



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, December 1, 2022

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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Addendum: New Item

F. BYLAWS

*F.1 Bylaw for 680 Montreal Street: Rezoning Application No. 00792

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Addendum: Updated Attachment A

A report recommending:

- **Rescind 2nd reading of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1285) No. 22-077
- **Amendment of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1285) No. 22-077
- **2nd reading as amended of:**
 - Zoning Regulation Bylaw, Amendment Bylaw (No. 1285) No. 22-077

The application is ready to proceed to a public hearing and proposes to allow the existing hotel use to continue once the provincially-legislated expiration of the Land Use Contract occurs on June 30, 2024. The applicant is also requesting an increase in density and site coverage over existing conditions, which would allow for a redevelopment of the north wing in the future.

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 - Solid Waste Bylaw, Amendment Bylaw (No. 12) No. 22-097

The purpose of this Bylaw is to amend the Solid Waste Bylaw No.12-086 to increase the fees for the collection of solid waste.

F.2.c Bylaw for Waterworks Utilities

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- **1st, 2nd, and 3rd readings of:**
 - Waterworks Bylaw, Amendment Bylaw (No. 17) No. 22-098

The purpose of this Bylaw is to increase the connection fees, special fees and consumption charges payable under the Waterworks Bylaw No. 07-030.

F.3 Bylaw for 936 Queens Avenue Housing Agreement

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Adoption of:Housing Agreement (936 Queens Avenue) Bylaw (2022), No. 22-091

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 936 Queens Avenue, Victoria, BC.

G. CLOSED MEETING

MOTION TO CLOSE THE DECEMBER 1, 2022, COUNCIL MEETING TO THE PUBLIC

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

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

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

H. APPROVAL OF CLOSED AGENDA

I. READING OF CLOSED MINUTES

J. UNFINISHED BUSINESS

K. CORRESPONDENCE

L. NEW BUSINESS

L.1 Legal Advice - Community Charter Section 90(1)(i)

L.2 Legal Advice - Community Charter Section 90(1)(i)

L.3 Legal Advice - Community Charter Section 90(1)(i)

M. CONSIDERATION TO RISE & REPORT

N. ADJOURNMENT



MINUTES - VICTORIA CITY COUNCIL

November 3, 2022, 10:00 A.M.

Council Chambers, City Hall, 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Alto in the Chair, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson

STAFF PRESENT: J. Jenkyns - City Manager, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, K. Hoese - Director of Sustainable Planning and Community Development, C. Mycroft - Manager of Executive Operations, J. Jensen – Director of People & Culture, D. Atkinson - Acting Fire Chief, S. Stoltz - Committee Secretary

B. PROCESSIONAL

C. ADDRESS BY THE CHIEFS

On the invitation of the Mayor-Elect, Marianne Alto, Chief Robert Thomas of the Esquimalt Nation gave an address for the Inaugural Meeting of the Victoria City Council.

D. O CANADA

E. OATH OF OFFICE

The Honourable Regional Administrative Judge Carmen Rogers administered the Oath of Office to Marianne Alto, Jeremy Caradonna, Chris Coleman, Matt Dell, Marg Gardiner, Stephen Hammond, Susan Kim, Krista Loughton, and Dave Thompson who each swore or affirmed the Oath of Office before the Judge as required under the provisions of the *Local Government Act*. In addition, Chris Coleman, Marg Gardiner and Stephen Hammond took the Oath of Allegiance.

F. INAUGURAL ADDRESS – Mayor Marianne Alto

Welcome friends, family, and all our relations: welcome to your City Hall. Thank you Beth and Lyla, and all of the ləkʷəŋən dancers, all of your family. Your dancing and your culture and your sharing always grounds and reminds us of the great cultures that have thrived on these lands for centuries. Thank you, Chief Thomas and Councillor Charlie, for your wise words acknowledging the lands and waters that surround us in beauty and comfort and inspiration. We take seriously the responsibility of which you remind us, but we are at this table for just moments in time's passage. But we have seven generations to consider as we make decisions that affect all those lands and waters. Thank you again Chief Thomas and Councillor Charlie for being here today; it's an honour to have

you here. You grace us with your presence as you are the chiefs and representative leaders of all the lands on which our City rests. Thank you for your patience, your generosity, and your willingness to continue our journeys together as we build futures of shared prosperity and resilience.

I would also like to thank and appreciate all of the Council members with whom I have had the privilege to serve these last twelve years. I know that each and every one of them came to the table in the interest of public service, and gave their best. Every new Council member that has arrived here today has come with big ideas about what we should do in the next four years. These are enormous, complex ideas, like how one city can respond to climate change, create active transportation choices, maintain and enhance the critical infrastructure on which we all depend. How one city can continue these journeys of reconciliation, and ensure that we all feel comfortable and safe in all of our neighbourhoods. How we can reduce the harms affecting those of us with less of everything. How we can steadily grow and diversify our economy, how we can influence other governments' actions in critical services such as healthcare, and how we can build housing – all types of housing – across the city for everyone.

Examining closely the individuals that Victorians have chosen to sit at this table for the next four years, I am filled with confidence, and excitement, and hope. Hope is not a plan, but no plan works without hope. I believe we have a diverse collective of incredibly talented people who will soon learn what is doable, what is possible, and how to make all those complex ideas that may seem impossible, achievable. And how all of our ideas need to complement the critically important core services City staff provide to every resident on which they rely every day.

In the years that I've been seated at this table, Victoria began its evolution from a big town to a city. City Council – many City Councils – has faced changing responsibilities and increased public expectations, and has realized the need for greater, closer alliances with regional and provincial partners. These Councils over the years responded to a myriad of crises, adapting to the unexpected, while deliberately and thoughtfully acting in conventional and also unconventional and quite extraordinary ways. Those Councils talked about the way that Victorians can now move around, and yes - bike lanes, and walkways, and car shares. We changed the size and number of spaces in which we live; many of us now live in smaller and smaller spaces, and in greater density. We grew the expectations that we have for public spaces to balance those living spaces, and so we look for more plazas, more green space, more parks, more recreation options – like that amazing skate park. We changed the way we socialize and work in person and online. We now have adaptations that we use routinely, that we make every day in the face of climate change, like our regulations of single use plastics. And we accelerated affordable housing, and made it simpler and easier to make homes for people.

These are just a few examples of how previous City Councils have changed the livability in our City. I believe that the majority of Victorians have been untroubled by the bulk of those actions, and may I suggest that some of them might even have been welcome. But, as I've said throughout the last 5 months and perhaps longer, I think sometimes the pace of those actions have challenged and perhaps, at times, overwhelmed Victorians. So it will come as no surprise to you, and I think not a little relief, that I believe that there will be time for this Council to take a breath. To let the good work now in place and underway operate. To allow some time for city staff and Council to observe those

operations, and make adjustments as needed to ensure everything is functioning in its highest and best way.

At the same time, this Council – this brand new Council - will take a bit of time to learn from and about one another and from our expert staff. A little time to share, absorb, understand, and prepare for the complex, enormous job ahead of us. This work has already begun and will be the focus of the remaining weeks of this year; only weeks left in this year! We will of course address time-sensitive issues and prepare for the heavy work ahead; in particular, the coming work of budgeting and strategic planning. While being an elected leader requires ongoing learning, and always demands an open heart, open ears, and open mind, I'm confident that Victorians recognize the utility of taking this short time to do the initial work necessary to ensure Council's future deliberations are undertaken by Council members that have the foundational knowledge to make the best informed and most balanced decisions.

Looking ahead, there are already items that need our attention, and which can be considered as we move through our early learning. We will shortly be considering initial Council appointments to external bodies, including the Capital Regional District and neighbourhood liaison assignments. Adjustments to our agendas and to time and meeting management are among our first opportunities to stabilize internal and external public expectations and ensure that our decisions are made in the manner of best practice, with consideration of staff's capacity to provide and Council's ability to adequately review and consider the hefty volumes of important, relevant information we need to make those decisions.

Perhaps most important in building and supporting our individual and collective capacity to make solid well-informed decisions is setting a tone and standard for civil discourse in a calm, inclusive space in which passionate debate can safely, respectfully find bold solutions. As Mayor it is my obligation to set expectations and standards for, and demonstrate, that civil discourse. To model principles of general good governance, and to facilitate civil exchanges serving good governance as it operates in the best interest of residents. And to intervene in the absence or degradation of civil dialogue. I will invite my Council colleagues to contribute their best efforts to build the rapport needed for an eclectic collective like this to work well together for the good of the whole city. I will also remind our residents that the same expectations of civil social interaction apply when they are engaged in discourse with Council or City staff.

