



UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL
MEETING OF JULY 28, 2016, AT 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People

Violin Performance by Rebecca Reader-Lee and Clara Sui, accompanied by Forte Zhang on piano.

A. APPROVAL OF AGENDA

B. READING OF MINUTES

1. Minutes from the meeting held June 9, 2016



Late Item: Minutes

C. REQUESTS TO ADDRESS COUNCIL (Maximum 6)

1. **Late Item: Richard Almond: Casino**



2. **Late Item: Rhya Lornie: Proposal for Casino in Downtown Victoria**



3. **Late Item: Saumyata Kaushik: Objecting the location of new Casino**



4. **Late Item: Nick Murray: Pedicab Licenses**



5. **Late Item: Kevin N. Stuart: Pedicabs**



D. PROCLAMATIONS

1. "World Hepatitis Day" - July 28, 2016

E. PUBLIC AND STATUTORY HEARINGS

1. **Development Permit with Variances Application No. 00003 for 944 Heywood Avenue**

Council is considering a development permit with variances to permit the construction of two small lot houses.

- a. **Hearing**



Development Permit with Variances Application No. 00003

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 944 Heywood Avenue, in Development Permit Area 15A: Intensive Residential – Small Lot, for purposes of constructing two small lot houses.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*:

Proposed Lot A

- Reduce the front yard setback of the from 6.00m to 3.20m
- Reduce the rear yard setback of the from 6.00m to 1.61m
- Permit parking to be located between the building and the front lot line

Proposed Lot B

- Reduce the front yard setback from 6.00m to 3.50m
- Reduce the rear yard setback from 6.00m to 4.57m

Late Item:Correspondence

Close of Hearing - Consideration of Approval

- b.. **Development Permit with Variances Approval:** To approve the development permit with variances, the following motion is in order:

That Council authorize the issuance of Development Permit Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61 m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;

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

F. REQUESTS TO ADDRESS COUNCIL

G. UNFINISHED BUSINESS

1. Letter dated June 9, 2016 from Minister Jean-Yves Duclos
A letter of response to the City's letter dated April 27, 2016 regarding a national conversation on a Basic Income Guarantee for all Canadians.
2. Letter dated July 5, 2016 from Minister and Deputy Premier Rich Coleman
A letter of response to the City's letter dated February 9, 2016 requesting that the Residential Tenancy Act and Regulations be reviewed and amended to increase protections for tenants who may be subject to eviction for renovations.
3. Letter dated June 13, 2016 from Davyd McMinn, Vice President of Ross Bay Villa Society
A letter conveying the Board of Ross Bay Villa Society's appreciation for Council's approval of the Society's application for a Strategic Plan Grant.
4. Letter dated July 6, 2016 from Premier Christy Clark
A letter of response to the City's letter, detailing Council's commitment to the Barrier-Free BC program.

H. REPORTS OF COMMITTEES

1. Committee of the Whole

1. Report from the July 21, 2016 COTW Meeting
2. Report from the July 28, 2016 COTW Meeting




Late Item: Report

I. NOTICE OF MOTIONS

J. BYLAWS

1. First Reading

1. ~~Archives Use Bylaw No. 16-060~~ **Deferred**

 - ~~1. A report recommending first, second, and third reading of bylaw No. 16-060.~~
 - ~~2. A bylaw amendment to reduce the licensing fees and simplify the licensing process.~~
 - ~~3. Minutes from the May 12, 2016 Council Meeting.~~
 - ~~4. Report from the May 12, 2016 Committee of the Whole Meeting.~~
2. **Bylaws for Marijuana-Related Businesses**
 - a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058
 1. A bylaw amendment to define "storefront marijuana retailer" as a use and to restrict the location of this use.
 - b. Land Use Procedures Bylaw, 2016, Amendment Bylaw (No. 1) No. 16-059
 1. A bylaw amendment to impose application fees for certain types of applications.
 - c. Marijuana-Related Business Regulation Bylaw No. 16-061
 1. A proposed bylaw to provide for the regulation of marijuana-related businesses to minimize any adverse effects that operation of such businesses may have on the safety, health, and well-being of the

community in anticipation of changes to the federal laws regarding distribution of marijuana.

- d. Ticket Bylaw, Amendment Bylaw (No. 9) No. 16-069
 - 1. *A bylaw amendment to reflect the new offences created under the Marijuana-Related Business Regulation Bylaw.*

3. **Bylaws for Small Scale Commercial Urban Food Production**

- 1. *A report recommending first and second readings of bylaws No. 16-063, 16-064, and 16-065; and recommending first, second, and third reading of bylaws No. 16-066, 16-067, and 16-068.*
- 2. *February 25, 2016 Committee of the Whole Report, Part 1 and Part 2.*

Please note attachments #1 through #6 (bylaws), noted in the report can be found attached below.

- a. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 15) No. 16-063
 - 1. *A bylaw amendment to clarify that food production on private land is subservient to the density, built form, place character, and land use objectives in the Official Community Plan.*
- b. Zoning Regulation Bylaw, Amendment Bylaw (No. 1072) No. 16-064
 - 1. *A bylaw amendment to add definitions for small-scale commercial urban food production, foodstand, and greenhouse, and amending the definition of home occupation and general regulations.*
- c. Business Licence Bylaw, Amendment Bylaw (No. 31) No. 16-065
 - 1. *A bylaw amendment to regulate and set fees for small-scale commercial urban food production.*
- d. Sign Bylaw, 1992, Amendment Bylaw (No. 13) No. 16-067
 - 1. *A bylaw amendment to allow permanent signage for outdoor markets on City property.*
- e. Pesticide Use Reduction Bylaw, Amendment Bylaw (No. 1) No. 16-066
 - 1. *A bylaw amendment to regulate pesticide uses which constitute noxious or offensive business activities in connection with small-scale commercial urban food production.*
- f. Streets and Traffic Bylaw, Amendment Bylaw (No. 6) No. 16-068
 - 1. *A bylaw amendment to permit and regulate gardening on boulevards.*

2. **Second Reading**

- 1. Archives Use Bylaw No. 16-060 **(Deferred)**



2. **Bylaws for Marijuana-Related Businesses**

- a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1070) No. 16-058
- b. Land Use Procedures Bylaw, 2016, Amendment Bylaw (No. 1) No. 16-059
- c. Marijuana-Related Business Regulation Bylaw No. 16-061
- d. Ticket Bylaw, Amendment Bylaw (No. 9) No. 16-069

3. **Bylaws for Small Scale Commercial Urban Food Production**

- a. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 15) No. 16-063
- b. Zoning Regulation Bylaw, Amendment Bylaw (No. 1072) No. 16-064
- c. Business Licence Bylaw, Amendment Bylaw (No. 31) No. 16-065
- d. Sign Bylaw, 1992, Amendment Bylaw (No. 13) No. 16-067
- e. Pesticide Use Reduction Bylaw, Amendment Bylaw (No. 1) No. 16-066
- f. Streets and Traffic Bylaw, Amendment Bylaw (No. 6) No. 16-068

3. Third Reading

- 1. ~~Archives Use Bylaw No. 16-060~~ **(Deferred)**



- 2. **Bylaw for Marijuana-Related Businesses**

- a. Ticket Bylaw, Amendment Bylaw (No. 9) No. 16-069

- 3. **Bylaws for Small Scale Commercial Urban Food Production**

- a. Sign Bylaw, 1992, Amendment Bylaw (No. 13) No. 16-067
- b. Pesticide Use Reduction Bylaw, Amendment Bylaw (No. 1) No. 16-066
- c. Streets and Traffic Bylaw, Amendment Bylaw (No. 6) No. 16-068

- 4. Vehicles for Hire Bylaw, Amendment Bylaw (No. 16) No. 16-057



- 1. *A report recommending third reading of bylaw No. 16-057 and providing information on public consultation.*
- 2. *A bylaw amendment to require development of safety procedures as a requirement of pedicab licensing, increase the number of available pedicab licences, restrict the number of pedicab licences that can be held or managed by one person, and require a business name to be prominently displayed on each pedicab.*

Late Item: Appendix B - Pedicab Consultation Submissions

4. Adoption

- 1. Cyril Close Local Area Service Bylaw, 2016 No. 16-045
 - 1. *A bylaw to establish a Local Area Service for the construction of a landscaped island in the cul-de-sac of Cyril Close and to establish a parcel tax to pay for the cost of the island.*

K. CORRESPONDENCE

- 1. Letter dated June 2, 2016 from Member of Parliament, Matt Jeneroux
 - A letter encouraging the City to promote the Canada 150 Infrastructure Fund within the community.*
- 2. Letter dated June 8, 2016 from Mayor Shirley Ackland, of the Town of Port McNeill
 - A letter requesting Council's support of a Union of BC Municipalities 2016 resolution that the Provincial Government fully fund post-secondary education.*
- 3. Letter dated July 8, 2016 from BC Hydro

A letter advising that BC Hydro is participating in the 2016 UBCM Convention in Victoria and senior managers will be available for meetings during the convention.

4. Letter dated July 11, 2016 from MLA Selina Robinson
A letter advising that all Opposition MLAs will be in attendance at the 2016 UBCM Convention in Victoria, and will be available for meetings during the convention.
5. Letter dated July 15, 2016 from Isobel Mackenzie of the Office of the Seniors Advocate
A letter asking for consideration of increased safety initiatives targeted at senior pedestrians, including the lowering of speed limits in appropriate areas.

L. NEW BUSINESS

1. To set a Public Hearing for the Meeting of August 25, 2016
 - a. Small Scale Commercial Urban Food Production Bylaws

M. QUESTION PERIOD

N. ADJOURNMENT



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, JUNE 9, 2016, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Helps in the Chair, Councillors Alto, Isitt, Loveday, Lucas, Madoff, Thornton-Joe, and Young.

ABSENT: Councillor Coleman

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; C. Coates - City Clerk; P. Bruce – Fire Chief; K. Hamilton – Director of Citizen Engagement & Strategic Planning; L. Campbell - Manager of Parks, Planning, Design, & Development; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; C. Havelka – Deputy City Clerk; C. Mycroft – Executive Assistant to the City Manager; C. Wain – Senior Planner; P. Martin - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:
It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the agenda be approved as amended.
Carried Unanimously

Amendment:
It was moved by Mayor Helps, seconded by Councillor Isitt, that Christian Barnard be added to the Request to Address Council section.

On the amendment:
Carried Unanimously

Amendment:
It was moved by Councillor Isitt, seconded by Councillor Lucas, that Donna Umber be added to the Request to Address Council section.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

POETRY READING

The Poet Laureate, Yvonne Blomer, read a poem titled "Fogs Grey Harbour".

READING OF MINUTES

Motion:
It was moved by Councillor Alto, seconded by Councillor Lucas, that the minutes of May 12, 2016, be approved.

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:
It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following speakers be permitted to address Council.

Carried Unanimously

1. **Andrew Beckerman: Housing Initiatives**
Outlined ways that the difficulty of homeless and marginally housed members of our community could be addressed concretely through a compassionate, inclusionary, and common sense approach.
2. **Stephen Portman: Homelessness and Tent Cities**
Outlined a request that the City of Victoria Council continue to take action to remedy homelessness.

3. **David Maxwell: Small lot subdivision, garden suites, and affordability**
Outlined why a staff report should be created regarding information on small lot subdivisions, garden suites, and affordability.
4. **Kira Kelly: Appropriate housing for people who are disabled and high functioning/funding**
Outlined why appropriate housing is required for people who are disabled, but high functioning and require funding to assist with housing.
5. **France Cormier: My neighbourhood**
Outlined safety concerns in her neighbourhood.

PROCLAMATIONS

It was moved by Councillor Loveday, seconded by Councillor Thornton-Joe, that the following Proclamations be endorsed:

1. "Sri Chinmoy Oneness – Home Peace Run" – June 24, 2016
2. "Men's Mental Health Awareness Day" – June 14, 2016
3. "World Refugee Day" – June 20, 2016
4. "Access Awareness Day" – June 4, 2016

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

1. Development Variance Permit No. 00168 for 360 Bay Street

1. Hearing

Development Variance Permit No. 00168

The Council of the City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 360 Bay Street for the purpose of adding 15 seats to a bakery/restaurant and varying the following requirement of the *Zoning Regulation Bylaw* namely:

- Reducing the parking requirement from 10 to 7 parking stalls to accommodate an additional 15 seats in a bakery/restaurant to a total of 25 seats.

Charlotte Wain (Senior Planner): Outlined the purpose of the application which is to add 15 seats to an existing restaurant, and Council is to consider the acceptability of reducing the number of parking stalls in order to accommodate the seats.

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

Nick Kirks (Applicant and Owner): Provided information regarding the application and the reasons why they are requesting this Development Variance Permit.

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

2. Development Variance Permit Approval

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorize the issuance of Development Permit Application No. 00168 for 360 Bay Street, in accordance with:

1. Plans date stamped January 7, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Schedule "C", Section 16.C.12 reduce parking requirement from 10 to 7 parking stalls to accommodate an additional 15 seats in a bakery/restaurant to a total of 25 seats.
3. The provision of bicycle parking to meet Schedule "C" requirements.
4. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

2. Development Permit with Variances Application No. 00008 for 943 Collinson Street

1. Hearing

Development Permit with Variances Application No. 00008

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 943 Collinson Street, in Development Permit Area 16, for purposes of allowing a three unit multiple residential building.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*:

- Part 3.10.2 (a) - Reduce the minimum site area from 920m² to 496m²
- Part 3.10.4 - Increase the site coverage from 30% to 40%
- Part 3.10.11 - Reduce the minimum required front yard setback from 9.00m to 7.10m
- Part 3.10.12 - Reduce the minimum required internal rear yard setback (SW) from 5.33m to 4.27m
- Part 3.10.12 - Reduce the internal side yard setback (NW) from 5.33m to 3.68m

- Part 3.10.12 - Reduce the minimum required internal side yard setback (SE) from 5.33m to 1.52m
- Part 3.10.17 (1) - Reduce the minimum required number of off-street parking spaces from 1.2 stalls per unit to 1 stall per unit.

Charlotte Wain (Senior Planner): Outlined the purpose of the application, which is to allow a three unit multiple residential building.

Mayor Helps opened the public hearing at 7:13 p.m.

Dan Hagel (Applicant): Provided information regarding the application and the previous history of the application.

Martin Young (Strata President of property located on Fairfield Road): Spoke against the variances requested within this development application, and expressed concerns on the impact the application will have on his home.

Patricia Morris (Fairfield Road): Spoke against the application, expressed concerns regarding the variances, and reminded Council that the Fairfield Community Association had written to express concerns that this application should be for a rezoning permit.

Margaery Benson (Fairfield Road): Spoke against the application and expressed concerns this application has raised and spoke against the requested variances.

Margaret Feige (Fairfield Road): Spoke against the lot size of the application, and expressed concerns about the impact that this development will have on her home.

Council discussed the following:

- *The installation of an elevator in the tri-plex development.*
- *Privacy and lack of sunlight that may impact neighbouring properties.*

Councillor Loveday withdrew from the meeting at 7:45 p.m. and returned at 7:47 p.m.

- *Whether other aspects of the development include accessibility features.*

Mayor Helps closed the public hearing at 7:57 p.m.

2. Development Permit with Variances Approval

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the application be received and filed.

Council discussed the motion:

- *That due to the lack of support by the neighbouring properties and number of variances requested, the application is not supportable.*
- *The type of properties that may be a more appropriate fit for this site in the future and the importance of developing lots in such a way that fits with the neighbourhood as it exists.*
- *That an increase of density on this site would be supportable.*

Carried Unanimously

3. Development Variance Permit Application No. 00174 for 1535 Davie Street

1. Hearing

Development Variance Permit Application No. 00174

The Council of the City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 1535 Davie Street for the purpose of constructing an addition to the existing triplex and converting the building into a single family dwelling with a secondary suite and varying certain requirements of the *Zoning Regulation Bylaw* namely:

- Relaxation for the maximum area of the first and second storeys combined from 280 m2 to 284.40 m2
- Relaxation for the maximum enclosed floor area added to a building when installing a secondary suite from 20m2 to 115.10m2.

Charlotte Wain (Senior Planner): Outlined the purpose of the application, which proposes to construct an addition to the existing triplex and convert the building into a single-family dwelling.

Mayor Helps opened the public hearing at 8:08 p.m.

Danny Stinson and Gail Anthony (Owners): Provided information regarding the proposal and advising that the property is currently in disrepair and they wish to renovate the property to make it into a multi-generational home.

Mayor Helps closed the public hearing at 8:14 p.m.

2. Development Variance Permit Approval

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council authorize the issuance of Development Variance Permit Application No. 00174 for 1535 Davie Street, in accordance with:

1. Plans date stamped April 5, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. R1-B Zone, Single Family Dwelling District, the floor area of the first and second storeys combined increased from 280m² to 284.4m²
 - ii. Schedule J, Secondary Suite Regulations, Exterior Changes, increase the maximum enclosed floor area added to a building when installing a secondary suite from 20m² to 115.1m²
3. Final plans to generally be in accordance with the plans identified above, subject to final approval of the suite entrance features (landscaping and lighting) to the satisfaction of staff.
4. The Permit will lapse two years from the date of the Council resolution.

Carried Unanimously

Council recessed from 8:16 p.m. until 8:21 p.m.

REQUESTS TO ADDRESS COUNCIL

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following speakers be permitted to address Council.

Carried Unanimously

1. **Bob Lisevich: Removal of Tent City**
Outlined why the City of Victoria should encourage the Province to take further court action in regards to Tent City as the case is legally flawed.
2. **Alison Acker: Tent City**
Outlined ways to avoid violence in regards to Tent City.
3. **Kirsten Andersson: Tent City**
Outlined reasons why the City should advocate with the province, on behalf of the residents of the surrounding neighbourhood for moving or managing Tent City.
4. **Kim A. Hines: Tent City**
Outlined concerns regarding the treatment of Tent City.
5. **Susan Abbells: Cook Street – Approval**
Outlined reasons why Council should approve the temporary land use permit requested by Microhousing Society.

Councillor Isitt withdrew from the meeting at 8:49 p.m. due to a potential pecuniary conflict of interest, as his residence is located near the subject property.

6. **Graeme Verhulst: 2582 Cook Street**
Outlined reasons why Council should approve MicroHousing Victoria Society's temporary land use permit application at 2582 Cook Street, and help the society to find other land for additional sites.

Councillor Isitt returned to the meeting at 8:54 p.m.

7. **Bill Stewart: Dispensary Regulations**
Outlined reasons why allowing variances for the prohibition for inhalation of medical marijuana in medical marijuana-related businesses is supportable with respect to proposed regulations. Also outlined were thanks to Council for their work on homelessness.

Councillor Loveday withdrew from the meeting at 8:58 p.m. and returned at 8:59 p.m.

8. **Douglas Curran: Accurate reporting of community feedback on proposed developments**
Outlined issues with the communication and processes of Community Land Use Committees.
9. **Sue Mackenzie: Tent City**
Outlined reasons why alternatives to Tent City are needed, and requested that the City work to find alternative homes for the residents.
10. **Jordan Reichert: Pet rental restrictions**
Requested that Council write a letter to Minister Coleman requesting a change to the Residential Tenancy Act to eliminate the "no pets" policy in tenancy agreements.
11. **Christopher Schmidt: Mount Edwards Court**
Outlined reasons why Council should take action to prevent the extension of the lease at Mount Edwards.

12. **Bernice Kamano: Tent City**
Provided information about her work as an aboriginal outreach worker, and that both Tent City and the neighbours need to work on positive communication, and the City needs to work on breaking down barriers.
13. **Tammy M. Doyle: The umbrellas of mental health and addictions**
Outlined information on the different types of mental health and addictions and that they are often put under the same umbrella. Also outlined were the stigmas surrounding mental health that often hinder those with addictions getting help.
14. **Donna Umbress: Homelessness**
Outlined the issues and concerns facing those living within Tent City.

UNFINISHED BUSINESS

1. **Letter dated May 16, 2016 from Minister Stilwell:**
It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated May 16, 2016 from the Minister Stilwell regarding a response to the City's letter dated April 6, 2016 on income assistance rates in British Columbia, be received for information.

Carried Unanimously

REPORTS OF COMMITTEES

1. **Committee of the Whole – June 2, 2016**
 1. **Update on Downtown Late Night Program**
It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council receive this report for information and direct staff to reconvene the original task force to receive their input on the progress made.

Carried Unanimously
 2. **2016 First Quarter Report and 2016 Operational Work Plan**
It was moved by Councillor Alto, seconded by Councillor Lucas, that Council receive this report for information and thank staff for the great work.

Amendment:
It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Council receive this report for information, ~~and~~ thank staff for the great work, **and that staff report back within two Committee of the Whole meetings on the implications of adding the following motion to the 2016 Operational Plan.**

WHEREAS, the Dogs In Parks Committee recommendations came forward in 2005;

AND WHEREAS, part of the recommendation was to prohibit dogs from Gonzales Beach from June to September;

AND WHEREAS, there have been several members of the neighbourhood asking for consideration to have dogs permitted in the morning before 9am and after 7pm;

THEREFORE; Council direct staff to review the Gonzales Beach prohibition, seek input from neighbours and other interested parties and bring forward a report with recommendations, with a possible recommendation being a pilot program for this summer.

Council discussed the following:

- *That the Parks Master Plan will consider this item, whether the amendment is required.*
- *The importance of taking a comprehensive approach to all parks and beaches, in order to allow for all neighbourhoods to be considered.*

On the amendment:
Defeated

For: Mayor Helps, Councillors Alto, Isitt, Loveday, and Lucas

Opposed: Councillors Madoff, Thornton-Joe, and Young

On the motion:
Carried Unanimously

3. Trans Mountain Pipeline Expansion Project

It was moved by Councillor Loveday, seconded by Councillor Isitt:

THAT Council request that the Mayor, on behalf of Council, write to the Prime Minister of Canada, re-iterating the City of Victoria's opposition to the Trans Mountain Pipeline Expansion Project and requesting that the Federal Government decline the application.

AND THAT the City forward a copy of the letter to the Premier of British Columbia and member local governments of the Union of BC Municipalities, encouraging similar advocacy to the Federal Government to ensure the Trans-Mountain Pipeline Expansion Project does not proceed.

Carried

For: Mayor Helps, Councillors Alto, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

Opposed: Councillor Young

4. Transgender Human Rights Protection

It was moved by Councillor Loveday, seconded by Councillor Alto:

BE IT RESOLVED THAT Council commits to working with transgender Victoria residents to develop a transgender inclusion policy for the City, and urges other municipalities in the Capital Region to develop and implement transgender inclusion policies in order that transgender and gender variant citizens can be better included in all our communities.

BE IT FURTHER RESOLVED THAT Council submit the following motion to be considered at UBCM and copy UBCM member municipalities requesting their favourable consideration:

WHEREAS transgender and gender variant members of our communities face shocking rates of harassment, discrimination, and social exclusion which interfere with threaten their lives and reduce their ability to participate fully in civil life;

AND WHEREAS the wording of provincial human rights legislation is not always explicit about the protection afforded to transgender people on the basis of gender identity and gender expression;

AND WHEREAS the majority of Canadian provinces have made amendments to their human rights legislation to explicitly protect transgender and gender variant people;

AND WHEREAS the government of British Columbia has failed to introduce explicit protection for transgender and gender variant people on the basis of gender identity and gender expression, despite having suitable draft legislation before it since 2011;

THEREFORE BE IT RESOLVED that UBCM urge the province of British Columbia, through the Premier and the Attorney General, to adopt explicit protection for transgender and gender variant British Columbians by including gender identity and gender expression in the BC *Human Rights Code*, and that UBCM urges other municipalities in BC to develop and implement transgender inclusion policies in order that transgender and gender variant citizens can be better included in all our communities.

Carried Unanimously

2. Committee of the Whole – June 9, 2016

Please indent the sub-numbering below

1. Proposed Minor Amendments to the Zoning Regulation Bylaw

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council instruct staff to prepare the proposed Zoning Regulation Bylaw amendment to correct and clarify the following:

1. Amend the R1-G Zone, Gonzales Single Family District, by amending the wording relating to building setbacks from the waterfront to address minor drafting errors.
2. Amend the R1-B-GS4-C1 Zone, Single Family Dwelling with Garden Suite and Limited Commercial Moss Street District, by deleting the "m" after maximum number of storeys.
3. Amend the CA-72 Zone, Fort Street Commercial - Residential District, replacing the word "minimum" with "maximum" as it applies to height.
4. Amend the R-76 Zone, Oak Bay Avenue Multiple Dwelling District, underlining the defined term "lot lines".
5. Amend the R1-S1 Zone, Restricted Small Lot (One Storey) District and R1-S2 Zone, Restricted Small Lot (Two Storey) District, to address minor drafting errors relating to underlining and the unit of measurement for rear setback requirements.
6. Amend the M2-I Zone, Douglas-Blanshard Industrial District, to remove reference to "worklive".
7. Delete the following redundant zones:
 - i. C-3H Zone, Harbour Commercial District
 - ii. C-4H Zone, Harbour Activity District.

8. Amend the R-2 Zone, Two Family Dwelling District, to include the new regulations for low density residential zones relating to outdoor features.
9. Define the term "Street".
10. Amend the definition of "Half Storey" to reference "first storey area" instead of "ground floor area".
11. Amend the definition of "Site Coverage" by replacing the word "structure" with the word "building" and by clarifying that accessory garden structures, balconies and roof projections are excluded from site coverage calculations.

Carried Unanimously

2. Tax Incentive Program Application No. 00026 for 533-537 Fisgard Street/ 534 Pandora Avenue

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Council instruct the City Solicitor to prepare a Tax Exemption Bylaw for 533-537 Fisgard and 534 Pandora Avenue Street for 10 years, pursuant to Section 392 of the *Local Government Act*, with the following conditions:

1. That a covenant identifying the tax exemption be registered on the title to the property and any possible future strata titles.
2. That the final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.

Carried Unanimously

3. Rezoning Application No. 005077 for 155 Linden Avenue

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00507 for 155 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried Unanimously

4. Development Permit Application No. 00507 for 155 Linden Avenue

It was moved by Councillor Madoff, seconded by Councillor Loveday, that Council consider the following motion after the Public Hearing for Rezoning Application No. 00507, if it is approved:

"That Council authorize the issuance of Development Permit Application No. 00507 for 155 Linden Avenue, in accordance with:

1. Plans date stamped April 15, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

5. Update on Rezoning Application #00301 and Concurrent Official Community Plan Amendment Application for 605-629 Speed Avenue and 606-618 Frances Avenue

1. It was moved by Councillor Young, seconded by Councillor Loveday, that Council consider giving first and second reading to the Zoning Regulation Bylaw, Amendment Bylaw (No. 1036) and Official Community Plan, Amendment Bylaw (No. 14) at the June 9, 2016, Council Meeting.
2. That Council consider giving first, second and third reading to the Housing Agreement (605-629 Speed Avenue & 606-618 Frances Avenue) Bylaw at the June 9, 2016, Council Meeting.
3. That Council consider referring Zoning Regulation Bylaw, Amendment Bylaw (No. 1036) and Official Community Plan, Amendment Bylaw (No. 14) for consideration at a Public Hearing.
4. Following the Public Hearing and subject to adoption of the OCP and Zoning Regulation Bylaw Amendments for 605-629 Speed Avenue and 606-618 Frances Avenue, that Council consider the following motions:

"That Council authorize the issuance of Development Permit Application No. 000302 in accordance with:

- a. Plans stamped July 8, 2013
- b. Development meeting all Zoning Regulation Bylaw requirements
- c. The Development Permit lapsing two years from the date of this resolution."

"That Council consider the adoption of Housing Agreement (605-629 Speed Avenue & 606-618 Frances Avenue) Bylaw"

5. That Council endorse the recommendations in the community amenity contribution analysis dated September 13, 2013, and that the monetary contribution be split equally between the Victoria Housing Fund and neighbourhood amenities with the Burnside-Gorge neighbourhood.

Carried

For: Mayor Helps, Councillors Alto, Isitt, Loveday, Lucas, Thornton-Joe and Young

Opposed: Councillor Madoff

6. Heritage Alteration Permit Application No. 00220 for 537 Johnson Street

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council authorize the issuance of a Heritage Alteration Permit for Application No. 00220 for 537 Johnson Street in accordance with:

1. Plans date stamped April 26, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Heritage Alteration Permit lapsing two years from the date of this resolution.
4. A Section 219 covenant be registered on title requiring the removal of the trailer after two years.

5. A Section 219 covenant be registered on title to ensure the truck operates as an auxiliary kitchen in association with Willie's Bakery.

Council discussed the following:

- *Concerns regarding the provision of the permit lapsing two years from the date of this resolution, and whether a different timeline would be more appropriate.*

Carried Unanimously

7. Financial Impacts of Management of Outdoor Sheltering

It was moved by Mayor Helps, seconded by Councillor Loveday, that Council receive this report for information.

Carried Unanimously

8. Ride Sharing Services

It was moved by Councillor Alto, seconded by Councillor Lucas, that the Mayor on behalf of Council provide a letter to the Minister of Community, Sport and Cultural Development that Council supports the regulation of Ride Share services in a manner consistent with taxis in British Columbia, and request that the Province modernize the regulatory framework of the taxi industry.

Carried Unanimously

Mayor Helps withdrew from the meeting at 9:57 p.m. due to a potential conflict of interest, as she lives close to someone who runs a short-term vacation rental.

Councillor Lucas withdrew from the meeting at 9:5 p.m. due to a potential pecuniary conflict of interest, as she is the General Manager of a hotel.

Councillor Isitt assumed Chair of the meeting as Acting Mayor.

9. Short Term Vacation Rentals

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday,

1. That Council direct staff to develop options for policy guidelines and regulation of short term vacation rentals along with associated resource considerations and report to Council with recommendations by September 2016 to prohibit the use of units of property zoned as residential for the primary purpose of providing commercial accommodation.
2. That Council advise the Minister of Community Sport and Cultural Development that Provincial policies for Short Term Vacation Rentals should be consistent with other industry accommodation options in connection with Hotel Taxes and with designations of property class by BC Assessment Authority to reflect the commercial nature of the accommodation being provided based upon the extent of rental use.

Carried Unanimously

Mayor Helps returned to the meeting at 9:59 p.m. and resumed as Chair of the meeting.

Councillor Lucas returned to the meeting at 9:59 p.m.

10. Gonzales Beach Dog Prohibition

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday:

That the following proposed motion be referred back to staff to provide a report on the implications of adding the work to the Strategic Plan:

WHEREAS, the Dogs In Parks Committee recommendations came forward in 2005;

AND WHEREAS, part of the recommendation was to prohibit dogs from Gonzales Beach from June to September;

AND WHEREAS, there have been several members of the neighbourhood asking for consideration to have dogs permitted in the morning before 9am and after 7pm;

THEREFORE; Council direct staff to review the Gonzales Beach prohibition, seek input from neighbours and other interested parties and bring forward a report with recommendations, with a possible recommendation being a pilot program for this summer.

Defeated

For: Councillors Thornton-Joe and Young

Opposed: Mayor Helps, Councillors Alto, Isitt, Loveday, Lucas, and Madoff

BYLAWS**1. FIRST READING****Motion:**

It was moved by Councillor Alto, seconded by Councillor Young, that the following bylaws **be given first reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1067) No. 16-051*
2. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1036) No. 16-053*
3. *Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 14) No. 16-054*
4. *Housing Agreement (605-629 Speed Avenue and 606-618 Frances Avenue) Bylaw No. 16-055*

Carried Unanimously

2. SECOND READING**Motion:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaws **be given second reading:**

1. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1067) No. 16-051*
2. *Zoning Regulation Bylaw, Amendment Bylaw (No. 1036) No. 16-053*
3. *Official Community Plan Bylaw, 2012 Amendment Bylaw (No. 14) No. 16-054*
4. *Housing Agreement (605-629 Speed Avenue and 606-618 Frances Avenue) Bylaw No. 16-055*

Carried Unanimously

3. THIRD READING**Motion:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaw **be given third reading:**

1. *Housing Agreement (605-629 Speed Avenue and 606-618 Frances Avenue) Bylaw No. 16-055*

Carried Unanimously

Motion:**Bylaw – Rescind Third Reading:**

It was moved by Councillor Young, seconded by Councillor Loveday, that Council rescind the third reading of *Sidewalk Cafes Regulation Bylaw No. 16-038*.

Carried Unanimously

Motion:**Bylaw Amendment:**

It was moved by Councillor Young, seconded by Councillor Lucas, that Council amend the *Sidewalk Cafes Regulation Bylaw No. 16-038* by removing Part 10, Commencement, on page two (2) and page twelve (12) of the bylaw.

Carried Unanimously

Motion:**Bylaw – Third Reading:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following bylaw **be given third reading** as amended:

1. *Sidewalk Cafes Regulation Bylaw No. 16-038*

Carried Unanimously

CORRESPONDENCE**1. Letter dated May 11, 2016 from the Deputy City Clerk for the City of Port Alberni**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the correspondence dated May 11, 2016 from the Deputy City Clerk for the City of Port Alberni regarding a request for the City of Victoria's support for a declaration of the Right to a Health Environment, be received for information.

Carried Unanimously

2. Letter dated May 24, 2016 from the Saanich Fire Department's Fire Chief

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the correspondence dated May 24, 2016 from the Saanich Fire Department's Fire Chief, extending thanks and appreciation to the Victoria Fire Department for their assistance and response to a fire on Cedar Hill road, be received for information.

Carried Unanimously

3. **Letter dated June 1, 2016 from Minister Fassbender**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the correspondence dated June 1, 2016 from Minister Fassbender, providing an update on the progress of the Capital Integrated Services and Governance Initiative, be received for information.

Carried Unanimously

NEW BUSINESS

1. **To Set Public Hearings for the Meeting of Thursday, June 23, 2016:**

It was moved by Councillor Alto, seconded by Councillor Lucas, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, June 23, 2016, at 6:30 p.m.:**

1. Rezoning No. 00486 for 515 Burnside Road East
2. Rezoning No. 00301 for 605-629 Speed Avenue & 606-618 Frances Avenue

Carried Unanimously

1. **City of Victoria Input on Review of Canada Post**

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to provide input to the Government of Canada on behalf of the City of Victoria by June 23, 2016 as part of the Review of Canada Post, reiterating the City's support for door-to-door postal delivery and increased access to financial services through postal banking, and appending copies of the previously approved resolutions on these issues.

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor Loveday, seconded by Councillor Alto, that the Council meeting adjourn.
Time: 10:09 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR

Proposal to Increase Pedi-Cab Licenses

Dear Mayor Lisa Helps and City of Victoria Council Members,

I'm here to advocate for the increase of Pedicab licenses in the city of Victoria. As council members and staff are aware from my previous emails and presentations. There are currently not enough Pedicabs licenses to supply the demand.

Victoria is one of the tourist capitals of Canada and bringing in close to half 1 million cruise ship visitors each year as well and additional 3,000,000+ overnight visitors.

However, they're only 28 pedicab licenses all controlled by one man creating an unfair monopoly.

The points I would like to address today regarding the benefit of increasing Pedi Cab licenses are that:

1. There is currently a demand for more licenses to create job opportunities for university students and to promote small-scale entrepreneurship.
2. The only company operating pedicabs controls all the licenses. This could be considered an unfair monopoly on all the licenses.
3. The availability of new licenses will be an eco-friendly move, which would add to the city's green initiatives
4. More youth are engaged in City programs, civic issues, and the broader community by educating our youth about the history and great community of Victoria

Pedicabbing is a great way for students to pay off student debt, and invest in their future. Most operators make on average \$16-\$25 an hour. Pedicabbing is a gateway to entrepreneurship in Victoria. It teaches youth about getting paid according to your effort and skill, about the history of our great city, and about the importance of investing in one's career in a competitive job market.

Many council members are already in favor of increasing pedicab licenses. They understand that a more competitive market will improve the

quality of tourism in Victoria. "I think quotas are a barrier to entrepreneurship and economic activity," said Councillor Ben Isitt. "By having our licensing regime strong enough, and putting onerous enough requirements on operators, I think it will rein in the more harmful forms of competition." There is room for more pedicabs in Victoria. Demand is high and will only increase as tourists embrace the *Green Ethic*.

Regarding my second point, as many of us know Monopolies are usually not great for anyone except the person in charge. Competition has always been necessary for the advancement of humanity. Monopolies create a totalitarian like structure for the one with the monopoly and make it unfair for the customer to exercise their freedom of choice to select which company better suits their needs. Many MLA's are already in support of increasing the quota. Rob Woodland, Victoria's Director Of Legislative Services, estimates the demand to be higher. "We know there's a demand for more than 28," he said, adding the upper limit is likely less than 50.

Pedicabs help green initiatives because the added amount of pollution caused by tour buses, and petroleum powered vehicles causes a strain on the health of the citizens. With lung cancer increasing by 14% in 2015 according to the Canadian Cancer Society(2), as well as many other global health concerns, which are ever-increasing with our degradation to our planet. Pedicabs are a green, and unique way to tour a beautiful city like Victoria, and many pedicab guests will tell you how their pedicab ride in Victoria was the highlight of their visit to Victoria.

More youth are engaged in Civic issues, city programs, which educates our youth about a broader sense of community that creates social inclusion in our communities. By learning about our city's great history and working alongside other hard working entrepreneurs, one must stay up to date with community activities in the city in order to satisfy the questions of Pedi Cab patrons. Pedi-Cabs also facilitate social inclusion and community wellness like Pedi-Cabs being part of the Pride Parade and Festival.

(1)<http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labr69a-eng.htm>

(2)<http://www.cancer.ca/en/cancer-information/cancer-type/lung/statistics/?region=on>

<http://www.cancer.ca/en/cancer-information/cancer-type/lung/statistics/?region=on>

<http://www.cancer.ca/en/cancer-information/cancer-type/lung/statistics/?region=on>

Thanks you for your time and consideration in reading this proposal.

Nicholas John Murray

“WORLD HEPATITIS DAY”

WHEREAS *HepCBC Hepatitis C Education and Prevention Society is a local, non-profit, community-based organization whose mission is “To provide education, prevention and support for those living with HCV”; and*

WHEREAS *approximately 220,000 Canadians are affected by hepatitis B and approximately 220,000 Canadians are affected by hepatitis C; and*

WHEREAS *many of those living with hepatitis C are currently unaware of their illness as hepatitis can be asymptomatic for 30 to 40 years after initial infection; and*

WHEREAS *most cases of hepatitis C can now be cured; and*

WHEREAS *The World Hepatitis Alliance has declared July 28 World Hepatitis Day, during which HepCBC will campaign to raise public awareness that day.*

NOW, THEREFORE *I do hereby proclaim the day of July 28th, 2016 as “WORLD HEPATITIS DAY” in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS.”*

IN WITNESS WHEREOF, *I hereunto set my hand this 28th day of July, Two Thousand and Sixteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Jessica Rucker
HepCBC
Hepatitis C Education
& Prevention Society

5. LAND USE MATTERS

5.1 Development Permit with Variances Application No. 00003 for 944 Heywood Avenue

Committee received a report dated June 8, 2016, from the Director of Sustainable Planning and Community Development regarding to construct two new small lot houses.

