



## Committee of the Whole Report For the Meeting of April 27, 2023

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**To:** Committee of the Whole **Date:** April 18, 2023  
**From:** Thomas Soulliere, Director of Parks, Recreation and Facilities  
**Subject:** New Community Garden Licences of Occupation

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### RECOMMENDATION

That Council:

- A. Authorize the Mayor and City Clerk to execute licences of occupation for the following community gardens, subject to the publication of notices as required by the Community Charter, with terms satisfactory to the Director of Parks, Recreation and Facilities, and in a form satisfactory to the City Solicitor.
  1. Lewis Park Commons Garden, James Bay (32 Lewis Street)
  2. Montreal Street Berry Patch, James Bay (intersection of Montreal and Kingston Street)
  3. Ross Bay Native Plant Garden, Fairfield (Lower Memorial Crescent Green)
  4. Fernwood Native Plant Meadow, Fernwood (1240 Gladstone Avenue)
  
- B. Direct staff to amend the Delegation Bylaw to enable the Director of Parks, Recreation and Facilities to approve new licence agreements for community gardens, in a form satisfactory to the City Solicitor.

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval to execute licences of occupation for four new community gardens (Lewis Park Commons Garden, James Bay Berry Patch, Ross Bay Native Plant Garden, and the Fernwood Native Plant Meadow). The term of each agreement will be five years.

The City has received proposals from the James Bay Neighbourhood Association to develop two community gardens: one in Lewis Park and one in a greenway on the corner of Montreal and Kingston Street; one from the Fairfield Gonzales Community Association to develop a new community garden on the north end of Lower Memorial Green; and one from the Fernwood Neighbourhood Resource Group (Fernwood NRG) Society to develop a new community garden on the southeast corner of William Stevenson Memorial Park.

The City's Community Gardens Policy outlines the process for the creation and management of community garden sites on City-owned lands. These gardens help facilitate positive community experiences, including educational and social opportunities for residents.

Community Associations and non-profit organizations play an active role in designing garden features, organizing events, providing signage, and developing other place-making features that benefit the community.

Since the introduction of the community garden program, Council has approved all requests for licences of occupation which have been presented. These arrangements are generally not complicated given the technical analysis and public engagement required in advance. Meanwhile, the report drafting and presentation process for such approvals from Council has been identified as an area for potential streamlining. To better utilize limited administrative staff capacity, Council is asked to consider delegating authority to approve new licences to leadership staff.

## **PURPOSE**

The purpose of this report is to seek Council approval for licences of occupation for four new community gardens on City land.

## **BACKGROUND**

The City's Community Gardens Policy (Appendix A) outlines the process for the creation and retention of community garden sites on City-owned lands.

### Lewis Park Commons Garden

Approximately 15 years ago, neighbourhood consultation during the Lewis Street Park redesign led to the creation of a garden bed along the north edge of the park which was designated for communal food growing. Since planted by the City, the Lewis Street Garden has not had any formal stewardship. In consequence, it has been tended to irregularly, including being gardened by residents to help prevent blackberry and bindweed invasion. In June 2018, residents of Lewis Street Park in partnership with the James Bay Neighbourhood Association (JBNA) submitted an Expression of Interest (EOI) to formalize the existing Lewis Street Park Garden. Due to competing priorities, including the establishment of the Memorandum of Understanding to link the JBNA as the non-profit partner for the licence of occupation to the Montreal Street Community Garden, and the JBNA's stewardship adoption of the Fisherman's Wharf Herb Garden as a community garden, this Lewis Street project was deferred until 2022. Official community garden status of the Lewis Street Garden and designation to the JBNA would allow for consistent management and ensure that the area's intended use as a food-growing commons is fully realized.

### Montreal Street Berry Patch

In 2017, the James Bay Neighbourhood Association submitted an Expression of Interest to develop two plots of land, one at the cul-de-sac at Montreal and Kingston, and one on the public right of way at Pendray Avenue and Quebec Street. The proposal was to establish these sites as "community berry patches". Due to the pandemic and other competing priorities, the JBNA put the project on hold.

