



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, April 22, 2021

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

To be held immediately following the Committee of the Whole Meeting

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

Pages

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

C. READING OF MINUTES

*C.1.	<u>Minutes from the daytime meeting held February 25, 2021</u>	1
*C.2.	<u>Minutes from the evening meeting held February 25, 2021</u>	16
*C.3.	<u>Minutes from the evening meeting held March 11, 2021</u>	21

Addenda: New Item

D. PROCLAMATIONS

D.1.	<u>"Global Love Day" - May 1, 2021</u>	32
D.2.	<u>"St. George's Day" - April 23, 2021</u>	33
D.3.	<u>"Melanoma and Skin Cancer Awareness Month" - May 2021</u>	34
D.4.	<u>"GBC/CIDP Awareness Month" - May 2021</u>	35

Pending approval at the April 22, 2021 COTW meeting

D.5.	<u>"Huntington Disease Awareness Month" - May 2021</u>	36
------	--	----

Pending approval at the April 22, 2021 COTW meeting

D.6.	<u>"Child Abuse Prevention Month" - April 2021</u>	37
------	--	----

Pending approval at the April 22, 2021 COTW meeting

Addenda: New Item

Pending approval at the April 22, 2021 COTW meeting

*E. UNFINISHED BUSINESS

*E.1. Rise and Report

*E.1.a. From the Closed Meeting held April 15, 2021

39

Addendum: New Item

Law Enforcement/Potential Litigation/Legal Advice – Bylaw
Compliance
Strategy – End of 24/7 Sheltering

Attachment - Report and excerpt from the closed minutes

*E.1.b. From the Closed Meeting held March 4, 2021

47

Addendum: New Item

Intergovernmental Negotiations - Memorandum of Understanding
with
province re: Encampments

Attachment - Excerpt from closed minutes

F. REPORTS OF COMMITTEE

F.1. Committee of the Whole

F.1.a. Report from the April 15, 2021 COTW Meeting

48

Link to the April 15, 2021 COTW Agenda

F.1.a.a. 1250 Dallas Road: Development Variance Permit
Application No. 00254 (Fairfield-Gonzales)

F.1.a.b. 1628 Edgeware Road: Correction to Zoning Regulation
Bylaw pertaining to Rezoning Application No. 00726
(Oaklands)

F.1.a.c. Vibrancy and Vitality Initiative - Clean and Safe
Committee Report

F.1.a.d. Council Member Motion: Solidarity with Indian Farmers

F.1.b. Report from the April 22, 2021 COTW Meeting

Pending Approval the the April 22, 2021 COTW Meeting

F.1.b.a. Build Back Victoria Program and Government Street
Pedestrian-Priority Initiatives Update

G. BYLAWS

G.1. Bylaw for 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736 49

A report recommending:

1st and 2nd readings of: Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047

The application is ready to proceed to Public Hearing and proposes to subdivide the property and construct two new single-family homes.

G.2. Bylaws for 1029 Queens Avenue: Rezoning Application No. 00693 and Development Permit with Variance Application No. 00117 55

A report recommending:

- **1st and 2nd readings of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1230) No. 21-051
- **1st, 2nd, and 3rd readings of:**
 - Housing Agreement (1029 Queens Avenue) Bylaw (2021) No. 21-052
- **Consideration of revised Development Permit with Variances Application**

The application is ready to proceed to Public Hearing and proposes to retain the existing two-family dwelling and permit a new two-family rental residential building in the side yard.

G.3. Bylaw for 1628 Edgeware Road: Rezoning Application No. 00726 83

- **1st and 2nd readings of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1255) No. 21-050

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to add restrictions with respect to floor area to the R1-50 Zone, Edgeware Road Rest Home District, in order to correct an error in Zoning Regulation Bylaw, Amendment Bylaw (No. 1250).

G.4. Bylaw for Five Year Financial Plan, 2021 84

- **Adoption of:**
 - Five Year Financial Plan Bylaw, 2021 No. 20-112

The purpose of this bylaw is to adopt the annual financial plan for the year 2021.

G.5. Bylaw for 2021 Tax Rates 92

- **Adoption of:**
 - Tax Bylaw, 2021 No. 21-048

The purpose of this Bylaw is to impose tax rates and taxes for the year 2021.

G.6. Bylaw for Business Improvement Area Rate 94

- **Adoption of:**
 - Business Improvement Area Rate Bylaw No. 21-053

The purpose of this Bylaw is to levy taxes on taxable property located in the Downtown Victoria Business Improvement Area.

G.7. Bylaw for Boulevard Tax 95

- **Adoption of:**
 - Boulevard Tax Bylaw No. 21-054

The purpose of this Bylaw is to assess the cost of maintenance of boulevards in the City.

G.8. Bylaw for Fire Prevention and Regulation Amendment Bylaw

96

- **Adoption of:**
 - Fire Prevention and Regulation Bylaw, Amendment Bylaw (No. 01) No. 21-010

The purpose of this Bylaw is to amend the Fire Prevention and Regulation Bylaw to update it in accordance with technological changes, City development changes, and the requirements of the Fire Department.

G.9. Bylaw for False Alarms Amendment Bylaw

120

- **Adoption of:**
 - False Alarms Bylaw, Amendment Bylaw (No. 1) No. 21-018

The purpose of this Bylaw is to amend the False Alarms Bylaw to update it in accordance with current practices and standards.

H. CLOSED MEETING

MOTION TO CLOSE THE APRIL 22, 2021 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

I. APPROVAL OF CLOSED AGENDA

J. READING OF CLOSED MINUTES

***J.1. Minutes from the closed meeting held February 25, 2021**

K. UNFINISHED BUSINESS

L. CORRESPONDENCE

M. NEW BUSINESS

M.1. Land - Community Charter Section 90(1)(e)

N. CONSIDERATION TO RISE & REPORT

O. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

February 25, 2021, 2:06 P.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

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

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Coates - City Clerk, P. Bruce - Fire Chief, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, J. Jensen - Head of Human Resources, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, C. Havelka - Deputy City Clerk, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, AK Ferguson - Committee Secretary

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

E. UNFINISHED BUSINESS

E.1 Rise and Report

Rise and report from the Closed Council Meeting of February 18, 2020

That Council authorize a rise and report on the letter dated September 20, 2019 from the Victoria-Esquimalt Police Board to Brenda Butterworth-Carr Assistant Deputy Minister and Director of Police Services Ministry of Public Safety & Solicitor General Policing and Security Branch regarding a Request for Review –

Section 27 Police Act and the letter of response dated January 17, 2021 letter from the Assistant Deputy Minister and Director of Police Services.

E.2 Proposed Accessible Parking Requirements and Design Criteria

This motion was postponed from the daytime Council meeting held February 18, 2021.

Moved By Mayor Helps
Seconded By Councillor Alto

That Council:

1. *Direct staff to proceed with preparing applicable amendments to the City's Zoning Bylaw, the Subdivision and Development Services Bylaw and the Streets and Traffic Bylaw to establish new supply rates and specifications for off-street accessible parking as recommended in this report.*
2. *Endorse new design criteria for public on-street and City operated parkades provided accessible parking stalls and direct staff to include within the 2021-2025 Financial Plan a budget of up to \$350,000 for accessible parking retrofits and expansion efforts with funding from the Accessibility Reserve Fund.*

CARRIED UNANIMOUSLY

F. REPORTS OF COMMITTEE

F.1 Committee of the Whole

F.1.a Report from the February 18, 2021 COTW Meeting

F.1.a.a Appointment to the CRD Water Supply Commission

Moved By Councillor Potts
Seconded By Councillor Loveday

That Council appoint Councillor Dubow as Director to the Capital Regional District Water Supply Commission.

CARRIED UNANIMOUSLY

F.1.a.b Police Budget

F.1.a.b.a-Report Back from Board on Council's January 28, 2021 Motion

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

That the report be received for information.

CARRIED UNANIMOUSLY

F.1.a.b.b-Postponed motion re: Additional Funding for Police Support for Encampments

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That Council approve up to an additional \$75,960 of funding from the Financial Stability Reserve to continue to deploy two VicPD officers for four hours per day/seven days a week from January 1 to March 31, 2021 to support City of Victoria Bylaw Services in carrying out their duties at the various encampments within the City of Victoria.

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

OPPOSED (3): Councillor Dubow, Councillor Isitt, and Councillor Potts

CARRIED (6 to 3)

F.1.a.b.c VicPd Amended Provisional Budget

Moved By Mayor Helps

Seconded By Councillor Young

That Council receive this information.

That Council fund this request one-time at a 50/50 split between option 1 and 6 of the staff report:

1.Ongoing funding through a property tax increase of 0.065% resulting in an overall tax increase of 1.82% for 2021; and

6. One-time funding for \$107,500 using the Police Financial Stability Reserve (this would require approval by the Board as well as Esquimalt Council)

That Council requests the following information prior to adoption of the 2021 Financial Plan:

- any agreements regarding membership in E-Comm;
- annual reports of E-Comm for 2018 and 2019; and
- information on the process for the City of Victoria and/or the Victoria Esquimalt Police Board becoming a member of E-Comm

CARRIED UNANIMOUSLY

F.1.a.c Strategic Plan #3 Affordable Housing

F.1.a.c.a Postponed Motion from the February 11, 2021 Council (to follow COTW) Meeting

Moved By Councillor Isitt
Seconded By Councillor Potts

Motion to refer:

Refer this matter to staff to determine the implications of undertaking this work in 2021.

"Council add the following ~~2022~~ 2021 action to the Strategic Plan:

Work with partner agencies and parameters outlined in the existing City of Victoria Emergency Plan (2018) to establish an effective emergency shelter function for unhoused persons, including activating municipally-owned property, to provide emergency shelter and other emergency social services to meet community needs in the event of emergencies."

CARRIED UNANIMOUSLY

F.1.a.c.b Council Member Motion: Emergency Housing Function and Related Matters

Moved By Councillor Andrew
Seconded By Councillor Alto

That Council indicate to the Province its support for the inclusion in the modernized Emergency Program Act to take into consideration the needs of vulnerable populations in the event of an emergency.

CARRIED UNANIMOUSLY

F.1.a.c.c Council Member Motion: Deployment of Effective Emergency Shelter and Emergency Social Services

Motion to Refer:

Moved By Councillor Isitt
Seconded By Councillor Potts

That this matter be referred to staff to inform implementation and improvements to the City's Emergency Plan:

"That Council adopt the following resolution:

**Resolution: Deployment of Effective
Emergency Shelter and Emergency Social
Services**

WHEREAS under the Emergency Program Act "emergency" means a present or imminent event or circumstance that: (a) is caused by accident,

fire, explosion, technical failure or the forces of nature, and (b) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property;

AND WHEREAS the Emergency Program Act specifies in section 6(1) that a local authority is at all times responsible for the direction and control of the local authority's emergency response, subject to sections 6(1), 8(2), 13(2) and 14(3);

AND WHEREAS the City of Victoria's Emergency Plan (2018) states that British Columbians forced from their homes by fire, floods, earthquakes or other emergencies may receive emergency social services. Services may include food, lodging, clothing, emotional support, information about the crisis, and family reunification. There may also be special services like first aid, child minding, pet care and transportation;

AND WHEREAS the City of Victoria's Emergency Plan (2018) states that provisions for Emergency Social Services in Victoria are secured through renewing supplier agreements with business partners every two years;

AND WHEREAS the City of Victoria's Emergency Plan (2018) states that the City of Victoria has agreements in place with neighbourhood associations authorizing the City to use the neighbourhood centres as Emergency Social Service facilities (reception centres or group lodging) when necessary. These agreements exist between the City and the Societies who administer the following Community Centres: James Bay New Horizons, James Bay Community Centre, Fairfield Community Centre, Cook Street Village Activity Centre, Victoria Silver Threads, Fernwood Community Centre, Oaklands Community Centre, Quadra Village Community Centre, Burnside Gorge Community Centre and Victoria West Community Centre. Informal agreements exist with Christ Church Cathedral and school, The Cridge Centre for the Family, Crystal Pool, James Bay United Church, Latter Day Saints Church, Trafalgar/Pro Patria Legion and The Tai Chi Centre;

AND WHEREAS under the Local Authority Emergency Management Regulation, Local Authorities are required to have a plan which describes how provisions of food, shelter, clothing, transportation, and medical services are provided;

THEREFORE BE IT RESOLVED THAT the City of Victoria work with partner agencies and parameters outlined in the existing City of Victoria Emergency Plan (2018) to establish an effective emergency shelter function for unhoused persons, including activating municipally-owned property, to provide emergency shelter and other emergency social services to meet community needs in the event of emergencies.”

CARRIED UNANIMOUSLY

F.1.a.d-1260 Grant Street and 1289 Gladstone Ave: Development Variance Permit Application

The Mayor recused herself at 2:35 p.m. due to a non-pecuniary conflict of interest as she lives across the street from the application.

Councillor Thornton-Joe assumed Chair.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That, subject to a formal response from the School District consenting to the request for Statutory Right-of-Ways on Fernwood Road, Grant Street and Gladstone Avenue, 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. 00249 for 1260 Grant Street and 1289 Gladstone Avenue, in accordance with:

- a. Plans date stamped December 24, 2020.
- b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. relaxation to all of the impacted lots for setbacks, site coverage, height, number of storeys and open site space requirements;
 - ii. relaxation to permit building over property lines and a street
 - iii. relaxation to permit parking spaces on separate lots
 - iv. relaxation of required parking from 283 spaces to 149
 - v. allow a roof deck.
- c. Registration of Statutory Right of Ways on the property’s title, on terms and in a form to the satisfaction of the Director of Engineering and Public Works and City Solicitor, to allow pedestrian network improvements in the following areas:
 - i. a 6.1m section along the property frontage on Gladstone Avenue
 - ii. a 3.9m section along the property frontage on Grant Street

- iii. a 2.9m section on the property frontage on Fernwood Road, north of Vining Street, reducing to 0.9m in the section between the existing transit stop and the Belfry Theatre
- iv. a 0.5m section along the property frontage on Fernwood Road, south of Vining Street.
- d. Submission of a revised Arborist Report and landscape plans, to the satisfaction of the Director of Parks, Recreation and Facilities, in order to assess the impact of the proposals upon trees and specifically including the following information:
 - i. the applicant must confirm the proposed relocation area of the Pad Mounted Transformer (PMT) and have the project arborist review its impact on trees. The PMT shall be located on school land and the information provided should include the location of any new conduits required, including in the City's Right-of-Way;
 - ii. the landscape plan shall identify two replacement trees for the proposed removal of each bylaw protected tree. Large canopy replacement trees are preferred;
 - iii. include a plant list showing the quantity of new trees proposed, species and size. Clearly identify proposed new trees on the Landscape Plan.
- e. Revised plans illustrating proposed pedestrian improvements and driveway crossing designs that are consistent with the Highway Access Bylaw and Subdivision and Development Servicing Bylaw, to the satisfaction of the Director of Engineering and Public Works.
- f. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

The Mayor returned to the meeting and assumed the Chair at 2:36 p.m.

F.1.a.e Accountability Report - Period Three 2020

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That council receive this report for information.

CARRIED UNANIMOUSLY

F.1.a.f 2020 By-Election - Lessons Learned

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That Council endorse the following as minimum requirements for conducting a by-election:

1. One month of planning before appointing a Chief Election Officer
2. Hire one additional senior staff and one additional administrative staff
3. Establish at least 8 general voting day locations that are geographically distributed throughout the city
4. At least two advance voting locations
5. At least five advance voting days

6. Each voting location to have two voting machines
7. One accessible voting machine to be available during advance and general voting in a central location
8. Provide return postage-paid envelopes for requested vote by mail packages
9. Distribute election information materials to households using a voter card system and other standard engagement activities.
10. That Council restate its advocacy from 2014 that the nomination period occur earlier to allow for mail in ballots or that the province make an allowance for provisional ballots. (letter from the Mayor)

CARRIED UNANIMOUSLY

F.1.a.g Temporary Re-location of Council Meetings

Moved By Councillor Young

Seconded By Councillor Andrew

That Council authorize the holding of Council and Committee of the Whole Meetings between March 1, 2021 and June 15, 2021 at the Capital Regional District Board Room.

CARRIED UNANIMOUSLY

F.1.a.h Council Member Motion: Stewardship of Urban Waterways

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council directs staff to report back in conjunction with the Stormwater Management Plan update with some preliminary information options for enhanced stewardship, restoration and/or daylighting of the following urban waterways:

1. Rock Bay Creek, running from Fernwood to Rock Bay;
2. Cecelia Creek, running from the vicinity of Mayfair Mall to the Selkirk Water; and
3. Ross Bay Creek / Humboldt Creek, connecting the Inner Harbour (Whosaykum) to Ross Bay via the Cook Street Village area.

Including consideration of opportunities for:

- i. Signage and/or daylighting in the vicinity of Alexander Park, Blackwood Park and/or Wark Street Park;
- ii. Signage and ecological restoration of exposed segments of Cecelia Creek; and
- iii. Signage and/or daylighting in the vicinity of the St Ann's Academy Grounds and the Olive Street lot.

CARRIED UNANIMOUSLY

F.1.a.i Council Member Motion: Advocacy for a Provincial Economy Strategy

Councillor Dubow recused himself at 2:39 p.m. for the next two items as he is a board member of the climate caucus.

Moved By Councillor Loveday

Seconded By Councillor Potts

That Council endorse the following resolution and submit this resolution for consideration at the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities:

Whereas the provisioning and management of goods and food consumed by BC communities produces excessive and unnecessary quantities of waste, pollution and carbon emissions that threatens environmental health;

And whereas the concept of a Circular Economy provides a vision and framework to design out waste and pollution, keep products and materials in use and regenerate natural systems to help BC communities move towards Zero Waste;

And whereas the province has yet to develop a comprehensive strategy to transition BC's economy to a circular one;

Therefore, be it resolved that UBCM request that the province of BC develop a provincial Circular Economy strategy.

CARRIED UNANIMOUSLY

F.1.a.j Council Member Motion: Advocacy for Right to Repair Legislation

Moved By Councillor Loveday

Seconded By Councillor Alto

That Council endorse the following resolution and submit this resolution for consideration at the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities:

Whereas the longevity of items is decreasing because manufacturers are deliberately designing products to be disposable;

And whereas citizens and businesses are deterred from repairing their belongings by companies that claim ownership over the intellectual property in their products, fail to provide parts or other aspects that make it hard to repair items;

Therefore be it resolved that UBCM ask the Province of BC to draft and enact Right to Repair legislation.

CARRIED UNANIMOUSLY

Councillor Dubow returned to the meeting at 2:41 p.m.

F.1.b Report from the February 25, 2021 COTW Meeting

F.1.b.a-Support Downtown Vibrancy and Vitality Report

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That Council:

1. Approve \$100,000 from the 2021 Financial Plan contingency budget to be allocated toward a Downtown Vibrancy and Vitality Initiative to be administered by the Downtown Victoria Business Association (DVBA) as outlined in this report.
2. Authorize a partnership agreement, on the terms satisfactory to the Head of Business and Community Relations and in the form satisfactory to the City Solicitor, with the DVBA to provide services on behalf of the City for the Downtown Vibrancy and Vitality Initiative.

CARRIED UNANIMOUSLY

F.1.b.b-Council member motion - Council Endorsement of Help Cities Lead Campaign

Moved By Mayor Helps

Seconded By Councillor Loveday

That Council formally endorse the Help Cities Lead campaign and consider the following actions:

- a. Write a letter to the following provincial ministers to voice Council's support for the five policies detailed in this report:
 - Minister of Environment and Climate Change Strategy, ENV.Minister@gov.bc.ca
 - Minister of Municipal Affairs, MAH.Minister@gov.bc.ca
 - Minister of Energy, Mines, and Low-Carbon Innovation, EMPR.Minister@gov.bc.ca
 - Minister of Finance, FIN.Minister@gov.bc.ca
 - Attorney General and Minister responsible for Housing, AG.Minister@gov.bc.ca
- b. Write a letter to the Capital Regional District requesting regional endorsement of the campaign.
- c. Write a letter to all BC local governments asking to endorse the campaign.

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

OPPOSED (2): Councillor Andrew, and Councillor Young

CARRIED (7 to 2)

F.1.b.c-Council Member Motion: AVICC Climate Leadership Motion

Moved By Mayor Helps

Seconded By Councillor Alto

1. That Council adopt the following motion and forward it to AVICC.

WHEREAS coming out of a workshop at AVICC in 2019, the Vancouver Island and Coastal Communities Climate Leadership Plan (VICC-CLP) steering committee was formed with representatives nominated from each Regional District in the AVICC region to develop a 2030 Climate Action Plan for the AVICC Region;

AND WHEREAS on November 6th 2020, the VICC-CLP steering committee along with faculty and students from the University of Victoria with whom VICC-CLP has been working held a day-long workshop for elected officials and staff in the AVICC region to develop preliminary 2030 Climate Action Goals;

AND WHEREAS in March 2021 the VICC-CLP steering committee will hold two further workshops, one with youth and one with First Nations to ensure that the 2030 Climate Action plan is also grounded in youth experience and Indigenous cultural knowledge;

THEREFORE BE IT RESOLVED that the AVICC membership endorses in principle the directions laid out in the "Vancouver Island and Coastal Communities Climate Action Goals Working Draft" (attached) and requests that the VICC-CLP also grounds the plan in the cultural and land-based knowledge of Indigenous peoples and the experiences of youth;

AND BE IT FURTHER RESOLVED that the AVICC membership requests that the VICC-CLP steering committee present a final plan for the membership's consideration at AVICC 2022.

CARRIED UNANIMOUSLY

F.1.b.d-Council Member Motion: UBCM Resolution paid sick leave for workers

Moved By Councillor Loveday

Seconded By Councillor Isitt

That Council endorse and submit the following resolution to AVICC and UBCM for consideration:

WHEREAS one year into a global pandemic that has killed thousands of British Columbians and millions of people worldwide, there is no legislation ensuring adequate, employer-paid sick days with the Canada Recovery Sickness Benefit being temporary, sometimes inaccessible, and not of use for the crucial first few days of an illness;

AND WHEREAS if paid sick day legislation had been in place before the global pandemic, lives would have been saved because infection rates

would have been reduced. The lack of legislated paid sick days has especially hurt Black, Indigenous, workers of colour and women workers who are over-represented in frontline jobs, with low pay, few benefits, and without the ability to work from home;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia legislate a minimum of ten (10) accessible, universal, and permanent, paid sick days for all workers and additional days during public health outbreaks.

CARRIED UNANIMOUSLY

F.1.b.e-Council Member Motion: AVICC and UBCM Resolution: Acquisition of Apartment Buildings for Affordable Housing

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council adopts the following resolution and directs staff to forward electronic copies to the Association of Vancouver Island and Coastal Communities (AVICC), the Union of British Columbia Municipalities (UBCM), and AVICC member local governments, requesting favourable consideration and resolutions of support:

Resolution: Acquisition of Apartment Buildings for Affordable Housing

WHEREAS communities face acute challenges around housing affordability and housing availability, undermining the wellbeing of individuals, families and communities;

AND WHEREAS purpose-built rental apartment buildings from previous decades are an essential component of the current rental housing supply, meaning that future renewal of these properties poses substantial opportunities and risks to current occupants as well as local communities;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia work with local communities, the not-for-profit sector and other partners on a program of land banking purpose-built rental apartment buildings, to preserve and renew this essential component of the affordable rental housing supply.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

G. BYLAWS

G.1 Bylaw for 1628 Edgeware Road: Rezoning Application No. 00726

Moved By Councillor Alto

Seconded By Councillor Andrew

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1250) No. 21-027

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, and Councillor Potts

OPPOSED (2): Councillor Thornton-Joe, and Councillor Young

CARRIED (7 to 2)

H. CLOSED MEETING

Moved By Councillor Andrew

Seconded By Councillor Young

MOTION TO CLOSE THE FEBRUARY 25, 2021 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- *Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- *Section 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

CARRIED UNANIMOUSLY

J. READING OF CLOSED MINUTES

J.1 Minutes from the Closed Council meeting held January 14, 2021

Moved By Councillor Andrew
Seconded By Councillor Alto

That the minutes from the Closed Council meeting held January 14, 2021 be adopted.

CARRIED UNANIMOUSLY

J.2 Minutes excerpt from the Closed Council meeting held December 3, 2020

Moved By Councillor Andrew
Seconded By Councillor Alto

That the minutes from the Closed Council meeting held December 3, 2020 be adopted.

CARRIED UNANIMOUSLY

M. Notice of Motion

M.1 Intergovernmental Relations

Council considered an intergovernmental relations matter.

The discussion and motion were kept confidential.

N. Reports of Closed Committee of the Whole

N.1 Legal Advice

Council considered a legal advice matter.

The discussion and motion were kept confidential.

O. NEW BUSINESS

O.1 Land - Community Charter Section 90(1)(e)

Council considered a land matter.

The discussion and motion were kept confidential.

O.2 Land - Community Charter Section 90(1)(e)

Council considered a land matter.

The discussion and motion were kept confidential.

O.3 Employee Relations/Proposed Municipal Service - Community Charter Sections 90(1)(c) and 90(1)(k)

Council considered an employee relations/proposed municipal service matter.
The discussion and motion were kept confidential.

O.4 Appointment - Community Charter Section 90(1)(a)

Council considered an appointment matter.
The discussion and motion were kept confidential.

O.5 Appointment - Community Charter Section 90(1)(a)

Council considered an appointment matter.
The discussion and motion were kept confidential.

Q. ADJOURNMENT

Moved By Councillor Andrew
Seconded By Councillor Alto

That the Council meeting be adjourned at 4:24 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

February 25, 2021, 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People
Due to the COVID-19 Pandemic, public access to City Hall is not permitted.

This meeting may be viewed on the City's webcast at www.victoria.ca.

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Thornton-Joe, Councillor Young

PRESENT ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, B. Eisenhauer - Head of Engagement, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, AK Ferguson - Committee Secretary

A. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Andrew

Seconded By Councillor Alto

That the agenda be approved as amended.

CARRIED UNANIMOUSLY

B. POETRY READING

John Barton provided Council with a poem regarding Climate Change.

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Alto

Seconded By Councillor Andrew

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D. REQUESTS TO ADDRESS COUNCIL

D.1 Sean Kahil: Central Park

Outlined why Council should exclude Central Park from sheltering.

D.3 Al Gallupe: Central Park Sheltering

Outlined why Council should exclude Central Park from sheltering.

D.4 Kate Holowatiuk: Canadian Union of Postal Workers - Delivering Community Power

Outlined why Council should support the resolution regarding *Support Delivering Community Power*.

D.5 Melanie Ransome: 2910 Shelbourne Project Follow-Up

Outlined for Council the completed project located at 2910 Shelbourne Street.

Moved By Councillor Alto

Seconded By Councillor Andrew

That the following speakers be permitted to address Council in the first section.

G.1 Darrell Pfeifer: Electronic Bird Scaring Devices and the City of Victoria Noise Bylaw

Outlined for Council the reasons why changes are needed to the noise bylaw to remove the allowance of Electronic Bird Deterrents within 100m of urban areas.

G.2 Josh Kube: The Proposal at Clover Point

Outlined for Council the possible issues with obstructions in the design of Clover Point.

F. PUBLIC AND STATUTORY HEARINGS

F.1 1609 Fort Street: Development Permit with Variance Application No. 00148

Development Permit with Variance Application No. 00148

The Council of the City of Victoria will consider issuing a Development Permit with Variance for the land known as 1609 Fort Street, in Development Permit Area 5: Large Urban Village, for purposes of expanding the floor area of the liquor store within the existing building.

Alec Johnson (Senior Planner): *Advised that the application is to expand the existing liquor retail store within an existing building with a variance for the additional floor area.*

Mayor Helps opened the public hearing at 7:06 p.m.

Trevor Dickie (Applicant): Provided information regarding the application.

Council recessed from 7:10 p.m. until 7:15 p.m. to provide an opportunity for members of the public to call to speak live.

Councillor Andrew was not present at 7:15 p.m.

No persons called in to speak to the proposed application.

Mayor Helps closed the public hearing at 7:16 p.m.

F.1.a Opportunity for Public Comment & Consideration of Approval

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council authorize the issuance of Development Permit with Variance Application No. 00148 for 1609 Fort Street, in accordance with:

1. Plans date stamped December 21, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Increase the maximum total floor area for liquor retail sales from 241.00 m² to 327.00 m².
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

F.2 1035 Joan Crescent: Development Permit with Variance Application No. 00129

Development Permit with Variance Application No. 00129

The Council of the City of Victoria will consider issuing a Development Permit with Variance for the land known as 1035 Joan Crescent, in Development Permit Area 15C: Intensive Residential - Rockland, for purposes of constructing a semi-attached dwelling.

F.2.a Opportunity for Public Comment & Consideration of Approval

Alec Johnson (Senior Planner): *Advised that the application is to build a semi-attached dwelling with a variance for the front yard setback.*

Mayor Helps opened the opportunity for public comment at 7:18 p.m.

Tim Kindrat (Applicant): Provided information regarding the application.

Council recessed from 7:26 p.m. p.m. until 7:31 p.m. to provide an opportunity for members of the public to call to speak live.

No persons called in to speak to the proposed application.

Council discussed the following:

- *Possibility of more comprehensive language regarding the R.1.a-a zone.*

Mayor Helps closed the opportunity for public comment at 7:34 p.m.

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council authorize the issuance of Development Permit with Variance Application No. 00129 for 1035 Joan Crescent, in accordance with:

1. Plans date stamped September 29, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the front yard setback from 10.50 metres to 3.22 metres.
3. The Development Permit lapsing two years from the date of this resolution.

CARRIED UNANIMOUSLY

Councillor Andrew returned to the meeting at 7:39 pm.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the second half of the speakers be allowed address Council.

CARRIED UNANIMOUSLY

G. REQUESTS TO ADDRESS COUNCIL

G.3 Andres Ocejo: Intern Design Options for Clover Park

Outlined why Council should take a closer look at the design and how it relates to wind sports

G.4 Jennifer Rebner: Reconsideration of Subdivision/Rezoning of 2700 Avebury Avenue

Outlined why Council should reconsider the 2700 Avebury Rezoning.

G.5 Jean Anne Wightman: Reconsideration 2700 Avebury Small Lot Rezoning

Outlines why Council should reconsider 2700 Avebury Avenue public hearing.

G.6 Linda Chang: Clover Point

Outlined her support for the Clover Point pedestrian plan.

