



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, May 27, 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. Minutes from the evening meeting held April 8, 2021

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D. PROCLAMATIONS

E. REPORTS OF COMMITTEE

E.1. Committee of the Whole

E.1.a. Report from the May 20, 2021 COTW Meeting

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**E.1.a.a. 1150 Douglas Street: Local Government
Recommendation for Cannabis Application (Downtown)**

**E.1.a.b. Victoria 3.0 Recovery Reinvention Resilience Progress
Report**

**E.1.a.c. Options to Support Rapid Deployment of
Affordable Housing through Regulatory and Process
Changes**

E.1.a.d. The City of Victoria Electric Vehicle Strategy

**E.1.a.e. Council Member Motion - Addressing Parking Pressures
in Victoria West**

**E.1.a.f. Council Member Motion - Support for Housing
Outreach Pilot Project**

Pending approval at the May 27, 2021 COTW meeting

E.1.b.a. Temporary Relocation of Council Meetings

***E.1.b.b. Banfield Park Dock Expansion and Gorge Waterway Park**

***E.1.b.c. 900-912 Vancouver St and 930-990 Burdett Ave:
Development Permit with Variances Application No.
00164 (Fairfield)**

Addendum: New Item

F. BYLAWS

F.1. Bylaw for Streets and Traffic, Amendment Bylaw (No. 10)

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A report recommending:

1st, 2nd and 3rd readings of: Streets and Traffic Bylaw, Amendment Bylaw (No. 10) No. 21-056

The purpose of this Bylaw is to amend the Streets and Traffic Bylaw No. 09-079 to establish free parking on Sundays for persons with disabilities, up to the limit of time for which continuous parking is lawfully permitted in a particular metered space or parking space.

**F.2. Bylaws for 415 and 435 Michigan: Rezoning Application No. 00637 and
Development Permit with Variances Application No. 00055**

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A report recommending:

- **1st and 2nd readings of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044
- **1st, 2nd and 3rd readings of:**
 - Housing Agreement (415 and 435 Michigan Street) Bylaw 2021 No. 21-045

The application is ready to proceed to Public Hearing and proposes to construct 24 ground-orientated housing units.

F.3.	<u>Bylaw for 1177–1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731</u>	28
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A report recommending:

- **1st and 2nd readings of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1252) No. 21-043

The application is ready to proceed to Public Hearing and proposes to rezone the property to permit the current uses following the termination of its Land Use Contract.

F.4.	<u>Bylaw for 1475 Fort Street: Development Permit with Variances Application No. 00120</u>	32
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A report recommending:

- **1st, 2nd, and 3rd readings of:**
 - Housing Agreement (1475 Fort Street) Bylaw (2021) No. 21-057
- **Approval of updated Development Permit with Variances Application recommendation**

This application is ready to proceed to Opportunity for Public Comment and proposes to construct a four-storey rental building with approximately 32 dwelling units.

F.5.	<u>Bylaw for Delegation of Signing Authority Bylaw Amendment Bylaw</u>	62
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- **Adoption of:**
 - Delegation of Signing Authority Bylaw, Amendment Bylaw (No. 2) No. 21-039

The purpose of this bylaw is to streamline City processes by delegating authorization and execution of certain documents on behalf of the City to appropriate City staff.

G. CORRESPONDENCE

*G.1.	<u>Letter from the Minister of Energy, Mines and Low Carbon Innovation; Minister of Municipal Affairs; and Minister of Environment and Climate Change Strategy</u>	65
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Addendum: New Item

A letter from the Minister of Energy, Mines and Low Carbon Innovation; Minister of Municipal Affairs; and Minister of Environment and Climate Change Strategy regarding the Help Cities Lead campaign.

H. CLOSED MEETING

MOTION TO CLOSE THE May 27, 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)(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)(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

I. APPROVAL OF CLOSED AGENDA

J. READING OF CLOSED MINUTES

K. UNFINISHED BUSINESS

L. NEW BUSINESS

L.1. Appointment - Community Charter Section 90(1)(a)

L.2. Appointment - Community Charter Section 90(1)(a)

L.3. Land Use Matters - Community Charter Section 90(1)(e)

L.4. Land Acquisition - Community Charter Section 90(1)(e)

*L.5. Law Enforcement - Community Charter Section 90(1)(f)

M. CONSIDERATION TO RISE & REPORT

N. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

April 8, 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

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PRESENT: Mayor Helps in the Chair, Councillor Andrew, Councillor Dubow, Councillor Young

PRESENT ELECTRONICALLY: Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Director of Finance, C. Kingsley - City Clerk, P. Bruce - Fire Chief, 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, A. Meyer - Assistant Director of Development Services, C. Havelka - Deputy City Clerk, AK Ferguson - Council 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.

CARRIED UNANIMOUSLY

B. POETRY READING

Poet Laureate, John Barton provided Council with a poetry reading.

D. REQUESTS TO ADDRESS COUNCIL

Moved By Councillor Dubow

Seconded By Councillor Potts

That the following speakers be permitted to address Council.

CARRIED UNANIMOUSLY

D.1 Cathy Peters: Human Sex Trafficking, Sexual Exploitation, Child Sex Trafficking in BC and How to Stop It

Outlined why Council should train business license staff in how to spot human sex trafficking.

D.2 Kelly Black: Point Ellice House Museum and Gardens

Outlined why Council should work with Point Ellice House to address the state of the public realm.

D.3 Kelly Favro: Stephen Andrew's Comments about Rape Culture

Outlined her views in response to Stephen Andrew's comments about rape culture.

F. PUBLIC AND STATUTORY HEARINGS

Councillor Isitt recused himself at 6:57 p.m. as he lives within close proximity to the subject property.

F.1 2564 Graham Street: Heritage Designation Application No. 000191

To designate the exterior of the building located at 2564 Graham Street to be protected heritage property.

F.1.a Public Hearing & Consideration for Approval

Charlotte Wain (Senior Planner): *Advised that the application is to designate the exterior of the property located at 2564 Graham Street.*

Mayor Helps opened the public hearing at 6:57 p.m.

The applicant did not attend the hearing.

Ken Johnson, President of the Hallmark Heritage Society (Brittany Drive):
Outlined the site's heritage value.

Council recessed from 7:01 p.m. until 7:06 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 bylaw.

Council had no questions for the applicant.

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

Moved By Councillor Andrew
Seconded By Councillor Young

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

1. Heritage Designation (2564 Graham Street) Bylaw No. 21-040

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe
Seconded By Councillor Loveday

That the following bylaw **be adopted**:

1. Heritage Designation (2564 Graham Street) Bylaw No. 21-040

CARRIED UNANIMOUSLY

Councillor Isitt rejoined the meeting at 7:10 p.m.

F.2 1611 Stanley Avenue: Heritage Designation Application No. 000194

To designate the exterior of the building located at 1611 Stanley Avenue to be protected heritage property.

F.2.a Public Hearing & Consideration for Approval

Charlotte Wain (Senior Planner): *Advised that the application is to designate the exterior of the property located at 1611 Stanley Avenue.*

Mayor Helps opened the public hearing at 7:11 p.m.

The applicant did not speak at the hearing.

Ken Johnson, President of the Hallmark Heritage Society (Brittany Drive):
Outlined why the property should be designated heritage.

Council recessed from 7:14 p.m. until 7:19 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 bylaw.

Council had no questions for the applicant

Mayor Helps closed the public hearing at 7:19 p.m.

Moved By Councillor Thornton-Joe
Seconded By Councillor Andrew

That the following bylaw **be given 3rd reading**:

1. Heritage Designation (1611 Stanley Avenue) Bylaw No. 21-041

CARRIED UNANIMOUSLY

Moved By Councillor Loveday
Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Heritage Designation (1611 Stanley Avenue) Bylaw No. 21-041

CARRIED UNANIMOUSLY

F.3 1150 Cook Street: Development Permit with Variances Application No. 000130

To construct a 16-storey, mixed-use building with ground floor retail and residential above, including approximately 129 dwelling units.

F.3.a Opportunity for Public Comment & Consideration of Approval

Charlotte Wain (Senior Planner): *Advised that the application is to construct a 16-storey, mixed-use building with ground floor commercial and residential above.*

Mayor Helps opened the opportunity for public comment at 7:24 p.m.

Fraser McColl and Tom Staniszks (Applicant): Provided information regarding the application.

Dianne Flood (View Street): Expressed her concerns with the height of the building.

Council recessed from 7:48 p.m. until 7:53 p.m. to provide an opportunity for members of the public to call to speak live.

Ian Sutherland (Land use Chair for DRA): Expressed his concerns with the density of the project.

Council discussed the following:

- *the amenities contributions or public realm improvements which may be suitable for this property.*
- *how Council should assess whether the variances of an application are appropriate.*
- *whether the Housing Trust Fund contribution could go to amenities in the neighbourhood in which the property is located.*
- *the price point of the units and when the construction might start.*

Mayor Helps closed the opportunity for public comment at 8:21 p.m.

Moved By Mayor Helps
Seconded By Councillor Alto

Development Permit with Variances Application No. 00130

That Council authorize the issuance of Development Permit with Variance Application No. 00130 for 1150 Cook Street in accordance with:

1. Plans date stamped February 2, 2021.

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Increase the height from 30m to 47.57m;
 - ii. Increase the number of storeys from 10 storeys to 16 storeys.
3. Receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites.
4. Final plans to be generally in accordance with plans date stamped February 2, 2021.
5. The Development Permit with Variances lapsing two years from the date of this resolution.

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Alto

That the voluntary contribution of \$50,000, that the applicant has proposed, go to the public amenity fund.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Andrew

That this matter be referred to staff to work with the applicant to reduce the requested height variance

FOR (4): Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, and Councillor Potts

DEFEATED (4 to 5)

On the main motion as amended:

Development Permit with Variances Application No. 00130

That Council authorize the issuance of Development Permit with Variance Application No. 00130 for 1150 Cook Street in accordance with:

1. Plans date stamped February 2, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. Increase the height from 30m to 47.57 m;
 - ii. Increase the number of storeys from 10 storeys to 16 storeys.
3. Receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites.
4. Final plans to be generally in accordance with plans date stamped February 2, 2021.
5. The Development Permit with Variances lapsing two years from the date of this resolution.

That the voluntary contribution of \$50,000, that the applicant has proposed, go to the public amenity fund.

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, and Councillor Potts

OPPOSED (4): Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, and Councillor Young

CARRIED (5 to 4)

Moved By Councillor Potts

Seconded By Councillor Alto

That the following bylaw **be adopted**:

1. Housing Agreement (1150 Cook Street) Bylaw (2021) Bylaw No. 21-031

CARRIED UNANIMOUSLY

O. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Alto

That the Council meeting adjourn.

TIME: 9:05 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 20, 2021

For the Council meeting of May 27, 2021, the Committee recommends the following:

G.1 1150 Douglas Street: Local Government Recommendation for Cannabis Application (Downtown)

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

The Council of the City of Victoria supports the application of Seed and Stone at 1150 Douglas Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Seed and Stone at 1150 Douglas Street.
- b. Bylaw and Licensing Services and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.

The Victoria Police Department notes that a mall is a popular place for young people for both employment and socialization.

- c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association. The City sent 1146 notices and received 4 responses, including correspondence from the Downtown Residents Association received after the end of the opportunity for public comment.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

E.1 Victoria 3.0 Recovery Reinvention Resilience Progress Report

That Council:

1. Approve \$117,000 from the 2021 Financial Plan contingency budget to support the initial planning for the Arts & Innovation District.
2. Request that staff brainstorm specific actions to ensure that economic development proceeds in an inclusive and equitable manner.

G.2 Options to Support Rapid Deployment of Affordable Housing through Regulatory and Process Changes

1. That Council direct staff to:

- a) undertake focused consultation with non-profit affordable housing providers, the Urban Development Institute and CALUCs in relation to the proposal to amend the Zoning Bylaws and Land Use Procedures Bylaw, as identified in this report;

- b) in a subsequent report, provide Council with details of the feedback received and how the feedback has affected the amendments to the Zoning Bylaws and Land Use Procedures Bylaw.
- c) in a subsequent report, provide Council with information on options for further expediting non-market housing applications in a way that does not require complete delegation of Council's authority.

And concurrently:

- 2. That Council direct staff to prepare amendments to the Land Use Procedures Bylaw, consistent with the "tier one option" in this report, to delegate the authority to the Director of Sustainable Planning and Community Development to issue all Development Permits, with or without variances, offering affordable non-market housing secured by legal agreement.
- 3. That Council direct staff to prepare amendments to the Zoning Regulation Bylaw and Zoning Bylaw 2018, consistent with the "tier two option" in this report, to allow the maximum density contemplated in the Official Community Plan to be the maximum density permitted for a specific site, where an affordable non-market housing development is proposed and affordable dwelling units are secured with a legal agreement to the satisfaction of Director of Sustainable Planning and Community Development and the City Solicitor.
- 4. Staff report back to Council after a 2 year period to evaluate the effectiveness of this new policy.

G.3 The City of Victoria Electric Vehicle Strategy

That Council:

- 1. Receive the draft City of Victoria Electric Vehicle Strategy to support implementation of the Climate Leadership Plan for information (Appendix B).
- 2. Receive the draft Electric Vehicle Strategy Technical Report for information (Appendix C).
- 3. Direct staff to bring forward a 5 year capital plan including a budget request for 2022 as part of the 2022 Financial Planning process that is aligned with this strategy to support delivery of targets identified in the Climate Leadership Plan and Go Victoria.
- 4. Direct staff to bring back the final version of the City of Victoria Electric Vehicle Strategy for approval in Q4 2021.
- 5. That staff report back on the feasibility of adding bike charging and mobility charging stations to this project and report back at the next update on this project.

I.1 Council Member Motion - Addressing Parking Pressures in Victoria West

That Council:

- 1. Direct staff to work with the Island Corridor Foundation and other entities to explore options for addressing parking pressures in Victoria West.

I.2 Council Member Motion - Support for Housing Outreach Pilot Project

That Council:

1. Authorizes a one-time grant of \$60,000 to the Quadra Village Community Centre and partner agencies for the Housing Outreach Pilot Project, funded from the 2021 contingency.
2. Directs staff to finalize the terms of this allocation to the satisfaction of the City's Chief Financial Officer and Director of Sustainable Planning and Community Development, including ensuring access to this service for newcomers, Indigenous, Black, Asian and other persons of colour.
3. Requests that the Quadra Village Community Centre work with partner Community Associations to provide a final report to Council following completion of the pilot project, including information about the demographic of people who access the service, subject to privacy legislation.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MAY 27, 2021

For the Council meeting of May 27, 2021, the Committee recommends the following:

G.1 Temporary Relocation of Council Meetings

That Council:

1. Authorize the holding of Council and Committee of the Whole Meetings between June 15, 2021 and August 31, 2021 at the Capital Regional District Board Room; and
2. Forward this recommendation to the May 27, 2021 Council to Follow the Committee of the Whole meeting.

G.2 Banfield Park Dock Expansion and Gorge Waterway Park

That Council direct staff to:

1. Prepare amendments to the Gorge Waterway Park Zoning Regulation Bylaw in order to facilitate the expansion of the Banfield Park swimming dock;
2. Waive the requirement for pre-submission Community Association Land Use Committee consultation;
3. Direct staff to initiate development of the Gorge Waterway Park Management Plan, with input from representatives of the Gorge Swim Fest Society; and
4. Direct staff to report back on the feasibility of enhancing Banfield Park for access to the shoreline in the 2022 Strategic Plan.

