



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, April 6, 2023

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

Pages

A.	CONVENE COUNCIL MEETING	
B.	APPROVAL OF AGENDA	
C.	READING OF MINUTES	
C.1	<u>Minutes from the daytime Council meeting held February 9, 2023</u>	1
C.2	<u>Minutes from the evening Council meeting held February 9, 2023</u>	15
C.3	<u>Minutes from the daytime Council meeting held February 16, 2023</u>	22
C.4	<u>Minutes from the Special Council meeting held February 16, 2023</u>	27
C.5	<u>Minutes from the evening Council meeting held February 23, 2023</u>	36
C.6	<u>Minutes from the daytime Council meeting held March 2, 2023</u>	39
C.7	<u>Minutes from the daytime Council meeting held March 9, 2023</u>	46
C.8	<u>Minutes from the evening Council meeting held March 9, 2023</u>	55
D.	PROCLAMATIONS	
D.1	<u>"Global Love Day" - May 1, 2023</u>	61
D.2	<u>"GBS and CIDP Awareness Month" - May 2023</u>	62
D.3	<u>"Chinese People's Railroad Day" - July 1, 2023</u>	63
E.	PUBLIC AND STATUTORY HEARINGS	
F.	UNFINISHED BUSINESS	
G.	REPORTS OF COMMITTEE	

## G.1 Committee of the Whole

### G.1.a Report from the March 16, 2023 COTW Meeting

64

Link to the March 16, 2023 COTW Agenda

G.1.a.a Council Member Motion - AVICC in Nanaimo from April 14-16, 2023, for Councillor Kim

G.1.a.b Council Member Motion - AVICC in Nanaimo from April 14-16, 2023, for Councillor Loughton

### G.1.b Report from the April 6, 2023 COTW Meeting

*Placeholder for time-sensitive items*

G.1.b.a Participation in Phase 2 of the Union of BC Municipalities (UBCM) funded Regional Household Affordability and Prosperity Project

*Pending approval at the April 6, 2023 COTW meeting*

G.1.b.b Council Member Motion: Accelerating Decarbonization of New Building Energy Systems

*Pending approval at the April 6, 2023 COTW meeting*

G.1.b.c Council Member Motion: Immediate Response to Downtown Community Safety Issues

*Pending approval at the April 6, 2023 COTW meeting*

G.1.b.d Council Member Motion: AVICC in Nanaimo from April 14-16, 2023

*Pending approval at the April 6, 2023 COTW meeting*

## H. NOTICE OF MOTIONS

## I. BYLAWS

\*I.1 Bylaw for 557 Simcoe Street: Rezoning Application No. 00759 and Development Permit with Variances No. 00200

65

*Addendum: Updated Recommendation*

A report recommending:

- **1st and 2nd readings of:**
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1296) No. 23-026
- **Approval of Updated Development Permit with Variances Application Motion**

The application is ready to proceed to Public Hearing and proposes to allow for two buildings each with two units on one lot (four dwellings total) with an overall density of 0.64:1 FSR.

I.2 **Bylaws for 903, 911 & 1045 Yates Street, 910 View Street at 1205 & 1209 Quadra Street: Rezoning Application No. 00730, Associated Official Community Plan Amendment and Development Permit with Variances Application No. 00150** 138

- **Adoption of:**
  - Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058
  - Zoning Regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
  - Housing Agreement (900 Block Yates and 1045 Yates) Bylaw (2022) No. 22-084
  - Housing Agreement (1045 Yates) Bylaw (2022) No. 22-085
- **Motion to approve Development Permit with Variances**

*Council is considering an application to rezone one and a half city blocks to a site-specific zone in order to construct a multi-phased mixed-use development including commercial, daycare, office and community uses with purpose built rental residential above.*

J. **CORRESPONDENCE**

J.1 **Letter from the UBCM President** 177

*A letter from the UBCM President regarding Provincial responses to 2022 Resolutions.*

\*J.2 **Late item – Letter from the Victoria and Esquimalt Police Board** 181

**Addendum: New Item**

*A letter from the Victoria and Esquimalt Police Board regarding budget cuts impact.*

**K. NEW BUSINESS**

**L. CLOSED MEETING**

**MOTION TO CLOSE THE APRIL 6, 2023 COUNCIL MEETING TO THE PUBLIC**

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

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

*Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*

*Section 90(1)(c) labour relations or other employee relations;*

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and*

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

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

*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.*

**M. APPROVAL OF CLOSED AGENDA**

**N. READING OF CLOSED MINUTES**

**O. Presentation**

**O.1 Intergovernmental Relations - Community Charter Section 90(2)(b)**

**P. UNFINISHED BUSINESS**

Q. CORRESPONDENCE

R. NEW BUSINESS

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

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

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

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

R.5 Employee Relations - Community Charter Section 90(1)(c)

R.6 Intergovernmental Relations - Community Charter Section 90(2)(b)

S. CONSIDERATION TO RISE & REPORT

T. ADJOURNMENT



## MINUTES - VICTORIA CITY COUNCIL

February 9, 2023, 2:30 P.M.

**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**

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

PRESENT ELECTRONICALLY: Councillor Hammond

STAFF: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, 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, L. Van Den Dolder - Assistant City Solicitor, C. Mycroft - Manager of Executive Operations, S. Webb - Manager of Transportation, P. Bellefontaine - Director of Engineering & Public Works, P. Rantucci – Director of Strategic Real Estate, S. Johnson - Director of Communications and Engagement, G. Diamond - Council Secretary, B. Roder - Committee Secretary

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Gardiner

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **C. READING OF MINUTES**

#### **C.1 Minutes from the evening meeting held January 12, 2023**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That the minutes from the evening meeting held January 12, 2023 be adopted.

**CARRIED UNANIMOUSLY**

#### **C.2 Minutes from the evening meeting held January 26, 2023**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That the minutes from the evening meeting held January 26, 2023, be adopted.

**CARRIED UNANIMOUSLY**

**G. REPORTS OF COMMITTEE**

**G.1 Committee of the Whole**

**G.1.a Report from the January 19, 2023 COTW Meeting**

**G.1.a.a 2848 and 2852 Shelbourne Street: Rezoning Application No. 00768 and Development Permit with Variances Application No. 000595 (Oaklands)**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Thompson

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00768 for 2848 and 2852 Shelbourne Street.
2. That first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the applicant provided the following items:
  - a. corrections to the data table to accurately reflect the maximum exclusion for parking stalls and to ensure the visitor stall meets the minimum required drive aisle clearance in the Zoning Regulation Bylaw to the satisfaction of the Director of Planning and Sustainable Development;
  - b. an updated shadow study to accurately reflect the current design to the satisfaction of the Director of Planning and Sustainable Development;
  - c. revised plans to clearly label the solar panels and EV chargers as referenced in the applicant letter;
  - d. revised plans to include a sight triangle on each side of the driveway crossing that meets the requirements of Schedule C of the Highway Access Bylaw, to the satisfaction of the Director of Engineering and Public Works;
  - e. a revised site plan to indicate that any signage proposed in the Statutory Right of Way (SRW) is temporary until such a time that the SRW will be

- utilized by the City, to the satisfaction of the Director of Engineering and Public Works;
- f. an updated Arborist Report and Tree Management Plan to accurately reflect the proposed landscape plan to the satisfaction of the Director of Parks, Recreation and Facilities;
  - g. a revised site plan and landscape plan that comply with the Tree Protection Bylaw with respect to tree identification, critical root zones, soil volumes and tree replacement to the satisfaction of the Director of Parks, Recreation and Facilities;
  - h. a revised civil plan to show the extent of curb to be retained adjacent to the municipal street trees and accurate tree protection fencing to the satisfaction of the Director of Parks, Recreation and Facilities; and
  - i. revised plans to ensure the proposed guardrails meet the requirements of the BC Building Code (BCBC).
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor, prior to final adoption of the bylaw:
    - a. that a future strata cannot restrict long-term rental to non-owners, with contents satisfactory to the Director of Sustainable Planning and Community Development;
    - b. a Statutory Right of Way (SRW) of 7.0 metres width along the Shelbourne Street frontage, with contents satisfactory to the Director of Engineering and Public Works; and
    - c. to ensure the delivery and installation of green building features including solar panels and construction to the standard of Step 4 of the BC Energy Step Code, with contents satisfactory to the Director of Sustainable Planning and Community Development.
  4. That adoption of the Zoning Bylaw Amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
  5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

#### Development Permit with Variances Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the public hearing for Rezoning Application No. 00768, if it is approved, consider the following motion:

1. That subject to the adoption of Zoning Regulation Bylaw Amendment, Council authorize the issuance of



- Development Permit with Variance Application No.000595 for 2848 and 2852 Shelbourne Street, in accordance with:
- a. Plans date stamped November 16, 2021.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. increase the number of units in an attached dwelling from four to seven;
    - ii. reduce the setback to the west side of Shelbourne Street from 10.7m to 8.27m.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson  
OPPOSED (3): Councillor Coleman, Councillor Gardiner, and Councillor Hammond

**CARRIED (6 to 3)**

**G.1.a.b 633 Belton Avenue: Rezoning Application No. 00811 and Development Permit with Variances Application No. 00196 (Victoria West)**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Loughton

Rezoning

That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated November 17, 2022 for 633 Belton Avenue.

1. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set once the following conditions are met:
  - a. Revised plans and Arborist Report, to the satisfaction of the Director of Parks, Facilities and Recreation, providing further information from the arborist on the feasibility of retaining the existing trees and the viability of the proposed trees.
2. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Provision of no less than two adaptable units, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook.

3. That subject to approval in principle at the Public Hearing, the applicant prepare and execute the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Provision of transportation demand management measures including:
    - i. Six car share memberships,
    - ii. One car share vehicle
    - iii. One bicycle repair station
    - iv. A minimum of seven cargo bicycle stalls
  - b. Provision of a dual on-street level 2 electric vehicle charging station for use by both the car share vehicle and the public.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variance Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 0811, if it is approved, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00196 for 633 Belton Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on May 24, 2022, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the east side yard setback from 1.85m to 1.37m;
    - ii. reduce the residential vehicle parking from 9 stalls to 0 stalls; and,
    - iii. reduce the visitor vehicle parking from 1 stall to 0 stalls.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson  
 OPPOSED (3): Councillor Coleman, Councillor Gardiner, and Councillor Hammond

**CARRIED (6 to 3)**

**G.1.a.c**

**349 Kipling Street and 1400 Fairfield Road: Rezoning Application No. 00702 and Development Permit with Variances Application No. 00219 (Fairfield)**

**Moved By** Councillor Kim

**Seconded By** Councillor Loughton

Rezoning Application

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated December 12, 2022, for 349 Kipling Street and 1400 Fairfield Road, such bylaw to include density bonus provisions at the amounts of \$38,750 towards the City of Victoria's Housing Reserve Fund and \$38,750 towards the Local Amenities Fund.
2. That first and second reading of the zoning bylaw amendment be considered by Council and a public hearing date be set subject to the developer building the core mechanical systems by electrification.
3. That subject to approval in principle at the public hearing, the applicant prepare and execute the following legal agreements, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
  - a. Secure a 0.86m wide statutory right of way along Fairfield Road to the satisfaction of the Director of Engineering and Public Works.
4. That adoption of the zoning bylaw amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
5. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Development Permit with Variance Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00702, if it is approved, consider the following motion:

1. "That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit with Variances No. 00219 for 1400 Fairfield Road and 349 Kipling Street, generally in accordance with plans submitted to the Planning

department and date stamped by Planning on November 15, 2022, subject to:

- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
  - i. reduce the flanking street setback (Kipling Street) from 6m to 1.67m;
  - ii. reduce the rear yard setback (Fairfield Road) from 6m to 3.36m;
  - iii. reduce the front yard setback (Thurlow Road) from 6m to 4.80m;
  - iv. reduce the south side setback from 4m to 1.66m;
  - v. permit roof decks in the form of balconies;
  - vi. locate the accessory building (garbage) in the rear/side yard, increase the height from 3.50m to 4.05m and reduce the separation space from the main building from 2.40m to 1.32m;
  - vii. increase site coverage from 50% to 51.1%;
  - viii. decrease the floor area per attached dwelling unit from 100m<sup>2</sup> to 92.3m<sup>2</sup> ;
  - ix. reduce the number of residential vehicle parking stalls from 9 to 8;
  - x. reduce the number of visitor parking stalls from 1 to 0;
  - xi. reduce the required aisle depth clearance behind the two garage parking stalls along Thurlow Road from 7m to 5.27m at the centre and to 3.43m at both ends.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution”.

**CARRIED UNANIMOUSLY**

**G.1.a.d**

**Park Washrooms Accessibility Assessment**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

That Council direct staff to implement a workplan to address the barriers identified in the Park Washroom Accessibility Audit Report (Attachment A), by the end of 2030, with funding to be considered for approval through the annual Financial Plan.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson  
OPPOSED (1): Councillor Coleman

**CARRIED (8 to 1)**

**G.1.a.e Delegation of Minor Variances associated with Development Variance Permits, Development Permits and Heritage Alteration Permits**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Caradonna

That Council direct staff to:

1. Seek input from the Urban Development Institute and Community Association Land Use Committees relating to the delegation of minor variances.
2. Prepare draft Land Use Procedures Bylaw amendments to delegate minor variances associated with Development Variance Permits, Development Permits and Heritage Alteration Permits to the Director of Sustainable Planning and Community Development.
3. Bring forward the draft Land Use Procedures Bylaw amendments for Council's consideration along with any feedback received.

**CARRIED UNANIMOUSLY**

**G.1.b Report from the January 26, 2023 COTW Meeting**

**G.1.b.a 601 Su'it Street: Update on Rezoning Application No. 00678 and Heritage Alteration Permit with Variance Application No. 00012 (Fairfield)**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Dell

Rezoning Application No. 00678

1. That Council instruct the Director of Sustainable Planning and Community Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated November 4, 2022 for 601 Su'it Street.
2. 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. Referral to the Heritage Advisory Panel for review of the proposed partial demolition of the existing heritage-designated building;
  - b. Preparation of an arborist report to demonstrate how services will be installed and trees retained, to the satisfaction of the Director of Parks, Recreation and Facilities. If the report concludes that municipal or bylaw-protected trees may be impacted or proposed for removal, staff would report back to Committee of the Whole;

- c. Completion of a Building Code compliance assessment of the existing building and preparation of a tenant assistance plan, consistent with the Tenant Assistance Policy, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Providing additional bike infrastructure to accommodate cargo bikes and/or electric bikes.
3. That subject to approval in principle at the Public Hearing, the applicant prepare and execute the following legal agreement, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw:
    - a. 0.56m wide right of way along the rear lane for highway purposes, in accordance with the following requirements:
      - i. The owner may occupy and maintain the existing building within the right of way area until it is substantially destroyed or damaged.
  4. That adoption of the Zoning Bylaw Amendment will not take place until all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
  5. That the above recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

Heritage Alteration Permit with Variances Application No. 00012

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the public hearing for Rezoning Application No. 00678, if it is approved, consider the following motion:

1. "That Council authorize the issuance of Heritage Alteration Permit with Variances Application No. 00012 for 601 Su'it Street, in accordance with plans submitted to the Sustainable Planning and Community Development Department and date stamped May 2, 2022, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the vehicle parking requirement from 10 stalls to two stalls and the visitor parking requirement from 1 stall to zero stalls;
    - ii. permit laneway housing in the side yards rather than the rear yard of the main building;
    - iii. increase the maximum building height for Building B from 4.2m to 5.38m;
    - iv. increase the maximum floor area for Building B from 56m<sup>2</sup> to 79.01m<sup>2</sup>;

- v. reduce the side yard setback for a new addition to Building A from 0.6 metres to 0.56 metres;
  - vi. reduce the minimum unit size for a dwelling unit created as a result of house conversion from 33m<sup>2</sup> to 20.9m<sup>2</sup>;
  - vii. increase the number of self-contained dwelling units allowed as a result of house conversion from five to seven;
  - viii. increase the number of buildings permitted on a lot from one to three.
- b. Final plans to be generally in accordance with the plans identified above, to the satisfaction of the Assistant Director, Development Services Division, Sustainable Planning and Community Development.
2. That the Heritage Alteration Permit with Variances, if issued, lapses two years from the date of this resolution.”

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (2): Councillor Coleman, and Councillor Gardiner

**CARRIED (7 to 2)**

**G.1.b.b**

**Council Member Motion: City of Victoria to Host AVICC in 2024**

**Moved By** Councillor Coleman

**Seconded By** Councillor Kim

That Council:

1. Approve the City as host of the Association of Vancouver Island and Coastal Communities (AVICC) AGM and Convention in 2024,
2. Approve an in-kind contribution of up to \$28,000 for room rental at the Victoria Conference Centre with a request AVICC to establish a room contribution to offset a portion of the operational costs,
3. Approve a cash contribution of up to \$1000 for services required outside of the meeting room rental, and;
4. For the Mayor to write a letter to municipalities within the Greater Victoria Region and request a cash contribution of up to \$500 to support the cost for services, provide study tour ideas or workshops and become a partner host of the (AVICC) AGM and Convention in 2024.

**CARRIED UNANIMOUSLY**

**G.1.c Report from the February 9, 2023 COTW Meeting**

**G.1.c.b**

**Council Member Motion: AVICC Resolution on a Safe Drug Supply**

**Moved By** Councillor Thompson

**Seconded By** Councillor Kim

That Victoria City Council endorse the following Resolution and submit the same (with the attached Backgrounder, as required by AVICC) to the AVICC for its consideration at its April 14 – 16, 2023 conference:

**Resolution to AVICC 2023**

**Whereas:** *The British Columbia Provincial Government declared a public health emergency on April 14, 2016, in response to rapidly escalating fatalities caused by the unregulated and toxic drug supply;*

**Whereas:** *Despite some action by the Provincial Government to mitigate harm linked to the unregulated drug supply, interventions to date have not been proportionate to the scale and scope of the crisis. Between April 2016 and Dec 31st, 2022 over 11,390 B.C. residents died preventable deaths due to accidental overdose linked back to the still-unregulated drug market;*

**Whereas:** *Offering a safe, predictable, and regulated supply of drugs (“safe supply”) is widely recognized by health officials, policy makers, academic researchers, and advocates as a key intervention for addressing the drug poisoning crisis;*

**Whereas:** *There still exist significant structural, policy, and legal obstructions to providing the breadth of safe supply services needed to meaningfully reduce overdose deaths. Safe supply must be urgently expanded to accommodate all people who use drugs.*

**Therefore be it resolved that:**

*The AVICC advocate for increased access to accessible, culturally safe, and reliable safe supply in collaboration with its affiliated members, health and drug policy experts, and other relevant stakeholders, and, The AVICC works collaboratively with its affiliated members, health and drug policy experts, and other relevant stakeholders to create an educational resource for engaging civic actors on the benefits of safe supply services as part of a continuum of critical health interventions including harm reduction, prevention, treatment and recovery, enforcement, and housing with the objective of reducing unregulated drug poisoning deaths.*



**CARRIED UNANIMOUSLY**

**L. CLOSED MEETING**

**Moved By** Councillor Kim  
**Seconded By** Councillor Coleman

MOTION TO CLOSE THE FEBRUARY 9, 2023 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)(c) labour relations or other employee relations;*

*Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and*

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

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

*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.*

**CARRIED UNANIMOUSLY**

*The daytime meeting of Council was closed to the public at 2:41 p.m.*

**M. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Dell

That the closed agenda be approved.

**Amendment:**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Kim

That the agenda be approved with the addition of items **Q.1 Legal Advice - Community Charter Section 90(1)(i)** and **Q.2 Legal Advice and Land Use - Community Charter Section 90(1)(e) and 90(1)(i)**, and that **Q.1 Land Use - Community Charter Section 90(1)(e)** and **Q.4 Intergovernmental Relations - Community Charter Section 90(2)(b)** be deferred to the February 16, 2023 closed meeting, and that **Q.2 Legal Advice - Community Charter Section 90(1)(i)** be deferred to the March 9, 2023 closed meeting.

**CARRIED UNANIMOUSLY**

**On the main motion as amended:**

**CARRIED UNANIMOUSLY**

**N. READING OF CLOSED MINUTES**

**Moved By** Councillor Dell  
**Seconded By** Councillor Kim

That the minutes from the closed meeting held January 5, 2023, be adopted.

**CARRIED UNANIMOUSLY**

**Q. NEW BUSINESS**

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

*Council discussed a legal advice matter. The discussion was recorded and kept confidential.*

**Q.2 Legal Advice and Land Use - Community Charter Section 90(1)(e) and 90(1)(i)**

*Council discussed a legal advice and land use matter. The discussion was recorded and kept confidential.*

**Q.3 Land Use - Community Charter Section 90(1)(e)**

*Council discussed a land use matter. The discussion was recorded and kept confidential.*

**Q.4 Intergovernmental Relations - Community Charter Section 90(2)(b)**

*This item was deferred to the February 16, 2023 meeting.*

**Q.5 Employee Relations - Community Charter Section 90(1)(c)**

*Council discussed an employee relations matter. The discussion was recorded and kept confidential.*

**S. ADJOURNMENT**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That the Closed Council Meeting be adjourned at 4:07 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR

DRAFT



## MINUTES - VICTORIA CITY COUNCIL

February 9, 2023, 6:30 P.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 Kim, Councillor Loughton, Councillor Thompson
- PRESENT ELECTRONICALLY: Councillor Hammond
- STAFF PRESENT: J. Jenkyns - City Manager, T. Soulliere - Director of Parks, Recreation & Facilities, T. Zworski - City Solicitor, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, C. Mycroft - Manager of Executive Operations, A. Meyer - Assistant Director of Development Services, C. Anderson - Deputy City Clerk, D. Atkinson - Acting Fire Chief, S. Johnson - Director of Communications and Engagement, L. Van Den Dolder – Assistant City Solicitor. C. Wain – Senior Planner, A. Cusack – Senior Planner, P. Rantucci – Director of Strategic Real Estate, G. – Diamond – Senior Legislative Coordinator, M. Heiser – Senior Legislative Coordinator

### A. MUSIC

A music Performance by the Berlioz Trio from the Victoria Conservatory of Music who won first place in the 2022 Junior Chamber Ensemble Competition with the Federation of Canadian Music Festivals.

### B. APPROVAL OF AGENDA

The City Clerk outlined amendments to the agenda.

**Moved By** Councillor Coleman  
**Seconded By** Councillor Caradonna

That the agenda be approved as amended.

**CARRIED UNANIMOUSLY**

### D. REQUESTS TO ADDRESS COUNCIL

**Moved By** Councillor Dell  
**Seconded By** Councillor Coleman

That the following speakers be permitted to address Council.

**CARRIED UNANIMOUSLY**

**D.1 Elizabeth Kozak: Cruise Ship Industry - Land Transportation/Ship Scheduling Changes Needed For James Bay Residents' Relief**

Outlined to Council reasons the cruise industry and tourist bus route have negative impacts on the James Bay neighbourhood.

**D.3 Yvonne Mendel, South Island Mountain Bike Society: Mountain Biking in the CRD**

Outlined to Council the advocacy efforts of the South Island Mountain Bike Society in the CRD and requested recreation support.

**D.4 Christiane Sadeler: Community Safety Plans**

Outlined to Council reasons communities need to invest in crime prevention in efforts to reduce the cost of enforcement and corrections.

**D.6 Leslie Robinson: Humane Treatment of Residents of Stadacona Park**

Outlined to Council the importance of humane treatment of the residents sheltering at Stadacona Park.

**D.5 Niki Ottosen, Backpack Project Victoria BC: EWR and Bylaw Services**

Outlined to Council reasons that the confiscation and impoundment of items that are essential to human survival should end when the Emergency Weather Response is activated.

**F. PUBLIC AND STATUTORY HEARINGS**

**F.1 903, 911 & 1045 Yates Street, 910 View Street at 1205 & 1209 Quadra Street: Rezoning Application No. 00730, Associated Official Community Plan Amendment and Development Permit with Variances Application No. 00150**

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) - No. 22-058:  
To amend the Official Community Plan Bylaw as follows:

- increase permitted density from 5.5:1 floor space ratio (FSR) to 6:1 FSR for the 900 block Yates Street and 6.2:1 FSR for 1045 Yates Street within the Core Residential Urban Place Designation;
- increase permitted height from 20 storeys to up to 32 storeys for the 900 block Yates Street within the Core Residential Urban Place Designation; and
- within Development Permit Area 3, Core Mixed-Use Residential, add reference to the 900-block Yates and 1045 Yates Urban Design Manual guidelines for the development.

Zoning Regulation Bylaw Amendment Bylaw (No. 1279) - No. 22-059:

To rezone the Lands to the CD-18 Zone, Harris Green Comprehensive Development District to permit a multi-phased mixed-use development of five towers ranging in height from approximately 65m to approximately 102m which shall include a range of uses including commercial, daycare, community space and office uses with purpose built rental residential above.

Development Permit with Variances Application No. 00150

The Council of the City of Victoria will also consider issuing a Development Permit with Variances for the land known as 1033, 1043, 1045 and 1061 Yates Street, in Development Permit Area 3, Core Mixed-Use Residential for the purposes of approving the exterior design and finishes for the 21-storey mixed-use building as well as landscaping.

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

- Increase the maximum number of storeys from 20 to 21
- Increase the maximum height from 60m to 68.51m
- Increase the maximum height allowed for rooftop structure from 5.0m to 6.55m
- Reduce the required setback on the first storey for Yates Street from 3.0m to 2.0m
- Reduce the required setback on the first storey for Cook Street from 3.0m to 2.0m
- Reduce the required setback for portions of the building above 9m and up to 21m in height on the interior lot line from 4.5m to 4.45m
- Reduce the required setback for portions of the building above 21m in height on the interior lot line from 16m to 6.10m
- Increase the balcony and deck projections from 2.0m to 2.5m
- Reduce the required number of residential vehicle parking stalls from 282 stalls to 273 stalls
- Reduce the required number of residential visitor vehicle parking stalls from 53 to 38 stalls
- Reduce the required number of commercial parking stalls from 67 to 43
- Reduce the required number of daycare parking stalls from 5 to 3
- Reduce the number of short term bicycle stalls to be located further than 15m of a public entrance from 74 to 30.

**F.1.a Public Hearing & Consideration of Approval**

Charlotte Wain (Planner): Advised that the application is to rezone one and a half city blocks to a site-specific zone in order to construct a multi-phased mixed-use development including commercial, daycare, office and community uses with purpose built rental residential above.

*Mayor Alto opened the public hearing at 7:33 p.m.*

Deane Strongitharm (Applicant): Provided information regarding the application.

Andrew Beckerman (Saghalie Rd): Expressed concerns for the application due to the height of the proposed building and the method of consultation.

Diana Smarden (Richardson St): Expressed concerns for the application due to the expensive price of housing.

David Tartaryn (No address provided): Expressed concerns for the application due to large scale of residents this will attract to the City.

Marion Smardon (Fairfield): Expressed concerns for the application due to the price of housing and unaffordable rental costs.

Jeff Martin (Blanshard St): Expressed concerns for the application due to the proposed increase in density and potential impacts on traffic flow.

Jim Mayer (Tye Rd): Expressed support for the application due to the proposed density and rental units.

Jim Lepoard (View St): Expressed concerns for the application due to the existing construction occurring in the area and the proposed height of the building.

Dianne Flood (View St): Expressed concerns for the application due to the proposed phased development and lack of amenities included in the plans.

Derrick Gent (YMCA Chair, Broughton St): Expressed support for the application the large number of rental units and access to affordable housing.

Cole Docherty (St Lawrence ST): Expressed support for the application due to the proposed housing supply and increase in community safety.

Biran Merth (Richardson St): Expressed concerns for the application due to the proposed density and building height.

Fedor Zelina (Blackwood St): Expressed concerns for the application due to lack of parking and amenities proposed within the design.

*Council recessed at 8:38 p.m. and reconvened at 8:45 p.m.*

*Councillor Loughton was not present when the meeting reconvened.*

Jaqueline Sloan (Sutlej Rd): Expressed support for the application due to the proposed rental units.

Philip Mackellar (Cedar Hill Rd): Expressed support for the application due to how this development may help address the City's vacancy rate and affordable housing availability.

*Councillor Loughton returned to the meeting at 8:49 p.m.*

Mehdi Najari (Leads Pl): Expressed concerns for the application due to the lack of affordability proposed.

Geneva Bazin (St Ann St): Expressed concerns for the application due to proposed green space and rental units.

Cianna Nicklin (Douglas St): Expressed support for the application due to increase in rental supply within the City and green space for pets.

Nicola Hestnes (Webster Pl): Expressed support for the application due to the increase in rental units and proposed green space for dogs.

Khadoni Pitt Chambers (Alder St): Expressed support for the application due to the creation of new homes in the area, access to transportation, and proposed amenities. Concerns were also expressed towards the lack of affordable housing units and childcare spaces proposed.

Nell Saba (Lee Ave): Expressed support for certain aspects of the application in addition to concerns relating to lack of affordability and large number of parking stalls proposed.

Sacha Christensen (View St): Expressed support for the application due to the proposed amenities and purpose-built rental units.

Eric Doherty (Oakland Ave): Expressed support for the application due to the addition of purpose-built rentals.

Tanner Payne (Vista Heights): Expressed support for the application due to increase in rental housing units and how this proposal may help address the housing crisis.

Sierra Murguly (Lochside Dr): Expressed support for the application due to the proposed addition of rental units.

Jonathan Cook (Glasgow Ave): Expressed support for the application due to increase in rental housing supply and access to public transportation.

Adam Hughes (Amblewood Dr): Expressed support for the application due to the addition of rental housing in the area.

Julian Wells (Llandaff Pl): Expressed support for the application due to the proposed rental units.

Patrick Hossack (Richmond Ave): Expressed support for the application due to the increase in housing supply and rental units.

Jeff Bray (DVBA): Expressed support for the application due to the proposed purpose-built rentals and diverse units.



Brett Gray (Minto St): Expressed support for the application due to the increase in rental units in the area.

Riga Godron (No address provided): Expressed concerns for the application due to the lack of parking proposed and requested density.

Jasmine Green (Fernwood): Expressed support for the application due to the proposed purpose-built rentals and densification in the downtown area.

Jim Swanson (Vancouver St): Expressed support for the application due to the increase in rental housing.

Julia Chenowith (Linden Ave): Expressed support for the application.

Michael Raeside (Halliday Pl): Expressed support for the application due to the location and increase in rental stock.

Lydia Harris (Cook St): Expressed concerns for the application due to lack of accessible, affordable rental housing proposed.

Gilbert Imoesi (UVIC): Expressed support for the application due to increase in rental supply.

Reed Kip (Fort St): Expressed support for the application due to the proposed increase in rental stock.

Robert Beaumont (Wascana): Expressed support for the application due to the increase in people visiting downtown businesses this may attract.

Rahal Roy (Sanderlig Way): Expressed support for the application due to the proposed rental units and how this may aid students in the area.

Brandon Williams (View St): Expressed support for the application due to the proposed daycare and substantial number of rental units.

Trent Thompson (No address provided): Expressed support for the application due to the proposed rental units.

Marie Mathews (Yates St): Expressed support for the application due to increase in housing supply and purpose-built rentals.

Chris (Yates St): Expressed support for the application due to the proposed increase in housing supply and people living in the downtown core.

Daniel Powell (Fairfield Rd): Expressed support for the application due to the increase in housing in Victoria and how this may address the vacancy rate.

Timothy Oliver (Howe St): Expressed support for the application due to the increase in rental units proposed.

Thomas Gerald (Howe St): Expressed support for the application due to the proposed rental units.

No name provided (No address provided): Expressed concerns for the application due to the increased density proposed and lack of affordability.

Mark Stephenson (Fernwood): Expressed support for the application due to the large number of rental units proposed.

*Council recessed from 10:36 p.m. until 10:41 p.m. to provide an opportunity for members of the public to call to speak live.*

Bobby Ardash (No address provided): Expressed support for the application due to the proposed affordable housing and access to major public transit routes.

Andrew Velcher (Helmeckin Rd): Expressed support for the application due to the construction and development opportunities that will arise as a result of this development.

**Moved By** Councillor Thompson  
**Seconded By** Councillor Caradonna

That the public hearing be adjourned to Monday, February 13, 2023 at 6:30 p.m.

**CARRIED UNANIMOUSLY**

*Mayor Alto adjourned the public hearing at 10:51 p.m. to February 13, 2023, 6:30 p.m. for the purpose of watching the pre-recorded video submissions, asking questions of staff and the applicant, and deliberating on the matter.*

**N. ADJOURNMENT**

That the Council meeting be adjourned at 10:51 p.m.

**CARRIED BY UNANIMOUS CONSENT**

---

CITY CLERK

---

MAYOR



## MINUTES - VICTORIA CITY COUNCIL

February 16, 2023, 2:50 P.M.

**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**

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

PRESENT ELECTRONICALLY: Councillor Hammond

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Anderson - Deputy City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, K. Hoese - Director of Sustainable Planning and Community Development, L. Van Den Dolder - Assistant City Solicitor, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, Laura Saretsky - Heritage Planner, Kristal Stevenot - Senior Heritage Planner, R. Morhart - Manager, Permits & Inspections, P. Bellefontaine - Director of Engineering & Public Works, G. Diamond - Council Secretary, S. Stoltz - Committee Secretary, S. Johnson - Director of Communications and Engagement

**A. CONVENE COUNCIL MEETING**

**B. APPROVAL OF AGENDA**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Gardiner

That the agenda be approved.

**CARRIED UNANIMOUSLY**

**C. READING OF MINUTES**

**C.1 Minutes from the Daytime Council meeting held January 12, 2023**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Dell

That the minutes from the daytime Council meeting held January 12, 2023 be adopted.

**CARRIED UNANIMOUSLY**

**D. PROCLAMATIONS**

**D.1 "Purple Day" - March 26, 2023**

**Moved By** Councillor Kim  
**Seconded By** Councillor Coleman

That the following proclamation be endorsed:  
"Purple Day" - March 26, 2023

**CARRIED UNANIMOUSLY**

**D.2 "Heritage Week" - February 20 to February 26, 2023**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That the following proclamation be endorsed:  
"Heritage Week" - February 20 to February 26, 2023

**CARRIED UNANIMOUSLY**

**G. REPORTS OF COMMITTEE**

**G.1 Committee of the Whole**

**G.1.a Report from the February 6, 2023 Special COTW Meeting**

**G.1.a.a 2023-2027 Draft Financial Plan**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Caradonna

That staff develop a new 2023 draft budget that caps the property tax increase at inflation (6.96%) and that the Police Board develop a new draft budget at the same rate.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson  
OPPOSED (1): Councillor Coleman

**CARRIED (8 TO 1)**

**G.1.b Report from the February 16, 2023 COTW Meeting**

*Councillor Kim recused herself from the meeting at 2:54 p.m. due to a potential pecuniary conflict of interest with the following item.*

**G.1.b.a Festival Investment Grant 2023 Allocations**

**Moved By** Mayor Alto  
Seconded by Unanimous Consent

That Council approve the Festival Investment Grant allocations for 2023 as recommended in Appendix A for total cash grants of \$390,470.

**CARRIED UNANIMOUSLY**

*Councillor Kim rejoined the meeting at 2:55 p.m.*

**I. BYLAWS**

**I.1 Bylaw for 1025 Summit Avenue: Rezoning Application No. 00780, Development Permit with Variances Application No. 00172 and Development Variance Permit No. 00269**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1297) No. 23-027

**CARRIED UNANIMOUSLY**

**L. CLOSED MEETING**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Dell

**MOTION TO CLOSE THE FEBRUARY 16, 2023 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)(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; and*

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

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

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.

**CARRIED UNANIMOUSLY**

The daytime Council meeting was closed to the public at 2:57 p.m.

**M. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

That the closed agenda be approved.

**CARRIED UNANIMOUSLY**

**Q. NEW BUSINESS**

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

*Council discussed a legal matter. The discussion was recorded and kept confidential.*

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

*Council discussed a land use matter. The discussion was recorded and kept confidential.*

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

*Council discussed a legal matter. The discussion was recorded and kept confidential.*

**Q.4 Intergovernmental Relations - Community Charter Section 90(2)(b)**

*Council discussed an intergovernmental relations matter. The discussion was recorded and kept confidential.*

**S. ADJOURNMENT**

**Moved By** Councillor Kim

**Seconded By** Councillor Loughton

That the daytime Council meeting be adjourned at 4:16 p.m.

**CARRIED UNANIMOUSLY**

CITY CLERK

MAYOR

DRAFT



## MINUTES - SPECIAL VICTORIA CITY COUNCIL

February 16, 2023, 6:30 P.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. Anderson - Deputy City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, A. Meyer - Assistant Director of Development Services, L. Van Den Dolder - Assistant City Solicitor, C. Mycroft - Manager of Executive Operations, P. Bellefontaine - Director of Engineering & Public Works, C. Anderson - Deputy City Clerk, G. Diamond - Council Secretary, S. Stoltz - Committee Secretary, S. Johnson - Director of Communications and Engagement

### A. APPROVAL OF AGENDA

Mayor Alto reconvened the Council meeting from February 13, 2023.

Councillor Coleman noted that due to his absence at the February 13, 2023 Special meeting of Council he had taken steps to ensure that he is up to date and able to deliberate on item **D.1 903, 911 & 1045 Yates Street, 910 View Street at 1205 & 1209 Quadra Street: Rezoning Application No. 00730, Associated Official Community Plan Amendment and Development Permit with Variances Application No. 00150**

Council, by unanimous consent, approved the agenda.

### D. PUBLIC AND STATUTORY HEARINGS

#### D.1 **903, 911 & 1045 Yates Street, 910 View Street at 1205 & 1209 Quadra Street: Rezoning Application No. 00730, Associated Official Community Plan Amendment and Development Permit with Variances Application No. 00150**

Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) - No. 22-058:

To amend the Official Community Plan Bylaw as follows:

- increase permitted density from 5.5:1 floor space ratio (FSR) to 6:1 FSR for the 900 block Yates Street and 6.2:1 FSR for 1045 Yates Street within the Core Residential Urban Place Designation;



- increase permitted height from 20 storeys to up to 32 storeys for the 900 block Yates Street within the Core Residential Urban Place Designation; and
- within Development Permit Area 3, Core Mixed-Use Residential, add reference to the 900-block Yates and 1045 Yates Urban Design Manual guidelines for the development.

Zoning Regulation Bylaw Amendment Bylaw (No. 1279) - No. 22-059:

To rezone the Lands to the CD-18 Zone, Harris Green Comprehensive Development District to permit a multi-phased mixed-use development of five towers ranging in height from approximately 65m to approximately 102m which shall include a range of uses including commercial, daycare, community space and office uses with purpose built rental residential above.

Development Permit with Variances Application No. 00150

The Council of the City of Victoria will also consider issuing a Development Permit with Variances for the land known as 1033, 1043, 1045 and 1061 Yates Street, in Development Permit Area 3, Core Mixed-Use Residential for the purposes of approving the exterior design and finishes for the 21-storey mixed-use building as well as landscaping.

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

- Increase the maximum number of storeys from 20 to 21
- Increase the maximum height from 60m to 68.51m
- Increase the maximum height allowed for rooftop structure from 5.0m to 6.55m
- Reduce the required setback on the first storey for Yates Street from 3.0m to 2.0m
- Reduce the required setback on the first storey for Cook Street from 3.0m to 2.0m
- Reduce the required setback for portions of the building above 9m and up to 21m in height on the interior lot line from 4.5m to 4.45m
- Reduce the required setback for portions of the building above 21m in height on the interior lot line from 16m to 6.10m
- Increase the balcony and deck projections from 2.0m to 2.5m
- Reduce the required number of residential vehicle parking stalls from 282 stalls to 273 stalls
- Reduce the required number of residential visitor vehicle parking stalls from 53 to 38 stalls
- Reduce the required number of commercial parking stalls from 67 to 43
- Reduce the required number of daycare parking stalls from 5 to 3
- Reduce the number of short term bicycle stalls to be located further than 15m of a public entrance from 74 to 30.x

**D.1.a Public Hearing & Consideration of Approval**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Dell

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

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059

**Amendment:**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Thompson

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
  - a. Increase the number of carshare cars and dedicated parking spaces to a total of 15;
  - b. Increase the number of bike parking stalls to at least 2,500;
  - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants are provided with a free bus-pass;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.

*Council discussed the following:*

- *Concern regarding the potential increase of cars downtown*
- *The desire to encourage more people to utilize public transit*

**Amendment to the amendment:**

**Moved By** Councillor Kim

**Seconded By** Councillor Caradonna

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
  - a. Increase the number of carshare cars and dedicated parking spaces to a total of 15;
  - b. Increase the number of bike parking stalls to at least 2,500;
  - c. Ensure that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.

FOR (6): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Kim, Councillor Loughton

OPPOSED (3): Councillor Coleman, Councillor Gardiner, Councillor Hammond

**CARRIED (6 TO 3)**

**Amendment to the amendment:**

**Moved By** Councillor Kim

**Seconded By** Councillor Thompson

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
  - a. Increase the number of carshare cars and dedicated parking spaces to a total of 15;
  - b. Increase the number of bike parking stalls to at least 2,500;
  - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.
5. To provide right of first refusal to existing non-anchor commercial tenants

*Council discussed the following:*

- *The fact that many residents of the Harris Green neighbourhood have expressed concern about existing commercial tenants leaving*
- *The fact that the development would take place over years, therefore making it difficult to implement the right of first refusal in practice*

#### **DEFEATED UNANIMOUSLY**

*Council discussed the following:*

- *The fact that these changes could be a risk to the completion of the project*

**Moved By** Mayor Alto

That Councillor Thompson be allowed to speak again.

**CARRIED BY UNANIMOUS CONSENT**

**Amendment to the amendment:**

**Moved By** Councillor Thompson

**Seconded By** Councillor Caradonna

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
  - a. Increase the number of carshare cars and dedicated parking spaces to at least a total of 15;
  - b. Increase the number of bike parking stalls to at least 2,500;
  - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.

FOR (5): Mayor Alto, Councillor Caradonna, Councillor Kim, Councillor Loughton, Councillor Thompson

OPPOSED (4): Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond

**CARRIED (5 TO 4)**

**On the amendment:**

**That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:**

- 1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;**
- 2. Modify the Transportation Demand Management provisions across all the phases of the project to:**
  - a. Increase the number of carshare cars and dedicated parking spaces to at least of 15;**
  - b. Increase the number of bike parking stalls to at least 2,500;**
  - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;**
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;**
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;**
- 3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.**
- 4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.**

**FOR (5): Mayor Alto, Councillor Caradonna, Councillor Kim, Councillor Loughton, Councillor Thompson**

**OPPOSED (4): Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond**

**CARRIED (5 TO 4)**

*Council discussed the following:*

- The desire to focus on not only the housing crisis, but the climate crisis as well by supporting the use of public transit and active transportation as much as possible*

- *The fact that this development will include the tallest tower in Victoria, and provide housing for thousands of people*
- *The fact that these amendments will help to position the City of Victoria as a sustainable leader*
- *The fact that this kind of housing is necessary to support the community both in the future and the present*
- *The need for this housing for students, young professionals, families, and other community members*

**On the main motion as amended**

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

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
  - a. Increase the number of carshare cars and dedicated parking spaces to at least of 15;
  - b. Increase the number of bike parking stalls to at least 2,500;
  - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Kim, Councillor Loughton, Councillor Thompson  
OPPOSED (1): Councillor Hammond

**CARRIED (8 TO 1)**

**Motion to postpone:**

**Moved By** Councillor Gardiner  
**Seconded By** Councillor Caradonna

That Council postpone consideration of the adoption of the following until registration of legal agreements in the form satisfactory to the City Solicitor:

1. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
3. Housing Agreement (900 Block Yates and 1045 Yates) Bylaw (2022) No. 22-084
4. Housing Agreement (1045 Yates) Bylaw (2022) No. 22-085
5. Development Permit with Variances No. 00150

**CARRIED UNANIMOUSLY**

**L. ADJOURNMENT**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Dell

That the Special Council meeting be adjourned at 8:05 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR





## MINUTES - VICTORIA CITY COUNCIL

February 23, 2023, 6:30 P.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 Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, Councillor Thompson

PRESENT ELECTRONICALLY: Councillor Dell

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Anderson - Deputy City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, C. Mycroft - Manager of Executive Operations, G. Diamond - Council Secretary, S. Johnson - Director of Communications and Engagement, B. Roder - Committee Secretary

### A. MUSIC

Music Performance by the Ludwig Trio from the Victoria Conservatory of Music.

The recording provided for this City Council meeting is by young artists from the VCM Collegium Program. The Collegium is an enriched program for talented young classical musicians – singers, pianists and other instrumentalists – brought together with outstanding teachers to create a lively, collaborative educational experience devoted to the pursuit of musical excellence.

### B. APPROVAL OF AGENDA

**Moved By** Councillor Thompson

**Seconded By** Councillor Kim

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### D. REQUESTS TO ADDRESS COUNCIL

**Moved By** Councillor Caradonna

**Seconded By** Councillor Coleman

That the following speakers be permitted to address Council.

## **CARRIED UNANIMOUSLY**

### **D.1 Robyn Webb: BC Hydro Electricity Plan - putting a cleaner climate first (In-person)**

Outlined to Council the importance of strengthening a partnership with the City for an electrified future.

### **D.3 Patrick Warren: Cannabis Zoning (In-person)**

Outlined to Council the concerns of cannabis zoning that could result in competing cannabis retailers in Vic West.

### **D.4 Paul Christopher: 900 Pandora and 844 Johnson (In-person)**

Outlined to Council the challenges with homelessness, addiction and crime at the 900 Pandora block and 844 Johnson Street.

### **D.5 Greg Mitchell: Item F.2: 1050 Pandora Avenue Tax Incentive Program Application No. 00032 (In-person)**

Outlined reasons why Council should reconsider the 1050 Pandora Avenue tax incentive application for systemic upgrades.

### **D.6 Clement Onyinyechuku Ezegbe: leadership skills /communication and also will address on human rights violations / self introduction. (In-person)**

Outlined to Council the importance of government official leadership skills, and addressed concerns for human rights violations.

## **F. PUBLIC AND STATUTORY HEARINGS**

### **F.1 Draft Five Year Financial Plan 2023-2027**

Council is providing an opportunity for residents to provide feedback on the Draft Five Year Financial Plan 2023-2027.

#### **F.1.a Opportunity for Public Comment:**

*Mayor Alto opened the opportunity for public comment at 7:11 p.m.*

Lori Roter (Bay St): Expressed support for the Police Board's request for additional positions to improve safety in the downtown core.

Robin Bayley (Linden Ave): Expressed concerns for the lack of accessibility policy and projects considered in the draft financial plan.

Tom Hackney (Fairfield): Expressed importance of sufficient funding for the Climate Action Leadership Plan.

Trent Peldna: Expressed need for Provincial government to act on homelessness and public safety.

Rita Godron: Expressed concern for rising costs and property taxes, and need for increase in community policing.

*Council recessed from 7:45 p.m. to 7:50 p.m. to provide an opportunity for members of the public to call to speak live.*

Allison Smith: Expressed support for funding the Crystal Pool replacement project.

Ben Martin (James Bay): Expressed need for transit funding and expansion to support increased density.

Unknown: Expressed importance of avoiding budget decisions that benefit large businesses and focus on supporting the citizens.

*Mayor Alto closed the opportunity for public comment at 7:53 p.m.*

**O. ADJOURNMENT**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Kim

That the Council meeting adjourn at 7:53 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR



## MINUTES - VICTORIA CITY COUNCIL

March 2, 2023, 1:55 P.M.

**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**

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, S. Thompson - Deputy City Manager / Chief Financial Officer, T. Soulliere - Director of Parks, Recreation & Facilities, P. Bellefontaine - Director of Engineering & Public Works, K. Hoese - Director of Sustainable Planning and Community Development, A. Hudson - Assistant Director of Community Planning, C. Mycroft - Manager of Executive Operations, C. Anderson - Deputy City Clerk, D. Atkinson - Acting Fire Chief, S. Johnson - Director of Communications and Engagement, M. Heiser - Council Secretary. B. Roder - Committee Secretary

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Caradonna

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **D. PROCLAMATIONS**

#### **D.1 "Multiple Myeloma Awareness Month" - March 2023**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Dell

That the following proclamation be endorsed:  
"Multiple Myeloma Awareness Month" - March 2023

**CARRIED UNANIMOUSLY**

### **G. REPORTS OF COMMITTEE**

#### **G.1 Committee of the Whole**

## **G.1.a Report from the February 16, 2023 COTW Meeting**

### **G.1.a.a 54 Government Street: Heritage Designation Application No. 000204 (James Bay)**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Gardiner

That Council:

1. approve the designation of the property located at 54 Government Street, pursuant to Section 611 of the Local Government Act, as a Municipal Heritage Site; and
2. direct staff to prepare the Heritage Designation Bylaw for introductory readings at a subsequent meeting and a Public Hearing date be set.

