



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, August 5, 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 attendance at Council Meetings is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

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C. READING OF MINUTES

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Pending approval at the August 5, 2021 COTW meeting

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The application is ready to proceed to Opportunity for Public Comment and proposes a rental residential building with ground floor commercial.		
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and 630 Yates Street

A report recommending:

- **1st and 2nd readings of:**
 - Zoning Bylaw 2018, Amendment Bylaw (No.4), No. 21-075
 - Heritage Designation (1314-134 Broad Street) Bylaw, No. 21-077
 - Heritage Designation (615-625 Johnson Street) Bylaw, No. 21-078

The application is ready to proceed to a Public Hearing and proposes to increase density to facilitate the rehabilitation and designation of a registered heritage building and the construction of a hotel with ground floor commercial uses.

***F.3. Bylaw for Council Procedures Bylaw**

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A report recommending:

- **1st, 2nd and 3rd readings of:**
 - Council Procedures Bylaw, Amendment Bylaw (2021) No. 21-074

To amend the Council Procedures Bylaw to enable current practices to continue after the expiry of Ministerial Order M192.

F.4. Bylaw for 11 Chown Place

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- **Adoption of:**
 - Housing Agreement (11 Chown Place) Bylaw (2021) No. 21-060

To authorize an agreement to ensure that the proposed four-storey, multi-unit residential building provides specified levels of affordability on the lands known as 11 Chown Place, Victoria, BC.

F.5. Bylaw for Solid Waste Bylaw Amendments for Curbside Comingled Organics Collection

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- **Adoption of:**
 - Solid Waste Bylaw, Amendment Bylaw (No. 10) No. 21-063

To amend the Solid Waste Bylaw to enable comingled organic materials collection and require curbside collection of solid waste.

G. NEW BUSINESS

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A letter from the Greater Victoria School District regarding the Bank Street School Building.

I. CLOSED MEETING

MOTION TO CLOSE THE AUGUST 5, 2021 COUNCIL MEETING TO THE PUBLIC

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

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

- *Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- *Section 90(1)(c) labour relations or other employee relations;*
- *Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.*

J. APPROVAL OF CLOSED AGENDA

K. READING OF CLOSED MINUTES

L. UNFINISHED BUSINESS

M. CORRESPONDENCE

N. NEW BUSINESS

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

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

N.3. Land - Community Charter Section 90(1)(e)

N.4. Employee Relations - Community Charter Section 90(1)(c)

N.5. Land - Community Charter Section 90(1)(e)

O. CONSIDERATION TO RISE & REPORT

P. ADJOURNMENT



CITY OF VICTORIA

PROCLAMATION

“INTERNATIONAL OVERDOSE AWARENESS DAY”

- WHEREAS** *International Overdose Awareness Day (IOAD) is a global event which provides opportunity for people to publicly mourn the loss of loved ones without shame or guilt; and*
- WHEREAS** *International Overdose Awareness Day was first declared in Australia in 2001 and has been marked internationally every year in cities across the world ever since; and*
- WHEREAS** *IOAD aims to raise awareness of the overdose crisis and reduce the stigma of overdose death; and*
- WHEREAS** *IOAD aims to raise awareness that British Columbia’s coroners service reports that more people have died from suspected illicit drug toxicity in the first five months of 2021 than in any other year during the same period – 851 people died between January and May, surpassing the previous high of 704 reported for those months in 2017 by almost 21 per cent; and*
- WHEREAS** *IOAD highlights that May 2021 was the 15th consecutive month in which British Columbia experienced more than 100 deaths due to drug toxicity, and that while British Columbia declared a public health emergency more than five years ago because of deaths related to illicit drugs, there were a record 1,176 illicit drug overdose deaths in the province last year and there have been more than 7,000 deaths since the emergency was declared; and*
- WHEREAS** *IOAD decries the lack of collective action that leads to each preventable overdose death – each one a human being, a member of a family and a member of our community, with each loss slashing a wide path of grief; and*
- WHEREAS** *Through IOAD we send a strong message to substance users that they are valued, and that the community is working to mitigate harms and overdose; and*
- WHEREAS** *We support those who use substances by urging government and health decision-makers to create evidence-based policies and wide access to treatments; and*
- WHEREAS** *We remind the public that drug use and overdose can happen to anyone in any family; and*
- WHEREAS** *Through IOAD we wish to prevent overdose deaths and stimulate discussion in Victoria about overdose prevention and share information on services available to our community.*

NOW, THEREFORE *I do hereby proclaim August 31st, 2021, as “INTERNATIONAL OVERDOSE AWARENESS DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 5th day of August, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
MOMS STOP
THE HARM



CITY OF VICTORIA

PROCLAMATION

“Childhood Cancer Awareness Month”

WHEREAS *Cancer is the leading cause of death by disease of Canadian children and 1 in 5 children will not survive beyond 5 years after diagnosis; and*

WHEREAS *The city of Victoria recognizes that approximately 1,500 children and youth diagnosed in Canada each year, it is a cause close to the hearts of many families in British Columbia.*

NOW, THEREFORE *I do hereby proclaim September 2021 as “Childhood Cancer Awareness Month” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this 5th day of August, Two Thousand and Twenty-One.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
CHILDHOOD CANCER
CANADA

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

For the Council meeting of August 5, 2021, the Committee recommends the following:

E.2 903, 911 & 1045 Yates, 910 View and 1205 Quadra: Rezoning App. No. 00730 for 903, 911 & 1045 Yates, 910 View and 1205 Quadra and Associated OCP Amendment, Development Permit with Variances App. No. 00150 for 1045 Yates (London Drugs) (Harris Green)

REZ No. 00730 for 903, 911 and 1045 Yates St, 910 View St and 1205 Quadra and Associated OCP Amendment

That Council instruct staff to prepare the necessary Official Community Plan (OCP) Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00730 for 903, 911 and 1045 Yates Street, 910 View Street and 1205 and 1209 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1.
 - a. That at least 15% of the units, with at least one-third in the first phase of the development, achieve the median income of affordability in the city's housing affordability strategy.
 - b. revise the unit mix to reflect more 2-3 bedroom units for all phases
 - c. That the public plaza be mostly park-like green space and that a Development Permit for the plaza be submitted now with an expiration timed with the proposed build out of phase 2.
 - d. 5% accessible units across all phases of the development
 - e. That at least 450 square metres be designated for childcare
 - f. That noise mitigation be in place for all rooftop equipment
2. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 00150.
3. Incorporation of the following additional design guidelines within the "900-Block Yates and 1045 Yates Urban Design Manual" to the satisfaction of the Director of Sustainable Planning and Community Development:
 - a. to ensure the design of the roof top mechanical structures contribute positively to the urban skyline in terms of visually interesting shapes and high-quality materials
 - b. to limit the number of towers to no more than three on the 900 block of Yates Street
 - c. to incorporate a minimum 2.5m setback from the fifth floor of the podium on Vancouver Street
 - d. to include the requirement for a mini-plaza no less than 100m² on the corner of Yates Street and Cook Street finished with high quality, durable materials

- e. to provide specific reference to the requirement for wind mitigation interventions at the corner of Yates and Quadra Streets and other affected areas as identified in the updated Wind Study
 - f. to include the requirement for public art within the main plaza
 - g. to include standards for interim landscaping.
4. Updates to the Pedestrian Wind Study to reflect the proposal in relation to building heights, to the satisfaction of the Director of Sustainable Planning and Community Development.
 5. Updates to the Tenant Assistant Plan including further details related to information and communication with existing tenants to the satisfaction of the Director of Sustainable Planning and Community Development.
 6. Confirmation from BC Hydro that the relocating of services underground is not supported to the satisfaction of the Director of Sustainable Planning and Community Development.
 7. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor, to:
 - a. Secure the rental units in perpetuity to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Secure the provision of the two-bedroom, three-bedroom and townhouse units generally in accordance with the Plans dated June 15, 2021, and a minimum of 23 units within Phase 1 as affordable in perpetuity and allocated to median income households as defined in the Victoria Housing Strategy to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - d. Secure in perpetuity the provision and maintenance of a public plaza no less than 1600m² in size (minimum value to be verified by a Quantity Surveyor or other registered professional) centrally located on the 900 block between Yates and View Streets, which shall incorporate a high quality public art installation valued at no less than \$350,000, all of which will be provided concurrently with the construction of Phase 3 to the satisfaction of the Director of Sustainable Planning and Community Development.
 - e. Secure the provision of a daycare of approximately 185m² for a minimum period of 10 years to the satisfaction of the Director of Sustainable Planning and Community Development.
 - f. Secure the provision of a minimum of four Energized Electric Vehicle Outlets (charging stations) plus a minimum of 90 stalls (subject to consultation with BC Hydro) with the necessary infrastructure to be converted to Energised Electric Vehicle Outlets in the future (EV Ready) to the satisfaction of the Director of Sustainable Planning and Community Development.

- g. Secure a Statutory Right of Way (SRW) for unobstructed public access over the plaza and an SRW of 0.9 metres along the Quadra Street frontage; terms and conditions to the satisfaction of the Director of Engineering and Public Works.
- h. Secure TDM measures for Phase 1 including three shared vehicle parking stalls, three shared vehicles, 169 car share memberships, and long term, end of trip facilities, and an equivalent provision for subsequent phases to be determined to the satisfaction of the Director of Engineering and Public Works.
- i. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically the 'New Town District', including furnishings, materials, sidewalk scoring patterns, basalt banding and decorative heritage pedestrian lights, within the public plaza as well as along the Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street frontages, to the satisfaction of the Director of Engineering and Public Works.
- j. Secure the detailed design, supply, and installation of a new traffic signal, with all associated hardware (poles, bases, junction boxes, conduits, loops, etc.) and software, at the intersection of Cook Street and View Street and in cooperation with adjacent concurrent developments to the satisfaction of the Director of Engineering and Public Works.
- k. Secure required traffic signal upgrades at the Yates Street and Cook Street intersection and required hardware (poles, bases, junction boxes, conduits, loops, etc.) and software upgrades to adjacent existing traffic signals that may be required as a result of lane configuration changes, as determined by City Engineering staff, to the satisfaction of the Director of Engineering and Public Works.
- l. Secure upgrades to the existing mid-block crosswalk, as necessary on the 900 block of Yates Street, to the satisfaction of the Director of Engineering and Public Works.
- m. Secure the design and installation of the two-way protected bike lane on Yates Street as detailed on the plans for the concurrent Development Permit with Variances Application No. 00150.
- n. Secure the provision of soil cells to achieve recommended soil volumes for all new street trees along the municipal frontage of Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
- o. Secure City of Victoria standard tree guards for all street trees in grates to the satisfaction of the Director of Parks, Recreation and Facilities.
- p. Secure the provision and installation of the proposed boulevard rain gardens on Yates Street and View Street, to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.

- q. Secure the design, provision and installation of a stormwater management infiltration system along the municipal frontages of Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street for treatment of road water runoff, to the satisfaction of the Director of Engineering and Public Works.
 - r. Secure requirement of a geotechnical report prior to application for a Building Permit including the implementation of recommendations from a qualified geotechnical engineer for City property surrounding the development site to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
8. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- a. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - b. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
 - c. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - d. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - e. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - f. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.

9. That Council authorize the following encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted:
 - a. excavation encroachments in the City property during construction for the parkade walls, at the fee of \$750 plus \$25 for each square metre of excavation face supported with anchor rods or shoring, with form and contents satisfactory to the City's solicitor and the Director of Engineering and Public Works.
 - b. anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00150 for 1045 Yates

That, subject to minor plan revisions to address the following:

- a. Further consideration of the design of the roof top structures including a reduction in height (with variance updated accordingly) and enhancements to the form and finishes to ensure consistency with the guidelines to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Incorporation of 2m guardrails on the roof terrace and any other wind mitigation measures that are recommended in the updated Pedestrian Wind Study to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. Further consideration of the design of the public seating area at the intersection of Yates and Cook Street to ensure this space contributes positively to a vibrant streetscape experience to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Clarification of the window treatment along Yates and Cook Streets to ensure the proportion of clear glazing creates an active street edge and is consistent with the guidelines to the satisfaction of the Director of Sustainable Planning and Community Development.
- e. Further consideration to enhance the appearance of the west elevation and that practical maintenance can be achieved for the climbing vine system to the satisfaction of the Director of Sustainable Planning and Community Development.
- f. Clarification of the design of the garage doors on View Street to the satisfaction of the Director of Sustainable Planning and Community Development.
- g. Corrections to the paving patterns and street furnishings consistent with the Downtown Public Realm and Streetscape Plan to the satisfaction of the Director of Engineering and Public Works.
- h. Clarification of the details on the preliminary Utilities Plan to the satisfaction of the Director of Engineering and Public Works.

- i. Submission of an updated and corrected preliminary Electrical Plan to the satisfaction of the Director of Engineering and Public Works.
- j. Corrections to the road and curb alignment and lane configuration on View Street with associated updates to the traffic simulation models, to the satisfaction of the Director of Engineering and Public Works.
- k. Incorporation of additional building setback from the property line along Cook Street to ensure a minimum distance to any protrusion (including balconies) is no less than 1 m and greater than 1 m wherever possible to the satisfaction of the Director of Parks, Recreation and Facilities.
- l. Corrections to the landscape plan (or other relevant plan) to show all proposed trees to be removed and retained as well as proposed soil volumes for all new trees in beds and grates along Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
- m. Confirmation of whether CREST would be required to occupy equipment on the roof level for a new communication transmission site, to the satisfaction of the Fire Chief.
- n. Corrections to plans to ensure the compliance with the BC Building Code.

And 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. 00730, if it is approved, consider the following motion:

“That subject to 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 that Council authorize the issuance of Development Permit with Variances Application No. 00150 for 1045 Yates Street in accordance with:

- 1. Plans date stamped June 15, 2021.
- 2. Development meeting all Zoning Regulation Bylaw requirements except for the following variances:
 - i. Increase the maximum number of storeys from 20 to 21
 - ii. Increase the maximum height from 60m to 68.51m
 - iii. Increase the maximum height allowed for rooftop structure from 5.0m to 9.46m
 - iv. Reduce the required number of residential vehicle parking stalls from 316 stalls to 268 stalls
 - v. Reduce the required number of residential visitor parking, commercial retail and daycare stalls from 117 stalls to 77 stalls
 - vi. allow for 28 short term bicycle stalls to be located further than 15m of a public entrance
- 3. Final plans to be generally in accordance with plans date stamped June 15, 2021.

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

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 22, 2021

For the Council meeting of August 5, 2021, the Committee recommends the following:

G.2 Pre-Application Community Consultation Fees

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw to:

- a. increase the pre-application fees from \$750 to \$800 for rezoning application where notice is given to owners and occupiers of properties within 100 metres of the subject property
- b. increase the pre-application fees from \$1250 to \$2400 for Official Community Plan applications where notice is given to owners and occupiers of properties within 200 metres of the subject property.

I.1 Council Member Motion: Letter to Pacheedaht First Nation

The City of Victoria write to the Pacheedaht First Nation acknowledging and respecting its right to govern its own assets, to reaffirm the city's goal to engage in respectful and open dialogue towards reconciliation.

D.2 Report back on Homelessness

That Council:

1. Receive the Report of the Homeless Advocate for information and endorse the recommendations within.
2. Consider the approval for a full-time staff position in the 2022 budget with a focus on resolving systemic barriers to ending homelessness in the city.
3. Review the funding and services agreement with the Greater Victoria Coalition to End Homelessness and consider providing an equitable amount of funding to the Aboriginal Coalition to End Homelessness in the 2022 budget
4. That Council forward this report to the Attorney General and Minister Responsible for Housing, Minister of Children and Family Development, Minister of Health, Minister of Mental Health and Addictions, Minister of Municipal Affairs, Minister of Social Development and Poverty Reduction, and MLAs representing constituencies in the CRD and mayor and councils of all municipalities in the CRD and all federal MPs within the region and the Federal Minister of Housing and Social Development and Federal Minister of Health and to the CRD Board.
5. That Council direct staff to report back with legal advice on amendments to the OCP to recognize "housing is a human right" as a guiding value and vision of the City of Victoria's Official Community Plan.

That Council:

1. That Council request the Mayor to write to the Minister Responsible for Housing and local MLAs advocating for the Government of B.C. to establish a non-profit and co-operative housing acquisition strategy to be combined with tenant protections, to safeguard existing low-cost rental homes and expand the supply of deeply affordable housing;
2. And that Council request the Mayor write to the CRD and CRHC advocating for the consideration of the inclusion of the acquisition and operation of older rental stock as part of future affordable housing initiatives.

That Council direct staff to investigate potential ways to include rentals which are affordable due to the age of the building in the city's affordable rental update, to ensure minimal loss of affordable rental units.

E.1 Village and Corridor Planning Phase 1 Summary, Draft Directions and Next Steps

That Council:

1. Receive the Village and Corridor Phase 1: Stage Two Engagement Summary (Attachment A) and the What's Proposed Executive Summary (Attachment B).
2. Work with the Downtown Blanshard Advisory Committee, the Fernwood Community Association, and the North Park Community Association to address concerns raised by those associations.
3. Direct staff to prepare draft neighbourhood plans and design guidelines based on directions provided in Planning Summary and Draft Directions reports (Attachments C, D, E, F) and begin the final stage of engagement to review, reassess and revise plans in accordance with the Stage Three Engagement Plan (Attachment G).
4. In addition to referral to other governments as directed by Council in September 2020, refer draft neighbourhood plans and design guidelines to the Advisory Design Panel and the Heritage Advisory Panel for comments.

F.1 121 Menzies Street - Development Variance Permit Application No. 00194 and Heritage Designation Application No. 000162 Update Report

Development Permit with Variance Application No. 00194

"That Council authorize the issuance of Development Permit with Variance Application No. 00194 for 121 Menzies Street in accordance with:

1. Plans date stamped May 26, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:

- i. decrease the dwelling unit floor area (minimum) from 33.00m² to 14.79m²;
 - ii. locate the parking in the front yard;
 - iii. locate accessory buildings in the side yard;
 - iv. increase total site coverage from 40% to 42.30%;
 - v. increase the height of one accessory building from 3.50m to 4.41m;
 - vi. decrease the rear setback of an accessory building from 0.60m to 0.50m;
 - vii. decrease the side setback of accessory buildings from 0.60m to 0.40m;
 - viii. decrease the separation space between an accessory building and a principle building from 2.40m to 1.0m;
 - ix. increase the rear yard site coverage for an accessory building from 25.00% to 29.80%;
 - x. increase the combined floor area for an accessory building from 37.00m² to 41.61m².
3. The Development Permit lapsing two years from the date of this resolution."

Heritage Designation Application No. 000162

That Council consider this updated motion with respect to Heritage Designation Application No. 000162:

"That Council give first and second reading of Heritage Designation Bylaw (Bylaw No. 21-038) be for Heritage Designation Application No. 000162 for 121 Menzies Street."

F.2 440-450 Swift Street - Heritage Alteration Permit Application No. 00246

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street in accordance with:

1. Plans, date stamped June 30, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

G.1 Pre-Application Community Consultation after the COVID-19 Pandemic

That Council direct staff to bring forward amendments to the Land Use Procedures Bylaw consistent with Option 1 outlined in this report, which would retain flexibility to alter processes during emergencies and revise the pre-

application community consultation requirements that apply after the COVID-19 pandemic has ended, to require applicants to:

- install a pre-submission sign on site
- post plans to the Development Tracker (with an associated online comment form), and
- attend an in-person and/or online community meeting, at the discretion of the Community Association Land Use Committee.

That the recommendation and staff report be sent to CALUCs for comment.

Subject: FW: AUG 5 CTF AGENDA: FW: Response from Hillside-Quadra: Villages and Corridors Planning - Phase1 Summary, Draft Directions and Next Steps
Attachments: Villages and Corridors Response Letter - FCA.pdf

To City of Victoria Mayor, Council and Planning Department
RE: Village and Corridor Planning Phase 1 Summary, Draft Directions and Next Steps

Dear Mayor and Council,

The recommendation to Council from the Planning department is that we enter the review phase of the Villages and Corridors planning process. As the neighbourhood association for Hillside-Quadra we are deeply concerned that we would be entering this next phase of engagement given the limited number of Hillside-Quadra residents that have been engaged to date. The COVID-19 pandemic has placed incredible limits on the ways that a planning process like this could be adequately accessible. These reasons are crystal clear given the demographic profile in our neighbourhood that is clearly outlined in the Hillside-Quadra Equity Analysis. Simply put, **we need to hear from more of the people of Hillside-Quadra.**

The next stage of engagement is referenced as a "review". Our neighborhood association is adamant that the next stage of engagement is robust and needs to be thought of in the context of "**review, reassess and revise**". As well, it is critical that the next phase include **substantial, in-person engagement** beginning in mid September. If COVID 19 (disease prevention) protocols don't allow for substantial, large scale, in person engagements then the consultation should be postponed indefinitely. In-person engagement needs to allow for the **opportunity for neighbourhood residents to exchange ideas and learn from each others' perspectives.**

It is critical that the **upcoming engagement welcomes new ideas, allows for renovation of concepts in the current draft summary reports and allows for concepts present in the draft summary reports to be removed (or endorsed).** The content has to be presented in ways that are accessible and inclusive, with content tailored to different audiences.

We expect and look forward to being part of a comprehensive engagement that we see reflected in any upcoming guidelines that are developed related to Hillside-Quadra.

Yours in community

Kelly

Kelly Greenwell (www.mypronouns.org/he-him), RSW, Executive Director
Quadra Village Community Centre
Downtown Blanshard Advisory Committee (Est.1974)
The Heart of the Neighbourhood
901 Kings Rd, Victoria, BC, V8T 1W5

www.qvcc.ca
@QuadraVillage
www.facebook.com/QuadraVillage
Part of the Coalition of Neighbourhood Houses : Capital Region <https://www.cnhcr.ca/>

We acknowledge and respect the lək'wəḡən peoples on whose traditional territory the Quadra Village Community Centre stands and the Songhees, Esquimalt and W̱SÁNEĆ peoples whose historical relationships with the land continue to this day.

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1923 Fernwood Road
Victoria BC

July 20, 2021

Dear Mayor and Council;

The Fernwood Community Association is writing in response to the Villages and Corridors Phase 2 Report Summary, which will be presented to Council this coming Thursday, July 22, 2021. The FCA wishes to register the following comments in response to this submission.

It is concerning that a proposed next step emerging from the Villages and Corridors consultation process is being described as the creation of a “draft neighbourhood plan.”

From the beginning of this process, the FCA has been clear that a neighbourhood plan is one that is for the entire neighbourhood, not just pockets of it. Other communities have received support to engage their neighbours broadly and envision their community. This opportunity is being denied to Fernwood, North Park, and Quadra Hillside, and the rationale is not robust.

While it is true that people move through neighbourhoods and the boundaries are somewhat arbitrary, it is also true that people feel strongly invested in their community identity. People desire an opportunity to identify their priorities and concerns freely, which is more easily done when you approach planning at the community level, rather than at the level of specific streets and intersections.

Further, those neighbourhoods that have been able to mobilize a whole-community engagement process have been more successful because people are accustomed to thinking about themselves in the context of their communities and therefore have a more intuitive understanding of what a local area planning process at the community level might entail. We believe that limiting the scope to villages and corridors has had a disengaging effect wherein people do not feel that the process is about the spaces they use or the places in which they live. For example, in Fernwood, Stadacona Park is an important community area, but it was out of scope for this process, while Quadra Village was in scope even though it is quite a distance from our community. This diluted the level of engagement that could be expected in and about Fernwood.

From a committee perspective, the Local Area Plan is used to guide development discussions. Having only fragmented parts of it updated makes it difficult to leverage in conversations with developers, which makes it easy to ignore. The current process does not assist Land Use Committees with developments that fall outside of the streets considered in-scope, and it does not address in a fulsome way many other aspects of community planning that the previous Local Area Plan did, such as parks and open space or arts, cultural, or community services.

There has been insufficient consideration of how planning for villages and corridors will need to align with existing land use and neighbourhood planning concerns.

Because of the siloed nature of the process, the report has failed to fully account for how development proposals in progress will affect the use of the areas in scope. For example, although it is mentioned, there is little discussion of how the proposed 140-unit CHRC housing development might impact the use of lands in the surrounding area, which includes the urban village at Gladstone Plaza, North Park Village, and the ‘between village’ corridors that are discussed in this report.



Similarly, the report suggests that Fernwood has seen little development, but that statement considers only those developments that were approved as of early 2020. It does not take into consideration the development proposals that are currently active, those that are in the pre-application stage, or those that have been recently approved. In the case of Fernwood Village this is problematic, since the vision includes extending the village along Fernwood Road, but no mention is made of the fact that a new development was recently approved at 1913 Fernwood Road that will impact the ability of the village to expand in this direction. It was confusing to read a report about the urban village area that did not even mention this new development.

In terms of zoning, we have been informed that if the CHRC development goes through, it will require unique zoning. It seems inappropriate to suggest that changes to bylaw and the Official Community Plan will be a “next step” when there is no clarity on what such zoning might be, or how that might impact the surrounding area. Fernwood needs a holistic plan so as to avoid potential future conflicts related to design and appropriate use that might arise from the current piecemeal approach.

Members of the Villages and Corridors Working Group have expressed reservations about some of the findings described in the report.

Our Land Use Co-Chair, Alieda Blandford, participated fully in the working group mentioned in the summary report. She has expressed reservations about some of the findings. Specifically, she noted that while some topics emerged from the community members represented on the working group, others seemed to be preconceived by City staff. While we are certainly not arguing that staff should not have ideas about what a neighbourhood needs, we would like to see a clear distinction between ideas that the City brought to the community for response versus those that emerged from the community itself.

Relatedly, the working group received instruction from City planners that they could not discuss things that were considered ‘out of scope’ for the current phase of the process, such as Stadacona Park or the Wellburn’s lot, even when it was clear that the majority of participants felt that such topics were of great importance to local area planning. Transit was considered out of scope, as were green spaces and housing off of the corridors and villages. Yet, a number of ideas contained in the report explicitly address these areas that working group members were told were out of scope.

This is confusing and leads to doubts about the findings. Since the survey only asked about high-level support for generally-described changes, it is difficult to determine whether specific suggestions that are mentioned in the report are broadly supported or not. For example, on page 45 of the report there is discussion of closing Chambers Street in front of Haegert Park. There was no discussion of Haegert Park or Chambers Street in the survey, and it is not clear if this is an idea that arose from focus groups/ virtual workshops or whether City planners identified it on their own. Because our experience with the working group was that sometimes ideas were proposed by City staff rather than being elicited from the community, we are understandably cautious about such specific suggestions

The current planning process represents an undue burden on the neighbourhoods involved.