We are a table of individuals with unique aspirations, ideas and ways of working. We will find ways to take advantage of those individual skills and perspectives as we collaborate to serve the community to provide open, transparent, sensitive leadership, and to plan and build an inclusive future. To care about and act in the best interest of our residents' well being. To find the ways and realize all of those enormous, complex ideas we've brought to this table to benefit Victorians. We will be able to respond to climate change in ways that can be achievable neighbourhood by neighbourhood. We will expand and create diverse transportation choices because we must, because we can no longer afford to have each one of us in a single vehicle. We will maintain the infrastructure on which we all rely, because that is the City in which we live, and it is the future of the children we all wish to be here. We will continue our journeys of reconciliation with the collaboration of the chiefs and leadership of the two nations on which our city rests, because we must, and it's the right thing to do. We will ensure that people feel comfortable and safe in all of their neighbourhoods, because we have many ways now

to provide that safety. With conventional policing, which is so important, and civilian responses which can take the place when needed. We will work with other jurisdictions to reduce the harm to those with little, and make sure they know that they are our Victorian residents too. We will work with small business to diversify our economy and we will also remember that the industrial lands have a long and prosperous history in this city, and they must be part of our future. And we will influence other governments, because we must, because we cannot do it all, you can't afford to pay for it all, and so we will look to other governments to help us, because as we take on more, we will need their help for more. And what will we do? We will build housing, we will build housing, we will build housing.

It's time to embrace Victoria as a city. A city practically and realistically preparing for the future. This Council has many extraordinary opportunities ahead. Working with City staff in partnership, with our residents, with the support of other governments and allies, to imagine and realize the inclusive, accessible, tolerant, welcoming city we want our children and grandchildren to call home. Together, we can be the authors and engineers of an intentional transformation of this city that we love.

On a personal note, I would not be sitting in this chair without the unreserved support of my immediate family. My partner Allison, and my sons Pasha and Benjamin. And my extended family, to many of which are here to mention, I just can't even count how many of you are here and how much that means to me, but you all know who you are. My younger son Ben, who is here today, coached and counselled me all through the campaign. He kept me laughing, reminded me to sleep – which I didn't do very often – but he kept saying over and over again: "No worries, Mom. On October 15, two doors will open; you just don't know which one. But both will be adventures, and both will let you do more good work." And so Council, I look to you and to the public to say let us work together – let us open doors together – and do good work for Victoria. Thank you.

G. ADJOURNMENT

Moved By Councillor Thompson
Seconded By Councillor Kim

That the Inaugural Council Meeting be adjourned at 10:55 a.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



Council Report

For the Meeting of December 1, 2022

To: Council **Date:** November 3, 2022
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Update Report for Rezoning Application No. 00792 for 680 Montreal Street

RECOMMENDATION

That Council:

1. Rescind 2nd reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1285), No. 22-077 (the "Bylaw").
2. Amend the Bylaw as follows:
 - a. in the purpose statement, repeal the bullet beginning with "rezoning land known as" in its entirety and replace it with the following:

“• rezoning land known as 680 Montreal Street to the T-26 Zone, Laurel Point District, from the C-4H Zone, Harbour Activity District, the M-2 Zone, Light Industrial District, and the IH-Park Zone, Inner Harbour Parks and Causeway District.”;
 - b. in section 4, strike out "both"; and
 - c. in section 4, immediately after "C-4H Zone, Harbour Activity District," insert "the IH-Park Zone, Inner Harbour Parks and Causeway District,"
3. Give 2nd reading to Bylaw, as amended.

UPDATE

On September 8, 2022, Council gave first and second readings to Rezoning Bylaw No. 22-077 to rezone the property at 680 Montreal Street from the C-4H Zone, Harbour Activity District, and the M-2 Zone, Light Industrial District, to a new zone in order to allow the existing hotel use to continue once the provincially-legislated expiration of the Land Use Contract registered against 680 Montreal occurs on June 30, 2024.

A public hearing was to be held on October 6, 2022 but was cancelled as it was discovered that there was an error in the bylaw and associated public hearing notice. A small portion of the subject property is also within the IH-Park Zone, Inner Harbour Parks & Causeway District, which was not referenced in the original bylaw and notice.

This portion of the subject property that is zoned IH-Park was transferred to the Hotel from the federal government in 2021. Until that time, it was part of the federal foreshore lands and was used by the Hotel by as part of its water garden and associated landscaping. Therefore, the rezoning of the portion of the Hotel property currently zoned IH-Park will not result in the loss of City park land, because the City has not owned nor operated it as such. Furthermore, there is a covenant on the parcel in favour of Transport Canada that requires this portion of the land to be used for purposes of hotel landscape and uses ancillary to the operation of the hotel, so there is unlikely to be a loss in landscaped area should the parcel be redeveloped in the future.

There have not been any changes made to the proposal.

Council will need to rescind second reading of the bylaw, amend the bylaw, and subsequently give second reading to the amended bylaw to proceed with the Public Hearing.

CONCLUSIONS

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

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Council Report dated August, 25, 2022
- Attachment B: Committee of the Whole Report dated June 2, 2022
- Attachment C: Minutes from Committee of the Whole Meeting dated June 16, 2022
- Attachment D: Proposed Bylaw No. 22-077, as amended
- Attachment E: Blacklined version of the Bylaw



Council Report

For the Meeting of September 8, 2022

To: Council **Date:** August 25, 2022

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

Subject: Update Report for Rezoning Application No. 00792 for 680 Montreal Street

RECOMMENDATION

That Council give first and second reading to Zoning Bylaw Regulation Amendment (Bylaw No. 22-077).

BACKGROUND

The rezoning application for 680 Montreal Street (Laurel Point Inn) to allow the existing hotel use to continue and increase the density and site coverage was considered by Council at the Committee of the Whole meeting on June 16, 2022, and it came before Council on June 30, 2022, where the following resolution was approved:

“That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00792 for 680 Montreal Street, that first and second readings of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once a legal agreement is executed by the applicant to secure an easement over the neighbouring lot at 225 Belleville Street to allow access for users of 680 Montreal Street to the vehicle parking stalls, with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.”

Shadow Study

Committee of the Whole on June 16, 2022 discussed the provision of a shadow study by the applicant to determine the impacts of the shadows of a potential future development on the public park to the north. Although this was not made a requirement, the applicant has provided a shadow study on their own accord. The attached shadow study demonstrates there would be minimal increased impact on the adjacent park.

Parking Easement

A legal agreement has been executed over the adjacent property to allow access for the subject property to 79 vehicle parking stalls within the existing parkade.

Setbacks

Due to the irregular lot shape, the proposed zone would determine setbacks by the cardinal direction in which a yard faces. This removes the complications associated with irregular lot shapes and would not require the applicant to hire a surveyor to create a plan-specific setback map. As noted in the Committee of the Whole report, design guidelines would still regulate the acceptability of setbacks and the impact on the adjacent uses.

CONCLUSIONS

The applicant has fulfilled the conditions from the Council motion on May 6, 2021. The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Committee of the Whole Report dated June 2, 2022
- Attachment B: Minutes from Committee of the Whole Meeting dated June 16, 2022
- Attachment C: Shadow Study
- Attachment D: Correspondence
- Attachment E: Bylaw No. 22-077



Committee of the Whole Report For the Meeting of June 16, 2022

To: Committee of the Whole **Date:** June 2, 2022

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

Subject: Rezoning Application No. 00792 for 680 Montreal Street

RECOMMENDATION

Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that authorize the proposed development outlined in Rezoning Application No. 00792 for 680 Montreal Street. That first and second readings of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once a legal agreement is executed by the applicant to secure an easement over the neighbouring lot at 225 Belleville Street to allow access for users of 680 Montreal Street to the vehicle parking stalls, with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application. Relevant rezoning considerations include the proposal to increase the permitted density and include a new site coverage regulation in the zoning bylaw.

Enabling Legislation

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 680 Montreal Street. The proposal is to rezone from the C-4H Zone, Harbour Activity District, and the M-2 Zone, Light Industrial District, to a new zone in order to allow the existing hotel use to continue once the provincially-legislated

expiration of the Land Use Contract occurs on June 30, 2024. The applicant is also requesting an increase in density and site coverage over existing conditions, which would allow for a redevelopment of the north wing in the future.

The following points were considered in assessing the Rezoning application:

- The proposal is generally consistent with the Core Inner Harbour/Legislative Urban Place Designation in the *Official Community Plan*, which envisions visitor accommodation as a permitted use
- The proposal is consistent with the *James Bay Neighbourhood Plan*, which identifies the property within the Tourist District and envisions the area to be zoned for hotel uses as a tourist-oriented centre in the City
- The increase in density from the existing 1.27 to 1.60 floor space ratio (FSR) and the increase in site coverage from the existing 45.4% to 60% would allow for a future expansion of the hotel without requiring another rezoning
- The proposed increase in height from 21.5m to 25.25m would be consistent with the existing maximum height of the hotel
- The irregular shaped lot makes determining standard setbacks difficult. The applicant is proposing a site-specific zone that would identify setbacks using a plan, with most setbacks at a minimum of 7.5m but some as low as 0m. A setback would be introduced for heights above 6m and would require the building to step back an additional 30 degrees from the edge of the lower building face
- A Development Permit would be required to ensure compliance with the relevant design guidelines should the applicant proceed with the redevelopment of the north wing in the future
- The vehicle parking that is located on the adjacent property would be legitimized and secured through an easement.