E.2 900-912 Vancouver St and 930-990 Burdett Ave: Development Permit with Variances Application No. 00164 (Fairfield)

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

"That Council authorize the issuance of Development Permit with Variance Application No. 00164 for 900-912 Vancouver Street & 930-990 Burdett Avenue, in accordance with:
 1. Plans date stamped May 11, 2021.
 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i.Reduce the vehicle parking from 97 stalls to 73 stalls.
 3. Registration of legal agreements on the property's title to secure the following:
 - i.the removal of the modular classroom building within five years of Council approval of Development Permit with Variance Application No. 00164, to the satisfaction of the Director of Sustainable Planning and Community Development; and

- ii.a 1.5 metre Statutory Right-of-Way adjacent to Rockland Avenue to the satisfaction of the Director of Engineering and Public Works.
- 4. Final plans generally in accordance with the plans date stamped April 27, 2021 with the following revision:
 - i.amend the site plan to include a statutory right-of-way along a portion of the Rockland Avenue frontage to accommodate a future sidewalk, to the satisfaction of the Director of Engineering and Public Works
 - ii.amend the parking layout to accommodate the statutory right-of-way along Rockland Avenue.
- 5. The Development Permit lapsing two years from the date of this resolution.”



Council Report

For the Meeting of May 27, 2021

To: Council **Date:** May 19, 2021
From: C. Kingsley, City Clerk
Subject: Streets and Traffic Bylaw, Amendment Bylaw (No. 10) No. 21-056

RECOMMENDATION

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

1. Streets and Traffic Bylaw, Amendment Bylaw (No. 10) No. 21-056

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-0564.

The issue came before Council on May 20, 2021 where the following resolution was approved:

Proposed Amendments to the Street and Traffic Bylaw - Accessible Parking

That Council instruct the City Solicitor to bring forward amendments to the Streets and Traffic Bylaw to provide on-street parking free of charge, with a four-hour time limit, on Sundays for vehicles displaying disabled decals.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-056

STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW (NO. 10)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Streets and Traffic Bylaw No. 09-079 to establish free parking on Sundays for persons with disabilities, up to the limit of time for which continuous parking is lawfully permitted in a particular metered space or parking space.

Contents

- 1 Title
- 2 Amendments
- 3 Commencement

Under its statutory powers, including sections 8(3)(b), 12(1), 36, and 62 of the *Community Charter*, and sections 124(1)(c), (5) and (6) and 209(1)(f) and (2)(f) of the *Motor Vehicle 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 “STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW (NO. 10)”.

Amendments

- 2 The Streets and Traffic Bylaw No. 09-079, is amended
 - (a) by repealing and replacing section 71(10) with the following:
 - “(10) Subject to any special regulation that is made under this Bylaw and is indicated by a sign at or near a metered space
 - (a) subsections (2), (3) and (4) do not apply on:
 - (i) holidays other than Sundays,
 - (ii) days other than holidays between 6:00 p.m. of one day and 8:00 a.m. of the next day, and,
 - (iii) Sundays between 6:00 p.m. and 8:00 a.m. of the following Monday.
 - (b) Despite subsection (10)(a)(i), subsections (2) and (3) do not apply on Sundays to a permitted driver as defined in section 60.”

- (b) in section 72(5), by deleting “parking in section 71(10)” and replacing it with “parking in sections 71(10) and (11)”; and
- (c) in subsection 72(5)(b) by deleting “71(10)” and replacing it with “71(11)” wherever it appears.

Commencement

3 This Bylaw comes into force on adoption.

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



Council Report

For the Meeting of May 27, 2021

To: Council **Date:** May 19, 2021
From: C. Kingsley, City Clerk
Subject: 415 and 435 Michigan Street: Rezoning Application No. 00637 and Development Permit with Variances Application No. 00055

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1253) No. 21-044

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

1. Housing Agreement (415 and 435 Michigan Street) Bylaw 2021 No. 21-045

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaws No. 21-044 and No. 21-045.

The issue came before Council on September 19, 2019 where the following resolution was approved:

415 and 435 Michigan Street: Rezoning Application No. 00637 and Development Permit with Variances Application No. 00055

Rezoning Application No. 00637

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00637 for 415 and 435 Michigan Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set once the following conditions are met:

1. An executed legal agreement in a form to the satisfaction of the City Solicitor, to secure all of the dwelling units on site as rental, in perpetuity.
2. An executed legal agreement in a form to the satisfaction of the City Solicitor, to secure two of the proposed one-bedroom rental dwelling units as below-market housing (offered for rent at 30% of the gross annual household income for \$55,200 households, in perpetuity).
3. That Council direct staff to work with the applicant to revise the proposal to develop a comprehensive TDM package to mitigate the parking shortfall and submit revised plans to address inconsistencies in the project data table.

Development Permit with Variances Application No. 00055

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. 00637, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00055 for 415 and 435 Michigan Street, in accordance with:

1. Plans date stamped June 4. 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. increase the number of buildings permitted on one lot from one to three;
 - ii. reduce the front setback to buildings from 15m to 5.5m;
 - iii. reduce the front setback to canopies on a building from 12m to 5m;
 - iv. reduce the front setback to stairs on a building from 12m to 2.0m;
 - v. increase the site coverage from 14% to 23.6%;
 - vi. reduce the open site space from 40% to 31%;
 - vii. reduce the number of parking spaces (not visitor) from 221 to 130;
 - viii. reduce the number of parking spaces (visitor) from 22 to 11;
 - ix. permit accessory buildings in the side yard;
 - x. increase the floor area for an accessory building from 37m² to 54m².
3. Revised plans addressing inconsistencies in the project data table.
4. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-044
- Bylaw No. 21-045

NO. 21-044

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R-102 Zone, Michigan Multiple Dwelling District, and to rezone land known as 415 and 435 Michigan Street from the R3-H Zone, High-Density Dwelling District, to the R-102 Zone, Michigan Multiple Dwelling District.

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

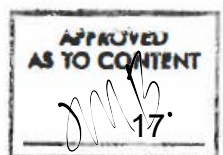
- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1253)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 3 – MULTIPLE DWELLING ZONES by adding the following words:

“3.136 R-102, Michigan Multiple Dwelling District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.135 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 415 and 435 Michigan Street, legally described as PID: 030-409-519 Lot A of Lots 1817, 1818, 1819, 1820, 1821, 1822 and 1823, Victoria City Plan EPP76927 and shown hatched on the attached map, is removed from the R3-H Zone, High-Density Dwelling District, and placed in the R-102 Zone, Michigan Multiple Dwelling District.
- 5 The Zoning Regulation Bylaw is amended by adding to Schedule N – Residential Rental Tenure Properties the land known as 415 and 435 Michigan Street, legally described as PID: 030-409-519 Lot A of Lots 1817, 1818, 1819, 1820, 1821, 1822 and 1823, Victoria City Plan EPP76927.

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



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

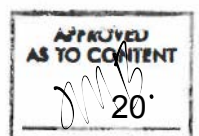
- a. Uses permitted in the R3-H Zone, High-Density Dwelling District, subject to the regulations set out in Part 3.5 of the Zoning Regulation Bylaw
- b. Multiple dwelling, subject to the regulations set out in Part 3.5 (2) to (17) of the Zoning Regulation Bylaw, in which regulations the term building will be deemed to mean multiple dwelling for the purposes of the uses in this zone.

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

[NOTE: Property located in this zone is subject to residential rental tenure – see Section 45 of the General Regulations and Schedule N.]



CITY OF
VICTORIA



HOUSING AGREEMENT

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

This Housing Agreement (this "**Agreement**") is entered into by and

AMONG:

THE CORPORATION OF THE CITY OF VICTORIA
#1 Centennial Square
Victoria, BC V8W 1P6
(the "**City**")

AND:

IMH 415 & 435 MICHIGAN APARTMENTS LTD.
Suite 200 – 2171
Avenue Road
Toronto, ON M5M 4B4
(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 415 and 435 Michigan Street, Victoria, B.C. and legally described as:

PID: 030-409-519
Lot A of Lots 1817, 1818, 1819, 1820, 1821, 1822 and 1823 Victoria City Plan
EPP76927

(the "**Lands**");

- D. The Owner has applied to the City, pursuant to rezoning application no. 00637, to rezone the Lands to permit construction of a new four-storey multiple dwelling containing approximately 24 dwelling units (the "**New Building**") and to retain the two existing 13-storey multiple dwelling rental buildings already on the Lands; and
- 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 two Below Market Units, and that all Dwelling Units on the Lands will be used and held only as rental housing, in each case in perpetuity.

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 parties agree each with the other as follows:

{00039294:3}

1.0 DEFINITIONS

1.1 In this Agreement:

"**Below Market Unit**" means a Dwelling Unit that is designated and occupied only as a Below Market Unit in accordance with Article 3.0 of 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;

"**Director**" means the City's Director of Sustainable Planning and Development, and includes any person duly acting in his/her place and stead for the purposes of this Agreement;

"**Dwelling Unit**" or "**Dwelling Units**" means any or all, as the context may require, of the self-contained dwelling units on the Lands, and includes every Dwelling Unit that is on the Lands already as of the Effective Date and every Dwelling Unit that is developed on the Lands thereafter;

"**Effective Date**" means the effective date of this Agreement which is the date of the signature of the last party to sign;

"**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;

"**Maximum Annual Income**" means gross annual income of \$55,200 from all sources before deductions, as of the Effective Date, and thereafter as adjusted as of January 1 each year beginning in 2021, by the percentage change in CPI in the immediately preceding twelve months;

"**Maximum Monthly Rent**" means the maximum monthly amount chargeable by the Owner to the occupant(s) of a Below Market Unit, which amount shall include utilities (other than electricity, television, telephone and internet) and those other services or amenities included in the monthly rent payable by tenants occupying Dwelling Units in the New Building which are not Below Market Units, and shall be no more than \$1,380, as of the Effective Date, and thereafter as adjusted as of January 1 each year beginning in 2021, in accordance with the provisions of the *Residential Tenancy Act*;

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

"**Owner**" includes a person who acquires a registered or beneficial interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 5.1;

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

- (a) a corporation or society;

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- (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 (other than a shareholder or member of a public corporation, pension fund, or real estate investment trust); 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; and

"**Tenancy Agreement**" means a tenancy agreement pursuant to the *Residential Tenancy Act* 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 in perpetuity all of the Dwelling Units (for greater certainty, including the Below Market Units), shall only be used as rental housing, and for that purpose each such Dwelling Unit shall only be occupied by one or more Non-owners under the terms of a Tenancy Agreement between the Owner and the Non-owner(s) who occupies the Dwelling Unit.

3.0 BELOW MARKET HOUSING

- 3.1** The Owner covenants and agrees that in perpetuity not less than two one-bedroom Dwelling Units in the New Building shall be designated as Below Market Units and shall only be occupied and used by one or more Non-owner(s) as Below Market Units.
- 3.2** Each Below Market Unit shall only be occupied by one or more person(s) whose combined annual household income is no more than the Maximum Annual Income calculated as of the start of such occupant(s)' tenancy.
- 3.3** The monthly amount payable by the occupant(s) of each Below Market Unit shall be no more than the Maximum Monthly Rent.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the Director, within 30 days of receipt of the Director's written request, a report in writing confirming the following:

- (a) all Dwelling Units are being rented to Non-owners, and
- (b) not less than two Dwelling Units are being rented in accordance with Article 3.0 as Below Market Units,

along with such other relevant information as may be requested by the Director from time to time, subject to any restrictions or limitations imposed according to applicable privacy legislation.

- 4.2** The Owner hereby authorizes the City to make such lawful inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to

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consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** 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.

6.0 LIABILITY

- 6.1** The Owner agrees to indemnify and saves 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.
- 6.2** 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.

7.0 GENERAL PROVISIONS

- 7.1 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, and
- (b) on the date of delivery if hand-delivered, and

in the case of the City, addressed to:

City of Victoria
#1 Centennial Square
Victoria, B.C. V8W 1P6

Attention: City Clerk

and in the case of the Owner, addressed to:

IMH 415 & 435 Michigan Apartments Ltd.
Suite 200 – 2171 Avenue Road
Toronto, ON M5M 4B4

Attention: Daniel Drimmer

{00039294:3}

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,

- (c) notice sent by the impaired service is considered to be received on the date of delivery, and
- (d) 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.

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

7.3 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.

7.4 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.

7.5 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.

7.6 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.

7.7 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.

7.8 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 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.

7.9 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.

7.10 ENTIRE AGREEMENT. This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

{00039294:3}

- 7.11 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.
- 7.12 AMENDMENT.** This Agreement may not be amended from time to time, except 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.
- 7.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 7.14 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.
- 7.15 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.
- 7.16 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.

7.17 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.

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 signatories:

Mayor _____

City Clerk _____

Date Signed: _____

**IMH 415 & 435 MICHIGAN APARTMENTS
LTD.**, by its authorized signatory:

Print Name: Daniel Drimmer

Date Signed: !!!! December 2020

{00039294:3}



Council Report

For the Meeting of May 27, 2021

To: Council **Date:** May 19, 2021
From: C. Kingsley, City Clerk
Subject: 1177-1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1252) No. 21-043

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-043.

The issue came before Council on March 25, 2021 where the following resolution was approved:

1177-1185 Fort Street and 1043-1045 Linden Avenue: Rezoning Application No. 00731 (Rockland)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00731 for 1177-1185 Fort Street and 1043-1045 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be held, but that adoption of the Bylaw be held off until confirmation has been received that the lots have been consolidated.

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-043

PART 4.107 – C1-FH2 ZONE, FORT STREET COMMERCIAL HERITAGE 2 DISTRICT

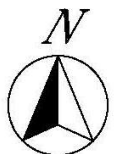
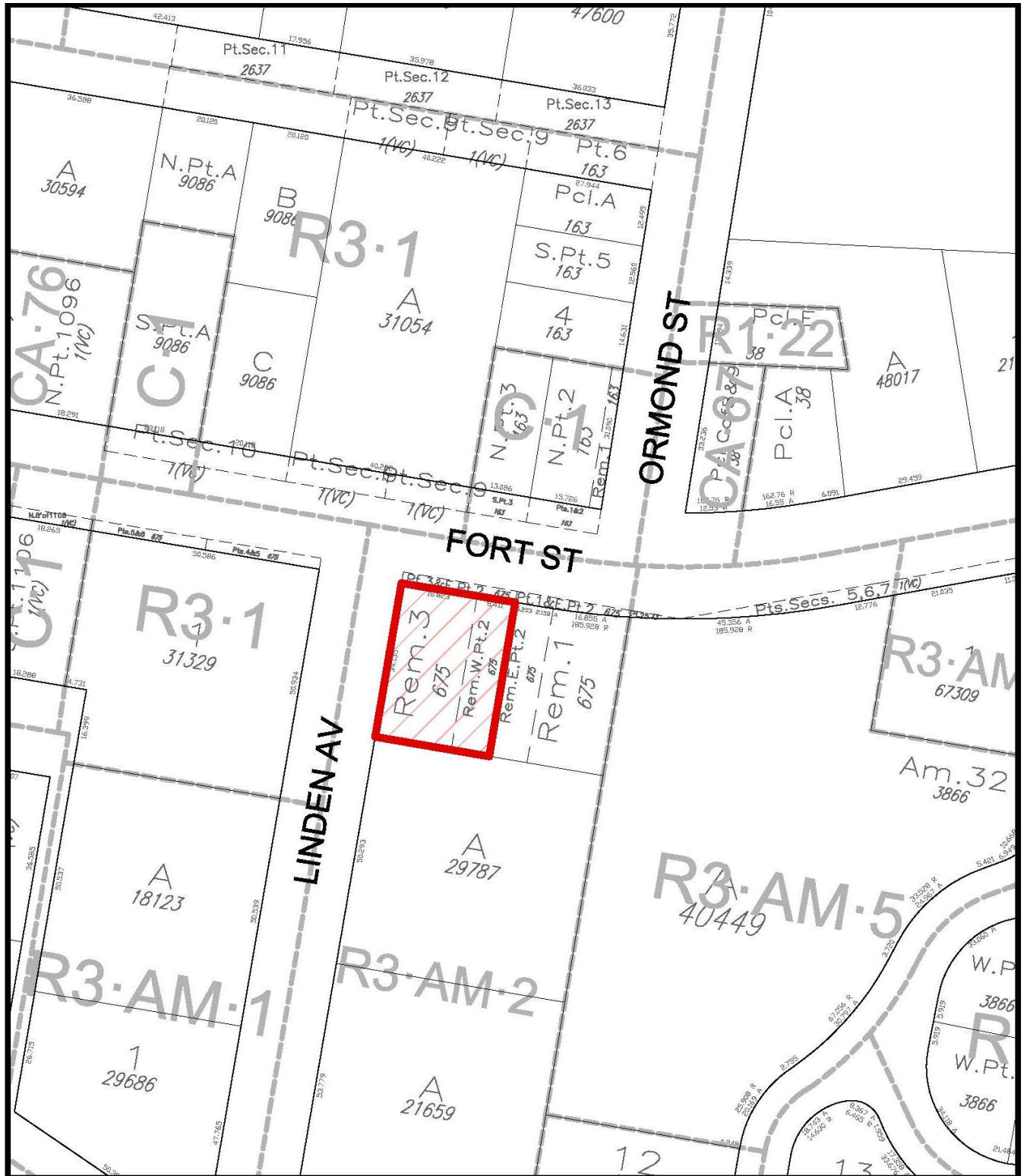
4.107.1 Permitted Uses in this Zone