**CARRIED UNANIMOUSLY**

### **G.1.a.b 1050 Pandora Avenue: Tax Incentive Program Application No.00032 (North Park)**

*Committee discussed the following:*

- *Comments from Victoria Civic Heritage Trust*
- *Need for additional information*
- *Impact on building progress*

**Moved By** Councillor Dell  
**Seconded By** Councillor Coleman

That Council decline Tax Incentive Program Application No. 00032 for 1050 Pandora Avenue.

**Moved By** Councillor Loughton  
**Seconded By** Councillor Kim

**Motion to refer:**

That this be referred back to Committee of the Whole pending receipt of the briefing of the Heritage Tax Incentive Program.

FOR (6): Mayor Alto, Councillor Coleman, Councillor Gardiner, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (3): Councillor Caradonna, Councillor Dell, and Councillor Hammond

**CARRIED (6 to 3)**

**G.1.a.c**

**1693-1699 Fort Street: Update Report for Rezoning Application and Official Community Plan Amendment No. 00766 and Development Permit with Variances Application No. 00175 (South Jubilee)**

**Moved By** Councillor Thompson

**Seconded By** Councillor Coleman

That Council give first and second readings to Official Community Plan Amendment Bylaw (No. 46) No. 23-001 and to Zoning Regulation Bylaw Amendment (Bylaw No. 23-003) No. 1291.

That Council give introductory readings to Housing Agreement (1693-1699 Fort Street) Bylaw No. 23-002.

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning and Official Community Plan Amendment Application No. 00766, if it is approved, consider the following motion:

1. "That subject to the adoption of the Zoning Regulation Bylaw Amendment, Council authorize the issuance of Development Permit with Variance Application No. 00766 for 1693-1699 Fort Street, in accordance with:
  - a. Plans date stamped September 8, 2022.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. increase the maximum height from 18.50m to 20.20m;
    - ii. decrease the front yard setback from 13.50m to 0.70m (cantilevered bay window over entry);
    - iii. decrease the front yard setback from 13.50m to 2.745 (building);
    - iv. decrease the front yard setback from 13.50m to 2.20m (bay windows);
    - v. decrease the canopy setback from 4.50m to 1.25m (on North East corner);
    - vi. decrease the rear yard setback from 10.10m to 3.25m;
    - vii. decrease the side yard setback (east) from 13.50m to 3.0m;
    - viii. decrease the side yard setback (west) from 10.10m to 1.80m;
    - ix. increase the site coverage from 20% to 61.20%;
    - x. reduce the number of residential vehicle parking spaces 36 to 9;
    - xi. increase the distance between the entrance and the short-term bike parking from 15m to 25m.

2. That the Development Permit, if issued, lapses in two years from the date of this resolution.
3. That all of the parking spaces have access to electrification."

**CARRIED UNANIMOUSLY**

**G.1.a.d 910 Government Street: Application for a New Liquor Primary Licence for Axe and Grind (Downtown)**

**Moved By** Councillor Dell  
**Seconded By** Councillor Kim

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Axe and Grind, located at 910 Government Street for a new liquor primary licence having hours of licenced service that are 9 a.m. to 12 a.m. daily with an occupant load of 80 people.

Approval of the application is not expected to produce noise related impacts and the following comments are provided regarding the prescribed considerations:

- a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
- b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 643 owners and occupants, the City received eight letters in response to the notification which included a letter from the Downtown Residents Association (DRA); all eight expressed opposition to the application.
- c. Council recommends to the Province that the liquor primary licence be approved as recommended

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson  
OPPOSED (1): Councillor Gardiner

**CARRIED (8 to 1)**

**G.1.a.e Regulation of Fences**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Kim

1. That first and second reading of the Regulation of Fences Bylaw No. 23-025 be considered by Council and a public hearing date be set.
2. That Council direct staff to prepare and bring forward, for introductory readings, amendments to the Land Use Procedures Bylaw to delegate Development Permits with or without Variances as well as Development Variance Permits for fences to staff, as outlined in this report, and that Council consider enacting the Land Use Procedures Bylaw Amendment if the Bylaw identified in Recommendation 1 is adopted.

**CARRIED UNANIMOUSLY**

**G.1.a.f Extend the Safety Initiative Reimbursement Agreement**

**Moved By** Councillor Dell  
**Seconded By** Councillor Gardiner

That Council:

1. Authorize staff to extend the Safety Initiative Reimbursement agreement with the Downtown Victoria Business Association (DVBA) until December 31, 2023, or until all funds are utilized, whichever comes first.

**CARRIED UNANIMOUSLY**

**I. BYLAWS**

**I.1 Bylaw for 1964 Fairfield Road**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Caradonna

That the following bylaw **be given first and second readings:**

1. Heritage Designation (1964 Fairfield Road) Amendment Bylaw (No. 1) No. 23-007

**CARRIED UNANIMOUSLY**

**L. CLOSED MEETING**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Caradonna

**MOTION TO CLOSE THE MARCH 2, 2023 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)(c) labour relations or other employee relations; and*

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

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

*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.*

**CARRIED UNANIMOUSLY**

*The daytime meeting of Council was closed to the public at 2:23 p.m.*

**M. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Coleman

That the closed agenda be approved.

**CARRIED UNANIMOUSLY**

**O. UNFINISHED BUSINESS**

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

*Council discussed a legal matter. The discussion was recorded and kept confidential.*

**Q. NEW BUSINESS**

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

*Council discussed a legal matter. The discussion was recorded and kept confidential.*

**Q.2 Intergovernmental Relations - Community Charter Section 90(2)(b)**

*Council discussed an intergovernmental relations matter. The discussion was recorded and kept confidential.*

**Motion to recess:**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Kim

That Council recess the Closed Council meeting to the conclusion of the Special Committee of the Whole meeting of March 2, 2023.

**CARRIED UNANIMOUSLY**

*Council reconvened the Closed Council meeting at 9:00 p.m.*

*All staff except for the City Manager left the meeting at 9:00 p.m.*

*The City Manager assumed the role of Recording Secretary.*

**Q.3 Intergovernmental Relations - Community Charter Section 90(2)(b)**

*Council discussed an intergovernmental relations matter. The discussion was recorded and kept confidential.*

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

*Council discussed an employee relations matter. The discussion was recorded and kept confidential.*

**S. ADJOURNMENT**

**Moved By** Councillor Caradonna  
**Seconded By** Councillor Coleman

That the Closed Council Meeting be adjourned at 9:15 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR



## MINUTES - VICTORIA CITY COUNCIL

March 9, 2023, 2:50 P.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, S. Thompson - Deputy City Manager / Chief Financial Officer, 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, P. Rantucci – Director of Strategic Real Estate, S. Webb - Manager of Transportation, P. Bellefontaine - Director of Engineering & Public Works, S. Johnson - Director of Communications and Engagement, M. Heiser - Council Secretary, B. Roder - Committee Secretary

### **B. APPROVAL OF AGENDA**

**Moved By** Councillor Thompson  
**Seconded By** Councillor Coleman

That the agenda be approved.

**CARRIED UNANIMOUSLY**

### **G. REPORTS OF COMMITTEE**

#### **G.1 Committee of the Whole**

##### **G.1.a Report from the February 23 COTW Meeting**

**G.1.a.a 2330 Government Street: Application to Add an Outdoor Patio Area for Vancouver Island Brewing (Burnside)**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of Vancouver Island Brewing, located at 2330 Government Street, to add a 33-person, outdoor patio area to the existing manufacturer lounge endorsement licence that has an occupant load of 86 people (119 total) with existing hours that are 9 a.m. to 11 p.m. daily.

Approval of the application is not expected to produce noise related impacts and the following comments are provided regarding the prescribed considerations:

- a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
- b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 220 owners and occupants, the City received one letter of support and the Burnside Gorge Community Association did not respond to the notification.
- c. Council recommends to the Province that the liquor primary licence be approved as recommended.

**CARRIED UNANIMOUSLY**

**G.1.a.b**

**OCP Updates: Proposed Amendments for Clarity and Alignment**

**Moved By** Councillor Coleman

**Seconded By** Councillor Thompson

1. That Council receive for information the OCP Updates Engagement Summary.
2. That Council direct the Director of Sustainable Planning and Community Development to do the following:
  - a. Bring forward an Official Community Plan Amendment Bylaw for first and second readings prior to consideration at a public hearing for amendments generally in accordance with those in Appendix A: Development Permit Areas of Attachment A.
  - b. Revise the regional context statement for consistency with policy updates undertaken as part of this review and submit the draft regional context statement to the Capital Regional District Board for consideration of acceptance per the requirements of Section 448 of the Local Government Act.

- c. Bring forward an Official Community Plan Amendment Bylaw for first and second readings prior to consideration at a public hearing for amendments generally in accordance with those in Attachment A, aside from those specified in resolution 2(a) above, following acceptance or deemed acceptance after the 120-day wait period of the regional context statement by the Capital Regional District Board.
- d. Include in the Official Community Plan Amendment Bylaw, described in recommendation 2(c) above, amendments to Section 21: Neighbourhood Directions to adjust the neighbourhood boundaries for Oaklands, North and South Jubilee, Downtown, Harris Green and Fairfield, per the outcomes of the Neighbourhood Boundaries process and as illustrated in Attachment C.
- e. Prepare amendments to the Zoning Regulation Bylaw, Zoning Bylaw 2018, and Streets and Traffic Bylaw to reconcile any provisions that may be impacted by revisions associated with these Official Community Plan, 2012 (OCP) updates.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson  
 OPPOSED (1): Councillor Gardiner

**CARRIED (8 to 1)**

**G.1.a.c 2022 Election Candidate Campaign Financial Disclosure Statements**

**Moved By** Councillor Gardiner  
**Seconded By** Councillor Coleman

That Council receive the 2022 Election Candidate Campaign Financial Disclosure Statements report for information.

**CARRIED UNANIMOUSLY**

**G.1.b Report from the March 6, 2023 Special COTW Meeting**

**G.1.b.a 2023-2027 Draft Financial Plan**

*Mayor Alto requested that each motion be considered separately.*

**Moved By** Councillor Dell  
**Seconded By** Councillor Caradonna

1. That Council direct staff to comment on the financial implications of the creation of a \$150,000 grant to activate the Victoria Music Strategy.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Dell  
**Seconded By** Councillor Kim

2. That Council direct staff to comment on the financial implications of implementing paid on-street and parkade parking from 8am - 9am and 7pm - 8pm, at rates to be determined by staff, with all funds to be re-invested in the downtown core towards beautification and maintenance, cultural opportunities, and new public parks and amenities.

FOR (7): Mayor Alto, Councillor Caradonna, Councillor Dell, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (2): Councillor Coleman, and Councillor Gardiner

**CARRIED (7 to 2)**

**Moved By** Councillor Loughton  
**Seconded By** Councillor Caradonna

3. That Council direct staff to comment on the financial and operational implications of creating a pilot project to provide storage for people sheltering. The suggested initial cost allocation of \$50,000 would come from an application to the provincial government, or if unsuccessful, then from surplus and/or contingency funds.

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Kim

4. To direct staff to comment on the City's allocations among three reserve funds: the Parking Reserve Fund, the Development Stabilization Reserve, and the Debt Reduction Reserve, with the goal of lowering the tax lift in 2023.

FOR (7): Mayor Alto, Councillor Coleman, Councillor Gardiner, Councillor Hammond, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (2): Councillor Caradonna, and Councillor Dell

**CARRIED (7 to 2)**

*Councillor Thompson declared a conflict of interest and recused himself from the meeting at 2:57 p.m. due to having a relative associated with an organization being considered.*

**Moved By** Councillor Loughton  
**Seconded By** Councillor Kim

5. That Council direct staff to comment on the financial implications of allocating sustaining funds of \$110,000 annually for 2023-27 to the Greater Victoria Community Social Planning Council to support the Greater Victoria Rent Bank from surplus and/or the contingency funds or the Housing Reserve Fund.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, and Councillor Loughton  
Conflict (1): Councillor Thompson

**CARRIED (8 to 0)**

**Moved By** Councillor Loughton  
**Seconded By** Councillor Kim

6. AND THAT the Community Social Planning Council be requested to provide annual reports on the performance of the Rent Bank Program prior to the following year's annual City budget deliberations.

FOR (8): Mayor Alto, Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Gardiner, Councillor Hammond, Councillor Kim, and Councillor Loughton  
Conflict (1): Councillor Thompson

**CARRIED (8 to 0)**

*Councillor Thompson rejoined the meeting at 2:59 p.m.*

**G.1.c Report from the March 9, 2023 COTW Meeting**

**G.1.c.a Tiny Homes Village Licence Extension**

**Moved By** Councillor Dell  
**Seconded By** Councillor Caradonna

That Council:

1. Authorize the City to enter into an extension agreement for the Licence of Occupation with Our Place Society, in a legal form acceptable to the City Solicitor, to

extend the temporary purpose-built transitional housing Tiny Home Village, until September 30th, 2023, located on the Royal Athletic Park parking lot at 940 Caledonia Avenue and 953 and 963 Green Street (“940 Caledonia”). This authorization is subject to all current licence provisions and to agreement by BC Housing to assume and fund costs, during the extension period, previously funded by the City associated with Tiny Homes, including utilities, maintenance and 24/7 security and that Council strongly encourages BC Housing to consider additional security for the perimeter and vicinity of the Tiny Town Village to mitigate any negative impacts to the community in consultation with neighbours in the proximity of Tiny Town Village, as the project comes to an end.

2. Authorize the Director of Strategic Real Estate to notify the Licensee, Our Place Society, the project funder, BC Housing, and the modular unit supplier, Alliance to End Homelessness in the Capital Region, that there will be no further licence extensions beyond September 30th, 2023.

**CARRIED UNANIMOUSLY**

**G.1.c.b**

**Project Plan for Feasibility Study and Costing - Crystal Pool and Fitness Centre Replacement**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

That the motion remain on the daytime Council meeting for Council consideration.

FOR (6): Councillor Caradonna, Councillor Coleman, Councillor Dell, Councillor Kim, Councillor Loughton, and Councillor Thompson

OPPOSED (3): Mayor Alto, Councillor Gardiner, Councillor Hammond

**CARRIED (6 to 3)**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

That Council direct staff to include in the 2023 Financial Plan a budget of \$1,778,000 for the Crystal Pool Replacement Project with funding from the Buildings and Infrastructure Reserve.

**CARRIED UNANIMOUSLY**



**G.1.c.c Request for Removal from the Taxed Boulevard Program**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That Council approve the removal of the following boulevards from the Taxed Boulevard Program effective for the 2023 tax year:

1. 1400 Block of Thurlow Road
2. 2000 Block of Belmont Avenue
3. 400 Block of Chester Avenue

**CARRIED UNANIMOUSLY**

**I. BYLAWS**

**I.1 Bylaw for Patio Regulation**

**Moved By** Councillor Dell  
**Seconded By** Councillor Caradonna

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

1. Patio Regulation Bylaw No. 23-035

**CARRIED UNANIMOUSLY**

**L. CLOSED MEETING**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Dell

**MOTION TO CLOSE THE MARCH 9, 2023 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)(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; and*

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

Section 90(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

*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.*

**CARRIED UNANIMOUSLY**

**M. APPROVAL OF CLOSED AGENDA**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Kim

That the closed agenda be approved.

**Amendment:**

**Moved By** Mayor Alto  
**Seconded By** Councillor Thompson

That the item titled **D.1 Legal Advice - Community Charter Section 90(1)(i)** be added to the closed agenda.

**CARRIED UNANIMOUSLY**

**On the agenda as amended:**

**CARRIED UNANIMOUSLY**

**O. Presentation**

**O.1 Intergovernmental Relations - Community Charter Section 90(2)(b)**

*Council received a presentation on an intergovernmental relations matter. The presentation was recorded and kept confidential.*

*The meeting recessed at 4:30 p.m. and reconvened at 7:57 p.m.*

**Q. UNFINISHED BUSINESS**

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

*Council discussed a legal matter. The discussion was recorded and kept confidential.*

**R. NEW BUSINESS**

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

*Council discussed a legal matter. The discussion was recorded and kept confidential.*

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

*Council discussed a land matter. The discussion was recorded and kept confidential.*

**T. ADJOURNMENT**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

That the Closed Council Meeting be adjourned at 10:02 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

---

MAYOR

DRAFT



## MINUTES - VICTORIA CITY COUNCIL

March 9, 2023, 6:30 P.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 Kim, Councillor Loughton, Councillor Thompson

ABSENT: Councillor Hammond

STAFF PRESENT: J. Jenkyns - City Manager, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Soulliere - Director of Parks, Recreation & Facilities, K. Hoese - Director of Sustainable Planning and Community Development, L. Van Den Dolder - Assistant City Solicitor, C. Mycroft - Manager of Executive Operations, S. Johnson - Director of Communications and Engagement, M. Angrove - Planner, P. Bellefontaine - Director of Engineering & Public Works, J. Biem – Assistant City Solicitor, D. Atkinson - Fire Chief, C. Du Bois, Manager, Real Estate Initiatives, P. Rantucci – Director of Strategic Real Estate, S. Perkins – Director of Bylaw Services, J. Edney – Housing Planner, G. Diamond – Senior Legislative Coordinator, M. Heiser - Senior Legislative Coordinator

A. **MUSIC**

Music Performance by the Victoria Conservatory of Music.

B. **APPROVAL OF AGENDA**

The City Clerk outlined amendments to the agenda.

**Moved By** Councillor Coleman

**Seconded By** Councillor Kim

That the agenda be approved as amended.

**CARRIED UNANIMOUSLY**

D. **REQUESTS TO ADDRESS COUNCIL**

**Moved By** Councillor Coleman

**Seconded By** Councillor Thompson

That the following speakers be permitted to address Council.

## **CARRIED UNANIMOUSLY**

### **D.1 Emma Hillian: Eviction of Pregnant and New Mothers (In-person)**

Outlined to Council reasons landlords should delay the eviction of pregnant and new mothers from rentals during vulnerable times or hardships.

### **D.2 Mark Portela Dos Santos: Victoria as a Music City - The Need for Music Venues (In-person)**

Outlined to Council the need for additional music venues to accommodate events in the City and the need for more accessible transit options.

### **D.3 Jeffrey McEown: Humane Treatment of the Unhoused (In-person)**

Outlined to Council reasons that the Parks Regulation Bylaw should be amended to allow individuals to shelter in place until housing is accessed and outlined concerns regarding the suffering of unhoused individuals in Victoria.

### **D.4 Justin Best: Coalition of Neighbourhood Houses - Capital Region (In-person)**

Outlined to Council reasons that more youth programming is needed for Victoria residents and the need for a larger facility.

### **D.5 Kelsey Singbeil: Fernwood Neighbourhood Resource Group and Neighbourhood Houses (Video)**

Outlined to Council the operations of Neighbourhood Houses and the range of community services that are offered.

### **D.6 Chantille Viaud: Fernwood Neighbourhood Resource Group Society (In-person)**

Outlined to Council the importance of community and the current operations of the Fernwood Neighbourhood Resource Group Society.

## **F. PUBLIC AND STATUTORY HEARINGS**

### **F.1 1114 and 1116 McClure Street: Rezoning Application No. 00772 and Development Permit with Variances Application No. 00185**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1289) - No. 23-014

To rezone the land known as 1114/1116 McClure Street from the R1-B Zone, Single Family Dwelling District, to the R-107 Zone, Multiple Dwelling (1114 McClure) District, to increase the density to 0.71:1 floor space ratio and allow for a ground-oriented multiple dwelling with three to six dwelling units as a permitted use.

Development Permit with Variances Application No. 00185

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1114/1116 McClure Street, in Development Permit Area 15F: Intensive Residential – Attached Residential Development, for purposes of approving the form, character, exterior design, finishes and landscaping associated with a six-unit houseplex.

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

- reduce the vehicle parking from 10 stalls to 6 stalls.

**F.1.a Public Hearing & Consideration of Approval**

Michael Angrove (Planner): *Advised that the application is to rezone land known as 1114/1116 McClure Street from the R1-B Zone, Single Family Dwelling District, to a new zone in order to increase the density from 0.5:1 floor space ratio (FSR) to 0.71:1 FSR and allow for a six-unit houseplex (ground-oriented multiple dwellings) as a permitted use.*

*Mayor Alto opened the public hearing at 7:05 p.m.*

Keith Tetlow (Applicant): Provided information regarding the application.

*Council recessed from 7:14 p.m. until 7:20 p.m. to provide an opportunity for members of the public to call to speak live.*

Riga Godron (No address provided): Expressed support for the application due to the thoughtful design.

*No further persons called in to speak to the proposed application.*

*Council discussed the following:*

- *Alignment with the City's current Tenant Assistance Policy*
- *Tenants currently residing on the property*

*Mayor Alto closed the public hearing at 7:26 p.m.*

**Moved By** Councillor Coleman

**Seconded By** Councillor Caradonna

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1289) No. 23-014

*Council discussed the following:*

- *Support received from neighbouring properties*

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Coleman

That the following bylaws **be adopted**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1289) No. 23-014
2. Housing Agreement (1114 McClure) Bylaw (2023) No. 23-015

**CARRIED UNANIMOUSLY**

**Moved By** Councillor Caradonna

**Seconded By** Councillor Thompson

Development Permit with Variance Application No. 00185

1. That Council authorize the issuance of Development Permit with Variance Application No. 00185 for 1114 and 1116 McClure Street, in accordance with:
  - a. Plans date stamped March 7, 2022.
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. reduce the vehicle parking from ten stalls to six stalls.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

**F.2 1025 Summit Avenue: Rezoning Application No. 00780, Development Permit with Variances Application No. 00172 and Development Variance Permit No. 00269**

Zoning Regulation Bylaw, Amendment Bylaw (No. 1297) - No. 23-027

To rezone the land known as 1025 Summit Avenue from the R1-B Zone, Single Family Dwelling District, to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, to subdivide the property and construct a new single family dwelling to the west of the existing dwelling.

Development Permit with Variances Application No. 00172

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 1025 Summit Avenue, in Development Permit Area 15A: Intensive Residential - Small Lot, for purposes of approving the exterior design and finishes for the new single family dwelling as well as landscaping for the proposed lot.

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

- reduce the front yard setback from 6.0m to 2.0m;
- reduce the rear yard setback from 6.0m to 4.55m.

Development Variance Permit Application No. 00269

The Council of the City of Victoria will consider issuing a Development Variance Permit for the land known as 1025 Summit Avenue.

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

- reduce the rear yard setback from 6.0m to 1.95m;
- increase the site coverage from 40% to 46.75%.

## F.2.a Public Hearing & Consideration Bylaw Reading

Michael Angrove (Planner): Advised that the application is to to rezone the land known as 1025 Summit Avenue from the the R1-B Zone, Single Family Dwelling District to the R1-S2 Zone, Restricted Small Lot (Two Storey) District, in order to subdivide and construct a new small lot house.

Mayor Alto opened the public hearing at 7:30 p.m.

Deane Strongitharm (Applicant): Provided information regarding the application.

Riga Godron (No address provided): Expressed support for the application due to the addition of family housing.

Council recessed from 7:38 p.m. until 7:44 p.m. to provide an opportunity for members of the public to call to speak live.

No further persons called in to speak to the proposed application.

Mayor Alto closed the public hearing at 7:44 p.m.

**Moved By** Councillor Coleman

**Seconded By** Councillor Gardiner

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

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1297) No. 23-027

**CARRIED UNANIMOUSLY**

## M. CLOSED MEETING

**Moved By** Councillor Caradonna

**Seconded By** Councillor Dell

MOTION TO CLOSE THE March 9, 2023 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)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED UNANIMOUSLY**

The Council meeting was closed to the public at 7:46 p.m.



Councillor Hammond joined the meeting at 7:49 p.m.

**N. NEW BUSINESS**

**N.1 Land – Community Charter Section 90(1)(e)**

Council discussed a land matter. The motion was recorded and kept confidential.

**N.2 Legal Advice – Community Charter Section 90(1)(i)**

Council discussed a land matter. The motion was recorded and kept confidential.

**O. ADJOURNMENT**

**Moved By** Councillor Coleman  
**Seconded By** Councillor Thompson

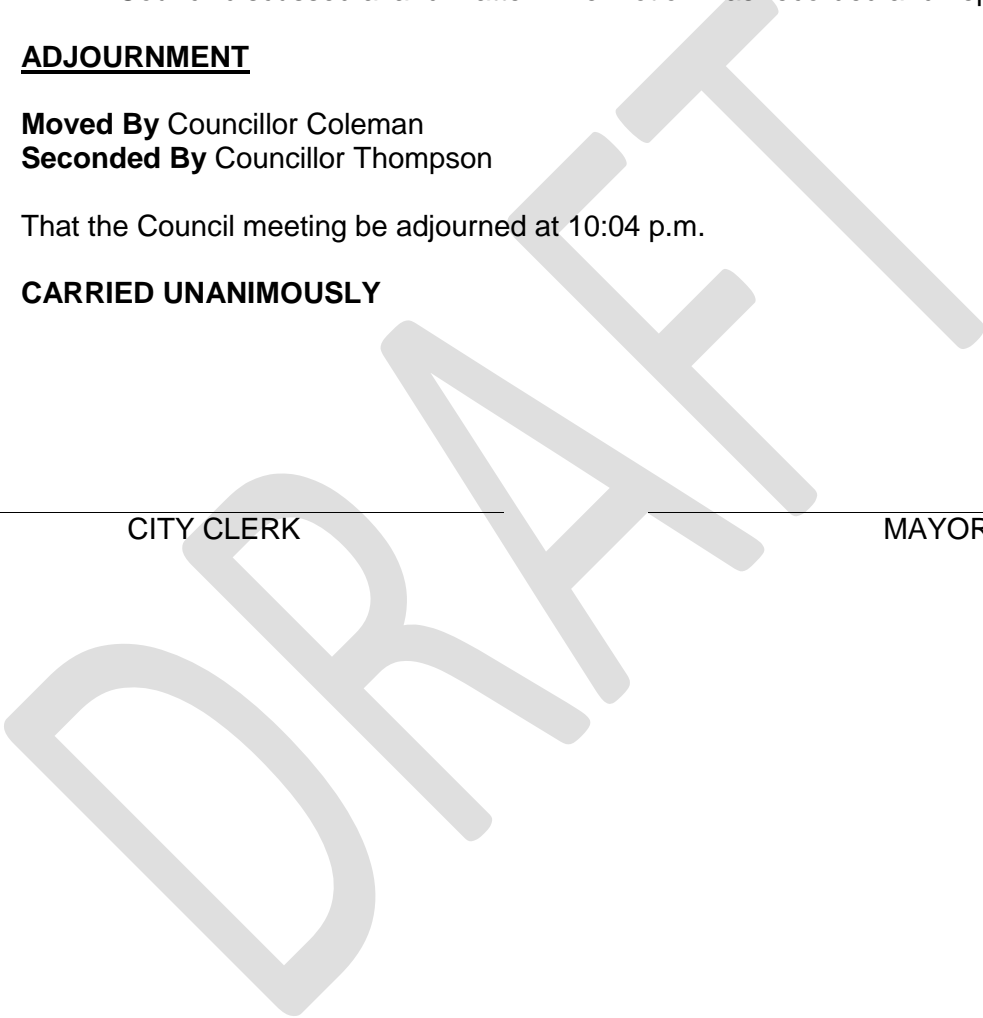
That the Council meeting be adjourned at 10:04 p.m.

**CARRIED UNANIMOUSLY**

---

CITY CLERK

MAYOR





## CITY OF VICTORIA

---

# PROCLAMATION

## “GLOBAL LOVE DAY”

- WHEREAS** *The Love Foundation, Inc., a non-profit organization, has announced **GLOBAL LOVE DAY** to facilitate in establishing LOVE & PEACE on our planet; and*
- WHEREAS** ***GLOBAL LOVE DAY** will establish a worldwide focus towards "unconditionally loving each other as we love ourselves"; and*
- WHEREAS** *We are One Humanity on this planet; and*
- WHEREAS** *All life is interconnected and interdependent; and*
- WHEREAS** *All share in the Universal bond of love; and*
- WHEREAS** *Love begins with self-acceptance and forgiveness; and*
- WHEREAS** *With respect and compassion we embrace diversity; and*
- WHEREAS** *Together we make a difference through love; and*
- WHEREAS** *The Love Foundation, Inc. invites mankind to declare May 1, 2023 as **GLOBAL LOVE DAY**, a day of forgiveness and unconditional love. **GLOBAL LOVE DAY** will act as a model for all of us to follow, each and every day.*

**NOW, THEREFORE** *I do hereby proclaim Monday, May 1<sup>st</sup>, as “**GLOBAL LOVE DAY**” on the **HOMELANDS** of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE** of **BRITISH COLUMBIA**.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 6<sup>th</sup> day of April, Two Thousand and Twenty-Three.*

---

**MARIANNE ALTO**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**The Love Foundation**



## CITY OF VICTORIA

# PROCLAMATION

### **“GBS AND CIDP AWARENESS MONTH”**

- WHEREAS** *The Month of May, has been internationally designated as “GBS and CIDP Awareness Month” to educate the public and to focus attention on Guillain-Barré Syndrome (GBS) and Chronic Inflammatory Demyelinating Polyneuropathy (CIDP), rare, paralyzing and potentially catastrophic disorders of the peripheral nerves; and*
- WHEREAS** *Guillain-Barré Syndrome (GBS) and Chronic Inflammatory Demyelinating Polyneuropathy (CIDP), and their variants such as Multifocal Motor Neuropathy (MMN), are rare conditions which are paralyzing and potentially catastrophic inflammatory disorders of the peripheral nerves, which can be characterized by rapid onset of weakness, paralysis of the legs, arms, breathing muscles and face, in some cases leading to complete paralysis and requiring life-sustaining hospital care, and*
- WHEREAS** *The cause of GBS, CIDP, and MMN is unknown, and these conditions can develop in any person, regardless of age, gender or ethnic background, and*
- WHEREAS** *GBS, CIDP, and MMN have a slow and unpredictable recovery, patients and their families face an uncertain future, usually requiring months of hospital care without knowing if or when they will recover, or whether they will face long-term disabilities. Earlier diagnosis, treatment, and access to rehabilitation services can improve the chances of avoiding permanent lifelong residual damage of the nerves, and*
- WHEREAS** *In 2003, GBS/CIDP Foundation of Canada, a patient organization providing support, education, research, and advocacy, was founded so that no patient or family would go through GBS/CIDP, MMN or their variants alone.*

**NOW, THEREFORE** *I do hereby proclaim the month of May, as “GBS AND CIDP AWARENESS MONTH” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

**IN WITNESS WHEREOF**, *I hereunto set my hand this 6<sup>th</sup> day of April, Two Thousand and Twenty-Three.*

---

**MARIANNE ALTO**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**GBS/CIDP**  
**Foundation of Canada**



## CITY OF VICTORIA

# PROCLAMATION

### “CHINESE PEOPLE’S RAILROAD DAY”

- WHEREAS** 17,000 Chinese pioneers were recruited to Canada in the 1880s to help build the transcontinental railroad. The railway united Canada from coast to coast and laid the foundation for economic and industrial prosperity; and
- WHEREAS** Tragically, over 4,000 Chinese railroad workers died during construction due to unsafe working conditions, landslides, and premature blastings; and
- WHEREAS** After being recruited, the Chinese were banned from Canada through the Chinese Immigration Act (also known as the Chinese Exclusion Act). This discriminatory law took effect on July 1, 1923, what most Canadians call Canada Day, which the Chinese Community calls "Humiliation Day"; and
- WHEREAS** The Chinese Exclusion Act banned Chinese immigrants for 24 years until its repeal in 1947. During the exclusionary period, many wives and children in China were separated from the Chinese men in Canada.; and
- WHEREAS** With the formal apology by the Government of Canada on June 22, 2006, for the unjust legislation of the Chinese Exclusion Act, Prime Minister Stephen Harper remarked that Chinese Railroad Workers contributed to the “most important nation-building enterprise in Canadian history” and referred to the railroad as the “ribbon of steel that bound our fledgling country together”; and
- WHEREAS** The Chinese Exclusion Act’s 100<sup>th</sup> anniversary is on July 1, 2023; and
- WHEREAS** The Foundation to Commemorate the Chinese Workers in Canada calls upon Canada’s 14 capital cities to proclaim July 1, 2023 Chinese People’s Railroad Day; and
- WHEREAS** Every capital city that declares July 1st, 2023, as Chinese People's Railroad Day will, in the opinion of the Foundation to Commemorate the Chinese Railroad Workers in Canada, demonstrate genuine and meaningful recognition of the Chinese Railroad Workers who lost their lives while building the railway.
- NOW, THEREFORE** I do hereby proclaim Saturday, July 1<sup>st</sup>, as “**CHINESE PEOPLE’S RAILROAD DAY**” on the **HOMELANDS** of the Lekwungen speaking **SONGHEES AND ESQUIMALT PEOPLE** in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**.

**IN WITNESS WHEREOF**, I hereunto set my hand this 6<sup>th</sup> day of April, Two Thousand and Twenty-Three.

\_\_\_\_\_  
**MARIANNE ALTO**  
**MAYOR**  
**CITY OF VICTORIA**  
**BRITISH COLUMBIA**

**Sponsored by:**  
**The Foundation to Commemorate**  
**the Chinese Railroad Workers in Canada**

**COMMITTEE OF THE WHOLE REPORT**  
**FROM THE MEETING HELD MARCH 16, 2023**

For the Council meeting of April 6, 2023, the Committee recommends the following:

**H. NEW BUSINESS**

**H.1 Council Member Motion - AVICC in Nanaimo from April 14-16, 2023, for Councillor Kim**

That Council authorize the attendance and associated costs for Councillor Kim to attend the Association of Vancouver Island and Coastal Communities AGM and Convention in Nanaimo from April 14-16, 2023.

The approximate cost per person for attending is:

Conference Registration Fee	\$480.00
Travel to/from Nanaimo	\$400.00
Rental car	\$300.00
Gas	\$100.00
Accommodation (2 nights)	\$400.00
Food & Incidentals (1 lunch, 2 dinners) 2 breakfasts, 1 lunch provided	\$110.00

Estimated total cost = \$1,390.

**H.2 Council Member Motion - AVICC in Nanaimo from April 14-16, 2023, for Councillor Loughton**

That Council authorize the attendance and associated costs for Councillor Loughton to attend the Association of Vancouver Island and Coastal Communities AGM and Convention in Nanaimo from April 14-16, 2023.

The approximate cost for attending is:

Conference registration fee	\$480.00
Travel to/from Nanaimo	\$160.00
Accommodations (2 nights)	\$400.00
Food & Incidentals (1 lunch, 2 dinners)	\$110.00

Estimated total cost = \$1,150.00



## Council Report

For the Meeting of April 6, 2023

---

**To:** Council **Date:** March 23, 2023

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

**Subject:** Update Report for Rezoning Application No. 00759 for 557 Simcoe Street and Associated Development Permit with Variances Application No. 00200

---

### RECOMMENDATION

#### Rezoning Application

That Council:

1. give first and second readings to Zoning Regulations Bylaw Amendment (Bylaw No. 23-026) No 1296 and;
2. declare that a legal agreement to prevent a future strata from restricting rentals is not required (notwithstanding the resolution requiring such an agreement approved on July 14, 2022) given recent Provincial amendments to the *Strata Property Act*.

#### Development Permit with Variances

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00759, if it is approved, consider the following motion:

- "1. That subject to the adoption of the necessary Zoning Regulation Bylaw Amendment, Council authorize the issuance of Development Permit with Variances No. 00200 for 557 Simcoe Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 20, 2022, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. reduce the front yard setback from 7.5m to 7.28m;
    - ii. reduce the rear yard setback from 17.13m to 7.50m;
    - iii. reduce the side yard setback (east) from 1.83m to 1.68m;
    - iv. increase the height of Building A from 7.60m to 8.02m;
    - v. increase the height of Building B from 7.60m to 7.84m;
    - vi. increase the number of stories from 1.5 with a basement to 2 with a basement;
    - vii. increase the open site space (minimum) from 30% to 27%.

2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.”

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for Rezoning and Development Permit with Variances Applications for the property located at 557 Simcoe Street. This proposal is to allow for two buildings each with two units on one lot (four dwellings total) with an overall density of 0.64:1 FSR. A site-specific zone has been drafted to accommodate the proposal.

The applicant has fulfilled the conditions established by Council, including registering a legal agreement for a 2.0m Statutory Right-of-Way on Simcoe Street.

When the Development Permit was first presented to Committee of the Whole on June 30, 2022, the application was subject to DPA 15D: Intensive Residential – Duplexes and the design was evaluated against the *Neighbourliness Design Guidelines for Duplexes*. Since the approval of the *Missing Middle Policy* in January 2023 and subsequent bylaw amendments, the application is now subject to DPA 15F: Missing Middle.

A Housing Agreement prohibiting future strata corporations from restricting the rental of units to non-owners is no longer necessary given the Provincial amendments to the *Strata Property Act* that came into effect on November 24, 2022. The Act states that strata corporations can no longer restrict the rental of strata lots. With the changes to the Act, a Housing Agreement is unnecessary as the intent of the agreement is now covered by this section within the Act. The recommendation has been updated to reflect this change for Council consideration.

While this report does confirm that the conditions set by Council for this application to proceed to a public hearing have been fulfilled, the principal purpose of the report is to provide a brief analysis of the applications’ consistency, with the now relevant *Missing Middle Design Guidelines*.

## BACKGROUND

This application for two buildings each with two units on one lot (four dwellings total) was presented to Committee of the Whole on June 30, 2022, and Council ratified the following motion on July 14, 2022:

### Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00710 for 557 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a public hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, to secure:
  - a. a 2.0m wide Statutory Right-of-Way along the Simcoe Street frontage, with the terms to the satisfaction of the Director of Engineering and Public Works
  - b. future strata cannot restrict the rental of units to non-owners, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

## Development Permit with Variances Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00759, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variances Application No. 00200 for 557 Simcoe Street, in accordance with:
  - a. Plans date stamped January 20, 2022
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. Reduce the front yard setback from 7.5m to 7.28m;
    - ii. reduce the rear yard setback from 17.13m to 7.50m;
    - iii. reduce the side yard setback (east) from 1.83m to 1.68m;
    - iv. increase the height of Building A from 7.60m to 8.02m;
    - v. increase the height of Building B from 7.60m to 7.84m;
    - vi. increase the number of stories from 1.5 with a basement to 2 with a basement;
    - vii. increase the open site space (minimum) from 30% to 27%.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

## **MISSING MIDDLE POLICY UPDATE**

When the application was first presented to Council in 2022, it was subject to DPA 15D: Intensive Residential – Duplexes, and the design was evaluated against the *Neighbourliness Design Guidelines for Duplexes*.

Since the approval of the *Missing Middle Policy* in January 2023, and subsequent bylaws that came into effect on March 12, 2023, the application is now subject to DPA 15F: Missing Middle.

The application meets the new *Missing Middle Design Guidelines* in the following ways:

- Elevated front entrances, with landscaping that accentuates the primary entries fronting Simcoe Street have been provided.
- Materials are high quality and durable, including brick veneer, cement board and cedar siding.
- Front yard setbacks and building design generally fit the context.
- Units have direct access to a small amount of outdoor space. The front units have a small patio in the front and deck off the rear, and the rear units have a rear patio.
- For interior lot townhouses, there should be a minimum of 8m between principal facades. The proposal has an approximate separation space of 7.8m, and generally meets this guideline.
- Permeable paving is proposed which will help to reduce runoff.

There are also several aspects of the proposal that do not meet the *Missing Middle Design Guidelines*; however, it should be noted that this proposal has not changed from what was last presented to Council and the proposal was equally deficient, when previously assessed against the *Neighbourliness Guidelines for Duplexes*. Areas of deficiency include:

- Vehicle circulation space and a ramp to the basement level garages dominate the site. The Guidelines note that where parking courts are included, they should be integrated,



landscaped, and create a welcoming space. There are no landscaping elements nor trees proposed in the parking area or around the entries facing this area.

- The Guidelines note that driveways and circulation should include a minimum one metre landscape buffer. While there are small cedar boxes placed along the retaining wall, their long-term viability is questionable.
- Due to the basement level garages, a long ramp leading down into the site with large retaining walls that are up to 3m in height are required, which impacts the streetscape.
- The site has minimal contiguous open site space. As well, the rear yard is not accessible from the front and would need to be accessed from inside the building due to the grade change between the driveway and the rear yard.
- The proposal lacks accessible design features, accessible parking, and does not include an adaptable unit that would be required as per Schedule P - Missing Middle.
- The Guidelines state that the building at the rear should be lower in height and massing than the buildings in the front, where this would mitigate impacts on neighbouring properties. Both buildings are similar height and massing.

A houseplex would have allowed for additional green space and enhanced site planning options, and although staff have had multiple conversations with the applicant to encourage them to adjust the proposal to meet the draft *Missing Middle Policy* more closely, the applicant decided to proceed to Council with the current proposal. No changes have been made to the proposal since Committee of the Whole. Consistent with Council's previous direction, staff are recommending that the application advance for consideration at a public hearing.

## CONCLUSIONS

The applicant has fulfilled the conditions set by Council. Although the proposal has not changed, it is now subject to DPAF: Missing Middle. The recommendation for Council's consideration has been updated accordingly and contains the appropriate language to advance these applications through the Council consideration process.

Respectfully submitted,

Chelsea Medd  
Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## List of Attachments

- Attachment A: Committee of the Whole Report (including attachments) dated June 16, 2022
- Attachment B: Minutes from Council meeting dated July 14, 2022
- Attachment C: Plans date stamped January 20, 2022



## Committee of the Whole Report For the Meeting of June 30, 2022

---

**To:** Committee of the Whole **Date:** June 16, 2022

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

**Subject:** Rezoning Application No. 00759 and Development Permit with Variances No. 00200 for 557 Simcoe Street

---

### RECOMMENDATION

That Council decline Rezoning Application No. 00759 for the property located at 557 Simcoe Street.

### LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application.

Relevant Rezoning considerations relate to:

- proposed density
- change of use to allow two duplex buildings on one lot.

The relevant Development Permit with Variances considerations relate to:

- the application's consistency with design guidelines
- the impact of variances.

### 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.

In accordance with Section 482 of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the

housing units and provided such agreement does not vary the use of the density of the land from that permitted under the *zoning bylaw*.

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

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 557 Simcoe Street. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a new site-specific zone in order to increase the density from 0.50:1 to 0.64:1 floor space ratio (FSR), increase the combined floor areas, increase the floor areas for the first and second stories, and to allow two buildings each with a two-family dwelling for a total of four dwelling units.

There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping. The variances are related to height, number of stories, open site space and front, rear and side yard setbacks.

The following points were considered in assessing the Rezoning Application:

- The proposal is generally consistent with the *Official Community Plan, 2012 (OCP)* Traditional Residential Urban Place Designation, which envisions ground-oriented residential uses with density up to 1:1 FSR. The creation of four dwelling units would further the OCP goals of providing housing for families. The proposed density is 0.64:1 FSR, which generally meets the density envisioned in the OCP; however, the application is inconsistent with other City policies related to built form, site planning and design, resulting in a site dominated by parking and vehicle circulation, with limited useable outdoor space.
- The proposal is generally consistent with the housing policies in the *James Bay Neighbourhood Plan (1993)* which supports low-density infill where appropriate and fits with the context, and housing for families. The proposal is for four market units with three bedrooms each.

The following points were considered in assessing the Development Permit with Variances:

- The *Neighbourliness Design Guidelines for Duplexes* do not contemplate two duplex buildings on one lot.
- The proposed form and character meet some aspects of the *Neighbourliness Design Guidelines for Duplexes*, but it does not meet other aspects. The materials and design generally fit with the context, and each unit has a small outdoor space. Building A's entries are oriented toward the street and raised; however, Building B's entries are behind the other building and are not visible from the street.

- The proposal does not comply with guidelines around vehicle circulation and parking dominating the site. The two-building form with basement garages creates site planning challenges, with a site dominated by a driveway ramp and vehicle manoeuvring space, and the limited provision of green space.
- The *James Bay Neighbourhood Plan* encourages infill that is consistent with the character of the neighbourhood and a high standard of design.

## BACKGROUND

### Description of Proposal

This proposal is to allow for two buildings each with two units on one lot (four dwellings total) for an overall density of 0.64:1 FSR. A site-specific zone would be created to accommodate this proposal.

The following differences from the standard R-2 Zone, Two Family Dwelling District, are being proposed and would be accommodated in the new zone:

- allow two duplexes on one lot
- increase the density from 0.5:1 to 0.64:1 FSR
- increase the first and second storey floor area maximum from 280m<sup>2</sup> to 570.7m<sup>2</sup>
- increase the floor area for all floor levels combined from 380m<sup>2</sup> to 792.9m<sup>2</sup>.

The associated Development Permit with Variances Application would regulate the form, character, exterior design, finishes and landscaping.

Specific details include:

- two buildings, each with two units, with Building A entrances oriented towards the street and Building B behind and not visible from the street
- modern architectural expression that generally fits with the character of the neighbourhood, with a flat and butterfly roof form and raised front entries
- extensive parking and circulation space accessed on the west side of the site with parking located in the basements of each duplex
- short-term bicycle parking.

Exterior materials include:

- brick veneer, tongue and groove vertical cedar siding, cement board panels
- architectural concrete basement level
- shingle roof
- glass and aluminium railing.

Landscape elements include:

- raised garden beds
- permeable pavers for driveway and patios
- one new tree planted in rear yard and two new trees planted on boulevard
- cedar fence around the perimeter of the property.

The proposed variances are related to:

- height

- setbacks
- number of stories
- side yard setback
- open site space.

### Land Use Context

The area is characterized by single family dwellings, attached dwellings and multiple dwellings. Immediately adjacent land uses include:

- North – multi-unit residential
- South – multi-unit residential
- East – new single-family dwellings, a heritage-designated house and a heritage-designated carriage house
- West – attached dwellings



Figure 1: Aerial Photo, 2021

### Existing Site Development and Development Potential

The site is presently vacant. Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a duplex, or a single-family dwelling with a secondary suite or a garden suite.

## Data Table

The following data table compares the proposal with the existing R-2 Zone, Two Family Dwelling District. An asterisk is used to identify where the proposal does not meet the requirements of the zone.

Zoning Criteria	Proposal	Existing Zone (R-2)	OCP and James Bay Plan
Site area (m <sup>2</sup> ) – minimum	895	555	
Number of units – maximum	<b>4*</b>	2	
Number of buildings - maximum	<b>2*</b>	1	
Density (Floor Space Ratio) – maximum	<b>0.64*</b>	0.50	1:1
1 <sup>st</sup> and 2 <sup>nd</sup> Storey Floor Area (m <sup>2</sup> ) – maximum	<b>283.50 (block A)*</b> <b>287.20 (block B)*</b> <b>570.7 (Total)*</b>	280.00	
Floor area, for all floor levels combined - maximum	<b>394.20* (block A)</b> <b>398.70* (block B)</b> <b>792.9* (Total)*</b>	380.00	
Lot width (m) – minimum	18.29	15.00	
Height (m) – maximum	<b>8.02* (Block A)</b> <b>7.84* (Block B)</b>	7.60	
Storeys – maximum	<b>2* (with basement)</b>	2 (without basement) 1.5 (with basement)	2
Site coverage (%) – maximum	36.60	40.00	
Open site space (%) – minimum	<b>27.00*</b>	30.00	
<b>Setbacks</b> (m) – minimum			Variable setbacks
Front	<b>7.28*</b>	7.50	
Rear	<b>7.50*</b>	17.13	

Zoning Criteria	Proposal	Existing Zone (R-2)	OCP and James Bay Plan
Side (west)	3.80 (living room)	3.00	
Side (east)	<b>1.68*</b> (living room)	1.83	
Combined side yards	5.48	4.50	
Parking – minimum	4	4	

### Active Transportation

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

### Public Realm

The following public realm improvements are proposed in association with this application:

- a statutory right-of-way (SRW) of 2m along the Simcoe Street
- the installation of a new 1.75m sidewalk and grassed boulevard with two new street trees.