Only the site at the cul-de-sac of Montreal and Kingston is being brought forward for consideration as a part of this report. As a part of design consultation for the City's All Ages and Abilities (AAA) cycling routes and other road safety upgrades in James Bay, staff suggested that the delivery of the Berry Garden could be incorporated as a placemaking feature on Montreal Street. In August 2021, Council approved the transportation capital projects and the Berry Patch Garden was included in the detailed design phase. The garden would be constructed in 2023.

#### Ross Bay Native Plant Garden

In 2021, volunteers from the Fairfield Gonzales Community Association (FGCA)'s Garden Committee submitted an Expression of Interest (EOI) proposing a community garden in the green space located west of the Ross Bay cemetery at the north end of Lower Memorial Crescent. Their vision included a commons pollinator and native plant garden. In February 2022, the FGCA was awarded \$5,000 through the Community Garden Start-Up Grant for the design phase of their proposal. Community consultation was undertaken throughout 2022, and the community feedback was integrated to achieve a higher level of support. FGCA has applied for build phase funding of the Community Garden Start-Up Grant.

#### Fernwood Native Plant Meadow

In June 2022, the Fernwood NRG submitted an Expression of Interest proposing a native plant meadow on the slope located on the southeast side of William Stevenson Memorial Park to the east of the Fernwood Community Centre. The Fernwood NRG received approval in October 2022 to develop a proposal and were successfully awarded \$1,035 through the Community Garden Start-Up Grant for the design phase. Community consultation occurred throughout the late fall and early winter of 2022.

## **ISSUES & ANALYSIS**

#### Lewis Park Commons Garden

The proposed project is approximately 55 square metres located in the northeast end of Lewis Park (32 Lewis Street), north of the existing facilities including a pedestrian pathway and children's playground. The existing garden continues to have overall positive impact on the park, and its formalization will continue to provide new features and activities.

The James Bay Neighbourhood Association (JBNA) will oversee and maintain the Lewis Park Commons Garden. The detailed proposal is available in Appendix B. The garden will be comprised of curved commons gardens in three distinct parts: one section planted with 'snackable' food plants such as snow peas and cherry tomatoes, and long yield plants such as kale and zucchini; a second section with an herb bed and edible perennials, and a third section to host a flower patch of both cutting flowers, and native and pollinator plants. As proposed changes to the existing infrastructure in the community garden design were minor, the public engagement strategies were proportionately scaled. Opportunities for public input on this proposal included sending letters to the adjacent neighbours and convening an in-person meeting in the park to glean public input. The consultations indicate overall neighbourhood support for this proposal.

## *City Support*

Support from the City for the development of this new community garden will include:

- Installation of a keyed water box accessible to JBNA garden volunteers.
- Bi-annual delivery of mulch, compost, and wood chips as requested under the existing Community Garden program.

## Montreal Street Berry Patch

The Montreal Street Berry Patch proposed by the James Bay Neighbourhood Association would be approximately 117 square metres and situated on greenspace at the nearby intersection of Montreal and Kingston Street in James Bay. This green space was originally built as a traffic calming feature, hosts two existing trees, and has no other competing uses.

## *Montreal Street Active Transportation and Road Safety Improvements*

The Montreal Street corridor includes 900m of traffic calming extending from Kingston Street to Dallas Road, via Niagara and Dock Streets and will be constructed in 2023. The approach builds on existing streetscape conditions with marked crossings, speed humps, paint markings and 30km/h signage. The Montreal Street Berry Patch (Appendix C) has been integrated into the design of the “all ages and abilities” transportation infrastructure investments. Pending Council’s approval to authorize a Community Garden Licence of Occupation, the ongoing stewardship responsibilities for the berry patch would be designated to the James Bay Neighbourhood Association.

## *Consultation*

Consultation for the James Bay transportation improvements were conducted by City staff between February and June 2021. Consultation targeted residents, businesses, and commuters as well as agency partners. Over 1,500 people participated in online surveys and virtual meetings. Promotions included direct outreach to businesses, letters delivered to over 2,000 residents, social media, print ads in Victoria News, Times Colonist, and Monday Magazine, on-street signage, digital screens at City Hall, through the City’s e-newsletters and at the James Bay Market. The Berry Patch placemaking site was included in the consultation materials.

