information provided by the Adventure Tourism Coalition states that adventure tourism directly or indirectly supports 32,000 families and generated \$3.2 billion in visitor spending in 2018. A 2014 analysis of coastal tourism opportunities provides some insight to the dependence of the sector on forests; 78% of surveyed marine tourism operators indicated that their business is “somewhat or very dependent on the natural environment,” and 37% cited views as the primary motivator for nearly all their clients.

There are many other examples of economic interdependence between tourism activities and old or mature forests, including:

- Hunting, fishing, and guiding
- Wildlife viewing
- Mountain biking
- Backcountry hiking, skiing, and snowmobiling
- Canoeing, camping, and horseback tours
- Touring

Perhaps the most obvious examples of tourism dependence on old forests are those activities centred around unusually large trees reasonably close to public access. The best known of these on the coast is probably Cathedral Grove in McMillan Provincial Park near Port Alberni, or in the Interior, the Ancient Forest Recreation Trail east of Prince George. Public and visitor interest in seeing and experiencing these and other big-tree forests is increasing and is being promoted.

3. Natural infrastructure.

Not an entirely new concept to many communities, this is an emerging area of economics and we feel it bears mention, particularly because of climate change. According to the [World Resources Institute](#): *“Natural ecosystems like forests and wetlands provide essential services to water utilities, businesses, and communities — from water flow regulation and flood control to water purification and water temperature regulation. To ensure these ecosystem functions and associated benefits continue, communities can strategically secure networks of natural lands, working landscapes, and other open spaces as ‘natural infrastructure.’ While concrete-and-steel built infrastructure will continue to play a critical role in water storage and treatment, investing in natural infrastructure can reduce or avoid costs and enhance water services and security as part of an integrated system to cost-effectively deliver safe drinking water.”* Some communities are already starting to incorporate the concept of natural infrastructure in community plans.

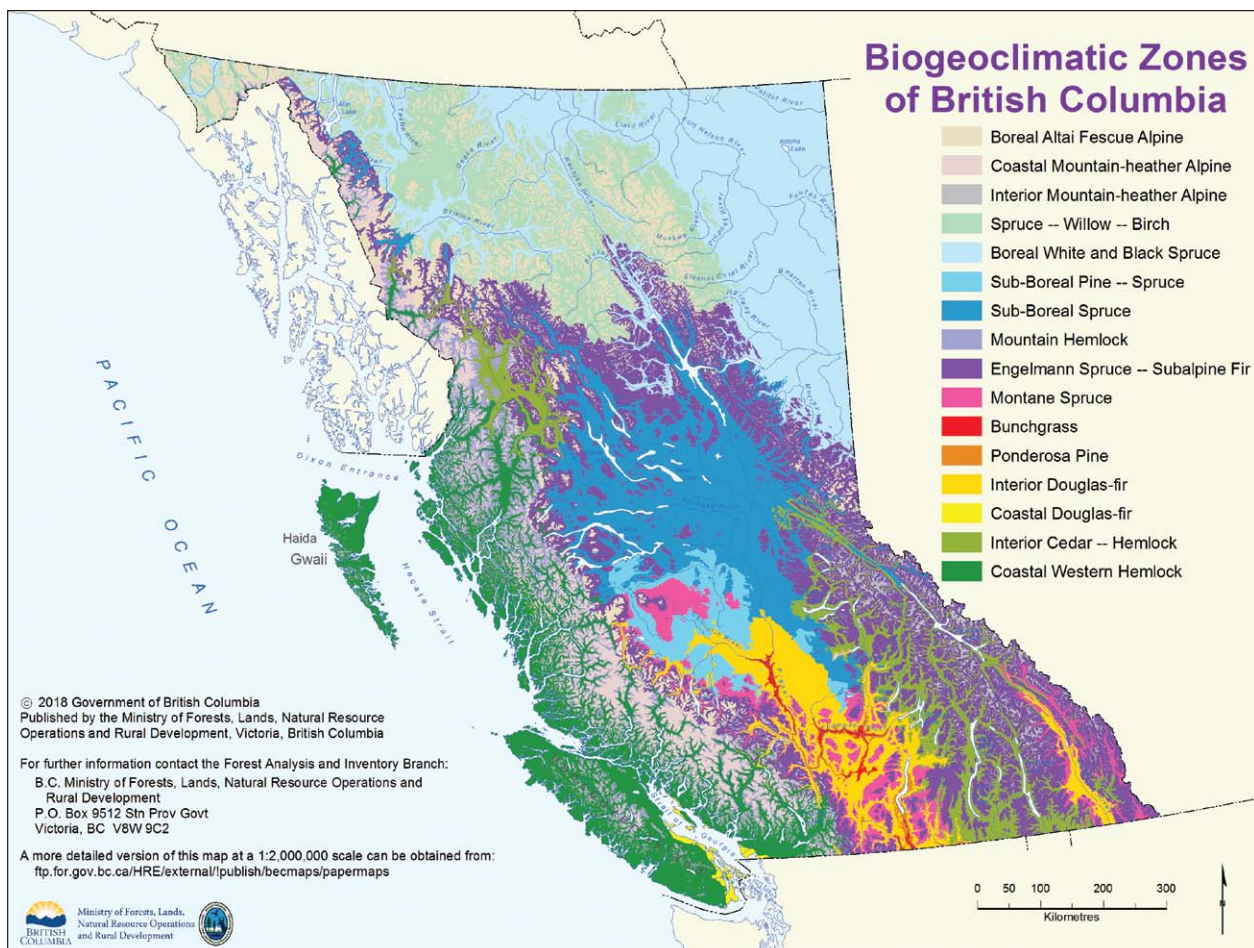
Biological Diversity

Old forest conservation in BC has focused mainly on maintaining biological diversity. A key assumption guiding our current forest management system is that, if biological diversity is maintained, other values will often be accommodated concurrently. This assumption is imperfect, however, since the preferred wildlife habitat, tourism site, or other old forest value being considered is often not physically located where the biodiversity representation is needed.

To describe our diverse ecosystems, British Columbia uses the Biogeoclimatic Ecosystem Classification (BEC) system to stratify the province into zones based on climax vegetation communities that reflect the combined ecological effects of climate and soil.

This is a hierarchical system, with each of the province's 16 major zones divided into climatically distinct sub-zones, some of which are further divided according to climatic variations within the sub-zone. The variety of growing sites that occur in each sub-zone or variant are described using site classification, based on soil moisture and nutrients (site series).

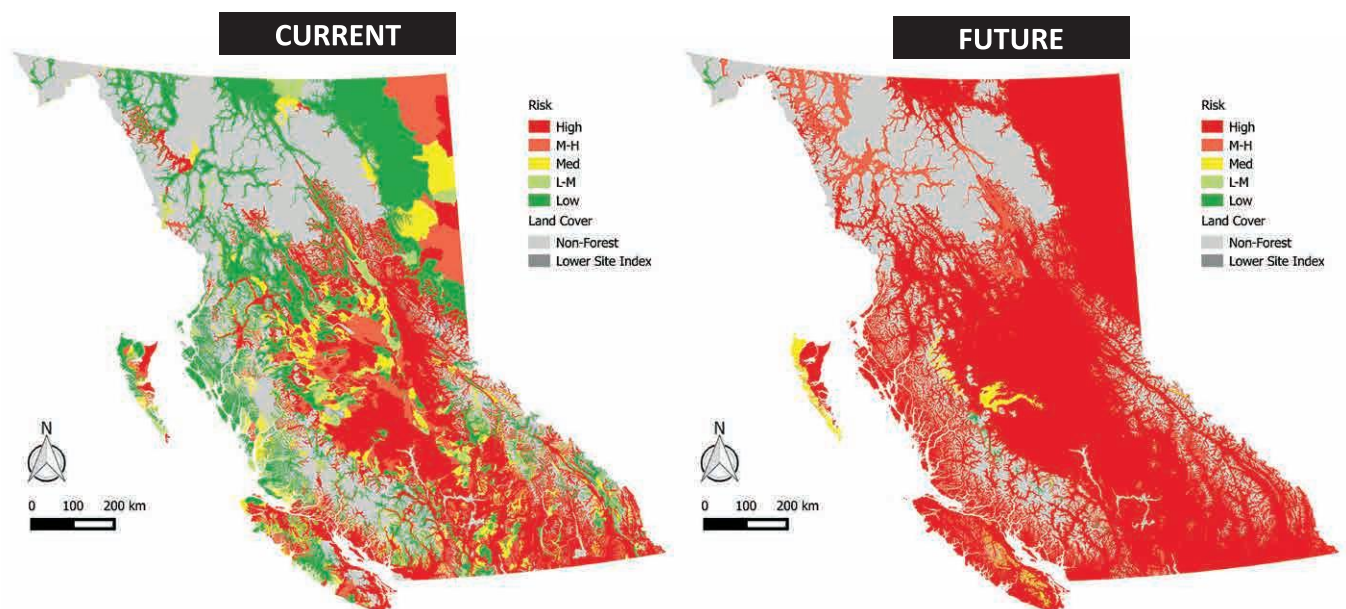
In addition to the variety of ecosystems (as defined by BEC), forests exist in various stages of succession (seral stages) as the trees advance from young to middle age, mature and eventually climax community stages. In some cases, a climax community has persisted without any widespread disturbance for many centuries, resulting in unique, ancient forests. Each site classification may host a different mix of plants, animals, and insects, at each seral stage. Science tells us that if we want to have the greatest chance of conserving our natural biological diversity, we need to keep enough old forest to have a viable, representative sample of every BEC zone at the site-series level.



Source: BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Knowing how much to maintain as forest with old trees is guided by the notion that mimicking nature is the approach that presents the least risk to biodiversity. The concept used to measure this is called “natural range of variability” (NRV). This is typically based on a description of ecosystems as they existed before major changes brought about by extensive industrial or agricultural activity. Conservation science provides us with a general risk rating, telling us that if we retain 70% or more of the natural abundance of forest with old trees the risk of species loss, compromised ecosystem services, and losing ecosystem resilience is low. If we retain below 30%, the risk is high. At between 30% and 70%, the risk varies by ecosystem.

Consistent with what we heard from several provincial government staff, a recent report submitted to the panel by a group of independent scientists illustrates that we are in situations of high risk to biodiversity in many areas in the province, particularly in high-productivity, low elevation ecosystems. More troubling is the future projection where almost all of the province will be in high biodiversity risk once our current management approach harvests most of the available old forest. The time to complete this transition depends on the available old forest and various industry and economic factors in each region.



Source: Price, K., R.F. Holt and D. Daust. 2020. BC's Old Growth Forest: A Last Stand for Biodiversity

Their research also provided the following list of BEC zones that contain less than 10% of their original old forests - CDFmm (all CDF), CWHxm1,2, dm,CHxw, mk3,4, mw1,2,3,4,IDFxc, xh1,2,4, xk, xm, xs, xx2, dc, dk1,2,3,4,5, dm1,2, mw1,2, PPxh1,2,3 (all PP), SBPSmk, SBSwk1,2,3a, and possibly: ESSFvx2, dc1, mh, mv1,2,3,4, wc3,4, wh3, wk1 and wm1,2,3,4. They note that there is some uncertainty because of potential misclassification of age in some of these units, and also recommend that these areas be deferred from further development until we have brought them back enough to meet current legislated targets.

Several practitioners also raised the issue of our current management system combining old forests and using their aggregated data when making assessments for managing biodiversity risk and planning for old forest retention. One example was parks and protected areas, where an initial net down estimate is removed at the landscape level and then netted out again at the detailed operations level, resulting in double counting. A related concern is that many parks and protected areas contain low-productivity old forests, which are deducted from total old growth aggregate targets without identifying which ecosystem they represent. These types of aggregation calculations overlook distribution and spatial considerations that are crucial in managing for effective ecosystem health.

Managing for forests with old trees

On public lands, which comprise about 95% of the province, Land Use Plans (LUPs) provide the basic framework for management of forest lands, of which old forest is only one component. While LUPs vary by area and when they were completed, most use some sort of system of land-use priorities to guide management. This includes parks and protected areas which, while often not specifically designed for the purpose of managing forests, do include significant areas of forest with old trees.

Three distinct areas (Clayoquot Sound, Haida Gwaii and the Great Bear Rainforest) are managed under ecosystem-based management regimes, and although we heard about implementation challenges in those areas, the required level of conservation in ecosystems with forests of old trees is much higher than in other areas of the province. Therefore, we have focused our discussion on management outside of those areas.

Most public forested areas outside parks and protected areas are available for logging through various types of licences issued by the Province. Most licences make the holder responsible for planning where to log within the license area, subject to constraints set out under the *Forest and Range Practices Act* (FRPA). Other activities such as oil and gas development, mining, or tourism development are subject to different legislation and requirements.

Under current regulations governing forest licensees, the objective set by government for wildlife and biodiversity at the landscape level is, to the extent practicable, design areas on which timber harvesting is to be carried out that resemble, both spatially and temporally, the patterns of natural disturbance that occur within the landscape “without unduly reducing the supply of timber from British Columbia’s forests”. The objective set by government for wildlife and biodiversity at the stand level is to retain wildlife trees, “without unduly reducing the supply of timber from British Columbia’s forests”. We note potential changes to FRPA are being considered by the Province, which should remove this overall constraint.

Forest licensees are required to submit a Forest Stewardship Plan (FSP) describing how they will meet these and other objectives. Once an FSP is approved by government, timber harvesting can be authorized provided it is consistent with the plan. We heard consistent concerns about a lack of monitoring to see whether these guidelines are being met, and if they are effective. We also heard that where monitoring has occurred, the commitments approved in the FSPs are too vague to enforce.