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

- a. Uses permitted in the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, subject to the regulations set out in Part 3.10 of the Zoning Regulation Bylaw
- b. The uses set out in paragraphs (c) to (p) are permitted in buildings constructed prior to January 1, 2020 and are subject to the regulations set out in Part 3.10 of the Zoning Regulation Bylaw
- c. bakeries used predominantly for the retail sale of bakery products sold from the premises
- d. business and professional offices
- e. financial institutions, including chartered banks, credit unions, trust, insurance and mortgage companies
- f. stores and shops for the sale of goods, wares, or merchandise
- g. restaurants and coffee shops
- h. personal services including barbering, hairdressing, tailoring, shoemaking and shoe repair, optical, watch and jewelry repair, and small animal services
- i. churches and places of worship
- j. cultural facilities including museums, galleries and exhibits
- k. gymnasias
- l. laundrettes and drycleaning establishments used or intended to be used for the purpose of dealing with the public served thereby
- m. a commercial-residential building, provided that the ground floor is not used for residential purposes
- n. studios
- o. high tech
- p. call centre

4.107.2 Vehicle and Bicycle Parking

- | | |
|--|--|
| a. Vehicle parking for all uses combined for <u>buildings</u> constructed prior to January 1, 2020 (minimum) | 4 spaces |
| b. Vehicle parking for all other <u>buildings</u> (minimum) | Subject to the regulations in Schedule "C" |



1177-1185 Fort Street & 1043/1045 Linden Avenue
Rezoning No.00731





Council Report

For the Meeting of May 27, 2021

To: Council **Date:** May 13, 2021

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

Subject: **Update on Development Permit with Variances Application No. 00120 for 1475 Fort Street**

RECOMMENDATION

That Council give first, second and third readings of Housing Agreement (1475 Fort Street) Bylaw No. 21-057.

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

"That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street in accordance with:

1. Plans date stamped **April 30, 2021**
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);
 - vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.
3. Final plans generally in accordance with the plans date stamped April 30, 2021 with the following revisions:

- i. changes to the panhandle driveway to comply with the *Highway Access Bylaw* and *BC Building Code* requirements, to the satisfaction of the Director of Engineering and Public Works
- ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities

4. The Development Permit lapsing two years from the date of this resolution.”

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding a Development Permit with Variances Application for the property located at 1475 Fort Street. The proposal is to construct a four-storey rental building with approximately 32 dwelling units. Variances are related to building height, site coverage, setbacks, parking and the location of an accessory structure.

In accordance with Council's motion of February 4, 2021 (minutes attached), the necessary conditions that would authorize the approval of the Development Permit with Variances for the subject property have been fulfilled. In addition, since the application was presented at Committee of the Whole, the applicant has revised the plans to reduce the footprint of the underground parkade, creating space for additional trees in the southwest corner of the property, and has provided a window overlay with the adjacent property to the south located at 949 Pemberton Road.

COMMENTS

Legal Agreements

With regard to the preconditions set by Council in relation to this application, staff can report that the following agreements have been executed by the applicant:

- a Housing Agreement to secure rental tenure of the dwelling units in perpetuity, while allowing for potential lease of all or a portion of the dwelling units to the Vancouver Island Health Authority for non-market housing
- a Section 219 covenant to ensure that the dwelling units are not strata titled has been registered on title
- a section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street has also been registered on title.

Plan Revisions

The applicant has reduced the footprint of the underground parking structure to provide a larger planting area with greater soil depth in the southwest corner of the property without increasing the parking variance associated with this proposal. Two columnar Hornbeam trees are proposed in this location as bylaw replacement trees. Adding new trees that can grow to full maturity by having access to greater soil depth helps to mitigate the impact of the site coverage, building height and setback variances by softening the visual appearance of the building and reducing privacy impacts by providing screening. They would also help to advance the City's Urban Forest objectives by providing ecological services such as wildlife habitat, storm water management and reducing urban heat island effects.

In addition to the plan revision, the applicant has provided a window overlay (sheet A502) to help illustrate the relationship between the northwest elevation of 949 Pemberton Road and the south elevation of the proposal. The window overlay demonstrates that there would be minimal privacy impacts as the buildings and windows are off-set from each other. The perimeter landscaping on both properties would also limit overlook into adjacent private outdoor space.

CONCLUSIONS

The applicant has fulfilled the conditions set by Council and the building revisions and landscape improvements help to mitigate the impact of the proposed variances. Therefore, it is recommended that the application advance to an Opportunity for Public Comment.

Respectfully submitted,

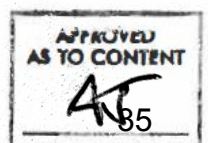
Alec Johnston
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Housing Agreement (1475 Fort Street) Bylaw No. 21-057
- Attachment B: Plans date stamped April 30, 2021
- Attachment C: Council to Follow Committee of the Whole Meeting Minutes dated February 4, 2021.



Schedule A

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:

LANTERN PROPERTIES LTD. (INC. NO. C0816000)

101 – 1176 Burnaby Street
Vancouver, BC V6E 1P1

(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 1475 Fort Street, Victoria, B.C. and legally described as:

PID: 005-397-863
Lot 2, Section 74, Victoria District, Plan 9796

(collectively, the "Lands").
- D. The Owner has applied to the City to develop the Lands to permit 32 housing units within the Development 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 that all Dwelling Units within the Development on the Lands 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:

{00073223:1}

60.0960.035/0011

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;

"Development" means the new 32 unit building consisting of residential housing and related facilities on the Lands;

"Dwelling Units" means any or all, as the context may require, of the 32 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;

"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;

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

"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 7.3;

"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;

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* 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 provided that so long as the Vancouver Island Health

Authority rents Dwelling Units for non-market housing, these units do not require a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit and the Owner leasing the Dwelling Units to Vancouver Island Health Authority shall be deemed to be in compliance with the terms of this Agreement.

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose 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 Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

- 4.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Dwelling Units are being rented to Non-owners or are vacant, and
- (b) all other requirements of this Agreement are being complied with by the Owner and the Development,

along with such other information as may be requested by the Director from time to time.

- 4.2** 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.
- 4.3** 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.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** 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.

6.0 LIABILITY

- 6.1** The Owner agrees to indemnify and saves 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.

- 6.2** 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.

7.0 GENERAL PROVISIONS

- 7.1 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: khoese@victoria.ca

and in the case of the Owner, addressed to:

Lantern Properties Ltd.
101 – 1176 Burnaby Street
Vancouver, BC V6E 1P1

Attention: Jeff Hayes
Fax: 866-288-1991
Email: jeff.hayes@lanprop.com

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

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.

- 7.2 TIME.** Time is of the essence of this Agreement.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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 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.
- 7.9 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.
- 7.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 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.
- 7.12 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.
- 7.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

7.14 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.

7.15 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.

7.16 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.

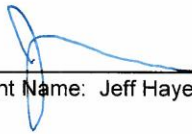
7.17 COUNTERPARTS. This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

7.18 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.

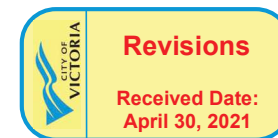
THE CORPORATION OF THE CITY OF)
 VICTORIA by its authorized signatory:)
)
)
)
)
)
 Karen Hoese, Director of Sustainable)
 Planning and Community Development)
)
)
 Date signed: _____)

LANTERN PROPERTIES LTD.
by its authorized signatory(ies):

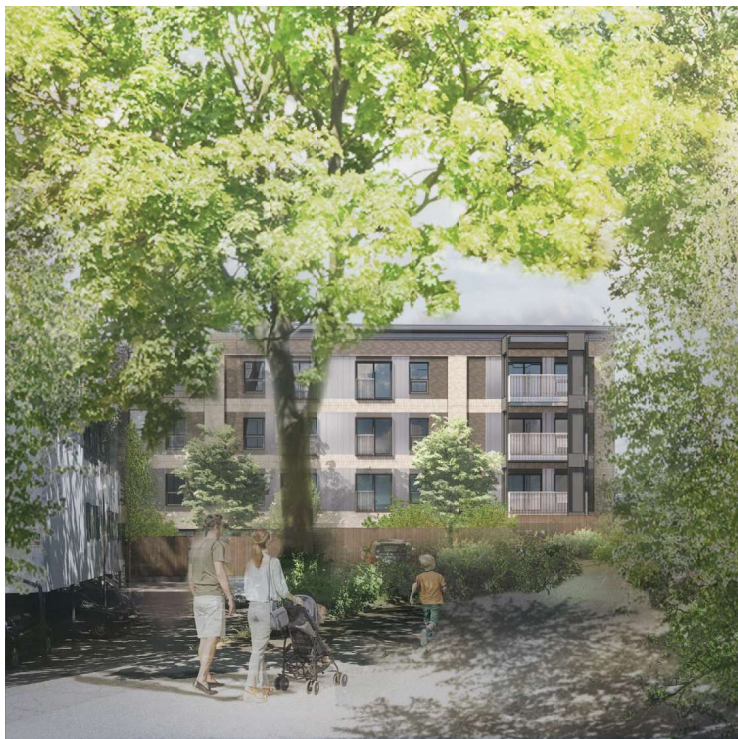


Print Name: Jeff Hayes

Date signed: APRIL 21, 2021



1475 FORT STREET - HADERA APARTMENTS



VIEW FROM FREWING LANE

DRAWING LIST:

Architectural

- A000 COVER
- A001 SURVEY + PROJECT DATA
- A002 BUILDING CODE REVIEW
- A003 3D VIEWS
- A004 MATERIALS
- A101 SITE PLANS - DEMOLITION & PROPOSED
- A201 FLOOR PLANS
- A202 FLOOR PLANS
- A301 ELEVATIONS
- A302 ELEVATIONS
- A401 BUILDING + SITE SECTIONS
- A501 SHADOW STUDY
- A502 949 PEMBERTON ROAD WINDOW OVERLAY

Civil

- C-1 CONCEPTUAL SITE SERVICING PLAN

Landscape

- L-1 LANDSCAPE CONCEPT PLAN
- L-2 TREE PRESERVATION PLAN

APPLICANT:
Lantern Properties Ltd.
101-1176 Burnaby Street
Vancouver, BC V6E 1P1
604.723.4576

Contacts:
Josh Hayes
josh.hayes@lanprop.com

Paladon Development Group
Owner's Rep:
Paul Woodward, P. Eng.
paladon@shaw.ca

ARCHITECT
Cascadia Architects
101-804 Broughton Street
Victoria, BC
V8W 1E4
250.590.3226

Contacts:
Sara Huynh M.Arch
sara@cascadiaarchitects.ca

Peter Johannknecht Architect AIBC LEED AP
peter@cascadiaarchitects.ca

Gregory Damant Architect AIBC LEED AP
greg@cascadiaarchitects.ca

STRUCTURAL ENGINEER
Skyline Engineering
380 - 4243 Glanford Ave
Victoria, BC
V8Z 4B9
250.590.4133

Contact:
Cord MacLean, P.Eng., LEED AP
cmacleam@seng.ca

ENVELOPE CONSULTANT
Morrison Hershfield
536 Broughton Street
Victoria, BC
V8W 1C6
250.361.1215

Contact:
Chris Raudoy, B.ArchSci, LEED AP
Craudoy@morrisonhershfield.com

GEOTECHNICAL CONSULTANT
Ryzuk Geotechnical
28 Crease Ave
Victoria, BC
V8Z 1S3
250.475.3131

Contact:
Andrew Jackson, P.Geo., Eng.L.
andrew@ryzuk.com

MECHANICAL ENGINEER
Integral Group
Suite 101 - 1019 Wharf Street
Victoria, BC
V8W 2Y9
250.418.1288

Contact:
Andy Chong, P.Eng., LEED AP
achong@integralgroup.com

ELECTRICAL ENGINEER
Integral Group
Suite 101 - 1019 Wharf Street
Victoria, BC
V8W 2Y9
250.418.1288

Contact:
Andy Crosson, P.Eng., LEED AP
BD+C
acrosson@integralgroup.com

CIVIL ENGINEER
J.E. Anderson & Associates
4212 Glanford Ave
Victoria, BC
V8Z 4B7
250.727.2214

Contact:
Ross Tuck, P.Eng.
rtuck@jeanderson.com

LANDSCAPE ARCHITECT
LADR Landscape Architects
3-864 Queens Ave
Victoria, BC
V8T 1M5
250.598.0105

Contact:
Bev Windjack, BCSLA, AALA,
CSLA, ASLA, LEED AP BD+C,
ERPSC
bwindjack@ladra.ca

Transportation Consultant
Bunt & Associates
645 Fort St #530
Victoria, BC
V8W 1Z9
250.592.6122

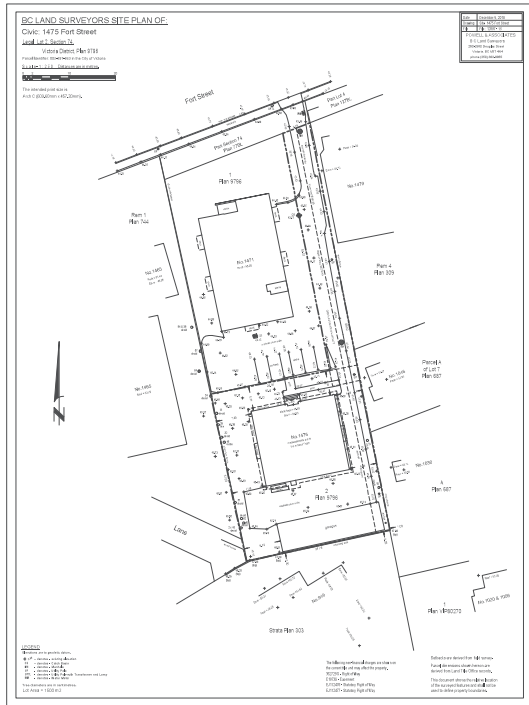
Contact:
Simon Button, P.Eng.
250.592.6122
sbutton@bunteng.com