O. ADJOURNMENT

Moved By Councillor Alto

Seconded By Councillor Young

That the Council meeting adjourn.

TIME: 7:57 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES - VICTORIA CITY COUNCIL

March 11, 2021, 6:30 P.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

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew,
Councillor Thornton-Joe, Councillor Young

PRESENT
ELECTRONICALLY: Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor
Potts

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager /
Director of Finance, P. Bruce - Fire Chief, C. Coates - City Clerk, T.
Soulliere - Director of Parks, Recreation & Facilities, T. Zworski -
City Solicitor, B. Eisenhauer - Head of Engagement, P.
Bellefontaine - Director of Engineering & Public Works, K. Hoese -
Director of Sustainable Planning and Community Development, C.
Havelka - Deputy City Clerk, C. Mycroft - Manager of Executive
Operations, AK Ferguson - Committee Secretary

B. Moment of Silence to Commemorate the Start of COVID-19

C. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the agenda be approved as amended.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

Move L.2 above L.1

CARRIED UNANIMOUSLY

On the main motion as amended:

CARRIED UNANIMOUSLY

E. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

E.1 Rose Henry: Supporting the Unhoused

Outlined why Council should include the unhoused in the decision making and spoke about water and electricity being turned back on.

E.2 Julian Dunster: Tree Bylaw

Outlined why Council should look closer at the tree bylaw before adoption.

E.3 Dylyn Wilkinson: Continuation of 24/7 Sheltering

Outlined why Council should continue the 24/7 sheltering and more supports for people sheltering overnight.

E.4 Leslie Robinson: COVID Recovery Housing Security and Tenant Assistance Policy

Outlined why the City needs to further help the unhoused

H. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following speakers be permitted to address Council in the first section of the agenda.

CARRIED UNANIMOUSLY

H.2 Jennifer Rebner: New Information regarding 2700 Avebury Rezoning/Subdivision

Outlined why Council should reconsider the Public Hearing for 2700 Avebury Ave.

H.3 Robert Rebner: Request for reconsideration of 2700 Avebury Ave

Outlined why Council should reconsider the Public Hearing for 2700 Avebury Ave.

G. PUBLIC AND STATUTORY HEARINGS

G.1 1628 Edgeware Road: Rezoning Application No. 00726 and Development Permit with Variances Application No. 00138 (Oaklands)

Zoning Regulation Bylaw, Amendment Bylaw (No. 21-027) - No. 1250:

To rezone the land known as 1628 Edgeware Road from the R1-B Zone, Single Family Dwelling District, to the R1-50 Zone, Edgeware Road Rest Home District, to permit a Rest Home – Class B).

Charlotte Wain (Senior Planner): *Advised that the application is to allow a Rest Home - Class B with seven rooms.*

Mayor Helps opened the public hearing at 7:10 p.m.

D'arcy Jones(Applicant): Provided information regarding the application.

Bianca Bodley (Landscape Designer) Provided information regarding the landscape design chosen for the application.

Jennifer Snead (Edgeware): Expressed her concerns with the amount of correspondence from people that do not live close to the application.

Council recessed from 7:36 p.m. until 7:41 p.m. to provide an opportunity for members of the public to call to speak live.

Sister Joyce Harris (Michigan street): Expressed her support for the application.

Council discussed the following:

- *Whether the numbers of residents is permitted to increase from 7 individuals.*
- *What is allowed in a rest home.*
- *What the age of the clientele will be.*

Mayor Helps closed the public hearing at 7:52 p.m.

Council discussed:

- *The need for this type of home in the area*
- *Concerns with the amount of correspondence from people that do not live in the area*
- *Whether the Design Panel changes were incorporated into the design.*
- *Concerns with the size of the building.*

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following bylaw **be given third readings:**

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1250) No. 21-027

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Alto

Seconded By Councillor Andrew

That the following bylaw **be adopted**:

- Zoning Regulation Bylaw, Amendment Bylaw (No. 1250) No. 21-027

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Alto

Seconded By Councillor Andrew

That Council authorize the issuance of Development Permit with Variance Application No. 00138 for 1628 Edgeware Road, in accordance with:

1. Plans date stamped October 5, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the front yard setback from 7.5m to 6.75m
 - ii. reduce the rear yard setback from 9.14m to 8.3m
 - iii. reduce the combined side yard setbacks from 4.5m to 3.04m
 - iv. increase the site coverage from 40% to 41.4%
 - v. reduce the required vehicle parking from 6 stalls to 1 stall.
3. Registration of legal agreements on the property's title to secure the operation of the rest home facility, to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Final plans to be generally in accordance with plans date stamped October 5, 2020.
5. The Development Permit lapsing two years from the date of this resolution.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

H. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Andrew

Seconded By Councillor Alto

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

H.1 Christine Gold: Do not End 24/7 Camping

Outlined why Council should not end 24/7 camping for a few more months.

J. REPORTS OF COMMITTEES

J.1 Committee of the Whole

J.1.a Report from the March 4, 2021 COTW Meeting

J.1.a.a Council Member Motion: Support for Laid-off Hotel and Tourism Industry Workers

Councillor Dubow outlined the need for this motion.

Moved By Councillor Dubow

Seconded By Councillor Isitt

THEREFORE, BE IT RESOLVED THAT the City of Victoria affirms that people should not lose their livelihoods due to the pandemic; and

THAT the City of Victoria write to the Ministers of Labour and Tourism expressing our support for the right for laid off workers to return to their jobs when the pandemic eases; and

THAT this letter be forwarded to all BC municipalities asking to write their support; and

THAT the City of Victoria writes to the Association of Vancouver Island and Coastal Communities.

CARRIED UNANIMOUSLY

J.1.a.b Victoria Police Department - Quarter 4 Update

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the report be received for information.

CARRIED UNANIMOUSLY

J.1.a.c Regional Rent Bank Pilot Program

Council discussed:

- Whether the Renters Advisory Committee has received a presentation.

Moved By Councillor Dubow
Seconded By Councillor Alto

1. That Council receive the Greater Victoria Rent Bank Pilot Program report for information.
2. That Council direct staff to:
 - a. Provide a progress report on the Greater Victoria Rent Bank Pilot Program as part of the next Victoria Housing Strategy Annual Review;
 - b. Report back on an as-needed basis if rent bank funding requests arise; and
 - c. Report back near completion of the pilot program in 2022 to report on program effectiveness and to determine if City support is needed for longer-term sustainability of the program.

CARRIED UNANIMOUSLY

J.1.a.d Citizen's Assembly Process - Next Steps

Moved By Councillor Alto
Seconded By Councillor Andrew

That Council approve the recommendations as provided in Option 1 of this report:

1. Approve the estimated costs associated with the Citizens' Assembly and reaffirm the commitment of \$250,000.
2. Direct staff to present the estimated costs to the Provincial Government and seek provincial funding to accommodate at least 1/3 of the associated costs of a Citizens' Assembly.
3. Upon funding approval initiate the procurement process to seek a consultant for the Citizen's Assembly Process upon funding approval from the Ministry of Municipal Affairs.
4. Upon funding approval initiate the procurement process for consultant services for the Technical Analysis upon funding approval from the Ministry of Municipal Affairs.
5. Request staff to work with the consultant to develop a term of reference for an Oversight Committee on the Citizens' Assembly.
6. Approve the in-person participation concept of a Citizens' Assembly.
7. Reduce the number of participants on the Citizens' Assembly to the 'Best Practice' number of 48.
8. Remove or reduce any options for honorarium or per diems from the approved Terms of Reference for the Citizens' Assembly should that be necessary for cost reduction to the overall budget not to exceed \$750,000.

9. That Council accept the remaining changes to sections 3.5, 6, 7.1, 7.2.3, 7.5 and 8.2.1 the Terms of Reference identified in this report to align with Saanich Council's approvals

That Council flag for the District of Saanich and the consultant that people of all genders should be represented and that the Terms of Reference should be amended before the lottery process:

1. to include people who are Transgender, Non-Binary or Two-Spirit.
2. that the composition of the citizens assembly reflect the composition of the census population with respect to ethno-cultural diversity.

CARRIED UNANIMOUSLY

L. BYLAWS

L.2 Bylaw for Tree Protection

The Manager, Urban Forest Services provided Council with information on the Tree Protection Bylaw.

Council discussed:

- *Whether staff has taken into account the comments made earlier by J. Dunster in the request to address section.*
- *Concerns with the intent of the bylaw.*
- *Whether a review of the bylaw can happen in two years.*

Moved By Councillor Isitt

Seconded By Councillor Alto

That the following bylaw **be given first, second, and third readings:**

1. Tree Protection Bylaw No. 21-035

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

L.1 Bylaw for Parks Regulation Amendment Bylaw

Council discussed:

- *How can the City monitor the number of people in parks so the number does not grow.*

Council recessed at 9:00 p.m. and returned at 9:16 p.m.

Council discussed:

- *Whether there is a clear message that can be provided to the unhoused.*

Moved By Mayor Helps

Seconded By Councillor Andrew

1. That Council give, first, second and third readings to the Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114, with a date change in section 2 to May 1, 2021.

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

OPPOSED (2): Councillor Dubow, and Councillor Isitt

CARRIED (7 to 2)

The mayor proposed that the next two items of be postponed as they are not time sensitive.

Moved By Mayor Helps

Seconded By Councillor Alto

That these items be postponed until next week's daytime Council meeting of March 18, 2021:

2. That Council instruct the City Solicitor to bring forward bylaw amendments necessary to continue the permanent prohibition on sheltering in Centennial Square and Central Park in time for adoption prior to March 31, 2021.
3. That Council instruct the City Solicitor to bring forward bylaw amendments necessary to continue the temporary regulations regarding location, size, and distancing of shelters to continue until the end of the pandemic in time for adoption prior to March 31, 2021

CARRIED UNANIMOUSLY

Moved By Councillor Dubow

Seconded By Councillor Alto

That Councillor Isitt be allowed to speak a second time.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt

That consideration of this matter be postponed for one week to March 18, 2021 to receive additional information from the province on indoor sheltering locations.

FAILED DUE TO NO SECONDER

L.3 Bylaws for 3080, 3082 and 3090 Washington Avenue: Rezoning Application No. 00714

Councillor Alto recused herself at 10:01 p.m. due to a pecuniary conflict of interest as she owns a home within 100m of the application.

Councillor Andrew recused himself at 10:01 p.m. due to a pecuniary conflict of interest as he owns a home within 150m of the application.

Moved By Councillor Young
Seconded By Councillor Isitt

That the following bylaws **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1220) No. 21-006
2. Official Community Plan, Amendment Bylaw (No. 37) No. 21-008
3. Land Use Contract Discharge (3080, 3082 and 3090 Washington Avenue) Bylaw No. 21-019.

CARRIED UNANIMOUSLY

Moved By Councillor Young
Seconded By Councillor Isitt

That the following bylaws **be given first, second, and third readings:**

1. Housing Agreement (3080, 3082 and 3090 Washington Avenue) Bylaw (2021) No. 21-007

CARRIED UNANIMOUSLY

Moved By Councillor Young
Seconded By Councillor Isitt

Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue

That Council, after the Public Hearing for Rezoning Application No. 00714 for 3080, 3082 and 3090 Washington Avenue, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000566 for 3080, 3082 and 3090 Washington Avenue, in accordance with:

1. Plans date stamped January 19, 2021.
2. The Development Permit lapsing two years from the date of this resolution.”

CARRIED UNANIMOUSLY

Councillor Alto returned to the meeting at 10:06 p.m.

Councillor Andrew returned to the meeting at 10:06 p.m.

L.4 Bylaws for 1114 Rockland Avenue: Rezoning Application No. 00711

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1249) No. 21-025

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaws **be given first, second, and third readings:**

1. Housing Agreement (1114 Rockland Avenue) Bylaw (2021) No. 21-026

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

Development Permit with Variances Application No. 00140

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. 00711 for 1114 Rockland Avenue, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00140 for 1114 Rockland Avenue, in accordance with:

1. Plans date stamped June 29, 2020.
2. Revisions to the plans to shift the location of the sidewalk to the property line and adjust the landscaping along the street frontage to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 17 stalls to 12 stalls;
 - ii. reduce the west side setback from 3 metres to 2 metres;
 - iii. reduce the east side setback from 3 metres to 2.6 metres (building face) and 0.35 metres (lobby only)
 - iv. reduce the front setback from 4 metres to 3.6 metres
 - v. reduce the rear setback from 5 metres to 3.33 metres
4. The Development Permit lapsing two years from the date of this resolution.”

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

N. NEW BUSINESS

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That staff report back on the effectiveness of the Tree Protection Bylaw two years after implementation.

CARRIED UNANIMOUSLY

P. CLOSED MEETING

Moved By Councillor Andrew

Seconded By Councillor Alto

That the closed meeting items be moved to March 18, 2021

CARRIED UNANIMOUSLY

R. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Alto

That the Council meeting adjourn.

TIME: 10:11 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

“GLOBAL LOVE DAY”

WHEREAS *The Love Foundation, Inc., a non-profit organization, has announced **GLOBAL LOVE DAY** to facilitate in establishing LOVE & PEACE on our planet; and*

WHEREAS ***GLOBAL LOVE DAY** will establish a worldwide focus towards "unconditionally loving each other as we love ourselves"; and*

WHEREAS *We are One Humanity on this planet; and*

WHEREAS *All life is interconnected and interdependent; and*

WHEREAS *All share in the Universal bond of love; and*

WHEREAS *Love begins with self-acceptance and forgiveness; and*

WHEREAS *With respect and compassion we embrace diversity; and*

WHEREAS *Together we make a difference through love; and*

WHEREAS *The Love Foundation, Inc. invites mankind to declare May 1, 2021 as **GLOBAL LOVE DAY**, a day of forgiveness and unconditional love. **GLOBAL LOVE DAY** will act as a model for all of us to follow, each and every day.*

NOW, THEREFORE *I do hereby proclaim Saturday, May 1st, 2021 as “**GLOBAL LOVE DAY**” on the **HOMELANDS** of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA**, **CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 22nd of April, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Harold W. Becker
President/Founder
The Love Foundation Inc.



CITY OF VICTORIA

PROCLAMATION

"ST. GEORGE'S DAY"

WHEREAS *the City of Victoria is named after named after Queen Victoria of the British United Kingdom; and*

WHEREAS *many Victoria streets and other landmarks, got their names from British Immigrants or were constructed by British Immigrants from England; and*

WHEREAS *much of Victoria's History, Culture, Customs and Development is the result of those that came from England and it is still very visible in many parts of Victoria; and*

WHEREAS *many that have a British Heritage still continue to contribute and take an active role in the growth and development of the City of Victoria; and*

WHEREAS *England's influence can be seen in the English related businesses and buildings throughout Victoria; and*

WHEREAS *the City of Victoria recognizes the contributions of those of our citizens that came from England and the British Isles*

NOW, THEREFORE *I do hereby proclaim Thursday, April 23rd, 2021 as "ST. GEORGE'S DAY" on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 22nd day of April, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By: The Royal Society of
St. George, B.C Branch



CITY OF VICTORIA

PROCLAMATION

“MELANOMA AND SKIN CANCER AWARENESS MONTH”

- WHEREAS** *It is imperative that communities across Canada be reminded of the importance of sun safety; and*
- WHEREAS** *Over-exposure to UV radiation is one of the major causes of melanoma and non-melanoma skin cancers; and*
- WHEREAS** *Skin cancer is the most common of all cancers. 1 in 6 Canadians born in the 1990s will get skin cancer in their lifetimes; and*
- WHEREAS** *Many people seek sun without taking the advisable precautionary measures and are unaware that any darkening of skin colour, including a tan, is indicative of UV damage; and*
- WHEREAS** *Skin self-examinations should be performed on a monthly basis because skin cancers are highly treatable when detected early; and*
- WHEREAS** *Save Your Skin Foundation is dedicated to the fight against non-melanoma skin cancers, melanoma and ocular melanoma through nationwide education, advocacy, and awareness initiatives; and*
- WHEREAS** *I urge all those living in the City of Victoria to take a moment to reflect on the impact that this industry brings to our communities, businesses and economy.*

NOW, THEREFORE *I do hereby proclaim the month of May 2021, as “**MELANOMA AND SKIN CANCER AWARENESS MONTH**” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this 22nd day, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By: Kathleen Barnard
The Save your Skin Foundation



CITY OF VICTORIA

PROCLAMATION

“GBS/CIDP AWARENESS MONTH”

WHEREAS *May 2021, has been designated as "GBS and CIDP Awareness Month" to educate the public and to focus attention on Guillain-Barré Syndrome (GBS) and Chronic Inflammatory Demyelinating Polyneuropathy (CIDP), rare, paralyzing and potentially catastrophic disorders of the peripheral nerves; and*

WHEREAS *the cause of GBS and CIDP is unknown. The length of the illness is unpredictable. It is characterized by the rapid onset of weakness and often, paralysis of the legs, arms, breathing muscles and face. Usually, months of hospital care are required with patients and families facing an uncertain future, not knowing if and when recovery will occur. Some may face long-term disabilities of varying degrees. GBS or CIDP can develop in any person at any age, regardless of gender or ethnic background.*

NOW, THEREFORE *I do hereby proclaim the month of May 2021 as “GBS/CIDP AWARENESS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this twenty-second day of April, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By: GBS/CIDP Foundation of Canada
BC Division



CITY OF VICTORIA

PROCLAMATION

“HUNTINGTON DISEASE AWARENESS MONTH”

- WHEREAS** *Huntington disease (HD) is a hereditary, neurodegenerative illness with physical, cognitive and emotional symptoms for which there is no cure; and*
- WHEREAS** *one in every 7,000 Canadians has HD and approximately one in every 5,500 is at-risk for developing the disease. Many more are touched by HD as a caregiver, family member, or friend; and*
- WHEREAS** *HD causes cells in specific parts of the brain to die. The disease leads to incapacitation and, eventually, death. It is likened to experiencing the symptoms of Alzheimer’s disease, Parkinson’s disease, and schizophrenia all in one disease; and*
- WHEREAS** *Huntington disease Awareness Month reflects the Huntington Society of Canada’s (HSC) mission, which is to aspire to a world free from HD. HSC celebrates the resilience and hope exemplified by the HD community. HSC strives to maximize the quality of life of people living with HD by delivering support services; enabling others to understand the disease; and supporting further breakthroughs in research to find treatments that address the root cause of HD; and*
- WHEREAS** *HSC works with health and social services professionals to enable them to better serve people living with HD; and*
- WHEREAS** *HSC is a respected leader in the worldwide effort to end Huntington disease. HSC is the only national health charity dedicated to providing help and hope for families dealing with HD across Canada.*

NOW, THEREFORE *I do hereby proclaim the month of May 2021 as “**HUNTINGTON DISEASE AWARENESS MONTH**” on the HOMELANDS of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this twenty-second day of April, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By: Khalilah Alwani
South Vancouver Island Chapter
Huntington Society of Canada



CITY OF VICTORIA

PROCLAMATION

“CHILD ABUSE PREVENTION MONTH”

WHEREAS *Children are the foundation for a prosperous and innovative society, and the foundation for a child's growth and development is established when the community takes responsibility for creating healthy environments where our children can thrive; and*

WHEREAS *All children deserve to have a safe, stable, nurturing home and community to foster their healthy growth and development; and*

WHEREAS *Child abuse and neglect is an important societal concern that may affect the long-term health and well being of not only children, but also the adults they become; and*

WHEREAS *Child abuse and neglect impacts our entire society and our society's future; and*

WHEREAS *Child abuse prevention is a shared responsibility and finding solutions requires the involvement and collaboration of citizens, organizations and government entities.*

NOW, THEREFORE *I do hereby proclaim the month of April 2021 as “**CHILD ABUSE PREVENTION MONTH**” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

IN WITNESS WHEREOF, *I hereunto set my hand this twenty-second day of April, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Bev Moore Davis
Miles for Smiles Foundation



CITY OF VICTORIA

PROCLAMATION

“PARENTAL ALIENATION AWARENESS DAY”

- WHEREAS** *Alienating behaviours are often found in high conflict divorce and custody situations; and*
- WHEREAS** *these behaviours, such as speaking negatively about a parent to or in front of a child, interfering with communication and visitation, and discussing inappropriate information with a child, such as details of the marriage, court proceedings, or financial matters, can not only destroy the bond between a loving parent and child, but can cause mental and emotional harm to the child; and*
- WHEREAS** *Parental Alienation takes advantage of the suggestibility and dependency of children; and*
- WHEREAS** *Parental Alienation deprives children of their right to love and be loved by both parents; and*
- WHEREAS** *Parental Alienation is considered harmful to children and robs them of their sense of security; and*
- WHEREAS** *professionals agree that the problem of Parental Alienation exists and is damaging to children and can affect them into adulthood with tragic consequence; and*
- WHEREAS** *there are more than 2.4 million divorced North Americans including the parents of more than 1 million children under the age of eighteen, with nearly as many unmarried couples with children separating; and*
- WHEREAS** *with awareness comes education and understanding.*

NOW, THEREFORE *I do hereby proclaim Sunday April 25th, 2021 as “PARENTAL ALIENATION DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 22nd day of April, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Justice for Dads Organization

Council Report

For the Meeting of Thursday, April 15, 2021

To: Council **Date:** April 12, 2021
From: Shannon Perkins, Manager, Bylaw Services
Subject: Bylaw Compliance Strategy - End of 24/7 Sheltering

CLOSED MEETING RATIONALE

This report is recommended for a closed meeting of Council because it relates to law enforcement, potential litigation involving the City, and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. Consideration of this report in a closed meeting is authorized under section 90(1)(f), (g), and (i) of the *Community Charter*.

RECOMMENDATION

That Council:

1. Endorse the enforcement approach as set out in this report;
2. Authorize the City Manager, at her discretion, to instruct the City Solicitor to commence legal proceedings to enforce the *Parks Regulation Bylaw* in relation to sheltering in City parks including, at his discretion, seeking injunctive relief; and
3. Request that the City Manager and City Solicitor report back to Council regularly on enforcement efforts and conduct of any legal proceedings.

EXECUTIVE SUMMARY

Beginning May 1, daytime sheltering will no longer be allowed in City parks. People sheltering in parks will again be required to take down, pack up and move their shelter and belongings daily by 7 a.m.

The City is working closely with BC Housing and nearly 120 people have already been moved inside from City parks and public spaces. Approximately 100 people experiencing homelessness remain in the parks and will all receive an offer to move inside by May 1.

The Province and the City have invested significant resources to ensure that appropriate indoor shelters are available to all those who need them. Furthermore, BC Housing has committed that all persons in shelters will be on a path to permanent housing. Therefore, there should be no need for anyone to shelter in City parks once all the indoor shelters are available.

Every effort is being made to ensure everyone is accounted for in this process, and it is expected that most people will accept an offer to move inside. While the City will begin individualized enforcement starting in May, achieving compliance in circumstances such as this will take time and involve considerable City resources.

To ensure the greatest likelihood of success, a two-phased enforcement process will be undertaken by the City. This approach involves the identification of each person and their unique needs and circumstances (phase 1) which will enable the City, working collaboratively with BC Housing and others, to assist in the transition of each person to indoor shelters (phase 2).

The City's plan is to work collaboratively with BC Housing, outreach workers and other service providers to achieve voluntary compliance, and despite the fact, that the planned enforcement approach will involve respectful communications and individualized approach, we must be prepared for the likelihood that some persons will refuse indoor shelter offers and will refuse to comply.

While every effort will be made to achieve voluntary compliance, success will depend on the City enforcing and being seen to enforce its bylaws. Therefore, it is recommended that Council authorize the City Manager to instruct the City Solicitor to initiate legal proceedings to enforce the *Parks Regulation Bylaw*, if necessary. Doing so will provide the City with flexibility to respond to evolving situations quickly and effectively.

PURPOSE

The purpose of this report is to provide Council with an overview of the City's planned approach to achieve compliance with the *Parks Regulation Bylaw* provisions regarding sheltering, in anticipation of, and following, bylaw changes on May 1, 2021.

BACKGROUND

Last year, as consequence of the COVID-19 pandemic, the City experienced a dramatic increase in instances of persons experiencing homelessness sheltering in City parks. In accordance with public health advice and to facilitate their ability to shelter in place, the City first suspended enforcement of daytime prohibition on sheltering and, subsequently, temporarily amended the *Parks Regulation Bylaw* to explicitly allow daytime sheltering under some circumstances.

On March 11, 2021, the Attorney General and Minister of Housing David Eby, working with the City, announced that the Province had secured a sufficient number of temporary indoor housing and shelter spaces for everyone currently living outside as a pathway to permanent stable housing. The Province and BC Housing have committed to deliver at least 220 spaces. This satisfies public health recommendations regarding municipal bylaw enforcement during the pandemic.

On March 18, 2021, the City adopted an amendment to the *Parks Regulation Bylaw* to remove a provision allowing daytime sheltering in parks by people experiencing homelessness, effective May 1, 2021. The change means that from May 1, daytime sheltering will no longer be allowed in City parks. People sheltering in parks will again be required to take down, pack up and move their shelter and belongings daily by 7 a.m.

The City is working closely with BC Housing and nearly 120 people have already been moved inside from City parks and public spaces. Approximately 100 people experiencing homelessness remain

in the parks and will all receive an offer to move inside by May 1.

Every effort is being made to ensure everyone is accounted for in this process, and it is expected that most people will accept an offer to move inside. However, for a variety of reasons, it is anticipated that some people will not accept an offer of indoor space and will continue to shelter in parks in contravention of the *Parks Regulation Bylaw*.

To effectively manage the transition to compliance regarding the prohibition on daytime sheltering in parks, the City is developing an action plan to guide the work of Bylaw, Parks, Public Works and other City departments. A coordinated communications plan is being implemented in collaboration with BC Housing and outreach service providers to ensure clear, consistent and people-centred communication to make people currently sheltering aware of the upcoming changes to sheltering in parks regulations. The communications plan will also include strategies to effectively communicate with residents, Neighbourhood Associations and other groups.

There is an expectation in the community that as of May 1, enforcement efforts will begin to prohibit daytime sheltering and that people experiencing homelessness will take down their shelters during the day. Although the City will start individualized enforcement on May 1st, achieving compliance in circumstances such as this will take time and involve considerable City resources, due to the complexities of working with vulnerable citizens. Despite the fact that the planned enforcement approach will involve respectful communications and individualised approach, it is almost certain that some persons will refuse to comply. Therefore, the City will likely require legal proceedings to achieve full compliance.

Bylaw enforcement to end 24/7 sheltering in parks will be conducted in a phased approach with an emphasis on personalized relocation and support plans, rather than a blanket approach for everyone. As a result, it is important to recognize that these phases may unfold differently in various locations. Flexibility and ability to quickly adjust to evolving situation is essential for ultimately successful outcomes in each case.

Phase 1 – Collaboration, Support and Preparation (Now until May 1)

The City, in close collaboration with BC Housing, is developing a master list of people living outside to track who is sheltering where, when they have been offered housing, whether they have accepted the offer, and where and when they are expected to move inside. This will support awareness of each person's individual situation and will help the City work with community partners to ensure people are getting the support required to move out of parks and public spaces and into indoor living spaces.

Peer support will be essential in helping people overcome barriers that make it difficult for them to accept indoor housing offers. There are practical methods including, but not limited to, one-to-one support, shelter tours, property downsizing assistance, and acknowledgement of pets and spouses when making indoor offers. Other critical assistance, such as mental health support, is expected to be provided based on individual needs, by local service providers.

Priorities during this phase:

- Support BC Housing to identify people and ensure housing applications are complete
- Provide assistance, such as relocating belongings, to individuals who are transitioning to indoor living spaces
- Connect individuals to various outreach supports as required
- Collaborate with BC Housing, outreach services and the Greater Victoria Coalition to End

Homelessness

- Communicate the end of 24/7 sheltering and requirements to take down tents at 7 a.m. daily as of May 1
- Continue to gain compliance of existing temporary sheltering bylaws including size, prohibitions, setbacks, etc. in authorized parks
- Continue to gain compliance with the court order prohibiting structures and property in Environmentally Sensitive Areas
- Continue to gain compliance of the Streets and Traffic bylaw prohibiting sheltering on sidewalks, streets and boulevards

Phase 2 – Collaboration, Support and Individualized Compliance Phase (Begins May 1)

Priorities during this phase:

- Begin to enforce the daily 7 a.m. requirement to remove shelters from parks for those who have refused shelter opportunities and/or support
- Track progress for individuals who have accepted indoor living spaces and are transitioning to move inside, as well as people who are actively receiving outreach support to overcome barriers to accept housing offers. This individualized support and compliance plan will ensure clear and consistent conversations are taking place regarding compliance timelines, expectations and deadlines
- Provide assistance to individuals who are transitioning to indoor living spaces
- Connect individuals to various outreach supports as required
- Collaborate with BC Housing, outreach services and the Greater Victoria Coalition to End Homelessness

There will be regular internal reporting of compliance levels and enforcement activities to determine appropriate resourcing requirements. It is important to note that due to the complex and fluid nature of this process, additional bylaw and police support resources may be required to achieve full and consistent compliance with the bylaw regulations prohibiting daytime sheltering.

Everyone is expected to comply with bylaws, however some may need more time to come into compliance given their unique situations. For others who have openly declared they have no intention of complying, have refused all offers of shelter and support, or those supports have been exhausted, enforcement will begin immediately on May 1.

ISSUES & ANALYSIS

There are several obstacles to achieving immediate compliance with the *Parks Regulation Bylaw* after May 1:

Volume

There are currently more than 100 individuals experiencing homelessness sheltering in parks and many more structures. Because of a need for individualized approach to each person, relocating this many people and removal of all structures will take considerable time. Depending on how much property a person has and how much time they take to dismantle their shelter site, dealing with each person or structure can take several hours or days and require multiple interactions, involving City staff, BC Housing, outreach workers and peer supports, before compliance is achieved.

Entrenchment

Many individuals have been sheltering in the parks for over a year and have accumulated a lot of property. Assistance with property reduction and relocation to indoor sheltering in those circumstances requires careful and respectful handling. As such, it can be time consuming despite best efforts and intentions of all parties.

Protests

Despite the fact that everyone currently sheltering in City parks will be offered indoor shelter space and a path to appropriate housing, it is likely that any attempt to reduce sheltering in parks will attract protests and opposition. Interference with City staff while conducting duties creates inefficiencies and additional legal processes which detract from constructive outcomes for the persons experiencing homelessness.