The [Biodiversity Guidebook](#) was completed in 1995 as part of implementing the *Forest Practices Code Act*. The guidebook was developed using the best available science at the time, with an expectation that it would be refined as new knowledge was obtained. The original team of senior ecologists drafted the Guidebook using what they felt were the minimum requirements considered to have a good probability of maintaining biodiversity within a landscape unit. Many of the scientists we talked with during our engagement process told us that the original guidance provided by the Guidebook is still sound. However, the [Landscape Unit Planning Guide](#) (1999), introduced the concept of biodiversity emphasis options (different levels of risk). This resulted in a deduction from old forest retention targets to account for old forest presumed to already be protected in parks and it limited targets for representation to the BEC variant, rather than the finer site series level. We heard that, from the outset, implementation has fallen so far short of the original guidance that it could not be expected to meet the goals established at that time.

Since 1995, the policy direction has been to limit the impact of biodiversity conservation on timber supply to approximately 4% across the province, and to locate old forest retention areas preferentially in areas with a low priority for harvest. While this seems logical from a timber supply perspective, it weakens the original intent, by biasing representation to lower productivity ecosystems, often at higher elevations.

This trade-off between risk to biological diversity and protecting timber supply is an example of government policy attempting to balancing competing interests. Although old growth targets are a compromise, there was a clear expectation and commitment by government that the risks would be reviewed and future adjustments would occur, if required. We are not aware of a review and adjustment happening, but we believe the circumstances are sufficiently changed, that it needs to be done now.

Old forest retention in BC is administered in one of three ways:

1. Legal, spatially-defined Old Growth Management Areas (OGMAs).
2. Non-legal, spatially-defined OGMAs.
3. Aspatial old forest management.

During our engagement process, we heard a great deal of concern about how these approaches are being implemented. In some ways, the details about the size and condition of OGMAs, how they are located, and rules for incursions and amendments have diverted attention from their original purpose, as a tool in the broader biological diversity conservation strategy. Several forest managers expressed the opinion that the term OGMA is misleading because they are actually used to retain intact areas rather than for proactive management.

Although these retention mechanisms may be working in some areas, examples of the complaints we heard are illustrated in the figure below.

OGMA Concerns

- Poor or unjustifiable location (e.g., doesn't contain old trees, fire hazard)
- Too small
- Not flexible enough to accommodate forest dynamics
- Flexibility abused for roads or development
- Should all be spatial and legally delineated
- Should all be aspatial
- Should all be spatial but not legally delineated
- Unclear objectives
- Inconsistent or unclear rules regarding implementation, or retaining/replacing OGMAs destroyed by wildfire or bark beetles
- poor mapping or inadequate detail in the forest inventory to identify key areas.
- inadequate change reporting

One notable concern was from recent research on edge effect in OGMAs that were established to maintain intact old forests. It showed that old forest dependent species had disappeared, and many old forest functions were often compromised, on average, up to 100 meters from the edge of the adjacent opening (logging, roads, etc.) depending on the OGMA shape, topography and the nature of adjacent openings or other features. When this edge effect was applied to sample local areas, soon to be published research submitted to the panel found that there were almost no intact old forests that retained their original function in those areas.

We also found that, despite having been already reduced to protect timber supply, old growth targets are not being met in some areas. It's difficult know how widespread the problem is because only a few areas have been monitored to determine if targets are being met. In some of these areas, forest licensees said they are challenged to find enough unconstrained timber to harvest their allowable cut. Something clearly isn't working when neither objective is being met.

| What was committed/planned/assumed/recommended... | What we have now... |
|--|--|
| Adaptive management through continuous monitoring and regular updates | No substantial monitoring or updates since implementation in 1995 |
| Periodic reviews of the entire old growth and biodiversity management system | None to date |
| Maintain old forest (both the mature and overmature age classes) at acceptable targets | OGMAs focus primarily on overmature in most of the province (mature is not included) |
| Tracking implementation and achievement of mature and overmature targets | No consistent system to track compliance with targets except in areas of the province where government staff have led special projects |
| Biodiversity targets for retention of old forests was set at various levels above the minimum threshold of 30% | Some areas were lowered by subsequent political decisions — some lower than the minimum threshold |
| Old growth would contain old forests, and preferably some of the best. | Many OGMAs do not contain old forests and some contain forests less than 40 years old |

Despite commitments made to formally evaluate their effectiveness as a policy tool on an ongoing basis, no review of the OGMA system has taken place since it was implemented more than 20 years ago. Furthermore, there has been no formal, consistent monitoring program to determine whether there is compliance with the current targets, or if they are achieving the intended results. That makes it impossible for the public to know if it is getting good value. The government has small pockets of work underway that may help to alleviate some of these problems. For example, over the last decade, effort has been put into developing methods to assess cumulative effects, including for old growth and biodiversity values. Also, following a special investigation by the Forest Practices Board in 2012 the government formed a working group to address the Board's recommendations. Our impression is that, while these initiatives could lead to some improvements, they have not been a high priority for government and are not presently well enough resourced to have any meaningful impact on management of old forests, at least in the near future.

While the foremost goal of science and practices to conserve and manage forests with old trees is maintaining biodiversity, there are many other objectives that can also be achieved. Managing for most values is quite site-specific. The amount of forest with old trees and the conditions we require depend on the objective. For example, if we're protecting the character of a spiritual or historical site, it may only be necessary to delineate a small area, but it has to be at a very particular location. If the objective is protecting mule deer winter range, we may be able to distribute areas in several suitable places on the landscape. If our objective is preserving visual quality, our actions will be based on attributes as they appear from certain viewpoints or travel corridors.

It is often possible to manage the same area for a multitude of old forest values, provided the objectives are clear and compromises are not so great that critical values (e.g., biological diversity or water quality) are put at high risk in order to accommodate values where we have more discretion (e.g., timber or tourism). This suggests the need for the Province to have clear priorities and objectives for managing old forest values at all scales.

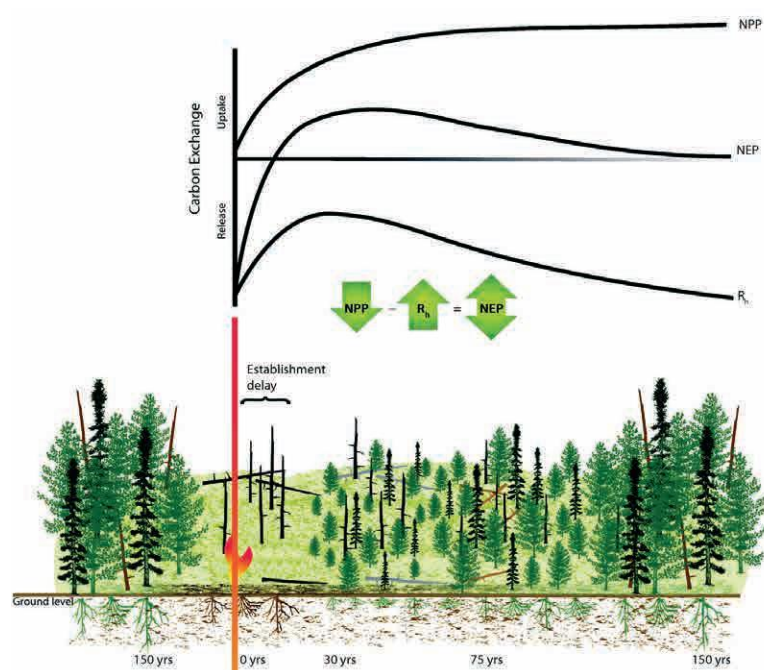
Carbon balance and climate

Many people we heard from linked forests with old trees to climate change, often with conflicting perceptions about its value for absorbing and storing carbon.

The impact of the forest on net atmospheric carbon is complicated. We heard evidence for and against old forests as carbon sinks (taking up more carbon than they release). The answer can vary considerably depending on the circumstances and the timeframe. Forests accumulate carbon in new plant material when they are green and growing. The carbon is returned to the atmosphere when plant material decomposes and combusts (whether it burns in the forest or as wood products).

Carbon can be stored in trees, soil, and long-lived wood products for decades, or even centuries. This storage is considered an important factor in the effort to curb climate change. Of course, we need to keep in mind that not all old forest is the same: in coastal Douglas Fir or cedar-hemlock forests, trees are very long lived and have a relatively low risk of natural disturbances, while many interior forests have shorter lived tree species, and more frequent large natural disturbances (e.g., fire). In other areas, such as the Interior NDT4 Douglas Fir forests can be maintained in a relatively stable old-forest condition through frequent low-intensity fires that burn the understory and keep the forest spaced.

The ability of a forest to absorb and store carbon is age dependent.



NPP net amount of carbon that enters the ecosystem.
Rh respiration from decay
NEP net ecosystem production – total amount of organic carbon

Source: Kurz et al, Carbon in Canada's boreal forest — A synthesis, Environmental Reviews Vol. 21, 2013 (Courtesy NRC Research Press)

- Immediately after disturbance it is a carbon source because post-disturbance organic materials are decaying more quickly, and very young trees are not accumulating high biomass volumes.
- Young forests that begin to accumulate high biomass volumes are strong carbon sinks because they are quickly accumulating biomass.
- The amount of carbon sequestered declines with old age but the amount of carbon stored is very high.
- The timing of maximum amount that is stored and the maximum sink differs.

Timber harvesting causes short-term emissions from the activity itself (e.g., from equipment to harvest, transport and manufacture), and when forest debris (e.g., slash) is burned. We can expect harvested stands to be net carbon sources for several years, until the capacity of new trees to capture carbon overtakes the emissions from the forest floor, soil, and decay of woody debris. The relative carbon impact of harvesting the primary forest depends upon a number of factors, including:

1. Condition of the primary forest at the time of harvest (storing, sequestering, or emitting carbon);
2. The method of harvesting, level of wood utilization, and method of slash disposal;
3. Longevity of the products the wood is used for (e.g., pellets or paper compared to lumber or timbers);
4. How quickly and completely new trees occupy the site and grow;
5. How long the new trees are allowed to grow before being harvested again (rotation age); and
6. The substitution value of using wood over an alternative (e.g., concrete, steel, or plastic).

A report prepared in 2019 entitled [Forestry and Carbon in BC](#) suggests that a managed secondary forest could-in principle-recapture the lost forest carbon if allowed to regrow long enough to fully recover its carbon stock, which could be achieved more quickly and easily in most interior forests than in coastal or interior wetbelt forests. It also emphasized that underlying carbon budget calculations are complex and depend on assumptions about a future with much uncertainty.

Another team of BC researchers recently [wrote](#), *“Every old-growth forest is made up of a unique history of management choices and disturbances. Furthermore, their carbon storage value is dependent on future climatic changes specific to the region in question. There seems to be sufficient evidence indicating that many old-growth forests already protected in BC are likely carbon sinks.”* And *“more research is needed into which old growth forests are carbon sinks and which are sources, and under what conditions.”*



Mountain Pine Beetle-killed timber.
Photo by Traci Van Spengen



Photo by Al Gorley

Many of the old trees in the forest on the left are dead or dying and it would likely be better from a carbon management perspective to recover the salvageable wood and establish a crop of young trees. The old trees in the forest on the right, on the other hand, are relatively healthy, and are still absorbing and storing significant quantities of carbon.

In addition to the function of forests with old trees in the carbon cycle, old trees also play a role in mitigating the impacts of climate change on ecosystems, human communities and infrastructure. For example:

- Regulation of air temperatures (cooler in summer, warmer in winter) and local climate that can be critical to the health of other plant communities, wildlife, and humans.
- Regulation of water temperature, evaporation, cleanliness, flow volume and timing.
- Resistance to fire due to cooler, moister internal forest conditions.

These mitigation functions require having enough mature and old trees in a forest to carry out the hydrological functions and provide canopy. How much primary forest needs to be retained in an older-tree state to influence micro-climates will depend on the local circumstances and objectives.

History of forest conversion

Until the early 1900s, BC's old forests were so extensive that few people would likely have anticipated the circumstances we are in today. The early years of industrial timber harvesting were limited by access — there were few roads, so cutting took place in areas where timber could be manufactured close-by or economically moved by water. Most of the forest was left alone. The scope and scale of harvesting increased considerably through the middle of the 20th century, reaching nearly every region of the province. This led to public concern that the timber supply was exhaustible, and the encouragement of “tree farming”.

The result was a policy of “sustained yield”, the idea being, that over a period of about 80-120 years, subject to economics, the natural (primary) forest would be logged and converted to managed (farmed) forest, mostly by clearcutting. The subsequent crops of timber would be harvested at their economic culmination age (depending on species, usually 60 – 100 years), thus creating an even, perpetual supply of timber. It is important to note that this is not a typical agrarian model. The intent has always been to conduct forestry with indigenous species on the sites where they would naturally occur.

Under this model of conversion to managed forest, we would expect to transition over a period of time from harvestable primary forest to areas that have another crop ready after harvesting. However, many regions will have a decline in harvest for several decades because of a disproportional amount of young forest. In some regions of the province, mainly on the South Coast, conversion has been underway long enough, and trees grow fast enough that some of the timber being harvested now is from previously converted areas, or “second growth”. In some of these, the transition from harvesting old primary forest to second growth will likely be complete within 20 to 30 years. However, in other areas it will be several decades before previously harvested areas are ready to cut again. This means that the situation is highly variable across the province. (We note that some of the areas where harvesting only began at a large scale in the late 1960s or early 1970s have accelerated conversion due to salvaging Mountain Pine Beetle-killed timber and some of these areas have neither an abundance of remaining old forest nor second growth approaching harvestable age).

