



UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL
MEETING OF MARCH 24, 2016, AT 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People







Music from the Victoria Conservatory of Music - Winds & Brass Department
Jayda Thor, Student; Dr. Jack Edwards, Judith Pazder & Mary Jill McCulloch, Faculty

A. APPROVAL OF AGENDA


B. READING OF MINUTES

1. Minutes from the Special Council Meeting held February 25, 2016
2. Minutes from the Special Council Meeting of March 10, 2016
3. Minutes from the Regular Meeting held March 10, 2016

C. REQUESTS TO ADDRESS COUNCIL (Maximum 6)

1. Ann Collins: Are Our Existing Noise Bylaws Adequate to Protect Residents in Mixed Land Use Areas
2. Richard Wise: Front Yard Fence Height for Growing Food in R1-A
3. Bill Steward: Regulations Re: Medical Marijuana Dispensaries
4. **Late Item:** Jordan Reichert: Phasing out the Horse-Drawn Carriages
  
5. **Late Item:** Corie Kielbiski: Horse Carriages
 
6. **Late Item:** David Budd: Horse Carriages on City Roads


D. PROCLAMATIONS

1. "National Volunteer Week" - Week of April 10 - 16, 2016
2. "Canadian Oncology Nursing Day" April 5, 2016
3. "Project Management Day" - April 15, 2016
4. "Autism Awareness Day" - April 2, 2016
5. "Everyone Matters Day" - April 12, 2016
6. "International Transgender Day of Visibility" - March 31, 2016
7. **Late Item:** "Canadian Cancer Society's Daffodil Month" - April 2016


8. **Late Item:** "National Day of Mourning" - April 28, 2016



E. PUBLIC AND STATUTORY HEARINGS

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20) No. 16-027

Council is considering amendments to the Official Community Plan

a. Public Hearing

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20) No. 16-027

The purpose of this bylaw is to amend the Official Community Plan to:

- a. Exempt the construction, placement or alteration of a building or structure that has a total floor area no greater than 9.2m² (100ft²) from requiring development permits in the following areas
 - DPA 4:Town Centres
 - DPA 5:Large Urban Villages
 - DPA 6A:Small Urban Villages
 - DPA 7A:Corridors
 - DPA 10A:Rock Bay
 - DPA 13:Core Songhees
 - DPA 14:Cathedral Hill Precinct
 - DPA 15A:Intensive Residential Small Lot
 - DPA 15B:Intensive Residential Panhandle Lot
 - DPA 15D:Intensive Residential Duplex
 - DPA 16:General Form and Character
- b. Exempt changes to existing landscaping, other than landscaping identified in a development permit for the property from requiring development permits in the following areas:
 - DPA 5:Large Urban Villages
 - DPA 6A:Small Urban Villages
 - DPA 7A:Corridors
 - DPA 10A:Rock Bay
 - DPA 11:James Bay and Outer Harbour
 - DPA 13:Core Songhees
 - DPA 14:Cathedral Hill Precinct
- c. Amend the language in the Overview Section of Appendix A to better clarify when a permit is not required (exemption) versus when a permit is required and to improve the overall user-friendliness of this section.

b. Opportunity for Public Input

Introducing a Revised Land Use Procedures Bylaw 2016 16-028

To introduce a revised Land Use Procedures Bylaw including these changes to:

- (a) update references to the be consistent with the Official Community Plan, 2012 and recent changes to the *Local Government Act*
- (b) set a time limit for cancellation of applications
- (c) clarify fees for refunds, variance applications, additional fee assessment for revisions, and fees for rezoning applications with concurrent

- development permits for small lots, duplexes and garden suites
- (d) introduce new procedures to require applicant to be responsible for preparation of signs
- (e) distinguish the types of public input based on types of applications
- (f) specify conditions when delegation of certain permits may occur.

Close of Hearing - Consideration of Approval

- c. **Bylaw Approval:** To consider approval of the application, a motion for Third Reading of the bylaws is in order:
Official Community Plan Bylaw, 2012 (No. 20) - No. 16-027
Land Use Procedures Bylaw 2016 - No. 16-028
- d. **Bylaw Approval:** To consider final approval of the application, a motion to Adopt the bylaws is in order:
Official Community Plan Bylaw, 2012 (No. 20) - No. 16-027
Land Use Procedures Bylaw 2016 - No. 16-028

2. Development Permit with Variances Application No. 000404 for 701 Tyee Road

Council is considering authorizing a Development Permit with Variances for the purposes of constructing 144 residential units in three phases and varying requirements in the Zoning Regulation Bylaw.

a. Hearing - Development Permit with Variances No. 000404



The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 701 Tyee Road, in Development Permit Area 13: Core Songhees, for the purposes of constructing 144 residential units in three phases and varying the following requirements of the *Zoning Regulation Bylaw* namely:

- increasing the height for buildings in Phase 2 from 24m to 25.49m
- increasing the height for buildings in Phase 3 from 31m to 33m
- reducing the overall parking from 185 stalls to 178 stalls
- reducing the parking from 50 stalls to 49 stalls for Phase 1
- reducing bicycle storage from 40 stalls to 28 stalls for Phase 1
- reducing the north setback (Gaudin Road) from 3.5m to nil
- reducing the south setback from 4m to 3.5m
- reducing the south setback from 4m to nil for Phases 1 and 2

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 with Variances Application No. 000404 for 701 Tyee Road in accordance with:
 1. Plans date stamped February 9, 2016.

2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. reduce the south setback from 4m to 3.5m;
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. increase the height in DA-J from 31m to 33m for Phase 3;
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - g. reduce parking from 185 stalls to 178 stalls;
 - h. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the Railyards Master Development Agreement being registered on title, to the satisfaction of staff.
5. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, in a form satisfactory to staff.

F. REQUESTS TO ADDRESS COUNCIL

1. **Late Item:** Bart Reed: Bike Lanes

2. **Late Item:** Joanne Murray: Making 1921-23 Fernwood Road a City Facility

3. **Late Item:** Deane Strongitharm: Speed Ave. and Francis St Application - Community Amenity Contribution

4. **Late Item:** Steve Craik: Pedicabs

5. **Late Item:** Morgan McCarthy: Horse-Drawn Carriages

6. **Late Item:** James Kyles: Sewage Processing Facility Location

7. **Late Item:** Brian Lepine: Clover Point Sewage Plant Proposal

8. **Late Item:** Emily Lavender: Horse-Drawn Carriages

9. **Late Item:** Kari Sloane: Horse Drawn Carriages on Victoria Streets

G. UNFINISHED BUSINESS

1. Update Report for Rezoning Application No. 00485 for 2330 Richmond Road
2. Correspondence dated March 2, 2016 from the Office of the Prime Minister: Affordable Rental Housing
3. Correspondence dated March 6, 2016 from the Minister of Finance: Local Wastewater Facilities
4. **Late Item:** Correspondence dated March 8, 2016 from the Ministry of Community,



Sport and Cultural Development and Minister Responsible for Translink: Draft Framework for the Capital Integrated Services and Governance Initiative

H. REPORTS OF COMMITTEES

1. Committee of the Whole

1. Report from the COTW Meeting held March 17, 2016
2. Report from the COTW Meeting held March 24, 2016



Late Item: Report

I. NOTICE OF MOTIONS

1. Saving Lives Through Organ Donation
--Councillors Isitt and Loveday
2. **Late Item:** AVICC Resolution: Respect for Local Government Authority Relating to Contaminated Soils
--Councillors Isitt and Loveday

J. BYLAWS

1. First Reading

1. Heritage Designation (1728 Denman Street) Bylaw 16-037
 1. *A report recommending first and second reading of Bylaw No. 16-037 for Heritage Designation of 1728 Denman Street*
 2. *A bylaw proposing to designate the exterior and specific interior features of the building located at 1728 Denman Street to be protected heritage property.*
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1064) No. 16-032
 1. *A report recommending first and second reading of Bylaw No. 16-032*
 2. *A bylaw proposing to rezone 755-795 Market Street and 766-770 Hillside Avenue.*
3. Land Use Contract Discharge (755-795 Market Street and 766-770 Hillside Avenue) Bylaw 16-034
 1. *A report recommending first and second reading of Bylaw No. 16-034*
 2. *A bylaw proposing to authorize the discharge of a Land Use Contract for 755-795 Market Street and 766-770 Hillside Avenue*
4. Housing Agreement (755-795 Market Street and 776-770 Hillside Avenue) Bylaw
 1. *A report recommending first, second and third reading of Bylaw No. 16-033*
 2. *A bylaw proposing to authorize a housing agreement for 755-795 Market Street and 766-770 Hillside Avenue*

2. Second Reading

1. Heritage Designation (1728 Denman Street) Bylaw 16-037
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1064) No. 16-032

3. Land Use Contract Discharge (755-795 Market Street and 766-770 Hillside Avenue) Bylaw 16-034
4. Housing Agreement (755-795 Market Street and 776-770 Hillside Avenue) Bylaw

3. Third Reading

1. Housing Agreement (755-795 Market Street and 776-770 Hillside Avenue) Bylaw

4. Adoption

- a. *Board of Variance Bylaw, Amendment Bylaw (No. 1) - 16-036*

K. CORRESPONDENCE

L. NEW BUSINESS

1. **To Set Public Hearings for the Council Meeting of Thursday, April 14, 2016**
 1. Heritage Designation Application No. 000152 for 1728 Denman Street
 2. Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue

M. QUESTION PERIOD

N. ADJOURNMENT



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, FEBRUARY 25, 2016, AT 1:22 P.M.

<u>PLACE OF MEETING:</u>	Songhees Nation Room, City Hall
<u>PRESENT:</u>	Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Madoff, Thornton-Joe, and Young
<u>ABSENT:</u>	Councillor Lucas
<u>STAFF PRESENT:</u>	J. Jenkyns - Deputy City Manager; P. Bruce - Fire Chief; C. Coates – City Clerk; C. Mycroft - Executive Assistant to the City Manager; T. Soulliere - Director of Parks, Recreation & Facilities; S. Thompson - Director of Finance; J. Tinney - Director of Sustainable Planning & Community Development; F. Work – Director, Engineering and Public Works; T. Zworski – City Solicitor; A. Meyer – Assistant Director, Development Services; P. Rantucci – Manager, Strategic Real Estate; B. Dellebuur – Acting Assistant Director, Transportation; P. Martin – Recording Secretary

Motion:

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council convene a closed meeting that excludes the public under Sections 90(1) and/or (2) of the Community Charter; namely:

- **Section 90(1)(a)** Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- **Section 90(1)(e)** The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- **Section 90(2)(b)** The consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

APPROVAL OF CLOSED AGENDA

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council the special closed Victoria City Council agenda of February 25, 2016 be approved as amended.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

READING OF MINUTES

1. **Closed Governance and Priorities Meeting Minutes of December 3, 2015**
It was moved by Councillor Alto, seconded by Councillor Coleman, that the closed Governance and Priorities Committee meeting minutes of December 3, 2015 be adopted.
Carried Unanimously
2. **Special Closed Victoria City Council Meeting Minutes of December 14, 2015**
It was moved by Councillor Alto, seconded by Councillor Coleman, that the special closed Victoria City Council meeting minutes of December 14, 2015 be adopted.
Carried Unanimously
3. **Special Closed Victoria City Council Meeting Minutes of February 11, 2016**
It was moved by Councillor Alto, seconded by Councillor Coleman, that the special closed Victoria City Council meeting minutes of February 11, 2016 be adopted.
Carried Unanimously

UNFINISHED BUSINESS

1. Potential Land Acquisition/Disposition

Council received a report dated February 4, 2016, regarding potential land acquisition/disposition.

The discussion and motion were recorded and kept confidential.

2. Intergovernmental Relations

Council received a verbal report regarding intergovernmental relations.

The discussion and motion were recorded and kept confidential.

3. Legal Advice

Council received a report dated February 23, 2016, regarding legal advice.

The discussion and motion were recorded and kept confidential.

CORRESPONDENCE

4. Intergovernmental Relations

Council received a letter dated February 16, 2016, regarding intergovernmental relations.

The discussion and motion were recorded and kept confidential.

NEW BUSINESS

4. Further Appointments to the Accessibility Working Group

Council received a report dated February 17, 2016, regarding further appointments to the Accessibility Working Group

The discussion and motion were recorded and kept confidential.

5. Legal Advice

Council received a verbal report, regarding legal advice.

The discussion and motion were recorded and kept confidential.

ADJOURNMENT

It was moved by Councillor Loveday, seconded by Councillor Alto, that the Special Closed Council meeting adjourn.

Time: 3:55 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR OF THE CITY OF VICTORIA



MINUTES – VICTORIA CITY COUNCIL

SPECIAL MEETING OF THURSDAY, MARCH 10, 2016, AT 11:51 A.M.

PLACE OF MEETING: Council Chambers, City Hall

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

STAFF PRESENT: J. Johnson – City Manager; J. Jenkyns - Deputy City Manager; K. Hamilton - Director of Citizen Engagement & Strategic Planning; C. Coates – City Clerk; T. Soulliere - Director of Parks, Recreation & Facilities; S. Thompson - Director of Finance; J. Tinney - Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; C. Royle – Deputy Fire Chief; P. Martin – Recording Secretary.

Motion:

It was moved by Councillor Loveday, seconded by Councillor Coleman, that Council convene a closed meeting that excludes the public under Sections 90(1) and/or (2) of the Community Charter; namely:

- Section 90(1)(g) Litigation or potential litigation affecting the municipality;
- Section 90(1)(i) The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Carried Unanimously

APPROVAL OF CLOSED AGENDA

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Isitt, that Council adopt the special closed agenda.

Carried Unanimously

READING OF CLOSED MINUTES

1. Special Closed Victoria City Council Meeting Minutes of February 25, 2016

It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, that the special closed Victoria City Council meeting minutes of February 25, 2016 be adopted.

Carried Unanimously

All Staff, except for the City Manager, City Clerk and legal counsel, were excused from the meeting at 11:55 a.m.

UNFINISHED BUSINESS

2. Litigation/Potential Litigation – Legal Advice

Council received a verbal report from legal counsel and staff regarding litigation/potential litigation and legal advice.

The discussion was recorded and kept confidential.

NEW BUSINESS

3. Litigation/Potential Litigation

Motion:

It was moved by Councillor Lucas, seconded by Councillor Loveday, that Council postpone consideration of item #3 – Litigation/Potential Litigation until March 17, 2016.

Carried Unanimously

ADJOURNMENT

It was moved by Councillor Loveday, seconded by Councillor Lucas, that the Special Closed Council meeting adjourn.
Time: 12:28 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR OF THE CITY OF VICTORIA



MINUTES – VICTORIA CITY COUNCIL

MEETING OF THURSDAY, MARCH 10, 2016, AT 6:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

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

STAFF PRESENT: J. Johnson – City Manager; C. Coates - City Clerk; K. Hamilton – Director of Citizen Engagement & Strategic Planning; J. Jenkyns - Deputy City Manager; C. Royle – Deputy Fire Chief; T. Soulliere - Director of Parks, Recreation & Facilities; J. Tinney - Director, Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; J. O'Connor – Manager, Financial Planning; L. Baryluk – Senior Planner; C. Havelka - Council Secretary.

APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that the agenda be approved as amended.

Carried Unanimously

POETRY READING

Yvonne Blomer, Poet Laureate, read a poem entitled “Suspect”.

READING OF MINUTES

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that the Special Council meeting minutes of February 11, 2016, be approved.

Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the Regular Council meeting minutes of February 25, 2016, be approved.

Amendment:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the minutes be corrected on page 8 to page 11 to remove Councillor Thornton-Joe from voting with respect to BC Transit items as she had left the meeting due to a conflict.

On the amendment:
Carried Unanimously

On the main motion as amended:
Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that the Special Council meeting minutes of March 3, 2016, be approved.

Carried Unanimously

REQUESTS TO ADDRESS COUNCIL

Motion:

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

Carried Unanimously

1. **Mary Doody Jones: Need for Amplification Regulation**

Expressed concerns regarding unintended consequences where buildings being demolished to build larger houses results in issues of noise and seismic impacts on adjacent houses as well as impacting the prices of single family houses.

2. **Leon “Ted” Smith: International Hempology 101 Society**

Noted that medical marijuana day is approaching and spoke about the Owen Smith court decision that resulted in recognition of this day. He also spoke about the benefits of cannabis.

Councillor Thornton-Joe withdrew from the meeting at 6:50 p.m. as her spouse works for BC Transit which creates a pecuniary conflict of interest with the following item.

3. **Stuart Hertzog: Proposed Widening of Douglas Street and Cutting Trees**

Provided a video and spoke about the benefits of the urban greenscape and protecting trees on the Douglas Street boulevard that should be accommodated when considering the proposed changes to widen Douglas Street transit lanes.

Councillor Thornton-Joe returned to the meeting at 6:55 p.m.

4. **Bart Reed: Bike Lanes**

Expressed concerns about issues related to bike lanes proposed for the Cook Street village, the impact it will have on the number of parking stalls in the , and misinformation that is circulating.

5. **Mr. Kang: B.C. Taxi Association regarding the Share Ride Concept of UBER or Lyft**

Outlined the role of the Taxi Association in the community and the regulations the taxi drivers must adhere to as opposed to UBER, which does not adhere to regulations and does not pay taxes.

Councillor Loveday withdrew from the meeting at 7:05 a.m.

PROCLAMATIONS

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the following Proclamations be endorsed:

1. "World Plumbing Day" – March 11, 2016
2. "Purple Day for Epilepsy Awareness" – March 26, 2016
3. "World Poetry Day" and "National Poetry Month" – March 21, 2016 and April 2016
4. "World Kidney Day" – March 10, 2016
5. "International Day to Eliminate Racial Discrimination" – March 21, 2016

Councillor Loveday returned to the meeting at 7:06 p.m.

Carried Unanimously

PUBLIC AND STATUTORY HEARINGS

Councillor Isitt withdrew from the meeting at 7:06 p.m. as his mother lives adjacent to 1146 Caledonia Avenue which creates a non-pecuniary conflict of interest with the next item.

1. **Rezoning Application No. 00469 and Official Community Plan Amendment for 1146 Caledonia Avenue**

1. **Public Hearing**

1. **Official Community Plan Bylaw, 2012 (No. 21) 16-030**

The purpose of this Bylaw is to change the urban place designation for the land known as 1146 Caledonia Street from Traditional Residential to Urban Residential, to permit development of a six-unit multiple dwelling.

2. **Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) – 16-029**

The purpose of this Bylaw is to create a new R-82 Zone, Caledonia Multiple Dwelling District and to rezone the land known as 1146 Caledonia Avenue from the R-2 Zone, Two Family Dwelling District, to the R-82 Zone, Caledonia Multiple Dwelling District, to permit development of a six-unit multiple dwelling.

Development Permit Application No. 000398

The Council of the City of Victoria will also consider issuing a development permit for the land known as 1146 Caledonia Avenue, in Development Permit Area 16: General Form and Character, for the purposes of approving the exterior design and finishes for the proposed six-unit multiple dwelling as well as landscaping.

Lucina Baryluk (Senior Planner): The proposal is to amend the Official Community Plan (OCP) to allow for the 3.5 storey building and rezone the subject property to increase the density to permit a six unit dwelling. An easement has been registered on title, as well as a Statutory Right of Way. The matter for Council's consideration is the supportability of the OCP amendment and Rezoning of the subject property.

Mayor Helps opened the public hearing at 7:08 p.m.

Garth Collins (Applicant): Provided information about the site and adjacent properties, and how the site will interact with King's play lot. Also described was the design and how people will access the residential units and parking. He provided information about the proximity of the proposal to the adjacent building and how they lowered the building to mitigate the height, and used landscaping and the adjustment of windows to accommodate privacy concerns.

Mayor Helps asked what would be the approximate purchase price for the units.

Garth Collins: Advised they the proposal is to sell the units under \$300,000.

Trish Richards (Caledonia Avenue): Spoke in support of the proposal noting that the density can be accommodated on the site and the stepped down design mitigates the height. She also spoke about the positive impact it will have on the neighbourhood and King's Park.

Mary Ketchen (Caledonia Avenue): Spoke in support of the proposal, the design, and the positive impact it will have on the neighbourhood. She asked about the new zone and questioned if it is just applicable to 1146 Caledonia Avenue.

Lucina Baryluk: Advised that this is a site specific zone which is only for this property.

Gordon Cochrane (Caledonia Avenue): Spoke in support of the proposal, noting the proximity of the houses is not an issue, and the applicant put a lot of consideration into the design. Also supportable is how the easement will alleviate issues with the Kings Park.

Susie Charbonneau (Caledonia Avenue): Spoke in support of the proposal and how it will impact the neighbourhood.

Councillor Thornton-Joe asked staff if there have been discussions about plans to put a path through the park.

Thomas Soulliere (Director of Parks, Recreation & Facilities): There have been preliminary discussions and the potential is there to connect the two streets.

Mayor Helps closed the public hearing at 7:37 p.m.

2. Bylaw Approval

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following bylaws **be given third reading**:

Official Community Plan Bylaw, 2012 (No. 21) – 16-030

Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) – 16-029

Councillor Thornton-Joe spoke in support of the application noting that the benefit the proposal would have in terms of maintaining the character of the street and as well as providing housing. She also noted that the CALUC didn't have concerns regarding the development.

Councillor Madoff spoke in support of the application noting that the site planning, form and character of building, along with the architectural approach, respects the form and character of the street.

Mayor Helps requested that work carried out in the park be coordinated with the construction of the building to minimize disruption.

Carried Unanimously

3. Bylaw Approval

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that the following bylaws **be adopted**:

Official Community Plan Bylaw, 2012 (No. 21) – 16-030

Zoning Regulation Bylaw, Amendment Bylaw (No. 1063) – 16-029

Carried Unanimously

3. Bylaw Approval

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the following bylaws **be adopted**:

Housing Agreement (1146 Caledonia Avenue) Bylaw – 16-031

Carried Unanimously

4. Development Permit Approval

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that Council authorize the issuance of Development Permit Application No. 000398 for 1146 Caledonia Avenue, and in accordance with:

1. Plans for Rezoning Application No. 00469 and Development Permit Application No. 000398 stamped March 17, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director, Sustainable Planning and Community Development.
4. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

Councillor Isitt returned to the meeting at 7:42 p.m.

2. Development Variance Permit Application No. 00125 for 3189 Quadra Street

Hearing

1. Development Variance Permit Application

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 3189 Quadra Street for the purpose of varying the Zoning Regulation Bylaw, Schedule C,

Off-Street Parking Requirements, by reducing the required amount of parking stalls from 8 stalls to 1 stall for the existing restaurant on the property.

Lucina Baryluk (Senior Planner): Advised that this Development Variance Permit application is to vary the parking required for the existing restaurant. The matter for Council's consideration is the supportability of the parking variance.

Mayor Helps opened the public hearing at 7:43 p.m.

Peter Bevan (Pemberton Holmes Realtor): Advised that his client inherited the parking issue which was misrepresented when the property was sold to him, and he outlined details regarding the amount of seats and parking for the restaurant.

Mr. Long (Owner of the restaurant): Advised that most of his customers are in neighbourhood, and he requested that the City approve the parking variance so they can continue to serve the community.

Mayor Helps closed the public hearing at 7:47 p.m.

2. Development Permit Variance Permit Approval

It was moved by Councillor Isitt, seconded by Councillor Alto,

1. That Council authorize the issuance of Development Permit Application No. 00125 for 3189 Quadra Street, in accordance with:
 - a. Plans date stamped July 31, 2013;
 - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - Schedule C, Section 16.C.12 - Relaxation from 1 parking space for every 5 seats to 1 parking space for every 38 seats (8 parking stalls to 1);
 - c. The applicant provide a six space bike rack within the front yard of the property (subject to a security) in a location satisfactory to City staff;
 - d. The Development Permit lapsing two years from the date of this resolution.
2. That the issue of the residential occupancy of the building located at 3189 Quadra Street be referred to the Council for deliberation on a *Community Charter*, Section 57 filing."

Councillor Isitt spoke in support of the application, noting that they didn't hear concerns in the neighbourhood.

Councillor Coleman noted that no neighbours were against this proposal.

Carried Unanimously

3. Development Variance Permit Application No. 00169 for 534 Pandora Avenue

1. Hearing

Development Variance Permit Application No. 00169

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 534 Pandora Avenue for the purpose of varying certain requirements of the Zoning Regulation Bylaw to allow residential uses on the ground floor as part of the rehabilitation and conversion to residential units within a heritage-registered building.

Lucina Baryluk (Senior Planner): This Development Variance Permit application is for one variance to allow residential uses on ground floor. For Council's consideration is the supportability of the variance and the consistency with design guidelines.

Mayor Helps opened the public hearing at 7:50 p.m.

Peter de Hoog (De Hoog & Kierulf Architects): Advised that this variance is to allow residential use in a small portion of the development. He described the components of the residential unit, and outlined the original use of the space and how it will create an interesting negative space on the street.

Mayor Helps closed the public hearing at 7:53 p.m.

2. Development Variance Permit Approval

It was moved by Councillor Thornton-Joe, seconded by Councillor Loveday, that Council authorize the issuance of Development Variance Permit Application No. 00169 for 534 Pandora Avenue, in accordance with:

1. Plans date stamped December 11, 2015.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance: Part 6.7 - CA-3C Zone - Old Town District, 1 (e), to allow residential uses on the ground floor.
3. The Development Variance Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. **Heritage Designation Application No. 000157 for 534 Pandora Avenue**

1. **Public Hearing**
Heritage Designation Application

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 534 Pandora Avenue, legally described as Lot 437, Victoria City, except the westerly 25 feet thereof, as protected heritage property, under Heritage Designation (534 Pandora Avenue) Bylaw No. 16-010.

Lucina Baryluk (Senior Planner): Advised that this is a Heritage Designation Application and the matter for Council's consideration is the appropriateness of making it a municipal heritage designated site.

Mayor Helps opened the public hearing at 7:55 p.m.

Mayor Helps closed the public hearing at 7:56 p.m.

2. **Bylaw Approval**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**

Heritage Designation (534 Pandora Avenue) Bylaw – 16-010

Carried Unanimously

3. **Bylaw Approval**

It was moved by Councillor Thornton-Joe, seconded by Councillor Madoff, that the following bylaw **be adopted:**

Heritage Designation (534 Pandora Avenue) Bylaw – 16-010

Carried Unanimously

5. **Heritage Designation Application No. 000156 for 533 – 537 Fisgard Street**

1. **Public Hearing**
Heritage Designation Application

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exteriors of the two buildings located at 533-537 Fisgard Street, legally described as Lot 446, Victoria City, as protected heritage property, under Heritage Designation (533-537 Fisgard Street) Bylaw No. 16-009.

Lucina Baryluk (Senior Planner): Advised that this is an application similar to the application for 534 Pandora Avenue.

Mayor Helps opened the public hearing at 7:56 p.m.

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

1. **Bylaw Approval**

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

Heritage Designation (533-537 Fisgard Street) Bylaw – 16-009

Councillor Thornton-Joe provided information on work she is involved with that stems from the Province's apology to the Chinese community. This involves creating a list of properties regarding their status in terms of heritage designation, rehabilitation, and other matters.

Carried Unanimously

3. **Bylaw Approval**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the following bylaw **be adopted:**

Heritage Designation (533-537 Fisgard Street) Bylaw – 16-009

Carried Unanimously

6. **Heritage Designation Applications No. 000149 for 222 Dallas Road and No. 000148 for 226 Dallas Road**

2. **Public Hearing**
Heritage Designation Applications

Heritage Designation of property known as 222 Dallas Road

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 222 Dallas Road, legally described as Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941, under Heritage Designation (222 Dallas Road) Bylaw No. 16-021.

Heritage Designation of property known as 226 Dallas Road

Under the provisions of the Local Government Act, the City of Victoria intends to designate the exterior of the building located at 226 Dallas Road, legally described as Lot 23, Block 5, Section 26, Beckley Farm, Victoria City, Plan 1941, under Heritage Designation (226 Dallas Road) Bylaw No. 16-022.

Lucina Baryluk (Senior Planner): Advised that both properties are covered under a single heritage designation report, formally located at 524 and 526 Michigan Street. The matter for Council's consideration is the suitability of designating the property as a municipal heritage site.

Mayor Helps opened the public hearing at 7:58 p.m.

Mayor Helps closed the public hearing at 7:59 p.m.

2. Bylaw Approval

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

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously

3. Bylaw Approval

It was moved by Councillor Madoff, seconded by Councillor Coleman, that the following bylaws **be adopted**:

Heritage Designation (222 Dallas Road) Bylaw No. 16-021

Heritage Designation (226 Dallas Road) Bylaw No. 16-022

Carried Unanimously

UNFINISHED BUSINESS**1. Development Permit with Variances Application No. 000404 for 701 Tyee Road**

Council received a report dated February 25, 2016 that provided information on revised plans and the pre-conditions required for Development Permit with Variances Application No. 000404 for 701 Tyee Road.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment, Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000404 for 701 Tyee Road in accordance with:

1. Plans date stamped February 9, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. reduce the south setback from 4m to 3.5m;
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. increase the height in DA-J from 31m to 33m for Phase 3;
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - g. reduce parking from 185 stalls to 178 stalls;
 - h. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the Railyards Master Development Agreement being registered on title, to the satisfaction of staff.
5. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, in a form satisfactory to staff."

Carried Unanimously

2. Update Report for Rezoning Application No. 00485 for 2330 Richmond Road

Council received a report dated March 3, 2016 that responded to Council's request that staff explore with the application the possibility of including a housing Agreement as a condition of rezoning for Rezoning Application No. 00485 for 2330 Richmond Road.

Motion:

It was moved by Councillor Lucas, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00485 for 2330 Richmond Road by rezoning the subject parcel from the R1-B Zone, Single Family Dwelling District, to a site specific zone, and 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:

- a) Should sewage attenuation be required, a legal agreement to the satisfaction of staff would be required prior to Public Hearing.

- b) Housing Agreement be secured to ensure that the units remain as rental units for a seven-year period.

Councillor Thornton-Joe asked about the seven year term for the housing agreement, noting they are often a ten year term.

Lucina Baryluk: Staff could have further discussions with the applicant to extend the housing agreement.

Councillor Madoff asked about the easement and if it will be discussed at the Public Hearing.

Lucina Baryluk: Advised it doesn't need to be addressed at this time.

Motion to Postpone:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto that Council postpone consideration of this motion.

Carried

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

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council request that staff discuss with the applicant extending the housing agreement to ten years.

Councillor Young spoke against the motion noting that Council's primary objective is it to determine the form and character of a building, not other concessions.

Mayor Helps spoke in favour of the postponement as this will provide more predictability.

Carried

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

3. Letter from the Ministry of Forests, Lands, and Natural Resource Operations: Trophy Hunting

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that the correspondence dated February 18, 2016 from the Ministry of Forests, Lands, and Natural Resource Operations regarding Trophy Hunting be received for information.

Carried Unanimously

4. Rise and Report from Closed Meeting for Information

Council received information about rising and reporting on two items of closed minutes.

a. From the Closed Council Meeting of January 28, 2016: Land/Victoria International Marina

The development as proposed involved use of City owned property. Council concluded that use of public property for a private purpose without benefits to the public was not appropriate and declined the applicant's request for permission to carry out work on City property. Without that permission, the application could not proceed and has been postponed. It is now up to the applicant to either modify the proposal or to proceed with the development of the site as previously approved.

b. From the Closed Council Meeting of February 25, 2016: Land/Victoria International Marina

The City has considered the issue of riparian rights along the West Song Walkway as they pertain to the marina as it is currently proposed and concluded that, there is no practical benefit to asserting such rights to the to the marina as it is currently proposed.

Council discussed the current status of the development permit application for the international marina.

REPORTS OF THE COMMITTEES

1. Committee of the Whole – March 3, 2016

1. Concerns Raised by the Applicant Regarding the Density Bonus Land Lift Analysis and Amenity Contribution for 605-629 Speed Avenue and 606-618 Frances Avenue

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council postpone consideration, until the report on bonus density is considered by Council.

That Council reconfirm its motion of October 29, 2015, that endorses the recommendations in the density bonus community amenity contribution analysis dated September 13, 2013, and that the monetary contribution due to a density bonus be split equally between the Victoria Housing Fund and neighbourhood amenities within the Burnside-Gorge neighbourhood.

Carried Unanimously

2. Rezoning Application No. 00485 for 2330 Richmond Road

The City Clerk advised that Council made a motion to postpone consideration of this application earlier in the meeting and therefore this item has been dealt with.

3. Development Permit Application No. 000457 for 66 & 68 Songhees Road

It was moved by Councillor Thornton-Joe, seconded by Councillor Lucas, that Council authorize the issuance of Development Permit Application No. 000457 for 66 and 68 Songhees Road, in accordance with:

1. Plans date stamped January 28, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Development Permit lapsing two years from the date of this resolution.

Carried Unanimously

4. Development Variance Permit Application No. 00168 for 360 Bay Street

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, 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. 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

5. Province of British Columbia – Licensed First Responder Naloxone Program

It was moved by Councillor Loveday, seconded by Councillor Alto, that Council receive this report on the inclusion and delivery of Naloxone injection as a role of first responders administered through the First Responder program of the Victoria Fire Department and British Columbia Emergency Health Services (BCEHS).

Carried Unanimously

6. 2015 External Audit Plan

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council receive this report dated February 24th, 2016 for information.

Carried Unanimously

7. Advocacy for B.C. Natural Lands Acquisition Fund

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the Mayor, on behalf of Council, write to the Provincial Minister of Environment Mary Polak, copying the Premier, expressing the City of Victoria's support for the creation of a BC Natural Lands Acquisition Fund, to provide a stable financial mechanism for the Provincial government to partner with land owners, local governments and community organizations for the conservation of natural areas for biodiversity, recreation and economic development.

Carried Unanimously

8. Neighbourhood Integration of Regional Health Facilities at 955 Hillside Avenue and 950 Kings Road

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council direct staff to work with the Capital Regional Hospital District (CRHD), Island Health, the Downtown Blanshard Advisory Committee, the Hillside-Quadra Neighbourhood Action Committee, and neighbourhood residents to support effective neighbourhood integration of health facilities at 955 Hillside Avenue and 950 Kings Road, with particular reference to: preservation of greenspace; highway access for 955 Hillside Avenue; opportunities for neighbourhood use; and opportunities for alignment of CRHD-led precinct planning for 950 Kings Road with City-led local area planning for the Hillside-Quadra neighbourhood, as well as long-term planning relating to the BC Housing property at Evergreen Terrace, adjacent to the CRHD properties.

AND THAT staff report back to Council on how Development Cost Charges relating to 955 Hillside Avenue can support effective integration of this health facility into the neighbourhood, including opportunities for the provision of neighbourhood amenities.

Carried Unanimously

9. Conference Attendance Request - Association of Vancouver Island Coastal Communities (AVICC) Annual General Meeting and Convention

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council approves the attendance of Councillor Jeremy Loveday at the 2016 AVICC AGM and Convention.

Carried Unanimously

2. Committee of the Whole – March 10, 2016

1. Basic Income Guarantee

It was moved by Councillor Alto, seconded by Councillor Loveday, that the City of Victoria endorse a national conversation on a Basic Income Guarantee for all Canadians; and

That the Mayor, on behalf Council, write to Prime Minister Trudeau and Premier Clark, and to the federal and provincial Ministers of Health, Social Development, Children and Family Services, and Justice, urging the provincial and federal governments to work together to consider, investigate, and develop a Basic Income Guarantee for all Canadians; and

That this resolution be forwarded to other municipal and regional governments in British Columbia with the request that they consider indicating their support for this initiative; and

That this resolution be forwarded to the Association of Vancouver Island and Coastal Communities, the Union of BC Municipalities and the Federation of Canadian Municipalities, with the request that they include proposing a Basic Income Guarantee in their respective engagements with the provincial and federal governments.

Carried Unanimously

Councillor Isitt withdrew from the meeting at 8:19 p.m. as his father lives near 151 Oswego Street which creates a pecuniary conflict of interest with the next item under consideration.

2. Amendment to the Heritage Revitalization Agreement dated July 24, 2014, for 151 Oswego Street

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council instruct staff to amend Schedule A of the Heritage Revitalization Agreement (HRA) to allow double glazing for all new windows for 151 Oswego Street subject to the owner providing a letter of consent to amend the HRA.

That the amendment advance concurrently with the amendment approved by Council on April 30, 2015, to amend the HRA to accommodate changes to the east addition in accordance with:

1. Plans date stamped February 11, 2015.
2. Letters of engagement from the Registered Professionals, dated November 30, 2014, and January 5, 2015, respectively.

Carried Unanimously

Councillor Isitt returned to the meeting at 8:20 p.m.

3. Ship Point Design Competition

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council:

1. Endorse a 'design competition' to fulfil the 2016 strategic plan action to identify a pilot or 'pop-up' placemaking project to undertake in 2016; and
2. Approve the use of \$45,000 from Downtown Core Area Public Realm Improvement Reserve Fund.
3. That the jury committee include the Downtown Resident's Association.

Carried

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

4. Resource Implications of Outdoor Sheltering

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

1. Direct staff to provide a summary report on City resources devoted to outdoor sheltering in the past 12 months, including the location, frequency and nature of service calls where available, and the number of employees, hours, and estimated total costs associated with these service calls;
2. Request that the Victoria Police Department provide a summary report on VicPD resources devoted to outdoor sheltering in the past 12 months, including the location, frequency and nature of service calls where available, including numbers of officers and duration of service calls, while respecting the need for confidentiality in criminal investigations.
3. Request that the Province provide a summary of its actual and anticipated costs and service calls relating to sheltering adjacent to the Victoria Courthouse in the previous 12 months.
4. That the City staff report include available data on changes in available shelter spaces in the preceding 12 months.

Carried Unanimously

5. Sewage Treatment

It was moved by Councillor Alto, seconded by Councillor Lucas that Council:

1. Request that the CRD meet with the Fairfield Gonzales CALUC and present a concept drawing of an underground plant at Clover Point and engage the Community with regard to their concerns and desires specific to this concept.
2. THEN the CRD report back to Council and also present a concept plan for an underground plant to Council.
3. That Council's consideration of any approval in principle of expansion of existing waste-water facilities at Clover Point would be based on conditions including, but not limited to:
 - (1) That staff work through the Local Area Planning process to engage residents of Fairfield, Gonzales and other Victoria neighbourhoods to identify neighbourhood amenities and community amenities that would be provided to ensure the most effective integration of this project into the neighbourhood and city;
 - (2) The surface of the entire footprint of the proposed site being restored upon completion as publicly accessible parkland, with the final elevation of the parkland not to exceed the current elevation of the roadway at Dallas Road;
 - (3) The provision of a neighbourhood amenity and community amenity package to the satisfaction of the City of Victoria; and

- (4) Mitigation of construction impacts, including: provision for potential continuous waterfront public access around the perimeter of Clover Point from Dallas Road Park in the west to Ross Bay in the east; aesthetic features including artistically adorned hoarding; negotiation of permissible working hours; and provision around access, egress and transport to the site.

Amendment:

It was moved by Councillor Isitt, seconded by Mayor Helps, that Council amend the motion by adding the following to # 3:

(5) Request the Capital Regional District to make best efforts to pursue the most cost effective option for the proposed facility.

Main motion as amended:

That Council:

- 1. Request that the CRD meet with the Fairfield Gonzales CALUC and present a concept drawing of an underground plant at Clover Point and engage the Community with regard to their concerns and desires specific to this concept.
- 2. THEN the CRD report back to Council and also present a concept plan for an underground plant to Council.
- 3. That Council's consideration of any approval in principle of expansion of existing waste-water facilities at Clover Point would be based on conditions including, but not limited to:
 - (1) That staff work through the Local Area Planning process to engage residents of Fairfield, Gonzales and other Victoria neighbourhoods to identify neighbourhood amenities and community amenities that would be provided to ensure the most effective integration of this project into the neighbourhood and city;
 - (2) The surface of the entire footprint of the proposed site being restored upon completion as publicly accessible parkland, with the final elevation of the parkland not to exceed the current elevation of the roadway at Dallas Road;
 - (3) The provision of a neighbourhood amenity and community amenity package to the satisfaction of the City of Victoria; and,
 - (4) Mitigation of construction impacts, including: provision for potential continuous waterfront public access around the perimeter of Clover Point from Dallas Road Park in the west to Ross Bay in the east; aesthetic features including artistically adorned hoarding; negotiation of permissible working hours; and provision around access, egress and transport to the site.
 - (5) Request the Capital Regional District to make best efforts to pursue the most cost effective option for the proposed facility
- 4. All of the above is subject to land use approval by Council.

Councillor Young expressed concerns as this indicates a commitment by Council to this project at this site.

Councillor Coleman requested that the motion be separated.

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas that Council:

- 1. Request that the CRD meet with the Fairfield Gonzales CALUC and present a concept drawing of an underground plant at Clover Point and engage the Community with regard to their concerns and desires specific to this concept.

Carried

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

Against: Councillor Young

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas that Council:

- 2. THEN the CRD report back to Council and also present a concept plan for an underground plant to Council.

Carried

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

Against: Councillor Young

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas that Council:

3. That Council's consideration of any approval in principle of expansion of existing waste-water facilities at Clover Point would be based on conditions including, but not limited to:
 - (1) That staff work through the Local Area Planning process to engage residents of Fairfield, Gonzales and other Victoria neighbourhoods to identify neighbourhood amenities and community amenities that would be provided to ensure the most effective integration of this project into the neighbourhood and city;
 - (2) The surface of the entire footprint of the proposed site being restored upon completion as publicly accessible parkland, with the final elevation of the parkland not to exceed the current elevation of the roadway at Dallas Road;
 - (3) The provision of a neighbourhood amenity and community amenity package to the satisfaction of the City of Victoria; and,
 - (4) Mitigation of construction impacts, including: provision for potential continuous waterfront public access around the perimeter of Clover Point from Dallas Road Park in the west to Ross Bay in the east; aesthetic features including artistically adorned hoarding; negotiation of permissible working hours; and provision around access, egress and transport to the site.
 - (5) Request the Capital Regional District to make best efforts to pursue the most cost effective option for the proposed facility

Carried

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

Motion:

It was moved by Councillor Alto, seconded by Councillor Lucas that Council:

4. All of the above is subject to land use approval by Council.

Carried Unanimously

NOTICE OF MOTIONS

Councillor Thornton-Joe withdrew from the meeting at 8:25 p.m. as her spouse works with BC Transit which creates a pecuniary conflict of interest with the following item.

1. Neighbourhood Input on Douglas Street Southbound Bus Land Implementation

Council received a report dated March 3, 2016 from Councillors Young and Isitt regarding the widening of Douglas Street between Hillside Avenue and Tolmie Avenue and concerns expressed by residents of the Burnside-Gorge neighbourhood.

Motion:

It was moved by Councillor Young, seconded by Councillor Isitt, THAT Council provide additional direction to supplement the motion of February 25, 2016 regarding the BC Transit Southbound Bus Land proposal on Douglas Street, requesting that staff and BC Transit convene a design workshop with Burnside-Gorge residents and other members of the public to explore opportunities for: (1) the retention of trees and greenspace; (2) provision for replacement trees or greenspace; (3) new pedestrian crossings along Douglas Street between Hillside Avenue and Tolmie Avenue; and (4) application of "complete streets" principles as part of this infrastructure project.

Council spoke about aspirations and challenges with creating a public transportation system with Douglas Street as transportation route, and expressed the desire to preserve the trees while developing a regional transportation plan.

Carried Unanimously

Councillor Thornton-Joe returned to the meeting at 8:35 p.m.

2. Advocacy for Reinstatement of BC Bus Pass Benefit

Councillor received a report dated March 4, 2016 from Councillors Isitt and Loveday that provided information about the removal of the benefit of a subsidized BC Bus Pass.

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council request that the Mayor, on behalf of Council, write to the Minister of Social Development and Social Innovation, copying the Premier, requesting that the BC Bus Pass benefit and Special Transportation Subsidy for people with disabilities be reinstated.

Mayor Helps noted the issue is related to a need for disability rates to be kept in line with the growth in the economy.

Councillor Isitt advised that access to food and transportation and the need for a real increase in rates needs to be communicated to the province.

Councillor Alto advised that a better approach would be in the base line structure of the rates.

Amendment:

It was moved by Mayor Helps, seconded by Councillor Thornton-Joe that Council amend the motion as follows:

And request that the BC Government consider tying income assistance and disability benefits to the grown of BC economy.

Amendment to the Amendment:

It was moved by Councillor Isitt, seconded by Mayor Helps that the amendment be amended:

And request that the BC Government consider tying income assistance and disability benefits to the rate of inflation. ~~grown of BC economy~~.

Amendment to the Amendment:
DEFEATED

For: Mayor Helps and Councillor Young
Against: Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff and Thornton-Joe

Council noted that they passed a resolution to write a letter to the Premier to review and increase the social assistant rates in BC.

On the amendment:
Defeated Unanimously

Main motion:
Carried Unanimously

BYLAWS

1. Bylaw Amendments Related to Development Permit Exemptions and Delegation - Update

Council received a report dated February 15, 2016 that provided information on proposed amendments to the Official Community Plan (OCP) and Land Use Procedures Bylaw in response to Council's motion from the meeting held November 26, 2015.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council:

1. Give first reading to Bylaw No. 16-027, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20).

Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council:

1. 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.

Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council:

1. Give second reading to Bylaw No. 16-027, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 20).

Carried Unanimously

2. FIRST READING

a. Land Use Procedures Bylaw – 16-028

Motion:

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

Land Use Procedures Bylaw – 16-028

Carried Unanimously

b. Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036

Motion:

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

Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036

Carried Unanimously

3. SECOND READING

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

- a. *Land Use Procedures Bylaw – 16-028*
- b. *Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036*

Carried Unanimously

4. THIRD READING

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

- a. *Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036*

Carried Unanimously

NEW BUSINESS

To Set Public Hearings for the Meeting of Thursday, March 24, 2016:

It was moved by Councillor Alto, seconded by Councillor Loveday, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, MARCH 24, 2016, at 6:30 p.m.:**

- 1. Development Permit with Variances No. 000404 for 701 Tyee Road
- 2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20) – 16-027
- 3. Land Use Procedures Bylaw 2016, No. 16-028

Carried Unanimously

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that the Council meeting adjourn.
Time: 8:52 p.m.

Carried Unanimously

CERTIFIED CORRECT:

CITY CLERK

MAYOR OF THE CITY OF VICTORIA

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

From: webforms@victoria.ca [mailto:webforms@victoria.ca]
Sent: Tuesday, March 15, 2016 9:48 AM
To: Council Secretary <councilsecretary@victoria.ca>
Subject: Thank you for your submission - City of Victoria - Address Council Form

Name: Ann Collins **Date:** March 15, 2016

Address: 300 Waterfront Crescent Unit 408

I wish to appear at the following Council meeting: March 24, 2016

I
represent: self

Topic: Are Existing Victoria Noise and Nuisance Bylaws adequate to protect Residents within MIXED use land areas?

Action you wish Council to take:
Consider revisiting existing Bylaws

CONTACT INFO:

Contact Name: Ann Collins
Contact Address: 300 Waterfront Crescent Unit 408
Contact Phone Number:
Contact Email:

COVER PAGE

For Mayor and Councillors

Meeting March 24th, 2016

Presenter:

Ann Collins
300 Waterfront Crescent
Unit 408
Victoria, BC



TOPIC: Are existing Victoria Noise and Nuisance Bylaws Adequate to Protect Residents in Mixed Land Use Areas

Contents:

Area Map

Problems and Solutions

Acoustic Sound Barrier Example for Roof Top Chillers/HVACs

Unclear and technical existing bylaw examples

Successes and Failures over the years

Thank you for allowing me to address the meeting and for your commitment to our great city.

Nestle Bridge



Google Maps

Imagery ©2016 Google, Map data ©2016 Google 20 m



Jutland Residences



Existing truck route



Avoid Jutland



Our condo - 4th floor

Garbally

Dunedin

Gorge Rd.

Jutland

The problems

Permitted hours of deliveries/garbage/recycle trucks within residential mixed area
– see other city hours

Difficulty of understanding current Noise/Nuisance Bylaws – too technical and too much reliance on Decibel levels

Lack of clarity and regulation means individuals and small groups have to fight similar issues all over the city

Insufficient protection for Residents' health and quality of life – especially during sleep hours

Suggested Solutions

Establish noise abatement as an important consideration in the planning process and design – from the very beginning, the prime question for Mixed areas should be “ How can we protect the Residents from the unnecessary and harmful noises expected from the non-residential components “ -include solutions in the plan submitted for approval for accountability

Revise existing Bylaws to include special considerations for residents in or abutting nonresidential sections such as commercial/offices/personal services ... found in mixed use areas in a neighbourhood

Keep a database of noise issue complaints throughout the city

Set vigorous requirements for noise abatement on rooftop HVAC systems of any kind in the original design and building stage and require current systems to be updated to meet revised expectations

Establish a temporary group to receive input from residents affected by noise from non resident sources in the neighbourhood. How can we do things better?

Reconsider the Noise District Map – the concept of “quiet” area misrepresents the number of residents in mixed areas which have the same quality of life needs and expectations as other areas – especially mixed use. It also helps to confuse the issue.

The purpose is not to try to prevent all noise for sure. Some noise is beautiful and some necessary especially for safety. BUT we can all do our utmost to prevent unnecessary and discomfiting noise.

[Home](#) [Products](#) [Acoustical Consulting](#) [Applications](#) [Case Studies](#) [Resources](#)

CHILLER ROOFTOP SOUND ENCLOSURE

Chiller Rooftop Sound Enclosure – Case Study

[Download as PDF](#)

Air cooled chillers are efficient machines but notoriously loud and can be disruptive to neighbors. eNoise Control has worked on several projects to attenuate and remediate noise from air cooled screw chiller machines.

Situation:

This case history project involved a roof top Trane Chiller unit. The unit was installed on a roof to cool a large grocery store. The property line involved a neighboring condominium. The tenants of the condominium that faced the chiller were complaining about the sound from the roof top unit. Neighbor complaints stated such things as "not able to sleep", "disrupting noise at night", and "whining noise from the chiller".



Rooftop Chiller Sound Enclosure

Solution:

eNoise Control was hired to provide property line sound level readings, acoustic consulting, and generate a feasibility report on our findings for noise control remedies. Our conclusions were to provide a full steel sound enclosure to help abate the noise from the chiller fans and chiller compressors. Airflow was a consideration. Installed into the enclosure were [acoustic louvers](#) and an overhead noise baffle system. This system allowed for aggressive noise reduction and still allowed the machine ventilation and heat release.

The project was successful in meeting our reports acoustic goals.



Acoustic Louvers on Rooftop Chiller Enclosure

Call Today at
888.213.4711**E-mail Us**
nfo@enoisecontrol.com[Ask a Question](#)

Schedule B**Summary of Districts' Permitted Noise Levels**

		NOISE RECEIVER DISTRICT							
		QUIET		INTER-MEDIATE		HARBOUR INTER-MEDIATE		ACTIVITY	
		Day	Night	Day	Night	Day	Night	Day	Night
NOISE SOURCE DISTRICT	QUIET	55	45	55	50	55	50	60	60
	INTER-MEDIATE	60	50	60	55	60	55	65	65
	HARBOUR INTER-MEDIATE	60	50	60	55	60	55	65	65
	ACTIVITY	60	55	65	60	67.5	60	70	70

Table 1: Equivalent Sound Level (L_{eq}) Limits (expressed in dBA) for sound or noise created and received in the "Quiet", "Intermediate" and "Activity" Noise Districts

- (b) for sounds that fluctuate in level or character in a repeatable fashion over periods of from three seconds to one minute, such as, without limitation, those sounds produced by industrial or manufacturing processes, the RTP is 5 minutes;
- (c) for sounds that fluctuate in level or character in a repeatable fashion over periods of from 1 to 5 minutes, such as, without limitation, sounds produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;
- (d) for sounds that fluctuate in level and/or character in a repeatable fashion over periods of between 5 and 10 minutes, the RTP is 30 minutes;
- (e) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a shipyard or a recycling/materials-handling operation, the RTP is 30 minutes;
- (f) for a noise source that exhibits significant variations in output over a time period of one hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception;

“residential premises”

means any parcel of real property utilized primarily for residential accommodation, and includes hotels and motels;

“tonal sound”

means any sound which contains one or more pure tone components including without limitation the “hum” or a fan or heat pump or the “whine” of a hydraulic pump or power saw.

Determining presence of tonal sound

- 4 For the purposes of the administration and enforcement of this Bylaw, the presence of tonal sound may be determined by conducting a one-third octave band frequency analysis of the noise (from 31.5 Hz. to 16 kHz.) and applying the following criteria if tonal sound is suspected but is not obvious:
 - (a) the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of these two bands, is more than 1 dB higher than the level of each of the adjacent bands on either side of the band, or pair of bands, under consideration, and
 - (b) the difference between the level of the one-third octave band under consideration, or, in the case of a pair of bands, the arithmetic average of the levels of the two bands, and the arithmetic average of the two adjacent bands on either side of the band or pair of bands under consideration, is 3 dB or more.

Bylaw current to February 1, 2015. To obtain latest amendments, if any, contact Legislative Services at 250-361-0571.

Successes and failures after many years of phone calls, emails and meetings on the part of us and some of our neighbours. None of this should have been necessary.

Garbage and Recycle trucks

Originally work done between 4am and 6am
Now after 7am

By **verbal agreement only** – no Bylaw protection to date

Food Delivery Trucks

At around 6am

Ongoing but some abatement in numbers

HVAC noise – on and off as required according to temperatures

Originally from about 3am to 8pm - 7 days a week

Now weekdays only for the most part and start at around 8am depending on the weather – usually off by 8:30 pm

Again **verbal agreement** – no bylaw protection

Ongoing – on and off – on for between 5 and 8/9 hours in total especially on warm days. On hot days, we are lucky to get a 20 minute break each hour.

At my latest meeting with Karen Jawl on this ongoing disturbance late 2015, I played my audio of the HVACs and she has agreed to speak with their acoustic engineers – but that any solution had to be cost effective. I hope to hear soon that there is hope for us and our neighbours along Jutland

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

From: webforms@victoria.ca [mailto:webforms@victoria.ca]
Sent: Monday, March 14, 2016 5:31 PM
To: Council Secretary <councilsecretary@victoria.ca>
Subject: Thank you for your submission - City of Victoria - Address Council Form

Name: Richard Wise **Date:** March 14, 2016
Address: 1524 Bywood Place
I wish to appear at the following Council meeting: March 24, 2016
I represent: Self
Topic: Front yard fence height for growing food in R1-A

Action you wish Council to take:

Action: Challenge the current zoning bylaw of a 4ft front yard fence in R1-A neighbourhood to support food gardens with appropriate deer fence. About me: I am a homeowner & urban farmer with a south facing front yard. Local food security is of great importance to me. I recently removed my front lawn and have been prepping the site for permaculture designed organic food production. The problem: I had been under the impression that I could build a 6 ft fixed fence. (4ft solid and 2 ft lattice) or use a 7ft deer fence because its temporary heavy duty mesh on steel t-bar posts. (similar to what the city would use around a soccer field) After calling and double checking with the Victoria Bylaw department I realized I am only allowed a 4ft fence. I supposed another option is to build 2 four foot fences about 3.5 feet from each other to stop the deer from jumping over. This seems to me like an unnecessary and outdated bylaw. I agree the deer should stay. Conclusion: All this being said there has to be a balance out of respect to peoples property values, neighbours views, food security, and attractive design. I would greatly appreciate the support from the city to help deisgn an attractive deer fence option for urban food gardens. Thank you for your time and consideration Richard Wise

CONTACT INFO:

Contact Name: Richard Wise
Contact Address: 1524 Bywood Place
Contact Phone Number:

Contact Email:



MAKING A PRESENTATION TO VICTORIA CITY COUNCIL

Complete and submit your request to address Council to Legislative Services by 11:00 a.m. on the Wednesday the day before the scheduled meeting. To ensure the Council receives your submission with their full agenda package, please submit it by 4:30 p.m. on the Monday two weeks before the Council meeting. Requests received after this time will be added to the Amended Agenda produced the Wednesday immediately prior to the Council meeting.

Presentations are a maximum of five (5) minutes in duration.

Name: Bill Stewart Date: Mar 17th 2016

Address: 3972 Covey Rd.

I wish to appear at the following Council meeting: Thurs March 24th 2016

I represent: Hempology 101

Topic: Regulations Re: Medical Marijuana Dispensaries (Name of organization, if applicable)

Action you wish Council to take: I wish to provide information based on my experience with Dispensaries to hopefully assist City Staff.

Are you providing any supporting documentation (a letter or a PowerPoint presentation)?

Yes ☐ 10mb limit* No ☒

If you are providing supporting documentation the documentation must accompany this request or your letter. Placement on the agenda cannot be confirmed until supporting documentation has been received. Handouts will not be distributed at the meeting.

*If presentation is larger, please bring into the Council Secretary on a thumb drive to allow downloading.

Alternatively supporting documentation may be emailed to: councilsecretary@victoria.ca

Please note that all presentations are held at a public meeting, therefore, the first page of this form, along with the supporting documentation is added to the agenda, which is made available to the public and posted on the City of Victoria's website. The second page of this form, containing your contact information, does not form part of the agenda, but may be released pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Please complete both sides of the form and submit to:

Council Secretary
Legislative Services Department
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6
T 250.361.0571
F 250.361.0348
Email: councilsecretary@victoria.ca

Alicia Ferguson

From: Council Secretary
To: reichertjordanandrew@gmail.com
Subject: RE: Thank you for your submission - City of Victoria - Address Council Form

Name: Jordan Reichert **Date:** March 20, 2016

Address: 1-531 Linden Ave.

I wish to appear at the following Council meeting: March 24, 2016

I represent: Victoria Horse Alliance

Topic: Phasing out the horse-drawn carriages

Action you wish Council to take:

Based on the findings in my Report on the Operation of Horse-Drawn Carriages in Victoria, B.C. I make the following recommendation: Amend the Vehicles for Hire Bylaw to phase out commercial horse-drawn carriages in the City of Victoria by no later than Dec 31st, 2017.

CONTACT INFO:

Contact Name: Jordan Reichert
Contact Address: 1-531 Linden Ave.
Contact Phone Number:
Contact Email:



Report on the Operation of the Horse-Drawn Carriages in Victoria, B.C.

Report on the Operation of the Horse-Drawn Carriages in Victoria, B.C.

Jordan Reichert
Victoria Horse Alliance
West Coast Campaign Officer-
Animal Alliance Environment Voters Party of Canada
Dated: March 2016.

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- 10) The Bit

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

Recommendation:

Amend the Vehicles for Hire Bylaw to phase out commercial horse-drawn carriages in the City of Victoria by no later than Dec 31st, 2017.

1) Introduction:

Victoria has been home to horse-drawn carriages for over a century. For some, it is childhood nostalgia and for others it is tourist attraction that gives Victoria a unique Victorian era aesthetic. There are also a significant number of citizens and visitors who are deeply concerned about the presence of the horse-drawn carriages in our city. From collisions, questionable care for the horses, and irresponsible operation by those who are charged with responsibility for these animals while they traverse our city's streets, there is good reason for their concern. However, each viewpoint – whether in support or against the horse carriages – is tainted by perspective. In this report, I present eyewitness evidence that has been documented to provide an account of the operation of the horse carriages. I will argue that given the evidence, it is not possible to balance the value of nostalgia or perceived tourist interest with that of neglect, safety issues, and the ethical weight of animal exploitation. I also consider the impact of a post horse-carriage era in Victoria. Opportunities for phasing out the horse carriages are detailed with action plans and alternative business and public use potential are put forward and examined. In conclusion, this report finds that the horse-drawn carriages are a drain on the city of Victoria's potential to modernize, its revenue stream, and continues a tradition of animal exploitation that leave it behind many leading cities the world. I submit that the most responsible solution is phasing out the horse carriages at a date that may be considered a natural end and I urge the City to take steps to assert a commitment to this opportunity.

2) Background: Collisions, Injury, and Safety:

The term "collisions" has been used in place of "accident" to emphasize responsibility. It is the responsibility of the carriage companies and drivers to maintain control and the wellbeing of the horses in their care. Horses are vulnerable in these situations, despite the common argument that horse carriages are like any other vehicle on the road. Horses are not machines; they are living sentient beings who are forced to perform this task for their care. Therefore, repeated examples that demonstrate a lack of responsible direction of these vulnerable animals in a precarious environment is a failure to meet the requirements for their wellbeing. If it is the case that these "accidents" are unavoidable, then this acknowledges that there is an inability to predictably navigate traffic, as any vehicle for hire must, to maintain its integrity in the eyes of the public. If we consider how we would react to an analogous situation in which a cat or dog is placed in harm's way publicly and consistently, we will realize that this industry does not belong in our modern society. While a horse can be trained as any other animal to work in traffic, it does not justify its forced labour and exposure to injury to do so.

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

Between 1995 and 2015, a span of 20 years, there has been at minimum 22 collisions, injuries, safety incidents, or threats related to the horse-drawn carriages in Victoria. This does not include any property damage, collisions, or personal injury caused that was not reported to Victoria Police, the City of Victoria or covered by the media. It also does not include the dozens of complaints submitted to the City of Victoria about over this same period of time. All of this information has been pulled from freedom of information (FOI) requests to the City of Victoria and the Victoria Police Department, as well as local news media reports.

May 3rd, 1995:

- Runaway coach struck and dragged a pedestrian with two horses while they were crossing the sidewalk.
- Related Business: Tally-Ho Carriage Tours

July 25th, 1997:

- Horse spooked and carriage tipped over on Wharf and Broughton St.
- Related Business: Carriage Tours Victoria

Aug 7th, 1997:

- Horse out of control on Empress hotel front law. Bride and groom thrown from the carriage.
- Related Business: Unknown

July 22nd, 2002:

- Horse spooked and bolted with one tourist in carriage, striking a vehicle.
- Related Business: Black Beauty Lines

Jan 16, 2003:

- Horse runs into tree, several people injured.
- Related Business: Tally Ho Tours

Sept 15th, 2003:

- Three injured when horse carriage spooked in Beacon Hill Park due to noise from a grass trimmer.
- Related Business: Victoria Carriage Tours

Aug 24th, 2004:

- Horse spooked and out of control, property damage.
- Related Business: Black Beauty Carriages

May 6th, 2005:

- Horse carriage struck by vehicle after being parked at Government and Belleville Intersection
- Related Business: Carriage Company Unknown

Aug 15th, 2005:

- Horse spooked and bolted, throwing passenger from the carriage.
- Related Business: Tally Ho Tours

Sep 10th, 2005:

- Horse spooked and bolted hitting vehicle, horse injured
- Related Business: Victoria Carriage Tours

Aug 04th, 2006:

- Horse out of control along Dallas Rd, horse injured

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

- Related Business: Carriage Company Unknown

Aug 31st, 2006:

- Horse carriage spooked and carriage tipped over.
- Related Business: Carriage Company Unknown

May 24th, 2008:

- Collision Damage Under \$1000
- Related Business: Victoria Carriage Tours

Dec 4th, 2008:

- Collision Damage Under \$1000
- Related Business: Victoria Horse Carriage Tours

March 6th, 2009:

- Horse Carriage Horse Collapses on Government St.
- Related Business: Black Beauty Line Ltd.

July 19th, 2010:

- Assist Public report: Horses out of control
- Related Business: Victoria Trolley and Carriage Tours

Aug 22nd, 2011:

- Horse Carriage Tipped Over In Beacon Hill Park
- Related Business: Tally Ho carriage tours

Aug 1st, 2012:

- Traffic Other report: Horse and carriage out of control
- Related Business: Tally Ho carriage tours

May 23rd, 2014:

- Collision Damage Over \$1000/Runaway Horse
- Related Business: Tally Ho carriage tours

July 3rd, 2014:

- Vehicle Hit and Run
- Related Business: Tally Ho carriage tours

Oct 13th, 2014:

- Horse Carriage Operating At Night Without Lights On
- Related Business: Tally Ho carriage tours

August 9th, 2015:

- Report of horse carriage collision on Dallas Rd. from several sources.
- More information sought from the community.

It should be apparent from these incidents that there is an average of one incident each year and that there is a precedent for this trend to continue with no significant changes to the operation of the industry since 2009, which has not alleviated any actual threats to the safety of the horses or public as the frequency of incidents has not decreased. It is unbelievable that an industry that publicly exploits vulnerable animals can continue to operate with the City's blessing. It is not only public interest groups such as Victoria Horse Alliance that have concerns; the BCSPCA, who worked with the City on establishing the 2009 regulations also has concerns based on our work.

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

3) BCSPCA Concerns:

In early 2015, I submitted a backgrounder to the BCSPCA for it to consider in relation to making a specific position statement on the horses used in the horse carriage industry. This paper was also sent to Mayor and Council in the fall of 2015 and is readily available on the Victoria Horse Alliance website. <http://banhorsecarriagesvictoria.org/report-to-the-bcspca/>

Based on this backgrounder, the BCSPCA added the following to their position statement on *Animals In Recreation, Sport, and Entertainment*:

Whenever animals are on display or made to perform, they face risks to their physical and psychological well-being. Such risks concern the ways in which they are bred, raised, housed, trained and transported, as well as the activities themselves. For instance:

*When animals such as horses are used for site-seeing tours, they face – among other challenges – extreme weather conditions, of which heat stress is only one example. Carriage rides are typically purchased by tourists, and tourists tend to travel during the summer months when temperatures are high. Horses pulling heavy loads on hot pavement are at risk of overheating, which may be exacerbated by high humidity, as well as infrequent watering, poor access to electrolytes, obesity, poor conditioning or illness (**Reference Image 1 in the Appendix**)*

This statement sends a message of caution about the need for awareness of the physical and psychological risks to animals that are used in the entertainment industry. Furthermore, with the horses' most intense time of use being in the summer months, there is significant concern of them overheating. This was discussed in the previous backgrounder that was sent to you and can still be referenced as the link above.

4) Finances**a) Carriages**

Currently, the City of Victoria rents the spaces on the corner of Belleville and Menzies St. monthly to two carriage companies for a fee of \$1,170 each, including applicable taxes, as per January 1, 2014 to December 31, 2017 (Vehicles For Hire Bylaws, Schedule C, Horsedrawn Vehicle Parking Stands).

If we consider the current rate of a street occupancy permit at \$20/day per parking stall and the space of 25 metre length granted to both carriage companies, approximately four vehicles could fit into those spaces (if we are generous with their average size – 4.5- 4.8 metres – with parking room at six meters each: 6 x 4 = 24 metres). This results in \$80/day per side for a total of approximately \$2,000/month each if Sundays (which have free parking) are deducted.

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

Currently, the City charges the carriage companies \$20/day per 13 metres² space. This rate nets approximately \$1,200 per month, which results in a missed opportunity of a minimum of \$800/month considering the spaces' proximity to downtown and tourist attractions. An analysis of substantial further lost revenue is provided later in the report.

Pricing:

The actual cost to ride in a horse-carriage is prohibitively expensive to the general public as a service and offers a lackluster value to tourists. Current tour rates as posted on the Tally Ho Tours websites are as follows:

Short and Sweet: 15min - \$55	Waterfront: 30min - \$100	Beacon Hill Park: 45min - \$145
Deluxe: 60min - \$185	Premiere: 90min - \$225	Romance: 100min - \$250

In a city as dense with history and heritage as Victoria, there is certainly no need for people to pay such inflated rates for minimal value. In 15min you can walk past the legislature, the museum, The Empress, all the way to the Maritime Museum or along the waterfront to Market Square, all while being able to poke into the stores along these streets. Walking tourists are able to spend more money in the various shops along Government St. and elsewhere if they are going at their own pace. However, there are also alternatives that I will discuss in more detail, but there are certainly more affordable, employable, and people-powered methods of tourism that could be promoted in place of horse-drawn carriages.

b) Trolleys

For the past several years, the Downtown Victoria Business Association has paid to have horses pull trolleys carrying upwards of thirty people through the city streets during the month of December in the downtown core.

Pricing:

While I did make inquiries about the amounts paid to the horse carriage company regarding this special event, the DVBA declined to provide any information regarding these expenses.

However, this information was obtained from one of the horse trolley drivers, who could be overheard, while we walked beside them during one of Victoria Horse Alliance's Trolley Walks. This cost was reported to be \$300/hr by the trolley driver. I contacted the DVBA for confirmation of this amount and their representative declined to comment.

Trolleys operate for four weekends, for four hours on Saturday and for 3 hours on Sunday, usually the last weekend of November and the first three weekends of December. Based on these numbers we can estimate a cost of \$8,400 to operate these trolleys for the 8 days they are present downtown. It is uncertain whether there is additional time charged for time spent loading and unloading, travel time in and out of the city, etcetera.

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

The cost to the City of Victoria itself is minimal. Because of the status of the DVBA as a non-profit, the fees associated with shutting down parking spots at a cost of \$20 per spot are waived. This was confirmed by the Victoria Traffic Engineering department. It was estimated that six spots were removed from parking during the events for a combined eight days. The lost revenue may be calculated: $\$20 \times 6 \text{ spots} = \$120 \times 8 \text{ days} = \960 potential revenue lost. However, four of these days are Sundays, on which the City grants free parking, so the actual lost revenue would be half of that total, or \$480.

While the DVBA is not directly run by the City, it is given approval to operate as a 'business improvement district' by the City. However, the horse trolleys are not part of the local carriage company's regular business. These trolley rides are a "special event" and must receive a permit for the event from the City of Victoria in order to operate. Therefore, if the City of Victoria had reason for concern regarding the operation of the horse trolleys, it could reject the permit application. There is no evidence to suggest that the horse trolleys "enhance" the downtown core, or that they bring shoppers. There is evidence that the horses were not properly cared for during this event in 2015 and that trolley drivers were acting irresponsibly during their operation of this event as will be shown in this paper.

5) Irresponsible Horse Trolley Operation:

Horse drawn trolleys are not a separate entity from the horse carriage companies that operate year round in Victoria. Horse trolleys are classified as a "horsedrawn wagon" and are pulled by two horses. The City's Vehicles for Hire bylaw states the following:

"horsedrawn wagon" means a horsedrawn vehicle that is (a) pulled by two horses, and (b) has seats for a minimum of 7 and a maximum of 20 passengers.

During the months of December 2014 and 2015, Victoria Horse Alliance walked alongside the horse trolleys holding signs denouncing the event and documenting the operation of the horse trolleys. It was not unusual during horse trolley events for us to witness a trolley being loaded over its allowed capacity of 20 passengers, with upwards of 30 passengers (reference **Image 2 in the Appendix**). Drivers often encouraged as many people to pack on as possible with seemingly no awareness of or concern for the bylaw restrictions on passenger capacity. Due to the already unwieldy design of the trolleys and their slow speed during one of the busiest times of traffic in the downtown core, this presents a safety concern for both the passengers and the horses. When the trolleys are more heavily loaded, they cannot react as fast and are therefore more vulnerable to collision.

Trolley drivers also took great liberties in their operation of the trolleys, putting themselves, the public and the horses at risk: trolley drivers were seen on multiple occasions jumping on trolleys while they were in motion, in the middle of the street. On one occasion, as two trolleys passed each other on Government St. just south of Johnson St., an employee of the trolley company jumped between two trolleys as they passed one another. Irresponsible behaviour

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

also included encouraging passengers to act irresponsibly by picking them up at non-designated pick-up locations and encouraging them to get off on the traffic side of the trolley rather than the sidewalk side. This, along with two incidents where people were temporarily left behind by the driver, including a child that was separated from their mother when they jumped off the trolley to retrieve a toy they dropped (reference **Images 3-5 in the Appendix**)

Horse trolleys are already a difficult vehicle to manage due to their extended length and width – this is without careless operation further endangering those riding. Horse carriages are not granted permission to operate in the downtown core during the week, except during the for safety reasons and so as not to exacerbate traffic congestion. These concerns are very much still relevant on the weekends in the downtown core as a number of collisions have occurred, traffic is dense, and there is much potential for issues. This, coupled with the evidence that the trolleys are even slower than expected due to them being overloaded beyond their maximum legal capacity, are being operated with a disregard of traffic bylaws and public safety, is only further reason to deny a permit for their continued seasonal operation.

Once again, these documented actions exhibit that the horse carriage companies and drivers are irresponsible and should not be operating within the City limits. For the basic safety and interests of the citizens, tourists, and horses being used by this industry, horse carriages should not be operated in the City of Victoria.

6) Inadequate Care:

a) General Horse Care:

Horse carriage horses must work on hard pavement for several hours at a time in an unnatural environment where they are constantly in the fray of loud, mechanical, motorized vehicles. This is an unenviable situation for any individual, horse or human. However, we may consider horses more vulnerable as they are *forced* to work in the middle of traffic – humans are able to choose to do so. For this reason, we should require that if a horse is going to be forced to operate in these conditions, it should at minimum be given the highest care possible to perform for its own safety and integrity. We may also expect that a horse operating in such conditions be as free as reasonably possible from discomfort or pain. Unfortunately, there is evidence that this is not the case for the horses pulling carriages in Victoria. While some of these concerns have been brought to your attention previously, new evidence may prove more compelling to those who believe these animals belong in the city streets and that their wellbeing is a priority for those who care for them.

It is important to remember when considering these horses' care that the evidence is not necessarily directed at the care the horses receive while on the farm or stabled. It is about the conditions of the horses when they are put to work on the road. As we often cannot speak to the treatment of an animal when it is not in the public eye, we must base our findings on what the evidence suggests when they are in the public.

b) Foot Care:

Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

For four weeks last November and December, Victoria Horse Alliance walked along the horse trolleys as they toured downtown Victoria. During this time, we consistently witnessed what appeared to be poor shoeing of the horses' feet and poor foot health, so we documented this. We had had citizens describe to us their concern about the horse's feet, so this was an important part of our being present on the trolley walks.

What we found was disturbing considering the horse carriage industries claims that their horses' health is a priority. However, I will allow an email from a certified farrier communicate what she saw in the pictures taken over a period of four weeks.

*These photos are quite shocking, it's pretty clear that the person who did the work on the feet doesn't know what they are doing. Not only do the shoes not fit the horse's feet, they are trimmed and fit so badly that it's causing obvious damage. Some of the horse's feet are completely mismatched, with some much longer than the others on the same horse. The shoes are fit so badly it's causing the wall of the foot to collapse over top of the shoe where it was fit too tight. Some of the feet are wedged up in bizarre angles which can cause serious joint pain. Many of the feet are becoming cracked and deformed. It's more than bad work done by an unqualified person, it could cause permanent damage to the feet and legs. Working on roads is hard on the horse's legs and having to work on unbalanced, badly fit shoes can cause long term lameness issues. The problem is that there are no laws requiring horse owners to hire a certified farrier to work on the horses feet, farriers are not required to take formal training. That being said, if these horses are working in the City of Victoria, maybe proper foot care by a certified farrier is a standard that could be set so that the horses are not being injured and disposed by the carriage companies. I would recommend reporting this to the SPCA to see if they can do anything about it (reference **Images 6-8 in the Appendix**).*

*Marley Daviduk
American Farriers Association Certified Farrier*

This second email regarding the same images was from an instructor of the Farrier program at Kwantlen Polytechnic University:

...I am not very well acquainted with those horses but from the pictures some of the hooves look less than ideal, that does not mean the hoof care is not appropriate though. The underlying conformation of the leg and hoof and the type of shoe being used will have a large influence on the overall picture...

....Ideally, the shoeing cycle for horses in this type of work should not be more than six weeks, and for some individuals it should be closer to four weeks. The farrier should be one who holds Certified Journeyman Farrier level of training with the American Farriers Association, or higher.

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*Gerard Laverty A.W.C.F.
Instructor Farrier Program
Cloverdale Campus*

Both these messages were forwarded to the BCSPCA Animal Cruelty Reporting team. They were received and an investigation filed with the following response:

I sent the photos along for veterinarian feedback. The vet will be performing her bi-annual herd examination before the end of the month and will pay extra attention to the condition of the herd's feet, gait and any signs of lameness. She will advise me of her findings and recommendations at that time.

She also mentioned the lack of qualified farriers in this region willing to work on draft horses. That said she believes one has just recently been found and his services retained to work on carriage horses.

*Erika Paul,
Senior Cruelty Investigations Officer
BCSPCA*

If we were able to witness this type of poor foot care for four weeks consistently, than there is good reason to believe that this has been going on for a great deal longer, but because the industry is essentially self-regulated no one even document the daily care of the horses being used. Much of this is due to a faulty assumption that the carriage industry has an interest in making sure that the horses in their care receive the best care possible. In fact, having a certified farrier regularly do the shoeing would likely be prohibitively expensive for the carriage industry. This was taking place just a few months ago; yet, when CHEK News covered our demonstration, they reported at the same time that "officials dismiss suggestions the rides cause any harm to the horses." It appears the City has no awareness of the actual wellbeing of the horses, until an issue is brought to their attention through the investigatory processes initiated by public interest groups such as Victoria Horse Alliance or the BC SPCA

c) The Bit

A common response from people when asked why they support the horse carriages is that as long as the horses are well cared for, not in discomfort, and not in pain, they don't see anything wrong with it.

So far, I have shown that there is reason to be concerned about the care and comfort of the horses used in this industry due to regular traffic incidents and collisions, improper foot maintenance while working on hard pavement and lack of proper maintenance of the carriages these horses pull. It may come as little surprise then that there is evidence these horses are in constant pain as well.

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The following is from the Summary of a paper by Dr. W.R. Cook regarding the bit.

Dr. W.R., The Effect of the Bit on the Behaviour of the Horse.” School of Veterinary Medicine, Tufts University, 200, Westborough Road, North Grafton, MA 01536, USA:

The survey demonstrated that the bit is responsible for at least 50 problems. The four most frequently cited effects were to instill fear, to make the horse fight back, to trigger a flight response, and to cause facial neuralgia (headshaking). These and other behavioural effects were associated primarily with oral pain. However, the responses were not limited to the oral cavity, for they included a whole cascade of systemic effects. Predominantly, these involved the nervous system and resulted in adverse behavioural responses (58%). Musculoskeletal system effects interfered with locomotion (26%) and respiratory system effects caused dyspnoea (16%). It was concluded that a bit is harmful to the health and safety of both horse and rider, and an impediment to performance.

Dr. Cook is not an activist veterinarian against horse riding; however, he does oppose the use of the bit as a communication tool because of the pain inherent in its design and use. It only takes a walk to the corner of Menzies and Belleville St., where the horse carriages are parked to find horses with bits in their mouth (reference **Image 10 in the Appendix**). The bit works by putting pressure on a sensitive region of a horse’s mouth to induce pain, thus forcing the horse to obey the rider or driver in this case. Because of the precarious nature of having horses working in the city streets, the bit is used to control the horses with greater intensity, especially if they become spooked. An analogous situation would be using a choke collar on a dog, where pain is used to “communicate” obedience.

If it is true that carriage drivers and horse riders use bits to induce pain as a method of communication, then it may make us ask why this is the case. Simply put, practices that harm animals, but that are generally accepted as ways the animals are treated within an industry are protected under the Prevention of Cruelty to Animals Act; unless, specifically cited as a standard industry practice that constitutes cruelty. This is from the BCSPCA’s own website regarding “generally accepted practice” and the Dairy Code: “*Anyone causing distress to an animal while conducting a ‘generally accepted practice’ is exempt from prosecution for animal cruelty.*”

The bit is entrenched in an industry that uses pain as a means of behaviour modification to make an animal into a malleable machine for profit. The City of Victoria must take action as it is unconscionable to subject animals to this pain. Citizens and visitors of the community you represent share this disdain.

7) Wheel Maintenance on Carriages

While the primary focus of this report is on the horses’ wellbeing, the carriages to which they are harnessed are important to scrutinize. One area of particular concern is the wheels of the carriages. It is necessary that these wheels be in optimal condition when carrying a load and

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pulling tourists through busy downtown streets. However, there is evidence to suggest that the maintenance of these wheels is lacking and that awareness of this potential hazard is limited by the carriage companies.

The picture (reference **Image 9 in the Appendix**) was taken May 24, 2015. It was posted on social media as evidence of the lack of proper maintenance of the carriages to the public. An employee of one of the horse carriage companies posted the following on a thread to Facebook:

"You'll be relieved to know that the small bump in the rubber you see here doesn't affect the carriage's performance in the slightest, nor does it make the vehicle difficult to pull. If any of you folks have questions about the horses or the carriages, feel free to come talk to us. All of us professional equestrians (sic) really do love the ponies!"

"That is exactly what I'm saying (smile emoticon) and believe me I'm not trying to be antagonistic in the slightest. I made sure to check with our head of maintenance by showing him this picture that is something that would - strangely - hold up just fine, it's just a bit aesthetically displeasing."

Because of this response, I contacted two members of the Western Canadian Wheelwright's Association to get an unbiased opinion of the condition of the wheel. These are their responses:

Email #1:

From what I can see. It looks like a broken wire in the tire.

Check to see if there is a rock between the rubber and channel. But most likely a wire let go. It should be repaired before you use it. If not the rubber can fall off then you will ruin the channel iron making a bigger job.

Replacing the wire isn't too big a job usually. Depending on how rusty the old wire is in the rubber.

Randy Kirschner

Rafter K Wheelwright

Email #2:

It appears that one of the two wires holding the tire on has broken. I wouldn't call it a safety issue and it won't affect the wheel's ability to carry a load but i wouldn't drive on it as it's only a matter of time until the rubber comes off the wheel. The rubber needs to be removed and reapplied or possibly replaced depending on the condition of it.

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*Terry Bailey
Alberta Carriage Supply*

Both wheelwrights express a concern about the condition of the wheel and yet the carriage driver and the maintenance person both disregard any issues with what could be a problematic wheel and safety concern.

While a concern like this may be deemed acceptable in rural spaces, it is not the standard that should be set for city streets. As businesses that are already using an unpredictable and easily compromised animal to pull their vehicles, adding an unreliable foundation (the wheels) is a poor business practice and one that must be addressed by Mayor and Council for compromising the safety of citizens and visitors alike.

8) Parking/Traffic Concerns:

a) Costs of leasing:

First of all, it should be pointed out that no alternative business is necessary for the current space occupied by the horse carriages. Returning the space to parking stalls would add to Victoria's limited supply of parking stalls in an area that is heavily used by tourists and locals alike. This would generate income for the city of approximately \$49,000 a year based on six day a week use (free parking Sunday) and the standard \$20/day/per stall ticketing of 4 stalls per side.

Parking Revenue

\$80 per side = \$160

\$160 x 312 = **\$49,920**

Horse Stall Revenue

\$1170 per month x 2 = \$2340

\$2340 per month x 12 = **\$28,080**

Currently, horse carriage stall rentals bring in \$28,080 per year combined. Transitioning back to parking spaces would by this account generate an extra \$21, 840 in revenue for the city. It also provides a useful public service, instead of a private service that provides no apparent public value. However, I am not aware if the city currently gets significant revenue that would be equivalent to this from business taxes, licensing, etc. of the two businesses.

b) Hindrance to Traffic:

Another issue in regards to effects on traffic is the speed of the horse carriages. As is stated in the Travel Lane section for Street Occupancy Permits:

Impacts to travel lanes on arterial roads are not permitted based on time of day and direction. Inbound lanes from 6-9 a.m. and Outbound lanes from 3-6 p.m.

While the horse carriages do not operate prior to 9 a.m., they do operate during peak hours of traffic from 3-6 p.m. These parking stands do not necessarily inhibit the flow of traffic from James Bay through Menzies St. onto Belleville to a significant degree. However, the horse carriages do appear to slow the flow of traffic once they are in it.

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Horse carriages are not well suited for operation in city traffic. They are slower than any other vehicle on the road and their design makes them unwieldy for maneuvering amongst fast moving and more agile vehicles.

To provide evidence of this hindrance to traffic, I documented the speeds of vehicles along two common thoroughfares taken by the horse carriages. Speed observations were taken along both Belleville St. in front of the Legislature and Government St. in front of The Empress between the hours of 11am and 1pm of both motor vehicles and horse carriages. I used a speed measurement app that provides reliable data if used consistently over observations between subjects. Eight observations were made of each vehicle type in each location and the average speed, or mean, in km per hour is provided below.

As expected, the data showed a significant difference in the travelling speeds between horse carriages and motorized vehicles.

	Horse Carriage	Motor Vehicle	Difference
Belleville St.	4.56	22.2	17.64 km/hr
Government St.	5.37	39	33.63km/hr

This data is important in an analysis of the operation of the horse carriages because vehicles that can barely maintain a quarter speed of the motor vehicles around them will undoubtedly cause frustration, as it hinders the movement of traffic to an unreasonable degree. This further endangers the safety of the horses, other drivers, cyclists, and pedestrians when it happens.

9) Further Considerations:

a) What about the horses?

One of the first questions often posed to me when speaking on the topic of horse carriages is "What will happen to the horses?" While I am not the horse caretaker and am not aware of the horse carriage companies' policies in-terms of horse retirement after service, there is no reason to believe the horses will go to slaughter. Having communicated privately with people who work for the horse carriage companies, I have been told that no horse has ever been sold for slaughter directly from one of the carriage operators. However, that does not mean that horses are not sold to other people. Because of the nature of the horse breeding and use industry, horses are commonly bought and sold like commodities. This has nothing to do with the horses not working carriages. It is the nature of an industry that creates animals for use and profit. Unfortunately, like all industries that breed animals in this way, there are often more animals than can be adequately cared for and since they come with a significant care cost, options for re-homing are limited. This is further exasperated due to issues of rural development and fewer farms.

Yes, there is a home for the horses if need be. In reality, if someone is unable to care for an animal, including for financial reasons, they may surrender the animal to the BCSPCA for care

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and rehoming. It is a heavy burden on a non-profit system, but it is likely that any horses that were to be surrendered would end up being adopted out. There is also the option of sanctuaries; however, they are already very full and primarily exist out of province, so it may be difficult to rehome all of the horses from the industry into a sanctuary even if one was found to be suitable.

There are no easy answers, but only one right answer: continuing to support the horse carriage industry in Victoria only further supports the exploitation of the horses involved and enables the cycle of breeding and exploiting to proliferate. Victoria Horse Alliance is committed to working with the horse carriage companies, if they are interested. We have reached out to them and received no response, and so are limited in our understanding of what the carriage companies plans would entail if they were phased out. However, any good business should have a contingency plan and not operate under the assumption that things will always continue as usual, especially when the lives of vulnerable animals are involved. However, we are confident that no horses will be sent to slaughter and that adequate homing will be found for every horse currently used in the industry.

b) What about the staff?

Another concern that was brought forward when I first undertook this project was the employment of the staff of the horse carriage companies. It is my understanding the carriage companies have limited full-time staff that operates the carriages because demand through much of the year is minimal. Their prime season is the late spring and summer months with a significant fall off before and afterwards. Many times during the winter months you will not even see the horses setup as they will only work on a reservation basis.

It is my understanding that it is also not unusual for the carriage companies to hire students to work during the busy months; however, this is precarious employment and not secure full-time or part-time work. It is unlikely the horse carriage industry is growing and has limited potential to grow due to a lack of interest and accessibility outside of the tourist season. Therefore, it provides little in the way of sustainable employment or incentive for transitory drivers to continue working in the industry beyond seasonal bursts.

Without cooperation and information from the carriage companies themselves, I do not have full information on the extent of their employment. Though it is likely that staff will lose their employment, their wealth of knowledge and experience with horses should lead to them having no issue finding work within the equestrian or horse community. Unfortunately, no industry is immune to the effects of downsizing or closing. However, we must remember that the wellbeing and lives of vulnerable animals are the matter at hand, not those people who are able to find employment and opportunity elsewhere.

10) Opportunity

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I would be remiss in this paper if I did not suggest possible opportunities and alternatives I believe are most reasonable. Below are outlined some areas where alternatives exist for transformation and invigoration of Victoria into a “people powered” tourism sector. As well, a possible time frame is set out, which includes opportunities to designate a natural course for the phasing out of the horse-drawn carriage industry in Victoria.

a) Proactive:

Victoria has a rare and valuable opportunity when considering its continued support of the horse-drawn carriage industry. As of December 31, 2017, the City of Victoria’s allocation period for the parking stands for the horse-drawn carriages will expire. Victoria has a choice, prior to renegotiating those spaces, whether to renew or to proactively set the expiration date as the end of a phasing out period of the horse-drawn carriages from our community. Certainly, it is possible to phase out or ban the horse-drawn carriages at an earlier date, but this pre-set date would be a tremendous opportunity to allow a natural transition to a post horse-carriage era.

Another way for the City of Victoria to take positive action on the horse carriages is to deny any permits for special events over the phasing out period, if accepted or even if it is not. Special events, such as the horse-drawn trolleys through the downtown core of Victoria work to cement the practice of horse-carriages as acceptable in the public’s mind. By choosing to promote people powered business promotion in the downtown core during the holidays such as scavenger hunts, flash mob caroling, and walking tours, the City could distance itself from the horse carriage industry while still offering a positive alternative to the public.

b) Reactive:

As mentioned above, having a defined date would be a more positive action than further complaints, collisions, injury, forcing the City to take a reactionary stance of banning due to incident. However, other cities have waited until accidents that caused public disapproval forced them to pull support for the horse carriage industry in their cities. However, as is the case in cities like New York, where all of the conditions are being met that one would hope would bring an immediate end to the horse-drawn carriage industry (this includes horses dying in the street, horses being sent to slaughter, animal cruelty charges, and dozens of accidents per year), this is not happening. Because of the horse carriage industry’s political connection in New York, this industry still prevails.