### Relevant History

There were Rezoning and Development Permit applications made in early 2020 for three attached dwelling buildings with 11 units for 557 Simcoe Street (subject lot) and 160 South Turner Street. The applicant cancelled these applications. The property at 160 South Turner Street was then developed as two single-family dwellings with secondary suites through the routine Building Permit process, which received occupancy in December 2021.

### 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 October 29, 2020. Additionally, the applicant participated in an online meeting with the CALUC on October 14, 2020. A letter dated October 19, 2020, along with the comment forms, are attached to this report. The applicant has not made any changes in response to the comments received.

The associated 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

### Rezoning Application

#### Official Community Plan

The *Official Community Plan* Urban Place Designation for the subject property is Traditional Residential. Within this designation, duplexes and attached residential buildings are envisioned, up to a density of 1:1 floor space ratio (FSR). The applicant is proposing a density of 0.64:1 FSR. The OCP includes the subject properties in Development Permit Area (DPA) 16: General Form and Character.

The proposal meets the following OCP policies:

- providing ground-oriented housing with a density less than 1:1 FSR
- providing housing that is suitable for households with children (i.e., three-bedroom units).

The design aspects of the proposal are considered in more detail as part of the Development Permit with Variances application.

#### James Bay Neighbourhood Plan

The *James Bay Neighbourhood Plan* encourages low-density infill or medium density townhouses but notes that proposals should be considered in the context of the neighbourhood and the character of the adjacent properties. The plan further acknowledges that there should be visual harmony in terms of form and scale between new buildings and adjacent residential units, and that new developments should demonstrate a high standard of design and respect the existing streetscape character. The proposal is consistent with some housing objectives outlined in the Plan, and generally fits the context, which varies from multi-family, attached dwellings, and single-family dwellings. However, the proposed two-building form creates site planning issues, minimal green space, and a site dominated by vehicle circulation and hardscape.

As the proposal is for four units that will each have three bedrooms, it generally meets Plan objectives that encourage family housing.

#### Neighbourliness Guidelines for Duplexes

The *Neighbourliness Guidelines for Duplexes* note that to rezone for a duplex on an interior lot, the lot width should be greater than 15m and the site area should be at least 670m<sup>2</sup>. The lot meets that part of the policy, however, a proposal for two duplexes on one lot is not envisioned.

#### Panhandle Lot Regulations

The proposal is for two buildings each with a duplex, and while the proposal does not propose subdivision, for discussion and analysis, if a panhandle lot were proposed, the lot size would be too small to meet the *Zoning Regulation Bylaw*. The *Zoning Bylaw* would require the front building to have an area of 557m<sup>2</sup> and the panhandle lot at least 700m<sup>2</sup> (excluding the panhandle driveway), for a total of more than 1257m<sup>2</sup>, compared to the site of 859m<sup>2</sup>. Additionally, the building on the panhandle lot (in the rear) would be required to have a maximum height of 5.0m and one storey. The proposal is for a two-storey building with a



basement for both the building closest to the street and the building behind. The intent of the *Panhandle Regulations* is to mitigate the impact of buildings being added to rear yards.

Emerging Missing Middle Policy and Regulatory Changes

The proposed *Missing Middle Policy* and regulatory changes can also provide some guidance around ground-oriented housing within Traditional Residential areas. It contains objectives for increasing the supply and diversity of housing, encouraging a car light lifestyle, supporting a healthy urban forest and promoting accessibility.

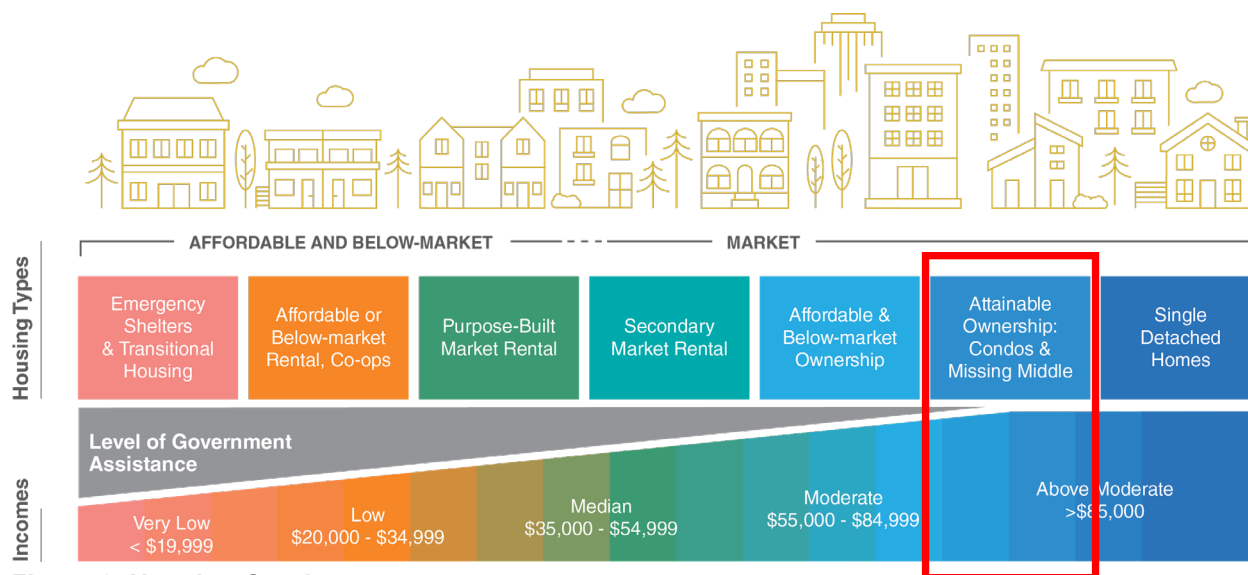
The emerging regulations and policy envision houseplexes midblock, containing between three and six units with at least one accessible unit, two units with three bedrooms each and one secondary suite. The combined regulations and design guidelines aim to encourage more green space with less emphasis on parking and vehicle circulation. The proposal for two duplexes, arranged one behind the other with significant site area dedicated to vehicle management, is contrary to a number of proposed Missing Middle objectives, which would likely yield improved site planning options.

Inclusionary Housing and Community Amenity Contribution Policy

The *Inclusionary Housing and Community Amenity Policy* does not apply to this Rezoning application because the subject site is designated as Traditional Residential.

Housing

The application, if approved, would add four new strata residential units, which would increase the overall supply of housing in the area. A housing agreement is proposed to secure that a future strata bylaw cannot restrict the rental of units to non-owners.



**Figure 2. Housing Continuum**

### *Affordability Targets*

The proposal includes four market condominium units, which provide a more attainable home-ownership alternative to a detached single-family dwelling.

### *Housing Mix*

At present, there is no policy that provides targets for housing mix and unit type is not regulated or secured. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, this application proposes four, three-bedroom units.

### *Security of Tenure*

A housing agreement is being proposed which would ensure that future strata bylaws could not prohibit the rental of units.

### *Existing Tenants*

The site is vacant and there are no existing tenants.

### Statutory Right-of-Way

The applicant is willing to provide a 2.0 metre wide statutory right-of-way (SRW) along Simcoe Street to help achieve a more standard secondary collector roadway width. The SRW will help fulfil Council-approved *Official Community Plan* objectives such as accessible sidewalks, cycling improvements, and boulevards which support the long-term viability of street trees. A new sidewalk would be constructed, as well as two new street trees planted within the SRW.

## **Development Permit with Variances Application**

### Official Community Plan: Design Guidelines

The *Official Community Plan* (OCP) identifies this property within Development Permit Area (DPA) 15D: Intensive Residential – Duplex. The objectives of this DPA are to:

- accommodate housing growth in residential areas
- to integrate more intensive residential development in the form of two-family dwellings (duplexes) in a manner that respects the established character of the neighbourhoods
- to accommodate gradual growth of a compatible scale and adaptive to the local contexts
- to achieve a high quality of architecture, landscape and urban design
- to integrate infill development that is compatible with existing neighbourhoods through considerations for privacy, landscaping and parking.

Design Guidelines that apply to DPA 15D are the *Advisory Design Guidelines for Buildings, Signs and Awnings (1981)* and the *Neighbourliness Guidelines for Duplexes (1996)*. The proposal complies with the guidelines as follows:

- windows and entries are oriented toward the street
- front duplex has raised entry facing the street with roof elements over the entry
- outdoor semi-private space provided for each unit
- roofline and height generally fit with the context

- a variety of building materials are used to help break up the massing
- permeable paving is used on driveways and patios.

The following sections detail where the proposal deviates from the design guidelines:

#### *Site Dominated by Garages and Parking*

The proposal does not comply with guidelines related to vehicle circulation and parking. The proposal for two duplexes with garages accessed through the middle of the site creates a situation where there is minimal green space, a site dominated by driveways and vehicle circulation, and large retaining walls and ramps required to access the parking courtyard.

The *Neighbourliness Design Guidelines for Duplexes* discourage having a street appearance dominated by garages and parking. Due to the two-building design where parking is accommodated at an excavated basement level, a long ramp with retaining walls up to 3m in height will be visible from the street. The proposal does include trailing vines planted in small planter boxes along the side retaining wall; however, whether the vines will flourish is questionable given the limited soil volume and challenges that will likely be associated with maintaining the planters over the long term.

With much of the site being used to accommodate vehicle storage and circulation, opportunities to provide green space are limited.

Additionally, the *Design Guidelines* encourage limiting the amount of paved surface particularly for vehicles. A site with two separate buildings with garages in the basement requires large amounts of paved area, resulting in reduced open site space. It can be noted that permeable pavers are proposed for the driveway which may will help soften the appearance.

#### *Building B Entries*

The entries for Building B would not be visible from the street due to landscaping and the siting of buildings. The entries are in the basement level, accessed at the same grade as the driveway and garages. The deck overhead would provide some weather protection; however, the entries could be further enhanced, either through recessed entries, landscaping or raised entries.

#### Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

#### Sustainability

As indicated in the applicant's letter dated May 3, 2021, the following sustainability features are associated with this proposal:

- short-term bike parking for six bicycles and space in private garage for long-term bike storage
- low flow water fixtures
- permeable pavers for driveway and patios
- raised garden beds.

## Tree Preservation Bylaw and Urban Forest Master Plan

The goals of the *Urban Forest Master Plan* include protecting, enhancing, and expanding Victoria's urban forest and optimizing community benefits from the urban forest in all neighbourhoods. This application was received between October 24, 2019, and July 1, 2021, so *Tree Preservation Bylaw No. 05-106* (consolidated November 22, 2019) applies.

There are no trees on the subject lot or on municipal property. Two new boulevard trees are proposed within the statutory right-of-way. The applicant is proposing to plant one magnolia tree on the subject lot.

An off-site bylaw-protected tree shown on the plans shall be retained. Below is a summary of tree related impacts:

*Tree Impact Summary Table*

<b>Tree Status</b>	<b>Total # of Trees</b>	<b>To be REMOVED</b>	<b>To be PLANTED</b>	<b>NET CHANGE</b>
On-site trees, bylaw-protected	0	0	0	0
On-site trees, not bylaw-protected	0	0	1	+1
Municipal trees	0	0	2	+2
Neighbouring trees, bylaw-protected	1	0	0	0
Neighbouring trees, not bylaw-protected	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>+3</b>

### *Resource Impacts*

The City would incur the following annual maintenance costs for the planting of two new municipal trees:

<b>Increased Inventory</b>	<b>Annual Maintenance</b>
New municipal trees (three net new)	\$120

## **CONCLUSIONS**

The proposed Rezoning and Development Permit with Variances applications generally meet the *Official Community Plan* in terms of use and density, and proposed family-sized units which are generally consistent with the *James Bay Neighbourhood Plan*. However, the proposal is inconsistent with other City policies in terms of built form and site planning. Vehicle circulation and parking dominate the site due to the two-building form with lower-level parking. A houseplex that is ground oriented with green space for residents and tree planting space, and reduced or

limited paved areas for vehicles, could be a more supportable proposal. Staff recommend declining the Rezoning and Development Permit with Variances application. However, should Council wish to consider the application at a public hearing, appropriate wording in an alternate motion (Option 1) has been provided. Another alternate motion (Option 2) has been provided should Council wish the applicant to work with staff on a ground-oriented houseplex building form and return to Committee of the Whole.

## **ALTERNATE MOTION**

### **Option 1 – Advance as Presented**

This option would advance the application to a Public Hearing as-is:

#### Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00710 for 557 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, to secure:
  - a. a 2.0m wide Statutory Right-of-Way along the Simcoe Street frontage, with the terms to the satisfaction of the Director of Engineering and Public Works
  - b. future strata cannot restrict the rental of units to non-owners, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

#### Development Permit with Variances Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00759, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variances Application No. 00200 for 557 Simcoe Street, in accordance with:
  - a. Plans date stamped January 20, 2022
  - b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
    - i. Reduce the front yard setback from 7.5m to 7.28m;
    - ii. reduce the rear yard setback from 17.13m to 7.50m;
    - iii. reduce the side yard setback (east) from 1.83m to 1.68m;
    - iv. increase the height of Building A from 7.60m to 8.02m;
    - v. increase the height of Building B from 7.60m to 7.84m;
    - vi. increase the number of stories from 1.5 with a basement to 2 with a basement;
    - vii. increase the open site space (minimum) from 30% to 27%.
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

## Option 2 – Revise Proposal

This option would direct the applicant to redesign their proposal and would forgo the requirement for a new application fee. However, it is noted that staff have expended significant resources working with the applicant and encouraging them to resubmit a houseplex building form, and have then worked through the challenges associated with this proposal which the applicant has insisted on pursuing. Although this remains an option for Council to consider, staff would advise that a new application fee would be warranted.

If Council would like to consider this option, an appropriate motion would be:

That the applicant works with staff to revise the design to a houseplex building form, with a positive street relationship, ensuring adequate open and private outdoor space, and less hardscape.

Respectfully submitted,

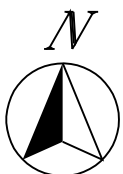
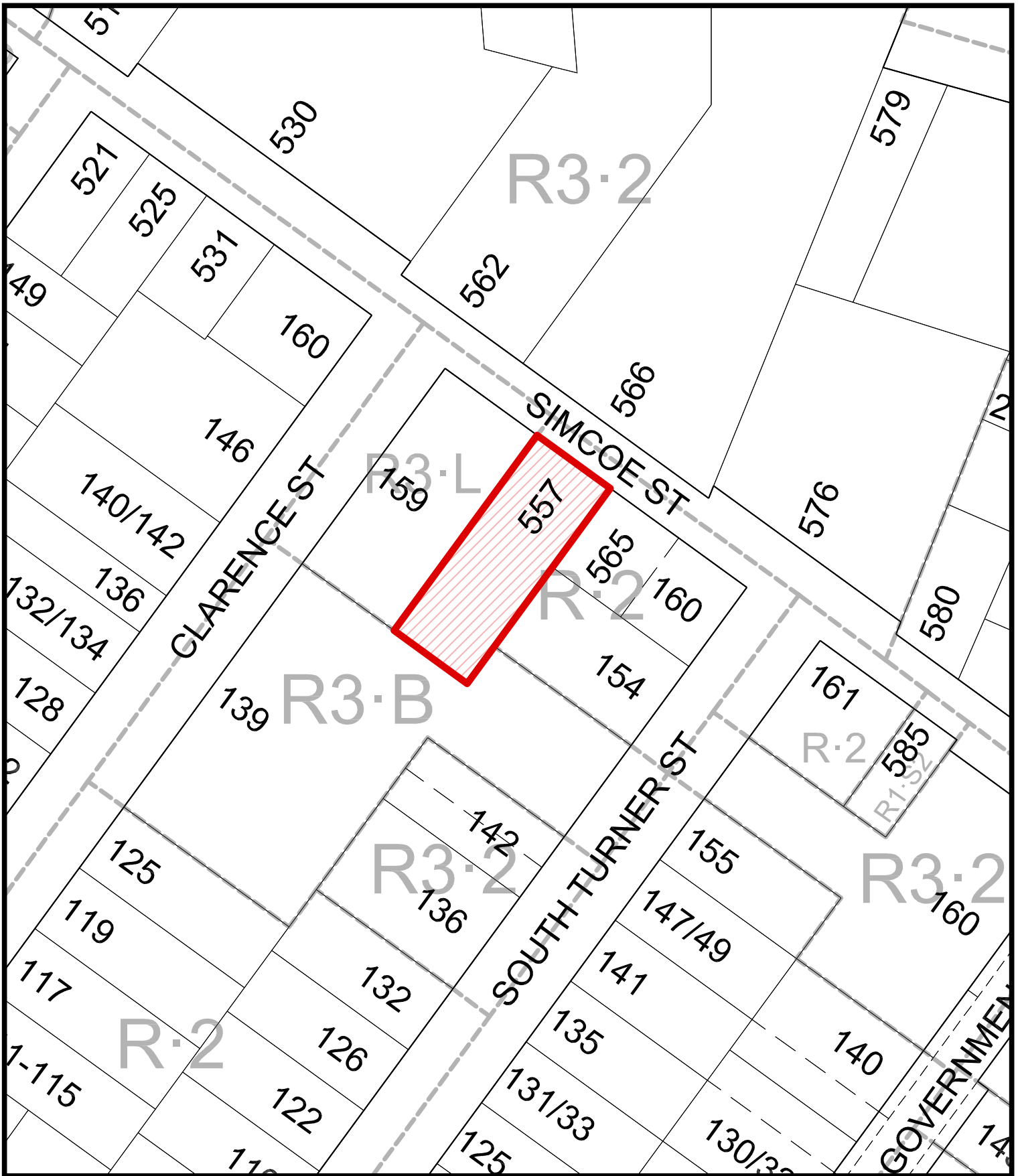
Chelsea Medd  
Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Plans date stamped January 20, 2022
- Attachment C: Letter from applicant to Mayor and Council dated May 3, 2021 and March 29, 2022
- Attachment D: Community Association Land Use Committee Comments dated October 19, 2020
- Attachment E: Pre-Application Consultation Comments from Online Feedback Form
- Attachment F: Correspondence (Letters received from residents).



557 Simcoe Street  
Rezoning No.00759



ISSUED FOR REVIEW

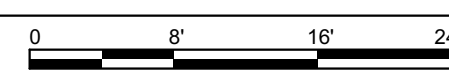
ISSUED:

STREETSCAPE PLAN

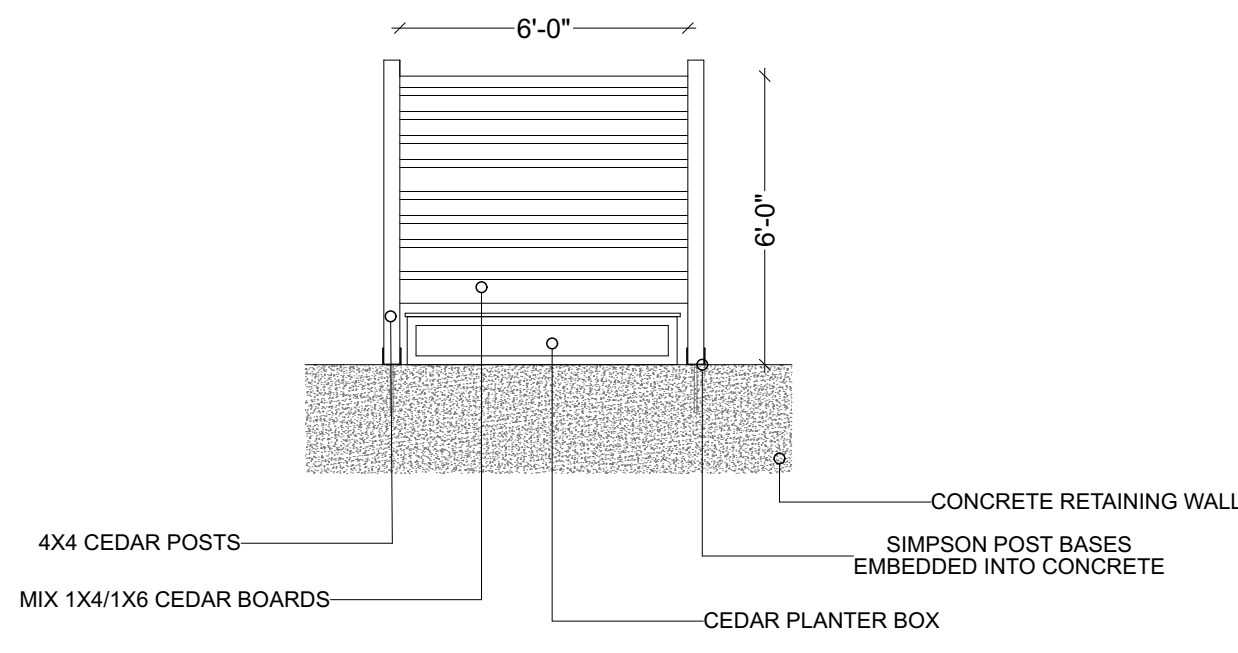
**A-001**



**1** STREETSCAPE PLAN  
SCALE: 3/32" = 1'-0"





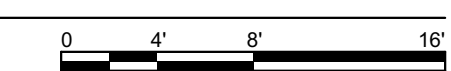


FENCE DETAIL

LANDSCAPE LEGEND	
	RETAINING WALLS
	DRIVEWAY (PERMEABLE PAVERS)
	GRASS
	WOOD FENCE
	AZALEA HINO WHITE
	MAGNOLIA TREE
	RED OSIER DOGWOOD
	OREGON GRAPE



1 LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"



Parcel A (DD 132851)



1500 Shorncliffe Road Victoria BC Canada  
250.893.8127  
www.adaptdesign.ca

**557 SIMCOE ST,  
VICTORIA, BC  
BLOCK A**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR REVIEW

ISSUED:

LANDSCAPE PLAN

**A-002**

Printed: 2022-01-19

GRADE POINTS BLOCK A	GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
A = 14.15m (EG)	Points A&B	$((14.15+14.28) / 2)$	x 12.8m	= 181.95
B = 14.28m (EG)	Points B&C	$((14.28+14.47) / 2)$	x 12.8m	= 184.0
C = 14.47m (FG)	Points D&E	$((11.83+11.83) / 2)$	x 12.8m	= 151.42
D = 11.83m (FG)	Points E&F	$((11.83+13.68) / 2)$	x 12.8m	= 163.26
E = 11.83m (FG)				680.63
F = 13.68m (FG)				

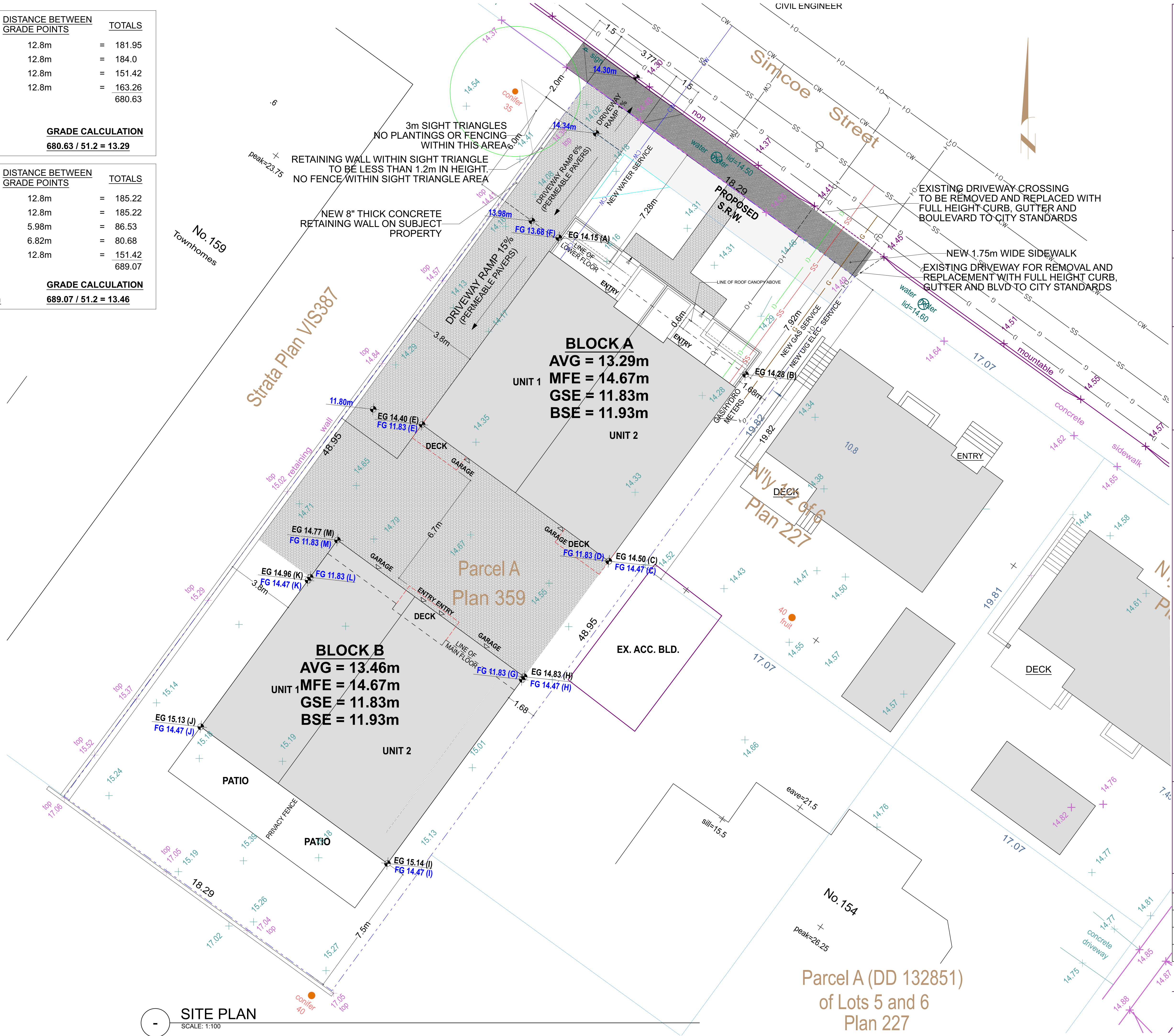
**BLOCK A** PERIMETER OF BUILDING = 51.2m **GRADE CALCULATION** 680.63 / 51.2 = 13.29

GRADE POINTS BLOCK B	GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
G = 11.83m (FG)	Points H&I	$((14.47+14.47) / 2)$	x 12.8m	= 185.22
H = 14.47m (FG)	Points I&J	$((14.47+14.47) / 2)$	x 12.8m	= 185.22
I = 14.47m (FG)	Points J&K	$((14.47+14.47) / 2)$	x 5.98m	= 86.53
J = 14.47m (FG)	Points L&M	$((11.83+11.83) / 2)$	x 6.82m	= 80.68
K = 11.83m (FG)	Points M&G	$((11.83+11.83) / 2)$	x 12.8m	= 151.42
L = 11.83m (FG)				689.07
M = 11.83m (FG)				

**BLOCK B** PERIMETER OF BUILDING = 51.2m **GRADE CALCULATION** 689.07 / 51.2 = 13.46

**Property Information**

Project Type: Two New Duplex Buildings  
 Site Address: 557 Simcoe St, Victoria, BC  
 Current Zoning: R-2  
 Proposed Zoning: New Zone  
 Lot Area: 895m<sup>2</sup>  
 Setbacks: Proposed  
 North: 7.92m  
 South: 7.50m  
 East: 1.68m  
 West: 3.8m  
 Distance Block A-B: 6.7m  
 Eave Projection: 0.6m  
 # of Storeys: 2  
 Height: Block A: 8.02m, Block B: 7.84m  
 Floor Area: Block A: Basement 77.3m<sup>2</sup>, Garage 70.6m<sup>2</sup>, Main Floor 139.1m<sup>2</sup>, Upper Floor 144.4m<sup>2</sup>; Block B: Basement 103.5m<sup>2</sup>, Garage 45.2m<sup>2</sup>, Main Floor 142.8m<sup>2</sup>, Upper Floor 144.4m<sup>2</sup>  
 Total (Less Bsmt): 570.7m<sup>2</sup>  
 Garage Exemption 4x18.6m<sup>2</sup> (74.4m<sup>2</sup>)  
 Total (less Garage): 792.9m<sup>2</sup>  
 Floor Space Ratio: 570.7m<sup>2</sup>/895m<sup>2</sup> = 0.64  
 Site Coverage: Footprint Block A 163.9m<sup>2</sup>, Footprint Block B 163.9m<sup>2</sup>, Lot Area 895m<sup>2</sup>, Coverage = 327.8m<sup>2</sup>/895m<sup>2</sup> = 36.6%, Parking Area 231.6m<sup>2</sup>, Open Site Space 241.25m<sup>2</sup> = 27%, Front Yard Area 116.4m<sup>2</sup>, Front Yard Open Site Space 75.31m<sup>2</sup> = 64.7%  
 Vehicle Parking: Required 4, Proposed 4 (Dwelling units), 0, 1 (Visitor 0.1\*4)  
 Bicycle Parking: Long Term 0, 4 (Garages), Short Term 6, 6



**SITE PLAN** SCALE: 1:100



1500 Shorncliffe Road Victoria BC Canada  
 250.893.8127  
 www.adaptdesign.ca

**557 SIMCOE ST, VICTORIA, BC BLOCK A**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.  
 The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.  
 © Adapt Design

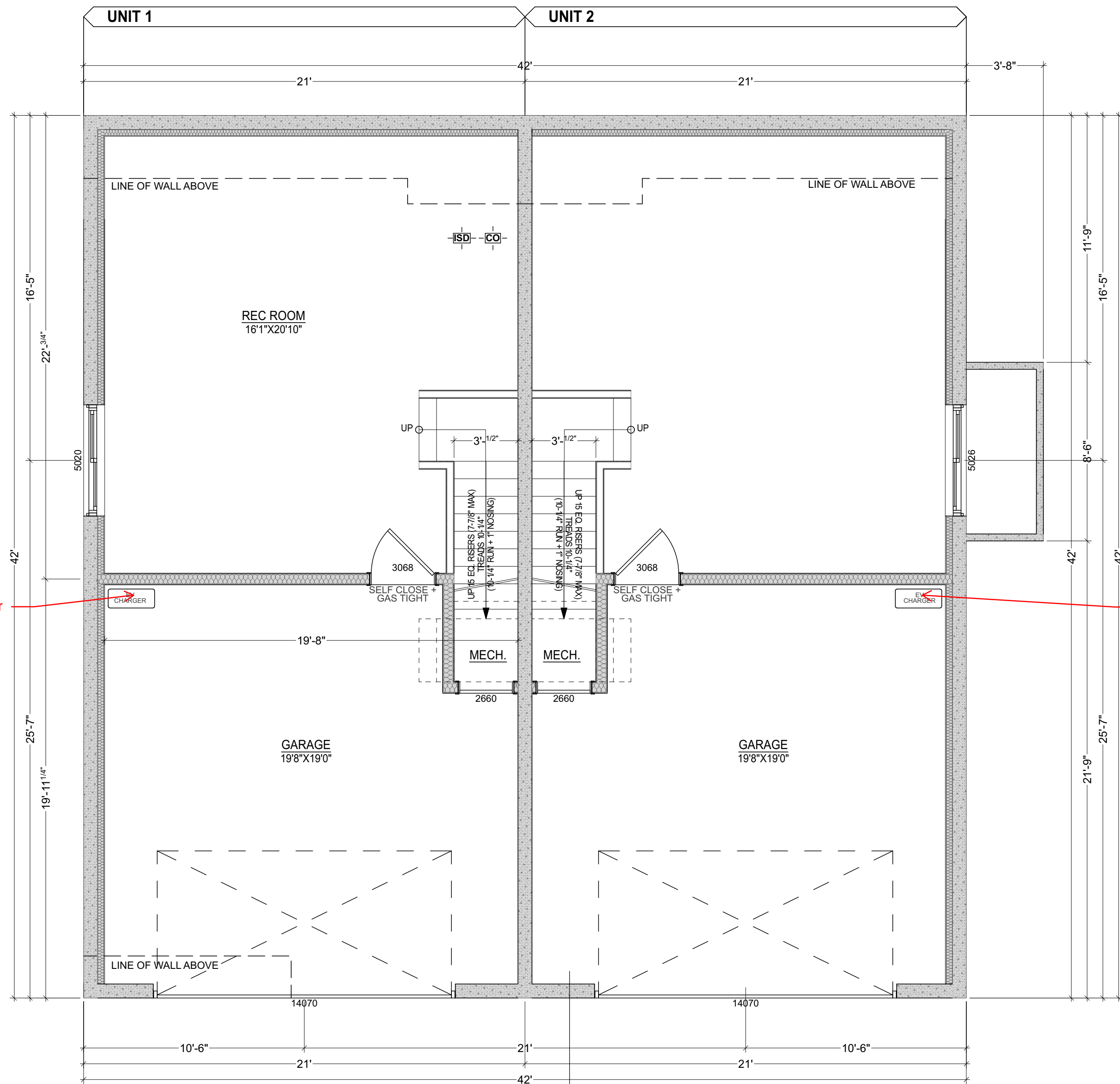
ISSUED FOR REVIEW

ISSUED:

SITE PLAN

**A-103**

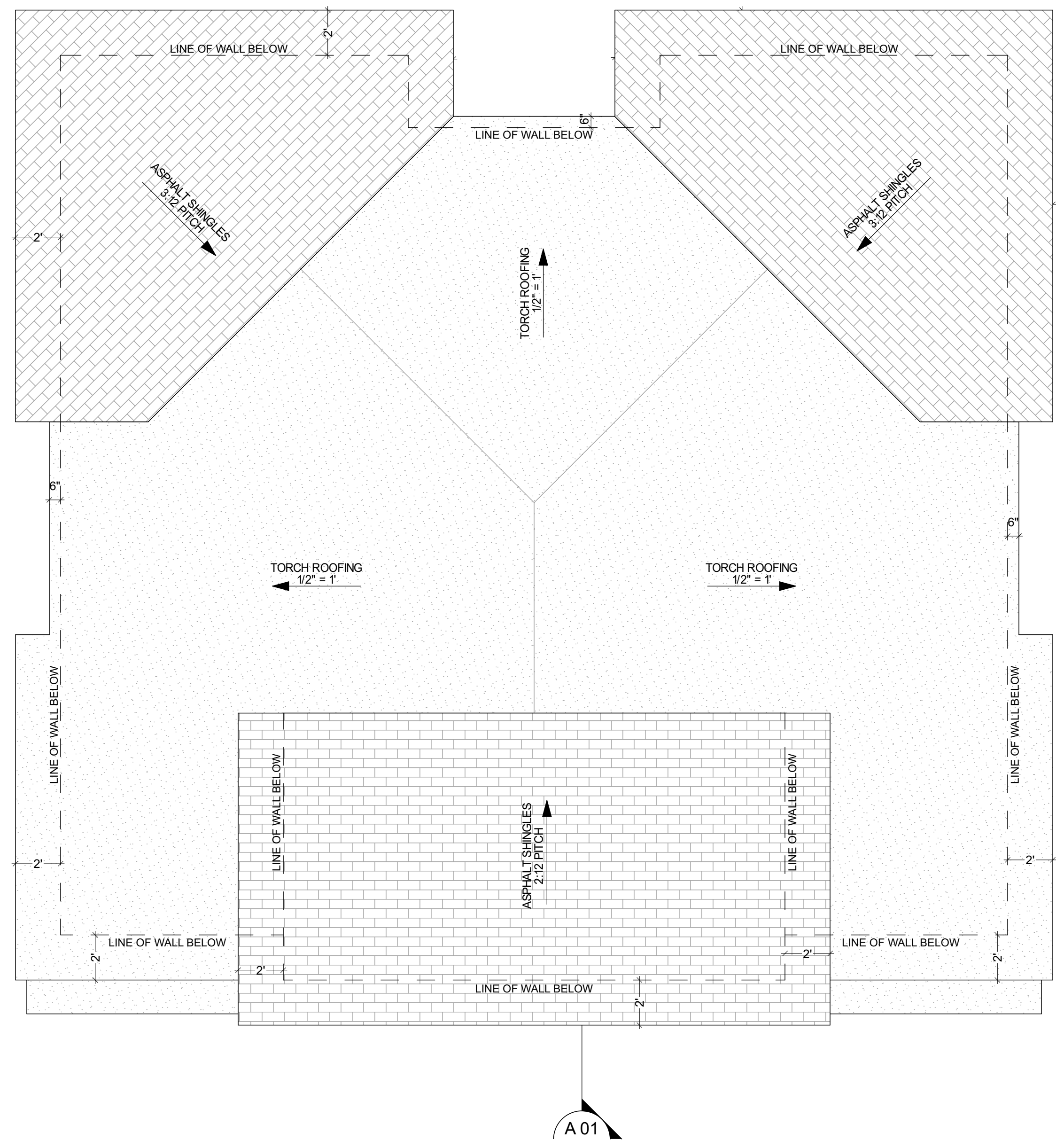
PLAN LEGEND	
	2X4 PARTITION WALL
	2X6 PARTITION WALL
	2X6 GARAGE WALL
	2X6 EXTERIOR WALL
	FOUNDATION WALL
	FOUNDATION AND FROST WALL
	COLUMN
	BEAM
	FLOOR DRAIN
	DIMENSION PLACEMENT
ROOM SIZES ARE INTERIOR DIMENSIONS WIDTH X DEPTH	
	HARDWIRED INTERCONNECTED CO DETECTOR
	HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
	HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
	BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
	KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
	CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
	FRESH AIR SUPPLY
	PASSIVE AIR INLET



**UNIT 1**  
GARAGE AREA  
380 sq ft  
**LOWER FLOOR AREA**  
416 sq ft

**UNIT 2**  
GARAGE AREA  
380 sq ft  
**LOWER FLOOR AREA**  
416 sq ft

**1 BASEMENT FLOOR PLAN BLOCK A**  
SCALE: 1/4" = 1'-0"



**2 ROOF PLAN BLOCK A**  
SCALE: 1/4" = 1'-0"

Energized Electric Vehicle Outlet, as per applicant

Energized Electric Vehicle Outlet, as per applicant

ISSUED FOR REVIEW

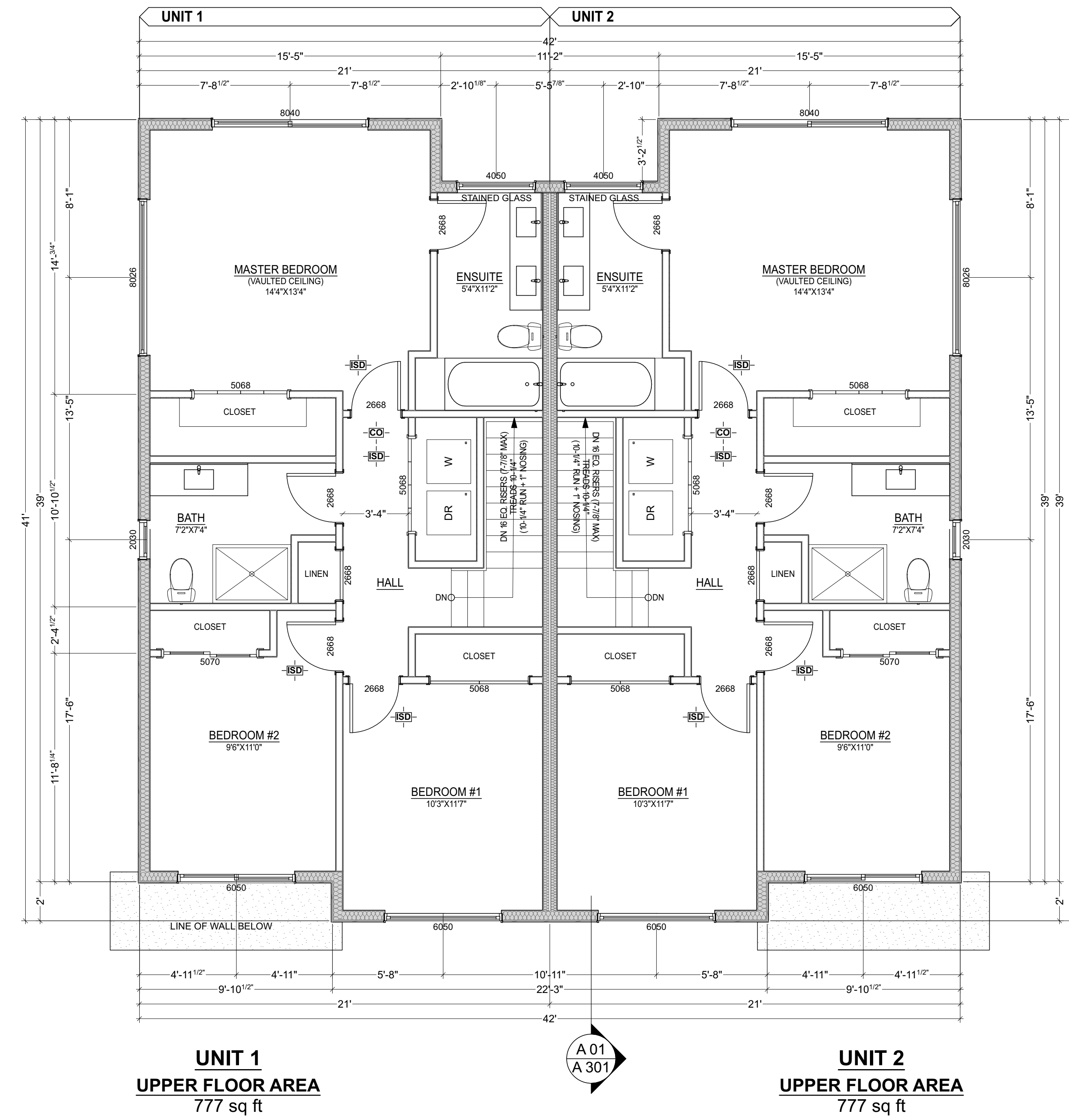
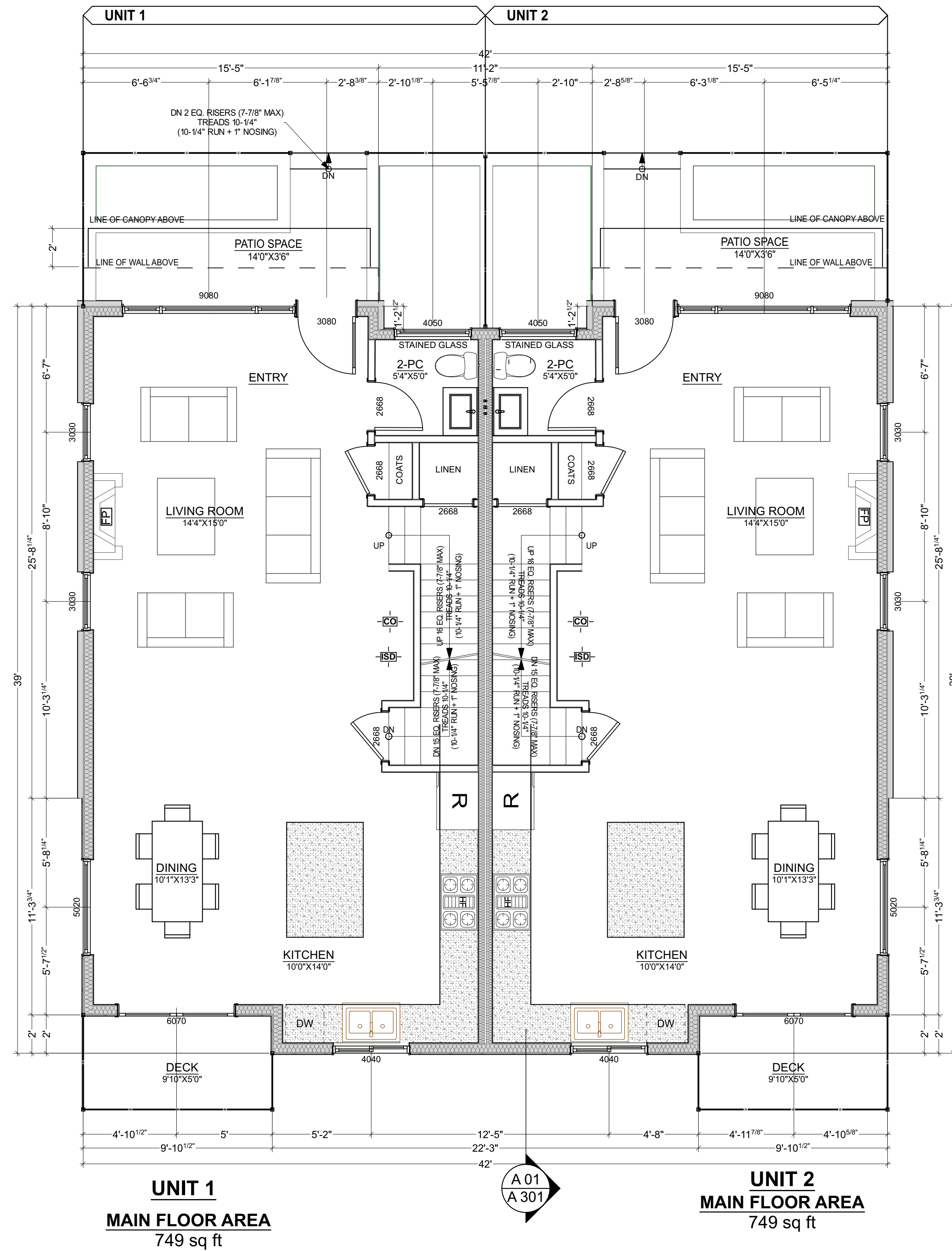
ISSUED:

MAIN AND UPPER FLOOR PLAN

**A-102**

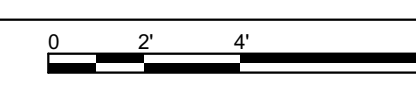
### PLAN LEGEND

- 2X4 PARTITION WALL
- 2X6 PARTITION WALL
- 2X6 GARAGE WALL
- 2X6 EXTERIOR WALL
- FOUNDATION WALL
- FOUNDATION AND FROST WALL
- COLUMN
- BEAM
- FLOOR DRAIN
- DIMENSION PLACEMENT
- ROOM SIZES ARE INTERIOR DIMENSIONS WIDTH X DEPTH
- HARDWIRED INTERCONNECTED CO DETECTOR
- HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
- HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
- BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
- KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
- CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
- FRESH AIR SUPPLY
- PASSIVE AIR INLET