Areas with the best timber and typically closest to access were often the first to be converted, and few remain in their natural state. These are not only the best timber growing sites, they are also high in biological diversity, often critical to water and fish, and many other values. A [recent study](#) tells us: “*Sites with the potential to grow very large trees (Site Index >25) cover less than 3% of the province. Old forests on these sites have dwindled considerably due to intense harvest so that only 2.7% of this 3% is currently old.*” We found near unanimous agreement for conserving more of these areas.

Many things have changed since the inception of sustained yield, but it remains the underlying premise for most of our forest management system, except perhaps in the areas under ecosystem-based management regimes. Beginning sometime in the 1980s and following global trends, the public became more aware of the importance of forests for a wide range of ecological values. This led to the creation of more parks and other conservation areas through the Protected Areas Strategy and various forms of land use plans, thus reducing the areas available for conversion to managed forest. It also gave rise to new constraints on forest practices to protect a variety of “non-timber” values, such as water, wildlife, visual quality, and biological diversity — including old forest, within the areas still open to harvesting.

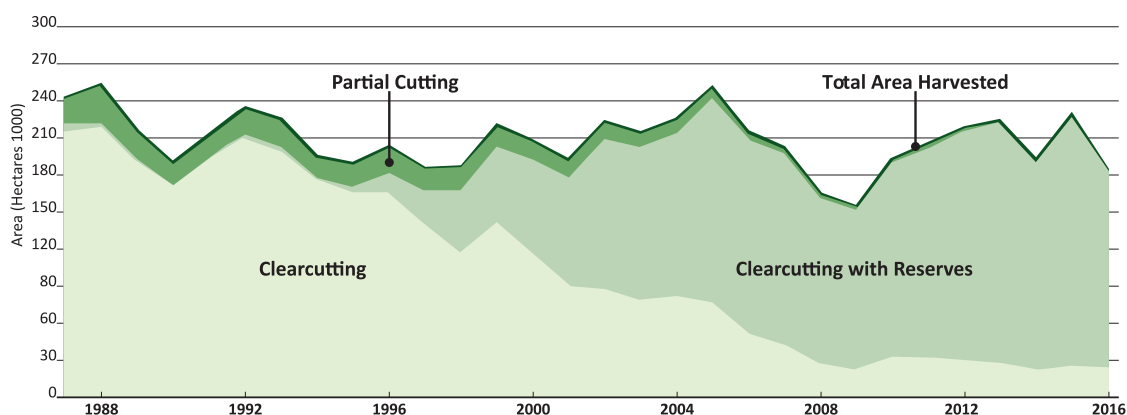
Harvesting methods

Traditionally, most forest harvesting in BC was done by clearcutting, which is the most efficient and least expensive method. Generally speaking, clearcutting removes all trees from an area of one hectare or more, and greater than two tree heights in width, in a single harvesting operation. A new even-aged stand is obtained by planting, natural or advanced regeneration, or by direct seeding. It is most appropriate in forest ecosystems where tree species require an abundance of sunlight or naturally grow in large, even-age stands. Social concerns about large clearcuts have led to a decrease in their average size from 45 hectares on public lands in 1989 to 30 hectares in 2006. We were told that, in some areas, the average size is now 2-3 hectares, but we are also aware of extensive clearcuts carried out in salvage areas during the last several years, and of cutting adjacent to recently harvested areas before they reach the full green-up (continuous clearcut).

Clearcutting with reserves began in the early 1990s and is a variation of the conventional clearcutting silvicultural system in which trees are retained, either uniformly or in small groups. The trees retained may be combinations of small and large trees. They may be chosen to provide wildlife habitat, nesting and den trees, future sources of snags or coarse woody debris, or some level of visual quality.

In 1995, a system of variable retention was adopted for some coastal harvesting as an alternative to conventional clearcutting. This system has two approaches: distributed, where retained individual trees are distributed relatively evenly across the area; or aggregate, where groups of trees are retained to maintain structural diversity over the cutblock. The generally accepted parameters for variable retention are that the retained trees distributed throughout the cutblock, must remain for at least one rotation and be configured to leave more than half the total cutblock area within one tree height from the base of a tree or group of trees including the edge of the cutblock. Note that many scientists and industry advocates of variable retention argue that clearcut with reserves generally does not meet the parameters for variable retention.

Partial cutting is a general term for silvicultural systems (which includes variable retention) in which some trees are left standing after logging. Compared to other systems, the distribution of remaining trees will typically be fairly even across the cut area. Depending on the management objectives, the selection of trees to be retained may be based on their value to a future timber crop, mimicking natural processes to maintain biodiversity, wildlife habitat, aesthetics, or some other purpose.



Source: Trends in Silviculture in B.C. (1987-2016). Ministry of Forests, Lands, Natural Resource Operations and Rural Development, 2018

Until the mid-1990s, most harvesting on public lands in British Columbia involved conventional clearcutting. Government reports show that from 1970 to 1998, clearcutting systems were applied on 87% of the area harvested on public lands. By 2015-2016, harvesting on public lands was by clearcutting with reserves (85%), clearcutting (11%), retention cutting (3%) and other cutting methods (1%). One of the challenges for the public is often to differentiate between conventional clearcutting and clearcutting with reserves, especially in some of the salvage areas in the Interior, where very large contiguous areas have been logged and reserves constitute only small forest remnants.

More use of systems that emulate natural ecological processes may allow us to continue harvesting timber from forests with old trees without converting them to unnaturally uniform managed stands. However, that approach is influenced by a complex combination of numerous factors, such as: government leadership and support, timber value, operating costs, stumpage rates, desired profitability, terrain, technology, blowdown risk, stand condition, forest health, worker safety, expertise, and other land use objectives for the area.

Scientists and professionals use a broad system of natural disturbance types (NDT) to differentiate these processes:

- NDT1:** Ecosystems with rare stand-initiating events
- NDT2:** Ecosystems with infrequent stand-initiating events
- NDT3:** Ecosystems with frequent stand-initiating events
- NDT4:** Ecosystems with frequent stand-maintaining fires
- NDT5:** Alpine tundra and subalpine parkland

We heard from several forest managers who said they would like to change their harvest systems to better reflect natural processes but are constrained by these factors, or by the Province's forest practices and timber pricing policies. We also heard about various partial cutting silviculture systems having been applied in the past, but many have been discontinued, except in the case of a few select companies. The results of these experiments need to be better understood.

Generally speaking, under the present system, an area is either reserved from harvesting or available to be converted to managed forest. We heard from many people who are frustrated that the managed forest lacks many of the previously existing natural attributes and they oppose further conversion. We also heard from many forest managers about the costs of uncertainty due to incremental reductions in area available for harvesting. Concerns about this have led many forest-dependent communities to repeatedly call for the designation of a "working forest" to provide greater certainty for on-going access to timber.

The 1992 Old Growth Strategy proposed a conservation framework with:

- A system of reserves to conserve old growth values;
- Commodity emphasis areas supporting sustainable economic activity;
- Special management areas where forest practices maintain old growth attributes.

The current management system has gone part way to this three-zone conservation framework by assigning biodiversity emphasis areas for the setting of old growth targets, but there is no definitive, legally established zoning as was originally envisioned. We believe there is an opportunity to bring greater certainty to the management system, achieve a more optimal mix of public benefits, and encourage innovation, by formalizing this three-zone concept.

The role of the provincial government

We heard a lot of dissatisfaction with government from people on all sides of the issues. While some of that is inevitable in an exercise like ours, this was largely non-partisan, focused on policy and priorities, and had a lot of commonality. We observed widespread concern that the government lacks an “on the ground” presence and needs to have a more active role in ensuring the public’s interests are met. The views were not always specific to management of old forests but were offered in that context.

We frequently heard:

1. We need a clear and legally supported long-term vision and set of priorities for our forests.
2. The vision and priorities need to be supported by a principles-based management framework that will meet the needs of the province and provide the flexibility to accommodate the diversity of ecosystems and communities. The principle of proximity, (those who are most directly affected by a decision should have a proportional say) should be embedded in the framework.
3. Government policies for forestry tenures, stumpage, and forest practices discourage the innovation necessary to meet the optimum mix of public values.
4. The management framework needs to be supported by efficient and adequate policies and resources (capacity) to enable implementation.
5. The province has to take a much more active role at all levels to ensure the public’s interests are being met. This includes oversight, monitoring, enforcement, and objectively and regularly informing the public about forest conditions and trends.
6. Where the government has direct control (e.g., BC Timber Sales) it should show leadership in developing and demonstrating best practices for sustainably managing forest values.
7. The government’s rules for regulating the industry should not oscillate between “command and control” and “hands off” based on the ideology of the government of the day.
8. The government should facilitate a planned and orderly transition from harvesting primary forests to second growth, on timelines suited to specific areas.

Indigenous involvement

Support for Indigenous involvement was heard from every sector and the majority of people who submitted input to the panel. This is obviously top of mind for a variety of legal, social, and environmental reasons: legal with the Crown’s duty of consultation and accommodation plus the recent passing of the province’s Declaration of the Rights of Indigenous Peoples Act; social with the Province’s commitment to a New Relationship; and environmental where many are looking to Indigenous communities for guidance on how to establish land management that achieves a higher standard of land care.

The panel heard a mix of Indigenous perspectives, ranging from calls for increased involvement of Indigenous communities in the timber industry and continued access to old forests for harvesting, through to increased protection for the range of other values from the forest. One common theme was the necessity for increased involvement of local Indigenous communities in the planning and oversight of forest use in their local areas.

Many of the Indigenous groups that were interviewed are actively involved in planning in their own forest management areas and many have developed very innovative, practical, and effective approaches to the management of old forests. These approaches were developed and are continually monitored with close involvement of the local Indigenous community, particularly the Elders in those communities. However, at a provincial level, the capacity of Indigenous communities to do this is very uneven and in some areas underdeveloped. We believe supporting the development of capacity and extending learning amongst Indigenous communities presents an opportunity to support effective forest management and advance reconciliation.

Public and community involvement

Just as we heard almost universal support for government collaboration with Indigenous communities, we also heard from local governments and stakeholders who said that they want more meaningful roles in forest planning and decision-making. We believe their current level of involvement contributes to a significant amount of uncertainty and discontent.

In previous sections, we touched on concerns about a lack of trusted information and process for the public to engage in a meaningful dialogue about forest management, including for forests with old trees. We did encounter a small number of areas in the province where community and stakeholder groups are engaged with government and industry on an ongoing basis, however this was the exception. Yet almost every local government, community organization, and often individuals, expressed a need for a place to learn, exchange ideas and perspectives, and develop useful input to forest management.

In several areas, we heard about the positive experiences with land use planning committees, and the benefits of bringing together experts and civil society with a variety of interests in a collaborative forum where provincial and local priorities could be addressed. Despite an expressed intent, when plans were completed (most during the 1990s), to maintain monitoring committees and have a periodic plan updates, government support declined, and most were disbanded. In some cases, government-facilitated groups were replaced by public advisory groups struck under the auspices of various market certification programs. Convened by forest licensees, these groups helped fill the gap, but many of them ceased operating when companies changed certification systems.

Lessons from other jurisdictions

The panel explored experience from other areas in the world to see if there were any lessons that could be learned around the management of old forests from those areas. Some of the main points were:

- Every jurisdiction's reasons for moving towards the management of old forests were different but most of the areas that adopted a system of significant old forest protection did so as a response to overwhelming public pressure that included either civil disobedience or legal actions;
- Many of the jurisdictions that responded to public pressure went through public policy swings that alternated between favoring the timber industry and favoring protection groups before landing on protection;

- Well-organized ENGOs were deeply involved in almost every jurisdiction's shifts to greater protection;
- The term "old growth" is relatively recent term used primarily in North America: Other jurisdictions use a variety of terms such as old forest, primeval forest, primary forest, virgin forest, ancient forest, wildwood, etc.;
- The trend towards greater protection for old forests had less to do with the age of the timber industry and the associated forest management system in each country and more to do with increased public understanding of issues related to biodiversity, ecosystems and climate change, the use of civil disobedience and legal tactics, and increased public involvement in forest management (generally within with the last few decades);
- Some jurisdictions went to protection measures applied only to old forests while others went to a more comprehensive zoning system to identify measures for lands are protected, managed for ecosystem health or intensively managed for timber production;
- Some countries that have gone through multiple rotations under intensive management are dealing with significant biodiversity loss and associated forest health issues; and
- Many jurisdictions have committed to detailed forest monitoring although in practise many defaulted on those requirements.

Compared to much of the world, our situation in BC is somewhat unique in that:

1. Large-scale commercial cutting of primary forests in BC began less than 100 years ago in southern and coastal regions, and 50 years ago or less in much of the central and northern interior;
2. The vast majority of cutting has been done with the expectation of managing the area for a perpetual crop of timber, rather than forest removal;
3. We have maintained a policy of reforestation with native species that are ecologically suited to the area logged.

This means that although much of the forest is altered from its natural condition, most of the original components still exist somewhere on the landscape. We can't go back and replace the primary forest, but we do have the opportunity to maintain viable examples of the remaining ecological attributes, and possibly restore others.

Summary of key points

1. Ecosystems with large, old trees are important to British Columbians for many different reasons.

- The term "old growth" has become a generic label for forests or trees that hold a variety of different values beyond the definitions used in timber management. OG means different things to many people and has a diverse array of sometimes conflicting values, all of which warrant consideration.
- Old forest values and objectives need to be clearly articulated, with less emphasis on the generic "Old Growth" label.