Victoria is not New York, in size, density, or traffic; however, it is not a question of if, but when, the incident that is the catalyst for the City of Victoria to act will take place. Will that be another injured tourist or horse? Will it be another spooked horse that runs rampant through the city? Will it be the death of a citizen, visitor, or horse? Perhaps the more important question is: “Is the cost worth the wait?”

Arguments are often made that cars cause injury, damage, and death on a regular basis, but we don’t outlaw them on our streets, so why should we outlaw the horses. However, we would be

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severely misrepresenting the issue at hand if we compared one mode of transportation which is generally accepted and does not compromise the safety or integrity of another animal in its operation to the horse-drawn carriage. It is precisely the fact that they are not merely another machine on the street – they are living sentient fleshy beings, and deserve greater consideration than the hard metal of cars and trucks. They constitute more than just practical operation, they demand interpersonal care and it is with this ethic in mind that we must frame our values for their wellbeing and not the elite few that can afford to ride upon their strength in vanity.

11) Alternatives:

Alternatives to the horse-drawn carriages are limited only by our imagination. However, in undertaking this report I had to consider Victoria and the DVBA's current interest in promoting and developing a "sustainable" and "green" business community. Many of the options I provide are within this vein of thinking. Due to the size of the spaces, there may be limited opportunity for significant business development, but an effort was made to put forward possibilities regardless should an entrepreneurial member of the community take interest in the conversion.

Whatever consideration is given to an alternative to the horse carriages, it should certainly be the case that we implement what I call a People Powered Tourism policy. That is, an understanding that further tourist sector development should constitute a commitment to only promoting and licensing businesses that do not use non-human animals for their profit generation or appeal. This would hinder the potential opportunity for further development of industries in Victoria that exploit non-human animals for profit and create an undue strain upon public interest groups that must work in opposition to these business practices. This would also positively frame the phasing out of the horse carriages as a phasing in and promotion of the creativity and ingenuity of what our local people can do.

a) Sustainable Business:

Something seldom considered by supporters or opponents of the horse carriage industry is its environmental impact. As is evidenced by the evidence I can present to you, phasing out the horse carriages would also be an opportunity for the city to contribute to a sustainable, people powered tourism industry. As opposed to energy intensive industry like the horse carriages which require horses to be brought into and removed from the city on a daily basis from as far as Brentwood Bay and Central Saanich.

Some of you may be aware of the tremendous quantities of water, food, and resources involved in animal agriculture. A horse resting in pasture consumes 30-40 litres of water per day; a working horse can consume up to 10 times that much. At the low end of 200 litres of water a day, a working horse would consume 73,000 litres of water in a year. One of the carriage companies alone has 13 horses that they work; although, they never appear to work them all in one day. At an average of two horses per side/per day, just the working horses

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consume on the low end 292,000 litres of water per year with those on the farm not being accounted for. If we figure the remaining horses in at 10 per company and an average of 40 litres of water a day, consumption would amount to another 379,000 litres of water per year. Combined, this amounts to 671,000 litres of water per year. These are very low estimates and do not take into account that many of the horses will consume more due to being worked, as well as the considerable amount of food, 15-20lbs of hay per day, cleaning, etc. required to maintain the horses weight and energy.

None of the other businesses or options discussed compare because they do not have to add these kinds of inputs to another animal to operate. People already consume a great deal of resources and there is no need to place further pressure on our vulnerable water resources by using another animal for something we can do ourselves or simply without.

b) Bicycle Parking:

If the city was willing to sacrifice the potential revenue gained from the conversion to parking stalls, the city could turn the spaces into public uses spaces in an area that would be ideal for social development.

Like the public sitting space on Fort St., this could be a central meeting place for tourists and resident alike to gather and collect themselves while enjoying this transitional part of the city. It also already has the benefit of trees which would provide shade, and could have a watering station for dogs, and bicycle parking to promote both nearby bicycle rental tourism, and local use.

c) Walking/Pedicabs/Bicycle tours:

Currently, there is one pedicab company, Victoria Pedicab Company in the city from my research. It is also my understanding that there is another pedicab company currently seeking to start operating in the near future called Trikes Tours. With the advent of this further development of the pedicab industry, it would be ideal to create space for these businesses to flourish by granting them parking space in a central tourist location. There is no reason these business could not pay a similar fee system as is currently in place with the horse carriages, so the city would not be losing any money in the regard.

Also opening this year is The Pedaler, a guided and self-guided bike tour business. It will be opening just down from the current horse carriage stands, 321 Belleville St., and I'm sure would benefit greatly from the boost in business it would receive by having the ability to operate out of an even more visible location. It also promotes Victoria as a city with a sustainable conscious and a place that is traversable. We have more cyclists in Victoria per capita than any other Canadian city. We should be proud of this and promote it through tourism that reflects the cities values and way of life.

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There is also one walking tour company in Victoria, Discover the Past. They offer informative tours that allow tourists to actually engage with Victoria's rich history at a leisurely pace. At a very affordable \$15 for 90min, it is accessible to the general public and educates people about the city they visiting. From my experience walking with the horse carriages, they spend a significant amount of time talking about the horses, because that is what they know, but offer little valuable insight into Victoria's history.

All of these options provide eco-friendly business alternatives in place of an eco-intensive one in the horse carriages. They are also much more accessible to the public with rates that are much more affordable and all are people powered.

Base Rates For Victoria Tour Businesses

Bike Rental: \$10/hour

Walking Tour: \$15/90min

Bike Tour: \$50/2 hour

Pedicab tour: \$54/90 min

Carriage tour: \$55/15min

d) Food Truck Zone:

Victoria has a mixed history with food trucks. They have a dedicated following in Victoria, but are generally not overtly visible, save for a few locations. Currently there is a congregation of food trucks in a lot behind the Royal B.C. Museum, which is all but invisible to the general public. Victoria has a desire to maintain its appearances by not having food trucks all over the city, but with real estate being very costly in downtown food trucks are an attractive option for those looking to affordability.

There is a great deal of potential for the stands where the horse carriages are currently located to become a food truck designated operation location. First of all, this would greatly increase the exposure of the food trucks which often have a great deal of character and vibrancy. It would also attract more people to what is an otherwise visually appealing, but substance lacking location in the city. This means that it is primarily a tourist/hotel zone and does not have a great appeal to drive locals towards it unless they are cutting through to get to James Bay.

Food trucks combined with situated public sitting space, as mentioned previously similar to Fort St., would be a benefit to the area, promote local business, and give locals a reason to congregate with positive culture.

e) Electric Car Tours:

When activists of NYClass (New Yorkers for Clean, Livable, and Safe Streets) in New York took to work banning the horse carriages from their city, they developed the idea that they needed a suitable and appealing replacement for the carriages as well. They invested in the past, that

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didn't include animal exploitation and delivered a beautiful vintage electric car as a tourist option in a post-horse carriage era.

In a city that is ripe with vintage cars, Victoria could find new appeal in the past by choosing to support a business venture that employed a "horseless e-carriage." It could easily be more affordable, accessible, and would be much more functional in traffic. A recharging station could also be a downtown installation for public electric cars to recharge as well. It would show visitors who come to our city that we are progressive and care about sustainability and are committed to innovative alternatives to eco-intensive industry.

While the business currently doesn't exist, there is no reason this could not become a tremendous tourism and investment opportunity. There is also no reason why with several vintage cars, employees of the horse carriage companies could not potentially find work within.

12) Conclusion:

This report has presented evidence on the horse-drawn carriages of Victoria, B.C. that condemns this industry based on its own merit and operation. I have provided opinion to contextualize the position from which I presented the evidence; however, I do not argue that I know all the details of the operation of the horse carriage industry. It is concern for the well-being of the animals used in this industry that is the catalyst for this report, and from my consideration of the evidence that concern is well founded.

Documented incidents involving the horse-drawn carriages include collisions, safety concerns, and bylaw violations. This is a precarious business that operates under the false apprehension of control over vulnerable and excitable horses. There is no doubt from the numbers presented that the trend of a yearly incident will continue regardless of what further regulations the city may consider implementing.

Beyond the concern of Victoria Horse Alliance, the BCSPCA has also publicly expressed its concern for horses used in this industry. It must be made clear that the BCSPCA, although empowered to enforce the *Prevention of Cruelty to Animals Act* has limited powers to intervene in the horse carriage business. Therefore, it is in the hands of the City to act on behalf of the interests of its vulnerable animals, the horses, rather than wait for the non-profit it has traditionally taken the lead from.

There is evidence that Victoria is losing a significant sum of revenue through the operation of this business and would benefit greater from its absence and the transition of the horse carriage stalls to parking spots open to public use (or another land use that the City considers appropriate). Also, considerable sums of money are being spent on seasonal horse carriage related events that provide no evidence of enticing shoppers or promoting downtown business – this is contrary to Council's efforts to revitalize the downtown business area.

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This report has presented evidence that should be at the forefront of consideration of this report: the operation of horse-powered vehicles is irresponsible and the horses used in the industry exhibit poor foot care (which is an extremely important aspect of a horse's health and wellbeing). Yet these types of business practices, involving vulnerable animals, continue to be framed in a positive light by City representatives. I trust that the evidence presented may shift the City's attitudes and statement on this issue. Furthermore, any subjective assumptions that the horses operate in comfort and without pain must be dismissed based on the evidence of the bit and its method of communication.

Consideration has also been given to the impact of this report if its conclusion of a necessary phasing out of the horse carriages is heeded. There is no requirement that the City of Victoria or the Victoria Horse Alliance compensate the horse carriage companies for loss of income, nor are they obligated to find suitable homes for the horses retired from this industry. However, the City may phase out the industry knowing that the horses have homes, and will be homed, and that carriage staff are capable of finding, in many cases, less seasonal and less precarious employment elsewhere.

The City of Victoria may phase out the horse-drawn carriages, ending on the natural date of the end of the current rental agreement with the City. It would be a missed opportunity that seldom presents itself for the City to not engage in a process of proactively initiating the steps necessary to distance itself from this industry and reclaim its authority to act in the interests of its most vulnerable animals I strongly encourage this proactive approach over the reactionary alternative.

The report presents possible alternatives for the city to embrace in a post horse-carriage era. These alternatives are diverse and extend beyond what I have put forward, and they are only limited by the potential of the people who power the ideas behind them. Regardless, all of the alternatives presented are more affordable, accessible, and sustainable than the current operation of the horse-drawn carriages, and they present greater opportunities for revenue and better reflect the City's values and heritage.

Until the time that City of Victoria no longer finds horse-drawn carriages and trolleys operating in its streets, there will only be a greater supply of evidence to condemn this industry. I urge you to reflect on the information provided, put yourself behind the eyes of the animals caught up in the middle of this struggle, put yourself in their shoes, and imagine the difference on your body and emotions between the pavement and metal vehicles, and that of an open field with no harness, no blinders, no bit. Based on which you would choose for yourself, I encourage you to choose for others. This is why I am urging you to pass a motion to phase out the horse-drawn carriages by no later than Dec 31st, 2017.

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13) Appendix of Images:

Image 1: Horses worked for several hours during the trolley walks, sweating heavily, with only brief opportunity to refresh at the driver's discretion.



Image 2: This trolley is loaded with approximately 25 people if not more unseen. City bylaws state 20 is the maximum capacity.



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Image 3: Carriage operator jumping on moving trolley in traffic.



Image 4: Child briefly left behind trying to get back on while trolley in motion.



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Image 5: Trolley riders getting off on the traffic side of trolley.



Image 6: People being loaded onto trolley at non-designated stop.



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Image 7: Poor foot maintenance 1



Image 7: Poor foot maintenance 2



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Image 8: Poor foot maintenance 3



Image 9: Poor wheel maintenance.



Report on the Operation of Horse-Drawn Carriages in Victoria, B.C.

Image 10: Carriage horse with bit in their mouth. A noseband is employed to keep the mouth closed due to discomfort caused by the bit.



Alicia Ferguson

From: Council Secretary
Subject: RE: Thank you for your submission - City of Victoria - Address Council Form

Name: Corie Kielbiski **Date:** March 20, 2016

Address: 1 531 Linden Ave

I wish to appear at the following Council meeting: March 24, 2016

I represent: Victoria Horse Alliance

Topic: Horse Carriages

Action you wish Council to take:

Gradual phase out of Victoria horse carriages.

CONTACT INFO:

Contact Name: Corie Kielbiski

Contact Address: 531 Linden Ave

Contact Phone Number:

Contact Email:

Alicia Ferguson

From: Council Secretary
Subject: RE: Thank you for your submission - City of Victoria - Address Council Form

Name: David Budd **Date:** March 20, 2016

Address: 1861 Ferndale Road

I wish to appear at the following Council meeting:
March 24, 2016

I represent: Self

Topic: Horse Carriages on City Roads

Action you wish Council to take:
To implement a timetable to remove horses from city streets.

CONTACT INFO:

Contact Name: David Budd
Contact Address: 1861 Ferndale Road
Contact Phone Number:
Contact Email:

BCSPCA
BRITISH COLUMBIA
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

POSITION STATEMENT

ANIMALS IN RECREATION, SPORT AND ENTERTAINMENT

The BC SPCA is opposed to the infliction of pain or suffering upon, or the killing of any animal, for the purpose of recreation, sport, or entertainment.

The use of animals for recreation, sport, or entertainment is only acceptable if:

- the Five Freedoms are ensured for all animals involved, including breeding animals and animals that have been retired from the activity;
- humane training methods are used;
- risk of injury is low;
- their portrayal is not demeaning toward the individual animal or the species.

Approved by the Board of Directors – April 2008

BACKGROUND

Animals are used for recreation, sport and entertainment at a range of venues (e.g., zoos, aquariums, rodeos, circuses, film and television sets) for a variety of activities (e.g., shows, demonstrations, rides, races, competitions, site-seeing tours).

Whenever animals are on display or made to perform, they face risks to their physical and psychological well-being. Such risks concern the ways in which they are bred, raised, housed, trained and transported, as well as the activities themselves. For instance:

- In zoos, large carnivores such as grizzly and black bears are susceptible to developing pacing stereotypies. Pacing in bears is thought to be related to the naturally wide-ranging, far-travelling lifestyle they have in the wild – a lifestyle which the captive environment is simply unable to accommodate. On average, zoo enclosures are hundreds of thousands times smaller than the minimum home range of a grizzly or black bear.
- When animals such as horses are used for site-seeing tours, they face – among other challenges – extreme weather conditions, of which heat stress is only one example. Carriage rides are typically purchased by tourists, and tourists tend to travel during the summer months when temperatures are high. Horses pulling heavy loads on hot

pavement are at risk of overheating, which may be exacerbated by high humidity, as well as infrequent watering, poor access to electrolytes, obesity, poor conditioning or illness.

- Racing animals such as greyhounds, who can accelerate to speeds of 65 kilometres per hour in a few seconds, are susceptible to injuries, including stress fractures of the metacarpals (front feet) and metatarsals (hind feet). Experts suggest that such fractures are due to the excessive loads borne by these bones while dogs negotiate the bends in counterclockwise tracks. Young or unfit greyhounds who start racing prematurely are especially disposed to these fractures.
- For circus animals such as elephants, performing or training typically takes up very little time. Consequently, they may be kept chained continuously for up to 23 hours a day. When chained, elephants can only move about a metre forwards and backwards – a severe restriction to say the least, considering that elephants in the wild normally travel up to 50 kilometres a day. Among other issues, elephants lacking physical exercise can become obese, which, in turn, leads to joint defects, as well as damaged feet and leg ligaments. Joint problems are then exacerbated when elephants are repeatedly made to assume unnatural positions during performances, particularly tricks that cause major strain such as standing on one leg.
- Highly social marine mammals such as dolphins and belugas routinely experience social stress in captivity. In the wild, dolphins and belugas live in fluid groups; individuals come and go, with some choosing to maintain strong, long-term relationships with one another. Captive dolphins and belugas, in contrast, are subject to social changes over which they have no control, such as what occurs when they are transferred between aquariums. Unsuitable groupings can lead to a high incidence of disease, aberrant and aggressive social behaviours, and poor success in calf rearing.

See also:

Animal Fighting

Animals in the Film and Television Industry

Circuses and Travelling Exhibitions

Falconry

Hunting

Rodeos

Sled Dogs

Sport Fishing

Trapping

Zoos and Aquariums

Background updated – January 2016

DEFINITIONS

Five Freedoms: The BC SPCA's Five Freedoms describe conditions that must be fulfilled in order to prevent the suffering of domesticated animals in human care. We acknowledge that

absolute provision of these freedoms may not be possible, but we expect all animal guardians to strive to provide them. The BC SPCA's Five Freedoms are:

1. Freedom from hunger and thirst;
2. Freedom from pain, injury and disease;
3. Freedom from distress;
4. Freedom from discomfort;
5. Freedom to express behaviours that promote well-being.

“NATIONAL VOLUNTEER WEEK”

WHEREAS *National Volunteer Week April 10 to 16, 2016 is a time to celebrate & thank Canada’s 12.7 million volunteers; and*

WHEREAS *Volunteer Victoria would like to use this week to create opportunities to inspire volunteerism and encourage all of Greater Victoria to take part; and*

WHEREAS *National Volunteer Week is an opportunity for individuals, families, businesses and organizations to participate in an act of service to support and promote volunteerism, and to help make a difference for spaces, causes and ideas that matter; and*

WHEREAS *We wish to encourage all citizens to make volunteerism a pillar in everyone’s their life, be it proclaimed that the week of April 10th to April 16 2016 is recognized as “Volunteer Recognition & Engagement Week” in Victoria, BC Canada.*

NOW, THEREFORE *I do hereby proclaim the week of April 10th to 16th, 2016 as “NATIONAL VOLUNTEER WEEK” 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 24th day of March, Two Thousand and Sixteen.*

**LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA**

**Sponsored by:
Lori Munoz Malcolm
Founder
HeartPress PR**

**“CANADIAN ONCOLOGY
NURSING DAY”**

WHEREAS *oncology nurses are committed to providing quality oncology care;
and*

WHEREAS *oncology nurses have demonstrated excellence in patient care,
teaching, research, administration, and education in the field of
oncology nursing; and*

WHEREAS *oncology nurses endeavour to educate the public in the prevention
and treatment of cancer.*

NOW, THEREFORE *I do hereby proclaim April 5, 2016 as “CANADIAN
ONCOLOGY NURSING DAY” in the CITY OF VICTORIA,
CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the
TRADITIONAL TERRITORIES of the ESQUIMALT AND
SONGHEES FIRST NATIONS, and urge all residents of Victoria,
BC to join in observance of and participate in activities to recognize
the special contribution oncology nurses provide to the public.*

IN WITNESS WHEREOF, *I hereunto set my hand this 24th day of March, Two
Thousand and Sixteen.*

**LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA**

*Sponsored by:
The Canadian Association
of Nurses in Oncology*

“PROJECT MANAGEMENT DAY”

WHEREAS *regardless of industry or mission, project management is a value driver that helps Victoria organizations get the most out of their performance; and*

WHEREAS *the Project Management Institute Vancouver Island (PMI-VI) is celebrating 20 years of dedication to the advancement of project management in the workplace and community of Vancouver Island; and*

WHEREAS *volunteer leaders from 16 Project Management Institute (PMI) Chapters representing project management from as far north as Alaska, as far south as Oregon, and as far east as Alberta and Montana, are convening in Victoria from April 15-17, 2016 to learn and enhance their ability to support project managers and the profession.*

NOW, THEREFORE *I do hereby proclaim Friday, April 15th, as “PROJECT MANAGEMENT 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 24th day of March, Two Thousand and Sixteen.*

**LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA**

**Sponsored by:
Patricia (Trish) Krol
PMI-VI Chapter President**

'AUTISM AWARENESS DAY'

- WHEREAS** *Autism Spectrum Disorder is a developmental disability which occurs approximately 1 in every 93 births, the causes of which are not fully understood; and*
- WHEREAS** *Autism Spectrum Disorder, which is four times more common in boys than girls, may appear during the first three years of life and has been found throughout the world in families of all ethnic and social backgrounds; and*
- WHEREAS** *Autism Spectrum Disorder is a neuro-biological condition that affects brain development and is characterized by impairments in communication, social interaction, and restrictive, repetitive behaviours; and*
- WHEREAS** *these characteristics may cause the person affected by Autism Spectrum Disorder to have challenges relating to people, objects and events; and*
- WHEREAS** *early intervention for young children with Autism Spectrum Disorder may assist them in developing communication and other skills, resulting in more meaningful participation in their communities; and*
- WHEREAS** *children and families affected by Autism Spectrum Disorder can benefit from community supports and, with this assistance, an increasing number of adults with Autism Spectrum Disorder may be able to live and work independently; and*
- WHEREAS** *the Canucks Autism Network delivers high calibre programs and services to the children, families and communities dealing with the affects of Autism, and by encouraging friendship, understanding and social responsibility through the creation of mentoring and friendship opportunities, and in support of the designation by the Resolution Adopted by the General Assembly of the United Nations, has set that April 2nd, shall be designated as World Autism Awareness Day.*

NOW, THEREFORE I do hereby proclaim the day of April 2nd, 2016 as "**AUTISM AWARENESS DAY**" in the **CITY OF VICTORIA, BRITISH COLUMBIA**, the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS**.

IN WITNESS WHEREOF, I hereunto set my hand this 24th day of March, Two Thousand and Sixteen.

**LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA**

**Sponsored by:
Corry Brooks
on behalf of
Autism Speaks Canada**

“EVERYONE MATTERS DAY”

- WHEREAS** *everyone has the right to be treated with dignity and respect; and*
- WHEREAS** *everyone should be recognized as an individual and has the right to be who they are, without being shamed, ridiculed, demeaned, attacked or marginalized; and*
- WHEREAS** *judgment and discrimination against others may be based on many factors and may be due to a person’s accent, age, disability, height, weight, nationality, race, religion, sex, gender, gender-identity or sexual orientation; and*
- WHEREAS** *judgement and discrimination leads to harassment, bullying, intimidation, marginalization and attack that may occur in the workplace, at schools, in families, in social settings and online; and*
- WHEREAS** *discrimination and bullying have direct effects on the physical, emotional, mental and financial health of an individual, on organizational stability in schools, on organizational and financial stability of businesses and communities, and on the well-being of society as a whole; and*
- WHEREAS** *everyone of all ages, groups and backgrounds may be victims of disrespect, bullying, abuse, discrimination and attack; and*
- WHEREAS** *the City of Victoria is comprised of a diverse population of all ages, genders, ethnicities, religions, races, sexual orientations, nationalities, physical and emotional capabilities and personalities; and*
- WHEREAS** *the City of Victoria celebrate diversity, individuality and respect for each citizen, and embraces the people of the community for who they are, and affirms that all citizens contribute their own unique individuality to what makes our city vital.*

NOW, THEREFORE I do hereby proclaim the day of April 12th, 2016 as **“EVERYONE MATTERS DAY”** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**, the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS**, and encourage all people of Victoria to recognize others for who they are, embrace themselves for who they are, and celebrate their own unique individuality. *Everyone Matters!*

IN WITNESS WHEREOF, I hereunto set my hand this 24th day of March, Two Thousand and Sixteen.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
HeathCliff Rothman
President and Founder
Everyone Matters Global Campaign

“INTERNATIONAL TRANSGENDER DAY OF VISIBILITY”

- WHEREAS** *the City of Victoria is committed to the safety and wellbeing of all its residents; and*
- WHEREAS** *our transgender residents remain too often the target of misunderstanding, stigma, intolerance and prejudice; and*
- WHEREAS** *in Victoria we applaud the lives, accomplishments and community contributions of transgender Victorians; and*
- WHEREAS** *in 2009 the International Transgender Day of Visibility was started as a way to celebrate transgender people, and raise awareness of discrimination faced by transgender people around the world; and*
- WHEREAS** *the City of Victoria and its residents take seriously our responsibility to treat everyone with respect and compassion regardless of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender or age; and*
- WHEREAS** *the City of Victoria wishes to promote understanding and create a safe community where everyone can live their lives in safety and with dignity; and*
- NOW, THEREFORE** *I hereby proclaim March 31st, 2016 as “***TRANSGENDER DAY OF VISIBILITY***” 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 24th day of March, Two Thousand and Sixteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Councillors Alto and Loveday

“CANADIAN CANCER SOCIETY’S DAFFODIL MONTH”

WHEREAS *the Canadian Cancer Society’s British Columbia and Yukon Division continues to be a leader in funding outstanding cancer research, undertaking cancer prevention initiatives and delivering support services to people with cancer and their families, and*

WHEREAS *the Canadian Cancer Society’s British Columbia and Yukon Division consistently demonstrates a collaborative approach to cancer control and represents the interests of all citizens of the City of Victoria affected by cancer, and*

WHEREAS *the Canadian Cancer Society’s British Columbia and Yukon Division assists the public in taking steps to reduce the risk of cancer by adopting prevention strategies and advocates for healthy public policy that makes healthier choices easier choices.*

NOW, THEREFORE *I do hereby proclaim April 2016, as “CANADIAN CANCER SOCIETY’S DAFFODIL MONTH” 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 24th day of March, Two Thousand and Sixteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Christina McLean
Health Promotion Coordinator
Canadian Cancer Society
Vancouver Island

'NATIONAL DAY OF MOURNING'

WHEREAS *every year, more than 1,000 Canadian workers are killed on the job; and*

WHEREAS *thousands more are permanently disabled; and*

WHEREAS *hundreds of thousands are injured; and*

WHEREAS *thousands of others die from cancer, lung disease, and other ailments caused by exposure to toxic substances at their workplaces; and*

WHEREAS *April 28th of this year has been chosen by the Canadian Labour Congress as:*

- *a Day of Mourning for these victims of workplace accidents and disease;*
- *a Day to remember the supreme sacrifice they have been forced to make in*
- *order to earn a living;*
- *a Day to renew approaches to governments for tougher occupational health*
and
- *safety standards, and more effective Compensation;*
- *a Day to rededicate ourselves to the goal of making Canada's workplace*
safer.

NOW, THEREFORE *I do hereby proclaim the day of April 28th, 2016 as "NATIONAL DAY OF MOURNING" 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 24th day of March, Two Thousand and Sixteen*

.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Councillor Isitt

BYLAWS

1. **Bylaw Amendments Related to Development Permit Exemptions and Delegation - Update**
Council received a report dated February 15, 2016 that provided information on proposed amendments to the Official Community Plan (OCP) and Land Use Procedures Bylaw in response to Council's motion from the meeting held November 26, 2015.

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council:

1. Give first reading to Bylaw No. 16-027, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20).

Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council:

1. 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.

Carried Unanimously

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman, that Council:

1. Give second reading to Bylaw No. 16-027, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 20).

Carried Unanimously

2. **FIRST READING**

- a. **Land Use Procedures Bylaw – 16-028**

Motion:

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

Land Use Procedures Bylaw – 16-028

Carried Unanimously

- b. **Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036**

Motion:

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

Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036

Carried Unanimously

3. **SECOND READING**

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

- a. *Land Use Procedures Bylaw – 16-028*
 - b. *Board of Variance Bylaw, Amendment Bylaw (No. 1) – 16-036*

Carried Unanimously



Council Report

For the Meeting of March 10, 2016

To: Council **Date:** February 15, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Bylaw Amendments Related to Development Permit Exemptions and Delegation – Update

RECOMMENDATION

That Council:

1. Give first reading to Bylaw No. 16-027, Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 20).
2. 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.
3. Give second reading to Bylaw No. 16-027, Official Community Plan Amendment Bylaw, 2012, Amendment Bylaw (No. 20).
4. Refer Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), for consideration at a Public Hearing.
5. Allow an opportunity for public comment regarding Bylaw No. 16-028, Land Use Procedures Bylaw, 2016, concurrent with the Public Hearing for OCP Amendment Bylaw No. 20.
6. After the Public Hearing consider adopting Bylaw No. 16-027, Official Community Plan (OCP) Amendment Bylaw, 2012, Amendment Bylaw (No. 20), and Bylaw No. 16-028 Land Use Procedures Bylaw, 2016.

LEGISLATIVE AUTHORITY

In accordance with Section 472 of the *Local Government Act*, Council may adopt one or more official community plans. During the development or amendment of an official community plan, Council must provide opportunities for consultation as set out in Section 475 of the *Local Government Act*. Pursuant to Section 137(1)(b) of the *Community Charter*, the power to amend an Official Community Plan Bylaw is subject to the same approval and other requirements as the power to adopt a new Official Community Plan Bylaw.

In accordance with Section 460 of the *Local Government Act*, if a local government has adopted an official community plan or a zoning bylaw it must define procedures under which an owner may apply for an amendment to the plan or obtain a permit under Part 14 of the *Local Government Act*.

EXECUTIVE SUMMARY

The purpose of this report is to bring forward, for Council's consideration, an Official Community Plan (OCP) Amendment Bylaw as well as amendments to the Land Use Procedures Bylaw, as directed by Council's motion from November 26, 2015 (Attachment 1). Additionally, the proposed bylaws advance a number of other amendments intended to clarify and simplify the language and to ensure accuracy and thoroughness.

The Official Community Plan Amendment Bylaw (Attachment 2) serves to:

1. Exempt the construction, placement or alteration of a building or structure that has a total floor area no greater than 9.2m² (100ft²) from requiring development permits in the following areas:
 - a. DPA 4: Town Centres
 - b. DPA 5: Large Urban Villages
 - c. DPA 6A: Small Urban Villages
 - d. DPA 7A: Corridors
 - e. DPA 10A: Rock Bay
 - f. DPA 13: Core Songhees
 - g. DPA 14: Cathedral Hill Precinct
 - h. DPA 15A: Intensive Residential Small Lot
 - i. DPA 15B: Intensive Residential Panhandle Lot
 - j. DPA 15D: Intensive Residential Duplex
 - k. DPA 16: General Form and Character.
2. Exempt changes to existing landscaping, other than landscaping identified in a development permit for the property from requiring development permits in the following areas:
 - a. DPA 5: Large Urban Villages
 - b. DPA 6A: Small Urban Villages
 - c. DPA 7A: Corridors
 - d. DPA 10A: Rock Bay
 - e. DPA 11: James Bay and Outer Harbour
 - f. DPA 13: Core Songhees
 - g. DPA 14: Cathedral Hill Precinct.
3. Clarify the language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

The Land Use Procedures Bylaw Amendment (Attachment 3) serves to:

1. Delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:
 - a. New buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage;
 - b. New buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential

- iii. DPA 4: Town Centres
- iv. DPA 5: Large Urban Villages
- v. DPA 6A: Small Urban Villages
- vi. DPA 6B (HC): Small Urban Villages Heritage
- vii. DPA 7A: Corridors
- viii. DPA 7B (HC): Corridors Heritage
- ix. DPA 10A: Rock Bay
- x. DPA 10B (HC): Rock Bay Heritage
- xi. DPA 11: James Bay and Outer Harbour
- xii. DPA 12 (HC): Legislative Precinct
- xiii. DPA 13: Core Songhees
- xiv. DPA 14: Cathedral Hill Precinct;
- c. Accessory Buildings in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex;
- d. Floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
- e. Floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
- f. Renewals of up to two years for previously approved (unlapsed and unchanged) Development Permits where there have been no intervening policy changes;
- g. Renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes;
- h. Replacement of exterior materials on existing buildings;
- i. Temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years;
- j. Temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
- k. Temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
- l. Changes to landscaping where applicable design guidelines exist or where identified within an approved plan.

2. Simplify and clarify language in the Land Use Procedures Bylaw to:

- a. update references to be consistent with the *Official Community Plan, 2012*;
- b. clarify the sign bylaw variance process;
- c. set a time limit for cancelling applications which are inactive;
- d. clarify fee schedules;
- e. clarify notification requirements for Heritage Revitalization Agreements;
- f. introduce new procedures for Rezoning Application site sign requirements.

3. Update the Land Use Procedures Bylaw to:

- a. reflect the current numbering of the *Local Government Act*;
- b. incorporate changes to enable Temporary Use Permits to be processed as intended by the *Local Government Act*;
- c. include recent changes to City governance practices.

PURPOSE

The purpose of this report is to bring forward an Official Community Plan (OCP) Amendment Bylaw as well as a Land Use Procedures Amendment Bylaw for Council's consideration, as directed by Council's motion from November 26, 2015. The proposed OCP Amendment Bylaw will exempt the need for development permits for buildings and structures with a floor area no greater than 9.2m² as well as for the replacement of existing landscaping where the landscaping does not form part of an approved development permit. The Land Use Procedures Bylaw Amendment will delegate authority to staff to review and potentially approve a number of minor changes to buildings and landscaping as well as to approve small additions in some Development Permit Areas and Heritage Conservation Areas as noted above. Delegated authority would not extend to any circumstances where variances are required and would not expand the current limited role that staff have in relation to reviewing and approving minor changes and improvements to buildings that are on the City's Heritage Register including those that are designated.

BACKGROUND

The proposed OCP Amendment Bylaw (Attachment 2) and Land Use Procedures Bylaw Amendment (Attachment 3) have both been prepared based on a Council motion from November 26, 2015 (Attachment 1). As directed by Council on November 14, 2013 (minutes included as Attachment 4), the proposed Land Use Procedures Bylaw Amendment also includes amendments related to:

- updating references to be consistent with the *Official Community Plan, 2012*;
- clarifying sign bylaw variance process;
- setting a time limit for cancelling applications which are inactive;
- clarifying fee schedules;
- clarifying notification requirements for Heritage Revitalization Agreements;
- introducing new procedures for Rezoning Application site sign requirements

The delay in advancing these amendments was in part due to competing priorities and partially because it was more efficient to roll-in the Council's direction related to changes needed to establish a degree of delegated authority.

Finally, the proposed Land Use Procedures Bylaw Amendments also advances, for Council's consideration, changes to the City's method of processing Temporary Use Permits. The City's practice to date has been to treat temporary commercial and industrial permits like rezoning applications which is not particularly efficient, is not the normal process used by other municipalities and is not consistent with the *Local Government Act*.

ISSUES & ANALYSIS

The following sections detail a number of updates and changes that have been included in the proposed bylaws, recommended for Council's consideration, in order to advance bylaws which will be as thorough and accurate in their approach, as possible.

Official Community Plan Amendment

Omission of DPA 7A in Council Motion

Staff have noted a minor typographical error from the related Council minutes from November 26, 2015 related to the proposed development permit exemption for buildings and structures not greater than 9.2m². However, the staff report from November 26, 2015, that was presented to Planning and Land Use Committee and Council identified both DPA 10A: Rock Bay as well as DPA 7A: Corridors. Therefore, although the Council motion did not reference DPA 7A: Corridors, the proposed OCP Amendment Bylaw does include DPA 7A: Corridors.

Development Permit Requirements for Landscaping Changes in DPA 15A, DPA 15B, DPA 15D and Landscaping in DPAs 15A, 15B, 15C, 15D, 15 E and DPA 16.

The intent of the original Council motion and staff report from November 26, 2015, included exempting changes to existing landscaping within various development permit areas including DPA 15A, DPA 15B, DPA 15D and DPA 16. However, through further review, staff confirmed that the provisions contained in Section 489 of the *Local Government Act* do not require a development permit for the alteration of land (landscaping) within Development Permit Areas 15A, 15B, 15C, 15D and 16, after the initial construction and landscaping associated with a Development Permit is complete. Therefore, these Development Permit Areas have not been identified within the attached OCP Amendment Bylaw, because they are in essence already exempt.

Updated Numbering and Language Clarity

The proposed OCP Amendment Bylaw also includes updated references to specific sections of the *Local Government Act* which were recently renumbered. These reference updates have been restricted to the Overview section of Appendix A until a more comprehensive update of the OCP is completed. The OCP Amendment Bylaw also includes minor amendments to the language contained within the Overview section of Appendix A to improve clarity and interpretation of when a development permit is required. The suggested changes to the existing language do not alter the overall intent or scope of the existing language.

Land Use Procedures Bylaw

Updated Numbering and Language Clarity

The proposed Land Use Procedures Amendment Bylaw includes updated references to specific sections of the *Local Government Act* which were recently renumbered. It also simplifies and clarifies language to make the Bylaw more user-friendly, without changing the intent of the original content; this work is consistent with the direction provided by Council on November 14, 2013.

Governance Changes

A number of changes have been incorporated into the proposed Land Use Procedures Amendment Bylaw in order to reflect recent changes to the City's governance structure and to allow for maximum flexibility to incorporate future changes. Recommended changes include items like changing references to specific Committees of Council (Planning and Land Use Committee) to a more general term and to clarify the distinction between a public hearing (rezoning applications) and an opportunity for comment at a meeting of Council (variance applications).

Clarification Regarding Extent of Delegation for Heritage Registered and Designated Properties

The proposed amendments to the Land Use Procedures Bylaw have been drafted to not expand the current scope of staff authority that is in place to review and approve minor changes and improvements to heritage registered and designated buildings; however, the table included as an appendix to the August 27, 2015 Planning and Land Use Committee Report (attached) indicates that no delegated authority at all, was recommended for these types of properties. If there was absolutely no delegated authority for these situations, there would be an increase of approximately 20 to 30 reports and applications per year, needing to be considered by Council. It is recommended that the current approach remain as is, where any additions (of any size) to heritage buildings would be referred to Council; however, staff would continue to review and potentially approve items such as landscaping and replacement of exterior materials when consistent with approved guidelines. New areas of delegated authority in relation to heritage properties would be limited to a one time renewal of previously approved Heritage Alteration Permits where there has been no change to the proposal, regulations or policy and temporary trailers associated with the construction and marketing of projects.

Temporary Use Permits

After legal review and advice, it was determined that temporary commercial and industrial use permits should follow the process of a permit (versus a rezoning) which will make processing quicker, less costly for applicants and will make better use of Council and staff time. Additionally, it provides Council with a more expedient method to "try out" uses on a temporary basis and is consistent with recommendations and feedback received at the Development Summit. The OCP designates the entire City as appropriate for Temporary Use Permits which is a necessary precondition for Council to consider Temporary Use Permits. The process used to date has been the same as a rezoning application; however, by processing as a rezoning the processing requirements and length of time is increased as compared to the processing of a permit. There has only been one Temporary Use Permit since the adoption of the OCP in 2012, which may in part be due to the onerous nature of the process. The processing time and cost will be shorter for the applicant, and there is still an opportunity for public comment prior to Council's consideration of these types of permits.

OPTIONS & IMPACTS

1. Provide first and second reading to the proposed OCP Amendment Bylaw and Land Use Procedures Bylaw Amendment and refer to a Public Hearing for further consideration **(Recommended)**.

This option would continue to support Council's previous direction from November 26, 2015, and will allow Council to receive additional feedback through a Public Hearing prior to Council's consideration and decision.

2. Maintain Status Quo

If Council does not advance the proposed OCP Amendment Bylaw and Land Use Procedures Bylaw to a Public Hearing, the limitations of the current system will persist and staff would need to seek further direction as to whether Council would like these types of applications to come to Council for a decision in the future. This status quo approach would make it more difficult to achieve the objectives of the *Development Summit Action Plan* and the *City of Victoria Strategic Plan 2015-2018* related to improving application process times.

2015 - 2018 Strategic Plan

The proposed development permit exemptions and delegations help to directly support the following 2016 Outcomes of the Strategic Plan:

- reduced processing time for all types of applications from building permits to rezoning
- streamlined land use policies.

Impacts to 2015 - 2018 Financial Plan

There are no additional financial resources required to prepare the proposed OCP Amendment Bylaw or Land Use Procedure Bylaw Amendment.

Official Community Plan (OCP), 2012 - Consistency Statement

The proposed development permit exemptions and delegations are consistent with the Adaptive Management chapter, which contemplates periodic updates and refinements to ensure the OCP is able to deliver and support its various broad objectives and actions.

CONCLUSIONS

The proposed development permit exemptions and delegations are a positive initiative that will support the streamlining of the development approval process and reduce the overall volume of development applications. The proposed changes are also consistent with the previous Council direction from November 26, 2015, and in direct support of the City's *Strategic Plan* and the *Development Summit Action Plan*.

Respectfully submitted,



Robert Batallas
Senior Planner
Community Planning Division

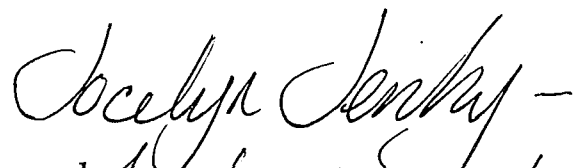


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Lucina Baryluk,
Senior Process Planner
Development Services Division

Report accepted and recommended by the City Manager:


Date: March 4, 2016

List of Attachments

- Attachment 1: Council Motion – November 26, 2015
- Attachment 2: Proposed OCP Amendment Bylaw (Bylaw 16-027)
- Attachment 3: Proposed Land Use Procedures Bylaw, 2016 (Bylaw 16-028)
- Attachment 4: Council Motion – November 14, 2013.
- Attachment 5: November 16, 2015 and August 27, 2015 Planning and Land Use Committee Reports

REPORTS OF THE COMMITTEES

3. Planning and Land Use Committee – November 26, 2015

1. Delegated Authority and Exemptions for Development Permits:

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

1. Prepare an Official Community Plan (OCP) Amendment Bylaw:

- a. To exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:
 - i. DPA 4: Town Centres
 - ii. DPA 5: Large Urban Villages
 - iii. DPA 6A: Small Urban Villages
 - iv. DPA 10A: Rock Bay
 - v. DPA 10A: Rock Bay
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
- b. To exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
 - i. DPA 5: Large Urban Villages
 - ii. DPA 6A: Small Urban Villages
 - iii. DPA 7A: Corridors
 - iv. DPA 10A: Rock Bay
 - v. DPA 11: James Bay and Outer Harbour
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
- c. To clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

2. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:

- a. New buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage.
- b. New buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages

- vi. DPA 6B (HC): Small Urban Villages Heritage
- vii. DPA 7A: Corridors
- viii. DPA 7B (HC): Corridors Heritage
- ix. DPA 10A: Rock Bay
- x. DPA 10B (HC): Rock Bay Heritage
- xi. DPA 11: James Bay and Outer Harbour
- xii. DPA 12 (HC): Legislative Precinct
- xiii. DPA 13: Core Songhees
- xiv. DPA 14: Cathedral Hill Precinct
- c. Accessory Building in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex
- d. Floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District.
- e. Floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs.
- f. Renewals of up to two years for previously approved (unlapsed and unchanged) Development Permits where there have been no intervening policy changes.
- g. Renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes.
- h. Replacement of exterior materials on existing buildings.
- i. Temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years.
- j. Temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring.
- k. Temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring.
- l. Changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
- 3. Develop and implement a process to monitor and evaluate the effectiveness and impacts of the proposed delegation authority and report to Council at six months and one year on the effectiveness of the system. After one year, that Council will consider an annual review.

Carried Unanimously

Council meeting
November 26, 2015

NO. 16-027

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Official Community Plan to exempt certain types of development, in certain areas of the City, from the requirement to obtain a development permit.

Under its statutory powers, including Sections 471 to 475 and 488 to 491 of the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 20)".
2. Bylaw No. 12-013, Official Community Plan Bylaw, 2012, is amended in Schedule A by making the following changes to Appendix A, "Development Permit Areas and Heritage Conservation Areas":
 - a) In "Overview", subsections 1(b)(i) and (ii) are deleted and replaced with the following:
 - (i) the provisions of each of those designated areas shall apply, and
 - (ii) an exemption relating to one designated area only relieves the requirement for a permit under that designation, not under other designations applicable to the land;
 - b) In "Overview", Subsection 2(a) is deleted and replaced with the following:

"(a) Development Permit Areas: In accordance with Section 488(4) of the Local Government Act, a Development Permit is not required in any designated Development Permit Areas under any of the following conditions:";
 - c) In "Overview", Subsection 2(b) is deleted and replaced with the following:

"(b) HCAs: In accordance with section 614(3)(a) of the Local Government Act, a heritage alteration permit is not required in any designated heritage conservation areas under any of the following conditions:";
 - d) In "DPA 4: Town Centres", the following subsection is added as a specific exemption, immediately after subsection 2(b)(ii):

"(iii) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, that does not exceed 9.2m²."

and the existing text in subsection 2(b) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.
 - e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- f) In "DPA 6A: Small Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- g) In "DPA 7A: Corridors", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- h) In "DPA 10A: Rock Bay", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

- "(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or
- (4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- i) In "DPA 11: James Bay and Outer Harbour", the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (2):

"(3) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- j) In "DPA 13: Core Songhees", the following subsections are inserted as specific exemptions immediately after subsection 2(b)(i) (2):

"(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²;

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property; or"

and the existing subsection 2(b)(i) (3) is renumbered subsection 2(b)(i) (5).

- k) In "DPA 14: Cathedral Hill Precinct" the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

"(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- l) In "DPA 15A: Intensive Residential – Small Lot" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (3):

"(4) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- m) In "DPA 15B: Intensive Residential – Panhandle Lot" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (5):

"(6) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- n) In "DPA 15D: Intensive Residential – Duplex" the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (6):

"(7) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- o) In "DPA 16: General Form and Character" the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (4):

"(5) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²."

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

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.

CORPORATE ADMINISTRATOR

MAYOR

NO. 16-028

Attachment 3

LAND USE PROCEDURES BYLAW**A BYLAW OF THE CITY OF VICTORIA**

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*; and

The Council of the City of Victoria has adopted an official community plan and a zoning bylaw; and

A local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or an amendment to a land use contract or a heritage revitalization agreement; and

A local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

The Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of the City of Victoria, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

1. Title
2. Repeal
3. Severability
4. Definitions
5. Applications Subject to this Bylaw

PART 2 – APPLICATIONS

6. Pre-Application Community Meeting Requirements
7. Notification Distance
8. Waiving a Community Meeting
9. Applications Forms

10. Application Requirements
11. Evidence of Participation in a Community Meeting
12. Declared value of buildable floor area
13. Declared value of construction
14. Receipt of Applications
15. Incomplete applications
16. Notification of incomplete applications
17. Application referral
18. Application review summary
19. Council referral
20. Application Fee
21. Refund
22. Refund of administration fee
23. Cancellation of Applications
24. Reapplication – cancelled file
25. Application Sign Posting Requirements – permits
26. Application Sign Posting Requirements – other applications
27. Public hearing
28. Right to waive a public hearing
29. Opportunity for public comment
30. Notice of public hearing
31. Notice of opportunity for public comment
32. Notice requirements for temporary use permits or development variance permit
33. Reapplications

PART 3 – DELEGATION AND RECONSIDERATION

34. Types of Permits
35. Referral
36. Referral consideration
37. Council reconsideration
38. Time limit for reconsideration

- 39. Notice of reconsideration
- 40. Representation to Council
- 41. Council's authority

SCHEDULES

- Schedule A Application Fees
- Schedule B Procedures for Sign Posting– Permits
- Schedule C Procedures for Sign Posting – Other Applications
- Schedule D Delegated Approvals

PART 1 – INTRODUCTORY PROVISIONS

Title

- 1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, 2016".

Repeal

- 2. Bylaw No. 09-048, the "Land Use Procedures Bylaw" is repealed.

Severability

- 3. If any Section, subsection, sentence clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portion of the Bylaw.

Definitions

- 4. In this bylaw,
 - "**ADP**" means
the City's Advisory Design Panel
 - "**CALUC**" means
Community Association Land Use Committee
 - "**Committee**" means
a select or standing committee of Council
 - "**Community Meeting**" means
a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

“development permit” or “DP” means

a permit authorized by Section 490 of the *Local Government Act*

“development variance permit” or “DVP” means

a permit authorized by Section 489 of the *Local Government Act*

“Director” means

the City's Director of Sustainable Planning and Community Development Department

“HAPL” means

the City's Heritage Advisory Panel;

“heritage alteration permit” means

a permit authorized by Section 617 of the *Local Government Act*

“heritage revitalization agreement” means

an agreement authorized by Section 610 of the *Local Government Act*

“Official Community Plan” or “OCP” means

the City's Official Community Plan Bylaw, 2012

“public comment” means

members of the public addressing Council, other than at a public hearing, regarding the subject matter of a decision Council proposes to make

“public hearing” means

a public hearing that is required to be held under the *Local Government Act* before Council adopts a bylaw

“TRG” means

the Technical Review Group composed of City of Victoria staff

“zoning bylaw” means

the City's Zoning Regulation Bylaw

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:
 - (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract;
 - (d) a temporary commercial or industrial use permit;

- (e) a heritage revitalization agreement;
- (f) a development variance permit;
- (g) a development permit;
- (h) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application community meeting requirements

- 6. Before submitting an application to initiate changes to the OCP or the zoning bylaw the applicant must:
 - (a) pay to the City the community meeting notification fee as calculated in accordance with Schedule A of this Bylaw; and,
 - (b) arrange and participate in a Community Meeting.

Notification Distance

- 7. The City will provide notification of the date of the scheduled Community Meeting to the owners and occupiers of properties located within:
 - (a) 100 metres of the property that is the subject of the application (the "subject property") if the application is for one of the matters listed in Section 26 of this Bylaw;
 - (b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or
 - (c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.

Waiving a Community Meeting

- 8. The requirement to arrange and participate in a Community Meeting in relation to an application may be waived:
 - (a) in writing by the CALUC in the area in which the proposed development is located;
 - (b) by the Director if, in the Director's opinion, the applicant has made reasonable attempts to hold a Community Meeting;
 - (c) by Council.

Application Forms

- 9. The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:
 - (a) all of the information and supporting documents specified in the application form;
 - (b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

11. If a Community Meeting was required in relation to an application, the applicant must submit evidence that the applicant has participated in the Community Meeting.

Declared value of buildable floor area

12. An application for an amendment to the zoning bylaw, or for a heritage revitalization agreement or amendment, must include a declaration of the value of the buildable floor area permitted under the amendment or agreement, as certified by a qualified professional.

Declared value of construction

13. An application for a development permit or a heritage alteration permit must include a declaration of the value of construction proposed under the permit, as certified by a qualified professional.

Receipt of applications

14. If a person submits a complete application to the Director, the Director must process the application.

Incomplete applications

15. If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.

Notification of incomplete applications

16. If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.

Application Referral

17. When processing an application, the Director may refer the application to other agencies or associations, the TRG, or other staff members.

Application Review Summary

18. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 17.

Council Referral

19. Council or a Committee of Council may refer a development permit application or a heritage alteration permit to ADP or HAPL or a joint meeting of ADP and HAPL for its recommendations concerning the design of the application or other matters within the ADP's or HAPL's terms of reference.

Application fee

20. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:
 - (a) the pre-application fee for the community meeting;
 - (b) the base application fee;
 - (c) the large project fee;
 - (d) the administration fee; and
 - (e) the resubmission fee.

Refund

21. An applicant who has paid the base application fee, or the large project fee, or both, is entitled to:
 - (a) a 90% refund if the application is formally withdrawn prior to the review of the application by the TRG;
 - (b) a 75% refund if the application is withdrawn or cancelled after the TRG review but prior to being placed on an agenda for a Committee of Council.

Refund of administration fee

22. An applicant who has paid the administration fee in relation to an application is entitled to a refund of that fee if the application is cancelled, withdrawn or abandoned, and the applicant requests a refund, before the City has incurred any expenses in relation to the giving notice of a public hearing, the waiver of a public hearing, or an opportunity for public comment in relation to the application.

Cancellation of Applications

23. If an application has been accepted by the Director for processing and further information from the applicant is requested after review by the Director, TRG Committee or Council, the applicant is required to provide the requested information within 6 months. If the applicant does not provide the requested information within 6 months of the request, the City will provide a final written notification to the applicant and if the requested information is not provided within 3 months of the final written notification, the file will be closed.

Reapplication - cancelled file

24. An applicant wishing to reopen a closed file must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 33 of this Bylaw does not apply.

Application Sign Posting Requirements - Permits

25. A person who submits an application for any of the following must post signage in compliance with Schedule B of this Bylaw:
- (a) development variance permit;
 - (b) development permit with variances;
 - (c) heritage alteration permit with variances
 - (d) a temporary commercial or industrial use permit.

Application Sign Posting Requirements – Other applications

26. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:
- (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan Bylaw* amendment;
 - (c) an application to amend a land use contract, if the amendment relates to the use or density of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Public hearing

27. In accordance with the *Local Government Act*, a public hearing is required before Council adopts a bylaw to:
- (a) amend the zoning bylaw;
 - (b) amend the OCP;
 - (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Right to waive a public hearing

28. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consisted with the OCP.

Opportunity for public comment

29. Council may provide an opportunity for public comment before passing a resolution to issue:
- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*;
 - (b) a development permit with variances;

- (c) a heritage alteration permit with variances; or,
- (d) a temporary commercial or industrial use permit.

Notice of public hearing

30. The distance specified for the purpose of the notification of a public hearing required in relation to any of the following is 100 m:
- (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw.

Notice of opportunity for public comment

31. If Council proposes to provide an opportunity for public comment, the City will mail or otherwise deliver notice of the opportunity to the owners and occupiers of all parcels that are the subject of, or that are adjacent to the parcels that are the subject of, the permit in relation to which Council proposes to make a decision.

Notice requirements for temporary use permits or development variance permit

32. For clarity, nothing in this bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the City's obligation, under Section 494 or Section 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a temporary use permit or a development variance permit.

Reapplications

33. If the Council does not approve an application submitted in accordance with this bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application. However, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

34. Council delegates to the Director the authority to issue the types of permits listed in column A of the table attached as Schedule D to this Bylaw, in the areas listed in column B, accordance with the conditions set out column C.

Referral

35. Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies or associations, ADP, HAPL, the TRG, or other staff as required.

Referral consideration

36. If the Director refers an application as contemplated in Section 35 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Council reconsideration

37. If an application is refused, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director in accordance with the provisions for reconsideration set out in this Part.

Time limit for reconsideration

38. Within 10 days of being notified in writing of a decision of the Director, the applicant may apply to the City's Corporate Administrator to have Council reconsider a decision of the Director.

Notice of reconsideration

39. The City's Corporate Administrator must give the applicant at least 10 days notice of the time and place of Council's reconsideration, and of the applicant's right to appear before Council to make representations concerning the application.

Representation to Council

40. A person exercising the right of reconsideration may make oral or written submission to Council and may appoint a representative to make representation.

Council's authority

41. Council may either confirm the decision made by the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

READ A FIRST TIME on the day of 2016.

READ A SECOND TIME on the day of 2016.

READ A THIRD TIME on the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

**City of Victoria
Bylaw No. 16-028**

Schedule A

APPLICATION FEES

1 Pre-application fee

The pre-application fee, for giving notice of a Community Meeting, is:

- (1) \$400.00 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$800 if notice of a Community Meeting must be given to owners and occupiers of properties within 200 metres of the subject property.

2 Base application fee

- (1) The base application fee for the following applications is \$1400:
 - (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan* amendment;
 - (c) an application to amend a land use contract, if the if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
- (2) For applications that would enable the creation of new small lots as defined in the OCP, the base application fee is applicable to each potential new small lot.
- (3) The base application fee for Development Permits and Heritage Alteration Permits with or without variances is outlined in the following table plus \$250 for each variance that is requested or proposed in the application, based on the declared value of the construction that is contemplated in the application, as follows:

Declared Value of Construction:	Base Application Fee
Less than \$25,000	\$200
\$25,000 to \$2,000,000	\$500

- (4) The base application fee for a Development Variance Permit is \$500, plus \$250 for each variance that is requested or proposed in the application.

- (5) The base application fee for a Development Permit for subdivision only is \$250 for each new lot that is proposed to be created in the application.
- (6) The base application fee for a permit which the Director is authorized to issue is \$200.
- (7) There is no application fee for a heritage alteration permit without variances for single family dwellings or duplexes.

3 Administration Fee

- (1) The administration fee for an application to amend a bylaw that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is \$1200.00.
- (2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is \$200.00.

4 Large Project Fee

- (1) The Large Project Fee for applications to amend the zoning bylaw or amend or enter into a heritage revitalization agreement applies if the value of the total buildable floor area permitted under the proposed amendment or agreement exceeds \$2 million.
- (2) The value of the total buildable floor area shall be calculated as follows:
 - (a) The site area used in the calculation of the Large Project Fee includes all lots subject to the application.
 - (b) For the purpose of calculating the Large Project Fee, the maximum floor space ratio or building floor area is used that is possible under the *Zoning Regulation Bylaw Amendment* or Heritage Revitalization Agreement bylaw (as the case may be), not the amount of floor area proposed by the application.

Step 1 – Calculation of Value of Buildable Floor Area						
Site area (m ²)	X	Maximum FSR	X	Cost per m ²	=	Value of buildable floor area

Step 2 - Calculation of Large Project Fee						
Value of buildable floor area (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (3) The Large Project Fee for an application to amend the zoning bylaw or amend or enter into a heritage revitalization agreement shall be calculated as follows:
- (4) The Large Project Fee for a development permit or a heritage alteration permit application applies if the value of the construction value under the proposed amendment or agreement exceeds \$2 million.

- (5) The construction value shall be calculated as follows:

Step 1 – Calculation of Construction Value of Building				
Total floor area including basement (m ²)	X	Cost per m ²	=	Construction value of building

- (6) The Large Project Fee for a development permit or a heritage alteration permit application shall be calculated as follows:

Step 2 - Calculation of Large Project Fee						
Construction value of building (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (7) If an application subject to the Large Project Fee under both section 4(1) and 4(4) of this Schedule, the Large Project Fee will only be assessed once for the application.

5 Resubmission fee

- (1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.
- (2) If revised plans are a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of \$500 shall be required for each new submission.
- (3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from Committee, Council, ADP or HAPL.

**City of Victoria
Bylaw No. 16-028**

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

1. For the following applications, a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) Development variance permit;
 - (b) Development permit with variances;
 - (c) Heritage alteration permit with variances;
 - (d) Temporary commercial or industrial use permit.
2. The City shall determine the specifications, format, and information content of the sign or signs.
3. The applicant shall:
 - (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;
 - (c) post additional meeting notices and additional signs if required;
 - (d) maintain the sign or signs on the subject property for the required time period.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

1. For the following applications a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) rezoning;
 - (b) application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (c) official community plan bylaw amendment;
 - (d) heritage revitalization agreement, if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
3. The applicant shall, at its sole expense:
 - (e) prepare the sign or signs in accordance with the specifications provided by the City;
 - (f) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;
 - (g) post additional meeting notices and additional signs if required by the City;
 - (h) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule D

DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

A. Permit Types	B. DPAs and HCAs	C. Conditions
DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
HAP without variances for a single family dwelling or duplex	All DP Areas	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
DP or HAP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas	The permit being renewed must be: <ul style="list-style-type: none"> o unexpired at the time of application; o unchanged from the original application; and o not subject to any new policies or regulations. Permit valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment that are less than 100 m ² in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay	Permit is valid for two years from the date of issuance.

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential - Duplex	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions and floating structures that do not exceed 100 m ² in floor area	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
Landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential	<p>The proposed guidelines must comply with applicable guidelines.</p> <p>Permit is valid for two years from the date of issuance.</p> <p>A landscape security may be required to ensure compliance with the approved plans.</p>
Temporary buildings and structures that do not exceed 100 m ² in floor area	All DP Areas	<p>Temporary buildings and structures located on private property.</p> <p>Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.</p>
Temporary construction trailers and temporary residential unit sales trailers	All DP Areas	<p>Temporary construction trailers and temporary residential unit sales trailers located on private property.</p> <p>Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame:</p> <ul style="list-style-type: none"> ○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or ○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or ○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.

Attachment 4

REPORTS OF THE COMMITTEE

Governance and Priorities Committee – November 7, 2013

Amendment to Land Use Procedures Bylaw to Update References to OCP and other minor changes

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council approve:

1. That the City Solicitor be instructed to prepare a consolidated version of the *Land Use Procedures Bylaw* incorporating the changes as proposed in this report and further minor changes for legal purposes as required.
2. That the City Solicitor be instructed to prepare an amendment to the *Sign Bylaw* to provide for an amendment by way of a Development Variance Permit specific to signs and associated fees.

Carried Unanimously

Council Minute
November 14, 2013



Planning and Land Use Committee Report

For the Meeting of September 10, 2015

To: Planning and Land Use Committee **Date:** August 27, 2015

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

Subject: Delegated Authority and Exemptions for Development Permits

RECOMMENDATIONS

That Committee forward this report to Council for consideration and that Council direct staff to:

1. Prepare an Official Community Plan (OCP) amendment bylaw:
 - a. to exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:
 - i. DPA 4: Town Centres
 - ii. DPA 5: Large Urban Villages
 - iii. DPA 6A: Small Urban Villages
 - iv. DPA 7A: Corridors
 - v. DPA 10A: Rock Bay
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - b. to exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:
 - i. DPA 5: Large Urban Villages
 - ii. DPA 6A: Small Urban Villages
 - iii. DPA 7A: Corridors
 - iv. DPA 10A: Rock Bay
 - v. DPA 11: James Bay and Outer Harbour
 - vi. DPA 13: Core Songhees
 - vii. DPA 14: Cathedral Hill Precinct
 - viii. DPA 15A: Intensive Residential Small Lot
 - ix. DPA 15B: Intensive Residential Panhandle Lot
 - x. DPA 15D: Intensive Residential Duplex
 - xi. DPA 16: General Form and Character
 - c. to clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.

2. Undertake public consultation to receive feedback on the proposed Official Community Plan amendment bylaw and report back to Council with a summary of comments received prior to a Public Hearing.
3. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications when consistent with relevant policy:
 - a. new buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay, and DPA 10B (HC): Rock Bay Heritage;
 - b. new buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages
 - vi. DPA 6B (HC): Small Urban Villages Heritage
 - vii. DPA 7A: Corridors
 - viii. DPA 7B (HC): Corridors Heritage
 - ix. DPA 10A: Rock Bay
 - x. DPA 10B (HC): Rock Bay Heritage
 - xi. DPA 11: James Bay and Outer Harbour
 - xii. DPA 12 (HC): Legislative Precinct
 - xiii. DPA 13: Core Songhees
 - xiv. DPA 14: Cathedral Hill Precinct;
 - c. accessory buildings in:
 - i. DPA 15A: Intensive Residential Small Lot
 - ii. DPA 15B: Intensive Residential Panhandle Lot
 - iii. DPA 15D: Intensive Residential Duplex;
 - d. floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
 - e. floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
 - f. renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes;
 - g. renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes;
 - h. replacement of exterior materials on existing buildings;
 - i. temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to five years;
 - j. temporary construction trailers on private property;
 - k. temporary residential unit sales trailers on private property;
 - l. changes to landscaping where applicable design guidelines exist or where identified within an approved plan.
4. Develop and implement a process to monitor and evaluate the effectiveness and benefits of the proposed delegation authority initiative and report to Council with an annual summary of findings and recommendations.

EXECUTIVE SUMMARY

The purpose of this report is to seek direction from Council to advance two key initiatives that are in direct support of the *City of Victoria Strategic Plan 2015-2018*, annual Development

Summit feedback, and the *Official Community Plan* (OCP) monitoring and evaluation program. The first initiative is to prepare an Official Community Plan amendment bylaw to exempt certain forms of 'minor' development (small scale buildings/structures and changes to existing landscaping) from requiring development permits within specific Development Permit Areas and associated with these proposed amendments, to provide improved language in the OCP so it is clear when a permit is and is not required. The minor forms of development that are proposed to be exempted from development permits typically have minimal impacts on the form and character of the surrounding area including the public realm and could be adequately reviewed through the *Zoning Regulation Bylaw* in combination with the proposed conditions described in Attachment 1.

The second initiative is to prepare an amendment to the *Land Use Procedures Bylaw* to provide staff with delegated authority to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with approved City policy. Both of these initiatives were identified through the Development Summits as a means to reduce the overall volume of development applications and a way to streamline the development application process.

The delegation approach would also help to streamline the review process for a number of relatively straight-forward development proposals, shortening timelines for applicants and reducing the number of applications that need to be processed through to a Council decision point. It is anticipated that processing times for delegated applications would be typically reduced from approximately three to four months down to two to four weeks. A number of informal review processes would also be regularized with the implementation of this approach, enhancing staff's ability to review and respond to development and business requirements related to needing temporary structures as well as building maintenance and upgrades. Staff also propose to monitor and evaluate the overall effectiveness and benefits of the delegated authority initiative and provide Council with an annual summary of outcomes and recommendations.

If Council endorses the proposed development permit exemptions, staff will report back to Council with an Official Community Plan amendment bylaw that will be subject to a Public Hearing process in accordance with the requirements of the *Local Government Act*. Similarly, if Council endorses the proposed delegation authority initiative, staff will report back to Council with a Land Use Procedures Bylaw amendment and a detailed outline of the administrative review process for the proposed delegated development permit and heritage alteration permit applications for Council's consideration.

PURPOSE

The purpose of this report is to provide Council with information, analysis and recommendations to support Council's consideration of exempting specific forms of minor development from requiring development permits and to establish a system of delegated authority to enable staff to review and approve a range of development permit (DP) and heritage alteration permit (HAP) applications when they are consistent with established City policy. These initiatives have been identified as key outcomes from the annual Development Summits and also provide a means to streamline development applications in support of the *City of Victoria Strategic Plan 2015-2018* and the OCP monitoring and evaluation program.

BACKGROUND

Previous Council Consideration of Delegated Authority

Over the past three years, a series of reports and Council workshops have been advanced for Council's consideration which explored the possibility of delegating authority to staff to approve a range of DPs and HAPs. Copies of these Council reports and minutes are included in Attachments 4, 5 and 6 for reference. Council initially directed staff to explore the possibility of developing a delegated authority option that included delegating some types of variance applications to staff, which was reflected in Council's selection of Option #5 from the range of delegation options (below) that were presented to Council in 2012:

- Option # 1 - No Delegation
- Option # 2 - Maintain Status Quo
- Option # 3 - Delegation (No variances and Exemptions)
- Option # 4 - Delegation (No Variances)
- Option # 5 - Delegation (With Variances and Exemptions)
- Option # 6 - Full Delegation.

Upon receiving information on this approach on December 12, 2013, Council requested a more limited form of delegation and posed a number of questions related to how to ensure adequate community input and whether there was a way to forward applications to Council for a decision, particularly in instances when consultation was part of the existing process. A follow-up workshop was held on September 18, 2014, where staff brought forward a report focused on a more limited version of delegation, but still with variances and some exemptions; however, a final conclusion was not reached and a number of concerns continued to be expressed by Council related to a number of topics.

The approach being advanced for Council's consideration via this report strives to address these concerns by limiting the range of delegation to applications without variances. At the same time, this initiative along with the proposed DP exemptions described in this report, provide an opportunity to advance a number of key goals targeted at streamlining development application processing that are noted in the Strategic Plan and articulated at the 2014 and 2015 Development Summits, at which participants discussed the need to simplify and speed up the review process for routine applications while freeing up staff time to focus on more complex applications.

While this report presents a key opportunity to advance the current Development Summit outcomes it should be noted that staff will be consulting with the development industry and communities (CALUCs) for feedback on the proposed Development Summit Action Plan that is anticipated to be presented to Council in October 2015. Regardless, the proposed initiatives described in this report continue to be reinforced through the outcomes of the last Development Summit.

ISSUES AND ANALYSIS

1. Development Permit Exemptions

Volume of Development Permit Minor Applications

Staff have identified that over a 24 month period (July 31, 2013 - July 31, 2015) the City received a total of 125 development permit minor applications (DPM) of which six were for small scale buildings and structures and five were for changes to landscaping. While these types of

developments do not represent a significant portion of the applications received, they are appropriate candidates to exempt from requiring a DP to assist with reducing application volumes to improve City responsiveness to business, and allowing staff to redirect their energies to more complex applications.

Proposed Approach

The proposed development permit exemptions described in Attachment 1 are restricted to specific Development Permit Areas for certain types of development considered to be 'minor' in nature due to their limited size, scale, and impact. This includes the development of small scale buildings and structures that are less than 9.2m² (100ft²) as well as changes or replacement of existing landscaping when the landscaping is not associated with a previously-approved development permit. Currently, these types of minor developments are typically processed through a DPM which requires application fees and additional time from staff to review and process. However, based on past experience, staff have identified that these scenarios are primarily administrative processes that generally do not add value to the final result.

Affected Areas

Attachment 1 identifies the proposed development permit exemptions including the specific Development Permit Areas where they would apply. The proposed exemptions would not apply in Heritage Conservation Areas (HCA) or to properties identified on the *City of Victoria Heritage Register*.

Statutory Consultation

The *Local Government Act* requires a local government to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by an OCP amendment. This consultation requirement is in addition to the Public Hearing requirement. The impact of the proposed OCP amendment is deemed to be limited as the proposed DP exemptions are minor in scale and are not deemed to alter the function or general design of the principal development. As a result, it is recommended that the appropriate consultation measures would include a newspaper notice of the proposed OCP amendment bylaw and a notice posted on the City's website inviting feedback and questions from the public and the opportunity to provide written or verbal comments to Council for their consideration. In addition, if Council directs staff to prepare an OCP amendment bylaw, staff will ensure that the proposed bylaw is communicated directly with the Community Association Land Use Committees as well as with the development industry. Staff will then report back to Council with a summary of the feedback in conjunction with the proposed OCP amendment bylaw.

2. Delegation Authority

Development Data

Council's direction to explore the development of a system of delegated authority was initiated with the adoption of the new OCP, when it was anticipated that the establishment of a new City-wide Development Permit Area (DPA 16,) would trigger additional applications which would be subject to the DP application process. The table below illustrates the increase in the number of applications that have been received over the past five years.

Application Volumes Related to Delegation Authority

Application Type	Old OCP, 1995		New OCP, 2012			Average Increase since July 29, 2012
	July 30, 2010 to July 29, 2011	July 30, 2011 to July 29, 2012	July 30, 2012 to July 29, 2013	July 30, 2013 to July 29, 2014	July 30, 2014 to July 29, 2015	
DP	25	20	42	52	48	110%
HAP	16	13	20	16	14	15%
REZ	31	23	26	36	30	14%
Total	72	56	88	104	92	46%

Although it would appear that the increase in applications is related to the OCP, the increase cannot be wholly attributed to the introduction of DPA 16. After analyzing 24 months of recent development permit applications, only four applications are purely a result of the introduction of the new DPA 16. All the other development permit applications would have been triggered because of a variance requirement or because the property was located in a Development Permit Area that existed prior to the introduction of the new OCP.

Nonetheless, as illustrated in the table, there has been a sharp increase (110%) in the number of DP applications as well as a more modest increase in other application types which happens to coincide with the introduction of the new OCP. This may in part be due to renewed interest in developing in the City because of the new policies that were introduced with the OCP or because of the positive development cycle that the City has been experiencing over the past few years.

Despite only four applications being triggered because of DPA 16, there were 20 applications with some form of variance located in DPA 16 that required additional processes because of this new DPA. These additional processes included reviewing applications for compliance with design guidelines, collecting and administering landscape deposits, monitoring building progress and conducting inspections to ensure compliance with approved development permit plans. There would have also been the need for some applicants to submit and for staff to review and administer minor change applications related to these files when design changes were requested. These processes were not required under the previous OCP and represent an increased regulatory burden for applicants and staff. So although there has not been a significant increase in the number of applications that can be attributed to DPA 16, there has been an overall increase in processes associated with its creation and delegating some degree of authority for certain types of applications will help to alleviate pressure on resources and improve approval times for applicants.

Recommended Approach

The recommended approach being advanced for Council's consideration would significantly reduce timelines for applicants and would streamline and simplify the process of moving applications through to a decision point for the application types that are suggested for delegation to staff. The recommended delegation items are for the most part, small scale in nature and for the few potential larger scale delegation types such as new buildings in DPA 16: General Form and Character, DPA 10A: Rock Bay, DPA 10B (HC): Rock Bay Heritage, DPA 11: James Bay and Outer Harbour (limited to Fisherman's Wharf) have the benefit of established design guidelines that they can be assessed against. In all instances, staff would prepare a weekly list that identifies all DP and HAP applications received as well as those that have been approved. This list would be provided to Council for information as well as posted on the City of

Victoria website. As part of the review process, staff would also be able to refer applications to the Advisory Design Panel and Heritage Advisory Panel.

Recommended for Immediate Implementation

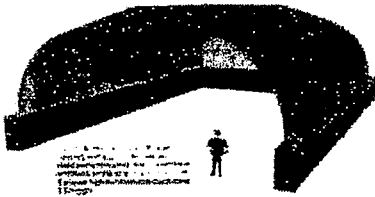
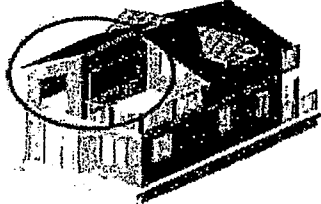

The approach being recommended for Council's consideration for immediate implementation is detailed in Attachment 2 of this report and is summarized below. This approach would delegate authority to staff to approve DP and HAP applications that do not include variances and that are consistent with zoning and relevant guidelines, within the following categories:

- all new buildings and building additions in DPA 16: General Form and Character, DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage
- new buildings and building additions that do not exceed 100 m² in floor area in:
 - DPA 2 (HC): Core Business
 - DPA 3 (HC): Core Mixed-Use Residential
 - DPA 4: Town Centres
 - DPA 5: Large Urban Villages
 - DPA 6A: Small Urban Villages
 - DPA 6B (HC): Small Urban Villages Heritage
 - DPA 7A: Corridors
 - DPA 7B (HC): Corridors Heritage
 - DPA 10A: Rock Bay
 - DPA 10B (HC): Rock Bay Heritage
 - DPA 11: James Bay and Outer Harbour
 - DPA 12 (HC): Legislative Precinct
 - DPA 13: Core Songhees
 - DPA 14: Cathedral Hill Precinct
- accessory buildings in:
 - DPA 15A: Intensive Residential Small Lot
 - DPA 15B: Intensive Residential Panhandle Lot
 - DPA 15D: Intensive Residential Duplex
- floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour in the FWM Zone, Fisherman's Wharf Marine District
- floating buildings, floating building additions and floating structures that do not exceed 100 m² in floor area
- renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes
- renewals of up to two years for previously approved (unlapsed and unchanged) heritage alteration permits where there have been no intervening policy changes
- replacement of exterior materials on existing buildings
- temporary buildings that do not exceed 100m² in floor area where their removal is secured by a legal agreement
- temporary construction trailers
- temporary residential unit sales trailers - where they comply with the *Zoning Regulation Bylaw*.

This approach would result in a significant time-savings for applicants. Presently, based on existing targets, applications that fall into any of these categories typically take three to four months to process through to a point where a decision is rendered by Council. Under the proposed approach, where a DP or HAP application is supportable and no revisions or additional information is required it could be processed in two to four weeks. Below are few

examples to highlight the types of development applications that could be processed within this time frame. Additional examples are further described in Attachment 3.

Examples

Development Type	Sample Image	Processing Time
New industrial building in DPA 16		2 weeks
Addition to a floating building in DPA 11		2 Weeks
Renewal of a previously approved DP		4 weeks

Referrals to Council

The development permit application types that are proposed for delegated authority would still be analyzed to ensure consistency with established guidelines and policies imbedded in the City's OCP. In cases where an applicant is unwilling or unable to meet the guidelines, applications would be referred to Council as per the normal process. In this way, staff would not be authorized to decline applications and an appeal process would not be needed to address refusals.

Additionally, there may be instances where an application fits the criteria to be delegated to staff; however, in the opinion of staff, it may be preferable to refer the application to Council for a decision. The recommendation being put forward for Council's consideration is to amend the *Land Use Procedures Bylaw* to allow for this degree of discretion to be exercised by the Director of Sustainable Planning and Community Development.

Community Consultation for Delegation Authority

Staff recommend for Council's consideration that further consultation on the recommended approach is not necessary. The rationale for this is that the approach does not include any applications that would have previously been referred to CALUCs nor required notice to neighbours or signage. Additionally, the range of considerations that come into play when reviewing these types of applications is limited to guidelines and policies referenced in the OCP.

which were developed with the benefit of community consultation. Finally, as noted earlier in this report, participants at the Development Summit, which included a range of stakeholders, identified the potential for granting some form of delegated authority to staff as a key strategy that could be used to reduce timelines and streamline processes.

Alignment with Local Area Planning

The City is currently in the process of undertaking a local area planning process for the Burnside neighbourhood including the Rock Bay area which is currently subject to DPA 10A: Rock Bay and DPA 10B (HC): Rock Bay Heritage. During phase I of public engagement throughout April to June 2015, feedback was received from business representatives in Rock Bay and the employment lands north of Bay Street that regulatory barriers could be reduced to encourage business incubation in the area. Delegating approval authority to staff for buildings within DPA 10A and DPA 10B would assist with this. It is anticipated that the local area planning process may result in the establishment of new guidelines for the Rock Bay area that will be used to review and consider future development applications. Under the proposed Delegation Authority initiative, staff would review and consider any applicable development permit applications in these Development Permit Areas based on the current guidelines that are identified in the OCP until such time as they are updated to reflect the new local area plan. This approach helps to support an immediate streamlining and improvement with the development review process while also recognizing that revised or new guidelines may result through the current local area planning process. This same rationale and approach would also apply within other areas of Victoria where future local area planning is undertaken.

Alignment with Economic Development Initiatives

As described earlier in this report, the proposed DP exemption and delegated authority initiatives provide alignment with the *City of Victoria Strategic Plan 2015-2018*. This alignment also extends to Objective 5 which seeks to create prosperity through economic development. The ability to streamline development application processing and improvements to service delivery provides a key component to encouraging further investment and development within Victoria.

OPTIONS AND IMPACTS

1. Development Permit Exemptions

Option 1: Prepare OCP Amendment Bylaw (Recommended)

This option would implement a specific action identified in the Strategic Plan and the feedback received at the annual Development Summits. Council has the option to advance this initiative by directing staff to prepare an OCP amendment bylaw which will be subject to a Public Hearing in accordance with the requirements of the *Local Government Act*. This means that Council would still have the opportunity to consider the amendment bylaw in conjunction with any comments or concerns that are received from the public. Similarly, Council may also seek to refine or limit the proposed exemptions described in Attachment 1 prior to directing staff to prepare the OCP amendment bylaw. Staff have identified the proposed development permit exemptions as a way to facilitate a more streamlined and efficient process for developers and property owners to undertake minor developments. This initiative will also help to reduce the volume of development applications, resulting in the potential to allocate more staff time to review and process more significant or complex applications.

Option 2: Delegate Approval Authority to Staff for These Items

An exemption for buildings under 9.2m² (100ft²) in size and changes to existing landscaping means that there would be no design review of these items. Should Council feel that evaluation and guidance is necessary, these could be added to the list of delegation items to staff, which would still result in some streamlining, but to a lesser extent.

Option 3: Maintain Status Quo

If Council directs staff to not prepare the recommended OCP amendment bylaw, the limitations of the current OCP will persist and staff would need to seek further direction as to whether Council would like these types of applications to come to Council for a decision in the future. This status quo approach would make it more difficult to achieve the objectives of the *Development Summit Action Plan* and the *City of Victoria Strategic Plan 2015-2018* related to improving application process times.

2. Delegation Authority

Option 1: Implement the proposed approach to delegate authority including a system to monitor and evaluate the effectiveness and benefits of this approach. **(Recommended)**

After the initial work of staff drafting and Council considering the necessary bylaw amendments, a degree of Council and staff time associated with what are typically straight-forward applications would be freed up and could be allocated to focusing on other key priorities. Additionally, key actions identified in the City's Strategic Plan as well as through the Development Summit would be achieved and positive outcomes related to streamlining development applications as a way to advance economic development goals would be realized. This approach also provides a system to report to Council on an annual basis with a summary of the overall effectiveness and benefits of the delegated authority initiative including recommendations.

Option 2: Direct staff to discontinue work on this topic by deciding to not implement a system of delegated authority

Considerable staff and Council time has already been expended exploring topics related to delegated authority. Stopping exploration and consideration of this topic would also free up a small amount of staff and Council time, but would not advance actions identified in the Strategic Plan or at the Development Summits, nor would it advance goals of economic development associated with streamlining development application processes.

2015 - 2018 Strategic Plan

The proposed development permit exemptions and delegation authority initiatives both help to directly support the following 2016 Outcomes of the Strategic Plan:

- reduced processing time for all types of applications from building permits to rezoning
- streamlined land use policies.

In addition, the recommended approach is also consistent with the Strategic Plan objective to "Strive for Excellence in Planning and Land Use," as it advances an opportunity for Council to

"make a decision with regard to whether we are going to delegate more decision-making authority to staff."

Impacts to 2015 - 2018 Financial Plan

There are no additional financial resources required to prepare the proposed OCP amendment bylaw. However, the proposed development permit exemptions may result in a minimal reduction of development permit fees as the DP exemption is only proposed for two types of minor development. The base fee for a development permit minor application is \$200 and during the 24-month period described earlier, the City received a total of 125 applications of which only 11 (8%) were for the types of minor development that are proposed for exemption. Therefore, it is estimated that the proposed exemption would have a minimal impact on the overall development permit fees that are collected each year.

Delegating approval authority of permits to staff would have no direct impact on the City's Financial Plan. However, the proposed delegated authority would result in fewer reports needing to be written by staff and processed through the Council review process each year. This would yield time and resource savings for applicants, Council and City staff including the ability to improve service levels by directing more staff time to review and process more complex development applications.

Official Community Plan (OCP), 2012 - Consistency Statement

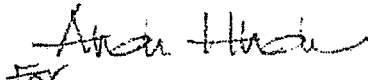
The proposed development permit exemptions are consistent with the Adaptive Management chapter, which contemplates periodic updates and refinements to ensure the OCP is able to deliver and support its various broad objectives and actions.

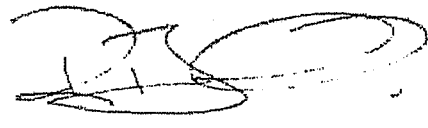
The proposed approach to delegated authority is consistent with the OCP and amendments to the OCP are not required. In particular, the recommended changes would support objectives identified in the Plan Administration section of the OCP which states, "That development is subject to additional oversight through tools available in legislation in designated areas of the city where more direction is required to address special conditions and plan goals and objectives." Additionally, it responds to a goal contained in the Adaptive Management section which is to "Incorporate knowledge accumulated through the adaptive management cycle into relevant plans, policies, management and operations in a coordinated and timely manner." The proposed approach to delegated authority still offers oversight in designated areas to ensure development proposals meet design guidelines where special conditions exist, while offering an adapted method that responds to the knowledge gained from monitoring and evaluating applications that have been received since the OCP was approved in 2012.

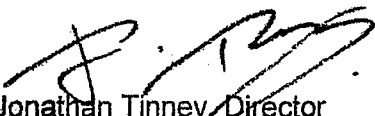
CONCLUSIONS

The proposed development permit exemptions and delegation authority are positive initiatives that will significantly streamline and expedite processes for applicants, Council and staff. The combined proposed changes would also result in fewer reports per year which would allow more staff time to be allocated to further improve service levels and processing times for more complex development applications. The proposed changes would also have the benefit of regularizing some informal practices that have been utilized to facilitate minor changes in development within Development Permit Areas as well as supporting economic development within the City of Victoria and advancing a number of goals that are articulated in the City's Strategic Plan and the recommendations flowing from the annual Development Summits.

Respectfully submitted,


for
Alison Meyer, Assistant Director
Development Services Division


Robert Batallas, Senior Planner
Community Planning Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:  Jason Johnson

Date: Sept 4/15

List of Attachments

- Attachment 1: Proposed Development Permit Exemptions
- Attachment 2: Development Permit Application Types Recommended for Delegated Authority
- Attachment 3: Sample Photos and Plans of Potential Development Permit Applications for Delegated Authority
- Attachment 4: Governance and Priorities Committee Report dated June 7, 2012 and Approved Council Minutes
- Attachment 5: Governance and Priorities Committee Report dated November 8, 2013 and Approved Council Minutes
- Attachment 6: Planning and Land Use Committee Report dated September 4, 2014 and Approved Council Minutes.



Planning and Land Use Committee Report

For the Meeting of November 26, 2015

To: Planning and Land Use Committee **Date:** November 16, 2015
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Delegated Authority and Exemptions for Development Permits

RECOMMENDATION

1. Prepare an Official Community Plan (OCP) Amendment Bylaw:

- a. to exempt buildings and structures with a floor area no greater than 9.2m² (100ft²) from requiring development permits in the following designated areas:

- i. DPA 4: Town Centres
- ii. DPA 5: Large Urban Villages
- iii. DPA 6A: Small Urban Villages
- iv. DPA 7A: Corridors
- v. DPA 10A: Rock Bay
- vi. DPA 13: Core Songhees
- vii. DPA 14: Cathedral Hill Precinct
- viii. DPA 15A: Intensive Residential Small Lot
- ix. DPA 15B: Intensive Residential Panhandle
- x. DPA 15D: Intensive Residential Duplex
- xi. DPA 16: General Form and Character;

- b. to exempt changes to existing landscaping (where the landscaping does not form part of an approved plan) from requiring development permits in the following designated areas:

- i. DPA 5: Large Urban Villages
- ii. DPA 6A: Small Urban Villages
- iii. DPA 7A: Corridors
- iv. DPA 10A: Rock Bay
- v. DPA 11: James Bay and Outer Harbour
- vi. DPA 13: Core Songhees
- vii. DPA 14: Cathedral Hill Precinct
- viii. DPA 15A: Intensive Residential Small Lot
- ix. DPA 15B: Intensive Residential Panhandle Lot
- x. DPA 15D: Intensive Residential Duplex
- xi. DPA 16: General Form and Character;

- c. to clarify language in Appendix A of the OCP so it is clear when a permit is not required (an exemption) versus when a permit is required, to improve its user-friendliness.
2. Prepare a Land Use Procedures amendment bylaw to delegate approval authority to staff for the following types of development applications, when consistent with relevant policy:
- a. new buildings, building additions, structures and equipment in Development Permit Area (DPA) 16: General Form and Character, DPA 10A: Rock Bay, and DPA 10B (HC): Rock Bay Heritage;
 - b. new buildings, building additions, structures and equipment that do not exceed 100m² floor area in:
 - i. DPA 2 (HC): Core Business
 - ii. DPA 3 (HC): Core Mixed-Use Residential
 - iii. DPA 4: Town Centres
 - iv. DPA 5: Large Urban Villages
 - v. DPA 6A: Small Urban Villages
 - vi. DPA 6B (HC): Small Urban Villages Heritage
 - vii. DPA 7A: Corridors
 - viii. DPA 7B (HC): Corridors Heritage
 - ix. DPA 10A: Rock Bay
 - x. DPA 10B (HC): Rock Bay Heritage
 - xi. DPA 11: James Bay and Outer Harbour
 - xii. DPA 12 (HC): Legislative Precinct
 - xiii. DPA 13: Core Songhees
 - xiv. DPA 14: Cathedral Hill Precinct;
 - c. accessory buildings in:
 - i. DPA15A: Intensive Residential Small Lot
 - ii. DPA15B: Intensive Residential Panhandle Lot
 - iii. DPA15D: Intensive Residential Duplex;
 - d. floating buildings, floating building additions and floating structures in DPA 11: James Bay and Outer Harbour located in the FWM Zone, Fisherman's Wharf Marine District;
 - e. floating buildings, floating building additions and floating structures that do not exceed 100m² in floor area in all DPAs;
 - f. renewals of up to two years for previously approved (unlapsed and unchanged) development permits where there have been no intervening policy changes;
 - g. renewals of up to two years for previously approved (unlapsed and unchanged) Heritage Alteration Permits where there have been no intervening policy changes;
 - h. replacement of exterior materials on existing buildings;
 - i. temporary buildings and structures that do not exceed 100m² in floor area and where removal is secured by a legal agreement limiting permanence to two years;
 - j. temporary construction trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
 - k. temporary residential unit sales trailers on private property where a legal agreement is in place to secure its removal within six months of receiving an Occupancy Permit or within six months of a Building Permit expiring;
 - l. changes to landscaping where applicable design guidelines exist or where identified within an approved plan.

3. Develop and implement a process to monitor and evaluate the effectiveness and benefits of the proposed delegation authority and report to Council at six months and one year on the effectiveness of the system.

EXECUTIVE SUMMARY

The purpose of this report is to advise Council about the public input received on a proposed initiative to exempt certain forms of development from a development permit and to delegate approval authority to staff for certain types of developments. This initiative was originally considered by the Planning and Land Use Committee on September 10, 2015, at which time Council directed staff to seek public feedback on the proposed recommendations and report back. Staff consulted with the Heritage Advisory Panel, Advisory Design Panel, Community Association Land Use Committees (CALUCs) and the Urban Development Institute. A few comments were received and staff have proposed a limited number of changes to the original recommendations as described in this report. The proposed initiative does not alter or impact the requirements for community consultation on proposed developments as described in the *Land Use Procedures Bylaw*.

PURPOSE

The purpose of this report is to advise Council about the public input that has been received on the initiative to consider delegated authority and exemptions for certain types of development permits and to recommend next steps.