Whole-neighbourhood planning processes for Victoria West, Burnside-Gorge, and Fairfield/Gonzales took approximately two years each. This Villages and Corridors process has already taken 18 months and is only now moving into the third round of engagement for the *first* phase. There are subsequent phases of Villages and Corridors planning proposed that will affect Fernwood residents; it is reasonable to assume a similar length of time will be required to complete this. If this current process continues, this



means that up to six years may pass before this component of planning for Fernwood – which does not cover the entire community - is complete.

This is untenable for multiple reasons. First, those of us who serve our neighbourhood and represent their interests must sustain our engagement for the better part of a decade in order to ensure adequate representation and attention to our community's needs. This places a clearly unfair strain on our volunteers. Second, in the meantime, Fernwood is without an updated neighbourhood plan to guide local land use decisions. Already we have experienced dismissiveness from both City planners and developers because they consider the existing plan outdated; this will only get worse if we do not receive a holistic community plan in a timelier manner.

It is clear that the Villages and Corridors process has resulted in only a partial vision for Fernwood.

Because of these significant flaws in the current process, we request that:

1. City staff be directed to provide details on the source of every suggestion provided in the report, including broad directions, and also including the very specific suggestions that are mentioned in passing in the report without a lot of supportive documentation.
2. City staff be directed not to draft "neighbourhood plans" as a next step.
3. Mayor and Council reconsider the Villages and Corridors approach and replace it with a holistic neighbourhood planning approach that allows the whole community to engage meaningfully about all issues that are of importance to them, with considerations built in for those areas where there is overlap with surrounding neighbourhoods, rather than continuing a fragmented approach which is essentially confined to a few streets.

We hope that you will take seriously the need to provide residents with an opportunity to engage on this important issue. Where we live is often at the heart of who we are, and those who live in Fernwood deserve an opportunity to engage in a holistic way in envisioning and planning for our future.

Yours sincerely,

Dr. Kristin Atwood, *FCA Land Use Committee Co-Chair, on behalf of the FCA LUC*



Council Report

For the Meeting of August 5, 2021

To: Council **Date:** August 4, 2021

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

Subject: **Update Report for Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street**

UPDATED RECOMMENDATION

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street in accordance with:

1. Plans, date stamped **July 29, 2021**.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. Heritage Alteration Permit lapsing two years from the date of this resolution.

EXECUTIVE SUMMARY

The purpose of this report is to present City Council with an updated recommended motion for Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street. The new motion refers to an updated set of plans dated July 29, 2021, in which Plan 203 has been amended to show the make and model of the motorized vinyl screen system that would be used for the proposed covered, wood timber structure on the west side of the heritage building (See Attachment A: Updated plans date stamped July 29, 2021). No other aspect of the application has changed since the July 22, 2021 Committee of the Whole Meeting, where the following resolution was advanced to the August 5, 2021 City Council meeting for ratification:

That Council authorize the issuance of the Heritage Alteration Permit Application No. 00246 for 440-450 Swift Street in accordance with:

1. *Plans, date stamped **June 30, 2021**.*
2. *Development meeting all Zoning Regulation Bylaw requirements.*
3. *Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.*
4. *Heritage Alteration Permit lapsing two years from the date of this resolution.*

In addition to amending Plan 203, the applicant has provided a letter to Council providing further information and visuals to help Council understand the vinyl enclosure system (See Attachment B- Applicant Letter dated July 29, 2021).

Respectfully submitted,

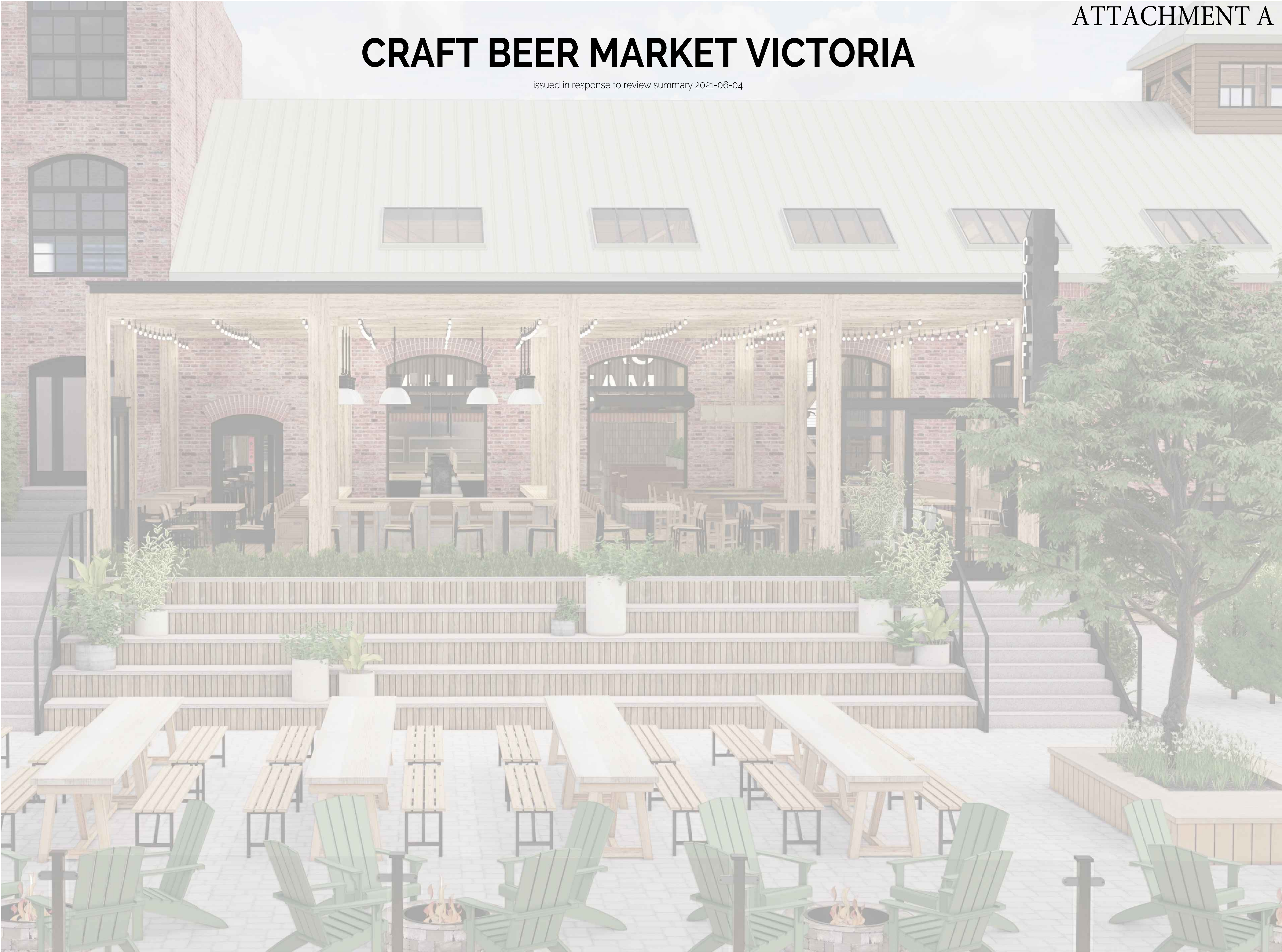
John O'Reilly
Senior Heritage Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

List of Attachments

- Attachment A: Updated plans date stamped July 29, 2021
- Attachment B: Applicant Letter dated July 29, 2021



CRAFT BEER MARKET VICTORIA

issued in response to review summary 2021-06-04

ATTACHMENT A

NOTES

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NO	ISSUE	DATE
1	ISSUED FOR REVIEW	2020-07-06
2	ISSUED FOR REVIEW	2020-11-09
3	ISSUED FOR REVIEW	2021-03-02
4	ISSUED FOR DP	2021-03-23
5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-06-04

PROJECT

CRAFT BEER MARKET VICTORIA

MUNICIPAL ADDRESS: 440 AND 450 SWIFT ST VICTORIA BC V8W 4S3

LEGAL ADDRESS: LOT 1 PLAN VP 95884 AND LOT 6 PLAN VP 96421



Revisions

Bubbled areas indicate revisions compared to the previously submitted plans.

Received Date:
July 29, 2021

DRAWING TITLE

COVER SHEET

PROJECT	
PROJECT NO	2019
SCALE	
DRAWN BY	MB
CHECKED BY	LA
REVISION	
SHEET	
A000	

BYLAW REVIEW

BYLAW	CLAUSE	GENERAL	NOTES	OBEYS
PARCEL INFORMATION				
MUNICIPAL ADDRESS		429 SWIFT ST VICTORIA BC V8W 1S3		
LEGAL ADDRESS		LOT PLAN	LOT TO BE REGISTERED. REFER TO CONSOLIDATED SURVEY PLAN.	
		M ² SF		
TOTAL	PARCEL AREA	2382.46 56441.01		
PARCEL ZONING				
ZONING BYLAW 2018 18-070	PART 4 44-100	OLD TOWN DISTRICT-1 ZONE		
OTD-1	44-100	PERMITTED USE	BREW PUB (BEER, SPIRITS, WINE)	YES
	44-100	PERMITTED USE	DRINKING ESTABLISHMENT	YES
	44-100	PERMITTED USE	OFFICE	YES

LOCATION AND SITING OF USES				
OTD-1	44-11.030	DISTANCE REQ BY FIRST STOREY OFFICE USE	TO THE WALL OF ANY BLDG THAT ADJUTS STREET OR PEDESTRIAN WALKWAY	6.0
	44-11.030	PRODUCTION / MANUF AREA FOR BREW PUB	MUST NOT BE LOCATED ABOVE FIRST FLOOR	6.0
	44-11.030	DISTANCE REQ FOR PRODUCTION / MANUF AREA FOR BREW PUB	TO THE WALL OF ANY BLDG THAT ADJUTS STREET OR PEDESTRIAN WALKWAY	35'
	44-11.030	MAX AREA FOR PRODUCTION / MANUF AREA FOR BREW PUB	ON FIRST FLOOR	

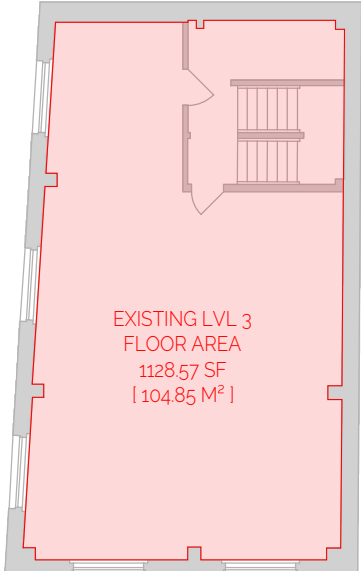
FLOOR AREA				
	LEVEL	M ² SF		
	1	220.47 2373.08		
	2	209.70 2267.14		
	3	209.70 2267.14		
	TOTAL FA	639.87 6897.36		
	BASEMENT (MAIN FLOOR)	759.14 8271.50	MAIN FLOOR NOT INCLUDED IN FLOOR AREA CALC ASSOCIATED PER AVERAGE GRADE CALC.	
OTD-1	44-18.0750	MAX FLOOR AREA USED FOR PRODUCTION / MANUF WITHIN BREW PUB		200.00

DENSITY OF DEVELOPMENT				
	FLOOR SPACE RATIO - TOTAL FLOOR AREA / LOT AREA	639.87 / 2382.05	0.23	1
OTD-1	4.4 (2.0) 6.0	MAX DENSITY	30	1
	4.4 (2.0) 6.0	MAX DENSITY FOR OFFICE BUILT AFTER 2000	10	1
	4.4 (8.0) 75.0	MAX DENSITY - SITE SPECIF	15	1
BLDG HEIGHT				
OTD-1	4.4 (3.0) 6.0	MAX BLDG HEIGHT	M	FT
	4.4 (3.0) 6.0	PROJECTIONS INTO HEIGHT	15.0	49'-2 1/2"
		PARAPETS	1.0	3'-3 3/8"
		ROOFTOP STRUCTURES	5.0	16'-4 7/8"

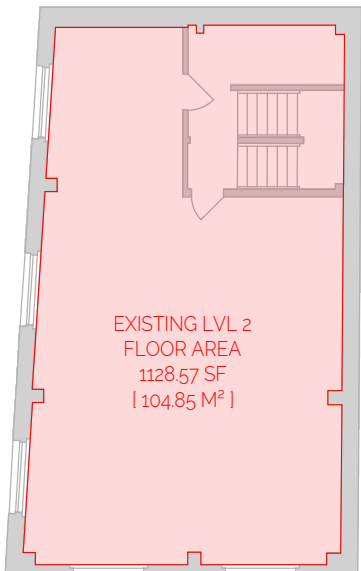
PARKING REQUIREMENTS				
OTD-1	4.4 (8.0) 75.0	NO OFF-STREET MOTOR VEHICLE PARKING REQ.		YES

BICYCLE PARKING REQUIREMENTS				
	5.1 (0.0) TABLE 2	BREW PUB	LONG-TERM + 1 SPACE / 250 M ² FLOOR AREA	239.02 / 200 ~11
	5.1 (0.0) TABLE 2	BREW PUB	LONG-TERM + 1 SPACE / 250 M ² FLOOR AREA	239.02 / 200 ~11

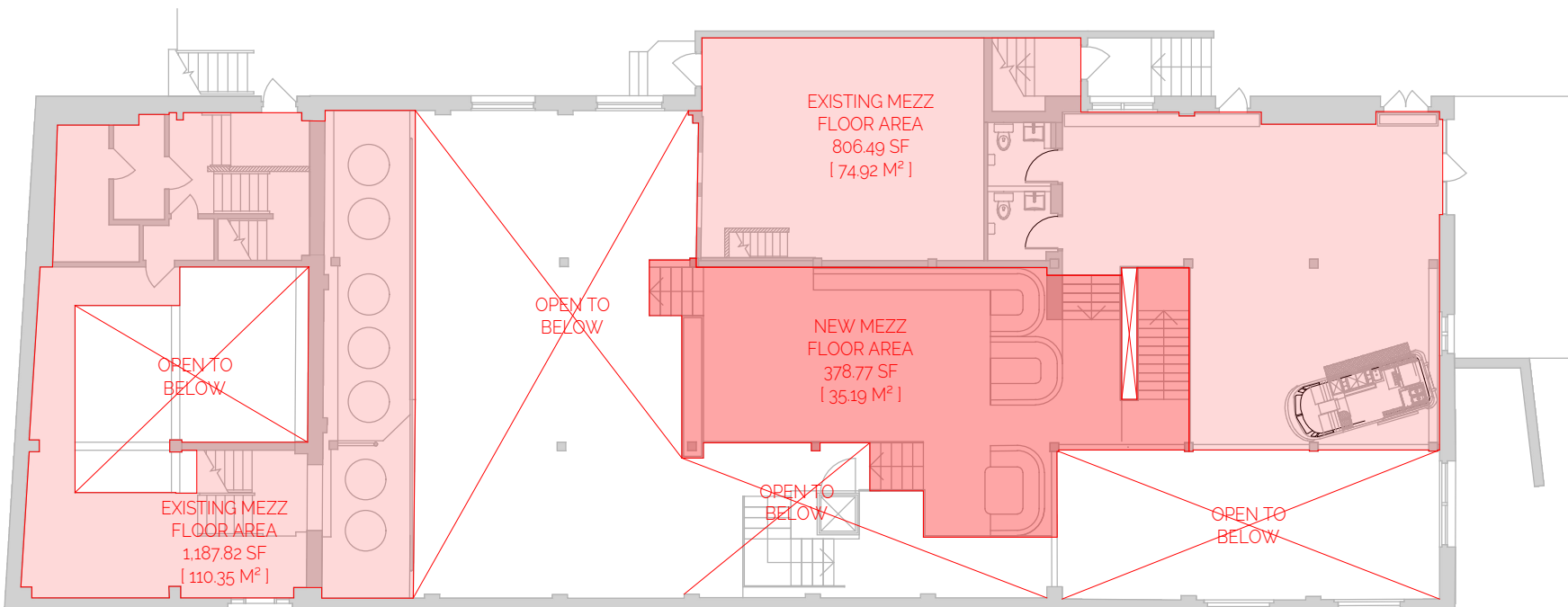
AVERAGE GRADE				
	GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
			M	
	A - B	(9.20 + 3.00) / 2 =	6.10	X 14.03 = 89.24
	B - C	(3.00 + 3.30) / 2 =	3.15	X 1.44 = 4.54
	C - D	(3.30 + 2.90) / 2 =	3.10	X 2.78 = 8.66
	D - E	(2.90 + 2.70) / 2 =	2.80	X 8.45 = 23.82
	E - F	(2.70 + 2.70) / 2 =	2.70	X 6.22 = 16.70
	F - G	(2.70 + 3.00) / 2 =	2.85	X 12.35 = 35.23
	G - H	(3.00 + 2.60) / 2 =	2.80	X 16.90 = 47.32
	H - I	(2.60 + 2.60) / 2 =	2.60	X 15.14 = 39.36
	I - J	(2.60 + 3.40) / 2 =	3.00	X 2.75 = 8.28
	J - K	(3.40 + 5.90) / 2 =	4.65	X 14.03 = 65.03
	K - A	(5.90 + 9.20) / 2 =	7.55	X 40.04 = 302.30
				135.05 642.63
	GRADE CALC		642.63 / 135.05	= 4.76



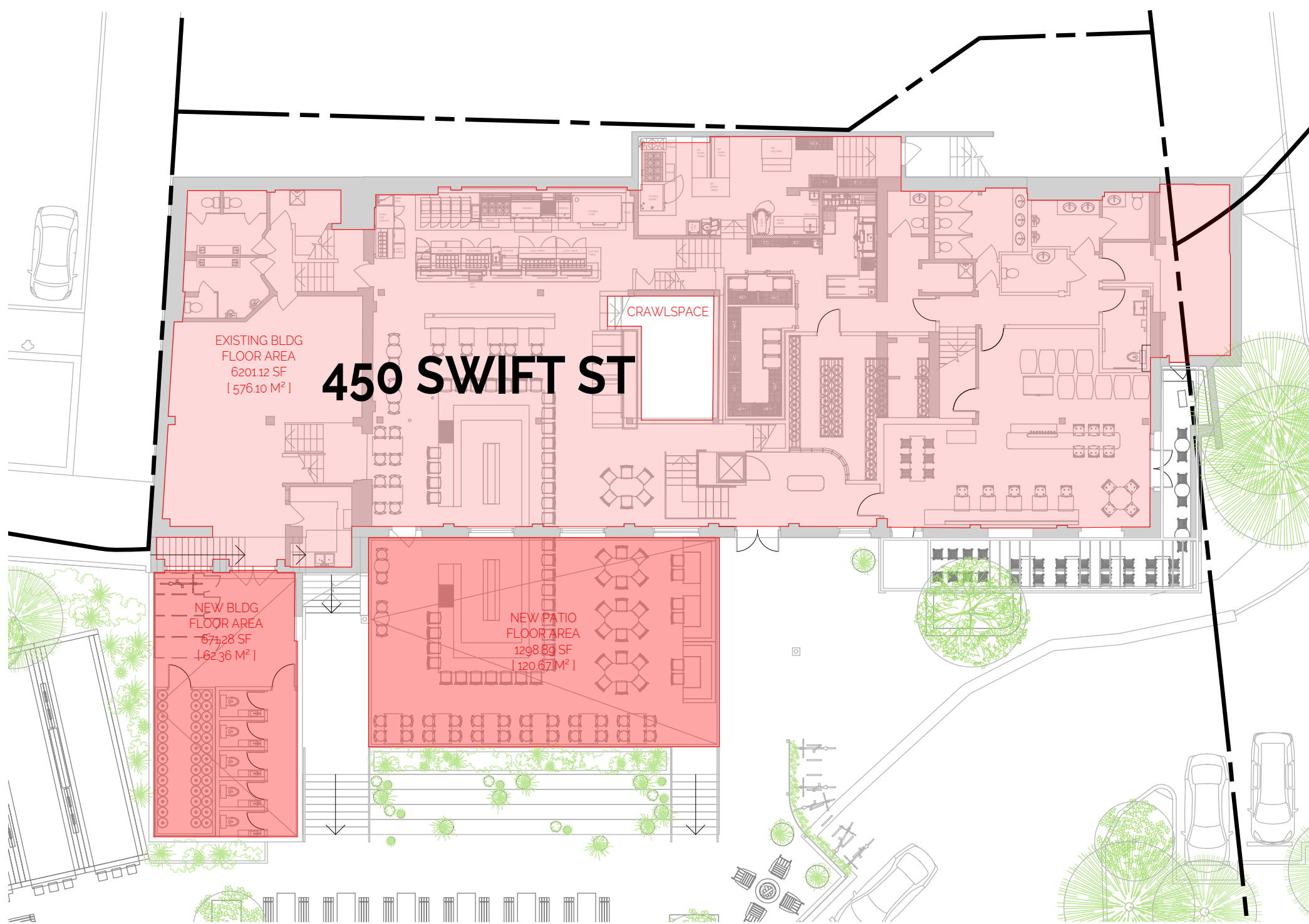
3 A001 LEVEL 3 PLAN
1/16" = 1'-0"



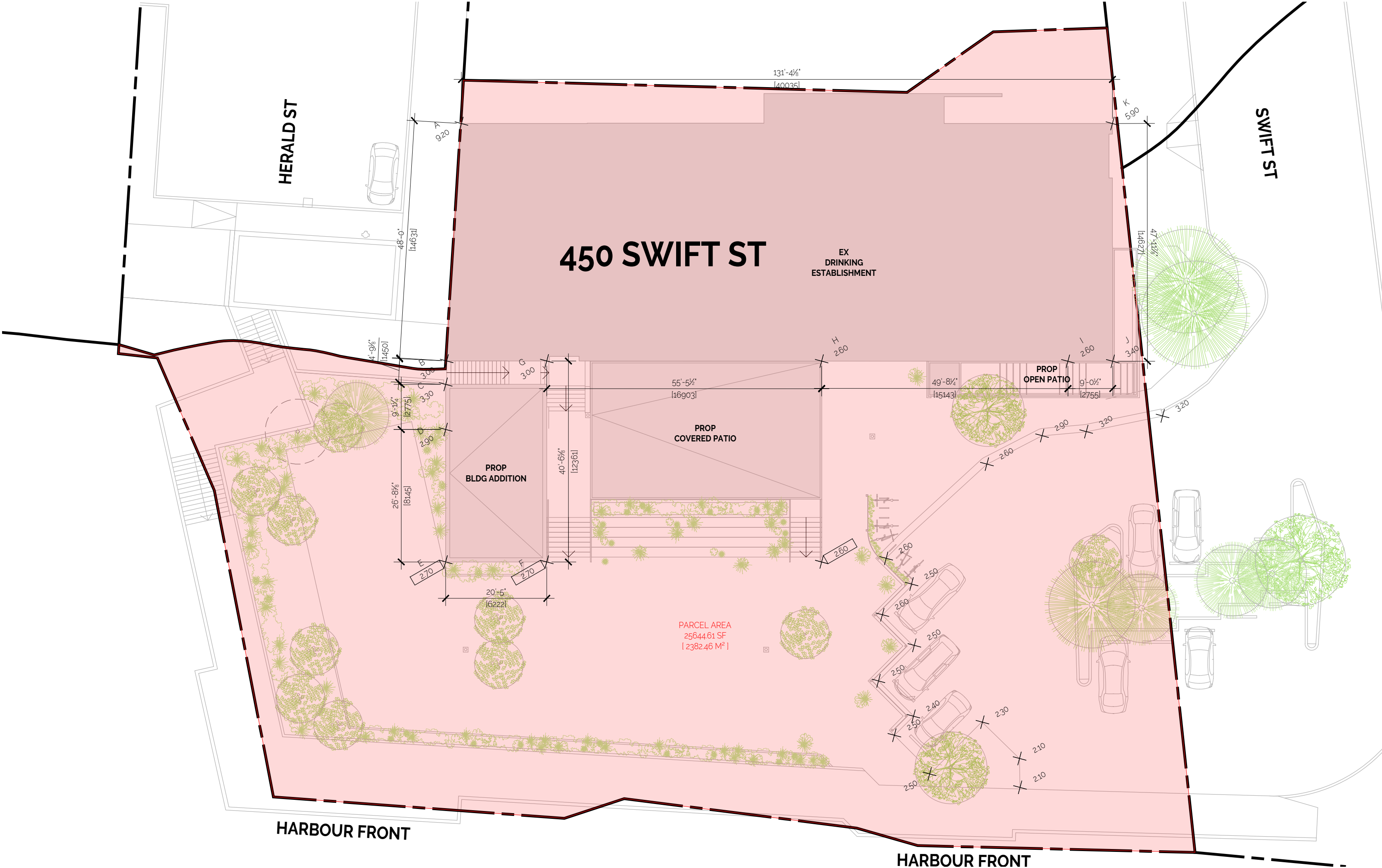
2 A001 LEVEL 2 PLAN
1/16" = 1'-0"



1 A001 LEVEL 1 PLAN
1/16" = 1'-0"



0 A001 BASEMENT PLAN
1/16" = 1'-0"



4 A001 GRADING SITE PLAN
1/16" = 1'-0"

NOTES

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NO	ISSUE	DATE
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2	ISSUED FOR REVIEW	2020-11-09
3	ISSUED FOR REVIEW	2021-03-02
4	ISSUED FOR DP	2021-03-23
5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-05-04

PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 450 SWIFT ST
VICTORIA BC V8W 1S3

LEGAL ADDRESS:
LOT 1 PLAN VP 9884 AND
LOT 6 PLAN VP 9842

DRAWING TITLE

BYLAW SHEET

PROJECT

PROJECT NO 2019

SCALE 1/16" = 1'-0"

DRAWN BY DV

CHECKED BY

REVISION SHEET

A001

FORM_SPC_V14

**SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA**

PAGE 1 OF 2 PAGES

Your electronic signature is a representation that you are a British Columbia land surveyor and a subscriber under section 168.6 of the *Land Title Act*, RSC 1996 c.250. By electronically signing this document, you are also electronically signing the attached plan under section 168.3 of the act.