Safety

This information is withheld under sections "15(1)(f) endanger the life or physical safety of a law enforcement officer or any other person" and "19(1)(b) interfere with public safety" of the *Freedom of Information and Protection of Privacy Act*.

Lack of available outreach and mental health supports

Many times, bylaw officers are providing supports and connecting individuals with urgent help due to gaps in outreach services, specifically mental health crisis, hoarding disorders, addictions, general health, emotional support, among others. These essential actions, add considerable time to being able to move people indoors.

OPTIONS & IMPACTS

The Province and the City have invested significant resources to ensure that appropriate indoor shelters are available to all those who need them. Furthermore, BC Housing has committed that all persons in shelters will be on a path to permanent housing. Therefore, there should be no need for anyone to shelter in City parks once all the indoor shelters are available.

However, for reasons set out above, it will take considerable effort and time to relocate all persons presently sheltering in parks to indoor shelters. While the City's plan is to work collaboratively with BC Housing, outreach workers and other service providers to achieve voluntary compliance, the likelihood of people refusing to move indoors is a reality. Indeed, some persons in the parks have already indicated that they do not intend to move indoors. Others have refused to accept the City's authority over the parks and reject the validity of the *Parks Regulation Bylaw*.

The City Solicitor advises that there is no question that the City has jurisdiction over the parks and has the authority to enact the *Parks Regulation Bylaw*. The prohibition on daytime sheltering has been upheld by the BC Court of Appeal and is legally sound. The *Community Charter* authorizes the City to enforce its bylaws through a civil proceeding and injunctive relief. In the past, injunctions have typically been sought in relation to large encampments or entire parks. However, it is also possible to seek injunctions against smaller groups, or even individuals, if necessary.

For the City's efforts to achieve voluntary compliance to be successful, the City needs to be able to quickly respond to any challenges to its authority in relation the parks. Some people currently

sheltering in the parks who would otherwise be interested in moving indoors may be reluctant to do so if they see others challenging the City and refusing to comply with the *Parks Regulations Bylaw* with impunity. Therefore, Council authority to initiate legal action, including seeking of injunctive relief, is necessary to allow for quick and flexible response to any instances where other efforts to achieve compliance are ineffective.

Injunction applications can be time consuming and require considerable City resources. Therefore, any legal proceedings would be utilized as a last resort in each instance, only after other efforts to achieve compliance are unsuccessful. However, it is possible that a narrowly focused injunction to deal with difficult individual(s) early in the process may make for a smoother transition process for others by signaling that the City is serious about achieving compliance with the *Parks Regulation Bylaw*.

Option 1: Proceed with “normal” enforcement

The City could approach the bylaw change on May 1 as “business as usual” and rely on its normal enforcement processes. That would involve bylaw officers responding to complaints and taking progressively escalating measures until compliance is achieved.

For the reasons explained above, this approach is not likely to be successful and is not recommended. Specifically, given the entrenched nature of the sheltering activity in City parks over the last year, mental and emotional state of many persons sheltering in the parks, and the numbers of persons involved, a more deliberate and structured process is required.

Option 2: Proceed with phased enforcement (recommended)

Sheltering in parks is a humanitarian crisis. Although the immediate scale of it relates to the pandemic, its causes are much more complex. Critically, individual circumstances are unique to each person. Therefore, a methodical and individualized response is required.

The enforcement process developed by the City, with its two phases, allows for the necessary individual approach while also providing the needed structure and methodology that offers the greatest likelihood of ultimate success. Identification of each person and their unique needs and circumstances (phase 1) will enable the City, working collaboratively with BC Housing and others, to assist in the transition of each person to indoor shelters (phase 2).

While every effort will be made to achieve voluntary compliance, success will depend on the City enforcing and being seen as, able to enforce its bylaws. Therefore, it is recommended that Council authorize the City Manager to instruct the City Solicitor to initiate legal proceedings to enforce the *Parks Regulation Bylaw* if necessary. Doing so, will provide the City with flexibility to respond to evolving situations quickly and effectively.

Impacts to Financial Plan

For 2021 and going forward we are going to require additional bylaw staff resources in order to adequately enforce the Parks Regulation Bylaw and Streets and Traffic Bylaw specifically as it relates to the end of 24/7 sheltering. Even with the additional 5 bylaw officers which were hired in November 2020, our call load remains high and an unacceptable number of pending files remain unassigned and unanswered, effectively rendering those bylaws ineffective. The backlog of files is as a direct result of competing priority work in parks and public spaces that has been consuming the majority of bylaw hours. In addition, we have inadequate administrative support

creating decreased customer service capabilities. Additional bylaw officers and support staff is being requested through the Strengthening Communities Grant. If we are not successful in obtaining these funds, we will report back to Council.

If there is a desire to either increase enforcement to speed up achieving compliance, or if circumstances in the parks deteriorate such that greater police assistance is required, further resources may be necessary regardless of which option is selected. Similarly, current Legal Services resources are sufficient to handle some additional legal work associated with enforcement of the *Parks Regulation Bylaw*. However, if numerous proceedings are required or a serious legal challenge to the City is launched, it may be beyond existing Legal Services budget and additional resources may be required.

Rise and Report Considerations

No rise and report is recommended at this time. Should the City commence legal proceedings to enforce the *Parks Regulation Bylaw* in relation to sheltering in City parks including, this would be a public process and the City would develop a proactive communications plan at that time.

CONCLUSIONS

In conclusion, it is recommended that a thoughtful, individualized enforcement approach be used to bring an end to 24/7 sheltering in parks. This is consistent with the City's approach to bylaw compliance generally, where a person's unique situation is taken into consideration and those making efforts toward that goal are given time to comply. However, that timeframe is not indefinite, and escalating enforcement may be required if compliance cannot be met within a reasonable time frame and/or there is no advancement of the situation.

It is also understood, based on conversations with some of the people currently sheltering in the parks, that there are individuals who have made their position clear that they never intend to move inside, for a variety of reasons. For these individuals, immediate enforcement is appropriate.

Individualized enforcement, with the potential use of an injunction, will be the most effective and efficient way to achieve compliance in a manner that ensures the safety of City staff and individuals who are sheltering outside.

Respectfully submitted,

Shannon Perkins
Bylaw Manager

Report accepted and recommended by the City Manager



CLOSED MEETING MINUTES – EXCERPT

April 15, 2021

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.**

Excerpt of Closed Minutes from the meeting of April 15, 2021

E.1 Law Enforcement/Potential Litigation/Legal Advice – Bylaw Compliance Strategy – End of 24/7 Sheltering

Motion:

That Council:

1. Endorse the enforcement approach as set out in this report;

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

OPPOSED (2): Councillor Dubow, Councillor Isitt

CARRIED

2. Authorize the City Manager, at her discretion, to instruct the City Solicitor to commence legal proceedings to enforce the Parks Regulation Bylaw in relation to sheltering in City parks including, at his discretion, seeking injunctive relief;

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

OPPOSED (4): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

CARRIED

3. Request that the City Manager and City Solicitor report back to Council regularly on enforcement efforts and conduct of any legal proceedings.

CARRIED UNANIMOUSLY



CLOSED MINUTES - VICTORIA CITY COUNCIL - EXCERPT

March 4, 2021, 3:59 p.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

Excerpt from the March 4, 2021 Closed Meeting Minutes:

**E.1 Intergovernmental Negotiations - Memorandum of Understanding with
province re: Encampments**

Moved By Mayor Helps
Seconded By Councillor Alto

That Council authorize the Mayor to sign, on behalf of the City, a Memorandum of Understanding between the City and Ministry of Attorney General and Minister Responsible for Housing setting out a shared commitment to a coordinated approach to ending and preventing encampments, generally in the form attached as Appendix A.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD APRIL 15, 2021

For the Council meeting of April 22, 2021, the Committee recommends the following:

E.1 1250 Dallas Road: Development Variance Permit Application No. 00254 (Fairfield-Gonzales)

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. 00254 for 1250 Dallas Road, in accordance with:

1. Plans date stamped January 25, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the height of the accessory building from 3.5m to 4.73m
 - ii. increase the floor area of an accessory building from 37m² to 55.2 m²
 - iii. reduce the required vehicle parking from 7 stalls to 4 stalls.
3. One six space bicycle rack to be installed in the rear yard.
4. The Development Variance Permit lapsing two years from the date of this resolution.”

E.2 1628 Edgeware Road: Correction to Zoning Regulation Bylaw pertaining to Rezoning Application No. 00726 (Oaklands)

1. That Council waive the requirement for a Public Hearing pursuant to section 464(2) of the Local Government Act for Zoning Regulation Bylaw, Amendment Bylaw (No. 1255) No. 21- 050.

F.1 Vibrancy and Vitality Initiative - Clean and Safe Committee Report

That Council receive this report for information.

H.1 Council Member Motion: Solidarity with Indian Farmers

THEREFORE BE IT RESOLVED THAT the City of Victoria stands in solidarity with Indian farmers and directs the Mayor to write to the Minister of Foreign Affairs and Provincial Intergovernmental Relations Secretariat and ask them to support Indian farmers in their right to peaceful protest, a dignified living, and to accelerate this message to the Indian government.



Council Report

For the Meeting of April 22, 2021

To: Council **Date:** April 14, 2021
From: C. Kingsley, City Clerk
Subject: 430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1254) No. 21-047

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-047.

The issue came before Council on February 4, 2021 where the following resolution was approved:

430 Powell Street: Rezoning Application No. 00736 and Development Permit with Variances Application No. 00736

Rezoning Application No. 00736

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00736 for 430 Powell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Development Permit with Variances Application No. 00736

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after Public Hearing for Rezoning Application No. 00736, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00736 in accordance with:

1. Plans date stamped November 3, 2020.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances: reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - i. reduce the rear yard setback from 6.00m to 2.92m to the stairs and 4.75m to the building for Lot 1;
 - ii. reduce the north side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 1;

- iii. reduce the south side yard setback from 2.40m to 1.2m m for elevations with windows into habitable rooms for Lot 1;
 - iv. reduce the rear yard setback from 6.00m to 3.39m to the stairs and 4.53m to the building for Lot 2;
 - v. reduce the north side yard setback from 2.40m to 1.2m for elevations with windows into habitable rooms for Lot 2; and
 - vi. reduce the south side yard setback from 2.40m to 2.0m for elevations with windows into habitable rooms for Lot 2.
3. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,

Curk Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-047

NO. 21-047

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R1-S30 Zone, Powell Street Small Lot District, and to rezone land known as 430 Powell Street from the R-2 Zone, Two Family Dwelling District, to the R1-S30 Zone, Powell Street Small Lot District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1254)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 1 – Detached Dwelling Zones by adding the following words:

“1.153 R1-S30 Zone, Powell Street Small Lot District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 1.152 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 430 Powell Street, legally described as PID: 029-107-962, Lot A of Lots 1775 and 1776, Victoria City, Plan EPP28098 shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R1-S30 Zone, Powell Street Small Lot District.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR

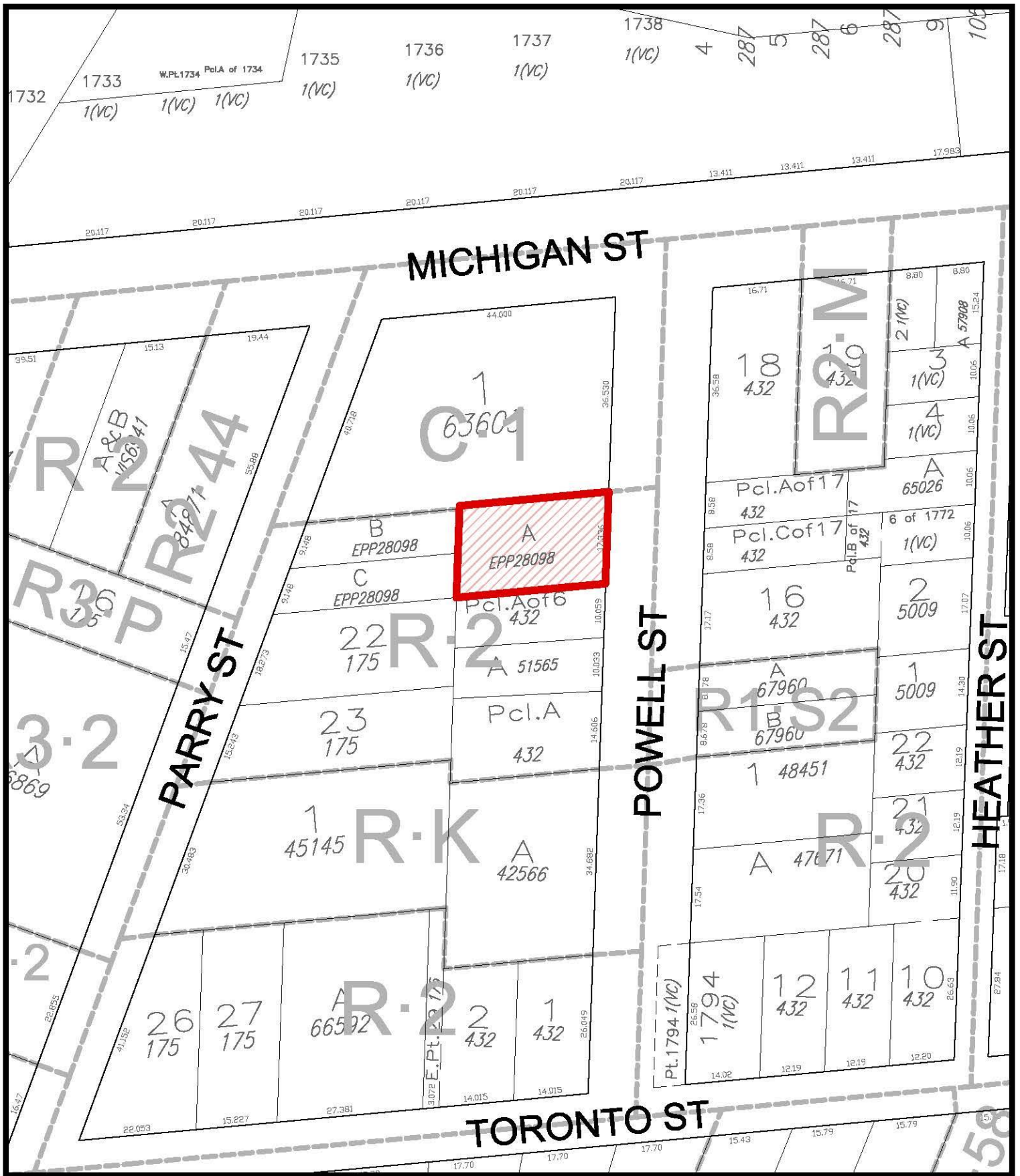


PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Uses	1	The following uses are the only uses permitted in this zone: (a) <u>single family dwelling</u> ; (b) <u>accessory uses</u> to a <u>single family dwelling</u> ; (c) <u>home occupation</u> ; (a) <u>buildings</u> accessory to a permitted use; (b) a maximum of two <u>garage sales</u> in any calendar year.
Lot area	2	The minimum <u>site area</u> must be 240 m ² .
	3	The minimum frontage of a <u>lot</u> on a <u>street</u> must be 8.6 m.
Height, Roof Deck	4	(a) The maximum <u>height</u> of a <u>single family dwelling</u> must not exceed 7.5 m nor two <u>storeys</u> , for which purpose any <u>basement floor area</u> that is more than 1.2 m above <u>grade</u> is deemed to be the first <u>storey</u> . (b) <u>Roof Deck</u> – not permitted.
Floor Area	5	The maximum <u>total floor area</u> for the dwelling must be 190m ² .
Floor space ratio	6	The maximum <u>floor space ratio</u> must be 0.6 to 1.
Site coverage	7	The maximum <u>site coverage</u> must be 40%.
Setback(s)	8	Except as required by s. 14, the minimum <u>setbacks</u> of the main structure must be in compliance with the following: (a) <u>front yard</u> of 4.0 m (i) an entrance porch and <u>steps</u> may project from the main <u>building</u> face by a maximum of 0.5 m with a maximum <u>height</u> of 1.7 m, including any vertical enclosures to the porch and <u>steps</u> , and (b) <u>rear yard</u> of 6.0 m; (c) <u>side yard</u> interior of 1.5 m or 2.4 m for any portion of a dwelling used for habitable space and which has a window; (d) <u>side yard</u> on a flanking street of 2.4 m.
Accessory Buildings	9	All <u>accessory buildings</u> must be located in a <u>rear yard</u> .
	10	The maximum <u>rear yard site coverage</u> by an <u>accessory building</u> must be 30%.

PART 1.53 – R1-S30 ZONE, POWELL STREET SMALL LOT DISTRICT

Height	11	A minimum separation distance of 2.4 m must be provided between a <u>single family dwelling</u> and an <u>accessory building</u> .
	12	The maximum <u>height</u> of any <u>accessory building</u> must not exceed 4.0 m.
Accessory Building Setbacks	13	The minimum <u>setbacks</u> of detached <u>accessory buildings</u> must be in compliance with the following: <ul style="list-style-type: none"> (a) <u>front yard</u> of 18 m; (b) <u>rear yard</u> of 1.5 m when facing a lane; (c) <u>side yard</u> on a corner <u>lot</u>, no <u>accessory building</u> may be located closer to the flanking <u>street</u> than the minimum <u>setback</u> required for the principal <u>building</u> on the adjoining <u>lot</u> of such flanking <u>street</u>.
Parking	14	Parking must comply with Schedule C.
Outdoor Features	15	<ul style="list-style-type: none"> (a) The setbacks set out in sections 8 and 14 apply to outdoor features attached to the main building as though they are buildings (b) Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower



430 Powell Street
Rezoning No.00736





**Council Report
For the Meeting of April 22, 2021**

To: Council **Date:** April 15, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: **Update on Rezoning Application No. 00693 and Development Permit with Variance Application No .00117 for 1029 Queens Avenue**

RECOMMENDATION

Rezoning Application No. 00693

That Council give first and second readings of Zoning Regulation Bylaw Amendment No. 21-051 (Amendment No. 1230) and give first, second and third reading of Housing Agreement (1029 Queens Avenue) Bylaw No. 21-052.

Development Permit with Variances Application No. 00117

Then Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00693, if it is approved, consider the following motion:

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

1. Plans date stamped **January 20, 2020. (Revised plan date)**
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the required vehicle parking from four stalls to one stall
 - b. reduce the front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.
3. Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.
4. The Development Permit with Variances lapsing two years from the date of this resolution.

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

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

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update on the Rezoning and Development Permit with Variances Applications for the property located at 1029 Queens Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a new zone in order to retain the existing two-family dwelling and permit a new two-family rental residential building in the side yard. The proposed variances are related to siting and vehicle parking. The application was considered by Council on December 12, 2019, where the following resolution was approved:

Rezoning Application No. 00693

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00693 for 1029 Queens Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

- 1. Placement of the existing duplex on the Heritage Register. (Refer to the Heritage Report on this application.)*
- 2. Preparation and execution of legal agreement to secure the rental housing along with affordability considerations to the satisfaction of the Director of Sustainable Planning and Community Development.*
- 3. A legal agreement to secure four car share memberships (one per dwelling unit) plus a \$100 usage credit for each membership to the satisfaction of the Director of Engineering and Public Works.*

Development Permit with Variances Application No. 00117

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

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00693, if it is approved, consider the following motion:

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

- 1. Plans date stamped July 26, 2019.*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - a. reduce the required vehicle parking from four stalls to one stall*
 - b. allow more than one principal building on a lot*

- c. *variances for front yard setback for the new building from 7.5m to 6.74m, and side yard setback from 3.0m to 2.24m with combined side yard setback from 4.5m to 3.29m.*
3. *The Development Permit lapsing two years from the date of this resolution.*
4. *Details of the bicycle parking (stall dimensions and security features) to be provided at building permit stage.*

Request to add 1029 Queens Avenue to the City of Victoria Register of Heritage Properties (North Park)

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

COMMENTS

Building Design

The applicant revised the design of the proposed two-family dwelling to establish a better street relationship by creating a front door on the street elevation. The newly introduced front door and adjacent window are framed by an overhang, creating a defined street entry to the lower unit. The paving materials also emphasize this area as an entry. The proportions of the proposed two-family dwelling and design revisions create a good fit with the existing two-family dwelling.

The recommendation for the Development Permit with Variances Application has been updated accordingly to reflect the revised plan submission.

Variances

While drafting the new site-specific zone, it was discovered that the variance to limit the number of principal dwellings conflicted with the intent of the new zone to allow an additional two-family dwelling on the property. Therefore, this variance has been eliminated and the number of buildings has been clarified in the new zone. All other variances remain the same.

Public Hearing Conditions

As a condition of rezoning, Council requested that the applicant secure the rental housing along with affordability considerations to *the satisfaction of the Director of Sustainable Planning and Community Development*. The applicant executed a housing agreement, which provides for the following:

- all units will be rental in perpetuity, except for one unit may be owner-occupied to provide flexibility for the owner
- each unit is designated as a “median income unit” in perpetuity and the monthly rent will be no more than 30% of the median gross household income limit for one, two and three-bedroom units as defined in the housing agreement.

An agreement with MODO has been registered on title to provide a MODO membership for each dwelling unit on the property, for a total of four memberships plus a driving credit of \$100 per each resident that becomes a MODO driver.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor
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

- Revised plans dated January 20, 2020

GENERAL NOTES

GENERAL NOTES
ALL MATERIALS AND CONSTRUCTION METHODS TO CONFORM TO THE CURRENT EDITION OF THE BRITISH COLUMBIA BUILDING CODE (BCBC), GOOD CONSTRUCTION PRACTICE, AS WELL AS ANY OTHER LOCAL BUILDING CODES OR BYLAWS WHICH MAY TAKE PRECEDENCE

ALL MEASUREMENTS TO BE VERIFIED ON SITE BY BUILDER PRIOR TO CONSTRUCTION. COMMENCEMENT OF CONSTRUCTION OR ANY PART THEREOF CONSTITUTES ACCEPTANCE OF THE DRAWINGS/SITE CONDITIONS AND MEANS DIMENSIONS & ELEVATIONS HAVE BEEN VERIFIED & ARE ACCEPTABLE

IF ANY DISCREPANCIES ARISE, THEY SHOULD BE REPORTED TO THE DESIGNER

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE

FRAMING LUMBER SHALL BE GRADED #2 OR BETTER UNLESS OTHERWISE SPECIFIED

ALL INTERIOR FINISHES, CASINGS, WINDOW TYPES AND MILLWORK TO OWNERS APPROVAL

STAIR TREADS TO BE PLYWOOD OR OTHER ENGINEERED PRODUCT AND SECURED WITH SCREWS AND SUB-FLOOR ADHESIVE

TEMPORARY HEAT REQUIRED PRIOR TO DRYWALL INSTALLATION TO ASSIST IN DRYING OF FRAMEWORK. MOISTURE CONTENT OF FRAMEWORK MUST NOT EXCEED 19%

SITE PLAN
LAYOUT TO BE CONFIRMED BY A CURRENTLY REGISTERED BRITISH COLUMBIA LEGAL LAND SURVEYOR

ALL SET BACKS TO BE CONFIRMED BY THE OWNER AND BUILDER

ALL GRADE ELEVATIONS ARE THE RESPONSIBILITY OF THE OWNER AND BUILDER

VERIFY EXISTING AND PROPOSED GRADES PRIOR TO CONSTRUCTION

FOUNDATION
THE BUILDER IS RESPONSIBLE FOR LOCATING THE FOOT PRINT OF THE STRUCTURE IN THE PROPER PLACE AS PER PLANS

CONCRETE FOUNDATION WALLS NOT SUBJECT TO SURCHARGE SHALL BE INSTALLED ON COMPACTED, UNDISTURBED, INORGANIC STABLE SOILS BELOW THE DEPTH OF FROST PENETRATION WITH AN ALLOWABLE BEARING PRESSURE OF 75 kPa OR GREATER. IF SOFTER CONDITIONS APPLY, THE BEARING CAPACITY AND SIZE OF FOOTINGS ARE TO BE DESIGNED BY A QUALIFIED ENGINEER

THE SILL PLATE IS TO BE FASTENED TO THE FOUNDATION WALL WITH NOT LESS THAN 12.7mm Ø ANCHOR BOLTS SPACED NOT MORE THAN 2.4m O.C. OR FOR BRACED WALL PANELS 2 15mm Ø ANCHOR BOLTS PER BRACED WALL PANEL 500mm FROM THE ENDS OF THE FOUNDATION AND SPACED 1.7m O.C. EMBEDDED 100mm DEEP

ALL LUMBER IN CONTACT WITH CONCRETE SHALL BE TREATED OR PROTECTED BY A MOISTURE RESISTANT GASKET

IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE SITE SOIL CONDITIONS INSPECTED AND ADVISE THE DESIGNER OF ANY SOIL CONDITIONS WHICH MAY REQUIRE ENGINEERING

ALL FOUNDATION WALLS ARE 200mm THICK 20MPa CONCRETE UNLESS OTHERWISE SPECIFIED

FOUNDATION WALLS MAY BE A MAXIMUM OF 4' HIGH FROM GRADE TO UNDERSIDE OF FLOOR IF Laterally UNSUPPORTED AT TOP. ALL OTHER CONCRETE FOUNDATION WALLS TO BE ENGINEERED

FRAMING
ALL ENGINEERED COMPONENTS TO BE SIZED BY SUPPLIER

ALL SPANS AND LOADINGS SHALL CONFORM TO THE CURRENT VERSION OF THE BCBC. VERIFICATION OF ALL COMPONENTS IS THE RESPONSIBILITY OF THE OWNER/BUILDER. ANY COMPONENTS WHICH CANNOT BE DESIGNED WITH THE BCBC SHALL BE DESIGNED BY A QUALIFIED ENGINEER

TRUSSES AND LAYOUT ARE TO BE ENGINEERED AND INSTALLED ACCORDING TO MANUFACTURERS SPECIFICATIONS

IT IS ASSUMED THAT THE CONTRACTOR IS FAMILIAR WITH THE 2018 BCBC AND INDUSTRY STANDARDS FOR WOOD FRAME CONSTRUCTION. NOT EVERY DETAIL OF WOOD FRAMING IS SHOWN ON THESE DRAWINGS

ALL LINTELS DOUBLE 2X10 S.S. SPF FOR CLEAR SPANS UP TO 5' UNLESS OTHERWISE NOTED

EXTERIOR WALL THICKNESS SHOWN ARE MEASURED FROM OUTSIDE OF EXTERIOR SHEATHING TO INSIDE OF DRYWALL

INTERIOR WALL THICKNESS SHOWN ARE MEASURED FROM OUTSIDE OF DRYWALL TO OUTSIDE OF DRYWALL

ROOM MEASUREMENTS SHOWN ARE TO THE NEAREST INCH. DIMENSIONS SHOWN ARE TO THE NEAREST 1/2"

CONFIRM ALL VANITY'S, BATHTUBS, SHOWERS AND KITCHEN CUPBOARDS WITH OWNER PRIOR TO FRAMING AS THESE MAY REQUIRE MODIFICATIONS TO THE ROOM SIZES

ROOFING
ALL ROOFING SHALL BE APPLIED TO THE MANUFACTURERS SPECIFICATIONS AND SHALL INCLUDE EAVE PROTECTION FROM ICE DAMMING AND SNOW BUILD UP

PLUMBING AND ELECTRICAL
ANY PLUMBING AND ELECTRICAL SHOWN ON THESE PLANS IS FOR ILLUSTRATIONAL PURPOSES ONLY AND MUST BE DESIGNED AND INSTALLED BY A QUALIFIED PROFESSIONAL

FLASHING
ALL PENETRATIONS THROUGH THE ROOF WILL REQUIRE FLASHING.

ALL ROOFING TO INCLUDE STEP FLASHING.