BACKGROUND

At the Council meeting of September 10, 2015:

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council refer the Delegated Authority and Exemptions for Development Permits report to the Heritage Advisory Panel, Advisory Design Panel, Community Association Land Use Committees (CALUCs), and the Urban Development Institute, inviting comment on the report and recommendations by October 30th and that staff report back to Planning and Land Use Committee in November on input received and any proposed adjustments to the recommendations.

Carried Unanimously

Following this direction, staff referred this proposed initiative to the Community Association Land Use Committees (CALUC), the Heritage Advisory Panel, the Advisory Design Panel and the Urban Development Institute (UDI). At the close of the October 30, 2015, comment period, minutes were received by both Panels, the James Bay Neighbourhood Association, the Rockland Land Use Committee and the UDI. A compilation of all of the comments received is included as Attachment 1.

ISSUES & ANALYSIS

Staff have reviewed all comments that were received and propose a number of changes to the original recommendations as described below. In addition, staff have identified the rationale for those comments where no further change is proposed by staff. It should also be noted that the proposed delegated authority initiative does not alter the existing review process for Development Permit Applications. The only change is that, for a limited range of development permits without

variances, the final decision point will be shifted from Council to staff. All other development permits not identified in this report and those with variances will continue to require consideration by Council. This proposed initiative also retains the existing referral process with communities as described in the CALUC Terms of Reference, as well as referrals to the Advisory Design Panel and the Heritage Advisory Panel based on the existing Terms of Reference for these Council-appointed committees.

1. Proposed changes based on comments received (Delegated Authority)

a. Temporary Buildings and Structures (Time limitation)

- In consideration of comments from the Rockland Neighbourhood Association, it is proposed that the time limitation for temporary buildings and structures be reduced from five years to two years. A two year time limit aligns with the typical time limit for development permits and better supports the intent of these structures as being temporary.

b. Temporary Construction and Residential Sales Trailers on Private Property (Time limitation)

- In consideration of comments from the Rockland Neighbourhood Association, it is proposed that staff will continue to require a legal agreement (Covenant) to ensure the removal of temporary construction and temporary residential sales trailers from private property within six months of receiving an occupancy permit (project completion) or within six months of a building permit expiring. Additional conditions may also be included within the legal agreement based on the complexity of the project as identified through the Development Permit Application. It is also important to note that while the development permit is proposed to be delegated to staff, the Covenant will continue to require consideration and approval from Council.

c. Communication of Delegated Applications

- In consideration of comments from the Heritage Advisory Panel and the James Bay Neighbourhood Association, staff propose to provide Council with a monthly summary of all delegated development permits that have been received as well as approved. This summary may also identify those applications that have been referred to Council, Advisory Design Panel and Heritage Advisory Panel. These monthly summaries can also be made available to the general public through the City of Victoria website. In addition, the City of Victoria will continue to identify all active Rezoning Applications and Development Permit Applications through VicMap which is publicly accessible through the City of Victoria website. VicMap identifies the application type, permit number, municipal address, date received and a general description of each project/application.

2. Response to other comments

a. Referrals to Heritage Advisory Panel

The Heritage Advisory Panel has suggested that Council direct staff to seek guidance from the Panel on matters affecting the heritage values of the City regardless of the area and/or nature of the application.

- Staff do not recommend any changes to the recommendations described in this report, however as part of the administrative process, staff recommend that all development permit applications that involve buildings with potential heritage value as well as those immediately adjacent to a heritage property would be referred to the Heritage Advisory Panel for review and comments.

b. Creation of Statements of Significance for all Heritage Conservation Areas DPA (HC)

The Heritage Advisory Panel has suggested that Council direct staff to create Statements of Significance for all Heritage Conservation Areas to ensure that staff know what values are to be protected in these areas.

- Staff do not recommend any changes to the proposed recommendations as the comment provided does not have a direct impact on the proposed initiative. However, the development of Statements of Significance for historic areas or districts is specifically supported through policy in the OCP. Therefore, staff recommend that this initiative will be explored through the upcoming process to update the Sustainable Planning and Community Development work program.

c. Increase floor area for exempted small scale buildings and structure

The Advisory Design Panel has suggested that the maximum floor area for small-scale buildings and structures that are proposed to be exempted from a development permit be increased from 9.2m² (100 ft²) to 20m² (215 ft²).

- Staff do not recommend any changes as the proposed maximum floor area of 9.2m² is intended to accommodate smaller-scale and common structures such as garden or storage sheds which typically do not have an impact on the surrounding area. The proposed increase in floor area may, in fact, result in greater impacts on adjacent properties.

d. Concern for visual appearance of small scale buildings and structures from the Public Right-of-Way

The Advisory Design Panel has suggested small-scale buildings and structures that are visible from the public Right-of-Way should not be exempted from a development permit.

- Staff do not recommend any changes to the proposed conditions for exempted small-scale buildings and structures because they are subject to the *Zoning Regulation Bylaw* requirements for accessory buildings which do not permit accessory buildings in the front yard of a property. In addition, the proposed maximum 9.2m² floor area is also meant to ensure that these buildings and structures are small scale and limit their potential impact and visual presence from the public realm.

e. Concern for cumulative development of small scale buildings and structures

The Advisory Design Panel has suggested that any subsequent small-scale building or structure should not be exempted within five years of a previous small-scale building or structure being developed.

- Staff do not recommend any changes to the proposed conditions for exempted small-scale buildings and structures because they are subject to the *Zoning Regulation*

Bylaw which has specific regulations for the placement and development of accessory buildings. The *Zoning Regulation Bylaw* also restricts the overall area of a parcel that can be covered by buildings or structures.

f. Concern for delegated authority for new buildings, building additions and structures that do not exceed 100m² within DPA 7A: Corridors

The Rockland Neighbourhood Association has suggested that 100m² is too large. A more suitable reference might be 37m² (400 ft²) maximum total floor area of a garden suite. This would align with discussion on the future rezoning requirements on garden suites.

- Staff do not recommend any changes to the proposed conditions for delegated authority as the delegated authority will continue to ensure that all development permits are reviewed against the various design guidelines contained within the *Official Community Plan* for DPA 7A: Corridor.

g. Concern that the residents of James Bay will be denied the opportunity to review developments on most commercial/industrial lands.

The James Bay Neighbourhood Association has expressed concern that the proposed initiative will limit their ability to review development applications and provide comments.

- Staff do not recommend any changes to the proposed conditions for delegated authority as the proposed initiative will continue to respect and adhere to the referral process with the CALUCs as described in the *Land Use Procedures Bylaw*. In addition, the proposed delegated authority only applies to development permits without variances, which do not require consultation with communities. Any development permit with a variance or a Rezoning Application would continue to require community consultation as well as consideration by Council.

h. Concern that the proposed initiative will undermine the existing Memorandum of Understanding (MOU) between the James Bay Neighbourhood Association and the Greater Victoria Harbour Authority.

The James Bay Neighbourhood Association has expressed concern that the proposed initiative will undermine the terms and conditions of the MOU between the JBNA and the GVHA which was signed on October 3, 2013.

- The terms and conditions of the MOU remain unchanged and ensuring adherence to the MOU is a matter between the James Bay Neighbourhood Association and the Greater Victoria Harbour Authority. However, staff would continue to encourage the GVHA to consult with the JBNA as outlined in the MOU.

i. Concern over the delegated authority for new buildings, building additions, structures and equipment that are less than 100m² within in DPA 11: James Bay and Outer Harbour.

The James Bay Neighbourhood Association has expressed concern that the proposed delegated authority described above is not appropriate on water lots as these developments may have significant impacts on nearby residents and businesses.

- Staff do not recommend any changes to the proposed conditions for delegated authority as all development permits within DPA 11, will continue to be reviewed against the design guidelines that are specifically identified in the OCP for DPA 11: James Bay and Outer Harbour. The proposed delegated authority only applies to development permits without variances, which do not require consultation with the communities. In addition, all other development permits not identified in this report and any development permit with a variance or a Rezoning Application will continue to require consideration by Council.

3. Proposed Delegation Process

Should Council delegate authority to staff to approve the types of development permits and heritage alteration permits outlined in this report, the following administrative process would be followed:

a. Staff Review of Application

When an application for a Development Permit or Heritage Alteration Permit is received at the City, staff create the file and circulate the plans across departments for a technical review of zoning; off-street parking and impacts to public Rights-of-Way (Engineering); landscaping and impacts to street trees (Parks), and life-safety considerations (Fire Department and Building Inspection). While this is occurring, the file manager (Planner) evaluates the Application for consistency with planning policy and any design guidelines stipulated within the *Official Community Plan*. Staff undertaking these reviews then come together at a meeting of the "Technical Review Group" (TRG) to collectively discuss the Application, determine if referral to Council's advisory panels is recommended and identify any issues. A summary of this review is subsequently sent to the applicant clearly identifying any outstanding issues that need to be resolved prior to advisory panel reviews or prior to a decision being made.

b. Applicant Response to Outstanding Issues

This step may not be required if there are no issues with the Application in relation to the review of the initial submission. If issues are identified as part of the TRG process, the applicant would undertake revisions to address the issues and resubmit updated plans.

c. Staff Review of Revised Plans

When revised plans or additional project information is submitted to the City, further staff review is required. This process would continue until staff are satisfied that the issues have been addressed.

d. Advisory Design Panel and Heritage Advisory Panel Reviews

Delegated development permits would be referred to the Advisory Design Panel, the Heritage Advisory Panel or a joint meeting of both Panels, depending on the nature of the proposal or the type of Development Permit Area or Heritage Conservation Area the property lies within. The following general guidance would be applied in determining referrals:

- New buildings, building additions, structures and equipment in excess of 100m² and located in Development Permit Area (DPA) 16: General Form and Character and DPA 10A: Rock Bay would be referred to the Advisory Design Panel.

- All new buildings, building additions, structures and equipment in excess of 100m² in DPA 10B (HC): Rock Bay Heritage would be referred to a joint meeting of the Advisory Design Panel and Heritage Advisory Panel.
- All development permit applications that involve buildings with potential heritage value as well as those immediately adjacent to a heritage property would be referred to the Heritage Advisory Panel for review and comments.

*Note: Heritage Alteration Permits for buildings with Heritage Designation or listed on the City's Heritage Register in this Heritage Conservation Area would not be delegated to staff and those would continue to be considered by the full Heritage Advisory Panel prior to Council consideration.

e. Applicant Design Revisions

If the advisory panels recommend design revisions, staff would work with the applicant to provide additional advice and guidance on how to address the Panel comments, and would review any design changes.

f. Staff Decision

When it is determined by staff that the application is acceptable and should be approved, a decision letter would be prepared, clearly outlining the rationale for the decision, based on relevant City policy and design guidelines.

If staff determines that the application cannot be supported, it would be referred to Council for a decision. The applicant would be advised of this and staff would prepare a report for consideration by Council's Planning and Land Use Committee.

g. Posting to City Website

City staff will maintain a monthly list of active and approved Development Permit Applications delegated to staff on the City's website. Staff also propose to provide a monthly summary of the delegated authority development permits to Council.

OPTIONS & IMPACTS

The options that were presented in the attached Planning and Land Use Committee report dated August 27, 2015, remain available to Council. These are summarized as follows, with more detailed rationale provided in the attached report:

1. Development Permit Exemptions:

- a. Option 1: Prepare an OCP amendment bylaw to permit the development permit exemptions outlined in this report and report back to Council in early 2016 (**recommended**).
- b. Option 2: Instead of exempting these items, delegate approval authority to staff to retain some design control.
- c. Option 3: Maintain status quo.

2. Development Permit Delegated Authority:

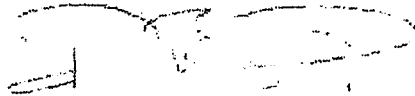
- a. Option 1: Prepare a Land Use Procedures amendment bylaw to delegate authority as outlined in this report and develop a system to monitor and evaluate the effectiveness and benefits of this approach and report back to Council in early 2016 (**recommended**).
- b. Option 2: Direct staff to discontinue work on this topic by deciding to not implement a system of delegated authority.

There are no additional impacts for consideration beyond those identified in the attached Planning and Land Use Committee report dated August 27, 2015. Please refer to the attached report which also identifies consistency with the *City of Victoria Strategic Plan, 2015-2018* and the *Official Community Plan*.

CONCLUSIONS

The proposed recommendations contained in this report reflect some of the public feedback received to date. These proposed development permit exemptions and delegation authority are positive initiatives that will streamline and expedite process for applicants, Council and staff. This initiative does not alter or impact the established community consultation requirements for development as described in the CALUC Terms of Reference.

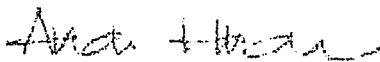
Respectfully submitted,



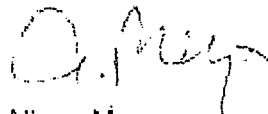
Robert Batallas, Senior Planner
Community Planning



Jonathan Tinney, Director
Sustainable Planning and Community Development



Andrea Hudson
Assistant Director, Community Planning



Alison Meyer
Assistant Director, Development Services

Report accepted and recommended by the City Manager:



Date: November 19, 2015

List of Attachments

- Attachment 1: Summary of Public Feedback
- Attachment 2: Council minutes dated September 10, 2015
- Attachment 3: Planning and Land Use Committee Report dated August 27, 2015.

NO. 16-027

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Official Community Plan to exempt certain types of development, in certain areas of the City, from the requirement to obtain a development permit.

Under its statutory powers, including Sections 471 to 475 and 488 to 491 of the *Local Government Act*, the Council of The Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2012, AMENDMENT BYLAW (NO. 20)".
2. Bylaw No. 12-013, Official Community Plan Bylaw, 2012, is amended in Schedule A by making the following changes to Appendix A, "Development Permit Areas and Heritage Conservation Areas":
 - a) In "Overview", subsections 1(b)(i) and (ii) are deleted and replaced with the following:
 - (i) the provisions of each of those designated areas shall apply, and
 - (ii) an exemption relating to one designated area only relieves the requirement for a permit under that designation, not under other designations applicable to the land;
 - b) In "Overview", Subsection 2(a) is deleted and replaced with the following:

"(a) Development Permit Areas: In accordance with Section 488(4) of the Local Government Act, a Development Permit is not required in any designated Development Permit Areas under any of the following conditions:";
 - c) In "Overview", Subsection 2(b) is deleted and replaced with the following:

"(b) HCAs: In accordance with section 614(3)(a) of the Local Government Act, a heritage alteration permit is not required in any designated heritage conservation areas under any of the following conditions:";
 - d) In "DPA 4: Town Centres", the following subsection is added as a specific exemption, immediately after subsection 2(b)(ii):

"(iii) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, that does not exceed 9.2m²."

and the existing text in subsection 2(b) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.
 - e) In "DPA 5: Large Urban Villages", the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- f) In “DPA 6A: Small Urban Villages”, the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- g) In “DPA 7A: Corridors”, the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- h) In “DPA 10A: Rock Bay”, the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- i) In “DPA 11: James Bay and Outer Harbour”, the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (2):

“(3) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- j) In “DPA 13: Core Songhees”, the following subsections are inserted as specific exemptions immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²;

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property; or”

and the existing subsection 2(b)(i) (3) is renumbered subsection 2(b)(i) (5).

- k) In “DPA 14: Cathedral Hill Precinct” the following subsections are added as specific exemptions, immediately after subsection 2(b)(i) (2):

“(3) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m²; or

(4) changes to existing landscaping, other than landscaping identified in a development permit for the property.”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsections.

- l) In “DPA 15A: Intensive Residential – Small Lot” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (3):

“(4) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- m) In “DPA 15B: Intensive Residential – Panhandle Lot” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (5):

“(6) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- n) In “DPA 15D: Intensive Residential – Duplex” the following subsection is added as a specific exemption, immediately after subsection 2(c)(i) (6):

“(7) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(c)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

- o) In “DPA 16: General Form and Character” the following subsection is added as a specific exemption, immediately after subsection 2(b)(i) (4):

“(5) the construction, placement or alteration of a building or structure having a total floor area, including any floor area to be added by alteration, no greater than 9.2m².”

and the existing text in subsection 2(b)(i) is revised by making any punctuation or grammatical changes necessary to accommodate the new subsection.

READ A FIRST TIME the **10th** day of **March** 2016.

READ A SECOND TIME the **10th** day of **March** 2016.

Public Hearing held on the day of 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

NO. 16-028

LAND USE PROCEDURES BYLAW

A BYLAW OF THE CITY OF VICTORIA

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*; and

The Council of the City of Victoria has adopted an official community plan and a zoning bylaw; and

A local government may, by bylaw, impose application fees for an application to initiate changes to an official community plan or zoning bylaw, the issuance of a permit under Part 14 or Section 617 of the *Local Government Act*, or an amendment to a land use contract or a heritage revitalization agreement; and

A local government may by bylaw specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

The Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE, the Council of the City of Victoria, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

1. Title
2. Repeal
3. Severability
4. Definitions
5. Applications Subject to this Bylaw

PART 2 – APPLICATIONS

6. Pre-Application Community Meeting Requirements
7. Notification Distance
8. Waiving a Community Meeting
9. Applications Forms

10. Application Requirements
11. Evidence of Participation in a Community Meeting
12. Declared value of buildable floor area
13. Declared value of construction
14. Receipt of Applications
15. Incomplete applications
16. Notification of incomplete applications
17. Application referral
18. Application review summary
19. Council referral
20. Application Fee
21. Refund
22. Refund of administration fee
23. Cancellation of Applications
24. Reapplication – cancelled file
25. Application Sign Posting Requirements – permits
26. Application Sign Posting Requirements – other applications
27. Public hearing
28. Right to waive a public hearing
29. Opportunity for public comment
30. Notice of public hearing
31. Notice of opportunity for public comment
32. Notice requirements for temporary use permits or development variance permit
33. Reapplications

PART 3 – DELEGATION AND RECONSIDERATION

34. Types of Permits
35. Referral
36. Referral consideration
37. Council reconsideration
38. Time limit for reconsideration

- 39. Notice of reconsideration
- 40. Representation to Council
- 41. Council's authority

SCHEDULES

- Schedule A Application Fees
- Schedule B Procedures for Sign Posting– Permits
- Schedule C Procedures for Sign Posting – Other Applications
- Schedule D Delegated Approvals

PART 1 – INTRODUCTORY PROVISIONS

Title

- 1. This Bylaw may be cited as the "LAND USE PROCEDURES BYLAW, 2016".

Repeal

- 2. Bylaw No. 09-048, the "Land Use Procedures Bylaw" is repealed.

Severability

- 3. If any Section, subsection, sentence clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portion of the Bylaw.

Definitions

- 4. In this bylaw,
 - "**ADP**" means
the City's Advisory Design Panel
 - "**CALUC**" means
Community Association Land Use Committee
 - "**Committee**" means
a select or standing committee of Council
 - "**Community Meeting**" means
a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

“development permit” or “DP” means

a permit authorized by Section 490 of the *Local Government Act*

“development variance permit” or “DVP” means

a permit authorized by Section 489 of the *Local Government Act*

"Director" means

the City's Director of Sustainable Planning and Community Development
Department

"HAPL" means

the City's Heritage Advisory Panel;

“heritage alteration permit” means

a permit authorized by Section 617 of the *Local Government Act*

“heritage revitalization agreement” means

an agreement authorized by Section 610 of the *Local Government Act*

“Official Community Plan” or “OCP” means

the City's Official Community Plan Bylaw, 2012

“public comment” means

members of the public addressing Council, other than at a public hearing,
regarding the subject matter of a decision Council proposes to make

“public hearing” means

a public hearing that is required to be held under the *Local Government Act*
before Council adopts a bylaw

“TRG” means

the Technical Review Group composed of City of Victoria staff

“zoning bylaw” means

the City's Zoning Regulation Bylaw

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:
 - (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract;
 - (d) a temporary commercial or industrial use permit;

- (e) a heritage revitalization agreement;
- (f) a development variance permit;
- (g) a development permit;
- (h) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application community meeting requirements

- 6. Before submitting an application to initiate changes to the OCP or the zoning bylaw the applicant must:
 - (a) pay to the City the community meeting notification fee as calculated in accordance with Schedule A of this Bylaw; and,
 - (b) arrange and participate in a Community Meeting.

Notification Distance

- 7. The City will provide notification of the date of the scheduled Community Meeting to the owners and occupiers of properties located within:
 - (a) 100 metres of the property that is the subject of the application (the "subject property") if the application is for one of the matters listed in Section 26 of this Bylaw;
 - (b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or
 - (c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.

Waiving a Community Meeting

- 8. The requirement to arrange and participate in a Community Meeting in relation to an application may be waived:
 - (a) in writing by the CALUC in the area in which the proposed development is located;
 - (b) by the Director if, in the Director's opinion, the applicant has made reasonable attempts to hold a Community Meeting;
 - (c) by Council.

Application Forms

- 9. The Director is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:
 - (a) all of the information and supporting documents specified in the application form;
 - (b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

11. If a Community Meeting was required in relation to an application, the applicant must submit evidence that the applicant has participated in the Community Meeting.

Declared value of buildable floor area

12. An application for an amendment to the zoning bylaw, or for a heritage revitalization agreement or amendment, must include a declaration of the value of the buildable floor area permitted under the amendment or agreement, as certified by a qualified professional.

Declared value of construction

13. An application for a development permit or a heritage alteration permit must include a declaration of the value of construction proposed under the permit, as certified by a qualified professional.

Receipt of applications

14. If a person submits a complete application to the Director, the Director must process the application.

Incomplete applications

15. If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.

Notification of incomplete applications

16. If the Director refuses to process an incomplete application, the Director must inform the applicant, either verbally or in writing, why the application is incomplete.

Application Referral

17. When processing an application, the Director may refer the application to other agencies or associations, the TRG, or other staff members.

Application Review Summary

18. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 17.

Council Referral

19. Council or a Committee of Council may refer a development permit application or a heritage alteration permit to ADP or HAPL or a joint meeting of ADP and HAPL for its recommendations concerning the design of the application or other matters within the ADP's or HAPL's terms of reference.

Application fee

20. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:
 - (a) the pre-application fee for the community meeting;
 - (b) the base application fee;
 - (c) the large project fee;
 - (d) the administration fee; and
 - (e) the resubmission fee.

Refund

21. An applicant who has paid the base application fee, or the large project fee, or both, is entitled to:
 - (a) a 90% refund if the application is formally withdrawn prior to the review of the application by the TRG;
 - (b) a 75% refund if the application is withdrawn or cancelled after the TRG review but prior to being placed on an agenda for a Committee of Council.

Refund of administration fee

22. An applicant who has paid the administration fee in relation to an application is entitled to a refund of that fee if the application is cancelled, withdrawn or abandoned, and the applicant requests a refund, before the City has incurred any expenses in relation to the giving notice of a public hearing, the waiver of a public hearing, or an opportunity for public comment in relation to the application.

Cancellation of Applications

23. If an application has been accepted by the Director for processing and further information from the applicant is requested after review by the Director, TRG Committee or Council, the applicant is required to provide the requested information within 6 months. If the applicant does not provide the requested information within 6 months of the request, the City will provide a final written notification to the applicant and if the requested information is not provided within 3 months of the final written notification, the file will be closed.

Reapplication - cancelled file

24. An applicant wishing to reopen a closed file must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 33 of this Bylaw does not apply.

Application Sign Posting Requirements - Permits

25. A person who submits an application for any of the following must post signage in compliance with Schedule B of this Bylaw:
- (a) development variance permit;
 - (b) development permit with variances;
 - (c) heritage alteration permit with variances
 - (d) a temporary commercial or industrial use permit.

Application Sign Posting Requirements – Other applications

26. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:
- (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan Bylaw* amendment;
 - (c) an application to amend a land use contract, if the amendment relates to the use or density of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Public hearing

27. In accordance with the *Local Government Act*, a public hearing is required before Council adopts a bylaw to:
- (a) amend the zoning bylaw;
 - (b) amend the OCP;
 - (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

Right to waive a public hearing

28. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consisted with the OCP.

Opportunity for public comment

29. Council may provide an opportunity for public comment before passing a resolution to issue:
- (a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*;
 - (b) a development permit with variances;

- (c) a heritage alteration permit with variances; or,
- (d) a temporary commercial or industrial use permit.

Notice of public hearing

30. The distance specified for the purpose of the notification of a public hearing required in relation to any of the following is 100 m:
- (a) an amendment to the zoning bylaw;
 - (b) an amendment to the OCP;
 - (c) an amendment to a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw.

Notice of opportunity for public comment

31. If Council proposes to provide an opportunity for public comment, the City will mail or otherwise deliver notice of the opportunity to the owners and occupiers of all parcels that are the subject of, or that are adjacent to the parcels that are the subject of, the permit in relation to which Council proposes to make a decision.

Notice requirements for temporary use permits or development variance permit

32. For clarity, nothing in this bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the City's obligation, under Section 494 or Section 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a temporary use permit or a development variance permit.

Reapplications

33. If the Council does not approve an application submitted in accordance with this bylaw, a person must not submit the same application within one year of the date of Council's decision to not approve the application. However, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

34. Council delegates to the Director the authority to issue the types of permits listed in column A of the table attached as Schedule D to this Bylaw, in the areas listed in column B, accordance with the conditions set out column C.

Referral

35. Before exercising the delegated authority to make a decision under this Bylaw, the Director may refer an application to other agencies or associations, ADP, HAPL, the TRG, or other staff as required.

Referral consideration

36. If the Director refers an application as contemplated in Section 35 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Council reconsideration

37. If an application is refused, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director in accordance with the provisions for reconsideration set out in this Part.

Time limit for reconsideration

38. Within 10 days of being notified in writing of a decision of the Direction, the applicant may apply to the City's Corporate Administrator to have Council reconsider a decision of the Director.

Notice of reconsideration

39. The City's Corporate Administrator must give the applicant at least 10 days notice of the time and place of Council's reconsideration, and of the applicant's right to appear before Council to make representations concerning the application.

Representation to Council

40. A person exercising the right of reconsideration may make oral or written submission to Council and may appoint a representative to make representation.

Council's authority

41. Council may either confirm the decision made by the Director or substitute its own decision, including conditions of a permit or additional conditions of the permit.

READ A FIRST TIME on the **10th** day of **March** 2016.

READ A SECOND TIME on the **10th** day of **March** 2016.

READ A THIRD TIME on the day of 2016.

ADOPTED on the day of 2016.

CORPORATE ADMINISTRATOR

MAYOR

**City of Victoria
Bylaw No. 16-028**

Schedule A

APPLICATION FEES

1 Pre-application fee

The pre-application fee, for giving notice of a Community Meeting, is:

- (1) \$400.00 if notice of a Community Meeting must be given to owners and occupiers of properties within 100 metres of the subject property; or,
- (2) \$800 if notice of a Community Meeting must be given to owners and occupiers of properties within 200 metres of the subject property.

2 Base application fee

- (1) The base application fee for the following applications is \$1400:
 - (a) a *Zoning Regulation Bylaw* amendment;
 - (b) an *Official Community Plan* amendment;
 - (c) an application to amend a land use contract, if the if the amendment relates to density or use of an area covered by the contract;
 - (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
- (2) For applications that would enable the creation of new small lots as defined in the OCP, the base application fee is applicable to each potential new small lot.
- (3) The base application fee for Development Permits and Heritage Alteration Permits with or without variances is outlined in the following table plus \$250 for each variance that is requested or proposed in the application, based on the declared value of the construction that is contemplated in the application, as follows:

Declared Value of Construction:	Base Application Fee
Less than \$25,000	\$200
\$25,000 to \$2,000,000	\$500

- (4) The base application fee for a Development Variance Permit is \$500, plus \$250 for each variance that is requested or proposed in the application.

- (5) The base application fee for a Development Permit for subdivision only is \$250 for each new lot that is proposed to be created in the application.
- (6) The base application fee for a permit which the Director is authorized to issue is \$200.
- (7) There is no application fee for a heritage alteration permit without variances for single family dwellings or duplexes.

3 Administration Fee

- (1) The administration fee for an application to amend a bylaw that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is \$1200.00.
- (2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is \$200.00.

4 Large Project Fee

- (1) The Large Project Fee for applications to amend the zoning bylaw or amend or enter into a heritage revitalization agreement applies if the value of the total buildable floor area permitted under the proposed amendment or agreement exceeds \$2 million.
- (2) The value of the total buildable floor area shall be calculated as follows:
 - (a) The site area used in the calculation of the Large Project Fee includes all lots subject to the application.
 - (b) For the purpose of calculating the Large Project Fee, the maximum floor space ratio or building floor area is used that is possible under the *Zoning Regulation Bylaw Amendment* or Heritage Revitalization Agreement bylaw (as the case may be), not the amount of floor area proposed by the application.

Step 1 – Calculation of Value of Buildable Floor Area						
Site area (m ²)	X	Maximum FSR	X	Cost per m ²	=	Value of buildable floor area

Step 2 - Calculation of Large Project Fee						
Value of buildable floor area (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (3) The Large Project Fee for an application to amend the zoning bylaw or amend or enter into a heritage revitalization agreement shall be calculated as follows:
- (4) The Large Project Fee for a development permit or a heritage alteration permit application applies if the value of the construction value under the proposed amendment or agreement exceeds \$2 million.

- (5) The construction value shall be calculated as follows:

Step 1 – Calculation of Construction Value of Building				
Total floor area including basement (m ²)	X	Cost per m ²	=	Construction value of building

- (6) The Large Project Fee for a development permit or a heritage alteration permit application shall be calculated as follows:

Step 2 - Calculation of Large Project Fee						
Construction value of building (from Step 1)	-	\$2,000,000	X	0.001	=	Large Project Fee

- (7) If an application subject to the Large Project Fee under both section 4(1) and 4(4) of this Schedule, the Large Project Fee will only be assessed once for the application.

5 Resubmission fee

- (1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged. If the revised plans do not address the requirements as set out in the Application Review Summary, a fee of \$500 shall be required for each subsequent resubmission until all technical requirements have been addressed to the satisfaction of the Director.
- (2) If revised plans are a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of \$500 shall be required for each new submission.
- (3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from Committee, Council, ADP or HAPL.

**City of Victoria
Bylaw No. 16-028**

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

1. For the following applications, a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) Development variance permit;
 - (b) Development permit with variances;
 - (c) Heritage alteration permit with variances;
 - (d) Temporary commercial or industrial use permit.
2. The City shall determine the specifications, format, and information content of the sign or signs.
3. The applicant shall:
 - (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City;
 - (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;
 - (c) post additional meeting notices and additional signs if required;
 - (d) maintain the sign or signs on the subject property for the required time period.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

1. For the following applications a notice sign or signs shall be posted on the property or properties subject to the application:
 - (a) rezoning;
 - (b) application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;
 - (c) official community plan bylaw amendment;
 - (d) heritage revitalization agreement, if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.
2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.
3. The applicant shall, at its sole expense:
 - (e) prepare the sign or signs in accordance with the specifications provided by the City;
 - (f) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;
 - (g) post additional meeting notices and additional signs if required by the City;
 - (h) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.
4. The sign or signs shall be posted in a prominent location, clearly visible from the street, on each frontage and lot subject to the application. Staff may specify siting and siting changes.

**City of Victoria
Bylaw No. 16-028**

Schedule D

DELEGATED APPROVALS

The Director is authorized to issue the types of permits listed in Column A, in the areas set out in Column B, subject to the conditions specified in Column C of the following table.

A. Permit Types	B. DPAs and HCAs	C. Conditions
DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
HAP without variances for a single family dwelling or duplex	All DP Areas	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
DP or HAP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas	The permit being renewed must be: <ul style="list-style-type: none"> o unexpired at the time of application; o unchanged from the original application; and o not subject to any new policies or regulations. Permit valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
DP for new buildings, building additions, structures and equipment that are less than 100 m ² in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay	Permit is valid for two years from the date of issuance.

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential - Duplex	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
DP for floating buildings, floating building additions and floating structures that do not exceed 100 m ² in floor area	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas	Permit is valid for two years from the date of issuance.
DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15C: Intensive Residential - Rockland DPA 15D: Intensive Residential - Duplex DPA 15E: Intensive Residential - Garden Suites DPA 16: General Form and Character HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

A. Permit Types	B. DPAs and HCAs	C. Conditions
	DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	
Landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential	The proposed guidelines must comply with applicable guidelines. Permit is valid for two years from the date of issuance. A landscape security may be required to ensure compliance with the approved plans.
Temporary buildings and structures that do not exceed 100 m ² in floor area	All DP Areas	Temporary buildings and structures located on private property. Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.
Temporary construction trailers and temporary residential unit sales trailers	All DP Areas	Temporary construction trailers and temporary residential unit sales trailers located on private property. Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame: <ul style="list-style-type: none"> o Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or o Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or o If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.

UNFINISHED BUSINESS

1. Development Permit with Variances Application No. 000404 for 701 Tyee Road

Council received a report dated February 25, 2016 that provided information on revised plans and the pre-conditions required for Development Permit with Variances Application No. 000404 for 701 Tyee Road.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment, Council consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 000404 for 701 Tyee Road in accordance with:

1. Plans date stamped February 9, 2016.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. reduce the south setback from 4m to 3.5m;
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. increase the height in DA-J from 31m to 33m for Phase 3;
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - g. reduce parking from 185 stalls to 178 stalls;
 - h. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the Railyards Master Development Agreement being registered on title, to the satisfaction of staff.
5. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m2 of exposed shored face during construction, in a form satisfactory to staff."

Carried Unanimously



Council Report

For the Meeting of March 10, 2016

To: Council **Date:** February 25, 2016

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

Subject: Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

RECOMMENDATION

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

"That Council authorize the issuance of Development Permit with Variances Application No. 000404 for 701 Tyee Road in accordance with:

1. Plans date stamped February 9, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. reduce the south setback from 4m to 3.5m;
 - d. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. increase the height in DA-J from 31m to 33m for Phase 3;
 - f. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - g. reduce parking from 185 stalls to 178 stalls;
 - h. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. The amendment to the Railyards Master Development Agreement being registered on title, to the satisfaction of staff.
5. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of October 1, 2015, the Application has been referred to the Advisory Design Panel (ADP) and the applicant has provided revised plans in response to the ADP recommendations. The applicant has also addressed the pre-conditions recommended in the staff report to the Planning and Land Use Committee (PLUC) dated October 1, 2015. The PLUC report along with the meeting minutes are attached.

This report also responds to the Council direction that staff investigate “the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons”.

Referral to Advisory Design Panel

The Application was referred to the Advisory Design Panel meeting on October 28, 2015. A copy of the Panel minutes and the applicants’ response to the Panel recommendations (letter dated December 11, 2015) are attached to this report and can be summarized as follows:

- the southern termination of Central Spur Road has been designed to maximize space allocated to “Bridges Park and Tot Lot”, provide a safer environment adjacent to the Park and provide better access to the Park and connection to the Galloping Goose Trail for pedestrians and cyclists
- the applicant has proposed interim tree planting along the southern edge of Phases 1 and 2 to soften the appearance of the development prior to the commencement of construction on the subsequent Phase
- to reduce the potential risk of conflict between an operational Park and childrens play area with a major construction site, the applicant proposes that the “Bridges Park and Tot Lot” be constructed with Phase 3 of the development
- the building entrances on Tyee Road have been designed to collaborate with the landscaping proposed as part of the “Victoria West Entry Park” to create the atmosphere of a “City in the Park”.

Revised Plans

As required by the Council motion dated October 1, 2015, revised plans have been submitted that:

- screen the proposed garbage enclosure adjacent to Gaudin Road
- provide details of the proposed grass pave finish
- provide comprehensive details relating to landscaping for Phases 1 and 2
- reduce annual landscaping maintenance costs within Bridges Park and along Tyee Road (see section relating to Resource Impacts below).

Amendment to Master Development Agreement

A draft amendment to the Railyards Master Development Agreement (MDA) has been prepared and, based on the remaining development proceeding in three phases, the key revisions to the existing Agreement are as follows:

- the northerly section of the “Victoria West Entry Park” will be constructed as part of Phase 1
- the area defined as “Bridge Dedication and Landscaping” will be dedicated to the City with the deposit of the phased strata plan for Phase 1
- the “Bridges Park and Tot Lot”, southerly section of the “Victoria West Entry Park”, public pathway from Tyee Road to Central Spur Road and landscaping of the bridge dedication area must be completed before any building associated with Phase 3 is occupied
- public parking in conjunction with “Bridges Park and Tot Lot” is no longer required

- the Developer will provide the City with a security equivalent to 120% of the total cost of constructing an amenity before obtaining a Building Permit for the Phase of development in which the amenity occurs
- a Statutory Right-of-Way (SRW) will be registered over the lands for the accommodation of the public pathways from Tyee Road to Central Spur Road and associated with the "Victoria West Entry Park" with the deposit of the phased strata plan for Phase 1.

Staff recommend that, after giving notice and allowing an opportunity for public comment, Council consider issuing the Development Permit with Variances Application subject to the amendment to the MDA being first registered on title, to the satisfaction of staff.

Public Footpath from Tyee Road to Central Spur Road

Under the terms of the MDA, the Developer is required to construct a public pathway through the site connecting Tyee Road with Central Spur Road and dedicate this land as City Park. The applicant is proposing a pathway design that is consistent with this MDA requirement, however, the Application proposes an underground parkade structure under the land earmarked for this pathway. Due to liability and maintenance concerns resulting from the underground parkade being located directly under the pathway, staff have recommended that Council consider securing public access along this corridor by means of an SRW.

One underground parkade, serving all three phases of the proposed residential development is considered to be a preferable design solution for the project. If Phase 3 of the development were to have a self-contained underground parkade allowing for a strip of land not encumbered with an underground structure, then it would be necessary to construct an additional parkade entrance and, critically, Central Spur Road would have to be extended to provide vehicular access to the parkade potentially impacting the size and design of Bridges Park. In addition, an extended Central Spur Road may conflict with pedestrian movements from the new pathway to Bridges Park (the current design shows the pathway connecting directly to Bridges Park and the Galloping Goose Trail).

Acquisition of the land by the City and dedication of the pathway as a park would make the arrangements for the parkade underneath unnecessarily complicated as it would require complex legal agreements and would still leave the City potentially exposed to liability in relation to the underground parkade. On the other hand, the same public rights of access could be easily secured through a SRW in favour of the City with the strata retaining ownership of the property. Subject to Council's directions, the SRW could make the City responsible for all surface operations and maintenance, while the strata would be responsible for the underground structure only. The strata would have no ability to limit public use or access to the pathway except where reasonably required for construction or maintenance of the underground structure. Rather, the pathway would be subject to City regulations under the *Parks Regulation Bylaw*. Thus, for all practical purposes, the pathway would be the same as a City Park, notwithstanding that the ownership of it would remain with the strata. A properly drafted SRW offers all the advantages, without most of the disadvantages, of actually acquiring the property.

Resource Impacts

There are resource impacts anticipated with this proposal. As per the MDA, several public amenities will be provided as part of the of the Railyards development. Once completed, the maintenance of Bridges Park, the Tot Lot as well as the Tyee Road improvements will rest with the Parks Division. Based on the plans presented to Council on October 1, 2015, it was estimated that the annual maintenance of the landscaping and play structures would add

approximately \$60,000.00 in annual maintenance costs. In an effort to reduce annual maintenance costs, staff recommended that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs. The applicant responded and new plans have reduced the estimated annual maintenance costs by \$18,050.00 (revised annual cost of \$41,950.00). This estimate is based on 2015 rates and the operational impact is expected in 2018. The ongoing cost of this amenity equals a 0.03% tax increase. The breakdown is as follows:

- shrub beds: \$18,750.00 (weed, mulch, fertilize and prune)
- new trees: \$5,000.00 (fertilize and prune)
- turf areas: \$6,000.00 (mow, trim and fertilize)
- irrigation infrastructure: \$1,200.00 (water meter fees, spring/winter maintenance)
- playground maintenance: \$ 6,700.00 (repairs and fiber surface grading)
- garbage pickup: \$4,300.00.

Additional capital implications are that the playground will require replacement in 15 years at an estimated cost of \$150,000.00 (plus inflation) and a full time employee (FTE) of 0.75 will be required to maintain this additional inventory. This capital implication equals a 0.12% tax increase.

Conclusion

Staff recommend that, after giving notice and allowing an opportunity for public comment, Council consider issuing the Development Permit with Variances Application subject to the amendment to the MDA being first registered on title, to the satisfaction of staff.

Respectfully submitted,

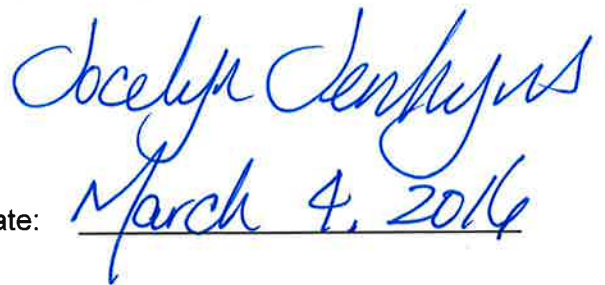


Jim Handy, Senior Planner –
Development Agreements
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

March 4, 2016

List of Attachments

- PLUC Report dated October 1, 2015
- PLUC Minutes dated October 1, 2015
- Council Minutes dated October 1, 2015
- Advisory Design Panel Minutes dated October 28, 2015
- Letters from applicant dated December 11, 2015
- Revised plans dated February 9, 2016
- Draft Amendment to Master Development Agreement.



Planning and Land Use Committee Report

For the Meeting of October 1, 2015

To: Planning and Land Use Committee **Date:** September 17, 2015

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

Subject: Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000404 for 701 Tyee Road, in accordance with:

1. Plans date stamped August 24, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the north setback (Gaudin Road) from 3.5m to nil;
 - ii. reduce the south setback from 4m to nil for Phases 1 and 2;
 - iii. reduce the south setback from 4m to 3.5m;
 - iv. increase the height in DA-H from 24m to 25.49m for Phase 2;
 - v. increase the height in DA-J from 31m to 33m for Phase 3;
 - vi. reduce parking from 50 stalls to 49 stalls for Phase 1;
 - vii. reduce parking from 185 stalls to 178 stalls;
 - viii. reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
3. The Development Permit lapsing two years from the date of this resolution.
4. Revised plans to the satisfaction of staff that:
 - i. either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;
 - ii. provide further details of the proposed grass pave finish;
 - iii. provide comprehensive details relating to landscaping for Phases 1 and 2;
 - iv. provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.
5. Referral to the Advisory Design Panel for a comprehensive review and with particular attention to the following issues:
 - i. the design of building entrances facing Tyee Road;
 - ii. the design and appearance of the "Sky Home" end units;
 - iii. the treatment of parkade walls that project above grade.

6. An amendment to the Railyards Master Development Agreement, to the satisfaction of staff, to:
 - i. address proposed revisions to the public parking required in conjunction with Bridges Park and the path from Tyee Road to Central Spur Road;
 - ii. secure cost estimates for all required on-site services, off-site services and public amenities prior to any building in proposed Phase 1 being occupied.
7. A Public Access Easement registered on title, to the satisfaction of staff, to secure public access through the site from Tyee Road to Central Spur Road.
8. A Statutory Right-of-Way registered on title, to the satisfaction of staff, to secure public access to the Victoria West Entry Park and public pathways located on private land adjacent to Tyee Road.
9. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff.

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan, 2012*. 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 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of commercial, industrial and multi-family residential development, a Development Permit may include requirements respecting the character of the development including landscaping, 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 701 Tyee Road. The proposal is to construct 144 residential units in three phases on Lots H and J (the undeveloped portions) of the Railyards development.

The Application proposes the following variances from the *Zoning Regulation Bylaw*:

- reducing the north setback (Gaudin Road) from 3.5m to nil
- reducing the south setback from 4m to nil for Phases 1 and 2; this setback variance will be 3.5m on completion of the development
- increasing the maximum allowable building height in DA-H from 24m to 25.49m for Phase 2
- increasing the maximum allowable building height in DA-J from 31m to 33.01m for Phase 3
- reducing the bicycle storage (class 1) from 40 stalls to 28 stalls for Phase 1; the number of bicycle stalls will exceed the number required by the *Zoning Regulation Bylaw* for the entire project following the completion of Phase 2

- reducing parking from 50 stalls to 49 stalls for Phase 1
- reducing parking for the completed project from 185 stalls to 178 stalls.

The following points were considered in assessing this Application:

- The applicant wishes to develop the site in three phases and, as each phase must be reviewed against the *Zoning Regulation Bylaw*, this results in some variances that will not exist, or will not exist to the extent proposed, at the completion of the project.
- The proposal is generally consistent with the *Railyards Development Guidelines*, however, staff recommend that some minor revisions are made to the plans to address issues relating to garbage areas and landscaping.
- An amendment to the Railyards Master Development Agreement (MDA) is required to address proposed revisions to the required public amenities, namely the public parking associated with Bridges Park and the path from Tyee Road to Central Spur Road. The MDA should also be amended to ensure that any necessary cost estimates and security is provided before the proposed Phase 1 building is occupied.
- The Application proposes 195 parking stalls, however, 17 of the stalls are either small car stalls or tandem stalls and do not meet the requirements of Schedule C of the *Zoning Regulation Bylaw*. The parking requirement for this project is 185 stalls, therefore, the proposal would result in a seven stall parking variance.

BACKGROUND

Description of Proposal

The proposal is for 144 residential units on the undeveloped portions of the Railyards development. Specific details include:

- The development would be constructed in three phases. Phase 1 would be located at the corner of Gaudin Road and Central Spur Road and would consist of 40 residential units. Phase 2 would be located immediately to the south of Phase 1 and would consist of 38 residential units. The final Phase would be located immediately to the north of the Point Ellice Bridge and would consist of 66 units.
- The tallest buildings would be located on Tyee Road with the building heights ranging from three to seven storeys. Building elements fronting Central Spur Road would range from two to three storeys in height.
- The proposed 144 units would be in the form of apartments units ranging from studios with a floor area of 36.7m² to two bedroom plus den units with a floor area of 130.4m².
- The development would have the appearance of several individual buildings above a shared underground parkade.
- Access to the underground parkade would be provided in two locations directly off Central Spur Road.
- The proposed finishing materials include corrugated metal cladding and fiber cement panels
- As required by the Railyards MDA, the plans indicate that the land located immediately to the north of the Point Ellice Bridge will be dedicated to the City for future bridge improvements/expansion
- The proposal includes the construction of a Park and Tot Lot between Central Spur Road and the Galloping Goose Trail. A "parkette" and neighbourhood signage will be provided at the corner of Bay Street and Tyee Road.

The proposed variances are as follows:

- reducing the north setback (Gaudin Road) from 3.5m to nil as a result of the underground parkade projecting above grade
- reducing the south setback from 4m to nil for Phases 1 and 2; this setback variance will be 3.5m on completion of the development
- increasing the maximum allowable building height in Development Area H from 24m to 25.49m
- increasing the maximum allowable building height in Development Area J from 31m to 33.01m
- reducing the bicycle storage (class 1) from 40 stalls to 28 stalls for Phase 1; the number of bicycle stalls will exceed the number required by the *Zoning Regulation Bylaw* for the entire project by 15 stalls following the completion of Phase 2
- reducing parking from 50 stalls to 49 stalls for Phase 1
- reducing parking for the completed project from 185 stalls to 178 stalls (7 stall variance).

Sustainability Features

As indicated in the applicant's letter dated August 20, 2015, the following sustainability features are associated with this Application:

- energy efficiency through orientation of windows
- reduced water use through xeriscaping in the plant selection and low-flush/dual-flush toilets with low-flow features
- installation of energy-star appliances
- provisions for future electrical charging station
- motion sensor lighting within parkade and corridor locations
- energy saving lighting in public space locations.

Active Transportation Impacts

The Application proposes the following features which support active transportation:

- 159 Class 1 (secure storage) bicycle stalls
- 18 Class 2 bicycle racks
- new public footpath from Tyee Road to Central Spur Road
- new public footpath (which can accommodate bicycles) from Central Spur Road to the Galloping Goose Trail.

Public Realm Improvements

The following public realm improvements are proposed and are required by the Railyards MDA:

- the construction of a Park and Tot Lot between Central Spur Road and the Galloping Goose Trail
- the construction of a "parkette," public footpaths and neighbourhood signage at the corner of Bay Street and Tyee Road.

In addition to the above, the applicant will also be constructing a new bus stop on Tyee Road.

Existing Site Development and Development Potential

The Application site is located within Development Areas H and J of the CD-5 Zone, Railyards Residential Commercial District, which permits apartments, live/work and park uses with a maximum floor space ratio (FSR) of 2.25:1 in Development Area H and 2.35:1 in Development Area J.

Data Table

The data table is attached as Appendix 1 and compares each phase of the proposal with the regulations for Development Areas H and J in the existing C-5 Zone, Railyards Residential Commercial District. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on August 25, 2015, the Application was referred for a 30-day comment period to the Victoria West CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 13: Core Songhees. The applicable Design Guidelines are the Railyards Development Guidelines. The proposal is consistent with these Guidelines as follows:

- the proposed design reflects the industrial nature of the site and is complimentary to the completed phases of the Railyards development
- the proposal contributes to the public park system in the Victoria West Neighbourhood by providing a park, children's play area and several public footpaths through and adjacent to the site
- the buildings with the highest residential density are located adjacent to the Point Ellice Bridge
- the development includes a variety of expressive roof forms
- architectural features such as balconies and recesses have been used to articulate the proposed buildings
- strong colours are proposed to add visual interest to the buildings
- the use of corrugated metal and fiber cement panels is consistent with the recommended wall cladding materials listed in the Design Guidelines
- a mix and range of unit types are proposed with the floor area of individual units ranging from 36.7m² to 130.4m².

Notwithstanding the above, staff recommend that Council consider referring the Application to the Advisory Design Panel for a comprehensive review with particular attention being made to the following issues:

- the design of building entrances facing Tyee Road
- the design and appearance of the "Sky Home" end units
- the treatment of parkade walls that project above grade.

Proposed Variances

Parking

The Application proposes a total of 195 parking stalls within an underground parkade. However, 17 of these stalls are either identified as small car stalls or tandem stalls and do not meet the requirements outlined in Schedule C of the *Zoning Regulation Bylaw*. As the proposal requires 185 parking stalls and only 178 stalls meet the Schedule C requirements, the Application technically results in a seven stall parking variance. The total breakdown of parking stalls is outlined in the table below and an asterisk marks where a variance occurs:

PROPOSED PARKING														
Phase 1					Phase 1 & 2					Phase 1, 2 & 3				
Regular Stalls	Zone Standard	Small Stalls	Tandem Stalls	Total	Regular Stalls	Zone Standard	Small Stalls	Tandem Stalls	Total	Regular Stalls	Zone Standard	Small Stalls	Tandem Stalls	Total
49*	50	5	3	57	100	99	8	5	113	178*	185	12	5	195

Notwithstanding the above, the proposal would result in parking ratio of approximately 1.2 parking spaces per dwelling unit which is considered appropriate to address parking demand for an apartment development in this location. In addition, the small car and tandem stalls will still be available for use by residents.

Height

The Application seeks a height variance in Development Area H from 24m to 25.49m and in Development Area J from 31m to 33.01m. The building elements exceeding the maximum allowable building heights are solely parapet roof elements on the tallest feature buildings situated adjacent to Tyee Road. These parapet features have been included to address the Railyards Development Guidelines that recommends that buildings are designed with expressive roof forms.

Bike Parking

The applicant proposes to provide the majority of the bicycle storage in Phase 2 of the development. Therefore, at the completion of Phase 1 a 12 stall Class 1 bicycle parking variance is proposed. When the entire project is complete, the bike storage provided will exceed the *Zoning Regulation Bylaw* requirements by providing storage for 159 bicycles.

North Setback

The main north-facing building elevation is setback 3.5m from Gaudin Road. However, the underground parkade wall projects over 2m above grade and is located immediately adjacent to the property line. The plans indicate that the exposed wall would have a "green wall" treatment. Staff recommend that Council consider referring the application to the ADP to review, amongst other elements of proposal, the treatment of the exposed parkade walls that are clearly visible from public vantage points.

South Setback

Both Phases 1 and 2 would be constructed up to the proposed phasing line but the subsequent phase of development would occur immediately to the south of the preceding phase. The CD-5 Zone requires a 4.5m south setback, however, the completed project would be setback 3.5m from the property line. This is a result of the land immediately to the south of the development being dedicated to the City for the purpose of future improvement to the Point Ellice Bridge.

Recommended Plan Revisions

Garbage Area

Initial plans submitted by the applicant indicated a garbage pickup location on Central Spur Road. However, to accommodate garbage truck manoeuvres, a turning head would likely have been required that would have had a significant impact on the proposed Bridges Park. As such, the plans now indicate that a garbage pick-up area will be provided immediately adjacent to Gaudin Road. The Railyards Development Guidelines state that recycling and garbage areas should be fully enclosed within buildings, rather than in an open air location. Therefore, it is recommended that Council consider requesting revised plans that enclose the garbage area or satisfactorily screen it from public views.

Surface Treatment and Landscaping

The Application proposes extensive areas of grass pave surface treatment to accommodate emergency fire truck access adjacent to Tyee Road. Staff recommend that Council consider requesting that the applicant provide further details of the grass pave treatment to ensure it is both visually acceptable and has long term durability.

In addition, the revised plans should include all landscaping elements associated with each phase of the project regardless of whether that landscaping is temporary in nature. The plans submitted do not comprehensively illustrate this level of landscaping detail.

With particular regard to Bridges Park and along Tyee Road, in an effort to reduce annual maintenance costs, staff recommend that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs. This can be achieved by reducing the shrub bed areas and revising the plant palette.

Railyards Master Development Agreement

The Railyards MDA requires that the following public amenities be constructed in conjunction with Lots H & J:

- Bridges Park and Tot Lot

- Public Parking (Bridges Park – 6 stalls)
- Bridge Dedication Landscaping
- Victoria West Entry Park (Tyee & Bay)
- Path from Tyee Road to Central Spur Road.

The Application responds to the above as follows:

Bridges Park and Tot Lot

The Bridges Park and Tot Lot would be constructed at the southern end of the site, adjacent to the Galloping Goose Trail, consistent with the MDA requirements and the Railyards Development Guidelines.

Public Parking (Bridges Park)

The applicant is no longer proposing parking spaces specifically for Bridges Park. Instead the Application proposes to use this space for additional park area which allows for a public footpath link to the Galloping Goose Trail with a gradient of less than 5% making it accessible to cyclists. Staff recommend that Council consider supporting this solution as it encourages modes of active transportation and, given the location of the park, visitors are likely to cycle or walk to it.

Bridge Dedication Landscaping

The applicant proposes to dedicate a landscaped area immediately to the north of the Point Ellice Bridge to the City, consistent with the MDA.

Victoria West Entry Park

The Victoria West Entry Park is proposed on the corner of Tyee Road and Bay Street and would consist of a small "parkette" with seating, pedestrian pathways, an improved transit stop and a new neighbourhood sign. The design and layout of these features are considered to be generally consistent with the Railyards Development Guidelines, however, the "parkette" and some of the pathways are located on private land and public access to these must be secured by a Statutory Right-of-Way.

Path from Tyee Road to Central Spur Road

A public pathway is proposed between Tyee Road and Central Spur Road consistent with the MDA. The MDA requires that the pathway be dedicated as Park, however, due to liability and maintenance concerns resulting from the underground parkade being located directly under the pathway, staff recommend that Council consider securing public access along this corridor by means of a Public Access Easement.

MDA Amendments

In light of the above, staff recommend that Council consider that the proposed design solution for the required public amenities are acceptable and that the MDA be amended to address the changes relating to the public parking for Bridges Park and the path from Tyee Road to Central Spur Road.

In addition, the MDA envisaged that the cost estimates and securities for required on-site services, off-site services and public amenities be linked to subdivision approval. As the Application now proposes a different approach to site subdivision, staff recommend that the MDA be amended to secure the necessary cost estimates and securities before the proposed Phase 1 building is occupied.

Encroachment Agreement

With any project of this scale that has significant excavation adjacent the road Right-of-Way, construction methods often require a form of underpinning which can result in material being left in the public Right-of-Way. The resulting material (typically rock anchors) present no concerns to the public interest, however, an Encroachment Agreement between the City and the developer is required. The staff recommendation that is provided for Council's consideration includes direction to allow staff to enter into an agreement, if the Development Permit Application is approved by Council and if underpinning is deemed necessary to facilitate the construction.

Community Garden

When considering an earlier phase (Lot E) of the Railyards development, Council made the following motion:

That staff be directed to explore with the applicant and the Victoria West Community Association the possibility of including a community garden with the phasing of Lots H and J.

In discussions with the applicant, it is apparent that the provision of a community garden is not feasible for the following reasons:

- The developer is required to complete Bridges Park and Tot Lot, Victoria West Entry Park, the final sections of Central Spur Road and dedicate land to the City adjacent to the Point Ellice Bridge in conjunction with Lots H and J.
- There is a substantial grade change from the east to west property boundary.
- The most logical location for a community garden, on the land least affected by the change in grade, would be where the Bridges Park and Tot Lot is proposed. Converting part of this area to a community garden would likely compromise the ability to provide a satisfactory footpath link from Central Spur Road to the Galloping Goose Trail or would result in the loss of the Tot Lot.

It should be noted that neither the MDA, the applicable CD-5 Zone nor the Railyards Design Guidelines identify the need for, or require that the Developer provide, a community garden at this location.

Resource Impacts

There are resource impacts anticipated with this proposal. As per the MDA, several public amenities will be provided as part of the of the Railyards development. Once completed, the maintenance of Bridges Park, the Tot Lot as well as the Tyee Road improvements will rest with the Parks Division. It is estimated that the annual maintenance of the landscaping and play structures will add approximately \$60,000.00 in annual maintenance costs. This estimate is based on 2015 rates and the operational impact is expected in 2018. The breakdown is as follows:

- shrub beds: \$37,000.00 (weed, mulch, fertilize and prune)
- new trees: \$5,000.00 (fertilize and prune)
- turf areas: \$4,000.00 (mow, trim and fertilize)
- irrigation infrastructure: \$2,000.00 (water meter fees, spring/winter maintenance)
- playground maintenance: \$7,000.00 (repairs and fiber surface grading)
- garbage pickup: \$5,000.00.

Additional capital implications are that the playground will require replacement in 15 years at an estimated cost of \$150,000.00 (plus inflation) and a full time employee (FTE) of 0.75 will be required to maintain this additional inventory.

The landscape areas in Bridges Park and along Tyee Rd are extensive. In an effort to reduce annual maintenance costs, staff recommend that Council consider requesting that the applicant provide revised plans that will reduce the annual maintenance costs.

CONCLUSIONS

The proposal to construct 144 residential units on the undeveloped portions of the Railyards development is considered generally consistent with the Railyards Development Guidelines. However, it is recommended that Council consider referring the Application to the ADP for a comprehensive design review.

The applicant wishes to develop the site in three phases and, as each phase must be reviewed against the *Zoning Regulation Bylaw*, this results in some variances that will not exist, or will not exist to the extent proposed, at the completion of the project.


An amendment to the MDA is required to address proposed revisions to the required public amenities, namely the public parking associated with Bridges Park and the path from Tyee Road to Central Spur Road. The MDA should also be amended to ensure that any necessary cost estimates and security is provided before the proposed Phase 1 building is occupied.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 000404 for the property located at 701 Tyee Road.


Respectfully submitted,


Jim Handy, Senior Planner – Development
Agreements, Development Services
Division


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:


Sept. 25/15

List of Attachments

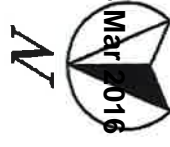
- Appendix A – Data Table
- Aerial plan
- Zoning plan
- Letter from Architect dated August 16, 2015
- Letter from applicant dated August 20, 2015
- Plans dated August 24, 2015.

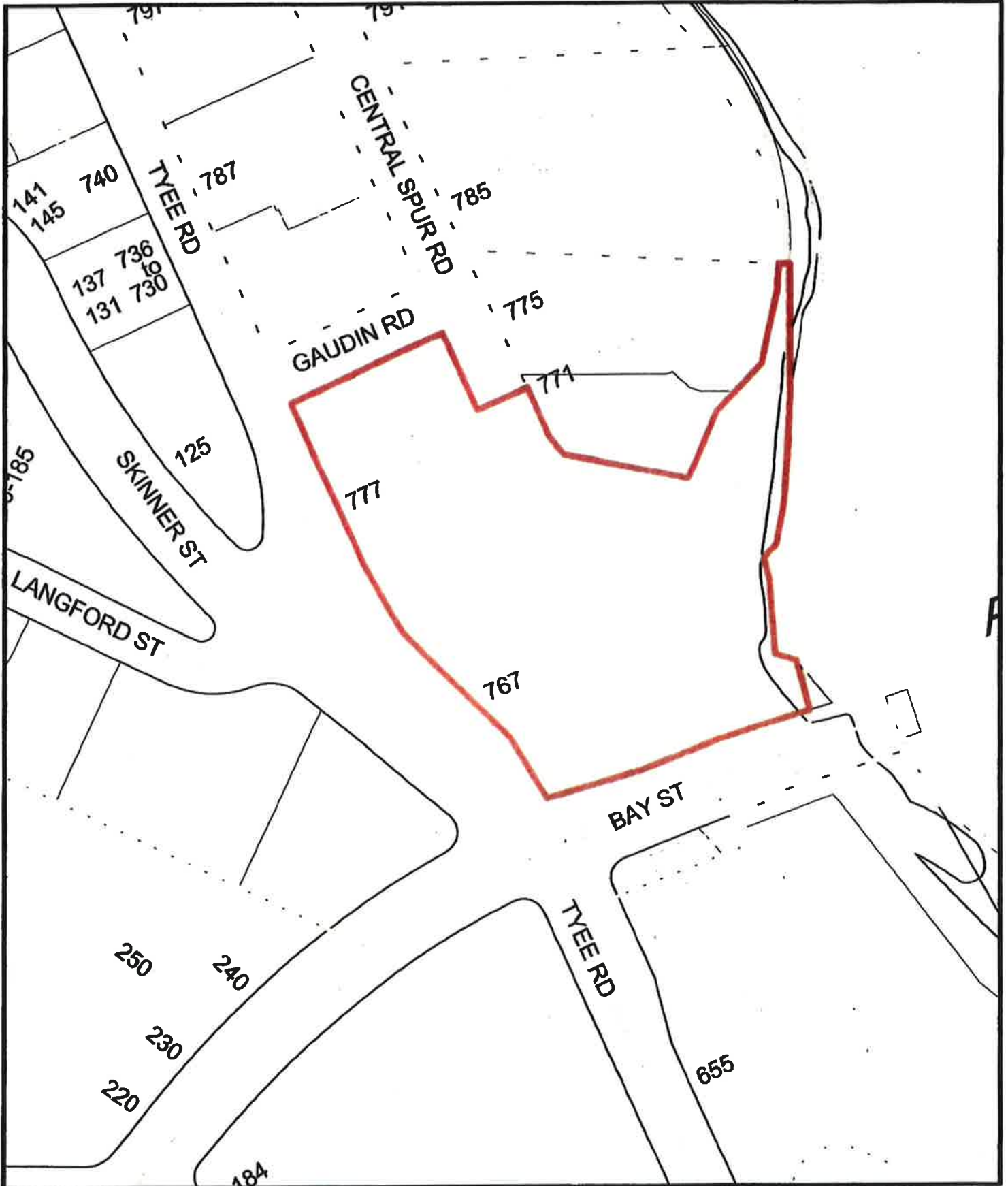
Appendix 1: Data Table

Zoning Criteria	Phase 1 (DA-H)	Phases 1 & 2 (DA-H)	Zone Standard (DA-H)	Phase 3 (DA-J)	Zone Standard (DA-J)	Total Project (Phases 1, 2 and 3)
Site Area (m ²)	2366.83	4372.59	n/a	2395.14	n/a	6767.73
Total Floor Area (m ²) – max.	2771.15	5683.02	9855.85	5067.42	n/a	10750.44
Density (Floor Space Ratio) – max.	1.17	1.3	2.25	2.12	2.35	1.59
Geodetic Height (m) – max.	22.55	25.29*	24	33.01*	31	n/a
Storeys	3	4	n/a	7	n/a	n/a
Site coverage (%)	47	45	n/a	43	n/a	43
Open site space (%)	53	55	n/a	57	n/a	57
Setbacks (m) – min. Front (Tyee Road) Rear (Central Spur Road) Side (Gaudin Road) Side (Bay Street)	7.25 3.5 Nil* Nil*	11 3.5 Nil* Nil*	2 3.5 3.5 4	7.25 3.5 Nil* 3.5*	2 3.5 4 4	n/a
Parking provided	49*	100		78*		178 (does not include the proposed 17 small car and tandem stalls)
Parking required – min.	50	99	99	86	86	185

Appendix 1: Data Table

Visitor parking provided	6	17		2		19
Visitor parking required – min.	6	10	10	9	9	19
Bicycle Storage (Class 1) provided	28*	159		0		159
Bicycle Storage (Class 1) required – min.	40	89	89	53	53	144
Bicycle Rack (Class 2) provided	6	18		0		18
Bicycle Rack (Class 2) required – min.	6	12	12	6	6	18





701 Tyee Road
Development Permit #000404

**1000 - 2 Bloor Street East
Toronto, Ontario, M4W 1A8
TEL 416.966.0220**

Mr. Jim Handy
City of Victoria
August 16, 2015
Page 2 of 2

DIALOG

We trust that this response, including all attachments, will satisfy the prior-to conditions and requested clarifications for this project. We look forward to the timely issuance of the approved application.

Yours truly,

DIALOG BC Architecture Engineering Interior Design Planning Inc.

A handwritten signature in black ink, appearing to read 'J. Bakker', with a stylized flourish at the end.

Joost Bakker, Architect AIBC, AAA, SAA, OAA, FRAIC, RCA
Principal, DIALOG

c.c.	Chris Le Fevre,	The Railyards Development Ltd.
	Michael Cheung,	DIALOG
	Matthew Thomson,	DIALOG



PROPERTY AGENTS LTD.

Aug 20th, 2015

Mayor Lisa Helps
Members of Council

RE: RAILYARDS FINAL DEVELOPMENT PERMIT APPLICATION AREAS H & J

The development of these areas will see to the perfection of the Railyards.

The application honours the principals of the original M.D.A without variance and similarly respects all original design guidelines endowed for the project.

The matrix of units that will be realized in this DP application before you will be as follows:

Phase I

- 3 storey wood frame apartment building
- 40 suites
- 57 parking

Phase I + II

- 4 storey wood frame apartment building
- 78 suites
- 113 parking

Phase I + II + III

- 4 storey wood frame and 7 storey concrete frame apartment buildings
 - 144 suites
 - 190 parking
-

The Railyards project is a major contribution to Victoria's overall community sustainability.

The redevelopment of this industrial site into a compact and vibrant community is trend setting. These last phases of development on parcels H&J will contribute an array of green building features including the following:

Transit friendly development

- convenient access and proximity to transit
- car sharing parking opportunity
- major bike storage zones

Energy efficiency

- with the utilization of focussed window locations, the project will provide a high performance building envelope

Reduced Water Use

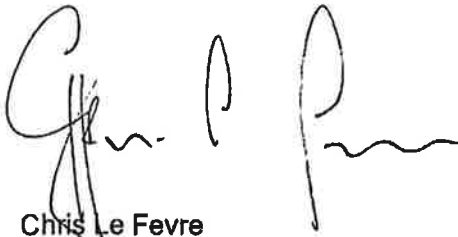
- xeriscaping in the plant selection to reduce water utilization
- low-flush / dual-flush toilets low flow fixtures

Electrical efficiency

- CFL lighting at public space locations
- motion sensor lighting within parkade and corridor locations
- Energy-star appliances
- provisions for future electrical charging station

Respectfully submitted.

Yours,

A handwritten signature in black ink, appearing to read 'Chris Le Fevre', with a stylized flourish at the end.

Chris Le Fevre
President & CEO
Le Fevre & Company Property Agents Ltd.

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 A. 28 JANUARY: DEVELOPMENT PERMIT
 B. 14 AUGUST: DEVELOPMENT PERMIT REFUTMENT
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SCALE

RAILYARDS, LOT H & J

VICTORIA, BC

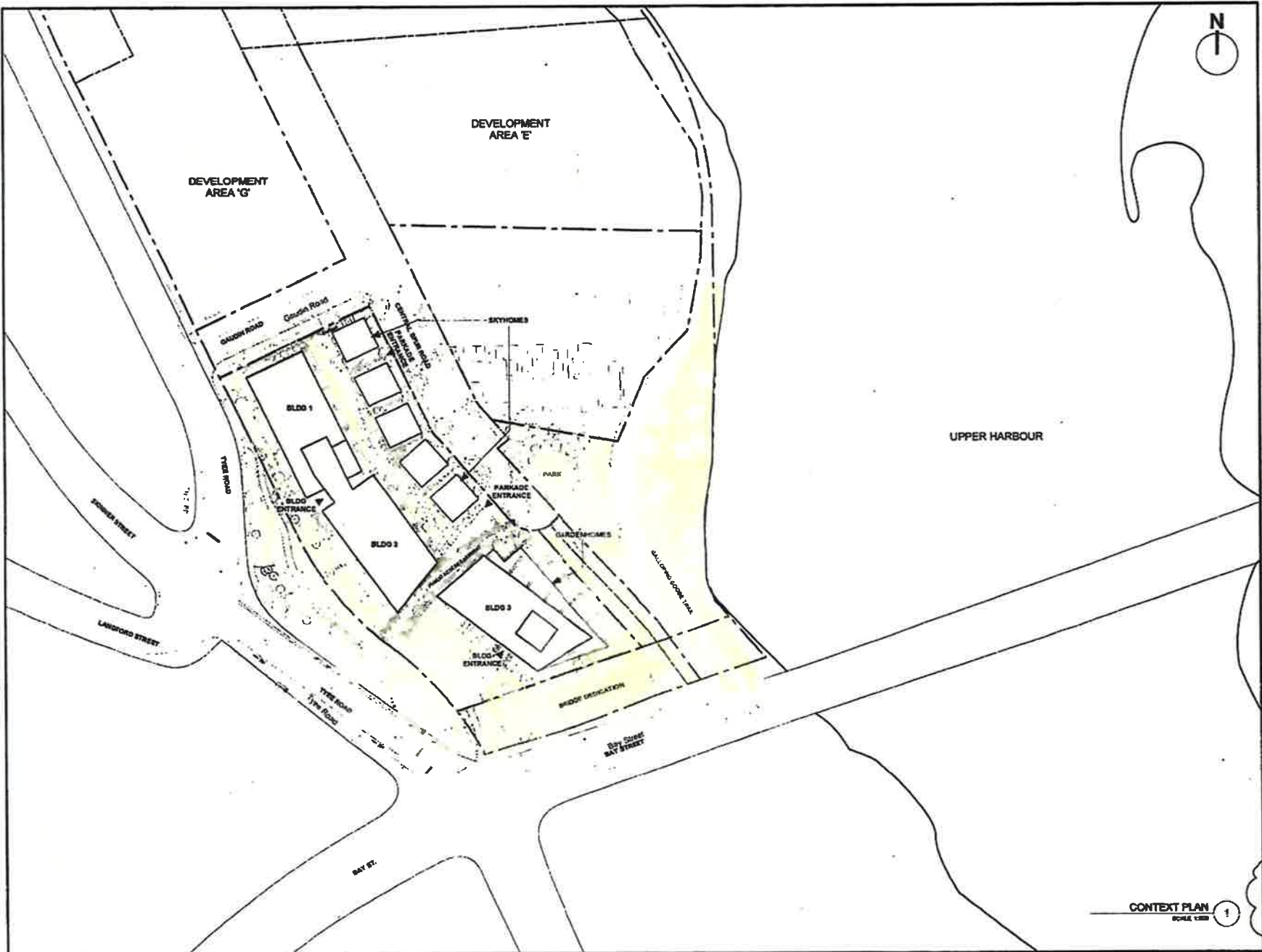
CONTEXT PLAN

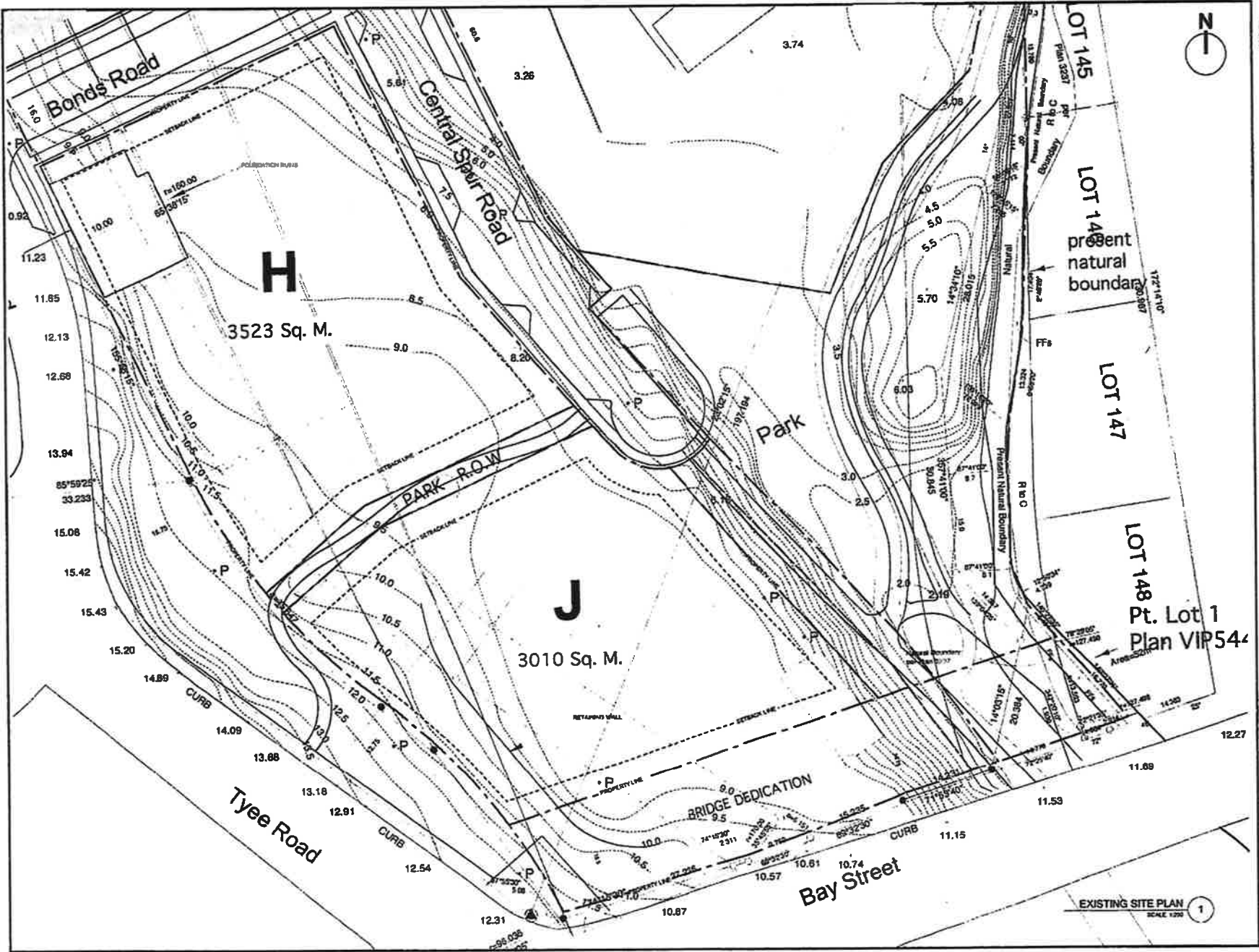
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CONTEXT PLAN
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REVISION FOR

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 B 14 AUGUST DEVELOPMENT PLAN REVISIONS

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RAILYARDS, LOT H & J

VICTORIA, BC

EXISTING SITE PLAN

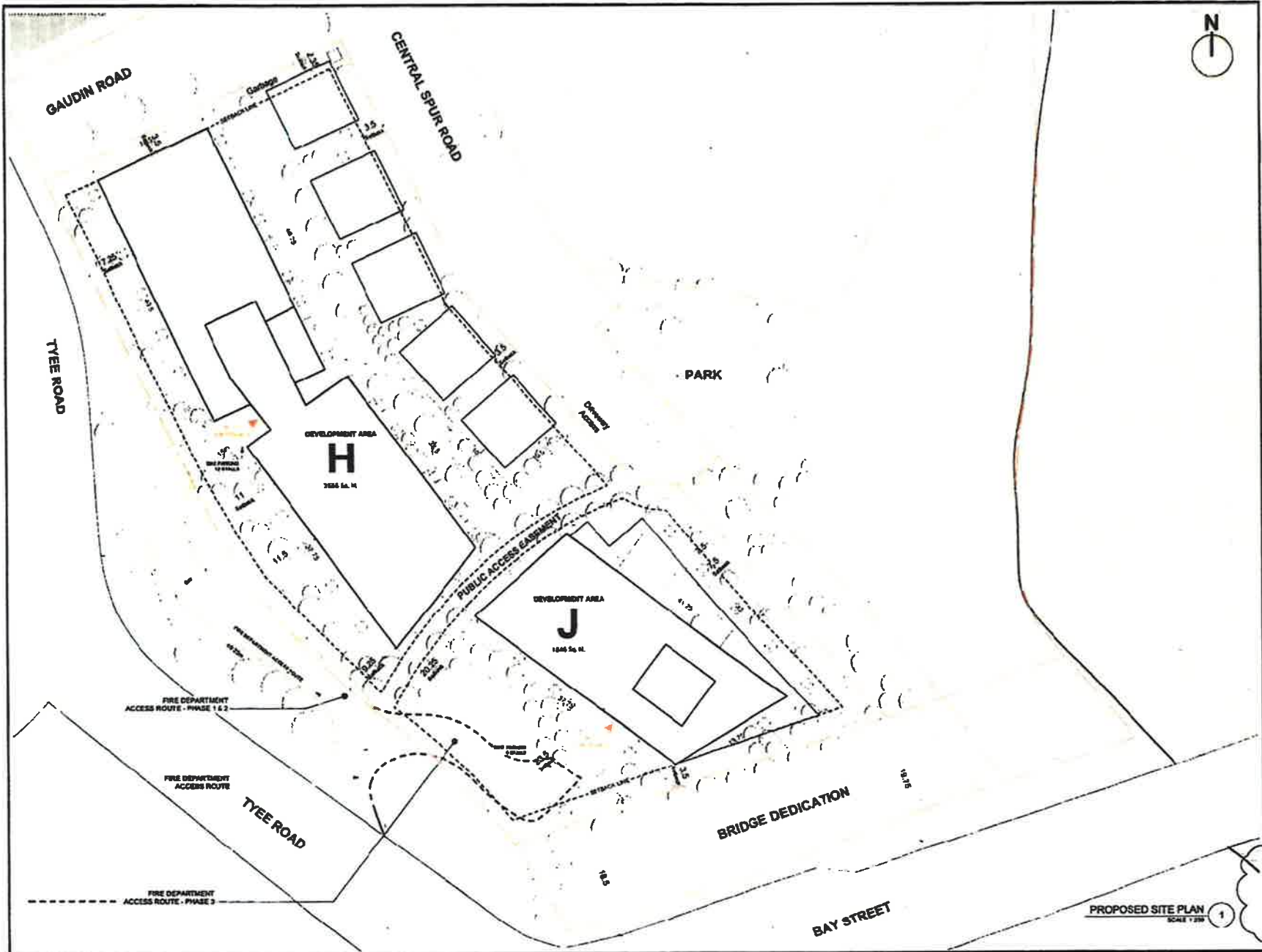
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SCALE

RAILYARDS, LCT H & J

VICTORIA, BC

PROPOSED SITE PLAN

DESIGN
 TLO DATE 2015.03.01
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A0.04

PROPOSED SITE PLAN
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Victoria City Council - 24 Mar 2016

20 JAN 75 DEVELOPMENT PERIOD
14 AUG 75 DEVELOPMENT PERIOD

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OWNER:
LESTER AND COMPANY
DIAMOND STREET
WYOMING, WY. 83091
Tel. 307-335-2000

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RAILYARDS, LOT H & J

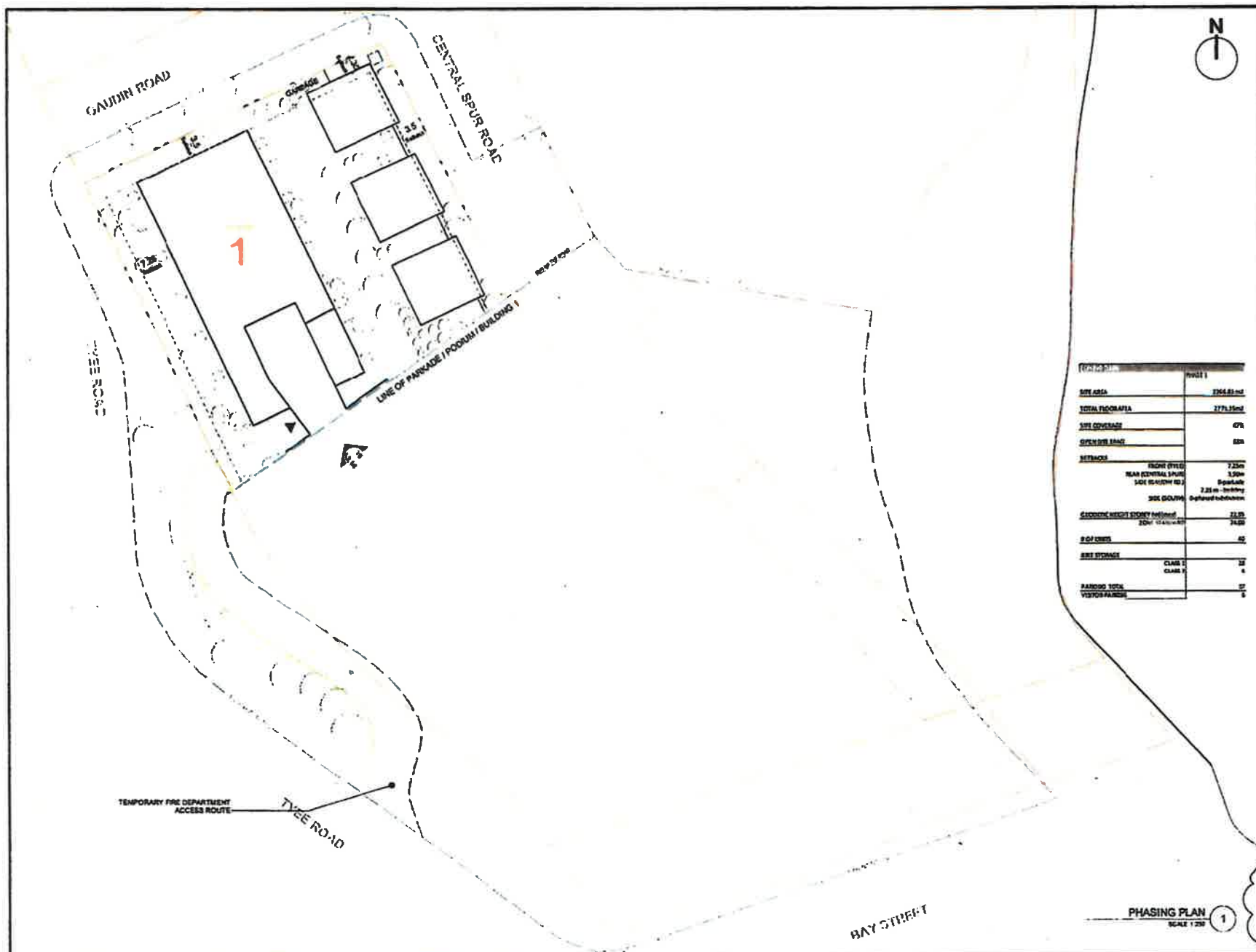
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**PHASING PLAN
MASTER SITE PLAN
PHASE 1**

DATE: 10/10/1991

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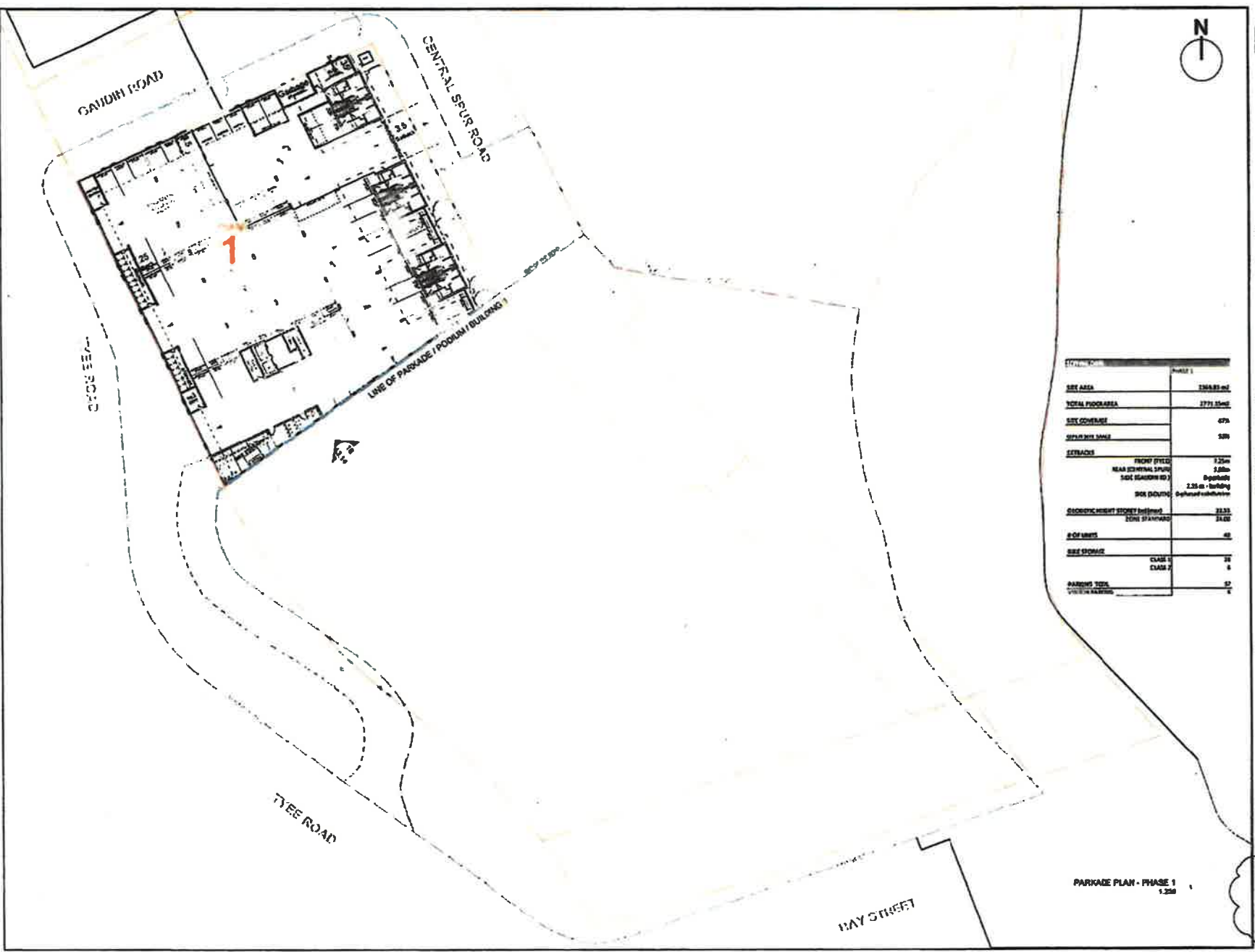
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 B. 14 DAYS DEVELOPMENT PERMIT REVISIONS
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 1000-1001
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OWNER
 RAILYARDS, LOT H & J
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RAILYARDS, LOT H & J
 VICTORIA, BC
 PHASING PLAN
 PARKADE PLAN
 PHASE 1
 PLAN DATE: 2015
A0.05B



DETAILS	
SEE AREA	1000-1001
TOTAL FLOORAREA	1771 15m²
SEE COVERAGE	47%
STAIRWAY NAME	50%
STAIRS	
FRONT STYED	7.25m
REAR (CENTRAL SPUR)	5.00m
SIDE (GARDIN RD.)	2.35m - building
SIDE (YEE RD.)	2.35m - building
STORAGE/CHANGING ROOMS	33.33
ZONE SPANWARD	33.33
# OF UNITS	48
SEE STORAGE	
CLASS 1	18
CLASS 2	6
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WICHITA, KS 67202-1000
Tel: 316/262-2000

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524

RAILYARDS, LOT H & J 2

VICTORIA, BC

PHASING PLAN
MASTER SITE PLAN
PHASE 1 + 2

PLANT DATE SHEET

A0.06A-24

Victoria City Council - 24 Mar 2016

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RAILYARDS, LOT H & J 2

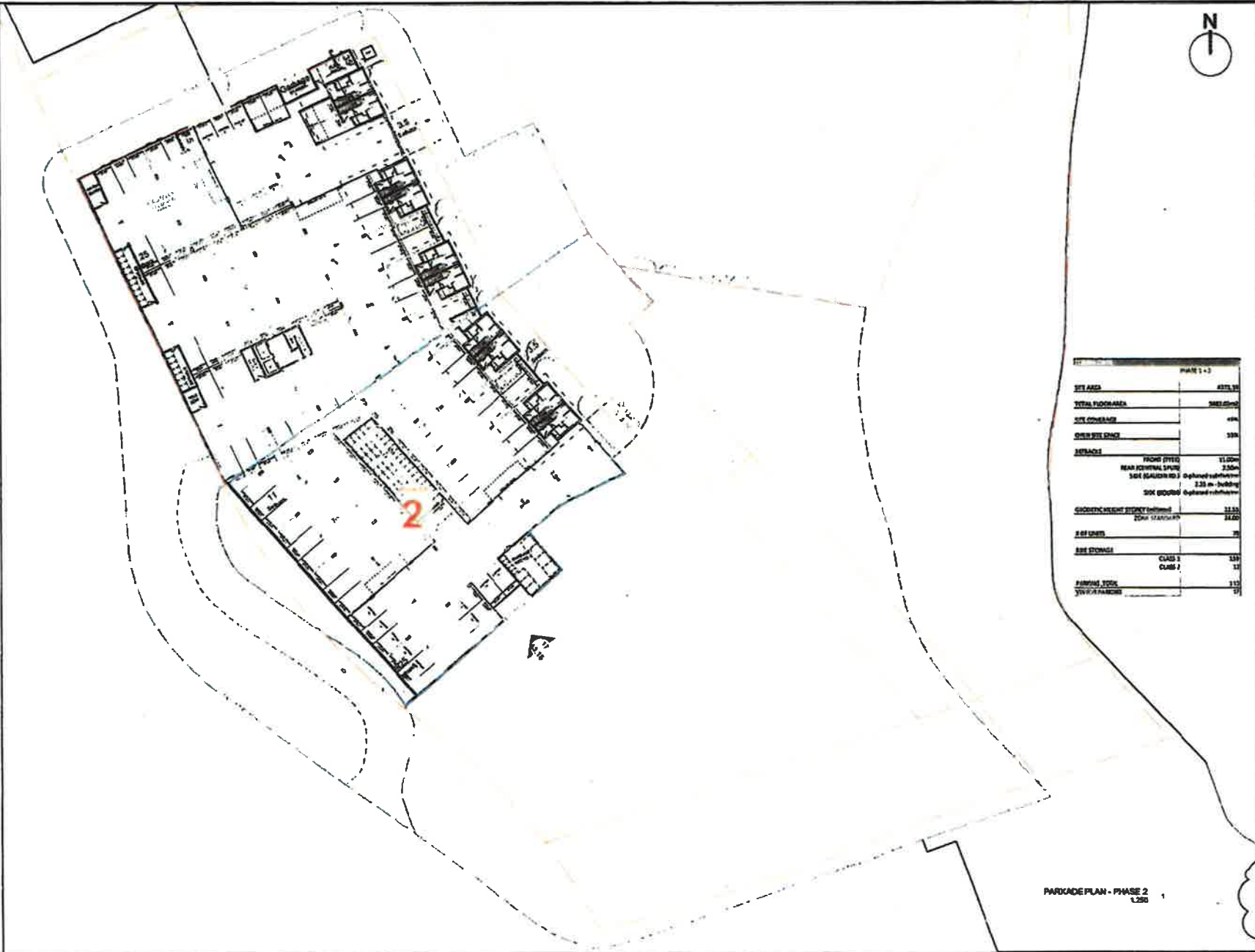
VICTORIA, BC

PHASING PLAN
PARKADE PLAN
PHASE 1 + 2

DATE: 10/10/1991

A0.06B

Victoria City Council - 24 Mar 2016



PARKADE PLAN - PHASE 2
1250



STUDY FOR

- A 28 JAN 15 DEVELOPMENT PERMIT
B 14 AUG 15 DEVELOPMENT PERMIT REVISIONS

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1. **ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ԱՆՏՐԱԿԱՆ ԿՈՄԻՏԵ**
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ARCHITECT & PRIME CONSULTANT

ARCHITECT & PLANNING CONSULTANTS
ARCHITECTURE & PLANNING CONSULTANTS
ARCHITECT & PLANNING CONSULTANTS
ARCHITECT & PLANNING CONSULTANTS
ARCHITECT & PLANNING CONSULTANTS

OWNER

CONTACT:
INTERNET AND MAIL:
WWW.DRUGS-UK.COM
020 7464 0000

SEAL

RAILYARDS, LOT H & J

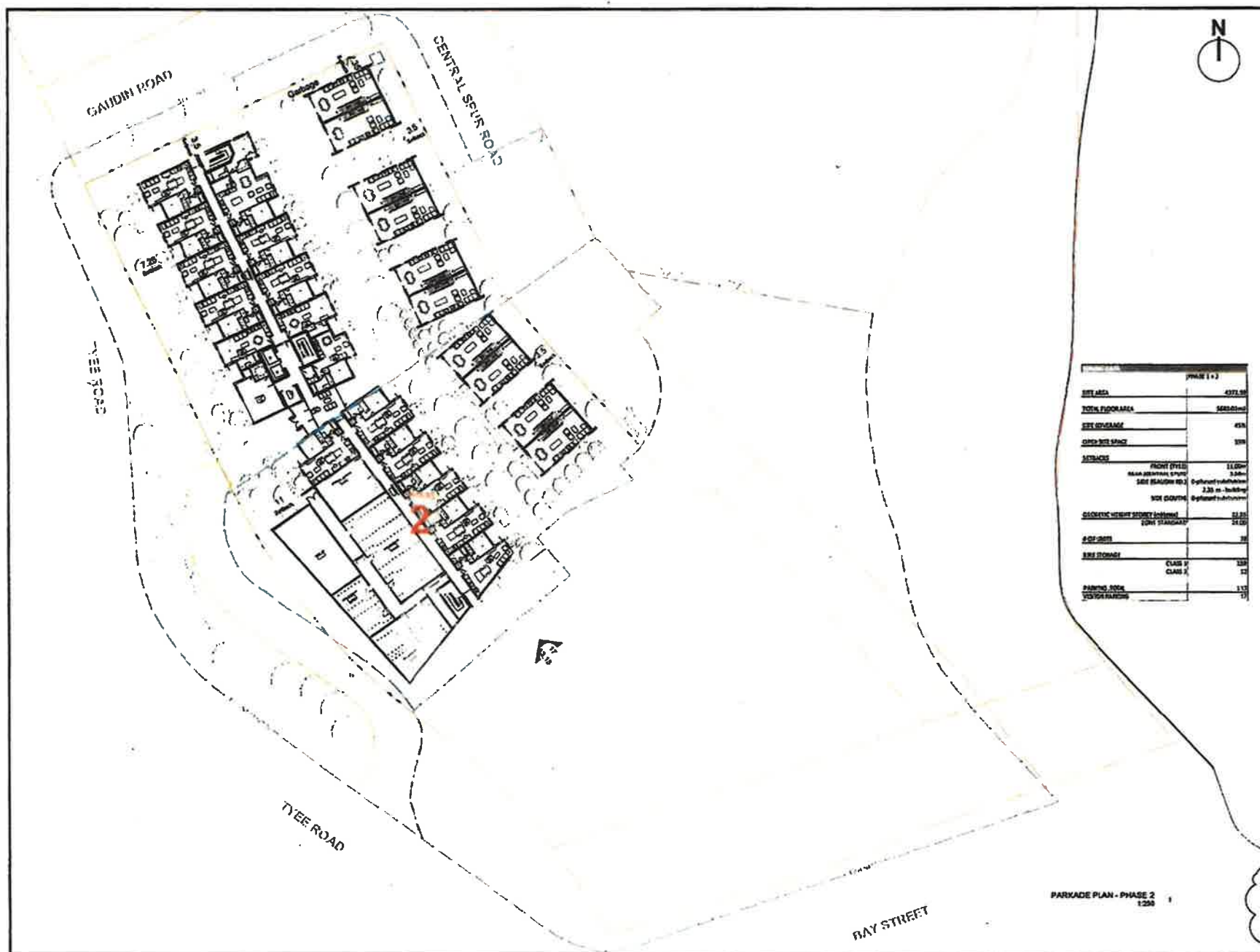
VICTORIA, BC

PHASING PLAN
PARKADE PLAN
PHASE 1 + 2

DRUGS
FIVE GATE NORTH

A0.06C

Victoria City Council - 24 Mar 2016



ISSUED FOR

A	25 JAN 15	DEVELOPMENT PERIOD
B	14 AUG 15	DEVELOPMENT PERIOD REVISIONS

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

METRIC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN
OTHERWISE
DATE 08-28-2001 BY 60324 UCBAW

REMOVED FROM THE PUBLIC DOMAIN BY THE NATIONAL ARCHIVES
FOR PRESERVATION OF THE RECORDS OF THE UNITED STATES GOVERNMENT

REPRODUCED FROM THE ORIGINAL RECORDS OF THE NATIONAL ARCHIVES
REPRODUCED FROM THE ORIGINAL RECORDS OF THE NATIONAL ARCHIVES
REPRODUCED FROM THE ORIGINAL RECORDS OF THE NATIONAL ARCHIVES

ARCHITECT & PRIME CONSULTANT

**DEVELOPE AN INNOVATIVE DESIGN AND
CONSTRUCT A HIGH-TECH BUILDING**
FOR THE FUTURE OF ARCHITECTURE
CONSTRUCTION, INC. (FACI)
Tel: 202-261-1111 Fax: 202-261-1111

OWNER:

1995

BEAR

RAILYARDS, LOT H & J

VICTORIA, BC

PHASING PLAN
MASTER SITE PLAN
PHASE 1 + 2 + 3

PLOT DATE 8/2/78

A0.07A

PROPERTY INFORMATION		PROPERTY ID: 12345
SITE AREA	0.25 AC	
TOTAL FLOOR AREA	10,000 SQ FT	
SITE COVERAGE	0.15	
COVERED SITE SPACE	5,000 SQ FT	
ADJACENTS	NORTH: (PUD) EAST: (COMM) SOUTH: (INDUS) WEST: (PUD)	123-456-7890 987-654-3210 234-567-8901 345-678-9012
GLASSBORO HEIGHTS PROJECT (PUD)	20,000 SQ FT	123-456-7890
20000 SQ FT		987-654-3210
# OF UNITS	0	
UNIT STRINGS	-	
	CLASH 1	123-456-7890
	CLASH 2	987-654-3210
PARKING TOTAL	0	

PHASING PLAN
SCALE: 1/2" = 1'-0"

5

DIALOG

DESIGNED FOR
A. 25 JANUARY DEVELOPMENT PERMIT
B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
FOR AN APPROXIMATE
NOT FOR CONSTRUCTION

NOTES
THIS DRAWING IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. IT IS THE ARCHITECT'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR OTHER SOURCES. THE ARCHITECT'S DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ARCHITECT'S DESIGN IS NOT A GUARANTEE OF PERFORMANCE OR RESULTS. THE ARCHITECT'S DESIGN IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR OTHER SOURCES. THE ARCHITECT'S DESIGN IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR OTHER SOURCES.