## *Garden Design*

The design for the Berry Patch includes three zones. Zone A will host a band of colourful edible flowers and herbs (some of which are evergreen) along the Kingston Street frontage, to make an attractive year-round visual presentation for passers-by on the busiest side of the plot, while also providing support for pollinators and a pickable resource for nearby residents. Zone B will host the bulk of the space for block plantings of various food plants, primarily berries, with a woodchip path winding through them for easy access. Zone C will host a small seating area to provide a place for neighbours to have a morning coffee among the greenery or for tourists to rest on their way to or from town.

## *City Support*

Support from the City for the development of this new community garden will include:

- Design, construction, and installation of the Montreal Street Berry Patch in association with the transportation improvements.
- Continued maintenance of existing trees within the garden area.
- Continued maintenance of the road surface, curbs, and bollards.
- Installation of a keyed water box accessible to garden volunteers.
- Conceding use of the upgraded irrigation system
- Maintenance of and annual testing of the irrigation backflow preventer
- Responsibility for any major repairs to or replacements of place-making elements on the roadway including chairs and self-watering planters.
- Bi-annual delivery of mulch, compost, and wood chips as requested under the existing Community Gardens' program.

## Ross Bay Native Plant Garden

The Ross Bay Native Plant Garden proposed by the Fairfield Gonzales Community Association would be approximately 150 square metres and situated on the north end of the triangle green space at Lower Memorial Green in Fairfield, between Memorial Crescent Avenue and the multi-use pathway along the west of Ross Bay Cemetery.

The vision of the Ross Bay Native Plant Garden is to create a dedicated city space for native plants that would naturally grow in the area; a common's garden that promotes biodiversity, food and habitat for native wildlife and fosters community education surrounding native plants and their myriad of benefits.

The garden will consist of drought-tolerant, pollinator-friendly, medicinal, and food-producing native plants, a crushed gravel pathway, educational signage, with the potential of a welcome statue, and a mural. The commons garden would be maintained by community members and community garden volunteers of the Fairfield Gonzales Community Association (FGCA).

## *Consultation*

The community engagement was conducted from September to November 2022. Consultation included letter distributions and online survey feedback from neighbours in the surrounding area of the Ross Bay Native Plant Garden, residents of the Fairfield Gonzales area. In addition, support with the design was provided by students at the University of Victoria's Permaculture Design Course, experts from Satinflower Nurseries, and a native plant expert and WSÁNEĆ Knowledge Keeper.

The full engagement results can be found in Appendix D. Approximately 40 community members were engaged and feedback for the project indicates overall neighbourhood support for this proposal. The concerns raised include harvesting parameters and deer management.

### *Deer Management*

This immediate area is heavily populated with deer and the FGCA plans to cage sensitive plant material during the planting phase to help them establish successfully. Moreover, the FGCA has selected many deer-tolerant and non-poisonous plants as listed in the design plan. Additionally, more sensitive plants will be placed under larger, deer-resistant plants to shield them from grazing. Fencing is not permitted in this area.

### *City Support*

Support from the City for the development of this new community garden will include:

- Installation of a keyed water box in the main area of the garden, accessible to FGCA garden volunteers
- Bi-annual delivery of mulch, compost, and wood chips under the existing Community Gardens' program.

Should Council approve the execution of a new licence of occupation for the Ross Bay Native Plant Garden, the Fairfield Gonzales Community Association would be eligible to receive the applied amount of \$8,505 of the 2022 Community Garden Start-Up Grant to support the construction phase of this project.

### *Welcome Statue and Mural*

Larger more complex artistic elements of the garden proposal, including the welcome statue and the mural, fall outside of the scope of eligible community gardening activities. These elements require further detailed review by the City's Arts and Culture department and have been redirected to the appropriate City initiatives established to support art in public spaces. Staff have recommended the FGCA apply for the City's My Great Neighbourhood Grant program. This grant review process will ensure detailed drawings, maintenance agreements and the appropriate funding is provided to help bring these complimentary elements to the community garden to fruition.

### Fernwood Native Plant Meadow

The Fernwood Native Plant Meadow proposed by the Fernwood Neighbourhood Resource Group Society would be located on a grassy slope, approximately 173 square metres in size, on the southeast end of William Stevenson Memorial Park, east of the Fernwood Community Centre and north of Gladstone Avenue.