**1 MAIN FLOOR PLAN BLOCK A**  
SCALE: 1/4" = 1'-0"

**2 UPPER FLOOR PLAN BLOCK A**  
SCALE: 1/4" = 1'-0"

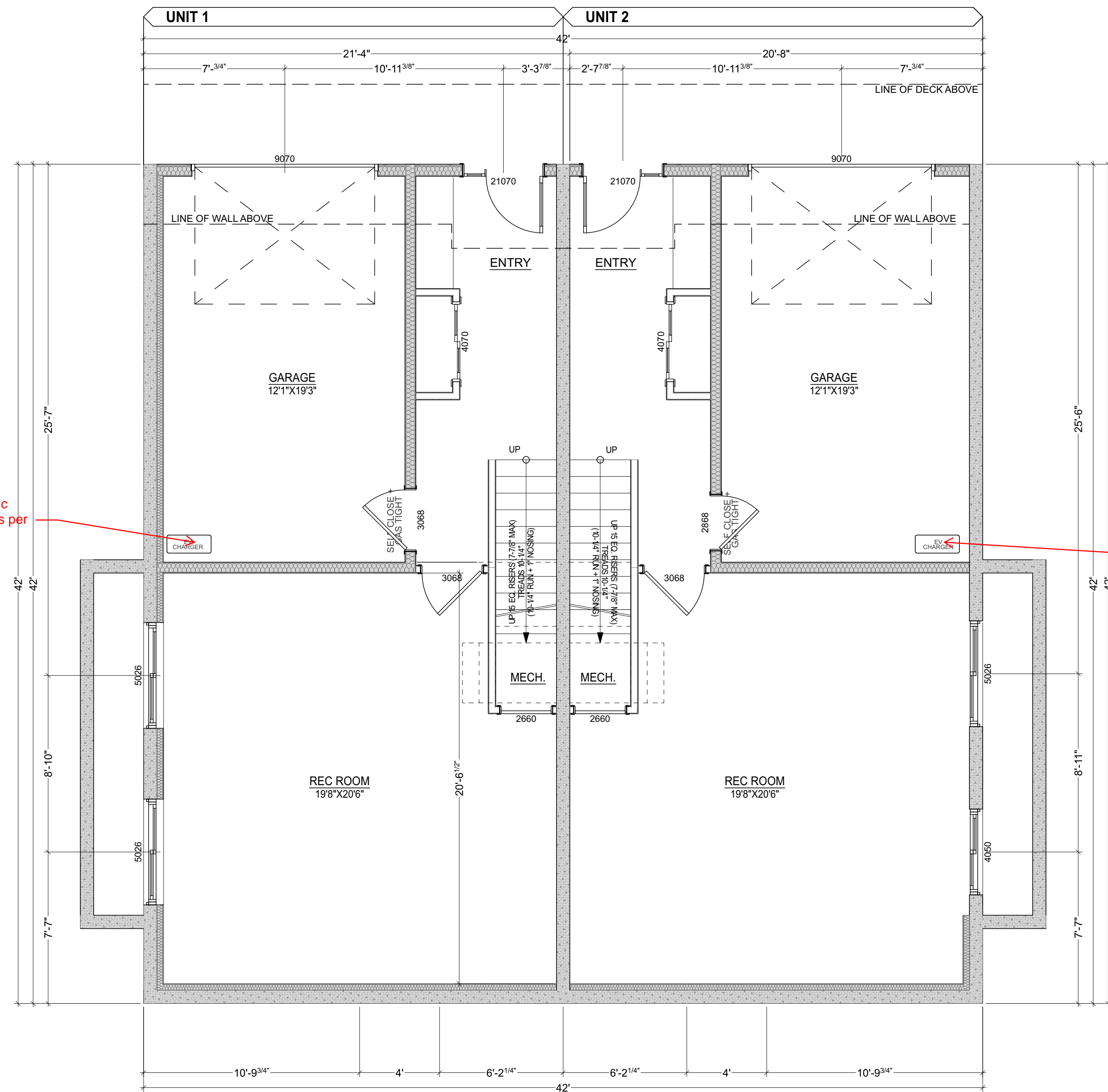


### PLAN LEGEND

- 2X4 PARTITION WALL
- 2X6 PARTITION WALL
- 2X6 GARAGE WALL
- 2X6 EXTERIOR WALL
- FOUNDATION WALL
- FOUNDATION AND FROST WALL
- COLUMN
- BEAM
- FLOOR DRAIN

**DIMENSION PLACEMENT**  
WIDTH X DEPTH

- HARDWIRED INTERCONNECTED CO DETECTOR
- HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
- HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
- BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
- KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
- CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
- FRESH AIR SUPPLY
- PASSIVE AIR INLET

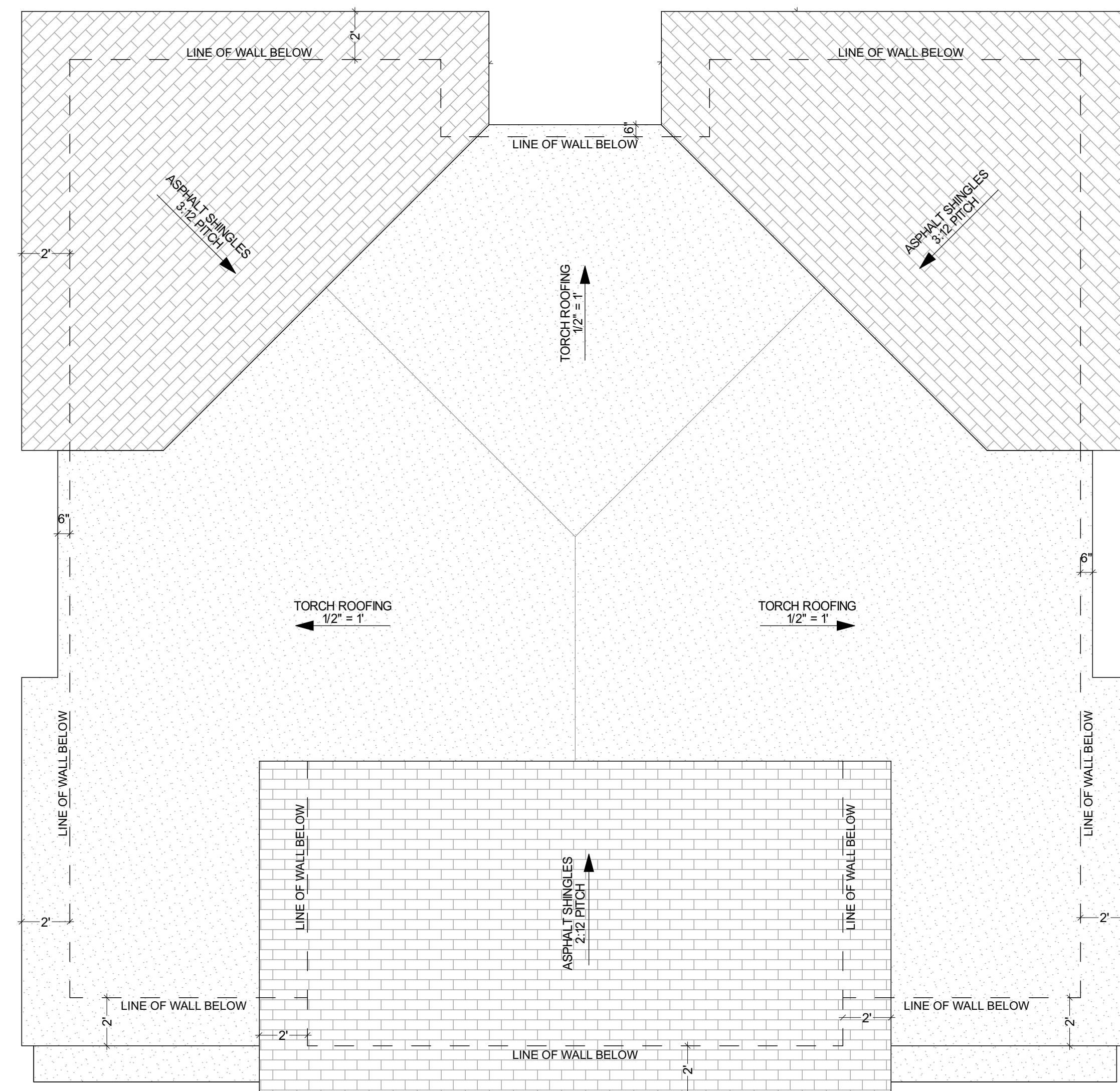
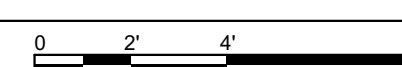


**UNIT 1**  
**LOWER FLOOR AREA**  
557 sq ft  
**GARAGE AREA**  
243 sq ft

**UNIT 2**  
**LOWER FLOOR AREA**  
557 sq ft  
**GARAGE AREA**  
243 sq ft

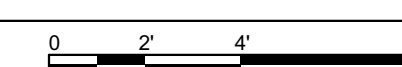
**1** BASEMENT FLOOR PLAN BLOCK B

SCALE: 1/4" = 1'-0"



**2** ROOF PLAN BLOCK B

SCALE: 1/4" = 1'-0"



Energized Electric Vehicle Outlet, as per applicant

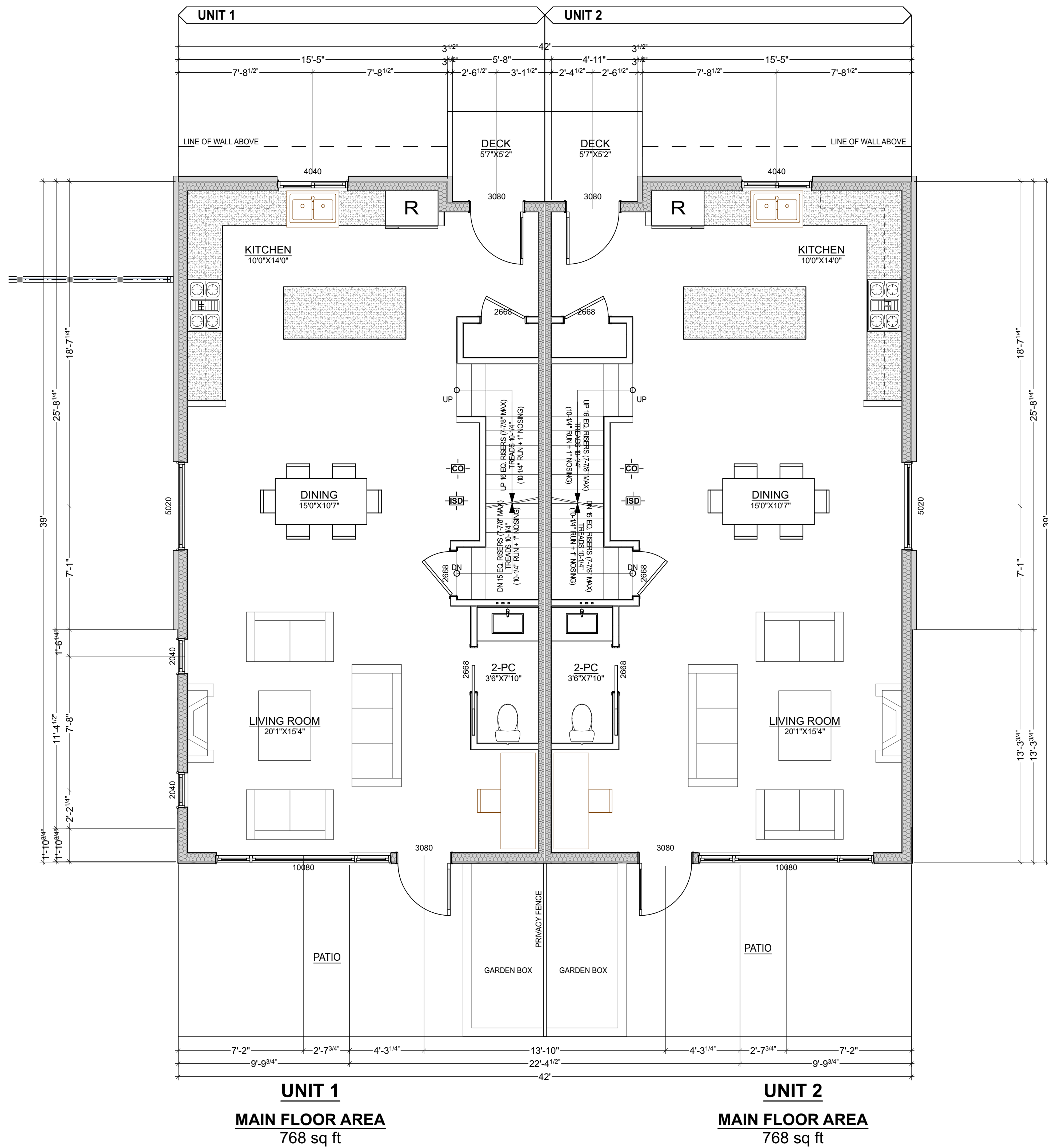
Energized Electric Vehicle Outlet, as per applicant

ISSUED FOR REVIEW

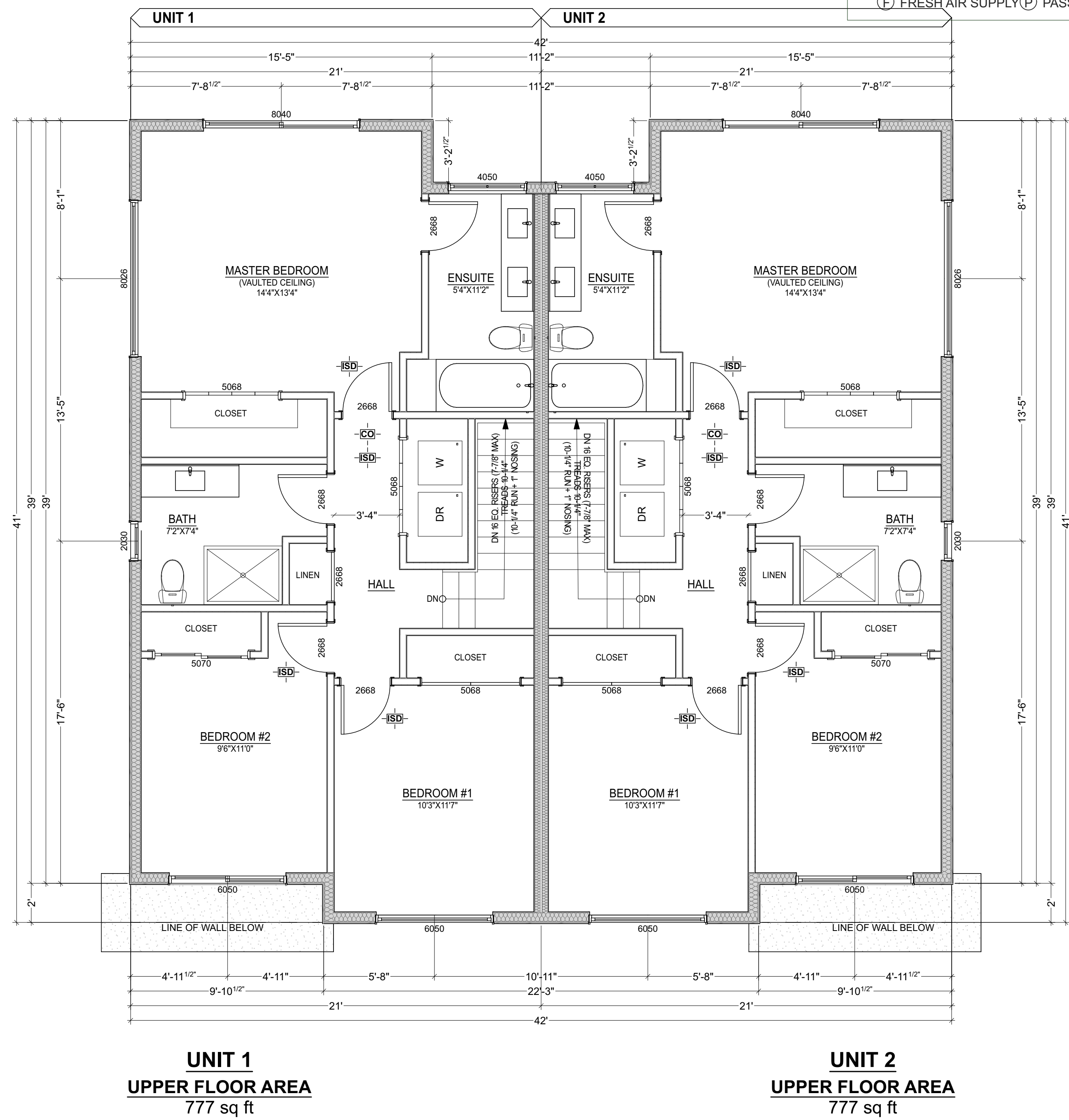
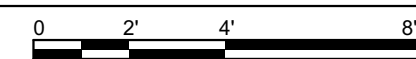
ISSUED:

MAIN AND UPPER FLOOR PLAN (1)

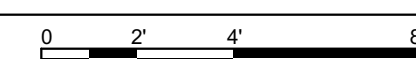
**B-102**



**1** MAIN FLOOR PLAN BLOCK B  
SCALE: 1/4" = 1'-0"



**2** UPPER FLOOR PLAN BLOCK B  
SCALE: 1/4" = 1'-0"



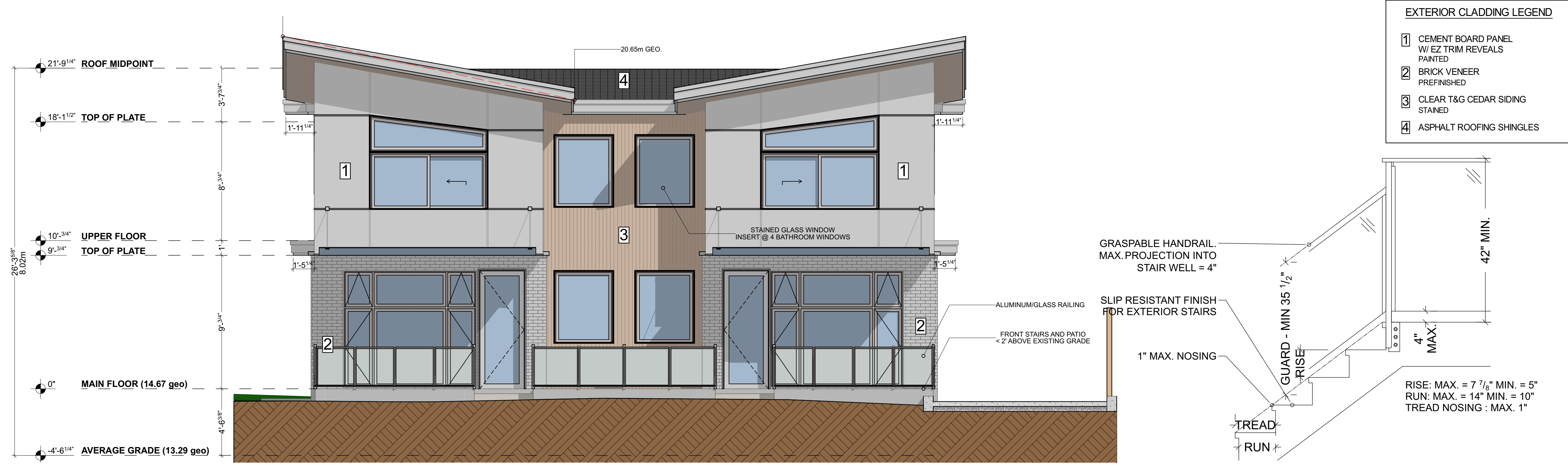
**PLAN LEGEND**

- 2X4 PARTITION WALL
- 2X6 PARTITION WALL
- 2X6 GARAGE WALL
- 2X6 EXTERIOR WALL
- FOUNDATION WALL
- FOUNDATION AND FROST WALL
- COLUMN
- BEAM
- FLOOR DRAIN

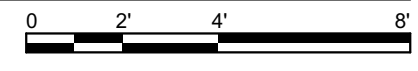
**DIMENSION PLACEMENT**

ROOM SIZES ARE INTERIOR DIMENSIONS  
WIDTH X DEPTH

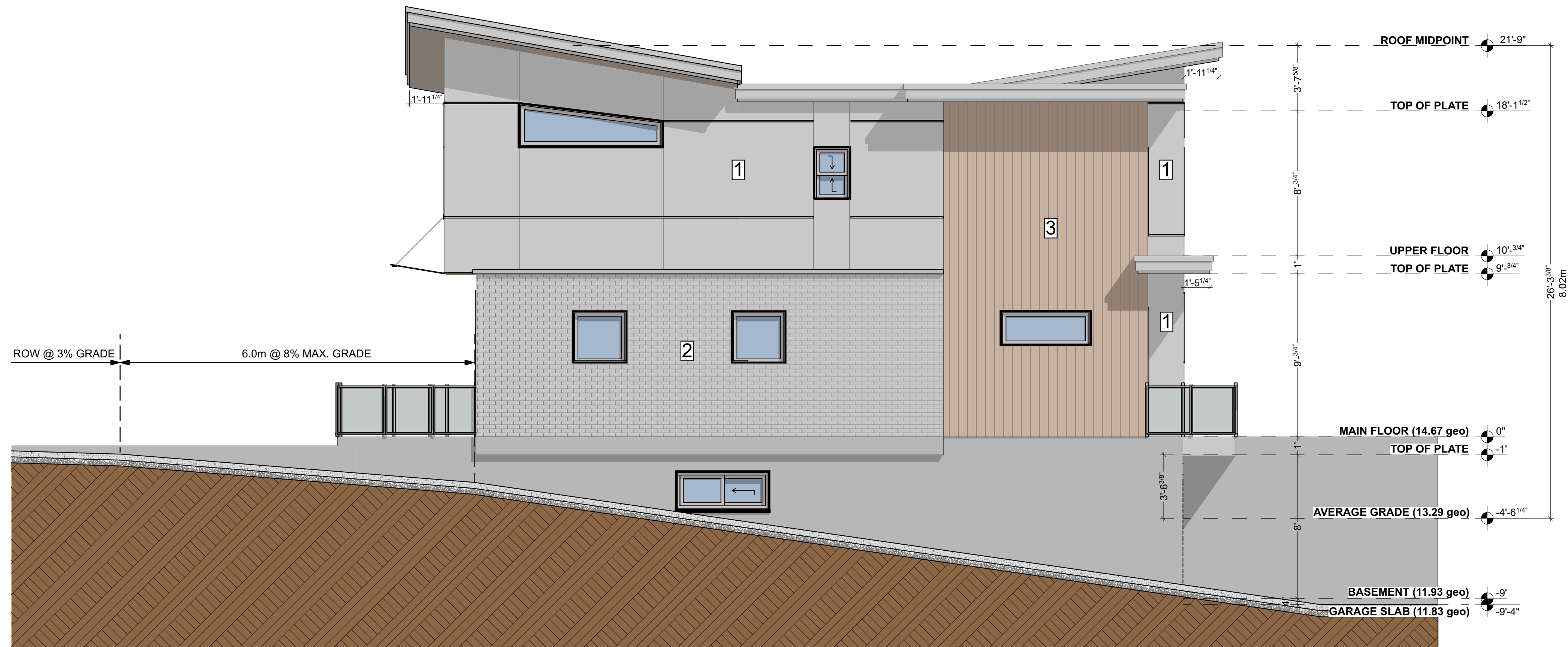
- HARDWIRED INTERCONNECTED CO DETECTOR
- HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
- HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
- BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
- KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
- CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
- FRESH AIR SUPPLY
- PASSIVE AIR INLET



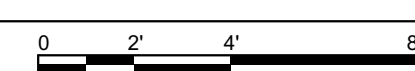
**NORTH ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"



**TYPICAL RAILING**

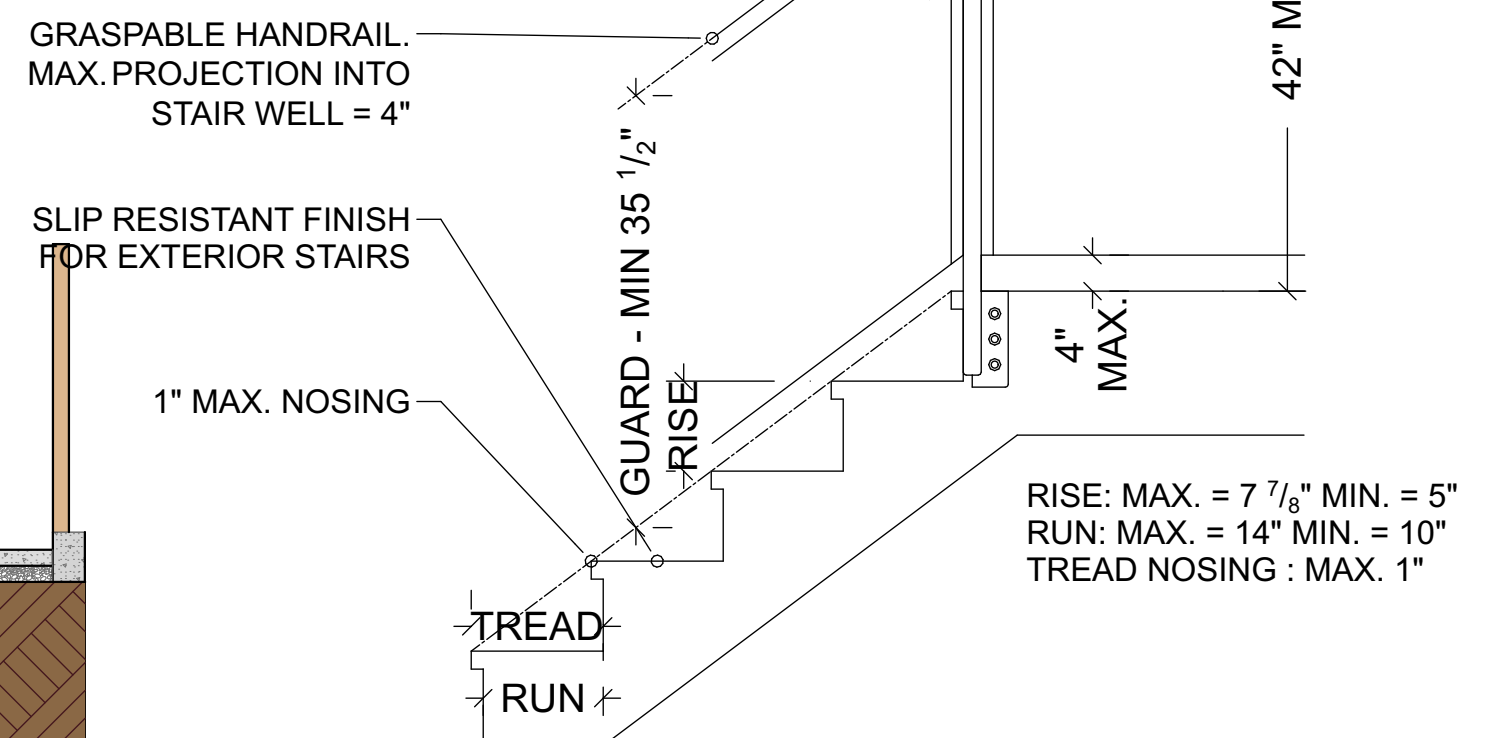


**WEST ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"



**EXTERIOR CLADDING LEGEND**

- 1 CEMENT BOARD PANEL W/ EZ TRIM REVEALS PAINTED
- 2 BRICK VENEER PREFINISHED
- 3 CLEAR T&G CEDAR SIDING STAINED
- 4 ASPHALT ROOFING SHINGLES



STAIR WIDTH = 34" MIN.  
ONE HANDRAIL REQ'D ON EXTERIOR STAIRS W/ MORE THAN 3 RISERS AND INTERIOR STAIRS W/ MORE THAN 2 RISERS SERVING NOT MORE THAN 1 DWELLING UNIT



1500 Shorncliffe Road Victoria BC Canada  
250.893.8127  
www.adaptdesign.ca

**557 SIMCOE ST,  
VICTORIA, BC  
BLOCK A**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR REVIEW

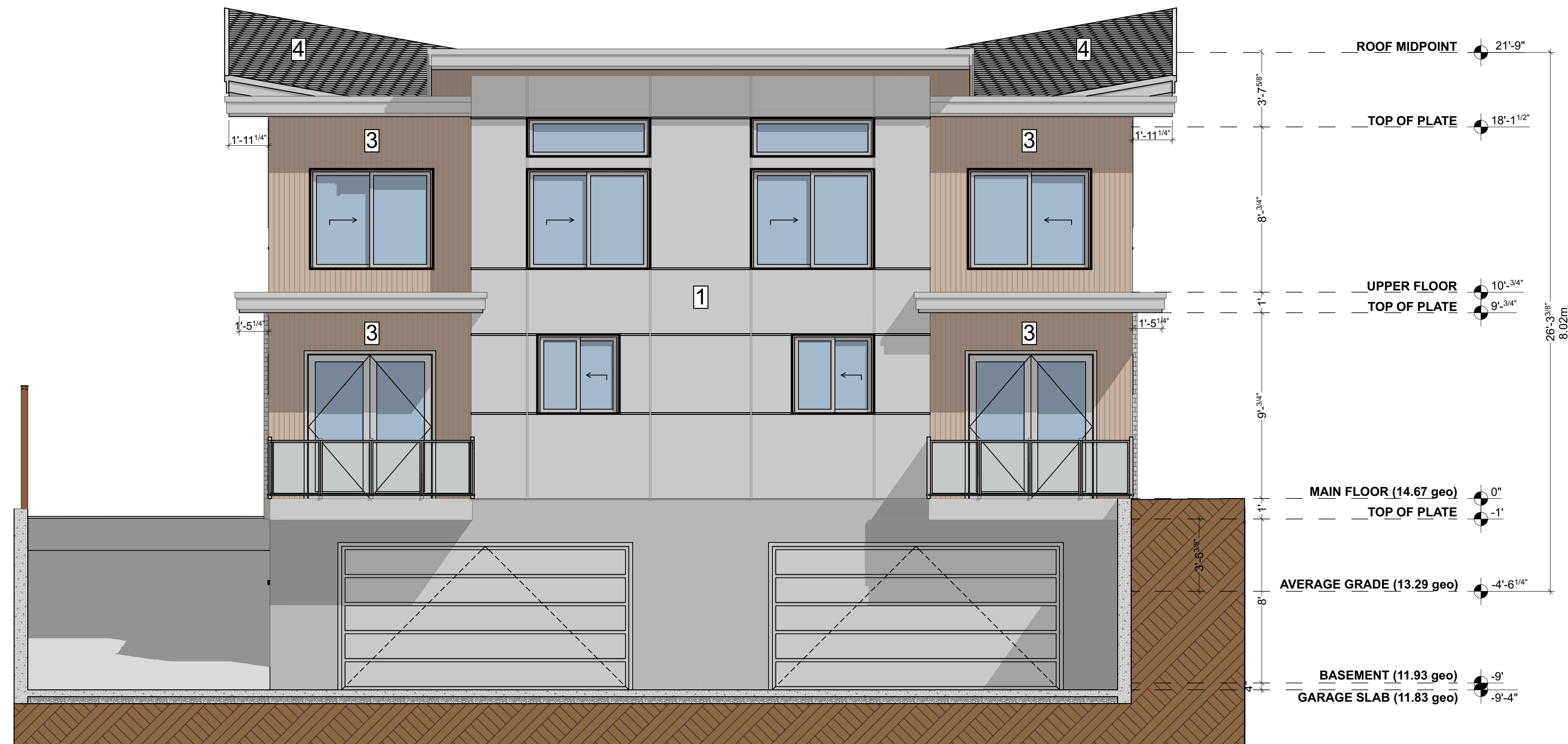
ISSUED:

ELEVATIONS BLOCK A

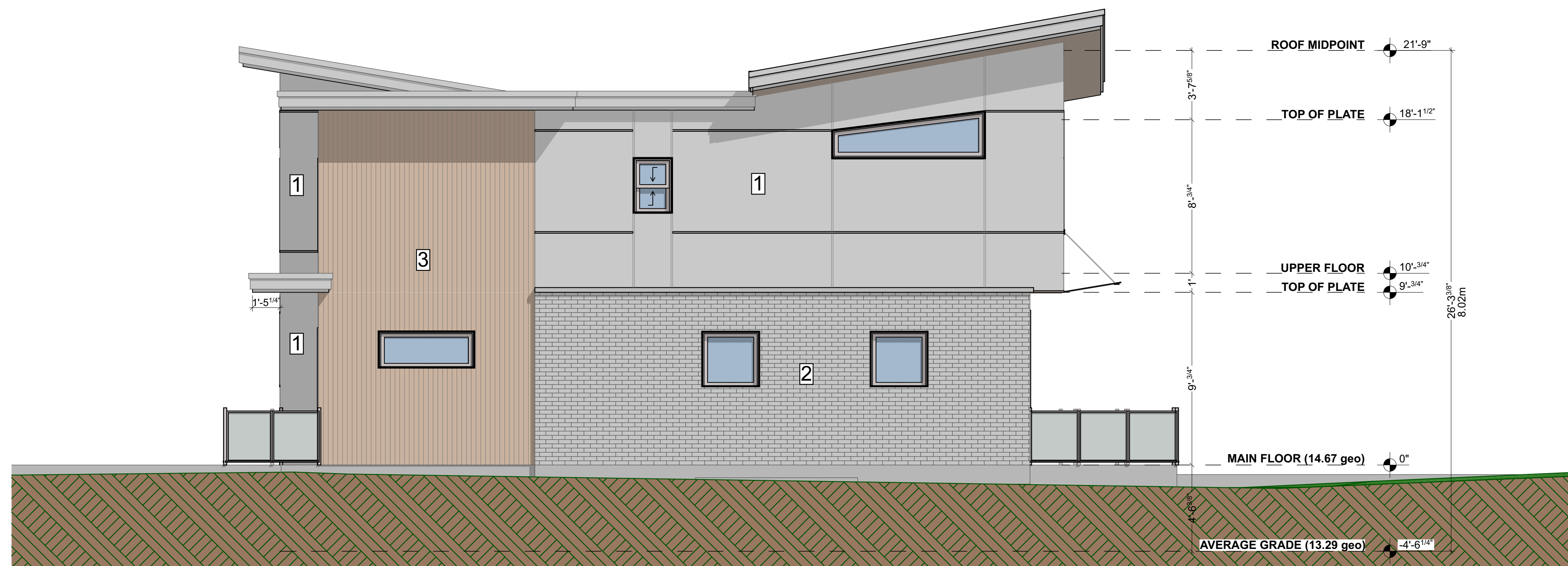
**A-201**

EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD PANEL  
W/ EZ TRIM REVEALS  
PAINTED
- 2 BRICK VENEER  
PREFINISHED
- 3 CLEAR T&G CEDAR SIDING  
STAINED
- 4 ASPHALT ROOFING SHINGLES



**3 SOUTH ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"



**4 EAST ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"

ISSUED FOR  
REVIEW

ISSUED:

ELEVATIONS BLOCK A

**A-202**



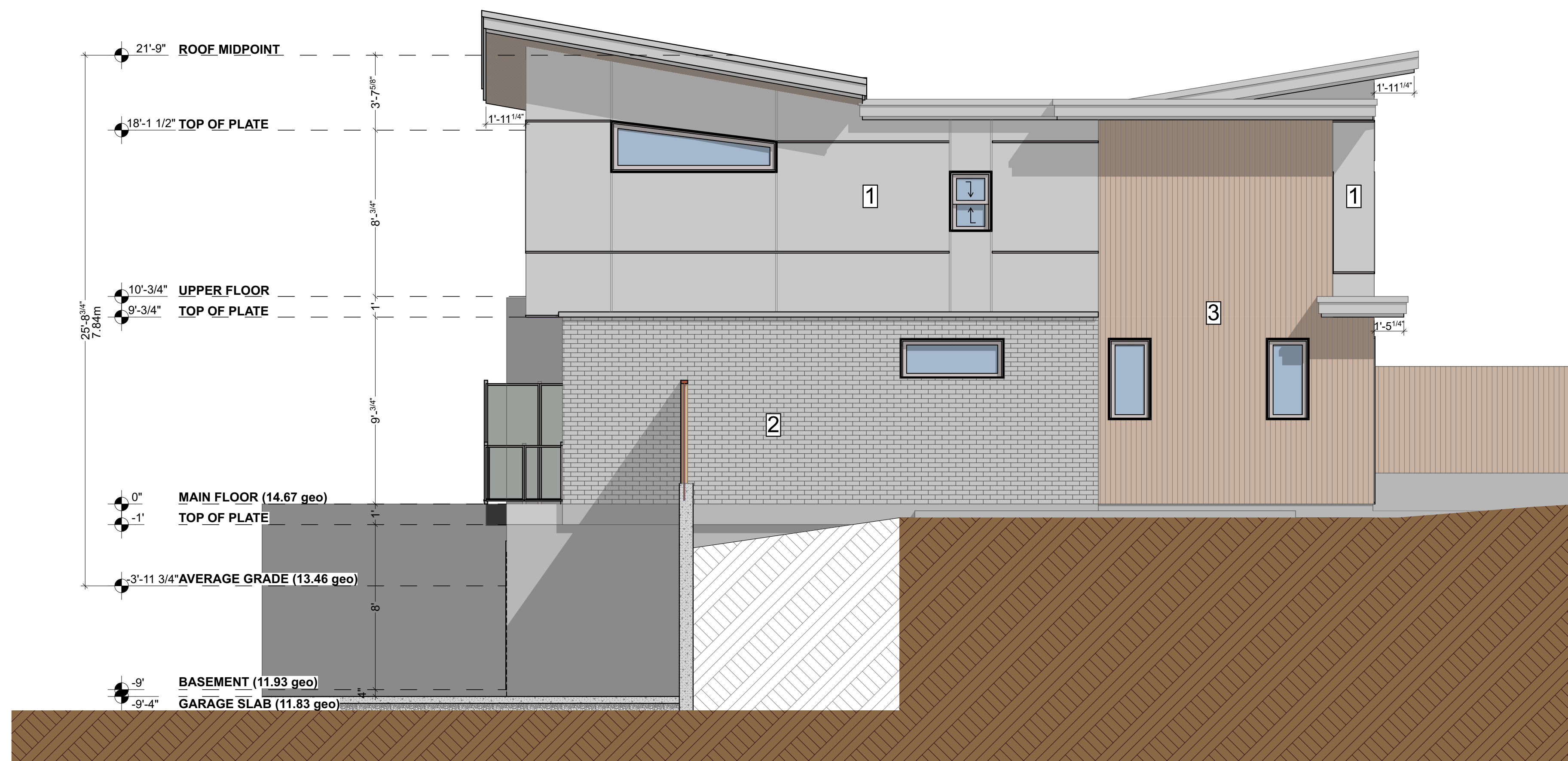
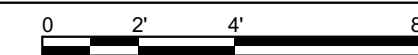
EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD PANEL  
W/ EZ TRIM REVEALS  
PAINTED
- 2 BRICK VENEER  
PREFINISHED
- 3 CLEAR T&G CEDAR SIDING  
STAINED
- 4 ASPHALT ROOFING SHINGLES



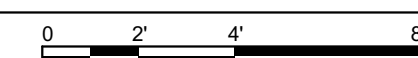
1 NORTH ELEVATION BLOCK B

SCALE: 1/4" = 1'-0"



2 WEST ELEVATION BLOCK B

SCALE: 1/4" = 1'-0"



ISSUED FOR  
REVIEW

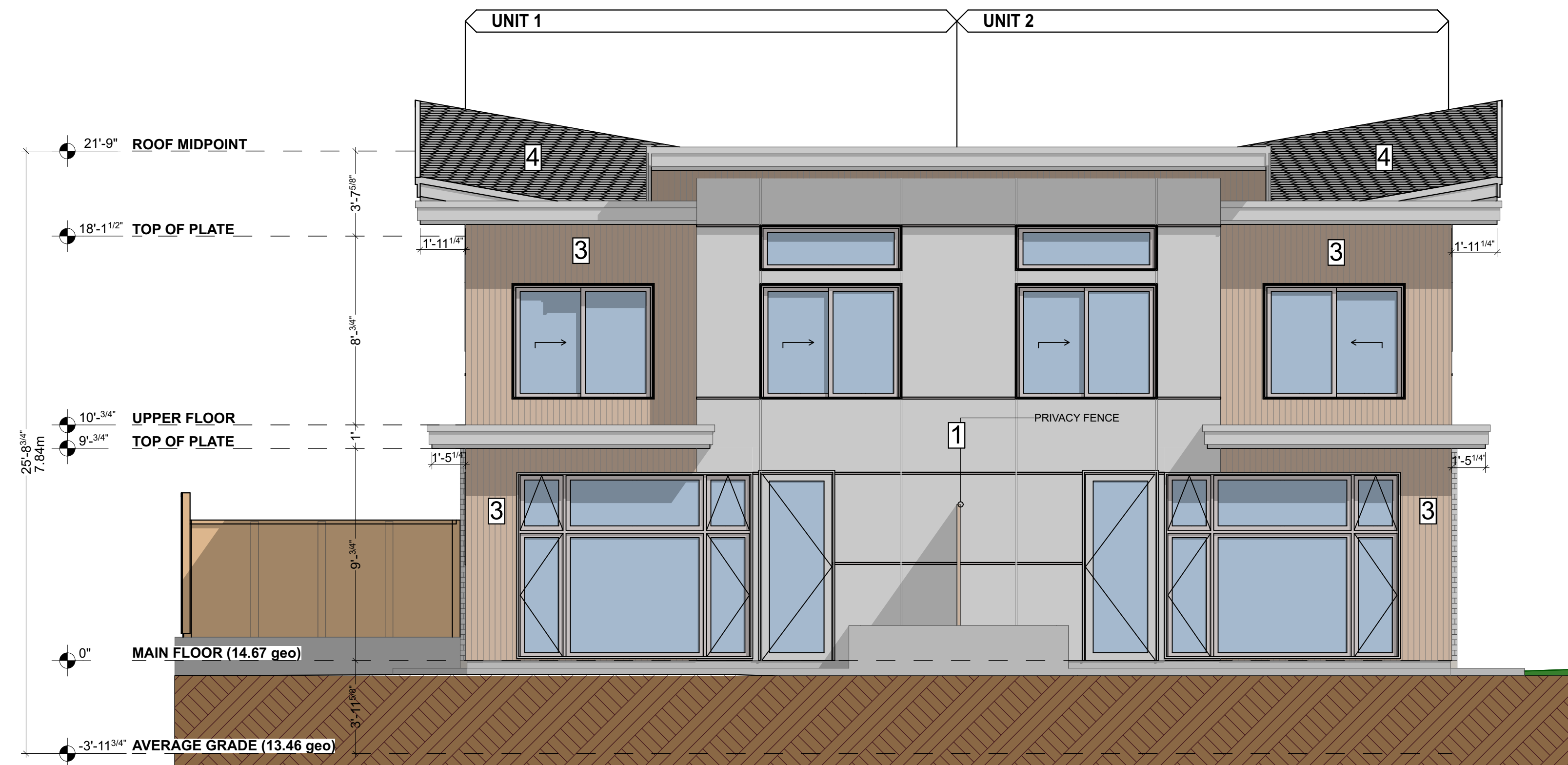
ISSUED:

ELEVATIONS BLOCK B

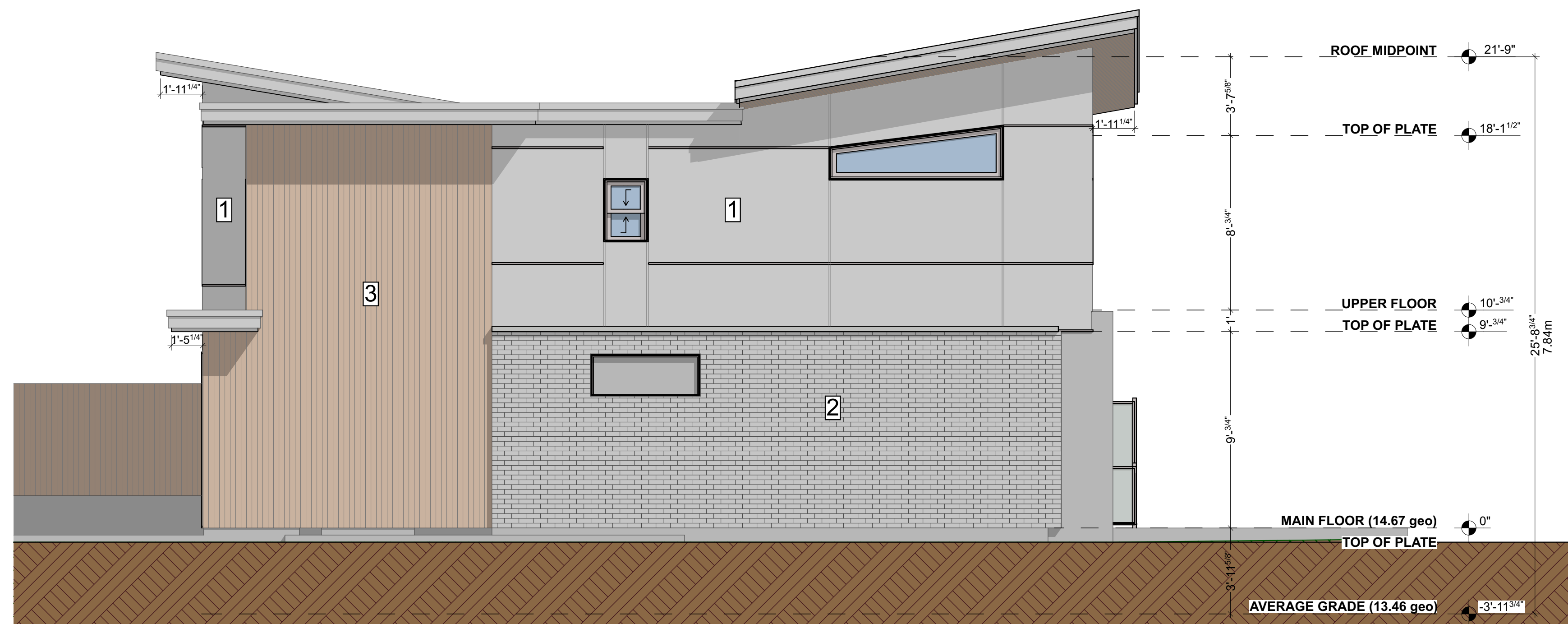
**B-201**

EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD PANEL  
W/ EZ TRIM REVEALS  
PAINTED
- 2 BRICK VENEER  
PREFINISHED
- 3 CLEAR T&G CEDAR SIDING  
STAINED
- 4 ASPHALT ROOFING SHINGLES



3 SOUTH ELEVATION BLOCK B  
SCALE: 1/4" = 1'-0"



4 EAST ELEVATION BLOCK B  
SCALE: 1/4" = 1'-0"

ISSUED FOR  
REVIEW

ISSUED:

ELEVATIONS BLOCK B

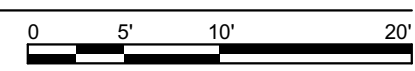
**B-202**



○ FRONT PERSPECTIVE BLOCK A



○ REAR PERSPECTIVE BLOCK A  
SCALE: 1" = 10'



ISSUED FOR  
REVIEW

ISSUED:


PERSPECTIVE VIEWS

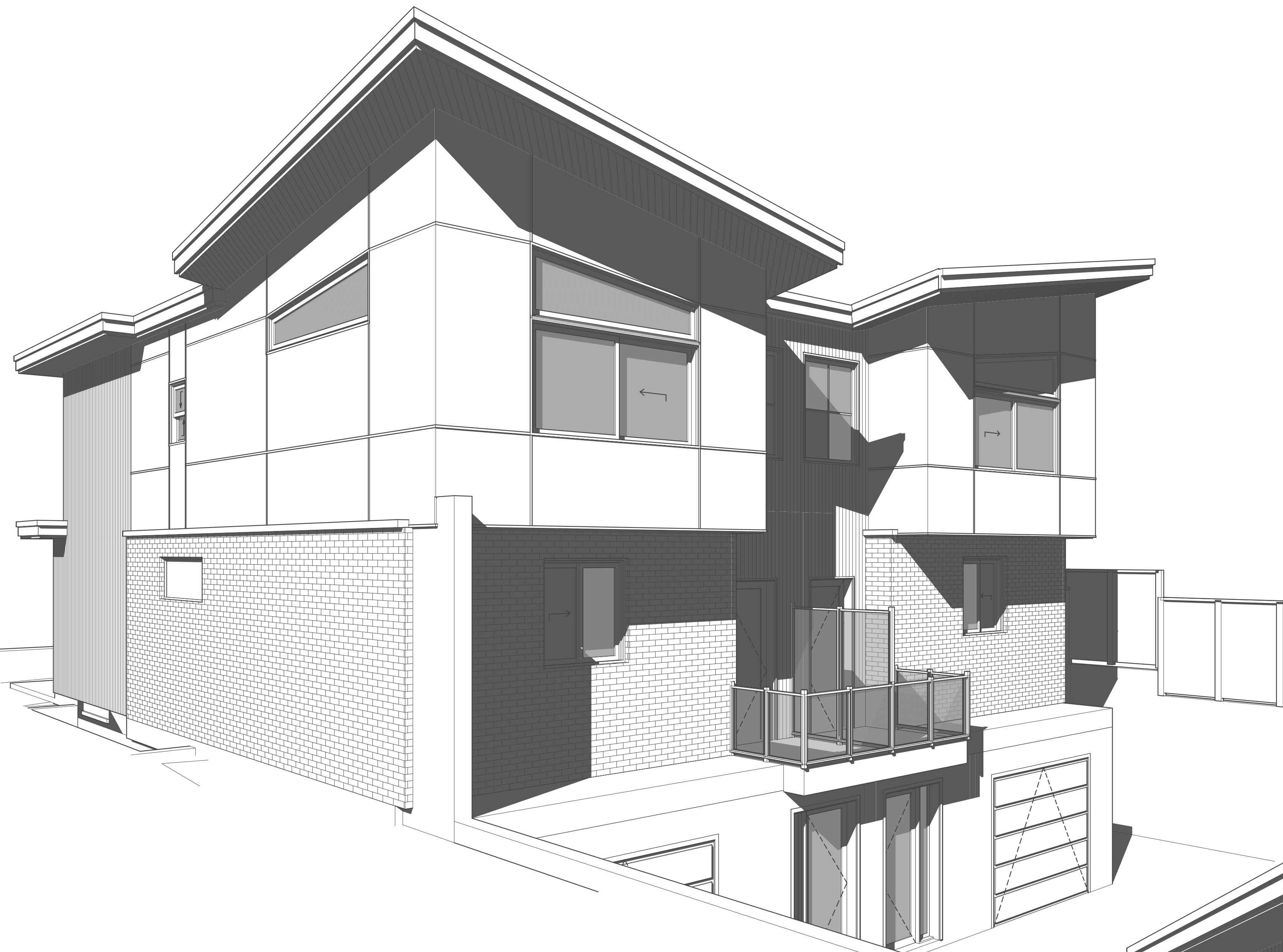
**A-301**

ISSUED FOR  
REVIEW

ISSUED:

PERSPECTIVE VIEWS

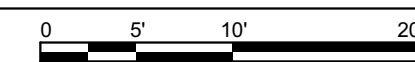
**B-301**



○ FRONT PERSPECTIVE BLOCK B



○ REAR PERSPECTIVE BLOCK B  
SCALE: 1" = 10'



May 3, 2021

Mayor and Council City of Victoria 1 Centennial Square Victoria BC V8W 1P6

**RE: Rezoning and Development Permit Application for 557 Simcoe St**

Dear Mayor Helps and members of City of Victoria Council,

On behalf of 0772613 BC Ltd. and Bluewater Development Ltd. we are pleased to submit for you consideration a development permit application for 557 Simcoe St in James Bay. Bluewater Development Ltd, owned by Mark Imhoff, is a long time James Bay business that has been creating more then 80 beautiful homes in our neighbourhood since November of 2001. Mark is also a local, successful realtor in James Bay, and we are all local James Bay residents (20 plus years).