ARCHITECT & PRIME CONSULTANT
DESIGNED BY ARCHITECTURE & PRIME CONSULTANT
ARCHITECTURE & PRIME CONSULTANT
ARCHITECTURE & PRIME CONSULTANT
ARCHITECTURE & PRIME CONSULTANT

OWNER
ARCHITECTURE & PRIME CONSULTANT
ARCHITECTURE & PRIME CONSULTANT
ARCHITECTURE & PRIME CONSULTANT

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

RENDERING

DATE: 24 MAR 2016
A0.08

Victoria City Council - 24 Mar 2016



RENDERING OF PROJECT 1
VIEW NORTH FROM CORNER OF BAY ST. & TYEE RD.

DIALOG

ISSUED FOR

- A 28 JAN 13 DEVELOPMENT PERMIT
- B 14 AUG 13 DEVELOPMENT PERMIT REVIEW

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

METRIC

This drawing is prepared and submitted under contract to the City of Victoria and is not to be used for any other purpose without the written consent of the Architect. All dimensions are in millimeters unless otherwise stated. Metric units shall prevail in the event of any conflict. The drawing is not to be used for construction without the written consent of the Architect.

ARCHITECT & PRIME CONSULTANT

Dialogue Architecture Ltd.
100-1100 Douglas Street
Victoria, BC V8W 2E1
Tel: 250.383.1111 Fax: 250.383.1112
info@dialogue.ca

OWNER

Victoria City Council
1000 Douglas Street
Victoria, BC V8W 2E1

100%

RAILYARDS, LOT H & J

VICTORIA, BC

RENDERING

DATE: 2013.08.13

A0.09

Victoria City Council - 24 Mar 2016

RENDERING OF PROJECT
VIEW SOUTH ALONG CENTRAL SPUR ROAD

1

REC 1 FILE
 THE OFFICE OF CONSUMER PROTECTION HAS RECEIVED
 INFORMATION FROM THE PUBLIC THAT THE FOLLOWING
 BUSINESS IS IN VIOLATION OF THE CONSUMER
 PROTECTION ACT AND IS BEING
 ORDERED TO STOP THE VIOLATION
 IMMEDIATELY. THE VIOLATION IS THE
 SALE OF A PRODUCT THAT IS
 DEFECTIVE AND DANGEROUS TO THE
 PUBLIC. THE PRODUCT IS A
 CHILDREN'S TOY THAT CONTAINS
 LEAD. THE TOY IS A
 DOLL THAT IS
 MADE OF PLASTIC AND
 CONTAINS LEAD. THE
 TOY IS A
 DOLL THAT IS
 MADE OF PLASTIC AND
 CONTAINS LEAD.

OWNER:
SHEPHERD ASSOCIATES
SHEPHERD ASSOCIATES
907 WINDYBUSH DRIVE
TAMPA FL 33608

RAILYARDS, LOT H & J

RENDERING

DATE DATE 08/07/15

A0.10

Victoria City Council - 24 Mar 2016

CHARTERED FIRM

- A. 20 JANUARY DEVELOPMENT PERMIT
B. 15 AUGUST DEVELOPMENT PERMIT REVOCATION

FOR ALL CHARTS AND GRAPHS
OF THE CONSTRUCTION

MISTAC

[illegible]**ARCHITECT & PRIME CONSULTANT**[illegible]

DINNER

100% Satisfaction
 Guaranteed
 or Your Money
 Back

264

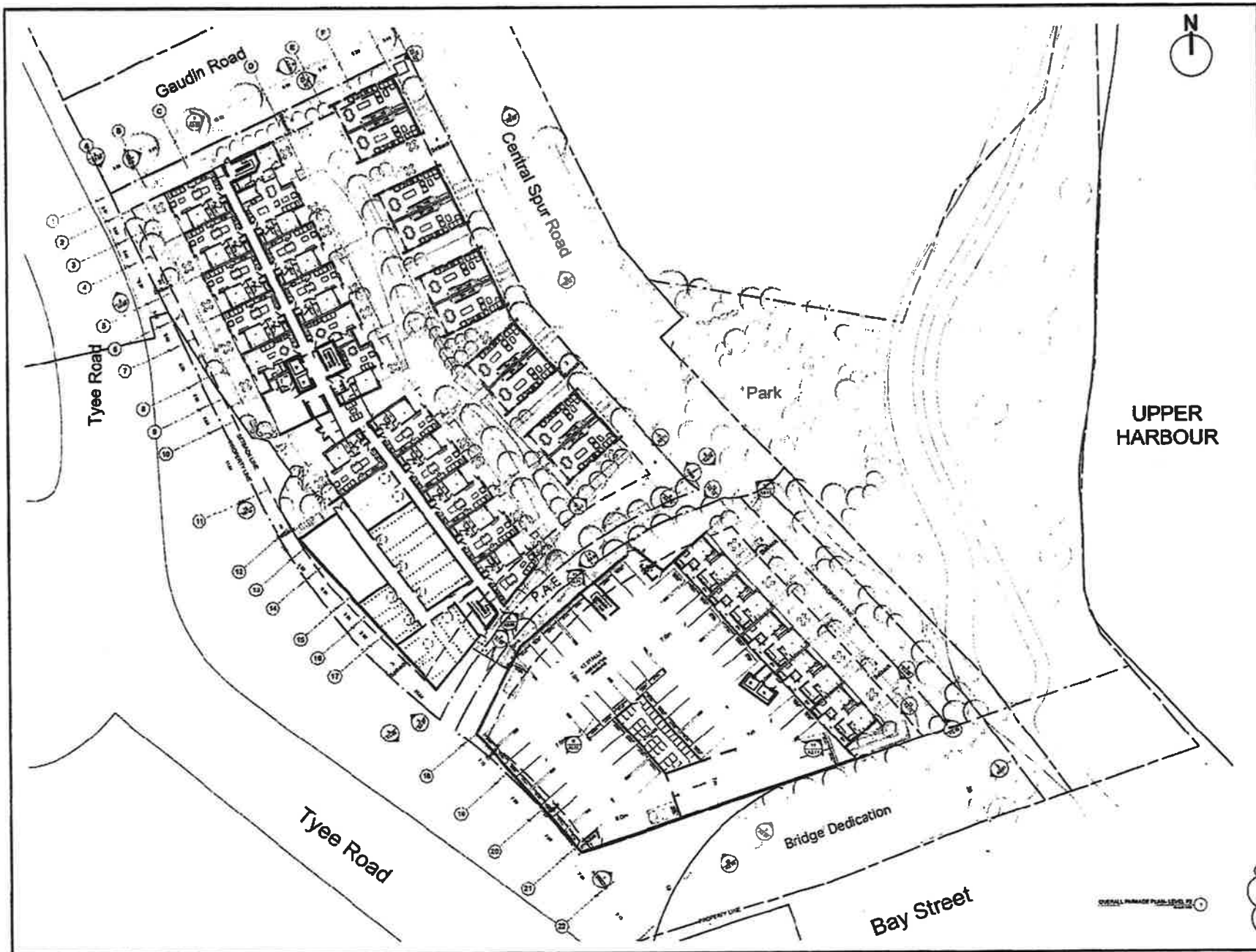
RAILYARDS, LOT H & J

VICTORIA, BC

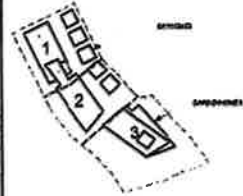
OVERALL PARKADE PLAN
LEVEL P1

NONAM AG/BC
FR 03 Yr TO 03012

A2.01



DIALOG



ISSUED FOR
 A 28 JANUARY DEVELOPMENT PERMIT
 B 14 AUGUST DEVELOPMENT PERMIT REVISIONS
 FOR SET CONSTRUCTION OF
 NOT FOR CONSTRUCTION

METRIC
 THIS DEVELOPMENT IS PROPOSED AND MUST NOT BE USED
 AS A BASIS FOR ANY OTHER DEVELOPMENT OR CONSTRUCTION
 WITHOUT THE APPROVAL OF THE CITY OF VICTORIA
 ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE SPECIFIED
 ALL DIMENSIONS SHALL BE TO THE FACE OF THE STRUCTURE
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 UNLESS OTHERWISE SPECIFIED
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 UNLESS OTHERWISE SPECIFIED

ARCHITECT & PRIME CONSULTANT
 DIALOG ARCHITECTURE
 1000 BAY STREET, SUITE 100
 VICTORIA, BC V8W 2E1
 TEL: 250-383-1111
 WWW.DIALOGARCHITECTURE.COM

OWNER
 VICTORIA CITY COUNCIL
 1000 BAY STREET, SUITE 100
 VICTORIA, BC V8W 2E1
 TEL: 250-383-1111
 WWW.VICTORIA.CA

RAILYARDS, LOT H & J

OVERALL PARKADE PLAN LEVEL P2

A2.02

WILSON

- FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

MITTAC

REPORT TO CONGRESS AND RESEARCH TO THE CONGRESS
FOR CLASSIFICATION BEFORE CLASSIFICATION OF INFORMATION

ARCHITECT & PRIME CONSULTANT

DAVID M. ANCHUTZ, CHAIRMAN
ANCHUTZ CONSULTING INC.
400 - 111 AUBURN STREET
VANCOUVER, BC, V6A 1P1
Tel: 604-263-7666 Fax: 604-263-1788
anchutz@anchutz.ca

OWNER:

1. **NAME** _____
 2. **ADDRESS** _____
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REAL

RAILYARDS, LOT H & J

VICTORIA, BC

**PARKADE PLAN - LEVEE
PHASE 1 & 2**

EXPIRATION DATE: 2000

A2.03

WILSON



APPLIED FOR

- A 26 JANU 15 DEVELOPMENT PERMIT
B 14 AUG 15 DEVELOPMENT PERMIT REVISIONS
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METRIC

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ARCHITECT & PRIME CONSULTANT

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

OWNER:

CONCLUSIONS

—

RAILYARDS, LOT H & J

WESTERDA, QC

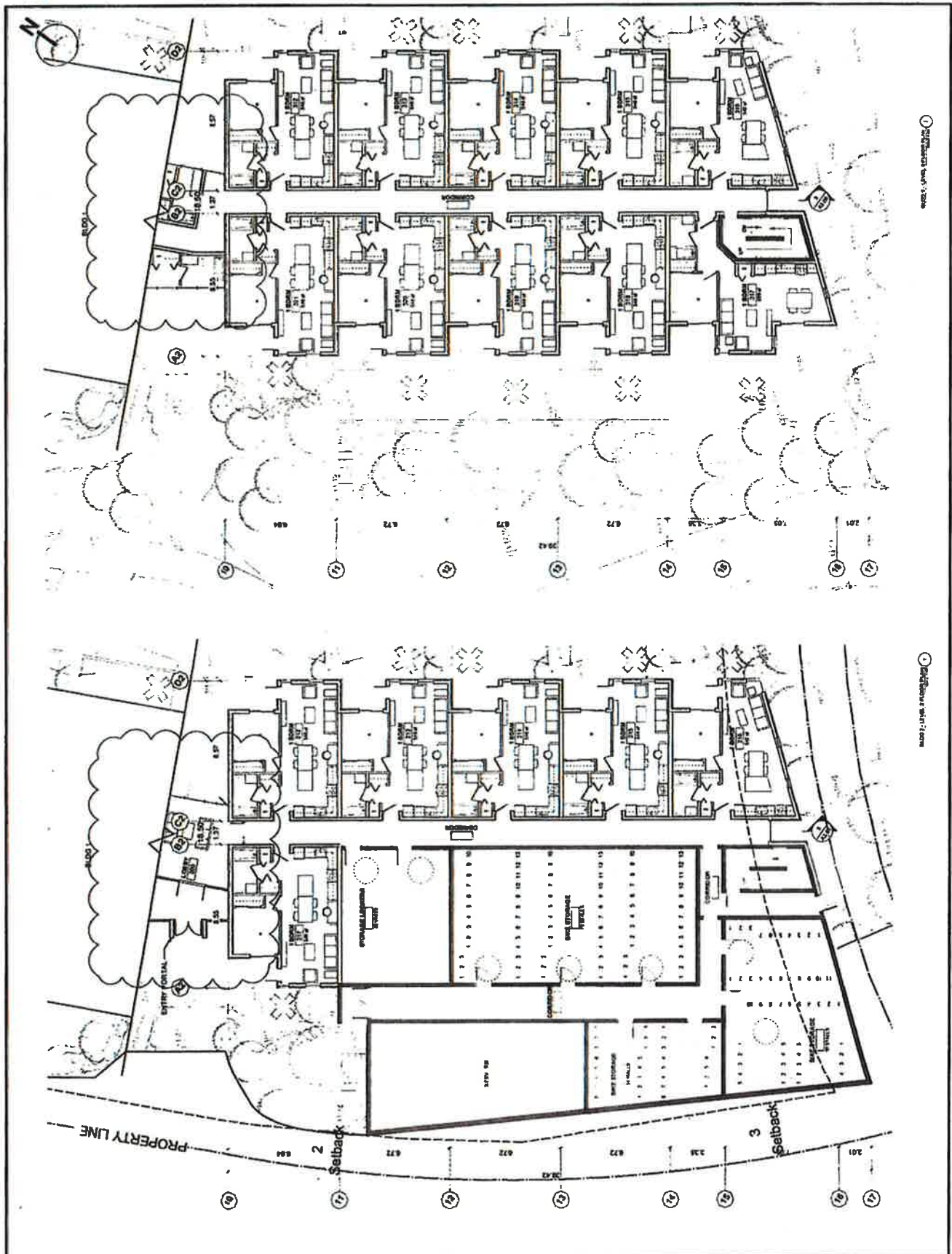
**BLDG 1- LEVELS 2 & 3
FLOOR PLANS**

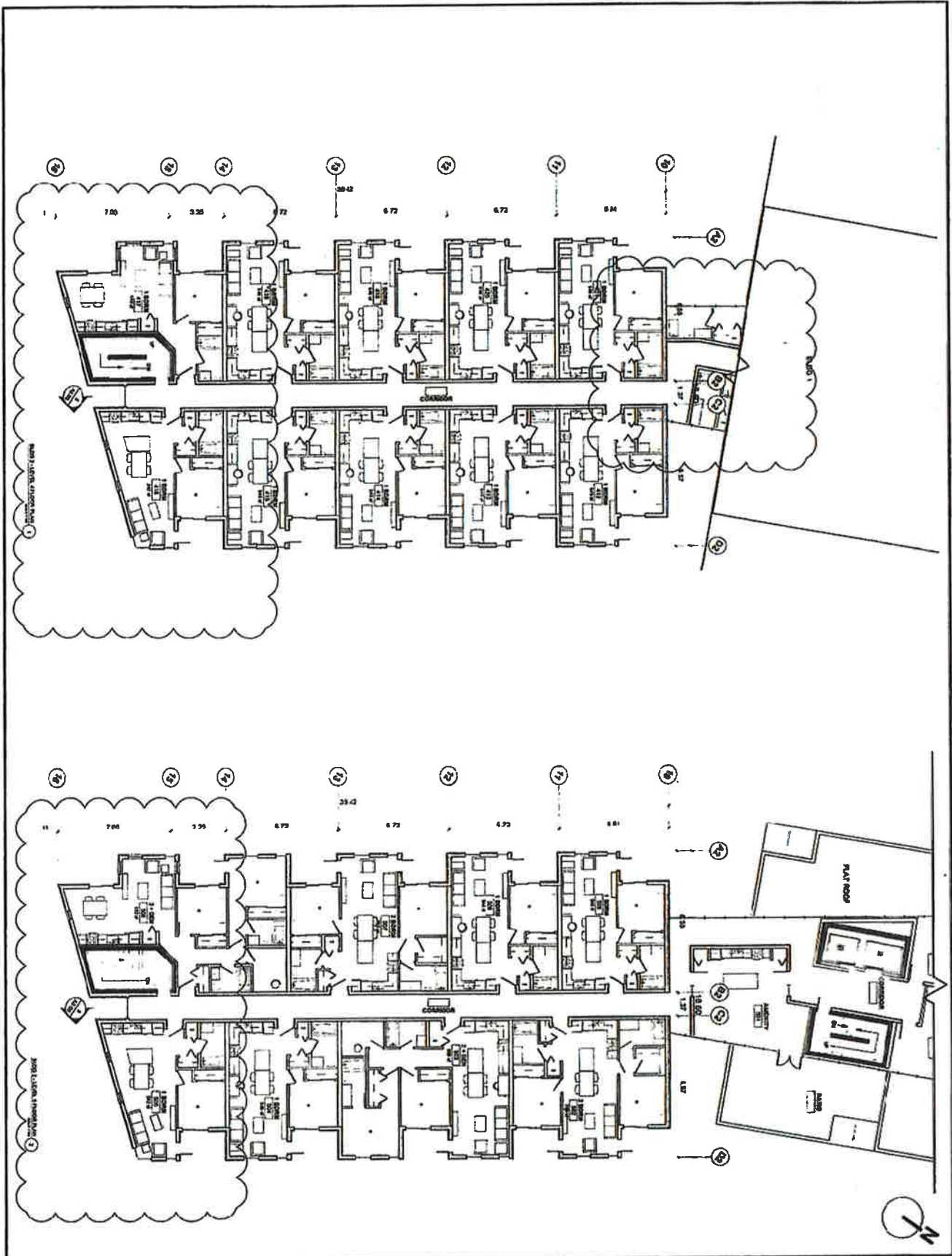
GRAPH AGE
FLY DATE 07-19-88

CHRONIC 10

A2.11

1997-1998, 1999-2000, 2001-2002, 2003-2004, 2005-2006, 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018, 2019-2020, 2021-2022, 2023-2024, 2025-2026, 2027-2028, 2029-2030, 2031-2032, 2033-2034, 2035-2036, 2037-2038, 2039-2040, 2041-2042, 2043-2044, 2045-2046, 2047-2048, 2049-2050, 2051-2052, 2053-2054, 2055-2056, 2057-2058, 2059-2060, 2061-2062, 2063-2064, 2065-2066, 2067-2068, 2069-2070, 2071-2072, 2073-2074, 2075-2076, 2077-2078, 2079-2080, 2081-2082, 2083-2084, 2085-2086, 2087-2088, 2089-2090, 2091-2092, 2093-2094, 2095-2096, 2097-2098, 2099-2100, 2101-2102, 2103-2104, 2105-2106, 2107-2108, 2109-2110, 2111-2112, 2113-2114, 2115-2116, 2117-2118, 2119-2120, 2121-2122, 2123-2124, 2125-2126, 2127-2128, 2129-2130, 2131-2132, 2133-2134, 2135-2136, 2137-2138, 2139-2140, 2141-2142, 2143-2144, 2145-2146, 2147-2148, 2149-2150, 2151-2152, 2153-2154, 2155-2156, 2157-2158, 2159-2160, 2161-2162, 2163-2164, 2165-2166, 2167-2168, 2169-2170, 2171-2172, 2173-2174, 2175-2176, 2177-2178, 2179-2180, 2181-2182, 2183-2184, 2185-2186, 2187-2188, 2189-2190, 2191-2192, 2193-2194, 2195-2196, 2197-2198, 2199-2200, 2201-2202, 2203-2204, 2205-2206, 2207-2208, 2209-2210, 2211-2212, 2213-2214, 2215-2216, 2217-2218, 2219-2220, 2221-2222, 2223-2224, 2225-2226, 2227-2228, 2229-2230, 2231-2232, 2233-2234, 2235-2236, 2237-2238, 2239-2240, 2241-2242, 2243-2244, 2245-2246, 2247-2248, 2249-2250, 2251-2252, 2253-2254, 2255-2256, 2257-2258, 2259-2260, 2261-2262, 2263-2264, 2265-2266, 2267-2268, 2269-2270, 2271-2272, 2273-2274, 2275-2276, 2277-2278, 2279-2280, 2281-2282, 2283-2284, 2285-2286, 2287-2288, 2289-2290, 2291-2292, 2293-2294, 2295-2296, 2297-2298, 2299-2300, 2301-2302, 2303-2304, 2305-2306, 2307-2308, 2309-2310, 2311-2312, 2313-2314, 2315-2316, 2317-2318, 2319-2320, 2321-2322, 2323-2324, 2325-2326, 2327-2328, 2329-2330, 2331-2332, 2333-2334, 2335-2336, 2337-2338, 2339-2340, 2341-2342, 2343-2344, 2345-2346, 2347-2348, 2349-2350, 2351-2352, 2353-2354, 2355-2356, 2357-2358, 2359-2360, 2361-2362, 2363-2364, 2365-2366, 2367-2368, 2369-2370, 2371-2372, 2373-2374, 2375-2376, 2377-2378, 2379-2380, 2381-2382, 2383-2384, 2385-2386, 2387-2388, 2389-2390, 2391-2392, 2393-2394, 2395-2396, 2397-2398, 2399-2400, 2401-2402, 2403-2404, 2405-2406, 2407-2408, 2409-2410, 2411-2412, 2413-2414, 2415-2416, 2417-2418, 2419-2420, 2421-2422, 2423-2424, 2425-2426, 2427-2428, 2429-2430, 2431-2432, 2433-2434, 2435-2436, 2437-2438, 2439-2440, 2441-2442, 2443-2444, 2445-2446, 2447-2448, 2449-2450, 2451-2452, 2453-2454, 2455-2456, 2457-2458, 2459-2460, 2461-2462, 2463-2464, 2465-2466, 2467-2468, 2469-2470, 2471-2472, 2473-2474, 2475-2476, 2477-2478, 2479-2480, 2481-2482, 2483-2484, 2485-2486, 2487-2488, 2489-2490, 2491-2492, 2493-2494, 2495-2496, 2497-2498, 2499-2500, 2501-2502, 2503-2504, 2505-2506, 2507-2508, 2509-2510, 2511-2512, 2513-2514, 2515-2516, 2517-2518, 2519-2520, 2521-2522, 2523-2524, 2525-2526, 2527-2528, 2529-2530, 2531-2532, 2533-2534, 2535-2536, 2537-2538, 2539-2540, 2541-2542, 2543-2544, 2545-2546, 2547-2548, 2549-2550, 2551-2552, 2553-2554, 2555-2556, 2557-2558, 2559-2560, 2561-2562, 2563-2564, 2565-2566, 2567-2568, 2569-2570, 2571-2572, 2573-2574, 2575-2576, 2577-2578, 2579-2580, 2581-2582, 2583-2584, 2585-2586, 2587-2588, 2589-2590, 2591-2592, 2593-2594, 2595-2596, 2597-2598, 2599-2600, 2601-2602, 2603-2604, 2605-2606, 2607-2608, 2609-2610, 2611-2612, 2613-2614, 2615-2616, 2617-2618, 2619-2620, 2621-2622, 2623-2624, 2625-2626, 2627-2628, 2629-2630, 2631-2632, 2633-2634, 2635-2636, 2637-2638, 2639-2640, 2641-2642, 2643-2644, 2645-2646, 2647-2648, 2649-2650, 2651-2652, 2653-2654, 2655-2656, 2657-2658, 2659-2660, 2661-2662, 2663-2664, 2665-2666, 2667-2668, 2669-2670, 2671-2672, 2673-2674, 2675-2676, 2677-2678, 2679-2680, 2681-2682, 2683-2684, 2685-2686, 2687-2688, 2689-2690, 2691-2692, 2693-2694, 2695-2696, 2697-2698, 2699-2700, 2701-2702, 2703-2704, 2705-2706, 2707-2708, 2709-2710, 2711-2712, 2713-2714, 2715-2716, 2717-2718, 2719-2720, 2721-2722, 2723-2724, 2725-2726, 2727-2728, 2729-2730, 2731-2732, 2733-2734, 2735-2736, 2737-2738, 2739-2740, 27





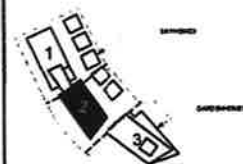
DIALOG



DESIGNED FOR
A. 21 LANEY, DONALDSON & PARTNERS
B. (LAWYER) DONALDSON & PARTNERS
FOR THE DEVELOPER OF THE
LOT 101 FOR CONSTRUCTION

NOTES:
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**BLDG 2 - LEVELS 4 & 5
FLOOR PLANS**
OWNER: [illegible]
DESIGNED BY: [illegible]
DATE: [illegible]
RAIL YARDS, LOT H & J
A2.22



ISSUED FOR

A 30-DAY DEVELOPMENT PERMIT
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WORKS WITH THE ARCHITECTS AND ENGINEERS TO SET THE PROJECT'S SCOPE, DEVELOP THE PROJECT'S CONCEPT AND DESIGN, AND MANAGE THE PROJECT'S CONSTRUCTION.

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CHALLENGE

QUESTIONS AND COMMENTS

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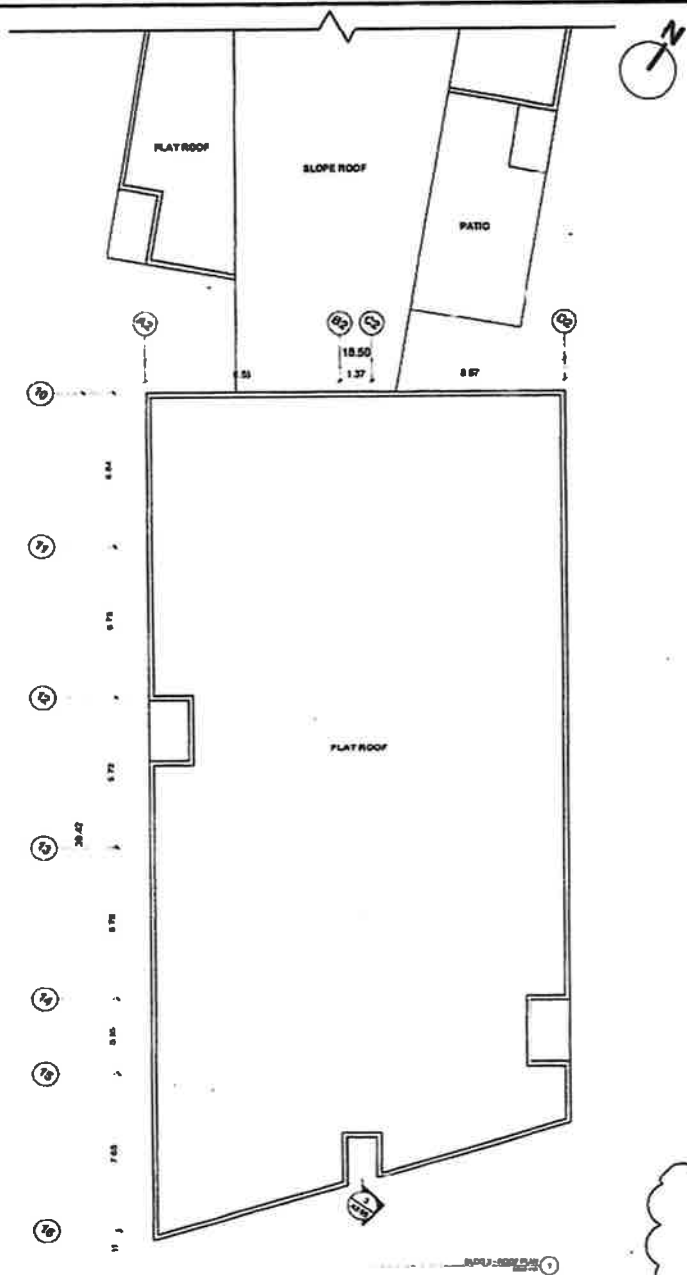
BLDG 2 - ROOF PLAN

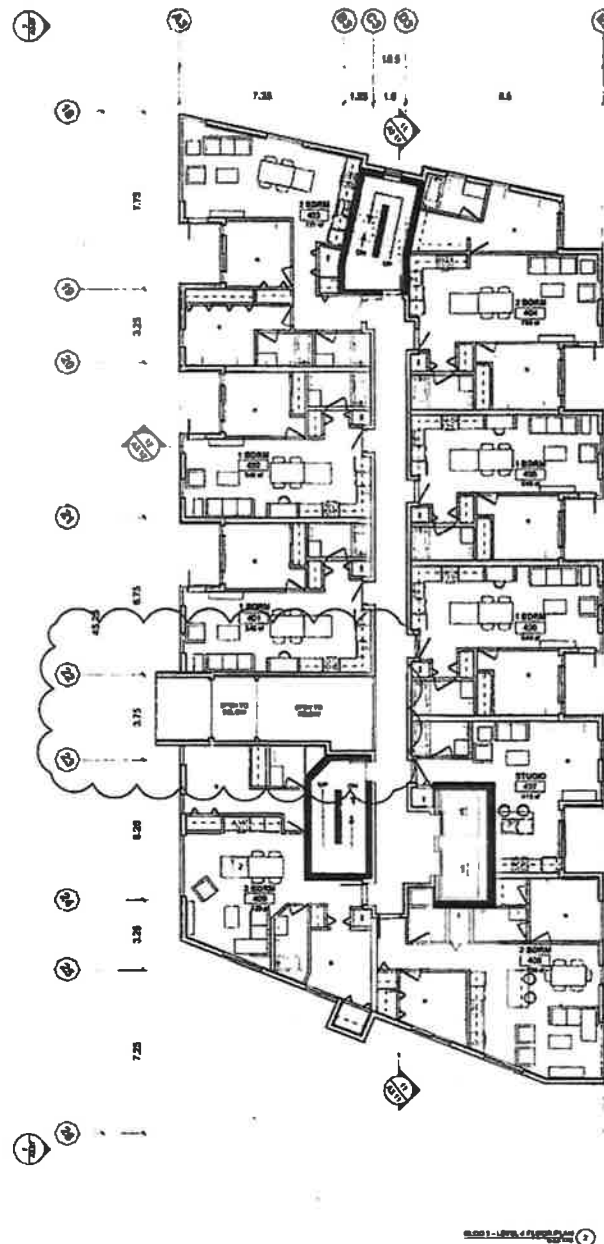
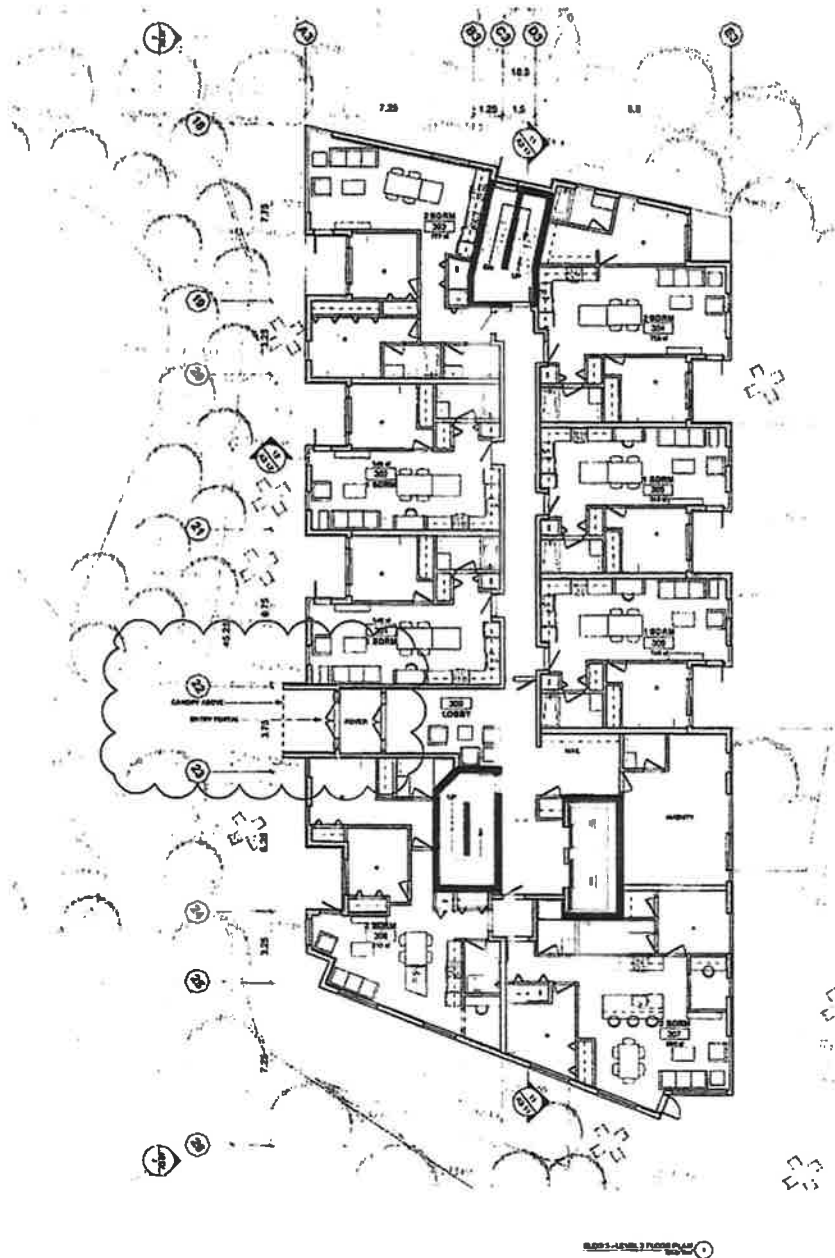
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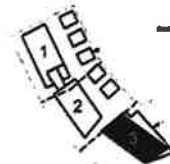
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- 24





DIALOG



- A 25 JANUARY DEVELOPMENT PERMIT
B 14 AUGUST DEVELOPMENT PERMIT REVOCATION

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Abstract

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Tel: 502/584-1100 Fax: 502/584-0320
dunlap@att.net

OWNER:
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THE WORLD OF
THE FUTURE

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號九

RAILYARDS, LOT H & J

Wageningen, DC

**BLDG 3 - LEVEL 3 & 4
FLOOR PLANS**

EXPENSES: ALL BY
FLOOR DATE: 2/1/75

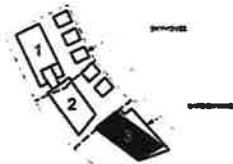
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RAILYARDS, LOT H & J

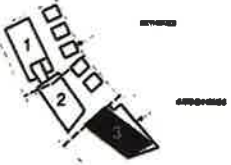
VICTORIA, BC

BLDG 3 - LEVEL 5-7
FLOOR PLANS

DRAWN: ADJUST
PLOT: WHITE: 2000

A2.32

DIALOG

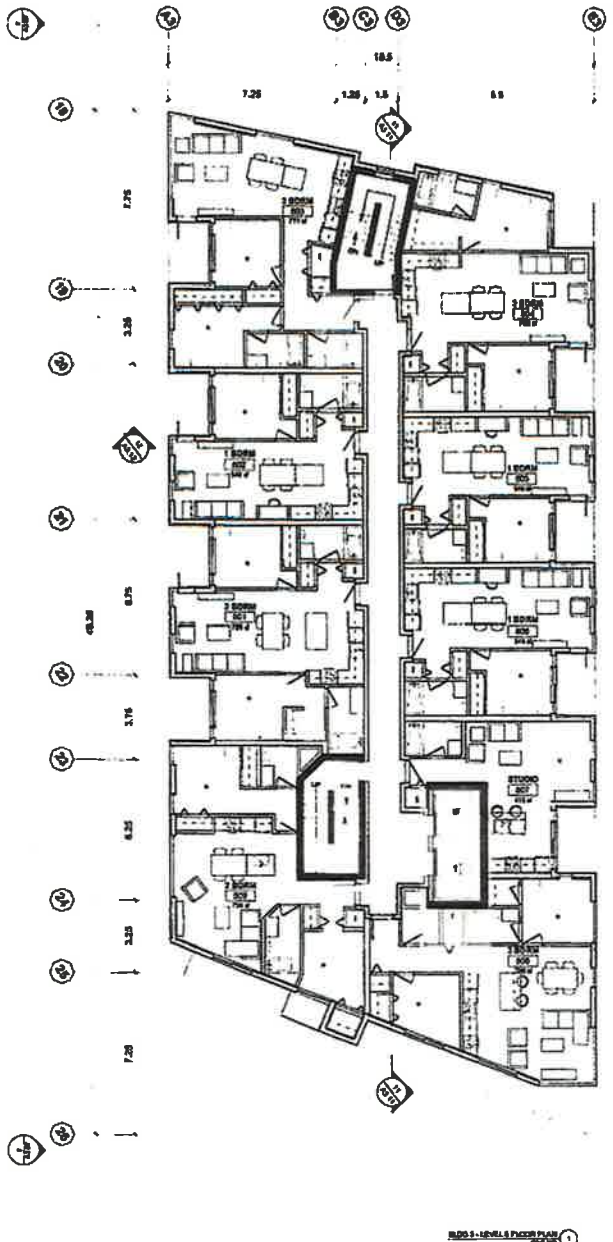
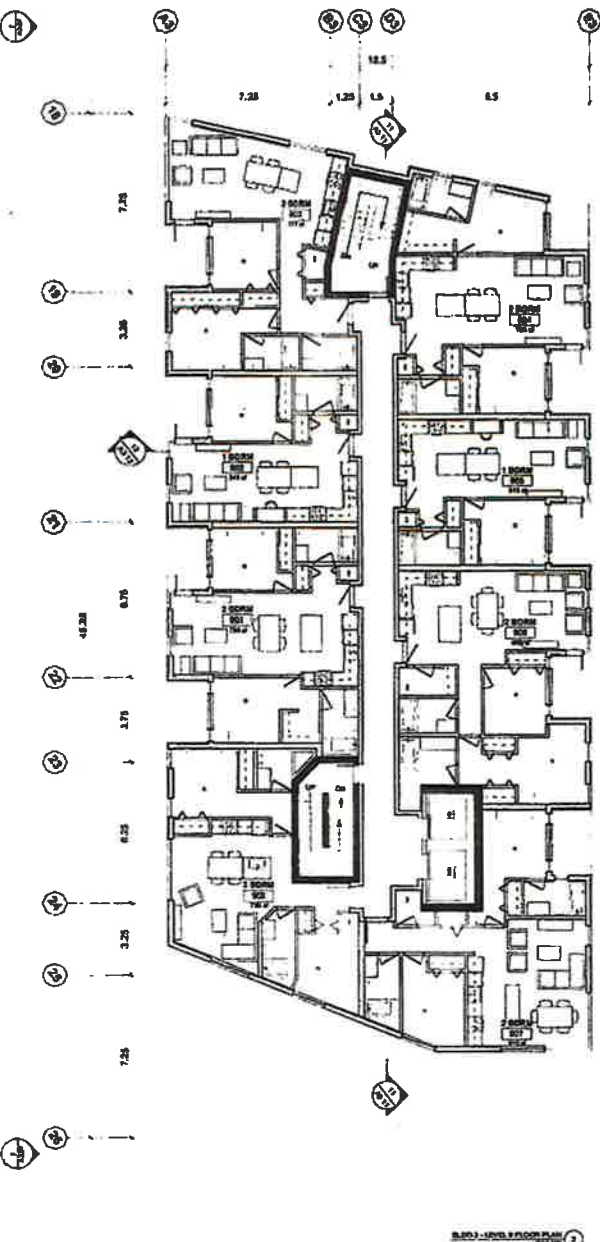


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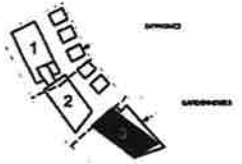
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RAILYARDS, LOT H & J
VICTORIA, BC
BLDG 3 - LEVEL 8 & 9 FLOOR PLANS
 DRAWN: JPD/STB
 CHECKED: JPD/STB
A2.33

Victoria City Council - 24 Mar 2016



DIALOG



ISSUED FOR
 A. 28.40% DEVELOPMENT PERMIT
 B. 14.40% DEVELOPMENT PERMIT DIVISION
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ARCHITECT & PRIME CONSULTANT
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OWNER:
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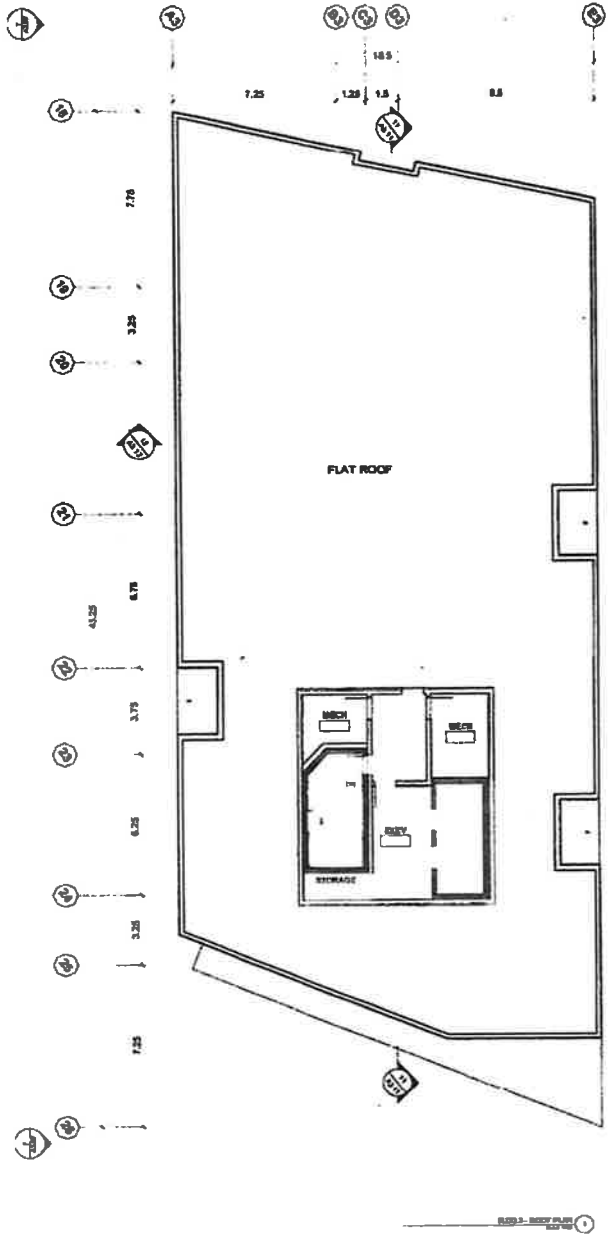
RAILYARDS, LOT H & J

WCHSRA, INC

BLDG 3 - ROOF PLAN

DRAWN: JG/ST
 PLOT DATE: 01/14/15

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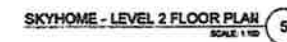
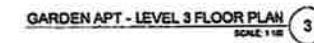
TYPICAL UNIT PLANS
GARDEN APT-LVLS 1-4
SKY HOMES - LVLS 1-4

**GRAPHIC
FILE NAME: 100000**

CHANGES

A2.41

Victoria City Council - 24 Mar 2016



102481

- A. ELIANNIS DEVELOPMENT POINT
B. MALLOS DEVELOPMENT POINT REVISIONS

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METHOD

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CONTRACTS—The contract providing mutual security between the contractor and subcontractor is the contract that provides the basis for the relationship between the two parties.

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VICTORIA, BC

WEST ELEVATION

**GRAPHIC AD
PLACE ORDER 97-0001**

CONCLUSIONS

A3.00

WORLD JOURNAL OF SURGERY, 2010, 32(10):1075-1079

Victoria City Council - 24 Mar 2016



WEST ELEVATION LEGEND

SCALE 1:200

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WEST STREETSCAPE ALONG TYEE RD

SCALE 120

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- B 14 AUG 15 DEVELOPMENT PERMIT REVISION

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EAST ELEVATION - LEGEND 2A
SCALE 1:250



EAST STREETSCAPE ELEVATION 2B
SCALE 1:250

REAL

RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATION

REVISION AND
PLOT DATE 01/10/15

A3.01

REVISION AND
PLOT DATE 01/10/15

Victoria City Council - 24 Mar 2016

A 28 JAN15 DEVELOPMENT PERMIT
B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
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METRIC

Real-time monitoring of the system's performance is a key feature of the system. The system is designed to be highly scalable and flexible, allowing it to be adapted to a wide range of applications.

The system is designed to be highly scalable and flexible, allowing it to be adapted to a wide range of applications. The system is designed to be highly scalable and flexible, allowing it to be adapted to a wide range of applications.

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LIFE OF THE COMPANY
OF THE COMPANY
VICTOR H. H. H. H.
7-10-10-10-10-10

CHARGE NO.
PLDT DATE 8/14/73

A3.02

[illegible]

Victoria City Council - 24 Mar 2016





2000

A 28 JAN 15 DEVELOPMENT PERMIT
D 14 AUG 15 DEVELOPMENT PERMIT REVISIONS
FOR AIR CONDITIONING
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METROG

[illegible]

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2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 2688-2689, 2690-2691, 2692-2693, 2694-2695, 2696-2697, 2698-2699, 2700-2701, 2702-2703, 2704-2705, 2706-2707, 2708-2709, 2710-2711, 2712-2713, 2714-2715, 2716-2717, 2718-2719, 2720-2721, 2722-2723, 2724-2725, 2726-2727, 2728-2729, 2730-2731, 2732-2733, 2734-2735, 2736-2737, 2738-2739, 2740-27

OWNER:
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11

RAIL YARDS, LOT H & J

VEDANTA, INC.

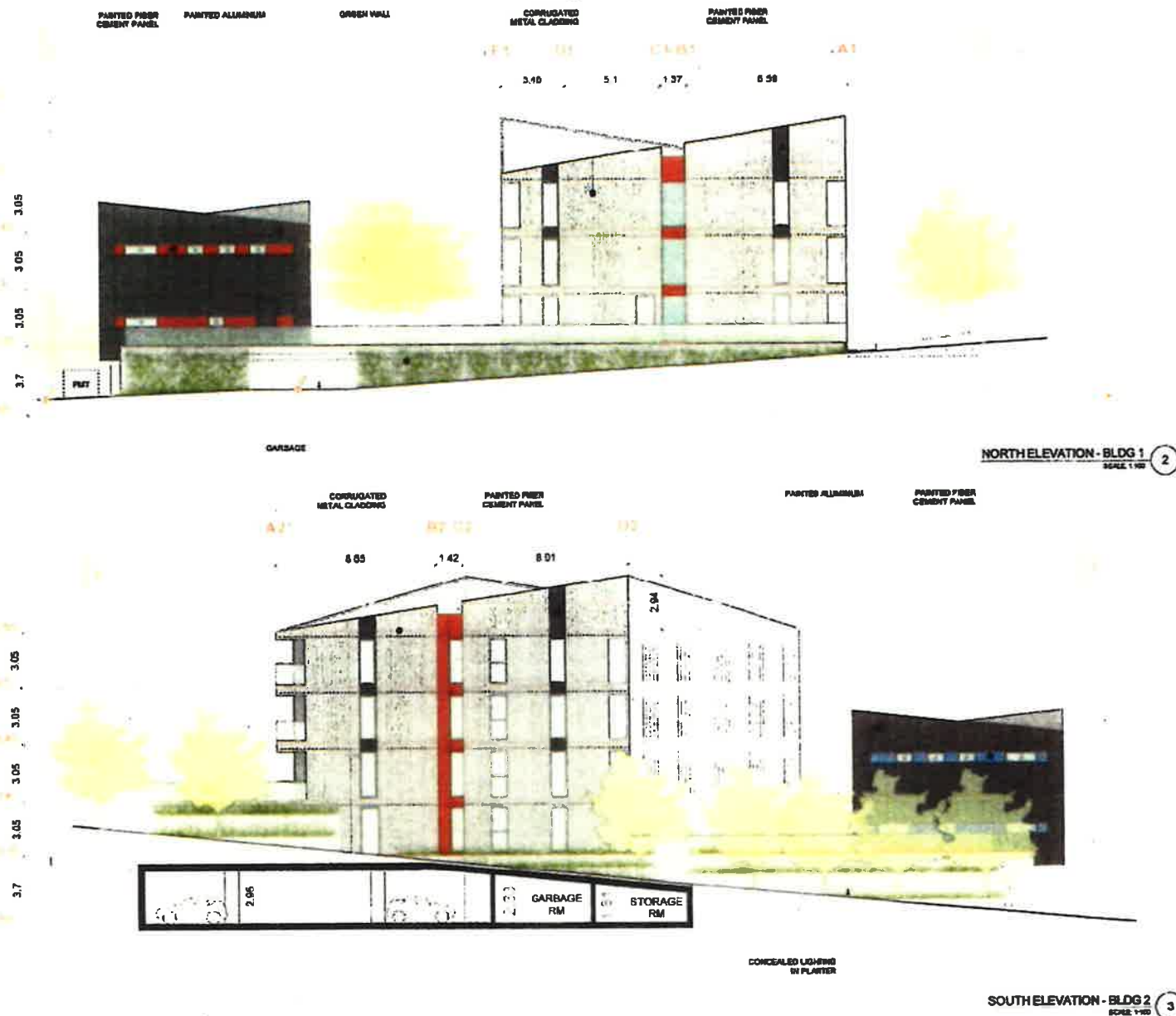
NORTH & SOUTH ELEVATION:

BLDG 1 & 2

**PLEASE DO
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A3.03

100



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A 28 JAN 15 DEVELOPMENT PERMIT

B 14 AUG 13 DEVELOPMENT PERMIT REVISION

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 ARE THE KEY TO THE COMPANY'S SUCCESS.
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ARCHITECT & PRIME CONSULTANT:
DAVID W. ARCHITECTURE FIRM INC.
2000 10TH AVENUE S.W.
SUITE 201 ALBUQUERQUE
NEW MEXICO 87102
Tel: 505/263-0000 Fax: 505/263-0700

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LAWRENCE AND HENDERSON
CORPORATION
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SUITE 200 ALBUQUERQUE

RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATION

BLDG 1 & 2

DRIVER AG
PLAT DATE: 01/01/95

A3.04

RESEARCH DESIGN

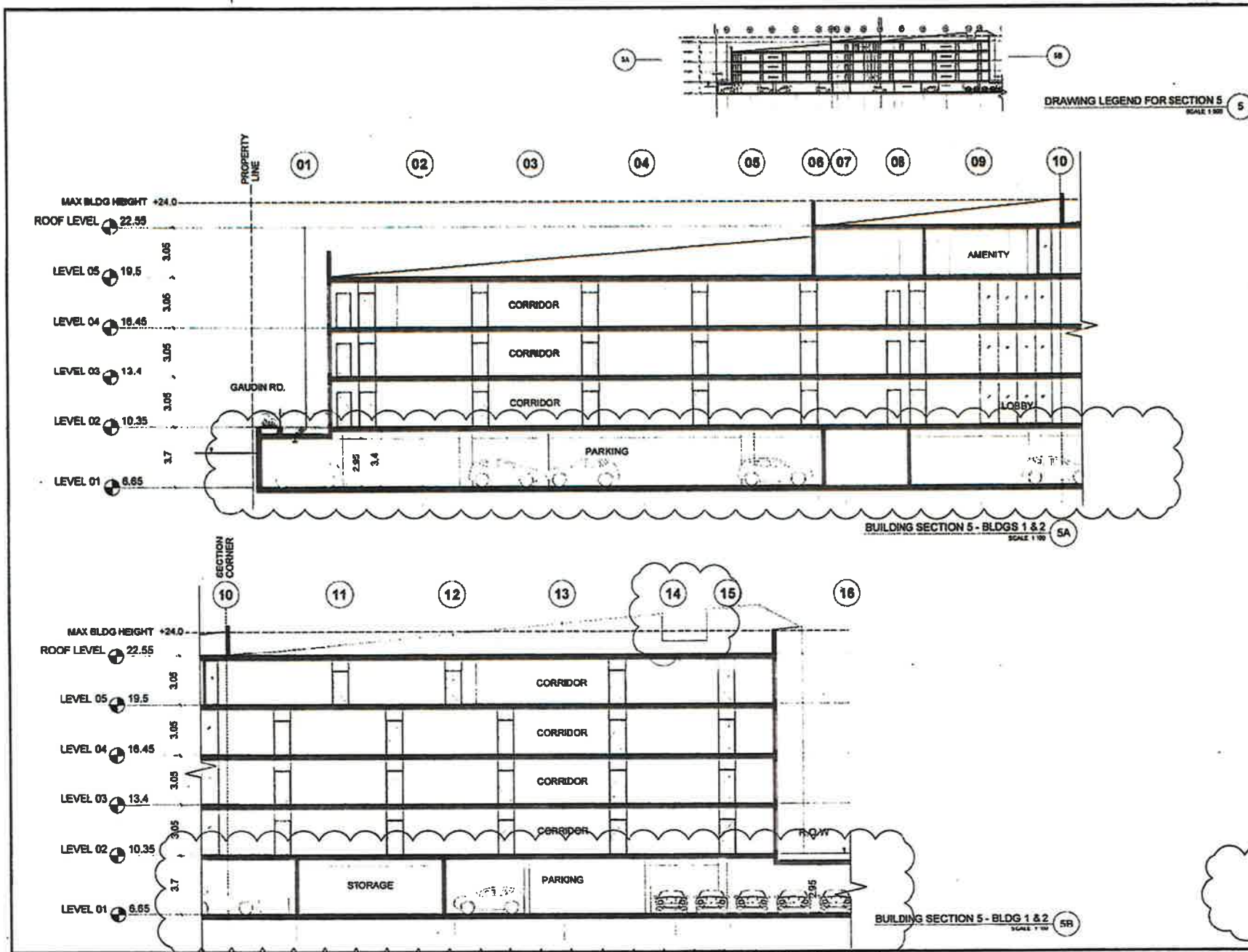
Victoria City Council - 24 Mar 2016



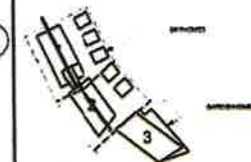
EAST ELEVATION - BLDG 2



EAST ELEVATION - BLDG 1



DIALOG



ISSUED FOR

- A 28 JAN 15 DEVELOPMENT PERMIT
- B 14 AUG 15 DEVELOPMENT PERMIT REVISIONS

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Dimensions are given in millimeters and meters. All dimensions are to be used for construction. All dimensions are to be used for construction. All dimensions are to be used for construction.

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RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

BLDG 1 & 2

A3.05

24 Mar 2016

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- A 28 JANUARY DEVELOPMENT PERMIT
B 14 AUGUST DEVELOPMENT PERMIT REVOKED

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ARCHITECT & ENGINEER CONSULTANT:

1-800-368-5848 Fax 603/233-5725

OWNER:
MORRIS, with Developer
BENJAMIN D. MORRIS
10000 N. 10th Ave.
Tucson, AZ 85712

REAL

RAILYARDS, LOT H & J

VICTOR, INC.

WEST ELEVATION

BLDG 3

PLANT AND
PLOT DATE SHEET

A3.07

Abstract

Victoria City Council - 24 Mar 2016



WEST ELEVATION - BLDG 3
SCALE: 1/8"=1'-0"

20.000 PERMITS

A 28 JANUARY DEVELOPMENT PERMIT

B 14 AUGUST DEVELOPMENT PERMIT REVISIONS

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 10001 20th Avenue, Suite 100
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 Tel: 415.398.1100 Fax: 415.398.1101

OWNER:
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RAILROADS
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RAILROADS

—**REAL**

RAIL YARDS, LOT H & J

VICTORIA, BC

NORTH ELEVATION

BLDG 3

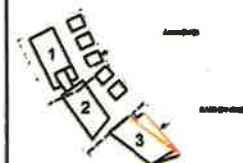
DRINK AND
PUSH OUT THE STAYERS

A3.08

Victoria City Council - 24 Mar 2016



NORTH ELEVATION - BLDG 3 8



CONCLUSIONS

- A 28 JAN 16 DEVELOPMENT PERMIT
B 14 AUG 15 DEVELOPMENT PERMIT REVISIONS

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THESE RESULTS ARE CONSISTENT WITH THE FINDINGS OF OTHER STUDIES THAT HAVE SHOWN THAT THE USE OF A PRACTICE MANUAL CAN IMPROVE THE QUALITY OF THE WORK OF A PERSON.

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 CHICAGO, ILL.
 1950-1951

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Journal of Internal Medicine 255: 103–110

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REAL

RAILYARDS, LOT H & J

YETOMA, NC

EAST ELEVATION

BLDG 3

DRAWING AND
PLOT DATE: 01/11/15

A3.09

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EAST ELEVATION - BLDG 3
SCALE 1/8" = 1'-0"

QUESTIONS FOR

A 25 JANUARY DEVELOPMENT PERMIT

B 14 AUGUST DEVELOPMENT PERMIT REVISIONS

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RAILYARDS, LOT H & J **2a**

WE FORM, INC.

SOUTH ELEVATION

BLDG 3

PRINTED AT
PLOT DATE: 01/20/03

A3.10 - 24

a

Victoria City Council - 24 Mar 2016

FIBER CEMENT PANEL

1992, 1993, 1994

7.88

141, 148

9 26

202

**GARDEN
APARTMENTS**

**SPICE
DEDICATION**

SOUTH ELEVATION - BLDG 3
SCALE: 1/8" = 1'-0"

16000 FOR

A 48 HOURS DEVELOPMENT PERMIT

B 14 DAYS DEVELOPMENT PERMIT REVIEW

FOR PERMITATION OR

211 FOR CONSTRUCTION

ALL ENGINEERS ARE IN FULL ATTENTION AND SHOULD BE NOTED
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 6000 BROADVIEW AVENUE
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 1. _____
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RAILYARDS, LOT H & J

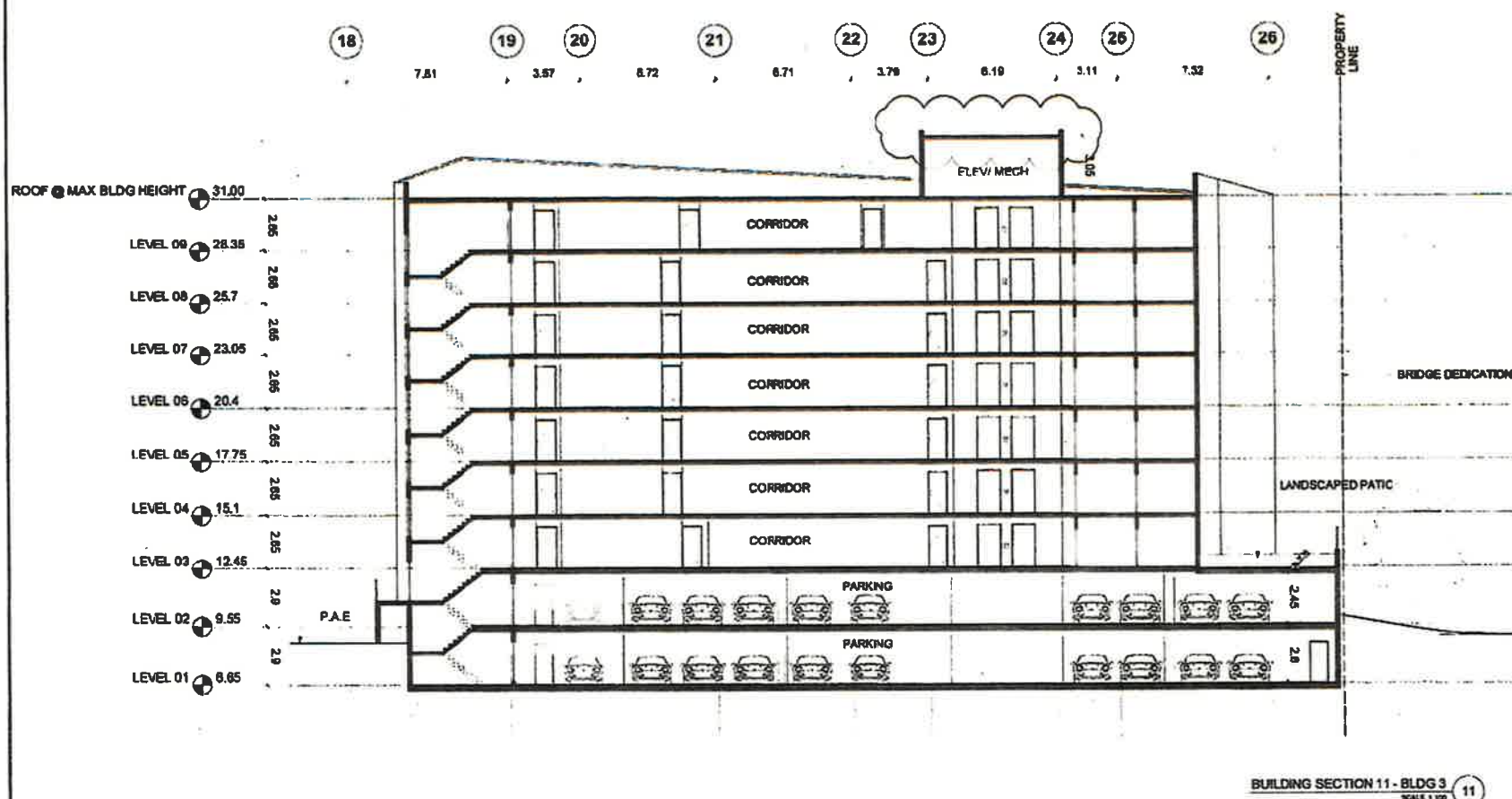
WETTER

BUILDING SECTION

BLDG 3

CRANES AG
PLANT EXPERTS

A3.11



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 2000 GOLF COURSE DRIVE, SUITE 100
 BIRMINGHAM, AL 35244-1100
 205/988-1100 FAX 205/988-1101

OWNER:
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JAMES H. HARRIS
JAMES H. HARRIS
JAMES H. HARRIS

1

RAILYARDS, LOT H & J

WESTON, MO.

BUILDING SECTION

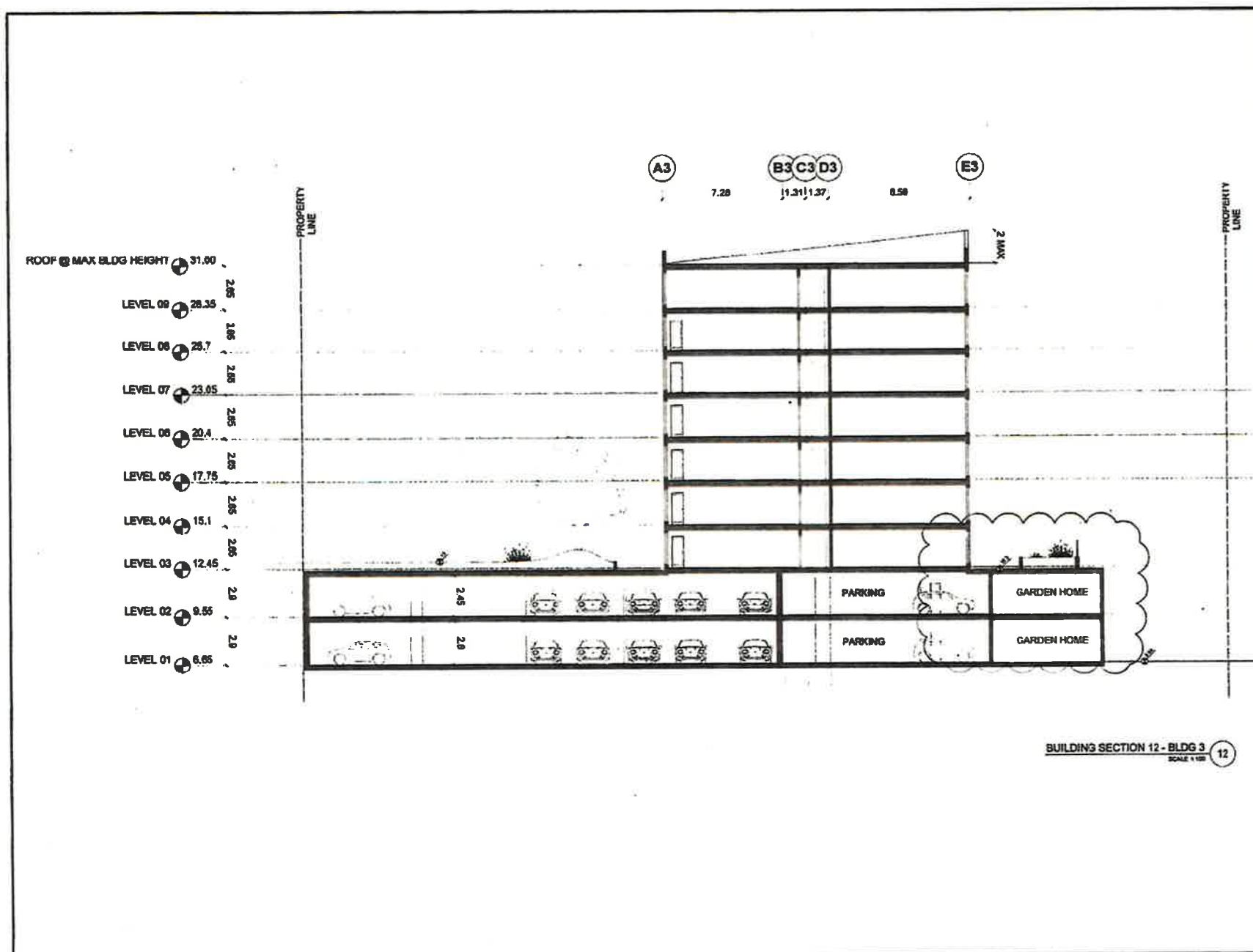
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Pg. 127 10/25/2000

A3.12

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STUDY 202

- 4 20,000% DEVELOPMENT PERMIT
5 14,000% DEVELOPMENT PERMIT FIVEFOLD

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11

RAILYARDS, LOT H & J

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

**EAST ELEVATIONS -
GARDEN HOMES
& SKY HOMES**

DRINK AD
NOT DATE BRAND

A3.13

WILLIAM B. GARDNER, JR.

Victoria City Council - 24 Mar 2016



UNITED STATES

- A. 28 JANUARY DEVELOPMENT PERMIT
B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

METRO

W. S. MATHIAS, JR., President, W. S. Mathias & Co., Inc., 100 N. Main St., New York, N.Y. 10038.

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1-800-368-2828

—

RAILYARDS, LOT H & J

VERBA

WEST ELEV. - SKY HOMES
SOUTH ELEV. - PHASE 1

PRINTED AND
PUBLISHED BY

A3.14

WEST ELEVATION - SKY HOMES 15

SOUTH ELEVATION - PHASE 1 16

TURNING POINT

- A 29 JAN 75 DEVELOPMENT PERMIT
B 14 AUG 75 DEVELOPMENT PERMIT REVISIONS

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METRIC[illegible]

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved.

ARCHITECT & PRIME CONSULTANT[illegible]

DYMER

THE

SEA

RAILYARDS, LOT H & J

VICTORIA, BC

SOUTH ELEVATION - PHASE 2

CRANE AG
FLOR. DATE: 01/01/11

✓ **CHARGE**

A3.15

CONTRACTS

[illegible]

L0.01

Victoria City Council - 24 Mar 2016



[illegible]

**CHURN
PLOT DATE STARTS**

L0.03

[illegible]

SEAL

Victoria City Council

RAILYARDS, LOT H & J

VICTORIA, BC

TREE PRESERVATION PLAN

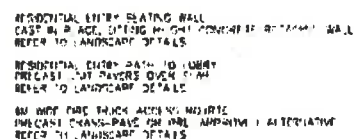
CRASH
FLYING CAR, SPEED

L0.04

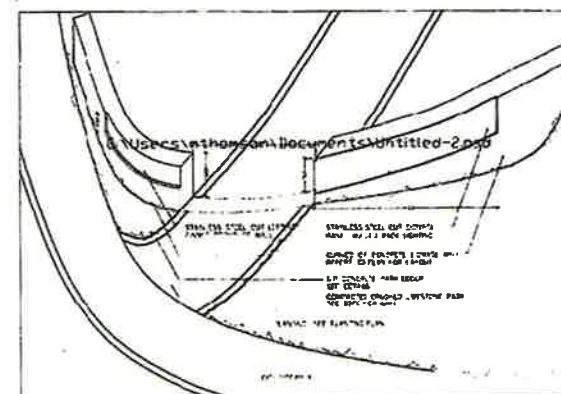
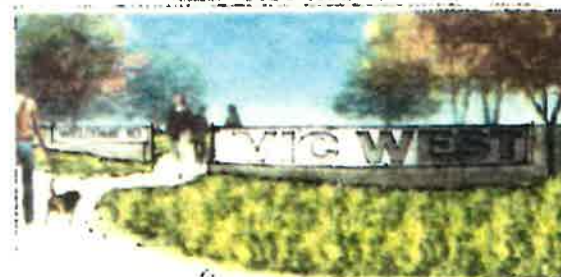


DATE: _____
PAGE: _____

L0.05

[illegible]

- NO CONCRETE ENTRY SIGNAGE UNIT, WITH CELL LETTERS/SIGNAGE ELEMENTS AND LED LIGHTING
- ENTRY PATHWAY DRUSHED, IMPROVED PATHWAY WITH CONCRETE TYPING
- EXISTING SIGNAGE TO BE REMOVED



ISSUED FOR

A 28 JANIS DEVELOPMENT PERMIT

B 24 JULAS DEVELOPMENT PERMIT

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[illegible]

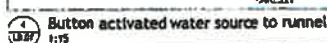
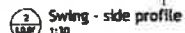
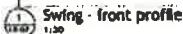
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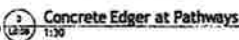
RAILYARDS, LOT H & J is

ENTRY PLAZA & NEW SIGNAGE

ORIGIN
DUST OFFER 10/11/11

L0.06





PAVING TYPE A - C.I.P. CONCRETE PAVING ON SLAB



Victoria City Council - 24 Mar 2016

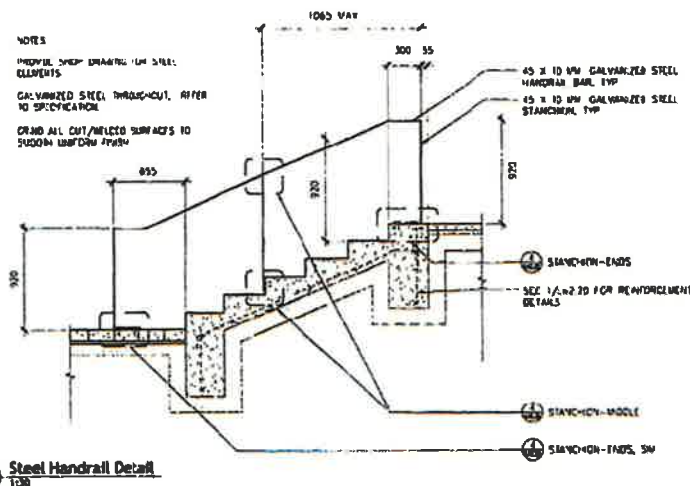


TABLE FOR

A	25 JAN 13	DEVELOPMENT PERMIT
B	24 JAN 13	DEVELOPMENT PERMIT REVISION

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METRIC

The *Environmental Performance Index* (EPI) is a composite index that ranks countries on the basis of their environmental performance. The index is based on 10 indicators that are grouped into three categories: air quality, water quality, and waste management. The index is calculated on a scale of 0 to 100, with 100 representing the best performance. The index is published annually by the Environmental Program of the United Nations Development Programme (UNEP).

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NEW YORK, N.Y. 10018

1

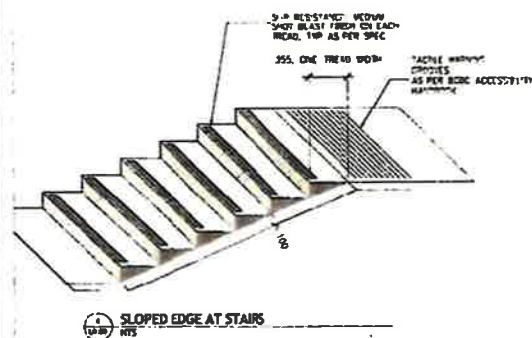
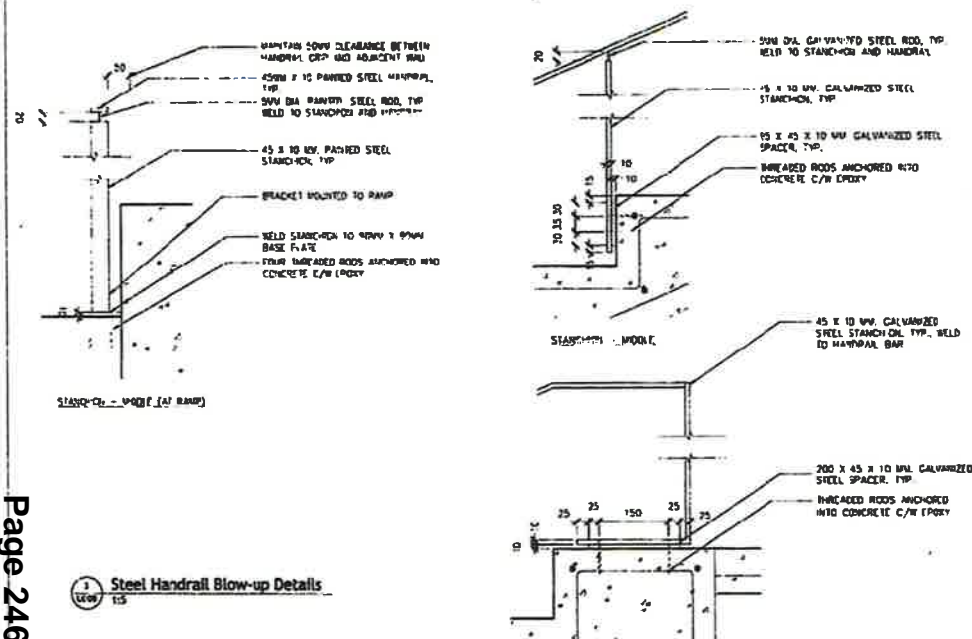
RAILYARDS, LOT H & J

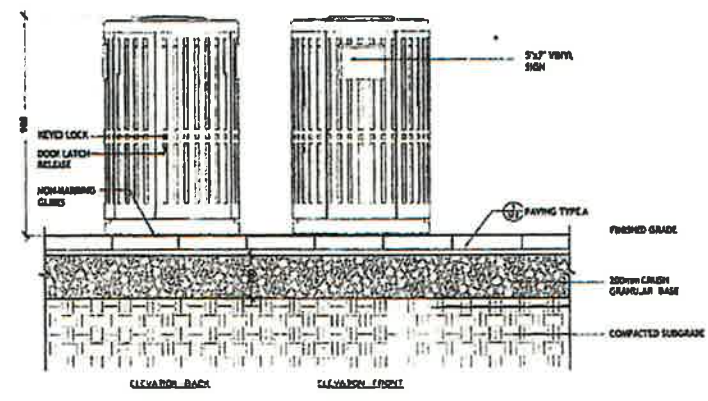
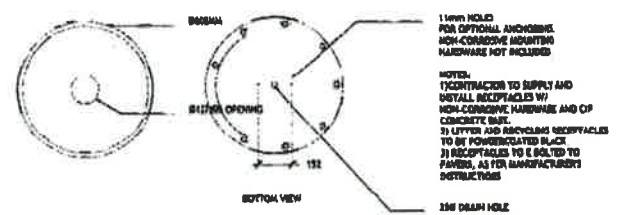
VICTORIA, BC

STAIR AND RAILING DETAIL

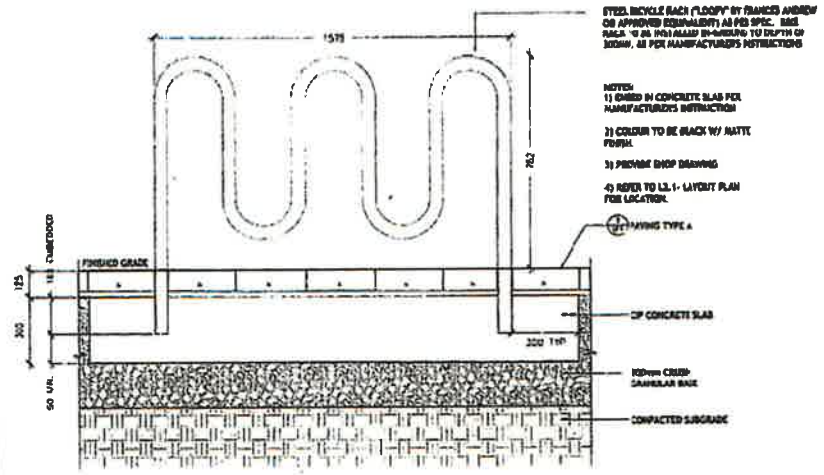
**GRAND
PICK BACK SPOT**

LO.09

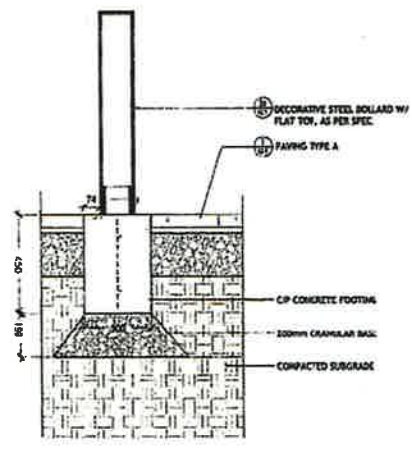




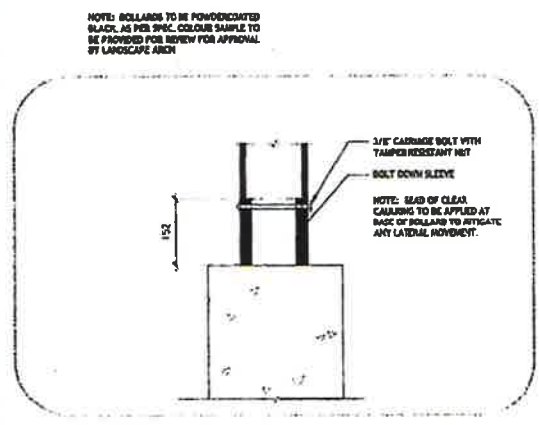
RECYCLING RECEPTACLE W/ LOCK- OPTIONAL ITEM
1:10



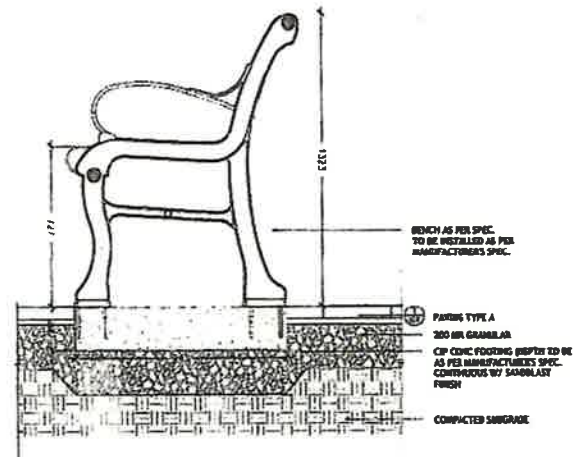
BIKE RACK
1:10



STEEL BOLLARD - SURFACE MOUNT (REMOVABLE)
1:10



DETAIL-STEEL BOLLARD (REMOVABLE)
1:5



BENCH- As per City Standard
1:10

FOR INFORMATION OF
NOT FOR CONSTRUCTION

METRIC

ARCHITECT & PRIME CONSULTANT

OWNER:

RAILYARDS, LOT H & J

SITE FURNISHINGS

L0.10

ISSUED FOR
 A 28 JUNE DEVELOPMENT PERMIT
 B 24 JULY DEVELOPMENT PERMIT REVISIONS
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ARCHITECT & PRIME CONSULTANT
 DIALOG ARCHITECTS
 100-1000
 100-1000
 100-1000
 100-1000

OWNER
 VICTORIA CITY COUNCIL
 100-1000
 100-1000
 100-1000

SEA

RAILYARDS, LOT H & J

VICTORIA, BC

LANDSCAPE SECTIONS 1

DATE: 10/01/2016

CHANGED

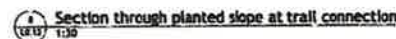
L0.12

1 Section through Public trail at entry to Building 1.

2 Section through Public Trail at new Bus stop location

3 Section through top of Public connection/ROW between Buildings 2 & 3

4 Section through Public Entry Plaza and entry to Building 3



METRIC
 The following information also appears in other
 publications. Contact your local Metric office for more
 information.