The Director of Sustainable Planning and Community Development, the Assistant Director of Development Services and the Planner provided Committee with a presentation.

Committee discussed:

- Concerns about the house being torn down and the large variances being sought to redevelop.
- The types of development that would be permitted under the existing zone.

Motion:

It was moved by Councillor Lucas, seconded by Councillor Alto, 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 Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61 m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;

3. The Development Permit lapsing two years from the date of this resolution."

Committee discussed:

- Concerns about the affordability and the affects to neighbouring properties as well as the form and character of the neighbourhood.

Mayor Helps withdrew from the meeting at 10:25 a.m. Councillor Isitt assumed the chair.

CARRIED 16/COTW

For: Councillors Alto, Lucas, Thornton-Joe, and Young
Against: Councillors Isitt, Loveday, and Madoff

REPORTS OF COMMITTEES

2. Committee of the Whole – June 23, 2016

4. Development Permit with Variances Application No. 00003 for 944 Heywood Avenue

It was moved by Councillor Young, seconded by Councillor Lucas, 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 Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61 m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;

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

Carried

For: Mayor Helps, Councillors Alto, Isitt, Loveday, Lucas, Thornton-Joe, and Young

Opposed: Councillor Madoff



Committee of the Whole Report

For the Meeting of June 23, 2016

To: Committee of the Whole **Date:** June 8, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00003 for 944 Heywood Avenue

RECOMMENDATION

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

"That Council authorize the issuance of Development Permit Application No. 00003 for 944 Heywood Avenue, in accordance with:

1. Plans date stamped May 18, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. Part 1.23 (8)(a): Reduce the front yard setback of the from 6.00m to 3.20m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback of the from 6.00m to 1.61m;
- iii. Schedule "C" (3): Permit parking to be located between the building and the front lot line;

Proposed Lot B

- i. Part 1.23 (8)(a): Reduce the front yard setback from 6.00m to 3.50m;
- ii. Part 1.23 (8)(b): Reduce the rear yard setback from 6.00m to 4.57m;
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

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

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development

including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 944 Heywood Avenue. The proposal is to create two lots, demolish the existing single family house and construct two new small lot houses. The property is in the R-J Zone, Low Density Attached Dwelling District, which permits small lot houses. Therefore a rezoning is not required, however, both properties would be subject to Development Permit Area 15A: Intensive Residential – Small Lot. The variances being requested to facilitate a two-lot subdivision are related to front and rear setbacks and parking location.

The following points were considered in assessing this application:

- the proposal is generally consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the *Official Community Plan, 2012 (OCP)*
- the requested variances associated with the proposed house on the corner lot (Lot A) are to reduce the front and rear setbacks and permit parking in the front yard. These variances are the result of the proposed house being sited in relation to the side lot line instead of the front lot line (as defined in the Zoning Regulation Bylaw). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The reduced setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard
- the requested variances associated with the proposed house on the interior lot (Lot B) are to reduce the front and rear setbacks. These variances are due to the short depth of the proposed small lot and do not have a substantial impact on shading and privacy of the adjacent lots.

BACKGROUND

Description of Proposal

The proposal is to construct two new small lot houses.

Proposed Lot A (Corner Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows
- the exterior materials include stucco siding, corrugated metal siding, stucco fascia and soffit
- proposed parking stall surfaced with concrete and partially screened with landscaping
- new hard and soft landscaping would be introduced, including a concrete driveway, trees, shrubs and ground cover.

Proposed Lot B (Interior Lot)

Specific details include:

- a two-storey building with an unfinished basement
- design elements such as a pitched roofline, distinctive front entryway, and traditional-style windows
- the exterior materials include stucco siding, fibre cement siding, painted wood fascia and trim and a standing seam metal roof
- parking would be provided in a garage inside the building
- new hard and soft landscaping would be introduced, including a concrete driveway, shrubs and ground cover.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The site is presently a single family house. The current R-J Zone, Low Density Attached Dwelling District, permits all the uses in the R1-S2 Zone, Restricted Small Lot (Two Storey) District and the R-2 Zone, Two Family Dwelling District. Therefore, the property could be redeveloped as two small lot houses or one duplex subject to the regulations applicable in those zones.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restricted Small Lot (Two Storey) District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Site area (m ²) - minimum	284.30	284.30	260.00
Density (Floor Space Ratio) - maximum	0.52 to 1.0	0.52 to 1.0	0.6 to 1.0
Total floor area (m ²) - maximum	147.33	146.93	190.00

Zoning Criteria	Proposed Lot A (Corner Lot)	Proposed Lot B (Interior Lot)	Zone Standard R1-S2
Lot width (m) - minimum	18.29	18.29	10.00
Height (m) - maximum	7.46	7.26	7.50
Storeys - maximum	2	2	2
Site coverage % - maximum	36.04	36.05	40.00
Setbacks (m) - minimum			
Front (Pendergast Street)	3.20 *	3.50 *	6.00
Rear (north)	1.61 *	4.57 *	6.00
Side (east)	6.00	1.50	1.5
Side (west)	N/A	3.70	1.5
Side (Heywood Avenue)	3.55	N/A	2.4
Parking - minimum	1	1	1
Parking - location	Front yard *	Garage inside house	Not permitted in front yard

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 8, 2016 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. In addition to this, the applicant consulted with the Fairfield Gonzales CALUC at a Community Meeting held on January 19, 2016. A letter from the CALUC dated January 21, 2016 is attached to this report along with other correspondence received.

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

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 15A: Intensive Residential – Small Lot. The proposed designs of the new houses are generally consistent with the *Design Guidelines for Small Lot Houses* (2002).

Proposed Lot A (Corner Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of the small lot house incorporates architectural elements, such as a contemporary low slope roofline, distinctive front entryway, covered porch (on flanking street), and contemporary style windows.

This proposal is located in an area that has buildings with a wide variety of visual character and scale, and massing. The contemporary-style does not relate to the immediate context of the traditional-style houses. It is more rectilinear and has less ornamentation. The design does, however, relate to the visual character of the flat roofed apartment buildings located further down this block on Heywood Avenue and directly across Pendergast Street.

The proposed house provides visual interest by emphasizing the principal entry with cover, stairs, and windows, through window divisions, size and placement, and with a variety of siding materials (including stucco and corrugated metal).

Proposed Lot B (Interior Lot)

The proposal is for a two-storey dwelling unit with a basement. The design of this small lot house incorporates architectural elements, such as a pitched roofline, distinctive front entryway, and traditional-style windows. These elements are similar to features of other houses in the neighbourhood.

Windows are maximized on the front and rear elevations. The proposed Lot A has no windows facing it and the elevation facing the existing house to the east (406 Vancouver Street) only has one window which is set back.

The existing adjacent house (940 Heywood Avenue) is setback from the street and therefore has a large front yard and small back yard. It also means that the existing building at 940 Heywood Avenue would be adjacent to the rear elevation of the proposed house on the interior lot (Lot B) and not the proposed house on the corner lot (Lot A). The proposed house may impact privacy of the existing house because both houses have windows that face each other. However, these impacts will be mitigated by a 1.8m high wood fence, existing trees and existing shrubs on the adjacent property.

Regulatory Considerations

Proposed Lot A (Corner Lot) Variances

The applicant is requesting variances for Lot A as follows:

- reducing the front yard setback from 6.00m to 3.20m
- reducing the rear yard setback from 6.00m to 1.61m
- permitting the proposed parking stall to be located in the front yard.

These variances are the result of the proposed house being sited in relation to the side lot line (Heywood Avenue) instead of the front lot line (Pendergast Street is defined as the front in accordance with the *Zoning Regulation Bylaw*). The size of the setback variances would be reduced if Heywood Avenue was considered to be the front lot line. The setbacks do not have a substantial impact on the adjacent lot and usable outdoor space is provided in the side yard.

The parking stall is located partially in the side yard and partially in the front yard and has some landscape screening to reduce the visual impact from the street.

Proposed Lot B (Interior Lot) Setback Variances

The applicant is requesting variances for Lot B as follows:

- reducing the front yard setback from 6.00m to 3.50m
- reducing the rear yard setback from 6.00m to 4.57m.

These variances are due to the short depth of the proposed small lot and would not have a substantial impact on shading and privacy of the adjacent lots.

Tree Preservation Requirements

The applicant has provided an arborist report (attached) outlining the impact mitigation measures required to retain trees as indicated.

CONCLUSIONS

The proposal to construct two new houses is generally consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot houses would be a form of sensitive infill development and fit in with the diverse visual character of the existing neighbourhood. The variances are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce potential privacy concerns. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00003 for the property located at 944 Heywood Avenue.

Respectfully submitted,



Rob Bateman
Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

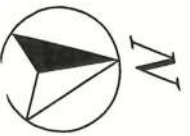
Report accepted and recommended by the City Manager:



Date: June 15, 2016

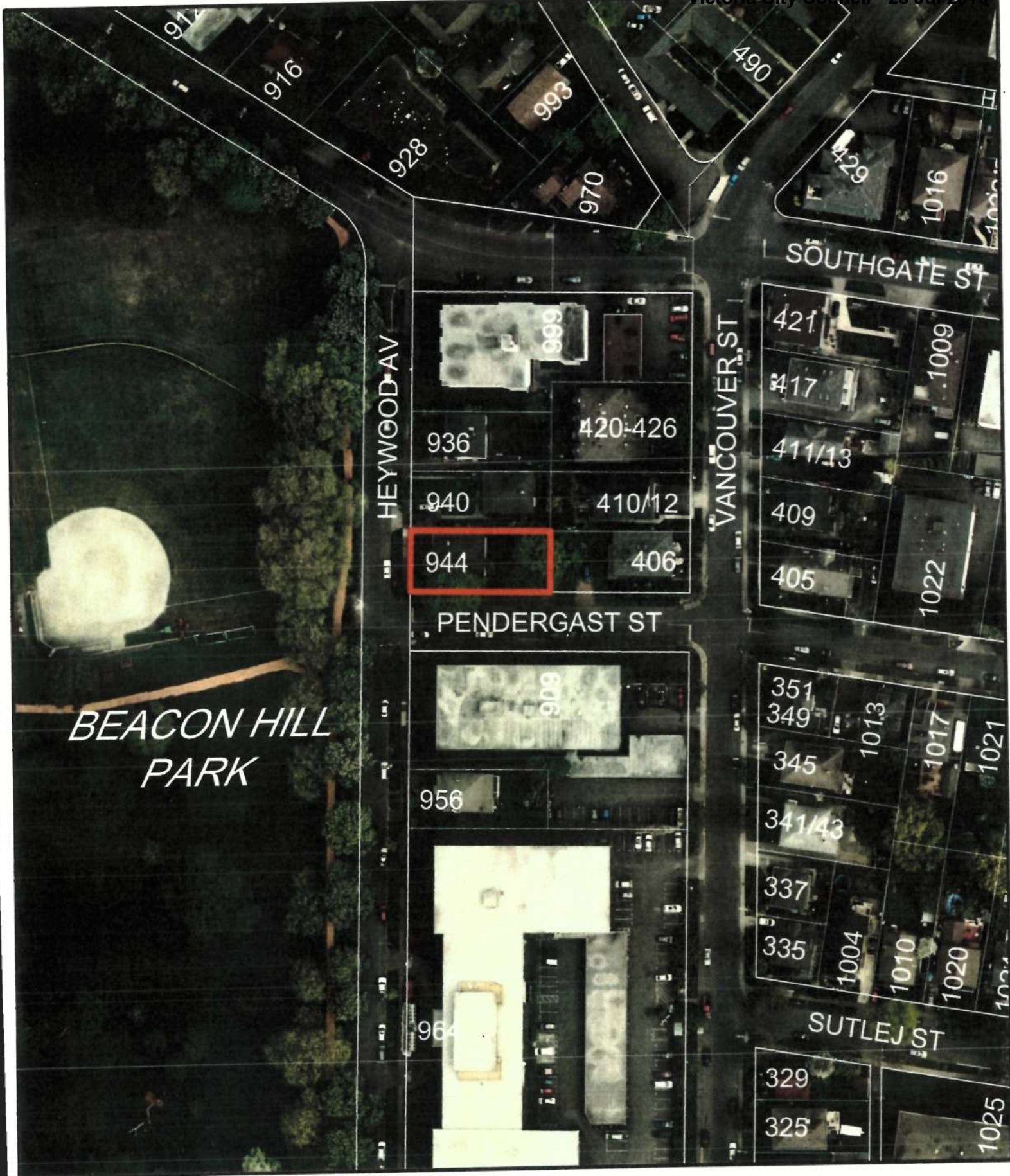
List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated May 18, 2016
- Minutes from Gonzales Fairfield's Community Association meeting (January 19, 2016)
- Arborist report dated April 11, 2016
- Plans dated May 18, 2016



944 Heywood Avenue
Development Permit with Variances #00003





944 Heywood Avenue
Development Permit with Variances #00003

May 18, 2016
944 Heywood Avenue Small Lot Subdivision
DPV # 00003

Dear Mayor Helps and members of Victoria City Council

I am applying for rezoning and a Development permit with variances on the above property. I am planning to subdivide 944 Heywood Avenue into two R1-S2 lots. The existing home would be demolished and two single family homes would be constructed. Prior to rezoning the neighbours were consulted with three dissenting responses and two positive responses. After meeting with the three dissenting neighbours and making some changes (Moving house "B" east 1.57m, providing a space of 9.07 m between House "A" and House "B", and providing a space of 4.57 meters between House "B" and 940 Heywood), all three have given approval to the design as submitted to Mayor and Council. After consultation with City of Victoria planning department I have also made some exterior changes that are indicated by bubbled drawings.

For explanatory purposes House "A" is on the corner of Pendergast and Heywood and House "B" is situated directly east.

Massing:

Current zoning allows the construction of a duplex.

The two new single family homes will have a 9.07 meter space between them and will allow substantially more sunlight to 940 Heywood, than the construction of a duplex, which would present a much larger uninterrupted building, blocking out more sunlight to 940 Heywood.

House "B" was moved 1.57 meters to the east to accommodate the property owners of 940 Heywood as this provided them with a wider space between house "A" and house "B" to give them more sunlight.

The roof height at the ridge of house "A" is 2.29 meters and house "B" is 2.86 meters below the roof height of 940 Heywood.

The house on the corner of Pendergast and Heywood will be a modern design.

Throughout Fairfield numerous infill houses are modern designs, which have added to the beauty and character of this community.

House "B" will be a more traditional design which will provide a design transition to the homes situated to the north, east and diagonally.

Heywood is not a heritage street as it is predominately a four story apartment street.

Variances:

The variances requested are stated on Page 2 of the drawings.

The front yard for both houses is now on Pendergast.

Using the current City of Victoria setbacks for small lot development, the footprint of each house would be approximately 56.1 square meters. (604 sq ft)

The exterior dimensions of each house would be 14.39 m x 3.9 m. (47.16 ft x 12.8 ft)

Conforming to these setbacks without applying for any variances would eliminate the possibility of constructing functional homes on this site.

The variances that I am requesting take into account the optimal functionality of the proposed homes and minimizes the impact to the adjacent homes.

The Victoria OCP states that increased density is desirable.

The only development that would substantially increase density and provide affordable housing would be a multifamily (townhouse or condominium) development.

I prefer two new homes and my intention is to live in home "A" and keep home "B" for family accommodation

I hope this letter provides clarity to my application. I feel that this development is the least intrusive of any possible development on this site.

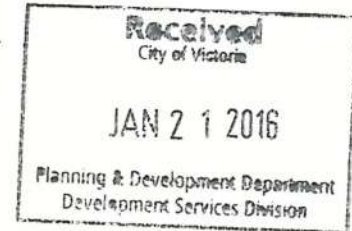
I thank the City planning department and the community for allowing my application to move forward.

Thank you

Vernon Andres
vernonandres@hotmail.com
250 886 0031

**Minutes of Community Meeting
Planning and Zoning Committee
Fairfield-Gonzales Community Association (FGCA)
January 19, 2015**

Facilitators for the FGCA: George Zador (Chair)
Susan Snell



Subject property:

944 Heywood St. small lot subdivision (317 notices sent)
Proposal by Mr. Vernon Andres

Attendance: 8 in person, 2 by proxy

Attendees were informed that subsequent to this meeting called, Mr. Vernon was advised by the City that his project would not need rezoning, the proposal would involve variances only. The application was also amended from the original intent to demolish the existing home on the property to keeping it, by repositioning and refurbishing it on one of two lots created.

Attendee Questions and Comments:

- Front and rear yard dimensions for variance application were questioned.
- Concern by neighbour behind new house about shading, insufficient separation.
- New house higher than existing (but within zoning allowance)
- Would the City build a sidewalk on Pendergast St ?
- Why not demolish the existing home?
- Historic neighbourhood with heritage homes, wish to maintain character.
- Potential concerns about crowded parking on Pendergast.

Several attendees indicated that they need more time to study the implications of the proposal and will further respond in writing. Three (3) such submissions were received to date (Jan. 21) and copied to the appropriate desk at the City.

George Zador

Planning and Zoning Chair
Fairfield Gonzales Community Association
1330 Fairfield Rd. Victoria, BC V8S 5J1
planandzone@fairfieldcommunity.ca
www.fairfieldcommunity.ca
Facebook



**LARIX
LANDSCAPE
LTD.**

21 Obed Road, Victoria, B.C., V9A 1H8
www.larixlandscape.com
250 889 9508



April 7, 2016

Joel Cuttiford
1510 Queensbury Avenue
Victoria, B.C.

Dear Vernon:

RE: Tree Construction Impact Report for 944 Heywood Ave

This letter is for the Parks Department of the City of Victoria to fully evaluate your tree assessment.

1. Assessment of existing trees (see Risk Assessment Form)
2. CRZ for Red Maple (28' from trunk)
3. CRZ for Yellow Maple (22" from trunk)
4. No Blasting (from my knowledge)
5. Proposed sidewalk to south of Red Maple through CRZ
 - a. Harmful effects include root damage to 1/3rd of root zone causing significant health effects to trees longevity
 - b. Potential for 1/3rd of tree to die if sidewalk is constructed through the CRZ
6. No Pruning required
7. Red Maple canopy will be approximately 3 meters from new building (approx.)
 - a. No significant conflicts with building
8. No conflicts with additional utilities being constructed

9. No new driveways in close proximity to both trees

a. New side walk proposed along south side of property (see #5)

10. No expected change of grade to both tree areas

11. No construction details at this point

a. Recommendation for both trees – 6" bark chips around CRZ if any construction equipment is needed under both trees

12. Protection Plan:

- a. Tree fence around both trees at min half the diameter of full CRZ for both trees
- b. Tree fence to be constructed with orange snow fence, 2*4 posts and top stringer

13. Summary:

- a. Trees should be adequately unharmed as long as no machinery is being transported through CRZ
- b. New sidewalk construction would harm health of Red Maple and Yellow Maple by 1/3rd to one half due to the age of both trees
- c. No other issues

Joel Cuttiford
Owner/Manager
Larix Landscape Ltd.
250 889 9508
www.larixlandscape.ca
info@larixlandscape.ca



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd EditionSite Address: 944 Heywood

Map/Location: _____

Owner: public _____ private ☒ unknown _____ other _____Date: April 14 Inspector: Joel Cutlerford

Date of last inspection: _____

HAZARD RATING:

Failure Potential	Size of part	Target Rating	=	Hazard Rating
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Immediate action needed

Needs further inspection

Dead tree

TREE CHARACTERISTICSTree #: _____ Species: Acer Rubrum (Red Maple)DBH: 28 # of trunks: 4 Height: 100' Spread: 50'Form: ☒ generally symmetric ☐ minor asymmetry ☐ major asymmetry ☐ star or sprout ☐ stag-bracedCrown class: ☒ dominant ☐ co-dominant ☐ intermediate ☐ suppressedLive crown ratio: _____ % Age class: ☐ young ☐ semi-mature ☒ mature ☐ over-mature/senescentPruning history: ☒ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ no pruning ☐ crown reduced ☐ bush cuts ☐ cable/braced☒ none ☐ multiple pruning events Approx. dates: _____Special value: ☒ specimen ☒ heritage/significant ☒ rare ☒ old/stable ☒ shade tree ☒ bird ☒ shade ☐ indigenous ☒ protected by gov. agency**TREE HEALTH**Foliage color: ☐ normal ☐ chlorotic ☐ necrotic Epicormics? ☒ Y ☐ NFoliage density: ☒ normal ☐ sparse Leaf size: ☐ normal ☐ smallAnnual shoot growth: ☒ excellent ☐ average ☐ poor Twig Dieback? ☒ Y ☐ NWoundwood development: ☐ excellent ☐ average ☐ poor ☒ noneVigor class: ☐ excellent ☒ average ☐ fair ☐ poorMajor pests/diseases: None**Growth obstructions:**☐ stakes ☐ wires/ties ☐ signs ☐ cables☐ curb/pavement ☐ guards☐ other _____**SITE CONDITIONS**Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forestLandscape type: ☐ parkway ☐ raised bed ☐ container ☐ mixed ☒ lawn ☐ shrub border ☐ windbreakIrrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wettedRecent site disturbance? ☒ Y ☐ N ☐ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ new planting% dripline paved: 0% ☒ 25-50% ☐ 60-75% ☐ 75-100% Pavement lifted? ☐ Y ☐ N% dripline w/ fill soil: 0% ☐ 10-25% ☐ 25-50% ☐ 60-75% ☒ 75-100%% dripline grade lowered: ☒ 0-25% ☐ 25-50% ☐ 60-75% ☐ 75-100%Soil problems: ☐ drainage ☐ shallow ☐ compacted ☐ droughty ☐ saline ☐ alkaline ☐ frozen ☐ small volume ☐ disease center ☐ history of fail
☐ clay ☐ expansive ☐ slope _____ aspect: SObstructions: ☐ lights ☐ signage ☐ line of sight ☐ view ☐ physical lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☒Exposure to wind: ☐ edge tree ☒ full canopy ☒ low canopy ☐ recently exposed ☐ windward, canopy edge ☐ area prone to windthrowPrevailing wind direction: _____ Occurrence of snow/ice storms: ☒ Y ☐ N ☐ seldom ☐ regularly**TARGET**Use Under Tree: ☒ building ☒ parking ☒ traffic ☒ pedestrian ☐ recreation ☒ landscape ☒ hardscape ☐ small features ☐ utility linesCar target be moved? ☒ Y ☐ N Can use be restricted? ☒ Y ☐ NOccupancy: ☐ occasional use ☒ intermittent use ☐ frequent use ☐ constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

TREE DEFECTS**ROOT DEFECTS**

Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: _____

Exposed roots: ☐ severe ☐ moderate ☒ low ☐ Undersided: ☐ severe ☐ moderate ☒ low

Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y ☒ N ☐ V/hear: _____

Restricted root area: ☐ severe ☐ moderate ☒ low Potential for root failure: ☐ severe ☐ moderate ☒ low

LEAN: 10 deg. from vertical ☐ natural ☐ unnatural ☐ self-corrected Soil heaving: Y ☒ N ☐

Decay in plane of lean: Y ☒ N ☐ Roots broken: Y ☒ N ☐ Soil cracking: Y ☒ N ☐

Compounding factors: _____ Lean severity: ☐ severe ☐ moderate ☐ low

CROWN DEFECTS. Indicate presence of individual defects and rate their severity (S = severe, M = moderate, L = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Protrusion				
Bow, sweep				
Codominants/forks	M	M	M	M
Multiple attachments		M	M	M
Included bark			M	M
Excessive end weight				
Cracks/splits	M	M		
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow		M		
Loose/cracked bark		M		
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burns	M			
Previous failure				

HAZARD RATING

Free part most likely to fail: Small dead branches

Inspection period: _____ annual _____ biannual _____ other ☒

Failure Potential + Size of Part = Target Rating = Hazard Rating

1 + 1 = 3 = 5

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <5" (15 cm); 2 - 6-18" (15-45 cm);

3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clear ☐ thin ☐ remove top ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: _____ Inspect further: ☐ root crown ☐ decay ☐ aerial ☒ monitor

Remove tree: Y ☒ N ☐ Replace? Y ☒ N ☐ Move target: Y ☒ N ☐ Other: _____

Effect on adjacent trees: ☒ none ☐ evaluate

Notification: ☒ owner ☐ manager ☐ governing agency Date: _____

COMMENTS

1/ Burl 24" on NW side of root crown
 2/ Bark cracked W side 15-3 meters long
 3/ 10° degree lean towards S Phototropism *



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 944 Heywood Ave
 Map/Location: _____
 Owner: ☒ public ☒ private ☐ unknown ☐ other _____
 Date: April 1, 16 Inspector: Joel Cutlerford
 Date of last inspection: _____

HAZARD RATING:

Failure Potential	Size of Canopy	Target Rating	=	Hazard Rating
_____	_____	_____		_____
_____	_____	_____		_____
_____	_____	_____		_____
_____	_____	_____		_____

TREE CHARACTERISTICS

Tree ID: _____ Species: Acer (Yellow Maple)
 DBH: 22 # of trunks: 4 Height: 100' Spread: 43'
 Form: ☒ generally symmetric ☐ minor asymmetry ☐ major asymmetry ☐ stem sprout ☐ stag-headed
 Crown class: ☒ dominant ☐ co-dominant ☐ intermediate ☐ appressed
 Live crown ratio: _____ Age class: ☐ young ☒ semi-mature ☐ mature ☐ over-mature/serotinous
 Pruning history: ☐ crown cleaned ☐ excessively thinned ☐ topped ☐ crown raised ☐ lowered ☐ crown reduced ☐ live cuts ☐ cabled/braced
☐ none ☐ multiple pruning events Approx. dates: _____
 Special value: ☒ specimen ☐ heritage/historic ☒ wildlife ☐ art/sculpture ☒ tree-free zone ☒ shade ☐ indigenous ☐ protected by gov. agency

TREE HEALTH

Foliage color: ☐ normal ☐ chlorotic ☐ necrotic Epicormics? ☒ Y ☐ N
 Foliage density: ☒ normal ☐ sparse Leaf size: ☐ normal ☐ small
 Annual shoot growth: ☒ excellent ☐ average ☐ poor Twig Dieback? ☒ Y ☐ N
 Wood/bark development: ☐ excellent ☐ average ☐ poor ☒ none
 Vigor class: ☒ excellent ☐ average ☐ fair ☐ poor
 Major pests/diseases: None

SITE CONDITIONS

Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ airport ☐ natural ☐ vandalism-prone
 Landscape type: ☒ parkway ☐ raised bed ☐ container ☐ native ☒ lawn ☐ shrub border ☐ ground break
 Irrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wounded
 Recent site disturbance? ☒ Y ☐ N ☐ construction ☐ soil disturbance ☐ grade change ☐ area clearing ☐ other _____
 % Curbline paved: 0% ☒ 10-25% ☐ 25-50% ☐ 50-75% ☐ 75-100% Pavement lifted? ☐ Y ☐ N
 % dripline w/ fill soil: 0% ☐ 10-25% ☐ 25-50% ☒ 50-75% ☐ 75-100%
 % dripline grade lowered: ☒ 0% ☐ 10-25% ☐ 25-50% ☐ 50-75% ☐ 75-100%
 Soil problems: ☐ drainage ☐ shallow ☐ compacted ☐ droughty ☐ saline ☐ staked ☐ frozen ☐ small volume ☐ adverse center ☐ history of fail
☐ clay ☐ expansive ☐ slope ☐ aspect: S
 Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☒ Fence
 Exposure to wind: ☒ single tree ☒ within canopy ☒ above canopy ☐ recently dropped ☐ windward canopy edge ☐ area prone to windthrow
 Prevailing wind direction: _____ Occurrence of snow/ice storms: ☒ never ☐ seldom ☐ regularly

TARGET

Use Under Tree: ☐ banking ☐ parking ☒ traffic ☐ recreation ☐ vegetation ☒ landscape ☐ hardscape ☐ street features ☐ utility lines
 Can target be moved? ☒ Y ☐ N Can use be restricted? ☒ Y ☐ N
 Occupancy: ☐ occasional use ☐ intermittent use ☐ frequent use ☐ constant use

TREE DEFECTS**ROOT DEFECTS:**Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: _____Exposed roots: ☐ severe ☐ moderate ☒ low Underspread: ☐ severe ☐ moderate ☒ lowRoot pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y ☒ N ☐ When: _____Restricted root area: ☐ severe ☐ moderate ☒ low Potential for root failure: ☐ severe ☐ moderate ☒ lowLEAN: _____ deg. from vertical ☒ natural ☐ unnatural ☐ self-corrected Soil heaving: Y ☒ N ☐Decay in plane of lean: Y ☒ N ☐ Roots broken: Y ☒ N ☐ Soil cracking: Y ☒ N ☐Compounding factors: _____ Lean severity: ☐ severe ☐ moderate ☐ low**CROWN DEFECTS:** Indicate presence of individual defects and rate their severity (S = severe, M = moderate, L = low)

DEFECT	ROOT	CROWN	TRUNK	SCAFFOLDS	BRANCHES
Proctor tip	/	/	/	/	/
Bow, sweep	/	/	/	/	/
Codominants/forks	/	/	/	/	/
Multiple attachments	/	/	/	/	/
Included bark	/	/	/	/	/
Excessive end weight	/	/	/	/	/
Cracks/splits	/	/	/	/	/
Hangers	/	/	/	/	/
Girdling	/	/	/	/	/
Wounds/seam	/	/	/	/	/
Decay	/	/	/	/	/
Cavity	/	/	/	/	/
Conks/mushrooms/bracket	/	/	/	/	/
Bleeding/sap flow	/	/	/	/	/
Loose/cracked bark	/	/	/	/	/
Nesting hole/bee hive	/	/	/	/	/
Deadwood/stubs	/	/	/	/	/
Borers/termites/ants	/	/	/	/	/
Conkers/galls/burls	/	/	/	/	/
Previous failure	/	/	/	/	/

HAZARD RATINGTree part most likely to fail: Small dead branchesInspection period: _____ annual _____ biannual _____ other ☒

Failure Potential = Size of Part + Target Rating = Hazard Rating

1 + 1 = 3 = 5

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - < 15 cm; 2 - 15-45 cm;

3 - 45-75 cm; 4 - > 75 cm

Target rating: 1 - occasional use; 2 - intermittent use;

3 - frequent use; 4 - constant use

HAZARD ABATEMENTPrune: ☐ remove defective part ☐ reduce end weight ☐ crown clear ☐ lean ☐ remove decay ☐ crown reduce ☐ restructure ☐ shapeCable/Brace: _____ Inspect further: ☐ root crown ☐ decay ☐ aerial ☒ monitorRemove tree: Y ☒ N ☐ Replace: Y ☒ N ☐ Move target: Y ☒ N ☐ Other: _____Effect on adjacent trees: ☒ none ☐ evaluateNotification: ☒ owner ☐ manager ☐ governing agency Date: _____**COMMENTS**

1/ Construction of new sidewalk will harm health of tree due to age of tree + proximity to trunk

2/ Recommend sidewalk construction outside of drip line



Received
City of Victoria
MAY 18 2016
Planning & Development Department
Development Services Division

Proposed Small Lot Subdivision - 944 Heywood Avenue

Date: November 20, 2015
Sheet One of Eight
Revised - May 16, 2016

Gerry Troesch
Residential Design
3714 Ridge Road Drive, Victoria BC V8C 4K5
Phone: (250) 660-0022 Email: gtroesch@shaw.ca



Pendergast Street Elevation



Heywood Avenue Elevation



Proposed Small Lot Subdivision - 944 Heywood Avenue

Date- November 20, 2015
 Sheet Three of Eight
 Revised - May 16, 2016
Gerry Troesch
 Residential Design
 3710 Ridge Road Drive, Victoria BC V8C 4A8
 Phone - 250-605-9422 Email - gtroesch@victoriaresidential.com



Scale - 1:100

[illegible]

NOTE: ALL LANDSCAPE WORK TO CONFORM WITH DCLLA AND DCLTA STANDARD SPECIFICATIONS
ALL APPAR. TO BE INSTALLED WITH AN AUTOMATIC LEAKDETECTION SYSTEM



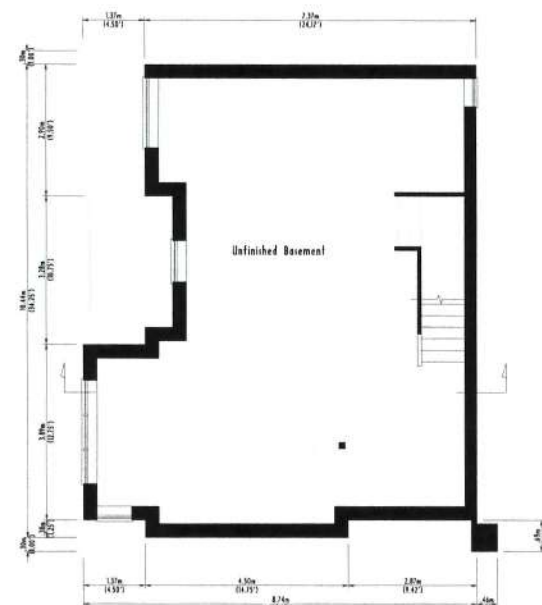
3719 Ridge Pond Drive, Victoria BC V8C 4M8
Phone - 250-695-8402 Email - groesch@ieku.net Website - www.ieku.net



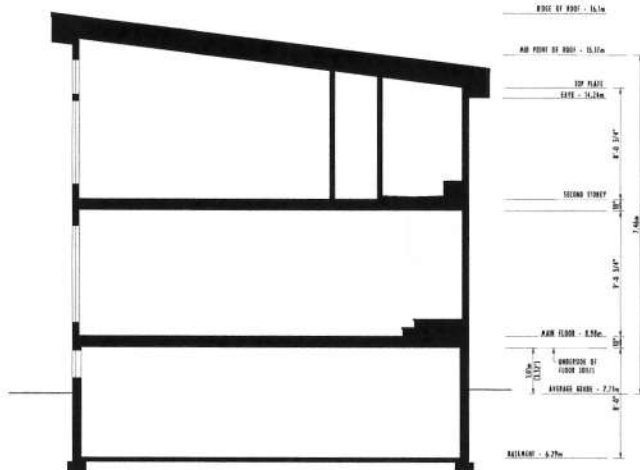
FIRST STOREY FLOOR PLAN
73.42 sq. metres (790.3 sq.ft.)
Scale - 1/4" = 1'-0"



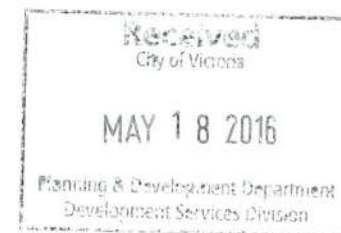
SECOND STOREY FLOOR PLAN
73.91 sq. metres (795.54 sq.ft.)
Scale - 1/4" = 1'-0"



BASEMENT PLAN
68.04 sq. metres (732.35 sq.ft.)
Scale - 1/4" = 1'-0"



CROSS SECTION
Scale - 1/4" = 1'-0"



HOUSE FOR LOT A

Revised - May 16, 2016

Date- November 20, 2015
Sheet Five of Eight

Gerry Troesch
Residential Design
3719 Stegmaier Drive, Victoria BC V8C 4M8
Phone - 250-606-6422 Email - gtroesch@telus.net

Proposed Small Lot Subdivision - 944 Heywood Avenue

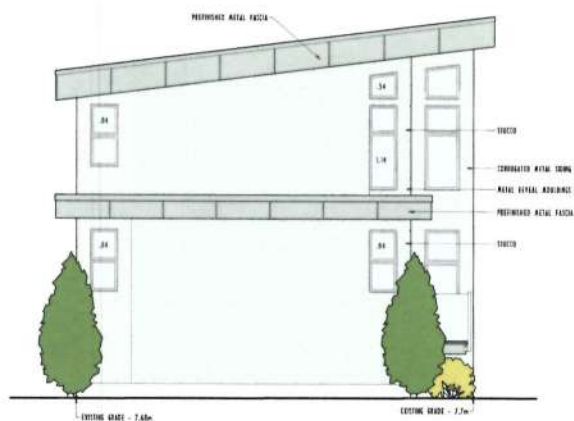
Victoria City Council - 28 Jul 2016



WEST (HEYWOOD AVENUE) ELEVATION
SCALE - 1/4" = 1'-0"

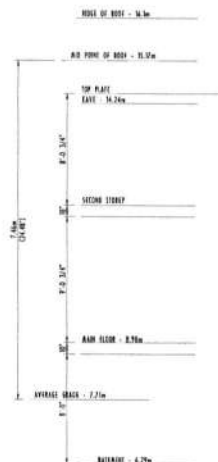


SOUTH (PENDERGAST STREET) ELEVATION
SCALE - 1/4" = 1'-0"
WEST (HEYWOOD AVENUE) ELEVATION
SCALE - 1/4" = 1'-0"



NORTH SIDE ELEVATION
SCALE - 1/4" = 1'-0"

UNIMPROVED OPENING CALCULATION	
EXISTING BUILDING FACE	15.73 sq.meters
EXISTING DOORWAY	5.60m
ALLOWABLE UNIMPROVED OPENINGS	8.22m or 4.37 sq.meters
PROPOSED UNIMPROVED OPENINGS	7.35 (4.3 sq.meters)



EAST (REAR) ELEVATION
SCALE - 1/4" = 1'-0"