Mitchell Laseur Digitally signed by
KH3ID2 Mitchell Laseur KH3ID2
Date: 2021.05.31
13:34:52 -07'00'

1. BC LAND SURVEYOR: (Name, address, phone number)

Import Profile

GeoVerra Surveys (BC) Limited Partnership
Mitchell J. Laseur, BCLS
795 Market Street
Victoria BC V8T 0B4

mitch.laseur@geoverra.com
778-677-6155
File#21-01279-001-REF01-EPP111963

☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:

Control Number: **162-249-3292**

Plan Number: **EPP111963**

This original plan number assignment was done under Commission #: 962

3. CERTIFICATION:

☒ Form 9 ☐ Explanatory Plan ☐ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on: 2021 May 26 (YYYY/Month/DD) The checklist was filed under ECR#: 250329
The plan was completed and checked on: 2021 May 31 (YYYY/Month/DD)

☒ None ☐ Strata Form S

☒ None ☐ Strata Form U1 ☐ Strata Form U1/U2

Arterial Highway ☐

Remainder Parcel (Airspace) ☐

4. ALTERATION: ☐

**REFERENCE PLAN OF LOT A PART OF THE BED OF VICTORIA HARBOUR PLAN VIP85421
AND LOT 1, OF LOTS 122 AND 123, PLAN 36884; WITHIN VICTORIA CITY**

PLAN EPP111963

Pursuant to Section 100(1)(b) of the Land Title Act
BCGS 928.044

The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:300.

This Plan lies within Integrated Survey Area No. 17,
City of Victoria, NAD83 (CSRS) 3.0.0.BC.1.CRD.

Grid bearings are derived from observations between
geodetic control monuments 17-16 and 17-17A and are
referred to the central meridian of UTM Zone 10.

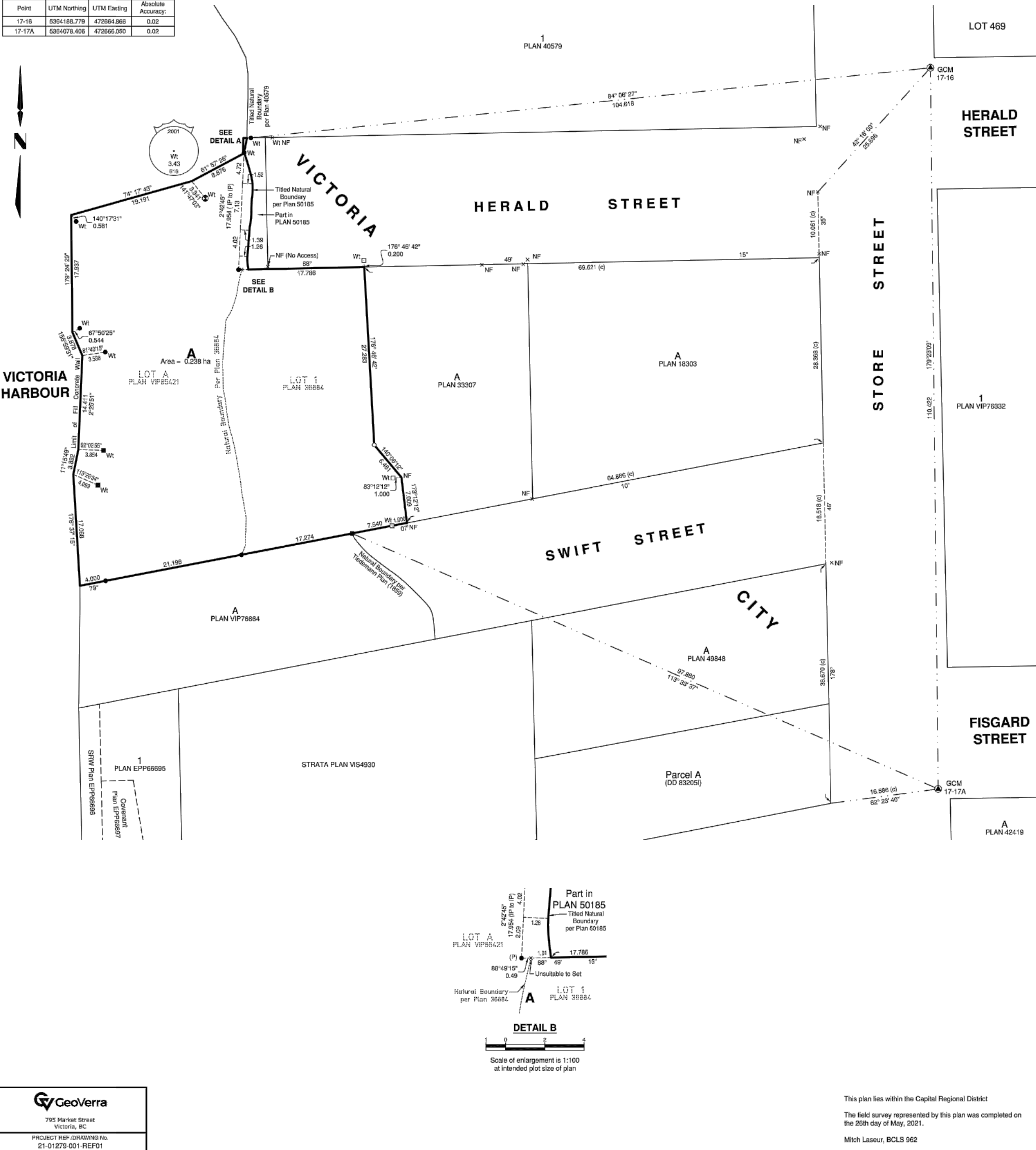
The UTM coordinates and estimated absolute accuracy
achieved are derived from MASCOI published coordinates
and standard deviations for geodetic control monuments
17-16 and 17-17A.

This plan shows horizontal ground level distances unless
otherwise specified. To compute grid distances, multiply
ground level distances by the average combined factor of
0.9995014. The average combined factor has been
determined based on geodetic control monuments 17-16
and 17-17A.

LEGEND
● denotes control monument found
● denotes standard capped post found
● denotes standard iron post found
■ denotes lead plug found
○ denotes standard iron post placed
□ denotes lead plug placed
x denotes unmonumented point
(P) denotes previously fixed, since destroyed
(C) denotes calculated
ha denotes hectares
SRW denotes statutory right of way

Note: This plan shows one or more witness posts which
are not set on the true corner(s).

Point	UTM Northing	UTM Easting	Absolute Accuracy
17-16	5384188.779	472864.886	0.03
17-17A	5384578.455	472866.590	0.02



NOTES

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3	ISSUED FOR REVIEW	2021-03-02
4	ISSUED FOR DP	2021-03-23
5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-05-04

PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3S3

LEGAL ADDRESS:
LOT 1, PLAN VIP 95884 AND
LOT A, PLAN VIP 85421

DRAWING TITLE

SURVEY

PROJECT

PROJECT NO 2019

SCALE

AS NOTED

DRAWN BY

DV

CHECKED BY

REVISION

SHEET

A100



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PROJECT

**CRAFT BEER MARKET
VICTORIA**

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440 AND 420 SWIFT ST
VICTORIA BC V8W 3S3

LEGAL ADDRESS:
LOT 1, PLAN VP 95884 AND
LOT 1A, PLAN VP 95421

DRAWING TITLE

**EX SITE / LANDSCAPE
PLAN**

PROJECT

PROJECT NO 2019

SCALE 1/8" = 1'-0"

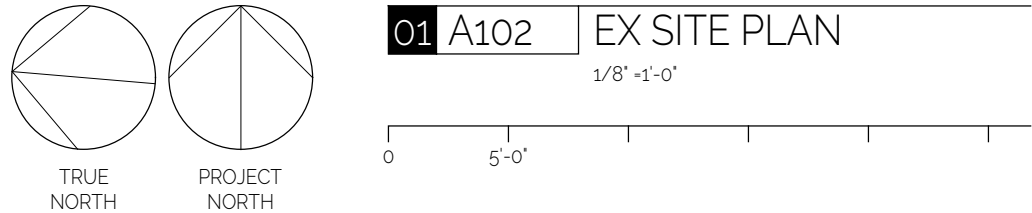
DRAWN BY MB

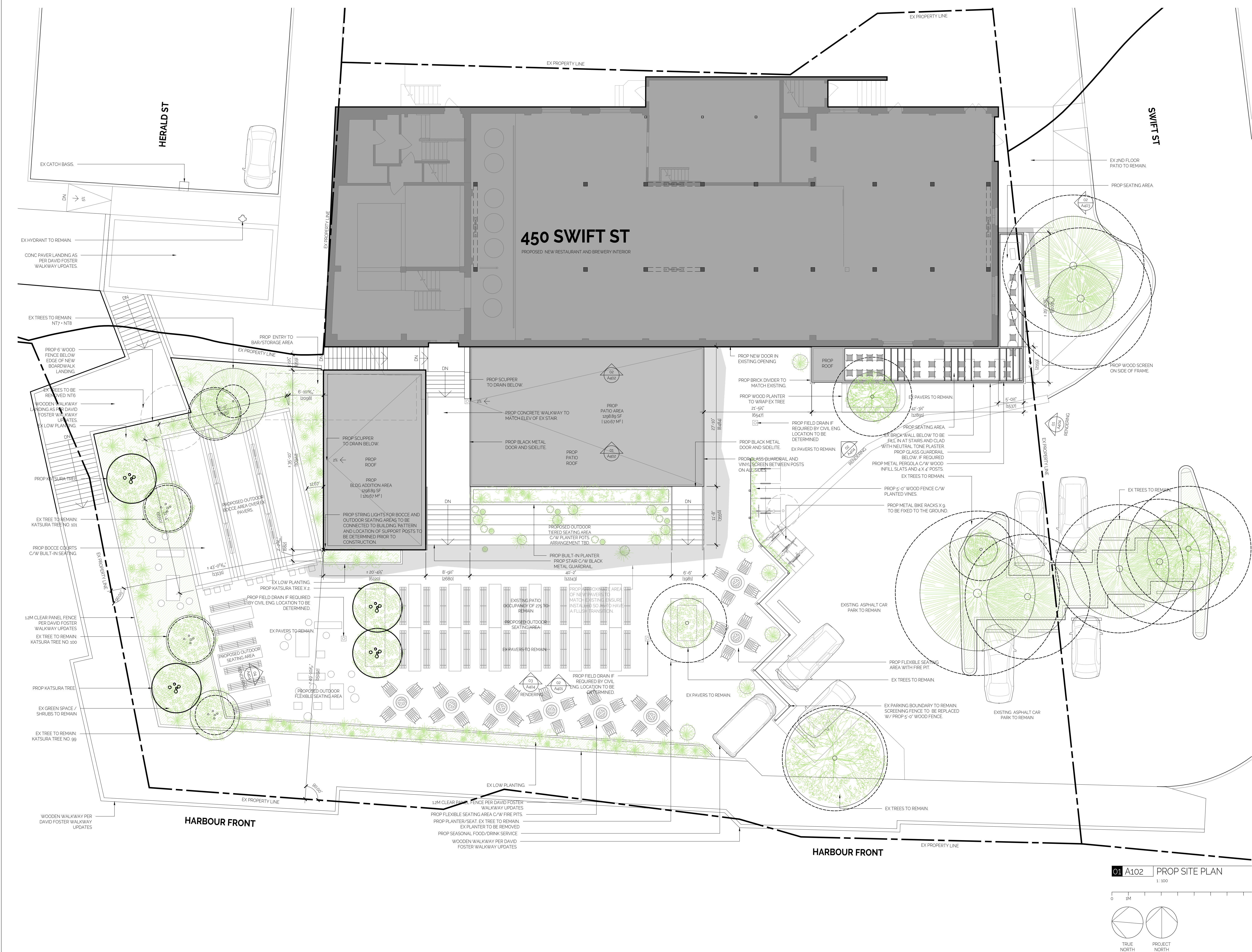
CHECKED BY

REVISION

SHEET

A101





NOTES

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FORT

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NO	ISSUE	DATE
1	ISSUED FOR REVIEW	2020-07-06
2	ISSUED FOR REVIEW	2020-10-09
3	ISSUED FOR REVIEW	2021-03-02
4	ISSUED FOR DP	2022-03-23
5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-06-04
6	ISSUED IN RESPONSE TO REVIEW SUMMARY R1	2021-06-29

PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V5W 3S3

LEGAL ADDRESS:
LOT 1 PLAN VP 95884 AND
LOT A PLAN VP 85421

DRAWING TITLE

**PROP SITE /
LANDSCAPE PLAN**

PROJECT

PROJECT NO 2019

SCALE 1:100

DRAWN BY DV

CHECKED BY MB LA

REVISION

SHEET

A102

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ISSUE	DATE
ISSUED FOR REVIEW	2020-07-01
ISSUED FOR REVIEW	2020-11-05
ISSUED FOR REVIEW	2021-03-03
ISSUED FOR DP	2021-03-23
ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-06-01

CRAFT BEER MARKET VICTORIA

MUNICIPAL ADDRESS:
440 AND 450 SWIFT ST
VICTORIA BC V8W 1S3

LEGAL ADDRESS:
LOT 1, PLAN VIP 36884 AND
LOT A, PLAN VIP 85421

LEVEL 1 DEMO PLAN

PROJECT NO. 2019-067

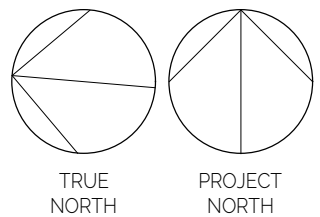
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DRAWN BY LA

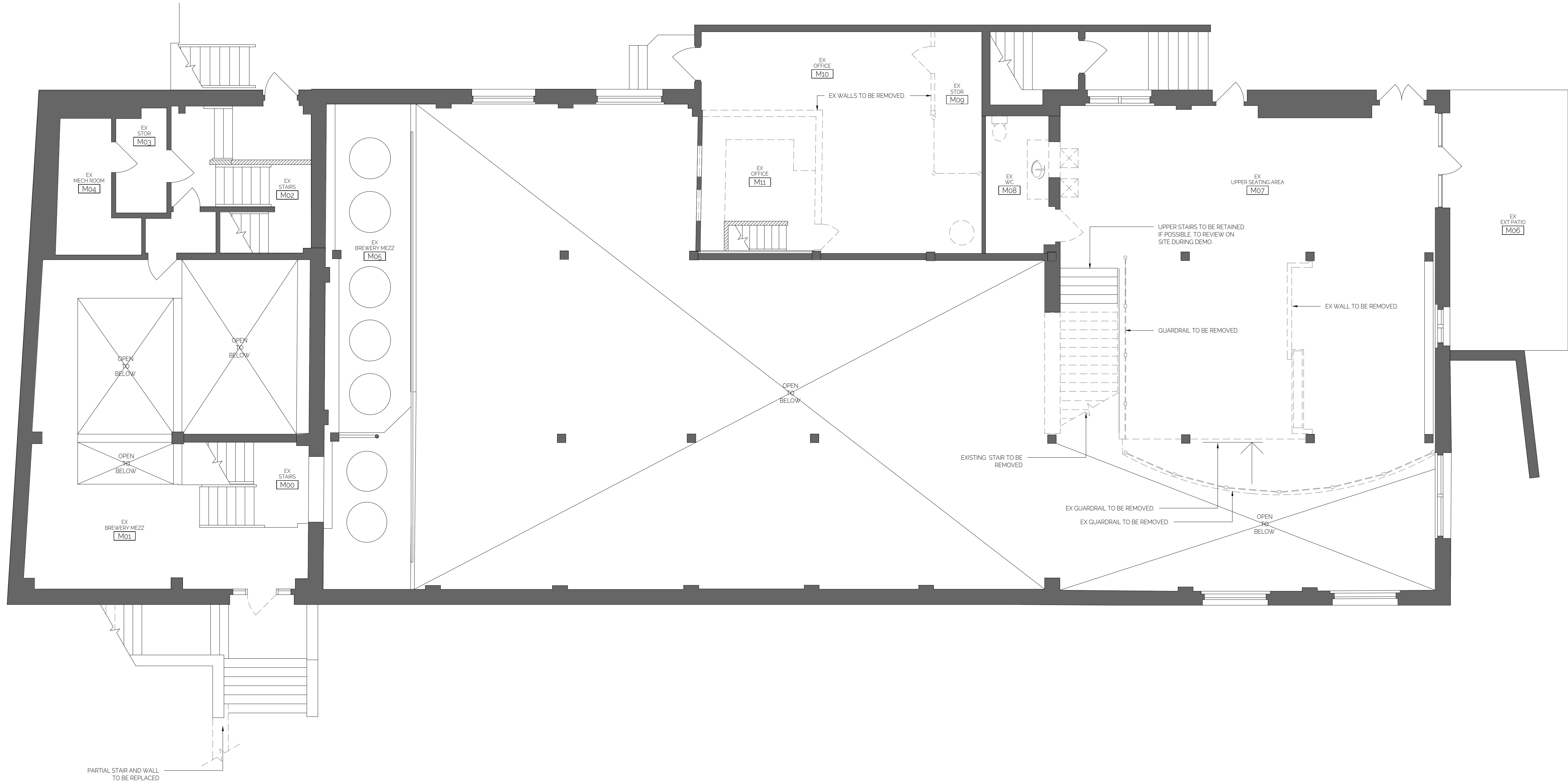
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SHEET

A201



01 A201 LEVEL 1 DEMO PLAN
3/16" = 1'-0"



NOTES

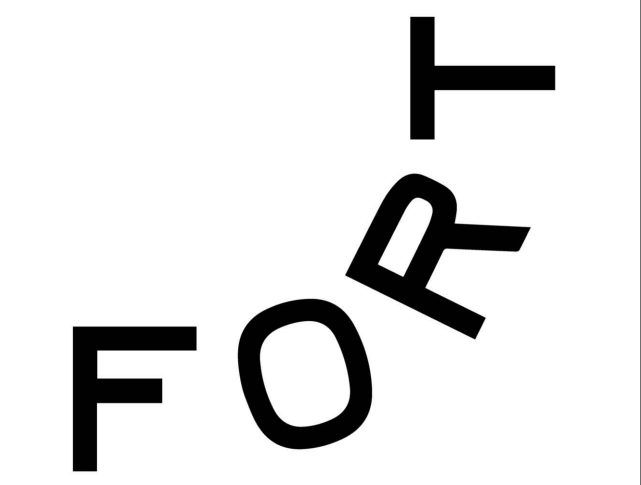
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5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-05-04

PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3S3

LEGAL ADDRESS:
LOT 1, PLAN VP 95884 AND
LOT 1A, PLAN VP 85421

DRAWING TITLE	
LEVEL M DEMO PLAN	
PROJECT	
PROJECT NO	2019
SCALE	3/16" = 1'-0"
DRAWN BY	LA
CHECKED BY	
REVISION	
SHEET	
A202	

TRUE
NORTH

PROJECT
NORTH

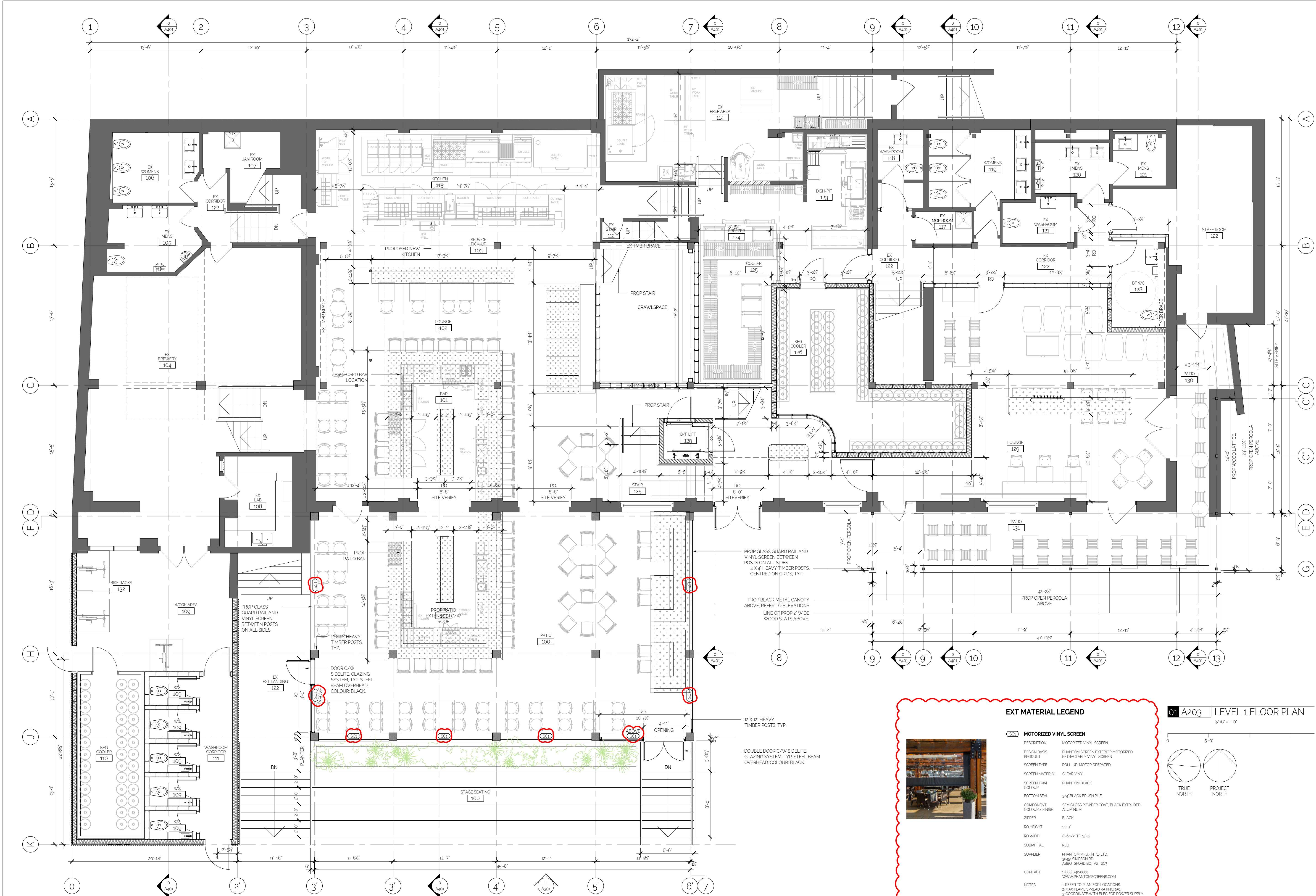
01 A202

LEVEL M DEMO PLAN

3/16" = 1'-0"

0

5'-0"



NOTES

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7	ISSUED FOR COORDINATION	2021-07-07
8	ISSUED FOR COORDINATION - KITCHEN	2021-07-20
9	ISSUED FOR ADDENDUM TO DP	2021-07-29

PROJECT

CRAFT BEER MARKET VICTORIA

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3J3

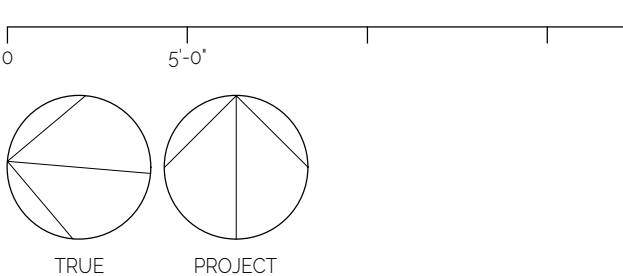
LEGAL ADDRESS:
LOT 1 PLAN VP 95884 AND
LOT A PLAN VP 95421

EXT MATERIAL LEGEND

DESCRIPTION	MOTORIZED VINYL SCREEN
DESIGN BASIS	PHANTOM SCREEN EXTERIOR MOTORIZED
PRODUCT	RETRACTABLE VINYL SCREEN
SCREEN TYPE	ROLL-UP MOTOR OPERATED
SCREEN MATERIAL	CLEAR VINYL
SCREEN TRIM COLOUR	PHANTOM BLACK
BOTTOM SEAL	3/4" BLACK BRUSH PILE
COMPONENT COLOUR / FINISH	SEMIGLOSS POWDER COAT, BLACK EXTRUDED ALUMINUM
ZIPPER	BLACK
RO HEIGHT	14'-0"
RO WIDTH	8'-6 1/2" TO 15'-0"
SUBMITTAL	REQ
SUPPLIER	PHANTOM MFG (INT'L) LTD. 3645 SIMPSON RD ABBOTSFORD BC V2T 6C7
CONTACT	1 888 742-4800 WWW.PHANTOMSCREENS.COM
NOTES	1. REFER TO PLAN FOR LOCATIONS 2. MAX FLAME SPREAD RATING 120 3. COORDINATE WITH ELEC FOR POWER SUPPLY.