ALL EXPOSED OPENINGS TO INCLUDE FLASHING

ALL FLASHING END DAMS TO BE 25mm (1") HIGH

DOORS
FRAME OPENING TO BE 1 1/4" WIDER THAN DOOR
FRAME HEIGHT 83" FOR EXTERIOR DOORS AND 82.5" FOR INTERIOR DOORS.
FRAME OPENING 1 1/4" WIDER THAN BIFOLD DOORS AND FRAME HEIGHT IS 81.5"
ALL INTERIOR DOORS TO BE 30" WIDE UNLESS OTHERWISE SPECIFIED

FENESTRATION
ALL WINDOWS, DOORS & SKYLIGHTS TO CONFORM TO NAFS-08 AND THE CANADIAN SUPPLEMENT TO NAFS

FENESTRATION PERFORMANCE REQUIREMENTS:
CLASS R - PG 30 - +VE/-VE DP = 1440Pa/1440Pa - WATER PENETRATION RESISTANCE = 260Pa - CANADIAN AIR INFILTRATION/EXFILTRATION = A2

WINDOW/DOOR LABELS TO BE LEFT IN PLACE UNTIL FINAL INSPECTION

SUPPLY AND INSTALL ALL WINDOW TYPES, INTERIOR CASINGS AND MILLWORK TO OWNERS APPROVAL

ALL WINDOWS ADJACENT TO BATH TUBS TO BE SAFETY GLASS

GUARDS/HANDRAILS
INSTALL GRASPABLE HANDRAIL TO ALL INTERIOR STAIRS AT 34" TO 38" ABOVE STAIR NOSING

INSTALL GUARDS AT ALL BALCONIES, DECKS AND PORCHES GREATER THAN 2' ABOVE GRADE . INSTALL GUARD AT 42" HEIGHT WHERE SURFACE IS GREATER THAN 6" ABOVE ADJACENT SURFACE, OTHERWISE 36" GUARDRAIL ALLOWABLE

TOPLESS GLASS GUARDS TO BE ENGINEERED WITH SEALED DRAWINGS

VENTILATION
PROVIDE ATTIC AND CRAWLSPACE ACCESS AND VENTILATION IN ACCORDANCE WITH BCBC

PROVIDE HEATING, MECHANICAL VENTILATION, AND AIR CONDITIONING WHERE REQUIRED IN ACCORDANCE WITH BCBC AND LOCAL BYLAWS

MECHANICAL CONTRACTOR TO PROVIDE MECHANICAL CHECKLIST COMPLETE WITH FAN & DUCT SIZES PRIOR TO FRAMING INSPECTION

MISC.
SMOKE/CARBON MONOXIDE ALARMS TO BE PROVIDED ON EVERY FLOOR AND ARE TO BE HARDWIRED AND WITHIN 5m OF EACH BEDROOM IN EVERY SUITE AND INTERCONNECTED TO ALL FLOORS. SMOKE ALARMS TO ALSO BE PROVIDED IN EVERY BEDROOM. ALL SMOKE ALARM LOCATIONS WILL HAVE BOTH PHOTOELECTRIC AND IONIC DETECTION SYSTEMS

BEDROOM WINDOWS FOR EGRESS SHALL HAVE OPENINGS WITH AREAS NOT LESS THAN 3.8ft² WITH NO DIMENSION LESS THAN 15"

IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND/OR OWNER TO CHECK AND VERIFY ALL ASPECTS OF THESE PLANS PRIOR TO START OF CONSTRUCTION OR DEMOLITION.
ADAPT DESIGN DOES NOT ACCEPT RESPONSIBILITY FOR THE FOLLOWING:
-INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE
-CONFORMITY OF PLANS TO SITE
-ERRORS AND/OR OMISSIONS
-ANY HOUSE BUILT FROM THESE PLANS
THESE PLANS REMAIN THE PROPERTY OF ADAPT DESIGN AND CAN BE RECLAIMED AT ANY TIME



1 FRONT PERSPECTIVE
SCALE: 1/16" = 1'-0"



1 REAR PERSPECTIVE
SCALE: 1/16" = 1'-0"

Issued		
COVER SHEET & GENERAL INFO		
A-001	COVER SHEET	<input type="checkbox"/>
A-002	SITE PLAN	<input type="checkbox"/>
A-003	SITE SERVICING AND LANDSCAPE PLAN	<input type="checkbox"/>
PLANS		
A-102	PR. DUPLEX FLOOR PLANS	<input type="checkbox"/>
A-103	EX. FLOOR PLANS	<input type="checkbox"/>
ELEVATIONS		
A-201	PR. DUPLEX ELEVATIONS	<input type="checkbox"/>
A-202	EXISTING ELEVATIONS	<input type="checkbox"/>
A-203	EXISTING ELEVATIONS	<input type="checkbox"/>
A-204	EX. WORKSHOP ELEVATIONS	<input type="checkbox"/>
SECTIONS		
A-301	CROSS SECTION	<input type="checkbox"/>

ADAPTDESIGN

1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS AVENUE VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

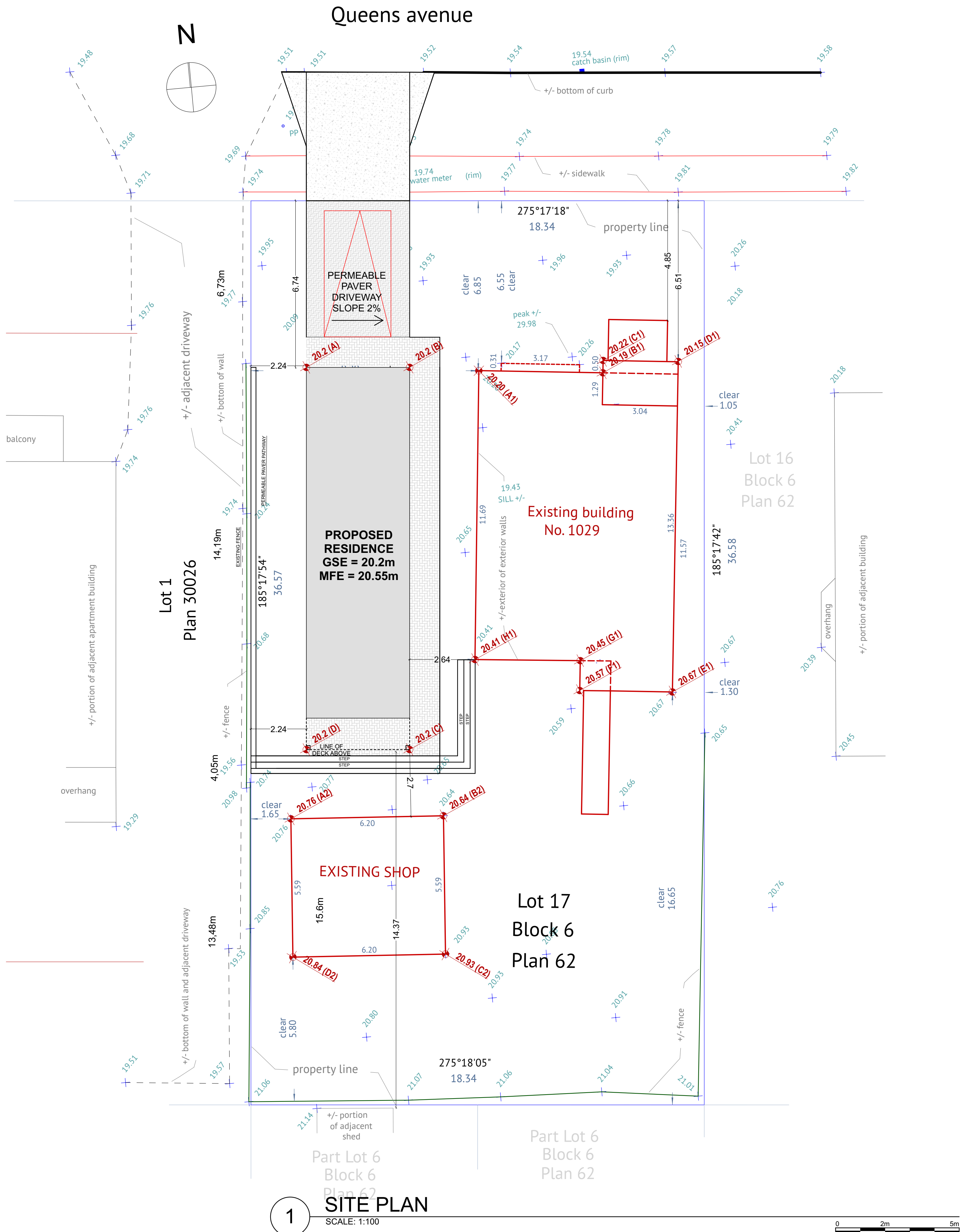
The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR REZONE

ISSUED:

PROJECT:
REZONE TO CREATE NEW CARRIAGE HOME (DUPLEX)



Proposed residence

GRADE POINTS
A = 20.47m
B = 20.54m
C = 21.10m
D = 21.08m

GRADE POINTS	AVERAGE OF POINTS		DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A&B	((20.2+20.2) / 2)	x	4.2m	= 84.8
Points B&C	((20.2+20.2) / 2)	x	15.4m	= 311.1
Points C&D	((20.2+20.2) / 2)	x	4.2m	= 84.8
Points D&A	((20.2+20.2) / 2)	x	15.4m	= 311.1
PERIMETER OF BUILDING = 39.2m				791.8

GRADE CALCULATION
791.8 / 39.2 = 20.2m

Existing building No. 1029

GRADE POINTS
A1 = 20.20m E1 = 20.67m
B1 = 20.19m F1 = 20.57m
C1 = 20.22m G1 = 20.45m
D1 = 20.15m H1 = 20.41m

GRADE POINTS	AVERAGE OF POINTS		DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A1&B1	((20.20+20.19) / 2)	x	4.97m	= 100.37
Points B1&C1	((20.19+20.22) / 2)	x	0.50m	= 10.10
Points C1&D1	((20.22+20.15) / 2)	x	3.04m	= 61.36
Points D1&E1	((20.15+20.67) / 2)	x	13.36m	= 272.68
Points E1&F1	((20.67+20.57) / 2)	x	2.51m	= 51.76
Points F1&G1	((20.57+20.45) / 2)	x	1.21m	= 24.82
Points G1&H1	((20.45+20.41) / 2)	x	5.50m	= 112.37
Points H1&A1	((20.41+20.20) / 2)	x	11.69m	= 237.37

PERIMETER OF BUILDING = 42.78m 870.83

GRADE CALCULATION
870.83 / 42.78 = 20.37

Existing Garage

GRADE POINTS
A2 = 20.76m
B2 = 20.64m
C2 = 20.93m
D2 = 20.84m

GRADE POINTS	AVERAGE OF POINTS		DISTANCE BETWEEN GRADE POINTS	TOTALS
Points A2&B2	((20.76+20.64) / 2)	x	6.20m	= 128.34
Points B2&C2	((20.64+20.93) / 2)	x	5.59m	= 116.19
Points C2&D2	((20.93+20.84) / 2)	x	6.20m	= 129.49
Points D2&A2	((20.84+20.76) / 2)	x	5.59m	= 116.27

PERIMETER OF BUILDING = 23.58m 490.29

GRADE CALCULATION
490.29 / 23.58 = 20.79

Property Information

Project Type: New Carriage House
Owners: Jenny Farkas
Address: 1029 Queens Avenue
Legal Description: Lot 17, Block 6, Section 3, Victoria District, Plan 62

Zoning: Site Specific

Setbacks:

Proposed Duplex:	
Rear	14.37m
Side	2.24m
Front	6.74m
Height	6.18m
Ex. House	2.64m
Ex. Garage	2.70m

Existing Duplex	
Rear	6.5m
Side	1.05m
Front	16.7m
Existing Garage	
Rear	5.8m
Side	1.65m

Floor Area

Proposed Duplex	
Main Floor	567 SF (52.7 SM)
Upper Floor	567 SF (52.7 SM)
Total	1134 SF (105.4 SM)
Existing Duplex	
Lower Floor	1003 SF (93.2 SM)
Main Floor	1029 SF (95.6 SM)
Upper Floor	472 SF (43.9 SM)
Existing Workshop	328 SF (30.5 SM)

Lot Area:	7219 SF (670.7 SM)
Combined Bld. Footprint	2143 SF (199.0 SM)
Site Coverage	29.7%
Rear Yard Open Site Space	86.9%

Applicable Codes

-BC Building Code Current Edition (2018)

Energy

Compliance path: BCBC Step Code
Requirements applicable to this project: Level 1
See compliance report

Ventilation

BCBC 9.32



1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS AVENUE VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

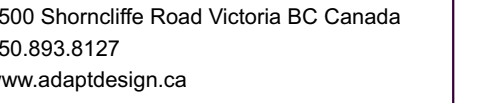
© Adapt Design

ISSUED FOR REZONE

ISSUED:

SITE PLAN

A-002



**1029 QUEENS
AVENUE
VICTORIA, B.C.**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

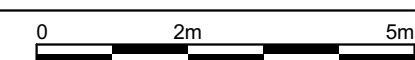
ISSUED FOR
REZONE

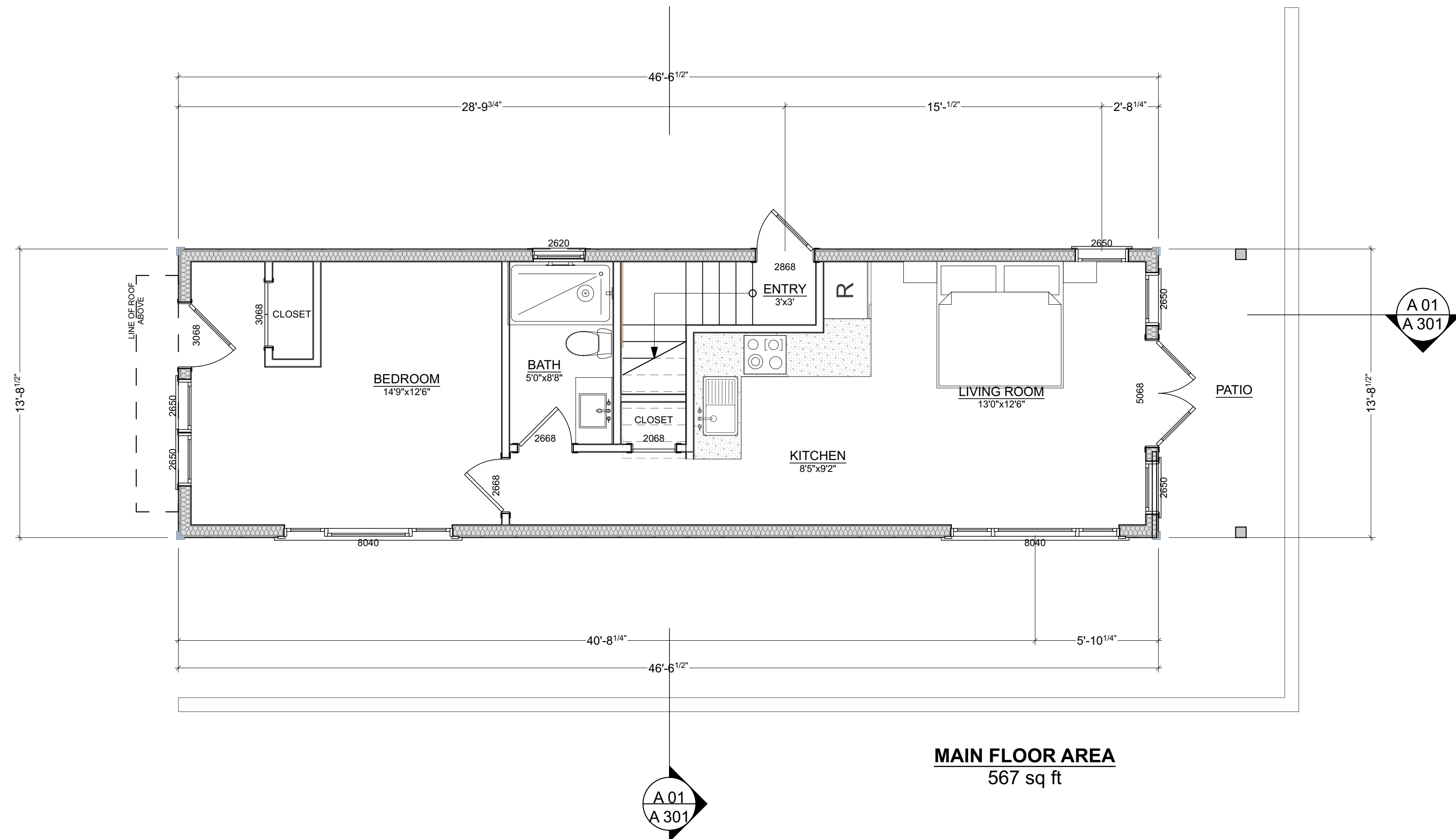
ISSUED:

SITE SERVICING AND LANDSCAPE PLAN

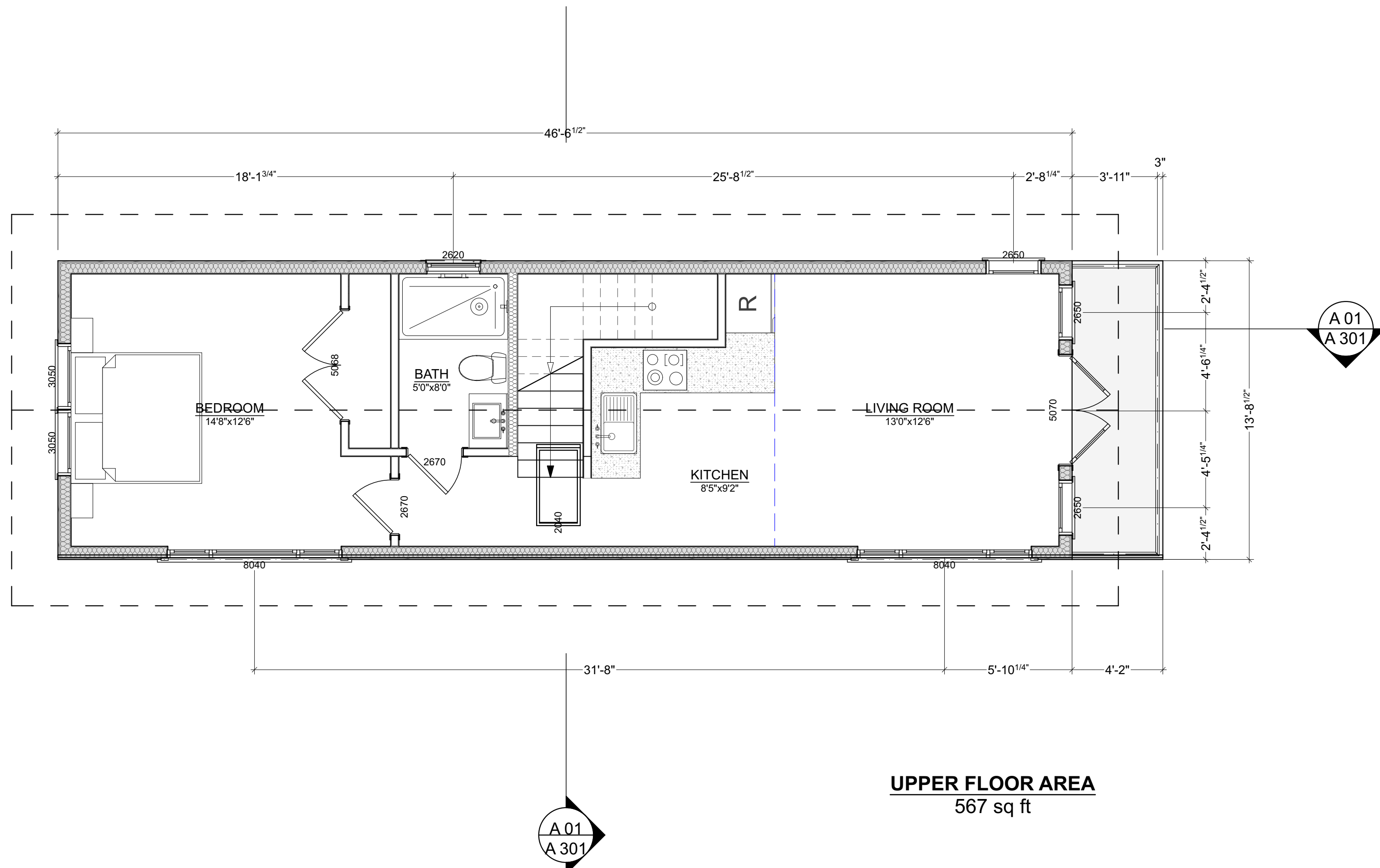
A-003

ted: 2020-01-09





1 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"



1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS
AVENUE
VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR
REZONE

ISSUED:

PR. DUPLEX FLOOR
PLANS

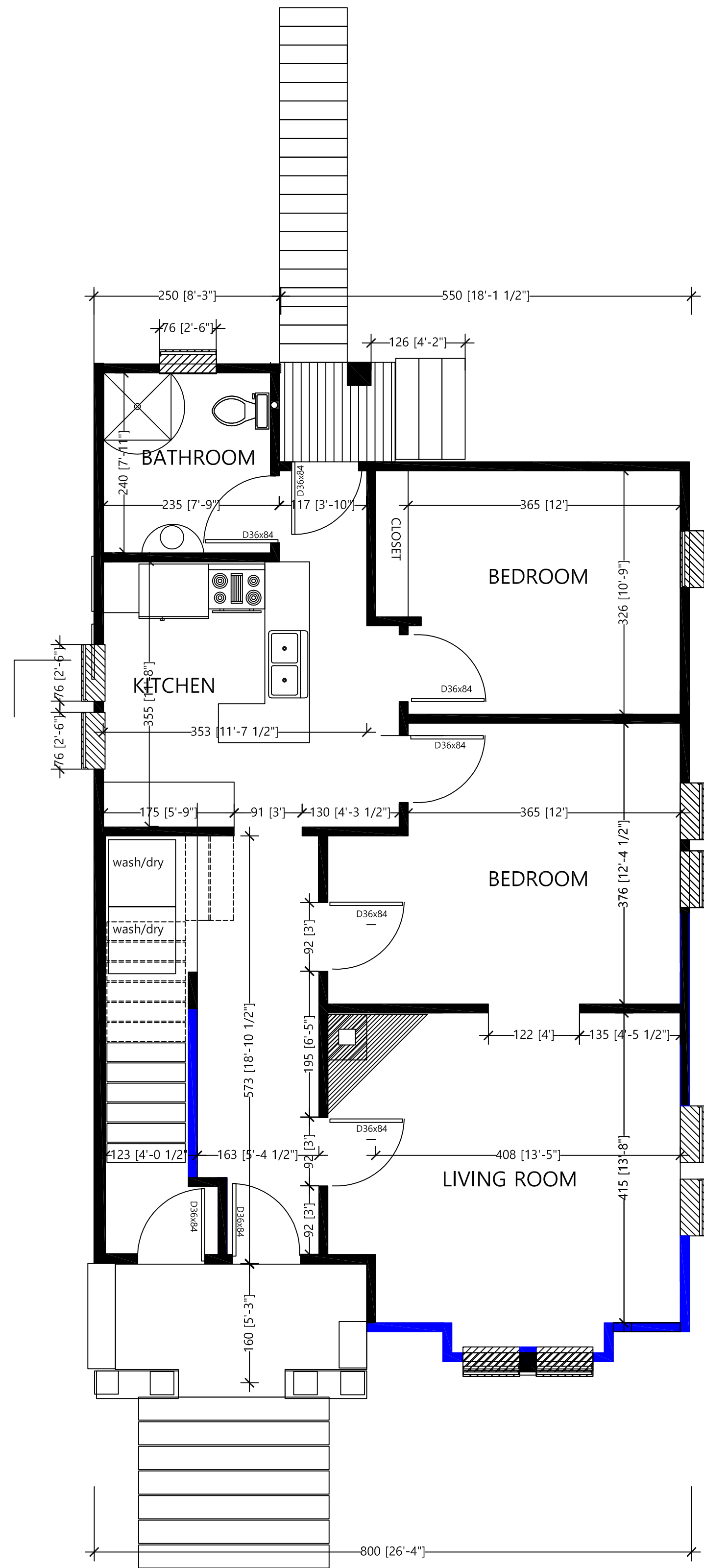
A-102

ISSUED FOR
REZONE

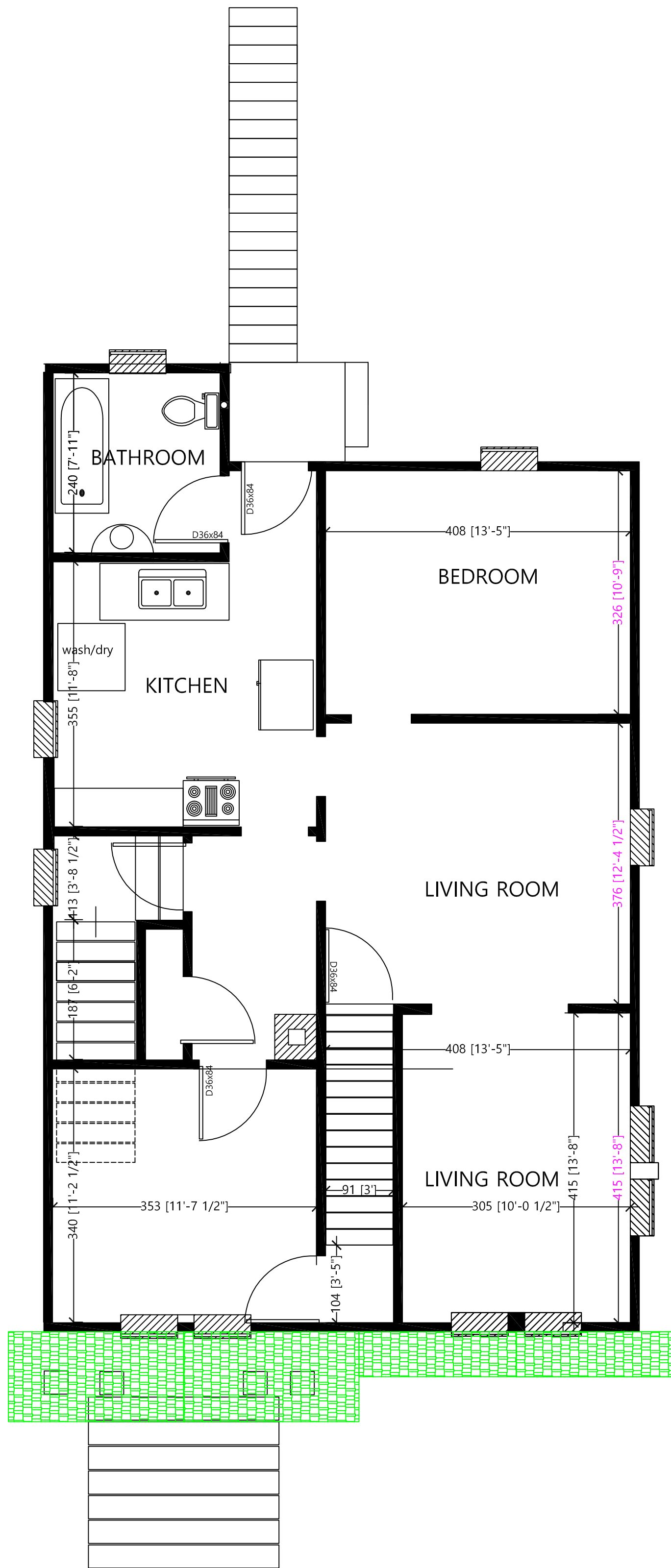
ISSUED:

EX. FLOOR PLANS

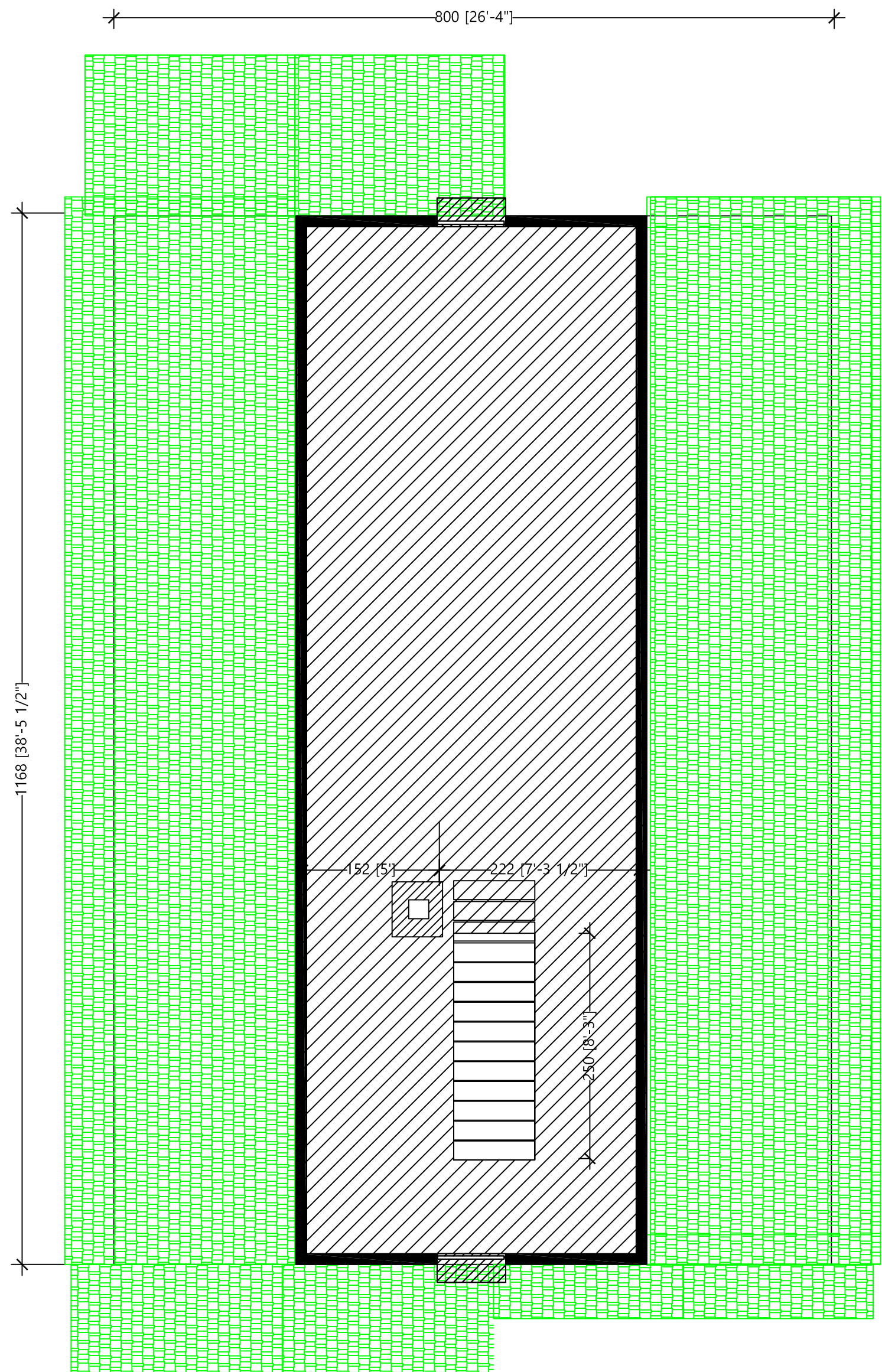
A-103



FLOOR 1 PLAN



FLOOR 2 PLAN



ATTIC FL 3 PLAN



**1029 QUEENS
AVENUE
VICTORIA, B.C.**

Drawings and Specifications as Instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques sequences, or procedures, or for safety precautions and programs in connection with the project.