2. Retaining and managing forests of old trees is a key strategy for maintaining biological diversity and cannot be done in isolation.

- The ability of ecosystems to support species, including humans, and adapt to change is dependent upon their resilience, which comes largely from the natural diversity they harbour.
- Old forests are part of complex multi-scaled, interdependent ecosystems, and are also impacted by complex interdependent forest management policies.

- The total amount of old forest in the province is not as important as the distribution and ecosystem representativeness.
- There are many impacts to old forest arising from various activities in almost every resource sector.

3. The extent and condition of ecosystems with old trees, relative to natural condition, is highly variable across the province.

- The risk to biodiversity is extremely high in some ecosystems and there is a wide-spread call to protect them.
- The forests' ecological conditions, history of natural and human disturbances, and social, cultural, and economic importance are too variable to suggest a single sweeping approach, although there is strong support for a common management framework.
- In many areas, we are not meeting the intent of the biodiversity conservation strategy adopted 25 years ago.
- The approaches to managing old forest have to be adaptable to the ecosystem and natural disturbance regimes.

4. The economy is heavily dependent on trees harvested from primary forests of old trees.

- The degree of economic reliance differs amongst regions and individual communities. For example, some have undergone a transition to greater reliance on tourism, or other sectors, while many others have not.
- In some areas, a transition to second-growth forests is well underway, while in most of the province that transition will require decades of forest growth.
- There is widespread support for assisting workers and communities negatively affected by reduced access to timber supplies, for whatever reason.

5. The current system for retaining old forest and managing their attributes has issues.

- The original intent of the science-based guidance has not been fully implemented.
- The approaches to managing, tracking, and reporting on old forest retention and management requirements are inconsistent and, in some cases, absent.
- Old Growth Management Areas (OGMAs) are applied inconsistently and sometimes ineffectively.
- The use of clearcutting silviculture systems limits the ability to manage for old forest attributes and conserve biological diversity, especially in ecosystems that don't naturally experience large stand-replacing disturbances.

6. Opportunities have been identified to provide greater economic certainty about the blend of benefits from old forests:

- Formalizing designation of forest areas outside reserves to be either managed primarily for commercial production (conversion) or managed for key ecosystem attributes with compatible forestry practices.
- Analysis and pursuit of an optimal blend of public benefits from a wide range of uses (timber, tourism, natural infrastructure, botanical forest products, recreation, etc.).
- Transition to silviculture systems that more closely emulate natural process on remaining unconverted forest.

7. Climate change will become an increasingly bigger factor in choices about forest management.

- The role of old forests in climate change is complex.
- Mitigating climate change through carbon sequestration and storage needs to be fully analyzed and integrated into forest management decision-making.

8. Information around the types, condition and current status of old forests is highly variable across the province.

- There is no regular, objective public reporting about forest condition and trends.
- Classification based on timber inventory criteria, which does not necessarily reflect other old forest values.
- The existing inventory is not well suited to stand-level identification of many old forest attributes.

9. There is widespread support for the provincial government and Indigenous governments to collaboratively create updated strategies and policies for the management of old forests that include:

- Transparent expressions of the public's long-term interests, priorities, and policies;
- Ongoing public involvement in planning and strategic decisions, supported by objective and comprehensive information regarding related issues, risks and opportunities;
- Economic analysis tools to inform public discussion and choices;
- Clear and measurable objectives at meaningful scales, supported by well-resourced enforcement and evaluation of long-term effectiveness;
- Oversight that ensures public interests are considered and incorporated in forest planning and practices, monitoring, compliance and enforcement;
- Ongoing research, innovation and information sharing to foster continual learning and expand the province's collective forest management expertise;
- Adequate monitoring and objective reporting of forest conditions and trends, including the cumulative effects on all values and transparent communication of risks and benefits; and
- The means and authority to address risks to critical values.



Old coastal forest.

Photo courtesy BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development

KEY FINDINGS

Based on the situation overview and key points above we find that, while there may be debate about how much old forest we have and where, there is a near-unanimous agreement that managing and protecting ecosystems for forests with old trees provides many benefits. However, there are serious concerns about the ability of our current management policies and implementation of old forest strategies to achieve that in the long-term. We observed what we believe to be fundamental weaknesses in the system relating to the core foundations for forest management success identified earlier in this report: ecosystem health; public support; and effective management.

1. Ecosystem Health: The priorities that currently drive our forest management system are backwards. Rather than determine what must be done to maintain ecosystem health and resilience, and then what social and economic benefits we can derive within that guidance, we often do the opposite. We consistently refer to measures required to protect ecosystem values as “constraints” on timber. An example is the policy for implementation of biodiversity conservation, which has a fixed ceiling on timber supply impact, reinforced by the objectives in the *Forest and Range Practices Act*. Many members of the public and government staff expressed concerns about this bias in the current system.

2. Effective Management: Many aspects of the system are seriously lacking and are not anchored in sound management theory. In particular, our system does not measure the performance of policy implementation relative to clear and measurable objectives and then adapt accordingly. The panel is also not convinced that government has demonstrated a serious, and sustained commitment to applying science-based methods to implementing management policies for conserving and managing old forest.

Significant recent examples of this are: in 2012, the Forest Practices Board conducted a special investigation resulting in six recommendations about tracking, monitoring, enforcing, and evaluating implementation of old growth management areas, and in 2013, the Auditor General conducted an audit to assess the effectiveness of key tools for managing biodiversity in BC. Although these investigations concluded there was a lack of adequate measuring and reporting within our current forest management system, little has changed as a result of those reports.

3. Public Support: Much of the public is not well informed or engaged regarding old forests and forest management. This appears to be contributing to a pervasive lack of supportive for the current system. We frequently heard from individuals, organizations and communities that they have no reliable source of information about the condition and trends in local forests, and little influence over decisions that directly affect them. Over the past several years, direct ongoing involvement of communities in forest management has declined. A lack of confidence in the system was also reflected in concerns about a lack of clear long-term priorities, inconsistent policies for land users, and a lack of government oversight.

Recommendations

Old Interior spruce forest.
Photo by Al Gorley

RECOMMENDATIONS

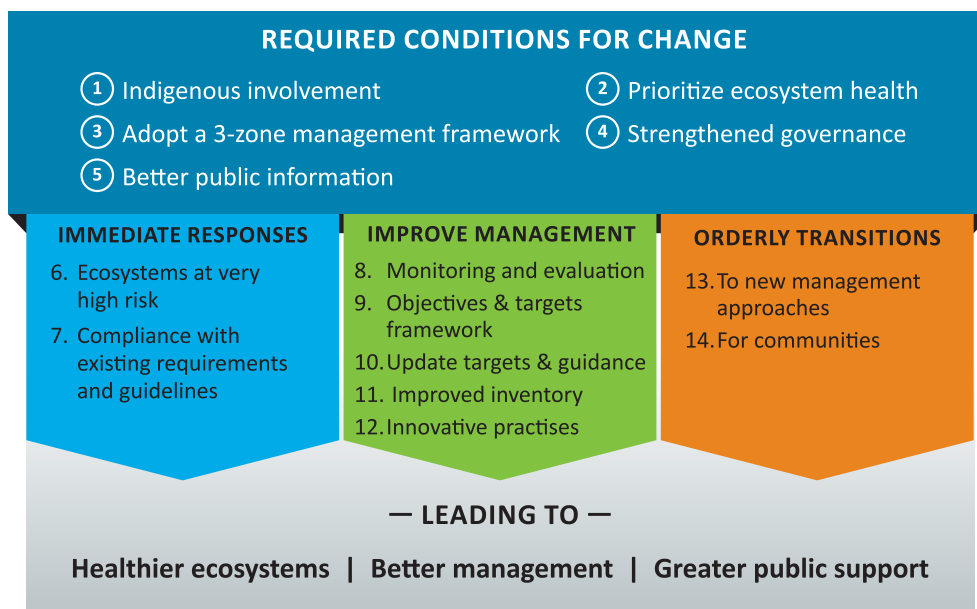
Our recommendations address the conditions we believe are needed for successful long-term management of old forests, the actions needed now to prevent irreversible loss of biodiversity, improvements to the management processes, and transition requirements to ensure change happens. The implementation advice supporting each recommendation is offered as a starting point for the government to consider, with the understanding that other approaches will likely emerge through dialogue with Indigenous leaders, input from stakeholders, and analysis by government staff.

Old forests do not exist in isolation. They are part of a complex ecosystem that has evolved over thousands of years. Similarly, our forest management system has also evolved over the long term, often in response to changing economic conditions and community needs. While we recognize that it is sometimes necessary to deal with a specific management component such as old forests, this must be done with the whole system in mind. To do otherwise would be a fundamental error. Therefore, our recommendations, although developed with a focus on old forests, by necessity extend to the broader forest management system in order to support healthy ecosystems, and by extension, healthy people, as well as old forests.

In our introduction, we identified a paradigm shift in the way we approach managing forests. We found widespread support for a new way of thinking during the engagement phase of our review. We believe that if our recommendations are implemented with this new paradigm in mind, they will be more likely to succeed, and will contribute to facilitating the desired paradigm shift over time.

As illustrated in the figure below, we have structured these recommendations to start with those that we believe are necessary to create the proper conditions for management of old forests in the future and important to ensuring the subsequent recommendations achieve their intended results for the long-term. The remaining recommendations focus on responding immediately to curbing biodiversity loss, improving the management system, and transition requirements. We believe that implementing these recommendations will lead to healthier ecosystems, better long-term land management and greater public support for forest management.

We recognize that these recommendations will be refined and adjusted through engagement with Indigenous communities and stakeholders, and with additional technical and scientific input.



Required conditions for change

1. Indigenous Involvement

Engage the full involvement of Indigenous leaders and organizations to review this report and any subsequent policy or strategy development and implementation.



Rationale:

The panel understands that Indigenous involvement is built into almost every provincial land-based activity, especially a policy review of this scale, however we feel it is worth reinforcing because it is essential to creating conditions for successful and sustainable implementation of both the shorter- and longer-term actions proposed.

- 1. Widespread support and expectation:** The panel heard support or acknowledgement of this priority from every sector and the majority of those who provided input to the panel.
- 2. Legal imperative:** BC has legal consultation and accommodation obligations with respect to possible infringements on Indigenous rights, which is now even more strongly affirmed with the BC government's recent passing of the *Declaration on the Rights of Indigenous Peoples Act*.
- 3. Social Imperative:** The Province has committed to a New Relationship where the Indigenous population has the opportunity to achieve the same economic, environmental and social societal goals as the rest of the population in the province.
- 4. Environmental Imperative:** Recognizing Indigenous commitment to environmental stewardship, which has extended for millennia, many are looking to Indigenous communities for guidance on how to establish a land management regime that achieves a higher standard of land care.
- 5. Address the Gap:** Indigenous peoples were not involved creating most of the higher-level plans and orders that dominate the management of old forests. This is a significant source of frustration among Indigenous communities and could also mean that most of these historic plans and orders do not conform to the Province's current legal consultation and accommodation requirements or DRIPA legislation.
- 6. Sustenance Dependence:** Many Indigenous communities still depend on the natural resources of their traditional territories for a significant portion of their sustenance and livelihood.
- 7. Practical Working Models:** Indigenous communities are becoming more active in most economic and management aspects of the forest sector and are leading many interesting and potentially valuable on-the-ground approaches to land stewardship and management of old forests.
- 8. Develop Readiness:** Many Indigenous communities need support to develop their internal readiness to accept a leadership position in forest management and the Province also needs to build its internal readiness so that it can effectively participate in these new government-to-government relationships.

Implementation Advice:

1. As soon as practicable, engage provincial Indigenous governments in developing a policy response to these recommendations.
2. In collaboration with Indigenous leadership, develop provincial guidelines for implementation:
 - a. Develop criteria for establishing government-to-government planning relationships between the Province and Indigenous groups, including appropriate involvement and associated criteria for third-party participation in these planning relationships;
 - b. Establish planning units that conform to local Indigenous group's territories while still adhering to ecologically and administratively practical planning units; and
 - c. Establish mechanisms for local Indigenous groups to meet provincial targets and standards for biodiversity protection, and ecosystem representation, etc.
3. Establish support programs for Indigenous groups to build their land/forest management expertise and capacity including:
 - a. Direct support to establish G2G land management relationships in accordance with point 2.a above;
 - b. Programs to support the development of internal management capacity; and
 - c. Opportunities to share experiences among Indigenous groups.
4. Develop focused training for government staff to support the establishment of appropriate G2G relationships and develop provincial government capacity to meet its responsibilities under these relationships.

2. Prioritizing Ecosystem Health and Resilience

Declare the conservation and management of ecosystem health and biodiversity of British Columbia's forests as an overarching priority and enact legislation that legally establishes this priority for all sectors.



Rationale:

Conserving and managing old forests is a cornerstone of the Province's biodiversity conservation strategy. We believe that strategy has underperformed in several areas due to competing pressures.

- 1. Outdated Thinking:** An overriding theme heard throughout our engagement phase was that we need to change the way that we think about our forests and that we need to preserve the integrity of our natural systems as much as possible, particularly the old forests component. Individuals with international experience and our own research on other jurisdictions indicate that this sentiment is consistent with global trends.
- 2. Focus on the right priorities:** Managing forests in a way that does not unduly compromise timber supply puts our focus on the wrong thing. This treats ecosystem resilience and reducing biodiversity risk as constraints, which, over time, are constantly being eroded by compromises. Making choices about risk to biodiversity in return for another defined benefit might be a necessity but those choices need to be made with the overarching goal of maintaining ecosystem health in mind.