LANTERN PROPERTIES LTD
DP SUBMISSION REVISION 2.3
APRIL 29, 2021

Project #	1618	Date	APRIL 29, 2021
Sheet #	A000	Revision	5
MAY 10, 2021			

CASCADIA ARCHITECTS INC
101-804 Broughton Street
Victoria, BC V8W 1E4 Canada
250.590.3223
cascadiaarchitects.ca

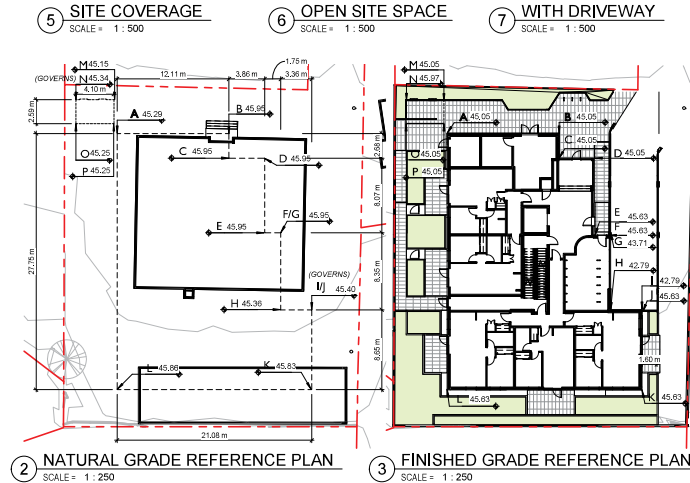
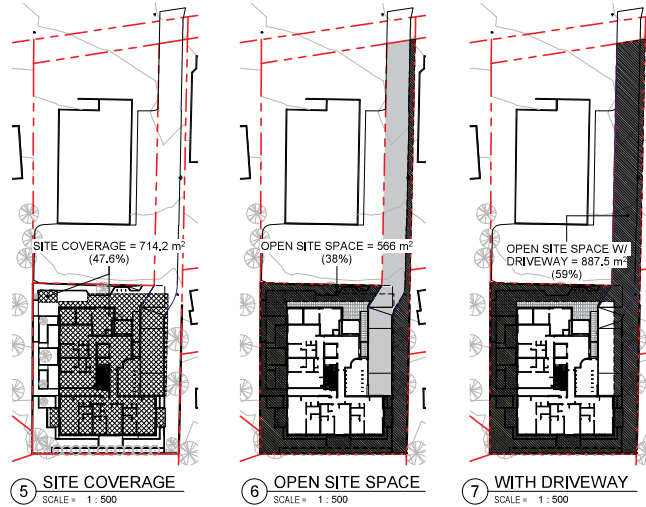




1 Existing Survey
SCALE = 1:500



4 SITE LOCATION PLAN
SCALE = 1:1000



PROJECT DATA

ZONING ANALYSIS: R3-AM-2: MID RISE MULTIPLE DWELLING DISTRICT

	ZONE ALLOWANCE	PROPOSED	VARIANCE
SITE AREA	520 m ²	1,500 m ²	N
FSR (BONUS FOR ENCLOSURE)	1.6:1	1.42:1	N
OPEN SITE SPACE (MIN)	30%	36%	N
OPEN SITE SPACE (W/ DRIVEWAY) (MIN)	50%	59%	N
SITE COVERAGE (MAX)	40%	48%	Y
NUMBER OF STOREYS	4	N	Y
ALLOWABLE HEIGHT	12 m	12.02 m	Y
SETBACK - FRONT YARD	10.5 m	3.85 m	Y
SETBACK - SIDE YARD WEST	6.46 m	3.05 m	Y
SETBACK - SIDE YARD EAST	6.46 m	3.05 m	Y
SETBACK - REAR YARD	6.46 m	3.05 m	Y
# OF UNITS	N/A	32	N/A
MINIMUM UNIT AREA	35 m ²	40 m ²	N
MINIMUM NUMBER OF CAR STALLS	45	26	Y
LONG TERM BICYCLE PARKING	8	45	Y
SHORT TERM BICYCLE PARKING	8	6	N
ACCESSORY GARDEN STRUCTURE	NOT LOCATED	PROPOSED IN P.Y.	Y

RESIDENTIAL USE DETAILS	32
TOTAL NUMBER OF UNITS	28 1 BDRM, 6 2 BDRM
UNIT TYPE	40 m ²
GROUND ORIENTED UNITS	5
MINIMUM UNIT FLOOR AREA (m ²)	40 m ²
TOTAL RESIDENTIAL FLOOR AREA (m ²)	2,136.29 m ²

CALCULATIONS:

SITE COVERAGE CALCULATION:

MAIN STRUCTURE	703.5 m ²
ACCESSORY STRUCTURE	10.7 m ²
LOT AREA	1,500.0 m ²
TOTAL (STRUCTURE)	714.2 m ²
LOT AREA	1,500.0 m ²
SITE COVERAGE	0.478 = 47.8%

SITE COVERAGE ACCESSORY STRUCTURE CALCULATION:

ACCESSORY STRUCTURE	10.7 m ²
LOT AREA	1,500.0 m ²
TOTAL (ACCESSORY)	10.7 m ²
LOT AREA	1,500.0 m ²
SITE COVERAGE	0.007 = 0.7%

OPEN SITE SPACE CALCULATION:

MAIN BUILDING	612.5 m ²
LOT AREA	1,500.0 m ²
BUILDING & PARKING	604 m ²
OPEN SITE SPACE	596 m ²
LOT AREA	1,500.0 m ²
OPEN SITE SPACE	0.398 = 39.8%

OPEN SITE SPACE WITH DRIVEWAY CALCULATION:

MAIN BUILDING	612.5 m ²
LOT AREA	1,500.0 m ²
MAIN BUILDING	612.5 m ²
OPEN SITE SPACE	887.5 m ²
LOT AREA	1,500.0 m ²
OPEN SITE SPACE w/ DRIVEWAY	0.59 = 59%

MAIN STRUCTURE - AVERAGE GRADE CALCULATION:

GRADE POINTS:	AVERAGE OF POINTS	DISTANCE BETWEEN	TOTALS
A: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 12.11m	= 545.56
B: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 2.68m	= 120.73
C: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 3.35m	= 150.92
D: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 8.07m	= 362.86
E: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 1.71m	= 76.84
F: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 8.35m	= 375.14
G: 43.71m	(43.71 + 42.79) / 2 = 43.25	x 3.35m	= 143.77
H: 42.79m	(42.79 + 42.79) / 2 = 42.79	x 8.65m	= 369.70
I: 42.79m	(42.79 + 42.79) / 2 = 42.79	x 21.08m	= 901.88
J: 45.40m (NATURAL)	(45.40 + 45.40) / 2 = 45.40	x 27.35m	= 1,246.19
K: 45.03m	(45.03 + 45.03) / 2 = 45.03		
L: 45.03m	(45.03 + 45.03) / 2 = 45.03		
TOTALS			4,404.60

GRADE CALCULATION:

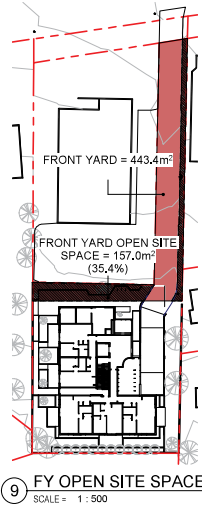
4,404.60 / 97.66m (perimeter of building) = 45.10 m

ACCESSORY STRUCTURE - AVERAGE GRADE CALCULATION:

GRADE POINTS:	AVERAGE OF POINTS	DISTANCE BETWEEN	TOTALS
M: 45.05m	(45.05 + 45.34) / 2 = 45.20	x 4.10m	= 185.32
N: 45.34m (NATURAL)	(45.34 + 45.05) / 2 = 45.20	x 2.58m	= 117.07
O: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 4.10m	= 184.71
P: 45.05m	(45.05 + 45.05) / 2 = 45.05	x 2.58m	= 116.68
TOTALS			603.78

GRADE CALCULATION:

603.78 / 9.28m (perimeter of building) = 45.12 m



9 FY OPEN SITE SPACE
SCALE = 1:500

FRONT YARD OPEN SITE SPACE:

FY OPEN SITE SPACE	157.0 m ²
FRONT YARD	443.4 m ²
FY OPEN SITE SPACE	0.354 = 35.4%

NO.	DESCRIPTION	DATE
1	OF Revision: 2	OCT 18, 2020
2	OF Revision: 1	SEP 13, 2019
3	Development Initial Application	OCT 12, 2019



CASCADIA ARCHITECTS INC.

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Project	DP SUBMISSION REVISION
2.3	LANTERN PROPERTIES LTD
HADERA APARTMENTS 1475 Fort Street	Victoria BC

SURVEY + PROJECT DATA

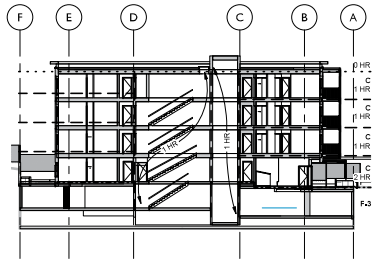
Date: APRIL 29, 2021

Scale: As indicated Project #: 1618

Revision: OCT 14, 2020

Sheet #: A001

4/30/2021 9:30:31 AM



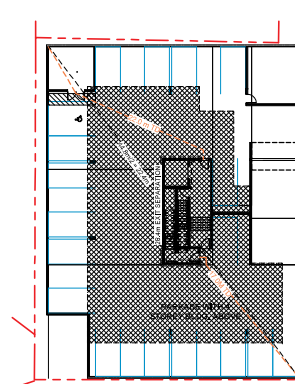
3.1.2.1 CLASSIFICATION OF BUILDING:
BUILDING TYPE: 4 STOREYS, DWELLING UNITS W/ UNDERGROUND PARKADE
STORY 1 THROUGH 4: GROUP C (DWELLING UNITS)
UNDERGROUND: F-3 STORAGE GARAGE

3.2.2.51, GROUP C, UP TO 4 STOREYS, SPRINKLERED
 COMBUSTIBLE CONSTRUCTION
 FLOOR ASSEMBLIES: 1 hr
 LOAD BEARING WALLS, COLUMNS, & ARCHES: 1 hr
 MEZANINES: 1 hr (N/A)
 ROOF ASSEMBLIES: 0 hr

3.5.3.1, ELEVATOR HOISTWAYS
 1 hr FRR as per TABLE 3.5.3.1.

3.2.1.2, STORAGE GARAGE CONSIDERED AS A SEPARATE BUILDING
 2 hr FRR as per 3.2.1.2.1

8 CODE REVIEW - BUILDING SECTION
 SCALE = 1 : 250



OCCUPANCY: F-3 STORAGE GARAGE
MINIMUM SEPARATION OF 2 EXITS: 22.4m
MAX. TRAVEL: 45m

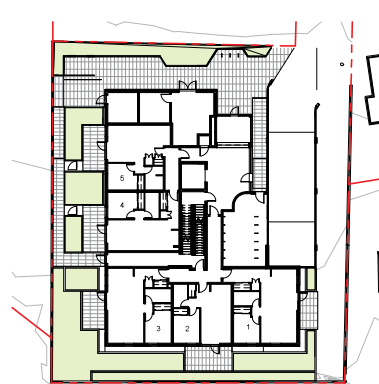
Net Area: 904 m²
 Storage Garage: 46 sq.m/person
 904/46 = 20 people

OCCUPANT LOAD: 20 people

MINIMUM EXIT WIDTH:
 STAIRS:
 8mm/person x 20 = 160mm

RAMP/SICORR/DORS/PASSAGEWAYS:
 6,1mm/person x 20 = 122mm

1 CODE REVIEW PARKADE LEVEL
 SCALE = 1 : 250



OCCUPANCY: GROUP C - RESIDENTIAL
MINIMUM SEPARATION OF 2 EXITS: 9m

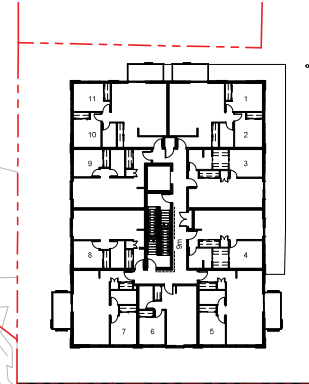
5 Bedrooms x 2 people/bedroom = 10 people

OCCUPANT LOAD: 10 people

MINIMUM EXIT WIDTH:
 STAIRS:
 8mm/person x 10 = 80mm

RAMP/SICORR/DORS/PASSAGEWAYS:
 6,1mm/person x 10 = 61mm

2 CODE REVIEW LEVEL 1
 SCALE = 1 : 250



OCCUPANCY: C - RESIDENTIAL
MINIMUM SEPARATION OF 2 EXITS: 9m

11 bedrooms x 2 people/bedroom = 22 people

OCCUPANT LOAD: 22 people

MINIMUM EXIT WIDTH:
 STAIRS:
 8mm/person x 22 = 176mm

RAMP/SICORR/DORS/PASSAGEWAYS:
 6,1mm/person x 22 = 134mm

3 CODE REVIEW 2/3/4 TYPICAL
 SCALE = 1 : 250

BUILDING CODE REVIEW:

BUILDING CODE ANALYSIS:

REFERENCED DOCUMENT:
 British Columbia Building Code 2018, Part 3

SECTION 3.1. GENERAL:

3.1.2.1, CLASSIFICATION OF BUILDINGS:
 Group C: Residential Occupancy Levels 1-4
 Group F-3: Low-Hazard Industrial Occupancy 1 Level (UIG)

3.2.1.2, STORAGE GARAGE CONSIDERED AS SEPARATE BUILDING:
 2 hr FRR required as per 3.2.1.2.1

3.1.1.7, OCCUPANT LOAD:
 See Code Review Plans A002

SECTION 3.2. BUILDING FIRE SAFETY:

Parade Level
 Gross Floor Area: 904 m²

Level 1: 412 m²
 Level 2/3/4: 544 m²
 Gross Floor Area: 2,044 m²

Building Area: 544 m²

3.2.2.51, GROUP C, UP TO 4 STOREYS, SPRINKLERED
 • Maximum allowable building area not more than 1,800 m²
 • Combustible construction
 • Floor assemblies not less than 1 hr
 • Sprinklered - YES

3.2.1, SPATIAL SEPARATION AND EXPOSURE PROTECTION (Table 3.2.1.1.4)

See Limiting Distance Key Elevations A002

SECTION 3.3. SAFETY WITHIN FLOOR AREAS:

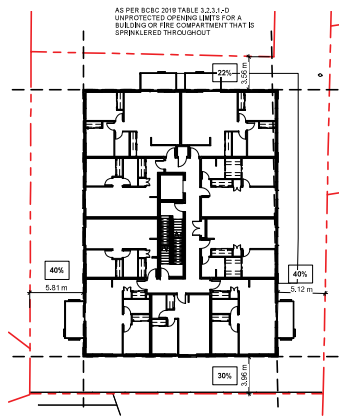
3.3.4.2, FIRE SEPARATIONS
 Suites of residential occupancy shall be separated from each other and the remainder of the building by a fire separation having a fire resistance rating not less than 1 hr

SECTION 3.4. EXITS:

3.4.2.1, MINIMUM NUMBER OF EXITS
 Minimum number of exits: 2 per floor

3.4.2.2, LOCATION OF EXITS:
 Max. Travel Permitted (residential use): 30m
 Max. Travel Permitted (F-3 use): 45m

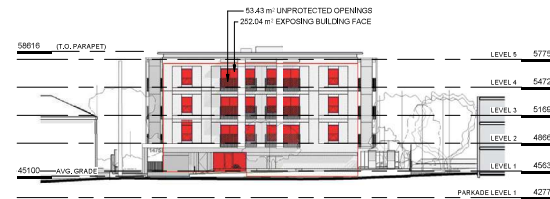
3.4.2.3, DISTANCE BETWEEN EXITS
 one half the maximum diagonal dimension of the floor area, but need not be more than 9m for a floor area having a public corridor.