© Ardent Design

ISSUED FOR
REZONE

ISSUED:

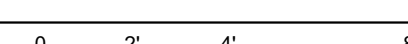
PR. DUPLEX
ELEVATIONS

A-201

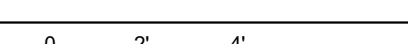
Printed: 2020-01-09



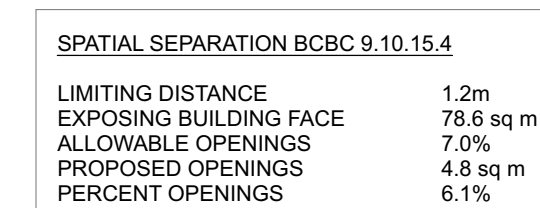
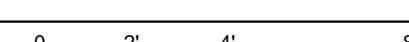
SCALE: 1/4" = 1'-0"



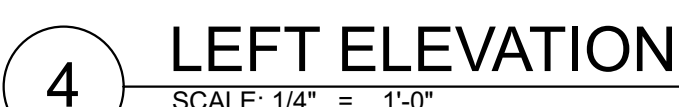
SCALE: 1/4" = 1'-0"



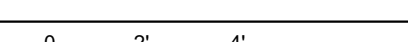
SCALE: 1/4" = 1'-0"



<u>SPATIAL SEPARATION BCBC 9.10.15.4</u>	
LIMITING DISTANCE	1
EXPOSING BUILDING FACE	7
ALLOWABLE OPENINGS	7
PROPOSED OPENINGS	4
PERCENT OPENINGS	6



SCALE: 1/4" = 1'-0"



EXTERIOR CLADDING LEGEND

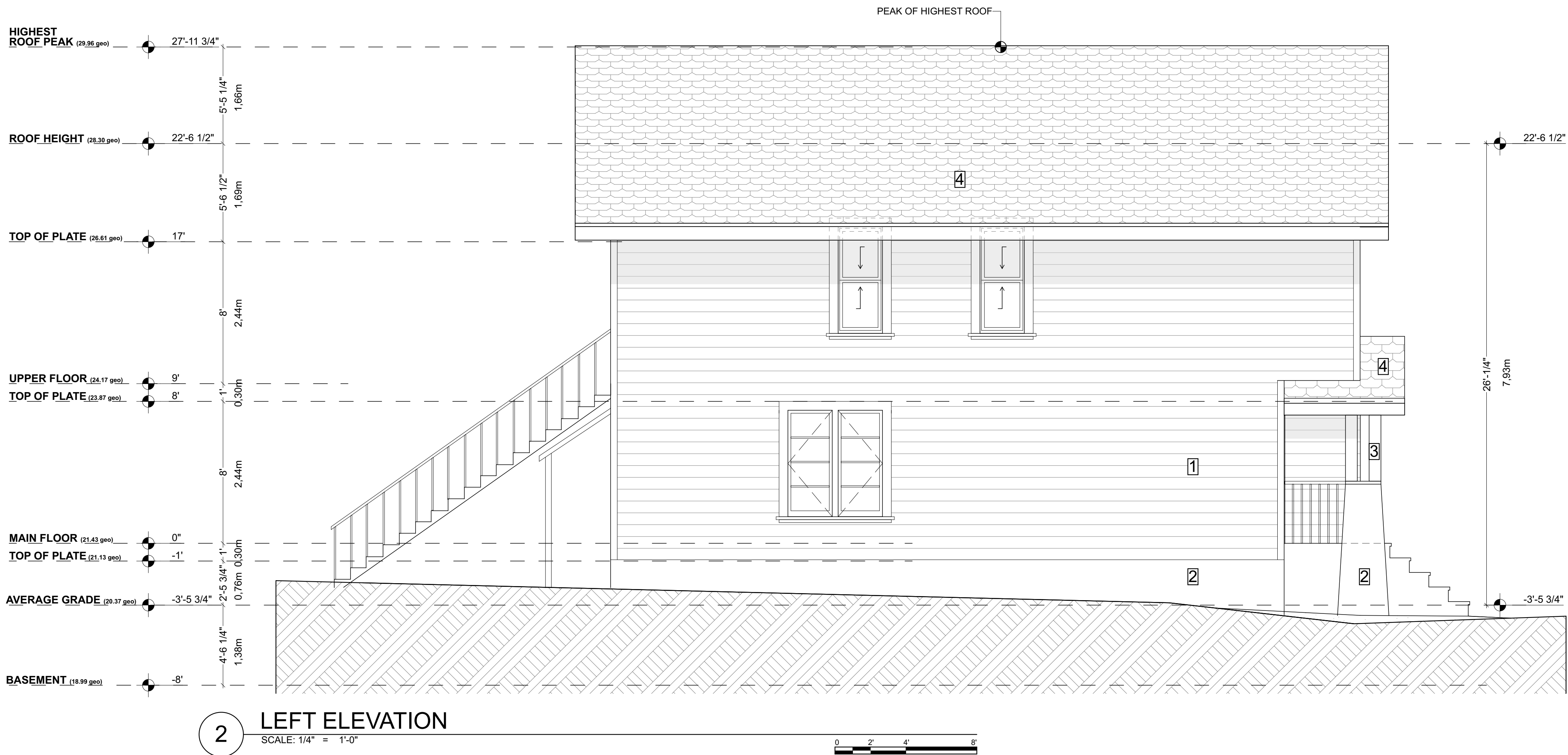
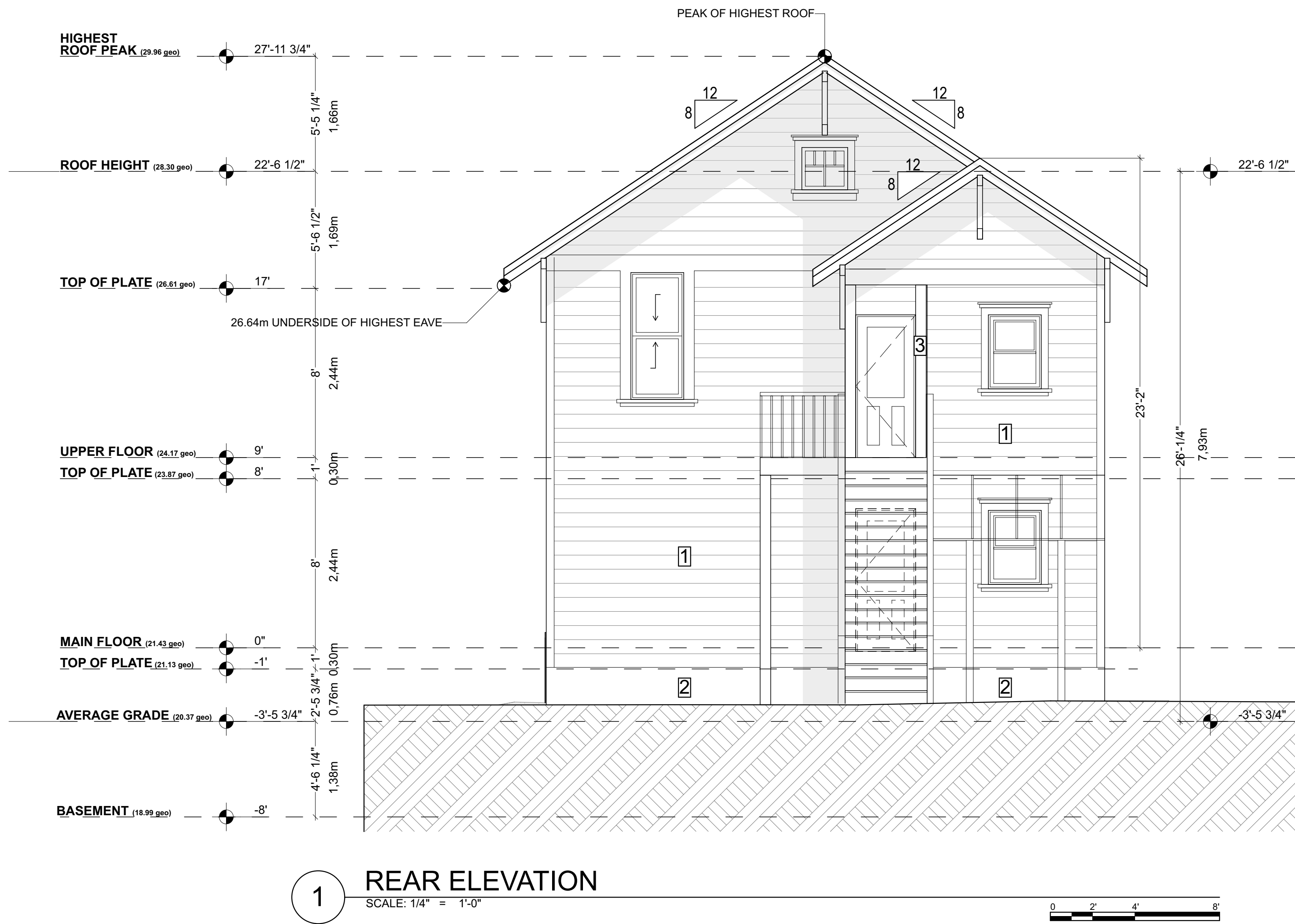
- 1 CEMENT BOARD LAP SIDING
- 2 FINISHED CONCRETE
PARGE
- 3 COMB FACED SPRUCE
PAINTED
- 4 ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS

GUTTERS	5" CONTINUOUS ALUMINUM (PREFINISHED)
SOFFIT	C/W 4"x3" ALUMINUM DOWNSPOUT (PREFINISHED)
FASCIA	1X4 T&G HEMLOCK (STAINED)
BELLY BAND	2X12 COMB FACED SPF (PAINTED)
WINDOW TRIM	2X10 COMB FACED SPF (PAINTED)
	2X4 COMB FACED SPF TOP/SIDES C/W 2X4 SLOPE SILL & 2X4 SUBSILL (PAINTED)
DOOR TRIM	2X4 COMB FACED SPF (PAINTED)
CORNER TRIM	1X3 COMB FACED SPF (PAINTED)

NOTE:
WINDOW OPERATION SHALL BE AS PER OWNERS DIRECTION AND
CONFORM TO CBC EGRESS REQUIREMENTS. CONTRACTOR TO VERIFY
ALL R.O. PRIOR TO ORDERING WDW'S
FLASH OVER ALL MATERIAL TRANSITIONS, DOOR AND WINDOW HEADERS
ALL COLOURS AS PER OWNER

EXISTING HOUSE ELEVATIONS



EXTERIOR CLADDING LEGEND	
1	CEMENT BOARD LAP SIDING
2	FINISHED CONCRETE PARGED
3	COMB FACED SPRUCE PAINTED
4	ASPHALT ROOFING SHINGLES



1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS
AVENUE
VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

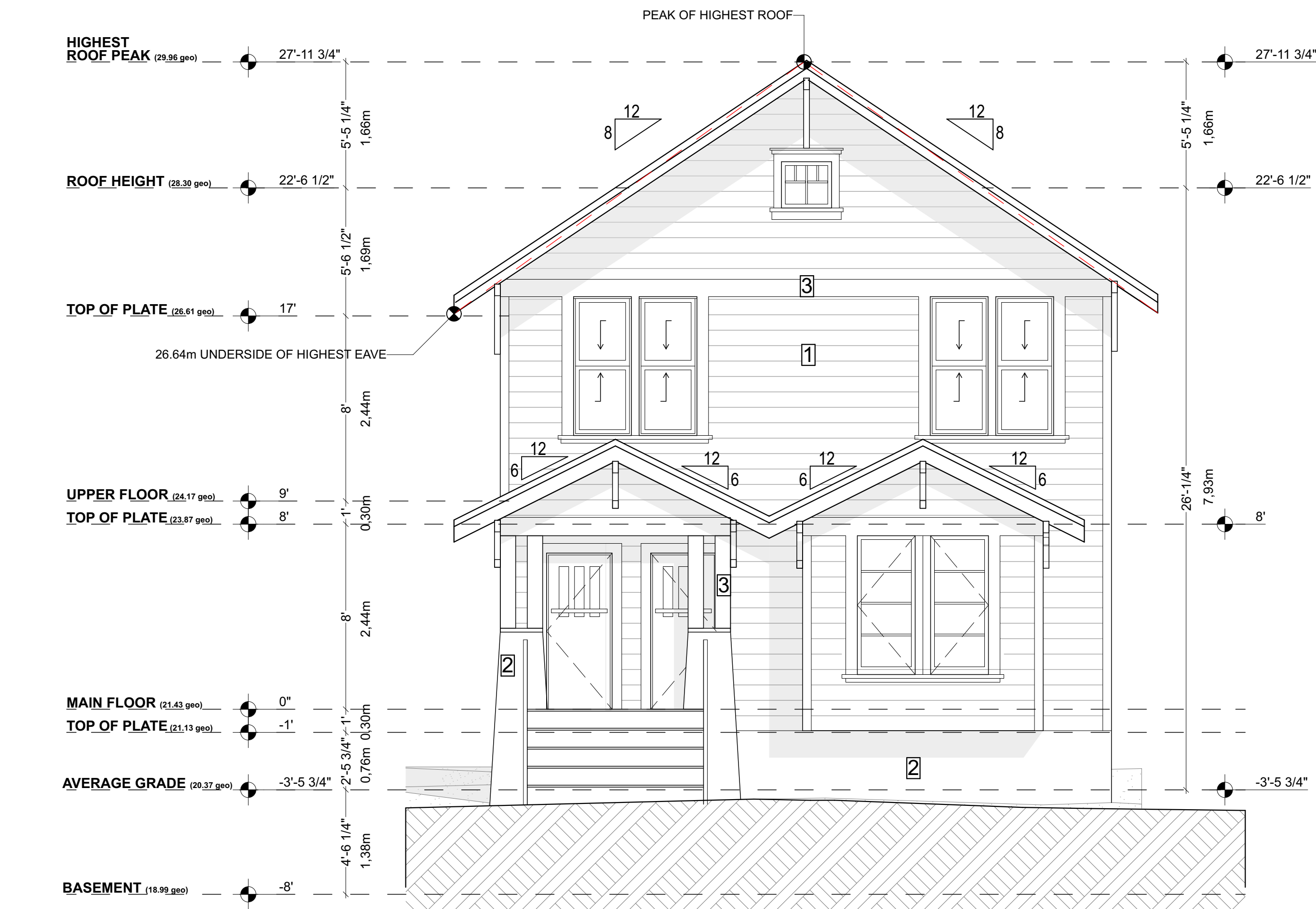
ISSUED FOR
REZONE

ISSUED:

EXISTING ELEVATIONS

A-202

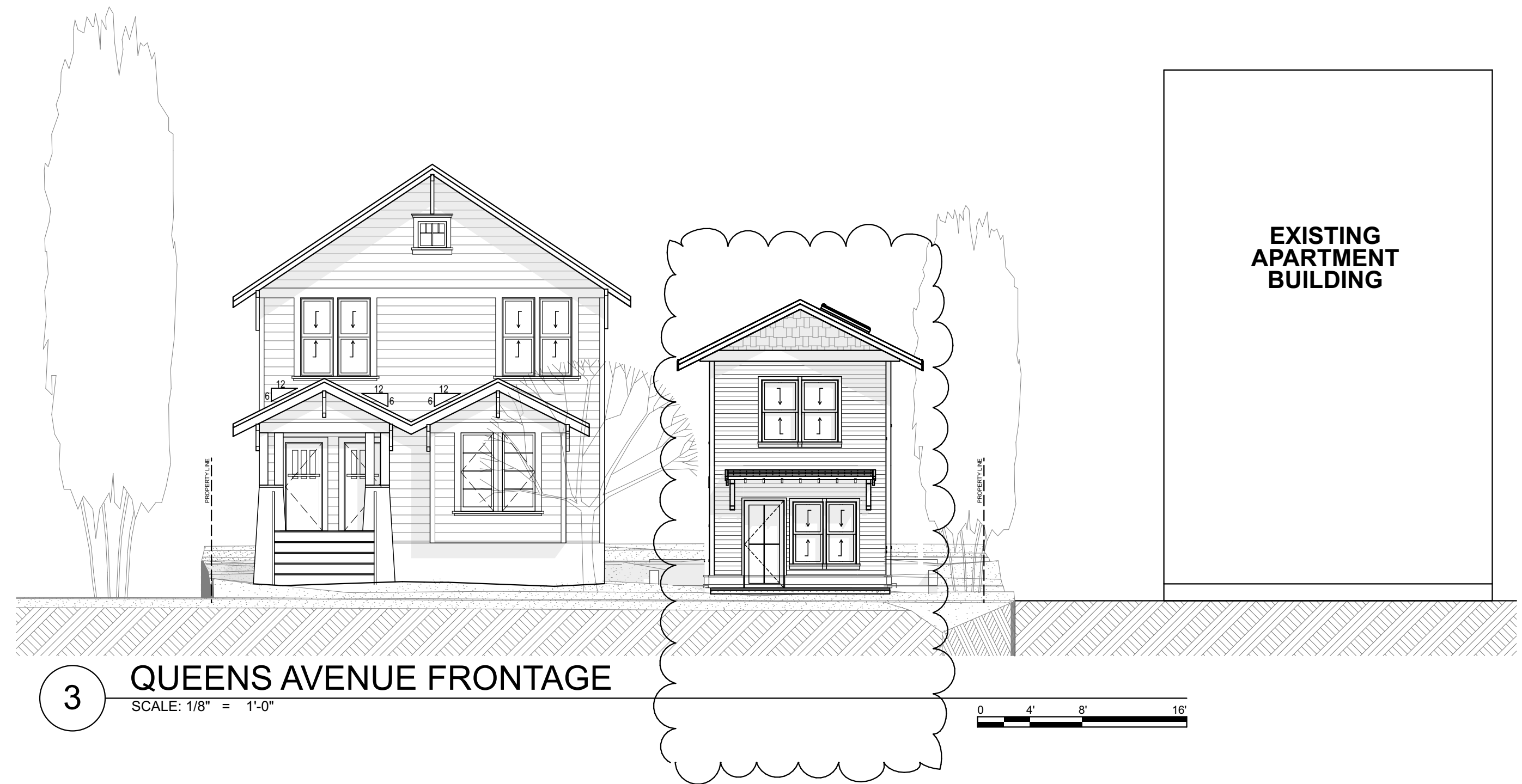
EXISTING HOUSE ELEVATIONS



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION



3 QUEENS AVENUE FRONTAGE

EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD LAP SIDING
- 2 FINISHED CONCRETE
PARGED
- 3 COMB FACED SPRUCE
PAINTED
- 4 ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS

GUTTERS	5" CONTINUOUS ALUMINUM (PREFINISHED) C/W 4"X3" ALUMINUM DOWNSPOUT (PREFINISHED)
SOFFIT	1X4 T&G HEMLOCK (STAINED)
FASCIA	2X12 COMB FACED SPF (PAINTED)
BELLY BAND	2X10 COMB FACED SPF (PAINTED)
WINDOW TRIM	2X4 COMB FACED SPF TOP/SIDES C/W 2X4 SLOPED SILL & 2X4 SUBSILL (PAINTED)
DOOR TRIM	2X4 COMB FACED SPF (PAINTED)
CORNER TRIM	1X3 COMB FACED SPF (PAINTED)

NOTE:
WINDOW OPERATION SHALL BE AS PER OWNERS DIRECTION AND
CONFORM TO BCBC EGRESS REQUIREMENTS. CONTRACTOR TO VERIFY
ALL R.O. PRIOR TO ORDERING WDW'S
FLASH OVER ALL MATERIAL TRANSITIONS, DOOR AND WINDOW HEADERS
ALL COLOURS AS PER OWNER

ADAPT
DESIGN

1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adapttdesign.ca

**1029 QUEENS
AVENUE
VICTORIA, B.C.**

Drawings and Specifications as Instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

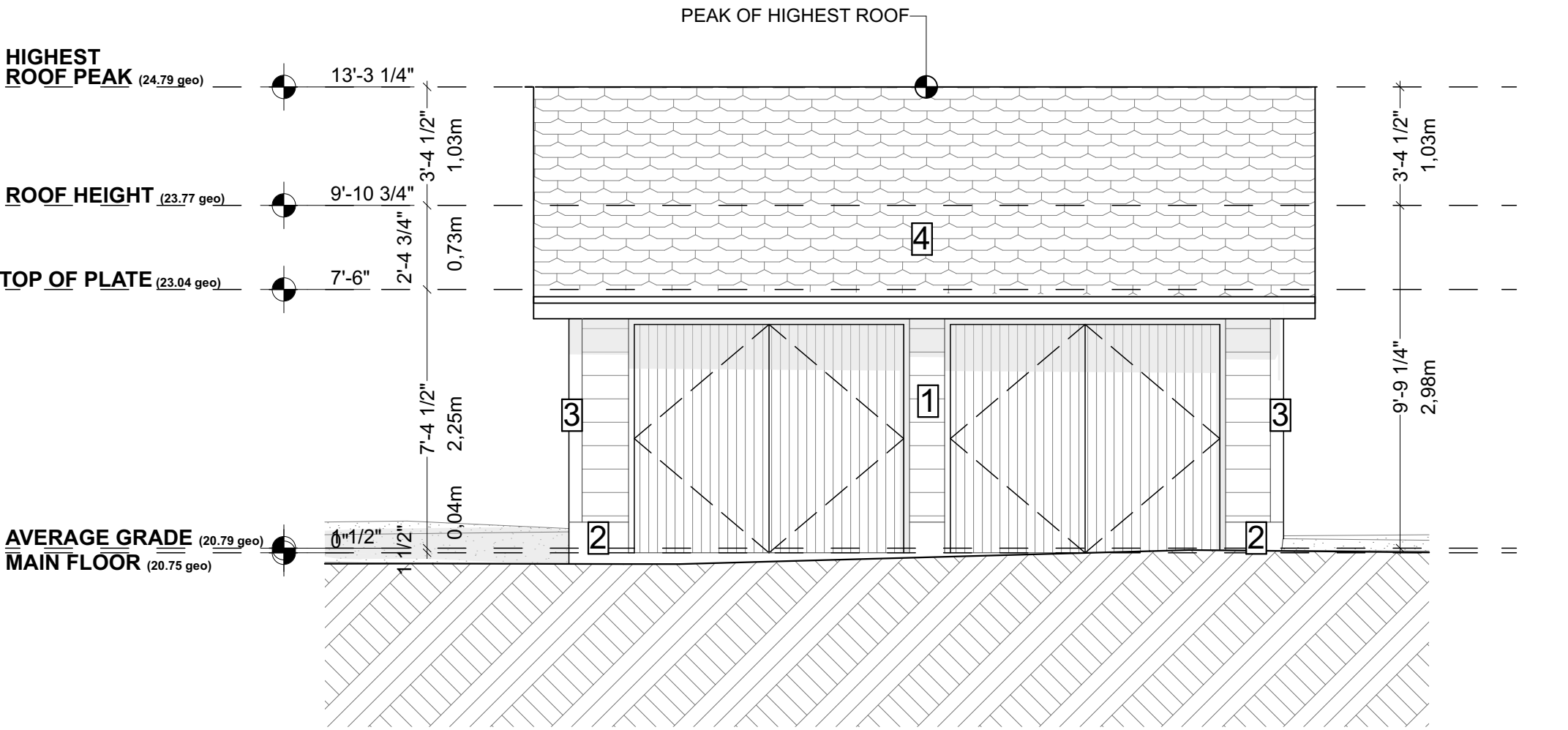
ISSUED FOR
REZONE

ISSUED:

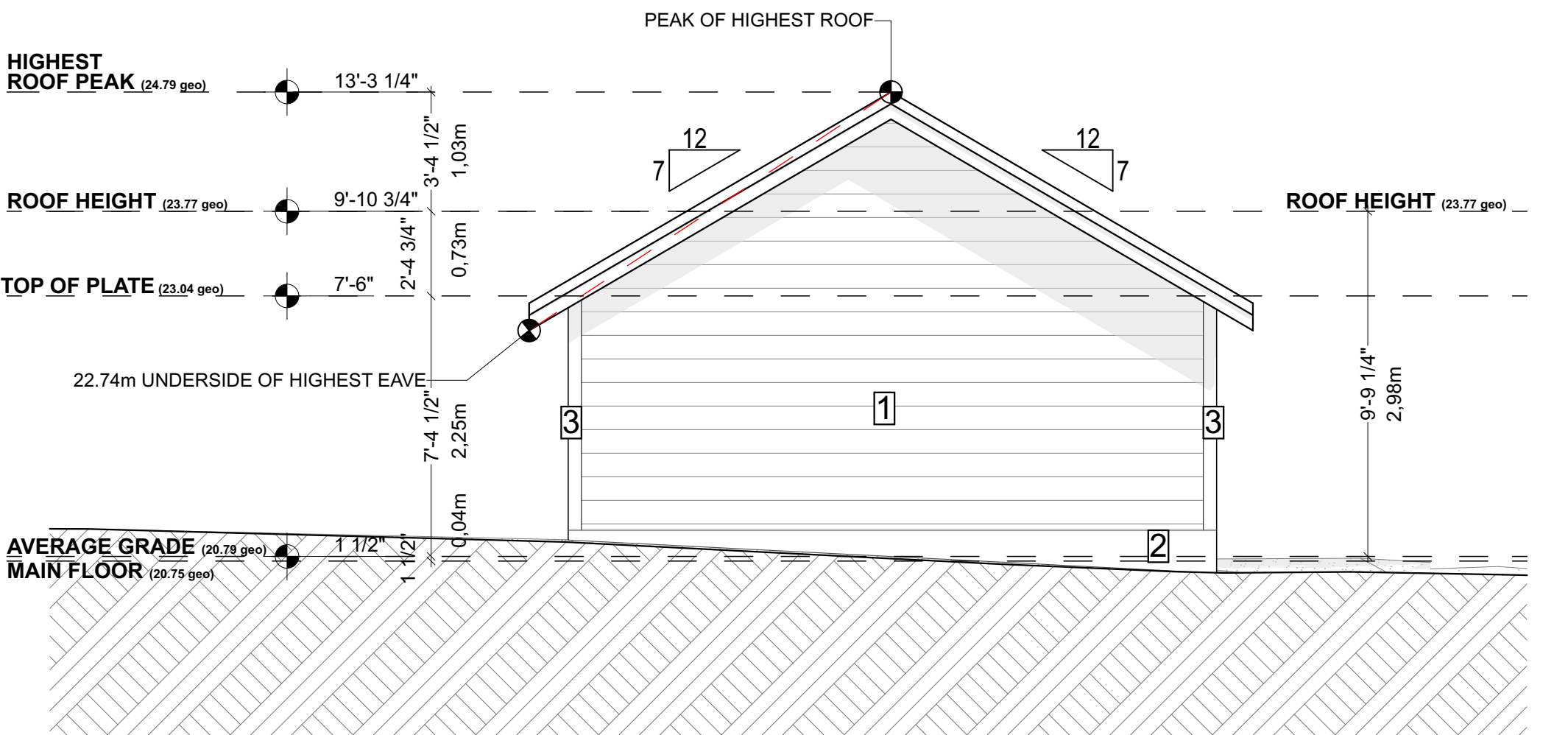
EXISTING ELEVATIONS

A-203

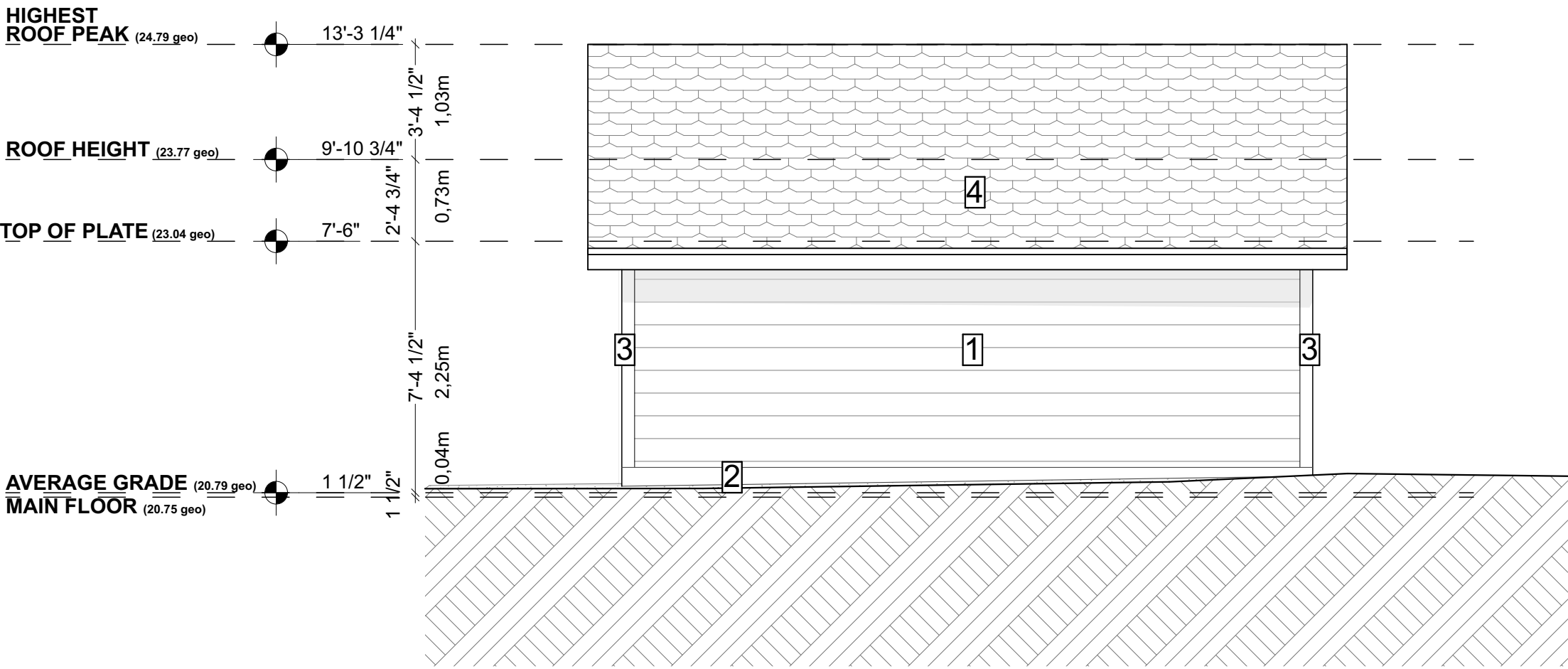
EXISTING WORKSHOP/STORAGE ELEVATIONS



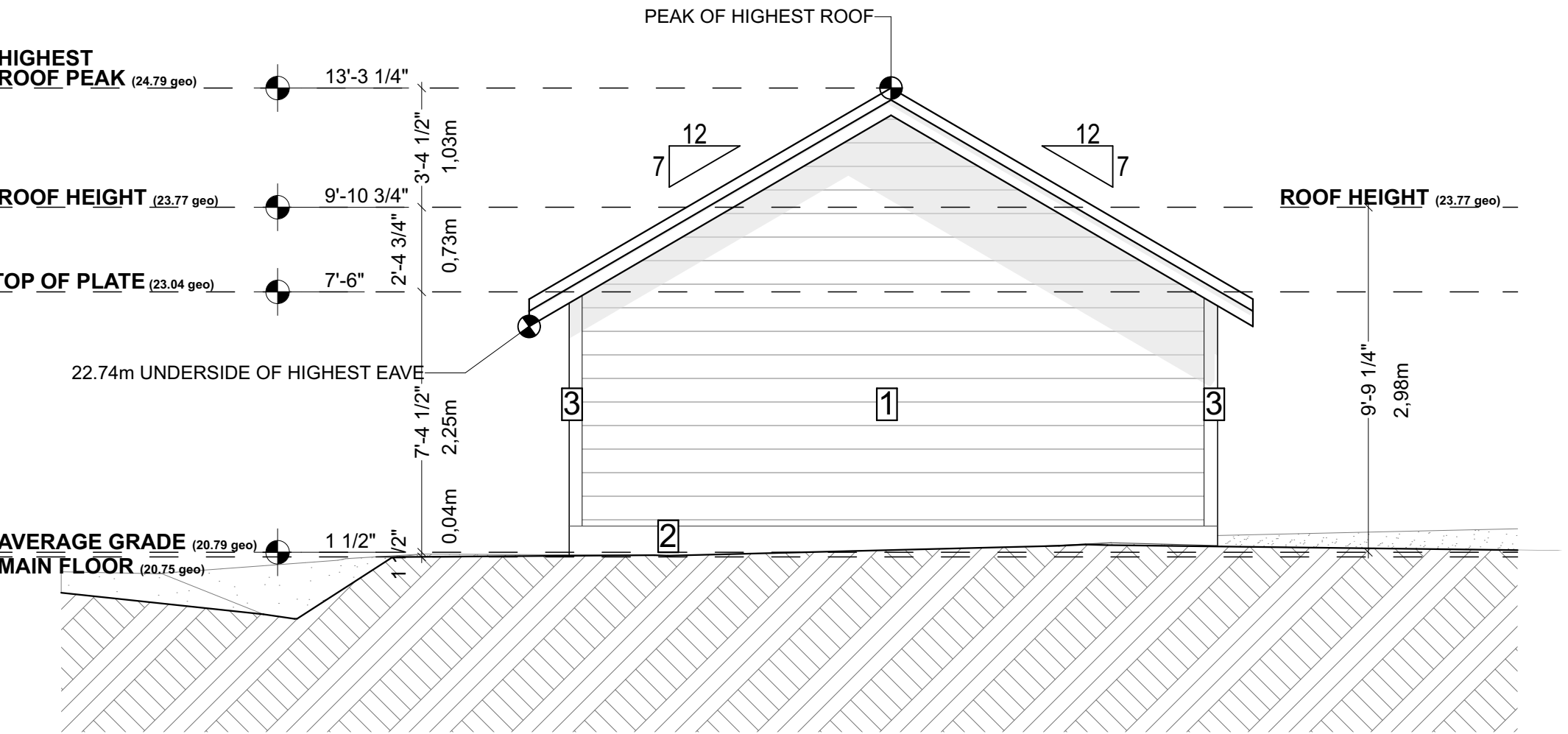
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