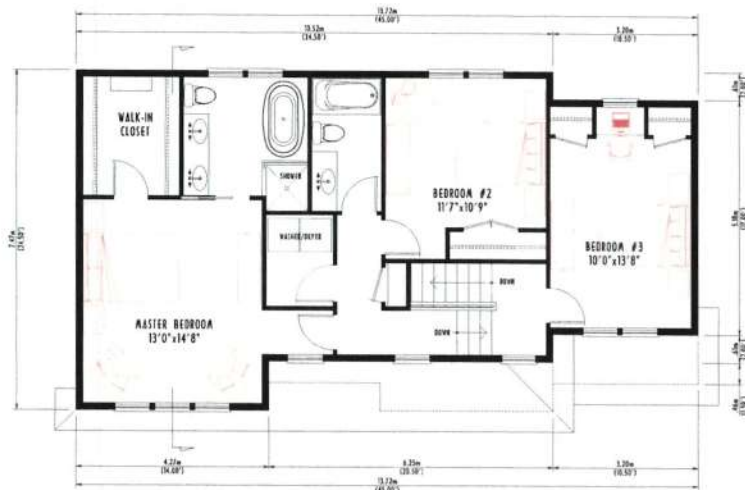
HOUSE FOR LOT A

Revised - May 16, 2016
Date- November 20, 2015
Sheet Six of Eight

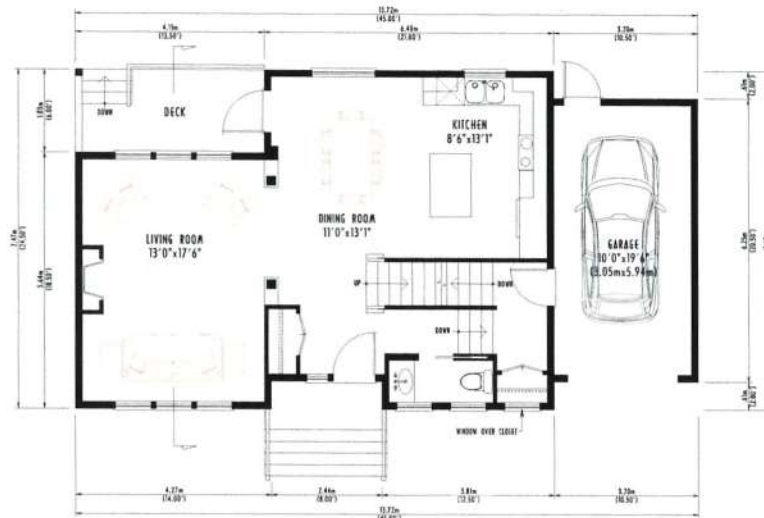
Gerry Troesch
Residential Design
2718 Ridge Road Drive, Victoria BC, V8C 4M6
Phone - 250-866-8417 Email - gtroesch@telus.net Website



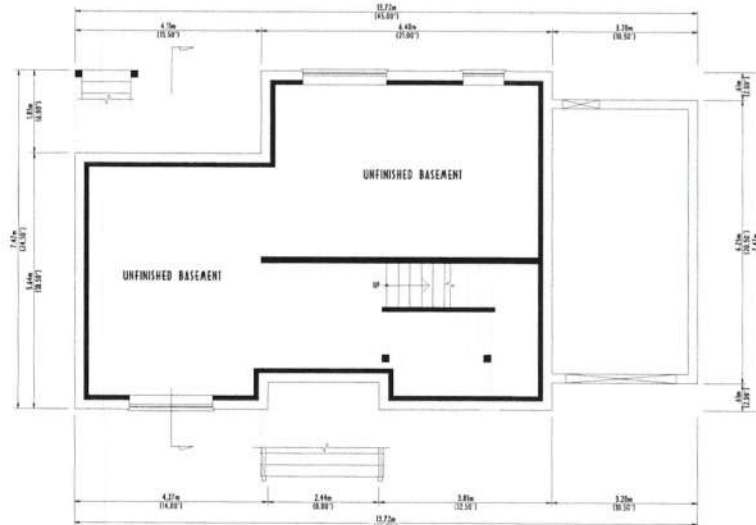
Proposed Small Lot Subdivision - 944 Heywood Avenue



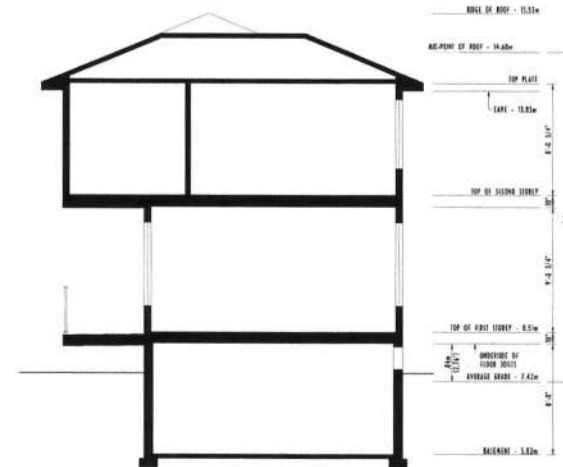
SECOND STOREY FLOOR PLAN
82.08 sq. metres (883.5 sq.ft.) as per Zoning Bylaw
Scale - 1/4" = 1'-0"



FIRST STOREY FLOOR PLAN
64.85 sq. metres (698.0 sq.ft.) as per Zoning Bylaw
GARAGE - 18.12 sq. metres (195 sq.ft.)
Scale - 1/4" = 1'-0"



BASEMENT FLOOR PLAN
58.55 sq. metres (630.25 sq.ft.) as per Zoning Bylaw
Scale - 1/4" = 1'-0"



BUILDING SECTION
SCALE - 1/4" = 1'-0"



HOUSE FOR LOT B

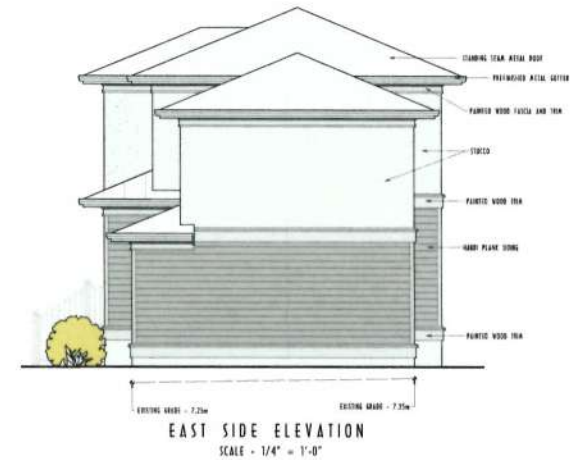
Revised - May 16, 2016

Date- July 24, 2015
Sheet Seven of Eight

Gerry Troesch
Residential Design
3719 Ridge Road Drive, Victoria BC V8C 4M6
Phone - 250-555-8402 Email - gtroesch@telusnet.bc.ca

Proposed Small Lot Subdivision - 944 Heywood Avenue

Victoria City Council - 28 Jul 2016



UNPROTECTED OPENING CALCULATION
EXISTING BUILDING FACE 85.7 sq.m
UNPROTECTED OPENING 22.5 sq.m
ALLOWABLE UNPROTECTED OPENING 15.3% (13.0 sq.m)

Received
City of Victoria
MAY 18 2016
Planning & Development Department
Development Services Division

HOUSE FOR LOT B

Revised - May 16, 2016

Date- July 24, 2015
Sheet Eight of Eight

Gerry Troesch
Residential Design
3719 Ridge Park Drive, Victoria BC V8C 4M8
Phone - 250-660-8402 Email - gtroesch@telusnet.net

Proposed Small Lot Subdivision - 944 Heywood Avenue

Laura Wilson

From: Duane Blewett
Sent: Wednesday, Jan 21, 2015 11:28 AM
To: Laura Wilson
Subject: FW: Development Proposal - 944 Hayward

Duane Blewett, CPT
Senior Planning Technician
Sustainable Planning and Community Development Department
Development Services Division
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0359 F 250.361.0386



From: dan kell [mailto:dan.kell@fairfieldcommunity.ca]
Sent: Tuesday, Jan 20, 2015 3:11 PM
To: Duane Blewett; kayor@victoria.ca
Subject: Fw: Development Proposal - 944 Hayward

Duane/Leanne: I'm forwarding my concerns regarding the captioned for your further handling. I sent it to both of you as I'm not sure which of you will be handling the file. George Zador of the Community Association did advise us that he would attached any comments to the minutes of the meeting but I thought it best to sent it to you directly.

Regards Dan

— Original Message —

From: dan kell
To: planandzone@fairfieldcommunity.ca
Cc: [Nancy Ruhl](mailto:Nancy.Ruhl@fairfieldcommunity.ca)
Sent: Tuesday, January 20, 2015 12:01 PM
Subject: Development Proposal - 944 Hayward

ATTN: George Zador, Land Use Committee Chair, Fairfield Community Association

Our names are Dan Kell and Noralynne Martin and we are owners of the property located at 412 Vancouver Street. We were in attendance at the captioned meeting and are writing to express our comments and concerns.

We were told that the subject proposal notice was sent to 317 residences and, although only approximately 10 individuals attended the meeting, this should not be interpreted as concurrence to the proposal. I would submit that the area affected by the proposal consists primarily of apartments and suites, as such, these individuals being non-property owners would have no interest in matters of this nature. Conversely, those individuals in

attendance either owned property or were representing people who own property directly offsetting the proposed development either laterally or diagonally. As one of the property owners my concerns are as follows:

1. The meeting was initially required to address the rezoning of the property from RJ to R1-S2, however we were advised at the meeting that rezoning was not required as the property is zoned R1-S2 and the planning department's initial advice was in error. Not to slight anyone in the planning department but we would request that the zoning be again reviewed and confirmed.

2. It is obvious to us when looking at the variances required, that the developer is attempting to cram two (2) single family dwellings into lots where the size and shape are not appropriate for the dwellings being proposed. The variances sighted on the plan detrimentally affect the offsetting property owners by:

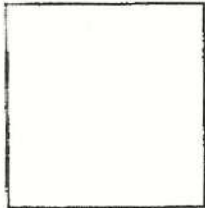
- a) reducing the green space
- b) increasing the noise pollution
- c) restricting the sunlight
- d) reducing the privacy

More importantly, these factors not only reduce our property and resale value but also our ability to sell our property. Further, any increase in density only serves to exasperate the parking issues in the area.

In summary I would say that we are not opposed to development provided it is not at the expense of the existing property owners. Accordingly, we would respectfully request that approval of this development be held in abeyance until the proposed variances have been addressed to our satisfaction.

Should you wish to contact me, I can be reached at [REDACTED]

Dan Kell



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Laura Wilson

From: Duane Blewett
Sent: Wednesday, Jan 21, 2015 11:29 AM
To: Laura Wilson
Subject: FW: application for variances 944 Heywood

Duane Blewett, CPT
Senior Planning Technician
Sustainable Planning and Community Development Department Development Services Division City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0359 F 250.361.0386

-----Original Message-----

From: Nancy Ruhl [REDACTED]
Sent: Tuesday, Jan 20, 2015 11:41 AM
To: Duane Blewett; planandzone@fairfieldcommunity.ca
Cc: Toulia Hatzioannou; bea cherniack; Shirley Shirley; Nora-Lynne and Dan KELL
Subject: application for variances 944 Heywood

I attended the community meeting Jan. 19th re the variances required for the development of 944 Heywood. I own 410 Vancouver and my back yard corner meets the 944 corner. Any activity on this lot greatly affects my view, the light, my privacy and my property value.

We have not had sufficient time to address the issues. I was notified by mail exactly one week prior to the meeting. Assuming this is when all the neighbours received the notification, such short notice meant that several of the impacted neighbours were unable to attend the meeting. Also, because no rezoning was required, (contrary to the notice), the meeting became a discussion of the variances, rather than that of re-zoning. Mr. Zador informed us that he would be submitting the minutes and that we could also email him our concerns within 2-3 days. I am requesting more time to look at the proposed changes and would like to know what the deadline is for any comments.

I strongly object to the Lot B REAR variance proposal of 4.57m. The windows of the proposed 2 storey house would loom over my back yard and all light would be blocked from the south. Because there is no variance required for the "side" yard, I could end up with a two storey house 1.5 m and 4.57 from my corner.

Parking is provided for one car for each house, but it is not unfair to assume that each house will have more than one car. This puts more pressure on an already stressed street parking situation.

Moving the current house from 6m to within 3.32 m of Heywood will negatively impact the appearance of this side of the lot, which faces Beacon Hill Park on a predominantly heritage street.

Although it does not need to be re-zoned, this lot is not big enough to support this proposal without seriously compromising the quality of life and the property values of the adjoining properties as well as the community.

Nancy Ruhl
410 Vancouver st
Victoria V8V 3T5
[REDACTED]

Alicia Ferguson

Subject: RE: 944 Heywood Ave.

From: Toulia Hatzioannou

Sent: Sunday, June 12, 2016 5:06 PM

To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>; Rob Bateman <rbateman@victoria.ca>

Subject: 944 Heywood Ave.

Dear Mayor and Council,

This is in regards to the new development proposed for 944 Heywood Avenue.

My house is located directly east of 944 Heywood at 406 Vancouver Street, and so, I'm directly affected by what happens on the site.

I am in favour of two houses being built on the property for a number of reasons. I like that the second proposed house has more of a traditional feel about it, and this creates a nice design transition between the new modern house on the corner of Heywood and Pendergast and the existing homes around it.

I also like the idea of two single houses built on the site rather than a duplex or a townhouse complex; both options would obstruct more of the site view and lessen the sense of space around the buildings.

If each house is priced at over \$1,000,000., consistent with what we are seeing in this area for new houses, the value of all our homes would increase.

Finally, I have no concerns about increased density because, as I understand it, there will be onsite parking provided for each new house, and the City of Victoria is encouraging increased density.

When the duplex directly north of me on Vancouver Street was built, the result was that it made the whole street look more attractive and appealing. I'm looking forward to seeing this development take form, as I think the new homes will be quite beautiful.

Sincerely,

Toulia Hatzioannou

Rob Bateman

From: dan kell [REDACTED]
Sent: Friday, June 10, 2016 7:00 AM
To: Rob Bateman
Subject: Re: DPV00003 Application, 944 Heywood Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Rob: We originally sent a response, albeit some time ago, with respect to Mr.Andres original proposal as presented in a community meeting in Fairfield. The second proposal is different than what was originally presented. This being the case we are not sure what proposal is being presented nor are we aware of the relaxations that have been requested.

We are not trying to be difficult but as you can see we are not familiar with the process. However,we would submit that the basic issues with both letters are the same and assuming the last proposal is the one being considered we will let the second letter stand. If our assumption is incorrect please advise.

Regards Dan

----- Original Message -----

From: Rob Bateman
To: dan kell
Sent: Thursday, June 09, 2016 5:55 PM
Subject: RE: DPV00003 Application, 944 Heywood Avenue

Hello,

You had sent another letter to the CALUC and forwarded to City staff on Jan.20. Would you like to rescind the last letter and just keep this one for Mayor and Council? It would be clearest if we just had one letter from you accompanying the application package going to Council.

Thanks,

Rob Bateman, MCIP, RPP, LEED AP
 Planner
 Sustainable Planning and Community Development
 City of Victoria
 1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0292 F 250.361.0557



From: dan kell [REDACTED]
Sent: Wednesday, April 06, 2016 1:36 PM
To: Rob Bateman <rbateman@victoria.ca>
Cc: Timothy Hewett <THewett@victoria.ca>; Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: DPV00003 Application, 944 Heywood Avenue

My wife and I are the owners of 412 Vancouver Street and are writing to comment on the correspondence we received from Mr. Vernon Andres regarding the community concerns with respect to the captioned application. Some of our comments may not directly relate to the above, but they do have a direct impact on the quality of life in the area.

SETTING

Our house is located on Vancouver St. between Southgate and Pendergast. This is a very short block and aside from our house, which is a duplex, there is only one other single family dwelling (SFD). The balance of the structures consist of an large apartment building, a townhouse and several large suited buildings (five or more suites/structure). The proposed development kitty-corners our property to the south and west.

APPLICATIONS

We were told that a rezoning application is not required but a development permit containing all variances will have to be obtained prior to commencing construction. Once the development permit is completed and filed it would be our understanding that we would have the opportunity of comment prior to approval.

PROPERTY VALUES

The current plan proposes to shoehorn two (2) SFDs on this property. As we have a front under-drive garage we have no front yard and spend a great deal of time in our developed backyard. Our concern here is even if the proposed development adhered to the guidelines it would reduce both our sunshine and privacy which would have a detrimental effect on our property values. Approval of variances amending the set backs would only serve to magnify the aforementioned.

STREETSCAPE

The ultramodern design of the house on the corner of Pendergast and Heywood seems out of place with the streetscape but we will reserve any further comment at the present time.

GENERAL

a) Parking

Vancouver St. is currently zoned "residential parking" only and the current means of monitoring abusers is inadequate at best. When you consider the housing density, the proximity to Cook Street Village, Beacon Hill Park and Dallas Road parking is at a premium. Any new development needs to ensure sufficient off-street parking for two (2) cars per family.

b) Bike Lanes

The city is proposing to use Vancouver Street for a bike lane which is not a very well thought out decision. First of all this will reduce the already limited parking by half. Further, the traffic on the street is extensive as drivers use this as a cut-through thereby avoiding the main thoroughfare, Cook Street.

In the alternative, we would suggest that the bike lane be moved to Heywood Avenue. The reasons are quite obvious to us, as Heywood abuts the park there is no parking on the west side of the avenue. As a result the bike lane could be placed on the west side of the avenue with minimal disturbance to the area. In addition Heywood would not have to be narrowed to accommodate same as you could encroach on the park lands. Parking on Vancouver would not be affected and safety would be increased due to the reduced traffic volumes on Heywood

c) Traffic

As previously stated traffic on Vancouver is extensive as people are using the street as a cut-through -- not just cars but commercial vehicles of all sizes, as well as, City of Victoria vehicles and equipment. We would

like to see some calming measures implemented on the street to reduce both the speed and volume of the vehicles.

Should you have any questions or comments regarding the above, please do not hesitate to call. We can be reached at [REDACTED]

Regards



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www.avast.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Rob Bateman

From: Lawrie Cherniack [REDACTED]
Sent: Wednesday, June 15, 2016 9:38 AM
To: Victoria Mayor and Council
Cc: Rob Bateman
Subject: 944 Heywood Zoning Variance Request DPV00003

Follow Up Flag: Follow up
Flag Status: Flagged

To the Mayor and Council, Victoria, British Columbia

Greetings:

Introduction:

We are the owners of 940 Heywood Avenue, a heritage home that will be the most affected by this development proposal. We have always planned this house to be our home. For the time being, because of personal circumstances, we live in it a few months a year. We have invested a great deal of money in maintaining and upgrading it and are very proud of it.

Our house has received heritage grants from the City of Victoria -- for storm windows, painting, and stairs. We are very proud of its heritage appearance and believe it enhances our street, the Fairfield area -- and, as well, the City of Victoria, because of our location overlooking Beacon Hill Park.

Our house's main windows face south and west. The south windows on our second floor are the windows for two master bedrooms; the south windows on our first floor are dining room and living room windows; the south windows on our garden suite are living room and bedroom windows. We built a large patio for our garden suite which is on the south side of the building, where the entrance to that suite is. The patio enjoys a great deal of sun from early morning to the evening all year round.

Because the house is set back quite a distance from Heywood, and virtually abuts onto our neighbour to the north, we have a very tiny back yard and no north yard. In addition, our south exposure is the only outside space for our garden suite.

We fully recognize that the owner of 944 Heywood, Mr. Andres, has the right under the R-J Zone, Low Density attached Dwelling District, to subdivide the property. We also fully recognize that whatever Mr. Andres builds, whether it conforms to existing zoning or whether variances are granted, will in some way diminish our enjoyment of our property; and that if Mr. Andres conformed completely to existing zoning we could do nothing about that.

Given that Mr. Andres has the right to subdivide the property and build two dwellings on the existing lot, we are not attempting to oppose the subdivision in principle, or to argue that the greater density already allowed by the zoning should somehow be denied. We do say, however, that our interests are significant and should be taken into account in determining whether the variances should be allowed.

We do point out that we have spoken with Mr. Andres on a number of occasions about our interests and concerns.

Concerns:

We have two main concerns.

The first concern is sunlight and the second is privacy. Our interest is that the proposed development affect our property as little as possible in those two areas. To that end, if our interests are met, we would not oppose other variances that would not affect those interests but might assist Mr. Andres in developing his property. We would also oppose any variances that would impact on either of these interests.

The most recent development proposal we have seen is the one revised May 5, 2016.

We note that the proposed new house on proposed Lot B (we'll refer to it as "House B", and the proposed new house on Lot A as "House A") is (a) approximately the same height as our house; (b) slightly longer (east to west) than ours; and (c) proposed to be closer to our house than the zoning currently provides for.

We do note that Mr. Andres has revised his proposal to have House B as far east as zoning permits, and we are grateful for that, because it does open up the space between House A and House B and provides more of an opening for sunlight at least part of the time.

He has, however, continued to request to have House B farther north (closer to our house) than the zoning permits, rather than complying with the zoning requirements or even moving it farther south than that. Anything that would increase the distance between House B and our house would be welcome to us.

We recognize that the Engineering Department seems to require that a sidewalk with a boulevard be constructed on the north side of Pendergast. We do not see a need for such a sidewalk on a little-used portion of Pendergast since a sidewalk would essentially service only Mr. Andres's two houses, and we understand he does not want a sidewalk there. In addition, we think that the current sidewalk on the south side of Pendergast is perfectly adequate.

If, however, there is an insistence that there be a sidewalk on the north side of Pendergast, then we do not think there is a need for a boulevard. After all, the current sidewalk on the south side of Pendergast does not have a boulevard. That should allow for House B to be moved farther south, which would increase the distance between our house and House B, thus lessening the effect on both our privacy and sunlight.

Sunlight:

We think it is reasonable to predict that House B will adversely and seriously affect our access to sunlight on all three levels of our house, including the garden suite patio, for at least half, if not two-thirds of the year.

Privacy:

The North Elevation of House B has many windows plus a deck that will face right onto our property. We thus have the right to anticipate that our privacy will be affected by residents of House B being able to look over onto the garden suite patio and through the windows of the garden suite, the first floor, and the second floor. Although we understand Mr. Andres's wish to have a lot of windows for the bedrooms and the deck, they will seriously impact our privacy.

In general:

We believe that we have shown a commitment to the appearance and quality of the neighbourhood, and that our

interests and concerns are reasonable. We do remind you, however, that both we and Mr. Andres bought our properties knowing the zoning requirements, and that variances to those requirements require serious thought before being granted. We ask only that when you consider the proposal you keep our interests and concerns in mind.

This letter summarizes all previous correspondence with Mr. Batemen, and therefore previous letters can be rescinded.

Thank you.

--

Lawrie and Bea Cherniack
940 Heywood Avenue
Victoria, British Columbia

Tuesday June 21st 2016

Dear Mr. Bateman,

This letter is in regards to the new development proposed for 944 Heywood Ave. Our house is located south east of 944 Heywood Ave at 349 Vancouver St. As this new project would affect us and the rest of our neighbours we wanted to express our thoughts.

We are in favor of two houses being built on the property for a few reasons.

1. The two homes of the design intended aesthetically, would look better than another complex. A duplex or townhome complex would not be as complimentary to the existing homes around the area and make it feel even more congested.
2. We love the look of the proposed design ideas for the houses and feel they would be a great fit for the neighbourhood.
3. The houses according to the proposal are actually lower in height and scale than the neighbouring homes and require a smaller foot print. We feel that this look would be much better for the neighbourhood than another complex.

We feel that the addition of this project would make the whole street look more attractive and keep some of the neighbourhood charm. We are looking forward to seeing this development take form and think the new homes will be quite beautiful.

Sincerely,

Maria Da Silva & Randy Morrison

Pamela Martin

From: Public Hearings
Subject: 944 Heywood Avenue (No.00003)

From: dan kell [REDACTED]
Sent: Thursday, July 21, 2016 10:57 AM
To: Public Hearings <PublicHearings@victoria.ca>
Subject: 944 Heywood Avenue (No.00003)

To Mayor and Council:

We are in receipt of the Notice for Public Comment with respect to Development Permit with Variances Application No. 00003 ("Development"). After attending at City Hall to review the file, we submit the following comments. Please note that these comments supplement our submissions of January 20, 2015 and June 9, 2016.

Upon reviewing the Committee Report, we note the author stated: "**these variances are due to the short depth of the proposed small lot**". This statement confirms our position that the Development is too large for the lot size. The Report goes on to recommend approval and addresses our concerns by stating: "**variances are supportable because the impacts are not substantial and the proposed development includes mitigation measures to reduce privacy concerns**". The mitigation measures noted in the Report were: "**1.8 meter fence, existing trees, existing shrubs on the adjacent property**". Here we respectfully disagree. These measures far from adequately address the privacy issue considering the design, height and proximity of the structures on the lot as proposed in the Development. As far as we can determine, despite our documented concerns, Mr. Andres has made no revisions to the Development in an effort to address any of these concerns.

We noted on the file there were submissions in support of the Development, one from the owner of 406 Vancouver Street ("406") and the other the owners of 349 Vancouver Street ("349"). With respect to 406 there is a large undeveloped buffer zone between the house and the Development and we submit that the adverse effects to 406 would be minimal. Further, we were advised by Mr. Andres that the owner of 406 is considering a similar development. This being the case, the owner has a vested interest in the Development proceeding as submitted. In addressing the submission of the owners of 349, previous tenants of 944 Heywood Avenue, again the adverse effects would be minimal due to their distance from the Development.

Although there have not been any recent submissions from 410 Vancouver Street ("410"), please do not consider this as consent to the Development. The owner of 410 at the time of the Community Meeting on January 19, 2015, made a submission objecting to the Development. Subsequently the property has been sold and the new owner has not yet taken possession. We cannot state as a certainty, but believe the new owner is unaware of the Development and did not receive the July 15, 2015 Notice. However, we are confident that the new owner of 410 would support our submissions.

Lastly, 940 Heywood Avenue is a beautifully maintained Heritage Designated property that abuts the Development to the north. This home exemplifies Victoria's rich history and is a tourist attraction in the area. We believe, as Councilors, it is incumbent upon you to protect the integrity of the setting of this historic property.

In summary, we are not opposed to development provided it is not at the expense or enjoyment of the existing property owners. In this case all of the adversely affected property owners have stated that the Development encroaches on their privacy and the quiet enjoyment of their property. Further, the Committee Report states

Pamela Martin

From: Toula Hatzioannou [REDACTED]
Sent: Sunday, June 12, 2016 5:06 PM
To: Victoria Mayor and Council; Rob Bateman
Subject: 944 Heywood Ave.

Dear Mayor and Council,

This is in regards to the new development proposed for 944 Heywood Avenue.

My house is located directly east of 944 Heywood at 406 Vancouver Street, and so, I'm directly affected by what happens on the site.

I am in favour of two houses being built on the property for a number of reasons. I like that the second proposed house has more of a traditional feel about it, and this creates a nice design transition between the new modern house on the corner of Heywood and Pendergast and the existing homes around it.

I also like the idea of two single houses built on the site rather than a duplex or a townhouse complex; both options would obstruct more of the site view and lessen the sense of space around the buildings.

If each house is priced at over \$1,000,000., consistent with what we are seeing in this area for new houses, the value of all our homes would increase.

Finally, I have no concerns about increased density because, as I understand it, there will be onsite parking provided for each new house, and the City of Victoria is encouraging increased density.

When the duplex directly north of me on Vancouver Street was built, the result was that it made the whole street look more attractive and appealing. I'm looking forward to seeing this development take form, as I think the new homes will be quite beautiful.

Sincerely,

Toula Hatzioannou



Pamela Martin

From: Lawrie Cherniack [REDACTED]
Sent: Wednesday, June 15, 2016 9:38 AM
To: Victoria Mayor and Council
Cc: Rob Bateman
Subject: 944 Heywood Zoning Variance Request DPV00003

To the Mayor and Council, Victoria, British Columbia

Greetings:

Introduction:

We are the owners of 940 Heywood Avenue, a heritage home that will be the most affected by this development proposal. We have always planned this house to be our home. For the time being, because of personal circumstances, we live in it a few months a year. We have invested a great deal of money in maintaining and upgrading it and are very proud of it.

Our house has received heritage grants from the City of Victoria -- for storm windows, painting, and stairs. We are very proud of its heritage appearance and believe it enhances our street, the Fairfield area -- and, as well, the City of Victoria, because of our location overlooking Beacon Hill Park.

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Concerns:

We have two main concerns.

The first concern is sunlight and the second is privacy. Our interest is that the proposed development affect our property as little as possible in those two areas. To that end, if our interests are met, we would not oppose other variances that would not affect those interests but might assist Mr. Andres in developing his property. We would also oppose any variances that would impact on either of these interests.

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In general:

We believe that we have shown a commitment to the appearance and quality of the neighbourhood, and that our interests and concerns are reasonable. We do remind you, however, that both we and Mr. Andres bought our properties knowing the zoning requirements, and that variances to those requirements require serious thought before being granted. We ask only that when you consider the proposal you keep our interests and concerns in mind.

This letter summarizes all previous correspondence with Mr. Batemen, and therefore previous letters can be rescinded.

Thank you.

--

Lawrie and Bea Cherniack
940 Heywood Avenue
Victoria, British Columbia

Pamela Martin

From: Lawrie Cherniack - [REDACTED]
Sent: Monday, July 18, 2016 9:06 PM
To: Victoria Mayor and Council
Subject: 944 Heywood Zoning Variance Request DPV00003
Attachments: 940 Heywood History.pdf

To:

The Mayor and Council

City of Victoria, British Columbia

Greetings:

This is in addition to our e-mail to you of June 15, 2016. We ask you to review that e-mail as well.

We understand that the public hearing into Mr. Andres's application for variances will be taking place on July 28, 2016. Barring unforeseen circumstances, Lawrie Cherniack will be there to make a brief presentation and to answer any questions any of you may have.

Our house at 940 Heywood Avenue, the most affected by Mr. Andres's proposal, celebrated its 100th anniversary this year, and we recently celebrated that with a thank-you party to the many tradespeople who have contributed to keeping it in great shape. It is set far back on the property because before it was built the family was living in a house directly in front of it, which was then demolished when they moved to the current house. The garage that is on the west lot line was part of the original house.

We bought 940 Heywood from our neighbour to the north at 938 Heywood Avenue, Graham Garman, who grew up beside, and then bought, 940 Heywood when the family who had lived in that house from the beginning decided to sell it. We are thus only the third set of owners of this wonderful property.

Graham lovingly restored it over a seven-year period, and then had both his house and our house designated as Heritage Properties. We happily bought 940 Heywood from him knowing that the Heritage Designation meant that we could not develop it, that it would stay as a magnificent part of Victoria's heritage. We have kept on the tradition of restoring it, replacing windows, the front steps, repairing wooden surfaces, and most recently painting the house according to the specifications of a Heritage designer, making it quite stunning from the street. Our house is one of perhaps two or three Heritage-designated homes left on Heywood Avenue and is one of the features of the horse-drawn carriage tours of the City.

If you are at all interested in the story behind our purchase, we are attaching a brief description from "Preserve", the quarterly publication of the Hallmark Heritage Society.

For a much longer version you can go to

<http://homes.winnipegfreepress.com/winnipeg-real-estate-articles/renovation-design/Fantasy-house-fantastic-reality/id-2622#>

This story, along with many more photographs of our house, first appeared in the Victoria Times-Colonist, and was then reprinted in the Homes section of newspapers in (at least) Vancouver, Calgary, Edmonton, Saskatoon, Montreal, Ottawa, Halifax, and Winnipeg.

You can also see the description of the designation at

<http://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id-10275>

The lot in question at 944 Heywood was owned by Graham Garman's brother, who sold it to Mr. Andres. When we learned that Mr. Andres intended to subdivide the lot and build two residences, we asked for and then met with Mr. Andres. After that meeting we thought there was agreement between us that we would be kept abreast of Mr. Andres's

proposal, with the thought that perhaps we could contribute to mitigating the effects of his proposal on our property. We had taken an interest-based approach, hoping that we could reach agreement on meeting both of our interests. We certainly identified privacy and sunlight as our major interests.

We appear to have been mistaken in our belief that there was an agreement between us to be kept abreast of Mr. Andres's proposal. The only discussions we have had with Mr. Andres since the initial meeting consisted of one initiated by us when he put a "For Sale" sign for what is known as Lot B, and requests by him at various times to support his proposals after he had submitted them.

During one discussion we had, we agreed to support his proposal if he moved the house on Lot B as far south and as far west as possible.

Without telling us what he had done, or even giving us notice that he was submitting an amended proposal, he changed his proposal to the one that is now before you. This proposal does move the house west, but does not move the house south, and Mr. Andres still asks for a variance to have his house closer to our house than the zoning currently permits. Nor has he proposed to change any of the windows or deck configurations which in their current design will seriously encroach on the privacy of the house.

We should point out that the report that you have from the Planning Department which says that our privacy issues are mitigated by a 1.8 metre fence, which exists now, does not tell the whole story about privacy. Certainly it currently protects privacy for the landscaped patio on the south side of our house (the only sitting area for our house because we have virtually no backyard) with respect to anyone on the ground level of Lot B. It could not possibly protect the privacy of the main floor and the second floor of our house in relation to the main floor and the second floor of the proposed house on Lot B, since they are higher than 1.8 metres from the ground.

Recently Mr. Andres told us that if he can't get the variances he has proposed, he will build a duplex on the lot. He says that would be worse for us and would block more light than his proposal.

Our conversations with the Planning Department lead us to believe that it will be extremely difficult for him to build a duplex fronting on Pendergast without variances that are even more extensive than he is asking for in this proposal, and we would oppose them vehemently.

On the other hand, it would be quite simple for him to build a duplex fronting on Heywood without asking for any variances. We would naturally welcome that, since that would simply replace the existing home and preserve the southern exposure and privacy our house now enjoys.

We do not oppose the general concept of increasing the density in our neighbourhood. Why shouldn't others be able to share in the wonderful amenities of the Fairfield Community? We bought our house knowing that the zoning provides that.

The zoning does, however, set reasonable limits as to the size and location of any houses built on a split lot. Mr. Andres bought the lot knowing those restrictions. Mr. Andres has now proposed to build houses that require variances because of their size in relation to the proposed lots.

We have no objection to variances for Lot A. They would affect no one in the immediate vicinity.

We submit, however, that Lot B should have a house no larger than the zoning permits and that that smaller house be designed creatively to fit the small lot concept. Further we submit that allowing variances that drastically encroach on the enjoyment of our property would not be fair to us and to the good faith we have shown throughout our ownership of our property.

If any councillors wish to speak with us about the issues we have raised, please let us know by e-mail when we should call you.

Lawrie and Bea Cherniack
940 Heywood Avenue
Victoria, British Columbia

HALLMARK HERITAGE SOCIETY

Preserve

Your voice for heritage in the Capital Region and the Islands since 1973

A Quarterly Newsletter

Volume 41, Number 2, Summer 2013

We Have a New Address

Effective July 15, 2013, our former mail location is ceasing to operate.

Page 3

Honourable Mentions

The winner of the first Honourable Mention was Jane Taylor for the restoration of her home at 619 Avalon Road.

Page 3

Awards of Merit

An Award of Merit was shared by Graham Garman who did the restoration work on 940 Heywood Avenue

Page 4

Communication Awards

Dorothy Mindenhall won an Honourable Mention for the publication of *Unbuilt Victoria*.

Page 7

President's Award

The President's Award was won by Gabriel Ross Inc. for the rehabilitation of 2500 Rock Bay Avenue.

Page 9

Calendar

Keeping you informed about heritage activities.

Page 11

Young Researcher Steals the Show!

The first award was presented to a young man whose curiosity led him to research the history of his school, Margaret Jenkins Elementary. On August 16, 2012, the Hallmark Heritage Society welcomed its youngest researcher, Nelson Currie. Although Mom drove him to the office, it was Nelson who asked the questions and pointed out errors in material in our files and in numerous published sources. Helen Edwards spent over an hour helping Nelson and says it was one of the most rewarding experiences of her Hallmark job.

We were pleased when we learned that Nelson wanted to donate copies of his research to our archives but could not decide on an appropriate venue. Nelson presented the binder of information to the society at the opening ceremonies of the South Vancouver Island Regional Heritage Fair, in front of much older students. His story was featured on the front page of the *Times Colonist* the next day and has generated numerous comments from his family and friends as well as the heritage community.



The Hallmark Heritage Society was honoured to present a Junior Researcher Award to Nelson "for his dedicated research into the history of Margaret Jenkins School." Nelson, you are an inspiration to us all. 🏆

Awards of Merit



An Award of Merit was shared by Graham Garman who did the restoration work on 940 Heywood Avenue, and new owners Bea and Lawrie Cherniack who are continuing the maintenance of the home.


The house is an outstanding example of the Edwardian Tudor Revival style. Set on a large lot, across from the playing fields of Beacon Hill Park, the house has a monumental presence on a street that is now largely populated by large apartment blocks. Its restoration ensures that this site will continue in its original form for years to come. Graham Garman who lived next door in a house built by his father, bought this building in 2000 and spent 6 years lovingly restoring it.

The house was built in 1916 for Major Harry Howlett Woolison to a design by architect Samuel Maclure. The builder was noted Victoria firm Luney Brothers. The Major was a representative of the early twentieth century's merchant class; he was Secretary-Treasurer of J. L. Beckwith Co. Ltd.,

manufacturer's agents and importers, commission agents, real estate and insurance brokers. This home was among the first in the neighbourhood to have a separate garage built at the same time as the residence. This represented a social statement that the owner was embracing the modern age and needed a garage to house his new car. The siting at the front of the property speaks to the vehicle's status for this prominent businessman.

In a newspaper article, Graham Garman is quoted: "I love old things, especially old houses, and I wanted to bring it back to its original state." He gutted the old kitchen and combined it with an old pantry. All the new cupboards were made from reclaimed wood. He also added a small bathroom on the main floor, refinished all the floors, insulated under the main floor, designed a full suite in the basement, carefully matching woodwork and features to those in the main house. He also added storm windows and protective glass over the stained glass windows. One of the challenges of the work was the discovery that a support post under the front verandah was rotten. It was carefully restored so that the structure was once again stable.

Current owner Bea Cherniack, visited from Winnipeg and walked by the house, dreaming of being able to live there. A chance meeting with Graham Garman led to a tour of the restored house and an offer that was accepted. Garman noted that the Cherniacks would love the house and, for that reason, it was easy to make the deal.

The restoration of this home is important for two reasons. First, it is a significant home in the neighbourhood and deserved to be returned to its previous condition and secondly, it is a rare treat to have a subsequent owner appreciate the work of the man who did the restoration, and to commit to maintaining his work. This home will remain as a monument to the past while being enjoyed in the present and being preserved for the future. 

David Cubberley won an Award of Merit for the painstaking and lengthy restoration of his residence at 3862 Grange Road.

This American Craftsman house was designed by architect Hubert Savage for his wife, Alys, and himself, and he resided there until his death in 1955. At the time of construction, the Interurban tram had been extended out into rural Saanich making large areas of low-cost land available for

sub-division and development. Grange Road was, at that time, known as Blackwood and was the second stop along the new Interurban line.