01 A203 LEVEL 1 FLOOR PLAN

3/16" = 1'-0"



DRAWING TITLE

LEVEL 1 FLOOR PLAN

PROJECT

PROJECT NO 2019

SCALE 3/16" = 1'-0"

DRAWN BY LA

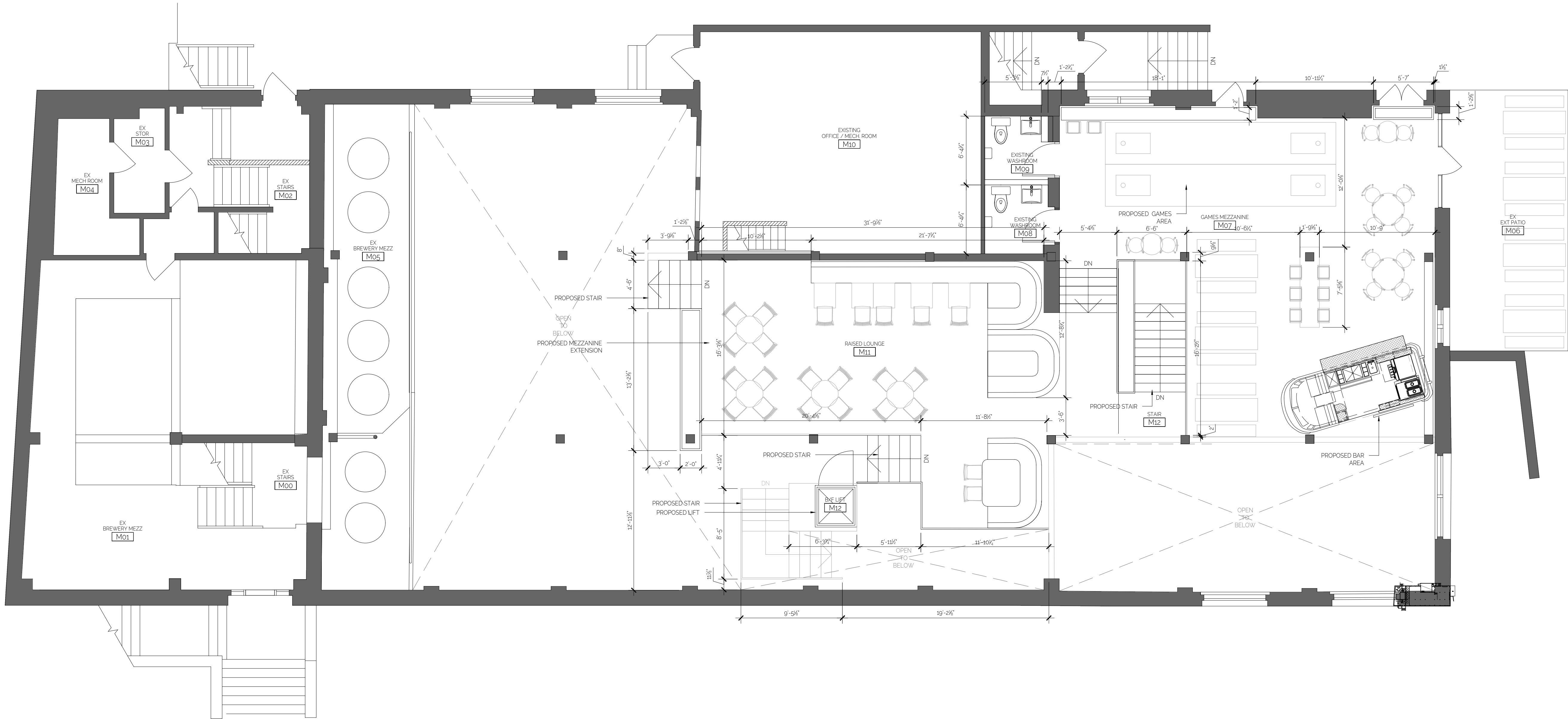
CHECKED BY

REVISION

SHEET

A203

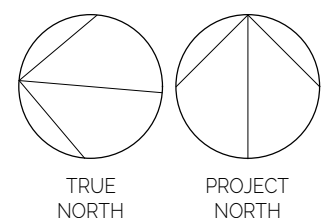
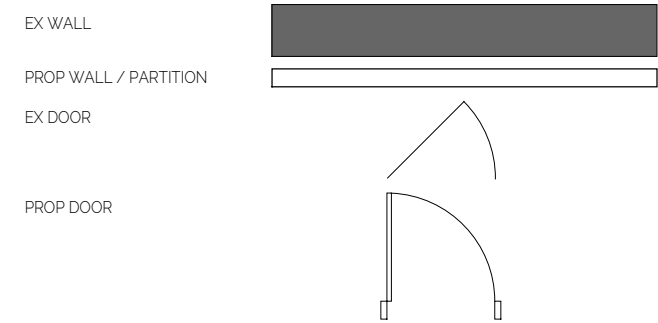
FORT



LEGEND

ROOM NUMBER SYMBOL

ROOM NAME
ROOM NUMBER
AREA IN SQUARE FEET
AREA IN SQUARE METERS



01 A102 PROP SITE PLAN
1/8" = 1'-0"

0 5'-0"

NOTES

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4	ISSUED FOR DP	2021-03-23
5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-05-04

PROJECT

CRAFT BEER MARKET
VICTORIA

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3S3

LEGAL ADDRESS:
LOT 1, PLAN VP 95884 AND
LOT 1A, PLAN VP 85421

DRAWING TITLE

PROPOSED LEVEL M
PARTITION PLAN

PROJECT

PROJECT NO 2019

SCALE

1/8" = 1'-0"

DRAWN BY

LA

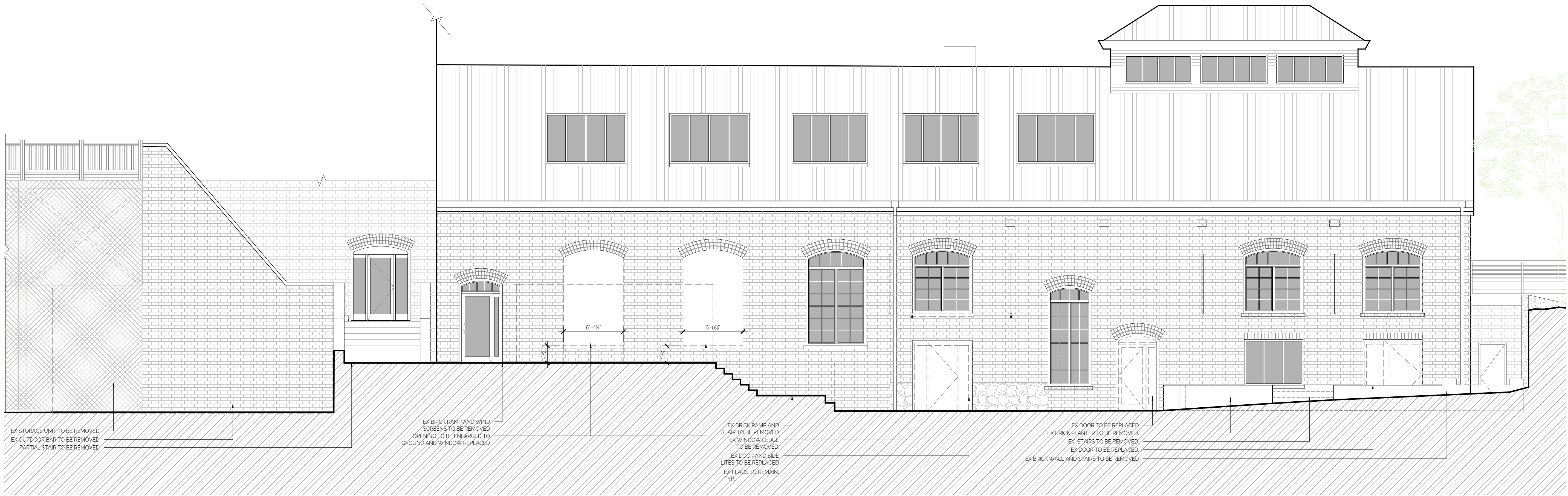
CHECKED BY

REVISION

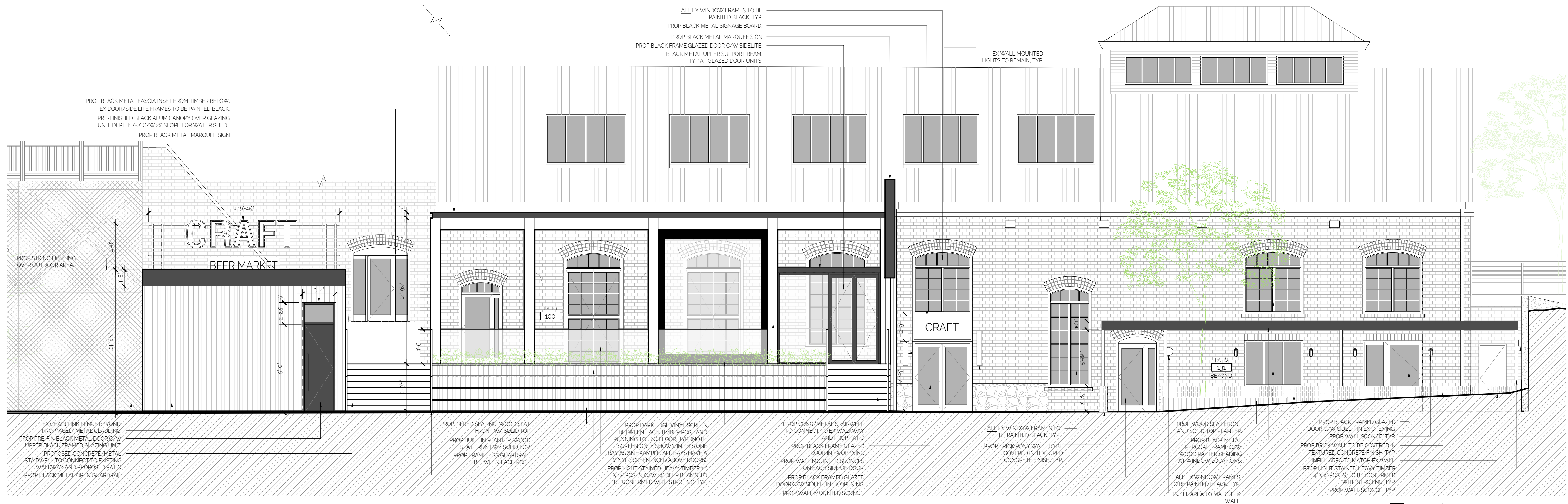
SHEET

A204

FORT



01 A301 WEST ELEV - DEMO
3/16" = 1'-0"



02 A301 WEST ELEV - PROP
3/16" = 1'-0"

NOTES

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6	ISSUED IN RESPONSE TO REVIEW SUMMARY R1	2021-06-29

PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3J3

LEGAL ADDRESS:
LOT 1 PLAN VP 95884 AND
LOT 1A PLAN VP 85421

DRAWING TITLE

**EXTERIOR
ELEVATIONS**

PROJECT

PROJECT NO 2019

SCALE 3/16" = 1'-0"

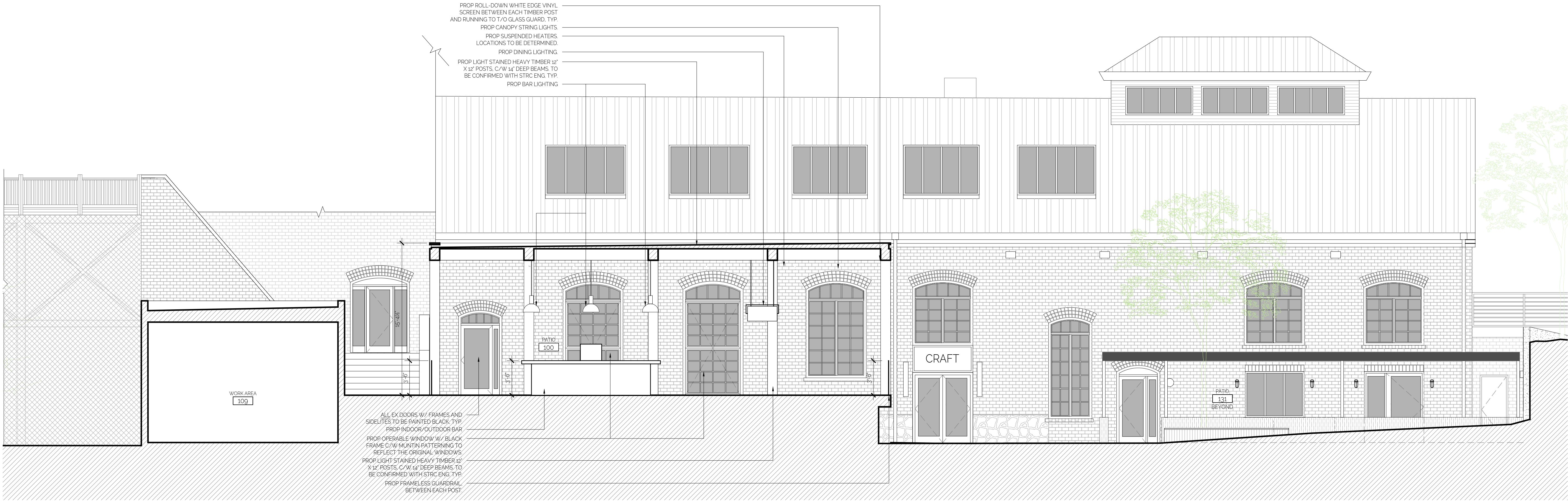
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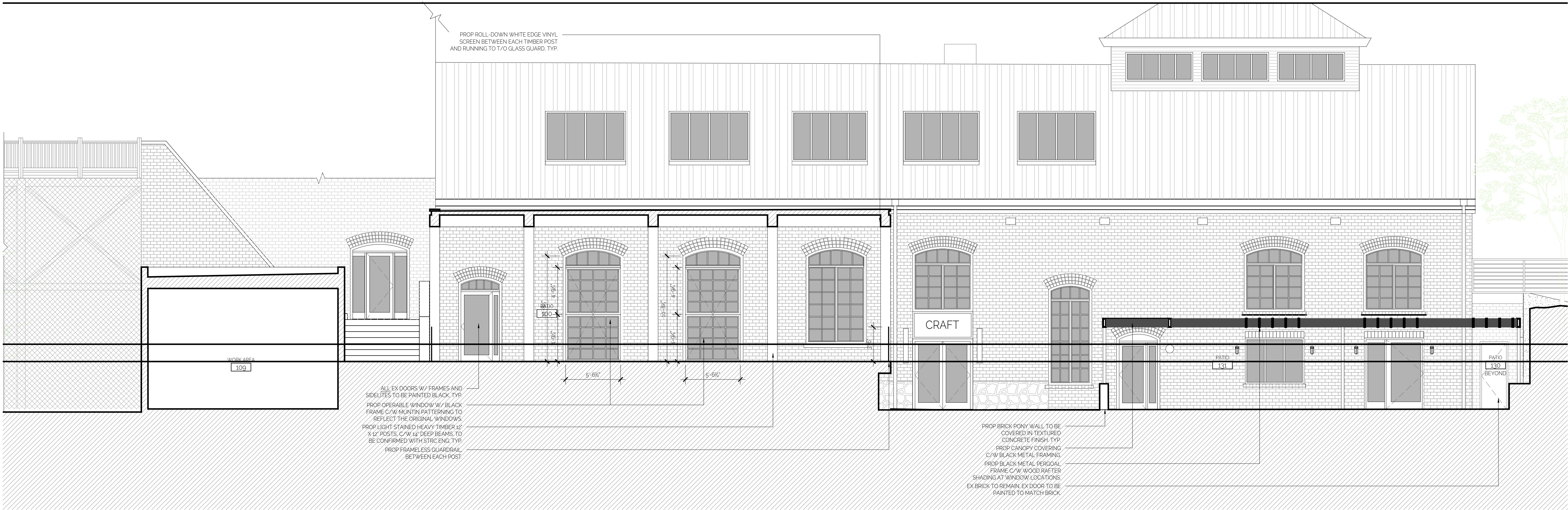
REVISION

SHEET

A301



01 A402 WEST ELEV 2 - PROP
3/16" = 1'-0"



02 A402 WEST ELEV 3 - PROP
3/16" = 1'-0"

0 5'-0"

NOTES

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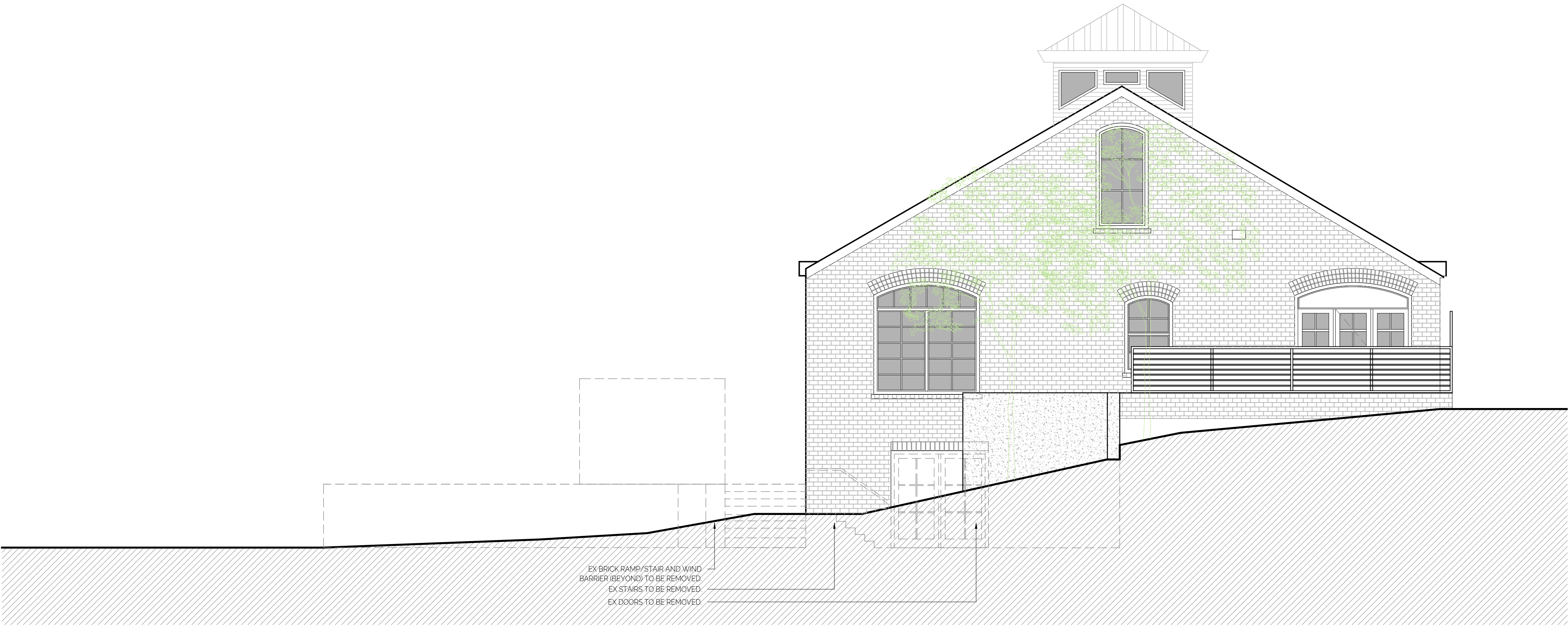
PROJECT

**CRAFT BEER MARKET
VICTORIA**

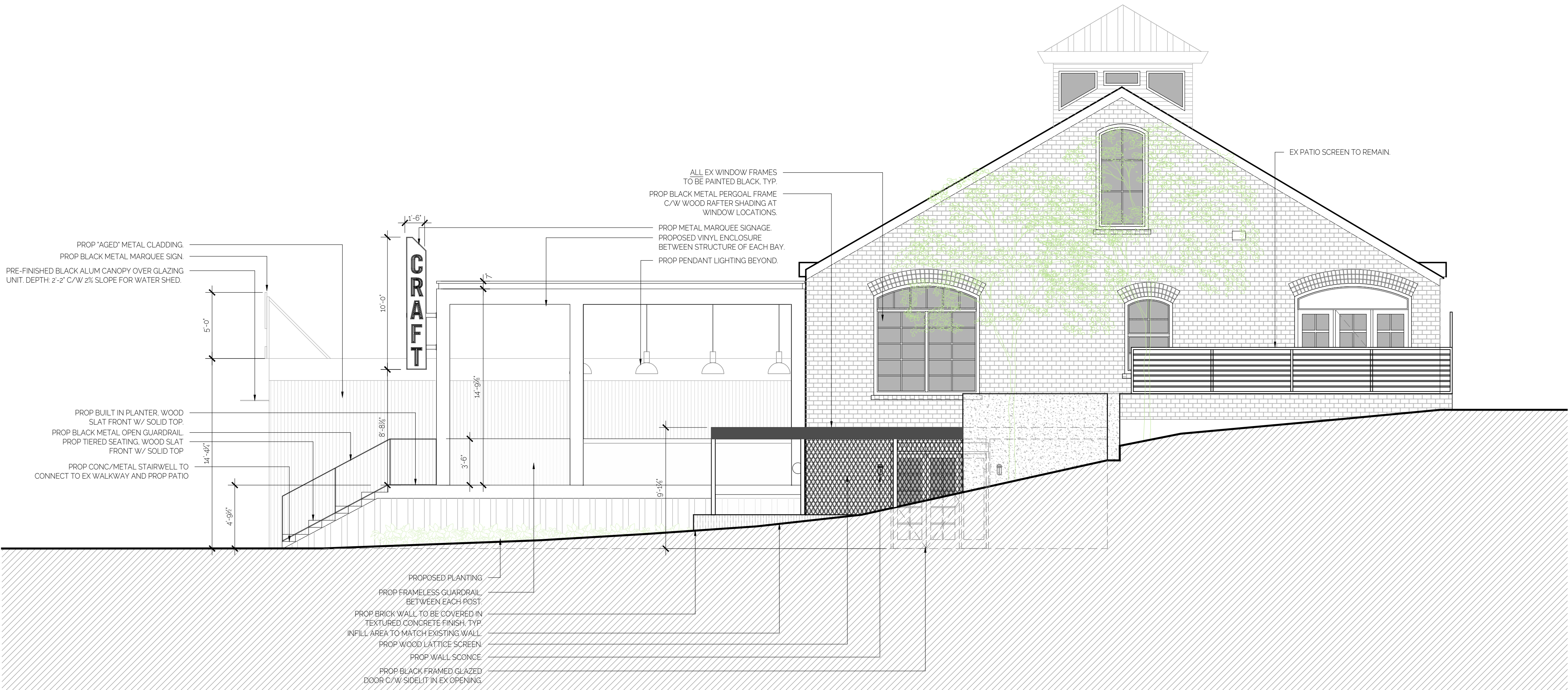
MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3J3

LEGAL ADDRESS:
LOT 1 PLAN VP 95884 AND
LOT 1A PLAN VP 85421

DRAWING TITLE	
EXTERIOR ELEVATIONS	
PROJECT	
PROJECT NO	2019
SCALE	
SCALE	3/16" = 1'-0"
DRAWN BY	
DRAWN BY	MB
CHECKED BY	
CHECKED BY	
REVISION	
SHEET	
A402	



01 A403 SOUTH ELEV - DEMO
3/16" = 1'-0"



02 A403 SOUTH ELEV - PROP
3/16" = 1'-0"

NOTES

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PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3S3

LEGAL ADDRESS:
LOT 1 PLAN VP 95884 AND
LOT 1A PLAN VP 85421

DRAWING TITLE	
EXTERIOR ELEVATIONS	
PROJECT	
PROJECT NO	2019
SCALE	
SCALE	3/16" = 1'-0"
DRAWN BY	
DRAWN BY	MB
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CHECKED BY	
REVISION	
SHEET	
A403	



01 A404 ARTISTIC VIEW 1



02 A404 ARTISTIC VIEW 2



03 A404 ARTISTIC VIEW 3



04 A404 ARTISTIC VIEW 4

NOTES

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PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3S3

LEGAL ADDRESS:
LOT 1, PLAN VP 95884 AND
LOT 1A, PLAN VP 85421

DRAWING TITLE

**CONCEPT RENDERING
AND MATERIALS**

PROJECT

PROJECT NO 2019

SCALE NTS

DRAWN BY LA

CHECKED BY

REVISION

SHEET

A404



01 A405 EXISTING SITE PHOTO
NTS



02 A405 EXISTING SITE PHOTO
NTS



03 A405 EXISTING SITE PHOTO
NTS



04 A405 EXISTING SITE PHOTO
NTS



05 A405 EXISTING SITE PHOTO
NTS



06 A405 EXISTING SITE PHOTO
NTS



07 A405 EXISTING SITE PHOTO
NTS



08 A405 EXISTING SITE PHOTO
NTS



09 A405 EXISTING SITE PHOTO
NTS

NOTES

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PROJECT

**CRAFT BEER MARKET
VICTORIA**

MUNICIPAL ADDRESS:
440 AND 420 SWIFT ST
VICTORIA BC V8W 3J3

LEGAL ADDRESS:
LOT 1 PLAN VP 95884 AND
LOT 1A PLAN VP 85421

DRAWING TITLE	
EXISTING SITE PHOTOS	
PROJECT	
PROJECT NO	2019
SCALE	
DRAWN BY	MB
CHECKED BY	
REVISION	SHEET
A405	

FORT

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

July 29, 2021

Re: Screen for 440 Swift Street – Heritage Alteration with Variance HAV00030

Dear Mayor Helps and Council,

Please find attached an addendum to the DP floor plan drawing showing locations and detailed specification of the motorized roll-up clear vinyl screen system. We would like to also respond to some questions that came from the planning department.

ITEM	CITY CONCERN	FORT RESPONSE
1.	Screen Speed How rapidly can it be deployed?	Shades are 100% electric and can be fully raised or lowered in less than 2 minutes with the push of a button on the remote control.
2.	Upper Patio Occupancy How many people does it take?	Currently we are showing seventy-eight (78) seats on the upper patio. The total outdoor occupancy is three-hundred (300) persons so the we will be designing for an occupancy of two-hundred twenty-two (222) persons for the lower outdoor patio area.
3.	Patio Vinyl Screens What equipment and company are you using and what are the operational specs?	Please refer to drawing A203 for the detailed specification and locations of the screen.
4.	Screen Operation at Night Will the vinyl be rolled down every night at closing time?	Yes, it will. The bar will be protected by a secondary roll shutter system to allow this.
5.	Screen Operation in Winter Is the vinyl rolled down all winter long, regardless of whether the patio is closed or open?	No, it would be rolled down when in use and rolled up when not in use.
6.	Legal Agreement Is the owner willing to enter into some sort of legal agreement committing to have the vinal open during certain periods of time?	No, with the weather ever changing the owner would like the flexibility for use when the weather deems it necessary.

FORT

Below are images of The Deck Kitchen + Bar located at 3500 Cessna DR, Richmond BC V7B 1C7. These images help to show the product we are specifying in their true light. The restaurant also has full height bays where the screen is deployed and shows its application in a heavy timber application.

IMAGE 1



IMAGE 2



FORT

IMAGE 3



We would also like to speak to some comments that came up during the council meeting:

ACCESSIBILITY

This project aims to make the building and site function best in serving the needs of people that require barrier-free access. The existing building has no means of getting people up the first flight of stairs to that area without having to exit the building. We are proposing a lift that will give patrons that access. It will also be the point of access for people going to the upper patio as the hostess would do that from the inside. The ramp was a means to get up to the area but this new lift is a better solution to resolve the interior existing access issues.

NOISE

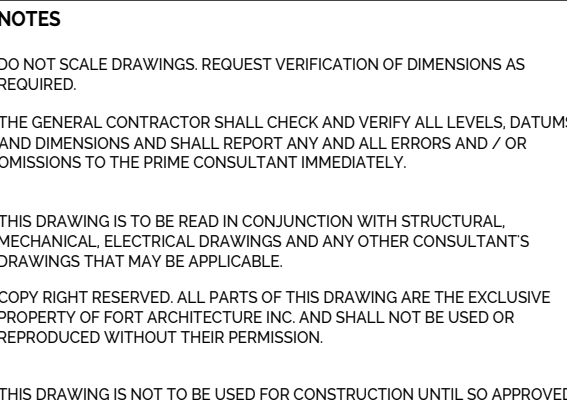
The client has stated that this concept is more food focused than the Canoe Brewpub and in so being will help mitigate noise just by the nature of the actual concept itself. This said, consideration in the position and type of speakers being used will be utilized to help even further.