ALL CONSULTANTS AND ARCHITECTS ARE INVITED TO PARTICIPATE
 (Open and Close Dates)

REPORT INFORMATION will be received by the architect
 and published in the Metric magazine.

Shortlisted Architectural Firms will be invited to submit
 a design proposal, which will be reviewed by the Metric
 Committee.

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—

RAILYARDS, LOT H & J

VERBODEN

LANDSCAPE SECTIONS 5-8

**CLIMATE
FLOW BACK, STOPS**

L0.13

REPORTS OF THE COMMITTEES**2. Planning and Land Use Committee – October 1, 2015****1. Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000404 for 701 Tyee Road, in accordance with:

- 1. Plans date stamped August 24, 2015.*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - a. Reduce the north setback (Gaudin Road) from 3.5m to nil;*
 - b. Reduce the south setback from 4m to nil for Phases 1 and 2;*
 - c. Reduce the south setback from 4m to 3.5m;*
 - d. Increase the height in DA-H from 24m to 25.49m for Phase 2;*
 - e. Increase the height in DA-J from 31m to 33m for Phase 3;*
 - f. Reduce parking from 50 stalls to 49 stalls for Phase 1;*
 - g. Reduce parking from 185 stalls to 178 stalls; and*
 - h. Reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.*
- 3. The Development Permit lapsing two years from the date of this resolution.*
- 4. Revised plans to the satisfaction of staff that:*
 - a. Either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;*
 - b. Provide further details of the proposed grass pave finish;*
 - c. Provide comprehensive details relating to landscaping for Phases 1 and 2; and*
 - d. Provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.*
- 5. Referral to the Advisory Design Panel for a comprehensive review and with particular attention to the following issues:*
 - a. The design of building entrances facing Tyee Road;*
 - b. The design and appearance of the "Sky Home" end units; and*
 - c. The treatment of parkade walls that project above grade.*
- 6. An amendment to the Railyards Master Development Agreement, to the satisfaction of staff, to:*
 - a. Address proposed revisions to the public parking required in conjunction with Bridges Park and the path from Tyee Road to Central Spur Road; and*
 - b. Secure cost estimates for all required on-site services, off-site services and public amenities prior to any building in proposed Phase 1 being occupied.*
- 7. A Public Access Easement registered on title, to the satisfaction of staff, to secure public access through the site from Tyee Road to Central Spur Road.*
- 8. A Statutory Right-of-Way registered on title, to the satisfaction of staff, to secure public access to the Victoria West Entry Park and public pathways located on private land adjacent to Tyee Road.*
- 9. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff."*

Carried Unanimously

2. Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council direct that staff report back to Council after the application is reviewed by the Advisory Design Panel, on the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons.

Carried Unanimously

4. DEVELOPMENT APPLICATION REPORTS

4.1 Development Permit with Variances Application No. 000404 for 701 Tyee Road (Railyards)

Committee received a report regarding an application for 701 Tyee Road (Railyards). The application is to authorize the design, siting and landscaping for a 144 unit apartment to be constructed in three phases.

Committee discussed:

- Concerns regarding the smaller vehicle parking spots and the type of vehicles that could be accommodated.
 - Affordability and the range of housing types that will be built.
 - Sustainability features and if there is an opportunity to request that LEED standards be incorporated.
- Concerns from the Community Association regarding the lack of community gardens and affordable housing.
- The pathway and if there was a way to ensure the City will retain the right-of-way.

Action: It was moved by Councillor Young, seconded by Councillor Coleman, that Committee recommends this report be forwarded to Council and that after giving notice and allowing an opportunity for public comment, that Council consider the following motion:

Committee discussed:

- Why the park cannot be built at the onset.
 - The area will be under construction and the land will be used as a staging area for equipment.
- The lack of affordability options and inclusionary zoning. There are no legal requirements built in.
- The public wants more sustainability features looked at.
- The timing of amenities.
- The need to develop policies to ensure that any amenities desired be requested at the beginning of the application process instead of at the time of the public hearing.
- If there is a mechanism by which the City remains the owner of the public pathway.

That Council authorize the issuance of Development Permit Application No. 000404 for 701 Tyee Road, in accordance with:

1. Plans date stamped August 24, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Reduce the north setback (Gaudin Road) from 3.5m to nil;
 - b. Reduce the south setback from 4m to nil for Phases 1 and 2;
 - c. Reduce the south setback from 4m to 3.5m;
 - d. Increase the height in DA-H from 24m to 25.49m for Phase 2;
 - e. Increase the height in DA-J from 31m to 33m for Phase 3;
 - f. Reduce parking from 50 stalls to 49 stalls for Phase 1;

- g. Reduce parking from 185 stalls to 178 stalls; and
- h. Reduce the bicycle storage (Class 1) from 40 stalls to 28 stalls for Phase 1.
- 3. The Development Permit lapsing two years from the date of this resolution.
- 4. Revised plans to the satisfaction of staff that:
 - a. Either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;
 - b. Provide further details of the proposed grass pave finish;
 - c. Provide comprehensive details relating to landscaping for Phases 1 and 2;
 - d. Provide reduced annual landscaping maintenance costs within Bridges Park and along Tyee Road.
- 5. Referral to the Advisory Design Panel for a comprehensive review and with particular attention to the following issues:
 - a. The design of building entrances facing Tyee Road;
 - b. The design and appearance of the "Sky Home" end units; and
 - c. The treatment of parkade walls that project above grade.
- 6. An amendment to the Railyards Master Development Agreement, to the satisfaction of staff, to:
 - a. Address proposed revisions to the public parking required in conjunction with Bridges Park and the path from Tyee Road to Central Spur Road;
 - b. Secure cost estimates for all required on-site services, off-site services and public amenities prior to any building in proposed Phase 1 being occupied.
- 7. A Public Access Easement registered on title, to the satisfaction of staff, to secure public access through the site from Tyee Road to Central Spur Road.
- 8. A Statutory Right-of-Way registered on title, to the satisfaction of staff, to secure public access to the Victoria West Entry Park and public pathways located on private land adjacent to Tyee Road.
- 9. That Council authorize staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to staff.

CARRIED UNANIMOUSLY 15/PLUC210

Action: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Committee recommends that Council direct that staff report back to Council after the application is reviewed by the Advisory Design Panel, on the feasibility of retaining the provision in the Master Development Agreement of the City acquiring ownership title to the public access from Tyee Road to Central Spur Road, including the legal mechanism and pros and cons

CARRIED UNANIMOUSLY 15/PLUC211

PLUC meeting
October 1, 2015

**MINUTES OF THE
ADVISORY DESIGN PANEL
HELD WEDNESDAY, OCTOBER 28, 2015, 12 P.M.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 12:05 P.M.

Panel Members Present: Rod Windjack (Chair); Brad Forth; Cynthia Hildebrand; Mickey Lam; Ann Katherine Murphy; Christopher Rowe

Absent: Barry Cosgrave; Gerald Gogos; Mike Miller

Staff Present: Mike Wilson – Senior Planner - Urban Design;
Jim Handy– Senior Planner - Development Agreements;
Charlotte Wain – Senior Planner - Urban Design;
Quinn Anglin - Secretary

Barry Cosgrave joined the meeting at 12:07 P.M.

2. APPLICATIONS

2.1 Development Permit No. 000404 for 701 Tyee Road

The proposal is to construct 144 residential units on the undeveloped portion of the Railyards.

Applicant Meeting attendees: Mr. Joost Bakker, DIALOG
Mr. Matthew Thomson, DIALOG

Mr. Handy provided the Panel with a brief introduction of the Application and the areas that Council is seeking advice on, including the following:

- Design of building entrances facing Tyee Road.
- Design and appearance of the “Sky Home” end units.
- Treatment of the parkade walls that project above grade.

Mr. Thomson and Mr. Bakker then provided the Panel with a detailed presentation of the proposal.

Panel Members discussed:

- Views of the eight-storey building from the Bay Street Bridge, particularly in relation to the architectural design and treatment of the south east corner of the building.
- The visibility of the main building entrances from Tyee Road.
- Landscape treatment of the undeveloped areas between phases of construction.
- The proposed crushed limestone finish for pathways and its practicality for strollers, wheelchairs, and pedestrians. Building entrance canopies should be increased to provide for adequate weather protection and improve visibility from Tyee Road.
- The lack of dedicated parking stalls for the proposed park.

- The application of colour, particularly on Building 3 to improve the expression of building volumes.
- The proposed screening of the garbage and recycling area and the proposed access for garbage pickup.
- Concerns relating to the terminus of Central Spur Road as an adequate vehicle turn around and on-street parking has not been proposed.
- The expression of the east elevation of the 8-storey building.
- The delivery of the public park is proposed as part of Phase 3 of the development. Panel members discussed delivering the public park as part of Phase 2.
- Major public pathway between the street and site down is not constructed until the construction of the final phase.
- The landscape design within the area of the bridge dedication should be considered by the City prior to the completion of the first phase.
- The proposed landscape screening of the exposed parking garage walls is acceptable.
- The treatment of the Sky Home end units is acceptable.

Action:

MOVED / SECONDED

It was moved by Rod Windjack, seconded by Brad Forth, that the Advisory Design Panel recommend to Council that Development Permit Application No. 000404 for 701 Tyee Road be approved with consideration of the following:

- Further consideration of the layout and resolution at the end of Central Spur Road.
- Reconsideration of the scale, building finish, landscape materiality, and accessibility of entrances on Tyee Road.
- Provision of the playground as part of the Phase 2 development.
- Provision of landscape treatment between Phases as they are completed.

Amendment:

MOVED / SECONDED

It was moved by Christopher Rowe, seconded by Brad Forth, that the motion be amended as follows:

That the Advisory Design Panel recommend to Council that Development Permit Application No. 000404 for 701 Tyee Road be approved with consideration of the following:

- Further consideration of the layout and resolution at the end of Central Spur Road.
- Reconsideration of the scale, building finish, landscape materiality, and accessibility of entrances on Tyee Road.
- Provision of the playground as part of the Phase 2 development.
- Provision of landscape treatment between Phases as they are completed.
- **Recommend to City staff that they explore the opportunities for providing access from Tyee Road to Central Spur Road through the Bridge Dedication lands.**

On the amendment:
CARRIED UNANIMOUSLY

On the main motion as amended:
CARRIED UNANIMOUSLY

2.2 Development Permit No. 000439 for 1101 Fort Street

The proposal is to construct a six-storey, mixed-use building with 81 residential units and ground-floor commercial/retail

Applicant Meeting attendees: Mr. Korbin Dasilva, Abstract Developments
Mr. Sam Ganong, Abstract Developments
Greg Damant, Cascadia Architects Inc.
Andy Guiry, Cascadia Architects Inc.
Peter Johannknecht, Cascadia Architects Inc.
Scott Murdoch, Murdoch de Greef Inc. Landscape Architects

Ms. Wain provided the Panel with a brief introduction of the Application and the areas that staff are seeking advice on, including the following:

- The potential impacts on the neighbouring Zen building to the east.
- The height of the six-storey street wall along Cook Street and Fort Street
- The blank east elevation as viewed from Meares Street.
- Location of bicycle racks.

Ms. Wain also advised the Panel that this application has not yet been presented before the Planning and Land Use Committee as it does not require any variances.

Mr. Damant and Mr. Ganong then provided the Panel with a detailed presentation of the proposal.

Panel Members discussed:

- The proposal is a contemporary approach but is different to the existing approach along Fort Street.
- How the building relates to the character of Fort Street to the west and the design of retail frontages to respect pedestrian scale at the street level.
- The proposed wood detailing is appreciated, the applicant should explore increasing this along the retail frontage to aid in breaking up long expansions of glass and to add warmth to the expression of the building.
- Opportunities to reduce CPTED concerns associated with the east facing blank wall fronting the rear courtyard and consideration of adding window openings to the wall.
- The landscaped area fronting Meares Street could be improved to offer increased outdoor amenity space for occupants of the proposed live/work units.
- Opportunities to refine the window placement and increase the recess on the second and third floors.

Action:

MOVED / SECONDED

It was moved by Christopher Rowe, seconded by Barry Cosgrave, that the Advisory Design Panel recommend to Council that Development Permit Application No. 000439 for 1101 Fort Street be approved with consideration of the following:

- Revisions to the design of the outdoor amenity space associated with the live/work units to provide for increased private outdoor space.

CARRIED UNANIMOUSLY

3. Approval of Comments on the Proposed Delegation/Exemption Process

- Panel members did not offer any additional comments to those already provided.

4. ADJOURNMENT

The Advisory Design Panel meeting of October 28, 2015 adjourned at 2:20 P.M.

Rod Windjack, Chair

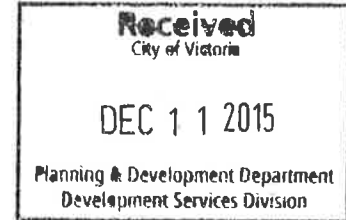
DRAFT

DIALOG

10 December 2015

City of Victoria
Sustainable Planning and Community Development Department
1 Centennial Square
Victoria
BC V8W 1P6

Attention: Jim Handy, MCIP RPP Senior Planner



Dear Jim,

Re: 701 Tyee Road
Development Permit No. 000404

In response to our revised DP submission dated Dec 10, 2015, this letter contains our response to the ADP recommendations from your email dated, Nov 4, 2015, and Minutes of the ADP meeting dated, Oct 28, 2015:

The email dated, Nov 4, 2015

Revisions required by Council

The Council motion of October 1 requires the following plan revisions:

- *either enclose or screen the proposed garbage enclosure adjacent to Gaudin Road;*
Screen to be provided to hide the garbage enclosure, see A3.03
- *provide further details of the grass pave finish;*
Attached are to supplementary details from Civil Engineer towards additional information for Fire truck lane. These will be developed further and stamped by Civil for the Building Permit.
- *provide comprehensive details relating to landscaping for Phases 1 and 2; See L0.01 – L0.13*
- *provide reduced annual landscaping maintenance costs within **Bridges Park** and along Tyee Road.*
We have worked closely with City Parks Staff to develop a landscape treatment that effectively reduces the associated maintenance costs with these noted areas.

Other recommended plan revisions

As discussed, the revised plan package should also address the following:

- provide details of all exterior doors (for Garden Homes, Sky Homes and Garage Doors)
See A3.13
- please ensure the labelling of plans is correct (i.e. the Garden Homes / Sky Homes seem to be mislabelled) Revised, see A2.41
- provide enhanced details of the green wall treatment, See L0.11

PRINCIPALS

[illegible]

JEFF GIBBARTISTA, PhD, FENG, ILEO AP
JAGH CHOWAEE, M.A., FENG, SIOWA INC, SHAWAEE, FEE
JIM GOODWIN, AISC, AAA, CAA, HIAA
RAISWAH CHOWAEE, FENG, ILEO AP
NORMAN HIGSON, AISC, AAA, CAA
DREA KHACH, FENG
LEHIA LAD, AAA, SIGIC, ILEO AP

JAMES EIDE, AUC, AAA, CAR, 1A, 1200* AP
JIM MCLENN, P, ENG, 1B, 10* AP
DAVID MINTA, AUC, AAA, CAR, 1A, 1200* AP
JIM MONYMEYER, P, ENG, 1B, 10* AP
MAX THOMPSON, AUC, P, ENG
MARTIN SPARROW, AUC, AAA, CAR, 1A, 1200* AP
TOMMY LERLAND, AUC, AAA, CAR, 1A, 1200* AP

EWING WILSON, JR., Ph.D., M.A., 11107 42ND
THOMAS WIL, Ph.D., Ph.D., STRUCT. ENG., P.E., 81
NORWOOD AVE., P.O. BOX 11107, APO-C

"DEBOTT'S ARCHITECTURE" DE "ARCHITECTURA"

DIALOGUE
ARCHITECTURE ENGINEERING
INTERIOR DESIGN PLANNING INC.

- the south elevation *drawing* indicates that the service room, bike storage area etc. *projects* out from the main face of the building. This is *illustrated* on the south elevation drawing of building 2 (retaining walls, planters and railing above). Please include details of this treatment on the west and north elevation drawings of building 2, The foundation / parkade wall to be covered by the landscape and earth, see A3.02, A3.03

Minutes of the ADP meeting dated, Oct 28, 2015

Action:

MOVED / SECONDED

It was moved by Rod Windjack, seconded by Brad Forth, that the Advisory Design Panel recommend to Council that Development Permit Application No. 000404 for 701 Tyee Road be approved with consideration of the following:

- Further consideration of the layout and resolution at the end of Spur Road*
 The proposed layout is based on the following rationales and merits to the public,
 - 1) Bigger Park and Tots Play Area,
 - 2) Better access and connections with park, Tyee Road and transit thru public access easement, bike lane, Galloping Goose trail, etc.
 - 3) Safer environment beside park,
 - 4) Reduced road asphalt surface resulted in less hot island area,
 - 5) Better barrier free access to park,
- Reconsideration the scale, building finish, landscape materiality, and accessibility of entrances on Tyee Road*
 Building 1 & 2 are to be scaled as subtle and respect the massing of surrounding buildings while Building 3 is more iconic gateway pairing with other tall office building opposite to Bay Street. The introduction of Sky homes is to create a transition in scale between proposed lowrise Building 1 & 2 and existing townhouse community. Also, it creates better street presence for this vibrant neighbourhood.
 To be coherent with the character of Railyards, the building finishes has been carefully thought through and cautiously executed with some fun pop color panels. This is to create the sense of continuity and to reflect the vision for a diverse of residential community.
 Along Tyee Road, the invaluable park space is not only for public enjoyment, but it also acts a generous front yard for the adjacent buildings. The entrances collaborate with the landscape to create the atmosphere of "City in the park". Accessibility has been carefully planned.
- Provision of the playground as part of Phase 2 development*
 We want to make sure the park and playground delivered to public in a safe context. The only and best option is to provide the playground in Phase 3 as a part of the completion of whole development. This will reduce the risk between park visitors and construction works.
- Provision of landscape applications between Phases as completed in project over its duration of construction*
 Noted. There will be a screen of tree pots along the phase boundary between Phases, see phasing plans A0.05A, A0.06A

Mr. Jim Handy
City of Victoria
December 10, 2015
Page 3 of 3

DIALOG

We trust that this response, including all attachments, will satisfy the prior-to conditions and requested clarifications for this project. We look forward to the timely issuance of the approved application.

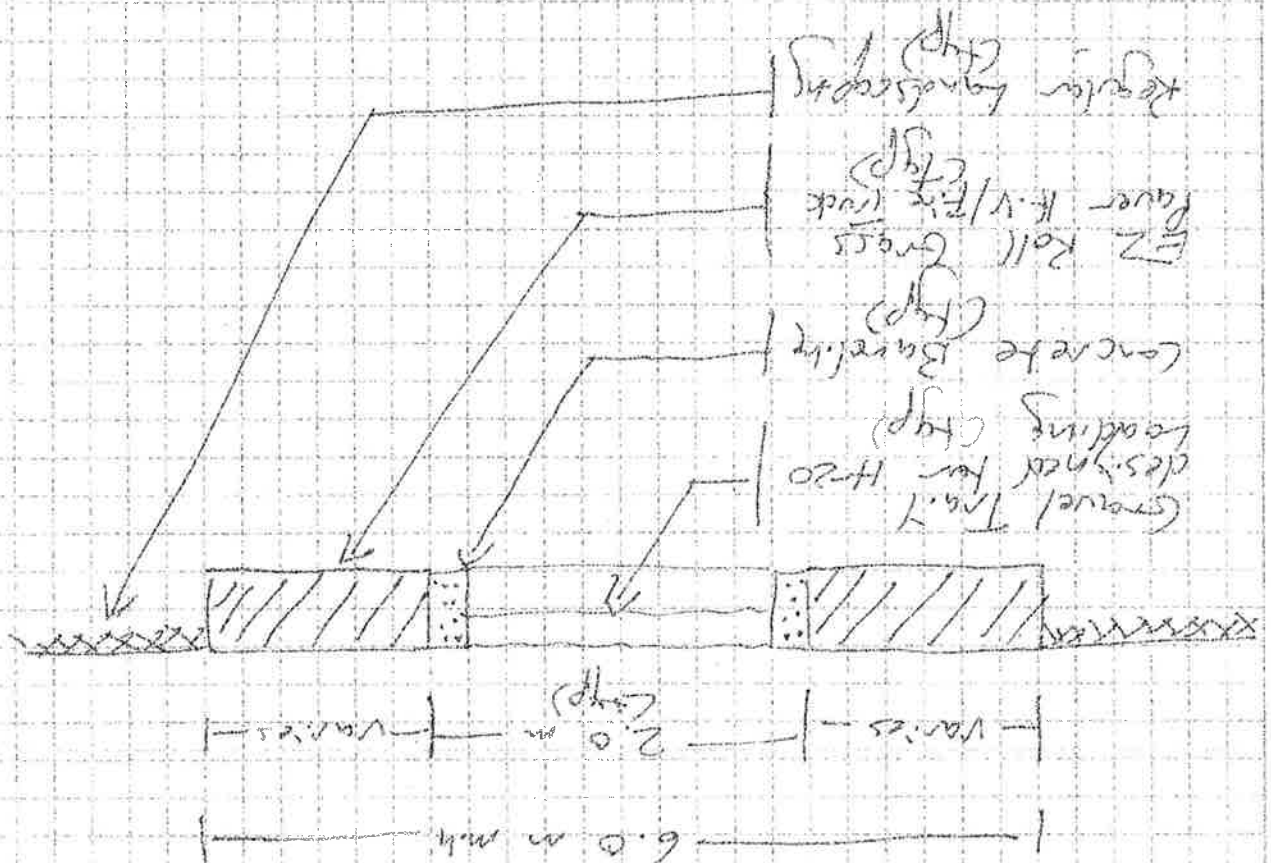
Yours truly,

DIALOG BC Architecture Engineering Interior Design Planning Inc.

A handwritten signature in black ink, appearing to read 'J. Bakker', with a stylized flourish at the end.

Joost Bakker, Architect AIBC, AAA, SAA, OAA, FRAIC, RCA
Principal, DIALOG

c.c.	Chris Le Fevre,	The Railyards Development Ltd.
	Michael Cheung,	DIALOG
	Matthew Thomson,	DIALOG



Received
City of Victoria
DEC 11 2015
Planning & Development Department
Development Services Division

Kelly & H&J
Fire Access / Trail Detail

J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS



EZ ROLL™ GRASS PAVER PRODUCT DESCRIPTION

Victoria City Council - 24 Mar 2016

PANEL SIZE - 24" x 24" x 1"

CELLS PER PANEL - (72) - 2-1/4" HEXAGONAL CELLS

STOCK ROLL SIZE'S - 4' x 24' (96 sq. ft.)
4' x 150' (600 sq. ft.)

CUSTOM SIZES AVAILABLE UPON REQUEST

1'-6" x 150' (225 sq. ft.)
2' x 150' (300 sq. ft.)

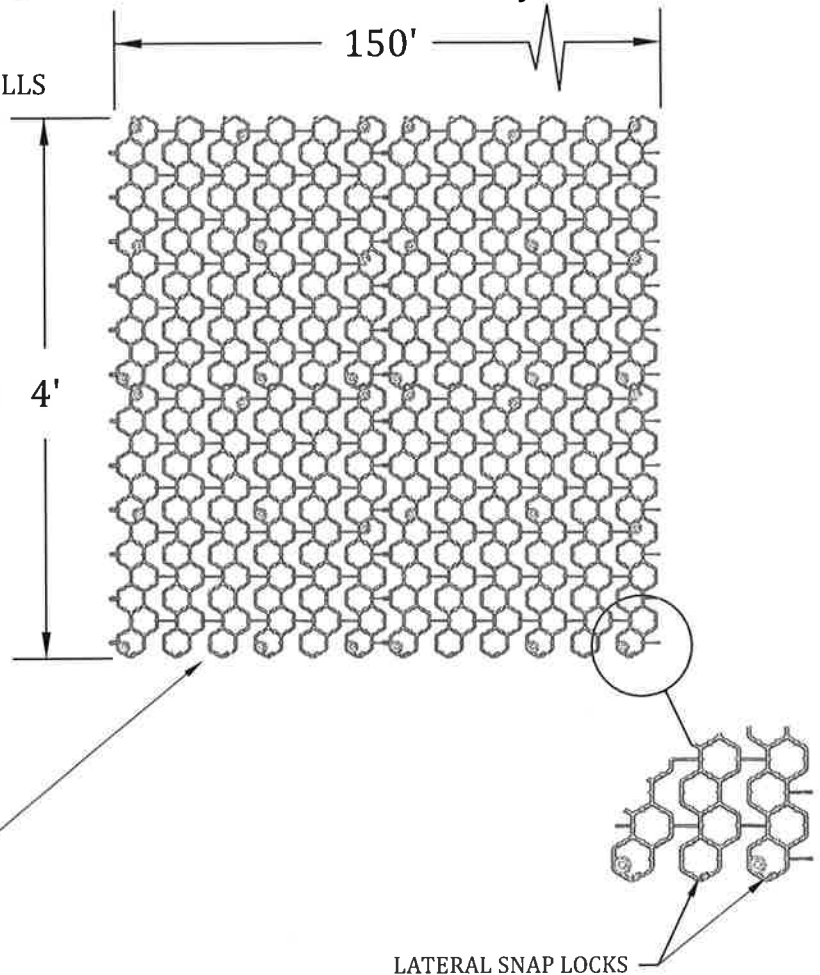
NESTED HONEYCOMB CELL LAYOUT

COMPRESSIVE STRENGTH (OPEN CELL NO FILL)

63,936 PSF

444 PSI

EXCEEDS H2O
LOADING



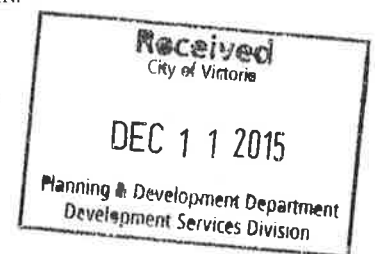
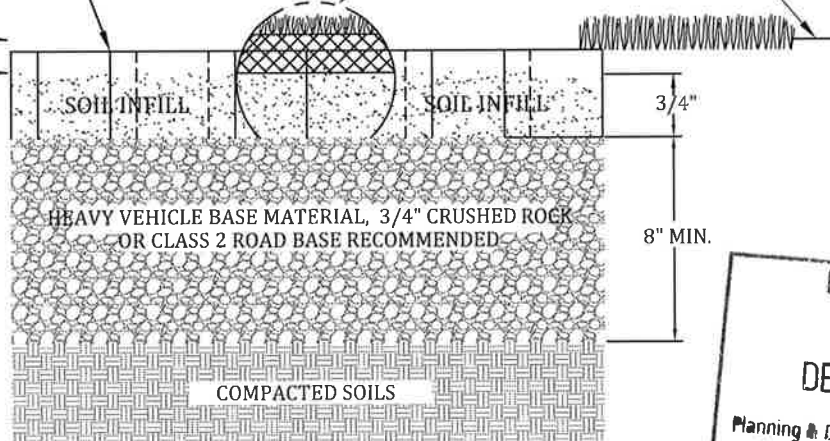
EZ ROLL GRASS ROAD PAVER

"SOD" PLANTING LEVEL INSIDE CELLS

ADJOINING FINISH GRADE

ACTUAL FINISH GRADE

SOIL FILL LEVELS INSIDE
PAVER GRIDWORK AFTER
HEAVY WATER DOWN. THIS
IS THE ACTUAL SOD PLANTING
LEVEL.



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LOCAL CONDITIONS AND DETERMINED BY THE LANDSCAPE ARCHITECT
OR AS SPECIFIED IN THE CONTRACT DOCUMENTS

GRASS SEED OR SOD TYPE TO BE AS SPECIFIED IN THE CONTRACT
DOCUMENTS OR BY DESIGN LANDSCAPE ARCHITECT.



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Page 262 of 461

TERMS OF INSTRUMENT - PART 2

**AGREEMENT TO AMEND MASTER DEVELOPMENT AGREEMENT
(Section 219 Covenant)**

THIS AGREEMENT dated for reference the day of December, 2015.

BETWEEN:

THE RAILYARDS DEVELOPMENT INC.

530 Herald Street
Victoria, B.C. V8W 1S6

(the "**Developer**")

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, British Columbia V8W 1P6

(the "**City**")

OF THE SECOND PART

WHEREAS:

- A. The Developer is the registered owner in fee-simple of those lands and premises located within the City of Victoria, in the Province of British Columbia, more particularly described as:

PID 025-615-033

Lot A, District Lot 119, Esquimalt District, Plan VIP74947 except that part in Plans VIP76024, VIP77618, VIP84119, VIP88377, VIP89279 and EPP35998

(the "**Lands**")

- B. The City is a municipality incorporated under the laws of the Province of British Columbia.
- C. The City and the Developer are parties to a Master Development Agreement dated December 3, 2002 (and registered against title to the Lands in the Land Title Office as a covenant under section 219 of the Land Title Act under number ET139699), as modified by instruments registered under numbers EV2554, EW57134, EW153863, CA1159331, and CA3825917, and extended by an instrument registered under number EW57135 (collectively, the "**MDA**").

- D. The MDA sets out certain terms and conditions that apply to the subdivision and development of the lands described in the MDA as the Railyards Lands.
- E. The Lands are the last remaining portion of the Railyards Lands to be developed, and the City and the Developer have agreed to amend the terms and conditions of the MDA so far as they apply to the development of the Lands.
- F. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land, or that land is not to be built on or subdivided except in accordance with the covenant may be granted in favour of the City and may be registered as a charge against the title to the Dockside Lands.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to The Developer by the City (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1.0 INTERPRETATION

1.1 In this Agreement:

“Bridge Dedication Area” means that area of the Lands shown outlined and labeled “Bridge Dedication” on the Site Plan.

“Bridges Park and Tot Lot” means that area of the Lands shown outlined and labeled “Bridges Park and Tot Lot” on the Site Plan.

“Public Pathway” means the area of the Lands shown outlined and labeled “Public Path Right of Way” on the Site Plan and which connects Tyee Road with Central Spur Road.

“Phased Strata Development” means the phased strata subdivision and development of the Lands that the Developer proposes to undertake, as generally depicted on the Site Plan, and “Phase 1”, “Phase 2” and “Phase 3” mean, respectively, each of the three phases that are so depicted and described on the Site Plan.

“Site Plan” means the plans showing the proposed strata phasing and amenity phasing that are attached to this Agreement as Schedule “A”.

“Victoria West Entry Park” means that area of the Lands, along with areas shown as “highway” or “road”, shown outlined and labeled “Victoria West Entry

Park” on the Site Plan, and includes any associated public pathways over the Lands that are shown on the Site Plan as being connected to the Victoria West Entry Park.

2.0 RESTRICTIONS ON SUBDIVISION AND DEVELOPMENT

- 2.1 The Developer covenants and agree that it shall not build any buildings or structures on the Lands, or subdivide the Lands, except in strict accordance with the MDA, as modified by this Agreement.

3.0 REMAINING AMENITIES TO BE PROVIDED

- 3.1 The Developer and the City both confirm and agree that the following amenities (the “**Amenities**”) will be provided by the Developer in conjunction with the development of the Lands, and in accordance with the terms and conditions of this Agreement and that the Developer’s provision of the Amenities in accordance with the terms and conditions of this Agreement will fully satisfy the Developer’s remaining obligations under section 4 of the MDA:

- a) Bridges Park and Tot Lot;
- b) Public Pathway;
- c) Victoria West Entry Park; and
- d) Bridge Dedication and Landscaping.

- 3.2 The Amenities as provided will be generally as depicted in Schedule A to this Agreement, and will be constructed in accordance with the more detailed plans and specifications that are attached to this Agreement as Schedule “B”.

4.0 BRIDGES PARK AND TOT LOT

- 4.1 Concurrently with the deposit of the phased strata plan for Phase 3, the Developer shall dedicate to the City as “PARK” the area shown on the Site Plan as comprising the Bridges Park and Tot Lot.
- 4.2 Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install on the Bridges Park and Tot Lot the improvements generally depicted in Schedule “A” and that are described in more detail in Schedule “B” to this Agreement. For greater certainty, the Developer is no longer required to construct on the Bridges Park and Tot Lot the 6 parking stalls that were required under the terms of the MDA.

5.0 PUBLIC PATHWAY

- 5.1 Concurrently with the deposit of the phased strata plan for Phase 1, the Developer agrees to grant the City a statutory right of way over the Lands for the accommodation of the Public Pathway, in the form attached to this Agreement as Schedule "C".
- 5.2 Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install on the Public Pathway the Public Pathway improvements generally depicted in Schedule "A" and that are described in more detail in Schedule "B" to this Agreement, and after the completion of those improvements to the City's satisfaction the Developer shall prepare a statutory right of way plan defining the boundaries of the Public Pathway, for the City's approval. The Developer shall then prepare for execution by the Developer and the City, and registration by the Developer, a partial release of the Public Pathway right of way, releasing the right of way from those areas of the Lands outside the area defined by the approved right of way plan.

6.0 VICTORIA WEST ENTRY PARK

- 6.1 For certainty, and notwithstanding anything to the contrary in the MDA, the Victoria West Entry Park will be situated in part on lands that are at present or will be dedicated as highway, as well as on portions of the Lands over which a statutory right of way for public pathway purposes will be registered in accordance with section 6.2.
- 6.2 Concurrently with the deposit of the phased strata plan for Phase 1, the Developer agrees to grant the City a statutory right of way over the Lands for the accommodation of the public pathways that are to be constructed within the Victoria West Entry Park, in the form attached to this Agreement as Schedule "C".
- 6.3 The Developer shall construct the Victoria West Entry Park Improvements in the following two phases:
- (a) Before any building that is constructed on Phase 1 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install the Victoria West Entry Park improvements that are shown on Drawing No. A0.05A that is part of the Site Plan (for certainty, this portion of the Victoria West Entry Park shall be constructed generally as depicted on the Phasing Plan Master Site Plan Drawing No. A0.05A which forms part of the Site Plan attached as Schedule "A", and shall include the sidewalk connection from Gaudin Road to the existing sidewalk on Tyee Road, as well as the bus bay pull-out on Tyee Road, all as generally depicted on the Phasing Plan Master

Site Plan Drawing No. A0.05A forming part of Schedule "A", and as more specifically described in Schedule "B");

- (b) Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall construct and install the remainder of the Victoria West Entry Park improvements as generally shown on Drawing No. A0.07A that forms part of the Site Plan, and as more specifically described in Schedule "B".

- 6.4 After the completion of the Victoria West Entry Park improvements to the City's satisfaction, the Developer shall prepare a statutory right of way plan defining the boundaries of the public pathways that are within the Victoria West Entry Park, for the City's approval. The Developer shall then prepare for execution by the Developer and the City, and registration by the Developer, a partial release of the Victoria West Entry Park right of way, releasing the right of way from those areas of the Lands outside the area defined by the approved right of way plan.

7.0 BRIDGE DEDICATION AND LANDSCAPING

- 7.1 Concurrently with the deposit of the phased strata plan for Phase 1, the Developer shall dedicate as "ROAD" the area shown on the Site Plan as comprising the Bridge Dedication.
- 7.2 Before any building that is constructed on Phase 3 is occupied or used for any purpose, other than as necessary for the construction of that building, the Developer shall grade and improve the Bridge Dedication Area as generally depicted in Schedule "A", and as described in more detail in Schedule "B" to this Agreement.

8.0 PROVISION OF PLANS AND SECURITY

- 8.1 In accordance with the process described in section 5.2 of the MDA, and before obtaining a building permit for any building to be constructed within Phase 1, the Developer shall provide to the Approving Officer, for his or her approval, detailed engineering plans, drawings, specifications, landscaping plans, cost estimates and security for the construction and installation of the Victoria West Entry Park improvements that are referred to in section 6.3(a) of this Agreement.
- 8.2 In accordance with the process described in section 5.2 of the MDA, and before obtaining a building permit for any building to be constructed within Phase 3, the Developer shall provide to the Approving Officer, for his or her approval, detailed engineering plans, drawings, specifications, landscaping plans, cost estimates and security for the construction and installation of:

- (a) the improvements and landscaping on the Bridges Park and Tot Lot that are described in Schedule "B" to this Agreement,
 - (b) the Victoria West Entry Park improvements that are referred to in section 6.3(b) to this Agreement;
 - (c) the grading, landscaping and other improvements of the Bridge Dedication Area as described in Schedule "B" to this Agreement;
 - (d) the Public Pathway improvements that are described in Schedule "B" to this Agreement.
- 8.3 The security provided under sections 8.1 and 8.2 shall be in the form of a letter of credit, substantially in the form attached to this Agreement as Schedule 'D', and shall be in the amount of 120% of the cost estimates provided by the Developer and approved by the Approving Officer under this Agreement.
- 8.4 For certainty, in the event the Developer fails to complete the construction of an Amenity within the time required under this Agreement, the City may draw upon the letter of credit provided under section 8.1 or 8.2, as the case may be, and may utilize the security to complete the construction of that Amenity.
- 8.5 Before obtaining a building permit for any building to be constructed within Phase 1, the Developer shall also provide to the Approving Officer, for his or her approval, detailed civil design drawings, engineering plans, landscape plans and cost estimates for all of the other works and services, including any landscaping elements, required under the bylaws of the City of Victoria in connection with the development of Phase 1, Phase 2 and Phase 3, such as but not limited to frontage improvements and other civil works and services. The Developer shall provide security for the construction of the works and services referred to in this section 8.5, together with updated cost estimates as may be required from time to time by the Approving Officer, in the amounts and at the times required under the bylaws of the City of Victoria.
- 9.0 PUBLIC BODY**
- 9.1 Nothing contained or implied within this Agreement shall prejudice or affect the duties, rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, orders or regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered.
- 9.2 Nothing in this Agreement shall relieve the Developer from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the subdivision and development of the Lands.

10.0 GENERAL PROVISIONS

- 10.1 At the Developer's expense, the Developer must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.
- 10.2 Time is of the essence of this Agreement.
- 10.3 The Developer covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Developer as personal covenants only during the period of its respective ownership of any interest in the Lands.
- 10.4 It is mutually understood, acknowledged and agreed by the parties hereto that the City has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Developer other than those contained in this Agreement and the Original MDA. This Agreement and the Original MDA are to be read and construed together as one document.
- 10.5 The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
- 10.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 10.7 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 10.8 The enforcement of this Agreement shall be entirely within the discretion of the City and the execution and registration of the Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the City to the Developer or to any other person to enforce any provision or the breach of any provision of this Agreement.
- 10.9 The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office

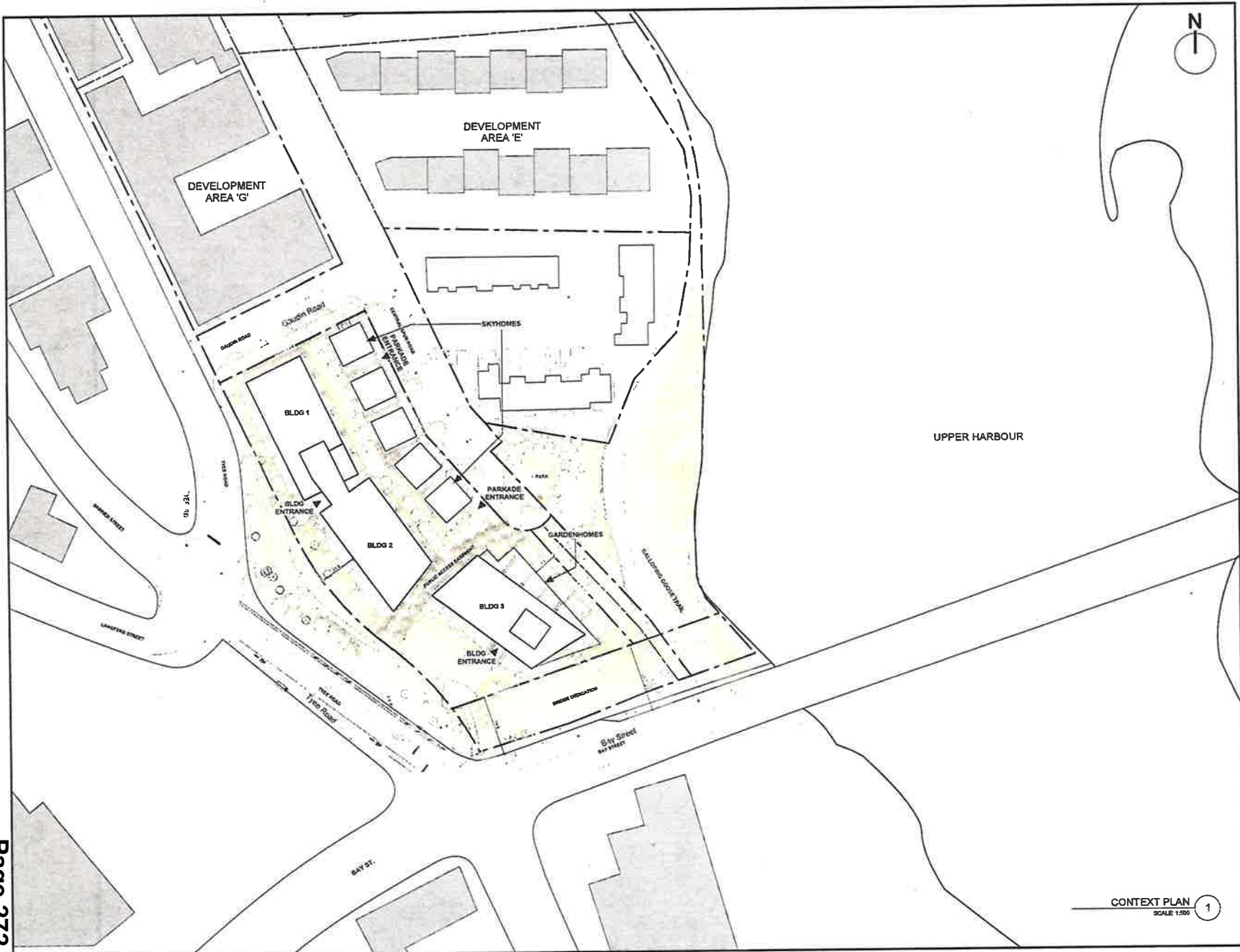
pursuant to section 219 of the *Land Title Act* as covenants in favour of the City as a first financial charge against the Lands.

- 10.10 The Developer agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
- 10.11 If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
- 10.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

11.0 PRIORITY AGREEMENT

- 11.1 HSBC Bank Canada, the registered holder of charges by way of Mortgages and Assignments of Rents against the Lands and registered under Numbers EV23500 (as extended by EV25800 and EW76979), EV23501 (as extended by EV25801 and EW76980), EV25800 (extension of EV23500) and EV25801 (extension of EV23501) (collectively the "Charges") in the Land Title Office at Victoria, British Columbia, for and in consideration of the sum of One (\$1.00) Dollar paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

The Developer and City acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.



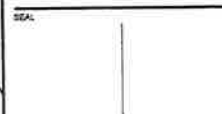
DIALOG

ISSUED FOR
A 28 JAN15 DEVELOPMENT PERMIT
B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

METRIC
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WRITTEN APPROVAL FROM THE CONSULTANT ARE SUBJECT TO
CORRECTION AT THE CONTRACTOR'S EXPENSE.

ARCHITECT & PRIME CONSULTANT
DIALOG ARCHITECTURE ENGINEERING
INTERIOR DESIGN PLANNING
100-111 HASTINGS STREET
VICTORIA BC V8V 1E1
Tel: (250) 383-1111 Fax: (250) 383-1119
info@dialogbc.ca

OWNER:
UPPER HARBOUR COMPANY
225 HASTINGS STREET
VICTORIA BC V8W 1A4
Tel: (250) 383-1111



RAILYARDS, LOT H & J

VICTORIA, BC
CONTEXT PLAN

DRAWN
PLOT DATE: 12/01/15
CHECKED:

CONTEXT PLAN
SCALE: 1:500

1

A0.02

DIALOG

ISSUED FOR

- A. 28.2/11/15 DEVELOPMENT PERMIT
- B. 14 AUGUST 2015 DEVELOPMENT PERMIT REVISIONS
- C. 09 DEC 2015 DEVELOPMENT PERMIT REVISIONS

METRIC

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INTERIOR DESIGN PLANNING INC.
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LEVEYNE AND COMPANY
211 HAVILL STREET
VICTORIA BC V8M 1S1
TEL: (250) 360-8800

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

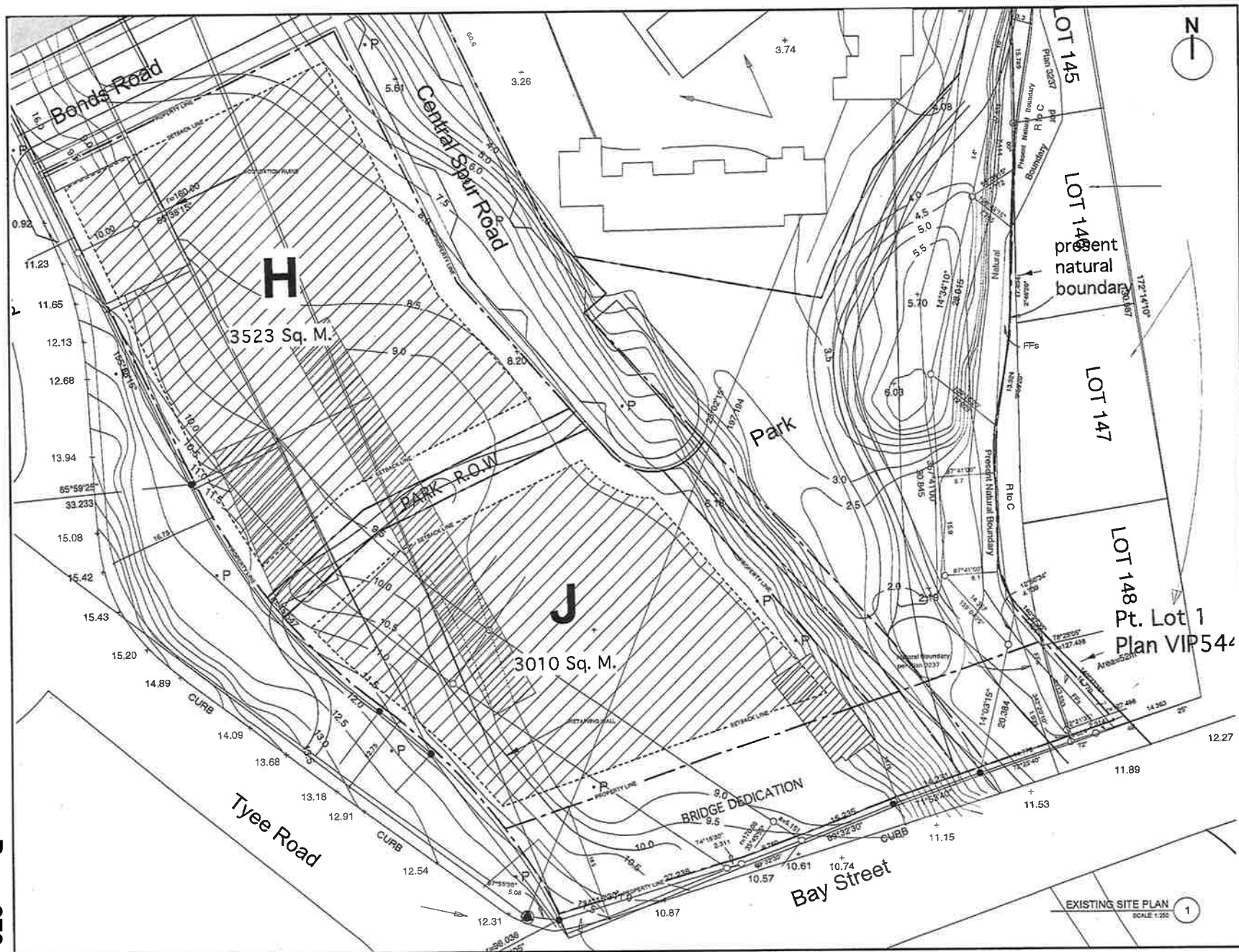
EXISTING SITE PLAN

DRAWN
PLOT DATE 12/20/15

CHECKED

A0.03

Victoria City Council - 24 Mar 2016





ISSUED FOR

- A: 29 JAN'13 DEVELOPMENT PERMIT
- B: 14 AUG'13 DEVELOPMENT PERMIT REVISIONS
- C: 09 DEC'13 DEVELOPMENT PERMIT REVISIONS

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VICTORIA BC V8N 1S8
Tel: 250-382-4890

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

PROPOSED SITE PLAN

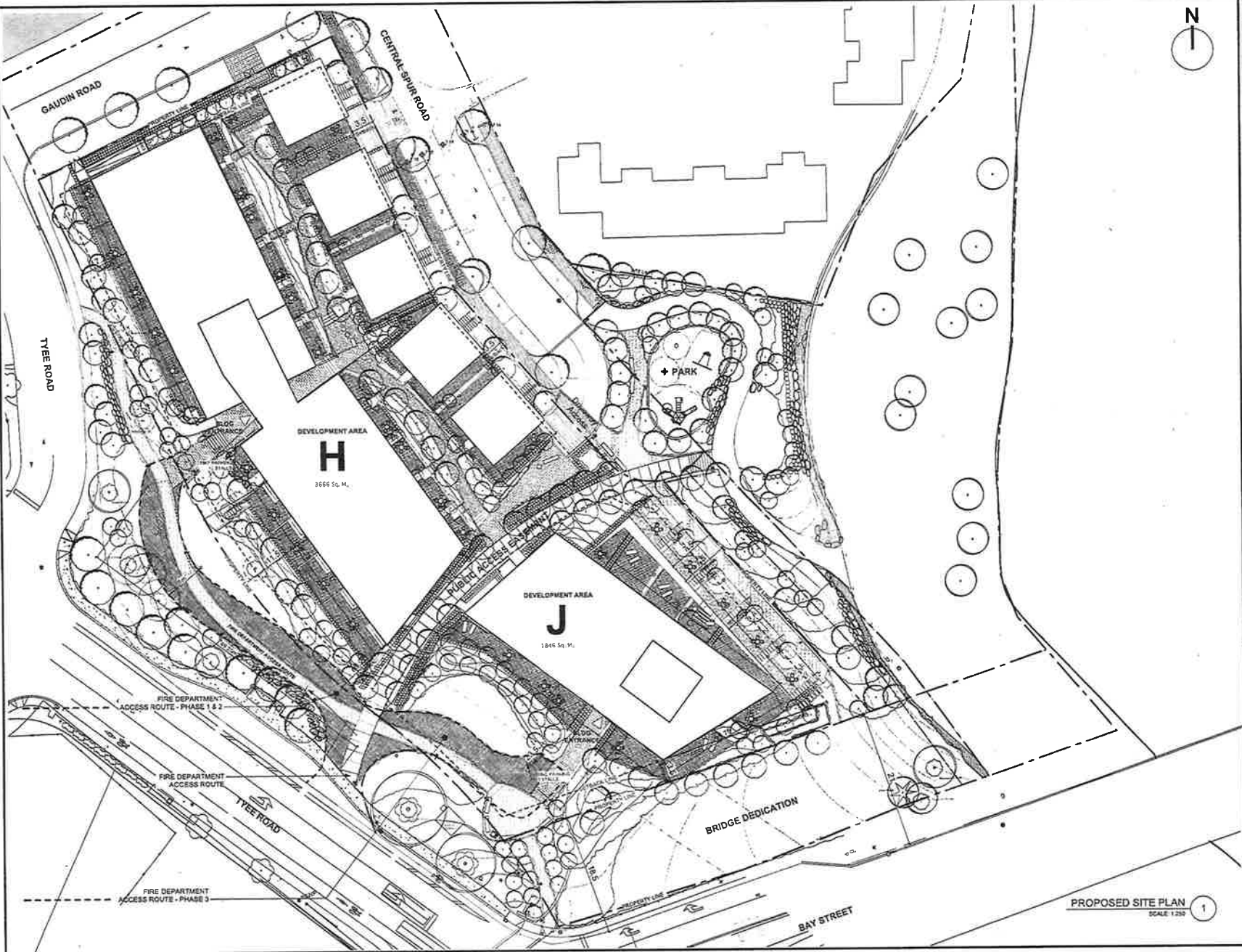
DRAWN:
PLOT DATE: 10-2-0

CHECKED:

A0.04

PROPOSED SITE PLAN
SCALE: 1:200

1



DIALOG

ISSUED FOR

- A 28 JAN15 DEVELOPMENT PERMIT
- B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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info@dialog.ca

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LETTING AND COMPANY
510 HERALD STREET
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SEAL

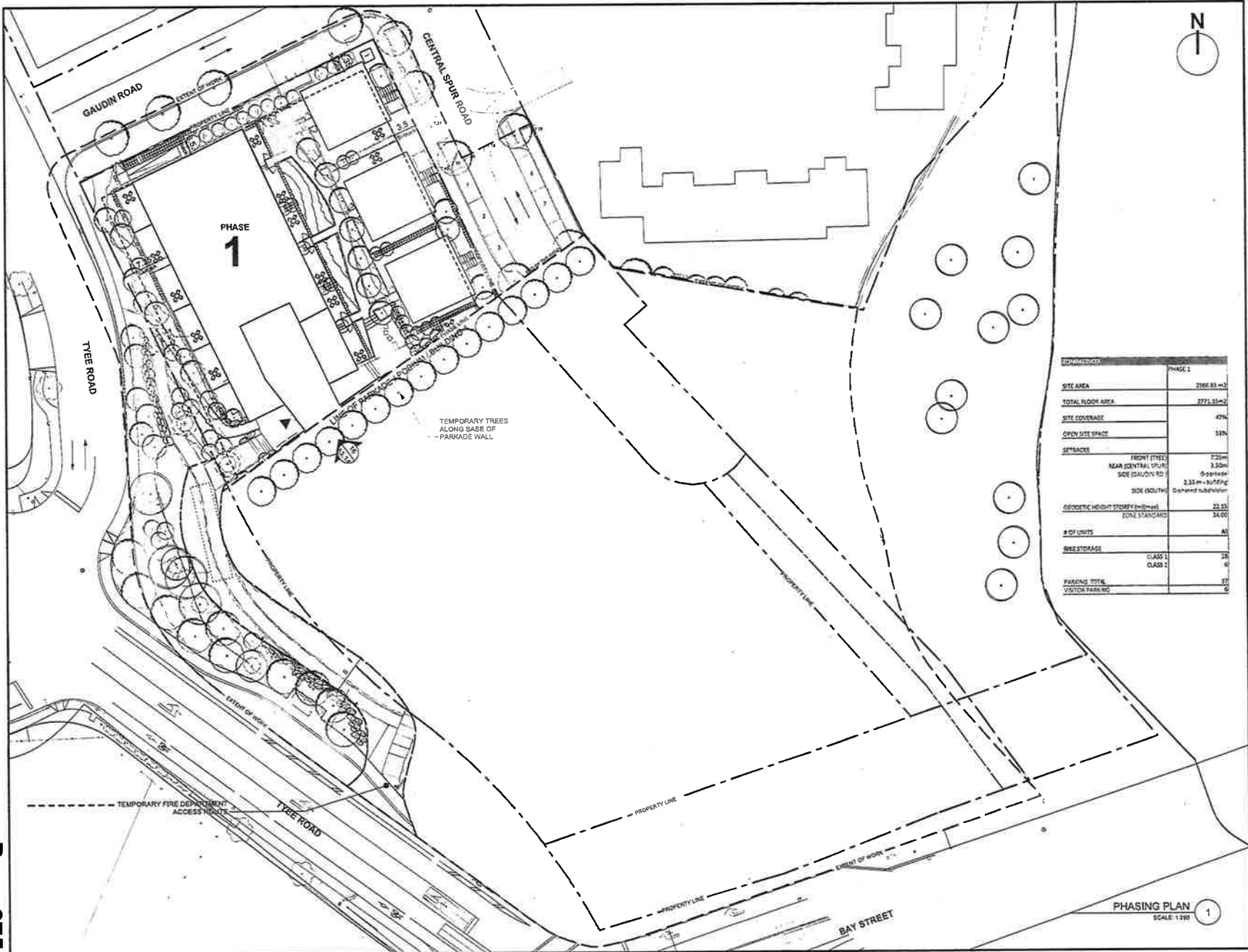
RAILYARDS, LOT H & J

VICTORIA, BC

**PHASING PLAN
MASTER SITE PLAN
PHASE 1**

DRAWN: [blank] CHECKED: [blank]
PLOT DATE: 16-2-6

A0.05A



CONTRACTOR	PHASE 1
SITE AREA	2568.83 m ²
TOTAL FLOOR AREA	2771.51 m ²
SITE COVERAGE	43%
OPEN SITE SPACE	33%
SETBACKS	
FRONT STREET	7.25m
REAR (CENTRAL SPUR)	3.30m
SIDE (GAUDIN RD)	2.33m - building
SIDE (BAY ST)	2.33m - building
GEOMETRIC HEIGHT (STOREY) (m) (max)	22.50
SOIL STANDARD	14.00
# OF UNITS	40
BREEZING STORAGE	
CLASS 1	25
CLASS 2	4
PARKING TOTAL	17
VISITOR PARKING	6

ISSUED FOR

- A 28 JANU'15 DEVELOPMENT PERMIT
- B 14 AUGU'15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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TEL: 250-380-6666

SEAL

RAILYARDS, LOT H & J

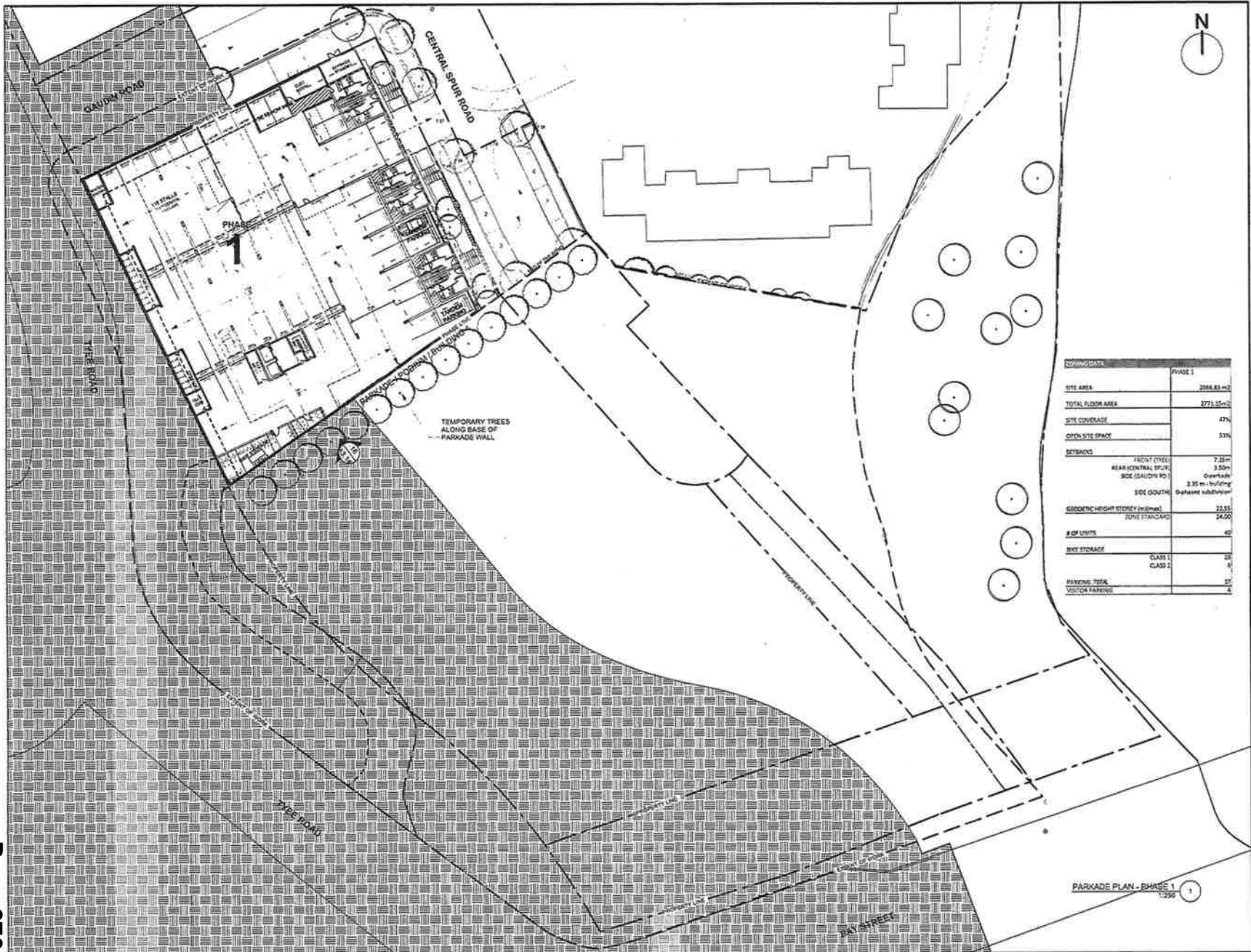
VICTORIA, BC

PHASING PLAN
PARKADE PLAN
PHASE 1

DRAWN
PLOT DATE: 15-2-16

CHECKED:

A0.05B



PARKADE PLAN - PHASE 1
1:250

ISSUED FOR:
 A. 28 JAN'15 DEVELOPMENT PERMIT
 B. 14 AUG'15 DEVELOPMENT PERMIT REVISIONS
 C. 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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 VICTORIA BC V8A 1T7
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 ULC, LLC AND COMPANY
 207 HALL STREET
 VICTORIA BC V8W 1R5
 TEL: 250.353.4991

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

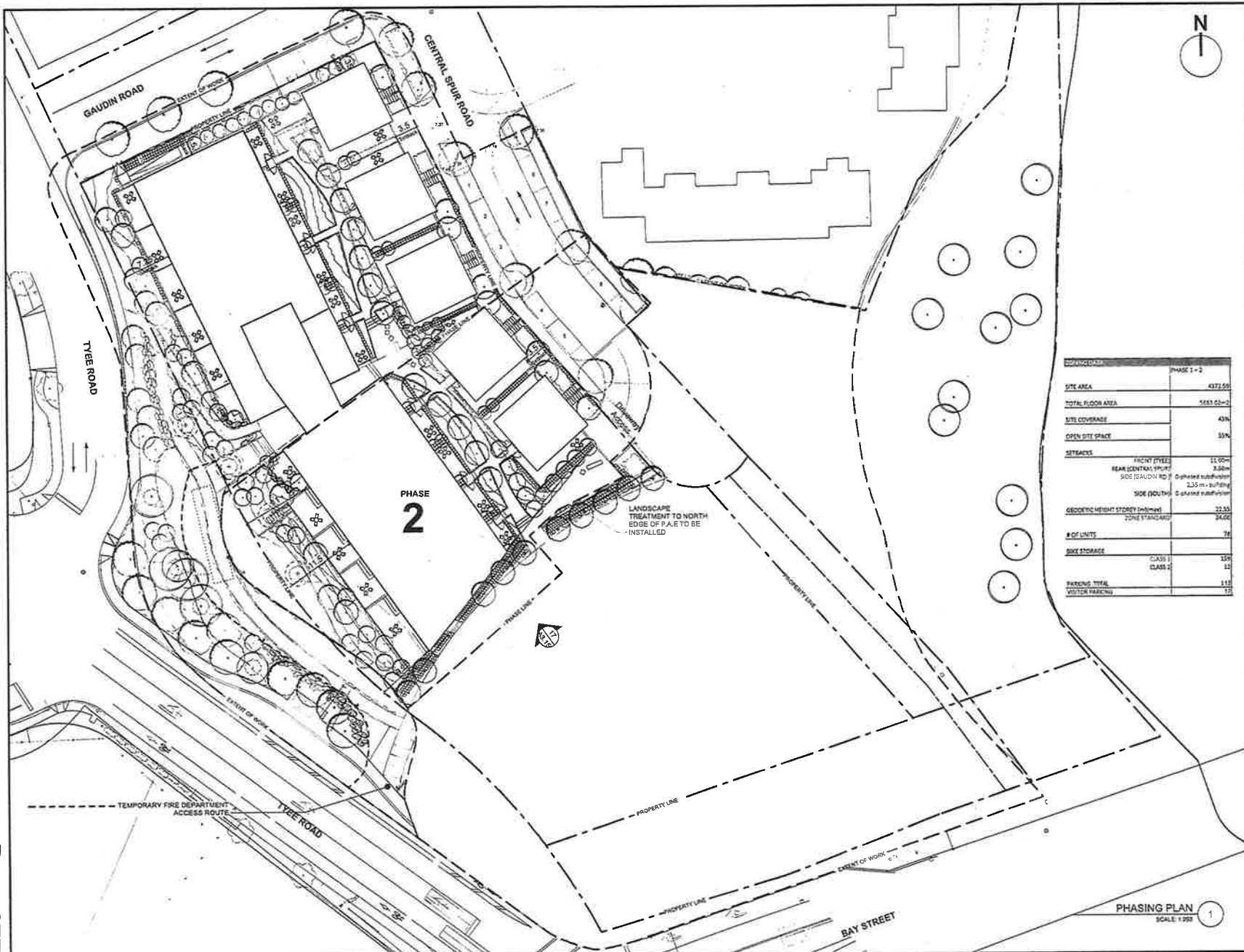
**PHASING PLAN
 MASTER SITE PLAN
 PHASE 1 + 2**

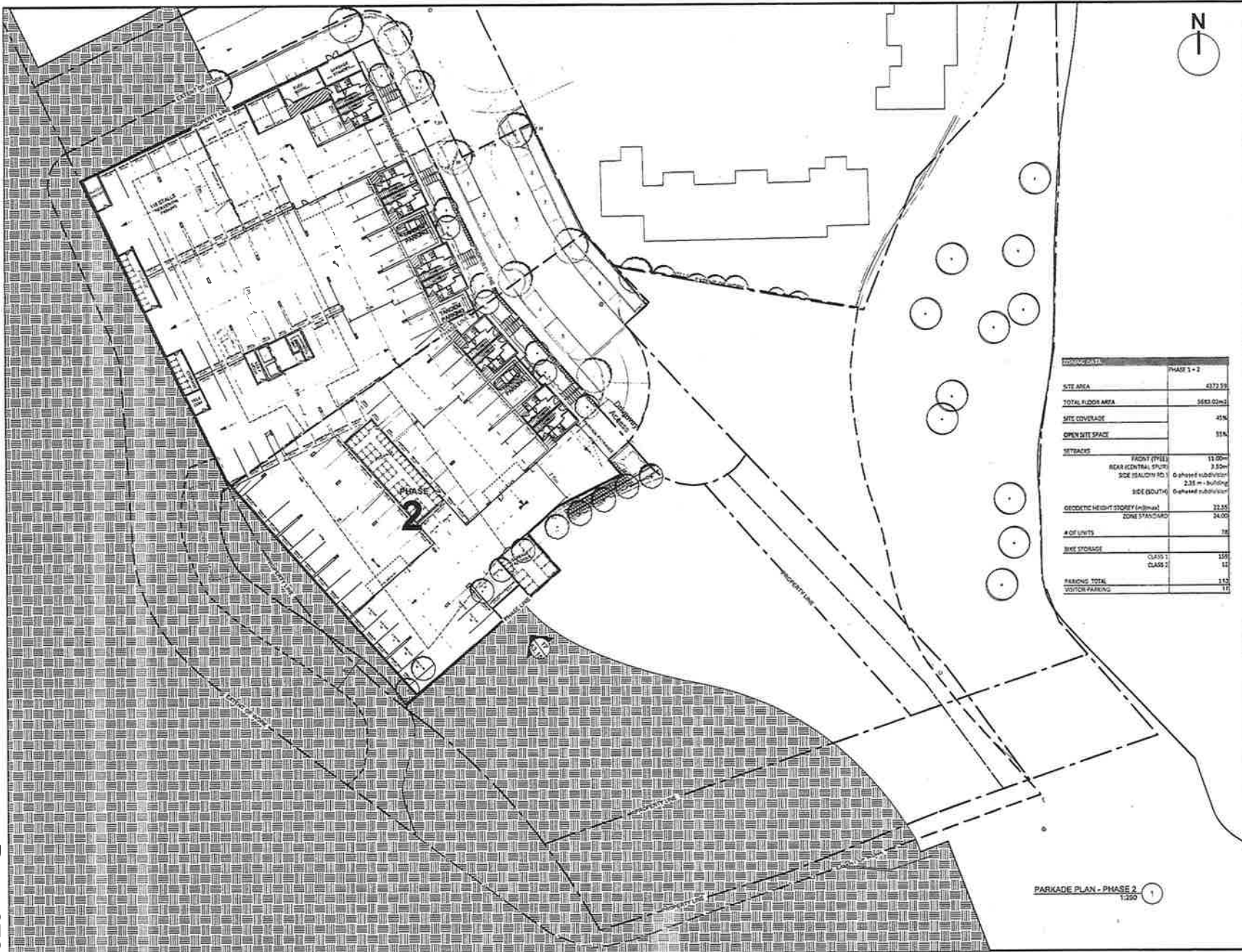
DRAWN:
 PLOT DATE: 16-0-0

CHECKED

A0.06A

PHASING PLAN
 SCALE: 1:200





BUILDING DATA	
PHASE 1 + 2	
SITE AREA	4372.35
TOTAL FLOOR AREA	5683.02m ²
SITE COVERAGE	45%
OPEN SITE SPACE	55%
SETBACKS	
FRONT (FT/ET)	11.00m
REAR (CENTRAL SPUR)	3.30m
SIDE (EASTERN RD.)	0 phased subdivision
SIDE (SOUTH)	2.35 m - building
	0 phased subdivision
GEODETIC HEIGHT STOREY (m/ft)	22.85
ZONE STANDARDS	24.00
# OF UNITS	78
BIKE STORAGE	
CLASS 1	158
CLASS 2	11
PARKING TOTAL	169
VISITOR PARKING	10

DIALOG

ISSUED FOR:
 A 25 JAN15 DEVELOPMENT PERMIT
 B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
 C 08 DEC15 DEVELOPMENT PERMIT REVISIONS

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 drc@dialog.ca
 OWNER:
 URBAN FORM COMPANY
 500 HASTINGS STREET
 VICTORIA BC V8S 1K6
 P: 250.355.4993

SEAL
 RAILYARDS, LOT H & J
 VICTORIA, BC
 PHASING PLAN
 PARKADE PLAN
 PHASE 1 + 2
 DRAWN
 PLOT DATE: 15-2-4
 CHECKED
A0.06B

ISSUED FOR:

- A 28 JANUARY DEVELOPMENT PERMIT
- B 14 AUGUST DEVELOPMENT PERMIT REVISIONS
- C 05 DECEMBER DEVELOPMENT PERMIT REVISIONS

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LEFEBVRE AND COMPANY
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VIC 3006
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FAX: 03 9247 1101
WWW.DIALOGARCHITECTS.COM

SEAL

RAILYARDS, LOT H & J

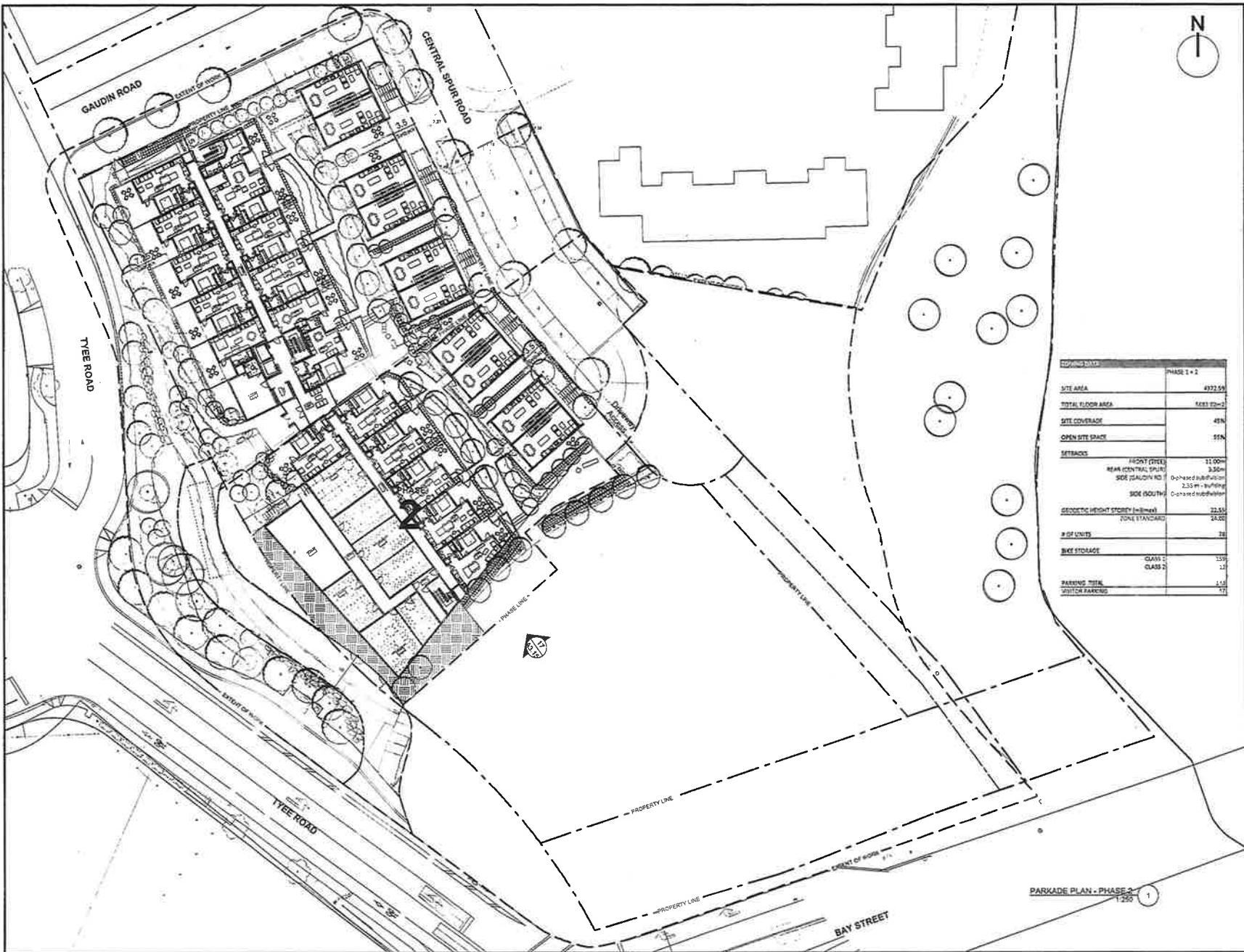
VICTORIA, BC

**PHASING PLAN
PARKADE PLAN
PHASE 1 + 2**

DRAWN:
PLOT DATE: 16-2-24

CHECKED:

A0.06C



DRAWING DATA	
PHASE 1 + 2	
SITE AREA	4937.54
TOTAL FLOOR AREA	6483.02
SITE COVERAGE	43%
OPEN SITE SPACE	55%
SETBACKS	
FRONT (SIDE)	11.00m
REAR (CENTRAL SPUR)	3.50m
SIDE (GAUDIN RD)	0-phased building
SIDE (SOUTH)	2.55m - building
GEOMETRIC HEIGHT STOREY (m)	12.50
ZONE STANDARD	12.50
# OF UNITS	78
BIKE STORAGE	
CLASS 1	130
CLASS 2	12
PARKING TOTAL	142
ON-STREET PARKING	12

PARKADE PLAN - PHASE 2
1:250

ISSUED FOR:
 A. 28 JAN'15: DEVELOPMENT PERMIT
 B. 14 AUG'15: DEVELOPMENT PERMIT REVISIONS
 C. 09 DEC'15: DEVELOPMENT PERMIT REVISIONS

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 TEL: 604 754 1000
 FAX: 604 754 1001
 WWW.DIALOGBC.COM

OWNER:
 LEVINE AND COMPANY
 2100 HASTINGS STREET
 VICTORIA, BC V8M 1Y5
 TEL: 250 360 0000

SCALE: 1:200

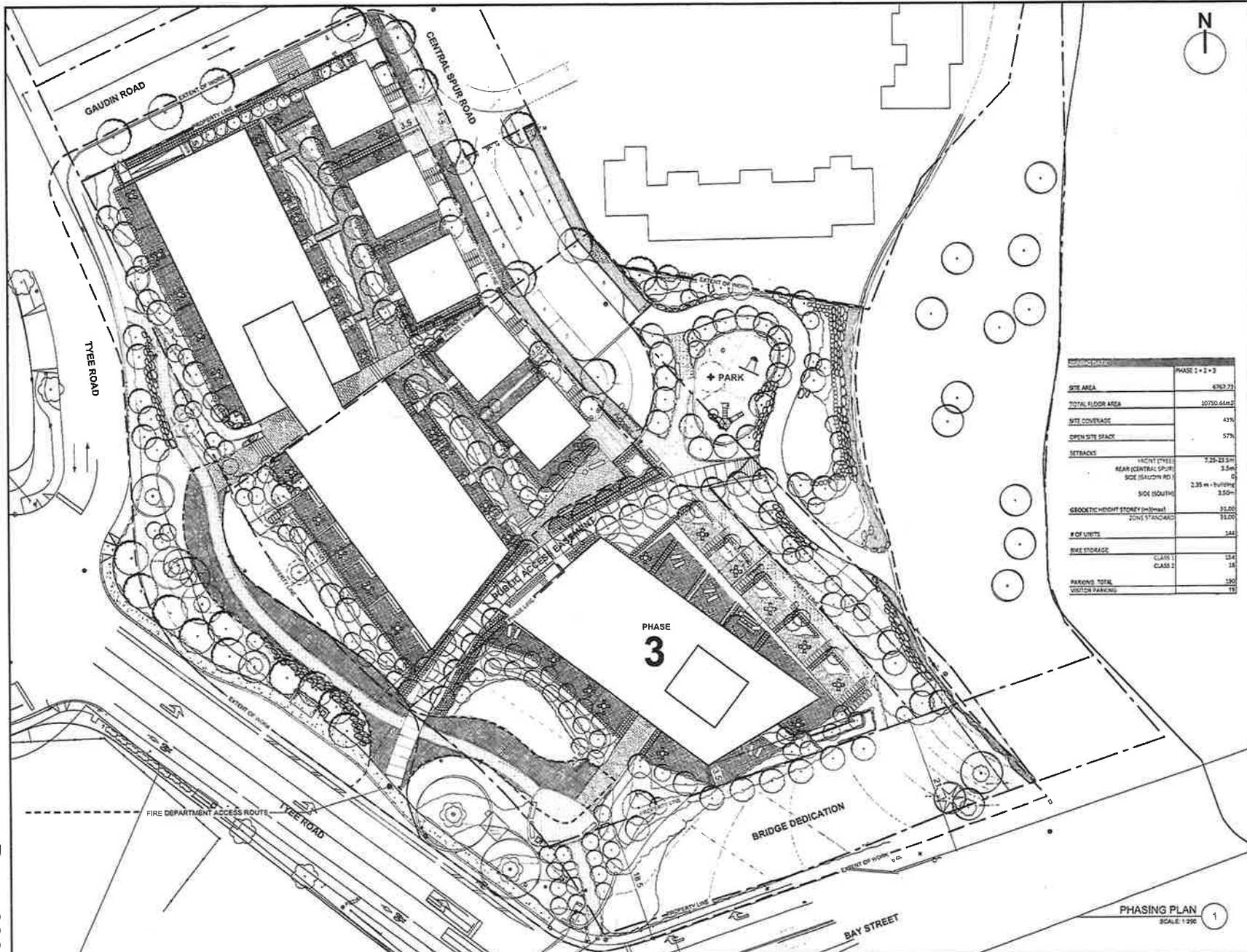
RAILYARDS, LOT H & J

VICTORIA, BC

**PHASING PLAN
 MASTER SITE PLAN
 PHASE 1 + 2 + 3**

DATE: 16-2-15
 CHECKED:

A0.07A



PHASE 1 + 2 + 3	
SITE AREA	6763.73
TOTAL FLOOR AREA	10750.44m ²
SITE COVERAGE	43%
OPEN SITE SPACE	57%
SETBACKS	
FRONT (TYE)	7.25-23.5m
REAR (CENTRAL SPUR)	3.5m
SIDE (GAUDIN RD)	0
2.35m + 1m/10m	
SIDE (SOUTH)	3.5m
GEOTECHNICAL STOREY (H/M)	31.00
20% STANDARD	31.00
# OF UNITS	144
BIKE STORAGE	
CLASS 1	134
CLASS 2	10
PARKING TOTAL	144
VEHICLE PARKING	134



ISSUED FOR:

- A 28 JAN 15 DEVELOPMENT PERMIT
- B 14 JUL 15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC 15 DEVELOPMENT PERMIT REVISIONS

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www.dialogbc.ca

OWNER:

LEFEBVRE AND COMPANY
300-1000 STREET
VICTORIA, BC V8W 2E1
TEL: (250) 353-1111

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

RENDERING

DRAWN: PLOT DATE: 22 MAR 16 CHECKED:

A0.08

RENDERING OF PROJECT 1
VIEW NORTH FROM CORNER OF BAY ST. & TYEE RD.