This stately cross-gabled bungalow has a granite foundation and double-bevelled siding, with wooden stringcourses and corner boards. The central entrance porch thrusts forward, its deep gable supported at each corner by three short columns on battered stone piers, connected by a

Pamela Martin

From: Randy [REDACTED]
Sent: Tuesday, June 21, 2016 7:16 PM
To: Victoria Mayor and Council
Subject: Neighbourhood plans for developement at 944 Heywood ave.
Attachments: Vernons letter of Support for Developement..docx

To whom it may concern,

My apology for this late response to the situation at hand with Mr. Vernon Andres development. Attached is the letter that was sent March 20th 2016.

If you have any questions you may reach me at [REDACTED].

Respectfully,

Randy Morrison
[REDACTED]

Tuesday June 21st 2016

Dear Mr. Bateman,

This letter is in regards to the new development proposed for 944 Heywood Ave. Our house is located south east of 944 Heywood Ave at 349 Vancouver St. As this new project would affect us and the rest of our neighbours we wanted to express our thoughts.

We are in favor of two houses being built on the property for a few reasons.

1. The two homes of the design intended aesthetically, would look better than another complex. A duplex or townhome complex would not be as complimentary to the existing homes around the area and make it feel even more congested.
2. We love the look of the proposed design ideas for the houses and feel they would be a great fit for the neighbourhood.
3. The houses according to the proposal are actually lower in height and scale than the neighbouring homes and require a smaller foot print. We feel that this look would be much better for the neighbourhood than another complex.

We feel that the addition of this project would make the whole street look more attractive and keep some of the neighbourhood charm. We are looking forward to seeing this development take form and think the new homes will be quite beautiful.

Sincerely,

Maria Da Silva & Randy Morrison

Email: [REDACTED]

Contact: [REDACTED]

that the Development is too large for the lot. We believe that any development should conform to the lot size without encroaching on the offsetting property owners. As such, should this Development proceed, we respectfully request it does so without the variances.

We shall await your most favourable response.

Dan Kell & Nora Lynne Martin
412 Vancouver Street



This email has been checked for viruses by Avast antivirus software.

www.avast.com

Graham Garman
936 Heywood Avenue
Victoria, British Columbia
[REDACTED]

July 24, 2016

To Mayor and Council, the City of Victoria:

I've lived at 936 Heywood my entire life. Some years ago I bought 940 Heywood and spent seven years bringing it back to its early days. I had both of these houses designated as Heritage Property. I believe that since they overlook Beacon Hill Park, it is important to maintain the heritage aspect of the neighbourhood.

I sold 940 Heywood to Bea and Lawrie Cherniack, who have kept it in excellent condition and have added to its value by adding storm windows, restoring the front steps, and painting it in striking Heritage colours.

I have looked at the plans for 944 Heywood. In my opinion, the two houses that are proposed are too large for the site and would also severely impact 940 Heywood.

I am opposed to the proposed development at 944 Heywood.

Yours truly,

A handwritten signature in cursive script that reads "Graham Garman".

Graham Garman

Alicia Ferguson

Subject: RE: Proposed Development of 944 Heywood St.

From: Annie Klein

Sent: Saturday, July 23, 2016 8:28 AM

To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>

Subject: Proposed Development of 944 Heywood St.

Dear Mayor Helps and Victoria City Council,

I live at 420 Vancouver St. and I am **STRONGLY OPPOSED** to the proposed development plan for 944 Heywood St.

The size of two houses on this lot is completely unacceptable for a myriad of reasons.

I am not opposed to development of that site just the size of the houses deeply concerns me.

A very concerned neighbour and citizen,

Annie Klein

420 Vancouver St.

Victoria, V8V 3 T5

--

Annie Klein

Pamela Martin

From: steph brown [REDACTED]
Sent: Wednesday, July 27, 2016 12:14 AM
To: Public Hearings
Subject: re: Variance Application no. 00003 (944 Heywood Avenue)

Dear Council,

Regarding the Development Permit with Variances application no. 00003 for property 944 Heywood-- I live (own) across the street at 909 Pendergast Street. My unit overlooks this property. My concern is that the lot is just too small for two houses! Especially proposed lot A- with the rear setback reduced from 6m to 1.61m. This block of Pendergast Street is narrow and doesn't seem well suited to having an extra house added-- especially onto a lot that is clearly not big enough (hence the need for variances). I feel especially bad for the owner/residents of 940 Heywood. It seems like their house would be unfairly crowded out. I'm also concerned about the trees on the property, especially the one near lot 406. Would any trees be cut down?

Thank you for considering the thoughts of surrounding neighbors. If the property was bigger there would be no problem adding another house, but the request to vary the Zoning Regulation Bylaw seems unrealistic in this case.

S. Brown

Pamela Martin

Subject: 944 Heywood Proposal
Attachments: 20160728_122214-1.jpg; 20160728_122310-1.jpg; 20160728_122525-1.jpg

From: Lawrie Cherniack [mailto:lawrie@cherniack.net]
Sent: Thursday, July 28, 2016 12:51 PM
To: Victoria Mayor and Council <mayorandcouncil@victoria.ca>
Subject: 944 Heywood Proposal

Greetings:

Further to my email, I would appreciate your looking at these three photos. I will be appearing tonight to make a presentation respecting this proposal.

--

Lawrie Cherniack
940 Heywood Avenue
Victoria

Sent from my phone. Please excuse my brevity.







Minister of
Families, Children and
Social Development



Ministre de
la Famille, des Enfants et
du Développement social

Ottawa, Canada K1A 0J9

MAYOR'S OFFICE
JUL 1 2016
VICTORIA, B.C.

Her Worship Lisa Helps
Mayor of Victoria
1 Centennial Square
Victoria BC V8W 1P6

JUN 09 2016

Dear Madam Mayor: / Dear Lisa,

I am responding to your letter of April 27, 2016, in which you expressed your support for a national conversation on a Basic Income Guarantee for all Canadians. I also received the copy of your letter that the Office of the Prime Minister, the Right Honourable Justin Trudeau, forwarded to me on May 5, 2016.

I appreciate your sending your perspectives for my consideration. As Minister of Families, Children and Social Development, my overarching goal is to increase economic and social security for all Canadians, especially those among us who are the most vulnerable. As a result, our government is taking a number of steps to improve the quality of life of Canadians and to assist those who are living with low income. We are also committed to working with our partners and stakeholders to improve Canadians' quality of life.

Our government has committed to developing a Canadian Poverty Reduction Strategy that will align with existing provincial and municipal strategies. We intend to set targets to reduce poverty and to measure and publicly report on progress. As part of the development process, my department is creating a plan for engaging partners and stakeholders to explore a variety of options for reducing poverty and strengthening the middle class.

For example, seniors receive basic income through the Old Age Security (OAS) pension and the Guaranteed Income Supplement (GIS). Our government recognizes the importance of these benefits for seniors and is committed to strengthening them to improve seniors' quality of life. Therefore, my department is working with the Department of Finance to increase the GIS by 10 percent for lower-income seniors living alone, to index OAS and GIS payments to a new Seniors Price Index, to cancel the increase in age of eligibility for OAS (65 to 67) and to work with provinces and territories to ensure adequate and coordinated support programs to address poverty among seniors.

.../2

- 2 -

Supporting families and ensuring that every child gets the best possible start in life is another priority of our government. As a result, our government has committed to introducing the Canada Child Benefit (CCB) in July 2016. Similar to the GIS for seniors, the CCB will act as a basic income, but for families with children. The proposed CCB will be a tax-free, income-tested benefit that will be more generous than the current suite of federal child benefits and will be targeted to families who need it most. The CCB will provide a maximum annual benefit of up to \$6,400 per child under the age of 6 and up to \$5,400 per child for those aged 6 through 17. With the introduction of a better-targeted child benefit, about 300,000 fewer children will be living in low income in 2017 than in 2014.

I hope that this information is helpful in addressing your concerns.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'JY Duclos'.

The Honourable Jean-Yves Duclos, P.C., M.P.
Minister of Families, Children and Social Development

P.S.: Looking forward to further engagement!



Ref: 20889

JUL 05 2016

Her Worship Ms. Lisa Helps, Mayor
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6
Email: mayor@victoria.ca

Dear Mayor Helps:

Premier Christy Clark has asked me to respond to your February 9, 2016 letter requesting that the *Residential Tenancy Act* and Regulations be reviewed and amended to increase protections for tenants who may be subject to eviction for renovations ("renoviction").

The *Residential Tenancy Act* (the Act) was established to provide a fair and balanced approach to tenancies for landlords and tenants and sets out their obligations. Landlords must follow specific rules before issuing a notice to end a tenancy for renovations or repairs. The rules are in place to protect tenants while still allowing building owners to maintain their buildings.

When undertaking extensive renovations or repairs that require a unit to be vacant, landlords must have all the necessary municipal permits in place before they can issue a notice to tenants. They must provide two months' notice for month to month tenancies as well as compensate the tenant with one month's rent.

In response to concerns raised by James Bay residents earlier this year, the Residential Tenancy Branch held an educational information session on tenants' and landlords' rights and responsibilities on February 3, 2016 at the James Bay New Horizons Activity Centre. I understand that those who attended found the session to be informative and created greater awareness of their rights under the Act and the dispute resolution services available through the Branch.

Sincerely yours,

Rich Coleman
Minister and Deputy Premier

cc: Premier Christy Clark

Minister of Natural Gas Development
Minister Responsible for Housing
and Deputy Premier

Office of the Minister

Mailing Address:
PO Box 9052, Stn Prov Govt
Victoria, BC V8W 9E2
Phone: 250 953-0900
Fax: 250 953-0927



June 13, 2015

Mayor and Council
City of Victoria
#1 Centennial Square
Victoria BC V8V 1P6

Attention: Mayor Lisa Helps

Dear Mayor Helps:

I am writing on behalf of the Board of the Ross Bay Villa Society to convey the Board's appreciation for Council's recent approval of the Society's application for a Strategic Plan Grant for the restoration of the Children's Room at Ross Bay Villa Historic House Museum.

We are very pleased to be able to begin the restoration and look forward to completing the project, reporting to the City and opening the room to the public in the near future. This addition to the "open rooms" will significantly enhance the experience for those who visit Ross Bay Villa Historic House Museum and we thank Council for helping to make this endeavour possible.

Regards,

Davyd McMinn
Vice President Ross Bay Villa Society
www.rossbayvilla.org info@rossbayvilla.org

cc. Chris Coates, City Clerk



July 6, 2016

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

Dear Mayor Helps:

Thank you for your letter detailing your Council's commitment to the Barrier-Free BC program. I have shared your comments with the Honourable Michelle Stilwell. She and her staff will provide you with a response at their earliest opportunity.

Thank you, again, for taking the time to keep me informed on what is important to you and your Council.

Sincerely,

A handwritten signature in blue ink that reads 'Christy Clark'.

Christy Clark
Premier

pc: Honourable Michelle Stilwell

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 21, 2016

For the Council Meeting of July 28, 2016, the Committee recommends the following:

1. Update on Additional Policing Resources

That the Victoria Police Report from Acting Chief Constable Manak be received for information.

2. Building Resilience in Canada

That Council receive the report from Elizabeth May, MP for Saanich-Gulf Islands, for information.

3. Building Resiliency in Canada Program

1. That Council provide a letter of support to Innovation, Science and Economic Development Canada for the Building Resilience in Canada (BRIC) program in principle, to be signed by the Mayor.
2. That staff continue to work with the BRIC Advocacy Group to determine if there are opportunities to participate in the Demonstration Phase, and report back to Council in October 2016 following completion of the City-Wide Building and Infrastructure Condition Assessment Study.
3. That staff work with the Victoria Civic Heritage Trust to encourage private building owners to participate in the BRIC program Demonstration Phase for other building categories and offer further encouragement through consideration of additional City incentives, including the Tax Incentive Program.

4 Rezoning Application No. 00493 for 1016 Southgate (Fairfield)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00493 for 1016 Southgate 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. Preparation of the following documents, signed and executed by the applicant to the satisfaction of City Staff:
 - a. Statutory Right-of-Way of 3.35m along the Southgate Street frontage and 0.64m for the rear lane access along Harling Lane to the satisfaction of City staff;
 - b. Housing Agreement to ensure that future strata bylaws cannot prohibit strata owners from renting residential strata units.

5 Development Permit with Variances Application No. 000441 for 1016 Southgate (Fairfield)

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. 00493, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Permit for Application No. 000441 for 1016 Southgate Street, in accordance with:

1. Plans date stamped June 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Increase the site coverage from 33% to 38.70%;
 - ii. Reduce the minimum site area from 920m² to 678m²;
 - iii. Reduce the minimum required front yard setback from 7.50m to 5.67m;
 - iv. Reduce the east side yard setback from 5.20m to 3.04m for the principle building and 1.09m for the bike storage locker;
 - v. Reduce the west side yard setback from 5.20m to 3.04m for the principle building and 1.09m for the bike storage locker;
 - vi. Reduce the front yard projection setback for the steps from 3m to 2.34m;
 - vii. Required residential parking reduced from 1.2 spaces per dwelling unit to 1 space per dwelling unit;
 - viii. Schedule C., Section 7.2(b) – Reduce the distance of an off-street parking space from the street boundary (rear lane) from 1.0m to 0.64m;
 - ix. Schedule C, Section 7.2(h) – Reduce the landscape strip along the side yard from 0.60m to 0.50m;
 - x. Schedule F, Section 4(d) – Reduce the separation space between an accessory building and the principal building from 2.40m to 1.37m
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff;
4. The Development Permit lapsing two years from the date of this resolution.”

6 Liquor Licence Application for 751 View Street (Yuk Yuk's) (Downtown)

That Council direct staff to provide the following response to the Liquor Control and Licensing Branch:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Yuk Yuk's, located at 751 View Street to amend its existing liquor primary licence hours of 7:00 pm - 2:00 am (Monday – Saturday) and 7:00 pm – 12 am (Sunday) to 12:00 pm - 2:00 am (Monday – Saturday) and 12:00 pm – 12 am (Sunday).

Providing the following comments on the prescribed considerations:

- a) Council has considered the request and believes that the proposal to change the hours of operation will have an overall positive benefit and that negative impacts will be negligible.
- b) The views of residents were solicited via mailout to neighbouring property owners and occupants within 50 metres of the licensed location, and a notice posted at the property. The City received one letter in support of the application which was from the Downtown Victoria Residents Association (DVRA) and one letter opposed to the application

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD JULY 28, 2016

For the Council Meeting of July 28, 2016, the Committee recommends the following:

1. **Yates Street Community Garden - License of Occupation**

That Council:

1. Approve the proposal for an allotment garden at 1012/1014 Yates Street and authorize the Mayor and City Clerk to execute a new License of Occupation with the Downtown Resident Association, for an allotment garden at 1012/14 Yates Street for a period of three years, at an annual consideration of \$1.00, in a form satisfactory to staff, subject to the publication of the statutory notices required by the *Community Charter*.
2. Grant the Downtown Residents Association \$3000.00 to fund a Community Garden Volunteer Coordinator for 2016.

2. **Direct Mayor to Participate in Kinder Morgan Review Process**

That Council direct Mayor Helps and Councillor Isitt to participate in the Victoria Ministerial Panel process and to present to the panel the arguments Victoria has made as an intervenor.

3. **Official Community Plan Annual Review 2016**

That Council receive the Official Community Plan Annual Review 2016 for information and direct staff to communicate the findings and highlights from the Annual Review to the public.

4. **Update on Storage Facility and Outreach Worker Initiatives**

1. That Council approve the following:
 1. That the procurement process for the temporary storage facility be concluded but that the \$130,000 be reserved for any similar opportunities that may arise to be revisited as part of the 2017 financial planning process.
2. That Council approve the following:
 1. That the City defer the outreach worker initiative at this time.

5. **Update on Public Use of City Hall Six Month Pilot Program**

That Council:

- 1) Approve the proposed updates for the Public Use of City Hall Policy and Guidelines:
 - a) Addition of 10 business days' notice requirement.
 - b) Changes to policy regarding insurance.
 - c) Update regarding art shows and installations language.

6. **Update on Implementation of Parking Ambassador Model**

That Council receive this report for information.

7. **Bylaws for Marijuana-Related Businesses**

That Council:

1. Give first and second reading to the proposed:
 - a. Zoning Regulation Bylaw Amendment, attached as Appendix A,
 - b. Marijuana-Related Business Regulation Bylaw, attached as Appendix C.
2. Give three readings to the proposed:
 - a. Land Use Procedures Bylaw Amendment, attached as Appendix B, and
 - b. Ticket Bylaw Amendment, attached as Appendix D.
3. Schedule a public hearing on the bylaw amendments, and invite comments on the additional proposed regulations for businesses via notice to affected businesses in accordance with section 59 of the *Community Charter*.
4. Direct staff to amend the proposed Marijuana Storefront Retailer Rezoning Policy, attached as Appendix E, to remove the buffer zone around child care facilities, and;
5. Direct staff to:
 - a. Bring forward an amendment to the Five Year Financial Plan Bylaw, 2016 to increase expenditures by \$187,500 for Sustainable Planning and Community Development for temporary additional staffing offset by an equal amount in rezoning fee revenue,
 - b. Include in the 2017-2021 Financial Plan an additional FTE for a bylaw officer and the associated salary and benefits costs offset by an equal amount in business licence fee revenue.

8. **Councillors Overview of Current Issues**

That Council receive the reports for information.

NO. 16-058

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Zoning Regulation Bylaw to define “storefront marijuana retailer” as a use and to restrict the location of this use.

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

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1070)”.
- 2 The Zoning Regulation Bylaw No. 80-159 is amended in the General Regulations by adding the following as section 17 (3) of the general regulations:

“(3) Without limiting the generality of subsection (1), storefront marijuana retailer, whether as a principal or accessory use, is prohibited in all zones except where expressly permitted under this bylaw.”
- 3 The Zoning Regulation Bylaw No. 80-159 is amended in Schedule “A” – Definitions by:
 - (a) adding the following definition after the definition of “**Lowest Storey**”:

“**Marijuana**” means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis.
 - (b) adding the following definition after the definition of “**Split Level Dwelling**”:

“**Storefront Marijuana Retailer**” means premises where marijuana is sold or otherwise provided to a person who attends at the premises.”

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
Public hearing held on the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CITY CLERK

MAYOR

NO. 16-059

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to impose application fees for certain types of applications.

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

1. This Bylaw may be cited as "LAND USE PROCEDURES BYLAW, 2016, AMENDMENT BYLAW (NO 1)"
2. Bylaw No. 16-028, the Land Use Procedures Bylaw, is amended as follows:

Schedule A, Section 2, base application fee, by adding the following after Subsection (7):

- (8) Notwithstanding subsection (1), the application fee to allow any "storefront marijuana retailer" use is \$7500.

READ A FIRST TIME the	day of	2016
READ A SECOND TIME the	day of	2016
Public hearing held on the	day of	2016
READ A THIRD TIME the	day of	2016
ADOPTED on the	day of	2016

CITY CLERK

MAYOR

NO. 16-061

MARIJUANA-RELATED BUSINESS REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to provide for the regulation of marijuana-related businesses to minimize any adverse effects that operation of such businesses may have on the safety, health and well-being of the community in anticipation of changes to the federal laws regarding distribution of marijuana.

Contents

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PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "Marijuana-Related Business Regulation Bylaw".

Definitions

- 2 In this Bylaw:

"marijuana"

means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;

"marijuana-related business"

means carrying on of activity where

- (a) the use of marijuana for medical or any other purposes is advocated or promoted;
- (b) marijuana or paraphernalia used in the consumption of marijuana are sold or otherwise provided to persons for any purpose;
- (c) marijuana is stored for a purpose of sale or distribution; or
- (d) marijuana is consumed in any form;

"shareholder"

means a shareholder with a 10% or greater interest;

"storefront marijuana retailer"

means a marijuana-related business where marijuana is sold or otherwise provided to a person who attends at the premises.

Application of this Bylaw

- 3 The provisions of this Bylaw do not apply to production and distribution of marijuana licensed by Health Canada under the Marihuana for Medical Purposes Regulations or the Marihuana Medical Access Regulations of the *Controlled Drugs and Substances Act* (Canada).

PART 2 - BUSINESS LICENCES

Business licences required for marijuana-related businesses

- 4 (1) A person must not carry on marijuana-related business unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.
- (2) A person applying for the issuance or renewal of a licence to carry on a marijuana-related business where marijuana is kept or present on the premises must:
- (a) make application to the Licence Inspector on the form provided for that purpose
 - (b) pay to the City the applicable licence fee prescribed under subsection (3)
 - (c) provide a security plan for the premises that, in the opinion of the Licence Inspector, describes adequate security measures to mitigate risk of theft or robbery at the premises;
 - (d) provide proof of a security alarm contract that includes monitoring at all times during the period for which the licence is being sought, and
 - (e) provide proof of ownership or legal possession of the premises, and

- (f) provide a current police information check for:
 - (i) the applicant
 - (ii) if the applicant is a corporation, each shareholder, officer and director, and
 - (iii) each on-site manager.
- (3) The licence fee for purposes of subsection (2)(b) is:
 - (a) \$5,000 for a storefront marijuana retailer, and
 - (b) \$500 for all other businesses where marijuana is kept on the premises.

Licence Inspector's authority to refuse a licence

- 5 (1) The Licence Inspector may suspend or refuse to issue or renew a licence for a business where marijuana is kept on the premises if:
 - (a) the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:
 - (i) was convicted anywhere in Canada of an offence involving dishonesty
 - (ii) was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the licence relates
 - (iii) was convicted, found guilty of, or liable for any contravention or offence, in Victoria, against this bylaw or against any bylaw authorizing the issuance of a business licence or regulating the conduct of a business, or
 - (iv) was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the licence or required to be stated in, the application.
- (2) A decision of the Licence Inspector under subsection (1) may be appealed to Council by submitting a request in writing to the City Clerk within 30 days of the decision.

PART 3 - OPERATING REQUIREMENTS

Requirements for all marijuana-related businesses

- 6 A person carrying on a marijuana-related business must not:
 - (a) allow a person under the age of 19 on the premises

- (b) advertise or promote the use of a marijuana to a person under the age of 19
- (c) allow a person to smoke, vape, consume or otherwise ingest marijuana or products containing marijuana on the premises, or
- (d) display any advertising or sign that is visible from outside of the premises except for a maximum of two signs which display no images and contain only:
 - (i) alpha-numeric characters,
 - (ii) the business name, and
 is in a size as permitted under the *Sign Bylaw*.

Requirements for businesses that keep marijuana on the premises

- 7 In addition to the requirements of section 6, a person carrying on a business where marijuana is kept or present on the premises must:
- (a) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times
 - (b) retain video camera data for at least 21 days after it is gathered
 - (c) install a security and fire alarm system that is, at all times, monitored by a licenced third party
 - (d) not allow marijuana, products containing marijuana or other valuables to remain on the premises when the business is not open to the public, unless the marijuana, products and other valuables are securely locked in a safe on the premises, and
 - (e) install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties.

Requirements for storefront marijuana retailers

- 8 In addition to the requirements of sections 6 and 7, a person carrying on the business of a storefront marijuana retailer must:
- (a) prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises;
 - (b) ensure that two employees are present on the premises at all times when the business is open to the public, including one manager;
 - (c) not use the premises to carry on business other than the marijuana-related business and accessory uses;

- (d) ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;
- (e) not be open for business between the hours of 8 p.m. and 7 a.m. the next day;
- (f) promptly bring to the attention of the Licence Inspector:
 - (i) the name of any new on-site manager, officer, director or shareholder of the licensee, and
 - (ii) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee, and
- (g) promptly provide to the Licence Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee.

PART 4 – GENERAL PROVISIONS

Offences

- 9 (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 continues is a separate offence.

Severability

- 10 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity

Transition Provisions

- 11 (1) Notwithstanding section 4(1), a storefront marijuana retailer that was in existence in the same location on the date this bylaw received first reading may continue to operate without a business licence while an application for a rezoning to permit a storefront marijuana retailer use at its location is actively pursued and has not be denied by Council.
- (2) A marijuana-related business that was in existence on the date this bylaw received first reading is not subject to the requirements of section 7 until 60 days after

adoption of this bylaw.

READ A FIRST TIME the _____ day of _____ 2016.

READ A SECOND TIME the _____ day of _____ 2016.

READ A THIRD TIME the _____ day of _____ 2016.

ADOPTED on the _____ day of _____ 2016.

CITY CLERK

MAYOR

NO. 16-069

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Ticket Bylaw to reflect the new offences created under the Medical Marijuana- Related Business Regulation Bylaw.

Under its statutory powers, including sections 260 and 264 to 273 of the *Community Charter*, and B.C. Regulation 425/2003, the Council of the Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "TICKET BYLAW, AMENDMENT BYLAW (NO. 9)".
- 2 Bylaw No. 10-071, the Ticket Bylaw, is amended by adding Schedule S.1 and updating the Schedule A to include the new bylaw and offences attached to this bylaw.

READ A FIRST TIME the	day of	2016.
READ A SECOND TIME the	day of	2016.
READ A THIRD TIME the	day of	2016.
ADOPTED on the	day of	2016.

CITY CLERK

MAYOR

Schedule A

Bylaws & Enforcement Officers

Item Number	Column 1 - Bylaws	Column 2 - Bylaw Enforcement Officers
1	Abandoned Properties Bylaw	Bylaw Officer; Police Constable
2	Animal Control Bylaw -sections 17, 36, 37, 38, 39, 48 and 49	Animal Control Officer; Bylaw Officer; Police Constable
3	Animal Control Bylaw -all provisions except those listed in Item 2	Animal Control Officer; Manager of Bylaw and Licensing Services; Police Constable
4	Bicycle Courier Bylaw	Bylaw Officer; Police Constable
5	Blasting (Construction) Operations Bylaw	Building Inspector; Bylaw Officer
6	Boulevard Tree Lighting Bylaw	Bylaw Officer; Electrical Inspector
7	Building Bylaw	Building Inspector; Bylaw Officer
8	Business Licence Bylaw	Bylaw Officer
9	Commercial Vehicle Licensing Bylaw	Bylaw Officer; Police Constable
10	Dance (All-Night Event) Bylaw	Bylaw Officer; Police Constable
11	Dance (Club) Bylaw	Bylaw Officer; Police Constable
12	Electrical Safety Regulation Bylaw	Bylaw Officer; Electrical Inspector
13	Escort and Dating Service Bylaw	Bylaw Officer
14	Fence Bylaw	Bylaw Officer
15	Fire Prevention and Regulation Bylaw	Bylaw Officer; Fire Prevention Officer; Police Constable
16	Fireworks Bylaw	Bylaw Officer; Fire Prevention Officer; Police Constable
17	Idling Control Bylaw	Bylaw Officer; Police Constable
18	Litter Prohibition Bylaw, 1977	Bylaw Officer
19	Marijuana-Related Business Regulation Bylaw	Bylaw Officer, Police Constable
20	Noise Bylaw	Bylaw Officer; Police Constable
21	Nuisance (Business Regulation) Bylaw	Bylaw Officer
22	Outdoor Market Bylaw	Bylaw Officer
23	Parking Lot Bylaw	Bylaw Officer
24	Parks Regulation Bylaw -sections 6(j), 6(k), 12(3), 12(4) and 17	Animal Control Officer; Bylaw Officer; Police Constable
25	Parks Regulation Bylaw - all provisions except those listed in Item 23	Bylaw Officer; Police Constable
26	Pesticide Use Reduction Bylaw	Bylaw Officer
27	Plumbing Bylaw	Bylaw Officer; Plumbing Inspector
28	Property Maintenance Bylaw	Bylaw Officer; Police Constable
29	Residential Properties Parking Bylaw	Bylaw Officer; Police Constable
30	Ross Bay Cemetery Bylaw	Bylaw Officer; Police Constable
31	Sanitary Sewer and Stormwater Utilities Bylaw	Bylaw Officer

32	Second Hand Dealers Bylaw	Bylaw Officer; Police Constable
33	Sidewalk Cafes Regulation Bylaw	Bylaw Officer
34	Sign Bylaw	Bylaw Officer
35	Solid Waste Bylaw	Bylaw Officer
36	Street Collections Bylaw	Bylaw Officer; Police Constable
37	Street Vendors Bylaw	Bylaw Officer; Police Constable
38	Streets and Traffic Bylaw - sections 20 to 44 inclusive	Manager of Bylaw and Licensing Services; Police Constable
39	Streets and Traffic Bylaw - all provisions except those listed in Item 36	Bylaw Officer; Police Constable
40	Towing and Immobilizing Companies Bylaw	Bylaw Officer; Police Constable
41	Tree Preservation Bylaw	Bylaw Officer
42	Vehicles For Hire Bylaw	Bylaw Officer; Police Constable
43	Zoning Regulation Bylaw	Bylaw Officer

Schedule S.1
Marijuana-Related Business Regulation Bylaw
Offences and Fines

Column 1 –Offence	Column 2 – Section	Column 3- Set Fine	Column 4 – Fine if paid within 30 days
Operate without a valid licence	4 (1)	\$1000	\$1000
Submit false or misleading documents	4 (2)	\$1000	\$1000
Allow person under 19 on premises	6 (a)	\$500	\$500
Advertise or promote to person under 19	6 (b)	\$250	\$250
Allow onsite consumption	6 (c)	\$500	\$500
Display or advertise prohibited sign	6 (d)	\$250	\$250
Failure to install and maintain required surveillance	7 (a)	\$500	\$500
Failure to retain required data	7 (b)	\$500	\$500
Failure to install and maintain security and or fire system	7 (c)	\$500	\$500
Failure to remove or secure product after hours	7 (d)	\$250	\$250
Failure to install and maintain air filtration system	7 (e)	\$500	\$500
Failure to post notice	8 (a)	\$500	\$500
Failure to provide required staff	8 (b)	\$500	\$500
Secondary business not permitted	8 (c)	\$1000	\$1000
Cover windows contrary to regulations	8 (d)	\$250	\$250
Operate outside of permitted hours	8 (e)	\$250	\$250
Fail to report new required personnel	8 (f)	\$500	\$500



Council Report

For the Meeting of July 28, 2016

To: Council **Date:** July 14, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Growing in the City – Part 2: Proposed Bylaw Amendments to Support Small-Scale Commercial Urban Food Production

RECOMMENDATION

That Council:

1. Give first reading to Bylaw No.16-063, Official Community Plan Bylaw, 2012, Amendment Bylaw (No.15).
2. Consider the proposed Official Community Plan Bylaw Amendment to be consistent with the Municipality's financial plan and the solid waste management plan.
3. Direct staff to undertake consultation prior to the Public Hearing to consult with those affected by the proposed amendment to the Official Community Plan as required under Section 475(1) of the *Local Government Act*.
4. Consider consultation 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 amendments.
5. Give second reading to Official Community Plan Bylaw, 2012, Amendment Bylaw (No.15).
6. Refer Official Community Plan Bylaw, 2012, Amendment Bylaw (No.15), for consideration at a Public Hearing.
7. Give first and second reading to Zoning Regulation Bylaw, Amendment Bylaw (No.1072).
8. Refer Zoning Regulation Bylaw, Amendment Bylaw (No.1072), for consideration at a Public Hearing.
9. Give first and second reading to Business Licence Bylaw, Amendment Bylaw (No.31).
10. Refer Business Licence Bylaw, Amendment Bylaw (No.31) for consultation under Section 59 of the *Community Charter*.
11. Give first, second and third reading to Sign Bylaw, Amendment Bylaw (No.13).
12. Give first, second and third reading to Pesticide Use Reduction Bylaw, Amendment Bylaw (No.1).
13. Give first, second and third reading to City Streets and Traffic Bylaw, Amendment Bylaw (No.6).

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a series of proposed amendments to City regulations to better support small-scale commercial urban food production, as part of the "Growing in the City" project. These include proposed amendments to the *Zoning Regulation Bylaw*, *Business Licence Bylaw*, *Sign Bylaw*, *Streets and Traffic Bylaw*, *Official Community Plan Bylaw* and *Pesticide Use Reduction Bylaw*, to:

- define small-scale commercial urban food production
- allow small-scale commercial urban food production in all zones
- restrict loading of delivery trucks
- allow off-site retail sales
- allow on-site retail sales through farm stands
- limit odours, noise and light pollution
- exempt certain rooftop greenhouses from height calculations and floor space ratio calculations
- exempt small-scale commercial food production from requiring a development permit for landscaping
- allow permanent farmer's market signage
- allow boulevard gardening
- prohibit pesticide uses which constitute noxious or offensive business practices within the context of small-scale commercial urban food production.

These proposed amendments are in response to Council's direction that staff prepare regulations to support small-scale commercial urban food production at its meeting on February 25, 2016.

The 'Growing in the City' project is a year long initiative to update and expand policies, regulations and guidelines to support urban food production in the City of Victoria. The project will deliver six related initiatives intended to advance key directives in the City's *Official Community Plan* and 2015 – 2018 *Strategic Plan* towards a more sustainable local food system:

1. An inventory of City-owned land for community food growing.
2. A review and update of the Community Gardens Policy.
3. Voluntary guidelines for food production in multi-unit, mixed use developments and other types of housing.
4. Guidelines for food-bearing trees on City-held lands.
5. A review of City regulations and policies to explore the opportunity for, and implications of, supporting expanded small-scale commercial urban agriculture.
6. A final version of the Boulevard Gardening Guidelines.

The regulatory changes proposed in this report have been developed to address initiative five, described above.

The City of Victoria recognizes urban gardening and food production as a valuable community activity that contributes to health and well-being, positive social interaction, connection to nature, environmental education, increasing healthy and diverse ecosystems, neighbourhood building, and food security. Small-scale commercial urban food production, which involves the production of food products for sale, provides household and neighbourhood-scale economic opportunities and supports the region's food production and restaurant sectors .

PURPOSE

The purpose of this report is to bring forward amendments to the Official Community Plan Bylaw (OCP), Zoning Regulation Bylaw, Sign Bylaw, Pesticide Use Reduction Bylaw and Business Licence Bylaw for Council's consideration in order to support small-scale commercial urban food production.

BACKGROUND

The City of Victoria recognizes urban gardening and food production as a valuable community activity that contributes to health and well-being, positive social interaction, connection to nature, environmental education, increasing healthy and diverse ecosystems, neighbourhood building, and food security. Small-scale commercial urban food production, which involves the production of food products for sale, provides household and neighbourhood-scale economic opportunities and supports the region's food production and restaurant sectors.

The 'Growing in the City' initiative updates and expands policies, regulations and guidelines to support urban food production in the City of Victoria. The project will deliver six related initiatives intended to advance key directives in the City's *Official Community Plan* and *2015 – 2018 Strategic Plan* towards a more sustainable local food system:

1. An inventory of City-owned land for community food growing.
2. A review and update of the Community Gardens Policy.
3. Voluntary guidelines for food production in multi-unit, mixed use developments and other types of housing.
4. Guidelines for food-bearing trees on City-held lands.
5. A review of City regulations and policies to explore the opportunity for, and implications of, supporting expanded small-scale commercial urban agriculture.
6. A final version of the Boulevard Gardening Guidelines.

The regulatory changes proposed in this report have been developed to address initiative five, a review of City regulations and policies to explore the opportunity for, and implications of, supporting expanded small-scale commercial urban agriculture.

Official Community Plan and Food Production

Victoria's *Official Community Plan* (OCP) supports a shift towards a more sustainable urban food system, including expanded opportunities for small-scale commercial urban agriculture and other food-related economic development. Given Victoria's small land base and the City's commitment to accommodating a significant amount of the region's population growth, the use of land for food production should be balanced with the City's objectives for new housing and development. Food production will be supported on private lands where it is safe, suitable and compatible with density and other urban place guidelines in the OCP (17.10).

Specific to commercial urban agriculture, the City's OCP directs the City to:

- 17.14. Explore expanded small-scale commercial urban agriculture through a review of policy and regulations to consider the opportunities for, and implications of:
 - 17.14.1. Enabling infrastructure and human resources needed to support small-scale commercial urban agriculture as a home occupation.
 - 17.14.2. Using residential accessory buildings for commercial agricultural purposes.
 - 17.14.3. Allowing commercial urban agriculture uses, including greenhouses, in

commercial and industrial zones.

On February 25, 2016 at Council's regular meeting, Council unanimously passed the following motions:

" 'Growing in the City' – Part 1: Urban Food Production on City-Owned Lands:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council:

1. Adopt the revised Community Gardens Policy (2016);
2. Approve the land inventory of City-owned property for community food production and report back to Council with revised map on an annual basis;
3. Endorse a new Urban Food Tree Stewardship pilot program with planting undertaken as a joint initiative involving city staff and residents;
4. Adopt the revised Boulevard Gardening Guidelines, and instruct staff to prepare associated bylaw amendments.

'Growing in the City' – Part 2: Regulatory Amendments to Support Small-Scale Commercial Urban Farming:

1. Prepare a Zoning Regulation Bylaw amendment to:

- a. Add "commercial agriculture" as a defined use to include the production of fruits, vegetables, flowers, fibre, seeds, nuts, seedlings, herbs, eggs and honey;
- b. Allow the production of compost and soil amendments for retail purposes in industrial zones only;
- c. Exclude products regulated by the Controlled Drug and Substances Act from the definition of commercial urban agriculture;
- d. Permit commercial urban agriculture in all zones, provided it is not noxious or offensive to neighbours or the general public by reason of emitting unreasonable levels of odour, noise or artificial lighting;
- e. Remove the reference to urban agriculture as a home occupation;
- f. Define farm stand as a container which holds, shelves or otherwise displays products of commercial agriculture for retail purposes outdoors;
- g. Allow partially enclosed farm stands up to 1.85 m² and 3.35m in height in all zones;
- h. Permit farm stands in front yards only, set back at least 0.6m from the lot line;
- i. Permit farm stands to sell raw, unprocessed plant products, eggs and honey only;
- j. Require that farm stand products be grown on-site;
- k. Permit the sale of products of commercial agriculture in all zones, regardless of whether retail use is permitted, provided it is done at a farm stand (or in accordance with another permitted use);

- .l. Require stands to be removed if not in use for more than seven days;
 - m. Limit the hours of operation of a farm stand to between 7 am and 8 pm on a weekday or Saturday, and from 10 am - 8 pm on a Sunday or holiday;
 - n. Allow no more than one farm stand per property;
 - o. Define greenhouse as a glass or clear translucent structure used for the cultivation or protection of plants;
 - p. Exempt rooftop greenhouses from the calculation of total floor area, height or storeys;
 - q. Do not permit rooftop greenhouses in low-density residential zones or on multi-unit developments with fewer than four units;
 - r. Specify that a rooftop greenhouse must not exceed 3.35m in height and 28m² or 50% of the building's rooftop area, whichever is less.
2. Prepare a Business Licence Bylaw amendment to:
- a. Require a business licence for commercial urban agriculture for off-site retail purposes;
 - b. Require a business licence for on-site farm stand sales;
 - c. Offer the option of a three-month farm stand business licence for \$25 or a year-long licence for \$100;
 - d. Permit the loading of commercial urban food production products into a delivery truck one time per day, between 7 a.m. and 8 p.m. on a weekday or Saturday; and between 10 a.m. and 8 p.m. on Sunday or a holiday.
3. Prepare an Official Community Plan Amendment Bylaw to:
- a. Amend policy 17.10 to clarify that urban agriculture should be subservient to the density, built form, place character and use objectives in the Official Community Plan;
 - b. Exempt commercial and non-commercial urban agriculture from requiring a development permit for the alteration of land, unless the installation is being constructed in association with a building, structure or other landscape features that requires a development permit.
4. Prepare a Sign Bylaw amendment to allow permanent signage for outdoor markets on City property.
5. Prepare a Pesticide Regulation Bylaw to prohibit the use of pesticides for commercial urban food production, including on industrial, commercial and institutional properties.
6. Prepare outreach materials and design examples for food production in multi-unit, mixed-use developments and other types of housing.
7. Prepare information for applicants on siting, appearance and design considerations to encourage compatibility of commercial urban agriculture operations, including rooftop greenhouses, farm stands and operations on vacant lands, with other land uses.
8. Prepare information materials to communicate requirements and responsibilities for commercial urban agriculture and farm stands.