- 3. Ecosystem Risk:** Several scientists project that under our current management strategy, much of the province, especially the areas covered with productive forest, will be in a high biodiversity risk situation in the near future. It is time to reorient and integrate the system towards an overarching priority that applies to all incursions in the forest, i.e., to maintain ecosystem health by managing biodiversity risk. Without this reorientation, we are losing old forests and possibly ecosystems that are non-renewable.
- 4. Complete Implementation:** The original old forest management strategy contemplated a number of components that were never fully implemented or were addressed ad hoc, e.g., seral stage distribution, site series representation, landscape connectivity, and adaptive management, which has compromised the effectiveness of that strategy.
- 5. Multiple Sectors:** There is only one land and every land-based sector has some potential to compromise that land, some to the point of undermining provincial ecosystem health goals, if they do not adhere to a common standard. Aligning all sectors towards an overarching goal improves our chances of achieving our ecosystem health goals, reduces conflict between sectors and fosters a common target for everyone involved.

Implementation Advice:

1. The province should declare that managing for ecosystem health and minimizing biodiversity risk are key priorities of its provincial land management framework.
2. This priority should be reinforced through overarching legislation that:
 - a. Formalizes this priority and sets a broad framework to work towards that commitment (similar to the DRIPA construct);
 - b. Includes principles that will guide the overall shift to this new framework, e.g.:
 - i. Province-Indigenous government-to-government foundation;
 - ii. Science-based;
 - iii. Monitoring, evaluation and regular updates;
 - iv. Planning and oversight involving a range of interests; and
 - v. Accountability, particularly to the public; and
 - c. Establishes a commitment to align all other land-related provincial legislation, management systems and processes to this overarching goal.

3. A Formalized Three-Zone Forest Management Framework

Adopt a three-zone forest management framework to guide forest planning and decision-making.



Rationale:

We believe that the Province can better focus its management efforts if it partitions the forest into three overarching and distinct management zones. The concept is already partially used to apply biodiversity emphasis zones for setting old forest targets but needs to be formalized and communicated. Other jurisdictions have moved in this direction to try and create greater certainty for both conservation and economic activities.

We suggest the following categories (the names can change but we feel their substance should remain relatively the same.)

- 1. Protected:** These are forests that will be largely left alone, although there may be some management activities within them to maintain ecosystem health and manage risk from fire, disease or insects (depending on their designation and associated jurisdiction). One example of a Protected area that might allow some management activities are fire-maintained forests, where fire regularly removes the understory while maintaining the overstory. If fire is excluded from these areas and no other intervention is allowed, then they tend to become dense pockets of unhealthy forests that support the development of pest or pathogens or have increased susceptibility to catastrophic wildfire.
- 2. Converted:** Converted forests are those that we have already or intend to change from their natural state to intensive management areas as industrial timberlands. Although these lands do not provide all the same services as old and ancient primary forests, they can still provide a number of important ecosystem services in addition to timber, such as water, recreation, carbon sequestration, wildlife, tourism, etc.), especially since many are close to communities. Conversion areas may have multiple objectives compatible with industrial timber production.
- 3. Consistent:** These are forests and forest landscapes that are managed for ecosystem health and biodiversity risk by using planning and practises that result in forest landscapes that are reasonably consistent with the attributes of the original forests and forest landscapes. We recognize that we can never fully replicate what nature creates over time, but with careful management we can plan and use practises at a forest or forest landscape level that are reasonably consistent to what the original forest or forest ecosystem would have created.

The following are reasons that we feel that we need to move in this direction.

- 1. Reduced confusion:** Despite the existence of land use plans, there is significant confusion or misperception about which forests should be managed for which goals, particularly outside parks and protected areas. Partitioning the forest, focussing on goals for each partition and having clear rules about if and when partitions can contribute to another partition's goals (e.g., protected areas contributing to ecosystem health) or when an area can move from one partition to another can significantly reduce this confusion.
- 2. Reduced conflict:** Our current system also entrenches the idea that we need to either completely protect or allow use of an area. This all-or-nothing mentality oversimplifies management, does not allow us to focus on the right thing for the right area, fosters an "us versus them" behavior and ultimately narrows our focus as land stewards. To paraphrase an Indigenous Elder's perspective, "The reason that we create parks is because we don't trust ourselves to look after land." Many people expressed frustration about second growth forests that are managed like plantations because they think these forests should be more like their iconic undisturbed counterparts. Having them zoned as "Converted" provides clear direction on the goals for these areas and transparency for the public.
- 3. More focused management:** We have forests that are already in the Converted category but we still try to manage them as part of an ecosystem to reduce biodiversity risk, we have forests that are protected for ecosystem biodiversity reasons but are promoting landscape ecosystem health problems because of our no-touch policy, and we have mixed biodiversity targets across the province which in many cases may not be able to achieve their intended ecosystem resilience goals because of their location and ongoing levels of disturbance.

Implementation Advice:

1. Use a collaborative process under the umbrella of a Provincial-Indigenous government-to-government framework to support ongoing designation of these areas.
2. Develop criteria for:
 - a. Slotting parcels of land into each of the three management zones (e.g., Areas that are already under intensive management and in close proximity to population centers are high candidates for Converted Forests);
 - b. How Protected Forests or Converted Forests might contribute to Consistent Forest objectives; and
 - c. Moving areas from one zone to another.
3. Prioritize the designation process in management units (e.g., TSAs and TFLs) that have already logged a high percentage of their operable land and are facing the greatest risk to ecological and economic values. Areas with existing plans and legal orders like Clayoquot Sound, Haida Gwaii, and the Great Bear Rain Forest may be deferred from this process for now.
4. Where possible, coordinate the designation of forest areas with active land use planning, but do not wait for the renewal of land use planning to designate zones in high priority management units.
5. Where applicable, consider the implications to public safety and infrastructure (e.g., wildfire, floods).
6. In addition to the any other information required, support the collaborative decision-making process and stakeholder input by:
 - a. Conducting objective, government-led multi-value assessments in remaining areas of primary old and ancient forest;
 - b. Identifying special features (e.g., large, and unique trees or stands, unique ecosystems) that are close to communities and presently or foreseeably provide important recreational, cultural, spiritual, or educational opportunities; and
 - c. Developing and analyzing various risk-benefit scenarios and options, including the probabilities.
7. Establish the zones formally through legislation.
8. Establish mandatory transition plans to implement changes on a scheduled basis, specific to the management unit(s) involved.

4. A More Inclusive and Stabilizing Approach to Governance

Adopt a more inclusive and stable governance model that gives local communities and stakeholders a greater role in forest management decisions that affect them.



Rationale:

British Columbia needs a forest management governance system that is more inclusive and grounded in the long-term vision of local communities in order to create strategies that are more consistent with long-term ecosystem timeframes. This is needed for the following reasons:

- 1. Stability:** We are managing ecosystems that often take thousands of years to form with policies that can change based on election cycles. We have seen how frequent changes in priorities due to the ideologies of different governing parties can cause uncertainty and loss of continuity. Frequent changes in management direction and emphasis do not align well with most forest management activities. While changes will be inevitable, they should be based more on science-based adaptive management than short-term pressures. We believe the combination of collaborative management with Indigenous communities and formal ongoing participation of local communities, within a provincial science-based framework, can provide a stabilizing effect on policy by ensuring the local and provincial impacts of change are thoroughly considered and understood before decisions are made.
- 2. Accumulation of Wisdom:** There is often high turn-over amongst forest managers, especially in government, and frequently the professionals working in a forest do not reside in local communities. This results in varying levels of knowledge about local forests and community interests and can put communities and forest managers at cross purposes.

Managing forests to achieve a spectrum of community and provincial interests requires an understanding that benefits from local knowledge, continuity, and accumulated wisdom. Involving more people in the process of informing and making decisions increases the opportunity to retain and pass on knowledge.
- 3. Proper Link to Public Policy:** Forest management has less to do with forests and more to do with translating public expectations around forests into policy that drives how we manage those forests. A governance system that more effectively integrates public knowledge and priorities also integrates a much closer link to support developing effective and timely policy.
- 4. Public Trust:** The panel heard consistently from across the province that local communities do not have confidence that the government or large corporations will manage their forests properly, and that they want to better understand what's happening in their forests and be more involved in managing them. This was particularly true among Indigenous communities, many of whom are already assuming that role in their respective territories.

Implementation Advice:

1. The governance system should exist under the umbrella of Provincial–Indigenous government-to-government relationships.
2. Redefine planning areas considering:
 - a. Existing administrative boundaries, e.g., TSAs, LUs;
 - b. Indigenous territories (likely multiple Indigenous groups in one planning area);
 - c. Biogeoclimatic Ecosystem Classification (BEC) / ecosystem boundaries;
 - d. Administrative practicality; and
 - e. Other factors.
3. Establish local forest boards/planning tables that may be formalized through the overarching legislation described earlier (Recommendation 2).
4. Local forest boards for each planning area could include a range of groups, potentially including:
 - a. Scientific experts;
 - b. Land planners;
 - c. General public;
 - d. Resource professionals (foresters, biologists, ecologists, hydrologists); and
 - e. All land-based sectors (e.g., mining, oil & gas, tourism, highways, etc.).
5. Responsibilities of local forest boards may include:
 - a. Tailoring provincial goals and priorities to their planning area;

- b. Monitoring adherence to and reporting on their region's status and progress towards provincial goals and priorities;
 - c. Overseeing transition to an updated management system;
 - d. Participating in and possibly overseeing implementation of regional land use planning processes;
 - e. Establishing and monitoring (possibly involved with approving changes) in regional partitions, e.g., Protected, Converted, Consistent; and
 - f. Supporting public reporting.
6. Provide local forest board with appropriate support to meet their responsibilities including:
 - a. Mapping;
 - b. Scenario development;
 - c. Training & education of participants;
 - d. Scientific methods; and
 - e. Others?
 7. Adopt formal Terms of Reference for each local forest board that conform the overarching legislation and provincial guidelines.
 8. Although this recommendation has much broader application, it could be used as a mechanism to help implement other aspects of this report.

5. Public Information

Provide the public with timely and objective information about forest conditions and trends.



Rationale:

As we indicated earlier in this report, we frequently found local governments, organizations, and individuals that wanted to be better informed about the condition of old forests but were not sure where to go for accurate and objective information.

- 1. Build Trust & Reduce Bias:** As stated before, very few people we heard from said they trust information regarding the condition of BC's forests. Many feel the information provided to the public around BC's forests is biased, regardless of its source.
- 2. Reduce Polarization:** There are very strongly held views regarding how best to manage BC's forests and those views are largely based on where people are getting their information. Although opposing viewpoints may never be fully reconciled, we can reduce the level of conflict and improve the quality of dialogue with greater access to unbiased science-based information.
- 3. Foster Engagement & Wisdom:** Having an informed public can foster increased public engagement and hopefully bring more wisdom and stability to the forest management process.

Implementation Advice:

1. Provide the public with proactive reporting on forest condition through an objective, professional voice, free from political influence. Options for this may include:

- a. Formally expanding the role of the Forest Practices Board;
 - b. Creating a statutory provision for independent reporting by a senior public servant with an ombudsperson-type role;
 - c. Reporting through an independent scientific panel; or
 - d. Establishing a new office.
2. Significantly enhance public reporting on forest conditions by producing regularly scheduled updates, including:
 - a. Local scale reports, perhaps building on the Multiple Resource Values Assessment (MRVA) approach;
 - b. Regional scale or value-themed reports (e.g., biodiversity), possibly by expanding the work already underway through the Cumulative Effects Assessment initiative; and
 - c. Periodic Provincial Forest Condition reports (e.g., every five years).
3. Where available, utilize existing internal data gathering and analysis processes to inform reporting that is specifically aimed at the public.
4. Ensure reports provide context and relevant commentary to make them meaningful to the public. (Answer the contextual “so what?” question).
5. Have this new public reporting function provide an annual report on its activities and how it achieved its goals during that year.

Immediate Responses

6. Immediate Response to Ecosystems at Very High Risk

Until a new strategy is implemented, defer development in old forests where ecosystems are at very high and near-term risk of irreversible biodiversity loss.



Rationale:

There are some areas of the province where failure to act now could lead to the permanent loss of rare or unique ecosystem components contained in old and ancient forests. Many of these areas are the primary subject of a public call for protection of old forests. They tend to be iconic stands in relatively close proximity to public access or population centers and have a number of other economic, ecosystem services and intrinsic values that are important to a wide range of the general public. A system of new, more sustainable, and effective approaches to managing biodiversity and other old-forest values will take some time to fully develop and implement. In the meantime, any of these stands that are intended for harvesting or other significant disturbance should be deferred from development.