The creation of the native plant meadow would involve the conversion of this underutilized area into a diverse and complex prairie oak meadow. The project will provide an educational space for people to learn about the endangered camas meadow ecosystem and participate in community-led, ecological restoration in the city. The meadow will be planted with seed and bulbs from 21 prairie oak species, including common camas, fawn lily, chocolate lily, wild strawberry, woodland strawberry, Roemer's fescue, June grass, Satinflower, and Broad-leaved shooting star. All plants selected are under 1 m tall at their maximum height, which will help ensure sightline requirements are maintained. The pre-

existing foot path on the hill will be left intact and this site will not be fenced.

The proposed garden would be raised and bordered by a paved pathway and located directly beside the childcare facility. The planting of the meadow will be paired with educational programming to help encourage the children to develop a connection to place and to their local ecosystems. The garden is intended to add to networks of Songhees and Esquimalt First Nations food sovereignty by creating a safe harvesting place for traditional foods like camas, chocolate lily, and nodding onion. The area will also act as a hub for native pollinator populations.

### *Consultation*

Fernwood NRG conducted a series of engagement strategies over several months which included: door knocking and letter drops to neighbouring residents which requested feedback on the project; an online project summary and feedback form open to the public through the Fernwood NRG's webpage; promotion of the project through an online article; an in-person neighbourhood consultation meeting; and signage in the Fernwood Community Centre and onsite explaining the project and inviting community feedback. Moreover, the meadow project was presented to the Meadow Makers program for feedback. Meadow Makers is an eight month, immersive online and in-person course operated by Satinflowers Nurseries, Pollinator Partnership Canada that promotes meadow habitat restoration. The full engagement results can be found in Appendix E. Approximately 300 community members were engaged and 20 residents provided direct feedback on the proposal. Consultation feedback indicates overall neighbourhood support for this proposal.

### *City Support*

As this site does not overlap with any municipal underground infrastructure, water access cannot be provided directly from existing irrigation. However, water access is available from an exterior tap on the west side of the Fernwood Community Centre and the garden is being designed to ensure little to no watering should be required. Support from the City for the development of this new community garden will include bi-annual delivery of mulch, compost, and wood chips under the existing Community Gardens' program.

## **OPTIONS & IMPACTS**

### *Accessibility Impact Statement*

All the proposed community gardens will be located along existing 1.5m wide wheelchair accessible pathways. Lewis Park and Lower Memorial Crescent host wheelchair accessible picnic tables with concrete pads to the connecting wheelchair accessible pathways. Gardens located near multi-use or pedestrian pathways will follow 45cm setback parameters to help reduce potential tripping hazards and will increase safety for visitors with vision loss.

### *2019 - 2021 Strategic Plan*

Community gardens support Objective 8 (Enhance and steward public spaces, green spaces, and

food systems).

### *Impacts to Financial Plan*

All costs related to the installation of water access points in the Lewis Park Commons Garden, Montreal Street Berry Patch, and Ross Bay Native Plant Garden are captured under existing City capital and/or operating budget programs in the Financial Plan.

### *Official Community Plan Consistency Statement*

Community gardens help support goals identified in the Food Systems section of the Official Community Plan, including Objective 17.5: Encourage food production activities in visible and suitable public places to foster a connection between people and the process of growing, harvesting, and eating fresh produce.

## **CONCLUSIONS**

Staff recommend Council support the licences for the four new community gardens: Lewis Park Commons Garden, the Montreal Street Berry Patch, the Ross Bay Native Plant Garden, and the Fernwood Native Plant Meadow.

In addition, staff recommend Council approve an amendment to the Delegation Bylaw to enable the Director of Parks, Recreation and Facilities to approve new licence agreements for future community gardens.

Respectfully submitted,

Alex Harned  
Food Systems Coordinator  
Parks, Recreation and Facilities

Thomas Soulliere  
Director  
Parks, Recreation and Facilities

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

### **List of Attachments**

- Appendix A: Community Gardens Policy
- Appendix B: Lewis Park Commons Garden Proposal
- Appendix C: Montreal Street Berry Patch Community Garden Proposal
- Appendix D: Ross Bay Native Plant Community Garden Proposal
- Appendix E: Fernwood Native Plant Meadow Proposal