Sincerely,



David Vera
Architect

FORT Architecture
B001, 1215 13th St SE
Calgary, AB T2G 3J4
david@fortarchitecture.com
o. 403. 453. FORT



NO	ISSUE	DATE
1	ISSUED FOR REVIEW	2020-07-28
2	ISSUED FOR REVIEW	2020-11-03
3	ISSUED FOR REVIEW	2021-03-03
4	ISSUED FOR DP	2021-03-24
5	ISSUED IN RESPONSE TO REVIEW SUMMARY	2021-06-06
6	ISSUED IN RESPONSE TO REVIEW SUMMARY R1	2021-06-28
7	ISSUED FOR COORDINATION	2021-07-28
8	ISSUED FOR COORDINATION - KITCHEN	2021-07-28
9	ISSUED FOR ADDENDUM TO DP	2021-07-28

PROJECT CRAFT BEER MARKET VICTORIA

MUNICIPAL ADDRESS: 440 AND 450 SWIFT ST VICTORIA BC V8W 1S3

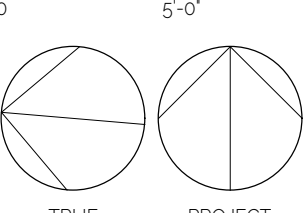
LEGAL ADDRESS:
LOT 1, PLAN VIP 38884 AND
LOT A, PLAN VIP 85421

EXT MATERIAL LEGEND



MOTORIZED VINYL SCREEN	
DESCRIPTION	MOTORIZED VINYL SCREEN
DESIGN BASIS PRODUCT	PHANTOM SCREEN/EXTERIOR MOTORIZED RETRACTABLE VINYL SCREEN
SCREEN TYPE	ROLL-UP MOTOR OPERATED
SCREEN MATERIAL	CLEAR VINYL
SCREEN TRIM COLOR	PHANTOM BLACK
BOTTOM SEAL	3/4" BLACK BRUSH PILE
COMPONENT COLOUR / FINISH	SEMI-GLOSS POWDER COAT, BLACK EXTRUDED ALUMINUM
ZIPPER	BLACK
RO HEIGHT	14" 0"
RO WIDTH	8-1/2" TO 35" 0"
SUBMITTAL	REQ.
SUPPLIER	PHANTOM MFG. INT'L LTD. 3041 EMPSON RD. ABBOTSFORD BC V2T 6C7
CONTACT	1-888-246-8866 WWW.PHANTOMSREENS.COM
NOTES	1. REFER TO PLAN FOR LOCATIONS. 2. MAX. MAX. WIND SPEED RATING: 50. 3. COORDINATE WITH ELEC. FOR POWER SUPPLY.

01	A203	LEVEL 1 FLOOR PLAN
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DRAWING TITLE

**LEVEL 1
FLOOR PLAN**

PROJECT	
PROJECT NO	2019
SCALE	3/16"
DRAWN BY	LA
CHECKED BY	

REVISION SHEET

A203

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 29, 2021

For the Council meeting of August 5, 2021, the Committee recommends the following:

F.1 Missing Middle Housing Initiative

1. That Council direct staff to:
 - a. Undertake broad consultation regarding policy and regulatory and delegated process options for enabling missing middle housing while mitigating trade-offs consistent with the approaches outlined in this report.
 - b. Prepare amendments to the Official Community Plan 2012 (OCP) to better support missing middle housing forms, including the following changes:
 - i. Expand Development Permit Area (DPA) 15F to all properties designated Traditional Residential and update the Design Guidelines for Attached Residential Development.
 - ii. Increase the building height policies in the Traditional Residential designation from approximately two and two and a half storeys to approximately three storeys.
 - iii. Support up to 1.1:1 Floor Space Ratio (FSR).
 - c. Consider consultation under section 475(2)(b) of the Local Government Act and direct staff to refer the Official Community Plan Amendment Bylaw to the Capital Regional District Board, School District 61, Township of Esquimalt, District of Saanich, the District of Oak Bay, the Songhees Nation, the Esquimalt Nation, Island Health, the Province of BC, and the Federal Government.
 - d. Consider consultation under Sections 475(1) and 475(2) of the Local Government Act and direct staff to undertake consultation on the proposed amendments to the Official Community Plan 2012 in accordance with the consultation plan in Attachment A.
 - e. Report back to Council with details of the feedback received, estimation of resource impacts, and seek instructions for drafting bylaw amendments.
 - f. Continue to focus on finding innovative approaches to create new affordable rental and cooperative and ownership housing units.

F.3 Council Procedure Bylaw Amendment – Bill 10

That Council proceed with readings for the Council Procedures Bylaw, Amendment Bylaw No. 21-074, and that the recommendation and the bylaw be forwarded to the August 5, 2021 daytime Council meeting.



Council Report

For the Meeting of August 5, 2021

To: Council
From: C. Kingsley, City Clerk
Subject: 610-624 Herald Street and 611-635 Chatham Street: Development Permit with Variance No. 00156
Date: July 29, 2021

RECOMMENDATION

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

1. Housing Agreement (610-624 Herald Street and 611-635 Chatham Street) Bylaw (2021) No. 21-080

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-080.

The issue came before Council on June 17, 2021 where the following resolution was approved:

610 - 624 Herald Street and 611 - 635 Chatham Street - Development Permit with Variances Application No. 00156 (Downtown)

That, subject to the preparation and execution of legal agreements to secure all residential units as rental, to the satisfaction of the Director of Planning and minor public realm plan corrections, 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. 00156 for 610 - 624 Herald Street and 611 - 635 Chatham Street, in accordance with:

1. Plans date stamped May 14, 2021.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. increase building height to 21.1m.
3. Registration of legal agreements on the property's title to secure all residential units as rental for 60 years or the life of the building, to the satisfaction of City Staff.
4. A legal agreement to secure public realm improvements as indicated on Plans dated May 14, 2021.
5. Council authorizing the street-level projecting canopies over the City Right-of-Way on Herald, Chatham and Government Streets, provided that the applicant enters

into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

6. Council authorizing anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.
7. That the mural be changed to reflect the Old Town and Chinatown neighborhood history and culture.
8. Further consideration of diversifying the brick colours in the project and make colours and design elements more consistent with those found in Chinatown
9. 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. 21-080

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

1 This Bylaw may be cited as the "HOUSING AGREEMENT (610-624 HERALD STREET and 611-635 CHATHAM STREET) BYLAW (2021)".

2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:

- 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

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:

NICOLA HERALD NOMINEE INC.
1508 West Broadway, 5th Floor
Vancouver, British Columbia, V6J 1W8

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with civic addresses of 610-624 Herald Street and 611-635 Chatham Street Victoria, B.C. and legally described as:
 - PID: 009-375-775 Lot 620 Victoria City;
 - PID: 009-375-783 Lot 621 Victoria City;
 - PID: 009-375-791 Lot 622 Victoria City,
 - PID: 009-375-821 Lot 623 Victoria City;
 - PID: 009-375-830 Lot 624 Victoria City;
 - PID: 009-375-899 Lot 632 Victoria City;
 - PID: 009-375-911 Lot 633 Victoria City;
 - PID: 009-375-929 Lot 634 Victoria City; and
 - PID: 009-375-945 Lot 635 Victoria City,

(collectively, the "Lands").
- D. The Owner has applied to the City for a development permit with variance to permit 278 housing units within the Development in accordance with this Agreement.

{00079769:2}
39049.158057.SFW.20054646.3

- 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:

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 buildings consisting of 278 residential housing units, ground floor commercial units and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the 278 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 8.3;

"**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 for sixty (60) years beginning on the date the City issues an occupancy permit, or the life of the Development, 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.

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:

Nicola Herald Nominee Inc.
1508 West Broadway, 5th Floor
Vancouver, BC V6J 1W8

Attention: Josh Anderson
Fax: N/A
Email: janderson@nicolawealth.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 Hoesel, Director of Sustainable
 Planning and Community Development)

Date signed: _____)

NICOLA HERALD NOMINEE INC.)
 by its authorized signatory(ies):)



 Print Name: Alex Messina)

 Print Name:)

Date signed: July 19, 2021



Council Report

For the Meeting of August 5, 2021

To: Council **Date:** July 26, 2021

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

Subject: **Update Report for Rezoning Application No. 00699, Heritage Alteration Permit with Variances Application No. 00018 and Heritage Designation Application No. 00179 for 1306-1330 Broad Street, 615-625 Johnson Street and Parts of 622 and 630 Yates Street**

RECOMMENDATION

That the following bylaws be given introductory readings:

1. Zoning Bylaw, 2018 (No. 04) No. 21-075
2. Heritage Designation Bylaws Nos. 21-077 and 21-078.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-075. The issue came before Council at a Committee of the Whole meeting on February 6, 2020 and was ratified at a Council meeting on February 13, 2020 where the following resolution was approved:

Rezoning Application No. 00699

1. "That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00699 for 1306-1330 Broad Street, 615-625 Johnson Street and parts of 622 and 630 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and that a Public Hearing date be set once the following conditions are met:
 - a. Plan revisions to reflect proposed design changes and a reduction in density from 4.37:1 to 4.0:1 floor space ratio and to correct plan inconsistencies, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - b. Preparation and execution of legal agreements to secure 2.98 metres of the western portion of 1314 to 1330 Broad Street and 615 to 625 Johnson Street, adjacent to the existing "lane," as a Statutory Right-of-Way, to the satisfaction of the Director of Engineering and Public Works;
 - c. Preparation and execution of a legal agreement securing public realm improvements to

- the “lane” and adjacent streets, including the provision of bicycle parking stalls, to the satisfaction of the Director of Engineering and Public Works;
- d. Preparation and execution of a legal agreement securing interpretive signage that will be displayed both during construction and over the long term, to the satisfaction of the Director of Sustainable Planning and Community Development;
 - e. Preparation and execution of a legal agreement securing the adaptive reuse of building materials, as proposed in the applicant’s letter, to the satisfaction of the Director of Sustainable Planning and Community Development; and
 - f. Preparation of bylaws to dedicate the area that currently functions as a lane at the rear of the properties as a lane, subject to the satisfaction of the City Solicitor and the Director of Engineering and Public Works, and that Council consider approving these bylaws subject to Council approving Rezoning Application No.00699.
2. That Council consider the Heritage Designation of 1314-1324 Broad Street (the Duck’s Building) and the western rubble wall of 615 to 625 Johnson Street, consistent with plans date stamped November 6, 2019, and concurrent with final consideration of Rezoning Application No. 00699, if it is approved.
 3. That Council authorize the Mayor and City Clerk to execute encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted, in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works for:
 - a. building encroachments adjacent to Broad Street, Johnson Street and the Duck’s Building Lane; and
 - b. anchor-pinning in the City Right-Of-Way.”

Heritage Alteration Permit with Variances Application No. 00018

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. 00699, if it is approved, consider the following motion:

"That Council authorize the issuance of Heritage Alteration Permit Application with Variances No. 00018 for 1306-1330 Broad Street, 615-625 Johnson Street and parts of 622 and 630 Yates Street, in accordance with:

1. Plans, date stamped November 6, 2019, the Conservation Plan for the Duck’s Carriage Factory at 615-625 Johnson Street, date stamped November 6, 2019, and the Conservation Plan for the Duck’s Building at 1314-1324 Broad Street, date stamped November 6, 2019.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the number of required parking spaces from 35 to 20
 - b. increase the maximum height from 15m to 18.9m
 - c. reduce the required number of short-term bicycle parking stalls on site from 9 to 0.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The applicant providing further design details of the heritage interpretation program to the satisfaction of the Director of Sustainable Planning and Community Development.
5. Minor plan amendments to address text errors on the plans to the satisfaction of the Director of Sustainable Planning and Community Development.
6. Heritage Alteration Permit lapsing two years from the date of this resolution."

Regarding the pre-conditions that Council set in relation to this application, staff can report that all conditions and agreements have been executed and the application is ready for Council's consideration of introductory readings.

The applicant has entered into a section 219 agreement with the City committing to design a heritage interpretation program, consisting of temporary hoarding signage and permanent signage installed on both the rubble wall and inside the completed lobby of the Duck's Block. The signage is to be designed by a graphic designer working with the applicant's heritage consultant and subject to approval by the Director of Sustainable and Community Planning. The signage would be secured by a letter of credit provided to the City prior to Building Permit issuance for an amount equal to, or greater than \$36,000.

Additionally, the owner has entered into a section 219 agreement committing to salvage certain heritage building materials for re-integration into the new development, to the extent possible considering the unknown condition of some of the materials targeted for reuse. During demolition work, the applicant's heritage consultant will assess and identify materials suitable for reuse and work with staff to reintegrate them in the interior:

- bricks, timber floor joists, subfloors, flooring, roofing purlins, strapping, shiplap, doors, trim work, finish materials from the existing "Madam's Room" (including a small fireplace)
- salvaged brick to use in the reconstruction of interior walls on the ground floor
- salvaged trim and at least one salvaged door within one or more publicly accessible areas of the new development.

At the request of the applicant, this application was paused just prior to advancing to a public hearing in March of 2020, in response to the developing global COVID-19 pandemic.

CONCLUSIONS

The applicant has executed the required legal agreements and provided staff with all outstanding items and the application is now ready to advance to a public hearing.

Respectfully submitted,

Miko Betanzo
Senior Planner – Urban Design
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

John O'Reilly Senior Heritage Planner
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Zoning Bylaw, 2018 (No. 04) No. 21-075
- Attachment B: Heritage Designation Bylaws Nos. 21-077 and 21-078

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Bylaw 2018 to rezone land known as 1306, 1312, 1314, 1316, 1318, 1320, 1322 and 1324 Broad Street, 615, 617, 619, 621, 623 and 625 Johnson Street and Parts of 622 and 630 Yates Street, to add Site Specific Regulations to the Old Town District-1 Zone (OTD-1).

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

Title

- 1 This Bylaw may be cited as the “ZONING BYLAW 2018, AMENDMENT BYLAW (NO. 04)”.

Definition

- 2 “**Site**” means the lands known as 1306, 1312, 1314, 1316, 1318, 1320, 1322 and 1324 Broad Street, 615, 617, 619, 621, 623 and 625 Johnson Street and Parts of 622 and 630 Yates Street, legally described as:

PID: 004-599-748, Lot 159A, Victoria City, Except the Westerly 10 Feet,
 PID: 004-599-772, Lot 160A, Victoria City, Except the Westerly 10 Feet,
 PID: 000-748-480, Lot 2, District Lot 161-A, Victoria City, Plan 5500,
 PID: 004-115-791, Lot 1, of Lots 161-A and 162-A, Victoria City Plan 5500, and
 PID: 001-668-277, Lot “A” of Lots 161-A and 162-A, Victoria City, Plan 3564

and shown hatched on the attached map.

- 3 The Old Town District-1 Zone (OTD-1) is amended to add Site Specific Regulations

Rezoning

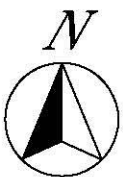
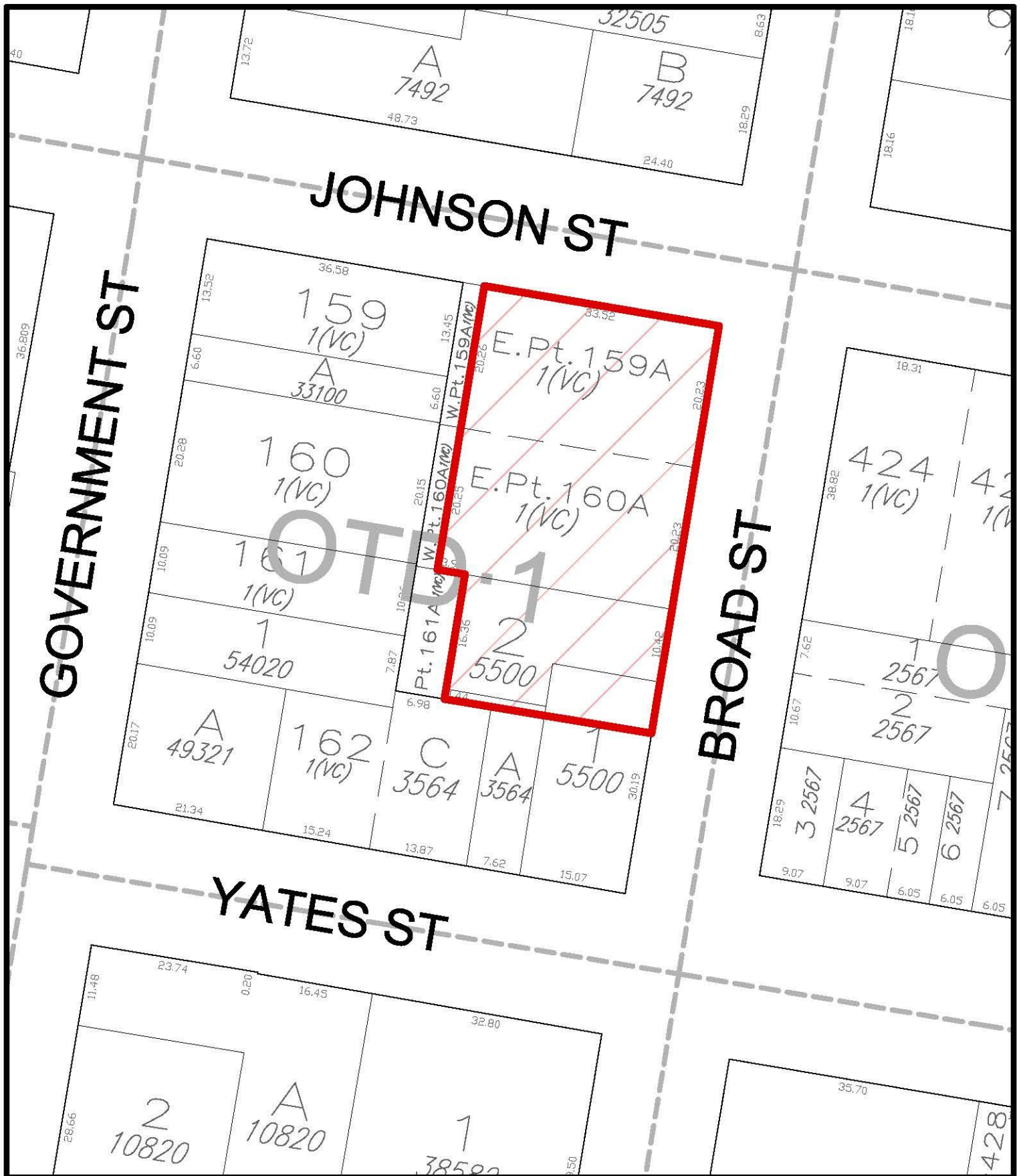
- 4 The Site is rezoned to Old Town District-1 Zone (OTD-1) with Site Specific Regulations.

Amendments

- 5 Bylaw No. 18-072, Zoning Bylaw 2018, is amended:

(a) in Part 4.4, Section 8, by adding the following as the new row 4:

1306-1324 Broad Street, 615-625 Johnson Street and Parts of 622 and 630 Yates Street Lot 159A, Victoria City, Except the Westerly 10 Feet, Lot 160A, Victoria City, Except the Westerly 10 Feet, Lot 2, District Lot 161-A, Victoria City, Plan 5500 Lot 1, of Lots 161-A and 162-A, Victoria City Plan 5500	a. Bonus Density of Development: 3.98	i. Rehabilitation and retention of the existing east and west Duck’s Building facades and the west rubble wall of the Duck’s Carriage Factory building in accordance with Heritage Designation Bylaws No. 21-077 and 21-078 ii. A public laneway with a width of 3.0m, constructed at the western boundary of the site for a length of 30.5m, and secured by a Statutory Right-of-Way and covenant in favour of the City.
--	--	--



1306 - 1330 Broad Street / 615 - 625 Johnson
Street & parts of 622 and 630 Yates Street
Rezoning No.00699



NO. 21-077

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the front and rear elevations and conserved portions of the side walls of the building located at 1314-1324 Broad Street, first constructed in 1892, to be protected heritage property.

Under its statutory powers, including Section 611 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (1314-1324 BROAD STREET) BYLAW”.
2. The exterior portions of the building as indicated in the diagram in Schedule A attached to this Bylaw and located at 1314-1324 Broad Street, legally described as PID 004-599-748, Lot 159A, Victoria City, except the westerly 10 feet, are designated to be protected heritage property.

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

Schedule 'A'



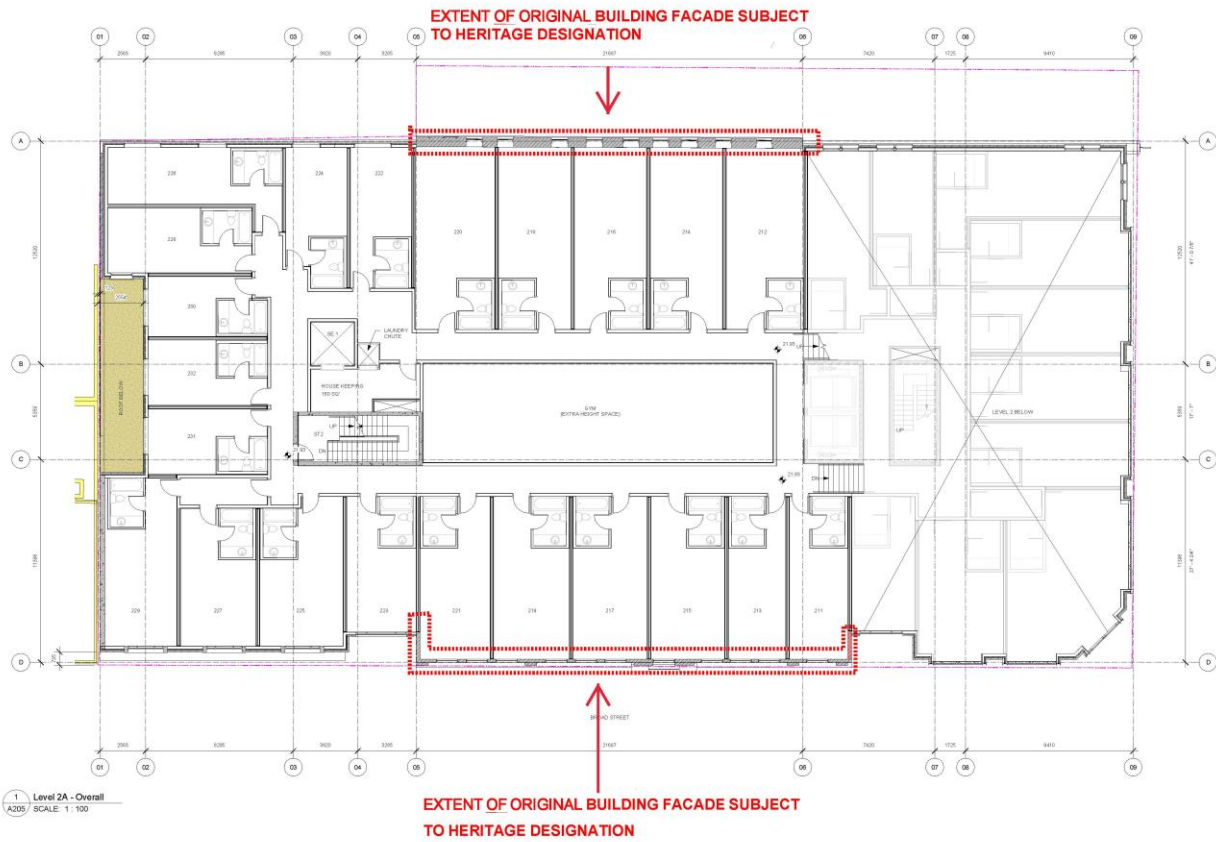
Photographs of Front Elevation Subject to Heritage Designation





Photograph of Rear Elevation Subject to Heritage Designation

Note: The metal vent, steel exterior stairs and other mechanical equipment are not included in the designation



NO.	DATE	DESCRIPTION	BY	CHECKED
1	10/10/2023	ISSUED FOR PERMIT	AK	AK
2	10/10/2023	REVISION	AK	AK
3	10/10/2023	REVISION	AK	AK
4	10/10/2023	REVISION	AK	AK
5	10/10/2023	REVISION	AK	AK
6	10/10/2023	REVISION	AK	AK
7	10/10/2023	REVISION	AK	AK
8	10/10/2023	REVISION	AK	AK
9	10/10/2023	REVISION	AK	AK
10	10/10/2023	REVISION	AK	AK

AKH Architects	
1010 10th Street, Suite 100 Vancouver, BC V6C 1A5 Tel: 604-681-1111 Fax: 604-681-1112 Email: info@akharchitects.com	
The Duck's Building 1010 10th Street, Suite 100 Vancouver, BC V6C 1A5	
Project:	Level 2A
Client:	A205
Architect:	5



CONSERVATION STRATEGY

BRICKWORK AND MASONRY DETAILS TO BE PRESERVED (a)
EXTERIOR BRICK WALLS TO BE PRESERVED (a)
EXISTING DOUBLE-HUNG WOODEN SASH WINDOWS TO BE REHABILITATED WHERE FUNCTIONAL AND WELL-MAINTAINED; COMPATIBLE DOUBLE-HUNG WOODEN SHUTTERS WHERE NEEDED (a)
IRON COLUMNS TO BE RETAINED (a)
ORIGINAL CORBELLED CORNICE DETAILING WITH BRACKETS AND TRIANGULAR FINESTUCCO TO BE PRESERVED (a)
PAINT TO BE REMOVED FROM EXTERIOR MASONRY WHERE APPLICABLE (a)
RUSTICATED MASONRY Piers TO BE PRESERVED (a)
NEW ENTRANCEWAYS TO BE CONSTRUCTED IN THE SPIRIT OF THE ORIGINAL HISTORIC APPEARANCE (a)
STONE LINTELS TO BE PRESERVED (a)

Material Schedule East

- 1 Brick Masonry/Veneer Cladding - Paint Blend
- 2 Brick Masonry/Veneer Cladding - Wood
- 3 Metal Panel - Light Grey
- 4 Metal Panel - Dark Grey
- 5 Metal Panel - Black
- 6 Pre-Cast Concrete
- 7 Custom-Vit Window System - Clear Anodized Aluminum
- 8 Horizontal-Slit Window
- 9 Steel Channel
- 10 Canvas - Steel & Glass
- 11 Extruded/Insulationally Compatible Window
- 12 Signage
- 13 Sectional Overhead Door
- 14 Hollow Metal Door

BRICK AND TILE COLOUR

2. BRICK MASONRY VENEER CLAZO
- GOLDEN ROD



3. METRIC PANEL - LT GREEN

1 BRICK MASONRY VENEER CLADDING
- FIRST END



4. METAL PANEL - DK GREY

[illegible]



dHkArchitects

REGIONAL OFFICE
 1170 West 10th Ave
 Victoria BC V8W 2K2
 Tel: 250-645-5367

HEADQUARTERS OFFICE
 100 - 1180 Georgia St W
 Vancouver BC V6E 2B8
 Tel: 250-580-0018

The Duck's Building
 1312-1324 Broad Street
 Victoria, BC

East Elevation

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ARCHITECT

A303

5

NO. 21-078

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to designate the western rubble wall of the building located at 615-625 Johnson Street, first constructed in 1874, to be protected heritage property.