Implementation Advice:

1. Act on this recommendation as quickly as possible.
2. Use the information already compiled by FLNRORD staff, supplemented by other information available in the scientific community, to identify the ecosystems at highest risk to permanent biodiversity loss.
3. Consider the following old forest areas (and possibly others) for short-term deferrals:
 - a. Any BEC variant with less than 10% old forest remaining today;
 - b. Old forest in any BEC – Landscape Unit combination that has less than 10% old forest today;
 - c. Ancient forests (e.g., forests >500 years on the coast and wet ICH) and forests > 300 years in ecosystems with higher disturbance intervals;
 - d. Areas with a high potential to contribute towards larger ecosystem resilience; and
 - e. Areas with a Site Index of >20m.
4. Determine which of those areas are subject to harvesting or other significant disturbances within the next two years. We would expect the FLNRORD staff to have this information or be able to collect it from licensees.
5. Establish a prioritized and spatialized list of potential deferral areas and verify them on the ground and with recognized experts.
6. Use various mechanisms as needed for deferrals, for example:
 - a. Instruct BCTS to cease development and defer selling timber in the areas;
 - b. Request authorized tenure holders to voluntarily defer development;
 - c. Decline to authorize new permits or licences in deferral areas; and
 - d. If necessary, establish regulatory provisions and incentives to enable deferrals.
7. Carry out an economic impact analysis of deferrals.
8. Establish a fair and equitable process to mitigate economic impacts to holders of small area-based timber tenures (e.g., replacement area or compensation).
9. Provide a public progress report on how these priority areas have been addressed at the end of the first year after this report.
10. After two years, confirm which temporary deferral areas will be subject to protection or further management measures.
 - a. For each identified area, determine whether biodiversity conservation requires full exclusion from development or special management.
 - b. Establish legal protection for areas confirmed to be critical for biodiversity conservation.

7. Compliance with Existing Requirements

Bring management of old forests into compliance with existing provincial targets and guidelines for maintaining biological diversity.



Rationale:

The existing targets for retention of old forest reflect policy decisions that balanced risk to biodiversity with economic considerations more than two decades ago. While we feel these should be revisited

and updated to reflect current circumstances (see recommendation 10), we have been shown by government staff and scientists that some regions are below the approved targets, and at higher biodiversity risk than current policy allows. We also learned that some of the existing provisions are not enforceable because legal commitments are vague and an approved FSP takes precedence over discretionary decision-making.

- 1. Reputation:** The province's reputation as a forest land steward is at risk if it has failed to comply with or enforce its own legal orders and targets, even if this is largely because it didn't implement an adequate system to track those targets. This is not about effectiveness or changing management approaches – it is simply about knowing what is happening and taking corrective actions.
- 2. Unknown Compliance:** Although there are existing guidelines and legal orders and targets for protection of old forest, we don't have an adequate system of tracking compliance with, and enforcing those requirements.
- 3. Urgency:** Many of the existing targets already reflect a negotiated compromise, where a high risk to biodiversity was accepted in favour of economic benefits. These targets are already below scientifically accepted minimums and failure to achieve them increases the risk of moving into critical biodiversity risk situations and possible irreversible losses.
- 4. Setting a Base:** An accurate assessment of where we are at with respect to our targets and how we are managing OGMA's now is essential to future decision-making.

Implementation Advice:

1. Determine a schedule for completing this work starting with priority areas, e.g., Kootenay, Vancouver Island and Central Interior regions, moving towards less urgent areas over time, e.g., Muskwa-Kechika, Haida Gwaii, Clayoquot and the Great Bear Rain Forest.
2. Using the current work occurring under the auspices of the Cumulative Effects Assessment initiative (e.g., October 2018 Biodiversity Analysis for Arrow and Kootenay) as an example or template, complete an evaluation for all priority regions of the province by the end of 2020 and the entire province by the end of 2021 to answer the questions:
 - a. Are legal targets being met with the OGMA layer?
 - b. Is there enough old forest to meet aspatial old seral targets?
3. Where the analysis shows non-compliance, take the necessary steps to bring the area into compliance as soon as practicable, including:
 - a. Deferring development in any BEC variant/Landscape Unit/Site series old forests that are below targets (including existing development permits);
 - b. Amending OGMA's where necessary to ensure that they contain old forest, have enough area to meet both mature and old targets, and are adequate (functional shape, size and level of incursions);
 - c. Clarifying, strengthening, and standardizing the OGMA amendment requirements and procedures;
 - d. Ensuring the provincial government has the necessary tools (tracking and regulatory) and capacity to enforce the requirements.

Improve Management

8. Monitoring and Evaluation

Establish and fund a more robust monitoring and evaluation system for updating management of old forests.



Rationale:

There is little value in setting objectives and targets if they are not monitored. Without monitoring we cannot know if they are being complied with or if they are effective. We heard from nearly every region of the province that there has been no formal monitoring plan for old growth management, even though the guidelines have been in place for more than two decades.

Sound, science-based management requires monitoring and evaluation of results. It also establishes the basis for adapting to what is learned, and to changing circumstances, which is especially important in view of the current pace of environmental change. Public confidence requires reporting and acting on those results.

This is a significant and relatively straightforward opportunity to improve management and demonstrate excellence.

Implementation Advice:

1. Adopt a formal management discipline, such as adaptive management or continuous improvement, as the underpinning to monitoring, evaluation and update, but do not stall implementation of this objective choosing and adopting a discipline (note that scientists are generally more familiar with the adaptive management methodology).
2. Ensure that this system includes the core elements required for success, i.e.:
 - a. dedicated research function;
 - b. dedicated monitoring function;
 - c. link to operations;
 - d. regular updates; and
 - e. objectivity.
3. Publicly report on activities undertaken in response to previous recommendation to update the monitoring and evaluation of old forests such as the FPB (2012) report and the assessments underway through the Cumulative Effects Framework, as soon as practicable.
4. Establish a dedicated organization, possibly building on the existing FREP program by expanding its mandate and resources to:
 - a. Monitor implementation of and adherence to old forest orders, targets, and guidelines on an ongoing (scheduled periodic) basis across the province;
 - b. Evaluate the effectiveness of old forest (and seral stage) management at all scales; and
 - c. Update the management system for old forests based on the latest research and effectiveness audits on a periodic basis, e.g., minor updates every two years, major updates every six years.

5. Integrate government and external scientists, operations specialists, management experts and other specialists into this system to support information gathering and analysis, evaluation and providing options for updating the system.
6. Continue to develop and utilize standardize protocols for monitoring and evaluation of both compliance and effectiveness at achieving objectives (which may be multiple, including socio-economic).
7. Establish and maintain strong linkages between monitoring and evaluation results, research and inventory priorities, innovative practices trials (discussed elsewhere), periodic updates to practise guidelines and public reporting. This can be achieved through:
 - a. Information protocols;
 - b. Clear decision processes, authorities, and timelines; and
 - c. Others means.
8. Use the information collected from this system to enhance public reporting of results and management responses (also see recommendation on forest condition reporting).
9. Ensure that regional planning tables drive regional reporting.

9. Setting and Managing Objectives and Targets

Establish a standardized system and guidance that integrates provincial goals and priorities to local objectives and targets.

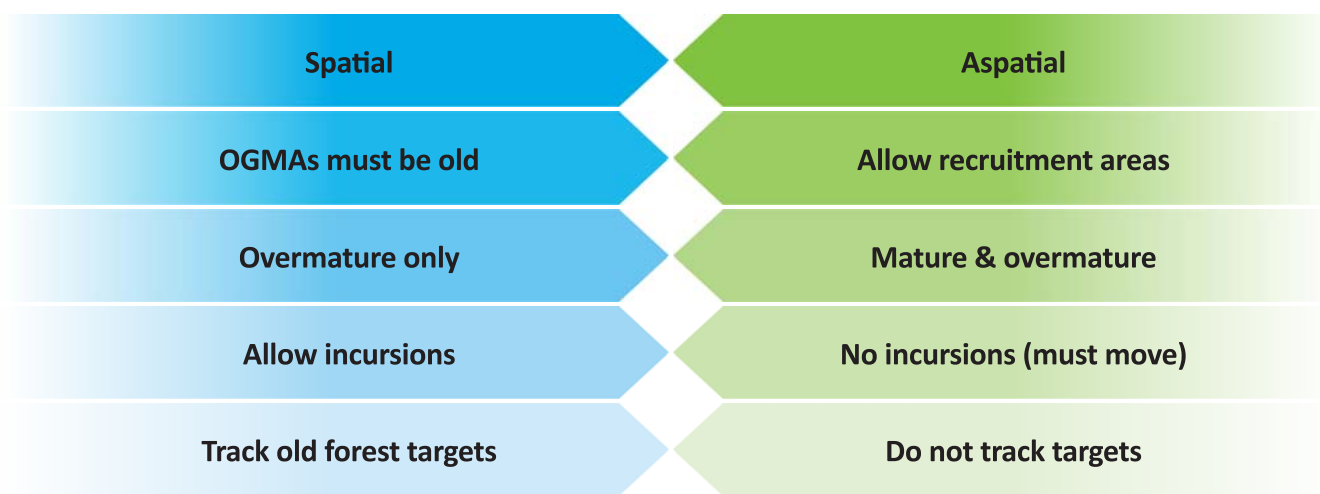


Rationale:

- 1. Local flexibility within a clearly defined framework:** The current management system for old forests is applied inconsistently and often ineffectively across the province and is not achieving its original intent. Many areas have different methodologies, often arising from a higher-level plan, e.g., CORE, LRMP, or when they were applied. The figure below illustrates some aspects of the variation across the province. Local areas want flexibility and feel that the current system often sets inflexible rules that do not work in their local situation. However, almost all local areas did recognize (and support) that their local management strategies had to conform to some larger objectives and in a manner that allows the Province to track how each area was conforming and contributing to these larger objectives.
- 2. Changed circumstances:** The original guidance for the management of old forests set out in the Biodiversity Guidebook and the Landscape Planning Unit Guide two decades ago were not fully and consistently implemented. Since that time, some ecosystems have been heavily disturbed, circumstances have changed due to climate change, and risk to biodiversity has increased. The introduction of FRPA in 2002 reduced the ability of government managers to directly control and coordinate activities on the landscape, and many current managers and professionals were not involved in the creation of the current guidance and likely don't fully understand its intent.

3. Incorporate what has been learned: Many managers expressed frustration because they feel the OGMA approach is not working and that many OGMA's are ineffective and sometimes managed inconsistently with natural forest processes (e.g., Interior Douglas Fir NDT 4, where lack of management is resulting in a considerable increase in the risk for insects, disease and catastrophic wildfire). These managers need support to have an informed voice in the system, which will in turn make the overall system more effective. We have also seen modified approaches taken in some regions, such as the Great Bear Rain Forest and Haida Gwaii, which can inform update provincial approaches.

4. Consistent Implementation: A new government policy that prioritizes conservation and management of forest biodiversity will require the existing guidelines to be adjusted, and implementation of some of the original intent to be reinforced. Having an operational framework that regularly provides the latest guidance to front-line workers and effectively engages those workers in developing this new guidance, helps to ensure that the management of old forests is implemented consistently across the province on an ongoing basis. The following illustrates a sampling of the range of OGMA approaches.



Implementation Advice:

1. Clearly define and communicate the government's overarching objective(s) and priorities for the management of old forests in guidance or standards that provide:
 - a. clear direction on the intent; and
 - b. provide flexibility for local adaptation.
2. Establish a scientific and technical panel to provide oversight and advice to developing updated guidance, including government and external experts, and incorporating operational knowledge and experience.
3. Establish a scheduled review and update process for guidance.
4. Review the Biodiversity Guidebook (1995) and the Landscape Unit Planning Guide (1999) and determine whether it would be better to update or replace them. In doing so, decide where and how to place:
 - a. Biological diversity: Should be addressed for the whole landscape, including seral stage distribution and grasslands; and
 - b. Old forest: Focus on categories of old, ancient, and rare forests and the various values and objectives assigned to them.
5. Provide for consistent processes and administrative requirements across the province, while accommodating the diversity of ecosystems, disturbance history (natural and anthropogenic), and community values, e.g.:

- a. Reporting requirements, i.e., content, geographic unit, timing;
 - b. How to buffer for unplanned events, e.g., wildfire, disease pests, slides, etc.;
 - c. Assign clear objectives to every OGMA);
 - d. Consistent, rigorous, objective and transparent processes for assessing options, including risk to ecological values and economic costs and benefits; and
 - e. Adopt a standardized, responsive process for amending (moving) spatial designations.
6. Incorporate an extension and education component tailored to practitioners, managers, and decision-makers.

10. Update Biodiversity Targets and Guidance

Update the targets for retention and management of old and ancient forest.



Rationale:

Implementation of the aforementioned recommendations will ensure we are meeting current targets, establishing a more inclusive and informed governance process and providing updated guidance to managers. Establishing the recommended overarching commitment to ecosystem health will also require us to update our retention targets and improve our guidance for retention and management of old forests.

- 1. Ecosystem Health:** Scientific research provided to the panel projects that almost all of the province's most productive forest ecosystems are, or very shortly will be, in a high biodiversity risk scenario and the rest of the ecosystems will move into a similar situation under the current old forest policies and practices. This will result in lower ecosystem resilience, loss of species and compromised ecosystem services in many areas.
- 2. Use Best Science:** Developing new guidance is of little value if it is not incorporated into both our targets and practices. Current targets have been in place for up to 25 years and no longer reflect today's reality. It is time to reset them to incorporate the latest research and practises and recognize the impacts to old forests that have occurred in the intervening time.
- 3. Shifting Paradigm:** The survey conducted as part of our review and the panel's outreach process suggests there is widespread support for conserving and maintaining biodiversity and other old forest values. Many argue that increased retention of old forest is necessary to achieve this, and to provide a buffer against uncertainty. We heard concurrently the sentiment that families and communities that depend on harvesting and manufacturing timber from old forests need to be considered in any change.
- 4. Conserve Future Options/Choices:** Very old and ancient primary forests have evolved over a long time, including some that have not experienced significant stand-replacing events. As a result, these forests are repositories of biota and process we may not even know or understand. This makes them an extremely important buffer against species extinction, climate change, and lost future opportunities. Many of these irreplaceable forests are in the THLB and are subject to harvesting. Harvesting them would mean their inherent value and future options will also be lost.