**DESCRIPTION OF PROPOSAL AND ZONING**

The proposed development is two separate buildings each with two townhomes and one combined strata for the entire property. Each town house is two storeys with each home having three bedrooms and all units having private parking. This proposal is to move from R2 zoning to site specific zoning which fits within the OCP for James Bay.

Located a block away from James Bay village, our proposal will create home ownership opportunities for living in one of Victoria's most walkable neighbourhoods. These homes are targeting to families needing three bedrooms as there is little supply of this type of housing in new development in James Bay. The townhomes front Simcoe Street alleviating privacy issues for the South Turner and Clarence Street neighbours.

Immediately adjacent to our proposed development are 2 approved but not yet complete single-family 3 bedroom homes, each with a 2-bedroom basement suite. Beside the development along South Turner is a large heritage rental unit with a dilapidated heritage stable and very limited parking. Along Simcoe Street is a multi level apartment and a seniors' building. Along Clarence St is a 6-townhouse complex and a multi level apartment building.

**PROJECT BENEFITS AND AMENITIES**

Our proposal has made every effort to meet objectives identified in the Official Community Plan, under:

1. Section 6.22: Generally, support new development in areas designated Traditional Residential that seeks densities toward the upper end of the range
2. Section 6.32 Our plan supports the desire to accommodate additional residents by provided increased housing to 4 units from duplex zoning
3. Section 7.8 Our plan gives back 2.44 m or 8 ft of land along the front of Simcoe Street to the city as part of our development permit
4. Section 7 (7.74 and 7.7104) We propose to enhance plantings and a new tree along Simcoe St, and we have provided interior and exterior bike storage to encourage greener transportation. Last, we will include electric vehicle charging in each unit. We believe this also encourages healthier choices
5. Section 7.12 We are seeking to lower parking demands externally by providing 1 parking spot in each large garage plus an additional visitor parking stall. All the parking is accessed through one driveway on Simcoe St.
6. Section 8.43: Encourage high quality architecture, landscape, and urban design to enhance the visual identity and appearance of the City.

7. Section 8.44: Support new infill and building additions that respond to context through sensitive and innovative design.
8. Section 12.4 We seek to promote the reduction of greenhouse gas emission by including bike and Ecar facilities and increasing trees and plantings. We are providing each unit a garden box to encourage edible gardens and our interiors will be finished with go green products
9. item 13.9: Our proposal supports the desire for a range of housing types, forms, and tenures across the city and within neighbourhoods to meet the needs of residents at different life stages. There is a real shortage of 3-bedroom new development in James Bay.
10. Section 13.10: Encourage a mix of residents, including households with children, by increasing opportunities for innovative forms of ground-oriented multi-unit residential housing. We are proposing all 3-bedroom units with a rec. room or home office which is a rarity in James Bay.
11. Section 15.10 We propose 3-bedroom units that will encourage families with children to move into James Bay and our existing James Bay schools.

### **NEIGHBOURHOOD, NEEDS AND DEMANDS**

Our proposal meets the OCP for Traditional Residential by being 2 storey houses with front or rear yards, variable landscaping with street tree plantings and on-site parking. It provides 3-bedroom homes which James Bay lacks in new development. We meet the following objectives identified in the Official Community Plan specific to the James Bay neighbourhood:

1. Section 21.16.1: Maintain a variety of housing types and tenures for a range of age groups and incomes.
2. Section 21.16.3: Maintain an interesting diversity of land uses, housing types and character areas.
3. Section 21.16.5: Continue to support sensitive infill.

### **IMPACTS**

The development will compliment the existing neighbourhood as it is already an area with so many different types of housing. The buildings are modern in design which helps keep the rooflines low minimizing shadowing concerns and we have been sensitive to privacy issues by suggesting windows that do not intrude on neighbours' homes. The Clarence St townhomes support our design and our choice of fencing. We will use water permeable driveway, sidewalk and patio materials and have on site parking to alleviate parking pressures in the area.

Concerns addressed by residents of South Turner St at informal JBNA meeting October 2020 include:

- Impact on 154 South Turner stained glass window and stable: The stained glass referred to in minutes of the informal meeting is behind 160 South Turner not this development and the heritage stable is within R2 zoning distance from the development. We have not asked for an east side setback variance. The stable is slowly falling over onto 565 Simcoe St and is in need of remediation.
- OCP- Our proposal falls within the OCP and makes use of the large site to address the need for more housing while still maintaining front and back greenspace on the property with additional plantings and 2 new trees. We believe our proposal will be a positive, beautiful, and respectful addition for all our neighbours.
- Demolition Permit- The demolition permit has been received
- Lead and Asbestos Removal- We engaged Canadian Haz-Mat Environmental Ltd, a specialist in hazardous waste removal, to safely remove all toxic materials prior to demolition. We do not have any tenants at the site and the building has been demolished.

## **DESIGN AND DEVELOPMENT PERMIT GUIDELINES**

Our proposal would move from a vacant lot with R2 zoning to a Site-Specific zoning with 4 units in total. In particular we would like to bring the following to your attention:

### **Context:**

1. There are large apartment buildings, a townhouse complex and a heritage home converted to apartments in close proximity to our buildings. As a 4-unit strata complex, we believe this proposal will effectively act as a transition in the current context and continue to fit in as the neighbourhood evolves

### **Streetscape**

1. Only 2 of the 4 units will be easily seen fronting Simcoe St and these will be slightly above ground level facing the street. These two homes will have private street friendly patios and yards accessed from the sidewalk up a few steps to a patio, providing a positive relationship to the street. The rear two homes will have fairly large back yards.
2. Privacy will be achieved through medium height plantings, fencing and new trees
3. There is multiple bump in and outs to the building surface as well as a variety of claddings including; brick, cement panels and vertical siding which enhance the look and interest of the in relationship to the street

### **Exterior Finishes**

1. Primary cladding materials proposed are brick, cement panels, and cedar. These materials were chosen because there are precedents for using them in the neighbourhood, and because together they provide robust exteriors, variety, and warmth.
2. Open Spaces and Landscaping:
3. In addition to private front patios each unit will have private back or front yards including raised garden beds.

### **Parking:**

1. all private parking is in garages. The parking is all accessed from one driveway on Simcoe St

## **VARIANCES**

The proposal is requesting to move from R2 to site specific zoning with the following variances to the zoning requested:

1. Site Coverage: The R2 zoning allows for 40% coverage and our development is 36.6%
2. Front, Rear and Side Yard setbacks: All front and side setbacks are within R2 zoning. The variance requested is a decrease in rear yard coverage from 17m (55 ft) to 7.46m (24.4 ft). The proposed setbacks have been discussed with the planning staff.

## **SAFETY and SECURITY**

Unfortunately, crime and vandalism are on the rise in our community. We have addressed this in our plan by:

1. Installing motion sensor lighting externally around the property and in particular at the driveway area
2. Providing each unit with large private locking garages to store cars, bikes, toys etc
3. Creating a strata complex where the 4 homes can monitor their neighbours properties as a group
4. Planning a number of windows so that occupants can have site line access
5. Providing fencing at the side and back of the property to deter intruders
6. Placing the external bike and garbage area in a spot that is not visible to the street to deter theft

## **TRANSPORTATION**

This site is located in one of the most walkable neighbourhoods in the city and is in close proximity to public transit. Our proposal meets the automobile parking and the bicycle parking standards.

## **HERITAGE**

Not applicable

## **GREEN BUILDING FEATURES**

### *Site Selection:*

Being situated next to James Bay Village, residents will be a stone's throw from amenities, as well as being walking distance from the downtown core, with excellent access to public transportation.

Residents will have the option to live car free. We will provide individual EV rated electric charging conduit to promote Electric car use.

### *Transportation:*

We have provided an exterior bike rack and each unit will have a private garage for secure bicycle storage. As well, as mentioned each unit will have the ability to charge electric vehicles.

### *Energy Efficiency:*

This project will meet Step 3 of BCBC Energy Step code.

The building is designed to have a very efficient form in order to improve the Thermal Demand Energy Intensity.

Lighting - energy efficient LED lighting will be used throughout.

Daylighting - Numerous windows are designed to bring sunlight deeper into the interior spaces, reducing the need for electric lighting during the day.

Water- Low flow fixtures will be used throughout.

### *Landscaping and Urban Forest:*

Our landscaping will include grass back, side and front yards with numerous other plantings. We have included a variety of fencing and cedars to provide privacy and beauty to the property. We added a tree in the front and rear of the site. Please see the landscape drawings for details and landscape cost estimate

### *Urban Agriculture:*

Our proposal includes raised garden beds which residents may use for growing vegetables.

## **INFRASTRUCTURE**

Being located in a neighbourhood that already contains multi-unit buildings, there is currently adequate sewer, water, sidewalks, roads and parks within the area.

## **CONCLUSION**

The development tracker shows that we have received only positive feedback about our proposal. We have made changes which respond to the feedback of informal meetings with neighbours and have addressed questions, concerns and changes requested by City of Victoria Planning department. 557 Simcoe Street is a large lot that we believe should be used to support sensitive infill to James Bay. By Providing a high quality, well designed strata complex in a neighbourhood that has the infrastructure in place to support it, we feel this development is a positive and sustainable addition to our neighbourhood and request your approval.



**From:** Laura Nixon [REDACTED]  
**Sent:** March 29, 2022 4:41 PM  
**To:** Stephen Andrew (Councillor) <[stephen.andrew@victoria.ca](mailto:stephen.andrew@victoria.ca)>; Marianne Alto (Councillor) <[MAalto@victoria.ca](mailto:MAalto@victoria.ca)>; Sharmarke Dubow (Councillor) <[sdubow@victoria.ca](mailto:sdubow@victoria.ca)>; Ben Isitt (Councillor) <[Blisitt@victoria.ca](mailto:Blisitt@victoria.ca)>; Jeremy Loveday (Councillor) <[jloveday@victoria.ca](mailto:jloveday@victoria.ca)>; Sarah Potts (Councillor) <[spotts@victoria.ca](mailto:spotts@victoria.ca)>; Charlayne Thornton-Joe (Councillor) <[cth Thornton-joe@victoria.ca](mailto:cth Thornton-joe@victoria.ca)>; Geoff Young (Councillor) <[gyoung@victoria.ca](mailto:gyoung@victoria.ca)>; Lisa Helps (Mayor) <[LHelps@victoria.ca](mailto:LHelps@victoria.ca)>  
**Cc:** Mark Imhoff [REDACTED]; Chelsea Medd <[cmedd@victoria.ca](mailto:cmedd@victoria.ca)>  
**Subject:** Application for a Development at 557 Simcoe St in James Bay

I'm writing about a development we proposed in January 2021 at 557 Simcoe St which we believe will be coming to COTW in the next month or so. The lot is app. 65Ft wide and 165ft deep. It is vacant and is zoned R2. Instead of building a duplex as allowed currently we have submitted a site specific application to build 4 townhouses in two buildings. Our proposal is to create 4- 3 bedroom homes with individual parking and space in the basement for either a home office or a rec room. Each home would have use of a front or back yard. Being one of the last large lots remaining in James Bay we feel this is a great use of the property and would meet many of the requirements under the current OCP as well as the proposed Missing Middle objectives. Marianne Alto has previously seen the site when she acted on a temporary basis as the James Bay assigned councillor.

FYI we recently completed a project on the two adjacent small lots at 160 South Turner and 565 Simcoe St that transitioned from one old home to 2- 3 bedroom homes with a 2 bedroom rental suite in each.

If we are successful in this application, we will accomplish our objective of increasing density (6 homes for families and 2 rental suites) in our neighbourhood from 2 old homes on 3 lots that we purchased all together in 2018 through an estate sale.

If any of you would like to see the site and ask questions you can reach me (owner) or Mark Imhoff (applicant) at the contact provided below. Thank you in advance for your consideration. Sincerely, Laura Nixon

Mark Imhoff  
[REDACTED]  
[REDACTED]

Laura Nixon  
0772613 BC Ltd  
[REDACTED]  
[REDACTED]



## James Bay Neighbourhood Association

[jbna@vcn.bc.ca](mailto:jbna@vcn.bc.ca)  
Victoria, B.C., Canada

[www.jbna.org](http://www.jbna.org)

October 19<sup>th</sup>, 2020

Mayor and Council,  
City of Victoria

Dear Mayor and Councilors,

**Re: 557 Simcoe St Rezoning Proposal**

The community ZOOM meeting to consider the proposal to rezone 557 Simcoe from an R-2 zone to a site-specific zone was held on October 14<sup>th</sup>, 2020 (38 attendees).

A ZOOM pre-meeting was held on September 28<sup>th</sup> to consider the readiness of the proposal for a community discussion. Mark Imhoff and Laura Nixon presented the proposal to JBNA Development Review Committee members, Tim VanAlstine and Marg Gardiner. The proposal is to construct a strata complex with 2 duplex structures, for a total of 4 townhouses.

In advance of the Forum, over 75 flyers about the proposal were distributed (flyer attached, Appendix A). However, at the meeting, 2 residents within the 100-meter drop-area stated they had not received notices.

Meeting participants asked questions, clarifying details of the proposed build of the strata townhouse complex. In September of last year, the proponents had presented a different proposal involving three lots and 11 units. Several comments referred to the 2019 proposal. This resulted in a mixture of comments, some directed to the 557 Simcoe proposal, while others referred to the 2019 proposal.

The submissions by residents (Appendix B) detail much of the discussion.

Comments directly related to the proposal as presented include:

- ~ need to shore up, or otherwise protect, the edge of property which abuts the heritage carriage house at 154 South Turner during excavation (Note: blasting not needed)
- ~ the character of the proposed building structures does not reflect the character of buildings on South Turner
- ~ the preference for permeable surfacing for the drive way area
- ~ absence of architectural detailing in the proposal
- ~ the schematics should have included a more detailed look at the impact on the back yard of 154 South Turner
- ~ concern about creation of basement suites and further densification (note: no plumbing facility for basement bathroom)
- ~ concern over impact to on-street parking.

... 2

In general, several residents on South Turner were opposed to the development. Other residents expressed support for the proposal stating that it was sympathetic (in design) to the fit of the street (Simcoe) while providing needed family sized 3-bedroom housing.

As City staff review the proposal, JBNA asks that, should the proposal veer significantly from what was presented at the JBNA ZOOM session, the proposal come back for community consultation before being presented to Mayor and Council through any Council process.

This meeting fulfills the requirement of the public community meeting requirement of the CALUC process.

Yours truly



Marg Gardiner  
President, JBNA

Appendix A: Flyer distributed by Proponents (2 pages)

Appendix B: Submissions by residents Carlson and Platter (3 pages)

Cc: Chloe Tunis, CoV Planning  
Laura Nixon, Owner/Proponent  
Mark Imhoff, Blue Water Developments Ltd./Proponent

## Appendix A: Flyer distributed to those within 100m (page 1)

Note errors in document: Townhouses are to the West and NorthWest and South Turner is to the East and SouthEast.



### James Bay Neighbourhood Association

[jbna@jbna.org](mailto:jbna@jbna.org)  
Victoria, B.C., Canada

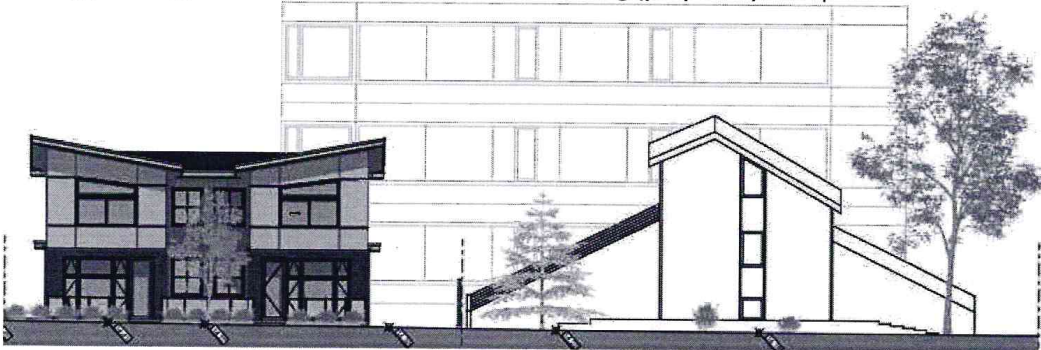
[www.jbna.org](http://www.jbna.org)  
October 2<sup>nd</sup>, 2020

#### 557 Simcoe St Community Forum

JBNA is hosting a Community Discussion to consider, and receive comment on, the proposed development for 557 Simcoe Street on Wednesday, October 14<sup>th</sup>, at 7pm, via ZOOM conferencing.

**557 Simcoe St:** currently a long (48.95m) narrower (18.29m) lot in James Bay; the Official Community Plan designation is Traditional Residential.

**Zoning (existing)** R2-Two Family Dwelling District **Zoning (proposed)** site specific



The proposal creates 2 duplex buildings with one behind the other fronting Simcoe St. Each building has 2 townhouses that are situated beside 2 small lots at the corner of Simcoe and South Turner on the north and a 6-townhouse complex at the south.

The proposed residences are 3-bedroom, 3-bathroom homes with large rec room; total floor areas of 1927 sq. Ft and large individual garage. Each unit will have either a front or back yard with planter boxes, grass, and native plantings.

**For information, you may call/e-mail:**

**Proponent:** Mark Imhoff, Blue Water Developments Ltd, 250 883-1995.

[info@homesalesvictoria.com](mailto:info@homesalesvictoria.com) or Laura Nixon 250 415-5008. [l.nixon@hotmail.com](mailto:l.nixon@hotmail.com)

**JBNA CALUC Co-Chairs:**

Marg Gardiner, [marg.jbna@telus.net](mailto:marg.jbna@telus.net) 250-360-0300

Tim VanAlstine, [timothyvanalstine@gmail.com](mailto:timothyvanalstine@gmail.com) 250-704-6566

<https://us02web.zoom.us/j/84287512711?pwd=R0tWQTluSnVXQStTV0F5cmhQS3NaZz09>

Meeting ID: 842 8751 2711

Passcode: 077076

Note: the City is currently modifying a comment system and may, or may not, provide on-line comment opportunity in addition to receiving letters about the project.

*JBNA ~ honouring our history, building our future*

**Appendix A: Flyer distributed to those within 100m (page 2)**

**Development Review Fact Sheet Table  
(Please provide both Imperial and Metric measures)**

<b>SUBJECT</b>	<b>EXISTING (current zoning)</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
Zoning	R2	Site Specific	
Land Use			
Lot Area	895.3m Sq (9637 Sq Ft)		
Lot Width	18.29m Sq (60 Ft)		
Lot Depth	48.95m (160.6Ft)		
Site Coverage % (to exterior walls)	40%	36.6%	3.4%
F.S.R.	0.5 to 1	0.79 to 1	0.29
Setbacks:			
Front	7.5m (24'6")	7.96m (26'1")	0.46m (1'5")
Rear	17m (55.7')	7.46m (24'4")	9.54m (31'4")
Side A	1.5m (5')	1.68m (5'6")	0.18m (6")
Side B	3.0m (10')	3.8m (12'6")	0.8m (2'6")
Building Ht. And No. of floors	2 storey (24.5')	2 storey (24.5')	
No. of units (if residential)	2	4	2
Unit type (condo, townhouse, etc)	Duplex	Townhouses	
Unit Areas & Descriptions		178.56m sq (1922' sq) 3-bedroom	
Parking Requirements	2	8	6
Parking Area	surface	475 sq' internal garages	
Bike Storage	N/A	yes	
Loading Bay Requirements	N/A		
Waste Management Requirements	N/A		

## Appendix B: Resident Submissions (page 1- Carlson)

October 14, 2020

Linda Carlson  
■ Lewis Street  
Victoria V8V 2E9

Re: Development Proposal 557 Simcoe Street

To James Bay Neighbourhood Assoc:

Thank you for giving the neighbourhood an opportunity to provide feedback on a development proposal for 557 Simcoe Street.

The proponent plans to seek site-specific zoning to enable the construction of two separate duplexes which will be strata titled. One duplex faces Simcoe Street, the second is located behind in the rear yard.

557 Simcoe Street was initially linked with the separate property at 160 South Turner Street for purposes of an 11 unit development on both lots. The current proposal for 557 Simcoe Street is a replacement for the 11 unit proposal. The proponent indicates the 2 duplexes will be constructed on one of three lots, as he claims the existence of a third lot located between 160 South Turner and 557 Simcoe.

None of the detail from the revised 557 Simcoe Street is on the City of Victoria Development Tracker. For various reasons there is mistrust among some residents that the proponent will follow through with the proposal as presented. Such mistrust would have been mitigated had he been required to submit the revisions to the City and had the revisions been posted on the Development Tracker.

The proposal for two 3-bedroom duplexes will add 4 units of desirable housing to the James Bay inventory. If the proponent's application to the City is consistent with the presentation at this evenings JBNA meeting I am not opposed.

Sincerely,  
Linda Carlson  
■

## Appendix B: Resident Submissions (page 2/3 – Plater/McMaster rec'd Oct 17<sup>th</sup>)

Hi Marg,

Please disregard the previous version. This version has been updated to show paragraph numbering is in sequence.

Please find below our comments/questions on the proposal for 557 Simcoe Street, Victoria.

Please note that many of the comments impact Cameron McMaster directly, as his property is surrounded on one side by 557 Simcoe on another side by the adjacent property also being redeveloped at the same time by the same developer. The potential impact on Cameron's house and carriage house from this development are immense.

1. Under the OCP, the property is **Traditional Residential NOT Urban Residential**. It is zoned R-2, allowing 1 duplex at 380sq meters floor area, Mark Imhoff is proposing Site Specific zoning, allowing him to develop 2 duplexes on that property with a total of 720 sq meters. **This development negatively impacts the neighborhood by removing greenspace from the property and adding more building overall site coverage. What is the purpose of an OCP and of zoning restrictions if they can be so easily modified. Under site specific zoning, arbitrary and unexpected zoning changes and development changes like this destabilize a neighborhood and a community by creating an environment of uncertainty for residents and neighbours, moving James Bay back to a region controlled by developers not residents, and moving James Bay back to the developer heyday of the 1960's and 1970's.**
2. At 1,927 sq ft per unit, each of the four units at 577 Simcoe could potentially be priced at or above \$1million each. **This development does not create any true affordable housing for diverse communities, elders, students and creatives. This development will further encourage developers to demolish existing housing stock and replace it with higher priced housing out of reach for many diverse communities, elders, students and creatives. As evidence of this, take a look at the 2 houses Imhoff is involved with at 65 Boyd. Each house was listed within the range of \$1.8 million.**
3. The proposal included site drawings showing the proposed duplexes and the already demolished house on the adjacent property. The BOV has already approved the "relaxation" of the setbacks on the adjacent property and given that both properties are being developed by the same developer, the site drawings would have shown a more accurate representation to the audience if they had shown a building on the adjacent property with the "relaxed" setbacks instead of the previous setbacks, to better understand the community impact of the proposal in the context of the streetscape.
4. The property at 557 Simcoe that the developers purchased allows for one duplex. **Why did they purchase the property knowing it was R-2 zoned and allowed only one duplex? Allowing a request to build two duplexes on the lot doubles the density and will result in an increase in vehicles and traffic on the street. It is unlikely that this will be this be the last site specific zoning request in James Bay, if it is granted. How is a larger housing footprint more green?**

5. How does the visual representation of these duplexes communicate with the existing heritage homes with greenspaces around it? **The proposal makes no mention or consideration of the adjacent heritage home and other heritage homes on the surrounding streets. The proposed flat top duplexes appear as smaller versions of the flat top apartment buildings from the 1960's and 1970's, with only minimal greenspace. How does this fit with the greening of a community?**

6. What protections will he offer to neighboring houses while they are digging down for the basements and parking, given that the site plan shows the development coming exceptionally close to 154 South Turner? **Is the developer aware that 154 South Turner is directly adjacent to his property and is a largely intact heritage designated home from 1896 with heritage designated carriage house. The home has an amazing, intricate and irreplaceable, very large stained glass window that overlooks 557 Simcoe and the adjacent 160 South Turner.**

7. In Part 2.1.4 a of the R-2 Zoning regulations, it is very clear that if there is a basement, the maximum height is 7.6 m and the massing is 1 1/2 storeys. Imhoff's plan has a full footprint below the mainfloor, consisting of parking and living space, and yet he still has included 2 full storey's above grade in the proposal. **How is this in compliance with the R-2 Zoning and how is this respectful of the neighbours? If a variance is requested, either in form and massing or setbacks, it is imperative that the City consider the impact of any variances on the adjacent property, the heritage designated house and the heritage designated carriage house at 154 South Turner and the residents living there.**

8. Imhoff demolished the house at 557 Simcoe without obtaining a demolition permit, and as of October 13, 2020, he still doesn't have the required demolition permit. **The demolition permit requirement of the City is very clear, the City requires a permit prior to demolishing a house, and the developer would be aware of this. Not obtaining a demolition permit prior to demolishing a building potentially shows a possible disregard to the process in place and a lack of respect for the neighborhood.**

9. Many neighbours on South Turner Street questioned the controls over lead and asbestos removal during the demolition of 557 Simcoe. **What care and protection was in place over potential exposure to toxic lead and asbestos by workers and neighbors during the demolition of this house, as it appeared to me and others that safety, care and protection was not a priority.**

It is important that the JBNA includes the concerns of the neighbours on South Turner Street, in submitting comments to the City.

Once the JBNA has prepared the submission with comments, to the City. Is it possible to share this report with Cameron McMaster and myself?

Sincerely,  
Paul Plater  
116 South Turner Street

Cameron McMaster  
154 South Turner Street



**557 Simcoe Street (James Bay)**

*All feedback received from the Development Tracker online comment form.*

<b>Name</b>	<b>Position</b>	<b>Comments</b>	<b>Address</b>	<b>Date</b>
Peggy Frank	The notice I received appears to be incomplete or incorrect and there is little I can find online.	The map for the proposed development does not match the area that has been cleared of houses as there is also the lot 160 on South Turner. Is that part of the proposed development? There are no drawings of the proposed siting of the buildings and the setbacks are thus difficult to determine. The rear setback appears to be much less than the zoning requirement. And the side setbacks place the two story construction close to the property line. This is all conjecture until I see the plans.	139 Clarence St	2020-11-07 2:19
Clifford Paul Johnson	Support	The design is modern but also complimentary to the neighbourhood. The units are of a good size and would easily house a family.	520 Niagara Street, Victoria BC	2020-11-10 17:44
Lorna Jane Johnson	Support	The proposal is well designed and suitable to the neighbourhood. We are happy to see quality designed homes updating the neighbourhood and adding value to the overall James Bay housing stock.	520 Niagara Street, Victoria BC	2020-11-10 17:47
Norma Campbell	Support		159 Clarence St, unit 1 Victoria Bc	2020-11-10 19:23
Kristofer Siriungs	Support		159 Clarence St unit 2, Victoria Bc	2020-11-10 19:25
Lorina Miklenic	Support		159 Clarence St, unit 3 Victoria Bc	2020-11-10 19:26
Alisalmas Musani	Support		159 Clarence st, unit 4, Victoria Bc	2020-11-10 19:27
Ken and Sandi Middleton	Support		159 Clarence st, unit 5, Victoria BC	2020-11-10 19:29
Tim % Lisa Prisiak	Support		159 Clarence St, unit 6, Victoria BC	2020-11-10 19:30
Laura Nixon and Mike Reid	Support	Owner of 160 South Turner and 565 Simcoe St	160 South Turner St	2020-11-16 19:02
Laura Nixon and Mike Redi	Support	Owner of 160 South Turner and 565 Simcoe St	565 Simcoe St Victoria	2020-11-16 19:03
Robert Glazier	Support	This is an experienced professional and reliable developer - it built my current home and the quality and follow up were excellent. I would like to purchase a future home from them. No hesitation	301 St Lawrence st	2020-11-29 0:02

October 29, 2020

Mayor and Council City of Victoria 1 Centennial Square Victoria BC V8W 1P6

**RE: Development at 557 Simcoe St**

Dear Mayor Helps and members of City of Victoria Council,

We are the closest neighbours of 557 Simcoe at 159 Clarence St, Victoria. We have met with the developer and owners of the property and worked with them to discuss the style of the buildings and the fencing that they proposed

We support the Development Proposal of 2 duplex buildings with 4 townhomes and would like to see the development begin as soon as the process allows.

Thank you for your time.

Owners of the 159 Clarence St Townhomes

Unit Number	Name	Signature
1	NORMA CAMPBELL	N. Campbell Oct 29/20
2	Kristofer Siriguas	[Signature]
3	LORINA MIKLENIC	L. Miklenic
4	Ali & Almas Musani	AH Musani
5	Ken + Sandi Middleton	Sandi Middleton
6	TUM and Lisa Prisiak	[Signature]

It has been noted that the empty lot is an invitation to people who use it as a bathroom, one was observed pulling wires off something recently. 159 Clarence is hoping that construction starts sooner than later. N. Campbell Unit #1

**From:** Chris & Robin Rohrmoser [REDACTED]  
**Sent:** November 29, 2020 8:28 PM  
**To:** Development Services email inquiries; Councillors; Marg Gardiner  
**Subject:** 557 Simcoe St development and rezoning proposal  
**Attachments:** 557 Simcoe dvpt-Rohr-response.pdf

Attached are our comments in response to the City of Victoria proposed development notice (dated 26 Oct 2020).

Thank you for the opportunity to comment.

Sincerely,  
Robin and Chris Rohrmoser  
531 Simcoe St  
[REDACTED]

Mayor and Council, City of Victoria [councillors@victoria.ca](mailto:councillors@victoria.ca)  
Development Services, City of Victoria [developmentsservices@victoria.ca](mailto:developmentsservices@victoria.ca)  
James Bay Neighbourhood Assoc. c/o Marg Gardiner, president [marg.jbna@telus.net](mailto:marg.jbna@telus.net)

**RE: 557 SIMCOE ST DEVELOPMENT AND REZONING PROPOSAL**

Following are our comments in response to the City of Victoria proposed development notice (dated 26 Oct 2020). In preparing this we first reviewed the JBNA CALUC response and attached letters; further response from Bluewater Developments Ltd. and 0772613 BC Ltd; and plans by Adapt Design on the development tracker.

**TABLE OF CONTENTS**

**Summary of comments.....page 1**  
**Expansion on summarized comments ..... pages 2 through 6**  
**Comments regarding the developers’ Nov. 1 response .....pages 7 to 8**

**SUMMARY OF COMMENTS**

**Rezoning and development processes:**

*We would like to see 557 Simcoe be kept as R2 zoning.* This approach to development and neighbourhood consideration is unacceptable; an approval would promote more of the same. We can do much better than this for greenspace, smart housing design, neighbourhood character, densification, affordable housing and consideration of neighbours.

The concept of houses on three properties is an improvement on the initial townhouse complex proposal. Consideration of the 557 Simcoe proposal should take into account current proposed designs for 559 Simcoe and 160 South Turner.

**Greenspace:**

*We would like to see more greenspace and plantings,* to go some way to replacing the mature established shrubbery and trees that have been lost. Pleasant, beautiful, existing greenspace was obliterated on these three properties, and yet, ironically, the proposal promotes greenspace as a feature.

**Developer’s relationship with neighbourhood**

*The developer’s treatment of the property to this point has been poor, showing a lack of respect for direct neighbours and the surrounding neighbourhood.*

**Design:**

*For 557 Simcoe St, we favour a more traditional design as shown in plans for 559 Simcoe and 160 South Turner.* Despite the proponent’s description of the immediate neighbourhood being apartments and townhouses, the majority are actually older and heritage homes.

**Affordability and densification:**

*We would prefer housing sizes that are more modest and affordable.* Actual duplexes on these properties rather than the large-house-plus-basement-suite concept could provide six homes more affordable than the current plan. With smart design, these three properties could all be duplexes with at least some being 3-bedroom homes.

**Heritage character / fit with neighbourhood:**

*The character of James Bay is disappearing one rezoning/redevelopment at a time. We can add density without losing James Bay and becoming Suburb-by-the-Sea.* Sensitive redevelopments and infills do exist in James Bay that don’t destroy existing heritage and well-designed older housing.

## REZONING AND DEVELOPMENT PROCESSES

- What does saying “yes” to this encourage in future developments? We can never replace what we lose when we destroy heritage and older housing and greenspace.
- As noted above, James Bay is changing one development at a time, according to the taste of a few developers. If we continue destroying older and heritage housing and infilling with box-like developments with minimal greenspace, what makes James Bay wonderful will be gone.
- Has nothing been learned from the 60s- and 70s-era developments? These developments are with us now as established parts of James Bay and provide welcome density and affordability of housing, including rental housing. The older developments also tend to have generous grounds and established landscaping around them, far more than most new developments.
- Healthy, attractive, long-established shrubs and trees were stripped from this property in a very short time. 557 Simcoe and 160 South Turner were demolished prior to approval of a redevelopment. Why does the City ask for input if the developer can go ahead so quickly with no apparent vision for the character of the neighbourhood?
- James Bay has many examples of housing developments that have increased density while maintaining greenery, heritage design and the general feeling of James Bay: original homes lifted, divided up, added to, new homes inserted in large yards. It can be done. In this case, to the developer’s credit, initial neighbourhood concerns have been responded to. This can happen again as the process continues.

*In addition, we support comments in the JBNA CALUC response and attached letters re:*

- Site-specific zoning allows arbitrary and unexpected zoning changes, destabilizing a neighbourhood and community and environment of uncertainty.
- What is the purpose of an OCP and zoning restrictions if they can be so easily modified?
- This moves James Bay back to the developer heyday of the 1960s and 1970s.
- This development further encourages developers to demolish existing housing stock and replace it with higher-priced housing out of reach for most. (e.g. 65 Boyd houses by same developers – each priced at \$1.8 million.)
- Demolition of 557 Simcoe house without a demolition permit showed disregard for process. [Our comment: we don’t know about this, but if true, it is extremely disappointing.]

## GREENSPACE AND ENVIRONMENT

**Beautiful existing greenspace was entirely removed on these three properties, and yet the proposal promotes greenspace as a feature.**

- The disappearance of the character of James Bay as properties are redeveloped includes irreplaceable greenspace. The proposed development began with the destruction of greenspace, and in return offers too much pavement and not enough green.
- The City has a “free trees” program and yet allows a development like this, where healthy, decades-old growth has been destroyed. Trees are very important, but so is all the smaller growth such as long-established shrubs. If you look at the older properties in James Bay, they comprise a continuous interconnected panorama of shrubbery and trees.
- We ourselves do not own a car and so know our neighbourhood entirely on foot. As you walk down the streets and a few laneways, you are constantly observing old gardens (as in yards with established growth): each one surprising, changing with the seasons, alive with birds, a constant delight. Why are we letting this be taken away and sent to the landfill?
- Nearby on Simcoe we have a small yard with shrubs, most of which have been here for many years and some that we’ve added, and we are also surrounded by large trees from nearby properties. We have identified 29 species of birds on our small property. No doubt they or their kin also inhabited the grounds of 557 Simcoe and 160 South Turner, but not anymore. A handful of new plantings will not replace what was lost.
- There were on the 557 Simcoe and 160 South Turner properties a small orchard and mature, established heritage shrubbery and perennials. Every leaf of plant life was scraped away, virtually overnight: apple trees, marionberry, a large golden cedar, wisteria, a large native currant bush, roses, beautiful daffodils that came up every year, and many others.
- The former houses were demolished instead of relocation, renovation or re-use of wood, windows, etc. Compare this to the Parry St development, which was gradually pulled apart and (it appears) re-used or recycled. Compare this to redevelopments that use gradual additions, in-fills, lifting and renovation as well as retention of shrubs and trees.

*In addition, we support comments in the JBNA CALUC response and attached letters re:*

- Preference for permeable surfacing for the driveway area [Our comment: We agree and add that any hard surfacing should be permeable with materials that add to an overall pleasing appearance.]

## **DEVELOPER'S RELATIONSHIP WITH NEIGHBOURHOOD**

**The developer's treatment of the property to this point has been poor, showing a lack of respect for direct neighbours and the nearby neighbourhood.**

- Lack of goodwill at the outset: The grounds were tended with care for years by the previous owner. Some of it was a little overgrown, but it was delightful and a pleasure to walk past for years. Its rapid and complete removal so early in this process is not appreciated.
- Sadly, the only exception has been the ivy on the remaining fence, which has been left to spread out into the sidewalk.
- The property was quickly paved over with gravel and has been used since as a parking area for vehicles and equipment.
- Numerous weeds have been allowed to grow, initially filling the front yard chest-high (until I contacted the City, and then they were removed.) Generally the property has been unkempt and unsightly for over a year.
- The heritage house and the other house were demolished and trashed. One or both could have been lifted and/or renovated. A sensitive demolition would have allowed re-use of good wood, windows, etc.
- Demolition of the two houses left a dust- and now mud-hole on one side and a graveled parking area on the other side. This is what neighbours have looked at now for over a year.
- The house at 160 South Turner, prior to its demolition, was rented out to a family for a few months. There was a pit-bull type dog in the yard, with questionably secure fencing between the properties. The property was strewn with junk, even after the family left. All of this suggests inattention or lack of concern of the landlord for the property and neighbours.

*In addition, we support comments in the JBNA CALUC response and attached letters re:*

- Mistrust among some residents that the proponent will follow through with proposal as presented. Such mistrust would have mitigated had he been required to submit revisions to the City and they'd been posted to the Development Tracker.
- Concerns of neighbours on South Turner are important.

## DESIGN

- Despite the proponent's description of the immediate neighbourhood being apartments and townhouses, the majority are actually older and heritage homes (South Turner, Clarence Street, Simcoe Street -- especially eastward but also west -- and most of James Bay).
- The two heritage-style designs (559 Simcoe, 160 South Turner) are more in keeping with preservation of the overall character of the neighbourhood. The boxy design of the proposed townhomes at 557 Simcoe is not, even if it is becoming a trend in Victoria.
- These lots are traditional residential and R2 and we prefer they stay that way – to maintain the traditional, heritage character of James Bay rather than filling in every lot with new, blockish designs.
- We are not opposed to modern design per se. Unfortunately, too often “modern design” locally equals a combination of firehall, office building and grain elevator. Grounds (generally speaking) tend to a great deal of paved surface, office-style windows, garage-forward designs, which have little relationship to the street and do not fit with what we hope we are trying to protect and enhance in James Bay.

## AFFORDABILITY AND DENSIFICATION

- This is not affordable housing. Current real estate listings for houses at 559 Simcoe and 160 South Turner are for \$1.795 million each.
- Densification and affordability could have happened (and still could) with smart design and more thoughtful use of R2 zoning on all three properties.
- We are not opposed to increased density: what about intelligent small design, compact homes, minimize cars and garages; something more affordable?
- The basement suites at 160 and 559 are truly basement suites, rather than the ground-level lower floors that existed prior. These houses could each be true duplexes and therefore more affordable.
- The best of James Bay's character is disappearing one rezoning/redevelopment at a time. The development under consideration takes us further down that road by promoting high-end housing at higher and higher prices. We are a diverse neighbourhood with many income levels. We are best when we all fit and can continue to live here. It is not a positive if the development process decreases affordability and begins to displace longtime residents.

*In addition, we support comments in the JBNA CALUC response and attached letters re:*

- Development does not create any true affordable housing for diverse communities, elders, students and creatives.



## **HERITAGE CHARACTER / FIT WITH NEIGHBOURHOOD AND JAMES BAY**

- The comments in this section have been stated in our previous comments, but they are worth repeating in relation to heritage and fit with our neighbourhood and James Bay. They relate to the development under consideration, as well as generally, to many developments in James Bay. We can do better.
- Older and heritage houses with mature shrubs and trees are shaved away to make room for large designs with little character and garage-forward designs, with little relationship to the streetscape. Increasingly, grounds tend to paved surfaces and minimal greenspace.
- Such designs may be welcome in entirely new areas, but the beauty and value of James Bay is that it IS old and established. Let's protect and enhance what we have.
- Sensitive redevelopments and infills do exist in James Bay that don't destroy existing heritage and older well-designed housing.
- We can add density without losing the history, charm and inclusiveness of James Bay.

*In addition, we support comments in the JBNA CALUC response and attached letters re:*

- No mention or consideration of the adjacent heritage home and other heritage homes on the surrounding streets.
- Protection of heritage carriage house at 154 South Turner and consideration of impact to 154 South Turner, in particular the stained glass window that overlooks properties.

## COMMENTS RE THE DEVELOPER'S NOV. 1 RESPONSE

Many of the developer's comments in the Nov. 1 response read a bit like window dressing. The boxes are being ticked to make the pitch: environment, crime, gardens and greenspace, "doing the neighbourhood a favour." For example, fencing and lights are a routine part of a new development.

### REZONING AND DEVELOPMENT PROCESSES

- **Developers:** *Proposal would move from a vacant lot with R2 zoning to a site-specific zoning with 4 units.*
- **Our comments:** They made it a vacant lot; it was not vacant.
- **Developers:** *OCP: Maintain a variety of housing types and tenures for a range of age groups and incomes. Maintain an interesting diversity of land uses, housing types and character areas*
- **Our comments:** The OCP calls for maintenance of these features. It does not propose destruction and replacement.
- **Developers:** *OCP: Continue to support sensitive infill.*
- **Our comments:** The proposed infill has not been done sensitively.
- *Please see also our comments on pages 3, 4 and 6 under GREENSPACE AND ENVIRONMENT; DEVELOPER'S RELATIONSHIP WITH NEIGHBOURHOOD; HERITAGE CHARACTER / FIT WITH NEIGHBOURHOOD.*
- **Developers:** *Demolition permit has been received*
- **Our comments:** You can't do anything about a demolished house.

### GREENSPACE AND ENVIRONMENT

#### Developers:

- *The developers promote proposed enhancements such as new plantings; reduction of greenhouse gases; garden boxes for edible gardens; landscaping to include grass and other plantings; fencing and cedars to provide "privacy and beauty"; adding a tree front and rear; bike storage and electric vehicle charging, "encouraging healthier choices" and will use water permeable driveway materials*

#### Our comments:

- In our opinion, the points on greenspace are sad, considering what has been lost.
- This is all possible without rezoning and with a better design.
- *Please see also our comments on pages 3 and 4 under GREENSPACE AND ENVIRONMENT; DEVELOPER'S RELATIONSHIP WITH NEIGHBOURHOOD*

#### Developer's relationship with neighbourhood

- **Developers:** *Impact on 154 South Turner stained glass window and stable: "Stained glass window is not in this development; stable is slowly falling over...and is in need of remediation."*
- **Our comments:** Response doesn't indicate concern or sensitivity, and skirts the fact that their three properties are being developed together.
- **Developers:** *They believe their proposal "will be a positive, beautiful, and respectful addition for all our neighbours."*
- **Our comments:** *Please see our comments on page 4 under DEVELOPER'S RELATIONSHIP WITH NEIGHBOURHOOD.*

## AFFORDABILITY AND DENSIFICATION:

### HERITAGE CHARACTER / FIT WITH NEIGHBOURHOOD AND JAMES BAY:

- **Developers:** *“Beside the development along South Turner is a large heritage rental unit with a dilapidated heritage stable and very limited parking. Along Simcoe St is a multi-level apartment and a seniors building. Along Clarence St is a 6-townhouse complex and a multi-level apartment building.”*
- **Our comments:** They fail to mention the numerous heritage properties nearby along Simcoe, Clarence and South Turner and the essentially heritage and older character of James Bay. The heritage rental building is well maintained and attractive, despite the attempt to paint a picture of a “rental unit with a dilapidated” stable. The “dilapidated heritage stable” is in our opinion an interesting and pleasant reminder of our neighbourhood’s history. We value it as it is.
- **Developers:** Heritage: “Not applicable”
- **Our comments:** *A surprising response, given the neighbourhood.*
- **Developers:** “Enhance visual identity and appearance of the City”
- **Our comments:** *Whose identity? Not heritage James Bay. Whose idea of a good appearance?*
- **Developers:** Encourages households with children. Three-bedroom units will encourage families with children to move into James Bay and our existing schools. Creating home ownership opportunities, targeting families needing three bedrooms. Provides 3-bedroom homes which James Bay lacks in new development.
- **Our comments:** *Is this true? What about the three-bedroom heritage and older stock that too often gets demolished for redevelopment?*
- *Affordable at \$1.8 million and similar prices? What families can afford the prices that are being charged, if they are similar to 160 South Turner and 559 Simcoe?*
- **Developers:** Impact on 154 South Turner stained glass window and stable: “stable is slowly falling over...and is in need of remediation.”
- **Our comments:** *Response doesn’t indicate respect or concern.*

### SAFETY AND SECURITY

**Developers:** “Unfortunately, crime and vandalism are on the rise in our community. We have addressed this in our plan by: installing motion sensor lighting; large private locking garages to store cars, bikes, etc.; creating a strata complex where the 4 home can monitor their neighbours’ as a group; windows so that occupants can have sight access; fencing at back and side to deter intruders; placing external bike and garbage area in spot not visible to street to deter theft.

**Our comments:** *These are commonsense features and do not in themselves warrant rezoning. They are overstating the case and manufacturing a “safety and security situation” that they conveniently have a solution for. We have lived in James Bay for 20 years, and do not feel this need for crime solutions from developers.*

Respectfully submitted,

Robin and Chris Rohrmoser  
531 Simcoe St  
29 November 2020

F.1.a.c

**557 Simcoe Street - Rezoning Application No. 00759 and Development Permit with Variances No. 00200 (James Bay)**

**Moved By** Councillor Potts

**Seconded By** Councillor Young

Rezoning Application

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00710 for 557 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of legal agreements, in a form satisfactory to the City Solicitor, to secure:
  - a. a 2.0m wide Statutory Right-of-Way along the Simcoe Street frontage, with the terms to the satisfaction of the Director of Engineering and Public Works
  - b. future strata cannot restrict the rental of units to non-owners, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

Development Permit with Variances Application

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00759, if it is approved, consider the following motion:

1. That Council authorize the issuance of Development Permit with Variances Application No. 00200 for 557 Simcoe Street, in accordance with:
  - a. Plans date stamped January 20, 2022
  - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
    - i. Reduce the front yard setback from 7.5m to 7.28m;
    - ii. reduce the rear yard setback from 17.13m to 7.50m;
    - iii. reduce the side yard setback (east) from 1.83m to 1.68m;
    - iv. increase the height of Building A from 7.60m to 8.02m;

- v. increase the height of Building B from 7.60m to 7.84m;
  - vi. increase the number of stories from 1.5 with a basement to 2 with a basement;
  - vii. increase the open site space (minimum) from 30% to 27%;
2. That the Development Permit, if issued, lapses in two years from the date of this resolution.