9 CODE REVIEW - LIMITING DISTANCE KEY
 SCALE = 1 : 250



4 EAST ELEVATION - LIMITING DISTANCE KEY
 SCALE = 1 : 250



5 NORTH ELEVATION - LIMITING DISTANCE KEY
 SCALE = 1 : 250



6 WEST ELEVATION - LIMITING DISTANCE KEY
 SCALE = 1 : 250



7 SOUTH ELEVATION - LIMITING DISTANCE KEY
 SCALE = 1 : 250

NO.	DESCRIPTION	DATE
1	DP Revision 2	OCT 19, 2020
2	Development Manual Application	NOV 12, 2019



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Project
DP SUBMISSION REVISION
2.3
 LANTERN PROPERTIES LTD
 HADERA APARTMENTS 1475 Fort Street
 Victoria BC

Sheet Name
BUILDING CODE REVIEW

Date
APRIL 29, 2021

Scale
 As indicated

Project #
1618

Revision
 OCT 14, 2020

Sheet #
A002

4/30/2021 9:31:00 AM



CLOSE UP VIEW FROM FREWING LANE



VIEW FROM FORT STREET



VIEW FROM PANHANDLE



VIEW OF LOBBY / PARKADE ENTRANCE

1	DP Revision 2.2	FEB 9, 2021
2	DP Revision 2	FEB 13, 2020
3	DP Revision 1	SEP 13, 2019
4	Developer Initial Application	JUL 12, 2018
NO.	DESCRIPTION	DATE



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Project	
DP SUBMISSION REVISION	
2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street	
Victoria BC	
Sheet Name	3D VIEWS
Date	APRIL 29, 2021
Scale	1 : 300
Project #	1618
Revision	FEB 9, 2021
Sheet #	A003



SW CORNER VIEW FROM FREWING LANE

1	DP Revision 2.2	208.9.2021
2	DP Revision 2	207.1.18.2020
NO.	DESCRIPTION	DATE



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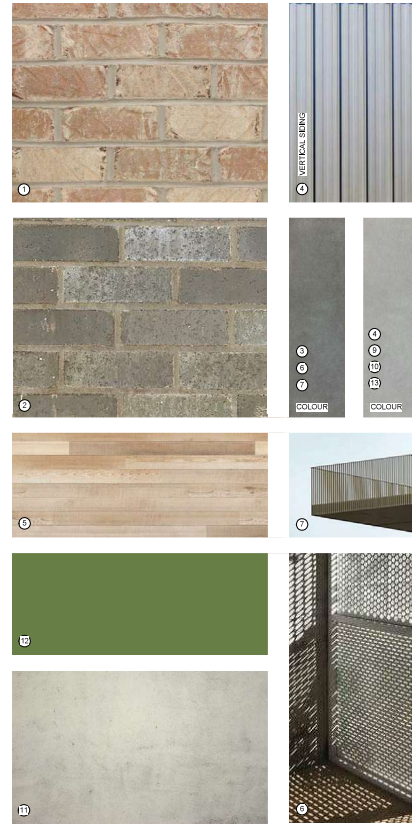
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2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street	
Victoria BC	
Sheet Name	3D VIEW
Date	
APRIL 29, 2021	
Scale	Project #
1 : 300	1618
Revision	Sheet #
FEB. 9, 2021	5
A003.1	

4/30/2021 9:21:21 AM



VIEW FROM PANHANDLE



MATERIALS LIST

- ① TUMBLER BRICK (LIGHT)
- ② SMOOTH BRICK (DARK)
- ③ METAL PANEL (DARK GREY)
- ④ PREFINISHED VERTICAL METAL SIDING (GREY)
- ⑤ T&G CEDAR, SOFFITS (CLEAR FINISH)
- ⑥ PREFINISHED ALUMINUM PERFORATED SCREENS (DARK GREY)
- ⑦ PREFINISHED ALUMINUM PICKET (DARK GREY)
- ⑧ VISION GLASS TYP. (DARK GREY FRAMES)
- ⑨ PREFINISHED METAL CLAD FASCIA AND SIDING (GREY)
- ⑩ PREFINISHED METAL CLAD FLASHINGS (GREY)
- ⑪ ARCHITECTURAL CONCRETE
- ⑫ PREFINISHED ALUMINUM PLANTER (DARK GREEN)
- ⑬ PREFINISHED METAL CLAD COLUMN (GREY)

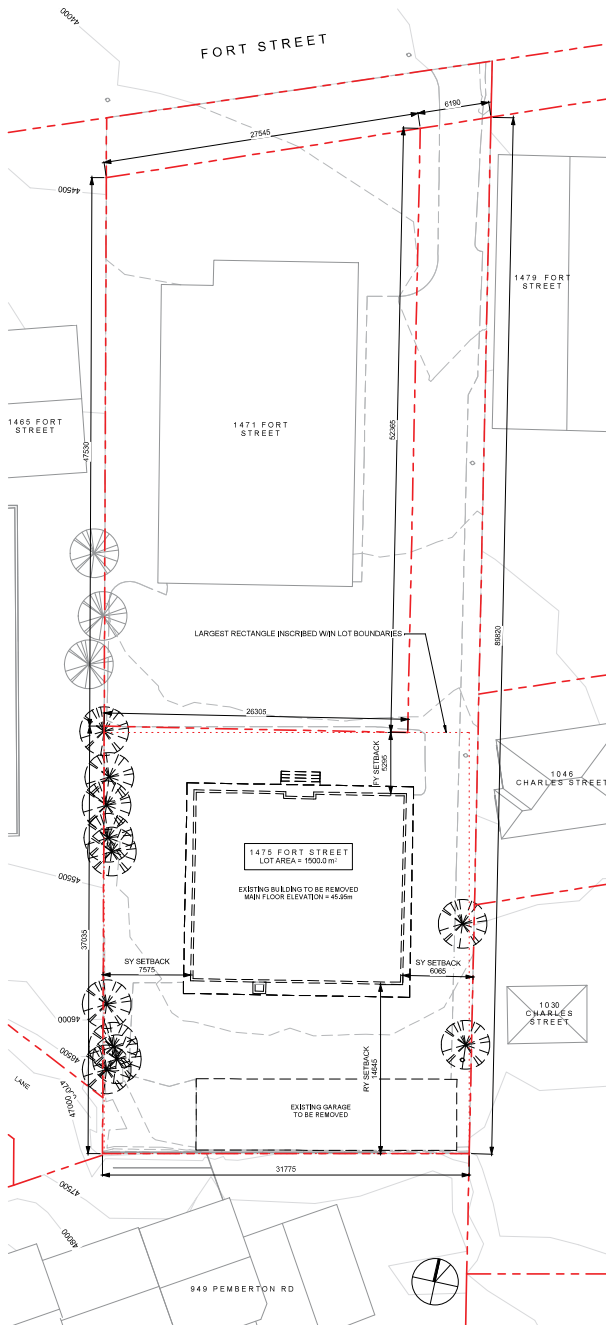
1	DP Revision 2.3	10/9/2021
2	DP Revision 1	08/11/2019
Development Material Application		07/11/2019
NO.	DESCRIPTION	DATE



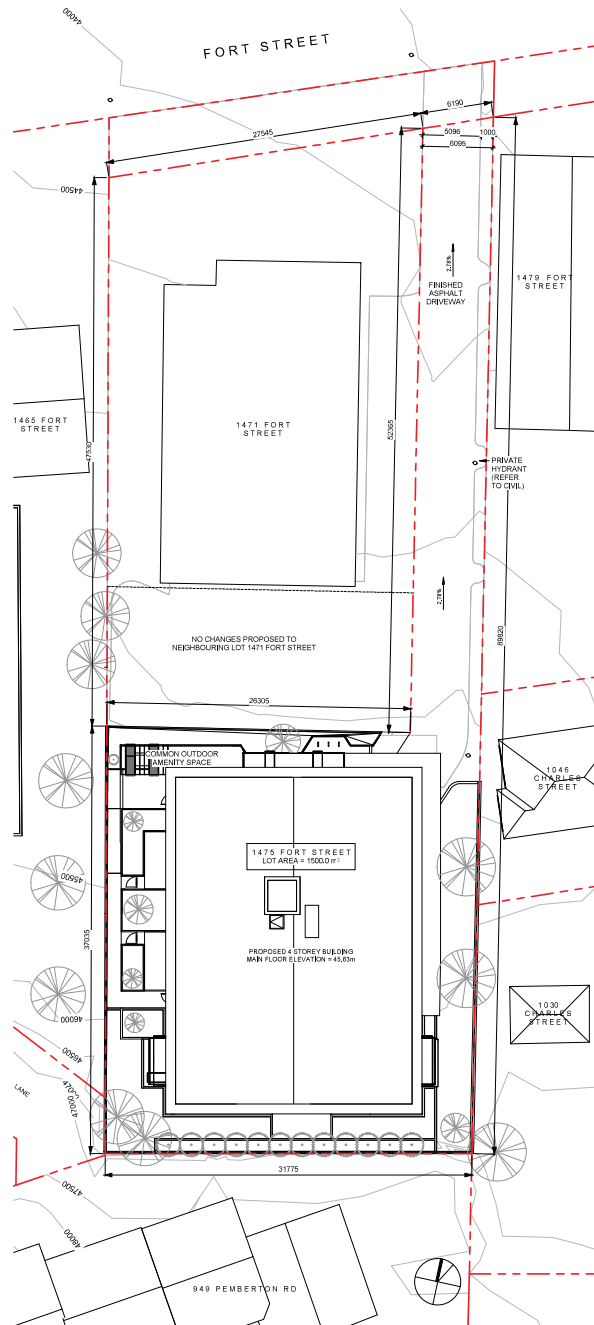
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Project	
DP SUBMISSION REVISION 2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street Victoria BC	
Sheet Name	MATERIALS
Date	APRIL 29, 2021
Scale	As indicated
Project #	1618
Revision	5
Sheet #	A004

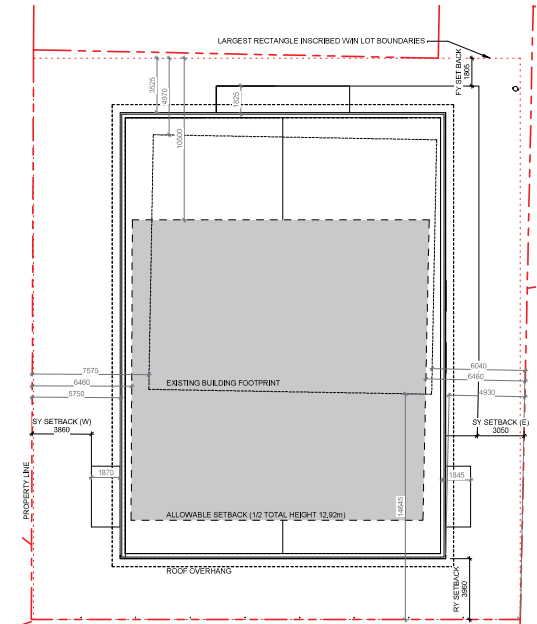
4/30/2021 9:21:51 AM



① SITE PLAN DEMOLITION
SCALE = 1:200



② SITE PLAN PROPOSED
SCALE = 1:200



③ SETBACK DIAGRAM
SCALE = 1:150

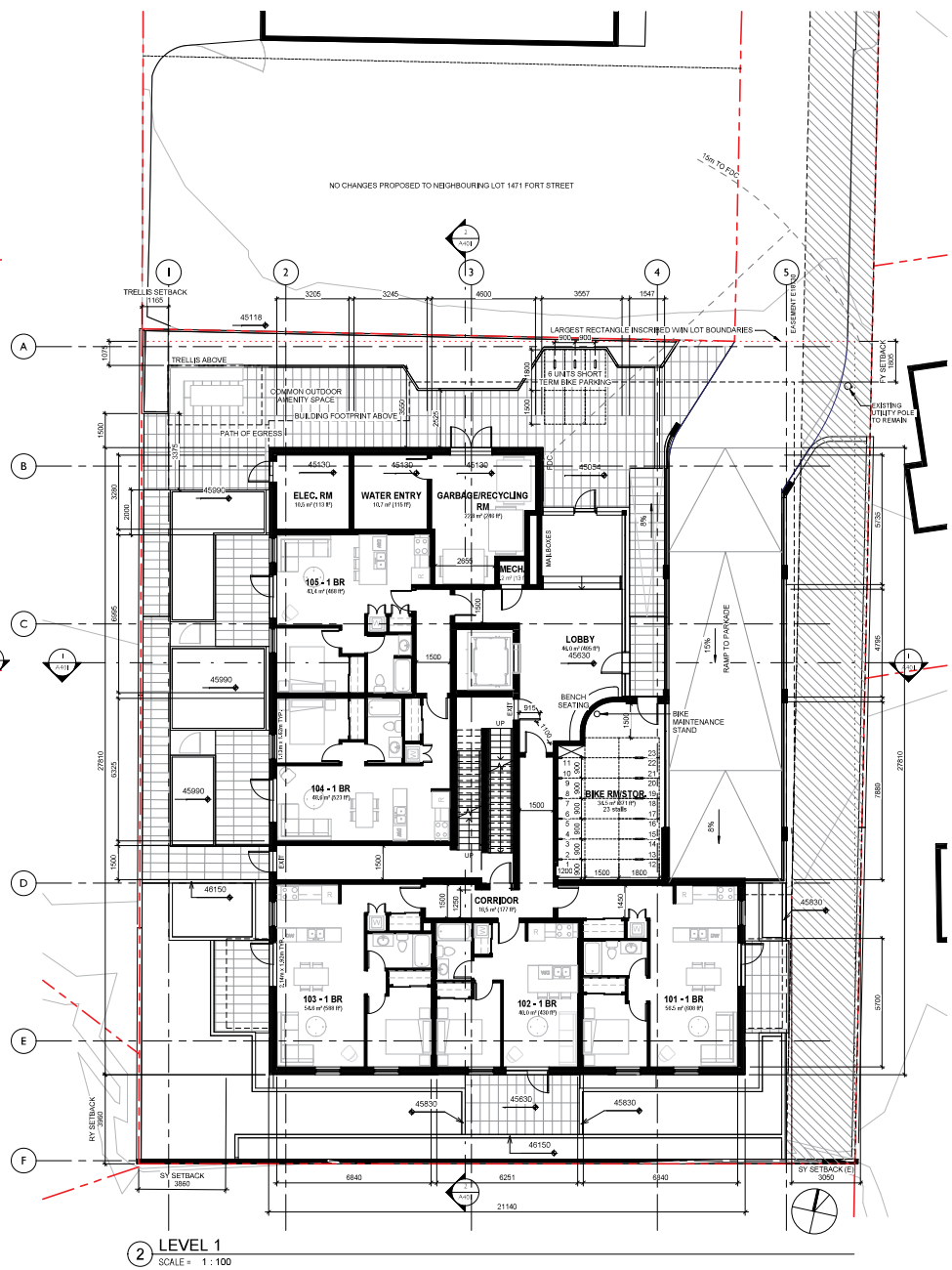
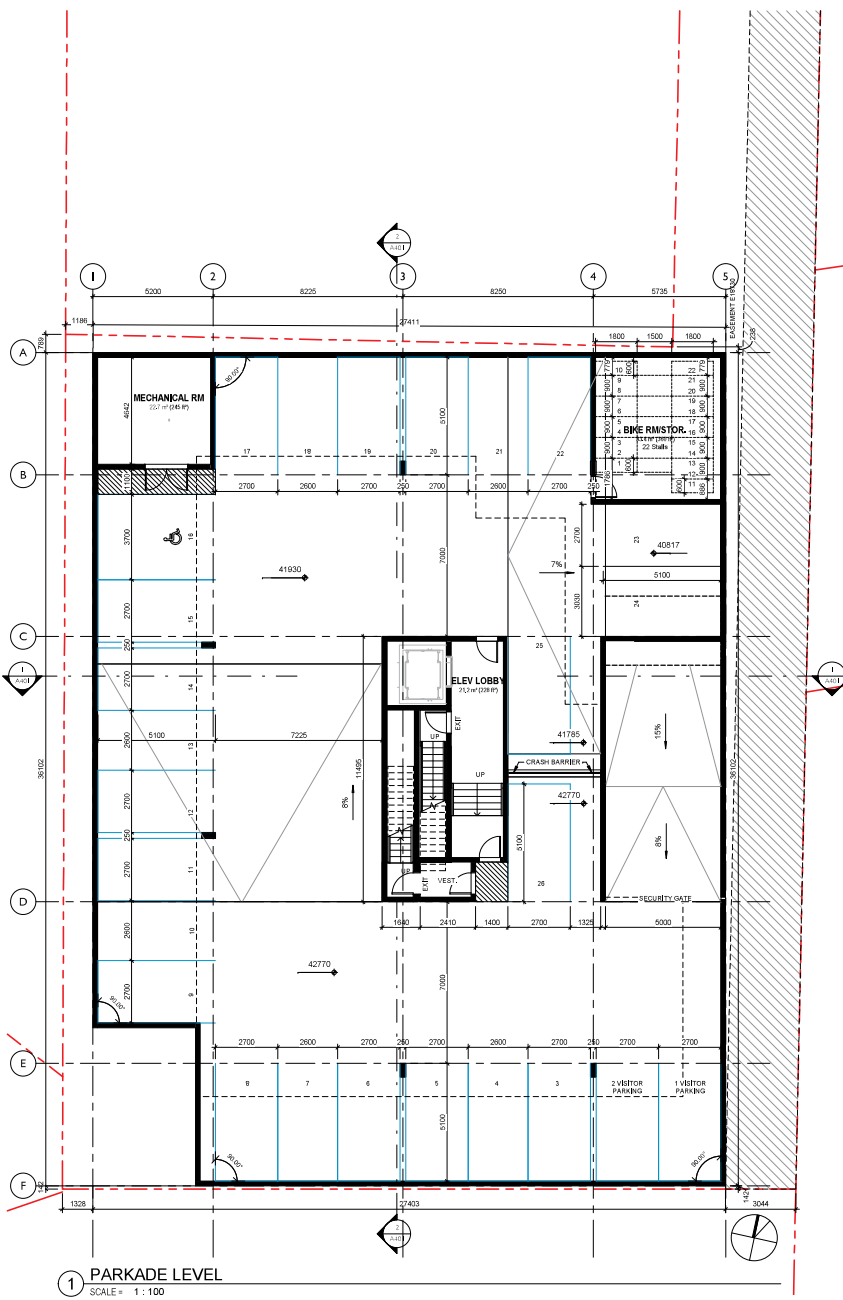
1.	DP Revision - 2	OCT 19, 2020
2.	DP Revision - 1	SEP 13, 2019
3.	Development Material Application	OCT 12, 2019
NO.	DESCRIPTION	DATE