BACKGROUND

Description of Proposal

The subject property located at 680 Montreal Street (Laurel Point Inn) and neighbouring property located at 225 Belleville Street are currently regulated by a Land Use Contract (LUC), which permits the current buildings and uses. On June 30, 2024, all Land Use Contracts in British Columbia will automatically expire. Upon expiration, the site will be subject to two zones, the C-4H Zone, Harbour Activity District, and the M-2 Zone, Light Industrial District, and at that time the hotel building and use would become legally non-conforming. The property owner has proactively applied to rezone the property to a single site-specific zone to ensure the uses and building will continue to be permitted within the *Zoning Regulation Bylaw* upon expiration of the LUC.

As part of the application, the applicant is requesting an increase in density, height and site coverage, as well as the creation of plan-specific setbacks. If the application is forwarded to a Public Hearing, a new site-specific zone would be created that permits the existing hotel use and hotel building. The new zone would also allow for a potential redevelopment of the north wing in the future; however, a Development Permit approved by Council would still be required to ensure compliance with the relevant design guidelines.

Land Use Context

The area is primarily characterized by hotel and multi-unit residential uses. The Inner Harbour and David Foster Walkway surround the property on three sides.



Existing Site Development and Development Potential

The site is presently occupied by the Laurel Point Inn Hotel and is regulated by a Land Use Contract.

The portion of the property under the C-4H Zone, Harbour Activity District, could be developed as a mixed use building up to 11m in height and 2.0 FSR. The portion of the property under the M-2 Zone, Light Industrial District, could be developed as a light industrial building with a height up to 15m and a 3.0 FSR. This Rezoning Application would remove unwanted uses and complexities that occur with the current split zone.

Data Table

The following data table compares the proposal with the standard T-1 Zone, Limited Transient Accommodation District, and the proposed site-specific zone which would be based on the T-1 Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing T-1 Zone.

Zoning Criteria	Existing Conditions	Standard T-1 Zone	Proposed Zone based on Standard T-1 Zone
Site area (m ²) – minimum	11520	1850	11520
Density (Floor Space Ratio) – maximum	1.27*	1.2	1.60
Total floor area (m ²) – maximum	14683	N/A	18432
Height (m)	25.24	21.5	25.25
Site coverage (%) – maximum	45.4*	20	60
Open site space (%) – minimum	44.4	30	30
Setbacks (m) – minimum Lot boundary for structures constructed prior to January 1, 2022 Lot boundary for new structures	 0 N/A	 7.5 7.5	 0 0 to 7.5 (plan-specific) Additional 30° from edge of lower building face for portions of the building above 6m height
Parking – minimum	130	87 (Schedule C)	87 (Schedule C)
Parking location	Front and Side Yard / Neighbouring Property*	Not permitted on neighbouring property	Permitted on neighbouring property
Accessory Building Location	Side Yard (legal non-conforming condition)	Rear Yard	Side Yard

Active Transportation

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

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application, the proposal was posted on the Development Tracker along with an invitation to complete a comment form on May 21, 2021. Additionally, the applicant participated in a Zoom meeting with the James Bay CALUC on June 9, 2021. A letter dated June 12, 2021, is attached to this report. No feedback was received from the online 30-day comment period.

ANALYSIS

Rezoning Application

Official Community Plan

The property is designated as Core Inner Harbour/Legislative within the *Official Community Plan, 2012 (OCP)*, which envisions recreation and tourism-related uses. The OCP also envisions densities of approximately 1.0 FSR, with increased densities of up to 4.0 FSR in strategic locations when accompanied with the advancement of plan objectives. The subject property provides valuable transient accommodation, is a prominent Victoria landmark and is generally consistent with the uses and densities envisioned in the OCP. Furthermore, the proposed zone would require setbacks away from the water as the building increased in height, which would prevent an overbearing building adjacent the public walkway and waterfront.

James Bay Neighbourhood Plan

The property is located within the Tourist District within the *James Bay Neighbourhood Plan*. This district recognizes the importance tourism plays in the local economy and encourages the improvement of tourist amenities in the area. Furthermore, the Plan envisions the area zoned for hotel and motel uses. Therefore, this Rezoning Application is generally consistent with the goals and objectives of the *James Bay Neighbourhood Plan*.

Regulatory Considerations

Parking

The vehicle parking for the hotel use is split between the subject property (8 stalls) and the neighbouring property at 225 Belleville Street (122 stalls). As such, an easement is required to ensure the parking stalls on the neighbouring property remain accessible to the users of the hotel. The requirement to secure an easement has been included in the recommended motion for Council's consideration.

Density and Site Coverage

The proposal is seeking an increase in density from the existing 1.27 to 1.60 floor space ratio (FSR) and an increase in site coverage from the existing 45.4% to 60%, which would allow expansions to the hotel without the requirement for a rezoning. The increased density would permit for an additional 3749m² of floor area, of which approximately 1725m² could be accommodated at-grade given site coverage limitations. 1.60 FSR is still substantially lower than that of the surrounding buildings, and allowing the extra density encourages the ongoing support of local events such as graduations, weddings and conferences, and improvement of tourist serving accommodation by expanding the applicant's ability to renovate and add more rooms and guest serving facilities. The concept images below show the minimal impact a potential

redevelopment of the north wing would have on the neighbouring park. The images are illustrative of one potential option within the proposed zone and are not meant as a specific building design, which instead would be created and presented at a future Development Permit stage.



Figure 1: Current Site Layout



Figure 2: Potential Future Site Layout

Height

The proposal is also seeking to legitimize the current height to eliminate legal non-conforming scenarios in the future and allow for a future expansion to be built to the same height. Therefore, the maximum height would be to increase from 21.5m in the T-1 Zone to 25.25m in the proposed zone, which is the existing height of the hotel. Staff support this increase in height as it is lower than many of the neighbouring buildings and the 30-degree stepback would sculpt the building height to mitigate an overbearing mass adjacent to the park. Again, if the applicant proceeds with an expansion in the future, a Development Permit approved by Council would be required to ensure compliance with the relevant design guidelines. The rendering below demonstrates the potential expansion to the same height of the existing hotel wing to the south.



Figure 3: Conceptual Rendering from the North



Figure 4: Conceptual Rendering from the East

Setbacks

The shape of the lot is irregular, which makes determining setbacks difficult. While the *Zoning Regulation Bylaw* is able to determine setbacks on irregular lots, in this instance it would be easier and clearer to insert a plan into the site-specific zone to determine setbacks. For most of the lot, the setbacks would match the T-1 Zone of 7.5m. However, there are instances where the existing building is legally non-conforming with a 0m setback. A plan-specific setback would allow the setbacks of the existing building to be legitimized while still ensuring that the public park and pathway have enough space to receive light and not be overwhelmed by a potential future expansion. To further ensure the public realm remains unharmed, a stepback would occur at 6m that would require the building to increase the setbacks at a 30° angle from vertical.