**CARRIED UNANIMOUSLY**

ISSUED FOR  
REVIEW

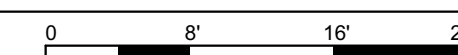
ISSUED:

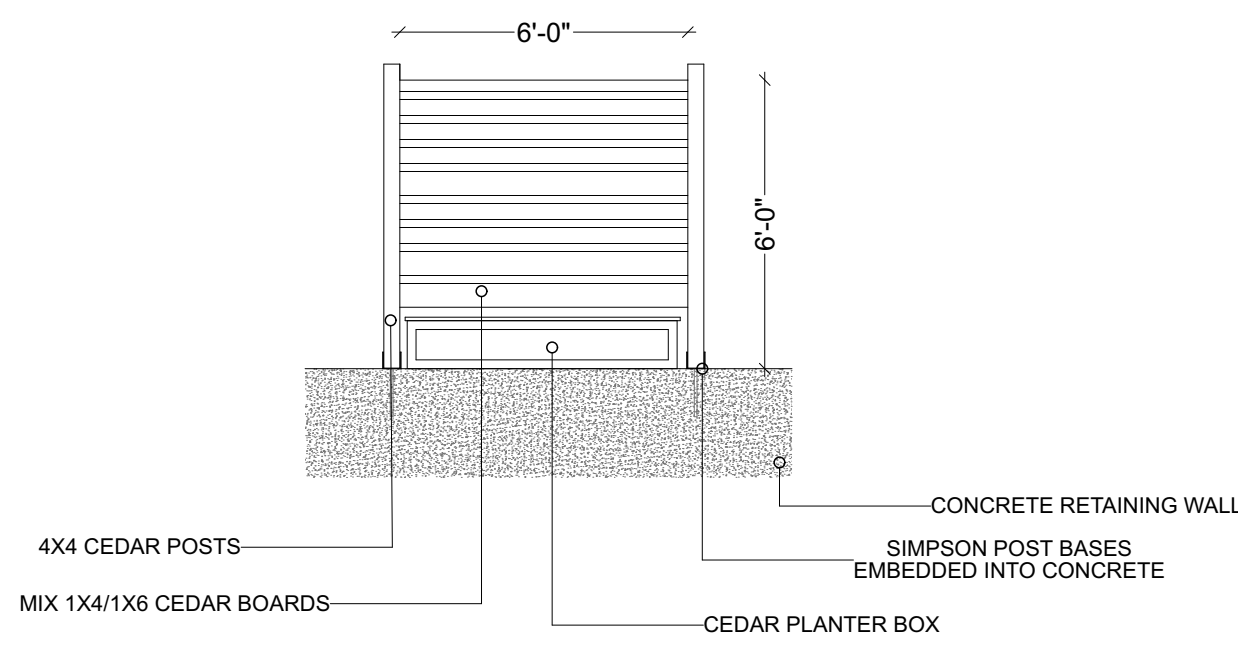
STREETSCAPE PLAN

**A-001**



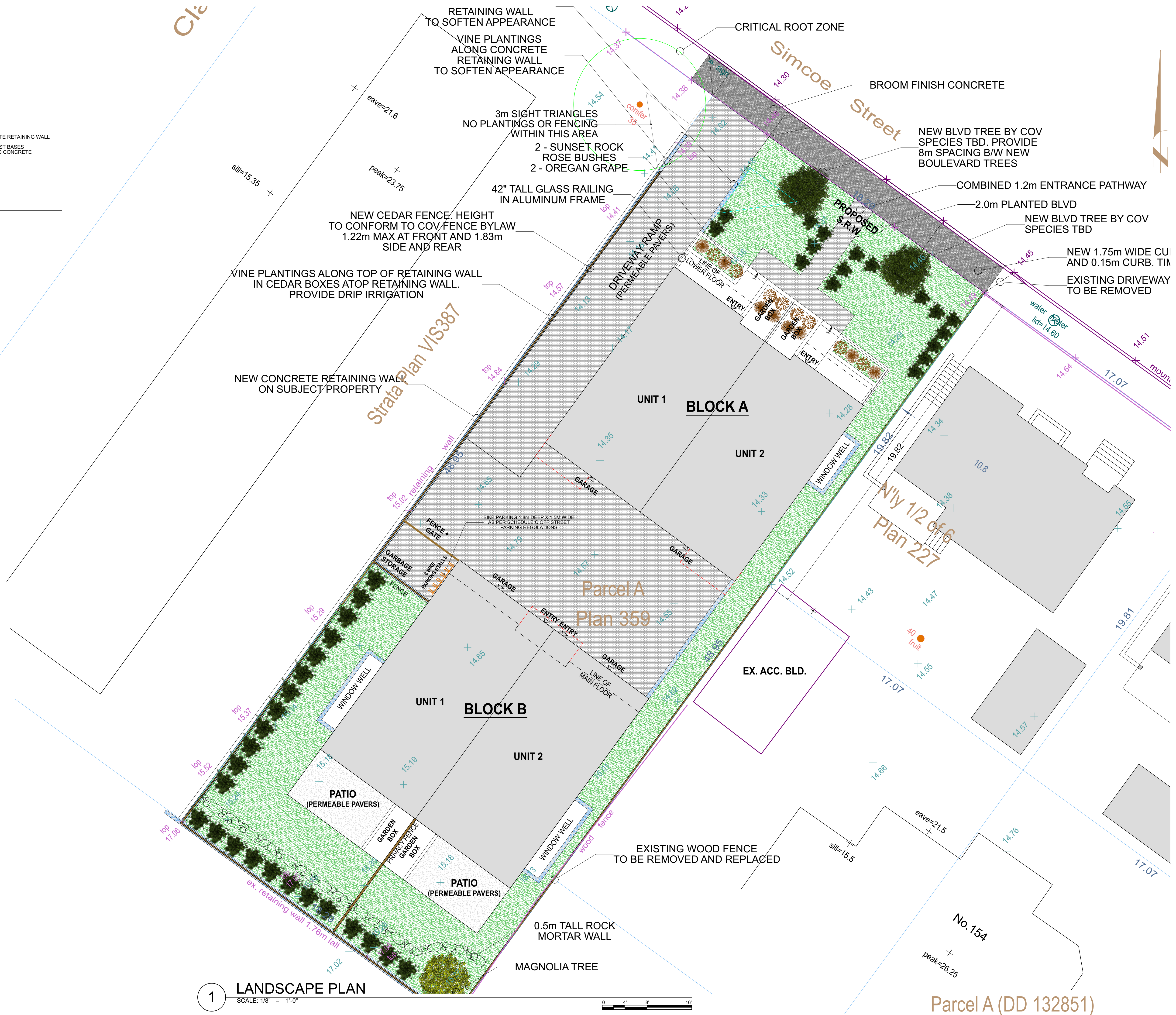
**1** **STREETSCAPE PLAN**  
SCALE: 3/32" = 1'-0"



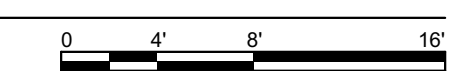


FENCE DETAIL

LANDSCAPE LEGEND	
	RETAINING WALLS
	DRIVEWAY (PERMEABLE PAVERS)
	GRASS
	WOOD FENCE
	AZALEA HINO WHITE
	MAGNOLIA TREE
	RED OSIER DOGWOOD
	OREGON GRAPE



1 LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"



1500 Shorncliffe Road Victoria BC Canada  
250.893.8127  
www.adaptdesign.ca

557 SIMCOE ST,  
VICTORIA, BC  
BLOCK A

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR REVIEW

ISSUED:	

LANDSCAPE PLAN

A-002

Parcel A (DD 132851)

GRADE POINTS	GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
<b>BLOCK A</b>				
A = 14.15m (EG)	Points A&B	$((14.15+14.28) / 2)$	x 12.8m	= 181.95
B = 14.28m (EG)	Points B&C	$((14.28+14.47) / 2)$	x 12.8m	= 184.0
C = 14.47m (FG)	Points D&E	$((11.83+11.83) / 2)$	x 12.8m	= 151.42
D = 11.83m (FG)	Points E&F	$((11.83+13.68) / 2)$	x 12.8m	= 163.26
E = 11.83m (FG)				680.63
F = 13.68m (FG)				

**BLOCK A** PERIMETER OF BUILDING = 51.2m **GRADE CALCULATION** 680.63 / 51.2 = 13.29

GRADE POINTS	GRADE POINTS	AVERAGE OF POINTS	DISTANCE BETWEEN GRADE POINTS	TOTALS
<b>BLOCK B</b>				
G = 11.83m (FG)	Points H&I	$((14.47+14.47) / 2)$	x 12.8m	= 185.22
H = 14.47m (FG)	Points I&J	$((14.47+14.47) / 2)$	x 12.8m	= 185.22
I = 14.47m (FG)	Points J&K	$((14.47+14.47) / 2)$	x 5.98m	= 86.53
J = 14.47m (FG)	Points L&M	$((11.83+11.83) / 2)$	x 6.82m	= 80.68
K = 11.83m (FG)	Points M&G	$((11.83+11.83) / 2)$	x 12.8m	= 151.42
L = 11.83m (FG)				689.07
M = 11.83m (FG)				

**BLOCK B** PERIMETER OF BUILDING = 51.2m **GRADE CALCULATION** 689.07 / 51.2 = 13.46

**Property Information**

Project Type: Two New Duplex Buildings

Site Address: 557 Simcoe St, Victoria, BC

Current Zoning: R-2  
Proposed Zoning: New Zone

Lot Area: 895m<sup>2</sup>  
557 Simcoe St

Setbacks: Proposed  
North: 7.92m  
South: 7.50m  
East: 1.68m  
West: 3.8m

Distance Block A-B: 6.7m  
Eave Projection: 0.6m

# of Storeys: 2  
Height: Block A: 8.02m, Block B: 7.84m

Floor Area:  
Block A: Basement 77.3m<sup>2</sup>, Garage 70.6m<sup>2</sup>, Main Floor 139.1m<sup>2</sup>, Upper Floor 144.4m<sup>2</sup>  
Block B: Basement 103.5m<sup>2</sup>, Garage 45.2m<sup>2</sup>, Main Floor 142.8m<sup>2</sup>, Upper Floor 144.4m<sup>2</sup>

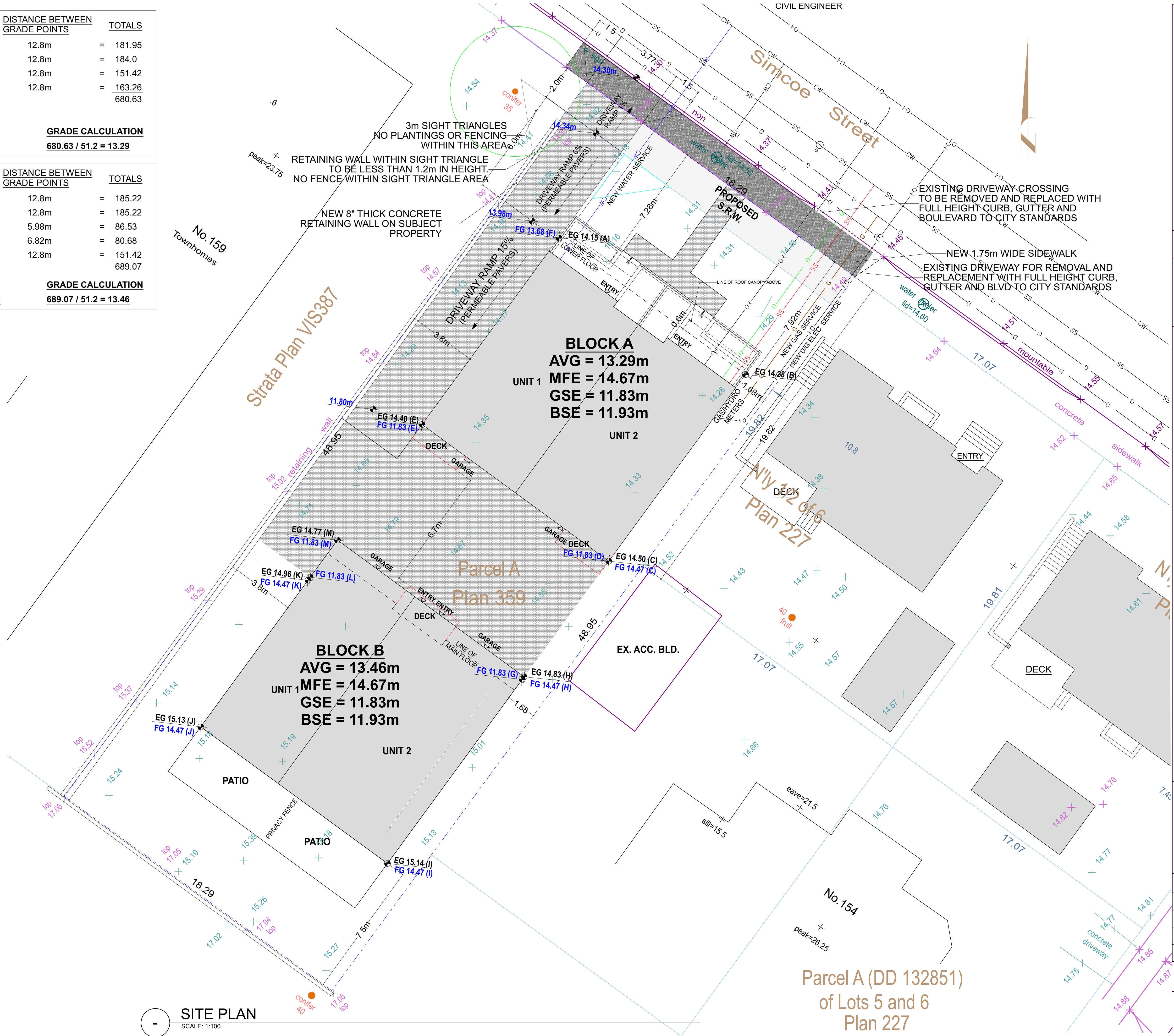
Total (Less Bsmt): 570.7m<sup>2</sup>  
Garage Exemption 4x18.6m<sup>2</sup> (74.4m<sup>2</sup>)  
Total (less Garage): 792.9m<sup>2</sup>

Floor Space Ratio: 570.7m<sup>2</sup>/895m<sup>2</sup> = 0.64

Site Coverage:  
Footprint Block A: 163.9m<sup>2</sup>  
Footprint Block B: 163.9m<sup>2</sup>  
Lot Area: 895m<sup>2</sup>  
Coverage = 327.8m<sup>2</sup>/895m<sup>2</sup> = 36.6%  
Parking Area: 231.6m<sup>2</sup>  
Open Site Space: 241.25m<sup>2</sup> = 27%  
Front Yard Area: 116.4m<sup>2</sup>  
Front Yard Open Site Space: 75.31m<sup>2</sup> = 64.7%

Vehicle Parking:	Required	Proposed
Dwelling units	4	4
Visitor 0.1*4	0	1

Bicycle Parking:	Required	Proposed
Long Term	0	4 (Garages)
Short Term	6	6



**SITE PLAN**  
SCALE: 1:100



1500 Shorncliffe Road Victoria BC Canada  
250.893.8127  
www.adaptdesign.ca

**557 SIMCOE ST, VICTORIA, BC BLOCK A**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR REVIEW

ISSUED:


SITE PLAN

**A-103**



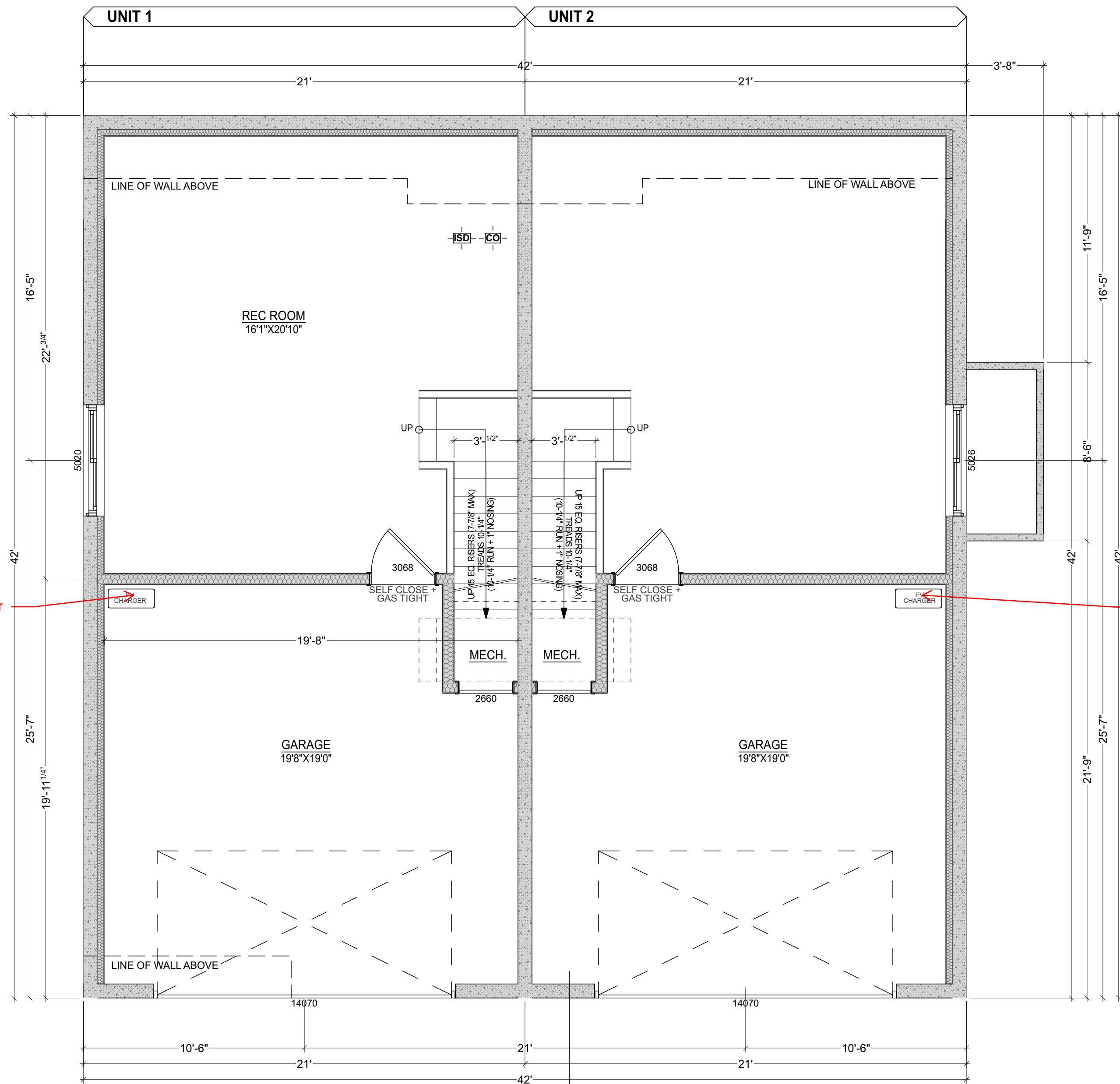
ISSUED FOR REVIEW

ISSUED:

BASEMENT AND ROOF PLAN

**A-101**

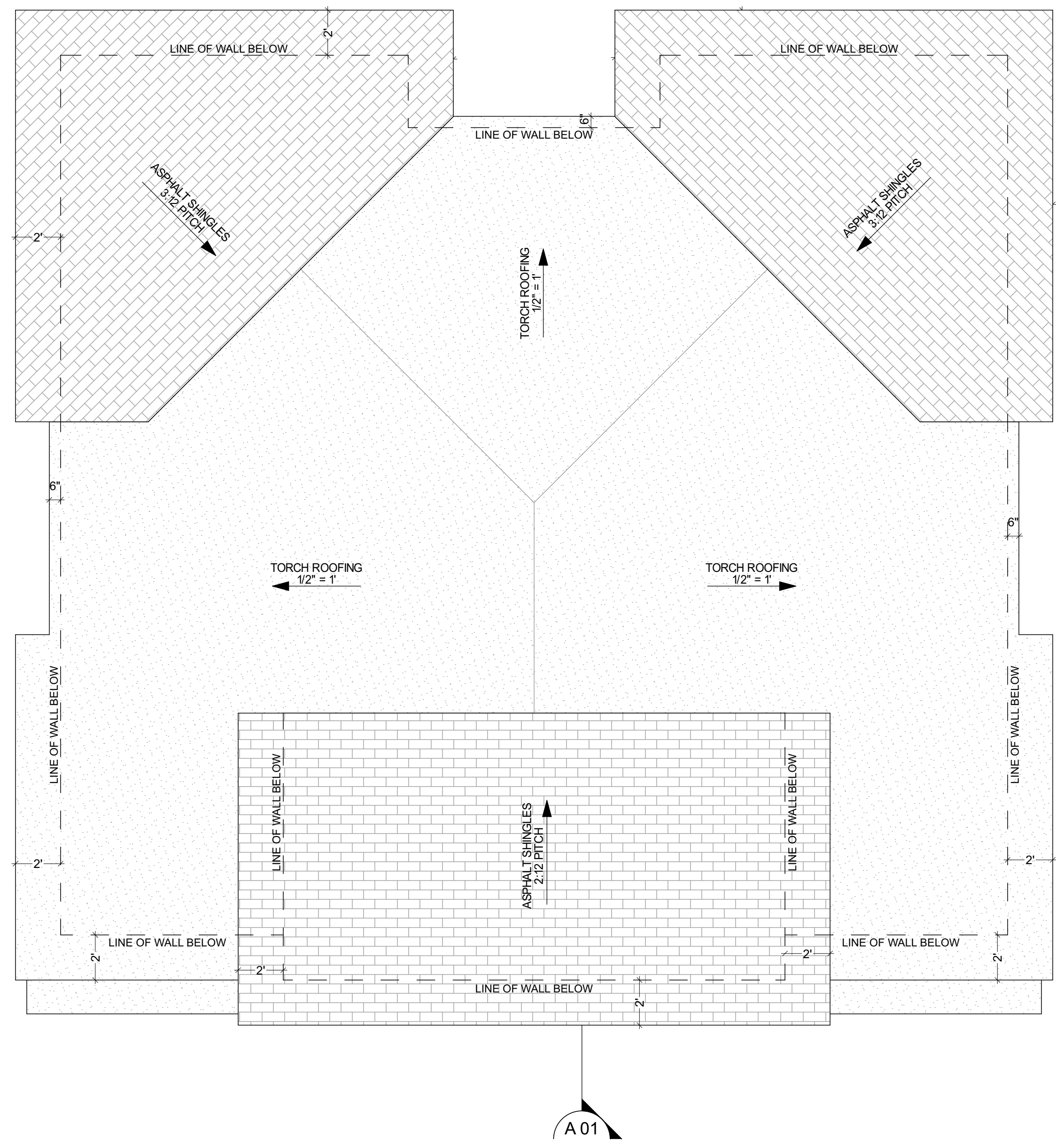
PLAN LEGEND	
	2X4 PARTITION WALL
	2X6 PARTITION WALL
	2X6 GARAGE WALL
	2X6 EXTERIOR WALL
	FOUNDATION WALL
	FOUNDATION AND FROST WALL
	COLUMN
	BEAM
	FLOOR DRAIN
	DIMENSION PLACEMENT
ROOM SIZES ARE INTERIOR DIMENSIONS WIDTH X DEPTH	
	HARDWIRED INTERCONNECTED CO DETECTOR
	HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
	HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
	BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
	KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
	CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
	FRESH AIR SUPPLY
	PASSIVE AIR INLET



**UNIT 1**  
GARAGE AREA  
380 sq ft  
**LOWER FLOOR AREA**  
416 sq ft

**UNIT 2**  
GARAGE AREA  
380 sq ft  
**LOWER FLOOR AREA**  
416 sq ft

**1 BASEMENT FLOOR PLAN BLOCK A**  
SCALE: 1/4" = 1'-0"



**2 ROOF PLAN BLOCK A**  
SCALE: 1/4" = 1'-0"

Energized Electric Vehicle Outlet, as per applicant

Energized Electric Vehicle Outlet, as per applicant

ISSUED FOR REVIEW

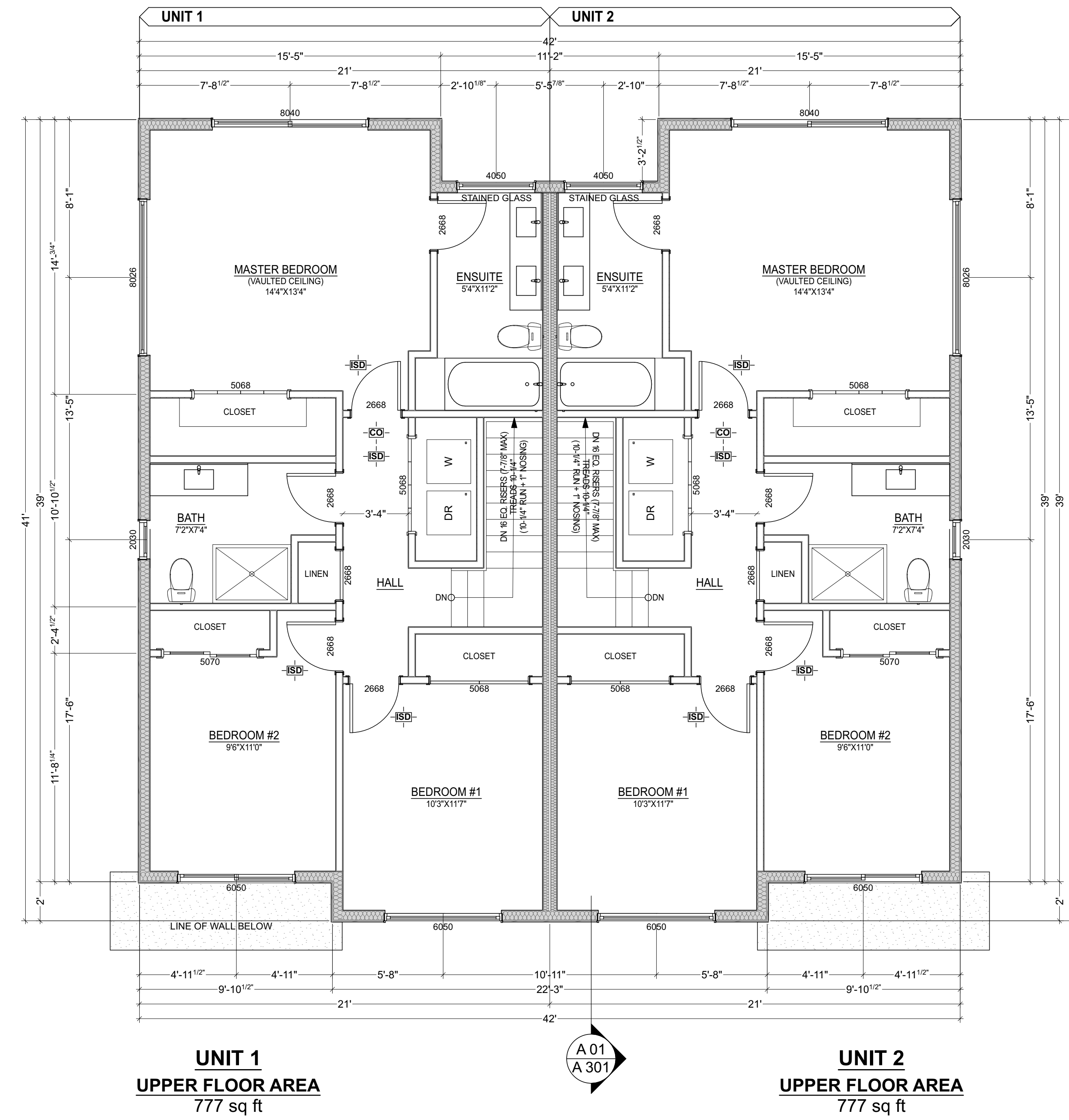
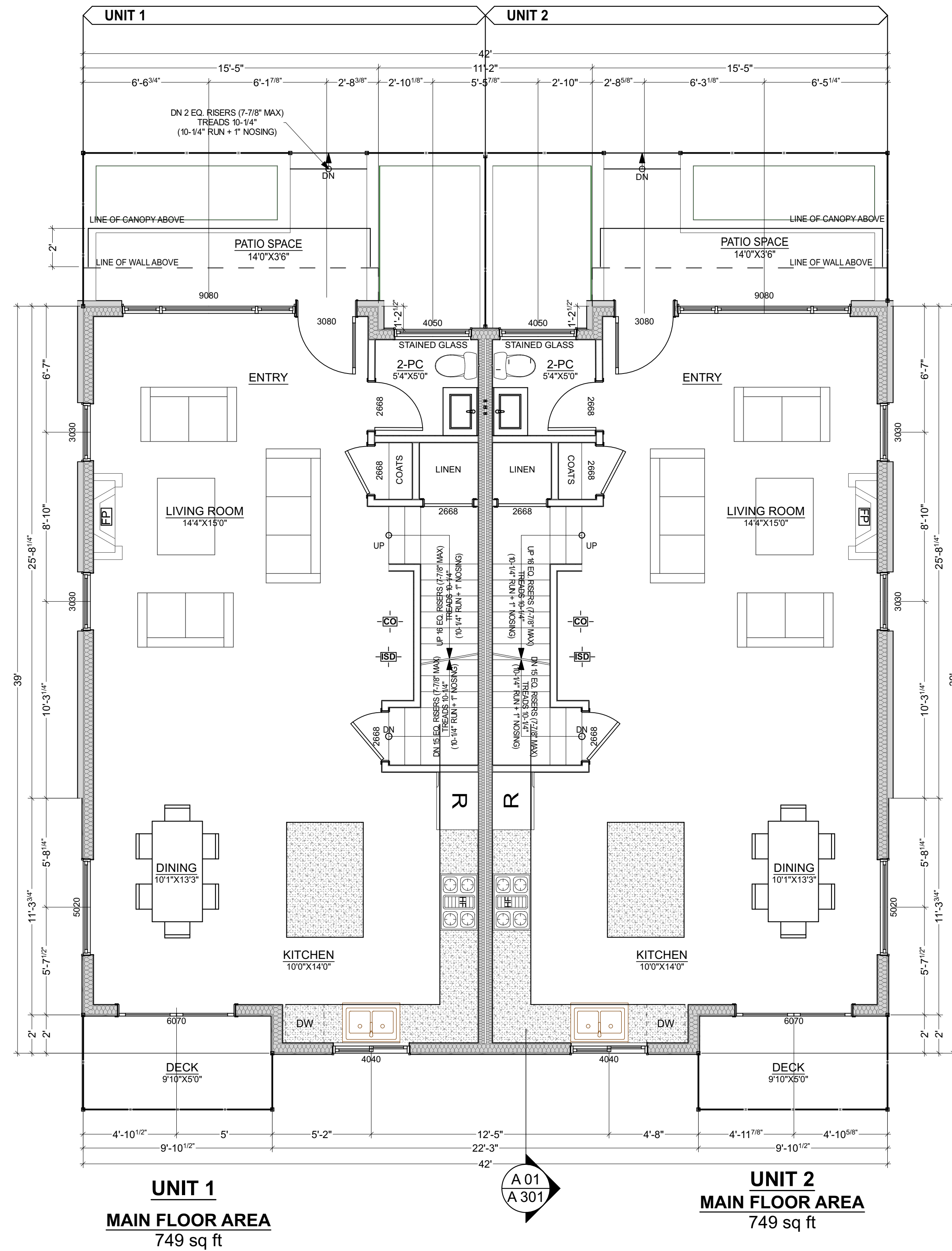
ISSUED:

MAIN AND UPPER FLOOR PLAN

**A-102**

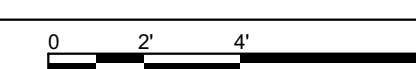
### PLAN LEGEND

- 2X4 PARTITION WALL
- 2X6 PARTITION WALL
- 2X6 GARAGE WALL
- 2X6 EXTERIOR WALL
- FOUNDATION WALL
- FOUNDATION AND FROST WALL
- COLUMN
- BEAM
- FLOOR DRAIN
- DIMENSION PLACEMENT
- ROOM SIZES ARE INTERIOR DIMENSIONS WIDTH X DEPTH
- HARDWIRED INTERCONNECTED CO DETECTOR
- HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
- HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
- BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
- KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
- CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
- FRESH AIR SUPPLY
- PASSIVE AIR INLET



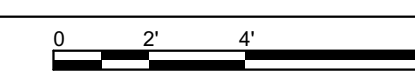
2 UPPER FLOOR PLAN BLOCK A

SCALE: 1/4" = 1'-0"



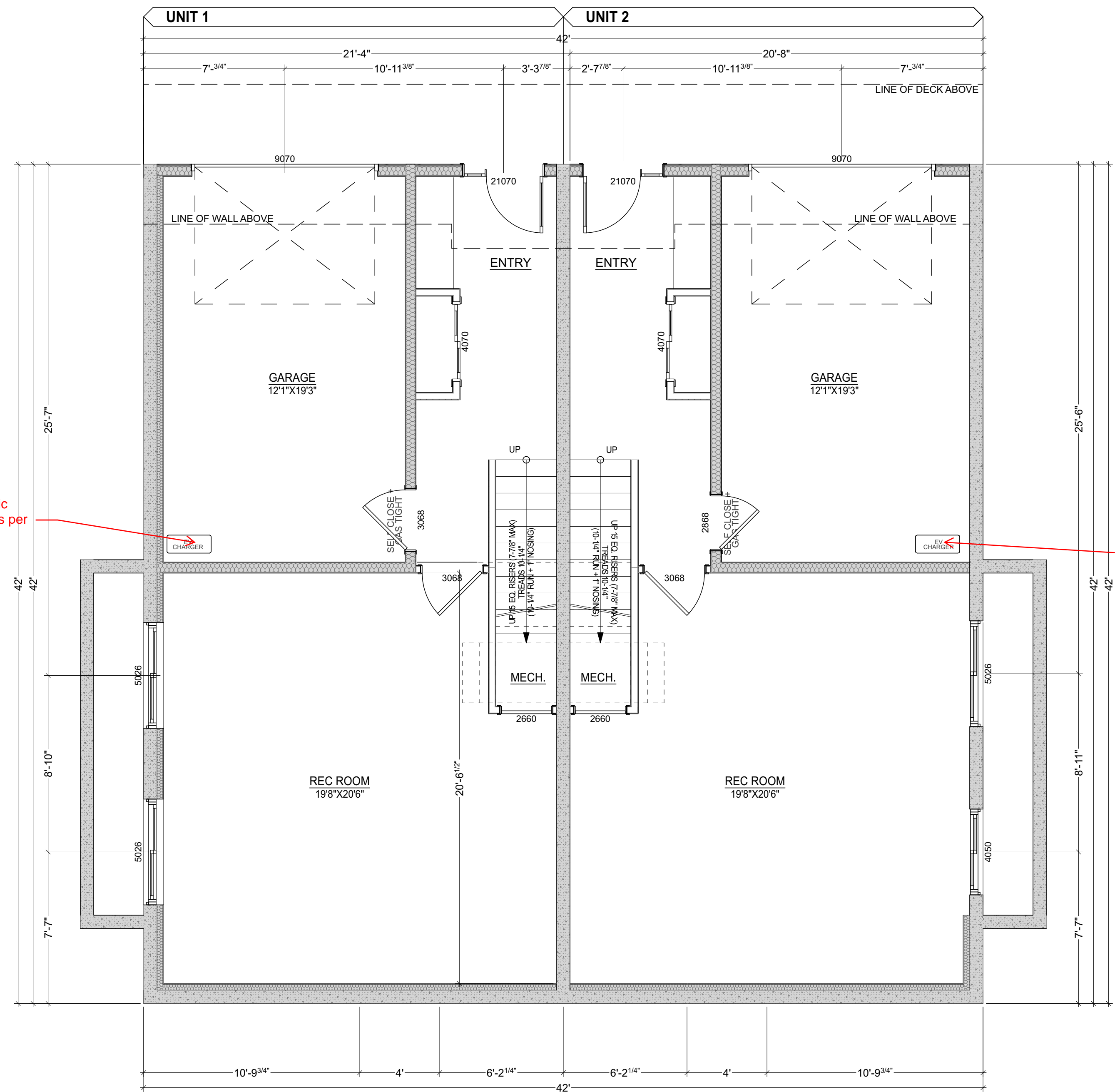
1 MAIN FLOOR PLAN BLOCK A

SCALE: 1/4" = 1'-0"



### PLAN LEGEND

- 2X4 PARTITION WALL
- 2X6 PARTITION WALL
- 2X6 GARAGE WALL
- 2X6 EXTERIOR WALL
- FOUNDATION WALL
- FOUNDATION AND FROST WALL
- COLUMN
- BEAM
- FLOOR DRAIN
- DIMENSION PLACEMENT
- ROOM SIZES ARE INTERIOR DIMENSIONS WIDTH X DEPTH
- HARDWIRED INTERCONNECTED CO DETECTOR
- HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
- HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
- BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
- KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
- CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
- FRESH AIR SUPPLY
- PASSIVE AIR INLET

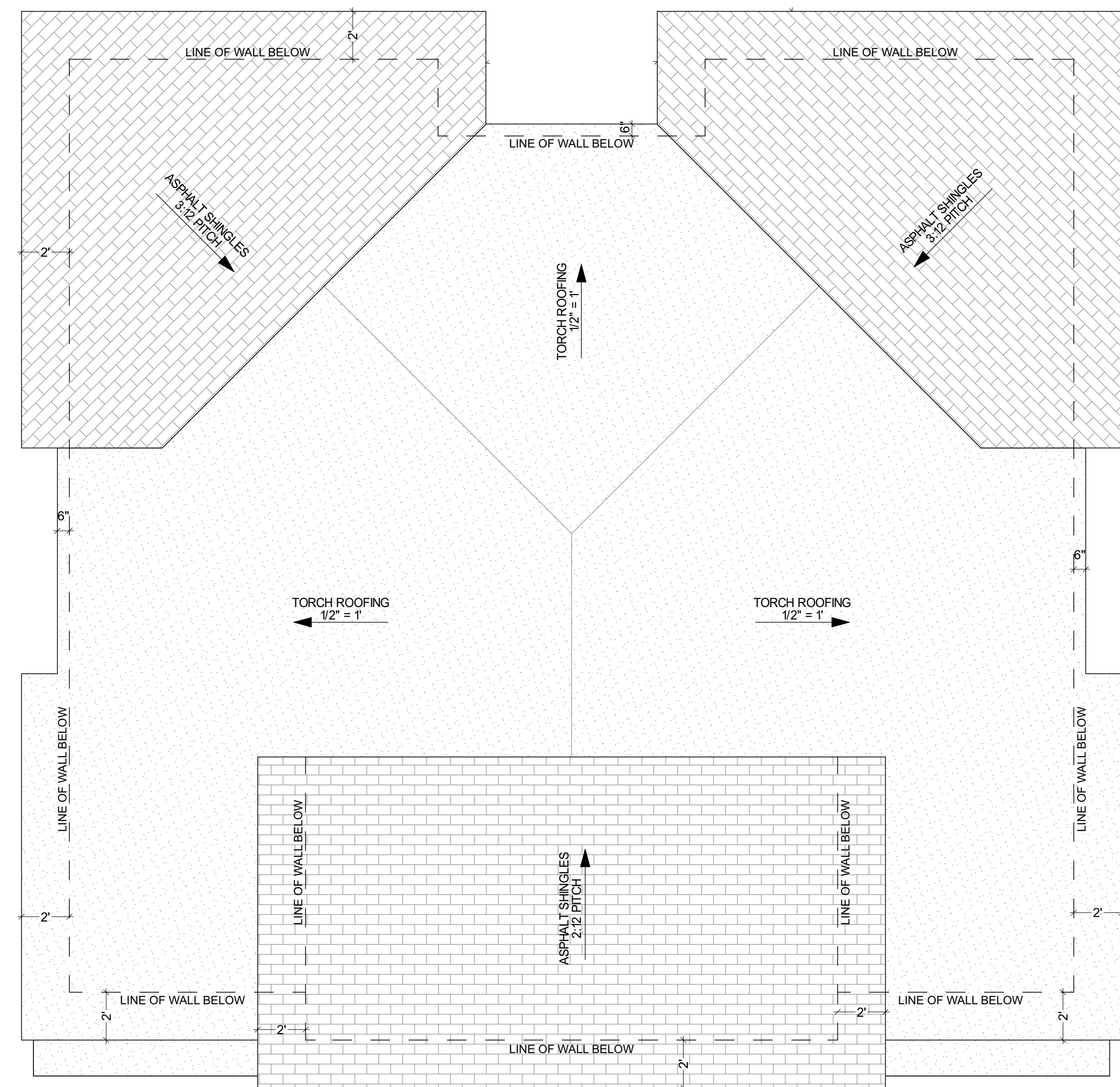
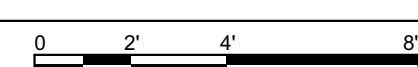


**UNIT 1**  
**LOWER FLOOR AREA**  
557 sq ft  
**GARAGE AREA**  
243 sq ft

**UNIT 2**  
**LOWER FLOOR AREA**  
557 sq ft  
**GARAGE AREA**  
243 sq ft

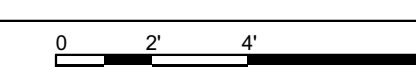
**1** BASEMENT FLOOR PLAN BLOCK B

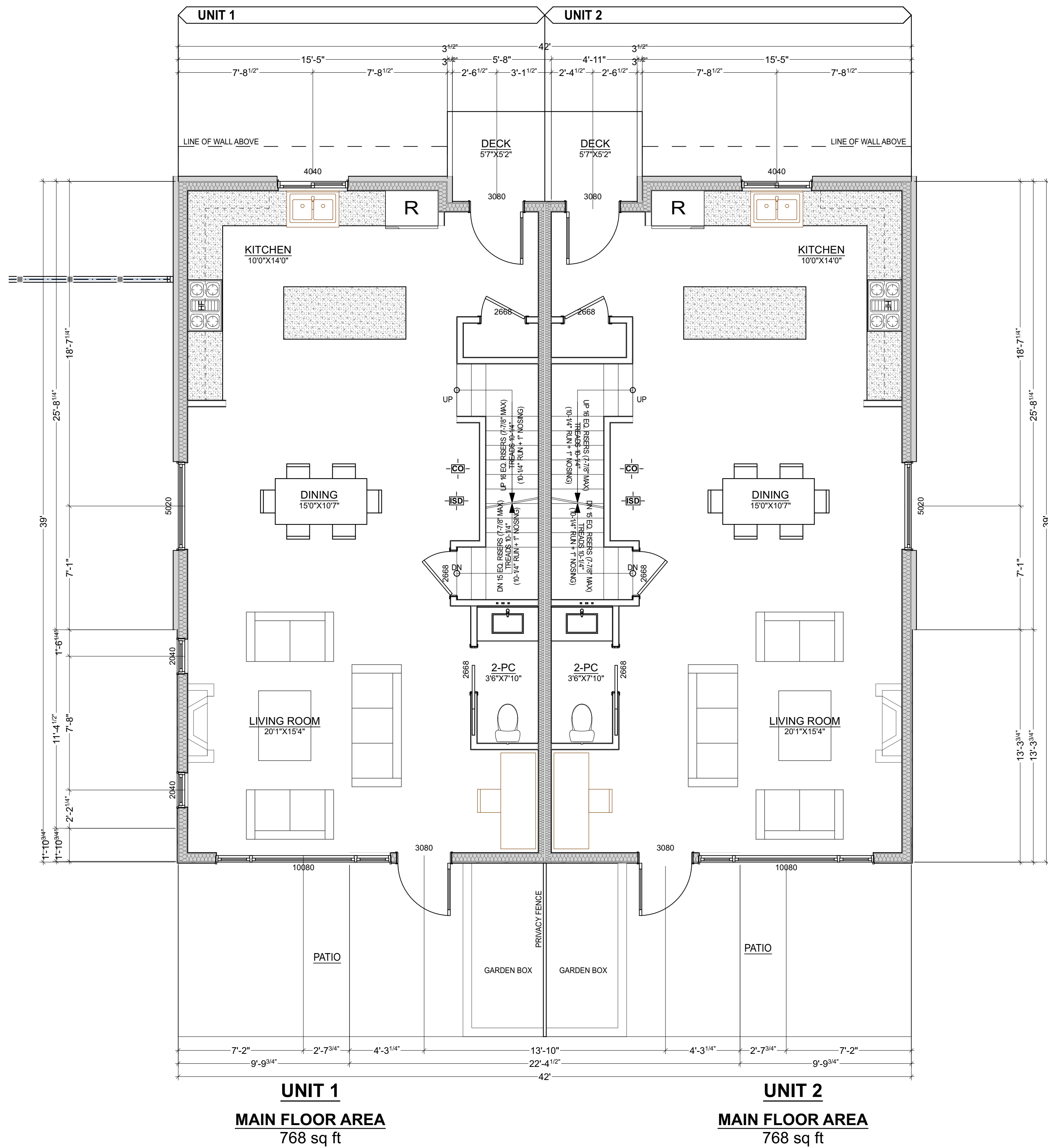
SCALE: 1/4" = 1'-0"



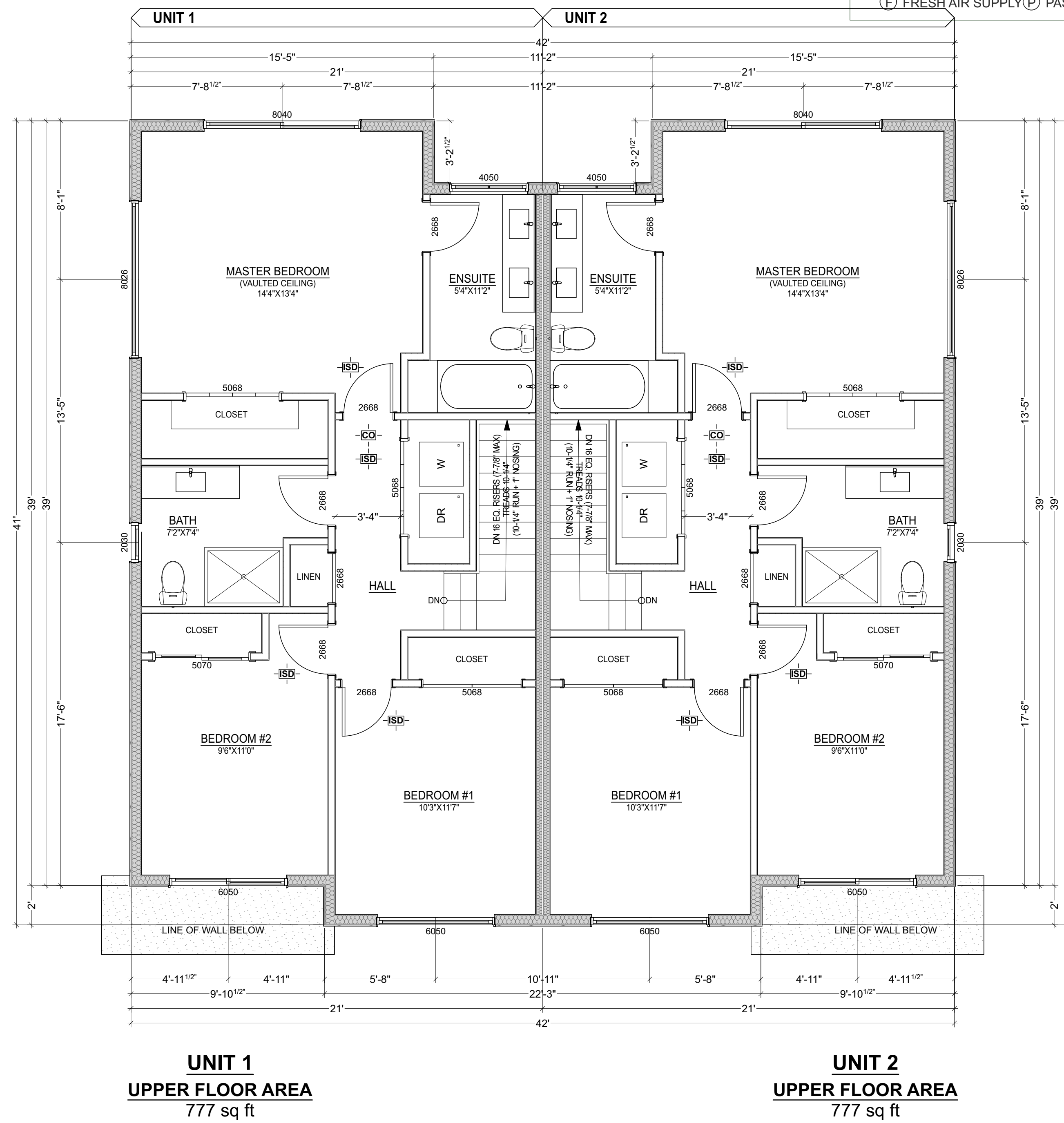
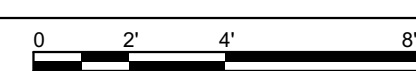
**2** ROOF PLAN BLOCK B