9. Implement a process to monitor and evaluate the effectiveness and benefits of the proposed regulatory changes and report to Council after two years on the effectiveness of the changes, and recommend any adjustments that might be warranted."

ISSUES & ANALYSIS

This report proposes a series of bylaw changes intended to support the expansion of small-scale commercial urban food production in the City of Victoria. The proposals were supported by Council at its meeting on February 25, 2016 and take a balanced approach by introducing regulatory changes that support small-scale commercial urban food production with limits to minimize negative impacts on neighbouring properties.

The goal of the proposed amendments is to support small-scale commercial urban food production to a degree which is compatible with other urban land uses, particularly in residential and commercial areas.

The February 25, 2016 Council motion directed staff to prepare a Pesticide Regulation Bylaw "*to prohibit the use of pesticides for commercial urban agriculture use, including on industrial, commercial and institutional properties*". Staff have implemented this by bringing forward bylaw amendments which prohibit those pesticide uses which constitute noxious or offensive business practices within the context of small-scale commercial urban food production. If a person wants to use a pesticide for small-scale commercial urban food production, they are limited to those which are permitted for residential uses (and by Provincial legislation) unless they obtain a permit from the City.

It should also be noted that the products regulated by the *Controlled Drug and Substances Act* e.g. Cannabis (Marihuana) are not excluded from the definition of small scale commercial urban food production. They are contained within the definition, but are not permitted to be produced as part of this use, pursuant to the new Schedule L Regulations.

In addition, staff have also updated the term used in connection with the proposal and purpose of the project to "small-scale commercial urban food production" in order to be more consistent with language and the policy intent of the OCP.

OPTIONS & IMPACTS

Recommended by staff:

- Provide first and second reading to the proposed OCP Amendment Bylaw, and refer to a Public Hearing for further consideration; and
- Provide first and second reading to Zoning Regulation Bylaw and Business Licence Amendment Bylaw, and refer to a Public Hearing for further consideration; and
- Provide first, second and third reading to the amendments to the Sign Bylaw, Pesticide Use Reduction Bylaw, and the City Streets and Traffic Bylaw and allow an opportunity for public comment.

This option would continue to support Council's previous direction from February 25, 2016, (Attachment 5) and will allow Council to receive additional feedback through a Public Hearing prior to Council's consideration and decision.

2015 – 2018 Strategic Plan:

The recommended option is consistent with Objective 8: Enhance Public Spaces, Green Spaces and Food Systems, including the following actions:

2015 Actions:

- Develop long-term policies for food security and boulevard gardening, including an inventory of City-owned land for food production and improved coordination of food systems resources and initiatives in the City.
- Allocate existing resources in Parks and other departments to implement food security initiatives.

2016 Actions:

- Introduce new partnerships with citizens and groups to increase food cultivation on public and private land.

Impacts to Financial Plan:

Implementing the regulatory amendments associated with the recommended option will be completed using staff time and are not anticipated to result in impacts to the Financial Plan.

Permitting farm stands and small-scale commercial urban food production will require staff time for processing new Business Licence Applications. This will be met by existing staff capacity. New licences will generate nominal, incremental revenue.

The proposed regulations for small-scale commercial urban food production may create additional enforcement needs. While it is difficult to estimate how many people will be interested in establishing small-scale urban food production operations and the associated enforcement costs, it is anticipated that the impact will be low. Additional resource needs will be reviewed as part of the two year review.

Official Community Plan Consistency Statement:

The proposed amendments support the OCP's objectives for a more secure and sustainable urban food system. The proposed amendments seek to balance the desire for more small-scale commercial urban food production with restrictions that will limit potential impacts on adjacent land uses. The encouragement for small-scale urban food production needs to consider the City's growth targets for new housing and development.

Local Government Act:

Section 475 (Consultation during OCP Development)

Section 475 of the *Local Government Act* requires the Municipality to provide one or more opportunities it considers appropriate for consultation with persons, organisations and authorities it considers will be affected in addition to the public hearing. Should Council choose to provide First Reading to the OCP amendment bylaw, staff recommend sending a letter to Community Associations and posting the draft bylaws on the City website prior to the Public Hearing.

Section 477 (Adoption Procedures)

Section 477 of the *Local Government Act* states that the Municipality must, following First Reading of the OCP amendment bylaw, consider the plan in conjunction with its financial plan and waste management plan. Staff have reviewed this requirement and do not have any concerns.

CONCLUSIONS

There is a strong desire by Victoria residents and urban farmers to enable and expand small-scale commercial urban food production within the city. The proposed regulatory changes in this report are anticipated to remove barriers to allow small-scale commercial urban food production operations, while imposing some restrictions to minimize the scale and potential negative impacts on neighbouring properties.

Respectfully submitted,



Brian Green
Senior Planner
Community Planning Division



Jonathan Tinney, Director
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager: _____

Date: _____



July 22, 2016

List of Attachments

- Attachment 1: Official Community Plan Bylaw, 2012, Amendment Bylaw (No.15)
- Attachment 2: Zoning Regulation Bylaw, Amendment Bylaw (No.1072)
- Attachment 3: Business Licence Bylaw, Amendment Bylaw (No.31)
- Attachment 4: Sign Bylaw, 1992, Amendment Bylaw (No. 13)
- Attachment 5: Pesticide Use Reduction Bylaw, Amendment Bylaw (No.1)
- Attachment 6: Streets and Traffic Bylaw, Amendment Bylaw (No. 6)
- Attachment 7: February 25, 2016 Committee of the Whole Report Part 1 and Part 2.



Committee of the Whole Report

For the Meeting of February 25, 2015

To: Committee of the Whole **Date:** February 11, 2016
From: Thomas Soulliere, Director, Parks, Recreation and Facilities
Subject: 'Growing in the City' – Part 1: Urban Food Production on City-owned lands

RECOMMENDATION

That Council:

1. Adopt the revised Community Gardens Policy (2016);
2. Approve the land inventory of City-owned property for community food production;
3. Endorse a new Urban Food Tree Stewardship pilot program;
4. Adopt the revised Boulevard Gardening Guidelines, and instruct staff to prepare associated bylaw amendments.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated policies and guidelines to support urban food production in the public realm, as part of the 'Growing in the City' project. This includes:

- An updated Community Gardens Policy;
- An inventory of suitable City-owned land for community food growing;
- A pilot program to facilitate an increase in the number of food-bearing trees in City parks; and,
- A final set of Boulevard Gardening Guidelines.

A separate report (Part 2) will provide Council with recommendations relating to City regulations and small-scale commercial urban farming on lands not owned by the City.

In May 2015, Council approved 'Growing in the City', a year-long initiative to update and expand policies and guidelines to support urban food production and boulevard gardening in the City of Victoria. The 'Growing in the City' project is intended to advance several key directives in the 2015 – 2018 Strategic Plan and Official Community Plan for a more sustainable local food system.

The City conducted two phases of public engagement to help guide the creation of the recommendations being presented to Council. The first, intended to gauge overall public support for increasing food production in the City, confirmed support for expanding opportunities of all varieties of food production across the City. Based on the feedback received from the first phase of engagement, staff prepared potential revisions to bylaws, guidelines, regulations and policies.

These potential revisions were presented to the public at a draft policy review workshop and open house, and an associated online survey, in December 2015. Results from this phase of engagement indicated a high level of support for all potential revisions presented to Council for consideration in this report. The two engagement reports are attached as Appendix A and Appendix B.

The Community Gardens Policy, originally approved in 2003, outlines the process for the creation and retention of community garden sites on City-owned lands. This includes guidelines for site selection, conditions of use, City resources, and use agreements. A number of revisions are recommended to Council that will improve opportunities for residents to initiate and participate in community gardens. The updated policy is attached as Appendix C.

An inventory of City-owned lands that are suitable for community gardening is attached as Appendix E. The land inventory lists 64 sites throughout the City as potential sites for future community gardening projects. Following Council approval of this inventory, the information will be added to the City's VicMap program for public access.

A new 'Urban Food Tree Stewardship' pilot program is attached as Appendix F. This new program responds to the desire of Victoria residents to increase the number of food-bearing trees planted on public land, as well as the objectives of the Official Community Plan and Urban Forest Master Plan. The 'Urban Food Tree Stewardship' pilot program will enable residents, in partnership with a community organization, to plant and maintain small groupings (5 or fewer) of food-bearing trees in a City-owned park or green space by entering into a maintenance agreement with the City of Victoria.

Finally, a revised version of the Boulevard Gardening Guidelines is attached as Appendix G. This version proposes an adjustment to address concerns identified about safety and maintenance of these gardens.

A final phase of the 'Growing in the City' project is planned for spring 2016, and will include public outreach and education about updated policies, regulations and guidelines, as well as outreach to strengthen partnerships and align program delivery goals with non-profit organizations, key landowners, and other stakeholders.

PURPOSE

The purpose of this report is to present Council with updated policies and guidelines to support urban food production in the public realm, as part of the 'Growing in the City' project. This includes:

- An updated Community Gardens Policy;
- An inventory of City-owned land suitable for community gardening;
- A pilot program for increasing the number of food-bearing trees in City parks; and,
- A final set of Boulevard Gardening Guidelines.

A separate report will provide Council with proposed updates to City regulations to better support small-scale commercial urban farming.

BACKGROUND

The City of Victoria recognizes urban gardening and food production as a valuable community activity that contributes to health and well-being, positive social interaction, connection to nature,

environmental education, creating healthy and diverse ecosystems, neighbourhood building, and food security.

The 'Growing in the City' project is a year-long initiative to update and expand policies and guidelines for urban food production and boulevard gardening in the City of Victoria. This project is intended to advance several key directives in the Official Community Plan and Strategic Plan towards the City's goals for a more sustainable local food system.

The Official Community Plan (OCP) directs the City to review and develop policy to increase the number of allotment gardens, commons gardens, edible landscapes, food-bearing trees and other types of food production activities, including the following:

- Identify the land types and potential City-held sites where different food production activities might be supported (17.4.1);
- Identify the responsibilities of participants (17.4.2);
- Identify mechanisms to encourage and support food production on City-held lands, other publicly-held lands, and on private lands (17.4.3);
- Identify mechanisms to acquire land for food production purposes, where appropriate (17.4.4); and,
- Work with community groups to develop pilot projects for the planting, maintenance and harvesting of food-bearing trees on suitable City-held lands (17.8).

The 2015 – 2018 Strategic Plan seeks to 'Enhance Public Spaces, Green Spaces and Food Systems'. The actions related to food production are:

2015 Actions

- Create a micro-grant for volunteer coordination of commons and community gardens. (Note: through the 2015 Financial Plan, Council also created a Community Garden Volunteer Grant program, which funds a coordinator for each neighbourhood.)
- Develop long-term policies for food security and boulevard gardening including an inventory of City-owned land for food production and improved coordination of food systems resources and initiatives in the city.
- Learn from Vancouver's success in creating a community garden on Davie Street private property and replicate the model on available private properties in Victoria, including downtown.
- Allocate existing resources in Parks and other departments to implement food security initiatives.
- Strengthen the relationship between the City of Victoria and School District 61 in order to maximize the benefit of School lands and facilities.

2016 Actions

- Introduce new partnerships with citizens and groups to increase food cultivation on public and private land.

In May 2015, Council approved the 'Growing in the City' project charter and the delivery of six key initiatives:

1. An inventory of City-owned land for community food growing;
2. A review and update of the Community Gardens Policy;
3. Voluntary guidelines for food production in multi-unit, mixed use developments and other types of housing;

4. Guidelines for food-bearing trees on City-held lands;
5. A review of City regulations and policies to explore the opportunity for, and implications of, supporting expanded small-scale commercial urban agriculture; and,
6. A final version of the Boulevard Gardening Guidelines.

Overview of Public Engagement

Phase 1 (June 2015 – October 2015)

From June 2015 – October 2015, the City conducted the first phase of public engagement for the 'Growing in the City' project. The objective was to gauge public support for a variety of food production opportunities in the City, and to solicit feedback on what is currently successful, what could be improved, and what program areas are currently missing or should be expanded. The engagement consisted of the following opportunities to provide input:

- An online survey with a short and long version;
- 3 pop-up engagement stations at local farmers' markets;
- A "round-table" event with representatives of the Urban Food Table (compiled of local stakeholders); and,
- A series of one-on-one meetings between City Staff and urban food system experts, including food growers, distributors, purchasers, and community gardeners.

The City received over 800 responses to the online survey, and met with more than 30 experts involved in the local food system. The results from the engagement indicated a high level of support for increasing opportunities for food production in the City.

- 98% support for increasing the number of community orchards in Victoria;
- 94% support for increasing the number of boulevard gardens in Victoria; and,
- 91% support for increasing the number of community gardens in the City.

A complete engagement summary from Phase 1 is attached as Appendix A.

Phase 2 (November 2015 – January 2016)

Based on feedback received through the first phase of engagement, staff prepared potential changes to policies, guidelines and regulations intended to make projects related to food production simpler, faster, and more effective. These included:

- Proposed revisions to the Community Gardens Policy;
- Proposed revisions to the Interim Boulevard Gardening Guidelines;
- Mechanisms for increasing the number of food-bearing trees planted around the City; and,
- Potential adjustments to City regulations in support of commercial food production.

The second phase of public engagement solicited feedback on the potential changes, through:

- A "round-table" meeting with the Urban Food Table;
- A draft policy review workshop and open house; and,
- An online survey.

Over 300 residents participated in the second phase of public engagement. Overall, responses offered a high level of support for the potential changes. Feedback from this round of consultation also informed additional minor revisions to the potential changes that are represented in the final

draft policies included in this report.

A complete engagement summary from Phase 2 is attached as Appendix B.

ISSUES & ANALYSIS

Community Gardens Policy

The current Community Gardens Policy was adopted in 2003. The role of the policy is to outline the process for the creation and retention of community garden sites on City-owned lands. This includes guidelines for site selection, conditions of use, City resources, and use agreements. Community gardens in the City of Victoria typically include one or more elements of three categories:

1. Commons Garden: A communal garden area maintained and managed by community volunteers, where any harvest produced is available to the public.
2. Allotment Garden: Individual garden plots that are rented, maintained and harvested by individual member gardeners.
3. Community Orchard: A grove of fruit or nut trees where a community organization is responsible for the care, maintenance and harvesting of trees, with food going to the community.

Based on the initial citizen feedback, potential revisions to the policy were presented to the public in the second phase of public engagement, and the following key revisions have been included in the updated Community Gardens Policy (attached as Appendix C):

1. An expanded definition of 'Community Garden'

The existing Community Gardens Policy defines a community garden as “a plot of land where community volunteers from a non-profit society produce food, flowers, native and ornamental plants, edible berries and food perennials on public or private lands.” Results from public consultation indicated that this definition was not inclusive enough of all types of gardening, including maintaining native and cultural landscapes.

The revised definition expands the types of activities that can be considered a community garden, to better reflect the wide range of activities of interest to the residents of Victoria. The revised definition states:

For the purposes of this policy, a community garden is a piece of land gardened collectively by members of the community, in partnership with a non-profit society. Community gardening includes, but is not limited to, the following types of activities:

- Growing annual and perennial food plants, medicinal plants, and flowers
- Growing indigenous, cultural and native plants
- Pollinator gardens and hobby beekeeping
- Permaculture projects
- Fruit and nut trees
- Demonstration farming
- Edible landscaping

Feedback from the public engagement indicated 94% support for this revision as it will create more inclusive opportunities for gardening.

2. Removing the ability to restrict garden membership by neighbourhood of residence.

Under the existing policy, the decision to restrict garden membership to those who live in the neighbourhood is made by the operating non-profit society. Feedback from consultation indicated that restrictions to allotment garden membership by neighbourhood of residence is challenging for residents of dense or smaller neighbourhoods such as Downtown, Harris Green or North and South Jubilee. Results from the land inventory also indicate that City-owned land with gardening potential is not equally distributed throughout neighbourhoods, making it difficult to establish new community gardens equitably across the City.

A new provision in the updated Community Gardens Policy states:

- *Membership in allotment gardens may not be restricted by neighbourhood.*

This new provision is anticipated to make access to allotment garden plots more equitable, and also make it possible for residents to gain access to garden plots in areas of the City they commonly frequent, including near their workplace. The new provision will apply to new projects, and will not impact current operating agreements for existing community gardens. However, when license agreements for existing community gardens come up for renewal, they will be required to amend their operating agreements in alignment with this new provision. City of Victoria residents will continue to be given priority membership.

Results from the public consultation indicated 79% support for this revision. Feedback in support of this change indicated that it would increase gardening opportunities near workplaces, will take pressure off wait-lists, and create more equitable access. Feedback not in support of this change included concerns that gardening outside of the neighbourhood of residence could increase car travel to garden plots and erode sense of community.

3. Increased staff support for new community garden projects

Feedback from meetings conducted with stakeholders recommended increased staff support for new garden projects, especially in locating land and conducting public consultation. As per the 2015 – 2018 Strategic Plan, a new Food Systems Coordinator position has been added to the staff team. With the addition of this new position, additional support will be available for garden projects:

- Assistance in helping groups find suitable land for new projects, including providing information on City-owned lands that may be suitable for gardening projects, and assisting with connections between community groups, land owners, and other potential partners;
- Working with successful applicants to complete project proposals; and,
- Helping to conduct public consultation for new garden sites on City-owned land.

4. A simpler, more streamlined application system for new projects

Feedback from meetings conducted with current community gardeners and other stakeholders indicated that the process for starting new community gardens can be confusing and slow. A more streamlined application process will introduce a new 'Expression of Interest' route, requiring only critical information from project coordinators to begin the process of building a new garden. The new approach will have a single annual intake period, and is anticipated to:

- Simplify the process of getting a new community garden project started;
- Help the City set priority projects each year;
- Expedite the process of having garden projects approved, by having a single reporting period to Council for the necessary land agreements; and,

- Better align new garden projects with the City's annual grant application deadlines.

A date for the Expression of Interest will be set at June 1, 2016 for the first year, to allow garden development for the following growing season. This date will be reassessed once the review of the City's grant program has been completed.

Community Gardens on Private Lands: BC Assessment Reclassification

As directed in the 2015 – 2018 Strategic Plan, staff conducted a review of the mechanisms used to encourage community gardens on private lands, including the community garden at Davie Street and Burrard Avenue in Vancouver.

The most effective tool for encouraging community gardens on private lands appears to be through property owners taking advantage of land reclassifications through BC Assessment. In the City of Vancouver, the reclassification of new community gardens from commercial to recreational tax class has encouraged the growth of community gardens on vacant and private lands, including the community garden at Davie Street and Burrard Avenue. Some vacant properties in the City of Victoria are classified as commercial, utility or industrial but others are residential. Should a residential property be reclassified by BC Assessment as recreational, the taxes would increase since the recreational tax rate is higher than the residential. However, commercial, utility or industrial properties would benefit from a reclassification to recreational. Similar to permissive tax exemptions, while an individual property owner may benefit from a reclassification, there is no impact on the overall revenue the City collects from property taxes since the taxes would simply be shifted to other properties within the same tax class.

The City has no direct involvement in this process and no change to existing City of Victoria policy or procedures would be required.

The City of Vancouver is not involved in the development or maintenance of temporary garden spaces on private property. A non-profit organization has formed to work with the community and property owners to build, manage and remove temporary gardens on vacant private lands. Funds to design, build, and remove the gardens are typically paid for by the property owner, using a portion of the tax savings. Issues around tax classification are dealt with between the property owner and BC Assessment.

Further details on this topic are included in Appendix D.

Inventory of City-owned Land for Community Gardening

An inventory of City-owned lands technically suitable for community gardening is attached as Appendix E. The inventory considered all properties owned by the City, including both pervious and impervious surfaces. Drawing on best practices from inventories in other North American cities, sites were assessed based on the following features:

- Existing land issues: Sites leased to others, including those occupied by School District 61 were removed from the inventory. Designated heritage sites, sites with existing land trusts and sites used for other community programming, were included in the inventory, but ranked as unsuitable.
- Physical features: Sites with steep slopes, rocky and uneven surfaces, and designated natural areas/sensitive ecosystems were removed from the inventory.
- Growing conditions: Sites presenting highly unfavourable growing conditions, such as high

exposure to salt spray and wind, were removed from the inventory.

The land inventory located 60 potential sites across the City. These sites have been grouped into four suitability rankings (Ranking #1 being the most suitable):

Ranking #1: Sites with a large amount of open space (more than 1,000 sq.m.)

Ranking #2: Sites with a moderate amount of open space (between 100 sq.m. and 1,000 sq.m.)

Ranking #3: Sites with a small amount of open space (less than 100 sq.m.)

Ranking #4: Sites with a large amount of open space (more than 1,000 sq.m.), but currently used by other community programming (e.g. off-leash areas, sports fields, ball diamonds) or with land trust or heritage designations.

The land inventory is intended to provide guidance in assessing the feasibility of sites for gardening activities; community projects on these sites will still be subject to public consultation. The inventory is not intended to be exclusive, and sites not included in the inventory are not automatically excluded from hosting community gardening activities.

Pending Council approval of this inventory, staff will provide this information to the public through the City's 'VicMap' mapping program.

Urban Food Tree Stewardship Pilot Program

Results of public consultation from Phase 1 demonstrated that residents of Victoria support increasing the number of fruit and nut trees planted in the City (93% of survey respondents). Food-bearing trees are seen as an important asset to the City, contributing to community building, food security, enhancement of the urban forest, and provide a source of affordable food production.

Along with the benefits above, food-bearing trees also present certain potential challenges when grown in public spaces. These include:

- Intensive maintenance requirements (annual pruning, regular watering during establishment, collection of harvest during fruit-bearing months, etc.);
- High susceptibility to pests and rodent issues, particularly in relation to fallen fruit;
- Management of collection, ownership and distribution of harvest;
- Allergy concerns (i.e. nut allergies);
- Property or vehicle damage from falling fruit and nuts;
- Trip or slip hazards if fruit falls on pedestrian pathways; and,
- Safe harvesting conditions.

A new 'Urban Food Tree Stewardship' pilot program (attached as Appendix F) has been developed as a tool to expand the number of fruit and nut trees planted around the City, while recognizing and mitigating the associated challenges. This program will enable residents to plant and maintain a small number (five or fewer) of fruit and/or nut trees in a park or open space in their neighbourhood through a simple partnership agreement between a community organization and the Department of Parks, Recreation and Facilities. Plantings of more than five trees and projects with understory plantings will continue to be considered a type of community garden, and will be subject to the terms of the Community Gardens Policy.

This pilot program is aligned with the Urban Forest Master Plan and is intended to increase the number of food-bearing trees in City parks, while partnering with community organizations to provide those trees with the necessary level of care and maintenance. This program also responds to direction from the Official Community Plan to: *Work with community groups to develop pilot*

projects for the planting, maintenance and harvesting of food-bearing trees on suitable City-held lands (17.8).

Groups interested in participating in this program would be responsible for the trees for the duration of the life of the tree, including:

- Selecting and purchasing the trees, in consultation with City Parks staff;
- Planting the trees;
- Committing to daily maintenance of the site during fruit bearing months, to ensure all fallen fruit is gathered off the site daily;
- Committing to weekly visits to the site during non-fruit bearing months; and,
- Watering, pruning, weeding, mulching and maintaining the trees, at no cost to the City, including locating a water source.

Community organization and the 'Food Tree Stewards' will be asked to submit a tree location plan for review and approval by staff and canvas immediate neighbours to demonstrate support for the project. Depending on the location and anticipated impact of the project, staff may also choose to conduct additional public consultation, including erecting signage on the site to solicit feedback from park users.

Staff recommend that this program be introduced as a five-year pilot program. This will allow the program to be evaluated annually and at the end of the term. This evaluation will assess the program demand, effectiveness in meeting objectives, and potential improvements to practices and policies.

Boulevard Gardening Guidelines

An updated version of the Boulevard Gardening Guidelines is attached as Appendix G. Results of public consultation indicated that the Interim Boulevard Gardening Guidelines, introduced in September 2014, have been largely effective. Many residents suggested that boulevard gardens provide benefits to their neighbourhood, including adding character, encouraging positive social interactions, providing more space to garden, and making sidewalks more interesting.

The City has received few complaints about boulevard gardens since the introduction of the Interim Guidelines. The primary concern received through public consultation was the need to introduce a mechanism to deal with abandoned or unsafe gardens. In response, a 'Garden Upkeep and Removal' section has been added to the revised version of the guidelines:

6.2 Garden Maintenance and Upkeep: It is the homeowner's responsibility to keep their boulevard garden well-maintained and operating within the guidelines established by this document. The City of Victoria does not monitor the state of gardens on boulevards, and will respond to issues on a complaint-basis. If you feel that a boulevard garden in your neighbourhood poses a safety risk or has been abandoned, you may first wish to speak with the adjacent homeowner. Complaints about boulevard gardens can be directed to parks@victoria.ca. Homeowners will be notified when a complaint is received about their boulevard garden.

If multiple (3 or more) complaints are received by the City in a single calendar year, the homeowner will receive a thirty (30) day written notice to respond and remedy the situation. If the situation persists beyond the 30 day window, the City reserves the right to remove the boulevard garden, at the cost of the homeowner.

Complaints received under this new clause will be filed with the Parks Division, and assessed by staff. Complaints will be considered valid for abandoned gardens or safety concerns, and not for disagreements about garden aesthetics.

Following adoption of the updated Boulevard Gardening Guidelines, staff will prepare the associated revisions to the City's Streets and Traffic Bylaw and any other required bylaw revisions, for reading at a future Council meeting.

Next Steps

Following the adoption of revised policies and guidelines, a third and final phase of the 'Growing in the City' project will focus on public outreach and engagement. Based on themes emerging from public engagement and direction from the Strategic Plan, the final phase of this project will include:

- Developing educational materials to support new policies and guidelines:
 - Voluntary guidelines for food production in multi-family, mixed-use and other types of housing;
 - A list of recommended food tree species, and tree planting and maintenance guidelines, in support of the Urban Food Tree Stewardship Pilot Program;
 - Development of a food program identity, including online forms, educational materials, signage and additional resources.
- Strengthening partnerships and aligning program goals amongst stakeholders:
 - Meeting with large landowners, including School District 61, Vancouver Island Health Authority, Greater Victoria Harbour Authority, faith-based organizations, and the Province of British Columbia to share information and encourage urban agriculture initiatives in the city;
 - Meeting with non-profit organizations and community groups with urban food agendas, to support networking, capacity-building, partnership development, and program delivery goals.

OPTIONS & IMPACTS

Staff recommend that Council:

1. Adopt the revised Community Gardens Policy (2016);
2. Approve the land inventory of City-owned property for community food production;
3. Endorse a new Urban Food Tree Stewardship pilot program;
4. Adopt the revised Boulevard Gardening Guidelines, and instruct staff to prepare associated bylaw amendments.

2015 – 2018 Strategic Plan

The recommended option is consistent with Objective 8: Enhance Public Spaces, Green Spaces and Food Systems.

Impacts to Financial Plan

Implementing the policies, guidelines and bylaw revisions outlined above are not anticipated to result in resource implications not already captured within the proposed 2016 – 2020 Financial Plan.

The 2016 – 2020 Financial Plan anticipates grant funding for 6 neighbourhoods through the Community Garden Volunteer Coordinator Grant program. The allocation of funds in 2015 was \$6,000 per neighbourhood. The construction of new community gardens in additional neighbourhoods may require increased grant funding in future years.

Official Community Plan Consistency Statement

The recommended option is consistent the Chapter 7: Food Systems of the Official Community Plan, which directs the City to review and develop policy to increase the number of allotment gardens, commons gardens, edible landscapes, food-bearing trees and other types of food production activities.

CONCLUSIONS

The 'Growing in the City' project has affirmed the strong desire of residents to increase opportunities related to food production and food security. The recommendations included in this report, relating to City-owned land, are designed to respond to this desire, by expediting approval timelines, offering greater information-sharing and project support, and broadening the types of projects considered for approval.

Respectfully submitted,


Alla Johnson
Senior Parks Planner
Parks, Recreation & Facilities


Thomas Soulliere
Director
Parks, Recreation & Facilities


Leigh Campbell
Manager, Parks Planning & Design
Parks, Recreation & Facilities


Katie Hamilton
Director
Citizen Engagement & Strategic Planning

Report accepted and recommended by the City Manager:

Date:


Feb. 18, 2016

List of Attachments

Appendix A: Engagement Summary Report (Phase 1)
Appendix B: Engagement Summary Report (Phase 2)
Appendix C: Community Gardens Policy (2016)
Appendix D: BC Assessment Reclassification
Appendix E: Inventory of City-owned land for community gardening
Appendix F: Urban Food Tree Stewardship Pilot Program
Appendix G: Boulevard Gardening Guidelines



Committee of the Whole Report For the Meeting of February 25, 2016

To: Committee of the Whole **Date:** February 12, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: "Growing in the City" – Part 2: Regulatory Amendments to Support Small-Scale Commercial Urban Farming

RECOMMENDATION

That Council direct staff to:

1. Prepare a *Zoning Regulation Bylaw* amendment to:
 - a. Add "commercial agriculture" as a defined use to include the production of fruits, vegetables, flowers, fibre, seeds, nuts, seedlings, herbs, eggs and honey;
 - b. Allow the production of compost and soil amendments for retail purposes in industrial zones only;
 - c. Exclude products regulated by the *Controlled Drug and Substances Act* from the definition of commercial urban agriculture;
 - d. Permit commercial urban agriculture in all zones, provided it is not noxious or offensive to neighbours or the general public by reason of emitting unreasonable levels of odour, noise or artificial lighting;
 - e. Remove the reference to urban agriculture as a home occupation;
 - f. Defining farm stand as a container which holds, shelves or otherwise displays products of commercial agriculture for retail purposes outdoors
 - g. Allow partially enclosed farm stands up to 1.85 m² and 3.35 m in height in all zones;
 - h. Permit farm stands in front yards only, set back at least 0.6 m from the lot line;
 - i. Permit farm stands to sell raw, unprocessed plant products, eggs and honey only
 - j. Require that farm stand products be grown on-site;
 - k. Permit the sale of products of commercial agriculture in all zones, regardless of whether retail use is permitted, provided it is done at a farm stand (or in accordance with another permitted use)
 - l. Require stands to be removed if not in use for more than seven days;
 - m. Limit the hours of operation of a farm stand to between 7 am and 8 pm on a weekday or Saturday, and from 10 am – 8 pm on a Sunday or holiday;
 - n. Allow no more than one farm stand per property;
 - o. Define greenhouse as a glass or clear translucent structure used for the cultivation or protection of plants;
 - p. Exempt rooftop greenhouses from the calculation of total floor area, height or storeys;
 - q. Do not permit rooftop greenhouses in low-density residential zones or on multi-unit developments with fewer than four units;

- r. Specify that a rooftop greenhouse must not exceed 3.35 m in height and 28 m² or 50% of the building's roof top area, whichever is less.
2. Prepare a *Business Licence Bylaw* amendment to:
 - a. Require a business licence for commercial urban agriculture for off-site retail purposes;
 - b. Require a business licence for on-site farm stand sales
 - c. Offer the option of a three-month farm stand business licence for \$25.00 or a year-long licence for \$100.00;
 - d. Permit the loading of commercial urban agriculture products into a delivery truck one time per day, between 7 am and 8 pm on a weekday or Saturday; and between 10 am and 8 pm on Sunday or a holiday.
3. Prepare an *Official Community Plan* Amendment Bylaw to:
 - a. Amend policy 17.10 to clarify that urban agriculture should be subservient to the density, built form, place character and use objectives in the *Official Community Plan*.
 - b. Exempt commercial and non-commercial urban agriculture from requiring a development permit for the alteration of land, unless the installation is being constructed in association with a building, structure or other landscape features that requires a development permit.
4. Prepare a *Sign Bylaw* amendment to allow permanent signage for outdoor markets on City property.
5. Prepare a *Pesticide Regulation Bylaw* to restrict the use of pesticides for commercial urban agriculture use, including on industrial, commercial and institutional properties.
6. Prepare outreach materials and design examples for food production in multi-unit, mixed-use developments and other types of housing.
7. Prepare information for applicants on siting, appearance and design considerations to encourage compatibility of commercial urban agriculture operations, including rooftop greenhouses, farm stands and operations on vacant lands, with other land uses.
8. Prepare information materials to communicate requirements and responsibilities for commercial urban agriculture and farm stands.
9. Implement a process to monitor and evaluate the effectiveness and benefits of the proposed regulatory changes and report to Council after two years on the effectiveness of the changes, and recommend any adjustments that might be warranted.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a series of proposed amendments to City regulations to better support small-scale commercial urban agriculture, as part of the "Growing in the City" project. These include proposed amendments to the *Zoning Regulation Bylaw*, *Business Licence Bylaw*, *Sign Bylaw*, *Pesticide Regulation Bylaw* and *Official Community Plan*, to:

1. Define commercial agriculture
2. Allow commercial agriculture in all zones
3. Restrict loadings of delivery trucks
4. Allow off-site retail sales
5. Allow on-site retail sales through farm stands

6. Limit odours, noise and light pollution
7. Exempt rooftop greenhouses from height calculations and floor space ratio calculations
8. Exempt urban agriculture from requiring a development permit for landscaping
9. Restrict the use of pesticides in commercial urban agriculture
10. Allow permaculture market signage

Commercial urban agriculture, which produces agricultural products for sale, is an emerging, expanding use that involves many different activities - growing, retailing, processing, packaging, warehousing, storage, wholesaling – but does not fit neatly into zoning and other City regulations. As a result, there has been uncertainty about where commercial urban agriculture is an appropriate use and how it should be regulated. The proposed changes take a balanced approach by introducing regulatory changes that support expanded small-scale commercial urban agriculture, with limits to minimize negative impacts on neighbouring properties, particularly in residential and commercial areas.

The proposed changes were identified and reviewed through two rounds of public engagement as part of the Growing in the City project, involving more than 1,300 interactions. Engagement techniques included one-on-one interviews with urban farmers, two on-line surveys and a workshop to review draft policies. Engagement results suggest strong support for expanding commercial urban agriculture activities in most areas of the city. Key regulatory barriers include a lack of clarity regarding where commercial urban agriculture is permitted, restrictive zoning and limits on retail sales. Despite the strong overall support for commercial urban agriculture, considerations for noise, odour, lighting, parking and the compatibility of agriculture with other land uses need to be managed as part of any regulatory changes.

Following Council's consideration of the proposed approach, staff will prepare the associated revisions for consideration by Council at a future meeting. Should Council approve the associated zoning amendments, it is recommended that staff report back to Council after two years to evaluate the effectiveness and benefits of the proposed regulatory changes.

PURPOSE

The purpose of this report is to present Council with a series of proposed amendments to City regulations to better support small-scale commercial urban agriculture, as part of the "Growing in the City" project.

A separate report will provide Council with proposed updates to policies and guidelines to support urban food production in the public realm, including an updated Community Garden Policy, a land inventory of City-owned suitable land for community food growing, a pilot program to facilitate the increase in the number of food-bearing trees in City parks and a final set of Boulevard Gardening Guidelines.

BACKGROUND

The City of Victoria recognizes urban gardening and food production as a valuable community activity that contributes to health and well-being, positive social interaction, connection to nature, environmental education, increasing healthy and diverse ecosystems, neighbourhood building, and food security. Small-scale commercial urban agriculture, which involves the production of agricultural products for sale, provides household and neighbourhood-scale economic opportunities and supports the region's food production and restaurant sectors.

The 'Growing in the City' project is a year-long initiative to update and expand policies, regulations and guidelines to support urban food production in the City of Victoria. The project will deliver six related initiatives intended to advance key directives in the City's *Official Community Plan* and *2015 – 2018 Strategic Plan* towards a more sustainable local food system:

1. An inventory of City-owned land for community food growing.
2. A review and update of the Community Gardens Policy.
3. Voluntary guidelines for food production in multi-unit, mixed use developments and other types of housing.
4. Guidelines for food-bearing trees on City-held lands.
5. A review of City regulations and policies to explore the opportunity for, and implications of, supporting expanded small-scale commercial urban agriculture.
6. A final version of the Boulevard Gardening Guidelines.

The regulatory changes proposed in this report have been developed to address initiative five, described above.

Official Community Plan and Food Production

Victoria's *Official Community Plan* (OCP) supports a shift towards a more sustainable urban food system, including expanded opportunities for small-scale commercial urban agriculture and other food-related economic development. Given Victoria's small land base and the City's commitment to accommodating a significant amount of the region's population growth, the use of land for food production should be balanced with the City's objectives for new housing and development. Food production will be supported on private lands where it is safe, suitable and compatible with density and other urban place guidelines in the OCP (17.10).

Specific to commercial urban agriculture, the City's OCP directs the City to:

- 17.14. Explore expanded small-scale commercial urban agriculture through a review of policy and regulations to consider the opportunities for, and implications of:
 - 17.14.1. Enabling infrastructure and human resources needed to support small-scale commercial urban agriculture as a home occupation.
 - 17.14.2. Using residential accessory buildings for commercial agricultural purposes.
 - 17.14.3. Allowing commercial urban agriculture uses, including greenhouses, in commercial and industrial zones.

Existing Regulations for Commercial Urban Agriculture

Commercial urban agriculture is an emerging use that involves many different activities including growing, retailing, processing, warehousing, storage, wholesaling and, as such, does not fit neatly into the City's *Zoning Regulation Bylaw*. As a result, there has been uncertainty about where commercial urban agriculture should be permitted and how it should be regulated.