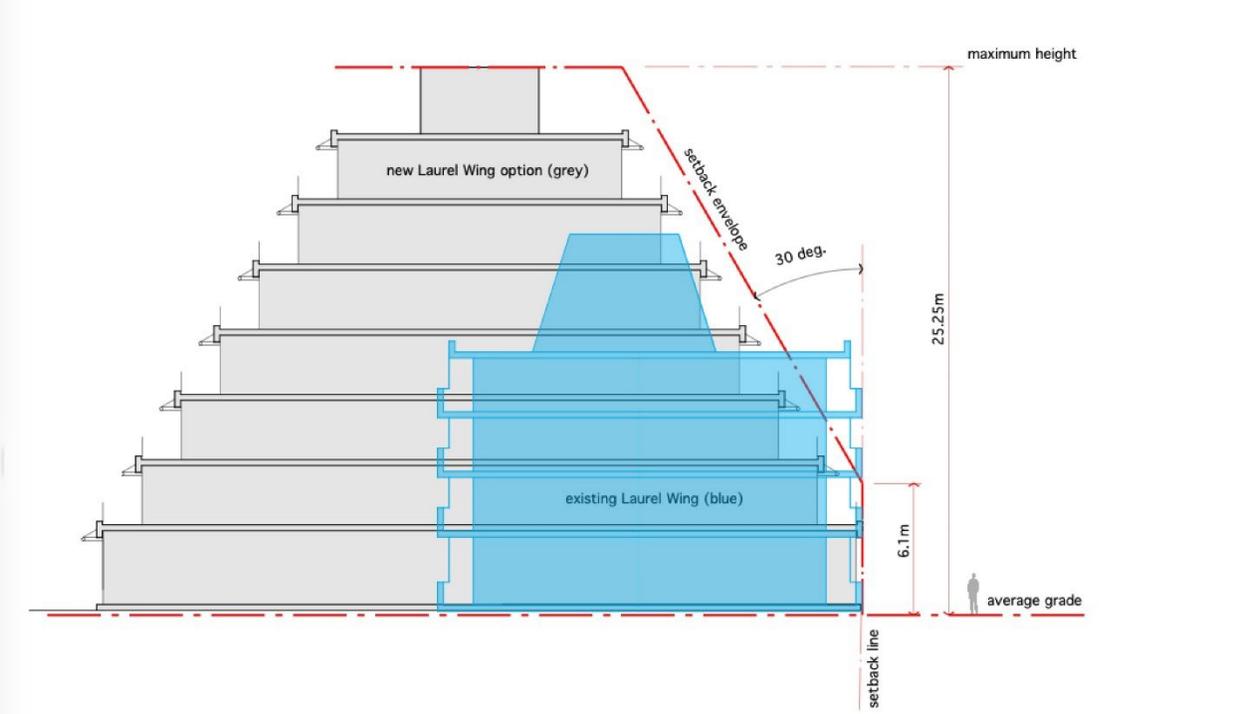


Figure 5: Demonstration of the Stepback at Upper Storeys

Sustainability

As indicated in the applicant’s letter dated October 19, 2021, the existing hotel is British Columbia’s first carbon neutral hotel. This has been achieved through measures such as geothermal heating and cooling, internal programs to reduce energy consumption and recycle waste, purchasing carbon offsets, and providing bicycle rentals and EV charging.

CONCLUSIONS

The proposal to rezone the property at 680 Montreal Street is consistent with the goals in the OCP and the Tourism District in the *James Bay Neighbourhood Plan*. The location of the parking is an existing condition that is proposed to be formalized as part of this application. Finally, the increase in density, height and site coverage, and changes to setbacks would permit for a redevelopment of the north wing without requiring another rezoning process in the future. Stepbacks at upper storeys would help prevent overwhelming the public park to the north. In addition, an expansion would still be the subject of a Development Permit application to ensure adherence to the design guidelines contained in Development Permit Area 9 (HC): Inner Harbour. Therefore, staff recommend that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00792 for the property located at 680 Montreal Street.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped April 19, 2022
- Attachment C: Letter from applicant to Mayor and Council dated May 17, 2021, revised May 26, 2022
- Attachment D: Community Association Land Use Committee Comments dated June 12, 2021.

E.1 640 Montreal Street - Development Permit with Variance Application No. 00197 (James Bay)

Council received a report dated June 2, 2022 from the Director of Sustainable Planning & Community Development presenting Council with an application to enclose two patios, and to legalize three enclosed patios.

Moved By Councillor Thornton-Joe

Seconded By Councillor Loveday

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

"That Council authorize the issuance of Development Permit with Variances Application No. 00197 for 640 Montreal Street, in accordance with:

1. Plans date stamped March 23, 2022.
2. Development meeting all Zoning Regulation Bylaw requirements, except the following variances to the R3-2 Zone, Multiple Dwelling District:
 - i. reduce the rear yard setback from 11.275m to 8.37m.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY

NO. 22-077

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by:

- creating the T-26 Zone, Laurel Point District, and
- rezoning land known as 680 Montreal Street to the T-26 Zone, Laurel Point District from the C-4H Zone, Harbour Activity District, the M-2 Zone, Light Industrial District and the IH-PARK Zone, Inner Harbour Parks and Causeway District.

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

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1285)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 5 – TRANSIENT ACCOMMODATION ZONES by adding the following words:

“5.26 T-26 Laurel Point District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule “B” after Part 5.25 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 680 Montreal Street, legally described as PID: 031-440-487, Lot 1, District Lots 568, 569, 570, 570A, 571, 580, 581, 582 and 583, Victoria City, and Part of the Bed of Victoria Harbour, Victoria District, Plan EPP107803, and shown hatched on the attached map, is removed from the C-4H Zone, Harbour Activity District, the IH-PARK Zone, Inner Harbour Parks and Causeway District, and the M-2 Zone, Light Industrial District, and placed in the T-26 Zone, Laurel Point District.

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
RESCINDED SECOND READING the	day of	2022
AMENDED the	day of	2022
READ A SECOND TIME the	day of	2022
Public hearing held on the	day of	2022
READ A THIRD TIME the	day of	2022

2

ADOPTED on the

day of

2022

CITY CLERK

MAYOR

Schedule 1
PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

5.26.1 Permitted Uses in this Zone

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

- a. Transient accommodation;
- b. Transient accommodation accessory uses, including but not limited to tourist or travel agencies, beauty parlours and barber shops, restaurants, and other uses commonly associated with transient accommodation
- c. Accessory Buildings subject to the regulations in Schedule “F”.

5.26.2 Lot Area

- a. Lot area (minimum) 11520m²

5.26.3 Floor Area, Floor Space Ratio

- a. Total floor area (maximum) 18432m²
- b. Floor space ratio (maximum) 1.6:1

5.26.4 Height

- a. Building height (maximum) 25.25m

5.26.5 Setbacks, Projections

- a. Setback for buildings constructed prior to January 1, 2022 (minimum) 0m
- b. Notwithstanding section 27 of the General Regulations, setback for all other buildings (minimum)
 - North yard 0m
 - Northeast yard 0m
 - Southeast yard 7.5m
 - West yard 0m
 - South yard 7.5m
- c. Notwithstanding paragraphs a. and b., setback above 6.1m in height (minimum) An additional 30° from the setback of the building at grade, as illustrated in Schedule A

Schedule 1
PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

5.26.6 Site Coverage, Open Site Space

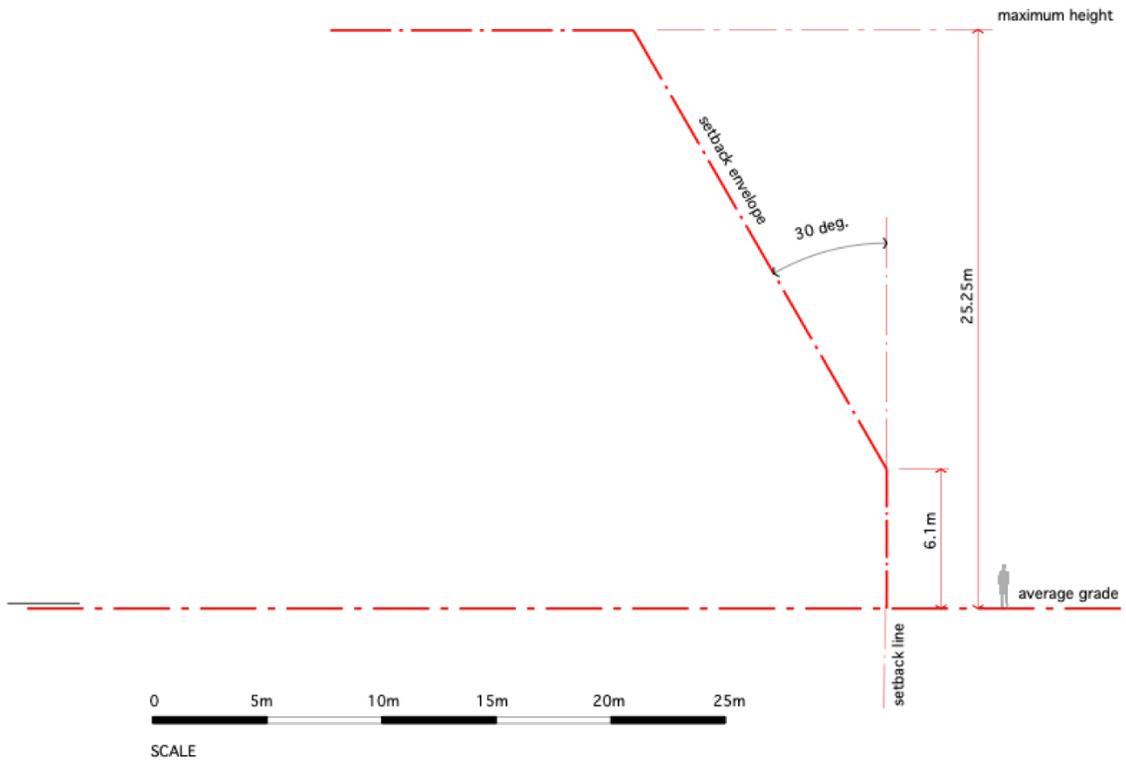
- | | |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 60% |
| b. <u>Open site space</u> (minimum) | 30% |