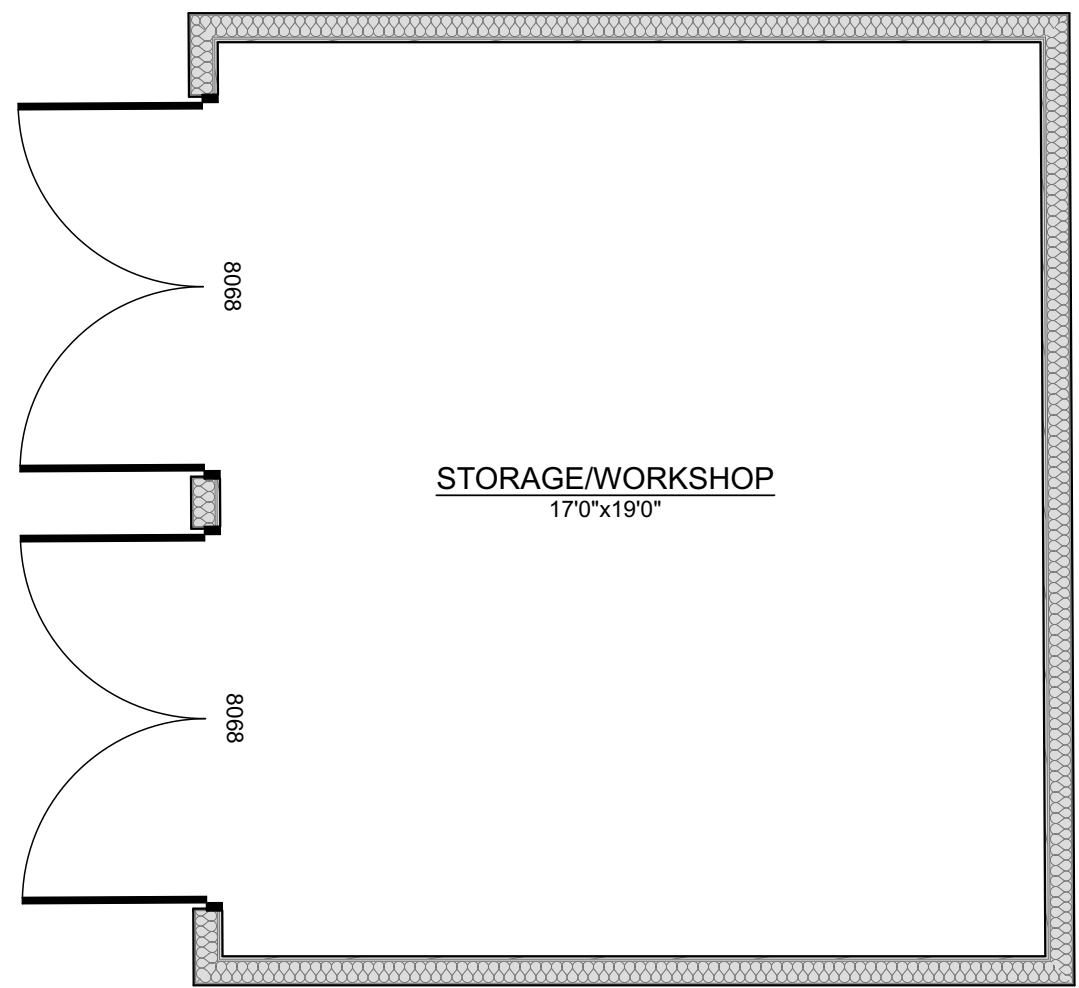
2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



4 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FLOOR AREA
328 sq ft

EXISTING WORKSHOP FLOOR PLAN
SCALE: 1/4" = 1'-0"

EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD LAP SIDING
- 2 FINISHED CONCRETE PARGED
- 3 COMB FACED SPRUCE PAINTED
- 4 ASPHALT ROOFING SHINGLES

ADDITIONAL EXTERIOR FINISHINGS

GUTTERS 5" CONTINUOUS ALUMINUM (PREFINISHED)
CIV 1/2" ALUMINUM DOWNSPOUT (PREFINISHED)
SOFFIT 1X4 TAG HEMLOCK (STAINED)
FASCIA 2X12 COMB FACED SPF (PAINTED)
BELLY BAND 2X10 COMB FACED SPF (PAINTED)
WINDOW TRIM 2X4 COMB FACED SPF (PAINTED)
DOOR TRIM 2X4 COMB FACED SPF (PAINTED)
CORNER TRIM 1X3 COMB FACED SPF (PAINTED)
NOTE: WINDOW OPERATION SHALL BE AS PER OWNERS DIRECTION AND CONFORM TO BCBC EGRESS REQUIREMENTS. CONTRACTOR TO VERIFY ALL R.O. PRIOR TO ORDERING WOVES. FLASH OVER ALL MATERIAL TRANSITIONS, DOOR AND WINDOW HEADERS. ALL COLOURS AS PER OWNER.



1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS AVENUE
VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

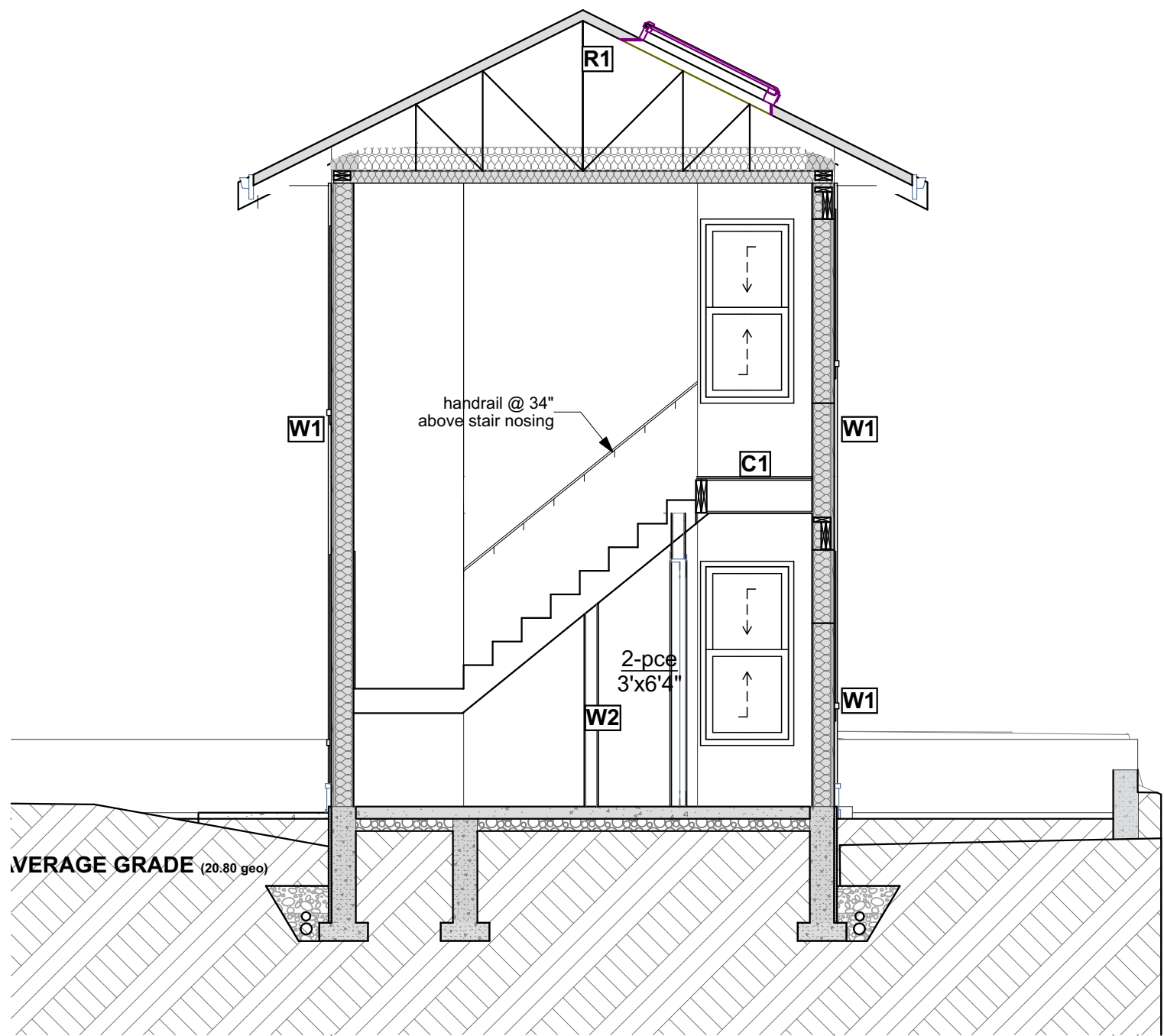
© Adapt Design

ISSUED FOR
REZONE

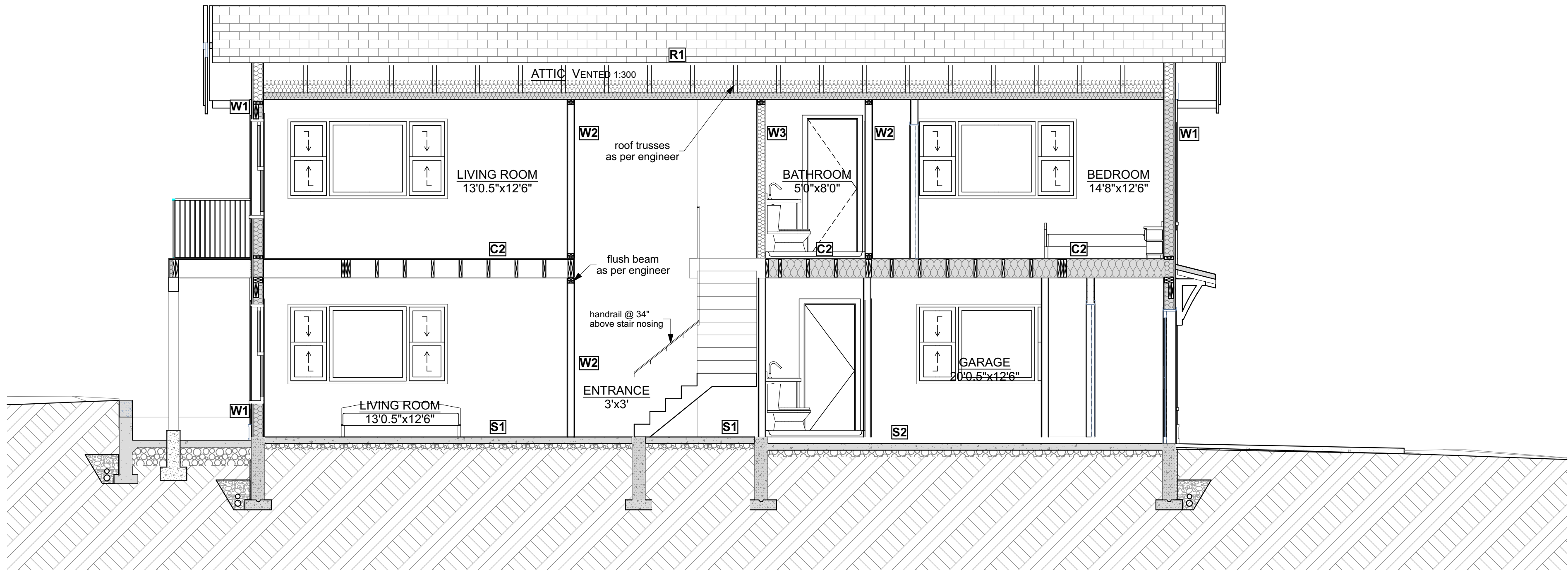
ISSUED:

EX. WORKSHOP
ELEVATIONS

A-204



1 CROSS SECTION 01
SCALE: 1/4" = 1'-0"



2 CROSS SECTION 02
SCALE: 1/4" = 1'-0"

SECTION LEGEND

CEILING TYPES

C1 - INTERIOR FLOOR

FINISHED FLOORING
1/2" T&G PLYWOOD
FLOOR JOISTS AS PER ENGINEER
CROSS BRIDGING
5/8" GYPSUM BOARD PAINTED

C2 - CEILING 1 HR FRR

FINISHED FLOORING
1/2" T&G PLYWOOD
FLOOR JOISTS AS PER ENGINEER
CROSS BRIDGING
R28 BATT INSULATION
2 LAYERS 5/8" TYPE X GYPSUM BOARD PAINTED

ROOF TYPES

R1 - TRUSS ROOF

LAMINATED FIBERGLASS SHINGLES
ROOFING FELT
ROOF VENTS 1/300
1/2" ROOF SHEATING
ENGINEERED TRUSSES @ 24" O.C. AS PER SUPPLIER
R40 BATT INSULATION
6 MIL. POLY (AB/VB)
1/2" GYPSUM BOARD PAINTED
ROOF VENTED 1:300

SLAB TYPES

S1 - GROUND SLAB

1/2" FINISHED FLOORING
4" THICK CONCRETE SLAB (AB)
1.0mm (10mil) POLY
2" 1/2" STYROFOAM INSULATION
6" CRUSHED STONE
BACKFILL
UNDISTURBED SOIL

S2 - GARAGE SLAB

4" THICK CONCRETE SLAB 32 MPa
6 MIL. POLY
COMPACTED 3/4" MINUS
UNDISTURBED SOIL

WALL TYPES

W1 - EXTERIOR WALL

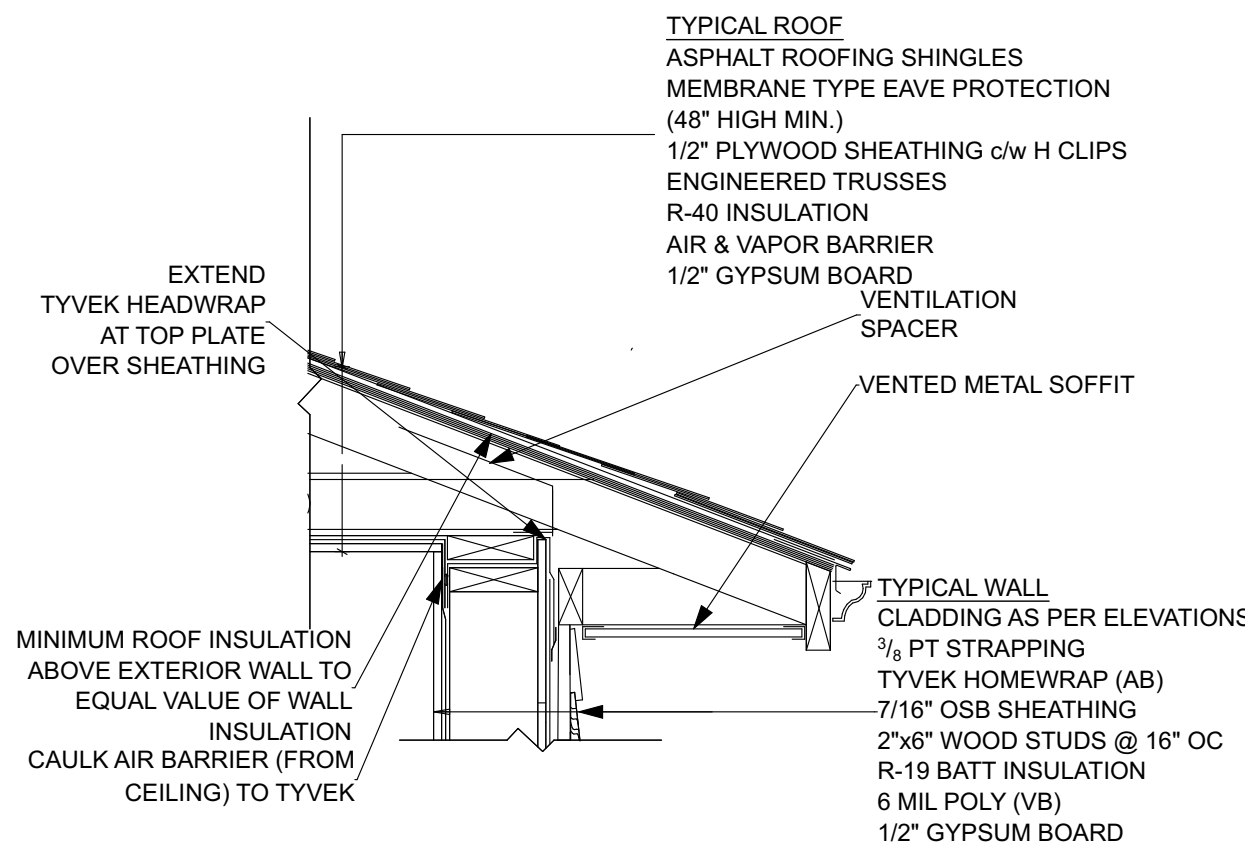
CLADDING AS PER ELEVATIONS
VERTICAL 3/8" x 2 1/2" P.T. WOOD STRAPPING
2 LAYERS 30 MIN. BUILDING PAPER
1/2" PLYWOOD W/ 2mm GAP ALL AROUND
2"x6" NOMINAL WOOD STUDS @ 16" O.C.
R-20 FIBERGLASS BATT INSULATION
6 MIL POLY (AB/VB)
1/2" GYPSUM BOARD PAINTED

W2 - INTERIOR WALL

1/2" GYPSUM BOARD PAINTED
2X4 STUDS @ 16" OC
R12 BATT INSULATION (OPTIONAL)
1/2" GYPSUM BOARD PAINTED

W3 - DEMISING WALL 1 HR FRR

5/8" TYPE X GYPSUM BOARD PAINTED
2X4 STUDS @ 16" OC
R12 BATT INSULATION
5/8" TYPE X GYPSUM BOARD PAINTED



1500 Shorncliffe Road Victoria BC Canada
250.893.8127
www.adaptdesign.ca

1029 QUEENS
AVENUE
VICTORIA, B.C.

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR
REZONE

ISSUED:

CROSS SECTION

A-301

Printed: 2020-01-09

NO. 21-051

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the *Zoning Regulation Bylaw* by creating the R2-60 Zone, Two Family Dwelling (Queens) District, and to rezone land known as 1029 Queens Avenue from the R2-Zone, Two Family Dwelling District to the R2-60 Zone, Two Family Dwelling (Queens) District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

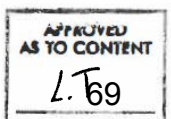
- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1230)".
- 2 Bylaw No. 80-159, the *Zoning Regulation Bylaw*, is amended in the Table of Contents of Schedule "B" under the caption PART 2 - ATTACHED DWELLING ZONES by adding the following words:

"2.155 R2-60 Two Family Dwelling (Queens) District"
- 3 The *Zoning Regulation Bylaw* is amended by adding to Schedule B after Part 2.154 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1029 Queens Avenue, legally described as PID 009-314-911, Lot 17, Block 6, Section 3, Victoria District, Plan 62, and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-60 Zone, Two Family Dwelling (Queens) District.

READ A FIRST TIME the	day of	2021
READ A SECOND TIME the	day of	2021
Public hearing held on the	day of	2021
READ A THIRD TIME the	day of	2021
ADOPTED on the	day of	2021

CITY CLERK

MAYOR



PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Single family dwelling subject to the regulations contained in Part 1.2
- b. Two family dwelling subject to the regulations contained in this Part
- c. Home occupation subject to the regulations in Schedule “D”
- d. Accessory buildings subject to the regulations in Schedule “F”

2.155.2 Number of Buildings, Building Separation Distance

- a. Notwithstanding Section 19 of General Regulations, 2 two family dwellings are permitted on a lot subject to the regulations in this Part.
- b. Separation distance between buildings (minimum) 2.5m

2.155.3 Lot Area, Lot Width

- a. Lot area (minimum) 670m²
- b. Lot width (minimum) 15m

2.155.4 Floor Area, Floor Space Ratio

- a. Floor area per dwelling unit (minimum) 46m²
- b. Floor area of all floor levels combined, excluding basement level (maximum) 340m²
- c. Floor space ratio, including accessory buildings (maximum) 0.6:1

2.155.5 Height, Storeys and Roof Deck for Buildings constructed after 2020

- a. Building height (maximum) 6.5m
- b. Storeys (maximum) 2 storeys
- c. Roof deck Not permitted

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.6 Setbacks, Projections for Building constructed after 2020**

- | | |
|--|------|
| a. <u>Front yard setback</u> (minimum) | 7.5m |
| Except for the following maximum projections into the setback: | |
| • steps and <u>porch</u> | 3.5m |
| b. <u>Rear yard setback</u> (minimum) | 14m |
| c. <u>Side yard setback</u> (west) (minimum) | 3m |
| d. <u>Side yard setback</u> (east) (minimum) | 1.5m |
| e. Combined <u>side yard setbacks</u> (maximum) | 4.5m |

2.155.7 Height, Storeys, Roof Deck, Setbacks, and Projections for Buildings constructed prior to 1925

- | | |
|--|---------------|
| a. <u>Building height</u> (maximum) | 7.95m |
| b. <u>Storeys</u> (maximum) | 2 ½ storeys |
| c. <u>Roof Deck</u> | Not permitted |
| d. <u>Front yard setback</u> (minimum) | 6.55m |
| Except for the following maximum projections into the setback: | |
| • steps and <u>porch</u> | 2m |
| e. <u>Rear yard setback</u> (minimum) | 10.5m |
| f. <u>Side yard setback</u> (west) (minimum) | 9m |
| g. <u>Side yard setback</u> (east) (minimum) | 1.05m |

2.155.8 Site Coverage, Open Site Space

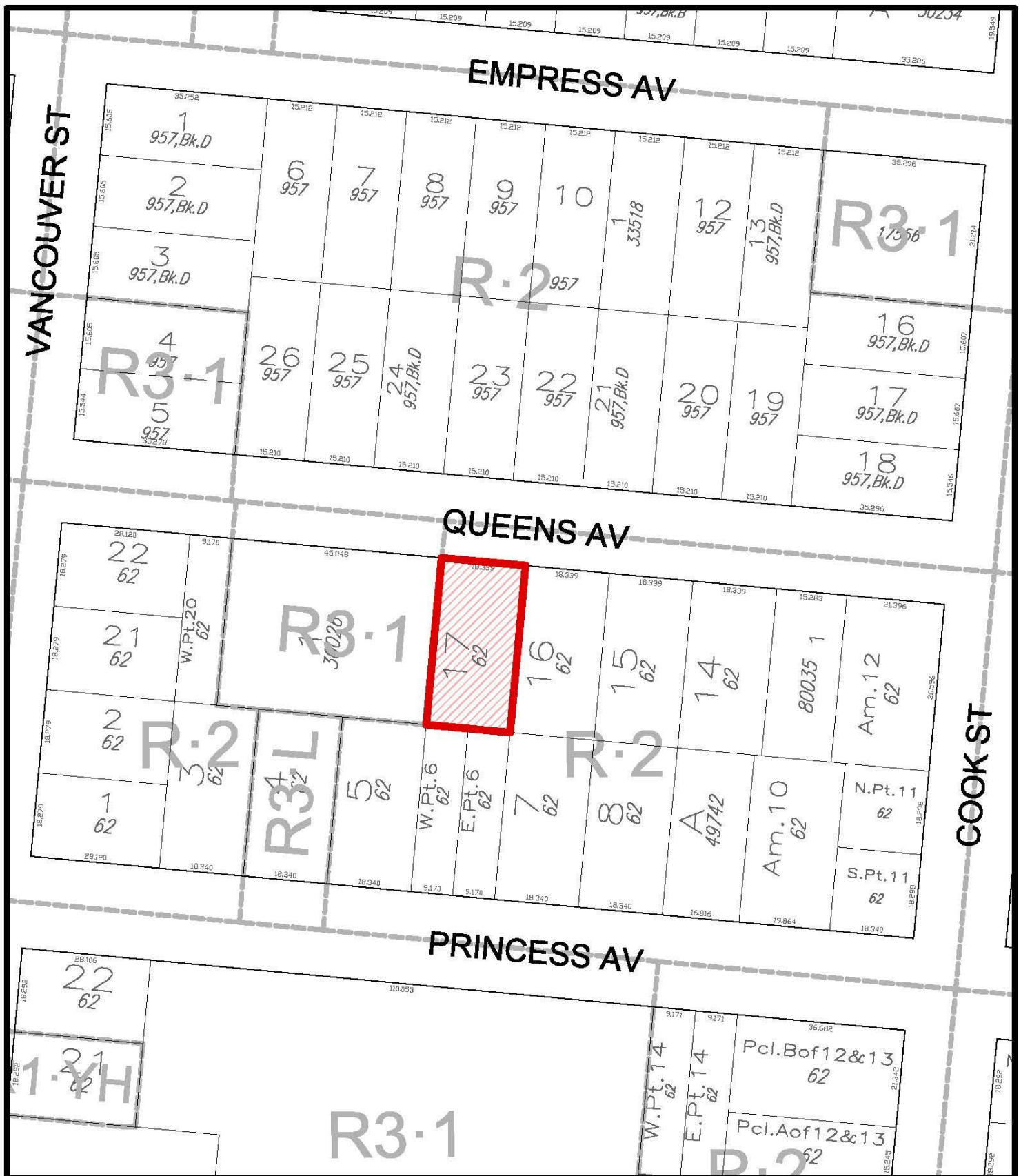
- | | |
|-------------------------------------|--|
| a. <u>Site Coverage</u> (maximum) | 30% |
| b. <u>Open site space</u> (minimum) | 60% of the <u>area</u> of the <u>lot</u> |

PART 2.155 – R2-60 ZONE, TWO FAMILY DWELLING (QUEENS) DISTRICT**2.155.9 Vehicle and Bicycle Parking**

- | | |
|------------------------------|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule “C” |
| b. Bicycle parking (minimum) | Subject to the regulations in Schedule “C” |

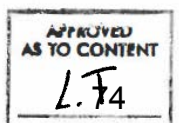
2.155.10 Outdoor Features

- a. The setbacks set out in Section 2.155.6 apply to outdoor features as though they are buildings.
- b. Outdoor features may not exceed a height of 3.5m from natural grade or finished grade, whichever is lower.



1029 Queens Avenue
Rezoning No.00693





HOUSING AGREEMENT
(Pursuant to section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "City")

AND:

EDWARD JOEL FARKAS
15 Dresden Road
Toronto, ON M3H 1W8

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1029 Queens Avenue, Victoria, B.C. legally described as:

PID: 009-314-911
Legal description: Lot 17, Block 6, Section 3, Victoria District, Plan 62

(the "Lands").
- D. The Owner has applied to the City to rezone the Lands to permit the retention of an existing two family dwelling and the construction of a new two family dwelling all on the Lands in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner to provide below market rental housing, and subject to the terms of this Agreement, all of the Dwelling Units within the Development will be used and held only as rental housing.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this agreement (the "Agreement"), the parties agree each with the other as follows:

{00054893;2}

1.0 DEFINITIONS

1.1 In this Agreement:

"Business Day" means Monday to Friday, other than any such day which is a statutory holiday in Victoria, British Columbia;

"CPI" means the All-items Consumer Price Index for Victoria, B.C. published from time to time by Statistics Canada, or its successor in function.

"CPI Increase" means the CPI for January in the calendar year of the proposed rent increase divided by the CPI for January of the immediately preceding calendar year.