In 2008, the City introduced Urban Agriculture as a home occupation under the City's *Zoning Regulation Bylaw*. It allows up to two people living on site to engage in the production of fruit and vegetables for retail purposes on a portion of the parcel. As with other home occupations, no retail sales are allowed from the site. Staff have not been able to confirm the number of urban agriculture business licences obtained since 2008, but it is estimated to be less than five.

Commercial urban agriculture is not currently identified as a use elsewhere in the *Zoning Regulation Bylaw*. Operators wishing to establish a commercial urban agriculture operation away from their place of residence are directed to industrial areas, where activities analogous to food production such as manufacturing and warehousing are permitted. Most urban farmers would prefer not to be limited to industrial areas due to the limited availability of arable land, the risk of soil contamination, as well as limitations on retail sales.

Overview of Public Engagement

Phase 1 (June 2015 - October 2015)

From June 2015 – October 2015, the City conducted the first phase of public engagement for the 'Growing in the City' initiative to identify barriers and opportunities related to urban food production. The engagement consisted of the following opportunities to provide input:

- One-on-one interviews with urban farmers operating in Victoria
- An online survey with a short and long version
- 3 pop-up engagement stations at local farmers' markets
- A "round-table" event with representatives of the Urban Food Table (comprised of local stakeholders)
- A series of meetings between City staff and urban food system professionals, distributors and purchasers.

The City received over 800 responses to the online survey, and met with more than 30 experts involved in the local food system. The results from the engagement indicated a high level of support for increasing small-scale commercial urban agriculture activities, including:

- 87% support for small-scale urban agriculture activities in their neighbourhood
- Support for urban farms in residential areas (79%), in commercial areas (77%) and institutional/provincial public lands (70%)
- 71% support for food producers to sell produce on-site (e.g. farm stands) with no restrictions and also off-site at farmers markets or grocery stores
- The top concerns with commercial urban agriculture were noise, hours of operation, parking and pesticide use.

A complete engagement summary from Phase 1 is attached as Appendix A.

Concerns Related to Commercial Urban Agriculture

Despite strong overall support expressed for commercial urban agriculture, participants identified a number of concerns related to impacts on neighbouring properties. These concerns are described in Appendix B, and include:

- Noise from machinery and deliveries
- Odour from compost, soil amendments and chickens
- Artificial lighting from greenhouses
- Parking for customers and employees
- Hours of sale
- Aesthetics and maintenance

- Compatibility of agricultural uses in residential areas
- Increased pesticide and synthetic fertilizers use.

Interviews with Urban Farmers

Staff interviewed seven commercial urban farmers to better understand the characteristics and needs of commercial urban agriculture in Victoria. Urban farmers identified the following regulatory barriers, summarized in Appendix C:

- Lack of clarity about zones where commercial urban agriculture is permitted
- Restrictive requirements for urban agriculture as a home occupation
- Restrictions on commercial use of accessory buildings
- Need for development permits for landscaping, greenhouses and other structures
- Need for building permit for greenhouses or other accessory buildings
- Restrictions on commercial sales of animals and animal products
- Non-regulatory barriers including insecurity of tenure, lack of economic viability of urban farming, desire for preferential water pricing for urban farms, and need for more skills training and access to capital for new farmers.

Phase 2 (November 2015 - January 2016)

The second phase of public engagement solicited feedback on the draft regulation changes through a roundtable meeting with food stakeholders, an open house, a policy review workshop, and an online survey. Approximately 80 participants attended the open house, with 60 participating in the workshop sessions. An additional 263 survey responses were received. Overall, responses indicated a high level of support for the potential changes recommended in this report:

- 89% support for introducing commercial urban agriculture as a use
- 86% support for allowing commercial urban agriculture in all zones
- 87% support for allowing farm stands in all zones
- 80% support for exempting commercial urban agriculture from requiring a development permit for landscaping (alteration of land)

Some revisions have been made based on Phase 2 input and staff review, including two additional proposed amendments:

- Allow signage for farmers markets outside market hours of operation
- Restrict pesticide and synthetic fertilizer use for commercial urban agriculture.

A complete engagement summary from Phase 2 is attached as Appendix D.

ISSUES & ANALYSIS

Drawing on the results of public engagement, this report proposes a series of changes intended to support the expansion of small-scale commercial urban agriculture in the City of Victoria. The proposed changes take a balanced approach by introducing regulatory changes that support commercial urban agriculture, with limits to minimize negative impacts on neighbouring properties.

Backyard gardening is already practiced extensively in Victoria with few conflicts with adjacent properties. Commercial urban agriculture is anticipated to be similarly low-impact and small in size.

However, any expansion of commercial urban agriculture needs to carefully consider impacts on neighbours and surrounding land uses that may come with an increase in intensity of activities for commercial purposes. While some cities have limited the scale of commercial urban agriculture by restricting the size of operations, this approach is better-suited to cities where commercial urban agriculture is most likely to locate on large tracts of vacant land. As a built-out City, commercial urban agriculture operations in Victoria are more likely to use only a portion of a property and already be quite small in size.

The goal of the proposed amendments is to support commercial urban agriculture of a scale that is compatible with other urban land uses, particularly in residential and commercial areas. Staff propose that the scale of operations be limited through restrictions on commercial pick-ups, retail sales, hours of operation, noise, odour and artificial lighting. Large scale operations such as large commercial greenhouses play a vital role in a food secure community and will be encouraged to locate in industrial areas, subject to applicable zoning regulations, where there is a higher tolerance for industrial-scale impacts such as lighting, odour and noise.

Despite the proposed restrictions, there is still a risk that a larger-scale operation, such as a large greenhouse or an operation that cultivates an entire lot, may locate anywhere in the city, including residential areas.

Public Feedback on Proposed Amendments

Overall, engagement results indicated a high level of support for increasing opportunities for commercial urban agriculture in the City in both Phase 1 and Phase 2. Public feedback informed each of the proposed amendments, and is summarized by amendment in Appendix E.

1. Define Commercial Urban Agriculture in the Zoning Regulation Bylaw

Both the public and City staff indicated a desire to recognize commercial urban agriculture as a use in the *Zoning Regulation Bylaw*. A new definition would include the range of activities involved in commercial urban agriculture such as harvesting, packaging, storing, selling and delivery of products; the composting of waste and preparation of soil amendments; and the delivery of educational programs.

The proposed definition would allow the commercial production of a range of products with low food safety risk including the cultivation of fruits, vegetables, flowers, fibres, nuts, seeds, seedlings, herbs, eggs and honey. Island Health sets the health standards and guidelines for food safety, production and sales. While there is interest in expanding the list to include other animals and animal products, it is recommended that this expansion be considered as part of a two-year review in January 2018 due to additional health and food safety considerations.

Staff recommend that products regulated by the *Controlled Drugs and Substances Act*, such as medical marijuana, not be permitted as commercial urban agriculture products.

Due to the cost and availability of land, many urban farmers in Victoria and other cities cultivate multiple sites. The proposed definition would not require the cleaning, packaging or storing of products to occur on the same site where they are cultivated or raised. Small-scale food processing would be permitted as a home occupation or through another use that has a food processing component, subject to zoning requirements. Island Health regulates the food safety and health aspects of small-scale food processing.

2. Allow commercial urban agriculture in all zones

Under the City's current *Zoning Regulation Bylaw*, small-scale commercial urban farming is limited to industrial zones and to residential zones where the farmer lives on-site. Results from the Phase 1 survey indicated strong public support for allowing commercial urban agriculture in all land use zones, with the exception of land used for parks.

The proposal is to allow commercial urban agriculture in all zones. This would expand the range of potential sites for new urban farms, to include commercial areas, vacant residential lots, rooftops, institutional properties and other underused sites. Allowing commercial urban agriculture in all zones would recognize the wide variety of uses, activities and geographic contexts that characterize commercial urban agriculture in Victoria.

This bylaw change does not affect use in City parks. Food production activities in City parks are regulated by the *Parks Regulation Bylaw*, which does not permit the activities captured in commercial agriculture without consent of Council or the Director Parks, Recreation and Facilities, depending on the situation.

There is some concern that allowing commercial urban agriculture in all zones may impede future development, particularly for new commercial mixed-use and residential properties in the downtown core where 50% of the City's growth is envisioned in the future. There is a risk that commercial urban agriculture could stifle future development if it turns out to be more lucrative than redevelopment in the core area. In many cities, commercial urban agriculture is most often an interim use for properties awaiting eventual redevelopment. Over the long-term, Victoria's economy will likely find higher value from redevelopment than from urban agriculture. The City is not proposing any financial incentives that would make long-term commercial urban agriculture competitive with redevelopment (see page 12).

There is also a risk that permitted commercial urban agriculture uses could be displaced by a new, adjacent development in the future. For example, an established farmer may object to a taller building due to the fear of losing their sunlight. As with other businesses, the onus will be on the farmer to understand the existing zoning entitlements on adjacent properties.

In the case of a rezoning, commercial urban agriculture is not intended to impede the achievement of future density and growth objectives, which would remain a higher priority. It is proposed that OCP policy 17.10 be amended to clarify that urban agriculture shall be subservient to other OCP objectives for form, place character, use and density provided in OCP policy 6.2 and Figure 8.

3. Restrict truck loadings for off-site sales

To minimize parking and traffic impacts in residential neighbourhoods, regulatory changes are proposed to restrict the frequency and hours of commercial loadings. The proposal is to allow only one delivery truck loading of commercial urban agriculture products per day, between the hours of 7 am and 8 pm on a weekday or Saturday, and from 10 am to 8 pm on a Sunday or holiday.

Following discussion with farmers and non-farmers at the draft policy review workshop, it is recommended that the restriction apply to delivery trucks over 907kg (a one ton truck) only, and not to lower-impact modes such as personal vehicles, bicycles or foot. Loading of delivery trucks would not be restricted where otherwise permitted by zoning.

4. Allow off-site retail sales

Urban farmers indicated that direct sales to restaurants, farmers markets and subscription box programs provide a stable market and make up the majority of their business. Off-site retail sales of commercial urban agriculture products are currently only allowed as a home occupation, which requires producers to live on site.

The proposal is to permit the off-site retail sale of commercial urban agriculture products. An annual Business Licence would be required for off-site retail sales of commercial urban agriculture products, which will include a referral to Island Health for any high-risk food products.

Off-site retail sales would not be restricted where otherwise permitted by zoning.

5. Allow on-site retail sales at farm stands

Farm stands can provide easy access to healthy, fresh food, as well as provide household economic opportunities. On-site sales of agricultural products are not currently allowed through existing City regulations. It is proposed that on-site sales at small farm stands be allowed with the following conditions to limit impacts on surrounding neighbours and businesses:

- Farm stand is limited to 6 m² (20 feet²) in area and 3.35 m feet in height
- Allowed in front yard only, set back at least 0.6 m (2 feet) from the lot line, to address privacy and security concerns
- Stand may be covered, and partially enclosed
- Products must be grown on-site
- Sale of raw products only, such as fresh fruits and vegetables, eggs and honey. No crafts, baked or canned goods.
- Stand must be stored out of front yard when not in use for more than 7 days
- Hours limited from 7 am and 8 pm on a weekday or Saturday, and from 10 am – 8 pm on a Sunday or holiday
- One small sign allowed (12 in * 24 in), which is in accordance with the *Sign Bylaw*
- Maximum one farm stand per property.

The proposed changes seek to make farm stands suitable for both seasonal hobby growers who wish to sell surplus harvest, as well as year-round commercial urban farmers selling a portion of their products. The small size of the stands, and the requirement that products for sale must be grown on-site, aim to limit competition with surrounding shops and farmers markets. Staff acknowledge that the proposed size and origin restrictions may not meet the needs of year-round urban farmers. However, urban farmers can still continue to sell to other off-site retail locations where larger-volume sales are more appropriate.

As part of the business licence application, staff will distribute tips and other information on farm stand siting, appearance and design to encourage high-quality design and aesthetics of farm stands.

Farm stands would require a business licence for on-site retail sales of commercial agriculture products, distinct from the one required for off-site retail sales. Given the seasonal nature, it is proposed that the City pilot a new cost structure where applicants would have the option of obtaining a year-round farm stand licence for \$100 or a three-month licence for \$25.

Health Regulations

In consultation with Island Health, it is proposed that products for sale at farm stands be restricted to raw, unprocessed fruit and vegetable products, eggs and honey. Island Health sets the health standards and guidelines for food safety, production and sales. Island Health staff have reviewed the proposed changes and recommend that sales be limited to foods with a low food safety risk. This would exclude processed products such as jams, jellies, canned goods and baked goods.

6. Limit odours, noise and light pollution

Public feedback indicated that noise, odour and light pollution from commercial urban agriculture could have negative impacts on neighbours and surrounding properties, particularly in residential areas. It is proposed that the *Zoning Regulation Bylaw* be amended to restrict commercial urban agriculture from creating unreasonable noxious or offensive odours, noise and light pollution. This amendment would be in addition to the *Nuisance (Business Regulation) Bylaw*, which would prohibit businesses from being a nuisance to neighbours or violating noise regulations. Commercial urban agriculture operations would also be required to comply with the *Property Maintenance Bylaw* in order to minimize visual impacts on neighbours and the public realm.

The proposed amendments to the *Zoning Regulation Bylaw* may pose a challenge for management and enforcement, particularly for odours, given the range of tolerance for what is “unreasonable”. Staff will encourage urban farmers to use proper management techniques through public education, and track complaints, calls for service and inquiries as part of the two-year review.

7. Exempt rooftop greenhouses from height calculations and floor space ratio calculations

Small-scale rooftop greenhouses on industrial, commercial, institutional and higher-density residential buildings present an emerging opportunity to enable high-yield, year-round local food production. In addition to structural limitations of some buildings, zoning regulations for building height and floor area have constrained opportunities for these facilities in Victoria and other North American cities. To encourage the development of greenhouse food production, the proposal is for rooftop greenhouses under a certain size to be exempted from zoning height calculations and floor space ratio calculations. This would apply to smaller commercial and non-commercial greenhouses.

Some members of the public expressed concern regarding the visual impact and potential for blocked views on adjacent properties. The recommended height exemption of rooftop greenhouses has been reduced to 3.35 m in height (12 feet) from 15 feet based on feedback from the public and staff. It is proposed that rooftop greenhouses be made of a translucent material and be limited to 28 m² (300 square feet) in area, or 50% of the roof area, whichever is less, to reduce further visual impacts on neighbours. Rooftop greenhouses would not be permitted in low-density residential zones, where views are of a particular concern.

All rooftop greenhouses would need to meet City requirements for building permits (including engineering studies), development permits, and heritage alteration permits, where applicable. Owners would be responsible for obtaining appropriate insurance.

The proposed limits aim to minimize visual impacts on neighbours and the public realm by keeping the greenhouses to a small size, particularly in commercial and mixed use areas. Larger rooftop greenhouses play an important role in urban food production but are more suitable for industrial

areas. Larger greenhouses in industrial areas would be subject to zoning regulations for height and floor area, although many industrial sites likely have excess capacity.

8. Exempt urban agriculture from requiring a development permit for landscaping

Under the OCP, a development permit is required in some areas for landscaping (the alteration of land). It is proposed that commercial and non-commercial (e.g. community gardens, community orchards and edible landscaping) urban agriculture be exempted from requiring a development permit for the alteration of land, unless the installation is being constructed in association with a building, structure or other landscape feature that requires a development permit.

While development permits serve important purposes in minimizing visual impacts on adjacent properties and the public realm, the time and cost involved in obtaining a development permit has been identified as a barrier, particularly on vacant lots. Gardening is already extensively practiced through the City with limited visual impacts on neighbouring properties and the public realm. The *Property Maintenance Bylaw* would continue to apply to address maintenance concerns.

9. Restrict the use of pesticides in commercial urban agriculture

One of the most common concerns that the public had regarding the expansion of commercial urban agriculture was the potential risk of increased pesticide and synthetic fertilizer use. It is proposed that the City's *Pesticide Reduction Bylaw* be amended to restrict the application of pesticides for commercial agricultural use, including on commercial, institutional or industrial properties. The City does not currently have a tool to limit the use of synthetic fertilizers, but this could be explored as part of the two-year review.

The issue of whether to restrict pesticides needs to be carefully considered. While there are numerous health and ecological benefits associated with reducing and regulating the use of pesticides and fertilizers, there are also practical considerations such as enforcement, restrictions on personal choice, and the effectiveness of some organic pest controls.

Additional public education would be required to help commercial urban farmers understand which commercial products are suitable for use. Enforcement of the regulation would be challenging due to the need to prove non-compliance. Contraventions of the Bylaw may result in fines.

10. Allow farmers market signage

Farmers markets are an important retail outlet for commercial urban agriculture. Through consultation, it was suggested that permanent directional signage for markets would improve awareness and attendance, but that City regulations restrict this type of signage. It is proposed that the *Sign Bylaw* be amended to allow signage for markets managed by non-profits on public property, outside market hours. This would apply only to outdoor markets managed by a non-profit organization. Because the signs would be on City property, City staff would review the placement and design of the signs.

Other Regulatory Issues Related to Commercial Urban Agriculture

Development permits for buildings and structures

The need for a Development Permit for structures such as greenhouses, walk-in coolers and chicken coops in applicable areas was identified as a barrier to expanded commercial urban

agriculture. Nevertheless, such permits serve important purposes in regulating visual impacts from adjacent properties and the public realm. It is proposed that buildings and structures associated with commercial urban agriculture continue to require development permits, subject to OCP requirements. Later this month, Council will consider exemptions to certain types of development permits and delegation of approval authority. If approved, these changes may reduce the time and cost for the approval process for structures under 93 metres² (1000 square feet). Under the proposed changes, structures under 9.3 metres² (100 square feet) will not require a development permit.

Building permits

Urban farmers identified the need for a building permit for agriculture-related buildings and structures as a barrier, particularly for temporary plastic hoopouses. Currently, a building over 9.3 metres² (107 square feet) in size requires a building permit. After consideration by staff, it is proposed that the City continue to require a building permit for agriculture-related buildings and structures. Even for temporary structures, there are risks to life safety due to snow collapse or materials blowing around in heavy winds. The building permit process would provide needed oversight and regulation. Individual buildings and structures under 9.3 metres² (100 square feet) do not require a building permit.

Tax implications

Through consultation, some urban farmers have encouraged the City to adopt lower tax rates for commercial urban farms. In 2008, Council directed staff to amend the City's Revenue and Tax Policy so that farm class properties pay equivalent taxes as if they were residential class properties. This policy was introduced to mitigate the potential increase in tax burden to existing tax classes with commercial urban agriculture being added to the list of permitted home occupations in Schedule D of the *Zoning Regulation Bylaw*. Since 2008, no property in the City of Victoria has been classified as farm. After staff consideration, it is recommended that the City maintain the current policy with respect to farm class tax rates.

Properties under 8000m² with farm sales exceeding \$10,000 can be classified as a farm class property by BC Assessment Authority. Once classified as a farm, all land associated with farming, including the footprint of the farmer's dwelling (but not the dwelling itself), is classed as farm and valued solely based on soil capability, whether cultivated or not. While the assessment value is typically lower for farm class property, this can vary from property to property.

Urban farmers have encouraged the City to set a low farm tax rate to encourage the growth of commercial urban agriculture. However, more analysis is needed to carefully consider the tax impacts of expanded commercial urban agriculture, namely whether lower tax rates would indeed act as an incentive for more commercial urban farms, whether such an incentive is desirable and what the overall impact would be on other taxpayers, and to whom the tax burden would be redistributed.

Next Steps

Following Council's consideration of the proposed changes, a third and final phase of the Growing in the City project is to prepare bylaws for Council consideration and provide public outreach and engagement to support the recommended changes. Specific to the amendments proposed in this report, the final phase of this project will include:

- Council consideration of proposed regulatory amendments, including public consultation and a public hearing where applicable
- Developing educational materials to support commercial urban agriculture, including:
 - A food program identity on the City of Victoria website, including online forms, educational materials, policies and additional resources
 - Outreach materials and design examples for food production in multi-unit, mixed-use developments and other types of housing
 - Outreach materials and design examples that encourage compatibility of commercial urban agriculture operations with other land uses, such as rooftop greenhouses, farm stands and operations on vacant lands
 - Information materials to communicate requirements and responsibilities for commercial urban agriculture and farm stands, to be distributed as part of the business licence application process
 - Information regarding commercial urban agriculture opportunities and processes through the Business Hub
- Strengthening partnerships and aligning program goals, including:
 - Meeting with large landowners, including School District 61, Island Health, Greater Victoria Harbour Authority, faith-based organizations, and the Province of British Columbia to discuss opportunities and share information for encouraging community gardens or other urban agriculture initiatives in the City
 - Meeting with non-profit organizations and community groups with urban food agendas, to support networking, capacity-building, partnership development and program delivery goals.

Monitoring and Two-Year Review

Many of the regulatory amendments proposed in this report are new to Victoria and unique in a Canadian context. Monitoring will be important to determine the effectiveness and impact of the proposed regulatory changes, and whether adjustments are needed. It is proposed that staff establish a system to track urban agriculture activities, inquiries, calls for service and complaints. Staff would report back to Council after two years on effectiveness and benefits of any regulatory changes and recommend any needed adjustments.

The two-year review would also provide an opportunity to consider additional changes to support commercial urban agriculture. This will provide staff with the opportunity to monitor the level of interest and uptake in commercial urban agriculture over the first two years and provide a more accurate basis upon which to analyse the potential impacts of any further changes.

OPTIONS & IMPACTS

Option 1 (Recommended):

That Council direct staff to proceed with the amendments to the *Zoning Regulation Bylaw*, *Business Licence Bylaw*, *Sign Bylaw*, *Pesticide Regulation Bylaw* and *Official Community Plan*, as described in this report.

Option 2

That Council provide alternate direction to staff.

2015 – 2018 Strategic Plan

The recommended option is consistent with Objective 8: Enhance Public Spaces, Green Spaces and Food Systems, including the following actions:

2015 Actions

- Develop long-term policies for food security and boulevard gardening, including an inventory of City-owned land for food production and improved coordination of food systems resources and initiatives in the City.
- Allocate existing resources in Parks and other departments to implement food security initiatives.

2016 Actions

- Introduce new partnerships with citizens and groups to increase food cultivation on public and private land.

Impacts to the Financial Plan

Implementing the regulatory amendments associated with the recommended option will be completed using staff time and are not anticipated to result in impacts to the Financial Plan.

Permitting farm stands and commercial urban agriculture will require staff time for processing new Business Licence Applications. This will be met by existing staff capacity. New licences will generate nominal, incremental revenue.

The proposed regulations for commercial urban agriculture may create additional enforcement needs. While it is difficult to estimate how many people will be interested in establishing urban agriculture operations and the associated enforcement costs, it is anticipated that the impact will be low. Additional resource needs will be anticipated as part of the two year review.

Official Community Plan Consistency Statement

The proposed amendments support the OCP's objectives for a more food secure and sustainable urban food system. The proposed amendments seek to balance the desire for more commercial urban agriculture with restrictions that will limit impacts on adjacent land uses. The encouragement for commercial urban agriculture needs to consider the City's growth targets for new housing and development.

CONCLUSIONS

There is a strong desire by Victoria residents and urban farmers to enable and expand small-scale commercial urban agriculture. The proposed regulatory changes in this report are anticipated to remove barriers to small commercial urban agriculture operations, while imposing some restrictions to minimize the scale and potential negative impacts on neighbouring properties.

Respectfully submitted,



Kristina Bouris
Senior Planner
Community Planning Division

Alt.



Jonathan Tinney, Director
Sustainable Planning and Community
Development

Report accepted and recommended by the City Manager:



Date: Feb. 18, 2016

List of Attachments

- Appendix A: Engagement Summary Report (Phase 1)
- Appendix B: Concerns Related to Commercial Urban Agriculture
- Appendix C: Regulatory Barriers Identified Through Interviews with Urban Farmers
- Appendix D: Engagement Summary Report (Phase 2)
- Appendix E: Public Feedback on Specific Proposed Amendments to Support Commercial Urban Agriculture.

NO. 16-064

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by adding definitions for small-scale commercial urban food production, foodstand and greenhouse, amending the definition of home occupation, amending Schedule D – Home Occupation, to remove urban agriculture as a home occupation, as well as amending the general regulations by adding a Schedule L.

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

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1072)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:
 - (a) in the Introduction and General Regulations, by adding the following sections 42-44 immediately after section 41:
 - “42. Small-scale commercial urban food production is permitted in all zones, provided it is not noxious or offensive to neighbours or the general public by reason of emitting odor, noise or artificial lighting, and is subject to the regulations contained in Schedule “L”,
 43. A rooftop greenhouse is not to be included in the calculation of total floor area, height or number of storeys, except when located on a lot which contains:
 - (a) a single family dwelling;
 - (b) an attached dwelling;
 - (c) a semi-attached dwelling;
 - (d) a house conversion; or
 - (e) a multiple dwelling containing fewer than four self-containing dwelling units.
 44. A rooftop greenhouse must not exceed:
 - (a) 3.65m in height; or
 - (b) 28m² or 50% of the building’s roof area, whichever is less.”
 - (b) in Schedule A – Definitions:
 - (i) by adding the following definition immediately after the definition of “sleeping unit”:

“ ‘Small-scale commercial urban food production’ means:

 - (a) cultivating and harvesting plants or fungi;
 - (b) beekeeping and harvesting honey;
 - (c) keeping poultry to collect eggs; and
 - (d) sorting, cleaning and packaging the items noted above

for retail purposes, as well as selling and storing harvested products on the premises.”

- (ii) by adding the following definition immediately after the definition of “floor space ratio”:

“ ‘Foodstand’ means a container which holds, shelves or otherwise displays products of small-scale commercial urban food production for retail purposes outdoors.”
- (iii) by adding the following definition immediately after the definition of “Grade”:

“ ‘Greenhouse’ means a structure, or that portion of a structure, made primarily of glass or other translucent material for the purpose of cultivation or protection of plants”
- (iv) by amending the definition of “home occupation” by:
 - (a) striking out the word “or” after the word “premises”;
 - (b) striking out the period after the words “multiple dwelling”, and replacing it with a semi-colon;
- (c) adding the following subsection (c), immediately after subsection (b):

“(c) small-scale commercial urban food production.”
- (d) in Schedule D – Home Occupations:
 - (i) in section 5(g), by striking out the semi-colon and replacing it with a period;
 - (ii) by striking out section 5(h)
- (e) by inserting Schedule L attached to this bylaw as Schedule 1 immediately after Schedule K.

READ A FIRST TIME the day of 2016

READ A SECOND TIME the _____ day of _____ 2016

Public hearing held on the _____ day of _____ 2016

READ A THIRD TIME the _____ day of _____ 2016

ADOPTED on the _____ day of _____ 2016

CITY CLERK

MAYOR

SCHEDULE L – SMALL SCALE COMMERCIAL URBAN FOOD PRODUCTION

1. Products

- a. Subject to subsection (b), only the following items may be cultivated, harvested, kept, sorted, cleaned and packaged as part of small-scale commercial urban food production:
 - i. fruits
 - ii. vegetables
 - iii. flowers
 - iv. fibre
 - v. seeds
 - vi. nuts
 - vii. seedlings
 - viii. herbs
 - ix. eggs
 - x. honey
 - xi. mushrooms
 - xii. plant cuttings
- b. In addition to the products in subsection (a), compost and other soil amendments produced as a result of small-scale commercial urban food production may be produced for retail purposes in zones listed in Part 7 - Industrial And Service Zones.
- c. Notwithstanding subsection (a), products regulated by the *Controlled Drug and Substances Act* (Canada) may not be produced as part of small-scale commercial urban food production.

SCHEDULE L – SMALL SCALE COMMERCIAL URBAN FOOD PRODUCTION**2. Sale on Lot**

Sale of products of small-scale commercial urban food production is permitted on a lot on which small-scale commercial urban food production occurs, regardless of whether retail use is permitted, provided it occurs:

- a. within a foodstand located in the front yard; or
- b. as a component of the following uses, where permitted:
 - i. retail
 - ii. restaurant
 - iii. free standing food sales outlet
 - iv. other use which permits the sale of the items in section 1(a)

3. Foodstand

A foodstand must not:

- a. Exceed an area of 1.85m² or height of 3.35m
- b. Be located within 0.60m of a lot boundary
- c. Be fully enclosed
- d. Remain on the front yard without items for sale in excess of eight consecutive days
- e. Hold, shelve or otherwise display an item unless it:
 - i. is listed in section 1(a) of this Schedule;
 - ii. was harvested on the lot on which the foodstand is located; and
 - iii. is displayed and sold in raw, unprocessed form.
- f. No more than one foodstand may be used or erected on one lot.

NO. 16-065

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the provisions of the Business Licence Bylaw to regulate and set fees for small-scale commercial urban food production.

Under its statutory powers, including section 18 of the *Victoria City Act, 1919* and section 8(6) of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "BUSINESS LICENCE BYLAW, AMENDMENT BYLAW (NO. 31)".

Business Licence Bylaw

- 2 Bylaw No. 89-71, the Business Licence Bylaw, is amended:

- (a) in section 2(2)

- (i) by adding the following definitions immediately after the definition of "automatic teller machine":

"'delivery truck' means a motor vehicle which is designed or used primarily for the transportation of property and weighs in excess of 907 kg;

'foodstand' has the same meaning as foodstand in the Zoning Regulation Bylaw";

- (ii) by striking out the period after "trust company" and replacing it with a semi-colon;

- (iii) by adding the following definitions immediately after the definition of "financial institution":

"'small-scale commercial urban food production' has the same meaning as small-scale commercial urban food production in the Zoning Regulation Bylaw."

- (b) by inserting the following section 35 immediately after section 34:

"35 A licenced small-scale commercial urban food production business must not have or permit, in non-commercial or non-industrial zones,

- (b) the loading of products of small-scale commercial urban food production into a delivery truck at the small-scale commercial urban food production site outside the hours of

- (i) 10 a.m. and 8 p.m. on Sundays and holidays; or
 - (ii) 8 a.m. and 7 p.m. on any other day;
- (c) more than one loading of products of small-scale commercial urban food production into a delivery truck at the small-scale commercial urban food production site per day; or
- (d) the selling of products of small-scale commercial urban food production on a foodstand outside the hours of:
 - (i) 10 a.m. and 8 p.m. on Sundays and holidays; or
 - (ii) 7 a.m. and 8 p.m. on any other day.”;
- (c) in the Schedule of Licence Fees by adding the following sections 55 and 56 immediately after section 54:

“55.	Any person carrying on a small-scale commercial urban food production business for off-site retail purposes	100.00
56.	Any person carrying on a small scale urban food production business for on-site retail purposes	100.00, or 25.00 for three months”

READ A FIRST TIME the	day of	2016.
READ A SECOND TIME the	day of	2016.
READ A THIRD TIME the	day of	2016.
ADOPTED on the	day of	2016.

CITY CLERK

MAYOR

NO. 16-067

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Sign Bylaw to allow permanent signage for outdoor markets on City property.

Under its statutory powers, including sections 8(4) and 65 of the *Community Charter*, section 526 of the *Local Government Act* and section 14 of the *Victoria City Act*, 1919 of the *Community Charter*, 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 "SIGN BYLAW, 1992, AMENDMENT BYLAW (NO. 13)".

Sign Bylaw

- 2 Bylaw No. 14-097, the Sign Bylaw, is amended by striking out from section 7(m)(i) the words "while that property is being used for the operation of an outdoor market".

READ A FIRST TIME the	day of	2016
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READ A SECOND TIME the	day of	2016
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READ A THIRD TIME the	day of	2016
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ADOPTED on the	day of	2016
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CITY CLERK

MAYOR

NO. 16-066

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the provisions of the Pesticide Use Reduction Bylaw to regulate pesticide uses which constitute noxious or offensive business activities in connection with small-scale commercial urban food production.

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

Title

- 1 This Bylaw may be cited as the “PESTICIDE USE REDUCTION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Pesticide Use Reduction Bylaw

- 2 Bylaw No. 07-061, the Pesticide Use Reduction Bylaw, is amended:

- (a) by adding the following to the end of the preamble:

“The purpose of this Bylaw is also to regulate pesticide uses in connection with small-scale commercial urban food production which constitute noxious or offensive business activities.”;

- (b) in the Contents by:

- (i) inserting the following after PART 3 – PERMITS:

“PART 4 – SMALL-SCALE COMMERCIAL URBAN FOOD PRODUCTION

13 Pesticide use in small-scale commercial urban food production”;

- (ii) striking out the words “PART 4 – GENERAL” and substituting the words “PART 5 – GENERAL”;

- (ii) renumbering “13 Inspections” as “14 Inspections”;

- (iii) renumbering “14 Offences and Penalties” as “15 Offences and Penalties”;

- (iii) striking out the word “and” after the words “section 8(3)(j)” and substituting it with a comma;

- (iv) inserting the words “and section 64(j)” before the words “of the *Community Charter*”;

- (c) in section 2, by inserting the following definition immediately after the definition of “sensitive ecosystem”:

““small-scale commercial urban food production” has the same meaning as small-scale commercial urban food production in the Zoning Regulation Bylaw”.

- (d) in section 3(2), by:
 - (i) striking out the upper case “T” in “This” and substituting a lower case “t”;
 - (ii) inserting the words “Subject to Part 4,” before the words “this bylaw”;
- (e) by inserting the following Part 4 immediately after PART 3 – PERMITS:

“PART 4 - SMALL-SCALE COMMERCIAL URBAN FOOD PRODUCTION

Pesticide use in small-scale commercial urban food production

- 13 (1) A person must not apply or otherwise use any pesticides, other than permitted pesticides, on public land or private land in connection with small-scale commercial urban food production, unless that person first obtains a permit.
- (2) A person may apply to the Director for a permit to apply or otherwise use pesticides on public land or private land in connection with small-scale commercial urban food production in accordance with section 9 and must pay the permit fee set out in section 10.
- (3) The Director may either:
 - (a) issue a permit for the use of pesticides in connection with small-scale commercial urban food production if the Director is satisfied that it will not constitute a noxious or offensive business activity; or
 - (b) refuse to issue a permit for the use of pesticides in connection with small-scale commercial urban food production where the Director determines that paragraph (a) does not apply.
- (4) The Director may issue a permit for the use of pesticides in connection with small-scale commercial urban food production without conditions, or with conditions relating to the following:
 - (a) the pest or the species of plant to which the pesticide may be applied;
 - (b) the area of land on which the pesticide may be applied; and
 - (c) the period of time in which the pesticide may be applied.
- (5) The owner or occupier of real property that is subject to a decision of the Director to issue or refuse a permit, or to impose conditions on a permit, pursuant to this section is entitled to apply to Council to have the decision reconsidered.

- (6) An application for reconsideration pursuant to subsection (5) must be made in writing to the City's City Clerk within 30 days of receiving notice of the Director's decision.”;
- (f) by striking out the words “PART 4 – GENERAL” and substituting the words “PART 5 – GENERAL”;
- (g) by renumbering section 13 as section 14; and
- (h) by renumbering section 14 as section 15.

READ A FIRST TIME the day of 2016.

READ A SECOND TIME the _____ day of _____ 2016.

READ A THIRD TIME the _____ day of _____ 2016.

ADOPTED on the _____ day of _____ 2016.

CITY CLERK

MAYOR

NO. 16-068

STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to update the provisions of the Streets and Traffic Bylaw to permit and regulate gardening on boulevards.

Under its statutory powers, including:

- (a) sections 8, 35 to 36, 39, 40, 62 and 64 of the *Community Charter*;
- (b) sections 124 of the *Motor Vehicle Act*; and
- (c) section 14 of the *Victoria City Act, 1919*

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 "STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW (NO. 6)".

Streets and Traffic Bylaw Amendments

- 2 Section 103A of Bylaw No. 09-079, the Streets and Traffic Bylaw is amended as follows:

- (a) in subsection (3), by adding the following paragraph (d) after paragraph (c):

“(d) boulevard gardening to the extent permitted pursuant to subsection (10)”;

- (b) by adding the following subsection (10) after subsection (9):

“(10) A person may plant or maintain a garden on a boulevard, provided:

- (a) the person owns or occupies the property immediately adjacent to the portion of boulevard which the person is gardening,
 - (b) the person provides the City’s Director of Parks and Recreation written notice of that person’s intention to garden in the boulevard 30 days prior to commencing any gardening activities,
 - (c) the notice set out in paragraph (b) includes the person’s full name, address and telephone number where that person can be contacted,
 - (d) the person does not
 - (i) install any permanent structures on the boulevard, including but not limited to irrigation systems and affixed ornaments,

- (ii) cut or otherwise damage the roots, trunks, bark or branches of the boulevard trees, or
 - (iii) affix signs, trellises or other objects to a boulevard tree,
 - (f) none of the garden beds:
 - (i) exceed 8m in length or width, or
 - (ii) are raised in excess of 45cm,
 - (g) all plants and garden beds are at least:
 - (i) 60cm from any curb adjacent to a permitted parking area, and
 - (ii) 1.5m from fire hydrants, utility poles, bus shelters, concrete bus pads,
 - (h) none of the garden plants:
 - (i) impede sightlines for pedestrians or vehicles.
 - (ii) hang over or grow into a street or sidewalk,
 - (i) upon receiving notice from the City's Director of Parks and Recreation that any or all of the garden obstructs or interferes with the sight-lines, mobility or safety of vehicles or pedestrians, the person trims, alters or removes the boulevard garden, or portions thereof, to the satisfaction of the City's Director of Parks and Recreation,
 - (j) the person keeps the garden well-maintained, and
 - (k) that when the garden maintenance stops, that person removes the garden and returns the area to the state it was in immediately before the garden was planted.
- (11) If a person who planted or maintained a boulevard garden does not comply with subsection (10), the City may, at any time, cause the boulevard garden area to be brought into compliance, and that person shall pay to the City the fee specified in Schedule "F" of this bylaw."
2. Schedule F of Bylaw No. 09-079, the Streets and Traffic Bylaw is amended by adding the following before "107, 109(1)(b)":
- " 103A(11) All expenses incurred by the City to bring the boulevard garden into compliance with this bylaw "

READ A FIRST TIME the day of 2016.

READ A SECOND TIME the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CITY CLERK

MAYOR



Council Report

For the Meeting of July 28, 2016

To: Council **Date:** July 21, 2016
From: Chris Coates, City Clerk
Subject: Pedicab Bylaw Amendments and Consultation Results

RECOMMENDATION

That Council give third reading to the attached Vehicles for Hire Bylaw Amendments.