5.26.7 Vehicle and Bicycle Parking

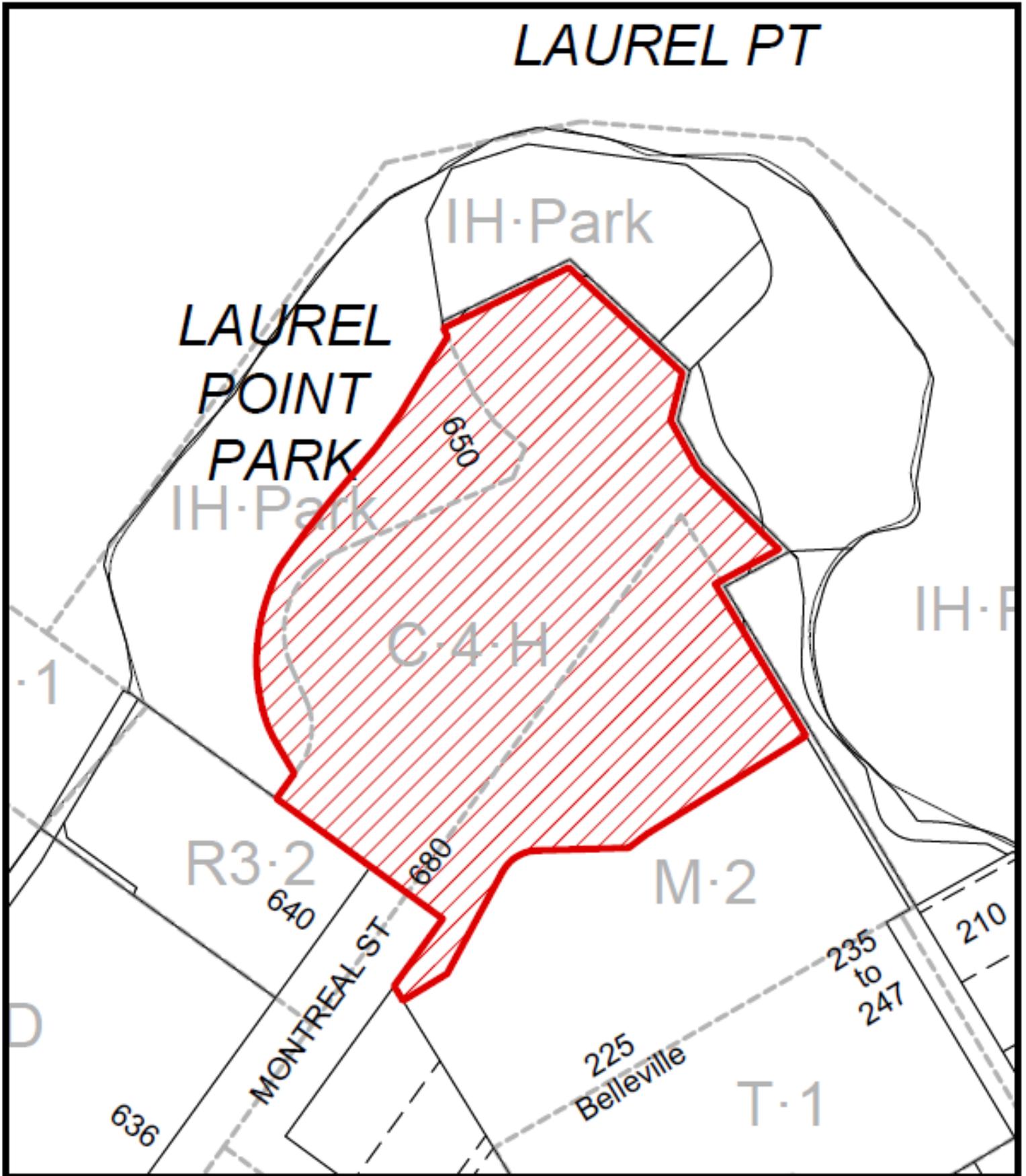
- | | |
|---|--|
| a. Vehicle parking (minimum) | Subject to the regulations in Schedule “C” except as otherwise specified by the regulations in this Part |
| b. Notwithstanding section 2.2.1 of Schedule “C”, a maximum of 79 parking spaces may be located on an adjacent <u>lot</u> | |
| c. Bicycle parking (minimum) | Subject to the regulations in Schedule “C” |

Schedule 1
PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

Schedule A



LAUREL PT



680 Montreal Street
Rezoning No.00792



2

ADOPTED on the

day of

2022

CITY CLERK

MAYOR

NO. 22-077

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by:

- creating the T-26 Zone, Laurel Point District, and
- rezoning land known as 680 Montreal Street to the T-26 Zone, Laurel Point District from both the C-4H Zone, Harbour Activity District and the M-2 Zone, Light Industrial District.

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READ A FIRST TIME the	8th	day of	September	2022
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Public hearing held on the		day of		2022
READ A THIRD TIME the		day of		2022
ADOPTED on the		day of		2022

CITY CLERK

MAYOR

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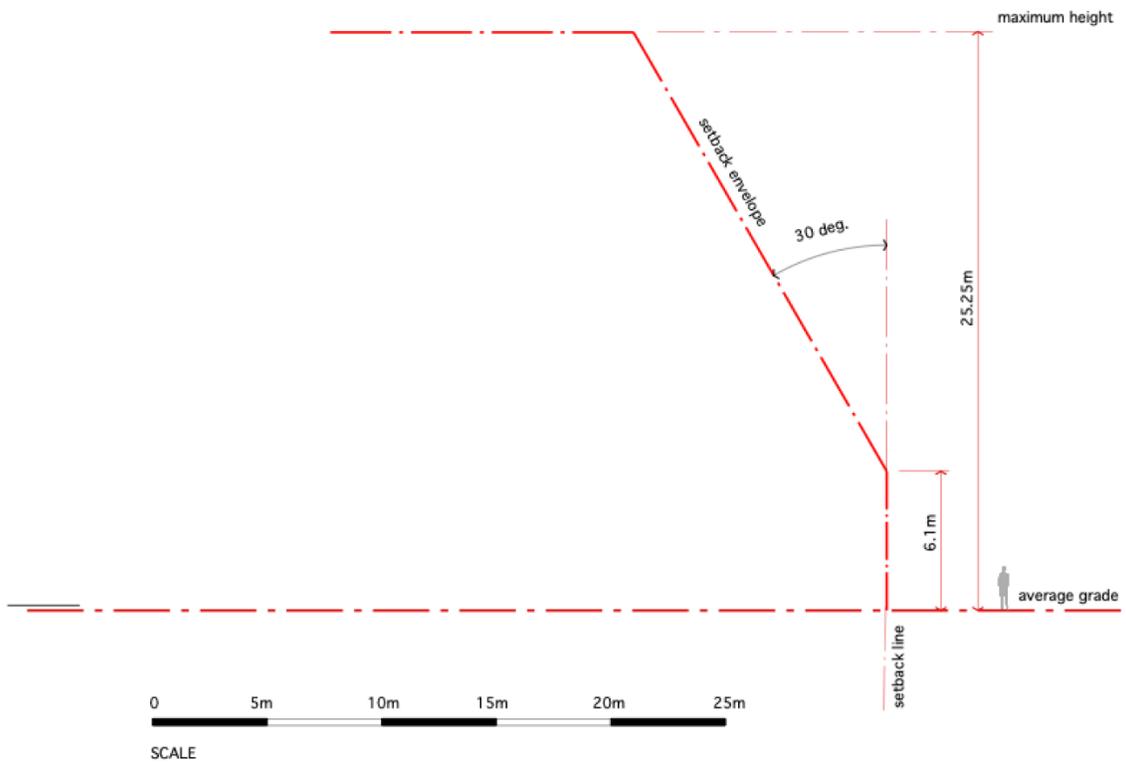
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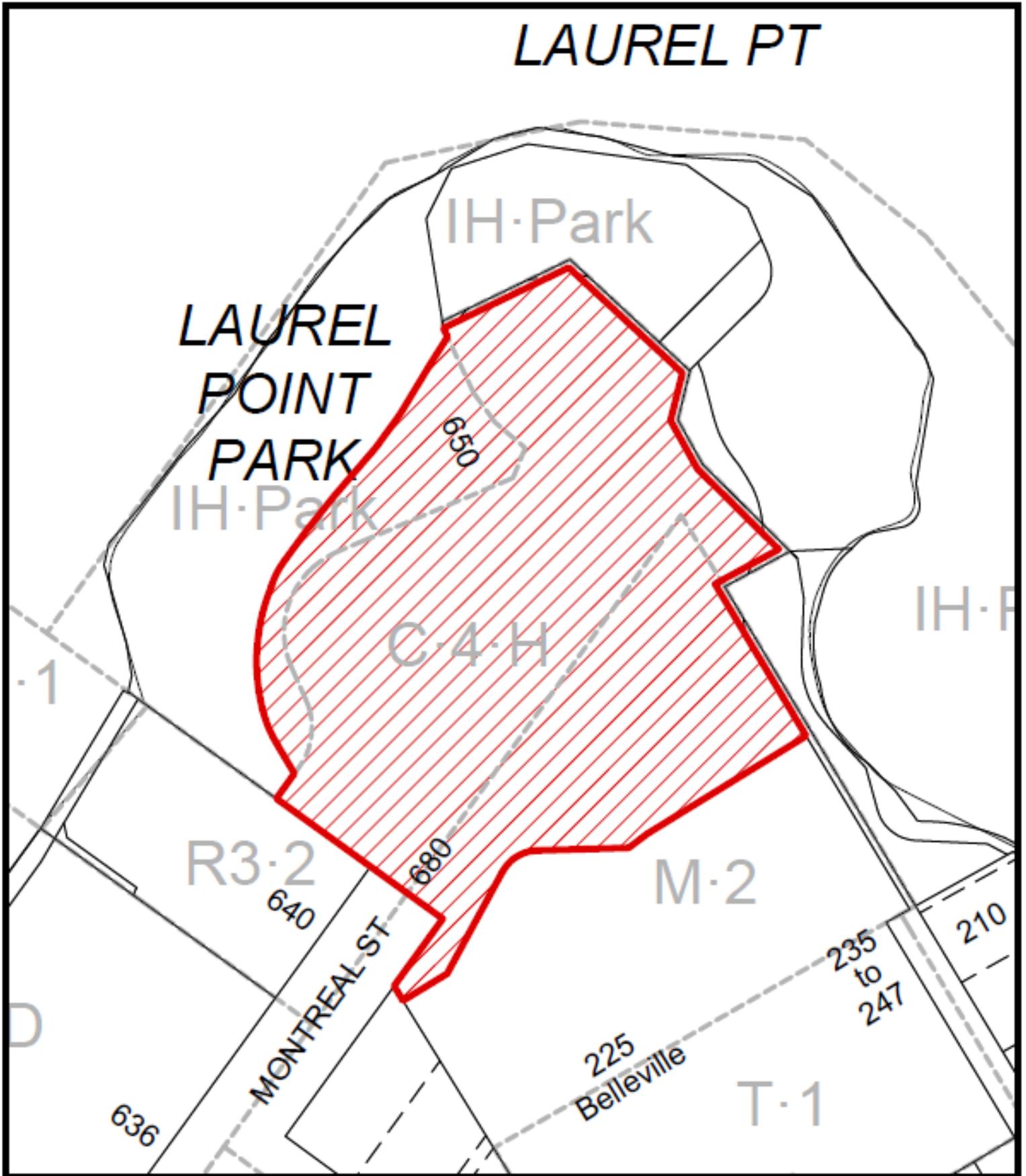
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Schedule 1
PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