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Project	
DP SUBMISSION REVISION	
2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street	
Victoria BC	
Client Name	
SITE PLANS - DEMOLITION & PROPOSED	
Date	
APRIL 29, 2021	
Scale	Project #
As indicated	1618
Revision	Sheet #
OCT 19, 2020	4
A101	

4/30/2021 9:22:01 AM



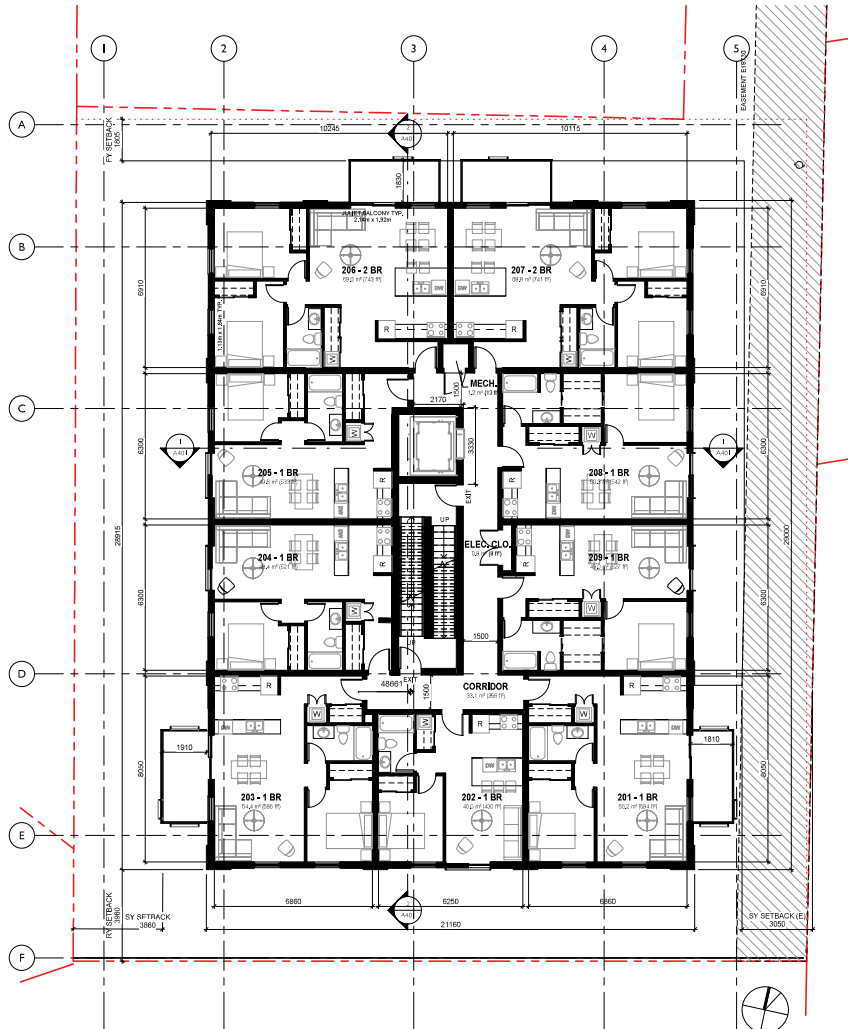
NO.	DESCRIPTION	DATE
1	DP Revision 2.2	28.9.2021
2	DP Revision 2	28.9.2020
3	DP Revision 1	28.9.2019
4	Development Approval Application	28.9.2018



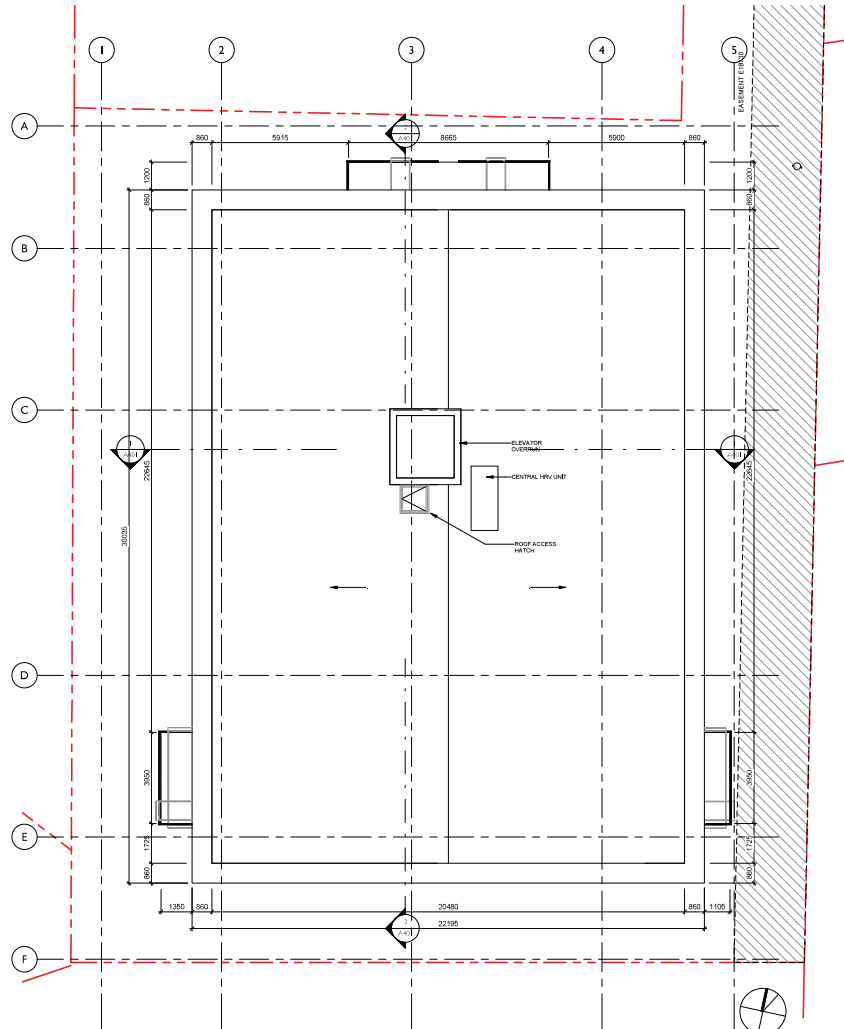
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Project	
DP SUBMISSION REVISION 2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street Victoria BC	
Sheet Name	
FLOOR PLANS	
Date	APRIL 29, 2021
Scale	1 : 100
Project #	1618
Revision	FEB 9, 2021
Sheet #	5
A201	

4/30/2021 9:22:12 AM



1 LEVEL 2/3/4 TYPICAL
SCALE = 1 : 100



2 ROOF PLAN
SCALE = 1 : 100

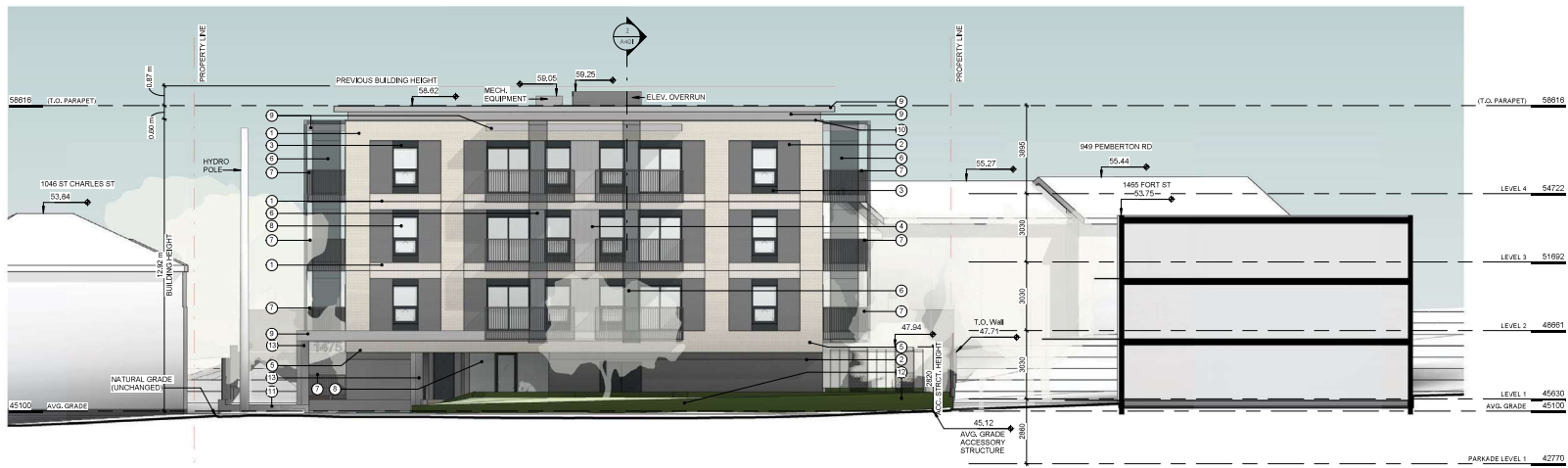
NO.	DESCRIPTION	DATE
1	DP Revision 1	SEPT 13, 2019
2	Developmental Approval	SEPT 13, 2019



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Project	DP SUBMISSION REVISION	2.3
Client	LANTERN PROPERTIES LTD	
Address	HADERA APARTMENTS 1475 Fort Street	
City	Victoria BC	
Sheet Name	FLOOR PLANS	
Date	APRIL 29, 2021	
Scale	1 : 100	1618
Revision	SEPT 13, 2019	2
Sheet #	A202	

4/30/2021 9:22:18 AM



1 NORTH ELEVATION
SCALE = 1:100



2 EAST ELEVATION
SCALE = 1:100

MATERIALS LIST

- ① TUMBLER BRICK (LIGHT)
- ② SMOOTH BRICK (DARK)
- ③ METAL PANEL (DARK GREY)
- ④ PREFINISHED VERTICAL METAL SIDING (GREY)
- ⑤ TAG CEDAR, SOFFITS (CLEAR FINISH)
- ⑥ PREFINISHED ALUMINUM PERFORATED SCREENS (DARK GREY)
- ⑦ PREFINISHED ALUMINUM PICKET (DARK GREY)
- ⑧ VISION GLASS TYP. (DARK GREY FRAMES)
- ⑨ PREFINISHED METAL CLAD FASCIA AND SIDING (GREY)
- ⑩ PREFINISHED METAL CAP FLASHINGS (GREY)
- ⑪ ARCHITECTURAL CONCRETE
- ⑫ PREFINISHED ALUMINUM PLANTER (DARK GREEN)
- ⑬ PREFINISHED METAL CLAD COLUMN (GREY)

1	DP Revision 2	2021.10.20
2	DP Revision 1	2021.10.20
3	DP Revision 1	2021.10.20
4	Developmental Material Application	2021.10.20
NO.	DESCRIPTION	DATE



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Project	
DP SUBMISSION REVISION 2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street Victoria BC	
Sheet Name	
ELEVATIONS	
Date	
APRIL 29, 2021	
Scale	Project #
As indicated	1618
Revision	4
OCT 11, 2020	
Sheet #	A301

4/30/2021 9:23:08 AM



① SOUTH ELEVATION
SCALE = 1:100

MATERIALS LIST

- ① TUMBLER BRICK (LIGHT)
- ② SMOOTH BRICK (DARK)
- ③ METAL PANEL (DARK GREY)
- ④ PREFINISHED VERTICAL METAL SIDING (GREY)
- ⑤ TAG CEDAR, SOFFITS (CLEAR FINISH)
- ⑥ PREFINISHED ALUMINUM PERFORATED SCREENS (DARK GREY)
- ⑦ PREFINISHED ALUMINUM PICKET (DARK GREY)
- ⑧ VISION GLASS TYP. (DARK GREY FRAMES)
- ⑨ PREFINISHED METAL CLAD FASCIA AND SIDING (GREY)
- ⑩ PREFINISHED METAL CAP FLASHINGS (GREY)
- ⑪ ARCHITECTURAL CONCRETE
- ⑫ PREFINISHED ALUMINUM PLANTER (DARK GREEN)
- ⑬ PREFINISHED METAL CLAD COLUMNS (GREY)



② WEST ELEVATION
SCALE = 1:100

1	DP Revision 2	OCT 19, 2020
2	DP Revision 1.1	OCT 19, 2020
3	DP Revision 1	SEP 13, 2019
4	Development Material Application	OCT 12, 2019