SCALE: 1/4" = 1'-0"

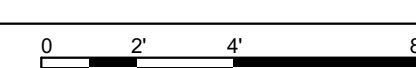




**1** MAIN FLOOR PLAN BLOCK B  
SCALE: 1/4" = 1'-0"



**2** UPPER FLOOR PLAN BLOCK B  
SCALE: 1/4" = 1'-0"



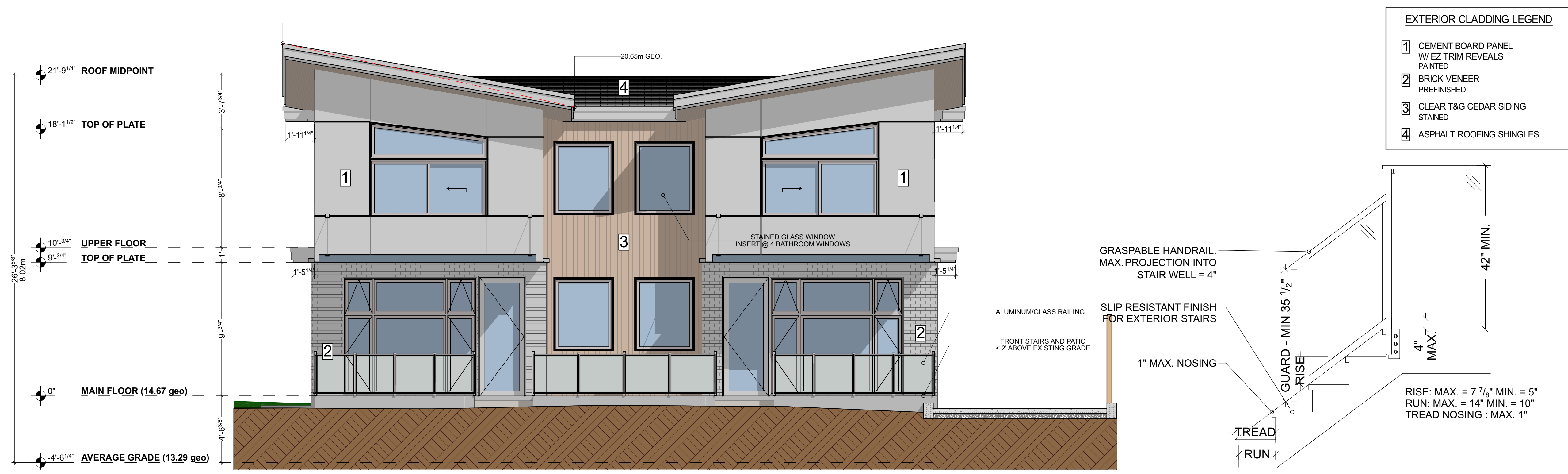
**PLAN LEGEND**

- 2X4 PARTITION WALL
- 2X6 PARTITION WALL
- 2X6 GARAGE WALL
- 2X6 EXTERIOR WALL
- FOUNDATION WALL
- FOUNDATION AND FROST WALL
- COLUMN
- BEAM
- FLOOR DRAIN

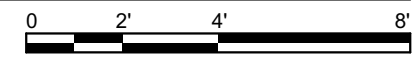
**DIMENSION PLACEMENT**

ROOM SIZES ARE INTERIOR DIMENSIONS  
WIDTH X DEPTH

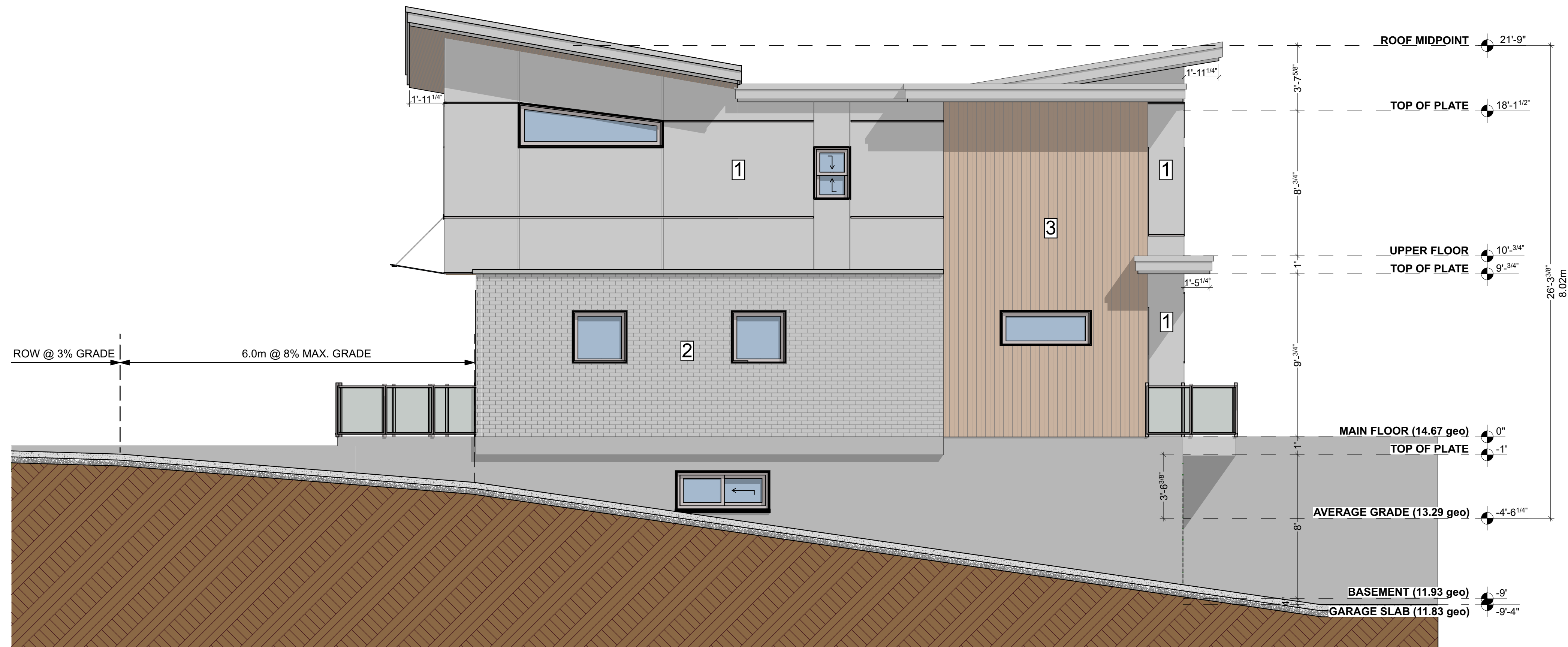
- HARDWIRED INTERCONNECTED CO DETECTOR
- HARDWIRED INTERCONNECTED IONIC SMOKE DETECTOR
- HARDWIRED PHOTOELECTRIC SMOKE DETECTOR
- BATH FAN: VENTILATION RATE 25 L/S INTERMITTENT
- KITCHEN FAN: VENTILATION RATE 47 L/S INTERMITTENT
- CONTINUOUS PRINCIPAL EXHAUST FAN: VENTILATION RATE AS PER T9.32.3.4 - 9.32.3.5
- FRESH AIR SUPPLY
- PASSIVE AIR INLET



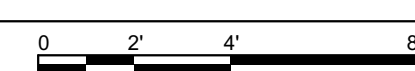
**NORTH ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"



**TYPICAL RAILING**



**WEST ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"



**EXTERIOR CLADDING LEGEND**

- 1 CEMENT BOARD PANEL W/ EZ TRIM REVEALS PAINTED
- 2 BRICK VENEER PREFINISHED
- 3 CLEAR T&G CEDAR SIDING STAINED
- 4 ASPHALT ROOFING SHINGLES



1500 Shorncliffe Road Victoria BC Canada  
250.893.8127  
www.adaptdesign.ca

**557 SIMCOE ST,  
VICTORIA, BC  
BLOCK A**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR REVIEW

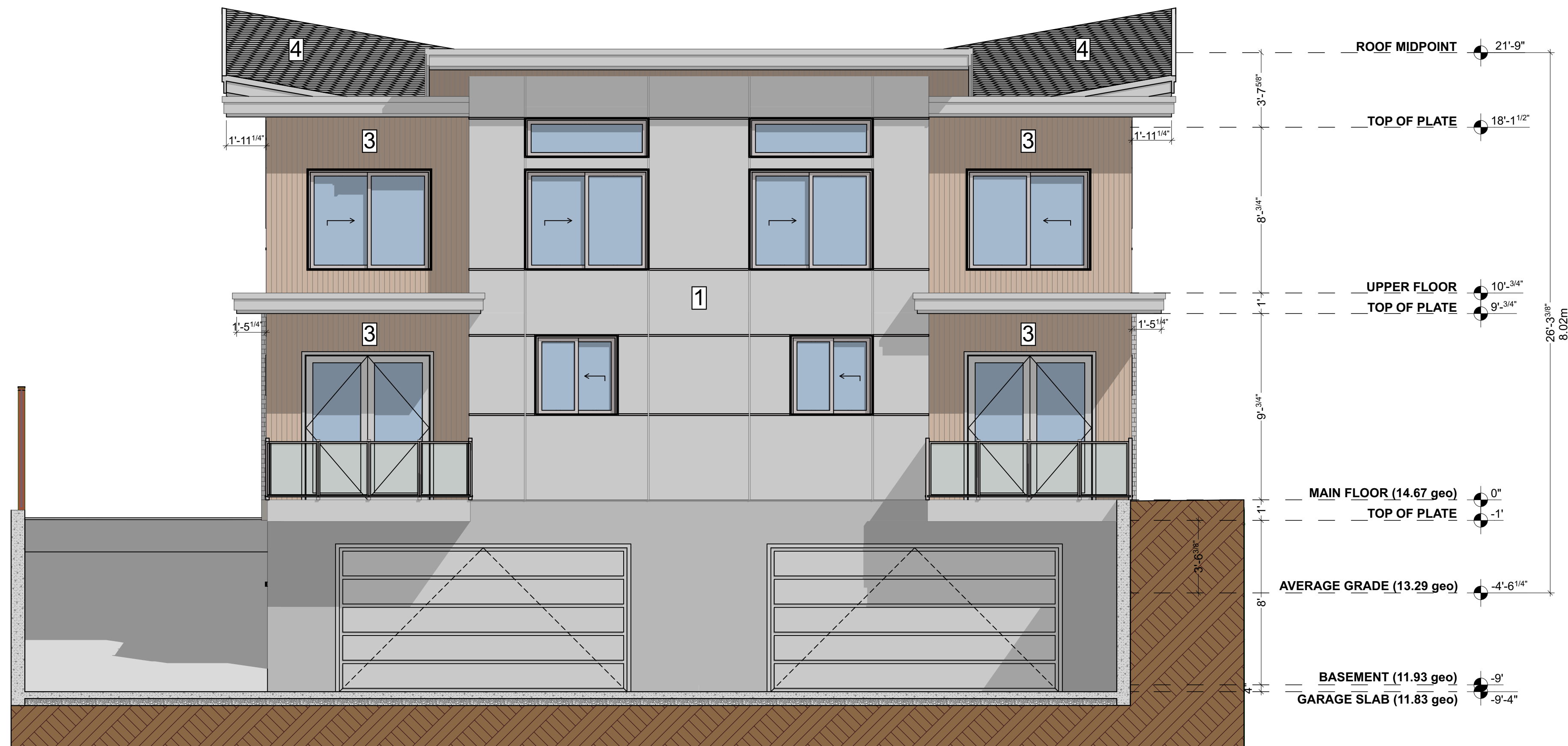
ISSUED:

ELEVATIONS BLOCK A

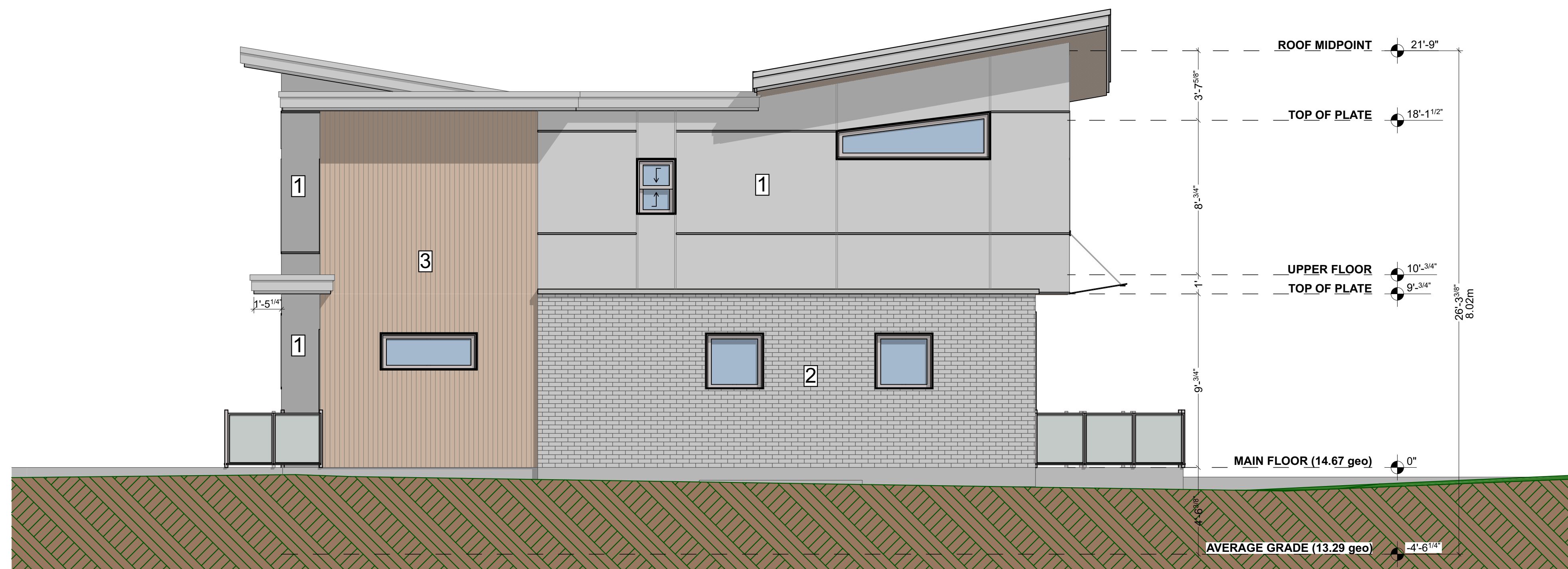
**A-201**

EXTERIOR CLADDING LEGEND

- 1 CEMENT BOARD PANEL  
W/ EZ TRIM REVEALS  
PAINTED
- 2 BRICK VENEER  
PREFINISHED
- 3 CLEAR T&G CEDAR SIDING  
STAINED
- 4 ASPHALT ROOFING SHINGLES



**3 SOUTH ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"



**4 EAST ELEVATION BLOCK A**  
SCALE: 1/4" = 1'-0"

ISSUED FOR  
REVIEW

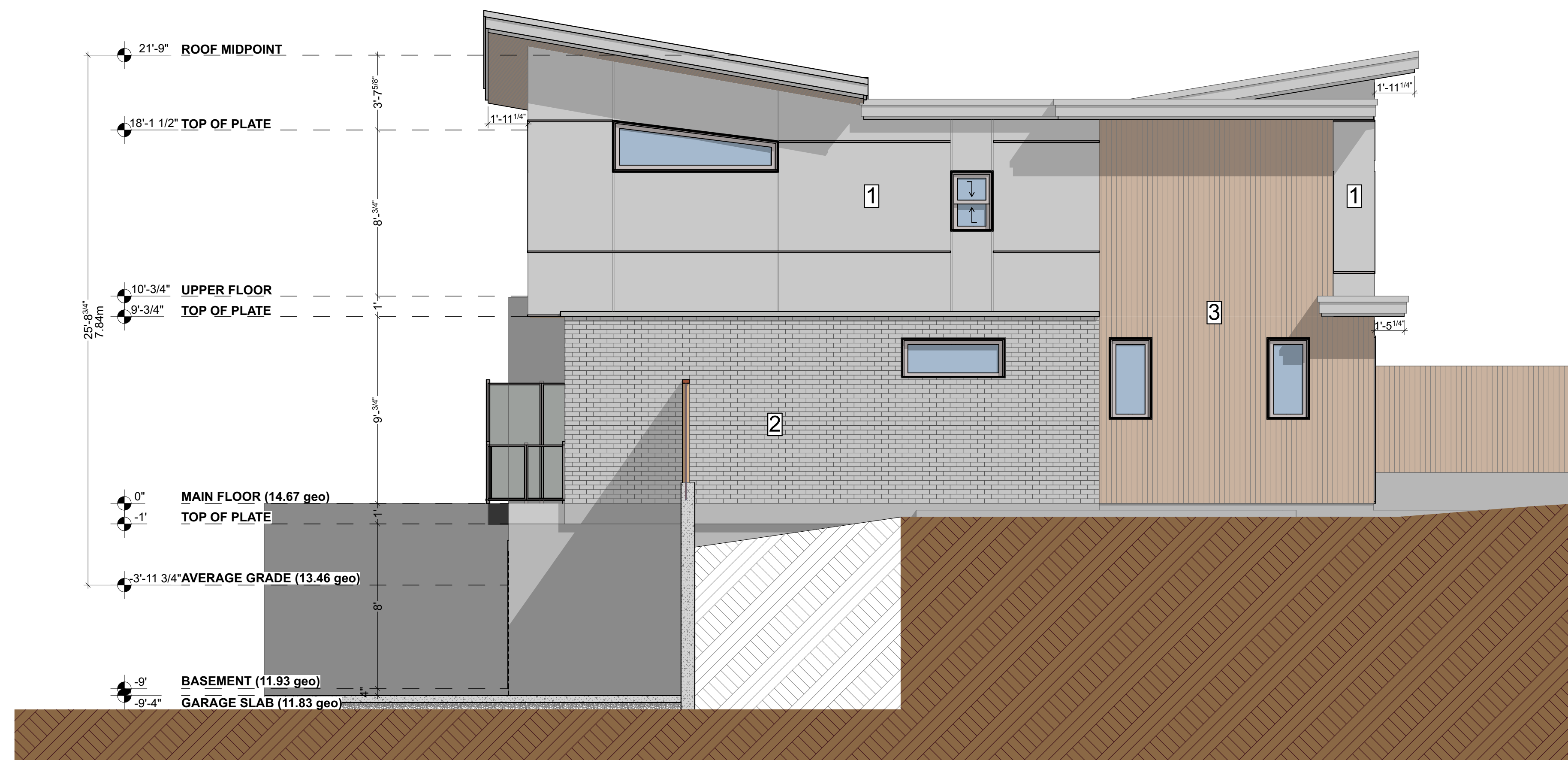
ISSUED:

ELEVATIONS BLOCK A

**A-202**



**1 NORTH ELEVATION BLOCK B**  
SCALE: 1/4" = 1'-0"



**2 WEST ELEVATION BLOCK B**  
SCALE: 1/4" = 1'-0"

**EXTERIOR CLADDING LEGEND**

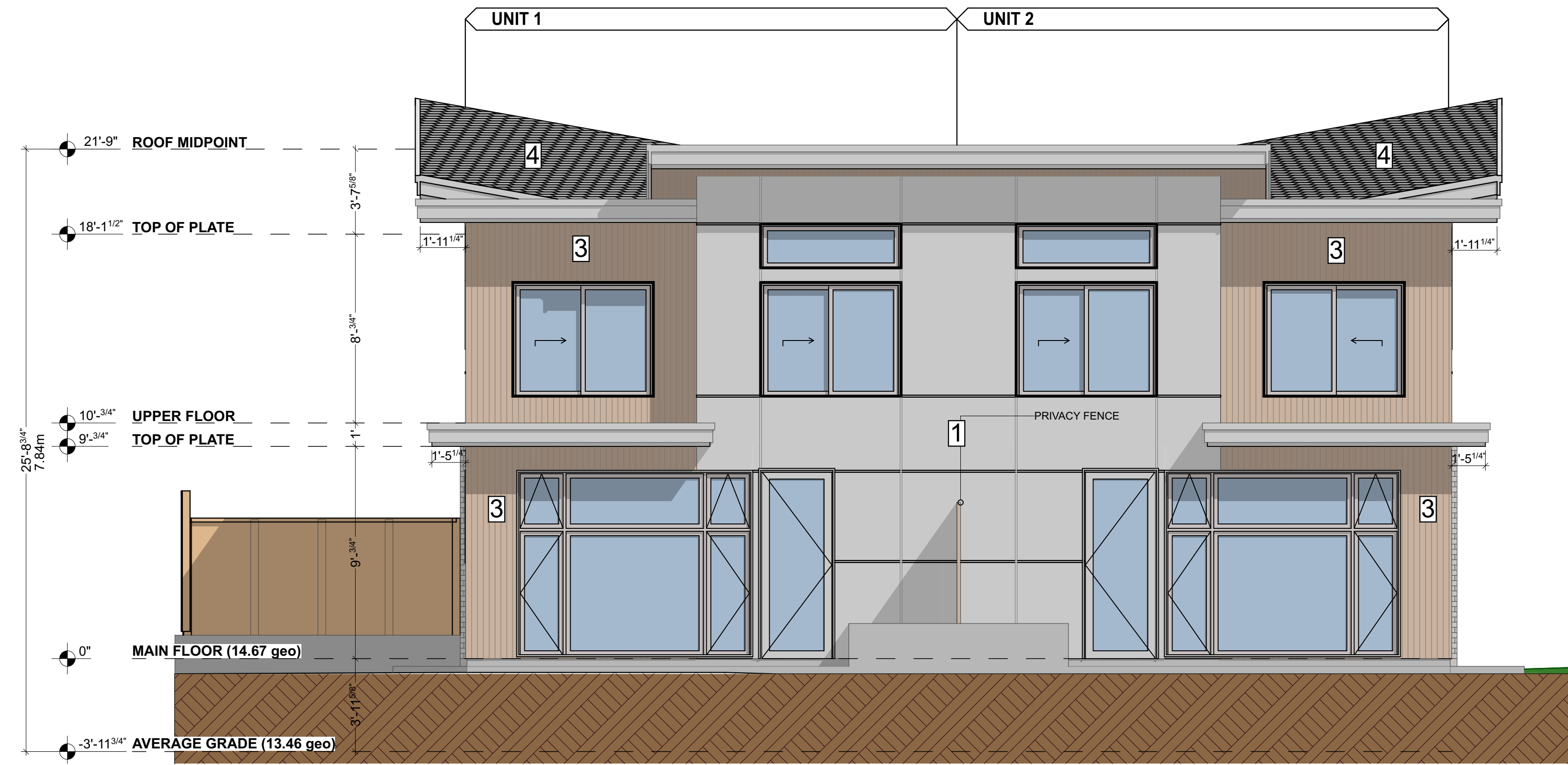
- 1 CEMENT BOARD PANEL  
W/ EZ TRIM REVEALS  
PAINTED
- 2 BRICK VENEER  
PREFINISHED
- 3 CLEAR T&G CEDAR SIDING  
STAINED
- 4 ASPHALT ROOFING SHINGLES

ISSUED FOR  
REVIEW

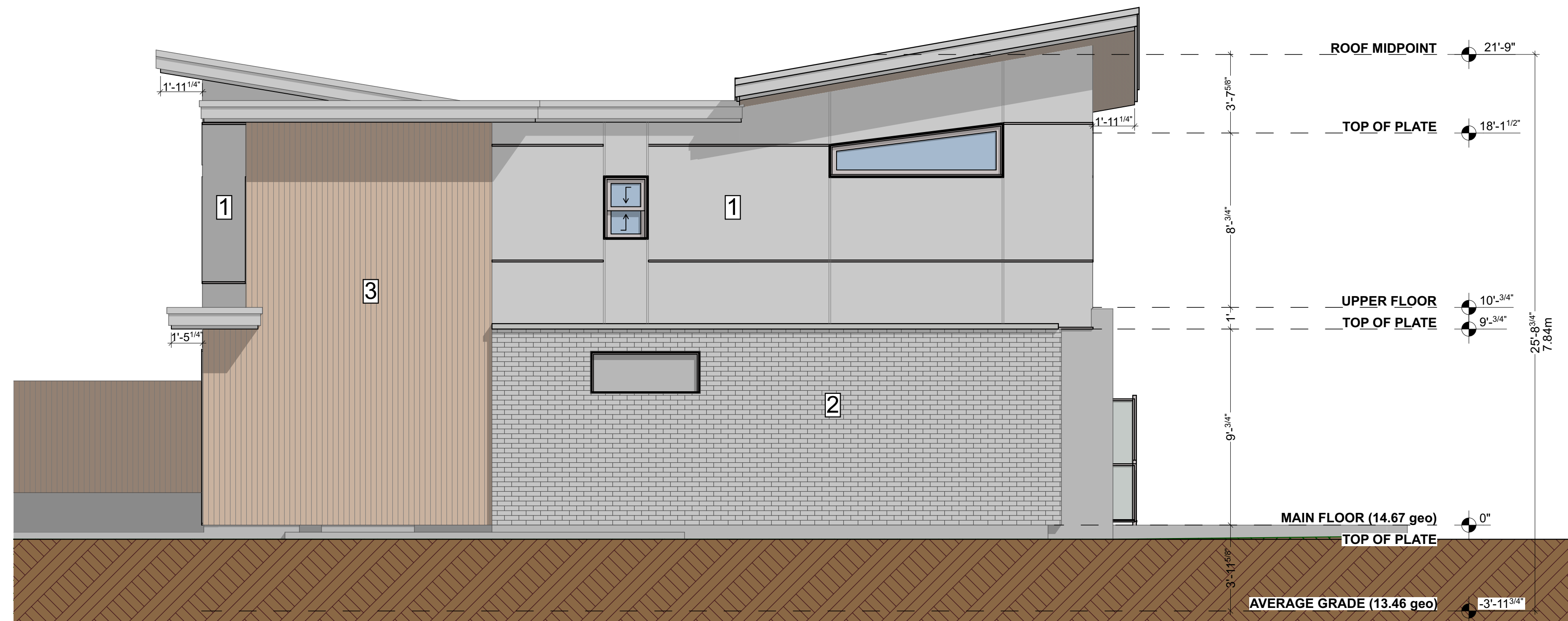
ISSUED:

ELEVATIONS BLOCK B

**B-201**



**3 SOUTH ELEVATION BLOCK B**  
SCALE: 1/4" = 1'-0"



**4 EAST ELEVATION BLOCK B**  
SCALE: 1/4" = 1'-0"

**EXTERIOR CLADDING LEGEND**

- 1 CEMENT BOARD PANEL  
W/ EZ TRIM REVEALS  
PAINTED
- 2 BRICK VENEER  
PREFINISHED
- 3 CLEAR T&G CEDAR SIDING  
STAINED
- 4 ASPHALT ROOFING SHINGLES



1500 Shorncliffe Road Victoria BC Canada  
250.893.8127  
www.adaptdesign.ca

**557 SIMCOE ST,  
VICTORIA, BC  
BLOCK A**

Drawings and Specifications as instruments of service are and shall remain the property of Adapt Design. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Designer.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Designer will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Adapt Design

ISSUED FOR  
REVIEW

ISSUED:

ELEVATIONS BLOCK B

**B-202**

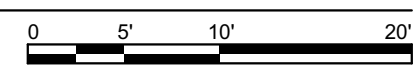




○ FRONT PERSPECTIVE BLOCK A



○ REAR PERSPECTIVE BLOCK A  
SCALE: 1" = 10'



ISSUED FOR  
REVIEW

ISSUED:


PERSPECTIVE VIEWS

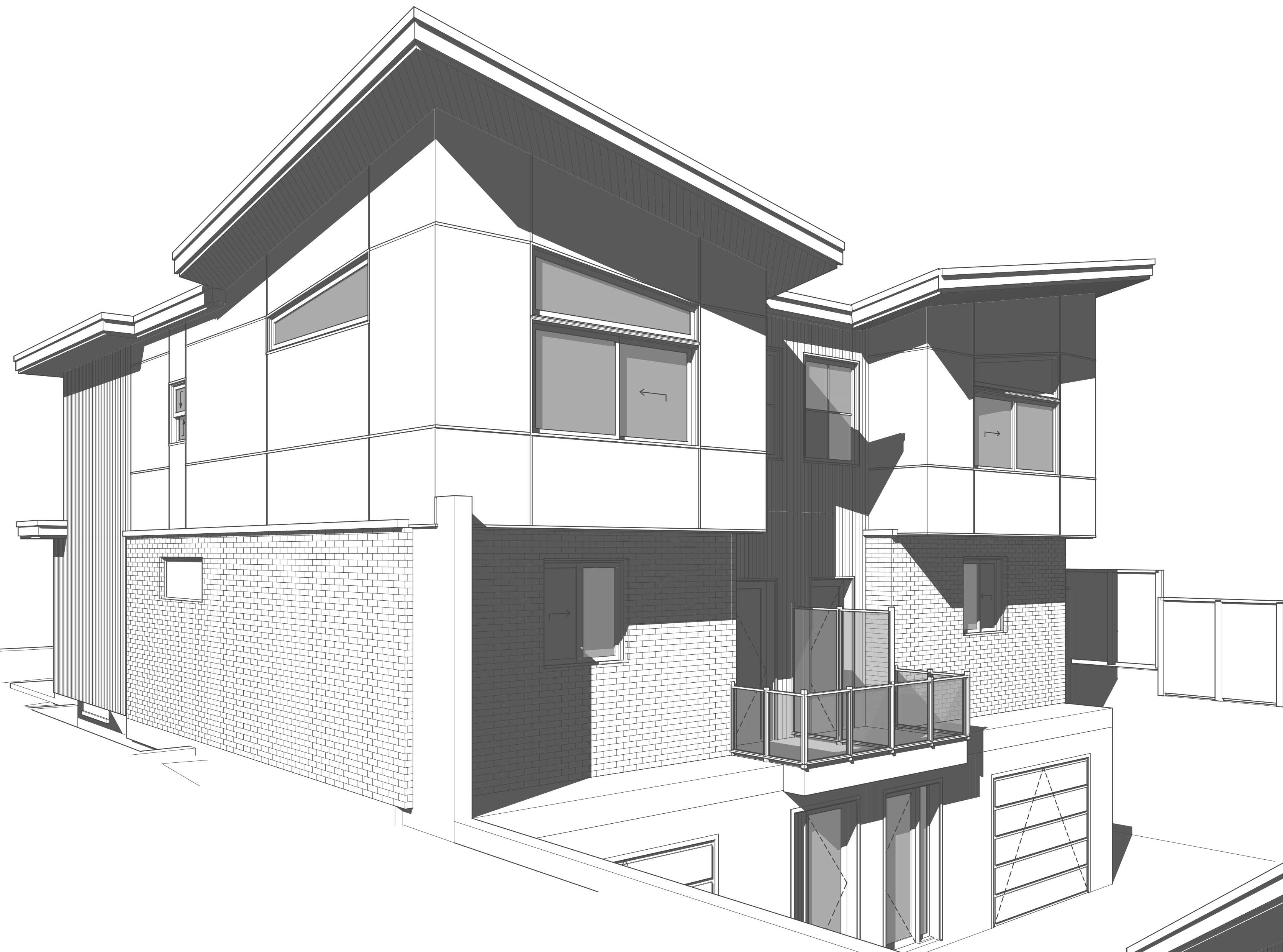
**A-301**

ISSUED FOR  
REVIEW

ISSUED:

PERSPECTIVE VIEWS

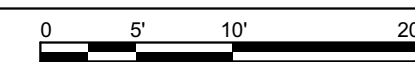
**B-301**



○ FRONT PERSPECTIVE BLOCK B



○ REAR PERSPECTIVE BLOCK B  
SCALE: 1" = 10'



A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R2-64 - Simcoe Duplex Plus District, and to rezone land known as 557 Simcoe Street from the R-2 Zone, Two Family Dwelling District to the R2-64 - Simcoe Duplex Plus District.

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 “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1296)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 2 – Attached Dwelling District by adding the following words:  
  
“2.160 R2-64 Simcoe Duplex Plus District”
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule “B” after Part 2.159 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 557 Simcoe Street, legally described as PID: 009-153-021, Parcel A (DD 77299I) of Lots 1, 2, and 3, Beckley Farm, Victoria City, Plan 359 and shown hatched on the attached map, is removed from the R-2 Zone, Two Family Dwelling District, and placed in the R2-64 - Simcoe Duplex Plus District.

READ A FIRST TIME the	day of	2023
READ A SECOND TIME the	day of	2023
Public hearing held on the	day of	2023
READ A THIRD TIME the	day of	2023
ADOPTED on the	day of	2023

CITY CLERK

MAYOR

Schedule 1  
**PART 2.160 R2-64 ZONE SIMCOE DUPLEX PLUS DISTRICT**

**2.160.1 Definition**

In this Part, “four unit cluster” means 2 two family dwellings on one lot

**2.160.2 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone

- a. Four unit cluster subject to regulations in this Part
- b. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1

**2.160.3 Number of Buildings, Restrictions in Use**

Notwithstanding Section 19 of the General Regulations, 2 two family dwellings are permitted on a lot subject to the regulations in this Part

**2.160.4 Lot Area, Lot Width**

- a. Lot area (minimum) 895m<sup>2</sup>
- b. Lot width (minimum) 18m

**2.160.5 Floor Area, Floor Space Ratio**

- a. Floor space ratio (maximum) 0.7:1
- b. Total Floor Area for the first and second storeys of all buildings combined (maximum) 572m<sup>2</sup>
- c. Total Floor Area, of all buildings combined (maximum) 795m<sup>2</sup>

**2.160.6 Height, Storeys, Roof Decks**

- a. Building height (maximum) 7.6m
- b. Storeys (maximum) 2 storeys if the building does not have a basement  
1 ½ storeys if the building has a basement
- c. Roof deck Not permitted

Schedule 1  
**PART 2.160 R2-64 ZONE SIMCOE DUPLEX PLUS DISTRICT**

**2.160.7 Setbacks, Projections**

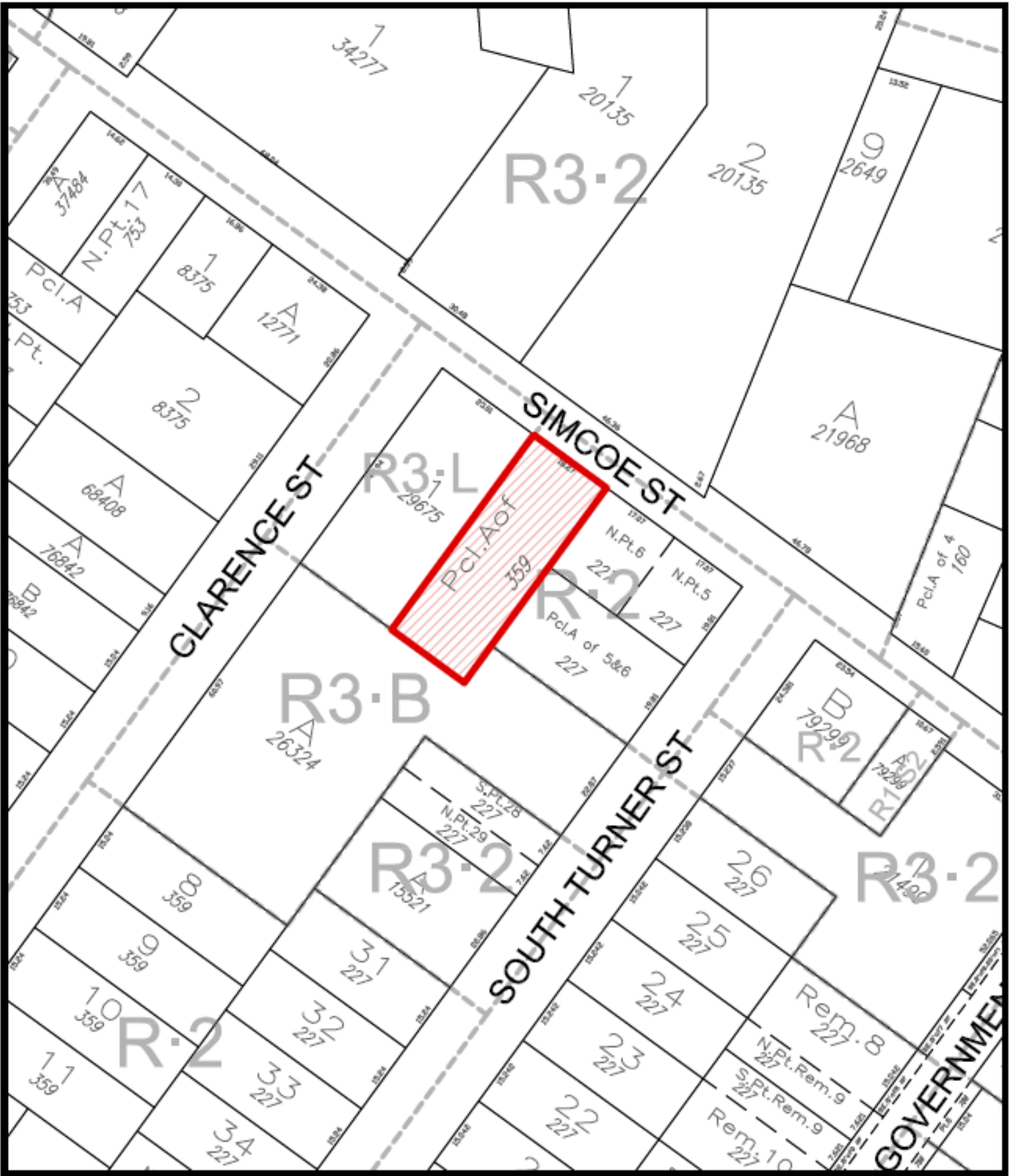
- |   |   |
|---|---|
| a. <u>Front yard setback</u> (minimum)                                      | 7.5m  |
| Except for the following maximum projections into the setback:              |   |
| - steps and <u>porch</u> (maximum)  | 3.5m  |
| - bay windows (maximum)   | 0.6m  |
| b. <u>Rear yard setback</u> (minimum)                                       | 10.7m or 35% of lot depth whichever is greater    |
| c. <u>Side yard setbacks</u> (minimum)                                      | 1.5m or 10% of the lot width whichever is greater |
| d. Combined <u>side yard setbacks</u> (minimum)                             | 4.5m  |
| e. <u>Building separation distance</u> , excluding <u>balcony</u> (minimum) | 7.5m  |

**2.160.8 Site Coverage, Open Site Space**

- |                                     |     |
|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum)   | 40% |
| b. <u>Open site space</u> (minimum) | 30% |

**2.160.9 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" |



557 Simcoe Street  
Rezoning No.00759





## Council Memo

---

**To:** Council **Date:** March 28, 2023  
**From:** Lisa van den Dolder, Assistant City Solicitor  
**Subject:** 903, 911 & 1045 Yates Street, 910 View Street, and 1205 & 1209 Quadra Street: Additional Legal Agreement related to Council Requirements of February 16, 2023

---

On February 16, 2023, after the public hearing for the rezoning, *Official Community Plan* amendments, and development permit with variances pursuant to the proposed Harris Green development, Council passed the following motions:

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
  - a. Increase the number of carshare cars and dedicated parking spaces to at least 15;
  - b. Increase the number of bike parking stalls to at least 2,500;
  - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
  - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
  - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.

A legal agreement has now been registered in the Land Title Office securing that the applicant will provide all of the above Council requests within the proposed development, aside from three requirements that the applicant is unable or unwilling to meet. Those discrepancies, and the reasoning for them as provided by the applicant, are as follows:

---

{00122898:1}

- (a) With respect to item 2.a., the applicant is to provide 9 rather than 15 carshare cars and dedicated parking spaces.  
*Reasoning: The applicant advises that based on consultation with a traffic consultant and car share companies, there is not sufficient demand to warrant 15 carshare cars.*
- (b) With respect to item 2.e., the applicant is to provide the first residential leaseholders without a leased parking stall in Phase 1 with 100 bus tickets (per dwelling unit) – rather than providing across all three phases all new tenants without vehicles an optional free bus pass for up to three months.  
*Reasoning: The applicant advises they believe that because transit passes expire and are non-transferrable as between occupants, transit tickets are preferable to passes.*
- (c) With respect to item 4., the applicant is to provide within Phases 2 and 3 the number of parking stalls required by Schedule C of the Zoning Bylaw at the time of making the application, and to lease any unused residential parking stalls to members of the public – rather than 0.34 parking stalls per dwelling unit in Phases 2 and 3. (They agree to the 0.52 parking stall per dwelling unit ratio for Phase 1 specified by Council.)  
*Reasoning: The applicant advises that based on consultation with transportation consultants, they will provide the 0.52 ratio specified by Council for Phase 1, though they believe this is below current demand. However, for Phases 2 and 3, the applicant wants to provide parking stalls in accordance with the requirements of the Zoning Bylaw. The applicant believes that leasing unused stalls to members of the public will help reduce on-street parking demand in the area.*

Consideration of final approval of the proposed development is scheduled for the April 6 Council meeting following Committee of the Whole.

Respectfully submitted,

Lisa van den Dolder  
Assistant City Solicitor



A BYLAW OF THE CITY OF VICTORIA

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

1. increase density and height in the Core Residential Urban Place Designation, and
2. revise Development Permit Area 3 (HC): Core Mixed-Use Residential

to allow for the proposed development of 903, 911 & 1045 Yates Street, 910 View Street and 1205 & 1209 Quadra Street.

Under its statutory powers, including Part 14, Division 4 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. 44)”.
- 2 Bylaw No. 12-013, the Official Community Plan Bylaw, 2012, is amended as follows in Schedule A, Section 6: Land Management and Development, Figure 8: Urban Place Guidelines, in the row of the table pertaining to the Core Residential designation:
  - (a) in the column pertaining to Built Form, by inserting the following paragraph after the last paragraph in the column:

“Buildings up to approximately 32 storeys for areas bounded by Yates Street, View Street, Quadra Street and Vancouver Street.”; and
  - (b) in the column pertaining to Density, by inserting the following paragraph after the last paragraph in the column:

“Total floor space ratios ranging from 3:1 up to approximately 6:1 for the 900 block of Yates Street bounded by Yates Street, View Street, Quadra Street and Vancouver Street and from 3:1 up to approximately 6.2:1 for the eastern half of the block bounded by Yates Street, View Street, Vancouver Street and Cook Street”.
- 3 The Official Community Plan Bylaw is further amended as follows in Schedule A, Appendix A: Development Permit Areas and Heritage Conservation Areas, Development Permit Area 3 (HC): Core Mixed-Use Residential:
  - (a) in section 5, by inserting the following subsection immediately after subsection (e):
    - “(f) 900-Block Yates & 1045 Yates Urban Design Manual (August 2022) applicable to the following areas:
      - (i) the area bounded by Quadra Street, Vancouver Street, Yates Street and View Street

(ii) Lot D (DD EN81850) of Lots 795 Through 811 Inclusive, Victoria City Plan 45965”.

4 This Bylaw comes into force on adoption.

READ A FIRST TIME the **8th** day of **September** 2022

READ A SECOND TIME the **8th** day of **September** 2022

Public hearing held on the **9<sup>th</sup> and 13<sup>th</sup>** day of **February** 2023

READ A THIRD TIME the **16<sup>th</sup>** day of **February** 2023

ADOPTED on the day of 2023

CITY CLERK

MAYOR

NO. 22-059

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw 80-159 by:

1. creating the CD-18 Zone, Harris Green Comprehensive Development District, and
2. rezoning land known as 903, 911 & 1045 Yates Street, 910 View Street and 1205 & 1209 Quadra Street from the R-5 Zone Central Area (Wilson Block) District, the R-9 Zone Central Area (Yates and Quadra Streets) District, the R-48 Zone Harris Green District and the S-1 Zone Limited Service District to the CD-18 Zone Harris Green Comprehensive Development District.

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 “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1279)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the heading PART 12 – Comprehensive Development Zones by adding the following words:

“12.18 CD-18 Harris Green Comprehensive Development District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule “B” after Part 12.17 the provisions contained in Schedule 1 of this Bylaw.
- 4 The lands known as 903/909, 911, 1033, 1043, 1045 and 1061 Yates Street, 1205, 1207/1209 and 1211/1213 Quadra Street, 1200 Vancouver Street, and 910, 922, 926, 930, 940, 944, 948 and 990 View Street legally described as:

PID: 009-387-994, Lot 980, Victoria City

PID: 003-697-983, Lot A, (DD 60683W) of Lots 979 and 989, Victoria City, Plan 20163

PID: 009-387-943, Lot 978, Victoria City

PID: 009-387-927, Lot 977, Victoria City

PID: 009-387-901, Lot 976, Victoria City

PID: 002-428-679, Lot 1 of Lots 986 and 987, Victoria City, Plan 26779

PID: 009-388-036, Lot 988, Victoria City

PID: 009-098-429, Lot B, of Lots 795 through 811 Inclusive, Victoria City, Plan 45965

PID: 000-847-208, Lot 1 of Lots 792, 793 and 794, Victoria City, Plan 30140

PID: 009-333-967, Lot 2 of Lot 792, Victoria City, Plan 6

PID: 002-392-429, Lot 3, of Lot 792, Victoria City, Plan 6

PID: 002-392-437, Lot 4, of Lot 792, Victoria City, Plan 6

PID: 024-585-696, Lot D (DD EN81850) of Lots 795 Through 811 Inclusive Victoria City Plan 45965

and shown hatched on the attached map, are removed from the R-5 Zone Central Area (Wilson Block) District, the R-9 Zone Central Area (Yates and Quadra Streets) District, the R-48 Zone Harris Green District and the S-1 Zone Limited Service District as applicable, and are all placed in the CD-18 Zone, Harris Green Comprehensive Development District.

READ A FIRST TIME the **8th** day of **September** 2022

READ A SECOND TIME the **8th** day of **September** 2022

Public hearing held on the **9<sup>th</sup> and 13<sup>th</sup>** day of **February** 2023

READ A THIRD TIME the **16<sup>th</sup>** day of **February** 2023

ADOPTED on the day of 2023

CITY CLERK

MAYOR

## PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT

### 12.18.1 General Regulations

- a. This Zone is divided into Development Area 1 (DA-1) and Development Area 2 (DA-2) as shown on the map attached as Appendix 1.
- b. All regulations in this Zone apply to both Development Areas, unless expressly stated otherwise.
- c. Notwithstanding section 19 of the Bylaw, a building may straddle a lot line.
- d. Vehicle and bicycle parking subject to the regulations in Schedule C – Off-street Parking.