Under its statutory powers, including Section 611 of the *Local Government Act*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the “HERITAGE DESIGNATION (615-625 JOHNSON STREET) BYLAW”.
2. The western rubble wall of the building as indicated in the diagram in Schedule A attached to this Bylaw and located at 615-625 Johnson Street, legally described as PID 004-599-772, Lot 160A, Victoria City, except the westerly 10 feet, is designated to be protected heritage property.

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

Schedule 'A'



Photograph of Visible Portions of the Rubble Wall



BROWN AND MACHRY DETAILS TO BE PRESERVED (p.)

EXTERIOR BRICK WALLS TO BE PRESERVED (p.)

EXISTING DOUBLE-HUNG WOODEN SASH WINDOWS TO BE DEMOLISHED WHERE
POSSIBLE AND REPLACED BY HISTORICALLY COMPATIBLE DOUBLE-HUNG WOODEN
SASHES WHERE NEEDED (p.)

IRON COLUMNS TO BE RETAINED (p.)

ORIGINAL CORBELLED-CORNUCE DETAILING IN BRACKETS AND TRIANGULAR
PEDIMENT TO BE PRESERVED (p.)

PAINT TO BE REMOVED FROM EXTERIOR MASONRY WHERE APPLICABLE (p.)

RESTITUTIONARY PRIORS TO BE PRESERVED (p.)

NEW ENTRYWAYS TO BE CONSTRUCTED IN THE SPIRIT OF THE ORIGINAL HISTORIC
APPEARANCE (p.)

REMARK: THIS IS TO BE REVISITED (p.)

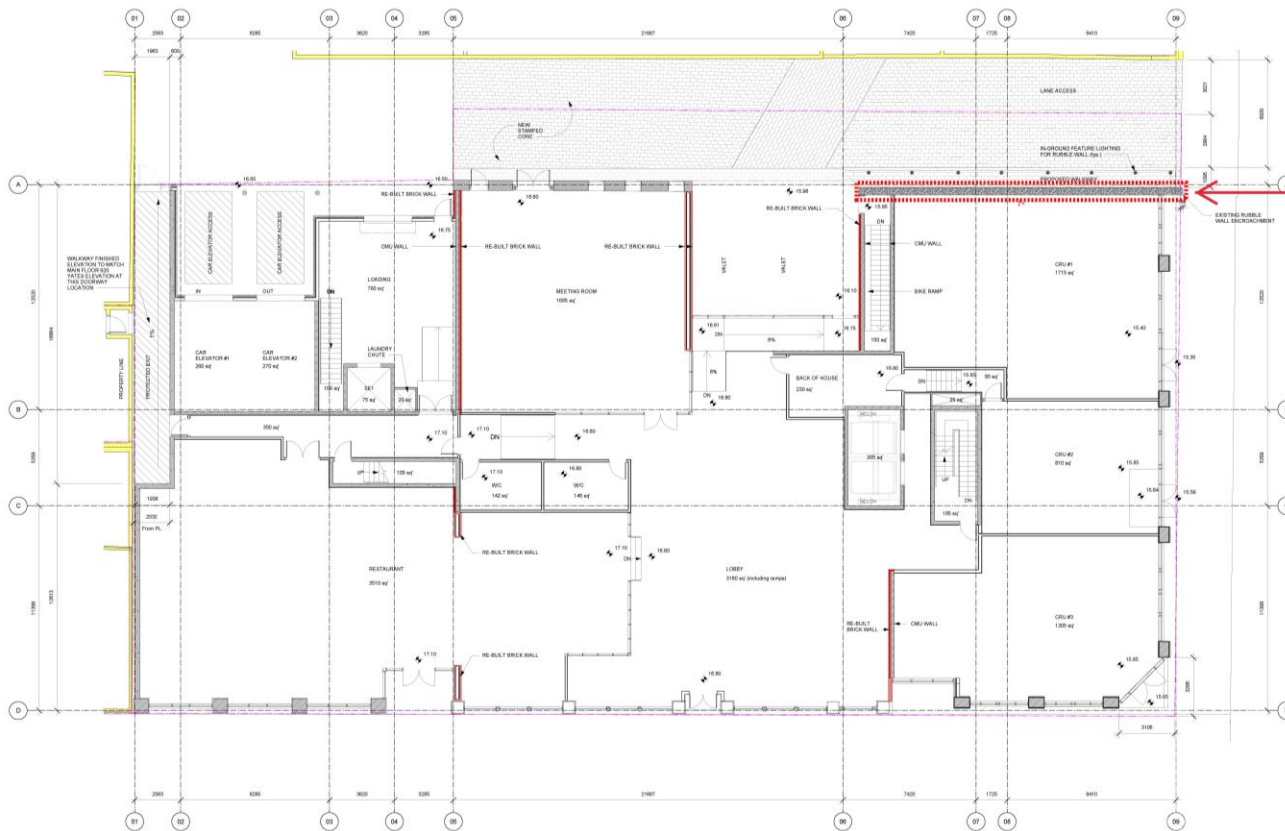
- 1 Brick Masonry Veneer Cladding - Forest Blend
- 2 Brick Masonry Veneer Cladding - Wheat
- 3 Metal Panel - L'Orsay
- 4 Metal Panel - Di'Orsay
- 5 Metal Panel - Black
- 6 Pre-Cast Concrete
- 7 Cast-in-Place Window Sillings - Clear Anodized Aluminum
- 8 Prefinished Metal Window
- 9 Steel C-Channel
- 10 Canvas - Steel & Glass
- 11 Rehabilitated Historically Compatible Window
- 12 Gypsum
- 13 Sectional Overhead Door
- 14 Hollow Metal Floor

2. BRICK MASONRY VENEER CLADDING - WHEAT



1. BRICK MASONRY VENEER CLADDING
- EXPOSED IN 2ND

[illegible]



EXTENT OF ORIGINAL
BUILDING STRUCTURE
SUBJECT TO HERITAGE
DESIGNATION

NOTE:
RE-BUILT BRICK WALL

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	2023-01-10	J. DUCK	J. DUCK
2	REVISED FOR COMMENTS	2023-01-15	J. DUCK	J. DUCK
3	REVISED FOR COMMENTS	2023-01-20	J. DUCK	J. DUCK
4	REVISED FOR COMMENTS	2023-01-25	J. DUCK	J. DUCK
5	REVISED FOR COMMENTS	2023-01-30	J. DUCK	J. DUCK
6	REVISED FOR COMMENTS	2023-02-05	J. DUCK	J. DUCK
7	REVISED FOR COMMENTS	2023-02-10	J. DUCK	J. DUCK
8	REVISED FOR COMMENTS	2023-02-15	J. DUCK	J. DUCK
9	REVISED FOR COMMENTS	2023-02-20	J. DUCK	J. DUCK
10	REVISED FOR COMMENTS	2023-02-25	J. DUCK	J. DUCK

**Architects**

The Duck's Building
1212 1st Street
Vancouver, BC V6C 1A1

Level 1

A203 **5**



Council Report

For the Meeting of August 5, 2021

To: Council **Date:** July 29, 2021
From: C. Kingsley, City Clerk
Subject: Council Procedure Bylaw, Amendment Bylaw No. 21-074

RECOMMENDATION

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

1. Council Procedures Bylaw, Amendment Bylaw (2021) No. 21-074

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 21-074.

The issue will come before Council on August 5, 2021 where the following resolution is to be ratified:

"That Council proceed with readings for the Council Procedures Bylaw, Amendment Bylaw No. 21- 074, and that the recommendation and the bylaw be forwarded to the August 5, 2021 daytime Council meeting."

Respectfully submitted,

Curt Kingsley
City Clerk

Report accepted and recommended by the City Manager

List of Attachments:

- Bylaw No. 21-074

COUNCIL PROCEDURES BYLAW, AMENDMENT BYLAW

A BYLAW OF THE CITY OF VICTORIA

The Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

1. This bylaw may be cited as the “Council Procedures Bylaw, Amendment Bylaw (2021) No. 21-074”.

Amendments

2. The Council Procedures Bylaw No. 16-011 is amended as follows:

- (1) Section 7 is repealed and replaced with the following section:

- “7
- (1) Council must establish and the City Clerk must make available to the public a schedule of the date, time and place of regular Council meetings.
 - (2) The City Clerk must give notice of the availability of the schedule referred to in subsection (1), at least once a year in accordance with section 94 and 127 of the *Community Charter*.”
 - (3) At least 48 hours before a regular Council meeting, the City Clerk must give advanced public notice of the date, time and place of that meeting by
 - (a) posting the agenda at the public notice board at City Hall,
 - (b) delivering copies of the agenda to each of the member of Council, and
 - (c) leaving copies of the agenda at a public counter at City Hall for the purpose of making the agenda available to members of the public.”

- (2) Section 9 is repealed and replaced with the following section:

- “9
- (1) For the purposes of this section, electronic participation in a meeting means participation by use of electronic, telephone, or other communication facilities that
 - (a) enable the meeting’s participants to hear and speak with each other, and
 - (b) enable the public to hear the participation of Council members during the part of the meeting that is open to the public.
 - (2) Two members of Council may participate electronically in a Council meeting if:

- (a) at least 24 hours before the meeting those members notify the City Clerk of their intention to participate electronically, and
 - (b) A majority of the members of Council are physically present at the meeting.
- (3) Notwithstanding subsection (2), the Mayor may authorize more than two Council members to participate electronically provided that:
- (a) a state of local emergency has been declared by the City and in person participation in the Council meeting would be inconsistent with the declaration; or
 - (b) in the Mayor's opinion extra-ordinary circumstances exist that make it unsafe or impractical for Council members to physically participate in a meeting.

and for clarity, subsection 2(b) does not apply to a meeting authorized by this section.

- (4) Written material at a meeting at which there is electronic participation, if that material is presented to the meeting without being included in either the agenda package or late agenda items sent to the members participating electronically must be audibly read into the record.
 - (5) A member, who is participating electronically in the voting on a matter, must vote by audibly stating that they vote in favour or oppose.
 - (6) If there is an interruption in the communications' link to a member who is participating electronically, the other Council members may
 - (a) decide on a short recess until it is determined whether or not the link can be re-established, or
 - (b) continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the room."
- (3) Section 15 is repealed and replaced with the following section:
- "15 (1) Particular business at a regular Council meeting must be listed on the agenda and taken up in the following order, unless Council resolves otherwise or there are no matters under an item for consideration at that meeting:
- (a) Approval of Agenda;
 - (b) Reading of Minutes;
 - (c) Requests to address Council (maximum 6 requests);
 - (d) Proclamations;

- (e) Public and statutory hearings (including third reading or adoption of bylaws and approval of permits where applicable after each hearing);
 - (f) Requests to address Council;
 - (g) Unfinished Business;
 - (h) Reports of Committee;
 - (i) Notice of Motions;
 - (j) Bylaws;
 - (k) Correspondence;
 - (l) New Business;
 - (i) Late items;
 - (m) Question Period;
 - (n) Closed meeting, if required;
 - (o) Adjournment.
- (2) Council may proceed with a particular item of business at a regular Council meeting in the absence of the Council member in whose name the item is listed on the agenda only if that member has given written permission for another Council member to proceed with that business.
 - (3) Prior to each Council meeting the City Clerk must prepare an agenda setting out all items for consideration at that meeting, noting in short form a summary for each item on the agenda.
 - (4) The deadline for submissions by the public to the City Clerk of items for inclusion on a Council meeting agenda is 11:00AM on the day before the meeting.
 - (5) Council must not consider any matters not listed on the agenda unless introduction of the late item is approved by Council at the time allocated on the agenda for such matters.
 - (6) If the Council makes a resolution under subsection (5), information pertaining to the late items must be distributed to the members."
- (4) Subsection 28(1) is repealed and replaced with the following subsection:
 - "(1) Only by an affirmative vote of 2/3 of the Council members present may a daytime Council meeting continue after 4:30PM, or an evening Council meeting continue after 11:00PM."

- (5) Section 40 is repealed and replaced with the following section:

“Adjournment of Committee of the Whole meetings

- 40 (1) Regular Committee of the Whole meetings must adjourn at 2:00PM unless a motion for continuation is approved by 2/3 of the members present.
- (2) A motion for continuation under subsection (1) must establish a specific time for the adjournment of the Committee of the Whole meeting.”

- (7) Subsection 42(2)(b) is repealed and replaced with the following subsection:

“(b) section 7 [*Schedule and public notice of meetings*];”

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

HOUSING AGREEMENT (11 CHOWN PLACE) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement to ensure that the proposed four-storey, multi-unit residential building provides specified levels of affordability on the lands known as 11 Chown Place, Victoria, BC.

Under its statutory powers, including section 483 of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (11 CHOWN PLACE) BYLAW (2021)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
- (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and The Gorge View Society, Inc. No. S0004996 or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 11 Chown Place, Victoria, BC, legally described as:
PID: 005-066-999, Lot A (DD 270373I), Section 10 and 11, Victoria District, Plan 11749

READ A FIRST TIME the **29th** day of **July** 2021

READ A SECOND TIME the **29th** day of **July** 2021

READ A THIRD TIME the **29th** day of **July** 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR

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:

THE GORGE VIEW SOCIETY
S0004996
11 Chown Place
Victoria, B.C. V9A 1H5

(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 11 Chown Place, Victoria, B.C. and legally described as:

PID: 005-066-999
LOT A (DD 270373I), SECTION 10 AND 11, VICTORIA DISTRICT, PLAN 11749

(collectively, the "Lands").
- D. The Owner has applied to the Victoria Housing Reserve Fund for a grant to subsidize the construction of affordable rental units geared to households with very low, low and median income within the Development, and as a condition of receiving the grant, has agreed to enter into this housing agreement with the City to secure the affordability of the units;
- E. The Owner also intends to enter into an operating agreement with BC Housing as a condition of receiving funding from BC Housing, for a 60 year term to operate the Development as affordable and market housing in accordance with that agreement;
- F. 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 low income rental housing, and 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:

1.0 DEFINITIONS

1.1 In this Agreement:

"**Affordable Units**" has the meaning ascribed in section 4.1;

"**BC Housing**" means the British Columbia Housing Management Commission;

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

"**Deep Subsidy Income**" means the household income threshold established for Deep Subsidy Units as determined by BC Housing from time to time based on Income Assistance amounts or similar very low income thresholds;

"**Deep Subsidy Unit**" means a Dwelling Unit that is designated as a deep subsidy unit in accordance with Article 4.0 of this Agreement;

"**Development**" means the new building consisting of residential housing and related facilities to be constructed on the Lands;

"**Director**" means the City's Director of Sustainable Planning and Community Development or their designate;

"**Dwelling Units**" means any or all, as the context may require, of the 58 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;

"**HILs**" means the annual Housing Income Limits that are determined from time to time by BC Housing to be the maximum Income to occupy each RGI Unit depending on the number of bedrooms in the RGI Unit. The parties agree that for 2021, the HILs for Victoria are: 1 bedroom = \$44,500, 2 bedroom = \$59,500, 3 bedroom = \$78,500 and 4+ bedroom = \$84,500;

"**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;

"**Income**" means the total income before tax from all sources for each Non-owner;

"**Income Assistance**" means financial assistance for shelter and support provided under the *Employment and Assistance Act* or *Employment and Assistance for Persons with Disabilities Act* to a person in financial need who has no other resources and meets other specified criteria, which assistance is administered and paid by the Government of British Columbia;

"Low Income" means Income at or below the HILs;

"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 10.3;

"Public Housing Body" means a public housing body as prescribed in the *Residential Tenancy Act*;

"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; and

"RGI Unit" means a Dwelling Unit that is designated as a rent geared to income (RGI) unit in accordance with Article 4.0 of this Agreement;

"Senior" means a person aged 55 years or older;

"Strata Plan" means a strata plan filed in respect of the Lands or any subdivide portion thereof pursuant to the *Strata Property Act*;

"Subdivided Parcel" has the meaning ascribed to that term in section 6.3;

"Tenancy Agreement" means a tenancy agreement pursuant to the *Residential Tenancy Act* that is regulated by that Act; and

"Victoria Housing Reserve Fund" means the fund established by the City to fund housing projects.

2.0 TERM

- 2.1 The term of this Agreement shall be for a period of 60 years beginning on the date the City issues an occupancy permit for the Development.

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

- 3.1 The Owner covenants and agrees that the Dwelling Units shall only be used as rental housing, 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.

4.0 AFFORDABLE HOUSING

- 4.1 The Owner covenants and agrees that a total of:

- (a) 11 Dwelling Units shall be designated as Deep Subsidy Units and shall only be occupied and used as Deep Subsidy Units; and
- (b) 24 Dwelling Units shall be designated as RGI Units and shall only be occupied and used as RGI Units.

(the Deep Subsidy Units and RGI Units are collectively referred to as the "**Affordable Units**").

- 4.2 The Owner further covenants and agrees that:

- (a) the Affordable Units shall be operated by the Owner or a Public Housing Body;
- (b) each of the Deep Subsidy Units shall be rented to and occupied by a Senior who is a Non-owner with an Income that does not exceed the Deep Subsidy Income;
- (c) each of the RGI Units shall be rented to and occupied by a Senior who is a Non-owner with an Income that does not exceed the Low Income; and
- (d) monthly rent for the Affordable Units shall not exceed the maximum rent determined by BC Housing from time to time.

5.0 RENT ADJUSTMENTS

- 5.1 During the term of the tenancy, the monthly rent payable by the Non-owner(s) of the Dwelling Units may be increased only by the amount permitted under the *Residential Tenancy Act* and any other applicable legislation.

6.0 SUBDIVISION

- 6.1 **Subdivision Generally.** If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a Strata Plan, or similar plan as the case may be, subject to section 6.2:

- (a) the rights and benefits of this Agreement herein granted will be annexed to and run with each of the new parcels, lots or other subdivided parcels and areas so created; and
- (b) the burdens, obligations, agreements and covenants contained in this Agreement will continue to be noted on each of the new parcels, lots or other subdivided parcels and areas so created.

6.2 Subdivision by Strata Plan. If the Lands, or any portion thereof, are subdivided by a Strata Plan:

- (a) the existence of this Agreement and the City bylaw authorizing and enacting it will be noted on the title of each individual strata lot and noted on the common property sheet;
- (b) the Owner will cause the strata corporation or the strata corporations created by the deposit of a Strata Plan to be obliged to perform and observe the Owner's applicable covenants in this Agreement, solely at the expense of the strata lot owners; and
- (c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the Strata Plan,

provided that, if the Lands are first subdivided by air space plan and then one or more of these parcels are further subdivided by Strata Plan, the easements and covenants registered concurrently with the air space plan may designate the air space parcel or the remainder, and therefore each strata lot owner and/or the strata corporation, responsible to perform and observe the Owner's covenants in this Agreement.

6.3 Release of Notice. For certainty, if the portion of the Lands containing the Development is subdivided and any of the parcels created as a result of such subdivision do not contain any of the Dwelling Units (the "**Subdivided Parcel**"), the owner of such Subdivided Parcel may apply to the City to release the Notice (as defined in section 6.1) from title to the Subdivided Parcel. The City agrees to execute and deliver a release of this Housing Agreement from title to the Subdivided Parcel, provided however that: (a) the City will have no obligation to execute any such release until a written request therefor from the owner of the Subdivided Parcel has been received by the City, which request will include the form of release in registerable form; (b) the cost of preparation of such release and the cost of registration of same in the Land Title Office will be paid by the Owner; and (c) the City will have a reasonable time within which to execute such release and return the same to the Owner for registration.

7.0 REPORTING

7.1 The Owner covenants and agrees to provide to the Director, within thirty (30) days of the Director's written request, a report in writing confirming that:

- (a) all Affordable Units are being rented to and occupied by Senior Non-owners or are vacant;
- (b) rent levels for the Dwelling Units are in accordance with this Agreement; and
- (c) all other requirements of this Agreement are being complied with, along with such other information as may be reasonably requested by the Director from time to time.

7.2 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.

- 7.3 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.

8.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 8.1 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.

9.0 LIABILITY

- 9.1 The Owner agrees to indemnify and save harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.
- 9.2 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.

10.0 GENERAL PROVISIONS

- 10.1 **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
Email: khoese@victoria.ca
Fax: 250-361-0386

in the case of the Owner, addressed to:

Gorge View Society
 11 Chown Place
 Victoria, B.C., V9A 1H5

Attention: Operations Manager
 Email: gorgeview@shaw.ca

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.

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

10.3 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.

10.4 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.

10.5 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.

10.6 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.

10.7 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.

10.8 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.

- 10.9 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.
- 10.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 10.11 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.
- 10.12 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.
- 10.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 10.14 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.
- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.
- 11.0 PRIORITY AGREEMENT**
- 11.1** British Columbia Housing Management Commission (the "**Existing Chargeholder**") is the registered holder of a charge by way of Mortgages and an Assignment of Rents against

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

Date signed: _____

David King

Mike McAuley

Date signed: _____

AS TO PRIORITY:
**BRITISH COLUMBIA HOUSING
 MANAGEMENT COMMISSION**
 by its authorized signatory(ies):

Print Name: MICHAEL PISTIN, ANP-ASSET STRATEGIES

Print Name: ARMIN AMBOLIA AVR-DEVELOPMENT STRATEGIES

Date signed:

the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA9142392, CA9142393 and CA9142394, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

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 Hoesle, Director of Sustainable Planning and Community Development

Date signed: _____

THE GORGE VIEW SOCIETY (S0004996) by)
its authorized signatories:)

David King

Mike McAuley

Date signed: July 12, 2021

AS TO PRIORITY:
**BRITISH COLUMBIA HOUSING
MANAGEMENT COMMISSION**
by its authorized signatory(ies):

Print Name: _____

Print Name: _____

Date signed: _____

SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 10)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Solid Waste Bylaw* to:

1. Enable comingled organic materials collection; and
2. Require curbside collection of solid waste.

Contents

- 1 Title
- 2 Definition
- 3-10 Amendments
- 11 Consequential Amendments to Ticket Bylaw
- 12 Commencement

Under its statutory powers, including sections 8(2), 8(3)(a) and 64 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 “SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 10)”.

Definition

- 2 “Bylaw” means the Solid Waste Bylaw No. 12-086.

Amendments

- 3 The Bylaw is amended in section 2 as follows:
 - (a) under the definition of “garbage bin” at paragraph (a) by striking out “plastic” and replacing it with “wheeled, standardized”,
 - (b) by repealing the definition of “kitchen scraps bin”,
 - (c) by inserting the following new definitions directly after the definition of “occupier”:
 - ““organic materials”
 - means kitchen scraps and yard waste;
 - “organic materials container”

means a wheeled, standardized container issued by the City to a residential unit for the containment of organic materials to be collected by the City;”,

- (d) under the definition of “solid waste” by deleting “kitchen scraps” and replacing it with “organic materials”,
 - (e) under the definition of “yard waste” at paragraph (b) by inserting “soil, sod, and those” immediately after “excludes”.
- 4** The following sections and Schedules of the Bylaw are amended by deleting “bin” wherever it appears and replacing it with “container”:
- (a) section 2;
 - (b) the explanatory title to section 8;
 - (c) sections 8 to 18 inclusive;
 - (d) section 20;
 - (e) section 24;
 - (f) Schedule A; and
 - (g) Schedule C.
- 5** The Bylaw is further amended in section 3(3) by striking out “recyclable materials, or yard waste” and replacing it with “or recyclable materials”.
- 6** The following sections of the Bylaw are amended by striking out “kitchen scraps” wherever it appears and replacing it with “organic materials”:
- (a) section 8;
 - (b) section 10;
 - (c) section 15;
 - (d) section 16(c);
 - (e) section 16(g);
 - (f) section 17(2);
 - (g) section 20; and
 - (h) section 22.
- 7** The Bylaw is further amended in section 15 by striking out “into a” and replacing it with “into an”.
- 8** The Bylaw is further amended in section 16 as follows:
- (a) By repealing section 16(d)(iii) and replacing it with:

“are located in accordance with section 16A between 7:00 a.m. and 4:30 p.m. on collection days.”,
 - (b) In section 16(e) by inserting “enter onto private property,” immediately following “required to”, and
 - (c) By repealing section 16(f) and substituting the following section:

“(f) Notwithstanding subsections (d)(iii), (e), and (i), the City may collect solid waste at and return an empty solid waste container to any location on a residential property at the written request of an occupier who requires assistance, which collection and return shall be at the discretion of the Director;”.

- 9 The Bylaw is further amended by inserting the following new section immediately after section 16:

“16A The occupier of any residential property that receives collection services under this Bylaw:

- (a) Shall, on the designated collection day, place the solid waste container in front of the residential property as close to the curb as possible, or where there is no curb, as close to the roadway as possible;
- (b) Shall place the solid waste container so as not to interfere in any way with the ordinary and safe travel of vehicles, pedestrians or cyclists; and
- (c) Shall not place the solid waste container where property damage is likely, or contact will be made by the solid waste container with any object, including, but not limited to fire hydrants, vehicles, street signs, branches, utility poles, or wires.”.

- 10 The Bylaw is further amended in section 26 by striking out “areas” and replacing it with “area”.

Consequential Amendments to Ticket Bylaw

- 11 Bylaw No. 10-10-71, the Ticket Bylaw is amended at Schedule FF.1 as follows:

- (a) By adding the following new row immediately below the row where Column 1 reads “Fail to bag kitchen scraps”:

Improper placement of solid waste containers	16A (b)	\$150.00	\$125.00
--	---------	----------	----------

- (b) By striking out “bin” wherever it appears and replacing it with “container”; and
- (c) By striking out “Improper disposal of kitchen scraps” and replacing it with “Improper disposal of organic materials.”