ISSUED FOR

A 28 JAN15 DEVELOPMENT PERMIT
 B 14 AUG15 DEVELOPMENT PERMIT REVISION
 C 09 DEC15 DEVELOPMENT PERMIT REVISION

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 dlog@dialogbc.ca

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 VICTORIA, BC V8W 1K4
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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

RENDERING

DRAWN: PLUT DATE: 10/09/15 CHECKED:

A0.09

RENDERING OF PROJECT 1
 VIEW SOUTH ALONG CENTRAL SPUR ROAD



RENDERING OF PROJECT 1
VIEW WEST BAY STREET BRIDGE

ISSUED FOR:
A. 28 JAN 15 DEVELOPMENT PERMIT
B. 14 AUG 15 DEVELOPMENT PERMIT REVISIONS
C. 29 DEC 15 DEVELOPMENT PERMIT REVISIONS

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851 HERALD STREET
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SEAL
RAILYARDS, LOT H & J

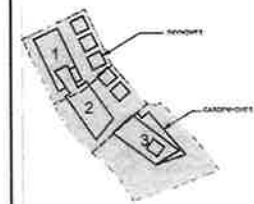
VICTORIA, BC
RENDERING
DRAWN: [blank] DATE: 10/04/15
CHECKED: [blank]

A0.10



UPPER
HARBOUR

DIALOG



ISSUED FOR

- A 28 JAN '15 DEVELOPMENT PERMIT
- B 14 AUG '15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC '15 DEVELOPMENT PERMIT REVISIONS

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LIFEPOINT AND COMPANY
200 HERBERT STREET
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TEL: 250-381-1111

SEAL

RAILYARDS, LOT H & J

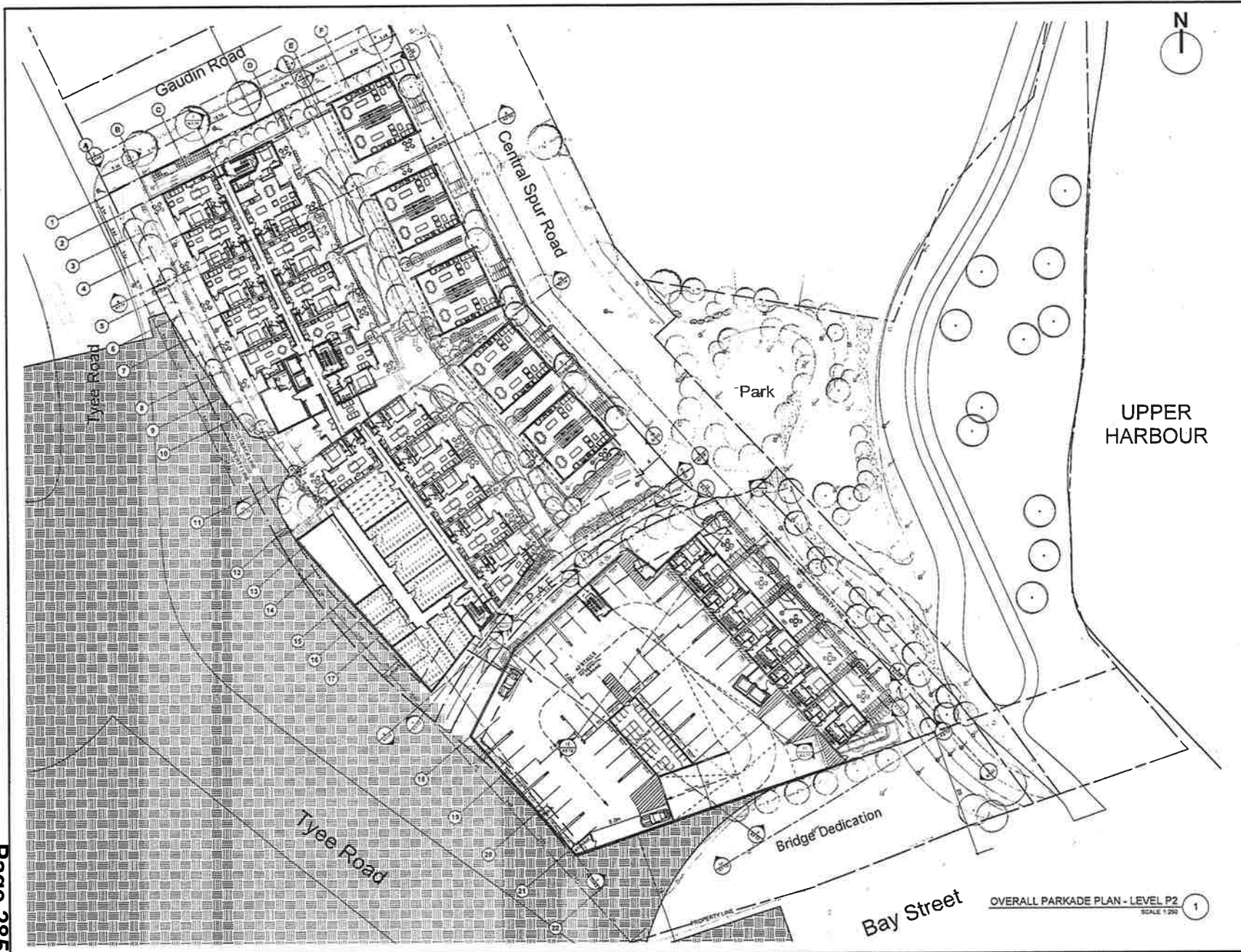
VICTORIA, BC

OVERALL PARKADE PLAN
LEVEL P1

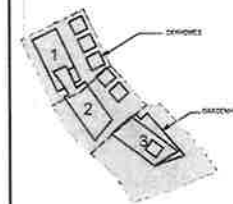
DRAWN: AG / MC
PLOT DATE: 16-2-4
CHECKED: MC

A2.01

Master Plan S.2014_13_2110214.dwg



DIALOG®



ISSUED FOR
 A 25 JANU'S DEVELOPMENT PERMIT
 B 18 AUGU'S DEVELOPMENT PERMIT REVISIONS
 C 09 DEC'S DEVELOPMENT PERMIT REVISIONS

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 TEL: 604-255-1070 FAX: 604-255-1782
 email: info@leppine.ca

SEALED

RAILYARDS, LOT H & J

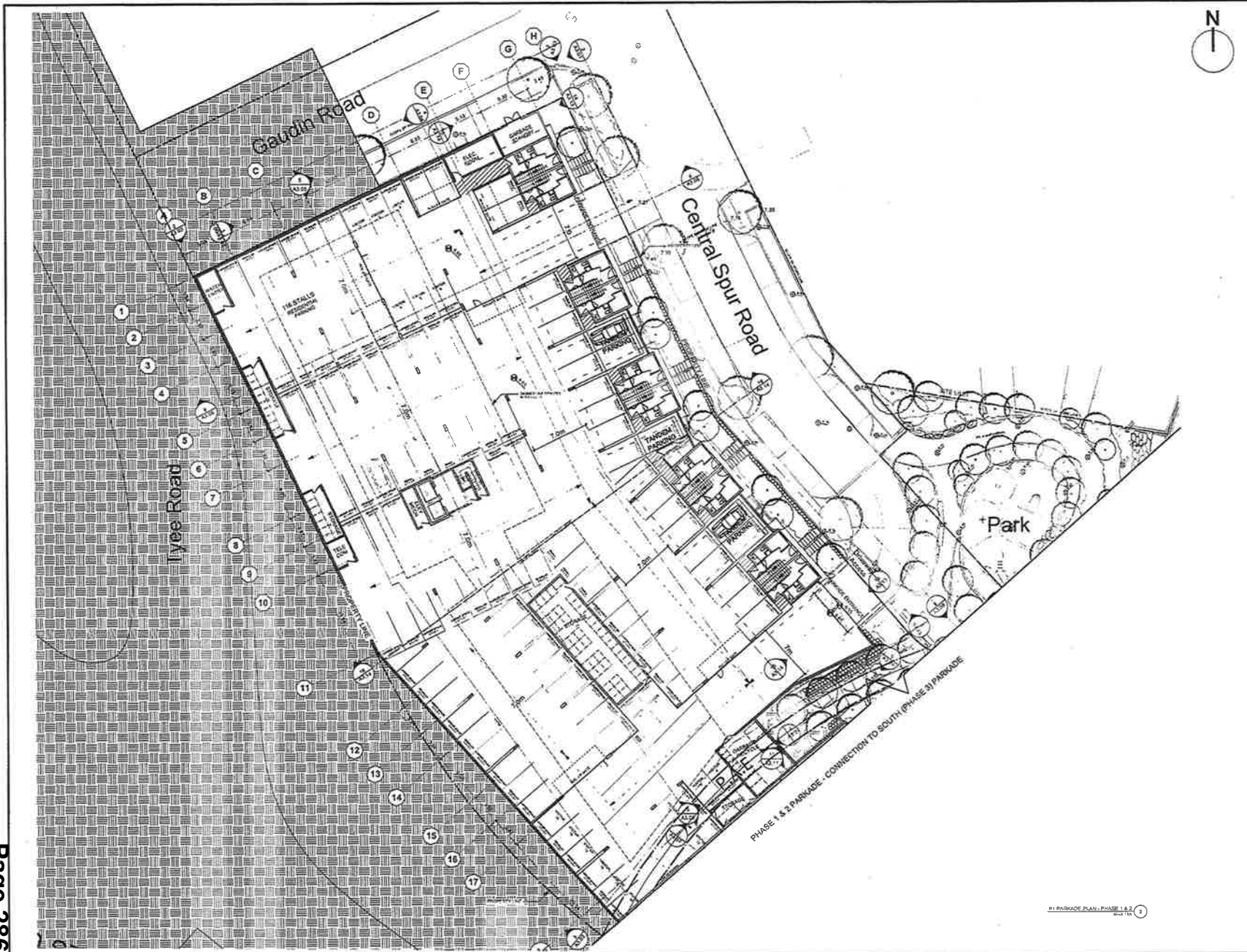
VICTORIA, BC

OVERALL PARKADE PLAN
 LEVEL P2

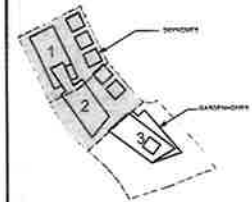
DRAWN: AD/MC
 PLOT DATE: 12/01/15
 CHECKED: MC

A2.02

Project Name: 01_055_12_01-10710.mxd



DIALOG



ISSUED FOR

- A. 28 JANUARY DEVELOPMENT PERMIT
- B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
- C. 08 DECEMBER DEVELOPMENT PERMIT REVISIONS

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ARCHITECT & PRIME CONSULTANT

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1111 PINE AND COMPANY
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 Tel: 250-363-1111

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

**PARKADE PLAN - LEVEL P1
 PHASE 1 & 2**

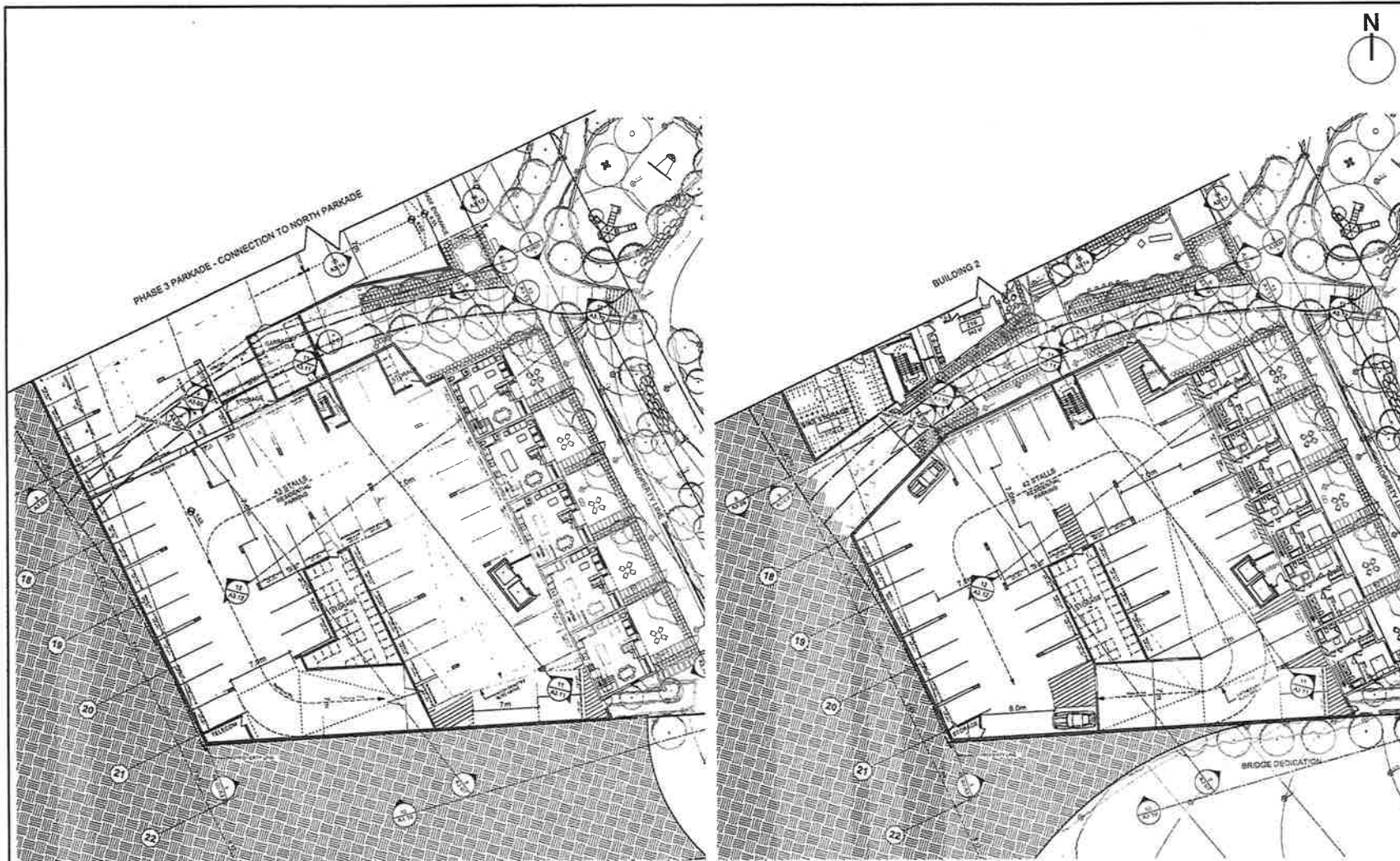
DRAWN: AGI/MC
 PLOT DATE: 18-04

CHECKED: MC

A2.03

P1 PARKADE PLAN - PHASE 1 & 2
 18-04-18

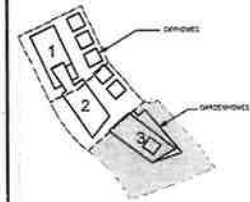
RAILY P1 H & J_03_18-04-18.dwg



PARKADE PLAN - LEVEL P1 - PHASE 3
SCALE 1:200

PARKADE PLAN - LEVEL P2 - PHASE 3
SCALE 1:200

DIALOG



ISSUED FOR
A 20 JAN 15 DEVELOPMENT PERMIT
B 14 AUG 15 DEVELOPMENT PERMIT REVISION
C 09 DEC 15 DEVELOPMENT PERMIT REVISION

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TEL: (604) 255-1818 FAX: (604) 255-1790
info@dialogbc.ca

OWNER:
LEFEBURE AND COMPANY
258 HALL STREET
VICTORIA, BC V8W 1S5
TEL: (250) 360-4400

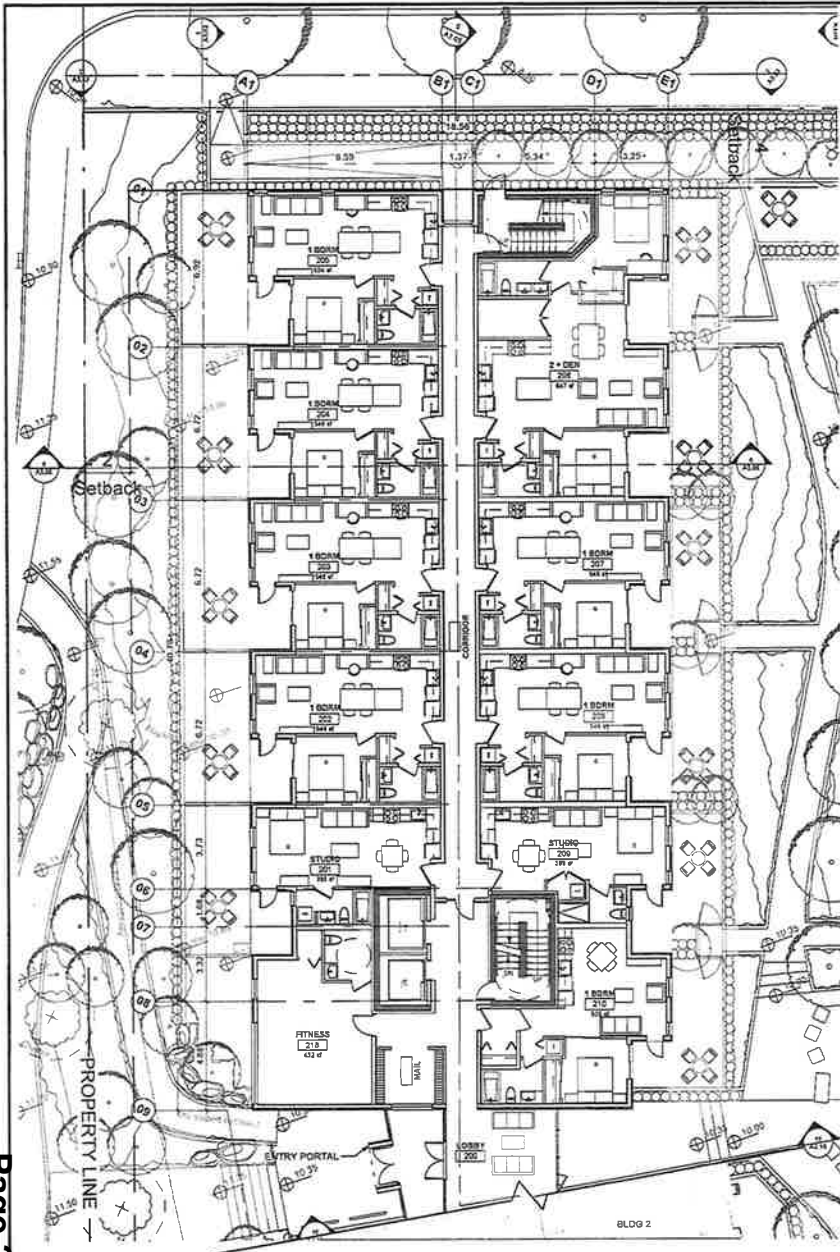
SEAL
RAILYARDS, LOT H & J

VICTORIA, BC
PARKADE PLAN - LEVELS P1 & P2
PHASE 3

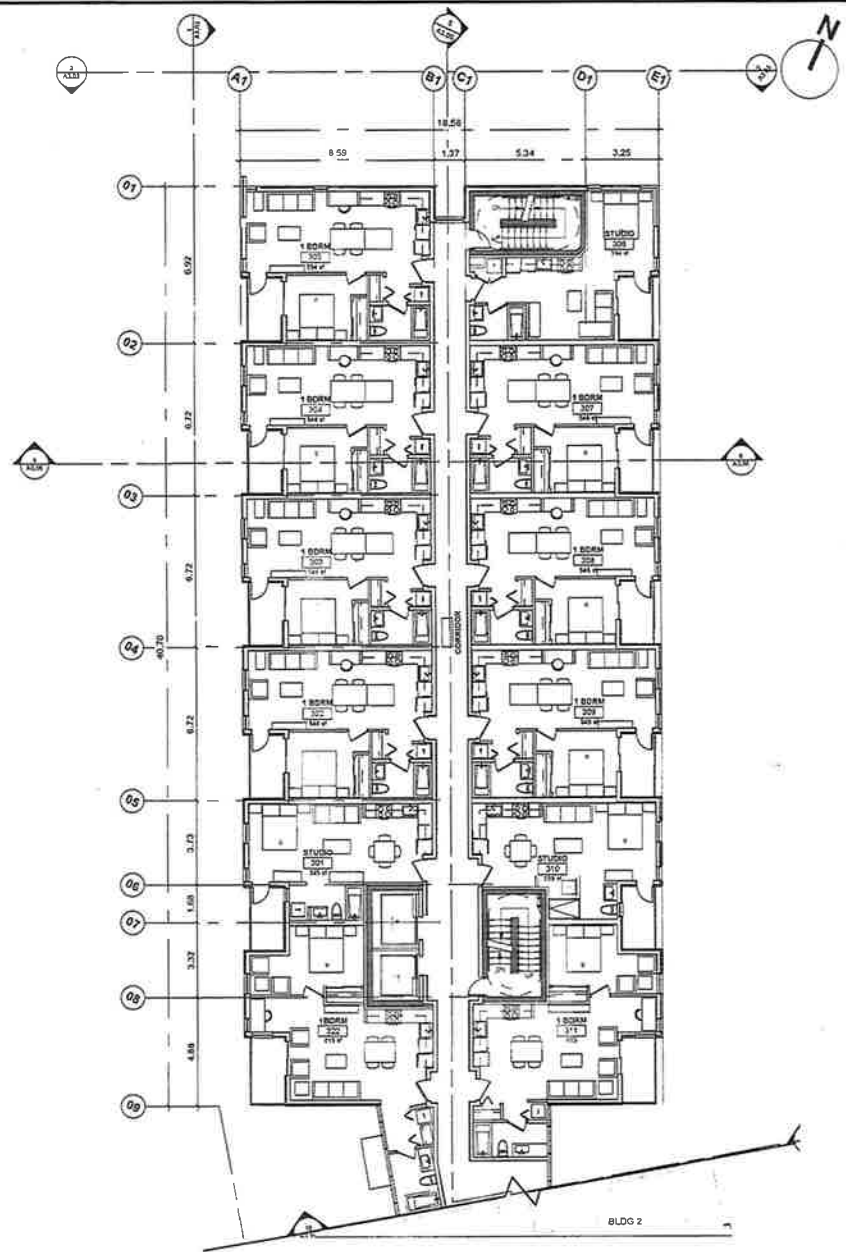
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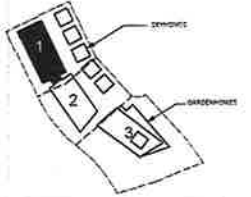


BLDG 2 - LEVEL 2 FLOOR PLAN
DATE: 12/10/15



BLDG 1 - LEVEL 3 FLOOR PLAN
DATE: 12/10/15

DIALOG



ISSUED FOR:

- A. 28 JANUARY DEVELOPMENT PERMIT
- B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
- C. 09 DECEMBER DEVELOPMENT PERMIT REVISIONS

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LORENE AND COMPANY
1000 HALL STREET
VICTORIA BC V8V 1S8
TEL: (250) 355-4991

SEAL

RAILYARDS, LOT H & J

VICTORIA BC

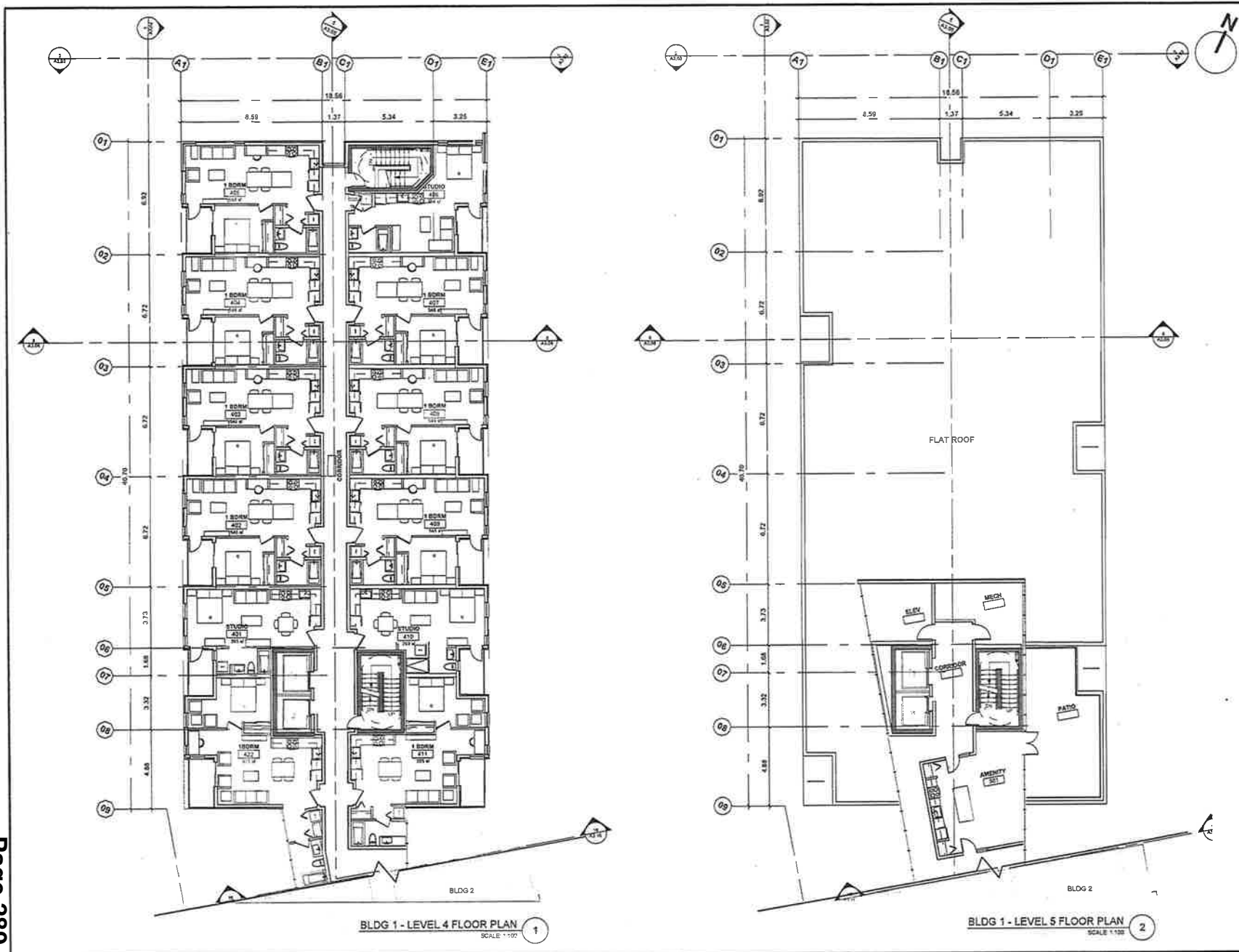
BLDG 1 - LEVELS 2 & 3
FLOOR PLANS

DRAWN BY
PLOT DATE: 12/10/15

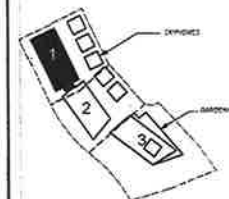
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8/20/2015 10:00 AM



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www.shinearchitects.ca

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100-471 KENNEDY STREET
VICTORIA BC V8A 1E1
Tel: 250.353.4900

SEA

RAILYARDS, LOT H & J

VICTORIA, BC

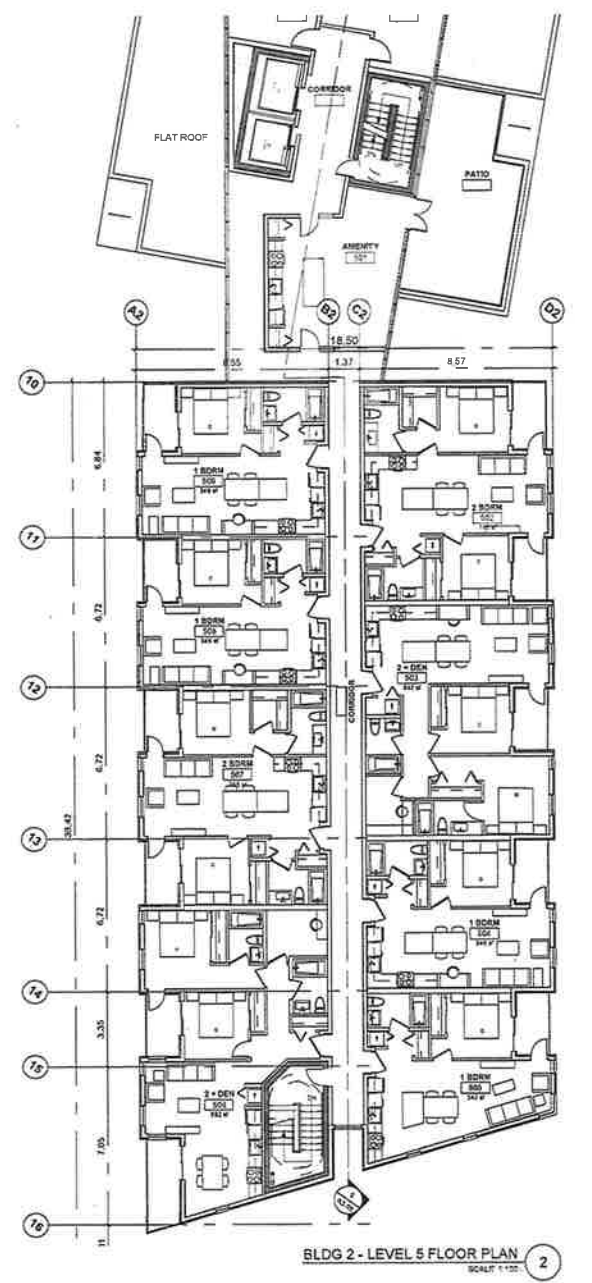
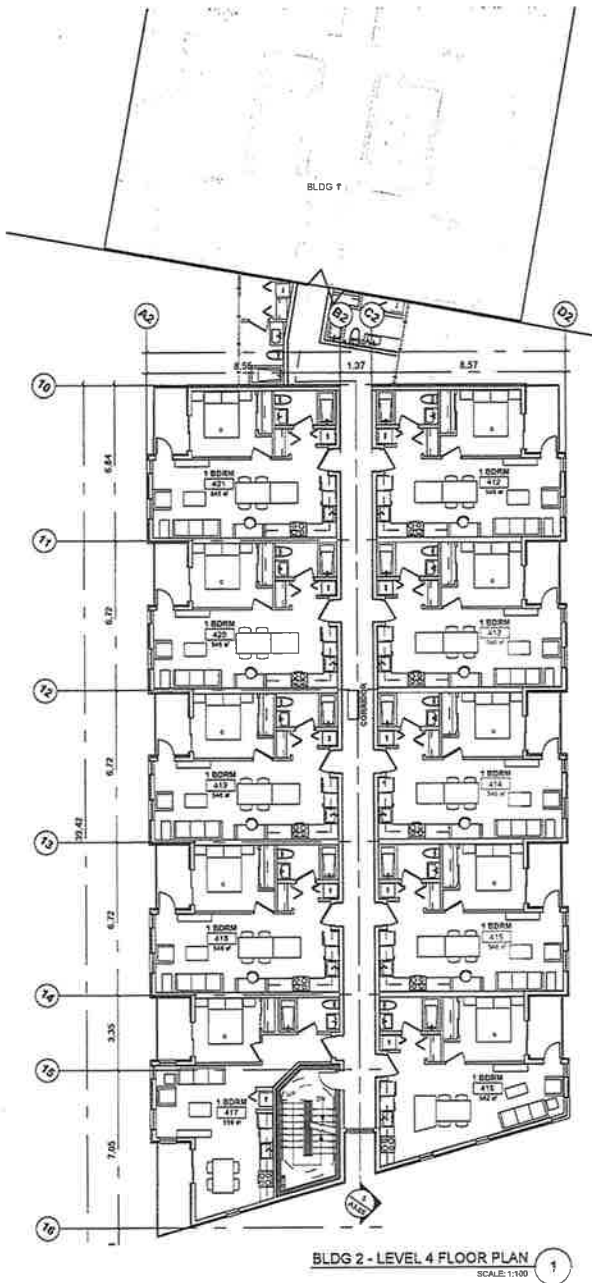
**BLDG 1 - LEVELS 4 & 5
FLOOR PLANS**

DRAWN: AG
PLOT DATE: 12/01/15

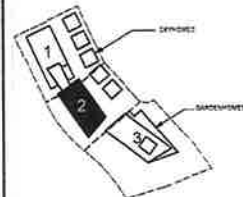
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A2.12

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TEL: (604) 255-1918 FAX: (604) 255-1700
405@DIALOGBC.COM

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LEPPINE AND COMPANY
100 HERALD STREET
VICTORIA, BC V8W 1S3
TEL: (250) 385-0000

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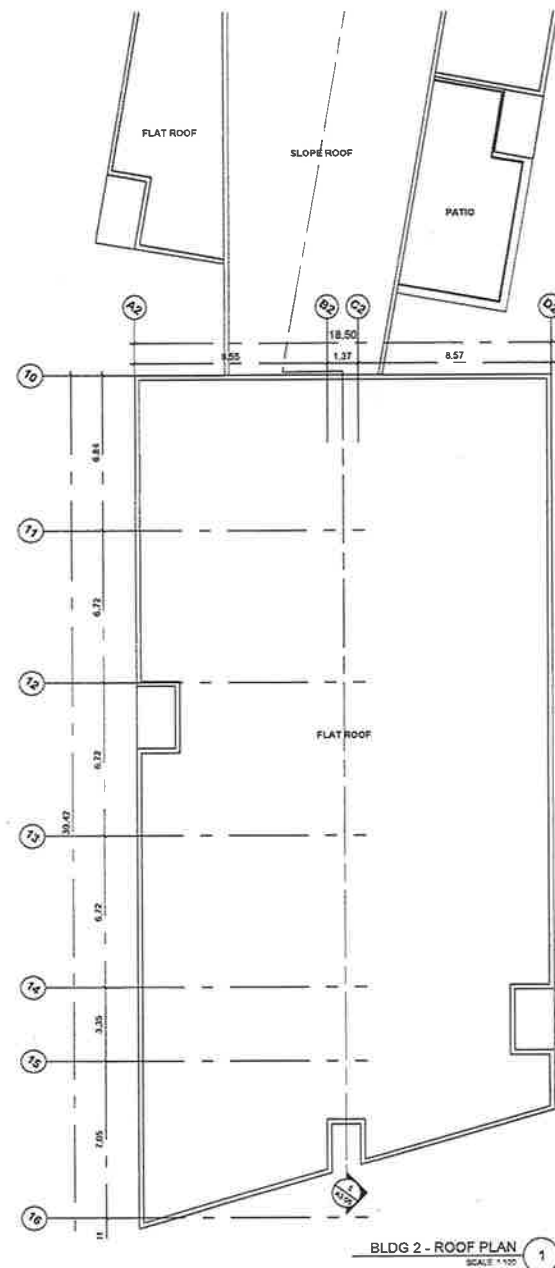
VICTORIA, BC

**BLDG 2 - LEVELS 4 & 5
FLOOR PLANS**

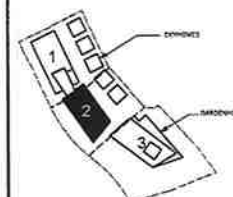
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A2.22

90715V Plans BLDG2_12_20150718.rvt



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RAILYARDS, LOT H & J

VICTORIA, BC

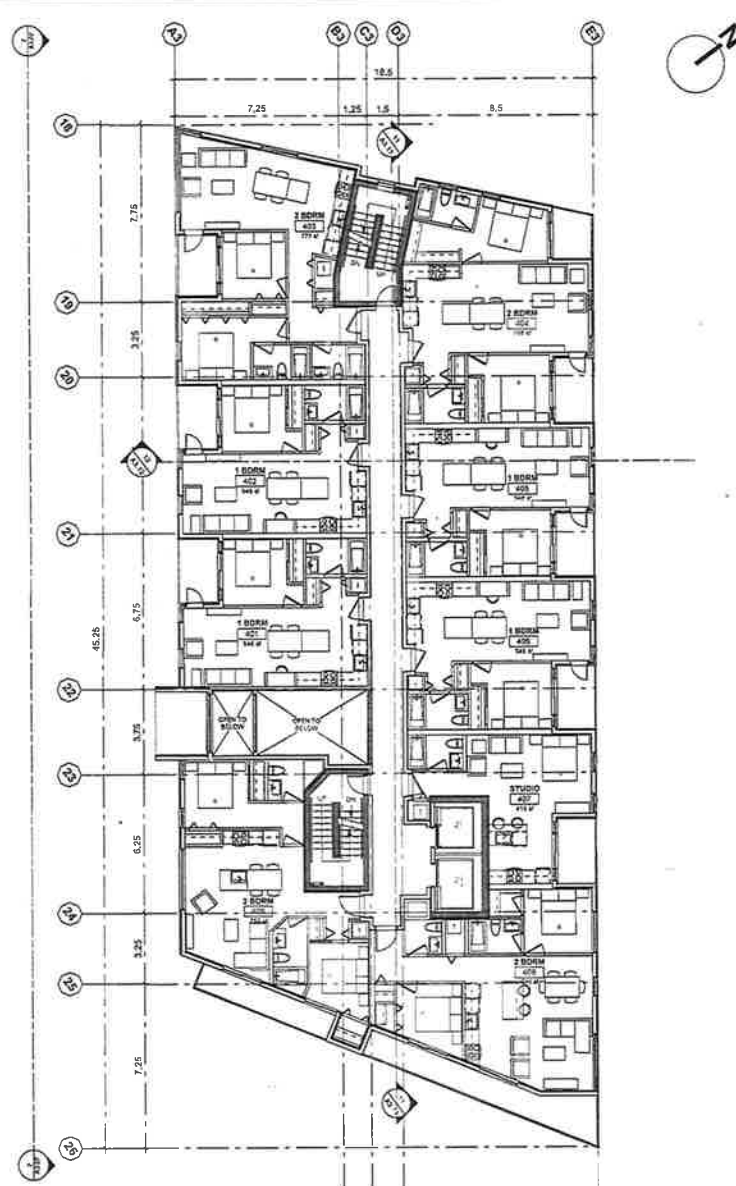
BLDG 2 - ROOF PLAN

DRAWN AG CHECKED MC
 PLOT DATE 13/03/15

A2.23

WORKING PLAN: BLDG2_11_20121115.dwg

BLDG 3 - LEVEL 3 FLOOR PLAN 1



BLDG 3 - LEVEL 4 FLOOR PLAN

A schematic diagram of a three-story building layout. The building is divided into three main sections labeled 1, 2, and 3. Section 1 is the top-left part, section 2 is the middle part, and section 3 is the bottom-right part. There are several small rectangular rooms within these sections. Two labels with arrows point to specific areas: 'Entrances' points to a small room in section 1, and 'Cafeteria' points to a larger room in section 3.

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www.diaologbc.com

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530 HERALD STREET
VICTORIA BC V8W 1G9
Tel (250) 382-4850

—

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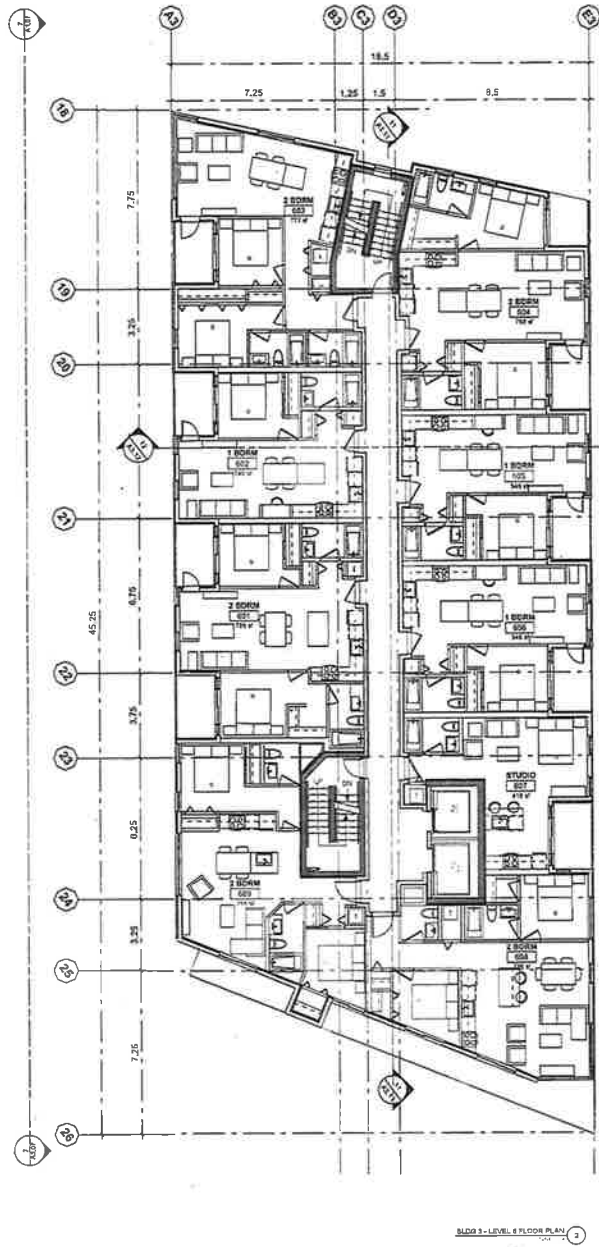
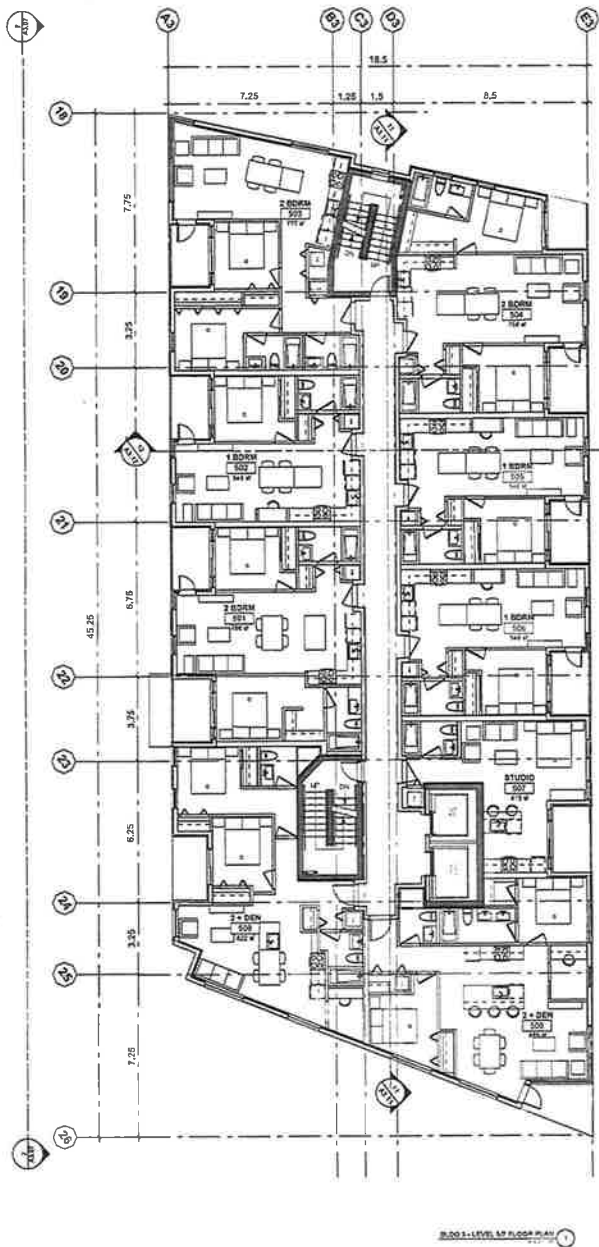
VICTORIA BC

BLDG 3 - LEVEL 3 & 4
FLOOR PLANS

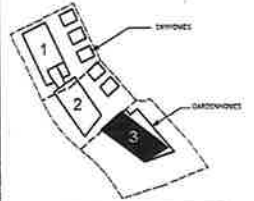
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VICTORIA BC V8M 1G3
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info@dialogbc.ca

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150 HEDALS STREET
VICTORIA BC V8W 1S3
Tel: (250) 480-4400

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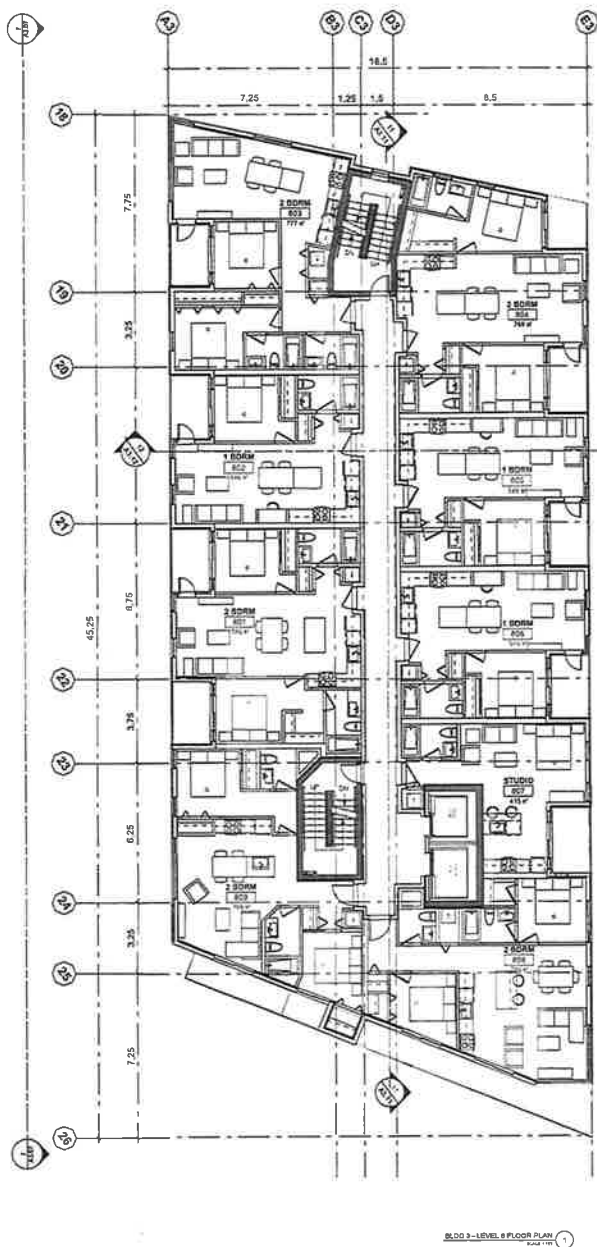
VICTORIA, BC

**BLDG 3 - LEVEL 5-7
FLOOR PLANS**

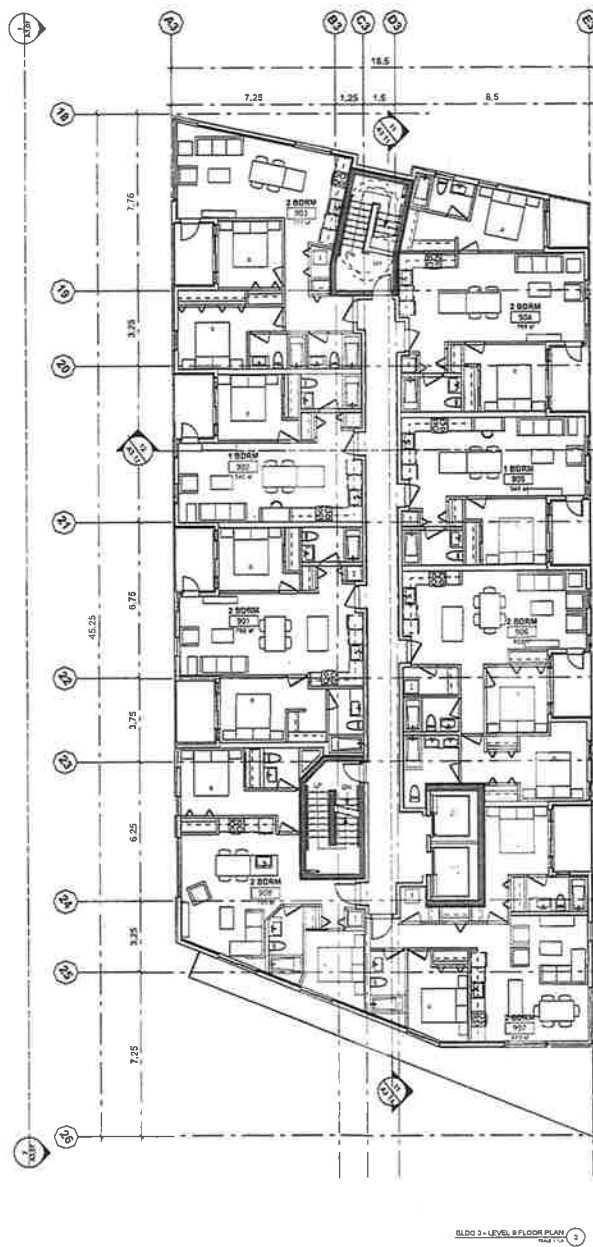
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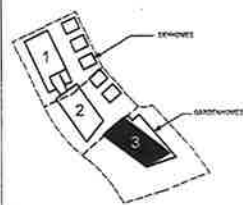


BLDG 3 - LEVEL 8 FLOOR PLAN



BLDG 3 - LEVEL 9 FLOOR PLAN

DIALOG



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 INTERIOR DESIGN PLANNING INC.
 405-111 ALDENBURY STREET
 VANCOUVER BC V6A 1E1
 TEL: (604) 254-1188
 FAX: (604) 254-1190
OWNER:
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 1300 RAIL STREET
 VICTORIA BC V8W 1H8
 TEL: (250) 384-8800

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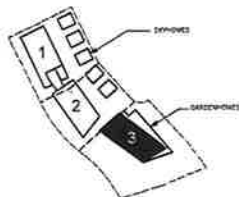
VICTORIA, BC

BLDG 3 - LEVEL 8 & 9
 FLOOR PLANS

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A2.33

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info@dialogfc.com

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LEPPINE AND COMPANY
104 HERALD STREET
VICTORIA BC V8W 1T1
Tel (250) 385-8899

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RAILYARDS, LOT H & J

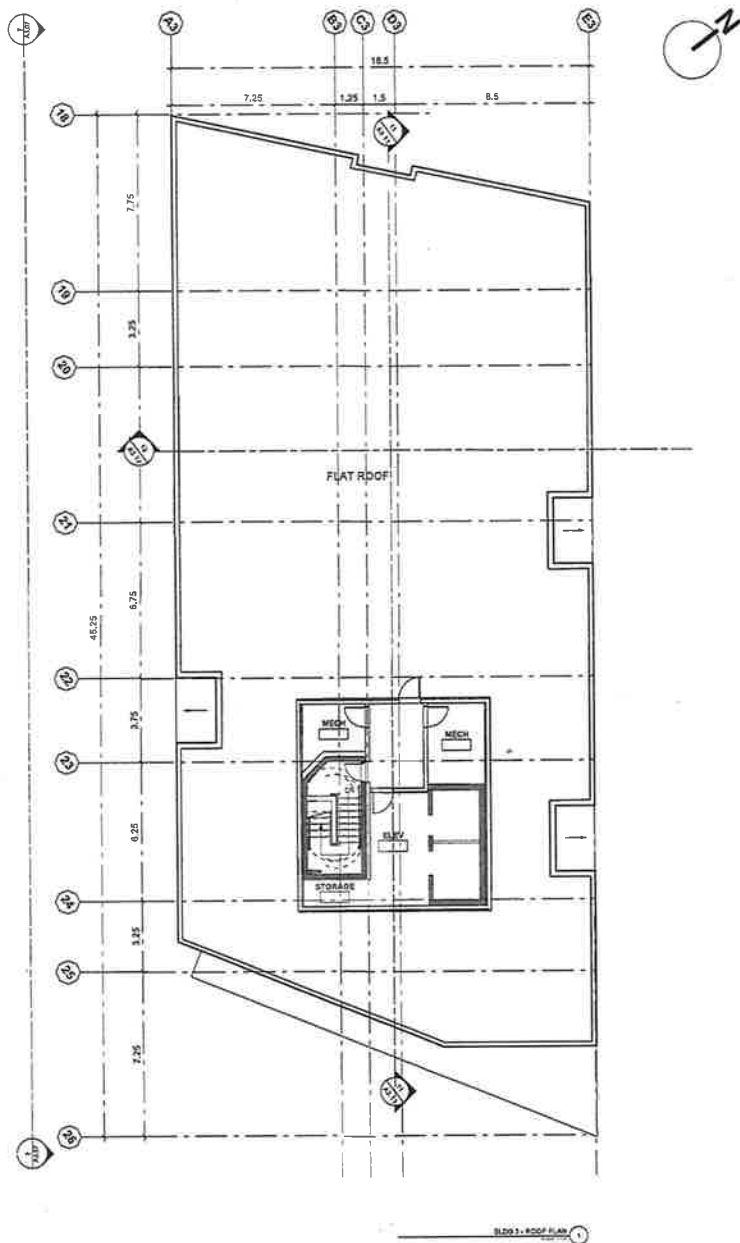
VICTORIA, BC

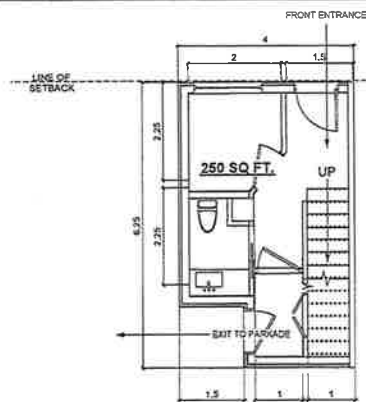
BLDG 3 - ROOF PLAN

DRAWN: AD / DT
PLOT DATE: 12/25/15

CHECKED: MC

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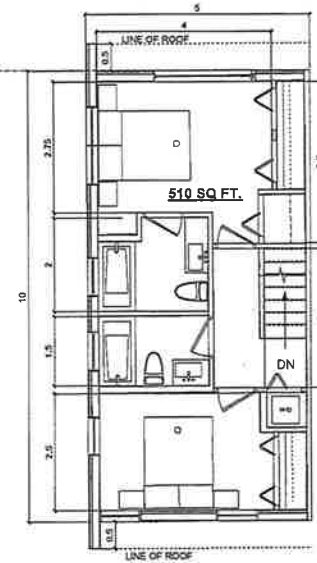




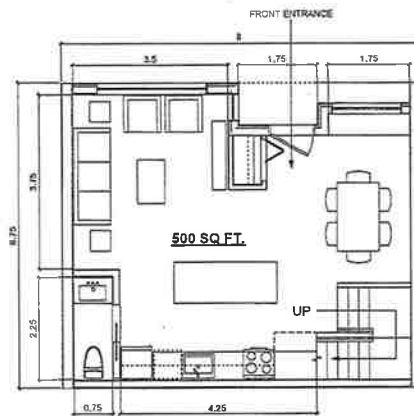
SKY HOMES - LEVEL 1 FLOOR PLAN (1)
SCALE: 1:100



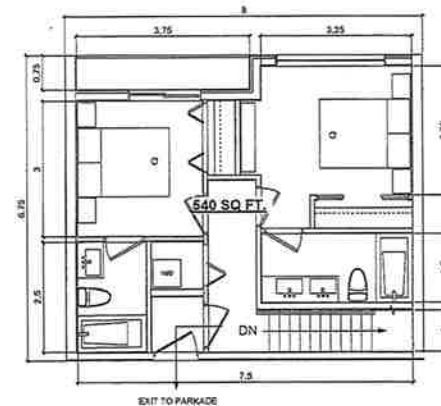
SKY HOMES - LEVEL 2 FLOOR PLAN (2)
SCALE: 1:100



SKY HOMES - LEVEL 3 FLOOR PLAN (3)
SCALE: 1:100

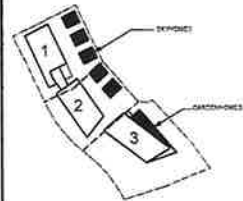


GARDEN HOMES - LEVEL 1 FLOOR PLAN (4)
SCALE: 1:100



GARDEN HOMES - LEVEL 2 FLOOR PLAN (5)
SCALE: 1:100

DIALOG



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- B 24 JULY 2015 DEVELOPMENT PERMIT REVISIONS
- C 28 DECEMBER 2015 DEVELOPMENT PERMIT REVISIONS

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design@dialoginc.ca

OWNER:

LEPPINE AND COMPANY

333 HERALD STREET

VICTORIA BC V8W 1Y3

Tel: (250) 383-4999

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RAILYARDS, LOT H & J

VICTORIA BC

TYPICAL UNIT PLANS

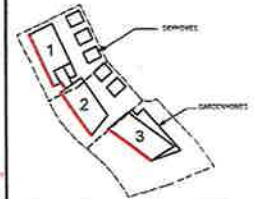
GARDEN HOMES-LVLS

SKY HOMES - LVLS 1-2

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CHECKED: MC

A2.41

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 d@dialogbc.ca

OWNER:
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 VICTORIA BC V8N 1J9
 T4 (250) 384-1001

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RAILYARDS, LOT H & J

VICTORIA BC

WEST ELEVATION

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 PLOT DATE: 15/03/16
 CHECKED: MC

A3.00

14/03/16 ELEVATION_21/15/1777.rvt

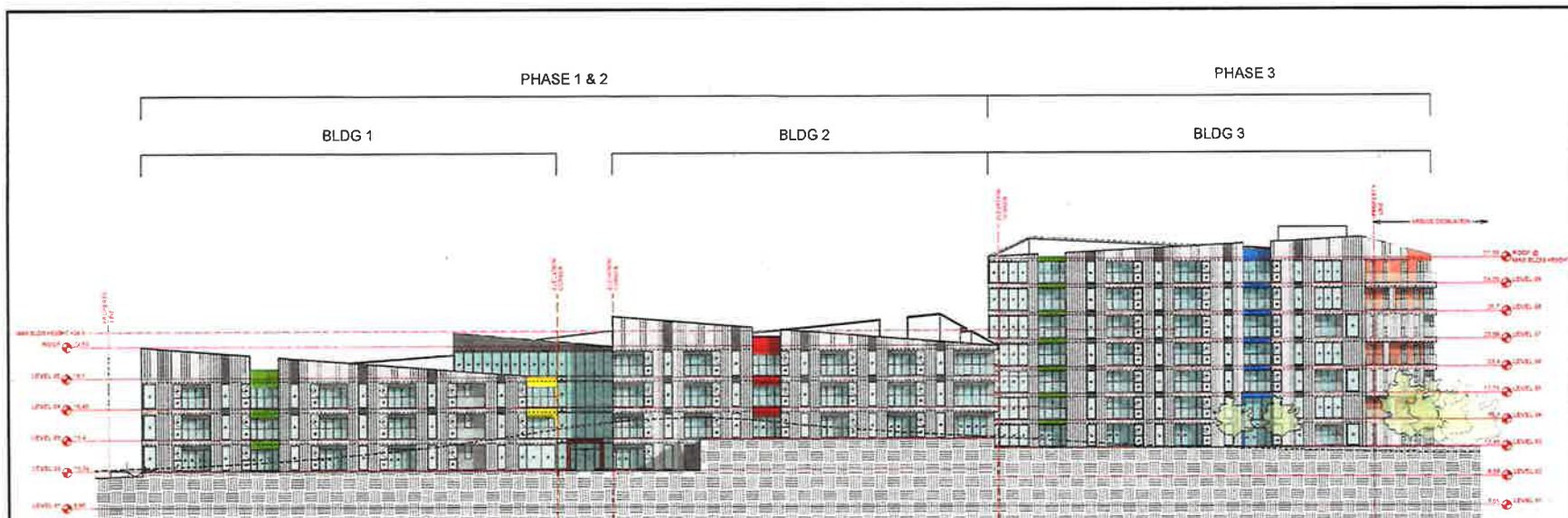
PHASE 1 & 2

PHASE 3

BLDG 1

BLDG 2

BLDG 3



WEST ELEVATION LEGEND (A)

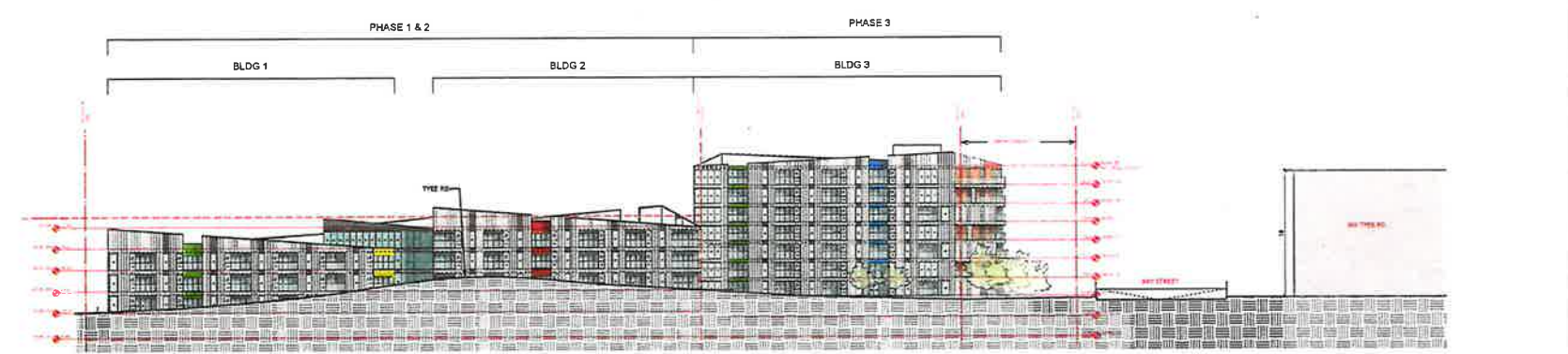
PHASE 1 & 2

PHASE 3

BLDG 1

BLDG 2

BLDG 3



WEST ELEVATION ALONG TIER RD (B)

A 28 JAN15 DEVELOPMENT PERMIT
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C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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VICTORIA BC V8W 1Y9
TEL (250) 582-4800

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RAILYARDS, LOT H & J

VICTORIA, BC

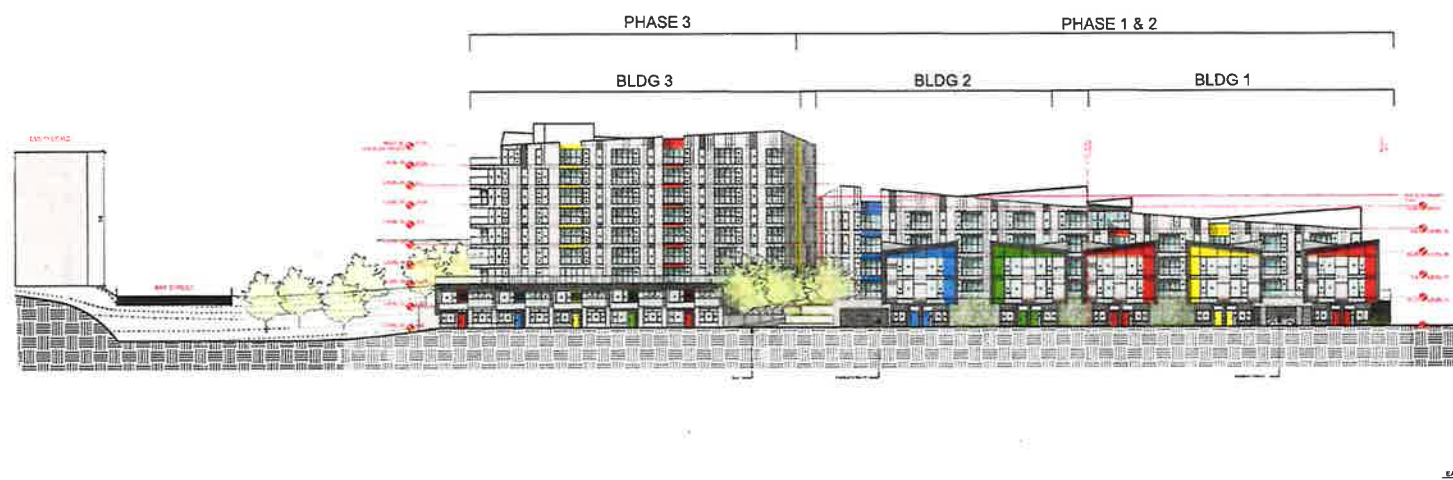
EAST ELEVATION

DRAIN AG
PLOT DATE: 18-2-4

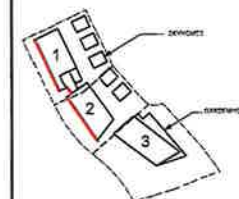
CHECKED MC

A3.01

SALES OF THE MONTH



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- C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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info@bridge-ae.com

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SEAL

RAILYARDS, LOT H & J

VICTORIA BC

WEST ELEVATION

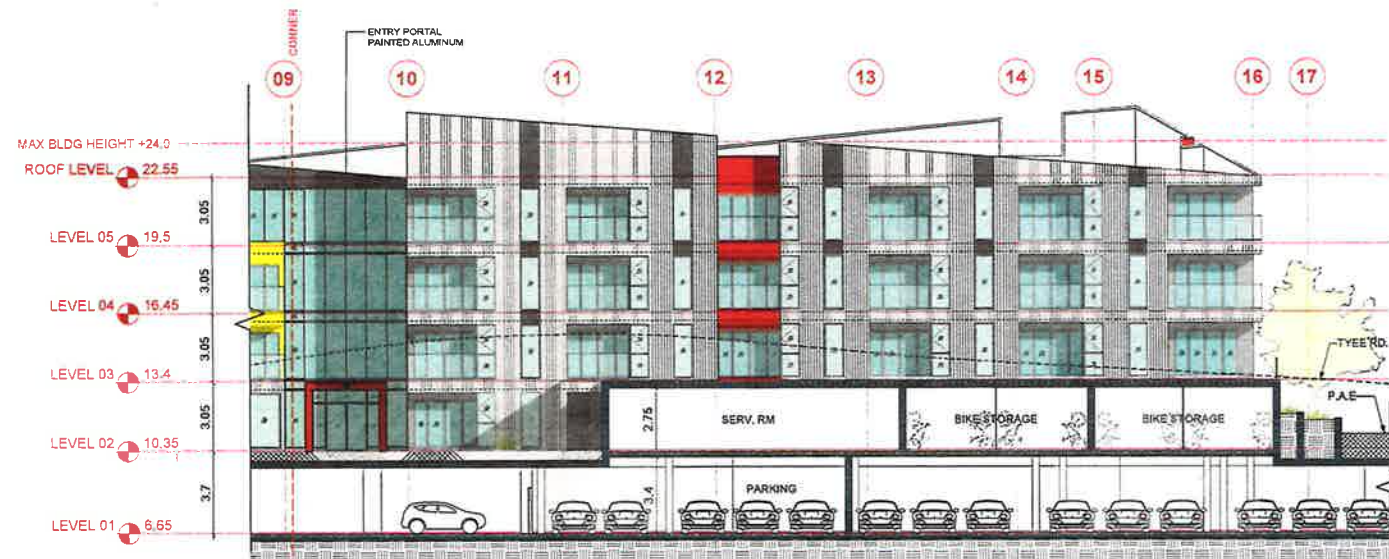
BLDG 1 & 2

DRAWN: AG PLOT DATE: 12/01/15

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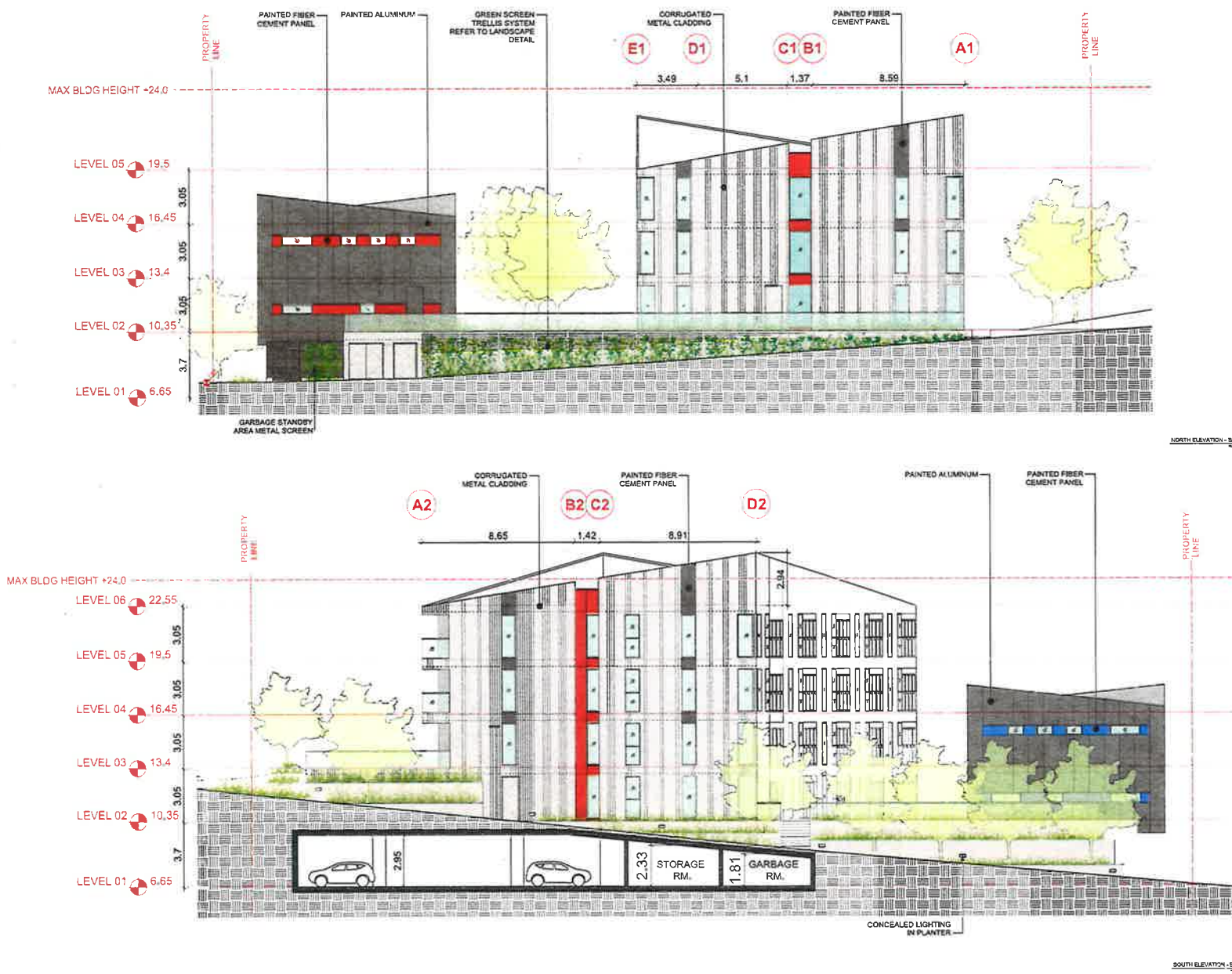
A3.02

NOTIFY: ELEVATIONS_20191120.rvt



WEST ELEVATION 1 - BLDG 1

WEST ELEVATION 2 - BLDG 2

**DIALOG®**

ISSUED FOR

- | | | |
|---|-----------|------------------------------|
| A | 28 JAN15 | DEVELOPMENT PERMIT |
| B | 14 AUG15 | DEVELOPMENT PERMIT REVISIONS |
| C | 09 DEC-15 | DEVELOPMENT PERMIT REVISIONS |

METRIC

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WEIGHT THIRTEEN POUNDS.
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REPORT INCONSISTENCIES AND OMISSIONS TO THE CONSULTANT
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ARCHITECT & PRIME CONSULTANT:

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www.dialogbc.com

OWNER:
LEFFING AND COMPANY
550 HERRIN STREET
VICTORIA BC V8M 1S4
TEL: (250) 363-4411

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

NORTH & SOUTH ELEVATION

BLDG 1 & 2

DRAWN AG
PLOT DATE: 10-2-4

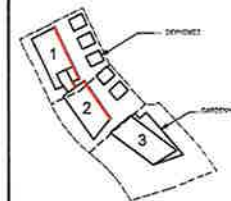
CHECKED. MC

A3.03

SEEKING ELEVATIONS, CONTINUED



DIALOG



ISSUED FOR

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- B 14 AUGU'S DEVELOPMENT PERMIT REVISIONS
- C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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101-1111 ALBERT STREET
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OWNER:

RAILYARDS COMPANY
100 HEDLEY STREET
VICTORIA, BC V8N 1Y1
Tel: 250-380-8888

SEAL

RAILYARDS, LOT H & J

VICTORIA BC

EAST ELEVATION

BLDG 1 & 2

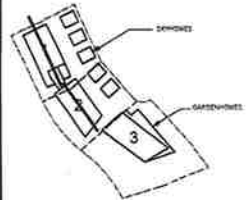
DRAWN AG
PLOT DATE 12/01/15

CHECKED MC

A3.04

RAILYARDS ELEVATION_20150722.dwg

DIALOG



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- B 14 AUG/15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC/15 DEVELOPMENT PERMIT REVISION

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VANCOUVER, BC V6A 1E1
TEL: 604.251.1188 FAX: 604.251.1790
info@dialoginc.com

OWNER:
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311 HODAL STREET
VICTORIA, BC V8W 1H9
TEL: (250) 384-4900

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

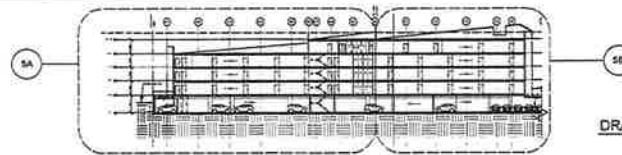
BLDG 1 & 2

DRAWN: AG
PLOT DATE: 12/28/15

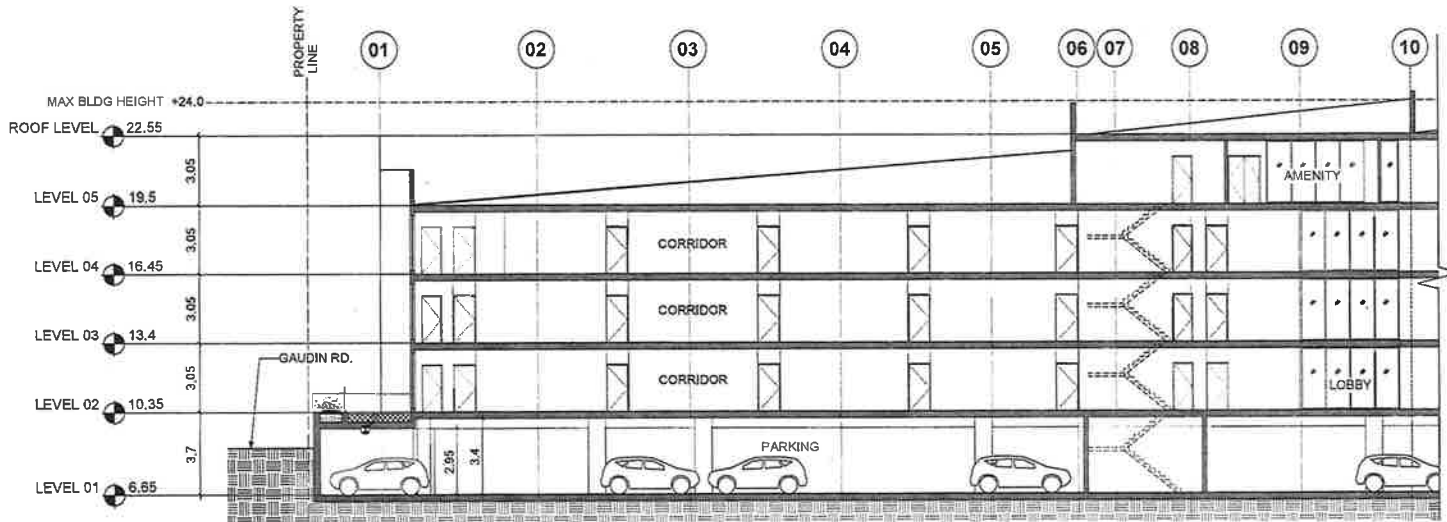
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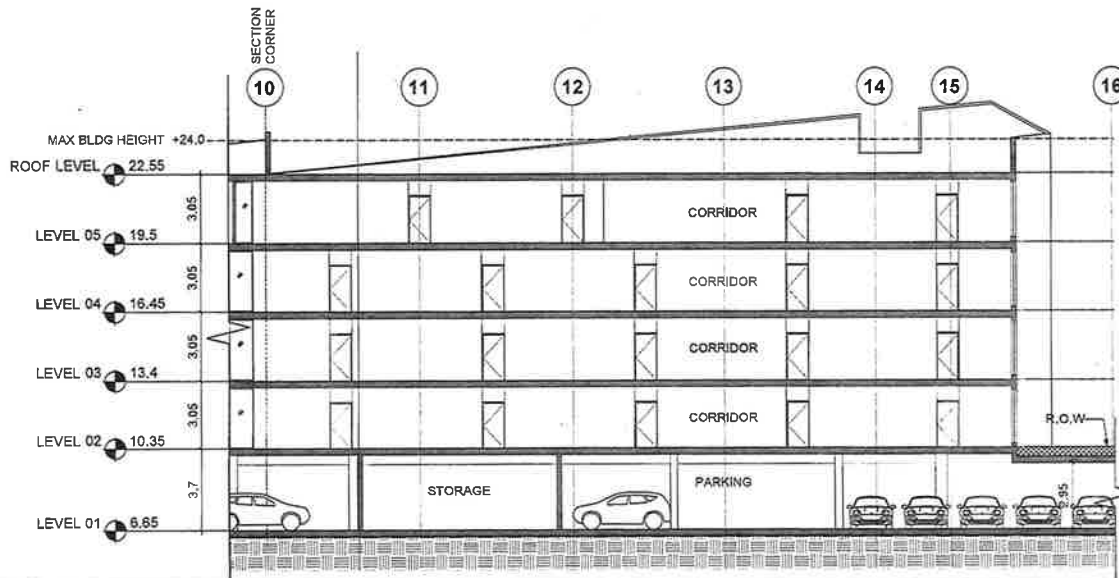
RAILYARDS SECTIONS_20150717.dwg



DRAWING LEGEND FOR SECTION 5
SCALE: 1/500

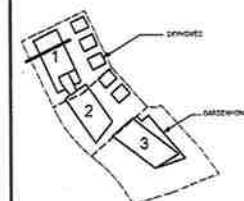


BUILDING SECTION 5 - BLDGS 1 & 2
SCALE: 1/100 5A



BUILDING SECTION 5 - BLDG 1 & 2
SCALE: 1/100 5B

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info@dialogbc.ca

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800 HEROLD STREET
VICTORIA BC V8W 1S8
TEL (250) 364-9900

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

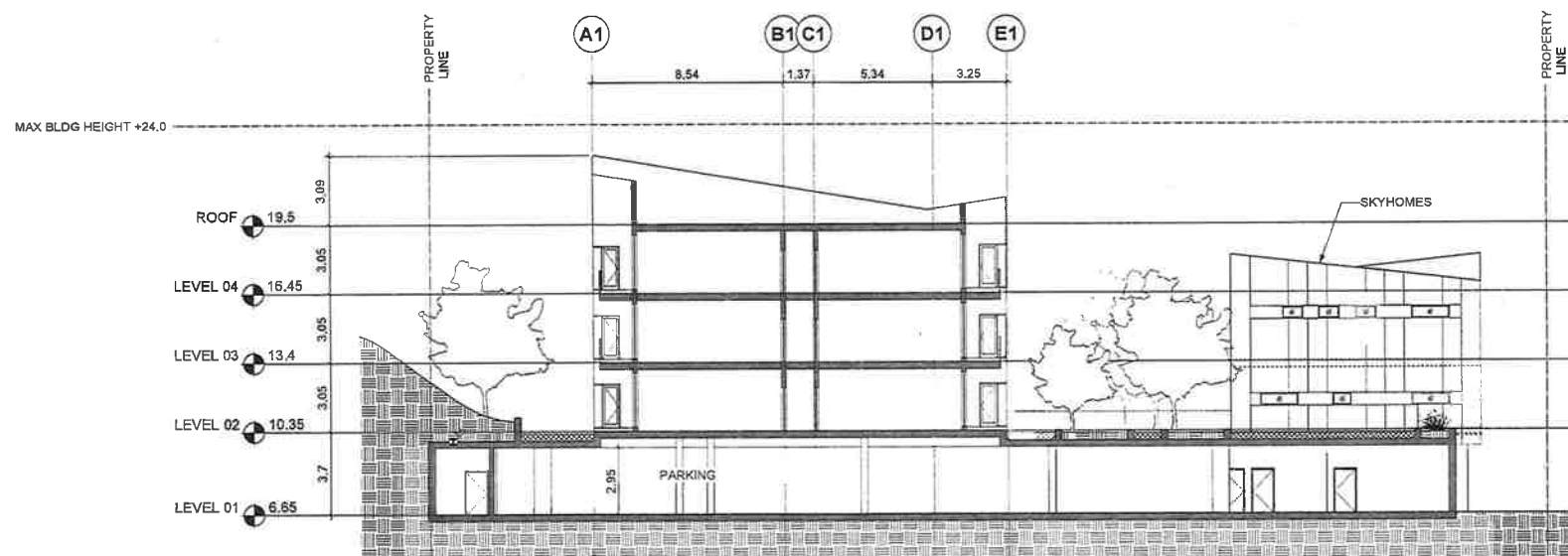
BLDG 1

DRAWN: JG
PLOT DATE: 12/8/15

CHECKED: MC

A3.06

042957 / SECTIONS_20150115.rvt



BUILDING SECTION 6 - BLDG 1
SCALE: 1/100

6

Victoria City Council - 24 Mar 2016

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- B 14 AUGU'S DEVELOPMENT PERMIT REVISIONS
- C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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info@dialogbc.ca

OWNER:
SEAFORM AND COMPANY
171 HERALD STREET
VICTORIA, BC V8W 1T1
Tel: (250) 383-4700

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

WEST ELEVATION

BLDG 3

DRAWN: AG
PLOT DATE: 12/29/15

CHECKED: MC

A3.07

BLDG3 WEST ELEVATION_20151229.dwg



DIALOG®



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- C: 09 DEGU'S DEVELOPMENT PERMIT REVISIONS

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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

NORTH ELEVATION

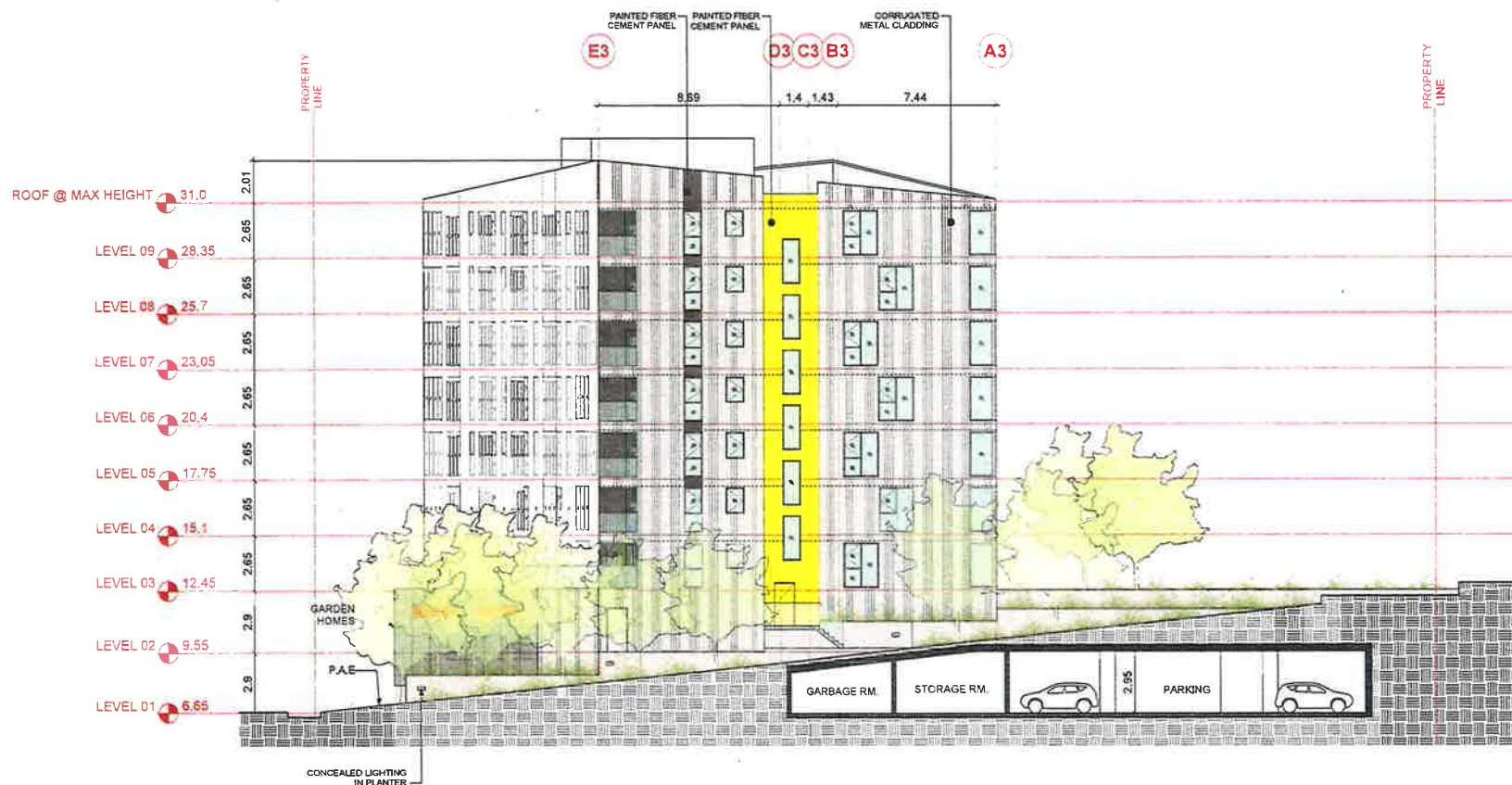
BLDG 3

DRAWN: AG
PLOT DATE: 12/01/15

CHECKED: MC

A3.08

MPHY ELEVATION_221722231.dwg





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B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
C 05 DEC15 DEVELOPMENT PERMIT REVISIONS

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105-111 KENNEDY STREET
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Tel: (03) 9571 1111 Fax: (03) 251 1700
www.dialogaustralia.com.au

OWNER:
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100 KENNEDY STREET
MELBOURNE VIC 3004
Tel: (03) 188 4995

SEAL

RAILYARDS, LOT H & J

VICTORIA, VIC

EAST ELEVATION

BLDG 3

DRAWN: AQ PLOT DATE 12/03/15 CHECKED: MC

A3.09

W:\P\RAILYARDS\121015\A3.09.dwg



EAST ELEVATION - B.002

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- B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
- C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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info@dialogbc.ca

OWNER:
LETTERHEAD & COMPANY
100 HORNOLD STREET
VICTORIA BC V8W 1Z5
Tel: (250) 363-4906

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

SOUTH ELEVATION

BLDG 3

DRAWN: AG
PLOT DATE: 12/20/15

CHECKED: MC

A3.10

RAILYARDS ELEVATIONS_20150720.dwg

Victoria City Council - 24 Mar 2016



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VANCOUVER, BC V6A 1T1
TEL: 604-255-1111
info@dialogbc.ca

OWNER:

LEVERAGE AND COMPANY
1111 ALAN STREET
VANCOUVER, BC V6A 1T1
TEL: 604-255-1111

SEAL

RAILYARDS, LOT H & J

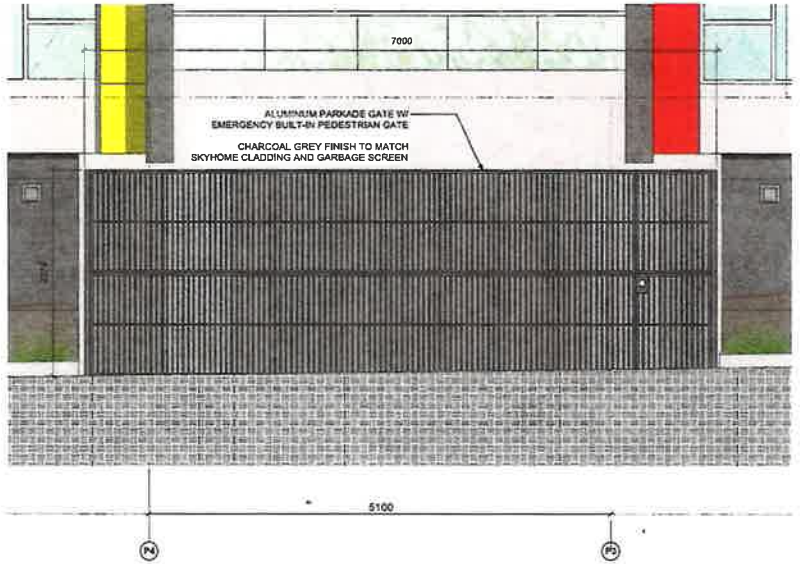
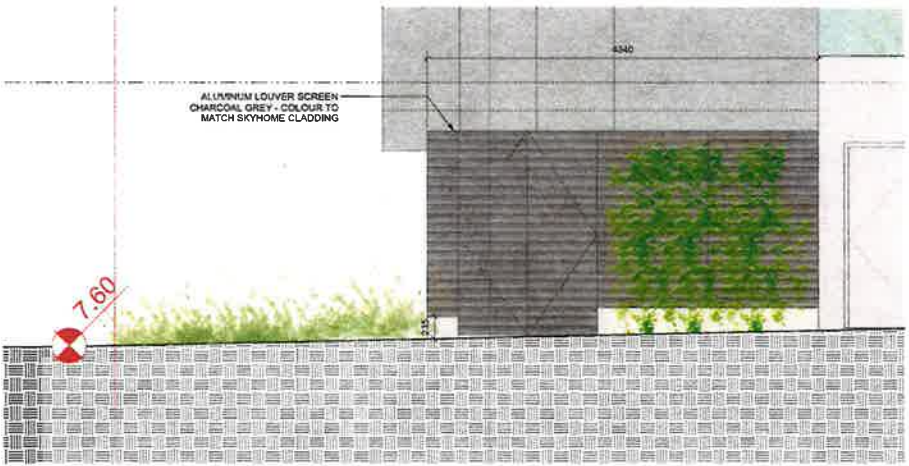
VICTORIA, BC

**GARBAGE SCREEN
& GARAGE DOOR DETAIL**

DRAWN: AG
PLOT DATE: 16-2-4

CHECKED: MC

A3.16



NORTH ELEVATION - BUILDING



EAST ELEVATION - SKYHOME

A. 28 JANU'S DEVELOPMENT PERMIT
B. 14 AUGU'S DEVELOPMENT PERMIT REVISION
C. 09 DEC'95 DEVELOPMENT PERMIT REVISION

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INTERIOR DESIGN PLANNING INC
408 - 811 ALEXANDER STREET
VANCOUVER BC V6A 1E1
Tel (604) 235-1179 Fax (604) 236-1780
info@dialogbc.com

OWNER:
LEFEVRE AND COMPANY
330 HERALD STREET
VICTORIA BC V8W 1E8
Tel. (604) 380-4500

2000

RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

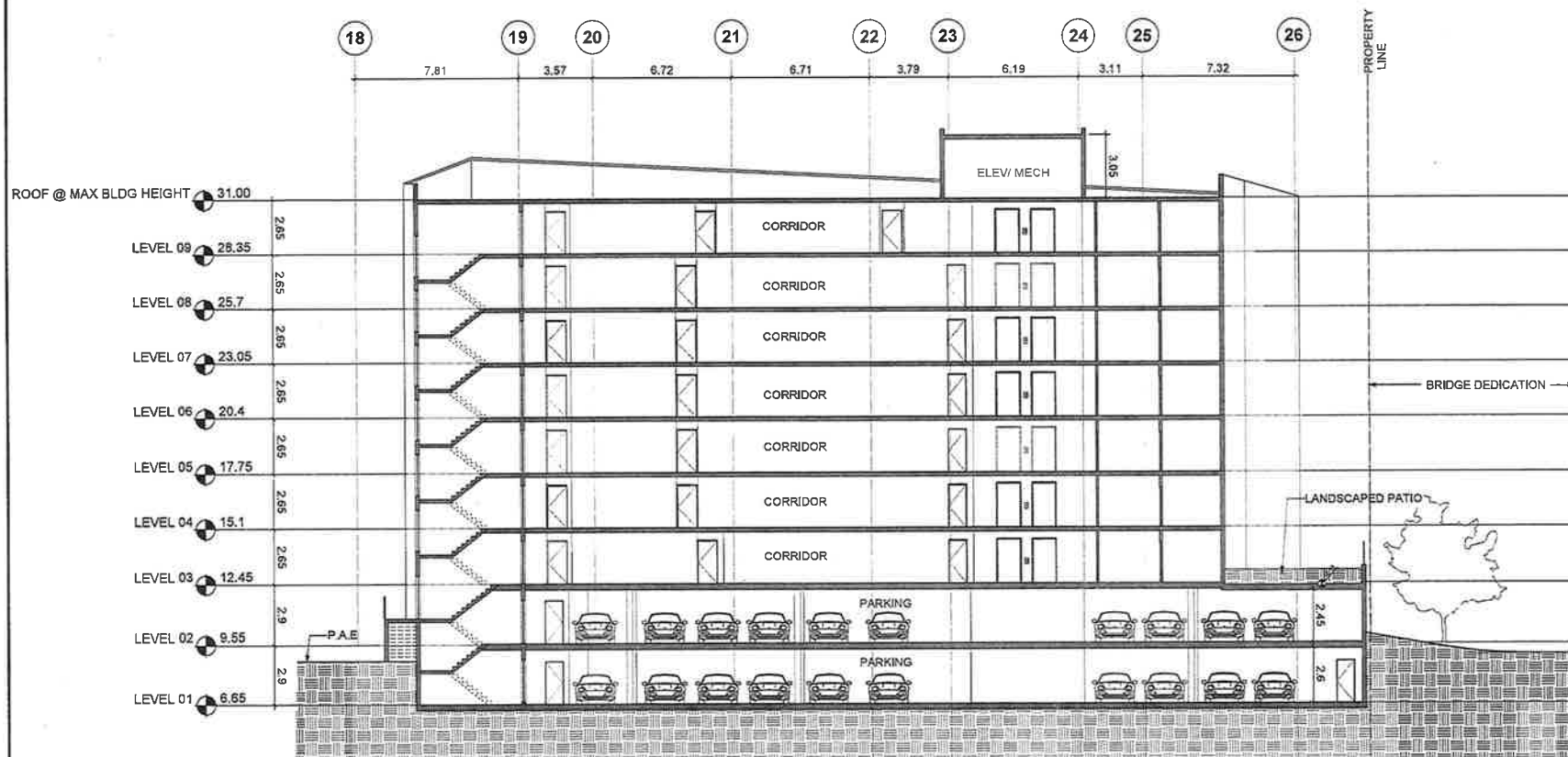
BLDG 3

DRAWN AG
PLOT DATE 12/18/15

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A3.11

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BUILDING SECTION 11 - BLDG 3

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- C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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www.dialogbc.ca

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1111 HALL STREET
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SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