"Development" means the Existing Building, which contains 2 residential units, and the Proposed Building, which will contain 2 residential units, and related facilities on the Lands;

"Dwelling Units" means any or all, as the context may require, of the 4 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Unit" means any of such residential dwelling units located on the Lands;

"Existing Building" means the existing two family building on the eastern side of the Lands;

"Immediate Family" includes a person's spouse, child, grandchild, parent, grandparent, sibling, niece and nephew, and includes the Immediate Family of the person's spouse;

"Median Gross Annual Household Income" means the median gross annual household income for renters in the City of Victoria, as reported in Statistics Canada's most recent Census data, and in the event that Statistics Canada no longer reports median gross annual household income for renters in the City, the median total income of households in the City of Victoria as reported in Statistics Canada's most recent Census data will be used instead;

"Median Household Income Limit" means the maximum annual collective household income for the Dwelling Unit, as determined by making the following calculations and rounding the result to the nearest ten:

- (a) for one-bedroom Dwelling Units, Median Gross Annual Household Income x 0.9510, which, for reference purposes only, equated to \$42,000 in 2015,
- (b) for two-bedroom Dwelling Units, Median Gross Annual Household Income x 1.1774, which, for reference purposes only, equated to \$52,000 in 2015, and
- (c) for three-bedroom Dwelling Units, Median Gross Annual Household Income x 1.5850, which, for reference purposes only, equated to \$70,000 in 2015;

"Median Income Unit" means a Dwelling Unit that is designated as a Median Income Unit in accordance with Article 4.0 of this Agreement;

"Non-owner" means a person other than a Related Person or the Owner;

{00054893;2}

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 10.3;

"Proposed Building" means the proposed two family building on the western side of the Lands;

"Related Person" includes, where the registered or beneficial owner of the Lands or Dwelling Unit, as applicable, is:

- (a) a corporation or society:
 - (i) an officer, director, shareholder, or member of such corporation or society, or of another entity which is a shareholder or member of such corporation or society; or
 - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

"RTA" means the *Residential Tenancy Act*, S.B.C. 2002, c.78, as amended or replaced, from time to time; and

"Tenancy Agreement" means a tenancy agreement pursuant to the RTA that is regulated by that Act.

2.0 DWELLING UNITS TO BE USED AND OCCUPIED ONLY AS RENTAL UNITS

2.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing in perpetuity, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

2.2 Notwithstanding sections 2.1 and 4.1, one of the Dwelling Units may be occupied by the Owner or a Related Person.

3.0 NO RESTRICTIONS ON RENTALS

3.1 The Owner covenants and agrees, in perpetuity, to refrain from taking any steps, entering into any agreements, or imposing any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

3.2 Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Rental Unit to a Non-owner under the terms of a Tenancy Agreement.

{00054893:2}

4.0 MEDIAN INCOME HOUSING

4.1 The Owner covenants and agrees that:

- (a) each Dwelling Unit on the Lands shall be designated as a Median Income Unit in perpetuity and shall only be occupied and used as a Median Income Unit;
- (b) each one-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for one-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0;
- (c) each two-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for two-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0; and
- (d) each three-bedroom Dwelling Unit shall only be occupied by one or more tenants with a combined annual income that is equal to or less than the Median Household Income Limit for three-bedroom Dwelling Units, and the monthly rent payable shall be no more than 30% of the combined annual income of the tenant(s) divided by 12, subject to Article 5.0.

5.0 RENT ADJUSTMENTS

- 5.1** During the term of a tenancy, the rent payable by the tenant(s) of any Dwelling Unit may be increased only by the amount permitted under the RTA and any other applicable legislation.
- 5.2** Notwithstanding the RTA, in no case shall the rent for a Dwelling Unit in any calendar year exceed the rent for the preceding calendar year multiplied by the CPI Increase.

6.0 REPORTING

- 6.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Development, within thirty (30) days of the Director's written request, a report in writing confirming the following:
 - (a) all Dwelling Units are being rented to Non-owners, or that 3 Dwelling Units are being rented to Non-owners and 1 unit is Owner occupied;
 - (b) all Dwelling Units are being rented as Median Income Units, or that 3 Dwelling Units are being rented as Median Income Units and 1 unit is Owner occupied;
 - (c) all Dwelling Units are being rented in accordance with this Agreement; and
 - (d) such other information as may be requested by the Director from time to time.
- 6.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

{00054893;2}

- 6.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 7.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

8.0 LIABILITY

- 8.1** The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

- 8.2** The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement, or otherwise that would not have arisen "but for" this Agreement.

9.0 GENERAL PROVISIONS

- 9.1 NOTICE.** If sent as follows, notice under this Agreement is considered to be received:

- (a) upon confirmation of delivery by Canada Post if sent by registered mail,
- (b) on the next Business Day if sent by facsimile or email with no notice of failure to deliver being received back by the sender, and
- (c) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, BC V8W 1P6

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386
Email: CommunityPlanning@victoria.ca

{00054893;2}

and in the case of the Owner, addressed to:

1-1033 Queens Avenue
Victoria, BC V8T1M7

Attention: Edward Farkas, by his authorized attorney, Jenny Farkas
Email: jfarkas@telus.net

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail, email or facsimile service is interrupted by strike, work slowdown, force majeure, or other cause,

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

9.2 TIME. Time is of the essence of this Agreement.

9.3 BINDING EFFECT. This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

9.4 WAIVER. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

9.5 HEADINGS. The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.

9.6 LANGUAGE. Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.

9.7 LEGISLATION. Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

9.8 EQUITABLE REMEDIES. The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public

{00054893:2}

interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement

- 9.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 9.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 9.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 9.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 9.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 9.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
 - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 9.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 9.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 9.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

{00054893;2}

9.18 EFFECTIVE DATE. This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year last below written.

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatory:)

_____)
 Karen Hoese, Director of Sustainable Planning
 and Community Development)

Date signed: _____)

EDWARD JOEL FARKAS, by his Attorney,)
Jennifer Dora Farkas, see CA 8752246.)

 _____)

Date signed: Feb 9/21)

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw to add restrictions with respect to floor area to the R1-50 Zone, Edgeware Road Rest Home District, in order to correct an error in Zoning Regulation Bylaw, Amendment Bylaw (No. 1250).

The public hearing requirement has been waived pursuant to s. 464(2) of the *Local Government Act*.

The Council of The Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “Zoning Regulation Bylaw, Amendment Bylaw (No. 1255)”.

Amendments

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
- a) by renumbering current sections 1.151.2 and 1.151.3 as new sections 1.151.3 and 1.151.4, respectively; and
 - b) by inserting the following new section 1.151.2 immediately after section 1.151.1:

1.151.2 Floor Area

- a. Floor area, for the first and second storeys combined (maximum) 350m²
- b. Floor area, of all floor levels combined for lots less than 669m² in area (maximum) 453m²

READ A FIRST TIME the day of 2021

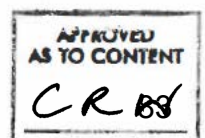
READ A SECOND TIME the day of 2021

READ A THIRD TIME the day of 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR



NO. 20-112

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to adopt the annual financial plan for the year 2021.

Under its statutory powers, including section 165 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "FIVE YEAR FINANCIAL PLAN BYLAW, 2021."
2. Schedules 1 to 5 attached hereto and forming part of this Bylaw are adopted as the five year Financial Plan of the Corporation of the City of Victoria.
3. The Director of Finance is authorized to pay out in accordance with the Bylaws of the City, the sums of money shown in Schedule 2 and Schedule 4 for the year 2021, for the purpose described in each category.
4. All cheques drawn on the bank for payment of funds belonging to the City must be signed by the Director of Finance and countersigned by the Mayor before being issued.
5. All payments already made from municipal revenues for the current year are ratified and confirmed.
6. The Five Year Financial Plan Bylaw No. 19-112 is repealed.

READ A FIRST TIME the	3rd	day of	December	2020
READ A SECOND TIME the	15th	day of	April	2021
READ A THIRD TIME the	15th	day of	April	2021
ADOPTED the		day of		2021

CITY CLERK

MAYOR

Bylaw No. 20-112
Schedule 1 - April 15, 2021
City of Victoria
2021 - 2025 Operating Financial Plan

	2021	2022	2023	2024	2025
REVENUES					
Property Value Taxes	146,226,038	160,310,060	164,562,960	168,881,790	173,415,010
Property Value Taxes from New Assessments	1,444,940	0	0	0	0
Parcel Taxes	1,405,200	1,405,200	1,395,200	1,395,200	1,395,200
Special Assessments	1,329,000	1,329,000	1,329,000	1,329,000	1,329,000
Grants in Lieu of Taxes	6,474,100	6,474,100	6,474,100	6,474,100	6,474,100
User Fees and Charges	5,071,100	6,062,930	6,171,610	6,282,460	6,395,570
Permits and Licences	5,089,500	5,101,470	5,113,690	5,126,140	5,138,840
Parking Services	14,846,800	15,053,880	15,265,100	15,480,530	15,700,280
Water Utility Fees and Charges	22,197,710	22,975,570	23,741,530	24,313,110	24,903,350
Sewer Utility Fees and Charges	7,349,430	7,615,920	7,930,550	8,153,650	8,379,400
Stormwater Utility Fees and Charges	5,670,350	5,877,760	6,106,980	6,345,190	6,591,300
Other Sources	38,938,853	33,811,120	34,598,060	35,076,700	35,566,440
	256,043,021	266,017,010	272,688,780	278,857,870	285,288,490
TRANSFERS FROM					
Accumulated Surplus	-	-	-	-	-
Reserves	-	-	-	-	-
Art in Public Places	512,310	150,000	150,000	150,000	150,000
Financial Stability	2,851,758	288,000	-	-	-
Tree Replacement Reserve	82,290	65,440	66,360	75,310	49,020
Climate Action Reserve	764,871	119,300	-	-	-
City Vehicle & Heavy Equipment Reserve	-	-	-	-	-
Police Emergency Response Reserve	32,000	32,640	33,290	33,960	34,640
	4,243,229	655,380	249,650	259,270	233,660
Total Operating Revenue per Bylaw	\$ 260,286,250	\$ 266,672,390	\$ 272,938,430	\$ 279,117,140	\$ 285,522,150

Bylaw No. 20-112
Schedule 2 - April 15, 2021
City of Victoria
2021 - 2025 Operating Financial Plan

	2021	2022	2023	2024	2025
EXPENDITURES					
General Government	40,059,811	41,553,340	42,248,130	43,301,580	44,422,110
Police	59,826,130	62,096,430	63,619,920	65,186,910	66,793,770
Victoria Fire Department	18,678,620	17,877,730	17,930,230	17,979,750	18,032,410
Engineering and Public Works	23,567,999	21,446,500	21,797,090	22,186,890	22,638,990
Sustainable Planning and Community Development	6,176,920	6,182,340	6,245,600	6,370,260	6,497,350
Parks, Recreation and Facilities	23,971,960	24,991,000	25,492,580	26,004,960	26,528,830
Greater Victoria Public Library	5,566,000	5,677,320	5,790,860	5,906,670	6,024,800
Victoria Conference Centre	4,094,060	4,458,100	4,545,760	4,635,130	4,726,370
Water Utility	16,584,710	16,907,570	17,237,530	17,574,110	17,917,350
Sewer Utility	4,017,430	4,090,920	4,166,550	4,243,650	4,322,400
Stormwater Utility	3,695,860	3,769,800	3,845,080	3,921,890	4,000,150
	206,239,500	209,051,050	212,919,330	217,311,800	221,904,530
DEBT SERVICING					
Principal and Interest - General	5,020,580	5,020,580	4,693,940	4,655,240	4,444,740
Principal and Interest - Parking Services	613,690	613,690	589,840	455,850	312,420
	5,634,270	5,634,270	5,283,780	5,111,090	4,757,160
TRANSFERS TO					
Capital Funds					
General	11,290,000	12,140,000	12,640,000	13,140,000	13,640,000
Water Utility	3,843,000	4,298,000	4,734,000	4,969,000	5,216,000
Sewer Utility	3,721,000	3,914,000	4,153,000	4,299,000	4,446,000
Stormwater Utility	4,527,510	4,714,040	4,922,100	5,138,700	5,362,850
Reserves					
Equipment and Infrastructure					
City Equipment	957,580	957,580	957,580	957,580	957,580
City Vehicles and Heavy Equipment	1,191,190	1,191,190	1,191,190	1,191,190	1,191,190
City Buildings and Infrastructure	5,519,100	6,024,970	6,598,240	7,110,400	7,622,770
Parking Services Equipment and Infrastructure	3,550,000	3,659,970	3,795,870	4,044,170	4,304,240
Multipurpose Arena Facility Equipment and Infrastructure	142,000	144,840	147,740	150,690	153,710
Gas Tax	3,832,000	3,832,000	3,997,000	3,997,000	3,997,000
Police Vehicles, Equipment and Infrastructure	1,065,000	1,116,800	1,171,160	1,228,220	1,288,110
Water Utility Equipment and Infrastructure	1,770,000	1,770,000	1,770,000	1,770,000	1,770,000
Sewer Utility Equipment and Infrastructure	400,000	400,000	400,000	400,000	400,000
Stormwater Utility Equipment and Infrastructure	100,000	100,000	100,000	100,000	100,000
Recreation Facilities Equipment and Infrastructure	28,300	28,300	28,300	28,300	28,300
Financial Stability	5,152,370	6,347,370	6,779,010	6,817,710	7,028,210
Tax Sale Lands	50,000	50,000	50,000	50,000	50,000
Victoria Housing	660,000	650,000	650,000	650,000	650,000
Art in Public Places	150,000	150,000	150,000	150,000	150,000
Climate Action	363,960	366,040	368,160	370,320	372,530
	32,500	32,500	32,500	32,500	32,500
Artificial Turf	99,470	99,470	99,470	99,470	99,470
	48,412,480	51,987,070	54,735,320	56,694,250	58,860,460
Total Operating Expenses per Bylaw	\$ 260,286,250	\$ 266,672,390	\$ 272,938,430	\$ 279,117,140	\$ 285,522,150

**Bylaw No. 20-112
Schedule 3 - April 15, 2021
City of Victoria
2021 - 2025 Capital Plan**

	2021	2022	2023	2024	2025
REVENUES					
Utility Connection Fees	1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000
Grants and Partnerships	3,965,000	\$ 1,819,000	\$ 1,884,000	\$ 1,951,000	\$ 2,021,000
TRANSFERS FROM					
Operating Funds					
General	11,290,000	11,479,000	12,640,000	13,140,000	13,640,000
Water Utility	3,843,000	4,298,000	4,734,000	4,969,000	5,216,000
Sewer Utility	3,721,000	3,914,000	4,153,000	4,299,000	4,446,000
Stormwater Utility	3,201,000	3,361,000	3,542,000	3,731,000	3,927,000
Reserves					
Equipment and Infrastructure					
City Equipment	3,829,000	1,113,000	1,017,000	918,000	965,000
City Vehicles and Heavy Equipment	7,218,000	832,000	832,000	832,000	638,000
City Buildings and Infrastructure	25,414,000	4,535,000	2,066,000	1,304,000	805,000
Accessibility Capital Reserve	379,000	-	-	-	-
Debt Reduction Reserve	2,058,000	33,727,000	-	-	-
Parking Services Equipment and Infrastructure	1,035,000	270,000	275,000	281,000	1,087,000
Gas Tax	13,577,000	2,190,000	2,234,000	2,279,000	2,325,000
Police Vehicles, Equipment and Infrastructure	1,619,000	1,444,000	1,357,000	1,400,000	1,411,000
Water Utility Reserve	2,788,000	212,000	-	250,000	-
Sewer Utility Reserve	4,164,000	1,687,000	1,920,000	1,755,000	1,850,000
Stormwater Utility Reserve	2,814,000	237,000	214,000	191,000	169,000
Multipurpose Arena Equipment and Infrastructure	275,000	-	-	-	-
Parks Furnishing Reserve	32,000	32,000	32,000	32,000	32,000
Tax Sale Lands	1,895,000	-	-	-	-
Climate Action Reserve	151,000				
Parks and Greenways Acquisition Reserve	104,000				
Artificial Turf Reserve	1,200,000				
Development Cost Charges	8,537,000				
	\$ 104,259,000	\$ 72,300,000	\$ 38,050,000	\$ 38,482,000	\$ 39,682,000

Bylaw No. 20-112
Schedule 4 - April 15, 2021
City of Victoria
2021 - 2025 Capital Plan
 \$ -

2021	2022	2023	2024	2025
------	------	------	------	------

EXPENDITURES

Capital Equipment

12,249,000 \$ 2,777,000 \$ 2,673,000 \$ 2,701,000 \$ 3,374,000

Capital Programs and Projects

-

Active Transportation	14,743,000	1,206,000	874,000	892,000	910,000
Complete Streets	8,994,000	6,603,000	8,209,000	8,067,000	8,228,000
Neighbourhoods	45,000	-	-	-	-
Parks	13,831,000	1,914,000	656,000	668,000	682,000
Street Infrastructure	5,818,000	1,386,000	1,203,000	1,227,000	1,264,000
Facilities	9,779,000	36,273,000	1,382,000	1,049,000	769,000
Sanitary Sewers	11,213,000	6,784,000	7,274,000	7,273,000	7,533,000
Stormwater	13,209,000	6,303,000	6,516,000	6,738,000	6,970,000
Waterworks	9,294,000	5,781,000	6,041,000	6,564,000	6,601,000
Contingency	350,000	357,000	364,000	371,000	378,000
Police	1,561,000	1,444,000	1,357,000	1,400,000	1,411,000
Safety	1,759,000	1,217,000	1,241,000	1,267,000	1,292,000
Structures	1,414,000	255,000	260,000	265,000	270,000

\$ 104,259,000 \$ 72,300,000 \$ 38,050,000 \$ 38,482,000 \$ 39,682,000

**Bylaw No. 20-112
Schedule 5 – April 15, 2021
Financial Plan Objectives and Policies**

Revenue and Tax Policy

Purpose

The purpose of the Revenue and Tax Policy is to outline the proportions of revenue sources, the distribution of property taxes among property classes and the use of permissive property tax exemptions.

Objectives

- To provide taxpayers with stable, equitable and affordable property taxation while at the same time providing high quality services.
- To support the OCP and other City plans as well as complement the Regional Context Statement.

Policies

1. Revenue Proportions by Funding Sources

Property taxes are the main source of revenue for the City and pay for services such as police and fire protection, bylaw enforcement, and infrastructure maintenance. Property taxes provide a stable and consistent source of revenue for services that are difficult or undesirable to fund on a user pay basis. Therefore, property taxes will continue to be the City's major source of revenue.

However, it is the City's desire to charge user fees where feasible. Some programs, such as recreation, are partially funded by user fees. The City also has several self-financed programs that are fully funded by user fees. These include Water Utility, Sewer Utility, Stormwater Utility, and Garbage Utility.

Policy 1.0

User pay funding will be used for such services that are practical and desirable to fund on a user pay basis.

Services that are undesirable or impractical to fund on a user pay basis will be funded by property taxes.

Policy 1.1

The City will continue to explore alternative revenue sources to diversify its revenue base.

2021 Revenue Proportions by Funding Source

Revenue Sources		% Total Revenue
Property Value Taxes	147,670,978	57.67%
Parcel Taxes	1,405,200	0.55%
Special Assessments	1,329,000	0.52%
Grants in Lieu of Taxes	6,474,100	2.53%
User Fees and Charges	5,071,100	1.98%
Permits and Licences	5,089,500	1.99%
Parking Services	14,846,800	5.80%
Water Utility Fees and Charges	22,197,710	8.67%
Sewer Utility Fees and Charges	7,349,430	2.87%
Stormwater Utility Fees and Charges	5,670,350	2.21%
Other Sources	38,938,853	15.21%
TOTAL	256,043,021	100.00%

2. Distribution of Property Taxes Among Property Classes

Market value changes that result in uneven assessment changes between property classes result in a tax burden shift to the class experiencing greater market value increases unless tax ratios are modified to mitigate the shift.

Until 2007, it was Council's practice to modify tax ratios to avoid such shifts. This equalization practice provided an effective tax increase that was equal for all classes. It is important to be aware that this practice only avoids shifts *between* property classes. There is still a potential for shifts within a property class where one property has experienced a market value change that is greater than the average for that class.

However, starting in 2007, business and industrial tax ratios have been held constant in recognition of the larger tax burden that has been placed on those classes. This resulted in higher tax increases being passed on to the residential class compared to business and industrial.

The pressure continues across the country to reduce the tax burden on the business and industrial classes. In recognition of this, and the desire to support a healthy business environment, Council's goal is to have a business class tax burden that is equitable.

In 2012, a comprehensive review of the Revenue and Tax Policy was conducted to determine if Council's objective of reducing the tax burden on the business class was appropriate and if so, that the mechanism of achieving the objective (reduction of tax ratio) was the most effective mechanism to achieve the goal. The review concluded that additional relief for the business tax class was warranted. However, the tax ratio was not the best mechanism of achieving that goal. As a result, Council approved the following policy objective: To reduce the business property tax class share of the total property tax levy to 48% over three years (2012-2014). The redistribution excludes impact of new assessment revenue. The total redistribution of the tax levy was \$1.51 million.

In 2015, an updated review was completed and based on the findings, policy 2.0 was amended to maintain the current share of taxes among tax classes.

Policy 2.0

Maintain the current share of distribution of property taxes among property classes, excluding the impact of new assessment revenue, by allocating tax increases equally. Business and industrial classes will be grouped as outlined in Policy 2.1.

Policy 2.1

Tax rates for the light and major industrial tax classes will be equal to the business tax rate to support the City's desire to retain industrial businesses.

Policy 2.2

Farm Tax Rates will be set at a rate so taxes paid by properties achieving farm status will be comparable to what the property would have paid if it were assessed as residential.

2021 Distribution of Property Taxes Among Property Classes

Property Class		% Property Value Tax
Residential (1)	77,624,745	52.57%
Utilities (2)	827,971	0.56%
Supportive Housing (3)	0	0.00%
Major Industry (4)	181,024	0.12%
Light Industry (5)	1,189,454	0.81%
Business (6)	67,568,048	45.76%
Recreational (8)	279,736	0.19%
TOTAL	147,670,978	100.00%

3. Use of Permissive Property Tax Exemptions

The City continues to support local non-profit organizations through permissive tax exemptions. Each year, a list of these exemptions is included in the City's Annual Report.

In addition, the City offers a Tax Incentive Program to eligible owners of downtown heritage designated buildings to offset seismic upgrading costs for the purposes of residential conversion of existing upper storeys. The exemptions are for a period up to ten years.

The City encourages redevelopment of lands within the City and the use of environmentally sustainable energy systems for those developments through revitalization property tax exemptions.

Policy 3.0

Permissive property tax exemptions are governed by the City's Permissive Property Tax Exemption Policy, which outlines the criteria for which property tax exemptions may be granted.

Policy 3.1

Heritage property tax exemptions are governed by the City's Heritage Tax Incentive Program.

Policy 3.2

Revitalization property tax exemptions are governed by the City's Revitalization Tax Exemption (Green Power Facilities) bylaw.

NO. 21-048

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to impose tax rates and taxes for the year 2021.

Under its statutory powers, including section 197 of the *Community Charter*, under the *Hospital District Act*, and the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "TAX BYLAW, 2021."
2. Taxes are imposed for 2021 by imposing the following rates upon all taxable land and improvements within the City, based on the assessed value, to provide the sums required for each of the following purposes:
 - a) for all general purposes of the City, except Policing, the rates shown in column A of Schedule 1;
 - b) to meet payments of interest and principal of debts incurred by the City for which other provision has not been made, the rates shown in column B of Schedule 1;
 - c) to provide monies for City Policing, the rates shown in column C of Schedule 1;
 - d) to provide monies which, when added to the amount remaining in the Capital Regional District Rate Account for the year 2020, are sufficient for the City's share of the expenses of the Capital Regional District and for the City's share of the debts incurred for regional district purposes according to the requisition submitted to City Council by the Capital Regional District Board, the rates shown in column D of Schedule 1;
 - e) to provide monies which, when added to the amount remaining in the Hospital Rate Account from the year 2020, are sufficient for the City's share of the expenses of the Capital Regional Hospital District and for the City's share of debts incurred for hospital purposes according to the requisition submitted to City Council by the Capital Regional Hospital District Board, the rates shown in column E of Schedule 1;
3. The rates and taxes imposed under this Bylaw must be paid to the City Collector's office at City Hall, Victoria, British Columbia, not later than 4:30 o'clock in the afternoon of July 2, 2021.

READ A FIRST TIME the	15th	day of	April	2021.
READ A SECOND TIME the	15th	day of	April	2021.
READ A THIRD TIME the	15th	day of	April	2021.
ADOPTED the		day of		2021.

CITY CLERK

MAYOR

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to levy taxes on taxable property located in the Downtown Victoria Business Improvement Area.

Under its statutory powers, including sections 215 and 216 of the *Community Charter*, and pursuant to the Business Improvement Area Bylaw, 2019, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. In this Bylaw "taxable property" has the same meaning as under the Business Improvement Area Bylaw, 2019.
2. For the purpose of recovering the annual grant authorized by Council for the year 2021 under the Business Improvement Area Bylaw, 2019, and pursuant to subsections 6(1), (3) and (4) of that Bylaw, a tax is imposed on each of the taxable properties described in Schedule A, attached to and forming part of this Bylaw, in the amount shown opposite each such property in Schedule A.
3. The taxes must be included in the City's real property tax roll for the year 2021 and is payable to and collected by the City's Collector in the same manner as other rates shown on the real property tax roll.
4. This Bylaw may be cited for all purposes as the "BUSINESS IMPROVEMENT AREA RATE BYLAW, 2021".

READ A FIRST TIME THIS	15th	day of	April	2021
READ A SECOND TIME THIS	15th	day of	April	2021
READ A THIRD TIME THIS	15th	day of	April	2021
ADOPTED on the		day of		2021

CITY CLERK

MAYOR

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to assess the cost of maintenance of boulevards in the City.

Under its statutory powers, including sections 12(1) and (4) of the *Victoria City Act, 1920* and section 259 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "BOULEVARD TAX BYLAW, 2021"
2. For the purpose of providing the required sum for the year 2021 to defray the cost of maintenance and upkeep of the boulevards on all streets in the City of Victoria on which boulevards are maintained, the owner or occupier of any real property or any portion of real property which fronts and abuts upon any boulevard maintained by the City must pay an annual rate for 2021 of **\$2.50** per m² of boulevard area upon which the real property or portion of real property fronts and abuts.
3. The rates imposed under this Bylaw must be imposed and collected with the annual general taxes for 2021 as a "Boulevard Tax," and are due and payable on the same date as the annual general taxes.
4. The rates and any interest on them, imposed under this bylaw must be specially charged as taxes on the real property for which the owner or occupier is made chargeable, as provided in section 259 of the *Community Charter*.
5. Bylaw No 20-062 the Boulevard Tax Bylaw, 2020, is repealed.

READ A FIRST TIME the	15th	day of	April	2021
READ A SECOND TIME the	15th	day of	April	2021
READ A THIRD TIME the	15th	day of	April	2021
ADOPTED the		day of		2021

CITY CLERK

MAYOR

FIRE PREVENTION AND REGULATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Fire Prevention and Regulation Bylaw to update it in accordance with technological changes, City development changes, and the requirements of the Fire Department.

Contents

- 1 Title
- 2-7 Amendments
- 8 Consequential Amendments to Ticket Bylaw
- 9 Commencement

Under its statutory powers, including sections 8(3)(a), 8(3)(g), 8(3)(l), 66, 194 and 258 of the *Community Charter*, and sections 6, 10, 11, 21, 22, 25, 26 and 36 of the *Fire Services Act*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “FIRE PREVENTION AND REGULATION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2 Bylaw No. 14-100, the Fire Prevention and Regulation Bylaw, is amended in the Contents as follows:
 - (a) by inserting the following new entry immediately after “17 Regular System of Inspection”:

“17A Mobile Cooking Operations”;
 - (b) at entry 24, by inserting “Transmission of” immediately after “False”;
 - (c) by inserting the following new entry immediately after entry 24:

“24A Smoke Alarms”; and
 - (d) by repealing entry 30 and substituting the following:

“30 Emergency Radio Communications Equipment”.
- 3 The Fire Prevention and Regulation Bylaw is further amended in section 2 as follows:

- (a) by inserting the following new definition directly before the definition for “Apparatus”:

“Amplification System” means

within-building radio communications support and enhancement systems designed to overcome the interruption of emergency radio communications;”;

- (b) by inserting the following new definition directly after the definition for “Dangerous Goods”:

“Delivered Audio Quality of 3.4” means

speech over radio that is understandable without repetition and may have some noise or distortion present;”;

- (c) by inserting the following new definition directly after the definition for “Fire Protection”:

“Grease” means

rendered animal fat, vegetable shortening, or other such oily matter used for the purpose of and resulting from cooking or preparing foods;”;

- (d) by inserting the following new definition directly after the definition for “Member”:

“Mobile Cooking Operation” means

any vehicle, cart, trailer, or other temporary or portable installation that is not part of a building and is utilized for the sale and production of food or beverages;”;

- (e) by inserting the following new definitions directly after the definition for “Motor Vehicle”:

“NFPA 10” means

the Fire Code referenced standard of the National Fire Protection Association’s “Standard for Portable Fire Extinguishers”, which is referred to as “NFPA 10” in the Fire Code;

“NFPA 96” means

the Fire Code referenced standard of the National Fire Protection Association’s “Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations”, which is referred to as “NFPA 96” in the Fire Code;

“NFPA 705” means

the Fire Code referenced standard of the National Fire Protection Association’s “Recommended Practice for a Field Flame Test for Textiles and Films”, which is referred to as “NFPA 705” in the Fire Code;”;

- (f) by inserting the following new definition directly after the definition for “Open Air Burning”:

“Operator” means

a person carrying on the business of operating a Mobile Cooking Operation;”;

- (g) in the definition for “Public Building”, by striking out “.” and substituting “,”; and
- (h) by inserting the following new definitions directly after the definition for “Public Building”:

“Qualified Technician” means

a person who demonstrates to the satisfaction of the Fire Chief that they have the certification and training necessary to perform inspections, testing and maintenance on fire protection equipment in accordance with manufacturer’s specifications and the applicable standards;

“Service” means

the City’s public safety communications service provider;

“Shadowed Area” means

an area that suffers attenuation or obstruction of radio signals to or from the area as a result of the interposition of all or any part of the building or structure in the radio signal path between the area and the transmitting/receiving site of the Service;

“Smoke Alarm” means

“smoke alarm” as defined by the Building Code.”.