Schedule A



LAUREL PT



680 Montreal Street
Rezoning No.00792



NO. 22-077

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CITY CLERK

MAYOR

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PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

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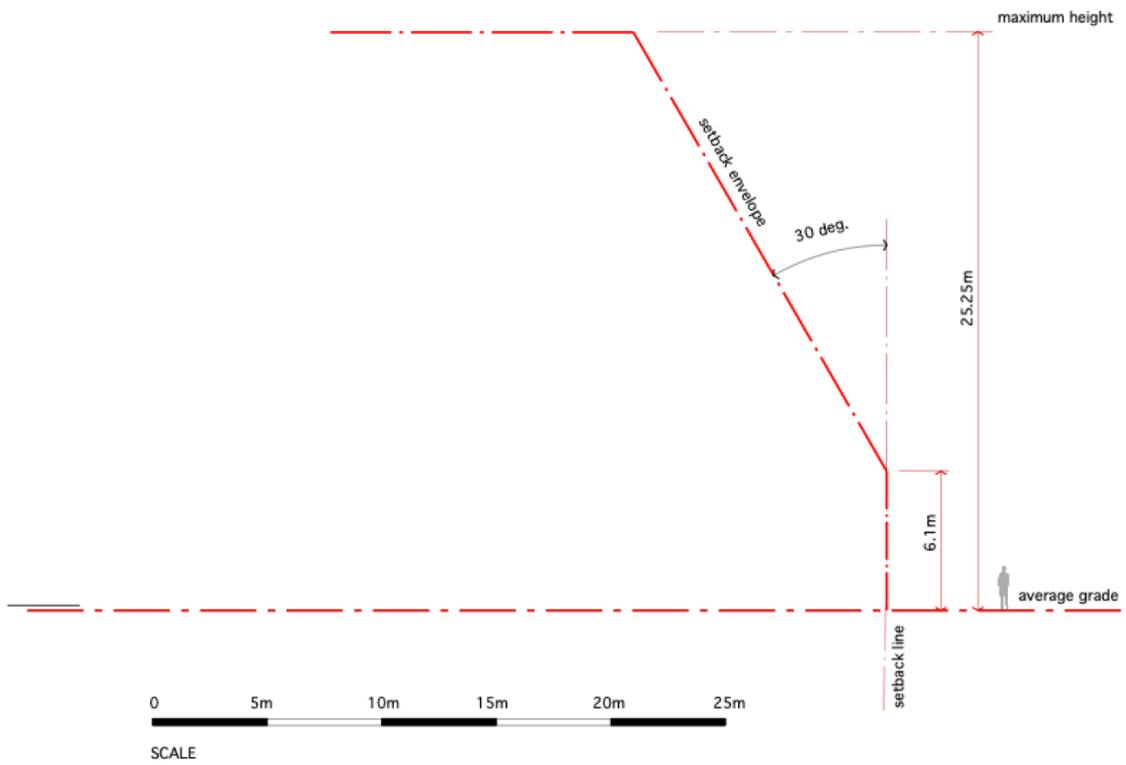
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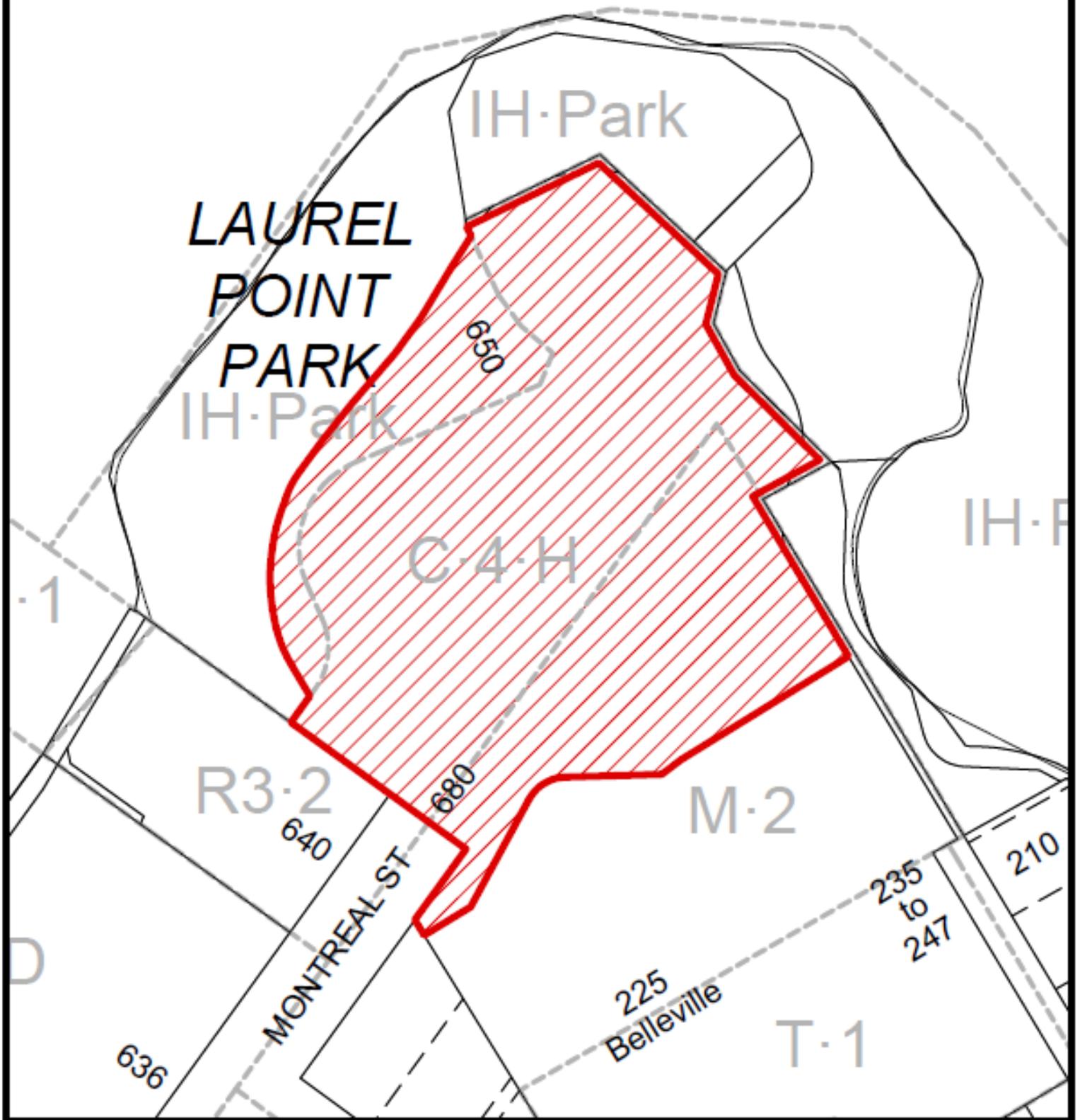
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Schedule 1
PART 5.26 – T-26 ZONE, LAUREL POINT DISTRICT