BUILDING SECTION

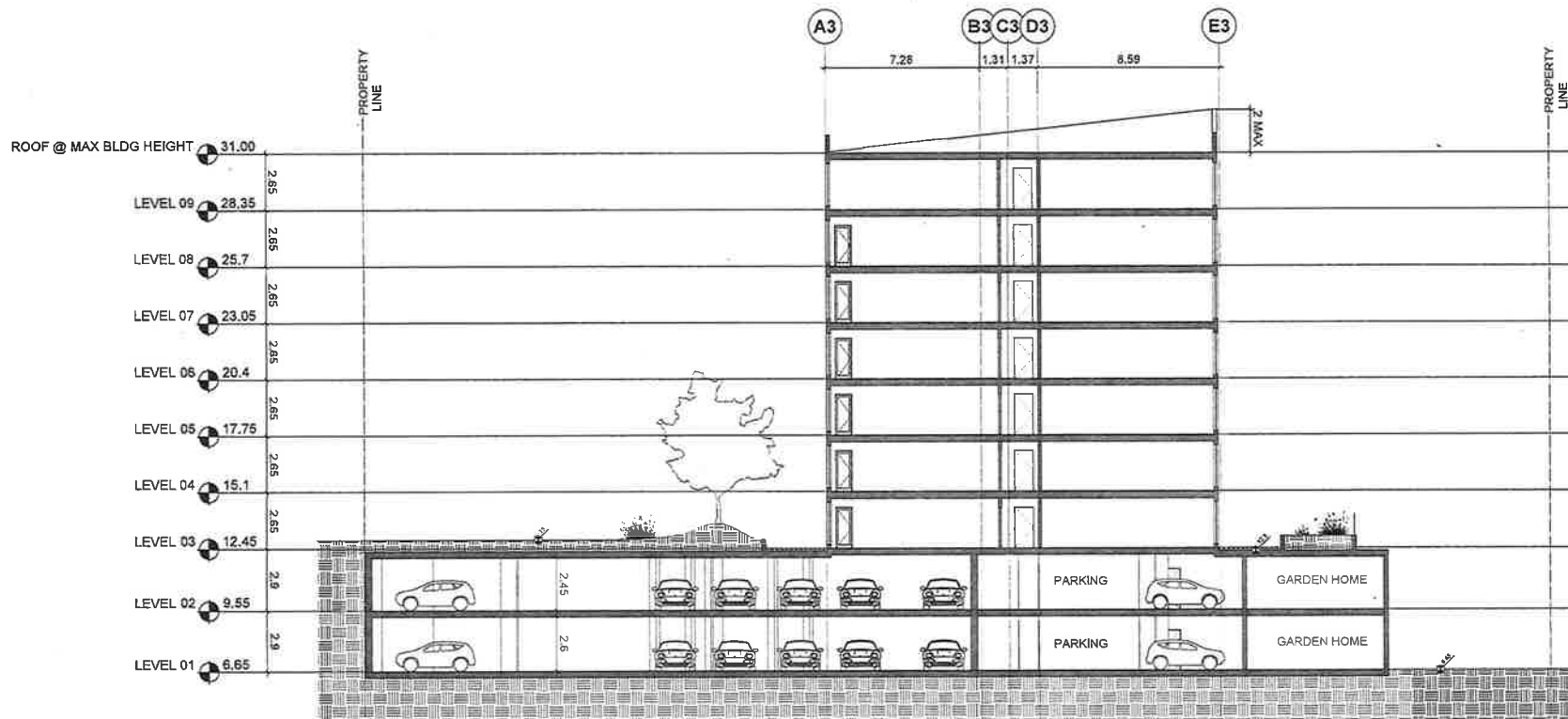
BLDG 3

DRAWN AG
PLOT DATE: 12/9/15

CHECKED MC

A3.12

047691V SECTION3_20150717.dwg



BUILDING SECTION 12 - BLDG 3
SCALE: 1/100

ROOF @ MAX HEIGHT 31.00

LEVEL 09 28.35

LEVEL 08 25.7

LEVEL 07 23.05

LEVEL 06 20.4

LEVEL 05 17.75

LEVEL 04 15.1

LEVEL 03 12.45

LEVEL 02 9.55

LEVEL 01 6.65

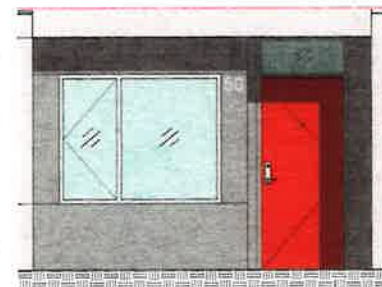
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PAINTED ALUMINUM

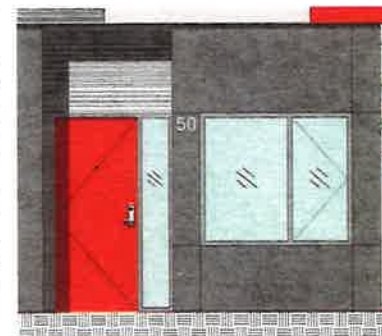
PAINTED FIBER CEMENT PANEL

PAINTED FIBER CEMENT PANEL

EAST ELEVATION - GARDEN HOMES 13



FRONT DOOR DETAIL - GARDEN HOMES 14



FRONT DOOR DETAIL - SKY HOMES 15

DIALOG



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A 29 JAN'15 DEVELOPMENT PERMIT
B 14 AUG'15 DEVELOPMENT PERMIT REVISIONS
C 09 DEC'15 DEVELOPMENT PERMIT REVISIONS

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LEPPINE AND COMPANY
1000-1000 PINE STREET
VICTORIA BC V8W 1T1
TEL: 250-251-1181

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

EAST ELEVATIONS -
GARDEN HOMES
& SKY HOMES

DRAWN BY: PLOT DATE: 12/01/15 CHECKED: MC

A3.13

04/20/15 ELEVATIONS_20110711.rvt

MAX BLDG HEIGHT +24.0

PARKING ENTRANCE

GREEN SCREEN
TRELLIS
REFER TO LANDSCAPE
DETAIL

PAINTED FIBER
CEMENT PANEL

CORRUGATED
METAL CLADDING

CORNER

PAINTED
ALUMINUM

PAINTED FIBER
CEMENT PANEL

PARKING ENTRANCE

LEVEL 05 19.5

LEVEL 04 16.45

LEVEL 03 13.4

LEVEL 02 10.35

LEVEL 01 6.65

EAST ELEVATION - SKY HOMES 16



ISSUED FOR
 A 28 JAN15 DEVELOPMENT PERMIT
 B 14 AUG15 DEVELOPMENT PERMIT REVISIONS
 C 03 DEC15 DEVELOPMENT PERMIT REVISIONS

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 8/1000 GLENVIEW PARKWAY
 404-811 ALEXANDER STREET
 SUITE 100/101, VIC 3045
 TEL: (03) 9551-1111 FAX: (03) 9551-1199
 email: info@dialogic.com.au

OWNER:
 LEVENE AND COMPANY
 3/410 GLENVIEW STREET
 MELBOURNE VIC 3045
 TEL: (03) 9551-1111

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

WEST ELEV. - SKY HOMES
 SOUTH ELEV. - PHASE 1

DRAWN AS
 PLOT DATE 12/06/15 CHECKED MC

A3.14

SOUTH ELEVATION_20151215.dwg





DIALOG



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 A. 28 JANUARY DEVELOPMENT PERMIT
 B. 14 AUGUST DEVELOPMENT PERMIT REVISIONS
 C. 09 DECEMBER DEVELOPMENT PERMIT REVISIONS

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 VICTORIA BC V8W 1S4
 TEL (250) 360-4001

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

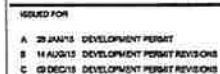
SOUTH ELEVATION - PHASE 2

DRAWN BY: PLOT DATE: 12/10/15 CHECKED BY: MC

A3.15

04299 / ELEVATIONS_20150720.rvt





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INTERIOR DESIGN PLANNING INC.
458 - 5TH ALEXANDER STREET
VANCOUVER, BC V6A 1E1
Tel: (604) 288-1199 Fax: (604) 288-1120
damp@diagnosechill.ca

OWNER:
LEFEVRE AND COMPANY
530 HERALD STREET
VICTORIA BC V8W 1M6
Tel: (250) 360-4600

SEAL

RAILYARDS, LOT, H&J

LANDSCAPE LAYOUT PLAN

DRAWN: B_Down
PLOT DATE: 12/20/18

CHECKED:

L0.02

[illegible]

PROPOSED PLANTED AREA

PROPOSED HYDROSEEDED AREA

PROPOSED TREE PLANTING

EXISTING TREE PLANTING - RETAIN

EXISTING TREE PLANTING - REMOVE

A 28 JAN15 DEVELOPMENT PERMIT
B 14 APR15 DEVELOPMENT PERMIT REVISIONS
C 09 DEC15 DEVELOPMENT PERMIT REVISIONS

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VICTORIA BC V8W 1M8
TEL (250) 360-4900

SEARCH

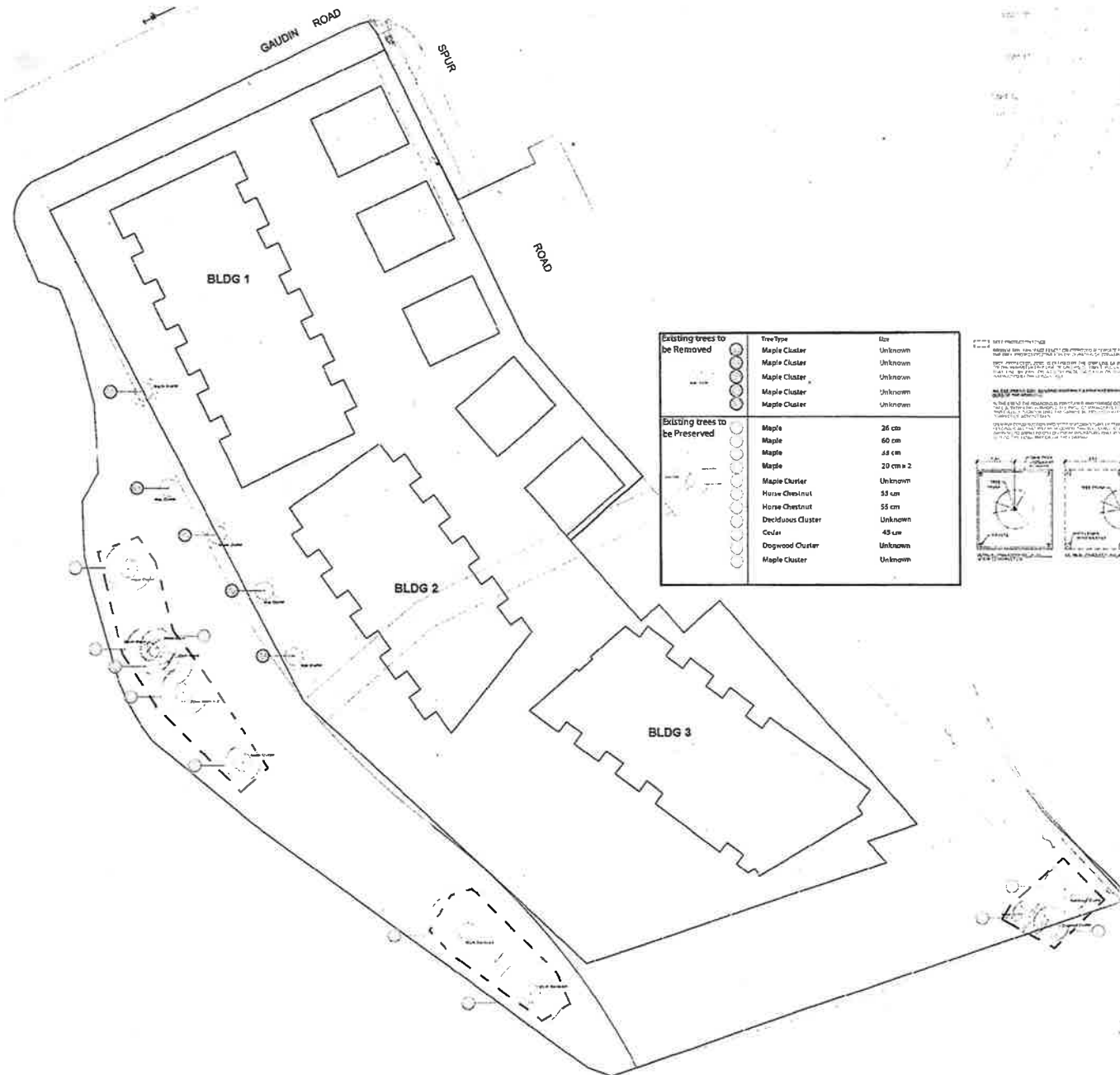
RAIL YARDS, LOT H&J

LANDSCAPE PLANTING PLAN

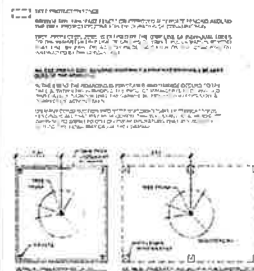
DRAWN: S. Orson
PLOT DATE: 12/8/15

CHECKED:

L0.03



Existing trees to be Removed	Tree Type	Size
Maple Cluster	Maple Cluster	Unknown
Maple Cluster	Maple Cluster	Unknown
Maple Cluster	Maple Cluster	Unknown
Maple Cluster	Maple Cluster	Unknown
Maple Cluster	Maple Cluster	Unknown
Existing trees to be Preserved	Tree Type	Size
Maple	Maple	26 cm
Maple	Maple	60 cm
Maple	Maple	48 cm
Maple	Maple	20 cm x 2
Maple Cluster	Maple Cluster	Unknown
Horse Chestnut	Horse Chestnut	53 cm
Horse Chestnut	Horse Chestnut	55 cm
Deciduous Cluster	Deciduous Cluster	Unknown
Cedar	Cedar	43 cm
Dogwood Cluster	Dogwood Cluster	Unknown
Maple Cluster	Maple Cluster	Unknown



DIALOG

ISSUED FOR

A 23 JAN 18 DEVELOPMENT PERMIT
B 24 JUL 15 DEVELOPMENT PERMIT REVISIONS

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

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INTERIOR DESIGN PLANNING INC.
401-411 ALBERICI STREET
VICTORIA, BC V8A 1T1
Tel: (250) 385-1181 Fax: (250) 385-1780
dlog@dialogbc.ca

OWNER:
LEPPING AND COMPANY
132 HENRI STREET
VICTORIA, BC V8V 1A8
Tel: (250) 385-8888

SEAL

RAILYARDS, LOT H & J

VICTORIA, BC

TREE PRESERVATION PLAN

DRAWN
PLOT DATE 08/04/15

CHECKED

TREE PRESERVATION PLAN

SCALE: 1:250

1

L0.04

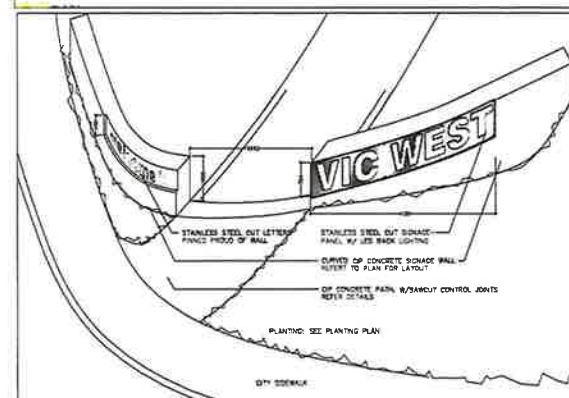
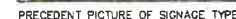


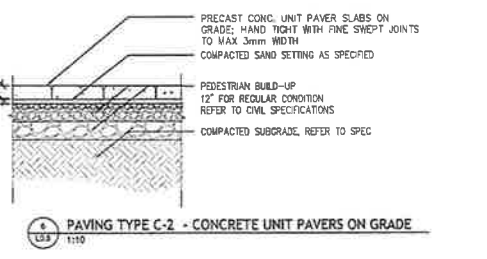
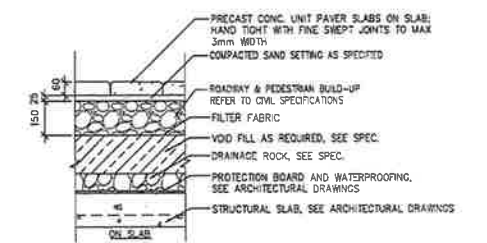
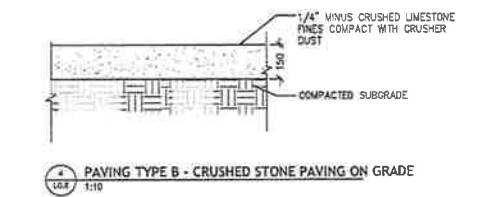
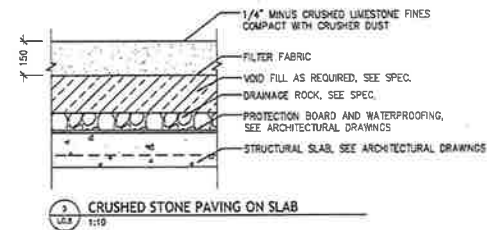
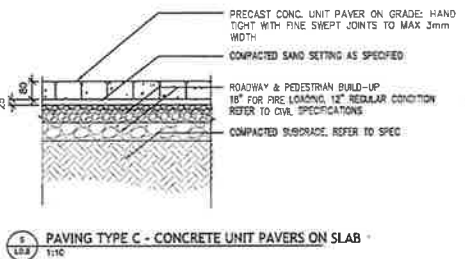
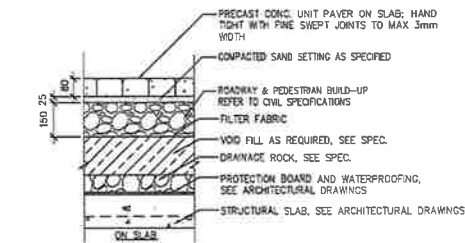
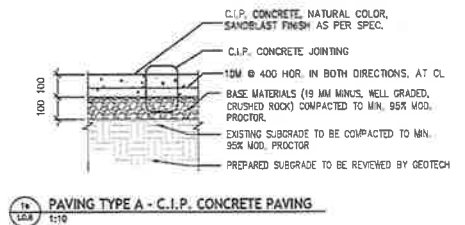
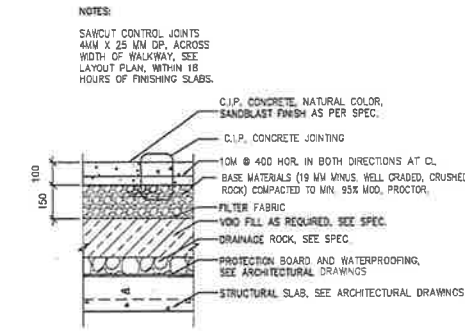
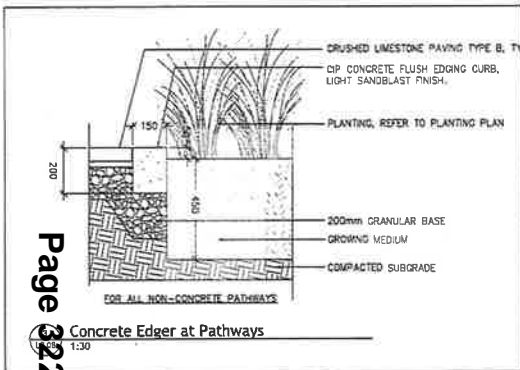
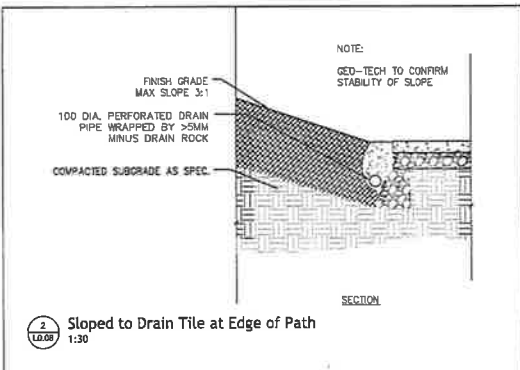
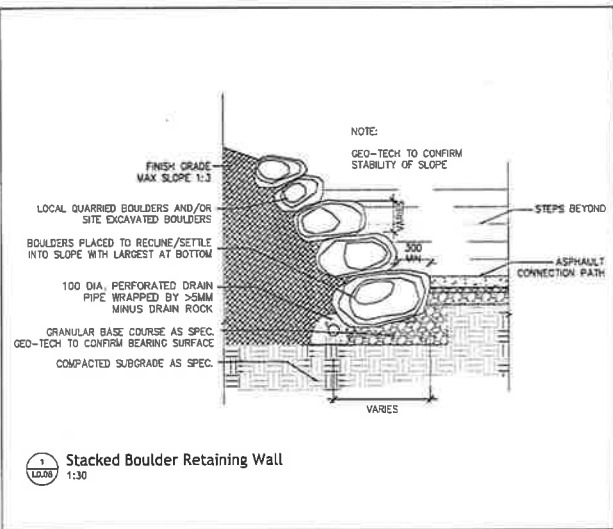
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TEL: (604) 255-1166 FAX: (604) 222-0770
dave@dialogicbc.com

OWNER:
LEFFVESE AND COMPANY
520 METCAL STREET
VICTORIA BC V8Y 1S6
Tel: (250) 364-4100

DRAWN: S. Orsini
PLOT DATE: 12/29/15

L0.05





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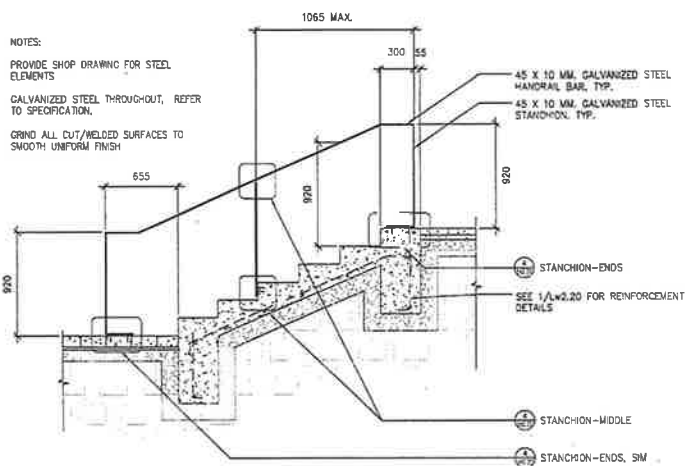
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info@dialogbc.ca
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110 HENRIOT STREET
VICTORIA BC V8V 1S8
TEL: 250 360-0000

SEAL
RAILYARDS, LOT H&J

LANDSCAPE DETAILS

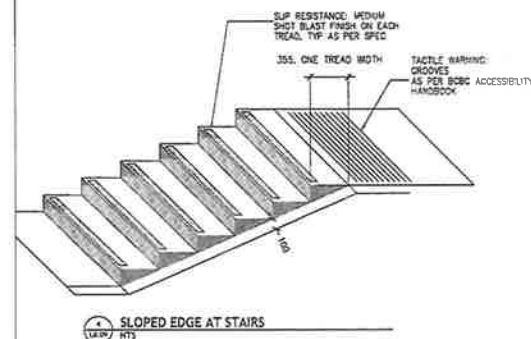
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L0.08



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design@dialoginteriors.ca

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550 - FRUHL STREET
VICTORIA BC V8W 1S8
Tel: (250) 360-0920



CHECKED:

LO.09

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www.davidbeaumont.com

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200 HERALD STREET
VICTORIA, BC V8W 1Y8
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RAILYARDS, LOT H&J

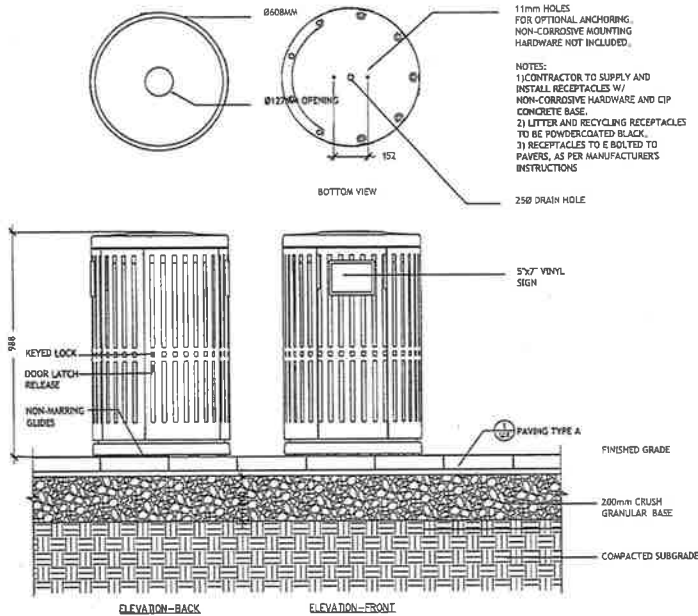
LANDSCAPE DETAILS

DRAWN: S. DRYDEN
PLOT DATE: 12/29/15

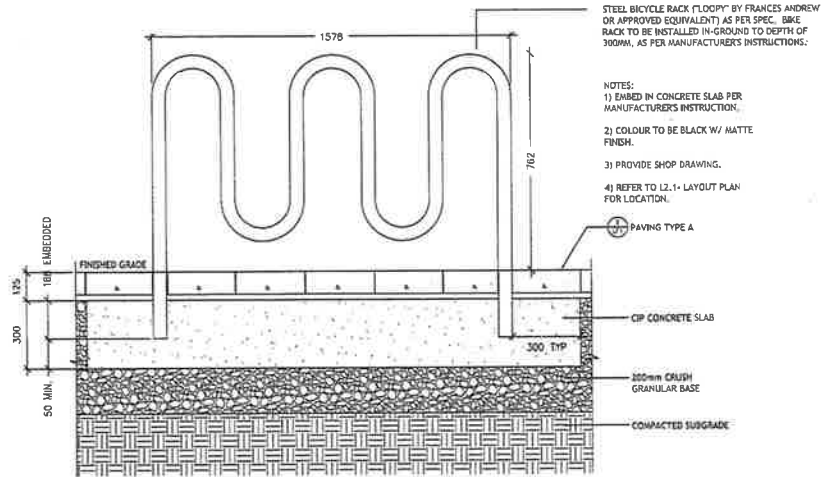
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L0.10

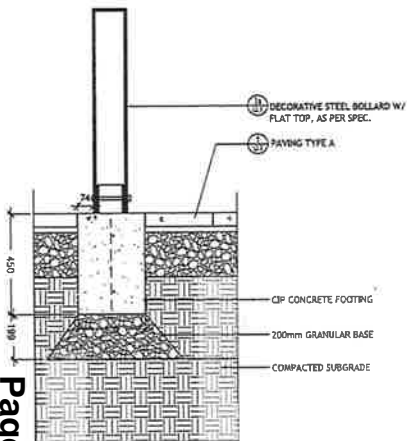
Victoria City Council - 24 Mar 2016



1 RECYCLING RECEPTACLE W/ LOCK- OPTIONAL ITEM
L0.10 1:10

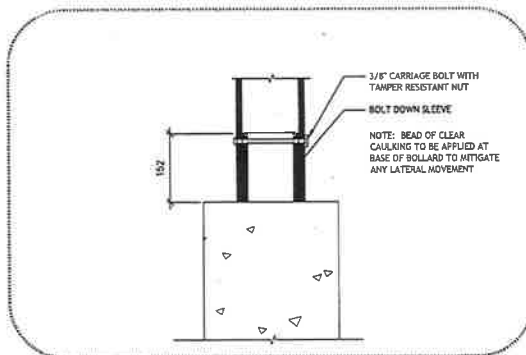


2 BIKE RACK
L0.10 1:10

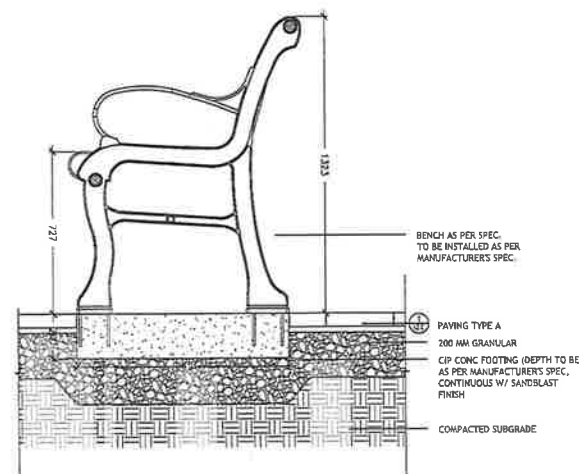


3 STEEL BOLLARD - SURFACE MOUNT (REMOVABLE)
L0.10 1:10

NOTE: BOLLARDS TO BE POWDERCOATED BLACK, AS PER SPEC. COLOUR SAMPLE TO BE PROVIDED FOR REVIEW FOR APPROVAL BY LANDSCAPE ARCH.



4 DETAIL-STEEL BOLLARD (REMOVABLE)
L0.10 1:5



5 BENCH- As per City Standard
L0.10 1:10

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 TEL: (604) 251-1111 / FAX: (604) 251-1170
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 TEL: (250) 353-4900

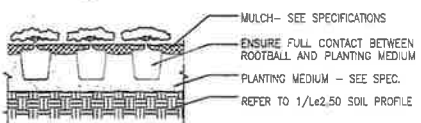
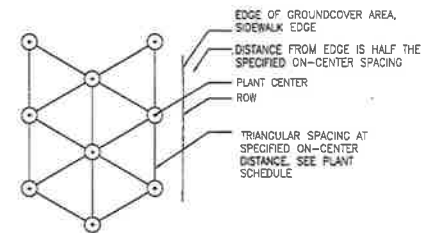
SEAL

RAILYARDS LOT H&J

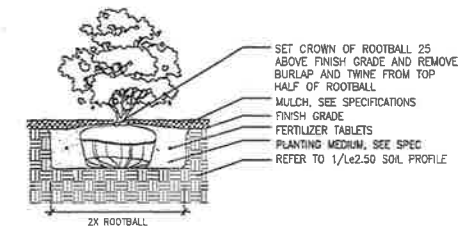
LANDSCAPE DETAILS

DRAWN: S. DRAIN
 PLOT DATE: 12/9/15
 CHECKED:

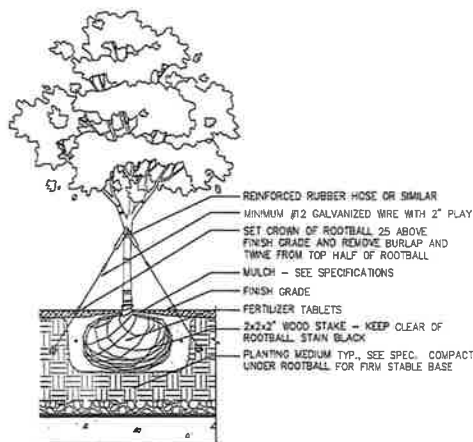
L0.11



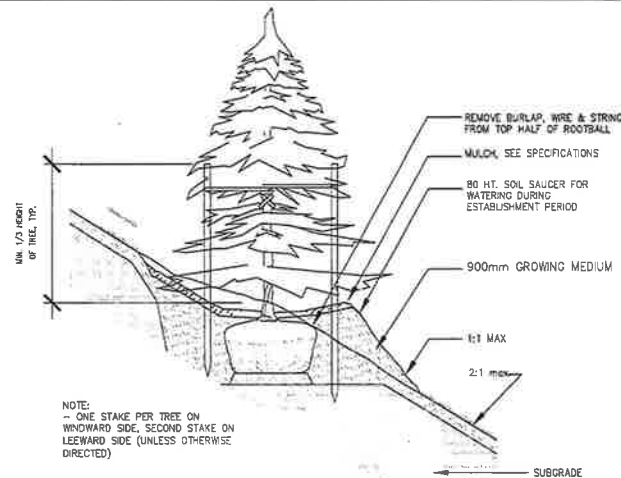
2 GROUND COVER PLANTING



3 SHRUB PLANTING

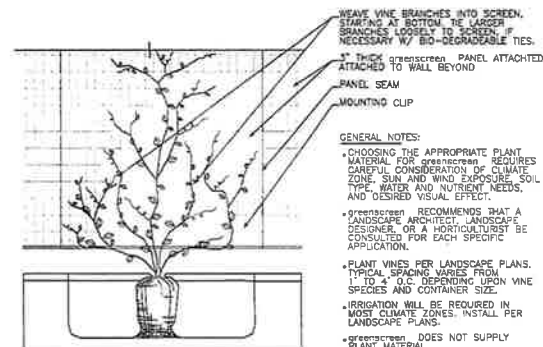
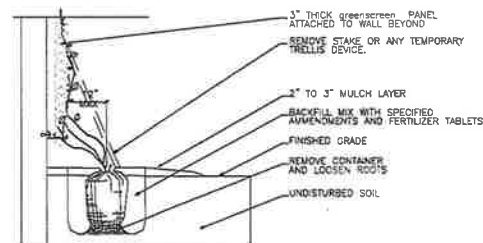


4 TREE PLANTING



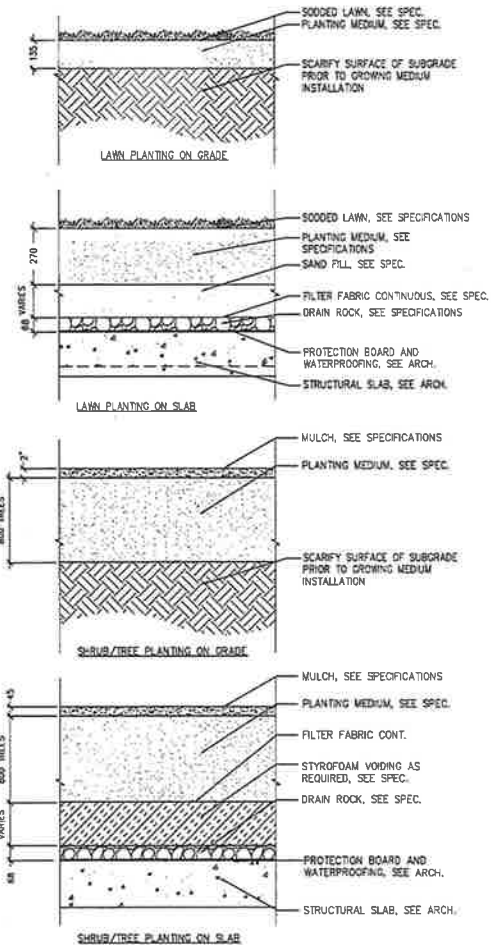
NOTE:
 ~ ONE STAKE PER TREE ON
 WINDWARD SIDE, SECOND STAKE ON
 LEEWARD SIDE (UNLESS OTHERWISE
 DIRECTED)

1 CONIFER PLANTING ON SLOPE



5 greenscreen® VINE PLANTING DETAIL

GENERAL NOTES:
 *CHOOSING THE APPROPRIATE PLANT MATERIAL FOR greenscreen® REQUIRES CAREFUL CONSIDERATION OF CLIMATE, ZONE, SUN AND WIND EXPOSURE, SOIL TYPE, WATER AND NUTRIENT NEEDS, AND DESIRED VISUAL EFFECT.
 *greenscreen® RECOMMENDS THAT A LANDSCAPE ARCHITECT, LANDSCAPE DESIGNER, OR A HORTICULTURIST BE CONSULTED FOR EACH SPECIFIC APPLICATION.
 *PLANT VINES PER LANDSCAPE PLANS. TYPICAL SPACING VARIES FROM 1' TO 4' O.C. DEPENDING UPON VINE SPECIES AND CONTAINER SIZE.
 *IRRIGATION WILL BE REQUIRED IN MOST CLIMATE ZONES. INSTALL PER LANDSCAPE PLANS.
 *greenscreen® DOES NOT SUPPLY PLANT MATERIAL.



1 SOIL PROFILES

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- C 28 DEC15: DEVELOPMENT PERMIT REVISIONS

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info@dialog-arch.com

OWNER:
LETTERS AND COMPANY
100 HERALD STREET
VICTORIA, BC V8W 1S8
TEL: 250-364-9800

SEAL

RAILYARDS LOT H&J

LANDSCAPE SECTIONS

DRAWN: S. Dym
PLOT DATE: 12/9/15

CHECKED:

L0.12

Victoria City Council - 24 Mar 2016

PROPERTY
LINE

PROPERTY
LINE

ROOF 19.5

EVEL 04 16.45

EVEL 03 13.4

EVEL 02 10.35

EVEL 01 6.65

ROOF 19.5

LEVEL 04 16.45

LEVEL 03 13.4

LEVEL 02 10.35

LEVEL 01 6.65

PARKING

PARKING

1 Section through Public trail at entry to Building 1.
L0.12 1:30

2 Section through Public Trail at new Bus stop location
L0.12 1:30

ROOF @ MAX BLDG HEIGHT 31.00

LEVEL 09 28.35

LEVEL 08 25.7

LEVEL 07 23.05

LEVEL 06 20.4

LEVEL 05 17.75

LEVEL 04 15.1

LEVEL 03 12.45

LEVEL 02 9.55

LEVEL 01 6.65

PARKING

PARKING

PROPERTY
LINE

PROPERTY
LINE

ROOF 19.5

LEVEL 04 16.45

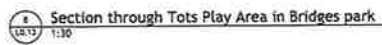
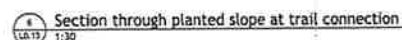
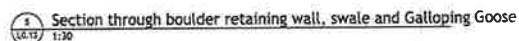
LEVEL 03 13.4

EVEL 02 10.35

EVEL 01 6.65

3 Section through top of Public connection/ROW bwtween Buildings 2 & 3
L0.12 1:30

4 Section through Public Entry Plaza and entry to Building 3
L0.12 1:30



CHECKED:



RAILYARDS

LOT H & J

LeFevre
& Company

DIALOG®



1. bay street, looking north



2. bay street, looking east



3. skinner street, looking south-east



4. tyee road, looking south

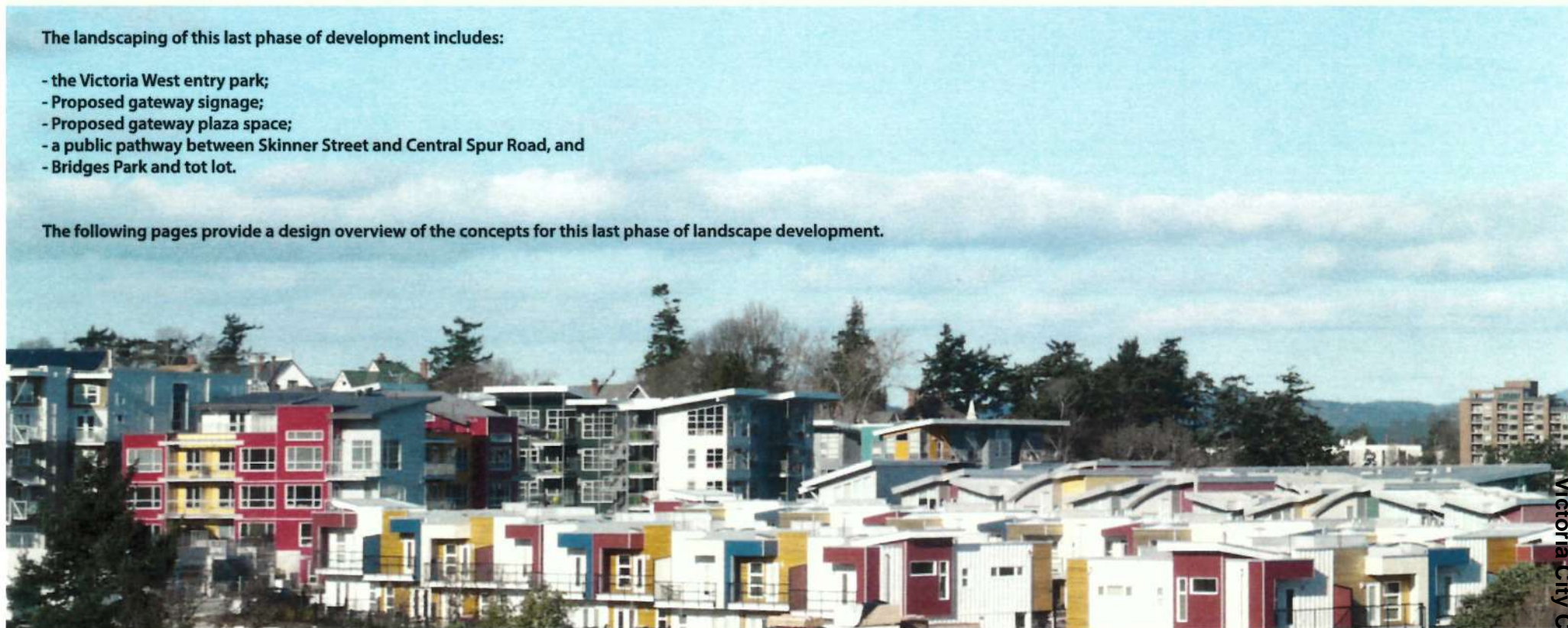
RAILYARDS

The development of Lots H&J at the Railyards will be the culmination of the transformation of the former CN Railyards into a vibrant community on the shores of the Selkirk Waters. The urban landscape of these last two lots will be key to marking and celebrating the entry to Victoria West and the Railyards community.

The landscaping of this last phase of development includes:

- the Victoria West entry park;
- Proposed gateway signage;
- Proposed gateway plaza space;
- a public pathway between Skinner Street and Central Spur Road, and
- Bridges Park and tot lot.

The following pages provide a design overview of the concepts for this last phase of landscape development.



LeFevre
& Company
PRESENTING THE PAST
BUILDING THE FUTURE

Page 33 of 461
09/03/2014

Railyards Lot H & J

Development Concepts

Victoria City Council - 24 Mar 2016





Schematic Landscape Plan

Pedestrian Connection:
Public Right of Way North-South
adjacent to Skinner Street
connecting to Tyee Rd.

Pedestrian Connection:
Public Right of Way up from Bridges
Park to Skinner St, as the primary
pedestrian conduit through
to Shopping Centre

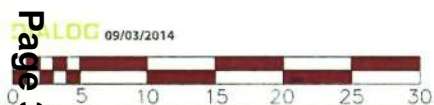
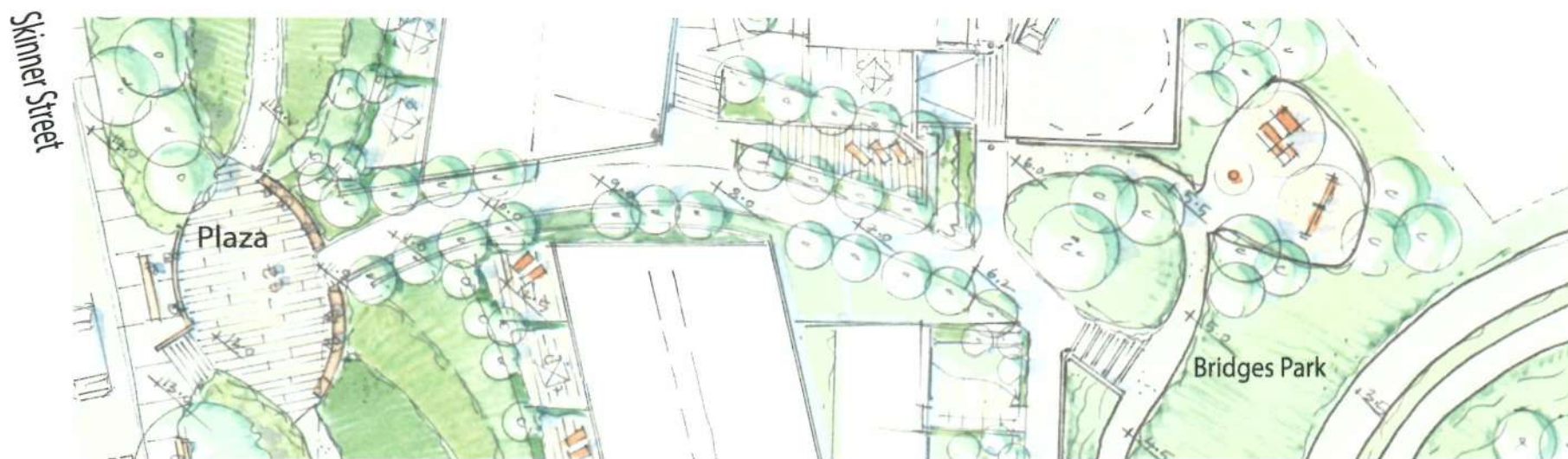
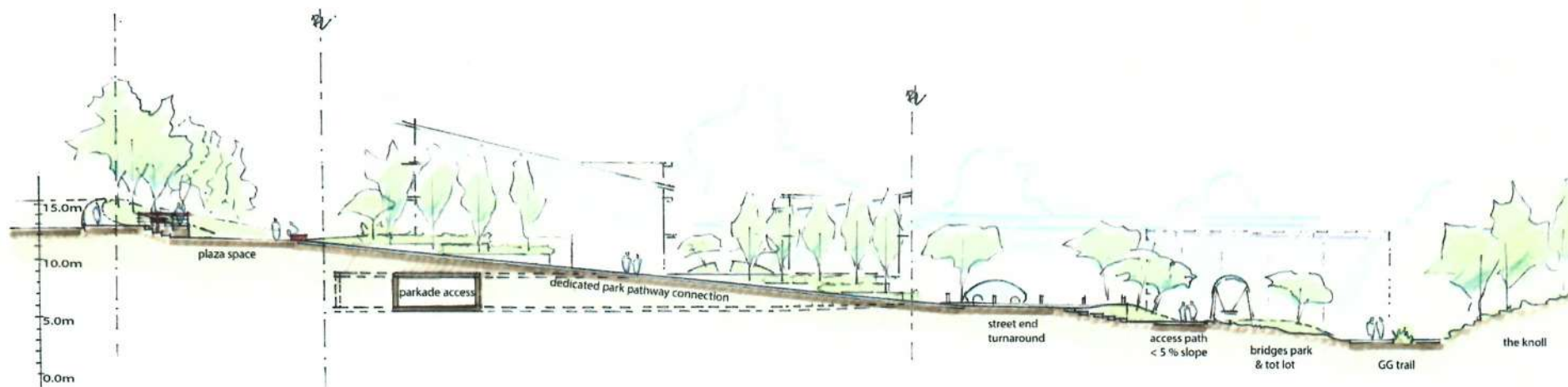
Public Plaza:
Paved Public Plaza Space as node connecting
various pedestrian routes. Includes public benches,
landscape lighting and steps up to bus stop.

Proposed Vic West Entry Sign
Signage element made from concrete and metal, integrated
into the landscape and designed to provide a sense of
gateway to park.

Maintain Existing Trees

Maintain Existing Trees





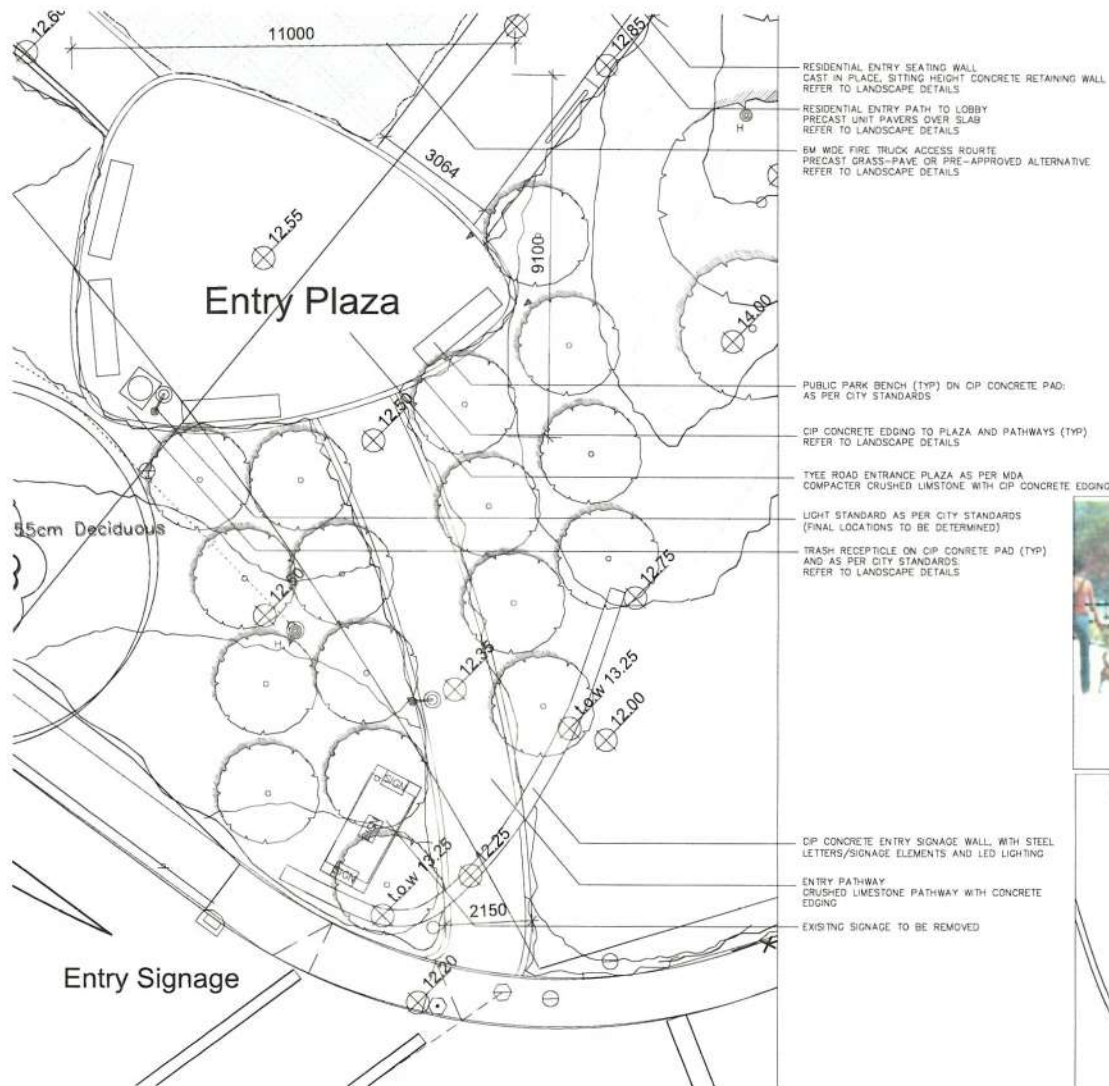
Billiards Lot H & J

Schematic Landscape Section

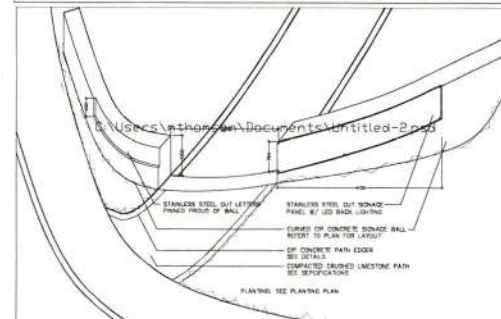


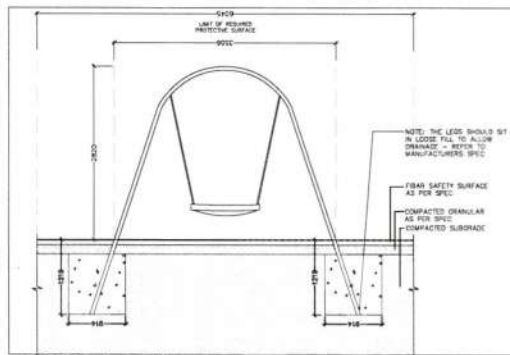
7



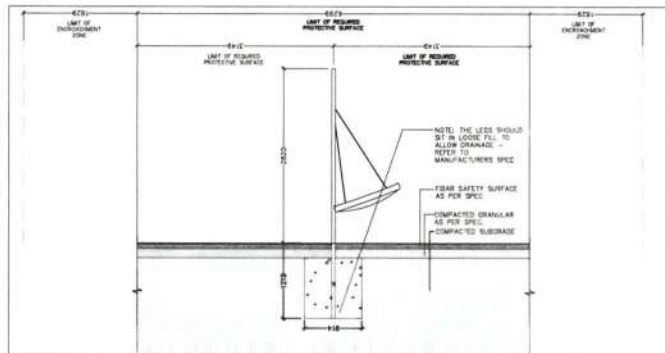


PRECEDENT PICTURE OF SIGNAGE TYPE

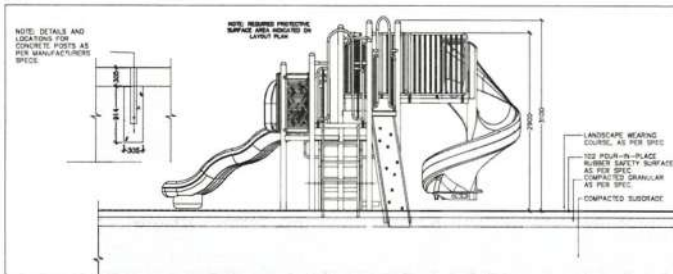




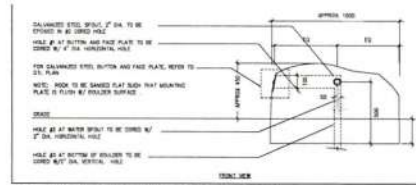
1.1.30 Swing - front profile



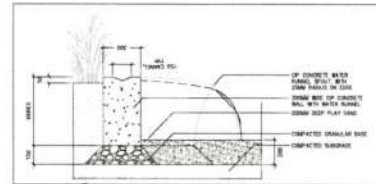
1.1.30 Swing - side profile



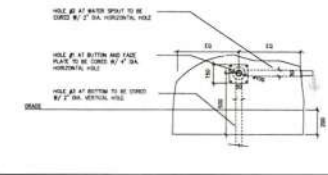
1.1.30 Slide and climbing structure - side profile



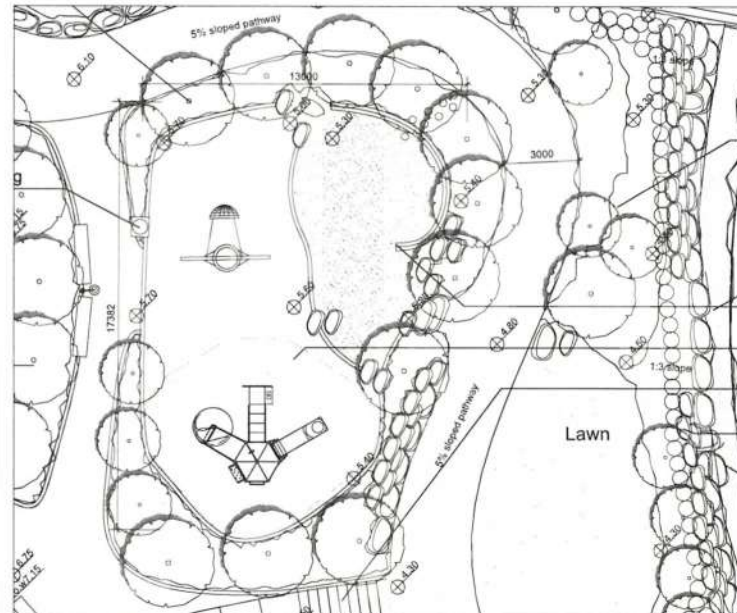
1.1.30 Button activated water source to runnel



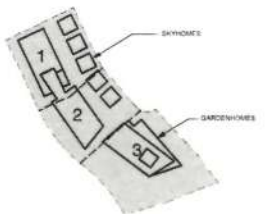
1.1.30 CIP concrete runnel on top of curb-wall



1.1.30 Galvanized Steel button and face plate



1.1.30 Blow-up Plan of Tots Play Area



LEVEL 1 PARKADE PLAN

OVERALL PARKADE PLAN - LEVEL 1

RAILYARDS
LOT H & J

**LeFevre
& Company**

DIALOG®

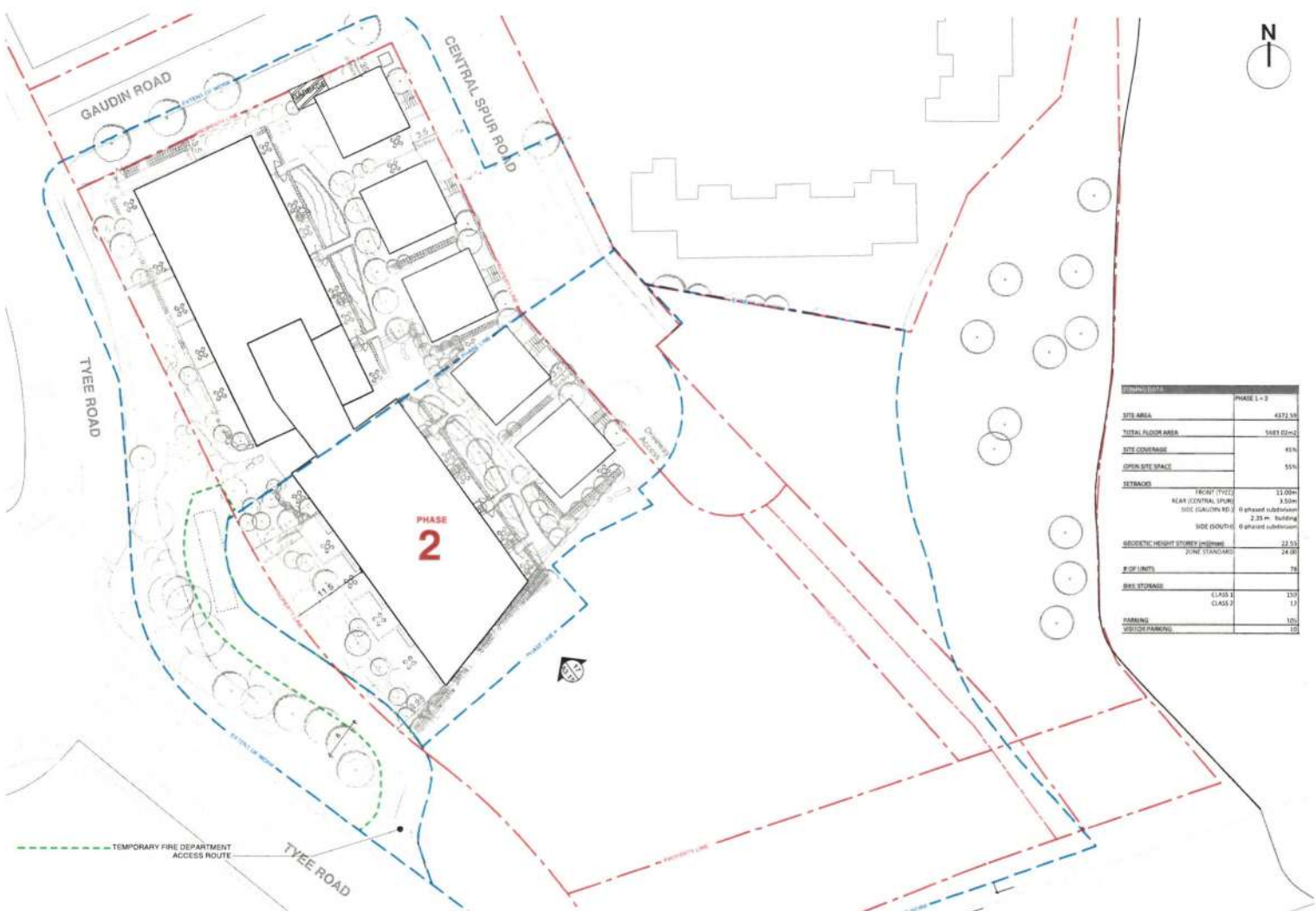


PHASE 1 - SITE PLAN

RAILYARDS
LOT H & J

LeFevre
& Company

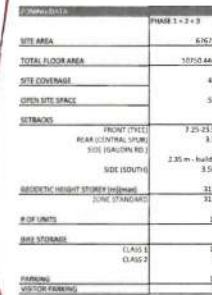
DIALOG®



PHASE 2 - SITE PLAN

RAILYARDS
LOT H & J

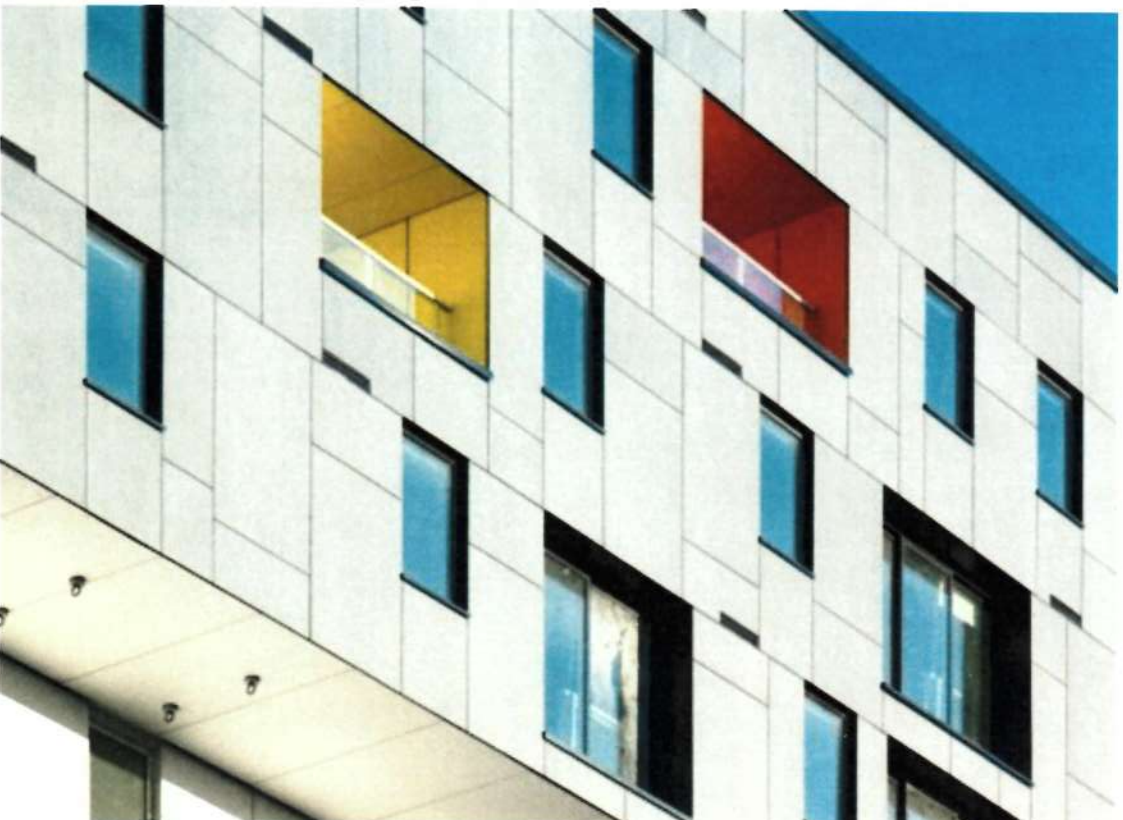
LeFevre & Company **DIALOG®**



















BLDG 1 & 2 - NORTH & SOUTH ELEVATION

LeFevre
& Company

DIALOG®

Christine Havelka

Subject: FW: Development Permit Application No. 000404

On Mar 15, 2016, at 6:41 PM, JIM/LINDA MCCONNAN > wrote:

Hi Jeremy ,

This is regarding the development permit for the final phase of the Railyards . The new plan for the last phase is quite good . However , the variance request for the north set back to be reduced from 3.5 meters to nil is unacceptable . This will result in the underground parking garage to be exposed 6 to 8 feet above grade on the property line on the (north) Gaudin Road side . The two storey Sky Homes will appear to be three storeys on the (east) Central Spur side . There is also an exposed garbage and recycling area adjacent to Gaudin Road . The Railyards Development Guidelines state that recycling and garbage areas be fully enclosed , all the other condos comply with these guidelines and are inside the parking garages .

Gaudin Road is now the main entrance to the development and we have noticed a significant reduction in traffic on Regatta Landing . The landscaping on the south side of Gaudin Road will be reduced to a wall , on the property line , and a garbage area . Jim Handy and Jonathan Tinney have recommended that council refer this to the Advisory Design Panel for review .

I am concerned that the variances will be granted and that a landscaped entrance to the Railyards will not be possible . This is a great development and we would like to be finished properly and to code . Would you please forward this to the rest of council and I would invite you and any other council members to meet with me on site , at your connivance , before the March 24 meeting to get a real look .

Cheers Jim McConnan 106-90 Regatta Landing

Christine Havelka

Subject: FW: Railyards

From: Rob Dangerfield <>
Date: March 21, 2016 at 5:54:00 PM PDT
To: <councillors@victoria.ca>
Subject: Railyards

Dear councillors

I object to some of the requests for variance by the developer for the next project currently proposed.

Specifically, the reduction of the set back on the south side of Gaudin Rd. from 3.5 meter to zero.

Large faces of exposed concrete wall along Gaudin Rd.

The garbage dumpsters outside the building parkade and on the street where there is 0 setback proposed.

The reduction of parking stalls internally, The residents will have a vehicle in an already congested area and will look at the few spots in the Central Spur crescent as available.

Rob Dangerfield

#401 - 90 Regatta Landing

Christine Havelka

Subject: FW: Development Permit Application No. 000404

From: Mariel Swann < >

Date: March 22, 2016 at 10:25:35 AM PDT

To: <councillors@victoria.ca>

Cc: < >

Subject: Development Permit Application No. 000404

To whom it may concern:

As a unit owner in the first phase of the Railyards development, I am writing to say that I am in full agreement with the concerns of Jim McConnan

(as stated below in his letter to Jeremy dated March 15th, 2016).

It seems unusual that the developer would do a project of this scale and agree to have the main entrance to the entire site as Jim has described below.

I would like to see some solutions to this problem and would be grateful if they were made available to all owners in the Railyards development.

As described below, the conditions of this entrance wouldn't be acceptable to the city in any other development (I hope). Why should it be allowed in this particular case?

Please explain.

Thanks-you

Mariel Swann

Unit #422 90 Regatta Landing

Hi Jeremy ,

This is regarding the development permit for the final phase of the Railyards . The new plan for the last phase is quite good . However , the variance request for the north set back to be reduced from 3.5 meters to nil is unacceptable . This will result in the underground parking garage to be exposed 6 to 8 feet above grade on the property line on the (north) Gaudin Road side . The two storey Sky Homes will appear to be three storeys on the (east) Central Spur side . There is also an exposed garbage and recycling area adjacent to Gaudin Road . The Railyards Development Guidelines state that recycling and garbage areas be fully enclosed , all the other condos comply with these guidelines and are inside the parking garages .

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I am concerned that the variances will be granted and that a landscaped entrance to the Railyards will not be possible . This is a great development and we would like to be finished properly and to code . Would you please forward this to the rest of council and I would invite you and any other council members to meet with me on site , at your connivance , before the March 24 meeting to get a real look .

Cheers Jim McConnan 106-90 Regatta Landing

Christine Havelka

From: Public Hearings
Subject: FW: Railyards Rezoning Concerns

From: Ron Hawrysh [mailto:Ron.Hawrysh@victoria.ca]
Sent: Thursday, March 24, 2016 8:04 AM
To: Councillors <Councillors@victoria.ca>
Cc: Public Hearings <PublicHearings@victoria.ca>
Subject: Railyards Rezoning Concerns

Dear Council,

As a resident of the Railyards since the 1st phase, I wanted to express my concerns regarding some of the proposed variances sought by the builder for the final phase of the Railyards.

My main concern is the changes to the newly opened Gaudin Rd. This has become the main entry point into the Railyards community and the desired variances would not be consistent with the rest of the Railyards. All the other main roads in the community have pedestrian pathways that are landscaped - on both sides of the pathway - and many layers deep. With the reduction of the setback to nothing it changes the entire streetscape. It's certainly not in keeping with the existing Railyards community and would create an alley-like feel on the one side of the road. It certainly would create a disappointing and uninspired gateway to the community.

Overall the plan looks good and I look forward to the completion of what is a unique and quiet residential community in walking distance of everything that makes Victoria great.

Kind regards,

Ron Hawrysh

15-860 Central Spur Rd.
The Railyards

Alicia Ferguson

From: Council Secretary
To: breedskin@yahoo.co.uk
Subject: RE: Thank you for your submission - City of Victoria - Address Council Form

Name: bart reed **Date:** March 21, 2016

Address: 310 King George Tce

I wish to appear at the following Council meeting: March 24, 2016

I represent: Cook St Village business assoc

Topic: bike lanes

Action you wish Council to take:

Speak

CONTACT INFO:

Contact Name: Bart reed

Contact Address: 310 King George tce

Contact Phone Number:

Contact Email:

Alicia Ferguson

From: Council Secretary
To: joannemurray@thefca.ca
Subject: RE: Thank you for your submission - City of Victoria - Address Council Form

Name: Joanne murray
Date: March 21, 2016

Address: 1324 Denman Street

I wish to appear at the following Council meeting: March 24, 2016

I represent: Fernwood Community Association

Topic: Making 1921-23 Fernwood Road a city facility

Action you wish Council to take:

The Fernwood Community Association has leased 1921-23 Fernwood Road from the City of Victoria for 35 years. We are not currently a city facility. Fernwood has a local facility - the Fernwood Community Centre - which serves the residents of our neighbourhood admirably. We would like City Council to reconsider the motion to make 1921-23 Fernwood a facility.

CONTACT INFO:

Contact Name: Joanne Murray
Contact Address: 1324 Denman Street
Contact Phone Number:
Contact Email:

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

Name: Deane Strongitharm **Date:** March 22, 2016

Address: 5th floor, 855 Courtney St., Victoria BC

I wish to appear at the following Council meeting: March 24, 2016

I represent: Oakwood Parks Estates Ltd.

Topic: Speed Ave. and Francis St application - Community Amenity Contribution (CAC)

Action you wish Council to take:

Timing for Council's consideration of CAC

CONTACT INFO:

Contact Name: Deane Strongitharm

Contact Address: 5th Floor, 844 Courtney St. Victoria BC

Contact Phone Number:

Contact Email:

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

Name: Steve Craik **Date:** March 21, 2016

Address: 307-450 Simcoe St

I wish to appear at the following Council meeting: March 24, 2016

I represent: Trikes Tours

Topic: Pedicabs

Action you wish Council to take:

Approve motion to increase licences. Continue the standard of being a company based business as opposed to multiple individual licences.

CONTACT INFO:

Contact Name: Steve Craik
Contact Address: 307-450 Simcoe St.
Contact Phone Number:
Contact Email:

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form
Attachments: Outline - Banning Horse Drawn Carriages.docx

From: webforms@victoria.ca [mailto:webforms@victoria.ca]
Sent: Monday, March 21, 2016 4:18 PM
To: Council Secretary <councilsecretary@victoria.ca>
Subject: Thank you for your submission - City of Victoria - Address Council Form

Name: Morgan McCarthy **Date:** March 21, 2016
Address: 2662 Avebury Ave

I wish to appear at the following Council meeting: March 24, 2016

I represent: Self

Topic: Horse-Drawn Carriages

Action you wish Council to take:

Ban horse-drawn carriages in Victoria to preserve our image and reduce public safety risk.

CONTACT INFO:

Contact Name: Morgan McCarthy
Contact Address: 2662 Avebury Ave
Contact Phone Number:
Contact Email:

James Bay

Community Health Issue: Ban Horse-Drawn Carriages

Morgan McCarthy

University of Victoria

3rd Year Nursing Student

Ban Horse-Drawn Carriages

The community of James Bay is home to many of Victoria's tourist attractions, including the horse-drawn carriage businesses. Victoria sees upwards of three million tourists a year, utilizing many of the popular attractions and increasing traffic in the downtown and James Bay areas (Thornton, 2011). The issues facing Victoria with the continuation of horse-drawn carriage attractions include: public health and safety, animal welfare, and poor image portrayal of the city.

Public Health and Safety

The community of James Bay has a population of approximately 11,000 and has the largest population of over 65 in Victoria (City of Victoria, 2009: James Bay Neighbourhood Association, 2016). The senior population utilize the roadways in this area and are at greater risk when forced to navigate the narrow streets alongside horse-drawn carriages. The horses ride along busy routes shared by city buses, tour buses, motorists, pedestrians, and bicyclists. Horse-drawn carriages pose a safety risk to the public when riding alongside motor vehicles while also putting the horse at risk (The Humane Society of The United States, 2016). The horses have been known to startle and run into traffic causing accidents with at least one documented case annually, which does not take into account unreported cases over the last decade (Victoria Animal News, 2015). Not only are the horses a safety risk to the motorists and pedestrians sharing the roadways, they also pose a health risk with the amount of pollution they produce in the city. According to *A Horse Keeper's Guide to Manure Management* (n.d) a 1000lbs horse produces approximate 30lbs of manure and 20lbs of urine per day. There is no available epidemiological data on the incidences of injury from the carriage rides; however, the reported cases in the media provide evidence for change. Many major cities across the world such as

Toronto, London and Paris have banned horse-drawn carriages because of the issues mentioned and many other cities are currently working to follow suit.

Animal Welfare

Animal welfare is a major issue facing these horses as they work ‘nose to tailpipe’ each day on the busy streets of Victoria. These horses are bred to work and need the mental and physical stimulation to fulfill their needs; however, their working conditions are questionable. Tally-Ho Carriage Tours state on their website that they currently work 13 horses year-round, with two shifts per day in the busy tourist season. They outline that the animals are treated ethically and are well maintained, however there is no mention of the horse’s health as it pertains to working directly alongside motor vehicles.

Victoria’s Image

Allowing horse-drawn carriages in beautiful Victoria stains our image as a progressive city. Tourists come to Victoria to experience our wonderful hospitality, views and downtown core; however, horse-drawn carriages are not a part of this ‘image’ and do not belong on our busy streets. The major issue with horse-drawn carriages is the potential to endanger people’s lives and the lives of the horses. If no actions are taken on the issue our community may face more accidents/injuries for not banning the carriage rides, which will further damage our image.

References

- City of Victoria. (2009). *City of Victoria census information*. Retrieved from Victoria's Population:<http://www.victoria.ca/assets/Community/Documents/census-population.pdf>
- James Bay Neighbourhood Association. (2016). Retrieved from <http://www.jbna.org>
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- Unknown. (n.d). *A Horse Keeper's Guide to Manure Management*. Retrieved from
http://www.acrcd.org/Portals/0/Equine%20Fact%20Sheets/Horse_%20Keepers_Manure_Guide.pdf
- Victoria Animal News. (2015, November 12). *Federal MP candidate to go after Victoria horse-drawn carriages* . Retrieved from Victoria Animal News:
<http://victoriaanimalnews.com/federal-mp-candidate-to-go-after-victoria-horse-drawn-carriages/>

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

Name: James Kyles **Date:** March 22, 2016

Address: 42 Linden Ave

I wish to appear at the following Council meeting: March 24, 2016

I represent: Self - as Fairfield resident

Topic: Sewage Processing facility location

Action you wish Council to take:

Remove Clover Point as the recommended location for the east side sewage processing facility and replace it with an equivalent area in the S end of Beacon Hill Park contiguous with the City Yard.

CONTACT INFO:

Contact Name: James Kyles
Contact Address: 42 Linden Ave
Contact Phone Number:
Contact Email:

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

Name: Brian Lepine

Date: March 22,
2016

Address: 1314 Dallas Road

I wish to appear at the following Council meeting: March 24, 2016

I Residents of Fairfield affiliated with the Fairfield Community
represent: Association

Topic: Clover Point Sewage Plant Proposal

Action you wish Council to take:

Reverse plans to build a sewage plant at Clover Point.

CONTACT INFO:

Contact Name: Brian Lepine
Contact Address: 1314 Dallas Road
Contact Phone Number:
Contact Email:

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

Name: Emily Lavender **Date:** March 23, 2016

Address: 1912 Duchess Street, Victoria, BC, V8R 4W1

I wish to appear at the following Council meeting: March 24, 2016

I represent: Self

Topic: Horse-drawn Carriages

Action you wish Council to take:

Ban horse-drawn carriages.

CONTACT INFO:

Contact Name: Emily Lavender

Contact Address: 1912 Duchess Street, Victoria, BC V8r 4W1

Contact Phone Number:

Contact Email:

Christine Havelka

From: Council Secretary
Subject: FW: Thank you for your submission - City of Victoria - Address Council Form

Name: Kari Sloane **Date:** March 23, 2016

Address: 2512 Rothesay Avenue, Sidney

I wish to appear at the following Council meeting: March 24, 2016

I represent: self

Topic: Horse Drawn Carriages on Victoria Streets

Action you wish Council to take:

Ban horse drawn carriages in Victoria, BC. Unsafe for the horses, holds up traffic, encourages dangerous driving, recorded accidents in the past, horses look bored while chained up on Menzies, look uncomfortable while walking down Government street amidst the traffic...

CONTACT INFO:

Contact Name: Kari Sloane
Contact Address: 2512 Rothesay Avenue, Sidney BC
Contact Phone Number:
Contact Email:



Council Update Report For the Meeting of March 24, 2016

To: Council **Date:** March 15, 2016

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

Subject: Update Report for Rezoning Application No. 00485 for 2330 Richmond Road

EXECUTIVE SUMMARY

The purpose of this report is to respond to Council's request of March 10, 2016, that staff explore with the applicant a Housing Agreement for a ten year period as a condition of rezoning for Rezoning Application No. 00485 for 2330 Richmond Road. The initial proposal was for a seven year term.

The applicant has confirmed they are prepared to maintain the seven-unit building as a rental building for a period of ten years. As such, the recommendation coming forward from the Committee of the Whole on March 3, 2016, can be amended accordingly. The amended motion recommended for Council's consideration is included below.

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00485 for 2330 Richmond Road by rezoning the subject parcel from the R1-B Zone, Single Family Dwelling District, to a site specific zone, 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:

- a) Should sewage attenuation be required, a legal agreement to the satisfaction of staff would be required prior to Public Hearing.
- b) That a Housing Agreement be registered on title securing the rental of seven units for a period of no less than ten years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Baryluk'.

Lucina Baryluk
Senior Process Planner
Development Services Division

STH

A handwritten signature in black ink, appearing to read 'Jonathan Tinney'.

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to be the signature of the City Manager.

Date: March 16, 2016

Office of the
Prime Minister



Cabinet du
Premier ministre

Ottawa, Canada K1A 0A2

MAYOR'S OFFICE
MAR 10 2016
VICTORIA, B.C.

March 2, 2016

Her Worship Lisa Helps
Office of the Mayor
The City of Victoria
1 Centennial Square
Victoria, British Columbia
V8W 1P6

Dear Mayor Helps:

On behalf of the Right Honourable Justin Trudeau, I would like to acknowledge receipt of your correspondence of February 9 regarding affordable rental housing.

Please be assured that your comments, offered on behalf of the City of Victoria, have been carefully reviewed. As a copy of your correspondence have already been sent to the Honourable Jean-Yves Duclos, Minister Responsible for the Canada Mortgage and Housing Corporation, I am certain that he will have appreciated being made aware of your interest in this matter and will wish to give your concerns every consideration. In addition, I have directed a further copy of your letter to the Honourable William Morneau, Minister of Finance, for his information.

Thank you for writing to the Prime Minister.

Yours sincerely,

A. Opalick
Executive Correspondence Officer

Minister of Finance



Ministre des Finances

Ottawa, Canada K1A 0G5

MAR 06 2016

2015FIN427116

Her Worship Lisa Helps
Mayor
City of Victoria
mayor@victoria.ca

Dear Mayor Helps:

Thank you for your correspondence of November 22, 2015. Please excuse the delay in replying.

It is an exciting time in our federation. Ours is a country where governments need to work together in order to bring about positive change on issues that matter to Canadians. Your correspondence exemplifies this spirit and our Government's goal of a renewed sense of collaboration and improved partnership with provincial, territorial, and municipal governments.

I was interested to learn about the current status and next steps of the Core Area Wastewater Treatment and Resource Recovery Project. Our Government has committed to nearly doubling the federal investment in public infrastructure over the next 10 years, through immediate increased investments and long-term funding to support provincial, territorial, and municipal priorities. This investment will focus on public transit, social infrastructure, and green infrastructure, the latter of which includes investment in local wastewater facilities. These investments should support long-term economic growth in Canada and improve environmental outcomes in places like Victoria.

As my colleague, the Minister of Infrastructure and Communities, the Honourable Amarjeet Sohi, is the lead for developing this 10-year plan, I have forwarded a copy of your correspondence to him. I have also forwarded a copy of your correspondence to the CEO for PPP Canada, Mr. John McBride, who may also be interested in your update.

I look forward to working with you on this and other opportunities in the years to come.

Thank you for writing.

Yours sincerely,

The Honourable Bill Morneau, P.C., M.P.

c. The Honourable Amarjeet Sohi, P.C., M.P.
Mr. John McBride

Canada



MAYOR'S OFFICE

MAR 7 2016

VICTORIA, B.C.

March 8, 2016

Ref: 166096

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

Dear Mayor Helps:

I am writing further to the draft Framework for the Capital Integrated Services and Governance initiative sent to you in January. I appreciate the efforts that mayors have taken to share their thoughts and work with others to begin discussions on these matters, and I also recognize that there are details to be worked through as the Initiative unfolds. Based on the feedback received, I believe that the Framework materially reflects the views of the region's mayors for advancing the Initiative. Given the changing timelines, the Framework has been adjusted to reflect an updated schedule. Please find a revised Framework enclosed for your reference.

As you are certainly aware, there continues to be much community interest respecting effective delivery of services and governance arrangements. I am, therefore, very pleased that we are now positioned to assist the region in moving ahead with this Initiative, which will provide an important opportunity for Capital area local governments to respond to this interest, with further collaborative work in relation to local service delivery and governance. In our initial meeting, I heard general agreement respecting the need to collect and share facts with communities about current governance arrangements and service delivery. This information gathering and dissemination exercise will be an important first step; it will assist the region's taxpayers to better understand the perspectives of the region's local governments respecting current service delivery arrangements and any opportunities for further integration, and will assist local governments to further their conversations and engagement with citizens.

As I have suggested previously, the Framework will now serve as the basis for developing a request for proposals for the Province of British Columbia to retain a consultant on behalf of the region. That consultant will play a central role in moving the Initiative forward, gathering facts and perspectives respecting local practices from municipalities, and from the Capital Regional District, given its important role as a service provider.

I have requested that Ministry of Community, Sport and Cultural Development staff begin the search for consultant(s) for the Initiative. The search will be carried out according to the Province's procurement process. I anticipate that the request for proposals will be posted to BC Bid sometime in March. If you are interested in staying informed about the procurement process, I have asked Ministry staff to provide

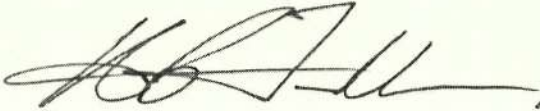
.../2

Her Worship Mayor Lisa Helps
Page 2

updates to your local government staff. Ministry staff are also available to respond to any questions about the Initiative or the process; please email Ms. Michelle Dann, Director, Governance and Structure Branch at: Michelle.Dann@gov.bc.ca.

Thank you for your important contribution to this Initiative, and I look forward to again being in touch with you once we have a consultant in place.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Fassbender', with a stylized flourish at the end.

Peter Fassbender
Minister

Enclosure

pc: Ms. Michelle Dann
Director
Governance and Structure Branch

FRAMEWORK FOR CAPITAL INTEGRATED SERVICES AND GOVERNANCE INITIATIVE

PURPOSE

Capital region citizens (through the 2014 referendum results) and local governments (through meetings with CSCD Ministers) have expressed a common interest in gathering facts about current service delivery, improving the understanding about service delivery best practices and exploring further the opportunities to better integrate service and governance.

The proposed Initiative will help facilitate a discussion among local governments in the Capital region toward identifying any potential opportunities to enhance the efficient delivery of service that citizens need. The Initiative will provide the opportunity for individual perspectives to be heard and may lay the groundwork for local governments to pursue options for greater integration of services and governance.

PRINCIPLES

Principles to guide the Initiative:

- *Aim for efficiency* – there is only one taxpayer and it is the responsibility of all governments to ensure the most efficient and effective delivery of public services.
- *Start with the facts* – a full understanding of current arrangements will be an important first step in positioning the region's local governments with respect to service and governance opportunities and challenges.
- *Respect different views* – a structured conversation on governance and service integration provides a way for local governments to inform and hear from their public and key stakeholders, and enables any local government in the region to participate if they so choose.
- *Supporting future choices* – the Initiative is not about reaching a specific, unilateral outcome; it is about understanding the opportunities for service and governance integration in order to help local governments make future choices.
- *Collaboration is key* – success depends on local governments in the Capital area participating, being engaged and fully committed to this conversation with one another and with their citizens.

COMPONENTS OF AN APPROACH

The Initiative presents an opportunity for the province to support local governments to collect information and facts on the integration of services and governance. This information and research will assist local government to further their conversations and engagement with citizens and stakeholders. The goals of an approach would include:

- *Support Fact Finding* –collecting and sharing information and facts about the current state of services and governance in the Capital region; local governments can use that to inform and engage with their public.
- *Increased Understanding* – researching and sharing best practices among local governments in the Capital area and learning from other jurisdictions; helping local governments research underlying issues or barriers to effective integrated service delivery.
- *Share Findings* – local governments consider the way forward to explore potential opportunities for further integration and reporting out on the consultant's work and progress made to date.

FRAMEWORK FOR CAPITAL INTEGRATED SERVICES AND GOVERNANCE INITIATIVE

ROLES

Local governments' role focuses on collaboration and consideration of opportunities for greater integration, including:

- Continued conversations among local governments and stakeholders to identify opportunities for greater integration, and sharing that information.
- Participation in meetings related to the Initiative.
- Working with the consultant to facilitate the collection of information, sharing ideas of what the underlying issues are (e.g. through local government staff).
- Communication with their citizens and engagement in education and discussion.
- Communication of the shared understanding of the outcomes of the discussions.

Province's role focuses on facilitating the discussion among local governments:

- Retain/fund a consultant to work collaboratively with local governments to collect information and to assist local governments in creating opportunities to increase understanding of the facts.
- Facilitate discussion(s) among local governments to help them identify any underlying issues as well as common interests/opportunities towards service and governance integration.
- Communicate to the participants the shared understanding of the outcomes of the discussions.

TIMELINE

- Agreement on the Framework for Discussion – Feb 2016
- Announce/Launch Initiative – March/April 2016
- Initial Impressions – May 2016
- Final Findings –Fall 2016

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MARCH 17, 2016

For the Council Meeting of March 24, 2016, the Committee recommends the following:

1. BikeBC Funding Program – Authorization for Grant Application Submission

That Council authorize:

1. The Director of Engineering and Public Works to submit a grant application to the Province of British Columbia under the BikeBC funding program, for the proposed Pandora Avenue protected bike lane project.
2. The Mayor and the Corporate Administrator to execute a grant agreement under the BikeBC funding program, if successful.

2. Appointment of Bylaw Officer

That Council approve the appointment of Nancy Johnston:

1. as a Bylaw Officer pursuant to section 2(a) of the Inspection Bylaw (06-061);
2. as a Business License Inspector for the City of Victoria; and,
3. as a Building Inspector for the purposes of Section 57 of the Community Charter

3. Application for a Permanent Change to Extend the Hours of Sale in Relation to a Food Primary Liquor Licence, for Saint Franks, 1320 Broad Street, Liquor Licence #305859

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the food primary liquor licence of Saint Franks, located at 1320 Broad Street, and subject to the willingness of the applicant to enter into a Good Neighbour Agreement, supports:

1. The application of Saint Franks to amend its food primary liquor licence to allow an increase in operating hours to include 9:00am to 2:00am daily.
2. The Council provides the following comments on the prescribed considerations:
 - a) While this request represents a change in operating hours outside of those normally supported for food primary liquor licensed businesses, and is contrary to a 2007 resolution of Council (outlined in this report), there is expected to be minimal impact on the neighbourhood as the number of licensed seats makes this a small establishment.
 - b) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of Saint Franks and a notice posted at the establishment. The City received 30 letters in support of the application and three letters opposed to the application.
3. And that this motion be forwarded to the Council meeting of Thursday March 24, 2016.

4. Application for a Permanent Change to Amend a Food Primary Liquor Licence to Add a Patron Participation Endorsement at The Guild Freehouse, located at 1250 Wharf Street, Liquor Licence #030056

That Council, after conducting a review with respect to noise and community impacts regarding the application to add a patron participation entertainment endorsement for the food primary liquor licence of The Guild Freehouse, liquor license No. 030056, located at 1250 Wharf Street, supports the application to:

1. Amend its food primary liquor licence to add a patron participation entertainment endorsement;
2. The Council provides the following comments on the prescribed considerations:
 - (a) The location is in the Inner Harbour McQuades District which allows for licensed premises and restaurants. The food primary liquor licensed business

is compatible with the neighbouring land uses and is within the Intermediate Noise District, which allows for a higher noise threshold.

- (b) These licence amendments are expected to have a minor impact on the neighbourhood, since the restaurant is currently open until 12:00am on Friday and Saturday nights. The restaurant's occupant capacity is 220. The restaurant's location on a main arterial road in the downtown core is expected to mitigate the noise impact. The City has not received any bylaw complaints with respect to noise for this restaurant.
 - (c) The views of adjacent residents and businesses were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the restaurant and a notice was posted at the restaurant entrance. The City received one letter in support of the application and one letter opposed to the application.
- 3. And that this motion be forwarded to the Council meeting of Thursday March 24, 2016.