EXECUTIVE SUMMARY

On June 23, 2016, Council gave two readings to the proposed Vehicle for Hire Bylaw, Amendment Bylaw (No. 16), attached as Appendix A.

As required in s. 59 of the *Community Charter*, Comments were solicited from the existing pedicab operator by email and to others through the City's website and social media, from July 4 – 18, 2016. 15 email responses were received, eleven not in favour of the proposed changes, three in favour and one unclear. One petition type submission was also submitted.

Council has directed the bylaw amendments contained in the proposed Vehicles for Hire Bylaw amendments. Consultation has indicated that while some respondents felt the increase in licences was unwarranted and potentially unsustainable, other respondents were looking forward to the possibility of operating their own pedicabs, the new business possibilities brought forward by new operators (e.g. serving different markets) and the potential improvements that could be observed if there were more competition. Council may wish to provide opportunities for additional pedicab operators, while preserving the current licences, by adopting the amendments to the Vehicles for Hire Bylaw.

PURPOSE

The purpose of this report is to provide Council with the results of the required consultation with businesses on the proposed changes to the pedicab regulations in the Vehicles for Hire Bylaw.

BACKGROUND

On May 26, 2016, Council passed the following motion:

1. Direct staff to bring forward amendments to the *Vehicles for Hire Bylaw* that would:
 - a) increase the total number of pedicab licences to 35,
 - b) limit the total number of pedicabs that a person can operate to 28,

- c) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner,
 - d) that the name of the company be clearly displayed on the pedicab, and
 - e) that the current licence holders can hold 28 pedicab licences, but the cap for any individual licence holder to hold or operate in the future would be 15 pedicabs licences.
2. Direct staff to invite comments from pedicab operators in the City on the proposed bylaw amendments as outlined in the November 12, 2015 Council motion.

On June 23, 2016, Council gave two readings to the proposed Vehicle for Hire Bylaw, Amendment Bylaw (No. 16), attached as Appendix A.

As required in s. 59 of the *Community Charter*, Comments were solicited from the business community by email and through the City's website and social media, from July 4 - 18, 2016. Interested individuals were directed to the website where the proposed bylaw amendments were summarized and the bylaw amendments available for review. 15 Email responses were received. One petition type submission was submitted to the City prior to the review, however is included here in Appendix C due to its relevance to the proposed bylaw changes. One social media discussion is also included.

ISSUES & ANALYSIS

Consultation Results

The results of the consultation conducted from July 4-18, 2016 were as follows:

- 15 responses received
 - 11 not in favour of proposed changes
 - 3 in favour of proposed changes
 - 1 unclear position on proposed changes.

The overall concern shared by the responses not in favour of the proposed changes was the increase in the number of licences. Other concerns shared by all the respondents related to:

- The current management of 28 licences by one company,
- The strides done in recent years to increase performance standards and overall industry reputation,
- Potential other markets to serve, beyond cruise ship passengers,
- The demand and lack of demand, for additional pedicabs,
- Economic impacts to current drivers with an increase in operators,
- Impacts to customers with an increase in operators (e.g. competitive tactics), and
- Concern with the process of allocating licences by lottery and limiting the number of licences (cap).

The responses are included in their entirety in Appendix B.

A petition in the form of a 'Pedicab Operators' Statement' was provided to the City in early June. The petition was signed by pedicab operators (drivers) and expressed their concerns about the sustainability of the increase in licences and highlighted the importance of the practices of the current operators in giving the industry its positive reputation. The statement is included as Appendix C.

The City promoted the opportunity to provide comments on social media, and some discussion was generated. That discussion is included in Appendix D, and consists largely of discussion over the number of licences and the expertise of the pedicab operators as tour guides.

Some concern was expressed over the bylaw amendments that allow the current ownership and management relationship in place with Victoria Pedicab Company to continue, in what some consider a 'monopoly' arrangement. The current management agreement, where ownership is held by two separate companies and that the operations of the pedicabs by the one individual, are conducted consistent with current bylaw requirements.

Map

Some comments were received related to the map that limits the operating area for pedicabs. The map has not been updated in many years, and does not necessarily reflect current best practices. Transportation staff have provided initial input that the map may be revisited. If Council directs it, a revised map can be brought forward for adoption into the bylaw prior to the start of the 2017 summer pedicab season.

Lottery Process

Given that the bylaw amendments, if given third reading at the July 28 Council meeting, would not be considered for adoption until the next Council meeting on August 25, the lottery process will not be conducted until sometime later and from a practical perspective giving the timing, for the 2017 License year. The process would be broadly as follows:

1. Advertise the opportunity to apply for the additional licences
2. All application names are transferred into a randomized excel spreadsheet and assigned a randomized number
3. A number is drawn at random, and that applicant contacted
4. The applicant has 24 hours to respond to the opportunity to
5. The applicant may select one of the two groups of six licences or one of the six individual licences
6. The applicant's name is NOT removed from contention unless they have more than 15 licences
7. Steps 3-6 repeated until all 18 licences are allocated or no more applicants are left.

OPTIONS & IMPACTS

1. Give the bylaw third reading (***Recommended***)

Council has directed the bylaw amendments contained in the proposed Vehicles for Hire Bylaw amendment, attached. Consultation has indicated that while some respondents felt the increase in licences was unwarranted and potentially unsustainable, other respondents were looking forward to the possibility of operating their own pedicabs, the new business possibilities brought forward by new operators (e.g. serving different markets) and the potential improvements that could be observed if there were more competition. Council can allow more opportunity for additional pedicab operators by adopting the amendments.

2. Direct staff to conduct further work

The delay in the adoption of these bylaws and the lottery allocation process will result in the licences being available after the summer 2016 pedicab season. Given the delay, Council may wish to direct

further work be done to the bylaw, for example related to the map of operation and the removal of the licence cap.

CONCLUSIONS

The consultation conducted on the proposed pedicab bylaw amendments indicate that the majority of respondents felt that the increase in the number of pedicab licences was too great. Council has previously indicated a desire to increase the number of pedicabs, and as such may wish to consider giving third reading to the proposed Bylaw.

Respectfully submitted,



Emilie Gorman
Policy Analyst




Chris Coates
City Clerk



Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager:

Date:


July 22, 2016

List of Attachments

- Appendix A: Proposed Vehicles for Hire Bylaw, Amendment Bylaw (No.16)
- Appendix B: Pedicab Consultation Submissions
- Appendix C: Pedicab Operators' Statement
- Appendix D: Pedicab Facebook Discussion

NO. 16-057

VEHICLES FOR HIRE BYLAW, AMENDMENT BYLAW (NO. 16)**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend the Vehicles for Hire Bylaw to require development of safety procedures as a requirement of pedicab licensing, increase the number of available pedicab licences, restrict the number of pedicab licences that can be held or managed by one person, and require a business name to be prominently displayed on each pedicab.

Under its statutory powers, including sections 8 and 36 of the *Community Charter*, section 637 of the *Local Government Act*, section 3 of the 1907 *Act relating to the City of Victoria*, section 18 of the *Victoria City Act, 1919*, and section 9 of the *Victoria City Act, 1934*, 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 "Vehicles for Hire Bylaw, Amendment Bylaw (No. 16)."

Amendments

- 2 Bylaw No. 03-60, the Vehicles for Hire Bylaw, is amended as follows:

- (a) by adding the following new subsection (6) to section 3:

"(6) Before issuing or renewing a sightseeing vehicle licence in respect of a pedicab, the applicant or sightseeing vehicle licensee must demonstrate to the satisfaction of the Licence Inspector that the applicant or sightseeing vehicle licensee has procedures in place to ensure that persons operating the pedicab will do so in a safe manner.",

- (b) in section 12(1), by striking out "28" and substituting "46",

- (c) by adding the following new section 12A immediately after section 12:

"Restriction on the number of licences held

12A (1) Subject to subsection (2), a person may manage a maximum of 15 sightseeing vehicle licences issued in respect of pedicabs.

(2) A person may manage more sightseeing vehicle licences than permitted under subsection (1) if

- (a) the person managed those sightseeing vehicle licences on January 1, 2016, and
- (b) the person has not suspended or discontinued management of those sightseeing vehicle licences.

- (3) For the purposes of this section, a person is deemed to manage a sightseeing vehicle licence if the person, directly or indirectly,
 - (a) holds the licence,
 - (b) has a financial interest in the entity that holds the licence, or
 - (c) manages the operation of a pedicab in respect of which the sightseeing vehicle licence is issued under an agreement with the person or entity that holds the licence.
- (4) For certainty, the person who qualifies under subsection (2) may not increase the number of sightseeing vehicle licences he or she manages above the number of sightseeing vehicle licences managed when this section came into force.”, and
- (d) in section 13(1), by repealing paragraph (c) and substituting the following new paragraph:
 - “(c) select, in accordance with the procedure in section 13A, from the persons who have submitted their names pursuant to paragraph (b), persons who may apply for a business licence to transport passengers in a pedicab.”
- (e) by adding the following new section 13A immediately after section 13:

“Selection procedure

 - 13A (1) Subject to subsection (4), the Licence Inspector will randomly select one person from the persons who have submitted their names pursuant to section 13.
 - (2) Subject to sections 12(1) and 12A, the person selected under subsection (1) will be entitled to apply for up to six business licences to transport passengers in a pedicab every time his or her name is selected and will, at the time of the selection, inform the Licence Inspector as to the number of licences he or she wishes to apply for.
 - (3) The Licence Inspector will deduct the number of licences that a person selected indicated he or she wishes to apply for from the number of available licences and will continue selecting persons in accordance with subsections (1) and (2) until all available licences have been allocated.
 - (4) The Licence Inspector will remove from the selection pool, the name of any person who is already entitled to apply for the maximum number of licences allowed under section 12A.”
- (f) by adding the following new section 18A immediately after section 18:

“Displaying name on pedicab

- 18A A person must not transport passengers in a pedicab unless the trade name of the sightseeing vehicle licensee or the trade name of the entity that manages the operation of the pedicab under a third party operator agreement is visibly and legibly displayed on the pedicab.”

READ A FIRST TIME the	23rd	day of	June	2016
READ A SECOND TIME the	23rd	day of	June	2016
READ A THIRD TIME the		day of		2016
ADOPTED on the		day of		2016

CITY CLERK

MAYOR

Emilie Gorman

From: personal information
Sent: Monday, July 18, 2016 11:59 PM
To: Legislative Services email
Subject: pedicab licenses

As a former Kabuki Kab driver, I welcome seeing other companies on the road again. I also would love to see a night shift again.

One thing that puzzles me is why licenses are being issued via random selection? Wouldn't that make it hard for anyone to put a business plan together if they don't know if they are even able to get a license for that business.

And by allowing people who don't actually have the equipment, ie. having licenses that others can manage, what is there to stop people, particularly from competing tour companies from acquiring licenses simply to see that they don't hit the streets?

Would it not make sense to issue licenses to those who've made the investment into actually having the equipment and intending to use it.

I love the idea of a greater variety of pedicabs on the street, but I'm questioning the wisdom of how the licenses are being issued. I think the city would be better served if they were issued to those with a proper business plan with intent on using them for their intended purpose.

And yes, I love the idea of having the pedicabs' business clearly marked on the cab. It brings about a level of accountability as well as a sense of community.

I mean really, don't we all miss seeing the 'Kabuki Kabs'?

Thank you.

personal information

Emilie Gorman

From: Scott Dolff **personal information**
Sent: Monday, July 18, 2016 5:52 PM
To: Legislative Services email
Subject: Re: bylaw thoughts

Here is an email in-text version:

Re: Victoria Vehicle For Hire Bylaw.

Dear Council members,

I write as an operator with the Victoria Pedicab Company. Andrew Capeau knows nothing of my input, nor does anyone else (though I'll probably show this to my partner, who also rides). The views are my own.

Here is the problem, as I see it:

the current system of permit allocation has created a de facto anti-competitive environment, i.e., a monopoly.

The question for council is thus how to allow other players into the market while (a) maintaining the quality and industry standards that have made the pedicab business so popular and useful within the Victoria tourism market, while (b) acknowledging the right of the existing company to operate with the permits it has.

A few preliminaries: Though I realize not everyone has always been pleased with VPC (I am friends with Steve, Willy, and others who have lobbied council), I have been pleased with my experience as an operator. I appreciate, as an operator, that the company (a) makes judicious use of the available permits, limiting the number of pedicabs on the streets during periods of low volume (thereby protecting the income of those operators who are willing to work in those times, while foregoing the possibility of increased lease revenues), (b) maintains a very fair weekly lease rate by historical standards, (c) is diligent to maintain the equipment (a boon to both safety, passenger experience, and operator well-being), (d) provides extensive training (tour training, maintenance and road safety, sales training), (e) demands respect for safety and standards of conduct by operators and monitors quality, and (f) nonetheless grants freedom to operators to be themselves and conduct their tours in ways that are comfortable for them.

Operator concerns with the proposed by-law:

The primary concern is that the council solution will create market saturation and its consequent evils:

- decreased ability to monitor operator conduct and increased threat of an accident or poor experience that will adversely affect an operator's ability to conduct business;
- a decrease in operator camaraderie as competition and desperate practices arise;
- a decrease in profitability for operators, and inevitable loss of talent to other fields and professions.
- sense of harassment (and consequent negative perception) among visitors because too many operators are on the streets soliciting business
- decreased ability to enforce rate standards (gouging and/or underselling, customers comparing notes and being dissatisfied, etc.)
- another war of attrition in the Victoria pedicab industry which may produce a Darwinian survivor, but also a lot of operator and owner casualties.

Possible benefits:

- A/some self-employed operator(s) could become owner-operators and realize greater autonomy
- New markets and modes of service could be opened up (partnerships, advertising, alternate business models, etc.)
- New or different company cultures arise which give additional avenue for expression
- Competition would cause existing owners to compete for talent and keep lease rates low

So what is that point of equilibrium? How do you create the greatest good for the greatest number of stakeholders?

Quite frankly, we stand to gain virtually nothing by the city's action to expand the number of pedicabs. The only conceivable gain for existing operators would be decreased lease rates as multiple companies compete to attract riders. But I don't actually believe that the industry would be profitable or attractive to company owners with any margins lower than that of the VPC. In fact, it seems just as likely to me that two companies could more or less informally price fix above the current rates.

As a potential business owner/investor, it is also disconcerting to see how precarious one's business is (will I get my permits? Will the value of my business be undermined in one stroke by a conciliar decision to give unlimited permits? Etc.).

Council options:

1. status quo
2. add permits of the existing permit type
3. redistribute existing permits
4. create different permit types (e.g., a taxi category, a night shift license, new geographic areas, etc.—something that increases markets, rather than creating pressure on an existing scarce resource).
5. Forced break-up with compensation and/or arms-length rules (e.g., Microsoft in Europe)

From what I see, only (2) has been considered, and that with little data to understand what the market can bear. My suggestion? Say you will consider options over the next three years, but add 6 licenses for next year, with an option of adding more (or more permit types) in years to come. Get your data. Perhaps the monopoly will resolve itself through partial sale, etc. But don't flood the market and create a street war. Much easier to expand slowly than to backtrack.

My two cents.

Scott Dolff

personal information

On Mon, Jul 18, 2016 at 4:59 PM, Scott Dolff
attached.

personal information

wrote:

Emilie Gorman

From: Heloise Nicholl personal information
Sent: Monday, July 18, 2016 3:16 PM
To: Legislative Services email
Subject: Vehicles for hire by-law

Dear CoV councillors,

I am writing again to express my opposition to expanding the number of pedicab licenses in Victoria.

I am writing as a pedicab operator myself. I lease a cab from Victoria Pedicab, however my views are my own only and do not represent that company.

I believe the proposal to expand licenses in the city has been done in haste and does not reflect knowledge of our industry or how many pedicab licenses the industry in Victoria can bear. If licenses were increased it would create a mess on our streets where tourists could easily be harassed by more cabbies soliciting fares and fares would likely be of differing rates, creating confusion for customers and operators alike. We would all have fewer customers and lower wages over the year, making this job a less attractive option for myself, personal information
The tourism image of Victoria could suffer; we have spent years building up the reputation of Victoria pedicab tours on social media platforms such as Viator and TripAdvisor.

I also believe that if licenses were expanded it would be an experiment that would ultimately result in roughly the same number of cabs out on the streets by year 3 anyways. Meanwhile our incomes and reputation as tour guides will suffer. The number of current operating licenses reflects our industry's knowledge of the saturation point the market can bear throughout the summer pedicab season in Victoria.

I am supportive of more than one company operating the current licenses in Victoria. I am supportive of a pedicab service operating past 12am to serve late night customers. However I fail to see the reasoned logic to increase the total number of cabs for daytime service, other than perhaps third party pressure that fails to consult with current operators.

I have written a letter to Councillors before and have not yet heard about meetings, dialogue or requests for input other than writing to you in this format. Before coming to any conclusions in your by-law amendments I would appreciate being informed of city council activities on this, and I would love to be welcomed into consultation too.

Thank you,
Heloise Nicholl
personal information

Heloise Nicholl
m: **personal information**

Emilie Gorman

From: lindsaymonierwilliams < personal information >
Sent: Monday, July 18, 2016 2:05 PM
To: Legislative Services email
Subject: Vehicles for hire bylaw

I ask for the number of pedicab operators to remain the same. There is sufficient, only sufficient, opportunity for management and tour operators to make a living with the way the pedicab system currently operates. As a Tour Guide Operator with Victoria Pedit Cab Company, I am treated well by management. I feel I am supported to make an good, honest living with the flexibility to also be an attentive and available parent and partner at home. It supports my family and a healthy lifestyle. By keeping the number of operators the same, a relatively low number that sufficiently meets current and foreseeable demand, you are showing an understanding of what it is like to be a working citizen of Victoria and how our economy operates. It means the handful of people ambitious, fit and proud enough to get on those bikes can make an honest, healthy and fair living in this seasonal tourism based economy and the city we love.

Sent from my Samsung device

Emilie Gorman

From: JP Zach < [personal information](#) >
Sent: Monday, July 18, 2016 12:38 PM
To: Legislative Services email
Subject: Vehicles For Hire Bylaw amendment

To Whom It May Concern,

Legislative Services, Victoria,

I noticed that the language of the amendment is inconsistent with regard to the terminology of the vehicles in question: sometimes they are referred to as "pedicabs," and sometimes as "sightseeing vehicles." These would seem to be overlapping but not synonymous terms, except in the one instance that the phrase "sightseeing vehicle in respect of a pedicab" is used. Clearly, not all sightseeing vehicles are pedicabs, although as this section pertains to pedicabs, such an implication is granted. Less obviously, and more troublingly in the drafting of this amendment, not all pedicabs are sightseeing vehicles, and this is not merely a problem of consistent wording but of sensible policy.

There is an unfortunate and stubborn assumption among the interested parties of pedicab licensing in Victoria that pedicabs are necessarily a sightseeing vehicle. They are not. In many--indeed, most--cities across the world, pedicabs are not primarily used in sightseeing businesses but rather for transport; a novel, alternative form of transport to automobile taxis, buses, and trains, but a viable and practical form of transport nonetheless.

Sadly, this is almost consistently overlooked, as is reflected in the terminology of this amendment. Pedicabs are simply a type of vehicle, as are automobiles. There is not one single business model either vehicle must follow. In Victoria, especially since 2011, a tour-based (i.e., "sightseeing") pedicab company has dominated exclusively, such that Victoria residents no longer perceive pedicabs as a means of transport but rather as a tourist offering aimed solely at visitors: a valid perception, since this is the company's model. In most other cities, as in Victoria formerly, a larger, more circulating presence of pedicabs would avail itself for short-distance taxis within a small area; locals, aware of their purpose, would patronize them routinely. Doubtless, yet other viable business models could be conceived for pedicabs. To assume that all pedicabs should necessarily be considered as sightseeing vehicles would be precisely tantamount to assuming that all passenger automobiles for hire are necessarily sightseeing vehicles, and not shuttles, taxis, or otherwise purposed.

Not all boats are cruise ships. Not all buses are for tours. Not only is such an assumption inaccurate, but to issue licences based on this assumption will preclude the development of other viable businesses. The fleet size of automobile taxis in Victoria, for example, is not based on the number of taxis that can fit into Ogden Point, nor should it ever be.

How many pedicab licences can Victoria support? This is an almost impossible question. It is like asking how many car-based businesses can exist in the city. Of course, we can look at the business activities of Victoria Pedicab Company, and ask how many more pedicabs can follow it precisely and still make a profit. My experience as an operator at Victoria Pedicab Company gives me this response: very few. Ogden Point is already saturated with pedicabs, and unless there are more cruise ships, there is not room for more pedicabs.

Yet for 28 years, numerous pedicabs were also operating downtown every weekend night, an activity independent of cruise ships, and a non-sightseeing activity to boot. This market is currently unserved. There are neighbourhoods across Victoria that never see pedicabs for any purpose. These markets are currently unserved.

There are yet unimagined businesses pedicabs could offer. Those markets are currently unserved. Limiting the number of pedicabs in Victoria based solely on the business model of Victoria Pedicab Company, on the unreasonable assumption that the only possible business model is that of one particular company, will prevent a plethora of viable businesses in the city.

Victoria Pedicab Company's market is saturated. New companies should pursue other markets. Rather than trying to predict all possible markets before a business model is invented, why not release licences based on proposals made by prospective business owners? For example, a pedicab business based in Oak Bay would have no bearing whatever on the market saturation at Ogden Point. Why should the the number of pedicabs licensed downtown limit the number of licences available elsewhere in the city? Why should the number of pedicabs licensed and operating during the day limit the number of pedicabs operating at night? It isn't logical. It isn't good for business. It limits Victoria from what it could be based on an inability to understand that a pedicab is merely the name of a vehicle design and has no inherent business model. Let's get past this mental block and stop limiting ourselves.

Sincerely,
Jon-Paul Zacharias
Pedicab operator in Victoria:
personal information

Emilie Gorman

From: David Wilcox <daveyona@yukyus.com>
Sent: Monday, July 18, 2016 12:13 PM
To: Legislative Services email
Subject: Vehicles for hire bylaw ammendment

Good morning Mayor and Council,

As new business owners in Victoria, we would like to provide our input on this proposed change:

Overall the changes proposed look to promote growth within an industry that needs improvement.

The concern we see for future people or potential start-up companies is the selection process in which licenses are issued. Is there such an influx of people looking for licenses that a random selection (Lottery) is required? Why should any new business license be determined by lottery, that seems ludicrous to us. Is there any precedent for the bylaw ammendment to operate in this way? If not, then that change should be thrown out!

For the changes of the number of licences allowed, the maximum per person/business and the issuing of blocks of licences, we read the proposed changes as:

- the city is looking to increase the total number of licenses by 18;
- only allowing someone 6 at a time and no one person/business can have more than 15 either owned or managed; and
- once someone has 6 licences they are removed from having their name in the random selection pool (lottery).

Where is the logic in this?

We understand only increasing the total number of licenses to a certain amount, so as not to over crowd the streets with pedicabs, but the selection process and limitations you are proposing to put on new businesses doesn't sound fair at all. The current person(s) holding the 28 licenses will, by the wording of these changes, hold a monopoly on the industry as the wording severely limits any growth for new businesses.

I can't imagine what it would have been like for us looking for our business license as a Comedy club and have to go through a lottery process because we wanted to improve the vibrancy of the city that we live in and love. That doesn't sound very forward thinking on the cities behalf.

Cheers,

Dave & Yona
Club Owners
Yuk Yuks Victoria

personal information

Emilie Gorman

From: Andrew Capeau < [personal information](#) >
Sent: Monday, July 18, 2016 3:56 PM
To: Legislative Services email
Subject: Pedicab industry input
Attachments: Pedicab Industry Input on proposed regulation changes..pdf

Please find the attached PDF document regarding the proposals for the pedicab industry.
Can you please confirm reception of this document.

Thank you

Andrew Capeau
President
Victoria Pedicab Company
250 884 0121
www.victoriatours.net

The Victoria Pedicab Company is providing input below on the proposed changes in the Vehicle for Hire By-laws pertaining to pedicabs.

How will an increase of pedicabs affect those who work in the industry?

There is a concern that a jump from 28 to 46 pedicabs in operation will be more pedicabs than the market can handle. In San Diego and NYC, where the number of pedicabs appear in an oversupply, earnings are comparatively low for operators. This has resulted in lower quality standards in operators and in equipment. The attempts to gain fares are more frequent and occasionally more aggressive. The concern is that this will happen in Victoria and adversely affect those who derive a living in the industry and tourists who come to our city.

In Victoria, the supply strategy has been a focus on sustainability. The Victoria Pedicab Company has supplied pedicabs based on first hand reports and accounts on earnings. The goal is to see each operator achieve minimum earnings of \$15 per hour (above expenses). This is why there was an incremental release over the past three years of pedicab on the street. Will a 40% increase of pedicabs on the streets continue to provide those minimal earnings standards? Our findings are that the number of cabs put on the street this year (28) closely matches the market demand.

How will professional standards be maintained?

Over the past 20 years, the pedicab industry has created a policy manual referred to as the Code of Conduct. In it are industry policies that determine operation guidelines, fare structure, line order or 1st up procedures and safety policies. The Code is a collaborative document that is reviewed and refined every year by all licensed pedicab operators in Victoria. The Code has also been adopted by the GVHA and incorporated in a binding agreement in a Concession License to operate at Ogden Point Cruise Ship Terminals.

The Code has created industry standards that protect the consumer and pedicab operators. Does the City have the ability and will to ensure new licensees follow the Code? Who will police this? What will the consequences be for those that break the Code? What about past operators who have broken the Code? Will new licenses be offered to previous offenders who have been removed from the industry for just cause by management of the Victoria Pedicab Company?

Is there enough provided space for more pedicabs?

Pedicabs are a tourism related service. We operate in the downtown core and principally occupy the inner causeway including three blocks on Belleville Street and 2 blocks on Government Street. This area is shared with buses, taxis, limos, new rickshaw operators and passenger vehicles. Each season the area has become more crowded during peak use periods, particularly Friday and Saturday nights. Pedicabs share allotted parking space with rickshaw operators. This year we have 4 rickshaws sharing parking and yellow curb space. Where does the City intend to provide parking for more pedicabs in addition to new rickshaw operators? What will happen when BikeVictoria routes are implemented? Presumably with current market conditions, there will be more pedicabs waiting to gain fares while parked curb side. Current practice has Victoria Pedicab blocking off a section of parking space with safety cones else the area is over taken by non pedicab/rickshaw traffic.

Why did council change direction?

Over the fall and winter of 2015/16 the industry consulted with city staff on the proposal of 7 additional pedicab licenses. The recent incarnation of 18 licenses spread over 3 groups of six is a much different course than what was examined. A release of 7 licenses seemed more prudent. It allows for another person or persons to operate a pedicab or company and allows for an examination of market supply and physical space requirements. Should the 7 prove successful more licenses could be offered in the future with plans to supply more physical space. If the city adds 18 it will be very difficult to remove those licenses and may have unintended consequences mentioned above.

What are the effects of one company managing all the licenses?

The fact that one company manages all licenses can seem unfair. In a harmful monopolistic environment; price gouging, limited product selection, poor quality and tyrannical management practises can exist. Victoria Pedicab management's mission is and has been to provide a quality, affordable and sustainable business environment, service and product to all its' operators. The cost to operate a pedicab is fair less than it was 10 years ago, the pedicab and equipment are the best on the market, folks are treated fairly and new innovations such electric assist and a mobile ride hailing program have been added.

Victoria Pedicabs sub contracts to more than 40 pedicab operators. More than half return year after year because of a healthy and supportive business environment. Many have taken initiatives to carve out their own unique product and services offering consumers a wide variety of options. We have some

of the most knowledgeable and experienced tour guides in the city. A look at Victoria Pedicab's Tripadvisor listing is an absolute testimony to the quality that tourists to Victoria are experiencing.

Recommendations

The pedicab industry has taken a turn for the better in the past 3 years of management by Victoria Pedicab Company. Long gone are the bad operators who tarnished the reputation of the industry. VPC has cleaned up a business that was known for providing misinformation to tourists, selling alcohol or drugs on the side or having operators who had questionable business practises. VPC now provides an intensive training and screening program for all operators as a condition to operate a pedicab. Our managers are Super Host certificate holders. All operators hold a class 5 or 6 license. It should be noted that when Kabuki Kabs was placed in receivership it was discovered that more than half of their operators failed to provide the minimum license requirement. Most importantly, everyone involved in the pedicab industry is making a decent living and a healthy economic environment brings in a good group of operators.

The City can affect this balance by attempting to "provide more opportunities" for entrepreneurs. There is a real possibility of overcrowding the streets, affecting over 40 entrepreneur's livelihood and creating an unpleasant environment for visitors to our city. We recommend that if there is to be change that change be measured and gradual as was the original proposal of 28 to 35 licenses. It has taken a lot of hard work to bring this industry back to respectability. Please listen to our recommendations and make a decision that considers the image and experience we give to tourists in Victoria, the operator's financial welfare, the physical area that we operate in and the work done to create professional standards through an effective policy manual and policing of these policies.

Sincerely,

Victoria Pedicab Company Management

Emilie Gorman

From: Tina Fischer personal information
Sent: Monday, July 18, 2016 12:36 AM
To: Legislative Services email
Subject: ISSUING OF ADDITIONAL PEDICAB LICENSES IN VICTORIA

To whom it may concern,

I am writing in regards to the proposal of additional Pedicab licenses in Victoria. How is it determined who can obtain licenses? Will it be made public where individuals can apply? Or has the designation of new licenses already been determined?

For years the Victoria Pedicab Company has held the licenses and together with their operators have built, maintained and established a quality and well established pedicab business and industry within Victoria.

More licenses (cabs) being issued to new entities outside of VPC, could potentially cause havoc. Without regulating the rates, the safety and the operation of cabs, new emerging companies or individuals obtaining licenses could seriously damage the business by undermining the standards that are currently working well and are in place.

I propose that only 5 licenses be issued annually, and that VPC remain the regulatory company. Or perhaps an Advisory Committee made up of key personnel (consisting mainly of pedicab license owners and operators) who will meet regularly and who will initially draft a document that addresses the regulation of Pedicab rates, operations and safety procedures. Having an regulatory document in place BEFORE issuing licenses would prevent undermining and will help maintain continuity and compliance with each other.

Also note that the downtown core is already congested with a number of tour buses, cabs, horse drawn carriages, etc., and with the addition of more Pedicabs, this can further complicate the flow of traffic. However, introducing a few licenses each year most likely would not make a significant impact to the heavy traffic issue.

Thank you for understanding in this matter.

Best regards,

Tina Fischer
personal information

Victoria, BC
V8V 2N7

"For we walk by faith, not by sight." (Cor 2:5-7)

Emilie Gorman

From: personal information
Sent: Sunday, July 17, 2016 11:52 PM
To: Legislative Services email
Subject: Pedicab Expansion.

Hello. As a 15 year veteran with Victoria Pedicabs, I have a vested interest in owning my own business. However, it is not in my interest or in the industry's interest to play a role in expanding the industry at the cost of customer service quality or of the standard that We All at Victoria Pedicab Company have played an active role in setting. There has been much talk about "monopolies" when there is no such thing in Victoria.

All that exists is a situation where a legitimate mortgage company has found the most responsible person (Andrew Capeau) to manage their losses with respect to the Kabuki Kabs and Pacific Pedicab licenses. There has been very little discussion about the lack of infrastructure space in the crowded downtown (especially when there are dozens of taxis racing through the streets at high speeds to cater to the cruise ships). It is already a very dangerous experience for us riders and for pedestrians that the city of Victoria in taking on discussions about pedicabs does not seem to recognize. Officer Vermette of the Victoria Police recognizes this issue and yet there has been little to no steps to deal with the risks and infrastructure issues before changing the quantity of pedicabs. Also at issue is the risk of saturation. There are approximately 35-40 operators including sub-leasers that depend on their income from pedicabbing in order to attend university, live in the 3rd most unaffordable city in Canada, and support themselves or their families. Conversations with some members of council hasn't seemed to help them understand the issue of balancing the number of pedicabs on the streets with saturation that can and will lead to customer dissatisfaction due to financially struggling pedicab operators. This has been illustrated in many other cities and with numerous other businesses where operators struggle financially and then pass on the costs to customers through poor service and abuse (http://www.dailymail.co.uk/travel/travel_news/article-3173226/They-foreign-tourists-blatantly-ripping-Police-confront-London-rickshaw-driver-attempting-charge-206-three-minute-ride-shocking-video.html).

It is exactly this issue of saturation with the taxis in Victoria (especially on cruiseship days) that is leading to all the complaints by other drivers, pedicab operators, and the James Bay Community Association about taxi drivers' reckless driving in James Bay in order to make higher quantities of fares.

Saturation in other cities with businesses like Pedicabs and Uber are a prime example of this issue. As is the issue of enforcing regulations (http://austintaxidriver.org/downloads/driving_austin_driving_injustice_2010.pdf).

It is socially responsible to expand this industry in a manner that considers market demand and saturation. One could even convince Mr. Issit that it is actually a socialist approach to do so.

personal information

Emilie Gorman

From: personal information
Sent: Sunday, July 17, 2016 11:42 PM
To: Legislative Services email
Subject: RE: Proposed Amendments to the Vehicles For Hire Bylaws

Legislative Services:

I am writing in support of the proposed changes to the bylaws governing Victoria's pedicabs and the increase to the number of licences to be made available. While there are always legitimate concerns regarding an increase of vehicles on the streets, the amendments more than adequately strike a balanced compromise between these concerns and the need to maintain a healthy business environment for pedicab operations. Industry growth, in its current form, has plateaued and in some cases regressed with respect to innovation and the diversity of the services we provide. Pedicabs in Victoria employ fewer people than when I first began operating in 2009 (in the depths of the recession). Today, over 90% of operators' revenue and service is dedicated to one source: cruise ship passengers. Delivery of service during non-cruise ship days has been decreasing steadily over the years and in 2014 night-shift operations were discontinued permanently.

In my opinion, the best means to reverse these negative trends while promoting safety and growth in our industry is to approve the proposed amendments.

Thank you,

personal information

Emilie Gorman

From: personal information
Sent: Sunday, July 17, 2016 9:27 AM
To: Legislative Services email
Subject: Vehicles for hire bylaw

Legislative services,

I am a pedicab operator in the city of Victoria. I am emailing because I have been informed you are currently taking in feedback for your vehicles for hire by-law amendment. As an operator in my third year I would like to provide my informed opinion.

There is one owner in town and he operates all 28 licenses. The word monopoly can accurately describe the situation, I think that benevolent dictator might also be applicable. For those of us on the inside, good enough and able to follow the rules, it's a good set-up. We have an established company with safe vehicles and operating procedures that help us prosper. The simple structure allows us to be easily policed when we transgress from our rules and conflict between operators is kept to a minimum because of an attentive and present management structure.

Looking in from the outside though I'm sure it's a different story. Operators who do not meet the Victoria pedicab company (VPC) standards and those who are looking to make it on their own should be given a fair chance. Having talked to a councillor I understand that the main purpose of this amendment is to simply bring competition in to the mix. This isn't unreasonable, I would always encourage the development of the industry as long as it benefits those involved.

Your proposed number of new pedicab licenses is where I object. Put simply, the number is too big. It's an increase of pedicab licenses by nearly 70%. I feel the expansion should be much smaller, perhaps more in line with the 7 that was proposed earlier in the year. I will detail the reasons for my objection and my own suggestions in the following paragraphs.

The market will not be able to hold 18 new licenses, you only need to go down town on a Thursday during lunch time to see this. A boat is in town, quite a big one too, and yet pedicabs are on the streets not being utilised. Locals don't take us, never have never will. Most of the bus based Alaska tour groups don't want to know us. The days can often be long and hard, a demoralising job for those unfamiliar with rejection. I've seen people get sick of it, I've seen people develop negative attitudes, and I've seen people go, but if you can't stand the heat then you have to get out of the kitchen.

Has the market for pedicabs really increased enough for your proposed expansion? I would argue that it has not, not by a long shot. Even if by strange circumstance the visitor market had increased by 50%, it still doesn't make sense to increase the licenses by 18. Think about the infrastructure the city and industry will need to provide. Is the city prepared to start policing pedicab disputes? Keep in mind that we all still see the unlicensed pedicab cruising around town trying to solicit rides with a 'recommended donation', if the city can't regulate one rouge pedicab how can it expect to increase it's efforts and regulate a whopping 48 pedicabs? pedicabs do also operate in the after hours, can the city even respond to conflict or complaint after 6pm?

I would suggest that if the city is adamant on increasing the total licenses to 48 that it does so in stages, make it baby steps even. None of us really know what the result will be when the numbers increase, but being prudent on the matter seems like a pretty good idea. Release 6 this year and if problems are kept to a minimum then

release another 6 next year. It'll be much easier on both the city and the operators, this way the expansion can be halted if and when it becomes problematic. It'll surely be easier to curb expansion rather than have to revoke licenses if things start going pear shaped.

But what about justice, what about the choice? I myself have talked to the potential owners, some still content with working for the current company, others with a few more choice (and perhaps off-colour) words for the VPC operation. I understand that there is more than one group of people interested in their own operation and with the lottery system of distributing new licenses some people may miss out. Is it fair that people miss out? I would only have to look at the stacks of resumes that fly through Victoria come the end of each summer to help answer that. Yes people will miss out, and yes that is fair. Just like how any business excludes the majority of potential employees in their hiring process the pedicab industry must afford a level of exclusivity when deciding who is to receive licenses.

I have only seen one serious competitor out there on the streets with the hardware to start their own company. With the provisions in the by-law amendment requiring any license recipients to provide the means to operate a safe vehicle and company I imagine that the only people that are going to miss out are those that would fall short of your proposed standards and otherwise not be suitable for the pedicab industry. But even if legitimate new businesses such as the company set up by Ryan Wilcox and his partner do not win the licenses by process of lottery, is it anyone's fault but their own that they have counted their chickens before they have hatched? Does the pedicab industry need to submit to the will of those that force themselves into the market? No of course not. I suggest that simply starting a company and purchasing pedicabs doesn't entitle anyone to a license, much like how Dance Dance Victoria is not entitled to throw street parties even if they do have djs and clowns making balloon animals already in place.

Please consider these points when continuing with this bylaw amendment. As pedicab operators we have so much to lose, we are after all the largest group that will be directly impacted by your decision and must have our concerns heard.

On a side note. I would like to address the lack of communication with the pedicab operators of Victoria. The operators as a collective provided a signed statement to the city of Victoria over a month ago, this was handed directly to a member of the legislative services and followed up with an email to Chris Coates. We provided contact details in case the city was looking for consultation from the pedicab operators. We were only informed that the legislative services was seeking feedback through back channels. Despite time and effort trying to establish a line of communication, the pedicab operators have seemingly been excluded from your attention. This is not how we expect a fair and inclusive decision making body to operate. Please keep that in mind for the future.