Commencement

- 12 This Bylaw comes into force on September 13, 2021.

READ A FIRST TIME the **22nd** day of **July** 2021

READ A SECOND TIME the **22nd** day of **July** 2021

READ A THIRD TIME the **22nd** day of **July** 2021

ADOPTED on the day of 2021

CITY CLERK

MAYOR



**Council Member Motion
For the Council Meeting of July 29, 2021**

Date: July 23, 2021
From: Councillor Ben Isitt
Subject: Solid Waste Bylaw Amendment

Background:

Council has received a request from the James Bay Child Care Society for the continuation of solid waste collection services, which they received for a period of several decades prior to 2021.

Due to a technical defect in the City of Victoria Solid Waste Bylaw 12-086, City staff advised the society that they were ineligible to receive solid waste collection services following completion of the redevelopment of the facility earlier this year.

It is therefore recommended that Council approve an amendment to the Solid Waste Bylaw to permit the resumption of solid waste collection services for the James Bay Child Care Society.

Recommendation:

That Council amend the Solid Waste Bylaw 12-086 by adding a new section 4B: "The City may collect solid waste from non-residential properties where it is practical to so do, including but not limited to child care centres and community centres."

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt", written over a light blue horizontal line.

Councillor Isitt

Attachment:

1. City of Victoria Solid Waste Bylaw 12-086



SOLID WASTE BYLAW

BYLAW NO. 12-086

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*.
(Consolidated on March 13, 2015 up to Bylaw No. 15-019)

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

NO. 12-086

SOLID WASTE BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 13-051, 13-093 and 15-019)

The purpose of this Bylaw is to establish and maintain a system for the collection of solid waste.

Under its statutory powers, including sections 64 and 194 of the *Community Charter* and other enabling powers, the Municipal Council of The Corporation of the City of Victoria enacts as follows:

- 1 This bylaw may be cited as the "SOLID WASTE BYLAW".

Definitions

- 2 In this bylaw,

“account”

means an account with the City for one or more residential units, or for a residential property, with respect to solid waste collection services;

“account holder”

means either an occupier or an owner that maintains an account with the City;

“animal”

means any member of the animal kingdom, other than a human being;

"appliance"

means a device or instrument, usually electrical, which is used to perform a household task, and includes air conditioners, clothes washers, clothes dryers, dishwashers, freezers, hot water tanks, microwave ovens, ovens, ranges, refrigerators, and stoves;

“City”

means The Corporation of the City of Victoria;

“construction waste”

- (a) means waste resulting from or produced by the alteration, renovation or construction of residential structures such as buildings, houses, sheds, garages, driveways, and other related improvements; and

- (b) includes any waste associated with the construction trades;

"corrugated cardboard"

means any Kraft paper board product, consisting of rippled Kraft paper inserts and liners, that is free of contaminants such as blood, grease, oil, chemicals, food residue, and wax;

"Director"

means the Director of Engineering and Public Works, or a City employee designated by the Director of Engineering and Public Works;

"garbage"

- (a) means ash, refuse and other noxious, offensive or unwholesome matter that is discarded and normally associated with the use of a residential property; and
- (b) includes plants that are identified by the Capital Regional District as invasive species; but
- (c) excludes construction waste, kitchen scraps, prohibited waste, recyclable materials, and yard waste;

"garbage bin"

- (a) means a plastic bin issued by the City to a residential unit for the containment of garbage to be collected by the City; and
- (b) includes a spacesaver bin issued by the City to a residential property with more than one residential unit;

"kitchen scraps bin"

means a plastic bin issued by the City for the containment of kitchen scraps to be collected by the City;

"kitchen scraps"

- (a) means organics, described by the Capital Regional District from time-to-time as being acceptable material for kitchen scraps collection, and includes:
 - (i) raw or cooked food waste such as fruit, vegetables, meat, fish, giblets, bones, dairy products, butter, mayonnaise, eggshells, breads, cereals, grains, pasta, pizza, baked goods, candies, coffee grounds, solidified fats and grease, baking ingredients, herbs, spices, nuts, and shells of nuts;

- (ii) compostable paper products such as soiled paper towels, soiled tissues, soiled paper food packaging, used paper cups, used paper plates, flour bags, sugar bags, coffee filters, tea bags; and
- (iii) household plants and dead flowers; but
- (b) excludes yard waste, garbage, recyclable materials, plastic bags, food wrappers, food containers, cotton pads, cotton swabs, cotton balls, dairy cartons, dental floss, rubber bands, bandages, gauze, diapers, baby wipes, sanitary hygiene products, condoms, dryer sheets, lint, cigarette butts, vacuum bags and their contents, human feces, pet and animal feces, and any material described by the Capital Regional District from time-to-time as not acceptable for kitchen scraps collection;

"occupier"

means

- (a) the owner(s) of a residential property if they occupy a residential unit within their residential property; or
- (b) the adult occupant(s) of a residential unit within a residential property, which is not occupied by an owner of the residential property;

"owner"

means the registered owner in fee simple of a residential property;

"prohibited waste"

includes

- (a) explosive material, radioactive substances, hazardous waste, petroleum products, and industrial chemical waste;
- (b) furniture, appliances, motor vehicle tires, motor vehicle bodies, and farm tools or equipment;
- (c) anything that is on fire or is smouldering;
- (d) dead animals, or parts thereof, including:
 - (i) road kill, wildlife, or pets; but
 - (ii) excludes what is considered food waste by the Director at his or her sole discretion acting reasonably; and
- (e) any other matter that is so considered by the Director at his or her sole discretion;

“recyclable materials”

means materials collected by the Capital Regional District, as part of its Blue Bag and Blue Box programs, and includes corrugated cardboard, newspaper, mixed paper products, rigid plastic packaging, rigid plastic containers, plastic and metal lids, glass bottles and jars, aluminum and tin cans, poly-coated cartons and containers, pizza boxes, foil and foil plates;

“residential property”

means a property within the City limits that is used for residential purposes, and includes single-family homes, duplexes, townhouses, multi-family apartments, condominiums, and co-ops;

“residential unit”

means a self-contained dwelling unit within a residential property with separate living, cooking and sleeping facilities;

“solid waste”

means garbage and kitchen scraps;

“solid waste bins”

means garbage bins and kitchen scraps bins;

“spacesaver garbage bin”

- (a) means a garbage bin that the Director may, at his or her discretion, issue to a residential property with more than one residential unit in lieu of smaller garbage bins;

“yard waste”

- (a) means plant trimmings resulting from or produced by the landscaping or maintenance of lawns and gardens, and includes leaves, grass trimming, plants, small brush, hedge clippings, small tree limbs, dry seed pods, and Christmas trees; but
- (b) excludes plants that are identified by the Capital Regional District as invasive species.

City’s Responsibilities

- 3 (1) The City is responsible for the collection of solid waste from residential properties.
- (2) The City is not responsible for the collection of any type of waste other than solid waste.

- (3) The City is not responsible for the collection of construction waste, prohibited waste, recyclable materials, or yard waste.
- 4 Subject to section 5, a residential property that contains less than four residential units shall have its solid waste collected by the City.

Alternative Collection Services

- 5 An owner of a residential property with a mixed commercial use may arrange to have its solid waste collected by a private waste removal company.
- 6 An owner of a residential property with four or more residential units may arrange to have its solid waste collected by a private waste removal company.
- 7 Where an owner pursuant to section 5 or 6 makes alternate arrangements for its solid waste to be collected by a private waste removal company, the owner shall:
 - (a) provide the City with written notice of the alternative arrangement at least two months prior to the commencement of any solid waste collection by the private waste removal company; and
 - (b) ensure that any solid waste is collected by the private waste removal company at least 25 times per year, at regularly intervals, occurring approximately every two weeks.

Solid Waste Bins

- 8 Subject to section 9, a residential unit within the City limits will be issued one garbage bin and one kitchen scraps bin by the City.
 - (1) An account holder may elect to be issued a garbage bin of 80 litres, 120 litres, or 180 litres in size. Where the City does not receive notice of an account holder's election, the account holder will be issued a 120 litre bin.
 - (2) The only available size for a kitchen scraps bin is 120 litres.
- 9
 - (1) The occupiers of residential property with more than one residential unit can jointly request that the City issue a 240 litre spacesaver bin in lieu of two 120 litre garbage bins or three 80 litre garbage bins, which issuance is at the sole discretion of the Director.
 - (2) Each residential unit sharing a spacesaver garbage bin may have a separate account with the City, but will share the bin.
- 10
 - (1) An occupier must at all times ensure that any solid waste to be collected by the City is securely contained in the appropriate solid waste bin, save and except any extra garbage as provided for under section 24.

- (2) An occupier must ensure that:
 - (a) only garbage is placed into the garbage bin issued to their residential unit; and
 - (b) only kitchen scraps are placed into the kitchen scraps bin issued to their residential unit.
- 11 An occupier must at all times maintain a solid waste bin issued to their residential unit so that:
 - (a) it is operable;
 - (b) it is clean and sanitary;
 - (c) its lid is securely fastened to prevent access by an animal; and
 - (d) its lid is securely fastened so that solid waste cannot spill out or otherwise escape.
- 12 Solid waste bins shall, at all times, remain the property of the City.
- 13 (1) No person shall place anything other than solid waste into the appropriate solid waste bin.
- (2) No person shall place construction waste, prohibited waste, recyclable materials, or yard waste into a solid waste bin.
- 14 No person shall place any damp or wet garbage into a garbage bin unless the garbage is drained, securely wrapped and sealed, so as to not leak.
- 15 No person shall place kitchen scraps into a kitchen scraps bin unless the kitchen scraps are securely contained in a paper bag or a compostable bag meeting ASTM Standard No. D6400.

Solid Waste Collection Services by the City

- 16 Subject to section 7, solid waste collection services by the City shall be provided as follows:
 - (a) The City shall collect solid waste from residential properties at least 25 times per year;
 - (b) The City's solid waste collections shall occur at regular intervals occurring approximately every two weeks, with the exception of statutory holidays;
 - (c) The City shall collect the contents of one garbage bin and one kitchen scraps bin for a residential unit during a collection, save and except any extra garbage as provided for under section 24;

- (d) The City will only collect solid waste bins that:
 - (i) have their lids securely fastened;
 - (ii) do not exceed the weight limit marked on the lid of the bin; and
 - (iii) are placed in a position, at ground level, that is easily accessible to City employees between 7:00 a.m. and 4:30 p.m. on collection days.
- (e) City employees are not required to climb stairs, open gates, or access enclosed areas to collect solid waste;
- (f) Notwithstanding subsections (d)(iii) and (e), the City may collect solid waste at any location on a residential property at the written request of an occupier who requires assistance, which collection shall be at the discretion of the Director;
- (g) Kitchen scraps that cannot be reasonably contained in a secured kitchen scraps bin will not be collected by the City;
- (h) Subject to section 24, garbage that cannot be reasonably contained in a secured garbage bin will not be collected by the City;
- (i) Solid waste bins will be left by City employees at the curb after collections, and an occupier must retrieve them from the curb by the end of the collection day; and
- (j) Collections will not occur during any work stoppage of City employees resulting from a strike, lockout, or other industrial dispute.

Fees

- 17 (1) An account holder shall pay to the City the fees set out in Schedule "A" of this Bylaw.
- (2) An account holder shall pay the fees for one garbage bin and one kitchen scraps bin for each residential unit in his or her account.
- 18 When a solid waste bin requires repair or replacement, an account holder shall pay the fees outlined in Schedule "C" of this Bylaw for the repair or replacement.
- 19 (1) Where the fees for an account have not been duly paid, the Director may, after providing thirty (30) days notice to the account holder, cease solid waste collection service to any residential units that the account corresponds to.
- (2) Until paid, the account is a lien or charge on the residential property in which the residential unit is contained.
- (3) The account becomes delinquent if unpaid on December 31 of the year in which the account was levied, and is considered to be taxes in arrears with interest at

the prescribed rate referred to in section 245 of the *Community Charter* accrued from January 1 of the following year.

Exemptions

- 20 The Director, at his or her sole discretion, may exempt an owner of the following residential property, that has more than one residential unit, from the requirement for one garbage bin and one kitchen scraps bin to be issued to each residential unit within their residential property:
- (a) a single-family home with a secondary suite;
 - (b) a boarding house;
 - (c) a single-family home with light-housekeeping rooms; and
 - (d) any other similar residential property identified by the Director from time-to-time at his or her sole discretion.

Disposal Sites

- 21 All garbage that is collected and removed from within the City limits shall be deposited at a landfill operated by the Capital Regional District, or another landfill or disposal site designated by the Director.
- 22 All kitchen scraps that are collected and removed from within the City limits shall be deposited at a compost facility designated by the Capital Regional District, or another compost facility or disposal site designated by the Director.
- 23 An occupier of a residential property for which the City provides solid waste collection:
- (a) may also dispose of yard waste at the City's disposal site located at 417 Garbally Road on any Saturday during the designated operating hours, or at another site designated by the City for the disposal of yard waste;
 - (b) [Repealed]
 - (c) an occupier shall load the yard waste into the truck or trailer designated for that purpose as directed by the City's attendant at the disposal site;
 - (d) must not dispose of kitchen scraps, prohibited waste or recyclable materials at the City's disposal site;
 - (e) may only dispose of one pickup truck load or two car loads per day at the City disposal site; and
 - (f) may authorize a contractor to dispose of their yard waste by providing the contractor with a letter of authorization acceptable to the Director.

- 24 An occupier may have extra garbage, in excess of the garbage bin issued to their residential unit, collected if:
- (a) the extra garbage is contained in a secured plastic bag not weighing more than 15 kg when filled;
 - (b) the extra garbage is placed near the garbage bin for which service is provided under section 16; and
 - (c) a ticket purchased in the amount set out in Schedule "C" is affixed to each bag containing extra garbage.
- 25 Waste of any type that is associated with a business must not be disposed of at any City disposal site.

Public Garbage Receptacles

- 26 No person shall deposit solid waste from a residential property or a business into a City garbage receptacle located in a public areas.

Offence

- 27 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person:
- (a) contravenes a provision of this Bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

- 28 Bylaw No. 91-236, the "Garbage and Recycling Bylaw", is repealed.

Consequential Amendments to Other City Bylaws

- 29 Bylaw No. 04-040, the Administration Fees Bylaw, is amended by deleting in Schedule A "Garbage and Recycling Bylaw" immediately after "Water Works, Sewer User Charge or" and replacing it with "Solid Waste Bylaw."
- 30 Bylaw No. 06-061, the Inspection Bylaw, is amended by deleting in section 3(h) "Garbage and Recycling Bylaw" and replacing it with "Solid Waste Bylaw."
- 31 Bylaw No. 10-072, the Consolidation Authorizing Bylaw, is amended by deleting in Schedule A "Garbage and Recycling Bylaw, No. 91-236" and replacing it with "Solid Waste Bylaw, No. 12-086."

READ A FIRST TIME the	22nd	day of	November	2012
READ A SECOND TIME the	22nd	day of	November	2012
READ A THIRD TIME the	22nd	day of	November	2012
ADOPTED on the	13th	day of	December	2012

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR

Schedule “A”**Solid Waste Bylaw**

The fees for the collection of solid waste from each residential unit by size of bin under Section 17 are:

Size	2015 Annual Fee
80 Litre Bin	\$191.76
120 Litre Bin	\$207.00
180 Litre Bin	\$228.48

Schedule “B”

Solid Waste Bylaw

[Repealed]

Schedule "C"**(Solid Waste Bylaw No. 12-086)**

The fees or costs for a change in the size, or to replace lost bins, or to repair damaged bins are:

Change of Bin Size	\$30.00 per request
Lost or Damaged Bin	Actual cost of replacement or repair of a bin
Extra Garbage Tickets	\$4.00 each
Compostable Bags	\$10.00 plus tax per roll



July 27, 2021

Ref: 267329

Their Worship Mayor Lisa Helps
City of Victoria
1 Centennial Sq
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your letter of June 8, 2021, noting the value that the Climate Action Revenue Incentive Program (CARIP) has provided and requesting engagement regarding a replacement program. I apologize for the delay in responding.

As you know, CARIP was introduced, in part, to encourage local governments to sign onto the Climate Action Charter. Since the program launched a decade ago, 187 local governments have signed the Charter, more than 50 local governments have achieved carbon neutrality in their corporate operations, and many others, including the City of Victoria, have taken significant steps toward reducing emissions in their communities. However, we know more can be done. That is why our government is exploring new ways to support local governments in reducing emissions and creating complete, compact, energy-efficient communities.

I appreciate your concerns about wrapping up CARIP, and your feedback for creating an effective replacement program. Our government remains committed to working with local governments to reach our climate goals and make life better for people across British Columbia. We hope to have more to say about local government engagement in the coming months.

Thank you again for writing.

Sincerely,



Josie Osborne
Minister



June 8, 2021


Dear Minister Osborne,

I am writing to you today on behalf of Victoria City Council to request that the Province engage local governments on the swift replacement of Climate Action Revenue Incentive Program (CARIP) with a program that provides consistent, non application-based funding, tied to annual climate reporting, with first payments received by local governments in 2022. Council has expressed the following concerns expressed here for your context as we transition away from CARIP.

The CARIP carbon tax refund has been a valuable funding source for the City of Victoria and other municipalities. The City has used the funding to secure dedicated climate action staffing, develop multi-year climate action plans, undertake key emissions-reduction projects, and leverage larger climate-related grant programs. In fact, CARIP funds are sometimes leveraged to twice their value through government and utility grant matching. The termination of this dedicated, steady funding program will directly impact both the staffing and the funding of climate action initiatives that are currently underway.

Local governments are aware that the Ministry of Municipal Affairs has indicated \$11 million in new funds to be provided to UBCM to invest in local government plans for compact, energy-efficient communities. As it is our understanding that these funds will not be a direct replacement for CARIP, we are requesting more details of this funding given the short timeframe that local governments have been given for this transition. In addition, local governments have staff expertise and efficiencies in delivering programs to support climate action. We hope that the new program will operate similar to CARIP with predictable regular funding rather than a grants-based program.

The carbon tax was designed to be revenue neutral and a stimulus towards a low carbon economy. Local governments across B.C. have responded, using CARIP funding, to lead our communities towards sustainable, circular economies that can withstand the climate emergency. While the Province will continue to return carbon tax revenue to the taxpayer, businesses and industry, we are concerned that municipalities will no longer be receiving this benefit.

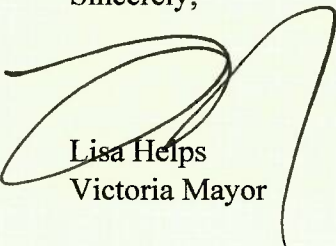
Local governments have both a responsibility and an opportunity to respond to the causes and impacts of climate change - the future sustainability and prosperity of our communities depends on it. Municipalities remain a vital partner to the Province in achieving CleanBC targets, and the termination of CARIP is a significant loss to our collective climate action efforts.

.../2

The City of Victoria recognizes the Songhees and Esquimalt Nations in whose traditional territories we live and work "Hay swx qa"

For these reasons, the City of Victoria is requesting that the Province engage local governments on the swift replacement of Climate Action Revenue Incentive Program (CARIP) with a program that provides consistent, non application-based funding, tied to annual climate reporting and with first payments received by local governments in 2022.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a series of loops and a long horizontal stroke extending to the right.

Lisa Helps
Victoria Mayor

21 July 2021

Lisa Helps
Mayor
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Ms. Helps;

Thank you for copying the Resort Municipality of Whistler in your correspondence to Minister Harry Bains in support of laid-off hotel and tourism industry workers and their rights to return to their jobs with the easing of the pandemic.

This letter is to advise that Council, at their Regular Council Meeting held on April 6, 2021 received your correspondence.

Your correspondence was included in the Regular Council Package, which is on permanent record and on our website. Check whistler.ca/council to access packages and other information about Council.

Should you or members of your organization be interested, you can watch a recording of the meeting online here: <https://www.whistler.ca/municipal-gov/council/meeting-agendas-and-minutes>

Thank you for bringing this matter forward, we will keep this in mind and use it to help inform decisions on related matters at the next Union of British Columbia Municipalities Convention and Annual General Meeting.

Tourism workforce is of critical importance to our community and this and many other related matters have been very top of mind through the past 18 months and as we emerge from the pandemic.

I look forward to this year's UBCM convention and the opportunity to work together toward advocacy of important matters for our communities.

Sincerely,



Jack Crompton
Mayor





21 July 2021

Lisa Helps
Mayor
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Ms. Helps;

Thank you for your correspondence to the Resort Municipality of Whistler in regards to the Help Cities Lead campaign designed for education and awareness to build support for more focused collaboration between the Province of British Columbia and local governments regarding building climate policy.

Our community is very focused on climate action and this initiative is aligned with our objectives.

This letter is to advise that Council, at their Regular Council Meeting held on April 6, 2021 received your correspondence.

Your correspondence was included in the Regular Council Package, which is on permanent record and on our website. Check whistler.ca/council to access packages and other information about Council.

Should you or members of your organization be interested, you can watch a recording of the meeting online here: <https://www.whistler.ca/municipal-gov/council/meeting-agendas-and-minutes>

Thank you for bringing this matter forward, we will keep this in mind in our interactions with the Province of British Columbia and use it to help inform decisions and discussions on related matters at the next Union of British Columbia Municipalities Convention and Annual General Meeting.

Thank you for keeping us apprised of important matters you are spearheading that may benefit all municipalities in the province.

Sincerely,



Jack Crompton
Mayor







July 27, 2021

Ref: 267586

Their Worship Mayor Fred Haynes
District of Saanich
770 Vernon Ave
Victoria BC V8X 2W7

Their Worship Mayor Lisa Helps
City of Victoria
1 Centennial Sq
Victoria BC V8W 1P6

Dear Mayor Haynes and Mayor Helps:

Thank you for your letter regarding the proposed Citizens' Assembly for the District of Saanich and the City of Victoria Terms of Reference (TOR) to guide its work.

I very much appreciate the collaborative approach that the District of Saanich and the City of Victoria have taken to reach this significant milestone. I understand the timelines for delivering the TOR have been shifting due to many unforeseen issues such as the City of Victoria's byelection schedules and the evolving situation with COVID-19. I understand that municipal staff have continued to connect with ministry staff during the development of the TOR.

This is a comprehensive and detailed proposal, which I look forward to reviewing. There is always a high demand for restructure funding and many factors need to be balanced when making funding decisions. Considerations such as local, regional, and provincial interests, scope of work, timing of deliverables, and readiness of local governments to undertake the work are of particular importance.

I anticipate meeting with senior ministry staff to discuss steps, and they may reach out to your municipalities for further details. These may include clarity or advice related to timing, budget, communications, or oversight. Once any questions are addressed, I will be able to consider your funding request.

If any questions arise, the lead for this project is Karen Lynch, Senior Planning Analyst, Governance and Structure, Local Government Division. Ms. Lynch can be reached at by telephone at: 778 698-3229 or by email at: Karen.Lynch@gov.bc.ca.

.../2

Their Worship Mayor Fred Haynes
Their Worship Mayor Lisa Helps
Page 2

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Josie', with a stylized flourish extending to the right.

Josie Osborne
Minister

pc: Paul Thorkelsson, Chief Administrative Officer, District of Saanich
Jocelyn Jenkyns, City Manager, City of Victoria
Karen Lynch, Senior Planning Analyst, Governance and Structure



June 28, 2021

File: 1420-30

The Honourable Josie Osborne, MLA
Minister of Municipal Affairs
PO Box 9056 Stn Prov Govt
Victoria, BC V8W 9E2

via email: MAH.Minister@gov.bc.ca

Dear Minister:

Re: Citizens' Assembly – District of Saanich and City of Victoria

In the 2018 General Local Election, the District of Saanich and City of Victoria jointly asked the following community opinion question by ballot to its electors:

“Are you in favour of spending up to \$250,000 for establishing a Citizens' Assembly to explore the cost, benefits, and disadvantages of the amalgamation between the District of Saanich and City of Victoria.”

Both municipalities had a favourable response from its electors in establishing a Citizens' Assembly which lead to Saanich and Victoria working together to endorse and approve a Terms of Reference for a Citizens' Assembly.

Saanich and Victoria staff recently met with Ministry of Municipal Affairs staff and presented the approved Terms of Reference and other background documents in order to seek guidance in moving forward to request funding from the Province. Saanich and Victoria are requesting that the Province allocate funds to support 1/3 of the costs in undertaking the Citizens' Assembly which would include a civic lottery for membership, facilitation of the assembly, technical review, oversight panel and a final report. Staff have anticipated overall costs to be approximated at \$750,000.

Ministry staff felt the following questions should be addressed by Saanich and Victoria prior to the Province's consideration of any funding requests:

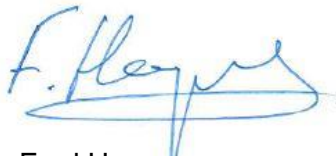
1. Scope of study, rationale for undertaking the study and description of processes.
2. Process for adjusting the scope of the approved Terms of Reference.
3. Preliminary budget.
4. Oversight - staff responsible for the funding agreement and any applicable Requests for Proposals.

5. Deliverables.
6. Process for determining next steps. (What will Councils receive from the Citizens' Assembly? How will they manage the Citizens' Assembly findings?)

Saanich and Victoria have addressed the information requested in an attached table and at this time are requesting that the Ministry of Municipal Affairs consider funding the Citizens' Assembly process either through a grant process or by approval of funds through the Treasury Board.

Should you require any further clarification or information on the process to date, Councils and staff are available to provide any clarity and welcome any feedback. We wish to ensure good relations with the Province and maintain an open and transparent process for our residents.