5. Supervised Consumption Services Project Update

- 1. That Council confirms Mayor Helps and Councillor Alto as Council liaisons to the Supervised Consumption Services project.
- 2. That Council receives this report for information.
- 3. That Council liaisons report monthly to Council.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD MARCH 24, 2016

For the Council Meeting of March 24, 2016, the Committee recommends the following:

1. 2016 Budget Implications of Urban Tree Planting Plan

THAT Council direct staff to include \$150,000 in the 2016-2020 Financial Plan for tree planting in the downtown area, with funding from the City's Tree Replacement Reserve.

2. CRD Climate Action and Adaptation Service Establishment Bylaw Amendment

That Council consent to the adoption of CRD Climate Action and Adaptation Service Establishment Amendment Bylaw No. 4058.

3. Allocation of Motorized Sightseeing Vehicle Parking Stand 3

That Council direct staff to bring forward amendments to Schedule E of the Vehicles for Hire Bylaw that will allocate Motorized Sightseeing Vehicle Parking Stand 3 to Hippo Tours Inc. for the period from May 1, 2016 to March 31, 2017.

4. Work Without Permit, Illegal Use/Suite – 821 Princess Avenue/ Bylaw File #2889

That the Council direct the City Clerk to file a notice in the Land Title Office in relation to the property located at 821 Princess Avenue, legally described as Lot 19 Block 1 Section 3 Victoria District Plan 62 indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

5. CRD Sewage Treatment

1. That Council consent to participate cooperatively with the Capital Regional District on the community engagement process for the proposed sewage facility at Clover Point.
2. That staff be directed to engage consultants necessary to carry out this engagement process and advise the Capital Regional District on the funding required to undertake the community engagement for the proposed facility at Clover Point. This funding is to be provided from the Core Area Liquid Waste Management Phase 2 planning process budget.
3. That the Mayor, on behalf of Council, write a letter to the CRD confirming Council's willingness to cooperate in the engagement process and indicate that the City will provide budget details for the engagement at the earliest convenience.
4. Council acknowledges that this cooperation doesn't equal consent or support for this proposed sewage treatment location and that this step is only a means for engaging Victoria residents meaningfully and effectively regarding the proposal.
5. That all of the above is subject to land use approval by City Council.
6. That staff be directed to report back to Council with a public engagement plan.

6. McPherson Playhouse Local Service

That Council:

1. Direct staff to complete the transfer of ownership of the McPherson Playhouse property to the Capital Regional District for the McPherson Playhouse Local Service, subject to the facility returning to the City for a nominal fee, if the City remains the sole funder of the service in the long term and subject to the financial participation of other municipal partners based on current CRD municipal funding formulas.
2. Forward correspondence to the Royal and McPherson Theatres Society requesting the consideration of Board of Directors to support increased participation in the McPherson Local Service from Saanich and Oak Bay municipalities at a level consistent with the funding formula for the Royal Theatre.
3. Request the Capital Regional District to engage in broader consultation with CRD municipalities to consider opportunities to increase the number of participants in the McPherson Playhouse Local Service.
4. Request that CRD staff work with City staff and McPherson Playhouse Staff on the consultation.

7. Victoria Police Department's Quarterly Report to the City of Victoria

That Council receive the Victoria Police Department's Quarterly Report for information.

8. 2015 Fourth Quarter Report

That Council receive this report for information.

9. Crosswalk Evaluation Process / Priority Ranking System

That Council:

1. Direct staff to implement this new crosswalk prioritization methodology as a priority; and
2. Direct staff to bring forward the necessary amendments to the Financial Plan to incorporate these crosswalk priorities within the allocated funding amount;
3. Defer proposed rehabilitation work on Cook Street between Pandora Avenue and Caledonia Avenue from 2016-2017, and amend the 2016-2020 Financial Plan to incorporate other major road rehabilitation priority projects in 2016, as identified in this report.
4. Except that work planned for Vancouver Street between Southgate and Fairfield be postponed pending finalization of the Biketoria route for the area, and be substituted with a project between Quadra Street and Vancouver Street.
5. That the Capital Plan be amended to include building a crosswalk at Cook Street and North Park Street in either 2017 or 2018 once the Biketoria route plan has been finalized.

10. Purchasing Policy

That Council:

1. Approve the Purchasing Policy (Appendix A)
2. Authorize the Mayor and the City Clerk to execute the Corporate Supply Arrangement Access Agreement with the Province of British Columbia (Appendix B)

3. Repeal the Expenditure Bylaw #09-054 after approval of the Purchasing Policy

11. Support for Cumberland's AVICC Motion Re: Social Procurement

Be it resolved that Victoria City Council supports the District of Cumberland's AVICC Motion:

WHEREAS fostering the social wellbeing of the community is identified as a municipal purpose by the Community Charter and a regional district purpose by the Local Government Act;

AND WHEREAS the widespread adoption of social procurement practices by all local governments in BC will diversify the vendor pool and further leverage tax dollars to better align with community values;

THEREFORE BE IT RESOLVED that AVICC and UBCM advance the use of social procurement practices by local governments;

AND BE IT FURTHER RESOLVED that UBCM urge the provincial government to consider the inclusion of social procurement into Part 6 (Financial Management) of the Community Charter and Part 11 (Regional District- Financial Management) of the Local Government Act.

12. Letter to Munroe's Bookstore

That Council send a letter of congratulations to Munroe's Bookstore for their acknowledgement by National Geographic as the number three bookstore in the world.



**Council Member Report
For the Council Meeting of March 24, 2016**

To: Council

Date: March 10, 2016

From: Councillors Isitt and Loveday

Subject: Saving Lives Through Organ Donation

Background:

The Kidney Foundation of Canada, BC Chapter, and other organizations have requested that local governments take an active role encouraging residents to sign up as donors of live-saving organs.

It is therefore recommended that Council endorse the following resolution for consideration at the 2016 annual conference of the Union of BC Municipalities and forward a copy to member local governments encouraging resolutions of support.

Recommendation:

THAT Council endorse the following resolution for consideration at the Union of BC Municipalities 2016 annual conference, and direct staff to forward a copy to UBCM and to member local governments, requesting favourable consideration and resolutions of support:

Saving Lives Through Organ Donation

WHEREAS organ donation saves lives;

AND WHEREAS organ donation is the best available option for many people in our communities with serious medical conditions and diseases to live well and contribute fully to their family and their community;

AND WHEREAS BC has one of the lowest organ donor registration rates in Canada;

AND WHEREAS local governments can demonstrate leadership and resolve to encourage citizens in BC communities to register as organ donors,

THEREFORE BE IT RESOLVED that the Union of BC Municipalities calls upon all local government elected officials to accept the challenge to Save Lives Through Organ Donation and work with community partners to increase the number of people registered as organ donors in our communities.

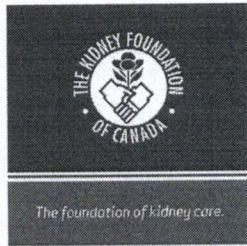
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt".

Councillor Ben Isitt

A handwritten signature in blue ink, appearing to read "Jeremy Loveday".

Councillor Jeremy Loveday



1964 **50** 2014
ANNIVERSARY

**The Kidney Foundation of Canada
BC & Yukon Branch**
200 – 4940 Canada Way
Burnaby, BC V5G 4K6
T. (604) 736-9775 / 1-800-567-8112
F. (604) 736-9703
www.kidney.bc.ca

7 March 2016

Mayor Lisa Helps
and Members of Council
Victoria City Hall,
1 Centennial Square
Victoria BC
V8W 1P6

Re: Promotion of Organ Donor Registration & Kidney Transplantation

Dear Mayor Helps & Members of Council,

Thank you for allowing our Branch Board's Medical Advisor Dr. Robin Lowry to speak before the Mayor and Council at City Hall February 25th on the subject of organ donation and kidney transplantation. We particularly thank you for scheduling his presentation early in the evening which allowed 28-month old Hailey-Ann and her mother, Kristina Cook, who are residents of Victoria, to also participate. As you are aware Hailey-Ann was born with kidney disease and will need a kidney transplant in the coming years.

Our concerns surround the approximately 3,500 people kept alive by dialysis today, many of whom ($\approx 50\%$) will die before receiving a kidney transplant. While a high proportion of individuals across BC are highly supportive of organ transplantation, only about 20% have registered as potential organ donors. Indeed, BC has the lowest proportion of individuals registered as organ donors. Accordingly, the Kidney Foundation has taken on the mission of encouraging the "registration" of potential organ donors as a route to increase the availability of donor organs, including kidneys, to provide hope for people surviving on dialysis. We are asking the Mayor and Council of Victoria to submit the attached motion to the Union of BC Municipalities (UBCM), calling upon the UBCM to encourage Mayors and Councils across British Columbia to use their leadership to save lives by promoting organ donor registration – either yes or no - in their municipalities.

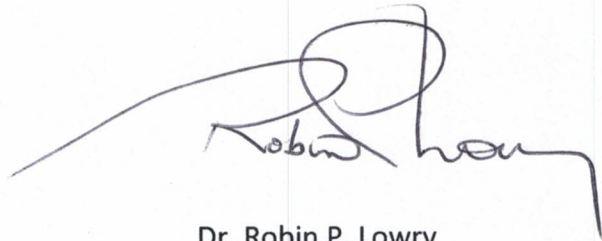
Thank you for your consideration of our request and support our efforts to promote the adoption of the attached Motion at the September 2016 meeting of the UBCM in Victoria.

If you have questions or would like clarification on any matter relating to our request, please do not hesitate to call Dr. Lowry or me at 604-736-9775.

Sincerely yours,



Karen Philp,
Executive Director
BC & Yukon Branch
kphilp@kidney.bc.ca



Dr. Robin P. Lowry
Board Member & Medical Advisor
BC & Yukon Branch
rplowry@gmail.com

APPENDIX: Draft motion to UBCM

Saving Lives Through Organ Donation

WHEREAS organ donation saves lives;

WHEREAS one in 10 of the citizens living in our communities is affected by kidney disease for which an organ donation is the best available option for a patient to live well and contribute fully to their family and their community;

WHEREAS BC has one of the lowest organ donor registration rates in Canada;

WHEREAS the Kidney Foundation has challenged all Mayors and Council Members to Save Lives by raising awareness for Organ Donor Registration in their communities;

AND WHEREAS Mayors and Council Members have the leadership and resolve to encourage citizens in their communities to register as organ donors,

THEREFORE BE IT RESOLVED that UBCM call upon all Mayors and Council Members to accept the Kidney Foundation's challenge to "Save Lives Through Organ Donation" in their communities, and to work with the Foundation to increase the number of people registered as organ donors in their respective communities.



**Council Member Report
For the Council Meeting of March 24, 2016**

To: Council

Date: March 22, 2016

From: Councillors Isitt and Loveday

Subject: AVICC Resolution: Respect for Local Government Authority Relating to Contaminated Soils

Background:

In January 2016, Victoria City Council approved a resolution indicating that the City “supports the residents of Shawnigan Lake, Cowichan Tribes, and the Cowichan Valley Regional District in calling on the Province of British Columbia to invoke the precautionary principle and respect the need for meaningful local government input by revoking the permit for the property at 460 Stebbings Road in Shawnigan Lake.” The resolution also requested that “contaminated site regulations be amended to provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process.”

Since Council approved this resolution, the BC Supreme Court issued a ruling on March 21, 2016 upholding the Cowichan Valley Regional District’s zoning bylaw that prohibits the disposal of contaminated soils on the property at 460 Stebbings Road (see attachment A, BC Supreme Court decision in *Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd.*, 2016 BCSC 489). It was the Court’s decision to uphold the Regional District’s interpretation of the zoning bylaw, however the Provincial government retains the ability to intervene through Order-in-Council.

It is therefore recommended that Victoria City Council endorse the following emergency resolution for consideration at the upcoming conference of the Association of Vancouver Island and Coastal Communities, encouraging the Province to respect local government land use authority relating to the disposal of contaminated soils.

Recommendation:

THAT Council endorse the following resolution for consideration as an emergency resolution at the 2016 annual conference of the Association of Vancouver Island and Coastal Communities:

Respect for Local Government Authority Relating to Contaminated Soil Disposal

WHEREAS the BC Supreme Court upheld local government land use authority with respect to the disposal of contaminated soils in the case of *Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd.*, 2016 BCSC 489;

AND WHEREAS the risk remains that local government land use regulations relating to disposal of contaminated soils may be overridden by Provincial Order-in-Council;

THEREFORE BE IT RESOLVED THAT the Association of Vancouver Island and Coastal Communities calls on the Province of British Columbia to respect local government land use authority and provide for thorough and appropriate consideration of local government input and land use regulations in the contaminated soils permitting process.

Respectfully submitted,



Councillor Ben Isitt



Councillor Jeremy Loveday

Attachment:

Cowichan Valley (Regional District) v. Cobble Hill Holdings Ltd., 2016 BCSC 489

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Cowichan Valley (Regional District) v.
Cobble Hill Holdings Ltd.,*
2016 BCSC 489

Date: 20160321
Docket: 13-3547
Registry: Victoria

Between:

Cowichan Valley Regional District

Petitioner

And:

**Cobble Hill Holdings Ltd.,
South Island Aggregates Ltd. and
South Island Resource Management Ltd.**

Respondents

Before: The Honourable Mr. Justice B. D. MacKenzie

Reasons for Judgment

(In Chambers)

Counsel for the Petitioner:

A. Bradley

Counsel for the Respondents:
Cobble Hill Holdings Ltd. and
South Island Aggregates Ltd.

L.J. Alexander and
A.L. Faulkner-Killam

Counsel for the Respondent:
South Island Resource Management Ltd.

K.R. Doerksen

Place and Date of Hearing:

Victoria, B.C.
November 2-6, 2015;
November 23-27, 2015
and December 1, 2015

Place and Date of Judgment:

Victoria, B.C.
March 21, 2016

1. Introduction

[1] This litigation focuses on the importation of contaminated soils to a quarry operation north of Victoria, British Columbia, activities which the quarry owner says are reclamation of the quarry.

[2] The petitioner, Cowichan Valley Regional District (“CVRD”), disagrees and says the respondents are operating a landfill, not reclaiming the quarry. It seeks a declaration that the use of the property is either a contaminated soil treatment facility or a landfill facility, and that neither is a permitted use according to CVRD zoning bylaws. The CVRD also seeks injunctive relief to restrain the respondents from such use of the property as well as orders requiring the respondents to remove contaminated soils and related structures from the property, located at 640 Stebbings Road, in the Shawnigan Lake watershed. The property is zoned F-1 (Primary Forestry) according to Shawnigan Lake Zoning Bylaw No. 985 (the “zoning bylaw”).

[3] The respondents, Cobble Hill Holdings Ltd. (“CHH”) and South Island Aggregates Ltd. (“SIA”), oppose the relief sought in the petition, and seek costs on Scale “C”, due to what they submit is the complexity of the issues. CHH is the owner of the property, while SIA operates the quarry pursuant to a permit issued in 2006 under the *Mines Act*, R.S.B.C. 1996, c. 293.

[4] In addition to the 2006 permit issued to SIA authorizing its mining activities, in August 2013, the Ministry of Environment (“MoE”) issued a permit pursuant to the *Environmental Management Act*, S.B.C. 2003, c. 53 (*EMA*), allowing CHH to discharge “refuse ... from a contaminated soil treatment facility and a landfill facility” located at the quarry site (emphasis added).

[5] The third respondent, South Island Resource Management Ltd. (“SIRM”), was, by consent, added as a respondent prior to the commencement of the petition proceeding. SIRM is an independent company, incorporated April 20, 2015, and

retained by CHH for the express purpose of carrying out what the respondents submit is the reclamation project at the quarry.

[6] The respondents assert they are not operating a landfill or a contaminated soil treatment facility, as alleged by the CVRD, or any other activities that fall outside the “mining activities” permitted under the zoning bylaw. The respondents say they are merely reclaiming the land as required under the 2006 mining permit. They therefore say that reclamation is either a permitted use under the bylaw, or, as a “core” or integral mining activity, not subject to local government zoning power.

[7] On the other hand, while it is common ground that the petitioner has no jurisdiction over the extraction of aggregate material at the quarry, the CVRD says what is now occurring at the property is the operation of a landfill, a completely separate enterprise, and that these activities are not related to mining activities at all; the petitioner says it is clearly a non-permitted land use. Moreover, the petitioner submits that, even if it is considered reclamation, as the bylaw only permits “crushing milling concentration for shipment” of the aggregate, reclamation is simply a “related mining activity” and, as has been decided in several court decisions, related mining activities that are not a necessary part of the extraction process are subject to local land use bylaws (*Cowichan Valley Regional District v. Norton et al*, 2005 BCSC 1056 (*Norton*), and *Squamish (District) v. Great Pacific Pumice Inc. et al.*, 2003 BCCA 404 (*Great Pacific Pumice*)).

[8] Not surprisingly, there is significant concern about the importation of contaminated soil to the quarry site, resulting in a 31-day hearing in 2014 before the Environmental Appeal Board (“EAB”), where the CVRD was one of several appellants. The petitioner points out that it filed this petition in October 2013, shortly after the MoE permit was issued, but agreed to put this proceeding on hold, pending the outcome of the EAB appeal. In March 2015 the EAB upheld the validity of the MoE permit, authorizing the importation of contaminated waste to the quarry site. The petitioner then proceeded with the petition. However, as the parties have emphasized, this proceeding is not about re-litigating health and environmental

issues, rather, it focuses on whether the activities are prohibited by the petitioner's land use bylaw.

1.1 Petition proceeding

[9] At the commencement of the hearing, CHH and SIA expressed their concern about the nature of this proceeding and invited the court to "be alive" to the question of whether these issues could be properly resolved by way of petition.

Notwithstanding the equivocal position of the respondents on this point, I will consider whether the issues involved in this litigation are suitable to be heard by way of a petition and accompanying affidavits, pursuant to Rule 16-1 of the *Supreme Court Civil Rules (Rules)*. The petitioner says it is appropriate to proceed by way of petition, as the question is whether the activity now occurring at the quarry is permitted under the bylaw.

[10] It is to be noted, however, that the respondents made no application to refer this matter to the trial list, even though they submitted "this is an appropriate case for the court to convert the proceedings to a trial." Conversely, on the first day of the hearing, counsel for CHH and SIA specifically stated these respondents were not asking for such an order, but then proceeded to make extensive submissions on this point, prompting lengthy reply submissions from the petitioner. Nevertheless, pursuant to both Rule 22-1(7)(d) and Rule 16-1(18), and the comments of the court in *Sherar et al v. Samson's Poultry Farm (1973) Ltd. et al* (1979), 15 B.C.L.R. 283 (S.C.) at 286, an order under Rule 22-1(7)(d) can be made without a formal application, although the equivocal position of the respondents does make one pause. At the same time, the petitioner submitted that only after hearing full submissions and reference to the affidavits and attached documents would I be able to make a proper determination as to whether the matter could be heard by way of petition.

[11] Further complicating the issue somewhat is the fact that two other justices had earlier made orders on such preliminary issues as striking an affidavit filed by the petitioner, cross-examining the affiant of that affidavit, cross-examining the

petitioner's expert witness and ordering the matter to be peremptory on the respondents, after granting their request to adjourn the hearing originally scheduled for early September 2015. The petitioner says that throughout these earlier proceedings there was no suggestion the matter could not proceed by way of petition. It says the respondents are simply attempting to delay the matter further. In fact, the petitioner submits that these earlier decisions reflect the assumption that the parties were content to proceed by way of petition.

[12] In support of the suggestion that the matter should be referred to the trial list, the respondents note that pursuant to Rule 2-1(2)(c), if the sole or principal question is construction of an enactment, the matter is to proceed by way of petition.

[13] However, the respondents say the issue here is not construction of the relevant bylaw, but rather enforcement of the bylaw, having regard to what the petitioner says are the actual activities now taking place on the property, where many of the facts that the petitioner relies on in support of its application for declarations and injunctive relief are in conflict with the position advanced by the respondents.

[14] In addition, the respondents note that "actions" by a municipality to enforce a bylaw or to restrain the contraventions of a bylaw may be brought by a "proceeding" in the Supreme Court, as outlined in s. 274 of the *Community Charter*, S.B.C. 2003, c. 26.

[15] While acknowledging that a "proceeding" would include a proceeding by way of petition, the respondents note that s. 274 refers to a "plaintiff" and "defendant" and a response to a "civil claim," all of which they say indicates the usual procedure is an action. In addition, the respondents say the section references a "proceeding," as opposed to an "application," a point recently canvassed by our Court of Appeal in *Radcliffe v. The Owners, Strata Plan*, 2015 BCCA 448 (*Radcliffe*), where the court noted it was significant that the relief sought was pursuant to s. 164 of the *Strata Property Act*, S.B.C. 1998, c. 43, which specifically states that such relief is to be initiated by way of an "application."

[16] As Savage J.A. noted:

[21] Section 164 of the *Act* refers to an application authorized by the statutory provision to be made to the court. The application thus falls within the broad description of a “proceeding ... brought in respect of an application that is authorized by an enactment to be made to the court” within the meaning of Rule 2-1(2) of the *Civil Rules*. The proceeding authorized by s. 164 of the *Act* is referred to as an “application”, and thus uses a term associated under the *Civil Rules* with a proceeding brought by petition.

[17] As such, the respondents say the use of the words “action” and “notice of civil claim” in s. 274 of the *Community Charter* could arguably be dispositive of the issue as to whether this matter is properly before the court by way of petition.

[18] But Savage J.A. also considered the fact that the claim in *Radcliffe* was for a “small” liquidated amount, thereby bringing into play the objectives in Rule 1-3 and proportionality as relevant considerations. He concluded:

[31] In my opinion the judge below did not err in approaching the matter in the way that he did. Given the statutory provision, the amount involved, and the nature of the claim and proportionality, it was appropriate to commence the matter by petition.

[19] The respondents say this is not the case here. All parties have emphasized that the outcome of this proceeding will not only involve millions of dollars to the respondents one way or the other, depending on the ultimate outcome, but is also significant to the public at large as evidenced by the lengthy EAB hearing dealing with health and environment issues and the safety of Shawnigan Lake water.

[20] Moreover, the respondents say the usual reason a matter should be referred to the trial list, pursuant to either the summary trial provisions of Rule 9-7 or the provisions in Rule 22-1 governing chambers proceedings, is when there is a significant dispute as to the facts, especially where, as here, both sides have tendered conflicting expert reports.

[21] The issue of conflicting evidence was considered by Pearlman J. in a two-day hearing in August 2015, when he ordered the respondents could cross-examine the petitioner’s expert witness, Ms. Moody, on the basis that cross-examination would

assist the court in resolving material conflicts in the evidence concerning the actual operations being conducted on the property and whether those operations are integral to the reclamation of the quarry.

[22] In this regard, the respondents say this conflict has become even more significant since they have now filed their own expert report in order to rebut the opinion advanced by the petitioner's expert with respect to whether the facilities are integral to, or necessary for, reclamation of the property.

[23] Moreover, after hearing extensive submissions, I ordered the petitioner could cross-examine the respondents' expert. As a result, the respondents say this proceeding has evolved into the type of proceeding contemplated by Ballance J. in *Boffo Developments (Jewel 2) Ltd. v. Pinnacle International (Wilson) Plaza Inc.*, 2009 BCSC 1701, when she said:

[50] On this point I would add that the Court ought to be cautious in making orders which have the objective of addressing the resolution of a *bona fide* triable issue through the creation of a hybrid proceeding that permits certain pre-trial and trial mechanisms to the parties, but denies them others. Where the driving underpinning for such an approach is largely one of practicality, it strikes me there is a very real risk of diminishing returns where the summary process is expanded to allow the filing of additional lengthy affidavits, cross-examination on affidavits and possibly a broader scope of cross-examination, selective document disclosure, and other features of the trial process. At some point, the process that looks like a trial, should be a trial.

[24] Other factors which the court should consider when determining whether the matter is suitable to proceed by way of petition were outlined by Bruce J. in *Timberwolf Log Trading Ltd. v. British Columbia*, 2013 BCSC 282 (*Timberwolf*), where she stated:

[20] The petitioners argue this is an appropriate case for the court to convert the proceedings to a trial pursuant to R. 22-1(7)(d). The factors to consider include the undesirability of multiple proceedings, the desirability of avoiding unnecessary costs and delay, whether the case involves an assessment of credibility and demeanour, and whether it is in the interests of justice that there be pleadings and discovery in the usual way to resolve the dispute: *Courtenay Lodge Ltd. v. British Columbia*, 2011 BCSC 1132.

[25] There is no question it is well settled that the threshold is low when a party seeks to convert a petition proceeding to a trial pursuant to Rule 22-1(7)(d), and generally an applicant need only show there are serious, disputed questions of fact or law raised by the petition (*Timberwolf* at para. 21).

[26] While there is obviously a triable issue in the present case as evidenced by counsel's exhaustive submissions and the cross-examination of two expert witnesses, I am not satisfied that the relevant facts are in dispute to such a degree that I cannot render a proper decision.

[27] In these circumstances, it is my view that it would be inefficient to spend 11 days litigating this matter and then send it to the trial list, especially where the contents of the documents relied on by the parties do, to a great extent, speak for themselves. In this regard, I am satisfied that, apart from the opinions expressed by the two experts, issues which were covered in extensive cross-examination, there is no significant dispute as to what activities are presently being conducted at the facility, given the only evidence on this point comes from the respondents themselves, as neither the petitioner's expert nor its inspectors have visited the site to actually observe what is taking place at the quarry since the MoE permit was issued. As a result, I am not persuaded it would be in the interests of justice to refer this matter to the trial list and decline to exercise my discretion to do so.

1.2 Withdrawal of an admission

[28] The respondents advanced another preliminary argument. They say that when the CVRD amended the original petition so as to not rely on an affidavit from Mr. Anderson, the past general manager at the CVRD, it was contrary to Rule 7-7(5)(c), prohibiting the withdrawal of an admission made in a pleading or petition without consent or leave of the court. The respondents submit that the petitioner made an admission in the original petition that the activities on the property constituted "reclamation," based on statements in the Anderson affidavit, and that through the amendment the petitioner sought to withdraw that admission, even though the phrase "opportunistic reclamation" was a term used initially by the

MoE in its assessment of the original application by SIA for a permit to treat and discharge contaminated soil and “landfill untreatable waste.”

[29] What constitutes an admission for the purpose of the Rules was recently canvassed by Johnston J. in *Ledinski v. Chestnut*, 2015 BCSC 373, noting the long-standing authority on this issue remains *British Columbia Ferry Corp. v. T&N, plc*, [1993] B.C.J. No. 1827 (S.C.), where the court considered the proposed withdrawal of an allegation against the defendants under Rule 31(5)(c) (now Rule 7-7(5)(c)).

Justice Braidwood described the application of the Rule as follows:

[13] The type of admission contemplated in the rule is an admission which would benefit the defendant in its defence of the case remaining after the amendment. Further, the admission contemplated by the rule must be a deliberate concession made by the plaintiff for the benefit of the defendant.

[14] In that pleadings should contain statements of fact, in one sense every pleading is an admission where it contains a statement of fact. But that is not the type of admission contemplated by Rule 31(5). The rule contemplates an admission deliberately made by the party pleading it as a concession to its opponent. No particular form of words need be given but the concession must be clear.

[30] In order for a statement of fact to be considered an admission by the pleading party, there must be unambiguous evidence that it was made for the purpose of a deliberate and clear concession to the other party (see *Ledinski* at paras. 27-28). An amendment will not be caught within the ambit of the Rule even where it proposes to contradict original statements: *Kamei Sushi Japanese Restaurant Ltd. v. Epstein*, (1996) 25 B.C.L.R. (3d) 366.

[31] While the cases cited address statements of facts set out in pleadings and do not deal specifically with petitions, I see no reason why they should not inform the application of the Rule in proceedings brought by way of petition. In these circumstances, I am not persuaded there was a deliberate concession made by the petitioner for the respondents' benefit, or that the amended petition constitutes a withdrawal of an admission by the petitioner that the present activities at the quarry are in fact reclamation.

1.3 Swearing to the truth of the facts in the petition

[32] The respondents advanced a third preliminary objection. They argued that the petition suffers from a fatal flaw in that there was no affiant on behalf of the CVRD swearing to the truth of the facts as set out in the petition. They submit that words to the effect of “I have read the filed Petition and to the best of my knowledge, the facts set out ... therein are true” must be sworn to. Without this, they say, there are no facts in evidence that the petitioner may rely on for any relief.

[33] On this point, the respondents acknowledged that in some cases the court could go through the exercise of “teasing out” the evidence in support of the facts that support the relief sought. However, in a case like this, where the parties rely on volumes of materials, the respondents submit that leaving the court to identify the affidavit and exhibit materials supporting the facts relied upon is fatal to the petition and should result in a dismissal. In my view, this assertion in itself is an admission that there is no magic in the words swearing to the truth of the facts set out in the petition.

[34] Furthermore, there is nothing in the *Rules* to suggest this is a requirement, only that the petition must be filed with “each affidavit in support” (Rule 16-1(2)). As noted in McLachlin & Taylor’s *British Columbia Court Forms*, 2nd ed. (LexisNexis, updated to March 2015), this is a change from the previous Rule 10(4), stating that “a petition shall be supported by affidavit as to all the facts on which the application is based.” The authors further explain that “the easiest way of proving those facts [set out in the petition] is to have a person who has direct knowledge of those facts swear as to the truth of those facts.” Again, this suggests that there is no absolute requirement, only that this is the “easiest” way of proceeding. I therefore find it is within the court’s discretion to allow the petition without an affidavit including words to this effect. Accordingly, I am satisfied that the petition was properly before the court, with affidavits in support of the facts therein.

2. Applicable Legislation

[35] The petitioner, as a local government, has the authority to regulate or prohibit land use, buildings and other structures pursuant to s. 903 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (*LGA*), as it was prior to January 1, 2016.

[36] The definition of “land,” for the purpose of the *LGA*, is found in the *Community Charter*:

Land

- (a) for the purposes of assessment and taxation, means land as defined in the Assessment Act, and
- (b) for other purposes, includes the surface of water, but does not include
 - (i) improvements,
 - (ii) mines or minerals belonging to the Crown, or
 - (iii) mines or minerals for which title in fee simple has been registered in the land title office ...

[37] Under the authority of s. 903 of the *LGA*, the CVRD adopted the applicable zoning bylaw. Relevant to the question of permitted land uses is s. 4.2:

4.2 Land or the surface of water shall not be used and structures shall not be constructed altered located or used except as specifically permitted by this bylaw.

[38] Section 7.4(a) of the zoning bylaw specifies the permitted uses of the land in the F-1 zone applicable to the property:

- (1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) extraction crushing milling concentration for shipment of mineral resources or aggregate materials excluding all manufacturing;
- (3) single family residential dwelling or mobile home;
- (4) agriculture silviculture horticulture;
- (5) home based business;
- (6) bed and breakfast accommodation;
- (7) secondary suite or small suite on parcels that are less than 10.0 hectares in area;
- (8) secondary suite or a second single family dwelling on parcels that are 10.0 hectares or more in area.

[39] Given the provision in s. 7.4(a)(2), this bylaw permits extraction, that is “mining,” and the related specific processing activities. In addition, the respondents emphasize that s. 4.4 of the bylaw states that “all uses permitted by this bylaw include those uses accessory to the permitted principal uses” (emphasis added).

[40] Notwithstanding the permitted uses in the F-1 zone, pursuant to the general land use powers in s. 903 of the *LGA*, the CVRD passed s. 5.20 of the zoning bylaw, pertaining to the importation and “storage” of contaminated waste or soil on land in the CVRD:

Unless explicitly permitted in a zone, no parcel shall be used for the purpose of storing contaminated waste or contaminated soil, if the contaminated material did not originate on the same legal parcel of land that it is being stored on.

[41] Even though the CVRD referred to this provision in its petition, it says this section need only be considered if I do not accept its primary submission that the present activities at the quarry are not a permitted land use.

3. Position of the Parties

3.1 Position of the petitioner

[42] The petitioner submits that the respondents have taken steps to use the property as a contaminated soil treatment facility and a landfill facility, due to the encapsulation of contaminated soil not originating on the property. It says these land uses are prohibited, relying on the combined operation of s. 4.2 and s. 7.4(a) of the zoning bylaw, outlining the permitted uses in the F-1 zone.

[43] In this regard, the 2013 MoE permit acquired by CHH under the *EMA* authorizes the receipt of up to 100,000 tonnes per year of “contaminated soils and associated ash,” referred to as “waste” by the MoE, as well as the discharge of “effluent” from a “contaminated soil treatment facility and landfill facility” located on the property.

[44] The respondents acknowledge they are accepting contaminated soil but depose they are not “treating” any soil, even though “treatment” is authorized under

the MoE permit. I agree with the respondents that there is no evidence to contradict their position on this point.

[45] At the same time, the CVRD concedes that local zoning regulations cannot prevent the respondents from extracting aggregate from the quarry, as it is well settled that mining is a *profit à prendre*, rather than a land use, and therefore not subject to zoning regulations.

[46] However, even though the definition of land in the *Community Charter* expressly excludes “mines” and thus extraction of the resource, the CVRD says “associated mining activities” are not excluded from the definition of land and can be controlled through its zoning power, relying on *Norton* and *Great Pacific Pumice* for this proposition. According to these cases, mining activities, other than extraction, including the storage and processing of materials at a mine site, may be prohibited by a zoning bylaw notwithstanding authorization under a provincial permit, subject to being expressly permitted in any particular bylaw.

[47] As such, the petitioner submits that the importation and landfilling of contaminated soil may be prohibited by its zoning bylaw, even if used for reclamation purposes and even when authorized by the MoE permit. While the CVRD acknowledges that in addition to extraction, which it has no jurisdiction over, the F-1 zone specifically allows some processing activities, it says it can control the “related mining activity” of reclamation, although its primary submission is that the respondents are operating a landfill and not reclaiming the quarry.

[48] The petitioner also notes that, while the activities undertaken by the respondents are authorized by the MoE permit issued under the *EMA*, until such time as the operation of its zoning bylaw is suspended by the Lieutenant Governor in Council, pursuant to s. 37(6) of the *EMA*, the use of the property for these activities is subject to the zoning bylaw. That is, the CVRD says it can prohibit what the MoE permit allows, and only Cabinet can suspend the bylaw, which has not occurred.

3.2 Position of the respondents

[49] The respondents have advanced three arguments in support of their position: (1) the CVRD has no jurisdiction to control a “core” mining activity, including reclamation, through its zoning powers; (2) the activities on the property are permitted under the F-1 zoning bylaw; and (3) the CVRD may not rely on s. 5.20 of the bylaw to prohibit contaminated soil from being stored on the property, as the respondents are not “storing” waste soil or, alternatively, this particular section was not validly enacted. The first two arguments, however, rely on a finding that reclamation is a core or integral mining activity.

[50] I will first deal with the respondents’ submission that any “mining activities” on the property are exempt from local government zoning as a result of the exclusion of mines in the definition of “land” in the *Community Charter*. According to the respondents, all activities that fall within the definition of a “mine” as defined in the *Mines Act*, are mining activities and are “necessarily incidental” to the extraction process. They say this includes any activity that can be considered “site reclamation” due to the fact that reclamation is required under the terms of the 2006 mining permit.

[51] The respondents note that, despite several visits to the property prior to the MoE permit being approved, the petitioner’s bylaw enforcement officials had not found any of the non-extraction activities conducted on the property to be in breach of the zoning bylaw. The CVRD says this is neither here nor there as the facilities for the permanent encapsulation of waste material were only constructed after the MoE permit was issued. In fact, the CVRD says this circumstance supports its position that the present activities are not a necessary or integral part of extraction as the respondents did not undertake such activities until years after they commenced removing aggregate from the quarry.

[52] In their other argument, the respondents submit that all current activities conducted on the property are permitted uses under the F-1 zoning because the CVRD has specifically allowed mining, that is extraction, as well as “crushing milling

concentration for shipment of mineral resources or aggregate materials.” They say that since they are not permitted to carry out extraction without reclamation of the quarry, any reclamation activities must be considered integral to extraction, crushing, and milling, and therefore permissible in the F-1 zone. Alternatively, they submit that these activities are permitted as being reasonably “accessory” to the permitted mining activities, pursuant to s. 4.4 of the bylaw.

[53] The respondents further submit that the determination of any potential future activities alleged by the petitioner cannot be done in the hypothetical and that no relief is appropriate in anticipation of a breach of the zoning bylaw. The respondents submit that what must be determined is not what might take place in the future, but what is in fact occurring at the site at the present time. I agree with this general submission but also accept the petitioner’s submission that it is entitled to seek a resolution of an issue or question between the parties by way of a declaratory order where there is a “cognizable threat to a legal interest” (see *Kaska Dena Council v. British Columbia (Attorney General)*, 2008 BCCA 455 at para. 12). Even though the respondents say the treatment facility is not operating at present, the question of whether or not it is a permitted use can be addressed at this point in time. Given the MoE permit allows for the operation of a soil treatment facility, the relief sought on this point is not merely “hypothetical.” It is clear to me a “real issue” concerning the relative interests of these parties “has been raised and falls to be determined” (*Solosky v. The Queen*, [1980] 1 S.C.R. 821 at 830). In fact, at one point the respondents said they wanted these questions answered in order to conduct themselves accordingly in the future. In addition, some years ago, dealing with the same bylaw and property very near the present quarry, Melvin J. concluded that the bylaw did not allow a soil treatment facility as a permitted use (*Cowichan Valley Regional District v. Lund Small Holdings Ltd.*, unreported reasons, Victoria Registry No. 00-2934) (*Lund*). Given the evidence presented here, I have no reason not to follow that conclusion. I will deal with this issue at the conclusion of these reasons.

4. Analysis

4.1 Facilities and activities on the property

[54] On October 4, 2006, the Ministry of Energy, Mines and Petroleum Resources, now known as the Ministry of Energy and Mines, issued the permit allowing SIA to operate the quarry. On this point, the respondents say they have been bringing soil to the quarry for reclamation since it began operation in late 2006 or early 2007.

[55] Section 18 of the 2006 mining permit stipulated that “soil or material brought to the site must be free of contaminants.” The permit also noted the land and watercourses “shall be reclaimed” to residential use. As the respondents point out, there were no concerns expressed by the petitioner about clean soil being used as fill in order for the respondents to fulfill their reclamation responsibilities. As far as the present end land use of this property is concerned, the respondents note an amendment to the 2006 mining permit in October 2015 changed this from residential to “forestry/industrial.”

[56] In April 2009, the original 2006 mining permit was amended, allowing imported soil if it met MoE soil guidelines, as well as requiring an engineering plan showing the location of “the soil storage cell.” In the preamble, it states that “this permit contains the requirements of the Ministry ... for reclamation.”

[57] In October 2011, SIA and CHH applied to the MoE for a permit, which, according to the Ministry Assessment of August 20, 2013, was:

... a permit to treat and discharge hydrocarbon contaminated soil and landfill untreatable waste (including but not limited to soil) at their active quarry site ...

The application is for the treatment and landfilling of a maximum of 100,000 tonnes/year of contaminated soils and associated ash (referred to as material or waste throughout this document). Two types of wastes are proposed to be received at the site. The first type of incoming material is amendable hydrocarbon contaminated soils above the Contaminated Sites Regulation (CSR) Residential or Industrial Land Use (RL or IL) standards but excluding Hazardous Waste (HW) as defined in the Hazardous Waste Regulation (HWR). The proposed soil treatment will reduce hydrocarbon concentrations below the CSR IL standards prior to discharge at the quarry site. The second type of incoming material is untreatable waste above the

CSR IL standards but excluding HW. This second type of waste is proposed to be permanently encapsulated in engineered landfill cells of various sizes and shapes. The material received at the site is proposed to be used as fill (placed in landfill cells) and, if appropriate, as cover material for the progressive closure of the quarry site. Received soil may also be shipped off site once treated although this is not expected to be common operation. The proponent may also receive soil for direct discharge in the landfill (for direct backfill of the excavation) if soil quality meets final land use.

[Emphasis added.]

The Ministry Assessment continued by describing an “Application Revision” that was required once it was determined that the treatment and landfilling of contaminated soils would require an effluent discharge authorization:

The initial application submitted on October 12, 2011 was for the discharge of contaminated soils only. However, following the first review of the application MoE identified that an effluent discharge was also part of the proposal (Refer to Section 1.2 below) and that an effluent discharge authorization was required in addition to the soil discharge authorization. The effluent discharge application was submitted with the second draft TAR in February, 2012. The effluent discharge application submitted provided details on the proposed effluent discharge and indicated that the discharge would meet the BC Approved and/or Working Water Quality Guidelines (BCAWWQG), whichever is most stringent, for Freshwater Aquatic Life.

[58] On August 21, 2013, the MoE issued Discharge Permit PR-105809 to CHH, under the provisions of the *EMA*, which provided that CHH:

... is authorized to discharge refuse to ground and effluent to an ephemeral stream from a contaminated soil treatment facility and a landfill facility located at 640 Stebbings Road, Shawnigan Lake, British Columbia, subject to the terms and conditions listed below. Contravention of any of these conditions is a violation of the *Environmental Management Act* and may lead to prosecution. [Emphasis added.]

The permit then stated under the heading “Authorized Discharges - General Conditions”:

This section applies to the discharge of refuse from a contaminated soil treatment and to the landfill facility.

In addition, under the heading “Authorized Discharge - Landfill Facility,” the permit stipulated that:

- 1.3.1 The authorized works are a landfill, engineered lined landfill cells, perimeter ditches, erosion and sedimentation control infrastructure, primary and secondary containment detection and inspection sumps and associated cleanout ports, catch basins, groundwater monitoring wells, management works and related appurtenances approximately located as shown on Figure A.

[59] Given this permission from the MoE to import and encapsulate contaminated soil, Mr. Mizuik, a director of SIRM and the construction manager, deposed that SIRM has invested “over \$6 Million in equipment specifically for operation under the MoE Permit” and “approximately \$1.1 million as operating expenditures.”

[60] Mr. Mizuik deposed that current site operations include “aggregate mining,” that is, extraction, as well as “reclamation” required after extraction of the aggregate. The use of “engineered lined cells” and a water treatment system are in place, all with a view, as he puts it, “to ensure careful reclamation.” The petitioner objects to Mr. Mizuik’s use of the word “reclamation” throughout his affidavit, saying this is nothing but his biased, non-expert, personal opinion, and is the ultimate question for the court, and should be given little or no weight. I agree with the petitioner’s general observations, but am not persuaded these comments render his affidavit inadmissible. In any event, the CVRD says these facilities are not used for reclamation of the quarry, but are used as a landfill, a completely different and highly profitable business, operated by SIRM, an independent third party. It is important to recognize however, that it is how the land is being used that is the fundamental issue, not who is using the land.

[61] Mr. Mizuik further deposed that pursuant to the provisions of the MoE permit, the “reclamation” plan for the quarry includes the use of this imported material as bulk fill, to eventually be covered with soil and revegetated. To ensure the continued isolation of the contaminated soils, the engineered lined cells are to be encapsulated with natural and commercial geomembrane covers and liners.

[62] As to the proposed soil treatment facility, Mr. Mizuik deposed that no soil treatment has taken place to date. Waste soils imported so far are only segregated from other materials due to their quality difference. As the respondents emphasize, and as I have already noted, there is no evidence to contradict Mr. Mizuik's evidence that at this point in time, no soil treatment is taking place. No one from the CVRD has been on site to observe what is going on. Nor has Ms. Moody, the petitioner's expert, even though she sought permission to do so, albeit at the last moment. However, given the totality of the evidence, there is no doubt that what is being brought to the facility is being permanently embedded in the engineered cells.

[63] As far as the water treatment system and settling pond are concerned, the respondents submit that water control and containment systems are necessary for a mining operation, and were in place prior to the issuance of the MoE permit; the MoE permit simply required the water treatment to be upgraded.

4.2 Statutory interpretation and the purpose of the F-1 zone

[64] At this juncture, it is worth commenting on the principles of statutory interpretation and the intent of the CVRD in enacting this particular zoning bylaw. As the respondents submit, the issue between the parties is, "at its most basic," an exercise of statutory interpretation to determine the scope of a legislative provision in order to ensure a unified regulatory scheme. All parties made submissions on how these principles should inform my analysis in determining the issues raised in this proceeding.

[65] The petitioner relies on the "implied exclusion approach" of statutory interpretation and s. 4.2 of the zoning bylaw, which states that land shall not be used except as specifically permitted under the bylaw. The petitioner therefore says that since a landfill is not listed as a permitted use in s. 7.4(a), these activities are prohibited.

[66] The respondents reject this implied exclusion approach and say the proper method of statutory interpretation is set out by our Court of Appeal in *Paldi Khalsa Diwan Society v. Cowichan Valley (Regional District)*, 2014 BCCA 335 (*Paldi*),

requiring the court to look primarily to the purpose or intention of the bylaw when determining permissible land uses. The respondents submit it is incumbent on the court to ascertain the broad purpose of the bylaw using a purposive and contextual approach. That is, I must attempt to discern the intent of the CVRD when it passed the F-1 zoning bylaw.

[67] On this point, as an “interpretive aid,” the respondents understandably emphasize that the F-1 zone permits extraction and processing for shipment of the aggregate, consistent with the petitioner’s “South Cowichan Official Community Plan Bylaw No. 3510,” which stipulates in Section 12 that, in addition to protecting “forest lands for their long term value”:

The Rural Resource Designation also has potential for other natural resource extraction industries, such as mining and aggregate resource extraction.

...

Lands in the Rural Resource Designation (RUR) are considered suitable for natural resource management, and are not considered as a ‘land-bank’ for future residential development. There is an abundance of land suited to residential development lying outside of the Rural Resource Designation.

Moreover, under the heading “Rural Resource Designation - Policies,” the plan states:

Policy 12.2: Within the Rural Resource Designation (RUR), the implementing Zoning Bylaw will provide the following zones:

- a. RUR-1 Rural Resource 1 Zone, for the management of the forest resource;
- b. RUR-2 Rural Resource 2 Zone, for a recreational use in conjunction with forest management; and
- c. RUR-3 Rural Resource Quarry/Aggregate 3 Zone, for the management of the aggregate resources and mining, and accessory buildings and structures.

Policy 12.3: The Rural Resource Designation (RUR) is intended to accommodate forest management and other resource land uses, therefore the implementing Zoning Bylaw will provide a minimum parcel size of 80 ha for all zones within the Rural Resource Designation (RUR).

Finally, under the heading “Objectives,” the plan states:

- B. To support and encourage the commercial harvesting of timber, and aggregate resource extraction, consistent with the latest provincial Best Management Practices for natural environment protection

[68] In the present case, the intention of the petitioner is clear. As can be readily observed, the CVRD encourages and promotes resource extraction in the area in question, as highlighted by the specific provisions in s. 7.4(a) of the zoning bylaw. As a result, the respondents say that if I was to interpret “extraction” as excluding reclamation, it would require a finding that the CVRD did not intend to allow mining. I disagree. For reasons explained below, I do not find that the CVRD’s intention was to relinquish control over what land use activities can occur on land where a resource is being extracted.

[69] The respondents further submit that the statutes that form the legislative scheme applicable to the property and the activities taking place upon it must be read as a unified scheme, so as to prevent a legislative conflict that defeats the intent of the scheme. In this regard, I am mindful of the comments of the court in *Lake Country (District) v. Kelowna Ogopogo Radio Controllers Association*, 2014 BCCA 189 at paras. 15-17, 25, that in these circumstances I must consider not only the purpose and intent of the CVRD’s bylaw scheme, but also how the zoning power fits within the relevant schemes of the *Mines Act* and the *EMA*. At the same time, the petitioner submits a broad and purposive interpretation is applied to the scope of municipal powers (*Shell Canada Products Ltd. v. Vancouver (City)*, [1994] 1 S.C.R. 231).

[70] I will address throughout these reasons my interpretation of the zoning bylaw and how it fits into the overall legislative scheme.

4.3 Is reclamation a core mining activity?

[71] I now turn to the argument advanced by the respondents that regardless of any mining activities purported to be permitted by the zoning bylaw, the CVRD has no jurisdiction to pass a zoning bylaw that directly or indirectly interferes with those

activities that are necessary or integral to extraction of the resource. They submit that, whether or not the activities on the property are explicitly permitted, reclamation is integral to extraction and is therefore a “core” mining activity that cannot be regulated under local government land use power.

[72] Conversely, the petitioner says that these activities, whether or not they are characterized as reclamation, are subject to land use zoning bylaws, and the respondents knew this when they commenced their activities under the MoE permit. In this regard, in an August 21, 2013, letter confirming the authorization to import and discharge “refuse” pursuant to the MoE permit and the provisions of the *EMA*, Mr. Bunce, on behalf of the Director of the *EMA*, stated:

It is also the responsibility of the Permittee to ensure that all activities conducted under this authorization are carried out with regard to the right of third parties and comply with other applicable legislation that may be in force. [Emphasis added.]

[73] In addition, the CVRD points out that the “Aggregate Operators Best Management Practices Handbook” for B.C. alerts quarry operators that local zoning applies to reclamation activities such that “reclamation options could be restricted.”

[74] Even though it is not, in and of itself, determinative of the issue, the CVRD also notes that, with respect to this particular bylaw, the Ministry Assessment states at s. 3.7.5, under the heading “Local bylaw and land use definition,” that:

[T]he property is zoned F-1 - Primary Forestry. This zoning allows for various activities to occur, including the “extraction crushing milling concentration for shipment of mineral resources or aggregate materials excluding all manufacturing.” Based on the permitted use and conditions of use listed in the bylaw, it is unclear whether or not the proposed activities (contaminated soil treatment and landfilling) are acceptable uses for the F-1 zoning. The interpretation of the bylaw was left to the Cowichan Valley Regional District (CVRD) planning department as per legal advice. [Emphasis added.]

[75] I note that this caution is similar to the warning from the Ministry of Energy and Mines in *Norton*, that the permit in that case did “not constrain the Cowichan Valley Regional District with respect to enforcing their by-laws” (at para. 20). As such, the petitioner says it is clear the respondents were on notice as to the question of zoning compliance and proceeded with this project “at their peril,” and that the

large sum of money expended by SIRM on site preparation and equipment should not overwhelm or even affect the petitioner's position.

[76] So the question is whether reclamation is an integral and necessary aspect of extraction, that is, a "core" mining activity, such that any reclamation activity cannot be regulated by land use bylaws. Even though there are no authorities saying a "core" mining activity is beyond local government land use jurisdiction, the respondents submit that a "core" mining activity is something different than general "mining activities."

[77] In this regard, the respondents say the following definitions in the *Mines Act* are instructive, supporting their submission that reclamation is an integral aspect of mining. In s. 1, "mine" includes "(c) all activities including exploratory drilling, excavation, processing, concentrating, waste disposal and site reclamation." In addition, "mining activity" is defined as any activity related to "(b) the production of ... gravel or rock, and includes the reclamation of a mine."

[78] Given these definitions, it is clear reclamation is a "mining activity." However, far from undermining its submission, the CVRD says the fact that reclamation is, like extraction, a separate and distinct "mining activity," supports its position that even though the Health, Safety and Reclamation Code for Mines in British Columbia and individual mining permits require reclamation, the CVRD still has the ability under its zoning power to regulate what type of reclamation can occur on the site. That is, while it cannot and does not purport to stop or prevent reclamation of the quarry, it can properly control the type of reclamation activity, having regard to the land uses that are permitted in any given area.

[79] Similarly, there is no issue local governments do not have the authority to regulate extraction of aggregate material (see *Vernon (City) v. Okanagan Excavating (1993) Ltd.* (1993), 84 B.C.L.R. (2d) 130 (S.C.) (*Vernon*), affirmed (1995), 9 B.C.L.R. (3d) 331 (C.A.)). The CVRD submits however, that while extraction of a mineral or aggregate material is not a land use, all other "related activities" are land uses and subject to zoning, citing *Great Pacific Pumice*, and that a mining permit does not

trump local government zoning. That is, the CVRD says all “non-extraction components” are subject to zoning bylaws.

[80] In this regard, the CVRD says the court’s conclusion in *Norton* is dispositive of this question. In *Norton*, the court concluded that *Great Pacific Pumice* makes it clear that even though a provincial permit allows for extraction, other “associated mining activities” are still subject to land use bylaws and resulting land use restrictions, as these bylaws do not interfere with the right to excavate, such that there is no conflict between these enactments.

[81] As a result, the court in *Norton* found the respondents’ processing operations were contrary to the CVRD’s A-1 zoning bylaw. The petitioner points out that in *Norton*, Macaulay J. held that, although it would be wrong for a local government to attempt to control the right to excavate through zoning, the local government did have the authority to control the use of the surface of the land for mining purposes “apart from the extraction of the gravel” (see also *Nanaimo (Regional District) v. Jameson Quarries Ltd. et al*, 2005 BCSC 1639 at para. 39 (*Jameson*)). While the respondents do not challenge the validity of the court’s conclusion in *Norton*, they emphasize that the zoning in *Norton* did not allow for mine “processing,” nor did it deal with reclamation, and say “the case demonstrates where the line might be between core mining activities, and those that are not necessary to the mining process.”

[82] In *Jameson*, Warren J. considered *Norton* and *Great Pacific Pumice* and found that crushing and screening activities are necessary to make gravel “transportable” and fall within the definition of a *profit à prendre*, and therefore may not be regulated by zoning. But the court emphasized that these activities “are an integral part of the extraction operation” as opposed to overall mining (at para. 50) (emphasis added).

[83] In this regard, Warren J. confirmed that:

[47] In *Great Pacific*, Huddart J.A. was clear that related mining activities do fall within the scope of s. 903 of the *LGA* and a land use bylaw. *Cowichan*

applied the law in *Great Pacific* and clarified that activities relating to the marketability of rock that are not necessary for its extraction fall within the scope of a land use bylaw. Therefore, if any of defendants' operations are not necessary to extract the gravel, they are subject to the RDN's *Land Use Bylaw* and are thus in breach of it.

[84] In order to be consistent with the conclusion reached in *Great Pacific Pumice*, the respondents submit that any activities that are integral and necessary to extraction cannot be subject to local government land use regulation, but at a certain point subsequent activities unrelated to extraction of the resource can be. I accept this general proposition. However, the respondents go on to submit that:

The proper conclusion of law is that the Petitioner is without jurisdiction to interfere with core mining activities. It is only once the mining process is complete, that the "land use" jurisdiction is engaged. That is the proper place to draw the line.

[85] The respondents submit "this is the first case that appears to consider on which side of the line reclamation falls." They say that the line should be drawn in favour of a conclusion that reclamation is an integral and necessary aspect of extraction and therefore any reclamation activity cannot be regulated by land use bylaws, because under s. 10(1) of the *Mines Act*, any application for a mining permit must include a plan for reclamation.

[86] I am unable to accede to the respondents' submission. I am satisfied that the decisions in *Jameson* and *Norton* support the position advanced by the petitioner and are contrary to the respondents' submission, such that even if the activities presently being undertaken at the property can be considered reclamation, they can still be regulated by the CVRD's land use bylaw. In my view, it is only activities that are integral to extraction of the resource that can escape local land use regulation. Moreover, I am unable to agree that reclamation is an integral and necessary aspect of the actual extraction process, such that a local government is precluded from exercising its zoning power to restrict reclamation activities. In my view, to accede to the submission advanced by the respondents would be contrary to the general principles enunciated in both *Great Pacific Pumice* and *Vernon*.

[87] In addition, returning to the principles of statutory interpretation, in finding that a local government may exercise its zoning power over reclamation activities, I see no conflict with the relevant provincial legislation. In this regard, the respondents have framed the question as follows: “Can the two regulations co-exist?”, relying on *Peachland (District) v. Peachland Self Storage Ltd.*, 2012 BCSC 1872, aff’d 2013 BCCA 273, for the proposition that if one regulation prohibits what the other compels, then the law is clear, they cannot co-exist.

[88] Here the respondents submit these enactments cannot co-exist because, since mining is occurring, reclamation is required under the *Mines Act*. They say if a bylaw purports to prohibit reclamation, it makes compliance with the requirement to reclaim impossible, in turn making it impossible to mine. The respondents say the enactments conflict and it would create a “perverse” result to give the CVRD jurisdiction over reclamation activities. They say it would create a dual regulation, allowing a local government to decide what mining processes are or are not acceptable to it. The respondents say to interpret the legislative scheme in this way, would be to defeat the responsibility of the Ministry of Energy and Mines as the sole regulator of mines in the province, as the petitioner’s zoning restrictions would render impossible compliance with mining requirements or interfere with the long-standing provincial interest in ensuring that mines are not regulated by land use bylaws.

[89] I am unable to accept that such a conflict exists. In my view, these enactments are capable of existing together harmoniously as an integrated regulatory scheme pertaining to land use and mining legislation. The CVRD is not attempting to prohibit reclamation activities; it simply seeks to restrict them to comply with permitted land uses under the zoning bylaw. As for the MoE permit, it gives permission to the respondents to import waste and permanently encapsulate it if they so desire. The permit in no way compels the respondents to do anything, nor does the zoning bylaw prohibit in any way extraction of the aggregate material (see *Greater Vancouver (Regional District) v. Darvonda Nurseries Ltd.*, 2008 BCSC 1251). I conclude the regulations can co-exist.

[90] The CVRD's intention or purpose in passing the bylaw was to permit the extraction of resources, including other specific mining activities. However, in my view, this does not mean the petitioner intended to relinquish its jurisdiction to control what land use activities occur on land where a resource is being extracted, as long as any land use restriction does not interfere with or prohibit extraction of the resource. I cannot agree with the respondents when they say that if I interpret extraction to exclude reclamation, they could not extract the aggregate and this would mean the CVRD did not intend to allow mining. As the Court of Appeal outlined in *Nielson v. Langley (Township)*, [1982] B.C.J. No. 2313, at para. 18, the interpretation of municipal bylaws should be done with a view to giving effect to the intention of the municipal council. I am satisfied the intent of the CVRD is clearly to permit extraction and the specified processing activities, at the same time enforcing the zoning bylaw.

[91] In my view, even though there must be a reclamation plan in order to obtain a mining permit, reclamation is not a "core" or integral mining activity that escapes local zoning regulations. It is different than extraction of the mineral or aggregate. As a result, I am satisfied that the petitioner has jurisdiction to regulate non-extraction mining activities, including reclamation activities.

[92] For the same reasons, I am unable to agree with the respondents' other argument that any activity that might be considered reclamation is a principal permitted use. While this bylaw specifically permits other mining activities, I am satisfied that even if the importation and encapsulation of this material could be considered reclamation, as this activity is not integral to the extraction of the aggregate, it cannot be considered a permitted land use under s. 7.4 of the zoning bylaw.

[93] Having reached these conclusions, I pause to note the petitioner advised that it retained their expert, Ms. Moody, to respond to the respondents' submission that the facilities and activities in question were integral or "core" to the extraction of aggregate at the quarry. The respondents retained their expert, Mr. Beresford, in response to Ms. Moody's opinion. While much time was spent cross-examining

these experts on whether they considered the activities on the property normal or necessary for reclamation, neither one was specifically asked to provide an opinion as to whether reclamation is a “core” mining activity, even though Ms. Moody did ultimately opine that these activities were not integral for reclamation of the quarry. Be that as it may, I did not need the assistance of expert evidence to determine that these activities are not integral to the extraction of the resource. I have, however, considered their evidence in determining whether these activities could be considered necessary or normal reclamation of this small quarry, as will be apparent later in these reasons.

4.4 Are the activities permitted as an accessory use?

[94] Having determined that the non-extraction activities presently being carried on by the respondents are subject to the zoning bylaw, and are not a principal permitted use, I now address the respondents’ argument that these activities are, if not a principal permitted use as integral to extraction, at least “accessory” to mining, as provided for in s. 4.4 of the zoning bylaw. The respondents submit that reclamation activities are accessory uses in that they are ancillary to the principal permitted uses of extraction, crushing and milling. Again, they argue that to interpret the bylaw in a way that prohibits reclamation as an accessory use would exclude mining, contrary to the CVRD’s clear intention to allow mining in this area.

[95] In response, the petitioner says the respondents’ reference to “accessory” uses goes too far. The CVRD points out that the term “accessory” is defined in the bylaw as “ancillary or subordinate to a principal use.” It says that even if these activities were considered reclamation, they are not “clearly necessary or dependent upon or affiliated with the principal use” of extraction, or crushing or milling for shipment (see *Home Depot Canada v. Richmond (City)* (1996), 33 M.P.L.R. (2d) 227 (S.C.)). As such, the CVRD says s. 4.4 does not advance the respondents’ argument. As I have noted, the petitioner agrees “mining” is allowed. It says however that this means extraction, and while reclamation is part of the general mining process, and s. 4.4. refers to uses that are “accessory” to extraction, crushing or milling, this does not mean that the respondents are free to bring in waste material

pursuant to the provisions of the permit and permanently place it in the ground. The petitioner says an “accessory” mining use must be affiliated with extraction and processing of the aggregate material and cannot include the importation of soil waste. The petitioner asks: how can the operation of a completely different business be an accessory use to the extraction, crushing and milling of the aggregate? The petitioner says these activities are not related or accessory whatsoever to the permitted mining activities, let alone “clearly necessary or dependent upon” them.

[96] Turning to the interpretation of this section of the bylaw, I am satisfied the purpose broadly served by the F-1 zone is to allow for the extraction of minerals and aggregate, as well as crushing, milling and concentration for shipment, and that the purpose of s. 4.4 is to allow uses that are ancillary, or necessary, to the actual permitted uses, that is, activities that are required in order to extract the aggregate and get it to the marketplace. As a result, I am unable to agree with the respondents that the activities taking place on the property are “accessory” to extraction, crushing or milling, such that they can be considered a permitted accessory use.

4.5 Is it a landfill?

[97] I now turn to the petitioner’s submission that the respondents are operating a landfill, as opposed to reclaiming the quarry.

[98] In this regard, while the CVRD agrees reclamation is required after the extraction of aggregate, it does say it is able to control how the land is used, irrespective of what is allowed in the MoE permit. On this point, it is interesting to note that when the EAB found in favour of the respondents, and dismissed the appeal brought by the CVRD and others, it observed at para. 3 of its reasons “that landfilling in this case does not mean that contaminated soils are simply deposited into the quarry; rather, the soil (and ash) will be encapsulated in engineered cells specifically for this purpose.”

[99] In support of its submission that this is a landfill operation, the CVRD notes that “refuse” is defined in s. 1 of the *EMA* as the disposal of “discarded or abandoned materials, substances or objects.”

[100] The CVRD refers to the definition of “waste” in *The New Shorter Oxford English Dictionary*, 4th ed., 1993, as “unwanted material.” *The Oxford Dictionary* defines a “landfill” as:

- (a) the disposal of refuse by burying it under layers of earth; (b) refuse disposed of under layers of earth, an area filled in by this process.

The CVRD submits that the key feature of a landfill is the permanent disposal of waste and this is precisely what is presently occurring at this quarry.

[101] The petitioner says the fact that the MoE permit clearly refers to the respondents’ present operation as a “landfill facility” for waste material as well as SIA’s own reference in its permit application to “landfill untreatable waste,” supports its submission that what the respondents are operating is indeed a landfill, a use not permitted under the bylaw. On the other hand, even though the respondents acknowledge that contaminated soil is being imported to the site, they say that the only “waste” they are bringing in is still considered “soil,” and say it should not matter that the permit refers to “waste” or a “landfill” operation, as this is not evidence as to what is occurring at the quarry. I do not disagree with this general statement, but am satisfied the documentation referred to does have evidentiary value.

[102] In these circumstances, Mr. Kelly, the President of CHH, deposed there is no “municipal waste” being imported to the site. This evidence is uncontradicted. Nevertheless, the question still remains whether the permanent encapsulation of contaminated soil, which will remain on the property indefinitely in engineered landfill cells, is in fact using the land as a landfill.

[103] While the CVRD acknowledges that reclamation is required because mining is only a temporary use of the land, it says the alleged reclamation here is unnecessary, and if the respondents want to reclaim the land by filling the quarry, they can do it with clean soil just as they were doing prior to obtaining a permit to import waste or refuse. The petitioner says the respondents are operating a landfill, as contemplated by the MoE permit, under the guise of mining reclamation.

[104] In support of its position that the activities are not “necessary” or “normal” for reclamation of this quarry, the petitioner relies on the expert evidence of Ms. Moody, until recently the senior reclamation “expert” for the Ministry of Energy and Mines. In this regard, during lengthy cross-examination, Ms. Moody did not say this is not reclamation, but pursuant to her review of all the “technical documents” that were provided, concluded this is not necessary or normal reclamation for a small quarry like this one. She testified that there are other less expensive and “quicker” ways to reclaim the property without the potential necessity for long-term monitoring once the quarry ceases to operate, as opposed to this “Cadillac” project. Ms. Moody testified these activities are not necessary in order to reclaim this quarry, as there are options other than by landfilling, and that “this was an unusually large scale approach” and a much more complex system than she would expect for a relatively small quarry.

[105] Similarly, the CVRD emphasizes that the respondents’ original 2006 Notice of Work and Reclamation Plan did not contemplate these extensive facilities, and that the current activities are only now “necessary” in order to comply with the MoE permit, allowing the importation of contaminated soil to the quarry.

[106] On the other hand, as the respondents have argued throughout, because the F-1 zone permits mining, and resource extraction is one of the principal objectives outlined in the petitioner’s Official Community Plan, they say reclamation is necessary in order to operate a mine, and it matters not that the only reason a highly engineered facility is necessary is in order to comply with the strict standards set out in the MoE permit.

[107] In this regard, the respondents say the evidence of their expert, Mr. Beresford, a professional engineer, consultant, and a past inspector for the Ministry of Energy and Mines, establishes that the activities being carried out by the respondents are in accordance with accepted mining practices and “constitute an acceptable method of reclaiming the mine.”

[108] While the CVRD does not necessarily agree with Mr. Beresford’s evidence on this specific point, it says Mr. Beresford’s evidence does not assist the respondents,

as his opinion does not establish that what is taking place is “necessary” for the reclamation of a small quarry such as this one, as opposed to a major mine that discharges waste from its own operation. The CVRD says the only reason these facilities could be considered necessary is because the respondents are operating a landfill, as envisaged by the MoE when it authorized a permit to do just that. In these circumstances, the CVRD says Mr. Beresford does not contradict Ms. Moody’s evidence that engineered cells, required for the encapsulation of the imported waste, are not necessary to reclaim the land. Moreover, Mr. Beresford acknowledged that he considered this a “normal” reclamation project in relation to the particular activity permitted by the MoE permit, that is, the importation and permanent encapsulation of waste from contaminated sites.

[109] I also agree with the petitioner that Ms. Moody is much more familiar than Mr. Beresford with the 37 mines in the province that have MoE waste discharge permits and that most are major mines that deal with waste that is a result of their own extraction activities, as opposed to importing waste from contaminated sites and then landfilling it at a quarry site.

[110] Further support for the petitioner’s position is found in the fact that Ms. Moody points out that only one quarry in the province has a waste discharge permit, indicating that a landfill facility would not be a “normal” reclamation activity for a quarry. I accept Ms. Moody’s evidence on these matters.

[111] Nevertheless, the respondents emphasize that prior to the MoE permit, the CVRD was content with the importation of clean soil for ongoing quarry reclamation. What has changed, as the respondents have put it, is the quality of the soil or the material that is being brought to the facility. What has changed as far as the petitioner is concerned is that the waste soil being brought to the property is to be permanently encapsulated in highly engineered landfill cells, necessary only because that was what the MoE permit demanded, in order to satisfy its concerns about health and environmental issues.

[112] In this regard, the respondents say the CVRD is seeking an injunction with respect to the “methodology of reclamation” and it should not be able to dictate to the operator of a mine what reclamation activities can occur. I disagree. Again, the petitioner is not preventing reclamation of the quarry. As the petitioner asserts, “reclamation must simply restore the land to the potential land uses permitted by the zoning bylaw” and when a property owner creates a land use contrary to zoning, this comes clearly within municipal jurisdiction. Similarly, I agree with the petitioner that it is entirely possible for the respondents to reclaim the quarry without carrying on the present activities, which are required only in order to comply with the MoE permit. Even though this will mean the type of reclamation will be “controlled” by the petitioner’s land use bylaw, I do not see this as objectionable or inappropriate. Indeed, as mentioned, the Best Management Practices Handbook alerts quarry operators to the possibility that local government zoning bylaws could very well restrict “reclamation options.”

[113] Even though Ms. Moody does not say that these activities cannot be viewed as reclamation, I accept her evidence that they are not necessary or normal reclamation activities for a small quarry such as this one. I also agree with the CVRD that whether the respondents are operating a landfill or reclaiming the quarry depends on the context of the activity and what is actually occurring on site. While I give due weight to the opinions of both experts, having regard to the totality of the evidence, I am satisfied the petitioner has established that the permanent encapsulation of waste soil in the engineered cells has, in fact, created a landfill that is properly characterized as a land use, and is subject to the zoning bylaw. Moreover, I am satisfied a landfill is not a permitted use, either under the “implied exclusion approach” and the operation of s. 4.2 and s. 7.4 of the zoning bylaw, or pursuant to the test of statutory interpretation as outlined in *Paldi*.

5. Section 5.20

[114] I now turn to consider whether these conclusions have rendered unnecessary a determination as to the applicability of s. 5.20 of the zoning bylaw.

[115] In this regard, even though the CVRD referred to s. 5.20 in its amended petition as an alternative argument in support of its position, its primary argument was that the landfilling of imported waste on the property is not a permitted principal or accessory land use, whether or not s. 5.20 applies. The petitioner submitted that if its land use argument was successful, I need not consider whether this provision is applicable or properly enacted pursuant to local government land use jurisdiction.

[116] Similarly, while the respondents disputed the validity of s. 5.20, they too argued it was not necessary to consider s. 5.20 because “bringing soil to the mine is not storage” as the soil or “waste” is not brought for the purpose of “storage” or for the purpose of remaining separate from the land. Rather they argued, it is being permanently deposited into encapsulated cells and becomes “part of the land.” As such, the respondents had submitted s. 5.20 is inapplicable even if it was validly enacted. The primary position of CHH and SIA was clearly stated in their written submissions at para. 81:

The fact is the petition does not allege any current violation with respect to the treatment facility or the storage of soil. There is no evidence that either activity is ongoing.

[117] What was somewhat inconsistent, however, was the respondents then went on to submit that adding soil to the land “is the deposit of soil, which whether worded as storage or otherwise, cannot be controlled without a s. 723 bylaw, and cannot be controlled as to quality without ministerial approval.”

[118] Be that as it may, it was only if the petitioner was unsuccessful on its primary argument would it be necessary to consider the respondents’ “alternative” argument that s. 5.20 is *ultra vires* the CVRD’s power to zone land uses, on the basis that, if a local government wishes to control the quality of soil being deposited on land, contaminated or not, that power is found in s. 723 of the *LGA* (as it then was), not

pursuant to the land use power in s. 903, and that without ministerial approval, local governments cannot pass any provision that refers to the quality of soil.

[119] However, having considered the principal submissions of the parties, and having accepted the petitioner's primary argument that the activities in question are not a permitted land use, it is not necessary to consider the applicability of s. 5.20 or whether it was validly enacted, in order to resolve the present dispute between the parties.

6. Relief Sought

[120] Turning to the practical effects of the relief sought by the CVRD, I appreciate the respondents' concern that, if I were to attempt to order some form of quality control in order to monitor the degree of contamination in the "waste" coming onto the property, this would require the court to engage in "setting some unknown contamination or soil quality standard for soil imported to this mine, without any of the complex technical and regulatory process that accompanies such a decision." I agree with the respondents that there is no evidence or science which would allow this court to "fashion" an order as to the quality of the imported soil that would be appropriate or consistent with the MoE permit, or effective or enforceable. However, an order prohibiting the importation of contaminated soil that needs to be permanently encapsulated in an engineered cell alleviates the necessity of embarking on a quality control assessment. In this regard, such an order would not forbid an activity that the respondents are compelled to perform. All it would provide for is that whatever reclamation activity the respondents elect to use, it must comply with the petitioner's zoning bylaw.

[121] Moreover, as I have found the petitioner has established that the respondents are in fact using the land as a landfill, a land use that contravenes the zoning bylaw, it is well settled that "the public interest is at stake in the enforcement of a zoning by-law" (*Langley (Township) v. Wood*, 1999 BCCA 260 at para. 17), such that once a breach is established, any discretion to refuse injunctive relief will be limited to exceptional cases. Consistent with the comments of the Court of Appeal in *District of*

West Vancouver (Corporation of) v. Liu, 2016 BCCA 96, I am persuaded there are no exceptional circumstances in this case that would warrant non-enforcement of the bylaw, even though there will be significant financial repercussions for all the respondents.

[122] Finally, as mentioned, s. 7.4(a)(2) of the zoning bylaw, outlining the permitted land uses of “extraction crushing milling concentration for shipment,” is the same enactment Melvin J. considered in *Lund*, when determining whether treatment of soil or the removal of contaminants would be a permitted use.

[123] Justice Melvin had no trouble concluding that to include this type of activity as a permitted use would be “stretching the language significantly,” noting the permitted activities are specifically related to the extraction and shipment of mineral resources or aggregate materials. As a result, as the petitioner has submitted, the court in *Lund* concluded a soil treatment facility is not a permitted use. Given the evidence in the present case and the unambiguous provisions of the bylaw, I agree with that conclusion.

7. Orders

[124] Given these conclusions, I therefore order that:

- (a) Following the decision in *Lund*, there is a declaration that a contaminated soil treatment facility is not a permitted use on the property located at 640 Stebbings Road, in the Cowichan Valley Regional District, under the zoning bylaw;
- (b) There is a declaration that the landfill facility located at 640 Stebbings Road, in the Cowichan Valley Regional District, is not a permitted use under the zoning bylaw;
- (c) There is a declaration that the permanent encapsulation in engineered cells of refuse, waste or contaminated soil not originating on the property is not a permitted land use at the

property at 640 Stebbings Road, in the Cowichan Valley Regional District;

- (d) An injunction restraining the respondents, Cobble Hill Holdings Ltd., South Island Resource Management Ltd. and South Island Aggregates Ltd., and all persons having notice of this order from using, or allowing, or permitting the use of, the property as a contaminated soil treatment facility, contrary to the zoning bylaw;
- (e) An injunction restraining the respondents, Cobble Hill Holdings Ltd., South Island Resource Management Ltd. and South Island Aggregates Ltd., and all persons having notice of this order from using, or allowing, or permitting the use of, the property as a landfill facility, contrary to the zoning bylaw;
- (f) An injunction restraining the respondents, Cobble Hill Holdings Ltd., South Island Resource Management Ltd., and South Island Aggregates Ltd., from importing onto the property located at 640 Stebbings Road, in the Cowichan Valley Regional District, any waste material, including contaminated soil, that is required to be permanently encapsulated in engineered cells.

[125] Because of the difficulty in enforcing a mandatory injunction, and in separating the different material now on site, I decline to order the removal of any facilities or product presently situated on the property. I accept the respondents' submission that what is presently situated on the property, such as the concrete lock blocks in the soil management area and the upgraded water treatment system, can be a legitimate and important use within the parameters of extraction and the other permitted mining activities of crushing and milling. As far as the application for removal of the material that has already been encapsulated within the engineered landfill is concerned, I defer to the expertise of the MoE and the EAB as to the safety of this product and decline to order its removal.

[126] Turning to costs, the petitioner has been successful and is entitled to costs on Scale B.

“B.D. MacKenzie, J.”

The Honourable Mr. Justice B.D. MacKenzie



Council Report
For the Meeting of March 24, 2016

To: Council **Date:** March 16, 2016
From: C. Coates, City Clerk
Subject: Heritage Designation Bylaw No. 16-037 for 1728 Denman Street

RECOMMENDATION

That Council consider first and second readings of Bylaw No. 16-037.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 16-037.

The heritage designation issue came before Council on February 11, 2016 where the following resolution was approved:

Heritage Designation Application No. 000152 for 1728 Denman Street

After giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the designation of the exterior and interior (entry hall, dining room and parlour) of the property located at 1728 Denman Street pursuant to Section 967 of the Local Government Act as a Municipal Heritage Site.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Coates".

Chris Coates
City Clerk

A large, stylized handwritten signature in black ink, appearing to read "Jocelyn Jenkyns".

Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to be the signature of the City Manager.

Date: March 16, 2016



Council Report
For the Meeting of March 24, 2016

To: Council

Date: March 17, 2016

From: C. Coates, City Clerk

Application for Rezoning of 755-795 Market Street and 766-770 Hillside Avenue

- Subject:**
- Zoning Regulation Bylaw, Amendment Bylaw (No. 1064) 16-032
 - Land Use Contract Discharge (755-795 Market Street and 766-770 Hillside Avenue) Bylaw – 16-034
 - Housing Agreement (755-795 Market Street and 766-770 Hillside Avenue) Bylaw – 16-033

RECOMMENDATION

1. That Council consider first and second readings of Bylaws No. 16-032 and 16-034.
2. That Council consider first, second and third readings of Bylaw No. 16-033.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaws No. 16-032, No. 16-034 and 16-033.


This matter came before Council at its meeting of January 28, 2016:

Rezoning Application

That Council:

- instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws that would authorize the proposed development outlined in Rezoning Application No. 00497 for 755-795 Market Street and 766-770 Hillside Avenue;
- consider giving first and second reading of the Zoning Regulation Bylaw Amendment and Land Use Contract Discharge Bylaws;
- set a Public Hearing date once a Housing Agreement has been registered on title for the life of the building to secure the rental tenure of apartments used for permanent residents when not used as transient accommodation.

Respectfully submitted,


Chris Coates
City Clerk


Jocelyn Jenkins
Deputy City Manager

Report accepted and recommended by the City Manager: _____

Date: March 17, 2016

PART 4.80 – C1-HM ZONE, HILLSIDE AND MARKET DISTRICT**4.80.1 Permitted Uses in this Zone**

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

- a. All of the uses permitted in the C1-N Zone, Neighbourhood Shopping District,
- b. Transient accommodation
- c. Public building
- d. Home occupation subject to the regulations in Schedule “D”

4.80.2 General Regulations

Except as provided in this part, the regulations set out in the C1-N Zone, Part 4.3 of the Zoning Regulation Bylaw apply in this Zone.

4.80.3 Site Area, Floor Space Ratio

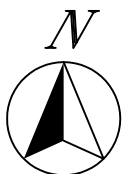
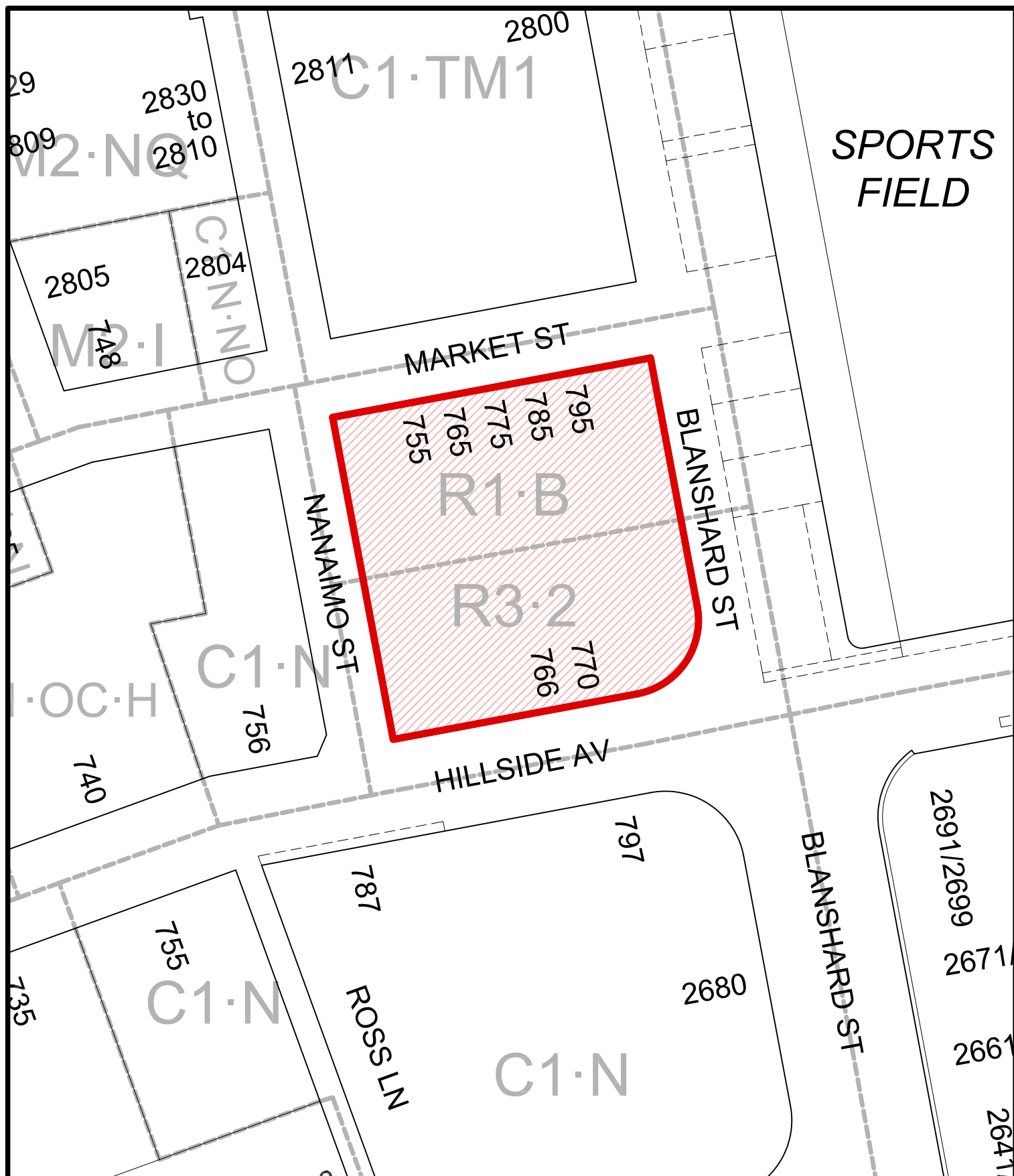
- | | |
|---------------------------------------|--------------------|
| a. <u>Site area</u> (minimum) | 5800m ² |
| b. <u>Floor space ratio</u> (maximum) | 1.48:1 |

4.80.4 Setbacks

- | | |
|--|--|
| a. <u>Front yard setback</u> (Hillside Ave) (minimum) | 3.90m |
| b. <u>Rear yard setback</u> (Market St.) (minimum) | 4.00m to building and 1.50m to parkade |
| c. <u>West Side yard setback</u> (Nanaimo St.) (minimum) | 6.00m to building and 0.10 to parkade |
| d. <u>East Side yard setback</u> (Blanshard St.) (minimum) | 1.40m |

4.80.5 Vehicle and Bicycle Parking

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



755-795 Market Street & 766-770 Hillside Avenue
Rezoning No.00497

NO. 16-034

**LAND USE CONTRACT DISCHARGE (755-795 MARKET STREET
AND 766-770 HILLSIDE AVENUE) BYLAW**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize the discharge of a Land Use Contract for 755-795 Market Street and 766-770 Hillside Avenue consequential to a rezoning bylaw.

Under its statutory powers, including Section 546(2)(a) of the *Local Government Act*, the Council of The Corporation of the City of Victoria in an open meeting assembled enacts the following provisions:

Contents

- 1 Title**
- 2 Definitions**
- 3 Discharge of Land Use Contract**

Title

- 1** This Bylaw may be cited as the “LAND USE CONTRACT DISCHARGE (755-795 MARKET STREET AND 766-770 HILLSIDE AVENUE) BYLAW”.

Definitions

- 2** In this Bylaw, “Lands” means the land civically known as 755-795 Market Street and 766-770 Hillside Avenue, legally described as Lot 1, Section 4, Victoria District, Plan 30215.

Discharge of Land Use Contract

- 3** The Land Use Contract filed in the Victoria Land Title Office under number F12252, and modified by EC61019, against the Lands is discharged.
- 4** The Mayor and City Clerk are authorized to execute all documents necessary for the discharge of the Land Use Contract referred to in section 3 of this Bylaw.

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 A

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

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

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

(the "**City**")

OF THE FIRST
PART

AND:

BLenheim VENTURES LTD. (Inc. # 183,053)

c/o 401 707 Fort Street
Victoria, B.C. V8W 3G3T

(the "**Owner**")

OF THE SECOND PART

AND:

BANK OF MONTREAL

1225 Douglas St.
Victoria, B.C.
V8W 2E3

(as to priority)

ON THE THIRD PART

WHEREAS:

- A. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 75-795 Market Street and 766-770 Hillside Avenue, Victoria, B.C. and legally described as:

- 2 -

Parcel Identifier: 001-287-672

LOT 1, SECTION 4, VICTORIA DISTRICT, PLAN 30215

(the "**Lands**");

- C. The Owner has applied to the City to rezone the Lands to permit existing 87 apartment units, ground floor commercial space and 162 underground parking stalls and to cancel the Land Use Contract F12252 as amended by EC61019.
- D. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner to provide rental housing, and that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

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

1.0 Definitions

1.1 In this Agreement:

"Development" means the development and use of the Lands as 87 apartment units, ground floor commercial space and 162 underground parking stalls building.

"Dwelling Units" means the 87 self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"Immediate Family" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

"Non-owner" means a person other than the Owner who occupies a Dwelling Unit for residential purposes.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 5.3.

"Subdivision" means the division of land into two (2) or more parcels, whether by plan, strata plan, or otherwise, and includes subdivision under the Strata Property Act, and **"Subdivide"** has the corresponding meaning.

"Tenancy Agreement" has the same meaning as under the *Residential Tenancy Act*.

1.2 In this Agreement:

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

2.0 Dwelling Units to Be Used and Occupied Only as Rental Units

2.1 The Owner covenants and agrees that, provided the Development remains on the Lands and is not condemned or demolished, each Dwelling Units located within the Development shall, when not used for transient accommodation, only be used as rental housing and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Dwelling Unit.

2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not Subdivide nor make application for the Subdivision of the Lands or the Development while the rental uses set out in section 2.1 apply.

3.0 Reporting

3.1 The Owner covenants and agrees that upon the written request of the City, to provide to the City's Director of Sustainable Planning and Development a report in writing confirming that all Dwelling Units are being rented to Non-owners.

3.2 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

4.0 Priority Agreements

- 4.1 Bank of Montreal, the registered holder of a charge by way of a Mortgage and Assignment of Rents of Land against the within described property which said charge is registered in the Land Title Office at Victoria, British Columbia, under numbers EN56135, EN56136, CA1598346, CA1598347, CA1598348, CA1598349 for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act* (the "Notice"), this Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

5.0 Notice to be Registered in Land Title Office

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

6.0 Liability

- 6.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 6.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

7.0 General Provisions

Notice

7.1 If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

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

Attention: Director of Sustainable Planning and
Community Development
Fax: 250-361-0386

to the Owner:

c/o 402 – 707 Fort Street
Victoria, B.C. V8W 3G3

Attention: Danilo Danzo
Fax- 250-360-2979

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

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

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

Time

7.2 Time is of the essence of this Agreement.

Binding Effect

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

Waiver

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

Headings

- 7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

- 7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

- 7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Cumulative Remedies

- 7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

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

Further Assurances

7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

7.13 Nothing in this Agreement shall:

- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
- (b) relieves the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

- 7.15 This Agreement may be executed in counterparts, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 7.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

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

On the ___ day of _____, 20__

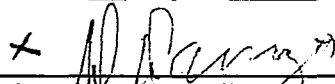
Mayor Lisa Helps

City Clerk

Blenheim Ventures Ltd.

by its authorized signatories:

On the 3 day of March, 2016

x 

Print Name: Danilo Danzo

Print Name:

[remainder of page intentionally left blank]-

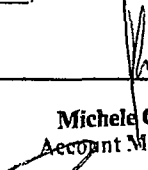
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Bank of Montreal

by its authorized signatories:

On the 10th day of March, 2016.

Print Name:


Michela Chen
Account Manager

Print Name:


MARK TOWER
ACCOUNT MANAGER

NO. 16-036

BOARD OF VARIANCE BYLAW, AMENDMENT BYLAW (NO. 1)**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to amend the Board of Variance Bylaw to incorporate a fee of \$250 for submission of a Board of Variance application.

Under its statutory powers, including section 462(1)(d) of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in open meeting assembled, enacts the following provisions:

- 1 This Bylaw may be cited as the "Board of Variance Bylaw, Amendment Bylaw (No. 1)."
- 2 Bylaw No. 07-097, the Board of Variance Bylaw, is amended in section 11(1) by striking out "the application fee prescribed under Schedule A of the Land Use Procedures Bylaw" and substituting "an application fee of \$250.00."

READ A FIRST TIME the	10th	day of	March	2016
READ A SECOND TIME the	10th	day of	March	2016
READ A THIRD TIME the	10th	day of	March	2016
ADOPTED on the		day of		2016

CORPORATE ADMINISTRATOR

MAYOR