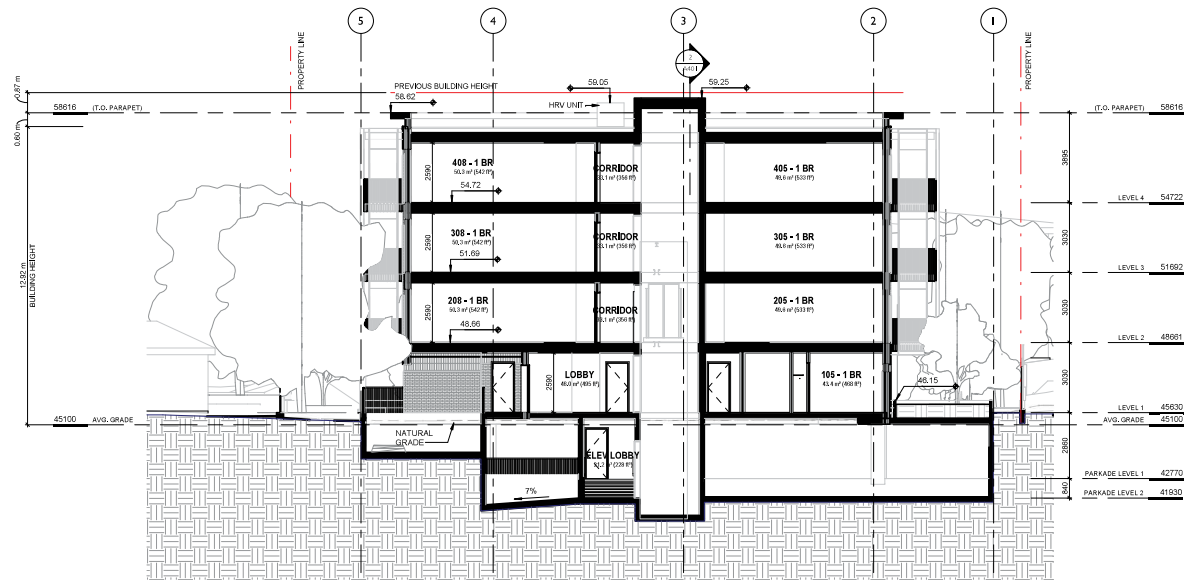
NO.	DESCRIPTION	DATE
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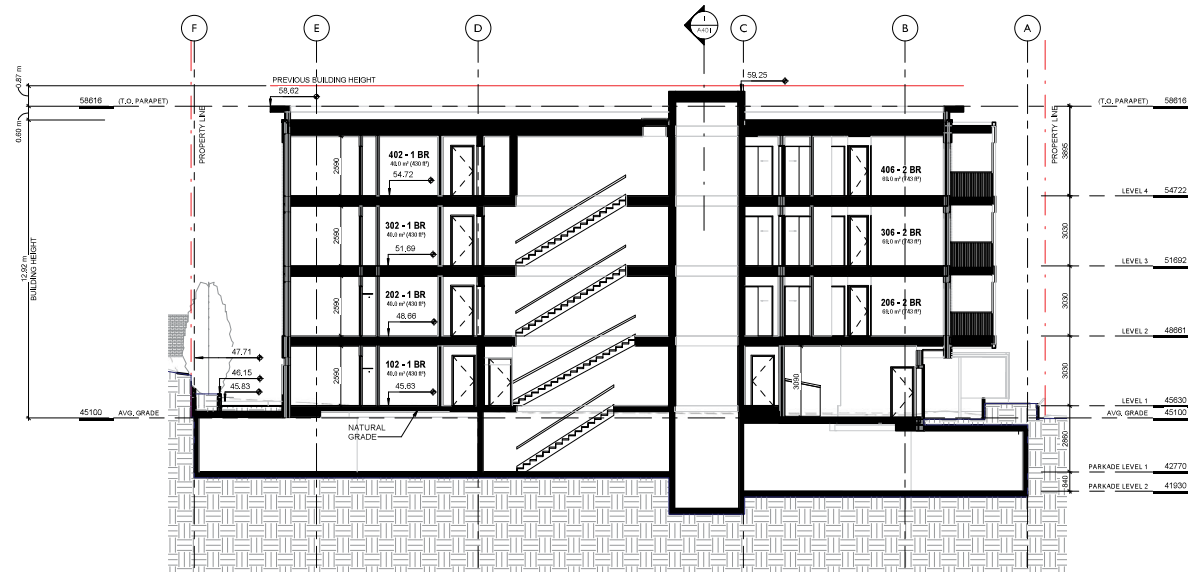
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Project	
DP SUBMISSION REVISION 2.3	
LANTERN PROPERTIES LTD	
HADERA APARTMENTS 1475 Fort Street Victoria BC	
Sheet Name	
ELEVATIONS	
Date	
APRIL 29, 2021	
Scale	Project #
As indicated	1618
Revision	Revision
OCT 19, 2020	4
Sheet #	Sheet #
A302	

4/30/2021 9:48 AM



① Section 1
SCALE = 1 : 100



② Section 2
SCALE = 1 : 100

1.	DP Revision 2	OCT 18, 2020
2.	DP Revision 1	SEP 13, 2019
3.	Developmental Approval Application	OCT 12, 2018

NO.	DESCRIPTION	DATE
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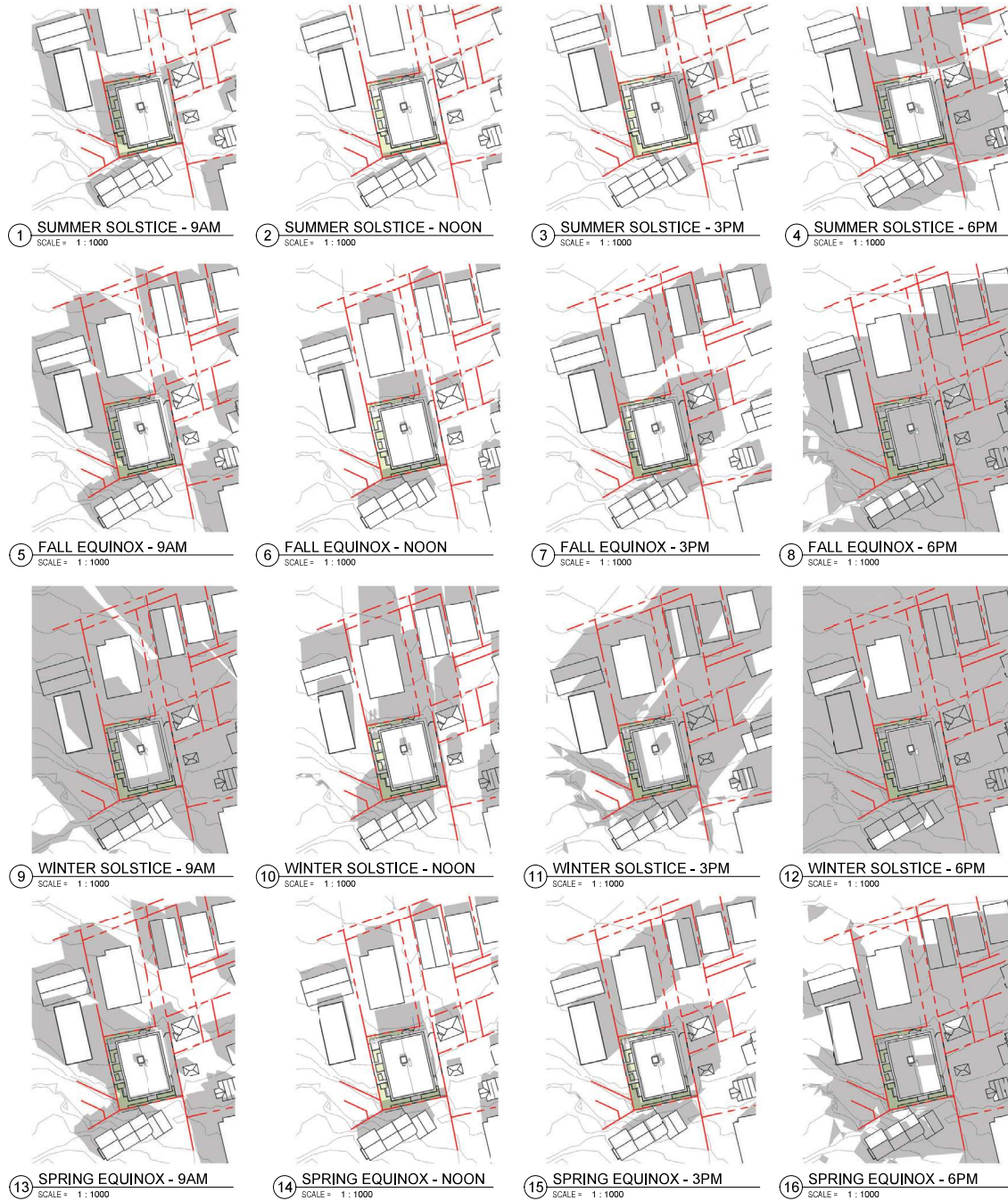


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Project	DP SUBMISSION REVISION
Client	LANTERN PROPERTIES LTD
Address	HADERA APARTMENTS 1475 Fort Street Victoria BC
Project Name	BUILDING + SITE SECTIONS

Date	APRIL 29, 2021
Scale	1 : 100
Project #	1618
Revision	OCT 18, 2020
Sheet #	A401

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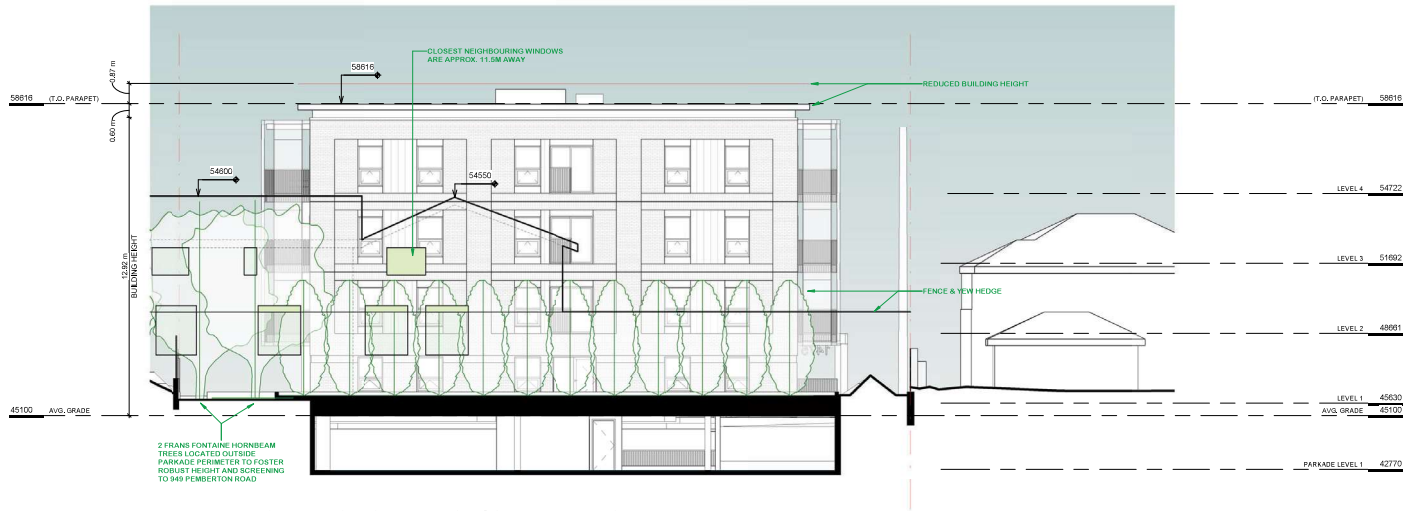


1	DP Revision 2	OCT 18, 2020
2	DP Revision 1	SEP 13, 2019
Development Permit Application		2781.1.2.2019
NO.	DESCRIPTION	DATE

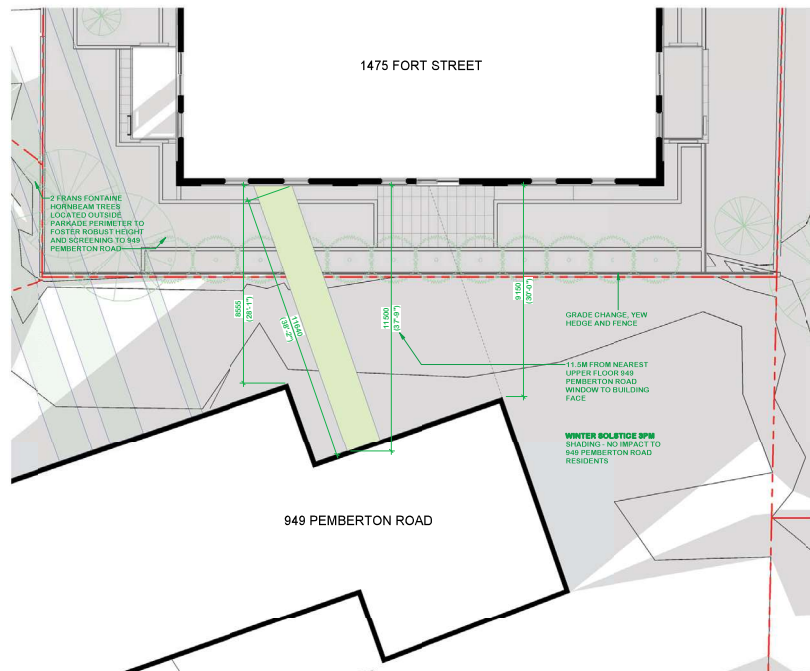


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Project	
DP SUBMISSION REVISION	
2.3	
LANTERN PROPERTIES LTD	
HADERA APARTMENTS 1475 Fort Street	
Victoria BC	
Sheet Name	
SHADOW STUDY	
Date	
APRIL 29, 2021	
Scale	Project #
1 : 1000	1618
Revision	Sheet #
OCT 18, 2020	4
A501	