Implementation Advice:

1. Re-evaluate the assignment of biodiversity risk in light of overarching commitments to ecosystem health and managing biodiversity risk.
 - a. Develop a schedule that prioritizes areas where we have the greatest risk to biological diversity under the current targets and management regime.
 - b. Utilize information and advice from evaluation work and updated guidance to inform implementation.
 - c. Formally incorporate the importance of very old or ancient forests and ecosystems by adding new classifications and specific management targets and guidelines.
 - d. Be specific about whether the objectives of each area identified are required to be left undisturbed or managed to maintain attributes.
 - e. Address connectivity and multiple-scale objectives.
2. Where there is a deficit of old forest necessary to meet the updated targets, incorporate a formal recruitment strategy.
 - a. Conduct analysis of the expected socio-economic benefits and costs, both short and long term.
 - b. Involve local communities in making decisions and choosing options.
3. Verify that OGMA's have the intended attributes through LIDAR, ground-truthing, or other means.
4. Adopt a standard set of provincial guidelines for OGMA's in each OGMA category as illustrated in the figure below.

OGMA GUIDELINE CONSIDERATIONS

1. What is an old forest (OGMA), i.e., must be old, must be big, etc.
2. Guidelines for the size and shape for old forest areas to achieve the objectives of that area.
3. Types of management activities that are allowed in those areas, e.g., stand treatments to maintain NDT properties.
4. Incursions — when allowed, what type of incursion.
5. Requirements for unavoidable incursions (e.g., need replacement areas).
6. How to move an OGMA.

5. Eliminate generalizing, including ensuring that Protected and Conversion zones (see recommendation 3) are allocated to the proper BEC/LU/SI category.

11. Inventory and Old Forest Classification

Improve the mapping and classification of old forests to recognize multiple values.

FROM

Inadequate and ineffective for old forests

TO

Updated, accurate, directly applicable
classification system

Rationale:

1. **Refine Guidance:** The current system uses age class as a proxy for old forest — over 140 years in the interior and over 250 years on the coast. Only using age class does not recognize the inherent complexity in old forests and the range of values that they contain. We cannot separate whether an area was categorized as an OGMA because of its biodiversity, spiritual, recreation or other values and

it is very difficult if not impossible to set parameters on how to manage the area to protect its values. Even full protection can fail if the value being protected requires some level of intervention, e.g., maintaining structure in old fire-maintained ecosystems.

- 2. Recognize Variation:** The mature and over-mature age classes were created from a timber perspective and are valuable from that perspective, however, these age classes need to be further refined when managing for genetic or biological diversity. A 250-year-old Douglas Fir stand that has regrown after a disturbance is completely different than a 250-year-old Douglas Fir stand in a 3,000-year-old undisturbed ecosystem in terms of genetic, scientific, ecological, ecosystem function and intrinsic values.
- 3. Protect Values:** Our current classification does not allow us to identify important values that we may all want to protect. It is impossible to differentiate between an area that has old big trees that has value for recreation and some minor habitat from another area that contains ancient genetic material that may help save landscapes or contain cures for diseases that help save mankind, or have critical habitat necessary for the survival of an important species.
- 4. Improve Management:** The quality and even existence of forest and BEC mapping in the province is highly variable ranging from very good (not excellent) to poor or non-existent. While this mapping has improved over time, most OGMA's and strategies for the management of old forests were implemented 25 years ago when much of this information was of a much poorer standard. Numerous errors have been found where old forests that were incorrectly labeled or mapped or in some cases don't even have old trees. Some regions have undergone adjustments, but many areas still have poor information or haven't updated their old forest strategies to the new information.

Implementation Advice:

1. Refine the Province's Natural Disturbance Types (NDTs) to a finer classification system. For example, one submission said that there could be as many as 8 refinements to fire regime NDTs.
2. Work with a team of inventory and habitat mapping specialists and scientific experts in the management of old forests and classification to develop a new classification system for old forests.
 - a. It might be something like habitat mapping, i.e., considers a number of factors to assign a classification.
 - b. Refine the OGMA name to reflect the objective, e.g., biodiversity, iconic, ancient, recreation, spiritual, etc.
3. Add new age classes to the current inventory system.
 - a. Recommend 250-500 years, 500-1,000 years and 1,000 years plus (confirm these new age class definitions with old forest experts).
4. Refine mapping of all old forest in the province:
 - a. 100+ years for the interior, 140+ years for the coast;
 - b. Do at a relatively detailed level;
 - c. Ideally this would adopt the use of LIDAR for these areas; and
 - d. Continually verifying that OGMA's have the intended attributes through LIDAR, ground-truthing, or other means.
5. Establish a program with industry to acquire their inventory information for public use.

12. Innovative Silviculture Systems

Create a silviculture innovation program aimed at developing harvesting alternatives to clearcutting that maintain old forest values.



Rationale:

- 1. Improve Acceptance:** The clearcut (including clearcut with reserves) silviculture system is the mainstay of the BC forest industry because, as numerous industry representatives told the panel, it is the most cost-effective. However, this system is also the most contentious because it often significantly compromises many other values on the land (e.g., biodiversity, tourism, Indigenous sustenance use) and many ecosystem services. Most of the communities, local governments, local organizations and citizens we interviewed from across the province told us they were frustrated that their landscapes were being cleared, their local values were being compromised (particularly water supply) and they were getting little or no local return or compensation for these impacts. Areas that used gentler silviculture systems to mimic NDT patterns or enhance ecosystem services (e.g., water retention, visual, and habitat), were generally deemed more acceptable.
- 2. Ecosystem Health:** Managing for ecosystem health and low biodiversity risk requires maintaining a percentage of the ecosystem in as close to its original state as possible, but very few of BC's NDTs yield stands look or function like clearcut systems. Even the fire-dominated northern NDT 3 areas (frequent stand replacing events) yield landscapes that are a mixture of species, standing dead and live trees and varying structure. Managing for attributes that mimic the NDT type can support ecosystem health at a stand and a landscape level plus preserve the integrity of many ecosystem services.
- 3. Increase Access:** Using silviculture systems that are more gentle and manage for multiple values are generally more acceptable to the wider public because they tend to be gentler on the land, have a higher chance of protecting important community ecosystem services and result in forests that are more appealing because they look more like the pre-harvest forests. As the public gains trust with these systems, they should generally become more amenable to timber harvesting thus increasing access to the forest land base.
- 4. Reduce Conflict:** In much of British Columbia, the forest industry has played out as clearcut or no-cut, often with little attempt to manage for multiple values. This tends to foster an all or nothing approach, i.e., allow or don't allow industrial activity, which leads to tensions and compromises that may not be necessary if more balanced options were available. The variable retention system used on parts of the Coast starts to move away from this hard distinction, as do selective systems in the Interior Douglas Fir zone. While conventional clearcut harvesting (with appropriate measures to protect water, soil, and critical habitat) may still be appropriate in a few areas (e.g., second growth plantations), other approaches are needed to achieve additional public objectives across the land base.
- 5. Operational Efficiency:** There are pockets that use, and there have been sporadic attempts at creating, silviculture systems that manage for multiple values and are more acceptable to the public, but they generally didn't get the appropriate support, have a longer-term program framework and/or become adopted a wider scale. Having a dedicated program that designs, operationally tests,

measures, and reports on silviculture systems aimed at optimizing a suite of ecological and socio-economic objectives at an operational level increases options available to forest managers.

6. Increase Overall Returns: The current clearcut systems preserve relatively few valuable ecosystem services. There are examples of alternate systems such as Interior Douglas Fir on dry sites, where continuous shelterwood systems are needed because clearcut sites are generally too hot for seedling survival. Due to climate change, this same condition may also be true of Cedar-Hemlock sites in the near future. Alternate silviculture systems tend to preserve more of the inherent ecosystem services (e.g., Shelter for seedlings, filtered water, cooler streams for fish, carbon storage, habitat), make the area more conducive for other forest sector businesses, and reduce mitigation costs for other sectors, all of which in turn tend to increase overall net returns from those areas.

Implementation Advice:

1. Implement a program that supports a collaboration of industry, operations practitioners and scientists to develop and implement a set of silviculture systems that are cost-effective and maintain or enhance other values, e.g., maintain each NDTs old forests as close as possible to their inherent states, water retention, habitat, etc.
2. Develop partnerships with:
 - a. Other governments (e.g., Forestry Canada and Indigenous);
 - b. Existing research organizations (e.g., FP Innovations, universities, non-profits);
 - c. Forest licensees (especially community forests and other area-based licensees);
 - d. BC Timber Sales program;
 - e. Local governments and water purveyors;
 - f. Wildlife management programs;
 - g. BC Climate Action Secretariat; and
 - h. Other potential public and private sector collaborators.
3. Test a series of silviculture systems and variations to achieve the previous goals, i.e., manage old forests to effectively achieve a defined suite of values and objectives, recruit and encourage old forest attributes where required to meet long-term objectives; and demonstrate and encourage new practises.
4. Once tested, make these proven silviculture systems the default requirement for each NDT and/or ecosystem type and provide clear guidance on when these systems might be varied because of local operational constraints.
5. Ensure that there is support for operations to effectively utilize these systems, such as:
 - a. Facilitate communication and collaboration across jurisdictions and disciplines;
 - b. Facilitate knowledge transfer to practitioners;
 - c. Involve local residents and stakeholders; and
 - d. Ensure that the stumpage system provides appropriate offsets to cover extra costs.

Orderly Transition

13. Transition Planning at the Provincial and Local Levels

Once developed, implement the new policies and strategies for the management of old forests through mandatory provincial and local transition plans that define, schedule and monitor the process.

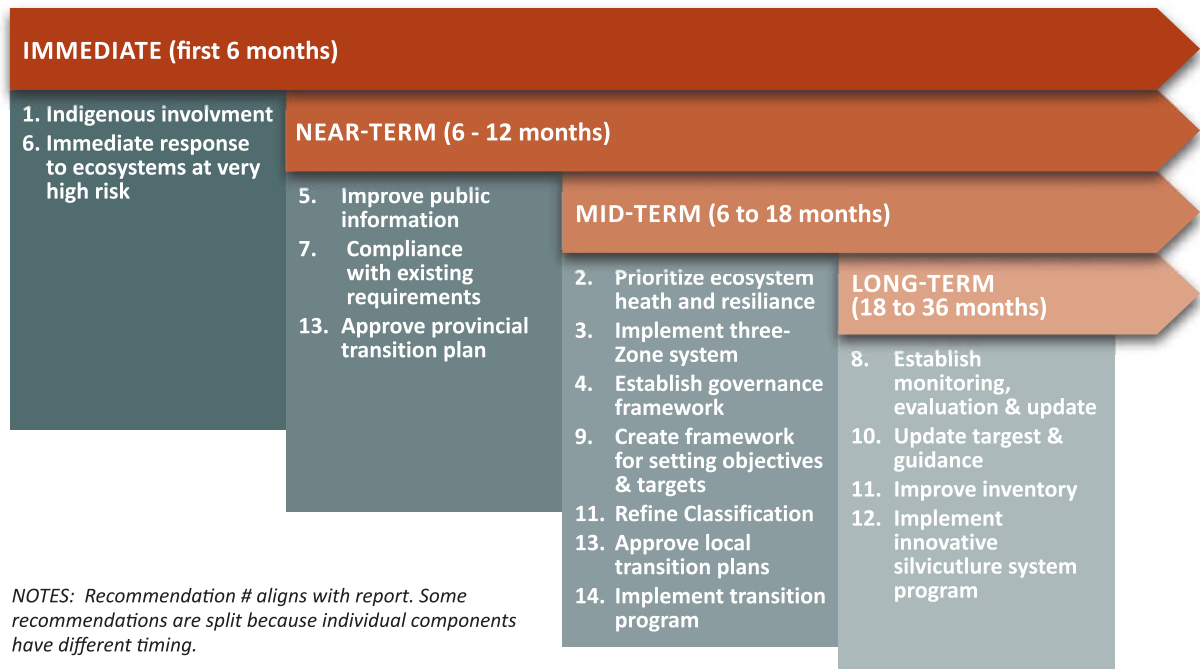
Rationale:

- 1. Credibility:** Past attempts at changing the management system for old forests have not been as effective as they could have been because they lacked formal implementation plans, comprehensive implementation, appropriate resourcing and effective public accountability mechanisms. In light of this history, there is significant skepticism about this current Old Growth Management review process. This can be mitigated to some degree by planning for results with mandatory, publicly accountable transition plans.
- 2. Avoid Unnecessary Harm:** In the absence of mandatory, publicly accountable transition plans, history has shown us that we tend to fall back to old habits, further compromise ecosystem health, continue to impact other forest values and create more negative socio-economic impacts.
- 3. Proactive:** The primary forest is finite and diminishing, and each area's transition requirements vary depending on how much primary forest currently exists, economic conditions (expansion or contraction of the THLB) and land-use decisions. Areas that proactively plan for this transition generally have more options than areas that only react to the situation when they run out of available timber.
- 4. Stability:** At a larger scale, these transitions are attempting to address destabilizing events, but it is possible to provide some level of stability by proactively planning ahead, being accountable for achieving targets in mutually supported mandatory plans and having the ability to adjust those plans as circumstances evolve. These parameters improve an area's ability to adjust their trajectory and work their way through inevitable economic cycles.