Sincerely,



Fred Haynes
Mayor, District of Saanich



Lisa Helps
Mayor, City of Victoria

Attachments:

Table A

Terms of Reference

Cc: Okenge Yuma Morisho, Deputy Minister of Municipal Affairs
Tara Faganello, Assistant Deputy Minister, Local Government Division
Marijke Edmondson, Director, Governance Structures
Karen Lynch, Senior Planning Analyst
Mayor and Council, City of Victoria
Mayor and Council, District of Saanich
Jocelyn Jenkins, Chief Administrative Officer, City of Victoria
Paul Thorkelsson, Chief Administrative Officer, District of Saanich
Gala Milne, Head of Strategic Operations, City of Victoria
Curt Kingsley, City Clerk, City of Victoria

TABLE A

<p>Scope of study, rationale for undertaking the study and description of processes.</p>	<p>Mandate of the Citizens' Assembly (Section 3 of the approved Terms of Reference)</p> <p>The Assembly is tasked by the District of Saanich and the City of Victoria to explore the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria.</p> <p>Specifically, the Assembly will:</p> <ul style="list-style-type: none"> • Identify common aspirations for good local governance to provide a basis for evaluating costs, benefits and disadvantages of amalgamation and status quo of the municipalities relative to their current independent status. • List the issues which the Assembly believes needs to be resolved for amalgamation to merit consideration, including issues related to the implementation and integration of the municipalities under amalgamation. <p>In satisfying their mandate and developing recommendations, the Assembly will be expected to consider and analyze the positive and negative impacts of amalgamation (at a minimum) the following:</p> <ul style="list-style-type: none"> • Assets and liabilities of Saanich and Victoria including any related impacts on local rate payers. • Cultural and land use priorities and similarities and differences of the two municipalities. Balance of the issues of economy of scale with community identity and representation. • Comparison of corporate structures and approaches to governance of the two municipalities. • All analysis and recommendations of the Assembly are informed and mindful of the ongoing work with local First Nations towards Reconciliation. • Neighbourhood level implications. • Congruency and alignment of strategic and political priorities of the municipalities (as expressed in Strategic Plans, Official Community Plans, Urban Containment Boundary policies and other significant strategic and planning documents). • Past investment in and future needs for capital assets, infrastructure replacement reserves including the analysis
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	<p>of anticipated impacts on an amalgamated municipality.</p> <ul style="list-style-type: none"> • Variations in levels of service of the two municipalities including the development of clear recommendations on aligning service levels in an amalgamated municipality. • Clear delineation of advantages and disadvantages for the respective municipality in considering amalgamation versus those accruing solely to a combined municipality arising from amalgamation. • To the extent possible, consideration of costs, benefits and disadvantages of amalgamation between the District of Saanich and the City of Victoria over both the short and long terms (i.e. over 5 year, 20 year, and 50 year horizons). • Consideration of democratic representation and accessibility of elected officials to residents and other stakeholders. • Commentary from the Assembly on other opportunities for service integration is considered part of the Assembly's mandate. • If full amalgamation of Saanich and Victoria is recommended by the Assembly, commentary and recommendations from the Assembly on the integration of full municipal operations (both in the short and longer term) is expected as part of the Assembly's mandate. • In meeting its mandate and the expectations outlined in the Terms of Reference, the Assembly will, to the greatest extent possible, represent the consensus view of the members. Divergent views of Assembly members will be included in the Citizens' Assembly's Final Report.
Stages of work	<p>Stage 1 Once funding is secure, both municipalities will engage in a Request for Proposal for a consultant to oversee and facilitate the Citizens' Assembly process.</p> <p>Stage 2 The Consultant will schedule the next steps in accordance with the approved Terms of Reference:</p> <p>Schedule of the Citizens' Assembly (Section 5 of the approved Terms of Reference)</p> <p>The Assembly will convene during 6-12 Saturday sessions beginning in 2019 (to be updated),* and concluding in 2020 (to be updated)*. Additional meetings of the Assembly may be scheduled at the discretion of the Chair of the Assembly (see 8.2 for roles and responsibilities of the Chair). Meetings of the Assembly will not allow the public to attend in person but will be viewable by the public through webcast. The Assembly will also host multiple public roundtable meetings in both municipalities during the course of the Assembly schedule, with one of the meetings to discuss the</p>

	<p>technical report, which will be open to all local residents. The Assembly at the start of their process will set and define their schedule.</p> <p>*Note: Timelines were impacted due to both municipalities approving the Terms of Reference, COVID-19 and a By-Election conducted by the City of Victoria</p> <p>Stage 3 (will be concurrent with Stage 2) The consultant/facilitator will work concurrently with the Citizens' Assembly and another Request for Proposal will be issued to undertake a technical review. Once a firm has been selected the Citizens' Assembly will be in a position to make requests for particular technical information. The third party technical team will gather information for the assembly to review and deliberate on in making their final recommendations. This stage may have a natural pause in the process for the technical team to provide its findings to the Citizens' Assembly.</p> <p>Stage 4 The Citizens' Assembly provides its recommendations to both Council's. Council will then deliberate on the outcome and jointly accept, deny or provide other direction on the recommendations of the Citizens' Assembly.</p> <p>Stage 5 Depending on the outcome of Council deliberations on the Citizens' Assembly recommendations, Saanich and Victoria may request the Minister to approve a ballot question which will then initiate the Request for Proposal on an Implementation Plan.</p> <p>Stage 6 Present referendum ballot with Implementation Plan to Saanich and Victoria Councils if it's the will of both Councils and approved by the Minister.</p> <p>Stage 7 Proceed based on referendum results.</p>
2. Process for adjusting the scope of the approved Terms of Reference or terminating the process.	<p>Section 10 of the Terms of Reference addresses process concerns:</p> <p>If the Chair or the majority of members of the Assembly lose confidence in the process, there will be an appeal for review at a joint Council meeting of Saanich and Victoria.</p> <p>Although not specifically noted in the Terms of Reference, if both Council's feel the need to adjust the scope of the approved Terms of Reference a joint resolution will be required.</p>
3. Preliminary budget.	<p>Staff undertook some preliminary work on providing costs associated with facilitating a citizens' assembly. The amounts noted are based on feedback from a consultant's experience of conducting assemblies throughout Canada. The following is a breakdown based on conservative estimates:</p> <ol style="list-style-type: none"> 1) Civic Lottery Process: \$20,000 – the process anticipates a 5% response rate on invitations sent out to the community. At a minimum 20,000 letters should be sent out from each municipality. 2) Printing/postage: \$40,000 (\$2.00/letter)

	<p>3) Facilitated Sessions: \$230,000 – this would include 13 staff for a 75 member assembly for up to 12 meeting sessions and 3 public input/roundtable meetings. Important for Council to note that it is recommended a 1-6 ratio of member to staff based on a 75 member assembly (note these costs would be reduced if the number of participants was reduced).</p> <p>4) Venue Costs: \$60,000 – this is strictly for the cost of webcasting for the Victoria Conference Centre (host location).</p> <p>5) Honorariums: \$90,000+ (based on 75 participants)</p> <p>6) Refreshments/breaks: \$30,000</p> <p>7) Technical Analysis – 250,000 – 350,000</p> <p>The total costs are estimated in the range of \$720,000 to \$820,000 and both Councils initially approved a maximum budget of \$750,000.</p> <p>The total costs may need to be adjusted. Once the Citizens' Assembly is concluded and depending on outcome/recommendations both Council's will need to consider funding a consultant to deliver an implementation plan prior to going to the public with a ballot question.</p>											
4. Oversight - staff responsible for the funding agreement and any applicable Requests for Proposals.	<table><tr><th>Process/RFP</th><th>Primary Responsibility</th></tr><tr><td>Request for Proposal – Consultant/Facilitator of the Citizen's Assembly</td><td>Chief Administrative Officers of Saanich and Victoria</td></tr><tr><td>Request for Proposal – Technical Analysis of Services for the District of Saanich and City of Victoria</td><td>Consultant/Facilitator</td></tr><tr><td>Request for Proposal – Oversight Committee</td><td>Consultant/Facilitator</td></tr><tr><td>Request for Proposal – Consultant to develop Implementation Plan (pending outcome of Citizen's Assembly recommendations)</td><td>Chief Administrative Officers of Saanich and Victoria</td></tr></table>		Process/RFP	Primary Responsibility	Request for Proposal – Consultant/Facilitator of the Citizen's Assembly	Chief Administrative Officers of Saanich and Victoria	Request for Proposal – Technical Analysis of Services for the District of Saanich and City of Victoria	Consultant/Facilitator	Request for Proposal – Oversight Committee	Consultant/Facilitator	Request for Proposal – Consultant to develop Implementation Plan (pending outcome of Citizen's Assembly recommendations)	Chief Administrative Officers of Saanich and Victoria
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5. Deliverables.	<p>(Section 6.3 of the approved Terms of Reference)</p> <p>The Assembly will deliver its Final Report to the Municipal Councils of Saanich and Victoria no later than 60 days after the last Assembly meeting. The report will include a letter from the Chair, an overview of the process, and the proposed values, identified issues and final recommendations of the Assembly. It will also include an Appendix that will contain copies of all materials considered by the Assembly, a list of the members of the Assembly, any correspondence provided by individual members, and a 'Minority Report' that documents any dissenting perspectives.</p>											
6. Process for determining next steps. (What will Council's receive from the Citizens'	Addressed above under "stages of work"											

<p>Assembly? How will they manage the Citizens' Assembly findings?)</p>	
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Terms of Reference – Citizens’ Assembly between the District of Saanich and the City of Victoria

Revised: March 22, 2021

Terms of Reference

The following Community Opinion Question was included on the ballot for the 2018 General and Local School Board Elections in Saanich and Victoria and supported by a majority of voters in both municipalities.

“Are you in favour of spending up to \$250,000 for establishing a Citizens’ Assembly to explore the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria?” (the “Question”)

1.0 The District of Saanich and the City of Victoria Objectives

The municipalities of Saanich and Victoria have adopted an innovative and transparent public process to explore the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria (the “Question”).

The Citizens’ Assembly (the “Assembly”) process is expected to be a deliberative one, providing the residents of Saanich and Victoria with the opportunity to directly and actively participate.

The Assembly is expected to be an impartial advisory body that is tasked with representing the residents of Saanich and Victoria in investigating the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria. In doing so, the Assembly will exemplify the highest standards of transparency, accountability and citizen engagement in delivering their report findings to the respective municipal Councils.

In establishing the Assembly, the municipalities have three objectives:

- 1.1 To learn about the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria including shared and contrasting values, concerns and needs of residents of Saanich and Victoria regarding neighbourhoods, change, growth, service delivery, governance, capital and infrastructure needs, land use planning, emergency services and strategic and regulatory frameworks.

- 1.2 To fully understand the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria including residents' visions for the future of their respective community and potentially an amalgamated Municipality.
- 1.3 To provide local residents with an unprecedented opportunity to explore the future of Saanich and Victoria.

2.0 Guiding Principles for the Citizens' Assembly

- 2.1 Openness and Transparency – The Assembly will regularly share its learning and deliberations with the public on an ongoing and predictable basis.
- 2.2 Accountability and Legitimacy – The Assembly will work within a defined mandate and budget on behalf of the residents of Saanich and Victoria. The Assembly will deliver its Final Report directly to the Municipal Councils of Saanich and Victoria.
- 2.3 Effective Representation – The Assembly will be charged with the responsibility of representing the needs and interests of the residents of Saanich and Victoria. The members of the Assembly will be selected to broadly represent the demographics of the municipalities.
- 2.4 Accessibility – The Assembly will provide reasonable supports to address barriers that may prevent a member of the Assembly from participating successfully.
- 2.5 Independence – The Assembly will have full independence to determine how to best fulfill its mandate, under the advisement of an experienced, third-party consultant who will facilitate the Assembly process.
- 2.6 Well-Informed – The Assembly's recommendations will be informed by a range of perspectives and sources of expertise including the technical report.
- 2.7 Balance – The Assembly will consider a diversity of voices and perspectives in its deliberations. The Chair will work to ensure that there is room for all voices.
- 2.8 Collaborative Decision-Making – The Assembly will work towards consensus when drafting their recommendations, while also respecting and documenting differing perspectives among its members.

- 2.9 Respect – The Assembly will strive to be conscientious and fair-minded in their deliberations and in their consultations with the residents of Saanich and Victoria.

3.0 Mandate of the Citizens' Assembly

The Assembly is tasked by the District of Saanich and the City of Victoria to explore the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria.

Specifically, the Assembly will:

- 3.1 Identify common aspirations for good local governance to provide a basis for evaluating costs, benefits and disadvantages of amalgamation and status quo of the municipalities relative to their current independent status.
- 3.2 List the issues which the Assembly believes needs to be resolved for amalgamation to merit consideration, including issues related to the implementation and integration of the municipalities under amalgamation.

In satisfying their mandate and developing recommendations, the Assembly will be expected to consider and analyze the positive and negative impacts of amalgamation (at a minimum) the following:

- 3.3 Assets and liabilities of Saanich and Victoria including any related impacts on local rate payers.
- 3.4 Cultural and land use priorities and similarities and differences of the two municipalities. Balance of the issues of economy of scale with community identity and representation.
- 3.5 Comparison of corporate structures and approaches to governance of the two municipalities.
- 3.6 All analysis and recommendations of the Assembly are informed and mindful of the ongoing work with local First Nations towards Reconciliation.
- 3.7 Neighbourhood level implications.
- 3.8 Congruency and alignment of strategic and political priorities of the municipalities (as expressed in Strategic Plans, Official Community Plans, Urban Containment Boundary policies and other significant strategic and planning documents).
- 3.9 Past investment in and future needs for capital assets, infrastructure replacement reserves including the analysis of anticipated impacts on an amalgamated municipality.

- 3.10 Variations in levels of service of the two municipalities including the development of clear recommendations on aligning service levels in an amalgamated municipality.
- 3.11 Clear delineation of advantages and disadvantages for the respective municipality in considering amalgamation versus those accruing solely to a combined municipality arising from amalgamation.
- 3.12 To the extent possible, consideration of costs, benefits and disadvantages of amalgamation between the District of Saanich and the City of Victoria over both the short and long terms (i.e. over 5 year, 20 year, and 50 year horizons).
- 3.13 Consideration of democratic representation and accessibility of elected officials to residents and other stakeholders.
- 3.14 Commentary from the Assembly on other opportunities for service integration is considered part of the Assembly's mandate.
- 3.15 If full amalgamation of Saanich and Victoria is recommended by the Assembly, commentary and recommendations from the Assembly on the integration of full municipal operations (both in the short and longer term) is expected as part of the Assembly's mandate.
- 3.16 In meeting its mandate and the expectations outlined in the Terms of Reference, the Assembly will, to the greatest extent possible, represent the consensus view of the members. Divergent views of Assembly members will be included in the Citizens' Assembly's Final Report.

4.0 Constraints on the Citizens' Assembly

The Assembly will enjoy wide latitude, subject to the processes and mandate laid out in the Terms of Reference, in its ability to make recommendations to Saanich and Victoria regarding the costs, benefits and disadvantages of the amalgamation between the District of Saanich and the City of Victoria.

Recommendations must take into consideration the information gathered by a third-party technical team. In accordance with the process guidance provided by the Ministry of Municipal Affairs and Housing, the Municipal Councils of Saanich and Victoria will have the final authority to accept, modify or reject specific recommendations from the Assembly subject to the processes and mandate laid out in the Terms of Reference.

This Assembly will make fact-based, evidence-based and informed recommendations to the Councils in order to determine a path forward.

5.0 Schedule of the Citizens' Assembly

The Assembly will convene during 6-12 Saturday sessions beginning in 2019, and concluding in 2020. Additional meetings of the Assembly may be scheduled at the discretion of the Chair of the Assembly (see 8.2 for roles and responsibilities of the Chair). Meetings of the Assembly will not allow the public to attend in person but will be viewable by the public through webcast. The Assembly will also host multiple public roundtable meetings in both municipalities during the course of the Assembly schedule, with one of the meetings to discuss the technical report, which will be open to all local residents. The Assembly at the start of their process will set and define their schedule.

6.0 Reporting and Communication of the Citizens' Assembly

The Assembly will communicate regularly about its work to the public, Municipal Councils of Saanich and Victoria and to the joint municipal working group as outlined below.

6.1 General Reporting

The municipalities will develop a shared webpage that will list the members of the Assembly, a detailed agenda including all speakers and resources, and the Assembly's Terms of Reference. Following each Assembly meeting, a brief summary of its activities and progress will be posted.

6.2 Interim Directions Document

As early as possible in their process, the Assembly will issue a brief directions document listing its draft values and the issues or questions that the Assembly believes deserve further study and consideration during their deliberations.

6.3 Final Report

The Assembly will deliver its Final Report to the Municipal Councils of Saanich and Victoria no later than 60 days after the last Assembly meeting. The report will include a letter from the Chair, an overview of the process, and the proposed values, identified issues and final recommendations of the Assembly. It will also include an Appendix that will contain copies of all materials considered by the Assembly, a list of the members of the Assembly, any correspondence provided by individual members, and a 'Minority Report' that documents any dissenting perspectives.

6.4 Communications

The Chair is authorized as the official spokesperson for the Assembly and will approve all official communications regarding the conduct of the Assembly unless otherwise delegated.

6.5 The Assembly will present the Final Report to the Municipal Councils of Saanich and Victoria, which may, at their discretion, refer the report to municipal staff for comment, response and clarification, where appropriate, prior to considering the final recommendations.

7.0 Composition of the Citizens' Assembly

7.1 Recruitment Process

Members of the Assembly will be randomly selected by Civic Lottery — a mechanism that ensures that a broad, representative cross-section of local residents and business owners are selected to participate.

7.2 Number of Members

The Assembly will consist of 48 members. In order to be eligible to serve on the Assembly, an applicant must:

7.2.1 Reside within the municipal boundaries of the District of Saanich or the City of Victoria as defined by the area map; and

7.2.2 Be at least 16 years of age on the date of the Civic Lottery.

7.2.3 Only one person per residential address (unit in building) will be eligible to become a member of the Assembly.

7.2.4 Employees of the District of Saanich or the City of Victoria, as well as elected officials (municipal, provincial or federal), are ineligible to serve as Assembly members.

7.2.5 The Chair will work to ensure that individuals who participate in the Assembly will begin the process with an open mind on the subject.

7.3 Assembly Composition

Based on the most recent (2016) census data, the Assembly will generally reflect the composition of the population of each municipality with regard to:

7.3.1 An equal proportion of male and female members;

7.3.2 A proportionate number of members from different age cohorts;

7.3.3 A proportionate number of renters and home owners;

7.3.4 A proportionate number of members from the two municipalities – 43 members from Saanich and 32 members from Victoria (based on BC Statistics population data);

7.3.5 A proportionate number of members of First Nations from the two municipalities; and

7.3.6 A proportionate number of urban and rural residents.

7.4 To assist Assembly members to participate, members will be reimbursed for reasonable childcare, eldercare, and transportation costs and will receive an honorarium of \$100 per meeting. Assistance will also be provided to those members with differing physical or learning abilities.

- 7.5 The working language of the Assembly is English. Translation services are not available.

8.0 Roles and Responsibilities

8.1 Roles and Responsibilities of Citizens' Assembly Members

Members of the Assembly are expected to fulfil their duties and agree to:

- 8.1.1 Attend each of the sessions of the Assembly as well as public roundtable meetings.
- 8.1.2 Work to understand and represent the varied perspectives of *all* Saanich and Victoria residents.
- 8.1.3 Treat each other with respect and take an active role in the work of the Assembly.
- 8.1.4 Work collaboratively to achieve a strong consensus concerning the Assembly's recommendations.

If a member of the Assembly must withdraw owing to illness or unexpected events, their position may be filled from the pool of applicants at the discretion of the Chair.

8.2 Roles and Responsibilities of the Chair

The Chair of the Assembly will be the Facilitator appointed by the District of Saanich and the City of Victoria who will design and host the meetings and proceedings of the Assembly. The Chair will not be a municipal employee and is expected to remain neutral with regards to the recommendations or direction of the Assembly. The Chair is charged to:

- 8.2.1 Oversee a fair and representative member selection process.
- 8.2.2 Develop a balanced learning program that involves residents, community organizations and experts to provide a range of perspectives.
- 8.2.3 Support respectful dialogue and deliberation amongst members leading to consensus based decisions and uphold Assembly procedures as per these Terms of Reference. If members feel that consensus based decision-making is not working at any given point in the deliberations, a group of three members representing Saanich and three members representing Victoria may request that the Chair call a vote on any given matter. Once the six members ask for this, the Chair must ask the Assembly to decide the matter by vote.
- 8.2.4 Ensure that regular updates concerning the Assembly's proceedings are made publicly available.
- 8.2.5 Provide opportunities to inform and convey perspectives from local residents and stakeholders to Assembly members.

- 8.2.6 Produce and deliver a Final Report concerning the Assembly's activities and recommendations to the Municipal Councils of Saanich and Victoria.
- 8.2.7 Exercise discretion in ensuring the integrity and sound conduct of the Assembly.
- 8.2.8 Ensure that the design and conduct of the Assembly are consistent with good democratic practices.

8.3 Roles and Responsibilities of the Victoria and Saanich Community

All residents of Saanich and Victoria have a role to play in assisting and ensuring the success of the Assembly. Members of the community are encouraged to participate and:

- 8.3.1 Attend public roundtable meetings hosted by members of the Assembly to discuss its progress and solicit community perspectives.
- 8.3.2 Attend occasional open sessions of the Assembly to observe its proceedings.
- 8.3.3 Submit ideas to the Assembly website and review regular public updates.

8.4 Roles and Responsibilities of the District of Saanich and the City of Victoria

The District of Saanich and City of Victoria will respect and support the independence and integrity of the Assembly. Municipal elected officials and staff will remain at arm's length during deliberations of the Assembly and will not comment publicly on the work of the Assembly while the work is underway.

Municipal staff will endeavour to:

- 8.4.1 Provide logistical support for Assembly activities, including venue booking, providing food, and additional supports as needed;
- 8.4.2 Provide expertise and access to existing strategic plans, financial and other documents; and
- 8.4.3 Give careful and timely consideration to the Assembly's Final Report.

9.0 **Decision Making of the Assembly**

Wherever possible decisions will be made on the consensus of its members. It is expected that discussion, debate and decision-making of the Assembly will be undertaken in accordance with Robert's Rules of Order.

As per Section 8.2.3 above, a group of three members representing Saanich and three members representing Victoria may request that the Chair call a vote on any given matter. Once the six members ask for this, the Chair must ask the Assembly to decide the matter by vote.

Divergent views are to be respected in this process including the opportunity for their expression in a Minority Report of the Assembly submitted to the Municipal Councils of Saanich and Victoria.

10.0 Process Concerns

If the Chair or the majority of members of the Assembly lose confidence in the process, there will be an appeal for review at a joint Council meeting of Saanich and Victoria.

File: 0110.00

July 29, 2021

Honourable Premier John Horgan
Province of British Columbia
PO Box 9422 Stn Prov Govt
Victoria, BC V8W 9V1

Email: premier@gov.bc.ca

The Honourable Adrian Dix, M.L.A.
Minister of Health
PO Box 9050, Stn Prov Govt
Victoria, BC V8W 9E2

Email: HLTH.Minister@gov.bc.ca

Dear Premier Horgan and Minister Dix:

Re: Improvement to Pre-Hospital Care System

At its July 26, 2021 Regular Council meeting, the Council for the City of Langley adopted the following resolution regarding the above-referenced subject.

WHEREAS local governments have been raising concerns of long delays with ambulance response time and First Responders responding to increasing number of Medical Emergency Service Alarm (MESA) calls due to lack of inadequate number of ambulances being available.

WHEREAS the recent heat wave exacerbated the shortcoming of the pre-hospital care system which created unacceptable delays in ambulance response time.

WHEREAS First Responders had to respond to extraordinary number of Medical Emergency Service Alarm (MESA) calls during the recent heat wave and endured unreasonable delays in response time by the ambulance to release them from the calls.

WHEREAS First Responders play an essential role in the pre-hospital care system and in supporting BC Emergency Health Services (BCEHS) with the delivery of the quickest possible response to patients requiring time-critical care.

WHEREAS the Auditor General of British Columbia's report, published in February 2019, on Access to Emergency Health Services provided recommendations to make transformational changes to the pre-hospital care system.

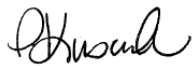
WHEREAS Health Minister Adrian Dix announced on July 14, 2021 to improve ambulance response time by providing funding for 85 new full-time paramedics, 30 fulltime dispatchers, 22 new ambulances, and converting 22 rural ambulance stations to 24/7 ALPHA stations.

THEREFORE, BE IT RESOLVED that the Province of BC and BC Emergency Health Services (BCEHS) immediately allocate the funding to improve ambulance response

time; and to improve coordination with fire departments to support consistent application of medical standards, information sharing, an integrated dispatch system, and improvements to patient care as recommended in the Auditor General report.

BE IT FURTHER RESOLVED that Minister Dix take concrete actions to treat First Responders as an equal and an integral partner of the pre-hospital care system with adequate support (e.g. training) and resources (e.g. cost recovery) in order to achieve this goal; and that this motion be forward to Premier John Horgan; Minister Adrian Dix, Minister of Health; Andrew Mercier, MLA Langley, Susan Wannamaker, Executive Vice President, Clinical Service Delivery, Provincial Health Services Authority; and All municipalities in BC.

Yours truly,
CITY OF LANGLEY



Paula Kusack
Deputy Corporate Officer

cc: Andrew Mercier, MLA Langley
Susan Wannamaker, Executive Vice President, Clinical Service Delivery,
Provincial Health Services Authority
All municipalities in BC.



Board of Education

School District No. 61 (Greater Victoria)
556 Boleskine Road, Victoria, BC V8Z 1E8
Phone (250) 475-4106 Fax (250) 475-4112

Chair: Jordan Watters Vice-Chair: Elaine Leonard
Trustees: Nicole Duncan, Tom Ferris, Angie Hentze,
Diane McNally, Ryan Painter, Rob Paynter, Ann Whiteaker

June 25, 2021

City of Victoria
1 Centennial Square
Victoria BC
V8W 1P6

BY E-MAIL: mayorandcouncil@victoria.ca

ATTENTION: Mayor & Council

Dear Mayor Helps:

RE: Bank Street School Building

At its Regular Board meeting of June 21, 2021, the Board of Education of School District No. 61 (Greater Victoria) carried the following resolution:

That the Board of Education of School District 61 (Greater Victoria) direct Staff to meet with City of Victoria Staff to explore potential options as requested by Mayor Helps in the City of Victoria's June 7, 2021 letter to the Board;
AND FURTHER
That any meetings occur after School District No. 61 receives its Class C cost estimate of Bank Street School.

.../2

The Greater Victoria School District wishes to recognize and acknowledge the Esquimalt and Songhees Nations, on whose traditional territories, we live, we learn, and we do our work.

One *Learning* Community

Chuck Morris, Director of Facilities will contact Peter Rantucci, Head of Strategic Real Estate, once the District's report has been received by Staff.

If you have any questions or concerns please let me know.

Sincerely,



Jordan Watters
Chair, Board of Education

Cc: Board of Education, SD61
Shelley Green, Superintendent, SD61
Kim Morris, Secretary-Treasurer, SD61
Chuck Morris, Director of Facilities

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One *Learning* Community