Please feel free to contact me via email if you have any concerns or questions with what I have written.

Regards,

personal information

Emilie Gorman

From: personal information
Sent: Saturday, July 16, 2016 10:02 AM
To: Legislative Services email
Subject: Pedicab operation

Hi Emilie Gorman,

I thank you for opening the panel for feedback.

I am quite new to Victoria (coming from a different country) and am a pedicab rider for the last 2 seasons. Me not being from Victoria allows me to have a more unbiased view of how things are in the Tourism industry and also the contribution of Victoria Pedicab Company towards the promotion of Victoria as provider of world standard tourist related services.

Almost all of my clients i toured around the city are amazed by the services of current pedicab riders and they believe that the riders are providing excellent services (as attested in Trip advisor) and believe we all (riders) are able to entertain them because we (riders) are ourselves happy with what we are doing. I really enjoy the working environment as we are all like a big family. There has never been a bossy environment and the current operator is really doing a great job of keeping the family together and more importantly the customers are happy of the services and the standards.

The pedicab riders have also a very friendly relationship with other operators likes taxis, horse riders and other operators. Even the customers who are mostly Americans are amazed of the healthy and friendly environment that we operate. They even tell us how unhealthy competition they have back in their towns and states. They say Victoria is an example of how different operators work together in a civilized manner.

Therefore the city has to carefully let expand having in mind maintaining a healthy competition which is progressive and not destructive and paying attention to the infrastructures like number of lanes, the crowd, parking spaces , the traffic and the future upcoming projects.

Change is a good thing provided it is necessary and brings positive results. If things are working well we better not change it drastically. We are also not expecting drastic increase in tourist traffic that necessitates drastic increase in the number of pedicabs on the streets. There is a critical mass that is needed and things work well up to a certain stage and they continue to contribute to growth in a sustainable manner. Beyond the peak any increase in volume does harm to sustainability and the propensity of growth decreases which means any additional injection in volume and investments in infrastructures does not contribute to the economic benefit of the action.

In my opinion the city should use iteration as a process to check an balance. I sincerely believe that scientifically it is impossible to calculate with precision the critical mass and the peak of the number of pedicab requirements. Therefore increasing say by 5 licences initially for two years would allow time and opportunity to analyse the demand and supply. Also it will avoid issuing too many licences above the peak number. It will be more controllable and sustainable growth would be manageable.

Without being biased i believe besides being a single operator VPC is rightly managed and does not act like a "dictator". The riders do work happily as a family and the customers get the benefit ultimately.

I therefore make a plea to the city not to increase the numbers drastically and suggest the city to make a just decision based on facts and not on hear says.

personal information

Pedicab rider

Emilie Gorman

From: personal information
Sent: Wednesday, July 06, 2016 6:36 PM
To: Legislative Services email
Subject: Re: Vehicles for Hire Bylaw

I think the proposed changes are a GREAT idea! As a local, I have noticed a need for more pedicab riders and competition in the tourism industry is something that Victoria can always benefit from.
I for one would like to see the diversity that results from these proposed changes, as we most likely see a wider range of tours and services that pedicabs could provide should new companies look toward finding niche markets for this type of activity.

Thank you

Emilie Gorman

From: personal information
Sent: Wednesday, July 06, 2016 7:24 PM
To: Legislative Services email
Subject: re: vehicles for hire

- Limiting the number of pedicabs that a person or business can operate to 28

I'm guessing this is to "grandfather" the existing owner - will those licenses be transferrable as a block or required to meet the new limit?

- Limiting new pedicab licence holders to 15 licences

This is too many. These licences should be held as much as possible by owner operators. Tourists (and that's who uses these) value diversity and unique experiences, not workers struggling to get by while someone else makes all the money.

personal information

Emilie Gorman

From: Trikes Tours <trikestours@gmail.com>
Sent: Wednesday, July 13, 2016 10:22 AM
To: Legislative Services email
Subject: Feedback on proposed amendments to The Vehicle for Hire Bylaw
Attachments: TrikeTours amendments to bylaw.pdf

Input for VFH license amendment.

July 7, 2016

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- 1. Criteria for applying for pedicab licenses.**
- 2. Clearer language in regards to safety.**
- 3. Requirement to use pedicab licenses if awarded**
- 4. Removal of geographic and time limitations. Ie. section 15.**
- 5. Number of licenses per business.**
- 6. Lottery, random selection and alternatives to.**
- 7. Conclusion**

Here as follows is our recommendation for changes to the currently discussed pedicab bylaw.

1.

We are greatly concerned that there is no criteria in place when applying for pedicab licenses. No qualifications or experience necessary, nor do the requirements in section 2 extend to this part of the process. With such a finite number of licenses, we have the potential to run into serious complications, for example someone with no interest in actually starting a business yet interest in keeping more pedicabs off the road, could easily win this lottery and put these limited precious licenses in a drawer never to use them. There also is the potential for profiteering; someone wins the lottery and seeks out a party that does infact wish to start a business however did not have luck on their side, now has the potential to profit by having that company manage their licenses at an increased cost.

Furthermore, the lack of criteria has the potential to greatly increase the cost of enforcement and involvement from the city. For example, having no experience called for and no connection to the city or pedicab industry, one could simply ignore the culture and code of conduct that has grown over the years and has been respected in this city. This has potential to increase complaints from public and other riders.

We would like to see added to section 12: A person applying for new licences must not be doing so on behalf of a current license holder. *ie. Arms length*

2.

We would like to see clearer language in place across much of the bylaw such as;
Section 2a we would like to see added:

To issue or renew a pedicab license, it must be proven that there are procedures in place to ensure operation in a safe manner. **That the pedicabs in operation adhere to the requirements written in section 14 (Construction of pedicabs and rickshaws). And section 6 insurance or proof that insurance can be acquired if licenses are awarded.**

This adds clarity and reinforces a need for physically safe vehicles as well as responsible riders.

3.

If we are in agreeance that we need to control the number of pedicabs on the streets and as mentioned before, if licenses are not used we can simply give out more licenses.

If so, we feel a provision should be added that within 6 months the party that receives new licences must have pedicabs in operation. If not those licenses are returned to be redistributed. This will avoid a buildup of unused licenses that could accumulate over time and could flood the market all at once.

Once again this is under the assumption that flooding the market is a concern.

4.

We would like to see the removal of the entire section 15. This entire section limits entrepreneurial creativity. The map and hours of operation were enacted in a time when cars ruled the streets. That is no longer the case, Victoria is a city of villages and these villages should be able to share in the benefits of pedicabs. It has been documented by the transportation department that pedicabs will have no negative impact on the infrastructure of the city. That would have been the only argument for these restrictions. These were also written in a time before electric assist, which allows a pedicab to travel much further than previously. Removing the map will also alleviate the concern for saturation of the market since it will greatly open the area for pedicabs to operate and allow them to be used as means of transportation and not solely for tourism needs. In many cities with pedicabs, those pedicabs make their bread and butter from sporting events and stadiums. Under the current map, the cities major fields and stadiums cannot be serviced by pedicabs.

5.

In 2007 city council set a precedent by giving VPC 8 licenses. What was agreed upon was that 8 licenses is what was required to have a profitable and sustainable pedicab company. The initial proposal of 7, was rejected and has become 6. 6 has been agreed upon to be a number that is not sustainable. It should also be noted that 8 was established as the magic number almost 10 years ago, and this does not take into account inflation and cost of rent in Victoria. Realistically the optimal number is significantly higher than 8. With the current information at hand, it only makes sense that the blocks should in fact be of 8. With this we could then move the company cap up to 16 allowing for 2 blocks of 8 to build one company.

This would make changes to

2 (b) change the 28 to 54

12A (1) Change 15 to 16

13A (2) change to "apply for up to six" to "apply for up to eight" business licences.

As another option we would like council to consider lifting the individual company cap all together. This would only work if the industry capⁱ was lifted as well. If someone wishes to try to store and purchase 50 pedicabs and if someone else wishes to run 1 pedicab and they both make enough profit to sustain their business. Should they not both be allowed to do so?

6.

The first proposal to council stated that licenses would be distributed through lottery. With most parties involved including many members of council saying that they were not comfortable with the lottery. The solution as been to change the word "lottery" to "randomly select." That is the exact same thing. The only example which we have been given where Victoria has used a lottery system is in the case of parking spaces. We fail to see the comparison to a business that will employ people, pay taxes and add the green economy that the city has expressed support for, with parking spaces. However it was stated that the provincial charter does not allow for a subjective panel in giving out business licenses. Even though it can do so in choosing its

members of staff, secretaries, and custodians it cannot do so with business licenses. This would make sense if the natural selection criteria for businesses was in place, ie. the free market.

Perhaps a more apt comparison is the conversation at council regarding Medical Marijuana Dispensaries. In discussing the topic of the 200 meter rule in regards to storefronts within the 200 meter zone. An option mentioned on May 5th by council and staff was to have a community feedback panel on each applicant to the rezoning process. This was also stated by staff as being a possible benefit if council wished to limit the amount of businesses in the city. So a subjective panel is being discussed as an option to decide which (currently illegal) business will get the chance to remain, yet such a panel cannot be used to discuss a new (legal) business trying to start. One situation may be licensing and one may be zoning, however the approach and result are very similar.

Finally if council chooses to vote for the random selection option, we would like to request that the draw be done in the full public eye, and if allowed by the charter that it be done by Mayor Helps' hand.

7.
Conclusion.

In looking at this bylaw we find it to be filled with vague language and seemingly arbitrary numbers with an intent of controlling a problem that doesn't exist. Therefor the only logical answer does seem to be a free and open market. With provisions in place for the city to be able to instill a cap if signs of saturation emerge, or negative effects begin to show. The city could simply cap licenses once it gets too many, and through clear language as who gets to renew licenses, allow attrition to bring the number to an optimal number. A pedicab is not a cheap piece of equipment, if the cap was lifted and the market was allowed to dictate, there would not be 2000 pedicabs in Victoria the next week. Let the consumer decide how many pedicabs Victoria needs.

Sincerely
Trikes Tours

Appendix C: Pedicab Operators' Statement

Pedicab Operators' Statement

To the Victoria City Council,

The following is a statement written on behalf of the pedicab operators of Victoria. It is intended to be received by the Victoria City Council for consideration regarding the increase of pedicab licenses.

Many cities have pedicabs; however, most operate purely as a taxi service. The pedicab operators in Victoria are special: we operate tours throughout the city which aim to showcase Victoria's heritage, beauty, and exciting nature. The professional culture we have developed is a result of an industry-driven code of conduct that promotes positive sales methods and safe tour practices. This code allows us to work in harmony with the many other tour services in Victoria. Most importantly, it protects the visitors of Victoria from unsafe practices and ensures the best guest experience. We worry that the proposed expansion will affect our ability to maintain our high standards and reduce our ability to prevent conflict between drivers, thus leading to practices that may negatively impact our trade. Our hard earned, positive reputation is one of our biggest assets and we fear that it may become compromised.

Sustainability is a big priority for the pedicab operators of Victoria. We are all aware that our working space in the downtown core is limited and at times frustratingly so. The current number of licenses is almost half of what the City of Vancouver issues -- a city that holds much more space to work in. Increasing the licenses in Victoria would not only make our working space more congested, but lead to even more pedicab tours being under-utilised. So far, license expansion discussions seemingly have not addressed this issue of finite space and over-saturation of the market. Furthermore, the chaotic nature of rapid expansion may damage the good relationships which have been built with other tour companies and establishments in the area.

Our concerns regarding the license expansion are informed and relevant. We hope to bring to the attention of the Victoria City Council the potential negative consequences of license expansion upon the existing pedicab operators and on the Victoria tourism industry on the whole. Under the current system, there is a standard code of conduct which governs all aspects of our selling and riding. The expanded license base would compromise this existing standard, which includes agreed-upon code and dispute resolution mechanisms. The expenses and the responsibilities of managing, monitoring and arbitrating conflicts would then be passed onto the City -- a prospect that would be both costly and inconvenient to all parties involved.

We, the pedicab operators, are a fun and diverse group who all share a passion for Victoria. This passion drives us to continually develop professionally and personally. The decisions made by the Victoria City Council will undoubtedly affect us and our ability to continue operating, and will also affect our ability to support ourselves and our families. Please carefully consider this when making decisions on license expansion. Both the City of Victoria and the pedicab operators have a lot to lose.

We would welcome an opportunity to consult with the City of Victoria, so that together, we can further build this industry in a sensible and sustainable manner.

We thank you for your time and consideration on this matter,

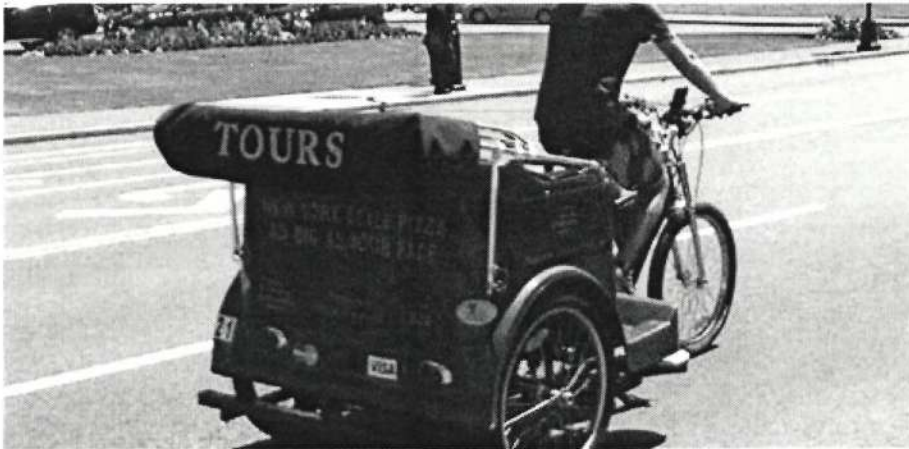
Appendix D: Pedicab Facebook Discussion



City of Victoria - Local Government

Published by Rebecca Penz · July 6 at 3:26pm ·

We want to hear from you!! What do you think about proposed amendments to pedicab licensing in the Vehicles For Hire Bylaw?



Vehicles For Hire | Victoria

The City is currently gathering feedback on proposed amendments to the Vehicles For Hire Bylaw. The following changes are being considered:

victoria.ca | By City of Victoria

Top of Form

2,033 people reached

Comments



Paul Kirkpatrick <https://www.facebook.com/PierrePoilievreMP/videos/10153755519192379/>



71,023 Views

Pierre Poilievre

It took two little girls to shine the light on the spiderweb of bureaucratic rules that entraps our entrepreneurs and robs our youth of opportunity.

Like · Reply · Message · Remove Preview · 1 · July 6 at 3:59pm



Remove

JP Caputa This is really weird. Do you even have all of the pedicab licenses in use now with the demise of Kabuki? I worked Kabuki Kabs a few years ago, and it was tough to make money with some many pedicabs on the street. Doubling the number seems insane.

Like · Reply · Message · July 6 at 4:34pm · Edited



Remove

Ryan Wilcox This ever growing city and record setting tourism and cruise ship passengers AND one company operating all 28 licences.

I think yes is the only answer

Let the market see dictate the number of cabs.

Like · Reply · Message · July 6 at 6:16pm



Write a reply...



Remove

Jon MacDonald Why does the city need to licence these things at all? As long as the drivers have the appropriate licences and insurance...

Like · Reply · Message · 1 · July 6 at 5:17pm · Edited



Remove

Ryan Wilcox This industry has been abused by loose language and huge loop holes for decades. It's time council stepped up and fixed the beautiful industry. Monopolies and shadow companies unfortunately seem ok to city hall.

Like · Reply · Message · July 6 at 6:12pm



Remove

Michael Bradley How about having the operators having to know something about Victoria, many appear to be not familiar with Victoria history.

Like · Reply · Message · July 7 at 10:33am



Remove

Steve Craik Michael I have to stand up for the quality of pedicabbers this city has. Some are easily the best tour guides this city has ever seen. I challenge you to take a tour with one, you would probably even learn a couple things.

Like · Reply · Message · 1 · July 7 at 7:31pm



Write a reply...

Pedicab Operators' Statement

To the Victoria City Council,

The following is a statement written on behalf of the pedicab operators of Victoria. It is intended to be received by the Victoria City Council for consideration regarding the increase of pedicab licenses.

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We, the pedicab operators, are a fun and diverse group who all share a passion for Victoria. This passion drives us to continually develop professionally and personally. The decisions made by the Victoria City Council will undoubtedly affect us and our ability to continue operating, and will also affect our ability to support ourselves and our families. Please carefully consider this when making decisions on license expansion. Both the City of Victoria and the pedicab operators have a lot to lose.

We would welcome an opportunity to consult with the City of Victoria, so that together, we can further build this industry in a sensible and sustainable manner.

We thank you for your time and consideration on this matter,

NO. 16-045

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish a Local Area Service for the construction of a landscaped island in the cul-de-sac of Cyril Close and to establish a parcel tax to pay for the cost of the island.

Under its statutory powers, including sections 200 and 210 of the *Community Charter*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "CYRIL CLOSE LOCAL AREA SERVICE BYLAW, 2016"
2. The parcels of land included in the area shown shaded on the map in Schedule A, and more specifically described in Schedule B are designated as a Local Area Service for the purposes of section 211 of the *Community Charter*, in which municipal works are to be undertaken for the special benefit of that area.
3. The construction of a landscaped island in the Cyril Close cul-de-sac will be undertaken for the special benefit of the Local Area Service.
4. The total estimated cost of the works described in section 3 is \$7,370.17.
5. Subject to section 7, for the purpose of section 4, a parcel tax of \$129.81 per parcel is imposed
 - (a) on each of the parcels of land in the Local Area Service, and
 - (b) on each year for a period of 10 years beginning in the year 2017.
6. A Cyril Close Local Area assessment roll must be prepared for the purpose of imposing the parcel tax under Section 5.
7. Instead of paying the parcel tax each year for the years set out in section 5, the owner of a parcel of land in the Local Service Area may make a single cash payment of that parcel's proportionate share, as set out in Schedule B, of the total cost of the works. All single cash payments made under this section must be made before December 31st, 2016.

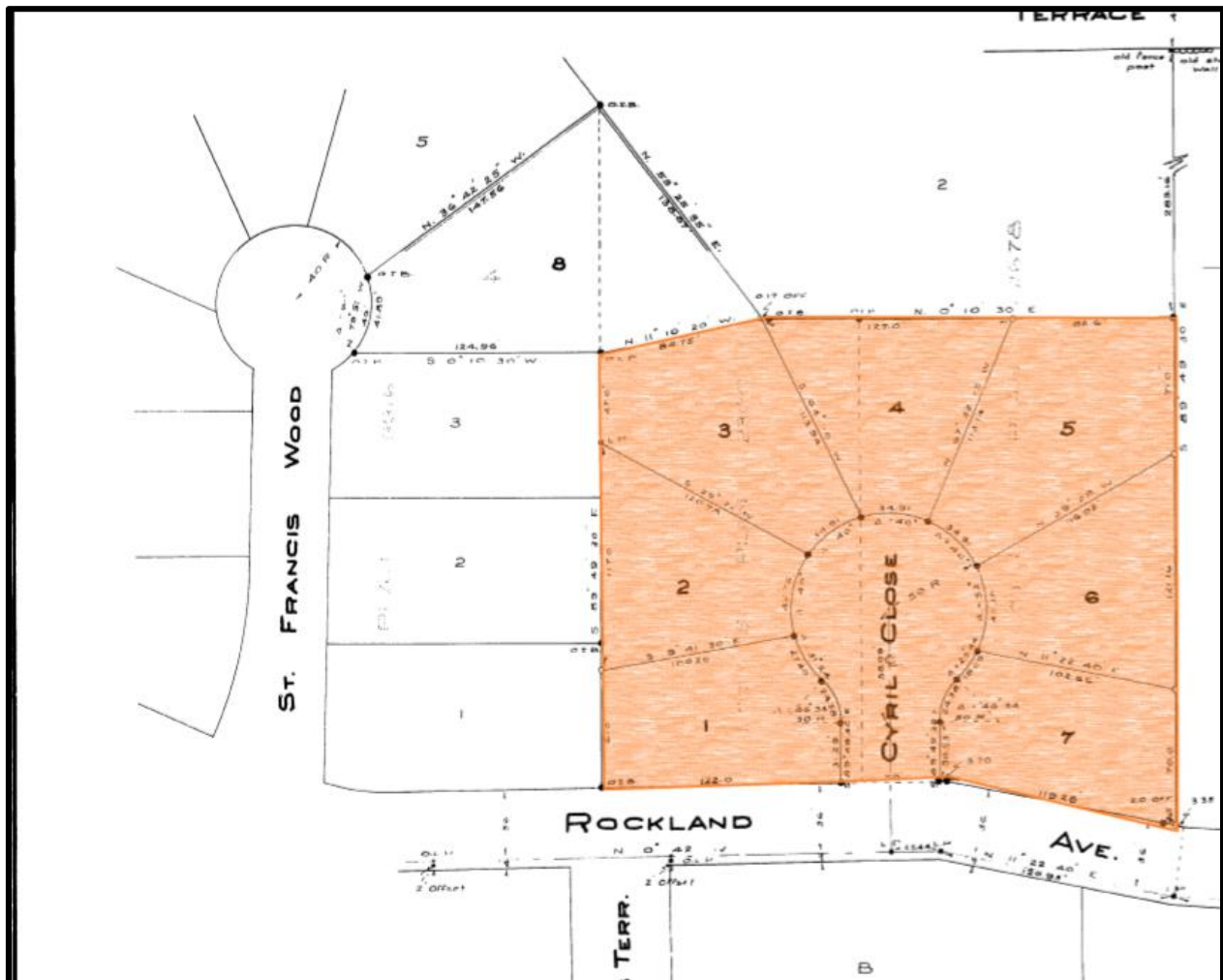
READ A FIRST TIME THIS	14th	day of	July	2016.
READ A SECOND TIME THIS	14th	day of	July	2016.
READ A THIRD TIME THIS	14th	day of	July	2016.
ADOPTED on the		day of		2016.

CORPORATE ADMINISTRATOR

MAYOR

- 2 -

Schedule "A"
Map of Local Area Service – Cyril Close
(Cyril Close Local Area Service Bylaw, 2016)



Schedule "B"
Description of Local Service Area Lands
And their Proportionate Share of Cost
(Cyril Close Local Area Service Bylaw, 2016)

Folio No.	Address	Legal Description	Commuted Payment By Dec. 30, 2016	Annual Payment	Total of 10 Annual Payments
04306013	1760 Rockland Ave.	Lot 1, Plan 11413, Section 74, Victoria, PID 002-057-883	\$1,052.88	\$129.81	\$1,298.81
04306014	1674 Cyril Close	Lot 2, Plan 11413, Section 74, Victoria, PID 005-023-319	\$1,052.88	\$129.81	\$1,298.81
04306015	1660 Cyril Close	Lot 3, Plan 11413, Section 74, Victoria, PID 005-023-327	\$1,052.88	\$129.81	\$1,298.81
04306016	1652 Cyril Close	Lot 4, Plan 11413, Section 74, Victoria, PID 000-952-958	\$1,052.88	\$129.81	\$1,298.81
04306017	1661 Cyril Close	Lot 5, Plan 11413, Section 74, Victoria, PID 005-023-335	\$1,052.88	\$129.81	\$1,298.81
04306018	1669 Cyril Close	Lot 6, Plan 11413, Section 74, Victoria, PID 005-023-343	\$1,052.88	\$129.81	\$1,298.81
04306019	1750 Rockland Ave.	Lot 7, Plan 11413, Section 74, Victoria, PID 003-793-672	\$1,052.88	\$129.81	\$1,298.81
TOTAL			\$7,370.16	\$908.67	\$9,086.70

Ottawa

Room 1130, The Valour Building
Ottawa, Ontario K1A 0A6
Tel.: 613-992-3594
Fax.: 613-992-3616
matt.jeneroux@parl.gc.ca



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Matt Jeneroux
Member of Parliament
Edmonton Riverbend

MAYOR'S OFFICE

JUN 14 2016

VICTORIA, B.C.

Constituency

#204, 596 Riverbend Square
Edmonton, AB T6R 2E3
Tel: 780-495-4351
Fax: 780-495-4485
matt.jeneroux.c1@parl.gc.ca

OTTAWA

June 2, 2016

Mayor Helps
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

As the Conservative Official Opposition Critic for Western Economic Diversification, I want to encourage you to promote the Canada 150 Infrastructure Fund within your communities. The time frame for which applicants can submit applications is short, and means we need to act quickly.

The government has reintroduced the previous Conservative Government's *Canada 150 Community Infrastructure Program* through the Western Economic Diversification department. The *Canada 150 Community Infrastructure Program* (accepting applications from **May 24 – June 22, 2016**) will invest in projects undertaking renovations to existing community infrastructure.

I encourage you to check out more information on the program. Please ensure eligible projects in your riding apply and are aware of the short timeframe.

Canada 150 Infrastructure Program: <http://www.wd-deo.gc.ca/eng/18872.asp>

I appreciate you taking the time to share this program in your communities. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

Matt Jeneroux, MP
Edmonton Riverbend
Official Opposition Critic for Western Economic Diversification

*Mayor Shirley Ackland
Town of Port McNeill
PO Box 728
Port McNeill, BC V0N 2R0*



*Town Office: (250) 956-3111
Fax : (250) 956-4300
Residence: (250) 956-4882
Cell: (250) 949-0392*

June 08, 2016

Dear Mayor and Council:

As both a local government leader and a post-secondary educator, I know how important a robust, fully-funded, public post-secondary system is to our province. Education is both a social and economic driver. It leads to better paying jobs, improved social and health outcomes, and a more engaged population within our communities. That's why the Port McNeill Council is so concerned about the direction the provincial government has been taking in post-secondary education.

Since 2001, operating grants to public post-secondary institutions have decreased by 27 per cent, when adjusted for inflation. Cash-strapped colleges and universities are shifting that burden onto students: in that same period, student fees have increased by nearly 400 per cent.

Yet as students are paying more for their education, they're getting less for their money. The BC 2024 Labour Market Outlook predicts that 78 per cent of the projected one million job openings will require post-secondary education. Since the launch of the Skills for Jobs Blueprint in 2014, institutions have been required to direct at least 25 per cent of their public funding to targeted programs that will serve specific jobs, designated by the government. That means that government is choosing career paths for students, rather than allowing them to choose for themselves. This threatens to undermine economic diversity and student success.

Last year, the policy granting free tuition to domestic students in Adult Basic Education and English Language programs was rescinded. Now, students have to pay as much as \$1,600 per semester or \$550 per course for high school-level courses.

Post-secondary education is about more than the jobs the government has chosen for students. Narrowly funding programs that only match what might be up and coming jobs will lead to failure in the long-term. Not only is it completely unfair for the students, forcing public colleges and universities to cut back in other areas limits choice, reduces flexibility and doesn't foster a truly diversified economy.

I'm writing to you today to urge you and your council to join us in asking the Premier and her Ministers to invest in our communities and the people who live, work, and learn in them, by investing in post-secondary education.

I'm asking your Council to adopt the enclosed resolution, to submit it for consideration to the UBCM Convention, and to ask other Local Government leaders to do the same. Please feel free to share this letter and the enclosures with other municipal leaders to support that effort.

Let's work together to increase access and affordability for all public, post-secondary institutions. It's time to open the doors to better choices and better opportunities for all British Columbians.

Best regards,

A handwritten signature in black ink, appearing to read 'Shirley Ackland', written in a cursive style.

Shirley Ackland
Mayor

President, North Island College Faculty Association (FPSE Local 16)

SAMPLE RESOLUTION FOR COUNCIL

Whereas education is both an economic and social driver, and therefore of benefit to local communities; and

Whereas two major changes in Advanced Education policy in the past two years (the elimination of tuition-free Adult Basic Education and English as a Second Language programs and the launch of the Skills for Jobs Blueprint) have had a dramatic negative effect on student choices and access to post- secondary programs for BC students;

THEREFORE BE IT RESOLVED that Council endorse the Federation of Post-Secondary Educators' "Open the Doors" campaign and pledge support for a fully-funded, public post-secondary system; and

BE IT FURTHER RESOLVED that Council requests the Mayor to write a letter to Minister of Education Mike Bernier, Minister of Advanced Education Andrew Wilkinson, and Premier Christy Clark requesting the Government of British Columbia to restore full funding to BC's public post-secondary system, including free tuition for Adult Basic Education and English language programs; and

BE IT FINALLY RESOLVED that this motion be submitted to the convention of the Union of BC Municipalities before the June 30, 2016 deadline.

BACKGROUNDER ON POST-SECONDARY FUNDING IN BRITISH COLUMBIA

Public post-secondary education in BC is experiencing a funding crisis. The largest single investment the BC government makes in post-secondary education – the per-student operating grants – has declined by 27% since 2001, when adjusted for inflation. Consequently, colleges and universities are forced to seek other sources of funding to make up the shortfall. The cost of post-secondary education has primarily been shifted to students, as tuition fees have increased by almost 400% since 2001. Institutions are also seeking private and corporate sources of funding, which are having a larger influence on our public education system.

In addition to the funding crisis, BC's Skills for Jobs Blueprint limits students' program choices by directing them into the career streams the government has determined as priorities. This Blueprint, combined with the funding squeeze, means that institutions have reduced or even eliminated other programs. University transfer, Adult Basic Education, and English language programs have all been negatively affected.

FUNDING FACTS

- Provincial revenue from tuition and ancillary fees is currently \$1.67 billion, and will be \$1.92 billion by 2018. It was \$450 million in 2001.
- Student debt averages nearly \$30,000 after completing a four-year degree program.
- Per-student operating grants (approximately \$1.78 billion) have declined by 27% since 2001 (after adjusting for inflation).
- Government cut \$6.9 million in Adult Basic Education funding in 2014, and revoked the policy of providing tuition-free ABE. Government now spends \$7.6 million for the Adult Upgrading Grant.
- Eligibility for the Adult Upgrading Grant is limited to students earning less than \$23,700 annually, or just over \$11 per hour for a full-time worker.
- English language programs for domestic students were tuition-free until 2014, funded through a \$22 million federal transfer payment.

POLICY CONSIDERATIONS

- The funding formula is not adapted for specific community needs. Rural community colleges and large urban ones are all funded based on estimates of student FTEs.
- The funding formula requires post-secondary institutions to view students as "revenue-generating units," rather than as learners and contributors to an education community, and beyond that, as economic and social contributors to the communities in which they live.
- The Skills for Jobs Blueprint views post-secondary only as job training, devaluing its critical role in developing engaged citizens. This Blueprint requires institutions to direct up to 25% of their operating grants to programs supporting their "Top 100 Jobs."
- Executive salaries: the number of senior administrators has increased by 50% since 2002, and their pay has almost doubled over the same period. There is currently a freeze on executive compensation but reclassifications or new classifications get around that.
- Public institutions are being encouraged to seek private sources of funding or developing infrastructure through P3s.

SAMPLE LETTER TO MINISTERS

Honourable Andrew Wilkinson, MLA
Minister of Advanced Education
Parliament Buildings, Rm 133
Victoria, BC V8V 1X4

June 30, 2016

Dear Minister Wilkinson,

On behalf of Council and the **Town of Port McNeill**, I am writing to request that the provincial government restore full funding to public post-secondary institutions, including reinstating free tuition for Adult Basic Education and English language programs.

Education is both a social and economic driver. It leads to better paying jobs, improved social and health outcomes, and a more engaged population within our communities. The BC 2024 Labour Market Outlook predicts that 78 per cent of the projected one million job openings will require post-secondary education. We need an accessible and affordable post-secondary system to ensure our communities will have the educated workforce needed to fill these jobs.

Since 2001, per-student operating grants have declined by 27 percent, after adjusting for inflation, while tuition fees have increased nearly fourfold. Squeezed by funding shortfalls, colleges and universities are shifting the financial burden onto students.

Additionally, the elimination of free tuition for English language programs and Adult Basic Education programs has denied the access our more marginalized and vulnerable residents need to upgrade their skills and pursue new and better careers. The Adult Upgrading Grant, intended to offset the financial cost of the tuition fees, sets an income threshold that excludes many students who previously would have been able to access these programs but who can no longer afford to do so.

Post-secondary education is a stepping stone to opportunity, allowing our residents to become more meaningful participants in the workforce, gaining the trade and professional skills needed to sustain a viable economy.

Our students represent a bright, prosperous and sustainable future for British Columbia. Providing fully-funded, affordable and accessible public colleges and universities not only increases social equality, but also economic stability in our communities. The social return on investment is high; by improving their lives, students are contributing to the health of their families, our communities and to the economy. I am therefore writing to state our support for public post-secondary education, and to request that the Province invest in the future of our province by increasing post-secondary funding today.

Sincerely,

[Mayor's name]

Pamela Martin

Subject: BC Hydro Invitation to 2016 UBCM

From: Waddell, Lisa [<mailto:Lisa.Waddell@bchydro.com>]

Sent: Friday, July 08, 2016 4:26 PM

To: Lisa Helps (Mayor) <mayor@victoria.ca>

Subject: BC Hydro Invitation to 2016 UBCM



Ted Olynyk
Community Relations Manager
Vancouver Island-Sunshine Coast
Phone: 250-755-7180
Ted.olynyk@bchydro.com

July 8, 2016

Mayor Lisa Helps
City of Victoria

Dear Mayor Helps and Council:

BC Hydro is pleased to be participating in the 2016 UBCM Convention in Victoria the week of September 26-30, 2016.

If you would like to arrange a meeting on a local issue with one of our senior managers while you are at the convention, please send an email request, with a brief description of the issue, to Lisa Waddell (lisa.waddell@bchydro.com) by **Wednesday, August 17th**.

The meetings will be scheduled for September 27 to 29 and will be held in the Victoria Marriott Inner Harbour hotel (across from the Convention Centre). We will provide full details when we confirm your meeting date and time.

If you have any questions please don't hesitate to contact me. During the convention, I can be reached at 250-618-6267.

We look forward to seeing you at the convention.

Sincerely,

Ted Olynyk
Community Relations Manager
Vancouver Island-Sunshine Coast

This email and its attachments are intended solely for the personal use of the individual or entity named above. Any use of this communication by an unintended recipient is strictly prohibited. If you have received this email in error, any publication, use, reproduction, disclosure or dissemination of its contents is strictly prohibited. Please immediately delete this message and its attachments from your computer and servers. We would also appreciate if you would contact us by a collect call or return email to notify us of this error. Thank you for your cooperation.

Pamela Martin

Subject: Looking forward to seeing you at UBCM 2016

From: Selina Robinson [<mailto:selina.robinson.mla@leg.bc.ca>]

Sent: Monday, July 11, 2016 3:22 PM

To: Lisa Helps (Mayor) <mayor@victoria.ca>

Subject: Looking forward to seeing you at UBCM 2016

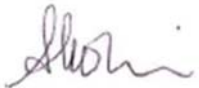
Hello,

I hope your summer is going well. I am writing to you in preparation for the UBCM Convention September 26-30. I am pleased to inform you that all of the Opposition MLAs will be at the UBCM Convention and that we would love to meet with you and hear more about your issues and concerns.

In order to book an appointment with an MLA during UBCM please contact my Legislative Assistant Brontë Renwick-Shields at bronte.renwick-shields@leg.bc.ca or call 250-953-7647 and she will be happy to schedule an appointment for you. Please let Brontë know the specific issues or concerns that you would like to address in the meeting so that we can ensure the appropriate MLAs are in attendance. Here is a link to a list of our MLAs and their spokesperson portfolios: <http://bcndpcaucus.ca/the-team/>

We would also like to remind you that the Opposition will be hosting a free breakfast on the Friday morning of UBCM in the Crystal Ballroom Room at the Fairmont Empress Hotel, doors open at 6:45 am but please come when you can before 8:30 am. We would love to have you join us, invitations and further information will be included in your Convention package.

Yours sincerely,



Selina Robinson
MLA for Coquitlam-Maillardville
Opposition Spokesperson for Local Government, Seniors and Sports

If you would no longer like to receive emails from me regarding Local Government, please [click here](#)



OFFICE OF THE
SENIORS ADVOCATE
BRITISH COLUMBIA

Victoria City Council - 28 Jul 2016

July 15, 2016

Ref: 302679
Sent by email only

To All Mayors and Councils in BC

Dear Mayor and Council,

As British Columbia's Seniors Advocate, I am writing to all municipal governments in BC asking for consideration of increased safety initiatives targeted at senior pedestrians, including the lowering of speed limits in appropriate areas.

My colleague Dr. Perry Kendall, Provincial Health Officer highlighted the vulnerability of senior pedestrians in his report, *Where Rubber Meets the Road: Reducing the Impact of Motor Vehicle Crashes on Health and Well-being in BC*. This report points out that there were 2,200 motor vehicle accidents involving at least one pedestrian in BC in 2013. These resulted in 2,300 injured pedestrians and 52 pedestrian fatalities.

Dr. Kendall's report further highlights the fatality rate for pedestrians aged 76 and up is more than twice the MVC fatality rate for pedestrians 66-75 and that overall, those over 76 had the highest rate of fatalities per 100,000 population. Dr. Kendall found that there were a number of contributing factors that cause these accidents, including pedestrian error or confusion (31%), distraction on the part of the driver or pedestrian (29.3%), alcohol (19%), driver failing to yield the right of way (9.5%), and speed (8.8%). The impact of these pedestrian accidents to the individual, their families and the system at large is obviously significant. In the case of seniors, injury is much more likely to lead to a permanent decrease in overall function.

As the Office of the Seniors Advocate continues to monitor transportation issues relating to seniors, I would like to personally encourage you to consider pedestrian-focused enhancements in your communities that help ensure the safety of older citizens is a priority and these enhancements include: mechanisms to decrease crossing distances, increasing crossing times, improving pedestrian lighting, and modifying roadways, especially intersections, where most pedestrian accidents occur.

Appropriate speed limits must also be a priority, particularly in areas that have a high number of pedestrians. Research shows that pedestrians have a 10% risk of dying when hit at 30 kilometres per hour, but an 80% risk of dying when hit at 50 kilometres per hour.

The continued education of both drivers and pedestrians is something I will continue to encourage. Age-friendly initiatives should continue to focus on as much safe pedestrian access as possible, ultimately improving the overall health and well-being of our elderly population.

I look forward to your continued collaboration on this most important issue.

Sincerely,

Isobel Mackenzie
Seniors Advocate

pc: Dr Perry Kendall
Honourable Terry Lake
Stephen Brown