Implementation Advice:

1. Recognize that transitions will occur at:
 - a. The provincial level from the resultant old forest policy and strategy that will arise from these recommendations; and at
 - b. The local level from:
 - i. Deferrals and long-term strategies to address immediate threats to ecosystems;
 - ii. Moving to compliance with current biodiversity targets; and
 - iii. adopting updated biodiversity targets, OGMA guidelines and practices.
2. Immediately engage Indigenous leadership at the appropriate level (provincial and/or local) in each of these transitions (this includes developing a quick response plan to recommendation #6).
3. Review the government's internal organization to ensure that the strategies and priorities for management of old forests will be successfully implemented:
 - a. Inter-ministry accountabilities, authorities, and coordination;
 - b. Clear cross-government priorities and direction to staff;

- c. Adequate staffing and resources;
 - d. Support for the new planning systems; and
 - e. Effective multi-disciplinary processes.
4. Develop and formally approve an overall implementation plan that will accompany the provincial old forest policy and strategy that will result from this report's recommendations. Implementation recommendations include:
- a. Done under a Province-Indigenous government-to-government umbrella;
 - b. Needs to engage various government, scientific, operational and planning experts; and
 - c. Should include a clear schedule (the following provides an overview of the panel's view on prioritization and broad scheduling of the recommendations in this report).



- 5. Provide for local transition plans in legislation (perhaps initially in FRPA and the Old & Gas Activities Act, but eventually in the new proposed overarching legislation).
 - a. Make transition plans a mandatory consideration in AAC determinations by including a new clause in the *Forest Act* Section 8(8)(a).
 - b. Provide direction and authority to statutory decision makers to consider the impact of authorizations on the objectives of a transition plan.
- 6. Develop government-led local transition plans on a scheduled, prioritized basis.
 - a. Begin immediately in management units with the:
 - i. Highest risk to biodiversity;
 - ii. Most constrained timber supply (hard to find the AAC); or
 - iii. High public values in the primary forest that are not compatible with conventional timber harvesting.
 - b. Complete remaining plans in conjunction with scheduled TSRs.
- 7. Recognize the unique ecological, social, economic, and timber supply circumstances of each management unit and its dependent communities and develop a plan specific to its needs.
 - a. Develop implementation plans collaboratively with the most directly affected communities.
 - b. Recognize and address the potentially disproportional impact on small area-based tenures.
 - c. Conduct a realistic assessment of economic diversification opportunities and options, including the time required to realize them, and the probability of success (could be value-added manufacture of wood products, botanical forest products, tourism, and commercial recreation, etc.). Ensure they are viable options — not just ideas.

- d. Assess the opportunities/suitability of the forest to alternative silviculture systems outside the Converted zone.
 - e. Assess timber operations' dependence on old forests for economic viability and possible transition to second growth.
8. Review the stumpage system to evaluate: the true direct and indirect costs and effects of silviculture systems that are carried out; its effect on the Province's ability to meet biodiversity targets and other established old forest objectives; and its effect on potential silviculture innovation.
 9. Explore the potential of a land acquisition fund to enable the purchase of land or covenants to retain or recruit old forest in ecosystems at high biodiversity risk, or otherwise of high public interest.
 10. Report publicly on implementation of transition plans.

14. Transition Support for Communities

Support forest sector workers and communities as they adapt to changes resulting from a new forest management system.

Rationale:

- 1. Proactive versus Reactive:** There are already a number of areas in the province that are facing significant economic restructuring because they are at or near the point of diminished timber supply. It is much better to be proactive and manage this transition when we still have options versus reacting to a crisis when it is upon us, e.g., a mill shutdown.
- 2. Local Dependence:** The importance of the forest sector to the economy and social well-being of the province as a whole is diminishing but still important. This broader picture belies the fact that there are still a significant number of local areas that are highly dependent on this sector and any transition away from a timber-based economy will drive deep into the core and possibly even the economic survival of those areas. Those communities will need support to reform themselves now and develop other options while they still have choices.
- 3. Fairness:** We live in a society where the generally accepted convention is to support communities that bear a disproportional share of the negative consequences from broader societal decisions. The support we provide them should be sufficiently substantive to meaningfully mitigate the effects of those consequences.
- 4. Foster Confidence:** There is a tremendous amount of local uncertainty and lack of confidence within the timber sector, and it is too late to pretend that things are fine or to try to avoid the inevitable shortages of timber. Areas that are facing economic changes are generally aware that negative changes are coming, and they need support in planning a scheduled change. This will help foster confidence and support for the larger system in those areas.
- 5. Improve Local Economies:** There are still forest-based economic options that can be realized in many areas. On their own, these options may not offer the same level of local employment or economic spin-offs as the timber sector in the short-term, however they may be much more sustainable in the long-term. There are still probably significant opportunities for continued local timber sector benefits if new innovative systems can be used.

Implementation Advice:

1. Require a socio-economic transition plan for every area where the forest transition plan may result in a higher negative impact than a defined threshold to local, regional or provincial social and economic values.
2. Provide adequate funding for plan implementation, including:
 - a. Capacity to investigate and facilitate local and regional economic opportunities;
 - b. Bridge financing assistance for businesses;
 - c. Workforce adjustment; and
 - d. Conservation funding (e.g., carbon, biodiversity).
3. Develop and implement policies and programs aimed directly at promoting local manufacture, especially for value-added specialty and high-value products.
4. Develop and implement policies and programs aimed directly at generating sustainable economic benefits from forest-focused tourism, e.g., Improved access, facilities and interpretation for visiting big trees and unique ecosystems (e.g., Similar to Cathedral Grove, Ancient Forest Recreation site etc.) and other non-timber forest businesses.
5. Review existing administrative practices, including the stumpage system, to ensure they do not inhibit local economies.



In Closing...

High-elevation old forest in Babine Mountains near Smithers.
Photo by Al Gorley

IN CLOSING...

Our strategic review of the management of old forests led us to conclude that despite the good intentions and efforts of many people, including government personnel associated with forest management development and implementation, the overall system of forest management has not supported effective implementation or achievement of the stated public objectives for old forests. This has not come about because of any one group or decision, but by a pattern of many choices made over several decades, within an outdated paradigm.

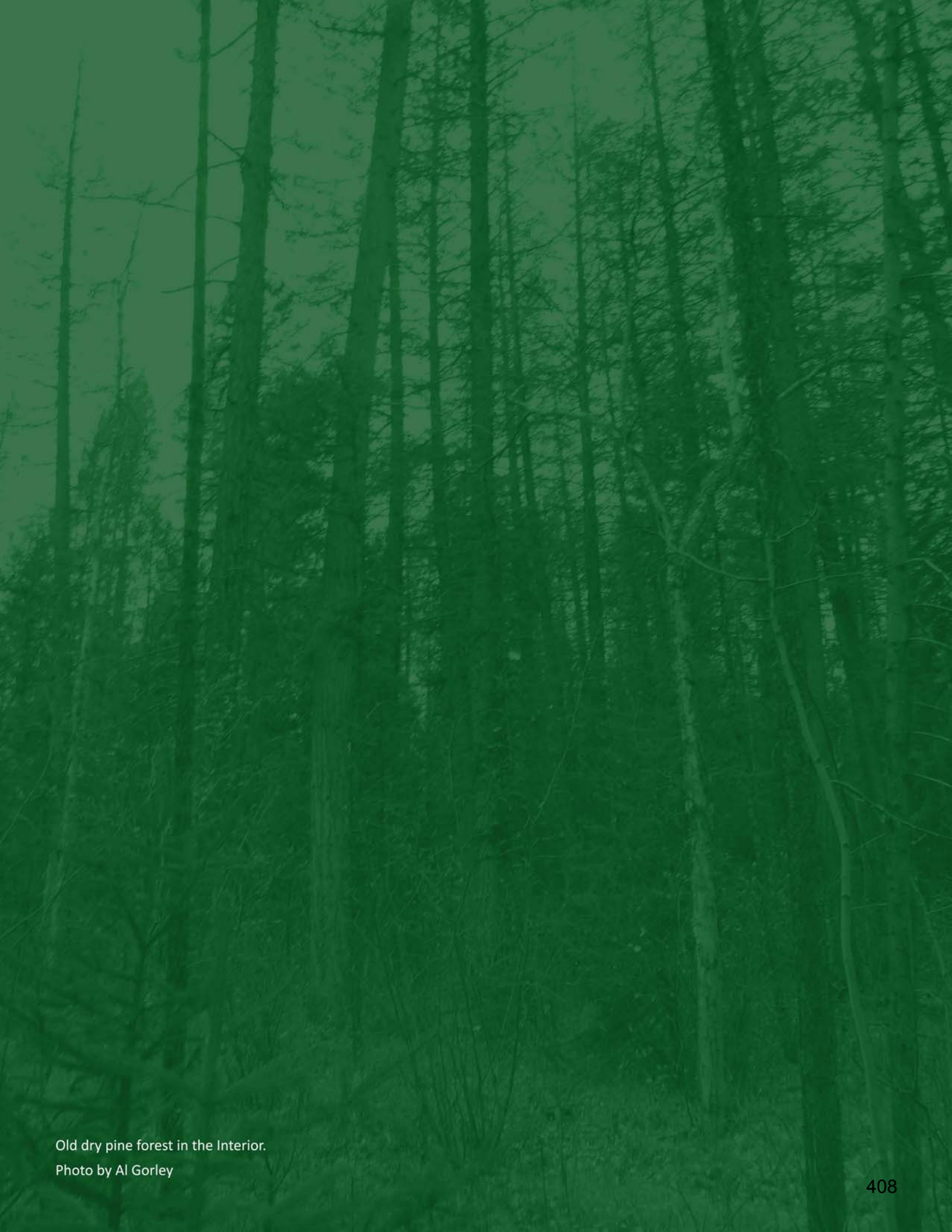
Our current system of forest management emerged in the middle of the 20th century, when the provincial policy was focused on generating economic wealth and “building the province” by monetizing the vast natural supplies of timber and converting them to tree farms. Only later, especially through the 1990s, did conservation and management for ecological values across the landscape receive serious attention. Since that time, a great deal of effort has gone into creating protected areas, planning for multiple uses of forest lands, and designing systems to manage forest practices that respect a range of values including biological diversity. The underlying timber policy remained oriented toward a sustained yield of timber but was now somewhat constrained by these new policies and practices.

Our ever-expanding understanding of forest behavior and management, as well as the effects of climate change, have made it clear that we can no longer continue to harvest timber and manage forests using the approaches we have in the past while also conserving the forest values we cherish. We therefore have to be honest with ourselves and collectively and transparently make the difficult choices necessary to ensure future generations of British Columbians can enjoy and benefit from our magnificent forests, as we have done.



Recently planted woodlot near Port Hardy.

Photo by Trevor Pancoust



Old dry pine forest in the Interior.

Photo by Al Gorley

RAINFOREST FLYING SQUAD



A LETTER FROM ELDER BILL JONES

Hello all defenders of our sacred forests.

I am an elder in the community of Pacheedaht. We all have a role and a part in this and we need to appreciate and honour our differences. Difference is a good thing. Different strategies are a good thing. People of all ages and genders and races and cultures and classes need to walk together in order to help heal the wounds of colonialism and environmental destruction.

Get out to the woods.

Talk to each other, listen to each other. If you feel like somebody is not honourable take the time to communicate directly with them and meet them face-to-face to discuss your concerns.

We must trust that people involved in this movement are taking time out of their short lives and doing their very best to make positive change in this world. If people are willing to put themselves in this vulnerable position – of standing on a logging road or speaking out on the internet about the damage to our mother earth and the destruction of our sacred places – then we must trust that although we might not always say the right things or walk the right path we still deserve to be treated with respect.

The Fairy Creek watershed is a sacred place for many reasons. I have many stories about this area, from my own experiences as a child and young man and also stories that were told to me by my elders. It breaks my heart in half when I see these last remaining stands being ravaged so a few people can have jobs for a few more months.

For any of you who are non-indigenous or do not identify with your indigeneity, do your best to follow the protocols of the land and culture where you live but also know that lifelong learning happens for everybody, in every culture. You will make mistakes, as we all do, and you, like myself, will continue to learn until the day you die.

RAINFOREST FLYING SQUAD

For those of you who are indigenous, remember that there are many voices within our community. We have different priorities and many different paths to take. Some of us have committed our entire lives to upholding or reviving our cultures and traditions and some of us have come to that place early in life and some of us came to it late. We are men and women of all ages. Some of us live in cities, some of us live in the bush. Some of us live on reserves, and some of us live thousands of miles away from our homeland. We work in offices, we are loggers, we are miners, we are healthcare providers and teachers and students and activists. We, like everyone else, are wonderfully diverse.

These forests bring us the clean air that we need to breathe and the clean water that we need to drink and all the plants and animals that we need to sustain not only our bodies but also our spirits.

Be humble and remember why you have all crossed paths in the first place.

I'll say this again. Go for a walk in the woods.

Thank you all.



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Council Member Motion
Committee of the Whole Meeting of April 01, 2021

Date: March 29th, 2021

From: Councillor Andrew

Subject: Task Force on Sexual Abuse

Background

Several high profile incidents of sexual abuse within the City of Victoria and Greater Victoria have been reported through media and social media.

A number of survivors have not found interactions with police to be safe or appropriate.

Perpetrators of sexual violence must be held to account and the culture of rape must be addressed by the community.

This action must include input from the community.

Recommendation

That Council establish a Task Force to include survivors, advocates, police, the justice system and other appropriate entities and individuals to seek recommendations that:

remove barriers to the reporting of sexual violence,
establish reporting systems other than policing as the front line of reporting of sexual violence

improve and increase capacity of investigations of sexual violence,
improve care and support for victims of sexual violence.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'S. Andrew'.

Councillor S. Andrew