- 4 The Fire Prevention and Regulation Bylaw is further amended as follows:

- (a) in section 14(3)(a), by striking out “,” and then inserting the following directly after “Incident”:

“until such time as active fire operations and fire investigations have been completed and the care of the property returned to the Owner;”;

- (b) in section 17(1), by inserting “churches,” directly after “Public Buildings,”;
- (c) in section 17, by renumbering current subsection (2) as subsection (3);
- (d) in newly renumbered section 17(3), by striking out “section 17(1)” and substituting “this section”;
- (e) in section 17, by inserting the following new subsection (2) directly after subsection (1):

“(2) Mobile Cooking Operations shall be inspected in accordance with section 17A.”;

- (f) by inserting the following new section 17A directly after section 17:

“Mobile Cooking Operations

- 17A (1) No person shall operate a Mobile Cooking Operation unless:
- (a) the Mobile Cooking Operation has been inspected and approved by the Fire Chief, or any Member authorized by the Fire Chief;
 - (b) the Operator has paid the fee for inspection specified in Schedule “B”; and
 - (c) the decal indicating that the Fire Chief has approved the Mobile Cooking Operation is displayed in a conspicuous place on the Mobile Cooking Operation.
- (2) Every approval pursuant to section 17A(1)(a) shall be valid until the 31st day of December of the same year, but the full inspection fee shall nevertheless be payable for every inspection.
- (3) On or before January 15 of every calendar year that the Operator continues to operate the Mobile Cooking Operation, the Operator must arrange for a new inspection pursuant to section 17A(1)(a) and pay the inspection fee specified in Schedule “B”.
- (4) The Operator of a Mobile Cooking Operation that produces Grease laden vapor must:
- (a) be in compliance with NFPA 96 and have appropriate equipment installed, used and maintained as to prevent a hazard; and
 - (b) display a valid service decal from a Qualified Technician on all fixed extinguishing systems.

- (5) The Operator of a Mobile Cooking Operation that has a fixed extinguishing fire protection system must have instructions for use of the system posted in a conspicuous place within the cooking area.
- (6) The Operator of a Mobile Cooking Operation must:
 - (a) have any hoods, Grease removal devices, fans, ducts and other appurtenances in the Mobile Cooking Operation cleaned at frequent intervals to prevent surfaces from becoming heavily contaminated with Grease or other residues;
 - (b) have any service on a hood system in the Mobile Cooking Operation completed by a Qualified Technician, and display a valid service decal upon the hood system indicating that service on the hood system has been completed;
 - (c) install portable fire extinguishers within the Mobile Cooking Operation in accordance with NFPA 10 requirements;
 - (d) have any portable fire extinguishers within the Mobile Cooking Operation serviced annually by a Qualified Technician and display a valid service decal accordingly;
 - (e) ensure that any temporary electrical power generators and connections for the Mobile Cooking Operation are:
 - (i) of proper grade and rated by a testing laboratory,
 - (ii) protected from weather, vehicle traffic, and restricted from public access,
 - (iii) properly grounded, and
 - (iv) used as per manufacturers specifications;
 - (f) ensure that any appliances and equipment used at the Mobile Cooking Operation are certified for commercial use and installed and maintained in accordance with their certification and applicable standards;
 - (g) subject to section 17A(7), not use any wood burning appliances for the Mobile Cooking Operation;
 - (h) if the Mobile Cooking Operation is located inside a Motor Vehicle or other vehicle utilizing natural gas or

propane, install and maintain within the Mobile Cooking Operation a gas monitoring detector with alerting capabilities with respect to unsafe levels of gas or propane;

- (i) ensure there is a barrier of no less than one meter horizontally and vertically between any cooking appliance of the Mobile Cooking Operation and the public;
 - (j) ensure that the Mobile Cooking Operation is a minimum distance of three meters from any other structure or Motor Vehicle; and
 - (k) if the Mobile Cooking Operation utilizes any tent or awning, the material of the tent or awning must be fire resistive and conform to the requirements of NFPA 705.
- (7) A Mobile Cooking Operation that utilized wood burning appliances and was approved by the Fire Chief prior to the date of adoption of Fire Prevention and Regulation Bylaw, Amendment Bylaw No. 1 (No. 21-010) may continue to use wood burning appliances, provided that the scale or extent of use is not significantly greater than at the time of approval.”;
- (g) in section 18(1), by striking out “section 17” and substituting “sections 17 and 17A” and by inserting “or a Mobile Cooking Operation” directly after “premises”;
- (h) by repealing section 18(2) and substituting the following:
 - “(2) If, after performing an inspection pursuant to section 17, 17A or 18(1), the Fire Chief, or any Member authorized by the Fire Chief, determines that a property or Mobile Cooking Operation is not in compliance with this bylaw or the Fire Code, or that one or more conditions exist which may be a fire hazard, increase the danger of fire or the danger to persons or property from a fire, the Fire Chief, and any Member authorized by the Fire Chief, may issue an order to the following persons to do what is necessary to remove the condition or to bring the property or Mobile Cooking Operation into compliance within a specified time period and advise of a return date for a re-inspection:
 - (a) for an inspection of a property, to the Owner or any Occupier of the property; or
 - (b) for an inspection of a Mobile Cooking Operation, to the Operator of the Mobile Cooking Operation.”;
- (i) in section 18(3), by inserting “, and into a Mobile Cooking Operation,” directly after “premises”;

- (j) in section 18(4), by striking out “site” inserting “property or premises”;
- (k) by striking out section 18(8)(5) and inserting the following sections 18(8)(5) – (7):
 - “(5) If upon the first re-inspection of a Mobile Cooking Operation pursuant to section 18(3), the Fire Chief, or any Member authorized by the Fire Chief, determines that an order issued pursuant section 18(2) has not been complied with, he or she may schedule a second re-inspection and further subsequent re-inspections, if required, to ascertain whether the order has been complied with, and the person to whom the order was made shall pay to the City the re-inspection fee specified in Schedule “B” for the second, and each subsequent, re-inspection.
 - (6) Notwithstanding any of the requirements of this section, anyone that fails to comply with an order issued pursuant to this section remains subject to penalties pursuant to this bylaw.
 - (7) An Owner, Occupier or Operator who is issued an order pursuant to
 - (a) section 18(2);
 - (b) section 18(4)(a); or
 - (c) section 18(5)
 must comply with the order in the time specified within the order.
- (l) in section (19), by inserting “, 17A” immediately after 17;
- (m) by repealing section 20 and substituting the following:
 - “20 (1) An Owner or Occupier of property or an Operator of a Mobile Cooking Operation who has been notified of an inspection to be conducted pursuant to this bylaw, or any other enactment relating to fire safety, must provide access to the site to any Member or other inspector conducting the inspection on the date and at the time specified in the notice, and any person who fails to do so shall pay to the City the fee specified in Schedule “A”.
 - (2) Access may be provided by the Owner, Occupier or Operator pursuant to section 20(1) by attending the site, having an agent attend on their behalf, or by providing access to a key.”;
- (n) in section 21, by inserting “and Operator of a Mobile Cooking Operation” immediately after the first occurrence of “property” and by striking out the second occurrence of “property” and replacing it with “location”;
- (o) at section 24, by inserting “Transmission of” immediately after “False” in the heading to the section;

- (p) by inserting a new section 24A immediately after section 24, as follows:

“Smoke Alarms

24A (1) Every Owner of a building shall ensure that Smoke Alarms are installed and maintained in accordance with the Building Code and the Fire Code.

(2) Smoke Alarms may only be individually battery powered in accordance with the Building Code.

(3) Smoke Alarms must be replaced when they become inoperable or have exceeded their lifespan as per the manufacturer’s specifications.”

- (q) in section 26(1), by striking out “Every” and replacing it with “Subject to section 26(2), every”;

- (r) by renumbering current sections 26(3)-(5) as new sections 26(6)-(8), respectively;

- (s) by repealing section 26(2) and replacing it with the following subsections (2)-(4):

“(2) An Owner of a premises is not required to install a lock box if a staff person is on site at the premises to provide the Fire Department access to all items listed in section 26(5) 24 hours per day, 7 days per week, subject to section 26(3).

(3) An Owner of a premises may intermittently not have a staff person on site in accordance with section 26(2), provided that at all such times, a staff person that can provide access is available and can be on the premises within fifteen minutes of notification by the Fire Department.

(4) Any Owner of a premises that does not contain a lock box in accordance with section 26(1):

(a) must provide the Fire Department with the contact details of any persons who are to provide access pursuant to sections 26(2) and (3); and

(b) is subject to penalties under this bylaw if none of the contacts provided pursuant to section 26(4)(a) are able to provide access to all items listed in section 26(5) within fifteen minutes of notification by the Fire Department.”

- (t) in newly renumbered section 26(5), by striking out “which exists” and replacing it with “items that are present”;

- (u) in newly renumbered section 26(6), immediately before “the approval of a Member”, by striking out “to” and replacing it with “with”; and
- (v) by striking out subsection 27(1)(b)(iii) and replacing it with the following:
 - “(iii) is in a secured box or enclosure that is clearly labelled “Fire Safety Plan” in contrasting colours; and”.

- 5 The Fire Prevention and Regulation Bylaw is further amended by striking out the entirety of section 30 and replacing it with the following:

“Emergency Radio Communications Equipment

- 30 (1) Where a building may cause poor radio communications for the Service, or where the Owner of the building is directed to do so by the Fire Chief or Member authorized by the Fire Chief, the Owner of the building must, at the Owner's expense, ensure that:
- (a) all of the following areas meet a minimum standard Delivered Audio Quality of 3.4, as certified by a professional engineer, registered in the Province of British Columbia:
 - (i) within the building, a minimum of 90% of the area of each floor of the building, including underground areas, and
 - (ii) within Shadowed Areas of the building, a minimum of 90% of all areas where Delivered Audio Quality of 3.4 could be achieved before the erection, construction or modification of the building or structure;
 - (b) continual monitoring is always active for any system put in place to ensure that the requirements specified in section 30(1)(a) are met;
 - (c) maintenance and testing is conducted annually by a professional engineer, registered in the Province of British Columbia, to ensure the requirements specified in section 30(1)(a) are met; and
 - (d) a record of the maintenance and testing referred to in section 30(1)(c) is maintained and available for inspection by the Fire Chief or Member authorized by the Fire Chief.
- (2) The radio frequency range that must be supported for radio communications pursuant to section 30(1) shall be any frequencies used by the network of the Service.
- (3) If a building fails to meet the requirements specified in section 30(1)(a), the Owner of the building must, as soon as the owner becomes aware of the failure:
- (a) notify the Fire Chief in writing as soon as practicable; and

- (b) make repairs or other works within five business days, to meet the requirements specified in section 30(1)(a).
- (4) If the Owner of a building fails to complete repairs or other works under section 30(3)(b) to the satisfaction of the Fire Chief, the Fire Chief may have a temporary Amplification System installed in order to meet the requirements specified in section 30(1)(a) at the expense of the Owner of the building, to be recovered as a debt owing to the City, which, if not recovered from the Owner of the building by December 31, may be collected in the same manner as for property taxes.
- (5) If an Amplification System is required to meet the requirements specified in section 30(1)(a) in the building,
 - (a) the building Owner must coordinate with the Service to ensure that the Service's outdoor radio communication performance is not degraded by such amplification, and if the Service determines that the requirements of section 30(1)(a) cannot be met while still maintaining the Service's outdoor radio communication performance, the building Owner must communicate that decision promptly to the Fire Chief, in writing; and
 - (b) the Amplification System must comply with section 1 of Schedule "D", and may include any of the following in order to meet the requirements of section 30(1)(a):
 - (i) passive antenna systems or radiating cable systems,
 - (ii) distributed antenna systems with uni-directional or bi-directional amplifiers as needed,
 - (iii) voting receiver systems, or
 - (iv) another system that will improve audio quality of radio communications, as certified by a professional engineer, registered in the Province of British Columbia, and to the satisfaction of the Fire Chief;
 - (c) the Amplification System must be tested annually in accordance with section 2 of Schedule "D"; and
 - (d) if any testing of the Amplification System shows that communications within the building or within the Shadowed Area have degraded such that they fail to meet the requirements specified in section 30(1)(a), the Owner of the building shall make repairs or other works within five business days to remedy the problem and meet the requirements specified in section 30(1)(a), unless the Owner can demonstrate conclusively that the degradation is solely the result of external changes not under their control.

- (6) If a new building has caused a decline below the requirements specified in section 30(1)(a) in an existing building, the Fire Chief, or a Member authorized by the Fire Chief, may require the Owner of the new building, at their expense, to provide for repairs or other works under section 30(3)(b) so that the existing building again meets the requirements specified in section 30(1)(a), to the satisfaction of the Fire Chief.
- (7) This section 30 shall not apply to:
 - (a) any single-family detached or semi-detached residence;
 - (b) any building or structure constructed of wood frame and not metal-clad;
 - (c) any building or structure less than 5000 square metres in floor space; or
 - (d) any building or structure less than 12 metres in height.
- (8) The construction or erection of a building or structure that interferes with the City's emergency radio or telecommunications networks shall constitute a nuisance because it threatens the health, safety and welfare of those in the City, and in addition to any other remedies or enforcement procedures provided in this bylaw, the City may seek an injunction to restrain such a nuisance."

6 The Fire Prevention and Regulation Bylaw is further amended as follows:

- (a) by renumbering current section 32 as section 32(1);
- (b) in newly renumbered section 32(1), by striking out "first" and inserting the following language immediately after "authorized by the Fire Chief":

", prior to the date of adoption of Fire Prevention and Regulation Bylaw, Amendment Bylaw No. 1 (No. 21-010)";
- (c) by inserting the following new section 32(2) after section 32(1):

“(2) In the event that the scale or extent of storage permitted pursuant to section 32(1) increases from that at the time of approval, then the storage is no longer permitted and the Owner must comply with section 32(1).”;
- (d) in section 37(1) by striking out "without first obtaining a Permit." and replacing it with:

“unless:

 - (a) the fire is for one of the purposes listed in section 38(1)(b), and
 - (b) a Permit is first obtained.”;

(e) by striking out section 38(3)(b) and replacing it with:

“(b) The person to whom a Permit has been issued shall:

- (i) notify the Fire Department before the initiation and after the extinction of the fire;
- (ii) be responsible for the management of the fire;
- (iii) at all times ensure that a competent adult is keeping watch on the fire until the fire is completely extinguished; and
- (iv) provide sufficient personnel, appliances and equipment to prevent the fire from becoming dangerous to life or property.”;

(f) in section 42(b) by striking out “Motor Vehicle” and replacing it with “Mobile Cooking Operation”; and

(g) in section 46(3) by striking out “\$10,000” and replacing it with “\$50,000”.

7 The Fire Prevention and Regulation Bylaw is further amended as follows:

(a) by repealing Schedules “A” and “B” and replacing them with Schedules “A” and “B” attached to this Bylaw; and

(b) by inserting the new Schedule “D” attached to this Bylaw after current Schedule “C”.

Consequential Amendments to Ticket Bylaw

8 Bylaw No. 10-071, the Ticket Bylaw is amended by repealing Schedule O and replacing the Schedule O attached to this Bylaw as Appendix 1.

Commencement

9 This Bylaw comes into force on adoption.

READ A FIRST TIME the **15th** day of **April** 2021

READ A SECOND TIME the **15th** day of **April** 2021

READ A THIRD TIME the **15th** day of **April** 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

SCHEDULE A

The fees specified in this schedule may be collected in the same manner and with the same remedies as property taxes, and if due and payable by December 31st and are unpaid on that date, are deemed to be taxes in arrears.

ITEM #	SERVICE	SECTION	FEE
1	Damage, destruction or demolition of building	12(4)	Hourly rate of Equipment and all staffing costs, including any overtime rates, of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work.
2	Post-Incident Fire Watch	15(2)	Hourly rate of Equipment and all staffing costs, including any overtime rates, of each Member for actual time Member and Equipment attend at the site.
3	Securing Fire Damaged Building	16(3)	Hourly rate of Equipment and all staffing costs, including any overtime rates, of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work.
4	Second and subsequent Condition and Compliance Re-inspections – Property or Premises	18(4)(a)	\$100.00 for second re-inspection and for each subsequent re-inspection.
5	Work to establish compliance – Property or Premises	18(4)(b)	Hourly rate of Equipment and all staffing costs, including any overtime rates, of each Member for actual time Member and Equipment attend at the site, plus any out-of-pocket expenses incurred by the City to complete the work.
6	Failure to provide access to site for inspection appointment	20(1)	\$100.00 staffing costs for inspector travel time, attendance, and re-booking fee.
7	Member performing Prevention Fire Watch	28(4)(a)	Hourly rate of Equipment and all staffing costs, including any overtime rates, of each Member for actual time Member and Equipment attend at the site after the first hour.
8	Private Company performing Prevention Fire Watch	28(4)(b)	All expenses incurred by the City for obtaining private company services.
9	Member inspecting or attending event	39(2)	Hourly rate of Equipment and all staffing costs, including any overtime rates, of each Member for actual time Member and Equipment attend at a site.
10	Requested Inspection of property	42(a)	\$100.00
11	Damaged Equipment	44(1)	All expenses incurred by the City to clean, repair

			or replace Equipment used at an Incident.
12	Use of Extraordinary personnel or Equipment	44(2)	All expenses incurred by the City for special equipment and additional non-Member personnel.
13	Fire Investigation	45(1)	If one or more Members investigate at a site in excess of 90 minutes, all staffing costs, including any overtime rates, of each Member for actual time Member(s) attend at site and for actual time Member(s) work on all matters related to the investigation offsite, including report preparation. No fee for a site investigation which concludes in under 90 minutes.
14	Private Company Services at investigation	45(2)	All expenses incurred by the City for obtaining private company services.

SCHEDULE B

ITEM #	SERVICE	SECTION	FEE
1	Inspection of Mobile Cooking Operation	17A, 42(b)	\$100.00
2	Second and subsequent Condition and Compliance Re-inspections – Mobile Cooking Operation	18(5)	\$100.00 for second re-inspection and for each subsequent re-inspection
3	Fire Safety Plan Review	27(2)	\$150.00
4	Occupancy Load Calculation	40(2)	\$100.00 for occupancy load calculations of 100 occupants or less \$150.00 for occupancy load calculations of 101 occupants or more
5	File Search	43	\$40.00

SCHEDULE D

Requirements of Amplification System

- 1 (1) An Amplification System shall include filters that will protect the amplifiers from overload and protect the system from interference by out-of-band signals.
- (2) If any part of the Amplification System contains an electrically powered component, the system shall be equipped to operate on an independent uninterruptible power supply ("**UPS**"), using a battery or generator system, for a period of at least four hours without external power or maintenance.
- (3) All amplifiers and electronics required by the Amplification System shall be protected by National Electrical Manufacturers Association type 4 or higher electrical enclosures.
- (4) If the Amplification System operates on UPS,
 - (a) the UPS shall automatically charge the batteries in the presence of external power;
 - (b) the UPS shall provide a monitored alarm signal to indicate failure of primary power, failure of the UPS system power output, or discharge of the batteries; and
 - (c) the Owner of the building in which the Amplification System is located shall notify the Fire Department of any failure of the UPS no later than two hours after any power failure occurs.
- (5) Any critical alarms detected by the Amplification System equipment regarding battery condition and amplifier performance shall be reported to the Fire Department immediately.
- (6) The Owner of the building in which the Amplification System is located shall ensure that a system summary alarm for the Amplification System, consisting of a relay contact closure or equivalent, is provided to the building fire panel via a hard wired connection.
- (7) Any Amplification System shall be licensed by the federal regulator, Innovation, Science & Economic Development Canada ("**ISED**"), and shall comply with the applicable Standard Radio Systems Plan.
- (8) Any license required for the Amplification System shall be renewed annually by the building Owner and the cost of the licensing borne solely by the building Owner.
- (9) Any radio equipment within the Amplification System shall only be selected from the ISED Radio Equipment List.

Testing of Amplification System

- 2
 - (1) Tests and measurements to verify and maintain compliance shall be made at the sole expense of the building Owner.
 - (2) The procedures used to test Amplification Systems for initial acceptance shall be in accordance with the following guidelines:
 - (a) Acceptance tests and measurements shall be performed after completion of installation of the Amplification System;
 - (b) Tests shall be performed using radio frequencies assigned by the Service, after proper coordination with an authorized representative of that system and with the Fire Chief and the Officer in Charge of Police for the City;
 - (c) If queuing occurs on the radio system while testing is underway, testing shall be terminated immediately and resumed only when traffic levels on the system drop to the level where queuing will no longer occur;
 - (d) Where the Shadowed Area, or the floor plate area of the building, is greater than 4500m² the area shall be divided into a uniform grid of not more than fifteen metres on a side, or if the floor area is smaller than 4500m² it shall be divided into a uniform grid of approximately twenty equal areas, to a minimum of 9m² and measurements shall be taken in each grid area;
 - (e) The size of the grids shall also be reduced, or the number of grids increased, upon recommendation of the Fire Chief or Member authorized by the Fire Chief in areas where special construction or other obstruction may significantly affect communications;
 - (f) Tests shall also be performed in fire command centres, stairwells, protect-in-place areas, lobby refuge areas, equipment rooms, and high-hazard areas;
 - (g) Tests shall first be made using a portable (handheld) radio of the type used by emergency service personnel, carried at hip level (with external speaker/mic) and using a simple "rubber ducky" antenna, and shall be deemed satisfactory if Delivered Audio Quality of 3.4 or better can be achieved for a five second test transmission in each direction;
 - (h) If system access is not reliable, or if Delivered Audio Quality of 3.4 for five seconds cannot be achieved at any location, the test operator may move a maximum of 1.5 metre in any direction inside of the grid and repeat the test, and if system access continues to be unreliable, or if Delivered Audio Quality of 3.4 still cannot be achieved, or if there is any doubt about whether it can be achieved, a failure shall be recorded for that location;
 - (i) For all tests, a pre-defined "Harvard" sentence should be used, such that the listeners are not aware of the sentence in advance on each test, and a different recorded sentence should be used at each location;

- (j) A maximum of two non-adjacent grid areas on a floor or in a Shadowed Area will be allowed to fail the test;
 - (k) In the event that three or more areas on a floor or in a Shadowed Area fail the test, the floor or Shadowed Area may be divided into forty approximately equal areas to a minimum of 4m², and the tests repeated, and in such event, a maximum of four non-adjacent grid areas will be allowed to fail the test, and if the Amplification System fails the forty-area test, the building Owner must have the Amplification System altered to meet the 90% coverage requirement of section 30(1)(a) in order to be accepted;
 - (l) If the Amplification System fails to provide acceptable communication in any of the fire command centre, any portion of a stairwell, protect-in-place areas, lobby refuge areas, equipment rooms, or high-hazard areas, the building Owner must have the Amplification System altered to meet the 90% coverage requirement for these areas in order to be accepted;
 - (m) Backup batteries and power supplies for the Amplification System shall be tested under full load by generating communication traffic automatically for a duration of at least one hour, and if within the one-hour period, the battery shows no symptom of failure or impending failure, the test shall be continued for additional one hour periods to determine the integrity of the battery, and the battery must not fail within a four-hour continuous test period; and
 - (n) The gain values of all Amplification Systems shall be measured, using a service monitor that has been calibrated by a certified laboratory within the past twelve months, and the results shall be kept on file by the building Owner for future verification and monitoring of performance, and the gain records file must have multiple back-ups and be stored in more than one location.
- (3) The procedures used to test Amplification Systems annually shall be in accordance with the following guidelines:
- (a) At least annually, the building Owner shall test all active components of the Amplification System, including but not limited to all amplifiers, power supplies and back-up batteries;
 - (b) The Owner shall keep a record of any annual tests as part of the Fire Safety Plan for inspection by the Fire Department;
 - (c) The Amplification System's gain shall be adjusted if necessary in order to re-establish the gain recorded upon acceptance testing, and batteries and power supplies shall be tested under load for a period of at least one hour to verify that they will function properly during a power outage; and
 - (d) Additional tests or inspection of records with respect to the Amplification System may be conducted from time to time by the Fire Department at the

discretion of the Fire Chief, after giving reasonable notice to the building Owner.

APPENDIX 1**Schedule O****Fire Prevention and Regulation Bylaw
Offences and Fines**

Item #	Column 1 – Offence	Column 2 – Section	Column 3 – Set Fine	Column 4 – Fine if paid within 30 days
1	Enter limited area w/o permission	11(2)	\$200.00	\$175.00
2	Interfere with Member at Incident	14(1)(a)	\$350.00	\$300.00
3	Damage, destroy, obstruct, or otherwise interfere with Equipment	14(1)(b)	\$350.00	\$300.00
4	Refuse access to Member	14(1)(c)	\$350.00	\$300.00
5	Failure to comply with orders or provide information	14(2)	\$300.00	\$250.00
6	Enter building threatened by Incident	14(3)(a)	\$200.00	\$175.00
7	Enter designated area	14(3)(b)	\$200.00	\$175.00
8	Fail to leave designated area when directed	14(3)(c)	\$250.00	\$200.00
9	Remove ropes, guards or tapes	14(3)(d)	\$200.00	\$175.00
10	Failure to secure fire-damaged building	16(1)	\$250.00	\$200.00
11	Operating without inspection or approval	17A(1)(a)	\$250.00	\$200.00
12	Operating without paying inspection fee	17A(1)(b)	\$250.00	\$200.00
13	Operating without displaying valid fire inspection decal	17A(1)(c)	\$250.00	\$200.00
14	Failure to display valid service decal for fixed extinguishing system	17A(4)(b)	\$250.00	\$200.00
15	Failure to post instructions for fixed extinguishing	17A(5)	\$250.00	\$200.00

16	Failure to display valid service decal for hood system	17A(6)(b)	\$250.00	\$200.00
17	Failure to have appropriate portable fire extinguishers	17A(6)(c)	\$250.00	\$200.00
18	Failure to display valid service decal for portable fire extinguisher	17A(6)(d)	\$250.00	\$200.00
19	Improper use of temporary electrical solutions	17A(6)(e)	\$250.00	\$200.00
20	Use of wood burning appliances	17A(6)(g)	\$250.00	\$200.00
21	Failure to have functioning gas leak detector	17A(6)(h)	\$250.00	\$200.00
22	Failure to maintain barrier between cooking appliance and public	17A(6)(i)	\$250.00	\$200.00
23	Failure to maintain 3 metres from structure or Motor Vehicle	17A(6)(j)	\$250.00	\$200.00
24	Improper tent or awning material	17A(6)(k)	\$250.00	\$200.00
25	Failure to comply with order	18(7)(a)	\$250.00	\$200.00
26	Failure to comply with order	18(7)(b)	\$300.00	\$250.00
27	Failure to comply with order	18(7)(c)	\$300.00	\$250.00
28	Failure to provide information	21	\$250.00	\$200.00
29	Withholding or providing false information	22	\$350.00	\$300.00
30	Obstruct Member during inspection	23	\$500.00	\$500.00
31	Make false alarm	24	\$350.00	\$300.00
32	Failure to install or maintain smoke alarm	24A(1)	\$250.00	\$200.00
33	Failure to replace smoke alarm	24A(3)	\$250.00	\$200.00
34	Violate no occupancy notice	25(2)	\$250.00	\$200.00
35	Remove no	25(3)	\$300.00	\$250.00

	occupancy notice			
36	No approved lock box	26(1)	\$150.00	\$125.00
37	Failure to provide contact information for access	26(4)(a)	\$150.00	\$125.00
38	Failure to meet time requirements on site for access	26(4)(b)	\$150.00	\$125.00
39	Insufficient lock box contents	26(5)	\$150.00	\$125.00
40	Insufficient lock box	26(6)	\$150.00	\$125.00
41	Unauthorized access to lock box	26(7)	\$150.00	\$125.00
42	Failure to submit Fire Safety Plan	27(1)(a)	\$200.00	\$175.00
43	Improper storage of Fire Safety Plan	27(1)(b)	\$200.00	\$175.00
44	Failure to provide updated Fire Safety Plan	27(1)(c)	\$200.00	\$175.00
45	Failure to maintain fire watch	28(1)	\$250.00	\$200.00
46	Failure to maintain Fire Department Connections, standpipe systems and sprinklers	29	\$350.00	\$300.00
47	Failure to provide minimum standard communications	30(1)(a)	\$250.00	\$200.00
48	Failure to monitor standard of communications	30(1)(b)	\$250.00	\$200.00
49	Failure to maintain and test communications	30(1)(b)	\$250.00	\$200.00
50	Failure to maintain or make available record	30(1)(d)	\$250.00	\$200.00
51	Failure to notify of failure	30(3)(a)	\$250.00	\$200.00
52	Failure to repair in time	30(3)(b)	\$250.00	\$200.00
53	Failure of Amplification System to comply	30(5)(b)	\$250.00	\$200.00
54	Failure to test Amplification System	30(5)(c)	\$250.00	\$200.00
55	Failure to repair	30(5)(d)	\$250.00	\$200.00

	Amplification System			
56	Failure to repair new building	30(6)	\$250.00	\$200.00
57	Failure to provide fire protection equipment	31(1)	\$300.00	\$250.00
58	Improper storage of materials	32(1)	\$200.00	\$175.00
59	Accumulate combustible materials	33(1)	\$200.00	\$175.00
60	Improper garbage storage	34(3)	\$200.00	\$175.00
61	Unauthorized use of fire hydrant	35(2)	\$200.00	\$175.00
62	Prohibited burning	36	\$250.00	\$200.00
63	Prohibited Open Air burning	37(1)	\$250.00	\$200.00
64	Fail to notify or supervise permitted fire	38(3)(b)	\$300.00	\$250.00
65	Obstruct access to Incident	41(1)	\$350.00	\$300.00
66	Refuse access to premises	41(2)	\$350.00	\$300.00
67	Impede, hinder, obstruct or otherwise interfere with Member executing bylaw	41(3)	\$350.00	\$300.00
68	Drive Motor Vehicle over Equipment	41(4)	\$150.00	\$125.00

FALSE ALARMS BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the False Alarms Bylaw to update it in accordance with current practices and standards.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 8(3)(g), 8(3)(h), and 196(1) of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “FALSE ALARMS BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2 Bylaw No. 10-073, the False Alarms Bylaw, is amended as follows:
 - (a) in section 2, at the definition of “Fire Department”, by inserting “City of” immediately before “Victoria”;
 - (b) in section 7, by repealing subsection (2) and substituting the following:
 - “(2) When an Alarm System has been activated and neither the owner or occupier of the real property at which the Alarm System is activated can be reached or is able to attend the premises, and there are no keys or other method of access for the Fire Department, the Fire Department may forcibly enter the premises to determine the cause of the Alarm, and the Fire Department may take any of the following actions at the cost of the owner or occupier of the premises:
 - (a) secure the premises; and
 - (b) provide twenty-four hour security until the building can be secured.”;
 - (c) in section 8(1), by striking out “in any 12 month period” and substituting “within a calendar year”; and
 - (d) in section 10, by striking out “\$10,000.00” and substituting “\$50,000.00”.

Commencement

3 This Bylaw comes into force on adoption.

READ A FIRST TIME the **15th** day of **April** 2021

READ A SECOND TIME the **15th** day of **April** 2021

READ A THIRD TIME the **15th** day of **April** 2021

ADOPTED on the _____ day of _____ 2021

CITY CLERK

MAYOR