① 949 PEMBERTON WINDOW OVERLAY ON SOUTH ELEVATION
SCALE = 1 : 100



② 949 PEMBERTON LEVEL 2 WINDOW OVERLAY
SCALE = 1 : 100



NOTE: 949 PEMBERTON ROAD WINDOW & DOOR LOCATIONS AND SIZES EXTRAPOLATED FROM SITE PHOTOGRAPH ABOVE

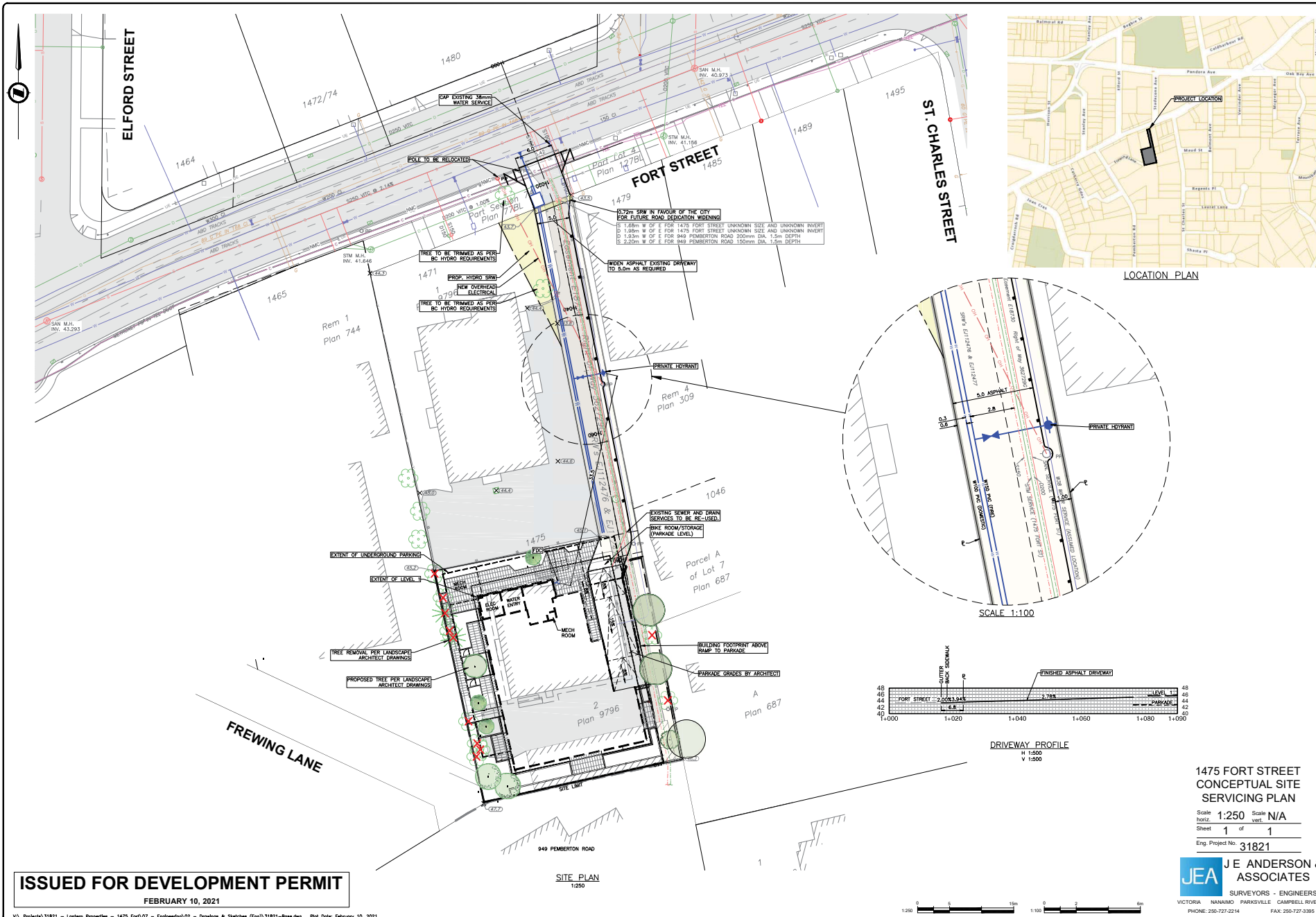
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		DATE	

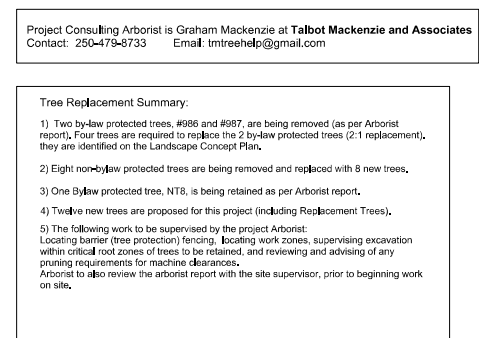
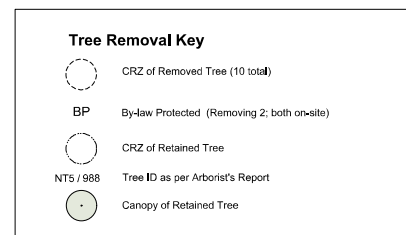
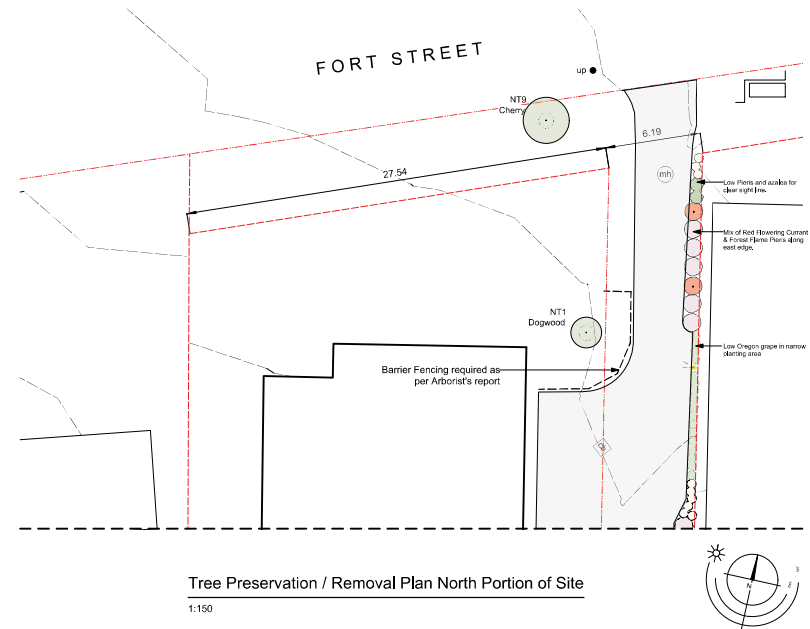
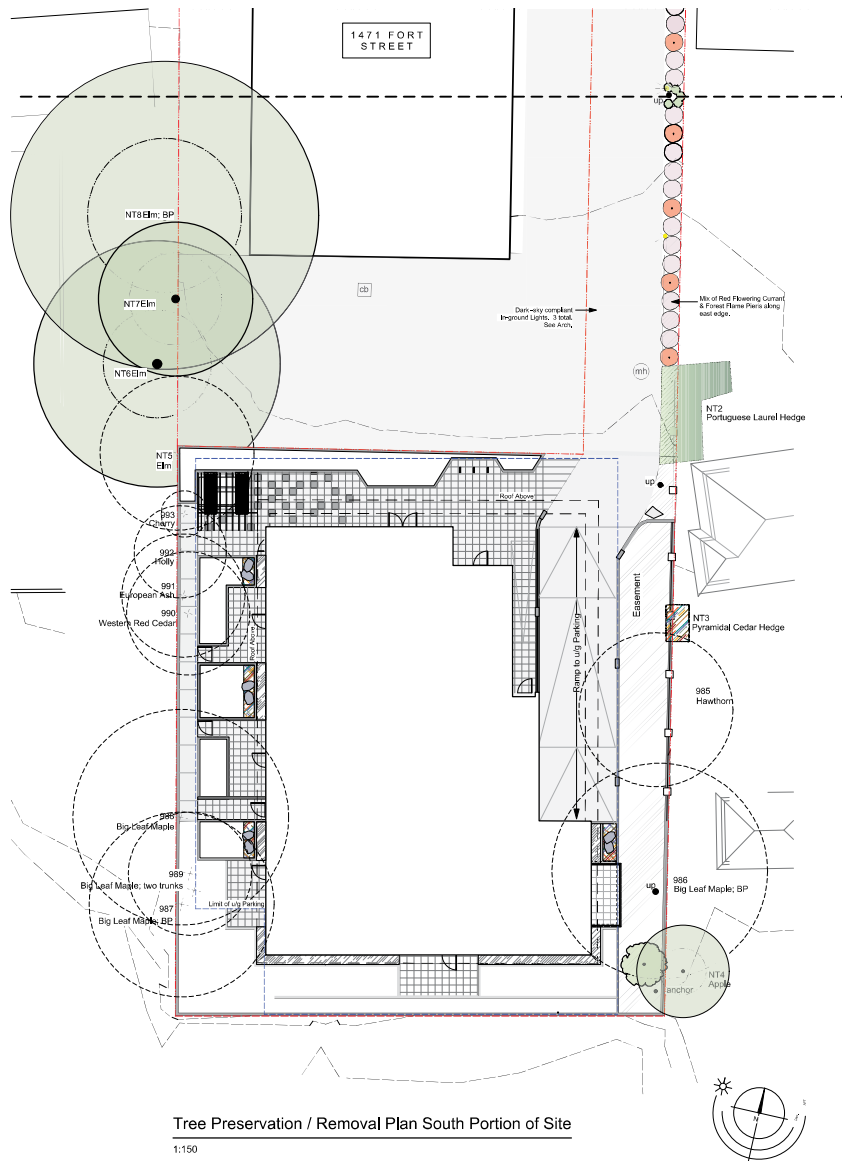


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Project	
DP SUBMISSION REVISION 2.3	
LANTERN PROPERTIES LTD	
HADARA APARTMENTS 1475 Fort Street	
Victoria BC	
Sheet Name	
949 PEMBERTON ROAD WINDOW OVERLAY	
Date	
APRIL 29, 2021	
Scale	Project #
1 : 100	1618
Revision	Sheet #
APRIL 29, 2021	6
A502	

4/30/2021 9:25:06 AM





Rev D 201208 Trees revised in response to adjusted u/g parking

Rev C 201215 Notes around replacement trees revised.

Rev B 201008 Planting revised to suit adjusted architecture, & in response to community comments.

Rev A 190906 Planting revised to suit adjusted architecture, & extended to Fort St. Tree Preservation Plan added

1475 Fort St. - Tree Preservation Plan

**F.1.a.d 1475 Fort Street: Update on Development Permit with
Variances Application No. 00120 (Rockland)**

Moved By Councillor Potts
Seconded By Councillor Alto

That, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor:

- a. A Housing Agreement to secure rental tenure of the dwelling units in perpetuity while allowing all or a portion of the dwelling units to be leased to a third party housing provider for non-market housing, to the satisfaction of the Director of Sustainable Planning and Community Development
- b. A Section 219 covenant to ensure that the dwelling units are not strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development
- c. A section 219 covenant to secure a Statutory Right-of-Way of 0.72m along Fort Street, to the satisfaction of the Director of Engineering and Public Works.
- d. An agreement to secure sixteen car share memberships, to the satisfaction of the Director of Engineering and Public Works

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

“That Council authorize the issuance of Development Permit with Variance Application No. 00120 for 1475 Fort Street, in accordance with:

1. Plans date stamped October 19, 2020
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 45 stalls to 26 stalls;
 - ii. reduce the visitor parking from 3 stalls to 2 stalls;
 - iii. increase the building height from 12 metres to 12.92 metres;
 - iv. reduce the front setback from 10.5 metres to 1.81 metres (entrance canopy) and 3.53 metres (building);
 - v. reduce the rear setback from 6.46 metres to 3.96 metres;
 - vi. reduce the east side yard setback from 6.46 metres to 3.05 metres (balconies and entrance canopy) and 4.93 metres (building);
 - vii. reduce the west side yard setback from 6.46 metres to 3.86 metres (balconies) and 5.75 metres (building);
 - viii. increase the site coverage from 40 percent to 47 percent;
 - ix. allow for an accessory structure to be located in the front yard rather than the rear yard.

3. Final plans generally in accordance with the plans date stamped October 19, 2020 with the following revisions:
 - i. changes to the panhandle driveway to comply with the Highway Access Bylaw and BC Building Code requirements, to the satisfaction of the Director of Engineering and Public Works
 - ii. Relabel the proposed bylaw replacement trees to ensure replacement trees are provided on site, to the satisfaction of the Director of Parks, Recreation and Facilities
4. The Development Permit lapsing two years from the date of this resolution.”

Motion to refer:

Moved By Councillor Isitt

Seconded By Councillor Dubow

That this matter be referred to staff to work with the applicant to address concerns around privacy and tree removal.

Council discussed the following:

- *Input recent received from the public*
- *Rental applications in the city*

FOR (4): Councillor Thornton-Joe, Councillor Dubow, Councillor Isitt, Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts, Councillor Loveday

DEFEATED (4 to 5)

On the main motion:

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Potts, Councillor Loveday

OPPOSED (3): Councillor Thornton-Joe, Councillor Isitt, Councillor Young

CARRIED (6 to 3)

DELEGATION OF SIGNING AUTHORITY BYLAW, AMENDMENT BYLAW (NO. 2)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to streamline City processes by delegating authorization and execution of certain documents on behalf of the City to appropriate City staff.

Contents

- 1 Title
- 2-3 Amendments
- 4 Commencement

Under its statutory powers, including section 154 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 “DELEGATION OF SIGNING AUTHORITY BYLAW, AMENDMENT BYLAW (NO. 2)”.

Amendments

- 2 Bylaw No. 09-031, the Delegation of Signing Authority Bylaw, is amended in section 2 by adding the following as the new subsection (3):

“(3) Council delegates the power to authorize and execute, on behalf of the City, any agreement, contract, deed, debenture, instrument or plan that is listed in column A of Schedule 2 to staff identified in the corresponding row in column B of that Schedule.”

- 3 The schedule attached to this bylaw as Schedule A is added to Bylaw No. 09-031, the Delegation of Signing Authority Bylaw, as the new Schedule 2.

Commencement

- 4 This Bylaw comes into force on adoption.

READ A FIRST TIME the **20th** day of **May** 2021

READ A SECOND TIME the **20th** day of **May** 2021

READ A THIRD TIME the **20th** day of **May** 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

Schedule A:

Schedule 2

Delegation of Authorization and Execution Table

	Column A: Agreements	Column B: Authorized Delegate
1	Agreements to sell carbon credits based on market prices identified in low carbon fuel credit market reports	Director of Engineering and Public Works and Chief Financial Officer



May 12, 2021

Ref: EMLI 113350 / MUNI 265586 / ENV 375663

Her Worship Lisa Helps
Mayor of the City of Victoria

Email: mayor@victoria.ca

Dear Mayor Helps:

Thank you for writing to us about the Help Cities Lead campaign.

Local government leadership is a cornerstone of addressing climate change in British Columbia (BC) and the Ministries of Energy, Mines and Low Carbon Innovation (EMLI), Environment and Climate Change Strategy, and Municipal Affairs look forward to ongoing collaborations with local governments.

In 2018, our Government launched CleanBC, which puts BC on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities. This commitment to CleanBC was demonstrated in Budget 2021, with an additional \$506 million allocated to reducing emissions and promoting affordability. This brings total CleanBC funding to nearly \$2.2 billion over five years.

The policy areas highlighted in your letter represent priority areas for the Province.

Through our StrongerBC Economic Recovery Plan, the Province committed \$2 million to support the development of a Property Assessed Clean Energy (PACE) Roadmap. The Roadmap will be completed in the coming months and used to inform the Province's review and approach to any mandate regarding PACE.

In November 2020, the Minister of Finance was given a mandate to support EMLI to require home energy labelling and disclosure at the time of sale for BC homes. EMLI is currently developing policy options to support this mandate and, before moving forward, will engage homeowners, real estate professionals, local governments and First Nations to ensure alignment with stakeholder objectives and priorities.

.../2

**Ministry of
Energy, Mines and
Low Carbon Innovation**

Office of the Minister

**Mailing Address:
PO Box 9060, Stn Prov Govt
Victoria, BC V8W 9E2**

**Telephone: 250 953-0900
Facsimile: 250 356-2965**

The Attorney General and Minister responsible for Housing (AGH) is currently developing an Existing Building Renewal Strategy, which will include actions to improve energy efficiency, reduce greenhouse gas emissions, and increase resiliency to climate and seismic hazards. Technical requirements for a retrofit code are under development and will be introduced by 2024.

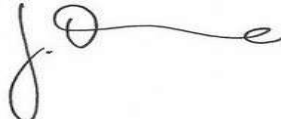
The AGH was also mandated to support local governments to set their own carbon pollution standards for new buildings. Together, this work will empower local governments to take bolder action to address climate change.

Thank you, again, for writing. We look forward to working together on the policy areas you have highlighted.

Sincerely,



Bruce Ralston
Minister of Energy, Mines and
Low Carbon Innovation



Josie Osborne
Minister of Municipal Affairs



George Heyman
Minister of Environment and
Climate Change Strategy

cc: Honourable David Eby
Attorney General and Minister Responsible for Housing

Honourable Selina Robinson
Minister of Finance