Schedule A



LAUREL PT



680 Montreal Street
Rezoning No.00792





Council Report For the Meeting of December 1, 2022

To: Council **Date:** November 15, 2022
From: Jo-Ann O'Connor, Deputy Director of Finance
Subject: 2023 Solid Waste and Utility Rate Bylaws

RECOMMENDATION

That Council give first, second and third readings to the following bylaws:

- Waterworks Bylaw Amendment Bylaw (No.17) 22-098
- Sanitary Sewer and Stormwater Utilities Bylaw Amendment Bylaw (No.10) 22-096
- Solid Waste Bylaw Amendment Bylaw (No.12) 22-097

EXECUTIVE SUMMARY

On November 24, 2022 Council directed staff to bring forward bylaws outlining water utility, sewer utility, stormwater utility, and solid waste user fee increases for 2023 to the December 1, 2022 daytime Council meeting for consideration of first, second and third readings. Adoption of the new rate bylaws before December 31, 2022 is required in order to authorize implementation of new rates on January 1, 2023.

Attached for Council's initial consideration is a copy of the proposed bylaws mentioned above.

Annually these bylaws are brought forward for Council's consideration to set the fees for each of these utilities. The bylaw is amended to reflect the yearly changes.

Respectfully submitted,

Layla Monk
Manager of Revenue

Jo-Ann O'Connor
Deputy Director of Finance

Susanne Thompson
Deputy City Manager/CFO

Report accepted and recommended by the City Manager

List of Attachments

Waterworks Bylaw Amendment Bylaw (No.17) 22-098
Sanitary Sewer and Stormwater Utilities Bylaw Amendment Bylaw (No.10) 22-096
Solid Waste Bylaw Amendment Bylaw (No.12) 22-097

27A. CRD Sewer Consumption Charge

- (1) Pursuant to the powers of the City under the Additional Powers Regulation, B.C. Reg. 236/2002, a rate of \$3.81 for the months of June through September and a rate of \$5.45 for all other months multiplied by the number of units of water used at the owner's premises must be paid by each owner in respect of a portion of the annual operating costs and debt costs of the Capital Regional District Liquid Waste Management Core Area and Western Communities Service that are payable by the City.

SCHEDULE "A"
FEES AND CHARGES

1. Sanitary Sewer Use Charge

1 The sanitary sewer use charge for each unit of water used for the months of June through September is \$1.83 and for all other months is \$2.62.

2. Sanitary Sewer Service and Stormwater Service Connection Fees

1 – 100 mm	\$8800
2 – 100 mm (in same trench)	\$11800
1 – 150 mm	at cost
2 – 150 mm (in same trench)	at cost
1 – 200 mm	at cost
1 – 150 / 1 - 200 mm (in same trench)	at cost
1 – 150 / 1 – 100 mm (in same trench)	at cost
1 – 250 mm	at cost
2 – 200 mm	at cost

3. Hub Connection Fees

\$1000 / hub connection

4. Dye Tests

\$200 for one visit to a single location or site, to a maximum of one hour

5. Sewer Service Connection Test for Reuse or Abandonment

4 service connections or fewer	\$250/visit/site
Each additional service connection	\$100/visit/site

6. Sewer Service Connection Rehabilitation

1 – 100 mm	\$ 3500
1 – 150 mm	\$ 4000

7. Sealing a Discontinued Sewer Service Connection

\$1000 per service

8. Special Fees and Considerations

All connection fees are for an application for a service connection to a single property unless otherwise stated. Service connection configurations not covered in this Schedule are subject to the Director's approval, and will be charged for "at cost".

Service connection fees under section 3 of this Schedule A include rock removal up to a depth of 1.0 m. All additional rock removal costs shall be paid by the applicant at cost.

At cost service connections must pay for all rock removal on an at cost basis. The estimated cost of rock removal shall be determined at the time rock is encountered. These costs must be paid by the applicant prior to the City continuing the installation.

All service connections larger than 100 mm, and all connections installed on Arterial Roads or within the Downtown Core: at cost

All service connections that are requested to be installed outside normal working hours, where approved by the Director will be billed for at cost.

If the applicant is performing their own restoration on their property frontage in the area of a new service installation, at their cost, the Director will allow a rebate of \$200 per service trench.

9. Contaminated Soil

Where the removal of contaminated soil is required it shall be done at cost.

10. Archaeological Site

Costs associated with working in vicinity of an archaeological site shall be done at cost.

11. Administrative Charges

Where work is performed at cost an administrative charge of 18% must be calculated and added to the "at cost" total.

12. Stormwater User Fees

The stormwater user fee payable by an owner shall be determined by applying and totaling the four factors in the Stormwater User Fee Calculation Table below.

Stormwater User Fee Calculation Table

STORMWATER USER FEE CALCULATION TABLE	
1.A IMPERVIOUS SURFACES FACTOR	
	Fee (per sq meter)
	\$0.7597
2.A STREET/SIDEWALK CLEANING FACTOR	
	Fee (per meter)
Local	\$1.90
Collector	\$4.04
Arterial	\$4.56
Downtown	\$45.50
2.B INTENSITY CODE FACTOR	
	Fee (per property)
Low Density Residential	\$0.00
Multi Family Residential	\$84.73
Civic/Institutional	\$75.04
Commercial/Industrial	\$155.20
2.C CODES OF PRACTICE FACTOR	
	Fee (per property)
Required to register under Stormwater Code of Practice Schedule E	\$172.55

11. Rainwater Management Credit Program

(a) Educational Programs

Except for a property that is used as a school, in order to qualify for a rainwater management credit an educational program for a Civic/Institutional or Commercial/Industrial property must relate to, describe and inform either the owner's employees or members of the public about a stormwater management facility that has been approved under the Rainwater Management Credit Program, that is located on the property, and that is functional and in good working condition. A qualifying educational program may include or consist of signs, brochures, or other graphic or printed information that is located in a prominent location on the property.

For a property that is used as a school, in order to qualify for a rainwater management credit an educational program must be included in the regular curriculum and form part of the regular teaching program for the school.

(b) Calculation of Credits

Where the owner of premises applies for participation in the rainwater management credit program, and the application is approved by the Director, a percentage credit for each approved credit type will be applied to the stormwater user fee in the amount(s) set out in the following tables.

Rainwater Management Credit Table – Low Density Residential Properties

Rainwater Best Management Practice (BMP)	Minimum Size	Min. Roof Area (m ²) directed to BMP	Ongoing Credit
Cistern	1200L	25	10%
Infiltration Chamber		25	10%
Rain Garden		25	10%
Bioswale		25	10%
Permeable paving - no infiltration trench/piping	10 m ²		10%
Permeable paving - infiltration trench/piping		25	10%

Rainwater Management Credit Table – Multi-Family Residential, Civic/Institutional and Commercial/Industrial Properties

	Minimum Impervious Area Treated (%)	Credit (%)
Infiltration Chamber / Rain Garden / Bioswale/ Permeable Pavement / Cisterns Plumbed for Indoors / Intensive Green Roofs	10	4
	15	7
	20	9
	25	11
	30	13
	35	16
	40	18
	45	20
	50	22
	55	24
	60	27
	65	29
	70	31
	75	33
80	36	
85	38	
90	40	
	Minimum Impervious Area Treated (%)	Credit (%)
Cisterns- Hand Use	10	2
	15	3
	20	4
	25	6
	30	7
	35	8
	40	9
	45	10
	50	11
	55	12
	60	13
	65	14
	70	16
	75	17
80	18	
85	19	
90	20	

	Minimum Impervious Area Treated (%)	Credit (%)
Cisterns - Irrigation System/ Extensive Green Roof	10	3
	15	5
	20	7
	25	8
	30	10
	35	12
	40	13
	45	15
	50	17
	55	18
	60	20
	65	22
	70	23
	75	25
	80	27
85	28	
90	30	

(c) **BMP (Design and Construction Requirements) Table**

The following table sets out additional requirements for the design and construction of stormwater retention and water quality facilities.