### 12.18.2 Definitions

In this Zone:

- a. “Care Facility” means a day care facility or residential care facility, in each case licensed under the Community Care and Assisted Living Act.
- b. “Hotel” means facilities offering transient lodging accommodation to the general public, which may provide accessory uses such as restaurant, meeting rooms and recreational facilities, and includes motels and hostels.
- c. “Parapet” means a vertical projection of a wall at the outer edge of a roof.
- d. “Residential” means a self-contained dwelling unit of any type, and includes a care facility, assisted living, and a studio that contains a dwelling unit associated with an artist’s or artisan’s studio.
- e. “Retail Trade” means the retail sale, repair, servicing, or refurbishment of consumer goods other than automobiles or automotive fuels, but does not include liquor retail store or storefront cannabis retailer.
- f. “Rooftop Structure” includes antennas, elevator penthouses, elevator landings, stair access and landings, mechanical equipment, chimneys, ventilation systems, solar heating panels, green roof systems and similar structures that project above a roof, are non-habitable and which may be enclosed or unenclosed.
- g. “Studio” means a purpose-designed work space for an artist or artisan engaged in an art or craft that is compatible with residential uses, which may include an associated dwelling unit and in which works produced in the studio may be sold.

## PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT

### 12.18.3 Community Amenities

As a condition of additional density pursuant to Part 12.18.6, the following amenities must be provided as community amenities:

- a. For all Development Areas, agreements with the City securing
  - i. all dwelling units as rental accommodation in perpetuity, and
  - ii. no less than 5% of the total dwelling units (across all Development Areas) as accessible in perpetuity (“accessible” meaning, at a minimum, constructed to comply with subsection 3.8.5 – Adaptable Dwelling Units – in the *British Columbia Building Code*); and
- b. For Development Area 1, agreements with the City securing
  - i. a daycare space with a minimum of 450m<sup>2</sup> floor area,
  - ii. a public plaza no less than 100m<sup>2</sup> in size which contains a statutory right-of-way for unobstructed public access,
  - iii. no less than 80 dwelling units shall be affordable in perpetuity and allocated to median income households or lower, in accordance with Housing Agreement (1045 Yates) Bylaw (2022), No. 22-085, and
  - iv. dwelling units shall be comprised of no less than 85 two-bedroom, 2 two-bedroom plus den, 75 three-bedroom and 7 townhouse units; and
- c. For Development Area 2, agreements with the City securing
  - i. no less than 300 dwelling units shall have two or more bedrooms,
  - ii. a statutory right-of-way of 0.9m along Quadra Street for highway purposes, and
  - iii. that the following shall be provided no later than ten (10) years from the date that an occupancy permit is issued for the first building constructed within Development Area 2:
    - A. a public plaza no less than 1600m<sup>2</sup> in size that shall allow free public passage between Yates Street and View Street via a statutory right-of-way,
    - B. public art, valued at no less than \$350,000, which shall be provided within the public plaza referenced in paragraph A, and
    - C. an irrevocable offer to lease a space of approximately 930m<sup>2</sup> that is suitable for community use within Development Area 2 for a minimum term of 10 years, at a net rent of no more than \$0, with an option of four 5-year renewals.

### 12.18.4 Permitted Uses in this Zone

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

- a. Assembly
- b. Assisted Living Facility

**PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT**

- c. Brew Pub (beer, spirits, wine)
- e. Civic Facility
- f. Cultural Facility
- g. Drinking Establishment
- h. Financial Service
- i. Food and Beverage Service
- j. Home Occupation, subject to the regulations in Schedule D – Home Occupation
- k. Hotel with a maximum total floor area of 2000m<sup>2</sup>
- l. Office
- m. Personal Service
- n. Public Building
- o. Residential
- p. Restaurant
- q. Liquor Retail Store with a maximum total floor area of 330m<sup>2</sup>
- r. Retail Trade
- s. Studio

**12.18.5 Siting of Permitted Uses**

- a. No first storey office or financial service use is permitted within 6m of the wall of any building that abuts a street, plaza or pedestrian walkway.
- b. Only one liquor retail store is permitted in the zone, which may be located in either Development Area 1 or Development Area 2.
- c. Residential use is not permitted on the first storey of a building except for dwelling units fronting View Street, Vancouver Street, and the southerly portions of the main plaza in Development Area 2.

## PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT

### 12.18.6 Floor Space Ratio

- |   |       |
|---|-------|
| a. <u>Floor space ratio</u> where the amenities have not been provided pursuant to Part 12.8.3 (maximum)                              | 3:1   |
| b. <u>Floor space ratio</u> (maximum) for Development Area 1 where the community amenities have been provided pursuant to Part 12.8.3 | 6.2:1 |
| c. <u>Floor space ratio</u> (maximum) for Development Area 2 where the community amenities have been provided pursuant to Part 12.8.3 | 6:1   |

### 12.18.7 Height

- |   |      |
|---|------|
| a. Principal <u>building height</u> (maximum)                                 | 60m  |
| b. Except for the following projections above maximum <u>height</u> (maximum) |      |
| i. <u>Parapets</u>  | 1.0m |
| ii. <u>Rooftop Structures</u>   | 5.0m |



## PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT

### 12.18.8 Setbacks, Projections

- |                                   |  |      |
|-----------------------------------|--|------|
| a. Cook Street                    |  |      |
| i.                                | <u>First storey setback</u> (minimum)  | 3.0m |
| ii.                               | <u>Setback</u> for any portion of the <u>building</u> above the <u>first storey</u> and up to 18.0m in <u>height</u> (minimum) | 2.0m |
| iii.                              | <u>Setback</u> for any portion of the <u>building</u> above 18.0m and up to 20.0m in <u>height</u> (minimum)                   | 4.5m |
| iv.                               | <u>Setback</u> for any portion of the <u>building</u> above 20.0m in <u>height setback</u> (minimum)                           | 6.0m |
| b. Quadra Street and Yates Street |  |      |
| i.                                | <u>First storey setback</u> (minimum)  | 3.0m |
| ii.                               | <u>Setback</u> for any portion of the <u>building</u> above the <u>first storey</u> and up to 18.0m in <u>height</u> (minimum) | 2.0m |
| iii.                              | <u>Setback</u> for any portion of the <u>building</u> above 18.0m and up to 20.0m in <u>height</u> (minimum)                   | 4.5m |
| iv.                               | <u>Setback</u> for any portion of the <u>building</u> above 20.0m in <u>height</u> (minimum)                                   | 9.0m |
| c. Vancouver Street               |  |      |
| i.                                | <u>First storey setback</u> (minimum)  | 4.0m |
| ii.                               | <u>Setback</u> for any portion of the <u>building</u> above the <u>first storey</u> and up to 18.0m in <u>height</u> (minimum) | 2.0m |
| iii.                              | <u>Setback</u> for any portion of the <u>building</u> above 18.0m and up to 20.0m in <u>height</u> (minimum)                   | 4.5m |
| iv.                               | <u>Setback</u> for any portion of the <u>building</u> above 20.0m in <u>height</u> (minimum)                                   | 6.0m |

## PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT

### d. View Street

- i. First storey setback (minimum) 4.0m

Except for the following maximum projections into the setback:

- Steps/Patio 2.3m

- ii. Setback for any portion of the building above the first storey and up to 15.0m in height (minimum) 3.0m

- iii. Setback for any portion of the building above 15.0m and up to 21.0m in height (minimum) 5.5m

- iv. Setback for any portion of the building above 21.0m in height (minimum) 9.0m

### e. Setback from internal boundary for Development Area 1, west

- i. First storey setback (minimum) 0.0m

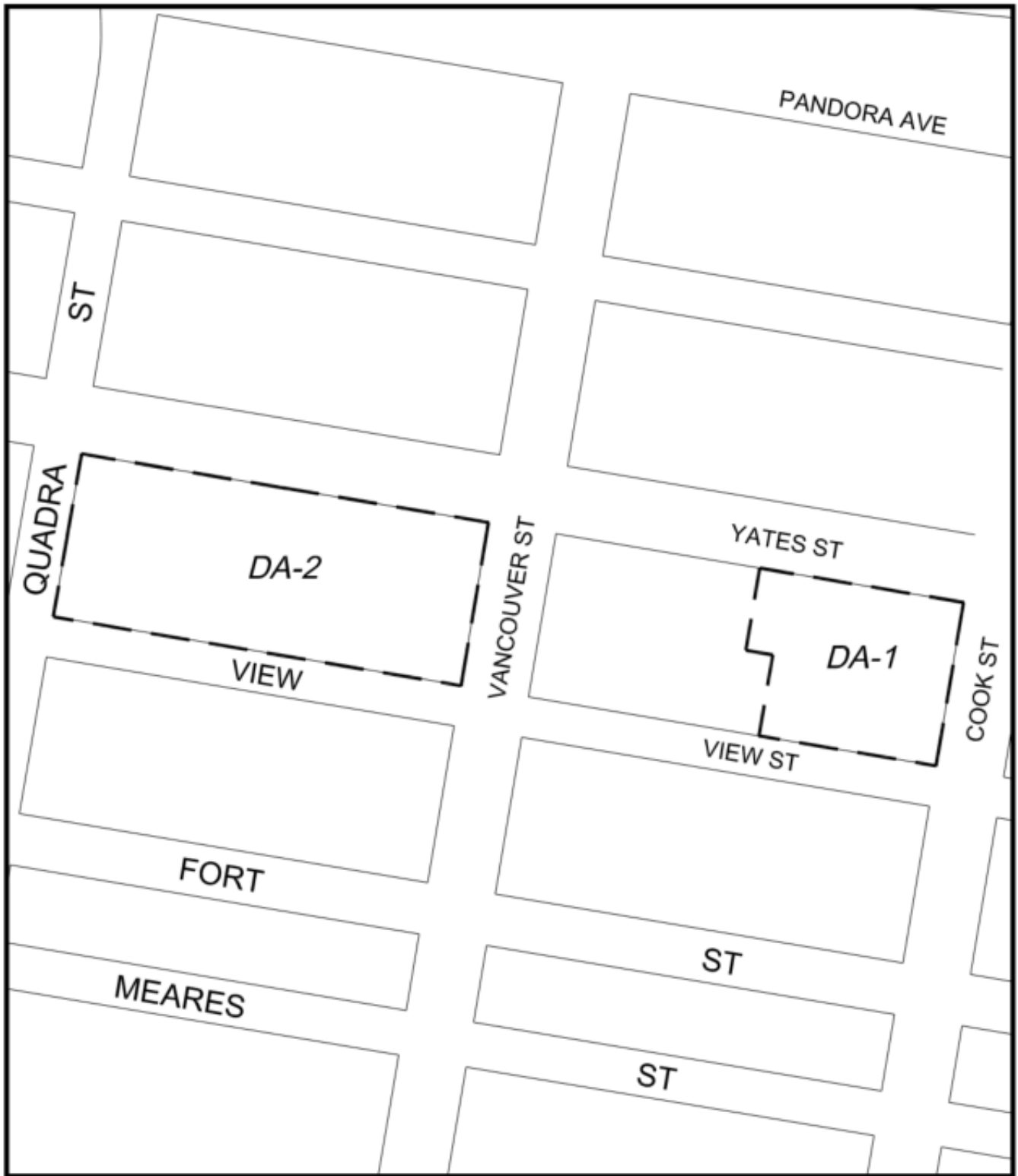
- ii. Setback for any portion of the building above the first storey and up to 9.0m in height (minimum) 0.0m

- iii. Setback for any portion of the building above 9m and up to 21.0m in height (minimum) 4.5m

- iv. Setback for any portion of the building above 21.0m in height (minimum) 16m

- f. Notwithstanding subsections a – e, a balcony or deck that faces a street or internal boundary may project into a setback to a maximum of 1.6m

**PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT**



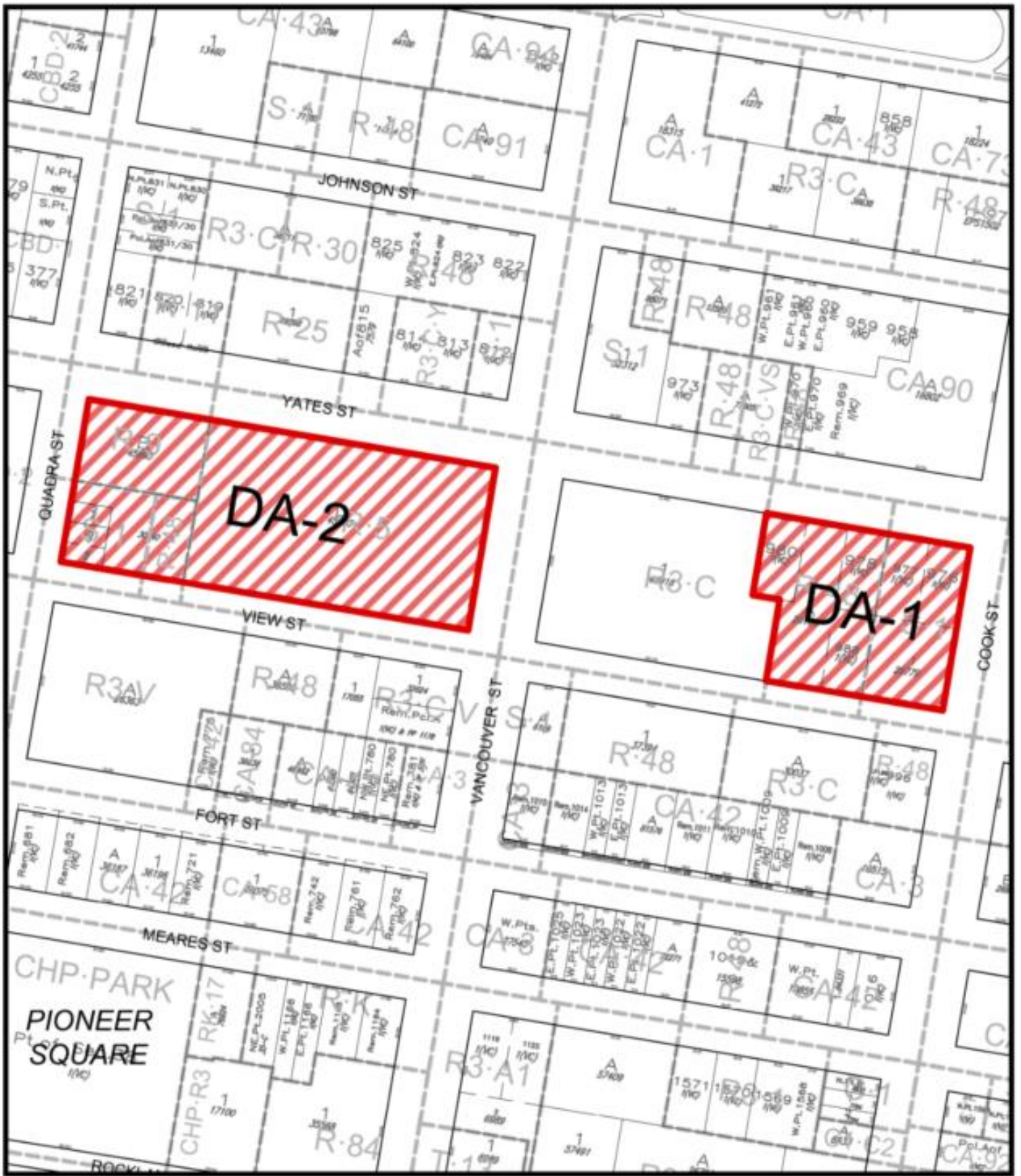
# Appendix 1

Development Areas

Harris Green Comprehensive Development District



Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw



903, 911 & 1045 Yates Street, 910 View Street  
 and 1205 & 1209 Quadra Street  
 Rezoning No.00730



**HOUSING AGREEMENT (900 BLOCK YATES AND 1045 YATES) 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 903/909, 911, 1033, 1043, 1045 and 1061 Yates Street, 1205, 1207/1209 and 1211/1213 Quadra Street, 1200 Vancouver Street, and 910, 922, 926, 930, 940, 944, 948 and 990 View Street, 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 assembled enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (900 BLOCK YATES AND 1045 YATES) 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 1045 Yates Holdings Ltd. (Inc. No. BC1202224), 903 – 911 Yates Street Properties Ltd. (Inc. no. BC1083627), 910 View Street Properties Ltd. (Inc. No. BC1144458), 1209 Quadra Street Property Ltd. (Inc. No. BC1112443), and 1205 Quadra Street Property Ltd. (Inc. No. BC1104295) or other registered owners from time to time of the lands described in subsection (c); and
- (c) that applies to the lands known as 903/909, 911, 1033, 1043, 1045 and 1061 Yates Street, 1205, 1207/1209 and 1211/1213 Quadra Street, 1200 Vancouver Street, and 910, 922, 926, 930, 940, 944, 948 and 990 View Street, Victoria, BC, legally described as:

PID: 009-387-994, Lot 980, Victoria City

PID: 003-697-983, Lot A, (DD 60683W) of Lots 979 and 989, Victoria City, Plan 20163

PID: 009-387-943, Lot 978, Victoria City

PID: 009-387-927, Lot 977, Victoria City

PID: 009-387-901, Lot 976, Victoria City

PID: 002-428-679, Lot 1 of Lots 986 and 987, Victoria City, Plan 26779

PID: 009-388-036, Lot 988, Victoria City

PID: 009-098-429, Lot B, of Lots 795 Through 811 Inclusive, Victoria City, Plan 45965

PID: 000-847-208, Lot 1 of Lots 792, 793 and 794, Victoria City, Plan 30140

PID: 009-333-967, Lot 2 of Lot 792, Victoria City, Plan 6

PID: 002-392-429, Lot 3, of Lot 792, Victoria City, Plan 6

PID: 002-392-437, Lot 4, of Lot 792, Victoria City, Plan 6

PID: 024-585-696, Lot D (DD EN81850) of Lots 795 Through 811 Inclusive Victoria City Plan 45965.

READ A FIRST TIME the	<b>8th</b>	day of	<b>September</b>	2022
READ A SECOND TIME the	<b>8th</b>	day of	<b>September</b>	2022
READ A THIRD TIME the	<b>8th</b>	day of	<b>September</b>	2022
ADOPTED on the		day of		2023

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:

**1045 YATES HOLDINGS LTD.** (Inc. No. BC1202224)  
**903 – 911 YATES STREET PROPERTIES LTD.** (Inc. No. BC1083627)  
**910 VIEW STREET PROPERTIES LTD.** (Inc. No. BC1144458)  
**1209 QUADRA STREET PROPERTY LTD.** (Inc. No. BC1112443)  
**1205 QUADRA STREET PROPERTY LTD.** (Inc. No. BC1104295)  
 3280 Bloor Street West, Centre Tower, Suite 1400  
 Toronto, Ontario, M8X 2X3

(the "Owner")

AND:

**CANADIAN IMPERIAL BANK OF COMMERCE**  
**LONDON DRUGS LIMITED**  
**HARRIS GREEN HOSPITALITY LTD.**  
**CLACE HOLDINGS LTD.**

(the "Chargeholders")

**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 of the following lands and premises located in the City of Victoria, Province of British Columbia, with the civic addresses 1033, 1043, 1045 and 1061 Yates Street:
  - (a) PID: 009-387-994, LOT 980, VICTORIA CITY

{00014619:5}

- (b) PID: 003-697-983, LOT A, (DD 60683W) OF LOTS 979 AND 989, VICTORIA CITY, PLAN 20163
- (c) PID: 009-387-943, LOT 978, VICTORIA CITY
- (d) PID: 009-387-927, LOT 977, VICTORIA CITY
- (e) PID: 009-387-901, LOT 976, VICTORIA CITY
- (f) PID: 002-428-679, LOT 1 OF LOTS 986 AND 987, VICTORIA CITY, PLAN 26779
- (g) PID: 009-388-036, LOT 988, VICTORIA CITY

(collectively, the "Phase 1 Lot");

- D. The Owner is also the registered owner of the following lands and premises located in the City of Victoria, with the civic addresses 903/909 Yates Street, 910 View Street, and 1211/1213, 1207/1209 and 1205 Quadra Street:

- (a) PID: 009-098-429, LOT B, OF LOTS 795 THROUGH 811 INCLUSIVE, VICTORIA CITY, PLAN 45965
- (b) PID: 000-847-208, LOT 1 OF LOTS 792, 793 AND 794, VICTORIA CITY, PLAN 30140
- (c) PID: 009-333-967, LOT 2 OF LOT 792, VICTORIA CITY, PLAN 6
- (d) PID: 002-392-429, LOT 3, OF LOT 792, VICTORIA CITY, PLAN 6
- (e) PID: 002-392-437, LOT 4, OF LOT 792, VICTORIA CITY, PLAN 6

(collectively, the "Phase 2 Lot");

- E. The Owner is also the registered owner of the following lands and premises located in the City of Victoria, with the civic addresses 911 Yates Street, 1200 Vancouver Street, and 922, 926, 930, 940, 944, 948 and 990 View Street:

PID: 024-585-696, LOT D (DD EN81850) OF LOTS 795 THROUGH 811 INCLUSIVE VICTORIA CITY PLAN 45965

(the "Phase 3 Lot");

- F. The Phase 1 Lot, the Phase 2 Lot and the Phase 3 Lot are collectively referred to herein as the "Lands", and includes any lands to which the same may be consolidated or subdivided;
- G. The Owner has applied to the City to rezone the Lands and to amend the provisions of the Official Community Plan's Development Permit Area 3 (HC), Core Mixed-Use Residential to permit the construction of multiple housing units within the Development in accordance with this Agreement.
- H. 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

{00014619:5}



Owner that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

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

## 1.0 DEFINITIONS

### 1.1 In this Agreement:

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

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

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

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

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

"**Owner**" includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 8.3;

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

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

"**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

{00014619:5}

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.

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

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

### 5.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE

- 5.1 Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

### 6.0 LIABILITY

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

{00014619:5}

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 PRIORITY AGREEMENT

7.1 The **CANADIAN IMPERIAL BANK OF COMMERCE** ("CIBC") is the holder of Mortgage CA7425024, Assignment of Rents CA7425025, Mortgage CA7425046, Assignment of Rents CA7425047, Mortgage CA7425048, Assignment of Rents CA7425049, Mortgage CA7425050, Assignment of Rents CA7425051, Mortgage CA7748995, and Assignment of Rents CA7748996 registered in the Land Title Office against title to the Lands (collectively, the "CIBC Charges"). In consideration of the sum of One (\$1.00) Dollar, CIBC (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the CIBC Charges in the same manner and to the same effect as if it had been dated and registered prior to the CIBC Charges.

7.2 **LONDON DRUGS LIMITED** ("LDL") is the holder of Lease EX116177, Easement EX116178, Restrictive Covenant EX116179, and Option to Lease EX116180 registered in the Land Title Office against title to the Lands (collectively, the "LDL Charges"). In consideration of the sum of One (\$1.00) Dollar, LDL (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the LDL Charges in the same manner and to the same effect as if it had been dated and registered prior to the LDL Charges.

7.3 **HARRIS GREEN HOSPITALITY LTD.** ("HGH") is the holder of Lease FB400929 registered in the Land Title Office against title to the Lands (collectively, the "HGH Charges"). In consideration of the sum of One (\$1.00) Dollar, HGH (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the HGH Charges in the same manner and to the same effect as if it had been dated and registered prior to the HGH Charges.

7.4 **CLACE HOLDINGS LTD.** ("CHL") is the holder of Lease ET88025, Restrictive Covenant EX116179, Easement EX116181, Lease FA1066, and Mortgage CA7748994 registered in the Land Title Office against title to the Lands (collectively, the "CHL Charges"). In consideration of the sum of One (\$1.00) Dollar, CHL (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the CHL Charges in the same manner and to the same effect as if it had been dated and registered prior to the CHL Charges.

## 8.0 GENERAL PROVISIONS

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

{00014619:5}

- (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:

c/o Starlight Investments  
 Suite 200 – 2171 Avenue Road  
 Toronto, ON M5M 4B4

Attention: Daniel Drimmer

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

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

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

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

**8.2 TIME.** Time is of the essence of this Agreement.

**8.3 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.

- 8.4 **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.
- 8.5 **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.
- 8.6 **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.
- 8.7 **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.
- 8.8 **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.
- 8.9 **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.
- 8.10 **ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 8.11 **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.
- 8.12 **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.
- 8.13 **LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 8.14 **NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

- 8.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
- 8.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.
- 8.17 COUNTERPARTS.** This Agreement may be executed in counterparts and delivered by emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.
- 8.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year last below written.

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

\_\_\_\_\_  
Karen Hoese, Director of Sustainable  
Planning and Community Development

Date Signed:

{00014619:5}

**1045 YATES HOLDINGS LTD.,**  
by its authorized signatory:



\_\_\_\_\_  
Print Name: Daniel Drimmer

Date Signed:

**903 – 911 YATES STREET PROPERTIES LTD.,**  
by its authorized signatory:



\_\_\_\_\_  
Print Name: Daniel Drimmer

Date Signed:

**910 VIEW STREET PROPERTIES LTD.,**  
by its authorized signatory:



\_\_\_\_\_  
Print Name: Daniel Drimmer

Date Signed:

**1209 QUADRA STREET PROPERTY LTD.,**  
by its authorized signatory:



\_\_\_\_\_  
Print Name: Daniel Drimmer

Date Signed:

**1205 QUADRA STREET PROPERTY LTD.,**  
by its authorized signatory:



\_\_\_\_\_  
Print Name: Daniel Drimmer

Date Signed:

{00014619:5}

**CANADIAN IMPERIAL BANK OF COMMERCE,**  
by its attorney, Gowling WLG (Canada) Inc.  
(Reg. No. A0109095), see CA8557658, by its  
authorized signatories:

\_\_\_\_\_  
Print Name: **SANG JUN (TONY) PARK**

\_\_\_\_\_  
Print Name:

Date Signed: *2022 - Aug - 08*

**LONDON DRUGS LIMITED,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**HARRIS GREEN HOSPITALITY LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**CLACE HOLDINGS LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:



**CANADIAN IMPERIAL BANK OF COMMERCE,**  
by its authorized signatories:

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

Date Signed:

**LONDON DRUGS LIMITED,**  
by its authorized signatory:

  
\_\_\_\_\_  
Print Name: *Christine MacLennan*

  
\_\_\_\_\_  
Print Name: *Robert Bagatella*

Date Signed: *August 15, 2022*

**HARRIS GREEN HOSPITALITY LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**CLACE HOLDINGS LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**CANADIAN IMPERIAL BANK OF COMMERCE,**  
by its authorized signatories:

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

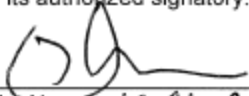
Date Signed:

**LONDON DRUGS LIMITED,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**HARRIS GREEN HOSPITALITY LTD.,**  
by its authorized signatory:

  
\_\_\_\_\_  
Print Name: *Keith Owen.*

Date Signed: *August 15, 2022*

**CLACE HOLDINGS LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

{00014619:3}

**CANADIAN IMPERIAL BANK OF COMMERCE,**  
by its authorized signatories:

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

Date Signed:

**LONDON DRUGS LIMITED,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**HARRIS GREEN HOSPITALITY LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name:

Date Signed:

**CLACE HOLDINGS LTD.,**  
by its authorized signatory:

  
\_\_\_\_\_  
Print Name: DARREL KLEIN

Date Signed: August 15, 2022

NO. 22-085

**HOUSING AGREEMENT (1045 YATES) BYLAW**  
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to authorize an agreement for affordable housing for the lands known as 1033, 1043, 1045 and 1061 Yates Street, 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 assembled enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "HOUSING AGREEMENT (1045 YATES) 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 1045 Yates Holdings Ltd. (Inc. No. BC1202224), or other registered owners from time to time of the lands described in subsection (c); and
- (c) that applies to the lands known as 1033, 1043, 1045 and 1061 Yates Street, Victoria, BC, legally described as:

PID: 009-387-994, LOT 980, VICTORIA CITY

PID: 003-697-983, LOT A, (DD 60683W) OF LOTS 979 AND 989, VICTORIA CITY, PLAN 20163

PID: 009-387-943, LOT 978, VICTORIA CITY

PID: 009-387-927, LOT 977, VICTORIA CITY

PID: 009-387-901, LOT 976, VICTORIA CITY

PID: 002-428-679, LOT 1 OF LOTS 986 AND 987, VICTORIA CITY, PLAN 26779

PID: 009-388-036, LOT 988, VICTORIA CITY

READ A FIRST TIME the **8th** day of **September** 2022

READ A SECOND TIME the **8th** day of **September** 2022

READ A THIRD TIME the **8th** day of **September** 2022

ADOPTED on the day of 2023

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:

**1045 YATES HOLDINGS LTD.** (Inc. No. BC1202224)  
3280 Bloor Street West, Centre Tower, Suite 1400  
Toronto, Ontario, M8X 2X3  
  
(the "Owner")

AND:

**CANADIAN IMPERIAL BANK OF COMMERCE**  
  
(the "Existing Chargeholder")

**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 of the following lands and premises located in the City of Victoria, Province of British Columbia, with the civic addresses 1033, 1043, 1045 and 1061 Yates Street:
  - (a) PID: 009-387-994, LOT 980, VICTORIA CITY
  - (b) PID: 003-697-983, LOT A, (DD 60683W) OF LOTS 979 AND 989, VICTORIA CITY, PLAN 20163
  - (c) PID: 009-387-943, LOT 978, VICTORIA CITY
  - (d) PID: 009-387-927, LOT 977, VICTORIA CITY

- (e) PID: 009-387-901, LOT 976, VICTORIA CITY
- (f) PID: 002-428-679, LOT 1 OF LOTS 986 AND 987, VICTORIA CITY, PLAN 26779
- (g) PID: 009-388-036, LOT 988, VICTORIA CITY

(collectively, the "Lands").

- D. The Owner has applied to the City to rezone the Lands and to amend the provisions of the Official Community Plan's Development Permit Area 3 (HC), Core Mixed-Use Residential to permit the construction of multiple 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 to provide median income rental housing, and that all Dwelling Units within the Development on the Lands will be used and held only as rental housing.

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

## 1.0 DEFINITIONS

### 1.1 In this Agreement:

"**Affordable Rent**" for a Median Income Unit rented under a Tenancy Agreement means a monthly rent calculated as follows, rounded to the nearest \$10.00:

- (i) for a bachelor Dwelling Unit, Median Household Income x 0.020,
- (ii) for a 1-bedroom Dwelling Unit, Median Household Income x 0.024, and
- (iii) for a 3-bedroom Dwelling Unit, Median Household Income x 0.040;

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

"**CHMC**" means the Canada Mortgage and Housing Corporation or, if the Canada Mortgage and Housing Corporation permanently ceases to publish median total household incomes for renter households in the City of Victoria, another *bona fide* third party organization appointed by the City of Victoria that publishes median total household incomes for renter households in the City of Victoria;

"**Development**" means the new building including eighty (80) units of residential housing and other related facilities on the Lands;

"**Dwelling Units**" means any or all, as the context may require, of the eighty (80) 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;

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

**"Median Household Income"** means the median total annual household income for renters in the City of Victoria, as published in the Victoria Housing Strategy or, for a year in which the Median Household Income in the Victoria Housing Strategy has not been updated in the previous twelve months, then the real median total household income for renters (before taxes) as reported most recently by CHMC. The parties agree that for 2021, the Median Household Income was \$44,165;

**"Median Income Unit"** means a Dwelling Unit that is designated as a median income unit in accordance with Article 3.0 of this Agreement;

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

**"Owner"** includes a person who acquires an interest in the Lands or any part of the Lands or the Development and is thereby bound by this Agreement, as referred to in section 10.3;

**"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 (other than a shareholder or member of a public corporation, pension fund, or real estate investment trust); or
  - (ii) an Immediate Family of a person to whom paragraph (i) applies, or
- (b) an individual, an Immediate Family of the registered or beneficial owner;

**"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:**

- (a) the Dwelling Units shall only be used as rental housing in perpetuity;
- (b) Median Income Units 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 MEDIAN INCOME HOUSING**

### **3.1 The Owner covenants and agrees to the following:**

{00108643:3}



- (a) Median Income Units will be no less than 290 square feet (27 square metres) in gross floor area.
- (b) Subject to any limitations set out in the Residential Tenancy Act, each Dwelling Unit designated as a Median Income Unit shall only be occupied and used as a Median Income Unit.
- (c) The combined annual household Income for the occupants of each Median Income Unit shall be no greater than the Median Household Income.
- (d) Subject to Article 4.0, monthly rent for each Median Income Unit shall not exceed the Affordable Rent for that unit type.
- (e) The Median Income Units shall consist of:
  - (i) Eight (8) three-bedroom Dwelling Units;
  - (ii) Eight (8) one-bedroom Dwelling Units; and
  - (iii) Sixty-four (64) bachelor Dwelling Units.

#### **4.0 RENT ADJUSTMENTS**

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

#### **5.0 SUBDIVISION**

- 5.1** If the Lands are subdivided at any time hereafter either under the provisions of the *Land Title Act* or under the *Strata Property Act*, or under other similar legislation enacted from time to time, then upon the deposit of a plan of subdivision, a strata plan, or similar plan as the case may be:

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

#### **6.0 REPORTING**

- 6.1** The Owner covenants and agrees to provide to the City's Director of Sustainable Planning and Community Development, within sixty (60) days of the Director's written request, a report in writing confirming the following:

- (a) all Dwelling Units are being rented to Non-Owners,
- (b) Median Income Units are rented or available to rent in accordance with Article 3.0,
- (c) the date of formation of the Tenancy Agreement for each Dwelling Unit, and the Median Household Income applicable at that time,

{00108643:3}

and, subject to any limitations set out in the British Columbia *Personal Information Protection Act*, such other information as may be reasonably requested by the Director from time to time.

**6.2** 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.

**6.3** 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.

## **7.0 NOTICE TO BE REGISTERED IN LAND TITLE OFFICE**

**7.1** Notice of this Agreement (the "Notice") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483 of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

## **8.0 LIABILITY**

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

**8.2** 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.

## **9.0 PRIORITY AGREEMENT**

**9.1** The Existing Chargeholder, as the registered holder of a charge by way of a Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA7425024 and CA7425025, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

## **10.0 GENERAL PROVISIONS**

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

{00108643:3}

- (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:

**1045 YATES HOLDINGS LTD.**  
 c/o Starlight Investments  
 Suite 200 – 2171 Avenue Road  
 Toronto, ON M5M 4B4

Attention: Daniel Drimmer

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

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

- (d) notice sent by the impaired service is considered to be received on the date of delivery, and
- (e) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

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

**10.3 BINDING EFFECT.** This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees. In accordance with section 483(6) of the *Local Government Act*, this Agreement and all obligations hereunder is binding on all who acquire an interest in the Lands, and the Owner only during the Owner's ownership of any interest in the Lands, and with respect only to that portion of the Lands of which the Owner has an interest.

**10.4 WAIVER.** The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

{00108643:3}

- 10.5 HEADINGS.** The division of this Agreement into articles and sections and the insertion of headings are for the convenience of reference only and will not affect the construction or interpretation of this Agreement.
- 10.6 LANGUAGE.** Words importing the singular number only will include the plural and vice versa, words importing the masculine gender will include the feminine and neuter genders and vice versa, and words importing persons will include individuals, partnerships, associations, trusts, unincorporated organizations and corporations and vice versa.
- 10.7 LEGISLATION.** Reference to any enactment includes any regulations, orders or directives made under the authority of that enactment, and is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.
- 10.8 EQUITABLE REMEDIES.** The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 10.9 CUMULATIVE REMEDIES.** No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
- 10.10 ENTIRE AGREEMENT.** This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.
- 10.11 FURTHER ASSURANCES.** Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.
- 10.12 AMENDMENT.** This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 10.13 LAW APPLICABLE.** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 10.14 NO DEROGATION FROM STATUTORY AUTHORITY.** Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
  - (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.
- 10.15 SEVERABILITY.** If any section, term or provision of this Agreement is found to be partially or wholly illegal or unenforceable, then such sections or parts will be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, will be unaffected thereby and will remain and be

enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.

**10.16 JOINT AND SEVERAL.** The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

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

**10.18 EFFECTIVE DATE.** This Agreement is effective as of the date of the signature of the last party to sign.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year last below written.

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

\_\_\_\_\_  
Karen Hoese, Director of Sustainable  
Planning and Community Development

Date Signed:

**1045 YATES HOLDINGS LTD.,**  
by its authorized signatory:

\_\_\_\_\_  
Print Name: Darjeel Drimmer

Date Signed:

**CANADIAN IMPERIAL BANK OF COMMERCE,**  
by its attorney, Gowling WLG (Canada) Inc. (Reg.  
No. A0109095) see CA8557658, by its authorized  
signatories:

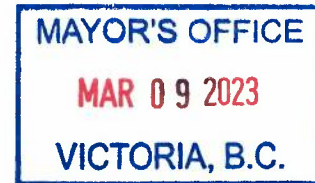
\_\_\_\_\_  
Print Name: **SANG JUN (TONY) PARK**

Print Name:

Date Signed: 2022 Aug - 08

March 6, 2023

Mayor Marianne Alto  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6



Dear Mayor Alto:

**Re: Provincial Response to 2022 Resolutions**

UBCM has received the Province's response to your Council resolution(s) from 2022. Please find the enclosed resolution(s) and their provincial response(s).

All responses from the Province have been posted to the UBCM web site under Convention & Resolutions, then under Resolutions & Responses.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Sincerely,

A handwritten signature in black ink that reads "JCFord".

Jen Ford  
UBCM President

*Enclosure*

Whereas adequate incomes are essential for the wellbeing of community members and families;

And whereas the current level of Income Assistance is not sufficient to cover the cost of the necessities of life, a problem made worse by sharp increases in the cost of housing, food, transportation and other human needs:

Therefore be it resolved that the Province of British Columbia revise provincial Income Assistance programs to provide a liveable income for seniors, people with disabilities, and community members living in poverty.

**Convention Decision:                      Endorsed**

### Provincial Response

#### **Ministry of Social Development and Poverty Reduction**

*Government is committed to its the Together BC poverty reduction strategy, which was released in 2019. The strategy has legislated targets to reduce overall poverty rates in BC by 25% and child poverty rates by 50% by 2024. BC has met these targets by raising income and disability assistance rates by \$175 per adult, doubling the amount of the seniors' supplement, implementing the BC Family Benefit (formerly BC Child Opportunity Benefit), increasing earnings exemption limits and making targeted investments to address housing and homelessness in the province.*

*Despite this progress to date, the Province recognizes that more work needs to be done to address poverty. The COVID-19 pandemic, and more recently, the increase in the rate of inflation has had an unprecedented impact on people everywhere. More work is needed to reduce the depth of poverty for those still living in poverty and address specific populations who face high rates of poverty, including persons with disabilities, seniors, and Indigenous Peoples.*

*The Ministry of Social Development and Poverty Reduction (SDPR) is planning engagement to update the strategy by 2024, to meet the requirement of the Poverty Reduction Strategy Act that government must update the poverty reduction strategy every five years. As part of this work, SDPR is also looking at opportunities to review and modernize the two Acts that govern the BC Employment and Assistance (BCEA) program. This review will focus on the underlying rules that serve as barriers to applicants and recipients of assistance and on bringing the program into alignment with government's commitments to poverty reduction, equity, and reconciliation.*

Whereas the provincial government has pledged to alleviate the rental housing crisis, strengthen tenant protections, and expand the efficacy of the Residential Tenancy Branch;

And whereas BC is in the midst of a housing crisis which has pushed many tenants into vulnerable living situations and legal aid funding for tenancy issues would provide tenants with a fair opportunity to participate in the adjudication of their tenancy issues:

Therefore be it resolved that UBCM advocate that the provincial government reinstate the funding of poverty law legal aid for tenancy issues.

**Convention Decision:                      Endorsed**

Provincial Response

***Ministry of Attorney General***

*The Province provides funding for four community law clinics and four specialized legal clinics across British Columbia. The Housing Legal Clinic, one of the specialized legal clinics, provides information, advice, and representation for housing law matters including but not limited to, judicial review applications of Residential Tenancy Branch (RTB) decisions at the BC Supreme Court, enforcement of RTB monetary orders at small claims court, and housing situations that fall outside of the Residential Tenancy Act. The community law clinics provide legal services for a number of community law matters, including tenancy issues.*

*In addition, the Province co-funds four poverty law advocates who provide free legal information, advocacy and representation to low income people in the community for poverty law matters, including tenancy issues.*

*Government remains committed to increasing access to justice for British Columbians.*



Whereas to expand the supply of community and affordable housing, experts tasked with delivering the final report of the Canada-British Columbia Expert Panel on the Future of Housing Supply and Affordability recommend that:

The federal and provincial governments independently or jointly create an acquisition fund to enable non-profit housing organizations to acquire currently affordable housing properties at risk of being repriced or redeveloped into more expensive units. Conditions should be attached to this funding that will prevent forced displacement of existing tenants when a building is acquired. The BC government should exempt non-profit organizations from the property transfer tax for building acquisitions that will be used to provide affordable housing:

Therefore be it resolved that UBCM advocate that the provincial government support the recommendation of the Canada-British Columbia Expert Panel on the Future of Housing Supply and Affordability, to develop a provincial acquisition strategy and grant program that would allow non-profit housing providers to purchase and repair aging rental stock for the purposes of maintaining existing affordable housing.

**Convention Decision:                      Endorsed**

Provincial Response

***Ministry of Housing***

*Government has reviewed the work by the Federal-Provincial Government Expert Panel on the Future of Housing Supply and Affordability and acknowledges the report as an important step in the Province's efforts to expand housing supply and improve affordability. The Panel's recommendation to preserve affordable housing is being reviewed by government.*



## VICTORIA & ESQUIMALT POLICE BOARD

April 4, 2023

Mayor & Council  
City of Victoria

*Via Email*

Dear Mayor and Council:

Further to your letter of March 16, 2023, the Police Board Finance Committee met on April 4, 2023 to consider the items in the Police budget that Council did not approve. The Board is still of the position that the budget it has presented is what is required to provide an “adequate and effective level of policing and law enforcement” as per the *Police Act*. However, we have reviewed the items that Council reduced or eliminated, and although they will have an operational impact, we believe the ones we have identified below would have the least direct operational impact, and could potentially be deferred to 2024. We also identified those items which would have a direct detrimental impact. It is our position that those items need to remain within the budget.

### Items with the Least Direct Operational Impact

The loss of the following items will have an impact, and if deferred, the Board will seek these resources again in the 2024 Provisional Police Budget.

**1. Training Specialist**

As laid out in the business case, this position would address the need to better leverage our employees with consistent and up-to-date training on the software we use. All four of the civilian positions requested are important, but deferring this specific position would have the least detrimental impact.

**2. Body Worn Camera Pilot**

Other jurisdictions within BC are moving towards the implementation of body worn cameras to improve accountability to the public. Whilst BC provincial standards do not yet require their implementation, Alberta is mandating their use, and the RCMP will be implementing a program nationally. The intent of this pilot was to determine costs, policy, procedures, and an implementation strategy. As a result, we will continue to trail other police agencies across the country.

**3. Building Maintenance**

Council reduced this budget line item by \$100,000, representing the request to maintain additional janitorial services to primarily address biohazards in police cars and jail cells. Maintaining minimum standards was a challenge even prior to COVID-19, and since then, there has been an increase in biohazard incidents. Removing the funding for the additional janitorial will result in delays in cleaning of biohazards for our vehicles and jail cells and will likely result in vehicle availability issues at peak call times.

The remainder of this budget line item represent funds for the operations and maintenance of the police detachments paid directly to the City of Victoria and Township of Esquimalt. This budget line is used to reimburse the municipalities for their operating costs. By reducing this line item by a further \$221,545, Council has effectively reduced our ability to reimburse the City and Township for their building operating costs. Municipalities are required to provide adequate accommodation, equipment, and supplies under Section 15 of the *Police Act*.

#### **4. Employee Benefit Obligation**

The short-term impact of eliminating this budget line item is minimal as the balance of this fund is currently sufficient to offset the vested liability. However, it is likely this line item will need to be re-established in the future.

#### **5. Professional Services**

An amount totalling \$370,000 was not approved by Victoria Council from Professional Services. This line item includes a significant number of necessary budget items, such as psychological services, DNA analysis, financial services provided to us by the City, legal, towing, translation, computer forensic analysis, and costs for canine operational expenditures payable to the Saanich Police Department.

After reviewing each of the items within this budget, the Board has determined an amount of \$170,000 could be deferred to 2024. Further reductions cannot be made without impeding our ability to provide adequate and effective policing. The \$170,000 is comprised of the following items:

##### **a. Indigenous Engagement (\$50,000)**

This funding is provided to implement our Indigenous engagement strategy, including the Pulling Together Canoe Journey, an annual event to build positive relationships between police and Indigenous youth.

##### **b. Computer Forensics (\$50,000)**

This service, replacing the work formerly performed by two VicPD officers, provides essential technical assistance as part of our investigations, including investigations into internet child exploitation. The total budget is for \$150,000 and we believe these services could still be performed for \$100,000. If significant investigations require us to exceed this amount, we will need to access the Financial Stability Reserve for the shortfall.

##### **c. Emergency Preparedness Plan (\$20,000)**

Emergency preparedness falls under the responsibility of our Operational Planning section, in addition to their primary responsibilities. Due to the increasing complexity of their other work, an update to our emergency preparedness plan is overdue and requires the assistance of outside services. Although deferring this for one more year will likely not have a direct operational impact in the short-term, it would be irresponsible to defer indefinitely.

##### **d. Equity, Diversity, and Inclusion (EDI) Strategy (\$50,000)**

We are committed to becoming a more diverse and inclusive workplace. As such, we had included funds to develop an EDI strategy to guide our EDI Committee. Deferring this strategy for a year is not ideal, but possible.

#### **6. Capital Funding**

A total of \$300,000 was reduced from capital funding, reducing the transfer to \$1.2million. Although we have a modest capital reserve fund, it would be imprudent to draw down those funds, as they may be required in the event of an emergency. Some capital expenditures will therefore need to be deferred until capital funding can be restored to a sustainable level.

This includes the cancellation of a project to renovate the cafeteria space, which would have increased our office space by a three-person office, created a wellness room, and modernized the existing space to allow for hybrid usage. Vehicle costs have increased significantly, and electric vehicles add significant cost to the already high cost per unit. To maintain minimum operational readiness of our fleet we will need to pause our Green Fleet Initiative until stable long-term funding can be secured. In the short-term, this means refocusing our vehicle replacement on the lowest cost rather than prioritizing green fuel alternatives.

## Items that cannot be deferred

A number of the items cannot be deferred. The exclusion of them would be detrimental to our ability to provide adequate and effective policing.

### 1. Additional Staffing

#### a. Police Officers

Victoria Council has approved two of the three requested police officers. Although we require all three of the requested police officer positions, we believe that accepting the two approved by Council is a reasonable compromise. For the 2024 Police Budget, we will be bringing forward a long-term staffing plan, outlining our needs for 2024 and beyond.

The Township of Esquimalt did not approve funding for these officers. The Board will be requesting the Township revisit that decision in light of the impact of the other budget reductions made by the City.

#### b. Civilians

The Police Budget also included four additional civilian positions. It is our position that three of those positions (Financial Analyst, Archivist, Records Supervisor) cannot be deferred. The need for each of these positions was detailed in the business cases provided to Council, which we encourage you to review in making your decision.

The Archivist position was included in the budget to manage a significant backlog of files that are required to be sealed and purged to comply with the *Youth Criminal Justice Act* and *Criminal Records Act*. We are not currently in compliance with legislation and will continue to be non-compliant until resources can be secured to manage the backlog. The purpose of this is not simply to maintain adequate record keeping, but to ensure that information is appropriately purged from, or maintained in, the police database to protect the rights of individuals and integrity of investigations.

The Financial Analyst and Records Supervisor positions cannot be deferred as we are experiencing a significant turnover of management in our organization. These positions were identified as crucial for succession planning, and the resulting reorganization of our administrative sections. Deferring the addition of these resources until 2024 will not provide us with the resources required to smoothly manage this upcoming transition.

### 2. Professional Services

As outlined above, of the \$370,000 reduction to the Professional Services budget line, we believe only \$170,000 can be reduced without having a short-term impact on our ability to provide adequate and effective policing. As no breakdown was provided on the additional \$200,000 that Council reduced, we are unable to provide a line-by-line reasoning for why those items should remain in the budget. We have, however, reviewed this budget line item and cannot identify further reductions that would not have a detrimental impact to operations.

In conclusion, the Board respectfully requests that City Council reconsider approving the following items in the 2023 Provisional Police Budget:

- Financial Analyst (\$85,000)
- Records Supervisor (\$92,000)
- Police File Archivist (\$56,250)
- Professional Services (\$200,000 of the amounts previously reduced by Council)

Sincerely,



Doug Crowder  
Chair, Finance Committee