BMP	DIY Build	Tier A	
		Contractor Build	Tier B, C & D Contractor Build
Rain Barrel	1	1	N/A
Cisterns - at grade	1	1	2
Cisterns - below grade	3	3	3
Cisterns - above grade	3	3	3
Rain Gardens	1	1	2
Bio Swales	1	1	2
Green Roof	N/A	3	3
Permeable Paving without Infiltration Trench/piping	1	1	2
Permeable Paving with Infiltration Trench/piping	2	1	3
Infiltration Chamber	3	3	3

1 Design and construction must follow City standards and specifications.
Design and construction must follow City standards and specifications.

2 Must be designed and installed under the supervision of a Qualified Designer.

3 Design and construction must follow City standards and specifications.
Must be designed and installed under the supervision of a Qualified Professional.
Green Roofs must be designed by and installed under the supervision of a Qualified Professional who is a professional architect or structural engineer

Inspections as required at specified intervals.

DIY Build - Owner is responsible for construction methods and adhering to design.
Failure to do so may result in rejection at owner's expense. City assumes no responsibility for rejection or liability for damages.

In the table above:

- (a) "Tier A", "Tier B", "Tier C" and "Tier D" mean, respectively, properties that are classified under section 28(4) of this bylaw as Low Density Residential, Multi-Family Residential, Civic/Industrial and Commercial/Industrial.
- (b) "DIY Build" means that the owner of Low Density Residential property constructs or installs the stormwater retention and water quality facility themselves, without the assistance of a contractor.

SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 12)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Solid Waste Bylaw No.12-086* to increase the fees for the collection of solid waste.

Contents

- 1 Title
- 2 Schedule “A”
- 3 Effective date

Under its statutory powers, including section 194 of the *Community Charter* and the *Local Government Act Additional Powers Regulation*, the Council of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 12)".

Schedule “A”

- 2 Bylaw No. 12-086, the Solid Waste Bylaw, is amended by repealing Schedule “A” and replacing it with the updated Schedule “A” to this bylaw amendment.

Effective date

- 3 This Bylaw comes into force on January 1, 2023.

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
READ A THIRD TIME the	day of	2022
ADOPTED on the	day of	2022

CITY CLERK

MAYOR

Schedule 1**Schedule "A"****Solid Waste Bylaw**

The fees for the collection of solid waste from each residential unit by size of bin under Section 16 are:

Size	Annual Fee
80 Litre Bin	\$212.58
120 Litre Bin	\$243.30
180 Litre Bin	\$289.38

WATERWORKS BYLAW, AMENDMENT BYLAW (NO. 17)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to increase the connection fees, special fees and consumption charges payable under the *Waterworks Bylaw No. 07-030*.

Contents

- 1 Title
- 2 Schedule “A”
- 3 Effective date

Under its statutory powers, including section 194 of the *Community Charter* and the *Local Government Act Additional Powers Regulation*, the Council of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "WATERWORKS BYLAW, AMENDMENT BYLAW (NO. 17)".

Schedule “A”

- 2 Schedule “A” to the Waterworks Bylaw No. 07-030 is amended by repealing the existing Schedule “A” and replacing it with the updated Schedule “A” to this bylaw amendment.

Effective date

- 3 This Bylaw comes into force on January 1, 2023.

READ A FIRST TIME the	day of	2022
READ A SECOND TIME the	day of	2022
READ A THIRD TIME the	day of	2022
ADOPTED on the	day of	2022

CITY CLERK

MAYOR

Schedule A**Fees**1. Connection fee for any water service, other than a fire line:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
18 mm	\$ 6,300.00
25 mm	6,500.00
40 mm	at cost
50 mm	at cost
75 mm	at cost
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost
For duplexes only, 2-18mm (in the same trench)	at cost
For duplexes only, 2-25 mm (in the same trench)	at cost
Cap water service, 12mm to 25 mm	at cost
Cap water service, 40mm and greater	at cost

Special fees:

- (a) To upgrade a meter, outlet pipe, and accessories under s. 8(4) of the Waterworks Bylaw: \$500.00
- (b) Service pipe installations on Arterial Roads or within the Downtown Area: an additional at cost per trench.
- (c) Service Pipe that is requested to be installed outside normal working hours, where approved by the Director: at cost.
- (d) Temporary water connection: \$400.00.
- (e) Fire hydrant connection fee: \$100.00 per fire hydrant per day.
- (f) New fire hydrants that are installed at the request of an applicant: at cost.

2. Connection fee for a fire line:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost

3. Consumption charge

Consumption charge for each unit of water used: \$4.87

4. Service charge(a) 4-month service charge:

<u>Size of Connection</u>	<u>Service Charge</u>
12 mm	\$34.57
18 mm	\$39.23
25 mm	\$57.50
40 mm	\$71.88
50 mm	\$114.60
75 mm	\$215.52
100 mm	\$344.43
150 mm	\$644.18
200 mm	\$1,431.05

5. Fire Hydrant charge

(a) Esquimalt: \$4.00 monthly for each hydrant

(b) Non-municipal purposes: \$4.00 monthly for each hydrant.

6. Administrative Charges

Where work is performed "at cost" an administrative charge of 18% must be calculated and added to the "at cost" total.

7. Water Meter Activation/Deactivation Fee

To have an authorized person attend at a water meter pursuant to section 7A (5): \$40.

NO. 22-091

HOUSING AGREEMENT (936 QUEENS AVENUE) BYLAW
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for rental housing for the lands known as 936 Queens Avenue, Victoria, BC.

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

Title

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (936 QUEENS AVENUE) BYLAW (2022)".

Agreement authorized

- 2 The Director of Sustainable Planning and Community Development is authorized to execute the Housing Agreement:
 - (a) substantially in the form attached to this Bylaw as Schedule A;
 - (b) between the City and Claire Danielle Monahan, or other registered owners from time to time of the lands described in subsection (c); and
 - (c) that applies to the lands known as 936 Queens Avenue, Victoria, BC, legally described as:
PID: 003-829-014 Lot 21, Block C, Section 3, Victoria District, Plan 957.

READ A FIRST TIME the	24th	day of	November	2022
READ A SECOND TIME the	24th	day of	November	2022
READ A THIRD TIME the	24th	day of	November	2022
ADOPTED on the		day of		2022

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")

AND:

CLAIRE DANIELLE MONAHAN

10110 Matner Lane
Coldstream, British Columbia V1B 2J7

(the "Owner")

WHEREAS:

- A. Capitalized terms used herein will have the respective meanings ascribed to them in section 1.1 of this Agreement, unless the context otherwise clearly requires or they are elsewhere defined herein.
- B. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a housing agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*.
- C. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 936 Queens Avenue, Victoria, B.C. and legally described as:

PID: 003-829-014
Lot 21, Block C, Section 3, Victoria District, Plan 957

(the "Lands").
- D. The Owner has applied to the City to permit the renovation and expansion of an existing building and improvements on the Lands from existing six (6) housing units (1 unit non-conforming) to seven (7) housing units within the Development in accordance with this Agreement.
- E. The City and the Owner wish to enter into this Agreement, as a housing agreement pursuant to section 483 of the *Local Government Act*, to secure the agreement of the Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

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

1.0 DEFINITIONS

1.1 In this Agreement:

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

"**Development**" means the seven (7) unit building consisting of residential housing and related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the seven (7) self-contained residential dwelling units within the Development and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "**Dwelling Unit**" means any of such residential dwelling units located on the Lands;

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

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

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 7.3;

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

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

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

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

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

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

3.0 NO RESTRICTIONS ON RENTALS

- 3.1** The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.
- 3.2** Without limiting the generality of section 3.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of any Dwelling Unit to a Non-owner under the terms of a Tenancy Agreement.

4.0 REPORTING

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

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

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

- 4.2** The Owner hereby authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 4.3** The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1** Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City 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

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liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement, or otherwise that would not have arisen "but for" this Agreement.

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

7.0 GENERAL PROVISIONS

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

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

in the case of the City, addressed to:

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

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

and in the case of the Owner, addressed to:

Claire Danielle Monahan
10110 Matner Lane
Coldstream, British Columbia V1B 2J7

Email: Claire@monahanholdings.com

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

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

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

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

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- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

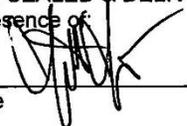
- 7.2 TIME.** Time is of the essence of this Agreement.
- 7.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.
- 7.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 7.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 7.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 7.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement
- 7.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 7.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 7.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 7.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 7.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

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[owner(s)]

SIGNED, SEALED & DELIVERED
in the presence of:

Signature



Print Name JONATHAN JONES

Address Barrister and Solicitor
#301 2706-30 Avenue
Vernon BC V1T 2B6
Telephone (250) 542-5353

Occupation

Date signed: September 21, 2022



CLAIRE DANIELLE MONAHAN